

## Opinion in Chambers

## BONURA ET AL. v. CBS, INC., ET AL.

## ON APPLICATION TO VACATE STAY

No. A-622. Decided January 16, 1983

An application to vacate the Court of Appeals' stay of the District Court's order forbidding the broadcast by CBS in the Dallas area of a particular segment of a designated program, is denied.

JUSTICE WHITE, Circuit Justice.

There is no doubt that as Circuit Justice I have the power to set aside the stay issued by the Court of Appeals in this case. Only the weightiest considerations, however, would warrant such action by a Circuit Justice. *New York v. Kleppe*, 429 U. S. 1307, 1310 (1976) (MARSHALL, J., in chambers); *O'Rourke v. Levine*, 80 S. Ct. 623, 624, 4 L. Ed. 2d 615, 616 (1960) (Harlan, J., in chambers).

I have examined the transcript of the hearing held by the District Judge at 8:30 p. m. on January 15, 1983, in New Orleans, the order issued after the hearing forbidding the broadcast by CBS in the Dallas area of a particular segment of a designated program, the order issued by a divided panel of the Court of Appeals staying the District Court's order, and the application to me to vacate the stay of the Court of Appeals. I am not myself convinced that the Court of Appeals was in error in issuing the stay; and I do not think that if the application were before the full Court, five Justices would vote to vacate the stay. Accordingly, I deny the application to vacate the stay.