

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Richmond Division

PAUL GOLDMAN,
Plaintiff,

v.

Civil No. 3:21cv420 (DJN)

ROBERT BRINK *et al.*
Defendants.

ORDER
(Denying Motion to Add Authority)

This matter comes before the Court on *pro se* Plaintiff's Motion to Introduce Supplemental Authority, requesting that the Court consider the initial draft majority opinion, as reported by the media, in the U.S. Supreme Court case *Dobbs et al. v. Jackson Women's Health Organization et al.*, Case No. 19-1392, when reviewing Defendants' Motion to Dismiss ("Mot." (ECF No. 87).) *Dobbs* concerns the constitutionality of abortion rights, and the Supreme Court has not yet issued its opinion in the case. Josh Gerstein & Alexander Ward, *Supreme Court Has Voted to Overturn Abortion Rights, Draft Opinion Shows* (May 3, 2022, 2:14 PM).¹ On May 2, 2022, it was reported that a first draft of the *Dobbs* majority opinion, which would reverse *Roe v. Wade* and *Planned Parenthood v. Casey*, had been leaked to the public. *Id.* According to Plaintiff, that draft opinion reveals the importance of state legislative elections, as well as the need for an off-cycle election for the House of Delegates this year. (Mot. at 4-5.)

¹ Available at <https://www.politico.com/news/2022/05/02/supreme-court-abortion-draft-opinion-00029473>.

The Court hereby STRIKES this Motion as patently inappropriate and completely irrelevant to this case. The Fourth Circuit remanded this case to the District Court for the limited purpose of determining whether Plaintiff has standing to pursue his voter dilution claim. (Order of Remand at 3-4, *Goldman v. Brink et al.*, No. 21-2180 (4th Cir. March 15, 2022) (ECF No. 55).) As such, after the Fourth Circuit remanded the case, the Court ordered the parties to brief the issue of Article III standing. (Order, Mar. 21, 2022, at 1-2 (ECF No. 69).) The Order directed Defendants to file a Motion to Dismiss for lack of jurisdiction, outlining their position on the composition of the District Court and Plaintiff's standing, as well as allowing Plaintiff to respond and Defendants to reply. (Order at 1-2.) Further, the Order explicitly prohibited the parties from filing any motions or pleadings besides those that the Order permitted: the Motion to Dismiss, the Response, and the Reply. (Order at 2.)

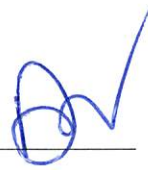
Despite the Court's explicit instructions, Plaintiff has repeatedly violated that Order. Before filing the instant Motion, Plaintiff submitted a separate Motion to Introduce Supplemental Authority (ECF No. 82) — which the Court granted — and a “Surrebuttal” to Defendants' Motion to Dismiss (ECF No. 85). Plaintiff now violates the Court's order for a third time. (ECF No. 87.) Moreover, the instant Motion seeks to have the Court consider a *draft* opinion, based on media reports, in a case that concerns completely different issues to those in the case at bar. Neither draft opinions nor press reports have *any* impact on the decisions of this Court. For these reasons, the Court will strike the Motion.

Put simply, Plaintiff should know better. Although he is proceeding *pro se*, Plaintiff himself has decades of experience as a lawyer. Going forward, the Court expects that he will refrain from abusing the judicial process and that he will conduct himself in a professional

manner, in compliance with applicable local and federal rules and this Court's orders.

Let the Clerk file a copy of this Order electronically and notify all counsel of record and forward a copy to Plaintiff at his address of record.

It is so ORDERED.


_____/s/_____
David J. Novak
United States District Judge

Richmond, Virginia
Date: May 5, 2022