

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

**DAVID LIBRACE, INDIVIDUALLY,
AND/OR AS (B) CLASS
REPRESENTATIVE AND/OR
BEHALF OF ALL ELIGIBLE
ARKANSAS AND NOTIONALLY
UNITED STATES REGISTERED (C)
ELIGIBLE AND/OR QUALIFIED
VOTERS FOR VOTING IN THE 2016
FIFTY STATE ELECTION
PRIMARIES AND IN THE
NOVEMBER 8, 2016 GENERAL
PRESIDENTIAL AND VICE
PRESIDENT 2016 ELECTIONS**

PLAINTIFFS

v.

No. 4:16CV00057 BSM/JTR

**MARK MARTIN, in is official
capacity as Secretary of State
for the State of Arkansas,
REPUBLICAN PARTY OF
ARKANSAS EXECUTIVE
COMMITTEE, SENATOR TED CRUZ
OF TEXAS, SENATOR MARCO
RUBIO, OF FLORIDA**

DEFENDANTS

SENATOR CRUZ'S MOTION TO DISMISS

Separate Defendant Senator Ted Cruz of Texas ("Senator Cruz"), by and through his counsel Brian A. Vandiver, for his Motion to Dismiss pursuant to Fed. R. Civ. P. 12(b)(1) and (6), states:

1. Senator Cruz moves to dismiss the Complaint in its entirety for the reasons articulated in his Brief in Support, which are fully incorporated herein by reference.

WHEREFORE, Senator Cruz respectfully requests that the Court dismiss the Complaint and grant him all other proper and just relief.

Respectfully submitted,

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By /s/ Brian A. Vandiver
Brian A. Vandiver, Bar No. 2001078

CERTIFICATE OF SERVICE

I hereby certify that on February 28, 2016, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which shall send notification of such filing to the following:

David Librace
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PRO SE – served VIA US MAIL

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/s/ Brian A. Vandiver
Brian A. Vandiver