

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

LINDSEY K. SPRINGER,)	
)	
Plaintiff,)	
)	
v.)	Case No. 06CV 110 CVE-PJC
)	
UNITED STATES, THE INTERNAL)	
REVENUE SERVICE, and THE)	
COMMISSIONER OF INTERNAL)	
REVENUE,)	
)	
Defendants.)	
_____)	

DEFENDANTS' MOTION TO DISMISS THE COMPLAINT

Defendants respectfully move, pursuant to Fed. R. Civ. P. 12(b)(1) and 12(b)(6), for an order dismissing the above-captioned civil action for lack of subject matter jurisdiction and for failure to state a claim upon which relief could be granted. The grounds for the motion to dismiss, as more fully explained in the memorandum of law submitted herewith, are:

- (1) This Court does not have jurisdiction to hear this matter. Neither 28 U.S.C. §§ 1331, 2201 nor 5 U.S.C. § 702 waive sovereign immunity or confer subject matter jurisdiction on this Court to entertain suits for injunctive relief; and
- (2) Plaintiff's claims under the Paperwork Reduction Act fail to state a cause of action.

This motion is based upon the pleadings, records and files in this case, and the memorandum of law submitted herewith.

Dated this 14th day of April, 2006.

ROBERT G. McCAMPBELL
United States Attorney

/s/ Michael J. Roessner
MICHAEL J. ROESSNER
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Attorneys for Defendants

CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED that service of the foregoing **DEFENDANTS' MOTION TO DISMISS THE COMPLAINT** was made on this 14th day of April 2006, by mailing a true and correct copy thereof by first-class mail, postage prepaid, to the following non-ECF party:

Mr. Lindsey K. Springer
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s/ Michael J. Roessner
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