

211 Fed.Appx. 296

This case was not selected for publication in the Federal Reporter.

Not for Publication in West's Federal Reporter See Fed. Rule of Appellate Procedure 32.1 generally governing citation of judicial decisions issued on or after Jan. 1, 2007. See also Fifth Circuit Rules 28.7, 47.5.3, 47.5.4. (Find CTA5 Rule 28 and Find CTA5 Rule 47)

United States Court of Appeals,  
Fifth Circuit.

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.

No. 05-61184.

|  
Summary Calendar.

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Decided Dec. 22, 2006.

#### Attorneys and Law Firms

Suzanne Griggins Keyes, Jackson, MS, for Intervenor Plaintiffs-Appellees.

Nathaniel Douglas, U.S. Department of Justice Civil Rights Division-Ed Op Section, Christopher Wang, U.S. Department of Justice Civil Rights Division, [Dennis J. Dimsey](#), Deputy Chief, U.S. Department of Justice Civil Rights Div.-Appellate Section, Washington, DC, [George L. Phillips](#), U.S. Attorney's Office, Southern District of Mississippi, Jackson, MS, for Plaintiff-Appellee.

#### Footnotes

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

[Jim D Waide, III](#), [Walter Brent McBride](#), Waide & Associates, Tupelo, MS, for 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.

#### Opinion

PER CURIAM:\*

\*1 On appeal, Defendant-Appellant Simpson County School District ("the District") asks this court to reverse the district court's 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.

#### All Citations

211 Fed.Appx. 296, 2006 WL 3821530

