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16 UNITED STATES DISTRICT COURT
17 FOR THE CENTRAL DISTRICT OF CALIFORNIA

18 UNITED STATES OF AMERICA,
19 Plaintiff,
20
21 v.
22 STATE OF CALIFORNIA, *et al.*,
23 Defendants.
24

Case No. 2:26-cv-12025

**NOTICE OF PLAINTIFF'S *EX*
PARTE MOTION FOR
INJUNCTION PENDING APPEAL**

Hon. David O. Carter
United States District Judge

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that Plaintiff, the United States of America, will, and hereby does, move this Court *ex parte* for expedited relief in the form of a Rule 62(d) injunction pending resolution of the United States’ appeal from this Court’s constructive denial of the United States’ emergency application for preliminary injunctive relief. *See* Fed. R. Civ. P. 62(d); *see also A. A. R. P. v. Trump*, 605 U.S. 91, 94 (2025) (“A district court’s inaction in the face of extreme urgency and a high risk of ‘serious, perhaps irreparable,’ consequences may have the effect of refusing an injunction. Here the District Court’s inaction—not for 42 minutes but for 14 hours and 28 minutes—had the practical effect of refusing an injunction”) (citations omitted).

Specifically, the United States has appealed this Court’s denial of the United States’ emergency application for injunctive relief requiring Defendants to (1) set aside vote-by-mail ballots from persons identified by the Federal Government likely to be noncitizens and (2) to independently—or in collaboration with the Federal Government—verify their citizenship status before tabulating their vote-by-mail ballot. *See* ECF Nos. 22, 62. An injunction pending the outcome of that appeal is warranted because the United States is likely to succeed on its appeal, and an injunction would preserve the status quo, thus preventing irreparable harm to the United States and the general public while the United States’ appeal proceeds.

The United States brings this application on an *ex parte* basis because, as described in the memorandum filed herewith, every minute of processing that occurs without segregating the ballots of suspected ineligible voters causes untraceable disenfranchisement and dilution of the votes of United States citizens. Once illegally cast ballots are counted and commingled with lawful votes, the resulting harm is impossible to remedy. The urgency is heightened because of the fundamental right to vote and to have one’s lawful vote counted without dilution.

Defendant Dean Logan admits in his opposition to the United States’ application for temporary restraining order, “[s]ince the County began its [Vote By Mail (“VBM”)]

1 ballot processing operations on October 11, 2026, **the County has processed more than**
2 **331,000 VBM ballots to date** and anticipates much higher volumes of VBM ballots to
3 be received as Election Day approaches (citation omitted). Regardless of voting method,
4 voting is fully anonymous—even to the County itself, in compliance with California and
5 federal law. (citation omitted). **Once a vote-by-mail ballot has been removed from its**
6 **return envelope, or an in-person ballot has been cast, there is no way to associate**
7 **the voter with that ballot.** (citation omitted).” (Emphasis added). Dkt. 32-1, p. 11.

8 Assistant Registrar-Recorder Monica Flores admits in her declaration that “[t]he
9 [Los Angeles County] **Registrar is not equipped or authorized to verify voter**
10 **citizenship** because it does not independently house citizenship-related information
11 beyond the voter attestation as identified in federal and state law (such as, among other
12 things, immigration records, travel records, naturalization records, etc.) and certainly is
13 not equipped to do so within the election period.” (Emphasis added). Dkt. 32-4, p. 15.

14 Once an unlawful vote is processed, it cannot be undone if it is later discovered
15 that the voter was ineligible. *See* Dkt. 32-1.

16 The United States respectfully submits that *ex parte* relief is appropriate given that
17 immediate and irreparable injury will result to the citizens. Attorneys for Defendants
18 informed counsel for the United States that Defendants oppose the requested relief. *See*
19 Declaration of Julie A. Hamill (“Hamill Decl.”), ¶¶ 5-9.

20 In the alternative, the United States requests that the Court follow the approach
21 recently taken in similar circumstances in *NetChoice v. Bonta*, 761 F. Supp. 3d 1232,
22 1236 (N.D. Cal. 2025), granting a temporary injunction of up to thirty days, or until the
23 Ninth Circuit rules on the United States’ forthcoming motion for an injunction pending
24 appeal, whichever is sooner.

25 This motion is based on this Notice, the attached Memorandum in Support, and
26 the United States’ arguments and evidence submitted in support of its Motion for
27 Preliminary Injunction. *See* ECF Nos. 22-1, 62, 67. A Proposed Order accompanies this
28 motion. Absent judicial intervention, lawful votes of United States citizens are

1 permanently diluted. Accordingly, the United States respectfully requests a ruling on this
2 motion as soon as possible and no later than noon PT on October 23, 2026.

3 **Statement of Compliance With Local Rule 7-19.1 and Rule 65**

4 Pursuant to Civil Local Rule 7-19.1 and Fed. R. Civ. P. 65, counsel for the United
5 States notified Defendants of this Application. *See* Hamill Decl., ¶¶ 5-8. On October 22,
6 2026, at 5:12 p.m., counsel for Plaintiff sent an email to all counsel for Defendants who
7 had entered an appearance in this case to advise them of the date and substance of the
8 proposed *ex parte* application. Hamill Decl., ¶ 6. Their names and addresses are as
9 follows:

10 **State of California and Shirley Weber, in her official capacity as California**
11 **Secretary of State**

12 Anne P Bellows
13 California Attorney General's Office
14 California Department of Justice
15 455 Golden Gate Avenue, Suite 11000
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17 415-510-3847
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13 **Dean C. Logan, in his official capacity as the County of Los Angeles**
14 **Registrar-Recorder/County Clerk**

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17 Hamill Decl., ¶5.

18 On October 22, 2026, at 5:57 p.m. Pacific Time, counsel for Plaintiff spoke via
19 telephone with Anne P. Bellows, counsel for defendants State of California and Shirley
20 Weber, in her official capacity as California Secretary of State at the number listed on
21 the docket, 415-510-3847. Hamill Decl., ¶¶ 5, 7. Counsel for Plaintiff informed her that
22 the United States would be moving *ex parte* for expedited relief in the form of a Rule
23 62(d) injunction pending resolution of the United States' appeal on October 22, 2026,
24 and explained the substance of the application. Ms. Bellows expressed that her client
25 would oppose the application. *Id.*, ¶ 7.

26 On October 22, 2026, at 6:03 p.m. Pacific Time, counsel for Plaintiff spoke via
27 telephone with Christopher Pelham, counsel for defendant Dean C. Logan, in his official
28 capacity as the County of Los Angeles Registrar-Recorder/County Clerk. *Id.*, ¶ 8.
Counsel for Plaintiff informed him that the United States would be moving *ex parte* for
expedited relief in the form of a Rule 62(d) injunction pending resolution of the United
States' appeal on October 23, 2026, and explained the substance of the application. *Id.*, ¶

1 8. Mr. Pelham expressed that his client would oppose the application. *Id.*, ¶ 8.

2
3 DATED: October 22, 2026

Respectfully submitted,

4 /s/ *Julie A. Hamill*

Julie A. Hamill

5 Assistant United States Attorney
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