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8 IN THE DISTRICT COURT OF THE UNITED STATES  
9 SOUTHERN DISTRICT OF CALIFORNIA  
10 CENTRAL DIVISION

11 GONZALO MENDEZ, et al. :  
12 :  
13 Petitioners, :  
14 vs. : No. 4292 M  
15 WESTMINSTER SCHOOL DISTRICT : RESPONDENTS STATEMENT OF POINTS ON  
OF ORANGE COUNTY, et al. : WHICH THEY INTEND TO RELY ON APPEAL  
16 Respondents. :  
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17 THE RESPONDENTS AND APPELLANTS intend to rely upon the following  
18 contentions on the Appeal:

19 I

20 That the District Court lacked jurisdiction over the subject matter:

- 21 (a) It appears upon the face of said Petition that
- 22 there is no substantial Federal question involved.
- 23 (b) It appears that this is not a suit at law or in
- 24 equity authorized by law to be brought by any
- 25 person to redress the deprivation, under color
- 26 of any law, statute, ordinance, regulation, custom
- 27 or usage, of any State, of any right, privilege,
- 28 or immunity secured by the Constitution of the
- 29 United States, or any right secured by any law
- 30 of the United States providing for equal rights of
- 31 citizens of the United States, or of all persons
- 32 within the jurisdiction of the United States.

1 (c) That it does not appear from said Petition  
2 that the action or regulations complained of  
3 are sanctioned or are pursuant to any law,  
4 rule or regulation of the State of California.

5 II

6 That the Petition fails to state a claim against these Respondents  
7 or any of them upon which relief can be granted.

8 III

9 That the District Court erred in denying the Motion of Respondents  
10 to Dismiss Action.

11 IV

12 That the Conclusions of Law are not supported by the Findings of  
13 Fact.

14 V

15 That Conclusions of Law No. IV is not supported by the Findings of  
16 Fact and that said Conclusion of Law is contrary to law.

17 VI

18 That the District Court's Conclusions of Law No. V, VII, VIII, IX,  
19 X, XI, XII and XIII are not supported by the Findings of Fact and are  
20 erroneous as not being supported by law.

21 VII

22 That the District Court erred in over-ruling Defendants objections  
23 to Findings of Fact and Conclusions of Law.

24 VIII

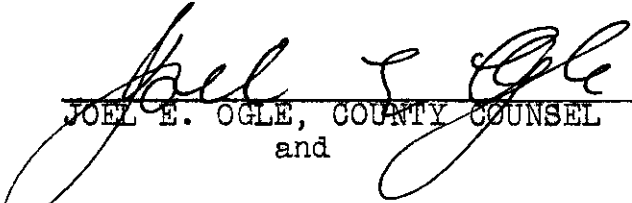
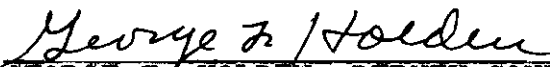
25 The Findings of Fact show that the District Court lacked juris-  
26 diction over the subject matter:

27 (a) It appears from the Findings of Fact that no substantial  
28 Federal question is involved.

29 (b) It appears from the Findings of Fact that the action  
30 of regulations complained of are not sanctioned or  
31 made pursuant to any law, rule or regulation of the  
32 State of California.

1 DATED: This 4th day of April, 1946.

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and  
  
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Attorneys for Respondents.

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