

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION**

**HAROLD HARRIS; PASTOR ROBERT
TIPTON, JR.; DELTA SIGMA THETA
SORORITY, INC.; AND DESOTO COUNTY
MS NAACP UNIT 5574**

PLAINTIFFS

VS.

CIVIL NO.: 3:24-CV-00289-GHD-RP

**DESOTO COUNTY, MISSISSIPPI; DESOTO
COUNTY BOARD OF SUPERVISORS;
DESOTO COUNTY ELECTION
COMMISSION; and DALE THOMPSON in her
official capacity as DeSoto County Circuit Clerk**

DEFENDANTS

DEFENDANTS' MOTION TO DISMISS

Defendants, DeSoto County, Mississippi (“the County”), DeSoto County Board of Supervisors (“the Board of Supervisors”), DeSoto County Election Commission (“the Election Commission”), and Dale Thompson (“Thompson”), in her official capacity as DeSoto County Circuit Clerk, move to dismiss Plaintiffs’ Complaint pursuant to Federal Rule of Civil Procedure 12(b)(1) for lack of subject matter jurisdiction and Rule 12(b)(6) for failure to state a claim. The contemporaneously filed memorandum in support explains in detail the multiple grounds for the requested relief, including that Plaintiffs lack standing to sue Thompson and thus she should be dismissed, Plaintiffs fail to allege facts sufficient to state a claim for violation of Section 2 of the Voting Rights Act (“VRA”), 54 U.S.C. §§ 10101 to 10702, and Section 2 does not contain a private right of action, thus foreclosing Plaintiffs’ claim.

For the reasons articulated in the contemporaneously filed memorandum, Defendants

request an order dismissing Plaintiff's Complaint with prejudice.

Dated: November 22, 2024.

Respectfully submitted,

PHELPS DUNBAR LLP

/s/ D. Michael Hurst, Jr.

D. Michael Hurst, Jr. MB # 99990
W. Thomas Siler, Jr. MB #6791
Nicholas F. Morisani MB #104970
1905 Community Bank Way, Suite 200
Flowood, Mississippi 39232
Telephone: 601-352-2300
Facsimile: 601-360-9777
mike.hurst@phelps.com
silert@phelps.com
nick.morisani@phelps.com

ATTORNEYS FOR DEFENDANTS

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CERTIFICATE OF SERVICE

I certify that on November 22, 2024, I electronically filed this document with the Clerk of the Court using the ECF system, which sent notification of such filing to all ECF counsel of record in this action.

/s/ D. Michael Hurst, Jr.

D. Michael Hurst, Jr.

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