

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

RICHARD STANLEY, JR. )  
and TIM CLARK, )  
 )  
Plaintiffs, )  
 )  
vs. )  
 )  
BROWN COUNTY ELECTION )  
BOARD, )  
 )  
Defendant. )

CAUSE NO. 1:25-cv-01482-TWP-MKK

**DEFENDANT’S MOTION TO DISMISS**

Defendant Brown County Election Board, by counsel, pursuant to Federal Rule of Civil Procedure 12(b)(6), respectfully moves the Court to dismiss Plaintiff’s complaint. Plaintiff’s §1983 claim against the Defendant, Brown County Election Board, must fail as the declaratory and injunctive relief sought from this Court, regarding a decision from a non-government entity, the Indiana Republican Party, and its potential to prevent the Plaintiff’s from running for office in the future, if acted upon by the Brown County Election Board should the Plaintiff’s file to run for an elected office in the future, isn’t ripe for such relief. Local governing bodies can be sued directly under §1983 for monetary, declaratory and injunctive relief in those situations “where action that is alleged to be unconstitutional implements or executes a policy statement, ordinance, regulation or decision officially adopted or promulgated by those whose edicts or acts may fairly be said to represent official policy”. See *Monel v. Department of Social Services*, 436 US 658, 690 (1978).

The Brown County Election Board, a local unit of government, is a wholly separate entity from the Indiana Republican Party, a private entity, and has not acted upon any decision rendered from the procedural process the Plaintiff’s complain of that involve the Indiana Republican Party. Additionally, the Brown County Election Board has not adopted an official position, policy nor

voted regarding the finding of the Indiana Republican Party. In fact, there isn't even an election in 2025 for the Plaintiff's to complain of or to participate in. There has been no official decision made by the Brown County Election Board, nor is it alleged, and there will not be until it is the proper time for its involvement; after an individual has timely filed to run pursuant to Indiana Election Code, regarding the Plaintiff's ability to participate in future elections or to be placed on the ballot.

The Brown County Election Board, much like the Court, is not required to issue on-demand opinions or to speculate what may or may not happen in the future or if the Plaintiff's or any other person will be eligible to file for elected office at an unknown time in the future.

Therefore, the request by the Plaintiff's for the Court to issue an injunction or declaratory relief against the Brown County Election Board regarding a decision issued by a wholly separate, private entity, and which the Brown County Election Board has not taken action, must fail pursuant to Federal Rule of Civil Procedure 12 (b)(6). The Plaintiffs have failed to state a claim upon which relief can be granted by this Court. The Plaintiff's cause of action is incorrectly directed at the Brown County Election Board, which is under no duty to opine to the Plaintiff's, act prior to a timely election filing, or make any early decision regarding eligibility to run for office for the foreseeable future. The Brown County Election Board also cannot and will not dispense legal advice to those who may want to file to run for office or their eligibility to run for office.

WHEREFORE, Defendant respectfully requests the Court dismiss all claims asserted in Plaintiff's complaint against the Brown County Election Board in their entirety and for all other just and proper relief.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

The undersigned counsel hereby certifies that a copy of the forgoing Motion to Dismiss was filed electronically on August 13, 2025. Notice of this filing will be sent to the following parties by operation of the Court's electronic filing system. Additionally, a copy will be sent by first class mail to the following:

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