

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

MARCUS J. MOORE

Plaintiff,

v.

DONALD J. TRUMP

Defendant

No.: 1:22-cv-00010-APM

**PLAINTIFF’S BRIEF IN OPPOSITION TO DEFENDANT’S  
MOTION TO DISMISS COMPLAINT**

Defendant Donald Trump has moved to dismiss Plaintiff Marcus J. Moore’s complaint on the same presidential immunity grounds he raised, and this Court rejected, in *Blassingame v. Trump*. See Mem. Op. & Order at 23–40, *Blassingame v. Trump*, No. 21-858 (D.D.C. 2022) ECF No. 37. In particular, this Court already determined that Defendant Trump has not met his burden of establishing that he is immune from suit in a case that is materially the same in all relevant respects. See *id.* Among other things, the plaintiffs in *Blassingame* sued for injuries suffered as U.S. Capitol Police officers on January 6. Plaintiff Moore is also a Capitol Police officer injured in the same event, who brings the same allegations against Defendant Trump.

Nonetheless, Defendant Trump now moves to dismiss Plaintiff’s complaint on presidential immunity grounds, raising the same arguments he raised in *Blassingame*. See Mot. to Dismiss, ECF No. 16. President Trump’s motion neither discusses nor even cites this Court’s prior order rejecting those arguments. *Id.* Mem. in Supp. of Mot. to Dismiss, ECF No. 16-1.

Plaintiff respectfully submits that for the reasons articulated in this Court's order in *Blassingame*, see ECF No. 37, as well as the reasons articulated in the *Blassingame* plaintiffs' briefing on presidential immunity, the motion to dismiss should be denied. See Memo. in Opp'n to Mot. to Dismiss, *Blassingame v. Trump*, No. 21-858, ECF No. 21, Pls.' Notice of Suppl. Authority, ECF No. 32 (which Plaintiff incorporates herein, see Exhibits A and B). If the Court asks for additional briefing in this case on any issue related to presidential immunity, Plaintiff will of course provide such.

Finally, in order to promote the "the just, speedy, and inexpensive determination of" this case, see Fed. R. Civ. P. 1, Plaintiff urges the Court to move promptly to deny Defendant Trump's motion consistent with its order in *Blassingame*, so that, if Defendant Trump so chooses, as he recently did in *Blassingame*, he can be file an appeal that could proceed on the same timeline as *Blassingame*, No. 22-509 (D.C. Cir.) and the related cases *Swalwell v. Trump*, No. 21-586 (D.D.C.), and *Thompson v. Trump*, No. 21-400 (D.D.C.). Then, after the conclusion of any interlocutory appellate review of this Court's immunity ruling, all of these cases can proceed as appropriate in this Court.

Respectfully submitted,

/s/

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 24th day of March 2022, I served a copy of the foregoing  
via the Court's electronic filing system (ECF) on:

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