RECOMMENDED FOR FULL-TEXT PUBLICATION
Pursuant to Sixth Circuit I.O.P. 32.1(b)

File Name: 16a0299p.06

# UNITED STATES COURT OF APPEALS

FOR THE SIXTH CIRCUIT

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JOEL CROOKSTON,

*Plaintiff-Appellee*,

*v.*

RUTH JOHNSON, Michigan Secretary of State, in her official capacity,

*Defendant-Appellant*.

No. 16-2490

Appeal from the United States District Court
for the Western District of Michigan at Grand Rapids.
No. 1:16-cv-01109—Janet T. Neff, District Judge.

Decided and Filed: December 21, 2016

Before: COLE, Chief Judge, GUY and SUTTON, Circuit Judges.

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## COUNSEL

**ON LETTER BRIEF:** Ann M. Sherman, OFFICE OF THE MICHIGAN ATTORNEY GENERAL, Lansing, Michigan, for Appellant. Stephen R. Klein, PILLAR OF LAW INSTITUTE, Washington, D.C., Patrick M. Jaicomo, MILLER JOHNSON, Grand Rapids, Michigan, for Appellee.

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## ORDER

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PER CURIAM. On October 24, 2016, the district court preliminarily enjoined the State of Michigan from enforcing its bans on ballot exposure and photography at the polls against voters taking "ballot selfies." On October 28, this panel stayed the district court's injunction. The presidential election has now come and gone, but the merits of the preliminary injunction are still before us. Meanwhile, the district court is proceeding to trial on the permanent injunction.

Both parties agree that summary reversal of the preliminary injunction is appropriate in light of our stay and the merits proceedings in the district court. It would serve no purpose to set a briefing schedule and issue a full opinion on the injunction's merits. We considered the parties' arguments regarding the plaintiff's likelihood of success when we issued the stay, and full briefing would be unlikely to alter our conclusions at this stage. If needed, this Court will revisit this case after trial, but there is no need to reconsider the same arguments on the same record.

For the reasons provided in the stay order, we reverse the district court's grant of the plaintiff's motion for a preliminary injunction.

ENTERED BY ORDER OF THE COURT

Deborah L. Hunt, Clerk