

**IN THE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

INDIANA PROTECTION AND)
ADVOCACY SERVICES COMMISSION,)

Plaintiff,)

v.)

COMMISSIONER, INDIANA)
DEPARTMENT OF CORRECTION,)

Defendant.)

CASE NO. 1:08-cv-1317-DFH-JMS

MOTION TO DISMISS

Defendant Commissioner, Indiana Department of Correction, by counsel, David A. Arthur, Deputy Attorney General, urges the Court, pursuant to Fed.R.Civ.P 12(b)(1), to dismiss the cause of action herein for the reason that the Court lacks jurisdiction over the subject matter because the plaintiff lacks standing and because this court lacks jurisdiction over “intramural” disputes between state agencies.

A memorandum in support of this motion is filed herewith and is made a part hereof.

WHEREFORE, defendant urges the Court to dismiss the cause of action herein and to grant him all other just and proper relief.

Respectfully submitted,

STEVE CARTER
Indiana Attorney General

By: s/ David A. Arthur
David A. Arthur
Deputy Attorney General
Atty. No. 2461

CERTIFICATE OF SERVICE

I hereby certify that on December 15, 2008, a copy of the foregoing motion was filed electronically. Notice of this filing will be sent to the following by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

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