

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON**

**STEPHEN BASHAM, PHILIP KASO,
RODERICK PATTON, individually and
on behalf of all those similarly situated,**

Plaintiffs,

**Civil Action No. 2:26-cv-00408
Hon. Thomas E. Johnston**

v.

**JAMES L. MITCHELL, in his
official capacity as Superintendent
of West Virginia State Police,**

Defendant.

DEFENDANT JAMES L. MITCHELL’S MOTION TO DISMISS

Pursuant to Federal Rule of Civil Procedure 12(b)(6), Defendant James L. Mitchell respectfully moves the Court to dismiss Plaintiff’s Amended Complaint, ECF No. 3. This Motion is made on the grounds detailed in the accompanying Memorandum of Law.

Respectfully submitted,

/s/ Gregory A. Elam

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