

Opinion in Chambers

DEXTER ET AL. v. SCHRUNK ET AL.

ON APPLICATION FOR RESTRAINING ORDER

Decided August 29, 1970

Restraining order requested by applicants, who rely on *Dombrowski v. Pfister*, 380 U. S. 479, denied since re-examination of holding in that case is involved in cases to be argued in fall.

MR. JUSTICE DOUGLAS, Circuit Justice.

Under *Dombrowski v. Pfister*, 380 U. S. 479, applicants make out a strong case for federal protection of their First Amendment rights. But *Dombrowski*, a five-to-two decision rendered in 1965, is up for re-examination in cases set for reargument this fall. If the present case were before the Conference of this Court, I am confident it would be held pending the cases to be reargued. Hence, as Circuit Justice, I do not feel warranted in taking action contrary to what I feel the Conference would do. Accordingly, I deny the restraining order requested.