

FILED

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PETER A. MOORE, JR., CLERK
US DISTRICT COURT, EDNC
BY MM DEP CLK

THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH

CAROLINA

Linwood M Gallop Jr, Plaintiff,

v.

ALAN HIRSCH, as Chair of the North Carolina State Board of Elections; THE NORTH

CAROLINA STATE BOARD OF ELECTIONS;

PHILIP E. BERGER, as President Pro Tempore of the North Carolina Senate;

and

DESTIN HALL, as Speaker of the North Carolina House of Representatives,

Defendants.

CASE NO: 2:26-cv-00013-BO

**COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF OF THE 2025
CONGRESSIONAL REDISTRICTING MAP**

Plaintiff, Linwood Gallop Jr. appearing pro se, brings this action to challenge the constitutionality and statutory legality of the 2025 Congressional Redistricting Map

(Session Law 2025-95). Plaintiff asserts that the redrawing of the State's Congressional map constitutes a mathematical nullification of the electorate in wanton disregard of the federal Voting Rights Act and the United States "Republican Form of Government" guaranteed by the United States Constitution.

I. JURISDICTION AND VENUE

This Court has original jurisdiction pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1343(a).

This action arises under Section 2 of the Voting Rights Act (52 U.S.C. § 10301), the Fourteenth and Fifteenth Amendments, and the Guarantee Clause of Article IV, § 4 of the United States Constitution.

Venue:

Venue is proper under 28 U.S.C. § 1391(b) because the Defendants reside in the 1st District and the events giving rise to the claim occurred in Raleigh, the seat of government.

II. PARTIES & STATEMENT OF NON-PRIVITY

Plaintiff, Linwood Gallop Jr., is a citizen and registered voter in Congressional District 1.

NON-PRIVITY: Plaintiff was not a party or participant in Williams v. Hall or NAACP v. Berger. Plaintiff asserts a distinct legal theory of Structural Constitutionalism and Statutory Faithfulness not adjudicated in those proceedings. Consequently, this action is not barred by res judicata.

III. STATEMENT OF FACTS

On October 22, 2025, Defendants enacted Session Law 2025-95, reducing the Black Voting Age Population (BVAP) in District 1 from 40.7% to 32.1%.

The 2025 Map reallocates power such that a party representing only ~30% of registered voters (Republican) is now granted 78.6% of Congressional seats, while Independent voters (~38.9%) are afforded 0% representation.

IV. LEGAL ARGUMENT

A. The Statutory Primacy of the "Results Test" Over "Partisan Intent"

1. This acts as a violation of Article IV, § 4 and the 14th Amendment's Privileges and Immunities Clause, as it abridges the fundamental right of citizens to participate in a Republican government. This Court has the authority to intervene where the state has abandoned a "Republican Form" in favor of mathematical disenfranchisement.

2. Section 2 of the Voting Rights Act (52 U.S.C. § 10301) prohibits any voting qualification, prerequisite, or standard that "results" in a denial or abridgment of the right to vote on account of race or color.

3. In its 1982 Amendments, Congress explicitly rejected the "Intent Test" established in *City of Mobile v. Bolden*, 446 U.S. 55 (1980), establishing instead that a violation is proven if, based on the totality of circumstances, the result of the practice dilutes the voting power of a protected class.

4. The Defendants have publicly asserted that their map-drawing was motivated by "purely partisan intent." Plaintiff argues this defense is a legal impossibility. Under the "result test", a state legislature cannot utilize a "partisan" motive to bypass or nullify a mandatory federal statutory result requirement.

5. If the Result is the dilution of a protected class—as evidenced by the 8.6% drop in District 1's BVAP—the mapmaker's intent is irrelevant. By substituting "Motive" for "Math," the Defendants have acted in wanton disregard of federal law, inviting this Court and previous Courts to commit a judicial amendment of an Act of Congress, which would violate the Separation of Powers clause.

B. Article IV, § 4: The Republican Guarantee and Structural Nullification

6. The United States Constitution mandates in Article IV, § 4 that "The United States shall guarantee to every State in this Union a Republican Form of Government."
7. A "**Republican Form**" of government is fundamentally defined by a structural, representative link where the legislative body reflects the body politic from which it derives its power. As James Madison articulated in *Federalist No. 39*, a Republic is a government that "derives all its powers directly or indirectly from the great body of the people."
8. When a legislature utilizes high-speed mathematical modeling and surgical demographic reallocation to ensure a 79% seat share from a 30% Republican party registration voter bloc, the "**Republican Form**" of government has been functionally abolished and replaced by a self-perpetuating Republican Legislative Oligarchy.
9. This "form of government" is distinct from "partisan fairness" as addressed under the 14th Amendment, which states that: "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States;..."
10. Plaintiff challenges the Structural Integrity of the State's representation. If a map-maker can mathematically guarantee a result that is diametrically opposed

to the actual composition of the electorate (where 38.9% of voters are Independent but receive 0% representation and ensure a 79% seat share from a 30% Republican voter base) the "Sovereignty of the People" has been nullified.

PLAINTIFF'S CLOSING STATEMENT

"Your Honor, the Defendants' entire case rests on a single, dangerous premise: that as long as they call their motives 'partisan,' the laws of the United States and the math of the electorate no longer apply to them.

But 'Partisanship' is not a magic word that evaporates the Voting Rights Act. And 'Political Intent' is not a license to dismantle the Republican Form of Government.

Congress gave us a Results Test for a reason: because it doesn't matter what a politician says they are doing; it matters what they actually do to the voter. What they have done here is simple: they have used mathematical surgicality to ensure that a 30% minority registration bloc controls 79% of the state's power, while nullifying the voices of nearly 40% of our citizens who choose to remain Independent.

If a legislature can mathematically choose its own winners before a single ballot is cast, then we are no longer a Republic—we are a Legislative Oligarchy.

I am not asking this Court for 'fairness' or for 'favors.' I am asking this Court for Constitutional Structure. I am asking you to hold the State to the mandatory 'Results' standard required by federal law. I respectfully ask this Court to stay the 2026 election and order a map that reflects the actual, registered people of North Carolina.

The math doesn't lie, Your Honor. And the Constitution shouldn't be made to yield to those who do. Thank you."

VI. PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court:

- A. ISSUE a Preliminary Injunction staying the March 3, 2026, Primary Election;
- B. DECLARE the 2025 Map unlawful under the VRA "Results Test" and Article IV, §
4;
- C. MANDATE a total statewide redistricting where seat allocation reflects the actual political registration percentages (Independent, Republican, and Democrat) of the North Carolina electorate;
- D. ORDER the restoration of District 1.

E. The State of North Carolina to pay all legal and filing fees for this case as a deterrent for violating citizens rights.

Respectfully submitted, this 7th day of February, 2026:

Linwood M Gallop Jr

604 Cardwell Street Elizabeth City North Carolina 27909 (252)2677225