

No. 25-243

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**IN THE SUPREME COURT OF THE UNITED STATES**

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WES ALLEN, ALABAMA SECRETARY OF STATE, *et al.*,

*Petitioners,*

v.

MARCUS CASTER, *et al.*,

*Respondents.*

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**CASTER RESPONDENTS' OPPOSITION TO MOTION  
TO EXPEDITE CONSIDERATION OF JURISDICTIONAL  
STATEMENT AND THIS MOTION**

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Four years ago, this Court held *in early February* that Alabama’s 2022 elections were already too far underway for Alabama’s congressional maps to be changed based on pending federal court litigation, so the Court stayed a lower court order and allowed the State to conduct elections and elect members of Congress using districts that this Court would later hold in fact violated the Voting Rights Act. *Merrill v. Milligan*, 142 S. Ct. 879 (Feb. 7, 2022); *see Allen v. Milligan*, 599 U.S. 1 (2023). At the time, Alabama’s May 24 primary election day was more than fifteen weeks away. But as Alabama then argued, changing the map when “the primary elections begin (via absentee voting) just seven weeks from” the district court’s order was “a prescription for chaos for candidates, campaign organizations, independent groups, political parties, and voters, among others.” *Merrill*, 142 S. Ct. at 880 (Kavanaugh, J., concurring); *see also Abbott v. LULAC*, 146 S. Ct. 418, 419 (2025) (criticizing district court for “improperly insert[ing] itself into an active primary campaign” by enjoining congressional districts in November before a March 3 primary, before the candidate filing period had closed).

Alabama’s election calendar has not changed since 2022, and the 2026 primary election day is less than three weeks away, on May 19. The candidate filing period closed months ago, the candidates have been certified, the ballots have been printed, and *voting has begun*: UOCAVA ballots were mailed in early April and regular absentee voting began five days ago.<sup>1</sup> If even “heroic efforts” by Alabama’s election

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<sup>1</sup> *See* Alabama Sec’y of State, *Administrative Calendar – 2026 Statewide Election* (Dec. 29, 2025), <https://www.sos.alabama.gov/sites/default/files/election->

officials “likely would not [have been] enough to avoid chaos and confusion” if Alabama’s congressional districts were changed in early February in 2022, *Merrill*, 142 S. Ct. at 880, the problem is much worse now.

The decision in *Callais* does nothing to justify Petitioners’ demand that this Court adopt extraordinary procedures to expedite consideration and thereby enable a mid-election change of districts here, months closer to election day than the one the Court blocked in 2022. *Callais* does nothing to abate the “chaos and confusion” of a mid-election change to the relevant districts. And the issues in this case are not identical to the issues in *Callais*, so the result here, as in 2022, is not preordained. Among much else, unlike in *Callais*, the remedial districts at issue here were drawn *race-blind* by a court-appointed special master “without any particular difficulty.” Pet. App. 514, 531–32. And they were adopted to remedy a Section 2 violation nearly identical to the one that this Court affirmed on the merits in *Allen*, 599 U.S. 1; see Pet. App. 3–4. Indeed, *Callais* expressly did not overrule *Allen*. See *Louisiana v. Callais*, No. 24-109, slip op. at 31 (U.S. Apr. 29, 2026).

“Particularly” when addressing “a politically charged issue in” election season, “the Court should turn the national temperature down, not up.” *Trump v. Anderson*, 601 U.S. 100, 118 (2024) (Barrett, J., concurring). The Court should not expedite its procedures to write a “prescription for chaos” in Alabama’s already-underway primary election. *Milligan*, 142 S. Ct. at 880 (Kavanaugh, J., concurring). It should

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2026/AdminCalendar%20-2026.pdf; Alabama Sec’y of State, *2026 Voter Guide* at 13 (last accessed Apr. 30, 2026), <https://www.sos.alabama.gov/sites/default/files/election-2026/2026-VoterGuide.pdf>.

consider the Petition on the ordinary schedule and in the ordinary manner, and—for the reasons given in the Caster Respondents’ Brief in Opposition—it should deny it. If additional briefing on the significance of *Callais* to this case would aid the Court, the parties should be given a reasonable opportunity to submit such briefs. And if, after that ordinary process, the Court ultimately remands, it should do so while maintaining the present injunction and making clear that the 2026 election is too far underway for the districts to be changed for this election.

### **CONCLUSION**

The Court should deny Petitioners’ motion to expedite and consider the Petition on the ordinary schedule and in the ordinary manner.

Respectfully submitted,

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