

RECOMMENDED FOR FULL-TEXT PUBLICATION

Pursuant to Sixth Circuit Rule 206

File Name: 05a0309p.06

UNITED STATES COURT OF APPEALS

FOR THE SIXTH CIRCUIT

FILED
July 21, 2005
Leonard Green,
Clerk

DAVID MCFARLAND, Parent and Next)
Friend of Stephen and Daniel McFarland;)
RONALD JEFFREY PITTENGER, Parent and)
Next Friend of Brandon Pittenger;) No. 04-5897
ANTHONY UNDERWOOD, Custodial)
Parent and Next Friend of Max Aubrey,)
Plaintiffs,)
)
CRYSTAL D. MEREDITH, Custodial Parent)
and Next Friend of Joshua Ryan McDonald,)
Plaintiff-Appellant,)
)
v.)
)
JEFFERSON COUNTY PUBLIC SCHOOLS,)
Defendant,)
)
JEFFERSON COUNTY BOARD OF EDUCATION;)
STEPHEN W. DAESCHNER, Superintendent,)
Defendants-Appellees.)

Appeal from the United States District Court
for the Western District of Kentucky at Louisville.
No. 02-00620—John G. Heyburn II, Chief District Judge.

Argued: June 9, 2005
Decided and Filed: July 21, 2005
Before: NORRIS and DAUGHTREY,
Circuit Judges; JORDAN, District Judge.*

COUNSEL

ARGUED: Teddy B. Gordon, Louisville, Kentucky, for Appellant. Francis J. Mellen, Jr., WYATT, TARRANT & COMBS, Louisville, Kentucky, for Appellees. **ON BRIEF:** Teddy B. Gordon, Louisville, Kentucky, for Appellant. Francis J. Mellen, Jr., Byron E. Leet, WYATT, TARRANT & COMBS, Louisville, Kentucky, for Appellees. Amy D. Cabbage, Sheryl G. Snyder, Bridget H. Papalia, FROST, BROWN & TODD, Louisville, Kentucky, Morgan G. Ransdell, KENTUCKY COMMISSION ON HUMAN RIGHTS, Louisville, Kentucky, Chester Darling, CITIZENS FOR THE PRESERVATION OF CONSTITUTIONAL RIGHTS, Andover, Massachusetts, Michael Williams, Robert J. Roughsedge, CITIZENS FOR THE PRESERVATION OF CONSTITUTIONAL RIGHTS, Boston, Massachusetts, Maya R. Kobersy, John W. Borkowski, Maree Sneed, HOGAN & HARTSON, Washington, D.C., Albert H. Kauffman, THE

* The Honorable R. Leon Jordan, United States District Judge for the Eastern District of Tennessee, sitting by designation.

CIVIL RIGHTS PROJECT AT HARVARD UNIVERSITY,
Cambridge, Massachusetts, Chinh Quang Le, NAACP
LEGAL DEFENSE & EDUCATIONAL FUND, New York,
New York, for Amici Curiae.

OPINION

PER CURIAM. Plaintiff Crystal Meredith, on behalf of her son Joshua Ryan McDonald, appeals the decision of the district court to uphold the student assignment plan of the Jefferson County Public Schools, which includes racial guidelines. The district court concluded that the assignment plan met the constraints of the Equal Protection Clause of the Fourteenth Amendment because the school board had a compelling interest to use the racial guidelines and applied them in a manner that was narrowly tailored to realize its goals. *McFarland v. Jefferson County Public Schools*, 330 F. Supp. 2d 834 (W.D. Ky. 2004).

Because the reasoning which supports judgment for defendants has been articulated in the well-reasoned opinion of the district court, the issuance of a detailed written opinion by this court would serve no useful purpose.

The judgment of the district court is **affirmed**.