

Per Curiam

UNITED STATES v. FIRST NATIONAL
BANCORPORATION, INC., ET AL.

APPEAL FROM THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF COLORADO

No. 71-703. Argued October 16-17, 1972—
Decided February 28, 1973

329 F. Supp. 1003, affirmed by an equally divided Court.

Deputy Solicitor General Friedman argued the cause for the United States. With him on the briefs were *Solicitor General Griswold*, *Assistant Attorney General Kauper*, *Acting Assistant Attorney General Comegys*, *Donald I. Baker*, *Howard E. Shapiro*, *William Bradford Reynolds*, and *Lee A. Rau*.

Eugene J. Metzger argued the cause for appellees. With him on the briefs were *Edward B. Close, Jr.*, *Carl W. Schwarz*, and *Mark W. Haase*.*

PER CURIAM.

The judgment is affirmed by an equally divided Court.

MR. JUSTICE POWELL took no part in the consideration or decision of this case.

*Briefs of *amici curiae* were filed by *Robert Bloom*, *C. Westbrook Murphy*, and *Charles H. McEnerney, Jr.*, for the Comptroller of the Currency; by *William E. Murane* and *J. William Via, Jr.*, for the Federal Deposit Insurance Corporation; by *Andrew P. Miller*, Attorney General, and *Henry M. Massie, Jr.*, Assistant Attorney General, for the Commonwealth of Virginia; and by *Michael Iovenko* for the New York State Banking Department.