

Per Curiam.

364 U.S.

KIRSCHKE ET AL. *v.* CITY OF HOUSTON.

APPEAL FROM THE SUPREME COURT OF TEXAS.

No. 426. Decided December 5, 1960.

Appeal dismissed since the judgment below is based on a nonfederal ground adequate to support it.

*Bennett B. Patterson* for appellants.

*R. H. Burks* and *Homer T. Bouldin* for appellee.

PER CURIAM.

The appeal herein is dismissed for the reason that the judgment of the Supreme Court of Texas, sought here to be reviewed, is based upon a nonfederal ground adequate to support it.

RIELA *v.* NEW YORK.

APPEAL FROM THE COUNTY COURT OF TIOGA COUNTY, NEW YORK.

No. 445. Decided December 5, 1960.

Appeal dismissed and certiorari denied.

Reported below: 7 N. Y. 2d 571, 166 N. E. 2d 840.

*Louis Mansdorf* for appellant.

*George Boldman* and *Eliot H. Lumbard* for appellee.

PER CURIAM.

The motion to dismiss is granted and the appeal is dismissed. Treating the papers whereon the appeal was taken as a petition for certiorari, certiorari is denied.

THE CHIEF JUSTICE, MR. JUSTICE BLACK and MR. JUSTICE DOUGLAS are of the opinion that probable jurisdiction should be noted.