

United States Court of Appeals

FIFTH CIRCUIT
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September 17, 2023

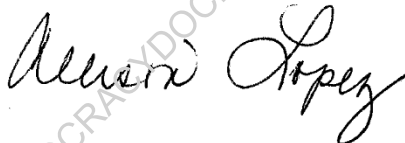
MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW:

No. 23-30642 In re: Jeff Landry
USDC No. 3:22-CV-211
USDC No. 3:22-CV-214

Enclosed is an order entered in this case.

Sincerely,

LYLE W. CAYCE, Clerk



By: Allison G. Lopez, Deputy Clerk
504-310-7702

Mr. John Nelson Adcock
Ms. Renee Chabert Crasto
Mrs. Andree Matherne Cullens
Mr. Joseph Elton Cullens Jr.
Mr. Jared Evans
Mrs. Angelique Duhon Freel
Mr. Carey Thompson Jones
Ms. Abha Khanna
Mr. Michael L. McConnell
Ms. Elizabeth Baker Murrill
Mr. Adam Savitt
Mr. Phillip Strach
Ms. Tiffany Alora Thomas
Mr. Jason Brett Torchinsky
Mr. Jeffrey M. Wale
Mr. John Carroll Walsh
Hon. Shelly Deckert Dick

United States Court of Appeals for the Fifth Circuit

No. 23-30642

IN RE JEFF LANDRY, *In his official capacity as the Louisiana Attorney General*; KYLE R. ARDOIN, *in his official capacity as Louisiana Secretary of State*,

Petitioners.

Petition for a Writ of Mandamus
to the United States District Court
for the Middle District of Louisiana
USDC No. 3:22-CV-211
USDC No. 3:22-CV-214

UNPUBLISHED ORDER

Before JONES, HIGGINSON, and HO, *Circuit Judges.*

PER CURIAM:

IT IS ORDERED that Respondents respond to the mandamus petition by close of business, 5:00 p.m. CST, on Wednesday, September 20, 2023. Judge Dick is also invited to file a response.

STEPHEN A. HIGGINSON, *Circuit Judge, dissenting*:

Rather than order responsive briefing to the State's petition for writ of mandamus, I would reassign the petition to the merits panel that is set to hear oral argument on October 6, 2023, in this appeal arising from district court litigation over Louisiana's congressional-district boundaries. Indeed, that panel has already explicitly invited argument as to "any other developments or case law that would have been appropriate for Rule 28(j) letters over the past year had the case not been in abeyance" and "whether this court should remand the appeal to allow the district court to consider" the same. *Robinson v. Ardoin*, [22-30333](#) (5th Cir. June 28, 2023). And, the State responded to that panel by making the same arguments it now re-submits in this petition, *Robinson v. Ardoin*, [22-30333](#) (5th Cir. Jul 6, 2023), arguments it already re-raised to that same panel, *Robinson v. Ardoin*, [22-30333](#) (5th Cir. July 21, 2023). I do not, however, understand the instant request for responsive briefing on the State's petition to foreclose re-assignment to the panel that has been entertaining briefing in this longstanding and complex matter.