

99 F.3d 1136

This case was not selected for publication in the
Federal Reporter.

Not for Publication in West's Federal Reporter See
Fed. Rule of Appellate Procedure 32.1 generally
governing citation of judicial decisions issued on or
after Jan. 1, 2007. See also Fifth Circuit Rules 28.7,
47-5.3, 47-5.4. (Find CTA5 Rule 28 and Find CTA5
Rule 47)

United States Court of Appeals,
Fifth Circuit.

Jake AYERS, Jr., Private Plaintiffs; Bennie G.
Thompson, United States Congressman, Second
Congressional District Mississippi,
Plaintiffs-Appellants,

v.

Governor Kirk FORDICE, Defendants/Senior
Colleges; State of Mississippi, Defendants,
Defendants-Appellees;

and

Hinds Junior College, Board of Trustees; Utica
Junior College, Board of Trustees; Mississippi
Delta Junior College; Coahoma Junior College,
Defendants,

v.

Louis Armstrong, Movant-Appellant.

No. 95-60329.

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Summary Calendar.

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Sept. 25, 1996.

Appeal from the United States District Court for the
Northern District of Mississippi (75-CV-9).

Before SMITH, DUHÉ, and BARKSDALE, Circuit
Judges.

Opinion

PER CURIAM:*

Footnotes

- * Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

*1 The appellants, private plaintiffs in a two-decades old action concerning desegregation of Mississippi universities, appeal the district court's May 8, 1995, denial of their request for an injunction prohibiting increases in tuition charged by Mississippi universities to nonresident students. (The appeal from the ruling on the merits,  *Ayers v. Fordice*, 879 F.Supp. 1419 (N.D.Miss.1995), is pending in a separate appeal, No. 95-60431.)

The appellants contend that the district court erred by conducting the hearing telephonically, ruling that nonresident tuition has no bearing on admissions standards, and failing to order additional remedial measures that were necessary to fully cure the violation. (Numerous issues are raised in the appellants' brief, such as classification of nonresident students, student loans, and minimum entrance requirements, that are outside the order in issue. We lack jurisdiction to consider those issues, and therefore do not address them.)

The district court held that the nonresident tuition increase did not violate its rulings delaying implementation of new admissions standards; that the appellants' individual constitutional rights are not implicated, because black nonresident students are not members of the plaintiff class; that the appellants improperly sought to assert alleged rights of universities; and that present State policies associated with nonresident tuition are not vestiges or remnants of *de jure* segregation.

Essentially for the reasons stated by the district court, the request for injunctive relief is meritless. The contention concerning the telephonic hearing is likewise meritless. Accordingly, the district court did not abuse its discretion by denying the requested relief. Therefore, the denial of injunctive relief is

AFFIRMED.

All Citations

99 F.3d 1136, 1996 WL 595703

