

FILED

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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**

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

5 **I. INTRODUCTION**

- 6 1. This action challenges the continued enforcement of Proposition 50, a
7 statewide election enactment that operates as the latest iteration of a
8 uniform election-administration framework first implemented during the
9 2020 presidential election, duplicated during the 2021 gubernatorial recall
10 election, expanded during the 2022 midterm election, entrenched during
11 the 2024 presidential general election, and carried forward into the
12 November 4, 2025, Proposition 50 special election.
- 13 2. Plaintiff alleges that this framework has been repeatedly administered
14 using federal election funds provided under the Help America Vote Act
15 (“HAVA”), overseen by the United States Election Assistance
16 Commission (“EAC”), in a manner that conflicts with binding federal
17 constitutional and statutory requirements.
- 18 3. Absent judicial intervention, the same framework is scheduled to be used
19 in upcoming statewide elections, including the California Statewide
20 Primary Election on June 2, 2026, and the November 3, 2026, midterm
21 general election, rendering the constitutional issues presented here
22 imminent and of exceptional public importance.
- 23 4. Plaintiff seeks declaratory and prospective injunctive relief only.

1 **II. JURISDICTION AND VENUE**

2 5. This Court has jurisdiction under 28 U.S.C. §§ 1331 and 1333.
3
4 6. Declaratory relief is authorized by 28 U.S.C. § 2201. Prospective
5 injunctive relief is authorized under *Ex parte Young*, 209 U.S. 123 (1908).
6
7 7. This action invokes 28 U.S.C. § 2284(a) because it challenges the
8 constitutionality of a statewide election enactment.
9
8 8. Venue is proper in this District under 28 U.S.C. § 1331(b).

10 **III. PARTIES**

11 9. Plaintiff Carl Gordon is a California voter, was a fee-paying replacement
12 candidate in the 2021 gubernatorial recall election, and is an appellant in
13 multiple pending Ninth Circuit appeals involving the administration and
14 constitutionality of election procedures in the State of California, in which
15 Governor Gavin Newsom and other state officials have been named as
16 appellees or defendants in their official and individual capacities.
17

18 10. Defendant Gavin Newsom is the Governor of California and is sued in his
19 official and individual capacities.
20

21 11. Defendant Shirley N. Weber is the California Secretary of State and is sued
22 in her official and individual capacities.
23

24 12. Defendants Does 1 through 10 are individuals whose identities are
25 presently unknown to Plaintiff who participated in, authorized,
26 implemented, or enforced the election framework challenged herein.
27
28

1 Plaintiff will seek leave to amend this Complaint to substitute their true
2 names and capacities when ascertained.
3

4 **IV. PROCEDURAL CONTEXT AND CONTINUITY**

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

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

22 **V. INJURY AND STANDING**

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

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

13 20. Proposition 50, as enforced, conflicts with federal constitutional
14 requirements and binding federal funding conditions.

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

16 **VII. THREE-JUDGE COURT**

17 22. Plaintiff respectfully invokes 28 U.S.C. § 2284(a) and requests that a three-
18 judge district court be convened to adjudicate the constitutional claims
19 presented herein.

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 **Dated:** December 31, 2025

12 Respectfully submitted,

13 *Carl Gordon*

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