IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

ALPHA PHI ALPHA FRATERNITY INC., et al.,

Plaintiffs,

v.

BRAD RAFFENSPERGER, in his official capacity as Secretary of State of Georgia,

Defendant.

CIVIL ACTION FILE

No. 1:21-CV-05337-SCJ

ORDER

On October 26, 2023, this Court issued a judgment in favor of Plaintiffs Alpha Phi Fraternity Inc., et al. ("APA Plaintiffs") (Doc. No. [334]), finding that under the Voting Rights Act ("VRA") framework, the APA Plaintiffs had carried their burden of demonstrating that the challenged redistricting plans, SB 1EX and HB 1EX, were drawn in violation of Section Two of the VRA as to the following: Enacted State Senate Districts 10, 16, 17, 34, 43, and 44 and Enacted State House Districts 74 and 78 (Doc. No. [333], 512).

On November 22, 2023, Defendant notified this Court of his intention to appeal the Court's October 26, 2023 Order and Judgment against them. Doc. No. [341], 1-3. Defendant also appealed the Court's prior orders denying Defendant's Motion for Summary Judgment (Doc. No. [268]) and denying Defendant's Motion to Dismiss (Doc. No. [65]). Id.

On April 29, 2026, the Supreme Court of the United States issued an opinion in Louisiana v. Callais et al., that adjusted the VRA framework. 608 U.S. 85, 113–16 (2026). Under the parameters outlined in Callais, Section Two of the VRA "imposes liability only when the circumstances give rise to a strong inference that intentional discrimination occurred." Id. at 113. Rather than overruling the longstanding framework under Thornburg v. Gingles, 478 U.S. 30 (1986), Callias instead updated each part of the Gingles framework. Id. at 116. For the first part of Gingles regarding numerosity and compactness, Callais requires Plaintiffs to produce an illustrative map with an additional remedial district without using race as a districting criterion, and mandates that the illustrative map must meet "all the State's legitimate districting objectives, including traditional districting criteria and the State's specified political goals." Id. at 118–19. Therefore, the illustrative maps must "'disentangle race' from politics and

other constitutionally permissible considerations." Id. (quoting Alexander v. S.C. State Conf. of the NAACP, 602 U.S. 1, 6 (2024)). Further, as to the second and third Gingles factors, Plaintiffs must now provide analysis that "show[s] that voters engage in racial bloc voting that cannot be explained by partisan affiliation." Id. at 119–20. Finally, Callais requires that "[d]iscrimination that occurred some time ago, as well as present-day disparities that are characterized as the ongoing effects of societal discrimination, are entitled to much less weight" than "current data and current political conditions that shed light on current intentional discrimination." Id. at 120–21 (internal quotation marks omitted). And, partisan explanations must be accounted for in any totality of the circumstances analysis. Id. at 121–22.

Given Callais's updated framework since the Court issued its order and final judgment in 2023, the Eleventh Circuit Court of Appeals has vacated and remanded the judgment back to this Court for a reassessment of whether, and how, the Court's judgment may be changed by Callais. Doc. No. [438].

Thus, in light of the Supreme Court's recent holding in Callais, and the remand of this case by the Eleventh Circuit for reconsideration under Callais's updated framework, the Court now requests supplemental briefing on any ways

in which the Court's prior judgment may have been changed by the new VRA framework, to be submitted by **THURSDAY, NOVEMBER 19, 2026 at 5:00 P.M.** If the Court finds it needs information beyond that in the supplemental briefs, it may schedule oral arguments or take any other action appropriate at that point.

IT IS SO ORDERED this 20th day of October, 2026.

Steve C. Jones

HONORABLE STEVE C. JONES
UNITED STATES DISTRICT JUDGE