

UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

**Cyrus French Wicker v. Board of Public Instruction of Dade County,
Florida**

288 F.2d 297 (5th Cir. 1961) · No. No. 18602 · Decided May 11, 1961

OPINION

Cyrus French Wicker v. Board of Public Instruction of Dade County, Florida 288 F.2d 297
PER CURIAM.

288 F.2d 297 Cyrus French WICKER v. BOARD OF PUBLIC INSTRUCTION OF DADE COUNTY, FLORIDA. No. 18602. United States Court of Appeals Fifth Circuit. March 30, 1961, Rehearing Denied May 11, 1961. Cyrus French Wicker, Miami, Fla., for appellant. Daniel S. Pearson, George C. Bolles, Edward F. Boardman, Boardman, Bolles & Prunty, Miami, Fla., for appellee. Before JONES and BROWN, Circuit Judges, and CONNALLY, District Judge. PER CURIAM. 1 The parties to this appeal have been before the Supreme Court of Florida on two occasions¹ and they have previously appeared here.² 2 In his brief the appellant thus states his case: 3 'This suit is an action in equity based upon an admitted purchase resolution of the Board of Public Instruction of Dade County, Florida, adopted and spread upon the Minutes at its regular meeting on May 9, 1928, for the sum of \$40,000.00 therein named as the purchase price for 6 1/2 acres of land situated in the City of Miami, Dade County, Florida * * *' 4 In the same language he stated his case in his prior appeal to this court. In the decision there it was said that there was no basis in law or in equity for the appellant's suit. Res judicata requires that the judgment of the district court for the appellee be 5 Affirmed. 1 Wicker v. Board of Public Instruction, 156 Fla. 7, 22 So.2d 255; Wicker v. Board of Public Instruction, 159 Fla. 430, 31 So.2d 635 2 Wicker v. Board of Public Instruction, 5 Cir., 1950, 182 F.2d 764