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JOEL E. OGLE, COUNTY COUNSEL
By George F. Holden, Deputy
318 Hall of Records
Santa Ana, California
Attorney for Respondents.

FILED

APR 4 - 1945

EDMUND J. SMITH, Clerk
By *E. Minstrom Jr.*
Deputy Clerk

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE SOUTHERN DISTRICT OF CALIFORNIA
CENTRAL DIVISION

GONZALO MENDEZ, et al,

Petitioners,

vs

WESTMINSTER SCHOOL DISTRICT OF
ORANGE COUNTY, et al,

Respondents.

No. 4292-M
NOTICE OF MOTION TO DISMISS
PETITION.

TO THE PLAINTIFFS IN THE ABOVE ENTITLED ACTION, AND TO DAVID C. MARCUS,
THEIR ATTORNEY:

YOU AND EACH OF YOU will please take notice that the undersigned
will move the above entitled Court, in Room 8 of the United States Dis-
trict Court, Federal Building, Los Angeles, California, on Monday, the
16th day of April, 1945, at the hour of 10 o'clock A. M., that the above
entitled action be dismissed; that said motion will be made upon the
following grounds:

I

That the Court lacks jurisdiction over the subject matter in that
it appears upon the face of said Petition that this is not a suit at law
or in equity authorized by law to be brought by any person to redress the
deprivation, under color of any law, statutes, ordinance, regulation,
custom, or usage, of any State, of any right, privilege, or immunity,
secured by the Constitution of the United States, or any right secured

1 by any law of the United States providing for equal rights of citizens
2 of the United States, or of all persons within the jurisdiction of the
3 United States.

4 II

5 To dismiss said cause in that said Petition fails to state a
6 claim upon which relief can be granted.

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8 DATED: April 3rd, 1945.

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10 JOEL E. OGLE, COUNTY COUNSEL
11 By George F. Holden
12 Deputy County Counsel
13 Attorney for Respondents.
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