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PLAINTIFF IN PRO SE, CARL GORDON

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CLERK U.S. DISTRICT COURT  
CENTRAL DIST. OF CALIF.  
LOS ANGELES

BY: *[Signature]*

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CLERK, U.S. DISTRICT COURT  
COURT 4612

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA WESTERN DIVISION**

**CARL GORDON,**  
  
Plaintiffs,

v.

**GAVIN NEWSOM, IN HIS OFFICIAL  
CAPACITY AS GOVERNOR OF  
CALIFORNIA;**

**SHIRLEY N. WEBER, IN HER  
OFFICIAL) CAPACITY AS CALIFORNIA  
SECRETARY) OF STATE;**

**DOES 1 THROUGH 10,**  
  
Defendants.

CASE No:

*CV25-12427-SVW (MAAx)*

**COMPLAINT FOR  
DECLARATORY AND  
PROSPECTIVE INJUNCTIVE**

**RELIEF (U.S. CONST. ART. VI;  
AMENDS. V, XIV & XV; 42 U.S.C.  
§ 1983)**

**REQUEST FOR CONVENING OF  
THREE-JUDGE COURT (28 U.S.C.  
§ 2284) ACTION SEEKING  
STATEWIDE RELIEF**

**COMPLAINT FOR DECLARATORY AND PROSPECTIVE  
INJUNCTIVE RELIEF (U.S. CONST. art. VI; amends. V, XIV & XV; 42  
U.S.C. § 1983) REQUEST FOR CONVENING OF THREE-JUDGE  
COURT (28 U.S.C. § 2284) ACTION SEEKING STATEWIDE RELIEF**

**I. INTRODUCTION**

1. This action challenges the continued enforcement of Proposition 50, a statewide election enactment that operates as the latest iteration of a uniform election-administration framework first implemented during the 2020 presidential election, duplicated during the 2021 gubernatorial recall election, expanded during the 2022 midterm election, entrenched during the 2024 presidential general election, and carried forward into the November 4, 2025, Proposition 50 special election.
2. Plaintiff alleges that this framework has been repeatedly administered using federal election funds provided under the Help America Vote Act (“HAVA”), overseen by the United States Election Assistance Commission (“EAC”), in a manner that conflicts with binding federal constitutional and statutory requirements.
3. Absent judicial intervention, the same framework is scheduled to be used in upcoming statewide elections, including the California Statewide Primary Election on June 2, 2026, and the November 3, 2026, midterm general election, rendering the constitutional issues presented here imminent and of exceptional public importance.
4. Plaintiff seeks declaratory and prospective injunctive relief only.



## II. JURISDICTION AND VENUE

5. This Court has jurisdiction under 28 U.S.C. §§ 1331 and 1343.
6. Declaratory relief is authorized by 28 U.S.C. § 2201. Prospective injunctive relief is authorized under *Ex parte Young*, 209 U.S. 123 (1908).
7. This action invokes 28 U.S.C. § 2284(a) because it challenges the constitutionality of a statewide election enactment.
8. Venue is proper in this District under 28 U.S.C. § 1391(b).

## III. PARTIES

9. Plaintiff Carl Gordon is a California voter, was a fee-paying replacement candidate in the 2021 gubernatorial recall election, and is an appellant in multiple pending Ninth Circuit appeals involving the administration and constitutionality of election procedures in the State of California, in which Governor Gavin Newsom and other state officials have been named as appellees or defendants in their official and individual capacities.
10. Defendant Gavin Newsom is the Governor of California and is sued in his official and individual capacities.
11. Defendant Shirley N. Weber is the California Secretary of State and is sued in her official and individual capacities.
12. Defendants Does 1 through 10 are individuals whose identities are presently unknown to Plaintiff who participated in, authorized, implemented, or enforced the election framework challenged herein.

1 Plaintiff will seek leave to amend this Complaint to substitute their true  
2 names and capacities when ascertained.

#### 3 **IV. PROCEDURAL CONTEXT AND CONTINUITY**

4  
5 13. Proposition 50 continues to be implemented as operative law  
6 notwithstanding unresolved constitutional questions concerning federal  
7 preemption, misuse of federal election funds, and structural defects carried  
8 forward from prior election cycles.

9  
10 14. Plaintiff does not seek adjudication of procedural disputes arising in other  
11 cases but alleges these facts solely to demonstrate that Proposition 50  
12 continues to be enforced under circumstances in which prompt and  
13 complete constitutional review is necessary.

14 15. The election framework challenged here represents the continuation of  
15 election practices first implemented during the 2020 presidential election,  
16 duplicated during the 2021 gubernatorial recall election, expanded during  
17 the 2022 midterm election, entrenched during the 2024 presidential general  
18 election, and carried forward into the November 4, 2025, Proposition 50  
19 special election—each administered with substantial federal funding  
20 provided under HAVA and overseen by the EAC.

#### 21 **V. INJURY AND STANDING**

22  
23 16. Plaintiff and other replacement candidates in the 2021 California  
24 gubernatorial recall election were required to pay a non-refundable filing  
25 fee of \$4,194.94 to participate in an election conducted under an allegedly  
26 unconstitutional and federally preempted framework.



1 17.Plaintiff alleges that this compulsory payment constitutes a taking without  
2 just compensation in violation of the Fifth Amendment.

3 18.Plaintiff further alleges harm to the integrity of federal presidential elector  
4 administration, including California's 55 presidential electors and  
5 associated federal records maintained by the National Archives and  
6 Records Administration.  
7

8 19.Plaintiff further alleges harm to the federal fisc—i.e., the United States  
9 Treasury and federal taxpayer funds administered by the federal  
10 government—from unlawful federal expenditures, including the use of  
11 hundreds of millions of dollars in federal election funds across multiple  
12 election cycles.  
13

14 **VI. CLAIM FOR RELIEF (Supremacy Clause – U.S. Const. art. VI, cl. 2)**

15 20.Proposition 50, as enforced, conflicts with federal constitutional  
16 requirements and binding federal funding conditions.  
17

18 21.Under the Supremacy Clause, such conflicting state law is unenforceable.  
19

20 **VII. THREE-JUDGE COURT**

21 22.Plaintiff respectfully invokes 28 U.S.C. § 2284(a) and requests that a three-  
22 judge district court be convened to adjudicate the constitutional claims  
23 presented herein.  
24  
25  
26  
27  
28

1 **VIII. PRAYER FOR RELIEF**

2 WHEREFORE, Plaintiff respectfully requests that the Court:

3  
4 A. Declare that Proposition 50, as enforced, violates the United States  
5 Constitution;

6 B. Enjoin Defendants from prospective enforcement of Proposition 50 in a  
7 manner inconsistent with federal constitutional and statutory requirements;

8  
9 C. Convene a three-judge district court pursuant to 28 U.S.C. § 2284;

10 D. Grant such other and further relief as the Court deems just and proper.

11  
12 **Dated:** December 31, 2025

Respectfully submitted,

13 

14 Carl Gordon  
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