

IN THE UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT

\_\_\_\_\_  
No. 04-11566  
\_\_\_\_\_

D.C. Docket No. 01-01275 CV-J-99HTS

AMERICAN ASSOCIATION OF PEOPLE WITH DISABILITIES,  
DANIEL W. O'CONNOR,  
KENT BELL,  
BETH BOWEN,  
on behalf of themselves and others  
similarly situated,

Plaintiffs-Appellees,

versus

GLEND A E. HOOD,  
Secretary of the State of Florida, et al.,

Defendants,

JOHN STAFFORD,  
as Supervisor of Elections in Duval County,

Defendant-Appellant.

\_\_\_\_\_  
Appeal from the United States District Court  
Middle District of Florida  
\_\_\_\_\_

CLERK U.S. DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
PANAMA CITY, FLORIDA

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FILED

Before EDMONDSON, Chief Judge, and TJOFLAT and KRAVITCH, Circuit Judges.

BY THE COURT:

On August 8, 2005, while retaining jurisdiction of the appeal, we remanded this case to the district court for the purpose of determining whether the appeal is moot. We directed the district court to answer two questions:

(1) Does the City of Jacksonville have a contract with Diebold Elections Systems to provide Duval County with enough disabled-compliant voting machines to place one in each voting precinct?

(2) If the City does have a contract with Diebold, will the machines be in place and ready to use by the next election?

The district court, on remand entered an order answering both questions in the affirmative. The plaintiffs thereafter filed comments with this court suggesting that the district court erred in its answer to the second question because the defendant would not have 285 disabled-compliant voting machines<sup>1</sup> in place and ready to use by the “next election,” to be held on October 4, 2005 in Atlantic Beach.

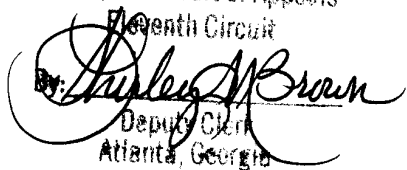
The defendant has supplemented the record with an amended declaration in

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<sup>1</sup> Duval County has 285 voting precincts. The district court, in answering the first question, correctly held (and the plaintiffs admit) that the City of Jacksonville, i.e., Duval County, had a contract with Diebold to acquire 326 disabled-compliant voting machines.

which he states, under oath, that his “office received a shipment of 326 disabled-compliant voting units (Diebold AccuVote Tsx with audio component)” on September 30, 2005, and that as of November 17, 2005, each of the units had been tested and were ready for use in upcoming elections. Given the district court’s response to the 1st question we posed and this amended declaration, we conclude that the case is moot and therefore dismiss it.

DISMISSED.

A True Copy - Attested  
Clerk, U.S. Court of Appeals  
Ninth Circuit  
By:   
Deputy Clerk  
Atlanta, Georgia

**United States Court of Appeals**

Eleventh Circuit  
56 Forsyth Street, N.W.  
Atlanta, Georgia 30303

**Thomas K. Kahn**  
Clerk

For rules and forms visit  
[www.ca11.uscourts.gov](http://www.ca11.uscourts.gov)

August 15, 2007

Sheryl L. Loesch  
Clerk, U.S. District Court  
300 N HOGAN ST STE 9-150  
JACKSONVILLE FL 32202-4271

**Appeal Number: 04-11566-AA**  
Case Style: American Association v. Glenda E. Hood  
District Court Number: 01-01275 CV-J-99HTS

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RECEIVED  
CLERK U.S. DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE, FLORIDA

The enclosed certified copy of this Court's Order of Dismissal is issued as the mandate of this court. See 11th Cir. R. 41-4. Counsel and pro se parties are advised that pursuant to 11th Cir. R. 27-2, "a motion to reconsider, vacate, or modify an order must be filed within 21 days of the entry of such order. No additional time shall be allowed for mailing."

The record on appeal will be returned to you at a later date.

The district court clerk is requested to acknowledge receipt on the copy of this letter enclosed to the clerk.

Sincerely,

THOMAS K. KAHN, Clerk

Reply To: Shirley M. Brown (404) 335-6170

Encl.