IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF VIRGINIA Richmond Division

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Civil Action No. 3:11cv154-HEH
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FEDERAL DEFENDANTS' MOTION TO DISMISS

Pursuant to Rule 12(b)(1), the federal defendants move to dismiss plaintiff's First

Amended Complaint for lack of subject matter jurisdiction over the official capacity claims for relief under *Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics*, 403 U.S.

388 (1971). Pursuant to Federal Rule of Civil Procedure 12(b)(6), the federal defendants move to dismiss the remainder of the official capacity and individual capacity claims on the grounds that the First Amended Complaint fails to state a claim on which relief can be granted.

WHEREFORE, for the reasons stated herein and in the accompanying memorandum, the federal defendants respectfully request the Court to grant the Federal Defendants' Motion to Dismiss.

Dated this 27th day of June, 2011

By:

Respectfully submitted,

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/s/
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