

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION**

**BILLIE FAYE KEYES, JOSHUA ALLEN,  
COURTNEY RENA FORTUNE, KARLI FORD  
MATTHEWS AND SHELTON S. MATTHEWS**

**PLAINTIFFS**

**V.**

**CIVIL ACTION NO. 3:16cv228-CWR-LRA**

**PHILIP GUNN, ET AL**

**DEFENDANTS**

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**PLAINTIFFS' RESPONSE TO DEFENDANTS' MOTION  
TO DISMISS FOR FAILURE TO STATE A CLAIM (DKT # 8)**

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Come now Plaintiffs in the above styled and numbered cause respond to the Defendants' Motion to Dismiss for Failure to State a Claim (Dkt # 8), oppose that motion, and would show unto the Court as follows:

1. Defendants allege there is no federal constitutional right to vote. As discussed in the Plaintiffs' Combined Memorandum in Response to the Motions to Dismiss, there is a federal constitutional right to vote. See Memorandum, Section I, The Right to Vote. The Mississippi House of Representatives, its Speaker and Special Committee members cannot violate that right under the Supremacy Clause. See discussion in Section II, Supremacy Clause, in Plaintiffs' Combined Memorandum in Opposition to the Motions to Dismiss.

2. Defendants assert that they correctly applied Mississippi law in disenfranchising the Plaintiffs by refusing to count their lawfully cast ballots. But this assertion requires evidence outside the pleadings. By proceeding with motions to dismiss, Defendants have, for the purpose of these motions, admitted the allegations of the Complaint.

For the reasons set forth in Plaintiffs' Combined Memorandum in Response to Defendants' Motions to Dismiss, this argument of Defendants must fail. See Memorandum, Section VII, Allegations of Complaint are Admitted for Purposes of Motion to Dismiss.

WHEREFORE, PREMISES CONSIDERED, Plaintiffs pray that the Court deny Defendants' Motion to Dismiss for Failure to State a Claim.

DATED: June 27, 2016.

Respectfully submitted,

BILLIE FAYE KEYES, JOSHUA ALLEN,  
COURTNEY RENA FORTUNE, KARLI FORD  
MATTHEWS AND SHELTON S. MATTHEWS

BY: /s/ John G. Corlew  
JOHN G. CORLEW

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**CERTIFICATE OF SERVICE**

I, John G. Corlew, hereby certify that I electronically filed the foregoing with the Clerk of Court using the ECF system which will automatically send email notification of such filing to the following:

Michael B. Wallace  
[mbw@wisecarter.com](mailto:mbw@wisecarter.com)

DATED: June 27, 2016.

/s/ John G. Corlew

JOHN G. CORLEW