

Deputy Sheriff's Run for Sheriff and the Hatch Act

Caldwell v. United States Office of Special Counsel
(*Freda L. Wolfson, D.N.J. 1:05-cv-5126*)

A deputy sheriff in Atlantic County, New Jersey, filed a federal complaint on October 26, 2005, seeking relief and clarification of his right to run for sheriff as a Republican nominee after the Democratic incumbent transferred him to a department receiving federal funds so that his candidacy might violate the Hatch Act.¹ With his complaint, the plaintiff filed a motion for a preliminary injunction.²

The original complaint named the United States Office of Special Counsel as the defendant;³ an amended complaint filed two days later added the sheriff as a defendant.⁴

On the day that the complaint was filed, Judge Jerome B. Simandle set the matter for hearing before Judge Freda L. Wolfson on October 31.⁵ Judge Wolfson held telephone conferences with the parties on October 27 and 28.⁶ At the October 31 hearing, the plaintiff and the county announced a confidential settlement, the terms of which were not presented to Judge Wolfson.⁷

1. Complaint, [Caldwell v. U.S. Office of Special Counsel](#), No. 1:05-cv-5126 (D.N.J. Oct. 26, 2005), D.E. 1; *see* 28 U.S.C. §§ 1501–1508 (2012); *see also* Thomas Barlas, *Dems Say Republican Sheriff Candidate Isn't Allowed to Run*, Press of Atlantic City, Oct. 14, 2005, at C5.

2. Preliminary Injunction Motion, [Caldwell](#), No. 1:05-cv-5126 (D.N.J. Oct. 26, 2005), D.E. 2.

3. Complaint, *supra* note 1.

4. Amended Complaint, [Caldwell](#), No. 1:05-cv-5126 (D.N.J. Oct. 28, 2005), D.E. 4; *see* Transcript at 2, *id.* (Oct. 31, 2005, filed Feb. 7, 2006), D.E. 9.

5. Order, *id.* (Oct. 26, 2005), D.E. 3.

6. Docket Sheet, *id.* (Oct. 26, 2005).

7. Stipulated Dismissal, *id.* (Oct. 31, 2005), D.E. 8; Transcript, *supra* note 4, at 5; Minutes, [Caldwell](#), No. 1:05-cv-5126 (D.N.J. Oct. 31, 2005), D.E. 7