

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS**

**CYNTHIA EASLEY and TERRY
EASLEY**

PLAINTIFFS

Vs.

Case No. 6:21-CV-06125-SOH

**TERESA HOWELL in her official
capacity as PROSECUTING ATTORNEY
FOR HOT SPRINGS COUNTY, and
MIKE CASH in his official capacity as
HOT SPRINGS COUNTY SHERIFF**

DEFENDANTS

DEFENDANT HOWELL'S MOTION TO DISMISS

Comes now, Defendant Teresa Howell, in her official capacity as Prosecuting Attorney for Hot Spring County, Arkansas, by and through her attorneys Attorney General Leslie Rutledge and Assistant Attorney General Vincent P. France, for her Motion to Dismiss states the following:

1. Plaintiffs, Cynthia and Terry Easley, bring this lawsuit against Defendant Teresa Howell as a result of proceedings being initiated against them under Ark. Code Ann. § 18-16-101 for their willful failure to vacate.

2. At all times relevant to this case, Defendant Teresa Howell was the Prosecuting Attorney for the Seventh Judicial District of Arkansas, which includes Hot Spring County, Arkansas.

3. Defendant Howell seeks to have this Court dismiss the lawsuit against, in its entirety, pursuant to Fed. R. Civ. P. 12(b)(1), for the following reasons: (A) this case is moot and fails to present a case or controversy as required by Article III of the Constitution; and (B) Defendant Howell is entitled to Eleventh Amendment immunity and sovereign immunity.

4. Additionally, Defendant Howell seeks to have this Court dismiss the lawsuit pursuant to Fed. R. Civ. P. 12(b)(6), for failure to state a claim.

5. A brief in support of this motion is being filed contemporaneously herewith, along with the following exhibits attached hereto:

- Exhibit 1: Affidavit of Teresa Howell; and,
- Exhibit 2: Docket Reports.

WHEREFORE, Defendant Prosecuting Attorney Teresa Howell respectfully requests that this Court dismisses the lawsuit with prejudice and for any and all other just and proper relief.

Respectfully submitted,

LESLIE RUTLEDGE
Attorney General

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Certificate of Service

I, Vincent P. France, hereby certify that on November 10, 2021, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system.

/s/ Vincent P. France
Vincent P. France