

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
BECKLEY DIVISION**

THOMAS SHEPPHEARD, *et al.*,

Plaintiffs,

v.

**JAMES C. JUSTICE, JR.,
in his official capacity as Governor of the
State of West Virginia; and
MARK SORSAIA, in his official capacity
as the Cabinet Secretary of the West
Virginia Department of Homeland
Security,**

Defendants.

**Civil Action No. 5:23-cv-530
(Judge Berger)**

**GOVERNOR JUSTICE’S COMBINED MOTION TO DISMISS
AND TO TRANSFER DIVISION**

James C. Justice, Jr., in his official capacity as Governor of West Virginia, hereby moves to dismiss the claim alleged against him in this case under Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6) for the reasons set forth in his accompanying memorandum of law.

Further, if the motion to dismiss is not granted, Governor Justice also moves to transfer the venue from the Beckley Division to the Charleston Division, for the reasons set forth in the memorandum of law filed by defendant Mark Sorsaia in his official capacity as Cabinet Secretary of the West Virginia Department of Homeland Security. *See* ECF 13, at *13–14.

James C. Justice, II, Governor,

By Counsel:

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