

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

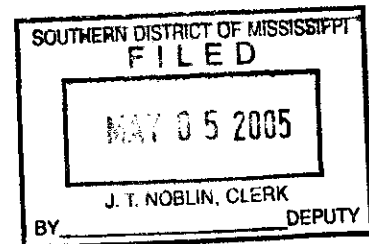
UNITED STATES OF AMERICA

PLAINTIFF

v.

CAUSE NO. 4:05cv33TSL-AGN

**IKE BROWN, INDIVIDUALLY
AND IN HIS OFFICIAL CAPACITIES
AS CHAIRMAN OF THE NOXUBEE
COUNTY DEMOCRATIC EXECUTIVE
COMMITTEE AND SUPERINTENDENT
OF THE DEMOCRATIC PRIMARY
ELECTIONS; NOXUBEE COUNTY
DEMOCRATIC EXECUTIVE COMMITTEE;
CARL MICKENS, INDIVIDUALLY AND IN
HIS OFFICIAL CAPACITIES AS CIRCUIT
CLERK OF NOXUBEE COUNTY,
SUPERINTENDENT OF ELECTIONS,
ADMINISTRATOR OF ABSENTEE
BALLOTS, AND REGISTRAR OF VOTERS;
NOXUBEE COUNTY ELECTION
COMMISSION; NOXUBEE COUNTY,
MISSISSIPPI; AND THOSE ACTING IN
CONCERT,**



DEFENDANTS

ANSWER OF DEFENDANT IKE BROWN

COMES NOW THE DEFENDANT, Ike Brown, by and through the undersigned counsel,
and files this his Answer in the above referenced action as follows, to-wit:

FIRST DEFENSE

Pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, the Complaint herein
fails to state a claim upon which relief can be granted.

SECOND DEFENSE

The relief being sought is not appropriate under the Fourteenth Amendment and infringes against Defendant's rights under the First, Thirteenth, and Fifth Amendments.

THIRD DEFENSE

Defendant invokes the doctrine of equitable estoppel.

FOURTH DEFENSE

ANSWER

AND NOW, without waiving the Defendant's right to first be heard on all the above and foregoing defenses, the Defendant would answer the Complaint, paragraph by paragraph, as follows:

1. The Defendant admits that the Attorney General is filing this action and denies the remaining allegations contained in paragraph 1 of the Plaintiffs' Complaint.

2. The Defendant admits the allegations contained in paragraph 2 of the Plaintiffs' Complaint.

3. The Defendant admits the allegations contained in paragraph 3 of the Plaintiffs' Complaint.

4. The Defendant admits the allegations contained in paragraph 4 of the Plaintiffs' Complaint.

5. The Defendant admits the allegations contained in paragraph 5 of the Plaintiffs' Complaint.

6. The Defendant admits the allegations contained in paragraph 6 of the Plaintiffs' Complaint.

7. The Defendant admits the allegations contained in paragraph 7 of the Plaintiffs'

Complaint.

8. The Defendant neither admits nor denies the allegations contained in paragraph 8 of the Plaintiffs' Complaint inasmuch as we have not researched the census data, but has no reason to dispute said allegations.

9. The Defendant admits the allegations contained in paragraph 9 of the Plaintiffs' Complaint.

10. The Defendant denies the allegations contained in paragraph 10 of the Plaintiffs' Complaint.

11. The Defendant denies the allegations contained in paragraph 11 of the Plaintiffs' Complaint.

12. The Defendant denies the allegations contained in paragraph 12 of the Plaintiffs' Complaint.

13. The Defendant admits the allegations contained in paragraph 13 of the Plaintiffs' Complaint.

14. The Defendant admits to the existence of §23-15-715 of the Mississippi Code but denies that paragraph 14 of the Plaintiffs' Complaint represents an accurate and complete summarization. Furthermore, the Defendant asserts that the statute speaks for itself.

15. The Defendant admits to the existence of §23-15-715(b) and §23-15-721 of the Mississippi Code but denies that paragraph 15 of the Plaintiffs' Complaint represents an accurate and complete summarization. Furthermore, the Defendant asserts that the statute speaks for itself.

16. The Defendant admits to the existence of §23-15-639 and §23-15-641 of the

Mississippi Code but denies that paragraph 16 of the Plaintiffs' Complaint represents an accurate and complete summarization. Furthermore, the Defendant asserts that the statute speaks for itself.

17. The Defendant admits to the existence of §23-15-579 of the Mississippi Code but denies that paragraph 16 of the Plaintiffs' Complaint represents an accurate and complete summarization. Furthermore, the Defendant asserts that the statute speaks for itself.

18. The Defendant denies the allegations contained in paragraph 18 of the Plaintiffs' Complaint.

19. The Defendant denies the allegations contained in paragraph 19 of the Plaintiffs' Complaint.

20. The Defendant denies the allegations contained in paragraph 20 of the Plaintiffs' Complaint.

21. The Defendant denies the allegations contained in paragraph 21 of the Plaintiffs' Complaint.

22. The Defendant denies the allegations contained in paragraph 22 of the Plaintiffs' Complaint.

23. Defendant is without sufficient information to either admit or deny the allegations of paragraph 23 of the Complaint and therefore denies same.

24. The Defendant incorporates by reference his answers to the allegations contained in paragraphs 1-23 of the Plaintiffs' Complaint.

25. The Defendant admits the allegations contained in paragraph 25 of the Plaintiffs'

Complaint.

26. The Defendant denies the allegations contained in paragraph 26 of the Plaintiffs'

Complaint.

27. The Defendant denies the allegations contained in paragraph 27 of the Plaintiffs'

Complaint.

28. The Defendant incorporates by reference his answers to the allegations contained in paragraphs 1-23 of the Plaintiffs' Complaint.

29. The Defendant admits the allegations contained in paragraph 29 of the Plaintiffs' Complaint.

30. The Defendant denies the allegations contained in paragraph 30 of the Plaintiffs' Complaint.

31. The Defendant denies the allegations contained in paragraph 31 of the Plaintiffs' Complaint.

32. The Defendant incorporates by reference his answers to the allegations contained in paragraphs 1-23 of the Plaintiffs' Complaint.

33. The Defendant admits the allegations contained in paragraph 33 of the Plaintiffs' Complaint.

34. Defendant is without sufficient information to either admit or deny the allegations of paragraph 34 of the Complaint and therefore deny same.


35. Defendant is without sufficient information to either admit or deny the allegations of paragraph 35 of the Complaint and therefore deny same.

36. The Defendant denies the allegations contained in the last unnumbered paragraph

of the Plaintiffs' Complaint, which begins "WHEREFORE, the Plaintiff", including all subparts, and the Defendant specifically denies that the Plaintiffs are entitled to any relief whatsoever.

RESPECTFULLY SUBMITTED, this the 3rd day of May, 2005.

IKE BROWN, Defendant

BY: 

WILBUR O. COLOM

OF COUNSEL:
THE COLOM LAW FIRM, LLC
200 Sixth Street North
Post Office Box 866
Columbus, MS 39703-0866

CERTIFICATE OF SERVICE

I, Wilbur O. Colom, the attorney for the Plaintiffs herein, do certify that I have this day mailed, via United States first class mail, postage prepaid, a true and correct copy of the foregoing document to the following:

Christopher Coates
Special Litigation Counsel
Karen Ditzler
Trial Attorney
U.S. Department of Justice
Civil Rights Division, Voting Section
950 Pennsylvania Ave., N.W.
NWB-7254
Washington, D.C. 20530

Dunn O. Lampton
United States Attorney
Southern District of Mississippi
188 East Capitol Street, Ste. 500
Jackson, MS 39201

This the 3rd day of May 2005.



Wilbur O. Colom

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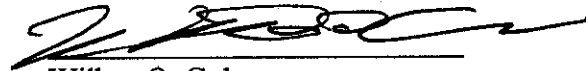
IKE BROWN, ET AL.

DEFENDANTS

NOTICE OF SERVICE

NOTICE is hereby given that Defendant, Ike Brown, has this date served in the above entitled action an Answer to the Plaintiff, the United States of America's, Complaint. The undersigned retains the original of the document as custodian thereof pursuant to the federal rules.

RESPECTFULLY SUBMITTED, this the 3 rd day of May, 2005.



Wilbur O. Colom

Of Counsel:

The Colom Law Firm, LLC
200 Sixth Street North
Post Office Box 866
Columbus, MS 39703-0866

CERTIFICATE OF SERVICE

I, Wilbur O. Colom, the attorney for the Plaintiffs herein, do certify that I have this day mailed, via United States first class mail, postage prepaid, a true and correct copy of the foregoing document to the following:

Dunn O. Lampton
United States Attorney
Southern District of Mississippi
188 East Capitol Street, Ste. 500
Jackson, MS 39201

Christopher Coates
Special Litigation Counsel
Karen Ditzler
Trial Attorney
U.S. Department of Justice
Civil Rights Division
Voting Section
950 Pennsylvania Ave., N.W.
NWB-7254
Washington, D.C. 20530

This the 3 day of May 2005.



Wilbur O. Colom