

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 before a candidate filing deadline for school-district trustees, a federal complaint sought an injunction of the election because newly drawn district lines had been denied preclearance by the Justice Department. The district judge issued a temporary restraining order against the election, and then a three-judge district court issued a stipulated preliminary injunction. An election was held several months later with precleared district lines. The court awarded the plaintiffs \$30,862.50 in attorney fees.

Subject: District lines. *Topics:* Enjoining elections; section 5 preclearance; three-judge court; attorney fees.

Six days before the March 20, 2002, candidate filing deadline for trustees of the East Central Independent School District, which included 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 Justice Department had denied preclearance pursuant to section 5 of the Voting Rights Act of newly drawn district lines.¹ The department “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 district court to hear the section 5 claim.⁵ 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 (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 district 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, and he retired on April 2, 2018. Federal Judicial Center Biographical Directory of Article III Federal Judges, www.fjc.gov/history/judges.

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 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

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.

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.