

The Honorable Robert S. Lasnik

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SUSAN SOTO PALMER, *et al.*,

Plaintiffs,

v.

STEVEN HOBBS, in his capacity as
Secretary of State of Washington, *et al.*,

Defendants,

and

JOSE TREVINO, *et al.*,

Intervenor-Defendants.

NO. 22-cv-5035-RSL

ORDER DENYING INTERVENOR-
DEFENDANTS' MOTION FOR
RELIEF FROM JUDGMENT
PURSUANT TO FED. R. CIV. P.
60(b)

Before the Court is "Intervenor-Defendants' Motion for Relief from Judgment pursuant to Fed. R. Civ. P. 60 (b)." Dkt. 309. Intervenor-Defendants Jose Trevino and Alex Ybarra ("Intervenors") move under Federal Rules of Civil Procedure 60(b)(5), 60(b)(6), and

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1 62.1 for relief from this Court’s August 10, 2023 liability determination, Dkt. 218, and
2 March 15, 2024 remedial order, Dkt. 290 (together, the “Redistricting Orders”), in light of
3 the United States Supreme Court’s decision in *Louisiana v. Callais*, No. 24-109, 608 U.S.
4 ____ (2026), 2026 WL 1153054 (U.S. Apr. 29, 2026).¹ Plaintiffs Susan Soto Palmer, Faviola
5 Lopez, Alberto Macias, Heliodora Morfin, and Caty Padilla (“Plaintiffs”), Defendant
6 Secretary of State Steven Hobbs, and Defendant State of Washington each oppose the
7 motion. Dkt. 313, 315, and 316. Having reviewed the motion, oppositions, and reply thereto,
8 the record of the case, and the relevant legal authority, the Court denies the motion. The
9 reasoning for the Court’s decision follows.

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11 Plaintiffs, a group of Latino voters from Washington’s Yakima Valley, brought this
12 action against the State of Washington and the Washington Secretary of State challenging
13 the legislative district map adopted following the 2020 Census. Plaintiffs alleged that the
14 configuration of Legislative District 15 diluted Latino voting strength and denied Latino
15 voters an equal opportunity to elect candidates of their choice, in violation of Section 2 of
16 the Voting Rights Act. Intervenor-Defendants Jose Trevino, Ismael Campos, and
17 Representative Alex Ybarra were permitted to intervene to oppose plaintiffs’ Section 2
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21 ¹Intervenor-Defendants concurrently filed a motion to expediate consideration of this
22 motion. Dkt. 310.

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1 claim. After a bench trial, the Court found that the challenged district boundaries, together
2 with social, economic, and historical conditions in the Yakima Valley, resulted in unequal
3 electoral opportunity for Latino voters. The Court entered judgment in plaintiffs' favor on
4 their Section 2 claim and afforded the State an opportunity to adopt revised legislative
5 district maps for the Yakima Valley region. Dkt. 218.

6 The State did not enact a remedial map within the time allowed. The Court therefore
7 considered proposed remedial plans and, on March 15, 2024, adopted a court-drawn
8 remedial map, referred to in the proceedings as Remedial Map 3B. Dkt. 290. The State
9 accepted the remedial map and did not appeal. Intervenor-Defendants, however, appealed
10 both the Court's Section 2 liability determination and the remedial order. The Ninth Circuit
11 consolidated the appeals and, on August 27, 2025, issued a published decision. The Ninth
12 Circuit held that this Court had jurisdiction over the statutory Voting Rights Act challenge
13 without convening a three-judge court; that Intervenor-Defendants lacked Article III
14 standing to appeal the Section 2 liability determination; and that they lacked standing to
15 challenge the remedial map under Section 2. The Ninth Circuit further held that Intervenor
16 Trevino had standing to pursue an equal protection challenge to the remedial map, but
17 rejected that challenge on the merits, concluding that race was not the predominant factor
18 in the Court's remedial map-drawing process. The Ninth Circuit therefore dismissed the
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1 appeals in part for lack of jurisdiction and otherwise affirmed the remedial judgment. *See*
2 *Soto Palmer v. Hobbs*, 150 F.4th 1131 (9th Cir. 2025).

3 Intervenor Trevino and Ybarra thereafter filed a petition for writ of certiorari in the
4 United States Supreme Court, challenging the Ninth Circuit’s standing and equal protection
5 rulings. While that petition remains pending, Intervenor returned to this Court and filed the
6 instant motion, seeking relief under Federal Rules of Civil Procedure 60(b)(5), 60(b)(6),
7 and 62.1, relying on the Supreme Court’s decision in *Callais*. Dkt. 309. Intervenor asks the
8 Court to withdraw or vacate its August 10, 2023 liability determination and March 15, 2024
9 remedial order, and to reinstate the legislative map adopted following the 2020 Census by
10 the Washington State Redistricting Commission (“the Commission”). Intervenor contends
11 that the Commission’s 2021 legislative map should replace Remedial Map 3B in light of
12 the Supreme Court’s decision in *Callais*.

14 Plaintiffs oppose the motion. They contend that Intervenor lacks Article III standing
15 to seek the requested relief because the Ninth Circuit has already held that Intervenor lacks
16 standing to challenge this Court’s Section 2 liability determination, and they characterize
17 the present motion as an attempt to circumvent that jurisdictional ruling. Plaintiffs further
18 argue that *Purcell* forecloses any change to the legislative map during the ongoing 2026
19 election cycle. *See Purcell v. Gonzalez*, 549 U.S. 1, 4–5 (2006) (per curiam) (recognizing
20 that court orders affecting elections close to election day can result in voter confusion and
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1 election-administration difficulties). Plaintiffs also argue that Intervenors have not satisfied
2 Rule 60(b)(5) or Rule 60(b)(6), and that this Court's liability and remedial orders remain
3 valid even under *Callais*. Plaintiffs note that Intervenors' petition for writ of certiorari
4 remains pending before the Supreme Court and argue that, to the extent any further action
5 is warranted, the Court should await action by the Supreme Court.

6 Secretary of State Steven Hobbs takes no position on whether *Callais* affects the
7 Court's prior liability or remedial orders. He strongly opposes, however, any order altering
8 the legislative districts for the 2026 elections. Secretary Hobbs explains that the current
9 legislative districts are already in use, that election officials and candidates have relied on
10 those districts, that precinct-boundary and candidate-filing deadlines have passed, and that
11 changing district lines at this stage would jeopardize the August 2026 primary, risk
12 cascading effects for the general election, impose substantial burdens on state and county
13 election officials, and cause significant voter confusion.

14
15 The State of Washington also opposes Intervenors' request for immediate Rule 60(b)
16 relief. The State acknowledges that *Callais* substantially altered Section 2 law and
17 anticipates that this Court or the Ninth Circuit may ultimately need to apply *Callais* to this
18 case. But the State argues that relief should be denied now because Intervenors seek to
19 change district boundaries less than three months before the August 2026 primary, after
20 candidate filing has already closed, and because such relief would conflict with the *Purcell*
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1 principle and risk serious disruption to the election. The State further argues that Intervenors
2 have not satisfied Rule 60(b)(5) or Rule 60(b)(6), that the equities weigh against disturbing
3 the current map during an active election cycle, and that the Supreme Court’s anticipated
4 consideration of Intervenors’ pending certiorari petition counsels against this Court altering
5 the judgment before the Supreme Court acts.

6 As a threshold matter, the Court concludes that Intervenors have not established
7 Article III standing to seek the relief requested. It is well-settled that Article III standing is
8 required at every stage of litigation, including when a party seeks post-judgment relief,
9 because federal courts may adjudicate only actual cases or controversies. *See Already, LLC*
10 *v. Nike, Inc.*, 568 U.S. 85, 90–91 (2013) (standing required throughout “all stages” of
11 litigation); *Horne v. Flores*, 557 U.S. 433, 445–46 (2009) (addressing whether state officials
12 seeking Rule 60(b)(5) relief had standing before considering the merits of the motion).
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14 This Court previously expressed substantial doubt that Intervenors had a direct,
15 concrete, and legally protectable interest in the challenged legislative map. In granting
16 permissive intervention, the Court rejected intervention as of right, explaining that “under
17 Washington law, intervenors have no right or protectable interest in any particular
18 redistricting plan or boundary lines,” and that Intervenors had not alleged that “their right
19 to vote or to be on the ballot will be impacted by this litigation.” Dkt. 69 at 4–5. This Court
20 further observed that Intervenors had not “identified any direct and concrete injury” likely
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1 to result if plaintiffs’ Section 2 claim succeeded, and that a generalized interest in the
2 government’s proper application of law “does not state an Article III case or controversy.”
3 *Id.* at 5 (quoting *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 573-74 (1992)). This Court
4 nevertheless permitted Intervenors to participate under Rule 24(b), finding that although
5 they “lack[ed] a significant protectable interest,” their legal positions opposing plaintiffs’
6 Section 2 claim were relevant and likely to contribute to development of the record and
7 adjudication of the issues. *Id.* at 10. That discretionary case-management ruling did not
8 resolve whether Intervenors could independently invoke federal jurisdiction to obtain
9 affirmative relief from the judgment.
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11 The Ninth Circuit has now addressed Intervenors’ Article III standing in relevant
12 respects. It held that Intervenors lacked standing to appeal this Court’s Section 2 liability
13 determination and lacked standing to challenge the remedial map under Section 2. *Soto*
14 *Palmer*, 150 F.4th at 1141–46. Although the Ninth Circuit concluded that Intervenor
15 Trevino had standing to pursue an equal protection challenge to the remedial map, it rejected
16 that challenge on the merits and affirmed the remedial order. *Id.* at 1146–55. Intervenors’
17 present motion seeks, in substance, to undo the very liability and remedial rulings as to
18 which the Ninth Circuit held they lacked Article III standing, and to obtain from this Court
19 affirmative relief that the State itself has not sought. Rule 60(b) does not dispense with
20 Article III’s requirements. A party seeking relief from judgment must have standing to
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1 invoke the Court’s authority to grant that relief, and an intervenor’s prior participation in
2 the case—whether permissive or as of right—does not itself supply the required concrete
3 stake. *See Horne*, 557 U.S. at 445–46 (considering whether Rule 60(b)(5) movants had
4 standing before reaching the merits of their request for relief from judgment); *Town of*
5 *Chester v. Laroe Estates, Inc.*, 581 U.S. 433, 439 (2017) (“For all relief sought, there must
6 be a litigant with standing, whether that litigant joins the lawsuit as a plaintiff, a coplaintiff,
7 or an intervenor of right.”); *Diamond v. Charles*, 476 U.S. 54, 68 (1986) (holding that an
8 intervenor’s participation below, “whether permissive or as of right,” does not itself confer
9 Article III standing to continue litigation when the original party with standing does not do
10 so).

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12 To the extent Intervenor Trevino contends that the Ninth Circuit’s recognition of his
13 Article III standing to pursue an equal protection challenge to the remedial map also
14 supplies standing for the relief now sought, the contention is unavailing. The Ninth Circuit’s
15 standing ruling as to Trevino rested specifically on his alleged racial-classification injury
16 from being moved from Enacted LD 15 to Remedial LD 14, an injury cognizable only in
17 the context of a racial-gerrymandering challenge to the remedial map. *Soto Palmer*, 150
18 F.4th at 1145-46. That injury supported one claim and one form of relief, and the Ninth
19 Circuit rejected that claim on the merits, holding that race was not the predominant factor
20 in the Court’s remedial map-drawing process. *Id.* at 1146–50. The relief Intervenor now
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1 seek—vacatur of this Court’s Section 2 liability determination and reinstatement of the
2 Commission’s 2021 legislative map—is neither traceable to nor redressable by Trevino's
3 racial-classification injury, and *Town of Chester* requires standing “for each form of relief”
4 sought. 581 U.S. at 439. The Ninth Circuit’s merits resolution of Trevino’s equal protection
5 claim is itself binding within this litigation, and Intervenors have not shown that *Callais*
6 undermines the Ninth Circuit’s case-specific holding that race did not predominate in this
7 Court’s remedial map-drawing process.

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9 The pending petition for writ of certiorari does not alter that conclusion. Intervenors
10 have asked the Supreme Court to review the Ninth Circuit’s standing and equal protection
11 holdings, but the filing of a certiorari petition does not vacate, suspend, or otherwise alter
12 the binding effect of the Ninth Circuit’s judgment. Unless and until the Supreme Court
13 grants review and disturbs that judgment, the Ninth Circuit’s Article III ruling is the law of
14 the case and binds this Court on remand. *See Arizona v. California*, 460 U.S. 605, 618
15 (1983) (“when a court decides upon a rule of law, that decision should continue to govern
16 the same issues in subsequent stages in the same case”); *see also United States v. Thrasher*,
17 483 F.3d 977, 981 (9th Cir. 2007) (where the mandate has issued, the district court may not
18 vary or examine the appellate court’s mandate except to execute it).

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