

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

KRIS WARNER, in his Official Capacity as
WEST VIRGINIA SECRETARY OF STATE,

Defendant.

Civil Action No.: 2:26-cv-00156

WEST VIRGINIA ALLIANCE FOR RETIRED AMERICANS' MOTION TO DISMISS

Pursuant to Federal Rule of Civil Procedure 12(b)(6), Proposed Intervenor West Virginia Alliance for Retired Americans (the "Alliance") moves the Court to dismiss Plaintiff's complaint, Dkt. No. 1, for failure to state a claim upon which relief may be granted. This Motion is made on the grounds detailed in the accompanying Memorandum of Law.

WHEREFORE, Proposed Intervenor Alliance requests that the Court grant the Motion to Dismiss.

Dated: May 14, 2026,

Respectfully submitted,

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/s/ Graham B. Platz

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CERTIFICATE OF SERVICE

I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served this 14th day of May, 2026, with a copy of this document via the Court's CM/ECF system. All other counsel will be served in accordance with Federal Rule of Civil Procedure 5(a).

/s/ Graham B. Platz

Graham B. Platz (WVSB 14093)

Counsel for Proposed Intervenor

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