

Restrainer Bid By Marcello Is Rejected

U. S. District Judge Edward J. Boyle Sr. yesterday rejected a second attempt by an attorney for Carlos Marcello for a temporary restraining order against enforcement of the law under which Marcello was convicted of assaulting an agent of the Federal Bureau of Investigation.

Judge Boyle also denied a request for a hearing on the bid for a restrainer.

Two weeks ago the attorney, Dean A. Andrews, asked a restrainer from Judge James A. Comiskey. This was denied and Andrews asked that a special three-judge court be convened and that it declare the law under which Marcello was convicted unconstitutional. No action has been taken on the bid for the special court.

Marcello is under a two-year sentence and a \$5,000 fine for assaulting FBI Agent Patrick Collins at New Orleans International Airport. He has lost appeals all the way to the U.S. Supreme Court and now seeks a new trial before Federal Judge John V. Singleton in Houston.

This motion is scheduled to be heard Monday.