

Dallas, May 6 (AP)- Defense lawyers claimed in a document received here yesterday that the U.S. Fifth Circuit Court of Appeals now has reason to halt state court proceedings in the Jack Ruby case.

They again requested the federal court to stay a March 19 order by U.S. Dist. Judge T. Whitfield Davidson of Dallas returning the case to state court.

The federal appeals court denied a similar stay request April 23 in Jacksonville, Fla.

Ruby, under death sentence for killing presidential assassin Lee Harvey Oswald, is held in the county jail here.

The new application was filed with the circuit court clerk in New Orleans. It claimed a recent setback in the Texas Court of Criminal Appeals at Austin leaves no other legal paths open to their client.

Laywer Sam Houston Chinton of Austin failed April 29 in an attempt to file a motion for relief with the Austin court.

The new application makes much of the same allegations in the original federal appeals motion and the motion for relief -- that Dist. Judge Joe B. Brown overruled several motions immediately after hearing them March 8.

These motions included requests for a change of venue, disqualification of Judge Brown and questions about who actually represents Ruby.

In answering the allegations at the Florida hearing, prosecutors indicated the matter would be settled in state court and federal intervention was not necessary.

Judge Brown had considered withdrawing his denials of the motions and setting a hearing on the motions.

Ruby lawyers claim that since Brown did not withdraw the denials and the Texas Court of Criminal Appeals refused to order the hearings pending steps to determine whether Ruby is sane, as it has directed, all state action should be stopped.

Brown, who again holds jurisdiction, has not set a date for a sanity trial. He said yesterday he plans to study the request before taking any action.

The application was filed by Bruce C. Waltzer, a New Orleans lawyer.

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