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Craycroft Vs. Ferrall

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Court : US Supreme Court

Decided On : 1970

Appeal No. : 397 U.S. 335

Appellant : Craycroft

Respondent : Ferrall

Judgement :

CRAYCROFT v. FERRALL - 397 U.S. 335 (1970)
U.S. Supreme Court CRAYCROFT v. FERRALL , 397 U.S. 335 (1970)

397 U.S. 335

Peter CRAYCROFT
v.
William E. FERRALL et al.
No. 718, Misc.

Supreme Court of the United States

March 30, 1970

John Caughlan, for petitioner.

Solicitor General Griswold, for respondents.

On petition for Writ of Certiorari to the United States Court of Appeals for the Ninth Circuit.

PER CURIAM.

The motion for leave to proceed in forma pauperis is granted.

Upon consideration of the suggestion of the Solicitor General and upon an examination of the entire record, the petition for a writ of certiorari is granted, the judgment of the United States Court of Appeals for the Ninth Circuit is vacated and the case is remanded to that court.

The Solicitor General concedes that the administrative remedies that the Court of Appeals held should first be exhausted by the petitioner, have either been exhausted or are nonexistent. The sole remaining question therefore seems to be whether petitioner's failure to seek relief in the Court of Military Appeals precludes consideration of petitioner's claims by the federal courts. While the Solicitor General concedes that resort to that judicial remedy does not preclude consideration of petitioner's claim by the federal courts, there is a conflict among the circuits. It is for consideration of that question, or alternatively the merits, that the case is remanded.[Craycroft v. Ferrall 397 U.S. 335 (1970)]

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