

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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CITIZENS UNITED,)	
)	
	Plaintiff,)	
)	
	v.)	Civil Action No. 07-2240 (ARR, RCL, RWR)
)	(Three-Judge Court)
FEDERAL ELECTION COMMISSION,)	
)	
	Defendant.)	
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MEMORANDUM OPINION

This case returns to us on cross motions for summary judgment. Summary judgment “should be rendered if the pleadings, the discovery and disclosure materials on file, and any affidavits show that there is no genuine issue as to any material fact and that the movant is entitled to judgment as a matter of law.” Fed. R. Civ. P. 56(c); *Mills v. Winter*, 540 F. Supp. 2d 178, 183 (D.D.C. 2008). There are no genuine issues of material fact presented in this case. Based on the reasoning of our prior opinion, we find that the Federal Election Commission is entitled to judgment as a matter of law. *See Citizens United v. FEC*, 530 F. Supp. 2d 274 (D.D.C. 2008) (denying Citizens United’s request for a preliminary injunction). Therefore, plaintiff’s motion [52] for summary judgment will be **DENIED**, and defendant’s motion [55] for summary judgment will be **GRANTED**.¹ Accordingly, judgment will be entered for defendant.

¹ Defendant’s motion [43] to dismiss Counts 3 and 4 of the Amended Complaint will be **GRANTED** in part and **DENIED** in part as moot. As to Count 3, defendant’s motion will be denied as moot. As to Count 4, defendant’s motion to dismiss will be granted without prejudice by agreement of the parties.

A separate order shall issue this date.

Signed by United States Circuit Judge A. Raymond Randolph, and United States District Judges Royce C. Lamberth and Richard W. Roberts, on July 18, 2008.