

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
MIDDLE DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	Civil Action No. CV-05-S-095-M
)	
DAWSON DEVELOPMENT)	
COMPANY, LLC; MILBURN)	
LONG;)	
)	
Defendants.)	

ORDER

The government brings this action against defendant Milburn Long to enforce the anti-discrimination provisions of the Fair Housing Act, 42 U.S.C. § 3601 *et seq.* During the time period relevant to this suit, defendant Long was a resident manager of Park Place Apartments, located in Boaz, Alabama. Trial in this matter is scheduled to commence on April 10, 2006.

This action now is before the court on the government's motion for entry of default judgment, finding that Long is liable under 42 U.S.C. §§ 3604(a)-(d)¹ (doc.

¹ The Fair Housing Act makes it unlawful:

(a) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, familial status, or national origin.

(b) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection

no. 24). In the alternative, the government asks the court to enter a default judgment stating that the government has proven its *prima facie* case under §§ 3604(a)-(d), and allowing defendant Long to put on a defense at trial.

The government's motion for entry of default judgment as to liability is DENIED. The alternative aspect of the government's motion is GRANTED.

The government has established its *prima facie* case for proving violations of §§ 3604(a), (b), and (d). To the extent that he is able, defendant Long may assert, at trial, legitimate, non-discriminatory reasons for his actions. *See, e.g., H.U.D. v. Blackwell*, 908 F.2d 864, 870-71 (11th Cir. 1990); *Hall v. Lowder Realty Company, Inc.*, 160 F. Supp. 2d 1299, 1313-14 (M.D. Ala. 2001) (Thompson, J.).

The court also finds that the government has satisfied each element of proof required under 42 U.S.C. § 3604(c). It is undisputed that defendant Long made a comment to two individuals, "that he (Milburn Long) would never allow blacks to

therewith, because of race, color, religion, sex, familial status, or national origin.

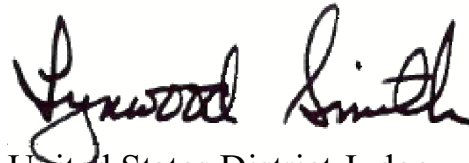
(c) To make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, handicap, familial status, or national origin, or an intention to make any such preference, limitation, or discrimination.

(d) To represent to any person because of race, color, religion, sex, handicap, familial status, or national origin that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available.

42 U.S.C. §§ 3604(a)-(d).

live at Park Place.”² Defendant Long therefore (i) made a statement (ii) with respect to the rental of a dwelling (iii) indicating discrimination on the basis of race, or an intention to discriminate on the basis of race. *See* § 3604(c); *see also Hall*, 160 F. Supp. 2d at 1320-21.

DONE this 20th day of March, 2006.

A handwritten signature in black ink that reads "Lynwood Smith". The signature is written in a cursive style with a large initial "L".

United States District Judge _____

² Doc. no. 19 (Notice of Filing of Plaintiff's Uncontested Principal Facts), Ex. A, Fact number 88.