

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

DISTRICT OF COLUMBIA,

Plaintiff,

v.

DONALD J. TRUMP, *et al.*,

Defendants.

Civil Action No. 1:25-cv-03005-JMC

**DEFENDANTS' MOTION TO DISMISS AND
MOTION FOR RELIEF FROM LOCAL RULE 7(N)(1)'S REQUIREMENTS**

Defendants Donald J. Trump, in his Official Capacity as President of the United States, the United States Department of Defense, Peter B. Hegseth, in his Official Capacity as Secretary of Defense, the United States Army, Daniel P. Driscoll, in his Official Capacity as Secretary of the Army, the United States Department of Justice, Pamela J. Bondi, in her Official Capacity as United States Attorney General, the United States Marshals Service, and Gadyaces S. Serralta, in his Official Capacity as Director of the United States Marshals Service (collectively, "Defendants") hereby move to dismiss the Complaint in this case with prejudice pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6). The grounds for this motion are set forth at length in the accompanying Combined Memorandum in Opposition to Plaintiff's Motion for a Preliminary Injunction and in Support of Defendant's Motion to Dismiss.¹

¹ The Combined Memorandum refers to declarations and other materials for purposes of opposing Plaintiff's motion for a preliminary injunction. Defendants do not rely upon any of those materials for this motion to dismiss and therefore are not filing those materials in connection with this motion.

Defendants also respectfully request that the Court waive the requirement under Local Civil Rule 7(n), to the extent it applies here, to file a certified list of the contents of an administrative record simultaneously with the filing of Defendants' Rule 12(b) motion to dismiss. Local Civil Rule 7(n) indicates that it is meant to aid in the decision of a dispositive motion that relies on an administrative record. *See* LCvR 7(n)(1). Defendants' motion to dismiss does not do so, but instead raises threshold legal arguments. Thus, "the general practice in this Court" is to waive Local Civil Rule 7(n) when "the administrative record is not necessary for [the court's] decision." *Arab v. Blinken*, 600 F. Supp. 3d 59, 65 n.2 (D.D.C. 2022); *see also, e.g., Connecticut v. U.S. Dep't of the Interior*, 344 F. Supp. 3d 279, 294 (D.D.C. 2018); *Patterson v. Haaland*, 2022 WL 4534685, at *1 & n.2 (D.D.C. Sept. 28, 2022); *E. Atl. Servs. & Trading LLC v. Mayorikas*, 2024 WL 4332554, at *6 (D.D.C. Sept. 27, 2024).

Pursuant to Local Civil Rule 7(m), counsel for Defendants have conferred with counsel for Plaintiff regarding the non-dispositive portion of this motion (*i.e.*, the request to waive Local Civil Rule 7(n)'s requirements). Plaintiff opposes the motion.

Defendants respectfully request oral argument. A proposed order is attached.

Dated: September 16, 2025

Respectfully submitted,

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