

UNITED STATES COURT OF APPEALS  
for the Fifth Circuit

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No. 88-4103

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JAKE AYERS, SR., ET AL.,

Plaintiffs,

JAKE AYERS, JR., BENNIE G. THOMPSON, LEOLA BLACKMON, LILLIE  
BLACKMON, LOUIS ARMSTRONG, DARRYL C. THOMAS, and LEON JOHNSON,

Plaintiffs-Appellants,

and

UNITED STATES OF AMERICA,

Intervenor-Appellant,

VERSUS

KIRK FORDICE, Governor, State of Mississippi, ET AL.,

Defendants-Appellees.

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Appeals from the United States District Court  
for the Northern District of Mississippi

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ON REMAND FROM THE SUPREME COURT OF THE UNITED STATES

(August 18, 1992)

Before POLITZ, Chief Judge, GOLDBERG, KING, JOHNSON, GARWOOD,  
JOLLY, HIGGINBOTHAM, DAVIS, JONES, SMITH, DUHÉ, WIENER, BARKSDALE,  
EMILIO M. GARZA, and DeMOSS, Circuit Judges.

PER CURIAM:

This Court, sitting en banc,<sup>1</sup> affirmed the judgment of the  
district court in Ayers v. Allain, 674 F.Supp. 1523 (N.D. Miss.

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<sup>1</sup> Ayers v. Allain, 914 F.2d 676 (5th Cir. 1990).

1987). On appeal the United States Supreme Court found<sup>2</sup> that we and the district court had applied the incorrect legal standard, vacated our decision and remanded the matter to this Court. Accordingly, we vacate the decision of the district court and remand this matter to it for further proceedings consistent with the opinion of the Supreme Court.

VACATED and REMANDED.

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<sup>2</sup> United States v. Fordice, 112 S. Ct. 2727 (1992).