

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

ANDREW H. WARREN,

Plaintiff,

Case No. 4:22-cv-302-RH-MAF

v.

RON DESANTIS, individually and in
his official capacity as Governor of the
State of Florida,

Defendant.

NOTICE OF APPELLATE COURT ACTION

Plaintiff Andrew H. Warren, by undersigned counsel, respectfully provides this notice to the Court that yesterday evening he moved the Eleventh U.S. Circuit Court of Appeals to expedite issuance of its mandate in this matter. A copy of his motion is attached hereto.

Should this Court deem it necessary to receive any further information from the parties, we respectfully ask for a status conference to expeditiously discuss what if any information is needed and an expedited timeline on which it is to be provided.

Finally, Mr. Warren reiterates his desire to resume performing the duties of the office to which he was elected as soon as possible.

Dated: January 11, 2024

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CERTIFICATE OF SERVICE

I hereby certify that on January 11, 2024, a true and correct copy of the foregoing document was served upon all counsel of record via the Court's CM/ECF System for filing.

/s/ *Indy Fitzgerald*

No. 23-10459

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

ANDREW WARREN,
Plaintiff-Appellant,

v.

RON DESANTIS,
Defendant-Appellee.

Appeal from the United States District Court
for the Northern District of Florida
No. 4:22-cv-302-RH-MAF

PLAINTIFF-APPELLANT'S MOTION TO EXPEDITE ISSUANCE OF MANDATE

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CERTIFICATE OF INTERESTED PERSONS

Plaintiff-Appellant certifies that the following is a complete list of interested persons as required by Federal Rule of Appellate Procedure 26.1 and Eleventh Circuit Rule 26.1:

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No publicly traded company or corporation has an interest in the outcome of this case or appeal.

Dated: January 10, 2024

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MOTION TO EXPEDITE ISSUANCE OF MANDATE

For the reasons set for in this Motion, Plaintiff-Appellant, Andrew H. Warren, moves pursuant to Federal Rules of Appellate Procedure 40 and 41, and 11th Cir. R. 41-2, for the expedited issuance of mandate to the U.S. District Court for the Northern District of Florida to implement this Court's Opinion, dated January 10, 2024, vacating the District Court's January 20, 2023 order and remanding for further consideration. *See* Dkt. 81.

ARGUMENT

According to Federal Rule of Appellate Procedure 41(a)(1), "[t]he court's mandate must issue 7 days after the time to file a petition for rehearing expires, or 7 days after entry of an order denying a timely petition for panel rehearing, petition for rehearing *en banc*, or motion for stay of mandate, whichever is later." A petition for rehearing or rehearing *en banc* generally must be filed within 14 days. *See* Fed. R. of App. P. 40(a)(1).

The Court may, in its discretion, shorten the time for seeking rehearing and for the issuance of the mandate to the District Court. *See* Fed. R. App. P. 40(a)(1); 41(b)(1); *see also* 11th Cir. R. 41-2. This case presents extraordinarily compelling reasons for such relief.

Time is of the essence in resolving this dispute. As a result of Governor DeSantis's illegal suspension of Mr. Warren, the voters of Hillsborough County

have been deprived of the official whom they selected as State Attorney. An election involving millions of Floridians has been nullified. Mr. Warren, meanwhile, has been unable to serve in his post. One year remains in Mr. Warren's term, and it should not be consumed by unnecessary delays in legal proceedings.

The urgency is all the greater now because resolution of this case will also impact the next election for State Attorney later this year. Mr. Warren's decision about whether to run for reelection as State Attorney depends in significant part on the outcome of this litigation. He announced mere days ago that he would not seek reelection because of the possibility that, until his suspension is invalidated, Governor DeSantis would simply suspend him again on the same grounds.

This Court has previously acted expeditiously to uphold election integrity and to protect the democratic process. *See, e.g., Jones v. DeSantis*, No. 19-14551-GG (11th Cir. Dec. 5, 2019), Dkt. 44, 51 (granting expedited appeal where the state legislature overturned the will of the voters by imposing conditions on restoring felons' right to vote subsequent to the passing of a ballot referendum restoring the right); *see also, Hand v. Scott*, 888 F.3d 1206, 1215 (11th Cir. 2018) (ordering accelerated briefing schedule and oral argument so that the matter of convicted felons' voting rights could be "resolved quickly" by the Court); *Brown v. Sec'y of State*, 668 F.3d 1271, 1274 (11th Cir. 2012) (expediting oral argument and

review of a challenge to a ballot initiative proposing standards to be used in the congressional redistricting process); *Duke v. Cleland*, 954 F.2d 1526, 1528 (11th Cir. 1992) (expediting appeal where appellant alleged a First Amendment violation when his name was excluded from the Georgia republican presidential primary ballot).

CONCLUSION

Mr. Warren has acted with all deliberate speed in these proceedings, moving successfully to expedite both the trial in the District Court and this appeal. This case should return to the District Court as quickly as possible so that the parties can conclusively resolve this dispute. Mr. Warren therefore respectfully requests that the Court expedite issuance of the mandate by shortening both the window for filing a petition for rehearing, or rehearing *en banc*, and the time for the issuance of the mandate following the expiration of that window.

Dated: January 10, 2024

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

I hereby certify that:

1. This brief complies with the type-volume limitation of Rule 27(d)(2)(a) of the Federal Rules of Appellate Procedure because it contains approximately 606 words, excluding the parts of the brief exempted by Federal Rule of Appellate Procedure 32(f).

2. This document complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type style requirements of Fed. R. App. P. 32(a)(6) because this document has been prepared in a proportionally spaced typeface using 14-point Times New Roman font.

Date: January 10, 2024

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CERTIFICATE OF SERVICE

I hereby certify that on January 10, 2024, the foregoing document was filed with the Clerk of the United States Court of Appeals for the Eleventh Circuit via the Court's electronic filing system and served on all counsel of record via CM/ECF.

Date: January 10, 2024

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