

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

JOSEPH THOMAS, et al.

PLAINTIFFS

V.

CAUSE NO. 3:18-CV-441-CWR-FKB

PHIL BRYANT, et al.

DEFENDANTS

ORDER

The plaintiffs in this case allege that the boundaries of Mississippi Senate District 22 violate § 2 of the Voting Rights Act. A trial on this claim was held on February 6 and 7, 2019. The Court anticipates issuing a full memorandum opinion next week.

The purpose of this Order is to advise the Mississippi Legislature that the evidence supports the plaintiffs' allegations. As presently drawn, District 22 does not afford the plaintiffs "an equal opportunity to participate in the political processes and to elect candidates of their choice." *Thornburg v. Gingles*, 478 U.S. 30, 44 (1986) (quotation marks and citation omitted).

The plaintiffs have put forward three alternate Plans that would remedy the § 2 violation, comply with Supreme Court precedent, and satisfy traditional redistricting criteria. Plans 1 and 2 would affect only Districts 22 and 23. Plan 3 would affect Districts 22, 23, and 13.

The Legislature is entitled to the first opportunity to redraw District 22, and, if it chooses, extend the March 1 qualification deadline for candidates in the affected Districts. *See League of United Latin Am. Citizens v. Perry*, 548 U.S. 399, 416 (2006). As Judge Jolly wrote in a congressional redistricting case, "[a]lthough it may be difficult for the Legislature to adopt a plan," a "legislative plan is unequivocally to be preferred over a court-ordered plan Without commenting on the ultimate role of the federal courts should the Legislature act, we encourage

the Legislature to act.” *Smith v. Clark*, 189 F. Supp. 2d 503, 511–12 (S.D. Miss. 2002) (three-judge court).

To the extent the defendants’ attorneys have not already done so, now would be an appropriate time to see if a political solution can be put into place.

SO ORDERED, this the 13th day of February, 2019.

s/ Carlton W. Reeves
UNITED STATES DISTRICT JUDGE