

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

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MONTGOMERY BLAIR SIBLEY,)	
)	
	<i>Plaintiff,</i>)	
)	
	v.)	Case No. 1:15-cv-00730-JEB
)	
THE HONORABLE MITCH)	
MCCONNELL et al.,)	
)	
	<i>Defendants.</i>)	
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**MOTION TO DISMISS OF DEFENDANT
THE HONORABLE JOHN A. BOEHNER**

Pursuant to Federal Rule of Civil Procedure 12(b)(1), Defendant the Honorable John A. Boehner, Speaker of the United States House of Representatives, by and through undersigned counsel, hereby moves to dismiss Plaintiff Montgomery Blair Sibley’s claims against him, without leave to amend.

Speaker Boehner so moves for the reasons set forth in the Memorandum of Law in Support of Motion to Dismiss of Defendant the Honorable Mitch McConnell (June 3, 2015) (ECF No. 8-1). In doing so, however, the Speaker particularly urges this Court “to begin and end with the simplest ground to [dismiss] . . . : the Speech or Debate Clause.” *Rangel v. Boehner*, No. 14-5012, 2015 WL 2145743, at *2 (D.C. Cir. May 8, 2015) (dismissing, on Speech or Debate grounds, without considering alternative standing or political question deficiencies in case in which, as here, plaintiff complained about conduct entrusted by Constitution solely to House and Senate).

Speaker Boehner also particularly urges this Court to dismiss, rather than merely to remand, as Mr. Sibley may suggest. *Cf.* Pl.’s Mot. to Remand (May 26, 2015) (ECF No. 7) (denied without prejudice). To do otherwise would defeat the plain language, purpose, and intent of 28 U.S.C. § 1442, all of which indicate that Congress enacted § 1442 to allow a *federal* court to rule on the *federal* defenses of a *federal* defendant.

A proposed order is attached, and oral argument is not requested.

Respectfully submitted,

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/s/ Sarah Clouse

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Representatives*

June 3, 2015

² Attorneys in the Office of General Counsel for the U.S. House of Representatives are “entitled, for the purpose of performing the counsel’s functions, to enter an appearance in any proceeding before any court of the United States . . . without compliance with any requirements for admission to practice before such court[.]” 2 U.S.C. § 5571(a).

CERTIFICATE OF SERVICE

I certify that on June 3, 2015, I electronically filed the foregoing Motion To Dismiss Of Defendant the Honorable John A. Boehner via the CM/ECF system of the U.S. District Court for the District of Columbia, which I understand caused service on all registered parties. I further certify that I served one copy by first-class mail, postage prepaid, on:

Montgomery Blair Sibley
402 King Farm Boulevard
Rockville, MD 20850

/s/ Sarah Clouse

Sarah Clouse