

**IN THE CIRCUIT COURT OF PULASKI COUNTY, ARKANSAS
FOURTH DIVISION**

MATTHEW CAMPBELL

Plaintiff

v.

Case No. 60CV-23-6636

ARKANSAS STATE POLICE

Defendant

THE ARKANSAS STATE POLICE’S MOTION TO DISMISS

The Arkansas State Police (ASP), for its motion to dismiss the Plaintiff’s complaint, states:

1. The Plaintiff’s complaint should be dismissed under Arkansas Rule of Civil Procedure 12(b).
2. The Plaintiff has failed to serve the ASP, so this Court lacks jurisdiction over it.
3. The Plaintiff did not “immediately” appeal the denial of his first FOIA request because he waited 70 days to file the complaint. The Court thus lacks jurisdiction.
4. The ASP is an improper party because it is not the custodian of the records, and it did not allegedly deny the Plaintiff’s FOIA rights.
5. A brief in support is being filed contemporaneously with this motion and is incorporated by reference.

WHEREFORE, the ASP asks the Court to grant its motion to dismiss, dismiss the Plaintiff’s complaint, and grant all other relief to which it is entitled.

Respectfully submitted,

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Attorney General

By: /s/ Noah P. Watson
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CERTIFICATE OF SERVICE

I certify that on September 13, 2023, I electronically filed the foregoing document to the eFlex filing system, which notifies the eFlex participants, and e-mailed it to the case participants.

/s/ Noah P. Watson
Noah P. Watson