

May 11, 2023

**BY ELECTRONIC FILING**

Clerk of the Court  
Supreme Court of the United States  
One First Street, N.E.  
Washington, D.C. 20543

Re: *Moore v. Harper*, No. 21-1271

To the Clerk of the Court:

In response to the Court's May 4, 2023, request for supplemental letter briefs in the above-captioned case, we write on behalf of the Harper Respondents.

The Harper Respondents have consistently maintained that this Court lacks jurisdiction under 28 U.S.C. § 1257. The North Carolina Supreme Court's April 28, 2023, decision only confirms as much. Because the state court has now overruled *Harper I*, vacated *Harper II*, and reinstated the trial court's original judgment in Petitioners' favor, there is no longer any judgment against Petitioners—"final" or otherwise, 28 U.S.C. § 1257—for this Court to review. *See Harper v. Hall*, No. 413PA21-2, 2023 WL 3137057, \*3 (N.C. Apr. 28, 2023).

Additionally, because the case or controversy has been resolved in Petitioners' favor, Petitioners no longer have standing and the case is moot. Petitioners lack standing because they no longer suffer any injury "fairly traceable" to the state court's decision or that this Court could redress. *Va. House of Delegates v. Bethune-Hill*, 139 S. Ct. 1945, 1950 (2019). Petitioners are now free under state law to use the 2021 congressional plan, or any plan they enact, without the partisan-gerrymandering restriction that they claim the federal Elections Clause prohibits. And because Petitioners have won a full victory in state court, it is impossible for this Court to grant any additional relief, and the case is moot. *Campbell-Ewald Co. v. Gomez*, 577 U.S. 153, 161 (2016).

While the Harper Respondents believe there is no non-frivolous basis for jurisdiction here, if this Court disagrees it should reject Petitioners' independent state legislature theory in its entirety.

Sincerely,



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cc: Counsel of Record

## CERTIFICATE OF SERVICE

I, Abha Khanna, hereby certify that I emailed the foregoing Letter Brief for Harper Respondents in 21-1271, *Timothy K. Moore, in his official capacity as Speaker of the North Carolina House of Representatives, et al. v. Rebecca Harper, et al.*, this 11th day of May, 2023 to:

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