

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

JOHN ROBERT SMITH, SHIRLEY HALL
AND GENE WALKER

PLAINTIFFS

VS.

Civil Action No. 3:01-cv-855-HTW-DCB

DELBERT HOSEMANN, Secretary of State of
Mississippi; JIM HOOD, Attorney General for the State of
Mississippi; HALEY BARBOUR,
Governor of the State of Mississippi; MISSISSIPPI
REPUBLICAN EXECUTIVE COMMITTEE; and
MISSISSIPPI DEMOCRATIC EXECUTIVE COMMITTEE

DEFENDANTS

and

BEATRICE BRANCH, RIMS BARBER,
L.C. DORSEY, DAVID RULE,
JAMES WOODWARD, JOSEPH P. HUDSON,
and ROBERT NORVEL

INTERVENORS

CONSOLIDATED WITH

KELVIN BUCK, ET AL.

PLAINTIFFS

VS.

Civil Action No. 3:11-cv-717-HTW-LRA

HALEY BARBOUR, ET AL.

DEFENDANTS

ORDER DIRECTING STATUS CONFERENCE

This 3-Judge Court hereby orders the parties in the above styled and numbered cause to appear at the Thad Cochran Federal Courthouse located at 501 E. Court Street, Jackson Mississippi, at 2:00 p.m. on Wednesday, February 2, 2022, for a status conference. This proposed redistricting lawsuit features a number of parties: Plaintiffs: John Robert Smith; Shirley

Hall; and Gene Walker. Defendant State Officials: namely, the Governor of the State of Mississippi; the Attorney General of the State of Mississippi; and the Secretary of State of Mississippi. Additional defendants: the Mississippi Republican Executive Committee; and the Mississippi Democratic Executive Committee. Intervenors: Beatrice Branch; Rims Barbour; L.C. Dorsey; David Rule; James Woodward; Joseph P. Hudson; and Robert Norvel.

Civil Action No. 3:01-cv-855 HTW-DCB has been consolidated with *Kelvin Buck et al v. Haley Barbour et al.*, Civil Action No. 3:11-cv-717 HTW-LRA. This Court aims to determine from this status conference all issues pertaining to these lawsuits.

The parties in the *Kelvin Buck* case appear to have distinctly different issues from the parties in the *John Robert Smith* case. Section 2, Section 4 and Section 5 of the Voting Rights Act and preclearance have been mentioned in papers filed in the *John Robert Smith* case. Are any of these matters contemplated as issues here? The case of *Shelby County, Alabama v. Holder*, 570 U.S. 529 (2013) may impact those matters. The papers in the *John Robert Smith* case appear to focus primarily upon the population equality requirement of the Fourteenth Amendment, but in those same papers we notice the question whether “the new statutory plan satisfies all state and federal statutory and constitutional requirements.”

Certain of the parties have formulated the issues as follows: (a) whether the State of Mississippi has produced a constitutional congressional redistricting plan that satisfies all state and federal constitutional requirements, thus satisfying the conditions of the Final Judgment; (b) whether the districts mandated by the Final Judgment now are unconstitutionally malapportioned, thus rendering it inequitable that the Final Judgment should remain in effect. This Court has repeated the suggestions of the parties in (a) and (b) above in case the parties perceive something in (a) and (b) not already mentioned by the Court.

The Court reiterates that the purpose of the forthcoming status conference has as its mission to identify all issues embedded in the litigation before this 3-Judge Court.

The intervenors and purported intervenors are invited to attend the status conference and may be called upon to render a short statement of their contemplated involvement.

This Court has placed this matter on an expedited schedule because the qualifying deadline to run for the House of Representatives this year is March 1, 2022.

SO ORDERED AND ADJUDGED, this the 26th day of January, 2022.

s/ HENRY T. WINGATE
UNITED STATES DISTRICT JUDGE