

School District Election Enjoined for Lack of Preclearance

Reyna v. East Central ISD
(*Orlando L. Garcia, W.D. Tex. 5:02-cv-257*)

Six days in advance of the March 20, 2002, candidate filing deadline for trustees of the East Central Independent School District, which includes parts of San Antonio and nearby areas of Bexar County, three voters filed a federal complaint in the Western District of Texas to enjoin the May 7 election because the Department of Justice (DOJ) had denied preclearance pursuant to section 5 of the Voting Rights Act of newly drawn district lines.¹ “The DOJ expressed concerns about the reduction in the number of districts, which would result in a retrogression of minority voting strength.”²

Judge Orlando L. Garcia issued a temporary restraining order against the election on March 15, the day after the complaint was filed.³ “Although legal counsel for Defendants has been notified that Plaintiffs are seeking temporary injunctive relief, the motion is being granted without a hearing because the filing deadline for the election is within three (3) business days and time is of the essence.”⁴

Pursuant to section 5, the circuit’s chief judge appointed Circuit Judge Will L. Garwood and Western District of Texas Judge Edward C. Prado to join Judge Garcia as a three-judge court to hear the section 5 claim.⁵ On March 29, the parties submitted a joint motion for a preliminary injunction, which the three-judge court granted that day.⁶

On July 24, the Justice Department precleared a revised districting plan, “which included one additional minority district.”⁷ An election was held on November 5, and Judge Garcia dismissed the complaint on December 6.⁸ On

1. Docket Sheet, *Reyna v. East Central ISD*, No. 5:02-cv-257 (W.D. Tex. Mar. 14, 2002) (D.E. 1); Fee Opinion at 1–2, *id.* (June 24, 2003, filed July 7, 2003), D.E. 24; *see* Voting Rights Act of 1965, Pub. L. No. 89-110, § 5, 79 Stat. 437, 439, *as amended*, 52 U.S.C. § 10304 (2014) (requiring preclearance of changes to voting procedures in jurisdictions with a certified history of discrimination and requiring that preclearance disputes be heard by a three-judge court).

2. Fee Opinion, *supra* note 1, at 1.

3. Temporary Restraining Order, *Reyna*, No. 5:02-cv-257 (W.D. Tex. Mar. 15, 2002), D.E. 3.

4. *Id.* at 2.

5. Order, *id.* (Mar. 18, 2002), D.E. 4.

Judge Garwood died on July 14, 2011; Judge Prado was elevated to the court of appeals on May 5, 2003. Federal Judicial Center Biographical Directory of Federal Judges, www.fjc.gov/history/home.nsf/page/judges.html.

6. Order, *Reyna*, No. 5:02-cv-257 (W.D. Tex. Mar. 29, 2002), D.E. 7.

7. Fee Opinion, *supra* note 1, at 2; Dismissal Order, *Reyna*, No. 5:02-cv-257 (W.D. Tex. Dec. 6, 2002), D.E. 15.

8. Fee Opinion, *supra* note 1, at 2; Dismissal Order, *supra* note 7.

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June 24, 2003, Judge Garcia awarded the plaintiffs \$30,862.50 in attorney fees.⁹ The school district voluntarily dismissed its appeal of the fee award.¹⁰

9. Fee Opinion, *supra* note 1.

10. Order, *Reyna v. East Central Independent School Dist.*, No. 03-50849 (5th Cir. Aug. 14, 2003), *filed as* Order, *Reyna*, No. 5:02-cv-257 (W.D. Tex. Aug. 25, 2003), D.E. 30.