

Civil Action No. 2 -cv- -
(write case number here)

V.

MOTION TO VOLUNTARILY DISMISS THE PLAINTIFF'S CLAIM THREE
FOR DAMAGES AGAINST DEFENDANTS IN THEIR OFFICIAL CAPACITIES

(check one box below)
[] The Defendant is in receipt of Court Order or Motion to Dismiss:

~~CERTIFICATE OF SERVICE~~

sign and
date here.

¹ Absent waiver by the state or valid congressional override, the Eleventh Amendment bars a damages claim against a State in federal Court. *Kentucky v. Graham*, 473 US 159, 169 (1985); state officials sued in their official capacities for monetary damages are not 'persons' subject to suit under §1983. *Will v. Mich. Dept of State Police*, 491 US 58, 71 (1989)