

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:24-CV-00420-BO

JOHNNY THOMAS ORTIZ II; JIMMIE )  
GREGORY ROGERS JR.; and WELDON )  
MURPHY )  
Plaintiffs, )

v. )

ORDER

NORTH CAROLINA STATE BOARD )  
OF ELECTIONS; ALAN HIRSCH, in his )  
official capacity as Chair of the North )  
Carolina State Board of Elections; )  
JEFF CARMON III, in his official capacity )  
as Member of the North Carolina State )  
Board of Elections; STACY EGGERS IV, )  
in his official capacity as member of the )  
North Carolina State Board of Elections; )  
KEVIN N. LEWIS, in his official capacity )  
as member of the North Carolina State )  
Board of Elections; SIOBHAN O'DUFFY )  
MILLEN, in her official capacity as member )  
of the North Carolina State Board of )  
Elections; and KAREN BRINSON BELL, )  
in her official capacity as Executive Director )  
of the North Carolina State Board of )  
Elections, )  
Defendants. )

On 22 July 2024, Plaintiffs Johnny Ortiz II, Jimmie Gregory Rogers Jr., and Weldon Murphy filed suit against Defendants North Carolina State Board of Elections (“NCSBE”), Alan Hirsch, Jeff Carmon III, Stacy Eggers IV, Kevin N. Lewis, Siobhan O’Duffy Millen, and Karen Brinson Bell, alleging serious First and Fourteenth Amendment violations concerning the NCSBE’s recent decision to not certify the Justice for All Party of North Carolina (“JFA”) as a

new political party and to not place its candidate on North Carolina's November 2024 general election ballot. [DE 1]. In their complaint, Plaintiffs request declaratory and injunctive relief.


Contemporaneously, Plaintiffs filed an Emergency Motion for for a Preliminary Injunction under Federal Rule of Civil Procedure 65(a). Plaintiff's motion requests the following injunctive relief: that the Court direct Defendants to certify JFA's petition as sufficient for JFA to qualify as a new political party in North Carolina's November 2024 general election under N.C. Gen. Stat. § 163-96(a)(2); that the Court enjoin Defendants from enforcing N.C. Gen. Stat. § 163-98 against JFA to the extent that provision requires a new party to take specified actions before 1 July 2024; and that the Court order Defendants to take the action necessary to include JFA's nominated candidate on North Carolina's November 2024 general election ballot. What's more, Plaintiffs ask this Court to issue a decision on the motion on or before 19 August 2024. [DE 8]. Plaintiffs have filed a memorandum in support. [DE 9].

Given the exigent nature of the issues presented and the seriousness of the constitutional harms alleged, the Court ORDERS as follows:

- TAKE NOTICE that the Court will hold a hearing on Plaintiff's motion for preliminary injunction at 2:00 p.m. on Tuesday, 30 July 2024 at the United States Courthouse at 306 E. Main St., Elizabeth City, North Carolina.
- Defendants shall have until 5:00 p.m. on 26 July 2024 to file their brief in response.
- Plaintiffs shall have until 12:00 p.m. on 29 July 2024 to file a reply.
- Plaintiff's counsel is directed to serve this Order via e-mail on Defendants. Plaintiff's Counsel must electronically file a certification to that effect by 12:00 p.m. on 24 July 2024.

- The Clerk shall serve this Order on the Defendants via mail at the addresses listed in the summons attached to the Complaint.

SO ORDERED, this 23 day of July 2024.

  
TERRENCE W. BOYLE  
UNITED STATES DISTRICT JUDGE