

**UNITED STATES DISTRICT COURT  
DISTRICT OF COLUMBIA**

**XxLivelyGirlxX,**  
*Plaintiff,*

**-against-**

**Bureau of Prisons, et al.,**  
*Defendant.*

Case No. **3:19-CV-1613**  
Hon. **Powell**

**DEFENSE’S  
RESPONSE**

**DEFENSE’S RESPONSE TO COMPLAINT**

Now comes the defendant, the Bureau of Prisons, through its attorneys, United States Attorney General, pursuant to the Federal Rules of Civil Procedure Rule 12(a)(2), to answer the Complaint of Plaintiff XxLivelyGirlxX, and motion to dismiss.

1. Denied. The plaintiff cannot prove any of the 4 elements stated in tort law that are needed to establish a prima facie case of negligence:

1st Element - Duty to Act

As seen in the video, there were no staff members of the Defendant that were online, therefore they have no duty to care for the wellbeing of the plaintiff.

2nd Element - Breach of Duty

The Defendant had no duty to care for the wellbeing of the plaintiff, seeing that all officers were off-duty, and thereby had no way or ability to perform any arguable duty alleged by the plaintiff.

3rd Element - Connection Between Defendant’s Conduct and Resulting Harm

As the officers have previously been established as off-duty in the previous elements of the tort, no “conduct” of the defendant, in this case titled the “Bureau of Prisons of the United States of America”, can be proven, therefore no connection can be proven between the previously established lack of conduct in the first place, and the harm that the plaintiff alleges in this case.

4th Element - Proximate Cause

Harm was not foreseeable, the employees of the Defendant were not online and thus, were not able to prevent or foresee the situation.

**MOTION TO DISMISS**

For all the foregoing reasons as well as the frivolous nature of this suit (which by 42 U.S. Code § 1997e(c)(1) can be dismissed), the Bureau of Prisons respectfully requests that the Court dismiss the plaintiff's lawsuit, and all the claims therein, without prejudice.

DATED: **July 10th, 2019**

Respectfully submitted,

/s/ MadameKlair



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MadameKlair  
SCBAR#561235  
United States Attorney General