



138 F.3d 1264 (1998)

**LITTLE ROCK SCHOOL DISTRICT, Plaintiff,
Servicemaster Management Services; Blytheville School District; Bryant
School District; Fort Smith School District; West Memphis School
District; Altus-Denning School District; Ashdown School District;
Barton-Lexa School District; Batesville School District; Biggers-Reyno
School District; Black Rock School District; Bright Star School District;
Brinkley School District; Centerpoint School District; Clarendon School
District; Cotton Plant School District; Cutter Morning Star School
District; Dewitt School District; Dollarway School District; Foreman
School District; Fountain Lake School District; Gillett School District;
Glen Rose School District; Guy-Perkins School District; Hoxie School
District; Jonesboro School District; Kirby School District; LaVaca
School District; Lewisville School District; Magazine School District;
Malvern School District; Mammoth Spring School District; Manila School
District; Maynard School District; Oden School District; Ozark School
District; Plainview-Rover School District; Pocahontas School District;
Prairie Grove School District; South Conway School District; Spring Hill
School District; Stamps School District; Stephens School District;
Turrell School District; Van Buren School District; Warren School
District; Watson Chapel School District; West Fork School District;
White Hall School District; Winslow School District; Wonderview School
District; Yellville-Summit School District; Alma School District; Alread
School District; Beebe School [1265*1265](#) District; Bentonville School
District; Bergman School District; Berryville School District; Blevins
School District; Booneville School District; Bradford School District;
Buffalo Island School District; Caddo Hills School District; Carthage
School District; Charleston School District; Corning School District;
County Line Public School; Crossett School District; Decatur School
District; Dermott School District; Dumas School District; Elaine School
District; Fordyce School District; Gosnell School District; Grady School
District; Greeb County Technical Schools; Green Forest School District;
Greenland School District; Greenwood School District; Harrisburg
School District; Hamburg School District; Holly Grove School District;
Huttig School District; Jackson County School District; Junction City
School District; Lakeside School District; Lead Hill School District;
Leslie School District; Marion School District; Marshall School District;
Mayflower School District; McGehee School District; Mountainburg**



School District; Nettleton School District; Newport School District; Ola School District; Paragould School District; Parkin School District; Pleasant View School District; Quitman School District; Rural Special School District; Saratoga School District; Searcy School District; Smackover School District; Southside School District #2 Bee Branch; Strong School District; Stuttgart School District; Valley Spring School District; Waldron School District; Weiner School District; Wickes School District; Wynne School District; North Little Rock Classroom Teachers Association; Pulaski Association of Classroom Teachers; Little Rock Classroom Teachers Association, Intervenor Plaintiffs, Alexa Armstrong; Karlos Armstrong, Intervenor Plaintiffs-Appellants, Ed Bullington, Intervenor Plaintiff, Khayyam Davis, Intervenor Plaintiff-Appellant, John Harrison, Intervenor Plaintiff, Alvin Hudson; Tatia Hudson, Intervenor Plaintiffs-Appellants, Milton Jackson, Intervenor Plaintiff, Lorene Joshua; Leslie Joshua; Stacy Joshua; Wayne Joshua, Intervenor Plaintiffs-Appellants, Katherine Knight, Intervenor Plaintiff, Sara Facen; Derrick Miles; Janice Miles; John M. Miles; NAACP; Joyce Person; Brian Taylor; Hilton Taylor; Parsha Taylor; Robert Willingham; Tonya Willingham, Intervenor Plaintiffs-Appellants,

v.

NORTH LITTLE ROCK SCHOOL DISTRICT, Defendant, Pulaski County Special School District, Defendant-Appellee, State of Arkansas, Defendant, Office of Desegregation Monitor, Claimant, Northeast Arkansas School District, Movant, Dale CHARLES; Robert L. Brown, Sr.; Gwen Hevey Jackson; Diane Davis; Raymond Frazier, Plaintiffs,

v.

PULASKI COUNTY BOARD OF EDUCATION; Patricia Gee, Individually and in her Official Capacity as a Member of the Board of Education of the Little Rock School District, a Public Body; George Cannon, Dr., Individually and in his Official Capacity as a Member of the Board of Education of the Little Rock School District, a Public Body; Katherine Mitchell, Dr., Individually and in her Official Capacity as a Member of the Board of Education of the Little Rock School District, a Public Body; W.D. Hamilton, also known as Bill Hamilton, Individually, and in his



Official Capacity as a Member of the Board of Education of the Little Rock School District, a Public Body; Cecil Bailey, [1266*1266](#) Individually and in his Official Capacity as a Member of the Pulaski County Board of Education, a Public Corporate; Thomas Broughton, Individually and in his Official Capacity as a Member of the Pulaski County Board of Education, a Public Corporate; Martin Zoldessy, Dr., Individually and in his Official Capacity as a Member of the Pulaski County Board of Education, a Public Corporate, Defendants.

[Nos. 97-1689, 97-1700.](#)

United States Court of Appeals, Eighth Circuit.

Submitted February 24, 1998.
Decided March 18, 1998.

Robert Pressman, Lexington, MA, argued (John W. Walker, on the brief), for Appellant.

M. Samuel Jones III, Little Rock, AR, argued (Claire Shows Hancock, Pulaski County Special School District; Christopher Heller and John C. Fendley, Jr., Little Rock School District, on the brief), for Appellee.

Before RICHARD S. ARNOLD, Chief Judge, HEANEY and WOLLMAN, Circuit Judges.

HEANEY, Circuit Judge.

In this continuing desegregation litigation, the Joshua appellants represent the class of black school children and citizens. In this consolidated appeal, they contend that the district court's denial without a hearing of the Joshua appellants' motion with respect to the Robinson High School in the Pulaski County Special School District (PCSSD) was based on a mistake of law and constituted abuse of discretion.^{[11](#)}

On November 1, 1996, the Joshua appellants asked the district court to either direct the Office of Desegregation Monitor (ODM) to investigate or set a hearing to determine whether the PCSSD should be held in contempt regarding allegations concerning the principal at Robinson High School. The court denied the Joshua appellants' motion, stating that it considered the allegations against the principal at Robinson High School an individual personnel matter that should be addressed by the PCSSD according to its own procedures. Subsequent to the district court's issuance of its order, the Robinson High School principal's employment ended. Consequently, the issue is moot, and we decline to issue an advisory opinion with respect to how the district court should handle similar allegations in the future.

[1267*1267](#) For the aforementioned reasons, we dismiss the appeal as moot.



[\[1\]](#) In their brief, the Joshua appellants also challenged the district court's action with respect to their motions concerning incentive schools in the Little Rock School District (LRSD) and the monitoring thereof as inconsistent with earlier mandates of this court. Before oral argument, the Joshua appellants and LRSD reached an agreement, resolving the issues concerning the incentive schools and LRSD. Consequently, on February 24, 1998, we issued an order dismissing the appeals against LRSD and there is no need to reach the merits of this appeal insofar as it involves the incentive schools.