

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION**

LULAC, *et al.*,

*Plaintiffs,*

v.

GREG ABBOTT, in his official capacity as  
Governor of Texas, *et al.*,

*Defendants.*

Case No. 3:21-CV-00259-DCG-JES-JVB  
[Lead Case]

ROY CHARLES BROOKS, FELIPE  
GUTIERREZ, PHYLLIS GOINES, EVA  
BONILLA, CLARA FAULKNER,  
DEBORAH SPELL, SANDRA M. PUENTE,  
JOSE R. REYES, SHIRLEY ANNA  
FLEMING, LOUIE MINOR JR, NORMA  
CAVAZOS, LYDIA ALCALAN, and  
MARTIN SAENZ,

*Plaintiffs,*

v.

GREG ABBOTT, in his official capacity as  
Governor of Texas; JOHN SCOTT, in his  
official capacity as Secretary of State of  
Texas, and STATE OF TEXAS,

*Defendants.*

Case No. 1:21-CV-00991-DCG-JES-JVB  
[Consolidated Case]

**BROOKS PLAINTIFFS' LETTER BRIEF REGARDING THE FIFTH CIRCUIT'S  
DECISION IN *PETTEWAY***

The Fifth Circuit has ruled that Section 2 does not protect coalitions of minority voters in discriminatory effects coalition claims. This case is before a three-judge district court with direct appeal to the Supreme Court, not the Fifth Circuit. The Supreme Court has assumed, but not decided, that coalition claims are viable. *See Growe v. Emison*, 507 U.S. 25 (1993).

This Court has previously indicated that it views itself as bound by Fifth Circuit decisions, but Brooks Plaintiffs are unaware of authority establishing that proposition for three-judge courts. In any event, to the extent this Court concludes it is bound by *Petteway*, the appropriate course is to reject any such claims at final judgment to permit Plaintiffs to appeal to the Supreme Court if they so choose.

October 15, 2024

Respectfully submitted,

/s/ Chad W. Dunn

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