

536 F.2d 305 (1976)

John Wesley CLUTCHETTE et al., Appellees,
v.
Jerry J. ENOMOTO^[1] et al., Appellants.

No. 71-2357.

United States Court of Appeals, Ninth Circuit.

June 23, 1976.

William D. Stein, Deputy Atty. Gen. (argued), San Francisco, Cal., for appellants.

William Bennett Turner (argued), San Francisco, Cal., for appellees.

Before TUTTLE,^[*] HUFSTEDLER and KILKENNY, Circuit Judges.

ORDER

Insofar as our opinions in *Clutchette v. Proconier* (9th Cir. 1974) 497 F.2d 809, and *Clutchette v. Proconier* (9th Cir. 1975) 510 F.2d 613, are inconsistent with *Enomoto v. Clutchette, sub nom. Baxter v. Palmigiano* (1976) U.S. _____, 96 S.Ct. 1551, 47 L.Ed.2d 810, we vacate our prior opinions.

The cause is remanded to the district court for further proceedings consistent with *Baxter v. Palmigiano, supra*.

[1] Heretofore Clutchette v. Proconier. The current Corrections Director, Enomoto, has been substituted for the former director, Proconier.

[*] Honorable Elbert P. Tuttle, Senior Judge, Fifth Circuit, sitting by designation.

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