

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
AT MARTINSBURG

West Virginia Citizens Defense League, Inc.,

Plaintiff,

Civil Action No. 3:11-cv-5-JPB

(Bailey, C.J.)

v.

City of Martinsburg, *et al.*, Defendants

Plaintiff's Motion to Reconsider Order of Abstention

The Plaintiff, West Virginia Citizens Defense League, Inc., by and through its undersigned counsel, hereby moves that this Honorable Court reconsider its Amended Order of Abstention, [Doc. 30], 2011 WL 4074684, pursuant to Fed. R. Civ. P. 60(b)(1) and (6), and enter orders (1) vacating the Order of Abstention and lifting the stay of proceedings in this case contained therein and (2) denying as moot the portions of the Defendants' pre-answer motion to dismiss the original complaint, [Doc. 12], not disposed of by this Court's previous Order Denying Defendants' Pre-Answer Motion to Dismiss, [Doc. 16]; [Doc. 31] (amended order).

Based upon the significance of the issues present, Plaintiff requests a hearing on this motion.

Dated this 27th day of September, 2011,

s/ James M. Mullins, Jr.

James M. Mullins, Jr. (WV State Bar # 11129)

Attorney for Plaintiff

The Law Offices of James M. Mullins, Jr., PLLC

101 North Kanawha Street, Suite 401

Beckley, WV 25801

Telephone: 304-929-3500 (o)/304-687-5492 (c)

FAX: 304-929-3503

E-mail: jim@mullinslawoffices.com

Certificate of Service

I hereby certify that on September 27, 2011, I electronically filed the foregoing document with the Clerk of the Court, which will send electronic notification of such filing to the following

CM/ECF participant:

Floyd M. Sayre, III
Bowles, Rice, McDavid, Graff & Love, LLP
PO Box 1419
Martinsburg, WV 25402
Attorney for All Defendants

s/ James M. Mullins, Jr.
James M. Mullins, Jr. (WV State Bar # 11129)
Attorney for Plaintiff
The Law Offices of James M. Mullins, Jr., PLLC
101 North Kanawha Street, Suite 401
Beckley, WV 25801
Telephone: 304-929-3500 (o)/304-687-5492 (c)
FAX: 304-929-3503
E-mail: jim@mullinslawoffices.com