

Judge dismisses lawsuit challenging Biden's win in Georgia

A federal judge threw out a lawsuit Monday that relied on conspiracy theories to try to invalidate Georgia election results showing Democrat Joe Biden defeated President Donald Trump.

U.S. District Judge Timothy Batten dismissed the lawsuit brought by former Trump attorney Sidney Powell in an attempt to decertify Georgia's election. He said overturning the election would have amounted to "judicial activism."

"They want this court to substitute its judgment for the 2.5 million voters who voted for Biden," Batten, who was appointed by President George W. Bush, said in court in Atlanta. "This I'm unwilling to do."

The decision leaves Georgia's results intact, supporting state elections officials' statements that there was no evidence of widespread fraud.

Georgia Secretary of State Brad Raffensperger on Monday recertified the election results after a second recount again confirmed Biden defeated Trump.

Powell's lawsuit had combined a series of theories, many of them discredited, about how the election could have been rigged for Trump to lose in Georgia.

She alleged ballot-stuffing in Fulton County, vote-flipping in Ware County and a statewide statistical analysis to suggest Trump should have received more votes. Powell also falsely claimed that Georgia's voting equipment company has ties to Venezuela and could have altered results.

Election officials have said those accusations weren't backed up by facts.

The chief investigator for the secretary of state's office has said video surveillance in Fulton showed "there were no mystery ballots that were brought in from an unknown location and hidden under tables," according to her sworn declaration. No voting machines were seized or votes flipped in Ware, and a recount corrected a tabulation error, the county's elections director has said.

"The fraud that has happened here has destroyed any public confidence that the will of the people is reflected in their vote," Powell told Batten.

Attorneys for the state said there's no justification to award Georgia's electoral votes to Trump. State law requires the state's 16 votes in the Electoral College to go to the candidate who won the popular vote, and Biden held a nearly 12,000-vote lead over Trump.

"Their claims would be extraordinary if true, but they are not," according to a court brief by the state's attorneys. "Much like the mythological 'kraken' monster after which plaintiffs have named this lawsuit, their

claims of election fraud and malfeasance belong more to the kraken's realm of mythos than they do to reality."

Batten dismissed the case based on similar reasoning as the 11th U.S. Circuit Court of Appeals, which decided Saturday that a Trump supporter, L. Lin Wood, lacked standing to sue, and that federal courts have limited jurisdiction in cases contesting election results. Those kinds of cases should be filed in state courts, Batten said.

Separate election lawsuits are pending in Fulton County, but one of them was rejected Monday because the attorneys didn't pay the filing fee or fill out paperwork correctly. That lawsuit, announced last week by Trump's personal attorney, Rudy Giuliani, would have accused felons, out-of-state residents and underage residents of casting ballots in the November election.

Another case making similar allegations is scheduled to be heard in court in Fulton County on Tuesday.

So far, every judge and appeals court who has heard these cases have rejected them.

"The plaintiffs have backed themselves into a corner from which they cannot escape," said **Josh Belinfante**, an attorney for the state. "The relief they seek is judicial fiat, changing the certified election results."

But Powell promised she wouldn't stop fighting, even after Batten pointed out that if Trump won Georgia he still would fall short of reelection nationwide.

"It's nowhere near over," Powell told the judge, saying lawsuits contesting the election are also pending in other states.