

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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SHELBY COUNTY, ALABAMA,		)	
		)	
Plaintiff,		)	
		)	
v.		)	
		)	Civil Action No.
ERIC H. HOLDER, Jr.,		)	1:10-cv-00651-JDB
in his official capacity as		)	
Attorney General of the		)	
United States,		)	
		)	
Defendant		)	
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**DEFENDANT’S MOTION FOR SUMMARY JUDGMENT**

RONALD C. MACHEN, JR.  
United States Attorney  
District of Columbia

THOMAS E. PEREZ  
Assistant Attorney General

SAMUEL R. BAGENSTOS  
JULIE A. FERNANDES  
Deputy Assistant Attorneys General

T. CHRISTIAN HERREN, JR.  
DIANA K. FLYNN  
RICHARD DELLHEIM (lead counsel)  
LINDA F. THOME  
ERNEST A. MCFARLAND  
JARED M. SLADE  
JUSTIN WEINSTEIN-TULL  
Civil Rights Division  
U.S. Department of Justice  
950 Pennsylvania Avenue, N.W.  
NWB- Room 7264  
Washington, D.C. 20530  
Telephone: (202) 305-1734  
Facsimile: (202) 307-3961

Plaintiff brought this action alleging that Section 4(b) and Section 5 of the Voting Rights Act, 42 U.S.C. 1973b(b) and 1973c, are unconstitutional. Pursuant to Rule 56(b), Defendant Eric H. Holder, Jr., respectfully moves this Court for an order granting summary judgment to him as to both of Plaintiff's claims.

A moving party is entitled to summary judgment where, as here, "the pleadings, the discovery and disclosure materials on file, and any affidavits, show that there is no genuine issue as to any material fact and that the movant is entitled to a judgment as a matter of law." Fed. R. Civ. P. 56(c)(2); Local Civ. R. 7(h); *see also Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 249-250 (1986); *Arrington v. United States*, 473 F.3d 329, 333 (D.C. Cir. 2006). Because there is no genuine triable issue as to any material fact before this Court, the Attorney General is entitled to judgment as a matter of law.

In support of this motion, the Attorney General submits a Statement of Undisputed Material Facts, with accompanying exhibits, and a Memorandum of Points and Authorities in support of the Motion. In accord with the Court's October 29, 2010 Scheduling Order (Dkt. 46), the Attorney General's Memorandum is consolidated with his Opposition to the Plaintiff's Motion for Summary Judgment.

Date: November 15, 2010

RONALD C. MACHEN, JR.  
United States Attorney  
District of Columbia

Respectfully submitted,

THOMAS E. PEREZ  
Assistant Attorney General  
Civil Rights Division

SAMUEL R. BAGENSTOS  
JULIE A. FERNANDES  
Deputy Assistant Attorneys General

*/s/Richard Dellheim*

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**CERTIFICATE OF SERVICE**

I hereby certify that on November 15, 2010, I served a true and correct copy of the foregoing Motion for Summary Judgment, a Statement of Undisputed Material Facts, a Memorandum of Points and Authorities in support thereof (consolidated with the Attorney General's Opposition to the Plaintiff's Motion for Summary Judgment), and accompanying exhibits via the Court's ECF filing system to the following counsel of record:

William S. Consovoy  
Thomas R. McCarthy  
Brendan J. Morrissey  
Wiley Rein LLP  
1776 K Street, NW  
Washington, DC 20006  
Phone: (202) 719-7434  
Fax: (202) 719-7049  
*Counsel for Plaintiff*

Arthur B. Spitzer  
American Civil Liberties Union  
1400 20th Street, NW  
Suite 119  
Washington, DC 20036-5920  
Phone: (202) 457-0800 x113  
Fax: (202) 452-1868  
*Counsel for Movant-intervenors*

Kristen M. Clarke  
NAACP Legal Defense  
& Education Fund, Inc.  
1444 Eye Street, NW  
10th Floor  
Washington, DC 20005  
Phone: (202) 682-1300  
Fax: (202) 682-1312  
*Counsel for Movant-intervenors*

/s/ Richard Dellheim  
Richard Dellheim  
Voting Section  
Civil Rights Division  
U.S. Department of Justice  
950 Pennsylvania Avenue, N.W.  
Washington, D, C, 20530  
(202) 305-1734