

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

JAMES RODRIGUEZ, et al.,

Plaintiffs,

v.

HARRIS COUNTY, TEXAS, et al.,

Defendants.

§
§
§
§
§
§
§
§
§

Civil Action No. 4:11-2907

ORDER

Plaintiffs herein have filed suit against Harris County and Ed Emmett alleging violations of the Equal Protection Clause, Section 2 of the Voting Rights Act, and Section 5 of the Voting Rights Act in relation to Harris County's proposed redistricting plan for the Harris County Commissioner's Court. Harris County is a covered jurisdiction under the Voting Rights Act and must receive preclearance from the Department of Justice or the U.S. District Court for the District of Columbia before implementing a voting change. To date, Harris County has not received preclearance from the Department of Justice to use their proposed redistricting plan. At a hearing on Monday, November 7, 2011, the Defendants advised the Court of their intent to conduct the 2012 election under the existing plan (the "2001 Plan"). The Plaintiffs contend that the use of the existing plan to conduct the 2012 election is unconstitutional and violates Section 2 of the Voting Rights.

On November 14 -15, 2011, the Court held a hearing to examine the propriety of using the existing commissioner precinct boundaries to facilitate the 2012 election. At that hearing, the Court

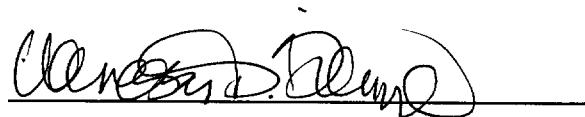
found that the use of the existing commissioner precinct boundaries for the 2012 election was unconstitutional because the boundaries would result in a total population deviation of more than 25%, well outside of constitutionally permissible limits. Both parties offered evidence on a proposed interim plan. The Defendants offered no testimony on the existence of any exigent circumstances which would permit the Court to adopt or allow the use of a constitutionally infirm plan.

The Court has considered the evidence presented by the parties, including their proposed interim plans, and has considered all of the principles governing court-devised interim plans. *See Abrams v. Johnson*, 521 U.S. 74, 98 (1997); *McDaniel v. Sanchez*, 452 U.S. 130, 149 (1981); *Connor v. Finch*, 431 U.S. 407, 414 (1977); *Upham v. Seamon*, 456 U.S. 37, 41-44 (1982). The Court has determined that the attached plan meets the legal requirements for a court-devised interim plan.

Accordingly, the Court **ORDERS** the Defendant to adopt and implement the Court's interim plan to facilitate the 2012 election of the Harris County Commissioner's Court.

The Clerk shall enter this Order and provide a copy to all parties.

SIGNED on this the 19th day of November, 2011, at Houston, Texas.



**VANESSA D. GILMORE
UNITED STATES DISTRICT JUDGE**

