

No. 25-901

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**In the Supreme Court of the United States**

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BENANCIA GARCIA III,

*Petitioner,*

*v.*

STEVEN HOBBS, IN HIS OFFICIAL CAPACITY AS  
SECRETARY OF STATE OF WASHINGTON, ET AL.,

*Respondents.*

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On Petition for Writ of Certiorari to the  
United States Court of Appeals for the Ninth Circuit

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**BRIEF OF RESPONDENT STATE OF WASHINGTON**

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## QUESTION PRESENTED

After a bipartisan commission adopted Washington's 2020 redistricting plan, voters filed a Voting Rights Act case (*Soto Palmer*) challenging Legislative District 15 under Section 2. They alleged that LD 15 denied Hispanic voters an equal opportunity to elect candidates of their choice. Months later, Petitioner Benancio Garcia III filed a separate case (*Garcia*), claiming that the commission racially gerrymandered the same district.

The *Soto Palmer* district court held that LD 15 violated Section 2 and drew a new district. The three-judge panel in *Garcia* then dismissed Petitioner's claim as moot, concluding that his challenge to an invalidated district no longer presented a live controversy. The Ninth Circuit subsequently affirmed *Soto Palmer* and also held that *Garcia* was moot because Petitioner did not experience a continuing injury from the commission based on a remedial district crafted by the district court.

In *Soto Palmer*, the State asks that this Court grant, vacate, and remand to the Ninth Circuit to apply this Court's analysis in *Louisiana v. Callais*, 146 S. Ct. 1131 (2026). The State thus asks that the Court take the same steps here. But on the merits of the cert petition, the question presented is:

Whether Petitioner's equal protection challenge to a legislative district drawn by the redistricting commission is moot in light of the district court's invalidation of the legislative district and adoption of a new district.

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## INTRODUCTION

Petitioner Benancio Garcia III filed an equal protection challenge to a state legislative district that no longer exists. The lower courts correctly determined that his claim was moot. In ordinary circumstances, the petition should be denied. In light of subsequent developments in a related case, however, this Court should grant, vacate, and remand the court of appeals' opinion here.

Washington's Constitution provides for a bipartisan commission to draw legislative and congressional districts. After the Commission finished its work in 2021, a group of Hispanic voters in Washington's Yakima Valley challenged Legislative District (LD) 15 in the enacted map, alleging that it violated Section 2 of the Voting Rights Act. Months later, Petitioner Garcia filed this case, alleging that the same district was racially gerrymandered, violating the Fourteenth Amendment. The cases were tried together, and the district court ruled that LD 15 violated Section 2 and needed to be redrawn. The court in this action therefore deemed Petitioner's claim moot, because the legislative district he claimed was racially gerrymandered no longer existed.

The Ninth Circuit unanimously affirmed the district court's Section 2 and mootness holdings, correctly applying this Court's precedent and creating no split of authority. But this Court then decided *Louisiana v. Callais*, 146 S. Ct. 1131 (2026), dramatically altering the principles governing Section 2 claims. In light of that opinion, the State has requested that this Court grant, vacate, and remand

the Ninth Circuit's opinion as to the Section 2 claim in the related case of *Trevino v. Hobbs*, No. 25-918. Given that the mootness holding here relates to a parallel challenge to the same legislative district, it would be reasonable for this Court to do the same with this petition. Alternatively, this Court could simply deny the petition, as it fails the Court's ordinary standards for certiorari.<sup>1</sup>

### STATEMENT OF THE CASE

#### A. **The Washington Redistricting Commission and Adoption of Legislative District 15**

Washington's Constitution provides for a bipartisan Redistricting Commission to draw state legislative and congressional districts. The Commission consists of four voting members and one non-voting chairperson. *See* Wash. Const. art. II, § 43(2). The voting members are appointed by the legislative leaders of the two largest political parties in each house of the Legislature. *Id.* Under Washington law, the Commission must agree, by majority vote, to a redistricting plan by November 15 of the redistricting year and then transmit the plan to the Legislature. Wash. Rev. Code § 44.05.100(1); Wash. Const. art. II, § 43(2). Thus, the Commission cannot propose a plan without bipartisan agreement amongst the Commissioners. Upon submission of the plan by the Commission, the Legislature has thirty

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<sup>1</sup> Consistent with his position throughout this litigation, Washington Secretary of State Steve Hobbs takes no position on the merits of the petition. The Secretary's interest in this litigation is to ensure that election officials are able to meet election deadlines.

days to amend the plan by a two-thirds vote. Wash. Rev. Code § 44.05.100(2). The redistricting plan becomes final upon the Legislature’s approval of any amendment or after expiration of the thirty-day window for amending the plan, whichever occurs sooner. Wash. Rev. Code § 44.05.100(3).

Washington’s redistricting statute sets forth requirements for redistricting plans, including that district lines coincide with boundaries of political subdivisions to the extent possible, that communities of interest be kept together as much as practicable, that city and county splits be kept to a minimum, and that districts be contiguous and compact. Wash. Rev. Code § 44.05.090.

In addition to state-law requirements, the 2021 Commission sought to comply with Section 2 of the Voting Rights Act (VRA). The 2020 Census showed dramatic growth of Washington’s Hispanic population, centered in the Yakima Valley region in central Washington. *See Palmer v. Hobbs*, 150 F.4th 1131, 1138 (9th Cir. 2025), *petition docketed*, No. 25-918 (U.S. Jan. 23, 2026); ECF No. 64 at 3-4, *Garcia v. Hobbs*, No. 3:22-cv-05152-RSL-DGE-LJCV (W.D. Wash. May 24, 2023).<sup>2</sup> In the years leading up to 2021, three separate cases found violations of the federal Voting Rights Act or the Washington Voting Rights Act related to local elections in that region. In *Montes v. City of Yakima*, a federal district court concluded that Yakima’s at-large voting system for city council elections violated Section 2 of the VRA. 40 F. Supp. 3d 1377 (E.D. Wash. 2014). The court

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<sup>2</sup> Filings from the *Garcia v. Hobbs* district court docket will be short cited as *Garcia*, ECF No. \_\_.

reviewed evidence regarding the three *Gingles* factors and concluded that each was satisfied with respect to Latino voters in Yakima. *Id.* at 1390-1407. The court also found that the totality of the circumstances demonstrated that the City's electoral process was not equally open to Latino voters. *Id.* at 1407-14. In *Glatt v. City of Pasco*, a challenge to Pasco's at-large voting system, a federal district court entered a consent decree in which the parties stipulated to each *Gingles* factor as well as a finding that the totality of the circumstances showed an exclusion of Latinos from meaningfully participating in the political process. See Partial Consent Decree, *Glatt v. City of Pasco*, No. 4:16-cv-05108-LRS (E.D. Wash. Sept. 2, 2016), ECF No. 16 at ¶¶ 15-22; see also Mem. Op. and Order, *Glatt v. City of Pasco*, No. 4:16-cv-05108-LRS (E.D. Wash. Jan. 27, 2017), ECF No. 40 at 29. And in *Aguilar v. Yakima County*, No. 20-2-00180-19 (Kittitas Cnty. Super. Ct.), a challenge to the at-large voting system used in Yakima County, the parties entered into and the court approved a settlement agreement finding that the conditions for a violation of the Washington Voting Rights Act, including a showing of racially polarized voting, had been met in Yakima County. *Garcia*, ECF No. 64 at 11.

On September 21, 2021, shortly after the Commission received Census data, and shortly after the *Aguilar v. Yakima County* settlement, the four voting Commissioners publicly released their first proposed legislative maps. *Garcia*, ECF No. 64 at 8, 11. The Senate Democratic Caucus then retained Dr. Matt Barreto of the UCLA Voting Rights Project to evaluate the extent of racially polarized voting in the Yakima Valley and assess the proposed maps'

compliance with the VRA. In his analysis, Dr. Barreto concluded that there was “clear” evidence “of racially polarized voting” in the Yakima Valley. *Garcia*, Trial Ex. 179. He opined that to comply with the VRA, the Commission needed to include a district with a majority-Hispanic citizen voting age population (CVAP) in that area that allowed Latino voters to elect candidates of their choice. *Id.*

Following this report, two voting commissioners released new proposed maps designed to better comply with the VRA by increasing the Hispanic CVAP in the Yakima Valley district that eventually became LD 15, while also improving on the previous maps in other respects. *See Garcia*, Trial Exs. 196, 197; *see also Garcia*, ECF No. 73 (Trial Tr.) at 272:17-273:13; Trial Ex. 200; Trial Ex. 195. Meanwhile, the other two voting commissioners obtained a legal opinion from lawyers at Davis Wright Tremaine LLP, who opined that a majority-minority district in the Yakima Valley was not legally necessary. *Garcia*, Trial Ex. 225. The opinion noted that it was primarily a legal analysis and that the authors had not “conduct[ed] factual research regarding demographic trends, voting behavior, [or] election results[.]” *Id.*

At trial, each of the voting Commissioners testified as to their priorities in negotiating and drafting maps. Each Commissioner prioritized complying with the Voting Rights Act, though as trial made clear, they differed in their understanding of what that meant. *Garcia*, ECF No. 73 (Trial Tr.) at 343:9-11; Trial Ex. 200; ECF No. 75 (Trial Tr.) at 757:24-758:1; ECF No. 74 (Trial Tr.) at 434:16-435:1. In addition, befitting a bipartisan negotiation,

the Commissioners sought to gain (or at least not lose) partisan advantage through the negotiations. *Garcia*, ECF No. 75 (Trial Tr.) at 707:20-23.

As the deadline for finalizing maps approached, the Commissioners negotiated extensively in an effort to reach bipartisan compromise. Each Commissioner remained committed to their overarching goals, and the sticking points, including with respect to LD 15, primarily centered on partisan performance. *Garcia*, ECF No. 75 (Trial Tr.) at 702:12-704:19. The racial makeup of the district was just one of several factors in the negotiations over LD 15. *See, e.g., Garcia*, ECF No. 75 (Trial Tr.) at 756:20-757:18; *Garcia*, ECF No. 73 (Trial Tr.) at 282:4-21; *see also* Pet. App. 10a-12a n.4 (summarizing Commissioners' testimony).

The Commissioners ultimately voted unanimously to approve a legislative redistricting plan consisting primarily of an agreed set of partisan metrics, which was then translated by staff into a map. *Garcia*, ECF No. 73 (Trial Tr.) at 225:20-226:22, 326:11-21; ECF No. 74 (Trial Tr.) at 495:10-16; ECF No. 75 (Trial Tr.) at 714:9-715:8. On November 16, 2021, the Commission transmitted the final map to the Legislature. *Garcia*, ECF No. 64 at ¶ 73. In the final map, LD 15 was 73% Hispanic and, according to estimates based on the 2020 American Community Survey, approximately 51.5% Hispanic by CVAP. *Garcia*, ECF No. 64 at ¶ 76.

The Legislature exercised its statutory prerogative to make minor amendments to the Plan. The Legislature made minor changes to LD 15 without altering its demographic make-up. *Garcia*, ECF No. 64 at ¶ 75. On February 8, 2022, the

Legislature passed House Concurrent Resolution 4407, adopting the amended redistricting plan. H. Con. Res. 4407, 67th Leg., Reg. Sess. (Wash. Feb. 2, 2022) (enacted). Upon passage, the Legislature’s amended redistricting plan became State law. Wash. Rev. Code § 44.05.100.

## **B. The *Soto Palmer* and *Garcia* Lawsuits**

In January 2022, several voters filed suit in *Soto Palmer v. Hobbs*, alleging that LD 15 diluted Hispanic voting strength in violation of Section 2 of the Voting Rights Act. Complaint for Declaratory and Injunctive Relief, *Soto Palmer v. Hobbs*, No. 3:22-cv-05035-RSL (W.D. Wash. Jan. 19, 2022), ECF No. 1.<sup>3</sup> The case was assigned to Judge Robert Lasnik of the Western District of Washington. Nearly two months later, Garcia filed this lawsuit, claiming that LD 15 was a racial gerrymander in violation of the Fourteenth Amendment, and requested a three-judge panel. Garcia’s case was assigned to Judge Lasnik, Chief Judge David Estudillo of the Western District of Washington, and Judge Lawrence VanDyke of the Ninth Circuit.

Two weeks after *Garcia* was filed, three individuals—represented by the same counsel as Garcia—moved to intervene in *Soto Palmer* to defend LD 15 against the *Soto Palmer* Plaintiffs’ Section 2 claims. *Soto Palmer*, ECF No. 57. On May 6, 2022, the *Soto Palmer* district court granted permissive intervention to the intervenor-defendants, *Soto Palmer*, ECF No. 69, and ordered the State of

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<sup>3</sup> Filings from the *Soto Palmer* district court docket will be short cited as *Soto Palmer*, ECF No. \_\_.

Washington joined as a party “to ensure that the Court has the power to provide the relief plaintiffs request,” *Soto Palmer*, ECF No. 68 at 5.

The two cases then proceeded with: (1) the *Soto Palmer* Plaintiffs challenging LD 15 under Section 2; (2) the *Soto Palmer* Intervenors arguing that LD 15 complied with Section 2; (3) the *Garcia* Plaintiff challenging LD 15 under the Fourteenth Amendment; and (4) the State of Washington defending LD 15. But because *Soto Palmer* was filed first, the cases proceeded on a staggered schedule, with *Soto Palmer* generally going first. Following dueling motions by the two sets of plaintiffs aimed at streamlining the cases, Judge Lasnik found “that judicial efficiency w[ould] best be served by hearing the Section 2 and the equal protection claims together[.]” and thus continued the *Soto Palmer* trial to coincide with the *Garcia* trial. *Soto Palmer*, ECF No. 136 at 5. However, to preserve the priority of *Soto Palmer*, Judge Lasnik explained that “[a]t the close of evidence at the consolidated trial, the undersigned will issue a decision on the Section 2 claim, and the three-judge district court will then consider the constitutional claim.” *Id.* Ultimately, the two cases were heard together in a joint trial, with the first day consisting of *Soto Palmer*-only evidence, heard by Judge Lasnik, and the remaining days consisting of joint evidence for both *Soto Palmer* and *Garcia* heard by the three-judge panel (which included Judge Lasnik). *Soto Palmer*, ECF Nos. 187, 198-201 (minute entries); *Garcia*, ECF Nos. 68-70 (minute entries). Trial ended June 8, 2023, with written closings due in mid-July. *Garcia*, ECF No. 70.

**C. The *Soto Palmer* District Court Determines LD 15 Violates Section 2, and the *Garcia* District Court Dismisses the Racial Gerrymandering Case as Moot**

On August 10, 2023, the district court issued a Memorandum of Decision in *Soto Palmer*, finding that LD 15 had the effect of discriminating against Hispanic voters by denying them the equal right to elect candidates of their choice. *Soto Palmer v. Hobbs*, 686 F. Supp. 3d 1213 (W.D. Wash. 2023). Following this Court’s reaffirmance of the *Gingles* framework in *Allen v. Milligan*, 599 U.S. 1 (2023), the district court analyzed the *Gingles* factors and concluded that the *Soto Palmer* Plaintiffs had satisfied them all. *Soto Palmer*, 686 F. Supp. 3d at 1223-27. The court then undertook the totality of the circumstances analysis, finding that seven of the nine Senate Factors supported “the conclusion that the bare majority of Latino voters in LD 15 fails to afford them equal opportunity to elect their preferred candidates.” *Id.* at 1234.

*Soto Palmer* Intervenors appealed the district court’s liability order on the merits in September 2023. This appeal was consolidated with the Intervenors’ separate appeal on the remedy. Meanwhile, Intervenors petitioned this Court for certiorari before judgment. See Pet. for Writ of Cert. Before J. 21-35, *Trevino v. Soto Palmer*, No. 23-484 (U.S. Nov. 3, 2023). This Court denied their petition on February 20, 2024. *Trevino v. Palmer*, 144 S. Ct. 873 (2024).

One month after the *Soto Palmer* district court's decision on liability, the *Garcia* three-judge district court issued its opinion, dismissing this case as moot. Pet. App. 6a-16a. As the majority explained, Garcia sought declaratory relief that LD 15, as enacted, was unlawful, "an injunction 'enjoining [Washington] from enforcing or giving any effect to the boundaries of [] [LD 15],' " and an order requiring "a new legislative map be drawn." Pet. App. 8a (second and third alterations in original) (quoting Garcia's Amended Complaint). But the *Soto Palmer* court's decision invalidating LD 15 and ordering a new, VRA-compliant map meant "the Court cannot provide any more relief to Plaintiff." *Id.*; see also Pet. App. 12a ("LD 15 will be redrawn and will not be used in its current form for any future election. The *Soto Palmer* court has therefore granted Plaintiff complete relief for purposes of our mootness analysis."). And the court further explained that "Plaintiff does not assert that any new district drawn by the Washington State Redistricting Commission . . . would be a 'mere continuation[] of the old, gerrymandered district[].'" Pet. App. 8a (quoting *North Carolina v. Covington*, 138 S. Ct. 2548, 2553 (2018)). The court therefore dismissed Garcia's claims under Article III without addressing the merits or ruling on Garcia's requested injunction. Pet. App. 6a-16a. Judge VanDyke dissented, disagreeing with the majority's mootness conclusion. Pet. App. 17a-53a.

Garcia then appealed to this Court, presenting two issues: Whether this Court had appellate jurisdiction and whether the three-judge district court erred in finding the case moot. See Jurisdictional Statement, *Garcia v. Hobbs*, No. 23-467 (U.S. Oct. 31,

2023). Presumably because this Court lacked appellate jurisdiction, it vacated the district court's judgment and instructed the district court to enter a fresh judgment so that Garcia could timely appeal to the Ninth Circuit. *Garcia v. Hobbs*, 144 S. Ct. 994, 995 (2024). The district court entered an amended judgment, Pet. App. 4a, which Garcia appealed to the Ninth Circuit.

**D. The *Soto Palmer* District Court Adopts a Map Remediating the Section 2 Violation**

Meanwhile, after the Section 2 liability order in *Soto Palmer*, the district court engaged in a lengthy remedial process to adopt a new map, aided by extensive briefing and argument by the parties, an evidentiary hearing, and a respected non-partisan redistricting special master.

On March 15, 2024, the *Soto Palmer* district court ordered a new map, in which the previously enacted LD 15 was reconfigured and redesignated LD 14. In a detailed order, the court explained that the remedy it adopted was necessary to remedy the VRA violation it had previously found. *Palmer v. Hobbs*, No. 3:22-cv-05035-RSL, 2024 WL 1138939, at \*1-2 (W.D. Wash. Mar. 15, 2024). As the court explained, “the new configuration provides Latino voters with an equal opportunity to elect candidates of their choice to the state legislature, especially with the shift into an even-numbered district, which ensures that state Senate elections will fall on a presidential year when Latino voter turnout is generally higher.” *Id.* at \*2.

Following the district court’s remedial order, *Soto Palmer* Intervenors filed a second motion for a stay in the Ninth Circuit, which was again unanimously denied. *See* Order Den. Mot. Stay, *Palmer v. Hobbs*, No. 24-1602 (9th Cir. Mar. 22, 2024), DktEntry 18.1. Intervenors then sought a stay from this Court. *See* Em. App. for Stay, *Trevino v. Soto Palmer*, No. 23A862 (U.S. Mar. 25, 2024). This Court denied that stay application with no dissents noted. *Trevino v. Palmer*, 144 S. Ct. 1133 (2024).

**E. The Ninth Circuit Affirms in *Soto Palmer* and *Garcia*, Holding *Garcia* Is Moot**

The *Soto Palmer* and *Garcia* appeals were then argued and submitted to the same Ninth Circuit panel comprised of Judges Margaret McKeown, Ronald Gould, and John Owens.

In the *Soto Palmer* appeal, the Ninth Circuit concluded that “none of the Intervenors has standing to challenge the liability determination” because none alleged any harm that flowed from that order. *Palmer v. Hobbs*, 150 F.4th 1131, 1141 (9th Cir. 2025). Reviewing the record, the panel held that “Intervenors have not provided any evidence that, in reaching its liability determination, the district court classified them based on their race,” nor “that the liability determination ‘required [them] to do anything or to refrain from doing anything’ because of [their] race or otherwise.” *Id.* at 1142 (quoting *Food & Drug Admin. v. All. For Hippocratic Med.*, 602 U.S. 367, 385 (2024)). The Ninth Circuit concluded that Intervenor Trevino had standing to challenge the remedial order as a racial gerrymander since he was moved into the remedial district, but it held that he

failed to show that the district court’s remedial map unconstitutionally sorted him by race. *Id.* at 1144-45, 1148-50.<sup>4</sup> Applying then-prevailing precedent, the Ninth Circuit held that “[n]othing in the record . . . supports a claim that race predominated in the redistricting process.” *Id.* at 1146. “To the contrary,” the court explained:

The district court accomplished three distinct, non-racial objectives when it adopted a map that: (1) starts with, and avoids gratuitous changes to, the enacted map while remedying the Voting Rights Act violation at issue; (2) keeps the vast majority of the lands that are of interest to the Yakama Nation together; and (3) is consistent with the other state law and traditional redistricting criteria.

*Id.* (internal quotation marks omitted). The Ninth Circuit thus affirmed the district court’s remedial map on the merits. Intervenor now seek certiorari. *See* Pet. for a Writ of Cert., *Trevino v. Hobbs*, No. 25-918 (U.S. Jan. 23, 2026).

Turning next to *Garcia*, the Ninth Circuit affirmed the district court’s dismissal of Garcia’s challenge as moot based on its affirmance of the district court’s invalidation of LD 15 and the adoption of a remedial map that replaced LD 15 with a new legislative district. *See* Pet. App. 2a (also accessible at

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<sup>4</sup> The Ninth Circuit concluded that Trevino failed to raise his racial gerrymandering argument during the remedial phase in the district court but nonetheless exercised its discretion to consider the argument for the first time on appeal. *Palmer*, 150 F.4th at 1145-46.

*Garcia v. Hobbs*, No. 24-2603, 2025 WL 2466997 (9th Cir. Aug. 27, 2025)). The lower court rejected Garcia’s argument that the remedial district merely continued his prior injury, explaining that Garcia’s case “centered entirely on the Commission’s actions” in alleging that race predominated in the Commission’s actions in drawing the districting map, but the remedial district “was crafted by an entirely different party—the district court[.]” Pet. App. 3a. Thus, the character of the system had changed, and the Commission’s challenged conduct did not continue. *Id.*

Garcia then filed this petition for certiorari.

#### **F. This Court’s Decision in *Louisiana v. Callis***

On April 29, this Court decided *Callis*, which substantially altered how courts are to address claims under Section 2 of the VRA. *See Callis*, 146 S. Ct. at 1152-60; *see also id.* at 1165 (Kagan, J., dissenting) (“The majority claims only to be ‘updat[ing]’ our Section 2 law, as though through a few technical tweaks . . . . But in fact, those ‘updates’ eviscerate the law[.]” (first alteration in original)). In particular, the Court modified the first *Gingles* condition such that “in drawing illustrative maps, plaintiffs” may no longer “use race as a districting criterion[.]” and must “meet all the State’s legitimate districting objectives, including . . . the State’s specified political goals.” *Id.* at 1159. And on the second and third *Gingles* conditions, plaintiffs now “must provide an analysis that controls for party affiliation.” *Id.*

In light of this decision, the State of Washington has asked this Court to grant, vacate, and remand to the Ninth Circuit in *Soto Palmer* in

order to apply *Callais*. See Br. of Resp't State of Washington, *Trevino v. Hobbs*, No. 25-919 (U.S. June 2, 2026). The State's request is consistent with how this Court has decided other petitions raising Section 2 issues following *Callais*. See, e.g., *Turtle Mountain Band v. Howe*, No. 25-253, 2026 WL 1377069 (U.S. May 18, 2026) (granting the petition, vacating the judgment, and remanding case to the Eighth Circuit for further consideration in light of *Callais*); *Bd. of Election Comm'rs v. NAACP*, No. 25-234, 2026 WL 1377105 (U.S. May 18, 2026) (similar and remanding to three-judge district court); *Allen v. Caster*, No. 25-243, 2026 WL 1282800 (U.S. May 11, 2026) (granting petition for a writ of certiorari before judgment, vacating the judgment, and remanding for further consideration because of *Callais*).

## DISCUSSION

The district court and Ninth Circuit correctly determined that Garcia's case challenging LD 15 as a racial gerrymander was moot based on the VRA Section 2 judgment and remedy entered in *Soto Palmer*. The State has requested that this Court vacate the judgment in *Soto Palmer* and remand that case to the Ninth Circuit for further consideration in light of *Callais*. Based on the State's request to vacate the judgment in *Soto Palmer*, the State asks this Court to grant this petition, vacate the judgment, and remand the case to the Ninth Circuit for further proceedings.

In the alternative, this Court should deny this petition because the Ninth Circuit correctly determined that Garcia’s challenge to a no-longer-existing district was moot.

“A case becomes moot—and therefore no longer a ‘Case’ or ‘Controversy’ for purposes of Article III—‘when the issues presented are no longer “live” or the parties lack a legally cognizable interest in the outcome.’” *Already, LLC v. Nike, Inc.*, 568 U.S. 85, 91 (2013) (quoting *Murphy v. Hunt*, 455 U.S. 478, 481 (1982) (per curiam)). “Throughout the litigation, the party seeking relief must have suffered, or be threatened with, an actual injury traceable to the defendant and likely to be redressed by a favorable judicial decision.” *United States v. Juvenile Male*, 564 U.S. 932, 936 (2011) (citation modified). Thus, if an intervening circumstance during the litigation addresses the plaintiff’s alleged injury and deprives him of a personal stake in the lawsuit’s outcome, the case is moot. *Moore v. Harper*, 600 U.S. 1, 14 (2023); see also *Genesis Healthcare Corp. v. Symczyk*, 569 U.S. 66, 72 (2013).

The Ninth Circuit correctly treated Garcia’s request for invalidation of LD 15 and an injunction to redraw the map as moot based on its affirmance of the remedial map, which replaced LD 15 with a new district. See Pet. App. 2a; see, e.g., *Grove v. Emison*, 507 U.S. 25, 39 (1993) (explaining that after a state court declared a redistricting plan unconstitutional, a separate federal suit “claim[ing] that the . . . plan violated the Voting Rights Act became moot, unless those claims also related to the superseding plan[.]”); *Thomas v. Reeves*, 961 F.3d 800, 801 (5th Cir. 2020) (en banc) (holding that a VRA challenge “has become

moot” because “the current district lines will neither be used nor operate as a base for any future election[ ]”).

The unpublished decision below does not conflict with *North Carolina v. Covington*, 585 U.S. 969 (2018), which Garcia relies on to argue that his request for injunctive relief remains live because the remedial district (entered by the court) perpetuates his alleged injuries. Pet. 18. *Covington* presents a starkly different scenario than here. In *Covington*, voters alleged that the North Carolina general assembly had gerrymandered their districts, the general assembly then redrew maps, and voters again objected to those remedial maps, alleging that they perpetuated the unconstitutional aspects of the original plan. *Id.* at 974-75. Here, by contrast, the remedial district is not a “mere continuation[ ] of the old, gerrymandered district[.]” *Id.* at 976. It is a fundamentally different district, selected by a different decisionmaker. Unlike in *Covington*, the evidence that would be needed to show that race predominated in the minds of the Commission and Legislature is entirely distinct from the evidence that would be needed to show that race predominated in the *Soto Palmer* district court’s mind. *Covington*, moreover, involved a single suit; plaintiffs brought a challenge, the General Assembly tried to address it, and when it allegedly failed, plaintiffs were able to maintain their challenge. So, as the Ninth Circuit correctly concluded, *Covington* offers no support for Garcia’s attempt to keep his case live. *See* Pet. App. 2a-3a. As the court explained, Garcia’s “operative complaint alleged that race was the predominant factor motivating the Commission’s

decision to draw the lines encompassing Legislative District 15.” Pet. App. 3A (citation modified). But “LD 14 was crafted by an entirely different party—the district court—from the Commission, the party that drew LD 15[.]” Pet. App. 3a.

Nor does the Ninth Circuit’s decision conflict with *Moore v. Harper*, 600 U.S. 1 (2023). There, the petitioners had asked for reinstatement of North Carolina’s legislatively enacted 2021 districting plan, which had been invalidated by North Carolina state courts on state law grounds. *Id.* at 12. The petitioners argued that the federal Elections Clause prohibited the North Carolina courts from reviewing and altering the plan enacted by the legislature. *Id.* After the Supreme Court granted review on that issue, the North Carolina courts reversed course and held that state courts would not review claims of partisan gerrymandering under the state constitution. But the North Carolina courts did not reinstate the 2021 legislatively enacted map. *Id.* at 13. This Court therefore concluded that the North Carolina courts’ change of heart did not moot the case, because the petitioners could still obtain the relief they sought—reinstatement of the 2021 maps—by prevailing in this Court. Indeed, the petitioners’ only “path to complete relief” (the use of the 2021 maps) “runs through this Court,” and the petitioners therefore retained a “personal stake” in the case. *Id.* at 15. *Moore*’s posture is profoundly different from the case here. In *Moore*, the only way the petitioners could obtain the relief they wanted was if the Supreme Court heard the case and ruled in their favor. *Id.* at 15. Here, by contrast, Garcia has already obtained the relief he originally requested: the district he challenged will not be used

in future elections. His claim is that he may lose that relief and need it again if the decision in another case (*Soto Palmer*) is reversed. But that is not enough for Garcia to retain a “‘personal stake’ in th[is] litigation.” *Id.* at 14 (quoting *Baker v. Carr*, 369 U.S. 186, 204 (1962)).

Finally, Garcia’s argument that the district court used disreputable “strategic docket manipulation” to divest the *Garcia* three-judge district court of jurisdiction, Pet. 27, is unfounded and does not warrant granting certiorari. As a practical matter, *Soto Palmer* was filed months before *Garcia*, the cases initially proceeded on a staggered schedule reflecting that difference, and in consolidating the cases for trial, the *Soto Palmer* district court preserved the priority of *Soto Palmer*. And as a prudential matter, one of the most “fundamental and longstanding principle[s] of judicial restraint” is that courts should “avoid reaching constitutional questions in advance of the necessity of deciding them.” *Lyng v. Nw. Indian Cemetery Protective Ass’n*, 485 U.S. 439, 445 (1988). This Court has thus repeatedly held that it normally “‘will not decide a constitutional question if there is some other ground upon which to dispose of the case[.]’” *Nw. Austin Mun. Util. Dist. No. One v. Holder*, 557 U.S. 193, 205 (2009) (quoting *Escambia County v. McMillan*, 466 U.S. 48, 51 (1984) (per curium)); see also *Rosado v. Wyman*, 397 U.S. 397, 402 (1970) (explaining that a three-judge district court “would have been obliged to adjudicate t[he] statutory claim in preference to deciding the original constitutional claim” and that the Supreme Court “decide[s] the statutory question in order to avoid a constitutional ruling”). Applying this doctrine, courts

routinely address VRA claims without reaching constitutional claims in redistricting cases. *See, e.g., League of United Latin Am. Citizens v. Perry*, 548 U.S. 399, 442 (2006); *see also Thornburg v. Gingles*, 478 U.S. 30, 38 (1986). In short, by declining to reach Garcia’s constitutional claim—particularly once that claim had become moot—the three-judge district court did not engage in docket manipulation.

### CONCLUSION

Should the Court grant, vacate, and remand *Soto Palmer* in light of *Callais*, it should likewise grant this petition, vacate the judgment, and remand this case to the Ninth Circuit for further proceedings. Otherwise, the Court should deny the petition.

RESPECTFULLY SUBMITTED.

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