

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

FATMA MAROUF, *et al.*,

Plaintiffs,

v.

ALEX AZAR, in his official capacity as
Secretary of the United States Department of
Health and Human Services, *et al.*,

Defendants.

Case No. 18-cv-378 (APM)

FEDERAL DEFENDANTS' MOTION TO DISMISS

For the reasons set forth in the attached Statement of Points and Authorities, Defendants United States Department of Health and Human Services (“HHS”); Administration for Children and Families (“ACF”); Office of Refugee Resettlement (“ORR”); Alex Azar, in his official capacity as Secretary of HHS; Steven Wagner, in his official capacity as Acting Assistant Secretary for ACF; and Scott Lloyd, in his official capacity as Director of ORR (collectively the “Federal Defendants”) respectfully request the Court dismiss the Amended Complaint for lack of jurisdiction under Fed. R. Civ. P. 12(b)(1).

Dated: May 21, 2018

Respectfully submitted,

BRETT A. SHUMATE
Deputy Assistant Attorney General

JOEL McELVAIN
Assistant Branch Director

/s/ James Powers
JAMES R. POWERS (TX Bar No. 24092989)
Trial Attorney
Federal Programs Branch
U.S. Department of Justice, Civil Division

20 Massachusetts Ave., NW
Washington, DC 20530
Telephone: (202) 353-0543
Email: james.r.powers@usdoj.gov

Counsel for Federal Defendants

CERTIFICATE OF SERVICE

I hereby certify that I filed the foregoing with the Clerk of the Court through the ECF system on May 21, 2018. This system provided a copy to and effected service of this document on all parties.

/s/ James Powers

JAMES R. POWERS