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VIA CM/ECF

The Honorable Nwamaka Anowi
U.S. Court of Appeals for the Fourth Circuit
1100 East Main Street, Suite 501
Richmond, Virginia 23219

Re: No. 25-1018(L), *Griffin v. N.C. State Bd. of Elections*
Response to citation of supplemental authority under Rule 28(j)

Dear Ms. Anowi:

The Board submits this response to Petitioner's Rule 28(j) letter regarding the North Carolina Supreme Court's order yesterday evening.

The Board respectfully requests that this Court move forward with the oral argument scheduled for this appeal on Monday, January 27. Petitioner sought a temporary stay and a writ of prohibition in the state supreme court. JA 19-104. The state supreme court's order dismissed Petitioner's request for a writ of prohibition, because Petitioner failed to follow the proper state-court procedure for seeking judicial review of the Board's decision. Order at 2-3. However, the order also maintained the state supreme court's jurisdiction over this case by continuing to enforce the temporary stay of certification that the court originally entered on January 7, 2025, following remand from the district court. Order at 3; JA 334-335. The order thus does not affect this Court's jurisdiction to review the district court's remand order, and the parties continue to have a concrete stake in the outcome of this appeal. The issues here are also substantially identical to the issues raised in another appeal pending before this Court, *Griffin v. N.C. State Board of Elections*, No. 25-1020.

Respectfully submitted,

/s/ Nicholas S. Brod

cc: All counsel of record via CM/ECF

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