

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

END CITIZENS UNITED PAC,

Plaintiff,

v.

FEDERAL ELECTION COMMISSION,

Defendant.

No. 21-cv-1665 (TJK)

[PROPOSED] ORDER

On April 18, 2022, this Court denied Plaintiff's motion for default judgment. ECF Nos. 11, 12. On June 9, 2023, the Court of Appeals ordered "that the District Court's judgment be reversed and the case be remanded to the District Court with instructions to return the case to the Commission for further action, in accordance with the opinion of the court[.]" Per Curiam Judgment at 1, *End Citizens United PAC v. FEC*, No. 22-5176 (D.C. Cir. June 9, 2023). The mandate from the Court of Appeals has now issued. *See* Mandate of USCA, Aug. 1, 2023, ECF No. 15.

Accordingly, it is hereby

ORDERED that, pursuant to Fed. R. Civ. P. 55, default judgment be entered on Plaintiff's claim that Defendant's dismissal of Plaintiff's administrative complaint was contrary to law.

It is further **ORDERED** that, pursuant to 52 U.S.C. § 30109(a)(8)(C), Defendant shall conform to this Order within 30 days.

It is further **ORDERED** that this Court shall retain jurisdiction over this matter until Defendant takes final agency action with respect to Plaintiff's administrative complaint. *See Cobell v. Norton*, 240 F.3d 1081, 1109 (D.C. Cir. 2001) (noting district court's discretion to "retain

jurisdiction until a federal agency has complied with its legal obligations” and to “compel regular progress reports in the meantime”).

IT IS SO ORDERED.



THE HON. TIMOTHY J. KELLY
United States District Judge

DATE: September 7, 2023