Challenging a Puerto Rico Party's Registration

Puerto Ricans for Puerto Rico Party v. Dalmau
(Gustavo A. Gelpi, D.P.R. 3:07-cv-1867)

A political party in Puerto Rico, Puerto Ricans for Puerto Rico (PPR), and its election commissioner filed a federal complaint in the District of Puerto Rico on September 19, 2007, against other election officials and the Puerto Rican Independence Party (PIP), alleging that the PIP had been illegally registered as a political party for the 2008 elections.[1] With their complaint, the plaintiffs filed a motion for a temporary restraining order or a preliminary injunction.[2]

Judge Gustavo A. Gelpi denied the plaintiffs a temporary restraining order on the day that their motion was filed and issued an order to show cause by October 1 why the case should not be dismissed as a matter for Puerto Rico's commonwealth courts, which had already ruled against them.[3] To accommodate the plaintiffs' computer problems, Judge Gelpi granted them an extension until after midnight to file their brief,[4] and then Judge Gelpi dismissed the action and awarded the defendants attorney fees on October 2.[5]

On October 11, the plaintiffs filed a motion for reconsideration[6] and an amended complaint.[7] Judge Gelpi denied the motion that day.[8] On October 23, Juge Gelpi awarded $1,900 to the defendant who submitted a fee claim.[9]

On October 6, 2008, the court of appeals determined that the plaintiffs' suit was not necessarily barred by the commonwealth courts' decisions, which concerned allowing PIP to register as a political party rather than the validity of PIP's registration signatures.[10] The court of appeals also held, "The district court erred in granting a motion to dismiss that turned entirely on an untranslated Spanish language decision of the Puerto Rico Supreme Court."[11]

The court of appeals issued its mandate on October 22, and the mandate was filed in the district court on October 23.[12] Judge Gelpi set a preliminary injunction

---

1. Complaint, Puerto Ricans for P.R. Party v. Dalmau, No. 3:07-cv-1867 (D.P.R. Sept. 19, 2007), D.E. 1; Puerto Ricans for P.R. Party v. Dalmau, 544 F.3d 58, 61, 65 (1st Cir. 2008).

2. Motion, *Puerto Ricans for P.R. Party*, No. 3:07-cv-1867 (D.P.R. Sept. 19, 2007), D.E. 2; *Puerto Ricans for P.R. Party*, 544 F.3d at 65–66.

3. Order, *Puerto Ricans for P.R. Party*, No. 3:07-cv-1867 (D.P.R. Sept. 19, 2007), D.E. 4; *Puerto Ricans for P.R. Party*, 544 F.3d at 66; *see* Puerto Ricans for P.R. Party v. Dalmau, 517 F. Supp. 2d 601, 602 (D.P.R. 2007).

4. Docket Sheet, *Puerto Ricans for P.R. Party*, No. 3:07-cv-1867 (D.P.R. Sept. 19, 2007).

5. *Puerto Ricans for P.R. Party*, 517 F. Supp. 2d 601, *rev'd*, 544 F.3d 58.

6. Reconsideration Motion, *Puerto Ricans for P.R. Party*, No. 3:07-cv-1867 (D.P.R. Oct. 11, 2007), D.E. 25.

7. Amended Complaint, *id.* (Oct. 11, 2007), D.E. 27.

8. Docket Sheet, *supra* note 4.

9. Puerto Ricans for P.R. Party v. Dalmau, 517 F. Supp. 2d 604 (D.P.R. 2007), *rev'd*, 544 F.3d 58.

10. Puerto Ricans for P.R. Party v. Dalmau, 544 F.3d 58, 64–65, 68–71 (1st Cir. 2008).

11. *Id.* at 67.

12. Mandate, *Puerto Ricans for P.R. Party*, No. 3:07-cv-1867 (D.P.R. Oct. 23, 2008), D.E. 65.

hearing for October 27, eight days before the election.[13] On that day, Judge Gelpi denied the plaintiffs a preliminary injunction, and they decided not to appeal.[14] On November 25, Judge Gelpi dismissed the action as moot.[15]

---

13. Order, *id.* (Oct. 23, 2008), D.E. 66,
14. Docket Sheet, *supra* note 4.
15. Judgment, *Puerto Ricans for P.R. Party*, No. 3:07-cv-1867 (D.P.R. Nov. 25, 2008), D.E. 80.