

## **Refusal to Accept a Minor Candidate's Campaign Ads**

*Sloan v. Hearst Media Co.*

*(Paul J. Barbadoro, D.N.H. 1:16-cv-52)*

A pro se federal complaint filed on the afternoon of the day of presidential primary elections challenged the plaintiff's exclusion from televised debates and challenged the refusal of a television station to air the plaintiff's paid ads. The district judge denied the plaintiff a temporary restraining order on the day that the complaint was filed for failure to comply with Federal Rule of Civil Procedure 65(b)(1)'s requirements. A little over two months later, a magistrate judge reviewed the complaint and recommended its dismissal. Reviewing the plaintiff's objections, the district judge adopted the recommendation, and the court of appeals affirmed the dismissal.

*Subject:* Campaign activities. *Topics:* Campaign materials; pro se party; primary election.

At 3:48 p.m. on the day of the 2016 presidential primary election in New Hampshire, a candidate filed a pro se federal complaint in the District of New Hampshire against a television station and a national party chair challenging the station's refusal to air his paid ads and challenging his exclusion from television debates.<sup>1</sup> With his complaint, the candidate filed a motion for a temporary restraining order.<sup>2</sup>

District Judge Paul J. Barbadoro denied the motion that day for failure to comply with the requirements of Federal Rule of Civil Procedure 65(b)(1).<sup>3</sup>

On April 28, Magistrate Judge Andrea K. Johnstone evaluated the complaint and recommended dismissal of the case.<sup>4</sup> Considering the candidate's May 26 objections,<sup>5</sup> Judge Barbadoro approved the recommendation on May 31,<sup>6</sup> a decision that the court of appeals summarily affirmed on October 28.<sup>7</sup>

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1. Complaint, *Sloan v. Hearst Media Co.*, No. 1:16-cv-52 (D.N.H. Feb. 9, 2016), D.E. 1.
  2. Temporary Restraining Order Motion, *id.* (Feb. 9, 2016), D.E. 2.
  3. Order, *id.* (Feb. 9, 2016), D.E. 4.
  4. Report and Recommendation, *id.* (Apr. 28, 2016), D.E. 5, 2016 WL 3063847.
  5. Objections, *id.* (May 26, 2016), D.E. 6.
  6. Order, *id.* (May 31, 2016), D.E. 7, 2016 WL 3077873.
  7. Order, *Sloan v. Hearst Television, Inc.*, No. 16-1885 (1st Cir. Oct. 28, 2016).