

Marcus A. Murphy v. Wayne W. Williams

FILED
U.S. DISTRICT COURT
DISTRICT OF COLORADO

2018 NOV -7 PM 2: 25

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLORADO
CLERK

BY _____ DEP. CLK

Marcus A. Murphy, §

Pro Se Plaintiff §

§

v. § Civil Action No.: 1: 18-CV-01919-MSK-KMT

§

Wayne W. Williams, §

in his official capacity as Colorado §

Secretary of State, §

Defendant §

PLAINTIFF'S SUPPORT OF DEFENDANT'S MOTION TO DISMISS

I. (¶ 1.) If it pleases the court, *Pro Se* Plaintiff, Marcus A. Murphy, offers this Support of Defendant's Motion to Dismiss, under the criteria set forth in Federal Rule of Civil Procedure (FRCP) 12(b)(6). Plaintiff respectfully submits that the Issue of Plaintiff's Eligibility as a Write-In Congressional-Candidate is now quite moot. Plaintiff further respectfully submits that he now has no Claim upon which this court can grant Declaratory & Injunctive Relief. Plaintiff finally respectfully submits that he proposed a good-faith novel legal-theory of the current case-law, regarding an un-named write-in congressional-candidate's exemption from a State Sore-Loser Law in an Open-Primary, in regards to named Primary-candidates. *A fortiori*, Defendant has

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apparently lost his re-election bid, and will no longer set future State-election policy, as Colorado Secretary of State.

II. (¶ 2.) Conclusion-Plaintiff joins with & supports Defendant's original Motion to Dismiss dated September 12, 2018 (9-12-18), and Defendant's Reply in Support of Motion to Dismiss dated October 9, 2018 (10-9-18).

Respectfully submitted, this the 7th day of November, 2018.

A handwritten signature in black ink, appearing to read "Marcus Murphy", is written over a horizontal line.

Marcus A. Murphy

Pro Se Plaintiff

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Fountain, CO 80817

(720) 256-0991

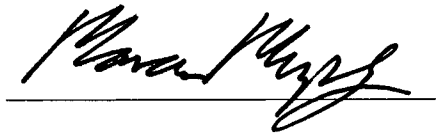
MarcusMurphy1975@hotmail.com

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CERTIFICATE OF SERVICE

I, Marcus A. Murphy, *Pro Se* Plaintiff, do hereby certify that I have filed in the office of the Clerk for the United States District Court of Colorado and have served upon the Defendant's Counsel of Record, Emily B. Buckley, a complete and accurate copy of this **PLAINTIFF'S SUPPORT OF DEFENDANT'S MOTION TO DISMISS**, either by hand-delivering, or placing a copy in the United States Mail, sufficient postage affixed, dispatched to their business addresses, via First Class.

Respectfully submitted, this the 7th day of November, 2018.



Marcus A. Murphy

Pro Se Plaintiff

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