

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
HATTIESBURG DIVISION**

**DANIEL SCOTT THOMAS, Elector for the
State of California, who is nominated to vote
in the Electoral College and is pledged to vote
for Candidate Alan Keyes for President of the
United States, ET AL.**

PLAINTIFFS

VS.

CIVIL ACTION NO. 2:08cv241 KS-MTP

**DELBERT HOSEMANN, in his official
capacity as the Secretary of State for the
State of Mississippi**

DEFENDANT

DEFENDANT'S MOTION TO DISMISS

COMES NOW the Defendant, Secretary of State Delbert Hosemann, in his official capacity, and files this Motion to Dismiss pursuant to Rules 12(b)(1) and (6) of the Federal Rules of Civil Procedure. Pursuant to the Memorandum of Authorities accompanying this Motion, the Defendant respectfully requests that this Court grant this Motion.

Wherefore, premises considered, the Defendant respectfully requests that this Court GRANT the present Motion to Dismiss.

Respectfully submitted, this the 24th day of November 2008.

By: JIM HOOD, ATTORNEY GENERAL

s/ Shawn S. Shurden
SHAWN S. SHURDEN, MSBN 99678
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CERTIFICATE OF SERVICE

This is to certify that I, Shawn S. Shurden, a Special Assistant Attorney General for the State of Mississippi, I electronically filed the foregoing with the Clerk of the Court using the ECF system which sent notification of such filing to the following:

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This 24th day of November, 2008.

s/ Shawn S. Shurden
SHAWN S. SHURDEN