

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

NUCLEAR WATCH NEW MEXICO,)
Plaintiff,)
v.)
UNITED STATES DEPARTMENT OF ENERGY,)
and)
LOS ALAMOS NATIONAL SECURITY, LLC,)
Defendants)
and)
NEW MEXICO ENVIRONMENT DEPARTMENT,))
Intervenor.)

No. 1:16-cv-00433-JCH-SCY

DOE’S MOTION TO DISMISS

Defendant United States Department of Energy respectfully requests that this Court dismiss for lack of subject matter jurisdiction, pursuant to Fed. R. Civ. P. 12(b)(1), the First Amended Complaint (July 19, 2016), ECF 30, filed by Nuclear Watch New Mexico in its entirety. The Third Claim for Relief should also be dismissed under Rule 12(b)(6) for failure to state a claim upon which relief can be granted. The reasons in support of this motion are set forth in the accompanying memorandum.

Respectfully submitted,

JOHN C. CRUDEN
Assistant Attorney General

/s/ Eileen T. McDonough
Environmental Defense Section
Environment & Natural Resources Division
United States Department of Justice
P.O. Box 7611
Washington, D.C. 20044
(202) 514-3126