

**THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION**

DIANE COWAN <i>et al.</i> ,)	
)	
Plaintiff,)	
)	
and)	
)	
UNITED STATES OF AMERICA,)	
)	Civil Action No. 2:65-CV-00031-GHD
Plaintiff-Intervenor,)	
)	
v.)	
)	
BOLIVAR COUNTY BOARD OF EDUCATION <i>et al.</i> ,)	
)	
Defendants.)	
)	

**MOTION TO ALTER OR AMEND JUDGMENT
BY PLAINTIFF-INTERVENOR UNITED STATES OF AMERICA**

Pursuant to Rule 59(e) of the Federal Rules of Civil Procedure, Plaintiff-Intervenor United States of America respectfully moves the Court to reconsider the relief ordered in the above-captioned school desegregation case in the Court’s January 24, 2013 Order [Doc. 77] (“Order”) and accompanying Memorandum Opinion [Doc. 78] (“Opinion”), and to alter or amend the judgment accordingly. Specifically, because the “freedom of choice” plan ordered by the Court does not meet constitutional requirements for a desegregation plan, the United States respectfully requests that the Court set aside the ordered relief and either (a) direct the parties to engage in good faith negotiations to develop a mutually agreeable and constitutionally sound consolidation plan that will promptly resolve the remaining student assignment issues in this case and obviate the need for further litigation, or (b) order the District to devise a consolidation plan

for the middle and high school grade levels to be implemented by the beginning of the 2013-2014 school year.

In support of this Motion to Alter or Amend Judgment, the United States submits the accompanying Memorandum of Law.

Respectfully submitted,

FELICIA C. ADAMS
United States Attorney
Northern District of Mississippi
900 Jefferson Avenue
Oxford, MS 38655-3608
Telephone: (662) 234-3351
Facsimile: (662) 234-4818

THOMAS E. PEREZ
Assistant Attorney General

s/ Joseph J. Wardenski
ANURIMA BHARGAVA
RENEE WOHLNHAUS
JOSEPH J. WARDENSKI (NY #4595120)
JONATHAN FISCHBACH
United States Department of Justice
Civil Rights Division
950 Pennsylvania Avenue, NW, PHB 4300
Washington, D.C. 20530
Telephone: (202) 514-4092
Facsimile: (202) 514-8337

Dated: February 21, 2013

CERTIFICATE OF SERVICE

I hereby certify that on February 21, 2013, I served copies of the foregoing Motion to Alter or Amend Judgment to the following counsel of record by electronic service through the court's electronic filing system:

Gerald Haggart Jacks, Esq.
Jamie F. Jacks, Esq.
JACKS, ADAMS & NORQUIST, P.A.
150 N. Sharpe Avenue
P.O. Box 1209
Cleveland, MS 38732
Telephone: (662) 843-6171
gjacks@jacksadamsnorquist.com
jjacks@jacksadamsnorquist.com

Holmes S. Adams, Esq.
John Simeon Hooks, Esq.
Lindsey Nicole Oswald, Esq.
ADAMS AND REESE
1018 Highland Colony Parkway, Suite 800
Ridgeland, MS 39157
Telephone: (601) 353-3234
Fax: (601) 355.9708
holmes.adams@arlaw.com
john.hooks@arlaw.com
lindsey.oswalt@arlaw.com

*Attorneys for the Defendant,
Cleveland School District*

Ellis Turnage, Esq.
TURNAGE LAW OFFICE
P.O. Box 216
Cleveland, MS 38732
eturnage@tecinfo.com

*Attorney for private plaintiffs,
Cowan, et al.*

s/ Joseph J. Wardenski
JOSEPH J. WARDENSKI (NY #4595120)