

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION**

CHRIS LOVE et al.)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No.: 1:20-cv-00365-ALB-JTA
)	
UNITED STATES DEPARTMENT OF)	
AGRICULTURE, et al.,)	
)	
Defendants.)	

DEFENDANTS' MOTION TO DISMISS

COME NOW Defendants, United States Department of Agriculture (“USDA”) and Sonny Perdue, in his Official Capacity as Secretary of USDA, and Richard Fordyce, in his official capacity as Administrator of the Farm Service Agency (“FSA”), by and through Louis V. Franklin, Sr., United States Attorney for the Middle District of Alabama, and pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure, move to dismiss Plaintiffs’ Complaint for lack of jurisdiction and failure to state a claim upon which relief may be granted under any of their possible theories for recovery.

A memorandum brief is being filed contemporaneously herewith.

WHEREFORE, the Defendants, request that the Court enter judgment in their favor and dismiss Plaintiffs’ claims against them in its entirety.

Respectfully submitted this 9th day of September, 2020.

LOUIS V. FRANKLIN, SR.
United States Attorney

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CERTIFICATE OF SERVICE

I hereby certify that on September 9, 2020, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send electronic notices to all counsel on record.

/s/James J. DuBois
Assistant United States Attorney