



simply because a higher court *may* substantially change its own precedent.

The court finds that the balance of equities, including “(1) the potential for hardship and inequity imposed on the parties by proceeding with the action, (2) whether prejudice will result if a stay is imposed, and (3) the interests of judicial economy,” weigh against staying the case. *Labouliere*, 2017 WL 4365989, at \*10 (citing *Falgoust v. Microsoft Corp.*, No. A.00-0779, 2000 WL 462919, at \*2 (E.D. La. Apr. 19, 2000)). Delaying all proceedings in this case until next spring (at the earliest) will not, as the defendants suggest, prevent “judicial inefficiency.” *Wedgeworth v. Fibreboard Corp.*, 706 F.2d 541, 546 (5th Cir. 1983). This is especially true given the differences between this case and *Merrill*. As suggested above, the challenge to the Alabama maps in *Merrill* is a *Gingles* voter-dilution claim. *See Merrill*, 142 S. Ct. at 884–85 (Kagan, J., dissenting). By contrast, the challenge to the Commissioners Court precinct lines in this case includes not only a *Gingles* claim but also a claim of intentional discrimination. *See* Dkt. 1 ¶¶ 118–123. This challenge will likely be, at worst, only partially affected by

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same parties and facts); *Alford v. Moulder*, No. 3:16-CV-350, 2016 WL 6088489, at \*2 (S.D. Miss. Oct. 17, 2016) (granting stay pending Fifth Circuit resolution of another case with substantially similar issues); *Tel. Sci. Corp. v. Asset Recovery Sols., LLC*, No. 15 C 5182, 2016 WL 47916, at \*1–\*6 (N.D. Ill. Jan. 5, 2016) (granting stay pending Supreme Court resolution of a circuit split over whether the plaintiff would have standing); *Kamal v. J. Crew Grp., Inc.*, No. 15-0190, 2015 WL 9480017, at \*2 (D.N.J. Dec. 29, 2015) (same).

any outcome in *Merrill*.

The plaintiff has made clear that it hopes to have the Commissioners Court precinct lines redrawn in time for the 2024 election. The defendants insist that because the Supreme Court will likely decide *Merrill* over a year before that election, the plaintiff would not be prejudiced by a stay. Dkt. 33 at 8. But any delay in reaching a final ruling in this case—and a stay would almost certainly cause such a delay—could impair this court’s ability to issue effective relief later. *See Merrill*, 142 S. Ct. at 879 (Kavanaugh, J., concurring) (stating that “federal district courts ordinarily should not enjoin state election laws in the period close to an election”) (citing *Purcell v. Gonzalez*, 549 U.S. 1 (2006)).

The court is confident in its ability to adjust quickly to any changes in the law that may come from *Merrill* or any other case. But compressing the amount of time available to litigate this case will only make it more difficult for both the court and the parties to ultimately achieve a just and lawful result.

The court denies the motion to stay.

Signed on Galveston Island this 24th day of May, 2022.



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JEFFREY VINCENT BROWN  
UNITED STATES DISTRICT JUDGE

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