

BAILEY ET AL. v. PATTERSON ET AL.

ON MOTION FOR STAY INJUNCTION PENDING APPEAL.

No. —. Decided December 18, 1961.

The motion for an injunction to stay the prosecution of a number of criminal cases pending in the state courts of Mississippi, pending an appeal to this Court from the judgment of a three-judge Federal District Court denying such an injunction, is denied.

Reported below: 199 F. Supp. 595.

Constance Baker Motley, Jack Greenberg, James M. Nabrit III and R. Jess Brown for movants.

Joe T. Patterson, Attorney General of Mississippi, *Charles Clark* and *Peter M. Stockett*, Special Assistant Attorneys General, and *Dugas Shands* and *Edward L. Cates*, Assistant Attorneys General, for Patterson et al., and *Thomas H. Watkins* for the City of Jackson et al., respondents.

Solicitor General Cox, *Assistant Attorney General Marshall*, *Harold H. Greene* and *Howard A. Glickstein* filed a memorandum for the United States, as *amicus curiae*, in support of the motion.

PER CURIAM.

This is a motion for an injunction to stay the prosecution of a number of criminal cases in the courts of Mississippi pending an appeal to this Court from the judgment of a three-judge Federal District Court. A federal injunction to stay state criminal proceedings is an extraordinary remedy. Cf. *Douglas v. City of Jeannette*, 319 U. S. 157; *Ex parte Young*, 209 U. S. 123. In addition to the considerations normally attending an application for such relief, a serious question of standing is presented on this

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motion, in that it appears that the movants themselves are not being prosecuted in the Mississippi courts. On the record before us the motion for a stay injunction pending appeal is denied.

MR. JUSTICE BLACK and MR. JUSTICE FRANKFURTER concur in the denial of a stay solely on the ground that the three movants are not themselves being prosecuted or threatened with prosecutions in Mississippi and they therefore reach no other questions.

CREST FINANCE CO., INC., *v.* UNITED STATES.

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

No. 325. Decided December 18, 1961.

Certiorari granted; judgment vacated; and case remanded.

Reported below: 291 F. 2d 1.

Edmund L. Jones for petitioner.

Solicitor General Cox, Assistant Attorney General Oberdorfer, Wayne G. Barnett, Joseph Kovner and George F. Lynch for the United States.

Benjamin M. Nathan and Theodore M. Newman for National Commercial Finance Conference, Inc., as *amicus curiae*, in support of the petition.

PER CURIAM.

In the light of the Solicitor General's concession that petitioner's lien is choate, and the Court agreeing therewith, certiorari is granted, the judgment is vacated and the case is remanded to the Court of Appeals for further proceedings not inconsistent with this opinion.