



KeyCite Red Flag - Severe Negative Treatment  
Reversed by McNeal v. Tate County School Dist., 5th Cir.(Miss.), February 12, 1975

1974 WL 177573

Only the Westlaw citation is currently available.

United States District Court,  
N.D. Mississippi, Delta Division.

Kelly MCNEAL, et al, Plaintiffs

v.

TATE COUNTY SCHOOL DISTRICT, et al,  
Defendants

No. DC 70-29-S.

|

May 8, 1974.

### *ORDER*

\*1 This action came on for hearing before the court at the United States Courthouse in Oxford, Mississippi, on Friday, May 3, 1974, on plaintiffs' application for an order holding defendants to be in civil contempt of the court for failure to comply with the court's order of August 4, 1970;

The court having heard and considered the same, the evidence introduced by the parties and the record herein, and being now fully advised in the premises, is of the opinion and so finds that the reasons stated in the court's oral decision from the bench at the conclusion of the hearing, that defendants should not be held in contempt for failure to comply with the court's order of August 4, 1970, and on such findings, it is

### ORDERED AND ADJUDGED:

- 1) That the defendants herein shall be, and hereby are, dismissed from the order to show cause, and they shall go hence without penalty; and
- 2) That the application for order to show cause shall be, and the same hereby is, dismissed on the merits.

The court having further considered all matters of record in this action, is of the opinion and so finds that Paragraph VI of the court's said order of August 4, 1970 should be amended as hereinafter set forth. It is, therefore,

### ORDERED AND ADJUDGED:

That Paragraph VI of the court's order of August 4, 1970 shall be, and the same hereby is, deleted and there is substituted in lieu thereof the paragraph as follows:

#### *VI. SERVICE, FACILITIES, ACTIVITIES AND PROGRAMS*

No student shall be segregated or discriminated against on account of race or color, in any grade, service, facility, activity, or program (including transportation, athletics, or other extracurricular activity) that may be conducted or sponsored by the school in which the student is enrolled, nor shall segregated classes in segregated classrooms be maintained within any attendance center or school used in the school district, where such maintenance is influenced in any respect by racial considerations.

### All Citations

Not Reported in F.Supp., 1974 WL 177573