

390 U. S.

April 29, 1968.

DELLA ROCCA *v.* UNITED STATES.

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

No. 1105. Decided April 29, 1968.

Certiorari granted; 388 F. 2d 525, vacated and remanded.

Jerome Lewis and *Thomas R. Newman* for petitioner.
Solicitor General Griswold for the United States.

PER CURIAM.

The petition for a writ of certiorari is granted and the judgment is vacated. The case is remanded to the United States Court of Appeals for the Second Circuit for further consideration in light of *Haynes v. United States*, *ante*, p. 85, and *Simmons v. United States*, *ante*, p. 377.

ROADWAY EXPRESS, INC. *v.* DIRECTOR,
DIVISION OF TAXATION.

APPEAL FROM THE SUPREME COURT OF NEW JERSEY.

No. 1225. Decided April 29, 1968.

50 N. J. 471, 236 A. 2d 577, appeal dismissed.

Nicholas Conover English for appellant.*Arthur J. Sills*, Attorney General of New Jersey, and *Elias Abelson* and *Jeffrey R. Lowe*, Deputy Attorneys General, for appellee.

PER CURIAM.

The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question.

MR. JUSTICE HARLAN and MR. JUSTICE WHITE are of the opinion that probable jurisdiction should be noted and the case set for oral argument.