

WHITUS *v.* BALKCOM, WARDEN.

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

No. 1357, Misc. Decided June 25, 1962.

Certiorari granted; judgment vacated; case remanded to the District Court for a hearing on the merits of the petition for writ of habeas corpus.

Reported below: 299 F. 2d 844.

Petitioner *pro se*.

*Eugene Cook*, Attorney General of Georgia, and *Howard P. Wallace*, Assistant Attorney General, for respondent.

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 is remanded to the United States District Court for the Southern District of Georgia for a hearing on the merits of the petition for writ of habeas corpus.

MR. JUSTICE FRANKFURTER took no part in the consideration or decision of this case.