

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

SHANNON PEREZ, *et al.*,

Plaintiffs,

v.

STATE OF TEXAS, *et al.*,

Defendants.

CIVIL ACTION NO.
SA-11-CA-360-OLG-JES-XR
[Lead case]

DEFENDANTS' NOTICE OF APPEAL

Defendants the State of Texas, Greg Abbott, in his official capacity as Governor, and Rolando B. Pablos, in his official capacity as Secretary of State, hereby provide notice of their appeal to the Supreme Court of the United States of this Court's Order on Plan C235 (Aug. 15, 2017), ECF No. 1535.

The appeal is pursuant to 28 U.S.C. § 1253, which authorizes direct appeals to the Supreme Court of the United States from a three-judge district court's interlocutory injunctive orders. The Court's August 15, 2017 Order contains an injunction preventing the State from using the existing Congressional Districts 27 and 35. *See* ECF No. 1535 at 105 ("In Part VI, the Court concludes that the Plan C235 configurations of CD35 and Nueces County/CD27 violate § 2 and the Fourteenth Amendment. These statutory and constitutional violations must be remedied by either the Texas Legislature or this Court.").

Additionally, an interlocutory order that is not expressly labeled as injunctive but nonetheless has the “practical effect” of granting an injunction may be appealed as an injunctive order. *Carson v. Am. Brands, Inc.*, 450 U.S. 79, 83 (1981). This Order also satisfies *Carson’s* “practical effect” test because it prevents the State from using the existing Congressional Districts 27 and 35.

Date: August 18, 2017

Respectfully submitted.

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I hereby certify that a true and correct copy of this filing was sent on August 18, 2017, via the Court's electronic notification system and/or email to the following counsel of record:

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