

IN THE UNITED STATES COURT OF APPEALS  
FOR THE EIGHTH CIRCUIT

ROBERT C. MCCHESENEY, in his  
official capacity as Treasurer of Bart  
McLeay for U.S. Senate, Inc.; and BART  
MCLEAY FOR U.S. SENATE, INC,

Appellants-Plaintiffs,

v.

MATTHEW S. PETERSEN, in his  
official capacity as Chair of the Federal  
Election Commission; FEDERAL  
ELECTION COMMISSION; and  
UNITED STATES OF AMERICA,

Defendants-Appellees.

No. 17-1179

**RESPONSE TO APPELLEES’  
MOTIONS**

Appellants Robert C. McChesney, in his official capacity as Treasurer of Bart McLeay for U.S. Senate, Inc.; and Bart McLeay for U.S. Senate, Inc., respond to the Motion to Dismiss and Excuse from Appellate Proceedings (“United States Motion”) filed by Appellee, United States of America (“United States”) and the Motion for Substitution of Appellee and Leave to File District Court Motion (“FEC Motion”) filed by Appellee Federal Election Commission (“Commission”).

1. United States Motion. Appellants filed a notice of dismissal without prejudice in the district court (Appx.135). Appellants do not object to continuation of dismissal without prejudice of the United States during this appeal.

2. FEC Motion. Appellants do not object to this Court substituting Commission Chairman Steven T. Walter for former Commission Chairman Matthew S. Petersen as one of the appellees. Appellants also do not object to the district court correcting a spelling error. However, Appellants do not see a need for any action in the district court at this time. This Court can enter an appropriate order when disposing of this action. Appellants do not want the uncertainty of whether a new notice of appeal will be required. *See* Fed. R. App. P. 4(a)(4)(B)(ii).

Dated this 3<sup>rd</sup> day of March, 2017

ROBERT C. MCCHESENEY, et al,

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## CERTIFICATE OF SERVICE

I hereby certify that on March 3, 2017, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Eighth Circuit by using the CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

s/ L. Steven Grasz

L. Steven Grasz