

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

PETER BERNEGGER,

Plaintiff,

v.

Civil Action No. 1:25-cv-04563-TNM

FEDERAL ELECTION COMMISSION,

Defendant.

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

**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. This working draft is intended for use only after Plaintiff has completed service required by Federal Rule of Civil Procedure 4(i) and after the response period under Rule 12(a)(2) has expired. In support, Plaintiff states that:

1. Plaintiff filed this action on December 31, 2025, seeking declaratory and injunctive relief under 52 U.S.C. § 30109(a)(8) based on the Federal Election Commission's failure to act on Plaintiff's administrative complaint, MUR 8386.
2. The Federal Election Commission acknowledged receipt of Plaintiff's administrative complaint by letter dated August 7, 2025, stating that the complaint was received on July 31, 2025, and assigning the matter MUR No. 8386.
3. The Complaint filed in this action alleges that the Commission failed to act on MUR 8386 within the 120-day period prescribed by 52 U.S.C. § 30109(a)(8)(A).

4. Under Federal Rule of Civil Procedure 4(i), service on a United States agency requires service on the United States Attorney for the district, the Attorney General of the United States, and the agency itself.

5. Plaintiff completed service required by Rule 4(i) on February 2, 2026.

6. Under Federal Rule of Civil Procedure 12(a)(2), a United States agency must serve an answer within 60 days after service on the United States Attorney.

7. Defendant's response deadline therefore expired on April 2, 2026.

8. More than the maximum time permitted by Rule 12(a)(2) has elapsed, and Defendant has failed to answer, move under Rule 12, or otherwise defend this action.

9. Defendant has not filed any appearance, answer, motion to dismiss, or other responsive pleading on the docket in this case.

10. Plaintiff has established by the pleadings, docket, and record evidence that Defendant failed to act on Plaintiff's administrative complaint within the time required by 52 U.S.C. § 30109(a)(8), and that Plaintiff is entitled to the 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 Commission's failure to act on Plaintiff's administrative complaint, MUR 8386, is contrary to law under 52 U.S.C. § 30109(a)(8)(C);

D. Order the Commission to conform with that declaration within 30 days;

E. Award Plaintiff allowable costs; and

F. 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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Civil Action No. 25-4563 (TNM)

FEDERAL ELECTION COMMISSION,

Defendant.

**CERTIFICATE OF SERVICE**

I, Peter Bernegger, Plaintiff, hereby certify under sworn oath 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 postage prepaid US Mail First Class, upon the following counsel of record for Defendant Federal Election Commission:

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



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

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