

O'DELL ET AL. *v.* ESPINOZA, AS PERSONAL REPRESENTATIVE OF THE ESTATE OF ESPINOZA AND AS GUARDIAN, ET AL.

CERTIORARI TO THE SUPREME COURT OF COLORADO

No. 81-534. Argued April 26, 1982—Decided May 3, 1982

Certiorari dismissed for want of jurisdiction. Reported below: 633 P. 2d 455.

*Theodore S. Halaby* argued the cause for petitioners. With him on the briefs were *Louis B. Bruno* and *David Neil*.

*Scott H. Robinson* argued the cause and filed a brief for respondents.\*

PER CURIAM.

Under 28 U. S. C. § 1257, this Court has jurisdiction to review only “[f]inal judgments or decrees rendered by the highest court of a State in which a decision could be had.” Because the Colorado Supreme Court remanded this case for trial, its decision is not final “as an effective determination of the litigation.” *Market Street R. Co. v. Railroad Comm’n of Cal.*, 324 U. S. 548, 551 (1945). Although there is a limited set of situations in which we have found finality as to the federal issue despite the ordering of further proceedings in the lower state courts, see *Cox Broadcasting Corp. v. Cohn*, 420 U. S. 469 (1975), this case does not fit into any of those categories. We therefore dismiss for want of jurisdiction.

*It is so ordered.*

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\**Charles S. Sims*, *Leon Friedman*, *Christopher A. Hansen*, and *Anthony F. Renzo* filed a brief for the American Civil Liberties Union et al. as *amici curiae* urging affirmance.