

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION

ARKANSAS STATE CONFERENCE NAACP, et al.,

Plaintiffs,

v.

THE ARKANSAS BOARD OF APPORTIONMENT,
et al.,

Defendants.

Civil Action No. 4:21-cv-01239-LPR

NOTICE BY THE UNITED STATES

The United States submits this Notice in response to the Court's February 17, 2022, Order (ECF No. 100). In that Order, the Court stated that "only the Attorney General of the United States may bring suit to enforce § 2 of the Voting Rights Act." ECF No. 100 at 41. The Court's Order also stated that it "will hold the Judgment of Dismissal in this case for five calendar days to allow the Attorney General of the United States time to decide whether to join this case as a plaintiff and press on with this litigation." *Id.* For the reasons set forth in its Statement of Interest filed in this case on January 28, 2022 (ECF No. 71), the United States continues to take the position that private parties, like the Plaintiffs here, have the ability to enforce Section 2 of the Voting Rights Act, 52 U.S.C. § 10301, through a private right of action. The United States will not file anything additional within the deadline set by the Court's Order. That decision should not be construed as a statement or view of the United States on the merits of Plaintiffs' challenge to the 2021 reapportionment plan for the Arkansas House of Representatives and does not preclude the United States from taking further action concerning this plan. *See* 52 U.S.C. § 10308(d).

Date: February 22, 2022

JONATHAN D. ROSS
United States Attorney
Eastern District of Arkansas

KRISTEN CLARKE
Assistant Attorney General

PAMELA S. KARLAN
Principal Deputy Assistant Attorney General
Civil Rights Division

/s/ Shannon S. Smith
SHANNON S. SMITH
Arkansas Bar No. 94172
Civil Chief
United States Attorney's Office
425 West Capitol, Suite 500
Little Rock, AR 72201
(501) 340-2600
Shannon.Smith@usdoj.gov

/s/ Timothy F. Mellett
T. CHRISTIAN HERREN, JR.
TIMOTHY F. MELLETT
JACKI L. ANDERSON
Attorneys, Voting Section
Civil Rights Division
U.S. Department of Justice
950 Pennsylvania Ave. NW
Washington, D.C. 20530
(202) 353-0099
Timothy.F.Mellett@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that on February 22, 2022, I electronically filed the foregoing with the Clerk of the court using the CM/ECF system, which will send notification of this filing to counsel of record.

/s/ Shannon S. Smith

Shannon S. Smith

Civil Chief

United States Attorney's Office

425 West Capitol, Suite 500

Little Rock, AR 72201

(501) 340-2600

Shannon.Smith@usdoj.gov