

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 05-61184
Summary Calendar

United States Court of Appeals
Fifth Circuit
FILED

December 22, 2006

Charles R. Fulbruge III
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

CYNTHIA FLETCHER; GLORIA JEAN BARNES;
DAVID BARNES, Minors, by Rv. THEOTIS
SMITH, As Next Friend, Appearing on
Their Own Behalf and on Behalf of All
Others Similarly Situated,

Intervenor Plaintiffs-Appellees

v.

STATE OF MISSISSIPPI; ET AL,

Defendants

SIMPSON COUNTY SCHOOL DISTRICT,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Mississippi
(3:70-CV-4706)

Before SMITH, WIENER, and OWEN, Circuit Judges.

PER CURIAM:*

On appeal, Defendant-Appellant Simpson County School District
("the District") asks this court to reverse the district court's

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

ruling that denied the District's efforts to be declared unitary and the continuing court-supervised desegregation case against it dismissed. The district court's Memorandum Opinion and Order appealed from granted the District's motion in part, declaring unitary status in the areas of student body compositions, transportation, extracurricular activities, and facilities. It denied unitary status, however, and thereby retained oversight, regarding faculty and staff assignments. The court thus retained jurisdiction under the consent decree and reserved the option to re-evaluate the District's position in one year.

Based on our extensive review of the record on appeal and the parties' briefs, we perceive no reversible error of fact or law, and therefore affirm the ruling of the district court.

AFFIRMED.