

April 4, 1966.

383 U. S.

ESTATE OF LEYMAN *v.* COMMISSIONER OF
INTERNAL REVENUE.

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

No. 385. Decided April 4, 1966.

Certiorari granted; 344 F. 2d 763, vacated and remanded.

Daniel M. Gribbon, William H. Allen and Matthew J. Zinn for petitioner.

Solicitor General Marshall for respondent.

PER CURIAM.

Upon the consent of the Solicitor General and consideration of the entire record, the petition for a writ of certiorari is granted, the judgment of the United States Court of Appeals for the Sixth Circuit is vacated and the cause is remanded to that court with instructions to remand it to the United States Tax Court for computation and imposition of civil fraud penalty in accordance with the provisions of Public Law 89-359, 80 Stat. 28.

BALTIMORE & OHIO RAILROAD CO. ET AL. *v.*
ATCHISON, TOPEKA & SANTA FE
RAILWAY CO. ET AL.

APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF CALIFORNIA.

No. 143. Decided April 4, 1966.

238 F. Supp. 528, vacated and remanded with instructions to dismiss the case as moot.

Hugh B. Cox and William H. Allen for appellants.

Douglas F. Smith, Howard J. Trienens, George L. Saunders, Jr., John E. McCullough, S. R. Brittingham,