ALLEN v. MILLIGAN

608 U.S. ___ (2026)

Case Nos. 25A1314, 25A1315, 25A1316,

Decided June 2, 2026

SUMMARY:

This case clarifies standards for vote-dilution claims under §2 of the Voting Rights Act, balancing constitutional principles and districting fairness.

Legal Background and Standards

- *Louisiana* v. *Callais*, 608 U. S. ___ (2026), updated the preconditions outlined in *Thornburg* v. *Gingles*, 478 U. S. 30 (1986) to include: minority must be geographically compact, politically cohesive, and voters must vote as a bloc.
- Alternative maps must meet all legitimate districting objectives, including political goals, without racial criteria.
- Voters' racial bloc voting must be analyzed controlling for party affiliation.

Case Context and Lower Court Findings

- Alabama's 2023 map was challenged for violating §2 and the Fourteenth Amendment.
- District Court found violations due to lack of additional "black-opportunity" districts and alleged deliberate racial gerrymandering.
- Court's analysis failed to follow Callais, especially regarding map performance and racial voting patterns.

Supreme Court Decision

- The Court granted a stay, emphasizing the importance of maintaining election stability.
- It held that courts must compare alternative maps' performance on all constitutionally permissible criteria.
- The Court criticized the lower court's departure from Callais and its misinterpretation of racial voting data.

- The stay prevents Alabama from using the challenged map for upcoming elections pending appeal.

Reasoning and Approach:

- The Supreme Court in *Louisiana v. Callais* addressed the standards for proving vote-dilution claims under Section 2 of the VRA, specifically updating the framework established in *Thornburg v. Gingles*.
- The update was intended to resolve the tension between Section 2 claims and the Constitution's requirement for colorblindness, ensuring that remedies for vote dilution do not themselves become unconstitutional racial gerrymanders.

Key Updates to §2 Standards from Louisiana v¡ Callais**:**

1. **First** Thornburg v¡ Gingles **Precondition – Alternative Map Requirements:**
    - Plaintiffs must show that their proposed alternative map meets *all* of the State's legitimate districting objectives "just as well" as the State's own map.
    - Legitimate objectives include the State's specified political goals and any other goal not prohibited by the Constitution.
    - Plaintiffs cannot use race as a districting criterion when preparing their alternative map.
    - *Example:* If a state prioritizes keeping certain communities together or avoiding pairing incumbents, the plaintiff's map must achieve these goals as effectively as the state's map, without using race as a primary factor.
2. **Second and Third** Thornburg v¡ Gingles **Preconditions – Controlling for Partisanship:**
    - Plaintiffs must provide an analysis that controls for party affiliation.
    - They must show that racial bloc voting exists and cannot be explained by partisan affiliation alone.
    - *Example:* If Black and White voters support different parties, this alone is not enough to prove racially polarized voting; plaintiffs must show that the division is due to race, not just party preference.

3. **Totality of Circumstances:**
    - After meeting the three preconditions, plaintiffs must still prove that the political process is not equally open to minority voters, considering the totality of the circumstances.

Why These Changes Matter:

- The updates ensure that Section 2 claims do not force states to adopt congressional maps that would themselves be unconstitutional racial gerrymanders.
- The Court emphasized that courts must respect the state's legitimate districting criteria and not presume discriminatory intent from legal disagreements.
- The decision also clarified that differences in party voting patterns by race are not, by themselves, evidence of racial vote dilution.

These changes make it more challenging for plaintiffs to prove Section 2 violations and req uire a more nuanced, non-race-based approach to challenging state districting maps.

DECISION:

Per Curiam.

In *Louisiana* v. *Callais*, 608 U. S. ___ (2026), to resolve the tension between vote-dilution claims under §2 of the Voting Rights Act of 1965 and our colorblind Constitution, we updated the standards for §2 liability established by *Thornburg* v. *Gingles*, 478 U. S. 30 (1986).

Under *Gingles*, to prove a §2 violation, a plaintiff must first establish three preconditions. First, the minority group must be large and geographically compact enough to be a majority in a reasonably configured congressional district, meaning that the district "comports with traditional districting criteria." *Callais*, 608 U. S., at ___ (slip op., at 8) (internal quotation marks omitted). Second, the minority group must be politically cohesive. Third, the majority group must vote enough as a bloc to defeat the minority group's preferred candidate. *Ibid*. After establishing those three preconditions, the plaintiff must prove that the political process was not equally open to minority voters based on the totality of the circumstances. *Ibid*.

Callais updated these standards. As relevant here, we held that for plaintiffs to satisfy the first *Gingles* precondition, a plaintiff 's alternative map "must meet *all* the State's legitimate districting objectives" "just as well" as the State's own map. 608 U. S., at ___ (slip op., at 29) (emphasis added). Those legitimate districting objectives, we held, include "the State's specified political goals" and "any other goal not prohibited by the Constitution." *Ibid*. A plaintiff also "cannot use race as a districting criterion" in preparing the alternative

map. *Ibid*. To prove the second and third preconditions, a plaintiff "must provide an analysis that controls for party affiliation" and "show that voters engage in racial bloc voting that cannot be explained by partisan affiliation." *Id*., at ___ (slip op., at 30). These updates, we held, were necessary to avoid requiring congressional maps under §2 that would be unconstitutional racial gerrymanders.

After *Callais*, we vacated District Court injunctions that prevented the State of Alabama from using a congressional map that it enacted in 2023. See *Allen* v. *Caster*, 608 U. S. ___ (2026). The District Court had held that the State's map violated §2 because it had only one district in which black voters were a majority and did not include an additional "[b]lack-opportunity" district. *Singleton* v. *Allen*, 782 F. Supp. 3d 1092, 1114, 1309 (ND Ala. 2025). The District Court also concluded that the 2023 map violated the Fourteenth Amendment because it constituted a deliberate "refus[al] to satisfy the remedial requirements" it previously imposed and an attempt to avoid a future judgment requiring the same remedy. *Id*., at 1355.

Two weeks after we vacated its injunction, the District Court entered another injunction on largely the same grounds. State officials immediately applied to this Court for a stay of this injunction.

At this preliminary stage, the State has shown that it is entitled to interim relief from the District Court's injunction. See *Abbott* v. *League of United Latin American Citizens*, 607 U. S. ___, ___–___ (2025) (slip op., at 1–2). The State is likely to succeed on the merits as to both claims. As to intentional vote dilution, the District Court did not heed the presumption of legislative good faith, see *Alexander* v. *South Carolina State Conference of the NAACP*, 602 U. S. 1, 10 (2024), because it interpreted the State's legal disagreement with the court's earlier remedial order as proof of discriminatory animus. Cf. *Abbott* v. *Perez*, 585 U. S. 579, 608–609 (2018). And, as to both claims, the District Court's analysis departed from *Callais*. Under *Callais*, the District Court was required to deny relief unless the plaintiffs' alternative map performed "just as well" with respect to *all* of the State's constitutionally permissible districting criteria. 608 U. S., at ___ (slip op., at 29). Yet, the District Court found a violation even though the plaintiffs' alternative map would not perform just as well as to the State's constitutionally permissible criteria of keeping together the Gulf Coast community of interest and avoiding the pairing of incumbents. The District Court also failed to follow our instruction in *Callais* that the mere fact that voters of different races vote for different parties is not relevant to proving racially polarized voting patterns. See *id*., at ___ (slip op., at 30).

The State has also made a strong showing of irreparable harm and that the equities and public interest favor it. We have repeatedly cautioned that lower federal courts should not "alter the election rules on the eve of an election." *Republican National*

Committee v. *Democratic National Committee*, 589 U. S. 423, 424 (2020) (*per curiam*). Here, the District Court interposed itself into Alabama's ongoing efforts to conduct its imminent 2026 congressional elections under maps that its elected representatives selected. Its view that conducting the elections under court-imposed maps would be more convenient for the State was not a valid justification for that intervention. While federal courts should not impose changes close to an election, *ibid.*, States are free to decide for themselves whether last-minute changes to an election are in their best interests.

The applications for stay presented to Justice Thomas and by him referred to the Court are granted. The May 26, 2026, order of the United States District Court for the Northern District of Alabama, case Nos. 2:21–cv–1530 and 2:21–cv–1291 is stayed pending the timely docketing of the appeal in this Court. Should the jurisdictional statement be timely filed, this order shall remain in effect pending this Court's action on the appeal. If the appeal is dismissed, or the judgment affirmed, this order shall terminate automatically. In the event jurisdiction is noted or postponed, this order will remain in effect pending the sending down of the judgment of this Court. The May 26, 2026, order of the United States District Court for the Northern District of Alabama, case No. 2:21–cv–1536, is stayed pending the timely filing of a petition for a writ of certiorari. Should the petition for a writ of certiorari be denied, this stay shall terminate automatically. In the event the petition for a writ of certiorari is granted, the stay shall terminate upon the sending down of the judgment of this Court.

It is so ordered.