United States Court of Appeals
For The Eighth Circuit
Thomas F. Eagleton U.S. Courthouse
111 South 10th Street, Room 24.329
St. Louis, Missouri 63102

Susan E. Bindler
Clerk of Court

VOICE (314) 244-2400
FAX (314) 244-2780
www.ca8.uscourts.gov

September 14, 2026

Paul Berry III
1200 Big Bend Boulevard
Saint Louis, MO 63117

RE: 26-2840 Paul Berry, III v. Denny Hoskins, et al

Dear Petitioner:

A petition for a writ has been filed under the above referenced number. Your case will be referred to a panel of judges, and you will be advised of the Court's ruling.

Please note that service by pro se parties is governed by Eighth Circuit Rule 25B. A copy of the rule and additional information is attached to the pro se party's copy of this notice.

On June 1, 2007, the Eighth Circuit implemented the appellate version of CM/ECF. Electronic filing is now mandatory for attorneys and voluntary for pro se litigants proceeding without an attorney. Information about electronic filing can be found at the court's web site www.ca8.uscourts.gov. In order to become an authorized Eighth Circuit filer, you must register with the PACER Service Center at https://pacer.psc.uscourts.gov/pscof/login.xhtml. Questions about CM/ECF may be addressed to the Clerk's office.

Susan E. Bindler
Clerk of Court

CMH

Enclosure(s)

cc: Clerk, U.S. District Court, Eastern District of Missouri
Kathleen T. Hunker
Madeline Sparks Lansdell

District Court/Agency Case Number(s): 4:26-cv-01419-JAR

Caption For Case Number: 26-2840

In re: Paul Berry, III

Petitioner

Addresses For Case Participants: 26-2840

Paul Berry III
1200 Big Bend Boulevard
Saint Louis, MO 63117

Clerk, U.S. District Court, Eastern District of Missouri
U.S. DISTRICT COURT
Eastern District of Missouri
111 S. Tenth Street
Saint Louis, MO 63102-0000

Kathleen T. Hunker
ATTORNEY GENERAL'S OFFICE
Suite 200
815 Olive Street
Saint Louis, MO 63101

Madeline Sparks Lansdell
ATTORNEY GENERAL'S OFFICE
Suite 200
815 Olive Street
Saint Louis, MO 63101

IN THE UNITED STATES COURT OF APPEALS

FOR THE EIGHTH CIRCUIT

FILED
SEP 14 2026
U.S. Court of Appeals
Eighth Circuit

PAUL BERRY III,

Hearing Requested

Petitioner,

v.

26-2840

Court of Appeals Docket #:

DENNY HOSKINS,
in his official capacity as
Missouri Secretary of State,

Respondents.

HAND DELIVERED
RECEIVED
SEP 14 2026
U.S.COURT OF APPEALS
EIGHTH CIRCUIT

VERIFIED PETITION FOR
WRIT OF PROHIBITION AND WRIT OF MANDAMUS
(Pursuant to the All Writs Acts)

Petitioner, Paul Berry III, and upon knowledge with respect to information, hereby allege for this Writ of Mandamus and Writ of Prohibition against Missouri Secretary of State Denny Hoskins as the responding official representative regarding conduct alleged against the State of Missouri, the Missouri Secretary of State is for the reasons further provided below prohibited from utilizing the 2022 Missouri Congressional District Map to conduct the 2026 Missouri General congressional election and mandated to conduct the 2026 Missouri General congressional election without congressional district voting and by stateside ballot election

vote to cure the State of Missouri's instant violation of the Voting Rights Act of 2006, the Civil War Act Amendments and the Equal Protection Clause of the United States Constitution, state as follows:

INTRODUCTION

After 4:00pm on September 4, 2026, the Missouri Supreme Court completed its administrative review of the certificate of insufficiently issued by the Missouri Secretary of State attached to a Missouri referendum petition related to the Missouri congressional map utilized by the Missouri Secretary of State to conduct the 2026 Missouri Primary congressional election, and upon such administrative review of the certificate of insufficiently issued by the Missouri Secretary of State, the Missouri Supreme Court issued its opinion and order that the complete filing of the Missouri referendum petition before the Missouri Secretary of State was sufficient, and as a result, (a) the complete filing of the Missouri referendum petition before the Missouri Secretary of State suspended the Missouri congressional map utilized by the Missouri Secretary of State to conduct the 2026 Missouri Primary congressional election retroactively to December 9, 2025, and (b) the Missouri statute enacting the suspension of he Missouri congressional map utilized by the Missouri Secretary of State to conduct the 2026 Missouri Primary congressional election also suspended the repeal of the previous Missouri congressional map, which is now ordered by the Missouri Supreme Court to be utilized by the Missouri Secretary of State to conduct the 2026 Missouri General congressional election until a Missouri statewide vote has been conducted by the Missouri Secretary of State during the 2026

Missouri General election.

The graveman of the underlying Complaint is the previous Missouri congressional map enacted by the Missouri Supreme Court ordering the certification of the Missouri referendum petition is for a plethora of reasons further explained by *LOUISIANA v. CALLAIS ET AL.* and this Complaint grossly violates United States Code and the United States Constitution. No Missouri Court has considered the constitutionality of Missouri utilizing race to draft the jurisdictional boundaries of Missouri Congressional District One as a majority-Miority gerrymandered congressional district under the Gingles analysis, as amended by *LOUISIANA v. CALLAIS ET AL.* and there was no cause by Petitioner Berry to invalidate an unconstitutional congressional map that was neither utilized to conduct the 2026 Missouri Primary congressional election or was not even Missouri law until ten (10) days ago.

Petitioner Berry filed his Complaint before the United States District Court of Eastern Missouri on September 4, 2026, three (3) court hours after the Missouri Supreme Court enacted the 2022 Missouri Congressional District Map on September, 3, 2026, immediately assigned a District Court Judge to the Complaint, and after the hours of the District Court reassigned Petitioner Berry's Complaint to United States District Court of Eastern Missouri District Judge John A. Ross, who first issued a show cause order instantaneous with such Complaint being transferred to him by the Chief District Judge, issued an Order sua sponte specifically stating the court would not consider any further relief from Petitioner Berry until Petitioner Berry Responses to the show cause order no later than noon on Labor Day 2026, and

when Petitioner Berry squarely responded to DIstrict Judge Ross' aforementioned show cause order, District Judge Ross issued an Order placing Petitioner Berry's entire Complaint in abeyance until the United States Supreme Court ruled on the Writ of Certiorari petition regarding the Missouri Supreme Court's opinion in *VON GLAHN V. HOSKINS*, and as the Court is well-aware was decided on September 8, 2026, which is the exact same date District Judge Ross issued his Order placing the underlying Complaint under abeyance.

On September 10, 2026, Petitioner Berry filed before DIstrict Judge Ross his motion to set aside the aforementioned Order of Abeyance, to which at the time this Writ application has been executed by Petitioner Berry, such underlying Complaint is still held under the aforementioned Order of Abeyance, thus Petitioner Berry is without any other option to receive Federal judicial relief in the instant.

The Missouri Supreme Court's three-card-monte with Missouri's congressional election AFTER THE 2026 MISSOURI PRIMARY ELECTION WAS CERTIFIED for reasons further explained by this brief will require the Missouri Secretary of State to conduct the 2026 Missouri General congressional election in the exact same manner as Miissouri did in the year 1922; the Missouri Secretary of State should be ordered by the Court to conduct the 2026 Missouri General congressional election by statewide election with no congressional district boundaries.

STATEMENT OF VERIFIED FACTS

Parties to Writ Applications

1. Petitioner Paul Berry III ("Petitioner Berry") is an African American resident of Missouri over the age of twenty-one years old and a registered voter of Missouri Congressional District One. Petitioner Berry is the certified Missouri Congressional District One Republican nominee for the 2026 Missouri General congressional election. Petitioner Berry voted during the 2026 Missouri Primary congressional election and intends to vote during the 2026 Missouri General congressional election.

2. Respondent Denny Hoskins ("Respondent", "Missouri", or "Missouri Secretary of State") is the current Secretary of State of the State of Missouri. The foundational Missouri constitutional authority establishing the election duties of the Missouri Secretary of State lies with Article IV, Section 14 of the Missouri Constitution, which states:

> "The secretary of state shall be custodian of the seal of the state, and authenticate therewith all official acts of the governor except the approval of laws. The seal shall be called the "Great Seal of the State of Missouri," and its present emblems and devices shall not be subject to change. He shall keep a register of the official acts of the governor, attest them when necessary, and when required shall lay copies thereof, and of all papers relative thereto, before either house of the general assembly. He shall be custodian of such records, and documents and perform such duties in relation thereto, and in relation to elections and corporations, as provided by law, but no duty shall be imposed on him by law which is not related to his duties as prescribed in this constitution." (underline added)

3. The Missouri Secretary of State conducted the 2026 Missouri Primary congressional election and intends on conducting the 2026 Missouri General congressional election for Missouri Congressional District One on behalf of the State of Missouri under Missouri Supreme Court Order after threat of contempt order incarceration after a Missouri Supreme Court hearing on September 10, 2026.

4. State of Missouri ("Missouri") is the 24th state to join the Union in the year 1820, and is responsible for the appointment of United States congressional legislative districts on behalf of Missouri and ultimately responsible to ensure a ballot election is conducted to select United States congressional representatives on behalf of Missouri.

Relevant Congressional Redistricting Legal Authorities

5. Article I, Section 4, Clause 1 of the United States Constitution (the "Elections Clause"), grants each State within the Union, such as the State of Missouri, the authority to set "(t)he Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators."

6. Authorized by the Elections Clause, 2 U.S.C. § 7 requires Missouri and all other States of the Union to conduct a General election for United States Congress on the "Tuesday next after the 1st Monday in November, in every even numbered year."

7. 2 U.S.C. § 7 requires Missouri to conduct a General election for United States Congress on Tuesday November 3, 2026.

8. Authorized by the Elections Clause, 2 U.S.C. § 2c requires Missouri after "the Ninety-first Congress or in any subsequent Congress thereafter to more than one Representative under an apportionment made pursuant to the provisions of section 2a(a) of this title, there shall be established by law a number of districts equal to the number of Representatives to which such State is so entitled, and Representatives shall be elected only

from districts so established, no district to elect more than one Representative (except that a State which is entitled to more than one Representative and which has in all previous elections elected its Representatives at Large may elect its Representatives at Large to the Ninety-first Congress)."

9. 2 U.S.C. § 2c requires Missouri to create a congressional district map for use during the 2026 Missouri General congressional election by establishing "by law a number of districts equal to the number of Representatives to which such State is so entitled, and Representatives shall be elected only from districts so established".

10. Authorized by the Elections Clause, 2 U.S. Code § 2a establishes the process for the United States to appoint the number of congressional districts Missouri is required to maintain upon Missouri's current congressional district map codified by Missouri law.

11. Authorized by the Elections Clause, Article III, Section 45 of the Missouri Constitution requires Missouri to create a congressional district map for use during the Missouri 2026 General election and states:

> "Congressional apportionment. — When the number of representatives to which the state is entitled in the House of the Congress of the United States under the census of 1950 and each census thereafter is certified to the governor, the general assembly shall by law divide the state into districts corresponding with the number of representatives to which it is entitled, which districts shall be composed of contiguous territory as compact and as nearly equal in population as may be."

12. United States congressional districts in Missouri are enacted by "the general assembly shall by law divide the state into districts corresponding with the number of representatives to which it is entitled..", in the same general manner and under the same legislative procedure as

enacting any other Missouri statute.

Relevant Missouri Congressional District Maps

13. On August 12, 2021, the US Census Bureau published the detailed local redistricting data files from the decennial census canvas and its reapportionment calculations pursuant to 2 U.S. Code § 2a, 2 U.S. Code § 2c and the Elections Clause.

14. Based upon Article III, Section 45 of the Missouri Constitution, 2 U.S. Code § 2a, 2 U.S. Code § 2c and the Elections Clause, no Missouri congressional district map enacted prior to August 12, 2021, may be utilized by Missouri to conduct the 2026 Missouri General congressional election.

15. There are only two Missouri congressional district maps that were enacted by Missouri after August 12, 2021, that theoretically could be utilized by the Missouri Secretary of State to conduct the 2026 Missouri General congressional election that would not cause Missouri to violate Article III, Section 45 of the Missouri Constitution, 2 U.S. Code § 2a and 2 U.S. Code § 2c that were enacted by Missouri since the US Census Bureau published the detailed local redistricting data files from the decennial census canvas and its reapportionment calculations on August 12, 2021, which include: (a) House Bill 2909 enacted by Missouri on May 18, 2022, and (b) House Bill 1 enacted by Missouri on August 9, 2025 (the "Missouri Congressional District Maps").

Missouri 2022 Congressional District Map

16. On March 1, 2022, former Missouri House of Representative Dan Shaul introduced

House Bill 2909 entitled: "AN ACT To repeal sections 128.345, 128.346, and 128.348, RSMo, and to enact in lieu thereof twelve new sections relating to the composition of congressional districts, with an emergency clause."

17. On May 9, 2022, the Missouri House of Representatives passed House Bill 2909 by a vote of 101 Ayes to 47 Noes. The Emergency Clause attached to House Bill 2909 passed by the Missouri House of Representatives by a vote of 114 Ayes to 34 Noes.

18. On May 11, 2022, the Missouri Senate passed House Bill 2909 by a vote of 22 Ayes to 11 Noes. The Emergency Clause attached to House Bill 2909 passed by the Missouri Senate by a vote of 29 Ayes to 4 Noes.

19. On May 18, 2022, House Bill 2909 was delivered to Missouri Governor Mike Parson and was signed into law by Governor Parson on the same day.

20. House Bill 2909 was signed into Missouri law by Governor Parson with the Emergency Clause attached and went into immediate effect on May 18, 2022.

21. Missouri utilized the Missouri congressional district map created from the enactment of House Bill 2909 to conduct the 2022 and 2024 Missouri congressional election cycle.

Missouri 2025 Congressional District Map

22. On August 29, 2025, Missouri Governor Michael Kehoe issued a Proclamation convening an extraordinary session of the Missouri General Assembly pursuant to Article IV, Section 9 of the Missouri Constitution set to commence on September 3, 2025: "(t)o enact legislation to establish new congressional districts for the State of Missouri."

23. On September 3, 2025, former Missouri House of Representative Dirk Deaton introduced House Bill 1 entitled: "An Act To repeal sections 128.345, and 128.348, RSMo, and to enact in lieu thereof twelve new sections relating to the composition of congressional districts."

24. On September 3, 2025, the Missouri House of Representatives passed House Bill 1 by a vote of 90 Ayes to 65 Noes. No Emergency Clause was attached to House Bill 1 upon passage by the Missouri House of Representatives.

25. On September 9, 2025, the Missouri Senate passed House Bill 1 by a vote of 21 Ayes to 11 Noes. No Emergency Clause was attached to House Bill 1 upon passage by the Missouri Senate.

26. On September 9, 2025, House Bill 1 was delivered to and signed into Missouri law by Missouri Governor Kehoe without any Emergency Clause.

27. Article III, Section 29 of the Missouri Constitution establishes when an enacted Missouri law goes into effect, which states:

> "Effective date of laws — exceptions — procedure in emergencies and upon recess. — No law passed by the general assembly, except an appropriation act, shall take effect until ninety days after the adjournment of the session in either odd-numbered or even-numbered years at which it was enacted. However, in case of an emergency which must be expressed in the preamble or in the body of the act, the general assembly by a two-thirds vote of the members elected to each house, taken by yeas and nays may otherwise direct; and further except that, if the general assembly recesses for thirty days or more it may prescribe by joint resolution that laws previously passed and not effective shall take effect ninety days from the beginning of the recess."

28. House Bill 1 went into effect in Missouri on December 11, 2025.

29. As of December 11, 2025, House Bill 1 repealed the 2022 Missouri Congressional District Map enacted by House Bill 2909 by Missouri on May 18, 2022.

30. Missouri utilized the Missouri congressional district map created from the enactment of House Bill 1 to conduct the 2026 Missouri congressional Primary election on August 4, 2026.

Missouri Proposition A Referendum

31. House Bill 1 enacted on September 9, 2025, was codified as Missouri law under § 128.345, 128.346, 128.348, and 128.471 through 128.479 RSMo, with an effective date of December 11, 2025.

32. Article III, Section 49 of the Missouri Constitution establishes the right to referendum petitions against any law enacted by Missouri, which states:

> "Reservation of power to enact and reject laws. — The people reserve power to propose and enact or reject laws and amendments to the constitution by the initiative, independent of the general assembly, and also reserve power to approve or reject by referendum any act of the general assembly, except as hereinafter provided."

33. Article III, Section 52 (a) of the Missouri Constitution establishes procedures related to referendum petitions, which states:

> "Referendum — exceptions — procedure. — A referendum may be ordered (except as to laws necessary for the immediate preservation of the public peace, health or safety, and laws making appropriations for the current expenses of the state government, for the maintenance of state institutions and for the support of public schools) either by petitions signed by five percent of the legal voters in each of two-thirds of the congressional districts in the state, or by the general assembly, as other bills are enacted. Referendum petitions shall be filed with the secretary of state not more than ninety days after the final adjournment of the session of the general assembly which passed the bill on which the referendum is demanded."

34. Article III, Section 52 (b) of the Missouri Constitution further establishes procedures

related to referendum petitions, which states:

> "The veto power of the governor shall not extend to measures referred to the people. All elections on measures referred to the people shall be had at the general state elections, except when the general assembly shall order a special election. Any measure referred to the people shall take effect when approved by a majority of the votes cast thereon, and not otherwise. This section shall not be construed to deprive any member of the general assembly of the right to introduce any measure."

35. On September 29, 2025, Richard von Glahn ("Missouri Proposition A Referendum Organizer") filed a referendum petition ("Missouri Proposition A Referendum") assigned Missouri Referendum Petition Number 2026-R004.

36. A true and correct copy of House Bill 1 enacted by Missouri on August 9, 2025, was attached to Missouri Proposition A Referendum filed by Missouri Proposition A Referendum Organizer before the Missouri Secretary of State on September 29, 2025.

37. The website of the Missouri Secretary of State publishes that the ballot language for Missouri Proposition A Referendum was approved by the Missouri Secretary of State on May 13, 2025, (Petitioner Berry humbly suggests the aforementioned date of May 13, 2025, is a simple clerical error and should state November 13, 2025) certifying the following referendum petition language for distribution to Missouri voters:

> "Do the people of the state of Missouri approve the act of the General Assembly entitled "House Bill No. 1 (2025 Second Extraordinary Session)," which repeals Missouri's existing congressional plan, and replaces it with new congressional boundaries that keep more counties intact?"

38. On December 9, 2025, Missouri Proposition A Referendum Organizer submitted 691 boxes of purported voter referendum petitions to the Missouri Secretary two (2) days prior to the effective date of Missouri Proposition A.

39. Missouri Proposition A Referendum Organizer vigorously argued before the Missouri courts that simply turning in a several hundreds boxes of unverified voter referendum petitions can somehow suspend the enactment of Missouri Proposition A prior to the Missouri Secretary of State verifying the voter signatures attached to such unverified voter referendum petitions in the manner required by Missouri law, which was soundly rejected by the Missouri Supreme Court in *MAGGARD V. STATE* (Mo Supreme Court- 2026).

40. *MAGGARD V. STATE* affirmed the date of August 4, 2026, as the Missouri statutory deadline for the Missouri Secretary of State to issue a certification decision regarding whether the voter signatures submitted to the Missouri Secretary of State on December 9, 2025, attached to Missouri Proposition A Referendum are sufficient pursuant to Article III, Section 52 (a) of the Missouri Constitution to place Missouri Proposition A Referendum on the 2026 Missouri General election ballot.

41. On August 4, 2026, the Missouri Secretary of State issued a certificate of insufficiency against the voter signatures attached to Missouri Proposition A Referendum pursuant to § 116.150, RSMo.

42. Judicial review of the Missouri Secretary of State's decision to issue a certificate of insufficiency against the voter signatures attached to Missouri Proposition A Referendum pursuant to § 116.150, RSMo is permissible by Missouri law pursuant to § 116.200, RSMo when filed within ten (10) days of such decision by the Missouri Secretary of State to issue a certificate of insufficiency against the voter signatures attached to Missouri Proposition A

Referendum, which states:

> "1. After the secretary of state certifies a petition as sufficient or insufficient, any citizen may apply to the circuit court of Cole County to compel him to reverse his decision. The action must be brought within ten days after the certification is made. All such suits shall be advanced on the court docket and heard and decided by the court as quickly as possible.
>
> 2. If the court decides the petition is sufficient, the secretary of state shall certify it as sufficient and attach a copy of the judgment. If the court decides the petition is insufficient, the court shall enjoin the secretary of state from certifying the measure and all other officers from printing the measure on the ballot.
>
> 3. Within ten days after a decision is rendered, any party may appeal it to the supreme court."

43. On August 4, 2026, Missouri Proposition A Referendum Organizer filed a declaratory judgment and injunctive relief petition before the Cole County Circuit Court of the State of Missouri (Missouri Circuit Court Case No: 26AC-CC00440 - "*VON GLAHN V HOSKINS*") pursuant to, inter alia, § 116.200.1, RSMo seeking the Cole County Circuit Court to adjudicate by de novo judicial review as to whether Missouri Proposition A Referendum is sufficient or insufficient for placement on the 2026 Missouri General election ballot pursuant to § 116.115, RSMo, which states:

> "1. After the secretary of state makes a determination on the sufficiency of the petition and if the secretary of state finds it sufficient, the secretary of state shall issue a certificate setting forth that the petition contains a sufficient number of valid signatures to comply with the Constitution of Missouri and with this chapter.
>
> 2. The secretary of state shall issue a certificate only for a petition approved pursuant to section 116.332. If the secretary of state finds the petition insufficient, the secretary of state shall issue a certificate stating the reason for the insufficiency.
>
> 3. The secretary of state shall issue a certificate pursuant to this section not later than 5:00 p.m. on the thirteenth Tuesday prior to the general election or two weeks after the

> date the election authority certifies the results of a petition verification pursuant to subsection 2 of section 116.130, whichever is later."

44. On August 10, 2026, the Presiding Judge of the Missouri Supreme Court issued a letter sua sponte to the Cole County Circuit Court stating, inter alia, that the adjudication of *VON GLAHN V HOSKINS* (a) has relevance to which Missouri congressional district map that will be lawfully enacted and utilized by the Missouri Secretary of State to conduct the 2026 Missouri General congressional, (b) is required to be docketed and heard at the first opportunity of the Cole County Circuit Court, (c) the strong likelihood that *VON GLAHN V HOSKINS* will be appealed to the Missouri Supreme Court and (d) the necessity of *VON GLAHN V HOSKINS* to be finally resolved by the Missouri courts no later than September 8, 2026, as to not interfere with ballot preparation for the 2026 Missouri General congressional election.

45. The Cole County Circuit Court set *VON GLAHN V HOSKINS* for bench trial on August 19, 2026.

46. On August 19, 2026, the Cole County Circuit Court issued its decision in *VON GLAHN V HOSKINS*, with the following court docket text order:

> "WHEREFORE, this Court hereby issues its Judgment and Order in favor of respondent Denny Hoskins and Intervenors Republican National Committee, National Republican Congressional Committee, and Missouri Republican State Committee and against Petitioner on Petitioners Petition for Declaratory Judgment and Injunctive Relief and further ORDERS, DECLARES, and ADJUDGES that: A. Missouri's referendum provisions in Article III, Sections 49 and 52 of the Missouri Constitution do not apply to congressional redistricting enacted by the General Assembly pursuant to Article III, Section 45; B. The Secretary of State's decision to not certify the referendum petition directed at HB 1 was lawful; C. HB 1 remains in full force and effect for the 2026 general election; D. The Petition is dismissed and judgment is

> entered for respondent; E. The parties are to bear their own costs. F. As soon as a notice of appeal is filed, if any, this Court relinquishes its jurisdiction over this matter and deems this Judgment final for purposes of appeal. See Rule 81.045. SO ORDERED, this 19th day of August 2026. DRG/ado"

47. On August 19, 2026, a notice of appeal was filed before the Cole County Circuit Court in *VON GLAHN V HOSKINS* by Missouri Proposition A Referendum Organizer, to which, on August 20, 2026, the Missouri Supreme Court issued the following court docket text order:

> "Order issued: On August 19, 2026, Appellant filed a notice of appeal to this Court. Without determining whether this appeal invokes this Court's exclusive appellate jurisdiction, this Court, on its own motion, grants transfer of this case under Rule 83.01 because of the general interest or importance of the legal issues involved in this matter. An expedited briefing schedule is set as follows: The legal file and transcript are due on or before August 24, 2026; Appellant's brief is due on or before 12:00 p.m., August 25, 2026; Respondents' briefs are due on or before 12:00 p.m., August 27, 2026; and Appellant's reply brief, if any, is due on or before 12:00 p.m., August 31, 2026. This matter will be set for oral argument on September 2, 2026."

48. On September 2, 2026, *VON GLAHN V HOSKINS* was argued before and submitted for decision by the Missouri Supreme Court.

49. On September 3, 2026, the Missouri Supreme Court issued its opinion in *VON GLAHN V HOSKINS*, which states, inter alia, that House Bill 1 (2025) that established the 2025 Missouri Congressional District Map is suspended until a statewide referendum vote is conducted by the Missouri Secretary of State during the 2026 General election and because House Bill 1 (2025) repealed House Bill House Bill 2909 (2022) that the Missouri congressional district map that was established by House Bill 2909 (2022) is in effect for the 2026 Missouri General congressional election.

50. On September 4, 2026, Missouri filed its Writ of Certiorari before the United States

Supreme Court seeking review of the Missouri Supreme Court's opinion in *VON GLAHN V HOSKINS*, which was denied by the United States Supreme Court on September 8, 2026.

Collateral Effects of Missouri Proposition A Referendum

51. The Missouri Supreme Court in *MAGGARD V. STATE* addressed the application of Article III, Sections 29, 49, 52(a) and 52 (b) of the Missouri Constitution upon House Bill 1 enacted on August 9, 2025, which states:

> "If the December 9 referendum petition filing is ultimately determined to be insufficient, HB 1 became the law on December 11 under article III, section 29 because no "legal, sufficient, and timely" referendum petition was filed before expiration of the 90-day period in article III, section 52(a). See State ex rel. Moore v. Toberman, 250 S.W.2d 701, 703, 705-07 (Mo. banc 1952) (affirming a circuit court judgment concluding a law took effect 90 days after recess of the session in which it was enacted under article III, section 29 when only an insufficient referendum petition had been filed before the 90 days expired because the referendum petition deficiencies could not be remedied by a supplemental filing beyond the time limits in article III, sections 29 and 52(a)).
>
> If, however, the December 9 referendum petition filing is ultimately determined to be sufficient, article III, section 52(b) applies. In that case, because a "legal, sufficient, and timely" referendum petition was filed on December 9 — before HB 1 went into effect on December 11 — HB 1 did not take effect on December 11. HB 1 was "referred to the people" as of December 9, and HB 1 "shall take effect when approved by a majority of the votes cast thereon, and not otherwise." Mo. Const. art. III, sec. 52(b)."
> (underline added)

52. The Missouri Supreme Court reaffirmed its aforementioned statement made in *MAGGARD V. STATE* by its decision in *VON GLAHN V. HOSKINS,* which was issued on September 3, 2026.

53. Under the legislative mechanics of Article III, Sections 29, 49, 52(a) and 52 (b) of the Missouri Constitution, and as explained by the Missouri Supreme Court in *MAGGARD V.*

STATE and *VON GLAHN V. HOSKINS*, House Bill 1 not being in effect during the 2026 Missouri General congressional election now immediately causes the 2022 Missouri Congressional District Map to become the statutory Missouri congressional district map during the 2026 Missouri General Congressional Election.

54. Petitioner Berry does not seek to challenge the legality of the Missouri Proposition A Referendum, in itself, or take any position before the Court regarding the legality of utilizing Missouri's referendum process to repeal any Missouri congressional district map as litigated in *VON GLAHN V HOSKINS*, such issue has been resolved by the Missouri Supreme Court and an application by Missouri for the United States Supreme Court to grant a Writ of Certiorari was denied on September, 8, 2026; Petitioner Berry's underlying Writ related to the Missouri Proposition A Referendum is solely limited to prohibiting Missouri from utilizing the 2022 Missouri Congressional District Map **EVER AGAIN FOR ANY PURPOSE WHATSOEVER**, because doing so will cause Missouri to commit a demonstrative violation of Section 2 of the Voting Rights Act and the Fourteenth and Fifteenth Amendments of the United States Constitution, in the same manner as recently explained by the United States Supreme Court in *LOUISIANA v. CALLAIS ET AL.*, and as such, the Missouri Secretary of State will be forced to violate the United States Constitution because the Missouri Supreme Court compels the Missouri Secretary of State to conduct the Missouri 2026 General congressional election utilizing the grossly unconstitutional 2022 Missouri Congressional District Map.

55. Subject to this Court's determination adjudicating the underlying Writ application, the *VON GLAHN V HOSKINS* Missouri Supreme Court decision orders the Missouri Secretary of State to conduct the 2026 Missouri General congressional election utilizing the unconstitutional 2022 Missouri Congressional District Map, which will disenfranchise the vote of a sizable number of Missourians who voted during the 2026 Missouri Primary congressional election.

56. In the event this Court permits the Missouri Secretary of State to conduct the 2026 Missouri General congressional election utilizing the unconstitutional 2022 Missouri Congressional District Map and the Missouri Proposition A Referendum fails voter approval during the 2026 Missouri General congressional election, such an instance shall cause a clearly unconstitutional election result in violation of the Elections Clause and the Equal Protection of the United States Constitution.

POINTS RELIED UPON

I. Missouri's election laws as applied by Missouri during the 2026 Missouri General congressional election and on their face violate the Voting Rights Act of 2006 and constitute substantial violations of the Civil War Amendments and the Elections Clause of the United States Constitution.

A. Historical background related to Missouri African American citizens of the United States and the Civil War Amendments of the United States Constitution.

57. The right to live as a free man without being bound by unjust personal servitude

regardless of the skin color or race of such free man is not simply a right "granted" by the United States of America; the right to personal freedom regardless of skin color or race is a cornerstone inalienable right of all men that is granted by GOD.

58. Establishing the foundation of a Republic nation requires both the acknowledgment and protection of cornerstone inalienable rights granted by GOD, which stands as antithetical to a monarchy form of government vehemently opposed by the Founders.

59. *We The People* by our elected representatives of the founding territories, which included representation of African Americans who enjoyed the right to suffrage, agreed upon the formation of the United States of America by ratification of the United States Constitution on March 4, 1789.

60. As explained by the dissenting opinion from United States Supreme Court Justice Benjamin Curtis in *Dred Scott v. Sandford*, the Framers vigorously considered and rejected the concept of enacting the Articles of Confederation with constitutional rights only applicable to White persons or denial of the same constitutional rights to free African Americans, which states:

> ". . . On the 25th of June, 1778, the Articles of Confederation being under consideration by the Congress, the delegates from South Carolina moved to amend this fourth article by inserting after the word "free," and before the word "inhabitants," the word "white," so that the privileges and immunities of general citizenship would be secured only to white persons.[8] Two states voted for the amendment, eight states against it, and the vote of one state was divided. The language of the article stood unchanged, and both by its terms of inclusion, "free inhabitants," and the strong implication from its terms of exclusion, "paupers, vagabonds, and fugitives from justice," who alone were excepted, it is clear that under the Confederation, and at the time of the adoption of the Constitution, free colored persons of African descent might be, and, by reason of their

> citizenship in certain states, were, entitled to the privileges and immunities of general citizenship of the United States. . . .
>
> I can find nothing in the Constitution which, proprio vigore,[9] deprives of their citizenship any class of persons who were citizens of the United States at the time of its adoption, or who should be native-born citizens of any state after its adoption, nor any power enabling Congress to disfranchise persons born on the soil of any state, and entitled to citizenship of such state by its constitution and laws. And my opinion is that, under the Constitution of the United States, every free person born on the soil of a state, who is a citizen of that state by force of its constitution or laws, is also a citizen of the United States....
>
> It has been often asserted that the Constitution was made exclusively by and for the white race. It has already been shown that, in five of the thirteen original states, colored persons then possessed the elective franchise, and were among those by whom the Constitution was ordained and established. If so, it is not true, in point of fact, that the Constitution was made exclusively by the white race. And that it was made exclusively for the white race is, in my opinion, not only an assumption not warranted by anything in the Constitution, but contradicted by its opening declaration that it was ordained and established by the people of the United States, for themselves and their posterity. And as free colored persons were then citizens of at least five states, and so in every sense part of the people of the United States, they were among those for whom and whose posterity the Constitution was ordained and established. . . .
>
> I dissent, therefore, from that part of the opinion of the majority of the court in which it is held that a person of African descent cannot be a citizen of the United States, and I regret I must go further and dissent both from what I deem their assumption of authority to examine the constitutionality of the act of Congress commonly called the Missouri Compromise Act and the grounds and conclusions announced in their opinion. . . ."

61. In the original language of the United States Constitution, a distinction was established between the congressional representation appropriation related to the United States House of Representatives regarding African Americans who endured un-Godly bondage under a system known as slavery and African Americans who were deemed free persons, which provided for the purposes of congressional representation appropriation related to the United States House of Representatives that slaves would only be counted as three-fifths of a free man, and also

provided that African Americans who are deemed free persons were to be counted as whole persons for the purpose of congressional representation appropriation related to the United States House of Representatives.

62. There is no provision in the original United States Constitution which directly prohibited any African American from voting for or serving as a United States Representative, Senator or President, any candidate or voter prohibitions related to African Americans were based upon either local and state laws or shadow election discrimination practices predicated on denying African Americans meaningful involvement in the function of our Nation's government system.

63. Despite the original United States Constitution not prohibiting African Americans from serving as Federal political candidates or voting in Federal elections, a plethora of Federal case law routinely found states of the Union were not prohibited by the United States Constitution from permitting outright slave ownership of African Americans and the denial of any right to any African American, which cultivated to the point in the year 1857 where the United States Supreme Court's infamous Chief Justice Roger Tanney declared in *Dred Scott v. Sandford* that no African American, free or slave, maintained any standing to seek redress before the Federal court system to bring any claim regarding the United States Constitution because no Black man maintained any right, to which any White man was required to respect.

64. After the election of Abraham Lincoln as President of the United States in 1860, eleven Southern states of the Union purported to abdicate the United States of America to form an

independent nation, which resulted in the Southern states of the Union starting the United States Civil War on April 12, 1861, by engaging in an intentional military assault against Fort Sumner in South Carolina.

65. While the cause and reasonings related to any civil war are usually complex and multifaceted, very few United States historians disagree with the proposition that a major catalyst for the American Civil War included the Southern states of the Union seeking an unfettered state right to establish as a matter of law the enslavement of African Americans as property without any humanity or personal rights.

66. As a military recruitment tool and to promote the uprising of enslaved African Americans in the Southern states of the Union, on September 22, 1862, United States President Abraham Lincoln issued his preliminary Emancipation Proclamation order, which inter alia, declared that any African American deemed in slavery boundage by the Southern states of the Union will be deemed "then, thenceforward, and forever free" by the United States of America if the Southern state of the Union in question did not cease its rebellion against the United States of America within 100 days of execution of the preliminary Emancipation Proclamation order.

67. The Southern states of the Union refused to cease their rebellion against the United State of America within 100 days of United States President Abraham Lincoln's execution of the preliminary Emancipation Proclamation order, and as a result, United States President Abraham Lincoln executed his formal Emancipation Proclamation order on New Years Day

1863, which also lead to 200,000 African Americans being authorized by the Emancipation Proclamation to serve in the United States Armed Service to compel submission of the Southern states of the Union to end their political and military rebellion against the United States of America.

68. While Missouri was a state that domiciled free and enslaved African Americans, slaves were offered at Union military enlistments the promise of freedom by the United States of America at the conclusion of their military enlistment.

69. Leading up to the submission of the Southern states of the Union to the United States of America compelled by the United States Civil War, three amendments to our United States Constitution (the "Civil War Amendments") were drafted to address political questions related to African Americas, which included the Thirteenth, Fourteenth and Fifteenth Amendments of the United States Constitution.

70. On January 31, 1865, the United States of America under the leadership of Republican President Abraham Lincoln officially enacted the constitution ratification request required to codify the Thirteenth Amendment of the United States Constitution, which was ratified by three-fourths of the states of the Union on December 6, 1865, and provides:

> "Section 1: Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.
>
> Section 2: Congress shall have power to enforce this article by appropriate legislation."

71. On April 9, 1865, the military leader of the Southern states of the Union surrendered to

General Ulysses S. Grant and the United States of America, effectively ending the United States Civil War.

72. On April 14, 1865, United States of America President Abraham Lincoln was shot by a cowardly assassin in retaliation against President Lincoln's leadership to end slavery in all jurisdictions within the United States and died the next morning at 7:22 am eastern standard time.

73. Between the years 1866 and 1870, the Southern states of the Union were individually permitted re-recognition from the United States of America as states of the Union bound by the requirements of the United States Constitution.

74. On July 28, 1868, the United States of America officially enacted the Fourteenth Amendment of the United States Constitution, which states in relevant part:

> "Section 1: All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.
>
> Section 2: Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State."

75. On February 3, 1870, the United States of American codified Section One of the

Fifteenth Amendment of the United States Constitution, which states:

> "The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude."

76. The United States Civil War caused approximately 750,000 casualties almost solely comprising of American citizens of all races and political ideologies.

77. The codification of the Civil War Amendments within our United States Constitution answered the political questions certified in blood by the death of three-quarters of one million Americans that African Americans are not to be enslaved and are deemed free persons and citizens of the United States of America, are to be provided equal protection from our Nation's government operations and the vote of African Americans shall never be denied or infringed upon by any state of the Union or the United States of America, herself.

78. Due to Missouri's request and admission into the Union as the 24th state jurisdiction on August 10, 1821, and regardless of any provision of the Missouri Compromise Act alleged to the contrary, Missouri maintains no zero legal authority whatsoever to refuse submission to the requirements of the Fourteenth and Fifteenth Amendments to the United States Constitution as a state member of the Union.

79. Petitioner Berry is a naturally-born citizen of the United States of America who is a male inhabitant of Missouri that is over 21-years old, deemed a free man and is otherwise eligible to vote for and be elected to the United States House of Representatives, and under any interpretation of any version of the United States Constitution, Petitioner Berry is subject to the

constitutional protections provided by the Fourteenth and Fifteenth Amendments of the United States Constitution against Missouri.

80. In response to almost an entire century of various states within the Union committing substantial unconstitutional noncompliance with the requirements of Section One of the Fifteenth Amendment of the United States Constitution targeted against African Americans, the United States Congress enacted the Voting Rights Act of 1964, which established Federal court jurisdiction to seek prohibition against any state of the Union that causes violation of Section One of the Fifteenth Amendment of the United States Constitution.

81. The Voting Rights Act of 1964, and its subsequent amendments thereto, is one of only a few Federal laws that are directly and specifically authorized by our United States Constitution.

82. When applied constitutionally, Petitioner Berry is a stalwart supporter of the Voting Rights Act of 1964, and each subsequent amendment to the Voting Rights Act of 1964, thereafter.

83. The constitutional authority for the United States Congress to enact and renew any former or current version of the Voting Rights Act derives from Section Two of the Fifteenth Amendment of the United States Constitution, which states: "(t)he Congress shall have power to enforce this article by appropriate legislation."

84. In the alternative, the constitutional authority for the United States Congress to enact and renew any former or current version of the Voting Rights Act derives from Section Five of

the Fourteenth Amendment of the United States Constitution, which states: "(t)he Congress shall have power to enforce this article by appropriate legislation", because a violation of Section One of the Fifteenth Amendment of the United States Constitution is also automatically a violation of the Equal Protection Clause of the Fourteenth Amendment of the United States Constitution.

85. Relevant to the underlying Complaint is Section 2(A) of the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006 (hereafter the "2006 Voting Rights Act"), which reauthorized the Voting Rights Act of 1964 after previous congressional amendments of the Voting Rights Act enacted in the years 1970, 1975, 1982 and 1992, and states:

> "(2) No person acting under color of law shall—
>
> > (A) in determining whether any individual is qualified under State law or laws to vote in any election, apply any standard, practice, or procedure different ' from the standards, practices, or procedures applied under such law or laws to other individuals within the same county, parish, or similar political subdivision who have been found by State officials to be qualified to vote;"

B. The 2022 Missouri Congressional District Map on its face violates the Voting Rights Act of 2006 and the Civil War Amendments.

86. Petitioner Berry charges that Missouri substantially violated Section One of the Fifteenth Amendment of the United States Constitution when Missoui drafted and enacted the 2022 Missouri Congressional District Map, because Missouri considered and utilized the race of African Americans in Eastern Missouri as a primary factor when drafting the jurisdictional

boundaries of Missouri Congressional District One provided by the 2022 Missouri Congressional District Map, purportedly, incorrectly and unconstitutionally to comply with the Voting Rights Act.

87. When drafting the 2022 Missouri Congressional District Map enacted by the Missouri General Assembly, the Missouri General Assembly utilized the racial demographic information provided by the United Census Bureau 2020 decennial census reported certified to the Missouri Governor to construct the congressional boundaries of Missouri Congressional District One in the manner currently presented by the 2022 Missouri Congressional District Map.

88. In fact, the Missouri Secretary of State, himself, has publicly discussed the exact same personal disdain Petitioner Berry shares and in the instant seeks relief from during a press statement related to Missouri's construction of Missouri's Congressional District One by utilizing the race of Missourians as published by Missouri Independent on May 12, 2026; Missouri Secretary of State Denny Hoskins states as published by Missouri Independent:

> "While he was speaking to reporters, Hoskins said he would be interested in another round of redistricting in 2027.
>
> Missouri's 1st District is the only one in the state that was drawn to meet the requirements of the Voting Rights Act. Hoskins said lawmakers should revise Missouri's map to eliminate the Black-majority district.
>
> **"The definition of racism," Hoskins said, "is drawing districts based on the color of one's skin. We don't want that in this state.""** (bold added)
>
> [https://missouriindependent.com/2026/05/12/no-perfect-map-missouri-ags-office-defends-gerrymandered-congressional-districts/]

89. Denny Hoskins as a Missouri Senator in 2022 voted on the 2022 Missouri

Congressional District Map and as Missouri Secretary of State is well-qualified on behalf of Missouri to declare whether the Missouri congressional district maps enacted in the years 2022 and 2025 constructed and enacted Missouri Congressional District One utilizing the race of Missourians, to which, under a purported and unqualified assumption that Missouri was required to construct Missouri Congressional District One utilizing the race of Missourians as a mandatory obligation for compliance with the Voting Rights Act of 2006.

90. The Missouri Solicitor General in a Missouri court case argued without a factual determination or resolution by the Court in such Missouri court case that the 2022 Missouri Congressional District Map was illegally racially gerrymandered. (see "Missouri AG argues St. Louis congressional district is an unconstitutional racial gerrymander" by Jason Rosenbaum-St. Louis Public Radio.)

[https://www.stlpr.org/government-politics-issues/2025-11-18/missouri-attorney-general-hanaway-1st-congressional-district-unconstitutional-racial-gerrymander]

91. Further, in *State of Missouri v. United States Department of Commerce*, before the United States District Court of Eastern Missouri, Missouri challenges the constitutionality of the 2022 Missouri Congressional District Map and before the 8th Circuit, admittedly based upon different legal theories, although a party can not claim a congressional district map is both constitutional and unconstitutional in the same breath before multiple courts, which Petitioner Berry summarizes Missouri has no intention to do so before the 8th Circuit. (see Counts I-VI at):

[https://ago.mo.gov/wp-content/uploads/Missouri-v.-DOC-Complaint-1-30-2026-final.pdf]

92. In fact, you don't have to go any further than Missouri Governor Kehoe's special legislative session proclamation, signed as a matter of law by both Hoskins and Kehoe, to understand Missouri's position on whether race was utilized improperly to construct Missouri Congressional District One upon the 2022 Missouri General Congressional District Map in violation of the Voting Rights Act of 2006, which states in part:

> "The State of Missouri's current congressional district map may be vulnerable to a legal challenge under the Voting Rights Act and the Fourteenth Amendment, due to a lack of compactness in certain districts."

[https://governor.mo.gov/proclamations/governor-kehoe-convenes-second-extraordinary-session-first-regular-session-one]

93. Any involvement by the Missouri General Assembly related to a special legislative session called for the specific purpose of constructing any Missouri congressional district as a legislative response to a "legal challenge under the Voting Rights Act" is absolutely being called to consider race under the Voting Rights Act when drafting such Missouri congressional district boundaries, and to address the Voting Rights Act violations that Petitioner Berry has complained against since the original enactment of the 2022 Missouri Congressional District Map.

94. Further, the only region of Missouri that can be remotely subject to the Voting Rights Act of 2006 related to any Federal congressional district map is the Missouri region that at all relevant temporal periods maintained territory currently and formerly comprised of the Missouri Congressional District One.

95. It should not be lost on the Court that not a single public legislative record exists of the process the Missouri General Assembly utilized to draft and enact 2022 Missouri Congressional District Map utilizing race, which is strictly prohibited by the requirement for Missouri to conduct a preenactment analysis for intentional racial discrimination related to Missourians voting or being abridged thereto.

96. At no time since Missouri has engaged in substantial transformation of the Missouri congressional district map, specifically, when in the year 2012 Missouri was required to reduce the number of Missouri congressional districts from nine (9) congressional districts to eight (8) congressional districts, has intentional racist discrimination been alleged, existed or properly considered by Missouri to permit the utilization the race of any Missourian to draft the jurisdictional boundaries of Missouri Congressional One in any manner permissible by the Voting Rights Act.

97. In regards to enacting Missouri congressional districts in the instant, Missouri's core compliance duty with the Voting Rights Act is simply not to effectuate racism by permitting the race of any Missourian to be utilized to enact United States congressional districts in the manner that is required pursuant to Section One of the Fifteenth Amendment in order for Missouri to not become subject to Federal court enforcement action pursuant to the Voting Rights Act, and only when intentional racist discrimination has been alleged and properly considered by Missouri may Missouri consider utilizing the Voting Rights Act as a constitutional remedy to any purported intentional racist discrimination related to any

Missourian's right to vote being denied or otherwise abridged.

98. Because the Fifteenth Amendment of the United States Constitution is limited to requiring the "vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude", any Federal law authorized pursuant to Section 2 of the Fifteenth Amendment of the United States Constitution, such as, Section 2 of the Voting Rights Act, are constitutionality-limited to enforcement against intentional discriminatory election practices and policies which cause Missouri or the United States to deny or abridge the vote of any Missourian based upon their race.

99. While Petitioner Berry believes Section 2 of the Voting Rights Act was enacted by the United States Congress as a private-action judicial remedy authorizing Federal court jurisdiction over any violation of the Fifteenth Amendment of the United States Constitution and was not intended to establish independent voting rights not established directly by the Fifteenth Amendment of the United States Constitution, Petitioner Berry concedes that the majority of the United States Supreme Court has not directly adopted the aforementioned legal position (see Justice Thomas concurring opinion, *LOUISIANA v. CALLAIS ET AL.*), and as such, Petitioner Berry suggests that any state may apply Section 2 of the Voting Rights Act when establishing United States congressional districts, provided such state has considered and adopted evidence that supports justifiable conclusions that intentional racial discrimination is currently causing United States congressional district voters to be denied or abridged by the United States or by any State the right to meaningfully vote on account of race, color, or

previous condition of servitude.

100. The 2022 Missouri Congressional District Map was enacted on May 18, 2022, by Missouri utilizing the general legislative process of the Missouri General Assembly.

101. The 2022 Missouri Congressional District Map does not even get out of the blocks as being lawfully enacted utilizing the Voting Rights Act of 2006 because **SINCE MISSOURI STARTED USING RACE TO CONSTRUCT THE BOUNDERIES OF MISSOURI CONGRESSIONAL DISTRICT ONE IN 1968**, Missouri Congressional District One was constructed utilizing the race of Missourians without actually creating Missouri Congressional District One as a majority-Minority congressional district with an African American population of "50% plus one vote".

102. What Missouri has engaged in since day one of utilizing race to construct Missouri congressional districts to create what the United States Supreme Court defines as a "racial influence district", to which, the United States Supreme Court has expressly stated that any United States congressional district map that utilized race to construct its boundaries that does not result in a establishing a "fifty plus one vote" majority (in the instant congressional district) African American resident or voter population is utilizing the Voting Rights Act of 2006 in an unconstitutional manner, and as such, the Missouri 2022 Missouri Congressional District Map which clearly show the African American population presented by both the Missouri 2022 Missouri Congressional District Map and the Missouri 2025 Missouri Congressional District Map is purely insufficient for Missouri to utilize race to construct either Missouri

congressional district map, as shown below:

Racial Makeup of Missouri Congressional District One Historically

United States Census Bureau Decennial Census Data

Census / Map Cycle	Black / African American	White	Hispanic / Latino	Asian	Other / Two+ Races
1960	~28–32%	~68–72%	<1%	<1%	<1%
1970	~33–37%	~62–66%	<1%	<1%	<1%
1980	~38–42%	~56–60%	~1%	<1%	<1%
1990	~43–47%	~50–54%	~1%	~1%	~1%
2000	~46–50%	~44–48%	~2%	~1%	~2%
2010	~45–48%	~44–47%	~3%	~2%	~3%
2020 (HB 2909)	~40–44%	~44–48%	~4%	~2%	~6%

103. It appears that Missouri Congressional District One has NEVER qualified to be constructed as a majority-Minority congressional district utilizing race pursuant to the Voting Rights Act of 1964, or currently under the Voting Rights Act of 2006, and appears as defined by the United States Supreme Court the exact type of "race influence" congressional districts built out of racial data that is absolutely unconstitutional and not authorized by the Voting Rights Act of 2006.

104. To the credit of the great Bill Clay Sr., Congressman Clay's election history of being elected as an African American congressman without nothing close to a majority of African American voters from 1968 to the end of the 20th Century, but also defuses the entire argument that White voters in St. Louis engaged in any effective scheme of racial discrimination that barred African Americans from voting for their United States congressional candidate of their choice and St. Louisans were willing to vote for a Black congressman

consistently over the last **26 CONGRESSIONAL ELECTIONS IN A ROW**.

105. Under the general legislative process of the Missouri General Assembly, there are four methods to present evidence or testimony related to the enactment of any Missouri legislation, such as, the enactment of House Bill 2909, which including (a) presentation of evidence before a public Missouri legislative committee, (b) live testimony before a public Missouri legislative committee, (c) submission of written testimony before a Missouri legislative committee or (d) evidence entered into the record of the Missouri legislative body by a Missouri legislator, which in the instant absolutely ZERO evidence was produced by the Missouri General Assembly that constitutes engagement in any pre-enactment analysis whatsoever prior to Missouri enacting Congressional District One upon the 2022 Missouri Congressional District Map as a majority-Minority United States Congressional District utilizing the race of Missouri voters.

106. There are two core requirements for any official act by either chamber of the Missouri General Assembly to have lawfully occurred, which first includes a vote of a quorum of the entire legislative body in question and second memorialization of such vote by the same legislative body on the official record.

107. No action by a subcommittee, committee, assignee, special master, or any individual or group of individual members of the Missouri General Assembly not sitting as a quorum of such legislative body in question, does not constitute an official act by the same legislative body of the Missouri General Assembly.

108. The only votes taken by the Missouri General Assembly related to the enactment of the 2022 Missouri Congressional District Map was pursuant to House Bill 2909 (2022), which states in its entirety (excluding voter district mapping data):

> "Be it enacted by the General Assembly of the state of Missouri, as follows: Section A. Sections 128.345, 128.346, and 128.348, RSMo, are repealed and twelve new sections enacted in lieu thereof, to be known as sections 128.345, 128.346, 128.348, 128.461, 128.462, 128.463, 128.464, 128.465, 128.466, 128.467, 128.468, and 128.469, to read as follows:
>
> 128.345. 1. All references in sections 128.451 to 128.458 to counties, voting districts (VTD), and tract-blocks (Block) mean those counties, voting districts (VTD), and tract-blocks (Block) as reported to the state by the United States Bureau of the Census for the 2010 census.
>
> 2. All references in sections 128.461 to 128.468 to counties, voting districts (VTD), and tract-blocks (Block) mean those counties, voting districts (VTD), and tract blocks (Block) as reported to the state by the United States Bureau of the Census for the 2020 census.
>
> 128.346. 1. The districts established by the provisions of sections 128.400 to 128.440 for the election of representatives to the Congress of the United States shall be effective beginning with election to the 108th Congress and through the election of the 112th Congress.
>
> 2. The districts established by sections 128.451 to 128.458 for the election of representatives to the Congress of the United States shall be effective beginning with the election to the 113th Congress and through the election of the 117th Congress.
>
> 3. The districts established by sections 128.461 to 128.468 for the election of 8 representatives to the Congress of the United States shall be effective beginning with the election to the 118th Congress.
>
> 128.348. [The state of Missouri is hereby divided into nine congressional districts.] 1. Effective with the election for the 113th Congress and through the election of the 117th Congress, the state of Missouri shall consist of eight congressional districts.
>
> 2. Effective with the election of the 118th Congress, the state of Missouri shall consist of eight congressional districts.

> 3. The legal voters of each district shall elect one member of Congress of the United States.
>
> ***
>
> 128.469. Upon passage and enactment of sections 128.461 to 128.468 and as provided to the Revisor of Statutes, the revisor of statutes shall publish the graphical map representation of the official congressional district boundaries as an appendix of the Revised Statutes of Missouri.
>
> Section B. Because immediate action is necessary to comply with the constitutional requirement, under Article III, Section 45 of the Constitution of Missouri, to draw congressional districts for the election of representatives to the 118th Congress of the United States to which the state of Missouri is entitled, the repeal and reenactment of sections 128.345, 128.346, and 128.348 and the enactment of sections 128.461, 128.462, 128.463, 128.464, 128.465, 128.466, 128.467, 128.468, and 128.469 of Section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of sections 128.345, 128.346, and 128.348 and the enactment of sections 128.461, 128.462, 128.463, 128.464, 128.465, 128.466, 128.467, 128.468, and 128.469 of Section A of this act shall be in full force and effect upon its passage and approval."

109. Even if Missouri had engaged in any pre-enactment analysis prior to enacting Missouri Congressional District One as a "majority-Minority" United States Congressional District utilizing the race of Missouri voters upon the 2022 Missouri Congressional District Map, the failure by Missouri to enact legislative approval of any report. resolution or enactment by preamble to the 2022 Missouri Congressional District One Map acknowledging any pre-enactment analysis occurred, or the findings of such pre-enactment analysis thereof establishing justifiable conclusions, is fatal to the Federal constitutionality of the 2022 Missouri Congressional District One Map being drafted by Missouri utilizing race.

110. Missouri's failure to engage in any pre-enactment analysis prior to enacting Missouri Congressional District One as a "majority-Minority" United States Congressional

District utilizing the race of Missouri voters upon the 2022 Missouri Congressional District Map automatically disqualifies Missouri from presenting to the Court any compelling state interest as a defense against Petitioner Berry's collateral attack of the unconstitutionality of the 2022 Missouri Congressional District Map.

111. Also the Missouri General Assembly violated the *Presentation Doctrine* by not presenting to the Missouri Governor either notice that Missouri Congressional District One was drafted on the 2022 Missouri Congressional District Map utilizing the race of Missourians or the Missouri Governor's consideration of evidence derived from the Missouri General Assembly's consideration and review of the pre-enactment analysis substantiating a reasonable likelihood (of any kind) that any Missourian's right to vote has been denied, frustrated or otherwise abridged in the manner required by the Voting Rights Act of 2006, and as such, the 2022 Missouri Congressional District Map is void and unenforceable during the 2026 Missouri General congressional election.

112. Either under an injunctive relief action or the Court's own motion in the instant action to hold a hearing limited to addressing evidence as to whether Missouri utilized race to construction Missouri Congressional District One would be unyielding, staggering and quite frankly, appalling in nature.

113. Even if Missouri had properly performed any meaningful pre-enactment analysis with the issuance of a justifiable conclusions declaration or enactment attached to Missouri Legislation creating Missouri Congressional District One as a "majority-Minority" United

States Congressional District utilizing the race of Missouri voters upon the 2022 Missouri Congressional District Map, Missouri is unable to sustain the constitutionality of the 2022 Missouri Congressional District Map under a *GINGLES* analysis, as amended by *LOUISIANA v. CALLAIS ET AL.*, which states:

> "(b) This interpretation does not require abandonment of the framework for evaluating § 2 claims that the Court established in Thornburg v. Gingles, 478 U.S. 30, 106 S.Ct. 2752, 92 L.Ed.2d 25. The Court need only update the framework so it aligns with the statutory text and reflects important developments since the Court decided Gingles 40 years ago. Four historical developments are of particular note. First, vast social change has occurred throughout the country and particularly in the South, which have made great strides in ending entrenched racial discrimination. Second, a full-blown two-party system has emerged in the States where § 2 suits are most common, and there is frequently a correlation between race and party preference. Third, in Rucho v. Common Cause, 588 U.S. 684, 139 S.Ct. 2484, 204 L.Ed.2d 931, this Court held that partisan gerrymandering claims are not justiciable in federal court, and this holding creates an incentive for litigants to exploit § 2 for partisan purposes by "repackag[ing] a partisan-gerrymandering claim as a racial-gerrymandering claim," Alexander v. South Carolina State Conference of the NAACP, 602 U.S. 1, 21, 144 S.Ct. 1221, 218 L.Ed.2d 512. Fourth, the increased use and capabilities of computers in drawing districts and creating illustrative maps means that a § 2 Petitioner can easily identify an alternative map that fully achieves all the State's legitimate goals while producing greater racial balance, if such a map is possible. In light of these developments, the Court updates the Gingles framework and realigns it with the text of § 2 and constitutional principles. Pp. 1157-1160.
>
> (1) The first Gingles precondition is that a community of minority voters must be sufficiently numerous and compact to constitute a majority in a reasonably configured district. While many § 2 Petitioners have simply provided illustrative maps with their desired number of majority-minority districts, such maps prove only that the State could create an additional majority-minority district, not that the State's failure to do so violated § 2 of the Voting 1141*1141 Rights Act. To show the latter, Petitioners' illustrative maps must satisfy two conditions: Petitioners cannot use race as a districting criterion in drawing illustrative maps, and illustrative maps must meet all the State's legitimate districting objectives, including traditional districting criteria and the State's specified political goals. Pp. 1159-1160.
>
> (2) To satisfy the second and third preconditions—politically cohesive voting by the minority and racial-bloc voting by the majority—the Petitioners must provide an

> analysis that controls for party affiliation, showing that voters engage in racial-bloc voting that cannot be explained by partisan affiliation. Pp. 1159-1160.
>
> (3) On the "totality of circumstances" inquiry, the focus must be on evidence that has more than a remote bearing on what the Fifteenth Amendment prohibits: present-day intentional racial discrimination regarding voting. Discrimination that occurred some time ago and present-day disparities characterized as ongoing "effects of societal discrimination" are entitled to much less weight. Shaw v. Hunt, 517 U.S. 899, 909-910, 116 S.Ct. 1894, 135 L.Ed.2d 207. Pp. 1180-1181."

114. Missouri's use of the Voting Rights Act as a predicate to enact the 2022 Missouri Congressional District Map under a *GINGLES* analysis fails the first precondition because Missouri was prohibited from utilizing race to create the jurisdictional boundaries of Missouri Congressional District One provided by the 2022 Missouri Congressional District Map pursuant to the Voting Rights Act without actually enacting Missouri Congressional District One with a majority of African Americans residents or voters, or in the alternative, a majority of minorities who vote as a racial block. (see *Bartlett v. Strickland*, 556 US 1 - Supreme Court 2009)

115. The 2022 Missouri Congressional District Map under a *GINGLES* analysis fails the first precondition because the purported authority for Missouri to utilize race to create the jurisdictional boundaries of Missouri Congressional District One provided by the 2022 Missouri Congressional District Map pursuant to the Voting Rights Act does NOT extend to creating any "influence district", which provides for the creation of a congressional district based upon the race of voters that does not result in enacting Missouri Congressional District One with (a) a majority of African American voters or residents or (b) a majority of minority voters who are shown to vote as a minority racial block. (see *Bartlett v. Strickland*)

116. The 2022 Missouri Congressional District Map under a *GINGLES* analysis fails the second and third preconditions because the African American voters in Missouri Congressional District One do not vote as a racial voter block in a manner that can't be explained as simply Democrat partisan voting patterns and not voting as a racial voter block.

117. While countywide political candidates are not subject to the formation of majority-Minoritty county jurisdictions pursuant to the Voting Rights Act, consideration of the totality of the circumstances regarding Missouri's use of race to draft and enact the boundaries Missouri Congressional District One permits the consideration as to whether African Americans in St. Louis County vote as a racial block.

118. At all relevant temporal periods, St. Louis County's African American population is approximately twenty-five percent (25%) of St. Louis County's population; an analysis of voting trends in St. Louis County of African American countywide political candidates Charlie Dooley, Wesley Bell and Paul Berry III with White countywide political candidates Steve Stegner, Sam Page and Melissa Price receiving the majority of votes from Black voters, which establishes an extraordinary number of White voters voted for African American political candidates and White candidates received more votes from African American voters than White voters in other instances.

119. Evidence that African Americans do not vote as a racial voter block in Missouri Congressional District One is evident from the 2025 Democrat Primary results for City of St. Louis Mayor and 2026 Democrat Primary election results for St. Louis County Executive.

African American voters in St. Louis County failed to consolidate a St. Louis County Executive candidate and split large percentages of African American voters for St. Louis County Executive between one White and two African American candidates.

120. The totality of the circumstance analysis under *GINGLES* requires consideration as to whether any intentional racial discrimination related to African Americans voters in Missouri Congressional District One being denied the ability to vote as a racial voter block or the 2022 Missouri Congressional District Map resolving a charge of intentional racial discrimination, and even under circumstantial evidentiary consideration, no evidence exist that suggests that African Americans voters in Missouri Congressional District One at any effective time before enactment, at the time of enactment or after enactment of the 2022 Missouri Congressional District Map suffered the inability to vote unencumbered as a racial voter block or did the 2022 Missouri Congressional District Map resolve any intentional racial discrimination charge related to African Americans voters in Missouri Congressional District One.

121. Missouri Congressional District One has been represented by an African American United States congressional representative for the last 58 years, since 1968 until the date of this Complaint and both Democrat and Republican voters have consistently nominated African American nominees for the First Congressional District of Missouri.

122. During the 21st Century, there has not been a single claim involving any local or state legislative district within or adjacent to Missouri Congressional District One that

international racial discrimination caused any African American the inability to elect the political candidate of their choice or otherwise abridged the vote of African Americans within or adjacent to Missouri Congressional District One.

123. Under reasonable belief, no White candidate has won any local or state legislative district Primary or General election within Missouri Congressional District One in recent times.

124. In order for Missouri to utilize race to establish any Missouri Congressional District by utilizing the race of voters, Missouri must prove that a compelling state interest exists to permit Missouri's clear violation of Section One of the Fourteenth Amendment and Section One of the Fifteenth Amendment by utilizing race to enact the 2022 Missouri Congressional District Map, to which, Missouri is unable to produce any compelling state interest existed which permitted Missouri to utilize race to draft and enact the 2022 Missouri Congressional District Map.

125. Missouri has operated under a false premise when drafting the 2022 Missouri Congressional District Map that Section 2 of the Voting Rights Act, in itself, provided Missouri the authority to racially gerrymander its United States congressional districts solely based upon Missouri's assumed compliance with the Voting Rights Act, which has already been found when committed by other States within the Union as unconstitutional by the Federal Courts.

126. Loosely and informally espousing the need to comply with the requirements of Section 2 of the Voting Rights Act, in itself, does not provide a compelling state interest for

Missouri to violate the United States Constitution by utilizing the race of Missouri voters to draft the 2022 Missouri Congressional District Map, Missouri is required to conduct a pre-enactment analysis with justifiable conclusions prior to invoking Section 2 of the Voting Rights Act to utilize race to establish Missouri Congressional District One as provided upon the 2022 Missouri Congressional District Map.

127. Missouri's Black population often seeks to migrate outside of the boundaries of the First Congressional District seeking different community interests than provided within the First Congressional District related to seeking better government services, employment opportunities, housing opportunities, educational opportunities and criminal justice services, all influenceable by Federal congressional appropriations and representation.

128. Because both the Democrat Party and Republican Party nominee for the 2026 Missouri General congressional elections are each African American, African Americans in the St. Louis region are not in jeopardy of being represented by a Congressman who is not African American.

129. The Court should declare and strike the 2022 Missouri Congressional District Map as in violation of the Voting Rights Act of 2006 and as unconstitutional pursuant to Section One of the Fourteenth Amendment and Section One of the Fifteenth Amendment.

C. Missouri will violate the Equal Protection Clause of the United States Constitution regardless of whether the Missouri Proposition A is enacted or fails during the 2026 Missouri General congressional election.

130. The Fourteenth Amendment of the United States Constitution by its Equal Protection Clause requires Missouri to grant the same weight towards the vote to elect United States congressional representatives to all Missourians, which can not occur when by Missouri's own actions caused by the Missouri Proposition A, 2026 Missouri General congressional election voters are in real pearl of being required to cast a vote for a United States congressional representative from a pool of congressional election nominees who as a matter of Missouri law may never represent them as a United States congressional Representative, not because of an unforeseen cause of death, disability or disqualification, because of the unconstitutional propositions suggested by a few instant Appellates that a Missouri congressional election should be held in the manner Missouri Proposition A has placed us in.

131. In the event that the Missouri Proposition A fails by statewide ballot vote during the 2026 Missouri General election, Missouri would be facing another constitutional crisis that could potentially cause Missouri to fail to lawfully elect all eight (8) United States congressional representatives from Missouri, because such Missouri voters were denied as a direct result of Missouri election law (and its interpretation by the Missouri Supreme Court) an opportunity to vote for the congressional candidate of their choice selected during the 2026 Missouri Primary congressional election unrelated to the death, disability or otherwise removal of such congressional candidates in the manner normally provided by Missouri law.

132. Missouri by its interpretation of its election law does not provide the same amount

of constitutional protections related to their Primary congressional election selection process as this Court is required to enforce against Missouri related to Federal election laws and the requirements of the United States Constitution related to any Federal General congressional election pursuant to the Elections Clause, and as such, any passage of Missouri Proposition A during the 2026 Missouri General election would cause this Court to have to invalidate the entire 2026 Missouri General election, which may not be curable by Missouri or this Court due to the provisions provided by Federal law until a new Missouri General election is held in the year 2028.

II. This Court requiring Missouri to address the instant Writ application by enacting a new Missouri congressional map to address the unconstitutionality and voidness of the 2022 Missouri Congressional District Map is both feasible and timely.

133. Petitioner Berry is required to present a proposed Missouri congressional district map that would cure the constitutional deficiencies presented by the unconstitutional 2022 Missouri Congressional District Map. (see *THORNBURG V. GINGLES*, 478 U. S. 30, as amended by *LOUISIANA v. CALLAIS ET AL.*)

134. Petitioner Berry contends that any Missouri congressional district map that does not use race as a main factor when drafting congressional boundaries and is otherwise "composed of contiguous territory as compact and as nearly equal in population as may be" provides a Missouri congressional district map that cures the constitutional deficiencies presented by the unconstitutional Missouri Congressional District Maps in question.

135. The remedy Petitioner Berry seeks by this Writ does not require a map illustration because the proposed remedy is to require the Missouri Secretary of state to conduct the 2026 Missouri General election utilizing a statewide congressional election and provides for this Court to place in abeyance all Federal litigation in the underlying Complaint until Missourians cast their vote on Missouri Proposition A during the 2026 Missouri General election.

136. With the Missouri Congressional District Maps both being void and unenforceable Missouri statutes during the temporal period prior to the 2026 Missouri General congressional election, Missouri is required to immediately enact a new Missouri congressional district map for use during the 2026 Missouri General congressional election, preferably prior to September 19, 2026.

137. The Purcell Principle should not be applied in the underlying matter before the Court, because the Federal judicial relief requested in the underlying matter does not cause the Court to substantially interfere with Missouri's own application of its state election law and the statutory temporal period for Missouri to perform functions to conduct the election in question are not substantially disturbed, especially when Missouri law permits the changing of any Missouri congressional district map after both the Primary and General elections.

138. Petitioner Berry contends while the Court would be well within its authority to instantly order its own drafting of a new Missouri congressional district map under consideration of the underlying factual and temporal circumstances, Petitioner Berry strenuously contends Federal case law supports the Court's judicial restraint in favor of

providing Missouri the first opportunity to answer the Missouri congressional district formation political question under the proper constitutional requirements by enacting a new Missouri congressional district map to cure its unconstitutional use of the Missouri Congressional District Maps for use during the 2026 Missouri General congressional election prior to September 8, 2026.

139. Missouri has shown the ability to enact a new Missouri congressional district map within six (6) calendar days of a special session being called to commence by the Missouri Governor.

140. The Missouri General Assembly is in legislative veto session starting on September 14, 2026.

III. In the event this Court determines that the Missouri General Assembly is unable to enact a new Missouri Congressional District Map prior to the Missouri Secretary of State being prepared to prepare Federal congressional ballots to Missouri residents who serve in the United States Armed Forces, this Court should order by this Writ application the Missouri Secretary of State to conduct the 2026 Missouri General congressional election without the use of congressional district boundaries and bv statewide vote.

141. The only constitutional resolution to the Missouri Secretary of State being judicially ordered to use the 2022 Missouri Congressional Map during the 2026 Missouri General congressional election in the instant is to require the Missouri Secretary of State to utilize a

statewide ballot election procedure to select all eight (8) Missouri congressional district representatives during the 2026 Missouri General congressional election under a Missouri congressional district map with no constitutional boundaries and in a manner that does not disenfranchise 2026 Missouri Primary congressional election voters.

142. Generally, Missouri is required to abide by all Federal laws pursuant to the Elections Clause, which includes 2 U.S.C. § 2c, and states in its entirety:

> "The Ninety-first Congress or in any subsequent Congress thereafter to more than one Representative under an apportionment made pursuant to the provisions of section 2a(a) of this title, there shall be established by law a number of districts equal to the number of Representatives to which such State is so entitled, and Representatives shall be elected only 7 from districts so established, no district to elect more than one Representative (except that a State which is entitled to more than one Representative and which has in all previous elections elected its Representatives at Large may elect its Representatives at Large to the Ninety-first Congress)."

143. 2 U.S.C. § 2c expressly prohibits all three branches of Missouri government from self-initiating any Missouri statewide congressional election for any cause, however, the interplay between Federal statutes and the United States Constitution is within the exclusive domain of this Court. Petitioner Berry charges that the applicable of or Missouri's need to comply with 2 U.S.C. § 2c can and must not be interpreted by the Court has maintaining any superior authority over any Civil War Act amendments, specifically, Section One of the Fourteenth Amendment and Section One of the Fifteenth Amendment of the United States Constitution. Basic constitutional construction analysis wreckens not.

144. Stated another way and in this "once-in-a-lifetime" situation, 2 U.S.C. § 2c as applied to the 2026 Missouri General election conflicts with the Voting Rights Act of 2004,

and outright and unconstitutionally violates Section One of the Fourteenth Amendment of the United States Constitution and Section One of the Fifteenth Amendment of the United States Constitution because the Court's enforcement of 2 U.S.C. § 2c, as strictly applied by the instant Writ application, would actually cause the violation of the United States Constitution, to which, no Federal law may be applied by the Federal Court system to permit a Federal law that is otherwise lawful and in fact, quite sane and righteous, to violate as any provision or established rights pursuant to the United States Constitution.

145. The lot of case law prosecuted before the United States Federal court system has both a factual baseline and objectives from such Federal court litigants than in the instance. To address the second point first, the general litigation prosecuted through the Federal court system focuses on the invalidation of set congressional boundaries and utilizes 2 U.S.C. § 2c as a predicate basis of such Federal cause of action to set congressional boundaries such litigants favor.

146. Because the instant relief does not seek to enforce 2 U.S.C. § 2c against the Missouri Secretary of State, and instead seeks to strike its use by the Missouri Secretary of State related to conducting the 2026 Missouri congressional district election, the foundation of the instant petition is a first impression for the Federal court system.

147. The cure to when as applied the application of any Federal election law will cause a violation of the United States Constitution is such Federal law is inapplicable at a minimum in such an instance. Petitioner Berry wholesale support and generally would defend Missouri's

Federally-mandated use of 2 U.S.C. § 2c, except in the instant requiring Missouri to conduct congressional district pursuant 2 U.S.C. § 2c will undoubtedly and undeniably cause the unnecessary violation of Missourian's constitutionally protected Federal constitutional rights.

148. The Court is required to balance whether the enforcement of 2 U.S.C. § 2c, as solely applied in the unique situation presented by the Complaint, permits the Court's consideration or enforcement of 2 U.S.C. § 2c requiring the creation and use of established Missouri congressional districts to conduct the 2026 Missouri General congressional election in a manner that violates the United States Constitution, and if the Court agrees that 2 U.S.C. § 2c **MAY NOT** be utilized in the manner as applied and plead by the underlying Complaint, then the Court is required to apply the United States Constitution and order Missouri to conduct the 2026 Missouri General congressional election without the provisions of 2 U.S.C. § 2c and by Missouri statewide vote to ensure all Missouri voters will have a vote in each Missouri congressional district they may ultimately be assigned to either prior to or after the 2026 Missouri General congressional election by amendment of the Missouri congressional district map by the Missouri General Assembly, the passage or failure of Missouri HB 1 Referendum or by this Court pursuant to is Federal jurisdiction.

149. **In the event that the Court finds that there is not enough time for Missouri to enact a new Missouri congressional district map, this Honorable Court should require Missouri to conduct the 2026 Missouri General congressional election by utilizing a statewide congressional election which provides all Missourian vote in all eight (8)**

Missouri congressional district elections, established from the 2026 Missouri Primary election results, and the winner of each eight of the (8) Missouri congressional district elections by the tally of each election's statewide election result shall select the United States congressional representatives pursuant to the 2026 Missouri General congressional election, or else the Court finds the provisions of 2 U.S.C. § 2c trumps the United States Constitution.

IV. The instant Writs of Prohibition and Mandamus meet the factors required for the Court to prohibit the Missouri Secretary of State from utilizing the 2022 Missouri Congressional District Map to conduct the 2026 Missouri General congressional election and mandate Missouri to conduct the 2026 Missouri General congressional election utilizing a statewide voting process without the use of congressional voting districts provided by the 2022 Missouri Congressional District Map.

150. Petitioner Berry, both as a Missouri voter and United States congressional nominee for the 2026 Missouri General congressional election, maintains an unassailable protected and unambiguous right to require Missouri to abide by the requirements of the United States Constitution in all aspects of the Missouri Secretary of State conducting the 2026 Missouri Primary and General congressional elections, including (a) requiring the Missouri Secretary of State to utilize a constitutional congressional district map when conducting the 2026 Missouri General congressional elections and (b) to ensure that all Missourian's votes cast during the 2026 Missouri Primary and General congressional elections are either at the time or afterwards

not deemed meaningless towards selecting the Missouri congressional candidates, nominees and congressional election victors of their choice.

151. Petitioner charges that the duties of the Missouri Secretary of State, as related to, conducting the 2026 Missouri Primary and General congressional elections challenged in the instant Writ of Mandamus application are completely ministerial in nature.

152. In the event that this Court determines that the underlying Complaint can not be resolved by the Court prior to Missouri being forced to conduct the 2026 Missouri General congressional election utilizing the unconstitutional 2022 Missouri Congressional District Map, without the Court immediately granting Petitioner Berry's instant Writ of Mandamus application then Petitioner Berry is wholly without any remedy before the Court to stop Missouri from again utilizing the unconstitutional 2022 Missouri Congressional District Map to conduct Missouri congressional elections, including the 2026 Missouri General congressional election.

153. Missouri enacted a new Missouri congressional district map on September 3, 2026, and Petitioner Berry by another Federal complaint filed the same day prior to the underlying Complaint before this District Court seeking immediate judicial relief on September 4, 2026.

154. The Court takes judicial note in such case that Judge Ross believes causes exists that Petitioner Berry is without time to seek what the United States Supreme Court and a reasonable review of Petitioner Berry's sister litigation simply produces that he has diligently met his burden of complete exhaustion of any other available form of relief other than an

immediate Writ from this Court.

155. While Petitioner Berry consents 28 U.S.C. § 2284 may not provide a pure statutory right to judicial review of Missouri's reenactment of the 2022 Missouri Congressional District Map, Petitioner Berry's inability to gain timely review of his charges that the 2022 Missouri Congressional District Map before the Federal District Court when filing within a few court hours after Missouri's reenactment of the 2022 Missouri Congressional District Map is noticed and evident to the Court that Petitioner Berry has exhausted and is without further judicial recourse to stop Missouri from utilizing the 2022 Missouri Congressional District Map to conduct the 2026 Missouri General congressional election.

156. The Court's decision to issue the instant Writ of Mandamus involves and will resolve the peculiar emergency of Missouri utilizing an unconstitutional congressional map to conduct its 2026 Missouri General congressional election and the disenfranchisement of over 1.1 million 2026 Missouri Primary congressional voters. The instant Writ of Mandamus seeks to resolve an issue of national importance, whether the composition of the next United States Congress will be formed and tainted by Missouri's unconstitutional congressional map and election process.

157. Petitioner Berry charges both a peculiar emergency and issue of national importance actively exists, specifically, Missouri is in jeopardy of failing to appoint any of the eight (8) congressional representatives Missouri is entitled to pursuant to Federal law and the United States Constitution to represent the great State of Missouri before our United States

Congress until January 2029.

158. Missouri's use of the 2022 Missouri Congressional District Map to conduct the 2026 Missouri General congressional election is a clear abuse of the application of law, and arbitrary, capricious, and otherwise unreasonable under both Missouri and Federal law.

V. The instant Writs of Prohibition and Mandamus serve the public interest by not enjoining Missouri and her citizens the opportunity to resolve the political questions related to its statewide vote on Missouri Proposition A prior to judicial review of the same, which may resolve political questions regarding Missouri's future congressional district boundaries not requiring Federal court intervention and permits Missouri and her citizens constitutional due process to challenge the constitutionality of the 2022 Missouri Congressional District Map before the Federal court system in an orderly and nonemergent manner while permitting the Missouri Secretary of State to timely comply with *The Uniformed And Overseas Citizens Absentee Voting Act* in a less burdensome and expense manner.

159. While Petitioner Berry definitely charges that facts, circumstances and Federal authority exists that would support this Court to simply draft a new Missouri congressional district map to resolve the underlying matter, Petitioner Berry guides this Court to the United States Supreme Court stating recently on several occasions that the Federal courts, when possible, should avoid answering political questions when rendering Federal judgments against state officials.

160. Under Petitioner Berry's proposed use of no congressional district boundaries to conduct solely the 2026 Missouri General congressional elections, Missourians still are permitted an unencumbered statewide vote on Missouri Proposition A, Congressional Map Referendum, which will be the democratic process to choose the next Missouri congressional jurisdictional boundaries in the manner declared by the Missouri Supreme Court.

161. The issuance of the ultimate relief Petitioner Berry or the Plaintiffs in the underlying Complaint seek would absolutely foreclose the legal effect of Missouri Proposition A in the same manner as enjoying the Missouri General Assembly from the effect of a bill when such a bill has a committee vote of the House and not the full House, or even the Senate, outside of the repeal nature of Missouri Proposition A reenacting the 2022 Missouri Congressional District Map as Missouri law.

162. Although, the Court may not ignore the well-plead and different theories Petitioner Berry or the Plaintiffs in the underlying Complaint that as applied and on its face may very well deem the 2022 Missouri Congressional District Map as illegal, void and unconstitutional.

163. The balance this Court will be required to apply to Missouri Proposition A is providing upon their supporters receiving access to their state constitutional right and benefit from stopping the Missouri General Assembly from implementing 2025 Missouri Congressional Map until a statewide vote of Missourians, but restraining the use of 2022 Missouri Congressional District Map to conduct the 2026 Missouri General election because such an application of law simply presents too many uncertainings and dangerous legal

unknowns, and also presents too many active and current constitutional violations that can only be cured by conducting statewide congressional elections during the 2026 Missouri General congressional election.

164. In protecting the Equal Protection rights of Missouri voters, whether Missouri Proposition A passes or fails under a statewide election format, there is no violation of the Equal Protection Clause because all Missourians had an opportunity to vote in all eight (8) Missouri congressional ballot elections and each Missouri voter had an opportunity to vote for the candidate of their choice.

165. The 2026 Primary congressional election is Missouri's party nominee selection process and each person who voted during the 2026 Primary congressional election will again have the opportunity to select their next congressional representative from the victorious political party nominees duly elected from the 2026 Primary congressional election (there are no independent candidates running for United States Congress during the 2026 election cycle).

166. Missouri's Constitution that there are situations where a Missouri congressional election may need to be conducted by statewide vote, as relates to the appointment of congressional committees; Article III, Section 3 of the Missouri Constitution states:

> "For the purposes of this Article, the term congressional district committee or congressional district refers to the congressional district committee or the congressional district from which a congressman was last elected, or, in the event members of congress from this state have been elected at large, the term congressional district committee refers to those persons who last served as the congressional district committee for those districts from which congressmen were last elected, and the term congressional district refers to those districts from which congressmen were last elected. Any action pursuant to this section by the congressional district committee

> shall take place only at duly called meetings, shall be recorded in their official minutes and only members present in person shall be permitted to vote." (underlined added)

167. The State of Missouri previously resolved this very same issue before the Court over 100 years ago in 1922 when a lawful Missouri congressional district map was not actively enacted and Missouri conducted its congressional election by a statewide vote.

168. The constitutional right to vote is first to guarantee the ability to vote for candidates and laws by ballot election FIRST AND FOREMOST, and unless such congressional boundaries are deemed either unlawful or unconstitutional, Missouri voters maintain ZERO assertable right before this Court regarding the partisanship of any congressional district boundary, or any election result based upon the partisanship of any congressional district boundary, thereof.

PROPOSED STATUS OF PENDING APPEAL

Under the instant Writ of Mandamus and Writ of Prohibition, the underlying Appeal and the underlying District Court Complaint subject to this Appeal should at the Court's discretion and by separate order of the Court place the underlying Complaint in abeyance until the Missouri Secretary of State certifies whether Missouri Proposition A Referendum passes or fails, and after any subsequent state court judicial review thereof, and in the event that Missouri Proposition A passes after the Court determined Petitioner Berry's constitutional challenge to the 2022 Missouri Congressional District Map by United States District Court case number 4:26-CV-01419 JAR pursuant to this Court's *First to File Doctrine*.

PRAYER FOR RELIEF

WHEREFORE, Petitioner Paul Berry III seeks this Honorable Court to immediately grant this application for Writ of Prohibition and Writ of Mandamus pursuant to the All Writs Act and issue the following writ order to the Respondent Missouri Missouri Secretary of State Denny Hoskins:

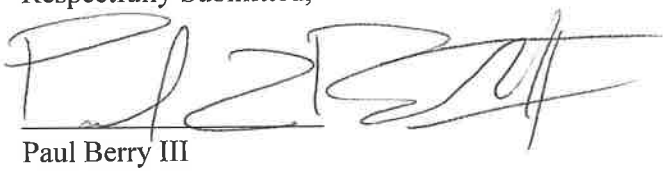
WRIT OF PROHIBITION AND WRIT OF MANDAMUS ORDER

To: Missouri Missouri Secretary of State Denny Hoskins

This Court ORDER issued pursuant to the All Writs Act (a) prohibits the Missouri Secretary of State from utilizing the Missouri congressional district map enacted by the State of Missouri in the year 2022 to conduct the 2026 Missouri General congressional election, (b) mandates the Missouri Secretary of State conduct the 2026 Missouri General congressional election by placement of each of the eight (8) Missouri congressional district General election ballots established from the 2026 Primary congressional election otherwise certified by the Missouri Secretary of State on each 2026 Missouri General election ballot statewide in Missouri providing each Missourian the opportunity to vote on each of the eight (8) Missouri congressional district elections on each 2026 Missouri General election ballot statewide, (c) the congressional district election nominee from each such congressional district ballot who receives the most stateside votes will be declared the winner of the Missouri congressional district election in question and the boundaries to which each of the eight (8) Missouri congressional district election winners shall be established by the State of Missouri no later than December 31, 2026, in the manner otherwise provided by the Missouri law and the

Elections Clause.

Respectfully Submitted,



Paul Berry III
Petitioner, Pro Se
1200 S. Big Bend Blvd.
St. Louis, Missouri 63117

VERIFICATION

I have reviewed each fact and allegation of this Complaint and attest to personal knowledge of each fact and allegation as being correct and true to the best of my belief, knowledge and understanding.



Paul Berry III
Petitioner

Sworn and subscribed before me on September 14, 2026, executed by Paul Berry III.



Notary Public

