

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

THE UNITED STATES OF AMERICA,

Plaintiff,

v.

Civil Action No. 1:25-CV-12456-LTS

THE CITY OF BOSTON; MICHELLE WU,
Mayor of the City of Boston, in her Official
Capacity; BOSTON POLICE DEPARTMENT;
MICHAEL A. COX, Police Commissioner, in
his Official Capacity,

Defendants.

DEFENDANTS' MOTION TO DISMISS PLAINTIFF'S COMPLAINT

NOW COME the Defendants, City of Boston, the Boston Police Department, Michelle Wu, and Michael A. Cox (collectively, the "City"), to respectfully request that this Court dismiss the United States' Complaint pursuant to Fed. R. Civ. P. 12(b)(1) and 12(b)(6). The Complaint fails to state any claim that the Immigration and Nationality Act preempts the Boston Trust Act, either impliedly or expressly (Count I). Similarly, the United States has failed to state any claim that the Boston Trust Act impermissibly discriminates against (Count II) or regulates (Count III) the United States. Finally, the United States has failed to demonstrate that the Boston Police Department and the individually named Defendants are proper parties, and has failed to state a claim and establish standing as to either individually named Defendant. The grounds for this motion are set forth in the accompanying Memorandum of Law.

WHEREFORE, the City respectfully requests that this Court **DISMISS** the United States' Complaint with prejudice.

REQUEST FOR ORAL ARGUMENT

Pursuant to Local Rule 7.1(d), the City requests oral argument given the significance of the issues at bar and their effect on the public interest.

Dated: November 17, 2025

Respectfully submitted,

**CITY OF BOSTON,
MICHELLE WU,
BOSTON POLICE DEPARTMENT,
AND MICHAEL A. COX**

By their attorneys:

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* *Pro hac vice* motion forthcoming

CERTIFICATE OF LOCAL RULE 7.1 CONFERENCE

As required by D. Mass. Local Rule 7.1(a)(2), the parties met on November 12, 2025, in an attempt to narrow or resolve the issues presented in this motion. Despite good-faith efforts, the parties were unable to do so.

November 17, 2025
Date

/s/ Samuel B. Dinning
Samuel B. Dinning

CERTIFICATE OF SERVICE

I, Samuel B. Dinning, hereby certify that on this date I served a copy of the foregoing document via electronic filing (ECF) on all counsel of record.

November 17, 2025
Date

/s/ Samuel B. Dinning
Samuel B. Dinning