

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
Case No. 1:07-CV-739**

DAVID F. EVANS, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	
)	
THE CITY OF DURHAM, NORTH)	
CAROLINA, <i>et al.</i> ,)	
)	
Defendants.)	
)	

**MOTION BY DNA SECURITY, INC.
AND RICHARD CLARK TO
DISMISS SECOND AMENDED
COMPLAINT**

Pursuant to Federal Rule of Civil Procedure 12(b)(1) and 12(b)(6), Defendants DNA Security, Inc. and Richard Clark (“Defendants”) respectfully move the Court to dismiss the Second Amended Complaint against these Defendants for lack of standing and for failure to state a claim upon which relief can be granted.

In support thereof, and pursuant to this Court’s February 16, 2010 Order [Docket No. 115], Defendants incorporate by reference their previously-filed Brief in Support of Motion to Dismiss [Docket No. 33], Reply Brief in Support of Motion to Dismiss [Docket No. 63], and Supplemental Brief in Support of Motion to Dismiss [Docket No. 98]. For those reasons, Defendants respectfully request that the claims against them be dismissed.

Respectfully submitted, this the 10th day of March, 2010.

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CERTIFICATE OF SERVICE

I hereby certify that on March 10, 2010, I electronically filed the foregoing **MOTION BY DNA SECURITY, INC. AND RICHARD CLARK TO DISMISS SECOND AMENDED COMPLAINT** with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

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