

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

**MYRNA COLÓN-MARRERO
JOSEFINA ROMAGUERA AGRAIT**

Plaintiffs

v.

**ÁNGEL GONZÁLEZ ROMÁN,
et al.,**

Defendants

Civil No. 12-1749(CCC)
First Amendment
Due Process
Equal Protection

42 UCS § 1983

**MOTION REQUESTING ENTRY OF FINAL JUDGMENT
AS TO FIRST AMENDMENT, EQUAL PROTECTION, NAVORA AND HAVA CLAIMS**

TO THE HONORABLE COURT:

Come now the Plaintiffs, by the attorneys of record, and respectfully state and pray:

This is a civil action filed by plaintiffs, all citizens of the United States of America residing in Puerto Rico, alleging that the defendants - the President and the Electoral Commissioners of the Puerto Rico State Elections Commissions (SEC) – failed to implement the registration provisions of NAVORA and in addition unlawfully removed these citizens from the Commonwealth electoral register because they exercised their right not to vote in the 2008 election for Resident Commissioner. In so doing, the SEC official knowingly breached of the National Voter Registration Act of 1993 (NAVORA), the Help America Vote Act of 2002 (HAVA), and the first amendment, due process and equal protection clauses of the United States Constitution.

In *Colón Marrero v. Conty Pérez*, 703 F.3d 134 (1st Cir. 2012) the Court of Appeals affirmed, exclusively on statutory grounds, the district court's original preliminary injunction that the National Voter Registration Act (NAVORA) does not apply to Puerto Rico as it does to the states. Neither the District Court nor Court of Appeals decided the constitutional first amendment nor equal protection argument challenges to NAVORA and state law; and the same are presently pending adjudication by this Court. The case is not final for appellate purposes for final judgment has not issued as to the NAVORA claim.

As to the HAVA claim, on May 30, 2014, plaintiffs filed a *Memorandum of Law Requesting Declaratory Judgment and Injunctive Relief under the Equal Protection Clause, the First Amendment and HAVA*. By Opinion and Order of January 30, 2015, this Honorable Court entered declaratory judgment in favor of Plaintiffs' HAVA claim. The Court, however, has yet to formally issue a final Judgment.

In sum, the instant case is pending:

- (a) final adjudication of Plaintiffs' constitutional claims under the first amendment and the equal protection clause as to the NAVORA cause of action;
- (b) Final Judgment as to both Plaintiffs' first amendment, equal protection, NAVORA and HAVA claims.

WHEREFORE, Plaintiffs pray FROM THIS Honorable Court the following relief: (a) Declaratory Judgment that NAVORA's exclusion of Puerto Rico from its coverage is a violation of the due process, equal protection and first amendment clause; (b) Final Judgment as to all of Plaintiffs' claim under the Constitution, as well as its statutory claims under HAVA and NAVORA.

Respectfully submitted.

In San Juan, Puerto Rico, this March 10, 2015.

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CERTIFICATE OF SERVICE

On this same date, the above attorneys filed the foregoing motion with the Clerk of the Court using the CM/ECF system that will notify all counsel of record.

S/ Carlos A. Del Valle Cruz