

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

ELAINE BLANCHARD, KEEDRAN)	
FRANKLIN, PAUL GARNER and BRADLEY)	
WATKINS)	
)	
Plaintiffs,)	
v.)	No. 2:17-cv-02120-jpm-DKV
)	
THE CITY OF MEMPHIS,)	
)	
Defendant.)	
)	
)	

DEFENDANT'S MOTION TO DISMISS

Defendant, The City of Memphis (the “City”), pursuant to Federal Rules of Civil Procedure 12(b)(1) and Local Rule 12.1, files this Motion to Dismiss Plaintiffs' Complaint for Enforcement of Order, Judgement and Order, Damages and Other Relief.

As set out in Defendant’s Memorandum of Law in Support, Plaintiffs lack standing as required by Article III of the U.S. Constitution to bring a claim to enforce a consent order to which they are nonparties. To the extent the Court wishes to address the fundamental issue of subject matter jurisdiction before reaching the clear procedural hurdle of standing, the Court should consider dismissing the action on subject matter jurisdiction grounds.

For the aforementioned reasons and for those set forth more thoroughly in the Memorandum of Law, filed contemporaneously, the City of Memphis respectfully requests that the Court grant its Motion to Dismiss and dismiss all claims against the City of Memphis with prejudice.

Respectfully submitted,

s/Buckner Wellford

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CERTIFICATE OF SERVICE

I hereby certify that on March 1, 2017, the foregoing will be served by this Court's ECF system to:

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s/Buckner Wellford