

No. 26-118

IN THE
Supreme Court of the United States

WES ALLEN, SEC'Y OF STATE, ET AL.,

Appellants,

v.

BOBBY SINGLETON, ET AL.,

Appellees.

On Appeal from the United States District Court
for the Northern District of Alabama

MOTION TO DISMISS

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QUESTIONS PRESENTED

In May 2026, a three-judge district court, applying *Louisiana v. Callais*, 146 S. Ct. 1131 (2026), held that Alabama’s congressional districting plan likely violates Section 2 of the Voting Rights Act and the Equal Protection Clause of the Fourteenth Amendment. The district court preliminary enjoined Alabama’s use of the plan only for the 2026 elections and planned a trial for early 2027. This Court stayed that injunction pending the Court’s action on this appeal. *Allen v. Singleton*, 146 S. Ct. 1377 (2026). The questions presented are:

1. Because the preliminary injunction applies only to the 2026 elections, is it already moot? Or, alternatively, will it be moot after the November 3, 2026 general election?

2. Is summary reversal appropriate when the Jurisdictional Statement includes material misrepresentations about the proceedings below, including misrepresentations about the existence of alternative districting plans that satisfy the Equal Protection Clause?

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INTRODUCTION

This appeal seeks summary reversal of a preliminary injunction that, by its own terms, applies only to Alabama’s November 3, 2026, congressional general election. Because this Court stayed that injunction, that election will use the congressional districts enacted by the Alabama Legislature in 2023 (the “2023 Plan”); it is already too late to do otherwise. Therefore, deciding this appeal can have no practical effect, the appeal is moot, and it must be dismissed. Even if the appeal were not moot, summary reversal would be inappropriate because the State Defendants misrepresent the facts and the district court’s opinion when arguing that the district court incorrectly held that the State Defendants likely violated the Fourteenth Amendment.

STATEMENT OF THE CASE

In 2021, the Alabama Legislature enacted new congressional districts (the “2021 Plan”). Since 1992, one Alabama district, District 7, had elected a Black Democrat to Congress in every election, and was highly majority-Black again in the 2021 Plan. App.113. Three sets of plaintiffs challenged the plan, alleging that it violated Section 2 of the Voting Rights Act, the Equal Protection Clause of the Fourteenth Amendment, or both. *Singleton v. Merrill*, 582 F. Supp. 3d 924, 938–39 (N.D. Ala. 2022) (three-judge court).

Plaintiffs in all three cases moved to enjoin the State Defendants from using the 2021 Plan in the 2022 election. In January 2022, the district court held

a seven-day evidentiary hearing with live testimony from seventeen witnesses, more than 350 exhibits, more than 1,000 pages of briefing, and seventy-five pages of joint stipulations of fact. App.113–14. Among that evidence was expert testimony that it is possible to draw two reasonably configured majority-Black congressional districts in Alabama while adhering to traditional districting principles, satisfying the first *Gingles* precondition. *Singleton v. Merrill*, 582 F. Supp. 2d at 960–66, 977–80. Holding that the defendants had likely violated the Voting Rights Act, and that it was “not a close call,” the district court granted a preliminary injunction. App.114. Citing the principle of constitutional avoidance, the district court reserved ruling on the Equal Protection claims. *Id.* The State Defendants appealed.

This Court affirmed, agreeing that “plaintiffs’ § 2 claim was likely to succeed under *Gingles*.” *Milligan*, 599 U.S. at 19. As to the first *Gingles* precondition, this Court held that Plaintiffs’ illustrative plans “strongly suggest[ed] that Black voters in Alabama could constitute a majority in a second, reasonably configured, district.” *Id.* at 20 (internal quotation marks omitted). Responding to the State Defendants’ argument that no illustrative plan can be reasonably configured if it splits the Gulf Coast (as the illustrative plans did), this Court found the State’s evidence of the Gulf Coast as a community of interest to be weak. *Id.* at 21 (“The District Court understandably found this testimony insufficient to sustain Alabama’s overdrawn argument that there can be no legitimate

reason to split the Gulf Coast region.”) (internal quotation marks omitted). Evidentiary concerns aside, this Court wrote,

Even if the Gulf Coast did constitute a community of interest, moreover, the District Court found that plaintiffs’ maps would still be reasonably configured because they joined together a different community of interest called the Black Belt. ... The District Court concluded—correctly, under our precedent—that it did not have to conduct a beauty contest[] between plaintiffs’ maps and the State’s. There would be a split community of interest in both.

Id. (internal quotation marks omitted); see *Louisiana v. Callais*, 146 S. Ct. 1131, 1162 (2026) (holding that *Callais* “did not overrule *Allen* [*v. Milligan*, 599 U.S. 1 (2023)]”).

On remand, the State Defendants asked the district court to delay trial so the Legislature could attempt to enact a new plan. *Singleton v. Allen*, No. 21-cv-1291 (N.D. Ala.), Doc. 133. The State based its proposed deadline for the Legislature to finish its work in part on the time required “for the Reapportionment Committee to receive public input regarding the plan and then propose it to legislators for review before a vote.” *Id.* at 2–3. The district court agreed, *Singleton*, Doc. 135, and the Governor called a special session of the Legislature. At the special session, the Reapportionment Committee readopted its 2021 redistricting guidelines, which were substantially the same as the guidelines the committee had used since the 1990s. App.203; *Milligan v. Allen*, No. 21-cv-1530 (N.D. Ala.),

Doc. 459-20 at 12–13. Among those guidelines was one specifying that a plan “shall have neither the purpose nor the effect of diluting minority voting strength.” App.160–61.

As the district court found, “[t]hen the Legislature took a series of unusual turns.” App.521. The Reapportionment Committee did not form a plan and receive public input. Casting aside plans designed to have two opportunity districts, including one introduced by Senator Singleton (one of the appellees in this case), the Legislature settled on one that the State concedes has just one opportunity district. App.523–24. Despite his role as House Co-Chair of the Reappointment Committee, Representative Pringle was shut out of discussions of this plan; Senator Livingston and other Senators “met with the Solicitor General behind closed doors in a different room on a different floor.” App.597. Representative Pringle, concerned that Senator Livingston’s plan violated federal law, asked for the plan’s reasoning and was told, “You’re going to have to talk to Senator Livingston and [the Solicitor General].” App.205. Senator Livingston testified that the reason for the shift was “some additional information” committee members received, but he testified that he did not know what the information was, where it came from, or who had received it. App.522. The district court found that Senator Livingston’s testimony “strains credulity.” *Id.*

On the last morning of the special session, the Legislature was presented with a variation of Senator Livingston’s plan, which again did not contain a second opportunity district. The Legislature was also presented with something unprecedented in Alabama:

a list of “Legislative Findings” that “were drafted surreptitiously, in the dead of night, at the very last minute, and without any input from either the Senate Co-Chair or House Co-Chair of the Legislature’s Reapportionment Committee.” App.124. According to Senator Livingston, the Solicitor General drafted these findings. App.200. Compared to the guidelines the Reapportionment Committee had used since the 1990s, the findings made major changes. For one, they eliminated the guideline that a plan “shall have neither the purpose nor the effect of diluting minority voting strength,” and added a statement that “The Supreme Court of the United States recently clarified that Section 2 of the Voting Rights Act ‘never requires adoption of districts that violate traditional redistricting principles.’” App.645. The findings then declared, for the first time in Alabama history, that certain redistricting principles were “non-negotiable,” including keeping the Gulf Coast counties of Mobile and Baldwin together, App.646, 648, notwithstanding that Mobile and Baldwin Counties had been in separate congressional districts for most years since the Civil War, *see Singleton*, Doc. 285-6 (historical Alabama congressional maps). The findings spent far more space discussing the Gulf Coast as a community of interest than it did on the other two identified communities of interest: the Black Belt and the Wiregrass. App.647–51. The Legislature adopted the plan with only one opportunity district, along with the legislative findings, and the Governor signed it into law. The district court preliminarily enjoined the 2023 plan and set a trial on the plaintiffs’ claims that the plan violated Section 2 and the Fourteenth Amendment.

Before trial, the district court charged its special master with proposing remedial plans. With the assistance of a cartographer, the special master proposed three plans that were all drawn without regard to race, included two opportunity districts, and followed traditional redistricting principles and the contours of the 2023 Plan to the extent they could while complying with the law. App.175–79. All Plaintiffs supported the third proposed plan (the Special Master Plan”), which the district court adopted, and which was used in Alabama’s 2024 congressional elections. App.179–84.

In February 2025 the district court tried the case. At trial, the evidence of the State Defendants’ Section 2 violation was similar to the evidence at the original preliminary injunction hearing, but stronger. Plaintiffs’ experts presented additional illustrative plans showing that it is possible to create two reasonably configured majority-minority illustrative districts (satisfying the first *Gingles* precondition), and other evidence showing that the other two *Gingles* preconditions and the Senate factors were satisfied as well. App.225–362, 421–530. Much of this evidence, along with the bizarre sequence of events in the Legislature, demonstrated that the 2023 Plan was intended to dilute minority voting strength, violating the Fourteenth Amendment. App.592–631. The district court permanently enjoined the 2023 Plan, and the State Defendants appealed.

This Court vacated the district court’s judgment and remanded the cases for further consideration in light of *Callais. Allen v. Singleton*, 146 S. Ct. 1196 (2026). Plaintiffs moved for a preliminary injunction

against the State Defendants’ use of the 2023 Plan, the motion was briefed, and the district court issued a seventy-nine-page opinion that “carefully reviewed the extensive evidentiary record in these cases with fresh eyes in light of *Callais*.” App.3. The district court concluded that Plaintiffs were likely to succeed on their claims under Section 2 and the Fourteenth Amendment, and entered a two-part preliminary injunction:

1. The Court **PRELIMINARILY ENJOINS** the Alabama Secretary of State from conducting the 2026 congressional elections according to the 2023 Plan.
2. The Court further **ORDERS** the Alabama Secretary of State to administer all remaining events comprising Alabama’s 2026 congressional elections according to the Special Master Plan

....

App.80.

The State Defendants appealed the preliminary injunction and applied to this Court for a stay pending appeal. This Court granted a stay, 146 S. Ct. 1377 (2026). Next, the State Defendants filed their Jurisdictional Statement, which requested that this Court note probable jurisdiction or summarily reverse the district court’s judgment.

ARGUMENT

I. This Appeal Will Be Moot Before It Can Be Considered on the Merits.

A case becomes moot when “it is impossible for a court to grant any effectual relief whatever to the prevailing party.” *Knox v. SEIU, Local 1000*, 567 U.S. 298, 307 (2012) (internal quotation mark omitted). Generally, when an appeal is taken from a preliminary injunction that later becomes moot, the appeal must be dismissed. *Univ. of Tex. v. Camenisch*, 451 U.S. 390, 394 (1981). That principle applies when the injunction becomes moot because it applies to an election that has passed. *Mills v. Green*, 159 U.S. 651 (1895); see *Wood v. Raffensperger*, 981 F.3d 1307, 1316–17 (11th Cir. 2020), *cert. denied*, 592 U.S. 1265 (2021).

This year, Alabama’s election for Representatives will occur on November 3, 2026, as required by federal law. 2 U.S.C. § 7. That date is 46 days from today (September 18, 2026) and 36 days from this Court’s next conference (September 28, 2026). Although the outer bounds of the *Purcell* doctrine are unclear, the *Singleton* Appellees understand (and think the State Defendants would agree) that *Purcell* prohibits a federal injunction against a congressional districting plan within 46 days of a general election. See *Merrill v. Milligan*, 142 S. Ct. 879 (2022) (staying a different preliminary injunction in this case that was issued four months before the primary elections). Under these circumstances, “it is impossible for a court to grant any effectual relief whatever to the prevailing party[.]”

Knox, 567 U.S. at 307, and the appeal must be dismissed.

No exception to the mootness doctrine applies here. The only exception the State Defendants could conceivably raise is for cases where the challenged conduct is “capable of repetition, yet evading review.” *See S. Pac. Terminal Co. v. ICC*, 219 U.S. 498 (1911). “The capable-of-repetition doctrine applies only in exceptional situations, where the following two circumstances are simultaneously present: (1) the challenged action is in its duration too short to be fully litigated prior to cessation or expiration, and (2) there is a reasonable expectation that the same complaining party will be subject to the same action again.” *Spencer v. Kemna*, 523 U.S. 1, 17 (1998) (cleaned up). Here, because the challenged action—the State Defendants’ use of the 2023 Plan—would be in place until 2030, its duration is not “too short to be fully litigated prior to cessation or expiration.” And that challenged action will be reviewed by the district court with the benefit of a trial as soon as early 2027. *See Camenisch*, 451 U.S. at 396 (“[W]hen the injunctive aspects of a case become moot on appeal of a preliminary injunction, any issue preserved by an injunction bond can generally not be resolved on appeal, but must be resolved in a trial on the merits.”). Therefore, the capable-of-repetition exception does not apply.

This court faced a similar set of facts in *Christian Civic League of Maine, Inc. v. FEC*, No. 05-1447. There, a nonprofit corporation had sought a preliminary injunction that would permit it to finance broadcasts of an advertisement that would otherwise be prohibited on specific dates by the Federal Election

Campaign Act. *Christian Civic League of Me., Inc. v. FEC*, 433 F. Supp. 2d 81 (D.D.C. 2006) (three-judge court). The preliminary injunction was denied, and the corporation appealed. While the appeal was pending, the dates on which the corporation wanted to finance broadcast passed, and the appellee moved to dismiss the appeal, stating that the “[capable of repetition, yet evading review] exception provides no basis for this Court to review the district court’s denial of *preliminary* injunctive relief in this case. Appellant’s request for a permanent injunction ... is currently pending before the district court” Motion to Dismiss of Appellee FEC, *Christian Civic League of Me., Inc. v. FEC*, No. 05-1447 (Aug. 11. 2006). This Court dismissed the appeal as moot. 549 U.S. 801 (2006).¹ Here, the State Defendants’ appeal is moot for the same reason: the controversy can be decided by the district court after remand.

Even if the appeal is not already moot, it will become moot on November 3, 2026; there is not enough

¹ Two days after the conference at which this Court considered *Christian Civic League*, the district court dismissed the plaintiff’s claims as nonjusticiable and moot. *Christian Civic League of Me., Inc. v. FEC*, 2006 U.S. Dist. LEXIS 69419 (D.D.C. Sept. 27, 2006). There is no indication on this Court’s docket that this Court was notified of the dismissal. When the plaintiff appealed the dismissal, this Court vacated the order and remanded for further consideration. 551 U.S. 1160 (2007). This Court’s differing treatment of the two appeals is consistent with a finding of mootness here: When the plaintiff still had the opportunity to litigate in the district court, the appeal was moot. When that opportunity was gone, the appeal was not moot. Here, Plaintiffs and the State Defendants still have the opportunity to litigate in the district court.

time to consider it fully before then. Absent a summary reversal (which should not be granted for the reasons stated in Part II below), this Court would have to note probable jurisdiction, receive briefs, hold oral argument, and issue a decision within 36 days of its next conference. This is unrealistic. The orderly, expeditious procedure would be for this Court to dismiss the appeal as moot so the district court can conduct a trial on the merits.

II. The State Defendants Misrepresent the Proceedings Below.

A party seeking the extraordinary remedy of summary reversal should, at the very least, be scrupulously candid and correct about the facts of the case because briefing is abbreviated and there is no oral argument.

Here, the State Defendants have not lived up to that standard. The crux of their argument for summarily reversing the decision on Plaintiffs' Fourteenth-Amendment claims is that the district court held that the State Defendants "violate[d] the Fourteenth Amendment by declining to draw a race-based plan[.]" Jurisdictional Statement at i; *id.* at 23 ("Alabama Did Not Intentionally Discriminate by Declining to Draw Race-Based Districts."). **The district court never held that Section 2 or the Fourteenth Amendment required Alabama to adopt a majority-Black district or otherwise draw districts on the basis of voters' race.**

To be sure, the district court recognized that “as a practical reality, based on extensive evidence of intensely racially polarized voting in Alabama, any remedial plan would need to include two districts in which Black voters either comprise a voting-age majority or something quite close to it.” *Singleton v. Merrill*, 582 F.Supp.3d 924, 936 (N.D. Ala. 2022) (three judge court) (internal quotation marks omitted). But the remedy the district court required, as opposed to what it acknowledged as a practical reality, demanded no thresholds for racial demographics or district lines based on race: “a congressional redistricting plan that includes either an additional majority-Black district, *or an additional district in which Black voters otherwise have an opportunity to elect a representative of their choice.*” App.14 (emphasis added). An opportunity district need not have a particular racial composition to avoid liability under Section 2. *Cooper v. Harris*, 581 U.S. 285, 305–06 (2017).²

The district court’s remedial plan, the Special Master Plan, is proof positive: “the record also includes a race-blind map that provides an additional opportunity district: the Special Master Plan. Mr. Ely prepared the Special Master Plan race-blind and ‘without reference to any other illustrative’ or proposed plan. Milligan Doc. 311 at 19–20, 23, 44.” App.53.

The State Defendants have never offered any evidence that would call into question the district court’s

² As described below, all three State Defendants admitted that the Black-preferred candidate would have won most elections in a proposed district whose Black Voting Age Population was less than 40%.

finding that the Special Master’s Plan was drawn race-blind. Instead, the State Defendants misleadingly and incorrectly point to Dr. Duchin’s testimony as showing “[p]laintiffs used race as a districting criterion” when proposing illustrative maps for *Gingles* purposes. Jurisdictional Statement at 16–18. Not only is the State Defendants’ assertion misleading and incorrect, but the State Defendants ignore the district court’s 2026 express factual findings as to Dr. Duchin’s testimony:

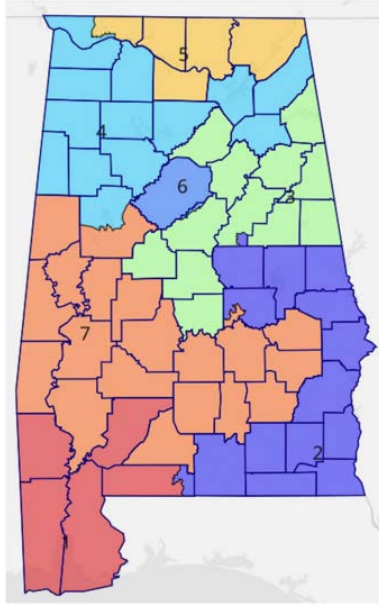
We have re-examined Dr. Duchin’s trial testimony carefully, and we again credit her testimony that she “just did not look at race” as she placed district lines; that she “periodically checked to see if the plan, as a whole, had that property of two majority-Black districts,” in order to comply with the numerosity requirement of *Bartlett*; and that when she ultimately decided which of her maps she would submit to the Court, she screened out any that did not include two majority-Black districts, as federal law requires. *See* Tr. at 287–89, 292, 365. We also credit her trial testimony that it was “not [her] process” to “look for majority-Black precincts” whenever she discovered that a map she was drawing had fallen below a 50%-Black threshold. *Id.* 365–66. We asked her no less than three times whether race informed the granular process of drawing maps, and she testified without contradiction that

it did not. *Id.*; *Milligan* Doc. 490 at 122–24. Accordingly, we find that when Dr. Duchin considered race, it was for a purpose that remains lawful after *Callais*.

App.52–53. Furthermore, the Special Master’s Plan was not based on any of Plaintiffs’ illustrative maps; it was based on the Alabama Legislature’s 2023 Plan, with as few changes as necessary to create an opportunity district. App.118 (“The Special Master Plan satisfied all constitutional and statutory requirements while hewing as closely as possible to the Legislature’s 2023 Plan.”).

Moreover, the State Defendants refuse to acknowledge that if the proper approach to redistricting after *Callais* is to pursue traditional redistricting principles without classifying or intentionally discriminating against voters by race, then the Alabama Legislature repeatedly rejected opportunities to do so. The State Defendants never tried to prove in the district court that it was impossible to provide two opportunity districts while satisfying Alabama’s legitimate redistricting principles. To the contrary, the Legislature repeatedly rejected one plan introduced during the 2023 special session (and again in the 2026 special session) that clearly demonstrates that such an outcome is possible. Appellant Senator Bobby Singleton introduced a race-neutral plan with no majority-Black

districts (the “Singleton Plan”) that kept the Gulf Coast intact:



The State Defendants admitted that in the 28 statewide contested elections from 2012 to 2022, the Black-preferred candidate received the most votes 22 times in District 6 of the Singleton Plan (which had a Black Voting Age Population of less than 40%), and all 28 times in District 7.³ Therefore, the State Defendants have admitted that the Singleton Plan contains

³ Secretary Allen admitted this fact in response to a request for admission. *Singleton v. Allen*, No. 21-cv-1291 (N.D. Ala.), Doc. 180-1 at 5–6. Senator Livingston and Representative Pringle made the same admission in separate responses, which were not introduced as exhibits in the district court.

two opportunity districts while keeping Mobile and Baldwin Counties together.

Moreover, the Singleton Plan better comports with the Legislature’s contrived “legislative findings” than the enacted 2023 Plan does. Besides keeping the Gulf Coast intact and providing two opportunity districts, the Singleton Plan satisfies every legitimate redistricting principle contained in the Legislature’s findings. It has minimal population deviation, it is contiguous, it is at least as compact as the 2023 Plan, it keeps Alabama’s four largest counties intact (which the 2023 Plan fails to do), it splits no more than six county lines, it does not pair incumbents,⁴ and it keeps together communities of interest. Specifically, the Singleton Plan keeps the Gulf Coast intact, and puts 16 of the 18 core Black Belt counties in the same district—the highest number mathematically possible. (The 2023 Plan splits the Black Belt in half.) The Singleton Plan also keeps the Wiregrass intact except for two counties that are also core Black Belt counties (Crenshaw and Pike), which are placed in the Black Belt district.⁵

⁴ Representatives Terri Sewell and Gary Palmer would both have resided in District 6 in the Singleton Plan, but Representative Sewell also has a residence in District 7 and could have run in that district, which encompasses most of the counties in her previous district.

⁵ For further description of the Singleton Plan and its performance on various metrics, see *In re Redistricting 2023*, No. 23-mc-1181 (N.D. Ala.), Doc. 5 at 6–19.

The only way the Singleton Plan falls short of the 2023 Plan is that it does not preserve the cores of existing districts, but this cannot be a nonnegotiable principle in the context of remedial redistricting: “[T]his Court has never held that a State’s adherence to a previously used districting plan can defeat a § 2 claim. If that were the rule, a State could immunize from challenge a new racially discriminatory redistricting plan simply by claiming that it resembled an old racially discriminatory plan.” *Milligan*, 599 U.S. at 22.

Although the Singleton Plan complied with the district court’s directives and performed as well as possible on every districting principle the Legislature identified, including keeping the Gulf Coast together, the Legislature rejected it repeatedly. The State Defendants cannot reconcile the existence of the Singleton Plan with its position that the district court required Alabama to split the Gulf Coast in order to comply with Section 2.⁶ The Singleton Plan illustrates the discriminatory intent behind the State Defendants’ misrepresentation that the district court said “that the Legislature *had* to draw a second majority-minority district.” Jurisdictional Statement at 27. In fact, it was the Legislature that rejected plans that kept Jefferson County intact because they did not contain majority-Black districts. *Singleton*, Doc. 84 at 22, 30.

⁶ To be clear, the Singleton Appellees do not claim that the Legislature or the district court was required to adopt the Singleton Plan; they highlight the Singleton Plan to show that a fundamental premise of the Jurisdictional Statement is incorrect.

The Singleton Plan is not the only race-blind potential remedial plan the Legislature rejected. Contrary to their position now, two of the three State Defendants testified that it may have been possible to do what they now claim is impossible. During the 2023 special session, State Defendants Steve Livingston and Chris Pringle (and their attorney) instructed cartographer Randy Hinaman to draw a map that contains two opportunity districts and keeps Mobile and Baldwin Counties together. App.194. Mr. Hinaman was not instructed to target a minimum Black voting-age population, nor did he do so. *Milligan v. Allen*, No. 21-cv-1530 (N.D. Ala.), Doc. 459-7 at 16. Mr. Hinaman drew what came to be called the Community of Interest plan, which kept Mobile and Baldwin Counties intact and together:



Representative Pringle testified that he supported the Community of Interest plan because Dr. Trey Hood (one of the State Defendants’ expert witnesses) determined that the Black-preferred candidate would have received the most votes in the second opportunity district in two of the four races he modeled. App.203–04; *Milligan*, Doc. 459-20 at 41 (“I thought it proved that the community of interest plan would comply with what the Supreme Court ordered and would provide an opportunity for minority citizens to elect a candidate of their choosing.”). Senator Livingston testified that “the Community of Interest plan ‘might have’ ‘provided a fair opportunity for African American voters to elect preferred candidates’ in District 2,” the second opportunity district. *Singleton v. Allen*, 782 F. Supp. 3d 1092, 1152 (N.D. Ala. 2025) (three-judge court). Although the Community of Interest plan passed the House, the Legislature ultimately rejected it in favor of one that State Defendants conceded did not contain a second opportunity district. While it is unknown whether the district court would have concluded that the Community of Interest plan contained two opportunity districts, both testifying State Defendants believed that it might have, and that testimony squarely contradicts the premise of their Jurisdictional Statement.

Because the Legislature rejected race-neutral plans that they believed might provide a second opportunity district, and adopted a plan it knew would not do so, the State’s position crumbles. They claim, incorrectly, that the Legislature was forced to “subordinat[e] its neutral policies to race.” Jurisdictional Statement at 23. The fact is, in 2023 the Alabama Legislature was

aware that the 2021 plan likely violated Section 2 (which was and still is the law of the case), this violation required a remedy, any remedy would require a second opportunity district, and the Legislature could create one while keeping Baldwin and Mobile Counties intact, but it “purposefully and admittedly refused to provide that remedy.” *Singleton*, 782 F. Supp. 3d at 1338. That fact, along with the “unusual corpus of undisputed evidence that confirms the obvious inference from the Legislature’s conduct,” *id.* at 1116, supports the district court’s holding that the Legislature violated the Fourteenth Amendment, and that holding is consistent with the constitutional standards announced in *Callais*.

CONCLUSION

The preliminary injunction on appeal pertains only to the 2026 election. Nothing this Court can do will change the district lines for that election. Therefore, this appeal is moot. In addition, the State Defendants’ misrepresentations about the record and the district court’s decisions belie its argument for summary reversal.

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