

May 4, 1970

397 U. S.

ROCKEFELLER, GOVERNOR OF NEW YORK,  
ET AL. *v.* CATHOLIC MEDICAL CENTER OF  
BROOKLYN & QUEENS, INC., DIVISION OF  
ST. MARY'S HOSPITAL, ET AL.

APPEAL FROM THE UNITED STATES DISTRICT COURT FOR  
THE EASTERN DISTRICT OF NEW YORK

No. 1379. Decided May 4, 1970

305 F. Supp. 1268, vacated and remanded.

*Louis J. Lefkowitz*, Attorney General of New York,  
*Samuel A. Hirshowitz*, First Assistant Attorney General,  
and *George D. Zuckerman* and *Lloyd G. Milliken*, As-  
sistant Attorneys General, for appellants.

*James M. Hartman* and *Richard L. Epstein* for  
appellees.

PER CURIAM.

The judgment appealed from does not include an order granting or denying an interlocutory or permanent injunction and is therefore not appealable to this Court under 28 U. S. C. § 1253. See *Goldstein v. Cox*, 396 U. S. 471. The judgment of the District Court is vacated and the case is remanded to that court so that it may enter a fresh decree from which timely appeal may be taken to the Court of Appeals. See *Stamler v. Willis*, 393 U. S. 407.

MR. JUSTICE DOUGLAS concurs in the result.