

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

PAUL BERRY III,)	
)	
Plaintiff,)	
)	
v.)	No. 4:22-CV-465-JAR
)	
JOHN R. ASHCROFT, in his capacity as)	
Missouri Secretary of State, and)	
STATE OF MISSOURI,)	
)	
Defendants.)	

ORDER

This matter is before the Court on Plaintiff Paul Berry III’s Motion to Convene Three Judge Court. (Doc. 13). Plaintiff asks that this Court notify the Chief Judge of the Eighth Circuit of Plaintiff’s request to empanel a three-judge court pursuant to 28 U.S.C. § 2284. Per 28 U.S.C. § 2284(b)(1), this Court must “immediately notify” the Chief Judge of Plaintiff’s request “unless [the Court] determines that three judges are not required.”


The Court has set a hearing on Plaintiff’s Verified Motion for Temporary Restraining Order (Doc. 2) for May 9, 2022 and ordered the parties to complete expedited briefing in advance of such hearing. (Doc. 10). 28 U.S.C. § 2284(b)(3) specifically provides that a single judge “may grant a temporary restraining order on a specific finding, based on evidence submitted, that specified irreparable damage will result if the order is not granted.” *See Page v. Bartels*, 248 F.3d 175, 181 (3d Cir. 2001) (recognizing single district judge has power to issue temporary restraining order before convening three-judge court). The Court will order the parties to additionally brief the issue of whether a three-judge court is required pursuant to 28 U.S.C. §

2284. At the hearing, the Court will hear arguments on both Plaintiff's Verified Motion for Temporary Restraining Order (Doc. 2) and Motion to Convene Three Judge Court. (Doc. 13).

Accordingly,

IT IS HEREBY ORDERED that the parties shall provide briefing on Plaintiff's Motion to Convene Three Judge Court (Doc. 13) on the same expedited briefing schedule previously set by this Court. (Doc. 10).

Dated this 27th day of April, 2022.



JOHN A. ROSS
UNITED STATES DISTRICT JUDGE