

375 U. S.

October 14, 1963.

HIGBEE *v.* THOMAS, WARDEN.ON PETITION FOR WRIT OF CERTIORARI TO THE COURT OF  
APPEALS OF KENTUCKY.

No. 6, Misc. Decided October 14, 1963.

Certiorari granted; judgment vacated; and case remanded.

Petitioner *pro se.**John B. Breckinridge*, Attorney General of Kentucky, and *Ray Corns*, Assistant Attorney General, for respondent.

## PER CURIAM.

The motion for leave to proceed *in forma pauperis* and the petition for a writ of certiorari are granted. The judgment is vacated and the case is remanded to the Court of Appeals of Kentucky for further consideration in light of *Pennsylvania ex rel. Herman v. Claudy*, 350 U. S. 116.

MR. JUSTICE CLARK, MR. JUSTICE HARLAN and MR. JUSTICE STEWART are of the opinion that the petition for a writ of certiorari should be denied.

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GRAY *v.* PENNSYLVANIA.

APPEAL FROM THE SUPREME COURT OF PENNSYLVANIA.

No. 383, Misc. Decided October 14, 1963.

Appeal dismissed and certiorari denied.

## PER CURIAM.

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