

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA**

**Richmond Division**

WILLIAM THORPE, *et al.*,

Plaintiffs,

v.

CASE NO. 3:19cv00332

VIRGINIA DEPARTMENT OF  
CORRECTIONS, *et al.*,

Defendants.

**RULE 12 MOTION TO DISMISS**

COMES NOW Defendants Clarke, Mathena, Richeson, Robinson, Ponton, Elam, Malone, Herrick, Raiford, Kiser, and Manis, and, pursuant to Rules 12(b)(1) and 12(b)(6) of the *Federal Rules of Civil Procedure*, move this Court to dismiss the claims against them. Pursuant to Fed. R. Civ. P. 12(g), Defendants have consolidated their Rule 12 defenses into this single motion. The reasons in support of this motion are set forth in a separate supporting memorandum, which is being contemporaneously-filed with the Court.

Respectfully submitted,

HAROLD CLARKE, RANDALL C. MATHENA, H.  
SCOTT RICHESON, A. DAVID ROBINSON,  
HENRY J. PONTON, MARCUS ELAM, DENISE  
MALONE, STEVE HERRICK, TORI RAIFORD,  
JEFFREY KISER, and CARL MANIS, Defendants.

By: \_\_\_\_\_/s/  
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**CERTIFICATE OF SERVICE**

I hereby certify that on the 14th day of June, 2019, I electronically filed the foregoing Motion to Dismiss with the Clerk of the Court using the CM/ECF system, which will send a notification of such filing (NEF) to the following:

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And I hereby certify that I have mailed the document by United States Postal Service to the following non-filing user: N/A

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/s/  
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