

OPINION OF INDIVIDUAL JUSTICE
IN CHAMBERS

HENRY ET AL. v. WARNER, SECRETARY OF THE
NAVY, ET AL.

ON APPLICATION TO VACATE ORDERS STAYING DISTRICT COURT
JUDGMENT PENDING DISPOSITION OF CASE
BY COURT OF APPEALS

No. A-1124. Decided May 18, 1973

1. Application to vacate Court of Appeals' stay of District Court's order in habeas corpus proceeding denied, Solicitor General having represented that applicants have been released and no uncounseled persons summarily court-martialed are in military confinement in Central District of California.

2. Question of District Court's authority to grant habeas corpus relief for unnamed class members outside District and/or on world-wide basis is so novel that relief should be granted only after full argument.

MR. JUSTICE DOUGLAS, Circuit Justice.

The application for an order vacating the stay of the Court of Appeals is denied on the representation of the Solicitor General that the named applicants in the case have all been released from confinement and that within the Central District of California no persons are currently confined in any military detention facility as a result of a conviction by summary court-martial without the aid of counsel. Whether the District Court has authority to issue a writ of habeas corpus for unnamed members of the class outside the District and/or on a worldwide basis is so novel a question that an order granting such relief should be issued only after full argument. Application denied.

