Nos. 24-109, 24-110

IN THE

Supreme Court of the United States

STATE OF LOUISIANA,

Appellant,

v.

PHILLIP CALLAIS, et al.,

Appellees.

PRESS ROBINSON, et al.,

Appellants,

v.

PHILLIP CALLAIS, et al.,

Appellees.

On Appeal from the United States District Court for the Western District of Louisiana

GALMON MOVANTS' REPLY IN SUPPORT OF MOTION TO INTERVENE

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The responses filed by *Callais* Plaintiffs and the State of Louisiana to *Galmon* Movants' motion to intervene press the same three arguments, each of which is wrong.

First, *Galmon* Movants' request for intervention is procedurally proper. Plaintiffs and the State argue that granting intervention in this appeal would be inconsistent with this Court's determination that it lacks jurisdiction to hear a direct appeal of the district court's denial of intervention. *See Callais* Pls.' Resp. to Mot. for Leave to Intervene at 10–11 ("Pls.' Resp."); State's Opp'n to Mot. to Intervene at 1 ("State's Opp'n"). Quite the opposite. The Court's dismissal of *Galmon* Movants' direct appeal on jurisdictional grounds reveals *nothing* about the merits of *Galmon* Movants' arguments. *See, e.g.*, *Sinochem Int'l Co. v. Malaysia Int'l Shipping Corp.*, 549 U.S. 422, 430–31 (2007) (recognizing "a federal court generally may not rule on the merits of a case without first determining that it has jurisdiction"). Instead, the Court's determination that it lacks jurisdiction over the direct appeal merely confirms that a motion to intervene is the proper—and only—vehicle for *Galmon* Movants to obtain party status at this critical juncture. Nor is *Galmon* Movants' intervention in these *Supreme Court proceedings* foreclosed by the fact that their appeal of the denial of intervention in *lower court proceedings* remains pending in the Fifth Circuit. Again, the fact that *Galmon* Movants have exhausted every procedural avenue to correct the district court's erroneous ruling—all without receiving any review on the merits of their entitlement to intervention—renders this the unusual case warranting intervention in this Court.

Second, *Galmon* Movants satisfy the traditional criteria for intervention of right. Plaintiffs argue that *Galmon* Movants lack a legally protectable interest, but they misrepresent the procedural history of the Middle District of Louisiana litigation and the voting rights victory that *Galmon* Movants seek to vindicate. The district court found that both the *Galmon* and *Robinson* litigants in the Middle District of Louisiana litigation had a significant protectable interest in this dispute, Robinson App.16a–20a, and Plaintiffs' suggestion that S.B. 8 is wholly divorced from that litigation is belied by their own statements before this Court, *see, e.g.*, *Callais* Pls.' Mot. to Dismiss or Affirm at 6 (noting that Governor Landry called the special legislative redistricting session "[c]laiming concern that the State would ultimately lose at trial" before the Middle District); *id.* at 8–9 (arguing that Attorney General Murrill urged passage of a new map "to avoid trial before the single-judge district court"). The State—without engaging with any of the distinct interests identified in *Galmon* Movants' motion, Mot. to Intervene at 10–12—argues that intervention is inappropriate because *Galmon* Movants share interests with *Robinson* Intervenors. *See* State's Opp'n. at 1. But that, too, is contradicted by *Callais* Plaintiffs' defense of the injunction, which is premised on *Robinson* Intervenors' tactics and arguments at trial. *See* Pls.' Resp. at 6, 8. While *Robinson* Intervenors have an interest in defending their litigation approach, *Galmon* Movants plainly do not.

Finally, intervention would not be inequitable. Plaintiffs complain about prejudice to everyone but themselves—the only party they can speak for. *See* Pls.' Resp. at 16. The State, in turn, complains that there are already two appellants (due

to consolidation of two appeals) and speculates that "the United States may choose to participate in the merits briefing and at argument." State's Opp'n at 2. But if intervention is granted, the number of advocates in this consolidated case would track recent redistricting cases that have come before this Court in a similar posture. *See, e.g.*, *Virginia House of Delegates v. Bethune-Hill*, 587 U.S. 658, 660 (2019) (four advocates in single redistricting appeal); *Alabama Legislative Black Caucus v. Alabama*, 575 U.S. 254, 257 (2015) (four advocates in consolidated redistricting appeals).

Galmon Movants respectfully request that the Court grant their motion to intervene.

Respectfully submitted,

/s/ *Abha Khanna*

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