

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 19-60133

United States Court of Appeals
Fifth Circuit

FILED

August 1, 2019

Lyle W. Cayce
Clerk

JOSEPH THOMAS; VERNON AYERS; MELVIN LAWSON,

Plaintiffs–Appellees

v.

PHIL BRYANT, Governor of the State of Mississippi, all in the official capacities of their own offices and in their official capacities as members of the State Board of Election Commissioners; DELBERT HOSEMANN, Secretary of State of the State of Mississippi, all in the official capacities of their own offices and in their official capacities as members of the State Board of Election Commissioners,

Defendants–Appellants.

Appeal from the United States District Court
for the Southern District of Mississippi

Before DAVIS, HIGGINSON, and WILLETT, Circuit Judges.

PER CURIAM:

In this case, a majority of the merits panel affirms the district court’s judgment declaring that the redistricting plan, adopted by the Mississippi Legislature in 2012, violates Section 2 of the Voting Rights Act in that the boundary lines of Senate District 22 dilute African-American voting strength.

After the appeal was filed, the Mississippi Legislature adopted a resolution redrawing the boundaries of District 22 to cure the violation found

by the district court. The plaintiffs agreed that District 22, as now reconfigured, did remedy the violation. We therefore recognize that District 22, as reconfigured by the Legislature, is the operative district for the upcoming primary and general elections.

One member of the panel dissents and would reverse the district court's judgment.

Detailed opinions will follow.