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7 capacity as the Secretary of the State of California

8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

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11
12 **RALPH LEE WHITE,**

13
14 Plaintiff,

15 v.

16 **CHRISTIAN CLEGG, in his official**
capacity as Interim City Clerk for the City
17 of Stockton;
CITY OF STOCKTON, a municipal
18 **corporation;**
MELINDA DUBROFF, in her official
19 **capacity as Registrar of Voters for the**
County of San Joaquin;
20 **ALEX PADILLA, in his official capacity as**
the Secretary of State for California,
21

22 Defendants.

2:19-cv-913 JAM EFB PS

**DEFENDANT CALIFORNIA
SECRETARY OF STATE PADILLA'S
NOTICE OF MOTION AND MOTION
TO DISMISS [Fed.R.Civ.Proc. 12(b)(1),
12(b)(6)]**

Action Filed: May 21, 2019

Date: July 31, 2019
Time: 10:00 a.m. Courtroom: 8,
13th Floor
Judge: Hon. Edmund F. Brennan

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24 TO THE PLAINTIFF WHITE, ALL PARTIES, AND THEIR COUNSEL OF RECORD:
25 NOTICE IS HEREBY GIVEN that on July 31, 2019, at 10:00 AM, or as soon thereafter as the
26 matter may be heard, a hearing will be held in Courtroom 8 of the above-entitled Court located at
27 501 "T" Street, 13th Floor, Sacramento, California, on the Motion of Defendant Alex Padilla, sued
28 and served herein only in his official capacity as the California Secretary of State (SOS), seeking

1 the dismissal with prejudice of Plaintiff Ralph White's Complaint pursuant to Rule 12 of the
2 Federal Rules of Civil Procedure.¹

3 Pursuant to Local Rule 302(c)(21), all actions filed in the Sacramento court where all the
4 plaintiffs or defendants are *in propria persona*, including dispositive and non-dispositive matters,
5 shall be heard by the assigned Magistrate Judge.

6 SOS moves this Court for an order dismissing White's complaint with prejudice.
7 Specifically, White does not have Article III standing and the claim is not ripe for adjudication.
8 Moreover, the complaint fails to state a claim because White failed to give statutory notice under
9 52 U.S.C. § 20510(b), the dispute derives from a local ordinance and does not implicate voting in
10 a federal election, he does not allege a plausible claim with sufficient factual allegations, and he
11 seeks injunctive relief from SOS without a cognizable legal theory.

12 This Motion is based upon this Notice of Motion and Motion, the Memorandum of Points
13 and Authorities filed and served herewith, all pleadings and papers on file in this action, and upon
14 such other evidence and argument as may be presented at the hearing.

15 Dated: June 18, 2019

Respectfully submitted,

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17 XAVIER BECERRA
Attorney General of California
18 TAMAR PACHTER
Supervising Deputy Attorney General

19 /s/ Chad A. Stegeman
20 CHAD A. STEGEMAN
Deputy Attorney General
21 Attorneys for Defendant Alex Padilla, in his
official capacity as the Secretary of the State
of California

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27 ¹ Magistrate Judge Brennan was unavailable to hear the matter on July 24, 2019;
28 therefore, based on his hearing schedule for civil motions, the matter was set a week later for July 31, 2019.

CERTIFICATE OF SERVICE

Case Name: White v. Clegg, et al.

No. 2:19-cv-913 JAM EFB PS

I hereby certify that on June 18, 2019, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

DEFENDANT CALIFORNIA SECRETARY OF STATE PADILLA'S NOTICE OF MOTION AND MOTION TO DISMISS [Fed.R.Civ.Proc. 12(b)(1), 12(b)(6)]

I certify that **all** participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on June 18, 2019, at Fresno, California.

W. Garber
Declarant

/s/ W. Garber
Signature

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