

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

SHELBY COUNTY, ALABAMA,

Plaintiff,

V.

ERIC H. HOLDER, Jr.,
in his official capacity as
Attorney General of the
United States,

Defendant

Civil Action No.
1:10-cv-00651-JDB

DEFENDANT'S MOTION FOR SUMMARY JUDGMENT

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District of Columbia

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Plaintiff brought this action alleging that Section 4(b) and Section 5 of the Voting Rights Act, 42 U.S.C. 1973b(b) and 1973c, are unconstitutional. Pursuant to Rule 56(b), Defendant Eric H. Holder, Jr., respectfully moves this Court for an order granting summary judgment to him as to both of Plaintiff's claims.

A moving party is entitled to summary judgment where, as here, "the pleadings, the discovery and disclosure materials on file, and any affidavits, show that there is no genuine issue as to any material fact and that the movant is entitled to a judgment as a matter of law." Fed. R. Civ. P. 56(c)(2); Local Civ. R. 7(h); *see also Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 249-250 (1986); *Arrington v. United States*, 473 F.3d 329, 333 (D.C. Cir. 2006). Because there is no genuine triable issue as to any material fact before this Court, the Attorney General is entitled to judgment as a matter of law.

In support of this motion, the Attorney General submits a Statement of Undisputed Material Facts, with accompanying exhibits, and a Memorandum of Points and Authorities in support of the Motion. In accord with the Court's October 29, 2010 Scheduling Order (Dkt. 46), the Attorney General's Memorandum is consolidated with his Opposition to the Plaintiff's Motion for Summary Judgment.

Date: November 15, 2010

RONALD C. MACHEN, JR.
United States Attorney
District of Columbia

Respectfully submitted,

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Civil Rights Division

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/s/Richard Dellheim
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CERTIFICATE OF SERVICE

I hereby certify that on November 15, 2010, I served a true and correct copy of the foregoing Motion for Summary Judgment, a Statement of Undisputed Material Facts, a Memorandum of Points and Authorities in support thereof (consolidated with the Attorney General's Opposition to the Plaintiff's Motion for Summary Judgment), and accompanying exhibits via the Court's ECF filing system to the following counsel of record:

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