

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION**

ADRIANA NOVOA, et al.,

,

v.

Case No.: 4:22cv324-MW/MAF

MANNY DIAZ, JR., et al.,

.

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ORDER ON MOTION TO DISMISS

This Court has considered, without hearing, Defendants’ motion to dismiss. ECF No. 33. Defendants move to dismiss under Federal Rule of Civil Procedure 12(b)(1), asserting Plaintiffs’ complaint fails to adequately allege facts establishing their standing to proceed. Defendants also move to dismiss Plaintiffs’ Campus Free Expression Act claim as barred by the Eleventh Amendment. Additionally, Defendants move to dismiss Plaintiffs’ remaining claims on the merits under Federal Rule of Civil Procedure 12(b)(6). For the reasons set out below, Defendants’ motion is **GRANTED in part** and **DENIED in part**.

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As it must, this Court first addresses threshold jurisdictional issues. A Rule 12(b)(1) motion to dismiss for lack of subject matter jurisdiction “can be asserted on

Plaintiffs had established st

Likewise, although this Court determined that Plaintiffs had not established standing with respect to Defendant Julie Leftheris at the preliminary-injunction stage, their allegations—

true and viewing them in the light most favorable to Plaintiffs, Plaintiffs have certainly alleged plausible claims for relief under the First and Fourteenth Amendments. Accordingly, for these reasons, Defendants'