

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

ALABAMA LEGISLATIVE)	
BLACK CAUCUS, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	CASE NO. 2:12-CV-691
v.)	(Three-Judge Court)
)	
THE STATE OF ALABAMA, <i>et al.</i> ,)	
)	
Defendants.)	
_____)	
)	
DEMETRIUS NEWTON, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	CASE NO. 2:12-CV-1081
v.)	(Three-Judge Court)
)	
THE STATE OF ALABAMA, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER ON PENDING MOTIONS

Before the court are the following motions: (1) the ALBC Defendants' motion for a partial summary judgment against count three of the ALBC Plaintiffs' amended complaint (Doc. # 95); (2) a motion by the ALBC Plaintiffs for reconsideration of the court's order denying their second motion for a partial summary judgment (Doc. # 107); (3) the ALBC Plaintiffs' motion for the entry of a permanent injunction (Doc.

108); (4) the ALBC Defendants' motion for summary judgment against the ALBC Plaintiffs' claim of race-based vote dilution and isolation (Doc. # 121); and (5) the Newton Defendants' motion for summary judgment against the Newton Plaintiffs' claims (Doc. # 123).

For reasons the court will explain in an opinion to follow, it is **ORDERED** that the ALBC Defendants' motion for a partial summary judgment against the claim of partisan gerrymandering in count three of the ALBC Plaintiffs' amended complaint is **GRANTED**. The facial challenge under the Equal Protection Clause in count three of the ALBC Plaintiffs' amended complaint is **DISMISSED** for lack of subject matter jurisdiction. The motion by the ALBC Plaintiffs for reconsideration of the court's order denying their motion for a partial summary judgment as to count three of their amended complaint is **DENIED**. The motion by the ALBC Plaintiffs for entry of a permanent injunction is **DENIED** as moot. Judge Thompson will file a separate opinion concurring in part and dissenting in part.

It is further **ORDERED** that the ALBC and Newton Defendants' motions for summary judgment are **DENIED**. After careful consideration of the briefs and evidence, the Defendants have failed to persuade the court that there are not genuine

disputes as to material facts and that the Defendants are entitled to judgment as a matter of law.

DONE this 30th day of July, 2013.

/s/ William H. Pryor, Jr.
UNITED STATES CIRCUIT JUDGE
PRESIDING

/s/ W. Keith Watkins
CHIEF UNITED STATES DISTRICT JUDGE

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE