

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF LOUISIANA

Phillip Callais, Lloyd Price, Bruce Odell,
Elizabeth Ersoff, Albert Caissie, Daniel
Weir, Joyce LaCour, Candy Carroll
Peavy, Tanya Whitney, Mike Johnson,
Grover Joseph Rees, Rolfe McCollister,

Plaintiffs,

v.

NANCY LANDRY, in her official
capacity as Secretary of State of the
State of Louisiana.

Defendants.

Civil Action: 3:24-cv-00122

Hon. Carl E. Stewart
Hon. Robert R. Summerhays
Hon. David C. Joseph

THE STATE’S OPPOSITION TO THE *ROBINSON AND GALMON* INTERVENORS’ JOINT MOTION FOR A STAY

Weeks ago, the Supreme Court affirmed this Court’s judgment and that the State’s SB8 congressional map is an unconstitutional racial gerrymander and remanded to this Court for further proceedings. *Louisiana v. Callais*, No. 24–109, 2026 WL 1153054 (U.S. Apr. 29, 2026), *judgment entered*, No. 24–109, 2026 WL 1209010 (U.S. May 4, 2026). The very next day, this Court renewed its prior injunction “prohibiting the State of Louisiana ‘from using SB8’s map of congressional districts for any election.’” ECF 261 (citation omitted).

The *Robinson* and *Galmon* Intervenors now ask this Court to stay that injunction through the end of the 2026 congressional election cycle, which they believe would force the State to use SB8 for the 2026 congressional election. ECF 278 (mot.); ECF 278-1 (memo). Their motion is the latest in a series of failed attempts to

disrupt the Legislature’s redistricting process midstream.¹ The Court should decline that invitation here. The proposed stay would undermine the Supreme Court’s opinion and this Court’s injunction, interrupt the orderly redistricting process currently underway in the Legislature, and contravene the principles of judicial non-intervention established by *Purcell v. Gonzalez*, 549 U.S. 1 (2006)—each an independent reason to deny their motion.

FACTUAL AND PROCEDURAL BACKGROUND

After the Supreme Court declared the SB8 map unconstitutional and this Court renewed its injunction on using that map, the State of Louisiana sprung to action. The Secretary of State declared an election emergency (ECF 271-1), the Governor suspended the congressional primary elections (ECF 271-2), and the Legislature got to work on a new map (*see* ECF 271 at 3). Intervenors tried and failed to vacate this Court’s injunction. ECF 269.

Meanwhile, primary elections for every other office on the ballot moved forward as planned, with early voting starting on May 2, 2026, and election days scheduled for May 16 and June 27, 2026. The Secretary of State made clear to the electorate in advance of early voting that “[a]ll other races on the ballot, besides the U.S. House races, will continue as scheduled, with early voting beginning [as scheduled].” *See* Secretary’s News Release, April 30, 2026, <https://perma.cc/N85N-FNAC>. “While the U.S. House races will remain on voters’ ballots,” the Secretary

¹ *See Collins v. Landry*, No. 3:26-cv-00471 (M.D. La.) (transferred to this Court); *Bernard v. Landry*, No. 3:26-cv-487 (M.D. La.) (transfer to this Court under consideration); *Nat’l Council of Jewish Women v. Landry*, No. C-777814 (La. 19th Jud. Dist. Ct.) (TRO denied) *Sims v. Landry*, No. C-777816 (La. 19th Jud. Dist. Ct.) (TRO denied); *Jordan v. Landry*, No. C-777837 (La. 19th Jud. Dist. Ct.) (preliminary injunction denied in light of Act 7).

explained, “any votes cast in those races will not be counted.” *Id.* Notices with this information were posted on the Secretary’s website and at each early voting site. *See id.*

Yesterday, the Governor signed Act 7 into law, which cancels the May 16 and June 27 congressional primaries and converts the November 3 election to an open primary, with a general election to follow on December 12. ECF 283-1. Given that the Legislature is currently in session, the Secretary of State can adhere to Act 7 as well as other deadlines currently in law. *See* ECF 283 at 2.

ARGUMENT

“A stay is not a matter of right, even if irreparable injury might otherwise result.” *Tex. Democratic Party v. Abbott*, 961 F.3d 389, 397 (5th Cir. 2020) (quoting *Nken v. Holder*, 556 U.S. 418, 433 (2009)). The moving party must justify that such a request is warranted. *See Clinton v. Jones*, 520 U.S. 681, 708 (1997) (holding that movant bears burden). Intervenors have failed to do so here for at least five independent reasons.

First, Intervenors’ request undermines the Supreme Court’s and this Court’s rulings. The Supreme Court expedited its judgment precisely to facilitate the State’s efforts to conduct a lawful 2026 congressional election. *See Callais*, 2026 WL 1209010. The dissent’s view that “the 2026 congressional elections in Louisiana [should] be held under a map that has been held to be unconstitutional” remained a minority view. *Id.* at *1 (Alito, J, joined by Thomas and Gorsuch, JJ., concurring). And the concurrence invited the State to enact a new map in time for the 2026 election. *See id.* This Court followed suit, correctly “afford[ing]” the State an “opportunity to enact

a Constitutionally compliant map.” ECF 261. That process is already underway and is producing new legislation. *See* ECF 283-1. The Court should allow that process to run its course.

Second and for that same reason, granting Intervenors’ requested relief would accomplish nothing—the State is redistricting on its own accord. The Legislature is taking advantage of the redistricting opportunity afforded by this Court, has already enacted Act 7, and continues to deliberate over how to redraw the congressional map, a widely publicized process in which the public has thoroughly engaged.² Staying the Court’s injunction would not halt that legally required process. *See Grove v. Emison*, 507 U.S. 25, 34 (1993) (“Absent evidence that the[] state branches will fail timely to [redistrict], a federal court must neither affirmatively obstruct state reapportionment nor permit federal litigation to be used to impede it.”).

Third, this Court’s injunction is not responsible for “canceling” votes, and staying the injunction would not “un-cancel” anything or stop any “chaos.” ECF 281-1. Instead, granting a stay would run contrary to the fact that the Supreme Court expedited its judgment precisely to ensure restoration of this Court’s judgment and injunction. Indeed, the enactment of Act 7 means the May 16 and June 27 primaries are cancelled regardless. *See* ECF 283-1. This eviscerates Intervenors’ claims that *the injunction* is causing them harm and undermines their standing. *See Allen v.*

² *See* Piper Hutchinson, *Louisiana Senate Committee Drops One of Two Majority-Black Districts in Advancing Map*, WWNO – New Orleans Public Radio, May 13, 2026, <https://perma.cc/T5Z4-SUMY>; Avery White, *Louisiana Senate Committee Approves GOP-Backed 5-1 Congressional Map Amid Redistricting Battle*, 4WWL Local Politics, May 13, 2026, <https://perma.cc/47EC-BWEF>.

Wright, 468 U.S. 737, 753 n.19 (1984) (traceability); *Steel Co. v. Citizens for a Better Env't*, 523 U.S. 83, 89, 109 (1998) (redressability).

Fourth, Intervenors' request that the Court inject itself into the ongoing legislative process by issuing a stay would only complicate things further—which cuts against the *Purcell* principle and the public interest alike. *See Purcell*, 549 U.S. at 1 (disfavoring judicial interventions in elections that threaten to confuse voters, unduly burden election administrators, or otherwise sow chaos or distrust in the electoral process). The Secretary of State has given clear guidance to voters, candidates, and election officials on the suspension of U.S. House primary races. *See News Release, La. Sec'y of State Nancy Landry, La. U.S. House of Representatives Races Suspended: Early Voting Begins Saturday for All Other Races (Apr. 30, 2026)*, <https://perma.cc/N85N-FNAC>. And Act 7 provides every voter an opportunity to vote and have their vote counted under revised primary procedures. ECF 283-1.

Fifth and finally, the necessary costs of complying with the Constitution are not a reason to violate it. *See ECF 278-1* at 8, 10, 17–20 (arguing costs of complying with injunction warrant staying it). “[F]inancial constraints may not be used to justify the ... perpetration of Constitutional violations.” *Rufo v. Inmates of Suffolk Cnty. Jail*, 502 U.S. 367, 392 (1992). Intervenors have not established that a stay of the Court’s injunction is warranted.

CONCLUSION

For these reasons, the Court should deny the motion to stay the injunction.

Dated: May 15, 2026

Respectfully Submitted,

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