UNITED STATES DISTRICT COURT WESTERN DISTRICT OF VIRGINIA

Roanoke Division

WESLEY (C. SMITH,	
	Plaintiff,	
v.) Case No. 7:07-CV-00117
CHERI SM	IITH, et. al.,)
	Defendants.)

MOTION TO DISMISS

Defendant Judges Lon Farris, Leroy Millette, Jr., Rossie Alston, Jr., William Hamblen, Richard Potter and H. Lee Chitwood and Prince William Circuit Court, by counsel and pursuant to Fed. R. Civ. P. 12(b)(1) and 12 (b)(6), respectfully move this Court to dismiss this complaint because it fails to state a claim upon which relief may be granted.

The grounds for granting this motion are set forth in more detail in the Memorandum of Law in Support filed herewith.

LON FARRIS
LEROY MILLETTE, JR,
ROSSIE ALSTON, JR,
WILLIAM HAMBLEN
RICHARD POTTER
PRINCE WILLIAM CIRCUIT COURT
H. LEE CHITWOOD

By: James V. Dysld
Counsel

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of Court using the CM/ECF system this 10th day of April, 2007, to:

Wesley C. Smith, Plaintiff *pro se* 5347 Landrum Road, Apartment 1 Dublin, Virginia 24084-5603

By: s/ James V. Ingold