

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

STEPHEN LAROQUE,)	
ANTHONY CUOMO, JOHN NIX,)	
KLAY NORTHRUP, LEE RAYNOR,)	
and KINSTON CITIZENS FOR NON-)	
PARTISAN VOTING,)	
)	
Plaintiffs,)	Civil Action No. 1:10-0561 (JDB)
)	
v.)	
)	
ERIC H. HOLDER, JR., ATTORNEY)	
GENERAL OF THE UNITED STATES,)	
)	
Defendant.)	

DEFENDANT’S MOTION TO DISMISS

In this action, five private citizens and a private association seek to invoke this Court’s jurisdiction for a determination that, among other things, Section 5 of the Voting Rights Act, 42 U.S.C. 1973c, is unconstitutional; that Congress exceeded its authority when it reauthorized Section 5 in 2006; that application of Section 5 to the City of Kinston, North Carolina is unconstitutional, and that the Attorney General of the United States violated their constitutional rights by interposing an objection to a voting change the City of Kinston had submitted for administrative review under Section 5. Because Plaintiffs lack standing to bring their claims and, moreover, because Plaintiffs’ claims are not authorized by Section 5, this Court lacks subject matter jurisdiction.

Accordingly, the Complaint should be dismissed pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure. Defendant prays that this Court grant this motion to dismiss, and that this Court dismiss this action. Attached is a memorandum of points and authorities, pursuant to Local Rule 7.1(a), and a proposed order pursuant to Local Rule 7.1(c)

Date: June 14, 2010

RONALD C. MACHEN, JR.
United States Attorney
District of Columbia

Respectfully submitted,

THOMAS E. PEREZ
Assistant Attorney General
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/s/ Richard Dellheim

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CERTIFICATE OF SERVICE

I hereby certify that on June 14, 2010, I served a true and correct copy of the Defendant's Motion to Dismiss, Memorandum in Support of Defendant's Motion to Dismiss, and Proposed Order via the Court's ECF filing system to the following counsel of record:

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