Syllabus

NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States* v. *Detroit Timber & Lumber Co.*, 200 U. S. 321, 337.

SUPREME COURT OF MAYFLOWER

Syllabus

IN RE KEEPCALMANDPARTY

ON PETITION FOR WRIT OF MANDAMUS

No. 07–25. Decided July 31, 2023

KeepCalmAndParty is a former Senator for the Fourteenth Congress of the State of Mayflower. After successfully being recalled from office and vacating said office after failing to secure their seat in a subsequent recall election, they then sought to run for their seat again in the upcoming general election for their previous seat. On July 24th, the Mayflower Electoral Commission announced the opening of the registration period for prospective candidates looking to run for the Fifteenth Congress. In their notice, however, they noted the inclusion of a rule that required candidates to not have served any time amounting to more than thirty days in the Fourteenth Congress. Petitioner, having violated this rule, would be excluded from the race and have their registration denied on this rule alone. In light of alleged impending injury, they filed a pre-enforcement challenge in the lower court to enjoin the enforcement of the rule as facially unconstitutional as a term limit of office or qualification requirement absent constitutional backing.

In the lower court, Petitioner requested a temporary injunction to restrict the State of Mayflower and Mayflower Electoral Commission from enforcing the rule while litigation was pending. A reading of the record in the lower court demonstrates that the judge presiding opined that the request ought to be set aside and that the preliminary injunction be made priority to the temporary order. Petitioner adamantly refused and reiterated their request for immediate relief in the form of the temporary injunction. The lower court then instructed that an *ex parte* hearing would be required for the temporary injunction request. Petitioner reasoned that such a hearing is not required but is rather discretionary. The lower court, still bent on setting aside the temporary order in favor of the ease of a preliminary injunction hearing, refused and set aside the temporary injunction request. Despite various pleas for the court to rule on the request, the lower court refused. Petitioner then

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sought certiorari, which we could not grant as a general distaste for appealing interlocutory judgments that are inconclusive. We then construed the petition for certiorari as an application for mandamus directing the lower court to rule on the temporary injunction request.

Held: The application for mandamus is granted and the lower court is directed to rule on the request for a temporary injunction with immediate haste and without the need of an *ex parte* hearing unless they believe, in their sound discretion, that one is needed to allow them to best rule on the pending matter per Mayf. R. Civ. P. 3(2) but shall not construe such ability as a requirement to delay or avoid ruling on the issue at-hand. Pp. 3–4.

Mandamus granted.

TAXESARENTAWESOME, J., delivered the opinion of the Court, in which BLCVLCL, C. J., and HOLYROMANRYAN and PARMENIONN, JJ., joined. ACZERO_DAVE, J., would deny the petition. ALEXJCABOT, J., took no part in the consideration or decision of this case.

SUPREME COURT OF MAYFLOWER

No. 07–25

IN RE KEEPCALMANDPARTY

ON PETITION FOR WRIT OF MANDAMUS

[July 31, 2023]

JUSTICE TAXESARENTAWESOME delivered the opinion of the Court.

An all-too-common nightmare found in the lower courts of many jurisdictions is the judge that displays reckless disregard to a claimant looking to make themselves whole through the courts of equity. Though we encourage our judges "to be bold," we also look for care and due diligence for all matters presented before their courts. *In re Jason DeLuca*, 6 M. S. C. 62, 67 (2022). The trial courts have near free-reign discretion to manage their courtrooms as they please, as the Court must review these abuses on an abuse of discretion standard of review and, typically, will avoid positioning itself as a court of intervention. But the incautious judge that sets aside their duty for ease may find themselves victim to even this high bar.

In this case, we are presented with whether a judge may set aside a movant's request for a Temporary Restraining Order for ease of simply not ruling on it. We are also asked to determine whether such a motion requires an *ex parte* hearing or demonstration to be successful in their request. On these two questions, we hold that a judge may not refuse to adjudicate a proper filing presented to their court, in proper controversy, and with proper form. We further hold

that a Temporary Restraining Order need no *ex parte* hearing per our local court rules.

Given such, we grant the petition for a writ of mandamus and hereto direct the lower court to issue its decision on the request for a Temporary Restraining Order.

I

Petitioner is a former State Senator for the Fourteenth Congress of the State of Mayflower and has served in that position for more than thirty days. Some time after their term had begun, they were recalled from office on a successful petition filed to the Mayflower Electoral Commission, then vacated office after failing to secure their seat in the recall election that followed soon after. However, a general election would follow just days after the recall election concluded. It was their intention to run in this election to secure a seat back in the legislature.

On July 24th, the Mayflower Electoral Commission made notice of the general election for the Fifteenth Congress of the State of Mayflower. In their notice, however, they made note that candidates that register for the election must "not be currently serving on the [Fourteenth] congress and any time served in the [Fourteenth] congress must total less than [thirty] days." Registrants that did not meet this requirement would presumably be rejected from declaring candidacy in the election.

If this rule were put into effect, Petitioner would surely be affected and have their registration rejected for this rule. In the lower court, they filed a pre-enforcement challenge seeking to enjoin the enforcement of this rule as an inappropriate term limit of office that is absent constitutional backing. They requested a Temporary Restraining Order to restrict the Mayflower Electoral Commission from enforcing the requirement until the conclusion of the pending litigation.

The presiding judge, having been presented with the

written request for the temporary order, originally stated that Petitioner "[has] to do an *ex parte* hearing" for the order. Petitioner asserted that an *ex parte* hearing is not necessary for a Temporary Restraining Order and that the lower court can issue it with immediate effect once satisfied that they have met the requirements needed. The lower court then decided that they were "skipping" the temporary order request and continuing with other parts of the matter.

Petitioner contended that they were soon to suffer irreparable damages because the registration period would expire in less than twenty-four hours. Because of this, they asked the lower court for an immediate written judgment on the temporary order request, which the lower court rejected and said would issue later in the case's timespan. Petitioner filed a petition for certiorari to review the interlocutory "judgment" in our Court, which we construed as a petition for mandamus. We now grant the petition for mandamus and direct the lower court to issue an immediate judgment on the temporary restraining order within twenty-four hours of this mandate.

II

The extraordinary writs that empower the judicial weaponry are difficult to provide stringent definition or employment to—mandamus is no different. "In determining what is appropriate, we look to those principles which should guide judicial discretion in the use of an extraordinary remedy." *Roche* v. *Evaporated Milk Association*, 319 U. S. 21, 26 (1943). For mandamus to a lower court, "only exceptional circumstances amounting to a judicial 'usurpation of power' or a 'clear abuse of discretion' will justify the invocation of this extraordinary remedy." *Cheney* v. *United States District Court for D.C.*, 542 U. S. 367, 380 (2004) (internal citations omitted).

For a petitioner to be successful in their quest for mandamus, "the petition must show that the writ will be in aid of

the Court's appellate or original jurisdiction, that exceptional circumstances warrant the exercise of the Court's discretionary powers, and that adequate relief cannot be obtained in any other form or from any other Court." Mayfl. S. Ct. 4.22.1. These requirements are the minimal demonstrations necessary for a mandamus petition to be entertained and mimic the requirements in the federal courts. *Hollingsworth* v. *Perry*, 558 U. S. 183, 190 (2010) (quoting *Cheney*, *supra*, 542 U. S. at 380–81).

In the case before us, the lower court has essentially stonewalled all avenues of relief that the petitioner may seek to temporarily maintain the equities of the parties of the case and to avoid irreparable harms that they may face. This case fails to qualify for interlocutory appeal and so the next form of review would be discretionary appeal through certiorari, as Petitioner originally requested. However, we have past held that "discretionary review of interlocutory judgments is discouraged unless necessary." *M1keaswell* v. *Stanley_Labson*, 7 M. S. C. ____, ____ (2023) (slip op., at 1).

In *M1keaswell*, we held that a discretionary use of certiorari for interlocutory orders must "conclusively determined the disputed question." *Id.*, at 4. In this case, the issue is not conclusively determined or touched on. The lower court still possesses the ability to rule on the issue, it has instead decided not to in favor of its own insufficient reasoning. It is for this reason that we would refuse certiorari on this matter.

But surely there must exist some form of relief for a claimant who has been denied their day in court. Surely, we cannot just tell a plaintiff that the lower court can refuse to hear a pleading and subject them to the evil dangers that would plague them in the absence of the relief they so request. The ends of justice cannot be so subjected to the discretionary abuse that can be exacted by a judge's refusal to hear the pleas of a plaintiff looking for relief. The resolution of these questions compels us to turn to mandamus as the

writ to compel relief under the orders of the Court.

A judge has a duty to the pleadings, requests, and other forms that they so come across in their courtrooms. A temporary restraining order, "is not a matter of strict right; but the application is addressed to the sound discretion of the court." *Rice & Adams Corp.* v. *Lathrop*, 278 U. S. 509, 514 (1929). But such sound discretion cannot cover the unreasonable delay of consideration of a request or motion, or the outright refusal to hear it. In such cases, the judge has exceeded their discretion and has abused it. For this, mandamus exists to compel a judge to return to their duties and to conduct themselves properly within their office.

III

The lower court's original requirement for an *ex parte* hearing is also discretionary and is reserved for the requests which the judge is unsure of. In the cases where there exists doubt in the judge's mind, the discretionary requirement of a hearing can be employed to further arguments and consideration of the request to allow the judge to rule in favor or against the temporary injunction. But it is by no means required. The only motions which explicitly do require a hearing are those to compel action from the parties or for directed verdict. Mayf. R. Civ. P. 3(2).

In the case before us, the lower court was not between rulings or looking for additional input before it made judgment, it simply just refused to make judgment and instead positioned the hearing as a requirement to discourage a movant's request for temporary injunction. This discretionary use of a motion hearing is not what the rules provide for and may be subject to an appellate review on an abuse of discretion standard — but we have not been presented with that matter in the present juncture. For now, we stay silent on that issue until we are presented with it through another vehicle of review.