

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division



UNITED STATES OF AMERICA,

Plaintiff,

v.

Civil Action No. 2:70cv392

SCHOOL BOARD OF THE CITY OF
SUFFOLK, et al.,

Defendants.

ORDER

This matter is before the Court on the parties Joint Motion to Reinstate Case and Approve Proposed Consent Order ("Joint Motion"). Doc. 2. The Court conducted a hearing on this issue on December 16, 2014, and **GRANTED** the parties' requests.

This case was originally filed by the United States of America, on May 27, 1970, seeking to compel desegregation of a "dual system" consisting of ten entirely racially segregated schools and eight predominantly segregated ones. Doc. 3, Ex. A at ¶¶ 5-6. On October 18, 1971, the Court approved the School Operation Plan submitted by Defendant. Doc. 3, Ex. B at ¶ 1. Finally, on May 24, 1978, the Court removed this case "from the docket with leave for any party upon Motion to have [the] case reinstated." Doc. 3, Ex. C at 2.

A federal district court "should retain jurisdiction" over a desegregation plan "until it is clear that state-imposed segregation has been completely removed." Ross v. Houston Indep. Sch. Dist., 699 F.2d 218, 225 (5th Cir. 1983) (quoting Green v. Cnty. Sch. Bd. of New Kent Cnty., Va., 391 U.S. 430 (1968)). As unitary status has not yet been achieved in this case, this Court maintains jurisdiction over the desegregation process. Therefore, in accordance with the

Court's Order of May 24, 1978 and on the joint motion of the parties, the Clerk's Office is **ORDERED** to reinstate Case No. 2:70cv392 to the active docket.

The parties also request that the Court approve their proposed Consent Order outlining the terms of their negotiated amendments to Defendant's ongoing desegregation efforts. See Doc. 2 at Ex. 1. The modification of a desegregation plan should be approved if it: (1) furthers desegregation and (2) does not place an inequitable transportation burden on the minority students. See Anderson ex rel. Anderson v. Canton Municipal Separate School District, 232 F.3d 450, 454 (5th Cir. 2000).

At the hearing, the Court **FOUND** that the proposed Consent Order furthers desegregation by creating a better racial balance amongst the affected elementary schools and that it does not place an inequitable transportation burden on minority students. Therefore, the terms of the attached Consent Order are approved, and the Joint Motion, Doc. 2, is **GRANTED**.

The Clerk is **REQUESTED** to send a copy of this Order to all counsel of record.

It is so **ORDERED**.

/s/
Henry Coke Morgan, Jr.
Senior United States District Judge

HENRY COKE MORGAN, JR. *HCM*
SENIOR UNITED STATES DISTRICT JUDGE

Norfolk, Virginia
December 18, 2014