

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION**

WINNIE JACKSON, *et al.*,

Plaintiffs,

v.

TARRANT COUNTY, TEXAS, *et al.*,

Defendants.

CIVIL ACTION NO. 4:25-cv-00587-O

**PLAINTIFFS' RESPONSE TO AMICUS CURIAE BRIEF OF STATE OF TEXAS**

Texas's amicus brief misunderstands the claims in this case. Texas contends that Plaintiffs "asserted a litany of challenges" to Tarrant County's Map 7. Tex. Br. at 1. Texas then proceeds to cite and quote from several Supreme Court racial gerrymandering decisions to contend that "Plaintiff *must* separate race from other, permissible considerations such as partisanship or incumbent protection; race must be shown to be a predominant factor motivating the legislature's decisions in redistricting." Tex. Br. at 3 (citing *Alexander v. S.C. State Conference of the NAACP*, 602 U.S. 17 (2024) and *Miller v. Johnson*, 515 U.S. 900, 916 (1995)) (emphasis in original); *see id.* (citing other racial gerrymandering decisions, including *Bethune-Hill v. Va. State Bd. of Elections*, 580 U.S. 178 (2019), *Hunt v. Cromartie*, 526 U.S. 541 (1999), and *Bush v. Vera*, 517 U.S. 952 (1996)).

But Plaintiffs allege only four counts about two issues, the discriminatory disenfranchisement precluding voters from casting ballots in the 2026 commissioner election and the intentional racial vote dilution in the configuration of Map 7. *See* ECF No. 8. That is neither a "litany of claims" nor a claim of racial gerrymandering. As Plaintiffs explain in their motion to dismiss response, the Supreme Court's racial gerrymandering precedent—and the accompanying

obligation to show racial predominance and to disentangle race and politics—does not govern Plaintiffs’ claims. *See* ECF No. 31 at 2-4. Texas’s invocation of the standard governing a plaintiff’s burden in a racial gerrymandering suit is thus misplaced in this case, which includes no such claim.

Texas also contends that mid-decade redistricting is permissible. But Plaintiffs’ claims are not to the contrary. Rather, Plaintiffs allege—and have established—that this particular mid-decade redistricting was discriminatory in violation of Section 2 and the First, Fourteenth, and Fifteenth Amendments. There is nothing ordinary or permissible about that.

### CONCLUSION

The State’s arguments as *amicus curiae* are inapposite to the legal claims in this case and Defendants’ motion to dismiss should be denied.

Dated: August 18, 2025

/s/ Mark P. Gaber

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**CERTIFICATE OF SERVICE**

On August 18, 2025, I served the foregoing on all counsel of record via the Court's CM/ECF system.

/s/ Mark P. Gaber  
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