

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

YVONNE KENNEDY, JAMES	)	
BUSKEY & WILLIAM CLARK,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	CIVIL ACTION NO.
	)	2:05cv1100-MHT
	)	(WO)
HONORABLE BOB RILEY, as	)	
Governor of the State of	)	
Alabama,	)	
	)	
Defendant.	)	

Before Stanley Marcus, Circuit Judge, Myron H. Thompson, District Judge, and W. Harold Albritton, Senior District Judge.

ORDER

On August 18, 2006, this three-judge court held that two Alabama Supreme Court decisions, Stokes v. Noonan, 534 So. 2d 237 (Ala. 1988), and Riley v. Kennedy, 928 So.2d 1013 (Ala. 2005), must be precleared before they can be implemented. Kennedy v. Riley, 445 F. Supp. 2d 1333, 1337 (M.D. Ala. 2006). On January 8, 2007, after the State of Alabama had submitted the state-court decisions for preclearance, the United States Department

of Justice refused to preclear them, and, on March 12, 2007, refused to reconsider its decision. This matter is now before us on the plaintiffs' renewed motion for further relief.

We conclude that, because Stokes v. Noonan and Riley v. Kennedy were not precleared, Governor Bob Riley's appointment of Juan Chastang to the Mobile County Commission pursuant to these two decisions was unlawful under federal law. Chastang's appointment must therefore be vacated.

Accordingly, it is the ORDER, JUDGMENT and DECREE of the court that the plaintiffs' renewed motion for further relief (Doc. No. 44) is granted to the extent that the appointment of Juan Chastang to the Mobile County Commission is vacated.

Done, this the 1st day of May, 2007.

          /s/ Stanley Marcus            
UNITED STATES CIRCUIT JUDGE

          /s/ Myron H. Thompson        
UNITED STATES DISTRICT JUDGE

          /s/ W. Harold Albritton        
SENIOR UNITED STATES DISTRICT JUDGE