

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

_____)	
CASTRO)	
)	
Plaintiff,)	No. 22-cv-02176
)	
v.)	
)	
FEDERAL ELECTION COMMISSION,)	MOTION TO DISMISS
)	
Defendant.)	
_____)	

FEDERAL ELECTION COMMISSION’S PARTIAL MOTION TO DISMISS

The Federal Election Commission hereby moves for an order dismissing plaintiff’s complaint to the extent that it asserts the Commission has unlawfully failed to conclude that former president Donald J. Trump is constitutionally disqualified from holding Federal office and must reject any candidacy filings pursuant to Section 3 of the Fourteenth Amendment to the Constitution, also known as the “Disqualification Clause.” Plaintiff fails to establish Article III standing to pursue this claim pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure and has failed to state a claim upon which relief can be granted pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure.

Additionally, to the extent plaintiff seeks to challenge the Commission’s alleged failure to act on plaintiff’s administrative complaint under the Administrative Procedure Act, this portion of plaintiff’s complaint is precluded and should be dismissed pursuant to Rule 12(b)(6) as well. A supporting memorandum and a proposed order accompany this motion.

Respectfully submitted,

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