

U.S Court Middle District of Georgia
Columbus Georgia FILED '25 JAN 24 AM 08:36 MDGA-COL

Re : Devon Anthony Mowatt v The Department of Homeland Security File: 

Date : 01/16/25

Motion to Dismiss

Here come the Petitioner in the above captioned case. Acting without the Aide of Counsel and Pursuant to Federal Rule of Civil Procedures , Hereby move this Honorable Court to enter Ruling of Dismissal in favor of the Petitioner.

When the Executive Branch elects not to arrest or prosecute, it does not exercise coercive power over an individual's liberty or property, and thus does not infringe upon interests that courts often are called upon to protect. And for standing purposes, the absence of coercive power over the plaintiff makes a difference: When a plaintiff's asserted injury arises from the government's allegedly unlawful regulation (or lack of regulation) of someone else, much more is needed to establish standing. By contrast, when the plaintiff is himself an object of the action (or forgone action) at issue, there is ordinarily little question that the action or inaction has caused him injury, and that a judgment preventing or requiring the action will redress it.

t 429. See also *id.* at 455 (remarks of Rep. Cox) (‘‘The Constitution, in making all persons equal before the law, forbids unequal discrimination by the State laws; but there is no warrant for the Federal Government to assume jurisdiction of the crimes which belong to the States alone. † If the States † infract these new amendments, it is a question for the courts.’’); *id.* app. at 259 (remarks of Rep. Holman) (‘‘A State can only act through her legislative department, and if any State does violate † the fourteenth amendment, it must be done by some affirmative act of law, and then † what is the remedy? † The federal courts † . [I]f Congress can under this fourteenth amendment, interfere at all in the local affairs of the States, if these denials of power to the States are to be construed as conferring legislative power on Congress, there is then no limitation on the powers of Congress in respect to the domestic affairs of States † .’’); *id.* app. at 160 (remarks of Rep. Golladay) (‘‘[The privileges and immunities clause of the fourteenth amendment] is simply a denial of power to States, and not a conferring of power on Congress to pass laws.’’).

The United states Court of Appeals for the seventh Circui^t has held that defective NTA is a violation of Claims processing rule, and a respondent must a timely objection to the NTA or establish that his delay in raising the issue was excusable and that he was prejudiced by defect .(caption) incorrect date of birth and incorrect country . Holding that the defected in NTA is one that can forfeited by not making a timely objection to the NTA at the outset of removal proceedings .

Wherefore for all the reason set forth in this Motion, Petitioner request a dismissal of The Governments case, for the use of illegal Federal Procedures. Make a order enjoin respondent from further unlawful detention of the Petitioner. Its a reasonable belief that the Government violated my rights. Petitioner now Reserve his rights to Seek Redress in the court of Law.

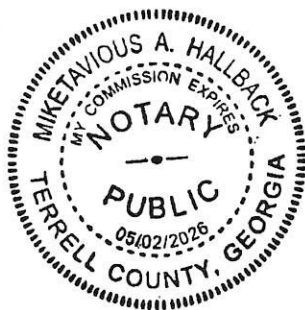
Respectfully Submitted

By : *Devon Mowatt*

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mhallback
1/14/25