

970 F.2d 1378
United States Court of Appeals,
Fifth Circuit.

Jake AYERS, Sr., et al., Plaintiffs,
Jake Ayers, Jr., Bennie G. Thompson, Leola
Blackmon, Lillie Blackmon, Louis Armstrong,
Darryl C. Thomas, and Leon Johnson,
Plaintiffs-Appellants,
and
United States of America, Intervenor-Appellant,
v.
Kirk FORDICE, Governor, State of Mississippi, et
al., Defendants-Appellees.

No. 88-4103.
|
Aug. 18, 1992.

Attorneys and Law Firms

Robert Pressman, Center for Law & Educ., Cambridge,
Mass., Alvin O. Chambliss, Oxford, Miss., for Ayers, et
al.

***1379** Linda F. Thome, Jessica Dunsay Silver, Attys.,
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of Justice, Civ. Rts. Div., Educ. Opportunities Litigation
Sec., Roger Clegg, Deputy Asst. Atty. Gen., Washington,
D.C., for U.S.

Mike Moore, Atty. Gen., William F. Goodman, Jr., Paul
Stephenson, Ed Davis Noble, Jr., Jackson, Miss., for
defendants-appellees.

Appeals from the United States District Court for the
Northern District of Mississippi; Neal B. Biggers, Jr.,

Footnotes

¹  *Ayers v. Allain*, 914 F.2d 676 (5th Cir.1990).

²  *United States v. Fordice*, 112 S.Ct. 2727 (1992).

Judge.

ON REMAND FROM THE SUPREME COURT OF THE UNITED STATES

Before POLITZ, Chief Judge, GOLDBERG, KING,
JOHNSON, GARWOOD, JOLLY, HIGGINBOTHAM,
DAVIS, JONES, SMITH, DUHÉ, WIENER,
BARKSDALE, EMILIO M. GARZA, and DeMOSS,
Circuit Judges.

Opinion

PER CURIAM:

This Court, sitting *en banc*,¹ affirmed the judgment of the
district court in  *Ayers v. Allain*, 674 F.Supp. 1523
(N.D.Miss.1987). On appeal the United States Supreme
Court found² that we and the district court had applied the
incorrect legal standard, vacated our decision and
remanded the matter to this Court. Accordingly, we
vacate the decision of the district court and remand this
matter to it for further proceedings consistent with the
opinion of the Supreme Court.

VACATED and REMANDED.

All Citations

970 F.2d 1378 (Mem), 76 Ed. Law Rep. 724