

Grievance About a Change in Mayoral Power

Winstead v. Stodola

(*William R. Wilson, Jr., E.D. Ark. 4:07-cv-682*)

Five days before a special election, a federal complaint challenged a ballot measure that would convert the position of Little Rock mayor from part time to full time. Following two recusals, the district judge then assigned the case denied immediate relief on the day before the election.

Subject: Ballot measures. *Topics:* Ballot measure; case assignment; recusal; class action.

Five days before an August 14, 2007, special election to convert the position of Little Rock mayor from a part-time position to a full-time position with expanded powers, five citizens filed a federal complaint in the Eastern District of Arkansas challenging the propriety of the scheme.¹ The plaintiffs named as defendants the City of Little Rock, the State of Arkansas, the governor, Little Rock’s mayor and city attorney, six of Little Rock’s ten city directors, three county election commissioners, and the commission’s director.² With their complaint, the plaintiffs filed a motion for an immediate injunction.³

The court assigned the case to Judge Susan Webber Wright, but she recused herself because she was on vacation, so the court reassigned the case to Judge J. Leon Holmes.⁴ Judge Holmes set the case for hearing on Monday, August 13.⁵ One of the plaintiffs, who unlike the other plaintiffs was appearing pro se,⁶ moved for Judge Holmes’s recusal⁷ because the judge “has previously been the subject of a judicial complaint filed by the undersigned,”⁸ and Judge Holmes granted the motion.⁹ The court reassigned the case to Judge William R. Wilson, Jr., who is now known as Judge Billy Roy Wilson.¹⁰

Receiving the case at 2:40 p.m. on Friday, August 10, Judge Wilson informed the plaintiffs that he could proceed with the Monday hearing so long as he received timely confirmation that the defendants received notice.¹¹ At

1. Complaint, *Winstead v. Stodola*, No. 4:07-cv-682 (E.D. Ark. Aug. 9, 2007), D.E. 1.

2. *Id.*

3. Motion, *id.* (Aug. 9, 2007), D.E. 3.

4. Transfer Order, *id.* (Aug. 10, 2007), D.E. 4.

Judge Holmes retired on February 5, 2020. Federal Judicial Center Biographical Directory of Article III Federal Judges, www.fjc.gov/history/judges.

5. Order, *Winstead*, No. 4:07-cv-682 (E.D. Ark. Aug. 10, 2007), D.E. 6.

6. Complaint, *supra* note 1, at 8.

7. Recusal Motion, *Winstead*, No. 4:07-cv-682 (E.D. Ark. Aug. 10, 2007), D.E. 8.

8. Recusal Motion Brief, *id.* (Aug. 10, 2007), D.E. 9.

9. Order, *id.* (Aug. 10, 2007), D.E. 10.

10. Transfer Order, *id.* (Aug. 10, 2007), D.E. 12.

11. Letter, *id.* (Aug. 10, 2007), D.E. 14.

the Monday morning hearing, Judge Wilson denied the plaintiffs immediate relief and set the case for another hearing on September 26.¹²

Because the plaintiffs did not file a brief by their August 27 deadline, Judge Wilson dismissed the case on August 30 without prejudice.¹³ On the following day, the plaintiffs filed an amended complaint, styled as a class action.¹⁴

After additional briefing, Judge Wilson dismissed the case on September 13 as a general grievance.¹⁵ The court of appeals agreed that the plaintiffs lacked standing.¹⁶

12. Minutes, *id.* (Aug. 13, 2007), D.E. 23; Notice, *id.* (Aug. 13, 2007), D.E. 24.

13. Order, *id.* (Aug. 30, 2007), D.E. 31.

14. Amended Complaint, *id.* (Aug. 31, 2007), D.E. 41.

15. Opinion, *id.* (Sept. 13, 2007), D.E. 65, 2007 WL 2710096.

16. Anthony v. Stodola, 329 F. App'x 693 (8th Cir. July 7, 2009).