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6 Attorneys for Federal Defendants

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

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

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)(6) and 12(b)(1)]

Date: November 16, 2011
Time: 9:30 a.m.
Place: Courtroom 6, 14th Floor
Judge: Honorable John A. Mendez

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

20 **PLEASE TAKE NOTICE THAT**, on November 16, 2011, at 9:30 a.m. in Courtroom 6, 14th
21 Floor, 501 I Street, Sacramento, CA 95814, before the Honorable John A. Mendez, United States
22 District Judge for the Eastern District of California, Sacramento Division, the defendants will and
23 hereby do move to dismiss the above-captioned action for failure to state a claim pursuant to Fed. R.
24 Civ. P. 12(b)(6) and for lack of subject matter jurisdiction pursuant to Fed. R. Civ. P. 12(b)(1). The
25 defendants' motion is based upon this motion, the attached Memorandum of Points and Authorities, all
26 records in this action or matters of which the Court may take judicial notice, and any argument to be
27 heard by the Court.
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DATED: October 3, 2011

Respectfully submitted,

BENJAMIN B. WAGNER
United States Attorney

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