



U.S. Department of Justice  
Civil Division, Appellate Staff  
950 Pennsylvania Ave., N.W., Rm: 7318  
Washington, D.C. 20530

WK:LSYelin  
145-17-5878

Tel: (202) 514-3425  
Fax: (202) 514-9405

**EMERGENCY MATTER**

December 2, 2005

Gino J. Agnello  
Clerk of Court  
U.S. Court of Appeals for the Seventh Circuit  
Room 2722  
219 S. Dearborn Street  
Chicago, IL 60604

Re: *Chicago Acorn v. HUD*, No. 05-4174

Dear Mr. Angello:

Please find enclosed an original and three copies of the Government's Reply to Appellants' Response to Emergency Motion to Remand.

I have also enclosed a copy of this letter. Please be so kind as to date stamp the copy, to acknowledge receipt, and return it to me in the enclosed envelope. Thank you for your attention to this matter.

Sincerely,

Lewis S. Yelin  
Attorney, Appellate Staff

encl.

cc: Gary S. Caplan  
Sachnoff & Weaver  
Suite 2900  
Ten S. Wacker Dr.  
Chicago, IL 60606  
(312) 207-1000

Katherine E. Walz  
John M. Bouman  
National Center on Poverty Law  
Suite 500  
50 East Washington  
Chicago, IL 60602  
(312) 263-3830

IN THE UNITED STATES COURT OF APPEALS  
FOR THE SEVENTH CIRCUIT

CHICAGO ACORN, WYVONIA  
PICKETT, CALLIE DAVIS,  
FLORIDA WASHINGTON, and  
JOAN BANKS,

Appellants,

No. 05-4174

v.

UNITED STATES DEPARTMENT  
OF HOUSING AND URBAN  
DEVELOPMENT and ALPHONSO  
JACKSON, Secretary,


Appellees.

**REPLY TO APPELLANTS' RESPONSE  
TO EMERGENCY MOTION TO REMAND**

In their response to the Government's Emergency Motion to Remand, appellants agree that an immediate remand to the district court is merited in light of the recent enactment of H.R. 3058. Appellants assert that Section 311 of that new law "requires HUD to act in the manner that Appellants originally sought in bringing this action." HUD disagrees with that contention, but, as appellants agree, this dispute should properly be presented to the district court. Appellants ask this Court to vacate the district court's judgment, and they contend that unless the Court does so, the conclusions reached by the district court will be binding on

the parties. However, it is fully within the district court's power to amend or vacate its judgment on remand, after consideration of the parties' arguments about the applicability of Section 311. It is therefore unnecessary for the Court to vacate the district court's judgment.

Respectfully submitted,

  
WILLIAM KANTER, (202) 514-4575  
LEWIS S. YELIN, (202) 514-3425  
*Attorneys, Appellate Staff*  
*Civil Division, Room 7318*  
*Department of Justice*  
*950 Pennsylvania Ave., N.W.*  
*Washington, D.C. 20530-0001*

December 2, 2005

## CERTIFICATE OF SERVICE

I certify that on this 2d day of December, 2005, I caused the foregoing Reply to Appellants' Response to Emergency Motion to Remand to be filed with the Court and served on counsel by causing one copy to be delivered by FAX (312-435-5797) (per Chris O'Dea) and by causing an original and three copies to be delivered by OVERNIGHT DELIVERY to:

Gino J. Agnello  
Clerk of Court  
U.S. Court of Appeals for the Seventh Circuit  
Room 2722  
219 S. Dearborn Street  
Chicago, IL 60604  
(312) 435-5850

and by causing one copy to be delivered by OVERNIGHT DELIVERY to:

Gary S. Caplan  
Sachnoff & Weaver  
Suite 2900  
Ten S. Wacker Dr.  
Chicago, IL 60606  
(312) 207-1000

Katherine E. Walz  
John M. Bouman  
National Center on Poverty Law  
Suite 500  
50 East Washington  
Chicago, IL 60602  
(312) 263-3830

and by causing one copy to be delivered by E-MAIL to opposing counsel at

gcaplan@sachnoff.com and mstein@sachnoff.com.

  
Lewis S. Yelin