

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

GEORGIACARRY.ORG, INC.,
et al.,

Plaintiffs,

v.

UPSON COUNTY, GEORGIA
et al.,

Defendants.

CIVIL ACTION NO.
5:10-cv-00302-CAR

**DEFENDANT KYLE HOOD, in his official capacity as COUNTY
MANAGER FOR UPSON COUNTY, GEORGIA'S PRE-ANSWER
MOTION TO DISMISS**

Comes now Kyle Hood in his official capacity As County Manager For Upson County, Georgia, Defendant in the above-styled action, by and through Counsel, without waiving any defenses as to jurisdiction or service of process, pursuant to Federal Rules of Civil Procedure 12(b)(1) and (b)(6), and moves this Court to dismiss this matter for lack of subject matter jurisdiction (standing) and failure to state a claim upon which relief may be granted. Defendant Kyle Hood adopts and submits the brief previously filed by Upson County, Georgia in support of this motion.

This 6th day of October, 2010.

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/s/ J. Edward Trice, Jr.
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CERTIFICATE OF SERVICE

I hereby certify that on this day, I electronically filed **DEFENDANT KYLE HOOD, in his official capacity as COUNTY MANAGER FOR UPSON COUNTY, GEORGIA'S PRE-ANSWER MOTION TO DISMISS** with the Clerk of Court using the CM/ECF system system which will automatically send email notification of such filing to the attorney of record:

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Assistant Attorney General for the State of Georgia

This 6th day of October, 2010.

/s/ J. Edward Trice, Jr.
Georgia Bar No. 716262
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