

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

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ANCHORAGE, ALASKA

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JOE MILLER )  
 )  
*Plaintiff,* )  
 )  
 V. )  
 )  
 LIEUTENANT GOVERNOR CRAIG )  
 CAMPBELL, in his official capacity; and )  
 DIVISION OF ELECTIONS, STATE OF )  
 ALASKA )  
*Defendants.* )

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Civil Case No.  
3:10-CV-0252 (RRB)

**MOTION FOR LEAVE TO FILE *AMICUS CURIAE* AND  
MEMORANDUM OF LAW OF THOMAS A. LAMB  
IN SUPPORT OF MOTION FOR LEAVE TO FILE BRIEF *AMICUS CURIAE***

Thomas A. Lamb respectfully submits this memorandum of law in support of his motion for leave to file a brief *amicus curiae* in the above captioned matter.

**Interest of Proposed Amicus**

I respectfully submit that in this case of first impression, there is a missing voice in the arguments between the litigants. And the missing voice is the Alaskan voter.

I feel that it would be beneficial for this Court to understand the voter's impressions of what the law required since while it is true the litigants have an interest, this Court's findings will ultimately address the constitutional rights of the Alaskan voter.

And as such, it would benefit all parties to consider the arguments presented in this amicus.

The only interest I have in this case is to ensure my voting rights and the voting rights of other Alaskans like myself are not diminished and that the ballot cast is counted and held under the same standard in law as to other Alaskans who fall under the same category of voter that requires no assistance to vote or protection afforded those who are in the military and are stationed overseas.

### Argument

"Federal courts have discretion to permit participation of amici where such participation will not prejudice any party and may be of assistance to the court." *Strougo v. Scudder, Stevens & Clark, Inc.*, 1997 WL 473566 (S.D.N.Y. Aug. 18, 1997) (citing *Vulcan Society of New York City Fire Dept, Inc. v. Civil Service Commn*, 490 F.2d 387, 391 (2d Cir. 1973)). See also *United States v. Gotti*, 755 F.Supp. 1157, 1158 (E.D.N.Y 1991) (amici can "provide supplementary assistance to existing counsel and insur[e] a complete and plenary presentation of difficult issues so that the court may reach a proper decision").

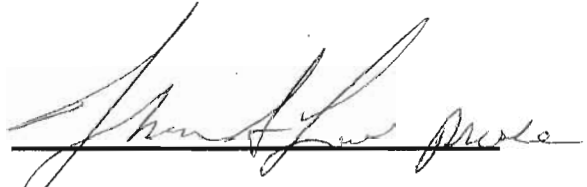
Since this case is a first impression case in this Circuit, I believe that it is appropriate for this Court to hear from Alaskans like myself who have voted in the 2010 Alaska U.S. Senate race.

### Conclusion

For the foregoing reasons, I respectfully submit that this Court should grant leave to file the proposed brief *amicus curiae*.

This the 28<sup>th</sup> day of December, 2010.

Respectfully submitted,



Thomas A. Lamb  
310 w 33<sup>rd</sup> #4  
Anchorage, Alaska 99503  
Tel. 907-310-9834  
tlamb775@aol.com

THOMAS LEWIS  
310 W 332 #4  
AUCKLAND, AK 99513

762999

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AUCKLAND, AK 99513



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