

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

JOSEPH THOMAS, et al.

PLAINTIFFS

V.

CAUSE NO. 3:18-CV-441-CWR-FKB

PHIL BRYANT, et al.

DEFENDANTS

ORDER

Two of the three defendants have filed a second motion to stay pending appeal. Several responses have been submitted and a hearing was held on March 4, 2019 to consider the issues. The Court has personal and subject matter jurisdiction to consider the present motion.

The movants do not attempt to meet the usual four-part standard for stays pending appeal. Instead, they seek a stay because their preferred candidates for Senate District 22 live outside of the District's new boundaries.

The Court has substantive and procedural concerns. First, as movants' counsel acknowledged at the hearing, these candidates' addresses were not relevant to the determination of a lawful remedy in this case.¹ Even if relevant, though, it is problematic that the candidates' addresses were known to the movants before trial, during trial, and before entry of Final Judgment, but were not raised. *See Puckett v. United States*, 556 U.S. 129, 134 (2009). The movants also never responded to the Court's inquiries into a remedial plan of their own—a plan which could have resolved their current objection.

Given the circumstances, the motion for stay pending appeal must be denied.

SO ORDERED, this the 6th day of March, 2019.

s/ Carlton W. Reeves
UNITED STATES DISTRICT JUDGE

¹ All plans entered into the record, including the one adopted by the Court, kept incumbents in their Districts.