
IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

RICHARD ROSE, *et al.*,

Plaintiffs-Appellees

v.

GEORGIA SECRETARY OF STATE,

Defendant-Appellant

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA

MOTION FOR THE UNITED STATES AS AMICUS CURIAE TO
PARTICIPATE IN ORAL ARGUMENT

RYAN K. BUCHANAN
United States Attorney
Northern District of Georgia

KRISTEN CLARKE
Assistant Attorney General

AILEEN BELL HUGHES
Assistant U.S. Attorney
Office of the United States Attorney
600 U.S. Courthouse
75 Ted Turner Drive, SW
Atlanta, GA 30303
(404) 581-6000

ERIN H. FLYNN
JONATHAN L. BACKER
Attorneys
Department of Justice
Civil Rights Division
Appellate Section
Ben Franklin Station
P.O. Box 14403
Washington, D.C. 20044-4403
(202) 532-3528

**CERTIFICATE OF INTERESTED PERSONS
AND CORPORATE DISCLOSURE STATEMENT**

In accordance with Eleventh Circuit Rules 26.1-1, 26.1-2, and 26.1-3, the United States as amicus curiae certifies that, in addition to those identified in the briefs filed by plaintiff-appellee, defendant-appellant, the United States, and other amicus curiae, it is aware of no other person who has or may have had an interest in the outcome of this appeal.

The United States further certifies that no publicly traded company or corporation has an interest in the outcome of this appeal.

s/ Jonathan L. Backer
JONATHAN L. BACKER
Attorney

Date: November 10, 2022

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FOR THE ELEVENTH CIRCUIT

No. 22-12593

RICHARD ROSE, *et al.*,

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Pursuant to Rule 29(a)(8) of the Federal Rules of Appellate Procedure, the United States seeks permission to participate in oral argument of this appeal. In support of this motion, the United States provides as follows

1. This Court has scheduled oral argument in this case on December 15, 2022, and has allotted 15 minutes per side.
2. On October 26, 2022, the United States filed its brief as amicus curiae in support of plaintiffs-appellees under Rule 29(a) of the Federal Rules of Appellate Procedure.

3. This case presents important questions concerning how vote-dilution claims under Section 2 of the Voting Rights Act of 1965 (VRA), 52 U.S.C. 10301, can be proven and remedied. Specifically, this appeal raises questions concerning (1) whether a Section 2 vote-dilution claim can be defeated by evidence that racially polarized voting patterns in general elections are correlated with partisan preferences; and (2) whether single-member districting is an appropriate remedy for vote dilution caused by an at-large, statewide method of electing members of an administrative body.

4. The Department of Justice is charged with enforcing the VRA. See 52 U.S.C. 10308(d). Accordingly, the United States has a substantial interest in the resolution of the legal issues raised in this appeal and believes that its participation in oral argument will be helpful to the Court.

5. Counsel for plaintiffs-appellees consents to the United States' request to participate in oral argument and has agreed to cede a portion of plaintiffs-appellees' argument time to the United States. Therefore, the United States' participation in oral argument will not affect the overall time allotted for this case if this motion is granted.

6. Counsel for defendant-appellant Secretary of State Brad Raffensperger takes no position on this motion.

Respectfully submitted,

RYAN K. BUCHANAN
United States Attorney
Northern District of Georgia

KRISTEN CLARKE
Assistant Attorney General

AILEEN BELL HUGHES
Assistant U.S. Attorney
Office of the United States Attorney
600 U.S. Courthouse
75 Ted Turner Drive, SW
Atlanta, GA 30303
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s/ Jonathan L. Backer
ERIN H. FLYNN
JONATHAN L. BACKER
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Department of Justice
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P.O. Box 14403
Washington, D.C. 20044-4403
(202) 532-3528

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CERTIFICATE OF COMPLIANCE

I certify that the attached MOTION FOR THE UNITED STATES AS
AMICUS CURIAE TO PARTICIPATE IN ORAL ARGUMENT:

1. complies with the type-volume limitation of Federal Rules of Appellate Procedure 27(d)(2)(A), because the motion, excluding the parts of the brief exempted by Federal Rule of Appellate Procedure 32(f), contains 285 words; and

2. complies with the typeface requirements of Federal Rule of Appellate Procedure 27(d)(1)(E) because it meets the typeface requirements of Federal Rules of Appellate Procedure 32(a)(5) and the type-style requirements of Federal Rule of Appellate Procedure 32(a)(6) because it has been prepared in a proportionally spaced typeface using Word 2019, in 14-point Times New Roman font.

s/ Jonathan L. Backer
JONATHAN L. BACKER
Attorney

Date: November 10, 2022

CERTIFICATE OF SERVICE

I certify that on November 10, 2022, I electronically filed the foregoing MOTION FOR THE UNITED STATES AS AMICUS CURIAE TO PARTICIPATE IN ORAL ARGUMENT with the Clerk of the Court for the United States Court of Appeals for the Eleventh Circuit by using the appellate CM/ECF system.

I certify that all participants in this case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

s/ Jonathan L. Backer
JONATHAN L. BACKER
Attorney

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