

Per Curiam.

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those in the cases therein cited; cf. my dissenting opinion in *Eichel v. New York Central R. Co.*, 375 U. S. 253, 256.

Feeling obliged, however, to reach the merits because the cases are before us, see my opinion in *Rogers v. Missouri P. R. Co.*, 352 U. S. 500, 559-562, I dissent from the judgment in No. 981 and concur in the judgment in No. 1004.

ZAPATA *v.* CALIFORNIA.

APPEAL FROM THE DISTRICT COURT OF APPEAL OF CALIFORNIA, THIRD APPELLATE DISTRICT.

No. 1025, Misc. Decided June 1, 1964.

Appeal dismissed and certiorari denied.

Reported below: 220 Cal. App. 2d 903, 34 Cal. Rptr. 171.

Samuel Carter McMorris for appellant.

Stanley Mosk, Attorney General of California, *Doris H. Maier*, Assistant Attorney General, and *Roger E. Venturi*, Deputy Attorney General, for appellee.

PER CURIAM.

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