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No. 26-640

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

IN RE:
PAUL BERRY III, PETITIONER

ON PETITION FOR WRIT OF MANDAMUS TO
THE
UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF MISSOURI

PETITION FOR WRIT OF MANDAMUS

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QUESTIONS PRESENTED

1. Whether orders entered by a single district judge in an action challenging the apportionment of a State's congressional districts — including an order finally disposing of the action — are void when the district judge was required to notify the chief judge of the circuit under 28 U.S.C. § 2284(b)(1), and as direct result, no three-judge district court was convened in the manner required by 28 U.S.C. § 2284(a).

2. Whether a writ of mandamus should issue under the All Writs Act, 28 U.S.C. § 1651(a), where the district court sua sponte held a verified complaint's emergency applications in abeyance and then dismissed the action on the eve of a federal election, leaving the petitioner with no other adequate means to attain the relief in any court.

3. Whether a writ of mandamus should issue under the All Writs Act, 28 U.S.C. § 1651(a), where the appellate court held the mandate to its order to the district court requiring the notice of appeal directed by the petitioner to this Court be transmitted to this Court until the eve of a federal election and at a temporal period in violation Rule 41 of the Federal Rules of Appellate Procedure, leaving the petitioner with no other adequate means to attain appellate relief in any court in a timely manner.

4. Whether, because Missouri has not been redistricted in the manner provided by law following the most recent apportionment, 2 U.S.C. § 2a(c)(5) requires Missouri to elect its Representatives to the Congress from the State at large in the 2026 general election.

PARTIES TO THE PROCEEDING

Petitioner is Paul Berry III, an African American resident of Missouri, a registered voter of Missouri Congressional District One, and the certified Missouri Congressional District One Republican nominee for the 2026 Missouri General congressional election. Petitioner is the plaintiff in the proceedings below.

Respondents, against whom relief is sought in their official capacities, see Rule 20.3(a), are: John A. Ross, Senior United States District Judge for the Eastern District of Missouri, the district judge assigned to the underlying action; and Stephen A. Clark, Chief United States District Judge for the Eastern District of Missouri, who issued the reassignment order and who is responsible for the administrative duty of appointing district court judges on behalf of the district court.

Defendants in the underlying action are: Denny Hoskins, in his official capacity as Secretary of State of the State of Missouri; and the State of Missouri.

Petitioner is an individual and not a nongovernmental corporation; accordingly, no corporate disclosure statement is required under Rule 29.6 of the Rules of this Court.

STATEMENT OF RELATED PROCEEDINGS

The following proceedings are directly related to this case within the meaning of Rule 14.1(b)(iii):

- *Berry v. Hoskins, No. 4:26-cv-01419* (E.D. Mo.) (the underlying action; orders entered September 4, 8, and 21, 2026; global dismissal order entered September 25, 2026; order regarding notice of appeal entered October 1, 2026).

- *In re Berry*, petitions for writs of mandamus and prohibition (8th Cir.), denied without opinion on September 15, 2026 and September 24, 2026.

- *Berry v. Hoskins*, No. 26-2948 (8th Cir.), notice of appeal filed by Berry directed to the United States Supreme Court was redirected to the Eight Circuit Court of Appeals sua sponte by the United States District Court of Easten Missouri, with such appeal dismissed by the Eighth Circuit Court of Appeals with opinion on October 5, 2026, which ordered the United States District Court of Easten Missouri to transfer Berry's notice of appeal to the United States Supreme Court, with the attached mandate issued by the Eight Circuit Court of Appeals on November 2, 2026.

- *Von Glahn v. Hoskins*, No. 26AC-CC00440 (Cole Cnty., Mo., Cir. Ct. August 04, 2026), transferred to the Supreme Court of Missouri on August 20, 2026 (Mo. R. 83.01); application for stay denied by this Court on September 8, 2026.

- *Onder v. Hoskins*, No. 4:26-cv-01425, temporary restraining order affirmed in favor of Onder on September 8, 2026 (E.D. Mo.); appealed and affirmed in favor of Onder, Nos. 26-2797 and 26-

2827 (8th Cir.); overturned by this Court on September 25, 2026.

- *Berry III v. Ashcroft*, No. 4:22-cv-465 (E.D. Mo.).

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I. While the United States Supreme Court has fully declared that Missouri is permitted by the United States Constitution to apply its statewide referendum petition process to the enactment of Missouri congressional district maps, as applied and currently enforce against Petitioner Berry in the underlying matter, Missouri's specific reenactment of the 2022 Missouri Congressional District Map for use during the 2026 Missouri Congressional election violates Petitioner Berry rights pursuant to the Petitions Clause and Due Process Clause and the United States Constitution 97

II. Chief District Judge Clark by his Judge Reassignment Order violated 28 U.S.C. § 2284(b)(1) by unlawfully seizing Federal judicial statutory procedure reserved by the United States Congress exclusively to the Chief Judge of the Eighth Circuit of the United States Court of Appeals to maintain the constitution of the three-judge district court panel in the underlying Complaint pursuant to 28 U.S.C. § 2284(b)(1), and as such, this Court strike any action or order

authorized by District Judge Ross regarding the underlying Complaint. 114

III. Over a 30-day continuous period during the pendency of the underlying Complaint, District Judge Ross violated 28 U.S.C. § 2284(b)(1) in the underlying Complaint evidenced by District Judge Ross taking judicial notice on September 4, 2026, that the underlying Complaint sought relief pursuant to 28 U.S.C. § 2284(a) to seek the Court to declare the 2022 Missouri Congressional District Map was unconstitutionally appropriated or reappropriated in a manner that violates the Fourteenth and Fifteenth Amendments of the United States Constitution and summarily refused upon multiple independent requests and demands by Petitioner Berry to forward the underlying Complaint to the Chief Judge of the Eighth Circuit in the manner required by 28 U.S.C. § 2284(b)(1). 121

IV. In the underlying Complaint, District Judge Ross violated 28 U.S.C. § 2284(b)(3) evidenced by District Judge Ross on September 25, 2026, denying a temporary restraining order filed by Petitioner Berry attached to Counts IV thru VII of the underlying Complaint, which seek a three-judge district court to adjudicate Counts IV thru VII of the underlying Complaint pursuant to 28 U.S.C. § 2284(a), and subsequently denying Petitioner Berry's Motion for Reconsideration by Three-Judge Court on

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V. In the underlying Complaint, District Judge Ross violation of 28 U.S.C. § 2284(b)(3) and the District Court initial refusing to transmit Plaintiff Berry's Notice of Appeal to the United States Supreme Court and the Eighth Circuit issuing its mandate to District Judge Ross four (4) court hours before the 2026 Missouri General congressional election in a manner that has caused the outright denial of Petitioner Berry's Federal statutory right pursuant to 28 U.S.C. § 1253 for a nondiscretionary direct appeal of District Judge Ross Global Dismissal Order to United States Supreme Court issued to District Judge Ross at a temporal period by the Eighth Circuit in violation of Fed. R. Civ. P. 6. 131

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OPINIONS AND ORDERS BELOW

The following orders and dispositions were entered in the proceedings below and are reprinted in the Appendix:

- Order of reassignment of the United States District Court for the Eastern District of Missouri (Clark, C.J.) (Sept. 4, 2026) (unreported), App. A-1;

- Order to show cause of the United States District Court for the Eastern District of Missouri (Ross, J.) (Sept. 4, 2026) (unreported), App. A-2;

- Order holding emergency motions in abeyance of the United States District Court for the Eastern District of Missouri (Ross, J.) (Sept. 8, 2026) (unreported), App. A-3;

- Order of the United States Court of Appeals for the Eighth Circuit denying petitioner's petition for writs of mandamus and prohibition (Sept. 15, 2026) (unreported), App. A-4;

- Order setting a response schedule on petitioner's September 17, 2026 application for a temporary restraining order (Ross, J.) (Sept. 21, 2026) (unreported), App. A-5;

- Order of the United States Court of Appeals for the Eighth Circuit denying petitioner's petition for a writ of mandamus (Sept. 25, 2026) (unreported), App. A-6;

- Global dismissal order of the United States District Court for the Eastern District of Missouri (Ross, J.) (Sept. 25, 2026) (unreported), A-7;

- Order regarding petitioner's motions for reconsideration and review by a three-judge district

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• Order regarding petitioner's emergency motion concerning notice of appeal, United States District Court for the Eastern District of Missouri (Ross, J.) (Oct. 1, 2026) (unreported), App. A-9;

• Order of the United States Court of Appeals for the Eighth Circuit regarding petitioner's emergency motion concerning notice of appeal of the United States District Court for the Eastern District of Missouri (Oct. 5, 2026) (unreported), App. A-10;

• Order of the United States Court of Appeals for the Eighth Circuit issuing its mandate to the order issued on October 5, 2026, regarding petitioner's emergency motion concerning notice of appeal of the United States District Court for the Eastern District of Missouri (Nov. 2, 2026) (unreported), App. A-11; and

• Order regarding petitioner's emergency motion concerning notice of appeal, United States District Court for the Eastern District of Missouri (Ross, J.) (Nov. 3, 2026) (unreported), App. A-12.

JURISDICTION

This Court has jurisdiction to issue the requested writ of mandamus under the All Writs Act, 28 U.S.C. § 1651(a), and Rule 20 of the Rules of this Court. This Court also has direct superintending authority over the United States District Court of Eastern Missouri and the Eighth Circuit of the United States Court of Appeals regarding all administrative, disciplinary,

investigative and judicial matters involving administrative personnel, clerks, court records, empanelment of three-judge district courts and judges of such respective Federal courts.

The writ sought is in aid of this Court's appellate jurisdiction. The underlying action challenges the apportionment of Missouri's congressional districts and was required to be heard and determined by a three-judge district court under 28 U.S.C. § 2284(a); an order granting or denying interlocutory injunctive relief in such an action is appealable directly to this Court under 28 U.S.C. § 1253. The orders with respect to which the writ is sought were entered by the United States District Court for the Eastern District of Missouri on September 4, 8, and 21, 2026, and on September 25, 2026 (the global dismissal order), and on October 1, 2026 and November 3, 2026, (the order regarding petitioner's notice of appeal). The United States Court of Appeals for the Eighth Circuit denied petitioner's petitions for writs of mandamus and prohibition on September 15 and 24, 2026. This petition follows promptly thereafter.

As set forth with particularity in Part X of the Reasons for Granting the Writ, infra, exceptional circumstances warrant the exercise of this Court's discretionary powers, and adequate relief cannot be obtained in any other form or from any other court. See Rule 20.1, 20.3(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

U.S. Const. art. I, § 4, cl. 1 provides:

"(t)he 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."

U.S. Const. amends. I, V, XIV, and XV.

2 U.S.C. § 7 provides:

"(t)he Tuesday next after the 1st Monday in November, in every even numbered year, is established as the day for the election, in each of the States and Territories of the United States, of Representatives and Delegates to the Congress commencing on the 3d day of January next thereafter."

2 U.S.C. § 2a(c) provides in pertinent part: (The full text of § 2a is set out in the Appendix, App. A-9.)

(c) Until a State is redistricted in the manner provided by the law thereof after any apportionment, the Representatives to which such State is entitled under such apportionment shall be elected in the following manner: (1) If there is no change in the number of Representatives, they shall be elected from the districts then prescribed by the law of such State, and if any of them are elected from the State at large they shall continue to be so elected; (2) if there is an increase in the number of Representatives, such additional Representative or Representatives shall be elected from the State at large and the other Representatives from the districts then prescribed by the law of such State;

(3) if there is a decrease in the number of Representatives but the number of districts in such State is equal to such decreased number of Representatives, they shall be elected from the districts then prescribed by the law of such State; (4) if there is a decrease in the number of Representatives but the number of districts in such State is less than such number of Representatives, the number of Representatives by which such number of districts is exceeded shall be elected from the State at large and the other Representatives from the districts then prescribed by the law of such State; or (5) if there is a decrease in the number of Representatives and the number of districts in such State exceeds such decreased number of Representatives, they shall be elected from the State at large." (underline added)

18 U.S.C. § 241 states:

"If two or more persons conspire to injure, oppress, threaten, or intimidate any person in any State, Territory, Commonwealth, Possession, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or If two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured—They shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated

sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, they shall be fined under this title or imprisoned for any term of years or for life, or both, or may be sentenced to death."

18 U.S.C. § 242 states:

"Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such person being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined under this title or imprisoned not more than one year, or both; and if bodily injury results from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title, or imprisoned for any term of years or for life, or both, or may be sentenced to death.."

28 U.S.C. § 137(a) provides:

"(a) In General.— The business of a court having more than one judge shall be divided among the judges as provided by the rules and orders of the court. The chief judge of the district court shall be responsible for the observance of such rules and orders, and shall divide the business and assign the cases so far as such rules and orders do not otherwise prescribe. If the district judges in any district are unable to agree upon the adoption of rules or orders for that purpose the judicial council of the circuit shall make the necessary orders."

28 U.S. Code § 1253 provides:

Except as otherwise provided by law, any party may appeal to the Supreme Court from an order granting or denying, after notice and hearing, an interlocutory or permanent injunction in any civil action, suit or proceeding required by any Act of Congress to be heard and determined by a district court of three judges."

18 U.S.C. § 2384 states:

"If two or more persons in any State or Territory, or in any place subject to the jurisdiction of the United States, conspire to overthrow, put down, or to destroy by force the Government of the United States, or to levy war against them, or to oppose by force the authority thereof, or by force to prevent, hinder, or delay the execution of any law of the United States, or by force to seize, take, or possess any property of the United States contrary to the authority thereof, they shall each be fined under this title or imprisoned not more than twenty years, or both."

28 U.S.C. § 137(a) provides:

"(a) In General.— The business of a court having more than one judge shall be divided among the judges as provided by the rules and orders of the court. The chief judge of the district court shall be responsible for the observance of such rules and orders, and shall divide the business and assign the cases so far as such rules and orders do not otherwise prescribe. If the district judges in any district are unable to agree upon the adoption of rules or orders for that purpose the judicial council of the circuit shall make the necessary orders."

28 U.S. Code § 1253 provides:

Except as otherwise provided by law, any party may appeal to the Supreme Court from an order granting or denying, after notice and hearing, an interlocutory or permanent injunction in any civil action, suit or proceeding required by any Act of Congress to be heard and determined by a district court of three judges."

28 U.S.C. § 1651(a) provides:

"The Supreme Court and all courts established by Act of Congress may issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law."

28 U.S.C. § 2284(b)(1) provides:

"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."

52 U.S.C. § 10301 (Voting Rights Act of 1965, § 2).

Mo. Const. art. III, §§ 29, 49, 52(a)–(b) (set out in pertinent part in the Statement of the Case and at App. A-9).

Mo. Const. art. III, § 45 provides:

"Congressional apportionment. — When the number of representatives to which the state is entitled in the House of the Congress of the United States under the census of 1950 and each census thereafter is certified to the governor, the general assembly shall by law divide the state into districts corresponding with the number of representatives to which it is entitled, which districts shall be composed of contiguous territory as compact and as nearly equal in population as may be."

MO Const art IV § 9 states:

"The governor shall, at the commencement of each session of the general assembly, at the close of his term of office, and at such other times as he may deem necessary, give to the general assembly information as to the state of the government, and shall recommend to its consideration such measures as he shall deem necessary and expedient. On extraordinary occasions he may convene the general assembly by proclamation, wherein he shall state specifically each matter on which action is deemed necessary."

Mo. Const. art. IV, § 14 provides:

> "The secretary of state shall be custodian of the seal of the state, and authenticate therewith all official acts of the governor except the approval of laws. The seal shall be called the "Great Seal of the State of Missouri," and its present emblems and devices shall not be subject to change. He shall keep a register of the official acts of the governor, attest them when necessary, and when required shall lay copies thereof, and of all papers relative thereto, before either house of the general assembly. He shall be custodian of such records, and documents and perform such duties in relation thereto, and in relation to elections and corporations, as provided by law, but no duty shall be imposed on him by law which is not related to his duties as prescribed in this constitution."

Mo. Rev. Stat. §§ 116.115, 116.130, 116.200, 116.332 (set out in pertinent part in the Statement of the Case and at App. A-13).

INTRODUCTION

Petitioner Paul Berry III, a Missouri voter and the certified Republican nominee for the United States House of Representatives in Missouri's First Congressional District, respectfully petitions this Court for a writ of mandamus to the United States District Court for the Eastern District of Missouri.

On September 4, 2026, petitioner filed a verified complaint challenging the congressional district maps to be used in Missouri's 2026 federal elections and requesting the convention of a three-judge district court under 28 U.S.C. § 2284 on the same date. No three-judge court was ever convened.

Instead, the chief district court judge reassigned the underlying action from a "Trump-appointed" district judge to an "Obama-appointed" district judge (for erroneous stated reasons that are against his own recently enacted administrative order on the exact same issue), who within less than 37 minutes of being assigned the 55-page underlying congressional redistricting complaint and after district court hours over 2026 Labor Day weekend entered a sua sponte order to show cause directed to petitioner prohibiting any entertainment by the district court of any emergency relief (while the same chief district judge took up a similar TRO application regarding a similar Federal complaint), then subsequently held petitioner's emergency applications in abeyance, and — on September 25, 2026, after absentee voting in Missouri had begun and six weeks before the November 3, 2026 general election — entered an order globally disposing of any expedited relief sought by the action.

The United States Court of Appeals for the Eighth Circuit twice denied mandamus relief without opinion regarding the underlying matter, which involved the exact same three-judge panel as the *Onder v. Hoskins*, and further was required to issue an order requiring the District Court to transmit Petitioner Berry's Notice of Appeal filed before District Judge Ross on September 25, 2026, solely and specifically directed to this Court to this Honorable Court, which was sua sponte filed by the District Court before the United States Court of Appeals for the Eighth Circuit

Further, the fact the chief district judge is the exact same district judge who was appointed to the *Onder v. Hoskins* Federal complaint, to which,

Petitioner Berry will get into later by this writ application if the chief district judge actually has the authority to replace district judges for "judicial economics" purposes, why was *Berry v. Hoskins* not merged with *Onder v. Hoskins* by the chief district judge? In fact, by the administrative order issued by the chief district judge on October 1, 2026, would make the judicial musical chairs endured by Petitioner Berry a direct violation of

Because the orders below were entered without the three-judge district court that Congress has required as a jurisdictional imperative, and because no other adequate means remains to obtain relief before the election is conducted under concededly contested maps, petitioner asks this Court to issue the writ.

Petitioner Berry contends that what could be deemed as judicial malfeasance or malice by the district court in the underlying matter was predicated on a much more conspiratory and sinister motivation.

Petitioner Berry charges before this Honorable Court that a seditious conspiracy by members of the underlying district court to intentionally deprive Berry of various Federal statutory and constitutional rights under the administrative and judicial authority and color of law of such district court, which is evidenced by the underlying record, with the end goal and certain result if the Court fails to immediately act; to shift by use of unlawful Federal judicial influence in the underlying matter the legislative power of the United States House of Representatives away from the Republican Party to Democrats, thus in support of the impeachment of United States President Donald J. Trump.

Despite Petitioner Berry duly and immediately filing before the district court his Notice of Appeal to this Honorable Court on September 25, 2026, the district court declared in a written order on October 1, 2026, that the district court is under no legal obligation to forward Petitioner Berry's Notice of Appeal to this Honorable Court stating apparently on behalf of the United States Supreme Court that this Court does not have jurisdiction to consider any appeal by Petitioner Berry in the underlying congressional redistricting Federal complaint, yet and sua sponte, referred the underlying Notice of Appeal sought directed to this Court to the Eighth Circuit Court of Appeals over Petitioner Berry written objections incorporated with the underlying record.

Petitioner Berry filed a motion before the Eighth Circuit Court of Appeals on September 28, 2026, seeking the Eighth Circuit to issue an order to show cause directed to the United States District Court of Easten Missouri as to why an appeal of the underlying matter was transmitted to the Eighth Circuit and not to the United States Supreme Court in the manner directed by the underlying notice of appeal.

On October 5, 2026, the Eighth Circuit Court of Appeals dismissed the appeal filed in the name of Petitioner Berry sua sponte by the United States District Court of Easten Missouri before Eighth Circuit Court of Appeals for lack of jurisdiction and further ordered the United States District Court of Easten Missouri to transmit Petitioner Berry's Notice of Appeal to this Honorable Court, EXCEPT THE EIGHTH CIRCUIT HELD ITS MANDATE FOR ITS AFOREMENTIONED ORDER ISSUED ON OCTOBER 5, 2026, UNTIL NOVEMBER 2, 2026,

WHICH IS THE EVE OF THE 2026 MISSOURI GENERAL CONGRESSIONAL ELECTION.

The Eighth Circuit is well-aware that the pro-se filing procedures of this Honorable Court requiring Petitioner Berry to file paper pleading endures days of security clearance before any paper appeal (or any injunction or stay regarding such appeal) is visible to this Court would establish an impossibility for Petitioner Berry to file any appeal before this Honorable Court prior to the 2026 Missouri General congressional election.

The Eighth Circuit chose after issuing immediate mandate orders in the two writ appeals previously filed by Petitioner Berry in the underlying matter, yet when the mandate order in question was specifically directed to this Honorable Court's appellate review of the underlying matter after the Eighth Circuit Court of Appeals conducted its "meticulous review" of the underlying matter, the Eighth Circuit Court chose in the instant FOR 27 DAYS ADDITIONAL DAYS AFTER ISSUING ITS ORDER REQUIRING THE UNITED STATES DISTRICT COURT OF EASTERN MISSOURI TO FORWARD PETITIONER BERRY'S NOTICE OF APPEAL TO THIS COURT TO HOLD ITS MANDATE FROM PETITIONER BERRY TO FILE A LAWFUL APPEAL BEFORE THIS HONORABLE COURT UNTIL NOVEMBER 2, 2026, IN VIOLATION OF RULE 41 OF THE CIVIL RULES OF APPELLATE PROCEDURE BY THE EIGHTH CIRCUIT NOT ORDERING THE MANDATE IN QUESTION WITHIN 21-DAYS AFTER THE EIGHTH CIRCUIT COURT OF APPEALS ISSUED ITS ORDER IN QUESTION ON OCTOBER 5, 2026, FOR THE END JUDICIAL PURPOSE TO ISSUE A

MANDATE ORDER STATING IN ITS ENTIRETY: "MANDATE ISSUED".

When Petitioner Berry provided notice to District Judge Ross of the aforementioned mandated issued on regarding Petitioner Berry's Notice of Appeal directed to the Court November 3, 2026, District Judge Ross AGAIN issued an order refusing to comply with the Eighth Circuit and stated that any such compliance with Petitioner Berry's request was unnecessary and not even appropriate."

The remedy sought by Petitioner Berry is for this Honorable Court to grant the relief sought in the underlying matter directly in the face and over the objections and obstruction of the United States District Court of Easten Missouri and the Eighth Circuit Court of Appeals sought hidden from this Honorable Court.

Missouri does not have a lawfully enacted Missouri congressional district map and Missouri is required to conduct the 2026 Missouri General election by at-large elections, or in the alternative, require the United States District Court of Easten Missouri to conduct an emergency trial on Petitioner Berry's Counts IV thru VII of the underlying Complaint absent any further consideration or judicial obstruction as to whether Petitioner Berry is entitled as a matter of Federal law to a three-judge district court to adjudicate the Complaint or whether Counts IV thru VII of the underlying Complaint are procedurally impossible pursuant to the Purcell principle as United States Senior District Judge John A. Ross declares on behalf of the United States of America.

This Honorable Court is tasked with the superintending authority over the conduct of the United States District Court and Eighth Circuit Court of Appeals and the Federal Judiciary of the United States of America are under ZERO constitutional authority to manipulate, suppress or outright deny Petitioner Berry, a United States Congressional nominee and sovereign citizen and registered voter of the State of Missouri, the denial of the ability to challenge by use of Federal election statutes, in the manner such Federal statutes were completely and utterly enacted by the United States Congress and in all aspects in compliance with the Elections Clause to conduct all congressional elections in the United States of America.

The Federal district courts were trusted to address and adjudicate certain aspects of Federal election law until the election results are deemed certified by the Missouri Secretary of State without judicial injunction or corrective writ addressing the same, then the judge of the underlying 2026 Missouri General congress election rests with the United States House of Representatives, with all the rights and procedures granted to Petitioner Berry pursuant to the Federal Contested Election Act.

United States District Judge John A. Ross and his confederates have proved to the Petitioner Berry that a U.S. District Judge is all powerful and untouchable regarding judicial misconduct, which is why the United States House of Representatives may need to eliminate Federal judicial enforcement of Federal elections statutes in the manner stated by the instant writ application, altogether.

VERIFIED STATEMENT OF THE CASE

Parties to the Complaint

1. Petitioner Paul Berry III ("Petitioner Berry") is an African American resident of Missouri over the age of twenty-one years old and a registered voter of Missouri Congressional District One. Petitioner Berry is the certified Missouri Congressional District One Republican nominee for the 2026 Missouri General congressional election. Petitioner Berry voted during the 2026 Missouri Primary congressional election and intends to vote during the 2026 Missouri General congressional election and is the Petitioner on the underlying Complaint.

2. Respondent John A. Ross ("District Judge Ross") is the United States District Court District Judge currently appointed to the underlying Complaint and is the Respondent to the instant Writ Application.

3. Respondent Stephen A. Clark ("Chief District Judge Clark") is the United States District Court Chief District Judge of the United States District Court of Eastern Missouri who is generally responsible for the administrative duty, inter alia, of the appointment of district court judges on behalf of the United States District Court of Eastern Missouri, is the Respondent to the instant Writ Application and is also the official legal respondent on behalf of the United States District Court of Eastern Missouri, and also was assigned as the district judge to the *Onder v. Hoskins* Federal complaint previously appealed to this Court.

4. Defendant Denny Hoskins ("Missouri" or "Missouri Secretary of State") is the current Secretary of State of the State of Missouri and a Defendant to

the underlying Complaint. The foundational Missouri constitutional authority establishing the election duties of the Missouri Secretary of State lies with Article IV, Section 14 of the Missouri Constitution, which states:

> "The secretary of state shall be custodian of the seal of the state, and authenticate therewith all official acts of the governor except the approval of laws. The seal shall be called the "Great Seal of the State of Missouri," and its present emblems and devices shall not be subject to change. He shall keep a register of the official acts of the governor, attest them when necessary, and when required shall lay copies thereof, and of all papers relative thereto, before either house of the general assembly. He shall be custodian of such records, and documents and perform such duties in relation thereto, and in relation to elections and corporations, as provided by law, but no duty shall be imposed on him by law which is not related to his duties as prescribed in this constitution." (underline added)

5. The Missouri Secretary of State conducted the 2026 Missouri Primary congressional election and intends on conducting the 2026 Missouri General congressional election for Missouri Congressional District One on behalf of the State of Missouri under Missouri Supreme Court Order after threat of contempt order incarceration after a Missouri Supreme Court hearing on September 10, 2026.

6. Respondent State of Missouri ("Defendant" or "Missouri") is the 24th state to join the Union in the year 1820 and a Defendant to the underlying Complaint, and is responsible for the appointment of

United States congressional legislative districts on behalf of Missouri and ultimately responsible to ensure a ballot election is conducted to select United States congressional representatives on behalf of Missouri.

Relevant Congressional Redistricting Legal Authorities

7. Article I, Section 4, Clause 1 of the United States Constitution (the "Elections Clause"), states "(t)he 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."

8. 2 U.S.C. § 7 states "(t)he Tuesday next after the 1st Monday in November, in every even numbered year, is established as the day for the election, in each of the States and Territories of the United States, of Representatives and Delegates to the Congress commencing on the 3d day of January next thereafter."

9. 2 U.S.C. § 2a states verbatim:

> "(a) On the first day, or within one week thereafter, of the first regular session of the Eighty-second Congress and of each fifth Congress thereafter, the President shall transmit to the Congress a statement showing the whole number of persons in each State, excluding Indians not taxed, as ascertained under the seventeenth and each subsequent decennial census of the population, and the number of Representatives to which each State would be entitled under an

apportionment of the then existing number of Representatives by the method known as the method of equal proportions, no State to receive less than one Member.

(b) Each State shall be entitled, in the Eighty-third Congress and in each Congress thereafter until the taking effect of a reapportionment under this section or subsequent statute, to the number of Representatives shown in the statement required by subsection (a) of this section, no State to receive less than one Member. It shall be the duty of the Clerk of the House of Representatives, within fifteen calendar days after the receipt of such statement, to send to the executive of each State a certificate of the number of Representatives to which such State is entitled under this section. In case of a vacancy in the office of Clerk, or of his absence or inability to discharge this duty, then such duty shall devolve upon the Sergeant at Arms of the House of Representatives.

(c) Until a State is redistricted in the manner provided by the law thereof after any apportionment, the Representatives to which such State is entitled under such apportionment shall be elected in the following manner: (1) If there is no change in the number of Representatives, they shall be elected from the districts then prescribed by the law of such State, and if any of them are elected from the State at large they shall continue to be so elected; (2) if there is an increase in the number of Representatives, such additional Representative or Representatives shall be elected from the State at large and the other

Representatives from the districts then prescribed by the law of such State;

(3) if there is a decrease in the number of Representatives but the number of districts in such State is equal to such decreased number of Representatives, they shall be elected from the districts then prescribed by the law of such State; (4) if there is a decrease in the number of Representatives but the number of districts in such State is less than such number of Representatives, the number of Representatives by which such number of districts is exceeded shall be elected from the State at large and the other Representatives from the districts then prescribed by the law of such State; or (5) if there is a decrease in the number of Representatives and the number of districts in such State exceeds such decreased number of Representatives, they shall be elected from the State at large." (underline added)

10. Article III, Section 45 of the Missouri Constitution states:

"Congressional apportionment. — When the number of representatives to which the state is entitled in the House of the Congress of the United States under the census of 1950 and each census thereafter is certified to the governor, the general assembly shall by law divide the state into districts corresponding with the number of representatives to which it is entitled, which districts shall be composed of contiguous territory as compact and as nearly equal in population as may be."

US Census Bureau Decennial Congressional Appropriations Census

11. On December 21, 2010, US Census Bureau certified the detailed local redistricting data files certified from the 2010 US Census Bureau decennial census canvass (the "2010 US Census") delivered to the President of the United States and subsequently certified to the Missouri Governor and utilized to draft and enact the 2011 Missouri Congressional District Map.

12. On August 12, 2021, US Census Bureau certified the detailed local redistricting data files certified from the 2020 US Census Bureau decennial census canvass (the "2020 US Census") delivered to the President of the United States and subsequently certified to the Missouri Governor and utilized to draft and enact the 2022 Missouri Congressional District Map.

Missouri 2011 Congressional District Map

13. On May 4, 2011, former Missouri House Representative Speaker John Diehl introduced House Bill 193, which ultimately enacted the "2011 Missouri Congressional District Map".

14. The 2011 Missouri Congressional District Map was required pursuant to the decrease in the number of United States congressional representatives appointed to Missouri based upon the 2010 United States Census to construct a Missouri congressional district map reducing the number of United States congressional representatives from nine (9) congressional representatives to eight (8) congressional representatives.

15. House Bill 193 was enacted by a Missouri General Assembly's legislative override of Governor Nixon's veto of House Bill 193 and went into effect on August 28, 2022.

16. Missouri utilized the Missouri congressional district map created from the enactment of House Bill 193 to conduct each Missouri Primary and General Congressional election between the years of 2012 thru 2020.

17. At no temporal period prior to or after the 2011 Missouri Congressional District Map was enacted by the Missouri General Assembly did the African American resident or voter population within the boundaries of the First Congressional District of the State of Missouri reflected on the 2011 Missouri Congressional District Map exceeded forty-nine percent (49%).

18. Missouri does not maintain any official record at any temporal period prior the 2011 Missouri Congressional District Map was enacted by the Missouri General Assembly that reflects the Missouri General Assembly conducted any pre- enactment analysis suggesting justifiable conclusions that intentional racial voter discrimination affecting any Missourian related to the Missouri General Assembly's enactment of the 2011 Missouri Congressional District Map.

19. Missouri does not maintain any official record of the Missouri Secretary of State or the Missouri Governor that at any temporal period prior the Missouri Governor signing the 2011 Missouri Congressional District Map into law that reflects the Missouri Governor was provided any pre-enactment

analysis conducted by the Missouri General Assembly suggesting justifiable conclusions that intentional racial voter discrimination affecting any Missourian related to the Missouri General Assembly's enactment of the 2011 Missouri Congressional District Map.

20. Since the Missouri General Assembly's enactment of the 2011 Missouri Congressional District Map drafted utilizing the 2011 United States Census, the United States Census Bureau has certified the 2020 United States Census to the Missouri Governor.

Missouri 2022 Congressional District Map

21. On March 1, 2022, former Missouri House of Representative Dan Shaul introduced House Bill 2909 entitled: "AN ACT To repeal sections 128.345, 128.346, and 128.348, RSMo, and to enact in lieu thereof twelve new sections relating to the composition of congressional districts, with an emergency clause."

22. On May 9, 2022, the Missouri House of Representatives passed House Bill 2909 by a vote of 101 Ayes to 47 Noes. The Emergency Clause attached to House Bill 2909 passed by the Missouri House of Representatives by a vote of 114 Ayes to 34 Noes.

23. On May 11, 2022, the Missouri Senate passed House Bill 2909 by a vote of 22 Ayes to 11 Noes. The Emergency Clause attached to House Bill 2909 passed by the Missouri Senate by a vote of 29 Ayes to 4 Noes.

24. On May 18, 2022, House Bill 2909 was delivered to Missouri Governor Mike Parson and was signed into law by Governor Parson on the same day.

25. House Bill 2909 (the "2022 Missouri Congressional District Map") was signed into Missouri law by Governor Parson with the Emergency Clause attached and went into immediate effect on May 18, 2022.

26. Missouri utilized the 2022 Missouri Congressional District Map to conduct the 2022 and 2024 Missouri congressional election cycles.

27. At no temporal period prior to or after the 2022 Missouri Congressional District Map was enacted by the Missouri General Assembly did the African American resident or voter population within the boundaries of the First Congressional District of the State of Missouri reflected on the 2022 Missouri Congressional District Map exceeded forty-nine percent (49%).

28. Missouri does not maintain any official record at any temporal period prior the 2022 Missouri Congressional District Map was enacted by the Missouri General Assembly that reflects the Missouri General Assembly conducted any pre- enactment analysis suggesting justifiable conclusions that intentional racial voter discrimination affecting any Missourian related to the Missouri General Assembly's enactment of the 2022 Missouri Congressional District Map.

29. Missouri does not maintain any official record of the Missouri Secretary of State or the Missouri Governor that at any temporal period prior the Missouri Governor signing the 2022 Missouri Congressional District Map into law that reflects the Missouri Governor was provided any pre-enactment analysis conducted by the Missouri General Assembly

suggesting justifiable conclusions that intentional racial voter discrimination affecting any Missourian related to the Missouri General Assembly's enactment of the 2022 Missouri Congressional District Map.

Missouri 2025 Congressional District Map

30. On August 29, 2025, Missouri Governor Michael Kehoe issued a Proclamation convening an extraordinary session of the Missouri General Assembly pursuant to Article IV, Section 9 of the Missouri Constitution set to commence on September 3, 2025: "(t)o enact legislation to establish new congressional districts for the State of Missouri."

31. On September 3, 2025, former Missouri House of Representative Dirk Deaton introduced House Bill 1 entitled: "An Act To repeal sections 128.345, and 128.348, RSMo, and to enact in lieu thereof twelve new sections relating to the composition of congressional districts."

32. On September 3, 2025, the Missouri House of Representatives passed House Bill 1 by a vote of 90 Ayes to 65 Noes. No Emergency Clause was attached to House Bill 1 upon passage by the Missouri House of Representatives.

33. On September 9, 2025, the Missouri Senate passed House Bill 1 by a vote of 21 Ayes to 11 Noes. No Emergency Clause was attached to House Bill 1 upon passage by the Missouri Senate.

34. On September 9, 2025, House Bill 1 was delivered to and signed into Missouri law by Missouri Governor Kehoe without any Emergency Clause.

35. Article III, Section 29 of the Missouri Constitution establishes when an enacted

Missouri law goes into effect, which states:

> "Effective date of laws — exceptions — procedure in emergencies and upon recess. — No law passed by the general assembly, except an appropriation act, shall take effect until ninety days after the adjournment of the session in either odd-numbered or even- numbered years at which it was enacted. However, in case of an emergency which must be expressed in the preamble or in the body of the act, the general assembly by a two-thirds vote of the members elected to each house, taken by yeas and nays may otherwise direct; and further except that, if the general assembly recesses for thirty days or more it may prescribe by joint resolution that laws previously passed and not effective shall take effect ninety days from the beginning of the recess."

36. House Bill 1 went into effect in Missouri on December 11, 2025.

37. As of December 11, 2025, House Bill 1 repealed the 2022 Missouri Congressional District Map enacted by House Bill 2909 by Missouri on May 18, 2022.

38. Missouri utilized the Missouri congressional district map created from the enactment of House Bill 1 to conduct the 2026 Missouri congressional Primary election on August 4, 2026.

39. At no temporal period prior to or after the 2025 Missouri Congressional District Map was enacted by the Missouri General Assembly did the African American resident or voter population within the boundaries of the First Congressional District of the State of Missouri reflected on the 2025 Missouri

Congressional District Map exceeded forty-nine percent (49%).

40. Missouri does not maintain any official record at any temporal period prior the 2025 Missouri Congressional District Map was enacted by the Missouri General Assembly that reflects the Missouri General Assembly conducted any pre- enactment analysis suggesting justifiable conclusions that intentional racial voter discrimination affecting any Missourian related to the Missouri General Assembly's enactment of the 2025 Missouri Congressional District Map.

41. Missouri does not maintain any official record of the Missouri Secretary of State or the Missouri Governor that at any temporal period prior the Missouri Governor signing the 2025 Missouri Congressional District Map into law that reflects the Missouri Governor was provided any pre-enactment analysis conducted by the Missouri General Assembly suggesting justifiable conclusions that intentional racial voter discrimination affecting any Missourian related to the Missouri General Assembly's enactment of the 2025 Missouri Congressional District Map.

42. 2011 Missouri Congressional District Map, 2022 Missouri Congressional District Map and 2025 Missouri Congressional District Map are jointly referred to as the "Missouri Congressional District Maps".

Missouri Proposition A Referendum

43. House Bill 1 enacted on September 9, 2025, was codified as Missouri law under § 128.345, 128.346, 128.348, and 128.471 through 128.479 RSMo, with an effective date of December 11, 2025.

44. Article III, Section 49 of the Missouri Constitution states:

> "Reservation of power to enact and reject laws. — The people reserve power to propose and enact or reject laws and amendments to the constitution by the initiative, independent of the general assembly, and also reserve power to approve or reject by referendum any act of the general assembly, except as hereinafter provided."

45. Article III, Section 52 (a) of the Missouri Constitution states:

> "Referendum — exceptions — procedure. — A referendum may be ordered (except as to laws necessary for the immediate preservation of the public peace, health or safety, and laws making appropriations for the current expenses of the state government, for the maintenance of state institutions and for the support of public schools) either by petitions signed by five percent of the legal voters in each of two- thirds of the congressional districts in the state, or by the general assembly, as other bills are enacted. Referendum petitions shall be filed with the secretary of state not more than ninety days after the final adjournment of the session of the general assembly which passed the bill on which the referendum is demanded."

46. Article III, Section 52 (b) of the Missouri Constitution states:

> "The veto power of the governor shall not extend to measures referred to the people. All elections on measures referred to the people shall be had at the general state elections, except when the general

assembly shall order a special election. Any measure referred to the people shall take effect when approved by a majority of the votes cast thereon, and not otherwise. This section shall not be construed to deprive any member of the general assembly of the right to introduce any measure."

47. On September 29, 2025, Richard von Glahn ("Missouri Proposition A Referendum Organizer") filed a referendum petition ("Missouri Proposition A Referendum") assigned Missouri Referendum Petition Number 2026- R004.

48. On August 4, 2026, the Missouri Secretary of State issued a certificate of insufficiency against the voter signatures attached to Missouri Proposition A Referendum pursuant to § 116.150, RSMo.

49. On August 4, 2026, Missouri Proposition A Referendum Organizer filed a declaratory judgment and injunctive relief petition before the Cole County Circuit Court of the State of Missouri (Missouri Circuit Court Case No:

26AC-CC00440 - "VON GLAHN V HOSKINS") pursuant to, inter alia, § 116.200.1, RSMo seeking the Cole County Circuit Court to adjudicate as to whether Missouri Proposition A Referendum is sufficient or insufficient for placement on the 2026 Missouri General election ballot pursuant to § 116.115, RSMo, which states:

"1. After the secretary of state makes a determination on the sufficiency of the petition and if the secretary of state finds it sufficient, the secretary of state shall issue a certificate setting forth that the petition contains a sufficient

number of valid signatures to comply with the Constitution of Missouri and with this chapter. 2. The secretary of state shall issue a certificate only for a petition approved pursuant to section 116.332. If the secretary of state finds the petition insufficient, the secretary of state shall issue a certificate stating the reason for the insufficiency. 3. The secretary of state shall issue a certificate pursuant to this section not later than 5:00 p.m. on the thirteenth Tuesday prior to the general election or two weeks after the date the election authority certifies the results of a petition verification pursuant to subsection 2 of section 116.130, whichever is later."

50. On August 19, 2026, the Cole County Circuit Court issued its decision in VON GLAHN V HOSKINS, with the following court docket text order:

"WHEREFORE, this Court hereby issues its Judgment and Order in favor of Respondent Denny Hoskins and Intervenors Republican National Committee, National Republican Congressional Committee, and Missouri Republican State Committee and against Petitioner on Petitioners Petition for Declaratory Judgment and Injunctive Relief and further ORDERS, DECLARES, and ADJUDGES that: A. Missouri's referendum provisions in Article III, Sections 49 and 52 of the Missouri Constitution do not apply to congressional redistricting enacted by the General Assembly pursuant to Article III, Section 45; B. The Secretary of State's decision to not certify the referendum petition directed at HB 1 was lawful; C. HB 1 remains in full force and effect for the 2026 general election; D. The

> Petition is dismissed and judgment is entered for Respondent; E. The parties are to bear their own costs. F. As soon as a notice of appeal is filed, if any, this Court relinquishes its jurisdiction over this matter and deems this Judgment final for purposes of appeal. See Rule 81.045. SO ORDERED, this 19th day of August 2026. DRG/ado"

51. On August 19, 2026, a notice of appeal was filed before the Cole County Circuit Court in VON GLAHN V HOSKINS by Missouri Proposition A Referendum Organizer, to which, on August 20, 2026, the Missouri Supreme Court issued the following court docket text order:

> "Order issued: On August 19, 2026, Appellant filed a notice of appeal to this Court. Without determining whether this appeal invokes this Court's exclusive appellate jurisdiction, this Court, on its own motion, grants transfer of this case under Rule 83.01 because of the general interest or importance of the legal issues involved in this matter. An expedited briefing schedule is set as follows: The legal file and transcript are due on or before August 24, 2026; Appellant's brief is due on or before 12:00 p.m., August 25, 2026; Respondents' briefs are due on or before 12:00 p.m., August 27, 2026; and Appellant's reply brief, if any, is due on or before 12:00 p.m., August 31, 2026. This matter will be set for oral argument on September 2, 2026."

52. On September 2, 2026, VON GLAHN V HOSKINS was argued before and submitted for decision by the Missouri Supreme Court.

53. On September 3, 2026, the Missouri Supreme Court issued its opinion in VON GLAHN V HOSKINS, which states, inter alia, that House Bill 1 (2025) that established the 2025 Missouri Congressional District Map is suspended until a statewide referendum vote is conducted by the Missouri Secretary of State during the 2026 General election and because House Bill 1 (2025) repealed House Bill House Bill 2909 (2022) that the Missouri congressional district map that was established by House Bill 2909 (2022) is in effect for the 2026 Missouri General congressional election.

Collateral Effects of Missouri Proposition A Referendum

54. Under the legislative mechanics of Article III, Sections 29, 49, 52(a) and 52 (b) of the Missouri Constitution judicially mandated by the Missouri Supreme Court's opinion in MAGGARD v. STATE and VON GLAHN v. HOSKINS, House Bill 1 not being in effect during the 2026 Missouri General congressional election now immediately causes the 2022 Missouri Congressional District Map to become the statutory Missouri congressional district map during the 2026 Missouri General Congressional Election.

55. Under the legislative mechanics of the District Court striking the 2022 Missouri Congressional District Map as unconstitutional will reenact the 2011 Missouri Congressional District Map for use during the 2026 Missouri General congressional election, because the 2022 Missouri Congressional District Map enacted by House Bill 2909 specifically repeals House Bill 193, which enacted the 2011 Missouri Congressional District Map.

56. Use of the 2011 Missouri Congressional District Map or any Missouri congressional map enacted by the Missouri General Assembly prior to the certification of the 2020 Census to conduct the 2026 Missouri General congressional election is strictly prohibited by the Missouri Constitution, Federal law and the United States Constitution due to the reduction in the number of congressional single districts Missouri is permitted to construct pursuant to the results of the 2010 Census required for Missouri to conduct the 2026 Missouri General congressional Election and the deviation in Missouri population between 2010 Census and 2020 Census.

Related Third-Party Federal Litigation

57. On September 4, 2026, Missouri filed its emergency application for a stay before the Supreme Court of the United States seeking review of the Missouri Supreme Court's opinion in VON GLAHN V HOSKINS, which was denied by the United States Supreme Court on September 8, 2026.

58. On September 4, 2026, the 2026 Republican nominees for United States Congress in the 3rd and 5th Missouri Congressional Districts, Dr. Robert ("Bob") Onder, Richard ("Rick") Bratton, with Missouri congressional voters from the 3rd and 5th congressional districts filed a Federal complaint before the United States District Court of Eastern Missouri ("Onder/Brattin Complaint"), inter alia, seeking to declare the use of the 2022 Missouri Congressional District Map unconstitutional for using during the 2026 Missouri General congressional election proceeding under United State District Court case number 4:26-CV-01425-SAC.

59. On September 8, 2026, Chief District Judge Clark issued a temporary restraining order (the "Onder/Brattin TRO") against the Missouri Secretary of State based upon Chief District Judge Clark's judicial determination that the 2022 Missouri Congressional District Map is likely unconstitutional to conduct the 2026 Missouri General congressional election.

60. After being affirmed by the Eighth Circuit, the Onder/Brattin TRO was appealed by intervenors to the Onder/Brattin Complaint before the United States Supreme Court, who stayed the Onder/Brattin TRO until further consideration by the Eighth Circuit.

61. For a second time the Eighth Circuit affirmed the Onder/Brattin TRO, declaring the 2022 Missouri Congressional District Map is likely unconstitutional to conduct the 2026 Missouri General congressional election upon statutory and constitutional legal charges not resolved by the Eighth Circuit's affirmation of the Onder/Brattin TRO, which has been stayed until 5:00pm central standard time on September 28, 2026, to permit appeal to the United States Supreme Court.

62. On September 25, 2026, before the September 28, 2026, stay pending appeal date set by the Eighth Circuit expired to file objections before the United States Supreme Court, this Court vacated the Onder/Brattin TRO in its entirety.

Racial Gerrymandering of Missouri Congressional District One

63. Missouri substantially violated Section One of the Fifteenth Amendment of the United States Constitution when Missouri drafted and enacted the

Missouri Congressional District Maps, because Missouri considered and utilized the race of African Americans in Eastern Missouri as a primary factor when drafting the jurisdictional boundaries of Missouri Congressional District One provided by the Missouri Congressional District Maps, purportedly, incorrectly and unconstitutionally to comply with the Voting Rights Act, without taking any official action by legislative vote or in fact that provides any pre-enactment analysis was conducted or voted upon that suggests that any Missourian suffered from intentional voter discrimination related to United States congressional voting in any manner whatsoever and Missouri's use of race to construct the Missouri Congressional District Maps, specifically, utilizing the race of Missourians to create Missouri Congressional District One as a "race influence district", which is expressly forbidden by the Voting Rights Act of 2006, and Section One of both the Fourteenth and Fifteenth Amendments of the United States Constitution.

64. When drafting the Missouri Congressional District Maps enacted by the Missouri General Assembly, the Missouri General Assembly unconstitutionally utilized the racial demographic information provided by the 2010 United Census and 2020 United Census certified to the Missouri Governor to construct the congressional boundaries of Missouri Congressional District One in the manner currently presented by each Missouri Congressional District Map.

65. Missouri's Black population often seeks to migrate outside of the boundaries of the First Congressional District seeking different community

interests than provided within the First Congressional District related to seeking better government services, employment opportunities, housing opportunities, educational opportunities and criminal justice services, all influenceable by Federal congressional appropriations and representation.

66. Missouri Congressional District One has been represented by an African American United States congressional representative for the last 58 years, since 1968 until the date of this Complaint and both Democrat and Republican voters have consistently nominated African American nominees for the First Congressional District of Missouri.

67. During the 21st Century, there has not been a single claim involving any local or state legislative district within or adjacent to Missouri Congressional District One that international racial discrimination caused any African American the inability to elect the political candidate of their choice or otherwise abridged the vote of African Americans within or adjacent to Missouri Congressional District One.

68. At all relevant temporal periods, St. Louis County's African American population is approximately twenty-five percent (25%) of St. Louis County's population; an analysis of voting trends in St. Louis County of African American countywide political candidates Charlie Dooley, Wesley Bell and Paul Berry III with White countywide political candidates Steve Stegner, Sam Page and Melissa Price receiving the majority of votes from Black voters, which establishes an extraordinary number of White voters voted for African American political candidates and White candidates received more votes

from African American voters than African American candidates in other instances.

69. Evidence that African Americans do not vote as a racial voter block in Missouri Congressional District One is evident from the 2025 Democrat Primary results for City of St. Louis Mayor and 2026 Democrat Primary election results for St. Louis County Executive. African American voters in St. Louis County failed to consolidate a St. Louis County Executive candidate and split large percentages of African American voters for St. Louis County Executive between one White and two African American candidates.

70. In fact, the Missouri Secretary of State, himself, has publicly discussed the exact same personal disdain Petitioner Berry shares and in the instant seeks relief from during a press statement related to Missouri's construction of Missouri's Congressional District One by utilizing the race of Missourians as published by Missouri Independent on May 12, 2026; Missouri Secretary of State Denny Hoskins states as published by Missouri Independent:

> "While he was speaking to reporters, Hoskins said he would be interested in another round of redistricting in 2027. Missouri's 1st District is the only one in the state that was drawn to meet the requirements of the Voting Rights Act. Hoskins said lawmakers should revise Missouri's map to eliminate the Black-majority district. "The definition of racism," Hoskins said, "is drawing districts based on the color of one's skin. We don't want that in this state."" [https://missouriindependent.com/2026/05/12/ no-

perfect-map-missouri-ags-office-defend s-gerrymandered-congressional-districts/]

71. Denny Hoskins as a Missouri Senator in 2022 voted on the 2022 Missouri Congressional District Map and as Missouri Secretary of State is well-qualified on behalf of Missouri to declare whether the Missouri congressional district maps enacted in the years 2022 and 2025 constructed and enacted Missouri Congressional District One utilizing the race of Missourians, to which, under a purported and unqualified assumption that Missouri was required to construct Missouri Congressional District One utilizing the race of Missourians as a mandatory obligation for compliance with the Voting Rights Act of 2006.

72. The Missouri Solicitor General in a Missouri court case argued without a factual determination or resolution by the Court in such Missouri court case that the 2022 Missouri Congressional District Map was illegally racially gerrymandered. (see "Missouri AG argues St. Louis congressional district is an unconstitutional racial gerrymander" by Jason Rosenbaum- St. Louis Public Radio.)

[https://www.stlpr.org/government-politics-issues/2025-11-18/missouri-attorney-general-hanaway-1st-con gressional-district-unconstitutional-racial-gerrymander]

73. Further, in State of Missouri v. United States Department of Commerce, before the United States District Court of Eastern Missouri, Missouri challenges the constitutionality of the 2022 Missouri Congressional District Map and before the 8th Circuit, admittedly based upon different legal

theories, although a party can not claim a congressional district map is both constitutional and unconstitutional in the same breath before multiple courts, which Petitioner Berry summarizes Missouri has no intention to do so before the 8th Circuit. (see Counts I-VI at): [https://ago.mo.gov/wp-content/uploads/Missouri-v.-DOC-Complaint-1- 30-2026-final.pdf]

74. In fact, you don't have to go any further than Missouri Governor Kehoe's special legislative session proclamation, signed as a matter of law by both Hoskins and Kehoe, to understand Missouri's position on whether race was utilized improperly to construct Missouri Congressional District One upon the 2022 Missouri General Congressional District Map in violation of the Voting Rights Act of 2006, which states in part:

> "The State of Missouri's current congressional district map may be vulnerable to a legal challenge under the Voting Rights Act and the Fourteenth Amendment, due to a lack of compactness in certain districts." [https://governor.mo.gov/proclamations/gover nor-kehoe-convenes-second-extraordinary- session-first-reg ular-session-one]

75. Any involvement by the Missouri General Assembly related to a special legislative session called for the specific purpose of constructing any Missouri congressional district as a legislative response to a "legal challenge under the Voting Rights Act" is absolutely being called to consider race under the Voting Rights Act when drafting such Missouri congressional district boundaries, and to address the Voting Rights Act violations that Petitioner Berry has

complained against since the original enactment of the 2022 Missouri Congressional District Map.

76. Further, the only region of Missouri that can be remotely subject to the Voting Rights Act of 2006 related to any Federal congressional district map is the Missouri region that at all relevant temporal periods maintained territory currently and formerly comprised of the Missouri Congressional District One.

77. Missouri has enacted three (3) Missouri Congressional District Maps since the number of United States Congressional District seats were decreased based upon the United States Census Bureau 2010 Decennial Canvas certified by the United States Census Bureau.

78. Because the 2011 Missouri Congressional District map was not drafted and enacted by Missouri utilizing data provided by the United States Census Bureau 2020 Decennial Canvas, the 2011 Missouri Congressional District Map is wholly illegal and unconstitutional to utilize to conduct the 2026 Missouri General congressional election.

79. Missouri constructed the boundaries of Missouri Congressional District One as unconstitutional "influence" or "opportunity" United States congressional districts that do not create in the instant a "fifty plus one vote" African American voter age population congressional district utilizing race of Missourians when drafting and enacting the 2022 and 2025 Missouri Congressional District Maps.

80. Missouri is judicially estopped before the Court from arguing that the 2022 Missouri Congressional District One boundaries were not construed as an "opportunity" racially gerrymandered United States

congressional district based upon Missouri court filings by the Missouri Attorney General within the last year.

81. Because the African American population provided by the 2025 Missouri Congressional District One boundaries increased as compared to the 2022 Missouri Congressional District One without attaining a "fifty plus one vote" African American voting population age United States congressional district, Missouri also admits by default that the 2025 Missouri Congressional District One boundaries are also an "opportunity" racially gerrymandered United States congressional district based upon Missouri court filings by the Missouri Attorney General within the last year.

82. Missouri's admittance before Missouri court system that the 2022 Missouri Congressional District One boundaries were constructed as a racially gerrymandered "opportunity" United States congressional district is an admission that Missouri utilized race to construct the 2022 Missouri Congressional District Map.

83. Missouri Governor's declaration calling for a special legislative session of the Missouri General Assembly responsible for enacting the 2025 Missouri Congressional District Map declared the purpose of such special legislative session of the Missouri General Assembly was enact a map related to the Voting Rights Act, which declares with the force of Missouri law the purpose of the Missouri General Assembly, to utilize the race of Missourians to enact the 2025 Missouri Congressional District Map.

84. Because both the Democrat Party and Republican Party nominee for the 2026 Missouri General congressional elections are each African American, African Americans in the St. Louis region are not in jeopardy of being represented by a Congressman who is not African American and there is no racial discrimination between two African American congressional nominees for United States congressional seats enforceable by Missouri or Federal courts.

85. Missouri does not maintain a compelling state interest to segregate African Americans within one Missouri Congressional District One based upon race or ancestral bondage under slavery.

86. Under Chapter 490 of the Missouri Revised Statutes (RSMo 490.160), the printed journal itself acts as prima facie evidence in a court of law to prove that a legislative action or vote officially took place in the Missouri General Assembly and the Missouri Governor's resolution of the special extraordinary session regarding HB 1 is part of the official journal of the Missouri House.

Racial Gerrymandering of the 2022 Missouri Congressional District Map

87. In regards to HB 2909, the Missouri House of Representative conducted its First Floor Read on 03/01/2022, Second Floor Read on 03/02/2022 and on 03/31/2022 referred HB 2909 to the Missouri House of Representative committee on Special Committee on Redistricting for a public hearing as required by Missouri Sunshine Law.

88. The Missouri House of Representative official journal reflects that the Missouri House of

Representative conducted one (1) public committee hearing regarding the contents of HB 2909 on 05/04/2022 and the official journal of the Missouri House of Representative reflects (a) ZERO report of any kind was adopted by such Missouri House of Representative committee, which means the Missouri House of Representative committee did not consider any historical, statistical or voter racial discrimination report related to African American congressional voters in Missouri, (b) ZERO witnesses testified on behalf of or for information purposes related to HB 2909, which means the Missouri House of Representative did not consider any expert or public testimony related to any historical, statistical or voter racial discrimination witness testimony related to African American congressional voters in Missouri, (c) ZERO evidence of any kind was adopted by such Missouri Senate committee, which means the Missouri House of Representative committee did not consider any historical, statistical or voter racial discrimination evidence related to African American congressional voters in Missouri, (d) ZERO mention by the Missouri House of Representative committee hearing cover page, the Missouri House of Representative committee action sheet or the Missouri House of Representative committee journal related to African American congressional voters in Missouri and (e) the Missouri House of Representative committee vote passing HB 2909 to the full Missouri House of Representative body for a Third Floor Reading and Do Pass Vote on 05/09/2022 did not vote upon any manner related to voter racial discrimination evidence related to African American congressional voters in Missouri.

89. In regards to HB 2909, the Missouri Senate conducted its First Floor Read on 05/09/2022, Second Floor Read on 05/10/2022 and on 05/10/2022 referred HB 2909 to the Missouri Senate committee on Select Committee on Redistricting for a public hearing as required by Missouri Sunshine Law.

90. The Missouri Senate official journal reflects that the Missouri Senate DID NOT CONDUCT ANY HEARING WHATSOEVER regarding the contents of HB 2909 on pursuant to Article III, Section 22 of the Missouri Constitution and Missouri Senate Rule 50, and as such, the official journal of the Missouri Senate reflects (a) ZERO report of any kind was adopted by such Missouri Senate committee, which means the Missouri Senate committee did not consider any historical, statistical or voter racial discrimination report related to African American congressional voters in Missouri, (b) ZERO witnesses testified on behalf of or for information purposes related to HB 2909, which means the Missouri Senate did not consider any expert or public testimony related to any historical, statistical or voter racial discrimination witness testimony related to African American congressional voters in Missouri, (c) ZERO evidence of any kind was adopted by such Missouri Senate committee, which means the Missouri Senate committee did not consider any historical, statistical or voter racial discrimination evidence related to African American congressional voters in Missouri, (d) ZERO mention by the Senate committee hearing cover page, the Senate committee action sheet or the Senate

committee journal related to African American congressional voters in Missouri and (e) the Missouri Senate committee vote passing HB 2909 to the full Missouri Senate body for a Third Floor Reading and Do Pass Vote on 05/18/2022 did not vote upon any manner related to voter racial discrimination evidence related to African American congressional voters in Missouri.

91. Missouri Governor Parson signed HB 2909 into law on 05/18/2022, without being presented any pre-enactment analysis as to whether any suggestion existed that the right to vote by any Missourian for any Missouri congressional candidate had been denied or otherwise abridged based upon intentional race discrimination providing any justifiable conclusion that the use of race to draft and enact HB 1 was constitutionally permissible.

Racial Gerrymandering of the 2025 Missouri Congressional District Map

92. In regards to HB 1, the Missouri House of Representative conducted its First Floor Read on 09/03/2025, Second Floor Read on 09/04/2025 and on 09/04/2025 referred HB 1 to the Missouri House of Representative committee on Special Committee on Redistricting for a public hearing as required by Missouri Sunshine Law.

93. The Missouri House of Representative official journal reflects that the Missouri House of Representative conducted one (1) public committee hearing regarding the contents of HB 1 on 09/04/2025 and the official journal of the Missouri House of Representative reflects (a) ZERO report of any kind

was adopted by such Missouri House of Representative committee, which means the Missouri House of Representative committee did not consider any historical, statistical or voter racial discrimination report related to African American congressional voters in Missouri, (b) ZERO witnesses testified on behalf of or for information purposes related to HB 1, which means the Missouri House of Representative did not consider any expert or public testimony related to any historical, statistical or voter racial discrimination witness testimony related to African American congressional voters in Missouri, (c) ZERO evidence of any kind was adopted by such Missouri Senate committee, which means the Missouri House of Representative committee did not consider any historical, statistical or voter racial discrimination evidence related to African American congressional voters in Missouri, (d) ZERO mention by the Missouri House of Representative committee hearing cover page, the Missouri House of Representative committee action sheet or the Missouri House of Representative committee journal related to African American congressional voters in Missouri and (e) the Missouri House of Representative committee vote passing HB 1 to the full Missouri House of Representative body for a Third Floor Reading and Do Pass Vote on 09/10/2025 did not vote upon any manner related to voter racial discrimination evidence related to African American congressional voters in Missouri.

94. In regards to HB 1, the Missouri Senate conducted its First Floor Read on 09/10/2025, Second Floor Read on 09/11/2025 and on 09/11/2025 referred HB 1 to the Missouri Senate committee on Local

Government, Elections and Pensions for a public hearing as required by Missouri Sunshine Law.

95. The Missouri Senate official journal reflects that the Missouri Senate conducted one (1) public committee hearing regarding the contents of HB 1 on 09/11/2025 and the official journal of the Missouri Senate reflects (a) ZERO report of any kind was adopted by such Missouri Senate committee, which means the Missouri Senate committee did not consider any historical, statistical or voter racial discrimination report related to African American congressional voters in Missouri, (b) ZERO witnesses testified on behalf of or for information purposes related to HB 1, which means the Missouri Senate did not consider any expert or public testimony related to any historical, statistical or voter racial discrimination witness testimony related to African American congressional voters in Missouri, (c) ZERO evidence of any kind was adopted by such Missouri Senate committee, which means the Missouri Senate committee did not consider any historical, statistical or voter racial discrimination evidence related to African American congressional voters in Missouri, (d) ZERO mention by the Senate committee hearing cover page, the Senate committee action sheet or the Senate committee journal related to African American congressional voters in Missouri and (e) the Missouri Senate committee vote passing HB 1 to the full Missouri Senate body for a Third Floor Reading and Do Pass Vote on 09/11/2025 did not vote upon any manner related to voter racial discrimination evidence related to African American congressional voters in Missouri.

96. Missouri Governor Kehoe signed HB 1 into law on 09/11/2025, without being presented any pre-enactment analysis as to whether any suggestion existed that the right to vote by any Missourian for any Missouri congressional candidate had been denied or otherwise abridged based upon intentional race discrimination providing any justifiable conclusion that the use of race to draft and enact HB 1 was constitutionally permissible.

Constitutional Violations by Missouri of the Petitions Clause and Due Process Clause

97. The underlying Complaint was filed before the District Court on September 4, 2026, less than three (3) court hours after Missouri reenacted the 2022 Missouri Congressional District Map on September 3, 2026.

98. No enactment of any United States congressional map has been granted post-enactment relief from any Federal court related to the unconstitutionality of such United States congressional map.

99. District Judge Ross issued an order on September 25, 2026, declaring the District Court's position regarding the emergency relief requested, which was issued by District Judge Ross 21-days after the underlying Complaint was filed, and states: "the relief Berry seeks was already infeasible when he filed his complaint on September 4".

100. Without the District Court issuing a discretionary order granting a request from Petitioner Berry to shorten the 21-day response time to the Complaint pursuant to Federal Rule of Civil Procedure 6, Federal Rule of Civil Procedure 12(a)(1)

does not require Defendants to respond to the Complaint before the District Court any sooner than 21-days after service of the Complaint.

101. While under general terms, Petitioner Berry would normally be entitled to apply for a temporary restraining order in less than 21- days after the service of the Complaint, the District Court issuing any temporary restraining order is wholly at the discretion of the assigned District Judge, except when any such District Judge abuses his or her discretion regarding the adjudication of any such temporary restraining order.

102. Because Petitioner Berry is solely dependent upon a single-judge district court to either grant, deny, ignore or stay consideration of any temporary restraining order or preliminary injunction attached to the Complaint, and because any such granting, denying, ignoring or staying consideration of any temporary restraining order or preliminary injunction is at the sole discretion of such single-judge district court, the enactment of the 2022 Missouri Congressional Election Map by Missouri under a temporal period that provides less than 21- days until the 2022 Missouri Congressional Election Map is deemed unreviewable by the District Court for Federal statutory or constitutional violations without requiring Petitioner Berry seeking and being granted discretionary relief from the District Court by way of a temporary restraining order or preliminary injunction relief clearly violates both the Petitions Clause and/or the Due Process Clause of the United States Constitution.

Constitutional Violations of the Missouri Constitution and Equal Protection Clause

103. Subject to this Court's determination adjudicating the underlying Complaint, permitting Missouri to conduct the 2026 Missouri General congressional election utilizing the 2025 Missouri Congressional District Map will violate Article III, Sections 29, 49, 52(a) and 52(b) of the Missouri Constitution, and the Election Clause.

104. Subject to this Court's determination adjudicating the underlying Complaint, the VON GLAHN V HOSKINS Missouri Supreme Court decision orders the Missouri Secretary of State to conduct the 2026 Missouri General congressional election utilizing the unconstitutional Missouri Congressional District Maps, which will disenfranchise the vote of a sizable number of Missourians who voted during the 2026 Missouri Primary congressional election.

105. In the event this Court permits the Missouri Secretary of State to conduct the 2026 Missouri General congressional election utilizing the unconstitutional 2022 Missouri Congressional District Maps and the Missouri Proposition A Referendum fails voter approval during the 2026 Missouri General congressional election, such an instance shall cause a clear unconstitutional election result in violation of the Elections Clause and the Equal Protection of the United States Constitution.

Failure to Enact a Constitutional Missouri Congressional Map

106. The 2011 Missouri Congressional District Map was required pursuant to the decrease in the

number of United States congressional representatives appointed to Missouri based upon the 2010 United States Census to construct a Missouri congressional district map reducing the number of United States congressional representatives from nine (9) congressional representatives to eight (8) congressional representatives.

107. The 2011 Missouri Congressional District Map is unconstitutional for use during the 2026 Missouri General congressional election because: a. The 2011 Missouri Congressional District Map is constitutionally defective, because the 2011 Missouri Congressional District Map was not enacted with the most recent Missouri voter resident population data provided by the 2020 United States Census. b. The 2011 Missouri Congressional District Map provides a mal-appropriate resident population for to conduct the 2026 Missouri General congressional election established by the 2010 United States Census decennial canvas results certified to the Missouri Governor for use to construct and enact Missouri congressional districts provided by the 2011 Missouri Congressional District Map, in violation of the Equal Protection Clause of the United States Constitution. c. Missouri drafted and enacted the 2011 Missouri Congressional District Map utilizing the race of Missourians without strict adherence to the Voting Rights Act of 2006 in violation of Section One of the Fourteenth of the United States Constitution and the Fifteenth Amendment of the United States Constitution.

108. The 2022 Missouri Congressional District Map is unconstitutional for use during the 2026 Missouri General congressional election because: a.

Use of the 2022 Missouri Congressional District Map to conduct the 2026 Missouri General congressional election violates the Petitions Clause and Due Process Clause of the United States Constitution because Missouri enacted the 2022 Missouri Congressional District Map that completely evades nondiscretionary Federal court judicial review of Federal statutory or constitutional violations. b. Use of the 2022 Missouri Congressional District Map to conduct the 2026 Missouri General congressional election violates the Equal Protection Clause of the United States Constitution because by Missouri utilizing the 2022 Missouri Congressional District Map to conduct the 2026 Missouri Primary congressional election would posthumously cause a large percentage of Missouri Primary congressional election voters were clearly not provided equal weight towards their 2026 Missouri Primary congressional election vote as other similarly situated Missouri Missouri Primary congressional election voters. c. In the event Missouri Proposition A Referendum fails enactment by Missouri statewide voters during the 2026 Missouri General congressional election, Missouri will be faced with an unprecedented situation of violating the Equal Protection Clause of the United States Constitution and potentially displacing all eight (8) United States congressional district seats entitled to Missouri as void until the Missouri Governor calls and conducts a special election to fill all eight (8) Missouri congressional district constitutionally vacated seats. d. Missouri drafted and enacted the 2022 Missouri Congressional District Map utilizing the race of Missourians without strict adherence to the Voting Rights Act of 2006 in violation of Section One of the Fourteenth of the United States Constitution and the

Fifteenth Amendment of the United States Constitution.

109. The 2025 Missouri Congressional District Map is unconstitutional for use during the 2026 Missouri General congressional election because: a. Article III, Sections 49, 52(a) and 52(b) of the Missouri Constitution authorized by the Elections Clause prohibits Missouri from utilizing the 2025 Missouri Congressional District Map to conduct the 2026 Missouri General congressional election by order of the Missouri Supreme Court in VON GLAHN V HOSKINS. b. Missouri drafted and enacted the 2025 Missouri Congressional District Map utilizing the race of Missourians without strict adherence to the Voting Rights Act of 2006 in violation of Section One of the Fourteenth of the United States Constitution and the Fifteenth Amendment of the United States Constitution.

110. Since Missouri does not have a constitutional congressional map to conduct the 2026 Missouri General congressional election after the decennial canvas results conducted by the 2010 Census Bureau was required pursuant to the decrease in the number of United States congressional representatives appointed to Missouri based upon the 2010 United States Census to construct a Missouri congressional district map reducing the number of United States congressional representatives from nine (9) congressional representatives to eight (8) congressional representatives to conduct the 2026 Missouri congressional district election, the Court is commanded by the United States Congress to order Missouri to conduct the 2026 Missouri General

congressional election by the procedure set pursuant to by 2 U.S.C. § 2a(c)(5), which states:

> "(c) Until a State is redistricted in the manner provided by the law thereof after any apportionment, the Representatives to which such State is entitled under such apportionment shall be elected in the following manner: (1) If there is no change in the number of Representatives, they shall be elected from the districts then prescribed by the law of such State, and if any of them are elected from the State at large they shall continue to be so elected; (2) if there is an increase in the number of Representatives, such additional Representative or Representatives shall be elected from the State at large and the other Representatives from the districts then prescribed by the law of such State;
>
> (3) if there is a decrease in the number of Representatives but the number of districts in such State is equal to such decreased number of Representatives, they shall be elected from the districts then prescribed by the law of such State; (4) if there is a decrease in the number of Representatives but the number of districts in such State is less than such number of Representatives, the number of Representatives by which such number of districts is exceeded shall be elected from the State at large and the other Representatives from the districts then prescribed by the law of such State; or (5) if there is a decrease in the number of Representatives and the number of districts in such State exceeds such decreased number of Representatives, they

shall be elected from the State at large." (bold and underline added)

111. 2 U.S.C. § 2a(c)(5) is a self-executing ministerial Federal elections statute that commands Missouri to "until a State is redistricted in the manner provided by the law thereof after any apportionment, the Representatives to which such State is entitled under such apportionment shall be elected in the following manner... if there is a decrease in the number of Representatives and the number of districts in such State exceeds such decreased number of Representatives, they shall be elected from the State at large."

112. Because 2 U.S.C. § 2a(c)(5) is a self-executing ministerial Federal elections statute, Missouri maintains an internal Federal statutory ministerial duty to self-enforce the provisions of 2 U.S.C. § 2a(c)(5) prior to and without a court order demanding such compliance and execution with 2 U.S.C. § 2a(c)(5) and Missouri's compliance with any self-executing ministerial Federal elections statute required by the Elections Clause may be enforced against Missouri by Federal writ application or injunctive relief independent (although very rarely necessary) of the appointment of a three- judge court or may be requested adjudicated by a single-judge court provided the underlying litigation challenges the redistricting process itself broke down and at a late date unavailable for the drafting a new constitutional congressional map prior to the eve of a United States congressional election.

113. Solely in the instant circumstances before the Court, Missouri Courts system is statutorily

prohibited by various Missouri election laws from enforcing 2 U.S.C. § 2a(c)(5) after September 8, 2026.

114. The Missouri General Assembly is NOT prohibited from enforcing 2 U.S.C. § 2a(c)(5) at any time pursuant to Missouri law.

115. Missouri has taken the legal position supporting the unconstitutionality of the 2022 Missouri Congressional District Map, even pleading such three times before this Court.

116. Petitioner Berry seeks this Court after due process afforded to Missouri by the underlying Complaint to order the Missouri Secretary of State to conduct the 2026 Missouri General congressional election pursuant to 2 U.S.C. § 2a(c)(5).

117. Enforcement of 2 U.S.C. § 2a(c)(5) is reserved for when as applied a constitutional United States congressional map is not enacted by Missouri since the last reduction of congressional seats on the eve of the election, which may be provided by a single-judge district court independent of a three-judge district court in the instance.

118. The date of the eve of the 2026 Missouri General congressional election is Monday September 21, 2026, because Missouri election law provides the first day of early voting is statutorily scheduled to begin on Tuesday September 22, 2026, and as of the date of the submission of the instant Trial Brief on Counts IV thru VII of the Complaint, there is no more time on the eve of the 2026 Missouri General congressional election to enact a constitutional Missouri single district congressional district map prior to Tuesday September 22, 2026, the first day of

early voting for the 2026 Missouri General congressional election.

Federal Court Complaint Initiation

119. On September 4, 2026, Petitioner Berry filed the underlying Complaint before the United States District Court of Eastern Missouri, was assigned a Federal District Court civil complaint number 4:26-cv-01419-ZMB, issued a summon in the underlying Complaint and assigned United States District Court Judge Honorable Zachary M. Bluestone ("District Judge Bluestone").

120. Pursuant to Local Rule 2.08(D) (authorized by FRCP 40, 72, 73), the last three characters of any civil court case number is required to represent the name initials of the assigned judge of the District Court, which states: "The cause number for each case will include the initials of the assigned judge. In the event a case is reassigned to a different judge, the cause number will be modified to include the new judge's initials."

121. District Judge Bluestone was appointed as District Judge of the United States District Court of Eastern Missouri by United States of America President Donald J. Trump.

122. Under reasonable belief and acknowledging the judicial procedure required pursuant to 28 U.S.C. § 2284, Petitioner Berry states that after District Judge Bluestone was originally delivered the Complaint, and as such, District Judge Bluestone was required to review the Complaint pursuant to 28 U.S.C. § 2284(b)(1), and after such review, District Judge Bluestone was required pursuant to 28 U.S.C.

§ 2284(b)(1) to "immediately" notify the Chief Judge of the Circuit of the Complaint, which states:

> "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."

123. On September 4, 2026, Petitioner Berry effectuated service of Respondent Missouri Secretary of State Denny Hoskins by Federal special process server and provided emergency notice to the Missouri Solicitor General of the underlying Complaint, who personally confirmed their notice and tracking of the underlying Complaint before the District Court; the Missouri Solicitor General is employed by the Missouri Attorney General as civil litigation general counsel on behalf of the State of Missouri.

124. At 3:17 pm on September 4, 2026, Petitioner Berry filed before the District Court the return of service certification regarding personal service of the underlying Complaint to Missouri Secretary of State Denny Hoskins, thus effectuating notice to the Respondents of the underlying Complaint and presentation of the Complaint's request for the empanelment of a Three-Judge District Court to District Judge Bluestone pursuant to 28 U.S.C. § 2284(b)(1).

125. On September 4, 2026, the Missouri Solicitor General, who represents both the Missouri Attorney General and Missouri Governor, was provided courtesy and emergency notice of the underlying Complaint; the Missouri Solicitor General notified Petitioner Berry that they were aware the Complaint was served on the Missouri Secretary of State and were tracking the Complaint.

126. After 3:17 pm on September 4, 2026, and after the certificate of service of the Missouri Secretary of State was filed by Petitioner Berry before the District Court, Petitioner Berry called the case management team of District Judge Bluestone to confirm that the certificate of service in question was on the record of the District Court, which was confirmed by District Judge Bluestone case management team; Petitioner Berry also informed District Judge Bluestone case management team that there was a need to file for emergency relief over Labor Day weekend and require District Judge Bluestone case management team to inform Petitioner Berry on the pro se procedure to file for emergency relief over 2026 Labor Day Weekend due to pro se email filing account is unmonitored when the District Court clerk office is closed, and Petitioner Berry was informed that someone from District Judge Bluestone case management team, which did not occur.

Chief District Judge Clark Judge Reassignment Order

127. At 4:37 pm on September 4, 2026, Chief District Judge Clark issued the following order ("Chief District Judge Clark Judge Reassignment Order"), which states:

> "ORDER: Upon review of the Complaint, the Court finds that this case is substantially related to a previously filed case, Berry III v. Ashcroft, et al., No. 4:22-cv-465, which was originally assigned to the Honorable John A. Ross. To maintain the random assignment of cases pursuant to Local Rule 2.08(A), and under the authority of 28 U.S.C. § 137(a), the undersigned directs the Clerk of Court to reassign this case to the Honorable John A. Ross. Signed by Chief District Judge Stephen R. Clark on 9/4/2026. (KXS) (Entered: 09/04/2026)"

128. Chief District Judge Clark Judge Reassignment Order declares Chief District Judge Clark reviewed the Complaint on September 4, 2026.

129. The purported legal authority to remove District Judge Bluestone and reassign the Complaint to District Judge Ross as stated by Chief District Judge Clark Judge Reassignment Order was pursuant to District Court Local Rule 2.08(A) and 28 U.S.C. § 137(a).

130. District Court Local Rule 2.08(A) is prohibited from conflicting with 28 U.S.C. § 137(a), which states:

> "(a) In General.— The business of a court having more than one judge shall be divided among the judges as provided by the rules and orders of the court. The chief judge of the district court shall be responsible for the observance of such rules and orders, and shall divide the business and assign the cases so far as such rules and orders do not otherwise prescribe. If the district judges in any district are unable to agree upon the adoption of

rules or orders for that purpose the judicial council of the circuit shall make the necessary orders."

131. 28 U.S.C. § 137(a) requires Chief District Judge Clark to comply with any Administrative Order executed by Chief District Judge Clark.

132. This Court has set zero court procedure rules pursuant to the Federal Rules of Civil Procedure binding on the District Court that has established the limitations or requirements related to the appointment of United States District Judges by use of random judge selection.

133. Petitioner Berry brings this Honorable Court's attention to District Court Administrative Order AORD-0114 executed by Chief District Judge Clark, which states in:

"A. Automated Random Selection. All cases shall be assigned by a random selection process, unless otherwise directed in this Order. *** E. Direct Assignment – Civil Cases. Civil cases shall be assigned directly to a particular judge only in the following circumstances: *** (3) Related Cases – Court's Own Motion. In the interest of judicial economy, the Court, on its own motion, may reassign related cases to the judge who is handling the first-filed pending case. In the case of any dispute, the Chief Judge will resolve. See 28 U.S.C. § 137(a). The Clerk of Court will notify the affected parties in any pending case of this action."

134. In fact, because Chief District Judge Clark Judge Reassignment Order states that Chief District Judge Clark reviewed the Complaint and the fact that Chief District Judge Clark is also the District Judge

136. District Court Administrative Order AORD-0114 was enacted on October 1, 2026; the District Court does not publicly publish any amended or revoked District Court Administrative Order, and Petitioner Berry seeks this Court to require the District Order to produce before this Court any District Court Administrative Order related to the assignment of civil complaint before the District Court in effect on September 4, 2026.

137. Chief District Judge Clark Judge Reassignment Order purports the reasoning for

District Judge Ross' appointment as "the judge whom the request is presented" was "(t)o maintain the random assignment of cases pursuant to Local Rule 2.08(A), and under the authority of 28 U.S.C. § 137(a).

138. Chief District Judge Clark Judge Reassignment Order is erroneous because the reassignment of District Judge Ross to the Complaint was not "(t)o maintain the random assignment of cases pursuant to Local Rule 2.08(A)", as stated by Chief District Judge Clark by his Judge Reassignment Order, because Chief District Judge Clark Judge Reassignment Order specifically revokes "the random assignment of cases pursuant to Local Rule 2.08(A)" related to the Complaint.

139. Local Rule 2.08(A) of the United States Court of Eastern Missouri states in regards to all civil court complaints as follows:

> "(A) Assignment of Civil Actions. Unless otherwise ordered by the Court, the Clerk will assign each civil action to a district judge or a magistrate judge by automated random selection, except that when preliminary injunctive relief is requested by motion, the Clerk will assign the action to a district judge. In the event the action is assigned to a magistrate judge, each party must execute and file within 21 days of its appearance either a written consent to the exercise of authority by the magistrate judge under 28 U.S.C. § 636(c), or a written election to have the action reassigned to a district judge. Each party must indicate its consent or election on a form provided by the Court, which must be submitted in the manner directed by the Court. Consent to a magistrate judge's authority does not constitute a

waiver of any jurisdictional defense unrelated to the grant of authority under 28 U.S.C. § 636(c)."

140. District Judge Bluestone is a "district judge" and not subject to any provision of Local Rule 2.08(A) related to "magistrate judge" as defined by Local Rule 2.08(A).

141. Petitioner Berry has no memory of ever meeting or in any way interacting with District Judge Bluestone, thus no conflict between District Judge Bluestone and Petitioner Berry exist.

142. Chief District Judge Clark stated by his Judge Reassignment Order "(u)pon review of the Complaint, the Court finds that this case is substantially related to a previously filed case, *Berry III v. Ashcroft*, et al., No. 4:22-cv-465, which was originally assigned to the Honorable John A. Ross".

143. Petitioner Berry charges Chief District Judge Clark purported reason to remove District Judge Bluestone as District Judge of the underlying Complaint under what is known before Federal courts as "related case designation" was to deny Petitioner Berry any litigation opportunity regarding his Complaint, in favor of, adjudicating a similar complaint before Chief District Judge Clark.

144. Petitioner Berry charges that Chief District Judge Clark has zero statutory authority to review as a de facto appellate authority the judicial decision of whether "three judges are not required", which is the singular requirement of District Judge Bluestone to refer the Complaint to the Chief Judge of the Circuit in the underlying matter, and such decision regarding whether "three judges are not required" may only be conducted by the District Judge to "whom the request

is presented", and not Chief District Judge Clark in the instant.

145. 28 U.S.C. § 2284(b)(1) specifically prohibits Chief District Judge Clark from designating the District Judge of Petitioner Berry's Complaint in the manner as provided to the Chief Judge of the Circuit to "designate two other judges" to the Three-Judge District Court.

146. "The judge to whom the request is presented" is the District Court Judge to whom the Complaint seeking a three-court District Court is assigned to by the District Court Clerk by the random judge selection process established by Local Rule 2.08(A).

147. Petitioner Berry "presented" his demand for a three-judge District Court to District Court Judge Bluestone by filing the Complaint before the United States District Court of Eastern Missouri and the District Court Clerk randomly assigning District Judge Bluestone as District Judge of the Complaint as defined by 28 U.S.C. § 2284(b)(1).

148. 28 U.S.C. § 2284(b)(1) clearly establishes the "judges so designated" and the "judge to whom the request was presented" as two separate three-judge appointment processes, with the "judge to whom the request was presented" shall be appointed in the instant by Local Rule 2.08(A).

149. Chief District Judge Clark states by his Judge Reassignment Order "to maintain the random assignment of cases pursuant to Local Rule 2.08(A), and under the authority of 28 U.S.C. § 137(a)" that District Judge Ross would be assigned as the District Judge of the Complaint.

150. This Court has set zero court procedure rules pursuant to the Federal Rules of Civil Procedure binding on the District Court that has established the limitations or requirements related to the appointment of District Judges by use of random judge selection.

151. Because Local Rule 2.08(A) does not directly establish any cause for Chief District Judge Clark to sua sponte revoke Petitioner Berry's right to automated random selection pursuant to Local Rule 2.08(A) other than as "otherwise ordered by the Court", Chief District Judge Clark is wholly dependent by his Judge Reassignment Order upon his authority pursuant to 28 U.S.C. § 137(a), which states: regarding the underlying Complaint.

152. While this Court has previously ruled that the inherited powers of any chief district court judge supersedes any judge random selection process established by Local Court Rule, Petitioner Berry challenges

153. Local Rule 2.08(A) clearly entitles Petitioner Berry and his Complaint to the judge random selection process established pursuant to Local Rule 2.08(A) and 28 U.S.C. § 137(a) requires Chief District Judge Clark in regard to Petitioner Berry and is Complaint to follow all Local and Supreme Court Rules of the Court.

154. While Petitioner Berry wholly agrees that he has no right outside of Federal statutory rights or when cause exists for judicial recusal regarding the appointment of a District Court Judge to adjudicate the Complaint, Petitioner Berry should not be robbed of his right by Federal Local Rule to random judicial

selection of the District Judge selected to adjudicate his Complaint as mandated pursuant to Local Rule 2.08(A) and in the instant enforceable by Petitioner Berry against Chief District Judge Clark pursuant to 28 U.S.C. § 137(a).

155. The Judge Reassignment Order acknowledges that District Judge Ross was already Petitioner Berry's District Judge in a previous congressional map litigation in 2022, and specifically states the cause of the appointment of District Judge Ross was "(t)o maintain the random assignment of cases pursuant to Local Rule 2.08(A)", although the Judge Assignment Order does not state the fact that District Judge Ross very recently served as the District Judge on another Federal court lawsuit involving a litany of injunctive relief and time sensitive litigant responses involving Petitioner Berry's minor daughter; under the random judicial selection odds the Court's Judge Reassignment Order placed Petitioner Berry in by assigning District Judge Ross as District Judge now places District Judge Ross four (4) times upon Petitioner Berry's last four (4) Federal Petitioner civil complaints before the United States District Court of Eastern Missouri over a four-year period at 1 to 104,976 odds, or 0.000095%; the odds to win the Missouri Lottery Pick 4 top prove is one out of 10,000 odds.

156. The Chief District Judge Clark has voluminous authority to control the District Court's administration, except such judicial authority is limited to Chief District Judge Clark following the District Court's Local Rule, which carries the force of Federal law (see *United States v. Hvass*, 355 U.S. 570 (1958)), and in instant provides Petitioner Berry a

right to random juridical selection of a District Judge to hear the instant Complaint pursuant to Local Rule 2.08(A), unless the administrative duties of the Chief District Judge Clark actually require otherwise.

157. While District Court Rule and Federal law declare otherwise, the only conceivable action that Chief District Judge Clark may have given cause to reassign any District Court Judge initially assigned to the Complaint, even if such act was even lawful, would have been Chief District Judge Clark to order for efficiency and judicial economy to consolidate the Complaint with the District Court's adjudication of the Onder/Brattin Complaint seeking similar judicial relief based upon completely different legal theories and the two Federal complaints, more specifically, the requested relief related to the 2026 Missouri congressional district map, could (and should) have been consolidated under the underlying Complaint under "first-to-file" rights, which did not occur.

District Judge Ross Order to Show Cause

158. At 5:14 pm on September 4, 2026, District Judge John A. Ross ("District Judge Ross") of the United States District Court of Eastern Missouri issued sua sponte the following order (the "District Judge Ross Show Cause Order"):

> "ORDER TO SHOW CAUSE: IT IS HEREBY ORDERED that Petitioner Paul Berry III must show cause in writing no later than 12:00 p.m. CT on September 7, 2026 as to why his requests to convene a three-judge panel and obtain the equitable relief he seeks should not be denied in light of the procedural impossibility of complying with 28 U.S.C. § 2284(b)(2). Petitioner is advised

that he must respond to this order before the Court will entertain any further request for relief. (Show Cause Response due by 9/7/2026.) Signed by Sr. District Judge John A. Ross on 9/4/2026. (KXS) (Entered: 09/04/2026)" (bold added)

159. The temporal period between Chief District Judge Clark issuing his Judge Reassignment Order at 4:37 pm on September 4, 2026, and District Judge Ross entering his District Judge Ross Show Cause Order at 5:14 pm on September 4, 2026, is 37 minutes.

160. Considering the facts of the underlying Case, there is not any lawful scenario where District Judge Ross should have been advised in advance District Judge Ross of his appointment as District Judge of the Complaint prior to the very second Chief District Judge Clark issued his Judge Reassignment Order at 4:37 pm on September 4, 2026.

161. Based upon the District Court record for the Complaint, District Judge Ross received the Complaint (if District Judge Ross was notified within one (1) minute of being appointed as District Judge of the Complaint) and purportedly reviewed with the diligence and understanding required by any United States District Court Judge a 55-page fact-intensive United States congressional redistricting Complaint in 37 minutes, including understanding the underlying verified facts, legal research, incorporated of Federal case law, drafting of the judicial order in question and upload of such order to the Pacer case management system; Petitioner Berry charges that District Judge Ross could not have possibly performed the judicial diligence necessary to issue the District Judge Ross Show Cause Order during the 37 minutes in between Chief District Judge Clark issuing his

Judge Reassignment Order at 4:37 pm on September 4, 2026, and District Judge Ross entering his District Judge Ross Show Cause Order at 5:14 pm on September 4, 2026.

162. Plaintiff Berry charges that either District Judge Ross did not perform the judicial diligence necessary to issue the District Judge Ross Show Cause Order during the 37 minutes in between Chief District Judge Clark issuing his Judge Reassignment Order at 4:37 pm on September 4, 2026, and District Judge Ross entering his District Judge Ross Show Cause Order at 5:14 pm on September 4, 2026, or District Judge Ross and Chief District Judge Clark unlawfully collaborated on creating the District Judge Ross Show Cause Order PRIOR TO Chief District Judge Clark appointing District Judge Ross as District Judge on the underlying Complaint, and at a very minimum in excess of the Federal judicial authority granted to District Judge Ross and Chief District Judge Clark.

163. The District Court and the 8th Circuit Court clerk offices were closed after 4:30pm on September 4, 2026.

164. Under objection, Petitioner Berry squarely and fully addressed the District Judge Ross Show Cause Order issued by District Judge Ross on Labor Day 2026 (September 7, 2026).

165. Petitioner Berry charged by his Response to District Judge Ross Show Cause Order that District Judge Ross was utilizing the wrong judicial review standard set by the United States Supreme Court to determine whether the Complaint required the appointment of a Three- Judge District Court.

166. The provision of the Order to Show Cause issued on September 4, 2026, the exact same day the underlying Complaint was filed before the District Court, until the date and time of this Writ Application, the portion of the District Judge Ross Show Cause Order stating: "Petitioner is advised that he must respond to this order before the Court will entertain any further request for relief' has not been relieved by District Judge Ross simply by Petitioner Berry executing the filing of his Response to Order to Show Cause under a Federal show cause action until District Judge Ross by a judicial order relieves Petitioner Berry from the aforementioned prohibition from receiving entertainment of relief declared by District Judge Ross and his District Judge Ross Show Cause Order; Petitioner Berry charges District Judge Ross Show Cause Order was issued to intentionally deprive Petitioner Berry access to the District Court to enforce his Federal statutory and constitutional rights by his Complaint before the District Court.

167. AT NO TEMPORAL PERIOD DURING THE PENDANT OF THE UNDERLYING COMPLAINT HAS DISTRICT JUDGE ISSUED ANY RULING UPON HIS OWN ORDER TO SHOW CAUSE ISSUES SUA SPONTE BY THE DISTRICT COURT ON SEPTEMBER 4, 2026, thus prejudicing Petitioner Berry from requesting District Judge Ross to adjudicate the underlying emergency relief sought by the Complaint.

District Court Judge Abeyance Order and Petitioner Berry Motion to Set Aside Abeyance

168. At 11:26 am on September 8, 2026, District Judge Ross issued the following order ("District Judge Ross Abeyance Order"):

"ORDER: Ultimately, this Court cannot determine a proper path forward until the United States Supreme Court has ruled on Missouri's application for a stay of von Glahn. The Court therefore finds it necessary and appropriate to hold Petitioner's requests for emergency relief in abeyance pending such a ruling. The Court will determine next steps as appropriate after that ruling. Signed by Sr. District Judge John A. Ross on 9/8/2026. (CLT) (Entered: 09/08/2026)"; Petitioner Berry charges District Judge Ross Abeyance Order was issued to intentionally deprive Petitioner Berry access to the District Court to enforce his Federal statutory and constitutional rights by his Complaint before the District Court.

169. The District Judge Ross Abeyance Order states:

"this Court cannot determine a proper path forward until the United States Supreme Court has ruled on Missouri's application for a stay of von Glahn", when the approval or denial of any application for a stay by the United States Supreme Court in the underlying matter as a matter of Federal law can not produce any evidentiary decision or appellate precedent, because any stay application pending appeal decision by the United States Supreme Court does not produce any final judicial decision that is binding or relevant to the underlying Complaint, or more specifically, would not affect any emergency relief sought by the Complaint as stated by the District Judge Ross Abeyance Order; Again, Petitioner Berry challenged

District Judge Ross facts and legal reasoning of seeking sua sponte to issue an abeyance order regarding the underlying Complaint by Plaintiff Berry's Motion to Vacate Abeyance Order, which, inter alia, informed District Judge Ross that by not vacating District Judge Ross Abeyance Order in the instant was tantamount to District Judge Ross violating the Petition Clause of the United States Constitution; Plaintiff Berry's Motion to Vacate Abeyance Order was denied by District Judge Ross fifteen (15) days later after District Judge Ross Global Dismissal Order (see below) was issued on September 25, 2026.

Missouri Attorney General Entry of Appearances and 8th Circuit Writ of Mandamus Against Missouri Secretary of State

170. On September 10, 2026, the Missouri Attorney General entered their entry of appearance on behalf of the Missouri Secretary of State, and on September 11, 2026, the Missouri Attorney General entered their entry of appearance on behalf of the State of Missouri.

171. Under the legal theory of there is no other legal method to seek the underlying judicial relief sought before District Judge Ross, on September 14, 2026, Petitioner Berry filed his Writ of Mandamus and Writ of Prohibition against Respondent Denny Hoskins seeking the 8th Circuit to permit direct mandamus relief before the Eighth Circuit without first filing for the same mandamus relief before the District Court due to District Judge Ross refusing to forward the Complaint to the Chief Judge of the Eighth Circuit and because of the Federal statutory Armed Services deadline of September 19, 2026, was

approaching and the five-day hearing notice that 28 U.S.C. § 2284(b)(2) erroneously complained about by District Judge Ross in the underlying Complaint was rapidly approaching, Petitioner Berry requested writ relief to order the Missouri Secretary of State to conduct at- large statewide congressional elections because Missouri has not enacted a constitutional map on the eve of the 2026 Missouri General congressional election, which was discretionarily denied by the Eighth Circuit Court without opinion on September 15, 2026.

Petitioner Berry September 17 TRO Application and Respondent Motion to Stay Proceedings

172. At 8:24 am on Thursday September 17, 2026, Petitioner Berry filed a verified motion for temporary restraining order and attached memorandum of support ("Petitioner Berry September 17 TRO Application") before the District Court, with the plan that in the event the District Court refused to acknowledge or respond to Petitioner Berry September 17 TRO Application by the end of Thursday September 17, 2026, that Petitioner Berry would seek immediate relief from the Eighth Circuit to remedy the District Court's refusal to hear Petitioner Berry September 17 TRO Application and other conduct while adjudicating the underlying Complaint.

173. Petitioner Berry September 17 TRO Application seeks an ex parte temporary restraining order pursuant to Rule 65(b) under the basis of Petitioner Berry's advanced notice provided to the Respondents of Petitioner Berry September 17 TRO Application and there was no time to provide the

opportunity for the Respondents to respond to the notice generally required any Federal temporary restraining order prior to the harm Petitioner Berry will incur, addressed the District Court's consideration of setting a temporary restraining order bond, and plead in the alternative, Petitioner Berry sought in conjunction with his Motion to Shorten Time a reduced response time for Respondents to respond to Petitioner Berry September 17 TRO Application.

174. On Friday September 18, District Judge Ross DENIED Petitioner Berry September 17 TRO Application pursuant to Rule 65(b) (without actually issuing a judicial order) and ordered the Respondents to respond to Berry TRO Application no later than 11:59 pm on September 22, 2026 (per Local Rule attorneys may file pleadings before the District Court no later than 11:59 pm on September 22, 2026, and such pleading would have deemed filed on September 22, 2026); at 9:00 am on September 22, 2026, was the first day Missouri law provides votes may be absentee mail-in votes may be cast in the 2026 Missouri General congressional election, and may cause the underlying relief requested by Petitioner Berry September 17 TRO Application before District Judge Ross to simply expire; District Judge Ross maintained carnal knowledge as expressed by every single judicial order attached to the underlying Complaint that District Judge Ross was fully aware of the time sensitivity of the relief requested by the underlying Complaint, spanning from District Judge Ross' initial and final written declarations that Plaintiff Berry's Complaint could never would receive emergency relief from the United States District Court of the Eastern District of Missouri; Petitioner Berry charges District Judge Ross denied Petitioner Berr's September 17,

2026, TRO application to intentionally deprive Petitioner Berry access to the District Court to enforce his Federal statutory and constitutional rights by his Complaint before the District Court.

Eighth Circuit Writ of Mandamus Against United States District Court Judge John A. Ross

175. On Monday September 21, 2026, Petitioner Berry after District Judge Ross took action on Petitioner Berry September 17 TRO Application, setting a date for Missouri to respond that essentially extinguished the emergency relief requested by Petitioner Berry September 17 TRO Application and refusal by District Judge Ross to notify the Chief Justice of the Eighth Circuit of the existence of the underlying Complaint demanding the appointment of a three-judge district court to adjudicate the underlying Complaint, Petitioner Berry filed his District Judge Ross Writ of Mandamus before the Eighth Circuit Court of Appeals under a Petitioner Berry's motion to shorten time seeking the Eighth Circuit Court of Appeals to order District Judge Ross to notify the Chief Justice of the Eighth Circuit Court of Appeals of the underlying Complaint demanding the appointment of a three-judge district court to review Petitioner Berry September 17 TRO Application, which was submitted to an Eighth Circuit Court of Appeals judicial panel (the exact same Eighth Circuit judicial panel appointed to *Onder v. Hoskins* Appeal) the same day District Judge Ross Writ of Mandamus before the Eighth Circuit Court of Appeals, was held for decision by such Eighth Circuit Court of Appeals judicial panel for five (5) Eighth Circuit court days, then the same Eighth Circuit

Court of Appeals judicial panel was discretionarily denied by the Eighth Circuit Court without opinion on September 24, 2026, and occurred what can fairly described as a countable about of minutes after District Judge Ross issued his District Judge Ross Global Dismissal Order in the underlying Complaint.

Petitioner Berry September 24 TRO Application and District Judge Ross Global Dismissal Order

176. On Thursday September 24, 2026, Petitioner Berry filed a verified motion for temporary restraining order and attached memorandum of support ("Petitioner Berry September 24 TRO Application") before the District Court.

177. Petitioner Berry September 24 TRO Application seeks an ex parte temporary restraining order pursuant to Rule 65(b) under the basis of Petitioner Berry's advanced notice provided to the Respondents of Petitioner Berry September 24 TRO Application and there was no time to provide the opportunity for the Respondents to respond to the notice generally required any Federal temporary restraining order prior to the harm Petitioner Berry will incur, addressed the District Court's consideration of setting a temporary restraining order bond, and plead in the alternative, Petitioner Berry sought in conjunction with his Motion to Shorten Time a reduced response time for Respondents to respond to Petitioner Berry September 24 TRO Application.

178. On Friday September 25, District Judge Ross DENIED Petitioner Berry September 24 TRO Application pursuant to Rule 65(b) (without actually issuing a judicial order) and issued an order

summarily dismissing all emergency judicial relief filed before District Court Ross and placed the underlying matter in abeyance until December 2026; Petitioner Berry charges District Judge Ross denied Petitioner Berry's September 25, 2026, TRO application to intentionally deprive Petitioner Berry access to the District Court to enforce his Federal statutory and constitutional rights by his Complaint before the District Court.

Petitioner Berry Post-Judgment Motions and Notice of Appeal to the United States Supreme Court

179. On Friday September 25, 2026, Petitioner Berry filed his Motion for Reconsideration and Motion for Review of District Judge Ross Global Dismissal Order, which was denied by District Judge Ross on Monday September 28, 2026.

180. On Friday September 25, 2026, Petitioner Berry filed his Notice of Appeal before District Judge Ross directed to this Court; without a notice to Petitioner Berry or official rejection of Notice of Appeal by District Judge Ross, on Monday September 28, 2026, the District Court sua sponte redirected Petitioner Berry Notice of Appeal to the Eighth Circuit Court of Appeals instead of to this Court as specifically stated by such Notice of Appeal, which states in it's entirety: "HERE COMES, Plaintiff Paul Berry III with his NOTICE OF APPEAL from the Order issued by United States Circuit Court Senior District Judge John A. Ross on September 25, 2026, which effectively extinguishes the injunctive and declaratory relief requested by Counts IV and VII of the underlying Complaint. Plaintiff Paul Berry III deems the Order issued by United States Circuit

Court Senior District Judge John A. Ross on September 25, 2026, as a final order, and such order is being immediately appealed to the United State Supreme Court for appellate review pursuant to 28 U.S.C. § 1253."

179. On October 1, 2026, Petitioner Berry filed his emergency motion requesting the District Court to recall its forwarding of Petitioner Berry's Notice of Appeal to the Eighth Circuit, which either frustrates or outright denies Petitioner Berry's direct appeal to this Court for review of District Judge Ross Global Dismissal Order, which was denied on October 1, 2026.

180. On October 1, 2026, Petitioner Berry filed his emergency motion requesting the Eighth Circuit require District Judge Ross to show cause as to why the District Court forwarded Petitioner Berry's Notice of Appeal solely directed to this Court to the Eighth Circuit, to which, the Eighth Circuit issued an order on October 5, 2026, requiring the District Court to transmit Petitioner Berry's Notice of Appeal to this Honorable Court, except the Eighth Circuit held its mandate to such order until November 2, 2026, issued four (4) court hours prior to the 2026 Missouri General congressional election held on November 3, 2026, and withheld the issuance of the mandate in question for a temporal period in violation of Fed. R. Civ. P. 41.

181. On November 2, 2026, Petitioner Berry filed his second emergency motion requesting the District Court to transmit the underlying Notice of Appeal to this Honorable Court due to the Eighth Circuit issuing its mandate on November 2, 2026, ordering the same, to which, on November 2, 2026, District Judge Ross issued an order ("District Judge Ross SCOTUS

Transmission Denial Order") denying Petitioner Berry's motion in question as moot, unnecessary and inappropriate based upon Petitioner Berry filing the instant writ application before

182. The administrative and judicial actions of District Judge Ross, Chief District Judge Clark and the Eighth Circuit, jointly, separately, and reasonably deemed as intentional, unlawful and conspiratory, denied Petitioner Berry any review of the orders, judgments and misconduct by a non-discretionary and timely appeal before the United States Supreme Court with the end goal to deny Petitioner Berry any due process to enforce Federal election statutes against the State of Missouri prosecuted by Petitioner Berry in a timely, targeted and compliant manner under the Rules of the Court, Federal statutes and the United States Supreme Court relevant to any voter and congressional nominee in the United States of America.

Violations of Federal Civil and Criminal Statutes and the United States Constitution Committed by District Judge Ross, Chief District Judge Clark and the United States District Court of Eastern Missouri against Petitioner Berry, the State of Missouri and the United States of America

189. Petitioner Berry charges to this Court that under administrative and judicial authority of District Judge John A. Ross and Chief District Judge Stephen A Clark, in conspiracy with each other and certain administrative clerks of the United States District Court of Eastern Missouri and others involved with Federal judiciary intentionally and purposefully deprived Petitioner Paul Berry III, a Missouri

congressional voter and the Republican nominee for the United States Congress First Congressional District of Missouri during the 2026 Missouri General congressional election of various statutory and constitutional rights provided by Federal statute and guaranteed by the United States Constitution, without any due cause or lawfulness of such judicial actions.

REASONS FOR GRANTING THE WRIT

I. While the United States Supreme Court has fully declared that Missouri is permitted by the United States Constitution to apply its statewide referendum petition process to the enactment of Missouri congressional district maps, as applied and currently enforce against Petitioner Berry in the underlying matter, Missouri's specific reenactment of the 2022 Missouri Congressional District Map for use during the 2026 Missouri Congressional election violates Petitioner Berry rights pursuant to the Petitions Clause and Due Process Clause and the United States Constitution.

While the general assembly of any state can enact any state statute with very limited advanced notice to the general public, such as by the Missouri General Assembly's "emergency clause", unless a compelling state interest exists that permits otherwise, Missouri by executive action, enactment of legislation or by court ruling shall not veer from its required compliance with the United States Constitution.

This Court has consistently declared that the supreme court of each state of the Union is

unquestionably the ultimate arbitrator and interpreter of such state's election laws, although Petitioner Berry asserts that the Federal court system is the sole arbitrator and interpreter as to whether any Missouri by executive action, enactment of legislation or by court ruling stands in violation of any Federal statute or the United States Constitution, in the manner sought by the underlying Complaint.

In the general sense, Petitioner Berry is one million percent in support of the concept of Missouri referendum rights for Missourians to place a ballot election check on the laws Missouri passes, since Missouri law does not provide for the public recall of Missouri General Assembly members. While the Missouri election statutes may not be challenged by the underlying Complaint, on their face such Missouri election statutes do not appear as unconstitutional.

However, as applied by Missouri to Petitioner Berry and his Complaint, the Missouri Supreme Court's instant reenactment of the 2022 Missouri Congressional District Map to conduct the 2026 Missouri General congressional election violates the Petition Clause and the Due Process Clause of the United States Constitution.

The First Amendment of the United States Constitution protects "the right of the people ... to petition the Government for a redress of grievances", which includes Petitioner Berry's meaningful access to courts as a governmental forum for seeking redress. See *California Motor Transport Co. v. Trucking Unlimited*, 404 U.S. 508, 510 (1972); *BE&K Construction Co. v. NLRB*, 536 U.S. 516, 524–25 (2002).

The Due Process Clause of the Fourteenth Amendment requires that the government provide notice and a meaningful opportunity to be heard before depriving an individual of a protected interest, ensuring that fairness is maintained in pre-deprivation proceedings. See *Cleveland Bd. of Educ. v. Loudermill*, 470 U.S. 532, 542 (1985); *Fuentes v. Shevin*, 407 U.S. 67, 80 (1972).

In determining the specific procedural safeguards required under the Due Process Clause, the Supreme Court balances the private interest at stake against the risk of erroneous deprivation and the government's interest, ensuring that the process provided is appropriate for the circumstances. See *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976); *Hamdi v. Rumsfeld*, 542 U.S. 507, 529 (2004).

When immediate government action is required, the Due Process Clause allows for post-deprivation remedies, provided that such remedies are adequate to address the deprivation in the absence of pre-deprivation proceedings. See *Parratt v. Taylor*, 451 U.S. 527, 538–39 (1981); *Hudson v. Palmer*, 468 U.S. 517, 533 (1984).

First, there is no question that post-enactment Federal judicial relief has never been provided AFTER an unconstitutional United States congressional election has been certified by the state in question, and as such, Missouri, no other state of the Union or the Federal courts has ever provided post-enactment relief striking any unconstitutional United States congressional election after the votes are certified by state elections officials. Simply stated, the only opportunity for Petitioner Berry to challenge the constitutionality of the 2022 Missouri

Congressional District Map is prior to (and preferably prior to the start of) the conclusion of the 2026 Missouri General election.

In regards to the preenactment relief requested by the underlying Complaint, District Judge Ross Global Dismissal Order states verbatim: "Though Berry filed his complaint promptly after the von Glahn decision, the other factors do not weigh in his favor. As Berry is certainly aware, ballots have already been printed and mailed. Voting is underway. In this Court's view, the relief Berry seeks was already infeasible when he filed his complaint on September 4, and it is all the more impossible now notwithstanding his renewed emergency motions." (bold and underline added)

If the Court is inclined to co-sign the logic of District Judge Ross regarding "the relief Berry seeks was already infeasible when he filed his complaint on September 4", then District Judge Ross logic as espoused by District Judge Ross Global Dismissal Order supports that Missouri's reenactment of the 2022 Missouri Congressional District after 4:30pm on September 3rd and a well-plead and specific Federal congressional district lawsuit filed less than three (3) court hours expiring in between the enactment and the Federal court challenge in question being deemed "D.O.A." by District Judge Ross the very same day that the underlying Complaint was filed, served and certificate of service was returned to the District Court all on September 4, 2026, then Petitioner Berry reckons to the Court that the enactment of the Missouri's reenactment of the 2022 Missouri Congressional District is in violation of the Petitions Clause and Due process Clause of the United States Constitution.

District Judge Ross Global Dismissal Order alleges that not only was Petitioner Berry time barred from seeking a final judgment on Counts IV thru VII to the Complaint, that Petitioner Berry was even time barred from receiving a temporary restraining order regarding the underlying Complaint a mere hours after the reenactment of the 2022 Missouri Congressional District for use during the 2026 Missouri General congressional election, which presents serious Federal constitutional issues, specifically and further addressed by the instant Writ Application, may Missouri enact any new Missouri congressional district map in a manner that absolutely denies Petitioner Berry any non-discretionary Federal court review by the United States District Court of Eastern Missouri?

Petitioner Berry reckons that District Judge Ross Global Dismissal Order provides a final judicial determination that the 2022 Missouri Congressional District Map may not be challenged before the United States District Court by temporary restraining order or permanent injunction also provides that Missouri violated both the Petitions Clause and Due Process Clause of the United States Constitution.

The instant Writ Application before the Court may also require the examination of whether in fact Missouri failed to provide Petitioner Berry the temporal period necessary to challenge before the United States District Court the constitutionality of Missouri utilizing the 2022 Missouri Congressional map to conduct the 2026 Missouri General congressional election, in a manner as to not violate the Petitions Clause and Due Process Clause of the United States Constitution.

The Due Process Clause of the Fourteenth Amendment prohibits Missouri from depriving any person of "life, liberty, or property, without due process of law" and ordinarily requires notice and an opportunity to be heard "at a meaningful time and in a meaningful manner." *Armstrong v. Manzo*, 380 U.S. 545, 552 (1965).

A procedural due process claim therefore requires identification of a protected liberty or property interest, a governmental deprivation of that interest, and constitutionally inadequate procedures. See *Board of Regents v. Roth*, 408 U.S. 564, 569–71, 577 (1972). The procedures required depend on the private interest affected, the risk of erroneous deprivation and probable value of additional safeguards, and the governmental interests involved. *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976).

Petitioner Berry submits that Missouri's implementation of the 2022 congressional map for the 2026 Missouri general congressional election, combined with the asserted unavailability of timely judicial review, must be examined under these requirements—not merely by reference to Missouri's authority to establish Federal congressional districts.

Petitioner Berry does not contend that procedural due process invariably requires an individual hearing before the enactment of legislation of general applicability. This Court has distinguished generally applicable legislative decisions from individualized governmental determinations requiring an opportunity to be heard. See *Bi-Metallic Investment Co. v. State Board of Equalization*, 239 U.S. 441, 445 (1915).

Nor does Missouri's constitutional authority to incorporate a referendum into congressional redistricting resolve whether its particular implementation violates an independently protected federal right. See *Ohio ex rel. Davis v. Hildebrant*, 241 U.S. 565, 568–70 (1916).

Petitioner Berry's narrower contention is that, assuming his underlying claims establish a protected interest and a judicially cognizable constitutional injury, Missouri's timing and implementation foreclosed a meaningful opportunity to obtain judicial protection before that injury became unavoidable. The relevant distinction is therefore between review before and after the alleged deprivation, not simply before and after enactment of the 2022 Missouri Congressional District Map by Missouri

Petitioner Berry must also establish that the interest allegedly extinguished is more than an expectation of favorable judicial relief. This Court has recognized that an accrued cause of action can constitute a protected property interest and that a State may not arbitrarily destroy that interest through the operation of its adjudicatory procedures. *Logan v. Zimmerman Brush Co.*, 455 U.S. 422, 428–33 (1982).

Similarly, an access-to-courts claim requires identification of a nonfrivolous underlying claim and the remedy allegedly lost through governmental action or obstruction. *Christopher v. Harbury*, 536 U.S. 403, 415–16 (2002).

Accepting the chronology alleged in the instant Writ Application, Missouri restored the 2022 Missouri Congressional District Map after 4:30 p.m. on

September 3, 2026, and Berry filed his Complaint before the District Court on September 4, with fewer than three court hours intervening. Nevertheless, the District Court concluded that "the relief Berry seeks was already infeasible when he filed his complaint."

Berry submits that this sequence declared by District Judge Ross in the underlying Complaint warrants this Court's examination as to whether Petitioner Berry by his Complaint ever maintained any realistically usable opportunity existed to seek effective protection against the racial gerrymandering and unconstitutionality of the 2022 Missouri Congressional District Map— not merely whether the District Court took Petitioner Berry's court filing fee and permitted him to file his Complaint and received a District Court case number. Due process requires an opportunity appropriate to the circumstances, rather than a nominal procedural avenue incapable of addressing the asserted deprivation. See *Armstrong*, 380 U.S. at 552; *Mathews*, 424 U.S. at 335. This contention depends, however, on establishing that the challenged governmental action created the injury at that time and that an adequate earlier avenue of review was unavailable, which will be a finding of fact for this Court to affirm.

The availability of later District Court proceedings does not automatically cure the alleged absence of timely process to adjudicate the Complaint. Where a deprivation results from established governmental procedures and advance safeguards are feasible, the existence of a post- deprivation remedy is not necessarily sufficient. See *Logan*, 455 U.S. at 435–36; *Zinermon v. Burch*, 494 U.S. 113, 128–32 (1990).

The Missouri election statutes that have caused the instant procedural due process violations are just that, Missouri election laws that can be changed by the Missouri General Assembly to avoid as applied due process violation related to Missouri's referendum process being applicable to Missouri congressional district maps, as opposed to pandemic or other emergency legislation, which may not provide for the same constitutional due process judicial consideration as required regarding the instant Complaint.

The underlying matter can not be deemed an emergency when the relevant Missouri election statues and constitutional provisions, which have been on Missouri's "books" for decades and provides for the instant deprivation of Petitioner Berry's Petition Clause and Due Process Federal constitutional rights, in the unconstitutional manner now deployed by Missouri.

Petitioner Berry accordingly submits that review after the 2026 Missouri General congressional election mandated by District Judge Ross in the underlying Complaint would be inadequate to the extent it could not protect the specific interest threatened by conducting the election under the challenged map. District Judge Ross need not—and should not—premise that argument on the categorical assertion that post-election judicial relief has never existed.

The pertinent inquiry is whether the remedies actually available in this case could meaningfully redress the particular deprivation alleged, which for reasons explained, abet not ruled upon by District Judge Ross and as further explained at the conclusion

of the instant Writ Application, the answer is provided by Federal statute and is YES.

Petitioner Berry acknowledges that courts must consider election administration, voter reliance, and the disruptive consequences of late judicial intervention. See *Purcell v. Gonzalez*, 549 U.S. 1, 4–5 (2006) (per curiam). Those considerations, however, should be evaluated alongside his asserted diligence and the timing of the governmental action that allegedly first made his challenge actionable. See *Reynolds v. Sims*, 377 U.S. 533, 585 (1964).

Petitioner Berry therefore requests examination by this Writ Application as to whether the challenged implementation left a constitutionally adequate opportunity to protect an established liberty or property interest, and whether any properly tailored relief remains available. Petitioner Berry's argument is not that due process guarantees a temporary restraining order or a favorable judgment, but that governmental timing should not extinguish a protected claim without a meaningful opportunity for adjudication. See *Logan*, 455 U.S. at 433–37.

The underlying issue before the Court challenges whether Missouri can enact a new Missouri congressional district map in a manner that forecloses NONDISCRENARY Federal court judicial review pre-enacment and post-enacement by Petitioner Berry?

In regards to the underlying controversy, Missouri is entitled to 21-days after the service of the underlying Complaint to file a response before the District Court. Petitioner Berry may pursuant to Fed. R. Civ. P. 6(b)(1) request the Court AT ITS DISCRETION to grant a motion to shorten the 21- day

response time for Missouri to respond to the underlying Complaint.

This Court on virtually every occasion since its formation has declared that any election related Federal complaint should be accelerated and adjudicated at the first available opportunity of any Federal court system.

The United States Supreme Court has long recognized that election-related disputes are uniquely time-sensitive and should be resolved before the challenged election, certification, or other legally significant deadline. In *Purcell v. Gonzalez*, 549 U.S. 1 (2006) (per curiam), this Court emphasized that the imminence of an election may make ordinary litigation schedules inadequate, explaining: "Given the imminence of the election and the inadequate time to resolve the factual disputes, our action today shall of necessity be a brief one." *Id.* at 5.

Although Purcell principally cautions against late judicial changes to election rules, its reasoning also confirms that election litigation must be handled with exceptional expedition. Once an election-related Federal complaint is filed, delay may prevent meaningful relief, create voter confusion, and impair the orderly administration of the electoral process. Accordingly, the time-sensitive nature of such disputes supports accelerated briefing, prompt hearings, and adjudication at the earliest practicable opportunity.

The Supreme Court's treatment of the 2000 presidential election likewise demonstrates the judiciary's willingness to resolve election disputes under extraordinary time constraints. In *Bush v.*

Gore, 531 U.S. 98 (2000), the Court addressed the constitutional requirements governing the counting of ballots while recognizing that the proceedings were controlled by imminent statutory and electoral deadlines.

This Court observed that "[t]he State, of course, after granting the franchise in the special context of Article II, can take steps to prevent its dilution," while holding that the State's chosen method remained subject to constitutional limitations. *Id.* at 104–05. The District Court's prompt consideration of the dispute illustrates that, where the validity of an election or the counting of votes are at issue, ordinary delay can defeat the practical value of judicial review. Expedited adjudication is therefore necessary not merely for convenience, but to ensure that constitutional claims are decided while effective relief remains available.

The same principle applies to Federal election-enforcement proceedings in which delay may render a complaint moot or deprive the prevailing party of any effective remedy. In *Democratic Congressional Campaign Committee v. Federal Election Commission*, 831 F.2d 1131 (D.C. Cir. 1987), the court recognized the urgency created by the electoral calendar and stated that "[t]he exigencies of the election process require that [this case] be decided before the election." *Id.*

The aforementioned principle is especially important where the alleged violation concerns campaign conduct, election administration, or the enforcement of Federal election law. If a court waits until after voting, certification, or the expiration of the relevant campaign period, a later judgment may be

incapable of restoring the lost opportunity or correcting the alleged electoral injury. The need for prompt adjudication in the underlying matter is therefore inherent in the subject matter of the Complaint.

Further, *Fish v. Kobach*, 840 F.3d 1295 (10th Cir. 2016), reflects the Federal courts' recognition that states possess a substantial interest in administering elections in an orderly, reliable, and lawful manner. The court explained that "[t]he state has a compelling interest in preserving the integrity of its election process," and recognized that this interest may justify election regulations that affect voting rights. *Id.* at 1315–16. That interest supports prompt judicial resolution in both directions: courts must act quickly to prevent unlawful burdens on voters, while also avoiding uncertainty that could disrupt election administration. Taken together, Purcell, *Bush v. Gore*, DCCC, and Fish establish that election-related federal complaints warrant priority treatment because the electoral calendar can eliminate effective relief. The Court should therefore accelerate this matter, set an expedited briefing schedule, and adjudicate the complaint at the first available opportunity consistent with due process and a fair opportunity for all parties to be heard.

Stated plainly, when a state such as Missouri does not provide for any temporal period for pre- enactment review not based upon an emergency action by Missouri, which in the instant no emergency can be alleged by Missouri as a byproduct of enforcing its own election laws which have been on Missouri's statutory "books" for several decades, Missouri may be absolved as most other states that are under similar

circumstances from procedural due process claims when the District Court follows the directives of this Court to set an expedited briefing schedule, and adjudicate the complaint at the first available opportunity consistent with due process and a fair opportunity for all parties to be heard, because the concept of compiling with Federal constitutional procedural due process requirements does not require providing Missouri or Petitioner Berry the complete kaleidoscope of due process temporal procedures required by the Rules of this Court when the District Court takes action on the Complaint.

The gravamen of the instant argument is threefold. First, Missouri is prohibited from enacting the 2022 Missouri Congressional District Map in a manner that only permits Federal judicial review regarding Federal statutory and constitutional violations by an application for discretionary temporary or preliminary injunctive relief as the only available course of action for Petitioner Berry, which does not establish a nondiscretionary right to District Court review of the United States congressional district map enacted by Missouri in question.

Second, despite the Court's multitude of directives regarding the accelerated Federal court adjudication of Federal congressional election controversies, Missouri can not depend upon or expect relief from failing to enact the 2022 Missouri Congressional District Map in a manner that provides Petitioner Berry the opportunity for nondiscretionary judicial relief from the District Court by the underlying Complaint based upon the fact that District Judge Ross may or may not entertain or otherwise refuse to grant such judicial relief under discretionary and

unappealable (in most instances) temporary restraining order or preliminary injunction applications before the District Court.

Third, the responsibility to provide Plaintiff Berry by his Complaint a temporal opportunity for preenactment Federal judicial review of the 2022 Missouri Congressional District Map prior to use by Missouri to conduct the 2026 Missouri General election does not rest with the District Court or this Court, such constitutionally vital responsibility rests with the GREAT State of Missouri.

In regards to the underlying Complaint, this Court (under Petitioner Berry's limited pro se legal knowledge and research) has never issued an opinion that has set a "hard and fast" rule on what is deemed the exact temporal period is necessary for a state to have provided constitutional procedural due process in the enactment of any United States congressional district map.

However and under the the facts of the instant Complaint, the Court should take judicial notice and find that because Missouri enacted the 2022 Missouri Congressional District Map in a timeframe less than the 21-day period provided by the Rules of the Court for Missouri to respond to the Complaint and in a manner requiring Petitioner Berry to seek discretionary judicial relief from District Judge Ross or any other District Court Judge to cause the relief requested by the Complaint to be deemed timely, violates the Petitions Clauses and Due Process Clause of the United States Constitution.

The Federal constitutional right of access to the District Court is not meaningful if the government

structures deadlines so that the requested remedy cannot realistically be obtained before the election occurs. Missouri cannot nominally permit a lawsuit while, in practical effect, ensuring that such litigation will be too late to matter. Petitioner Berry inability to secure adjudication before filing deadlines, ballot printing, voting, or certification, Missouri's timetable transforms the right to file the instant Federal Complaint into an empty formality.

Petitioner Berry's right of access to the District Court to challenge the Federal statutory and constitutional compliance of the 2022 Missouri Congressional District Map by the underlying Complaint is simply not meaningful if Missouri enacted the 2022 Missouri Congressional District Map in a manner whereas government implementation deadlines so that the requested remedy cannot realistically be obtained before the 2026 Misouri General congressional election occurs.

The constitutional injury is particularly concrete in a United States congressional redistricting cases. An unconstitutional racially gerrymandered United States Congressional District map inflicts harm through each election conducted under it. Once an election is held, the judicial review stayed until December 2026 by District Judge Ross Global Dismissal Order cannot fully restore Missouri voters' lost opportunity to participate in a constitutionally apportioned congressional election. Thus, a Missouri's instant failure to provide a realistic review period apparently foreclose effective redress by the Complaint altogether.

Missouri is prohibited from enacting the 2022 Missouri Congressional District Map in a manner that

evades any possibility for a Federal lawsuit not dependent upon discretionary judicial waiver of Federal court rules to examine the constitutionality of the 2022 Missouri Congressional District Map, and this Honorable Court should immediately restrain Missouri from doing so under the false belief that this Court condones Missouri's instant unconstitutional Federal congressional election behavior.

II. Chief District Judge Clark by his Judge Reassignment Order violated 28 U.S.C. § 2284(b)(1) by unlawfully seizing Federal judicial statutory procedure reserved by the United States Congress exclusively to the Chief Judge of the Eighth Circuit of the United States Court of Appeals to maintain the constitution of the three-judge district court panel in the underlying Complaint pursuant to 28 U.S.C. § 2284(b)(1), and as such, this Court strike any action or order authorized by District Judge Ross regarding the underlying Complaint.

The composition of a three-judge district court is a creature of Federal statute, governed exclusively by the procedures set forth in 28 U.S.C. § 2284. Once any member of a three-judge panel is properly constituted, its membership is not subject to the unilateral, administrative control by Chief District Court Judge Clark. Because 28 U.S.C. § 2284(b)(1) expressly vests the authority to designate the members of such a panel solely in the chief judge of the circuit, any attempt by Chief District Court Judge Clark to unilaterally replace District Judge Bluestone from the underlying Complaint constitutes a clear usurpation

of judicial power, lacking any statutory basis whatsoever.

The governing provision, 28 U.S.C. § 2284(b)(1), establishes a precise, mandatory mechanism for constituting a three-judge court. The statute dictates that upon the notification of the requirement for such a court, the "chief judge of the circuit" shall designate two other judges to serve on the panel. The aforementioned language is exclusive. Under the canon of expressio unius est exclusio alterius, Congress's explicit assignment of this power to the chief judge of the circuit fundamentally excludes the chief judge of the district court from performing such designations or reassignments, unless the United States Congress intended to hand Federal statutory authority to Chief District Court Judge Clark regarding judicial appointments by actually not mentioning the position of Chief District Judge in any form pursuant to the same judicial appointment.

While Chief District Court Judge Clark possesses broad administrative authority under 28 U.S.C. § 137, that authority is limited to the management of the District Court's docket and internal operations. Such general power cannot supersede the specific, extraordinary jurisdictional requirements of a § 2284 court. When Congress enacts a specialized procedure for the composition of a court— particularly one involving circuit-level participation— that specific statute must control over any general administrative power. Chief District Court Judge Clark cannot "reappoint" or remove a judge from a panel whose very existence and composition are mandated by an external, circuit-level designation, in the instant, by the Eighth Circuit Court of Appeals.

This Court has consistently held that Federal courts must adhere strictly to statutory requirements governing their composition. In *Nguyen v. United States*, 539 U.S. 69 (2003), the Court held that a judgment entered by a panel failing to satisfy statutory composition requirements is invalid. Similarly, in *United States v. Will*, 449 U.S. 200 (1980), and *Northern Pipeline Construction Co. v. Marathon Pipe Line Co.*, 458 U.S. 50 (1982), the Court reinforced that the exercise of Federal judicial power is strictly circumscribed by Congressional mandates. These precedents dictate that the panel must be composed exactly as prescribed by statute; a departure from this mandate via unauthorized, unilateral administrative action is legally unsustainable.

Shapiro v. McManus, 577 U.S. 39 (2015), confirms that § 2284 is not a mere docket-management tool, but a requirement for the proper constitution of a distinct court. Once the statutory process is triggered and a panel is designated, the court's authority is vested in that specific body. The cases of *Gonzalez v. Automatic Employees Credit Union*, 419 U.S. 90 (1974), *Phillips v. United States*, 312 U.S. 246 (1941), and *Idlewild Liquor Corp. v. Epstein*, 370 U.S. 713 (1962), underscore that three-judge courts possess a special statutory character. These authorities provide no support for the contention that Chief District Court Judge Clark possesses inherent authority to manipulate the panel's membership pursuant to 28 U.S.C. § 2284(b)(1).

The reassignment of District Judge Bluestone by Chief District Judge Clark is simply unlawful, as Chief District Judge Clark lacks the unilateral power

to alter a panel constituted under § 2284(b)(1). Such an action improperly interferes with a designation made by the chief judge of the circuit and threatens the validity of the panel's future proceedings.

Accordingly, the Court should vacate the improper reassignment, restore District Judge Bluestone as the "district judge" of the underlying Complaint pursuant to § 2284(b)(1), or refer the matter to the chief judge of the circuit for any necessary, legally authorized substitution. Should this remedy not be granted, a petition for mandamus under the All Writs Act, 28 U.S.C. § 1651(a), would be appropriate to correct this plain violation of statutory authority.

The statutory requirement under 28 U.S.C. § 2284(b)(1) that a three-judge district court be convened and composed according to specific, narrow delegation of authority is a jurisdictional imperative, not a mere procedural guideline. The Supreme Court has long held that a defect in the composition of a judicial tribunal— specifically one acting without proper statutory authority— renders the resulting proceedings and orders invalid. See *Nguyen v. United States*, 539 U.S. 69, 80–82 (2003) (holding that judgments entered by a court not constituted according to congressional mandate are fundamentally flawed and must be vacated). Because the statute dictates that the chief judge of the circuit alone possesses the authority to designate the members of such a panel, any unauthorized removal or replacement of District Judge Bluestone by Chief District Judge Clark acts as an ultra vires disruption of the tribunal's legal structure.

The authority to constitute a three-judge panel is a bounded power granted exclusively by Congress to

the chief judge of the circuit, and it is not subject to local district-level administrative re-delegation or unilateral interference. The principle of expressio unius est exclusio alterius compels the conclusion that by explicitly assigning the designation power to the chief judge of the circuit, 28 U.S.C. § 2284(b)(1) excludes other actors, such as a chief district judge, from exercising that same power.

Any intervention by Chief District Judge Clark to alter the panel's composition— whether through the unauthorized removal or replacement of a judge— constitutes an usurpation of statutory authority. Consequently, a panel modified through such illicit means loses its character as a court convened under the authority of 28 U.S.C. § 2284 rendering such a tribunal operating without the specific jurisdictional grant mandated by Congress.

Under the original Three-Judge Act, a single-judge district court was prohibited from hearing a TRO application without the empanelment and consideration of the three-judge district court (see *Ex parte Metropolitan Water Co. of Seattle*, 220 U.S. 539 (1911)). In *Stratton v. St. Louis S. W. R. Co.*, 282 U.S. 10 (1930) this Court held that when a suit is required to be heard by a three-judge court, the authority of the single district judge is strictly limited to taking necessary steps to convene the three-judge court. Any action taken by the single judge on the merits—such as granting or denying an interlocutory injunction—is void for want of jurisdiction.

The judicial authority of three-judge district courts was expanded under 28 U.S.C. § 2284(b)(3) when the United States Congress eliminated almost all Federal

constitutional challenges from utilizing a three-judge district court; 28 U.S.C. § 2284(b)(3) states:

> "(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." (bold and underline added)

28 U.S.C. § 2284(b)(3) provides "(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." The three (3) questions Petitioner Berry proposed to the Court regarding 28 U.S.C. § 2284(b)(3), (a) when no time is reasonably available, is District Judge Ross permitted to consider and order TRO prior to the empanelment of a three-judge district court and (b) when time is reasonably available, is District Judge Ross required to notify Chief Judge of the Eighth Circuit when considering and prior to deciding any TRO application under § 2284(b)(3).

First, Petitioner Berry proposes to the Court that when no time is available, District Judge Ross is permitted to consider and order (or deny) a TRO application under § 2284(b)(3) without the empanelment of a three-judge district court, subject to review by a three-judge district court. Second, when there is time to notify the Chief Judge of the Eighth Circuit of the Complaint pursuant to Chief Judge of the Eighth Circuit, 28 U.S.C. § 2284(b)(3) requires District Judge Ross to "immediately" notify the Chief Judge of the Eighth Circuit of the Complaint, irrespective of any opinion by District Judge Ross of the sea-worthiness of the TRO application in question.

Ultimately, because District Judge Ross was not properly appointed to a District Judge to the Complaint under the mandatory provisions of 28 U.S.C. § 2284, District Judge Ross lacked the requisite jurisdictional capacity to exercise the judicial power of the United States of America demanded by 28 U.S.C. § 2284 tribunal that was incorrectly or improperly constituted is inherently unable to adjudicate or issue binding orders, as its existence and authority are strictly defined and limited by the governing statute. See *United States v. Will*, 449 U.S. 200, 221–222 (1980) (emphasizing that judges have no inherent power to expand or modify their own jurisdictional authorities beyond congressional limits). Therefore, all orders issued subsequent to the unauthorized replacement of its judicial members in conflict with 28 U.S.C. § 2284(3) are void ab initio and must be vacated in their entirety, as they represent the acts of a body acting outside its lawful jurisdiction.

This Honorable Court should strike Chief District Judge Clark Judge Reassignment Order as illegal,

including Chief District Judge Clark removal of District Judge Bluestone as "District Judge" of the underlying Complaint and strike ALL orders issued by District Judge Ross due to the unlawfulness of Chief District Judge Clark Judge Reassignment Order.

III. Over a 30-day continuous period during the pendency of the underlying Complaint, District Judge Ross violated 28 U.S.C. § 2284(b)(1) in the underlying Complaint evidenced by District Judge Ross taking judicial notice on September 4, 2026, that the underlying Complaint sought relief pursuant to 28 U.S.C. § 2284(a) to seek the Court to declare the 2022 Missouri Congressional District Map was unconstitutionally appropriated or reappropriated in a manner that violates the Fourteenth and Fifteenth Amendments of the United States Constitution and summarily refused upon multiple independent requests and demands by Petitioner Berry to forward the underlying Complaint to the Chief Judge of the Eighth Circuit in the manner required by 28 U.S.C. § 2284(b)(1).

At no temporal period during the underlying Complaint has District Judge Ross forwarded the underlying Complaint to the Chief Judge of the Eighth Circuit in the manner required by 28 U.S.C. § 2284(b)(1), despite District Judge Ross being familiar with both Petitioner Berry and three-judge appointment process when District Judge Ross, as noted by District Chief Judge Reassignment Order, served as the District Judge when Petition Berry challenged use of the 2011 Missouri Congressional

District Map to conduct the 2022 Missouri congressional election due to the 2011 Missouri Congressional District Map not being enacted by Missouri utilizing the most recent 2020 United States Census Bureau decennial canvas results certified to the Missouri Governor, which was ultimately dismissed without prejudice by such underlying parties upon the enactment of the 2022 Missouri Congressional District Map by the Missouri General Assembly, where the forwarding of such underlying complaint was also refused by District Judge Ross for a significant temporal period over the objections of Petitioner Berry in violation of 28 U.S.C. § 2284(b)(1), as presented by the District Court record of Berry v. Ashcroft (see Chief District Judge Clark Judge Reassignment Order) and under the exact same Federal law analysis stated below.

District Judge Ross intentionally violated, or alternatively failed to comply with, the Federal judicial statutory procedures required by 28 U.S.C. § 2284(b)(1) in the underlying Complaint. The District

Court record clearly provides that, within approximately thirty-seven (37) minutes after Chief District Judge Clark reassigned the Complaint to District Judge Ross, District Judge Ross issued an order to show cause and expressly acknowledged that the Complaint sought to declare the 2022 Missouri Congressional District Map unconstitutional. Petitioner alleges that District Judge Ross nevertheless did not immediately transmit the Complaint to the Chief Judge of the Eighth Circuit for designation of a three-judge court and instead restricted further relief pending Petitioner's Berry response to District Judge Ross Show Cause Order.

Petitioner Berry squarely addressed District Judge Ross Show Cause Order by his Response to Order to Show Cause on Labor Day 2026 (09/07/2026), which states by its summary:

> "Order to Show Cause Response Summary This Court commands Plaintiff Berry to show cause in the underlying matter, as follows:
>
> > "IT IS HEREBY ORDERED that Plaintiff Paul Berry III must show cause in writing no later than 12:00 p.m. CT on September 7, 2026 as to why his requests to convene a three-judge panel and obtain the equitable relief he seeks should not be denied in light of the procedural impossibility of complying with 28 U.S.C. § 2284(b)(2)."

This Court sua sponte by its Show Cause Order issued less than three (3) hours after the underlying Complaint was filed before the Court seeks to litigate against the Plaintiff Berry a summary dismissal of the Complaint by means of a show cause action initiated by the Court under the Court's statutory duties pursuant to 28 U.S.C. § 2284(b)(1), which provides the district judge may review the Complaint's request to convene a three-judge court limited to ensuring the "constitutional insubstantiality" of the Complaint pursuant to 28 U.S.C. § 2284(b)(1).

Plaintiff Berry takes notice that a similar current court case filed on the exact same day as the Complaint addressing the identical Missouri congressional map and election deadlines in question was not levied a show cause order against

such Federal court congressional litigants in the Eastern District of Missouri Federal Court.

Plaintiff charges the Court is both without legal authority or jurisdiction to issue any summary judgment against the Complaint as a single-judge court because any action or final judgment by such a single-judge District Court is required to be reviewable by the three-judge District Court demanded by Plaintiff Berry and the Complaint as a matter of statutory right.

The Court's judgment that injunctive relief is either untimely or impossible prior to actually reviewing any such injunctive action seeking equitable relief is premature by the Court. Further, the relief that may be provided by the Complaint survives in a different form in the event Plaintiff Berry's congressional map judicial review is not applicable to the 2026 Missouri General election.

The Court's instant Show Cause Order specifically prohibits Plaintiff Berry from seeking relief before the Court challenging the Chief District Judge's removal of the original District Judge over the underlying congressional map Complaint and the appointment of Judge Ross as the District Judge, judicial requisition in the underlying matter due to Judge Ross's beyond familiarity with the litigant and based upon clear statutory judicial procedural grounds, transfer of the underlying matter to the United States Supreme Court by this Court, request for discovery, hearing and pleading orders, request for a summons issued in the underlying matter to the State of Missouri and any other

judicial relief conceivable to the Plaintiff in the underlying matter, without just cause or reason.

Plaintiff Berry objects here on the record of the Complaint to any requirement by the Court to respond to the instant Show Cause Order, however both the timing and the aforementioned nature of the Court's Show Cause Order does establish a procedural impossibility related to Plaintiff Berry seeking judicial review from the United States Supreme Court of this Show Cause Order prior to this Response being due to the Court at 12:00 pm on Labor Day.

Nevertheless, Plaintiff Berry responds to the instant Show Cause Order under protest regarding the Court's lack of statutory and jurisdictional authority as a single-judge District Court to engage either Plaintiff Berry or the Complaint in the manner the Court's Show Cause Order provides for.

Plaintiff Berry demands the Court immediately discharge the instant Show Cause Order and appoint a three-judge court in the manner statutes required by 28 U.S.C. § 2284, authorized by Section Five of the Fourteenth Amendment of the United States Constitution and the Elections Clause."

Under 28 U.S.C. § 2284(b)(1), once a qualifying "action" requires a three-judge court, the chief judge of the circuit designates the two additional judges; under § 2284(b)(3), the single judge may conduct preliminary proceedings and enter orders otherwise generally permitted by the Federal Rules of Civil Procedure, but may not conduct the final hearing or

enter the final injunction. The Supreme Court has emphasized that a single judge may not decide the merits of a qualifying injunction action by dismissing the case or withholding the requested relief. *Stratton v. St. Louis Southwestern Ry. Co.*, 282 U.S. 10, 14–16 (1930).

Similarly, where the Complaint presents a substantial constitutional question, formally seeks equitable relief, and otherwise falls within the statute, "it [is] impermissible for a single judge to decide the merits of the case, either by granting or by withholding relief." *Idlewild Bon Voyage Liquor Corp. v. Epstein*, 370 U.S. 713, 715–17 (1962). The preliminary inquiry is limited to whether the constitutional question is substantial, whether equitable relief is formally alleged, and whether the action otherwise satisfies the three-judge statute. *Ex parte Poresky*, 290 U.S. 30, 31–32 (1933).

Plaintiff Berry further responded to District Judge Ross Show Cause Order by his Response to Order to Show Cause, as follows:

> "The Court charges that the relief requested by the Complaint may not be granted to Plaintiff Berry due to an alleged procedural impossibility pursuant to [28] U.S.C. § 2284(b)(2). Plaintiff Berry retorts that the District Court's duties to review the Complaint for notification to the Chief District Judge does not extend to adjudicating the Complaint by de facto summary judgment proceeding sua sponte by the Court by use of a show cause order under the wrong standard of review. Plaintiff Berry first responds to the Court that as suggested by the exact same United States District Court case cited by the Court as cause for

the the Court to deny Plaintiff Berry the appointment of a three-judge panel to pursuant to the five-day rule pursuant to 28 U.S.C. § 2284(b)(2), USA v. Texas District Court Case actually declares the United States Supreme Court standard to dissolve a three-judge panel, which is the exact same standard the Court is required to abide by to overrule Plaintiff Berry's three-judge panel demand, and requires the underlying Complaint to be deemed as "insubstantial" by the Court to deny notice of Chief District Judge of Plaintiff Berry's three-judge court demand provided by the Complaint. As explained by USA v. Texas District Court Case, the term "insubstantiality" when the Court analyzes the Complaint to determine whether the empanelment of a three-judge court is required pursuant to by [2]28 U.S.C. § 2284(b)(1) has been directly defined by the

United Supreme Court in *Goosby v. Osser* (citation below), which was actually referenced and quoted by USA v. Texas District Court Case, and states as follows: "In the context of one of the recently repealed general three-judge court statutes, the Supreme Court has defined insubstantiality as follows: Title 28 U.S.C. § 2281 does not require the convening of a three-judge court when the constitutional attack upon the state statutes is insubstantial. "Constitutional insubstantiality" for this purpose has been equated with such concepts as "essentially fictitious," *Bailey v. Patterson*, 369 U.S. 31, at 33, 82 S.Ct. 549, 7 L.Ed.2d 512; "wholly insubstantial," *id.*; "obviously frivolous," *Hannis Distilling Co. v. Baltimore*, 216 U.S. 285, 288, 30 S.Ct. 326, 54

L.Ed. 482 (1910); and "obviously without merit," Ex Parte Poresky, 290 U.S. 30, 32, 54 S.Ct. 3, 78 L.Ed. 152 (1933). The limiting words "wholly" and "obviously" have cogent legal significance. In the context of the effect of prior decisions upon the substantiality of constitutional claims, those words import that claims are constitutionally insubstantial only if the prior decisions inescapably render the claims frivolous; previous decisions that merely render claims of doubtful or questionable merit do not render them insubstantial for the purposes of 28 U.S.C. § 2281. 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." (Emphasis added) *Goosby v. Osser*, 409 U.S. 512, 518, 93 S.Ct. 854, 858, 35 L.Ed.2d 36 (1973)." In order for the Court to issue Plaintiff Berry its instant Show Cause Order, the Court is required to allege conduct within the four walls of the Complaint that indicates the Complaint is "essentially fictitious," *Bailey v. Patterson*, 369 U.S. 31, at 33, 82 S.Ct. 549, 7 L.Ed.2d 512; "wholly insubstantial," *id.*; "obviously frivolous," *Hannis Distilling Co. v. Baltimore*, 216 U.S. 285, 288, 30 S.Ct. 326, 54 L.Ed. 482 (1910); and "obviously without merit," Ex Parte Poresky, 290 U.S. 30, 32, 54 S.Ct. 3, 78 L.Ed. 152 (1933), to which, the instant Show Cause Order alleges ZERO conduct of the Complaint that is in the same universe as the above-mentioned terms. In fact, the Court does not acknowledge by its Show Cause Order that USA v. Texas District Court Case actually

DID NOT result in the dissolution of the three-judge court, even when such district court highly suspected such underlying complaint was outright prohibited by judicial doctrines could not sustain summary judgment, which states: "Although defendants may ultimately be entitled to partial summary judgment on the Twenty Sixth Amendment claim, the Court in determining substantiality may not go beyond the face of the pleadings, Ex Parte Poresky, 290 U.S. 30, 32, 54 S.Ct. 3, 78 L.Ed. 152 (1933), nor may the Court avail itself of summary judgment procedure. See Dale v.

Hahn, 440 F.2d 633, 639, n. 11 (2d Cir. 1971)." (underlined added) Plaintiff Berry can not respond to the Court's sua sponte proposition that the Complaint is deemed "insubstantial" by the Court without the Court first alleging or identifying any specific conduct of the Complaint that constitutes "essentially fictitious" or "obviously frivolous", and if such exists, Plaintiff Berry is prepared to "stand tall" before the Court and address any "insubstantial" charge purported by the Court to be alleged by Plaintiff Berry's Complaint. No single-judge court may avail themselves with the summary judgment process sua sponte to determine Plaintiff Berry's complaint on the merits without the empanelment and decision from the three-judge court convened pursuant to [2]28 U.S.C. § 2284(b)(1), and as such, the Court should immediately discharge the instant Show Cause Order in violation of the statutory authority and judicial jurisdiction established pursuant [2]U.S.C. § 2284(b)(1)." (bold text inserted to provide clarity to the Court of the

> applicable statute due a clerical error] Petitioner Berry has zero qualms with complying with the limited Federal statutory duty of District Judge Ross to take notice that the Complaint requested relief relevant to the three-judge Federal statutory judicial procedure in question, which in the instant, District Judge Ross within thirty-seven (37) minutes of the Order from District Court Chief Judge Clark reassigning the Complaint to District Judge Ross, including the District Court's drafting and digital entry time, District Judge Ross diligently reviewed a 55-page verified fact intensive multi- jurisdictional constitutional argument, took judicial notice of the United States Supreme Court docket and by his own Order to Show Cause filed 41 minutes after being reassigned as District Judge of the Complaint and at 5:14 pm on September 4, 2026, acknowledged the underlying Complaint sought to declare the 2022 Missouri Congressional District Map as unconstitutional pursuant to the United States Constitution and such relief was demanded by the Complaint pursuant to 28 U.S.C. § 2284(a) .

"Point, Set, Match"; the underlying District Court record by District Judge Ross Show Cause Order clearly provides that District Judge Ross maintained the quid scientia at 5:14 pm on September 4, 2026, to forward the underlying Complaint to the Chief Judge of the Eighth Circuit, which should have occurred at the same time as when the Show Cause Order was issued by District Judge Ross at the same time and date and has not happened over the last 24 calendar days in the underlying Complaint, and District Judge Ross was required again on a separate legal theory to

forward the underlying Complaint to the Chief Judge of the Eighth Circuit upon the District Court immediately upon District Judge Ross denying Petitioner Berry's Motion for Temporary Restraining Order Motion for Expedited Trial Setting, and after the denial of other Petitioner Berry motions denied by District Judge Ross by his Global Dismissal Order.

IV. In the underlying Complaint, District Judge Ross violated 28 U.S.C. § 2284(b)(3) evidenced by District Judge Ross on September 25, 2026, denying a temporary restraining order filed by Petitioner Berry attached to Counts IV thru VII of the underlying Complaint, which seek a three-judge district court to adjudicate Counts IV thru VII of the underlying Complaint pursuant to 28 U.S.C. § 2284(a), and subsequently denying Petitioner Berry's Motion for Reconsideration by Three-Judge Court on September 28, 2026, in violation of 28 U.S.C. § 2284(b)(3).

Provided that the Court agrees that the Complaint may be filed by Petitioner Berry and shall be heard by the District Court each pursuant to 28 U.S.C. § 2284(a), then Petitioner Berry's temporary restraining order denied by District Judge Ross Global Dismissal Order is entitled to review by a three-judge district court empaneled pursuant to 28 U.S.C. § 2284(a). On September 25, 2026, the exact same day that the District Judge Ross Global Dismissal Order was issued without prior announcement by the Court, Petitioner Berry filed his Motion for Review of One-Judge Decision pursuant to 28 U.S.C. § 2284, which states: "HERE COMES, Plaintiff Paul Berry III

> with his MOTION FOR REVIEW OF ONE-JUDGE DECISION seeking three- judge court review of the Order issued by United States District Judge John A. Ross Order issued on September 25, 2026, states as follows: On September 25, 2026, United States District Judge John A. Ross Order issued an Order that essentially extinguishes the injunctive relief requested by the Complaint. 28 U.S.C. § 2284 expressly provides for de novo review of any action of a one-judge United States District Court, such as, United States District Judge John A. Ross Order issued on September 25, 2026. Not only is United States District Judge John A. Ross Order an "action" as defined by 28 U.S.C. § 2284, the Order is a final judicial decision of the emergency injunctive and declaratory relief requested by Counts IV the VII of the Complaint, and injunctive and trail relief thereafter. Plaintiff Berry demands the Court immediately refer this MOTION FOR REVIEW OF ONE-JUDGE DECISION to a three-judge United States District Court in the underlying matter to review the "action" produced from the Court's various Orders issued on September 25, 2026."

On September 28, 2026, District Judge Ross issued District Judge Ross Review Denial Order, which states:

> "This matter is before the Court on Plaintiff's motion for review (Doc. 42) and motion for reconsideration (Doc. 43) challenging the Court's denial of emergency relief. Upon review of the motions, the Court finds no basis to grant the Plaintiff requests, particularly in light of the

> Eighth Circuit's judgment denying Plaintiff's writ petition in this case and the United States Supreme Court's per curiam decision in *People Not Politicians, et al. v. Robert Onder, et al.*, No 26A388, 609 U.S. --- (2026)." (underlined added)

First, District Judge Ross District Review Denial Order stating "the Court finds no basis to grant the Plaintiff requests, particularly in light of the Eighth Circuit's judgment denying Plaintiff's writ petition in this case" as cause to deny Motion for Review of One-Judge Decision Pursuant to 28 U.S.C. § 2284, which is antithetical to the whole concept of Federal writ relief in the United States of America.

District Judge Ross's reliance on the Eighth Circuit's denial of Motion for Review of One-Judge Decision Pursuant to 28 U.S.C. § 2284 does not, without examining the grounds of that denial, charges that Berry was ineligible for review by a three-judge district court. Mandamus is an extraordinary remedy subject to requirements distinct from those governing the underlying statutory entitlement, including the absence of another adequate remedy and a clear and indisputable right to issuance of the writ. *Cheney v. United States District Court*, 542 U.S. 367, 380–81 (2004); *Kerr v. United States District Court*, 426 U.S. 394, 402–03 (1976). Consequently, a denial based on those extraordinary-writ requirements does not necessarily resolve whether Counts VI and VII of the Complaint require a three-judge court under 28 U.S.C. § 2284(a).

Petitioner Berry submits that, unless the Eighth Circuit actually decided that statutory question in a manner binding on the District Court, its denial cannot substitute for the separate determination

required by § 2284. District Judge Ross Review Denial Order's reliance on the Eighth Circuit's denial without opinion therefore must be evaluated against the Eighth Circuit's actual holding, rather than treated as automatically dispositive of Petitioner Berry's Motion for Review of One-Judge Decision Pursuant to 28 U.S.C. § 2284.

Assuming this Court finds Counts VI and VII of the Complaint present a substantial, otherwise jurisdictionally proper constitutional challenge to the apportionment of Missouri's congressional districts, § 2284(a) requires a three-judge district court rather than leaving its convening to a single judge's discretion.

In *Shapiro v. McManus*, 577 U.S. 39, 43–46 (2015), the Supreme Court held that a single judge cannot evade that requirement merely by concluding that the complaint fails to state a claim; the exception for constitutional insubstantiality concerns claims that are wholly insubstantial and frivolous. See also *Goosby v. Osser*, 409 U.S. 512, 518 (1973).

Petitioner Berry accordingly submits that the anticipated difficulty of obtaining election-related relief does not, by itself, establish that his constitutional claims fall outside § 2284. When District Judge Ross Global Dismissal Order resolved the merits of qualifying claims, rather than identifying a legally sufficient threshold ground for declining to convene the statutory court, District Judge Ross Global Dismissal Order exceeded the single judge's authority under § 2284(b)(3).

Petitioner Berry's objection should distinguish the single judge's authority over a temporary restraining

order from the statute's express limitations on adjudicating preliminary injunctions, permanent injunctions, and the merits. Section 2284(b)(3) permits specified temporary-restraint proceedings before a single judge, but states that a single judge shall not "hear and determine any application for a preliminary or permanent injunction" or "enter judgment on the merits." The denial of a temporary restraining order, standing alone, therefore does not establish the asserted statutory violation.

Rather, Petitioner Berry submits that District Judge Ross Review Denial Order, as described, went further by finally extinguishing the injunctive claims and dismissing matters reserved to the three-judge court. The Supreme Court has emphasized both the mandatory allocation of responsibility under the current statute and the limits on a single judge's disposition of matters requiring three judges. *Shapiro*, 577 U.S. at 43–46; *Stratton v. St. Louis Southwestern Railway Co.*, 282 U.S. 10, 15–18 (1930). Accordingly, District Judge Ross Global Dismissal Orders substantive effect— not merely its characterization as a denial of emergency relief— should control the examination of whether the single judge exceeded his statutory authority.

Once the prerequisites for a three-judge court are established, § 2284(b)(3) expressly provides that "[a]ny action of a single judge may be reviewed by the full court at any time before final judgment." Petitioner Berry's Motion for Review of One-Judge Decision invoked that statutory mechanism, and further submits that a single judge's subsequent reconsideration ruling was not a substitute for consideration by the properly constituted court. See

Shapiro, 577 U.S. at 43–44; *Stratton*, 282 U.S. at 15–18.

Although the statute does not expressly characterize every such review as "de novo," its text supplies a basis for requesting full-court review of the single judge's action. Moreover, to the extent the separately cited Supreme Court disposition addressed election timing rather than the necessity of a three-judge tribunal, that distinction remains material: election-related equitable concerns may affect available relief without independently resolving the statutory allocation of adjudicatory authority. See *Purcell v. Gonzalez*, 549 U.S. 1, 4–5 (2006) (per curiam). Petitioner Berry therefore requests that any disposition entered beyond the single judge's authority be vacated and that qualifying claims and requests for review be submitted to a three-judge district court, without prejudging whether that court should ultimately grant emergency relief.

As far as District Judge Ross Review Denial Order stating "the United States Supreme Court's per curiam decision in People Not Politicians, et al. v. Robert Onder" as cause to deny Petitioner Berry motion to review District Judge Ross Global Dismissal Order simply lacks competent foundation, because People Not Politicians (a) was chiefly decided on the Eighth Circuit's unanimous affirmation of the District Court's granted temporary restraining order on a novel theory that Amendment One Section Two of the United States Constitution was applicable to the relief requested by such plaintiffs, which was rejected by this Court, (b) foreclosed in a customary manner further orders from the Eighth Circuit in conflict with this Court, specifically and directed to *Onder v.*

Hoskins and the Eighth Circuit's consideration of such Federal complaint, (c) the relevant and unique facts and applicable law applicable in *Onder v. Hoskins* and People Not Politicians provide different relevant and unique facts, which were never considered by this Court and (d) People Not Politicians does not expressly foreclose his Court from issuing an order permitting the Eighth Circuit from ordering the 2022 Missouri Congressional District Map for use during the 2026 Missouri General congressional election, which quite bluntly has absolutely nothing whatsoever to do with Petitioner Berry's Federal statutory right for a three-judge district court to review each and every decision by District Judge Ross related to the underlying Complaint, including three-judge district court review of District Judge Ross Show Cause Order, District Judge Ross Abeyance Order and District Judge Ross District Judge Ross Global Dismissal Order, to which, this Court should demand that District Judge Ross shall upon Plaintiff Berry's proper motion refer any action committed By District Judge Ross on Counts IV thru VII of the underlying Complaint for reconsideration and adjudication by an empaneled three-judge District court pursuant to 28 U.S.C. § 2284(b)(3).

V. In the underlying Complaint, District Judge Ross violation of 28 U.S.C. § 2284(b)(3) and the District Court initial refusing to transmit Plaintiff Berry's Notice of Appeal to the United States Supreme Court and the Eighth Circuit issuing its mandate to District Judge Ross four (4) court hours before the 2026 Missouri General congressional election in a manner that has caused the outright denial of Petitioner Berry's Federal statutory right

pursuant to 28 U.S.C. § 1253 for a nondiscretionary direct appeal of District Judge Ross Global Dismissal Order to United States Supreme Court issued to District Judge Ross at a temporal period by the Eighth Circuit in violation of Fed. R. Civ. P. 6.

Regarding the underlying Complaint, Petitioner Berry seeks to file before the United States Supreme Court pursuant to 28 U.S.C. § 1253, a direct appeal of District Judge Ross Global Dismissal Order issued on September 25, 2026. As further explained to this Court, the District Court and Eighth Circuit clearly refused to even entertain or otherwise permit any appellate activity by Petitioner that would lead to meaningful review by this Honorable Court prior to November 3, 2026.

Generally, final decisions at the District Court level when prosecuted pursuant to 28 U.S.C. § 2284(a) provides for a direct appeal to the United States Supreme Court pursuant to 28 U.S.C. § 1253, which states: "Except as otherwise provided by law, any party may appeal to the Supreme Court from an order granting or denying, after notice and hearing, an interlocutory or permanent injunction in any civil action, suit or proceeding required by any Act of Congress to be heard and determined by a district court of three judges", which has been in continuous effect since the year 1948.

In regards to Petitioner Berry's aforementioned direct appeal rights before the Court, the further aftermath from District Judge Ross obstructing the appointment of a three-judge district court pursuant to 28 U.S.C. § 2284(a) requires the Court to consider whether Petitioner Berry maintains a direct appeal

right regarding the single-judge denial by District Judge Ros of Plaintiff Berry September 17 TRO Application or Plaintiff Berry September 23 TRO Application to the United States Supreme Court pursuant to 28 U.S.C. § 1253, BECAUSE THE DISTRICT COURT REFUSES TO ACCEPT PETITIONER BERRY'S NOTICE OF APPEAL AS AN APPEAL TO THIS HONORABLE COURT AND SUA SPONTE HAS INSTEAD OPENED AN APPEAL WITH THE EIGHTH CIRCUIT COURT OF APPEALS THAT IN NO WAY, SHAPE OR FORM WAS AUTHORIZED OR EVEN REQUESTED IN ANY FORM BY ANY PETITIONER BERRY PLEADING OR IN ANY MANNER OTHERWISE, WHICH FURTHER STIFLES THE UNDERLYING INSTANT RELIEF REQUESTED BY PETITIONER BERRY IN A TIMELY MANNER.

On September 25, 2026, the exact same day that the District Judge Ross Global Dismissal Order was issued without prior announcement by the Court, Petitioner Berry filed his Notice of Appeal pursuant to 28 U.S.C. § 1253, which states:

> "HERE COMES, Plaintiff Paul Berry III with his NOTICE OF APPEAL from the Order issued by United States Circuit Court Senior District Judge John A. Ross on September 25, 2026, which effectively extinguishes the injunctive and declaratory relief requested by Counts IV and VII of the underlying Complaint. Plaintiff Paul Berry III deems the Order issued by United States Circuit Court Senior District Judge John A. Ross on September 25, 2026, as a final order, and such order is being immediately appealed to the United

State Supreme Court for appellate review pursuant to 28 U.S.C. § 1253."

On September 25, 2026, Petitioner Berry filed his Waiver of Transcript Pursuant to FRAP 10(b)(1), which states:

"HERE COMES, Plaintiff Paul Berry III with his WAIVER OF TRANSCRIPT PURSUANT TO FRAP 10(b)(1) attached to Plaintiff Berry's NOTICE OF APPEAL filed before the Court, states as follows: Plaintiff Berry certifies that there will be no request for any court transcript attached to Plaintiff Berry's NOTICE OF APPEAL because the underlying Court has not engaged in any activity before the Court where a court transcript was created by the Court.

As of September 25, 2026, Plaintiff Berry contends that all court filings before District Judge Ross required for Petitioner Berry to file before this Court pursuant to 28 U.S.C. § 1253 a direct appeal of District Judge Ross Global Dismissal Order before the United States Supreme Court was satisfied before District Judge Ross by Plaintiff Berry.

On September 28, 2026, District Judge Ross issued District Judge Ross Review Denial Order, which states:

"This matter is before the Court on Plaintiff's motion for review (Doc. 42) and motion for reconsideration (Doc. 43) challenging the Court's denial of emergency relief. Upon review of the motions, the Court finds no basis to grant the Plaintiff requests, particularly in light of the Eighth Circuit's judgment denying Plaintiff's writ petition in this case and the United States

> Supreme Court's per curiam decision in *People Not Politicians, et al. v. Robert Onder, et al.*, No 26A388, 609 U.S. --- (2026)." (underlined added)

As provided by Petitioner Berry's Motion for Review of One-Judge Decision pursuant to 28 U.S.C. § 2284 filed before District Judge Ross, there is no ambiguity in what Petitioner Berry was appealing, who Petitioner Berry was appealing to, and as such, District Judge Ross was placed on notice and well-aware of where to transmit the underlying District Court record of the Complaint to and under what Federal statutory authority such transmission of the underlying District Court record of the Complaint shall be performed under and as required by United States Supreme Court Rule 18.1 and 18.7, which each states in relevant part:

> Rule 18.1: "When a direct appeal from a decision of a United States district court is authorized by law, the appeal is commenced by filing a notice of appeal with the clerk of the district court within the time provided by law after entry of the judgment sought to be reviewed." Rule 18.7: "The clerk of the district court shall retain possession of the record until notified by the Clerk of this Court to certify and transmit it."

As relates to the collection of the filing fees related to appeals before the United States Supreme Court, the District Court retains zero responsibility whatsoever to collect any filing fees related to Plaintiff Berry's direct appeal of District Judge Ross Global Dismissal Order before the Court pursuant to Rule 38(a) of this Court, which states:

Under 28 U. S. C. §1911 , the fees charged by the Clerk are:

"(a) for docketing a case on a petition for a writ of certiorari or on appeal or for docketing any other proceeding, except a certified question or a motion to docket and dismiss an appeal under Rule 18.5 , $300;

(b) for filing a petition for rehearing or a motion for leave to file a petition for rehearing, $200;

(c) for reproducing and certifying any record or paper, $1 per page; and for comparing with the original thereof any photographic reproduction of any record or paper, when furnished by the person requesting its certification, $.50 per page;

(d) for a certificate bearing the seal of the Court, $10; and (e) for a check paid to the Court, Clerk, or Marshal that is returned for lack of funds, $35."

Further, at no time before any Federal or state court has Petitioner Berry ever failed to pay a filing fee or plead under in forma pauperis status, thus District Judge Ross current legal malfeasance creates an United States District Court and Eighth Circuit court record suggesting otherwise.

Practically the entire responsibility of the District Court after Petitioner Berry's Notice of Appeal (in the manner as actually filed before the District Court) was filed before District Judge Ross on September 25, 2026, is provided by Supreme Court Rule 18.1 and 18.11, which states as follows:

"Rule 18.1: When a direct appeal from a decision of a United States district court is authorized by law, the appeal is commenced by filing a notice of

> appeal with the clerk of the district court within the time provided by law after entry of the judgment sought to be reviewed. The time to file may not be extended. The notice of appeal shall specify the parties taking the appeal, designate the judgment, or part thereof, appealed from and the date of its entry, and specify the statute or statutes under which the appeal is taken. A copy of the notice of appeal shall be served on all parties to the proceeding as required by Rule 29 , and proof of service shall be filed in the district court together with the notice of appeal." "Rule 18.11: 11. The clerk of the district court shall retain possession of the record until notified by the Clerk of this Court to certify and transmit it. See Rule 12.7."

There are instances where the Court during a string of cases during the 1970s which declared that certain actions by a single-judge court are not reviewable by direct appeal to this Court, such as, when a plaintiff lacks standing to proceed in the underlying complaint (see *MTM*, Inc. v. Baxley, 420 U.S. 799 (1975)), when no injunctive relief was requested or filed before the district court (see *Mitchell v. Donovan*, 398 U.S. 427 (1970)), or when the plaintiff took no practical steps to obtain preliminary or permanent judicial relief (see *Goldstein v. Cox*, 396 U.S. 471 (1970)), which is not the instant case before Court.

As stated by this Court in *Goldstein v. Cox*:

> "This Court has more than once stated that its jurisdiction under the Three-Judge Court Act is to be narrowly construed since "any loose construction of the requirements of [the Act]

> would defeat the purposes of Congress . . . to keep within narrow confines our appellate docket." *Phillips v. United States*, *supra*, at 250. See Stainback v. Mo Hock Ke Lok Po, 336 U. S. 368, 375 (1949); Moore v. Fidelity & Deposit *Co.*, 272 U. S. 317, 321 (1926). That canon of construction must be applied with redoubled vigor when the action sought to be reviewed here is an interlocutory order of a trial court. In the absence of clear and explicit authorization by Congress, piecemeal appellate review is not favored, Switzerland Assn. v. Horne's Market, *supra*, at 24, and this Court above all others must limit its review of interlocutory orders. Hamilton Shoe Co. v. Wolf Brothers, 240 U. S. 251, 258 (1916). In light of these factors, and the history of the statute as set out above, we cannot but conclude that our jurisdiction over interlocutory orders under § 1253 is confined to orders granting or denying a preliminary injunction." (underline added)

To affirm the Court's jurisdiction to consider a direct appeal of District Judge Ross Global Dismissal Order, the Court must first consider whether Plaintiff Berry September 17 TRO Application and/or Plaintiff Berry September 17 TRO Application is deemed a preliminary injunction for the purpose of adjudicating the underlying Complaint.

Although the denial of a temporary restraining order (TRO) is generally not an immediately appealable order because it lacks the finality required by 28 U.S.C. § 1291, Federal courts recognize a critical exception when the practical effect of the denial is the same as the denial of a preliminary injunction. Under the doctrine often referred to as "tantamount to a

denial of a preliminary injunction," appellate courts exercise jurisdiction when the denial of the TRO effectively decides the merits of the case or threatens the movant with "irretrievable" or "irreparable" harm before a full hearing on a preliminary injunction can be held. This functional approach ensures that appellate review is not frustrated by mere procedural labels where substantial rights are at stake.

The leading precedent establishing this principle is *United States v. Wood*, 295 F.2d 772 (5th Cir. 1961), which held that a TRO denial is appealable when the requested relief is effectively extinguished, specifically in cases involving threatened irreparable harm that renders later litigation as futile. This reasoning was affirmed in *Sampson v. Murray*, 415 U.S. 61 (1974), where the Supreme Court acknowledged that while TROs are generally not appealable, a denial may become appealable if it effectively disposes of the underlying claim or inflicts irretrievable injury, such as the termination of employment or irreparable damage to constitutional rights before a preliminary injunction hearing can occur. Courts rely on this "functional finality" to avoid allowing a procedural shield to insulate from review an order that terminates the substance of the requested relief.

Further refining this exception, *Virginia v. Tenneco*, Inc., 538 F.2d 1026 (4th Cir. 1976), held that an order effectively denying the requested ultimate relief is appealable, emphasizing that the court must look beyond the label of "TRO" to the order's actual effect. Similarly, in *Dilworth v. Riner*, 343 F.2d 226 (5th Cir. 1965), the court exercised jurisdiction over a TRO denial, reasoning that the refusal to grant the

order effectively decided the merits of the movant's claim because the underlying event sought to be enjoined would inevitably occur before any further proceedings. *Peterson v. United States*, 466 F.2d 1335 (8th Cir. 1972), expanded this by confirming that appellate review is appropriate when the TRO denial is, in practical terms, a final adjudication on the merits of the injunctive relief requested, precluding any meaningful later challenge.

The exception remains narrow, yet consistently applied in cases where time-sensitive rights are at risk. In *Ahrens v. Thomas*, 570 F.2d 286 (8th Cir. 1978), the court reiterated that a TRO denial is appealable if it effectively kills the plaintiff's action by allowing the threatened harm to be realized immediately. *Spurrell v. Bloch*, 701 F.2d 27 (2d Cir. 1983), further held that an order refusing to restrain an action is appealable if it makes a determination on the merits that leaves no further meaningful relief possible. Finally, *Levesque v. Maine*, 587 F.2d 78 (1st Cir. 1978), confirmed that when the denial of a TRO completely forecloses the underlying relief, treating the order as the denial of a preliminary injunction is necessary to avoid manifest injustice, ensuring that district court procedural choices do not bar timely appellate oversight of irreparable, impending harm.

Petitioner Berry states that District Judge Ross Global Dismissal Order is subject to appellate review by this Court because its operative effect, rather than its caption or label, determines whether it functions as an injunction. While most temporary restraining orders are not immediately appealable, 28 U.S.C. § 1292(a)(1) authorizes interlocutory appeals from

orders "granting, continuing, modifying, refusing or dissolving injunctions."

Under the governing standard, when a TRO is extended beyond the statutory limits of Federal Rule of Civil Procedure 65(b), or when it effectively resolves the merits of the requested injunctive relief, the order may be treated as the functional equivalent of a preliminary injunction. Petitioner Berry therefore asks the Court to examine the order's practical effect and duration rather than rely solely on its designation as a TRO.

The Supreme Court has recognized that an order may be appealable under § 1292(a)(1) when it has the practical effect of granting or denying injunctive relief and carries serious, perhaps irreparable, consequences. *Carson v. American Brands*, Inc., 450 U.S. 79, 83–84 (1981), explains that appellate jurisdiction may exist where an order has the practical effect of refusing an injunction and presents serious consequences that cannot be effectively remedied by a later appeal. *Sampson v. Murray*, 415 U.S. 61, 86–92 (1974), likewise addresses the relationship between temporary injunctive relief and irreparable injury.

The Supreme Court has repeatedly instructed courts to consider the substance and practical operation of a judicial directive. In *Gardner v. Westinghouse Broadcasting Co.*, 437 U.S. 478, 480–81 (1978), the Court considered whether an order had the practical effect of granting or denying injunctive relief. In *Stringfellow v. Concerned Neighbors in Action*, 480 U.S. 370, 377–78 (1987), the Court emphasized the importance of examining the actual consequences of an order in determining appellate

jurisdiction. Similarly, *Local No. 93,* International Association of Firefighters v. City of Cleveland, 478 U.S. 501, 529–30 (1986), confirms that the legal effect of a court's directive cannot be determined merely by its form or title. Applying those principles here, Petitioner Berry respectfully submits that the challenged order must be evaluated according to what it does, how long it operates, and whether it effectively determines the requested injunctive relief.

The statutory analysis is particularly compelling where the order causes harm that cannot be cured through ordinary appellate review after final judgment. If the order is indefinite, repeatedly extended, or functionally disposes of the requested equitable relief, postponing review may deprive Petitioner Berry of any meaningful opportunity to obtain relief. Section 1292(a)(1) exists to permit immediate review of injunction-related orders in circumstances where delay would defeat the purpose of appellate protection.

On the afternoon of September 28, 2026, as Petitioner Berry was preparing his appeal to be filed before this Court, and on such date, Petitioner Berry received notice by email an Order from the Eighth Circuit Court Clerk, which states as follows:

> "CLERK ORDER: The $605 appellate filing and docketing fee has not been paid and is due. Appellant is directed to either pay the fee in the district court or file a motion for leave to proceed in forma pauperis in the district court within 21 days of the date of this order. If appellant does not pay the fee or move for IFP status by 10/19/2026, a show cause order will be entered directing the appellant to show cause why this appeal should

not be dismissed for failure to prosecute. [5688363] [26-2948] (CJO)"

Plaintiff Berry's Notice of Appeal does not mention the Eighth Circuit in any way, shape or form, and exclusively states that Petitioner Berry sought to file the appeal in question before the United States Supreme Court. Plaintiff Berry spoke with intake and supervisory court clerks of the District Court and Eighth Circuit, which each telling Plaintiff Berry, inter alia, to speak with the other court regarding the instant underlying issue.

On October 1, 2026, Petitioner Berry filed his Motion to Show Cause seeking the Eighth Circuit Court of Appeals to require District Judge Ross to show cause as to why there was an appeal in the name of Petitioner Berry, which has not been ruled upon by the Eighth Circuit and Petitioner Berry's Emergency Motion Regarding Notice of Appeal was filed before the District Court minutes later, which states:

"The Eighth Circuit Court of Appeals Chief Clerk sent Plaintiff Berry an email requesting Plaintiff Berry pay a $600 filing fee to the Court regarding an appeal Plaintiff Berry purportedly [misspelling due to pace of drafting] filed before the Eighth Circuit Court of Appeals by application to this Court, which states: "CLERK ORDER: The $605 appellate filing and docketing fee has not been paid and is due. Appellant is directed to either pay the fee in the district court or file a motion for leave to proceed in forma pauperis in the district court within 21 days of the date of this order. If appellant does not pay the fee or move for IFP status by 10/19/2026, a show cause order will be entered directing the appellant to show cause why

this appeal should not be dismissed for failure to prosecute. [5688363] [26-2948] (CJO)" (bold added)

The underlying salient issue is Plaintiff Berry has NEVER filed before the United States District Court of Eastern Missouri any appeal addressed to the Eighth Circuit Court of Appeals in the underlying Complaint, however Plaintiff Berry's Notice of Appeal filed before the Court on September 25, 2026, states as follows:

> "HERE COMES, Plaintiff Paul Berry III with his NOTICE OF APPEAL from the Order issued by United States Circuit Court Senior District Judge John A. Ross on September 25, 2026, which effectively extinguishes the injunctive and declaratory relief requested by Counts IV and VII of the underlying Complaint. Plaintiff Paul Berry III deems the Order issued by United States Circuit Court Senior District Judge John A. Ross on September 25, 2026, as a final order, and such order is being immediately appealed to the United State Supreme Court for appellate review pursuant to 28 U.S.C. § 1253."

As provided above, Plaintiff Berry clearly directs his Notice of Appeal to the United States Supreme Court and not to the Eighth Circuit Court of Appeals, and Plaintiff Berry charges that the United States District Court of Eastern Missouri purposefully ignored Plaintiff Berry's clear and concise language provided by his Notice of Appeal, which was intended by the same to frustrate or outright deny Plaintiff Berry's timely appeal before the United States Supreme Court related to the underlying Complaint.

Regardless of the characteristics of the underlying Complaint or any opinion of District Judge Ross to the contrary, the United States District Court of Eastern Missouri has ZERO administrative or judicial authority to take any action reserved exclusively to the United States Supreme Court, including determining the jurisdiction of the United States Supreme Court to consider its own jurisdiction to adjudicate Plaintiff Berry's appeal regarding the underlying Complaint.

Further, the administrative authority of the the United States District Court of Eastern Missouri to transmit Plaintiff Berry's Notice of Appeal to the United States Supreme Court is ministerial in nature and now causes serious procedural frustration for Plaintiff Berry to seek appellate judicial review of District Court Ross judicial decision sought appealed in the manner lawfully requested and demanded by Plaintiff Berry's underlying Notice to Appeal directed to the United States Supreme Court, and Plaintiff Berry's constitutional rights regarding the same.

At the end of the day on October 1, 2026, the Court issued an order responding to Plaintiff Berry's Emergency Motion Regarding Notice of Appeal, as follows:

> "By its plain language, § 1253 does not apply to this case in its current posture. While the Court denied Plaintiff's motion for temporary restraining order and related emergency motions based on Purcell principles underscored in People Not Politicians, interlocutory or permanent injunctive relief has been neither granted nor denied. The statute does not authorize much less require the Court to refer this case directly to the

> Supreme Court at this time. The Court continues to believe that People Not Politicians prohibits any attempt by this Court to convene a three-judge panel prior to the November election. The Court will reach the merits of the complaint in due course."

NO! District Judge Ross has ZERO judicial authority to get in between Petitioner Berry and the United States Supreme Court deciding whether this Court maintains jurisdiction over the appeal related to the underlying Complaint, and if such is found by this Court as lawful, such a determination would literally rattle and reshape American jurisprudence in the United States of America.

Snuck into the instant Order from District Ross, which states: "Later that day, Plaintiff filed motions for reconsideration and review in this Court (Doc. 42, 43) as well as a notice of appeal, which was referred to the Eighth Circuit in the ordinary course." NO! The ordinary course is for District Judge Ross to follow is United Supreme Court Rule 18.1 and not adjudicate the underlying Complaint pursuant to the "Berry Rules" (see below).

On October 5, 2026, the Eighth Circuit issued its Order stating its judicial panel has "meticulously reviewed" the underlying notice of appeal and subsequently ordered District Judge Ross and the District Court to transmit Petitioner Berry's notice of appeal in question to the United States Supreme Court, yet unlawfully withheld its mandate until November 2, 2026, which is literally the eve of the 2026 Missouri General congressional election, and as such, any transmission of Petitioner Berry's notice of appeal in question to the United States Supreme

Court without District Judge Ross recalling his Order on October 1, 2026, denying Petitioner Berry's motion related to his Notice of Appeal and the Eighth Circuit refusing to issue its mandate in question until November 2, 2026, effectively killed Petitioner Berry's opportunity to appeal the underlying matter directly to the United States Supreme Court.

Accordingly, Petitioner Berry respectfully requests that District Court Judge Ross recognize that District Judge Ross Global Dismissal Order's operative effect— not its characterization as a temporary order— controls the jurisdictional analysis. Under Carson, Sampson, Gardner, Stringfellow, and *Local No. 93*, the order may properly be treated as the functional equivalent of a preliminary injunction.

Alternatively, if the order is not reviewable under § 1292(a)(1), Petitioner Berry submits that the collateral-order doctrine provides a separate and narrow basis for immediate appellate review. Under *Cohen v. Beneficial Industrial Loan Corp.*, 337 U.S. 541, 546–47 (1949), an order qualifies only if it conclusively determines the disputed question, resolves an important issue completely separate from the merits, and is effectively unreviewable on appeal from a final judgment. The Supreme Court has reaffirmed that demanding standard in *Digital Equipment Corp. v. Desktop Direct*, Inc., 511 U.S. 863, 867–68 (1994), and *Will v. Hallock*, 546 U.S. 345, 349–50 (2006).

Petitioner Berry recognizes that the doctrine is exceptional and does not apply merely because an interlocutory order is important; rather, immediate review is appropriate only when the claimed right would be lost if review were postponed. The

limitations imposed by *Swint v. Chambers County Commission*, 514 U.S. 35, 42–51 (1995), and *Mohawk Industries*, Inc. v. Carpenter, 558 U.S. 100, 106–14 (2009), further confirm that collateral-order review must remain narrow and carefully confined. Petitioner Berry does not seek piecemeal appellate review merely for convenience. Petitioner Berry seeks review because the challenged order allegedly conclusively determines immediate rights, operates independently from the ultimate merits, and creates consequences that may not be effectively remedied after final judgment.

For the aforementioned reasons, Petitioner Berry respectfully requests that District Court Judge Ross apply the functional-equivalence test under 28 U.S.C. § 1292(a)(1), or, in the alternative, recognize the limited applicability of the collateral-order doctrine, so that the appellate court may determine whether immediate review is necessary to prevent manifest injustice while preserving the general rule against piecemeal litigation.

VI. Petitioner Berry seeks the Court to review and overturn District Judge Ross Global Dismissal Order in its entirety by direct appeal pursuant to 28 U.S.C. § 1253 or by the instant Writ Application pursuant to the All Writs Act.

First and as the Court is keenly aware, any temporary restraining order is generally not appealable to the Eighth Circuit Court of Appeals or this Court. District Judge Ross Global Dismissal Order is appealable if, despite its label, it had the practical effect of denying a preliminary injunction. Under 28 U.S.C. § 1292(a)(1), an order is immediately appealable when it effectively grants or denies

injunctive relief, threatens serious or irreparable consequences, and can be effectively challenged only through immediate review. *Carson v. American Brands*, Inc., 450 U.S. 79, 83–84 (1981). A genuinely short-term order preserving the status quo ordinarily is not appealable. *Sampson v. Murray*, 415 U.S. 61, 86–88 (1974).

In the instant, District Judge Ross Global Dismissal Order's effect— not its title— controls: if it foreclosed meaningful preliminary relief before the challenged election, it should be treated as an appealable denial of an injunction. The practical consequences of postponing review further support immediate consideration. An interlocutory appeal is warranted where waiting for final judgment would make the asserted right difficult or impossible to vindicate. *Carson*, 450 U.S. at 84; *Abbott Laboratories v. Gardner*, 387 U.S. 136, 149 (1967). The election calendar is material because relief issued after the election may not remedy the alleged injury for that election cycle. This is not a claim that every denial of emergency relief is appealable; it is that an order effectively disposing of the request for timely injunctive relief may satisfy § 1292(a)(1)'s requirements. See *Gulfstream Aerospace Corp. v. Mayacamas Corp.*, 485 U.S. 271, 276–78 (1988).

District Judge Ross Global Dismissal Order should also be assessed under the governing preliminary-injunction standard. A party seeking such relief must establish a likelihood of success on the merits, likely irreparable harm absent relief, that the balance of equities favors an injunction, and that an injunction serves the public interest. *Winter v. Natural Resources Defense Council*, Inc., 555 U.S. 7, 20 (2008). A

constitutional claim does not automatically establish irreparable harm; the asserted injury must be sufficiently concrete and likely. *Clapper v. Amnesty International USA*, 568 U.S. 398, 414 n.5 (2013). Where the record shows that the challenged election rules will govern before final judgment, however, the resulting loss of an effective opportunity for relief is relevant to the irreparable-harm and equitable-balance inquiries.

The election context of the relief requested by the Complaint requires attention both to the right asserted and to the consequences of judicial intervention. The Court has cautioned against late changes to election rules that risk voter confusion and disruption. *Purcell v. Gonzalez*, 549 U.S. 1, 4–5 (2006) (per curiam). It has also recognized the fundamental importance of the right to vote. *Reynolds v. Sims*, 377 U.S. 533, 554–55 (1964). Those principles call for a record-based assessment of the requested relief, its timing, and its practical effects— not categorical acceptance or rejection merely because an election is near. The denial is erroneous if it fails to weigh the specific injury alleged against the concrete administrative and public interests implicated by the requested injunction.

Accordingly, where the TRO ruling effectively denied preliminary injunctive relief, threatened consequences that could not be remedied after final judgment, and rested on an erroneous application of the governing equitable standard, immediate review is appropriate. The order should be reviewed for abuse of discretion, with correction of any legal error in the application of that standard. *Mazurek v. Armstrong*, 520 U.S. 968, 972 (1997) (per curiam). This argument

concerns only the appealability and propriety of the denial of temporary preliminary relief; it does not resolve the merits of the underlying claims or establish entitlement to any particular election remedy.

The Court's review will find that Plaintiff Berry's TRO Application in question is deemed a preliminary injunction denial by District Judge Ross for the purposes of the instant Writ Application.

A district court's grant or denial of a preliminary injunction is reviewed for abuse of discretion; its underlying legal conclusions are reviewed de novo, and its factual findings for clear error. *Winter v. Natural Resources Defense Council*, Inc., 555 U.S. 7, 20 (2008); *Mazurek v. Armstrong*, 520 U.S. 968, 972 (1997) (per curiam); *United States v. Microsoft Corp.*, 253 F.3d 34, (D.C. Cir. 2001) (en banc). An abuse of discretion occurs when District Judge Ross applies an incorrect legal rule, relies on clearly erroneous factual findings, or reaches a decision outside the range of permissible choices.

In regards to Plaintiff Berry September 21 TRO Application and for the reasons stated by the instant Writ Application, the conduct of District Judge Ross provides the "Encyclopedia Britannica" textbook definition of abuse of discretion that could be committed by any United States District Court Judge.

As far as District Judge Ross adjudication of Plaintiff Berry September 21 TRO Application, such TRO Application speaks for itself and not only did Plaintiff Berry September 21 TRO Application meet all the requirements for District Judge Ross to grant the same, the facts provided and attached to the

verified TRO Application were legally sufficient to require Defendants to respond to Plaintiff Berry's TRO Application in question and for District Judge Ross to grant Plaintiff Berry's instant TRO Application, such TRO Application was legally sufficient to establish the facts and law necessary for District Judge Ross to grant a final determination upon the same Plaintiff Berry TRO Application under the permanent injunction standards provided by this Court, and as such, this Court should overturn the denial of emergency relief requested by Plaintiff Berry September 21 TRO Application from the District Court and summarily denied by District Judge Ross for unlawful and unconstitutional reasons.

VII. The unlawful conduct of District Judge Ross and Chief District Judge Clark utilizing their purported administrative and judicial authority under the underlying Complaint purposefully and substantially violated Petitioner Berry and all Missourians' Federal statutory rights and rights guaranteed by the United States Constitution, and committed seditious conspiracy in violation of 18 U.S.C. § 2384.

The actions charged by Petitioner Berry against District Judge John A. Ross and Chief District Judge Stephen A. Clark alleged under oath and penalty of Federal perjury strongly suggest a coordinated effort by Chief District Judge Stephen A. Clark and that potentially exceeds the scope of lawful judicial administration and may be framed as a conspiracy to obstruct the execution of noticed Federal law against Petitioner Berry's constitutional rights, both by and under Federal administrative and judicial authority

under the direct supervision of this Honorable and righteous Court.

Under 18 U.S.C. § 2384, a seditious conspiracy involves two or more persons conspiring to prevent, hinder, or delay the execution of any law of the United States. While Federal judges possess broad authority to manage court dockets and almost impenetrable judicial immunity, this power is not absolute and cannot be utilized as a mechanism to systematically dismantle Petitioner Berry's statutory or constitutional rights or to interfere with the enforcement of known and well-established Federal congressional election mandates and rights, a principle reinforced in *United States v. O'Brien*, 391 U.S. 367 (1968), where the Court held: "When the reach of the statute is constitutional, the question of whether it is being applied to speech or conduct is irrelevant." The concerted, rapid-fire nature of the judicial actions taken against Petitioner Berry, particularly concerning the reassignment of the case and the subsequent summary dismissal without the required three-judge panel, raises significant questions regarding the intent behind these procedural maneuvers, which must be scrutinized under the standards established in *United States v. Williams*, 504 U.S. 36 (1992), where the Court affirmed: "The grand jury is an 'inquest of the public, which is a constitutional institution' that 'performs its investigative function... independently of the judicial branch.'"

The alleged conspiracy in question rests upon the premise of an agreement between these actors to achieve an unlawful end, namely the prevention of judicial review of the Missouri congressional maps,

which Berry Petitioner contends violate Federal requirements. Conspiracy does not require the actors to have explicit meetings; it can be inferred from the concerted actions taken in furtherance of a common unlawful goal, as detailed in *Pinkerton v. United States*, 328 U.S. 640 (1946), which stated: "A conspiracy may be shown by circumstantial evidence." The record shows a suspicious alignment in timing between Chief District Judge Clark's reReassignment Order and District Judge Ross's subsequent judicial actions, coupled with the simultaneous service of each to Petitioner Berry by email, providing a basis for an inference of concerted effort rather than independent judicial decision- making, a standard for conspiracy analysis addressed in *United States v. Falcone*, 311 U.S. 205 (1940), in which the Court explained: "The gist of the offense of conspiracy is agreement, but the given facts show no more than that the alleged conspirators were engaged in a common enterprise."

By allegedly obstructing the empanelment of a three-judge court required under 28 U.S.C. § 2284, the Respondents effectively hindered the execution of 2 U.S.C. § 2a(c)(5), a federal statute mandating at- large elections when a state has failed to redistrict constitutionally. Federal courts have a duty to enforce such statutory mandates, particularly those regulating the time, place, and manner of federal elections, as emphasized in *Branch v. Smith*, 538 U.S. 254 (2003), where the Court noted: "Section 2284(a) 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.'" This pattern of action, if proven, suggests a deliberate attempt to delay or prevent the application of Federal election law, which

falls within the prohibition against hindering the execution of Federal laws, a concept articulated in the context of Federal rights enforcement in *United States v. Guest*, 383 U.S. 745 (1966) which held: "The principle is settled that the power of Congress to protect the right to vote is plenary."

Chief District Judge Clark's reassignment of the case appears to deviate from the statutory requirements governing three-judge court proceedings, which vest designation authority in the chief judge of the circuit, not the chief judge of the district court. As clarified in *Shapiro v. McManus*, 577 U.S. 39 (2015), the procedure for convening a three-judge court is not merely a docketing tool but a jurisdictional requirement, with the Court noting: "The three-judge court requirement is not a 'mere matter of procedure' but 'is a jurisdictional rule.'" Unilateral interference with this statutory composition, as alleged in the record, represents a departure from congressional mandates, rendering such actions invalid and susceptible to challenges on the basis that they lack legal authority, a doctrine solidified in *Nguyen v. United States*, 539 U.S. 69 (2003), where the Court held: "The presence of a judge without authority is a 'fundamental defect' and 'a departure from the statutory requirement.'"

District Judge Ross's subsequent actions, including the 37-minute review period before issuing a show cause order on the 55-page Complaint, could be interpreted as a failure to perform judicial duties with the requisite diligence, further hindering the litigant's access to the mandated three-judge panel. This summary action by a single judge in a matter demanding a three-judge district court is restricted by

the precedents set in *Idlewild Bon Voyage Liquor Corp. v. Epstein*, 370 U.S. 713 (1962), which held: "The requirement of a three-judge court is 'a jurisdictional rule that must be followed by the court below'." By bypassing these limitations, the court acts outside its jurisdiction, a violation of the procedural safeguards designed to ensure the proper adjudication of substantial constitutional claims.

These procedural hurdles appear to infringe upon the Due Process Clause of the Fourteenth Amendment, which mandates that the government provide notice and a meaningful opportunity to be heard. The balancing test for procedural due process, weighing the private interest against the risk of erroneous deprivation, was established in *Mathews v. Eldridge*, 424 U.S. 319 (1976), where the Court held: "The fundamental requirement of due process is the opportunity to be heard at a meaningful time and in a meaningful manner." Furthermore, the necessity of this opportunity being at a meaningful time and in a meaningful manner was underscored in *Armstrong v. Manzo*, 380 U.S. 545 (1965), where the Court stated: "A fundamental requirement of due process is 'the opportunity to be heard.'"

Furthermore, Petitioner Berry alleges that the racial gerrymandering of congressional districts violates the Fifteenth Amendment, which prohibits the abridgment of the right to vote on account of race. The Supreme Court has repeatedly affirmed the necessity of ensuring that redistricting plans are free from such constitutional defects, as recently reiterated in *Reynolds v. Sims*, 377 U.S. 533 (1964), which held: "The core of our inquiry is whether the state's redistricting plan is a racial gerrymander that

violates the Fourteenth Amendment." The Respondents' actions, which allegedly preserved these maps, appear to circumvent this constitutional protection by blocking the very litigation designed to challenge them, a direct contradiction of the principles protecting voting integrity established in supreme.justia.com, which declared: "The right to vote is 'a fundamental political right, because it is preservative of all rights.'"

The exercise of judicial power, even by senior judges, is strictly circumscribed by congressional and constitutional constraints, and any act in excess of this power is inherently void, as described in *United States v. Will*, 449 U.S. 200 (1980), which noted: "The 'judicial power' granted by Article III of the Constitution can be exercised only by those who are judges." When judicial actors collaborate to circumvent these constraints to achieve a specific, unauthorized result, it raises the issue of whether such actions constitute an abuse of judicial office. The exercise of judicial power must be consistent with the authority granted by Congress, as reiterated in *Northern Pipeline Constr. Co. v. Marathon Pipe Line Co.*, 458 U.S. 50 (1982), which stated: "The Framers intended that the judicial power of the United States be exercised by courts established under Article III."

Petitioner Berry also claims a violation of the Petition Clause of the First Amendment, which protects the right of the people to petition the government for a redress of grievances, including meaningful access to courts. Access to courts is a fundamental element of this right, as established in *California Motor Transp. Co. v. Trucking Unlimited*, 404 U.S. 508 (1972), which held: "The right of access

to the courts is indeed but one aspect of the right of petition." By systematically blocking the Petitioners from obtaining a hearing on their claims through unauthorized administrative actions, the Respondents allegedly hindered this protected right, an act that undermines the essential function of the judiciary as a forum for redress, as discussed in *United States v. Will*, 449 U.S. 200 (1980), which held: "The right to file a lawsuit and the right to petition the federal government are two sides of the same coin."

A state-created cause of action can constitute a protected property interest, and a court cannot arbitrarily destroy that interest through the misuse of its adjudicatory procedures, as warned in *Logan v. Zimmerman Brush Co.*, 455 U.S. 422 (1982), which held: "A state-created cause of action is a 'species of property' protected by the Due Process Clause."

Further, the act of the appointment of District Court Judges by Chief District Judge Clark and the forwarding of the Notice of Appeal by District Judge Ross and/or by any clerk on behalf of the United States District Court of Eastern Missouri is not deemed a quasi-judicial or judicial acts, are deemed as administrative acts, and as such, quasi-judicial or judicial immunity does not apply to unlawful conduct of the aforementioned Federal judicial confederates.

The aforementioned allegations warrant rigorous examination by this Court to ensure that judicial administration is not being weaponized to thwart Federal mandates, an imperative for judicial legitimacy even when elections are imminent or ongoing. Simply stated, if District Judge Ross and Chief District Judge Clark wrote a letter to this Honorable Court confessing to the aforementioned

conspiracy of seditious conspiracy pursuant to 18 U.S.C. § 2384 (which probably will never happen), the District Court record of the underlying Complaint does not provide evidence that would find any such confessional as meritless.

In conclusion, while seditious conspiracy is a grave and serious allegation, the Petitioner Berry's account presents a sequence of procedural obstructions that, taken together, suggest a pattern of conduct aimed at delaying or preventing the execution of Federal election law, although the underlying actions warrant superattending by this Honorable Court, and at their consideration and pleasure, investigation by the other two co-branches of our United States government, post haste.

VIII. The Federal statutory remedy to the 2022 Missouri Congressional District Map being unlawful by Federal statute and the United States Constitution is to require Missouri to conduct the 2026 Missouri General congressional election by at-large statewide vote.

Under 2 U.S.C. § 2a(c)(5), when a state has not been redistricted in the manner provided by law following an apportionment—and the number of districts in the state exceeds the number of representatives to which the state is entitled—the representatives "shall be elected from the State at large." 2 U.S.C. § 2a(c)(5).

Petitioner Berry argues that this statute is a self-executing, ministerial command. The facts indicate that Missouri is currently without a constitutional map and faces a time-sensitive crisis as the 2026

election approaches. Because the state has failed to enact a map that withstands constitutional scrutiny, the duty to conduct the election at-large is mandatory and requires no further legislative action by Missouri.

As provided by the District Court record, Petitioner Berry has requested in a timely manner that Missouri be ordered to conduct the 2026 Missouri General election by conducting an at-large congressional election.

Under 2 U.S.C. § 2a(c)(5), when a state has not been redistricted in the manner provided by law following an apportionment—and the number of districts in the state exceeds the number of representatives to which the state is entitled—the representatives "shall be elected from the State at large." 2 U.S.C. § 2a(c)(5).

Petitioner Berry argues that this statute is a self-executing, ministerial command. The facts indicate that Missouri is currently without a constitutional map and faces a time-sensitive crisis as the 2026 election approaches. Because the state has failed to enact a map that withstands constitutional scrutiny, the duty to conduct the election at-large is mandatory, requires no further legislative action by Missouri and as as any official state ministerial act, may be compelled by this Court when required by Federal statutory authority pursuant to 2 U.S.C. § 2a(c)(5).

The critical Federal statutory mechanism established by the United States Congress for resolving this impasse is 2 U.S.C. § 2a(c)(5). This statute is not discretionary; it is a self-executing, ministerial command. It expressly dictates that when a state has not been redistricted in the manner

provided by law following an apportionment, and the number of districts exceeds the number of representatives to which the state is entitled, the representatives "shall be elected from the State at large." *Id.* Missouri's failure to enact a map that withstands constitutional scrutiny invokes this provision automatically. Federal courts have consistently held that statutory commands, particularly those regulating the time, place, and manner of elections, must be strictly enforced to ensure the integrity of the federal franchise. See, e.g., *Branch v. Smith*, 538 U.S. 254 (2003).

Therefore, this Court is authorized—indeed, commanded—to compel Missouri's compliance with this Federal mandate to ensure Missouri's 2026 congressional election proceeds according to Federal congressional elections statutes.

The requested remedy—an at-large statewide election—is the precise remedy prescribed by 2 U.S.C. § 2a(c)(5) when a state fails to provide a constitutional district map. This Federal "deadman's switch" statutory remedy does not "violate" the Missouri Constitution; rather, it provides the necessary fallback mechanism when the state's legislative process has collapsed. The Supremacy Clause of the United States Constitution, Art. VI, cl. 2, ensures that where a state law or process conflicts with a valid federal mandate regarding congressional elections, the federal law controls.

There is no conflict here that would prevent this Court from enforcing 2 U.S.C. § 2a(c)(5 as an exercise of its authority to ensure a lawful United States congressional election pursuant to the Election Clause of the United States Constitution.

The requested remedy also does not interfere with the Missouri Supreme Court's decision regarding its determination of Missouri election law that permits Missouri statewide referendum votes regarding the enactment of United States congressional district maps by the Missouri General Assembly and ensures that the certified results of the 2026 Missouri General election results are not wholly tainted by Missouri utilizing an unconstitutionally racially-gerrymandered 2022 Missouri congressional map complained about by the undersigned United States congressional nominee from the First Congressional District of the State of Missouri.

Historically, Federal courts have been hesitant to engage in redistricting on the "eve of an election," *Purcell v. Gonzalez*, 549 U.S. 1 (2006). However, the Purcell principle is intended to prevent voter confusion, not to insulate unconstitutional maps from challenge. In the instant case, the "map" is not required for the relief requested—the at-large election—because 2 U.S.C. § 2a(c)(5) operates precisely when no valid map is in place. Thus, the Court is not being asked to draw new lines, which might be disruptive, but to enforce the federal fallback provision that eliminates the need for lines entirely for this election cycle. This approach fulfills the Purcell concern by providing a clear, uniform rule for the election while simultaneously remedying the constitutional injury.

The underlying relief requested from the District Court— a TRO Application against the continued use of these constitutionally infirm maps and a subsequent transition to an at-large election— is the only mechanism capable of halting the state's ongoing

disenfranchisement of its citizens. Because Missouri has failed to demonstrate compliance with constitutional requirements in its redistricting efforts, the application of 2 U.S.C. § 2a(c)(5) becomes necessary.

This Federal statute provides the mandatory fallback remedy when a state has not been redistricted in the manner required by law, dictating that representatives "shall be elected from the State at large." *Id.* The Supreme Court has underscored the importance of ensuring that redistricting plans are not only compliant with statutory requirements but are also free from constitutional defect, particularly those involving racial classification. See *Allen v. Milligan*, 599 U.S. 1, 41-42 (2023) (reaffirming the robust application of Section 2 of the VRA).

Petitioner Berry strongly contends that the emergency relief requested in the underlying litigation before the Court was timely, explained and absolutely correct, and as such, it will be up to the Court to course correct the aforementioned judicial malfeasance by ordering what District Judge Ross (and the Eighth Circuit) should have ordered; because Missouri does not have a constitutional election in place on the eve of the 2026 Missouri General congressional election that Missouri is required pursuant to 2 U.S.C. § 2a(c)(5), to conduct the 2026 Missouri General congressional election utilizing at-large statewide vote election procedures.

IX. Petitioner Berry submits to this Honorable Court that all other conditions for the Court to issue an order to show cause or grant this Writ

Application under the All Writs Act has been satisfied by Petitioner Berry.

The All Writs Act provides that Federal courts "may issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law." 28 U.S.C. § 1651(a). To obtain the extraordinary relief of mandamus, Petitioner Berry must satisfy three conditions, which includes (a) Petitioner Berry must have no other adequate means to attain the desired relief, (b) Petitioner Berry must demonstrate a "clear and indisputable" right to the writ and (c) the United States Supreme Court, in the exercise of its discretion, must be satisfied that the writ is appropriate under the circumstances (see *Cheney v. U.S. Dist. Court for D.C.*, 542 U.S. 367, 380-81 (2004)).

X. LEGAL STANDARD FOR ISSUANCE OF A WRIT OF MANDAMUS

The All Writs Act provides that Federal courts "may issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law." 28 U.S.C. § 1651(a). To obtain the extraordinary relief of mandamus, Petitioner Berry must satisfy three conditions, which includes (a) Petitioner Berry must have no other adequate means to attain the desired relief, (b) Petitioner Berry must demonstrate a "clear and indisputable" right to the writ and (c) the United States Supreme Court, in the exercise of its discretion, must be satisfied that the writ is appropriate under the circumstances (see *Cheney v. U.S. Dist. Court for D.C.*, 542 U.S. 367, 380-81 (2004)).

A. Petitioner Berry Has No Other Adequate Means to Attain the Desired Relief

The immediate relief sought is compliance with 28 U.S.C. § 2284: notification to the chief judge of the circuit, designation of the additional judges required by that statute, and consideration by the properly constituted court of matters reserved to it. Petitioner

Berry does not rely merely upon dissatisfaction with the denial of emergency relief. Petitioner Berry challenges the continued withholding of the statutory tribunal by District Judge Ross authorized to determine Petitioner Berry's qualifying Federal constitutional claims.

As described in the Verified Statement of the Case, Petitioner Berry requested a three-judge district court when he filed his Complaint on September 4, 2026, renewed that request in subsequent filings, and sought full-court review of the single judge's actions. Nevertheless, no three- judge court was convened. The District Court instead held emergency requests in abeyance, denied emergency relief, and subsequently stated in its October 1 order that it believed convening a three- judge panel before the November election was prohibited. Petitioner Berry submits that further requests to District Judge Ross clearly would not furnish an adequate remedy for that continuing refusal.

Petitioner Berry also sought extraordinary relief in the Eighth Circuit. Petitioner Berry's September 14 petition sought relief against the Missouri Secretary of State because District Judge Ross refused to take any affirmative action regarding the Complaint as of such a date; Petitioner Berry's subsequent petition

sought an order requiring District Judge Ross to initiate the three-judge-court procedure. The Eighth Circuit denied those petitions without opinion on September 15 and September 24, respectively. Those dispositions establish that Petitioner Berry sought relief before the Eighth Circuit, although the unexplained denials do not themselves establish either the merits of his statutory claim or the inadequacy of every remaining appellate remedy.

Petitioner Berry recognizes that mandamus may not substitute for an available and adequate appeal. The existence of the appeal docketed before the Eighth Circuit without Petitioner Berry's request or permission therefore requires consideration rather than disregard. Petitioner Berry's position is that the relevant inquiry concerns whether that proceeding can provide effective relief from the refusal to constitute the statutory court within the time remaining—not merely whether an appellate docket exists. Similarly, the possibility of expedited appellate consideration must be evaluated in determining whether another adequate remedy remains.

The Missouri General congressional election is now in the vote certification process, which should proceed, but no official results should be certified by the Missouri Secretary of State until this Court answers the questions that have been correctly, consistently and faithfully plead before all levels of the U.S. Federal Court system since (3) three court hours after Missouri reenacted an unconstitutionally racially gerrymandered congressional map one (1) month after Plaintiff Berry won his Primary congressional election upon a completely different congressional map.

Postponing proceedings until December would necessarily foreclose consideration of relief affecting that election before it occurs. Although later adjudication may remain available for prospective relief, it would not necessarily protect the particular electoral interests for which Petitioner sought timely consideration.

Petitioner accordingly submits that the combination of the District Court's express and intentional refusal to convene the statutory court before the election, the denial of his prior requests for extraordinary relief, and the impending loss of an opportunity for effective pre-enactment adjudication warrants immediate consideration under Cheney and Rule 20. The requested writ is directed to restoring the prescribed adjudicatory process, not securing a favorable merits determination through an alternative appellate route.

Relief that Petitioner Berry may be entitled to pursuant to the Federal Contested Election Act is unreviewable by this Court, thus should not be considered as a judicial avenue for the Petitioner to seek the requested relief prior to election certification or otherwise, nor should this Honorable Court leave the judicial superintending of its Eighth Circuit judges solely to the Federal statutory provisions afforded Petitioner Berry before the United States House of Representatives regarding the Federal statutory function district court judges serve to conduct hearings on congressional election complaints regarding congressional maps and designation of at-large congressional elections when self-enforcement of the same is not complied with by any state of the Union.

B. Petitioner Berry Has a Clear and Indisputable Right to the Relief Requested

Section 2284(a) provides that a three-judge district court "shall be convened" when an action challenges the constitutionality of the apportionment of congressional districts. Upon presentation of a request for three judges, the assigned judge must, unless determining that three judges are not required, "immediately notify the chief judge of the circuit," who designates two additional judges. 28 U.S.C. § 2284(b)(1).

In *Shapiro v. McManus*, 577 U.S. 39, 43–46 (2015), this Court explained that the statute does not permit a single judge to withhold a three-judge court merely because the judge considers the constitutional claim legally insufficient on the merits. The distinction is between a claim that may ultimately fail and one that is wholly insubstantial and frivolous. See also *Goosby v. Osser*, 409 U.S. 512, 518 (1973). A substantial constitutional challenge within the statute's scope, over which federal jurisdiction otherwise exists, must proceed before the court Congress prescribed.

Petitioner Berry's Complaint, as described in this Petition, challenges the constitutionality of Missouri's congressional district boundaries, including the alleged predominance of race in constructing the district in which Petitioner resides and votes. Those allegations concern the constitutional validity of congressional apportionment, rather than solely a statutory objection to election administration. Petitioner Berry submits that his residence in the challenged district and the allegations concerning its construction present a concrete constitutional controversy sufficient to invoke § 2284, without

requiring a determination at this stage that he will prevail.

The reasons attributed to the District Court—election timing, the notice requirements of § 2284(b)(2), and the perceived infeasibility of immediate equitable relief—do not, standing alone, establish that the constitutional claims are wholly insubstantial or that subject-matter jurisdiction is absent. The requirements governing notice of a hearing and the equitable considerations governing an injunction are distinct from the obligation to initiate the designation procedure. Petitioner Berry does not request exemption from applicable notice requirements; he requests that those requirements be administered by the tribunal designated by Congress.

Section 2284(b)(3) reinforces that allocation of authority. Although a single judge may conduct preliminary proceedings and exercise the temporary-restraint authority specified by the statute, the single judge may not determine an application for a preliminary or permanent injunction or enter judgment on the merits of claims requiring three judges. Consequently, denial of a temporary restraining order alone does not establish a violation.

The relevant questions are whether the District Court improperly withheld the required tribunal and whether its orders actually decided matters reserved to that tribunal. See *Shapiro*, 577 U.S. at 43–46; *Idlewild Bon Voyage Liquor Corp. v. Epstein*, 370 U.S. 713, 715–16 (1962).

The clear statutory right asserted here is therefore a right to the prescribed adjudicatory process—not an automatic right to an injunction, a particular district

judge, or statewide at-large elections. Whether 2 U.S.C. § 2a(c)(5) applies, whether any challenged map is unconstitutional, and whether election-related relief remains legally and practically available are separate questions. The Court can enforce § 2284 without resolving those questions in Petitioner's favor

C. The Writ Is Appropriate Under the Circumstances

The requested writ would enforce Congress's allocation of judicial responsibility while leaving the merits to the appropriate tribunal. Mandamus has historically been available to address a single judge's failure to follow the statutory procedure for matters requiring three judges. See *Stratton v. St. Louis Southwestern Railway Co.*, 282 U.S. 10, 15–18 (1930). Here, Petitioner invokes that corrective function to preserve meaningful adjudication and the potential appellate review contemplated by § 1253.

Petitioner acknowledges the substantial public interests implicated by litigation during an ongoing election. *Purcell v. Gonzalez*, 549 U.S. 1, 4–5 (2006) (per curiam), requires careful attention to voter confusion and disruption caused by late judicial intervention. Those concerns counsel for a narrowly framed writ. An order requiring compliance with § 2284 would not itself alter district boundaries, invalidate ballots, or require an at-large election. Any requested change to election administration would remain subject to the governing substantive and equitable standards.

The procedural relief sought also does not depend upon a finding of improper motive or criminal misconduct by any judicial officer. The relevant

inquiry is objective: whether the Complaint satisfies § 2284 and whether the District Court has withheld a tribunal that the statute requires. Resolving that question would permit this Court to address the alleged statutory violation without deciding collateral accusations concerning the reasons for the challenged orders.

Petitioner therefore requests a writ directing prompt compliance with § 2284(b)(1), together with vacatur only of those portions of the challenged orders that exceeded the single judge's statutory authority or improperly prevented constitution of the three-judge court. The properly constituted court could then consider any appropriate request for review under § 2284(b)(3) and determine what further proceedings or relief are warranted.

This limited disposition would preserve lawful preliminary case management, avoid prejudgment of the constitutional and remedial questions, and restore the process Congress required. Petitioner respectfully submits that, upon a showing that no other adequate remedy remains, these circumstances satisfy Cheney and Rule 20 and warrant issuance of the writ.

CONCLUSION

Our United States Congress has prescribed the tribunal authorized to adjudicate substantial constitutional challenges to the apportionment of congressional districts. When an action satisfies 28 U.S.C. § 2284, convening that tribunal is a statutory obligation, not a matter of judicial convenience. The distinction between entitlement to a three-judge court and entitlement to an injunction is decisive: a plaintiff may ultimately fail to establish a constitutional

violation or a right to immediate equitable relief without forfeiting the adjudicatory process Congress requires. *Shapiro v. McManus*, 577 U.S. 39, 43–46 (2015).

Petitioner Berry submits that his constitutional challenge to Missouri's congressional districts satisfies that threshold and at all times was made in a timely manner. As alleged in the Petition, Petitioner Berry resides and votes in the challenged First Congressional District, contests the asserted predominance of race in its construction, and expressly requested a three-judge district court when he commenced the underlying action. Petitioner Berry's immediate claim to relief therefore does not depend upon this Court first declaring Missouri's congressional maps unconstitutional. It rests upon the antecedent proposition that qualifying constitutional claims must be heard by the court Congress designated.

Petitioner Berry recognizes that mandamus is an extraordinary remedy, not a substitute for an available and adequate appeal. *Cheney v. United States District Court*, 542 U.S. 367, 380–81 (2004). He submits, however, that the circumstances described in this Petition warrant its exercise: repeated requests to initiate the statutory designation procedure; the denial of extraordinary relief in the court of appeals; the District Court's expressed position that a three-judge court should not be convened before the election; and the impending loss of an opportunity for meaningful consideration of election-specific relief.

The appeal docketed in the Eighth Circuit must be considered in assessing the adequacy of alternative remedies. Petitioner Berry's contention is that, under

the circumstances presented, that proceeding does not furnish an adequate means of obtaining the required tribunal in time for effective adjudication.

The requested writ is correspondingly narrow. This Court need not determine judicial motive, resolve allegations of misconduct, a duty maintained by our United States Congress, or decide the constitutionality of every challenged map to enforce § 2284. Nor must it conclude that every preliminary order entered by a single judge was unauthorized.

Section 2284(b)(3) permits specified single-judge proceedings while reserving other determinations to the full court. Relief should follow that statutory division: correct the refusal to initiate the required designation procedure, set aside dispositions exceeding the single judge's authority, and permit the properly constituted court to determine the remaining questions.

That approach also respects the interests identified in *Purcell v. Gonzalez*, 549 U.S. 1, 4–5 (2006) (per curiam). An order requiring compliance with § 2284 would not itself redraw congressional boundaries, invalidate a ballot, or direct a statewide at-large election. Those substantive remedies would remain subject to the governing jurisdictional, statutory, constitutional, and equitable requirements, including the interests of voters and the practical demands of administering an election already underway.

Petitioner Berry is entitled to the statutory relief under 2 U.S.C. § 2a(c)(5), but that remedial question should not obscure the narrower ground for intervention. Whether the provision's factual

predicates are established, how it operates alongside the single-member-district requirement of 2 U.S.C. § 2c, and what relief is permissible under *Branch v. Smith*, 538 U.S. 254 (2003), require distinct consideration. An entitlement to the statutory tribunal does not automatically establish an entitlement to statewide at-large elections. The Court can restore the prescribed adjudicatory process without prejudging that remedy.

Any agreeance between two or more persons in an administrative or judicial capacity who conspire to violate the laws of the United States of America or deprive the constitutional rights of any American is in criminal violation of the laws enacted by the United States of America, with the end result of Missouri conducting its 2026 Missouri General congressional election entirely under the wrong congressional election voter pool are each jointly and separately extraordinary circumstances as envisioned by the All Writs Act and actionable by this Honorable Court by the inherited powers of the Court.

Petitioner Berry presents a few considerations for this Honorable Court's ponder. Was Petitioner competent, diligent, and timely in asserting his Federal statutory and constitutional rights regarding the underlying relief? Did District Judge Ross and Chief District Judge Clark NOT follow Federal procedure, statute, or case law when adjudicating the instant Federal congressional election challenges and subsequent appeals? Did Missouri violate the Petitions Clause and procedural due process by statutorily permitting congressional maps where pre-enactment Federal judicial review is restricted to discretionary relief? Did the Eighth Circuit refuse to halt the unlawful actions of District Judge Ross and

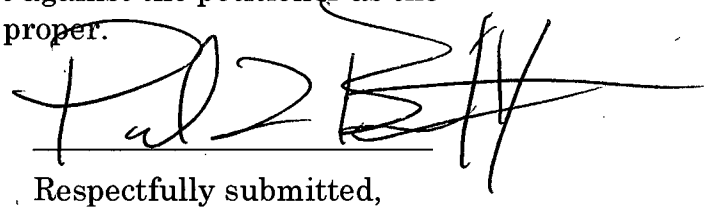
and emergency applications,

3. In the alternative, issue an order to show cause to Missouri as to why the writ should not issue and set the matter for expedited briefing and consideration;

4. In the alternative and pursuant to 28 U.S.C. § 2106, issue an order declaring the 2011, 2022 and 2025 Missouri Congressional District Maps as each unconstitutional for use during the 2026 Missouri General congressional election and order the State of Missouri to conduct a new 2026 Missouri General congressional election on Federal elections procedure pursuant to 2 U.S.C. § 2a(c)(5);

5. Grant such other and further relief as the Court deems just and proper, including any relief necessary to ensure that Missouri's 2026 general congressional election is conducted in conformity with the United States Constitution and 2 U.S.C. § 2a(c)(5); and

6. Issue an appropriate superintending order regarding the unlawful administrative, criminal and/or judicial conduct against the petitioner as the Court deems just and proper.



Respectfully submitted,

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