

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

TRACIE HUNTER,	:	Case No. 1:10CV820
	:	
Plaintiff,	:	Chief Judge Susan J. Dlott
	:	
v.	:	ORDER DENYING URGENT
	:	MOTION OF PLAINTIFF AND
HAMILTON COUNTY BOARD OF	:	INTERVENOR-PLAINTIFFS
ELECTIONS, <i>et al.</i> ,	:	NORTHEAST OHIO COALITION
	:	FOR THE HOMELESS AND OHIO
Defendants.	:	DEMOCRATIC PARTY TO ENJOIN
	:	STATE-COURT PROCEEDINGS

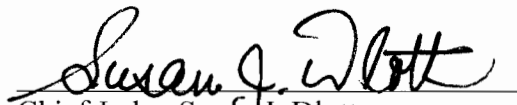
This matter comes before the Court on the Urgent Motion of Plaintiff and Intervenor-Plaintiffs Northeast Ohio Coalition for the Homeless and Ohio Democratic Party to Enjoin State-Court Proceedings. (Doc. 29.) This Court held a telephonic hearing on that motion on December 27, 2010. After considering the arguments set forth by the parties, the Court Denies Plaintiffs' motion.

The prayer for relief in the state court action, *State ex rel. Painter v. Brunner*, Ohio S. Ct. Case No. 2010-2205, addresses at its core the procedures that should be followed to determine whether provisional ballots not cast in the precinct in which the voter resided should be counted. It is within the province of the Ohio Supreme Court to determine whether Secretary of State Jennifer L. Brunner's directives comply with state law governing election procedures, and this Court will not enjoin the Ohio Supreme Court from doing so.

In the event that the Ohio Supreme Court issues a ruling that Plaintiffs in this action believe interferes with this Court's Order Granting in Part Plaintiffs' Motion for a Preliminary

Injunction or that Plaintiffs believe is otherwise contra to constitutional or federal law, Plaintiffs may file a new motion for injunctive relief.

IT IS SO ORDERED.


Chief Judge Susan J. Dlott
United States District Court