

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

SHARON BLACKMON-MALLOY,	)	
et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Civ. A. No. 01-02221 (EGS) (JMF)
	)	(and consolidated cases)
UNITED STATES CAPITOL POLICE	)	
BOARD,	)	
	)	
Defendant.	)	

**DEFENDANT’S MOTION TO DISMISS  
THE FOURTH AMENDED COMPLAINT**

Pursuant to Federal Rule of Civil Procedure 12(b)(1), the United States Capitol Police Board moves to dismiss the discrimination and retaliation claims of the plaintiffs in this case. As the Capitol Police Board demonstrates in the attached memorandum of law, the overwhelming majority of the more than 300 putative plaintiffs in this case did not timely exhaust their administrative remedies under the Congressional Accountability Act.<sup>1</sup> As a result, this Court lacks jurisdiction over their discrimination and retaliation claims. The Court should accordingly dismiss these officers’ claims for lack of subject matter jurisdiction. A proposed order is also attached.

August 12, 2010

Respectfully submitted,

RONALD C. MACHEN Jr.  
United States Attorney

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<sup>1</sup> Defendant has filed a motion requesting that the memorandum of law and corresponding exhibits temporarily be filed under seal. (Dkt. 297.)

RUDOLPH CONTRERAS  
Chief, Civil Division

By: /s/ Harry B. Roback

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Civ. A. No. 01-02221 (EGS) (JMF)  
(and consolidated cases)

**ORDER**

Upon consideration of the Defendant’s Motion to Dismiss The Fourth Amended Complaint, including the memoranda filed in support of and in opposition to that motion, it is hereby

ORDERED that the Defendant’s Motion to Dismiss The Fourth Amended Complaint is GRANTED.

SO ORDERED.

Date: \_\_\_\_\_

\_\_\_\_\_  
United States District Judge