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May 7, 2026

Mr. David J. Smith, Clerk of Court
U.S. Court of Appeals for the Eleventh Circuit
56 Forsyth Street, N.W.
Atlanta, GA 30303

**Re: *Alabama NAACP v. Sec’y of State*, No. 25-13007, 25-14131
Rule 28(j) Supplemental Authority Letter
Concerning *Nairne v. Landry*, No. 24-30115 (5th Cir. May 7, 2026)**

Dear Mr. Smith:

In *Nairne v. Landry*, a federal district court enjoined Louisiana’s state legislative districting plans under Section 2 of the Voting Rights Act. *See Nairne v. Ardoin*, 715 F. Supp. 3d 808 (M.D. La. 2024). On August 14, 2025, the U.S. Court of Appeals for the Fifth Circuit affirmed the district court’s judgment—rejecting Louisiana’s statutory and constitutional arguments about the proper interpretation of §2. *See Nairne v. Landry*, 151 F.4th 666, 706-07 (5th Cir. 2025). Like the district court here, the Fifth Circuit had held that race may be “considered in the making of Illustrative Maps.” *Id.* at 694. And like the district court here, the Fifth Circuit relied on evidence of historical discrimination rather than focusing on the existence (*vel non*) of present-day intentional racial discrimination regarding voting. *See generally id.* at 699-705. Like this case, *Nairne v. Landry* was held in abeyance pending the Supreme Court’s decision in *Louisiana v. Callais*, No. 24-109 (U.S.).

Earlier today (after or around the same time the Secretary filed his reply brief), the Fifth Circuit—apparently *sua sponte*—ended the abeyance, vacated its prior opinion, vacated the district court’s judgment, and remanded the case to the district court for further proceedings in light of *Callais*.

The Fifth Circuit’s decision supports the Secretary’s request that this Court vacate and remand in light of *Callais*.

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Respectfully submitted,

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MAY 7, 2026

CERTIFICATE OF COMPLIANCE

1. I certify that this letter complies with the word limit of Rule 28(j). The body of the letter contains 224 words.

2. This letter complies with the typeface and style requirements of Rule 32(a)(5) and (6) because it has been prepared in a proportionally spaced typeface using Microsoft Word in 14-point Times New Roman font.

/s/ A. Barrett Bowdre

A. Barrett Bowdre

Counsel for Secretary Wes Allen

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CERTIFICATE OF SERVICE

I certify that on May 7, 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 Wes Allen

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