

Carr Vs. Zaja

Carr Vs. Zaja

SooperKanoon Citation : sooperkanoon.com/95442

Court : US Supreme Court

Decided On : Mar-23-1931

Appeal No. : 283 U.S. 52

Appellant : Carr

Respondent : Zaja

Judgement :

Carr v. Zaja - 283 U.S. 52 (1931)

U.S. Supreme Court Carr v. Zaja, 283 U.S. 52 (1931)

Carr v. Zaja

No. 125

Argued March 2, 1931

Decided March 23, 1931

283 U.S. 52

CERTIORARI TO THE CIRCUIT COURT OF APPEALS

FOR THE NINTH CIRCUIT

SYLLABUS

1. Alien *held* liable to deportation, on the authority of *Philippides v. Day, ante*, p. [283 U. S. 48](#) .

2. Jurisdiction of this Court to review a judgment of the Circuit Court of Appeal is not defeated by the fact that the mandate of that court was issued and spread upon the record of the district court.

37 F.2d 1016 reversed.

Certiorari, 282 U.S. 816, to review a judgment sustaining an order discharging Zaja on habeas corpus.

MR. JUSTICE HOLMES delivered the opinion of the Court.

This case raises the same question as No. 92, *ante*, p. [283 U. S. 48](#) , but, as stated in No. 92, was decided the other way by the Circuit Court of Appeals for the Ninth Circuit. Zaja is a Dalmatian, citizen of Jugo-Slavia. He shipped as a seaman upon an Italian ship and on its arrival at San Pedro, California, deserted the ship on January 25, 1925. He was arrested on October 4, 1928, more than three years after his entry, and after a hearing was ordered to be deported on the same ground as in No. 92. He obtained a

Page 283 U. S. 53

writ of habeas corpus, and was ordered to be discharged from custody. 37 F.2d 1016. The judgment must be reversed for the reasons given in No. 92. It is objected that the mandate of the circuit court of appeals was not stayed, but was issued to the district court and spread upon its records, and that therefore the case is finished. But that does not defeat the jurisdiction of this Court. *The Conqueror*, [166 U. S. 110](#) , [166 U. S. 113](#) ; *Louisville & Nashville R. Co. v. Behlmore*, [169 U. S. 644](#) , [169 U. S. 648](#) . Rule 45.

Judgment reversed.

