

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

SHANNON PEREZ, *et al.*,

Plaintiffs,

v.

STATE OF TEXAS, *et al.*,

Defendants.

CIVIL ACTION NO.
SA-11-CA-360-OLG-JES-XR
[Lead case]

DEFENDANTS' NOTICE OF APPEAL

Defendants the State of Texas, Greg Abbott, in his official capacity as Governor, and Rolando B. Pablos, in his official capacity as Secretary of State, hereby provide notice of their appeal to the Supreme Court of the United States of this Court's Order on Plan H358 (Aug. 24, 2017), ECF No. 1540.

The appeal is pursuant to 28 U.S.C. § 1253, which authorizes direct appeals to the Supreme Court of the United States from a three-judge district court's interlocutory injunctive orders. The Court's August 24, 2017 Order contains an injunction preventing the State from using the existing House Plan H358. *See* ECF No. 1540.

Additionally, an interlocutory order that is not expressly labeled as injunctive but nonetheless has the "practical effect" of granting an injunction may be appealed as an injunctive order. *Carson v. Am. Brands, Inc.*, 450 U.S. 79, 83 (1981). This Order also

satisfies *Carson's* "practical effect" test because it prevents the State from using the existing House Plan H358.

Date: August 28, 2017

Respectfully submitted.

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I hereby certify that a true and correct copy of this filing was sent on August 28, 2017, via the Court's electronic notification system and/or email to the following counsel of record:

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