

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION**

TERRY PETTEWAY, et al.	§	
	§	
Plaintiffs,	§	
v.	§	Civil Action No. 3:22-CV-00057
	§	(Consolidated)
GALVESTON COUNTY, TEXAS, et al.	§	
	§	
Defendants.	§	

UNITED STATES OF AMERICA,	§	
	§	
Plaintiffs,	§	
v.	§	Civil Action No. 3:22-CV-00093
	§	
GALVESTON COUNTY, TEXAS, et al.	§	
	§	
Defendants.	§	

DICKINSON BAY AREA BRANCH NAACP, et al.	§	
	§	
Plaintiffs,	§	
v.	§	Civil Action No. 3:22-CV-00117
	§	
GALVESTON COUNTY, TEXAS, et al.	§	
	§	
Defendants.	§	

CONSOLIDATED DEFENDANTS' RENEWED MOTION TO STAY

In light of recent changes to “the lay of the land” in the Fifth Circuit, *Nairne v. Ardoin*, 2022 U.S. Dist. LEXIS 155706, at *6 (M.D. La. Aug. 30, 2022) (attached as “Exhibit A”), Consolidated Defendants respectfully renew their motion to the Court to stay all proceedings pending resolution of *Merrill v. Milligan*, Nos. 21-1086 and 21-1807, in the Supreme Court of the United States.

ARGUMENT

In mid-May 2022, as the present matters were not yet consolidated, Consolidated Defendants moved to stay the various proceedings pending resolution of *Merrill v. Milligan* at the Supreme Court of the United States. *See Petteway, et al. v. Galveston County, Texas, et al.*, 3:22-cv-00057, ECF No. 36, May 16, 2022; *Dickinson Bay Area Branch NAACP, et al. v. Galveston County, Texas, et al.*, 3:22-cv-00117, ECF No. 33, May 17, 2022; *U.S. v. Galveston County, Texas, et al.*, 3:22-cv-00093, ECF No. 27, May 17, 2022.¹ In separate yet identical orders, on May 24, 2022, the Court denied the Motions to Stay, concluding the balance of factors weighed against a stay. *See Petteway, et al. v. Galveston County, Texas, et al.*, 3:22-cv-00057, ECF No. 40, May 24, 2022; *Dickinson Bay Area Branch NAACP, et at. v. Galveston County, Texas, et al.*, 3:22-cv-00117, ECF No. 36, May 24, 2022; *U.S. v. Galveston County, Texas, et al.*, 3:22-cv-00093, ECF No. 28, May 24, 2022.

Things have changed since May. In that same month, Judge Dick, of the Middle District of Louisiana, similarly denied a motion to stay in *Robinson v. Ardoin*, a Section 2 challenge to the Louisiana Legislature’s congressional map, finding the balance of factors

¹ Consolidated Defendants hereby incorporate by reference all arguments and summaries made in the above cited Motions to Stay.

weighed against a stay. *See* 2022 U.S. Dist. LEXIS 80615, at *10 (M.D. La. May 4, 2022). She determined that *Merrill*'s looming disposition did not justify a stay, *id.* at *8, and the Fifth Circuit did not disturb that decision, *Robinson v. Ardoin*, 37 F.4th 208, 232 (5th Cir. 2022). However, in June 2022, the United States Supreme Court disagreed with the lower courts disregarding *Merrill*'s importance and ordered the entire *Robinson* case not just stayed but held in abeyance pending its decision in *Merrill. Ardoin v. Robinson*, 142 S. Ct. 2892 (2022) (attached as "Exhibit B"). In addition, we note that while Chief Justice Roberts dissented from the grant of the stay in the *Merrill* cases, he changed his view by the time *Robinson* was presented and supported the stay and the abeyance in that case. *See id.*

Then, on August 30, 2022, Judge Dick, hearing a different Section 2 case concerning Louisiana's state legislative maps, recognized the Supreme Court's change to the "lay of the land," concluding:

By holding *Robinson* in abeyance pending the outcome of *Merrill*, the Supreme Court has unmistakably communicated that the outcomes in those cases are intertwined. Although Plaintiffs here attempt to distinguish *Robinson* from the instant case, there is no question that both cases arise under Section 2 of the Voting Rights Act. Nor can there be any serious debate that the Supreme Court has expressed that cases applying Section 2 are better held until *Merrill* is decided. The fundamental voting rights of Black Louisianans are paramount, but ignoring the clear "yield" sign from the Supreme Court and proceeding with this case now is not the best way to vindicate those rights. Once *Merrill* is decided, this important case can be litigated without the risk of draining the parties' and the Court's resources, only to start over if legal contours change. Accordingly, the Court will exercise its discretion to stay this case in the interest of avoiding hardship and prejudice to the parties and in the interest of judicial economy.

Nairne, 2022 U.S. Dist. LEXIS 155706, at *7. That same logic applies here.

Although Consolidated Defendants remain confident in this Court’s ability to deal with upcoming changes in the law as they come, Consolidated Defendants find these developments, all involving cases from the Fifth Circuit, extremely relevant and warranting a renewal of our prior Motions to Stay. Doing so will keep this matter in line with similar matters pending in the Circuit. Additionally, as Judge Dick noted in the state legislative map context, *id.*, continuing discovery under a standard likely to be changed in June 2023 makes little sense. *See id.* (“[T]his important case can be litigated without the risk of draining the parties’ and the Court’s resources, only to start over if legal contours change.”).

Although some counts of these complaints raise claims not directly invoking Section 2, it seems clear that the Supreme Court is about to carefully consider how race and redistricting are related and whether the applicable legal test should be revised. *See id.* (“The fundamental voting rights of Black Louisianans are paramount, but ignoring the clear “yield” sign from the Supreme Court and proceeding with this case now is not the best way to vindicate those rights.”). It is not the case that the decision in *Merrill* will have no effect on the consolidated cases; these cases implicate both Section 2 intent and Section 2 results claims, and the question presented in *Merrill* is an open-ended evaluation of Alabama’s congressional district map under Section 2. *See Merrill v. Milligan*, 142 S. Ct. 1358 (Mar. 21, 2022) (amending the question presented to “[w]hether the State of Alabama’s 2021 redistricting plan for its seven seats in the United States House of Representatives violate[s] section 2 of the Voting Rights Act”); *see also Caster v. Merrill*, 2022 U.S. Dist. LEXIS 16996, at *20 (N.D. Ala. Jan. 24, 2022) (noting that the *Merrill* plaintiffs amended their

complaint to add “a claim of intentional discrimination under the Fourteenth and Fifteenth Amendments,” just as the *Petteway* Plaintiffs have asserted here). The Court’s decision in *Merrill* will have wide-ranging consequences for intentional discrimination claims just as for results-based claims because of the inherent difficulty in separating out the facts pertaining to each, and so Consolidated Defendants anticipate that the Court’s inevitable discussion of race and redistricting will impact the constitutional claims raised in this case.

Additionally, the canon of constitutional avoidance counsels that when dealing with both statutory and constitutional claims, the Court should first attempt to resolve the claims through statutory means (i.e. Section 2), and “avoid[] serious constitutional concerns under the Equal Protection Clause.” *Bartlett v. Strickland*, 556 U.S. 1, 21-22 (2009); *see Citizens United v. FEC*, 558 U.S. 310, 374 (2010) (Roberts, C.J., concurring) (“If there were a valid basis for deciding this statutory claim in Citizens United's favor (and thereby avoiding constitutional adjudication), it would be proper to do so.”); *see also Nw. Austin Mun. Util. Dist. No. One v. Holder*, 557 U.S. 193 (2009) (the Court agreed to decide the case on statutory grounds instead of reaching the appellant's broader constitutional argument). Constitutional avoidance advises against deciding constitutional claims where a case can instead be resolved on statutory grounds. This canon is commonly applied in redistricting cases like this that involve both constitutional and statutory claims. *See, e.g., League of United Latin Am. Citizens v. Perry (“LULAC”)*, 548 U.S. 399, 442 (2006); *Thornburg v. Gingles*, 478 U.S. 30, 38 (1986). For instance, a court in the Northern District of Alabama recently invoked this canon to reserve ruling on constitutional claims when it determined there was a likely violation of Section 2 of the Voting Rights Act and thus enjoined

Alabama’s redistricting plan on that basis. “In light of [the court’s] decision to issue a preliminary injunction on statutory grounds,” the court “decline[d] to decide the constitutional [Equal Protection] claims asserted” by two of the plaintiff groups at that time based on the principle of constitutional avoidance and because Alabama’s upcoming elections would not occur on the basis of the allegedly unconstitutional map. *See Singleton v. Merrill*, No. 2:21-cv-1291, 2022 U.S. Dist. LEXIS 17362, at *277 (N.D. Ala. Jan. 24, 2022). The court noted that the avoidance principle has “particular salience when a court considers (as we do here) a request for equitable relief.” *Id.* While the injunction has since been stayed by the U.S. Supreme Court pending the Supreme Court’s decision on the Section 2 claims in *Merrill v. Milligan*, the three-judge court has affirmed that it continues to reserve ruling on the Equal Protection claims while *Merrill* is pending before the Supreme Court. *See Singleton*, 2022 U.S. Dist. LEXIS 83367, at *17 (N.D. Ala. Feb. 25, 2022). As such, it would be prudent for this Court to do the same and wait for soon-to-arrive Section 2 guidance from the Supreme Court in *Merrill*, as opposed to moving forward in an attempt to resolve Plaintiffs’ claims through constitutional means. *Id.*

Time too counsels in favor of a stay considering the pertinent County Commission election in Precinct 3 will be held in 2024. Results from this November’s elections—including who is on the ballot and how candidates perform—will provide non-hypothetical data that current discovery cannot. As such, the Parties could not only have the benefit of actual election data using the challenged map, but also, and most importantly, the benefit of the likely-altered Section 2 standard from *Merrill*. While all of the consolidated causes of action are a little different, and “Plaintiffs here attempt to distinguish [*Merrill*] from the

instant case[s], there is no question that [all] cases arise under Section 2 of the Voting Rights Act.” *Id.* As such, the consolidated matters should be stayed pending the Supreme Court’s resolution of *Merrill*.

CONCLUSION

For the aforementioned reasons, the Court should stay all proceedings in the consolidated matters pending resolution of *Merrill v. Milligan* before the United States Supreme Court.

Respectfully submitted,

**HOLTZMAN VOGEL BARAN
JOSEFIAK & TORCHINSKY LLC**

/s/ Dallin B. Holt

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**Admitted pro hac vice*

**CERTIFICATE OF
CONFERENCE**

I hereby certify that I conferred with counsel for Consolidated Plaintiffs regarding the filing of this Motion. And, on September 29, 2022, counsel for the various Consolidated Plaintiffs each indicated that Consolidated Plaintiffs do not consent to the relief requested herein.

/s/ Dallin B. Holt

Dallin B. Holt

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing was served on all counsel of record on September 30, 2022, through the CM/ECF system.

/s/ Dallin B. Holt

Dallin B. Holt

EXHIBIT A



Neutral

As of: September 12, 2022 6:54 PM Z

Nairne v. Ardoin

United States District Court for the Middle District of Louisiana

August 30, 2022, Decided; August 30, 2022, Filed

CIVIL ACTION 22-178-SDD-SDJ

Reporter

2022 U.S. Dist. LEXIS 155706 *; 2022 WL 3756195

DOROTHY NAIRNE, et al versus R. KYLE ARDOIN, in his capacity as Secretary of State of Louisiana

Prior History: [Nairne v. Ardoin, 2022 U.S. Dist. LEXIS 88282, 2022 WL 1559074 \(M.D. La., May 17, 2022\)](#)

Core Terms

proceedings, questions, hardship, cases, held in abeyance, judicial economy, injunction, diluted, parties, reasons, Voters, rights, urge, wait

Counsel: [*1] For Dorothy Nairne, Dr., Jarrett Lofton, Clee E. Lowe, Rev., Alice Washington, Dr., Black Voters Matter Capacity Building Institute, Louisiana State Conference of the NAACP, Rose Thompson, Dr., Steven Harris, Rev., Alexis Calhoun, Plaintiffs: John Nelson Adcock, LEAD ATTORNEY, Law Offices of John N. Adcock, New Orleans, LA; Kathryn C. Sadasivan, PRO HAC VICE, NAACP Legal Defense & Educational Fund, FL; Leah C. Aden, PRO HAC VICE, NAACP Legal Defense and Educational Fund, Inc., New York, NY; Megan E. Snider, ACLU of Louisiana, New Orleans, LA; Nora Ahmed, PRO HAC VICE, ACLU of Louisiana, New Orleans, LA; Ronald Lawrence Wilson, New Orleans, LA; Samantha Osaki, PRO HAC VICE, American Civil Liberties Union Foundation, Inc., New York, NY; Sarah E Brannon, PRO HAC VICE, American Civil Liberties Union Foundation, Washington, DC; Sophia Lin Lakin, PRO HAC VICE, American Civil Liberties Union Foundation, New York, NY; Stuart C. Naifeh, NAACP Legal Defense Fund, New York, NY; Tiffany Alora Thomas, PRO HAC VICE, American Civil Liberties Union Foundation, New York, NY; Victoria Wenger, PRO HAC VICE, NAACP Legal Defense & Educational Fund, Inc., New York, NY.

For R. Kyle Ardoin, in his official [*2] capacity as Secretary of State of Louisiana, Defendant: John Carroll Walsh, LEAD ATTORNEY, Shows. Cali & Walsh, LLP, Baton Rouge, LA; Alyssa Riggins, Nelson Mullins Riley

& Scarborough LLP, Raleigh, NC; Cassie Holt, Nelson Mullins Riley & Scarborough LLP, Raleigh, NC; John E. Branch, III, PRO HAC VICE, Nelson Mullins Riley & Scarborough LLP, Raleigh, NC; Phillip Strach, PRO HAC VICE, Nelson Mullins Riley and Scarborough LLP, Raleigh, NC; Thomas A. Farr, PRO HAC VICE, Nelson Mullins Riley & Scarborough LLP, Raleigh, NC.

For Clay Schexnayder, Patrick Page Cortez, Movants: Michael W. Mengis, LEAD ATTORNEY, Baker & Hostetler, Houston, TX; Erika Dackin Prouty, PRO HAC VICE, Baker & Hostetler LLP, Columbus, OH; Katherine L. McKnight, PRO HAC VICE, Baker Hostetler, Washington, DC; Patrick T. Lewis, PRO HAC VICE, Baker & Hostetler LLP, Cleveland, OH; Richard B. Raile, PRO HAC VICE, Baker & Hostetler, Washington, DC.

For State Of Louisiana, by and through Attorney General Jeff Landry, Movant: Elizabeth Baker Murrill, LEAD ATTORNEY, Louisiana's Office of the Attorney General, Baton Rouge, LA; Angelique Duhon Freil, Louisiana Department of Justice - B.R., Baton Rouge, LA; Carey T. Jones, Loisiaana [*3] Attorney General, Baton Rouge, LA; Jeffrey Michael Wale, Louisiana Department of Justice, Baton Rouge, LA.

Judges: SHELLY D. DICK, CHIEF UNITED STATES DISTRICT JUDGE.

Opinion by: SHELLY D. DICK

Opinion

RULING

Before the Court is the *Joint Motion to Stay Proceedings*¹ filed by Attorney General Jeff Landry on

¹ Rec. Doc. No. 61.

2022 U.S. Dist. LEXIS 155706, *3

behalf of the State of Louisiana and by the Legislative Intervenor, Clay Schexnayder and Patrick Page Cortez (collectively, the "Intervenor Defendants").² Plaintiffs Dorothy Nairne, Jarrett Lofton, Clee E. Lowe, Alice Washington, Rose Thompson, the Louisiana State Conference of the NAACP, and the Black Voters Matter Capacity Building Institute (collectively, "Plaintiffs") filed an *Opposition*,³ to which Defendants filed a *Reply*.⁴ For the reasons that follow, the Court finds that the Intervenor Defendants' *Motion* shall be GRANTED.

I. BACKGROUND

Plaintiffs, a group of Black Louisianans and Louisiana nonprofit organizations, filed the instant action on March 14, 2022, alleging that the 2022 redistricting plans for the Louisiana House of Representatives and State Senate unlawfully diluted their votes in violation of [Section 2 of the Voting Rights Act of 1965, 52 U.S.C. § 10301](#). On July 18, 2022, the Intervenor Defendants filed the instant *Motion*, urging the [*4] Court to stay all proceedings pending the United States Supreme Court's resolution of *Merrill v. Milligan*,⁵ which is set for oral argument on October 4, 2022.⁶ According to the Intervenor Defendants, the Court should wait for *Merrill* because it promises to resolve "lingering questions regarding the application of [Section 2 of the Voting Rights Act](#), and specifically questions as to when the creation of an additional majority-minority district is required."⁷ These questions, they aver, will "directly impact the outcome of the present matter."⁸ The Intervenor Defendants note that the Supreme Court recently stayed an injunction by this Court in *Robinson v. Ardoin*⁹ which had ordered the creation of a remedial congressional plan with two majority-Black districts. In

its order granting the emergency application for stay, the Supreme Court ordered *Robinson* be held in abeyance pending the outcome in *Merrill*. Arguing that this case involves similar [Section 2](#) issues, and that judicial inefficiency and hardship to the parties could result from proceeding before *Merrill* is decided, the Intervenor Defendants urge the Court to stay the instant matter.

Plaintiffs, on the other hand, argue there is "no reason"¹⁰ to stay this case pending [*5] the resolution of *Merrill*. If the issues are as inextricably linked as the Intervenor Defendants claim, Plaintiffs cry foul at the decision to wait four months after the filing of the *Complaint* in this matter to request a stay. At this point, Plaintiffs explain, discovery is well underway — in fact, the *Motion to Stay* was filed on the same day that Plaintiffs served their expert reports. Instead of requesting a stay when *Robinson* was stayed, Plaintiffs accuse the Intervenor Defendants of manipulating the timing "to forestall adjudication of Plaintiffs' claims in order to deny Louisiana's Black voters full, unfettered access to their fundamental right to vote."¹¹ Plaintiffs also argue that, if the Supreme Court does not issue a decision in *Merrill* until the end of the upcoming term, in June 2023, only a few months would remain to try this case prior to the November 2023 election. Finally, Plaintiffs contend that issuing a stay "based on the mere possibility that the Supreme Court might change the standard applicable to [Section 2](#) vote dilution claims"¹² is not appropriate.

II. LAW AND ANALYSIS

A. Motions to Stay

A district court has the inherent power to stay its proceedings. This power to stay [*6] is "incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants."¹³ This is best accomplished by the "exercise of judgment, which must weigh competing interests and maintain an even

² Although Defendant Secretary of State Ardoin did not join in the *Motion to Stay*, the movants aver that he was consulted and "consents to the relief sought herein" (Rec. Doc. No. 61, p. 2).

³ Rec. Doc. No. 64.

⁴ Rec. Doc. No. 77.

⁵ **142 S.Ct. 1105, 212 L. Ed. 2d 5.**

⁶ https://www.supremecourt.gov/oral_arguments/argument_calendars/MonthlyArgumentCalOctober2022.pdf

⁷ Rec. Doc. No. 61-1, p. 3.

⁸ *Id.*

⁹ No. 3:22-cv-211-SDD-SDJ.

¹⁰ Rec. Doc. No. 64, p. 2.

¹¹ *Id.* at p. 3.

¹² *Id.* at p. 6.

¹³ [Landis v. No. American Co., 299 U.S. 248, 254, 57 S. Ct. 163, 81 L. Ed. 153 \(1936\).](#)

2022 U.S. Dist. LEXIS 155706, *6

balance."¹⁴ When determining whether to exercise its discretion to stay proceedings, relevant factors for the Court to consider include: (1) the potential prejudice to the non-moving party; (2) the hardship and inequity to the moving party if the action is not stayed; and (3) judicial economy.¹⁵ "A court is within its discretion to grant a stay when a related case with substantially similar issues is pending before a court of appeals."¹⁶

B. Analysis

In April 2022, the same Intervenor Defendants sought a stay in *Robinson v. Ardoin*, citing the same grounds: the pendency of *Merrill*. The Court denied that motion, finding that "the moved-for stay [could not] be justified by speculation over future Supreme Court deliberations."¹⁷ Now, however, the lay of the land has changed. On June 28, 2022, the Supreme Court granted a stay of this Court's injunction, granting certiorari before judgment and specifically [*7] noting that "[t]he case is held in abeyance pending this Court's decision in *Merrill*. . ."¹⁸

By holding *Robinson* in abeyance pending the outcome of *Merrill*, the Supreme Court has unmistakably communicated that the outcomes in those cases are intertwined. Although Plaintiffs here attempt to distinguish *Robinson* from the instant case, there is no question that both cases arise under [Section 2 of the Voting Rights Act](#). Nor can there be any serious debate that the Supreme Court has expressed that cases applying [Section 2](#) are better held until *Merrill* is decided. The fundamental voting rights of Black Louisianans are paramount, but ignoring the clear "yield" sign from the Supreme Court and proceeding with this case now is not the best way to vindicate those rights. Once *Merrill* is decided, this important case can be litigated without the risk of draining the parties' and the Court's resources, only to start over if legal contours change. Accordingly, the Court will exercise its discretion to stay this case in the interest of avoiding

hardship and prejudice to the parties and in the interest of judicial economy.

III. CONCLUSION

For the above-stated reasons, the *Joint Motion to Stay Proceedings*¹⁹ is hereby GRANTED.

IT IS ORDERED.

Baton Rouge, Louisiana, [*8] this 30th day of August, 2022.

/s/ Shelly D. Dick

SHELLY D. DICK

CHIEF DISTRICT JUDGE

MIDDLE DISTRICT OF LOUISIANA

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¹⁴ [Id. at 254-55.](#)

¹⁵ [Chevallier v. Our Lady of the Lake Hosp., Inc., No. CV 18-0997-BAJ-EWD, 2019 U.S. Dist. LEXIS 125232, 2019 WL 3381766, at *2 \(M.D. La. July 26, 2019\).](#)

¹⁶ [Greco v. Nat'l Football League, 116 F. Supp. 3d 744, 761 \(N.D. Tex. 2015\).](#)

¹⁷ Rec. Doc. No. 135, p. 4 in No. 3:22-cv-211-SDD-SDJ.

¹⁸ [Ardoin v. Robinson, 142 S. Ct. 2892 \(2022\).](#)

¹⁹ Rec. Doc. No. 61.

EXHIBIT B



Positive

As of: September 12, 2022 6:56 PM Z

[Ardoin v. Robinson](#)

Supreme Court of the United States

June 28, 2022, Decided

No. 21-1596 (21A814).

Reporter

2022 U.S. LEXIS 3220 *; 597 U.S. 3396; 142 S. Ct. 2892; 2022 WL 2312680

Kyle Ardoin, Louisiana Secretary of State, et al.,
Petitioners v. Press Robinson, et al.

Prior History: [Robinson v. Ardoin, 2022 U.S. App. LEXIS 16126, 2022 WL 2104123 \(5th Cir. La., June 12, 2022\)](#)

Core Terms

application for a stay, writ petition

Judges: [*1] Roberts, Thomas, Breyer, Alito,
Sotomayor, Kagan, Gorsuch, Kavanaugh, Barrett.

Opinion

Application for stay presented to Justice Alito and by him referred to the Court granted. The district court's June 6, 2022 preliminary injunctions in No. 3:22-CV-211 and No. 3:22-CV-214 are stayed. In addition, the application for stay is treated as a petition for writ of certiorari before judgment, and the petition is granted. The case is held in abeyance pending this Court's decision in *Merrill, AL Sec. of State, et al. v. Milligan, Evan, et al.* (No. 21-1086 and No. 21-1087) or further order of the Court. The stay shall terminate upon the sending down of the judgment of this Court. Justice Breyer, Justice Sotomayor, and Justice Kagan would deny the application for stay and dissent from the treatment of the application as a petition for writ of certiorari before judgment and the granting of certiorari before judgment.

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION**

TERRY PETTEWAY, et al.	§	
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Plaintiffs,	§	
v.	§	Civil Action No. 3:22-CV-00057
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GALVESTON COUNTY, TEXAS, et al.	§	
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UNITED STATES OF AMERICA,	§	
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DICKINSON BAY AREA BRANCH NAACP, et al.	§	
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Plaintiffs,	§	
v.	§	Civil Action No. 3:22-CV-00117
	§	
GALVESTON COUNTY, TEXAS, et al.	§	
	§	
Defendants.	§	

**[PROPOSED] ORDER GRANTING CONSOLIDATED DEFENDANTS’
RENEWED MOTION TO STAY**

Before the Court is Consolidated Defendants’ Renewed Motion to Stay, in which Consolidated Defendants move the Court to stay all proceedings pending resolution of

Merrill v. Milligan, No. 21-1086, 142 S. Ct. 1358 (Mar. 21, 2022) in the Supreme Court of the United States. The Court finds that the motion should be **GRANTED**.

IT IS THEREFORE ORDERED that all proceedings in this matter are stayed pending resolution of *Merrill v. Milligan* in the Supreme Court of the United States.

IT IS SO ORDERED.

SIGNED this the ____ day of _____, 2022.

JEFFEREY V. BROWN
UNITED STATES DISTRICT JUDGE