

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

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|                                    |   |                             |
|------------------------------------|---|-----------------------------|
| TERRY PETTEWAY, <i>et al.</i> ,    | § |                             |
|                                    | § |                             |
| <i>Plaintiffs,</i>                 | § |                             |
|                                    | § |                             |
| v.                                 | § |                             |
|                                    | § | Civil Action No. 3:22-cv-57 |
| GALVESTON COUNTY, TEXAS, <i>et</i> | § |                             |
| <i>al.</i> ,                       | § |                             |
|                                    | § |                             |
| <i>Defendants.</i>                 | § |                             |

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|                                    |   |                             |
|------------------------------------|---|-----------------------------|
| UNITED STATES OF AMERICA,          | § |                             |
|                                    | § |                             |
| <i>Plaintiff,</i>                  | § |                             |
|                                    | § |                             |
| v.                                 | § |                             |
|                                    | § | Civil Action No. 3:22-cv-93 |
| GALVESTON COUNTY, TEXAS, <i>et</i> | § |                             |
| <i>al.</i> ,                       | § |                             |
|                                    | § |                             |
| <i>Defendants.</i>                 | § |                             |

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|---|---|------------------------------|
| DICKINSON BAY AREA BRANCH<br>NAACP, <i>et al.</i> , | § |                              |
|   | § |                              |
| <i>Plaintiffs,</i>                                  | § |                              |
|   | § |                              |
| v.  | § |                              |
|   | § | Civil Action No. 3:22-cv-117 |
|   | § |                              |
| GALVESTON COUNTY, TEXAS, <i>et</i>                  | § |                              |
| <i>al.</i> ,  | § |                              |
|   | § |                              |
| <i>Defendants.</i>                                  | § |                              |

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**JOINT PLAINTIFFS' EMERGENCY MOTION FOR REMEDIAL ORDER**

Today, the Fifth Circuit entered the attached order clarifying that the administrative stay of this Court's injunction terminated on November 28, 2023. No other stay has been granted or requested. Accordingly, this Court's injunction barring Defendants from using the invalidated map

is in effect, and any action by the Defendants to move forward with an election under the enjoined map would be contrary to the Court's injunction.

In light of the forthcoming December 11 candidate filing deadline, all Plaintiffs respectfully request that the Court enter an order to clarify its prior remedial orders. The Court's order denying the County's motion for a stay provided that the Commissioners Court could adopt a proposed remedial plan or, in the alternative, choose between the Fairfax plan or Map 1. Given the date, Plaintiffs respectfully request that the Court enter an order clarifying that Map 1 will be the remedial plan absent further action by the County described below. The County conceded at trial that Map 1 contains compact precincts, was not drawn on the basis of race, and is lawful. Plaintiffs propose the Court nevertheless provide that the Commissioners Court may adopt and file an alternative remedial proposal by 5 p.m. on Tuesday, December 5. If it does so, Plaintiffs propose to be provided until 5 p.m. on Wednesday, December 6 to file any objections to that proposed plan.

Respectfully submitted this 30th day of November, 2023.

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**CERTIFICATE OF SERVICE**

I certify that on November 30, 2023, the foregoing document was filed electronically and served on all parties of record via CM/ECF.

/s/Chad W. Dunn  
Chad W. Dunn

**United States Court of Appeals**

FIFTH CIRCUIT  
OFFICE OF THE CLERK

LYLE W. CAYCE  
CLERK

TEL. 504-310-7700  
600 S. MAESTRI PLACE,  
Suite 115  
NEW ORLEANS, LA 70130

November 30, 2023

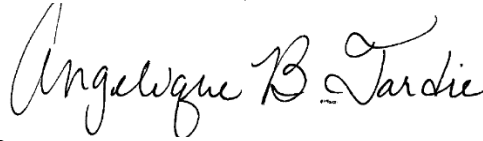
MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW:

No. 23-40582      Petteway v. Galveston County  
USDC No. 3:22-CV-57  
USDC No. 3:22-CV-93  
USDC No. 3:22-CV-117

Enclosed is an order entered in this case.

Sincerely,

LYLE W. CAYCE, Clerk



By: \_\_\_\_\_  
Angelique B. Tardie, Deputy Clerk  
504-310-7715

Mr. Nathan Ochsner  
Mr. Neil G. Baron  
Ms. Pooja Chaudhuri  
Ms. Sarah Xiyi Chen  
Ms. Alexandra Copper  
Mr. Matthew Nicholas Drecun  
Mr. Chad Wilson Dunn  
Mr. Jordan Raschke Elton  
Mr. Mark P. Gaber  
Mr. Bruce I. Gear  
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Ms. Simone Tyler Leeper  
Mr. Richard Mancino  
Ms. Mimi Murray Digby Marziani  
Mr. Hani Mirza  
Mr. Aaron E Nathan  
Mr. Joseph M. Nixon  
Mr. T. Russell Nobile  
Ms. Angela K. Olalde  
Ms. Bernadette Reyes  
Ms. Valencia Richardson  
Mr. Nicolas Riley  
Mr. Joseph R. Russo Jr.  
Mr. Nickolas A. Spencer  
Ms. Adrienne Spoto

# United States Court of Appeals for the Fifth Circuit

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No. 23-40582

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HONORABLE TERRY PETTEWAY; HONORABLE DERRICK ROSE;  
HONORABLE PENNY POPE,

*Plaintiffs—Appellees,*

*versus*

GALVESTON COUNTY, TEXAS; MARK HENRY, *in his official capacity  
as Galveston County Judge*; DWIGHT D. SULLIVAN, *in his official capacity  
as Galveston County Clerk,*

*Defendants—Appellants,*

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UNITED STATES OF AMERICA,

*Plaintiff—Appellee,*

*versus*

GALVESTON COUNTY, TEXAS; GALVESTON COUNTY  
COMMISSIONERS COURT; MARK HENRY, *in his official capacity as  
Galveston County Judge,*

*Defendants—Appellants,*

---

DICKINSON BAY AREA BRANCH NAACP; GALVESTON BRANCH

No. 23-40582

NAACP; MAINLAND BRANCH NAACP; GALVESTON LULAC  
COUNCIL 151; EDNA COURVILLE; JOE A. COMPIAN; LEON  
PHILLIPS,

*Plaintiffs—Appellees,*

*versus*

GALVESTON COUNTY, TEXAS; MARK HENRY, *in his official capacity  
as Galveston County Judge*; DWIGHT D. SULLIVAN, *in his official capacity  
as Galveston County Clerk,*

*Defendants—Appellants.*

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. 3:22-CV-57  
USDC No. 3:22-CV-93  
USDC No. 3:22-CV-117

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ORDER:

An administrative stay was entered in this appeal, and after the panel issued its decision, a subsequent order was entered that provided “IT IS ORDERED that the administrative stay is extended pending en banc poll.” The administrative stay imposed terminated when the court granted rehearing en banc.

/s/ Priscilla Richman  
PRISCILLA RICHMAN  
*United States Circuit Judge*