

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

**JOHN ROBERT SMITH, SHIRLEY HALL,
and GENE WALKER**

PLAINTIFFS

VS.

CIVIL ACTION NO. 3:01CV855-HTW-DCB

**ERIC CLARK, Secretary of State of Mississippi;
MIKE MOORE, Attorney General for the State
of Mississippi; RONNIE MUSGROVE, Governor
of Mississippi; MISSISSIPPI REPUBLICAN
EXECUTIVE COMMITTEE; and MISSISSIPPI
DEMOCRATIC EXECUTIVE COMMITTEE**

DEFENDANTS

AND

**BEATRICE BRANCH, RIMS BARBER,
L.C. DORSEY, DAVID RULE, JAMES
WOODARD, JOSEPH P. HUDSON, and
ROBERT NORVEL**

INTERVENORS

RESPONSE TO NOVEMBER 22 COURT ORDER

Defendant Jim Hood, Attorney General for the State of Mississippi, submits this Response to the Court's Order of November 22, 2011, and consistent with the minute entry entered on the Court's docket of same date states:

1. The Attorney General does not take a position on the merits of the plans submitted by the plaintiffs in Civil Action No. 3:11cv717-HTW-EGJ-DCB-LRA.¹
2. The Attorney General has no objection to the Court's authority to draw and implement a new congressional redistricting plan in light of the 2010 Census data whether by

¹ On December 9, 2011, the Attorney General was served with plaintiffs' Amended Complaint in Civil Action No. 3:11cv717-HTW-LRA that includes a redistricting plan as an exhibit that differs from plaintiffs' redistricting plan submitted with their original complaint.

granting the plaintiffs' pending motion to consolidate this case with Civil Action No. 3:11cv717-HTW-EGJ-DCB-LRA that has now been assigned to the same three judge panel or, as an alternative last resort, addressing the issues raised by the Republican Executive Committee pursuant to Rule 60(b)(5). Since the release of the 2010 Census data in February and filing of the Republican Executive Committee's Motion to Amend Judgment in September, the Mississippi Legislature has not enacted, and obtained preclearance for, a new plan. There is now likely insufficient time for the Legislature and Department of Justice to act in advance of the upcoming qualification deadline. The Republican Executive Committee's September request for the Court to draw and implement a new plan is therefore no longer premature.

THIS the 12th day of December, 2011.

Respectfully submitted,

JIM HOOD, ATTORNEY GENERAL
FOR THE STATE OF MISSISSIPPI

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been filed using the Court's ECF system and thereby served on all counsel of record who have entered their appearance in this action.

THIS the 12th day of December, 2011.

S/Harold E. Pizzetta, III
Harold E. Pizzetta, III