

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

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)	
SID MILLER, <i>et al.</i> ,)	
)	
<i>Plaintiffs,</i>)	
)	
v.)	Civil Action No. 4:21-cv-595-O
)	
TOM VILSACK, in his official capacity as)	
SECRETARY OF AGRICULTURE,)	
)	
<i>Defendant.</i>)	
)	
)	

DEFENDANT’S PARTIAL MOTION TO DISMISS

Pursuant to Federal Rule of Civil Procedure 12(b)(6), Defendant hereby moves this Court to dismiss in part Plaintiffs’ Second Amended Complaint. In accordance with Local Rules 7.1 and 7.2, this motion is accompanied by a brief that sets forth the contentions of law, arguments and authorities on which Defendant relies in support of this motion. A proposed order also accompanies this motion.

Dated: October 6, 2021

Respectfully submitted,

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/s/ Michael F. Knapp

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Counsel for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on October 6, 2021, a copy of the foregoing was filed electronically via the Court's ECF system, which effects service upon counsel of record.

/s/ Michael F. Knapp
MICHAEL F. KNAPP (Cal. Bar No. 314104)
Trial Attorney, U.S. Department of Justice

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<i>Defendant.</i>)	
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[PROPOSED] ORDER

Upon consideration of Defendant’s Partial Motion to Dismiss and the supporting and responding briefs thereto, Defendant’s Motion is HEREBY GRANTED. It is FURTHER ORDERED that insofar as Claim 1 raises a claim under Title VI, such claim under Title VI is DISMISSED WITH PREJUDICE.

Dated: _____

REED CHARLES O’CONNOR
United States District Judge