

December 4, 1967.

389 U. S.

DOLOMITE PRODUCTS CO., INC. *v.* KIPERS ET AL.,  
CONSTITUTING TOWN BOARD OF  
TOWN OF GATES, NEW YORK.

APPEAL FROM THE COURT OF APPEALS OF NEW YORK.

No. 619. Decided December 4, 1967.

19 N. Y. 2d 739, 225 N. E. 2d 894, appeal dismissed and certiorari denied.

*Richard Maguire* for appellant.

*William R. Durland* and *George C. Pendleton* for appellees.

PER CURIAM.

The motion to dismiss is granted and the appeal is dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for a writ of certiorari, certiorari is denied.

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BRESOLIN *v.* RHAY, PENITENTIARY  
SUPERINTENDENT.

ON PETITION FOR WRIT OF CERTIORARI TO THE SUPREME  
COURT OF WASHINGTON.

No. 4, Misc. Decided December 4, 1967.

Certiorari granted; judgment reversed.

*John J. O'Connell*, Attorney General of Washington, and *Stephen C. Way*, 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 is reversed. *Mempa v. Rhay*, ante, p. 128.