

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

CORECIVIC, INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 25-cv-2457-TC-GEB
	)	
CITY OF LEAVENWORTH, et al.,	)	
	)	
Defendants.	)	

DEFENDANTS' MOTION TO DISMISS OR, IN THE ALTERNATIVE, TO STAY

Defendants move pursuant to Fed. R. Civ. P. 12(b)(1) and 12(b)(6) for the dismissal of Plaintiff's complaint. CoreCivic's complaint fails to state a claim because it is brought under 42 U.S.C. § 1983, but that statute authorizes relief only for the violation of specific rights guaranteed by the Constitution, not for claims that the Constitution's structural provisions are being violated. CoreCivic complaint further fails to show that *CoreCivic* is protected by any of the statutes cited in its complaint.

CoreCivic's complaint should also be dismissed because the relief it seeks is barred by the Anti-Injunction Act, 28 U.S.C. § 2283, and because the Court is required to abstain from considering CoreCivic's complaint under the *Younger*, *Burford*, and *Colorado River* abstention doctrines. If the Court is not inclined to dismiss CoreCivic's complaint for any of the reasons stated above, it should stay this case under the *Pullman* abstention doctrine pending the final resolution of the state court action filed by the City against CoreCivic; that case is currently on appeal after the Leavenworth County District Court entered a temporary injunction prohibiting CoreCivic from operating a detention facility in the City without a special use permit.

Finally, CoreCivic's claims against the individual members of the City Commission should be dismissed. They have been sued in their official capacities while the City, the real party in interest, is already a defendant.

Defendants are filing a memorandum in support of this motion.

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