

In the Supreme Court of the United States

PHILLIP CALLAIS, ET AL.,

Applicants,

v.

LOUISIANA,

Respondent.

**LOUISIANA'S RESPONSE TO APPLICATION FOR ISSUANCE OF
OPINION AND JUDGMENT FORTHWITH**

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TO THE HONORABLE SAMUEL A. ALITO, JR., ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES AND CIRCUIT JUSTICE FOR THE FIFTH CIRCUIT:

The State of Louisiana takes no position on the *Callais* plaintiffs' request that the Court "direct[] the Clerk of the Court to immediately send a copy of this Court's opinion and a certified copy of this Court's judgment to the Clerk of the United States District Court for the Western District of Louisiana." Appl. at 2, *Callais v. Louisiana*, No. 25A1197. Nonetheless, this is Louisiana's understanding of the state of play.

On May 15, 2024, this Court stayed pending appeal the district court's injunction, which prohibited the State from conducting congressional elections under S.B. 8. Order, Nos. 23A994 & 23A1002; see *Callais v. Landry*, 732 F. Supp. 3d 574, 614 (W.D. La. 2024) ("The State of Louisiana is prohibited from using SB8's map of congressional districts for any election."). The Order states that, "[i]f the appeal is dismissed, or the judgment affirmed, this order shall terminate automatically."

Yesterday, this Court "affirmed" "[t]he judgment of the District Court." Slip Op. at 36, *Louisiana v. Callais*, No. 24-109. Accordingly, one plausible understanding of the Court's May 15, 2024 Order is that the stay has automatically lifted, and Louisiana currently "is prohibited from using SB8's map of congressional districts for any election." *Callais*, 732 F. Supp. 3d at 614.¹ The Governor and Attorney General

¹ The State notes that the Court's May 15, 2024 Order also states that, "[i]n the event jurisdiction is noted or postponed, this order will remain in effect pending the sending down of the judgment of this Court." That language can be read to conflict with the cited language above, which requires automatic termination of the Order if the lower court's judgment is affirmed. That potential conflict, however, has no bearing here because, whether the Order is already terminated or will be terminated when this Court sends down the judgment, nothing prevents Louisiana from adopting a constitutional map and process consistent with this Court's decision right now.

are thus working with the Legislature—which is in session until June 1—to immediately produce a constitutional map and electoral process for Louisiana. *See Wise v. Lipscomb*, 437 U.S. 535, 540 (1978). They do not view their ability to do so as contingent upon when this Court transmits its opinion and judgment. Nor do they see any injunctive role for the district court upon the State’s adoption of a new map and process. *See Purcell v. Gonzalez*, 549 U.S. 1 (2006).

Respectfully submitted,

/s/ J. Benjamin Aguiñaga

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