

Objections to Primary Procedures

Jones v. Alabama

(*Richard W. Vollmer, Jr., S.D. Ala. 1:00-cv-442*)

On May 11, 2000, a county-commission candidate filed a federal pro se complaint challenging election procedures for a June 6 primary election. On June 1, the candidate moved for a temporary restraining order against the holding of the election. Service of the motion was not confirmed until late at night on Friday, June 2, the response was not docketed until Monday, and the judge was out sick on Monday and Tuesday, so the motion could not be considered until the election was over. In 2001, the judge granted the defendants' motion to dismiss the case. The court of appeals affirmed the dismissal.

Subject: Election dates. *Topics:* Enjoining elections; primary election; pro se party.

On May 11, 2000, “the sole Republican candidate for a place on the Mobile County Commission in the June 2000 primary” filed a pro se federal complaint in the Southern District of Alabama raising constitutional challenges to various election procedures.¹ The court assigned the case to Judge Richard W. Vollmer, Jr.² On June 1, the plaintiff sought a temporary restraining order against holding the June 6 primary election.³

Judge Vollmer denied the plaintiff a temporary restraining order on June 13.⁴ Service of the motion on the defendants was not confirmed until the defendants filed their response at 10:32 p.m. on Friday, June 2.⁵ The response was docketed on Monday, but Judge Vollmer was out sick on Monday and Tuesday, so he could not consider the motion until the election was over.⁶

On March 6, 2001, Judge Vollmer granted the defendants' motion to dismiss the action.⁷ The court of appeals affirmed the dismissal on December 20.⁸

1. Opinion, *Jones v. Alabama*, No. 1:00-cv-442 (S.D. Ala. Mar. 6, 2001), D.E. 83 [hereinafter S.D. Ala. Opinion], 2001 WL 303533; Docket Sheet, *id.* (May 11, 2000).

2. Docket Sheet, *supra* note 1.

Judge Vollmer died on March 20, 2003. Federal Judicial Center Biographical Directory of Article III Federal Judges, www.fjc.gov/history/judges.

3. Docket Sheet, *supra* note 1.

4. Order, *Jones*, No. 1:00-cv-442 (S.D. Ala. June 13, 2000), D.E. 27.

5. *Id.* at 3.

6. *Id.*

7. S.D. Ala. Opinion, *supra* note 1.

8. Opinion, *Jones v. Siegleman*, No. 01-11583 (11th Cir. Dec. 20, 2001), 31 F. App'x 200 (table), *filed as Judgment, Jones*, No. 1:00-cv-442 (S.D. Ala. Jan. 23, 2002), D.E. 90.