

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

**OSCAR SANCHEZ, MARCUS
WHITE, TESMOND MCDONALD,
MARCELO PEREZ, ROGER
MORRISON, KEITH BAKER, PAUL
WRIGHT, TERRY MCNICKLES,
AND JOSE MUNOZ, on their own
behalf and on behalf of a class of
similarly situated persons,
*Petitioners/Plaintiffs,***

v.

**DALLAS COUNTY SHERIFF
MARIAN BROWN, *in Her Official
Capacity;* DALLAS COUNTY,
TEXAS,
*Respondents/Defendants.***

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**Civil Action
Case No. 3:20-cv-00832**

**DEFENDANTS’ MOTION TO DISMISS
FOR LACK OF SUBJECT MATTER JURISDICTION**

Defendants, Dallas County Sheriff Marian Brown, in her official capacity, and Dallas County, Texas move to dismiss the remaining claims of Plaintiffs Marcelo Perez, Roger Morrison, Keith Baker, Paul Wright, Terry McNickels, Jose Munoz, Kiara Yarborough, Olivia Washington, and Ideare Bailey (the “Released Plaintiffs”).¹

Each of the Released Plaintiffs is no longer detained in the Dallas County Jail. They are not subject to the conditions of confinement of which they complain, and therefore lack standing to pursue prospective injunctive relief under the 42 U.S.C. § 1983.

¹ Plaintiffs Oscar Sanchez, Marcus White, and Tesmond McDonald remain in detention.

Moreover, with regards to the proposed Post-Adjudication Class, all named plaintiffs seeking to represent that class have been released. The Post-Adjudication Class's claim for relief under the Eighth Amendment is moot, not subject to the "capable of repetition, yet evading review" exception.

In support of this Motion, Defendants rely on the following contemporaneously filed documents:

1. Brief in Support of Defendants' Motion to Dismiss; and
2. Proposed Order Granting Defendants' Motion to Dismiss.

Accordingly, for the reasons stated in this Motion and its accompanying documents, Defendants respectfully request the Court grant this Motion to Dismiss.

Date: September 25, 2020

Respectfully Submitted,

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AND SHERIFF MARIAN BROWN**

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was served on all counsel of record via the ECF system of the Court on September 25, 2020.

/s/ Kate David _____
Kate David