IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

LEAGUE OF UNITED LATIN AMERICAN CITIZENS, ET AL., *Plaintiffs*, v. GREG ABBOTT, GOVERNOR OF THE STATE OF TEXAS SUED IN HIS OFFICIAL CAPACITY; AND JOHN SCOTT, SECRETARY OF STATE OF TEXAS OF TEXAS SUED IN HIS OFFICIAL CAPACITY, *Defendants*.	§ § § § § § § § § § § § § §	Case No. 3:21-cv-259-DCG-JES-JVB

EXHIBIT A

ORDER DENYING CONSOLIDATION, *GUTIERREZ V. ABBOTT*

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

ROLAND GUTIERREZ, SARAH ECKHARDT, and TEJANO DEMOCRATS, Plaintiffs, v. GREG ABBOTT, *Governor of the State of Texas, in his official capacity*, and JOSE A. ESPARZA, *Deputy Secretary of State of Texas, in his official capacity*, Defendants.	§	1:21-CV-769-RP-JES-JVB

ORDER

Defendants Greg Abbott, in his official capacity as Governor of the State of Texas, and Jose A. Esparza, in his official capacity as Deputy Secretary of State of Texas ("Defendants") filed an Opposed Motion to Consolidate, (Dkt. 20), on October 20, 2021, and a Partially Opposed Second Motion to Consolidate, (Dkt. 26), on November 4, 2021. For the reasons that follow, both motions will be denied.

Despite the first-to-file rule, this case is not the proper anchor for any redistricting cases that have been brought in regard to the Texas Legislature's 2021 statewide redistricting. This is not a typical redistricting complaint addressing newly-enacted lines for an upcoming election cycle. Instead, as Plaintiffs Roland Gutierrez, Sarah Eckhardt, and Tejano Democrats' ("Plaintiffs") response explains, their complaint "nowhere addresses the newly-enacted maps plans." (Resp., Dkt. 22, at 4). Plaintiffs "challenge[ ] only malapportionment in the 2020 redistricting plans" and "argue[ ] that the Texas Legislature lacks the authority to enact redistricting legislation during a special session." (*Id.*).

It is not even certain that this action should be considered the "first-filed" redistricting case for purposes of deciding questions of consolidation and transfer. This matter was initiated before the Legislature acted upon, and the Governor signed, redistricting legislation. The complaint even questioned whether the Legislature would adopt new lines at all. And, in a Joint Advisory on October 26, Plaintiffs announced that they "now intend to pursue similar claims in state court, the resolution of which may impact the issues before [this] Court." (Dkt. 23, at 2). Both sides agreed that there is no need for this three-judge court to address, immediately, the requested relief, including an injunction or dismissal. (*Id.*).

There is no reasonable chance that anything decided in the instant matter will conflict with potential rulings in the other pending cases as to which the state requests consolidation into this case. Accordingly, the first motion to consolidate, (Dkt. 20), and the second motion to consolidate, (Dkt. 26), are **DENIED**. This ruling is without prejudice to any party, in this or any other of the pending three-judge redistricting cases, to seek or suggest consolidation, transfer, abatement, or other appropriate relief.

SIGNED on November 9, 2021 on behalf of the Three-Judge Panel.

ROBERT PITMAN
UNITED STATES DISTRICT JUDGE