

No. 20-14418

JURISDICTIONAL QUESTIONS

- 1) Please address whether the district court's November 20, 2020 order denying the "Emergency Motion for Temporary Restraining Order" is immediately appealable. *See* 28 U.S.C. § 1292(a)(1) (granting the courts of appeals jurisdiction over interlocutory orders "granting, continuing, modifying, refusing or dissolving injunctions"); *AT&T Broadband v. Tech Commc'ns, Inc.*, 381 F.3d 1309, 1314 (11th Cir. 2004) (a temporary restraining order ("TRO") ruling may be appealable as an interlocutory injunction order when "three conditions are satisfied: (1) the duration of the relief sought or granted exceeds that allowed by a TRO ([14] days), (2) the notice and hearing sought or afforded suggest that the relief sought was a preliminary injunction, and (3) the requested relief seeks to change the status quo"); *see also Schiavo ex rel. Schindler v. Schiavo*, 403 F.3d 1223, 1225 (11th Cir. 2005) ("[W]hen a grant or denial of a [TRO] might have a serious, perhaps irreparable, consequence, and can be effectually challenged only by immediate appeal, we may exercise appellate jurisdiction." (quotation marks omitted)); *Ingram v. Ault*, 50 F.3d 898, 899–900 (11th Cir. 1995) ("TRO rulings, however, are subject to appeal as interlocutory injunction orders if the appellant can disprove the general presumption that no irreparable harm exists."); *McDougald v. Jenson*, 786 F.2d 1465, 1473 (11th Cir. 1986) ("[I]t has been suggested that if the TRO goes beyond simply preserving the opportunity to grant affirmative relief and actually grants affirmative relief, an appeal may be taken." (quotation marks omitted)).
- 2) Please also address whether, and to what extent, any challenge to the denial of the requests for relief in the "Emergency Motion for Temporary Restraining Order" is now moot. *See Christian Coal. of Fla., Inc. v. United States*, 662 F.3d 1182, 1189 (11th Cir. 2011) (noting that this Court's jurisdiction is limited to "cases" and "controversies," a case is moot when it no longer presents a live controversy as to which a court can give meaningful relief, and this Court lacks jurisdiction to hear cases that are moot); *Brooks v. Ga. State Bd. of Elections*, 59 F.3d 1114, 1118 (11th Cir. 1995) (explaining that an appeal is moot where it is "impossible for the court to grant any effectual relief whatever to a prevailing party"); *see also Nat'l Broad. Co., Inc. v. Commc'n Workers of America, AFL-CIO*, 860 F.2d 1022, 1023 (11th Cir. 1988) (noting three exceptions to the mootness doctrine).

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

ELBERT PARR TUTTLE COURT OF APPEALS BUILDING
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

David J. Smith
Clerk of Court

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November 25, 2020

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Appeal Number: 20-14418-RR
Case Style: L. Lin Wood, Jr. v. Brad Raffensperger, et al
District Court Docket No: 1:20-cv-04651-SDG

NOTICE OF APPEAL FILED: November 24, 2020

After review of the district court docket entries, order and/or judgment appealed from, and the notice of appeal, it appears that this court may lack jurisdiction over this appeal. If it is determined that this court is without jurisdiction, this appeal will be dismissed.

The parties are requested to simultaneously advise the court in writing within six (6) days **9am Tuesday December 1st** from the date of this letter of their position regarding the jurisdictional question(s) set forth on the attached page. Counsel must submit their response electronically, and do not need to provide paper copies. The responses must include a Certificate of Interested Persons and Corporate Disclosure Statement as described in Fed.R.App.P. 26.1 and the corresponding circuit rules. Requests for extensions of time to file a response are disfavored.

After six (6) days, this court will consider any response(s) filed and any portion of the record that may be required to resolve the jurisdictional issue(s). Please note that the issuance of a jurisdictional question does not stay the time for filing appellant's briefs otherwise provided by 11th Cir. R. 31-1.

Counsel who wish to participate in this appeal must complete and return an appearance form within fourteen (14) days. [Appearance of Counsel Form](#) are available on the Internet at www.ca11.uscourts.gov. The clerk may not process filings from an attorney until that attorney files an appearance form. See 11th Cir. R. 46-6.

Sincerely,

DAVID J. SMITH, Clerk of Court

Reply to: Regina A. Veals-Gillis, RR
Phone #: (404) 335-6163

Enclosure(s)

JUR-1 Resp reqd JQ

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