FILED
2009 Oct-23 PM 01:27
U.S. DISTRICT COURT
N.D. OF ALABAMA

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

THE UNITED STATES OF AMERICA,	]	
Plaintiff,	]	**CV-08-BE-1982-S**
v.	]	
THE CITY OF CALERA, ALABAMA, et. al.;	]	
Defendants.	]	

JUDGMENT AND ORDER MODIFYING CONSENT DECREE

This matter is before the court on (1) Defendants' Motion to Modify Consent Decree (Doc. # 6), filed September 30, 2009; (2) Defendants' Motion for Leave to Withdraw the previously-filed Motion to Modify Consent Decree (Doc. # 7), filed October 9, 2009; and (3) the parties' Joint Motion to Modify Consent Decree (Doc. # 8), filed October 9, 2009.

Defendants' Motion for Leave to Withdraw the previously-filed Motion to Modify Consent Decree (Doc. # 7) is GRANTED, and therefore Defendants' Motion to Modify Consent Decree (Doc. # 6) is MOOT.

As to the parties' Joint Motion to Modify Consent Decree (Doc. # 8), that motion seeks to modify the Consent Decree entered on October 29, 2008 (Doc. # 5) to enable the City of Calera (1) to adopt an interim at-large limited voting system until the results of the 2010 Census are available; and (2) to adopt a new system of voting for city council members, if the City so desires, that is consistent with the Census results and § 2 of the Voting Rights Act, and is precleared in compliance with § 5 of the Voting Rights Act. The Joint Motion (Doc. # 8) is

GRANTED.

The court hereby ORDERS as follows:

1. The terms of the Joint Motion to Modify Consent Decree (Doc. #8) are ADOPTED and incorporated in this Order;

2. The City of Calera SHALL conduct a special municipal election on November 10, 2009, as precleared, i.e., to elect a six-member council using a limited-voting election method based on current voter registration data;

3. The City of Calera SHALL swear into office persons elected in the special municipal election within one week after the election results are certified as final; such persons elected will hold office until a new voting plan for a Calera municipal election is precleared by the Attorney General of the United States after the 2010 Census;

4. Defendants SHALL prepare a new voting plan in accordance with Alabama law using the results of the 2010 Census, have the plan submitted for preclearance as soon as is practicable after obtaining the results of the 2010 Census and, in accordance with State law, conduct a municipal election in the 2012 municipal election cycle using the new precleared voting plan; and

5. This injunction SHALL be dissolved following the municipal election in the 2012 election cycle.

DONE and ORDERED this 23rd day of October, 2009.

Rosemary Barkett

ROSEMARY BARKETT
UNITED STATES CIRCUIT JUDGE

KARON OWEN BOWDRE
UNITED STATES DISTRICT JUDGE

R. DAVID PROCTOR
UNITED STATES DISTRICT JUDGE