

**IN THE DISTRICT COURT FOR
THE DISTRICT OF KANSAS**

UNITED STATES OF AMERICA,

Plaintiff,

v.

STATE OF KANSAS,

Defendant.

Case No. 5:26-cv-04066

MOTION TO DISMISS

In accordance with this Court's June 25, 2026 Order and Federal Rule of Civil Procedure 24(c), Proposed Intervenor Governor Kelly files this motion respectfully asking the Court to dismiss Plaintiff's Complaint with prejudice pursuant to Federal Rules of Civil Procedure 12(b)(6) for failure to state a claim upon which relief can be granted. A brief in support of this motion in accordance with Local Rule 7.1 is filed herewith.

(signatures on next page)

Respectfully submitted this 2nd day of July, 2026.

s/ Justin Whitten

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