

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

<p>CITIZENS FOR RESPONSIBILITY AND ETHICS IN WASHINGTON,</p> <p>NOAH BOOKBINDER</p> <p>Plaintiffs,</p> <p>v.</p> <p>FEDERAL ELECTION COMMISSION</p> <p>Defendant.</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>Civil Action No. 1:19-cv-01650-TJK</p>
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**RESPONSE TO DEFENDANT FEDERAL ELECTION COMMISSION’S
PARTIAL MOTION TO DISMISS**

Plaintiffs Citizens for Responsibility and Ethics in Washington (CREW) and Noah Bookbinder (collectively “Plaintiffs”) consent to the relief sought by Defendant Federal Election Commission’s (“FEC”) partial motion to dismiss. Doc. 8.

On June 5, 2019, Plaintiffs filed the above-captioned action for injunctive and declaratory relief under the Federal Election Campaign Act of 1971 (“FECA”), 52 U.S.C. § 30109(a)(8)(A), challenging the FEC’s failure to act on an administrative complaint filed by Plaintiffs against Freedom Vote, Fighting for Ohio Fund, Christopher Marston, individually and in his capacity as Treasurer of Fighting for Ohio Fund, and Unknown Respondents (collectively “Respondents”), which alleged violations of the FECA. Doc. 8 at ¶ 1. To date, the FEC continues to fail to act on the administrative complaint, which has now been pending for over a year.

Plaintiffs’ district court complaint further alleged that this Court had jurisdiction over the action pursuant to both the FECA and the Administrative Procedures Act (“APA”), 5 U.S.C. § 706. Doc. 8 at ¶ 2.

On August 12, 2019, Defendant Federal Election Commission filed a motion, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, seeking to dismiss Plaintiffs' claim brought under the APA. Defendant's motion does not seek dismissal of Plaintiffs' claims brought under the FECA. Doc. 8, 8-1.

In response to the Defendant's motion, Plaintiffs submit this filing to notify the Court that Plaintiffs consent to the relief sought by the Defendant. A proposed order accompanies this response.

Respectfully submitted,

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