

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SHELBY CAMPBELL,

Plaintiff,

v.

FEDERAL ELECTION
COMMISSION, UNITED STATES
OF AMERICA,

Defendants.

Civil No. 2:26-cv-10849

Honorable Laurie J. Michelson

Magistrate Judge Kimberly G.
Altman

**DEFENDANT FEDERAL ELECTION COMMISSION'S MOTION
FOR WAIVER OF THE LOCAL COUNSEL REQUIREMENT IN LOCAL
RULES 83.20(f) AND (g) AS TO THE COMMISSION AND
MEMORANDUM OF POINTS AND AUTHORITIES**

Defendant Federal Election Commission (“Commission” or “FEC”) hereby moves this Court for an order waiving application of the local counsel requirement in Local Rules 83.20(f) and (g) to permit Commission counsel to defend this case directly without designation of local counsel. In support of this motion, the Commission relies upon the points and authorities below. Prior to filing this motion, the FEC contacted the plaintiff, who is appearing pro se in this matter, to determine her position. Plaintiff stated that she opposed the motion.

FEC counsel certify that they are familiar with and will abide by the Local Rules of the Eastern District of Michigan, the Civility Principles adopted by the Court, the Federal Rules of Civil Procedure, and the Federal Rules of Evidence.

INTRODUCTION

This action is before the Court on pro se plaintiff Shelby Campbell's Complaint for Declaratory and Injunctive Relief against the Commission. (Pl.'s Compl. for Declaratory and Injunctive Relief ("Compl.") (ECF No. 1).) The Complaint seeks declaratory and injunctive relief against the Commission and defendant the United States in connection with plaintiff's challenge to "the constitutionality and operation of federal campaign finance laws and their enforcement." (Compl. ¶ 13.)¹ The Commission seeks a waiver of the local counsel requirement of Local Rules 83.20(f) and (g) to permit FEC counsel to appear before this Court without designation of local counsel for service of all papers. Counsel for the FEC appears in this action pursuant to Local Rule 83.20(g), which provides that "[a]n attorney representing . . . an agency of the United States may practice in this court in an official capacity without applying for admission." Local Rule 83.20(g). The rule also provides that "[i]f the attorney

¹ The Commission has separately filed a motion to dismiss plaintiff's Complaint pursuant to Fed. R. Civ. P. 12(b)(1) for lack of subject matter jurisdiction because the plaintiff fails to demonstrate Article III standing.

does not have an office in the district, he or she must designate the United States attorney or an assistant United States attorney for this district to receive service of all notices and papers.” *Id.* The Commission seeks waiver of this requirement because it is a unique federal agency with litigation authority independent of the Department of Justice and the United States Attorney’s Office, and the Commission’s ability to carry out its mission will be furthered if the Court grants this motion.

ARGUMENT

The Commission is a six-member, independent agency of the United States government with exclusive civil jurisdiction over the administration, interpretation, and civil enforcement of the Federal Election Campaign Act of 1971, as amended (“Act”). *See generally* 52 U.S.C. §§ 30106(b)(1), 30107(a), 30109. The Commission maintains its sole offices at 1050 First Street NE, Washington, DC 20463. The Commission is expressly authorized by statute to appear in and defend against actions brought pursuant to the Act, including against constitutional challenges. *See generally* 52 U.S.C. §§ 30106(f)(4), 30107(a)(6) and 30107(e), § 30110.

The D.C. Circuit has explained “the FEC, an inherently bipartisan agency, is responsible for deciding ‘issues charged with the dynamics of party politics, often under the pressure of an impending election.’” *Orloski v. FEC*, 795 F.2d 156, 164

(D.C. Cir. 1986) (quoting *FEC v. Democratic Senatorial Campaign Comm.*, 454 U.S. 27, 37 (1981)). With the exception of petitions for writ of certiorari, which must be filed by the Solicitor General, the Commission was not established as a client agency of the Department of Justice. *FEC v. NRA Pol. Victory Fund*, 513 U.S. 88, 93 (1994).

The legislative history of the 1974 and 1976 amendments to the Act that established the Commission further explains that this authority is not subject to direct or indirect control by the Department of Justice. *See NRA Pol. Victory Fund*, 513 U.S. at 95-96 (citing legislative history); *id.* at 102-103 (Stevens, J., dissenting) (same). *See generally* 120 Cong. Rec. 7939 (1974) (Rep. Esch); 120 Cong. Rec. 10344 (1974) (Rep. Heckler); 122 Cong. Rec. 7288, 7289 (1976) (Sen. Cannon); and 122 Cong. Rec. 12470, 12471 (1976) (Sen. Brock).

Recognizing the FEC's independent litigation authority, courts in this district have previously waived the local counsel requirement. *See Fieger v. FEC*, Civil No. 08-14125 (E.D. Mich. Nov. 3, 2008) ("It is further ordered that the plaintiff shall serve all papers directly upon counsel for the Federal Election Commission."); *Jones v. FEC*, Civil No. 97-70006 (E.D. Mich. Apr. 14, 1997) (finding "that the Federal Election Commission is independent from the United States Attorney's Office with their own general counsel staff; . . . order[ing] that the plaintiff serve all papers upon [the] general counsel for the Federal Election

Commission”); *Federal Election Commission v. Lee*, Civil No. 80-71556 (E.D. Mich. Apr. 28, 1980) (same). Copies of these orders are attached as Exhibit 1.

Requiring the Commission to designate the United States attorney or an assistant United States attorney for this district to receive service of all notices and papers would impose anomalous burdens on a government entity with the Commission’s unique statutory authority and responsibility to represent itself in every district and circuit in the United States. A waiver of this requirement is particularly appropriate here given that the United States, as represented by the Department of Justice, is named as a defendant and therefore will receive electronic service of all papers filed by the parties in this case.

CONCLUSION

In view of the specific statutory provisions and legislative history noted above, defendant Federal Election Commission respectfully requests that the Court grant the Commission’s motion for waiver of the local counsel requirement in Local Rules 83.20(f) and (g) as to the Commission.

Respectfully submitted,

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/s/ Michael D. Contino
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COUNSEL FOR DEFENDANT
FEDERAL ELECTION
COMMISSION
1050 First Street NE
Washington, DC 20463
(202) 694-1650

June 22, 2026

CERTIFICATE OF SERVICE

I hereby certify that I caused the foregoing Motion for Waiver of the Local Counsel Requirement to be filed electronically using the Court's CM/ECF system on the 22nd day of June 2026. Paper copies will also be mailed to:

Shelby Campbell
611 Orleans St Apt 42
Detroit, MI 48207

/s/ Michael D. Contino
Michael D. Contino

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SHELBY CAMPBELL,

Plaintiff,

v.

FEDERAL ELECTION
COMMISSION,

Defendant,

UNITED STATES OF AMERICA,

Defendant.

Civil No. 2:26-cv-10849

Honorable Laurie J. Michelson

Magistrate Judge Kimberly G.
Altman

BRIEF FORMAT CERTIFICATION FORM

I, Michael D. Contino, hereby certify that the foregoing brief 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 minuscrit, *see* Case Management Requirements § III.A;

- 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/ Michael D. Contino

Dated: June 22, 2026

Exhibit 1

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

GEOFFREY NELS FIEGER,

Plaintiff,

v.

Case Number 08-14125
Honorable David M. Lawson

FEDERAL ELECTION COMMISSION,

Defendant.

_____ /

**ORDER GRANTING MOTION FOR WAIVER OF
LOCAL COUNSEL REQUIREMENT**

The matter is before the Court on the defendant's motion for waiver of the local counsel requirement. The Local Rules for the Eastern District of Michigan prohibit an attorney who is not a member of the Michigan bar from appearing in a case without specifying a local counsel for service. E.D. Mich. LR 83.20(f). The Court may relieve an attorney of this requirement upon the attorney's request. Attorneys for the United States or its agencies are relieved from the local counsel rule, except that such attorney "must designate the United States attorney . . . for this district to receive service of all notices and papers." E.D. Mich. LR 83.20(g). The defendant, an agency of the United States, requests that the obligation of this rule be suspended, and service of all papers made directly on it, bypassing the United States Attorney for the Eastern District of Michigan. Neither the plaintiff nor the Acting United States Attorney for the Eastern District of Michigan objects to this request. After considering the matter, the Court will grant the defendant's motion and direct that service on the defendant shall be made on counsel for the defendant.

Accordingly, it is **ORDERED** that the defendant's motion [dkt. #10] is **GRANTED**.

It is further **ORDERED** that the plaintiff shall serve all papers directly upon counsel for the

Federal Election Commission.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: November 3, 2008

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on November 3, 2008.

s/Felicia M. Moses
FELICIA M. MOSES

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FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

FILED-CLERK
UNITED STATES DISTRICT COURT

APR 14 9 27 AM '97

CLERK
MICHIGAN
MURON

ALFONZO JONES,
Plaintiff,

vs.

Case No. 97-CV-70006

FEDERAL ELECTION COMMISSION,
Defendant.

Hon. Robert E. DeMascio

ORDER

This matter having come before the court on defendant's "Motion for a Waiver of Local Rule 110.1(e)," renumbered as E.D. Mich. LR 83.20, and the court having found that the Federal Election Commission is independent from the United States Attorney's Office with their own general counsel staff;

NOW, THEREFORE, IT IS ORDERED that defendant's motion is GRANTED.

IT IS FURTHER ORDERED that plaintiff serve all papers upon general counsel for the Federal Election Commission, whose address is 999 E. Street, N.W., Washington, D.C. 20463.

Robert E. DeMascio
Robert E. DeMascio
United States District Judge

A TRUE COPY
OF THE ABOVE ORDER
BEING FILED FOR THE
RECORD
DeMascio
DEPUTY CLERK

Dated: APR 17 1997

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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - DETROIT

FEDERAL ELECTION COMMISSION,
1325 K Street, N.W.
Washington, D.C. 20463
(202)523-4143

Civil Action No. 80-71556

ORDER

v.

907811


LOUIS R. LEE
3631 Bayou Drive
West Bloomfield Township, MI 48633
(313)338-6417

Upon consideration of plaintiff Federal Election Commission's motion for a waiver of the requirements of Local Court Rule V(c) to allow for service of papers in this case to be made directly upon the Commission,

IT IS HEREBY ORDERED that the plaintiff's motion is granted waiving the requirements of Local Court Rule V (c) regarding service of papers as to the plaintiff Commission, and all papers in this case shall be served directly upon the Commission.

APR 29 1980

Date


UNITED STATES DISTRICT JUDGE