

FILED

U.S. COURT OF APPEALS
AUG 21 2009
BY **DAVID CREWS, CLERK**
Deputy
AUG 14 2009

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

DEMOCRATIC MUNICIPAL EXECUTIVE
COMMITTEE OF THE CITY OF
LELAND, MISSISSIPPI

APPELLANT

VS.

CASE NUMBER 09-60285

JAMES W. LOWE

APPELLEE

MOTION TO DISMISS APPEAL

COMES NOW, the Democratic Municipal Executive Committee of the City of Leland, Mississippi Pursuant to Rule 42.1 Federal Rule of Appellant Procedure and files this Motion to Dismiss Appeal and in support thereof states the following, to wit:

1. The election which gave rise to this litigation has taken place.
2. This appeal is now moot.
3. The Appellee does not oppose this Motion.

WHEREFORE, PREMISES CONSIDERED, Appellant requests that this appeal be dismissed. The Appellant further prays for any additional and further relief to which it may be entitled in the premises.

This the 12th day of August, 2009.

Respectfully submitted,
DEMOCRATIC MUNICIPAL EXECUTIVE
COMMITTEE OF THE CITY OF LELAND,
MISSISSIPPI

By: _____

Charles E. Griffin, MSB #5015
Howard Brown, MSB #10631

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 09-60285

JAMES W LOWE,

Plaintiff - Appellee

v.

DEMOCRATIC MUNICIPAL EXECUTIVE COMMITTEE OF THE CITY OF
LELAND, MISSISSIPPI,

Defendant - Appellant

Appeal from the United States District Court for the
Northern District of Mississippi, Greenville

Pursuant to appellant's motion this appeal is dismissed this 17th day,
August 2009, see FED. R. APP. P. 42(b).

Clerk of the United States Court
of Appeals for the Fifth Circuit



By: _____

Nancy F. Dolly, Deputy Clerk

ENTERED AT THE DIRECTION OF THE COURT

Dismissal Order FRAP 42-DIS4

A true copy
Attest:

Clerk, U. S. Court of Appeals, Fifth Circuit

By: _____

Deputy

New Orleans, Louisiana AUG 17 2009