

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

NORTHWEST AUSTIN MUNICIPAL  
UTILITY DISTRICT NUMBER ONE,  
401 W. 15th Street  
Suite 850  
Austin, TX 78701

*Plaintiff,*

vs.

ALBERTO GONZALES,  
ATTORNEY GENERAL OF THE  
UNITED STATES,  
950 Pennsylvania Ave., NW  
Washington, DC 20530

*Defendant.*

CIVIL ACTION NO.

**MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF  
PLAINTIFF'S MOTION FOR THREE-JUDGE PANEL**

TO THE HONORABLE UNITED STATES DISTRICT COURT:

The Northwest Austin Municipal Utility District hereby requests, pursuant to Local Civil Rule 9.1 and pertinent law, the appointment of a three-judge panel to adjudicate this bail-out application under Section 4 of the Voting Rights Act, 42 U.S.C. §1973b, and, in the alternative, a constitutional challenge to the preclearance requirements of Section 5 of the Voting Rights Act, 42 U.S.C. §1973c.

Section 4(b) of the Voting Rights Act, which governs bail-outs from the coverage formulas of Section 4, states that “[a]n action pursuant to this subsection shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title

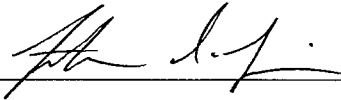
28 of the United States Code.” Under 28 U.S.C. § 2284(a), “[a] district court of three judges shall be convened when otherwise required by Act of Congress.” Under the statute:

[T]he judge to whom the request is presented shall, unless he determines that three judges are not required, immediately notify the chief judge of the circuit, who shall designate two other judges, at least one of whom shall be a circuit judge. The judges so designated, and the judge to whom the request was presented, shall serve as members of the court to hear and determine the action or proceeding.

28 U.S.C. § 2284(b)(1). Pursuant to the statutes quoted above, Plaintiff respectfully submits that its claims are suitable for adjudication by a three-judge panel.

Dated: August 4, 2006

Respectfully submitted,



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