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**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

**BAKERSFIELD CITY SCHOOL
DISTRICT, et al,**

Defendants.

1: 84-CV-0039 EDP

**ORDER REQUIRING PARTIES TO
SUBMIT STATUS REPORTS
WITHIN THIRTY DAYS**

**ORDER DIRECTING CLERK OF
THE COURT TO ASSIGN THIS
ACTION TO A DISTRICT COURT
JUDGE AND MAGISTRATE JUDGE**

This action is proceeding on a Consent Decree entered on January 25, 1984. In the Consent Decree, the Bakersfield City School District agreed to implement or continue to implement certain plans, programs, and polices to assure more effectively the existence of a unitary school district. The Consent Decree ordered that until the Consent Decree is terminated and the case dismissed, the court would retain jurisdiction for all purposes consistent with the implementation of the Consent Decree. The partes agreed that the court would maintain jurisdiction until the Bakersfield City School District moved to have the court declare that a unitary school system exists and the Consent Decree should be terminated. No motion to terminate the Consent Decree has ever been filed in this action.

The Consent Decree and later court orders required the Bakersfield City School District to provide annual reports to the court and the United States Department of Justice. However, in the twenty-five years this action has been pending, only ten reports have been

1 submitted. The last report was submitted in 2005.

2 An administrative review of the file indicates that the parties and the court may have
3 lost track of this action during its lengthy history. While the Clerk of the Court has
4 administratively designated that this action is “closed”, no court order has ever dismissed the
5 case and no court order has terminated the Consent Decree. This action must also be
6 randomly re-assigned to a new District Court Judge for further proceedings, as Judge Edward
7 Dean Price is now deceased.

8 To assist the court in proceeding with this action, the parties must provide the court
9 with their view of the status of this action, including the parties’ positions on whether this
10 action should be concluded.

11 Accordingly, the court ORDERS that:

- 12 1. The Clerk of the Court is DIRECTED to re-open this action and
13 randomly assign this action to a District Court Judge and Magistrate
14 Judge; and
- 15 2. Within thirty days of this order’s date of service, the parties SHALL file
16 status reports concerning the status of this action.

17
18 IT IS SO ORDERED.

19 Dated: December 23, 2009

/s/ Anthony W. Ishii
20 CHIEF UNITED STATES DISTRICT JUDGE