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16 UNITED STATES DISTRICT COURT
17 FOR THE CENTRAL DISTRICT OF CALIFORNIA

18 UNITED STATES OF AMERICA,
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20 Plaintiff,
21 v.
22 STATE OF CALIFORNIA, *et al.*,
23 Defendants.
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Case No. 2:26-cv-12025

**UNITED STATES' *EX PARTE*
APPLICATION FOR TEMPORARY
RESTRAINING ORDER AND
ORDER TO SHOW CAUSE WHY A
PRELIMINARY INJUNCTION
SHOULD NOT ISSUE**

1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that pursuant to Fed. R. Civ. P. 65 and Local Rule 7-
3 19, the United States of America, Plaintiff in the above-captioned matter, hereby applies
4 *ex parte* to this Court for a temporary restraining order (“TRO”) and for issuance of an
5 order to show cause why a preliminary injunction should not issue. This *ex parte*
6 application is based upon this Application, the accompanying Memorandum of Points
7 and Authorities, the concurrently filed Declarations of Eric McLoughlin, Nicolas Bartell,
8 and Julie A. Hamill, all papers on file in this action, and any oral argument of counsel
9 the Court may hear.

10 The United States brings this application on an *ex parte* basis because, as
11 described in the memorandum filed herewith, of the imminent risk that ballots cast by
12 ineligible noncitizens will be tabulated before their eligibility is independently verified.
13 Once illegally cast ballots are counted and commingled with lawful votes, the resulting
14 harm may be impossible to remedy. The urgency is heightened because of the
15 fundamental right to vote and to have one’s lawful vote counted without dilution.
16 California is allowed to begin counting votes “29 days before the election,” Cal. Elec.
17 Code § 15101 (West), which means vote-by-mail ballots are likely being counted today.

18 The United States respectfully submits that *ex parte* relief is appropriate given that
19 the facts set forth in the attached memorandum and its supporting papers evidence that
20 immediate and irreparable injury will result to the citizens before opposition can be
21 heard. Attorneys for Defendants informed counsel for the United States that Defendants
22 oppose the requested relief. *See* Declaration of Julie A. Hamill (“Hamill Decl.”), ¶¶ 7-9.

23 **Statement of Compliance With Local Rule 7-19.1 and Rule 65**

24 Pursuant to Civil Local Rule 7-19.1 and Fed. R. Civ. P. 65, counsel for the United
25 States notified Defendants of this Application. *See* Hamill Decl., ¶¶ 5-8. On October 18,
26 2026, at 6:42 p.m. Pacific Time, I sent an email to all counsel for Defendants who had
27 entered an appearance in this case to advise them of the date and substance of the
28 proposed *ex parte* application. Hamill Decl., ¶ 6. Their names and addresses are as

1 follows:

2 **State of California and Shirley Weber, in her official capacity as California**
3 **Secretary of State**

4 Anne P Bellows
5 California Attorney General's Office
6 California Department of Justice
7 455 Golden Gate Avenue, Suite 11000
8 San Francisco, CA 94102
9 415-510-3847
10 anne.bellows@doj.ca.gov

11 Michael Surren Cohen
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14 PO Box 944255
15 Sacramento, CA 94244
16 916-210-6090
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20 Office of the Attorney General
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25 Andrew Edward Kushner
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**Dean C. Logan, in his official capacity as the County of Los Angeles
Registrar-Recorder/County Clerk**

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Hamill Decl., ¶5.

On October 18, 2026, at 6:46 p.m. Pacific Time, I spoke via telephone with Anne P. Bellows, counsel for defendants State of California and Shirley Weber, in her official capacity as California Secretary of State at the number listed on the docket, 415-510-3847. Hamill Decl., ¶¶ 5, 7. I informed her that the United States would be moving *ex parte* for a TRO on October 19, 2026, and explained the substance of the application. Ms. Bellows expressed that her client would oppose the TRO. *Id.*, ¶ 7. At the time we spoke, Ms. Bellows was unsure whether she would be able to obtain her client's position on the United States' application for leave to file an expanded brief in excess of the word limit prior to the United States' filing. *Id.*

On October 18, 2026, at 7:05 p.m. Pacific Time, I spoke via telephone with Alex Scandroli, counsel for defendant Dean C. Logan, in his official capacity as the County of

1 Los Angeles Registrar-Recorder/County Clerk, at the number listed on the docket, 213-
2 892-9200. *Id.*, ¶¶ 5, 8. I informed him that the United States would be moving *ex parte*
3 for a TRO on October 19, 2026, and explained the substance of the application. *Id.*, ¶ 8.
4 Mr. Scandroli expressed that his client would oppose the TRO. *Id.*, ¶ 8. At the time we
5 spoke, Mr. Scandroli expressed his client would likely not oppose an expanded word
6 limit so long as it was reciprocal, but did not have a final position from his client. *Id.*

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8 DATED: October 19, 2026

Respectfully submitted,

9 /s/ ANDREW M. DARLINGTON
10 ANDREW M. DARLINGTON

Counsel to the Assistant Attorney General

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17 **CERTIFICATE OF COMPLIANCE**

18 The undersigned counsel of record for the United States certifies that this brief
19 contains 814 words, which complies with the word limit of L.R. 11-6.1.
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1 DATED: October 19, 2026

Respectfully submitted,

2 /s/ ANDREW M. DARLINGTON
3 ANDREW M. DARLINGTON
4 Counsel
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