

**IN THE UNITED STATES DISTRICT COURT,
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION**

DEBORAH SPRINGER SUTTLAR, JUDY GREEN, FRED LOVE, in his individual and official capacity as State Representative, KWAMI ABDUL-BEY, CLARICE ABDUL-BEY, and PAULA WITHERS,

Plaintiffs,

v.

JOHN THURSTON, in his official capacity as the Secretary of State of Arkansas and in his official capacity as the Chairman of the Arkansas State Board of Election Commissioners; and SHARON BROOKS, BILENDA HARRIS-RITTER, WILLIAM LUTHER, CHARLES ROBERTS, WENDY BRANDON, JAMIE CLEMMER and JAMES HARMON SMITH III, in their official capacities as members of the Arkansas State Board of Election Commissioners,

Defendants.

Case No. 4:22-cv-368-KGB

PLAINTIFFS' MOTION TO STAY

Plaintiffs Deborah Springer Suttlar, Judy Green, Fred Love, in his individual capacity and official capacity as State Representative, Kwami Abdul-Bey, Clarice Abdul-Bey and Paula Withers ("Plaintiffs") for their motion for stay:

1. On March 21, 2022, Plaintiffs filed their Complaint against Defendants, alleging that Arkansas' recently enacted congressional map violated provisions of the Arkansas Constitution by adopting a congressional map that unconstitutionally dilutes the vote of Black voters in Arkansas.

2. Defendants filed their notice of removal on April 22, 2022. As Plaintiffs' Motion for Remand sets forth, there is no plausible basis for federal subject-matter jurisdiction in this case.

3. The issue of the Court's subject-matter jurisdiction is a "threshold matter" that must be resolved prior to any consideration of the merits. *Steel Co. v. Citizens for a Better Env't*, 523 U.S. 83, 94-95, 101-02 (1998) ("For a court to pronounce upon the meaning or the constitutionality of a state or federal law when it has no jurisdiction to do so is, by very definition, for a court to act ultra vires"); *Ruhrgas AG v. Marathon Oil Co.*, 526 U.S. 574, 583-84 (1999) (a federal court must "satisfy itself of its jurisdiction over the subject matter before it considers the merits of a case").

4. Plaintiffs request that the Court stay all proceedings in this lawsuit outside of consideration of Plaintiffs' Motion for Remand, which solely implicates Court's subject matter jurisdiction.

WHEREFORE, Plaintiffs respectfully request that this Court grant their Motion to Stay and all other just and proper relief.

Respectfully submitted,

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