

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION

Patricia A. Evans,	)	
	)	C/A No.: 3:11-cv-826-JFA-WBT-JMC
	)	
Plaintiff,	)	
	)	
vs.	)	<b>ORDER DIRECTING PARTIES TO</b>
	)	<b>BRIEF ISSUE</b>
	)	
City of Columbia,	)	
	)	
	)	
Defendant.	)	
	)	

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The court expresses its concern that the present action may no longer present a justiciable case or controversy. “In a case of actual controversy,” a court “may declare the rights and other legal relations of any interested party.” 28 U.S.C. § 2201(a) (2006). In the context of declaratory judgments as in any other field, the federal courts, however, “do not render advisory opinions.” *Golden v. Zwickler*, 394 U.S. 103, 108 (1969) (quoting *United Pub. Workers of Am. (C.I.O) v. Mitchell*, 330 U.S. 75, 89 (1947)). The right to declaratory relief is determined by whether the elements essential to relief under the Declaratory Judgment Act exist at the time of the hearing. *Id.*

This case arises from the advisory, non-binding elections that the City of Columbia used to help formulate city ordinances regarding building restrictions in Columbia neighborhoods. Plaintiff sought to enjoin such an election and require the City of Columbia to obtain preclearance under Section 5 of the Voting Rights Act before

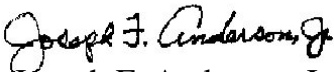
conducting such elections. The City subsequently called off that election and has since determined that the process will no longer be used.

Accordingly, the parties are hereby directed to brief the issue of whether the present action presents this court with a justiciable case or controversy. The parties are directed to submit their briefs on this issue to the court within fourteen (14) days.

IT IS SO ORDERED.

FOR THE THREE JUDGE  
COURT

October 19, 2011  
Columbia, South Carolina

  
Joseph F. Anderson, Jr.  
United States District Judge