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**Micas Vs. Williams**

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**SooperKanoon Citation** : sooperkanoon.com/84177

**Court** : US Supreme Court

**Decided On :** 1881

**Appeal No.** : 104 U.S. 556

**Appellant** : Micas

**Respondent** : Williams

**Judgement** :

Micas v. Williams - 104 U.S. 556 (1881)
U.S. Supreme Court Micas v. Williams, 104 U.S. 556 (1881)

**Micas v. Williams**

**104 U.S. 556**

*MOTION TO DISMISS WRIT OF ERROR TO THE CIRCUIT COURT OF*

*THE UNITED STATES FOR THE EASTERN DISTRICT OF LOUISIANA*

## SYLLABUS

Where the record is such as to furnish a sufficient color of right to the dismissal of the writ of error to justify the court in entertaining with a motion to dismiss a motion to affirm under Rule 6, *held* that although the grounds for dismissal be removed

by a further showing, the motion to affirm will be granted when it is manifest that the writ was sued out for delay only.

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MR. CHIEF JUSTICE WAITE delivered the opinion of the Court.

The affidavits which have been filed by the plaintiff in error in opposition to these motions are probably sufficient to establish the fact that the value of the matter in dispute exceeds $5,000. The motion to dismiss is therefore denied, but on looking into the record, we are entirely satisfied the writ was taken for delay only. No assignment of errors has been annexed to or returned with the writ, as required by sec. 997 of the Revised Statutes, and every question presented by the bill of exceptions or suggested upon the argument appears to us so frivolous as to make it improper to keep the case here for any further consideration. There was on the record, as it stood when these motions were made, at least sufficient color of right to a dismissal to justify us in entertaining with it a motion to affirm in accordance with the provisions of Rule 6, par. 5.

*Motion to affirm granted.*

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