No. 25-918

In the Supreme Court of the United States

JOSE TREVINO AND ALEX YBARRA,

Petitioners,

v.

STEVEN HOBBS, WASHINGTON SECRETARY OF STATE, AND STATE OF WASHINGTON,

Respondents.

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

State of Washington's and Secretary of State Steve Hobbs's Response to Petitioners' Motion to Expedite Consideration of Petition for a Writ of Certiorari and to Expedite Consideration of the Motion

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INTRODUCTION

This Court should deny Petitioners' motion to expedite consideration of their petition. The existing deadline to respond to their petition is less than two weeks away—June 2, 2026. And Washington's 2026 election is already underway. Slightly accelerating the deadline for a response thus serves no practical purpose. Under Washington law, the *Purcell* principle, and practical constraints, it is already too late to redraw Washington's state legislative districts for the 2026 election. While *Callais* creates issues that will surely lead to litigation about what map Washington should use in subsequent elections, none of those issues are properly before this Court on this motion and none would be proper for this Court to resolve in the first instance. The Court should deny Petitioners' motion to expedite and decide their petition under deadlines already ordered by the Court.

STATEMENT

A. The District Court Invalidated Washington's Legislative District 15 Under Then-Prevailing Section 2 Precedent

In January 2022, several voter Plaintiffs (Respondents here) filed a lawsuit alleging that Legislative District 15 (LD 15) in Washington's Yakima Valley diluted Hispanic voting strength in violation of Section 2 of the Voting Rights Act (VRA). ECF No. 1, *Soto Palmer v. Hobbs*, No. 3:22-cv-05035-RSL (W.D. Wash. Jan. 19, 2022).[1] Plaintiffs then moved for a preliminary injunction seeking to force the State

[1] Filings from the *Soto Palmer* district court docket will be short cited as, ECF No. __ or Trial Ex. __.

to adopt Voting Rights Act-compliant maps for the 2022 legislative elections. ECF No. 38.

While that motion was pending, Petitioners moved to intervene to defend LD 15 against the Section 2 claim. ECF No. 57. Petitioners' counsel had also filed a separate lawsuit—*Garcia v. Hobbs*, No. 3:22-cv-05152-RSL-DGE-LJCV (W.D. Wash. Mar. 15, 2022)—in which they argued that LD 15 was a racial gerrymander. Petitioners' counsel thus argued that both LD 15 enacted by the Washington legislature and the remedial LD 14 later ordered by the district court are unlawful.

As part of the intervention, Petitioners filed a proposed opposition to Plaintiffs' preliminary injunction motion in which they argued, among other things, that the district court should deny preliminary relief under the *Purcell* principle. ECF No. 61 at 3 (citing *Democratic Nat'l Comm. v. Wis. State Leg.*, 141 S. Ct. 28, 30 (2020) (Kavanaugh, J., concurring)). As Petitioners put it then, the *Purcell* principle required the district court to maintain the prevailing maps, even if they were arguably unlawful, to avoid "injecting chaos into Washington's upcoming primary elections," which were then four months away. *Id.* at 24.[2]

The district court denied Plaintiffs' motion for a preliminary injunction, agreeing with Petitioners that, even assuming Plaintiffs were likely to succeed on the merits, the *Purcell* principle "compel[led] the conclusion that the Court should refrain from interfering in the current election cycle." *Palmer v. Hobbs*, No. 3:22-cv-05035-RSL, 2022 WL 1102196, at *4 (W.D. Wash. Apr. 13, 2022); *see also*

[2] Secretary Hobbs took no position on the merits of the motion, but consistent with *Purcell*, argued that no changes to legislative district maps should be made after March 28, 2022. ECF No. 50.

id. at *2 n.4. This was because "the difficulties facing the Secretary of State and local election officials if a change in the legislative district maps is made at this late date"—i.e., in mid-April 2022—"suggest[ed] that we are too close to the [August] 2022 election to enjoin the use of the existing plan for this election cycle." *Id.* at *4.

After the district court ordered the State of Washington to be added as a defendant, the State prepared to defend against Plaintiffs' challenge to LD 15. But the State's expert, who has a history of working primarily for government defendants in VRA cases, concluded that the three *Gingles* preconditions appeared to be met. Trial Ex. 601. Based on that expert's conclusions, the factual findings in other recent federal and state VRA cases in the Yakima area, and other record evidence, the State notified the parties and the court that it had concluded that it could no longer "dispute at trial that *Soto Palmer* Plaintiffs have satisfied the three *Gingles* preconditions for pursuing a claim under Section 2 of the VRA based on discriminatory results[,]" or "that the totality of the evidence test likewise favors the *Soto Palmer* Plaintiffs[.]" ECF No. 194 at 10.

Following a bench trial, the district court held in August 2023 that LD 15 discriminated against Hispanic voters by denying them the equal right to elect candidates of their choice. *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 under then-prevailing precedent and concluded that the *Soto Palmer* Plaintiffs had satisfied them all. *Palmer*, 686 F. Supp. 3d at 1224–27. And regarding the totality-of-

circumstances analysis, the district court found that seven of the nine Senate Factors "support 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. Accordingly, the district court entered judgment for Plaintiffs and ordered a remedial process to adopt a new legislative map. *Id.* at 1235–36.

Petitioners moved to stay that order and the remedial process, and the Ninth Circuit denied the motion. *See* Order Den. Mot., *Palmer v. Hobbs*, Nos. 23-35595, 24-1602 (9th Cir. Dec. 21, 2023). Petitioners then petitioned this Court for certiorari before judgment, which this Court denied. *Trevino v. Palmer*, 144 S. Ct. 873 (2024).

The case then moved to the remedial phase.

B. The District Court Adopted a Map Remedying the Section 2 Violation

Following the district court's liability order, the Legislature chose not to enact a remedial map. Thus, the district court engaged in a 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 expert.

In March 2024, the district court ordered a new map, in which the previously enacted LD 15 was reconfigured and redesignated LD 14. The court explained that the remedy it adopted was necessary to remedy the VRA violation it had previously found. *See Palmer v. Hobbs*, No. 3:22-cv-05035-RSL, 2024 WL 1138939, at *1–2 (W.D. Wash. Mar. 15, 2024).

Following the remedial order, Petitioners filed a motion for a stay in the Ninth Circuit, which the court denied. *See* Order Den. Mot. Stay, *Palmer v. Hobbs*,

Nos. 23-35595, 24-1602 (9th Cir. Mar. 22, 2024). Petitioners then sought a stay from this Court, which this Court also denied. *Trevino v. Palmer*, 144 S. Ct. 1133 (2024).

C. The Ninth Circuit Affirmed the District Court

The Ninth Circuit unanimously affirmed the district court's liability and remedial orders.

On the liability order, the Ninth Circuit concluded that "none of the [Petitioners] 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). On the remedial order, the Ninth Circuit concluded that Petitioner Trevino had standing to challenge that 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, 1146.[3] 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

[3] The Ninth Circuit concluded that Mr. 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. *Id.* at 1145–46.

omitted). The Ninth Circuit thus affirmed the district court's remedial map on the merits.

After receiving a sixty-day extension, Petitioners then filed their petition for a writ of certiorari. The State's (and Plaintiffs') responses to the petition are currently due June 2, 2026, in time for this Court to take action on Petitioners' petition before the October 2025 term ends. *See* Docket, *Trevino v. Hobbs*, No. 25-918, https://www.supremecourt.gov/docket/docketfiles/html/public/25-918.html (last visited May 20, 2026).

D. *Callais* Substantially Altered the Section 2 Framework, and Petitioners Attempted to Change District Boundaries Before the Primary Election

On April 29, this Court decided *Louisiana v. Callais*, 146 S. Ct. 1131 (2026), substantially altering the analysis of claims under Section 2 of the VRA. *See id.* 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[.]" (citation omitted)).

Following *Callais*, Petitioners filed a Rule 60(b) motion for relief from the judgment in the district court—seeking the very relief they vociferously opposed on *Purcell* grounds four years prior. ECF No. 309 at 2, 11. Specifically, they asked the district court to "restor[e] the redistricting plan adopted by the Commission" in 2021 and grant other "relief to provide for legislative candidates to file and run for election under the Commission's map as soon as the 2026 primary and general election[,]" including extending the candidate filing deadline to give effect to the 2021 legislative map. *Id.* at 2, 11.

The district court set expedited briefing on that motion and then denied it. *Palmer v. Hobbs*, No. 3:22-cv-5035-RSL, 2026 WL 1361891 (W.D. Wash. May 15, 2026). Applying the Ninth Circuit's opinion, which held that Petitioners lacked standing to appeal the district court's liability order, as law of the case, the district court concluded that Petitioners lacked standing to undo the liability and remedial orders. *Id.* at *3.

Meanwhile, Washington's 2026 primary election is well underway. The deadline for candidates to file for office under the existing districts was May 8, Wash. Rev. Code § 29A.24.050, and ballots for the August 4 primary election must be mailed to overseas and military voters by June 19. *See* 52 U.S.C. § 20302; Wash. Rev. Code § 29A.40.070. To have ballots ready in time, many Washington counties will imminently begin printing them. *See* ECF No. 314 at ¶ 6.

ARGUMENT

Several reasons counsel against granting the motion to expedite.

First, this Court set the deadline to respond to the petition for June 2, 2026. *See* Docket, *Trevino v. Hobbs*, No. 25-918, https://www.supremecourt.gov/docket/docketfiles/html/public/25-918.html (last visited May 20, 2026). There is no reason to expedite an imminent response deadline, particularly where Petitioners obtained a sixty-day extension to file their petition (on top of their initial ninety days).

Second, granting the motion to expedite won't fix Petitioners' *Purcell* problem. Even if the petition's consideration is expedited by one or two weeks, and Petitioners obtain relief, it is too late in this election cycle for a court to change existing district

lines, re-do candidate filing, and restart the process of creating ballots and voter education materials.

Under *Purcell v. Gonzalez*, 549 U.S. 1 (2006), federal courts may not disrupt a state's voting rules close to an election. *See, e.g.*, *Moore v. Harper*, 142 S. Ct. 1089 (2022) (Kavanaugh, J., concurring) ("In light of the *Purcell* principle and the particular circumstances and timing of the impending primary elections in North Carolina, it is too late for the federal courts to order that the district lines be changed for the 2022 primary and general elections[.]"); *Democratic Nat'l Comm.*, 141 S. Ct. at 31 (Kavanaugh, J., concurring) ("The Court's precedents recognize a basic tenet of election law: When an election is close at hand, the rules of the road should be clear and settled . . . because running a statewide election is a complicated endeavor."). This Court recently invoked this principle in *Abbott v. League of United Latin American Citizens*, 146 S. Ct. 418 (2025), staying the reinstatement of a prior map pending appeal, and chiding the district court because it had "improperly inserted itself into an active primary campaign, causing much confusion and upsetting the delicate federal-state balance in elections." *Id.* at 419. There, the district court entered an injunction reinstating a 2021 map in November 2025 for a March 2026 primary election and November 2026 general election. *See id.* at 428 (Kagan, J., dissenting). Like in *Abbott*, Petitioners' requested relief would impermissibly interfere with Washington's primary close in time to the election, when the "State's election machinery is already in progress[.]" *Reynolds v. Sims*, 377 U.S. 533, 585 (1964).

Washington's primary election process is well underway. Relying on existing legislative boundaries, counties have established precincts, assigned voters to precincts, and notified voters. *See* ECF No. 314 at ¶ 3. This process typically occurs in March and April of an election year. ECF No. 51 at ¶¶ 13–15; ECF No. 314 at ¶ 3. Also relying on existing legislative boundaries, the deadline for filing for office passed two weeks ago, and candidates have already decided whether to seek office, including state legislative office and precinct committee office. *See* Wash. Rev. Code § 29A.24.050 (reflecting candidate filing period, which took place May 4–8 this year). Local election officials are currently in the process of creating ballot designs, testing those designs to ensure they are correctly counted by counties' voting systems, and sending those ballot designs to printers. *See* ECF No. 51 at 17; ECF No. 314. Local election officials in Washington are also in the process of preparing voters' pamphlets that contain information about candidates for office and are mailed to all voters in the state. *See* Wash. Rev. Code § 29A.32.210; *see also* ECF No. 51 at ¶ 19. For many counties, election officials must send ballot designs and voters' pamphlets to vendors by June 1 to ensure timely printing. ECF No. 314 at ¶ 6.

Granting Petitioners' improper request to immediately vacate the judgment and remedial order of the district court would significantly disrupt Washington's 2026 primary election. That remedial order established legislative district maps that represent the status quo for Washington's elections. Washington used those maps in its 2024 primary and general elections, and election officials, candidates, and voters have relied on those maps in preparation for the 2026 elections.

Petitioners' requested relief is inconsistent with Washington law, as it would require permitting candidates to file for office outside the authorized statutory period. Under Washington law, candidates for office must file declarations of candidacy between "the first Monday in May" and "the following Friday[.]" Wash. Rev. Code § 29A.24.050. That period is over. In the thirteen legislative districts that would be impacted by vacating the remedial order, sixty-seven candidates have filed for a state legislative office and hundreds more for precinct committee officer positions. ECF No. 314 at ¶ 4; *see also* Wash. Rev. Code § 29A.80.041 (discussing precinct committee officer elections). If the legislative district boundaries were altered, there would have to be an opportunity for newly eligible candidates to file to run for office and submit statements for the voters' pamphlet. In addition, precincts would have to be revised, requiring a new opportunity to apply to run for precinct committee officer. *See* ECF No. 314 at 10.

Petitioners' requested relief would also create a significant risk of chaos and voter confusion. Election administration "is extraordinarily complicated and difficult[,]" and elections "require enormous advance preparations by state and local officials, and pose significant logistical challenges." *Merrill v. Milligan*, 142 S. Ct. 879, 880 (2022) (Kavanaugh, J., concurring). If this Court were to order a change to legislative boundaries, the necessary changes to precincts, candidate filing, ballot creation, and voters' pamphlet preparation would take many weeks. ECF No. 51 at ¶¶ 8–13 (precinct changes); ECF No. 52 at ¶¶ 15–22 (same); ECF No. 314 at ¶ 5 (finalizing ballots designs); Wash. Rev. Code §§ 29A.24.020, 29A.32.090, 29A.32.125,

29A.68.011 (filing period, legal challenges, and voters' pamphlets). There is no guarantee that these changes could be accomplished before the currently scheduled primary election. At a minimum, it would be highly likely that election officials would be unable to mail ballots to military and overseas voters by the deadlines set by state and federal law, Wash. Rev. Code § 29A.40.070(2); *see also* 52 U.S.C. § 20302(a)(8), particularly in light of the June 1 deadline for many counties to provide materials to vendors for printing and preparation. ECF No. 314 at ¶¶ 6–8. Such a change would also jeopardize Washington elections officials' ability to mail ballots and voters' pamphlets to all other voters by state deadlines. *See* ECF No. 314 at ¶¶ 6–8.

The Court need not take the State's word for any of these concerns. Petitioners themselves asserted earlier in this case that altering district boundaries in March of an election year would violate the *Purcell* principle under Washington's election deadlines. ECF No. 61 at 3, 24. They cannot now plausibly claim the opposite.

Making matters worse is Petitioners' delay in bringing this motion. This Court decided *Callais* on April 29, yet Petitioners waited more than two weeks to file this motion. All the while critical deadlines continued to pass and precious days ticked away. Even had Petitioners filed promptly, it is doubtful that election officials could have implemented a new map in time for the August 4 primary. But now, thanks to Petitioners' own dilatory conduct, it is even more doubtful.

Petitioners' citation to *Allen v. Caster*, 608 U.S. ___ (2026) (per curiam), is not relevant. In that case, the Alabama Secretary of State requested to expedite consideration of a *fully briefed* petition for certiorari before judgment in order to use

alternative congressional district boundaries. Mot. to Expedite Consideration of Pet. for a Writ of Cert. Before J. and of This Mot., *Allen v. Caster*, No. 25-243 (U.S. Apr. 30, 2026). The *Purcell* principle is rooted in comity concerns and respect for States, and nothing in it prohibits state officials from voluntarily choosing, as Alabama did, to upend their own voting deadlines and incur the accompanying financial costs and voter confusion. But one State's willingness to suffer these harms cannot justify a federal court in ignoring *Purcell* and forcing other States to do the same, in violation of their own state laws. While some States may be willing to tolerate voter confusion, additional expense, and election delays, Washington is not.

Finally, Petitioners' motion is procedurally improper. They style the motion as one for expedited consideration of their petition, but in reality, they ask this Court for relief their petition never sought: summary reversal. *See* Mot. to Expedite Consideration of Pet. for a Writ of Cert. and to Expedite Consideration of this Mot. at 8–9 (requesting this Court vacate the district court's judgment and remedial order—not the Ninth Circuit's opinion—and also "rule that Petitioners have standing to challenge both the district court's VRA liability determination and its remedial map").

CONCLUSION

This Court should deny Petitioners' motion to expedite and instead consider their petition and response briefs on the existing schedule.

RESPECTFULLY SUBMITTED, May 22, 2026.

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