

378 U.S.

Per Curiam.

McNERLIN v. DENNO, WARDEN.

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

No. 1117, Misc. Decided June 22, 1964.

Certiorari granted; judgment vacated; and case remanded.

Reported below: 324 F. 2d 46.

Richard J. Medalie for petitioner.

Louis J. Lefkowitz, Attorney General of New York, *Samuel A. Hirshowitz*, First Assistant Attorney General, and *Ronald J. Offenkrantz*, 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 of the United States Court of Appeals for the Second Circuit is vacated and the case is remanded for further proceedings in conformity with the opinion of this Court in *Jackson v. Denno*, *ante*, p. 368.

MR. JUSTICE BLACK, MR. JUSTICE CLARK, MR. JUSTICE HARLAN and MR. JUSTICE STEWART dissent for the reasons stated in their dissenting opinions in *Jackson v. Denno*, *supra*.