

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION

ABDOUL KARIMOU DIALLO) CIVIL ACTION NO: 25-cv-2012
VERSUS) JUDGE EDWARDS
DONALD TRUMP, *ET AL.*) MAGISTRATE JUDGE PEREZ-MONTES

FEDERAL RESPONDENTS' MOTION TO DISMISS, OR
ALTERNATIELY FOR SUMMARY JUDGMENT

Federal Respondents¹ move to dismiss the Petitioner's claims for lack of subject matter jurisdiction. This Court lacks jurisdiction under the Immigration and Nationality Act (INA). Petitioner's claims are barred by 8 U.S.C. § 1252 and should be dismissed in their entirety pursuant to Rule 12(b)(1) and Rule 12(h)(3) which provide, "[w]henver it appears by suggestion of the parties or otherwise that the court lacks jurisdiction of the subject matter, the court shall dismiss the action." *See*, Fed.R.Civ.P.12(b)(1) and Fed.R.Civ.P.12(h)(3).

Alternatively, the United States moves this Court, pursuant to Fed.R.Civ.P. 56, to grant summary judgment in favor of Federal Respondents because Petitioner has failed to establish that he is detained in violation of the law. Thus, Petitioner's claims should be dismissed.

¹ "Federal Respondents" refers herein to the following individuals and any successors-in-interest: **Donald J. Trump**, in his official capacity as President of the United States; **Kristi Noem**, in her official capacity as Secretary, U.S. Department of Homeland Security; **Pamela Bondi**, in her official capacity as Attorney General of the United States; **Executive Office for Immigration Review**; **Todd Lyons**, in his official capacity as Acting Director and Senior Official Performing the Duties of the Director of U.S. Immigration and Customs Enforcement; and **Scott Ladwig**, in his official capacity as Acting Field Office Director, New Orleans ICE Field Office. While the U.S. Attorney's Office only has authority to respond on behalf of Federal Respondents, all arguments made herein apply with equal force to the State Defendant, the Warden.

In support of its motion, the Court is respectfully referred to the annexed Memorandum of Law attached hereto.

Respectfully submitted,

ZACHARY A. KELLER
United States Attorney

BY: s/ Karen J. King
KAREN J. KING (#23508)
Assistant United States Attorney
Western District of Louisiana
800 Lafayette Street, Suite 2200
Lafayette, Louisiana 70501
Telephone: (337) 262-6618
Facsimile: (337) 262-6693
Email: karen.king@usdoj.gov