

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

GIFFORDS,

Plaintiff,

v.

FEDERAL ELECTION COMMISSION,

Defendant.

Civil Action No. 1:19-cv-1192 (EGS)

ORDER

On September 30, 2021, this Court ordered Defendant Federal Election Commission (“FEC”) to conform to the law within 30 days by making a reason-to-believe determination on the four administrative complaints underlying this action, pursuant to 52 U.S.C. § 30109(a)(2). Order, *Giffords v. FEC*, No. 1:19-cv-1192 (D.D.C. Sept. 30, 2021). The FEC’s 30-day period to conform to the Court’s order has expired.

The Court held a sealed status conference on November 1, 2021. Pursuant to the findings made therein, it is hereby **ORDERED AND ADJUDGED** as follows:

1. Defendant FEC has failed to conform to this Court’s Order entered September 30, 2021.

2. Pursuant to 52 U.S.C. § 30109(a)(8)(C), Plaintiff Giffords may bring “a civil action to remedy the violations involved in the original complaint[s]” against the administrative respondents. *Citizens for Responsibility & Ethics in Wash. v. FEC*, 299 F. Supp. 3d 83, 101 (D.D.C. 2018) (quoting 52 U.S.C. § 30109(a)(8)(C)); *see also Campaign Legal Center v. FEC*, No. 1:20-cv-01778-RCL, ECF 24 (Feb. 11, 2021); *Citizens for Responsibility & Ethics in Wash. v. Am. Action Network*, 410 F. Supp. 3d 1, 7, 8-9 (D.D.C. 2019) (explaining that where court has directed

FEC to take action “to conform[] with” and FEC “fails to take action to conform with [that] order, the administrative complainant may sue the alleged FEC violator directly ‘to remedy the violation involved in the original complaint.’” (quoting 52 U.S.C. § 30109(a)(8)(c))).

3. The Court reserves judgment as to whether the transcript of the November 1, 2021 status conference shall remain under seal.

IT IS SO ORDERED.

Dated: November 1, 2021



Emmet G. Sullivan

2021.11.01

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The Honorable Emmet G. Sullivan
United States District Judge