

**THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

LINQUISTA WHITE, EMILY BELLAMY,
and JANICE CARTER,

Plaintiffs,

v.

KEVIN SHWEDO, in his official capacity as
the Executive Director of the South Carolina
Department of Motor Vehicles; and
RALPH K. ANDERSON III, in his official
capacity as the Chief Judge of the
South Carolina Administrative Law Court
and Director of the South Carolina Office of
Motor Vehicle Hearings,

Defendants.

Civil Action No.

2:19-cv-03083-RMG

**MOTION TO DISMISS
OF DEFENDANT ANDERSON**

Pursuant to Rules 12(b)(1) and (6), FRCP, the Defendant Ralph K. Anderson, III, as named herein, moves to dismiss the Complaint in this case because the Court lacks subject matter jurisdiction and the Plaintiffs have failed to state a claim upon which relief can be granted for the following reasons:

1. This suit against Judge Anderson is barred by legislative immunity.
2. This suit against Judge Anderson is barred by absolute judicial immunity.
3. No case or controversy exists as to Judge Anderson.
4. The named Plaintiffs lack standing to bring this action.
5. This case is barred by the *Rooker-Feldman* and *Heck* doctrines and by res judicata.
6. *Younger v. Harris* abstention precludes this action against Judge Anderson.
7. Plaintiffs failed to appear at their criminal trials.

Respectfully submitted,

ALAN WILSON
Attorney General
Federal ID No.10457

ROBERT D. COOK
Solicitor General
Federal ID No. 285
Email: RCook@scag.gov

/s/ J. Emory Smith, Jr.
J. EMORY SMITH, JR.
Deputy Solicitor General
Federal ID No. 3908
Email: ESmith@scag.gov

January 10, 2020

Counsel for Defendant Anderson