

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

DEMOCRATIC PARTY OF VIRGINIA,

Plaintiff,

v.

Civil Action No. 3:21cv671

**FRANK VEAL, in his official capacity as
the South Atlantic Division Manager for
the United States Postal Service, and
GERALD ROANE, in his official capacity
as Virginia District Manager of the United
States Postal Service,**

Defendants.

ORDER

This matter comes before the Court *sua sponte*. On October 22, 2021, Plaintiff Democratic Party of Virginia (“DPVA”) filed a Complaint for Declaratory and Injunctive Relief (the “Complaint”). (ECF No. 1.) In its Complaint, DPVA avers Defendants Frank Veal and Gerald Roane (collectively, “Defendants”) took actions in their official capacities that place an undue burden on Virginians’ right to vote, in violation of the First and Fourteenth Amendments to the United States Constitution and 42 U.S.C. § 1983. (*Id.* 10–11); *see Pisano v. Strach*, 743 F.3d 927, 932 (4th Cir. 2014) (“It is well established that ballot-access restrictions implicate substantial voting, associational[,] and expressive rights protected by the First and Fourteenth Amendments.” (quotation marks omitted)). Specifically, DPVA states that the United States Postal Service (“USPS”) has failed “to timely process and deliver election-related mail[,] . . . threatening to disenfranchise thousands of Virginia voters” and effectively preventing them from voting in the upcoming statewide election on November 2, 2021. (*Id.* ¶ 1; *see id.* ¶ 28.)

DPVA further asserts that in Albemarle and Portsmouth Counties,¹ “the significant delay in election mail is particularly egregious.” (*Id.* ¶ 2.)

On October 25, 2021, the Court conducted a conference call with Plaintiff and Defense Counsel. Shortly thereafter, Plaintiff filed an Emergency Motion for Temporary Restraining Order and Preliminary Injunction and Memorandum in Support Thereof (the “Motion”). (ECF No. 8.) As stated during the conference call, the Court ORDERS Defendants to file their response to the Motion no later than 4:00 p.m. tomorrow, October 26, 2021. The Court further ORDERS the parties, including Defendants Frank Veal and Gerald Roane, to appear in person for a hearing on the Motion for Temporary Restraining Order on October 27, 2021, at 3:30 p.m., at the Spottswood W. Robinson III and Robert R. Merhige, Jr., Federal Courthouse in Richmond, Virginia.

Let the Clerk send a copy of this Order to all counsel of record.

It is SO ORDERED.

Date: 10-25-21
Richmond, Virginia



M. Hannah Lauck
United States District Judge

¹ In addition to Albemarle and Portsmouth, Plaintiff’s Complaint also named James City County. During an October 25, 2021 conference call, Plaintiff’s Counsel indicated that a reevaluation of numbers no longer suggested that James City County should be included in the injunction. Indeed, the Motion states that “it appears James City has cleared its backlog of unscanned ballots. DPVA therefore is not currently seeking emergency relief with respect to James City County specifically.” (Mot. 3 n.1.)