

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

SHELBY CAMPBELL,

Case No. 2:26-cv-10849-LJM-
KGA

Plaintiff,

Hon. Laurie J. Michelson

v.

Mag. Judge Kimberly G. Altman

FEDERAL ELECTION COMMISSION and

UNITED STATES OF AMERICA,

Defendants.

**PLAINTIFF'S UNOPPOSED MOTION FOR LEAVE TO FILE
RESPONSES TO DEFENDANTS' MOTIONS TO DISMISS OUT OF TIME**

Plaintiff Shelby Campbell, proceeding pro se, respectfully moves under Federal Rule of Civil Procedure 6(b)(1)(B) for leave to file her responses to Defendants' motions to dismiss on or before August 10, 2026. The responses were due July 16, 2026. That was the same fixed deadline by which Plaintiff, an independent candidate for the United States House of Representatives, was required to submit the petition signatures necessary to obtain ballot access.

During the final period before July 16, Plaintiff encountered an unexpected campaign emergency. Her former campaign manager failed to return

approximately ninety-five petition signatures that had been collected for the campaign. Even apart from those missing signatures, Plaintiff remained more than 1,000 signatures short of the number necessary to make a viable ballot-access filing with only two days remaining. Plaintiff therefore had to organize an emergency paid-circulation effort. In approximately two days, the replacement circulators collected approximately 1,200 signatures. Plaintiff personally drove throughout the area making repeated trips to deliver blank petition sheets, retrieve completed sheets, compensate circulators, review and sort the filings, and prepare the petitions for timely submission. Unlike an ordinary scheduling conflict, the ballot-filing deadline could not be extended, and failure to meet it would have ended Plaintiff's candidacy. Plaintiff timely submitted her petitions on July 16, 2026.

Plaintiff did not intentionally disregard this Court's deadline. The overlapping deadlines and last-minute loss of campaign work required immediate triage by a self-represented litigant without litigation staff. Plaintiff files this motion five days after the response deadline and seeks leave to file both responses by August 10, 2026. No hearing, trial, discovery deadline, or other case-management date will be disturbed. Defendants have advised that they do not oppose the requested relief.

CONCURRENCE UNDER E.D. MICH. LR 7.1(a)

On July 21, 2026, Plaintiff conferred by email with counsel for both Defendants, explained the nature and legal basis of this motion, and requested concurrence in an extension through August 10, 2026. Counsel advised that Defendants do not oppose the motion.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Shelby Campbell".

Shelby Campbell, Plaintiff Pro Se
611 Orleans St.
Detroit, Michigan 48207
313-909-3152
Shelbysoup@gmail.com

Dated: July 21, 2026

**BRIEF IN SUPPORT OF PLAINTIFF'S MOTION FOR LEAVE TO FILE
RESPONSES OUT OF TIME**

ISSUE PRESENTED

Whether Plaintiff has shown excusable neglect under Rule 6(b)(1)(B) where her response deadline coincided with a fixed ballot-petition deadline, an unexpected loss of petition signatures required immediate action, she moved five days after the deadline, and the requested extension will neither prejudice Defendants nor disrupt the proceedings?

CONTROLLING OR MOST APPROPRIATE AUTHORITY

Federal Rule of Civil Procedure 6(b)(1)(B) authorizes the Court, for good cause, to extend a deadline after it has expired if the movant failed to act because of excusable neglect.

The excusable-neglect determination is equitable and accounts for all relevant circumstances, including: (1) prejudice to the nonmoving party; (2) the length of delay and its effect on the proceedings; (3) the reason for delay; (4) whether the delay was within the movant's reasonable control; and (5) good faith. *Pioneer Inv. Servs. Co. v. Brunswick Assocs. Ltd. P'ship*, 507 U.S. 380, 395 (1993); *Nafziger v. McDermott Int'l, Inc.*, 467 F.3d 514, 522 (6th Cir. 2006).

Rule 6(b)(1)(B) is a means for extending a missed deadline after an action has begun, and the decision whether excusable neglect exists is committed to the district court's discretion. *Rodriguez v. Hirshberg Acceptance Corp.*, 70 F.4th 370, 376–77 (6th Cir. 2023).

Eastern District of Michigan Local Rule 7.1(e)(2)(A) ordinarily provides twenty-one days to respond to a motion under Rule 12(b).

ARGUMENT

I. The Pioneer factors, considered together, establish excusable neglect.

Rule 6(b)(1)(B) permits an extension after a deadline has expired upon a showing of good cause and excusable neglect. The inquiry is not governed by a rigid rule; it is an equitable assessment of all relevant circumstances. *Pioneer*, 507 U.S. at 395. The Sixth Circuit applies five considerations: prejudice, length and impact of delay, reason for delay, reasonable control, and good faith. *Nafziger*, 467 F.3d at 522. Each consideration supports the modest relief requested here, or at minimum the balance strongly favors allowing the Court to decide the dismissal motions on complete briefing.

A. Defendants will not be prejudiced.

Defendants will suffer no cognizable prejudice from the requested extension. The case is at the pleading stage. No discovery deadline, hearing, pretrial conference, or trial date will be displaced. Plaintiff asks for a defined period to prepare two responses, and Defendants will retain the reply period supplied by the Local Rules. The extension will not impair evidence, alter the parties' substantive rights, or create a tactical disadvantage. This factor strongly favors relief.

B. The delay is limited and will not materially affect the proceedings.

Plaintiff brings this motion on July 21, 2026, only five days after the July 16 response deadline, and requests leave to file her responses by August 10, 2026. The requested date would result in a twenty-five-day delay from the original deadline. Although the delay in *Howard v. Nationwide Property & Casualty Insurance Co.*, 306 F. App'x 265, 268 (6th Cir. 2009), was approximately three weeks, it affected an approaching trial and mediation. No comparable case-management event is approaching here. The case remains at the pleading stage, no hearing or discovery deadline will be displaced, and Defendants will retain an opportunity to reply. Accordingly, the requested extension will have little effect on the proceedings.

C. The reason for the delay was a direct collision between the Court deadline and an unexpected ballot-access emergency.

The responses and Plaintiff's ballot petitions were due on the same date—July 16, 2026. In the final period before that date, Plaintiff learned that approximately ninety-five campaign petition signatures were not being returned by her former campaign manager. Even without accounting for those missing signatures, Plaintiff remained more than 1,000 signatures short of the number necessary to make a viable ballot-access filing. Because the statutory filing deadline could not be extended, Plaintiff had to respond immediately. She

organized an emergency paid-circulation effort through which replacement circulators gathered approximately 1,200 signatures in approximately two days. Plaintiff personally made repeated driving trips to deliver blank petition sheets, retrieve completed sheets, compensate circulators, review and separate petition sheets, and prepare the filing. Plaintiff timely submitted the petitions by the state deadline.

Plaintiff recognizes that candidacy obligations do not ordinarily excuse federal-court deadlines. This was not a routine campaign appearance, however. It was a one-time, fixed legal deadline made materially more difficult by the unexpected loss of campaign work in the final days. The collision was especially acute because Plaintiff is self-represented and has no litigation staff to prepare two dismissal responses while she personally completed the ballot-access filing. Plaintiff's pro se status is offered as context, not as a categorical exemption from procedural rules.

D. Plaintiff's conduct was partly outside her reasonable control, and she acted promptly regarding what she could control.

The Court may consider both the outside event and Plaintiff's response to it. Plaintiff could not control her former campaign manager's refusal or failure to return the collected signatures, nor could she move Michigan's ballot-filing deadline. Once the problem became apparent, she acted to preserve her candidacy

and completed the filing. Although Plaintiff could have requested an extension before July 16 and accepts responsibility for not doing so, she did not simply forget the response deadline. She confronted two simultaneous legal deadlines, addressed the one that could not be extended, and promptly sought relief in this Court after the petition filing was completed. That combination distinguishes this matter from ordinary calendaring error or unexplained inattention.

E. Plaintiff has acted in good faith.

Nothing indicates bad faith, tactical delay, or abandonment. Plaintiff has continued to prosecute the action and has requested a definite, limited extension. She explains the missed deadline directly rather than minimizing it, and she seeks permission before tendering an untimely merits filing. Her prompt motion and limited request support a finding of good faith.

II. The requested extension favors resolution on complete briefing.

Allowing the responses will provide the Court with adversarial briefing on jurisdictional and merits questions raised by two dispositive motions. The Sixth Circuit has explained that Rule 6(b)(1)(B) gives district courts discretion to extend missed deadlines, while dismissal or other dispositive consequences must rest on the applicable procedural authority. *Rodriguez*, 70 F.4th at 376–77. Because the

delay is limited and nonprejudicial and no case-management event is threatened, allowing Plaintiff to file responses by a new date will serve orderly adjudication.

CONCLUSION

Plaintiff respectfully requests that the Court find excusable neglect under Rule 6(b)(1)(B) and permit Plaintiff to file her responses to Defendants' motions to dismiss on or before August 10, 2026, or on another date the Court deems appropriate.

Respectfully submitted,

Shelby Campbell, Plaintiff Pro Se
611 Orleans St.
Detroit, Michigan 48207
313-909-3152
Shelbysoup@gmail.com

A handwritten signature in black ink, appearing to read 'Shelby Campbell', is written over the printed name and contact information.

Dated: July 21, 2026

DECLARATION OF SHELBY CAMPBELL

I, Shelby Campbell, declare as follows:

1. I am the Plaintiff in this action and represent myself without counsel.
2. I am also an independent candidate for the United States House of Representatives in Michigan's Thirteenth Congressional District.
3. My responses to Defendants' pending motions to dismiss were due July 16, 2026.
4. July 16, 2026, was also the deadline for me to submit the petition signatures required for ballot access.
5. During the final period before that deadline, my former campaign manager did not return approximately ninety-five petition signatures collected for my campaign. I have communications reflecting his knowledge of that approximate number.
6. Even apart from the approximately ninety-five missing signatures, I remained more than 1,000 signatures short of the number necessary to make a viable ballot-access filing with only two days remaining before the deadline.
7. I organized an emergency paid-circulation effort. In approximately two days, the replacement circulators collected approximately 1,200 signatures.

8. During those two days, I personally drove throughout the area making repeated trips to deliver blank petition sheets, retrieve completed sheets, compensate circulators, review and sort the petition sheets, and prepare the petitions for submission.
 9. The ballot-petition deadline was fixed and could not be extended. Failure to file sufficient petitions by that date would have ended my candidacy.
 10. I timely submitted my petition sheets on July 16, 2026.
 11. The petition emergency consumed the time I otherwise would have used to complete responses to the two pending motions to dismiss.
 12. I knew responses were due and did not miss the deadline to gain a tactical advantage or to delay this case. I prioritized the fixed ballot deadline and intended to seek relief from this Court as promptly as possible afterward.
 13. I am asking for permission to file both responses by August 10, 2026.
- I declare under penalty of perjury that the foregoing is true and correct. 28 U.S.C. § 1746.

Executed on July 21, 2026, in Detroit, Michigan.


Shelby Campbell

CERTIFICATE OF SERVICE

I certify that on July 21, 2026, I served the foregoing Motion, Brief, and Declaration on all counsel of record by electronic filing and email to both counsel for Defendants.

A handwritten signature in cursive script, appearing to read "Shelby Campbell".

Shelby Campbell