

**IN THE UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**

TRACIE HUNTER, Committee : **Case No. 10-4481**
to Elect Tracie M. Hunter for : **Case No. 11-3059**
Judge : **Case No. 11-3060**

Plaintiff - Appellee,

**NORTHEAST OHIO
COALITION FOR THE
HOMELESS; OHIO
DEMOCRATIC PARTY**

Intervenors-Appellees

v.

**HAMILTON COUNTY
BOARD OF
ELECTIONS, et al.**

Defendants-Appellant

**and
JOHN WILLIAMS**

Intervenor-Appellant

**MOTION OF PLAINTIFF-
APPELLEE TO SHORTEN
TIME TO ISSUE MANDATE**

MOTION

Plaintiff Appellee Hunter moves for this Court to immediately issue the mandate pursuant to Fed. R. App. Proc. 41(b).

MEMORANDUM IN SUPPORT

The three appeals in this case involve a contested elections issue. The briefing, argument, and decision in this case have proceeded on an expedited

basis. This Court's decision was issued less than two weeks after the second and third notices of appeal were filed. This Court remanded the case to the district court to direct the Board of Elections how to proceed regarding the NEOCH ballots pursuant to the *NEOCH* consent decree and the 269 ballots cast in the correct location but wrong precinct in which the determination of poll-worker error remains disputed, among other things. The district court cannot proceed until the mandate issues. Plaintiff Appellee Hunter requests that this Court issue the mandate forthwith so the district court can proceed with the case on remand promptly. While a mandate normally issues 21 days after the date of judgment (Fed. R. App. Proc. 41(b); Sixth Cir. IOP R. 41(a), this Court may shorten the time for the mandate to issue. Fed. R. App. Proc. 41(b).

Respectfully submitted,

/s/ Jennifer L. Branch

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CERTIFICATE OF SERVICE

I hereby certify all Counsel for all parties to this Appeal and counsel for Defendant Hamilton County Board of Elections, David Stevenson, were served with a copy of this pleading by email service on January 28, 2011.

/s/ Jennifer L. Branch