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FILED
LODGED
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JUDGMENT

JAN 7 1988

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
DEPUTY
United States Court of Appeals
FOR THE NINTH CIRCUIT
RECEIVED
MAIL

JAN 7 1988

CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
DEPUTY

GORDON K. HIRABAYASHI
Petitioner-Appellant,
v..
UNITED STATES OF AMERICA,
Respondent-Appellee.

No. 86-3853
D.C. No. CV-83-122V

GORDON K. HIRABAYASHI,
Petitioner-Appellant,
v.
UNITED STATES OF AMERICA,
Respondent-Appellee.

No. _____
No. 86-3887
D.C. No. CV-83-122V

APPEAL from the United States District Court for the Western
District of Washington (Seattle)

THIS CAUSE came on to be heard on the Transcript of the Record from the United States
District Court for the Western District of Washington (Seattle)

_____ and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court, that the
judgment of the said District Court in this Cause be, and hereby is, as to the
the exclusion conviction is affirmed. The judgement as to the curfew
conviction is reversed and the matter is remanded with instructions to
grant Hirabayashi's petition to vacate both convictions.

Filed and entered September 24, 1987.

AT
AT JAN 4 1988
CATHY A. CATTERSON
[Signature]
This certification
constitutes the mandate
of the Court.