

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

COLFAX COUNTY, NEBRASKA; the
COLFAX COUNTY CLERK and
ELECTION COMMISSIONER, in her
official capacity; and the COLFAX
COUNTY BOARD OF
COMMISSIONERS, in their official
capacities,

Defendants.

8:12-CV-84

**ORDER AND REQUEST FOR
THREE-JUDGE PANEL**

This matter is before the Court on the Application for Designation of a Three-Judge Court (Filing [3](#)), filed by the United States of America. Defendants do not oppose the Application. The United States' Complaint (Filing [1](#)) alleges, *inter alia*, that Colfax County, Nebraska, is not in compliance with the minority language requirements of Section 203 of the Voting Rights Act (VRA), [42 U.S.C. § 1973aa-1a](#). The United States and Defendants have submitted a Joint Motion for Entry of Consent Decree, Judgment and Order (Filing [2](#)), which requests the Court to enter a consent decree setting forth various procedures to ensure Defendants comply with Section 203.

Section 204 of the VRA, [42 U.S.C. § 1973aa-2](#), provides that whenever the Attorney General institutes an action to enforce Section 203, the action shall be heard and determined by a court of three judges in accordance with [28 U.S.C. § 2284](#). In turn, [28 U.S.C. § 2284](#) provides, in relevant part:

(1) Upon the filing of a request for three judges, the judge to whom the request is presented shall, unless he determines that three judges are not required, immediately notify the chief judge of the circuit, who shall designate two other judges, at least one of whom shall be a circuit judge. The judges so designated, and the judge to whom the request was presented, shall serve as members of the court to hear and determine the action or proceeding.

.....

(3) A single judge may conduct all proceedings except the trial, and enter all orders permitted by the rules of civil procedure except as provided in this subsection. . . . A single judge shall not . . . hear and determine any application for a preliminary or permanent injunction or motion to vacate such an injunction, or enter judgment on the merits.

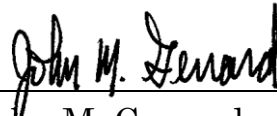
[28 U.S.C. § 2284\(b\)\(1\) and \(3\)](#).

Accordingly,

1. Pursuant to [28 U.S.C. § 2284](#), this Court hereby notifies the Chief Judge of the United States Court of Appeals for the Eighth Circuit, the Hon. William J. Riley, of Plaintiff United States of America's Application for Designation of a Three-Judge Court (Filing [3](#)); and
2. The Court requests Chief Judge Riley to designate two other judges pursuant to [28 U.S.C. § 2284\(b\)\(1\)](#) and to convene a court of three judges to hear and determine the Joint Motion for Entry of Consent Decree, Judgment and Order (Filing [2](#)).

Dated this 28th day of February, 2012.

BY THE COURT:



John M. Gerrard
United States District Judge