

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
GREENBELT DIVISION**

MS. PATRICIA FLETCHER,)	
<i>et al.</i> ,)	
)	
)	
Plaintiffs,)	
)	
v.)	
)	
LINDA LAMONE in her official)	
capacity as State Administrator of)	
Elections for the state of Maryland;)	
And ROBERT L. WALKER in his)	
official capacity as Chairman of the)	
State Board of Elections,)	
)	
Defendants.)	
_____)	

Civ. Action No.: RWT-11-3220

ORAL ARGUMENT REQUESTED

**PLAINTIFFS’ MOTION FOR PRELIMINARY INJUNCTION
AS TO COUNTS THREE AND SIX OF THE COMPLAINT**

Plaintiffs Patricia Fletcher, Trevelyn Otts, Donald M. Glover, Janis Hagey, Winnie Mae Campbell, Michael Harris, Michael Thompson, Julia Williams, and Robina Spruill (“Plaintiffs”), by and through their undersigned counsel, pursuant to Rule 65(a) of the Federal Rules of Civil Procedure do hereby request a preliminary injunction to enjoin Defendants from enforcing the newly enacted Maryland congressional redistricting plan passed by the Maryland legislature as SB1. (hereinafter “SB1”). As more fully laid out in the accompanying Memorandum of Law in Support of this Motion which is incorporated herein, the congressional boundaries contained in SB1 violate Article One, Section Two of the U.S. Constitution, the 14th and 15th Amendments to the United States Constitution, and Section 2 of the Voting Rights Act of 1965, as amended.

In the interest of the Court's time and to maximize expediency in adjudication of this case given the dates of the next election, Plaintiffs are at this time only moving for a preliminary injunction on Count Three (Intentional Discrimination by Violating the Equal Protection Principal of One Person, One Vote) and Count Six (Violation of Article One, Section Two of the U.S. Constitution) of the Complaint. Because there can be no dispute as to the facts related to these counts their resolution is a matter of law and the Court may come to a quick determination as to constitutionality of the congressional boundaries in SB1. Plaintiffs fully intend to seek injunctive and declaratory relief as to all counts during the course of this litigation.

Plaintiffs are likely to succeed on the merits of its claims and absent injunctive relief would be irreparably harmed. Furthermore, the state of Maryland has no interest in enforcing unconstitutional congressional boundaries and it is in the public interest to require that constitutional infirmities are fixed before the next congressional elections. Plaintiffs respectfully request this court issue a preliminary injunction prohibiting Defendants from conducting congressional elections using the boundaries contained in SB1, and that such injunction remain in effect until adjudication of all counts and allegations made in the Complaint.

Plaintiffs respectfully request the Court hear oral argument on this motion.

DATED: November 18, 2011

Respectfully submitted,

By: /s/ Jason Torchinsky

Law Office of James P. Mayes
James Paul Mayes (Bar No. 10414)
mayesfedlaw@aol.com
Law Office of James P. Mayes
4721 Chesterfield Place
Jamestown, NC 27282
Tel: 202-255-2031
Fax: 336 841-5275

Holtzman Vogel PLLC

Jason Torchinsky, *pro hac vice*

jtorchinsky@holtzmanlaw.net

HOLTZMAN VOGEL PLLC

45 North Hill Drive, Suite 100

Warrenton, VA 20186

Tel: (540) 341-8808

Fax: (540) 341-8809

Counsel for Plaintiffs