

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

EDUARDO DIAZ-BERNAL, <i>et al.</i> ,	:	
	:	
Plaintiffs,	:	
	:	Civil No. 3:09-CV-1734 (SRU)
v.	:	
	:	
JULIE MYERS, <i>et al.</i> ,	:	
	:	
Defendants.	:	April 30, 2010
	:	

MOTION TO DISMISS OF INDIVIDUAL-CAPACITY FEDERAL DEFENDANTS

Pursuant to Federal Rule of Civil Procedure 12, the individual-capacity federal defendants, James Brown, Bruce Chadbourne, Brian Geary, David Hamilton, George Lewis, Jim Martin, Richard McCaffrey, Julie Myers, Derek Moore, David Ostrobinski, Ronald Preble, David Reilly, Stephen Riccardi, George Sullivan, John Torres, Wilfred Valentin, Edgar Vasquez, Michelle Ventrano-Antuna, and Walter Wilkowski (“Defendants”), hereby move to dismiss all of the claims asserted against them in this action.

The Plaintiffs allege in their amended complaint that the Defendants violated Plaintiffs’ Fourth, Fifth, and Tenth Amendment rights through the Defendants’ alleged participation in an immigration enforcement operation conducted in New Haven, Connecticut, on June 6, 2007. Plaintiffs assert four claims pursuant to *Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics*, 403 U.S. 388, 397 (1971), premised on this alleged conduct. All of Plaintiffs’ claims against the Defendants should be dismissed under Federal Rule of Civil Procedure 12(b)(1), (2) and/or (6), because the Court lacks subject-matter jurisdiction over the claims and personal jurisdiction over several Defendants; Plaintiffs’ fail to state cognizable

Oral argument is not requested.

claims; and the Defendants' are entitled to qualified immunity. The grounds for this motion are set forth more fully in the supporting memorandum of law.

Dated: April 30, 2010

Respectfully submitted,

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Attorneys for Individual-Capacity Federal Defendants

Oral argument is not requested.

CERTIFICATE OF SERVICE

I hereby certify that on April 30, 2010, a true and correct copy of the foregoing **Motion to Dismiss of Individual-Capacity Federal Defendants** was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the court's electronic filing system or by mail to anyone unable to accept electronic filing. Parties may access this filing through the court's CM/ECF System.

/s/ Jean M. Cunningham

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Oral argument is not requested.