

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**CHARLESTON DIVISION**

JOHN ANTHONY CASTRO,

Plaintiff,

v.

CIVIL ACTION NO. 2:23-cv-00598

SECRETARY OF STATE ANDREW WARNER  
and DONALD TRUMP,

Defendants,

WEST VIRGINIA REPUBLICAN PARTY  
and STATE OF WEST VIRGINIA,

Intervenors.

**ORDER**

The Court has reviewed the Plaintiff's *Verified Objection, Motion to Be Heard, and Motion for Reconsideration* (Document 92), as well as the *State of West Virginia's Opposition to Plaintiff's Objection, Motion to Be Heard, and Motion for Reconsideration* (Document 96). The Plaintiff argues that the Court erred by taking "judicial notice of adjudicative facts in another case without notice to Plaintiff." (Pl.'s Mot. at 1.) He also argues that the Court should have postponed ruling on whether he has standing to pursue this case until after he files to be on the ballot in West Virginia in approximately two weeks.

The Court's *Memorandum Opinion and Order* (Document 88) dismissing this matter for lack of standing presumed that Mr. Castro would take the steps necessary to be on the ballot for

the Republican presidential primary election and rejected the idea that litigation of this nature could not begin until after the filing period. (Mem. Op. at fn. 3.) The Court considered precedent from other courts addressing similar claims but did not take judicial notice of or otherwise rely upon facts from those cases. The Court considered the facts and evidence presented in this case, including evidence and testimony produced during related litigation in Hew Hampshire and separately filed on the record herein.<sup>1</sup> Courts must usually reason by analogy when considering relevant case law. Because Mr. Castro filed several similar suits, there were opinions addressing essentially the same facts and arguments. The Court considered those opinions and found the reasoning persuasive but did not adopt factual findings from other cases.

Thus, because Mr. Castro's motion relies upon an inaccurate perception of the Court's *Memorandum Opinion and Order* (Document 88), the Court finds that no relief is appropriate. The Court **ORDERS** that the Plaintiff's *Verified Objection, Motion to Be Heard, and Motion for Reconsideration* (Document 92) be **DENIED**.

The Court **DIRECTS** the Clerk to send a copy of this Order to the Clerk of the Fourth Circuit Court of Appeals, to counsel of record, and to any unrepresented party.

ENTER: January 4, 2024



IRENE C. BERGER  
UNITED STATES DISTRICT JUDGE  
SOUTHERN DISTRICT OF WEST VIRGINIA

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<sup>1</sup> Mr. Castro did not object to the submission of those materials.