

April 10, 1967.

386 U. S.

D'AMICO *v.* BALTIMORE & OHIO RAILROAD CO.APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MARYLAND.

No. 1028. Decided April 10, 1967.

Appeal dismissed.

Appellant *pro se*.*Sydney R. Prince, Jr.*, for appellee.

PER CURIAM.

The motion to dispense with printing the jurisdictional statement is granted. The motion to dismiss is also granted and the appeal is dismissed for want of jurisdiction.

FLORIDA EAST COAST RAILWAY CO. *v.* UNITED
STATES ET AL.APPEAL FROM THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF FLORIDA.

No. 638. Decided April 10, 1967.*

259 F. Supp. 993, affirmed in Nos. 638, 639 and 641, dismissed as moot in No. 640.

A. Alvis Layne for appellant in No. 638; *Wm. Reece Smith, Jr.*, for appellant in No. 639; *Edward J. Hickey, Jr.*, *James L. Highsaw, Jr.*, *William G. Mahoney* and

*Together with No. 639, *City of Tampa v. United States et al.*; No. 640, *Railway Labor Executives' Association et al. v. United States et al.*; and No. 641, *Southern Railway System v. United States*, also on appeal from the same court.

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William J. Hickey for appellants in No. 640; *W. Graham Clayton, Jr.*, and *John K. Mallory, Jr.*, for appellant in No. 641.

Solicitor General Marshall, Assistant Attorney General Turner, Richard A. Posner, Edwin M. Zimmerman and *Lionel Kestenbaum* for the United States in Nos. 638, 639 and 641; *Robert W. Ginnane, Fritz R. Kahn* and *Betty Jo Christian* for the Interstate Commerce Commission in Nos. 638, 639 and 641; *Paul A. Porter* and *Dennis G. Lyons* for Seaboard Air Line Railroad Co. et al., appellees.

James M. Weaver filed a brief for the Tampa Port Authority, as *amicus curiae*, urging reversal. *Lewis W. Petteway* and *B. Kenneth Gatlin* filed a brief for the Florida Public Service Commission, as *amicus curiae*, in opposition to the motions to affirm.

PER CURIAM.

The motions to affirm in Nos. 638, 639, and 641 are granted and the judgment is affirmed.

The motion to dismiss in No. 640 is granted and the appeal is dismissed as moot.

MR. JUSTICE DOUGLAS is of the opinion that probable jurisdiction should be noted in Nos. 638, 639, and 641.

MR. JUSTICE FORTAS took no part in the consideration or decision of these cases.