

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SACRAMENTO

JOEL GILBERT, Petitioner) CASE NO. 26WM 00001 1
)
vs) EX PARTE APPLICATION FOR
SHIRLEY N. WEBER, in her) ISSUANCE OF ALTERNATIVE WRIT
capacity as California Secretary) OF MANDATE AND ORDER
of State) SHORTENING TIME
Respondent)

TO THE HONORABLE COURT, RESPONDENTS, AND ALL INTERESTED PARTIES:

Petitioner Joel Gilbert hereby applies ex parte for issuance of an Alternative Writ of Mandate and for an Order Shortening Time pursuant to Code of Civil Procedure sections 1085, 1087, and California Rules of Court, rule 3.1200 et seq.

I. RELIEF REQUESTED

Petitioner respectfully requests that the Court:

1. Issue an Alternative Writ of Mandate directing Respondent Secretary of State either to refrain from certifying Eric Michael Swalwell as a candidate for Governor of California for the 2026 election or to appear and show cause why such relief should not be granted;
2. Order expedited briefing and shorten time for hearing in light of impending election deadlines.

II. GROUNDS FOR EX PARTE RELIEF

Ex parte relief is warranted because election-related writ proceedings are inherently time-sensitive. If Respondent is permitted to certify an ineligible candidate or proceed toward ballot preparation, Petitioner and California voters will suffer irreparable harm that cannot be remedied after the fact. Once ballot preparation or certification deadlines pass, no post-hoc judicial remedy can restore a lawful ballot, rendering ordinary noticed motion practice inadequate.

1 **III. FACTUAL BASIS**

2 As detailed in the accompanying Petition for Writ of Mandate and supporting exhibits, Eric Michael
3 Swalwell has declared a Washington, D.C. property as his principal residence, has no verifiable
4 California domicile, and filed a Candidate Intention Statement under penalty of perjury listing a law
5 firm address as his residence. These undisputed, objective documentary facts establish
6 constitutional ineligibility.

7
8 **IV. LEGAL AUTHORITY**

9 Code of Civil Procedure section 1087 expressly authorizes issuance of an alternative writ. Courts
10 routinely grant expedited writ relief in election matters where statutory or constitutional eligibility is
11 at issue, particularly where the Secretary of State's duties are ministerial and time-sensitive in order
12 to preserve ballot integrity and prevent unlawful certification of candidates.

13
14 **V. NOTICE**

15 Petitioner has provided notice of this ex parte application to the Office of the California Secretary of
16 State and the Office of the California Attorney General in compliance with California Rules of
17 Court, rule 3.1203.

18
19 **VI. CONCLUSION**

20 For the foregoing reasons, Petitioner respectfully requests that the Court grant this ex parte
21 application.

22 Dated: January 6, 2026

23
24 
25 _____
26 Joel Gilbert, Petitioner (Pro Se)
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1 SUPERIOR COURT OF THE STATE OF CALIFORNIA
2 FOR THE COUNTY OF SACRAMENTO
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4 JOEL GILBERT, Petitioner) CASE NO. 26WM000011
5)
6 vs) EX PARTE NOTICE AND DECLARATION
7 SHIRLEY N. WEBER, in her)
8 capacity as California Secretary) (Cal. Rules of Court, Rules 3.1202–3.1204)
of State)
Respondent)
_____)

9 **TO RESPONDENT AND ALL INTERESTED PARTIES:**
10

11 PLEASE TAKE NOTICE that on _____, 2026, at _____ a.m./p.m., or as soon thereafter
12 as the matter may be heard in Department ____ of the above-entitled Court, located at 720 9th Street,
13 Sacramento, California, Petitioner Joel Gilbert will apply ex parte for issuance of an Alternative
14 Writ of Mandate and an Order Shortening Time.
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16 This ex parte application is based upon this Notice, the accompanying Declaration, the Ex Parte
17 Application, the Petition for Writ of Mandate, all pleadings and papers on file herein, and upon such
18 oral and documentary evidence as may be presented at the hearing.
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20 **DECLARATION OF JOEL GILBERT**

21 I, Joel Gilbert, declare:
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23 1. I am the Petitioner in this action and am self-represented. I have personal knowledge of the facts
24 stated herein and could competently testify to them if called as a witness.
25

26 2. This declaration is submitted in support of my Ex Parte Application for issuance of an Alternative
27 Writ of Mandate and an Order Shortening Time.
28

1 3. This is an election-law writ proceeding challenging the certification of a candidate for Governor
2 of California. Election matters are inherently time-sensitive and require prompt judicial review.

3
4 4. Immediate relief is required because if Respondent proceeds toward certification or ballot
5 preparation for the 2026 gubernatorial election, Petitioner and California voters will suffer
6 irreparable harm that cannot be remedied after ballots are printed or votes are cast.

7
8 5. On January 6, 2026, I provided notice of this ex parte application as required by California
9 Rules of Court, rule 3.1203, by the following means:

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11 a. California Secretary of State by email and telephone notice to:

12 Office of the California Secretary of State

13 1500 11th Street

14 Sacramento, CA 95814

15 Tel 916-657-5448

16 Email: elections@sos.ca.gov

17
18 b. California Attorney General by email and telephone notice to:

19 Office of the California Attorney General

20 1300 I Street

21 Sacramento, CA 95814

22 Tel (916) 210-6276


23 Email: sacawt@doj.ca.gov

24
25 6. I informed the above parties of the relief sought, the date, time, and place of the ex parte hearing,
26 and that opposition could be presented at the hearing. This notice complies with California Rules of
27 Court, rules 3.1202, 3.1203, and 3.1204.

1 7. I am not aware of any previous application for the same relief having been denied by this Court.
2

3 I declare under penalty of perjury under the laws of the State of California that the foregoing is true
4 and correct.

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6 Executed on January 5, 2026, at Santa Rosa Valley, California.

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9 Joel Gilbert, Declarant

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1 **PROPOSED ORDER**

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3 The Ex Parte Application for Alternative Writ of Mandate and Order Shortening Time came on for

4 hearing before this Court. Good cause appearing:

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6 **IT IS HEREBY ORDERED that:**

- 7 1. An Alternative Writ of Mandate shall issue directing Respondent Shirley N. Weber, in her
- 8 capacity as California Secretary of State, to refrain from certifying Eric Michael Swalwell as a
- 9 candidate for Governor of California for the 2026 election pending further order of this Court, or to
- 10 appear and show cause why such relief should not be granted;
- 11 2. Respondent shall file and serve a return on or before _____;
- 12 3. Petitioner may file and serve a reply on or before _____;
- 13 4. The hearing on the Petition for Writ of Mandate is set for _____ at _____.
- 14

15 IT IS SO ORDERED.

16

17 Dated: _____

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19 _____

20 Judge of the Superior Court

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