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IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF ARIZONA

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12 Rachel Castro, et al.,)

No. 82-302-PHX-RCB
85-1249-PHX-RCB

13 Plaintiffs,)

14 vs.)

O R D E R

15)

16 High School District #210 aka)

17 Phoenix Union High School)

18 District #210, et al.,)

19 Defendants.)

20)

21 United States of America,)

22 Plaintiff,)

23 vs.)

24 Phoenix Union High School)

25 District #210, et al.,)

26 Defendants.)

27)

28 Familiarity with this protracted litigation is presumed

A brief recitation of fairly recent events will, however, place

this dismissal order in context.

1 Following an evidentiary hearing regarding unitary
2 status, by order dated May 24, 2005, this court expressly "found
3 that the Phoenix Union High School District (. . . "the
4 District") has complied with the obligations under the Consent
5 Decree, that it has remedied the vestiges of the past dual system
6 to the extent practicable and that the District, through its
7 administrators and Governing Board has demonstrated a good faith
8 commitment to maintaining a unitary and non-discriminatory school
9 system[.]" Doc. 138 at 1-2. Based upon that finding the court
10 entered a multi-faceted order, several aspects of which are
11 particularly relevant at this juncture.

12 First of all the court retained only limited
13 jurisdiction. More specifically, it "retain[ed] jurisdiction and
14 oversight over this case . . . *only until the District gives*
15 *notice* to the parties and the Court that it has *completed*
16 *construction* of the new high school to be built on Baseline at
17 56th Avenue[.]" Id. at 2, ¶ 1(emphasis added). Second, the court
18 ordered that "upon completion of th[at] new full service high
19 school, no further [status] reports [as to design and
20 construction of that school] shall be filed[.]" Id. at 2, ¶ 3.
21 Third, the court expressly ordered dismissal "when the District
22 files its notice of completion of the new full-service high
23 school[.]" Id. at 3, ¶ 7.

24 On August 8, 2007, the District filed and served upon
25 the parties the required "Notice of Completion of Betty H.
26 Fairfax High School[.]" See Doc. 140. Thus, in accordance with
27 this court's May 25, 2005 order, IT IS HEREBY ORDERED that:


28 (1) this action shall be DISMISSED;

1 (2) "all earlier orders [in this action are] VACATED[,]"
2 doc. 138 at 3, ¶ 7 (emphasis added); and

3 (3) this court is WITHDRAWING its "federal supervision
4 over the Phoenix Union High School District (subject only to the
5 retention of ancillary jurisdiction as set forth in paragraphs 4,
6 5 and 6 [of the court's May 24, 2005 order][.]" Id.

7 DATED this 4th day of February, 2008.

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Robert C. Broomfield
Senior United States District Judge

Copies to all counsel of record