

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

WESLEY C. SMITH,

Plaintiff,

v.

CHERI SMITH, et al.,

Defendants.

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Case No.: 7:07-CV-00117

DEFENDANT RONALD FAHY'S
BRIEF IN SUPPORT OF MOTION TO DISMISS

Defendant Ronald Fahy, by his counsel, submits the following argument in support of his Motion to Dismiss.

I. Statement of the Case

Plaintiff filed this action on March 17, 2007, seeking redress for the alleged violation of various rights arising under federal and state law. Plaintiff's federal claims are brought pursuant to 42 U.S.C. §§ 1983, 1985, and 1986, and he asks the Court to exercise supplemental jurisdiction over his state law claims. He seeks both damages and prospective equitable relief. (Compl. ¶¶ 1-2.)

Mr. Fahy's co-defendants were served in March and April 2007 and have filed motions to dismiss. Those motions have been briefed and the Court has heard argument thereon; however, as of the filing of this brief, the Court has not ruled on the motions.

Mr. Fahy was on May 30, 2007. He has filed Responsive Pleadings, which include a Motion to Dismiss pursuant to Rules 12(b)(1) and (6) of the Federal Rules of Civil Procedure and a Motion to Transfer Venue pursuant to 28 U.S.C. § 1404(a). Because Mr. Fahy's Motion

