

U. S. COURT OF APPEALS BEFORE HONORABLE BEN F. CAMERON, JUDGE OF THE

FILED

UNITED STATES COURT OF APPEALS

AUG 1 1962

FOR THE FIFTH CIRCUIT

EDWARD W. WADSWORTH
CLERK

IN RE: CAUSE #19,475 IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

JAMES HOWARD MEREDITH, on behalf of
Himself and Others similarly situated,

Appellant,

v.

CHARLES DICKSON FAIR, President of the
Board of Trustees of State Institutions
of Higher Learning, et al,

Appellees.

MOTION OF APPELLEES FOR ADDITIONAL
RELIEF TO STAY AMENDED ORDER FILED
JULY 28, 1962.

COME NOW Charles Dickson Fair, et al, who were Appellees
in the above referenced cause, and respectfully move for the
entry of an order granting additional relief to them because
of the amended action taken by the U. S. Court of Appeals for
the Fifth Circuit, acting through a panel thereof, on the 28th
day of July, 1962, and in support of this motion would show
the following facts:

I.

On the 28th day of July, 1962, your present movants
moved Your Honor for a stay of an instrument styled "Judgment"
issued "as and for the mandate" of the said Court of Appeals

on the 27th day of July, 1962, and for a stay of an instrument styled "Order Vacating Stay, Recalling Mandate and Issuing New Mandate Forthwith" dated the same date.

II.

On said 28th day of July, 1962, Your Honor issued an order staying each and both of said instruments for a period of thirty (30) days from and after the 28th day of July, 1962 and granting other relief set forth therein in the form of extending a stay previously granted on the 18th day of July, 1962 of a prior order of said panel in Cause #19,475 in said Court of Appeals.

III.

On the 31st day of July, 1962 counsel for movants received via U. S. Mail a letter from the Clerk of said Court of Appeals and an "Order" from said court showing that the original thereof was filed on July 28, 1962, a true copy of which said letter and "Order" are attached to this motion as Exhibits "A" and "B" respectively.

WHEREFORE PREMISES CONSIDERED, movants pray that Your Honor will, pursuant to the provisions of Title 28, U. S. Code, Section 2101 (f), amend the stay order dated the 28th day of July, 1962 to include a stay of the order dated July 28, 1962 which is Exhibit "B" to this motion, for a period of thirty (30) days from and after the 28th day of July, 1962, to enable

movants to obtain a Writ of Certiorari from the Supreme Court
of the United States to review said "Order", Exhibit "B"
hereto.

Respectfully submitted,

CHARLES D. FAIR, ET AL, Movants

BY: JOE T. PATTERSON, Attorney General
State of Mississippi
New Capitol Building
Jackson, Mississippi

DUGAS SHANDS, Assistant Attorney
General, State of Mississippi
New Capitol Building
Jackson, Mississippi

CHARLES CLARK, Special Assistant
Attorney General
State of Mississippi
P. O. Box 1046
Jackson, Mississippi

By Charles Clark
Charles Clark, Special
Assistant Attorney General
State of Mississippi

VERIFICATION

STATE OF MISSISSIPPI
COUNTY OF HINDS

Personally came and appeared before me, the undersigned
authority in and for the jurisdiction aforesaid, the within
named CHARLES CLARK, who, being by me first duly sworn, states
on oath that the matters, facts and things set forth in the
foregoing motion are true and correct as therein stated.

Charles Clark
Charles Clark

SWORN TO AND SUBSCRIBED BEFORE ME, this 31 day of
July, 1962.

My commission expires:
March 7 1965

William H. Oxx Jr.
NOTARY PUBLIC

CERTIFICATE OF SERVICE

The undersigned hereby certifies that he served a true copy of the foregoing motion on Constance B. Motley, Esq. and R. Jess Brown, Esq. by U. S. Mail, postage prepaid, addressed to their best known addresses.

THIS 31st DAY OF JULY, 1962.


CHARLES CLARK