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16 Attorneys for Defendants

UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF CALIFORNIA

18 ISAAC KIGONDU KINITI, et al.,)
)
 19 Plaintiffs,)
)
 20 v.)
)
 21 JULIE L. MYERS, et al.,)
)
 22 Defendants.)

Case No. 3:05-cv-1013-DMS-PCL

1. **DEFENDANTS’ NOTICE OF MOTION AND MOTION TO DISMISS PLAINTIFFS’ SECOND AMENDED COMPLAINT;**
2. **MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF DEFENDANTS’ MOTION TO DISMISS;**
3. **DECLARATION OF TIMOTHY L. PERRY IN SUPPORT;**
4. **[PROPOSED] ORDER**

Hearing Date: June 15, 2007
 Time: 1:30 PM
 Courtroom: 10

NOTICE OF MOTION AND MOTION TO DISMISS¹

PLEASE TAKE NOTICE that on June 15, 2007, at 1:30 p.m., or as soon thereafter as the matter may be heard in Courtroom 10 of the above-entitled Court, located at 880 Front Street, San Diego, California, defendants Julie L. Myers, Assistant Secretary, U.S. Immigration and Customs Enforcement (ICE); John P. Torres, Director, Office of Detention and Removal Operations, ICE; Ron Smith, former Director, San Diego Field Officer, ICE; Anthony Cerone, Officer-in-Charge at San Diego Correctional Facility (SDCF), ICE; will and hereby do move this Court for an order dismissing the Second Amended Complaint for Declaratory and Injunctive Relief filed by plaintiffs Isaac Kigonde Kiniti, et al. (“plaintiffs”), pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure for lack of subject matter jurisdiction by this Court.

This motion is based upon this Notice of Motion and Motion to Dismiss, the Memorandum of Points and Authorities filed herewith, the Declaration of Timothy L. Perry, the pleadings, records and papers filed herein, and such other and further oral and documentary evidence and legal memoranda as may be presented at or prior to the hearing on this Motion to Dismiss.

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¹ This motion to dismiss is filed on behalf of the Federal Defendants. The United States does not represent defendants Corrections Corporation of America (CCA), Joe Easterling, or Charles Howard in this matter.

1 DATED: May 4, 2007

2 Respectfully submitted,

3
4 For Defendants:

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CERTIFICATE OF SERVICE

The undersigned certifies that on this 4th day of May 2007 a true and correct copy of the foregoing Defendants' Notice of Motion and Motion to Dismiss was served by ECF Filing on all counsel of record, along with all exhibits, and through agreement of the parties, has been e-mailed to the following counsel of record:

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