

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

_____)	
CENTER FOR BIOLOGICAL DIVERSITY,)	
<i>et al.</i> ,)	
)	
<i>Plaintiffs</i> ,)	
)	Civil Action No. 1:18-00655 (KBJ)
v.)	
)	
KIRSTEN M. NIELSEN, <i>et al.</i> ,)	
)	
<i>Defendants</i> .)	
_____)	

**DEFENDANTS’ MOTION TO DISMISS AND ALTERNATIVELY CROSS-MOTION
FOR SUMMARY JUDGMENT**

Pursuant to Fed. R. Civ. P. 12 and 56, together with the Court’s June 7, 2018 Minute Order, the United States Department of Homeland Security and Kirsten M. Nielsen, Secretary of the Department of Homeland Security (collectively, “Defendants”) oppose the Plaintiffs motion for summary judgment. Defendants also move to dismiss the complaint and alternatively cross-move for summary judgment on the same grounds. Defendants are entitled to summary judgement on all counts in Plaintiffs’ complaint for the reasons stated in Defendants’ attached memorandum. Defendants have filed a proposed order with this opposition and cross-motion.

Dated: June 15, 2018

Respectfully submitted,

CHAD READLER
Acting Assistant Attorney General

JESSIE K. LIU
United States Attorney

JOHN R. TYLER
Assistant Director
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/s/ Rhett Martin

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