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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

GARY E. JOHNSON; JAMES P. GRAY;
and GARY JOHNSON 2012, INC.,

Plaintiffs,

v.

FEDERAL ELECTION COMMISSION,

Defendant.

Case No. 8:12-cv-1626-ODW(JCx)
**ORDER TO SHOW CAUSE RE
JURISDICTION**

The Court has received Plaintiffs’ Complaint. Plaintiffs filed a suit for declaratory and injunctive relief against Defendant Federal Election Commission. In essence, Plaintiffs seek federal funding for the 2012 presidential election—the FEC denied Plaintiffs’ funding request on September 18, 2012. Upon review of the Complaint and applicable law, the Court questions whether it has subject-matter jurisdiction over this matter and hereby **ORDERS Plaintiffs TO SHOW CAUSE** and clearly articulate how this Court has jurisdiction.

Under the Presidential Campaign Funding Act, a determination by the FEC is “subject to review by the United States Court of Appeals for the District of Columbia.” 26 U.S.C. § 9011(a). This Court is not that court—and review by the D.C. Circuit is Plaintiffs’ exclusive remedy. *Fed. Election Comm’n v. Reform Party of the U.S.*, 479 F.3d 1302, 1309 (11th Cir. 2007).

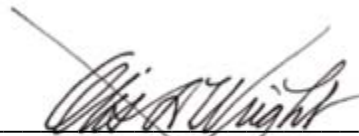
But Plaintiffs assert an alternative theory of jurisdiction, claiming that they may bring an action “for declaratory judgment or injunctive relief” in this Court because

1 “[t]he district courts of the United States shall have jurisdiction of proceedings
2 instituted pursuant to this subsection.” 26 U.S.C. § 9011(b). Yet, Plaintiffs’ position
3 cannot be sustained under applicable law. *FEC*, 479 F.3d at 1308. The exclusive
4 remedy for a plaintiff seeking redress from a FEC decision to deny campaign funding
5 is to appeal to the D.C. Circuit within 30 days of the FEC’s denial. *FEC*, 479 F.3d at
6 1308.

7 Plaintiffs have 7 days to comply with this order and set forth reasons why this
8 Court has subject-matter jurisdiction of this case in light of the discussion above. No
9 hearing is scheduled for this order. If Plaintiffs fail to timely respond to this order, the
10 case will be dismissed.

11 **IT IS SO ORDERED.**

12
13 October 4, 2012



14 **OTIS D. WRIGHT, II**
15 **UNITED STATES DISTRICT JUDGE**
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