

April 29, 1968.

390 U. S.

SIMS *v.* COHEN, ACTING SECRETARY OF
HEALTH, EDUCATION, AND WELFARE.

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

No. 386, Misc. Decided April 29, 1968.

Certiorari granted; 378 F. 2d 70, reversed.

H. H. Gearing for petitioner.

Solicitor General Marshall for respondent.

Israel Steingold for the American Trial Lawyers Association, as *amicus curiae*, in support of the petition.

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. *Hopkins v. Cohen*, ante, p. 530.

THE CHIEF JUSTICE and MR. JUSTICE WHITE dissent for the reasons stated in the dissenting opinion of MR. JUSTICE WHITE in *Hopkins v. Cohen*, ante, p. 535.

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