

The Burger Court Opinion Writing Database

United States v. Indrelunas

411 U.S. 216 (1973)

Paul J. Wahlbeck, George Washington University
James F. Spriggs, II, Washington University in St. Louis
Forrest Maltzman, George Washington University



3
Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
THE CHIEF JUSTICE

April 13, 1973

Re: 72-805 - U. S. v. Indrelunas

Dear Bill:

Please join me.

Regards,

WB

Mr. Justice Rehnquist

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Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE WILLIAM O. DOUGLAS

April 4, 1973

Dear Bill:

Please join me in your opinion
in 72-805, U.S. v. Indrelunas.

William O. Douglas

Mr. Justice Rehnquist

cc: The Conference

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE WM. J. BRENNAN, JR.

April 3, 1973

W. J. B.

RE: No. 72-805 United States v. Indrelunas

Dear Bill:

I agree with the Per Curiam you have
prepared in the above.

Sincerely,

W. J. B.

Mr. Justice Rehnquist

cc: The Conference



Supreme Court of the United States
Washington, D. C. 20542

CHAMBERS OF
JUSTICE POTTER STEWART

April 4, 1973

Re: No. 72-805, United States v. Indrelunas

Dear Bill,

I am glad to join the per curiam you have circulated in this case.

Sincerely,

Mr. Justice Rehnquist

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Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE BYRON R. WHITE

April 12, 1973

Re: No. 72-805 - United States v. Indrelunas

Dear Bill:

Join me, please.

Sincerely,



Mr. Justice Rehnquist

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Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

April 4, 1973

3
Re: No. 72-805 - U. S. v. Indrelunas

Dear Bill:

I agree with your proposed per curiam.

Sincerely,

T.M.
T.M.

Mr. Justice Rehnquist

cc: Conference

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Sanford, California 94030-0000

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Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

April 5, 1973

Re: No. 72-805 - United States v. Indrelunas

Dear Bill:

I am, of course, pleased to join the per curiam you have proposed for this case.

Sincerely,

H. A. B.

Mr. Justice Rehnquist

Copies to the Conference

all have joined
except B. W.
& C. J. who
not voted

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Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

April 4, 1973

L. F. Powell, Jr.

No. 72-805 - United States v. Alphonse T.
Indrelunas

Dear Bill:

Please join me in your Per Curiam.

Sincerely,

Lewis

Mr. Justice Rehnquist

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2nd DRAFT

SUPREME COURT OF THE UNITED STATES

UNITED STATES v. ALPHONSE T. INDRELUNAS
ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED
STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

No. 72-805. Decided April —, 1973

PER CURIAM.

The Government, petitioner here, appealed to the Court of Appeals from a judgment in favor of respondent entered by the District Court on February 25, 1971. The Court of Appeals dismissed the appeal, holding that final judgment had been entered in the action prior to February 25, 1971, and that therefore the Government's appeal was untimely under the provisions of Rule 4, Federal Rules of Appellate Procedure. *Foiles v. United States*, 465 F. 2d 163 (CA7 1972). Since both parties implicitly concede that the jurisdiction of the Court of Appeals was based on the provisions of 28 U. S. C. § 1291, making final decisions of the district courts appealable, the correctness of the Court of Appeals' decision depends on whether the District Court's judgment of February 25, 1971, was a final decision.¹ That question, in turn, depends on whether actions taken in the District Court previous to the February date amounted to the "entry of judgment" as that term is used in Rule 58, Federal Rules of Civil Procedure.²

¹ Rule 54, Federal Rules of Civil Procedure; provides that "judgment" as used in these Rules includes a decree and any order from which an appeal lies."

² Rule 58 provides:

"Subject to the provisions of Rule 54 (b): (1) upon a general verdict of a jury, or upon a decision by the court that a party shall recover only a sum certain or costs or that all relief shall be denied, the clerk, unless the court otherwise orders, shall forthwith prepare, sign, and enter the judgment without awaiting any direction by the court; (2) upon a decision by the court granting other relief, or