

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

JAMILA JOHNSON, ET AL.

CIVIL ACTION

VERSUS

KYLE ARDOIN,
*In His Official Capacity As The Acting
Secretary Of State Of Louisiana*

NO: 18-00625-BAJ-EWD

ORDER

On October 17, 2019, this Court stayed this action pending the U.S. Court of Appeals for the Fifth Circuit's *en banc* review of *Joseph Thomas, et al. v. Tate Reeves, et al.*, No. 19-60133, an appeal presenting the issue of whether statutory challenges under Section 2 of the Voting Rights Act, 52 U.S.C. § 10301 must be decided by a three-judge panel of the district court.

On June 18, 2020, the Circuit Court issued its *en banc* opinion dismissing the *Thomas* appeal as moot, without addressing the three-judge panel issue. The Circuit Court's concurring opinions, however, address the issue at length, with 6 judges taking the position that statutory challenges under Section 2 of the Voting Rights Act may be decided by a single district court judge, 5 judges taking the opposite position that such challenges require a three-judge panel, 4 judges expressing no opinion, and 2 judges abstaining. *Compare Thomas v. Reeves*, 961 F.3d 800, 801 (5th Cir. 2020) (Costa, J., concurring), *with id.* at 810 (Willett, J., concurring). The Circuit Court's dismissal became final on September 16, 2020.

Finding that the circumstances justifying the original stay in this action no longer exist,

IT IS ORDERED that the **STAY IS LIFTED**.

IT IS FURTHER ORDERED that in light of the Circuit Court's competing concurring opinions in *Thomas*, the parties shall **SHOW CAUSE**, if any exists, why the Court should not vacate its September 12, 2019 order denying Defendant Secretary of State Kyle Ardoin's Motion for Certification of Order for Interlocutory Appeal (Doc. 100), and certify an interlocutory appeal on the three-judge panel issue. The parties shall file written submissions limited to 7 pages no later than Friday, October 9, 2020.

IT IS FURTHER ORDERED that the deadline for Defendant and Third-Party Plaintiff Secretary of State Kyle Ardoin to file his opposition to Third-Party Defendants' Motion to Dismiss Third-Party Complaint (Doc. 134) remains **STAYED** pending the Court's decision whether to certify an interlocutory appeal in this matter.

Baton Rouge, Louisiana, this 29th day of September, 2020



JUDGE BRIAN A. JACKSON
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA