

OPINIONS OF INDIVIDUAL JUSTICES IN
CHAMBERS

CALIFANO, SECRETARY OF HEALTH, EDUCATION,
AND WELFARE v. MOORE et al.

REPORTER'S NOTE

The next page is purposely numbered 1301. The numbers between 1090 and 1301 were intentionally omitted, in order to make it possible to publish in-chambers opinions with *permanent* page numbers, thus making the official citations available upon publication of the preliminary prints of the United States Reports.

United States Court of Appeals, Circuit Judges
Schenck, Brown, Pfeffer, Tamm, Ruckelshaus, and Kaufman, Circuit Judges, and Hirsh, the Secretary of Health, Education, and Welfare, in their
expending federal Medicaid funds for abortions. In the
initial case, the United States District Court for the Southern
District of New York enjoined operation of the law. On
June 25, 1977, this Court entered the following order:

"The judgment is vacated and the cause remanded to the
United States District Court for the Southern District
of New York for further consideration in light of *Planned
Parenthood v. U.S. 431 U.S. 481 (1977)*, and *Planned Parenthood
v. U.S. 432 U.S. 481 (1977)*." See 57 U.S. 202.

This is an application for

entry of execution of this Court's order, or for a writ of
certiorari to review the court's injunction of Section 102 of Title I of the
(the Hyde Amendment) and/or, in the alternative, for a
stay as follows:

February 21, 23, 1978

224 U.S.

No. 77-307. *Brown's Carrie Co. v. Amazechuk et al.*, 414 U.S. 310; and

No. 77-381. *Nakayama v. National Labor Relations Board et al.*, ante, p. 955. Motions for leave to file petitions for rehearing denied.

No. 77-382. *Brookman v. United States District Court for the Southern District of Tennessee*, ante, p. 955. Motion for leave to file petition for rehearing denied. Mr. Justice Blackmun took no part in the consideration or decision of this motion.

At a meeting of the Conference of Justices held on February 21, 1978, a copy of the application for rehearing in *Brookman v. United States District Court for the Southern District of Tennessee*, ante, p. 955, of the mandate of the Tennessee Court of Appeals, Middle Section, was presented to Mr. Justice Stewart as Circuit Justice on February 21, 1978, and referred by him to the Conference. Whereupon the Court requested the State to file an expedited response to the application by noon, February 23, 1978. The response was received in due course and a special conference was called to consider the matter. It is hereby ordered that the application be denied. The Circuit Justice and Mr. Justice Blackmun dissent and would grant the application.