

IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF LOUISIANA

JAMILA JOHNSON, et al.

Plaintiffs,

v.

KYLE ARDOIN, in his official capacity as the
Acting Secretary of State of Louisiana,

Defendant

Case No. 18-625-SDD-EWD

PLAINTIFFS' NOTICE OF SUPPLEMENTAL AUTHORITY

Plaintiffs respectfully submit this Notice to alert the Court to the recent decision of the United States Court of Appeals for the Fifth Circuit in *Thomas, et al. v. Bryant, et al.*, No. 19-60133, a case challenging Mississippi's State Senate District 22 under Section 2 of the Voting Rights Act. That opinion is attached here as Attachment A.

Similar to Defendant Ardoin's pending challenge to this Court's jurisdiction (ECF No. 33), the *Thomas* defendants argued, in support of a motion to stay the district court's order finding a violation under Section 2 of the Voting Rights Act, that the single district court judge who issued the underlying opinion lacked jurisdiction because 28 U.S.C. § 2284 required that the case be heard before a three-judge court. *See Defs. '-Appellants' Emergency Mot. for Stay of Judgment* at 18-19, *Thomas, et al. v. Bryant, et al.*, No. 19-60133, (5th Cir. March 8, 2019), Doc. 00514864809. On March 22, 2019, the Fifth Circuit issued an Opinion finding "that three judges are not required for a claim raising only statutory challenges to state legislative redistricting." Attachment A at 15; *see also id.* at 10 ("[T]he most straightforward reading of the three-judge statute is that it applies only when the 'constitutionality' of apportionment is being challenged.").

Notably, it was beyond dispute in *Thomas* that, with respect to challenges to congressional plans like the one at issue in the present case, the three-judge court statute applies only to constitutional – not statutory – claims. *See id.* at 7 (noting that defendants “contend that ‘constitutionality’ modifies only challenges to apportionment of congressional districts, not challenges to apportionment of state legislatures”); *see also Defs. ’-Appellants’ Emergency Mot. for Stay of Judgment* at 19, *Thomas, et al. v. Bryant, et al.*, No. 19-60133, (5th Cir. March 8, 2019), Doc. 00514864809 (“Regarding congressional redistricting, then, there is no ambiguity to resolve” under 28 U.S.C. § 2284).

Dated: March 25, 2019

Respectfully submitted,

s/Darrel J. Papillion

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CERTIFICATE OF SERVICE

I hereby certify that on March 26, 2019, the foregoing Notice of Supplemental Authority was filed electronically with the Clerk of Court using the CM/ECF system.

s/ Jennifer Wise Moroux _____

Jennifer Wise Moroux