

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION**

Latasha Holloway, *et al.*,

Plaintiffs,

v.

City of Virginia Beach, *et al.*,

Defendants.

Case No. 2:18-cv-0069

DEFENDANTS' MOTION TO DISMISS

Defendants¹ respectfully move the Court pursuant to Fed. R. Civ. P. 12(b)(1) to dismiss Plaintiffs' Amended Complaint for lack of subject-matter jurisdiction. First, Plaintiffs' claim under Section 2 of the Voting Rights Act is simultaneously moot and unripe, as it is being prosecuted as the 2010 Census cycle comes to a close and the 2020 Census is being taken. Second, Plaintiffs cannot establish the Article III standing prerequisites, and Plaintiffs further lack standing to bring claims on behalf of non-parties who identify as Hispanic (or Latino) or Asian.

The arguments and legal authorities supporting this motion are fully set forth in the accompanying memorandum of law, which is incorporated by reference. For reasons stated there, the motion should be granted. A proposed order granting this motion is attached.

¹ Defendants are the City of Virginia Beach, Virginia Beach City Council, members of the City Council in their respective official capacities, the Acting City Manager, and the Director of Elections/General Registrar, also in their respective official capacities.

DATE: June 30, 2020

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CERTIFICATE OF SERVICE

I hereby certify that on June 30, 2020, I will electronically file the foregoing with the Clerk of the Court using the CM/ECF system, which will then send a notification of the filing to:

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[PROPOSED] ORDER DISMISSING ACTION

This matter came before the Court upon Defendants' Motion to Dismiss (ECF No. __) pursuant to Fed. R. Civ. P. 12(b)(1). The Court, having considered the Motion, the Memorandum of Law in support thereof, any opposition thereto, and any oral argument thereon, and it appearing to the Court after due deliberation that the relief requested is appropriate, it is by this Court this ___ day of _____, 2020,

ORDERED that the Motion to Dismiss is GRANTED; it is further

ORDERED that the Amended Complaint is DISMISSED; and it is further

ORDERED that the Clerk is directed to close this case.

Copies of this order shall be served upon all counsel of record.

Entered:

UNITED STATES DISTRICT JUDGE