

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

<p>FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT</p> <p>JUL 25 2005</p> <p>THOMAS K. KAHN CLERK</p>
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05-13990-B

THE NATIONAL FEDERATION OF THE BLIND,
THE NATIONAL FEDERATION OF THE BLIND OF FLORIDA,
ET AL.,

Plaintiffs-Appellants,

versus

VOLUSIA COUNTY,
ANN MCFALL, as Supervisor
of Elections of Volusia County,

Defendants-Appellees.

On Appeal from the United States District Court for the
Middle District of Florida

BEFORE: DUBINA, CARNES, and PRYOR, Circuit Judges.

BY THE COURT:

In reviewing the denial of a preliminary injunction, the Court does not address the merits of the controversy beyond that necessary to determine whether the district court abused its discretion. See, e.g., Cafe 207, Inc. v. St. Johns County, 989 F.2d 1136, 1137 (11th Cir. 1993). In order to resolve this appeal, this Court need only

determine whether the district court applied the law correctly in denying Appellants' motion on the grounds that they had not shown a substantial likelihood of success on the merits. Should Appellants prevail in this appeal, Appellants will be entitled to have the district court revisit the motion for preliminary injunctive relief in light of the correct legal standard.

We need not and do not decide whether Appellants have shown a likelihood of success on the merits of this appeal, as Appellants' motion for injunction pending appeal seeks relief greater than they will obtain should they ultimately prevail on the merits. Appellants' motion is therefore DENIED.

On its own motion, the Court EXPEDITES this appeal. Appellants' brief shall be due within twenty-one (21) days of the date the record is deemed completed and filed pursuant to 11th Cir. R. 12-1. Appellees' brief shall be due within twenty-one (21) days of service of Appellants' brief. Appellants' reply brief, if any, shall be due within seven (7) days of service of Appellees' brief. All briefs are to be physically received in the Clerk's Office on the date due.

Appellees are directed to notify the district court when their brief is filed, and the district court clerk is directed to transmit the record immediately upon receipt of such notice. Upon the completion of briefing, the Clerk is directed to expedite submission of this appeal for consideration by the next available oral argument panel.