IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

WILLIAM C.	TOTH JR.,	et al.	•
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Plaintiffs,

v.

LEHIGH M. CHAPMAN, in her official capacity as Acting Secretary for the Commonwealth, *et al.*,

Civil No. 1:22-CV-00208

Defendants,

v.

CAROL ANN CARTER, et al.,

Intervenor-Defendants.

Designation on Application to Convene a Three-Judge District Court

Present: Michael Chagares, Chief Circuit Judge

Before the court is an application to convene a three-judge district court, which is opposed, in part.¹ Docs. 3, 36, 37-1, 47, 59, 61. Title 28, Section 2284 of the United States Code authorizes the convening of a three-judge district court "when an action is filed challenging the constitutionality of the apportionment of

¹ The defendants and intervenor-defendants do not oppose a three-judge district court as to Claim 3 of the plaintiffs' second amended complaint because they do not raise a jurisdictional challenge to that claim. They do, however, assert that the court should refrain from convening a three-judge district court prior to resolution of the jurisdictional motions to dismiss. *See* Docs. 58–61.

congressional districts." The second amended complaint challenges the

constitutionality of the apportionment of congressional districts in Pennsylvania.

Doc. 49. As such, pursuant to 28 U.S.C. § 2284(a), this action must be heard and

determined before a district court of three judges.

Accordingly, I hereby designate a Three-Judge District Court pursuant to 28

U.S.C. § 2284 as follows:

Kent A. Jordan, Circuit Judge

Patty Shwartz, Circuit Judge

Jennifer P. Wilson, District Judge

to hear and determine this cause in accordance with the law. Judge Jordan shall

preside.

The Clerk of Court of the District Court shall process this order forthwith.

s/Michael Chagares

Chief Judge, United States Court of Appeals for the Third Circuit

Dated: March 3, 2022

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