## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

STEPHEN LAROQUE, ANTHONY CUOMO, JOHN NIX, KLAY NORTHROP, LEE RAYNOR, and KINSTON CITIZENS FOR NON- PARTISAN VOTING,  Plaintiffs,	) ) ) ) )
v.  ERIC HOLDER, JR.  ATTORNEY GENERAL OF THE UNITED STATES,	) ) ) ) No. 1:10-CV-00561-JDB )
Defendant.	) )
and	) }
JOSEPH M. TYSON, et al.,	) )
Proposed Defendant-Intervenors	) ) )

MOTION OF PROPOSED DEFENDANT-INTERVENORS JOSEPH M. TYSON, W.J. BEST, SR., A. OFFORD CARMICHAEL, JR., GEORGE GRAHAM, JULIAN PRIDGEN, WILLIAM A. COOKE AND THE NORTH CAROLINA STATE CONFERENCE OF BRANCHES OF THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE TO DISMISS

Plaintiffs challenge the constitutionality of Section 5 of the Voting Rights Act, 42 U.S.C. 1973c, facially and as applied when the Attorney General of the United States interposed an objection to a voting change submitted for review under Section 5 by the City of Kinston, North Carolina. Plaintiffs lack standing to bring this challenge, and thus, this Court lacks subject jurisdiction to consider this matter. Plaintiffs fail to state a claim for relief because they have no cause of action to review the Attorney General's objection under

Section 5 of the Voting Rights Act. Accordingly, Plaintiff's Complaint should be dismissed pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure.

The grounds for this motion are set forth more fully in the memorandum of law filed today with this motion in accordance with Local Rule 7.1(a). Additionally, a proposed order pursuant to Local Rule 7.1(c) is attached.

WHEREFORE the Proposed Defendant-Intervenors request that their motion to dismiss be granted.

This 7th day of July, 2010.

Respectfully Submitted,

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## CERTIFICATE OF SERVICE

I hereby certify that on this day, July 7, 2010, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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