

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	No. 3:05-00185
v.)	
)	Judge Trauger
TIMOTHY RYAN RICHARDS,)	
)	
Defendant.)	

**GOVERNMENT’S MOTION
TO DISMISS PETITION FOR AJUDICATION**

Comes now the Government, by and through Edward M. Yarbrough, United States Attorney for the Middle District of Tennessee, and Debra Teufel Phillips, Assistant United States Attorney, and respectfully moves this Court for an order dismissing the petition filed by third party claimants Belinda Flannery and Deward Flannery as it is time barred, claimants lack standing, and have failed to state a claim. This motion is based upon the record and the Government’s Memorandum of Law filed concurrently herewith.

EDWARD M. YARBROUGH
United States Attorney for the
Middle District of Tennessee

BY: /s Debra Teufel Phillips
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Attorneys for United States of America

CERTIFICATE OF SERVICE

The hereby certify that on this 25th day of October, 2007, a copy of the foregoing Motion to Dismiss was filed electronically. Notice of this filing will be sent to the following, if registered, by operation of the Court's electronic filing system. If not registered, notice was mailed by U.S. mail, certified, return receipt requested, to:

Belinda Flannery
Rungo Academy
1969 Sunset Point Road
Clearwater, FL 33765

Deward Flannery
Rungo Academy
1969 Sunset Point Road
Clearwater, FL 33765

/s DEBRA TEUFEL PHILLIPS
DEBRA TEUFEL PHILLIPS