

323 U.S. Cases Disposed of Without Consideration by the Court.

No. 778. *INMAN ET AL. v. NORTH CAROLINA*. January 29, 1945. Petition for writ of certiorari to the Supreme Court of North Carolina denied. *Mr. K. R. Hoyle* for petitioners. *Messrs. Harry McMullan*, Attorney General of North Carolina, *Hughes J. Rhodes*, and *Ralph Moody*, Assistant Attorneys General, for respondent. Reported below: 224 N. C. 531, 31 S. E. 2d 641.

No. 772. *BURKHART v. BENNETT, WARDEN*;

No. 776. *JOHNS v. RAGEN, WARDEN*;

No. 777. *GIBSON v. RAGEN, WARDEN*; and

No. 796. *OLSON v. BENNETT, WARDEN*. January 29, 1945. Petitions for writs of certiorari to the Supreme Court of Illinois denied.

No. 781. *WASHINGTON v. RAGEN, WARDEN*. January 29, 1945. Petition for writ of certiorari to the Supreme Court of Illinois denied for the reason that application therefor was not made within the time provided by law. § 8 (a), Act of February 13, 1925 (43 Stat. 936, 940), 28 U. S. C., § 350.

CASES DISPOSED OF WITHOUT CONSIDERATION BY THE COURT, THROUGH JANUARY 29, 1945.

No. 271. *UNITED STATES v. BARLOW ET AL.* Appeal from the District Court of the United States for the District of Utah. August 25, 1944. Dismissed pursuant to Rule 35. *Solicitor General Fahy* for the United States. *Mr. O. A. Tangren* for appellees.

No. 253. *DERMAN v. STOR-AID, INC. ET AL.* On petition for writ of certiorari to the Circuit Court of Appeals for the Second Circuit. September 7, 1944. Dismissed

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pursuant to Rule 35. *Mr. Roberts B. Larson* for petitioner. *Mr. David L. Samuels* for respondents. Reported below: 141 F. 2d 580.

No. 512. *CURLEY v. FLORIDA*. Appeal from the Supreme Court of Florida. September 26, 1944. Dismissed pursuant to Rule 11. *Mr. Wm. W. Flournoy* for appellant. *Messrs. J. Tom Watson*, Attorney General of Florida, and *John C. Wynn*, Assistant Attorney General, for appellee.

No. 82. *SCHWARTZ v. COMMISSIONER OF INTERNAL REVENUE*. Certiorari, 322 U. S. 724, to the Circuit Court of Appeals for the Ninth Circuit. October 2, 1944. Dismissed per stipulation of counsel.

No. 153. *JOHNSON v. UNITED STATES*; and

No. 154. *SOMMERS ET AL. v. UNITED STATES*. On petition for writs of certiorari to the Circuit Court of Appeals for the Seventh Circuit. December 4, 1944. Dismissed on motion of counsel for petitioners. *Mr. Homer Cummings* for petitioners. *Solicitor General Fahy*, Assistant Attorney General *Samuel O. Clark, Jr.*, *Messrs. Sewall Key, J. Louis Monarch*, and *Miss Melva M. Graney* for the United States.

No. 568. *SURTMAN ET AL. v. DIGNAN, SECRETARY OF STATE OF MICHIGAN*. On petition for writ of certiorari to the Supreme Court of Michigan. December 4, 1944. Dismissed per stipulation of counsel. *Mr. Edward N. Barnard* for petitioners. *Mr. Daniel J. O'Hara* for respondent. Reported below: 309 Mich. 270, 15 N. W. 2d 471.

No. 540. *FITZGERALD v. SANFORD, WARDEN*. On petition for writ of certiorari to the Circuit Court of Appeals

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Rehearing Granted.

for the Fifth Circuit. December 18, 1944. Dismissed on motion of petitioner. Reported below: 145 F. 2d 228.

No. 664. *NEWMAN v. BOSTIAN, TRUSTEE*. On petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit. January 29, 1945. Dismissed on motion of petitioner. *Messrs. Robert J. Ingraham and Hugh H. Obear* for petitioner. *Mr. Samuel W. Sawyer* for respondent.

DECISIONS GRANTING REHEARING, FROM OCTOBER 2, 1944, THROUGH JANUARY 29, 1945.

No. 462. *J. F. FITZGERALD CONSTRUCTION CO. v. PEDERSEN*. December 18, 1944. The petition for rehearing is granted and the order entered November 6, *ante*, p. 698, is vacated. The petition for writ of certiorari to the Supreme Court of New York is granted. *Mr. Henry E. Foley* for petitioner. *Mr. William E. J. Connor* for respondent. Reported below: 288 N. Y. 687, 43 N. E. 2d 83.

No. 379. *COLORADO INTERSTATE GAS CO. v. FEDERAL POWER COMMISSION ET AL.*; and

No. 380. *CANADIAN RIVER GAS CO. v. FEDERAL POWER COMMISSION ET AL.* January 2, 1945. In No. 380 the petition for rehearing is granted and the order entered November 13, *ante*, p. 700, is vacated. The petition for writ of certiorari to the Circuit Court of Appeals for the Tenth Circuit is granted limited to questions 1, 2, 3, and 8 presented by the petition for the writ. *Messrs. Wm. A. Dougherty, Elmer L. Brock, and E. R. Campbell* for petitioner in No. 379. *Messrs. Charles H. Keffer and John P. Akolt* for petitioner in No. 380. *Solicitor General Fahy, Assistant Attorney General Shea, and Messrs. Paul A. Sweeney, Charles V. Shannon, Malcolm Lindsey,*