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

LEROY HOSKINS,		§ §	Entered January 15, 1992
	Plaintiff,	§	ORDER NO. <u>92-2</u>
		§	
versus		§	Civil Action No.
		§	G-92-12
		§	
JOHN HANNAH, Secretary	of State, et al.,	§	
		§	
	Defendants.	§	
	of State, et al., Defendants.	(2) (2) (2) (2) (2)	

ORDER RECONSTITUTING THREE-JUDGE COURT

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(2)	DISTRICT JUDGE:	James DeAnda United States District Judge
(1)	REQUESTING JUDGE:	Samuel B. Kent United States District Judge

(3) CIRCUIT JUDGE: Carolyn D. King United States Circuit Judge

The requesting judge (1) above named, to whom an application for relief has

been presented in the above cause, having notified me that these actions are ones required by act of Congress to be heard and determined by a district court of three judges, I, Charles Clark, Chief Judge of the United States Court of Appeals for the Fifth Circuit, hereby designate the circuit judge (3) and district judge (2) named above to serve with the requesting judge (1) as members of, and with him to constitute, the said court to hear and determine these actions.

This designation and composition of the three-judge court is not a prejudgment express or implied, as to whether these properly are cases for a three-judge rather than a one-judge court. This is a matter best determined by a three-judge court as this enables a simultaneous appeal to the Court of Appeals and to the Supreme Court without the delay, awkwardness, and administrative insufficiency of a proceeding by way of mandamus from either the Court of Appeals, the Supreme Court, or both, directed against the chief judge of the circuit, the presiding district judge, or both. The parties will be afforded the opportunity to brief and argue all such questions before the three-judge panel either preliminarily or on the trial of the merits, or otherwise, as the court thinks appropriate.

> \s\ CHARLES CLARK Chief Judge, United States Court of Appeals for the Fifth Circuit

Date: January 15, 1992