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UNITED STATES DISTRICT COURT

JUDGE MILLER 5120

Jury demand date: 6th C.C.A. NO. 20540

Remanded 2-7-73

D. C. Form No. 106 Rev.

TITLE OF CASE	ATTORNEYS
ARCHIE NATHANIEL BIGGERS	For plaintiff: Avon N. Williams & Alexander Looby <del>Chattanooga</del> 1414 Pkway Towers Nashville, Tennessee <del>37219</del>
<u>C L O S E D</u>	Jack Greenberg Michael Meltsner 10 Columbus Circle New York, N. Y. 10019
VS	Anthony G. Amsterdam <del>1400 Chestnut Street</del> <del>Philadelphia</del> 11/13/69 Stanford University Law School Stanford, California
WILLIAM S. NEIL, <del>1447 1/2 11th St</del> Warden, Tennessee State Penitentiary	For defendant: <del>David McMillan</del> <del>Assistant Attorney General</del> <del>State of Tennessee</del> <del>Supreme Court Building</del> <del>Nashville Tennessee</del>  <del>James C. Dale III</del> <del>Special Counsel, State of Tennessee</del> <del>Nashville Tennessee</del> <del>Nashville Tennessee</del>  Thomas E. Fox, Assistant Atty. Gen. State of Tenn., Supreme Court Bldg. Nashville, Tennessee 37219 (5-11-70)
BASIS OF ACTION: Petition for Writ of Habeas Corpus	

STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 5 <del>mailed</del> 7-1-68	Clerk		Forma Pauperis		
J.S. 6 mailed 4-17-70	Marshal	5-15-70	James C. Dale III	\$5.00	(Bailey, Ewing, Dale & Conner) 5.00
Basis of Action:	Docket fee				
	Witness fees				
Action arose at:	Depositions				

DATE	PROCEEDINGS	Date Order or Judgment Noted
7-1-68	Order entered by Judge William E. Miller directing Clerk to file petition for writ of habeas corpus in forma pauperis; Copy to be served on the Attorney General, State of Tennessee; Respondent to file his answer within the time allowed by law; respondent will submit affidavits in support of his position, and petitioner shall have 15 days thereafter to file his own affidavit in support of the allegations in his petition and to propound written interrogatories to the respondent's affiants. After the affidavits and interrogatories have been filed, the Court will determine what further action is required.	
7-1-68	Copy of Order with copy of Petition delivered to U. S. Marshal for service on the Attorney General, State of Tennessee.	
7-17-68	Order Entered: Respondent allowed 20 days from this date to answer petition (Att. copy to attorneys of record and to petitioner).	
7-17-68	Marshal's Return - Show Cause Order executed 7-11-68. MEF \$3.24.	
8-6-68	Motion to Dismiss filed by defendant, with Exhibits A & B. Certificate of service attached.	
10-9-68	Filed: Memorandum Brief in Support of Respondent's Motion to Dismiss, Exhibit "A" to Brief, c/s attached.	
10-22-68	Order Entered by Consent: Petitioner allowed 30 days from this date to file response to Respondent's motion to dismiss (att. copy to Avon Williams and to James C. Dale, III)	
11-1-68	Petitioner's Memorandum in Opposition to Respondent's motion to dismiss, filed. Certificate of service attached.	
4-14-69	Filed: Petitioner's Supplementary Memorandum in Opposition to Respondent's Motion to Dismiss, c/s attached.	
5-12-69	Order Entered: Respondent's Motion to Dismiss is denied; Evidentiary Hearing required to determine factual issues; Clerk to set hearing; Merits of Petitioner's contentions will be deferred until after hearing (Att. copy to Petitioner, to Hon. Avon Williams and Hon. James C. Dale)	
5-28-69	Filed: ANSWER of Respondent, c/s attached.	
6-9-69	Filed: Brief of Petitioner, c/s attached.	
6-17-69	Filed: Affidavit of Avon N. Williams, Jr., Exhibit "A" (Transcript of Record-Supreme Court) - on behalf of plaintiff.	Plaintiff's Court Exhibit #1 11-4-69
6-17-69	Filed: Affidavit of Mrs. Marie Hammonds - on behalf of plaintiff.	
6-17-69	Filed: Affidavit of Archie Nathaniel Biggers, Petitioner.	
7-29-69	Order Entered: Evidentiary hearing - confined to issues set forth in order - to be set by Clerk. Attested copy to attorneys of record and to petitioner, Archie Nathaniel Biggers.	
10-30-69	Subpoena issued to each of the following to appear on November 4, 1969 on behalf of the petitioner; W. A. McDaniel, Jr., and Mrs. Flora Hammonds	
10-30-69	Subpoena issued to each of the following to appear on November 4 1969 on behalf of the respondent; W. A. McDaniel, Jr., Floyd Bailey, and Mrs. Margaret Beamer.	
11-13-69	Filed: Petitioner's Supplementary Memorandum, c/s attached.	
11-13-69	Marshal's Return: Subpoenas executed as to Capt. W.A. McDaniel, Jr. and Mrs. Flora Hammonds on behalf of petitioner. MEF \$5.08.	
11-17-69	Filed: Respondent's Memorandum Brief, c/s attached.	
11-20-69	Marshal's Return: Subpoenas executed as to Capt. W. A. McDaniel, Jr. Floyd Bailey & Mrs. Margaret Beamer on behalf of respondent. MEF \$6.84.	
4-17-70	Order entered granting petition for writ of habeas corpus, and discharging the petitioner from custody after the state has had a reasonable time to retry him upon the same charge. Copy to attorneys	

DATE	PROCEEDINGS	Date Order or Judgment Noted
	of record and to the petitioner.	
4-24-70	Order entered that the petitioner be released from the custody of the respondent if after the passage of a reasonable time the state has not chosen to commence a new trial under the original indictment. U. S. Marshal directed to serve respondent with a copy of this order. Two copies to U. S. Marshal; and copy mailed attorneys of record.	
4-24-70	Motion to reconsider filed by respondent, with brief in support thereof. Certificate of service attached.	
4-28-70	M/R: Order releasing petitioner from custody of respondent executed MEF \$4.68.	
5-4-70	Order entered denying respondent's motion to rehear. Copy to attorneys of record.	
5-11-70	Filed: Respondent's Notice of Appeal from Order entered April 17. Att. copy mailed to attorneys for Petitioner, Avon N. Williams and Michael Meltsner.	
6-15-70	Filed on behalf of Respondent: OCR's Transcript of Proceedings Nov. 4, 1969 (copy of Disbursement Voucher 6-2-70 Warrant #448697 authorizing payment of FF in the amt. of \$25.00 to Carl W. Reuss, Clerk 6th C.C.A.).	
6-17-70	Certified Record on Appeal mailed to 6th C.C.A., Cincinnati; copies of Clerk's Cert. and Docket Entries to attorneys Avon N. Williams, Jr. Michael Meltsner, and Hon. Thomas E. Fox, Asst. Atty. Gen., State of Tenn.	
7-29-70	Filed: Clerk's Copy - Transcript of Proceedings Nov. 4, 1969	
2-7-73	Filed: JUDGMENT AND OPINION - 6TH CCA filed Aug. 18, 1971, - Judgment of the District Court (Judge Miller) affirmed, Petitioner-Appellee to recover costs on appeal (none) - 6TH CCA No. 20540	
2-7-73	Filed: Order - SUPREME COURT OF THE U. S. (#71-586) filed Jan. 8, 1973, On Writ of Certiorari - Cause heard on transcript of record from Ct. of Appeals, ... 6th CCA affirmed in part and reversed in part; remanded for further proceedings.	
2-7-73	Filed: Order - 6TH CCA (20,540) filed Feb. 6, 1973 - Upon consideration of Order of the Supreme Court, case remanded to U.S. Dist. Court for further proceedings in accordance with opinion of the Supreme Court. (Record will be returned by 6th CCA when received from Supreme Ct)	
4/10/73	Record returned from 6th CCA.	
4/26/74	Entered: Ordered that, on remand, petition be and same hereby is denied. (5 page order) copy to attys.	