IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION

HAROLD HARRIS, PASTOR ROBERT TIPTON, JR., DELTA SIGMA THETA SORORITY, INC., and DESOTO COUNTY MS NAACP UNIT 5574,

Plaintiffs,

v.

No. 3:24-cv-00289-GHD-RP

DESOTO COUNTY, MISSISSIPPI; DESOTO COUNTY BOARD OF SUPERVISORS; and DESOTO COUNTY ELECTION COMMISSION,

Defendants.

MEMORANDUM IN SUPPORT OF PLAINTIFFS' RESPONSE IN OPPOSITION TO DEFENDANTS' MOTION TO STAY

Earlier this year, this Court recognized that an expedited trial is necessary to resolve Plaintiffs' challenge to Defendants' discriminatory redistricting plan. *See* ECF No. 90. Defendants now ask this Court to reverse itself by staying this case or delaying trial. Defendants' motion is a meritless ploy to keep the current, discriminatory plan in effect for the 2026 elections. They offer no valid basis for delaying trial and aggravating Plaintiffs' ongoing and irreparable harm.

Defendants' sole argument for a stay is speculation about the outcome of a pending Supreme Court case, *Louisiana v. Callais*, No. 24-109 (S. Ct.). *See* ECF No. 200. But just two years ago the same Court reaffirmed the validity of the existing framework for deciding Section 2 claims. *See Allen v. Milligan,* 599 U.S. 1 (2023). The Supreme Court has repeatedly warned lower

courts against such tealeaf reading, instead instructing them that "a lower court 'should follow the case which directly controls, leaving to this Court the prerogative of overruling its own decisions.'" *Mallory v. Norfolk S. Ry. Co.*, 600 U.S. 122, 136 (2023) (quoting *Rodriguez de Quijas v. Shearson/American Express, Inc.*, 490 U.S. 477, 484 (1989)). The Fifth Circuit and numerous other lower courts have recently applied this principle to deny stays and otherwise proceed in other Section 2 cases pending the *Callais* decision. *See, e.g.*, Order Denying Stay, *Nairne v. Landry*, No. 24-30115 (5th Cir. Aug. 25, 2025), Dkt. No. 328[1]; *Ala. State Conf. of the NAACP v. Allen*, No. 2:21-cv-1531-AMM, 2025 WL 2835140 (N.D. Ala. Oct. 1, 2025).

Despite the purported exigency of the situation, Defendants' motion also comes after much delay. The Supreme Court issued its supplemental briefing order more than a month before Defendants' motion. And the motion comes over two months after the Supreme Court's decision to rehear *Callais*. Defendants' motion is merely their latest attempt to push back a trial date they have opposed all along. This Court got it right in April: Plaintiffs will suffer irreparable harm absent an expedited trial in this matter. It should decline Defendants' renewed invitation to delay this case.

BACKGROUND

This litigation challenges DeSoto County's 2022 redistricting plan ("2022 Plan") as a violation of Section 2 of the Voting Rights Act, 52 U.S.C. § 10301. *See generally* ECF No. 1. The 2022 Plan sets the district boundaries for elections of five offices: the DeSoto County Board of Supervisors, Board of Education, Election Commission, and Judges and Constables of the County's Justice Court. Although Black residents are about 30% of DeSoto County's population,

[1] Included as Exhibit A for the Court's convenience.

the 2022 Plan is drawn in such a way that they are unable to elect their preferred candidate to any of the twenty-five positions within these five offices.

Plaintiffs have asked the Court to enjoin use of the 2022 Plan, and order special elections under a remedial plan. *See* ECF No. 1 at 35–36. Reflecting the irreparable nature of the harm at issue in this case, Plaintiffs have sought to move expeditiously to ensure a remedy as soon as practicable. *See, e.g.*, ECF No. 30 at 4 (opposing lengthy extension "[i]n light of the timeliness concerns"); ECF No. 39 at 2 (requesting the Court to allow discovery to proceed in order to avoid delay from a stay); ECF No. 74 (moving for an expedited trial).

In April, this Court granted Plaintiffs' motion to expedite trial in the matter. ECF No. 90. In their motion, Plaintiffs explained the pernicious, irreparable, and ongoing nature of the harm that they—and thousands of other DeSoto County residents—face. *See* ECF No. 75 at 3–5. They explained the imperative of a resolution to ensure relief in time for the November 2026 elections. *See id.* at 5–7. Defendants strenuously opposed this request, *see* ECF Nos. 82–83, but the Court granted Plaintiffs' request.

Since then, the Parties have engaged in extensive discovery. On August 25, counsel for Defendants wrote to the Court to request a discovery extension and a delay of the expedited trial date ordered by the Court, among other things. *See* ECF No. 207-1 at 3–5. Plaintiffs' counsel responded, explaining that counsel for Defendants had not meaningfully discussed those issues with Plaintiffs' counsel, and expressing confidence that the Parties could negotiate a resolution in good faith. *Id.* at 1–3. At the Court's direction, *see id.* at 1, the Parties resolved all issues, *see* ECF 207-2 at 1. They negotiated the remaining schedule for depositions, a schedule for supplementing discovery responses, and a modest ten-day extension of the discovery cut-off that would accommodate everyone's needs *without* moving the Court's trial date.

More than a week later, Defendants moved to stay the case altogether. *See* ECF No. 200. They did so by invoking a briefing order from the Supreme Court in *Callais* that was issued on August 1, 2025—more than a month before Defendants sought to stay the case, and several weeks prior to the Parties' negotiations over discovery deadlines. The Parties have just completed the discovery period that they just negotiated at the Court's direction. Based on the Court's previous order, trial remains set for January 26, 2026, which will allow for effective relief in this case. *See* ECF No. 90.

LEGAL STANDARD

A district court has "broad discretion to stay proceedings as an incident to its power to control its own docket." *Clinton v. Jones*, 520 U.S. 681, 706 (1997). But this control is not "unbounded." *Wedgeworth v. Fibreboard Corp.*, 706 F.2d 541, 545 (5th Cir. 1983). "[I]f there is even a fair possibility that the stay . . . will work damage to [someone] else," the party seeking a stay "must make out a clear case of hardship or inequity in being required to go forward." *In re Davis*, 730 F.2d 176, 178 (5th Cir. 1984) (quoting *Landis v. North American Co.*, 299 U.S. 248, 254–55 (1936)); *see also McComb Children's Clinic, Ltd. v. Becerra*, No. 5:24-cv-48-LG-ASH, 2024 WL 4810387, at *1 (S.D. Miss. Sep. 18, 2024) (same). "Only in rare circumstances will a litigant in one case be compelled to stand aside while a litigant in another settles the rule of law that will define the rights of both." *In re Davis*, 730 F.2d at 178 (quoting *Landis*, 299 U.S. at 255). Where, as here, the imposition of a stay in one suit until the decision of another would be "oppressive in its consequences," the Court must deny it. *Landis*, 299 U.S. at 256.

ARGUMENT

A stay in this case will "work damage" to Plaintiffs and thousands of other Black residents of DeSoto County. *In re Davis*, 730 F.2d at 178 (citation omitted). It risks prolonging the

irreparable harm they are currently suffering from vote dilution. That danger presents a critical distinction from cases on which Defendants' motion relies. The equities here call for the Court to deny the stay.

I. Granting Defendants' Motion Would Prolong Plaintiffs' Ongoing, Irreparable Harm.

Plaintiffs currently suffer "ongoing and irreparable harm" by residing in racially dilutive districts. *Robinson v. Ardoin*, 86 F.4th 574, 600 (5th Cir. 2023). It is imperative and appropriate to remedy that harm as soon as practicable. *See, e.g.*, *Singleton v. Allen*, 690 F. Supp. 3d 1226, 1319 (N.D. Ala. 2023) (denying a stay to prevent the plaintiffs from suffering "irreparable injury until 2026, which is more than halfway through this census cycle"), *stay denied sub. nom Allen v. Milligan*, 144 S. Ct. 476 (2023). This Court appeared to acknowledge as much when it granted Plaintiffs' motion to expedite trial over Defendants' strenuous opposition. ECF No. 90; *see also* ECF No. 75 (Plaintiffs' briefing explaining urgency of relief).

Defendants' astonishing argument that a stay would cause minimal harm, ECF No. 200 at 5, flies squarely in the face of unambiguous precedent: "Once an 'election occurs, there can be no do-over and no redress' for voters whose votes were diluted." *Robinson*, 86 F.4th at 600 (citation omitted). Here, any significant delay in these proceedings would threaten the possibility of a remedy in time for the 2026 election, resulting in another election in which DeSoto County's Black residents are functionally shut out of their county's government. That irreparable harm counsels strongly against a stay.

Tellingly, Defendants relegate to a footnote, *see* ECF No. 200 at 6, n.4, the fact that the Fifth Circuit in *Nairne v. Landry* rejected Defendants' very argument here—that *Callais* justifies a stay of proceedings to determine liability under Section 2. Order Denying Stay, No. 24-30115 (5th Cir. Aug. 25, 2025), Dkt. No. 328. In *Nairne,* the Fifth Circuit affirmed a Section 2 liability

finding as to Louisiana's state legislative districts on August 14, about two weeks *after* the Supreme Court issued its *Callais* briefing order. No. 24-30115, 2025 WL 2355524, at *1. The *Nairne* court subsequently *denied* Louisiana's motion to stay its mandate pending *Callais*. *Nairne* arises from Louisiana, the very state at issue in *Callais*. To the extent that *Callais* may turn on Section 2 as applied to Louisiana, it will affect the *Nairne* case more than this one. Nevertheless, the Fifth Circuit determined a stay was inappropriate.

The Fifth Circuit's merits decision in *Nairne* is instructive. It held there was "no legal basis" for the State's argument that "Congress's enforcement power under the Fifteenth Amendment has somehow lapsed." No. 24-30115, 2025 WL 2355524, at *23. The court also observed that the "State [had] offer[ed] no evidence that conditions . . . have changed . . . since *Milligan* was decided." *Id.* In short, in an opinion issued *after* the Supreme Court's *Callais* briefing order, the Fifth Circuit did not hesitate to apply the law *as it stands*, rather than speculate whether and how it *might* change. *See Mallory*, 600 U.S. at 136.

Similarly, another recent Section 2 case from this district, *White v. State Board of Election Commissioners*, counsels against a stay in this case. In that case, rather than delay its ruling, the District Court issued a post-trial liability decision in mid-August—weeks *after* the Supreme Court's *Callais* briefing order. No. 4:22-cv-62-SA-JMV, 2025 WL 2406437 (N.D. Miss. Aug. 19, 2025). The *White* court held that plaintiffs had "proven their Section 2 claim" and enjoined the State from using the challenged districting plan. *Id.* at *54. Defendants, in their Notice of Supplemental Authority, ECF No. 268, note that the Fifth Circuit has held appellate proceedings in *White* in abeyance, but they fail to disclose that district court proceedings continue apace. Judge Aycock ordered briefing on the remedial process and has not stayed her injunction. *See* Order

Directing Briefing, No. 22-cv-62-SA-JMV (N.D. Miss. Sep. 10, 2025), Dkt. No. 268.[2] Nor does Defendants' Notice of Supplemental Authority inform the Court that, in *White*, plaintiffs-appellees took *no position* on holding appellate proceedings in abeyance. *See* Mot. of Defendants-Appellants to Place Appeal in Abeyance at 1, No. 25-60506 (5th Cir. Sep. 23, 2025), Dkt. No. 11 (noting plaintiffs-appellees took "no position on the motion")[3]; *id.* at 10–11 (noting "abeyance will not block the district court from considering whether and when to move forward with remedial proceedings in this case" and "will cause plaintiffs-appellees no harm" because of election calendar). Similarly, Defendants' Notice of Supplemental Authority neglects to mention that the motion to stay appellate proceedings in *Elizondo v. Spring Branch Independent School District* was *unopposed*. Order at 2, No. 25-20365 (5th Cir. Sep. 30, 2025), Dkt. No. 39-2 (granting "Appellants' *unopposed* motion to stay" (emphasis added)).[4] In other words: *Nairne* remains the only case in which the Fifth Circuit faced an *opposed* motion to stay a Section 2 case pending *Callais*; it denied that motion.

Most glaringly, Defendants' Notice fails to inform the Court of the recent decision in *Alabama State Conference of the NAACP v. Allen*, denying a motion to stay remedial proceedings pending *Callais*. No. 21-cv-1531-AMM, 2025 WL 2835140, at *3 (N.D. Ala. Oct. 1, 2025). That case presents similar issues to this one, because there are upcoming elections for the seats at issue. *Id*. at *2. There, like here (and unlike in other cases on which Defendants rely, *see infra*), granting the stay would deny voters relief in the next elections, which would "seriously injure the plaintiffs."

[2] Indeed, just last week, *after* the Fifth Circuit held the appeal in abeyance, the parties filed briefs in the district court addressing remedial proceedings. *See* Plaintiffs' Brief Regarding Remedial Issues, No. 22-cv-62-SA-JMV (N.D. Miss. Oct. 10, 2025), Dkt. No. 272; Defendants' Memorandum Response to Order Directing Briefing Regarding Remedial Issues, No. 22-cv-62-SA-JMV (N.D. Miss. Oct. 10, 2025), Dkt. No. 273.

[3] Included as Exhibit B for the Court's convenience.

[4] Included as Exhibit C for the Court's convenience.

Id. As the *Alabama NAACP* decision explained: "If the Supreme Court changes the law, the [defendant] may renew his stay application. Unless and until such a change occurs, the plaintiffs are entitled to relief from the [] unlawful electoral plan." *Id*. Further, the court rejected a substantially similar argument that Defendants here make based on predicting the outcome in *Callais*, concluding "the Court cannot forestall or deny relief that is due based on such predictions." *Id*. Critically, the *Alabama NAACP* court observed that "no other court has granted a stay where it would deny a Section Two prevailing party a remedy for the next set of scheduled elections." *Id*. While, of course, Plaintiffs here have not yet prevailed at trial, staying the case now would severely undermine their ability to have their harms remedied. Just as the Fifth Circuit and others district court judges (including Judge Aycock) have done, this Court should proceed apace in adjudicating Plaintiffs' claim.

The cases Defendants cite in their principal motion are just as inapposite as the ones they cite as supplemental authority. Instead of grappling with the Fifth Circuit's decision in *Nairne,* Defendants cite the trial court's decision staying *remedial* proceedings in *Nairne*. *See* ECF No. 200 at 6. Their reliance is misplaced. Louisiana does not have legislative elections scheduled under its current map until October 2027. See Tr. at 6, *Nairne v. Landry*, No. 3:22-cv-178 (M.D. La. Aug. 28, 2025), Dkt. No. 348[5]; *see also* Minute Entry Granting Joint Mot. to Stay, *Nairne v. Landry*, No. 3:22-cv-178 (M.D. La. Aug. 6, 2025), Dkt. No. 345 (referring to transcript as basis for order). As the trial court recognized in granting the stay of remedial proceedings, that timeframe for the next elections will allow for development of a remedy following a decision in *Callais*. In this case, by contrast, a stay will likely force Black voters to cast their 2026 ballots again under a

[5] Included as Exhibit D for the Court's convenience.

discriminatory and illegal map. The equitable considerations here thus vary greatly from those applicable to the trial court remedial proceedings in *Nairne*.

Defendants also rely on *LULAC v. Abbott*. *See* ECF No. 200 at 6. But the *LULAC* court stayed only *post-trial* briefing—it did *not* indefinitely stay the case, which is what Defendants seek here. *See* Order Suspending Deadline, No. 3:21-cv-259 (W.D. Tex. Aug. 11, 2025), Dkt. No. 1126. The *LULAC* court cited *Callais* as only one of three reasons for this pause. That court emphasized that Texas might enact new districting legislation in its special session (a prediction that proved true). The court subsequently vacated its stay order and scheduled expedited proceedings on a challenge to Texas's new map. *See* Order Granting in Part and Denying in Part Mot. to Schedule Prelim. Inj. Hr'g & Vacate Order Suspending Deadline, No. 3:21-cv-259 (W.D. Tex. Aug. 28, 2025), Dkt. No. 1146. DeSoto County has announced no plans to enact mid-decade redistricting legislation. If anything, *LULAC* supports *Plaintiffs* here in demonstrating that courts are not pausing time-sensitive Section 2 litigation. *See* Order Scheduling Prelim. Inj. Hr'g, No. 3:21-cv-259 (W.D. Tex. Sep. 8, 2025), Dkt. No. 1161 (setting deadlines for proceedings in Section 2 challenge to newly enacted districting plan); *see also* Suppl. Compl. of Plaintiffs-Intervenors Jasmine Crockett and Alexander Green, *LULAC v. Abbott*, No. 3:21-cv-259 (W.D. Tex. Aug. 8, 2025), Dkt. No. 1154 (raising Section 2 claim).

Defendants' reliance on *Clark v. Landry* is similarly unavailing. *See* ECF No. 200 at 6. *Clark* was filed almost forty years ago and terminated in 1991. The order Defendants cite, *see* Order, *Clark v. Landry*, No. 3:86-cv-435 (M.D. La. July 17, 2025), Dkt. No. 752, was issued before the court had ruled on plaintiffs' motion to reopen, Mot. to Reopen, No. 3:86-cv-435 (M.D. La. Oct. 7, 2024), Dkt. No. 695. A decades-old, still-terminated case should not prevent Black voters

in DeSoto County from vindicating their rights and casting their ballots in fairly drawn districts in the 2026 election.

II. Defendants' Assertions of Harm Misread Supreme Court Precedent and are Speculative.

A rehearing order in *Callais* does not prevent this court from applying existing Supreme Court precedent. The Supreme Court has repeatedly instructed lower courts to follow established precedent rather than attempt to predict future outcomes. *See, e.g.*, *Agostini v. Felton*, 521 U.S. 203, 237 (1997). The Supreme Court has been clear that lower courts must "follow the case which directly controls." *Mallory*, 600 U.S. at 136.

Here, that case is *Allen v. Milligan.* 599 U.S. 1 (2023). Less than three years ago, the Supreme Court reaffirmed the viability of Section 2 claims in *Milligan. Id*. The Court applied the traditional *Gingles* framework for analyzing Section 2 claims. *See id.* at 19. The Section 2 claim in this case directly tracks the *Milligan* claim. The Supreme Court's *Callais* rehearing order did not countermand the Fifth Circuit in *Nairne,* or Judge Aycock in *White,* from applying the law as it stands—based on decades of uninterrupted and recently-reaffirmed precedent. It should not prevent this Court from doing so either.

Defendant's sole basis for a stay rests on a highly speculative sequence of events wherein the Supreme Court overturns established precedent in a manner that destabilizes its own jurisprudence. As recently as 2023, the Supreme Court held that the consideration of race in evaluating Section 2 districting was proper: "Section 2 itself demands consideration of race." *Milligan*, 599 U.S. at 30 (internal quotation marks omitted). Defendant insists that "[t]he central issue in *Callais* concerns the constitutionality of the creation of a majority-minority district and . . . the constitutionality of Section 2." ECF No. 200 at 5. This argument does not warrant a stay. *See Agostini*, 521 U.S. at 237; *Mallory*, 600 U.S. at 136.

In addition, what Defendant fails to acknowledge is that the supplemental question in *Callais* is whether *Louisiana's* "*intentional* creation of a second . . . district is unconstitutional." *Louisiana v. Callais*, No. 24-109, 2025 WL 2180226, at *1 (S. Ct., Aug. 1, 2025) (emphasis added). The portion of the *Callais* Appellees' brief cited by the Supreme Court, "pages 36-38 of the Brief for Appellees," concerns specific arguments about Louisiana and the remedy there. *Id.* at *1. The supplemental question raised is whether "Section 2 imposes burdens on constitutional redistricting laws that cannot be justified by Black Louisianans' needs," and whether Section 2 had been "abused" in a way violating "the twin commands of the Equal Protection Clause . . . ." Appellees' Br., *Callais*, No. 24-109, 2025 WL 455177, at *37–38. This supplemental question is a narrow, as-applied challenge to the redistricting plan at issue in Louisiana. And, as noted above, even in the face of that state-specific question, the Fifth Circuit did not hesitate to issue its liability decision in *Nairne* and deny a motion to stay.

Defendant posits a hypothetical future where the Supreme Court "decides that Section 2 is unconstitutional." ECF No. 200 at 5. But the Supreme Court has *already* rejected a recent attempt "to remake our § 2 jurisprudence anew." *Milligan*, 599 U.S. at 23. The Court in *Milligan* also rejected a constitutional challenge to Section 2 and was "not persuaded by . . . arguments that § 2 as interpreted in *Gingles* exceeds the remedial authority of Congress." *Id.* at 41. The question now before the Supreme Court is not whether a State may remedy a Section 2 violation by making decisions with awareness of racial implications, but whether a state may do so using race as the predominant factor. Even an adverse finding in *Callais* leaves DeSoto County with room to comply with Section 2 with awareness of racial implications—this case will not "effectively be over." ECF No. 200 at 5. Remedying a Section 2 violation does not necessarily require the intentional creation of a majority-minority district. Rather, in certain circumstances, Section 2 can "be satisfied by

crossover districts." *Cooper v. Harris*, 581 U.S. 285, 305 (2017); *see also Robinson v. Ardoin*, 37 F.4th 208, 227 (5th Cir. 2022) (per curiam) ("If a minority group can . . . elect its preferred candidates, it does not matter whether that ability accrues in a majority-minority or a performing crossover district."). To that end, federal courts regularly employ race-neutral methods to design Section 2 remedies that do not involve majority-minority districts or other strict racial targets. *See, e.g., Singleton v. Allen*, No. 2:21-cv-1291, 2023 WL 6567895, at *16–17 (N.D. Ala. Oct. 5, 2023) (three-judge court) (adopting a crossover remedial district, which was drawn by a special master without referencing race and was based on communities of interest, socioeconomic data, and core retention); *Baltimore Cnty. Branch of NAACP v. Baltimore Cnty.*, No. 1:21-cv-3232, 2022 WL 888419, at *5 (D. Md. Mar. 25, 2022) (adopting a 40% Black remedial district); *cf. Lawyer v. Dept. of Just.*, 521 U.S. 567, 581 (1997) (upholding a remedial VRA district that was "not a majority black district" and was drawn using nonracial communities of interest); *United States v. Vill. of Port Chester*, 704 F. Supp. 2d 411, 453 (S.D.N.Y. 2010) (adopting a cumulative voting system). The Supreme Court has never questioned the construction of remedial districts that do not rely on racial targets or the assignment of individual voters based on their race. *See, e.g., Alexander v. S.C. State Conf. of NAACP*, 602 U.S. 1, 22 (2024) (rejecting racial gerrymandering challenge to a district drawn without reference to race where racial data was viewed only later for the "lawful purpose" of confirming Section 2 compliance).

III. A Stay Would Only Serve to Further Defendants' Pattern of Delay.

Defendants' motion should be denied on its merits. But it bears emphasizing that the motion is simply the latest effort by Defendants to delay a trial date they are unhappy with. Defendants resisted the discovery schedule the Court ordered. *See* ECF No. 82-2 (emails from defense counsel to Court). Defendants opposed the trial date this Court ordered. ECF No. 83. More recently, they sought to extend the discovery period without meaningfully conferring with

Plaintiffs' counsel. *See* ECF Nos. 207-1, 207-2 (emails with Court). That latest effort occurred well after the Supreme Court issued its *Callais* briefing order.

Now, with those efforts having failed, Defendants have moved the Court to stay the case or otherwise delay trial. They insist that the Supreme Court's briefing order demands a pause, but they waited over a month after that order to file their motion. The Supreme Court issued its briefing order in *Callais* on August 1 and indicated its intent to rehear the case on June 26. Defendants waited until September 3 to move for a stay, mere weeks before the end of discovery. At no point in their briefing do they acknowledge that this Court has already ordered an expedited trial in the matter. *See* ECF No. 90.

Defendants claim that, without a stay, they would "be forced to expend significant taxpayer funds, considerable time, and other resources litigating the remainder of this case." ECF No. 200 at 8. But their delay in filing this motion means that discovery has ended and summary judgment briefs will be due before the instant motion is ripe. Defendants waited until August 26, 2025—one month before the original discovery cutoff—to notice their very first deposition in this case, *see* ECF No. 168. They subsequently noticed an additional twenty depositions, *see* ECF Nos. 169–75, 185–86, 189–90, 194–95, 209–10, 212–13, 215, 218, 220, 239, 246, 251. In other words, by waiting more than a month to move for a stay (and again, only after their other delay efforts failed), they all but ensured that the parties would bear the costs of discovery and pre-trial briefing before the stay motion could be decided. This behavior does not reflect a serious concern about costs. It is another delay tactic because Defendants are unhappy with the Court's past scheduling decisions and the prospect of a decision on the merits.

CONCLUSION

The Supreme Court has been clear: lower courts should follow settled precedent and not attempt to predict future Supreme Court decisions. The Fifth Circuit and the district courts in *White*

and *Alabama State Conference of the NAACP* have applied this guidance faithfully, deciding Section 2 cases in the time since the Supreme Court issued its *Callais* briefing order. This Court should do the same and decline Defendants' latest attempt to delay a ruling on Plaintiffs' Section 2 claim and prolong the irreparable harm the Black voters of DeSoto County face. It should deny Defendants' motion.

Dated: October 13, 2025.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Daniel J. Hessel, do certify that on this day I filed the foregoing with the ECF System which sent notification to all counsel of record.

This the 13th day of October, 2025.

/s/ Daniel J. Hessel

Daniel J. Hessel