

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

BRAYDEN JOHNSON, LOGAN RHINES,
and KAYLA SAVAGE, individually, and on
behalf of all others similarly situated,

Plaintiffs,

V.

THE UNIVERSITY OF OKLAHOMA,
ET AL.

Defendants.

$$\left. \begin{array}{l}) \\) \\) \\) \\) \\) \end{array} \right\}$$

Case No. 5:24-cv-00495-PRW

DEFENDANTS' MOTION TO DISMISS THE COMPLAINT

Defendants the University of Oklahoma, Joseph Harroz, Jr., Jeff Blahnik, Courtney Henderson, and Dorion Billups respectfully move the Court to dismiss Plaintiffs' Complaint under Rule 12(b)(6) and Rule 12(b)(1).

As discussed fully in the accompanying brief in support, Plaintiffs cannot state a claim against the University under 42 U.S.C. § 1983, for violation of the Equal Protection Clause, because the University is not a “person” covered by § 1983. Further, Plaintiffs cannot state a Title VI claim against the University Officials because Title VI only applies to the University, as an entity, and the *Ex parte Young* fiction is irrelevant for the Title VI claim because the University is subject to injunctive relief, in the event such relief is appropriate (here it is not).

Additionally, Plaintiffs simply fail to state viable claims under the Equal Protection Clause or Title VI because Plaintiffs do not plead facts establishing that the University engaged in, or presently engages in, intentional race discrimination in the awarding of