

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Richmond Division

PAUL GOLDMAN,
Pro se Plaintiff,

v.

Civil No. 3:21cv420 (DJN)

ROBERT BRINK, *et al.*,
Defendants.


ORDER
(Denying Motion for Injunction as Moot)

This matter comes before the Court on *pro se* Plaintiff's Motion for a Temporary Injunction, requesting a Temporary Injunction to enjoin Defendant members of the State Board of Elections ("the Board") Robert Brink, John O'Bannon and Jamilah D. LeCruise ("the Board members") from issuing Certificates of Election indicating that those elected to the House of Delegates in the November 2, 2021 general election will serve a two-year term. (Mot. for Temporary Inj. at 1 (ECF No. 53).) The Board members responded that Plaintiff's Motion (ECF No. 53) is moot. (Defs.' Resp. to Pl.'s Mot. for Temporary Inj. ("Defs.' Resp.") at 1) (ECF No. 54.) The Board certified the election results on November 15, 2021, as required by Virginia law, and transmitted the signed certificates of election on November 16, 2021, to the individuals elected to the House of Delegates in this year's election. (Defs.' Resp. at 1 (citing Va. Code Ann. §§ 24.2-679(A), -680).) Plaintiff filed his Motion on November 19, 2021, four days after

the Board had already certified the election results. As such, the Court agrees with the Board members and DENIES AS MOOT the Motion for a Temporary Injunction (ECF No. 53).¹

Let the Clerk file a copy of this Order electronically and notify all counsel of record.

It is so ORDERED.


_____/s/_____
David J. Novak
United States District Judge
*On behalf of the three-judge panel,
with the agreement of United States Circuit
Judge Stephanie D. Thacker and United
States District Judge Raymond A. Jackson*

Richmond, Virginia
Dated: November 23, 2021

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¹ “The filing of a notice of appeal is an event of jurisdictional significance — it confers jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case involved in the appeal.” *Griggs v. Provident Consumer Disc. Co.*, 459 U.S. 56, 58 (1982) (citations omitted). On October 18, 2021, the Board members and Defendant Christopher Piper (“Piper”), the Commissioner of the Virginia Department of Elections (collectively, “Defendants”), filed a Notice of Interlocutory Appeal (ECF No. 47), appealing the Court’s Memorandum Opinion (ECF No. 40) and Order (ECF No. 41) denying Defendants Eleventh Amendment immunity and granting in part and denying in part the Motion to Dismiss the Second Amended Complaint (ECF No. 23) filed by the current Defendants, as well as former Defendants Virginia Governor Ralph Northam and the Virginia State Board of Elections. Plaintiff’s instant Motion (ECF No. 53) pertains to the certification of the recent election and does not involve the sovereign immunity issues raised in Defendants’ interlocutory appeal. (Mot. for Temporary Inj. at 1.) As such, the Court has the jurisdiction to deny the Motion as moot, without ruling on the merits.