

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION
No. 4:23-CV-193-D

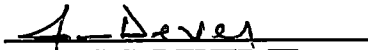
RODNEY D. PIERCE and)	
MOSES MATTHEWS,)	
)	
Plaintiffs,)	
)	
v.)	ORDER
)	
THE NORTH CAROLINA STATE)	
BOARD OF ELECTIONS, et al.,)	
)	
Defendants.)	

On December 29, 2023, plaintiffs filed an interlocutory appeal in this case which divested this court of jurisdiction [D.E. 44]. See, e.g., United States v. Montgomery, 262 F.3d 233, 239 (4th Cir. 2001). On January 16, 2024, jurisdiction returned to this court when the United States Court of Appeals for the Fourth Circuit issued its mandate [D.E. 56]. See Montgomery, 262 F.3d at 239; Alphin v. Henson, 552 F.2d 1033, 1035 (4th Cir. 1977). In the order accompanying the mandate, the Fourth Circuit observed that issuing “the mandate is not intended to impair the trial court’s own considered review of those filings relevant to plaintiffs’ request for injunctive relief.” Pierce v. N.C. State Bd. of Elections, No. 23-2317, [D.E. 52] 2 (4th Cir. Jan. 16, 2024).

At the court’s hearing on January 10, 2024, concerning plaintiffs’ motion for a preliminary injunction, the parties discussed plaintiffs’ expert Dr. Matthew Barreto’s estimated election outcomes in Senate Districts 1 and 2. At the hearing, the court granted plaintiffs’ request to file a supplement from Dr. Barreto. On January 12, 2024, plaintiffs submitted a supplemental declaration from Dr. Barreto. See [D.E. 55]. As part of this court’s considered review of the record, the court

ORDERS that the legislative defendants and the Board defendants may file any response to Dr. Barreto's supplemental declaration [D.E. 55] no later than Monday, January 22, 2024.

SO ORDERED. This 17 day of January, 2024.


JAMES C. DEVER III
United States District Judge