

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF COLUMBIA

MIDDLESEX COUNTY, VIRGINIA,	)	
a political subdivision of the	)	
Commonwealth of Virginia,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
ALBERTO R. GONZALES,	)	
Attorney General of the	)	Civil Action No.
United States of America,	)	
WAN J. KIM,	)	
Assistant Attorney General,	)	
Civil Rights Division, United States	)	
Department of Justice, Washington, DC,	)	
	)	
Defendants.	)	
_____	)	

MEMORANDUM IN SUPPORT OF
UNOPPOSED MOTION TO CONVENE THREE-JUDGE COURT

This memorandum is respectfully submitted in support of the foregoing motion to convene a three-judge court.

ARGUMENT

Plaintiff Middlesex County, Virginia, (“the County”) 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 County an exemption 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 recently 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. In such cases, three-judge courts have been convened to hear and determine the action. See, *e.g.*, *Essex County, Virginia v. Gonzales*, No. 06-1631 (D.D.C., Order entered October 2, 2006); *Botetourt County, Virginia v. Gonzales*, No. 06-1052 (D.D.C., Order entered June 14, 2006); *City of Salem v. Gonzales*, No. 06-977 (D.D.C., Order entered May 31, 2006); *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).

CONCLUSION

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

For Plaintiff MIDDLESEX COUNTY:

/s/ J. Gerald Hebert
J. GERALD HEBERT
Attorney at Law
5019 Waple Lane
Alexandria, Va. 22304
(703) 628-4673 (O)
DC Bar No. 447676
Email: jghebert@comcast.net