

IN THE UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT

DOROTHY GAUTREAUX, ET AL.,

Plaintiffs-Appellants,

v.

GEORGE W. ROMNEY, Secretary of the
Department of Housing and Urban
Development,

Defendant-Appellee.

No. 71-1073

MOTION FOR THE MANDATE TO BE ISSUED FORTHWITH

The appellee, Secretary of the Department of Housing and Urban Development, by his undersigned attorneys, respectfully requests that, pursuant to Rule 41(a) of the Federal Rules of Appellate Procedure, the time for issuing the mandate in the above case be shortened so that the mandate issue forthwith.

In support of this motion, the appellee states that, upon his prior motion, this Court on September 29, 1971, stayed the issuance of the mandate in the above case until November 15, 1971. On October 1, 1971, the district court entered an order enjoining the appellee from making available to the City of Chicago or any of its agencies any funds for the second period of the Model Cities

program of the City of Chicago except upon certain specified conditions. The City of Chicago, the Chicago Housing Authority, and the Central Advisory Council, all of whom have intervened in this action, have appealed to this Court to vacate the October 1st order. By its terms, however, that order is an injunction pending termination of the appeal and will expire when the mandate issues. Appellee considers that the time remaining before the October 1st order expires and the issues raised by the intervenors' appeals become moot is too brief to permit those issues to be developed adequately. If the mandate is issued forthwith, any injury to the intervenors and others which provides the basis for their appeals would be reduced without prejudice to the right of the plaintiffs to seek from the district court a preliminary or final injunction containing provisions similar to those of the October 1st order. If the district court then enters such an order, the appellee and the intervenors will be entitled to appeal to this Court under circumstances permitting a full development of the issues raised.

Therefore, we respectfully request that this Court order the mandate to be issued forthwith.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of October, 1971, I served the foregoing Motion For The Mandate To Be Issued Forthwith, upon counsel for the appellants and intervenors by causing copies to be mailed, air mail, postage prepaid, to:

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