

# File Notice Of Appeal in U. S. District Court

A notice of appeal in the Hillsboro school controversy has been filed in U. S. District Court at Cincinnati, it was learned here Thursday.

Earlier, NAACP officials had indicated that an appeal would be made to the district court of appeals on what the petitioners described as an "abuse of discretion" by judge John H. Druffel in continuing the case.

The district judge continued the Hillsboro case until after the U. S. Supreme Court makes a final decision on desegregation.

A paper entitled "notice of appeal" was filed in district court in Cincinnati late Wednesday. It was signed by Russell Carter, James H. McGee and Constance Baker, attorneys for the plaintiffs in the local case, court attaches said.

There has been some question in legal circles as to whether a continuance, as set by Judge Druffel, could be appealed. Carter declared earlier that the case is "definitely appealable." If such an appeal is perfected, it would go to the U. S. Court of Appeals, Sixth District.

Last week Attorney Carter had commented that the appeal would be on the basis of the entire hearing before Judge Druffel and an appeal "by law."