

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

FILED

AUG 27 2025

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

BENANCIO GARCIA III,

Plaintiff - Appellant,

v.

STEVEN HOBBS, in his official capacity  
as Secretary of State of Washington and  
STATE OF WASHINGTON,

Defendants - Appellees.

No. 24-2603

D.C. No.

3:22-cv-05152-RSL-DGE-LJCV

Western District of Washington,  
Tacoma

MEMORANDUM\*

Appeal from the United States District Court  
for the Western District of Washington  
Robert S. Lasnik, District Judge, Presiding

Argued and Submitted March 27, 2025; Submission Vacated March 28, 2025;  
Submitted August 27, 2025  
Seattle, Washington

Before: McKEOWN, GOULD, and OWENS, Circuit Judges.

Benancio Garcia III sued the State of Washington and its Secretary of State, Steven Hobbs, alleging that Legislative District 15 (“LD 15”), drawn by an independent state redistricting commission (the “Commission”), was an illegal racial gerrymander in violation of the Equal Protection Clause of the Fourteenth Amendment. Submission was vacated pending this court’s resolution of *Palmer, et al. v. Trevino, et al.*, Nos. 23-35595 & 24-1602. Because the court has issued its decision in *Palmer v. Trevino*, we now turn to the merits of this appeal.

We have jurisdiction under 28 U.S.C. § 1291. Reviewing the district court’s dismissal for mootness, *Rosemere Neighborhood Ass’n v. U.S. Env’t Prot. Agency*, 581 F.3d 1169, 1172 (9th Cir. 2009), we affirm. Because the parties are familiar with the facts, we need not recount them here.

In *Palmer v. Trevino*, we affirmed the district court’s invalidation of LD 15 and the adoption of a remedial map that invalidated LD 15 and replaced it with a new legislative district, Legislative District 14 (“LD 14”). No. 23-35595 (9th Cir. Aug. 27, 2025). Garcia’s action, which challenges LD 15 on equal protection grounds, is therefore moot.

“[T]he repeal, amendment, or expiration of challenged legislation is generally enough to render a case moot . . . .” *Teter v. Lopez*, 125 F.4th 1301, 1306 (9th Cir. 2025) (en banc) (quoting *Bd. of Trs. of Glazing Health & Welfare Tr. v. Chambers*, 941 F.3d 1195, 1198 (9th Cir. 2019) (en banc)). Garcia, citing *North Carolina v. Covington*, 585 U.S. 969 (2018), argues that even though LD 14 has replaced LD 15, he experiences a “continuing injury” of racial segregation. To avoid mootness, the plaintiffs in *Covington* specifically argued “that some of the new districts were *mere continuations* of the old, gerrymandered districts.” *Covington*, 585 U.S. at 976 (emphasis added).

To determine whether LD 14 is a continuation of LD 15, “the case or controversy giving rise to jurisdiction is the touchstone.” *Chem. Producers &*

*Distribs. Ass’n v. Helliker*, 463 F.3d 871, 875 (9th Cir. 2006), *overruled on other grounds by Bd. of Trs. of Glazing Health & Welfare*, 941 F.3d 1195. At the district court, this case was centered entirely on the Commission’s actions. The operative complaint alleged that “[r]ace was the predominant factor motivating the Commission’s decision to draw the lines encompassing Legislative District 15.” At trial, the parties submitted extensive trial exhibits, including expert reports, proposed maps, communications between commissioners, recordings of committee meetings, and notes from negotiations. Such evidence is plainly directed towards the intent of the Commission and does not bear on whether the district court similarly considered race as a predominant factor in drawing LD 14.

LD 14 was crafted by an entirely different party—the district court—from the Commission, the party that drew LD 15, and thus the “character of the system” has been “alter[ed] significantly.” *Fusari v. Steinberg*, 419 U.S. 379, 386–87 (1975). Consequently, it is no longer “permissible to say that the [Commission’s] challenged conduct continues.” *Chem. Producers & Distribs.*, 463 F.3d at 875 (internal quotations omitted). The case is moot.

**AFFIRMED.**