

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	2:25-cv-12427-SVW-MAA	Date	January 13, 2026
Title	<i>Carl Gordon v. Gavin Newson</i>		

Present: The Honorable STEPHEN V. WILSON, U.S. DISTRICT JUDGE

Daniel Tamayo

N/A

Deputy Clerk

Court Reporter / Recorder

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

N/A

N/A

Proceedings: ORDER DENYING PLAINTIFF'S MOTION TO EXPEDITE DETERMINATION [3].

Before the Court is a "Motion to Expedite Determination," filed by pro se plaintiff Carl Gordon. ECF No. 3. The Motion requests that this Court promptly reach a determination as to Plaintiff's contention that, under 28 U.S.C § 2284(a), a three-judge panel should be convened to resolve this case. Id.

The Court, liberally construing pro se Plaintiff's motion as a request for a temporary restraining order ("TRO"), has conducted a thorough analysis of the factors outlined in *Winter v. NRDC, Inc.*, 555 U.S. 7, 22 (2008).

The Complaint, though vague and, at times, difficult to follow makes two discernible claims: (1) the imposition of a \$4,194.94 filing fee for candidates in California's 2021 gubernatorial recall election violated the Takings Clause of the Fifth Amendment to the United States Constitution; and (2) California's recently passed ballot Proposition 50 conflicts with "federal constitutional requirements and binding federal funding conditions." Complaint, ECF No. 1 ¶¶ 16, 20

As to the first claim, though the Court cannot fathom how filing fees in a state-wide election would implicate the takings clause of the Fifth Amendment, there is Supreme Court precedent to support the

:

Initials of Preparer DTA

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES - GENERAL

Case No.	2:25-cv-12427-SVW-MAA	Date	January 13, 2026
Title	<i>Carl Gordon v. Gavin Newsom</i>		

contention that required, candidate-borne filing fees may violate the Equal Protection clause of the Fourteenth Amendment. *See Bullock v. Carter*, 405 U.S. 134 (1972) (holding that mandatory filing fees in a Texas primary were subject to heightened scrutiny and affirming a finding of unconstitutionality).

However, Plaintiff has brought similar challenges in this District before that have failed. In *Carl Gordon v. Gavin Newsom*, 2:21-cv-07270-FMO-MAR, Judge Olguin expressly found that the filing fee in question was *not* required and could be waived via a signature requirement. *See id.* at ECF No. 33 (Report and Recommendation finding that: “to qualify for a place on the Recall Election ballot, Candidates were required to submit the following: (1) A filing fee of \$4,194.94, or 7,000 voter signatures in lieu of the filing fee; (2) Declaration of Candidacy; and (3) Nomination Petitions with at least 65 valid voter signatures”); *id.* at ECF No. 48 (accepting the findings and recommendations of the Magistrate Judge).

Considering that another court in this District has already explicitly found that the specific factual allegations pled by Plaintiff were false, the Court finds it likely that Plaintiff will be found to be precluded from attempting to relitigate this issue. As such, the Court finds no likelihood of success on the merits as to the mandatory filing fee claim.

As to the second claim, Plaintiff merely alleges a general determination of unconstitutionality and violations of federal law, without identifying with particularity a single Constitutional provision or federal law being violated. As such, the Court finds no likelihood of success on the merits as to this claim.

Finding both claims unlikely to succeed on the merits, the Court may end its analysis here.

Plaintiff’s request for a TRO in the form of expedited determination on the issue of a three-judge panel is DENIED.

IT IS SO ORDERED.

Initials of Preparer DTA