UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JOACHIM WILLIAM LLOP, Plaintiff, v. FEDERAL ELECTION COMMISSION, Defendant.	Civ. No. 26-0051 (TSC) MEMORANDUM IN SUPPORT OF MOTION TO DISMISS

FEDERAL ELECTION COMMISSION'S MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF ITS MOTION TO DISMISS

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INTRODUCTION

Defendant Federal Election Commission ("Commission" or "FEC") respectfully files this motion to dismiss pro se plaintiff Joachim William Llop's Complaint pursuant to Federal Rules of Civil Procedure 12(b)(1) and (6), because this Court lacks subject matter jurisdiction and plaintiff fails to state a claim upon which relief can be granted.

Mr. Llop's single-page complaint broadly challenges the constitutionality of the federal campaign system and seeks to invalidate and enjoin the enforcement of contribution limits in the Federal Election Campaign Act, as amended ("FECA"). (Pl.'s Compl. for Declaratory and Injunctive Relief ("Compl.") (ECF 1).) Mr. Llop lacks Article III standing to bring this case because he only presents a generalized grievance shared by all members of society, rather than a concrete and particularized injury, and fails to allege how FECA's contribution limits have caused him to limit his past or future contributions. Based on the sparse allegations in the Complaint, there is no basis to believe invalidating the contribution limits would have any effect on Mr. Llop, let alone redress any alleged injury.

Furthermore, even if this Court were to find it has subject-matter jurisdiction, Mr. Llop's Complaint fails to state a claim on which relief can be granted because it fails to allege the factual elements required to state a First Amendment or Equal Protection claim, and, in any event, his claims are foreclosed by precedent. Accordingly, this action should be dismissed.

BACKGROUND

A. The Federal Election Commission and FECA's Contribution Limits

The FEC is a six-member, independent agency of the United States government with "exclusive jurisdiction" to administer, interpret, and civilly enforce the FECA. *See generally* 52 U.S.C. §§ 30106, 30107. The Commission is also authorized to institute investigations of possible violations of FECA, 52 U.S.C. §§ 30109(a)(1)-(2), and has exclusive jurisdiction to

initiate civil actions in the United States district courts to obtain judicial enforcement of the Act. 52 U.S.C. §§ 30106(b)(1), 30107(a)(6), 30107(e), 30109(a)(6).

The primary purpose of FECA is to "limit the actuality and appearance of corruption resulting from large individual financial contributions." *Buckley v. Valeo*, 424 U.S. 1, 26 (1976) (per curiam). Congress addressed this concern primarily by limiting the amount of money any individual or political committee may contribute to a candidate or political committee. *See* 52 U.S.C. § 30116. This limitation "focuses precisely on the problem of large campaign contributions — the narrow aspect of political association where the actuality and potential for corruption have been identified — while leaving persons free . . . to assist to a limited but nonetheless substantial extent in supporting candidates and committees with financial resources." *Buckley*, 424 U.S. at 28. The Supreme Court has repeatedly found that FECA's specific limitations upon contributions narrowly serve the governmental purpose of preventing the "actuality and appearance of corruption" without unnecessary infringement of First Amendment rights. *Id.* at 26. FECA limits the size of certain contributions, 52 U.S.C. § 30116, and in some instances, prohibits them entirely from certain types of organizations, 52 U.S.C. § 30118.

There are certain contributions independent of candidates or parties that FECA does not address. For example, FECA limits the amount individual contributors may give to a campaign committee per election, currently to an inflation-adjusted $3,500. 52 U.S.C. § 30116(a); FEC, *Price Index Adjustments for Contribution and Expenditure Limitations & Lobbyist Bundling Disclosure Threshold*, 90 Fed. Reg. 8526, 8528 (Jan. 30, 2025). On the other hand, independent expenditures cannot be constitutionally limited, under *Buckley*, 424 U.S. 44-45. An "independent expenditure" is a communication "expressly advocating the election or defeat of a clearly identified candidate" and that is made without coordinating with the candidate or a

political party. 52 U.S.C. § 30101(17); 11 C.F.R. § 100.16. The term "independent expenditure" was not part of FECA or its 1974 amendments. But in *Buckley*, the Supreme Court reviewed a provision of FECA prohibiting expenditures of more than $1,000 "relative to" a federal candidate. 424 U.S. at 39-44. To avoid vagueness concerns, the Court construed that provision "to apply only to expenditures for communications that in express terms advocate the election or defeat of a clearly identified candidate for federal office" and held that these communications could not constitutionally be limited as FECA had required. *Buckley*, 424 U.S. at 44-45.

B. Plaintiff's Complaint

On January 7, 2026, plaintiff filed a single-page complaint that challenges the "federal campaign-finance system that strictly limits direct political contributions by individual citizens while allowing those same individuals acting through political action committees or nonprofit entities to raise and expend unlimited funds." (Compl.)[1]

In Count One, Mr. Llop alleges a violation of the First Amendment alleging that "[b]y permitting unlimited political spending through entities while restricting individuals, the current framework burdens individual expression" compared to "artificial entities." (*Id.*)

In Count Two, Mr. Llop alleges a violation of the Fifth Amendment because "[t]reating individuals differently based solely on whether they act directly or through an entity creates an unconstitutional inequality among similarly situated citizens." (*Id.*)

[1] Although plaintiff has not yet filed a return of service receipt indicating the date the summonses were received, the government was served with plaintiff's Complaint on April 21, 2026, via certified mail.

Mr. Llop does not allege any facts about himself other than that he is an eligible voter and subject to the contribution limits. For relief, he requests that the Court declare the "challenged framework unconstitutional" and "[e]njoin enforcement" of the contribution limits. (*Id.*)[2]

ARGUMENT

The Complaint should be dismissed for two independent reasons. First, Mr. Llop does not allege an injury sufficient to support Article III standing. He does not allege a particularized injury, but rather complains that he, like all individuals, is subject to the individual contribution limits. These provisions apply to Mr. Llop in the same way they apply to everyone, and therefore he presents a generalized grievance akin to a policy dispute that does not confer standing. Second, even assuming this Court has jurisdiction, the Complaint should be dismissed because it fails to state a claim upon which relief can be granted. Mr. Llop's threadbare Complaint fails to allege facts, even if assumed to be true, that would state a claim, and, in any event, his constitutional claims are foreclosed by existing Supreme Court precedent.[3] The FEC's Motion should be granted, and the Complaint should be dismissed.

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[2] Plaintiff has not invoked FECA's judicial review provision, 52 U.S.C. § 30110, which provides for review of certain challenges to the constitutionality of provisions of FECA, and for the district court to certify questions of constitutionality to the court of appeals sitting en banc. *See id.* Regardless of whether the Complaint can be construed to fall under this provision, section 30110 claims are nonetheless "circumscribed by the constitutional limitations on the jurisdiction of the federal courts." *California Med. Ass'n v. FEC*, 453 U.S. 182, 192 n.14 (1981). Thus, a "party seeking to invoke [section 30110] must have standing to raise the constitutional claim," and plaintiff fails to satisfy this fundamental requirement here. *Id.*

[3] Mr. Llop's status as a *pro se* litigant entitles his complaint to be construed liberally, but ultimately the Complaint must still establish plaintiff's standing and satisfy pleading standards set out in *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). *See Newman v. Howard Univ. Sch. of Law*, 715 F. Supp. 3d 86, 101 (D.D.C. 2024); *Silvious v. Coca-Cola Co.*, 893 F. Supp. 2d 233, 235 (D.D.C. 2012).

I. THIS CASE SHOULD BE DISMISSED PURSUANT TO RULE 12(b)(1) BECAUSE PLAINTIFF LACKS ARTICLE III STANDING

A. Standard of Review

A plaintiff bears the burden of demonstrating proper invocation of this Court's subject-matter jurisdiction. *See Indep. Mkt. Monitor for PJM v. Fed. Energy Reg. Comm'n.*, 162 F.4th 1167, 1172 (D.C. Cir. 2025). A motion to dismiss for lack of standing is properly considered under Rule 12(b)(1), as the lack of standing is a "defect in subject matter jurisdiction." *Haase v. Sessions*, 835 F.2d 902, 906 (D.C. Cir. 1987); *M.J. v. District of Columbia*, 401 F. Supp. 3d 1, 6-8 (D.D.C. 2019). When deciding a motion under Rule 12(b)(1), a court must accept all well-pleaded factual allegations in the complaint as true. *See Jerome Stevens Pharms., Inc. v. FDA.*, 402 F.3d 1249, 1253 (D.C. Cir. 2005). It is well established that the one "essential and unchanging part of the case-or-controversy requirement" is that a plaintiff must establish Article III standing to sue. *Kareem v. Haspel*, 986 F.3d 859, 865 (D.C. Cir. 2021) (quoting *Lujan v. Defs. of Wildlife*, 504 U.S. 555, 560 (1992)). A plaintiff establishes Article III standing by showing that he seeks relief from an injury that is "'concrete, particularized, and actual or imminent; fairly traceable to the challenged action; and redressable by a favorable ruling.'" *Kareem*, 986 F.3d at 865 (quoting *Clapper v. Amnesty Int'l USA*, 568 U.S. 398, 409 (2013); *TransUnion LLC v. Ramirez*, 594 U.S. 413 (2021).

These three components of the Article III "case or controversy" requirement are designed to ensure that the "plaintiff has alleged such a personal stake in the outcome of the controversy as to warrant [*his*] invocation of federal court jurisdiction and to justify [the] exercise of the court's remedial powers on his behalf." *Simon v. E. Ky. Welfare Rights Org.*, 426 U.S. 26, 38 (1976) (internal quotation marks omitted). Moreover, when "a plaintiff's asserted injury arises from the government's allegedly unlawful regulation (or lack of regulation) of someone else,"

standing is "substantially more difficult" to establish. *Lujan*, 504 U.S. at 562; *accord Common Cause v. FEC*, 108 F.3d 413, 417 (D.C. Cir. 1997) (per curiam).

B. Plaintiff's Alleged Injury is Not Particularized and Amounts to a Generalized Grievance Shared Equally by All

"Particularized" means that "the injury must affect the plaintiff in a personal and individual way." *Lujan*, 504 U.S. at 560 n.1; *see also Common Cause*, 108 F.3d at 418. Because a plaintiff's injury must be particularized, the Supreme Court has rejected standing based only on "a generalized grievance shared in substantially equal measure by all or a large class of citizens." *Warth v. Seldin*, 422 U.S. 490, 499 (1975) (internal quotation marks omitted). That means that a plaintiff who is "claiming only harm to his and every citizen's interest in proper application of the Constitution and laws, and seeking relief that no more directly and tangibly benefits him than it does the public at large . . . does not state an Article III case or controversy." *Lance v. Coffman*, 549 U.S. 437, 439 (2007) (per curiam).

Mr. Llop has entirely failed to allege a particularized injury that he will suffer that is different from the general public's interest. He alleges that his "direct contributions are capped," but all individuals are subject to the same limit. 52 U.S.C. § 30116(a). There are no facts in his Complaint alleging any discrete injury that affects him "in a personal and individual way." *Lujan*, 504 U.S. at 560 n.1; *see also Citizens for Resp. and Ethics in Wash. v. FEC*, 267 F. Supp. 3d 50, 53 (D.D.C. 2017) ("easily" dismissing claims because plaintiffs "have not alleged any injury in fact").

Far from alleging a concrete and particularized injury, Mr. Llop's Complaint abstractly posits issues in the campaign finance system generally, and his lawsuit is essentially advancing the claims of others. But even if vindicating an injury on behalf of the public was the basis of his claim, a claim brought in "the public interest" is a paradigmatic "generalized interest of all

citizens" that courts routinely reject as inadequate. *See Lujan*, 504 U.S. at 576 (internal quotation marks omitted); *cf. Sierra Club v. Morton*, 405 U.S. 727, 736 (1972) (holding that a group claiming to act in the "public interest" lacked standing because it had not alleged an individualized injury). Abstract concerns about government alone cannot support standing, because there is no justiciable interest in "unequal political influence among citizens." (Compl.) *See Buckley*, 424 U.S. at 54 ("interest in equalizing the relative financial resources of candidates competing for elective office" is not a constitutionally sufficient basis for upholding statute and is insufficient to justify statute). *See also Coffman*, 549 U.S. at 442 (holding that the plaintiffs lacked standing because "[t]he only injury plaintiffs allege is that the law—specifically the Elections Clause—has not been followed. This injury is precisely the kind of undifferentiated, generalized grievance about the conduct of government that we have refused to countenance in the past."); *see also Carney v. Adams*, 592 U.S. 53, 60 (2020) (generalized grievance that plaintiff, "like all citizens of Delaware, must live and work within a State that (in his view) imposes unconstitutional requirements for eligibility on three of its courts").

To the extent plaintiff claims that his interest in an equal distribution of campaign resources has been abridged, *see* Compl. (FECA produces "arbitrary distinctions" and "unequal political influence among citizens"), district courts have consistently held that there is no legally protected interest for standing purposes in preventing others from having more influence or spending more money than they can on electoral advocacy. *See Sykes v. FEC*, 335 F. Supp. 2d 84, 89-90 (D.D.C. 2004) (dismissing complaint where "plaintiff is unable to establish that the disparity in campaign resources … constitutes an injury in fact sufficient for standing"); *Albanese v. FEC*, 884 F. Supp. 685, 693 (E.D.N.Y. 1995) ("level[ing] the electoral playing field, declaring the FECA — a statute which limits such contributions — unconstitutional cannot be

said to redress plaintiffs' injury"); *Froelich v. FEC*, 855 F. Supp. 868, 870 (E.D. Va. 1994) (alleged "denial of a meaningful vote" because of influence from out of state contributors not cognizable injury), *aff'd* 57 F.3d 1066 (4th Cir. 1995). Accordingly, Mr. Llop's allegations of a purported unequal impact of the campaign finance system fail to constitute an injury sufficient for standing.

C. FECA is Not the Cause of Plaintiff's Alleged Injuries

There is a substantial break in the causal chain that Mr. Llop must establish between any conduct and his alleged injuries. Plaintiff seeks to have the "challenged framework" and its contribution limits declared unconstitutional. (Compl.) At the same time, however, he has not alleged that he has ever contributed to a federal candidate, let alone a contribution that was at FECA's limit of $3,500, and that his contribution would have been higher but for the limit imposed by FECA. He also does not allege he has plans to make contributions in excess of that limit in the future, if the contribution limits are declared unconstitutional. Thus, it is impossible to say that the limits have caused any injury to Mr. Llop at all. Any contributions he makes — with or without the contribution limits in place — would remain the same, while independent expenditures remain unlimited. *See, e.g.*, *Citizens Alert Regarding the Env't v. Leavitt*, 355 F. Supp. 2d 366, 373 (D.D.C. 2005) (explaining that plaintiffs would have sustained their injuries notwithstanding any conduct by the agency); *Whitmore v. FEC,* 68 F.3d 1212, 1215 (9th Cir. 1995) (FECA "cannot be the cause of plaintiffs' claimed injuries"), *cert. denied,* 517 U.S. 1155 (1996); *Albanese v. FEC*, 78 F.3d. 66, 68 (2nd Cir. 1996) (per curiam) (recognizing any alleged injury is not attributable to FECA because "FECA does not require that contributions be made to any candidate. Rather, it limits the amounts of contributions that may be made"); *Sykes*, 335 F. Supp. 2d at 90 (claimed injury from area of spending not addressed by FECA is an "argument

that whatever FECA does not prohibit, it authorizes, [which] is unpersuasive"). As such, plaintiff fails to establish the requisite causal connection between FECA and his alleged injury.

D. Declaring FECA Unconstitutional Would Not Redress Any Injury to Plaintiff

Plaintiff's generalized critique of the "federal campaign finance system" is a policy complaint that Congress has not legislated in the manner plaintiff would prefer. Legislative policy decisions are clearly a matter committed exclusively to Congress and not to the courts. *Kaplan v. Cnty of Los Angeles*, 894 F.2d 1076, 1082 (9th Cir. 1990); *see Sykes*, 335 F. Supp. 2d at 93 (seeking to avoid usurping legislative role through reforming legislation); *United States v. Gossjankowski*, No. 21-0123, 2023 WL 130817, at *6 (D.D.C. Jan. 9, 2023) ("[i]f there is a gap in the statute, then it is for the legislature, not the judiciary to fill"). The responsibilities for assessing the wisdom of policy choices and resolving the struggle between competing views of the public interest are not judicial determinations. *See Minnesota v. Clover Leaf Creamery Co.*, 449 U.S. 456, 469, (1981) ("[I]t is up to legislatures, not courts, to decide on the wisdom and utility of legislation") (quoting *Ferguson v. Skrupa*, 372 U.S. 726, 729 (1963)). "The proper institution for consideration of electoral reform to alleviate the disparity [in the political process] is the legislature, not the judiciary." *Kaplan*, 894 F.2d at 1082.

What Mr. Llop appears to seek is essentially the enactment of different limitations than FECA currently provides. If this Court were to grant the extraordinary and far-reaching relief plaintiff seeks and invalidate all contribution limits, it would be encroaching on the policymaking role that falls within the functions that are exclusive to Congress. *Froelich*, 855 F. Supp. at 870 (citing *Baker v. Carr*, 369 U.S. 186, 210 (1962)). Moreover, based on the allegations in the Complaint, the declaratory judgment Mr. Llop seeks would have no effect on plaintiff individually, given that he has not alleged he contributed in the past or has plans to

make contributions in the future. Regardless of what this Court orders, Mr. Llop can continue with that course of conduct. The relief he seeks will not "redress" his alleged injury. *See Sykes*, 335 F. Supp. 2d at 92–93.

II. ALTERNATIVELY, THIS CASE SHOULD BE DISMISSED BECAUSE PLAINTIFF HAS FAILED TO STATE A CLAIM UPON WHICH RELIEF CAN BE GRANTED

The Complaint does not articulate a cognizable basis for standing, and therefore plaintiff has not established that this Court has subject-matter jurisdiction. However, even assuming this Court had subject-matter jurisdiction, Mr. Llop's complaint should be dismissed pursuant to Federal Rule of Civil Procedure 12(b)(6) for failure to state a claim upon which relief may be granted. Mr. Llop's broad and undefined challenge to the "federal campaign-finance system," includes two counts: a First Amendment free speech claim and a Fifth Amendment equal protection claim. (*See* Compl.).

Dismissal of a complaint is appropriate pursuant to Rule 12(b)(6) where, accepting the factual allegations in the complaint as true and drawing all reasonable inferences in a plaintiff's favor, the complaint fails as a matter of law to state a claim on which relief can be granted. Fed. R. Civ. P. 12(b)(6); *Rollins v. Wackenhut Servs., Inc.*, 703 F.3d 122, 129 (D.C. Cir. 2012) (citing *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007)); *Ashcroft v. Iqbal,* 556 U.S. 662, 678 (2009). A claim must be dismissed "when the allegations in a complaint, however true, could not raise a claim of entitlement to relief." *Bell Atl. Corp.*, 550 U.S. at 558.

A. Plaintiff's First Amendment Claim Fails

To state a First Amendment claim, a plaintiff must show that he is burdened by the challenged provision, and it is not "closely drawn" to match a "sufficiently important governmental interest." *Buckley*, 424 U.S. at 25. Here, Mr. Llop has not established that he is

burdened by the contribution limits; he alleges no facts that he contributed up to the limit in the past, wished to contribute more, or has such plans to make such contributions in the future, but is prevented by the contribution limits. He also fails to allege facts that would establish that the governmental interest served by the limits is not sufficiently important enough to justify the limit. A complaint is inadequate "if it tenders naked assertions devoid of further factual enhancement." *Iqbal*, 556 U.S. at 678 (internal quotation marks omitted). Here, his bare allegation that his "direct contributions are capped" while "nonprofit organizations . . . may engage in unlimited independent expenditures" (Compl.) fails to identify a burden or establish that any burden is not justified by an important governmental interest. Accordingly, plaintiff fails to state a claim.

Furthermore, Mr. Llop's claims are foreclosed by precedent. *See, e.g., Schonberg v. FEC*, 792 F. Supp. 2d 20, 27 (D.D.C. 2011); *Albanese*, 884 F. Supp. at 693 (holding that "in obedience to [Supreme Court] precedent [the court] must dismiss the challenge to the FECA for failure to state a claim upon which relief may be granted"). The federal contribution limits in FECA have been reviewed and repeatedly upheld by the Supreme Court since *Buckley*, *see* 424 U.S. at 1, and the Court "has focused on the need to preserve authority for the Government to combat corruption" while ensuring "that the Government's efforts do not have the effect of restricting the First Amendment right of citizens to choose who shall govern them." *McCutcheon v. FEC*, 572 U.S. 185, 227 (2014) (plurality opinion). Notwithstanding weighty free-speech considerations, *Buckley* held that limiting contributions to candidates for political office to combat actual and apparent quid pro quo corruption is a constitutionally permissible cornerstone of campaign finance regulation. *See* 424 U.S. at 23-29. Courts have reaffirmed that foundational principle ever since. *Id*. at 26-27; *FEC v. Cruz*, 596 U.S. 289, 305 (2022) (preventing quid pro quo

corruption and its appearance remains a "permissible ground for restricting political speech"); *McCutcheon*, 572 U.S. at 192 (plurality opinion). That interest "has never been doubted," *Nixon v. Shrink Missouri Gov't PAC*, 528 U.S. 377, 389 (2000), and is not merely "sufficiently important," *Buckley*, 424 U.S. at 26-27, but may be properly classified as "compelling." *McCutcheon*, 572 U.S. at 199; *McConnell v. FEC*, 540 U.S. 93, 144 (2003) (large contributions "can corrupt or, at the very least, create the appearance of corruption of federal candidates and officeholders is neither novel nor implausible.") *FEC v. National Conservative Political Action Committee*, 470 U.S. 480, 496 (1985) (the Government's interest in preventing quid pro quo corruption or its appearance through contribution limits is "compelling")*; Libertarian Nat'l Comm., Inc. v. FEC*, 924 F.3d 533, 541–42 (D.C. Cir. 2019). The Court should dismiss the Complaint for that reason as well.

B. Plaintiff's Equal Protection Claim Fails

Mr. Llop similarly fails as a matter of law to state a Fifth Amendment Equal Protection claim. The Equal Protection Clause, which prohibits states from denying persons "the equal protection of the laws," U.S. Const. amend. XIV, § 1, "keeps governmental decisionmakers from treating differently persons who are in all relevant respects alike," *Nordlinger v. Hahn*, 505 U.S. 1, 10 (1992). The equal protection component of the Fifth Amendment's Due Process Clause imposes a similar obligation on the federal government. To state an Equal Protection claim here, plaintiff must allege that the challenged statute treats similarly situated entities differently, and that the contribution limits burden his First Amendment rights to a greater extent than it burdens others, and that such differential treatment is not justified. *Cal. Med. Ass'n,* 453 U.S. at 200. As shown, supra 10-12, Mr. Llop has failed to allege a First Amendment violation, and so for those same reasons, he fails to state an Equal Protection claim. Indeed, the face of his Complaint notes that the contributions he identifies are "direct contributions" to candidates and the alleged

inequality he asserts is with "nonprofit organizations that may engage in unlimited independent expenditures." (*See* Compl.) There are no facts alleging that these entities and circumstances are similarly situated or that any differences are not justified. Indeed, as the Supreme Court in *McConnell* explained, "Congress is fully entitled to consider . . . real-world differences . . . when crafting a system of campaign finance regulation." 540 U. S. at 188. From *Buckley* forward, the courts have acknowledged that the Constitution does not require Congress to treat all participants in the campaign finance system the same. An individual contributing directly to a candidate, where the Supreme Court has identified the risk or appearance of quid pro quo corruption is at its greatest, and a group of people speaking independently, which the Court has determined to have a different risk of corruption, are not required to be treated identically. *Buckley*, 424 U.S. at 44-48. Accordingly, Mr. Llop has failed to establish that he was deprived of Equal Protection guarantees.

CONCLUSION

The Court should dismiss plaintiff's complaint for lack of jurisdiction. Mr. Llop lacks standing because he presents only a generalized grievance shared by all members of society and fails to allege that the contribution limits have caused him to limit his past or future contributions. Invalidating the contribution limits would not have any effect on Mr. Llop, let alone redress any alleged injury. Plaintiff's Complaint also fails to state a claim on which relief can be granted and is foreclosed by precedent and should be dismissed for this reason as well.

Respectfully submitted,

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