

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

**J.H. AND
DISABILITY RIGHTS MISSISSIPPI**

PLAINTIFFS

V.

CAUSE NO. 3:11-CV-327-DPJ-FKB

HINDS COUNTY, MISSISSIPPI

DEFENDANT

**PLAINTIFFS' RESPONSE TO
JUDGE WILLIAM SKINNER'S MOTION TO INTERVENE**

Judge Skinner's Motion to Intervene [Docket No. 65] should be denied for three reasons.

First, the motion is untimely. Timeliness is the threshold inquiry for any motion to intervene. This case was filed nearly five years ago. Final Judgment and a consent decree were entered more than four years ago. Judge Skinner has believed that this case implicated his interests since perhaps as early as July 2011 but no later than December 2014. Allowing him to intervene at this late, post-judgment juncture would prejudice the case's parties. Therefore, the Motion to Intervene is untimely.

Second, Judge Skinner's motion is futile because he seeks to vindicate authority that he does not have. The Fifth Circuit has held that a party cannot intervene when the legal rights he claims do not exist. Judge Skinner's motion suffers from that shortcoming. Therefore, the Motion to Intervene is futile.

Finally, Judge Skinner did not submit a proposed pleading with his Motion to Intervene, despite Rule 24(c)'s clear requirement that he do so. This procedural deficiency requires that his motion be dismissed.

For these reasons, and for those discussed in this Response's supporting memorandum (including its discussion of the exhibits accompanying this motion), the Plaintiffs urge the Court to deny Judge Skinner's Motion to Intervene

RESPECTFULLY SUBMITTED this Twenty-Ninth day of April 2016.

/s/ Will Bardwell

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CERTIFICATE OF SERVICE

I, Will Bardwell, hereby certify that a true and correct copy of the foregoing document was filed electronically. Notice of this filing will be sent by email to all parties by the Court's electronic filing system. Parties may access this filing through the Court's CM/ECF System.

SO CERTIFIED this Twenty-Ninth day of April 2016.

/s/ Will Bardwell
William B. Bardwell