

Per Curiam

436 U. S.

TERK *v.* GORDON, DIRECTOR, NEW MEXICO  
DEPARTMENT OF FISH AND GAME, ET AL.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF NEW MEXICO

No. 77-1042. Decided June 12, 1978

The District Court's judgment upholding, against constitutional challenge, a New Mexico statute imposing higher hunting license fees for nonresidents than for residents of the State is affirmed on authority of *Baldwin v. Montana Fish & Game Comm'n*, ante, p. 371.

Affirmed.

PER CURIAM.

This case originated as a challenge, under the Privileges and Immunities Clause, U. S. Const., Art. IV, § 2, cl. 1, and under the Fourteenth Amendment, to New Mexico's statutes requiring licenses to hunt game in that State. A three-judge United States District Court upheld the State's statutory provisions insofar as they imposed higher license fees for nonresidents than for residents, but the court also ruled that the statutes governing the allocation of licenses to hunt certain rare species of game were unconstitutional. Plaintiff-appellant Terk, a Texas resident, appeals from that portion of the District Court's judgment that upheld the New Mexico fee discrimination. The defendant-appellees, who are the Director of the State's Department of Game and Fish and the members of the State Game Commission, did not seek review of that portion of the judgment that held the allocation of licenses to be unconstitutional.

The issue as to the fee discrimination between residents and nonresidents is controlled by this Court's recent decision in *Baldwin v. Montana Fish & Game Comm'n*, ante, p. 371. On appellant Terk's appeal, therefore, the judgment of the

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Per Curiam

United States District Court is affirmed. We express no view, however, on the allocation issue as to which no review was sought.

*Affirmed.*

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STEVENS'S NOTE

The next page is purposely blanketed off. The numbers between 851 and 852 were intentionally omitted, in order to make it possible to publish the volume with permanent page numbers, thus making the official records available upon publication of the preliminary pages of the United States Reports.

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United States District Court is affirmed. We express no view  
as to whether the State's Department of Game and Fish is authorized to

DEPARTMENT OF GAME AND FISH

ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO

No. 73-1042. Decided June 23, 1978

The District Court's judgment upholding, against constitutional challenge, a New Mexico statute imposing higher hunting license fees for nonresidents than for residents of the State is affirmed. *See* *Robison v. Montana Fish & Game Comm'n*, ante, p. 321.

Affirmed.

PER CURIAM.

This case originated as a challenge, under the Privileges and Immunities Clause, U. S. Const., Art. IV, § 2, cl. 1, and under the Fourteenth Amendment, to New Mexico's statutes requiring licensees to hunt game in that State. A three-judge United States District Court upheld the State's statutory provisions insofar as they imposed higher license fees for nonresidents than for residents, but the court also ruled that the statutes governing the allocation of licenses to hunt certain rare species of game were unconstitutional. Plaintiff-appellant Turk, a Texas resident, appeals from that portion of the District Court's judgment that upheld the New Mexico fee discrimination. The defendant-appellees, who are the Director of the State's Department of Game and Fish and the members of the State Game Commission, did not seek review of that portion of the judgment that held the allocation of licenses to be unconstitutional.

The issue as to the fee discrimination between residents and nonresidents is controlled by this Court's recent decision in *Robison v. Montana Fish & Game Comm'n*, ante, p. 321. On appellant Turk's appeal, therefore, the judgment of the