

**UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

ELBERT PARR TUTTLE COURT OF APPEALS BUILDING
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

David J. Smith
Clerk of Court

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August 11, 2020

MEMORANDUM TO COUNSEL OR PARTIES

Appeal Number: 20-12003-U

Case Style: Kelvin Jones, et al v. Governor of Florida, et al

District Court Docket No: 4:19-cv-00300-RH-MJF

Secondary Case Number: 4:19-cv-00304-RH-MAF

Counsel for the parties in this appeal are directed to be prepared to address at oral argument the following issue:

The requirements of procedural due process apply when the State deprives individuals of a protected interest in liberty or property through adjudicative action, but not when the deprivation occurs through legislative action. *See Bi-Metallic Inv. Co. v. State Bd. of Equalization*, 239 U.S. 441, 445–46 (1915) (distinguishing between “[g]eneral statutes” that apply “to more than a few people” and adjudications that concern “[a] relatively small number of persons” who are “exceptionally affected, in each case upon individual grounds”); *75 Acres, LLC v. Miami-Dade Cnty.*, 338 F.3d 1288, 1293 (11th Cir. 2003) (“[W]hen a governmental body enacts a law of general applicability in its legislative capacity, the property owner generally is not entitled to procedural due process above and beyond that which already is provided by the legislative process.”). To the extent the appellees are challenging the deprivation of a liberty interest in voting accomplished through legislative action, rather than any

individual determination of voter eligibility, do the requirements of procedural due process apply to them?

Sincerely,

DAVID J. SMITH, Clerk of Court

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LetterHead Only