

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Ypsilanti Township Citizens for
Responsible Government,

Plaintiff,

Civil Case No. 22-10614

v.

Jocelyn Benson, in her official
capacity as Secretary of State of
Michigan, *et al.*,

Sean F. Cox
United States District Court Judge

Defendants.

ORDER
DENYING MOTION TO DISMISS WITHOUT PREJUDICE

On March 22, 2022, Plaintiff Ypsilanti Township Citizens for Responsible Government (“Plaintiff”) filed this lawsuit against Defendants Jocelyn Benson, in her official capacity as Secretary of State of Michigan, the Charter Township of Ypsilanti (“the Township”), and Heather Jarrell Roe, in her official capacity as Ypsilanti Township Clerk (“Roe”), based upon federal-question jurisdiction.

On April 11, 2022, the Township and Roe filed a Motion to Dismiss (ECF No. 18) that seeks dismissal of the sole count raised in Plaintiff’s March 22, 2022 Complaint.

After that motion was filed, however, on April 18, 2022, Plaintiff filed an A First Amended Complaint (ECF No. 20) that adds a new count – “Count III – Defendant Roe And Defendant Township Violated Plaintiff’s Substantive Due Process Right To Political Speech And Ballot Access.”

The reply brief filed by the Township and Roe improperly raises a new challenge not raised in their original motion – a challenge to Plaintiff’s Substantive Due Process count.

Accordingly, the Court DENIES WITHOUT PREJUDICE the Motion to Dismiss filed by the Township and Roe, who may re-file a new motion that addresses both counts.

IT IS SO ORDERED.

s/Sean F. Cox

Sean F. Cox

United States District Judge

Dated: May 31, 2022