

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

CENTER FOR BIOLOGICAL DIVERSITY,

Plaintiff,

v.

OFFICE OF MANAGEMENT AND
BUDGET, *et al.*,

Defendants.

Case No. 1:25-cv-00165-BAH

Judge Beryl A. Howell

DEFENDANTS' PARTIAL MOTION TO DISMISS

Pursuant to Federal Rule of Civil Procedure 12(b)(6), Defendants United States DOGE Service, U.S. DOGE Service Temporary Organization, Elon Musk, and Amy Gleason respectfully move to dismiss Plaintiff's Second Amended Complaint for failure to state a claim for which relief can be granted, for the reasons set forth in the accompanying memorandum of law. A proposed order is attached as well.

DATED: May 23, 2025

Respectfully submitted,

YAAKOV M. ROTH
Acting Assistant Attorney General
Civil Division

MARCIA BERMAN
Assistant Director
Federal Programs Branch

Marianne F. Kies
MARIANNE F. KIES
Trial Attorney
U.S. Department of Justice
Civil Division, Federal Programs Branch
1100 L Street, N.W.

Washington, D.C. 20005
Telephone: (202) 353-1819
Fax: (202) 616-8470
Marianne.F.Kies@usdoj.gov

Counsel for Defendants

CERTIFICATE OF SERVICE

I certify that on May 23, 2025, I electronically filed the foregoing and thereby caused a copy to be served on counsel of record.

/s/ Marianne F. Kies
MARIANNE F. KIES