



Supreme Court of Missouri

en banc

SC101805

Richard von Glahn,

Appellant,

v.

Denny Hoskins, in His Official
Capacity, et al.,

Respondents.

Issued September 10, 2026

Judgment of Civil Contempt

On September 3, 2026, this Court issued its opinion in *Von Glahn v. Hoskins*, No. SC101805, __ S.W.3d __, slip op. at *13-14 (Mo. banc Sep. 3, 2026), in which this Court ordered:

The secretary and all of those acting in concert with him are restrained and enjoined from implementing, using, or mandating the use of the congressional redistricting in HB 1^[1] for the November 2026 general election or at any other time thereafter unless and until HB 1 is approved by the voters at the November 2026 general election and takes effect 30 days thereafter.

No higher court with jurisdiction to review this Court's directive has set aside or disturbed this Court's ruling.

¹ House Bill 1.

On September 3, Missouri Secretary of State Denny Hoskins complied with the Court's September 3 injunction by sending notice to local election authorities to use the 2022 congressional district map, but, on September 8, the secretary reversed course. The secretary sent an e-mail to the same local election authorities directing them to utilize the HB 1 congressional district map pursuant to a temporary restraining order entered by the United States District Court for the Eastern District of Missouri. Later that day, Richard von Glahn filed an emergency motion for contempt alleging the secretary's September 8 e-mail violated this Court's order. In response, this Court entered an order directing the secretary to show cause why he should not be held in contempt for violating this Court's injunction.

To establish a *prima facie* case for civil contempt, the movant must establish: "(1) that the contemnor has an obligation to ... perform an action as required by the court's judgment, and (2) that the contemnor failed to meet this obligation." *Davis v. Davis*, 475 S.W.3d 177, 182 (Mo. App. 2015); *see also Landewee v. Landewee*, 515 S.W.3d 691, 696 (Mo. banc 2017) (citing *Davis*, 475 S.W.3d at 182). "Once a *prima facie* case is established, the burden then shifts to contemnor to prove his or her inability to ... perform an action and that non-compliance was not an act of contumacy." *Brown v. Brown*, 680 S.W.3d 507, 524 (Mo. App. 2023) (internal quotation omitted). The purpose of civil contempt "is to coerce compliance with the relief granted." *State ex rel. Chassaing v. Mummert*, 887 S.W.2d 573, 578 (Mo. banc 1994).

This Court's order enjoined the secretary "from implementing, using, or mandating the use of the congressional redistricting in HB 1 for the November 2026 general election" *Von Glahn*, No. SC101805, __ S.W.3d __, slip op. at *13. His e-mail directive to local election authorities mandating the use of the HB 1 map, therefore, is contrary to this Court's order

enjoining him from implementing, using, or mandating the use of HB 1 for the November 2026 general election.

In response to the show cause order, the secretary did not deny or dispute that his e-mail to the local election authorities conflicts with this Court's order enjoining use of the congressional redistricting in HB 1. Instead, he insisted he was no longer required to comply with this Court's order or was incapable of doing so because of the federal district court's temporary restraining order. On September 10, 2026, after the secretary filed his response to the show cause order, the Supreme Court of the United States issued a stay of the federal district court's temporary restraining order.

In light of this stay, the secretary's response does not justify his failure to comply with this Court's injunction. Regardless, the federal district court's temporary restraining order never rendered the secretary incapable of complying with this Court's order and certainly did not relieve him of any obligation to comply with an order of this Court.²

The federal district court's temporary restraining order "enjoin[ed], on federal law grounds, Secretary of State Hoskins – as well as his officers, agents, employees, and attorneys – from implementing, using, publishing, distributing, or mandating the use of any congressional district map other than the HB 1 map for the November 3, 2026 general election." *Onder v. Missouri*, No. 26-cv-01424, slip op. at 13 (E.D. Mo. Sep. 8, 2026). Despite the secretary's assertions to the contrary, such language did not require him to order local election authorities to

² It should be noted the secretary consented to the request for a temporary restraining order from the federal district court and advocated for the federal district court's intervention in spite of this Court's clear directive enjoining him from implementing, using, or mandating the use of the congressional redistricting in HB 1 for the November 2026 general election. Accordingly, any assertion that he was not attempting to defy this Court's order but merely trying to comply with a federal court order is disingenuous.

implement the HB 1 map for the 2026 general election. In fact, the temporary restraining order did not require the secretary to affirmatively act at all. Rather, it simply enjoined him from implementing, using, publishing, distributing, or mandating the use of any congressional district map other than the HB 1 map for the November 3, 2026, general election for 14 days from the date of the order. The secretary offers no explanation as to why he could not comply with both this Court's order and the federal district court's temporary restraining order by simply telling the local election authorities to take no action until further clarification was received from the courts.

The secretary, therefore, has failed to meet his burden of establishing his failure to comply with this Court's order was not an act of contumacy. This Court finds the secretary was in contempt of its September 3, 2026, order enjoining him from implementing, using, or mandating the use of the congressional redistricting in HB 1 for the November 2026 general election.

At all times, however, a civil contemnor has the power to purge him or herself of any contempt by complying with the order of the court. *See Chassaing*, 887 S.W.2d at 578. The Court finds the secretary has since corrected his contumacious conduct by informing local election authorities the only governing order in effect is from this Court and directing local election authorities to use the 2022 congressional district map. The secretary, therefore, has purged himself of said contempt.

Conclusion

Accordingly, the Court hereby finds Missouri Secretary of State Denny Hoskins was in civil contempt and, pursuant to section 476.120, RSMo 2016, he could be subject to punishment. Finding, however, that the secretary has purged himself of said contempt, the Court hereby enters no order of commitment and imposes no fine in relation to its contempt finding.

A handwritten signature in black ink, appearing to read 'W/BP', is positioned above a horizontal line.

W. Brent Powell
Chief Justice

All concur.