

Per Curiam.

375 U. S.

SCARNATO *v.* LAVALLEE, WARDEN.

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

No. 8, Misc. Decided October 14, 1963.

Certiorari granted; judgment vacated; and case remanded.

Petitioner *pro se.**Louis J. Lefkowitz*, Attorney General of New York, *Paxton Blair*, Solicitor General, and *Winifred C. Stanley*, 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 United States Court of Appeals for the Second Circuit for further consideration in light of *Fay v. Noia*, 372 U. S. 391.

MR. JUSTICE STEWART is of the opinion that the petition for a writ of certiorari should be denied.