

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

VAN DUSEN AIRCRAFT SUPPLIES,)
SOUTHWEST DIVISION, INC.,)
Plaintiff,)
- vs -)
EXECUTIVE FLIGHT, INC., and)
H. L. CARON,)
Defendants,)
MERCHANTS RETAIL ADJUSTMENT)
SERVICE, INC., 619 South Detroit,)
Tulsa, Oklahoma,)
Garnishee.)

Civil Action
File No. 6596 ✓

FILED

MAY - 1 1969 *M*

M. M. EWING, CLERK
U. S. DISTRICT COURT

DEFAULT JUDGMENT AND ORDER

On this 1st day of October, 1969, there came on for consideration the Motion of the plaintiff herein for default judgment against Oil Capital Electronics Corporation and other relief;

The Court being fully advised in the premises now finds the following facts:

Heretofore in these proceedings, plaintiff caused to be issued a garnishee summons directed to Merchants Retail Adjustment Service, Inc., 619 South Detroit, Tulsa, Oklahoma. In response to said garnishee summons an answer was filed by said garnishee on December 11th, 1968.

In said garnishee answer, above mentioned, it was alleged in substance by the garnishee that it had in its possession certain funds collected for Executive Flight, Inc. and H. L. Caron, the defendants herein. Said garnishee further alleged, however, that the sum was collected for the benefit of Oil Capital Electronics, a corporation of which the garnishee defendant was an assignee. The garnishee defendant alleged that Oil Capital Electronics had a prior claim to said funds as a result of said assignment. The funds on deposit were alleged to be \$619.01. In

said answer, the garnishee defendant requested that the Court hold a hearing to determine the priorities of the disposition of said funds and that said funds should be held in the possession of the garnishee defendant until further order of Court.

Subsequent to the filing of said answer, the plaintiff filed in these proceedings an application for order impleading Oil Capital Electronics Corporation as a defendant to the garnishee action under the authority of Title 12, O.S.A. Section 1184. Pursuant to said application, this Court entered its order, judgment and decree impleading Oil Capital Electronics as a corporation in the garnishee action and further ordered that notice of said impleader be served upon Oil Capital Electronics as required for service of a summons in a civil action. The order further provided that upon such service being made Oil Capital Electronics be deemed to be a defendant to the garnishee action and file its answer within ten days setting forth its claim or any defence which it might make. The order further provided that, in the case of default, judgment might be rendered in these proceedings which would conclude any claim on the part of Oil Capital Electronics to the proceeds referred to in the garnishee answer on file herein, to further amounts collected on said accounts and to said accounts.

On the 7th day of March, 1969, personal service of the order entered in these garnishment proceedings directed to Oil Capital Electronics was made on said Oil Capital Electronics Corporation by the United States Marshal for the Northern District of Oklahoma. Although more than 20 days have expired since the service of such order, Oil Capital Electronics has failed to file an answer in these proceedings setting forth its claim or any defense which it might make to the claim of plaintiff that it is entitled to the funds on deposit with Merchants Retail Adjustment Service, Inc. ,

to-wit: \$619.01. Accordingly, the funds so held by Merchants Retail Adjustment Service should be ordered delivered to the United States Marshall for the Northern District of Oklahoma for payment to the plaintiff in these proceedings.

It is appropriate for this Court to enter its order directing the garnishee, Merchants Retail Adjustment Service, to hold the accounts receivable referred to in the proceedings in this garnishment action, to-wit: certain accounts receivable due to Executive Flight, Inc. and H. L. Caron, for the benefit of the plaintiff herein, and that subject to set-off for the appropriate and usual collection costs of such Merchants Retail Adjustment Service, Inc. from time to time the amounts collected upon said accounts receivable should be transmitted to the United States Marshall for the Northern District of Oklahoma for payment to plaintiff on this judgment.

WHEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

1. Oil Capital Electronics Corporation is hereby deemed to have failed to answer the order impleading said Oil Capital Electronics Corporation as a defendant in this garnishee action and therefore any claim on the part of such Oil Capital Electronics to the proceeds referred to in the garnishee answer on file herein and to the further amounts collected on said accounts and to said accounts is concluded and said Oil Capital Electronics is deemed to have no right, title, interest or estate in or to any of such proceeds for accounts.

2. Merchants Retail Adjustment Service is hereby ordered to deliver to the United States Marshall for the Northern District of Oklahoma for payment to plaintiff in these proceedings the sum of \$619.01 now held on deposit for the benefit of the defendants herein, Executive Flight, Inc. and H. L. Caron, all as more fully set forth in said garnishee answer on file in these proceedings.

3. Merchants Retail Adjustment Service is ordered to hold the accounts receivable referred to in its answer on file in these garnishee proceedings, to-wit: certain accounts receivable due to Executive Flight, Inc. and H. L. Caron for the benefit of the plaintiff in this action, and from time to time subject to set-off for the appropriate and usual collection costs of such Merchants Retail Adjustment Service, Inc. to transmit to the United States Marshall for the Northern District of Oklahoma any sums collected upon said accounts for payment to the plaintiff on its judgment in these proceedings.

4. Merchants Retail Adjustment Service, Inc. is ordered to retain said accounts receivable referred to in its answer on file in these proceedings until further order of this Court.

5. The United States Marshall for the Northern District of Oklahoma is ordered to transmit to the plaintiff from time to time funds received pursuant to the terms and provisions of this order.


Judge of the United States District Court

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

MAY - 1 1969

M. M. EWING, CLERK
U. S. DISTRICT COURT

MAUDE ANN TINKER,

Plaintiff,

CIVIL NO. 68-C-129

vs.

THE UNITED STATES OF AMERICA,

Defendant.

J U D G M E N T

This matter having come on for trial and the Court having entered its findings of fact and conclusions of law on April 23, 1969,

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that judgment be entered against the Plaintiff and for the Defendant on the issue of negligence and, further, that the Plaintiff is barred, as a matter of law, by not bringing this action within the statutory 6-month period, all as more fully set out in the findings of fact and conclusions of law filed herein on April 23, 1969.

Judgment is entered accordingly.

151 Luther Bohannon
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

Virgil E. Everett and
Clovnell Everett, husband
and wife,

Defendants.

Civil No. 69-C-2

FILED

MAY 1 1969

M. M. EWING, CLERK
U. S. DISTRICT COURT

JUDGMENT OF FORECLOSURE

THIS MATTER COMES on for consideration this _____ day of _____, 1969, and the Court being fully advised and having examined the file herein finds that personal service was made on the defendants, Virgil E. Everett and Clovnell Everett, husband and wife, on March 27, 1969; and

It appearing that the defendants, Virgil E. Everett and Clovnell Everett, husband and wife, have failed to file an Answer herein and that default has been entered by the Clerk of this Court.

The Court further finds that this is a suit based upon a mortgage note and foreclosure on a real property mortgage securing said mortgage note and that the real property described in said mortgage is located in Tulsa, Tulsa County, Oklahoma, within the Northern Judicial District of Oklahoma.

The Court further finds that the material allegations of Plaintiff's complaint are true and correct;

That the defendants, Virgil E. Everett and Clovnell Everett, husband and wife, did on May 5, 1964, execute and deliver to the Administrator of Veterans Affairs, their mortgage and mortgage note for the sum of \$9,300.00, with interest thereon at the rate of 5½% per annum and further providing for the payment of monthly installments of principal and interest; and

It further appears that the defendants, Virgil E. Everett and Clovnell Everett, husband and wife, made default under the terms of the aforesaid mortgage note and mortgage by reason of their failure to make

the monthly installment due thereon on April 1, 1968, which default has continued and that by reason thereof the defendants are now indebted to the Plaintiff in the sum of \$8,779.76, as unpaid principal, with interest thereon at the rate of 5 $\frac{1}{2}$ % per annum from April 1, 1968, until paid.

IT IS THEREFORE ORDERED, ADJUDGED and DECREED that the Plaintiff, United States of America, have and recover judgment against the defendants, Virgil E. Everett and Clovnell Everett, husband and wife, for the sum of \$8,779.76, with interest thereon at the rate of 5 $\frac{1}{2}$ % per annum from April 1, 1968, until paid, plus the cost of this action accrued and accruing.

IT IS FURTHER ORDERED, ADJUDGED and DECREED THAT upon failure of the defendants to satisfy Plaintiff's money judgment herein, an Order of Sale shall issue to the United States Marshal for the Northern District of Oklahoma, commanding him to advertise and sell, with appraisalment, the real property described as follows:

Lot Four (4), Block Five (5), Suburban Acres
Second Addition to the City of Tulsa, Tulsa County,
State of Oklahoma, according to the recorded plat
thereof,

and apply the proceeds thereof in satisfaction of Plaintiff's judgment. The residue, if any, to be deposited with the Clerk of the Court to await further order of the Court.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that from and after the sale of said property, under and by virtue of this judgment and decree, the defendants and each of them and all persons claiming under them since the filing of the Complaint herein be and they are forever barred and foreclosed of any right, title, interest or claim in or to the real property or any part thereof.

UNITED STATES DISTRICT JUDGE

APPROVED:

HUBERT H. BRYANT
Assistant U. S. Attorney

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN
DISTRICT OF OKLAHOMA

FILED

MAY - 1 1969

M. M. EWING, CLERK
U. S. DISTRICT COURT

United States of America,

Petitioner,

vs.

William Douglas Anderson, M. D.,

Patient.

Civil No. 69-C-6 ✓

ORDER OF COMMITMENT TO AFTERCARE WITHOUT HEARING

On the 29th day of April, 1969, reports were received by the Court from the Surgeon General recommending that William Douglas Anderson, M. D., be committed to the care and custody of the Surgeon General for post-hospitalization treatment pursuant to Section 307 of Title III of the Narcotic Addict Rehabilitation Act, 42 U.S.C., Section 3417.

On the 29th day of April, 1969, a waiver of his right to a return to the Court and a request for immediate commitment, signed by William Douglas Anderson, M. D., was also received by the Court.

Whereupon, the Court has considered the recommendations of the Surgeon General with respect to post-hospitalization treatment and the waiver and request of the patient.

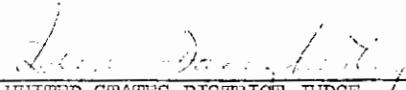
WHEREFORE, IT is

ORDERED that William Douglas Anderson, M. D., is committed to the care and custody of the Surgeon General for a three year period terminating on the 20th day of May, 1972, for treatment and supervision. The patient is directed to report to Dr. James O'Carroll, 1145 South Utica, Tulsa, Oklahoma, appointed by the Surgeon General for his treatment and supervision, or any successor agency appointed by the Surgeon General.

It is further ORDERED that if, during the three year period, William Douglas Anderson, M. D., fails or refuses to comply with the directions and orders of the Surgeon General or Dr. James O'Carroll, or any successor agency appointed by the Surgeon General, or if it is determined that William Douglas Anderson, M. D., is again using narcotics, the Surgeon General may order his immediate return to this Court which may recommit such patient to a hospital of the Service for additional treatment.

The Clerk of this Court shall mail certified copies of this Order to Dr. James O'Carroll, 1145 South Utica, Tulsa, Oklahoma, and to the National Institute of Mental Health, Clinical Research Center, 3150 Horton Road, Fort Worth, Texas, 76119.

Dated this 30 day of April 1969.


UNITED STATES DISTRICT JUDGE

FILED

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

MAY - 1 1969

M. M. EWING, CLERK
U. S. DISTRICT COURT

United States of America,)
)
) Petitioner,)
)
 vs.)
)
 Jean Velgot,)
)
) Patient.)

Civil No. 69-C-53

On this date, it appearing from the reports received by this Court (which are filed coincident herewith) that both of the examining physicians at the National Institute of Mental Health Clinical Research Center, Lexington, Kentucky, have determined that the above named patient is not one who is likely to be rehabilitated through treatment, it is hereby ORDERED that these proceedings be dismissed and that said patient be discharged immediately from the care and custody of the Surgeon General.

Entered this 1st day of May, 1969.

William E. Dawson
UNITED STATES DISTRICT JUDGE



DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
PUBLIC HEALTH SERVICE
HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION
April 25, 1969

REFER TO:

NATIONAL INSTITUTE OF MENTAL HEALTH
CLINICAL RESEARCH CENTER
LEESTOWN PIKE
LEXINGTON, KENTUCKY 40507

Mr. Hubert H. Bryant
Assistant U.S. District Attorney
Northern District of Oklahoma
460 U.S. Ct. Hse., 3d & Boulder Sts.
Tulsa, Oklahoma 74103

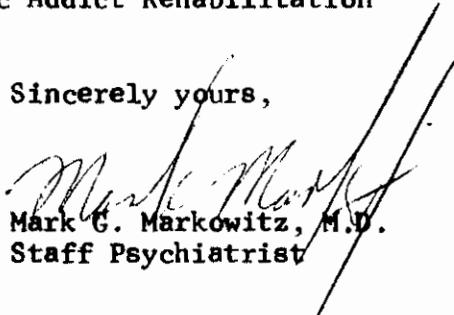
RE: VELGOT, Jean
NARA #2561
F-79464-Lex.
NARA-64

Dear Mr. Bryant:

Jean Velgot was admitted to this Center on April 11, 1969 for examination as provided in Title III of the Narcotic Addict Rehabilitation Act of 1966. I hereby report that I have examined this person and find her to be a narcotic addict within the meaning of the law. Mrs. Velgot has a severe psychiatric difficulty. It is the opinion of the Staff that the nature of this psychiatric difficulty would prevent her from obtaining benefit from this institution. It is the opinion of the Staff that she could not benefit from commitment for treatment at this time in this institution and is not likely to be rehabilitated. We have recommended to the patient that she seek psychiatric attention upon returning to Oklahoma.

In summary, the patient is a narcotic addict within the meaning of the law and is not likely to be rehabilitated through treatment under the provisions of the Narcotic Addict Rehabilitation Act of 1966.

Sincerely yours,


Mark G. Markowitz, M.D.
Staff Psychiatrist

MGM/dpjr.

CC: Chief, NARA Branch
VELGOT, Jean F-79464-Lex.

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
PUBLIC HEALTH SERVICE
HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION

REFER TO:

April 26, 1969

NATIONAL INSTITUTE OF MENTAL HEALTH
CLINICAL RESEARCH CENTER
LEESTOWN PIKE
LEXINGTON, KENTUCKY 40507

Mr. Hubert H. Bryant
Assistant U. S. Attorney
U. S. District Court
460 U. S. Courthouse
Third & Boulder Streets
Tulsa, Oklahoma 74103

RE: VELGOT, Jean
NARA #2561
79 464-F
NARA-64

Dear Mr. Bryant:

Jean Velgot was admitted to this Center on 4-11-69 for examination as provided under Title III of the Narcotic Addict Rehabilitation Act of 1966. I hereby report that I have examined this person and find her to be a narcotic addict within the meaning of the law. Miss Velgot does not wish to stay in this institution and it is the opinion of the staff that she could not benefit from commitment for treatment at this time and is not likely to be rehabilitated at this institution at this time.

In summary, the patient is a narcotic addict within the meaning of the law and is not likely to be rehabilitated through treatment under the provisions of the Narcotic Addict Rehabilitation Act of 1966.

Sincerely,


Steven L. Taube, M. D.
Staff Physician

cc: Chief, NARA Branch
Jean Velgot 79 464-F

SLT
ach

Waiver

I, the undersigned patient in the above cause, hereby state that I understand and agree that I am not a narcotic addict who is likely to be rehabilitated through treatment.

I hereby voluntarily waive any right to be returned to court for discharge and dismissal of the proceedings under this Title. I respectfully request the court to discharge me from the custody of the Surgeon General in my absence on the basis of the reports of the examining physicians and this waiver and request.

I do all of this voluntarily and with the understanding that the Surgeon General will provide transportation to the committing district and a reasonable amount, if necessary, to cover incidental travel expenses.

4-29-69
DATE

Jean Velgot
SIGNATURE Jean Velgot

SUBSCRIBED AND SWORN TO before me this 29th day of April, 1969.

Sherry Renger
NOTARY PUBLIC, WAYETTE COUNTY, KY.
MY COMMISSION EXPIRES 1-15-73

I, the undersigned physician, have examined the patient executing this waiver. In my judgment, the patient was mentally competent to understand the nature and consequences of the waiver. The patient was advised of the voluntary nature of this waiver and was given an opportunity to ask questions regarding the available procedures.

4 29/69
DATE

Thomas Benton, M.D.
SIGNATURE Thomas Benton, M. D.

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

"21" BRANDS, INC., a)
New York corporation,)
)
Plaintiff,)
)
vs.)
)
HARRY D. GRIMSHAW, d/b/a)
UNITED BEVERAGE COMPANY,)
)
Defendant.)

No. 69-C-54 ✓

FILED

MAY - 1 1969

M. M. EWING, CLERK
U. S. DISTRICT COURT

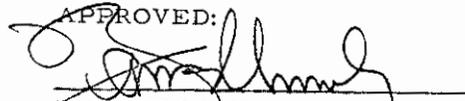
JOURNAL ENTRY OF JUDGMENT

This matter comes on before the Court upon agreement and stipulations for judgment; the plaintiff appearing by R. James Unruh, its attorney of record, and the defendant appearing by Irvine E. Ungerman, his attorney of record. Thereupon both counsel stipulated and agreed and the Court finds: the plaintiff is a New York corporation with its principal office and place of business in New York, New York, and is duly authorized and licensed to transact business in the State of Oklahoma; the defendant, Harry D. Grimshaw, is an individual d/b/a United Beverage Company, and is a resident and citizen of the State of Oklahoma and the Northern District of Oklahoma; that the amount in controversy exceeds the sum of \$10,000.00 exclusive of interest, costs and attorney's fees, and this Court thereby has jurisdiction of the subject matter and the parties. The defendant is indebted to the plaintiff on open account in the sum of \$38,943.13 after all credits and off-sets have been allowed; that interest is applicable to said account at the rate of ten per cent per annum from the 1st day of November, 1968, and an attorney's fee is allowable on said account under the provisions of 12 O. S. 936. That a judgment should be entered accordingly.

IT IS BY THE COURT ORDERED, ADJUDGED AND DECREED, upon agreement and stipulation by the parties hereto that the plaintiff, "21" Brands, Inc., have and recover judgment as against the defendant, Harry D. Grimshaw, for the sum of \$34,943.13 with interest thereon at the rate of ten per cent per annum from the 1st day of November, 1968, until paid, and for an attorney's fee in the sum of \$1,000.00. It is further ordered and directed that the Clerk is hereby authorized to tax costs without further notice, as a part of this judgment.

Dated this 1st day of ^{May}~~April~~, 1969.

APPROVED:


R. JAMES UNRUH, Attorney for Plaintiff

UNGERMAN, GRABEL, UNGERMAN & LEITER

By 
Irvine E. Ungerman, Attorney for Defendant


Allan L. Baran
United States District Judge

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

MAY 1 1969

M. M. FWING, CLERK
U. S. DISTRICT COURT

United States of America,)
)
 Petitioner,)
)
 vs.)
)
 Elizabeth Jordan,)
)
 Patient.)

Civil No. 69-C-59

On this date, it appearing from the reports received by this Court (which are filed coincident herewith) that both of the examining physicians at the National Institute of Mental Health Clinical Research Center, Lexington, Kentucky, have determined that the above named patient is not one who is likely to be rehabilitated through treatment, it is hereby ORDERED that these proceedings be dismissed and that said patient be discharged immediately from the care and custody of the Surgeon General.

Entered this 1st day of May, 1969.

J. Allen E. Barron
UNITED STATES DISTRICT JUDGE



DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
PUBLIC HEALTH SERVICE
HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION

REFER TO:

April 28, 1969

NATIONAL INSTITUTE OF MENTAL HEALTH
CLINICAL RESEARCH CENTER
LEESTOWN PIKE
LEXINGTON, KENTUCKY 40507

Mr. Lawrence A. McSoud
United States Attorney
U. S. District Court
460 U. S. Courthouse
3rd & Boulder Streets
Tulsa, Oklahoma 74103

RE: JORDAN, Elizabeth
NARA #2625
79 495-F
NARA-64

Dear Mr. McSoud:

Elizabeth Jordan was admitted to this Center on 4-16-69 for examination as provided in Title III of the Narcotic Addict Rehabilitation Act of 1966. The patient has been found to be a narcotic addict within the meaning of the law. She further shows no motivation and is unwilling to become involved in our treatment program. It is, therefore, the opinion of the staff that she is unlikely to be rehabilitated.

In summary, the patient is a narcotic addict within the meaning of the law and is not likely to be rehabilitated through treatment under the provisions of the Narcotic Addict Rehabilitation Act of 1966.

Sincerely,

Thomas P. Benton, M. D.
Staff Psychiatrist

cc: Chief, NARA Branch
Elizabeth Jordan 79 495-F

TPB
ach



DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
PUBLIC HEALTH SERVICE
HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION

April 25, 1969

REFER TO:

NATIONAL INSTITUTE OF MENTAL HEALTH
CLINICAL RESEARCH CENTER
LEESTOWN PIKE
LEXINGTON, KENTUCKY 40507

Mr. Lawrence A. McSoud
United States District Attorney
Northern District of Oklahoma
406 U.S. Ct. Hse., 3d & Boulder Sts.
Tulsa, Oklahoma 74103

RE: JORDAN, Elizabeth
NARA #2625
F-79495-Lex.
NARA-64

Dear Mr. McSoud:

Elizabeth Jordan was admitted to this Center on April 16, 1969 for examination as provided in Title III of the Narcotic Addict Rehabilitation Act of 1966. After examination of this patient I find her to be a narcotic addict within the meaning of the law. The patient does not wish to remain for the treatment program and in view of her lack of motivation as well as the nature of her emotional difficulties, I do not feel that the patient would likely benefit from commitment for treatment at this institution at this time.

In summary, the patient is a narcotic addict within the meaning of the law and is not likely to be rehabilitated through treatment under the provisions of the Narcotic Addict Rehabilitation Act of 1966.

Sincerely yours,

Bobby W. Nelson (M.D.)

Bobby W. Nelson, M.D.
Staff Physician

BWN/dpjr.

CC: Chief, NARA Branch
JORDAN, Elizabeth F-79495-Lex.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

IN RE

Elizabeth Jordan, 79 495-F

CIVIL NO. 69-C-59

WAIVER OF PERSONAL APPEARANCE FOR
DISCHARGE UNDER TITLE III

Explanation of Rights

The two physicians who were appointed to examine you under Section 303 of Title III of the Narcotic Addict Rehabilitation Act, 42 U.S.C. 3413, have concluded that you are not an addict or that you are an addict not likely to be rehabilitated through treatment.

You are now entitled to be returned to the court which committed you. Upon your return, the court will immediately enter an order discharging you and dismissing the proceedings under this Title. The court will have no discretion in this matter and it will not be possible for you to present evidence contradicting the findings of the appointed physicians.

You may waive your right to be returned for a personal appearance before the court. You may instead request a discharge and dismissal of the proceedings under this Act in your absence. If you elect to waive a personal appearance before the court, the Public Health Service will provide you with transportation to the district from which you were committed.

Whether you execute the waiver or request a personal appearance before the court is entirely your own decision.

Waiver

I, the undersigned patient in the above cause, hereby state that I understand and agree that I am not a narcotic addict who is likely to be rehabilitated through treatment.

I hereby voluntarily waive any right to be returned to court for discharge and dismissal of the proceedings under this Title. I respectfully request the court to discharge me from the custody of the Surgeon General in my absence on the basis of the reports of the examining physicians and this waiver and request.

I do all of this voluntarily and with the understanding that the Surgeon General will provide transportation to the committing district and a reasonable amount, if necessary, to cover incidental travel expenses.

April 28, 1969
DATE

Elizabeth Jordan
SIGNATURE Elizabeth Jordan

SUBSCRIBED AND SWORN TO before me this 28th day of April, 1969.

Sherry Denzer
NOTARY PUBLIC, ~~FAYETTE COUNTY~~, KY.
MY COMMISSION EXPIRES 7-15-73

I, the undersigned physician, have examined the patient executing this waiver. In my judgment, the patient was mentally competent to understand the nature and consequences of the waiver. The patient was advised of the voluntary nature of this waiver and was given an opportunity to ask questions regarding the available procedures.

7/28/69
DATE

Thomas Benton, M.D.
SIGNATURE Thomas Benton, M. D.

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

GEORGE P. SHULTZ, Secretary of Labor)
United States Department of Labor)
)
Plaintiff)
v.)
)
L. L. CLARK and LORAIN D. CLARK)
)
Defendants)

Civil Action File
No. 68-C-235

FILED

MAY - 8 1969

ORDER OF DISMISSAL

M. M. EWING, CLERK
U. S. DISTRICT COURT

This cause coming on to be heard, and the court having considered the stipulation of compliance entered into by the parties hereto, the court finding that the defendants have promised to comply with the applicable provisions of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 201 et seq.), the court further finding that the sum of \$1,018.63 has been paid by the defendants to the plaintiff pursuant to the terms of said stipulation for the purposes therein provided, and the court being fully advised in the premises; it is hereby

ORDERED, ADJUDGED and DECREED that the above entitled and numbered cause be, and the same is hereby, dismissed with costs taxed to the defendants.

Dated this 8 day of May, 1969.

L. A. Daugherty
United States District Judge

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

SAND SPRINGS RAILWAY COMPANY,)
A Corporation,)
)
Plaintiff,)
)
VS.)
)
ELECTRICAL STEEL FABRICATORS,)
INCORPORATED, A Corporation,)
)
Defendant.)

FILED

MAY 12 1969

M. M. EWING, CLERK
U. S. DISTRICT COURT

NO. 69-C-33

NOTICE OF DISMISSAL WITH PREJUDICE

Comes now the Plaintiff and herewith dismisses the above
entitled cause of action, with prejudice.

SAND SPRINGS RAILWAY COMPANY,

BY: S. Neal Johnson
S. Neal Johnson - President

DOERNER, STUART, MORELAND,
SAUNDERS & DANIEL

BY: Robert F. Biolchini
Robert F. Biolchini
Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

The United States of America,

Plaintiff,

vs.

Jimmy Riley Allen and Sara June Allen,
husband and wife, and Bill W. Dover
and Gerri Dover, husband and wife,

Defendants.

Civil No. 69-C-47

FILED

MAY 12 1969

M. M. EWING, CLERK
U. S. DISTRICT COURT.

JUDGMENT OF FORECLOSURE

THIS MATTER COMES on for consideration this 12 day of May 1969. The defendants, Jimmy Riley Allen and Sara June Allen, husband and wife, and Bill W. Dover and Gerri Dover, husband and wife, appearing not.

The Court being fully advised and having examined the file herein finds that personal service was made on the defendants, Jimmy Riley Allen and Sara June Allen, husband and wife, on April 4, 1969, and personal service was made on the defendants, Bill W. Dover and Gerri Dover, husband and wife, on April 3, 1969; and

It appearing that the defendants, Jimmy Riley Allen and Sara June Allen, husband and wife, and Bill W. Dover and Gerri Dover, husband and wife, have failed to file an Answer herein and that default has been entered by the Clerk of this Court.

The Court further finds that this is a suit based upon a mortgage note and foreclosure on a real property mortgage securing said mortgage note on the following described real property located in Tulsa, Tulsa County, Oklahoma, within the Northern Judicial District of Oklahoma:

Lot Seven (7), Block Three (3), Carbondale Third Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof.

The Court further finds that the material allegations of Plaintiff's Complaint are true and correct;

That the defendants, Jimmy Riley Allen and Sara June Allen, husband and wife, did on June 25, 1962, execute and deliver to the Administrator of Veterans Affairs, their mortgage and mortgage note for the sum of \$7,300.00, with interest thereon at the rate of 5 $\frac{1}{2}$ % per annum and further providing for the payment of monthly installments of principal and interest; and

It further appears that the defendants, Bill W. Dover and Gerri Dover, husband and wife, have or claim some right, title, or interest in and to the premises herein being foreclosed by reason of a General Warranty Deed, dated November 22, 1965, and filed of record, July 21, 1966, in the County Records of Tulsa County, Oklahoma, in Book 3736, Page 553, but in this regard, plaintiff states that whatever right, title, or interest the defendants, Bill W. Dover and Gerri Dover, husband and wife, have in and to said property being foreclosed herein is junior and inferior to the first mortgage lien of this plaintiff; and

It further appears that the defendants, Bill W. Dover and Gerri Dover, husband and wife, made default under the terms of the aforesaid mortgage note and mortgage by reason of their failure to make monthly installments due thereon on March 1, 1967, which default has continued and that by reason thereof the defendants are now indebted to the Plaintiff in the sum of \$6,729.23, as unpaid principal, with interest thereon at the rate of $5\frac{1}{2}\%$ per annum from March 1, 1967, until paid.

IT IS THEREFORE ORDERED, ADJUDGED and DECREED that the Plaintiff, United States of America, have and recover judgment against the defendants, Jimmy Riley Allen and Sara June Allen, husband and wife, and Bill W. Dover and Gerri Dover, husband and wife, for the sum of \$6,729.23, with interest thereon at the rate of $5\frac{1}{2}\%$ per annum from March 1, 1967, until paid, plus the cost of this action accrued and accruing.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that upon failure of the defendants to satisfy Plaintiff's money judgment herein, an Order of Sale shall issue to the United States Marshal for the Northern District of Oklahoma, commanding him to advertise and sell, with appraisalment, the above-described real property and apply the proceeds thereof in satisfaction of Plaintiff's judgment. The residue, if any, to be deposited with the Clerk of the Court to await further order of the Court.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that from and after the sale of said property, under and by virtue of this judgment and decree, the defendants and each of them and all persons claiming under them since the filing of the complaint herein be and they are forever barred and

foreclosed of any right, title, interest or claim in or to the real property or any part thereof.

UNITED STATES DISTRICT JUDGE

APPROVED:

ROBERT P. SANTEE
Assistant U. S. Attorney

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

CIVIL NO. 68-C-250

vs.

Louis Christian Kayser, Jr. and
Joan G. Kayser, husband and wife,
et al,

Defendants.)

FILED

MAY 12 1969

M. M. EWING, CLERK
U. S. DISTRICT COURT. *h*

ORDER CONFIRMING MARSHAL'S SALE

NOW, on this 9 day of May, 1969, there comes on
for consideration the Motion to Confirm Sale made by the United States
Marshal for the Northern District of Oklahoma on May 7, 1969,
under an Order of Sale dated March 24, 1969, of the following-described
property, to-wit:

Lot Twenty-One (21), Block Thirty-Nine (39)
Valley View Acres Second Addition to the City
of Tulsa, Tulsa County, Oklahoma, according
to the recorded plat thereof,

and the Court having examined the proceedings of the United States Marshal
under the said Order of Sale, there being no exceptions thereto and no one
appearing in opposition thereto, finds that due and legal notice of the
sale was given once a week for four (4) consecutive weeks prior to the
date of said sale in the Tulsa Daily Legal News, a newspaper of general
circulation in Tulsa County, State of Oklahoma, and that on the day
fixed therein the aforesaid property was sold to the Admin. of Veterans Affairs,
he being the highest and best bidder therefor.

The Court finds that the sale was in all respects in conformity
with the law and judgment of this Court and was legal in all respects.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the United
States Marshal's Sale made pursuant to the Order of Sale heretofore issued
herein, be, and the same is approved and confirmed.

IT IS FURTHER ORDERED that Doyle W. Foreman, United States
Marshal for the Northern District of Oklahoma, execute and deliver to the
purchaser, the Admin. of Veterans Affairs, a good and sufficient deed
for the above-described real property.

APPROVED:

Robert P. Santee

ROBERT P. SANTEE
Assistant U. S. Attorney

Lisa Daugherty
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

PAUL EDWARD MARTIN,

Plaintiff,

vs.

J. P. OLDS, INC.,
a Corporation,

Defendant.

CIVIL ACTION NO. 69-C-40

FILED

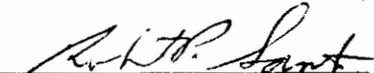
MAY 13 1969

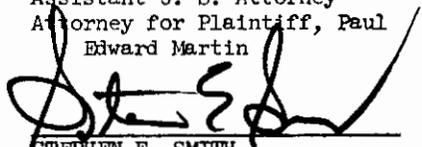
M. M. EWING, CLERK
U. S. DISTRICT COURT

STIPULATION FOR DISMISSAL WITH PREJUDICE

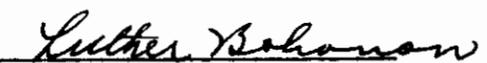
COMES NOW the Plaintiff, Paul Edward Martin, by and through his attorney, Robert P. Santee, Assistant United States Attorney for the Northern District of Oklahoma, and Defendant, J. P. Olds, Inc., a Corporation, by and through its attorney, Stephen E. Smith, and hereby stipulate that the above action be dismissed with prejudice.


PAUL EDWARD MARTIN


ROBERT P. SANTEE
Assistant U. S. Attorney
Attorney for Plaintiff, Paul
Edward Martin


STEPHEN E. SMITH
Attorney for J. P. Olds, Inc.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the above action shall be and the same is hereby dismissed with prejudice.


UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

CIVIL NO. 69-C-8

vs.

G. L. Jackson and Mildred M.
Jackson, husband and wife,

Defendants.

FILED

MAY 14 1969

ORDER CONFIRMING MARSHAL'S SALE

M. M. EWING, CLERK
U. S. DISTRICT COURT

NOW, on this 14th day of May, 1969, there comes on

for consideration the motion to Confirm Sale made by the United States
Marshal for the Northern District of Oklahoma on May 13, 1969,
under an Order of Sale dated March 26, 1969, of the following-described
property, to-wit: Lot Fourteen (14), Block Six (6), Suburban Acres
Fourth, an Addition to the City of Tulsa, Tulsa
County, State of Oklahoma, according to the Recorded
Plat thereof,

and the Court having examined the proceedings of the United States Marshal
under the said Order of Sale, there being no exceptions thereto and no one
appearing in opposition thereto, finds that due and legal notice of the
sale was given once a week for four (4) consecutive weeks prior to the
date of said sale in the Tulsa Daily Legal News, a newspaper of general
circulation in Tulsa County, State of Oklahoma, and that on the day
fixed therein the aforesaid property was sold to the Admin. of Veterans Affairs,
he being the highest and best bidder therefor.

The Court finds that the sale was in all respects in conformity
with the law and judgment of this Court and was legal in all respects.

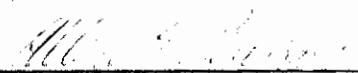
IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the United
States Marshal's Sale made pursuant to the Order of Sale heretofore issued
herein, be, and the same is approved and confirmed.

IT IS FURTHER ORDERED that Doyle W. Foreman, United States
Marshal for the Northern District of Oklahoma, execute and deliver to the
purchaser, the Admin. of Veterans Affairs, a good and sufficient deed
for the above-described real property.

APPROVED:



ROBERT P. SANDEE
Assistant U. S. Attorney


UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

Orville James Acker and
Wanda Nadine Acker, Travis Neal
Bradstreet and Jerri Nell
Bradstreet, and Acme Plumbing
& Heating, Inc., a corporation,

Defendants.

Civil No. 69-C-36

FILED

MAY 14 1969

M. M. EWING, CLERK
U. S. DISTRICT COURT

JUDGMENT OF FORECLOSURE

THIS MATTER COMES on for consideration this 14 day of May
1969, and the defendants, Orville James Acker and Wanda Nadine Acker,
Travis Neal Bradstreet and Jerri Nell Bradstreet, and Acme Plumbing &
Heating, Inc., a corporation, appearing not.

The Court being fully advised and having examined the file
herein finds that personal service was made upon the defendants, Orville
James Acker and Wanda Nadine Acker, on April 8, 1969 and April 7, 1969,
respectively; personal service was made on Travis Neal Bradstreet and
Jerri Nell Bradstreet, on March 21, 1969; and personal service was made
on Acme Plumbing & Heating, Inc., a corporation, on March 18, 1969, requiring
each of them to answer the complaint filed herein not more than twenty (20)
days after service of summons, and it appearing that said defendants have
failed to file an answer herein and their default has been entered by the
Clerk of this Court; and

The Court further finds that the material allegations of the
plaintiff's complaint are true and correct;

That the defendants, Orville James Acker and Wanda Nadine Acker,
did on December 11, 1963, execute and deliver to the Administrator of Veterans
Affairs their mortgage and mortgage note for the sum of \$9,100.00, with
interest thereon at the rate of $5\frac{1}{4}\%$ per annum, and further providing for
the payment of monthly installments of principal and interest; and

It further appears that the defendants, Travis Neal Bradstreet and Jerri Nell Bradstreet, have or claim some right, title, or interest in and to the premises herein being foreclosed by reason of a General Warranty Deed, dated November 9, 1967, and filed of record on November 14, 1967, in the Office of the County Clerk, Tulsa County, Oklahoma, in Book 3828, Page 1336, but in this regard, plaintiff states that whatever right, title, or interest the defendants, Travis Neal Bradstreet and Jerri Nell Bradstreet, have in and to said property being foreclosed herein is junior and inferior to the first mortgage lien of this plaintiff; and

It further appears that the defendants, Travis Neal Bradstreet and Jerri Nell Bradstreet, made default under the terms of the aforesaid mortgage note and mortgage by reason of their failure to make monthly installments due on April 1, 1968, which default has continued and that by reason thereof the defendants are now indebted to the Plaintiff in the sum of \$8,584.25, as unpaid principal, with interest thereon at the rate of $5\frac{1}{4}\%$ per annum from April 1, 1968, until paid; and

It further appears that the defendant, Acme Plumbing & Heating, Inc., a corporation, did encumber said real property further by reason of a mechanic's lien filed in the Office of the District Court Clerk of Tulsa County, Oklahoma, being Lien No. 51504, recorded in Book 18, Page 17.

IT IS THEREFORE ORDERED, ADJUDGED and DECREED that the Plaintiff have judgment against the defendants, Orville James Acker and Wanda Nadine Acker and Travis Neal Bradstreet and Jerri Nell Bradstreet, for the sum of \$8,584.25, with interest thereon at the rate of $5\frac{1}{4}\%$ per annum, from April 1, 1968, until paid, together with the costs of this action accrued and accruing.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that any claim or lien which may exist in favor of Acme Plumbing & Heating, Inc., a corporation, against the subject property, is junior and inferior to the foreclosure lien in favor of the United States of America.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that upon failure of the defendants, Orville James Acker and Wanda Nadine Acker and Travis Neal Bradstreet and Jerri Nell Bradstreet, to satisfy the judgment of the Plaintiff herein, an Order of Sale shall issue to the United States Marshal for the Northern District of Oklahoma, commanding him to advertise and sell, with appraisement, the following described real property:

Lot Four (4), Block One (1), Suburban Acres
Third Addition to the City of Tulsa, Tulsa
County, Oklahoma, according to the recorded plat
thereof,

and apply the proceeds thereof in satisfaction of Plaintiff's judgment. The residue, if any, to be deposited with the Clerk of the Court to await further Order of the Court.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that from and after the sale of said property under and by virtue of this judgment, the defendants, Orville James Acker and Wanda Nadine Acker and Travis Neal Bradstreet and Jerri Nell Bradstreet, and Acme Plumbing & Heating, Inc., a corporation, and each of them, and all persons claiming by, through or under said defendants, since the filing of the Complaint herein, be and they are forever barred and foreclosed from every right, title or interest in or to the heretofore described real property.

(s) Fred Daugherty
UNITED STATES DISTRICT JUDGE

APPROVED:
Robert F. Santee
ROBERT F. SANTEE
Assistant U. S. Attorney

FILED

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA *W. E. G. J.*
MAY 15 1969

METROPOLITAN LIFE INSURANCE COMPANY,)
)
 Plaintiff,)
)
 vs.)
)
 LEWIS M. BALLIET; ET AL.,)
)
 Defendants.)
)
)

M. M. EWING, CLERK *W*
U. S. DISTRICT COURT

No. 68-C-217 ✓

JUDGMENT

Pursuant to the stipulation of the parties herein, IT IS ORDERED that judgment be entered herein in favor of the parties hereinafter set forth and for the amounts hereinafter set forth; and IT IS FURTHER ORDERED that said parties are entitled to the fund herein deposited by the plaintiff in the following amounts, and distribution is ordered accordingly:

Gable, Gotwals, Hays, Rubin & Fox Fee	\$1,250.00
Gable, Gotwals, Hays, Rubin & Fox Expenses	\$163.08
John R. Lucas and Naomi M. Lucas	\$4,078.89
Barr Funeral Home, Inc.	\$2,329.10
Credit Thrift of America	\$750.00
Ponca Industrial Finance Corporation	\$511.03
Dr. E. C. Yeary	\$242.75
Lewis M. Balliet	\$2,675.15

Dated May 15, 1969.

W. E. G. J.
United States District Judge

Judgment Approved:

Clair Gable

For Gable, Gotwals, Hays, Rubin & Fox
Attorneys for Plaintiff

Peyton F. Brown

and
Associates (C, C, A)
Attorneys for John R. Lucas and
Naomi M. Lucas, Defendants

George Washington Jr.
Attorneys for Barr Funeral Home, Inc.

Joseph R. Stet

Attorneys for Credit Thrift of America

George Miller

Attorneys for Ponca Industrial Finance ~~CORP~~
Corporation

George Miller

Attorneys for Dr. E. C. Yeary ~~CORP~~

George Briggs

Attorneys for Lewis M. Balliet

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF OKLAHOMA
 TULSA DIVISION

LUCILLE MAISH, widow * CIVIL ACTION
 of FRED A. MAISH * NO.
 VS. * SECTION
 McDERMOTT INTERNATIONAL, INC. *

FILED

MAY 15 1969

M. M. EWING, CLERK
U. S. DISTRICT COURTJ U D G M E N T

This cause came on upon the stipulation of facts and medical reports of the parties, and the Court after rendering findings of fact and conclusions of law, is now ready to render judgment.

IT IS ORDERED, ADJUDGED AND DECREED that there be judgment in favor of complainant, Lucille Maish, and against McDermott International, Inc. in the sum of TEN THOUSAND THREE HUNDRED AND TWENTY TWO AND NO/100 (\$10,322.00) DOLLARS and Court costs.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that upon payment of this judgment, McDermott International, Inc., their officers, directors, stockholders, servants, agents, employees, insurers, underwriters, successors, assigns and any other persons for whom they may be responsible in the premises, be and they are hereby forever discharged of and from any further liability to complainant, Lucille Maish, widow of Fred A. Maish, a seaman, under the Jones Act, in tort, in admiralty, for wages, maintenance and cure, and under the General Maritime Law, for unseaworthiness, in maritime tort, under Article 2315 of the Louisiana Civil Code, at common law, in equity or otherwise.

Tulsa, Oklahoma, this 15th day of May, 1969.


 UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED 

MAY 16 1969

ROBERT EARL JOHNSON,

Petitioner,

vs.

RAY H. PAGE, Warden,
Oklahoma State Penitentiary,
McAlester, Oklahoma

Respondent.

M. M. EWING, CLERK
U. S. DISTRICT COURT

NO. 69-C-32 ✓

O R D E R

The Court has for consideration the petition for Writ of Habeas Corpus by petitioner, Robert Earl Johnson, and the response of H. L. McConnell, Assistant Attorney General, State of Oklahoma, to the Court's Order to Show Cause why the Writ of Habeas Corpus should not be awarded. The Court being fully advised in the premises finds:

1. That petitioner alleges herein he is held under an excessive appeal bond as compared with the appeal bond set for his "white" co-defendants; that the exorbitant appeal bond abridges petitioner's constitutional rights of due process of law, and fair and equal treatment under the law, and that such bond is discriminatory and was unfairly set through bias and prejudice of the trial court because complainant is a member of the "negro or black race". (Emphasis added)

2. That petitioner was found guilty by the District Court of Tulsa County of the crime of burglary in the second degree, after former conviction of four prior felonies, and was sentenced to serve a term of twenty-five (25) years in the State Penitentiary. That appeal bond was fixed in the sum of twenty-five thousand dollars to be made within ten days, and petitioner was ordered held in the county jail for ten days to perfect his appeal before being delivered to the warden of the State Penitentiary.

3. That petitioner, by his attorney, filed in seven days, December 20, 1968, a petition for Writ of Habeas Corpus in the

Oklahoma Court of Criminal Appeals alleging that petitioner's appeal bond was "excessive and in fact discriminatory as it relates to the petitioner in comparison with the appeal bond set for two co-defendants in the same matter;" (Emphasis added)

4. That the Court of Criminal Appeals of the State of Oklahoma, Case No. A-15,057, after reviewing the petition, transcript of the proceedings had at the time of petitioner's sentencing, response of the State, and after a hearing conducted before the Referee of the Court on January 3, 1969, found that petitioner failed to introduce sufficient facts to justify the reduction of the appeal bond and entered an order denying the Writ of Habeas Corpus. That thereafter, petitioner, without counsel, submitted a "Petition for Motion to Rehear Writ of Habeas Corpus" and therein alleged that Jackie Maywell was sentenced to a term of twelve (12) years imprisonment and an appeal bond of five thousand dollars, and Zane F. Rogers was sentenced to a term of fifteen (15) years imprisonment and an appeal bond of four thousand dollars; that they were petitioner's co-defendants charged with burglary in District Court Case No. 23074; and that petitioner's appeal bond is "most definitely excessive in comparison with the appeal bonds of his co-defendants," (Emphasis added). That the Referee relying on Rule 17 of October 9, 1968, which provides that the "Clerk of the Court of Criminal Appeals is not authorized to file a petition for rehearing in cases other than a direct appeal from a trial court," returned the Petition for Motion to Rehear Writ of Habeas Corpus "unfiled" to the petitioner. That petitioner, therefore, alleges he has exhausted his remedies in the Courts of the State of Oklahoma.

5. That this Court, in the instant case, appointed counsel to make a preliminary investigation to determine whether the matter of petitioner's being a member of the "negro, or black race" had been prejudicial to him, or whether petitioner's race had, in fact, been raised at any stage of the State proceedings. Upon

oral report of said counsel, the Court finds that the issue of discrimination because of race or color has not been raised before the State tribunals.

6. That the doctrine of exhaustion of state remedies is not a prerequisite to Federal Habeas Corpus jurisdiction. *Fay v. Noia*, 372 U. S. 391, 83 S. Ct. 822, 9 L. Ed. 2d 837. However, that where state law gives prisoners a post conviction remedy and protection of the rights guaranteed by the Constitution of the United States, as provided in Oklahoma, see Okl. St. Ann. Const. Art. 2, § 10; 12 Okl. St. Ann. § 1331 et seq.; 22 OS Supp. 1965, § 1073; and the constitutional issue is presented for the first time in the petition to the Federal Courts, the matter is premature in the Federal Court. *Boyd v. State of Okl.*, 375 F. 2d 481 (1967); *Hurt v. Page*, 355 F. 2d 169 (1966); Further, that on the principles of the doctrine of comity, codified in 28 U.S.C.A. § 2254, the Federal Courts should defer ruling on habeas corpus petitions filed by state prisoners until the state courts have had an opportunity to pass upon the claims, and correct errors, if any, in the state criminal process. *Love v. Page*, 351 F. 2d 303 (1965); *Barber v. Page*, 355 F. 2d 171 (1966); *Miller v. State of Okl.*, 363 F. 2d 843 (1966); *Wood v. Crouse*, 389 F. 2d 747 (Kan. 1968); *Cardinale v. Louisiana*, ___ U. S. ___ (1969).

7. That the Writ of Habeas Corpus should be denied. That the allegation in the petition herein, that the appeal bond was set in an excessive amount because petitioner is a member of the "negro, or black race" and his co-defendants were of the "white" race, is an affirmative showing that petitioner did not raise in the State Courts, and therefore, petitioner has failed to exhaust his State remedies.

IT IS, THEREFORE, ORDERED that the Petition for Writ of Habeas Corpus be and the same is hereby denied.

Dated this 16th day of May, 1969, at Tulsa, Oklahoma.


UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN
DISTRICT OF OKLAHOMA

TRANSPORT INSURANCE COMPANY,
INC., a foreign corporation

Plaintiff

vs

STONE TRUCKING COMPANY, an
Oklahoma Corporation,

Defendant

and

CHANDLER-FRATES & REITZ, a
Partnership

Third Party Defendants

NO. 67-C-203

FILED

MAY 19 1969

M. M. EWING, CLERK
U. S. DISTRICT COURT

JUDGMENT

This action came on for trial before the court, jury having been waived by the parties, Honorable Fred Daugherty, United States District Judge, presiding, and the issues having been duly tried and the court having made its findings of fact and conclusions of law.

IT IS ORDERED AND ADJUDGED that plaintiff, Transport Insurance Company, have and recover against the third party defendant, Chandler-Frates & Reitz, the sum of \$5,731.14.

IT IS FURTHER ORDERED AND ADJUDGED that plaintiff, Transport Insurance Company, have and recover against the defendant Stone Trucking Company, and the third party defendant, Chandler-Frates & Reitz, the sum of \$14,788.87.

Dated at Tulsa, Oklahoma, this 19 day of May, 1969.

720

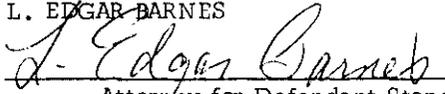
Fred Daugherty
Fred Daugherty, United States District Judge

APPROVED AS TO FORM:

BEST, SHARP, THOMAS & GLASS

By: Joseph A. Sharp
Attorneys for Plaintiff Transport
Insurance Company

L. EDGAR BARNES

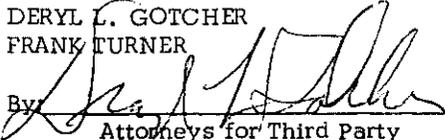


Attorney for Defendant Stone
Trucking Company

DERYL L. GOTCHER

FRANK TURNER

By



Attorneys for Third Party
Defendant Chandler-Frates & Reitz

WS

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

COMBUSTION ENGINEERING, INC.)
)
 Plaintiff,)
)
 v.)
)
 SAND SPRINGS RAILWAY COMPANY,)
)
 Defendant.)

NO. 69-C-42

FILED

MAY 20 1969

ORDER ALLOWING DISMISSAL WITHOUT PREJUDICE AND AUTHORIZING DISBURSEMENT OF CASH BONDS. M. EWING, CLERK
U.S. DISTRICT COURT

Now, on this _____ day of May, 1969, this matter came before the undersigned judge of the United States District Court for the Northern District of Oklahoma, and it appearing to the Court that Plaintiff's Motion for leave to dismiss the above entitled action without prejudice, filed herein on the 19th day of May, 1969, should be sustained; and it further appearing to the Court that Plaintiff has heretofore filed an undertaking for temporary restraining order in the penal sum of FIVE THOUSAND DOLLARS (\$5,000.00) and that Plaintiff has paid said penal sum into Court on the 26th day of March, 1969,

IT IS THEREFORE ORDERED that the complaint filed herein by the Plaintiff be dismissed without prejudice to the bringing of another action concerning any of the matters involved therein; it is further ordered that the aforementioned undertaking for temporary restraining order be and the same is hereby released and the clerk of this Court is hereby authorized and directed to return to the Plaintiff the sum of FIVE THOUSAND DOLLARS (\$5,000.00) which Plaintiff has heretofore paid into Court as the penal sum of said undertaking.

DATED this 19th day of May, 1969.

William C. Surran

United States District Judge

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Petitioner,

vs.

Wm. F. Carlile, *M. D.*

Patient.

69-C-99 ✓

Civil No. _____

FILED

MAY 20 1969

M. M. EWING, CLERK
U. S. DISTRICT COURT

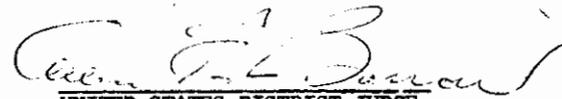
ORDER

This day came on for consideration the petition of the United States in this cause; and it appearing to the Court that the patient, after having been fully advised of his rights as set forth in Title 42 U.S.C. Section 3411, et seq. (Title III, Section 301, et seq. Public Law 89-793), has in open Court waived all such rights and has again expressed his desire to obtain treatment for his addiction; and the Court having determined that there is reasonable cause to believe that the patient is a narcotic addict, and that there are not any appropriate State or other facilities available for his treatment pursuant to said law, it is hereby

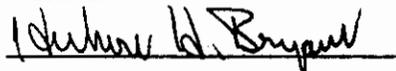
ORDERED that the patient be committed to the custody of the Surgeon General for examination under Title 42 U.S.C. Section 3413 (Title III, Section 303, Public Law 89-793), to determine whether or not he is a narcotic addict who is likely to be rehabilitated. The written report required of each examining physician shall be filed with the Court and copies thereof furnished to the patient, not later than twenty (20) days after the patient is received at the facility hereinafter designated, and the patient shall be detained for an additional period of ten (10) days at the institution, pending further order of the Court. Provided, however, in the event both examining physicians conclude in their respective written reports that the patient is a narcotic addict who is likely to be rehabilitated through treatment, and, if the patient by written instrument filed with the Court along with, and at the same time as, the reports of the examining physicians, waives any right he may have to notice and hearing on the issue as to whether or not he is a narcotic addict who is likely to be rehabilitated through treatment, and requests that he be forthwith committed to the care and custody of the Surgeon General for treatment in a hospital of the Service, rather than be returned to this Court for further proceedings, he shall be detained at said institution for a reasonable time after the expiration of thirty (30) days from the date he is received at said facility, pending further order of the Court.

It Is Further ORDERED that the patient shall be allowed to proceed to the National Institute Mental Health Clinical Research Center, 3150 Horton Road, Fort Worth, Texas 76119, without being taken into custody by the United States Marshal, provided, he reports to said facility not later than three (3) days after the date of this order.

Signed the 20th day of May 1969.


UNITED STATES DISTRICT JUDGE

APPROVED:


Assistant U. S. Attorney

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

LEAVITT TUBE CO., INCORPORATED,)
)
) Plaintiff,)
)
-vs-)
)
HOLLYWOOD DEEPTONE MANUFACTURING)
COMPANY, INC., an Oklahoma Corpora-)
tion, and CARL MERCER,)
)
) Defendants.)

FILED

MAY 21 1969

M. M. EWING, CLERK
U. S. DISTRICT COURT

number 68-C-243 ✓

DISMISSAL WITHOUT PREJUDICE

COMES now the plaintiff in the above styled cause and
with leave of Court first had and obtained dismisses the above
entitled cause without prejudice to a future filing herein.

SWANSON & MONTGOMERY
711 Thurston National Building
Tulsa, Oklahoma 74103

By: Gerald D. Swanson
Gerald D. Swanson

Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF OKLAHOMA

LEAVITT TUBE CO., INCORPORATED,)
)
) Plaintiff,)
)
-vs-)
)
) HOLLYWOOD DEEPTONE MANUFACTURING)
) COMPANY, INC., an Oklahoma Corpora-)
) tion, and CARL MERCER,)
)
) Defendants.)

FILED

MAY 21 1969

**M. M. EWING, CLERK
U. S. DISTRICT COURT**

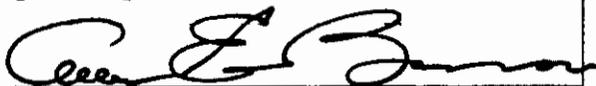
NO. 68-C-243 ✓

ORDER ALLOWING PLAINTIFF TO DISMISS SUIT WITHOUT
PREJUDICE

NOW on this 15th day of May, 1969, the above entitled cause came on for hearing before the undersigned Judge of the United States District Court for the Northern District of Oklahoma for disposition. The plaintiff appeared by its attorney Gerald D. Swanson and the defendant appeareth not. Upon representation of counsel for the plaintiff the Court finds that the defendant has been making payments on the promissory notes herein sued upon and that the plaintiff has reason to believe that the defendant will continue to pay its obligation in full. Therefore, upon application of the plaintiff,

IT IS ORDERED that the plaintiff be, and it is hereby, authorized and allowed to dismiss its cause of action against the defendant without prejudice to a future filing herein.

DATED, this 15th day of May, 1969.



UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

STANLEY M. KAUFMAN,)	Civil Action
)	
Plaintiff,)	No. 67-C-213
)	
vs.)	
)	
THE CARLTON CLUB OF TULSA, INC.,)	
an Oklahoma corporation,)	
GEORGE WICKERSHAM; BRYCE C. ROBY;)	
CHARLES W. BLISS, JR.; EDWARD S.)	
ALLSBROW; FRANK STAINBROOK; THE)	
UNITED STATES OF AMERICA; THE STATE)	
OF OKLAHOMA, ex rel OKLAHOMA)	
EMPLOYMENT SECURITY COMMISSION;)	
OIL CITY CONSTRUCTORS, INC., an)	
Oklahoma corporation; COUNTY TREASURER)	
OF TULSA COUNTY, STATE OF OKLAHOMA;)	
BOARD OF COUNTY COMMISSIONERS OF)	
TULSA COUNTY, STATE OF OKLAHOMA, and)	
ADAMS HOTEL CORPORATION, a Delaware)	
corporation,)	
)	
Defendants.)	

FILED

MAY 23 1969

M. M. EWING, CLERK
U. S. DISTRICT COURT

J U D G M E N T

This action came on for hearing before the Court, the Honorable Fred Daugherty, the District Judge presiding, the plaintiff being present by his attorney, I. E. Ungerman, the defendants, The Carlton Club of Tulsa, Inc., George Wickersham, Bryce C. Roby, Charles W. Bliss, Jr., Edward S. Allsbrow, Frank Stainbrook, and Oil City Constructors, Inc., being present by their attorney, Charles A. Whitebook, the defendant, The United States of America being present by its attorney, Hubert Marlow, Assistant United States Attorney, and the defendants, County Treasurer of Tulsa County, State of Oklahoma, and Board of County Commissioners of Tulsa County, State of Oklahoma, being present by their attorney, Andrew B. Allen, Assistant District Attorney, and the said defendant, The State of Oklahoma, ex rel Oklahoma Employment Security Commission, appearing not, but having made default, and it appearing to the Court that this is a suit upon Promissory Notes and for foreclosure of Mortgages upon real estate securing the same,

LAW OFFICES
 UNGERMAN,
 GRABEL,
 UNGERMAN
 & LEITER
 SIXTH FLOOR
 WRIGHT BUILDING
 TULSA, OKLAHOMA

which said real estate is located in the County of Tulsa, State of Oklahoma, and the issues having been duly presented pursuant to pre-trial stipulation and order, and it further appearing that due and legal personal service of summons has been made upon the defendants, and each of them, and the said defendants and each of them, except the State of Oklahoma, having entered their respective appearances by counsel and having filed their respective answers and cross-petition herein, and the plaintiff having introduced in open court the notes and mortgages sued on herein, and the Court being otherwise fully advised and a decision having been duly rendered,

IT IS ORDERED AND ADJUDGED:

1. That due and legal service of Summons has been made upon all of the defendants named in plaintiff's Complaint and Amended Complaint; that said service is legal and regular in all respects and this Court has jurisdiction; that the defendants George Wickersham, Bryce C. Roby, Charles W. Bliss, Jr., Edward S. Allsbrow, Frank Stainbrook, and The Trustees of Adams Hotel Corporation, a dissolved corporation, have filed their appearance disclaiming any interest in and to the property described in plaintiff's Complaint and Amended Complaint; that the defendant The State of Oklahoma, ex rel Oklahoma Employment Security Commission, though duly served with Summons herein, failed to answer or otherwise plead and is in default.

2. That this is an action on a Promissory Note and for the foreclosure of a Real Estate Mortgage in favor of the plaintiff as alleged in the Complaint and Amended Complaint and upon a Promissory Note and for the foreclosure of a Second Real Estate Mortgage in favor of the cross-petitioning defendant, Oil City Constructors, Inc., as alleged in said defendant's Cross-Petition herein, securing the payment thereof, respectively, against the maker of said notes, The Carlton Club of Tulsa, Inc., an Oklahoma corporation, and against the individual defendants, George Wickersham, Bryce C. Roby, Charles W. Bliss, Jr., Edward S. Allsbrow, and Frank Stainbrook, as guarantors, on the Promissory Note described and alleged in plaintiff's

Complaint and Amended Complaint; that the defendants, the County Treasurer and Board of County Commissioners of Tulsa County, State of Oklahoma, and the United States of America, claim certain liens against the property, both real and personal.

3. That federal jurisdiction is invoked on the ground of diversity of citizenship and the amount in controversy, and jurisdiction and venue are properly established.

4. That the defendant, Oil City Constructors, Inc., an Oklahoma corporation, on the 23rd day of April, 1969, pursuant to the said Pre-Trial Stipulation and Order and leave of Court granted therein, filed its Cross-Petition and Counterclaim herein on its Promissory Note and Second Real Estate Mortgage covering the premises described in plaintiff's Complaint and Amended Complaint, and that all of the attorneys of record of the co-defendants and of the plaintiff have consented to the filing of said Cross-Petition and Counterclaim, all without prejudice to the entry of Judgment; and that no responsive pleading was required to be filed by the said co-defendants or plaintiff to said Cross-Petition and Counterclaim, the respective parties and their counsel having stipulated that each of said parties admitted the existence of the Note and Mortgage of the cross-petitioning defendant, Oil City Constructors, Inc., and denied the priority of said claim.

5. That the execution of the Promissory Note and the execution of the Real Estate Mortgage described in plaintiff's Complaint and Amended Complaint and the Promissory Note and Second Real Estate Mortgage described in the Cross-Petition of the defendant, Oil City Constructors, Inc., are admitted by the defendant The Carlton Club of Tulsa, Inc., and said Promissory Notes and Real Estate Mortgage and Second Real Estate Mortgage were made and delivered for a valid and legal consideration.

6. That the Note and Mortgage described in plaintiff's Complaint and Amended Complaint were duly and validly assigned to the plaintiff and the plaintiff, Stanley M. Kaufman, is the owner and holder thereof, and the proper party plaintiff.

7. That the defendant, The Carlton Club of Tulsa, Inc., a corporation, is in default in payment of said Note and Mortgage as alleged in plaintiff's Complaint and that judgment against said defendant and in favor of the plaintiff, as prayed in plaintiff's Complaint and Amended Complaint is hereby entered.

8. That the mortgage of the plaintiff is a first and prior mortgage lien upon the real estate and premises described in plaintiff's Complaint and Amended Complaint by virtue of the said mortgage as security on the payment of said indebtedness, interest, attorney's fee and costs, which said real property is described as follows, to-wit:

The West Seventy (70) Feet of Lot Eight (8), Block One Hundred Thirty-four (134), in the City of Tulsa, Oklahoma, more particularly described as that part of said Lot bounded as follows, to-wit: Beginning at the Northwesterly corner of said Lot Eight (8), thence Southerly along the Westerly line of said Lot a distance of Seventy-five (75) Feet to the Southwesterly corner thereof; thence in an Easterly direction along the Southerly line of said Lot a distance of Seventy (70) Feet; thence in a Northerly direction and parallel with the Westerly line of said Lot a distance of Seventy-five (75) Feet to the Northerly line of said Lot; thence in a Westerly direction along the Northerly line of said Lot a distance of Seventy (70) Feet to the point of beginning, described with reference to the official plat of the City of Tulsa, Tulsa County, Oklahoma,

subject to the following:

(a) That the plaintiff shall pay to the County Treasurer of Tulsa County, Oklahoma, in full settlement for its claim for ad valorem taxes due the said County Treasurer of Tulsa County, Oklahoma, from The Carlton Club of Tulsa, Inc., on the real estate described in plaintiff's Complaint and on the personal property situated in and contained in the improvements situated on said premises, and for a full and complete release and satisfaction of all claims and demands, the following sums: ad valorem real estate taxes for the year 1968 in the sum of \$9,843.35, and

ad valorem personal property taxes for the year 1969 in the sum of \$2, 181. 35, together with penalty at the rate of 1% per month on both sums until paid, said sums to be paid and payable out of the proceeds of the sale of said property on foreclosure.

(b) That the claim and lien of the United States of America is a valid lien but inferior to liens of the plaintiff, the defendant, County Treasurer of Tulsa County, Oklahoma, and the defendant, Oil City Constructors, Inc.; that judgment be and is hereby entered therefor as prayed, payable only after the satisfaction of plaintiff's judgment and after satisfaction of the judgment of cross-petitioner, Oil City Constructors, Inc., as hereinafter set forth, including costs and attorneys' fees.

(c) That this cause of action be and is hereby dismissed with prejudice as against the named individual defendants.

(d) That the allegations of plaintiff's Complaint and Amended Complaint are true; that there is due and owing from the defendant The Carlton Club of Tulsa, Inc., to plaintiff under the provisions of said Note and Mortgage, the following amounts:

(1) Unpaid principal of \$300, 000. 00, with interest thereon at the rate of 10% per annum from the 1st day of January, 1967, until this date, in the sum of \$67, 500. 00.

(2) Taxes and penalties assessed against the properties in the sum of \$12, 024. 70 hereinabove provided to be paid by plaintiff as a prior claim out of the proceeds of the foreclosure sale.

(3) The sum of \$2, 500. 00 for attorneys' fees and for costs of this action, plus \$85. 50 for abstracting costs.

all of which are secured by plaintiff's mortgage, which is adjudged to be a first, prior and superior lien upon said properties; that judgment be and is hereby entered against the defendant The Carlton

Club of Tulsa, Inc., in said sum and foreclosure of said mortgage and sale of said property had according to law.

(e) That if said Judgment be not paid within six (6) months from the date hereof, an Order of Sale issue, commanding the United States Marshal to advertise and sell the same as upon execution, without appraisalment.

(f) That the defendant United States of America have judgment against the defendant The Carlton Club of Tulsa, Inc., a corporation, in the sum of \$2,524.44, for which sum judgment is hereby entered, together with costs; that said lien of United States of America is inferior and subordinate to the plaintiff's lien, and to the lien of the cross-petitioner, Oil City Constructors, Inc. That the indebtedness due the State of Oklahoma, ex rel Oklahoma Employment Security Commission, has been fully paid and discharged and that said defendant has no claim or interest in the property.

(g) That the defendant Adams Hotel Corporation is a dissolved corporation; that the Trustees of said corporation have filed Disclaimer herein; that the deed of said Adams Hotel Corporation dated January 2, 1964, conveying the premises described in plaintiff's Complaint to the defendant The Carlton Club of Tulsa, Inc., is a valid deed and all right, title and interest of The Adams Hotel Corporation was thereby transferred to and vested in the defendant The Carlton Club of Tulsa, Inc.

9. That the mortgage of the cross-petitioner, Oil City Constructors, Inc., is a second real estate mortgage lien covering the same real property as described under paragraph 8 hereinabove, by virtue of the said second real estate mortgage in favor of Oil City Constructors, Inc., as security for the payment of said indebtedness, interest, attorney's fee, and costs, and the defendant, Oil City Constructors, Inc., is granted a judgment herein on its against the defendant, The Carlton Club of Tulsa, Inc.

Promissory Note and Second Real Estate Mortgage of Record, as alleged in said defendant's Cross-Petition herein, as follows:

(a) The unpaid principal sum of \$207, 951. 19;

(b) Interest on the unpaid principal and unpaid interest at 6% per annum from June 25, 1966, to December 25, 1966, and 10% per annum from said date to April 8, 1969, in the amount of \$49, 977. 00, and an attorney's fee of \$2, 500. 00.

(c) That said Mortgage is inferior and subordinate only to the mortgage lien of the plaintiff herein, and of Tulsa County Treasurer.

10. That the Mortgages of the plaintiff and of the cross-petitioning defendant, Oil City Constructors, Inc., are foreclosed as against the State of Oklahoma, ex rel Employment Security Commission.

11. That if said judgments of the plaintiff and of cross-petitioner, Oil City Constructors, Inc., be not paid within the period of six (6) months from the date of this Judgment, by The Carlton Club of Tulsa, Inc., that said mortgages be foreclosed and an Order issue to the United States Marshal to levy upon the premises described in plaintiff's Complaint and Amended Complaint as upon execution, and to proceed to advertise and sell same according to law and to pay the proceeds arising from said sale to the Clerk of this Court for application as follows:

(a) In payment of the costs of said sale and this action accrued and accruing.

(b) In payment of the sum of \$12, 024. 70 to the County Treasurer of Tulsa County, Oklahoma.

(c) In payment to the plaintiff of his judgment as above provided.

(d) In payment to the Oil City Constructors, Inc., of its judgment as above provided.

(e) In payment to the United States of America of its judgment as hereinabove provided.

(f) That the residue, if any, be paid to the defendant, The Carlton Club of Tulsa, Inc.

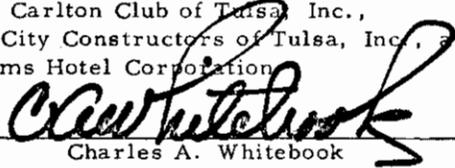
12. That this action be and is hereby dismissed with prejudice by the plaintiff against the defendants George Wickersham, Bryce C. Roby, Charles W. Bliss, Jr., Edward S. Allsbrow, and Frank Stainbrook, and that said defendants are hereby discharged, together with their costs.

Dated at Tulsa, Oklahoma, this _____ day of May, 1969.

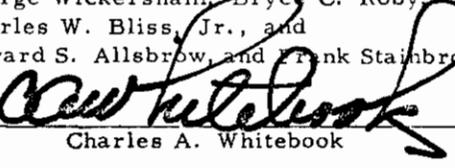
Fred Daugherty
United States District Judge

APPROVED:

The Carlton Club of Tulsa, Inc.,
Oil City Constructors of Tulsa, Inc., and
Adams Hotel Corporation

By: 
Charles A. Whitebook

George Wickersham, Bryce C. Roby,
Charles W. Bliss, Jr., and
Edward S. Allsbrow, and Frank Stainbrook

By: 
Charles A. Whitebook

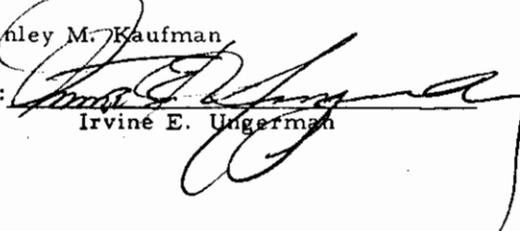
United States of America

By: _____
Asst. United States District Attorney

County Treasurer of Tulsa County, Oklahoma,
and Board of County Commissioners, Tulsa
County, Oklahoma

By: 
Assistant District Attorney

Stanley M. Kaufman

By: 
Irvine E. Ungerman

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

MAY 27 1969

Jacob Dwight Manley,

Petitioner,

vs.

Ray H. Page, Warden
Oklahoma State Penitentiary,
McAlester, Oklahoma,

Respondent.

M. M. EWING, CLERK
U. S. DISTRICT COURT.

NO. 68-C-166
68-C-251

O R D E R

The Court has for consideration an instrument in the nature of a writ of habeas corpus, filed by petitioner, Jacob Dwight Manley, in the Court of Appeals of the 10th Circuit, and, under the provisions of 28 U.S.C.A. § 2241, transferred from the said Court of Appeals to this Court for hearing and determination; and also, the Warden's Response by the Assistant Attorney General of the State of Oklahoma to this Court's Order to Show Cause why the writ of habeas corpus should not be awarded. The Court being fully advised in the premises finds:

1. That this Court also has pending before it, Case No. 68-C-166, a petition in the nature of a writ of habeas corpus, filed by the same petitioner, Jacob Dwight Manley, and, under authority of 28 U.S.C.A. § 2241 (a), transferred from the United States District Court for the Eastern District of Oklahoma to this Court; and also, the Warden's Response by the Assistant Attorney General of the State of Oklahoma to the Court's Order to Show Cause why the writ of habeas corpus should not be awarded.

2. That in both cases, No. 68-C-251 and No. 68-C-166, the petitioner's allegations are identical: that he was convicted for the crime of murder in a trial by jury in the District Court of Creek County on or about the 18th day of May, 1965; that petitioner's punishment was assessed at life imprisonment, under which judgment and sentence petitioner is now confined by the respondent, Ray H. Page, Warden, Oklahoma State Penitentiary. That in both cases

petitioner alleges that he only seeks, at public expense, a case-made of his trial and conviction; that he believes his casemade will show errors in his trial upon which an appeal may be predicated, and that such errors and the refusal to provide petitioner with a casemade abridge petitioner's constitutional rights. That the petitioner, Jacob Dwight Manley, in both cases has filed a pauper's oath, and in both causes an order granting leave to proceed in forma pauperis has been entered.

3. That the two actions involve common questions of law and fact; and that it would be more expeditious for petitioner, respondent, and the Court to have a single hearing on the matters at issue in the two actions now pending before the Court; and, therefore, in the interest of avoiding unnecessary costs and delay, an order should be entered consolidating actions No. 68-C-251 and No. 68-C-166 into one action, as provided under authority of Title 28, Rule 42 (a), Federal Rules of Civil Procedure, and said consolidated action should be designated Case No. 68-C-166. And, further, that the cause of action in Case No. 68-C-251, after consolidation into Case No. 68-C-166, should be dismissed.

4. That the Court should grant at an early date an evidentiary hearing on the consolidated cause No. 68-C-166 to determine the merits of the petition for writ of habeas corpus and/or post-conviction appeal; and, further, that the petitioner is a pauper, and therefore, the Court should appoint counsel to aid and assist petitioner in said proceedings.

5. That the petitioner, Jacob Dwight Manley, is a prisoner in the Oklahoma State Penitentiary at McAlester, Oklahoma, and said petitioner is a necessary witness in his own behalf in the hearing on action No. 68-C-166; that, therefore, a writ of habeas corpus ad testificandum should issue in said cause to deliver the body of Jacob Dwight Manley to the custody of the United States Marshal, and said Marshal should hold the prisoner in custody and produce him before me in the District Court Room of the United States Court

House to appear at said hearing at the date and time set herein.

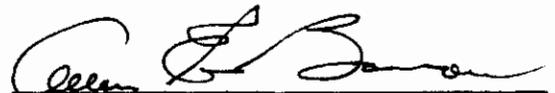
IT IS, THEREFORE, ORDERED that Cases No. 68-C-166 and No. 68-C-251 be, and they are hereby consolidated into one cause of action, under authority of Title 28, Rule 42 (a), Federal Rules of Civil Procedure, and said consolidated action be and it is hereby designated Case No. 68-C-166; and cause of action No. 68-C-251 be and the same is hereby dismissed as a separate action.

IT IS FURTHER ORDERED that Kenneth L. Stainer, attorney-at-law, be and he is hereby appointed to represent the petitioner, Jacob Dwight Manley, and assist him in all stages of his habeas corpus proceedings.

IT IS FURTHER ORDERED that a Writ of Habeas Corpus Ad Testificandum issue out of and under the seal of this Court directing the Warden of the Oklahoma State Penitentiary at McAlester, Oklahoma, to deliver the body of Jacob Dwight Manley to the United States Marshal for the Northern District of Oklahoma; and upon said Marshal's presentment of the Writ to the Warden, the prisoner, Jacob Dwight Manley, shall be delivered to the custody of the Marshal, who shall produce the prisoner before me in the United States Court Room in the United States Court House in Tulsa, Oklahoma, to testify in said cause No. 68-C-166; and said United States Marshal shall hold the prisoner in custody, without bail or bond, until further order of this Court.

IT IS FURTHER ORDERED that an evidentiary hearing be, and the same is hereby set at 10:30 o'clock A. M., Thursday, the 12th day of June, 1969, in the United States Court House at Tulsa, Oklahoma.

Dated this 27th day of May, 1969, at Tulsa, Oklahoma.


UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Plaintiff,

CIVIL NO. 68-C-250

vs.

LOUIS CHRISTIAN KAYSER, JR., and
JOAN G. KAYSER, Husband and Wife, et al.

Defendants.

FILED

MAY 27 1969

M. M. EWING, CLERK
U. S. DISTRICT COURT

AMENDED ORDER CONFIRMING MARSHAL'S SALE

NOW, on this 26 day of May, 1969, there comes on for consideration the motion for an amended order confirming Marshal's sale made by the United States Marshal for the Northern District of Oklahoma on May 5, 1969, under an Order of Sale dated March 24, 1969, for the following-described property, to-wit:

Lot Twenty-One (21), Block Thirty-Nine (39), Valley View Acres Second Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof,

and the Court having examined the proceedings of the United States Marshal under the said Order of Sale, there being no exceptions thereto and no one appearing in opposition thereto, finds that due and legal notice of the sale was given once a week for four (4) consecutive weeks prior to the date of said sale in the Tulsa Daily Legal News, a newspaper of general circulation in Tulsa County, State of Oklahoma, and that on the day fixed therein the aforesaid property was sold to the Administrator of Veterans Affairs, he being the highest and best bidder therefor.

The Court finds that the sale was in all respects in conformity with the law and judgment of this Court and was legal in all respects.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the United States Marshal's sale made pursuant to the Order of Sale heretofore issued herein, be, and the same is approved and confirmed.

IT IS FURTHER ORDERED that Doyle W. Foreman, United States Marshal for the Northern District of Oklahoma, execute and deliver to the purchaser, the Administrator of Veterans Affairs, a good and sufficient deed for the above-described real property.

IT IS FURTHER ORDERED that after the execution and delivery of the deed to the purchaser by the United States Marshal for the Northern District of Oklahoma the purchaser is hereby granted possession of the property against any or all persons now in possession.

s/ Fred Baugherty
UNITED STATES DISTRICT JUDGE

APPROVED:

s/ Robert P. Santee
ROBERT P. SANTEE
Assistant United States Attorney

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

JOHNNY W. WILLSON,)
)
 Plaintiff,)
 vs.) No. 69-C-50
)
 THE TRAVELERS INSURANCE)
 COMPANY,)
)
 Defendant.)

FILED

MAY 29 1969

M. M. EWING, CLERK
U. S. DISTRICT COURT

ORDER OF DISMISSAL

This cause comes on for consideration by the Court upon Motion of the defendant, The Travelers Insurance Company, to Dismiss for want of jurisdiction, and

It appearing to the Court that the parties have submitted this matter for consideration upon the briefs filed by the parties; the pleadings, interrogatories and answers thereto, and the Court having carefully considered the entire file in this cause is of the opinion that this Court lacks jurisdiction of the subject matter, and said Motion to Dismiss should be sustained.

IT IS, THEREFORE, ORDERED that plaintiff's Complaint and cause of action be, and the same is hereby dismissed.

Dated this 28th day of May, 1969.

Luther Bohannon

United States District Judge