

UNITED STATES DISTRICT COURT
EASTERN DIVISION OF MISSOURI
EASTERN DIVISION

FILED

W JUL 23 1979 *B.*

ROBERT ERNEST BULLINGTON,)
)
 Plaintiff,)
)
 -vs-)
)
 WARDEN MORELAND, et al.,)
)
 Defendants.)

WILLIAM D. RUND, Clerk
U. S. DISTRICT COURT
E. DISTRICT OF MO.

Civil Action No. 79-650-C(4)

Johnson v. O'Brien



JC-MO-010-014

DEFENDANTS' MOTION TO DISMISS

Comes now Warden Moreland, et al., and by and through their attorneys of record and for their Motion to Dismiss state as follows:

1. Plaintiff's Petition for Temporary Injunction fails to state a claim upon which relief may be granted.
2. Plaintiff's Petition for Temporary Injunction does not conform to Rule 10 of the Federal Rules of Civil Procedure.
3. Plaintiff's Petition for Temporary Injunction is not verified by Affidavit nor are the allegations contained in said Petition verified.
4. That Plaintiff's Petition does not allege any immediate or irreparable injury, loss or damage and therefore Plaintiff has an adequate remedy at law.

WHEREFORE, based upon the above, Defendants Warden Moreland, et al., pray that Plaintiff's Petition for Temporary Injunction be dismissed at Plaintiff's costs.

THOMAS W. WEHRLE
St. Louis County Counselor

By *Donald J. Weyerich*
Donald J. Weyerich
Associate County Counselor
County Government Center
Clayton, Missouri 63105
Attorney for Defendants

Copy of the foregoing was mailed this 30th day of July, 1979, to Robert E. Bullington, St. Louis County Jail, Box 11417, Clayton, Missouri 63105.

7/25/79 *Donald J. Weyerich*
called Warden's office
to deliver to him copy to
be filed.