

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
AIKEN DIVISION

UNITED STATES OF AMERICA,)

Plaintiff,)

v.)

ALLENDALE COUNTY SCHOOL)
DISTRICT, et al.,)

Defendants.)

C.A. No. 68-698

**MOTION FOR WITHDRAWAL OF
JOINT MOTION FOR APPROVAL
OF AGREED ORDER OF
UNITARY STATUS AND DISMISSAL**

COMES NOW, Defendants Allendale County School District, et al. (herein after “ the District”) file this Motion for Withdrawal of the District’s and Plaintiff United States of America’s Joint Motion for Approval of Agreed Order of Unitary Status and Dismissal filed on September 11, 2006. The District does not wish to further its efforts toward unitary status at this time because all factors enumerated in *Green v. County School Bd. of New Kent County, Va.*, 391 U.S. 430, 435 (1968) have not been met in that the funding for the District since the entry of the desegregation order has been significantly below the needs of the District, which has prevented it from offering all needed educational services for its students, who are over 90% African-American. Thus, the historic under-funding since the entry of the desegregation order is a major function in the failure to remove all vestiges of the prior dual system.

WHEREFORE, the District prays that its motion be granted without prejudice with leave to refile a Motion for Unitary Status and Dismissal.

Respectfully submitted, this 29th day of November, 2006.

P.O.
Colum
(803)
Fax:

s/ Charles J. Boykin
CHARLES J. BOYKIN Fed. ID No. 6310
KARLA MCLAWHORN HAWKINS
Fed. ID No. 7059
Boykin, Davis & Hawkins, LLC
Box 11844
bia, South Carolina 29211
254-0707
(803) 254-5609

Attorneys for Defendants Allendale County
School District, et al.