

Per Curiam.

376 U. S.

ROGERS *v.* UNITED STATES.

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

No. 412, Misc. Decided February 17, 1964.

Certiorari granted; judgment vacated; and case remanded.

Reported below: 313 F. 2d 425.

*John D. Spellman* for petitioner.*Solicitor General Cox, Assistant Attorney General Miller and Beatrice Rosenberg* for the United States.

## PER CURIAM.

The motion for leave to proceed *in forma pauperis* and the petition for writ of certiorari are granted. Upon consideration of the entire record, the judgment is vacated and the case is remanded to the United States Court of Appeals for the Ninth Circuit to reconsider the conviction on count nine in light of the Government's confession of error and to determine whether the judgment of the District Court should be affirmed on the basis of the conviction under count seven.

KOTEK *v.* BENNETT, WARDEN.

## APPEAL FROM THE SUPREME COURT OF IOWA.

No. 908, Misc. Decided February 17, 1964.

Appeal dismissed and certiorari denied.

Reported below: 255 Iowa 984, 124 N. W. 2d 710.

## 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.