

Prisoners Legal Advocacy Network v. Carney et al

Delaware District Court

Case no. 1:23-cv-01397-JLH (D. Del.)

Filed date: June 06, 2024

Docket entry no.: 28

Docket text:

ORAL ORDER: Having reviewed the Complaint (D.I. 1), the briefing on Plaintiff's motion for a preliminary injunction (D.I. 9-11, 21-23, 25-26), and the relevant case law, and having held a hearing on April 19, 2024, the Court has concerns about Plaintiff's standing and whether the Court has subject matter jurisdiction over this case. The Court also has concerns about the fact that Plaintiff's claim to relief rests on a particular interpretation of Delaware state law that is not only contrary to the interpretation of Defendants (who are charged with enforcing that law), it has also never been adopted by any Delaware Court. Because the Court has an independent obligation to ensure that it has subject matter jurisdiction, see *Ellison v. American Board of Orthopaedic Surgery*, 11 F.4th 200, 20405 (3d Cir. 2021), and because the Delaware Supreme Court has the final say about what the Delaware state constitution and laws require, Plaintiff is HEREBY ORDERED TO SHOW CAUSE (1) why this case should not be dismissed for lack of subject matter jurisdiction because Plaintiff lacks standing; and (2) if the Court does have jurisdiction, why it should not certify a question to the Delaware Supreme Court. Accordingly, on or before June 20, 2024, Plaintiff shall submit a brief addressing (i) whether Plaintiff has an injury-in-fact that is concrete, fairly traceable to Defendants' conduct, and redressable by this Court; and (ii) if Plaintiff does have standing, whether the Court should certify a question of law to the Delaware Supreme Court and how that question should be phrased. Defendants shall file a responsive brief within 14 days thereafter. The parties' briefs shall be no longer than 20 pages, exclusive of supporting evidence (including evidence that Defendants will or will not prosecute eligible incarcerated individuals for voting or attempting to vote by absentee ballot in the 2024 election). Ordered by Judge Jennifer L. Hall on 6/6/2024. (ceg) (Entered: 06/06/2024)

This PDF was generated on June 06, 2024 by PacerPro for a text-only docket entry.

<https://app.pacerpro.com/cases/18390535>