

IN THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF MISSISSIPPI

UNITED STATES OF AMERICA )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 ) CIVIL ACTION NO. 4:05-cv-33 (TSL/JMR)  
 )  
 IKE BROWN, individually, and in his )  
 official capacities as Chairman of Noxubee )  
 County Democratic Executive Committee )  
 and Superintendent of Democratic Primary )  
 Elections; NOXUBEE COUNTY )  
 DEMOCRATIC EXECUTIVE )  
 COMMITTEE; CARL MICKENS, )  
 individually, and in his official capacities )  
 as the Circuit Clerk of Noxubee County, )  
 Superintendent of Elections, Administrator )  
 of absentee ballots and Registrar of voters; )  
 the NOXUBEE COUNTY ELECTION )  
 COMMISSION; NOXUBEE COUNTY, )  
 MISSISSIPPI; and those acting in concert, )  
 )  
 Defendants. )  
 \_\_\_\_\_ )

**RESPONSE OF THE UNITED STATES IN OPPOSITION TO DEFENDANT IKE  
BROWN’S AND THE NOXUBEE COUNTY DEMOCRATIC EXECUTIVE  
COMMITTEE’S MOTION TO SET ASIDE ENTRY OF DEFAULT**

COMES NOW THE PLAINTIFF, the United States of America, hereby noting its opposition to the Defendants Ike Brown’s and the Noxubee County Democratic Executive Committee’s Motion to Set Aside Entry of Default. In support thereof, the Plaintiff states as follows:

1. Defendants have failed, for a ten-month period, to respond to the Plaintiff’s First Amended Complaint. Such failure is sufficient to deny Defendants’ motion.

2. Defendants provide only two reasons for their failure to respond to the complaint:
  - (a) due to an alleged failure of the Court's electronic case filing system, they never received service of the First Amended Complaint and the supporting Memorandum; and
  - (b) that their failure to respond is a consequence of opposing counsel not reminding them of their obligation to punctually respond to pleadings.
3. Neither of the Defendants' excuses are supported by legal authority.
4. For these reasons, and those which the Plaintiff more fully sets out in the accompanying memorandum, the United States requests that the Motion to Set Aside Entry of Default be denied.

Respectfully Submitted,

DUNN O. LAMPTON  
United States Attorney  
Southern District of  
Mississippi

JOHN K. TANNER  
Chief, Voting Section

s/ Joshua L. Rogers

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**CERTIFICATE OF SERVICE**

I hereby certify that on June 30, 2006 I electronically filed the foregoing Motion of The United States in Opposition to Ike Brown's and the Noxubee County Democratic Executive Committee's Motion to Set Aside Entry of Default using the Court's ECF system which sent notification of such filing to Wilbur O. Colom, Esq. and Edward L. Pleasants, III, of the Colom Law Firm, LLC, 200 6th Street, North, Suite 102, Columbus, Mississippi, 39701, Ellis Turnage, Esq., Post Office Box 216, 108 North Pearman Avenue, Cleveland, Mississippi, 38732, and, Christopher D. Hemphill, Esq., Dunn, Webb and Hemphill, P.A., 214 5th Street South, Columbus, Mississippi, 39701. With notice to be delivered by other means to:

Dunn Lampton  
U. S. ATTORNEY'S OFFICE  
188 E. Capitol St., Suite 500  
Jackson, MS 39201

s/ Joshua L. Rogers

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Joshua L. Rogers