

396 U. S.

October 13, 1969

BERNARD *v.* NEW YORK CITY EMPLOYEES'  
RETIREMENT SYSTEM ET AL.

APPEAL FROM THE APPELLATE DIVISION OF THE SUPREME  
COURT OF NEW YORK, FIRST JUDICIAL DEPARTMENT

No. 177, Misc. Decided October 13, 1969

Appeal dismissed.

*J. Lee Rankin* and *Stanley Buchsbaum* for New York City Employees' Retirement System, and *George N. Kanoff* for Lipori, appellees.

PER CURIAM.

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

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SELLERS *v.* UNITED STATES

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

No. 264, Misc. Decided October 13, 1969

Certiorari granted; 406 F. 2d 465, vacated and remanded to District Court.

*Howard Moore, Jr.*, for petitioner.

*Solicitor General Griswold* for the United States.

PER CURIAM.

Upon consideration of the suggestion of the Solicitor General and an examination of the entire record, the motion for leave to proceed *in forma pauperis* and the petition for a writ of certiorari are granted. The judgment is vacated and the case is remanded to the United States District Court for the Northern District of Georgia for further consideration in light of *Alderman v. United States*, 394 U. S. 165.