

**UNITED STATES COURT OF APPEALS
FOR THE
SECOND CIRCUIT**

At a Stated Term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 24th day of September, two thousand and nineteen.

Before: Richard C. Wesley,
Denny Chin,
Joseph F. Bianco,
Circuit Judges.

National Association for the Advancement of
Colored People, NAACP Connecticut State
Conference, Justin Farmer, Germano Kimbro,
Conley Monk, Jr., Garry Monk, Dione Zackery,

Plaintiffs - Appellees,

v.

Denise Merrill, Secretary of State, Edward Lamont,
Jr., Governor,

Defendants - Appellants.

JUDGMENT

Docket No. 19-576

The appeal in the above captioned case from an order of the United States District Court for the District of Connecticut was argued on the district court's record and the parties' briefs. Upon consideration thereof,

IT IS HEREBY ORDERED, ADJUDGED and DECREED that the order of the district court is AFFIRMED in part to the extent it held that the Eleventh Amendment bar on suits against states does not apply to Plaintiffs' claim and denied Defendants' motion to dismiss for lack of jurisdiction. To the extent the district court denied Defendants' motion to dismiss for failure to state a claim, the district court lacked jurisdiction to do so. We REMAND the case to the district court. Because this case falls within 28 U.S.C. § 2284(a) and Plaintiffs' claim presents a substantial federal question, on remand the district court shall refer the matter to a three-judge court for further proceedings.

For the Court:

Catherine O'Hagan Wolfe,
Clerk of Court

Catherine O'Hagan Wolfe
