

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

RICHARD JONES,

Plaintiff,

v.

DISTRICT OF COLUMBIA,

Defendant.

Civil Action No. 16-2405(CKK)

DEFENDANT THE DISTRICT OF COLUMBIA'S MOTION TO DISMISS

Defendant the District of Columbia (the District) respectfully moves this Court under FED. R. CIV. P. 12(b)(6) to dismiss plaintiff's First Amended Complaint on the following grounds:

1. Plaintiff fails to state an overdetention claim because plaintiff was not overdetained.
2. Plaintiff fails to allege a violation of a constitutional right as a result of his alleged overdetention.
3. Plaintiff fails to state a claim under 42 U.S.C. § 1983 because plaintiff fails to adequately allege that the District has a custom, policy, or practice of overdetention, or is deliberately indifferent.
4. Plaintiff fails state a claim under 42 U.S.C. § 1983 for unlawful search because the routine search he was subject to was reasonable to protect the general population at the jail and the corrections officers from contraband.
5. Plaintiff fails to state a claim for common law false arrest because he was not arrested.

6. Plaintiff fails to state a claim for invasion of privacy because plaintiff has not adequately alleged he had a right to privacy, that a reasonable person in his position would have found the search objectively offensive, or that he found the search subjectively offensive.

For the foregoing reasons, as discussed in the attached memorandum of points and authorities, which is incorporated here, the District of Columbia asks the Court to dismiss the Complaint with prejudice. A proposed order also is attached for the Court's consideration.

Dated: April 19, 2017.

Respectfully submitted,

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