

COPY

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

U. S. DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
**FILED**  
AUG 22 1989  
NANCY DOHERTY, CLERK  
By \_\_\_\_\_ Deputy

EDDIE MITCHELL TASBY, et al.

Plaintiffs

v.

MARVIN EDWARDS, GENERAL  
SUPERINTENDENT, DALLAS  
INDEPENDENT SCHOOL DISTRICT  
et al.

Defendants

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Civil Action No. 3-4211-H

ENTERED ON DOCKET  
8-22-89 PURSUANT  
TO F. R. C. P. RULES  
58 AND 79a.

MEMORANDUM OPINION AND ORDER

Before the Court are the following pleadings:

1. Defendants' Motion to Declare Unitary Status, filed May 2, 1989. This one page, two paragraph motion provides no reasons, factual or legal, why it should be granted. See Local Rule 5.1(d). Attached to the Motion is a nine page document, with exhibits, signed by the three African-American members of the Board, setting forth reasons why the Motion should not be granted.
2. Plaintiffs' Response to Defendants' Motion to Declare Unitary Status, filed June 29, 1989, opposing the Motion to Declare Unitary Status, setting forth several matters which Plaintiffs suggest are "fundamental" to unitary status and which are not addressed by Defendants in the Motion, and requesting the Court to defer action on Defendants' Motion.
3. Intervenor Black Coalition's Response to Defendants' Motion, filed August 15, 1989, opposing unitary status and adopting the Resolution of the African-American Board members attached to Defendants' Motion and also adopting the position and comments of Plaintiffs.
4. Court Order dated July 21, 1989 directing Defendants to file a reply to Plaintiffs' (June 29) Response by noon, August 31, 1989.

5. Letter dated August 18, 1989 from counsel for Defendants stating that the DISD Board of Education is unable to agree upon a reply to Plaintiffs' Response.

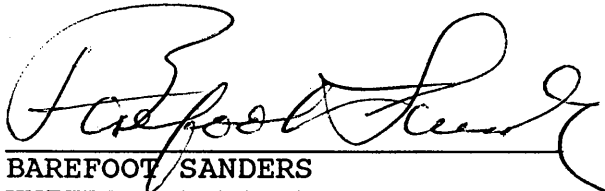
The Court considers this letter to be a statement by Defendants to the Court that they will not comply with the Court's July 21, 1989 Order.

Defendants may not intend their non compliance with the Court's Order to be contumacious, warranting contempt proceedings, but Defendants are subject to sanctions for such non compliance. See Fed.R.Civ.P. 16(f). The Court is of the opinion that the Defendants should be, and they are hereby, **SANCTIONED** for non compliance with the Court's Order of July 21, 1989, as follows:

Defendants' May 2, 1989 Motion to Declare Unitary Status is **DISMISSED** without prejudice at Defendants' cost. No other motion for unitary status may be filed before January 15, 1990. Any motion for unitary status filed thereafter must be accompanied by a brief specifying the factual and legal grounds upon which the motion is based, and must address the concerns stated in Plaintiffs' June 29 Response. See also Intervenor Black Coalition's August 15 Response and the Report of the External Auditor for 1988-89, filed August 15, 1989.

SO ORDERED.

DATED: August 22, 1989.

  
BAREFOOT SANDERS  
UNITED STATES DISTRICT JUDGE