

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

DANIEL G. ANDERSON; WILLIAM )  
COLLITON, M.D.; RICHARD P. DELANEY, )  
M.D.; GAETANO MOLINARI, M.D.; RICHARD )  
LORIA, M.D.; LORENZO MARCOLIN, M.D.; )  
JAMES RONAN, M.D.; EDWARD SHERIDAN, )  
M.D.; EDWARD SOMA, M.D.; and RONALD )  
UCINSKI, M.D., )

Case No. 8:10cv17

Judge Messitte

Plaintiffs, )

v. )

BARACK HUSSEIN OBAMA, in his official )  
capacity as President of the United States, )

Defendant. )

**DEFENDANT'S MOTION TO DISMISS**

Defendant, President Barack Obama, by his undersigned counsel, moves to dismiss the Complaint in the above-captioned action pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6). As more fully set forth in Defendant's Memorandum in Opposition to Plaintiffs' Motion for a Preliminary Injunction and in Support of Defendant's Motion to Dismiss, this Court may not properly exercise subject-matter jurisdiction because Plaintiffs lack standing. Moreover, the Complaint fails to state a claim upon which relief can be granted because it raises only nonjusticiable political questions.

Dated: February 8, 2010

Respectfully submitted,

TONY WEST  
Assistant Attorney General

ROD J. ROSENSTEIN  
United States Attorney

/s/ Erika Myers

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