

**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 FOR LEAVE TO FILE FIRST AMENDED COMPLAINT FOR
DECLARATORY AND INJUNCTIVE RELIEF**

Plaintiff, Paul Berry III, and upon knowledge with respect to information, submits this Motion For Leave to File First Amended Complaint for Declaratory and Injunctive Relief for the Court's immediate consideration, states as follows:

Rule 15 provides that "a party may amend its pleading [with] the court's leave" and that "[t]he court should freely give leave when justice so requires." Fed. R. Civ. P. 15(a)(2). The original underlying complaint sought relief against Defendants John R. ("Jay") Ashcroft and the State of Missouri regarding Defendants' intention to utilize an unconstitutional Missouri 2012

Congressional Map to conduct the 2022 Missouri Primary congressional election.

On May 18, 2022, Missouri Governor Michael L. Parson signed HCB HB 2909, which immediately enacted a new Missouri congressional district map (“2022 Missouri Congressional Map”), to which, Defendants intend to utilize the 2022 Missouri Congressional Map to conduct the 2022 Missouri Primary congressional election.

On May 26, 2022, Missouri State Senator and 2022 Missouri congressional candidate Steven Roberts publicly-stated, inter alia, that the boundaries of Missouri Congressional District 1 and Missouri Congressional District 2 provided by the 2022 Missouri Congressional Map were drafted by the Missouri General Assembly based upon the race of voters, which implicates Defendants “packed” African American voters who resided in the Missouri Congressional District 2 boundaries pursuant to the 2012 Missouri Congressional Map within Missouri Congressional District 1 when drafting the 2022 Missouri Congressional Map boundaries.

For reasons stated by this Motion For Leave to File First Amended Complaint for Declaratory and Injunctive Relief, to which is incorporated by reference, Defendants drafting boundaries of Missouri Congressional District 1 and Missouri Congressional District 2 by the enactment the 2022 Missouri Congressional Map based upon race provides Missouri Congressional District 1 and Missouri Congressional District 2 the 2022 Missouri Congressional Map of the 2022 Missouri Congressional Map are in violation of both Section 2 of the Voting Rights Act and the Equal Protection Clause of the United States Constitution.

The three-judge court empaneled to adjudicate the underlying complaint retains personal

and subject matter jurisdiction to adjudicate the single count provided by this Motion For Leave to File First Amended Complaint for Declaratory and Injunctive Relief. Allowing Plaintiff Berry to file this Motion For Leave to File First Amended Complaint for Declaratory and Injunctive Relief would serve justice and promote judicial efficiency. Further, there would be no substantial or undue prejudice, bad faith, undue delay, or futility.

For all these reasons, and those stated in the attached First Amended Complaint for Declaratory and Injunctive Relief, Plaintiffs respectfully request that this Honorable Court grant Plaintiff leave to file the attached First Amended Complaint for Declaratory and Injunctive Relief.

Respectfully Submitted,



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Plaintiff
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CERTIFICATE OF SERVICE

I certify that, on the date set forth below, the foregoing **MOTION FOR LEAVE TO FILE FIRST AMENDED COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF** was filed electronically and that it is available for viewing and downloading on the Court's CM/ECF system by the parties.



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