


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

FILED
2020 MAY 26 PM 3:21
CLERK OF DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY:  [PRINTED NAME]

EMILY GILBY, TEXAS DEMOCRATIC PARTY, DSCC, DCCC, AND TERRELL BLODGETT,

PLAINTIFFS,

V.

RUTH HUGHS, IN HER OFFICIAL CAPACITY AS THE TEXAS SECRETARY OF STATE,
DEFENDANT.

CAUSE NO. 1:19-CV-1063-LY

ORDER ON MOTION TO ABSTAIN OR POSTPONE

Before the court are The Texas Secretary of State’s Opposed Motion to Abstain or Postpone filed April 17, 2020 (Doc. #56); Plaintiffs’ Opposition to the Secretary of State’s Motion to Abstain or Postpone filed April 24, 2020 (Doc. #74); and The Secretary of State’s Reply in Support of Her Motion to Abstain or Postpone filed May 1, 2020 (Doc. #76). Having considered the motion, response, and reply, the court will deny the motion for the following reasons.

The Secretary of State seeks to abstain or postpone all proceedings and discovery in this case pending final resolution the Texas Democratic Party’s proceeding captioned, *Texas Democratic Party v. DeBeauvoir*, D-1-GN-20-001610, before the 201st Judicial District Court of Travis County, Texas. Defendant asserts that abstention or postponement is appropriate due to the uncertainty over the issue of vote-by-mail in Texas, which Defendant argues may broaden the eligibility to vote and therefore place Plaintiffs’ claims in a different posture. *See Palmer v. Jackson*, 617 F.2d 424, 428 (5th Cir. 1980).

In response, Plaintiffs assert that resolution of the vote-by-mail issue during the ongoing COVID-19 pandemic will neither resolve nor otherwise affect the issue of access to temporary early

in-person voting locations for voters who need or want to vote in person raised in this case. The court agrees. In addition, the court is not inclined to abstain or postpone an action for an undetermined period of time. If another court does take action that may affect the issue in this case, the parties shall notify the court to that effect immediately.

IT IS THEREFORE ORDERED that The Texas Secretary of State's Opposed Motion to Abstain or Postpone filed April 17, 2020 (Doc. #56) is **DENIED**.

SIGNED this 26th day of May, 2020.



LEE YEAKEL
UNITED STATES DISTRICT JUDGE