

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

STATE OF MICHIGAN
Secretary of State Ruth Johnson
Michigan Department of State
Lansing, MI 48918

Plaintiff,

vs.

Civil Case No.

UNITED STATES and ATTORNEY GENERAL
ERIC H. HOLDER, JR. in his official capacity
United States Department of Justice
Washington, DC 20530

Defendants.

**MEMORANDUM OF POINTS AND AUTHORITIES
IN SUPPORT OF APPLICATION FOR THREE-JUDGE COURT**

Plaintiff State of Michigan and its Secretary of State, Ruth Johnson, (collectively the “State” or “Plaintiff”) by Michigan Attorney General Bill Schuette, brought this action pursuant to Section 5 of the Voting Rights Act of 1965, as amended, 42 U.S.C. § 1973c (“Section 5”), for a declaratory judgment that the 2011 State House and State Senate Redistricting Plans, Public Act 129 of 2011, and the 2011 Congressional Redistricting Plan, Public Act 128 of 2011, for the State of Michigan fully comply with Section 5 and that the State may implement the plans immediately.

Section 5 requires that an action under this section “be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28 of the United States

Code and any appeal shall lie to the Supreme Court.” 28 U.S.C. § 2284(a) provides that “a district court of three judges shall be convened when otherwise required by Act of Congress, or when an action is filed challenging the constitutionality of the apportionment of congressional districts or the apportionment of any statewide legislative body.”

Pursuant to LCvR 7(m), Plaintiff has been unable to confer with Defendants’ counsel, since this motion is being filed concurrent with the filing of the Complaint and the identity of Defendants’ specific counsel is unknown. Accordingly, Plaintiff respectfully requests that this Court convene a three-judge court to hear the State’s Complaint for Declaratory Judgment pursuant to Section 5 at the earliest practicable date.

Respectfully submitted, this the 2nd day of November, 2011.

Respectfully submitted,

Bill Schuette (P32532)
Attorney General

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Dated: November 2, 2011