

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
TIMOTHY D. POPE,)	
)	
Plaintiff-Intervenor,)	
)	
JOHNNY REYNOLDS, et al.,)	
)	
Plaintiff-Intervenors,)	
)	
EUGENE CRUM, JR., et al.,)	
)	
Plaintiff-Intervenors,)	
)	
v.)	CIVIL ACTION NO.
)	2:68cv2709-MHT
)	
TOMMY G. FLOWERS, et al.,)	
)	
Defendants.)	
)	
ALABAMA STATE CONFERENCE)	
OF NAACP BRANCHES,)	
)	
Amicus Curiae.)	

ORDER

It is ORDERED that plaintiff-intervenor Timothy D. Pope's motion for award of attorney's fees and costs on appeal (doc. no. 805) is denied without prejudice. See

Mills v. Freeman, 118 F.3d 727, 734 (11th Cir. 1997) ("If a party wishes to obtain fees on appeal, he or she must file a petition with the clerk of [the Eleventh Circuit] within fourteen days of the issuance of the opinion of [that] court."); Davidson v. City of Avon Park, 848 F.2d 172, 173 (11th Cir. 1988) ("As to fees for services on appeal, we hold that the district court is not authorized ... to control the filing time or assessment of attorney's fees for services rendered on appeal."); see also Simpleville Music v. Mizell, 511 F. Supp. 2d 1158, 1161 (M.D. Ala. 2007) (Thompson, J.) ("[A] district court is not authorized to award fees and expenses for appellate work."); Wyatt v. Sawyer, 67 F. Supp. 2d 1331, 1346 (M.D. Ala. 1999) (Thompson, J.) ("[A] district court is not authorized to award fees and expenses for appellate work."). Because Pope may need to file his motion quickly in the appellate court, this court has ruled quickly as well. If Pope's motion is for any work

done for which this court can award fees, he can refile motion in this court for such work.

DONE, this the 1st day of July, 2008.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE