

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

MICHELE WHITE,

Plaintiff,

v.

Case No. 3:24-cv-00725-HEH

**JASON S. MIYARES,
JOSHUA N. LIEF,
MARK P. DE ALMEIDA, and
HOWARD MULHOLLAND,**

Defendants.

**MOTION TO DISMISS
BY DEFENDANTS JASON S. MIYARES AND JOSHUA N. LIEF**

Pursuant to Federal Rule of Civil Procedure 12(b)(6), Defendants Jason S. Miyares and Joshua N. Lief move the Court to dismiss Count II of the Complaint and Count III of the Complaint as to Defendants Miyares and Lief. As explained in the accompanying Memorandum of Law, nearly all of the alleged actions taken by Defendants Miyares and Lief fall within the scope of absolute prosecutorial immunity under both federal and state law. The remaining allegations cannot support a claim for relief or, in the alternative, Defendants Miyares and Lief are entitled to qualified immunity for those remaining allegations.

DATED: December 6, 2024

/s/ Lewis F. Powell III

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CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of December, 2024, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing to the following:

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