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U. S. DISTRICT COURT
EASTERN DISTRICT OF MO
ST. LOUIS

IN THE UNITED STATES DISTRICT COURT
EASTERN MISSOURI
EASTERN DIVISION

PAUL BERRY III,

Plaintiff,

Case Number: No.4:22-CV-465-JAR

v.

JOHN R. (JAY) ASHCROFT,
in his official capacity as
Missouri Secretary of State and
STATE OF MISSOURI,

Defendants.

MOTION TO CONVIEENE THREE JUDGE COURT

Plaintiff, Paul Berry III, files this Motion to Convieene Three Judge Court to requesting the Court to empanel a “three-judge” court to adjudicate the underlying petition, states as follows:

Empanelment of Three Judge Court

The underlying petition seeks the Court to declare the 2012 Missouri congressional map violates the United States Constitution, and as such, the 2012 Missouri congressional map is unconstitutional to conduct the 2022 Missouri Primary congressional election. Plaintiff Berry requests in page 29 of the underlying petition the Court empanel a “three-judge” court to adjudicate the preliminary and permanent relief Plaintiff Berry requested against Defendant Ashcroft and Defendant State of Missouri by the underlying petition.

The underlying petition is subject to 28 U.S.C. § 2284, which states in relevant part:

“(a) A district court of three judges shall be convened when otherwise required by Act of Congress, or when an action is filed challenging the constitutionality of the apportionment of congressional districts or the apportionment of any statewide legislative body.

(b) In any action required to be heard and determined by a district court of three judges under subsection (a) of this section, the composition and procedure of the court shall be as follows:

(1) Upon the filing of a request for three judges, the judge to whom the request is presented shall, unless he determines that three judges are not required, immediately notify the chief judge of the circuit, who shall designate two other judges, at least one of whom shall be a circuit judge. The judges so designated, and the judge to whom the request was presented, shall serve as members of the court to hear and determine the action or proceeding.”

Request to Empanel Three Judge Court

Plaintiff Berry humbly request pursuant to 28 U.S.C. § 2284 this Court notify the Chief Judge of this Court’s Circuit informing such Chief Judge of this instant request that a “three-judge” court be empaneled to adjudicated the preliminary and permanent injunction requested by the underlying complaint.

Respectfully Submitted,

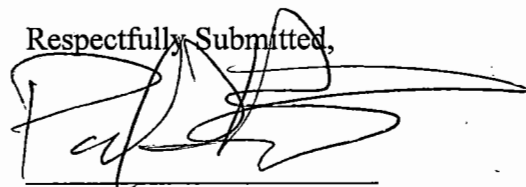

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CERTIFICATE OF SERVICE

A copy of the foregoing motion shall be served by United States Postal Service delivery to Defendant John (“Jay”) Ashcroft at 600 West Main Street, Jefferson City, Missouri 65101 and Defendant State of Missouri at 207 West High Street, Jefferson City, Missouri 65101.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Paul Berry III", written over a horizontal line.

Paul Berry III
Plaintiff

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