

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

JOSHUA FREEDMAN,)	
)	
Plaintiff,)	Civ. No. 22-1542 (RCL)
)	
v.)	
)	
FEDERAL ELECTION COMMISSION)	
1050 First Street, NE)	
Washington, DC 20463,)	MOTION TO DISMISS
)	
Defendant.)	
)	

**DEFENDANT FEDERAL ELECTION COMMISSION’S
MOTION TO DISMISS FOR LACK OF SUBJECT MATTER JURISDICTION**

Pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure, defendant Federal Election Commission (“FEC” or “Commission”) hereby moves for an order dismissing plaintiff Joshua Freedman’s complaint for lack of jurisdiction. Plaintiff’s court complaint alleges that the Commission’s dismissal of an administrative complaint he previously filed with the agency was contrary to law pursuant to 52 U.S.C. § 30109(a)(8)(A). However, plaintiff has filed his complaint in this Court outside of the 60-day jurisdictional window that section 30109(a)(8) provides for plaintiffs to file such claims. Furthermore, plaintiff has failed to allege a concrete and particularized injury resulting from the dismissal of his administrative complaint, and thus he has not established Article III standing to bring this suit. His complaint should be dismissed.

A supporting memorandum and a proposed order accompany this motion.

Respectfully submitted,

Lisa J. Stevenson (D.C. Bar No. 457628) Acting General Counsel lstevenson@fec.gov	<u>/s/ Greg J. Mueller</u> Greg J. Mueller (D.C. Bar No. 462840) Attorney gmueller@fec.gov
---	---

Kevin Deeley
Associate General Counsel
kdeeley@fec.gov

Harry J. Summers
Assistant General Counsel
hsummers@fec.gov

COUNSEL FOR DEFENDANT
FEDERAL ELECTION COMMISSION
1050 First Street, NE
Washington, DC 20463
(202) 694-1650

January 17, 2023