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O'Dell v. Espinoza

456 U.S. 430 (1982)

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



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

CHAMBERS OF
JUSTICE Wm. J. BRENNAN, JR.

April 30, 1982

RE: No. 81-534 O'Dell v. Espinoza

Dear Byron:

I agree.

Sincerely,



Justice White

cc: The Conference

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To: The Chief Justice
Justice Brennan
Justice Marshall
Justice Blackmun
Justice Powell
Justice Rehnquist
Justice Stevens
Justice O'Connor

From: Justice White

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No. 81-534: O'Dell v. Espinoza

Per Curiam.

Under 28 U.S.C. §1257, this Court has jurisdiction to review only "[f]inal judgments or decrees rendered by the highest court of a State in which decision could be had." Because the Colorado Supreme Court remanded this case for trial, its decision is not final "as an effective determination of the litigation." Market Street Ry. Co. v. Railroad Commission, 324 U.S. 548, 551. Although there is a limited set of situations in which we have found finality as to the federal issue despite the ordering of further proceedings in the lower state courts, see Cox Broadcasting Corp v. Cohn, 420 U.S. 469, this case does not fit into any of those categories. We therefore dismiss for want of jurisdiction.

It is so ordered.

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

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

April 30, 1972

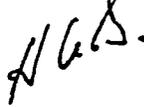
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Re: No. 81-534 - O'Dell v. Espinoza

Dear Byron:

Please join me.

Sincerely,



Justice White

cc: The Conference

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

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

May 3, 1982

Re: No. 81-534 O'Dell v. Espinoza

Dear Byron:

Please join me in your Per Curiam in this case.

Sincerely,

WW

Justice White

Copies to the Conference

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

CHAMBERS OF
JUSTICE JOHN PAUL STEVENS

April 30, 1982

Re: 81-534 - O'Dell v. Espinoza

Dear Byron:

Please join me.

Respectfully,



Justice White

Copies to the Conference

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