

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

ANNIE LOIS GRANT, et al.,

Plaintiffs,

v.

BRAD RAFFENSPERGER,

Defendants.

CIVIL ACTION FILE

No. 1:22-CV-122-SCJ

ORDER

This matter appears before the Court on Marvis McDaniel Ivey's Motion to Intervene as Plaintiff Doc. No. [119].¹

On October 31, 2022, Ms. Ivey filed a Motion to Intervene in the Three-Judge Court.² Specifically, Ms. Ivey seeks to restrain "the race related election

¹ All citations are to the electronic docket unless otherwise noted, and all page numbers are those imprinted by the Court's docketing software.

² The Court notes that Ms. Ivey filed her Motion to Intervene in Grant v. Raffensperger, 1:22-cv-122-SCJ, which is an action pending only before Judge Jones. Additionally, Ms. Ivey's Motion to Intervene does not meet the standard for impaneling a three-judge court. See Doc. No. [43].

crime which have proceeded in Dekalb County, Georgia State Representative House District 86 and House District 85 races.” Id. at 1. Under Rule 24 of the Federal Rules of Civil Procedure, a person may intervene if he or she “(A) is given a conditional right to intervene by a federal statute; or (B) has a claim or defense that shares with the main action a common question of law or fact.” Fed. R. Civ. P. 24(b). Additionally, a motion to intervene “must state the grounds for intervention and be accompanied by a pleading that sets out the claim or defense for which intervention is sought.” Fed. R. Civ. P. 24(c). Ms. Ivey’s Motion to Intervene is denied because it does not specifically state the grounds for intervention.

Additionally, Ms. Ivey’s Motion to Intervene does not specifically allege a common question of law or fact with the claims brought by the Grant Plaintiffs. The Grant Plaintiffs are challenging the viability of SB 1EX and HB 1EX under Section 2 of the Voting Rights Act. Doc. No. [96]. Ms. Ivey’s Motion to Intervene does not mention Section 2 of the Voting Rights Act, HB 1EX, or SB 1EX. The two districts Ms. Ivey mentions in her Motion to Intervene are not specifically being challenged by the Grant Plaintiffs. The Grant Plaintiffs take exception to House Districts 61, 64, 69, 75, 74, 117, 142, 143, 133, 144, 145, 147, and 149, which are in

the western-Atlanta metropolitan area, southern-Atlanta metropolitan area, and Bibb County. Doc. No. [96], ¶¶ 47, 48. There are no specific allegations concerning the eastern-Atlanta metropolitan area or Dekalb County. The Court finds that Ms. Ivey does not share a common question of law or fact with the main action.³ Accordingly, Ms. Ivey's Motion to Intervene is denied.

Because the Court denies Ms. Ivey's Motion to Intervene, the Court denies Ms. Ivey's Motion for a Temporary Restraining Order (Doc. No. [120]) as moot.


CONCLUSION

For the foregoing reasons, the Court **DENIES** Marvis McDaniel Ivey's Motion to Intervene. Doc. No. [119].

Additionally, the Court **DENIES AS MOOT** Marvis McDaniel Ivey's Motion for a Temporary Restraining Order. Doc. No. [120].

³ The Court notes that Ms. Ivey's Motion for a Temporary Restraining Order makes allegations related to a recount and failure to certify Ms. Ivey as the winner of Georgia State House District 86. As the Court stated above, Ms. Ivey has not shown how these claims share a common question of law or fact as the Grant Plaintiffs' challenges to HB 1EX and SB 1EX. Accordingly, Ms. Ivey's Motion to Intervene is denied.

IT IS SO ORDERED this 1st day of November, 2022.


HONORABLE STEVE C. JONES
UNITED STATES DISTRICT JUDGE

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