

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

MARY BISHOP and SHARON BALDWIN,)
et al.,)
)
Plaintiffs,) Case No. 04-CV-848K(J)
)
v.)
)
The STATE OF OKLAHOMA, et al.,)
)
Defendants.)
_____)

MOTION TO DISMISS BY UNITED STATES OF AMERICA
EX REL. JOHN ASHCROFT AND GEORGE W. BUSH

The United States of America ex rel. John Ashcroft and George W. Bush, through its undersigned counsel, hereby moves to dismiss this action pursuant to Rule 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure. Plaintiffs Mary Bishop and Sharon Baldwin lack standing to challenge section 2 of the federal Defense of Marriage Act, given that the Act has never been applied to them. As to all of the plaintiffs, and to the extent plaintiffs Bishop and Baldwin are found to have standing, this action should be dismissed for failure to state a claim upon which relief can be granted.

The grounds for this motion are more fully set forth in the accompanying Brief and Exhibits.

An appropriate proposed Order accompanies this motion.

Dated this 6th day of January, 2005.

Respectfully submitted,

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AMERICA EX REL. JOHN ASHCROFT
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CERTIFICATE OF SERVICE

I hereby certify that on January 6, 2005, I served the foregoing document by electronic mail transmission on the following, who have consented in writing to service of this document by e-mail:

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