Nos. 24-109, 24-110

IN THE

Supreme Court of the United States

STATE OF LOUISIANA,

Appellant,

v.

PHILLIP CALLAIS, et al.,

Appellees.

PRESS ROBINSON, et al.,

Appellants,

v.

PHILLIP CALLAIS, et al.,

Appellees.

On Appeal from the United States District Court for the Western District of Louisiana

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MOTION OF AMICI CURIAE EDWARD GALMON, SR., CIERRA HART, NORRIS HENDERSON, TRAMELLE HOWARD, AND ROSS WILLIAMS FOR LEAVE TO PARTICIPATE IN ORAL ARGUMENT AND FOR DIVIDED ARGUMENT

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Pursuant to Rules 28.3, 28.4, and 28.7 of the Rules of this Court, amici curiae Edward Galmon, Sr., Cierra Hart, Norris Henderson, Tramelle Howard, and Ross Williams ("*Galmon* Amici") respectfully move for leave to participate in oral argument in *Louisiana v. Callais*, No. 24-109, and *Robinson v. Callais*, No. 24-110. *Galmon* Amici request 10 minutes of argument time from the time allotted to Appellants.[1] *Robinson* Appellants oppose this motion, and the State of Louisiana and *Callais* Appellees take no position.

1. On March 30, 2022, the Louisiana Legislature enacted a congressional map entitled H.B. 1, overriding the veto of then-Governor John Bel Edwards. That same day, four of the five *Galmon* Amici filed a lawsuit in the Middle District of Louisiana challenging Louisiana's congressional plan as a violation of Section 2 of the Voting Rights Act. Their action was later consolidated in the Middle District of Louisiana with a similar case filed the same day by *Robinson* Appellants. The two sets of plaintiffs litigated those consolidated proceedings in equal measure, offering independent expert and fact witness testimony, and separately briefing and arguing the case in the district court and on appeal. They were ultimately successful: the district court preliminarily enjoined the operative map, *see Robinson v. Ardoin*, 605 F. Supp. 3d 759, 766 (M.D. La. 2022); this Court declined to review that injunction, *see Ardoin v. Robinson*, No. 21-1596 (U.S. June 26, 2023); two separate Fifth Circuit panels upheld the district court's Section 2 analysis, *see Robinson v. Ardoin*, 37 F.4th 208, 215 (5th Cir. 2022) (denying stay); *Robinson v. Ardoin*, 86 F.4th 574, 583 (5th

[1] *Galmon* Amici understand that the State of Louisiana and *Callais* Appellees have separately reached an agreement to split the time awarded to Appellees.

Cir. 2023) (determining "[t]he district court did not clearly err in its necessary fact-findings nor commit legal error in its conclusions"); and, ultimately, on January 19, 2024, Louisiana's legislature opted to enact a new map, S.B. 8, rather than continue litigating.

2. On February 9, 2024, the State of Louisiana filed a motion to dismiss Plaintiffs' Section 2 action as moot in light of the enactment of S.B. 8. Mot. to Dismiss, *Robinson v. Ardoin*, No. 3:22-cv-00211 (M.D. La. Feb. 9, 2024), ECF No. 352. The Middle District granted the motion on April 25, 2024. Ruling, *Robinson v. Ardoin*, No. 3:22-cv-00211 (M.D. La. Apr. 25, 2024), ECF No. 371.

3. As the State explained in its now-withdrawn Motion for Divided Reargument, it seeks a "reprise of the *Robinson* litigation" in this appeal, years after the Section 2 litigation has concluded. State Mot. for Divided Reargument ("State Mot.") at 4[2]; *see also* State's Supplemental Br. at 5 (explaining its position is the same one it advanced in the prior Section 2 litigation). It views "the Court's question presented for reargument [as] restor[ing] the State and the *Robinson* Intervenors to their original adversarial positions—*i.e.*, the positions they held in [the Section 2 litigation]." State Mot. at 3. Thus, as the State urges, "it will be most constructive for the bulk of the argument to be framed between the original parties to the *Robinson* litigation." *Id.* Because *Galmon* Amici were original parties to the *Robinson* litigation,

[2] *Galmon* Amici understand that the State withdrew its motion because it successfully negotiated with *Callais* Appellees to split Appellees' time, not because it has changed its views about any of the arguments or representations made in the motion.

it is imperative that they be permitted to defend the judgments there from improper collateral attack here.

4. *Galmon* Amici have at all times maintained an interest in this litigation. They were the first proposed party to seek intervention in the district court proceedings, and they did so before any defendant even entered an appearance. *See* Mot. to Intervene, *Callias v. Landry*, No. 3:24-cv-00122 (W.D. La. Feb. 6, 2024), ECF No. 10. The district court denied their intervention. *Robinson* App.23a. *Galmon* Amici sought an expedited appeal in the Fifth Circuit in an effort to resolve their party status before the preliminary injunction hearing consolidated with trial on the merits, *see* Notice of Appeal, *Callais*, No. 3:24-cv-00122 (W.D. La. Mar. 20, 2024), ECF No. 125, Mot. to Expedite Appeal, *Callais v. Landry*, No. 24-30177 (5th Cir. Mar. 25, 2024), Doc. 16, which the Fifth Circuit denied, *see* Order, *Callais v. Landry*, No. 24-30177 (5th Cir. Mar. 26, 2024), Doc. 40-2. *Galmon* Amici were excluded from this phase not because any appellate court reasoned that they failed the requirements of Fed. R. Civ. P. 24, but because no appellate court would even hear their appeal. *See Galmon v. Callais*, 145 S. Ct. 369 (2024) (Mem.) (dismissing appeal because Supreme Court lacked jurisdiction); *Callais v. Landry*, No. 24-30177, 2025 WL 928839, at *1 (5th Cir. Mar. 27, 2025) (three months later, dismissing same appeal because Supreme Court had exclusive jurisdiction).[3]

5. The district court eventually (and *sua sponte*) granted *Galmon* Amici intervention to participate as a party in any future remedial phase in this litigation.

[3] *Galmon* Amici also unsuccessfully moved to intervene in this Court while its appeals of the district court's denial of intervention remained pending. *Louisiana v. Callais*, No. 24-109 (U.S. Dec. 9, 2024).

See Order, *Callais*, No. 3:24-cv-00122 (W.D. La. May 3, 2024), ECF No. 205. But this Court's request for reargument (and the supplemental briefs to date) suggest that the application of Section 2 in Louisiana—the very issue that *Galmon* Amici litigated successfully for nearly two years—may be the central topic of reargument in this liability appeal.

6. *Galmon* Amici maintain that the question posed by Plaintiffs in their brief (and now endorsed by the State) challenging their Section 2 victory in a prior case is not properly before this Court. *See* Br. of *Galmon* Amici at 2–3, 5–10. But in light of the State's decision to switch sides halfway through the case and attempt to reframe this case as a "reprise" of the Section 2 case which *Galmon* Amici litigated and won years ago, it is appropriate to allow *Galmon* Amici an opportunity to advocate for both their procedural and substantive arguments regarding their Section 2 victory.

7. This Court has previously permitted the participation of amici curiae in oral argument when they have a substantial interest and a unique perspective on the issues presented. *See, e.g.*, *McGirt v. Oklahoma*, No. 18-9526 (U.S. Mar. 30, 2020) (permitting the participation of amicus the Muscogee Creek Nation tribe whose historic territory was the focus of the case); *FCC v. Nextwave Pers. Commc'ns, Inc.*, No. 01-653 (U.S. June 28, 2002) (permitting the participation of amici creditors of defendants).

8. By permitting *Galmon* Amici to participate in oral argument alongside the *Robinson* Appellants, this Court can ensure that it hears from the parties with

the most personal experience with the Section 2 litigation over Louisiana's congressional map and weightiest concrete stake in the question presented.

Respectfully submitted,

/s/ *Abha Khanna*

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