

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

ALEXANDRA “SONDRA” WILSON Plaintiff, vs. STATE OF IOWA, and KIM REYNOLDS FOR IOWA, Defendants.	CASE NO. LACL157953 DEFENDANT STATE OF IOWA’S MOTION TO DISMISS AMENDED PETITION
---	--

COMES NOW Defendant the State of Iowa (“the State”), by and through its attorney, Assistant Attorney General Christopher J. Deist, and moves this Court to dismiss Plaintiff Alexandra “Sondra” Wilson’s claims against the State contained within her July 22, 2024 Amended Petition, pursuant to Iowa Rule of Civil Procedure 1.421. In support of its motion, the State argues the following:

INTRODUCTION

Two months after the State moved to dismiss her original Petition, Plaintiff filed her Amended Petition, which she purported would address the legal arguments raised in the State’s motion.¹ *See* D0029 (“Am. Pet.”); D0014, ¶ 3 (“Asst. Gen. Deist raised numerous arguments

¹ On July 23, 2024, Plaintiff filed an “Amended Petition with Minor Corrections.” *See* D0030. Plaintiff did not separately move to amend her July 22nd Amended Petition, as required under Iowa Rule of Civil Procedure 1.402(5). Nor did Plaintiff provide a redlined copy denoting what “minor corrections” she has made. Based on an electronic comparison, the State has identified at nearly 400 changes from the July 22nd Amended Petition and her revised version, including over 250 replacements, over 80 insertions, and over 50 deletions. *See* Attachment A (Compare Report). Plaintiff was given substantial time to draft her Amended Petition, including two extensions by the Court. *See* D0021; D0027. While the State is sympathetic to the fact that Plaintiff is proceeding pro se, Iowa courts have consistently held that pro se litigants should not be held to a lower standard than attorneys in complying with court deadlines and the rules of procedure. *See generally, Kubik v. Burk*, 540 N.W.2d 60, 63 (Iowa Ct. App. 1995) (“The law does

which could be addressed ahead of time via an Amended Petition.”). But despite Plaintiff’s efforts, her Amended Petition is somehow even less clear than her original Petition and suffers many of the same legal infirmities. The Amended Petition largely reasserts the same scattershot of allegations, which extend from allegations about local law enforcement officials, private businesses, various state officials and agencies, and political campaigns. *See generally*, Am. Pet. Only now, it is less clear what legal claims Plaintiff is raising in this action.² Compare Am. Pet. with D0001 (“Pet.”). As best can be determined and in the interest of completeness, the State believes the Amended Petition contains the following legal claims against the State³:

- Negligence based on alleged deficiencies in the Iowa Rules of Professional Conduct. *See* Am. Pet., ¶¶ 23, 71.
- “Abuse of power” based on District Court Judge Steven Van Marel finding Plaintiff guilty during a bench trial on a misdemeanor case, as well as Judge Van Marel’s alleged failure to recuse himself from the case. *Id.*, ¶¶ 28, 69.
- Violation of 18 U.S.C. § 241, § 242, and the Iowa Civil Rights Act based on the Iowa Legislature passing an amendment to Iowa Code chapter 216 following the Iowa

not judge by two standards, one for lawyers and another for lay persons. Rather all are expected to act with equal competence.”). As such, the State moves this Court to strike Plaintiff’s July 23, 2024 filing and proceed with the July 22, 2024 Amended Petition as the operative petition in this matter. *See* Iowa R. Civ. P. 1.434.

² While Plaintiff has attempted to reformat her Amended Petition into numbered paragraphs, often, each paragraph contains several allegations. Further, the Amended Petition still does not set out her legal claims in distinct clear counts.

³ The State notes that the Amended Petition also contains numerous allegations and possible legal claims raised against various individuals and entities outside of the State. This includes allegations related to various local law enforcement officials (*see* Am. Pet., ¶¶ 19-26, 29), various private businesses or individuals (*see id.*, ¶¶ 26, 30, 35, 37, 52-56), and unnamed alleged offenders completely outside the State of Iowa (*see id.*, ¶ 33).

Supreme Court's decision in *Good v. Iowa Department of Human Services*, 924 N.W.2d 853 (Iowa 2019). *Id.*, ¶¶ 39-40, 44.

- Violation of 42 U.S.C. § 1983 based on alleged violation of Plaintiff's rights under the Ninth Amendment to the U.S. Constitution again related to the amendment to Iowa Code chapter 216 following the *Good* decision. *Id.*, ¶¶ 41-43.
- Violation of 18 U.S.C. § 241 and common law defamation based on statements by a spokesperson for Governor Kim Reynolds following the district court decision in *Vazquez v. Iowa Department of Human Services*, Polk County Case No. CVCV061729. *Id.*, ¶¶ 45-47.
- Violation of rights based on the State's decision to appeal the district court ruling in *Vasquez*. *Id.*, ¶ 48.
- Violation of Iowa Code chapter 729A based on the amendment to Iowa Code chapter 216 and the State's appeal of the district court ruling in *Vasquez*. *Id.*, ¶ 51.
- Fraudulent misrepresentation based on the Iowa Civil Rights Commission's ("ICRC") handling of her civil rights complaint against two Ames-based businesses. *Id.*, ¶¶ 52-57.
- Violation of Plaintiff's due process rights based on the ICRC's procedures for requesting a right-to-sue letter and receiving a complainant's full case file. *Id.*, ¶ 61.
- Defamation based on statements made by Governor Reynolds related to Bud Light cans featuring "real women." *Id.*, ¶ 76.
- "Overt acts of furtherance" based on various legislative initiatives by the Governor and the Iowa Legislature, including aspects of the realignment of state government. *Id.*, ¶¶ 77-80.

- Violation of Iowa Code § 706A.2 based on “continuous acts of misconduct, harassment of transgender persons in general, and malicious behavioral patterns which adversely impact transgender Iowans particularly—rights violations and defamation.” *Id.*, ¶ 83.

Plaintiff also appears to invoke § 1983 as an umbrella basis for the above-listed claims against the State. *Id.*, ¶ 85. While Plaintiff mentions her tort claim filing with the State Appeal Board, she also acknowledges that, to date, the Iowa Attorney General has yet to make final disposition of her tort claim, nor has she requested her claim be withdrawn from the State Appeal Board. *Id.*, ¶¶ 1-6.

Much like her original Petition, Plaintiff’s grab-bag of legal claims against the State within her Amended Petition fail as a matter of law for several reasons. First, to the extent Plaintiff seeks to raise a private cause of action for violation of 42 U.S.C. §§ 241 and 242, those criminal statutes do not create a private cause of action for civil damages, and thus Plaintiff fails to state a cognizable claim. Second, Plaintiff fails to plead sufficient facts to support a valid claim against the State for violations of Iowa Code chapters 706A and 729A. Third, Plaintiff’s claims under 42 U.S.C. § 1983 fail because the State is not a proper party to a § 1983 claim. Fourth, Plaintiff’s remaining tort claims fail because Plaintiff has not satisfied the procedural requirements under the Iowa Tort Claims Act before bringing her claims here. Fifth, Plaintiff’s negligence claim is barred by the public-duty doctrine. Sixth, Plaintiff’s claims of defamation, fraudulent misrepresentation, and “deprivation of due process” are barred by the Iowa Tort Claims Act and the doctrine of sovereign immunity. And finally, Plaintiff’s claim of “abuse of power” is barred by judicial process immunity.

For these reasons, as explained more fully below, this Court should grant the State’s motion and dismiss Plaintiff’s claims against the State in their entirety.

LEGAL STANDARD

Rule 1.421 provides for dismissing a petition that fails to state a claim upon which relief may be granted. *See* Iowa R. Civ. P. 1.421(1)(f). “A motion to dismiss is sustainable only when it appears to a certainty that the plaintiff would not be entitled to relief under any state of facts that could be provided in support of the claims asserted.” *Mlynarik v. Bergantzel*, 675 N.W.2d 584, 586 (Iowa 2004) (quoting *Albrecht v. Gen. Motors Corp.*, 648 N.W.2d 87, 89 (Iowa 2002)) (internal quotation marks omitted). A motion to dismiss is reviewed with the allegations of the petition viewed in the light most favorable to the plaintiff. *See Tate v. Derifield*, 510 N.W.2d 885, 887 (Iowa 1994).

ARGUMENT

As stated previously, Plaintiff raises several claims against the State, each of which has at least one legal infirmity warranting dismissal as a matter of law. The State will address each separately.

I. Plaintiff cannot bring a private cause of action based on alleged violations of federal criminal civil rights statutes.

As in her original Petition, Plaintiff’s Amended Petition challenges the State’s decision to amend Iowa Code § 216.7 in response to the Iowa Supreme Court’s ruling in *Good* and to appeal a ruling from the Iowa District Court for Polk County striking that amendment as unconstitutional. *See* Am. Pet., ¶¶ 39-40, 44. According to Plaintiff, these actions by the State constitute violations of 18 U.S.C. § 241 and § 242. *Id.*, ¶ 39.

Title 18 of the U.S. Code sets out federal crimes and criminal procedure. *See* 18 U.S.C. Under chapter 13 of Title 18, Congress has set forth various federal crimes related to the violation of civil rights. *See* 18 U.S.C. §§ 241-250. This includes sections 241 and 242.

But these “federal *criminal* statutes...cannot provide a basis for any private cause of action” by Plaintiff against the State. *Roberson v. Pearson*, 2012 WL 4128303, at *1 (D. Minn. Aug. 27, 2012) (emphasis by court) (citing *United State v. Wadena*, 152 F.3d 831, 846 (8th Cir. 1998) (“Courts repeatedly have held that there is no private right of action under § 241); *Newcomb v. Ingle*, 827 F.2d 675, 677, n.1 (10th Cir. 1987) (“Section 241 is a criminal statute prohibiting acts of conspiracy against the rights of citizens, and it does not provide for a private civil cause of action.”); *Cok v. Consentino*, 876 F.3d 1, 2 (1st Cir. 1989) (“Only the United States as prosecutor can bring a complaint under 18 U.S.C. §§ 241-42”); *Lang v. Quinlan*, 1993 WL 129675, at *4 (5th Cir. 1993) (“Section 241, which criminalizes conspiracies to deprive a person of ‘any right or privilege secured to him by the Constitution or laws of the United States,’ does not give rise to a private cause of action.”)). Because sections 241 and 242 do not contain a private right of action, Plaintiff cannot bring a cognizable claim under either section, and her claims must be dismissed.⁴

II. Plaintiff has failed to plead valid claims under Iowa Code chapters 706A and 729A.

In a similar vein to her federal statutory claims, Plaintiff also alleges that the State’s actions, pertaining to Iowa Code § 216.7 and more generally towards the civil rights of transgender Iowans and Iowans as a whole, violate Iowa Code chapters 706A and 729A. Though generally criminal provisions, both chapters do afford civil remedies for victims against violators. *See* Iowa Code §§ 706A.3; 729A.5. But Plaintiff has failed to plead sufficient factual allegations to show a viable claim under either statute against the State.

Unlike her original Petition, Plaintiff does not articulate what specific actions by the State serve as the basis for her 729A claim. *See* Am. Pet., ¶ 51. That said, given the prior context of her

⁴ To the extent Plaintiff attempts to raise her §§ 241 and 242 claims under the umbrella of a § 1983 claim (*see* Am. Pet., ¶ 43), the claims still fail for the reasons discussed *supra* Part III.

original Petition and with the preceding paragraphs of her Amended Petition, it seems Plaintiff is alleging that the State violated Iowa Code § 729A.1 when the Legislature amended the Iowa Civil Rights Act in response to the *Good* decision and when the State elected to appeal the district court's ruling in *Vasquez/Covington v. Iowa Department of Human Services. Id.*, ¶¶ 39-41, 48-50. Section 729A.1 states,

Persons within the state of Iowa have the right to be free from any violence, or intimidation by threat of violence, committed against their persons or property because of their race, color, religion, ancestry, national origin, political affiliation, sex, sexual orientation, age, or disability.

Neither of the actions challenged by Plaintiff here can reasonably be considered either an act of violence or a threat of violence. As such, Plaintiff has not alleged a cognizable violation of her rights under § 729A.1.

Plaintiff fares no better with her claim under chapter 706A. Iowa Code § 706A.2 outlines violations for “specified unlawful activity,” which are defined under § 706A.1 as “any act, including any preparatory or completed offense, committed for financial gain on a continuing basis, that is punishable as an indictable offense under the laws of the state in which it occurred and under the laws of this state.” Iowa Code § 706A.1(5). The Legislature amending a statute is not an indictable offense under Iowa law—it is, in fact, squarely within the constitutional authority of the Legislature. *See* Iowa Const., art. 3, § 1. Similarly, the State's decision to exercise its right to appeal an adverse ruling, under the Iowa Rules of Appellate Procedure, is not an indictable offense. Plaintiff may disagree with the State's actions here for personal, moral, and/or policy reasons, but that does not make them criminal acts subject to chapter 706A. For these reasons, Plaintiff's state statutory claims must be dismissed as a matter of law.

III. Plaintiff’s § 1983 claim fails because the State is not a proper party to such a claim.

Plaintiff also seeks to raise a sweeping set of claims under the umbrella of 42 U.S.C. § 1983.⁵ Section 1983 states:

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress...

42 U.S.C. § 1983. When § 1983 claims are brought in federal court, the State and its agencies are protected by Eleventh Amendment immunity. *See Will v. Mich. Dept. of State Police*, 491 U.S. 58, 68-69 (1989); *Quern v. Jordan*, 440 U.S. 332, 345 (1979); *Kruger v. Nebraska*, 820 F.3d 295, 302 (8th Cir. 2016). That said, the Eleventh Amendment is “inapplicable to suits filed in state courts.” *Harrington v. Schossow*, 457 N.W.2d 583, 586 (Iowa 1990).

But federal courts have also held that “states are not ‘persons’ for purposes of section 1983 litigation.” *Will*, 491 U.S. at 70. Iowa courts have adopted this interpretation and applied it to shield the State from § 1983 claims when brought in Iowa state courts. *See Harrington*, 457 N.W.2d at 586. For this reason, Plaintiff’s § 1983 claim fails as a matter of law.⁶

⁵ It is unclear if Plaintiff intends to package all her claims under § 1983.

⁶ To the extent Plaintiff attempts to also wrap in various state law claims under her § 1983 claim, such claims also fail because § 1983 claims are limited to deprivation or violation of federal rights. *See* 42 U.S.C. § 1983 (providing cause of action for “the deprivation of rights, privileges, or immunities secured by the Constitution and laws” of the United States); *West v. Atkins*, 487 U.S. 42, 48 (1988) (holding a plaintiff “must allege the violation of a right secured by the Constitution and laws of the United States” to state a claim under § 1983); *Flynn v. Sandahl*, 58 F.3d 283, 290 (7th Cir. 1995) (affirming dismissal of a § 1983 claim predicated on an alleged violation of the Illinois Constitution).

IV. Plaintiff's tort claims are barred because Plaintiff failed to exhaust her administrative remedies under the Iowa Tort Claims Act.

Plaintiff also raises several tort claims against the State. *See* Am. Pet., ¶¶ 23, 28, 45-47, 52-57, 76. Tort claims against the State and state officials when acting within the scope of their employment are governed by the Iowa Tort Claims Act (“ITCA”), codified at Iowa Code chapter 669. The ITCA “provides a limited waiver of the State’s sovereign immunity.” *Hook v. Trevino*, 839 N.W.2d 434, 439 (Iowa 2013); *see also Drahaus v. State*, 584 N.W.2d 270, 272 (Iowa 1998) (“Private citizens now have the right to sue the State, ‘but only in the manner and to the extent to which consent has been given by the legislature.’”) (quoting *Swanger v. State*, 445 N.W.2d 344, 346 (Iowa 1989)). But before suit can be filed under the ITCA in district court, a plaintiff must exhaust his or her administrative remedies under the Act. *See* Iowa Code § 669.5; *Rivera v. Woodward Res. Cntr.*, 830 N.W.2d 724, 727-28 (Iowa 2013).

The ITCA “requires a two-step process to initiate a lawsuit against the state in tort.” *Rivera*, 830 N.W.2d at 728. First, a plaintiff must “submit the claim for administrative consideration.” *Id.* Then, “if the administrative process fails to resolve the claim,” the plaintiff can file in district court. *Id.* The ITCA affords at least six-months for the Attorney General to complete her administrative review of the claim. *Id.*; *see also* Iowa Code § 669.5(1). After six months, if the Attorney General has not made final disposition of the claim, the plaintiff can withdraw the claim from the State Appeal Board and proceed with suit in district court. *See* Iowa Code § 669.5(1). But, importantly, a plaintiff “is not permitted to file a lawsuit in district court pending the completion of the administrative review.” *Rivera*, 830 N.W.2d at 728; *see also Bensley v. State*, 468 N.W.2d 444, 445-46 (Iowa 1991). Until and unless a plaintiff has exhausted his or her administrative remedies under the ITCA, the Court lacks subject matter jurisdiction over the claim. *See Anderson v. State*, 2 N.W.3d 807, 813 (Iowa 2024).

Here, Plaintiff satisfied the first step by filing a tort claim with the Department of Management on September 11, 2023. *See* Am. Pet., ¶ 1. But, critically, to date, the Attorney General has yet to make a final disposition of Plaintiff’s claim, nor has Plaintiff withdrawn her claim from administrative review. Indeed, Plaintiff concedes this point. *Id.*, ¶ 5. Instead, Plaintiff argues that she should be excused for this procedural misstep solely because she is a pro se plaintiff. *Id.*, ¶ 6. But the ITCA provides no such exception. *See generally*, Iowa Code ch. 669. Nor do Iowa courts “utilize a deferential standard when persons choose to represent themselves.” *Kubik v. Burk*, 540 N.W.2d 60, 63 (Iowa Ct. App. 1995). “The law does not judge by two standards, one for lawyers and another for lay persons. Rather all are expected to act with equal competence.” *Id.* “If lay persons choose to proceed pro se, they do so at their own risk.” *Metro. Jacobsen Dev. Venture v. Bd. of Review of Des Moines*, 476 N.W.2d 726, 729 (Iowa Ct. App. 1991).

Plaintiff concedes that the Attorney General has not yet made final disposition of her pending tort claim and that she has not yet requested withdrawal of her tort claim from the State Appeal Board. As such, Plaintiff has failed to exhaust her administrative remedies, and her tort claims against the State must be dismissed as a matter of law.

V. Plaintiff’s negligence claim is barred by the public-duty doctrine.

Plaintiff’s negligence claim also fails because it is barred by the public-duty doctrine. Plaintiff alleges the State is negligent for what she believes to be a failure to properly regulate attorneys under the Iowa Rules of Professional Conduct. *See* Am. Pet., ¶¶ 23, 71. According to Plaintiff, the State “enabled” her to be “defrauded” by her criminal defense attorney in her Story County criminal case. *Id.*, ¶ 23. Plaintiff further claims the State “recklessly endangers attorney clients” because the Rules of Professional Conduct “do not require attorneys to obtain clients’ signatures in order to change their pleas or file motions” nor are attorneys “required to submit motions to their clients for review.” *Id.*, ¶ 71.

“Under the public-duty doctrine, ‘if a duty is owed to the public generally, there is no liability to an individual member of that group.’” *Est. of McFarlin v. State*, 881 N.W.2d 51, 58 (Iowa 2016) (quoting *Kolbe v. State*, 625 N.W.2d 721, 729 (Iowa 2001)). The Iowa Supreme Court has “routinely held that a breach of a duty *owed to the public at large* is not actionable *unless the plaintiff can establish, based on the unique or particular facts of the case, a special relationship between the State and the plaintiff* consistent with the rules of Restatement (Second) of Torts section 315.” *Kolbe*, 625 N.W.2d at 729 (emphasis by court); *see also McFarlin*, 881 N.W.2d at 60 (“We conclude the public-duty doctrine remains good law after our adoption of sections of the Restatement (Third) of Torts.”); *Raas v. State*, 729 N.W.2d 444, 448 (Iowa 2007) (“Unlike [sovereign] immunity, which protects a municipality from liability for breach of an otherwise enforceable duty to the plaintiff, the public duty rule asks whether there was any enforceable duty to the plaintiff in the first place.”). “The duty to the public can either arise from a statute or from the State’s obligation to protect the public at large.” *Kolbe*, 625 N.W.2d at 729.

Like the licensing provisions at issue in *Kolbe v. State*, the provisions of the Iowa Rules of Professional Conduct are “for the benefit of the public at large.” *Id.* at 729-30; *see also* Iowa Code Rule 32 PREAMBLE. Plaintiff has alleged no unique or particular facts to demonstrate a special relationship between herself and the State relating to the Rules of Professional Conduct such that the public-duty doctrine would not bar her claim. Indeed, as pled, Plaintiff’s claim directly invokes the State’s general duty to the public. *See* Pet., at 5. For this reason, Plaintiff’s negligence claim fails as a matter of law and must be dismissed.

VI. Plaintiff’s defamation, fraudulent misrepresentation, and due process claims are barred by the doctrine of sovereign immunity.

Next, Plaintiff raises several other tort claims against the State based on statements made by the Governor’s Office in response to a 2021 district court ruling on the 2019 amendment to §

216.7 and by the ICRC on its website outlining its procedures, and finally based on a claim that the ICRC's procedures for producing full case files unconstitutionally impacts claimants' due process rights. *See* Am. Pet., ¶¶ 45-48, 52-57, 61, 76.

At the same time, Iowa Code § 669.14 outlines several claims for which the State explicitly retains its sovereign immunity under the ITCA. Among these is “[a]ny claim arising out of...libel, slander, misrepresentation, [and] deceit.” Iowa Code § 669.14(4). Where the State retains its sovereign immunity, the Court lacks subject matter jurisdiction over such claims. *See Segura v. State*, 889 N.W.2d 215, 220 (Iowa 2017). Here, Plaintiff's claims of defamation and fraudulent misrepresentation fall squarely within the exempted claims under § 669.14(4), and thus fail as a matter of law.

Plaintiff's due process claim similarly fails. Plaintiff does not specify whether she is bringing a claim under the Iowa or federal constitution. *See* Am. Pet., ¶ 61. Assuming her claim arises from the Iowa Constitution, her claim is still barred under the ITCA. *See* Iowa Code § 669.26. Further, the Iowa Supreme Court recently held that the Iowa Constitution does not establish direct constitutional tort claims. *See Burnett v. State*, 990 N.W.2d 289 (Iowa 2023). Thus, to the extent Plaintiff's claim lies in the Iowa Constitution, the State has retained its sovereign immunity, and her claim must be dismissed.⁷

⁷ To the extent Plaintiff raises her due process claim under the U.S. Constitution, that claim is governed by § 1983, and fails for the reasons outlined *infra* Part III.

VII. Plaintiff's abuse of power claim is barred by judicial process immunity.

Finally, Plaintiff raises a claim of “abuse of power” based on Judge Van Marel’s handling of her criminal cases. *See* Am. Pet., ¶¶ 28, 69. But this claim is barred by the doctrine of judicial process immunity.⁸

The Iowa Supreme Court has unanimously stated that government officials are “absolutely immune from suit and damages with respect to any claim arising out of the performance of any function intimately related to the judicial phase of the criminal process whether the claim arises at common law or under the state constitution.” *Venckus v. City of Iowa City*, 930 N.W.2d 792, 803 (Iowa 2019). Further, “[t]he immunity benefits the public by protecting government officials involved in ‘the judicial process from harassment and intimidation associated with litigation.’” *Id.* at 801. Judicial process immunity “immunizes conduct without regard to the substantive source of the legal claim.” *Id.* at 802. “Few doctrines have been more well settled than the absolute immunity of judges from damages for acts committed within their judicial jurisdiction.” *Blanton v. Barrick*, 258 N.W.2d 306, 308 (Iowa 1977). Further, “[t]his immunity applies even when the judge is accused of acting maliciously and corruptly because as a matter of policy it is in the public best interest that judges should exercise function without fear of consequences and with independence.” *Id.*; *see also Muzingo v. St. Luke’s Hosp.*, 518 N.W.2d 776, 777 (Iowa 1994).

Here, Plaintiff alleges that Judge Van Marel “ordered” an Ames police officer to arrest her, denied a motion to recuse in a subsequent criminal case, and found her guilty in that case at trial.

⁸ Absolute judicial immunity also bars Plaintiff’s claim of fraud based on Judge Van Marel’s actions.

See Am. Pet., ¶¶ 28, 69. Based on the contents of Plaintiff’s Amended Petition and as a matter of law, Judge Van Marel—and, by virtue, the State—is absolutely immune from Plaintiff’s claims.⁹

CONCLUSION

WHEREFORE, for these reasons, Defendant the State of Iowa requests this Court to dismiss Plaintiff’s claims against the State in their entirety and dismiss the State as a named defendant.

Respectfully submitted,

BRENNA BIRD
Attorney General of Iowa

/s/ Christopher J. Deist
CHRISTOPHER J. DEIST
Assistant Attorney General
Hoover Building, Second Floor
Des Moines, Iowa 50319
Ph: (515) 281-7240
christopher.deist@ag.iowa.gov
ATTORNEY FOR STATE OF IOWA

PROOF OF SERVICE	
The undersigned certifies that the foregoing instrument was served upon each of the persons identified as receiving a copy by delivery in the following manner on July 26, 2024:	
<input type="checkbox"/> U.S. Mail	<input type="checkbox"/> FAX
<input type="checkbox"/> Hand Delivery	<input type="checkbox"/> Overnight Courier
<input type="checkbox"/> Federal Express	<input type="checkbox"/> Other
<input checked="" type="checkbox"/> ECF System Participant (Electronic Service)	
Signature: <u>/s/ Audra Jobst</u>	

⁹ Even if Plaintiff attempts to reframe her claims here as a federal constitutional claim, such a claim would still be subject to dismissal because of absolute judicial immunity. See *Mireles v. Waco*, 502 U.S. 9, 11 (1991); *Robinson v. Freez*, 15 F.3d 107, 108 (8th Cir. 1994).