IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS AMARILLO DIVISION

UNITED SOVEREIGN AMERICANS,	§
INC., BERNARD JOHNSON, and	§
CITIZENS DEFENDING FREEDOM,	§
	§
Plaintiffs,	§
	§
V.	§
	§
JANE NELSON, in her official capacity as	§
Secretary of State of Texas, KEN PAXTON,	§
in his official capacity as Attorney General	§
of Texas, and MERRICK GARLAND, in his	§
official capacity as Attorney General of the	§
United States,	§

No. 2:24-CV-00184-Z

Defendants.

THE TEXAS DEFENDANTS' MOTION TO DISMISS

Texas Secretary of State Jane Nelson and Texas Attorney General Ken Paxton (the "Texas Defendants") move to dismiss Plaintiffs' *Petition for Relief in the Form of a Writ of Mandamus* ("Complaint") under Federal Rules of Civil Procedure 12(b)(1) & (6). As further explained in the accompanying brief in support of this motion, Plaintiffs lack standing to invoke the Court's jurisdiction, cannot overcome the Texas Defendants' sovereign immunity, and otherwise fail to state any claim entitling them to relief. The Court should dismiss Plaintiffs' Complaint with prejudice.¹

Dated: October 8, 2024 Austin, Texas

KEN PAXTON Attorney General of Texas

BRENT WEBSTER First Assistant Attorney General Respectfully submitted,

<u>/s/Cole P. Wilson</u> COLE P. WILSON Assistant Attorney General Texas State Bar No. 24122856 Cole.Wilson@oag.texas.gov

¹ Per N.D. Tex. L.R. 7.1.(a), counsel did not confer with opposing counsel prior to filing this motion.

Case 2:24-cv-00184-Z Document 11

Filed 10/08/24 Page 2 of 3

3 PageID 287

RALPH MOLINA Deputy First Assistant Attorney General

JAMES LLOYD Deputy Attorney General for Civil Litigation

KIMBERLY GDULA Chief, General Litigation Division Office of the Attorney General General Litigation Division P.O. Box 12548, Capitol Station Austin, Texas 78711-2548 (512) 936-1309 | Fax: (512) 320-0667

COUNSEL FOR TEXAS SECRETARY OF STATE NELSON AND ATTORNEY GENERAL PAXTON

Certificate of Service

I certify that a copy of the document above was served on all counsel of record who have entered an appearance on October 8, 2024, using the Federal Court CM/ECF system.

/s/ Cole P. Wilson