

SHELTON *v.* UNITED STATES.

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT.

No. 235, Misc. Decided June 15, 1953.

Claiming illegal search and seizure, a federal prisoner petitioned a Federal District Court under Rule 41 (e) of the Federal Rules of Criminal Procedure for the return of property seized by federal officers and for the suppression of its use in evidence. The District Court denied such relief. The Court of Appeals affirmed. The prisoner petitioned this Court for a writ of certiorari. Confessing that the legality of part of the search and seizure was doubtful, the Government took the position that everything except stolen property should be returned to the prisoner and suggested that the judgments below be vacated and the case be remanded to the District Court for further proceedings. *Held*: Certiorari granted. Upon consideration of the Government's confession of error and after a review of the record in the case, both judgments are vacated and the case is remanded to the District Court for further proceedings.

197 F. 2d 827, judgments vacated and case remanded.

*Petitioner pro se.*

*Acting Solicitor General Stern* for the United States.

PER CURIAM.

The petition for certiorari is granted. Upon consideration of the Government's confession of error, after reviewing the record in this case, we vacate the judgments of the Court of Appeals and the District Court. The case is remanded to the District Court for further proceedings in light of the confession of error.