

Nos. 25-13007, 25-14131

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

ALABAMA STATE CONFERENCE OF THE NAACP, et al.,
Plaintiffs-Appellees,

v.

SECRETARY OF STATE FOR THE STATE OF ALABAMA,
Defendant-Appellant.

On Appeal from the United States District Court
for the Northern District of Alabama
Case No. 2:21-cv-1531

**SECRETARY OF STATE'S RENEWED
EMERGENCY MOTION FOR STAY**

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MAY 19, 2026

CERTIFICATE OF INTERESTED PERSONS

Pursuant to Federal Rule of Appellate Procedure 26.1 and Eleventh Circuit Rule 26.1-1(a)(3) and 26.1-2(b), undersigned counsel certifies that the following listed persons and parties may have an interest in the outcome of this case:

1. ACLU of Alabama – Counsel for Plaintiffs
2. Aden, Leah C. – Counsel for Plaintiffs
3. Alabama Attorney General’s Office – Counsel for Secretary of State
4. Alabama State Conference of the NAACP - Plaintiff
5. Allen, Amanda N. – Counsel for Plaintiffs
6. Allen, Hon. Richard – Special Master
7. Allen, Hon. Wes – Secretary of State
8. American Civil Liberties Union – Counsel for Plaintiffs
9. American Civil Liberties Union Foundation – Counsel for Plaintiffs
10. Ashton, Anthony – included in Plaintiffs’ CIP
11. Balch & Bingham LLP – Counsel for Secretary of State & Legislators
12. Barnes, Anna-Kathryn – included in Plaintiffs’ CIP
13. Black, Kenneth – Counsel for the Special Master
14. Bowdre, A. Barrett – Counsel for Secretary of State
15. Burke, Colin – Counsel for Plaintiffs
16. Burrell, Ashley – Counsel for Plaintiffs

17. Campbell-Harris, Dayton – Counsel for Plaintiffs
18. Carter, Brittany – Counsel for Plaintiffs
19. Chandler, Laquisha – former Plaintiff
20. Clarke, Kristen – Counsel for Amicus
21. Compass Demographics – Expert Cartographer
22. Davis, James W. – Counsel for Secretary of State
23. Douglas, Scott – Executive Director of Plaintiff GBM
24. Duggan, Matthew R. – Counsel for Secretary of State
25. Dunn, David – Counsel for Plaintiffs
26. Ebenstein, Julie A. – former Counsel for Plaintiffs
27. Ellsworth, Jessica L. – Counsel for Plaintiffs
28. Ely, David – Expert Cartographer
29. Escalona, Prim F. – Counsel for Amicus
30. Ettinger, James W. – Counsel for Plaintiffs
31. Faulks, LaTisha Gotell – former Counsel for Plaintiffs
32. Fernandez, Rocio R. – Counsel for the Special Master
33. Gbe, Harmony R. – Counsel for Plaintiffs
34. Geiger, Soren A. – former Counsel for Secretary of State
35. Genberg, Jack – Counsel for Plaintiffs
36. Greater Birmingham Ministries – Plaintiff

37. Harris, A. Reid – former Counsel for Secretary of State
38. Hattix, Laurel Ann – Counsel for Plaintiffs
39. Heard, Bradley E. – Counsel for Plaintiffs
40. Herren, Jr., T. Christian – Counsel for Amicus
41. Holzrichter, Mitchell D. – Counsel for the Special Master
42. Hogan Lovells US LLP – Counsel for Plaintiffs
43. Jackson, Sidney – Counsel for Plaintiffs
44. Jordan, Albert L. – Counsel for Amicus
45. LaCour Jr., Hon. Edmund G. – former Counsel for Secretary of State
46. Lakin, Sophia Lin – Counsel for Plaintiffs
47. Lamorte, Rachel J. – Counsel for the Special Master
48. Lancaster, Riley K. – Counsel for Secretary of State & Legislators
49. Lawsen, Nicki – Counsel for Plaintiffs
50. Lee, Theresa J. – Counsel for Plaintiffs
51. Livingston, Sen. Steve – former Legislator Defendant
52. Manasco, Hon. Anna M. – U.S. District Court Judge
53. Marshall, Hon. Steve – Counsel for Secretary of State
54. Mauldin, Dylan L. – former Counsel for Secretary of State
55. Mayer Brown LLP – Counsel for the Special Master

56. Maze, Hon. Corey L. – U.S. District Court Judge, former three-judge court member
57. McClendon, (former) Sen. Jim – former Legislator Defendant
58. McKay, Charles A. – former Counsel for Secretary of State
59. Mellett, Timothy F. – Counsel for Amicus
60. Merrill, Hon. John H. – former Secretary of State
61. Messick, Misty S. Fairbanks – Counsel for Secretary of State
62. Milligan, Evan – Plaintiff
63. Mink, Richard D. – Counsel for Secretary of State
64. Mollman, Alison – Counsel for Plaintiffs
65. Myers, Clare E. – Counsel for the Special Master
66. NAACP Legal Defense and Educational Fund, Inc. – Counsel for Plaintiffs
67. NAACP Legal Defense Fund – Counsel for Plaintiffs
68. Naifeh, Stuart – Counsel for Plaintiffs
69. Newsom, Hon. Kevin C. – U.S. Circuit Court Judge, former three-judge court member
70. Olofin, Victor – Counsel for Plaintiffs
71. Overing, Robert M. – Counsel for Secretary of State
72. Pringle, Rep. Chris – former Legislator Defendant

73. Rosborough, Davin – Counsel for Plaintiffs
74. Ross, Deuel – Counsel for Plaintiffs
75. Sadasivan, Kathryn – Counsel for Plaintiffs
76. Sagar, Jo-Ann – Counsel for Plaintiffs
77. Scodro, Michael A. – Counsel for the Special Master
78. Seiss, Benjamin M. – Counsel for Secretary of State
79. Shapiro, Avner – Counsel for Plaintiffs
80. Short, Caren E. – former Counsel for Plaintiffs
81. Simelton, Benard – President of Plaintiff Alabama NAACP
82. Smith, Brenton M. – Counsel for Secretary of State
83. Southern Poverty Law Center – Counsel for Plaintiffs
84. Stewart, Shelita M. – former Counsel for Plaintiffs
85. Stone, Khadidah – former Plaintiff
86. Taunton, Michael P. – Counsel for Secretary of State & Legislators
87. Thomas, James – former Plaintiff
88. Thompson, Blayne R. – Counsel for Plaintiffs
89. Turrill, Michael – Counsel for Plaintiffs
90. Unger, Jess – former Counsel for Plaintiffs
91. United States of America - Amicus
92. van Leer, Jacob – Counsel for Plaintiffs

93. Walker, J. Dorman – former Counsel for Secretary of State & Legislators
94. Wallace, Jordan, Ratliff & Brandt LLC – Counsel for Amicus
95. Wallace, Janette McCarthy – included in Plaintiffs' CIP
96. Ward, Carla – Counsel for Amicus
97. Weisberg, Liza – former Counsel for Plaintiffs
98. Welborn, Kaitlin – former Counsel for Plaintiffs
99. Whaley, Michael P. - Amicus
100. Wiggins, Childs, Pantazis, Fisher & Goldfarb, LLC – Counsel for Plaintiffs
101. Williamson, Victor J. – Counsel for Amicus
102. Wilson, Thomas A. – former Counsel for Secretary of State
103. Woodard, J. Scott – former Counsel for Secretary of State

No publicly traded company or corporation has an interest in the outcome of the case or appeal

Respectfully submitted this 19th day of May, 2026.

s/ A. Barrett Bowdre
A. Barrett Bowdre
Counsel for Secretary of State Wes Allen

MOTION

The Secretary respectfully renews his request that the Court stay the injunctions prohibiting the Secretary from conducting elections pursuant to the State’s 2021 Plan for its Senate districts and requiring the Secretary to use a court-ordered map that intentionally created an additional “Black-opportunity” Senate district (DE274; DE322).

On May 4, 2026, the Secretary filed an emergency motion to vacate the injunctions and remand the case; in the alternative, the Secretary moved for a stay. CA11.DE65-1.¹ On May 11, 2026, this Court denied both requests. CA11.DE72-2. As to the former, it declined to vacate and remand on the ground that the Secretary’s filing had been assigned to a motions panel, and the panel said it lacked authority to grant the requested relief, which it characterized as a “merits-based judgment.” *Id.* at 3. Further, the panel “decline[d] to address the merits of the Secretary’s appeals without full briefing by the parties.” *Id.* As to the latter, the Court denied *without prejudice* the Secretary’s request for a stay because he did not first request relief from the district court. *Id.* at 3-4. The Court “relinquish[ed] jurisdiction to the district court so that it [could] address the Secretary’s expected forthcoming motion.” *Id.* at 5.

¹ Citations to this Court’s docket are to appeal number 25-13007.

Shortly after the motions panel denied the Secretary's request, the U.S. Supreme Court granted the Secretary's motion to expedite consideration of his pending appeals and petition in the related congressional cases and to vacate and remand in light of *Callais*. See Order, *Allen v. Milligan*, No. 25-274 (U.S. May 11, 2026). The plaintiffs in those cases opposed the Secretary's motion on many of the same grounds they do here, but the Supreme Court granted the Secretary's motion anyway, vacated the injunctions, and ordered the Clerk to issue the judgments "forthwith" under Rule 45.3, so the injunctions would be lifted immediately. See *id.*; accord Caster Respondents' Opp. to Mot. to Expedite at 1-2, *Allen v. Caster*, No. 25-243 (U.S. Apr. 30, 2026); Milligan Respondents' Opp. to Mot. to Expedite, *Milligan*, *supra* at 4-5 (U.S. Apr. 30, 2026); see also Sup. Ct. R. 45.3 (opinions and certified copies of judgments are usually sent to lower federal courts "32 days after entry of the judgment").

The next day, May 12, the Secretary filed an Emergency Motion to Dissolve Injunctions or Stay in the district court. DE342. Following additional briefing, the district court denied the motion on May 18, concluding that it had "no authority to vacate or stay its injunction" or to "upend Alabama's status quo," despite this Court's relinquishment of jurisdiction and the Supreme Court's entry of similar relief in the congressional redistricting cases. DE347:5, 7.

Having now asked the district court for a stay, the Secretary renews his request to this Court. CA11.DE65. In the district court’s view, “only the Eleventh Circuit can address the merits of the Secretary’s arguments for vacatur or stay.” DE347:5. The Secretary respectfully asks for an order staying the injunction pending appeal, for the reasons outlined in the May 4 motion and the briefing before the district court, which is attached..

The Secretary notes that, since the filing of his May 4 motion, the Alabama Legislature has adopted Ala. Act Nos. 2026-612 and 2026-613, which authorize special elections for Congress and State Senate, respectively, in the event that injunctions preventing the use of the Legislatively-adopted maps are vacated in time, in the Governor’s judgment, for a special election to be held and the results certified by August 26, 2026. Based on the Supreme Court’s vacatur of the injunctions in the congressional cases, Governor Ivey has called a special election for August 11.

No doubt timing is tight, but the Supreme Court already weighed the equities in the congressional cases and granted the Secretary’s motion to expedite, vacate, and remand in light of *Callais*—and issued its judgment “forthwith”—so that Alabama may have the “same opportunity as other States to use a lawfully enacted” map “free of an injunction that cannot be reconciled with Section 2 of the Voting Rights Act” as construed in *Callais*. See Secretary’s Mot. to Expedite, *Milligan*, *supra* (U.S. April 30, 2026); Order, *Milligan*, *supra* (granting motion). In doing so, the Supreme

Court necessarily rejected the plaintiffs' arguments that it was too late to act and that vacating the injunctions would run afoul of the *Purcell* principle. *See* Milligan Respondents' Opp. to Mot. to Expedite, *Milligan, supra* (U.S. Apr. 30, 2026). This Court should do the same. Governor Ivey should be allowed the opportunity to determine whether a State Senate race impacting three counties can be added to the August 11 special election. Because every day counts, the Secretary respectfully asks for a stay as soon as possible.

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MAY 19, 2026

CERTIFICATE OF COMPLIANCE

1. I certify that this document complies with the type-volume limitations set forth in Fed. R. App. P. 27(d). This document contains 787 words, including all headings, footnotes, and quotations, and excluding the parts of the response exempted under Fed. R. App. P. 32(f).

2. In addition, this response complies with the typeface and type style requirements of Fed. R. App. P. 32(a)(5) and (6) because it has been prepared in a proportionally spaced typeface using Microsoft Word for Office 365 in 14-point Times New Roman font.

s/ A. Barrett Bowdre

A. Barrett Bowdre

Counsel for Secretary of State Wes Allen

CERTIFICATE OF SERVICE

I certify that on May 19, 2026, I electronically filed this document using the Court's CM/ECF system, which will serve counsel of record.

s/ A. Barrett Bowdre

A. Barrett Bowdre

Counsel for Secretary of State Wes Allen

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