

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.

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.