FILED
2026 Jul-13 PM 02:42
U.S. DISTRICT COURT
N.D. OF ALABAMA

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

BOBBY SINGLETON, *et al.*, Plaintiffs, v. HON. WES ALLEN, in his official capacity as Alabama Secretary of State, *et al.*, Defendants.	Case No. 2:21-cv-1291-AMM THREE-JUDGE COURT
EVAN MILLIGAN, *et al.*, Plaintiffs, v. HON. WES ALLEN, in his official capacity as Alabama Secretary of State, *et al.*, Defendants.	Case No. 2:21-cv-1530-AMM THREE-JUDGE COURT
MARCUS CASTER, *et al.*, Plaintiffs, v. HON. WES ALLEN, in his official capacity as Alabama Secretary of State, *et al.*, Defendants.	Case No. 2:21-cv-1536-AMM

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STATE DEFENDANTS' MOTION TO
STAY FURTHER PROCEEDINGS PENDING APPEAL (OPPOSED IN *SINGLETON*)

This Court should not take or require further action in these cases while the Supreme Court considers the State Defendants' appeals in *Singleton* and *Milligan* and forthcoming petition for certiorari in *Caster* (collectively, the "Appeals"). State Defendants accordingly move this Court—to the extent it retains jurisdiction—to stay further proceedings in these cases pending resolution of the Appeals, including vacatur of the current July 31, 2026 deadline for the parties to confer and file a report regarding discovery limits. The State Defendants have conferred with Plaintiffs concerning this motion, and the *Milligan* and *Caster* Plaintiffs do not oppose this motion to stay.[1] The *Singleton* Plaintiffs oppose. As explained below, at least three reasons support this course of action.

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First, the Supreme Court's June 2, 2026 order "stayed" this Court's "May 26, 2026, order," *Allen v. Milligan*, 146 S. Ct. 1377, 1382 (2026) (*Allen III*), which would include staying the discovery deadlines and trial setting included in that order. As such, no discovery deadlines or trial setting are currently active in these matters, and this Court should not set any new such deadlines pending resolution of the Appeals. *Cf. Dep't of Homeland Sec. v. D.V.D.*, 145 S. Ct. 2627, 2629 (2025) (clarifying

[1] The *Milligan* and *Caster* Plaintiffs stated that they would object to any motion asking for a permanent resolution to either the case schedule or the merits. *Milligan* and *Caster* Plaintiffs do not object to State Defendants' current motion, however.

And while State Defendants do not concede that pressing forward with new discovery and a new trial even after the stay lifts would be appropriate, they believe the Court need not address that issue at this time or to resolve this motion.

that stay of preliminary injunction also rendered a separately entered remedial order improper and likewise unenforceable.).

Second, it is unlikely that this Court retains jurisdiction over this case while the Appeals are pending. As this Court previously acknowledged, the general rule is that "an appeal divests the district court of its control over those aspects of the case involved in the appeal." *Milligan* Doc. 525 at 2 (cleaned up) (quoting *Coinbase, Inc. v. Bielski*, 599 U.S. 736, 740 (2023)). This Court thus lacks authority to "allow any further litigation of the issues involved in the appeal." *Id.* (quoting *Boyd v. Sec'y, Dep't of Corr.*, 114 F.4th 1232, 1238 (11th Cir. 2024)). Here, the merits of Plaintiffs' claims—including years of discovery evidence and a full trial record—are directly at issue in the Appeals as to the first element required for preliminary injunctive relief. To the extent any further proceedings would implicate the merits of those claims, this Court thus likely lacks jurisdiction to press forward while the Appeals remain pending.

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Third, it would serve judicial economy to await the Supreme Court's final disposition of the Appeals to, as this Court recognized in 2022, avoid the "waste[] of party and judicial resources." *Milligan* Doc. 148 at 2. The State Defendants' Appeals go to the heart of Plaintiffs' challenges. And, at a minimum, a stay is appropriate where resolution of the issues on appeal "could help narrow the issues considerably," *Lockyer v. Mirant Corp.*, 398 F.3d 1098, 1110 (9th Cir. 2005) (citing *Landis*

v. N. Am. Water Works & Elec. Co., 299 U.S. 248, 255 (1936)), and where the U.S. Supreme Court has already found that the State Defendants have met the traditional factors for a stay, *see Allen III*, 146 S. Ct. at 1381-82. Here, the State Defendants' Appeals will almost certainly "narrow the issues considerably," and could be dispositive.

For each of the reasons above, this Court should stay further proceedings until the Supreme Court resolves State Defendants' Appeals and provides the parties and the Court with further guidance.

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Dated: July 13, 2026

Respectfully submitted,

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