

October 11, 1965.

382 U. S.

PRICE, DBA HOWARD PRICE & CO. v. STATE
ROAD COMMISSION OF WEST
VIRGINIA ET AL.

APPEAL FROM THE CIRCUIT COURT OF KANAWHA COUNTY,
WEST VIRGINIA.

No. 144. Decided October 11, 1965.

Appeal dismissed.

Carney M. Layne and *Charles W. Yeager* for appellant.

C. Donald Robertson, Attorney General of West Virginia, and *Philip J. Graziani* and *C. Robert Sarver*, Assistant Attorneys General, for appellees.

PER CURIAM.

The motion to dismiss is granted and the appeal is dismissed in light of the representations of the Attorney General of West Virginia that there is open to the appellant an effective state procedure of which he has not availed himself.

PUGACH v. NEW YORK.

APPEAL FROM THE COURT OF APPEALS OF NEW YORK.

No. 12, Misc. Decided October 11, 1965.

15 N. Y. 2d 65, 204 N. E. 2d 176, 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 writ of certiorari, certiorari is denied.

MR. JUSTICE DOUGLAS is of the opinion that certiorari should be granted.