

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

STATE OF MISSOURI, *et al.*,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
COMMERCE, *et al.*,

Defendants.

Case No. 4:26-cv-131-JAR

**DEFENDANTS' OPPOSITION TO A THREE-JUDGE PANEL
UNDER 28 U.S.C. § 2284**

Plaintiffs are not entitled to a three-judge panel under 28 U.S.C. § 2284 because they do not challenge “the constitutionality of the apportionment of congressional districts or the apportionment of any statewide legislative body.” 28 U.S.C. § 2284(a). Rather, like the plaintiffs in *Alabama v. Department of Commerce*, 493 F. Supp. 3d 1123 (N.D. Ala. 2020), the gravamen of Plaintiffs’ Complaint challenges the residence criteria that the U.S. Census Bureau used in the 2020 Census, and the same residence criteria that they assume the Bureau will also use for the 2030 Census (although the Bureau has not yet made a decision about 2030). *See, e.g.*, Compl., ECF No. 1 ¶¶ 57, 65, 71. Accordingly, for the reasons explained by Judge Proctor in *Alabama*, neither does this case qualify for a three-judge panel. *See* 493 F. Supp. at 1127-29.

Dated: May 13, 2026

Respectfully submitted,

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