

FILED

FEB 15 2012

Clerk, U.S. District & Bankruptcy
Courts for the District of Columbia**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

CITY OF PINSON, ALABAMA,)
 a political subdivision of the)
 State of Alabama)
 4410 Main Street)
 Pinson, Alabama 35126)

Plaintiff,)

v.)

ERIC H. HOLDER, JR.,)
 Attorney General of the United States)
 of America,)

THOMAS E. PEREZ)
 Assistant Attorney General,)
 Civil Rights Division, United)
 States Department of Justice)
 950 Pennsylvania Avenue,)
 N.W. Washington, D.C. 20530)

Defendants.)

Case: 1:12-cv-00255
 Assigned To : Kollar-Kotelly, Colleen
 Assign. Date : 2/15/2012
 Description: 3-Judge Court

Three-Judge Court Requested

**APPLICATION FOR THREE-JUDGE COURT
AND MEMORANDUM IN SUPPORT**

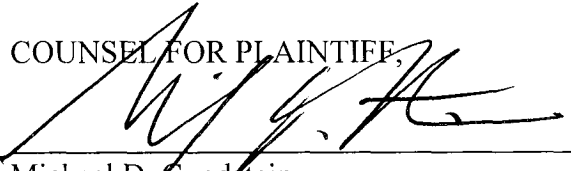
The Plaintiff City of Pinson, Alabama (hereinafter the "City") respectfully requests the appointment of a three judge court to adjudicate this case, which involves an action for declaratory relief pursuant to Section 4 of the Voting Rights Act of 1965, as amended, 42 U.S.C. § 1937b (hereinafter "Section 4"). In support of its request, the City submits the following memorandum of points and authorities. *See* LCvR 9.1.

Points and Authorities in Support of the Application


Section 4 provides that any action seeking declaratory judgment under the section "shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of Title 28 and any appeal shall lie to the Supreme Court." 42 U.S.C. § 1973b(a)(5). The referenced statutory provision, 28 U.S.C. § 2284, provides that "a district court of three judges shall be convened when otherwise required by Act of Congress ..." and provides the procedure for assembling such a court. The City's compliance with the Voting Rights Act of 1965 ("Voting Rights Act"), since the City's incorporation in 2004, exempts it from the remedial provisions of the Voting Rights Act. *See* Complaint ¶¶ 15, 17-18, 29-31. The City seeks a declaratory judgment entitling it to a bailout under the Voting Rights Act, and it elects to apply the provisions of Section 4 to this action. *Id.* ¶¶ 1 and 30. Therefore, Plaintiff respectfully requests the appointment of a three judge court to hear this action.

Pursuant to Local Rule of Civil Procedure 7(m), plaintiff's counsel has conferred with opposing counsel regarding this application and opposing counsel did not oppose this application. The parties have agreed to a joint stipulation of facts and consent decree.

COUNSEL FOR PLAINTIFF,



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