

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION

JAMES W. LOWE

PLAINTIFF

VS.

CAUSE NO. 4:09-CV-00035-P-S

DEMOCRATIC MUNICIPAL EXECUTIVE
COMMITTEE OF THE CITY OF
LELAND, MISSISSIPPI

DEFENDANT

**MOTION TO STAY PROCEEDINGS PENDING
PRECLEARANCE DECISION**

COMES NOW, the Democratic Municipal Executive Committee of the City of Leland, Mississippi, by and through counsel, and files this Motion to Stay Proceedings Pending Preclearance and in support thereof states:

1. On April 6, 2009, the Defendant adopted a Rule Regarding Candidate Qualification which provides that any candidate who serves as a member of a committee of a political party, other than the Democratic Party, within the twelve month period immediately preceding municipal elections may not qualify for nomination as a candidate of the Democratic Party in municipal elections in Leland, Mississippi.

2. On April 6, 2009, the aforementioned rule was submitted to the United States Attorney General for preclearance. *See* Exhibit A.

3. Municipal primary elections are scheduled for May 5, 2009.

4. In view of the Plaintiff's service as a member of the Leland, Mississippi Republican Executive Committee during this election cycle, his qualification as a candidate would constitute a

fraud on prospective Democratic voters.

5. This Honorable Court should use its equitable powers to stay this proceeding pending preclearance. *Clark v. Roemer*, 500 U.S. 646 (1991)(an extreme circumstance and equitable principles may justify allowing an election to proceed pending preclearance).

WHEREFORE, premises considered, the Defendant prays that this Honorable Court stay this proceeding pending preclearance of the Defendant's submission to the Attorney General of the United States.

RESPECTFULLY SUBMITTED this the 6th day of April, 2009.

**MUNICIPAL DEMOCRATIC EXECUTIVE
COMMITTEE OF LELAND, MISSISSIPPI**

By: /s/ Charles E. Griffin

Charles E. Griffin, MSB #5015

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CERTIFICATE OF SERVICE

I hereby certify that I have this day forwarded a true and correct copy of the above and foregoing pleading, via U.S. mail and electronic email to:

Andrew N. Alexander, III, Esq.
Lake Tindall, LLP
P.O. Box 918
Greenville, MS 38702-0918

This the 6th day of April, 2009.

/s/ Charles E. Griffin
CHARLES E. GRIFFIN