

No Relief for a Last-Minute Speculative Complaint of Voter Suppression by the President

Mi Familia Vota Education Fund v. Trump
(Richard J. Leon, D.D.C. 1:20-cv-3030)

A federal complaint filed thirteen days before the 2020 general election alleged voter suppression by the President over the previous few months. The district judge denied immediate relief, finding the last-minute allegations to be speculative.

Subject: Campaign activities. *Topic:* Laches.

An organization and two voters filed a federal complaint in the district court for the District of Columbia on October 21, 2020, against President Trump, the attorney general, and the secretary of homeland security, alleging schemes to discourage, inconvenience, and intimidate voters.¹ With their complaint, the plaintiffs filed a motion for a temporary restraining order, a preliminary injunction, and a speedy declaratory judgment.² Five days later, the parties jointly moved for briefing on the other motion to conclude by October 28 with a hearing scheduled for the following day.³ Judge Richard J. Leon agreed to set a telephonic hearing for the afternoon of October 29.⁴

Judge Leon began the hearing by pointing out that with the election to be held in five days, three to five months after the actions complained of, there was no time for an effective preliminary injunction, so the relief in question would be a temporary restraining order (TRO).⁵ Judge Leon concluded,

Well, as is the practice of this Court and all the other judges on our court, in the case of TROs, we announce our [decision] on the spot; we don't issue a written opinion.

This case has more holes than a piece of Swiss cheese, and it's no surprise, as a result, that it's being at the 11th hour and 58th minute in the electoral season of our country this year.

As far as this Court can discern, the Court lacks jurisdiction. The plaintiffs have not demonstrated [sufficient] standing; it's way too speculative.

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So for all those reasons, the Court will deny the TRO. The case will be moot as of Tuesday.⁶

The plaintiffs dismissed their case voluntarily the next day.⁷

1. Complaint, *Mi Familia Voter Educ. Fund v. Trump*, No. 1:20-cv-3030 (D.D.C. Oct. 21, 2020), D.E. 1.

2. Motion, *id.* (Oct. 21, 2020), D.E. 2.

3. Joint Motion, *id.* (Oct. 26, 2020), D.E. 16.

4. Docket Sheet, *id.* (Oct. 21, 2020).

5. Transcript at 6–7, *id.* (Oct. 29, 2020, filed Nov. 17, 2020), D.E. 25.

6. *Id.* at 32–33.

7. Dismissal Notice, *id.* (Oct. 30, 2020), D.E. 24.