

Per Curiam

## LYNAUGH, INTERIM DIRECTOR, TEXAS DEPARTMENT OF CORRECTIONS v. PETTY

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

No. 85-1656. Argued March 3, 1987—Decided March 25, 1987  
Certiorari dismissed. Reported below: 779 F. 2d 299.

*Charles A. Palmer*, Assistant Attorney General of Texas, argued the cause for petitioner. With him on the briefs were *Jim Mattox*, Attorney General, *Mary F. Keller*, Executive Assistant Attorney General, and *F. Scott McCown* and *William C. Zapalac*, Assistant Attorneys General.

*John R. Breihan* by appointment of the Court, 479 U. S. 808, argued the cause and filed a brief for respondent.\*

PER CURIAM.

The writ of certiorari is dismissed as improvidently granted.

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\**Larry W. Yackle* and *George Kannar* filed a brief for the American Civil Liberties Union et al. as *amici curiae* urging affirmance.