

No. 05-3044

UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

**FILED**

DEC - 1 2006

LEONARD GREEN, Clerk

EFFIE STEWART; MARCO D.  
SOMMERVILLE; ERIN OTIS; VERNELLIA  
RANDALL; LINDA SEE; SLATER, individually  
and on behalf of persons similarly situated,

Plaintiffs - Appellants,

MELFORD ELLIOT, individually and on behalf  
of persons similarly situated; et al.,

Plaintiff,

v.

J. KENNETH BLACKWELL, et al.,

Defendants - Appellees.

ORDER

The appellants have filed with the court a letter in which they now agree, as argued by the appellees in their brief, that this appeal is moot. In light of the agreement of the parties that the appeal is moot, the oral argument before the en banc court scheduled for Wednesday, December 6, 2006, is cancelled.

The appellants further state, in their letter, that this Court should vacate the district court's ruling and remand with instructions to dismiss the case as moot. The appellees may respond to this proposed disposition within 7 days from the date of this order. Any response should be by letter, not to exceed 2 pages in length.

ENTERED BY ORDER OF THE COURT

*Leonard Green*  
Leonard Green, Clerk