

File Name: 06a0361p.06

UNITED STATES COURT OF APPEALS

FOR THE SIXTH CIRCUIT

CHARLES R. MORRISON et al.,

Plaintiffs-Appellants,

v.

MICHAEL F. COLLEY et al.,

Defendants-Appellees.

No. 06-4216

Appeal from the United States District Court
for the Southern District of Ohio at Columbus.
No. 06-00644—George C. Smith, District Judge.

Argued: September 20, 2006

Decided and Filed: September 22, 2006

Before: SILER, GILMAN, and GRIFFIN, Circuit Judges.

COUNSEL

ARGUED: David R. Langdon, LANGDON & HARTMAN LLC, Cincinnati, Ohio, for Appellants. Patrick J. Piccininni, PROSECUTING ATTORNEY'S OFFICE FOR THE COUNTY OF FRANKLIN, Columbus, Ohio, for Appellees. **ON BRIEF:** David R. Langdon, Curt C. Hartman, Joshua B. Bolinger, LANGDON & HARTMAN LLC, Cincinnati, Ohio, Christopher P. Finney, FINNEY, STAGNARO, SABA & KLUSMEIER CO., L.P.A., Cincinnati, Ohio, for Appellants. Patrick J. Piccininni, Nick A. Soulas, Jr., PROSECUTING ATTORNEY'S OFFICE FOR THE COUNTY OF FRANKLIN, Columbus, Ohio, for Appellees.

INTERIM OPINION

PER CURIAM. Charles R. Morrison challenges the defendants' actions that have prevented him from being placed on the ballot to run as an independent candidate for Congress from the 15th Congressional District in Ohio. On September 12, 2006, the district court denied Morrison's request for injunctive relief that would have required the defendants to place him on the ballot. This appeal followed.

Having considered the record, the briefs, and the arguments of counsel, the panel is of the unanimous opinion that the judgment of the district court should be AFFIRMED. We reach this conclusion essentially for the reason that, despite any constitutional infirmities that may exist in the relevant Ohio statutes as they might apply to others, there is no reasonable basis for Morrison to claim in good faith that he is not affiliated with a political party. A more detailed opinion will

follow as soon as practicable. This abbreviated opinion is issued in the interim due to the urgent need for Ohio election officials to proceed with their preparations for the upcoming election.