

**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF ARKANSAS  
WESTERN (LITTLE ROCK) DIVISION**

**Dr. JULIUS J. LARRY III**

**PLAINTIFF**

**VS.**

**NO. 4:18-CV-116-KGB**

**STATE OF ARKANSAS;  
HONORABLE ASA HUTCHINSON,  
In his Official Capacity as Governor  
of the State of Arkansas; HONORABLE  
LESLIE RUTLEDGE, in her Official  
Capacity as Attorney General of the  
State of Arkansas; HONORABLE  
MARK MARTIN, in his official capacity  
as Arkansas Secretary of State; et al.**

**DEFENDANTS**

**DEFENDANT ARKANSAS SECRETARY OF STATE  
MARK MARTIN'S RESPONSE TO PLAINTIFF'S  
MOTION TO FILE AMENDED COMPLAINT**

**COMES NOW**, Defendant, Honorable Mark Martin, (“Defendant Secretary”), in his official capacity as Arkansas Secretary of State, for his Response to Plaintiff’s Motion to File Amended Complaint, and states that:

1. Defendant Secretary denies the allegations made in Plaintiff’s filing dated June 1, 2018, as the filing appears to be a merger of a Motion to File an Amended Complaint,

incorporated with the same amended complaint and a brief in support of the amended complaint.

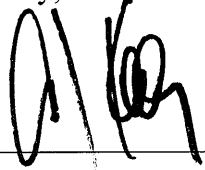
2. Defendant Secretary objects because the Motion and proposed Amended Complaint are not in proper form in accordance with Local Rule 5.5(e), which would apply to the proposed amended pleading as it purports to include three attorneys as co-signers with the previously pro-se Plaintiff. Rule 5.5(e) of the U.S. District Court Rules for the Eastern and Western Districts of Arkansas.
3. Defendant Secretary objects because the purported amended pleading would be futile, and would not withstand a motion to dismiss.
4. Defendant Secretary objects because the purported amended pleading appears to be frivolous, given the nature of the allegations under Section 2 of the Voting Rights Act.
5. Defendant Secretary joins the Response filed by the Attorney General for the State of Arkansas and the other defendants this even date.
6. Defendant Secretary files a Memorandum Brief concurrently with this Response.
7. Defendant asks the Court to deny the Motion, to dismiss Defendant Secretary from the Complaint, to deny Plaintiff the relief he seeks, and to grant Defendant such additional relief to which he may be entitled under the circumstances.

**WHEREFORE**, and for the foregoing reasons, Defendant Secretary of State Mark Martin, in his official capacity, prays that the Court deny Plaintiff any of the relief requested against Defendant Secretary; that the Court deny Plaintiff's Motion to Amend; that the Court

dismiss Plaintiff's Complaint against Defendant Secretary of State; that the Court grant Defendant Secretary such additional relief to which he may be entitled under the circumstances

**Respectfully submitted** this 14<sup>th</sup> day of June, 2018,

**HONORABLE MARK MARTIN**  
**ARKANSAS SECRETARY OF STATE**  
In his Official Capacity, Defendant

By:   
A.J. Kelly  
General Counsel and  
Deputy Secretary of State  
AB No. 92078  
PO Box 251570  
Little Rock, AR 72225-1570  
(501) 682-3401  
Fax: (501) 682-1213  
kellylawfedecf@aol.com

*Attorney for Defendant*  
*Arkansas Secretary of State*

**CERTIFICATE OF SERVICE**

I do hereby certify that on this 14<sup>th</sup> day of June, 2018, I have served the foregoing via the electronic filing system in the Federal District Court Clerk's Office (CM/ECF) to the Attorney General and the Assistant Attorney General who has entered his appearance, and via first class mail to the following:

Dr. Julius J. Larry III  
2615 W.12<sup>th</sup> Street  
Little Rock, AR 72202

Q. Byrum Hurst, Jr.  
Hurst Law  
518 Ouachita Avenue  
Hot Springs AR 71901

Jimmy Morris, Jr.  
221 West 2<sup>nd</sup> Street  
Little Rock AR 72206

Gene McKissic  
116 West 6<sup>th</sup> Avenue  
Pine Bluff, AR 71601

  
\_\_\_\_\_  
AJ Kelly