

Fill-in-the-Blanks Motion to Dismiss Template (Federal Style)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF []

[Plaintiff's Full Name],

Plaintiff,

v.

[Defendant's Full Name],

Defendant.

Case No. []

DEFENDANT'S MOTION TO DISMISS PURSUANT TO FED. R. CIV. P. 12(b)(1) AND 12(b)(6)

NOW COMES Defendant, [Defendant's Name], by and through undersigned counsel, and respectfully moves this Honorable Court to dismiss Plaintiff's Complaint in its entirety for the following reasons:

I. INTRODUCTION

Plaintiff, [Plaintiff's Full Name], filed a complaint alleging [brief summary of allegations, e.g., breach of contract, retaliation, false imprisonment, etc.] against Defendant. However, the Complaint should be dismissed because it (1) fails to establish subject matter jurisdiction and (2) does not state a claim upon which relief can be granted under the applicable legal standards.

II. GROUNDS FOR DISMISSAL

A. Lack of Subject Matter Jurisdiction – Rule 12(b)(1)

This Court lacks jurisdiction because **[explain why: e.g., Plaintiff has no standing; there is no federal question; the claim is barred by sovereign immunity, etc.]**. Under *Lujan v. Defenders of Wildlife*, 504 U.S. 555 (1992), standing requires an injury that is “concrete and particularized” and “actual or imminent.”

[Insert optional supporting local precedent or statute: e.g., “Under [STATE or LOCAL RULE], Plaintiff must demonstrate that...”]

B. Failure to State a Claim – Rule 12(b)(6)

Even if jurisdiction were proper, the Complaint fails to meet the pleading standards set forth in *Ashcroft v. Iqbal*, 556 U.S. 662 (2009) and *Bell Atl. Corp. v. Twombly*, 550 U.S. 544 (2007). Plaintiff’s allegations consist of **[explain deficiencies: e.g., legal conclusions, vague assertions, insufficient facts]** and do not plausibly support any recognized cause of action under **[cite applicable law, e.g., 42 U.S.C. § 1983, Title VII, etc.]**.

[Optional Jurisdiction-Specific Rule Insert: e.g., “Under Local Rule [____], complaints must specify...”]

III. CONCLUSION

For the reasons stated above, Defendant respectfully requests that this Court:

1. Grant this Motion to Dismiss;
 2. Dismiss Plaintiff’s Complaint in its entirety **[with or without prejudice]**; and
 3. Award any other relief this Court deems just and proper.
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Respectfully submitted,

[Your Name]

[Law Firm Name]

[Bar Number if applicable]

[Address]

[Phone] | [Email]

Attorney for Defendant

Date: