

**IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF OKLAHOMA**

EDDIE ANDREWS, et al.,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 06-CV-460-TCK-PJC
)	
UNITED STATES, et al.,)	
)	
Defendants.)	

**DEFENDANT EDMONDSON’S RESPONSE IN OPPOSITION TO
PLAINTIFF ANDREWS’ MOTION TO STRIKE DEFENDANT
EDMONDSON’S MOTION TO DISMISS**

Defendant Edmondson, through the undersigned counsel, respectfully submits this Response in Opposition to Plaintiff Eddie Andrews’ motion requesting the Court to strike Defendant Edmondson’s motion to dismiss (Doc. 41) and respectfully requests that Plaintiff’s Andrews’ motion be denied.

Rule 12(f) of the Federal Rules of Civil Procedure states that a pleading or defense may be stricken if it contains an insufficient defense or "redundant, immaterial, impertinent, or scandalous matter." Plaintiff Andrews has not demonstrated that Defendant Edmondson’s motion contained any such defenses or matter. In fact, Defendant Edmondson’s dispositive motion was based on well-settled principles such as Eleventh Amendment immunity, the requirement that pleadings for relief contain a “short and plain statement” of the cause of action to give notice of the nature of the claim, and the requirement that a plaintiff alleging a constitutional cause of action show an affirmative link between a defendant and the alleged constitutional violation. The motion also was based upon Plaintiffs’ failure to demonstrate that the federal criminal statutes they cited provide them with a

private cause of action and their failure to meet the requirements for pleading conspiracy or RICO causes of action.

Although Plaintiff Andrews makes baseless and outlandish assertions in his motion to strike, he has failed to demonstrate that the defenses asserted in Defendant Edmondson's motion to dismiss were insufficient or contained "redundant, immaterial, impertinent, or scandalous matter." Plaintiff Andrews' apparent lack of comprehension of the defenses asserted does not constitute valid grounds for his motion to strike Defendant Edmondson's dispositive motion.

Based on these reasons, Plaintiff's motion should be denied.

Respectfully submitted,

s/ Linda Soper

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CERTIFICATE OF SERVICE

I hereby certify that on the 23rd day of October, 2006, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrant:

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I further certify that on the 23rd day of October, 2006, I served the attached document by mail on the following who are not registered participants of the ECF system:

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