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11					
12	IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA				
13	FOR THE EASTERN DIS	STRICT OF CALIFORNIA			
14					
15					
16	THE UNITED STATES OF AMERICA,	Case No. 2:18-cv-00490-JAM-KJN			
17	Plaintiff,				
18 19	v.	DEFENDANTS' NOTICE OF MOTION AND MOTION TO DISMISS			
20	THE STATE OF CALIFORNIA; EDMUND GERALD BROWN JR., Governor of	Date: None set Time: None set			
21	California, in his official capacity; and XAVIER BECERRA, Attorney General of	Courtroom: 6 Judge: The Honorable John A.			
22	California, in his official capacity,	Mendez Trial Date: None set			
23	Defendants.	Action Filed: March 6, 2018			
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TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE THAT Defendants the State of California, Edmund Gerald Brown Jr., Governor of California, in his official capacity, and Xavier Becerra, Attorney General of California, in his official capacity, move this Court to dismiss Plaintiff United States' complaint for failure to state a claim under Federal Rule of Civil Procedure 12(b)(6). Pursuant to the Court's Order (ECF. No. 71), no hearing date is set on this motion and the motion will not be heard before June 20, 2018.

This motion is based on this Notice of Motion, the accompanying Memorandum of Points and Authorities, Defendants' Opposition to Plaintiff's Motion for Preliminary Injunction, Request for Judicial Notice in Support of Defendants' Opposition to Plaintiff's Motion for Preliminary Injunction and Defendants' Motion to Dismiss, the other papers and pleadings on file in this action, and upon such matters as may be presented to the Court.

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Dated: May 4, 2018 Respectfully Submitted,

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XAVIER BECERRA Attorney General of California THOMAS S. PATTERSON Senior Assistant Attorney General MICHAEL L. NEWMAN SATOSHI YANAI Supervising Deputy Attorneys General

/s/ Christine Chuang /s/ Anthony R. Hakl /s/ Cherokee DM Melton /s/ Lee I. Sherman

ANTHONY R. HAKL CHEROKEE DM MELTON LEE I. SHERMAN Deputy Attorneys General Attorneys for Defendants

CHRISTINE CHUANG

CERTIFICATE OF SERVICE

Case Name:	The United States of America v. The State of California, et al.	No.	2:18-cv-00490-JAM-KJN		
I hereby certify that on May 4, 2018, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:					
DEFENDANTS' NOTICE OF MOTION AND MOTION TO DISMISS					
I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.					
I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on <u>May 4, 2018</u> , at Sacramento, California.					
	Tursun Bier		/s/ Tursun Bier		
	Declarant		Signature		

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