

**Order by Chief Judge of the United States Court of
Appeals for the Fifth Circuit, Convening a Statutory
Three-Judge Court in CA-3-3690-B, Filed
March 18, 1970**

IN THE
UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
Civil Action No. 3-3690-B

JANE ROE,

—v.—

HENRY WADE.

- (1) Requesting Judge: Honorable SARAH T. HUGHES,
Northern District of Texas.
- (2) District Judge: Honorable W. M. TAYLOR, Northern
District of Texas.
- (3) Circuit Judge: Honorable IRVING L. GOLDBERG.
- (4) Date of Order: 3-16-70.

The Requesting Judge (1) above named to whom an application for relief has been presented in the above cause having notified me that the action is one required by Act of Congress to be heard and determined by a District Court of three Judges, I, John R. Brown, Chief Judge of the Fifth Circuit, hereby designate the Circuit Judge (3) and

District Judge (2) named above to serve with the Requesting Judge (1) as members of, and with him to constitute the said Court to hear and determine the action.

This designation and composition of the three-Judge court is not a prejudgment, express or implied, as to whether this is properly a case for a three-Judge rather than a one-Judge court. This is a matter best determined by the three-Judge Court as this enables a simultaneous appeal to the Court of Appeals and to the Supreme Court without the delay, awkwardness, and administrative insufficiency of a proceeding by way of mandamus from either the Court of Appeals, the Supreme Court, or both, directed against the Chief Judge of the Circuit, the presiding District Judge, or both. The parties will be afforded the opportunity to brief and argue all such questions before the three-Judge panel either preliminarily or on the trial of the merits, or otherwise, as that Court thinks appropriate. See *Jackson v. Choate*, 5 Cir., 1968, 404 F.2d 910, *Jackson v. Department of Public Welfare of the State of Florida*, S.D. Fla., 1968, 296 F.Supp. 1341; *City of Gainesville, Georgia v. Southern Railway Company*, N.D. Ga., 1969, 296 F.Supp. 763; *Smith v. Ladner*, S.D. Miss., 1966, 260 F.Supp. 918; *Hargrave v. McKinney*, M.D. Fla., 1969, 302 F.2d 1381; *Langford v. Barlow* [No. 26770], 5 Cir., 1969, 417 F.2d 628, *Langford v. Barlow*, W.D. Tex., 1969, 304 F.Supp. 657.

JOHN R. BROWN
Chief Judge
Fifth Circuit