

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Richmond Division

IVAN E. RAIKLIN,

Plaintiff,

v.

Civil Action No. 3:18-cv-288-JAG

VIRGINIA DEPARTMENT/BOARD
OF ELECTIONS, *et al.*,

Defendants.

ORDER

This matter is before the Court on the pro se plaintiff's motion for an emergency injunction. (Dk. No. 3.) Upon due consideration and for the reasons stated below, the Court DENIES the motion because it is barred by laches.

According to the Raiklin's complaint and motion, on March 29, 2018, the defendants wrongfully prevented him from appearing on the Republican primary ballot by refusing to properly count petition signatures. On April 5, 2018, the defendants denied Raiklin's request for an appeal of that decision. Raiklin then spent a number of weeks attempting to recount signatures himself by requesting registered voter lists, but he did not file an action in this Court until May 1, 2018. Between filing his motion and this time, Raiklin has not contacted the Court to request a hearing on his motion. Raiklin asks that the Court enjoin the defendants from printing ballots for the June 12, 2018, Republican primary without his name listed as a candidate.

Virginia law requires that each general registrar make printed ballots available for absentee voting not later than 45 days prior to any election. Va. Code § 24.2-612. Under that deadline, Virginia law required absentee ballots to be printed and available by April 28, 2018.

Where a plaintiff delays in filing his complaint and motion for injunctive relief, and that delay prevents the Board of Elections from meeting deadlines imposed by statute, the doctrine of laches bars a plaintiff from seeking injunctive relief. *Perry v. Judd*, 840 F. Supp. 2d 945, 953 (E.D. Va.), *aff'd*, 471 F. App'x 219 (4th Cir. 2012). Raiklin may ultimately prevail on the merits of his claim, but the Court cannot equitably enjoin the defendants from printing primary ballots without Raiklin's name when he knew of the defendants' intentions to keep him off of the ballot in early April yet failed to bring this case until after primary ballots had already been printed and made available to the public for voting. The Court therefore DENIES the motion.

It is so ORDERED.

Let the Clerk send a copy of this Order to all counsel of record.

Date: May 9, 2018
Richmond, VA

/s/
John A. Gibney, Jr.
United States District Judge