

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

	)	
<b>STATE OF TEXAS,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Civil Action No. 11-1303 (RMC-TBG-</b>
	)	<b>BAH)</b>
	)	
<b>UNITED STATES OF AMERICA and</b>	)	
<b>ERIC H. HOLDER, in his official</b>	)	
<b>capacity as Attorney General of the</b>	)	
<b>United States, <i>et al.</i></b>	)	
	)	
<b>Defendants.</b>	)	
	)	

**ORDER**

Before the Court is a Motion to Intervene filed by the Texas Democratic Party and its Chairman, Boyd Richie ( collectively “TDP”). TDP seeks to intervene either as of right, *see* FED. R. CIV. P. 24(a)(2), or permissively, *see* FED. R. CIV. P. 24(b)(1). The State of Texas opposes intervention on either ground. The Defendants United States and Attorney General Holder oppose intervention as of right, but do not oppose permissive intervention by TDP.

TDP seeks to intervene because it speculates that while this action is pending, alteration to election deadlines for the 2012 primary and general elections in Texas may be necessary. TDP argues that this Court lacks jurisdiction to alter election deadlines, and it claims a unique interest in those deadlines as it will administer primary elections.

TDP fails to meet the standard for intervention as of right because its does not claim an interest in the property or transaction that is the subject of this action. *See* FED. R. CIV. P. 24(a)(2). A party may make a claim for intervention as of right where (1) its motion is timely,

(2) it has an interest in the subject of the action, (3) the disposition of the action will impair or impede its ability to protect that interest, and (4) its interest is not adequately represented by existing parties. *See Fund for Animals, Inc. v. Norton*, 322 F.3d 728, 731 (D.C. Cir. 2003). TDP does not allege an interest in the subject of this action, whether Texas’s electoral redistricting plans comply with Section 5 of the Voting Rights Act, 42 U.S.C. 1973c. Rather, its claim is that this Court does not have jurisdiction to issue certain types of equitable relief in this case. Such a claim is premature. TDP’s entry into this case would not be “compatible with efficiency.” *See Nuesse v. Camp*, 385 F.2d 694, 700 (D.C. Cir. 1967).

TDP, likewise, does not allege a claim “that shares with the main action a common question of law or fact,” and therefore does not meet the threshold for permissive intervention. FED. R. CIV. P. 24(b)(1)(B).

Upon consideration of the foregoing, it is

**ORDERED** that the Motion to Intervene [Dkt. # 48] is **DENIED without prejudice.**

**SO ORDERED.**

Date: October 7, 2011

                                /s/  
THOMAS B. GRIFFITH  
United States Circuit Judge

                                /s/  
ROSEMARY M. COLLYER  
United States District Judge

                                /s/  
BERYL A. HOWELL  
United States District Judge