United States District Court
Eastern District of Michigan
Southern Division

Shelby Campbell,

Plaintiff,

v.

Federal Election Commission,
United States of America,

Defendants.

Civil No. 26-10849

Honorable Laurie J. Michelson
Mag. Judge Kimberly G. Altman

Defendant United States' Motion to Dismiss

Defendant United States of America, by its attorneys, Jerome F. Gorgon Jr., United States Attorney for the Eastern District of Michigan, and Brittany D. Parling, Assistant United States Attorney, moves to dismiss this action under Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure. The grounds for this motion are set forth in the attached brief. In addition, the United States adopts and incorporates the arguments raised in Defendant Federal Election Commission's motion to dismiss. (ECF No. 19.)

Under Local Rule 7.1(a), the undersigned counsel contacted Plaintiff on June 17, 2026, explained the basis for this motion, and requested concurrence in the relief sought. Plaintiff did not concur.

Respectfully Submitted,

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Dated: June 22, 2026

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Eastern District of Michigan
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Brief in Support of Defendant United States' Motion to Dismiss

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ISSUES PRESENTED

I. Should the Court dismiss Plaintiff's claims for lack of subject matter jurisdiction because she fails to establish Article III standing?

II. Should the Court dismiss Plaintiff's claims in any event because the complaint fails to state a claim for relief?

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INTRODUCTION

Plaintiff Shelby Campbell, a federal congressional candidate, alleges that the federal campaign finance system is unconstitutional because it operates against the backdrop of systemic inequities that have historically excluded women. As a result, Plaintiff alleges that she has been disadvantaged in her ability to fundraise and campaign for office. She filed this action against the Federal Election Commission (FEC) and the United States, seeking declaratory and injunctive relief that the campaign finance framework violates the First Amendment and the equal protection component of the Fifth Amendment.

Plaintiff's claims against the United States fail. The Court lacks subject matter jurisdiction over this action because Plaintiff fails to allege facts sufficient to establish Article III standing. Rather than allege a concrete injury-in-fact, Plaintiff raises a generalized grievance regarding the historical exclusion of women from various political, financial, and other institutions dating back hundreds of years. She fails to establish that her alleged injury is traceable to the challenged conduct of the United States or that the injury could be redressed by a favorable ruling. In any event, Plaintiff's constitutional claims lack merit because her allegations of disparate impact do not state a plausible claim under the Fifth Amendment, and the First Amendment does not require an equal playing field in

federal elections. Nor can Plaintiff assert a freestanding claim for declaratory or injunctive relief. The Court should dismiss Plaintiff's complaint.

BACKGROUND

In 1972, Congress enacted the Federal Election Campaign Act (FECA), 52 U.S.C. § 30101 *et seq.*, to regulate fundraising and spending in federal political campaigns. *See Nat'l Republican Senatorial Comm. v. Fed. Election Comm'n*, 117 F.4th 389, 392 (6th Cir. 2024), *cert. granted*, 145 S. Ct. 2843 (2025). As amended in 1974, the Act limits the amount of money an individual or group may contribute to or spend on a political candidate. *Id.* The FEC administers and enforces the Act. *See* 52 U.S.C. §§ 30106(b)(1), 30111(a)(8).

Plaintiff Shelby Campbell alleges that she is a candidate for the United States House of Representatives in Michigan's 13th Congressional District. (Compl. ¶¶ 1, 15, ECF No. 1, PageID.1, 4.) She claims that "structural inequities" historically excluded certain groups, primarily women, from participating in political, professional, and economic systems—such as voting, working in certain professions, and owning property. (*Id.* ¶¶ 1–8, PageID.1–3.) Plaintiff alleges that the operation and enforcement of the federal campaign finance laws "perpetuates" these structural disparities in violation of the U.S. Constitution. (*Id.* ¶ 74, PageID.15–16.) Specifically, Plaintiff contends that she "must compete with a

fundraising environment shaped by longstanding donor networks historically less accessible to women candidates." (*Id.* ¶ 43, PageID.10.)

Plaintiff filed this action against the FEC and the United States, claiming that they "enforc[e] and maintain[ ] a campaign finance system that conditions effective political participation on access to financial resources and donor networks that developed during periods of legally sanctioned exclusion." (*Id.* ¶ 80, PageID.17.) Plaintiff asserts causes of action for violation of the Fifth Amendment's equal protection component and the First Amendment. (*Id.* ¶¶ 64–97, PageID.14–20.) She seeks a declaratory judgment that the modern federal campaign finance framework is unconstitutional and injunctive relief "preventing Defendants from enforcing" it. (*Id.* ¶¶ 98–104, PageID.20–22.)

LEGAL STANDARDS

Rule 12(b)(1) permits dismissal for "lack of jurisdiction over the subject matter." Fed. R. Civ. P. 12(b)(1). The plaintiff bears the burden of proving subject matter jurisdiction. *RMI Titanium Co. v. Westinghouse Elec. Corp.*, 78 F.3d 1125, 1134 (6th Cir. 1996). Rule 12(b)(1) motions fall into two general categories: facial attacks and factual attacks. *United States v. Ritchie*, 15 F.3d 592, 598 (6th Cir. 1994). This motion brings a facial attack, which "is a challenge to the sufficiency of the pleading itself." *Id.* The court accepts the complaint's allegations as true and evaluates whether they establish federal jurisdiction. *Id.*

Rule 12(b)(6) permits dismissal for "failure to state a claim upon which relief can be granted." Fed. R. Civ. P. 12(b)(6). In evaluating a motion under Rule 12(b)(6), courts construe the complaint in the light most favorable to the plaintiff and accept all well-pleaded factual allegations as true. *Bassett v. Nat'l Collegiate Athletic Ass'n*, 528 F.3d 426, 430 (6th Cir. 2008). To survive dismissal, a complaint "must contain sufficient factual matter, accepted as true, to 'state a claim to relief that is plausible on its face.'" *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007)).

ARGUMENT

The Court lacks subject matter jurisdiction over Plaintiff's claims because she fails to satisfy the three requirements for Article III standing. In addition to the reasons explained below, the United States adopts and incorporates the standing arguments in the FEC's motion to dismiss. (ECF No. 19.) Even if Plaintiff could establish standing, the complaint does not sufficiently allege a violation of the U.S. Constitution or a standalone claim for declaratory or injunctive relief.

I. Plaintiff fails to establish Article III standing.

The Constitution limits federal jurisdiction to cases and controversies. U.S. Const. art. III, § 2. Standing "is an essential and unchanging part of the case-or-controversy requirement of Article III." *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560 (1992). To establish standing, a plaintiff must have suffered an injury-in-

fact that is fairly traceable to the defendant's challenged action and likely to be redressed by a favorable decision. *Id.* at 560–61. The party invoking federal jurisdiction bears the burden of demonstrating standing. *Id.* at 561.

The fact that Plaintiff has asserted a claim under the Declaratory Judgment Act does not "change the essential requisites for the exercise of judicial power." *Saginaw Cnty. v. STAT Emergency Med. Servs., Inc.*, 946 F.3d 951, 954 (6th Cir. 2020) (quoting *Ashwander v. Tenn. Valley Auth.*, 297 U.S. 288, 325 (1936)). The Declaratory Judgment Act "create[s] an alternative remedy—a declaratory judgment—for *existing* cases or controversies." *Id.*; *see also* 28 U.S.C. § 2201(a) (providing that a court may only issue a declaratory judgment in a "case of actual controversy"). Thus, a plaintiff seeking declaratory relief still must satisfy the justiciability requirements of Article III. S*aginaw Cnty.*, 946 F.3d at 954.

A. Plaintiff fails to allege a concrete injury-in-fact.

Plaintiff fails to meet the requirements for Article III standing. First, she does not allege an injury-in-fact. An injury-in-fact must be "concrete," meaning that "it must be real and not abstract." *Food & Drug Admin. v. All. for Hippocratic Med.*, 602 U.S. 367, 381 (2024). "The injury also must be particularized," meaning that it "must affect the plaintiff in a personal and individual way and not be a generalized grievance." *Id.* (internal quotation marks omitted). And "the injury

must be actual or imminent, not speculative—meaning that the injury must have already occurred or be likely to occur soon." *Id.*

Here, Plaintiff alleges that the campaign finance laws require her to "compete within a fundraising environment shaped by longstanding donor networks historically less accessible to women candidates," which "affects [her] ability to raise funds, communicate with voters, and compete effectively in the electoral process." (Compl. ¶ 43, ECF No. 1, PageID.10.) This is an abstract, generalized injury that could apply to virtually any female candidate for office. As the Supreme Court has observed, "when the asserted harm is a 'generalized grievance' shared in substantially equal measure by all or a large class of citizens, that harm alone normally does not warrant exercise of jurisdiction." *Warth v. Seldin*, 422 U.S. 490, 499 (1975). Plaintiff does not allege that the injury affects her in any personal and individual way apart from this generalized grievance.

Moreover, the alleged injury is both hypothetical and speculative. Plaintiff does not identify any specific financial barriers to her campaign or explain why she cannot effectively participate in the electoral process. She simply speculates that, without the alleged structural inequalities perpetuated by the campaign finance laws, she would be able to "participate in the federal electoral process on equal terms." (Compl. ¶ 101, ECF No. 1, PageID.20.) This conclusory assertion falls far short of satisfying her burden to establish standing. *See Sykes v. Fed. Election*

Comm'n, 335 F. Supp. 2d 84, 90 (D.D.C. 2004) (holding that an alleged "disparity in campaign resources" is not an injury sufficient to establish standing).

B. Plaintiff fails to allege causation between her alleged injury and any challenged conduct of the United States.

Plaintiff fails to establish that her alleged injury was caused by the challenged conduct of the United States in enacting and enforcing the federal campaign finance laws. Causation requires that the injury be "fairly traceable to the challenged action of the defendant, and not the result of the independent action of some third party not before the court." *Lujan*, 504 U.S. at 560. Here, Plaintiff alleges that her injury stems from the historical exclusion of women from institutions, which "created disparities in wealth, professional opportunity, and political influence." (*Id.* ¶ 7, PageID.3.) Even based on her own allegations, then, the cause of her injury pre-dates and goes well beyond the scope of the campaign finance laws or any actions of the United States in enacting or enforcing them.

Moreover, Plaintiff does not adequately allege that the campaign finance system caused her inability to raise funds or campaign effectively. Indeed, the fundraising disparities she complains of would be equally—if not more—permissible without the contribution limits imposed by FECA. *See Sykes*, 335 F. Supp. 2d at 91; *Hooker v. Fed. Election Comm'n*, 21 F. App'x 402, 407 (6th Cir. 2001) (noting that "none of the challenged Acts cause the private contributions of which [plaintiff] complains"); *Whitmore v. Fed. Election Comm'n*, 68 F.3d 1212,

1215 (9th Cir. 1995), *as amended* (Jan. 10, 1996) (holding that plaintiff did not establish causation because "[t]he law did not cause the out-of-state contributions which she claims made it harder for her to win"). And to the extent Plaintiff has suffered any financial injury at all, it is attributable to the conduct of third-party donors that are not before the Court. Accordingly, Plaintiff's alleged injury is not traceable to any conduct of the United States.

C. Plaintiff fails to establish redressability.

Finally, Plaintiff fails to allege that the relief she seeks—an order that the entire federal campaign finance framework is unconstitutional—would redress her alleged injury. Redressability means that it must be "likely, as opposed to merely speculative, that the injury will be redressed by a favorable decision." *Lujan*, 504 U.S. at 561 (internal quotation marks omitted).

In *Schonberg v. Fed. Election Comm'n*, 792 F. Supp. 2d 20, 24 (D.D.C. 2011), the plaintiff complained that "the campaign finance regime as currently enacted unfairly advantages incumbents in federal elections and has prevented the United States from enacting universal, affordable health care." The court observed that, even if the federal campaign finance system were declared a "legal nullity," that would not eliminate "the alleged competitive advantages for incumbent federal candidates." *Id.* Indeed, "[w]ithout a statute specifying permissible and impermissible uses of federal campaign contributions, the Constitution would be

the only source for controlling legal authority governing relevant conduct." *Id.* And the plaintiff made no showing "that the Constitution itself forbids the pecuniary evils of the federal campaign finance system that he alleges persist." *Id.*

Similarly, in *Albanese v. Fed. Election Comm'n*, 884 F. Supp. 685, 687 (E.D.N.Y. 1995), *aff'd*, 78 F.3d 66 (2d Cir. 1996), the plaintiffs challenged "the exclusionary campaign finance process in federal elections which heavily favors incumbents, wealthy candidates, and candidates backed by affluent supporters and monied interests and which, simultaneously, prevents potential office seekers lacking personal wealth or affluent backers from competing effectively for political office." After finding that the alleged injury was both abstract and remote, the court concluded that, "if plaintiffs' goal is to eliminate the contribution of private funds to politicians and thereby level the electoral playing field, declaring the FECA—a statute which limits such contributions—unconstitutional cannot be said to redress plaintiffs' injury." *Id.* at 693.

The same logic applies here. Plaintiff takes issue with "long-term disparities in wealth accumulation and political influence" that allegedly prevent her from fundraising and effectively participating in her political campaign. (Compl. ¶ 2, ECF No. 1, PageID.1.) Even if the Court were to hold all campaign finance laws unconstitutional and enjoin their enforcement, that would not redress Plaintiff's claimed injury. In fact, the systemic disparities Plaintiff complains of would be

even more pronounced without the contribution limits imposed by the campaign finance laws. Because Plaintiff fails to allege all three elements of Article III standing, the Court lacks subject matter jurisdiction over her claims.

II. The complaint fails to state a plausible claim for relief.

Even if Plaintiff could establish standing, the complaint fails to allege a plausible claim for relief. Although pleadings drafted by pro se litigants are construed liberally, *Martin v. Overton*, 391 F.3d 710, 712 (6th Cir. 2004), they are not exempt from the basic pleading requirements of the Federal Rules, *Wells v. Brown*, 891 F.2d 591, 594 (6th Cir. 1989).

Count I alleges that the modern campaign finance system disparately impacts female candidates because of the "historical exclusion" of women from various economic and political institutions. (Compl. ¶¶ 64–81, ECF No. 1, PageID.14–17.) Plaintiff claims that this violates the equal protection component of the Fifth Amendment. (*Id.*) The Fifth Amendment's Due Process Clause "contains an equal protection component prohibiting the United States from invidiously discriminating between individuals or groups." *Washington v. Davis*, 426 U.S. 229, 239 (1976). But "disparate impact alone does not suffice to state an equal-protection violation." *Reform Am. v. City of Detroit*, 37 F.4th 1138, 1158 (6th Cir. 2022). A facially neutral statute violates the Fifth Amendment only if it "produces a disparate impact and if a discriminatory purpose was a motivating

factor for its enactment." *United States v. Myrie*, 167 F.4th 876, 879 (6th Cir. 2026). Because the complaint does not allege that the campaign finance laws Plaintiff challenges were motivated by a discriminatory purpose, Count I fails.

Count II likewise lacks merit. Plaintiff asserts that the campaign finance framework advantages candidates with greater financial resources and infringes on her First Amendment rights to "political speech and meaningful participation in the electoral process." (Compl. ¶ 97, ECF No. 1, PageID.20.) As the Supreme Court has repeatedly observed, however, the First Amendment does not require—and in fact prohibits—attempts "to level the playing field, or to level electoral opportunities, or to equalize the financial resources of candidates." *McCutcheon v. Fed. Election Comm'n*, 572 U.S. 185, 207 (2014) (cleaned up); *see also Fed. Election Comm'n v. Mass. Citizens for Life, Inc.*, 479 U.S. 238, 257 (1986) ("Political 'free trade' does not necessarily require that all who participate in the political marketplace do so with exactly equal resources.").

In *Buckley v. Valeo*, 424 U.S. 1, 54 (1976), the Supreme Court struck down FECA's expenditure limits under the First Amendment. The Court reasoned that the government's "ancillary interest in equalizing the relative financial resources of candidates competing for elective office" was "clearly not sufficient" to justify the infringement of core First Amendment rights. *Id.* The Court also observed that "the concept that government may restrict the speech of some elements of our society in

order to enhance the relative voice of others is wholly foreign to the First Amendment." *Id.* at 48–49; *see also Davis v. Fed. Election Comm'n*, 554 U.S. 724, 737 (2008) (noting that there is "no legal right to have the same resources" in elections); *Platt v. Bd. of Commissioners on Grievances & Discipline of Ohio Supreme Ct.*, 894 F.3d 235, 266 (6th Cir. 2018) (noting that "overt 'equalizing' attempts run headlong into the Supreme Court's rule that speech cannot be suppressed to ensure that candidates start at the same place").

Finally, Plaintiff's complaint raises a third count for "declaratory and injunctive relief." (Compl. ¶¶ 98–104, ECF No. 1, PageID.20–21.) The Sixth Circuit has made clear that the Declaratory Judgment Act, 28 U.S.C. § 2201, is merely a remedy and "does not create an independent cause of action." *Davis v. United States*, 499 F.3d 590, 594 (6th Cir. 2007) (citing *Skelly Oil Co. v. Phillips Petroleum Co.*, 339 U.S. 667, 671 (1950)). So, too, "[i]njunctive relief is not a cause of action, it is a remedy." *Kaplan v. Univ. of Louisville*, 10 F.4th 569, 587 (6th Cir. 2021) (quoting *Thompson v. JPMorgan Chase Bank, N.A.*, 563 F. App'x 440, 442 n.1 (6th Cir. 2014)). As a result, courts in this district routinely dismiss freestanding claims for declaratory and injunctive relief. *See, e.g.*, *Attar 2018, LLC v. City of Taylor*, 611 F. Supp. 3d 411, 422 (E.D. Mich. 2020) (dismissing declaratory judgment and injunction claim because they are "not independent causes of action"); *Cruz v. Cap. One, N.A.*, 192 F. Supp. 3d 832, 838 (E.D. Mich.

2016) ("It is plain that counts 4 and 5 do not state actual claims for relief, because declaratory and injunctive relief are remedies, not causes of action."). Accordingly, Count III should be dismissed.

CONCLUSION

The Court should dismiss Plaintiff's complaint.

Respectfully Submitted,

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BRIEF FORMAT CERTIFICATION FORM

I, Brittany D. Parling, hereby certify that the United States' motion to dismiss complies with Eastern District of Michigan Local Rules 5.1(a), 5.1.1, and 7.1 and Judge Michelson's Case Management Requirements. In particular, I certify that each of the following is true (click or check box to indicate compliance):

☒ the brief contains a statement regarding concurrence, *see* LR 7.1(a);

☒ the brief, including footnotes, uses 14-point font, *see* LR 5.1(a)(3);

☒ the brief contains minimal footnotes and, in all events, no more than 10, *see* Case Management Requirements § III.A;

☒ the brief and all exhibits are searchable .pdfs, *see* Case Management Requirements § III.A;

☒ the brief is double spaced (except for footnotes and necessary block quotes) with one-inch margins, *see* LR 5.1(a)(2);

☒ deposition transcripts have been produced in their entirety and not in minuscript, *see* Case Management Requirements § III.A **(not applicable)**;

☒ if the brief and exhibits total 50 pages or more, a courtesy copy with ECF headers will be sent to chambers, *see* Case Management Requirements § III.B.

I also acknowledge that if the Court later finds that these requirements are not met, my brief will be stricken.

/s/ Brittany D. Parling
Brittany D. Parling (P78870)
Assistant United States Attorney

Dated: June 22, 2026

CERTIFICATION OF SERVICE

I certify that on June 22, 2026, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system. I further certify that I will send a copy of the foregoing paper by U.S. mail to the following non-ECF participants:

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/s/ Brittany D. Parling
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