

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

vs.

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

Appellees.

No. 17-1179

MOTION TO DISMISS AND  
EXCUSE FROM APPELLATE  
PROCEEDINGS

Appellee United States of America, pursuant to Federal Rule of Appellate Procedure 27, hereby moves the Court for an Order dismissing it from this appeal and excusing it from all other deadlines and filing requirements associated with said appeal. In support of said motion, this appellee states and alleges as follows:

1. On March 1, 2017, 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., filed their opening brief. The cover page to the brief only lists Matthew S. Petersen, in his official capacity as Chair of the Federal Election Commission and Federal Election Commission as the Appellees (Brief filed 3/1/17 at CM/ECF p. 1). Additionally, the Summary of the Case (Id. at CM/ECF p. 2), the

Jurisdictional Statement (Id. at CM/ECF p. 9), and the Conclusion (Id. at CM/ECF p. 47) make it clear that Appellants are only appealing the district court's order granting the Federal Election Commission's motion to dismiss.

2. The remaining issues in controversy on appeal relate solely to the Federal Election Commission and do not relate to the United States of America. Appellants appeal the District Court's ruling on dispositive motions filed by Appellees Federal Election Commission and then-Chairman Matthew S. Petersen (collectively "the FEC Appellees"). In the interest of judicial economy, Appellee United States of America requests the Court dismiss the United States of America from this appeal and future compliance with case deadlines and filing requirements.

3. The FEC is an independent agency of the federal government and holds exclusive jurisdiction over the administration, interpretation, and civil enforcement of the Federal Election Campaign Act's Administrative Fine Program, 52 U.S.C. § 30109(a)(4)(C). See generally 52 U.S.C. §§ 30106(b)(1), 30107(a), and 30109. Appellee United States of America is unnecessary to this appeal.

Appellee United States of America hereby moves this Court for an Order dismissing it from this appeal and excusing it from all other deadlines and filing requirements associated with said appeal.

UNITED STATES OF AMERICA, Appellee

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**CERTIFICATION OF COMPLIANCE**

Pursuant to Federal Rule of Appellate Procedure 32(g)(1), I hereby certify that this motion complies with the type-volume limitation provided in Rule 27(d)(2)(A) and, relying on the word processor word count feature, contains 333 words. The motion was created using Microsoft Word 2016.

Dated: March 2, 2017

s/ Robert L. Homan  
Assistant U.S. Attorney