

June 3, 1976 Conference
List 3, Sheet 3

No. 75-44
BURRELL

Motion of Resp for Leave to
File Second Supplemental
Brief After Argument

v.

McCRAV

The Court granted cert to CA 4 in this case to consider, inter alia, whether exhaustion of state administrative remedies is necessary for a §1983 suit. Argument was heard in April.

In their first supplemental brief filed before argument, see Rule 41(5), resps urged that the cert petition should be dismissed as improvidently granted. They suggested that the claims for equitable relief raised only by resp Stokes were moot since Stokes who was a prisoner at the Md. Penitentiary when he filed his §1983 complaint was ordered transferred from the Penitentiary to the Patuxent Institution as a result of a local court action.

In their second supplemental brief, resps wish to advise the Court that appeals from the local court judgment were dismissed.

DISCUSSION: Resps present new matter. See Rule 41(5).

There is no response.

6/2/76

Ginty

No ops.

PJN

G all