

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF COLUMBIA

FILED

APR 20 2011

Clerk, U.S. District & Bankruptcy
Courts for the District of Columbia

ALTA IRRIGATION DISTRICT,)	Case: 1:11-cv-00758 Assigned To : Leon, Richard J. Assign. Date : 4/20/2011 Description: 3-Judge Court
a political subdivision of the State of)	
California in Kings County,)	
289 North L Street, Dinuba,)	
CA 93618)	
)	
Plaintiff,)	
)	
v.)	
)	
ERIC HOLDER,)	
Attorney General of the)	
United States of America;)	
THOMAS E. PEREZ,)	
Assistant Attorney General,)	
Civil Rights Division, United States)	
Department of Justice, Washington, DC,)	Three-Judge Court Requested
)	
Defendants.)	
)	

PLAINTIFF'S UNOPPOSED MOTION TO CONVENE THREE-JUDGE COURT

The plaintiff Alta Irrigation District, California, through counsel, respectfully moves this Court for entry of an order requesting the convening of a three-judge court. As grounds for this motion, the plaintiff would show unto the Court that:

1. Plaintiff Alta Irrigation District (the "District") has filed this action pursuant to Section 4 of the Voting Rights Act of 1965, as amended, 42 U.S.C. §1973b. Plaintiff's action seeks a declaratory judgment from this Court granting the District an exemption, known as a "bailout", from the special remedial provisions of the Voting Rights Act.
2. A three-judge court is required under Section 4 of the Voting Rights Act: "A district court of three-judges shall be convened to hear and determine the action." See 42 U.S.C. §1973b.

2

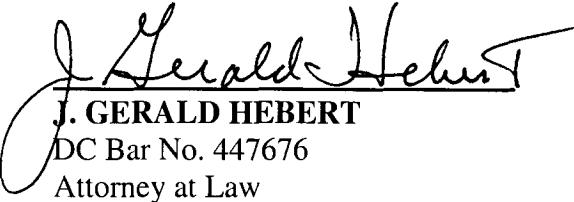
3. A memorandum of points and authorities accompanies this motion, and a proposed order is respectfully submitted for the Court's consideration.

4. Counsel for defendants has advised plaintiff's counsel that defendants do not oppose this motion.

WHEREFORE, Plaintiff respectfully prays that this Court will grant this motion and enter the attached order requiring the clerk of this Court to notify the Chief Judge of the United States Court of Appeals for the D.C. Circuit that a three-judge court is required to hear and determine this action.

Respectfully submitted,

**FOR THE PLAINTIFF
ALTA IRRIGATION DISTRICT:**



J. GERALD HEBERT
DC Bar No. 447676
Attorney at Law

191 Somervelle Street, #405
Alexandria, Va. 22304
Tel (703) 628-4673
Email: hebert@voterlaw.com
Email: jghebert@comcast.net

MARGUERITE MARY LEONI
California State Bar No. 101696
Nielsen Merksamer
Parrinello Gross & Leoni, LLP
2350 Kerner Boulevard, Ste 250
San Rafael, CA 94901
Tel (415) 389-6800
Email: mleoni@nmgovlaw.com

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF COLUMBIA

FILED

APR 20 2011

Clerk, U.S. District & Bankruptcy
Courts for the District of Columbia

ALTA IRRIGATION DISTRICT,)
)
Plaintiff,)
)
v.)
)
ERIC HOLDER, et al.,)
)
Defendants.)
)

Civ. Action No. 11 0758

Three-Judge Court Requested

**MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF
UNOPPOSED MOTION TO CONVENE THREE-JUDGE COURT**

This memorandum is respectfully submitted in support of the foregoing
Unopposed Motion to Convene a Three-judge Court.

ARGUMENT

Plaintiff Alta Irrigation District, California (“the District”) has filed this action pursuant to Section 4 of the Voting Rights Act of 1965, as amended, 42 U.S.C. §1973b. Plaintiff’s action seeks a declaratory judgment from this Court granting the District an exemption, known as a “bailout”, from the special remedial provisions of the Voting Rights Act.

A three-judge court is required under Section 4 of the Voting Rights Act: “A district court of three-judges shall be convened to hear and determine the action.” See 42 U.S.C. §1973b.

In other cases brought before this Court by jurisdictions under Section 4 of the Voting Rights Act, orders have been entered granting motions to convene three-judge courts, and requesting the convening of a three-judge court. See, e.g., *Washington*

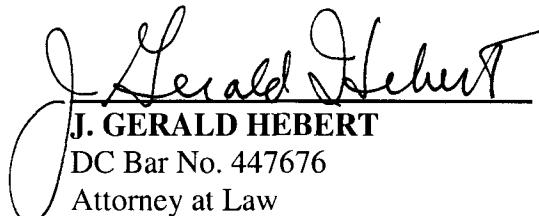
County, Virginia v. Mukasey, No. 08-1112 (D.D.C., Order entered July 11, 2008); *Page County, Virginia v. Mukasey*, No. 08-1113 (D.D.C., Order entered July 11, 2008); *Middlesex County, Virginia v. Gonzales*, No. 07-1485 (D.D.C., Order entered August 21, 2007); *Augusta County, Virginia v. Gonzales*, No. 05-1885 (D.D.C., Order entered October 7, 2005); *City of Winchester v. Ashcroft*, No. 00-3073 (D.D.C., Order entered February 5, 2001); *Roanoke County, Virginia v. Reno*, No. 00-1949 (D.D.C., Order entered October 26, 2000); *Frederick County, Virginia v. Reno*, No. 99-0941 (D.D.C., Order entered May 10, 1999); and *City of Fairfax, Virginia, v. Reno*, No. 97-2212 (D.D.C., Order entered October 1, 1997). In all of the foregoing cases, three-judge courts have been convened to hear and determine the action.

CONCLUSION

For the reasons set forth above, Plaintiff Alta Irrigation District, California, respectfully urges this Court to grant the unopposed motion to convene a three-judge court. A proposed order is enclosed herewith.

Respectfully submitted,

**FOR THE PLAINTIFF
ALTA IRRIGATION DISTRICT:**


J. GERALD HEBERT
DC Bar No. 447676
Attorney at Law
191 Somervelle Street, #405
Alexandria, Va. 22304
Tel (703) 628-4673
Email: hebert@voterlaw.com

MARGUERITE MARY LEONI
California State Bar No. 101696
Nielsen Merksamer
Parrinello Gross & Leoni, LLP
2350 Kerner Boulevard, Ste 250
San Rafael, CA 94901
Tel (415) 389-6800
Email: mleoni@nmgovlaw.com