

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

BOBBY SINGLETON, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 2:21-cv-01291-AMM
)	
WES ALLEN, in his official)	THREE-JUDGE COURT
capacity as Alabama Secretary of State,)	
<i>et al.</i> ,)	
)	
Defendants.)	

**MOTION FOR AN ORDER TO SHOW CAUSE WHY
DEFENDANT WES ALLEN SHOULD NOT BE HELD IN CIVIL
CONTEMPT**

Come now Plaintiffs and move the Court to issue an order requiring the Defendant, WES ALLEN, Alabama Secretary of State, to show cause in writing, if any there be, why he should not be held in civil contempt and sanctioned for his misrepresentation to the Court in the remedial phase of these proceedings.

In support of the motion, Plaintiffs would show the following undisputed facts.

1. On June 9, 2025, the parties filed a joint status report in which, *inter alia*,

[t]he State ‘further represent[ed] . . . that [it] will not challenge on appeal the duration of an injunction that requires the Secretary of State

to use the [Special Master] Plan for the 2026, 2028, and 2030 congressional elections (as well as all special or other congressional elections prior to the adoption of a new congressional district map based on the 2030 census data).

Doc. 338, pp. 7, 8.

2. The representation by Secretary Allen (the “State”) was made in opposition to the *Milligan* Plaintiff’s application for relief under Section 3(c) of the Voting Rights Act. *Id.*, p. 4.

3. Throughout the remedial proceedings, Secretary Allen and the State urged the Court not to invoke the bail-in remedy found in Section 3(c) of the Voting Rights Act. *Id.*, pp. 8, 9.

4. This Court denied the *Milligan* application for bail-in relief, writing:

... So long as the Legislature does not pass any legislation that would violate the injunctive relief we have entered, and the Secretary abides by our injunctions, we can discern no compelling reason to tread into such intrusive waters. AS for the *Milligan* Plaintiffs’ concern about Alabama’s 2032 congressional elections, we see no need to prematurely inject the federal government into an election that postdates the Secretary’s and Legislature’s concessions by seven years.

Id., p. 17.

5. On August 8, 2025, the following order was issued:

Accordingly, the Court **PERMANENTLY ENJOINS** Alabama Secretary of State Wes Allen, and his successors in office, from conducting any elections according to Alabama’s 2023 Plan. The Court further **ORDERS** Secretary Allen, and his successors in office, to

administer Alabama’s congressional elections using Special Master Remedial Plan 3 (appended to this Order as Exhibit B) until Alabama enacts a new congressional districting plan based on the 2030 census data. This mandatory injunction EXPIRES upon that enactment.”

Id., pp. 1, 2.

6. On April 30, 2026, Secretary Allen and other State officials filed in the United States Supreme Court a “Motion to Expedite Consideration of Jurisdictional Statement and of This Motion,” attached hereto as Exhibit 1.

7. Notwithstanding the misstatements in the Secretary’s Motion to Expedite, its purpose is to provide for the use of the State’s unlawful and unconstitutional 2023 Plan in the upcoming 2026 congressional elections.

8. By his Motion to Expedite, Secretary Allen willfully and knowingly repudiated the unequivocal representation he made to this Court just last year that he would not challenge on appeal the duration of the Permanent Injunction requiring him to use the Special Master’s Plan for the 2026, 2028, and 2030 congressional elections.

WHEREFORE, the premises considered, the Plaintiffs pray that the Court will set down this matter for a prompt hearing; and upon such hearing, order the Defendant Secretary Allen to show cause why he should not be sanctioned for civil contempt.

Respectfully submitted,

Dated: May 5, 2026

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Exhibit 1

No. 25-273

In the Supreme Court of the United States

—◆—
WES ALLEN, SEC'Y OF STATE OF ALABAMA, ET AL.,
Appellants,
v.
BOBBY SINGLETON, ET AL.,
Appellees.
—◆—

On Appeal from the United States District Court
for the Northern District of Alabama

**MOTION TO EXPEDITE CONSIDERATION OF JURISDICTIONAL
STATEMENT AND OF THIS MOTION**

Pursuant to Supreme Court Rule 21, Secretary Wes Allen, in his official capacity as the Alabama Secretary of State, and Senator Steve Livingston and Representative Chris Pringle, in their official capacities as Senate Chair and House Chair of the Alabama Permanent Legislative Committee on Reapportionment (the “Movants”), respectfully move for expedited consideration of their jurisdictional statements in *Allen v. Singleton* (No. 25-273) and *Allen v. Milligan* (No. 25-274) and their petition for a writ of certiorari before judgment in *Allen v. Caster* (No. 25-243) in light of this Court’s decision in *Louisiana v. Callais* (No. 24-109). Expedited consideration is necessary to afford Alabama the same opportunity as other States to use a lawfully enacted congressional map free of an injunction that cannot be reconciled with Section 2 of the Voting Rights Act “as properly construed.” *Callais*, Slip Op. 3.

Following this Court’s decision in *Allen v. Milligan*, 599 U.S. 1 (2023), upholding the district court’s preliminary injunction of Alabama’s 2021 congressional map,

the Alabama Legislature enacted a new map in 2023. The 2023 map endeavored to fix the problems the Court identified in *Allen* by keeping the Black Belt together “to the fullest extent possible” by placing the 18 core counties in two districts and a unified Montgomery County. *Milligan*.App.545-46. The map also achieved the Legislature’s long-held policy goal of keeping the two counties at the Gulf Coast together given their “long history and unique interests.” *Id.*

After the 2023 map was enacted, plaintiffs below moved to enjoin the new map, arguing that Section 2 required Alabama to split the Gulf Coast community of interest by segregating Mobile County so that Mobile’s black voters could be combined with black voters in the Black Belt to form a second majority-black district. *Milligan*.App.340. All parties agreed that it was not possible to draw a map with two majority-black districts without splitting Mobile County. *Id.*

The district court enjoined the 2023 plan anyway and imposed a court-drawn plan with a second majority-minority district—all the while admitting that requiring such a second district would mean the Legislature could not achieve its “political goals,” “particularly the goal of keeping Mobile and Baldwin Counties whole and together in one congressional district.” *Milligan*.App.514.

That ruling cannot be reconciled with *Callais*. Contrary to this Court’s clear direction that “if a §2 plaintiff cannot disentangle race from the State’s race-neutral considerations, including politics, then §2 cannot impose liability,” Slip Op. 26, the district court relieved plaintiffs of that burden, reasoning that “[u]nder controlling precedent, th[e] [*Gingle*] preconditions do not require that we fully disentangle party

and race,” *Milligan*.App.372. And given that the district court’s equal protection ruling was based entirely on Alabama’s position that Section 2 did *not* require it to enact a map with two majority-black districts, that aspect of the court’s ruling cannot survive *Callais*, either.

Accordingly, Movants respectfully ask the Court to expedite consideration of their pending jurisdictional statements in *Singleton* and *Milligan* and their petition for a writ of certiorari before judgment in *Caster*, vacate the injunctions and judgments below in light of this Court’s decision in *Callais*, remand the cases to the district court, and immediately issue its judgments.

Respectfully submitted,

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