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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Pascua Yaqui Tribe,
Plaintiff,
v.
F. Ann Rodriguez,
Defendant.

No. CV-20-00432-TUC-JAS
ORDER

On July 1, 2021, the United States Supreme Court issued an opinion pertaining to the Voting Rights Act which reversed an *en banc* panel of the Ninth Circuit. *See Brnovich v. Democratic National Committee*, 2021 WL 2690267, U.S. (July 1, 2021). The *Brnovich* case likely impacts matters in the case at bar. In addition, many of the allegations in this case (which was filed on an emergency basis in October 2020) pertained to: (a) issues specific to the COVID-19 pandemic in October of 2020 (the circumstances have now rapidly changed in light of the wide availability of effective vaccines); (b) the November 2020 General Election (which has now passed); and (c) the previous Pima County Recorder’s decisions in October and November of 2020 to not have an early voting location on the Pascua Yaqui Reservation (a new Pima County Recorder - Gabriella Cázares-Kelly of the Tohono O’odham Nation - was elected in November of 2020; Cázares-Kelly has publicly emphasized the importance of voter access for the Tohono O’odham Nation and the Pascua Yaqui Tribe, displays the flags of both the Tohono O’odham Nation and the Pascua Yaqui Tribe in her office to recognize their sovereignty, and possibly would be

1 receptive to voluntarily re-establishing an early voting site on the Pascua Yaqui
2 Reservation for the next elections in 2022).¹

3 In light of the foregoing, it appears that litigation in this case may no longer be
4 necessary. At the very least, the allegations in the complaint from October of 2020 need
5 to be substantially updated and amended, and any motion to dismiss as to an amended
6 complaint would incorporate new guidance from the United States Supreme Court in
7 *Brnovich*.

8 As such, IT IS ORDERED as follows:

9 (1) Plaintiff's complaint is dismissed without prejudice with leave to file an amended
10 complaint by no later than 8/31/21. Defendant's motion to dismiss and motion for
11 judicial notice (Docs. 23, 24) are denied without prejudice with leave to file new
12 motions if Plaintiff chooses to file an amended complaint. By no later than 8/9/21,
13 the parties shall get in contact with the new Pima County Recorder to help assess
14 whether further litigation is necessary in this case; the parties shall file a joint status
15 report by 8/13/21 reflecting their positions as to whether litigation is still required
16 in this case.

17 (2) If the Court does not receive Plaintiff's amended complaint by 8/31/21, the Court
18 will presume that litigation in this case is no longer necessary, and the Court will
19 dismiss this case without prejudice.

20 Dated this 7th day of July, 2021.

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Honorable James A. Soto
United States District Judge

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28 ¹ See (https://tucson.com/news/local/c-zares-kellys-election-as-pima-county-recorder-a-win-for-her-native-community/article_c751b3fc-de62-5f01-b123-945a01990740.html).