

Blaming Candidacy Withdrawal on a Voter-Registration Challenge

Moseley v. Price (T.S. Ellis III, E.D. Va. 1:03-cv-1320)

A pro se federal complaint alleged that voting-rights violations forced the plaintiff to withdraw from a race that he alleged he was certain to win. According to the complaint, because he registered to vote while he was in the process of moving into a Loudoun County residence, his registration card was returned. A radio journalist made an issue of it, the county's circuit court appointed a special prosecutor, and the state police investigated the matter. The judge dismissed the federal voting-rights claims as without merit and dismissed state-law claims without prejudice.

Subject: Registration procedures. *Topics:* Registration procedures; pro se party; matters for state courts.

A pro se federal complaint filed in the Eastern District of Virginia's Alexandria courthouse on October 20, 2003, alleged that voting-rights violations forced the plaintiff to withdraw from the race for Loudoun County's commonwealth attorney—a race he alleged that he was certain to win.¹ According to the complaint, because he registered to vote while he was in the process of moving into a Loudoun County residence, his registration card was returned; a radio journalist made an issue of it, the county's circuit court appointed a special prosecutor, and the state police investigated the matter.² With his complaint, the plaintiff filed a motion for a temporary restraining order.³

Judge T.S. Ellis III heard and denied the plaintiff's motion on October 21.⁴ On January 22, 2004, Judge Ellis dismissed the plaintiff's federal voting-rights claims as without merit and dismissed state-law claims without prejudice.⁵ The court of appeals affirmed his decisions on August 23.⁶

1. Docket Sheet, *Moseley v. Price*, No. 1:03-cv-1320 (E.D. Va. Oct. 20, 2003) (D.E. 1); *Moseley v. Price*, 300 F. Supp. 2d 389, 393–94 (E.D. Va. 2004).

2. *Moseley*, 300 F. Supp. 2d at 393–94.

3. Docket Sheet, *supra* note 1 (D.E. 2).

4. *Id.* (D.E. 3).

5. *Moseley*, 300 F. Supp. 2d at 389.

6. *Moseley v. Price*, 106 F. App'x 873 (4th Cir. 2004).