

March 4, 1968.

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DECESARE ET AL. v. UNITED STATES.

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

No. 11. Decided March 4, 1968.*

Certiorari granted; No. 11, 356 F. 2d 107; No. 17, 361 F. 2d 220; No. 19, 363 F. 2d 374; No. 24, 366 F. 2d 770; No. 30, 368 F. 2d 692; No. 45, 369 F. 2d 106; and No. 567, 375 F. 2d 1012, vacated and remanded.

Allen David Stolar for petitioners in No. 11. *Newton B. Schwartz* for petitioner in No. 17. *Ollie Lancaster, Jr.*, for petitioners in No. 19. *Francis L. Giordano* for petitioner in No. 24. *Patrick T. McGahn, Jr.*, for petitioner in No. 30. *Robert J. O'Hanlon* and *Richard L. Daly* for petitioner in No. 45. *B. Clarence Mayfield* for petitioner in No. 567.

Solicitor General Marshall for the United States in No. 11. *Solicitor General Marshall, Assistant Attorney General Vinson, Beatrice Rosenberg* and *Mervyn Hamburg* for the United States in No. 17. *Solicitor General Marshall, Assistant Attorney General Vinson, Miss Rosenberg* and *Robert G. Maysack* for the United States in Nos. 19 and 30. *Solicitor General Marshall, Assistant Attorney General Vinson, Miss Rosenberg* and *Sidney M. Glazer* for the United States in No. 24. *Solicitor General Marshall, Assistant Attorney General Vinson, Miss Rosenberg* and *Kirby W. Patterson* for the United States in No. 45. *Acting Solicitor General Spritzer, Assistant*

*Together with No. 17, *Butler v. United States*; No. 19, *Brazzell et al. v. United States*; No. 24, *Rosenzweig v. United States*; No. 30, *Augello v. United States*; No. 45, *Gennaro v. United States*; and No. 567, *Mutcherson v. United States*, all on petitions for writs of certiorari. Nos. 17, 19, and 567 are to the Court of Appeals for the Fifth Circuit, No. 24 to the Second Circuit, No. 30 to the Third Circuit, and No. 45 to the Eighth Circuit.

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Attorney General Vinson and Miss Rosenberg for the United States in No. 567.

PER CURIAM.

The petitions for writs of certiorari are granted, the judgments of the courts below are vacated, and the cases are remanded for further consideration in the light of *Marchetti v. United States, ante*, p. 39. See also 28 U. S. C. § 2106 and *Grosso v. United States, ante*, p. 62.

MR. JUSTICE MARSHALL took no part in the consideration or decision of Nos. 11, 17, 19, 24, 30, and 45.

COSTELLO *v.* UNITED STATES.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR
THE SECOND CIRCUIT.

No. 3. Decided March 4, 1968.

352 F. 2d 848, vacated and remanded.

Ira B. Grudberg and Jacob D. Zeldes for petitioner.

Solicitor General Marshall, Assistant Attorney General Vinson, Francis X. Beytagh, Jr., Beatrice Rosenberg and Theodore George Gilinsky for the United States.

PER CURIAM.

Upon the suggestion of mootness by reason of the death of the petitioner, the judgment of the United States Court of Appeals for the Second Circuit is vacated and the case is remanded to the United States District Court for the District of Connecticut for such disposition as law and justice require.

MR. JUSTICE MARSHALL took no part in the consideration or decision of this case.