

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 3:12-cv-30133-MAP

LE-MARR S. TALLEY,	)
Plaintiff	)
	)
vs.	)
	)
CITY OF PITTSFIELD ET AL.,	)
Defendants	)

**DEFENDANTS' MOTION TO DISMISS**

NOW COME the defendants, the City of Pittsfield and the City of Pittsfield Police Department (the "Municipal Defendants"), pursuant to Rule 12 of the Federal Rules of Civil Procedure to move this Court to dismiss the Plaintiff's Complaint. As grounds therefor and in support thereof, and as set forth more fully in the Defendants' Memorandum of Law in Support of their Motion, incorporated hereby reference, the Municipal Defendants state that the Plaintiff's Complaint fails to state a claim upon which this Court has subject matter jurisdiction or upon which relief can be granted. See Fed. R. Civ. P. 12(b)(1), (6).

WHEREFORE, the Municipal Defendants respectfully request that this Court dismiss the Plaintiff's action.

THE DEFENDANTS  
CITY OF PITTSFIELD AND CITY OF  
PITTSFIELD POLICE DEPARTMENT

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*ALLOWED, based  
on the merits of  
Defendants' arguments  
and on the absence of  
any opposition.  
So ordered.*

567893

*Michael D. Pouson U.S.J.  
5-2-13*