No. 17-680

In the Supreme Court of the United States

TEXAS DEMOCRATIC PARTY, ET AL, APPELLANTS,

v.

GREG ABBOTT, IN HIS OFFICIAL CAPACITY AS GOVERNOR OF TEXAS, ET AL, APPELLEES

ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS

MOTION TO DISMISS OR AFFIRM

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QUESTIONS PRESENTED

1. Whether this Court has jurisdiction over an appeal of a concededly interlocutory order that (a) was entered more than three years ago, and (b) neither grants nor denies injunctive relief or its functional equivalent.

2. In the unlikely event that this Court has jurisdiction, whether the district court properly dismissed the appellants' partisan-gerrymandering claims where the appellants repeatedly failed to propose any reliable standard for such claims.

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MOTION TO DISMISS OR AFFIRM

This "appeal" seeks this Court's review of interlocutory orders entered three and six years ago. This manifestly untimely effort to invoke this Court's appellate jurisdiction should be dismissed for lack of jurisdiction because the underlying orders are not appealable in the first place, and the appeal would be untimely in any event. The appellants seek to appeal two interlocutory orders dismissing partisan-gerrymandering claims for failure to state a claim on which relief may be granted. The first of those orders was entered in 2011 and concerned Texas redistricting plans enacted in 2011 and repealed in 2013. The relatively more recent second order, addressing maps enacted in 2013, was entered in 2014.

This Court lacks jurisdiction over this belated effort to invoke this Court's jurisdiction for at least two reasons. First, the orders dismissing the appellants' claims concededly were not final when entered, and they did not grant or deny injunctive relief. Accordingly, they were and remain non-appealable interlocutory orders, as they have not yet been reduced to final judgment, which presumably explains the absence of an appeal in the many years since the orders were issued. Second, if the orders were somehow appealable when entered, the time for appealing them has long passed. Those insurmountable jurisdictional hurdles will remain regardless of how this Court resolves the State's pending appeals of two interlocutory orders recently entered in the same district court proceedings, as those orders are appeala-

ble because they grant injunctive relief, not because they finally resolve the district court proceedings and/or reduce all of the district court's past orders to final judgment.

Even if this Court had jurisdiction, the district court's order would warrant summary affirmance because the appellants' appeal does not present a substantial federal question. To bring a partisan-gerrymandering claim—assuming that such claims are justiciable—a plaintiff must identify a judicially manageable standard. Here, the appellants failed to advance any standard that this Court had not already rejected. With no viable standard to apply, the appellants failed to state a claim upon which relief could be granted, and the district court correctly dismissed their claims. Accordingly, the appeal should be dismissed, or in the alternative, the Court should summarily affirm the orders of the district court.

STATEMENT

A. In 2011, the Texas Legislature enacted reapportionment plans for Texas state legislative and congressional districts.[1] The appellants, among others, sued, and asserted partisan-gerrymandering claims against the 2011 plans. J.S. App. 307. The district court granted the defendants' motion to dismiss those claims for failure to state a claim on September 2, 2011. J.S. App. 274 (the 2011 Order). Despite the statutory 30-day deadline

[1] Tex. H.B. 150, Act of May 21, 2011, 82d Leg., R.S., ch. 1271, 2011 Tex. Gen. Laws 3435; Tex. S.B. 4, Act of June 20, 2011, 82d Leg., 1st C.S., ch. 1, 2011 Tex. Gen. Laws 5091.

for filing interlocutory appeals, 28 U.S.C. §2101(b), the appellants waited until September 14, 2017—over six years later—to file this appeal. J.S. App. 336, 363.

In dismissing the partisan-gerrymandering claims, the district court explained that the appellants "were given an opportunity, but they have not, as required by *Vieth* [*v. Jubelirer*, 541 U.S. 267 (2004)] and *LULAC* [*v. Perry*, 548 U.S. 399 (2006)], identified a reliable standard by which to measure the redistricting plan's alleged burden on their representational rights." J.S. App. 299. The appellants initially proposed that courts "treat[] partisan gerrymandering cases much like obscenity cases—courts will know one when they see one," and also proposed a "totality of the circumstances" standard. J.S. App. 299. Since a "know one when you see one" test is inherently subjective and *Vieth* had already rejected the "totality of the circumstances" standard, *see* 541 U.S. at 291 (plurality op.), 308 (Kennedy, J., concurring in the judgment), the district court rejected those approaches as failing to "meet the Supreme Court's expectation of a 'clear, manageable, and politically neutral' standard," J.S. App. 299 (quoting *Vieth*, 541 U.S. at 307-08 (Kennedy, J., concurring in the judgment)).

The district court also rejected the Quesada appellants' proposal to allow them to proceed without identifying a standard and hope that one would emerge during the trial. J.S. App. 300. As the court explained, that approach was rejected in *Vieth* when "the Court dismissed the claim . . . based on the insufficiency of the complaint, because it did not allege a manageable standard." J.S. App. 300. The court further noted that

requiring a workable standard in the complaint is consistent "with the blackletter principle that a complaint must state a valid claim for relief for litigation to move forward," and "[p]roviding a 'reliable standard' for measuring the burden on [appellants'] representational rights is necessary to state a claim for relief for political gerrymandering." J.S. App. 300 (citing *LULAC*, 548 U.S. at 418). The appellants' failure to offer a "reliable standard" for adjudicating partisan-gerrymandering claims required dismissal. J.S. App. 300.

B. In 2013, the Texas Legislature repealed the 2011 congressional and state house redistricting plans and enacted maps that had been ordered into effect by the district court in 2012 (with only minimal changes to the state house plan).[2] The district court allowed the appellants to amend their complaints to plead claims against the 2013 plans, J.S. App. 255, and the Texas Democratic Party (TDP) asserted partisan-gerrymandering claims against the 2013 congressional and state house plans, J.S. App. 315, 325.[3]

The district court once again granted the defendants' motion to dismiss the claims for failure to state a claim on which relief may be granted. J.S. App. 215.

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[2] Tex. S.B. 3, Act of June 23, 2013, 83d Leg., 1st C.S., ch. 2, 2013 Tex. Gen. Laws 4889 (Texas House); Tex. S.B. 4, Act of June 21, 2013, 83d Leg., 1st C.S., ch. 3, §2, 2013 Tex. Gen. Laws 5005 (Congress).

[3] The district court concluded that plaintiff John Morris had also asserted partisan-gerrymandering claims against the 2013 plans, J.S. App. 233 n.5, but Morris is not a party to this appeal.

That order issued on June 17, 2014, J.S. App. 215, but TDP waited until November 6, 2017—over three years beyond the statutory deadline, 28 U.S.C. §2101(b)—to file this appeal.

In its order dismissing the claims against the 2013 plans, the district court noted that TDP failed to proffer any new standard for partisan gerrymandering. J.S. App. 235. Instead, TDP proposed multiple standards—the "know it when you see it" test, "totality of the circumstances," lack of proportionality, and an "extreme" partisan gerrymander—that had already been rejected by this Court. J.S. App. 235-36. TDP also argued that no standard was required because witnesses for the State defendants had admitted that partisan considerations motivated the districting plans, but the district court rejected that argument. J.S. App. 236. As the court recognized, the "sole-intent test was rejected in *Vieth* and *LULAC v. Perry*." J.S. App. 236.

The district court also rejected TDP's argument that "they should be permitted to go to trial and develop the facts from which a standard will emerge." J.S. App. 237. The court explained that "development of a clear, manageable, and politically neutral standard for measuring the burden on representational rights should not depend on development of the factual record. Rather, the development of facts should alter only the application of the established standard and the ultimate conclusion from such application." J.S. App. 237. Because TDP again failed to propose a viable partisan-gerrymandering standard, the district court again dismissed their claims.

C. As explained in the State's pending jurisdictional statements in Nos. 17-586 & 17-626, the district court entered orders on August 15, 2017, and August 24, 2017, blocking the State from using the redistricting plans the Texas Legislature enacted in 2013—which had been ordered into effect by the district court in 2012 (with minimal changes to the state house plan). *See* J.S. App. 9a, No. 17-586. This Court stayed both orders. *Abbott v. Perez*, No. 17A225, 2017 WL 4014835 (Sept. 12, 2017); *Abbott v. Perez*, No. 17A245, 2017 WL 4014810 (Sept. 12, 2017). The State has appealed those orders, invoking this Court's jurisdiction to review interlocutory orders granting injunctive relief. *See* 28 U.S.C. §1253. The State has not argued that those orders are final judgments, or that they render the district court proceedings final.

After the State filed its separate jurisdictional statements challenging those orders, TDP filed the instant jurisdictional statement. TDP's jurisdictional statement does not seek review of the orders at issue in the State's pending appeals, but rather seeks review only of the district court's three-year-old order dismissing TDP's partisan-gerrymandering claims against the 2013 Texas state house and congressional plans, and its six-year-old order dismissing the appellants' partisan-gerrymandering claims against the 2011 plans.

ARGUMENT

I. This Court Lacks Jurisdiction to Review the District Court's Interlocutory Orders at This Juncture.

This Court lacks jurisdiction over this extraordinary effort to seek appellate review of interlocutory orders that are, respectively, over six- and three-years old. Any jurisdictional statement that seeks review of orders "entered on September 2, 2011," and "entered on June 17, 2014," J.S. 2, but claims that the appellants "timely filed their notice of appeal" on "September 14, 2017," *id.* at 2, 3, has a lot of explaining to do. And the only possible reason for missing the appeal deadline by over three and over six years is that the 2011 and 2014 orders were interlocutory all along. But nothing has changed to make them any less interlocutory. Accordingly, whether the "appeal" here is years late or still premature, there is no escaping the conclusion that this Court lacks jurisdiction over a September 2017 appeal of orders entered in September 2011 and June 2014.

The appellants openly concede that the orders they seek to challenge were not final appealable judgments when they were entered because they resolved only some, not all, of the claims in this case. J.S. 6. And the appellants do not even argue that the orders fall within this Court's jurisdiction to review an order from a three-judge district court "granting or denying . . . an interlocutory . . . injunction," 28 U.S.C. §1253. Nor could they. Even if the appellants' complaints could be construed to seek specific injunctive relief on their partisan-gerrymandering claims, the orders they seek to

challenge unambiguously resolve only the State's motions to dismiss. *See* J.S. App. 215 ("On this date, the Court considered Defendants' Motion to Dismiss."); J.S. App. 274 ("Pending before the Court is Defendants' Motion to Dismiss for Lack of Subject Matter Jurisdiction and, in the alternative, Motion for Judgment on the Pleadings.").

Moreover, even if there were some theory on which the challenged orders were appealable *when they were entered*, that would solve one jurisdictional problem only to create another more egregious one, as that would render this appeal manifestly untimely. Congress has directed that an appeal from a three-judge district court "*shall* be taken within *thirty days* from the judgment, order or decree, appealed from, if interlocutory, and within *sixty* days if final." 28 U.S.C. §2101(b) (emphases added). Yet the appellants waited a remarkable six years to appeal the 2011 order and over three years to appeal the 2014 order, *see* J.S. App. 269; J.S. App. 215; J.S. App. 363 (notice of appeal filed Sept. 14, 2017). Accordingly, if those orders were appealable when they were entered, then the appellants missed the statutory deadline to file their appeal by a combined nine years.

The failure to comply with statutory appellate deadlines is a well-established jurisdictional bar to review. "As [the Court has] long held, when an 'appeal has not been prosecuted in the manner directed, within the time limited by the acts of Congress, it must be dismissed for want of jurisdiction.'" *Bowles v. Russell*, 551 U.S. 205, 213 (2007) (quoting *United States v. Curry*, 47 U.S. (6 How.) 106 (1848)). And because the statutory filing

deadline is a jurisdictional bar, the appellants could not (and do not) invoke equitable factors to excuse their lack of compliance with that deadline. *Dolan v. United States*, 560 U.S. 605, 610 (2010). "The prohibition is absolute." *Id.*

Rather than squarely confront these obvious jurisdictional problems with their appeal, the appellants just vaguely suggest in a footnote that the challenged orders will somehow *become* appealable should this Court recognize jurisdiction over the State's pending appeals of the recent orders at issue in *Abbott v. Perez*, No. 17-586, and *Abbott v. Perez*, No. 17-626. *See* J.S. 3 n.2 (styling this as a "protective" appeal, filed "to ensure its consideration in the event the Court concludes jurisdiction exists" in the *Abbott v. Perez* matters). That is incorrect.

The State has not brought those appeals pursuant to this Court's authority to review a judgment that finally resolves all of the claims in a case. It has brought them pursuant to this Court's jurisdiction to review "an order granting or denying . . . an interlocutory or permanent injunction." 28 U.S.C. §1253. Accordingly, the fact that the Court has jurisdiction over the *Abbott v. Perez* appeals from specific orders having nothing to do with these appellants' long-dismissed partisan-gerrymandering claims does nothing to solve their massive jurisdictional problem. The orders in the *Abbott v. Perez* proceedings are appealable because they imposed immediate burdens on the State and had the practical effect of blocking the State from using its existing redistricting plans. *See, e.g.*, *Carson v. Am. Brands, Inc.*, 450 U.S. 79 (1981). Those orders imposed no burdens on

the would-be appellants here—they did not even address their long-dismissed claims, and in no way did they reduce any of the district court's earlier interlocutory orders in this case to final judgment. The district court proceedings remain ongoing, and the court's earlier non-final orders remain non-final. While the appellants may appeal the orders they seek to challenge when the district court reduces those orders to final judgment, they cannot do so yet. Accordingly, the appeal here is actually too early (because the challenged interlocutory orders are not yet appealable). But, if not, then the appeals are years too late. Either way, this purported appeal must be dismissed for lack of jurisdiction.[4]

II. The Appellants' Claims Were Properly Dismissed by the District Court, Even Assuming They Were Justiciable.

Even assuming this appeal were somehow timely, the appellants face an additional jurisdictional barrier: their claims are not justiciable. *See Vieth*, 541 U.S. at 305-06 (plurality op.); *id.* at 306-07 (Kennedy, J., concurring in the judgment) (noting "the lack of comprehensive and neutral principles for drawing electoral boundaries" and "the absence of rules to limit and con-

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[4] TDP's claims would fail for lack of standing in any event because it has not alleged that any of its members suffered an individualized injury on account of partisan gerrymandering in his or her own district. *See, e.g.*, *Ala. Legislative Black Caucus v. Alabama*, 135 S. Ct. 1257, 1265 (2015); *United States v. Hays*, 515 U.S. 737, 745 (1995).

fine judicial intervention"). And even if partisan-gerrymandering claims were justiciable, the district court properly dismissed the appellants' claims because they failed, despite two chances, to offer a viable legal standard. In all events, even the partisan-gerrymandering standard proffered by the district court in this Court's pending *Gill v. Whitford* case would not come close to sustaining a partisan-gerrymandering claim on these facts.

A. Partisan-Gerrymandering Claims Have Proven to Be Not Justiciable for Lack of a Manageable Standard.

The appellants' partisan-gerrymandering claims are not justiciable. Since the Court left the door ajar to the possibility that partisan-gerrymandering claims could be justiciable, *Davis v. Bandemer*, 478 U.S. 109, 118 (1986), over 30 years of litigation has not yielded a justiciable standard, *Vieth*, 541 U.S. at 306 (plurality op.). In *Vieth*, a plurality of this Court concluded that partisan-gerrymandering claims are not justiciable because, after "[e]ighteen years of judicial effort," there had emerged "no judicially discernible and manageable standards for adjudicating political gerrymandering claims." *Id.* at 281 (plurality op.). And the controlling concurrence acknowledged the "weighty arguments for holding cases like these to be nonjusticiable," while noting that "those arguments may prevail in the long run." *Id.* at 309 (Kennedy, J., concurring in the judgment). Thirteen years later, a workable standard remains elusive, and the controlling concurrence's suspicions have

been confirmed: partisan-gerrymandering cases are not justiciable. Accordingly, the appellants' claims must fail.

B. The Appellants Failed to Offer a Reliable Standard for Partisan-Gerrymandering Claims.

Even if partisan-gerrymandering claims were justiciable, the district court would have been correct to dismiss the appellants' claims here because they failed to present any workable standard. *See* J.S. App. 235-37, 299-300. In two attempts over three years, the appellants proposed standards that this Court had already rejected or that were inherently unreliable.

The appellants started by proposing an obscenity-style "know it when you see it" test, J.S. App. 299, but the district court correctly rejected that approach. As an inherently subjective, case-specific test, the appellants' know-it-when-you-see-it test would exacerbate rather than surmount the two main obstacles to adjudicating partisan-gerrymandering claims. It is not a commonly accepted "substantive definition of fairness," and it does not even purport to offer "rules to limit and confine judicial intervention." *Vieth*, 541 U.S. at 307 (Kennedy, J., concurring in the judgment).

The other standards proposed by the appellants were correctly rejected by the district court because they had already been rejected by this Court. J.S. App. 235-36, 299. The appellants' proposed "totality of the circumstances" standard was rejected by this Court in *Vieth*. *See* 541 U.S. at 291 (plurality op.), 308 (Kennedy, J., concurring in the judgment). The same is true of the appellants' proposed "proportional representation" and "sole-intent" standards. J.S. App. 235-36; *see Vieth*, 541

U.S. at 288 (plurality op.) (rejecting proportional representation standard); *id.* at 290-91 (plurality op.) (rejecting a standard that asks "whether district boundaries had been drawn solely for partisan ends to the exclusion of 'all other neutral factors relevant to the fairness of redistricting'"); *id.* at 307 (Kennedy, J., concurring in the judgment) ("A determination that a gerrymander violates the law must rest on something more than the conclusion that political classifications were applied."); *id.* at 308 (Kennedy, J., concurring in the judgment) (agreeing with the plurality that the "other standards that have been considered," including "the standards proposed in *Davis v. Bandemer*, 478 U.S. 109 (1986), by the parties before us, and by our dissenting colleagues are either unmanageable or inconsistent with precedent, or both"); *id.* at 317 (Kennedy, J., concurring in the judgment) ("The failings of the many proposed standards for measuring the burden a gerrymander imposes on representational rights make our intervention improper."). And the appellants' "extreme partisan gerrymander" standard, J.S. App. 236-37, was correctly rejected as merely a label, not a standard, or at most, an attempt to repackage the flawed "totality of circumstances" and proportional-representation standards, *id.*

The district court also correctly rejected the appellants' argument that they did not have to offer a legal standard at all but, rather, should have been allowed "to go to trial and develop the facts from which a standard will emerge." J.S. App. 237, 300. That approach contradicts *Vieth*, which made clear that a plaintiff's pleadings must present a justiciable standard for adjudicating

their claims. *See Vieth*, 541 U.S. at 313 (Kennedy, J., concurring in the judgment) (with no justiciable standard, "appellants' complaint alleges no impermissible use of political classifications and so states no valid claim on which relief may be granted" and therefore their partisan-gerrymandering claim "must be dismissed as a result").

C. The Appellants Cannot Amend Their Complaint on Appeal to Assert the Standard Adopted Years After Dismissal by the District Court in *Gill v. Whitford*.

The appellants do not seriously dispute that the district court correctly rejected standards that they actually proposed. Rather, they attempt to abandon their own proposed standards in the district court in favor of the theory advanced by the district court in *Whitford v. Gill*, 218 F. Supp. 3d 837 (W.D. Wis. 2016). *See* J.S. 11, 13-16. In other words, they urge the Court to revive their long-dismissed claims based on a standard that (1) they never proposed, (2) was created by a different district court years after their claims were dismissed, and (3) this Court has not adopted. *See*, *e.g.*, J.S. 14 (arguing that the district court's orders "should be summarily reversed and remanded for trial to permit Appellants to prove their case pursuant to the [*Gill v. Whitford*] standard, or alternatively to develop a standard suited to the facts of this case").

The appellants' attempt to amend their complaint on appeal, years after their claims were dismissed, should be rejected. To avoid dismissal for failure to state a claim, a plaintiff must propose "clear, manageable, and

politically neutral standards" for adjudicating the partisan-gerrymandering claim in the plaintiff's pleadings. *Vieth*, 541 U.S. at 307-08, 313 (Kennedy, J., concurring in the judgment). The appellants failed to meet that standard. They could not possibly establish that the district court erred in dismissing their claims as they actually formulated them.

D. The Standard Adopted by the District Court in *Gill* Would Be No Help to the Appellants.

For largely the same reasons, this Court should reject the appellants' request to hold this case for *Gill v. Whitford*, No. 16-1161. J.S. 2 n.1. Setting aside the problem that this appeal should not and cannot be held because this Court plainly lacks jurisdiction over it, even if this Court were to ultimately adopt the standard created by the district court in *Whitford v. Gill*—and it should not—that outcome would not impact this case because the appellants' claims would fail even under that standard.

The district court in *Gill* adopted a partisan-gerrymandering standard that requires the plaintiff to establish that the redistricting plan "(1) is intended to place a severe impediment on the effectiveness of the votes of individual citizens on the basis of their political affiliation, (2) has that effect, and (3) cannot be justified on other, legitimate legislative grounds." *Gill*, 218 F. Supp. 3d at 884. The appellants could not satisfy that standard for several reasons.

At the outset, the appellants' challenge to *the 2011* plans is moot because the Legislature repealed the plans and they were never used for any election. *See*

J.S. App. 217-19 (noting that 2011 plans were repealed and replaced); *see also Davis v. Abbott*, 781 F.3d 207, 220 (5th Cir.), *cert. denied*, 136 S. Ct. 534 (2015) (holding that Texas "repealed the 2011 plan and adopted the district court's interim plan in its place, thus mooting Plaintiffs' lawsuit" and depriving the district court of jurisdiction to vacate its preliminary injunction). Moreover, even if the appellants' challenges to the 2011 plans could somehow survive the plans' repeal, those plans could not have imposed a "severe impediment" on any voter because they were never used in an election.

The appellants' challenge to *the 2013* plans would fare no better. That challenge would fail the first prong of *Gill* because the plain intent of the Texas Legislature was to enact remedial redistricting plans created by the district court, *see* J.S. App. 3, 73, 96, not to "place a severe impediment on the effectiveness of the votes of individual citizens on the basis of their political affiliation," *Gill*, 218 F. Supp. 3d at 884. True to that purpose, the Legislature enacted verbatim the congressional plan previously ordered by the district court, *see* J.S. App. 96, and it enacted the court-ordered state house plan with only minor changes (the most significant of which was requested by the then-incumbent Democratic representative), *see* J.S. App. 3, 73, 96.

The appellants' challenge to the 2013 plans also would fail the second prong of *Gill* because, even assuming that proportionality of statewide votes to seats won were a valid measure of constitutionality, the appellants could not show that either challenged plan has the effect of burdening the representational rights of

Democratic voters. The appellants provide no data to support their assertion that Texas's 2013 plans show "a durable and extreme bias in favor of Republican candidates." J.S. 15. Election results suggest the contrary. In 2014 and 2016, statewide Republican candidates won as much as 61.56% of the vote; statewide Democratic candidates won no more than 43.24%.[5] In the same period, Republicans made up roughly 63% to 65% of the Texas House of Representatives and 69% of the Texas congressional delegation.[6] That proportional share of legislative and congressional seats falls within the range that Texas Republicans "should be expected to secure" under the district court majority's analysis in *Gill*. *See* 218 F. Supp. 3d at 904 ("[W]ith single-member, simple-plurality systems like Wisconsin's, we can expect that for every 1% increase in a party's vote share, its seat share will increase by roughly 2%. Thus, a party that

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[5] *See* Texas Secretary of State, Race Summary Report, 2016 General Election, *at* http://elections.sos.state.tx.us/elchist319_state.htm (last visited Dec. 6, 2017) (52.23% to 55.8% for statewide Republican candidates; 38.38% to 43.24% for statewide Democratic candidates); Texas Secretary of State, Race Summary Report, 2014 General Election, *at* http://elections.sos.state.tx.us/elchist175_state.htm (last visited Dec. 6, 2017) (58.14% to 61.56% for statewide Republican candidates; 34.36% to 38.90% for statewide Democratic candidates).

[6] *See id.*; *see also* Legislative Reference Library of Texas, Membership Statistics, *at* http://www.lrl.state.tx.us/legeLeaders/members/memberStatistics.cfm (last visited Dec. 6, 2017) (showing party affiliation of members of the Texas House of Representatives).

gets 52% of the statewide vote should be expected to secure 54% of the legislative seats."). With no hope of satisfying the *Gill* standard even if it were adopted by this Court (and with no basis to invoke the Court's jurisdiction at this stage), the appellants provide no reason to hold this untimely appeal of non-appealable orders for resolution of *Gill*.

CONCLUSION

The Court should dismiss this appeal for lack of jurisdiction, or, in the alternative, summarily affirm the district court's September 2, 2011, and June 17, 2014, orders insofar as they dismiss the appellants' partisan-gerrymandering claims.

Respectfully submitted.

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