No. 25-

IN THE

Supreme Court of the United States

IN RE REPRESENTATIVE RONNY JACKSON, IN HIS INDIVIDUAL CAPACITY AND AS U.S. REPRESENTATIVE FOR TEXAS'S 13TH CONGRESSIONAL DISTRICT, AND REPRESENTATIVE DARRELL ISSA, IN HIS INDIVIDUAL CAPACITY AND AS U.S. REPRESENTATIVE FOR CALIFORNIA'S 48TH CONGRESSIONAL DISTRICT,

Petitioners.

ON PETITION FOR A WRIT OF MANDAMUS TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT AND THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS

PETITION FOR WRIT OF MANDAMUS

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QUESTION PRESENTED

Whether 28 U.S.C. § 2284(a) requires a district judge to request the convening of a three-judge district court whenever an action is filed "challenging the constitutionality of the apportionment of congressional districts," unless the claim is "wholly insubstantial" as recognized by this Court in *Shapiro v. McManus*, 577 U.S. 39 (2015).

PARTIES TO THE PROCEEDING

Petitioners in this Court (plaintiffs-appellants in the Court of Appeals) are Representative Ronny Jackson, who represents Texas's 13th Congressional District in the United States House of Representatives, and Representative Darrell Issa, who represents California's 48th Congressional District in the United States House of Representatives. Defendants in the federal district court were Shirley N. Weber, the California Secretary of State, and Gavin Newsom, the Governor of California, in their official capacities. Respondents on mandamus are the United States District Court for the Northern District of Texas, and the United States Court of Appeals for the Fifth Circuit.

CORPORATE DISCLOSURE STATEMENT

Petitioners are natural individuals, as are defendants below. The respondents to the petition for a writ of mandamus are courts of the United States.

STATEMENT OF RELATED PROCEEDINGS

In separate proceedings, the district court dismissed the complaint filed by Representative Jackson for lack of standing in *Jackson v. Weber*, No. 2:25-CV-236-Z, 2025 WL 2986057 (N.D. Tex. Oct. 23, 2025).

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The order of the district court dismissing the complaint in *Jackson v. Weber*, 2:25-CV-236-Z (N.D. Tex, Oct. 31, 2025), is unreported but reproduced in the accompanying Appendix at App. 2a. The order of the Court of Appeals for the Fifth Circuit denying a petition for mandamus was entered in *In re: Ronny Jackson*, No. 25-11233 (5th Cir.), on November 10, 2025, is unreported but reproduced at App. at 1a.

JURISDICTION

The district court had jurisdiction over the complaint under 28 U.S.C. § 1331. The district court's order denying the convening of a three-judge court and dismissing the action was issued on October 31, 2025. App. at 2a. The Fifth Circuit denied a petition for a writ of mandamus on November 10, 2025. App. at 1a. This Court has jurisdiction over this Petition pursuant to the All Writs Act, 28 U.S.C. § 1651(a).

RELEVANT CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The relevant provisions of 28 U.S.C. § 2284 are reproduced in the accompanying Statutory Appendix, 21a-22a.

INTRODUCTION

This case presents a question of statutory interpretation that has significant implications for constitutional challenges in the electoral context. In 28 U.S.C. § 2284(a), Congress directed that a three-judge district court "shall be convened" whenever an "action is filed challenging the constitutionality of the apportionment of congressional districts." *Id.* This Court confirmed in *Shapiro v. McManus*, 577 U.S. 39 (2015), that a single judge's role at the threshold is narrow. A single judge may determine only whether (i) the request is made in a case falling within § 2284(a), and (ii) the claim is "wholly insubstantial." *Shapiro*, 577 U.S. at 45-46. The statute otherwise provides no discretion for single district judges to decide the merits of any other issue, including the underlying merits of jurisdiction. Those issues are reserved solely for the three-judge panel.

The district court below ignored the statutory requirements of § 2284. The court was confronted with an action squarely challenging the constitutionality of California's congressional map—the so-called "Election Rigging Response Act" (the "ERRA"), which the California Legislature expressly enacted "to

neutralize the partisan gerrymandering being threatened by Republican-led states" and to ensure Democrats can "provide an essential check and balance" against the Republican-controlled House. The Complaint in the district court falls within the text of Section 2284—a fact which was recently recognized in a parallel action where the constitutionality of California's congressional map is considered. In *David Tangipa et al v. Gavin Newsom et al*, no. 2:25−cv−10616 JLS−KES,[1] the United States District Court for the Central District of California issued an order on November 13, 2025, designating a three-judge panel to adjudicate the merits of the case pursuant to Section 2284. In the instant case however, the district court denied the request to convene a three-judge panel and dismissed the suit for lack of standing. It achieved that result only by disregarding the clear text of the statute and engaging in an evidentiary-style standing inquiry at the pleadings stage, reframing the pleaded claims, and treating the remedial scope as a matter of standing jurisdiction. In so doing, the district court used § 2284(b)(1) as a portal to merits-like adjudication—precisely what *Shapiro* forbids. The Fifth Circuit then denied mandamus relief in a summary order, leaving the

[1] Petitioners do not cite *Tangipa* as dispositive authority regarding the underlying merits of the claims in their Complaint in the district court Action. Petitioners' reliance on *Tangipa* is limited in scope to the issue of a district court's obligation to designate a three-judge panel pursuant to Section 2284.

district court's clear statutory error uncorrected on a compressed election calendar.

This Court's immediate intervention is warranted. The duty to convene a three-judge court in congressional apportionment challenges is mandatory when the claim is not "wholly insubstantial." The district court's adjudication of the merits of standing is precisely the sort of threshold merits adjudication, including standing and justiciability determinations, that Congress reserved to the three-judge tribunal. And the timing is critically important. California's 2026 election cycle is underway. Candidate filing opened in December 2025; the primary is June 2, 2026. California's unconstitutional approach cannot be unscrambled and unless immediately corrected, it risks disenfranchisement, voter dilution and systemic harm that no later appeal can undo.

This petition presents a recurring legal question having broad consequences in other cases. As the proceedings below demonstrate, single-judge threshold dismissals in apportionment cases are proliferating, often based on standing analyses that exceed the narrow gatekeeping role that Congress authorized in § 2284. Exceptional circumstances warrant the exercise of this Court's mandamus jurisdiction to compel lower court adherence to Section 2284. Petitioners cannot obtain adequate relief in any other form or from any other court. The Court should grant mandamus and make clear that § 2284's command means what it says.

STATEMENT OF THE CASE

A. California's Unprecedented ERRA

The ERRA represents an unprecedented interstate assault on representative democracy. On August 21, 2025, the California Legislature passed and Governor Newsom signed this coordinated legislative package into law. California Assembly Constitutional Amendment ("ACA") 8 (now adopted) is a legislatively referred constitutional amendment that suspended the authority of California's Independent Citizens Redistricting Commission. California Senate Bill 280 ("SB 280") called a statewide special election for November 4, 2025, asking California voters to approve ACA 8 as "Proposition 50." App. at 29a. Proposition 50, which adopted California Assembly Bill 604 ("AB 604"), establishes new congressional district boundaries drawn by the Legislature for partisan advantage in direct violation of provisions of the California Constitution.

The ERRA's legislative findings make its illegitimate purpose explicit, stating: "The State of Texas has convened a special session of its Legislature to redraw congressional district maps to unfairly advantage Republicans"; "President Trump and Republicans are attempting to gain enough seats through redistricting to rig the outcome of the 2026 United States midterm elections regardless of how the people vote"; and "It is the intent of the people that California's temporary maps be designed to neutralize

the partisan gerrymandering being threatened by Republican-led states." App. at 30a. Governor Newsom repeatedly characterized this redistricting as retaliation against Texas, declaring on social media "It's on, Texas," and publicly stating: "We will nullify what happens in Texas." *Id.* ¶ 19.

B. Petitioners' Cognizable Injuries

Representative Jackson currently serves as Chairman of the House Permanent Select Committee on Intelligence Subcommittee on Oversight and Investigations and Chairman of the House Armed Services Committee Subcommittee on Intelligence and Special Operations. App. at 81a-82a (declaration of Representative Jackson). He alleges that if California's redistricting succeeds in flipping House control, he will automatically lose his chairmanships—and the specific authorities, staff resources, and oversight capabilities they provide—on January 3, 2027. *Id.* ¶¶ 7, 20–23. Representative Issa is a senior Member of Congress who will lose his seniority-based rights if Democrats take control of the House. App. at 66a ¶¶ 7–14 (declaration of Representative Issa). He is also a California voter registered in what is now Congressional District 49 under AB 604, whose vote will be diluted by districts drawn using stale 2020 Census data that fails to account for five years of known population changes, including devastating wildfires in 2024–2025 that displaced tens of thousands of California residents. *Id.* ¶¶ 15–28.

C. Petitioners' Lawsuit

Representative Jackson and Representative Issa filed suit on October 29, 2025, challenging California's mid-decade congressional redistricting enacted through the ERRA. App. at 23a. The complaint alleges violations of: (a) the Equal Protection Clause's one-person, one-vote requirement (Count I); (b) the Equal Protection Clause through 42 U.S.C. § 1983 for deprivation of rights under color of state law (Count II); (c) the Elections Clause, U.S. Const. art. I, § 4 (Count III); and (d) the Guarantee Clause, U.S. Const. art. IV, § 4 (Count IV). Petitioners requested a three-judge court under § 2284(a). App. at 27a.

D. The Election Calendar

The election calendar in California is compressed and imminent, requiring this Court's intervention.

Past Events

- November 4, 2025: California voters passed Proposition 50.
- December 12, 2025: The Secretary of State certified the results of the 2025 Statewide Special Election.
- Mid-December 2025: Candidate filing began for June 2026 primary.

Upcoming Events

- June 2, 2026: Primary election.
- November 3, 2026: General election.
- January 3, 2027: New Congress convenes; committee assignments made.

Compl. ¶ 45; Representative Jackson Decl. ¶ 29; Representative Issa Decl. ¶ 29. App. at 41a, 73a, 89a.

E. The District Court's Ruling

The district court denied Petitioners' request for referral to a three-judge panel and instead dismissed their claims for lack of standing. App. at 2a. In doing so, the court impermissibly demanded evidentiary population-deviation proof at the pleadings stage to negate injury-in-fact, quoting the Fifth Circuit's decision in *Moore v. Itawamba Cnty.*, 431 F.3d 257 (5th Cir. 2005), holding that since population deviations below ten percent "are often permitted . . . the 'plaintiff must prove that the redistricting process was tainted by arbitrariness or discrimination.'" The district court improperly concluded that "Plaintiffs pay lip-service to the one person one vote, rule but allege no facts supporting a violation thereof," and that accordingly, in light of *Moore*, do not allege an injury-in-fact. App. at 11a. The district court also exceeded its authority by recasting the one-person, one-vote and Elections Clause theories as nonjusticiable "political gerrymandering

disputes" which "present questions beyond [the district court]'s jurisdiction"; leveraged a collateral special election to defeat redressability for the 2026 cycle by improperly concluding that "Plaintiffs' alleged injuries depend on a speculative chain of events involving independent actors, unpredictable voter behavior, and uncertain political outcomes"; and, treated the scope of potential relief as jurisdictional, holding that even if the claims in the Complaint are "justiciable, enjoining a statewide election likely exceeds the redress" of the injury. *Id.* at 15a. Notably, the district court relied on pre-2015 authorities to justify single-judge dismissal notwithstanding this Court's contrary instruction in *Shapiro*. *Id.* at 2a *et seq*.

F. Fifth Circuit Denial of Mandamus

Petitioners sought mandamus in the Fifth Circuit. They explained that § 2284(a) makes referral mandatory when the case challenges congressional apportionment and is not "wholly insubstantial," and that *Shapiro* limits the single judge's role to that inquiry. They also detailed the urgency posed by California's election calendar. The Fifth Circuit denied the petition in a summary order. App. at 1a**.**

This petition follows.

REASONS FOR GRANTING THE WRIT

Petitioners seek review by way of a writ of mandamus and an order that directs the Fifth Circuit

to vacate the district court's order and direct the district court to immediately notify the chief judge of the Fifth Circuit under § 2284(b)(1) to immediately convene a three-judge court to hear and adjudicate this action. The district court erred in refusing to refer this case to a three-judge panel and the Fifth Circuit erred in refusing to issue a writ of mandamus compelling that relief. Immediate action by this Court is imperative. Expedited treatment of the Petition and summary disposition is thus appropriate.

A. Section 2284 May Be Enforced by Mandamus

This Court may "issue all writs necessary or appropriate in the aid of their respective jurisdictions and agreeable to the usages and principles of law." 28 U.S.C. § 1651(a). A writ of mandamus is warranted where "(1) no other adequate means exist to attain the relief [the party] desires, (2) the party's right to issuance of the writ is clear and indisputable, and (3) the writ is appropriate under the circumstances." *Hollingsworth v. Perry*, 558 U.S. 183, 190 (2010) (quoting *Cheney v. United States Dist. Ct.*, 542 U.S. 367, 380–81 (2004)) (internal quotation marks and alterations omitted). Mandamus is reserved for "exceptional circumstances amounting to a judicial 'usurpation of power.'" *Cheney*, 542 U.S. at 380 (citation omitted). Mandamus is thus appropriate where a lower court refuses to perform a nondiscretionary statutory duty and no adequate alternative remedy exists, and where the petitioner's right to relief is clear and indisputable. *Cheney,* 542

U.S. at 380–81. The requisite elements are satisfied here.

Section 2284(a) uses mandatory language and imposes a mandatory duty on a single-judge district court. *Shapiro* confirms the limited function of the single judge. The district court misconstrued the scope of permissible review of the allegations of an action which falls within the scope of 28 U.S.C. § 2284(a), and the Fifth Circuit refused to compel the district court to comply with this Court's clearly articulated standard.

Section 2284(a), as applied here, is categorical: "A district court of three judges shall be convened . . . when an action is filed challenging the constitutionality of the apportionment of congressional districts." This Court in *Shapiro* held that the single judge's gatekeeping task under § 2284(b)(1) is "no more, no less" than confirming the case falls within § 2284(a)'s ambit and that the claim is not "wholly insubstantial." 577 U.S. at 45. The Court further explained that it would be an "odd interpretation" to permit a single judge to do at the threshold what § 2284(b)(3) forbids: enter judgment on the merits. *Id.* at 44. That boundary preserves the statute's structure and ensures that close questions go to the tribunal Congress designated.

This Court and the courts of appeals have long recognized that refusals to convene three-judge courts are reviewable by mandamus. *See, e.g.*, *Ex parte Bransford*, 310 U.S. 354, 355, (1940) ("Mandamus is

the proper remedy" if "petitioner contends . . . he is entitled to have the case heard before three judges."); *Stratton v. St. Louis Sw. Ry. Co.*, 282 U.S. 10, 16 (1930) ("[W]here a court of three judges should have been convened, and was not, this Court may issue a writ of mandamus to vacate the order . . . ."); *Reed Enterprises v. Corcoran*, 364 F.2d 519, 524 (D.C. Cir. 1965); *Two Guys from Harrison-Allentown, Inc. v. McGinley*, 266 F.2d 427, 432 (3d Cir. 1959) (mandamus relief to compel compliance with Section 2284 available from this Court). The district court's error is "clear and indisputable": it refused to perform a nondiscretionary statutory duty and instead adjudicated matters Congress assigned to a three-judge court. Ordinary appellate remedies are inadequate in the context of an election cycle that is already underway. Delay risks mooting effective relief with consequences that cannot be unwound after ballots are cast, voter expectations are set, and officials are elected under unconstitutional districts.

B. This Case Presents Justiciable Claims Which Must Be Referred to a Three-Judge Court Under Section 2284.

Prior to this Court's decision in *Shapiro*, several courts described § 2284 as "jurisdictional," reasoning that a single district judge retained independent authority to determine subject-matter jurisdiction—including standing—and could therefore dismiss an apportionment challenge without convening a three-judge court. *See, e.g., Kalson v.*

Paterson, 542 F.3d 281 (2d Cir. 2008); *Armour v. Ohio*, 925 F.2d 987 (6th Cir. 1991).

Shapiro rejected that framework. Section 2284 does not alter ordinary Article III jurisdiction. Rather, it reallocates decisional authority once an apportionment challenge is filed. Under § 2284(a), a three-judge court is the default tribunal vested with authority to adjudicate merits issues—including standing—unless the claim is "wholly insubstantial." 577 U.S. at 45–46. The single judge's role is strictly gatekeeping: to confirm that the case falls within § 2284(a) and that the claim is not frivolous. If that low threshold is met, all merits determinations are reserved to the three-judge court.

28 U.S.C. § 2284(a) sets forth the subject matter prerequisites for referral to a three-judge panel and controls the inquiry. Subsection 2284(a) provides that "[a] district court of three judges shall be convened when otherwise required by Act of Congress, or when an action is filed challenging the constitutionality of the apportionment of congressional districts or the apportionment of any statewide legislative body." Subsection 2284(b)(1) requires a single-judge district court to refer a case to a three-judge panel "unless he determines that three judges are not required[.]"

Here, the district court rested its decision solely on standing; it did not purport to apply *Shapiro*'s "wholly insubstantial" or "obviously frivolous" test. Instead, the district court misread *Shapiro* as allowing a single-judge district court to exercise its own *de novo* judgment on the merits of jurisdictional questions regarding Petitioners' allegation of a *prima facie* violation of the one-person, one-vote rule, "dispos[ing] of the matter without convening a three-judge court." App. at 18a (quoting *Bone Shirt v. Hazeltine*, 444 F. Supp. 2d 992 (D.S.D. 2005)). That was error.

The "wholly insubstantial" test applies to the merits of standing questions no less than the merits of other types of issues. In *Hagans v. Lavine*, 415 U.S. 528, 538 (1974), this Court reversed a lower court decision that ordered dismissal of a constitutional claim for lack of jurisdiction for a failure to present a "substantial" constitutional claim. The Court made clear that "substantiality" of a claim is a merits inquiry, not a matter of jurisdiction. *Id*. at 542–43. *See also Bell v. Hood*, 327 U.S. 678, 682–83 (1946) ("Jurisdiction, therefore, is not defeated as respondents seem to contend, by the possibility that the averments might fail to state a cause of action on which petitioners could actually recover.").

Section 2284 and *Shapiro* present the flip side of the same jurisdictional coin. Under *Shapiro*, whether a complaint is "wholly insubstantial" is the linchpin of the *jurisdiction* of a single-judge district court. The "wholly insubstantial" test is thus itself a

jurisdictional standard and the merits of jurisdictional questions are subject to the same test *Shapiro* imposed for other types of merits determinations. *Shapiro*, 577 U.S. at 44.

Before *Shapiro* was decided, several circuits treated § 2284 as jurisdictional. The Second Circuit in *Kalson v. Paterson* held that "the text of 28 U.S.C. § 2284 uses typically jurisdictional language. There is, moreover, no reason to think that when in 1976 Congress amended the three-judge statute, it intended to make this imperative nonjurisdictional." 542 F.3d 281 (2008). The Sixth Circuit reached the same conclusion in *Armour v. Ohio*, stating that the statute's mandatory language makes convening a three-judge court "a jurisdictional requirement." 925 F.2d 987 (1991). *Shapiro* abrogated these decisions.

And post-*Shapiro* decisions have shown why the Fifth Circuit was wrong to deny mandamus. In 2019, the Second Circuit, in construing a § 2284 request, found "that the district court lacked jurisdiction to decide Defendants' motion to dismiss for failure to state a claim and that it should have referred that aspect of the case to a three-judge district court." *Nat'l Ass'n for Advancement of Colored People v. Merrill*, 939 F.3d 470, 478 (2d Cir. 2019). That same Court interpreted *Shapiro* to mean that "§ 2284(a) is jurisdictional and a single judge has no power over a case that falls within § 2284(a) other than to refer the case to a three-judge panel"—that is,

no authority to resolve merits issues other than the wholly insubstantial inquiry. *Id*. at 478–79.

Further, *Shapiro*'s "wholly insubstantial" test is the appropriate test for evaluating subject matter jurisdiction in § 2284 cases. *See Rose v. Husenaj,* 708 F. App'x 57, 60 (3d Cir. 2017) (applying *Shapiro* to threshold jurisdictional questions). The First Circuit interpreted *Shapiro* to "presume[] subject-matter jurisdiction" as a prerequisite to the three-judge court being authorized. *Igartua v. Obama*, 842 F.3d 149, 156 (1st Cir. 2016). The operative test for whether "ordinary subject matter jurisdiction requirements" are met is whether the pleaded claims are neither "'wholly insubstantial [nor] frivolous.'" *Id.* at 157. The Sixth Circuit, in *Simon v. DeWine*, determined that *Shapiro's* holding must be strictly construed so that constitutional claims are presumed to be neither insubstantial nor frivolous. 98 F.4th 661, 664 (6th Cir. 2024) (applying *Steel Co. v. Citizens for a Better Env't*, 523 U.S. 83, 89 (1998), to hold that a claim is "insubstantial" when "the claim is so insubstantial, implausible, foreclosed by prior decisions of the Supreme Court, or otherwise completely devoid of merit as not to involve a federal controversy" (cleaned up)). Courts continue to apply *Shapiro's* language that "§ 2284(a) admits of no exception, and the mandatory 'shall' normally creates an obligation impervious to judicial discretion." *Berry v. Ashcroft*, No. 4:22-CV-00465-JAR, 2022 WL 1451685, at *3 (E.D. Mo. May 9, 2022) (internal citations omitted) (citing *Shapiro*, 577 U.S. 39, 43 (2015)).

As *Shapiro* makes clear, that test imposes a "low bar," especially on constitutional questions, to the appointment of a three-judge panel in apportionment cases. 577 U.S. at 46 (citation omitted). *See also Hagans*, 415 U.S. at 538 ("A claim is insubstantial only if 'its unsoundness so clearly results from the previous decisions of this court as to foreclose the subject and leave no room for the inference that the questions sought to be raised can be the subject of controversy.'") (citation omitted). As this Court has noted, "[c]hallenges to the constitutionality of congressional districts *are heard* by three-judge district courts[.]" *Cooper v. Harris*, 581 U.S. 285, 293 n.2 (2017) (emphasis added).

Here, Petitioners pleaded *prima facie* conventional one-person, one-vote and Elections Clause challenges to congressional apportionment. Representative Issa alleged concrete, district-level voter-dilution harm; and the complaint seeks familiar remedies for redistricting. The claims easily clear the low threshold that triggers § 2284's mandatory referral. *See also Arizona State Legislature v. Arizona Indep. Redistricting Comm'n*, 997 F. Supp. 2d 1047, 1050 (D. Ariz. 2014), *aff'd,* 576 U.S. 787 (2015); *see also Bost v. Illinois State Bd. of Elections*, 607 U.S. ___, 2026 WL 96707, at *3 (Jan. 14, 2026) ("What matters is that the harm candidates suffer is distinct from that suffered by the 'people generally.'") (citing *Massachusetts v. Mellon*, 262 U.S. 447, 488 (1923)). A single-judge district court may not dismiss such claims on standing grounds where the standing allegations are not "wholly insubstantial." Any other

rule would allow a district court to defeat § 2284 through merits rulings on standing questions.

The district court's analysis below cannot be squared with *Shapiro*. Instead of performing the strictly limited, facial inquiry that § 2284(b)(1) and *Shapiro* require, the court engaged in an evidentiary standing analysis at the pleadings stage, demanded population-deviation proof to negate injury-in-fact, reframed pleaded theories, and treated remedial relief as a jurisdictional bar rather than a merits issue reserved to the three-judge court. Those are classic merits determinations reserved for the three-judge tribunal. Such determinations are not within the single judge's power at the § 2284(b)(1) threshold, except if the claim and the standing allegations are "wholly insubstantial"—a narrow category that the district court did not apply, and which is not implicated here.

Appellate decisions applying *Shapiro* confirm that standing-based or other merits-like determinations cannot be used to avoid convening a three-judge court when § 2284(a) is otherwise satisfied. *See, e.g.*, *Independence Institute v. FEC*, 816 F.3d 113 (D.C. Cir. 2016). *Shapiro* adopted the "wholly insubstantial" language from *LaRouche v. Fowler*, 152 F.3d 974, 981–83 (D.C. Cir. 1998), where the court held that a single judge may dismiss claims under the Act only if the plaintiff's challenge is "wholly insubstantial" or "obviously frivolous," and reversed the single judge's dismissal, remanding for a three-judge court to be convened. In *LULAC v. Texas*,

113 F.3d 53, 55–56 (5th Cir. 1997), the Fifth Circuit reversed a single-judge dismissal, holding that "neither the legal nor the factual aspects of LULAC's claim is wholly insubstantial" and remanding "for the convening of a three-judge court."

The limited exception for facially wholly insubstantial claims is not a license for single-judge merits adjudication by another name. To hold otherwise would collapse § 2284's structure and defeat Congress's express command. Petitioners' standing is not "wholly insubstantial" on the face of the Complaint and is thus an issue that only a three-judge court may adjudicate. The Fifth Circuit erred in failing to correct that error. Mandamus is an appropriate means of compelling the district court to refer such issues to a three-judge court.

C. The Election Calendar and Public Interest Underscore the Urgency of Immediate Relief

The election timeline makes immediate relief urgent. The case should be decided summarily by an order directing the Fifth Circuit to order the district court to immediately refer the matter to a three-judge court under Section 2284.

Past Events

- **November 4, 2025:** California voters decided Proposition 50;

- **December 12, 2025:** Secretary of State certified statewide election results;

- **Mid-December 2025:** Candidate filing began for June 2026 primary using the challenged districts;

Upcoming Events

- **June 2, 2026:** Primary election;

- **November 3, 2026:** General election;

- **January 3, 2027:** New Congress convenes; committee assignments made.

The election calendar renders ordinary appeal inadequate to prevent irreparable, systemic harms. Once the 2026 elections proceed under California's unconstitutional districts, the harm cannot be remedied. Representatives will be elected from unconstitutional districts created solely for California to flip the composition of the House of Representatives. Committee assignments, including chairmanships, will be determined based on a congressional composition resulting from unconstitutional redistricting. Those Representatives will serve for two years regardless of any subsequent judicial determination that the districts were unconstitutional. The constitutional violations will have been consummated, and no judicial remedy can un-ring that bell.

Federal courts in apportionment cases have repeatedly emphasized that equitable considerations necessitate timely intervention to prevent unnecessary disruption and to preserve the ability to grant meaningful relief. A remedial scheme that returns California to enforcing its commission-drawn districts minimizes disruption, avoids voter confusion, and respects the public interest in fair and constitutional elections. The longer this statutory gatekeeping error persists, the more acute and irreparable the harm becomes.

The record below crystallizes the need for immediate correction. Petitioners' motion to convene a three-judge court explained that § 2284's requirement is mandatory, that *Shapiro* forecloses the single judge's standing-based avoidance, and that at least one petitioner—Representative Issa—plainly satisfied Article III at the pleading stage. App. at 24a *et seq*. Their preliminary-injunction briefing traced the cascading harms that flow from proceeding under an unconstitutional map, including concrete, voter-level dilution and systemic harms to the structure of representative government. App. at 25a, 49a *et seq*. These are all questions of exceptional importance that warrant immediate attention of a three-judge court under Section 2284. The Fifth Circuit's summary denial of mandamus left uncorrected a clear and recurring error on a compressed timetable. This Court should intervene to restore the statutory scheme imposed by Section 2284. The issue is sufficiently clear to warrant summary disposition.

CONCLUSION

The petition should be granted. The Court should issue the writ of mandamus and summarily direct the Fifth Circuit to vacate the district court's order denying a three-judge court or direct the district court to immediately notify the Chief Judge of the Fifth Circuit to convene a three-judge court under 28 U.S.C. § 2284(b)(1) to hear and determine this action without further delay.

Respectfully submitted,

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February 2, 2026

APPENDIX

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APPENDIX A — ORDER OF THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT, FILED NOVEMBER 10, 2025

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 25-11233

IN RE REPRESENTATIVE RONNY JACKSON, IN HIS INDIVIDUAL CAPACITY AND AS U.S.REPRESENTATIVE FOR TEXAS'S 13THCONGRESSIONAL DISTRICT; REPRESENTATIVE DARRELL ISSA, IN HIS INDIVIDUAL CAPACITY AND AS U.S.REPRESENTATIVE FOR CALIFORNIA'S 48THCONGRESSIONAL DISTRICT,

Petitioners.

Filed November 10, 2025

UNPUBLISHED ORDER

Petition for a Writ of Mandamus
to the United States District Court
for the Northern District of Texas
USDC No. 2:25-CV-236

Before GRAVES, HO, and DOUGLAS, *Circuit Judges.*

PER CURIAM:

IT IS ORDERED that the petition for writ of mandamus is DENIED.

APPENDIX B — ORDER OF THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS, AMARILLO DIVISION, FILED OCTOBER 31, 2025

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

2: 25-CV-236-Z

REPRESENTATIVE RONNY JACKSON, *et al.*,

Plaintiffs,

v.

SHIRLEY N. WEBER, *et al.*,

Defendants.

Filed October 31, 2025

ORDER

Before the Court are three motions, all filed October 30, 2025: (1) Plaintiffs' Motion for Preliminary Injunction (ECF No. 6); (2) Plaintiffs' Motion for Leave to Exceed Page Limits (ECF No. 7); and (3) Plaintiffs' Motion to Convene a Three Judge Panel (ECF No. 8). After reviewing the briefing and relevant law, and for the reasons stated below, Plaintiffs' Motions are all **DENIED**. Further, Plaintiffs' claims are *sua sponte* **DISMISSED without prejudice** for lack of standing.

Appendix B

BACKGROUND

Plaintiffs United States Representative Ronny Jackson[1] and Representative Darrell Issa[2] seek a preliminary injunction to prevent the enforcement of California's Election Rigging Response Act (the "ERRA"). ECF No. 6 at 7. On November 4, 2025, pursuant to the ERRA, California will conduct a statewide special election concerning Proposition 50—a "legislatively referred constitutional amendment" to the state's constitution. *Id.* Plaintiff contends that the "California Constitution, not the Legislature, is tasked with adjusting the boundaries of congressional, Senate, Assembly, and State Board of Equalization districts once every decade, in the year following the national census." *Id.* Thus, Proposition 50 would "temporarily override the Commission's authority regarding congressional districts." *Id.* Accordingly, Plaintiff argues that the ERRA (1) violates 42 U.S.C. Section 1983 and the Fourteenth Amendment by "depriving

1. Jackson represents Texas's 13th Congressional District in the U.S. House of Representatives and currently serves as Chairman of two House subcommittees: the Subcommittee on Oversight and Investigations of the House Permanent Select Committee on Intelligence, and the Subcommittee on Intelligence and Special Operations of the House Armed Services Committee. *See* ECF No. 6 at 11, 36.

2. Issa represents California's 48th Congressional District in the U.S. House of Representatives and currently serves as Vice Chair of the Committee on Foreign Affairs. He also serves as Chairman of the Subcommittee on Intellectual Property, Artificial Intelligence, and the Internet on the Committee on Judiciary. ECF No. 1 at 3.

Plaintiff Darrell Issa of his vote being counted equally after redistricting, consistent with equal protection"; (2) violates the Elections Clause "by usurping power that the California Legislature does not lawfully possess under its own state constitution"; and (3) violates the Guarantee Clause by "sabotaging fundamental principles of republican government." *Id.* Plaintiff asks this Court to preliminarily enjoin Defendants from "placing Proposition 50 on the ballot and otherwise implementing the ERRA." *Id.* at 8.

This case follows shortly on the heels of a nearly identical case and request for preliminary injunctive relief. There, Representative Ronny Jackson also sued Defendants Shirley N. Weber and Gavin Newsom in their official capacities, raising nearly—if not exactly—identical challenges to the ERRA. *See Jackson v. Weber,* No. 2:25-CV-197, 2025 WL 2986057, at *5 (N.D. Tex. Oct. 23, 2025) ("Plaintiff asks this Court to enjoin Defendants from placing Proposition 50 on the ballot and otherwise implementing the ERRA." (internal marks omitted)). This Court denied Plaintiff Jackson's motion for a temporary restraining order and preliminary injunction and ultimately dismissed the action, as Plaintiff did not have standing to challenge a California redistricting law as a United States Congressman. *Id.* ("Plaintiff lacks standing to challenge the ERRA and Proposition 50."). Now, Representative Jackson returns and joins Darrell Issa, the representative for California's 48th Congressional District, in an attempt to renew his earlier challenge.

Appendix B

LEGAL STANDARD

Federal courts have an equitable power to issue preliminary injunctions under Federal Rule of Civil Procedure 65. A preliminary injunction is an extraordinary remedy requiring the movant to unequivocally show it is entitled to the relief. *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 22 (2008). "Its purpose 'is merely to preserve the relative positions of the parties until a trial on the merits can be held.'" *Starbucks Corp. v. McKinney,* 602 U.S. 339, 346 (2024) (quoting *Univ. of Tex. v. Camenisch,* 451 U.S. 390, 395 (1981)). To obtain one, the movant must show four factors:

> (1) a substantial likelihood of success on the merits, (2) a substantial threat of irreparable injury if the injunction is not issued, (3) that the threatened injury if the injunction is denied outweighs any harm that will result if the injunction is granted, and (4) that the grant of an injunction will not disserve the public interest.

Id. The first factor is "the most important." *Mock v. Garland,* 75 F.4th 563, 587 n.50 (5th Cir. 2023). But no factor has a "fixed quantitative value." *Id.* at 587. On the contrary, "a sliding scale is utilized, which takes into account the intensity of each in a given calculus." *Id.* However, "[a] preliminary injunction is an extraordinary and drastic remedy; it is never awarded as of right." *Munaf v. Green,* 553 U.S. 674, 689 (2008) (internal citations and quotations omitted). The "decision to grant or deny [relief]

lies within the sound discretion of the trial court." *White v. Carlucci,* 862 F.2d 1209, 1211 (5th Cir. 1989).

ANALYSIS

I. Standing

Before turning to the question of whether a preliminary injunction is warranted in the instant case, the Court begins by addressing the threshold issue of standing. Article III of the Constitution limits the federal "judicial Power" to "Cases" and "Controversies." U.S. CONST. art. III, § 2. "One element of the case-or-controversy requirement is that [plaintiffs], based on their complaint, must establish that they have standing to sue." *Raines v. Byrd,* 521 U.S. 811, 818 (1997). Like many other jurisdictional requirements, this standing requirement cannot be waived. *See Lewis v. Casey,* 518 U.S. 343, 349 n.1(1996). Thus, it must be addressed at the outset of the case.

A plaintiff must therefore establish standing before a court may grant a preliminary injunction. *See Speech First, Inc. v. Fenves,* 979 F.3d 319, 329 (5th Cir. 2020). To have standing, "[t]he plaintiff must have (1) suffered an injury in fact, (2) that is fairly traceable to the challenged conduct of the defendant, and (3) that is likely to be redressed by a favorable judicial decision." *La Union Del Pueblo Entero v. Abbott,* 151 F.4th 273, 285 (5th Cir. 2025) (quoting *Spokeo, Inc. v. Robins,* 578 U.S. 330, 338 (2016)). "An injury in fact is 'an invasion of a legally protected interest which is (a) concrete and particularized; and

(b) actual or imminent, not conjectural or hypothetical.' *Id.* (quoting *Lujan v. Defs. of Wildlife,* 504 U.S. 555, 560 (1992) (citation modified)). This is the Iflirst and foremost' of standing's three elements." *Spokeo,* 578 U.S. at 338-89 (quoting *Steel Co. v. Citizens for Better Env't,* 523 U.S. 83, 103 (1998)). "The second and third requirements, causation and redressability, are usually `flip sides of the same coin.' *Diamond Alt. Energy, LLC v. Env't Prot. Agency,* 606 U.S. —, 145 S. Ct. 2121, 2133 (2025) (quoting *FDA v. All. for Hippocratic Med.,* 602 U.S. 367, 379 (2024)); *see also Murthy v. Missouri,* 603 U.S. 48, 97 (2024) (Alito, J., dissenting) ("If a defendant's action causes an injury, enjoining the action or awarding damages for the action will typically redress that injury." (citation modified)). "Causation requires the plaintiff to show 'that the injury was likely caused by the defendant,' and redressability requires the plaintiff to demonstrate 'that the injury would likely be redressed by judicial relief.' *Id.* (quoting *Trans Union LLC v. Ramirez,* 594 U.S. 418, 423 (2021)). Far from being "an ingenious academic exercise in the conceivable," the standing inquiry requires the plaintiff to make "a factual showing of perceptible harm." *Lujan,* 504 U.S. at 566 (quoting *United States v. Students Challenging Regul. Agency Procs. (SCRAP),* 412 U.S. 669, 688 (1973)).

A. Injury-in-Fact

Plaintiffs allege "dual" injuries as legislators and voters. ECF No. 1 at 3. First, they claim they will each suffer harm in their representational capacities. *Id.* at 2. They assert an injury "as individual Members of Congress whose ability to represent their constituents will be

directly and immediately impaired." *Id.* But Plaintiffs do not rely solely on their status as legislators. They further contend they will suffer injury as individuals "whose own votes will be diluted by California's unconstitutional redistricting scheme." *Id.* Thus, Plaintiffs assert standing first as legislators, second as voters. The Court addresses each argument in turn.

1. Legislator Standing

The Supreme Court has recognized few circumstances in which legislators may sue in their representational capacity. In *Powell v. McCormack,* the Court allowed a congressman to sue the Speaker of the House and others after they passed a resolution specifically barring him from taking his seat. 395 U.S. 486, 489 (1969). And in *Coleman v. Miller,* the Supreme Court found state legislators had standing to sue when they alleged a Lieutenant Governor's action ratifying an amendment deprived their vote against ratification of its effect. 307 U.S. 433, 36-37 (1939). But the Court significantly narrowed legislator standing in *Raines v. Byrd.* 521 U.S. at 821. There, the Supreme Court clarified its earlier decisions, limiting *Powell's* holding to cases where a legislator receives "specially unfavorable treatment" relative to other members of Congress. *Id. Raines* also characterized *Coleman* as being limited to cases in which legislators' votes are "deprived of all validity." *Id.* at 822. Post-Raines, legislators may not sue in their representative capacity when the asserted harm amounts only to "a loss of political power, not loss of any private right, which would make the injury more concrete." *Id.* at 821. Nor can they sue for a loss of voting power

unless the challenged event renders their vote completely ineffective. *Id.* at 822.

Here, Plaintiffs essentially claim they will lose "political power," not any "private right." *Id.* Plaintiff Jackson argues that if "Democrats take control of the House in January 2027, [he] will immediately and automatically lose" his chairmanship positions on two subcommittees, as well as the resources attending those positions and a House majority seat. ECF No. 1 at 13. These are trappings of "political power," not private entitlements. Nor do the anticipated losses deprive Plaintiff of his vote as a Member of Congress. Under *Raines,* these are not Article III injuries. *See* 521 U.S. at 821-22.

The Court previously addressed Representative Jackson's standing to challenge the California election in its Order dismissing his prior action. *See generally Jackson,* 2025 WL 2986057. There, the Court held *Raines v. Byrd* "makes clear that Plaintiffs suit is not judicially cognizable." *Id.* at *4. Now, as then, this Court holds Representative Jackson does not have standing to bring this suit in his capacity as a legislator. Adding Plaintiff Representative Darrell Issa does not change this outcome.

Plaintiff Issa alleges that "[i]f Democrats take control of the House due to AB 604's implementation, Plaintiff Issa will lose" his "seniority advantages in committee proceedings," as well as suffer a reduced staff allocation, a weaker "[a]bility to shape committee agendas," and less "[p]riority access to witnesses, oversight materials, and legislative opportunities." Just as the injuries alleged by

Plaintiff Jackson, these are articles of "political power," not "private right[s]." *Raines,* 521 U.S. at 821. Because he has alleged no loss of a personal entitlement, nor a complete deprivation of his vote's validity, Plaintiff Issa has not pled a cognizable injury in his representational capacity. *See id.* at 821-22.

2. Voter Standing

Plaintiffs also assert anticipated injuries as voters. At the outset, this Court notes Plaintiff Jackson is not a voter in any California district. *See* ECF No. 1 at 2. Rather, he "represents Texas's 13th Congressional District." *Id.* As a voter, then, Plaintiff Jackson will suffer no harm except that which every other voter in the United States shares equally. In other words, Plaintiff Jackson would hold a "generalized grievance," in no way particular to him. *See United States v. Richardson,* 418 U.S. 166, 176, 180 (1974); *Lujan,* 504 U.S. at 575. Plaintiff Jackson's generalized grievances are not Article III injuries. *Id.*

Plaintiff Issa, however, does vote in California. ECF No. 1 at 2. As a California voter, the state's redistricting would immediately affect him. Courts have recognized cognizable injuries flowing from certain dilutions of an individual's vote. *See Reynolds v. Sims,* 377 U.S. 533, 558 (1964). When population deviations of ten percent or more occur, redistricting presumptively violates the equal protection principle of "one person one vote." *See id.; Moore v. Itawamba Cnty.,* 431 F.3d 257 (5th Cir. 2005). But deviations below that level are often permitted, as the "plaintiff must prove that the redistricting process

was tainted by arbitrariness or discrimination." *Moore,* 431 F.3d at 258.

Here, Plaintiffs pay lip-service to the "one person one vote," rule but allege no facts supporting a violation thereof. *See* ECF No. 1 at 6. Instead, they barely assert the redistricting will use "stale" data and result in "unequal distribution of people across district lines," even though Plaintiffs admit "AB 604's districts deviate from [the 2020 Census data] ideal by no more than one person." *Id.* at 9-10. Without more, Plaintiff Issa has not alleged an illegal dilution of his vote. In other words, he has not alleged an injury-in-fact.

Courts have also recognized cognizable injuries flowing from racially classified or motivated redistricting. *See generally, e.g., Miller v. Johnson,* 515 U.S. 900 (1995); *Shaw v. Reno,* 509 U.S. 630 (1993). Instead of racial motivations, here Plaintiffs complain of political motivations. Plaintiff Issa argues his "vote will be manipulated for partisan advantage." ECF No. 1 at 17. This is a political gerrymandering claim—asserting not that Plaintiff Issa's vote will hold less quantitative weight, but that the political effects will favor one party. Indeed, "[p]artisan gerrymandering is nothing new. Nor is frustration with it." *Rucho v. Common Cause,* 588 U.S. 684, 696 (2019).

Even if Plaintiffs present valid frustrations, having one's district politically gerrymandered does not constitute a justiciable injury. *Id.* at 707. "Partisan gerrymandering invariably sounds in a desire for

proportional representation." *Id.* at 704. But judicial precedents "clearly foreclose any claim that the Constitution requires proportional representation or that legislatures in reapportioning must draw district lines to come as near as possible to allocating seats to the contending parties in proportion to what their anticipated statewide vote will be." *Id.* at 704-05 (internal quotations omitted). Because the "Framers were aware of electoral districting problems" and yet "settled on . . . assigning the issue to the state legislatures, expressly checked and balanced by the Federal Congress," any holding "that legislators cannot take partisan interests into account when drawing district lines would essentially countermand [their] decision to entrust districting to political entities." *Id.* at 699, 701. In summary, the Founders and the Supreme Court understood something akin to gerrymandering would emerge as an inevitable, political "spoil of war" beyond the reach of the Judiciary.

Even disregarding the Founders' intentions, creating workable standards for adjudicating such disputes would involve "questions that are political, not legal," and therefore "beyond the competence of the federal courts." *Id.* at 707. Simply put, political gerrymandering disputes present questions beyond this Court's jurisdiction.

Plaintiff Issa's claims that his vote is politically diluted cannot, therefore, give rise to a cognizable injury. And to the extent Plaintiffs rely on a broader injury, extending "to the statewide harm to their interest in their collective representation in the legislature, and in influencing the legislature's overall composition and policymaking,"

this also fails. *Gill v. Whitford,* 585 U.S. 48, 50 (2018) (internal quotations omitted). The Supreme Court's "cases to date have not found that this presents an individual and personal injury of the kind required for Article III standing." *Id.* at 68.

For the foregoing reasons, Plaintiffs have alleged no cognizable injury-in-fact supporting their standing to sue.

B. Causation

Just as before, Plaintiffs' asserted injuries are too attenuated from California's passage of the ERRA to establish causation. Plaintiffs write that if this Court does not enjoin California's upcoming special election, California's new legislative districts "*will* cause the U.S. House of Representatives to shift from its Republican majority to a Democrat majority by the term beginning in 2027." ECF No. 6 at 5 (emphasis added). More accurately, California's approval of Proposition 50 *could or may* cause such a result. As this Court has previously stated, "Plaintiffs claims depend on all of the following occurring: California voters approving Proposition 50 in November 2025; California voters turning out for Democrats in overwhelming numbers in November 2026; that overwhelming turnout resulting in Californians electing more Democrats to the U.S. House than they already do; and voters nationwide electing precisely the right number of Democrats, such that the entire U.S. House turns blue because of the seats California Democrats may flip in the 2026 midterms." *Jackson,* 2025 WL 2986057, at *5.

This is not a "manufactured litany of hypotheticals." ECF No. 6 at 17. Rather, the Court merely takes Plaintiffs' arguments to their logical conclusions, demonstrating a situation that is far too speculative to show causation. Plaintiffs' own hypothetical—asking the Court to consider California imposing tariffs on Texas businesses—actually underscores why causation is lacking. There, the causal link between the state's action and the plaintiff s injury is clear and concrete: tariffs directly increase the cost of doing business for the affected entities. By contrast, Plaintiffs' alleged injuries depend on a speculative chain of events involving independent actors, unpredictable voter behavior, and uncertain political outcomes. Unlike tariffs, the purported "retaliatory measures" here merely assert a generalized grievance about how elections are administered. Such attenuated and conjectural claims fall far short of establishing causation sufficient for standing. *See, e.g., Clapper,* 568 U.S. at 414 (no causation where the plaintiffs' claim rested on a "speculative chain of possibilities"); *Summers v. Earth Island Inst.,* 555 U.S. 488, 499 (2009) ("[S]peculation does not suffice."); *Whitmore v. Arkansas,* 495 U.S. 149, 157 (1990) ("Petitioner's alleged injury is too speculative to invoke the jurisdiction of an Art. III court."); *Allen v. Wright,* 468 U.S. 737, 759 (1984) (no standing where the "links in the chain of causation between the challenged Government conduct and the asserted injury" were "far too weak"); *Murthy,* 603 U.S. at 57 (finding no standing because of the "one-step-removed, anticipatory nature" of the plaintiffs' alleged injuries).

C. Redressability

Causation and redressability are "flip sides of the same coin." *Diamond Alt. Energy,* 145 S. Ct. at 2133 (quoting *All. for Hippocratic Med.,* 602 U.S. at 379). Thus, if causation is satisfied, so is redressability. But causation is not satisfied. Plaintiffs failed to show that California's approval of the ERRA will likely cause them to suffer a legally cognizable injury. It follows that enjoining California's upcoming special election would not redress any injury Plaintiffs may suffer.

Moreover, the Supreme Court recently rejected a voter-challenge to a redistricting effort in *Gill v. Whitford,* 585 U.S. 48 (2018). Citing redressability concerns, the Court noted that even in racial gerrymandering cases, plaintiffs "cannot sue to invalidate the whole State's legislative districting map; such complaints must proceed 'district by district.' *Id.* (quoting *Ala. Black Caucus v. Alabama,* 575 U.S. 254, 262 (2015)). Just as in that case, Representative Issa's anticipated injury is the political dilution of his vote. *See id.* at 67 ("Here, the plaintiffs partisan gerrymandering claims turn on allegations that their votes have been diluted."); ECF No. 1 at 17 (asserting Issa's "vote will be diluted" and "manipulated for partisan advantage"). Representative Issa is a citizen of a single district. Any dilution of his individual vote occurs within that district. So, even if his claim is justiciable, enjoining a statewide election likely exceeds the redress of his injury.

An injury as an individual voter does not warrant enjoining a statewide election. And, to the extent Plaintiffs

rely on a broader injury, extending "to the statewide harm to their interest in their collective representation in the legislature, and in influencing the legislature's overall composition and policymaking," this also fails. *Gill,* 585 U.S. at 68. The Supreme Court's "cases to date have not found that this presents an individual and personal injury of the kind required for Article III standing." *Id.* Therefore, that broader harm could not support redressability because it is not justiciable in the first place.

II. Additional Procedural Concerns

It is worth noting that even if Plaintiffs *did* have standing—they do not—and the Court proceeded to analyze Plaintiffs' likelihood of success on the merits, this lawsuit would not survive a venue challenge. 28 U.S.C. Section 1391 governs "the venue of all civil actions" in district courts. 28 U.S.C. § 1391(a)(1). Venue is proper if one of three conditions is met. First, if the civil action is brought in "a judicial district in which any defendant resides, if all defendants are residents of the State in which the district is located." *Id.* § 1391(b)(1). Second, if Plaintiff brings suit in "a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated." *Id.* § 1391(b)(2). Third, the action can proceed in "any judicial district in which any defendant is subject to the court's personal jurisdiction with respect to such action," but only if "there is no district in which an action may otherwise be brought as provided in this section." *Id.* § 1391(b)(3).

Here, Plaintiffs state both Defendants are citizens of California. ECF No. 1 at 3. Therefore, no defendant resides in this judicial district, and venue is not proper under Section 1391(b)(1). Consider also the facts of this case. The challenged election is a California election. The ERRA is a California state bill which "the California Legislature passed and Defendant Newsom signed into law." *Id.* at 5. Proposition 50 will be approved or declined by "California voters." *Id.* at 8. Any nonspeculative effects of that action will likely occur in California. The relevant facts of this case, then, bear little to no relationship to the Northern District of Texas. California's reference to Texas's redistricting as a political motivator does not constitute "a substantial part of the events or omissions" in this case. 28 U.S.C. § 1391(b)(2); *see* ECF No. 1 at 6. Therefore, Plaintiffs have not shown that venue is proper under Section 1391(b)(2). And, for the same reasons previously stated, Plaintiff could satisfy the venue requirements in California under either Section 1391(b)(1) or 1391(b)(2). Since there exists another district in which Plaintiff can bring this action, venue is not proper under Section 1391(b)(3).

III. Request for a Three-Judge Panel

In addition to their Motion for Preliminary Injunctive Relief, Plaintiffs request the Court to convene a three-judge district court panel pursuant to 28 U.S.C. Section 2284(a) to "hear and determine this action." ECF No. 8 at 1.

28 U.S.C. Section 2284 provides that "[a] district court of three judges shall be convened when . . . an action is

filed challenging the constitutionality of the apportionment of congressional districts or the apportionment of any statewide legislative body." 28 U.S.C. § 2284(a). Section 2284 continues, stating that "[u]pon the filing of a request for three judges, the judge to whom the request is presented shall, *unless he determines that three judges are not required,* immediately notify the chief judge of the circuit, who shall designate two other judges, at least one of whom shall be a circuit judge." 28 U.S.C. § 2284(b)(1) (emphasis added).

Although Plaintiffs "challenge[] the constitutionality of California's apportionment of congressional districts on multiple grounds," ECF No. 8 at 2, a single district court judge may determine that "three judges are not required" if the party seeking relief lacks standing. To be sure, the Supreme Court has held that a "three-judge court is not required where the district court itself lacks jurisdiction [over] the complaint or the complaint is not justiciable in the federal courts." *Shapiro v. McManus,* 577 U.S. 39, 44-45 (2015) (quoting *Gonzalez v. Automatic Emp. Credit Union,* 419 U.S. 90, 100 (1974)). And because a case is not justiciable in federal courts when the plaintiff lacks standing, the absence of standing is a "ground upon which a single judge [may] decline[] to convene a three-judge court." *See Gonzalez,* 419 U.S. at 100; *see also Bone Shirt v. Hazeltine,* 444 F. Supp. 2d 992 (D.S.D. 2005) ("[A] court has jurisdiction to dispose of the matter without convening a three-judge district court."); *Giles v. Ashcroft,* 193 F. Supp.2d 258, 262 (D.D.C. 2002) ("An individual district court judge may consider threshold jurisdictional challenges before convening a three-judge panel.");

Sharrow v. Fish, 501 F. Supp. 202, 205 (S.D.N.Y. 1980) ("[H]aving determined that plaintiff lacks standing and thus presents no substantial claim, the Court finds that the convening of a three-judge court is not warranted. . . ."). Just so here. Plaintiffs lack standing and, thus, convening a three-judge court is neither necessary nor mandatory.

CONCLUSION

For the foregoing reasons, Plaintiffs' Motions (ECF Nos. 6, 7, 8) are all **DENIED**. Because Plaintiffs do not have standing to sue, this Court lacks subject-matter jurisdiction and must also dismiss. *See* FED. R. CIV. P. 12(h)(3). Accordingly, it is further **ORDERED** that Plaintiffs' claims are *sua sponte* **DISMISSED without prejudice** for lack of standing.

SO ORDERED.

October 31, 2025

/s/
MATTHEW J. KACSMARYK
UNITED STATES DISTRICT JUDGE

APPENDIX C — JUDGMENT OF THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS, AMARILLO DIVISION, FILED OCTOBER 31, 2025

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

2:25-CV-236-Z

REPRESENTATIVE RONNY JACKSON, *et al.*,

Plaintiffs,

v.

SHIRLEY N. WEBER, *et al.*,

Defendants.

JUDGMENT

The Court **DENIED** Plaintiffs' Motions (ECF Nos. 6, 7, 8) and **DISMISSED** Plaintiffs' claims for lack of standing. Judgment is rendered accordingly.

SO ORDERED.

October 31, 2025.

/s/ Matthew J. Kacsmaryk
MATTHEW J. KACSMARYK
UNITED STATES DISTRICT JUDGE

APPENDIX D — RELEVANT STATUTORY PROVISION

28 U.S. Code § 2284 – Three-judge court; when required; composition; procedure

(a)

A district court of three judges shall be convened when otherwise required by Act of Congress, or when an action is filed challenging the constitutionality of the apportionment of congressional districts or the apportionment of any statewide legislative body.

(b)

In any action required to be heard and determined by a district court of three judges under subsection (a) of this section, the composition and procedure of the court shall be as follows:

(1)

Upon the filing of a request for three judges, the judge to whom the request is presented shall, unless he determines that three judges are not required, immediately notify the chief judge of the circuit, who shall designate two other judges, at least one of whom shall be a circuit judge. The judges so designated, and the judge to whom the request was presented, shall serve as members of the court to hear and determine the action or proceeding.

(2)

If the action is against a State, or officer or agency thereof, at least five days' notice of hearing of the action shall be given by registered or certified mail to the Governor and attorney general of the State.

(3)

A single judge may conduct all proceedings except the trial, and enter all orders permitted by the rules of civil procedure except as provided in this subsection. He may grant a temporary restraining order on a specific finding, based on evidence submitted, that specified irreparable damage will result if the order is not granted, which order, unless previously revoked by the district judge, shall remain in force only until the hearing and determination by the district court of three judges of an application for a preliminary injunction. A single judge shall not appoint a master, or order a reference, or hear and determine any application for a preliminary or permanent injunction or motion to vacate such an injunction, or enter judgment on the merits. Any action of a single judge may be reviewed by the full court at any time before final judgment.

APPENDIX E — COMPLAINT FILED IN THE UNITED STATES DISTRICT COURT IN THE NORTHERN DISTRICT OF TEXAS, AMARILLO DIVISION FILED OCTOBER 29, 2025

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

REPRESENTATIVE RONNY JACKSON, IN HIS INDIVIDUAL CAPACITY AND AS U.S. REPRESENTATIVE FOR TEXAS'S 13TH CONGRESSIONAL DISTRICT, AND REPRESENTATIVE DARRELL ISSA, IN HIS INDIVIDUAL CAPACITY AND AS U.S. REPRESENTATIVE FOR CALIFORNIA'S 48TH CONGRESSIONAL DISTRICT,

Plaintiffs,

v.

SHIRLEY N. WEBER, IN HER OFFICIAL CAPACITY AS CALIFORNIA SECRETARY OF STATE, AND GAVIN NEWSOM, IN HIS OFFICIAL CAPACITY AS GOVERNOR OF CALIFORNIA,

Defendants.

Case No.

Appendix E

COMPLAINT

JURY TRIAL DEMANDED

Plaintiffs, REPRESENTATIVE RONNY JACKSON ("Representative Jackson") and REPRESENTATIVE DARRELL ISSA ("Representative Issa") (together "Plaintiffs"), by and through undersigned counsel, bring this action against Defendants SHIRLEY N. WEBER, in her official capacity as California Secretary of State ("Secretary Weber") and GAVIN NEWSOM, in his official capacity as Governor of California ("Governor Newsom") and allege as follows:

INTRODUCTION

1. This action challenges the Election Rigging Response Act, Assem. Const. Amend. No. 8, 2025 Cal. Stat., ch. 156 ("ACA 8" or "the ERRA") and the resulting Proposition 50 ballot measure as unconstitutional violations of the Equal Protection Clause (U.S. Const. amend. XIV), the Elections Clause (U.S. Const. art. I, § 4), and the Guarantee Clause (U.S. Const. art. IV, § 4).

2. Unlike typical redistricting challenges, this case involves an unprecedented interstate assault on representative democracy: California's deliberate attempt to nullify the electoral choices of citizens in both its own (California) and other states (aimed particularly at Texas) by manipulating congressional district boundaries mid-decade for the express purpose of seizing control of the U.S. House of Representatives.

3. Plaintiffs bring this action both as individual Members of Congress whose ability to represent their constituents will be directly and immediately impaired, and as voters whose own votes will be diluted by California's unconstitutional redistricting scheme.

4. Plaintiff Representative Ronny Jackson represents Texas's 13th Congressional District and will lose specific, concrete resources and authority necessary to serve his constituents because California's scheme will succeed in flipping House control.

5. Plaintiff Representative Darrell Issa represents California's 48th Congressional District and faces both the loss of representational capacity and the dilution of his own vote as a California voter through districts drawn in violation of one person, one vote principles and California constitutional law.

6. California Assembly Constitutional Amendment No. 8, known and cited as the "Election Rigging Response Act," passed into law on August 21, 2025, is a plainly unconstitutional and retaliatory piece of legislation targeted against Texas and affecting the California electorate, their citizens, and their congressional delegation including Plaintiffs, and Defendants must be enjoined from enforcing the ERRA's provisions

THE PARTIES

7. Plaintiff Representative Ronny Jackson is a citizen of the United States and the State of Texas. He

represents Texas's 13th Congressional District in the U.S. House of Representatives. Representative Jackson is the House majority-elected Chairman of the Subcommittee on Oversight and Investigations of the House Permanent Select Committee on Intelligence and Chairman of the Subcommittee on Intelligence and Special Operations of the House Armed Services Committee. He maintains his principal residence within the Northern District of Texas, Amarillo Division.

8. Plaintiff Representative Darrell Issa is a citizen of the United States and the State of California. He represents California's 48th Congressional District in the U.S. House of Representatives. Representative Issa is the Vice Chair of the Committee on Foreign Affairs and is the Chairman of the Subcommittee on Intellectual Property, Artificial Intelligence, and the Internet on the Committee on Judiciary. As both a Member of Congress and a registered California voter residing in the proposed Congressional District 49 under AB 604, Representative Issa faces dual injuries from Defendants' unconstitutional actions.

9. Defendant Shirley N. Weber, sued in her official capacity, is the Secretary of State of California and the state's Chief Elections Officer. She is responsible for implementing the ERRA, certifying the Proposition 50 election results, and administering congressional elections under any redistricting plan California adopts.

10. Defendant Gavin Newsom, sued in his official capacity, is the Governor of California. He championed

and promoted the ERRA, signed both ACA 8 and AB 604 into law, called the special election on Proposition 50, and has specifically targeted Texas and its congressional delegation in promoting California's redistricting scheme. Governor Newsom has established a ballot measure committee actively campaigning for Proposition 50's passage.

JURISDICTION AND VENUE

11. This Court has subject matter jurisdiction under 28 U.S.C. § 1331 (federal question jurisdiction), 28 U.S.C. § 1343 (civil rights jurisdiction), 28 U.S.C. § 2201 (declaratory judgment), and 28 U.S.C. § 2284 (three-judge court for apportionment challenges).

12. This action arises under the Equal Protection Clause, 42 U.S.C. § 1983, the Elections Clause, and the Guarantee Clause.

13. Venue is proper under 28 U.S.C. § 1391(b)(2) because a substantial part of the events giving rise to Plaintiffs' claims occurred in this District, and under 28 U.S.C. § 1391(b)(3) because Defendants' conduct is directed at and causes injury in this District.

14. Personal Jurisdiction over Defendants exists because:

a. Defendants purposefully directed their unconstitutional scheme at Texas, its citizens, and its congressional delegation, including Plaintiff Jackson;

b. The ERRA's legislative findings expressly target Texas's redistricting efforts and identify Texas by name;

c. Defendant Newsom has purposefully availed himself of Texas by running political advertisements in Texas newspapers (Austin American-Statesman, Houston Chronicle, El Paso Times) specifically targeting Texas officials and policies;

d. Defendants' actions are calculated to and will directly harm Plaintiff Jackson in his capacity as Chairman of two subcommittees, causing him to lose specific resources and authority he exercises from within this District;

e. Defendants' scheme aims to dilute the representative capacity of all Texas Republican members of Congress, with foreseeable impact in this District where Plaintiff Jackson resides and serves his constituents;

f. Defendants knew that their intentional targeting of the political composition of Congress would cause concrete injury to Members representing districts in Texas, including this District.

Appendix E

AB 604 AND ITS IMPACT ON PLAINTIFFS

A. California's Transparent Political Manipulation

15. On August 21, 2025, the California Legislature passed and Defendant Newsom signed into law the Election Rigging Response Act, consisting of three coordinated pieces of legislation:

a. Assembly Constitutional Amendment 8: A legislatively-referred constitutional amendment that would temporarily suspend the authority of California's independent Citizens Redistricting Commission and implement a new congressional district map for the 2026, 2028, and 2030 elections;

b. Assembly Bill 604 ("AB 604"): Legislation establishing new congressional district boundaries drawn by the Legislature for partisan advantage; and

c. Senate Bill 280 ("SB 280"): Legislation calling a statewide special election for November 4, 2025, asking voters to approve ACA 8 as "Proposition 50."

16. California's actions represent an unprecedented mid-decade partisan gerrymander utilizing stale census data to the detriment of individual voters in the subject districts. This course of action was explicitly undertaken in direct response to efforts by Texas's Republican-

controlled state legislature, while undermining the bedrock principle of one person, one vote, a harm also suffered by Plaintiff Issa.

17. The California Legislature's findings accompanying the ERRA make its partisan purpose explicit:

a. "The State of Texas has convened a special session of its Legislature to redraw congressional district maps to unfairly advantage Republicans";

b. "President Trump and Republicans are attempting to gain enough seats through redistricting to rig the outcome of the 2026 United States midterm elections regardless of how the people vote";

c. "President Trump's election-rigging scheme is an emergency for our democracy";

d. "The 2026 United States midterm elections are voters' only chance to provide an essential check and balance against President Trump's dangerous agenda."

18. The ERRA further states: "It is the intent of the people that California's temporary maps be designed to neutralize the partisan gerrymandering being threatened by Republican-led states without eroding fair representation for all communities."

19. Governor Newsom has been unequivocal about California's retaliatory and partisan intent. In promoting the ERRA and Proposition 50, he has:

a. Established a "Yes on 50" campaign committee seeking nationwide funding, see e.g. https://perma.cc/T3XW-DAKD;

b. Made public statements characterizing the redistricting as necessary to "fight back" against Republican efforts;

c. Specifically identified Texas and its leadership as targets of California's response;

d. Previously run political advertisements in Texas newspapers attacking Texas Governor Greg Abbott and Texas policies.

20. AB 604's congressional map was drawn by the California Legislature—not the independent, nonpartisan Citizens Redistricting Commission that California voters established through Proposition 20 in 2010, which currently consists of 5 Democrats, 5 Republicans, and 4 members unaffiliated with either party.

B. Violations of California's Own Constitutional Requirements

21. California Constitution Article XXI, § 1 currently provides that congressional redistricting "shall" occur "in the year following the year in which the national census is taken under the direction of Congress at the beginning of each decade."

22. The last decennial U.S. Census was conducted in 2020. California's current congressional districts were drawn by the Citizens Redistricting Commission in 2021 based on 2020 Census data. The next decennial census will occur in 2030, with redistricting to follow in 2031.

23. The ERRA proposes mid-decade redistricting in 2025—five years after the census and four years before the next scheduled redistricting cycle.

24. California Constitution Article XXI, § 2(e) prohibits the drawing of districts "for the purpose of favoring or discriminating against an incumbent, political candidate, or political party."

25. AB 604's map violates this prohibition, as evidenced by the Legislature's own findings admitting the map is designed to "neutralize partisan gerrymandering" and ensure Democrats can "provide an essential check and balance" in Congress.

26. The California Supreme Court in *Legislature v. Deukmejian*, 34 Cal. 3d 658 (1983), established that:

a. California's Constitution limits redistricting to once per decade, following the national census;

b. This limitation cannot be circumvented through ordinary legislation;

c. Mid-decade redistricting is permissible only if accomplished through constitutional amendment or if a prior plan is invalidated by courts or referendum;

d. The people of California retain the power to amend their Constitution to authorize different redistricting procedures.

27. While ACA 8 purports to temporarily amend California's Constitution through the referendum process, it does so through a legislatively referred amendment rather than a citizen initiative and does so in explicit violation of the anti-gerrymandering principles California voters embedded in their Constitution.

28. More fundamentally, even if California voters approve Proposition 50, the resulting redistricting violates federal constitutional requirements that constrain even state constitutional amendments.

C. Use of Stale Census Data Without Current Population Information

29. AB 604's congressional districts are based entirely on 2020 decennial Census data, now more than five years old.

30. Significant population changes have occurred in California since 2020, particularly:

a. Devastating wildfires in 2024 and early 2025 displaced tens of thousands of residents from

Pacific Palisades, Malibu, Altadena, and other communities;

b. Continued migration patterns out of California, particularly from urban coastal areas;

c. Natural population changes through births, deaths, and migration;

d. Economic and social changes affecting population distribution.

31. The Legislature made no effort to obtain updated population data or account for known population shifts when drawing AB 604's districts.

32. AB 604's districts show population deviations that, while minimal when measured against 2020 Census data, fail to account for five years of population change.

33. For districts where the population has significantly decreased (such as areas affected by wildfires), voters' electoral weight is artificially inflated. For districts where the population has increased, voters' electoral weight is diluted.

34. The ideal population for each congressional district under AB 604, calculated using 2020 Census data, is 760,066 persons. AB 604's districts deviate from this ideal by no more than one person—but only when measured against stale 2020 data, not current actual population.

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35. Plaintiff Issa's district under AB 604 would be redrawn as proposed District 49, which, according to 2020 data, contains 760,066 persons—exactly equal to the ideal district size. However, this figure does not reflect current population distributions, particularly given significant demographic shifts in Southern California since 2020.

36. The current congressional map, drawn in 2021 using the same 2020 Census data, would continue to reflect accurate population distributions just as well or poorly as AB 604's map. The only difference is AB 604's partisan configuration of district lines.

37. This constitutes malapportionment because it involves the unequal distribution of people across district lines, resulting in citizens in less-populated districts having votes that carry more weight than citizens in more-populated districts.

38. "Districts shall comply with the United States Constitution. Congressional districts shall achieve population equality as nearly as is practicable, and Senatorial, Assembly, and State Board of Equalization districts shall have reasonably equal population with other districts for the same office, except where deviation is required to comply with the federal Voting Rights Act or allowable by law." Article XXI, Section 2(d)(1) of the California Constitution (which ACA 8 does not invalidate).

Appendix E

D. Concrete, Imminent Injuries to Plaintiff Jackson

39. Plaintiff Jackson currently serves as:

a. Chairman of the House Permanent Select Committee on Intelligence Subcommittee on Oversight and Investigations, with specific authority to (i) Direct and supervise all committee investigations within the subcommittee's jurisdiction; (ii) Issue subpoenas for testimony and documents (with full committee approval); (iii) Control the subcommittee's budget and staff allocation; (iv) Set the subcommittee's agenda and hearing schedule; and (iv) Receive classified briefings and intelligence materials related to oversight matters, https://jackson.house.gov/news/documentsingle.aspx?DocumentID=2269 (last visited October 28, 2025);

b. Chairman of the House Armed Services Committee Subcommittee on Intelligence and Special Operations, with authority to: (i) Oversee Department of Defense intelligence activities; (ii) Direct oversight of special operations forces and related programs; (iii) Control subcommittee resources and staffing; (iv) Access classified defense intelligence programs and facilities; and (v) Conduct oversight hearings and investigations, https://www.amarillo.com/story/news/2025/01/08/ronny-jackson-appointed-chairman-of-housearmed-services-subcommittee/77547168007 (last visited October 28, 2025).

40. As subcommittee chairman, Plaintiff Jackson currently has access to:

a. 22 professional staff members (compared to 8 minority staff members on comparable subcommittees), including: (i) Intelligence analysts with Top Secret/SCI clearances; (ii) Investigators with subpoena authority; (iii) Legal counsel specialized in intelligence and defense law; and (iv) Subject matter experts on defense intelligence and special operations;

b. Budget authority to direct committee resources toward investigations and oversight priorities affecting his constituents;

c. Facilities access, including regular access to classified facilities (SCIFs) and classified briefing materials related to intelligence and defense matters; and

d. Scheduling authority to convene hearings, investigations, and briefings at times and on matters relevant to – and at the urging of – his constituents' interests.

41. These resources and authorities enable Plaintiff Jackson to represent his constituents' interests in concrete, specific ways:

a. Texas's 13th Congressional District includes significant military installations, including

Sheppard Air Force Base and national security-related government facilities, including the Pantex Plant – one of six production facilities in the National Nuclear Security Administration's Nuclear Security Enterprise. Plaintiff Jackson's chairmanship of the Intelligence and Special Operations Subcommittee enables him to conduct oversight affecting these installations and the servicemembers and families who live in his district;

b. As chairman, Plaintiff Jackson can direct staff resources toward investigations and oversight of intelligence community contracts and expenditures that affect Texas businesses and employers in his district;

c. His access to classified intelligence briefings enables him to advocate for his constituents on national security matters affecting Texas, including border security, counterterrorism, and defense priorities;

d. His subcommittee hearing authority allows him to call witnesses from executive agencies to address constituent concerns about intelligence and defense matters.

42. If Proposition 50 passes and AB 604's map is implemented for the 2026 elections, these concrete authorities and resources will be immediately jeopardized because:

a. California currently has 43 Democratic representatives and 9 Republican representatives (of 52 total);

b. AB 604's map is designed to increase Democratic seats in California's congressional delegation;

c. The current House of Representatives has a narrow Republican majority of 219-213 (with 3 vacant);

d. If California Democrats gain even 2-3 additional seats in the 2026 elections, and no other seats nationwide change party control, Democrats would control the House beginning in January 2027;

e. Expert analysis shows AB 604's map could yield 4-6 additional Democratic seats compared to the current map, based on historical voting patterns in the reconfigured districts.

43. If Democrats take control of the House in January 2027, Plaintiff Jackson will immediately and automatically lose:

a. His chairmanship positions on both subcommittees—these positions are held only by members of the majority party and will transfer to Democratic members;

b. Professional staff members and committee staff members, as minority staff allocations are substantially smaller than majority staff;

c. Budget and scheduling authority for his subcommittees, which will pass to the new Democratic chairmen;

d. Primacy in accessing classified materials and setting the agenda for oversight and investigation;

e. Subpoena power and investigative direction.

44. These losses constitute concrete, particularized injuries to Plaintiff Jackson's ability to represent his constituents:

a. With substantially reduced staff, he will be unable to conduct the same level of oversight and investigation into intelligence and defense matters affecting his district and constituents;

b. Loss of scheduling authority means he cannot ensure hearings address priorities identified by his constituents;

c. Reduced access to classified materials impairs his ability to stay informed on national security matters affecting Texas;

d. Loss of these specific authorities diminishes the representative value his constituents receive from having elected him.

45. These injuries are not speculative:

a. When Proposition 50 passes on November 4, 2025, the new map will be implemented for the 2026 congressional elections;

b. The Secretary of State will certify results by December 12, 2025;

c. Candidate filing for the June 2, 2026 primary begins in mid-December 2025;

d. The primary election occurs on June 2, 2026;

e. The general election occurs on November 3, 2026;

f. Any newly elected members will take office on January 3, 2027;

g. Committee assignments and chairmanships are determined immediately when the new Congress convenes;

h. Within days of January 3, 2027, Plaintiff Jackson will lose his chairmanships when the Democratic party controls the House.

46. Unlike the situation in *Raines v. Byrd*, where the plaintiffs' claimed injury affected all members of Congress equally, Plaintiff Jackson's injuries are personal and particularized:

a. He currently holds specific positions (subcommittee chairmanships) that other members do not hold;

b. He has specific authorities (subcommittee chairman powers) that other members lack;

c. He serves a specific district (TX-13) with military installations and defense industry presence that makes his intelligence and special operations oversight particularly valuable to his constituents;

d. His constituents derive specific value from his chairmanships that would be lost if Democrats take control.

47. Unlike the situation in *Raines*, Plaintiff Jackson is not simply alleging "loss of political power" in the abstract. He faces the imminent loss of concrete, specific authorities and resources that enable him to fulfill his representative duties to his constituents.

E. Concrete, Imminent Injuries to Plaintiff Issa

48. Plaintiff Issa faces distinct and dual injuries as both a Member of Congress and as a California voter residing in a district that will be redrawn under AB 604.

49. As a Member of Congress, Plaintiff Issa currently serves as:

a. A senior member of the House Committee on Foreign Affairs, with: (i) Seniority that grants

him priority in questioning witnesses; (ii) Staff allocation commensurate with majority party status; and (iii) Authority to Shape legislative priorities on foreign policy matters, https://issa.house.gov/about/committees-and-caucuses (last visited October 28, 2025);

b. A senior member of the House Committee on Judiciary, with: (i) Seniority-based authority over legislative matters; (ii) Resources to serve constituents on immigration and legal matters; and (iii) Access to oversight and investigatory materials, *id*.

50. Plaintiff Issa's district (CA-48) includes:

a. Substantial military and veteran populations benefiting from his committee work;

b. Border communities affected by immigration policy;

c. Agricultural and business interests requiring his legislative attention;

d. Immigrant communities requiring his advocacy on foreign affairs and immigration matters.

51. If Democrats take control of the House due to AB 604's implementation, Plaintiff Issa will lose:

a. Seniority advantages in committee proceedings;

b. Reduced staff allocation as a minority member;

c. Ability to shape committee agendas affecting his constituents;

d. Priority access to witnesses, oversight materials, and legislative opportunities.

52. As a California voter and resident, Plaintiff Issa faces additional, distinct injuries:

a. He is a registered California voter residing in the area that will become Congressional District 49 under AB 604;

b. His vote will be diluted by districts drawn in violation of one person, one vote principles;

c. His vote will be manipulated for partisan advantage in violation of California's constitutional prohibition on partisan gerrymandering;

d. He will be deprived of the independent, nonpartisan redistricting process California voters enacted through Proposition 20.

53. Plaintiff Issa's injuries as a voter are concrete and imminent:

a. If Proposition 50 passes, he will cast votes in the 2026, 2028, and 2030 elections in districts drawn unconstitutionally;

b. His vote in the June 2, 2026 primary election will occur in an unconstitutionally drawn district;

c. The filing period for that election begins in December 2025—less than two months away;

d. Candidates are already positioning themselves based on AB 604's proposed lines.

54. Plaintiff Issa can demonstrate injury as both a Member of Congress and as a voter affected by California's redistricting. This dual standing provides independent bases for this action.

F. But for Defendants' Actions, Plaintiffs Would Not be Harmed

55. Plaintiffs' injuries are directly caused by Defendants' implementation of the ERRA and Proposition 50:

a. But for California's adoption of AB 604's map, the current congressional districts (drawn by the nonpartisan Commission in 2021) would remain in effect;

b. But for AB 604's partisan configuration, Democrats would not gain additional California House seats in 2026;

c. But for those additional Democratic seats, the House would likely remain under Republican control;

d. But for the change in House control, Plaintiffs would retain their current authorities and resources.

56. The chain of causation is not speculative:

a. Election analysts uniformly predict AB 604's map will yield 4-6 additional Democratic seats compared to current districts;

b. The current House majority margin is only 3-6 seats;

c. Historical voting patterns in the reconfigured districts make Democratic gains highly likely;

d. No intervening event beyond the 2026 election is required—the injury occurs automatically on January 3, 2027 when committee assignments are made.

57. Plaintiffs' injuries are redressable:

a. An injunction preventing implementation of AB 604's map would maintain current district lines;

b. Maintaining current lines would prevent Democrats from gaining the additional seats AB 604 is designed to provide;

c. Preventing those gains would prevent the flip in House control;

d. Maintaining Republican House control would preserve Plaintiffs' current authorities and resources;

e. For Plaintiff Issa as a voter, an injunction would ensure his 2026 votes are cast in constitutionally drawn districts.

CLAIMS FOR RELIEF

COUNT I

Violation of Equal Protection—One Person, One Vote
U.S. Const. amend. XIV

58. Plaintiffs reallege and incorporate by reference all preceding paragraphs.

59. AB 604's congressional map violates the one person, one vote requirement in multiple respects:

A. Use of Stale Census Data

60. AB 604 relies entirely on 2020 Census data that is now over five years old and fails to reflect known, substantial population changes.

61. While states are permitted to use decennial census data for redistricting immediately following the census, the constitutional justification for doing so rests on the data's accuracy and currency.

62. By 2025—five years after the census—the 2020 data no longer provides a constitutionally adequate basis for ensuring equal population districts, particularly where:

a. Known population changes have occurred (including wildfire displacement of tens of thousands);

b. The Legislature made no effort to obtain updated data;

c. The redistricting is voluntary, mid-decade, and undertaken for partisan advantage rather than to correct malapportionment.

63. AB 604 authorizes mid-decade redistricting using stale census data where population shifts are known and substantial.

64. California's mid-decade redistricting does not immediately follow the 2020 Census; it occurs five years after the census, with five years of known population changes unaccounted for.

65. Rather than engage in mandatory, post-census redistricting, Defendants have engaged in voluntary mid-decade redistricting undertaken for partisan advantage.

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B. Partisan Motivation Without Good Faith Effort

66. AB 604's use of 2020 census data is not the product of a good-faith effort to achieve equal representation but rather a deliberate choice to facilitate partisan advantage.

67. The Legislature could have:

a. Obtained updated population estimates from state databases;

b. Accounted for known population displacements;

c. Used local government data on population changes;

d. Conducted targeted surveys to verify current population distributions.

68. The Legislature did none of these things because doing so would have interfered with its partisan gerrymandering objectives.

69. Where a state voluntarily redistricts mid-decade for partisan purposes, it cannot claim a good faith justification for population deviations.

C. Dilution of Plaintiff Issa's Vote

70. As a California voter residing in proposed District 49, Plaintiff Issa's vote will be diluted by AB 604's scheme:

a. Districts drawn on stale population data artificially inflate or deflate individual votes depending on whether district population has declined or grown since 2020;

b. Districts drawn for partisan advantage without regard to current population distribution violate equal protection;

c. Plaintiff Issa's vote will count less than voters in districts that have lost population since 2020, and differently than voters in districts that have gained population.

71. This vote dilution is not de minimis:

a. While AB 604's districts show zero or one-person deviations from ideal district size when measured against 2020 data, they show unknown and unjustified deviations when measured against the current actual population;

b. In areas affected by wildfire displacement alone, tens of thousands of residents have relocated, fundamentally altering district populations;

c. These population shifts are not evenly distributed—some districts have lost substantial population while others have gained.

72. Because AB 604 makes no effort to account for five years of population changes, it cannot satisfy equal protection requirements.

73. By reason of the foregoing, Plaintiff is entitled to a preliminary injunction and ultimately a permanent injunction, enjoining Defendants' implementation of the ERRA.

74. Plaintiff is also entitled to a declaratory judgment that California's enactment of a mid-decade partisan redistricting, the ERRA, and Defendants' implementation of the ERRA, violate the Equal Protection Clause of the Fourteenth Amendment.

COUNT II

Violation of Equal Protection—Deprivation of Rights Under Color of State Law 42 U.S.C. § 1983

75. Plaintiffs reallege and incorporate by reference all preceding paragraphs.

76. The Fourteenth Amendment prohibits states from denying equal protection of the laws.

77. Defendants, acting under color of California law, have deprived and will continue to deprive Plaintiffs and California voters of equal protection by:

a. Implementing congressional districts that violate one person, one vote requirements;

b. Manipulating district lines for impermissible partisan purposes;

c. Disregarding known population changes in favor of stale census data;

d. Abandoning the nonpartisan redistricting process California voters enacted.

78. These actions constitute hyper-partisan gerrymandering which violates equal protection when combined with the one person, one vote violations alleged herein.

79. Plaintiffs allege

a. Population inequality arising from use of stale census data;

b. Failure to make a good-faith effort to achieve equal population;

c. Partisan motivation that prevents California from justifying population deviations;

d. Mid-decade redistricting that lacks the constitutional justifications applicable to mandatory post-census redistricting.

80. Plaintiff Issa, as a California voter who will cast ballots in unconstitutionally drawn districts, has standing to bring this § 1983 claim for declaratory and injunctive relief.

81. By reason of the foregoing, Plaintiff is entitled to a preliminary injunction and ultimately a permanent injunction, enjoining Defendants' implementation of the ERRA.

82. Plaintiff is also entitled to a declaratory judgment that California's enactment of a mid-decade partisan redistricting, the ERRA, and Defendants' implementation of the ERRA, violate 42 U.S.C. § 1983.

COUNT III

Violation of the Elections Clause
U.S. Const. art. I, § 4

83. Plaintiffs reallege and incorporate by reference all preceding paragraphs.

84. The Elections Clause provides: "The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators."

85. The Elections Clause vests authority in "the Legislature thereof"—meaning the state legislature acting in its legislative capacity, subject to the constraints of the state's constitution and internal procedures.

86. In *Arizona State Legislature v. Arizona Independent Redistricting Commission*, 576 U.S. 787

(2015), the Supreme Court held that "Legislature" in the Elections Clause encompasses a state's lawmaking processes, including citizen initiatives, but does not permit state legislatures to violate their own state constitutions when regulating federal elections.

87. The ERRA and its adoption of AB 604 exceed California's own constitutional limits, "representing an unlawful attempt in several respects to exercise authority that the Legislature does not possess." Emergency Petition for Writ of Mandate or Other Extraordinary or Immediate Relief, *Senator Tony Strickland et al. v. California Secretary of State Shirley N. Weber* and the California Legislature, Case No. S292490 (Cal. Sup. Ct. Aug. 25, 2025) at *3 (the "California Complaint"). As such, and as argued by Senator Tony Strickland and his co-plaintiffs, AB 604 and the ERRA are *ultra vires*.

88. Additionally, the California Legislature failed to adhere to the constitutionally required waiting period for new legislation, further evidencing its *ultra vires acts*. California Complaint at *28.

a. Article IV, § 8(a) of the California Constitution requires that bills be heard or acted upon only after the 31st day following introduction, unless three-fourths of each house votes to dispense with this requirement;

b. Article IV, § 8(c)(1) requires that statutes take effect on January 1 following a 90-day period from enactment, unless the statute is designated as an urgency measure;

c. The ERRA was introduced in mid-August 2025, passed on August 21, 2025, and designed to take immediate effect for the November 4, 2025 election—a timeline that necessarily required bypassing normal waiting periods;

d. Article IV, § 8(d) permits "urgency statutes" only when "necessary for immediate preservation of the public peace, health or safety" and requires two-thirds votes in each house;

e. Partisan redistricting designed to "neutralize" another state's electoral choices is not a matter of "public peace, health or safety" and does not justify urgency procedures;

f. Even if the Legislature invoked urgency procedures, those procedures were improperly used because the ERRA does not meet the constitutional definition of urgency legislation;

g. The Legislature's violation of procedural requirements demonstrates that the ERRA was not a legitimate exercise of legislative authority but rather an unconstitutional power grab rushed through to affect the 2026 elections.

89. California's Legislature, in passing AB 604 and ACA 8, therefore acted ultra vires and beyond its constitutional authority under California law:

a. Article XXI, § 1 of the California Constitution, which is not subject to amendment by Proposition 50, limits redistricting to the year following the decennial census;

b. Article XXI, § 2(e), likewise not subject to amendment by Proposition 50, prohibits drawing districts to favor or discriminate against a political party;

c. California voters deliberately removed redistricting authority from the Legislature and vested it in an independent Commission through Proposition 20 (2010);

90. Even if California voters approve Proposition 50, the resulting redistricting scheme violates the Elections Clause because:

a. It commandeers California's redistricting process in contravention of the nonpartisan system California voters enacted;

b. It manipulates district lines for the express purpose of affecting the partisan composition of Congress—a purpose beyond the proper scope of a state's authority;

c. It represents an impermissible interstate attempt to nullify the electoral choices of voters in other states, including those in Plaintiff Ronny Jackson's Congressional District.

91. The Elections Clause does not authorize one state to deliberately manipulate its congressional districts to override or nullify the representative choices of other states' voters.

92. By reason of the foregoing, Plaintiff is entitled to a preliminary injunction and ultimately a permanent injunction, enjoining Defendants' implementation of the ERRA.

93. Plaintiff is also entitled to a declaratory judgment that California's enactment of a mid-decade partisan redistricting, the ERRA, and Defendants' implementation of the ERRA, violate the Elections Clause.

COUNT IV

Violation of the Guarantee Clause
U.S. Const. art. IV, § 4

94. Plaintiffs reallege and incorporate by reference all preceding paragraphs.

95. Article IV, Section 4 provides: "[t]he United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence."

96. The Guarantee Clause ensures that states maintain republican forms of government characterized by:

a. Representative democracy;

b. Elections free from manipulation;

c. Checks on government power;

d. Respect for fundamental democratic principles.

97. California's redistricting scheme violates the Guarantee Clause by:

a. Manipulating electoral outcomes through mid-decade partisan gerrymandering expressly designed to determine congressional control regardless of how voters vote;

b. Ignoring California's own constitutional constraints, including Article XXI's redistricting schedule and anti-gerrymandering provisions;

c. Overriding the independent redistricting process California voters enacted through Proposition 20, thereby eliminating a critical check on legislative power;

d. Retaliating against other states' electoral choices by manipulating district lines to nullify those choices' effects on congressional composition.

98. California's actions stray from republican governance by concentrating power in the Legislature to manipulate election outcomes for partisan advantage,

free from the constitutional and procedural constraints California voters imposed.

99. By targeting Plaintiffs' representative capacity and seeking to dilute the effect of Plaintiff Ronny Jackson's voters' choices in federal elections, California's scheme undermines republican government both within California and nationally.

100. By reason of the foregoing, Plaintiff is entitled to a preliminary injunction and ultimately a permanent injunction, enjoining Defendants' implementation of the ERRA.

101. Plaintiff is also entitled to a declaratory judgment that California's enactment of a mid-decade partisan redistricting, the ERRA, and Defendants' implementation of the ERRA, violate the Guarantee Clause because California failed to comply with its own constitutional requirements, manipulated its electoral processes with interstate effects, and injured Plaintiff members of Congress and their voters in a concrete manner.

DEMAND FOR JURY TRIAL

Plaintiffs demand a jury trial as to all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that this Court:

(a) Enter a preliminary injunction: (i) Enjoining Defendants from implementing AB 604's congressional district map if Proposition 50 is approved by California voters; (ii) Requiring California to use its current congressional district map (drawn by the Citizens Redistricting Commission in 2021) for the 2026 congressional elections; (iii) Alternatively, enjoining Defendants from certifying Proposition 50 election results pending final adjudication of this action on the merits.

(b) After trial or hearing on the merits, enter a permanent injunction: enjoining Defendants from implementing AB 604's congressional district map and requiring California to use its current congressional district map (drawn by the Citizens Redistricting Commission in 2021) for the 2026 congressional election;

(c) Enter declaratory judgments that: (i) AB 604's congressional district map violates the Equal Protection Clause (U.S. Const. amend. XIV) and the one person, one vote requirement; (ii) Defendants' implementation of AB 604 would violate 42 U.S.C. § 1983 by depriving Plaintiffs and California voters of equal protection under color of state law; (iii) ACA 8, AB 604, and the ERRA violate the Elections Clause (U.S. Const. art. I, § 4); (iv) The ERRA and California's redistricting scheme violate the Guarantee Clause (U.S. Const. art. IV, § 4); (v) California lacks constitutional authority to conduct mid-

decade redistricting using stale census data for partisan purposes; and (vi) Plaintiffs have standing to bring these claims and will suffer irreparable injury absent injunctive relief;

(d) Award Plaintiffs their reasonable attorneys' fees and costs pursuant to 42 U.S.C. § 1988 and other applicable law;

(e) Grant such other and further relief as the Court deems just and proper.

Date: October 29, 2025

Respectfully submitted,

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Appendix E

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APPENDIX F — DECLARATION OF REPRESENTATIVE DARRELL ISSA IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS, AMARILLO DIVISION, FILED OCTOBER 30, 2025

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

Case No. 2:25-cv-00236-Z

REPRESENTATIVE RONNY JACKSON, IN HIS INDIVIDUAL CAPACITY AND AS U.S. REPRESENTATIVE FOR TEXAS'S 13TH CONGRESSIONAL DISTRICT, AND REPRESENTATIVE DARRELL ISSA, IN HIS INDIVIDUAL CAPACITY AND AS U.S. REPRESENTATIVE FOR CALIFORNIA'S 48TH CONGRESSIONAL DISTRICT,

Plaintiffs,

v.

SHIRLEY N. WEBER, IN HER OFFICIAL CAPACITY AS CALIFORNIA SECRETARY OF STATE, AND GAVIN NEWSOM, IN HIS OFFICIAL CAPACITY AS GOVERNOR OF CALIFORNIA,

Defendants.

Filed October 30, 2025

Appendix F

DECLARATION OF REPRESENTATIVE DARRELL ISSA IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION

Pursuant to 28 U.S.C. § 1746, I, Darrell Issa, declare under penalty of perjury that the following is true and correct based on my personal knowledge:

BACKGROUND AND QUALIFICATIONS

1. My name is Darrell Issa. I am over the age of eighteen (18) and competent to make this Declaration.

2. I am the duly elected United States Representative for California's 48th Congressional District, first elected to this district in November 2020 and reelected in November 2022 and November 2024.

3. I am also a registered voter in the State of California, and I reside within current Congressional District 48 which will be subject to redistricting under AB 604.

4. Before my current service representing California's 48th District, I served as U.S. Representative for California's 49th Congressional District from 2001 to 2019. Thus, I have served in Congress for over 20 years, including as Chairman of the House Committee on Oversight and Government Reform from 2011 to 2015.

5. I bring this action in two capacities: (a) as a Member of Congress whose representative capacity and seniority

will be diminished when Democrats gain House control through California's redistricting; and (b) as a California voter whose vote will be diluted by districts drawn in violation of constitutional and state law requirements.

6. I make this Declaration based on my personal knowledge to support Plaintiffs' Motion for Preliminary Injunction and to establish my standing to bring this action.

MY CURRENT POSITIONS AND SENIORITY

7. I currently serve as a senior Republican member of two House committees:

a. Committee on Foreign Affairs, where I am a member of the Subcommittee on Global Health, Global Human Rights, and International Organizations, and the Subcommittee on the Middle East, North Africa, and Central Asia;

b. Committee on Judiciary, where I serve as a member of the Subcommittee on Courts, Intellectual Property, and the Internet, and the Subcommittee on Immigration Integrity, Security, and Enforcement.

8. As a member of the majority party with over 20 years of House service, I enjoy substantial seniority benefits, including:

a. Priority in questioning witnesses during committee hearings, based on seniority within the committee;

b. Enhanced staff allocation provided to senior majority party members;

c. Influence over committee agendas through seniority-based relationships with committee chairmen;

d. Access to committee materials and briefings provided to majority members;

e. Ability to shape legislation within my committees' jurisdictions through amendments, markups, and negotiations.

9. My seniority and committee positions enable me to serve my constituents' interests effectively. California's 48th Congressional District includes:

a. Substantial military and veteran populations, including many retired servicemembers and military families benefiting from my work on defense and veterans issues;

b. Immigrant communities with strong interests in immigration policy, which I address through my Judiciary Committee work;

c. Border communities affected by immigration and border security policies;

d. Technology and innovation sectors benefiting from my Judiciary Committee work on intellectual property and internet policy;

e. International business interests affected by foreign policy matters I work on through the Foreign Affairs Committee.

HARMS I FACE

A. Injury as a Member of Congress

10. A Representative of Congress represents the personal rights of the voters and constituents of his District and has a personal stake in effectively representing those rights.

11. Like Representative Jackson, I will lose specific representative authorities and resources if Democrats gain House control through California's AB 604 redistricting:

a. I will lose seniority advantages in committee proceedings, including priority in questioning witnesses and shaping committee agendas;

b. I will automatically have reduced staff allocation, as minority members receive fewer staff resources than majority members;

c. I will have reduced influence over legislative priorities and committee work affecting my constituents;

d. I will have reduced access to committee materials, briefings, and opportunities to shape legislation.

12. These losses will directly impair my ability to represent my constituents:

a. Military and veteran constituents will receive reduced advocacy on defense and veterans issues, as I will have less influence over relevant legislation and oversight;

b. Immigrant communities will receive reduced advocacy on immigration policy, as I will have diminished ability to shape Judiciary Committee work;

c. Technology and business interests will have reduced voice in intellectual property and foreign policy matters;

d. All constituents will receive reduced constituent services, as I will have fewer staff resources to address their concerns.

13. The ERRA's legislative findings openly admit AB 604's partisan purpose:

a. "The State of Texas has convened a special session of its Legislature to redraw congressional district maps to unfairly advantage Republicans";

b. "President Trump and Republicans are attempting to gain enough seats through redistricting to rig

the outcome of the 2026 United States midterm elections";

c. "It is the intent of the people that California's temporary maps be designed to neutralize the partisan gerrymandering being threatened by Republican-led states".

14. These findings demonstrate that AB 604 was drawn "for the purpose of favoring or discriminating against . . . a political party" in direct violation of California Constitution Article XXI, § 2(e).

B. Injury as a California Voter

15. I am a California voter who will be directly affected by AB 604's redistricting map.

16. I am registered to vote in California at my residence located within what would become proposed Congressional District 49 under AB 604.

17. As a California voter, I have a direct, personal stake in ensuring that California's congressional districts comply with constitutional and state law requirements.

18. AB 604's redistricting will injure me as a voter in multiple ways:

a. My vote will be diluted by districts drawn using stale 2020 Census data that fails to account for five years of population changes; Significant

population changes have occurred since 2020, including:

1. Devastating wildfires in 2024 and 2025 that displaced tens of thousands of California residents from Pacific Palisades, Malibu, Altadena, and other communities;

2. Continued net out-migration from California, particularly from coastal urban areas;

3. Natural population changes through births, deaths, and migration; and

4. Economic factors affecting population distribution.

b. My vote will be manipulated for partisan advantage, violating California Constitution Article XXI, § 2(e)'s prohibition on drawing districts "for the purpose of favoring or discriminating against . . . a political party";

19. AB 604's mid-decade redistricting also violates California Constitution Article XXI, § 1, which limits redistricting to "the year following the year in which the national census is taken."

20. AB 604's mid-decade redistricting in 2025—five years after the Census—violates California's constitutional schedule.

21. As a California voter, I am injured by this violation because:

a. The California Constitution reflects voters' judgment about when and how redistricting should occur;

b. Mid-decade redistricting disrupts settled expectations and manipulates electoral outcomes mid-cycle;

c. I will vote in districts drawn contrary to California's constitutional requirements, depriving me of the lawful redistricting process.

22. I will be deprived of the nonpartisan redistricting process California voters enacted through Proposition 20 (2010), which specifically removed redistricting authority from the partisan Legislature and vested it in an independent Citizens Redistricting Commission;

a. I voted for Proposition 20 in 2010, supporting the creation of an independent, nonpartisan redistricting commission specifically to prevent partisan gerrymandering;

b. AB 604's partisan redistricting overrides my vote and the votes of millions of California voters who enacted Proposition 20

c. I am deprived of the nonpartisan redistricting process I voted to establish;

23. My vote in future elections will be manipulated by districts drawn for partisan advantage rather than fair representation;

24. I will cast votes in unconstitutionally drawn districts in the June 2, 2026 primary election and November 3, 2026 general election.

25. The Legislature made no effort to obtain updated population data or account for these known changes when drawing AB 604's districts;

26. AB 604's districts therefore contain unequal populations when measured against current actual population (as opposed to 2020 Census data).

27. This vote dilution is not abstract—it affects me personally:

a. Proposed District 49 (in which I reside and am registered to vote) was drawn to contain 760,066 persons according to 2020 Census data;

b. However, since 2020, significant population changes have occurred in Southern California, including in areas that comprise proposed District 49;

c. I do not know whether proposed District 49's current actual population is above or below the ideal district size, because the Legislature conducted no analysis of current population;

d. If District 49's current population is below the ideal, then my vote carries more weight than voters in districts with higher population, violating equal protection;

e. If District 49's current population is above the ideal, then my vote carries less weight than voters in districts with lower population, also violating equal protection;

f. Either way, I cannot know whether my vote is equal to other California voters' votes, because AB 604's districts were drawn without regard to current population equality.

28. As a California voter who will cast votes in districts drawn in violation of one person, one vote requirements, I have standing to challenge AB 604's redistricting.

THE HARMS I FACE ARE IMMINENT

29. My injuries as both a Member of Congress and as a voter are imminent and will occur according to the following timeline:

a. If Proposition 50 passes on November 4, 2025:

1. The Secretary of State will certify results by December 12, 2025;

2. AB 604's new congressional districts will take effect;

3. Candidate filing for the June 2, 2026 primary will begin in mid-December 2025 using the new districts;

4. I will cast my vote in the June 2, 2026, primary in an unconstitutionally drawn district (proposed District 49);

5. I will cast my vote in the November 3, 2026 general election in the same unconstitutionally drawn district.

b. These voting injuries will occur within 7-13 months, and once I cast votes in unconstitutional districts, that constitutional violation cannot be undone.

30. The same timeline that injures me as a voter also threatens my representative capacity:

a. June 2, 2026: Primary elections in California using AB 604's gerrymandered districts;

b. November 3, 2026: General election, likely resulting in Democrats gaining 4-6 California seats;

c. January 3, 2027: new Congress convenes;

d. Within days: Committee assignments made; if Democrats control House, I lose seniority benefits and majority party resources.

31. This timeline demonstrates that my injuries are imminent, not speculative.

CAUSATION

32. My injuries are directly caused by Defendants' implementation of AB 604;

33. As a Voter: But for AB 604's implementation:

a. I would vote in the current congressional districts (drawn by the nonpartisan Commission in 2021);

b. My vote would not be diluted by stale census data;

c. My vote would not be manipulated for partisan advantage;

d. I would vote in districts drawn in compliance with California and federal constitutional requirements.

34. As a Member of Congress: But for AB 604's implementation:

a. Democrats would not gain 4-6 additional California seats in 2026;

b. The House would likely remain under Republican control (given the current one-seat margin);

c. I would retain my seniority benefits and majority party resources;

d. I would maintain my current ability to represent my constituents effectively.

REDRESSABILITY

35. A preliminary injunction preventing AB 604's implementation would redress my injuries:

36. As a Voter: If this Court enjoins AB 604's implementation:

a. I will vote in the current congressional districts (drawn by the nonpartisan Commission using 2020 Census data);

b. My vote will not be diluted by use of stale census data for voluntary mid-decade redistricting;

c. My vote will not be manipulated for partisan advantage in violation of California constitutional requirements;

d. I will vote in districts drawn in compliance with federal and state constitutional requirements.

37. As a Member of Congress: If this Court enjoins AB 604's implementation:

a. Democrats will not gain the 4-6 additional California seats AB 604 is designed to provide;

b. The House will likely remain under Republican control (absent other nationwide seat changes);

c. I will retain my seniority benefits and majority party resources; and

d. I will maintain my ability to represent my constituents effectively.

IRREPARABLE HARM

41. My injuries are irreparable because: As a Voter:

a. Once I cast votes in unconstitutionally drawn districts, that constitutional violation cannot be undone:

1. The votes will have been counted;

2. Representatives will have been elected;

3. Those representatives will serve full two-year terms regardless of the districts' constitutionality;

4. Courts will not grant me full or adequate relief once the election occurs.

b. Vote dilution cannot be remedied through money damages—there is no way to compensate a voter monetarily for having their vote count less than other voters' votes.

42. As a Member of Congress: My loss of representative capacity cannot be undone:

a. I cannot be restored to majority party status mid-Congress if Democrats gain control through unconstitutional redistricting;

b. Committee assignments remain fixed for the entire two-year Congress;

c. My constituents' loss of effective representation cannot be remedied retroactively;

d. Defendants have sovereign immunity from money damages.

PERSONAL KNOWLEDGE AND COMPETENCE

43. I make this Declaration based on personal knowledge of:

a. My current positions on the Foreign Affairs and Judiciary Committees;

b. The seniority benefits and resources these positions provide;

c. How I use these authorities to serve my constituents;

d. My status as a registered California voter residing in proposed District 49;

e. California's redistricting history, including Proposition 20 and the Citizens Redistricting Commission;

f. AB 604's redistricting map and its effects on my district and my vote;

g. The timeline for California's Proposition 50 election and the 2026 congressional elections;

h. My constituents' interests in military affairs, immigration policy, foreign policy, and technology issues.

44. I am competent to testify to these facts, and I have personal knowledge of them through my 20+ years of service in Congress and my status as a California voter.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on October 29, in Washington, D.C.

/s/
U.S. Representative Darrell Issa

APPENDIX G — DECLARATION OF REPRESENTATIVE RONNY JACKSON IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS, AMARILLO DIVISION, FILED OCTOBER 30, 2025

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

Case No. 2:25-cv-00236-Z

REPRESENTATIVE RONNY JACKSON, IN HIS INDIVIDUAL CAPACITY AND AS U.S. REPRESENTATIVE FOR TEXAS'S 13TH CONGRESSIONAL DISTRICT, AND REPRESENTATIVE DARRELL ISSA, IN HIS INDIVIDUAL CAPACITY AND AS U.S. REPRESENTATIVE FOR CALIFORNIA'S 48TH CONGRESSIONAL DISTRICT,

Plaintiffs,

v.

SHIRLEY N. WEBER, IN HER OFFICIAL CAPACITY AS CALIFORNIA SECRETARY OF STATE, AND GAVIN NEWSOM, IN HIS OFFICIAL CAPACITY AS GOVERNOR OF CALIFORNIA,

Defendants.

Filed October 30, 2025

Appendix G

DECLARATION OF REPRESENTATIVE RONNY JACKSON IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION

I, Ronny Jackson, pursuant to 28 U.S.C. § 1746, declare under penalty of perjury that the following is true and correct based on my personal knowledge:

1. I am over the age of eighteen (18) and competent to make this Declaration.

2. I am the duly elected United States Representative for Texas's 13th Congressional District, having been first elected in November 2020 and reelected in November 2022 and November 2024.

3. I maintain my principal residence in Amarillo, Texas, within the Northern District of Texas, Amarillo Division, which is located within the 13th Congressional District.

4. Prior to my service in Congress, I served as a Rear Admiral in the United States Navy Medical Corps for 25 years, including service as Physician to the President under Presidents Barack Obama and Donald J. Trump.

5. I currently serve as Chairman of the House Permanent Select Committee on Intelligence Subcommittee on Oversight and Investigations (an "Intelligence Subcommittee"). I have held this position since January 2025, when House Republican leadership appointed me to this chairmanship. I am poised to serve

as a full Committee Chairman in the next Congress. I also serve as Co-Chair of the Congressional Israel Allies Caucus.

6. I also currently serve as Chairman of the House Armed Services Committee Subcommittee on Intelligence and Special Operations (an "Armed Services Subcommittee"). I have held this position since January 2025.

7. These chairmanship positions are held exclusively by members of the majority party in the House of Representatives. If control of the House flips from Republican to Democratic, I will automatically lose both chairmanships on the day the new Congress convenes (January 3, 2027).

8. As Chairman of an Intelligence Subcommittee, I have the following specific authorities and responsibilities:

a. Subpoena Authority: Subject to approval by the full House Permanent Select Committee on Intelligence, I have the authority to issue subpoenas compelling testimony and production of documents for subcommittee investigations within my jurisdiction;

b. Investigation Direction: I direct and supervise all investigations conducted by the subcommittee within its jurisdiction, which includes oversight of intelligence community activities, counterintelligence matters, and intelligence-related expenditures;

c. Hearing Authority: I control the subcommittee's hearing schedule, including authority to convene hearings, select witnesses, and determine the scope and focus of each hearing;

d. Budget Authority: I exercise control over the subcommittee's allocated budget, including authority to direct spending on investigations, staff travel, expert consultants, and other resources necessary to fulfill oversight responsibilities;

e. Staff Supervision: I supervise subcommittee professional staff members who conduct investigations, draft reports, analyze intelligence materials, and support the subcommittee's work;

f. Classified Access: I receive regular classified briefings on intelligence community activities, including counterintelligence threats, covert operations, intelligence budget matters, and other sensitive information necessary to conduct effective oversight; and

g. Agency Oversight: I oversee the activities of the Central Intelligence Agency, National Security Agency, Defense Intelligence Agency, and other intelligence community components with respect to matters within the subcommittee's jurisdiction.

9. As an Intelligence Subcommittee Chairman, I currently have access to two professional staff members

who assist me in fulfilling these responsibilities. These staff members include:

a. Intelligence analysts with Top Secret/Sensitive Compartmented Information (TS/SCI) security clearances;

b. Investigators with expertise in counterintelligence, covert action oversight, and intelligence community operations;

c. Legal counsel specialized in intelligence law, including the Foreign Intelligence Surveillance Act (FISA), covert action authorities, and intelligence oversight requirements;

d. Subject matter experts on specific intelligence disciplines (signals intelligence, human intelligence, geospatial intelligence, etc.);

e. Budget analysts who review intelligence community expenditures and ensure appropriate use of taxpayer funds; and

f. Communications professionals who handle classified information security and facilitate secure communications for subcommittee work.

10. These staff resources enable me to conduct oversight effectively. For example: When a constituent raises concerns about intelligence community activities affecting Texas or national security, my staff can

investigate those concerns, request briefings from relevant agencies, and pursue appropriate remedies; When media reports raise questions about potential intelligence failures or misconduct, my staff can initiate investigations, interview witnesses, review classified materials, and prepare reports for the subcommittee; When legislation affecting intelligence community authorities comes before Congress, my staff provides analysis, drafts amendments, and ensures the subcommittee's perspective is reflected in legislative deliberations.

11. Without these staff resources, I could not effectively fulfill my oversight responsibilities. The intelligence community consists of 18 separate agencies with combined budgets exceeding $90 billion annually. Effective oversight requires substantial staff support to review agency activities, analyze classified programs, and conduct investigations.

12. As Chairman of an Armed Services Subcommittee on Intelligence and Special Operations, I have similar authorities and responsibilities:

a. Oversight of DOD Intelligence: I oversee Department of Defense intelligence activities, including the Defense Intelligence Agency, National Security Agency, National Geospatial-Intelligence Agency, and National Reconnaissance Office;

b. Special Operations Oversight: I oversee U.S. Special Operations Command and special

operations forces, including covert and clandestine military operations;

c. Authorization and Appropriations: I participate in authorizing and appropriating funds for defense intelligence and special operations programs, ensuring appropriate resource allocation;

d. Hearing and Investigation Authority: Like my Intelligence Subcommittee role, I control the hearing schedule, direct investigations, and select witnesses for matters within the subcommittee's jurisdiction; and

e. Classified Program Access: I receive classified briefings on sensitive military intelligence and special operations programs necessary for effective oversight.

13. An Armed Services Subcommittee provides similar professional staff support, though the exact staffing varies by subcommittee. As Chairman, I have access to approximately five additional professional staff members supporting an Armed Services Subcommittee's work, including military affairs analysts, budget specialists, and legal counsel.

14. Texas's 13th Congressional District spans 38 counties in the Texas Panhandle and includes significant military and defense-related installations and populations, including Sheppard Air Force Base and national security-related government facilities,

including the Pantex Plant – one of six production facilities in the National Nuclear Security Administration's Nuclear Security Enterprise. My chairmanship of the Intelligence and Special Operations Subcommittee and the Intelligence Subcommittee and the Armed Services Subcommittee enables me to conduct oversight affecting these installations and the servicemembers and families who live in my district.

15. Earlier this year, California state officials embarked on an "emergency" midcycle redistricting plan explicitly retaliating against Texas and its elected representatives, including me. California's Legislature passed Assembly Constitutional Amendment No. 8 - tellingly titled the "Election Rigging Response Act" (the "ERRA") - and Defendant Governor Newsom signed it into law on August 21, 2025.

16. The ERRA is an unprecedented attempt by California's government to unilaterally reconfigure its congressional districts mid-decade for the express purpose of engineering a partisan advantage in the House of Representatives.

17. The ERRA openly declares its aim to "neutralize the partisan gerrymandering being threatened by Republican-led states"-in other words, to counteract Texas's political influence by manipulating California's representation in Congress.

18. As set forth in my Complaint, the ERRA is expressly aimed at Texas and its congressional delegation, including myself.

19. The ERRA alters congressional representation in a way designed to engineer a Democratic majority in the House of Representatives.

20. If implemented, this scheme would cause me to lose my subcommittee chairmanships, reduce my staff resources, and diminish my legislative influence.

21. My influence over the congressional majority would cause me to lose serving as client in impact litigation cases.

22. The ERRA would also dilute the representational voice of my constituents in Texas's 13th District because it directly threatens the existing House majority that reflects their votes and policy preferences.

23. If congressional elections proceed under the ERRA, these injuries will be immediate and irreparable, as once the House majority is changed, my committee leadership and my constituents' influence cannot be restored for that term of Congress.

24. California currently has 43 Democratic representatives and 9 Republican representatives (of 52 total seats); AB 604's redistricting map is designed to increase the number of Democratic seats California sends to Congress; Election analysts predict AB 604's map could yield 4-6 additional Democratic seats compared to California's current congressional districts, based on historical voting patterns in the reconfigured districts; and If Democrats gain 2-3 seats nationally in the 2026 elections, they could control the House beginning January 2027.

25. Given these facts, California's AB 604 redistricting directly threatens Republican House control and my chairmanships.

26. This causal chain is not speculative—it is highly probable because AB 604's map is specifically designed to yield Democratic gains.

27. The ERRA's legislative findings openly state the map is designed to "neutralize partisan gerrymandering" and ensure Democrats can "provide an essential check and balance" in Congress.

28. The losses I will suffer are irreparable because:

a. They cannot be remedied through money damages—there is no way to compensate me (or my constituents) monetarily for loss of oversight authorities and representational capacity;

b. Defendants have sovereign immunity from damages under the Eleventh Amendment;

c. Once I lose my chairmanships, I cannot be restored to them mid-Congress— committee assignments remain fixed for the entire two-year Congress;

d. My constituents' loss of effective representation cannot be remedied retroactively.

29. The timeline for these injuries is extremely compressed:

a. November 4, 2025: California voters decide Proposition 50;

b. December 12, 2025: Secretary must certify election results;

c. Mid-December 2025: Candidate filing begins for June 2026 primary;

d. June 2, 2026: Primary election;

e. November 3, 2026: General election; and

f. January 3, 2027: New Congress convenes; I lose chairmanships if Democrats control House

30. If this Court does not preliminarily enjoin AB 604's implementation, these injuries will occur within approximately 14 months and will be impossible to fully remedy at that point.

31. A preliminary injunction enjoining AB 604's implementation would prevent my anticipated injuries: Maintaining current districts would prevent Democrats from gaining the 4-6 additional California seats AB 604 is designed to provide; Preventing those gains would likely prevent Democrats from flipping House control (given the narrow current margin); Maintaining Republican House control would preserve my chairmanships and associated authorities; Preserving my chairmanships would preserve my enhanced ability to represent my constituents' interests.

Appendix G

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on October 29, 2025, in Washington, D.C.

/s/_____
U.S. Representative Ronny Jackson