

March 16, 1970

397 U.S.

BRATCHER *v.* LAIRD, SECRETARY OF
DEFENSE, ET AL.

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

No. 1391, Misc. Decided March 16, 1970

Certiorari granted; 415 F. 2d 760, vacated and remanded.

Solicitor General Griswold for respondents.

PER CURIAM.

The motion for leave to proceed *in forma pauperis* is granted.

Upon consideration of the suggestion of the Solicitor General and upon an examination of the entire record, the petition for a writ of certiorari is granted, the judgment of the United States Court of Appeals for the Ninth Circuit is vacated, and the case is remanded to that court in order that it may consider whether it wishes to adhere to its decision in light of the contrary position now adopted by respondents. If it decides not to adhere to its former ruling, the Court of Appeals may then determine whether it would be appropriate to remand the case to the District Court.