

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHWESTERN DIVISION

Spirit Lake Tribe, on its own behalf and
on behalf of its members,
Dion Jackson, Kara Longie, Kim Twinn,
Terry Yellow Fat, Leslie Peltier, and
Clark Peltier,

Plaintiffs,

vs.

Alvin Jaeger, in his official capacity as the
Secretary of State,

Defendant.

Case No. 1:18-cv-00222

**DEFENDANT'S MOTION
TO DISMISS SECOND
AMENDED COMPLAINT**

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The Defendant moves the Court for an order dismissing the Second Amended Complaint for Declaratory and Injunctive Relief (Doc. 51) in its entirety. This motion is supported by the attached memorandum and all documents on file with this court. With respect to the two tribes named as plaintiffs, Spirit Lake Tribe and Standing Rock Sioux Tribe, the tribes lack standing to bring claims on their own behalf and on behalf of their members as *parens patriae*. In addition, all of the Plaintiffs have failed to state a claim upon which relief can be granted. Further, Defendant is immune from all of the claims pursuant to the Eleventh Amendment to the United States Constitution.

The Defendant requests an Order granting his motion to dismiss as authorized by Rule 12(b)(6) of the Federal Rules of Civil Procedure and the legal authorities cited in the memorandum in support of this motion.

Dated this 17th day of July, 2019.

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