

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

**CITIZENS FOR RESPONSIBILITY
AND ETHICS IN WASHINGTON,**

Plaintiff,

v.

FEDERAL ELECTION COMMISSION,

Defendant.

Civil Action No. 22-35

REQUEST FOR ENTRY OF DEFAULT

To: Clerk of Court

Plaintiff Citizens for Responsibility and Ethics in Washington (“CREW”) hereby requests the entry of default, pursuant to Rule 55(a) of the Federal Rules of Civil Procedure, against Defendant Federal Election Commission for failure to file a valid answer or otherwise respond to Plaintiff’s Complaint within the time allowed by law. *See* Fed. R. Civ. P. 12(a)(2). An affidavit in support of this request is attached as Exhibit 1. A proposed Entry of Default will be filed contemporaneously with this request.

Respectfully submitted,

/s/ Stuart C. McPhail

Stuart C. McPhail

(D.C. Bar No. 1032529)

Citizens for Responsibility and Ethics
in Washington

1331 F Street, N.W., Suite 900

Washington, DC 20004

Phone: (202) 408-5565

Fax: (202) 588-5020

smcphail@citizensforethics.org

Certificate of Service

I certify that on March 25, 2022, I caused service of the Request for Entry of Default and attachments to be made on defendant Federal Election Commission by U.S.P.S. First Class Mail as follows:

Federal Election Commission
1050 First Street, N.E.
Washington, DC 20463

/s/ Stuart C. McPhail
Stuart C. McPhail

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AFFIDAVIT IN SUPPORT OF REQUEST FOR ENTRY OF DEFAULT

Pursuant to 28 U.S.C. § 1746, I, Stuart C. McPhail, declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct:

1. I am Senior Litigation Counsel at Citizens for Responsibility and Ethics in Washington, and I am an active member of the D.C. Bar in good standing.
2. On January 6, 2022, I filed a complaint against the Federal Election Commission (“FEC”) for declaratory and injunctive relief, under the Federal Election Campaign Act of 1971 (“FECA”), 52 U.S.C. § 30109(a)(8)(A), challenging the FEC’s dismissal of an administrative complaint by Citizens for Responsibility and Ethics in Washington (“CREW”) against Freedom Vote, Inc. *See* Doc. 1.
3. On January 10, 2022, the Clerk of Court issued Summonses to Merrick Garland, U.S. Attorney General; the Federal Election Commission; and Matthew Graves, U.S. Attorney for the District of Columbia.
4. My Legal Assistant served via U.S.P.S. Certified Mail a copy of the summons and complaint on Merrick Garland, U.S. Attorney General, and Matthew Graves, U.S. Attorney for the District of Columbia on January 19, 2022; and on the Federal Election Commission on January 20, 2022.

5. Service was completed on the U.S. Attorney for the District of Columbia on January 19, 2022.
6. On January 24, 2022, Proofs of Service were filed attesting to the facts described in paragraphs 4-5, above. *See* Doc. 3.
7. Pursuant to Rule 12(a)(2) of the Federal Rules of Civil Procedure, Defendant FEC had sixty days, until March 20, 2022, from the date of service to answer or otherwise respond to Plaintiff's Complaint. No extensions to this time limit have been requested, consented to, or granted by the Court.
8. Upon information and belief, the defendant is not an infant, incompetent, or presently engaged in military service.

Executed on March 25, 2022.

/s/ Stuart McPhail
Stuart C. McPhail
(D.C. Bar No. 1032529)
Citizens for Responsibility and Ethics
in Washington
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Washington, DC 20004
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FEDERAL ELECTION COMMISSION,)
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Defendant.)
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ENTRY OF DEFAULT

It appearing that Defendant Federal Election Commission is in Default for failure to appear or otherwise defend as required by law, Default is hereby entered against the Federal Election Commission.

Date: _____

Clerk of Court
United States District Court for the
District of Columbia