

Earl M. Johnson
Attorney and Counsellor At Law
625 W. Union Street
(between Broad & Jefferson)
Jacksonville, Florida 32202

Earl M. Johnson

EL 5-5196

March 11, 1964

FILED

MAR 12 1964

Clerk
United States District Court
Northern District of Florida
Tallahassee Division
Tallahassee, Florida

OFFICE OF CLERK
U. S. DIST. COURT
NORTH, DIST. FLA.

Re: Singleton, et al., v. Board of Commissioners of
State Institutions, et al. Civil Action No. 963

Dear Sir:

Enclosed please find a motion for default judgment in the above-styled cause.

I am renewing my request for the entry of a default on the part of the defendants. The basis of the request is particularized in affidavit "A" attached to the motion for default judgment.

I am also requesting that the defendant's motion to dismiss and plaintiff's motion for default judgment be considered at the same time, and a hearing on such motions be set as early as practicable.

Thank you.

Yours truly,

Earl M. Johnson
Earl M. Johnson

EMJ/ma
Encl.
cc: James W. Kynes

Singleton v. Board of Commissioners



Jl-FL-0001-0039

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

FILED

MAR 12 1964

WILLIE CARL SINGLETON, a minor by
NEVA SINGLETON, his mother and next
friend, et al.,

Plaintiffs

VS.

BOARD OF COMMISSIONERS OF
STATE INSTITUTIONS, et al.,

Defendants.

OFFICE OF CLERK
U. S. DIST. COURT
NORTH, DIST. FLA

CIVIL ACTION

NO. 963

MOTION FOR DEFAULT JUDGMENT

Plaintiff moves the court to enter default judgment in favor of the plaintiff and against the defendant for the relief as prayed for in the complaint filed in the above-entitled cause, on the ground:

1.) That the defendant has failed to answer or otherwise defend as provided by the Federal Rules of Civil Procedure as appears from the affidavit of Earl M. Johnson, attached hereto as Exhibit "A."

2.) That the defendants are not persons in the military service of the United States as move particularly shown by the affidavit of Earl M. Johnson, attached hereto as Exhibit "B."

Earl M. Johnson

EARL M. JOHNSON
625 West Union Street
Jacksonville, Florida

CONSTANCE BAKER MOTLEY
JACK GREENBERG
10 Columbus Circle
New York, New York

Attorney for Plaintiffs

EXHIBIT "A"

FILED

State of Florida)
County of Duval)
) ss:

MAR 12 1964

A F F I D A V I T

OFFICE OF CLERK
U. S. DIST. COURT
NORTH, DIST. FLA.

Earl M. Johnson, being duly sworn, says:

1. That he is the attorney for plaintiffs in the above-entitled action
2. That the complaint in this action was filed on November 12, 1963.
3. That on November 29, 1963 the defendants moved to transfer the action from the United States District Court for the Middle District of Florida, to the United States District Court for the Northern District of Florida. Plaintiffs acquiesced in the motion for transfer/ on January 8, 1964 an order was entered transferring the action to the United States District Court for the Northern District of Florida.
4. That on February 10, 1964, the defendants not having answered, the plaintiffs requested the clerk of the United States District Court, Northern District of Florida, to enter the default of the defendants. The request was supported by an affidavit showing with particularity the failure of the defendants to answer within the time required by the Federal Rules of Civil Procedure. Plaintiffs received a letter from the Clerk of the Court dated February 11, 1964 stating that his office was without authority to enter the default of the defendants as plaintiffs motion for preliminary injunction was undisposed of.
5. That on February 13, 1964 the defendants filed a motion to dismiss on the grounds that plaintiffs lacked standing to maintain the suit.
6. That defendants to date have filed no other motions, and have not answered, nor has the time for defendants to answer or otherwise move been extended.
7. That the time for defendant to answer has expired as shown by the following:
 - a.) defendant's motion to transfer the action to the United States District Court for the Northern District of Florida, was disposed of on January 8, 1964, and defendants were required to answer or further move within twenty (20) days thereof.
 - b.) Neither defendant's motion to dismiss for lack of standing or

plaintiff's motion for preliminary injunction, the only motions presently pending in this cause, are motions which under Rule 12 of the Federal Rules of Civil Procedure, toll the time for the defendants to answer.

8. That on March 11, 1964, the plaintiffs in a letter to the Clerk of the Court renewed their request for entry of a default by the defendants.

Earl M. Johnson

EARL M. JOHNSON
625 West Union Street
Jacksonville, Florida
Attorney for the Plaintiffs

SWORN TO and SUBSCRIBED before
me this 11th day of
March, 1964.

Jessie H. Best
NOTARY PUBLIC

NOTARY PUBLIC STATE OF FLORIDA at LARGE
MY COMMISSION EXPIRES OCT. 13, 1967
BOBBED THROUGH FRED W. BUSTELLORST

E X H I B I T "B"

AFFIDAVIT OF DEFENDANT'S

MILITARY STATUS

FILED

MAR 12 1964

State of Florida)
 ss:
County of Duval)

OFFICE OF CLERK
U. S. DIST. COURT
NORTH, DIST. FLA.

Earl M. Johnson, being duly sworn, says:

1. That he is the attorney for plaintiffs in the above-entitled action.

2. That the defendants are officers in the state government of Florida comprising the Board of Commissioners of State Institutions, which agency is charged with general control over penal institutions for juveniles.

3. That as the defendants occupy their positions on a full time basis, they are not presently on full time active service with any branch of United States Armed Forces.

Earl M. Johnson
EARL M. JOHNSON
625 West Union Street
Jacksonville, Florida
Attorney for the Plaintiffs

Sworn to and Subscribed before
me this 11th day of
March, 1964.

Jimmie H. Bond
NOTARY PUBLIC

NOTARY PUBLIC STATE OF FLORIDA at LARGE
MY COMMISSION EXPIRES OCT. 18, 1967
BONDED THROUGH FRED W. DIESTELHORST