

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

BOBBY SINGLETON, <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Case No. 2:21-cv-01291-AMM
	)	
WES ALLEN, in his official	)	THREE-JUDGE COURT
capacity as Alabama Secretary of State,	)	
<i>et al.</i> ,	)	
	)	
Defendants.	)	

MOTION TO AMEND JUDGMENT

Pursuant to Federal Rules of Civil Procedure 52(b) and 59(e), the Singleton Plaintiffs respectfully request that this Court make additional findings of fact in support of its order of May 26, 2026, Doc. 363, and amend the order accordingly. Doing so will ensure that the Supreme Court can consider all relevant evidence if and when it reviews the order. This motion addresses only the evidence cited in support of the Singleton Plaintiffs' motion for preliminary injunction. A more extensive record of the existing evidence will be presented by a timely motion for summary judgment with respect to the Singleton Plaintiffs' constitutional claims, which should determine whether relevant facts are in dispute and require additional evidence.

BACKGROUND

Following the Supreme Court’s vacatur of this Court’s injunction prohibiting the State of Alabama from conducting congressional elections under the plan enacted by the Legislature in 2023 (the “2023 Plan”), the Singleton Plaintiffs, along with the Milligan and Caster Plaintiffs, moved for a preliminary injunction prohibiting the State from using the 2023 Plan in at least the 2026 election. The Singleton Plaintiffs’ motion relied on much the same evidence as the other motions, but it also cited evidence that the Legislature rejected the Singleton Plan in 2023 even though it performed at least as well as the 2023 Plan on every legitimate districting criterion the Legislature had identified. Doc. 357 at 8–10. This rejection, the Singleton Plaintiffs argued, showed that “the real non-negotiable principle at the 2023 special session was that a plan could not provide Black voters the opportunity to elect the candidate of their choice in a second district—even if that district was not majority-Black.” *Id.* at 10. In addition, the Singleton Plaintiffs cited the testimony of their expert witnesses, who explained how the Legislature’s hostility to whole-county crossover districts continued Alabama’s enduring policy of maintaining white solidarity and discouraging biracial coalitions, and why voting in Alabama is highly racially polarized. *Id.* at 10–13. The Court granted all three sets of Plaintiffs’ motions to the extent they sought to enjoin the use of the 2023 Plan in the 2026 election, but it reserved ruling “on the grounds for a preliminary injunction asserted by the

Singleton Plaintiffs that we have not discussed in this Order, including but not limited to the ‘Singleton Plan.’” Doc. 363 at 77.

The Defendants appealed that order to the Supreme Court and applied for a stay. In a *per curiam* order, the Supreme Court granted the application, stating that “[t]he State is likely to succeed on the merits” as to the Plaintiffs’ claim under Section 2 of the Voting Rights Act and their claim for intentional vote dilution. *Allen v. Milligan*, 146 S. Ct. 1377 (slip op., at 3) (2026).

ARGUMENT

Federal Rule of Civil Procedure 52(b) provides, “On a party’s motion filed no later than 28 days after the entry of judgment, the court may amend its findings—or make additional findings—and may amend the judgment accordingly. The motion may accompany a motion for a new trial under Rule 59.” Rule 59(e) provides, “A motion to alter or amend a judgment must be filed no later than 28 days after the entry of the judgment.”

“The main reason for allowing the parties to move for amendment of the findings is to correct, clarify, or amplify the findings so that the appellate court will be able to arrive at a thorough understanding of the factual basis of the trial court’s decision.” 9 Moore’s Federal Practice – Civil § 52.60. If the judgment has been appealed to the Supreme Court, as it has here, a motion under Rule 52(b) returns

jurisdiction to the district court. 9 Moore's Federal Practice – Civil § 52.62; *Leishman v. Associated Wholesale Electric Co.*, 318 U.S. 203, 205–06 (1943).

Because the Supreme Court has indicated that the evidence this Court cited in its order was insufficient to justify a preliminary injunction, there is no longer any reason to ignore the evidence presented by the Singleton plaintiffs. Citing that evidence in support of the preliminary injunction order will create a fuller picture of the evidence for the Supreme Court to review.

Foremost among that evidence is the Legislature's rejection of the Singleton Plan even though it met or beat the 2023 Plan on every criterion the Legislature identified (including the criteria this Court found to be pretextual). In particular, it kept the Gulf Coast community of interest intact, it kept the Black Belt community of interest intact better than the 2023 Plan (which split it in half), and it kept Jefferson County intact (which the 2023 Plan failed to do). Doc. 357 at 9. It also protected incumbents.¹ Doc. 357 at 9; Doc. 361 at 5–7. But the Legislature could not abide that the Singleton Plan had two crossover districts. Therefore, the rejection of the Singleton Plan is additional evidence that the Legislature engaged in intentional vote dilution when it adopted the 2023 Plan. *See Bartlett v. Strickland*, 556 U.S. 1, 24

¹ The Singleton Plaintiffs' motion for a preliminary injunction stated that the Singleton Plan did not protect all incumbents, but it turns out that the evidence shows that Terri Sewell has a Dallas County residence in addition to her Jefferson County residence, which would allow her to run in District 7 of the Singleton Plan without moving. 2022 Preliminary Injunction Ex. M11 (Hinaman Tr.) at 117:13–22 (*Milligan* Doc. 89-1). This would eliminate any incumbent-on-incumbent races.

(2009) (“And if there were a showing that a State intentionally drew district lines in order to destroy otherwise effective crossover districts, that would raise serious questions under both the Fourteenth and Fifteenth Amendments.”).

In addition, the Singleton Plaintiffs’ experts testified that race, not partisanship, drives racially polarized voting in Alabama. Doc. 357 at 11–13. For example, this Court previously cited Dr. Kari Frederickson’s testimony that since 1865 “there has never been a time in history when partisanship rather than race drove racially polarized voting in Alabama.” *Singleton v. Allen*, 782 F. Supp. 3d 1092, 1232 (N.D. Ala. 2025) (three-judge court). The Supreme Court should have the benefit of this evidence as well.

CONCLUSION

To ensure appellate review of the full record, the Court should amend its preliminary injunction order to include findings regarding the rejection of the Singleton Plan and the testimony of the Singleton Plaintiffs’ experts, as set forth in the attached proposed order.

Dated: June 22, 2026

Respectfully submitted,

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