

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

ELECTRONIC PRIVACY INFORMATION
CENTER, *et al.*,

Plaintiffs,

v.

U.S. OFFICE OF PERSONNEL
MANAGEMENT, *et al.*,

Defendants.

No. 1:25-cv-0255 (RDA/WBP)

DEFENDANTS' MOTION TO DISMISS

Defendants U.S. Office of Personnel Management; Charles Ezell, in his official capacity as Acting Director of OPM; U.S. Department of the Treasury; Scott Bessent, in his official capacity as Secretary of the Treasury; the U.S. Digital Service, redesignated as the U.S. Department of Government Efficiency Service, or U.S. DOGE Service; the Acting U.S. Digital Service Administrator; and the U.S. DOGE Service Temporary Organization, by counsel, move this Court for an Order dismissing plaintiffs Electronic Privacy Information Center and Doe 1's Complaint (ECF No. 1) under Federal Rules of Civil Procedure 12(b)(1), for lack of subject matter jurisdiction and, in the alternative, under Rule 12(b)(6) for failure to state a claim upon which relief may be granted. In support of this motion, defendants refer the Court to their Memorandum of Law in Support of this motion.

WHEREFORE, defendants, by counsel and under Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure, respectfully request that the Court issue an order dismissing the Complaint for lack of subject matter jurisdiction and, in the alternative, for failure to state a claim upon which relief may be granted and for such other relief as the Court deems just and proper.

Dated: April 15, 2025

Respectfully submitted,

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UNITED STATES ATTORNEY

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