

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MICHAEL BANERIAN, <i>et al.</i> ,)	
Plaintiffs,)	
)	No. 1:22-cv-54
v.)	
)	Three-Judge Court
JOCELYN BENSON, in her official)	
capacity as the Secretary of State)	
of Michigan, <i>et al.</i> ,)	
Defendants.)	
_____)	

ORDER DENYING MOTION FOR EXPEDITED ORAL ARGUMENT

In recognition of the quickly approaching candidate filing deadline on April 19, 2022, this panel ordered an expedited briefing schedule in this matter (*see* ECF No. 24). It also set a hearing date for any pending motions on March 16, 2022 (*Id.*). Plaintiffs have moved to further expedite this matter; specifically, they request that oral argument take place sooner than March 16 (ECF No. 25).

The timeline in this litigation is as follows:

1. Plaintiffs filed their first amended complaint, the operative pleading, on January 27.
2. Plaintiffs executed service on January 31.
3. Chief Judge Sutton appointed the three-judge panel (upon Plaintiffs' request) on February 1.
4. Plaintiffs filed their first motion to expedite on February 4.
5. The panel granted Plaintiffs' motion to expedite—and *significantly* shortened the parties' response times for the pending motions—on February 8.
6. Plaintiffs filed their second motion to expedite on February 9.

Had the panel followed the typical briefing schedule for dispositive motions according to W.D. Mich. LCivR 7.2(c), the preliminary injunction motion would not be ripe for review until March 10, and the intervening parties' partial motions to dismiss would not be ripe for review until March 25. Instead, the panel has significantly hastened this schedule.

Plaintiffs suggest that the panel hear oral argument on March 1, rather than March 16. Notably, in *Merrill v. Milligan*, No. 21A375 and *Merrill v. Caster*, No. 21A376, slip op. at 2 (U.S. Feb. 7, 2022)—which Plaintiffs extensively rely on in their motion—primary elections voting will begin on March 30, a mere seven weeks after the date of the Supreme Court's decision. In a concurring opinion, Justice Kavanaugh noted that a stay of the district court's decision to redraw Alabama's congressional districts was necessary due to the commencement of early voting in seven weeks. In the present matter, Plaintiffs' suggested date of March 1 is exactly seven weeks from the April 19 candidate filing deadline. Plaintiffs' suggested expedited oral argument date is still quite close to the candidate filing deadline.

The panel recognizes the importance of the issues presented in this matter. Ensuring that elections are fair and constitutional is a task that is fundamental to our democracy. The Court will move with as much dispatch as possible. Moreover, to the extent that the panel believes a decision on the papers on a motion is appropriate, we will exercise our discretion to forgo oral argument.

Accordingly,

IT IS HEREBY ORDERED that Plaintiffs’ motion to expedite oral argument (ECF No. 25) is **DENIED**.

IT IS SO ORDERED.

Date: February 11, 2022

/s/ Raymond M. Kethledge
Raymond M. Kethledge
United States Circuit Judge

/s/ Paul L. Maloney
Paul L. Maloney
United States District Judge

/s/ Janet T. Neff
Janet T. Neff
United States District Judge