

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

REPRESENTATIVE DENNIS KUCINICH,
et al.,

Plaintiffs,

v.

GEORGE W. BUSH, President of the
United States, et al.,

Defendants.

Civ. No. 02-1137 (JDB)

**DEFENDANTS' MOTION TO DISMISS OR, IN THE ALTERNATIVE,
FOR SUMMARY JUDGMENT**

Defendants President George W. Bush, Secretary of State Colin Powell, and Secretary of Defense Donald Rumsfeld, by their undersigned counsel, hereby move pursuant to Rule 12(b), subsections (1) and (6), of the Federal Rules of Civil Procedure, for dismissal of the action on the grounds of lack of jurisdiction over the subject matter and failure to state a claim upon which relief can be granted. In the alternative, defendants move for summary judgment in their favor pursuant to Federal Rule of Civil Procedure 56 on the grounds that there are no genuine issues of material fact and defendants are entitled to judgment as a matter of law. The grounds for this motion are set forth in more detail in the memorandum and exhibits submitted herewith. Two proposed Orders are attached.

Dated: August 5, 2002

Respectfully submitted,

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ORDER GRANTING DEFENDANTS' MOTION TO DISMISS

Upon consideration of Defendants' Motion to Dismiss or, in the Alternative, for Summary Judgment, the opposition thereto, and the entire record herein, it is hereby

ORDERED that Defendants' Motion to Dismiss be, and hereby is, granted; and it is further

ORDERED that this action is dismissed with prejudice.

JOHN D. BATES
UNITED STATES DISTRICT JUDGE

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ORDER GRANTING DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

Upon consideration of Defendants' Motion to Dismiss or, in the Alternative, for Summary Judgment, the opposition thereto, and the entire record herein, and the Court having found that there are no genuine issues of material fact and defendants are entitled to judgment as a matter of law. it is hereby

ORDERED that Defendants' Motion for Summary Judgment be, and hereby is, granted;
and it is further

ORDERED that this action is dismissed with prejudice.

JOHN D. BATES
UNITED STATES DISTRICT JUDGE

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