

FILED  
U.S. DISTRICT COURT  
DISTRICT OF MARYLAND

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

2015 OCT -9 PM 1:05

CLERK'S OFFICE  
AT BALTIMORE

CHRISTOPHER E. BOUCHAT,

BY \_\_\_\_\_ DEPUTY

*Plaintiff,*

1:15-cv-02417-ELH

v.

STATE OF MARYLAND, et al.,

*Defendants.*

\* \* \* \* \*

**PLAINTIFF'S MOTION TO DENY  
DEFENDANT'S MOTION TO DISMISS**

I, Christopher Eric Bouchat, do hereby humbly submit to the Honorable Court the following Motion to Deny the Defendant's Motion to Dismiss for reasons as follows:

- 1) The Defendant's claim of res judicata is not applicable to this federal case and clearly stated facts of voter disenfranchisement caused by gerrymandering of state legislative districts.
- 2) The case of reference by the Defendant from 2012, originally filed with the Maryland Court of Appeals under Maryland Constitutional requirement of challenging General Assembly re-districting, was an argument by the Plaintiff that the Joint Resolution No.1 2012 would "In theory" disenfranchise voter's who live in the less populated sides of cross county districts. Since there was no evidence of such voter disenfranchisement having happened, the Honorable Chief Judge Bell rightfully denied the claim and dismissed the case. I have a tremendous amount of respect for Judge Bell (retired) and his opinion. Logic tells even a non-legal mind that there can be no evidence of disenfranchisement of voters by a General Assembly Plan that had

yet to be implemented. The evidence of disenfranchisement can only be obtained by the plans implementation, through the 2014 elections.

- 3) The Plaintiff's 2014 election results attached to the claim filed with this Honorable Court irrefutably substantiate the case presently before the court which post date the 2012 re-districting challenge and dismissal sighted by the Defendant.
- 4) No judge or court has the authority in statute or constitution to deny a citizen the right to sue the state for violation of their constitutionally guaranteed voting rights simply because they legally challenged a re-districting plan passed by a state legislature but not yet executed by elections.
- 5) This present case was originally filed in Carroll County Circuit Court and rightfully dismissed by the Honorable Fred Hecker, who I also have great respect for. His Honor stated he had no jurisdiction over the case and could not hold trial thereof.
- 6) Therefore, the present Federal District Court is the only proper legal venue under both state and federal constitutions to try said case.
- 7) The state is presently a Defendant in Shapiro vs McManus, which also has a pro se Plaintiff suing over voting rights that was dismissed under a similar motion. That case is scheduled for oral arguments before the U.S. Supreme Court on November 4, 2015. Under said case there is a strong argument that the Federal District Judge violated their constitutional authority and oath of office by denying a citizen "Due Process" of the law.
- 8) As far as the Defendant stating "the claims raised in the complaint are insubstantial, fail to state a claim upon which relief can be granted," one must question either the intelligence of the Defense or whether they thoroughly read and legally comprehend the constitutional depth of the arguments made by the Plaintiff.
- 9) The claims made by the Plaintiff are deeply and intellectually based upon the U.S. Constitution and its applicable statues regarding voting rights, republican government guarantees and due process of the law.

- 10) Never once in the Defendants Motion did they claim that the Plaintiff was not disenfranchised as a voter nor did they claim not to have violated my constitutional rights.
- 11) The Defendant seems to have no defense to directly counter and address the Federal suit presently before the Court.
- 12) The Plaintiff has every intent of ultimately bringing say case before the U.S. Supreme Court to overturn case laws Baker vs Carr and Reynolds vs Sims and desires a trial and opinion from this Honorable Court to accompany, what I believe will be a historical case law.

Therefore, I humbly request the most Honorable, fair and intelligent Court to promptly deny the Defendant's Motion to Dismiss and set a trial date in consideration of the election cycle that will be affected by a potential ruling in favor of the Plaintiff.



Humbly Submitted

Christopher Eric Bouchat

5627 Woodbine Road

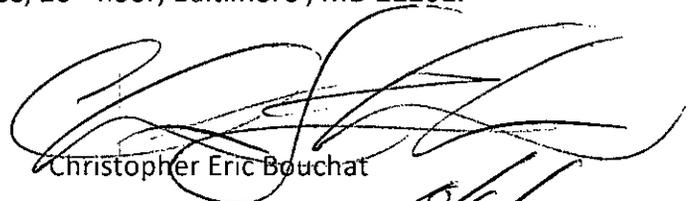
Woodbine, MD 21797

(443) 538-8584

10/6/15

### CERTIFICATE OF SERVICE

I, Christopher Eric Bouchat, certify that on this 6<sup>th</sup> day of October 2015, a copy of Plaintiffs Motion to Deny Defendants Motion to Dismiss was mailed first class postage to Julia Dayle Bernhardt, 200 Saint Paul Place, 20<sup>th</sup> floor, Baltimore , MD 21201.



Christopher Eric Bouchat

10/6/15