

No. 25-11055

**United States Court of Appeals
for the Fifth Circuit**

Winnie Jackson, *et al.*,
Plaintiffs-Appellants,

v.

Tarrant County, Texas, *et al.*,
Defendants-Appellees.

On appeal from the United States District Court
for the Northern District of Texas
USDC 4:25-CV-00587-O

**PLAINTIFFS-APPELLANTS' REPLY IN SUPPORT OF MOTION FOR
EXPEDITED BRIEFING AND DECISION**

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CERTIFICATE OF INTERESTED PERSONS

The undersigned counsel of record certifies that the following listed persons and entities as described in the fourth sentence of 5th Circuit Rule 28.2.1 have an interest in the outcome of this case. These representations are made in order that the judges of this Court may evaluate possible disqualifications or recusal.

<p><u>Appellants</u></p> <p>Winnie Jackson Jarrett “Jay” Jackson Celina Vasquez Duane Braxton Nadia Bhular Amjad Bhular Cheryl Mills-Smith Richard Canada</p>	<p><u>Counsel for Appellants</u></p> <p>Chad W. Dunn George (Tex) Quesada Sean J. McCaffity Jesse Gaines Mark P. Gaber</p>
<p><u>Appellees</u></p> <p>Tarrant County, Texas Tarrant County Commissioners Court Tim O’Hare, in his official capacity as Tarrant County Judge</p>	<p><u>Counsel for Appellees</u></p> <p>Joseph M. Nixon Stephen Andrew Lund Katherine Elizabeth Owens Omar Jose Famada John Christian Adams Kaylan Phillips</p>

/s/ Mark P. Gaber

The County has denied Plaintiffs their right to cast a ballot for commissioner in the 2026 election. By redrawing precinct lines in a manner that shifts voters between even- and odd-numbered precincts (despite the precincts being balanced by population), over 150,000 Tarrant County voters will have their right to vote for commissioner in 2026 extinguished. This disenfranchisement targets particular voters based on their race and viewpoint in a manner that violates the First, Fourteenth, and Fifteenth Amendments. In denying Plaintiffs' motion for preliminary injunction, the district court made serious legal and factual errors, including by construing their vote denial claim as a racial gerrymandering claim and by excusing the County Judge's comments on the day he cast decisive vote in favor of the map that he supported the redistricting because he disapproved of how "Black people" voted. Plaintiffs requested an evidentiary hearing on their preliminary injunction motion, which the district court declined to hold. Instead, the district court applied the wrong legal test to Plaintiffs' claims and issued a decision without holding a hearing.

Plaintiffs' claims are about the 2026 election. If Plaintiffs' appeal is not expeditiously adjudicated in advance of the candidate filing period, their right to appellate review will become meaningless.

Plaintiffs are filing their opening brief on Monday, September 29, 2025, and respectfully request that the Court grant their motion for expedited briefing and

argument. Plaintiffs' brief filed Monday will demonstrate that the County's contention that the Court should allow Plaintiffs' claims to be overcome by the passage of time is egregiously wrong.

CONCLUSION

For the foregoing reasons and as demonstrated in Plaintiffs' brief to be filed on Monday, the motion for expedition should be granted.

Dated: September 26, 2025

Respectfully submitted,

/s/ Mark P. Gaber

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/s/ Mark P. Gaber

CERTIFICATE OF SERVICE

The foregoing was served on all counsel of record via the Court's CM/ECF system on September 26, 2025

/s/ Mark P. Gaber