

FILED

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PETER A. MOORE, JR., CLERK
U.S. DISTRICT COURT, EDNC
BY: [Signature]

**PLAINTIFF'S MEMORANDUM IN HIS SUPPORT OF OBJECTIONS
TO THE MAGISTRATE JUDGE'S RECOMMENDATION**

Linwood M. Gallop Jr

July 23, 2026

Linwood M. Gallop Jr.

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Pro Se Plaintiff

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
[DIVISION] DIVISION**

Case No. 2:26-CV-13-BO

Linwood M. Gallop Jr.,
Plaintiff,

Alan Hirsch

NORTH CAROLINA STATE BOARD OF ELECTIONS, et al.,
Defendants.

**PLAINTIFF'S MEMORANDUM IN SUPPORT OF HIS OBJECTIONS TO THE MAGISTRATE
JUDGE'S RECOMMENDATION**

I. INTRODUCTION

The Plaintiff, proceeding pro se, respectfully submits this Memorandum in Support of his Objections to the Magistrate Judge's Recommendation. This Court should reject the Magistrate Judge's recommendation to dismiss because the Plaintiff has demonstrated a concrete and particularized injury-in-fact sufficient to establish Article III standing, has stated plausible claims for relief under the Fourteenth, Fifteenth, and First Amendments and the Voting Rights Act, and has properly named Defendants subject to suit for prospective injunctive relief.

II. FACTUAL ALLEGATIONS AND STANDING

A. Plaintiff's Status

The Plaintiff is a U.S. citizen, resident, and registered voter in Pasquotank County, which is located entirely within North Carolina's 1st Congressional District. As a resident of this district, the Plaintiff is directly impacted by the challenged redistricting map.

B. Mathematical Proof of Harm

The core injury is the systematic dilution of voting power. The challenged map reduced the Black voting bloc in the 1st District by 8%, while only reducing the strength of white Democrats in the same district by 4%. Demographic data confirms that the Black Citizen Voting Age Population (CVAP) dropped from 40.7% to 32.1%, while the white eligible voter population increased from 52.3% to 61.4%.¹ Analysis from Inside Elections confirms that the line changes moved the district from an even baseline to R+8.²

C. Resulting Injury

This disproportionate reduction makes it nearly impossible for the Plaintiff to elect a representative of his choice, targeted his specific voting community for a harsher reduction in power, and constitutes a direct injury to his voice at the ballot box.

III. CONSTITUTIONAL AND STATUTORY CLAIMS

The Plaintiff's claims are built on three primary constitutional amendments and the Voting Rights Act:

A. Fourteenth Amendment

The state is enforcing a law that abridges the privileges or immunities of citizens. The state has a strict duty to ensure civil rights are not taken away, which this map violates by slashing the Plaintiff's community's voting power.

B. First Amendment

The enforcement of district lines drawn to suppress a specific voting community violates the Plaintiff's rights to free political association and expression.

C. Fifteenth Amendment

This amendment explicitly prohibits the abridgment of the right to vote based on race. The 8% vs. 4% disparity is evidence of an intentional racial abridgment.

D. Voting Rights Act (VRA)

¹ Carolina Demography (UNC), Carolina Demography Platform (exact CVAP data showing drop to 32.1% Black CVAP).

² Inside Elections, Map Analysis (district shift to R+8).

The action seeks to challenge the legality of the 2025 maps for intentionally diluting minority voting power and dismantling cohesive voting blocs.

IV. VIOLATION OF DUE PROCESS PROCEDURES

A significant procedural objection involves how the maps were enacted:

A. Mid-Cycle Redistricting

The North Carolina General Assembly enacted this map mid-cycle without any corresponding changes to official U.S. Census data.

B. Procedural Circumvention

Changing congressional lines without a mandatory census update is a violation of established due process, as the legislature skipped standard procedural rules to rush the map into place.

V. REBUTTAL TO DEFENSE ARGUMENTS FOR DISMISSAL

The Defendants' motions to dismiss fail on both jurisdictional and substantive grounds.

A. Article III Standing is Satisfied by a Particularized Injury-in-Fact

The Plaintiff has established standing by demonstrating a direct, personalized injury. Under *Hancock v. County of DeKalb* (4th Cir. 2024), a voter who alleges their voting strength was specifically diluted in their home district has suffered a concrete "injury-in-fact." Research from Common Cause North Carolina documents the systematic dismantling of the historically Black "Black Belt" district,³ and litigation materials from the ACLU confirm that 2024 voting data was utilized to specifically target Black voters for dilution.⁴ Forward Justice has also launched civil rights challenges over the erosion of decades of voting rights progress.⁵

B. The Complaint Plausibly States Claims for Relief

Under *Erickson v. Pardus* (2007), pro se pleadings are held to less stringent standards than those drafted by lawyers. *Edwards v. City of Goldsboro* (4th Cir. 1999) further notes that dismissal is only appropriate if it is a certainty that no relief could be granted under any set of facts. The Plaintiff has plainly alleged facts that, if proven, would establish violations of the Fourteenth, Fifteenth, and First Amendments, as well as the Voting Rights Act.

C. Defendants Are Not Immune from Suit for Prospective Relief

³ Common Cause North Carolina, Update on Black Belt district.

⁴ American Civil Liberties Union (ACLU), Press Release on 2024 voting data targeting.

⁵ Forward Justice, NC Newsline Legal Reports on voting rights challenges.

- Legislative Immunity (Defendants Berger and Hall): Legislative immunity does not bar lawsuits seeking prospective injunctive relief to stop the use of an unconstitutional measure (*Supreme Court of Virginia v. Consumers Union*, 1980).
- Sovereign Immunity (Defendant Hirsch and the Board): Under *Ex parte Young* (1908), the Eleventh Amendment does not shield state officials from lawsuits seeking to stop an ongoing violation of the U.S. Constitution.

VI. PROPOSED JUDICIAL STANDARD OF REVIEW

The Plaintiff asserts that the Court's current focus on legislative "intent" rather than "impact" is a fundamental legal error. Section 5 of the Fourteenth Amendment grants enforcement power directly to Congress, suggesting the judiciary has overstepped by creating an "intent" standard that nullifies the evaluation of real-world discrimination.

VII. CONCLUSION

For the foregoing reasons, the Plaintiff respectfully requests that this Court:

1. Deny Defendants' motions to dismiss;
2. Adopt the Plaintiff's objections to the Magistrate Judge's Recommendation; and
3. Grant such other and further relief as the Court deems just and proper.

Respectfully submitted this 23rd day of July, 2026.

Signature:



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Pro Se Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on the 23 day of July, 2026, a true and correct copy of the foregoing Plaintiff's Memorandum in Support of Objections to the Magistrate Judge's Recommendation was served upon all counsel of record by:

☐ Hand delivery

☒ U.S. Mail, postage prepaid

☐ CM/ECF electronic service (if applicable)

[Your Signature]

A handwritten signature in black ink, appearing to read "Susan M. Kelly, Esq.", written in a cursive style.

Demographic Shifts: Before vs. After 2025 Map

The legislative changes systematically replaced Black voters with white voters, shifting the district's partisan alignment.

Metric	Map Before 2025	New 2025 Map (For 2026)
Black Citizen Voting Age Population (CVAP)	40.7%	32.1%
White Citizen Voting Age Population (CVAP)	52.3%	61.4%
Cook Partisan Voting Index (PVI)	Even / D+2	R+8 / Highly Conservative

Changes in the Voting Bloc and Methods

- **Geographic fracturing of communities.** Lawmakers removed thousands of Black voters.
- **Transfer to neighboring districts.** Voters were shifted into District 3.
- **Dilution of collective voice.** Splitting communities neutralizes Black voting power.
- **Addition of conservative white voters.** The map absorbed six coastal counties.
- **Suppression of candidate choice.** It eliminates reliable Black-preferred outcomes.
- **Partisan versus racial framing.** Lawmakers claimed changes were strictly partisan.
- **Impact on Democratic coalition.** It reduces minority influence within the party.
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- American Civil Liberties Union +4
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Supporting Research and Source Citations

The finding that the Black voting bloc was reduced relative to white voters is supported by multiple independent demographic and legal resources:

- **Carolina Demography (UNC):** Published exact data showing the drop to 32.1% Black CVAP on the [Carolina Demography Platform](#).
- **Inside Elections:** Detailed the district's shift from an even baseline to R+8 due to line changes on [Inside Elections Map Analysis](#).
- **Common Cause North Carolina:** Documented the systematic dismantling of the Black Belt district on the [Common Cause Update Page](#).
- **[American Civil Liberties Union \(ACLU\)](#):** Filed litigation proving 2024 voting data was used to target Black voters, detailed by the ACLU Press Release.
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- [American Civil Liberties Union](#)
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- **Forward Justice:** Launched civil rights challenges over the erosion of decades of voting rights progress, reported via [NC Newsline Legal Reports](#).