

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 20-50407

FILED

JUL 17 2020

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY _____
DEPUTY CLERK

TEXAS DEMOCRATIC PARTY; GILBERTO HINOJOSA;
JOSEPH DANIEL CASCINO; SHANDA MARIE SANSING;
BRENDA LI GARCIA,

Plaintiffs–Appellees,

versus

GREG ABBOTT, Governor of the State of Texas;
RUTH HUGHS, Texas Secretary of State;
KEN PAXTON, Texas Attorney General,

Defendants–Appellants.

Appeal from the United States District Court
for the Western District of Texas

5:20-CV-438-FB

O R D E R :

IT IS ORDERED that appellees' motion to expedite the appeal is GRANTED, subject to the following explanation:

On June 4, 2020, this court stayed the district court's preliminary injunction pending appeal. *Tex. Democratic Party v. Abbott*, 961 F.3d 389 (5th Cir. 2020). The Supreme Court denied appellees' motion to vacate the stay. *Tex.*

Democratic Party v. Abbott, 140 S. Ct. 2015 (2020). The Supreme Court denied appellees' motion to expedite their petition for writ of certiorari before judgment. *Tex. Democratic Party v. Abbott*, No. 19-1389, 2020 U.S. LEXIS 3537 (U.S. July 2, 2020).

In the meantime, the appellants had filed their opening merits brief on June 29, 2020. On July 7, the appellees filed their merits brief and, separately, moved to expedite the appeal, stating, *inter alia*, that “[t]he Defendants-Appellants are opposed to the Motion for Expedited Appeal and will file a response.” The motion to expedite requested “that defendants-appellants be directed to file their merits reply brief on or before July 15, 2020, and that the Court either resolve this appeal on the briefs or schedule a special argument session so that the Court can issue its decision by August 6, 2020.” Appellees did not provide a reason for selecting the date of August 6.

On July 16, the appellants filed their response to the motion to expedite, stating that they “do not oppose expedited consideration of this appeal, but they oppose Appellees’ motion to the extent it requires the Court to decide this case without the benefit of oral argument. Appellants intend to file their reply brief on Friday, July 24, four days before the current deadline. Appellants would not object to an order setting this appeal for oral argument during the sitting that begins the week of August 31, 2020. To the extent Appellees’ motion requires the Court to dispense with oral argument, or otherwise seeks different relief, it should be denied.”

The Clerk is hereby directed to assign this matter to a regularly constituted merits panel that has a docket during the week of August 31, 2020. That merits panel will decide the method and timing of submission. The possibilities include, *inter alia* and in no order of preference or likelihood, the following: submission without oral argument; submission without oral argument but

