

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION**

**NATIONAL ASSOCIATION FOR THE  
ADVANCEMENT OF COLORED PEOPLE;  
MISSISSIPPI STATE CONFERENCE OF  
THE NATIONAL ASSOCIATION FOR THE  
ADVANCEMENT OF COLORED PEOPLE;  
JACKSON CITY BRANCH OF THE NAACP;  
DERRICK JOHNSON; FRANK FIGGERS;  
CHARLES TAYLOR; MARKYEL PITTMAN;  
CHARLES JONES; and NSOMBI  
LAMBRIGHT-HAYNES**

**PLAINTIFFS**

vs.

**CIVIL ACTION No.: 3:23-CV-272-HTW-LGI**

**TATE REEVES, in his official capacity as  
Governor of the State of Mississippi; SEAN  
TINDELL, in his official capacity as  
Commissioner of Public Safety; BO LUCKY,  
in his official capacity as Chief of Mississippi  
Department Public Office of Capitol Police;  
MICHAEL K. RANDOLPH, in his official  
Capacity as Chief Justice of the Mississippi  
Supreme Court; and LYNN FITCH, in her  
official capacity as Attorney General of the  
State of Mississippi**

**DEFENDANTS**

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**ORDER**

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On May 22, 2023, this Court held an in-person Hearing, whereat it heard oral arguments on the following Motions: (1) Defendant Honorable Chief Justice Michael K. Randolph's Motion to Dismiss based on the doctrine of Judicial Immunity [Docket no. 19]; and (2) Plaintiffs' Renewed Necessitous and Urgent Motion for a Temporary Restraining Order [Docket no. 24].

This Court, upon concluding its Hearing, made the following pronouncements:

- (1) This Court shall issue its written Opinion regarding the Honorable Chief Justice's Motion to Dismiss [Docket no. 19] on or before Monday, May 29, 2023.
- (2) Plaintiffs shall file their Motion for Preliminary Injunction regarding H.B. 1020 § 1 no later than Wednesday, May 24, 2023. Defendants, thereafter, shall have fourteen (14) days to file any Response in Opposition. Plaintiffs shall file any Rebuttal briefs within two (2) days of receiving Defendants' Response.
- (3) This Court shall set Oral Arguments on the above-referenced Preliminary Injunction Motion once all briefing has been completed by the parties. This Court notes that the parties have not yet determined whether either side expects to call live witnesses during the Motion Hearing.
- (4) To maintain the status quo and to avoid possible irreparable harm from any violation of constitutional rights to equal protection of the law, Defendant Chief Justice Michael K. Randolph hereby still is temporarily restricted<sup>1</sup> from appointing special judges pursuant to H.B. 1020, until such a time that this Court renders its ruling on the Plaintiffs' forthcoming Motion for Preliminary Injunction.

**SO ORDERED this the 23rd day of May, 2023.**

**/s/HENRY T. WINGATE**  
**UNITED STATES DISTRICT COURT JUDGE**

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<sup>1</sup> On May 12, 2023, this Court entered its Order [Docket no. 26] setting the May 22, 2023, Motions Hearing, and temporarily restricting the Chief Justice from appointing judges pursuant to H.B. 1020, until such a time that this Court had conducted the Hearing and rendered its ruling on the Chief Justice's Judicial Immunity defense.