

Voting Rights for Annexed Territory

Marascalco v. Grenada (Rhesa Barksdale, Neal B. Biggers, Jr., and Glen Davidson, N.D. Miss. 3:00-cv-61)

Ten days before a municipal election, residents of recently annexed territory filed a federal complaint seeking to halt the election in which they would not be able to vote because the Justice Department denied preclearance to the annexation. A three-judge district court heard the case six days later and denied immediate relief. The court doubted its jurisdiction over the matter and expressed concern about the filing of the complaint nearly two months after the denial of preclearance.

Subject: District lines. *Topics:* Enjoining elections; equal protection; three-judge court; section 5 preclearance; laches.

Ten days before a May 1, 2000, election in Grenada, Mississippi, residents of recently annexed territory filed a federal complaint in the Northern District of Mississippi, seeking to halt the election in which they would not be able to vote.¹ The Justice Department had denied preclearance to the annexation.² The plaintiffs claimed that although they were unable to vote, they nevertheless were subject to taxation and regulation by Grenada.³

A three-judge district court heard the case on April 7: Circuit Judge Rhesa Barksdale and District Judges Neal B. Biggers, Jr., and Glen Davidson.⁴ After a ten-minute recess, Judge Barksdale announced that the court would deny the plaintiffs a preliminary injunction.⁵ The court doubted its jurisdiction over the matter and the merits of the case, and the court expressed concern about the plaintiffs' filing the complaint so long after the Justice Department's March 3 denial of preclearance.⁶

The case was dismissed on the parties' stipulation on August 2.⁷

1. Docket Sheet, *Marascalco v. Grenada*, No. 3:00-cv-61 (N.D. Miss. Apr. 21, 2000); Transcript at 3–8, *id.* (Apr. 27, 2000, filed Sept. 9, 2000), D.E. 14.

2. Transcript, *supra* note 1, at 21.

3. *Id.* at 6–7.

4. Transcript, *supra* note 1; Docket Sheet, *supra* note 1.

Jude Biggers died on October 15, 2023. Federal Judicial Center Biographical Directory of Article III Federal Judges, www.fjc.gov/history/judges.

5. Transcript, *supra* note 1, at 124; *see* Docket Sheet, *supra* note 1 (D.E. 9).

6. Transcript, *supra* note 1, at 124–26.

7. Docket Sheet, *supra* note 1.