[PUBLISH]

In the United States Court of Appeals

For the Eleventh Circuit

No. 20-12388

COMMON CAUSE GEORGIA,

Plaintiff-Appellee,

versus

SECRETARY, STATE OF GEORGIA,

Defendant-Appellant.

Appeal from the United States District Court
for the Northern District of Georgia
D.C. Docket No. 1:18-cv-05102-AT

Before WILLIAM PRYOR, Chief Judge, LAGOA, Circuit Judge, and SCHLESINGER,* District Judge.

SCHLESINGER, District Judge:

The recent Georgia elections garnered significant media attention. Mark Leibovich, *A Political Hurricane Blew Through Georgia. Now It's Bracing for More*, N.Y. TIMES (Mar. 25, 2021), https://www.nytimes.com/2021/03/13/us/politics/georgia-republicans-voting-rights.html. The results of the elections may have been significant, but the question before us is simple—is Common Cause Georgia a "prevailing party" entitled to attorneys' fees and costs under 42 U.S.C. § 1988? We conclude that it is.

I.

The November 6, 2018, general election in Georgia was hotly contested and an eagerly watched bellwether of the national political mood. At the time, Georgia's state government hosted voter-registration information on a website named "My Voter Page." The website was used both by voters, who could check their voter-registration status, and by election workers, who used the information to determine voter eligibility.

On November 5, 2018, Common Cause Georgia, a not-for-profit organization dedicated to electoral reform and voter rights, filed a Complaint against then-Georgia Secretary of State Brian

* Honorable Harvey E. Schlesinger, United States District Judge for the Middle District of Florida, sitting by designation.

Kemp alleging violations of the Fourteenth Amendment of the U.S. Constitution; the Help America Vote Act, 52 U.S.C. § 21082; Article II, Section 1 of the Georgia Constitution; and Georgia Code § 21-2-211.

Common Cause alleged Georgia's voter registration systems were vulnerable to serious security breaches, increasing the risk eligible voters would be wrongly removed from Georgia's election rolls or their registration information would be unlawfully manipulated to prevent eligible voters from casting a regular ballot. These allegations, if true, were not without effect. Under Georgia's then-existing provisional balloting scheme, voters whose names could not be found on the voter registration list could vote, but only by provisional ballot. But these ballots would be rejected if election officials could not find the voters' names on the voter registration server.

Common Cause also alleged the Secretary knew the security vulnerabilities of the voter registration system but failed to remedy the issues. Fears of registration tampering were amplified when the political parties, each pointing fingers at the other, publicly highlighted the vulnerabilities in the days leading to the election.

On November 7, 2018, one day after Election Day, Common Cause moved for expedited discovery and a temporary restraining order to enjoin the rejection of any provisional ballots cast due to the failure of the voter's name to appear on the voter registration list, while a decision on the permanent relief was pending. The Secretary urged the denial of Common Cause's motion,

arguing the relief requested was "extraordinary" and would create a "massive disruption to the state's election processes" by "go[ing] against well-established Georgia law regarding the processing of provisional ballots." The district court held a hearing on the motion the next day, November 8, 2018.

At that hearing, Common Cause stated that it was "specifically asking for a very, very narrow order preventing the final rejection of provisional ballots for the narrow class of persons who had registration problems" until there was confidence that "there was not widespread manipulation of the voter registration database." Common Cause contended that it was "not asking for a halting of the processing of provisional ballots[,] . . . not precluding defendants from accepting provisional ballots," and "not precluding defendants from rejecting provisional ballots for other reasons," such as failure to submit the appropriate identification. The district court noted that Common Cause's request at the hearing was "something different" from the broader relief it requested in its complaint. Common Cause replied that the two reliefs "peaceably coexist[ed]" and that the relief it proposed at the hearing was "to prevent [voters' provisional ballots] from being rejected" while it figured out whether possible manipulation of the voter registration database was "widespread." Additionally, the Secretary represented at the hearing that his office normally certified the election results the day following the certification of results by the counties, which, for the 2018 election, would be November 14, 2018.

The district court largely granted the motion for a temporary restraining order on November 12, 2018, finding, based on "the combination of the statistical evidence and witness declarations in the record," Common Cause was likely to succeed on the merits of its claim "that the Secretary's failure to properly maintain a reliable and secure voter registration system has [resulted in] and will continue to result in the infringement of the rights of the voters to cast their vote and have their votes counted." The district court found other considerations, such as the risk of irreparable injury, the balance of harms, and the public interest, also supported granting the order.

But the district court determined the relief Common Cause requested was "not practically feasible" because it required an "alteration of the original deadline for local county election boards to certify their results to the Secretary of State," even though "a great number of counties ha[d] already completed their certifications." Instead, the district court directed the Secretary to take other steps to "ensur[e] the certification of correct and complete election results." For example, the district court enjoined the Secretary "from certifying the results of the election prior to" 5:00 p.m. on November 16, 2018, noting that the Secretary had represented he intended to certify the elections results on November 14, 2018—"the same day [his office] receive[d] the returns from the counties, rather than tak[e] any portion of the additional week provided under the law to fully discharge the Secretary's independent duty of review." The

Secretary complied and did not seek reconsideration of the temporary restraining order by the district court or review by this Court.

The parties began discovery. In 2019, two new voting laws were enacted in Georgia which affected the procedures surrounding handling provisional ballots and touched on issues and concerns about security that are directly relevant here. The parties agreed the passage of these provisions made further litigation unnecessary and stipulated to dismiss the action with prejudice. *See* Fed. R. Civ. P. 41(a)(1)(A).

Common Cause moved for attorneys' fees and litigation expenses incurred through the issuance of the temporary restraining order and in preparing the fee motion. Common Cause argued it was the prevailing party, as it achieved the relief it sought, and requested attorneys' fees of $179,105 for 433 hours spent and $4,527.59 in litigation costs and expenses.

The Secretary maintained that Common Cause deserved no fee award because it was not a prevailing party as that term is used in § 1988, and argued in the alternative that the award should be reduced to no more than $34,314.

On May 29, 2020, the district court granted the motion, holding Common Cause was a prevailing party entitled to fees under § 1988 because Common Cause, in obtaining the temporary restraining order, "succeeded on 'a significant issue in litigation which achieve[d] some of the benefit the parties sought in bringing suit.'" And it determined the litigation was necessary "to alter the

legal relationship between the parties and to obtain an injunction providing significant relief to prevent the irreparable harm to the rights of Georgians who sought to cast their votes and have them counted." Common Cause was awarded $161,682.50 in attorneys' fees, and $4,527.59 in expenses for a total award of $166,210.09. The district court found much of the time billed was sensibly expended and the attorneys' rates were mostly reasonable.

The Secretary timely appealed. He disputes the district court's characterization of Common Cause as a "prevailing party" because he alleges nothing in the temporary restraining order "substantially modified" the Secretary's behavior or authority under the challenged statutes, and Common Cause achieved no significant goal of the lawsuit as alleged in the pleadings. Last, the Secretary argues even if Common Cause were entitled to fees, the award should be significantly reduced.

II.

We review the award of attorneys' fees and costs for an abuse of discretion, with subsidiary factual findings reviewed for clear error and conclusions of law reviewed *de novo*. *Common Cause/Ga. v. Billups*, 554 F.3d 1340, 1349 (11th Cir. 2009).

III.

"For private actions brought under 42 U.S.C. § 1983 and other specified measures designed to secure civil rights," Congress enacted 42 U.S.C. § 1988, which "authorizes federal district courts, in their discretion, to 'allow the prevailing party . . . a reasonable

attorney's fee as part of the costs.'" *Sole v. Wyner*, 551 U.S. 74, 77 (2007) (quoting 42 U.S.C. § 1988(b)). A plaintiff qualifies as a prevailing party entitled to attorneys' fees under 42 U.S.C. § 1988 if there is a "material alteration of the legal relationship of the parties in a manner which Congress sought to promote in the fee statute." *Id.* (quoting *Tex. State Tchrs. Ass'n v. Garland Indep. Sch. Dist.*, 489 U.S. 782, 792-93 (1989)). We have "interpreted this language to require either '(1) a situation where a party has been awarded by the court at least some relief on the merits of his claim or (2) a judicial imprimatur on the change in the legal relationship between the parties.'" *Billups*, 554 F.3d at 1356 (quoting *Smalbein ex rel. Estate of Smalbein v. City of Daytona Beach*, 353 F.3d 901, 905 (11th Cir. 2003)).

The grant of the temporary restraining order constituted relief on the merits. The district court found Common Cause "ha[d] shown a substantial likelihood of proving that the Secretary's failure to properly maintain a reliable and secure voter registration system ha[d] [resulted in] and [would] continue to result in the infringement of the rights of the voters to cast their vote and have their votes counted." The district court also required changes to the Secretary's behavior that benefited Common Cause and its members.

The award of fees under § 1988 is not thwarted solely because it stemmed from a temporary restraining order. The Supreme Court teaches "prevailing party" status may be based on "succe[ss] on any significant claim affording [the litigant] some of

the relief sought, either *pendente lite* or at the conclusion of the litigation." *Garland*, 489 U.S. at 791. And under this Court's precedent "a preliminary injunction on the merits entitles one to prevailing party status and an award of attorney's fees." *Billups*, 554 F.3d at 1356 (alteration adopted) (internal quotation marks omitted).

We find no basis for distinguishing between preliminary injunctions—which may confer prevailing party status under our precedent—and the temporary restraining order here, which provided the Secretary "notice of the application for the temporary restraining order" and awarded merits-based relief. *United States v. Alabama*, 791 F.2d 1450, 1459 (11th Cir. 1986) (quoting *Dilworth v. Riner*, 343 F.2d 226, 229 (5th Cir. 1965)).

The district court's temporary restraining order materially altered the parties' legal relationship. The Secretary was directed to comply with the Help America Vote Act (and state law) by "immediately establish[ing] and publiciz[ing] on its website a secure and free-access hotline or website for provisional ballot voters to access to determine whether their provisional ballots were counted and if not, the reason why."

The district court also ordered State officials to supply voters with more information about their provisional ballots and registration status beyond the information within the My Voter Page database. This order prevented Common Cause from "having to further divert personnel and resources to resolving the problems of voters left off the registration rolls on election day."

Additionally, the district court enjoined the Secretary "from certifying the results of the election prior to . . . November 16," providing more time to verify the provisional ballots. The Secretary argues he had the discretion to certify the results on November 16 absent court intervention. But, before the district court, the Secretary revealed he intended to certify the election results on November 14, 2018. The temporary restraining order thus prevented the Secretary from exercising the discretion afforded in the statute to certify at an earlier date.

Finally, the court ordered the Secretary to "engage in an independent review" of provisional-voter eligibility using "all available registration documentation," or to direct county election officials to engage in a similar "good faith review." It ordered reviewers to consider "registration information made available by voters themselves" among the documents used to verify eligibility. And it prohibited the Secretary and local officials from "relying solely on the registration information" in the My Voter Page database.

The temporary restraining order marked a change in the legal relationship between the parties—it altered the Secretary's conduct and benefited Common Cause and its members. While the Secretary contends that Common Cause only received "highly limited" or "modest" relief from the temporary restraining order compared to the relief it originally sought in its complaint, "a party 'need not obtain relief identical to the relief [that it] specifically demanded, as long as the relief obtained is of the same general type.'" *Dillard v. City of Greensboro*, 213 F.3d 1347, 1354 (11th Cir. 2000)

(alteration in original) (quoting *Ensley Branch, N.A.A.C.P. v. Seibels*, 31 F.3d 1548, 1583 (11th Cir. 1994)). "Nor does the plaintiff need to obtain relief to the extent demanded; getting something suffices to authorize an award of fees." *Id.*; *see also Farrar v. Hobby*, 506 U.S. 103, 114 (1992) ("'[T]he *degree* of the plaintiff's success' does not affect 'eligibility for a fee award.'" (quoting *Garland*, 489 U.S. at 790)).

The district court correctly determined Common Cause was a "prevailing party" entitled to attorneys' fees under § 1988. 42 U.S.C. § 1988(b). The question then becomes: was the fee awarded reasonable?

IV.

The starting point for determining reasonableness is "the number of hours reasonably expended on the litigation multiplied by a reasonable hourly rate." *Hensley v. Eckerhart*, 461 U.S. 424, 433 (1983). But district courts have wide latitude in determining the amount of a fee. *Brooks v. Ga. State Bd. of Elections*, 997 F.2d 857, 866 (11th Cir. 1993) (citing *Webb v. Bd. of Educ.*, 471 U.S. 234, 244 (1985)). The reason is simple—district courts have a "superior understanding of the litigation," and the parties have an interest in "avoiding frequent appellate review of what essentially are factual matters." *Hensley*, 461 U.S. at 437.

Additionally, "[t]here remain other considerations that may lead the district court to adjust the fee upward or downward, including the important factor of the 'results obtained.'" *Id.* at 434.

In considering the "results obtained" factor, "the district court should focus on the significance of the overall relief obtained by the plaintiff in relation to the hours reasonably expended on the litigation." *Id.* at 435.

Upon our independent review, the district court properly considered the relevant factors in analyzing whether the attorneys' fees requested by Common Cause were reasonable and in setting the fee award, and its factual findings were not clearly erroneous. *See id.* at 436–37.

We **AFFIRM**.

A Political Hurricane Blew Through Georgia. Now It's Bracing for More.

The country's most hotly contested state has calmed down after months of drama, court fights and national attention (even the death threats have slowed). But new storms are on the horizon.

By Mark Leibovich

Published March 13, 2021 Updated March 25, 2021

ATLANTA — The death threats finally appeared to be subsiding, Brad Raffensperger was happy to report.

"I haven't gotten one in a while," said Mr. Raffensperger, Georgia's embattled secretary of state, expressing hope that political passions might be cooling off in the state — though "cooling off" is relative in the country's most heated battleground.

Not since Florida's presidential recount of 2000 has one state's election cycle drawn so much national — even international — scrutiny. Polarizing figures, expensive campaigns and breathless plotlines have become a seemingly permanent feature of elections here. Analysts have identified Georgia as a major bellwether of the nation's cultural, economic and demographic realignment, as well as a prime battlefield for showdowns over such fundamental civic matters as the right to vote.

When exactly did this reliably Republican and relatively sleepy political sphere become such a vital center of contention and intrigue?

Why does seemingly every politically interested observer in America have — à la Ray Charles — Georgia on their mind?

The landmark event was President Biden's becoming the first Democrat at the top of the ticket to carry Georgia since 1992, in what was the most closely decided state in last year's presidential race. Former President Donald J. Trump appeared especially fixated on the state and made it the main focus of his efforts to reverse the results of the national election. Georgia then played host to double runoff contests in January that flipped control of the Senate to Democrats.

The fervor and spotlight will endure: The state is a focal point for the nation's persistent voting rights battle, as Republicans move swiftly to roll back ballot access in what opponents say is clear targeting of Black voters with echoes of Jim Crow-era disenfranchisement.

In 2022, the Peach State's race for governor is likely to include perhaps the Democratic Party's leading champion of voting rights, Stacey Abrams, in a replay of the 2018 grudge match between her and Gov. Brian Kemp, the Republican incumbent. One of the two Democrats who won their races in January, Senator Raphael Warnock, will also have to turn around and defend his seat next year in a race that Republicans are already eyeing as they seek to reclaim the chamber. Several local and national

Republicans — including Mr. Trump — have tried to recruit the former University of Georgia football legend Herschel Walker to run for the seat, which could lend another wrinkle to the state's political story, as if it needed one.

Adding to the chaos, Mr. Kemp has become the target of a vendetta by Mr. Trump, who has condemned him for not doing more to deliver (or poach) victory for him in Georgia in November. This has also made Georgia the unquestioned center of the internal disputes that have roiled the Republican Party since November. Mr. Trump has seemed intent on making the state a key stop on a revenge tour he has waged against Republicans he has deemed insufficiently loyal to him — Mr. Kemp and Mr. Raffensperger chief among them.

"It just feels like a hurricane blew through here politically in the last few campaigns that just keeps carrying over," said former Senator Saxby Chambliss, a Republican from the state.

Stacey Abrams is seen as likely to run again for governor of Georgia in 2022, in a potential rematch of her 2018 race against Gov. Brian Kemp, a Republican. Nicole Craine for The New York Times

Senator Jon Ossoff, who prevailed alongside Mr. Warnock in the runoffs, said that "there's a tension and complexity to the total arc of Georgia's history that manifests itself in this particular moment." That tension, he added, "is continually being expressed in our politics."

Towering stakes in a shifting state

People tend to speak of Georgia politics these days in the most dramatic of terms: A struggle is underway "for the soul of Georgia," and the New South in general. Every week seems to bring a new "existential battle" over some defining issue. A "foundational tension" is playing out in the racial politics of a place considered both a cradle of the civil rights movement and a pillar of the old Confederacy.

Some days, state officials said, the stakes feel too high, the energy too charged and the language too extreme.

"In my opinion, that's not healthy, and that's not what America should be," said Gabriel Sterling, another top election overseer who, like Mr. Raffensperger, gained a national profile as Mr. Trump challenged Mr. Biden's victory in the state with false claims of rampant voter fraud. (Mr. Trump's phone call to Mr. Raffensperger in December, pressuring him to "find" enough votes to overturn the results, was disclosed by The Washington Post and led Georgia prosecutors to open a criminal investigation into the former president.)

"You're not supposed to live and die by these elections," Mr. Sterling said, noting that in a healthy democracy, the "normal" number of death threats directed at an official like him would be "zero." He and Mr. Raffensperger were sitting in a tavern near the Georgia Capitol early this month, monitored by a security detail. They were unwinding after another day of pitched political battle in which the Republican-controlled legislature passed an election bill that would create a raft of new ballot restrictions.

Republicans are now worried that their slipping grip on Georgia could make it a perennial swing state. Mr. Chambliss said that white suburban women, who have been the key component of the state's Republican coalition, had defected en masse in recent years, more drastically around Atlanta than in other growing metropolitan areas around the country.

Senators Raphael Warnock and Jon Ossoff scored momentous victories for the Democratic Party when they won their runoff elections in January. Nicole Craine for The New York Times

"The animosity toward Trump is real, and that's a group that Republicans need to be courting in a heavy way," Mr. Chambliss said. He added that such a goal would not be easy to achieve as long as Mr. Trump kept involving himself in the state's politics.

"A lot of us have been standing on mountaintops screaming that our margins in the suburbs have been collapsing," said Brian Robinson, a Republican political consultant in Georgia. Much of the recent focus on those electoral shifts, he said, flowed from the tiny margin of votes separating Mr. Biden and Mr. Trump in the state. That segued to the saturation media coverage of the Senate runoffs, the Republican election challenges and, of course, Mr. Trump's conduct after Nov. 3.

"Everything became all about Georgia," Mr. Robinson said. "I was getting interviewed by newspapers from Switzerland."

The transformation of Georgia's politics is largely a story of rapidly changing demographics. Atlanta is among the fastest-growing cities in the country, its suburbs evolving from a white Republican hotbed to a more diverse and progressive population of college-educated "knowledge workers." Metropolitan Atlanta has attracted a substantial influx of younger immigrants and transplants from more crowded and expensive cities in the Northeast and the West.

Likewise, the racial makeup has shifted rapidly. "Our demography is reflective of where many states are, and where the nation is headed," said Ms. Abrams, who added that the majority of Georgia's population was expected to be nonwhite by the end of this decade. "Politically, Georgia reflects what happens when all of these things come together. It's a difficult thing to navigate on a national scale, and Georgia is the living embodiment of this."

A Democratic-led push for voting rights

The point of convergence for much of this ferment has been the protracted struggle over voting rights. Ms. Abrams, who founded the political advocacy and voter registration group Fair Fight Action, has received broad credit for helping capture the state's electoral votes for Mr. Biden and the Senate seats for Democrats.

She became a voting rights cause célèbre herself in 2018 after enduring a bitter defeat in a governor's race marred by accusations of voter suppression against Mr. Kemp in his former capacity as Georgia's secretary of state. Ms. Abrams has to this day refused to concede defeat; Mr. Kemp, who oversaw the purging of hundreds of thousands of Georgians from the state's voter rolls during his tenure, denied any wrongdoing. He declined to comment for this article.

Ms. Abrams said that Republicans could not match the political energy and the demographic momentum that have propelled Democrats in Georgia, other than to pursue laws that would make it harder for traditional Democratic constituencies, such as African-Americans, to vote.

The legislation currently making its way through the Capitol includes strict limits on weekend voting, a measure that could significantly impede the traditional role of Black churches in fostering civic engagement. A bill that passed the Georgia Senate early this month would repeal "no-excuse" absentee voting and require more stringent voter identification measures. The state's political patriarch, the 96-year-old former President Jimmy Carter, said this past week that he was "disheartened, saddened and angry" about the legislation.

Mr. Ossoff, left, and Mr. Warnock on Capitol Hill this month. Mr. Warnock will have to run for re-election next year in a race that Republicans are targeting. J. Scott Applewhite/Associated Press

"We know that some version of this bill is likely to pass because Republicans face an existential crisis in Georgia," Ms. Abrams said. By the same token, Democrats could face a crisis of their own if Republicans succeed at enacting more restrictive voting laws in Georgia and several other states with Republican-controlled legislatures.

Mr. Ossoff, who at 34 is the youngest member of the Senate, said Georgia had become a textbook case of how political and generational realignment "can change power dynamics in a way that has massive national implications."

Mr. Ossoff's life trajectory has offered him a firsthand view of these shifts. He grew up in a suburban Atlanta congressional district that was once represented in the House by Newt Gingrich, the Republican speaker, and is now represented by Lucy McBath, an African-American Democrat.

Mr. Ossoff began his career as an intern for the civil rights pioneer and Georgia congressman John Lewis, became the first Jewish senator from Georgia and entered the chamber with first Black senator to represent Georgia, Mr. Warnock. He now sits at a Senate desk that was once occupied by the fierce civil

rights opponent Richard Russell and the staunch segregationist Herman Talmadge. In accordance with Senate tradition, both long-dead senators carved their initials in the desk, though Mr. Ossoff said he had yet to do that himself.

Republicans haltingly plan their next moves

Georgia Republicans say it would be shortsighted to think that legislation alone can stem the state's recent tide of red to blue. Nor is it clear whether the most powerful motivating force in their party — Mr. Trump — has in fact motivated just as many voters to support Democrats in and around Atlanta.

This dynamic has extended to Trump acolytes like Representative Marjorie Taylor-Greene, the first-term Republican from the state's northwest corner, whose far-right views, incendiary language and promotion of conspiracy theories have made her the biggest new attention magnet in Congress, for better or worse. "I have always subscribed to having a big tent," Mr. Chambliss said. "By the same token, I don't know where some of these people who wander into the tent ever come from."

Former Senator Kelly Loeffler, the Republican businesswoman whom Mr. Kemp appointed to replace the retiring Johnny Isakson in late 2019, announced plans last month to start a voter registration group of her own, geared toward disengaged conservatives. Ms. Loeffler, who lost to Mr. Warnock, envisions the organization, Greater Georgia, as a Republican counterbalance to Ms. Abrams's efforts.

Ms. Loeffler said she had committed a seven-figure sum of her own money to seed the effort. "When I stepped out of the Senate, I heard people say consistently that 'someone needs to do something about Georgia,'" Ms. Loeffler said.

Former Senator Kelly Loeffler said she had no timetable for deciding whether she would run again for the Senate in 2022. Dustin Chambers for The New York Times

Ms. Loeffler did not say precisely what "needs to be done about Georgia" whether she meant only finding new ways to reach and register conservative voters or working to support Republican-driven laws that would discourage Democrats from voting. Ms. Abrams dismissed the effort as "a shallow attempt at mimicry" and "a vile attempt to limit access based on conspiracy theories."

Ms. Loeffler said she was merely "working to ensure that voters trust the process of voting." She leaned heavily on phrases like "transparency," "uniformity" and "election integrity," which critics deride as false pretenses for Republican efforts to impose voter suppression measures. "There's no question that many Georgians did not trust the process," she said.

Ms. Loeffler's brief foray into elective politics began in January 2020, during Mr. Trump's first Senate impeachment trial. She immediately began running for her November re-election, in a campaign that included Representative Doug Collins, a firebrand Republican and fierce defender of Mr. Trump who continually derided Ms. Loeffler as a "RINO" (Republican in name only) who was not adequately devoted to the former president. She then spent much of her brief Senate career trying to display her fealty to Mr. Trump — an effort that included a campaign ad literally portraying her as to the right of Attila the Hun.

Ms. Loeffler, 50, said she had no timetable for deciding whether she would run against Mr. Warnock in what would be a rematch for her old seat. As for what other Republicans might run, speculation has produced (as it does) a colorful wish list, from Ms. Greene to Mr. Walker. David Perdue, the former Republican senator who was defeated by Mr. Ossoff, said last month that he would not run in 2022, and Mr. Trump has been trying to enlist Mr. Collins to take on Mr. Kemp in a Republican primary bid.

Mr. Walker, the 1982 Heisman Trophy winner, signed his first professional football contract in the '80s with Mr. Trump's United States Football League team, the New Jersey Generals, and maintains a close friendship with his former boss. A native of Wrightsville, Ga., Mr. Walker is a Republican who has encouraged African-Americans to join the party, and he has not ruled himself out for 2022.

He is also unquestionably beloved in his home state, and the feeling appears to be mutual, though Mr. Walker currently lives in Texas.

Correction: March 15, 2021

An earlier version of this article referred incorrectly to Jon Ossoff. He is the first Jewish senator to represent Georgia, not the first from the Deep South.

Mark Leibovich is the chief national correspondent for The New York Times Magazine, based in Washington. He is the author of three books and has also won the National Magazine Award for profile writing. @MarkLeibovich

A version of this article appears in print on , Section A, Page 15 of the New York edition with the headline: For Georgia, No Escape From Political Storm

UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

ELBERT PARR TUTTLE COURT OF APPEALS BUILDING
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

David J. Smith
Clerk of Court

For rules and forms visit
www.ca11.uscourts.gov

October 28, 2021

MEMORANDUM TO COUNSEL OR PARTIES

Appeal Number: 20-12388-DD
Case Style: Secretary, State of Georgia v. Common Cause Georgia
District Court Docket No: 1:18-cv-05102-AT

This Court requires all counsel to file documents electronically using the Electronic Case Files ("ECF") system, unless exempted for good cause. Non-incarcerated pro se parties are permitted to use the ECF system by registering for an account at www.pacer.gov. Information and training materials related to electronic filing, are available at www.ca11.uscourts.gov. Enclosed is a copy of the court's decision filed today in this appeal. Judgment has this day been entered pursuant to FRAP 36. The court's mandate will issue at a later date in accordance with FRAP 41(b).

The time for filing a petition for rehearing is governed by 11th Cir. R. 40-3, and the time for filing a petition for rehearing en banc is governed by 11th Cir. R. 35-2. Except as otherwise provided by FRAP 25(a) for inmate filings, a petition for rehearing or for rehearing en banc is timely only if received in the clerk's office within the time specified in the rules. Costs are governed by FRAP 39 and 11th Cir.R. 39-1. The timing, format, and content of a motion for attorney's fees and an objection thereto is governed by 11th Cir. R. 39-2 and 39-3.

Please note that a petition for rehearing en banc must include in the Certificate of Interested Persons a complete list of all persons and entities listed on all certificates previously filed by any party in the appeal. See 11th Cir. R. 26.1-1. In addition, a copy of the opinion sought to be reheard must be included in any petition for rehearing or petition for rehearing en banc. See 11th Cir. R. 35-5(k) and 40-1 .

Counsel appointed under the Criminal Justice Act (CJA) must submit a voucher claiming compensation for time spent on the appeal no later than 60 days after either issuance of mandate or filing with the U.S. Supreme Court of a petition for writ of certiorari (whichever is later) via the eVoucher system. Please contact the CJA Team at (404) 335-6167 or cja_evoucher@ca11.uscourts.gov for questions regarding CJA vouchers or the eVoucher system.

Pursuant to Fed.R.App.P. 39, costs taxed against the appellant.

Please use the most recent version of the Bill of Costs form available on the court's website at www.ca11.uscourts.gov.

For questions concerning the issuance of the decision of this court, please call the number referenced in the signature block below. For all other questions, please call Bradly Wallace Holland, DD at 404-335-6181.

Sincerely,

DAVID J. SMITH, Clerk of Court

Reply to: Djuanna H. Clark
Phone #: 404-335-6151

OPIN-1A Issuance of Opinion With Costs