

Nos. 25A____, 25A _____

In the Supreme Court of the United States

WES ALLEN,
IN HIS OFFICIAL CAPACITY AS THE ALABAMA SECRETARY OF STATE, *et al.*,
Appellants,
v.
BOBBY SINGLETON, *et al.*,
Appellees.

WES ALLEN,
IN HIS OFFICIAL CAPACITY AS THE ALABAMA SECRETARY OF STATE, *et al.*,
Appellants,
v.
EVAN MILLIGAN, *et al.*,
Appellees.

**UNOPPOSED APPLICATION FOR 30-DAY EXTENSION OF TIME
TO FILE JURISDICTIONAL STATEMENT**

TO THE HONORABLE CLARENCE THOMAS, ASSOCIATE JUSTICE OF THE SUPREME COURT
OF THE UNITED STATES AND CIRCUIT JUSTICE FOR THE ELEVENTH CIRCUIT:

Applicants are Wes Allen, in his official capacity as the Alabama Secretary of State, Senator Steve Livingston, and Representative Chris Pringle, in their official capacities as Senate Chair and House Chair of the Alabama Permanent Legislative Committee on Reapportionment, respectively. Applicants respectfully request a 30-day extension of time to file jurisdictional statements appealing identical injunctions entered on May 8, 2025, in *Singleton v. Allen*, No. 2:21-cv-1291 (N.D. Ala.), ECF324, and *Milligan v. Allen*, No. 2:21-cv-1530 (N.D. Ala.), ECF490. *See* Ex. A. These cases—tried and decided by the same three-judge panel—challenge Alabama’s 2023

congressional districting plan. *See id.* at 1. The three-judge court entered an “Injunction and Order” that permanently enjoined use of Alabama’s 2023 Plan, finding that the plan violated § 2 of the Voting Rights Act and amounted to intentional discrimination in violation of the Equal Protection Clause. *See id.* at 1, 16. Applicants filed their notices of appeal to this Court on June 6, 2025. *See* Exs. B & C. This Court has jurisdiction under 28 U.S.C. §§ 1253, 2101(b). This same application is being filed in both the *Singleton* and *Milligan* appeals.

The jurisdictional statements are due on August 5, 2025. *See* S. Ct. R. 18.3. With the extension, the jurisdictional statements would be due on September 4, 2025. Consistent with this Court’s Rules 18.3, 30.2, and 30.3, this application is filed at least 10 days before the jurisdictional statements are due. An extension is justified for the following reasons.

1. After *Allen v. Milligan*, 599 U.S. 1 (2023), Alabama enacted new congressional districts to address, among other things, this Court’s observations about how Alabama’s redistricting plan treated different communities of interest differently. *Id.* at 22 (observing there was a “split community of interest in both” Alabama’s 2021 Plan and in Plaintiffs’ illustrative plans). After Plaintiffs had argued that Alabama’s purportedly “‘inconsistent treatment’ of Black and White communities [wa]s ‘significant evidence’ of a § 2 violation,” Br. of Milligan Respondents 39, No. 21-1086 (U.S. filed July 11, 2022) (quoting *Johnson v. De Grandy*, 512 U.S. 997, 1015 (1994)), Alabama’s 2023 Plan reunited Alabama’s historic Black Belt region into the fewest number of districts possible—addressing what Plaintiffs had called the “heart

of the case,” *id.* at 5. Even so, Plaintiffs sued to enjoin that 2023 Plan. A three-judge district court issued a preliminary injunction and substituted court-drawn districts for the 2024 congressional elections while the parties litigated the lawfulness of the 2023 Plan on the merits.

2. The three-judge district court has now permanently enjoined Alabama’s 2023 Plan. The court concluded the plan violates § 2 of the Voting Rights Act. The court further concluded that the Legislature’s enactment of the 2023 Plan amounted to intentional discrimination, in violation of the Equal Protection Clause. The district court recognized that its intentional discrimination holding was “unlike the typical allegation” that the Legislature “considered race too much when it placed district lines.” Ex. A at 499. Rather, in the court’s view, the Legislature “cracked” black voters by declining to split Mobile County to combine “Black Alabamians in Mobile” with black voters from other communities on the other side of the State. *Id.*

3. Based on the intentional discrimination finding, the *Milligan* Plaintiffs have moved to subject Alabama to preclearance under § 3 of the Voting Rights Act. The district court has scheduled a hearing for July 29, 2025, to consider Plaintiffs’ bail-in request. *Milligan*, No. 2:21-cv-1530, ECF504; *see also* Ex. A at 16 (explaining that the court will “conduct remedial proceedings expeditiously”).

4. Applicants’ jurisdictional statements are presently due on August 5, 2025. A 30-day extension of that deadline would make it more likely that Applicants could file the jurisdictional statements related to the district court’s liability determinations around the same time as any jurisdictional statement regarding the district

court's remedial determinations. Briefing the liability issues and any remedial issues around the same time would promote judicial economy.

5. Additionally, the district court's § 2 and constitutional holdings in this redistricting case may relate to issues to be addressed at re-argument in *Louisiana v. Callais*, No. 24-109. If the anticipated order posing questions for re-argument issues before September 4, 2025, then an extension will allow Applicants to address any overlap between questions addressed in *Callais* and presented in Alabama's litigation.

6. Finally, the decision below exceeds 500 pages and addresses arguments made by multiple sets of plaintiffs and the State, some of which would be questions of first impression in this Court. Granting the requested extension would give Applicants additional time to more clearly and concisely present their arguments regarding the district court's decision.

7. Appellees do not oppose the extension.

Respectfully submitted,

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