

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

**BRADLEY PATTON, *on behalf of*
*himself and others similarly situated,***

Plaintiffs,

v.

MIKE FITZHUGH, et al.,

Defendants.

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**No. 3:23-cv-00637
JUDGE CAMPBELL**

**MOTION TO DISMISS OF DEFENDANTS
JAMES TURNER, BARRY TIDWELL, AND HOWARD WILSON**

Defendants James Turner, Barry Tidwell, and Howard Wilson move for dismissal of this case pursuant to Federal Rules of Civil Procedure 12(b)(1) for lack of subject matter jurisdiction and 12(b)(6) for failure to state a claim upon which relief can be granted. As grounds for dismissal under the *Younger* abstention doctrine, Defendants assert that Plaintiff's criminal proceedings, which involve an important state interest, are currently pending, and Plaintiff continues to have a forum and opportunity to raise constitutional claims. Additionally, Defendants request that the Court decline to certify the proposed class because Plaintiff has failed to meet the requirements of class certification.

In support of this motion, Defendants have concurrently filed a Memorandum of Law. For the reasons set forth above and more fully discussed in the accompanying Memorandum of Law, Defendants respectfully request that the Court grant their motion to dismiss this action.

Respectfully submitted,

JONATHAN SKRMETTI
ATTORNEY GENERAL AND REPORTER

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CERTIFICATE OF SERVICE

I hereby certify that, on September 6, 2023, a true and correct copy of the foregoing *Motion to Dismiss* was served via the CM/ECF upon the following:

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