

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA**

JANE DOE, JOHN DOE, MARY ROE,)
RICHARD ROE, INDIVIDUALLY AND)
ON BEHALF OF BABY DOE,)

Plaintiffs,)

v.)

MIKE HUNTER,¹ in his official capacity as)
Oklahoma Attorney General; TODD)
HEMBREE, in his official capacity as)
Cherokee Nation Attorney General; and)
ED LAKE, in his official capacity as the)
Director of the Department of Human)
Services,)

Defendants.)

Case No. 15-CV-471-JED-FHM

ORDER

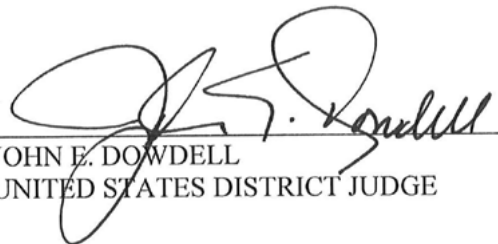
Before the Court are two dismissal motions filed by the former Oklahoma Attorney General, E. Scott Pruitt. (Doc. 18, 31). In light of the substitution of Oklahoma Attorney General Hunter as a party, the dismissal motion is considered as pending on his behalf. The former Oklahoma Attorney General was named as a defendant in the plaintiffs' initial Complaint (Doc. 2), based upon a theory that the Oklahoma Attorney General was "legally obligated to ensure the provisions of the Oklahoma Indian Child Welfare Act are enforced." (Doc. 2 at ¶ 10). After the dismissal motion was filed (Doc. 18), the plaintiffs filed an Amended Complaint (Doc. 22), and the Oklahoma Attorney General filed a motion (Doc. 31) to dismiss that amended pleading. In

¹ The former Oklahoma Attorney General, E. Scott Pruitt, was sued in his official capacity. On February 17, 2017, the United States Senate confirmed Mr. Pruitt as the Administrator of the Environmental Protection Agency. Mike Hunter is now the Oklahoma Attorney General. Pursuant to Fed. R. Civ. P. 25(d), the Court Clerk is directed to substitute Mike Hunter, in his official capacity as the Oklahoma Attorney General, on the docket of this case.

light of the filing of the amendment and the motion to dismiss the amended pleading, the Court finds that the initial dismissal motion (Doc. 18) is **moot**.

Although the Amended Complaint continues to include the former Oklahoma Attorney General in the style of the case, it contains no substantive allegations against him. (*See* Doc. 22). In addition, the plaintiffs did not respond to or oppose either of the Attorney General's dismissal motions. (Doc. 18 or 31). The Court has reviewed the legal arguments raised in the dismissal motion directed to the Amended Complaint and concludes that the suit against the Oklahoma Attorney General should be dismissed. It is therefore ordered that Oklahoma Attorney General's Motion to Dismiss the plaintiffs' Amended Complaint (Doc. 31) is hereby **granted**, and the Court Clerk shall reflect that Attorney General Mike Hunter has been terminated as a party to this action.

SO ORDERED this 31st day of March, 2017.



JOHN E. DOWDELL
UNITED STATES DISTRICT JUDGE