

Opinion in Chambers

CORPUS CHRISTI SCHOOL DISTRICT *ET AL.* *v.*
CISNEROS *ET AL.*

ON APPLICATION FOR REINSTATEMENT OF STAY

No. A-192. Decided August 19, 1971

Stay of District Court's order to stop alleged school discrimination practices, vacated by Court of Appeals, is reinstated to permit action on the merits since case presents questions that should be considered by the full Court.

MR. JUSTICE BLACK, Circuit Justice.

The District Judge in this case ordered the Corpus Christi Independent School District to stop alleged historical practices of discrimination against school children on the basis of race or color. He directed how this was to be accomplished, saying at the same time that he would grant no stays of his order. The school district asked the court to stay its order and a stay was granted by a different district judge who had been assigned to hear the application. The plaintiffs, parents of the students allegedly discriminated against, then asked the United States Court of Appeals for the Fifth Circuit to vacate the stay. A panel of two Circuit Court judges did vacate the stay. The school district then applied to me as a single Justice to reinstate the stay issued by the District Court for the Southern District of Texas. The Solicitor General of the United States has joined in requesting me as a single Justice to reinstate that stay. If I reinstate the stay, the District Court's order will not go into effect until the Fifth Circuit or this Court has had an opportunity to pass on it.

It is apparent that this case is in an undesirable state of confusion and presents questions not heretofore passed on by the full Court, but which should be. Under these circumstances, which present a very anomalous, new, and

confusing situation, I decline as a single Justice to upset the District Court's stay and, therefore, I reinstate it without expressing any view as to the wisdom or propriety of the Solicitor General's position. The stay will be reinstated pending action on the merits in the Fifth Circuit or action by the full Court.