

361 U. S.

October 12, 1959.

SMITH *v.* UNITED STATES.

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

No. 33, Misc. Decided October 12, 1959.

Certiorari granted; judgment vacated; and case remanded.

Petitioner *pro se*.

*Solicitor General Rankin, Assistant Attorney General Wilkey and Beatrice Rosenberg* for the United States.

PER CURIAM.

The motion for leave to proceed *in forma pauperis* and the petition for writ of certiorari are granted. The judgment is vacated and the case remanded to the Court of Appeals for reconsideration in light of *Johnson v. United States*, 352 U. S. 565; *Farley v. United States*, 354 U. S. 521; and *Ellis v. United States*, 356 U. S. 674.

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SPIVAK *v.* CALIFORNIA.

APPEAL FROM THE SUPREME COURT OF CALIFORNIA.

No. 59, Misc. Decided October 12, 1959.

Appeal dismissed and certiorari denied.

PER CURIAM.

The appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari is denied.