

IN THE UNITED STATES DISTRICT FOR  
THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

DAN McCALEB, Executive Editor of )  
THE CENTRE SQUARE, )

Plaintiff, )

v. )

Case No. 3:22-cv-00439

MICHELLE LONG, in her official capacity )  
as DIRECTOR of the TENNESSEE )  
ADMINISTRATIVE OFFICE OF THE )  
COURTS, )

Defendant. )

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**DEFENDANT’S MOTION TO DISMISS PLAINTIFF’S FIRST AMENDED  
COMPLAINT (DE 19)**

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Defendant Michelle Long, in her official capacity as Director of the Tennessee Administrative Office of the Courts, hereby respectfully moves this Court to dismiss Plaintiff’s First Amended Complaint (DE 19) for lack of subject matter jurisdiction pursuant to Fed. R. Civ. P. 12(b)(1).

As more fully discussed in the accompanying Memorandum of Law, Plaintiff’s claims against Director Long are barred by the Eleventh Amendment because Director Long lacks any authority to engage in the challenged conduct and, therefore, has no connection to its enforcement. That connection is required under *Ex Parte Young*, 209 U.S. 123 (1908) in any suit seeking injunctive relief against state officials in their official capacities. Additionally, Plaintiff lacks standing to bring his constitutional claim because he has not alleged a cognizable injury that is

fairly traceable to the conduct of Director Long or that would be redressed by the relief he seeks. Accordingly, this Court lacks subject matter jurisdiction over Plaintiff's claims against Director Long in the First Amended Complaint (DE 19) and must dismiss this action. Fed. R. Civ. P. 12(h)(3).

Respectfully submitted,

HERBERT H. SLATERY III  
Attorney General and Reporter

*/s/ Janet M. Kleinfelter*  
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## CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing document has been forwarded electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to the parties named below. Parties may access this filing through the Court's electronic filing system.

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Date: July 14, 2022

/s/ Janet M. Kleinfelter  
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