

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

JOHNNY DUNCAN

Plaintiff

VERSUS

**STATE OF LOUISIANA, LOUISIANA
SECRETARY OF STATE OFFICE,
SECRETARY OF STATE TOM
SCHEDLER, TANGIPAHOA PARISH
COUNSEL, TANGIPAHOA PARISH
CLERK OF COURT OFFICE, CLERK
JULIAN DUFRECHE, TANGIPAHOA
PARISH REGISTRAR OF VOTERS
OFFICE, AND TANGIPAHOA
PARISH REGISTRAR OF VOTERS
JOHN RUSSELL**

Defendants

CIVIL ACTION NO. 15-5486

SECTION: "B"

JUDGE: IVAN L.R. LEMELLE

MAG.: SALLY SHUSHAN

TRIAL BY JURY DEMANDED

MOTION TO DISMISS PURSUANT TO FED. R. CIV. P. 12(B)(6)

NOW INTO COURT, through undersigned counsel, come Defendants, Louisiana Secretary of State Office and Secretary of State Tom Schedler, in his official and individual capacities (collectively, the "*Secretary of State*"), who file this Motion to Dismiss the claims asserted against them by Plaintiff, Johnny Duncan, on the grounds that, pursuant to Fed. R. Civ. P. 12(b)(6), Plaintiff has failed to state a cause of action against the Secretary of State upon which relief can be granted.

WHEREFORE, as more thoroughly set forth in the attached Memorandum, the Secretary of State pray that their Motion to Dismiss pursuant to Fed. R. Civ. P. 12(b)(6) be granted and that this court dismiss all of Plaintiff's claims against the Secretary of State with prejudice at Plaintiff's cost.

Respectfully Submitted:

SHOWS, CALI & WALSH, L.L.P.

/s/ Grant J. Guillot

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*Attorneys for Defendants, Louisiana Secretary of
State Office and Secretary of State Tom Schedler*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 4th day of January, 2016, a copy of the foregoing has this date been served upon all parties through their respective counsel of record by operation of the Court's electronic filing system and has been filed electronically with the Clerk of Court using the CM/ECF system. A copy of the foregoing has been mailed to the following:

Johnny Duncan
P.O. Box 723
Amite, LA 70422

s/ Grant J. Guillot
GRANT J. GUILLOT