

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

UNITED STATES OF AMERICA

PLAINTIFF

VS.

CIVIL ACTION NO. 4:05CV33TSL-LRA

**IKE BROWN; NOXUBEE COUNTY
DEMOCRATIC EXECUTIVE COMMITTEE;
NOXUBEE COUNTY ELECTION COMMISSION**

DEFENDANTS

OPPOSITION TO GRANT OF PERMANENT INJUNCTION

Come now Defendants Brown and Noxubee County Democratic Executive Committee (NCDEC) and file this their objection to the entry of a permanent injunction and as a basis would state the following:

1. Considering the lack of material problems with the August 7, 2007, Primary, the Defendants request that the Court enter an order allowing the August 28, 2007, regular run-off to proceed as provided by statute.

2. These Defendants have not had an opportunity to submit evidence on the issue of a permanent injunction, and it would be a denial of due process to enter an order without such.

3. The government proposes to enjoin individuals who are not parties to the proceeding. Ike Brown is the only individual named in these proceedings.

4. The government proposes to institute involuntary procedures to force compliance to the Court's opinion without determining that, or providing evidence that, the Defendants would not

voluntarily comply. Absent conduct or showing that the Defendants would not comply, coercive compliance though a takeover of the election process is inappropriate.

5. The government proposes to restrict campaign activities; to render Defendant Brown and other associates with him ineffective in supporting candidates of their choice. Doing such would allow the government to pre-select the victors of the election by forcing the supporters of one candidate to remain substantially inactive.

6. The proposed order of the government would destroy the Noxubee County Democratic Party. The Affidavit of Ed Neve is submitted in support thereof.

7. There is no need for the actions proposed by the United States in its proposed order as shown by the affidavit of Shirley Blakely. For these reasons and others that would be shown at a hearing, Brown and NCDEC submit that the proposed order of the government should not be rejected.

Respectfully submitted this 13th day of August, 2007.

IKE BROWN and the NOXUBEE COUNTY
DEMOCRATIC EXECUTIVE COMMITTEE

BY: /s/ Wilbur O. Colom
WILBUR O. COLOM
(MS Bar No. 6403)
EDWARD L. PLEASANTS, III
(MS Bar No. 101857)

OF COUNSEL:

THE COLOM LAW FIRM, L.L.C.
Post Office Box 866
Columbus, MS 39703-0866
Telephone: 662/327-0903
Facsimile: 662/329-4832

CERTIFICATE OF SERVICE

I, Wilbur O. Colom, hereby certify that on August 13, 2007, I electronically filed the foregoing *Opposition to Grant of Permanent Injunction* with the Clerk of the Court using the ECF system which sent notification of such filing to all counsel of record.

/s/ Wilbur O. Colom
Wilbur O. Colom

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