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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

United States of America,

Plaintiff,

v.

State of Alaska; Carol Beecher, in her
official capacity as Director of the Division
of Elections of the State of Alaska; the
Election Boards of the State of Alaska; and
the State Ballot Counting Review Board of
the State of Alaska,

Defendants.

Civ. No. 3:26-cv-00376-SLG

**PLAINTIFF'S OPPOSITION TO
MOTIONS TO DISMISS**

The Court previously ordered the United States to respond to Defendants' Motion to Dismiss by 3:00 p.m. today and to respond to Intervenor-Defendants' motions to dismiss by 5:00 p.m. today. ECF Nos. 19, 35.

There have been significant developments since the Court entered those orders. Yesterday, the New York Times reported that Alaskans For Mary and the Democratic Senatorial Campaign Committee orchestrated a sprawling conspiracy to recruit and prop up Daniel J. Sullivan as a sham candidate for the purpose of deceiving Alaskan voters.¹ Governor Mike Dunleavy then announced on X that he is "directing the Department of Public Safety to investigate whether this scheme violated Alaska's laws and whether criminal charges or civil action are warranted."²

In light of these serious developments, the United States filed an amended complaint with new allegations and an additional claim under the Supremacy Clause. ECF No. 43; *see also* Fed. R. Civ. P. 15(a)(1) (providing that a party may amend a complaint once as a matter of course within 21 days of service).

The filing of the amended complaint compels denial of the pending motions to dismiss as moot. "It is well-established in [the Ninth Circuit] that an 'amended complaint supersedes the original, the latter being treated thereafter as non-existent.'" *Ramirez v.*

¹ Browning, *Inside Democrats' Secret Effort to Stack Alaska's Ballot*, N.Y. TIMES (Oct. 28, 2026), <https://www.nytimes.com/2026/10/28/us/politics/alaska-dan-sullivan-conspiracy-peltola.html>.

² Governor Mike Dunleavy (@GovDunleavy), X (October 29, 2026), <https://x.com/GovDunleavy/status/2115669883149222169>.

Cnty. of San Bernardino, 806 F.3d 1002, 1008 (9th Cir. 2015) (quoting *Forsyth v. Humana, Inc.*, 114 F.3d 1467, 1474 (9th Cir. 1997), overruled on other grounds by *Lacey v. Maricopa Cnty.*, 693 F.3d at 896 (9th Cir. 2012)). “In other words, ‘the original pleading no longer performs any function.’” *Id.* (quoting *Ferdik v. Bonzelet*, 963 F.2d 1258, 1262 (9th Cir. 1992)). And when a pending motion to dismiss targets a “non-existent” complaint that is “no longer in effect,” the Ninth Circuit has instructed district courts to deny the motion as “moot[.]” *Ramirez*, 806 F.3d at 1008.

That is the case here. All three pending motions to dismiss target the now “non-existent” original complaint. None of the motions to dismiss address the United States’ claim under the Supremacy Clause. Nor do they address the new allegations, as reported by the Times, providing more detail regarding the conspiracy orchestrated by the Peltola Campaign and the DSCC to mislead voters.

All three motions to dismiss (ECF Nos. 6-1, 8-1, 18) should be denied as moot.

Dated: October 29, 2026

Respectfully submitted,

/s/ Stanley Woodward

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Certificate of Service

I hereby certify that on October 29, 2026,
a true and correct copy of the foregoing
document was served electronically through
the CM/ECF system upon all case participants
who are registered CM/ECF users.

/s/ E. Bryan Wilson
Office of the U.S. Attorney

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