

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

GENBIOPRO, INC

PLAINTIFF

vs.

CIVIL ACTION NO. 3:20-CV-652-HTW-LRA

DR. THOMAS DOBBS, State Health Officer
of the Mississippi Department of Health,
in his official capacity

DEFENDANT

MOTION TO DISMISS PURSUANT TO RULES 12(b)(1) AND 12(b)(6)

COMES NOW Defendant, Dr. Thomas Dobbs, sued in his official capacity as the Mississippi State Health Officer, by and through counsel pursuant to Fed. R. Civ. P 12(b) and moves for dismissal of all claims asserted against him.

1. For the reasons set forth in his memorandum in support, which is being filed contemporaneously herewith, the Plaintiff, GenBioPro (“GBP”), pursuant to Fed. R. Civ. P 12(b)(1), lacks first and third-party standing to assert its broad claims for relief. Therefore, this Court lacks subject matter jurisdiction. And in the alternative, the Plaintiff failed to state a claim upon which relief can be granted.

2. Accordingly, Defendant is entitled to have all causes of action asserted against him dismissed pursuant to Fed. R. Civ. P. 12(b)(1) & (6).

WHEREFORE, PREMISES CONSIDERED, Defendant, Dr. Thomas Dobbs, respectfully requests that this Court grant this motion and dismiss all claims against him.

RESPECTFULLY SUBMITTED, this the 6th day of November, 2020.

**THOMAS E. DOBBS, M.D., M.P.H., in his
official capacity as STATE HEALTH OFFICER
OF THE MISSISSIPPI DEPARTMENT OF
HEALTH**

By: *s/Paul Barnes*
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CERTIFICATE OF SERVICE

This is to certify that on this day I, Paul Barnes, Special Assistant Attorney General for the State of Mississippi, electronically filed the foregoing document with the Clerk of the Court using the ECF system which sent notice of such filing to the following:

THIS, the 6th day of November, 2020.

s/Paul Barnes

PAUL E. BARNES