

CA3 have held otherwise. Nothing has changed in this lineup since the Court denied cert in Castorr.

I recommend a denial.

There is ^a no response.

²
11/3/82

Blunt

CA Order in Petn.

DC Op. in Petn.

I disagree. Something has changed; this case presents the same more clearly than Castorr. In Castorr there was a peculiar fact situation involving the best interests of a child; cert was probably denied for this reason. There is no reason in this case, however, not to resolve the conflict. Although neither of the parties cites the conflicting cases, there clearly is a conflict, & the issue is significant enough to warrant a Grant. The CA6 has had many of these cases already; if it is wrong, the Court should so advise.

Grant

asm

12/9