

OPINIONS OF INDIVIDUAL JUSTICES
CHAMBERS

CALIFANO, SECRETARY OF HEALTH, EDUCATION
AND WELFARE v. MORAN 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.

MR. JUSTICE MARSHALL, Circuit Justice.

Section 23 of Pub. L. 94-432, 90 Stat. 1491, provides that the Secretary of Health, Education, and Welfare may expend Federal Medicaid funds for abortions. In the instant case, the United States District Court for the Southern District of New York enjoined operation of that law. On June 28, 1977, this Court entered the following order:

"The judgment is vacated and the case is remanded to the United States District Court for the Southern District of New York for further consideration in light of *Roe v. Wade*, 410 U.S. 113 (1973), and *Doe v. Bolton*, 419 U.S. 458 (1974). See 436 U.S. 919.

This is an application for

"a stay of execution of this Court's vacatur of the district court's injunction of Section 23 of Public Law 94-432 (the Hyde Amendment) and/or, in the alternative for a stay as follows:

