

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

CLEVE DUNN, JR., ET AL.

CIVIL ACTION

VERSUS

24-cv-00521-SDD-EWD

EAST BATON ROUGE PARISH, ET AL.

PLAINTIFFS' BRIEF REGARDING IMPACT OF *CALLAIS*

This case is about a redistricting map for the Baton Rouge Metropolitan Council. Plaintiffs contend that the map diluted Black voting strength in violation of the Voting Rights Act of 1965 and the United States Constitution.

Plaintiffs' complaint provided factual allegations supporting the idea that the Parish has "packed" large numbers of Black voters into a few majority-Black council districts and "cracked" the remaining Black voters among the majority-white districts. The situation in Baton Rouge is particularly stark because although white voters are no longer the majority group in the Parish, the new map would *increase* the entrenchment of white control of the Metro Council by turning a plurality-white district into a new majority-white council district, while keeping the Democrat-Republican partisan split the same.

Pending before the Court is a motion to dismiss by the City/Parish.¹ After the motion to dismiss was briefed, this Court stayed and administratively closed the case pending the U.S. Supreme Court's decision in *Louisiana v. Callais*.² The Court directed that after such decision, the parties should each file a brief "which addresses the impact of *Callais* on this case."³

Last month, the Supreme Court decided *Callais*. As discussed herein, *Callais* substantially

¹ Rec. Doc. 18.

² Rec. Doc. 32.

³ *Id.*

changes the legal landscape of Section 2 cases, but should not result in the dismissal of this particular suit.

A. A Brief Background of *Callais*.

In 2022, after Louisiana redrew its congressional districts, this Court held in *Robinson v. Ardoin*⁴ that the 2022 map likely violated §2 of the Voting Rights Act of 1965⁵ because it did not include an additional majority-black district. The Fifth Circuit twice agreed.⁶

But when the State drew a new map, that contained such a district, the new map was challenged as a racial gerrymander. A three-judge court in *Callais v. Landry*, held that SB8 violated the Equal Protection Clause of the Fourteenth Amendment, and the State appealed to the U.S. Supreme Court.⁷

On April 29, 2026, the Supreme Court decided *Robinson* and *Callais* together.⁸

B. The Supreme Court’s Relevant Holdings in *Callais*.

In *Callais*, the Supreme Court took as given that a redistricting map may violate Section 2 of the Voting Rights Act if it “results in a denial or abridgement” of the right to vote “on account of race or color.”⁹ The Court noted that a violation occurs when political processes are “not equally open to participation by” members of a racial group “in that [they] have less opportunity than other members of the electorate to . . . elect representatives of their choice.”¹⁰

In deciding *Callais*, the Court substantially rewrote the standards by which courts should

⁴ 605 F. Supp. 3d 759 (M.D. La., June 6, 2022)

⁵ 52 U.S.C. §10301 *et seq.*

⁶ *Robinson v. Ardoin*, 86 F.4th 574 (5th Cir. 2023); *Robinson v. Ardoin*, 37 F.4th 208 (5th Cir. 2022).

⁷ 732 F. Supp. 3d 574 (W.D. La., Apr. 30, 2024).

⁸ *Louisiana v. Callais*, 608 U. S. ____ (2026).

⁹ *Id.* at *19-20

¹⁰ *Id.* at *20.

assess VRA Section 2 claims, holding that Section 2 “imposes liability only when circumstances give rise to a strong inference that intentional discrimination occurred.”¹¹

The Court also noted that Section 2 “does not intrude on States’ prerogative to draw districts based on nonracial factors, including to achieve partisan advantage.”¹² Accordingly, to “prevail,” the plaintiff “must ‘disentangle race from politics’ by proving ‘that the former drove a district’s lines.’ . . . [and if] either politics or race could explain a district’s contours, the plaintiff has not cleared its bar.”¹³

Callais is also notable for what the Supreme Court did not decide. The Court did not conclude that Section 2 is unconstitutional.¹⁴ And although the Court asked for briefing about whether Louisiana’s “intentional creation of a second majority-minority congressional district violates the Fourteenth or Fifteenth Amendments to the U. S. Constitution,”¹⁵ the Court mostly discussed the Fifteenth Amendment. It decided little if anything about the Fourteenth Amendment,¹⁶ other than to say that “in a racial gerrymandering case like the one before us, race and politics must be disentangled.”¹⁷

¹¹ *Id.* at *23.

¹² *Id.* at *24.

¹³ *Id.* at *25.

¹⁴ *Id.* at *23 (“When §2 is properly interpreted in the way we have outlined, it is sufficiently congruent with and proportional to the [Fifteenth] Amendment’s prohibition.”)

¹⁵ *Id.* at *17.

¹⁶ *Id.* at *39, fn. 11 (Kagan, J. dissenting) (“Note that the majority’s constitutional analysis is based only on the Fifteenth Amendment, and not at all on the Fourteenth.”) The majority contends that the Fourteenth Amendment is the “linchpin” of *Callais* but does not explain how. *Id.* at *32.

¹⁷ *Id.* at *36.

C. Impact of *Callais* on this case.

For several reasons, *Callais* should not result in the dismissal of the case here. First, *Callais* concluded that Section 2 “imposes liability only when circumstances give rise to a strong inference that intentional discrimination occurred.” Per that standard, Plaintiffs here must prove a strong inference of intentional discrimination to win the Section 2 claim. But at the pleading stage – where the case is currently postured – they need only allege intention discrimination and show facts sufficient to make such discrimination plausible.¹⁸

Plaintiffs have done so here. They allege intentional discrimination,¹⁹ and provide facts that make it plausible. For example, they point out that the Metro Council’s white majority overrode their own demographer’s recommendation, and chose a method of counting Black citizens that the United States Supreme Court has said is not appropriate.²⁰ The Council’s white majority retained seven white districts, even over their own consultant’s private advice that retaining seven white districts would not be “a fair representation of the Black population.”²¹

And most crucially for the *Callais analysis*, the 2024 Metro Council redistricting retained the same partisan divide (seven Republicans, five Democrats), but changed the racial balance (changing from six to seven majority-white districts).²² For this reason, the facts alleged here suggest that Plaintiffs will be able to satisfy the *Callais* directive to disentangle race from politics.

¹⁸ *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (citing *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007)).

¹⁹ R. Doc. 1 at ¶ 187 (“Defendants approved this map so as to dilute the votes of Black voters and thereby treat voters unequally under its laws.”)

²⁰ R. Doc. 1 at ¶ 5.

²¹ *Id.* at ¶ 47.

²² See R. Doc. 1 at ¶ 186 (“This new map creates an even stronger entrenchment of white control of the council than before; whereas before there were six majority-white district and one plurality-white, there are now seven majority-white districts.”)

Furthermore, in this case, Plaintiffs have brought a Fourteenth Amendment constitutional challenge in addition to their statutory challenge.²³ *Callais*, however, says little the standards for a Fourteenth Amendment challenge, other than to say that “race and politics must be disentangled”²⁴ – which can be done here.

Thus, although *Callais* substantially constrains voting rights litigation in many ways, it does not require the dismissal of all pending VRA suits. For example, just yesterday a three-judge court in *Singleton v. Allen* reviewed the evidentiary record regarding Alabama’s redistricting “with fresh eyes in light of *Callais*,” but nonetheless re-issued a preliminary injunction based on “intentional race-based discrimination” in the drawing of Alabama’s maps.²⁵ So too here; this case should survive *Callais*.

D. Conclusion

Undoubtedly, *Callais* represents a major change to voting rights litigation, and may result in the dismissal of many cases across the country. But for the reasons described above, this case should not be one of them.

Respectfully submitted,

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²³ R. Doc. 1 at ¶ 181 *et seq.*

²⁴ *Callais*, *supra*, at *36.

²⁵ 21-cv-01530-AMM, R. Doc. 537 (N.D. Al., May 26, 2026).