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 11
 12 **UNITED STATES DISTRICT COURT**
 13 **NORTHERN DISTRICT OF CALIFORNIA**
 14 **SAN FRANCISCO DIVISION**

15
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 17 IN RE NATIONAL SECURITY AGENCY)
 TELECOMMUNICATIONS RECORDS)
 18 LITIGATION)

No. M:06-cv-01791-VRW
EXHIBIT 2 TO SUPPLEMENTAL
MEMORANDUM IN SUPPORT OF
DEFENDANTS' MOTION TO
DISMISS

19 _____)
 20 This Document Relates Solely To:)

DEFENDANTS' MOTION TO
DISMISS

21 *Guzzi v. Obama et al.*)
 (Case No. 06-cv-06225-VRW))
 22 _____)

Chief Judge Vaughn R. Walker

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

MARK E. GUZZI,)	
)	
Plaintiff,)	
)	Civil Action No. 06-136 (JEC)
v.)	
)	
PRESIDENT GEORGE W. BUSH,)	
LTG KEITH B. ALEXANDER,)	
NATIONAL SECURITY AGENCY,)	
)	
Defendants.)	
_____)	

DEFENDANTS' MOTION TO DISMISS

President George W. Bush, Lieutenant Keith B. Alexander, and the National Security Agency, by and through their counsel, hereby move to dismiss this action under Federal Rule of Civil Procedure 12(b)(1) for lack of subject matter jurisdiction. A memorandum of law in support of this motion is filed herewith.

Respectfully submitted,

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Counsel for Defendants

DATED: July 18, 2006

CERTIFICATE OF COMPLIANCE

I certify that the documents to which this certificate is attached have been prepared with one of the font and point selections approved by the Court in L.R. 5.1B (Times New Roman, 14 pt.) for documents prepared by computer.

This 18th day of July 2006.

s/ Renée S. Orleans _____
Renée S. Orleans

CERTIFICATE OF SERVICE

I certify that I have this day served the **Defendants' Motion to Dismiss and Supporting Memorandum**, by causing copies to be deposited in the United States

Mail addressed as follows:

Mark E. Guzzi
271 Providence Oaks Circle
Alpharetta, Georgia 30004

This 18th day of July 2006.

s/ *Renée S. Orleans*

Renée S. Orleans