

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

Jeffrey Thomas Jr., et al.,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No. 3:22-cv-427
)	
Susan Beals, et al.,)	
)	
Defendants.)	

**DEFENDANTS' MOTION TO DISMISS THE AMENDED COMPLAINT
UNDER FEDERAL RULES OF CIVIL PROCEDURE 12(b)(1) AND 12(b)(6)**

Defendants Susan Beals, in her official capacity as Commissioner of the State Board of Elections; Robert Brink, in his official capacity as Chairman of the State Board of Elections; and the Virginia Department of Elections, by counsel, move to dismiss the Amended Complaint under Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6). The basis for this motion is set forth in the accompanying memorandum of law.

ROSEBORO NOTICE

Consistent with the requirements of *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), the following notice advises the *pro se* plaintiffs that:

- (1) They are entitled to file a response opposing the motion and any such response must be filed within eight (8) days of the date on which this motion was filed, per the Court's Order Extending Briefing Deadlines (ECF No. 16); and
- (2) The Court could dismiss this action on the basis of the Defendants' moving papers if they do not file a response; and
- (3) They must identify all facts stated by the Defendants with which they disagree and must set forth their version of the facts by offering affidavits (written statements

signed before a notary public under oath) or by filing sworn statements (bearing a certificate that is signed under penalty of perjury); and

- (4) They also are entitled to file a legal brief in opposition to the one filed by the Defendants.

Dated: July 1, 2022

Respectfully submitted,

SUSAN BEALS
ROBERT H. BRINK
VIRGINIA DEPARTMENT OF ELECTIONS

By: /s/ Andrew N. Ferguson
Andrew N. Ferguson (VSB #86583)
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CERTIFICATE OF SERVICE

THIS IS TO CERTIFY that on July 1, 2022, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system. A true copy was also sent, via email pursuant to an agreement between the parties, to:

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Pro se Plaintiffs

/s/ Andrew N. Ferguson
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