

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

BOBBY SINGLETON, et al.,)
)
Plaintiffs,)
)
v.)
)
WES ALLEN, in his official)
capacity as Alabama Secretary of)
State, et al.,)
)
Defendants.)

Case No.: 2:21-cv-1291-AMM

THREE-JUDGE COURT

EVAN MILLIGAN, et al.,)
)
Plaintiffs,)
)
v.)
)
WES ALLEN, in his official)
capacity as Alabama Secretary of)
State, et al.,)
)
Defendants.)

Case No.: 2:21-cv-1530-AMM

THREE-JUDGE COURT

MARCUS CASTER, et al.,)
)
Plaintiffs,)
)
v.)
)
WES ALLEN, in his official)
capacity as Secretary of State of)
Alabama, et al.,)
)
Defendants.)

Case No.: 2:21-cv-1536-AMM

Before MARCUS, Circuit Judge, MANASCO and MOORER, District Judges.

BY THE COURT:

ORDER

In 2022, this Court preliminarily enjoined the Secretary of State from conducting elections using the 2021 congressional districting plan enacted by the Alabama Legislature (“the 2021 Plan”) upon finding that the 2021 Plan likely violated Section 2 of the Voting Rights Act, 52 U.S.C. § 10301 (“VRA Section Two”). *See Singleton* Doc. 88; *Milligan* Doc. 107; *Caster* Doc. 101. On February 7, 2022, the Court issued a conditional order appointing a Special Master and Expert Cartographer. *See Singleton* Doc. 102; *Milligan* Doc. 130; *Caster* Doc. 120. Specifically, the Court appointed (at the expense of Defendants) Mr. Richard Allen as Special Master and Dr. Nathaniel Persily as an expert cartographer should they become necessary to assist the Court in the event the Court determined it had to prepare a new map. *Id.*

On July 21, 2023, the Alabama Legislature approved and Governor Ivey signed into law a new congressional districting map (“the 2023 Plan”). On July 24, 2023, Dr. Persily withdrew from his appointment as the Court’s cartographer. As a result, the Court directed the parties to submit three to five names of proposed cartographers for the Court’s consideration by Friday, July 28, 2023. *See Singleton* Doc. 141; *Milligan* Doc. 187; *Caster* Doc. 166. Defendants submitted four names

as proposed cartographers. *See Singleton* Doc. 151; *Milligan* Doc. 197; *Caster* Doc. 175. The three sets of Plaintiffs collectively submitted five proposed cartographers. *See Singleton* Doc. 150; *Milligan* Doc. 198; *Caster* Doc. 174.

The Court has scheduled a remedial hearing on the *Milligan* and *Caster* Plaintiffs' objections to the 2023 Plan on August 14, 2023, which will be immediately followed by a hearing on the *Singleton* Plaintiffs' motion for preliminary injunction. As the Court has repeatedly emphasized, we are acutely aware of the exigent nature of these proceedings and the limited time available to resolve the objections, issue a ruling, and, to the extent it becomes necessary after ruling, assume "the unwelcome obligation . . . to devise and impose a reapportionment plan" for use in Alabama's next congressional elections. *Wise v. Lipscomb*, 437 U.S. 535, 540 (1978) (opinion of White, J.) (citation and quotation marks omitted).

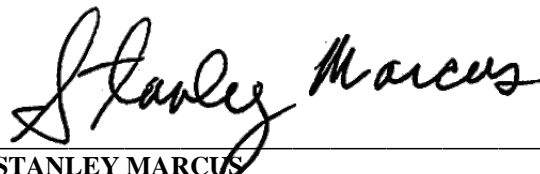
The Court reviewed the parties' submissions and conducted our own research as to the candidates' credentials and experience. As noted in the submissions, Mr. Ely has extensive experience as a map-drawer, consultant, and expert on districting plans. He has drawn maps and provided expert consulting services for cities, counties, and other legislative bodies in Texas, California, Utah, Pennsylvania, Ohio, Massachusetts, and Illinois. He has also previously recommended remedial plans to a federal district court to remedy a Voting Rights Act in his capacity as a special master in a redistricting case in Louisiana. Based on the current information before

the Court, the Court finds David R. Ely well qualified to serve as the Court's cartographer in this case.

We invite the parties to submit any comments or objections to the appointment of Mr. David Ely as an expert cartographer on or before **5:00 p.m. CDT on Friday, August 4, 2023.**

This order does not alter the appointment of Mr. Richard Allen as the Court's Special Master.

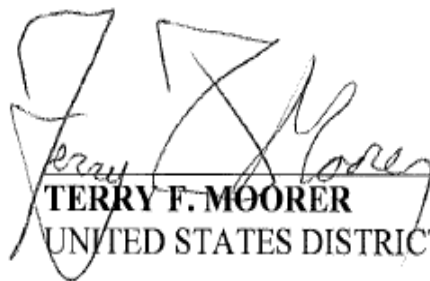
DONE and ORDERED this 2nd day of August, 2023.



STANLEY MARCUS
UNITED STATES CIRCUIT JUDGE



ANNA M. MANASCO
UNITED STATES DISTRICT JUDGE



TERRY F. MOORER
UNITED STATES DISTRICT JUDGE