

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

JERRY YOUNG and CHRISTY COLLEY

PLAINTIFFS

VS.

CIVIL ACTION NO. 3:08cv567 TSL-JCS

**DELBERT HOSEMANN, in his official
capacity as the Secretary of State of Mississippi;
KRISTIN BUSE, DEBBY McCAFFERTY,
JOHN M. WAGES, HARRY GRAYSON, Jr., and
JOHN H. EDWARDS, in their official capacities
as Election Commissioners of Lee County; and
VIVIAN BURKLEY, JULIUS HARRIS,
JIMMY HERRON, BONNIE G. LAND, and
RONALD McMINN, in their official capacities as
Election Commissioners in Panola County**

DEFENDANTS

**MOTION TO WITHDRAW THE PLAINTIFFS' MOTION FOR
CERTIFICATION FOR INTERLOCUTORY APPEAL**

Plaintiffs, by and through counsel, hereby move the Court to allow Plaintiffs to withdraw their Motion for Certification for Interlocutory Appeal:

1. On October 2, 2008 the Plaintiffs filed their Motion for Certification for Interlocutory Appeal in this matter citing Fed. R. App. P. 5(a).
2. Having been advised by the Court that said certification is not necessary pursuant to U.S. Code Title 28 § 1292(1), Plaintiffs request that they be allowed to withdraw said Motion for Certification.
3. Counsel for Defendant will not be prejudiced by this motion.

WHEREFORE PREMISES CONSIDERED Plaintiffs respectfully request that they be allowed to withdraw their Motion for Certification for Interlocutory Appeal. A proposed order is being forwarded to the Court in accordance with the local rules.

Respectfully Submitted,

By: /s/ Kristy L. Bennett
Kristy L. Bennett (MS Bar No. 99525)
Laughlin McDonald*
Neil Bradley*
Nancy G. Abudu*
ATTORNEYS FOR PLAINTIFFS

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**Admitted pro hac vice*

CERTIFICATE OF SERVICE

I, Kristy L. Bennett, one of the attorneys for the Plaintiffs, do hereby certify that I have this day served via ECF filing or by United States mail, postage prepaid, a true and correct copy of the above and foregoing document to the following counsel of record:

Shawn S. Shurden, Esq.
Office of the Attorney General
Post Office Box 220
Jackson, MS 39205

THIS the 3rd day of October 2008.

/s Kristy L. Bennett
KRISTY L. BENNETT