

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

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|---|---|------------------------|
| (1) ROQUE “ROCKY” DE LA FUENTE, |) | |
| Candidate for President of the United States; |) | |
| (2) JILL STEIN, Candidate for President |) | |
| of the United States, |) | |
| (3) JONI ALANE LEVINNESS; |) | |
| (4) MAIGAN UNDERWOOD, and |) | |
| (5) RACHEL C. JACKSONPlaintiffs, |) | |
| |) | |
| v. |) | Case No. CIV-16-0914-F |
| |) | |
| (1) PAUL ZIRIAX, Secretary of the |) | |
| Oklahoma State Election Board; and the |) | |
| (2) OKLAHOMA STATE ELECTION BOARD, |) | |
| Defendants. |) | |

NOTICE OF APPEAL

Notice is hereby given that Roque “Rocky” De La Fuente, Candidate for President of the United States; Jill Stein, Candidate for President of the United States, Joni Alane Leviness; Maigan Underwood, and Rachel C. Jackson, Plaintiffs above-named, hereby appeal to the United States Court of Appeals for the Tenth Circuit from the Order (Doc. No. 9] and Judgment [Doc. No. 10] entered in this action on the 13th day of December, 2016, granting Defendants’ Motion to Dismiss, pursuant to Fed. R. Civ. P. 12(b)(6), as to that part of said Order and Judgment of December 13, 2016, dismissing the Defendant Paul Ziriix, Secretary of the Oklahoma State Election Board, from this action, with prejudice, because the complaint fails to state a claim upon which relief may be granted, and, in effect, upheld the constitutionality of Oklahoma’s ballot access requirements for

independent and non-recognized political party candidates for President and Vice-President of the United States, pursuant to Okla. Stat., tit. 26, §§ 10-101.1 and 10-101.2, respectively.

Dated this 12th day of January, 2017.

ROQUE “ROCKY” DE LA FUENTE,
Candidate for President of the United
States; JILL STEIN, Candidate for
President of the United States; JONI
ALANE LEVINESS; MAIGAN
UNDERWOOD, and RACHEL C.
JACKSON, Plaintiffs

s/ James C. Linger
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CERTIFICATE OF ELECTRONIC SERVICE

I hereby certify a true and exact copy of the foregoing has been served on all counsel of record via the CM/ECF e-mail notification system on the 12th day of January, 2017.

s/ James C. Linger
James C. Linger