

United States Court of Appeals

ELEVENTH CIRCUIT

MONTGOMERY, AL 36101-0867

JOEL F. DUBINA
CHIEF JUDGE

P.O. BOX 867
TELEPHONE (334) 954-3560

December 17, 2012

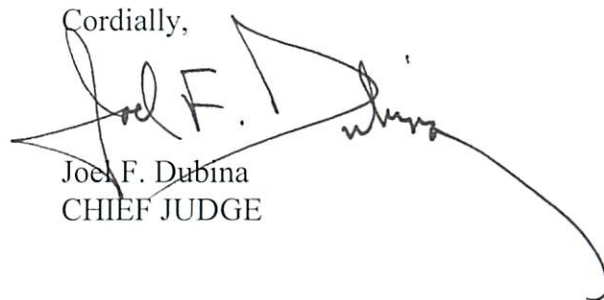
Mr. Chuck Diard
Clerk
United States District Court
John A. Campbell
United States Courthouse
113 St. Joseph Street, Room 131
Mobile, AL 36602

Re: *Dan Allen, et al. v. The City of Evergreen, et al.*, No. 12-496-CG

Dear Mr. Diard:

Enclosed for filing is a Designation of Three-Judge Court Order.

Cordially,

A handwritten signature in black ink, appearing to read "J.F. Dubina", is written over the typed name and title. A long, sweeping horizontal line extends from the end of the signature across the bottom of the signature block.

Joel F. Dubina
CHIEF JUDGE

JFD:dv
Encl.

c: Honorable Ed Carnes
Honorable Callie V.S. Granade
Honorable Kristi DuBose
James P. Gerstenlauer, Esq.
John P. Ley, Esq.

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

DAN ALLEN, BOBBY WATKINS)	No. 12-496-CG
and ALBERTA LEE,)	
)	1. <u>Requesting Judge</u>
Plaintiffs,)	
)	Honorable Callie V.S. Granade
v.)	
)	2. <u>District Judge</u>
THE CITY OF EVERGREEN,)	
ALABAMA; PETE WOLFF III,)	Honorable Kristi DuBose
Mayor of the City of Evergreen,)	
LUTHER UPTON, DIANE SKIPPER,)	3. <u>Circuit Judge</u>
JOHN SKINNER, JR., VIVIAN)	
FOUNTAIN and MAXINE HARRIS)	Honorable Ed Carnes
Council members of the City of)	
Evergree; BECKY B. ROBINSON,)	
City Clerk for the City of Evergreen;)	
)	
Defendants.)	

DESIGNATION OF THREE-JUDGE COURT
[42 U.S.C. § 1973c and 28 U.S.C. § 22284]

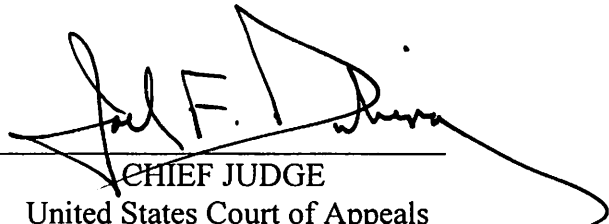
ORDER

The Requesting Judge, Honorable Callie V.S. Granade, to whom an application for relief has been presented in the above cause, having notified me that the action is one required by Act of Congress to be heard and determined by a District Court of three judges, I, Joel F. Dubina, Chief Judge of the Eleventh Circuit, hereby designate Circuit Judge Ed Carnes and District Judge Kristi DuBose to serve with the Requesting Judge, Callie V.S. Granade, as members of the said Court to hear and determine the action.

This designation and composition of the three-judge court is not a prejudgment, express

or implied, as to whether this is properly a case for a three-judge court rather than a one-judge court. This is a matter best determined by a three-judge court as this enables a simultaneous appeal to the Court of Appeals and to the Supreme Court without the delay, awkwardness, and administrative inefficiency of proceeding by way of mandamus from either the Court of Appeals, the Supreme Court, or both, directed against the Chief Judge of the Circuit, the presiding district judge, or both. The parties will be afforded the opportunity to brief and argue all questions before the three-judge court, either preliminarily or on the trial of the merits, or otherwise, as the court thinks appropriate.

DATED this 17th day of December, 2012.



CHIEF JUDGE
United States Court of Appeals
For the Eleventh Circuit