

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA  
AT MARTINSBURG

West Virginia Citizens Defense League, Inc.,

Plaintiff,

Civil Action No. 3:11-cv-5-JPB

(Bailey, C.J.)

v.

City of Martinsburg, *et al.*, Defendants

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**Plaintiff's Motion to Reconsider Order of Abstention**

The Plaintiff, West Virginia Citizens Defense League, Inc., by and through its undersigned counsel, hereby moves that this Honorable Court reconsider its Amended Order of Abstention, [Doc. 30], 2011 WL 4074684, pursuant to Fed. R. Civ. P. 60(b)(1) and (6), and enter orders (1) vacating the Order of Abstention and lifting the stay of proceedings in this case contained therein and (2) denying as moot the portions of the Defendants' pre-answer motion to dismiss the original complaint, [Doc. 12], not disposed of by this Court's previous Order Denying Defendants' Pre-Answer Motion to Dismiss, [Doc. 16]; [Doc. 31] (amended order).

Based upon the significance of the issues present, Plaintiff requests a hearing on this motion.

Dated this 27<sup>th</sup> day of September, 2011,

s/ James M. Mullins, Jr.

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**Certificate of Service**

I hereby certify that on September 27, 2011, I electronically filed the foregoing document with the Clerk of the Court, which will send electronic notification of such filing to the following

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