

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DIVISION, EASTERN JUDICIAL DISTRICT  
OF MISSOURI

FILED

OCT 30 1979

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

U. S. DISTRICT COURT  
E. DISTRICT OF MO.

Cause No. 79-650 C (A)(3)

MOTION OF DEFENDANTS TO DISMISS AMENDED COMPLAINT

Comes now Defendants and move the Court to make and enter its order dismissing Plaintiffs' Complaint for the following reasons:

1. Plaintiffs' Complaint fails to state a claim against Defendants upon which relief can be granted.
2. This Court lacks jurisdiction over the subject matter of the claim against Defendants.
3. Plaintiffs' claims are based upon issues and facts which have been previously presented to this Court in Johnson v. O'Brien, Cause No. 76-210 C (3) and are therefore barred by res judicata.

THOMAS W. WEHRLE  
St. Louis County Counselor

By Donald J. Weyerich  
Donald J. Weyerich #20191  
Special Assistant County Counselor  
41 North Central  
Clayton, Missouri 63105  
889-2042

Johnson v. O'Brien



JC-MO-010-023

Attorneys for Defendants