

February 20, 1967.

386 U. S.

KIMBRO *v.* HEER, WARDEN.

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

No. 751, Misc. Decided February 20, 1967.

Certiorari granted; 364 F. 2d 116, vacated and remanded.

Petitioner *pro se*.

*George F. McCanless*, Attorney General of Tennessee, and *Henry C. Foutch* and *Paul E. Jennings*, Assistant Attorneys 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 is vacated and the case is remanded to the United States District Court for the Middle District of Tennessee, for a hearing. *Townsend v. Sain*, 372 U. S. 293.

MR. JUSTICE STEWART is of the opinion that certiorari should be denied.