

ORDERS FROM AUGUST 28 THROUGH
SEPTEMBER 17, 1958.

AUGUST 28, 1958.

Miscellaneous Order.

No. 1, Misc. AARON ET AL. v. COOPER ET AL., MEMBERS OF THE BOARD OF DIRECTORS OF THE LITTLE ROCK, ARKANSAS, INDEPENDENT SCHOOL DISTRICT, ET AL. On application for vacation of the order of the United States Court of Appeals for the Eighth Circuit staying issuance of its mandate and for a stay of the order of the United States District Court for the Eastern District of Arkansas and for such other orders as petitioners may be entitled to. Argued August 28, 1958.

Having considered the oral arguments, the Court is in agreement with the view expressed by counsel for the respective parties and by the Solicitor General that petitioners' present application respecting the stay of the mandate of the Court of Appeals and of the order of the District Court of June 21, 1958, necessarily involves consideration of the merits of the Court of Appeals decision reversing the order of Judge Lemley. The Court is advised that the opening date of the High School will be September 15. In light of this, and representations made by counsel for the School Board as to the Board's plan for filing its petition for certiorari, the Court makes the following order:

1. The School Board's petition for certiorari may be filed not later than September 8, 1958.
2. The briefs of both parties on the merits may be filed not later than September 10, 1958.
3. The Solicitor General is invited to file a brief by September 10, 1958, and to present oral argument if he is so advised.

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4. The Rules of the Court requiring printing of the petition, briefs, and record are dispensed with.

5. Oral argument upon the petition for certiorari is set for September 11, 1958, at twelve o'clock noon.

6. Action on the petitioners' application addressed to the stay of the mandate of the Court of Appeals and to the stay of the order of the District Court of June 21, 1958, is deferred pending the disposition of the petition for certiorari duly filed in accordance with the foregoing schedule.

Thurgood Marshall argued the cause for petitioners. With him on the brief were *Wiley A. Branton*, *Jack Greenberg* and *William Coleman, Jr.* *Richard C. Butler* argued the cause for respondents. With him on the brief was *A. F. House*. *Solicitor General Rankin*, at the invitation of the Court, argued the cause for the United States, as *amicus curiae*, urging that the relief sought by petitioners should be granted. With him on the brief were *Oscar H. Davis*, *Philip Elman* and *Ralph S. Spritzer*.

SEPTEMBER 4, 1958.

Dismissal Under Rule 60.

No. 116, October Term, 1958. AMERICAN BROADCASTING-PARAMOUNT THEATRES, INC., *v.* UNITED STATES. Appeal from the United States District Court for the Southern District of New York. Dismissed per stipulation pursuant to Rule 60 of the Rules of this Court. *Albert C. Bickford* for appellant. *Oscar H. Davis*, then Acting Solicitor General, for the United States. Reported below: 165 F. Supp. 643.

SEPTEMBER 11, 1958.

Miscellaneous Order.

No. 1, Misc. AARON ET AL. *v.* COOPER ET AL., MEMBERS OF THE BOARD OF DIRECTORS OF THE LITTLE ROCK, ARKAN-

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September 11, 1958.

SAS, INDEPENDENT SCHOOL DISTRICT, ET AL. On application for vacation of the order of the United States Court of Appeals for the Eighth Circuit staying issuance of its mandate and for a stay of the order of the United States District Court for the Eastern District of Arkansas and for such other orders as petitioners may be entitled to. Motion for leave to file brief of J. W. Fulbright, as *amicus curiae*, denied. Motion for leave to file brief of John Bradley Minnick, as *amicus curiae*, denied. Motion for leave to file brief of William Burrow, as *amicus curiae*, denied.

Certiorari Granted.

No. 1. COOPER ET AL., MEMBERS OF THE BOARD OF DIRECTORS OF THE LITTLE ROCK, ARKANSAS, INDEPENDENT SCHOOL DISTRICT, ET AL. v. AARON ET AL. On petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit. Motion for leave to file brief of Arlington County Chapter, Defenders of State Sovereignty of Individual Liberties, as *amicus curiae*, denied. Motion for leave to file brief of James M. Burke, as *amicus curiae*, denied. Motion for leave to file suit for declaratory judgment in re Little Rock and for other relief denied. Petition for writ of certiorari to the United States Court of Appeals for the Eighth Circuit granted. *Richard C. Butler, A. F. House* and, by special leave of the Court, *John H. Haley, pro hac vice*, for petitioners. *Thurgood Marshall, Wiley A. Branton, William Coleman, Jr., Jack Greenberg* and *Louis H. Pollak* for respondents. *Solicitor General Rankin*, appearing at the invitation of the Court, adhered to his brief filed in No. 1, Misc., August Special Term, 1958, urging that the relief sought by respondents should be granted. With him on this brief were *Oscar H. Davis, Philip Elman* and *Ralph S. Spritzer*. Reported below: 257 F. 2d 33.

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SEPTEMBER 12, 1958.

Dismissal Under Rule 60.

No. 38, Misc., October Term, 1958. *BLOCH v. COMMISSIONER OF INTERNAL REVENUE*. On petition for writ of certiorari to the United States Court of Appeals for the Ninth Circuit. Dismissed per stipulation pursuant to Rule 60 of the Rules of this Court. Petitioner *pro se*. *Solicitor General Rankin* for respondent. Reported below: 254 F. 2d 277.

SEPTEMBER 17, 1958.

Dismissal Under Rule 60.

No. 87, October Term, 1958. *ALLEN N. SPOONER & SONS, INC., ET AL. v. PORT OF NEW YORK AUTHORITY*. On petition for writ of certiorari to the United States Court of Appeals for the Second Circuit. Dismissed per stipulation pursuant to Rule 60 of the Rules of this Court. *Martin J. McHugh* was on the stipulation for petitioners. With him on the petition was *Thomas F. Daly*. *John M. Aherne* was on the stipulation for respondent. Reported below: 253 F. 2d 584.