

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
(Alexandria Division)**

FARHAN MOHAMOUD TANI WARFAA, :

Plaintiff, :

versus : **Civil Action No. 1:05-cv-00701 (LMB/JFA)**

YUSUF ABDI ALI, :

Defendant. :

DEFENDANT’S RENEWED MOTION TO DISMISS

COMES NOW, before this Honorable Court, the Defendant in respect of the above-encaptioned matter, *viz.*, Yusuf Abdi Ali, by and through his undersigned counsel, *viz.*, Joseph Peter Drennan, and, pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure, respectfully, and hereby and herewith interposes his Renewed Motion to Dismiss the Amended Complaint¹ of Plaintiff Farhan Mohamoud Tani Warfaa², for lack of subject-matter jurisdiction pursuant to the political questions and act of state doctrines and pursuant to common law immunity.

Pursuant to Federal Rule 12(b)(6) of the Federal Rules of Civil Procedure, Defendant further moves this Court to dismiss Plaintiff’s claims for failure to state a claim upon which relief can be granted, in that Plaintiff’s claims are time-barred, and in that Plaintiff failed to state

¹ As per the instructions adverted to in this Honorable Court’s Order of 25 April 2014 [Document 87], lifting the stay of the instant action and granting Plaintiffs leave to interpose an amended complaint, Plaintiff’s did, on 9 May 2014, file an Amended Complaint [Document 89], which merely drops Plaintiff Jane Doe from the subject lawsuit and reveals the remaining Plaintiff’s alleged identity, with the subject allegations unchanged from the initial Complaint filed in the instant docket on 13 June 2005 [Document 1].

² The instant motion represents a *Renewed* Motion to Dismiss inasmuch as Plaintiff’s Motion to Dismiss [Document 23, filed on 20 July 2005] has not been ruled upon by this Honorable Court.

claims cognizable under the Alien Tort Statute, 28 U.S.C. § 1350, and the Torture Victims Protection Act, 28 U.S.C. § 1350 note.

Pursuant to the provisions of Local Rule 7(E), the undersigned represents that he has conferred with Plaintiff's counsel seeking Plaintiff's consent to the instant motion and that Plaintiff's counsel has indicated that Plaintiff does not consent to the instant motion.

A Brief in Support of Defendant's Renewed Motion to Dismiss will accompany the instant Motion.

WHEREFORE, Defendant respectfully requests that this Honorable Court enter an ORDER DISMISSING Plaintiff's Amended Complaint pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6), and granting such other and further relief as may be just and fitting.

Respectfully submitted,

Dated: 30 May 2014

/s/ Joseph Peter Drennan
JOSEPH PETER DRENNAN
VSB # 023894
218 North Lee Street
Third Floor
Alexandria, Virginia 22314
E-mail: joseph@josephpeterdrennan.com
Telephone: (703) 519-3773
Telecopier: (703) 548-4399

ATTORNEY AND COUNSELLOR
FOR YUSUF ABDI ALI

CERTIFICATE OF SERVICE

I, Joseph Peter Drennan, hereby certify that, on this 30th day of May 2014, I caused to be served a true and correct copy of the foregoing Defendant's Renewed Motion to Dismiss Plaintiff's Amended Complaint, electronically, via this Honorable Court's CM/ECF System, unto:

Tara M. Lee, Esquire
Joseph C. Davis, Esquire
DLA Piper LLP (US)
One Fountain Square
11911 Freedom Drive, Suite 300
Reston, Virginia 20190.

/s/ Joseph Peter Drennan
JOSEPH PETER DRENNAN