

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

ANDRES ROBLES GONZALEZ,

* CIVIL ACTION

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Plaintiff,

* NO. 14-696

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VERSUS

* SECTION "J" (2)

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UNITED STATES OF AMERICA , U.S.
DEPARTMENT OF HOMELAND SECURITY,
IMMIGRATION AND CUSTOMS
ENFORCEMENT, THOMAS K. WINKOWSKI, in
his Official Capacity as Acting Director of U.S.
Immigration and Customs Enforcement, and JEH
JOHNSON, in his Official Capacity as Secretary
of Homeland Security

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Defendants.

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MOTION TO DISMISS FOR LACK OF SUBJECT-MATTER JURISDICTION

NOW INTO COURT, through the undersigned Assistant U.S. Attorney, come the federal defendants, who file this motion to dismiss for lack of subject-matter jurisdiction, pursuant to Federal Rule of Civil Procedure 12(b)(1). As explained more fully in the attached memorandum in support, Plaintiff's tort claim is time-barred and Plaintiff failed to exhaust his administrative remedies under the Administrative Procedure Act.

Respectfully submitted,

KENNETH ALLEN POLITE, JR.
UNITED STATES ATTORNEY

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing has been served upon counsel for all parties by ECF, facsimile, or mailing the same to each, properly addressed and postage prepaid this 25th day of July, 2014.

/S/ JASON M. BIGELOW
JASON M. BIGELOW
Assistant United States Attorney