

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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Angela D. Caesar, Clerk
U.S. District & Bankruptcy Courts
for the District of Columbia

PETER BERNEGGER,

Plaintiff,

v.

Civil Action No. 1:26-cv-00213-TSC

FEDERAL ELECTION COMMISSION,

Defendant.

**PLAINTIFF'S MOTION FOR ENTRY OF DEFAULT
AND DEFAULT JUDGMENT**

Plaintiff Peter Bernegger respectfully moves, pursuant to Federal Rule of Civil Procedure 55(a), 55(b)(2), and 55(d), for entry of default against Defendant Federal Election Commission and for default judgment. In support, Plaintiff states as follows:

1. Plaintiff filed this action on January 23, 2026, seeking declaratory and injunctive relief under 52 U.S.C. § 30109(a)(8)(A) based on the Federal Election Commission's December 31, 2025 refusal to process and consider Plaintiff's sworn administrative complaint concerning U.S. Senator Elissa Slotkin's campaign committees and treasurer.

2. The Complaint alleges that the Commission's refusal to process and act on Plaintiff's administrative complaint constitutes an order dismissing the complaint and/or a failure of the Commission to act within the meaning of 52 U.S.C. § 30109(a)(8)(A), and that such refusal is contrary to law.

3. Summons was issued in this action on January 23, 2026.

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4. On February 2, 2026, Plaintiff caused the stamped Summons and Complaint to be served on all three required recipients for an action against a United States agency: the Federal Election Commission, the Attorney General of the United States, and the United States Attorney for the District of Columbia.
5. Under Federal Rule of Civil Procedure 12(a)(2), a United States agency must serve an answer to a complaint, or a motion under Rule 12, within 60 days after service on the United States Attorney.
6. Sixty days from February 2, 2026 expired on April 3, 2026.
7. Defendant Federal Election Commission failed to answer, move under Rule 12, or otherwise defend this action by April 3, 2026.
8. Under Federal Rule of Civil Procedure 55(a), when a party against whom affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the Clerk must enter the party's default.
9. Under Federal Rule of Civil Procedure 55(d), a default judgment may be entered against a United States agency only if the claimant establishes a claim or right to relief by evidence satisfactory to the Court.
10. Plaintiff has established through the pleadings and the record that:
 - a. Plaintiff filed a sworn administrative complaint with the Commission on December 19, 2025;
 - b. the Commission, through its staff, informed Plaintiff on December 31, 2025 that it would not process and would not consider Plaintiff's administrative complaint;
 - c. this action was timely filed under 52 U.S.C. § 30109(a)(8)(A); and

d. the Commission's refusal prevented docketing of the complaint as a Matter Under Review, prevented service on the respondents by the Commission, and prevented any Commission vote to determine reason to believe, dismiss, or otherwise resolve the complaint on the merits as required by FECA.

11. Plaintiff therefore has established a right to the declaratory and injunctive relief requested in the Complaint.

WHEREFORE, Plaintiff respectfully requests that the Court:

A. Direct the Clerk to enter default against Defendant Federal Election Commission;

B. Enter default judgment in Plaintiff's favor under Rule 55(b)(2) and 55(d);

C. Declare that the Federal Election Commission's December 31, 2025 refusal to process and act on Plaintiff's administrative complaint is contrary to law under 52 U.S.C. § 30109(a)(8)(C);

D. Order the Commission to conform with that declaration within thirty (30) days by docketing the administrative complaint, serving the respondents pursuant to 52 U.S.C. § 30109(a)(1) and 11 C.F.R. § 111.6, and taking the action required by FECA, including making a determination under 52 U.S.C. § 30109(a)(2);


E. Retain jurisdiction over this matter to ensure compliance with the Court's order;

F. Award Plaintiff his allowable costs and, to the extent permitted by 52 U.S.C. § 30109(a)(8)(B), reasonable litigation expenses; and

.G. Grant such other and further relief as the Court deems just and proper.

Respectfully submitted,

Dated: April 3, 2026



Peter Bernegger - Plaintiff
1806 Brynwood Trace
New London, WI 54961
(920) 551-0510 peter@electionwatch.info

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Defendant.

CERTIFICATE OF SERVICE

I, Peter Bernegger, Plaintiff, hereby certify under penalty of perjury that on April 3, 2026,
a true and correct copy of the foregoing Plaintiff's Motion for Entry of Default and Default
Judgment was served by First Class U.S. Mail, postage prepaid, upon:

Michael D. Contino
Office of General Counsel
Federal Election Commission
1050 First Street, NE
Washington, DC 20463



Peter Bernegger - Plaintiff
1806 Brynwood Trace
New London, WI 54961
(920) 551-0510
peter@electionwatch.info

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