

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

LUIS SEGOVIA, *et al.*,
 Plaintiffs,
 v.
 BOARD OF ELECTION COMMISSIONERS
 FOR THE CITY OF CHICAGO, *et al.*,
 Defendants.

15-cv-10196
 Judge Joan B. Gottschall

**FEDERAL DEFENDANTS' MOTION TO DISMISS
FOR FAILURE TO STATE A CLAIM**

Date: February 11, 2016

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MOTION TO DISMISS

Federal Defendants the United States of America, Ashton Carter in his official capacity as the Secretary of Defense, the Federal Voting Assistance Program, and Matt Boehmer, in his official capacity as Director of the Federal Voting Assistance Program (together the “Federal Defendants”) hereby move pursuant to Federal Rule of Civil Procedure 12(b)(6) to dismiss Plaintiffs’ Complaint for Declaratory and Injunctive Relief (ECF No. 1) (“Complaint”) for failure to state a claim upon which relief can be granted.

The specific grounds for this motion are: (1) the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. § 20310 (“UOCAVA”) does not impose the voting disability of which Plaintiffs complain, rather, Plaintiffs’ grievance lies with the State of Illinois; (2) the UOCAVA meets the requirements of Equal Protection and Due Process; and (3) Plaintiffs’ § 1983 claim fails to allege that the Federal Government Defendants acted under the color of *state* law, as is required to state a § 1983 claim.

The relevant facts, authority, and argument supporting the Federal Defendants’ Motion to Dismiss are set forth in the Federal Defendants’ Memorandum in Support of Their Motion to Dismiss. For the reasons stated therein, the Federal Defendants’ Motion should be granted and Plaintiffs’ claims dismissed for failure to state a claim as against the Federal Defendants.

Dated: February 11, 2016

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on February 11, 2016, a copy of the foregoing Federal Defendants' Motion to Dismiss was filed electronically. Notice of this filing will be sent by email to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's CM/ECF System.

/s/ Caroline J. Anderson
Caroline J. Anderson