

United States District Court  
Eastern District of Arkansas  
Western Division

Dr. Julius J. Larry, III, et al. Plaintiff

v. Case No. 4:18-cv-116-KGB

State of Arkansas, et al. Defendants

**Motion to Dismiss**

Come Defendants State of Arkansas, Asa Hutchinson in his official capacity as the Governor of the State of Arkansas, and Leslie Rutledge in her official capacity as the Attorney General of the State of Arkansas, and for their Motion to Dismiss Plaintiff's pleading entitled "Request for Three Judge Panel to Chief U.S. District Judge Brian S. Miller and Temporary Restraining Order Instanter with Memorandum of Points and Authorities" [D.E. 1] state:

1. It is the burden of the party who seeks the exercise of jurisdiction in his favor to allege facts demonstrating that he is a proper party to invoke judicial resolution of the dispute. *United States v. Hays*, 515 U.S. 737, 743 (1995).

2. Plaintiff Dr. Julius J. Larry, III, filed this action complaining of racial gerrymandering on February 9, 2018. [D.E. 1]

3. Dr. Larry attempts to bring the action "Individually and in his Official Capacity as Publisher – The Little Rock Sun Community Newspaper, and on behalf of all other Similarly-situated African Americans Residing in the Southeast Quadrant of the State of Arkansas." [D.E. 1, pp. 1-2]

4. Dr. Larry is a pro se litigant and for that reason is limited to representing only himself. [D.E. 1, p. 27]

5. Dr. Larry complains that “defendants packed the [First Congressional District of Arkansas] with ... white voters in the Northeastern half of the district to dilute the Black votes of the residents of the Southeastern half of the gerrymandered district.” [D.E. 1, ¶ 2]

6. While voters within a racially gerrymandered district at issue may have standing to pursue such a claim, Dr. Larry’s signature block establishes that he is not actually a voter within the congressional district he attacks. [D.E. 1, p. 27]

7. These Defendants respectfully request the Court dismiss the Complaint pursuant to Federal Rule of Civil Procedure 12(b)(1) for lack of standing.

8. Though these Defendants do not object to a three judge panel, one is not required here.

9. Defendants’ accompanying Brief in Support is adopted and incorporated into this Motion to Dismiss as if set out herein word for word.

Respectfully submitted,

LESLIE RUTLEDGE  
Attorney General

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*Attorneys for Defendants*

### **Certificate of Service**

I Brett W. Taylor, hereby certify that on February 26, 2018, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system.

I Brett W. Taylor, hereby certify that on February 26, 2018, I mailed the foregoing document by U.S. Postal Service to the following non-CM/ECF participant:

Julius J. Larry, III  
2615 West 12th St.  
Little Rock, Arkansas 72202

/s/ Brett W. Taylor