

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JEAN MASSIE; SHIRLEY SOWELL;)	
DALE PEOPLES; ZETTA BRANDON;)	
ALINE REID; YUGONDA ALICE;)	Civil Action No. 06-1004
YEVORN GASKINS; AND)	
LOUISE BRANDON,)	Ambrose, J.
)	
PLAINTIFFS,)	
)	
v.)	
)	
)	
U.S. DEPT. OF HOUSING AND URBAN)	
DEVELOPMENT AND)	
ALPHONSO JACKSON,)	
)	
DEFENDANTS.)	

DEFENDANT’S MOTION TO DISMISS PURSUANT TO FED.R.CIV.P.
12(h)(3)

AND NOW, COME THE DEFENDANTS, the United States Department of Housing and Urban Development and Alphonso Jackson, by and through their attorneys Mary Beth Buchanan, United States Attorney for the Western District of Pennsylvania, and Gregory C. Melucci, Assistant United States Attorney for the District, and pursuant to Fed.R.Civ.P 12 (h)(3) respectfully moves to dismiss this case upon the suggestion that since the foreclosure upon the mortgages on Third East Hills Park Inc, that this Honorable Court now lacks subject matter jurisdiction over the lawsuit under

Article III of the U.S. Constitution, and that the claims are now moot.

A Memorandum of Law in support of Defendant's Motion is being filed forthwith.

Wherefore, Defendants respectfully request that this Honorable Court enter an order dismissing Plaintiff's Complaint, with prejudice.

Respectfully submitted,

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