

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

DEBORAH JOYCE GOODWIN	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 5:18-CV-05226-PKH
	)	
UNITED STATES SENATOR	)	
TOM COTTON	)	
	)	
Defendant.	)	

MOTION TO DISMISS

Come now United States Senator Tom Cotton (“**Senator Cotton**”), by and through the United States Attorney for the Western District of Arkansas, and the undersigned Assistant United States Attorney, and for his Motion to Dismiss, states:

1. This action was commenced in the District Court of Washington County, Arkansas, Springdale Department, Small Claims Division, as Case No. SC-18-89 (the “**Complaint**”) by Deborah Joyce Goodwin (“**Plaintiff**”). On November 15, 2018, Senator Cotton filed a Notice of Removal from State Court. (Doc. 1).

2. Within the Complaint, the Plaintiff alleges Senator Cotton “muted [her] voice” and “devalued [her] vote” through “omissions by truth and lying by commissions,” contrary to Senator Cotton’s “civic office duty” and his oath of office, as they relate to the consideration and approval of Supreme Court nominations.

3. The Complaint should be dismissed as the allegations regard Senator Cotton’s legislative duties as a Senator and are barred by the Speech and Debate Clause, which affords

Members of Congress an absolute immunity from all suits for damages, injunctions, or declaratory judgments.

4. The Complaint is further barred by sovereign immunity as Members of Congress are protected from suit.

5. Additionally, the should be dismissed as the Plaintiff lacks Article III standing to sue Senator Cotton, as the Complaint completely fails to identify any injury-in-fact to a legally protected interest that was caused by Senator Cotton and that could be redressed by a favorable decision in this case.

6. Next, the Complaint fails to state a claim as a matter of law, as there is no legal precedent that recognizes the existence of a cause of action against Senator Cotton for dissatisfaction with the performance of his Senate legislative activities.

7. Lastly, the Complaint should be dismissed as it is frivolous, and Plaintiff should not be given leave to amend.

8. Accordingly, this court lacks subject matter jurisdiction and the Complaint fails to state a claim, and therefore, the Complaint should be dismissed pursuant to Fed. R. Civ. P. 12(b)(1) and (b)(6).

9. A memorandum in support of this Motion to Dismiss is being filed contemporaneously herewith.

WHEREFORE, Senator Cotton respectfully request that all claims made against him be dismissed, along with all other relief, including costs, to which he may be entitled.

Respectfully submitted,

DUANE (DAK) KEES
UNITED STATES ATTORNEY

By: /s/ Seth T. Creed

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CERTIFICATE OF SERVICE

I, Seth T. Creed, Assistant U.S. Attorney for the Western District of Arkansas, hereby certify that on the 14th day of December, 2018, I electronically filed the foregoing with the Clerk of Court using the CM/ECF System which will send notification of such filing to CM/ECF participants, and I hereby certify that I have mailed the document by the United States Postal Service to the following non-CM/ECF participant:

Deborah Joyce Goodwin
342 Strawberry Meadows Place, Apt 205
Springdale, AR 72764

/s/ Seth T. Creed

Seth T. Creed
Assistant United States Attorney