

**UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

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CROSSROADS GRASSROOTS POLICY)		
STRATEGIES,)		
)		
Defendant-Appellant,)	No. 18-5261	
)		
v.)		
)		
CITIZENS FOR RESPONSIBILITY)		
AND ETHICS IN WASHINGTON, <i>et al.</i> ,)		
)		
Plaintiffs-Appellees,)		
)		
FEDERAL ELECTION COMMISSION,)	RESPONSE TO MOTION	
)		
Defendant-Appellee.)		
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**FEDERAL ELECTION COMMISSION’S RESPONSE
TO EMERGENCY MOTION OF
CROSSROADS GRASSROOTS POLICY STRATEGIES
FOR A STAY PENDING APPEAL**

Defendant-appellee Federal Election Commission (“Commission” or “FEC”) takes no position on the motion of defendant-appellant Crossroads Grassroots Policy Strategies (“Crossroads GPS”) for a stay pending appeal (Document #1748550). However, the Commission wishes to notify the Court that on August 28, 2018, the Commission reconsidered the administrative complaint filed by plaintiff-appellee Citizens for Responsibility and Ethics in Washington, in light of the district court’s remand order dated August 3, 2018. *See*

<https://www.fec.gov/data/legal/matter-under-review/6696R/>. The Commissioners were equally divided on whether to find reason to believe that Crossroads GPS violated 52 U.S.C. §§ 30104(c)(1) and (2) and on whether to approve the Office of General Counsel's recommendation to dismiss on the basis of prosecutorial discretion. *See* https://www.fec.gov/files/legal/murs/6696/6696R_3.pdf. The Commission subsequently voted unanimously to close its file in this matter. *Id.* As a result, to the extent the pending motion by Crossroads GPS seeks a stay of the district court's order regarding the agency's handling of the underlying administrative complaint in this matter (as distinct from the vacatur of the regulation at 11 C.F.R. § 109.10(e)(1)(vi) 45 days from the date of the order), that portion of the motion is moot.

Respectfully submitted,

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September 7, 2018

CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of September, 2018, I electronically filed the Federal Election Commission's Response to Emergency Motion of Crossroads Grassroots Policy Strategies for a Stay Pending Appeal with the Clerk of the United States Court of Appeals for the D.C. Circuit by using the Court's CM/ECF system.

Service was made on the following through the CM/ECF system:

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