



FEB 14 1967

R. C. DOBSON, CLERK

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

Deputy Clerk

CALIPH WASHINGTON; et al.,	)	
	)	
	)	Plaintiffs,
vs.	)	
	)	CIVIL ACTION
	)	
	)	NO. 2350 - N
FRANK LEE as Commissioner of Corrections	)	
of Alabama; et al.,	)	
	)	
	)	Defendants.
	)	

MOTION FOR STAY PENDING APPEAL

Now come Frank Lee as Commissioner of Corrections of Alabama; John F. Britton, Charlie Cashion, Herschell Luttrell, Dr. Max McLaughlin and William Mitch, as members of the Board of Corrections of Alabama, and respectfully move the Court for a Stay of the Order, Judgment, and Decree of the Court entered on the 12th day of December, 1966, and as grounds therefor assign the following:

That the above named defendants have filed Notice of Appeal to the Supreme Court of the United States on the Judgment and Decree of the Court entered on December 12, 1966; that said Judgment or Decree ordered immediate desegregation of certain prison facilities and others to be desegregated within six months and still others to be desegregated within twelve months; that said Appeal involves questions which have not been specifically decided as to prisoners by either the Fifth Circuit Court of Appeals or the Supreme Court of the United States; that the questions presented on appeal are substantial and no appreciable injury will result to plaintiffs by staying the Judgment pending a decision by the Supreme Court of the United States.

MacDONALD GALLION As  
Attorney General of Alabama

GORDON MADISON As Assistant  
Attorney General of Alabama

Attorneys for above named defendants

CERTIFICATE OF SERVICE

I, Gordon Madison, one of the attorneys for the said appellants, hereby certify that on the 13th day of February, 1967, I served copies of the foregoing Motion for Stay Pending Appeal on the following attorneys for plaintiffs and for other defendants by mailing copy to each with first class postage prepaid (airmail where necessary) and properly addressed:

Hon. Charles Morgan, Jr.  
5 Forsyth Street, N. W.  
Atlanta, Georgia

Hon. Orzell Billingsley, Jr.  
1630 Fourth Avenue, North  
Birmingham, Alabama

Hon. Melvin L. Wulf  
156 Fifth Avenue  
New York, New York

Hon. J. M. Breckenridge  
600 City Hall  
Birmingham, Alabama

Messrs. Dominick, Fletcher and Yeilding  
927 Brown Marx Building  
Birmingham, Alabama

---

GORDON MADISON, As Assistant  
Attorney General of Alabama