

ROGERS *v.* RICHMOND, WARDEN.

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

No. 755, Misc. Decided June 16, 1958.

Certiorari denied with statement as to effect of opinion of Court of
Appeals in 252 F. 2d 807.

Louis H. Pollak for petitioner.

Abraham S. Ullman for respondent.

PER CURIAM.

The petition for writ of certiorari is denied. We read the opinion of the Court of Appeals as holding that while the District Judge may, unless he finds a vital flaw in the State Court proceedings, accept the determination in such proceedings, he need not deem such determination binding, and may take testimony. See *Brown v. Allen*, 344 U. S. 443, 506, *et seq.*