

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

CHIP HUNT; REPUBLICAN PARTY OF
TEXAS,

Plaintiffs,

v.

STATE OF TEXAS; JANE NELSON, in her
official capacity as Texas Secretary of State,

Defendants.

Case No. 2:25-cv-200

DEFENDANT SECRETARY OF STATE
JANE NELSON'S MOTION TO DISMISS

Defendant Secretary of State Jane Nelson respectfully moves the Court to dismiss the complaint under Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6). The Court should dismiss the complaint under Rule 12(b)(1) because the Plaintiffs lack standing to bring their challenge and because their claim is not yet ripe for review. The Court should also dismiss the complaint under Rule 12(b)(6) because the Plaintiffs failed to plausibly allege a freedom-of-association claim under the First Amendment. In the alternative, the Secretary moves to dismiss plaintiff Chip Hunt and defendant the State of Texas from this action under Rule 12(b)(1). Hunt lacks standing to bring a First Amendment challenge and the State of Texas is immune from suit. The Secretary files the accompanying brief in support of this motion and a proposed order. *See* Local Civil R. 7.1(c), (d).

Respectfully submitted,

/s/ Erin E. Murphy

CLEMENT & MURPHY, PLLC

Erin E. Murphy (*admitted pro hac vice*)
James Y. Xi (*admitted pro hac vice*)

Philip Hammersley (*admitted pro hac vice*)
706 Duke Street
Alexandria, Virginia 22314
Tel: (202) 742-8912
Fax: (703) 997-6207
erin.murphy@clementmurphy.com
james.xi@clementmurphy.com
philip.hammersley@clementmurphy.com

UNDERWOOD LAW FIRM, P.C.

Thomas C. Riney
State Bar No. 16935100
C. Jason Fenton
State Bar No. 24087505
P.O. Box 9158 (79105-9158)
500 S. Taylor, Suite 1200
Amarillo, TX 79101
Telephone: (806) 376-5613
Facsimile: (806) 379-0316
tom.riney@uwlaw.com
jason.fenton@uwlaw.com

Counsel for Defendant Secretary of State Nelson

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served upon all counsel of record on October 30, 2025, via the Court's CM/ECF system.

/s/ Erin E. Murphy

Erin E. Murphy