

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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STEPHEN LAROQUE,	)	
ANTHONY CUOMO, JOHN NIX,	)	
KLAY NORTHRUP, LEE RAYNOR,	)	
and KINSTON CITIZENS FOR NON-	)	
PARTISAN VOTING,	)	
	)	
Plaintiffs,	)	Civil Action No. 1:10-0561 (JDB)
	)	
v.	)	
	)	
ERIC H. HOLDER, JR., ATTORNEY	)	
GENERAL OF THE UNITED STATES,	)	
	)	
Defendant.	)	

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**DEFENDANT’S MOTION TO DISMISS**

In this action, five private citizens and a private association seek to invoke this Court’s jurisdiction for a determination that, among other things, Section 5 of the Voting Rights Act, 42 U.S.C. 1973c, is unconstitutional; that Congress exceeded its authority when it reauthorized Section 5 in 2006; that application of Section 5 to the City of Kinston, North Carolina is unconstitutional, and that the Attorney General of the United States violated their constitutional rights by interposing an objection to a voting change the City of Kinston had submitted for administrative review under Section 5. Because Plaintiffs lack standing to bring their claims and, moreover, because Plaintiffs’ claims are not authorized by Section 5, this Court lacks subject matter jurisdiction.

Accordingly, the Complaint should be dismissed pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure. Defendant prays that this Court grant this motion to dismiss, and that this Court dismiss this action. Attached is a memorandum of points and authorities, pursuant to Local Rule 7.1(a), and a proposed order pursuant to Local Rule 7.1(c)

Date: June 14, 2010

RONALD C. MACHEN, JR.  
United States Attorney  
District of Columbia

Respectfully submitted,

THOMAS E. PEREZ  
Assistant Attorney General  
Civil Rights Division

*/s/ Richard Dellheim*

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T. CHRISTIAN HERREN, JR.  
RICHARD DELLHEIM (lead counsel)  
ERNEST A. MCFARLAND  
JARED M. SLADE  
Attorneys, Voting Section  
Civil Rights Division  
U.S. Department of Justice  
950 Pennsylvania Avenue, N.W.  
Washington, D.C. 20530  
Telephone: (202) 305-1734  
Facsimile: (202) 307-3961

CERTIFICATE OF SERVICE

I hereby certify that on June 14, 2010, I served a true and correct copy of the Defendant's Motion to Dismiss, Memorandum in Support of Defendant's Motion to Dismiss, and Proposed Order via the Court's ECF filing system to the following counsel of record:

Michael A. Carvin  
D.C. Bar No. 366784  
Noel J. Francisco  
D.C. Bar No. 464752  
Hashim M. Mooppan  
D.C. Bar No. 981758  
David J. Strandness  
D.C. Bar No. 987194  
Jones Day  
51 Louisiana Avenue, N.W.  
Washington, D.C. 2001-2113

Michael E. Rosman  
D.C. Bar No. 454002  
Michelle A. Scott  
D.C. Bar No. 489097  
Center for Individual Rights  
1233 20<sup>th</sup> Street, N.W., Suite 300  
Washington, D.C. 20036

*/s/ Richard Dellheim*

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Richard Dellheim  
Voting Section  
Civil Rights Division  
U.S. Department of Justice  
950 Pennsylvania Avenue, N.W.  
Washington, D, C, 20530  
(202) 305-1734