

UNITED STATE DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT LOUISVILLE

CIVIL ACTION NO. 3:02CV-620-H

CRYSTAL MEREDITH

PLAINTIFF

V.

JEFFERSON COUNTY BOARD OF EDUCATION, et al.

DEFENDANTS

MEMORANDUM AND ORDER

The Court has considered Plaintiff's motion to reopen this case and to sanction and enjoin Defendants from violation of the Supreme Court's decision in *Parents Involved in Community Schools, et al. v. Seattle School Distr. No. 1, et al.*, 127 S.Ct. 2738, _____ U.S. _____ (2007).

At a hearing on March 11, 2008, the Court heard arguments from both sides on the pending motion. These arguments centered upon whether Plaintiff's new claims are ripe, whether Plaintiff has standing to assert those claims and whether the instant case is moot. The Court did not directly consider the underlying hypothetical validity of Plaintiff's new constitutional allegations and this decision should not be considered as a ruling one way or another on the constitutional compliance of the new plan.

At the conclusion of the hearing, the Court stated that it would deny the pending motion for reasons which it explained extensively on the record. The Court will not repeat its analysis here other than to summarize that Plaintiff's complaints raise new constitutional issues outside the scope of this case as originally filed. Plaintiff is not affected by the current interim assignment plan and therefore has no standing to raise a constitutional claim about it. *See Sutton*

v. St. Jude Hosp. S.C., 419 F.3d. 568, 570 (6th Cir. 2005).

Though Defendants have adopted the interim plan, as yet no students have been assigned based upon it. There is ample time to address concerns should any actually arise. Therefore, the claim itself is not ripe for consideration. *See Abbott Labs. v. Gardner*, 387 U.S. 136, 148-49 (1967). For all those reasons and others stated, the Court finds this motion moot under the instant case.

Being otherwise sufficiently advised,

IT IS HEREBY ORDERED that Plaintiff's motion for relief is DENIED.

cc: Counsel of Record