

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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STATE OF FLORIDA,		)
		)
Plaintiff		)
		)
v.		)
		)
THE UNITED STATES OF AMERICA and		)
ERIC H. HOLDER, Jr., in his official		)
capacity as Attorney General of the United		)
States,		)
		)
Defendants		)
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NO. 1:11-CV-01428  
(CKK-MG-ESH)  
THREE JUDGE COURT

**DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

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District of Columbia

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The State of Florida brought this action alleging, *inter alia*, that Sections 4(b) and 5 of the Voting Rights Act, 42 U.S.C. §§ 1973b(b) and 1973c, are unconstitutional. *See* Second Amended Complaint, Counts Five & Six, ¶¶ 111-120 (Docket No. 54). Pursuant to Rule 56(b), Fed. R. Civ. P., Defendants United States and Attorney Eric H. Holder, Jr., respectfully move this Court for an order granting summary judgment to the Defendants as to both of Florida's constitutional claims.

A moving party is entitled to summary judgment where, as here, the pleadings, the discovery and disclosure materials on file, and any affidavits, show "that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law." Fed. R. Civ. P. 56(a); Local Civ. R. 7(h); *see also Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 249-250 (1986); *Arrington v. United States*, 473 F.3d 329, 333 (D.C. Cir. 2006). Because there is no genuine triable issue as to any material fact before this Court regarding Florida's constitutional claims, the Attorney General is entitled to judgment as a matter of law as to Counts Five and Six of Florida's Second Amended Complaint.

In support of this motion, Defendants submit a Statement of Undisputed Material Facts, with accompanying exhibits, and a Memorandum of Points and Authorities in support of the Motion. In accord with the Court's June 5, 2012 Scheduling Order (Docket No. 106), the Defendants' Memorandum is consolidated with their Opposition to Plaintiff's Motion for Summary Judgment (Docket No. 98).

- 3 -

Date: June 25, 2012

RONALD C. MACHEN, JR.  
United States Attorney  
District of Columbia

Respectfully submitted,

THOMAS E. PEREZ  
Assistant Attorney General  
Civil Rights Division

*/s/ Ernest McFarland*

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