

KAGAN, J., dissenting

SUPREME COURT OF THE UNITED STATES

No. 23A521

TERRY PETTEWAY, ET AL. *v.* GALVESTON COUNTY,
TEXAS, ET AL.

ON APPLICATION TO VACATE STAY

No. 23A523

DICKINSON BAY AREA BRANCH NAACP, ET AL. *v.*
GALVESTON COUNTY, TEXAS, ET AL.

ON APPLICATION TO VACATE STAY

[December 12, 2023]

The applications to vacate stay presented to JUSTICE ALITO and by him referred to the Court are denied.

JUSTICE KAGAN, with whom JUSTICE SOTOMAYOR and JUSTICE JACKSON join, dissenting from the denial of applications to vacate stay.

I would grant the applications to vacate the stay issued by the Court of Appeals for the Fifth Circuit. The Fifth Circuit’s stay itself disrupted the status quo—an election map concededly lawful under Circuit precedent and nearly identical to the maps that have governed the election of Galveston County’s commissioners for decades. In imposing a different map, acknowledged to violate current law—on the theory that the Circuit might someday change that law—the Court of Appeals went far beyond its proper authority. I respectfully dissent from this Court’s denial of the applications.