

IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF ALABAMA

JANET MAY, JOHN DOW,	)	
and WILLIAM BOYD,	)	
	)	
Plaintiffs,	)	
v.	)	Civil Action No. 2:07cv738
	)	
CITY OF MONTGOMERY,	)	
ALABAMA, a municipal	)	
corporation, and	)	
BOBBY N. BRIGHT, in his	)	
official capacity as	)	
Mayor of Montgomery,	)	
	)	
Defendants.	)	
_____	)	

**NOTICE OF FILING**  
**BY AMICUS UNITED STATES OF AMERICA**

Pursuant to the August 21, 2007 conference call held between the Court and counsel for the parties and amicus in this action, the United States of America hereby submits this Notice to report the following:

1) The Attorney General of the United States has had pending before him an administrative submission by the City of Montgomery, under Section 5 of the Voting Rights Act, 42 U.S.C. 1973c, seeking preclearance for the voting changes contained in Ordinance 42-2007. This Ordinance revises the City's candidate qualifying and municipal election schedule. The injunction proceedings currently before this Court concern whether the voting changes contained in Ordinance 42-2007 have received preclearance as required by Section 5, and thus whether the voting changes can be lawfully implemented under Section 5 in the 2007 municipal election cycle;

2) By letter dated August 23, 2007, the City of Montgomery advised the Attorney General that the City was amending its administrative submission under Section 5 to confine its request for preclearance solely to the implementation of the voting changes contained in Ordinance 42-2007 in the 2007 municipal election cycle, and that the City was withdrawing its request for preclearance of these voting changes in future municipal election cycles occurring after 2007 (Attachment 1);

3) The Attorney General thereafter by letter dated August 23, 2007, advised the City of Montgomery that he interposed no objection under Section 5 to the voting changes contained in Ordinance 42-2007 as in so far as they affect the 2007 municipal election cycle (Attachment 2); and,

4) The Attorney General's decision to interpose no objection to the implementation of the voting changes contained in Ordinance 42-2007 with respect to the 2007 municipal election cycle moots the Section 5 issue currently pending before this three-judge Court. *Lopez v. Monterey County*, 519 U.S. 9, 23 (1996) ("Once a covered jurisdiction has complied with these preclearance requirements, § 5 provides no further remedy"); *Allen v. State Bd. of Elections*, 393 U. S. 544, 549-550 (1969) ("Once the State has successfully complied with the § 5 approval requirements \* \* \* there is no further remedy provided by § 5")

Respectfully submitted,

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/s/ T. Christian Herren Jr  
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Date: August 23, 2007

**CERTIFICATE OF SERVICE**

I hereby certify that on this 23rd day of August 2007, a copy of the foregoing has been electronically filed with the Clerk of the Court using the CM/ECF system, which will electronically send a copy of the same to the following counsel of record:

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A copy of the foregoing also will be sent by email and first-class mail to the following counsel:

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/s/ T. Christian Herren Jr

T. Christian Herren Jr.