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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII**

)	
OKLEVUEHA NATIVE)	No. CV 09-00336 SOM-BMK
AMERICAN CHURCH OF HAWAII,	)	DEFENDANTS’ NOTICE OF
INC.,	)	MOTION AND MOTION TO
MICHAEL REX “RAGING BEAR”	)	DISMISS FOR LACK OF
MOONEY,	)	SUBJECT MATTER
	)	JURISDICTION AND FAILURE
Plaintiffs	)	TO STATE A CLAIM;
	)	DEFENDANTS’
vs.	)	MEMORANDUM IN SUPPORT
	)	OF MOTION TO DISMISS;
ERIC H. HOLDER, JR., U.S.	)	CERTIFICATE OF
Attorney General;	)	COMPLIANCE WITH WORD
MICHELE LEONHART, Acting	)	LIMITATION;
Administrator, U.S. Drug	)	CERTIFICATE OF SERVICE
Enforcement Administration;)	
FLORENCE T. NAKAKUNI, U.S.)	
)	

Attorney for the District of Hawaii,)
)
Defendants)
)

**DEFENDANTS’ NOTICE OF MOTION AND MOTION TO DISMISS FOR
LACK OF SUBJECT MATTER JURISDICTION AND FAILURE TO
STATE A CLAIM**

Please take notice that pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure, Defendants Eric H. Holder, Jr., U.S. Attorney General; Michele Leonhart, Acting Administrator, U.S. Drug Enforcement Administration; and Florence T. Nakakuni, U.S. Attorney for the District of Hawaii, hereby move to dismiss this action for lack of subject matter jurisdiction and failure to state a claim as to all claims asserted by Plaintiffs Oklevueha Native American Church of Hawaii, Inc., and Michael Rex Mooney. This motion is based on the attached supporting memorandum, together with such other matters and argument as may be presented at the hearing on the motion, the date and time of which will be set and noticed by the Court.

Date: April 8, 2010

Respectfully submitted,

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