

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION**

**REV. NANCY WILSON and  
DR. PAULA SCHOENWETHER,**

**Plaintiffs,**

v.

**RICHARD L. AKE, in his official capacity  
as Clerk of the Circuit and County Courts,  
Hillsborough County, Florida, et al.,**

**Defendants.**

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**Case No. 8:04-cv-1680-T-30TBM**

**FEDERAL DEFENDANT'S MOTION TO DISMISS (DISPOSITIVE MOTION)**

Defendant John Ashcroft, in his official capacity as Attorney General of the United States, through his undersigned counsel, hereby moves to dismiss this action pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure. This action should be dismissed in its entirety 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 Memorandum.

Dated this 27th day of September, 2004.

Respectfully submitted,

PETER D. KEISLER  
Assistant Attorney General

PAUL IGNATIUS PEREZ  
United States Attorney

/s/ W. Scott Simpson

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