

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

IVAN E. RAIKLIN,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 3:18-cv-00288
)	
VIRGINIA DEPARTMENT/BOARD)	
OF ELECTIONS, et al.,)	
)	
Defendants.)	

STATE DEFENDANTS' MOTION TO DISMISS

Pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure, Defendants the Commonwealth of Virginia, Christopher E. Piper, in his official capacity as the Commissioner of the Virginia Department of Elections, the Virginia Department of Elections, and the Virginia State Board of Elections (collectively, the State Defendants), by counsel, respectfully moves to dismiss the Plaintiff's Complaint, Dkt. No. 1. The State Defendants so move on the grounds that the Plaintiff lacks standing, *see* Fed. R. Civ. P. 12(b)(1), and that the Plaintiff's Complaint fails to state a claim upon which relief may be granted, *see* Fed. R. Civ. P. 12(b)(6).

The basis for this Motion and the grounds in support of the requested relief are detailed in the State Defendants' Memorandum in Support of this Motion, filed with this Motion.

Respectfully submitted,

THE COMMONWEALTH OF VIRGINIA,
COMMISSIONER OF ELECTIONS CHRISTOPHER
PIPER, THE VIRGINIA DEPARTMENT OF

ELECTIONS, and THE VIRGINIA STATE BOARD OF
ELECTIONS

By: /s/ Anna T. Birkenheier
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**Counsel of Record for State Defendants*

CERTIFICATE OF SERVICE

THIS IS TO CERTIFY that on May 23, 2018, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system. I hereby certify that I sent the forgoing document via overnight delivery and email to the following non-filing user:

Ivan E. Raiklin
2221 S. Clark Street
Arlington, VA 22202
E-mail Address: ivan@raiklin.com

I further certify that I have served a copy of the foregoing by electronic mail upon Chris Marston, counsel for the Republican Party of Virginia, Inc. and John L. Findlay in his capacity as Executive Director for the Republican Party of Virginia, at: chris.marston@gmail.com.

/s/ Anna T. Birkenheier

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Local Civil Rule 7(K) NOTICE

PLAINTIFF IVAN RAIKLIN, *PRO SE*, PLEASE TAKE NOTICE:

1. You are entitled to file a response opposing this motion, and any such response must be filed within twenty-one (21) days of the date upon which this dispositive or partially dispositive motion is filed; and
2. The Court could dismiss this action on the basis of this motion and its supporting memorandum if you do not file a response; and
3. You must identify all facts stated in this motion and its supporting memorandum with which you disagree and must set forth your version of the facts by offering affidavits (written statements signed before a notary public and under oath) or by filing sworn statements (bearing a certificate that it is signed under penalty of perjury); and
4. You are also entitled to file a legal brief in opposition to the one filed with this motion.

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