

RECORD ON APPEAL

UNITED STATES COURT OF APPEALS

FIFTH CIRCUIT

NO. _____

WILLIE CARL SINGLETON, a minor by
NEVA SINGLETON, his mother and next friend,
AUDREY NELL EDWARDS, a minor, by
ELIZA EDWARDS, her mother and next friend,
JOANN ANDERSON, a minor, by HURLEY ANDERSON
her father and next friend,
SAMUEL WHITE, a minor by JAMES WHITE, his
father and next friend,

APPELLANTS,

vs.

BOARD OF COMMISSIONERS OF STATE INSTITUTIONS:
LULA MULLIKIN, Secretary, TERRY C. LEE, Coordinator,
W. D. ROGERS, M. D., ARTHUR G. DOZIER,
L. L. WAINWRIGHT, Directors, FARRIS BRYANT,
Governor, TOM ADAMS, Secretary of State,
RICHARD W. ERVIN, Attorney General,
RAY E. GREEN, Comptroller, J. EDWIN LARSON,
Treasurer, TOM D. BAILEY, Superintendent of
Public Instructions, DOYLE CONNER, Commissioner
of Agriculture

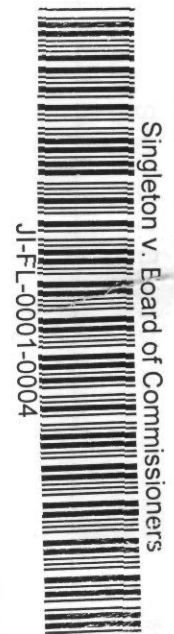
APPELLEES

APPEAL FROM THE
UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF FLORIDA

COUNSEL FOR THE APPELLANTS: Earl M. Johnson
625 Union St.
Jacksonville, 2, Florida

Constance B. Motley and
Jack Greenberg,
10 Columbus Circle
New York 19, N.Y.

COUNSEL FOR THE APPELLEES: James W. Kynes
Attorney General
State of Florida
Capital Building
Tallahassee, Florida



T. Civ. No DOCKET #963 (Tr. from Middle Dist. Fla. - #63-243-Civ. J)

TITLE OF CASE

ATTORNEYS

WILLIE CARL SINGLETON, a minor by NEVA SINGLETON, his mother and next friend, AUDREY NELL EDWARDS, a minor, by ELIZA EDWARDS, her mother and next friend, JOANN ANDERSON, a minor, by HURLEY ANDERSON, her father and next friend, SAMUEL WHITE, a minor by JAMES WHITE, his father and next friend,

Plaintiffs,

vs.

BOARD OF COMMISSIONERS OF STATE INSTITUTIONS: LULA MULLIKIN, Secretary, TERRY C. LEE, Coordinator, W. D. ROGERS, M. D., ARTHUR G. DOZIER, L. L. WAINWRIGHT, Directors, FARRIS BRYANT, Governor, TOM ADAMS, Secretary of State, RICHARD W. ERVIN, Attorney General, RAY E. GREEN, Comptroller, J. EDWIN LARSON, Treasurer, TOM D. BAILEY, Superintendent of Public Instruction, DOYLE CONNER, Commissioner of Agriculture,

Basis of action:

Defendants.

Constitutional Question - Civil Rights (14th Amendment)

Jury trial claimed by

on

, 19

For Plaintiff:

Earl M. Johnson, 625 Union St., Jacksonville 2, Fla., and Constance Baker Motley & Jack Greenberg, 10 Columbus Circle, N.Y. 19, N.Y.

For Defendant:

James W. Kynes
Richard W. Ervin, Atty. Gen. of Fla., Tallahassee, Fla.
Gerald Mager, Asst. Atty. Gen. of Fla., Tallahassee, Fla.

DATE	PLAINTIFF'S ACCOUNT	RECEIVED	DISBURSED	DATE	DEFENDANT'S ACCOUNT	RECEIVED	DISBURSED
(Transferred from Middle Dist. of Florida - Filing fee paid 11/12/63 to Clerk of said district)							
8/17/64	Earl M. Johnson a/c fee for filing Notice of Appeal -	\$5.00					
8/19/64	U.S.Treas. - c/d 5		\$5.00				

ABSTRACT OF COSTS

RECEIPTS, REMARKS, ETC.

TO WHOM DUE

AMOUNT

T. Civ. 963

DATE	FILINGS--PROCEEDINGS	AMOUNT REPORTED IN EMOLUMENT RETURNS
/13/64	Cause transferred by Order of Judge Bryan Simpson from Middle Dist. of Fla. to North. Dist. of F.a. entered 1/8/64 at Jacksonville, Fla. Copy of docket entries received and filed, together with original Complaint, process, etc. - Complaint seeks to enjoin defendants operating Florida State Schools for Boys and Girls on a compulsory bi-racial basis, and other relief.	
2/11/64	Request of Plaintiffs for entry of default by Clerk with affidavit attached. Letter from Clerk to attorneys of record stating Clerk without authority to enter default pending hearing on Motion for Preliminary Injunction.	
2/14/64	Motion to dismiss complaint filed by defendants with certificate of service.	
3/12/64	Motion for Default Judgment filed by counsel for Plaintiffs, with affidavits attached.	
3/24/64	Notice to counsel of hearing in Chambers of all pending motions on 4/9/64 at 11 A.M.	
4/9/64	Order of Court filed Denying Plaintiffs' motion for entry of judgment of default; Denying Motion of defendants to dismiss, and defendants shall file their answer and other responsive pleadings, if indicated, within 20 days of the date of this Order; Granting Oral Motion of counsel for Plaintiffs for scheduling hearing on Motion for preliminary injunction on June 30, 1964 to be held at 10:30 A.M. E.S.T. Federal Court room, Tallahassee, Florida. (sgd. Judge Carswell)	
4/21/64	Petition for Reconsideration of the Court's Order dated April 9, 1964.	
4/21/64	Denying Defendants' Motion to Dismiss, filed by Defendants.	
i	Order of Court filed granting Defendants' request that time for filing its answer or other responsive pleading be tolled pending the disposition of this petition; (2) Plaintiffs are granted leave to file memorandum authorities, brief, or other response to subject petition for reconsideration on or before May 4, 1964, thereafter defendants granted leave of Court to file response, if desired, on or before May 11, 1964; (3) That portion of Order dated 4/9/64 providing for hearing on motion for Preliminary Injunction on 6/30/64 remains in force and effect pending entry of order on subject petition for reconsideration of defendants' Motion to dismiss. (sgd. Judge Carswell 4/21/64)	
5/12/64	Letter dated May 7, 1964 from Earl M. Johnson, Attorney for Plaintiffs, directed to Judge Carswell. (filed at request of Judge Carswell)	
5/15/64	Plaintiffs Memorandum in Opposition to Defendants Petition for Reconsideration filed.	
5/22/64	Response to Plaintiffs' Memorandum in Opposition to Defendants' Petition for Reconsideration filed.	
5/27/64	Reply to Defendants' Response to Plaintiffs' Memorandum filed.	
7/2/64	Hearing held on motion to reconsider Order denying motion of defendants to dismiss complaint (J. Carswell).	
7/17/64	Letter from Chas. G. Mathis, Jr. Juvenile Judge for St. Johns County	
- 8/7/64	Letters from Earl M. Johnson	
8/17/64	Filed: Order of Court granting plaintiff's Motion to Dismiss	
8/17/64	Filed: Notice of Appeal by Plaintiffs with Certificate of Service of copy on Atty. General of Fla.	
8/24/64	Filed: Bond for Costs on Appeal in sum of \$250.00	
8/24/64	Filed: Designation of contents of Record on Appeal filed by plaintiff	

CERTIFIED A TRUE COPY

Wm. Logan Hill, Clerk

By

2

Deputy Clerk

CIVIL DOCKET

UNITED STATES DISTRICT COURT

No. 63-243-Civ-J

Jury demand date:

TALLAHASSEE Civ. NO. 963

D. C. Form No. 106 Rev.

TITLE OF CASE

ATTORNEYS

WILLIE CARL SINGLETON, a minor by
NEVA SINGLETON, his mother and next
friend,
AUDREY NELL EDWARDS, a minor by
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RAY E. GREEN, Comptroller,
J. EDWIN LARSON, Treasurer
TOM D. BAILEY, Superintendent of
Public Instruction,
DOYLE CONNER, Commissioner of
Agriculture,

For plaintiff:

Earl M. Johnson, 625 W. Union St.
Jacksonville 2, Florida
Constance Baker Motley &
Jack Greenberg, 10 Columbus Circle
New York 19, N.Y.

FILED

JAN 13 1964

OFFICE OF CLERK
U. S. DIST. COURT
NORTH, DIST. FLA.

For defendant:

Richard W. Ervin-Atty. General State
of Florida
Gerald Mager-Asst. Atty. Gen. State
of Florida

STATISTICAL RECORD

COSTS

1963

NAME OR
RECEIPT NO.

REC.

DISH.

J.S. 5 mailed 11-12-63

Clerk

11-12

#66

15 00

11-15

C/D No. 18

15 00

J.S. 6 mailed 1-8-64

Marshal

Basis of Action: violation of
Civil rights
racial discrimination

Docket fee

Witness fees

Action arose at:

Depositions

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DATE	PROCEEDINGS	DATE
1963		
Nov. 12	Complaint filed.	
Nov. 12	Summons issued (Orig & 6 copies to Marshall)	
Nov. 29	Motion to transfer venue by Defendants	
Dec. 10	Summons returned executed 11-19-63	
Dec. 23	Motion for preliminary injunction by Plaintiffs.	
1964		
Jan. 8	Order transferring cause to Northern District of Florida R-27 BS	
Jan. 8	Complete file mailed to Northern District of Florida, Tallahassee Division, Tallahassee, Florida.	

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