

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

ABDUL-HAKIM SHABAZZ,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 1:22-cv-00268-JRS-MPB
	)	
TODD ROKITA, in his official capacity	)	
as Attorney General of the State of	)	
Indiana,	)	
	)	
Defendant.	)	

**MOTION TO DISMISS**

Attorney General Todd Rokita, in his official capacity and by counsel, moves this Court to dismiss Plaintiff's complaint under Federal Rules of Civil Procedure 12(b)(1) and (b)(6). Defendant states the following in support:

1. On February 7, 2022, Plaintiff filed a complaint for injunctive and declaratory relief against the Attorney General, alleging that Plaintiff was not permitted to attend a limited-in person press event on October 14, 2021, hosted by the Office of the Indiana Attorney General, even though the event was livestreamed for the public. And since that time, Plaintiff alleges "he has been barred by Attorney General Rokita from the Attorney General's press conferences," in violation of the First Amendment. ECF 1 at 1.

2. The Court should dismiss Plaintiff's suit under Rule 12(b)(6) because his factual allegations demonstrate no First Amendment violation. The First Amendment does not grant Plaintiff a right to hear a government official deliver a

message in person, as opposed to through a livestream. Further, there is no right to interact with a government official at a press conference under the First Amendment. No federal court has ever ordered a public official to take and answer questions from a particular journalist or news commentator, or held that the First Amendment is implicated by a public official not taking questions from a particular journalist.

3. The Court also should dismiss Plaintiff's suit under Rule 12(b)(1) because Plaintiff is requesting an injunction, but his complaint affirmatively demonstrates that he lacks sufficient grounds to claim a likelihood of future injury that can justify federal jurisdiction to entertain his claim for relief. Plaintiff's only basis for asserting future injury is the Attorney General's past conduct, not a concrete threat of future action. But past conduct can justify a claim for injunctive relief only where that past conduct was itself illegal. Here, that past conduct was not illegal, so Plaintiff has no grounds for seeking forward-looking relief.

4. The Court should dismiss the case for these reasons explained in more detail in the accompanying memorandum.

WHEREFORE, the Attorney General respectfully requests the Court dismiss Plaintiff's complaint for lack of subject matter jurisdiction and for failure to state a claim upon which relief may be granted.

Respectfully submitted,

THEODORE E. ROKITA  
Attorney General of Indiana

Date: March 2, 2022

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