

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
EASTERN DIVISION**

FUTURE MAE JEFFERS; MARY JEFFERS; PLAINTIFFS
HENRY PEACOCK; SHIRLEY HARVELL;
REV. RONALD WILLIAMS; PEGGY R. WRIGHT;
LAURA LOVE; FRANK SHAW; C.W. CAMPBELL;
LEO CHITMAN; ETTA CAMPBELL; PLEZ LUCAS;
VICKIE ROBERTSON; JOSEPH PERRY; ELBERT SMITH;
SANDRA BAGLEY; NIKKI DISMUKE; ALICE W. VALLEY;
LAKETHA BROWN FLUKER; KATRINA HARRELL;
CHESTER HARRELL; EDDIE O'NEAL; CHRISTOPHER
FRANKLIN; and JACK BERNARD CRUMBLY

v. No. 2:12CV00016 JLH

MIKE BEEBE, in his capacity as Governor of Arkansas
and Chairman of the Arkansas Board of Apportionment;
MARK MARTIN, in his capacity as Secretary of State
of Arkansas and as a member of the Arkansas Board
of Apportionment; DUSTIN MCDANIEL, in his
capacity as Attorney General of Arkansas and a member
of the Arkansas Board of Apportionment; and
ARKANSAS BOARD OF APPORTIONMENT DEFENDANTS

**Before Three Judge Panel
District Judge Holmes, Circuit Judge Smith, and District Judge Wright**

ORDER

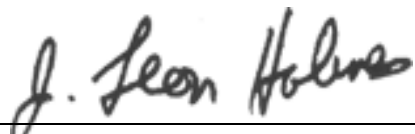
On January 22, 2013, Governor Mike Beebe, Attorney General Dustin McDaniel, and the Arkansas Board of Apportionment moved to dismiss the plaintiffs' appeal. The time for responding to the motion has expired, and the plaintiffs have not responded.

The plaintiffs filed a notice of appeal to the Supreme Court on October 17, 2012. Supreme Court Rule 18.3 provides that more than 60 days after filing the notice of appeal, the appellant must file 40 copies of a jurisdictional statement and pay a docket fee. U.S. Sup. Ct. Rule 18.3. A case is not placed on the Supreme Court docket until the jurisdictional statement has been filed and the

docket fee has been paid. *Id.* The plaintiffs have not filed a jurisdictional statement, nor have they paid the docket fee. Hence, this case has not been placed on the Supreme Court's docket. Rule 18.5 provides: "If a notice of appeal has been filed, but the case has not been placed on [the Supreme Court's] docket within the time prescribed for docketing, the district court may dismiss the appeal on the appellee's motion, with notice to all parties, and may make any just order with respect to costs." U.S. Sup. Ct. Rule 18.5.

Here, as noted, the appellees have filed a motion to dismiss the appeal, the time for responding has expired, and the plaintiffs have not objected. Therefore, the motion to dismiss is GRANTED. Document #97. Plaintiffs' notice of appeal is hereby dismissed.

IT IS SO ORDERED this 13th day of February, 2013.



J. LEON HOLMES
UNITED STATES DISTRICT JUDGE