

2-22-1977

02-22-1977 Per Curiam

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US Supreme Court Justice

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Recommended Citation

Rehnquist, W.H. Per Curiam, Codd v. Velger, 429 U.S. 624 (1977). Box 367, Harry A. Blackmun Papers, Manuscript Division, Library of Congress, Washington, D.C.

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SUPREME COURT OF THE UNITED STATES

No. 75-812

Michael J. Codd, Police Commissioner, City of New York, et al.,
Petitioners,
v.
Elliott H. Velger.

On Writ of Certiorari to the United States Court of Appeals for the Second Circuit.

[February 22, 1977]

PER CURIAM.

Respondent Velger's action shifted its focus, in a way not uncommon to lawsuits, from the time of the filing of his complaint in the United States District Court for the Southern District of New York to the decision by the Court of Appeals for the Second Circuit which we review here. His original complaint alleged that he had been wrongly dismissed without a hearing or a statement of reasons from his position as a patrolman with the New York City Police Department, and under 42 U. S. C. § 1983, sought reinstatement and damages for the resulting injury to his reputation and future employment prospects. After proceedings in which Judge Gurfein (then of the District Court) ruled that respondent had held a probationary position and therefore had no hearing right based on a property interest in his job, respondent filed an amended complaint. That complaint alleged more specifically than had the previous one that respondent was entitled to a hearing due to the stigmatizing effect of certain material placed by the City Police Department in his personnel file. He alleged that the derogatory material had brought about his subsequent dismissal