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6 Attorneys for Federal Defendants

7
8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

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11 RICHARD ENOS, JEFF BASTASINI,
LOUIE MERCADO, WALTER GROVES,
12 MANUEL MONTEIRO, EDWARD
ERIKSON, VERNON NEWMAN, JEFF
13 LOUGHRAN and WILLIAM EDWARDS

14 Plaintiffs,

15 v.

16 ERIC HOLDER, as United States Attorney
General, and ROBERT MUELLER, III, as
17 Director of the Federal Bureau of Investigation,

18 Defendants.

CASE NO. 2:10-cv-02911-JAM-EFB

DEFENDANTS' MOTION TO DISMISS

[Fed. R. Civ. P. 12(b)(1) and 12(b)(6)]

Date: May 4, 2011

Time: 9:30 a.m.

Place: Courtroom 6, 14th Floor

Judge: Honorable John A. Mendez

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20 **TO ALL PARTIES AND THEIR COUNSEL OF RECORD:**

21 **PLEASE TAKE NOTICE THAT**, on May 4, 2011, at 9:30 a.m. in Courtroom 6, 14th Floor,
22 501 I Street, Sacramento, CA 95814, before the Honorable John A. Mendez, United States District
23 Judge for the Eastern District of California, Sacramento Division, the defendants will and hereby do
24 move to dismiss the above-captioned action for lack of subject matter jurisdiction under Fed. R. Civ. P.
25 12(b)(1) and for failure to state a claim under Fed. R. Civ. P. 12(b)(6). The defendants' motion is
26 based upon the Notice of Motion and Motion, the Memorandum of Points and Authorities, all records
27 in this action or matters of which the Court may take judicial notice, and any argument to be heard by
28 the Court.

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DATED: March 4, 2011

Respectfully submitted,

BENJAMIN B. WAGNER
United States Attorney

By: /s/ Edward A. Olsen
EDWARD A. OLSEN
Assistant United States Attorney