

24-109 LOUISIANA V. CALLAIS

DECISION BELOW: 732 F.Supp.3d 574

LOWER COURT CASE NUMBER: 3:24-cv-00122-DCJ-CES-RRS

QUESTION PRESENTED:

Over the State's strenuous objections, the Middle District of Louisiana held, *Robinson v. Ardoin*, 605 F. Supp. 3d 759 (M.D. La. 2022)-and the Fifth Circuit affirmed, *Robinson v. Ardoin*, 86 F.4th 574 (5th Cir. 2023)-that Louisiana likely violated Section 2 of the Voting Rights Act (VRA) by failing to create a second majority-Black congressional district. The Fifth Circuit gave the Legislature a small window of time to adopt its own remedial plan, or else the State would have to go to trial, which would almost certainly end in the Middle District imposing its own preferred map. Rather than acquiesce in the Middle District's preferences, the Legislature reclaimed its sovereign redistricting pen and passed S.B. 8, which created a second majority-Black district as the courts demanded, protected the Legislature's sovereign prerogatives, and achieved its political goals.

In this case, a majority of a three-judge court sitting in the Western District of Louisiana enjoined S.B. 8 as an unconstitutional racial gerrymander. The questions presented are:

1. Did the majority err in finding that race predominated in the Legislature's enactment of S.B. 8?
2. Did the majority err in finding that S.B. 8 fails strict scrutiny?
3. Did the majority err in subjecting S.B. 8 to the *Gingles* preconditions?
4. Is this action non-justiciable?

CONSOLIDATED FOR ONE HOUR ORAL ARGUMENT WITH 24-110.

JURISDICTION NOTED 11/4/2024