

ORDERS FROM JANUARY 27 THROUGH  
MARCH 31, 1975

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JANUARY 27, 1975 \*

*Dismissal Under Rule 60*

No. 74-411. SHROPSHIRE *v.* UNITED STATES. C. A. 6th Cir. Certiorari dismissed under this Court's Rule 60. Reported below: 498 F. 2d 137.

*Affirmed on Appeal*

No. 74-472. NORTH CENTRAL TRUCK LINES, INC. *v.* UNITED STATES ET AL. Affirmed on appeal from D. C. W. D. Mo. Reported below: 384 F. Supp. 1188.

No. 74-602. PORT ROYAL MARINE CORP. ET AL. *v.* UNITED STATES ET AL. Affirmed on appeal from D. C. S. D. Ga. Reported below: 378 F. Supp. 345.

No. 74-481. VIRGINIA *v.* UNITED STATES ET AL. Affirmed on appeal from D. C. D. C. Reported below: 386 F. Supp. 1319.

MR. JUSTICE REHNQUIST, with whom THE CHIEF JUSTICE and MR. JUSTICE POWELL join, dissenting.

I dissent from the Court's summary affirmance of judgment of the District Court for the District of Columbia, which denied Virginia's request to be exempted from coverage of the Voting Rights Act of 1965. Although the court agreed that Virginia had made a prima facie case for entitlement to relief, it nevertheless concluded that the continued use until 1965 of a minimal literacy requirement had the effect of discriminating on the basis

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\*MR. JUSTICE DOUGLAS took no part in the consideration or decision of cases in which orders hereinafter reported were announced on this date.

January 27, 1975

420 U. S.

of race. The question of whether Virginia should remain subject to the extensive consequences of continuing federal oversight under the Act, in a case where the conceded prima facie showing suggests the absence of any demonstrable need for such oversight, warrants plenary consideration by this Court. This is especially true in view of the dubious relevance of the grounds relied upon by the District Court to overcome Virginia's prima facie showing.\* The fact that under the language of the present Act Virginia may well escape from federal tutelage sometime this year makes the case of less importance to her than it otherwise might be. But while this would be a sound reason for denying certiorari, it does not justify the Court's summary affirmance of the judgment of the District Court.

#### *Appeals Dismissed*

No. 73-5804. GILBERT *v.* LOUISIANA. Appeal from Sup. Ct. La. dismissed for want of substantial federal

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\*The only "literacy test" employed in Virginia was a requirement that a person wishing to register to vote "make application to register in his own handwriting, without aid, suggestion, or memorandum," using for this purpose a standard, relatively simple form. No literacy test of any kind has been required since 1965. The District Court believed that it could infer that the Virginia requirement had a discriminatory effect in 1963-1965 because the registration rate of Negro citizens was 10% lower than the rate among whites. But there was a differential of 11.5% in the Nation as a whole in 1966, the year following passage of the Act. U. S. Bureau of the Census, Current Population Reports, Series P-20, No. 208 (1970).

The residual impact of segregated schools, also relied upon by the Court of Appeals, is a condition not peculiar to Virginia or even to the limited number of States covered by the Act. If the consequences of segregated education were the justification for the Act, it would have embraced all of the substantial number of States in various sections of the country which have segregated schools. See, *e. g.*, *Milliken v. Bradley*, 418 U. S. 717 (1974); *Keyes v. School District No. 1, Denver, Colorado*, 413 U. S. 189 (1973).

420 U. S.

January 27, 1975

question. See *Daniel v. Louisiana*, ante, p. 31. Reported below: 286 So. 2d 345.

No. 73-6598. *STUBBLEFIELD v. TENNESSEE*. Appeal from Ct. App. Tenn. dismissed for want of substantial federal question. See *Daniel v. Louisiana*, ante, p. 31.

No. 74-5280. *DEVALL ET UX. v. LOUISIANA*. Appeal from Sup. Ct. La. dismissed for want of substantial federal question. See *Daniel v. Louisiana*, ante, p. 31. Reported below: 296 So. 2d 802.

No. 74-254. *SPANNAUS, ATTORNEY GENERAL OF MINNESOTA, ET AL. v. HODGSON ET AL.* Appeal from D. C. Minn. dismissed for want of jurisdiction. An order granting only a declaratory judgment may not be appealed to this Court under 28 U. S. C. § 1253. *Mitchell v. Donovan*, 398 U. S. 427 (1970). It is of no consequence that a preliminary injunction was continued in effect until determination of this appeal, since no appeal was taken from the preliminary injunction. MR. JUSTICE BLACKMUN took no part in the consideration or decision of this case.\* Reported below: 378 F. Supp. 1008.

No. 74-613. *CHAMBER OF COMMERCE OF THE UNITED STATES v. FRANCIS ET AL.* Appeal from D. C. Md. Motion of appellee Francis for leave to proceed *in forma pauperis* granted. Appeal dismissed for want of jurisdiction. Reported below: 379 F. Supp. 78.

No. 74-681. *ALEXANDER ET AL. v. D'ALLESANDRO*. Appeal from Ct. App. N. Y. dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari denied.

No. 74-693. *MAHONEY ET AL. v. BOARD OF APPEALS OF WINCHESTER ET AL.* Appeal from Sup. Jud. Ct. Mass. dismissed for want of substantial federal question. Reported below: — Mass. —, 316 N. E. 2d 606.

\*See also note, *supra*, p. 901.

January 27, 1975

420 U. S.

*Vacated and Remanded on Appeal*

No. 73-678. GALLOGLY ET AL. *v.* LARSEN. Appeal from D. C. R. I. Judgment vacated and case remanded with directions to dismiss the cause as moot. See *Sosna v. Iowa*, 419 U. S. 393 (1975), and *United States v. Munsingwear*, 340 U. S. 36 (1950). Reported below: 361 F. Supp. 305.

No. 73-1248. SOUTH DAKOTA ET AL. *v.* McCAY ET AL. Appeal from D. C. S. D. Judgment vacated and case remanded with directions to dismiss the cause as moot. See *Sosna v. Iowa*, 419 U. S. 393 (1975), and *United States v. Munsingwear*, 340 U. S. 36 (1950). Reported below: 366 F. Supp. 1244.

*Miscellaneous Orders*

No. 9, Orig. UNITED STATES *v.* LOUISIANA ET AL. (Louisiana Boundary Case). Exceptions to Report of Special Master set for oral argument. MR. JUSTICE MARSHALL took no part in the consideration or decision of this order.\* [For earlier orders herein, see, *e. g.*, 419 U. S. 990.]

No. 35, Orig. UNITED STATES *v.* MAINE ET AL. Exceptions to Report of Special Master set for oral argument and a total of four hours allotted for that purpose. [For earlier orders herein, see, *e. g.*, 419 U. S. 1102.]

No. 73-1701. UNITED STATES *v.* NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC., ET AL. Appeal from D. C. D. C. [Probable jurisdiction noted, 419 U. S. 822.] Motion of the Solicitor General for additional time to permit the Securities and Exchange Commission to participate in oral argument as *amicus curiae* in support of appellees granted and 15 minutes allotted for that purpose. Appellant also allotted 15 additional minutes for oral argument.

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\*See also note, *supra*, p. 901.

420 U. S.

January 27, 1975

No. 73-1869. BEER ET AL. *v.* UNITED STATES ET AL. Appeal from D. C. D. C. [Probable jurisdiction noted, 419 U. S. 822.] Motion of appellees Jackson et al. to dismiss appeal for lack of prosecution denied.

No. 73-2050. UNITED STATES *v.* ORTIZ; and

No. 73-6848. BOWEN *v.* UNITED STATES. C. A. 9th Cir. [Certiorari granted, 419 U. S. 824.] Motion of the Solicitor General to consolidate cases for oral argument granted and a total of one and one-half hours allotted for oral argument. Motion for appointment of new counsel in No. 73-2050 granted. It is ordered that Charles M. Sevilla, Esquire, of San Diego, Cal., a member of the Bar of this Court, be, and he is hereby, appointed to serve as counsel for respondent in this case, and John J. Cleary, Esquire, is hereby relieved of his prior appointment.

No. 74-70. GOLDFARB ET UX. *v.* VIRGINIA STATE BAR ET AL. C. A. 4th Cir. [Certiorari granted, 419 U. S. 963.] Motion of the Solicitor General for additional time to participate in oral argument as *amicus curiae* granted and 15 minutes allotted for that purpose. Respondents also allotted 15 additional minutes for oral argument. MR. JUSTICE POWELL took no part in the consideration or decision of this motion.\*

No. 74-872. NATIONAL SOCIETY OF PROFESSIONAL ENGINEERS *v.* UNITED STATES. Appeal from D. C. D. C. Motion of appellant for expedited consideration denied. Reported below: 389 F. Supp. 1193.

No. 74-723. ALBRIGHT, ADMINISTRATOR *v.* WEBER, U. S. DISTRICT JUDGE, ET AL.; and

No. 74-5701. CLARK *v.* DUMBAULD, U. S. DISTRICT JUDGE. Motions for leave to file petitions for writs of mandamus denied.

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\*See also note, *supra*, p. 901.

January 27, 1975

420 U. S.

- No. 74-5576. *BROWN v. BRITT, WARDEN, ET AL.*;  
No. 74-5758. *WOODELL v. PLOWFIELD, SHERIFF*;  
No. 74-5771. *FREEMAN v. HAVENER, CORRECTIONAL SUPERINTENDENT*; and  
No. 74-5801. *DONNELLY ET AL. v. DONNELLY ET AL.* Motions for leave to file petitions for writs of habeas corpus denied.

*Probable Jurisdiction Noted*

- No. 74-878. *NATIONAL LEAGUE OF CITIES ET AL. v. BRENNAN, SECRETARY OF LABOR*; and  
No. 74-879. *CALIFORNIA v. BRENNAN, SECRETARY OF LABOR*. Appeals from D. C. D. C. Probable jurisdiction noted. Cases consolidated and a total of one hour allotted for oral argument. Reported below: 406 F. Supp. 826.

*Certiorari Granted*

- No. 74-712. *UNITED STATES v. BORNSTEIN ET AL.* C. A. 3d Cir. Certiorari granted. Reported below: 504 F. 2d 368.  
No. 73-2066. *NATIONAL INDEPENDENT COAL OPERATORS' ASSN. ET AL. v. MORTON, SECRETARY OF THE INTERIOR, ET AL.* C. A. D. C. Cir.; and  
No. 74-521. *MORTON, SECRETARY OF THE INTERIOR v. DELTA MINING, INC., ET AL.* C. A. 3d Cir. Certiorari granted. Cases consolidated and a total of one hour allotted for oral argument. Reported below: No. 73-2066, 161 U. S. App. D. C. 68, 494 F. 2d 987; No. 74-521, 495 F. 2d 38.

- No. 74-18. *FISHER ET AL. v. UNITED STATES ET AL.* C. A. 3d Cir.; and  
No. 74-611. *UNITED STATES ET AL. v. KASMIR ET AL.* C. A. 5th Cir. Certiorari granted. Cases consolidated and a total of one hour allotted for oral argument. Reported below: No. 74-18, 500 F. 2d 683; No. 74-611, 499 F. 2d 444.

420 U. S.

January 27, 1975

No. 74-676. ESTELLE, CORRECTIONS DIRECTOR *v.* WILLIAMS. C. A. 5th Cir. Motion of respondent for leave to proceed *in forma pauperis* and certiorari granted. Reported below: 500 F. 2d 206.

*Certiorari Denied.* (See also No. 74-681, *supra.*)

No. 73-1398. LEICHMAN *v.* LOUISIANA. Sup. Ct. La. Certiorari denied. Reported below: 286 So. 2d 649.

No. 73-1799. LAWSON *v.* EDWARDS, CORRECTIONAL SUPERINTENDENT, ET AL.; and

No. 73-1800. QUICK *v.* HARRIS, SHERIFF. Sup. Ct. Va. Certiorari denied. Reported below: No. 73-1800, 214 Va. 632, 202 S. E. 2d 869.

No. 73-2065. CONCORDIA PARISH SCHOOL BOARD *v.* DAVIS. C. A. 5th Cir. Certiorari denied. Reported below: 493 F. 2d 8.

No. 73-6151. BUTLER *v.* GEORGIA. Sup. Ct. Ga. Certiorari denied. Reported below: 231 Ga. 276, 201 S. E. 2d 448.

No. 73-6317. DAVIS *v.* LOUISIANA. Sup. Ct. La. Certiorari denied. Reported below: 284 So. 2d 896.

No. 73-6849. CAIZZA *v.* CAIZZA. Sup. Ct. Fla. Certiorari denied. Reported below: 291 So. 2d 569.

No. 74-190. MARSHALL ET AL. *v.* GAVIN ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 495 F. 2d 1371.

No. 74-272. SEMINOLE NATION OF OKLAHOMA *v.* UNITED STATES. Ct. Cl. Certiorari denied. Reported below: 204 Ct. Cl. 655, 498 F. 2d 1368.

No. 74-289. HALE HOSPITAL ET AL. *v.* DOE ET AL. C. A. 1st Cir. Certiorari denied. Reported below: 500 F. 2d 144.

January 27, 1975

420 U. S.

No. 74-395. *NORMAN ET AL. v. MISSOURI PACIFIC RAILROAD ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 497 F. 2d 594.

No. 74-412. *BUILDING & CONSTRUCTION TRADES COUNCIL OF PHILADELPHIA AND VICINITY ET AL. v. HIGGINBOTHAM, U. S. DISTRICT JUDGE.* C. A. 3d Cir. Certiorari denied.

No. 74-508. *CALIFORNIA HIGHWAY COMMISSION, DEPARTMENT OF PUBLIC WORKS, ET AL. v. KEITH ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 506 F. 2d 696.

No. 74-557. *LOCAL 542, INTERNATIONAL UNION OF OPERATING ENGINEERS v. HIGGINBOTHAM, U. S. DISTRICT JUDGE.* C. A. 3d Cir. Certiorari denied.

No. 74-650. *CHARLES SCHNEIDER & Co., INC., ET AL. v. COMMISSIONER OF INTERNAL REVENUE.* C. A. 8th Cir. Certiorari denied. Reported below: 500 F. 2d 148.

No. 74-661. *SECURITIES AND EXCHANGE COMMISSION v. COFFEY ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 493 F. 2d 1304.

No. 74-675. *NORMAND v. LOUISIANA.* Sup. Ct. La. Certiorari denied. Reported below: 298 So. 2d 823.

No. 74-678. *ELLIS, TRUSTEE, ET AL. v. POWERS ET UX.* C. A. 9th Cir. Certiorari denied.

No. 74-683. *LENSKE v. OREGON STATE BAR.* Sup. Ct. Ore. Certiorari denied. Reported below: 269 Ore. 146, 523 P. 2d 1262.

No. 74-688. *ALLEN ET AL. v. RAMPEY ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 501 F. 2d 1090.

420 U. S.

January 27, 1975

No. 74-696. SOCIÉTÉ DE CONSTRUCTION MECANIKES DU BUGEY ET AL. *v.* BELL EQUIPMENT CORP. ET AL. C. A. 3d Cir. Certiorari denied.

No. 74-708. SIZEMORE *v.* INDIANA. Ct. App. Ind. Certiorari denied. Reported below: — Ind. App. —, 308 N. E. 2d 400.

No. 74-729. GEORGIA-PACIFIC CORP. *v.* WORKMEN'S COMPENSATION APPEALS BOARD ET AL. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 74-5198. TRITZ *v.* MONTANA. Sup. Ct. Mont. Certiorari denied. Reported below: 164 Mont. 344, 522 P. 2d 603.

No. 74-5318. MASTRACCHIO *v.* RICCI ET AL. C. A. 1st Cir. Certiorari denied. Reported below: 498 F. 2d 1257.

No. 74-5367. SMITH *v.* MARYLAND. Ct. Sp. App. Md. Certiorari denied. Reported below: 20 Md. App. 577, 318 A. 2d 568.

No. 74-5419. WATKINS *v.* UNITED STATES;

No. 74-5429. TANNER *v.* UNITED STATES; and

No. 74-5445. PIPKIN *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 74-5423. GEREAU ET AL. *v.* GOVERNMENT OF THE VIRGIN ISLANDS. C. A. 3d Cir. Certiorari denied. Reported below: 502 F. 2d 914.

No. 74-5424. SANCHELL *v.* NEBRASKA. Sup. Ct. Neb. Certiorari denied. Reported below: 192 Neb. 380, 220 N. W. 2d 562.

No. 74-5426. SMITH *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied.

No. 74-5431. GREENE *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 497 F. 2d 1068.

January 27, 1975

420 U.S.

No. 74-5444. *WILSON v. OREGON*. Ct. App. Ore. Certiorari denied. Reported below: 17 Ore. App. 375, 521 P. 2d 1317.

No. 74-5449. *OJEDA-RODRIGUEZ v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 74-5469. *MONTGOMERY v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 503 F. 2d 55.

No. 74-5487. *GILMORE v. HOGAN, WARDEN*. C. A. 4th Cir. Certiorari denied.

No. 74-5489. *CLARK v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 499 F. 2d 889.

No. 74-5505. *CONSTANT v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 501 F. 2d 1284.

No. 74-5516. *FORBES v. TEXAS* Ct. Crim. App. Tex. Certiorari denied. Reported below: 513 S. W. 2d 72.

No. 74-5524. *FRANCISCO-ROMANDIA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 503 F. 2d 1020.

No. 74-5530. *ANDERSON v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 509 F. 2d 724.

No. 74-5534. *GAUDIN v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 492 F. 2d 132.

No. 74-5535. *WIGGINS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 500 F. 2d 1183.

No. 74-5536. *GREENFIELD v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 502 F. 2d 1166.

420 U. S.

January 27, 1975

No. 74-5564. *GONZALES-SOLANO v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 74-5573. *RONAN v. BRIGGS ET AL.* Sup. Jud. Ct. Mass. Certiorari denied. Reported below: — Mass. —, 313 N. E. 2d 428.

No. 74-5637. *PITTS v. WOODWARD & LOTHROP*. Ct. App. D. C. Certiorari denied. Reported below: 327 A. 2d 816.

No. 74-5659. *WHITE v. CAUDLE, CORRECTIONAL SUPERINTENDENT, ET AL.* C. A. 4th Cir. Certiorari denied.

No. 74-5661. *HURT v. BEDINGER ET AL.* C. A. 4th Cir. Certiorari denied.

No. 74-5667. *LUCKETT v. WARDEN, NEVADA STATE PRISON*. C. A. 9th Cir. Certiorari denied.

No. 74-5668. *SMITH v. MISSOURI*. Sup. Ct. Mo. Certiorari denied. Reported below: 513 S. W. 2d 407.

No. 74-5670. *MARTIN v. INDIANA*. Sup. Ct. Ind. Certiorari denied. Reported below: — Ind. —, and — Ind. —, 314 N. E. 2d 60 and 317 N. E. 2d 430.

No. 74-5676. *FLORES v. CRAVEN, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 74-5677. *HENRY v. CALIFORNIA*. Ct. App. Cal., 4th App. Dist. Certiorari denied.

No. 74-5678. *LIDDY v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. Reported below: 166 U. S. App. D. C. 95, 509 F. 2d 428.

No. 74-5679. *PILLIS v. FISHER, T/A J. W. FISHER TAXI SERVICE*. Sup. Ct. Va. Certiorari denied.

No. 74-5682. *SZARAZ v. OHIO*. Sup. Ct. Ohio. Certiorari denied.

January 27, 1975

420 U. S.

No. 74-5683. JOHNSON *v.* LAVALLEE, CORRECTIONAL SUPERINTENDENT. C. A. 2d Cir. Certiorari denied.

No. 74-5687. McCORMICK, TRUSTEE *v.* ESPOSITO ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 500 F. 2d 620.

No. 74-5720. BILLINGSLEY ET AL. *v.* WALLACE. Sup. Ct. Ala. Certiorari denied. Reported below: 292 Ala. 538, 297 So. 2d 362.

No. 74-5721. CARTER *v.* ESTELLE, CORRECTIONS DIRECTOR. C. A. 5th Cir. Certiorari denied. Reported below: 496 F. 2d 1405.

No. 74-409. ROSE, WARDEN *v.* UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TENNESSEE, WESTERN DIVISION, ET AL. C. A. 6th Cir. Motion of respondent James Earl Ray for leave to proceed *in forma pauperis* granted. Certiorari denied.

No. 74-440. MALIZIA *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. See *Molinaro v. New Jersey*, 396 U. S. 365 (1970). Reported below: 503 F. 2d 578.

No. 74-444. JONES ET AL. *v.* SIMON, SECRETARY OF THE TREASURY, ET AL. C. A. 9th Cir. Motions of Association of O & C Counties and Oregon Homeowners Assn. for leave to file briefs as *amici curiae* granted. Certiorari denied.

No. 74-702. SWENSON, WARDEN *v.* WILWORDING. C. A. 8th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 502 F. 2d 844.

No. 74-704. MICHIGAN *v.* WHITE. Sup. Ct. Mich. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 392 Mich. 404, 221 N. W. 2d 357.

420 U. S.

January 27, February 3, 14, 1975

*Rehearing Denied*

No. 73-1655. RUHM *v.* TURNER, SHERIFF, ET AL., 419 U. S. 882;

No. 74-64. ABATE ET AL. *v.* PITTSBURGH PLATE GLASS CO. ET AL., 419 U. S. 900;

No. 74-111. PFOTZER ET AL. *v.* CITY OF NORWALK ET AL., 419 U. S. 1047;

No. 74-145. BRAINERD *v.* BEAL ET AL., 419 U. S. 1069;

No. 74-247. SIMMONS *v.* UNITED STATES, 419 U. S. 1048;

No. 74-307. B & L MOTOR FREIGHT, INC., ET AL. *v.* HEYMANN, DIRECTOR, DIVISION OF MOTOR VEHICLES, ET AL., 419 U. S. 1042;

No. 74-324. CITY OF DALLAS ET AL. *v.* SOUTHWEST AIRLINES Co. ET AL., 419 U. S. 1079;

No. 74-457. CRANE *v.* INDUSTRIAL COMMISSION OF ILLINOIS ET AL., 419 U. S. 1050; and

No. 74-468. WEBSTER *v.* KENTUCKY, 419 U. S. 1070. Petitions for rehearing denied.

No. 74-28. O'BRYAN *v.* CHANDLER, U. S. DISTRICT JUDGE, 419 U. S. 986. Motion for leave to file petition for rehearing denied. MR. JUSTICE MARSHALL took no part in the consideration or decision of this motion.\*

FEBRUARY 3, 1975

*Dismissal Under Rule 60*

No. 74-846. MARKS ET AL. *v.* OHIO. Ct. App. Ohio, Hamilton County. Certiorari dismissed under this Court's Rule 60.

FEBRUARY 14, 1975

*Certiorari Denied*

No. 74-439. LEWIS *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. MR. JUSTICE DOUGLAS took no part

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\*See also note, *supra*, p. 901.

February 14, 18, 1975

420 U. S.

in the consideration or decision of this petition. Reported below: 501 F. 2d 418.

FEBRUARY 18, 1975\*

*Appeals Dismissed*

No. 74-58. THOMPSON *v.* THOMPSON. Appeal from Super. Ct. Pa. Motion of appellee for leave to proceed *in forma pauperis* granted. Appeal dismissed for want of substantial federal question.

No. 74-674. ECONOMIC CONSULTANTS, INC., DBA E-C TAPE SERVICE, INC., ET AL. *v.* MERCURY RECORD PRODUCTIONS, INC., ET AL. Appeal from Sup. Ct. Wis. dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari denied. Reported below: 64 Wis. 2d 163, 218 N. W. 2d 705.

No. 74-777. KELLAR ET UX. *v.* WESTERN CAB CO. ET AL. Appeal from Sup. Ct. Nev. dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari denied. Reported below: 90 Nev. 240, 523 P. 2d 842.

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\*MR. JUSTICE DOUGLAS took no part in the consideration or decision of cases in which orders hereinafter reported were announced on this date, with the exception of the following:

No. 74-100, *Garner v. United States, infra*, p. 923; No. 74-454, *Procurier v. Valrie, infra*, p. 938; No. 74-718, *Village of Burnsville v. Onischuk, infra*, p. 916; No. 74-719, *Neale v. Hayduk, infra*, p. 915; No. 74-730, *Roemer v. Board of Public Works of Maryland, infra*, p. 922; No. 74-5182, *Zamorano v. Illinois, infra*, p. 924; No. 74-5330, *Manuri v. California, infra*, p. 924; No. 74-5363, *Fulford v. Louisiana, infra*, p. 924; No. 74-5390, *Muse v. Gunn, infra*, p. 924; No. 74-5446, *Richards v. United States, infra*, p. 924; No. 74-5453, *Stagakis v. United States, infra*, p. 924; No. 74-5454, *Thornton v. United States, infra*, p. 924; No. 74-5497, *Duggan v. Brown, infra*, p. 916.

420 U. S.

February 18, 1975

No. 74-808. *HALL v. WISCONSIN*. Appeal from Sup. Ct. Wis. dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari denied. Reported below: 65 Wis. 2d 18, 221 N. W. 2d 806.

No. 74-707. *COMENOUT ET VIR v. BURDMAN, SECRETARY OF STATE OF WASHINGTON, ET AL.* Appeal from Sup. Ct. Wash. Motion of Quinault Tribe of Indians et al. for leave to file a brief as *amici curiae* granted. Appeal dismissed for want of substantial federal question. Reported below: 84 Wash. 2d 192, 525 P. 2d 217.

No. 74-807. *TONASKET v. WASHINGTON ET AL.* Appeal from Sup. Ct. Wash. Motion of Quinault Tribe of Indians et al. for leave to file a brief as *amici curiae* granted. Appeal dismissed for want of substantial federal question. Reported below: 84 Wash. 2d 164, 525 P. 2d 744.

No. 74-769. *KILIAN MANUFACTURING CORP. v. NEW YORK STATE DIVISION OF HUMAN RIGHTS*. Appeal from Ct. App. N. Y. dismissed for want of substantial federal question. Reported below: 35 N. Y. 2d 201, 318 N. E. 2d 770.

No. 74-5597. *BRADFORD ET AL. v. LOUISIANA*. Appeal from Sup. Ct. La. dismissed for want of substantial federal question. Reported below: 298 So. 2d 781.

No. 74-719. *NEALE ET VIR v. HAYDUK ET AL.* Appeal from Ct. App. N. Y. dismissed for failure to file notice of appeal within the time provided by this Court's Rule 11 and 28 U. S. C. § 2101 (c). Reported below: 35 N. Y. 2d 182, 316 N. E. 2d 861.

No. 74-5776. *FAHRIG ET AL. v. COTTERMAN ET AL.* Appeal from Ct. App. Ohio, Montgomery County, dismissed for want of substantial federal question.

February 18, 1975

420 U. S.

No. 74-643. STEED, GUARDIAN *v.* IMPERIAL AIRLINES ET AL. Appeal from Sup. Ct. Cal. dismissed for want of substantial federal question. Reported below: 12 Cal. 3d 115, 524 P. 2d 801.

No. 74-718. VILLAGE OF BURNSVILLE ET AL. *v.* ONISCHUK, AUDITOR OF DAKOTA COUNTY, ET AL. Appeal from Sup. Ct. Minn. dismissed for want of substantial federal question. MR. JUSTICE BLACKMUN took no part in the consideration or decision of this appeal. Reported below: 301 Minn. 137, 222 N. W. 2d 523.

No. 74-5497. DUGGAN *v.* BROWN, SECRETARY OF STATE OF OHIO. Appeal from Sup. Ct. Ohio dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari denied. Reported below: 39 Ohio St. 2d 112, 313 N. E. 2d 847.

*Vacated and Remanded on Appeal*

No. 72-787. JEFFERIES *v.* SUGARMAN, COMMISSIONER, DEPARTMENT OF SOCIAL SERVICES OF THE CITY OF NEW YORK, ET AL.; and

No. 72-5758. HANDEL ET AL. *v.* SUGARMAN, COMMISSIONER, DEPARTMENT OF SOCIAL SERVICES OF THE CITY OF NEW YORK, ET AL. Appeals from D. C. S. D. N. Y. Motion for leave to proceed *in forma pauperis* in No. 72-5758 granted. Judgment vacated and cases remanded for further consideration in light of *Hagans v. Lavine*, 415 U. S. 528 (1974). Reported below: 345 F. Supp. 172.

No. 74-606. MENDEZ *v.* HELLER, JUDGE, ET AL. Appeal from D. C. E. D. N. Y. Judgment vacated and case remanded so that a fresh decree or order may be entered from which a timely appeal may be taken to the United States Court of Appeals. 28 U. S. C. § 1291. *Gonzalez v. Automatic Employees Credit Union*, 419 U. S. 90 (1974). Reported below: 380 F. Supp. 985.

420 U. S.

February 18, 1975

*Certiorari Granted—Vacated and Remanded*

No. 73-1015. *CROW ET AL. v. CALIFORNIA DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT ET AL.* C. A. 9th Cir. Certiorari granted, judgment vacated, and case remanded with directions to consider question of mootness in light of *Sosna v. Iowa*, 419 U. S. 393 (1975), and *Indiana Employment Security Division v. Burney*, 409 U. S. 540 (1973). See *United States v. Munsingwear, Inc.*, 340 U. S. 36 (1950). If the court determines that the case is not moot, it should consider whether a three-judge court is required. See *Hagans v. Lavine*, 415 U. S. 528, 543-545 (1974); *Fusari v. Steinberg*, 419 U. S. 379 (1975); cf. *Idlewild Bon Voyage Liquor Corp. v. Epstein*, 370 U. S. 713, 716 (1962). MR. JUSTICE MARSHALL took no part in the consideration or decision of this petition.\* Reported below: 490 F. 2d 580.

*Miscellaneous Orders*

No. A-463. *HAJAL ET AL. v. UNITED STATES.* C. A. 6th Cir. Application for bail, presented to MR. JUSTICE DOUGLAS, and by him referred to the Court, denied. MR. JUSTICE MARSHALL took no part in the consideration or decision of this application.\*

No. A-627 (74-932). *LEKOMETROS v. UNITED STATES.* C. A. 8th Cir. Application for stay, presented to MR. JUSTICE MARSHALL, and by him referred to the Court, denied. MR. JUSTICE MARSHALL took no part in the consideration or decision of this application.\* Reported below: 508 F. 2d 1134.

No. A-650 (74-952). *BLANTON, GOVERNOR OF TENNESSEE, ET AL. v. AMERICANS UNITED FOR THE SEPARATION OF CHURCH AND STATE ET AL.* D. C. M. D. Tenn. Application for stay, presented to MR. JUSTICE STEWART,

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\*See also note, *supra*, p. 914.

February 18, 1975

420 U. S.

and by him referred to the Court, granted pending final disposition on appeal in this Court. MR. JUSTICE MARSHALL took no part in the consideration or decision of this application.\* Reported below: 384 F. Supp. 714.

No. A-656. PLANNED PARENTHOOD OF CENTRAL MISSOURI ET AL. *v.* DANFORTH, ATTORNEY GENERAL OF MISSOURI, ET AL. D. C. E. D. Mo. Application for stay of enforcement of "Missouri House Bill No. 1211" pending appeal, presented to MR. JUSTICE BLACKMUN, and by him referred to the Court, granted. MR. JUSTICE MARSHALL took no part in the consideration or decision of this application.\* Reported below: 392 F. Supp. 1362.

No. 35, Orig. UNITED STATES *v.* MAINE ET AL.; and No. 52, Orig. UNITED STATES *v.* FLORIDA. Motion of the Solicitor General for reallocation and reduction of time for oral argument granted. It is ordered that a total of three hours be allotted for oral argument in No. 35, Orig., and that a total of one and one-half hours be allotted for oral argument in No. 52, Orig. MR. JUSTICE MARSHALL took no part in the consideration or decision of this motion.\* [For earlier orders herein, see, *e. g.*, *ante*, p. 904 and 419 U. S. 814.]

No. D-26. IN RE DISBARMENT OF KETCHAM. Frank S. Ketcham, of Potomac, Md., having requested to resign as a member of the Bar of this Court, it is ordered that his name be stricken from the roll of attorneys admitted to practice before the Bar of this Court. The rule to show cause heretofore issued on January 13, 1975 [419 U. S. 1101], is hereby discharged.

No. D-29. IN RE DISBARMENT OF OSBORNE. It having been reported to this Court that George R. Osborne,

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\*See also note, *supra*, p. 914.

420 U. S.

February 18, 1975

of New York, N. Y., has been suspended from the practice of law in all of the courts of the State of New York, and this Court by order of November 18, 1974 [419 U. S. 1016], having suspended the said George R. Osborne from the practice of law in this Court and directed that a rule issue requiring him to show cause why he should not be disbarred;

And it appearing that the said rule was duly issued and served upon the respondent and that a response has been filed;

It is ordered that the said George R. Osborne be, and he is hereby, disbarred from the practice of law in this Court and that his name be stricken from the roll of attorneys admitted to practice before the Bar of this Court.

No. D-30. IN RE DISBARMENT OF TARR. It having been reported to this Court that Leonard N. Tarr, of New York, N. Y., has been suspended from the practice of law in all of the courts of the State of New York, and this Court by order of November 18, 1974 [419 U. S. 1016], having suspended the said Leonard N. Tarr from the practice of law in this Court and directed that a rule issue requiring him to show cause why he should not be disbarred;

And it appearing that the said rule was duly issued and served upon the respondent and that the time within which to file a return has expired;

It is ordered that the said Leonard N. Tarr be, and he is hereby, disbarred from the practice of law in this Court and that his name be stricken from the roll of attorneys admitted to practice before the Bar of this Court. MR. JUSTICE MARSHALL took no part in the consideration or decision of this matter.\*

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\*See also note, *supra*, p. 914.

February 18, 1975

420 U. S.

No. 73-1233. NATIONAL LABOR RELATIONS BOARD ET AL. *v.* SEARS, ROEBUCK & CO. C. A. D. C. Cir. [Certiorari granted, 417 U. S. 907.] Motion of respondent for leave to file supplemental brief after argument granted. MR. JUSTICE MARSHALL and MR. JUSTICE POWELL took no part in the consideration or decision of this motion.\*

No. 73-1908. CORT ET AL. *v.* ASH. C. A. 3d Cir. [Certiorari granted, 419 U. S. 992.] Motion of Judith Bonderman et al. for leave to file a brief as *amici curiae* granted. Motion of Common Cause for leave to file a brief as *amicus curiae* denied. MR. JUSTICE MARSHALL took no part in the consideration or decision of these motions.\*

No. 74-304. GORDON *v.* NEW YORK STOCK EXCHANGE, INC., ET AL. C. A. 2d Cir. [Certiorari granted, 419 U. S. 1018.] Motion of the Solicitor General to permit the United States and the Securities and Exchange Commission to participate in oral argument as *amici curiae* granted and a total of 40 additional minutes allotted for that purpose. MR. JUSTICE MARSHALL took no part in the consideration or decision of this motion.\*

No. 74-156. HICKS, DISTRICT ATTORNEY OF ORANGE COUNTY, ET AL. *v.* MIRANDA, DBA WALNUT PROPERTIES, ET AL. Appeal from D. C. C. D. Cal. [Probable jurisdiction postponed, 419 U. S. 1018.] Motions for additional time for oral argument granted and appellants allotted 15 additional minutes for that purpose. Appellees also allotted 15 additional minutes for oral argument. MR. JUSTICE MARSHALL took no part in the consideration or decision of this motion.\*

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\*See also note, *supra*, p. 914.

420 U. S.

February 18, 1975

No. 74-70. *GOLDFARB ET UX. v. VIRGINIA STATE BAR ET AL.* C. A. 4th Cir. [Certiorari granted, 419 U. S. 963.] Motions of American Dental Assn. and National Organization of Bar Counsel for leave to file briefs as *amici curiae* granted. MR. JUSTICE MARSHALL and MR. JUSTICE POWELL took no part in the consideration or decision of these motions.\*

No. 74-201. *CITY OF RICHMOND, VIRGINIA v. UNITED STATES ET AL.* Appeal from D. C. D. C. [Probable jurisdiction noted, 419 U. S. 1067.] Joint motion for additional time for oral argument granted and a total of one hour and 20 minutes allotted for that purpose. MR. JUSTICE MARSHALL and MR. JUSTICE POWELL took no part in the consideration or decision of this motion.\*

No. 74-452. *TWENTIETH CENTURY MUSIC CORP. ET AL. v. AIKEN.* C. A. 3d Cir. [Certiorari granted, 419 U. S. 1067]. Motion of Authors League of America, Inc., for leave to file a brief as *amicus curiae* granted. MR. JUSTICE MARSHALL took no part in the consideration or decision of this motion.\*

No. 74-456. *HILL, ATTORNEY GENERAL OF TEXAS, ET AL. v. PRINTING INDUSTRIES OF THE GULF COAST ET AL.* Appeal from D. C. S. D. Tex. [Probable jurisdiction noted, 419 U. S. 1088.] Motion of Common Cause for leave to file a brief as *amicus curiae* granted. MR. JUSTICE MARSHALL took no part in the consideration or decision of this motion.\*

No. 74-584. *SEARS v. DANN, COMMISSIONER OF PATENTS.* C. A. 4th Cir. Motion to expedite consideration of petition for certiorari denied. Reported below: 502 F. 2d 122.

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\*See also note, *supra*, p. 914.

February 18, 1975

420 U.S.

No. 74-878. NATIONAL LEAGUE OF CITIES ET AL. *v.* BRENNAN, SECRETARY OF LABOR; and

No. 74-879. CALIFORNIA *v.* BRENNAN, SECRETARY OF LABOR. Appeals from D. C. D. C. [Probable jurisdiction noted, *ante*, p. 906.] Motion of AFL-CIO et al. for leave to intervene denied. MR. JUSTICE MARSHALL took no part in the consideration or decision of this motion.\*

No. 74-657. IN RE SMITH, TRUSTEE OF THE NEW YORK, NEW HAVEN & HARTFORD RAILROAD Co. Motion for leave to file petition for writ of certiorari and/or mandamus and/or prohibition denied.

No. 74-5840. LEMON *v.* WAINWRIGHT, CORRECTIONS DIRECTOR; and

No. 74-5897. PATTON *v.* CRISP, WARDEN. Motions for leave to file petitions for writs of habeas corpus denied.

No. 74-5655. McDONALD *v.* UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT. Motion for leave to file petition for writ of mandamus denied.

No. 74-5738. MASON *v.* MATTHES, CHIEF JUDGE, U. S. COURT OF APPEALS; and

No. 74-5787. SAUCKE *v.* UNITED STATES ET AL. Motions for leave to file petitions for writs of mandamus denied.

*Probable Jurisdiction Noted*

No. 74-730. ROEMER ET AL. *v.* BOARD OF PUBLIC WORKS OF MARYLAND ET AL. Appeal from D. C. Md. Probable jurisdiction noted. Reported below: 387 F. Supp. 1282.

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\*See also note, *supra*, p. 914.

420 U.S.

February 18, 1975

*Certiorari Granted*

No. 74-100. *GARNER v. UNITED STATES*. C. A. 9th Cir. Certiorari granted. Reported below: 501 F. 2d 228.

No. 74-206. *THERMTRON PRODUCTS, INC., ET AL. v. HERMANSDORFER*, U. S. DISTRICT JUDGE. C. A. 6th Cir. Certiorari granted.

No. 74-489. *DEPARTMENT OF THE AIR FORCE ET AL. v. ROSE ET AL.* C. A. 2d Cir. Certiorari granted. Reported below: 495 F. 2d 261.

No. 74-687. *UNITED STATES v. MOORE ET AL.* C. A. 5th Cir. Certiorari granted. Reported below: 497 F. 2d 976.

No. 74-742. *FOREMOST-McKESSON, INC. v. PROVIDENT SECURITIES Co.* C. A. 9th Cir. Certiorari granted. Reported below: 506 F. 2d 601.

No. 74-744. *COMMISSIONER OF INTERNAL REVENUE v. SHAPIRO ET UX.* C. A. D. C. Cir. Certiorari granted. Reported below: 162 U. S. App. D. C. 391, 499 F. 2d 527.

No. 74-753. *UNITED STATES v. TESTAN ET AL.* Ct. Cl. Certiorari granted. Reported below: 205 Ct. Cl. 330, 499 F. 2d 690.

No. 74-5566. *BARRETT v. UNITED STATES*. C. A. 6th Cir. Motion for leave to proceed *in forma pauperis* granted. Certiorari granted limited to Question 1 presented by the petition which reads as follows: "Whether Title 18 U. S. C. Section 922 (h) applies to petitioner who purchased a firearm in an intrastate transaction, and was not involved in any manner with the interstate transportation of said firearm." Reported below: 504 F. 2d 629.

February 18, 1975

420 U. S.

No. 74-759. UNITED STATES *v.* MOORE. C. A. D. C. Cir. Certiorari granted. Reported below: 164 U. S. App. D. C. 319, 505 F. 2d 426.

No. 74-538. UNITED STATES *v.* WATSON. C. A. 9th Cir. Motion of respondent for leave to proceed *in forma pauperis* and certiorari granted. Reported below: 504 F. 2d 849.

*Certiorari Denied.* (See also Nos. 74-674, 74-777, 74-808, and 74-5497, *supra.*)

No. 74-5182. ZAMORANO *v.* ILLINOIS. App. Ct. Ill., 2d Dist. Certiorari denied. Reported below: 16 Ill. App. 3d 807, 306 N. E. 2d 902.

No. 74-5330. MANURI *v.* CALIFORNIA. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 74-5363. FULFORD *v.* LOUISIANA. Sup. Ct. La. Certiorari denied. Reported below: 299 So. 2d 789.

No. 74-5390. MUSE *v.* GUNN, WARDEN. Sup. Ct. Cal. Certiorari denied.

No. 74-5446. RICHARDS *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 500 F. 2d 1025.

No. 74-5453. STAGAKIS *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 500 F. 2d 1401.

No. 74-5454. THORNTON *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied. Reported below: 11 Cal. 3d 738, 523 P. 2d 267.

No. 73-5808. JEFFERIES *v.* SUGARMAN, COMMISSIONER OF DEPARTMENT OF SOCIAL SERVICES OF THE CITY OF NEW YORK, ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 481 F. 2d 414.

420 U. S.

February 18, 1975

No. 73-6639. *HALL v. UNITED STATES*;  
No. 73-6826. *JENKINS v. UNITED STATES*; and  
No. 73-6903. *WILCOX v. UNITED STATES*. C. A. 2d  
Cir. Certiorari denied. Reported below: 496 F. 2d 57.

No. 74-459. *MERCADO, AKA CRESPO, ET AL. v. CAREY,  
GOVERNOR OF NEW YORK, ET AL.* C. A. 2d Cir. Certio-  
rari denied. Reported below: 502 F. 2d 666.

No. 74-469. *TAVARES v. UNITED STATES*. C. A. 9th  
Cir. Certiorari denied. Reported below: 491 F. 2d 725.

No. 74-470. *KERSH ET AL. v. BOUNDS, CORRECTIONS  
COMMISSIONER*. C. A. 4th Cir. Certiorari denied. Re-  
ported below: 501 F. 2d 585.

No. 74-495. *SHUMAR v. UNITED STATES*; and  
No. 74-5482. *CLARKE v. UNITED STATES*. C. A. 7th  
Cir. Certiorari denied. Reported below: 500 F. 2d  
1405.

No. 74-504. *BARRY ET UX. v. UNITED STATES*. C. A.  
6th Cir. Certiorari denied. Reported below: 501 F. 2d  
578.

No. 74-510. *THORNE, AKA OM v. UNITED STATES*.  
C. A. 2d Cir. Certiorari denied.

No. 74-512. *SICA v. UNITED STATES*. C. A. 9th Cir.  
Certiorari denied.

No. 74-513. *CAPPETTO ET AL. v. UNITED STATES*.  
C. A. 7th Cir. Certiorari denied. Reported below: 502  
F. 2d 1351.

No. 74-525. *ROGERS ET UX. v. UNITED STATES*. C. A.  
9th Cir. Certiorari denied.

No. 74-540. *MENDRIN v. CALIFORNIA*. Ct. App. Cal.,  
4th App. Dist. Certiorari denied.

February 18, 1975

420 U. S.

No. 74-544. *McGREGOR ET AL. v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 503 F. 2d 1167.

No. 74-545. *LABORERS' INTERNATIONAL UNION OF NORTH AMERICA, AFL-CIO, LOCAL 478 v. NATIONAL LABOR RELATIONS BOARD*. C. A. D. C. Cir. Certiorari denied. Reported below: 164 U. S. App. D. C. 101, 503 F. 2d 192.

No. 74-547. *KAWASAKI MOTORS CORP. v. TRAIN, ADMINISTRATOR, ENVIRONMENTAL PROTECTION AGENCY, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 74-577. *FEINBERG v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 502 F. 2d 1180.

No. 74-591. *CHIP STEAK CO., INC., ET AL. v. BUTZ, SECRETARY OF AGRICULTURE, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 502 F. 2d 764.

No. 74-597. *MINKIN v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 504 F. 2d 350.

No. 74-614. *NANCE ET AL. v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 502 F. 2d 615.

No. 74-621. *NAMED INDIVIDUAL MEMBERS OF THE SAN ANTONIO CONSERVATION SOCIETY ET AL. v. TEXAS HIGHWAY DEPARTMENT ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 496 F. 2d 1017.

No. 74-641. *CENTRAL NATIONAL LIFE INSURANCE CO. v. INTERNATIONAL UNION OF OPERATING ENGINEERS, LOCAL No. 953 ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 501 F. 2d 902.

420 U. S.

February 18, 1975

No. 74-652. *WERSETSKY, ADMINISTRATOR v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 1st Cir. Certiorari denied. Reported below: 502 F. 2d 1161.

No. 74-660. *WILLOUGHBY v. STEVER ET AL.* C. A. D. C. Cir. Certiorari denied. Reported below: 164 U. S. App. D. C. 202, 504 F. 2d 271.

No. 74-663. *HUNSUCKER v. PHINNEY, DISTRICT DIRECTOR OF INTERNAL REVENUE*. C. A. 5th Cir. Certiorari denied. Reported below: 497 F. 2d 29.

No. 74-673. *JONES v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 502 F. 2d 1166.

No. 74-677. *JACKSON v. STATLER FOUNDATION ET AL.* C. A. 2d Cir. Certiorari denied.

No. 74-679. *UNITED STATES v. STOECO HOMES, INC.* C. A. 3d Cir. Certiorari denied. Reported below: 498 F. 2d 597.

No. 74-680. *BLUMBERG v. BAUSCH & LOMB OPTICAL Co.* C. A. 6th Cir. Certiorari denied.

No. 74-685. *ROBSON v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 74-692. *MOORE v. CARDWELL, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 74-700. *MOTTO v. GENERAL SERVICES ADMINISTRATION ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 502 F. 2d 1165.

No. 74-715. *PIONEER LUMBER CORP. v. MAYS*. C. A. 4th Cir. Certiorari denied. Reported below: 502 F. 2d 106.

No. 74-716. *MADDEN v. UNITED STATES ET AL.* C. A. 10th Cir. Certiorari denied.

February 18, 1975

420 U. S.

No. 74-721. RHODES ET AL., CO-ADMINISTRATORS *v.* REPUBLIC NATIONAL LIFE INSURANCE CO. C. A. 9th Cir. Certiorari denied. Reported below: 501 F. 2d 1213.

No. 74-725. MORETTI ET AL. *v.* OHIO. Ct. App. Ohio, Franklin County. Certiorari denied.

No. 74-727. GRANT ET AL. *v.* SILVESTRI ET AL. C. C. P. A. Certiorari denied. Reported below: 496 F. 2d 593.

No. 74-734. VACCARO *v.* DEPARTMENT OF LAW AND PUBLIC SAFETY, BOARD OF MEDICAL EXAMINERS. Super. Ct. N. J. Certiorari denied.

No. 74-737. HOOD *v.* KENTUCKY. Ct. App. Ky. Certiorari denied. Reported below: See 512 S. W. 2d 528.

No. 74-741. KETCHUM *v.* NEW YORK. Ct. App. N. Y. Certiorari denied. Reported below: 35 N. Y. 2d 740, 320 N. E. 2d 645.

No. 74-745. TORRENCE *v.* NEBRASKA. Sup. Ct. Neb. Certiorari denied. Reported below: 192 Neb. 213, 219 N. W. 2d 772.

No. 74-747. FARVER *v.* CITY OF WESTLAKE ET AL. Ct. App. Ohio, Cuyahoga County. Certiorari denied.

No. 74-756. FURNCO CONSTRUCTION CORP. *v.* BATISTE ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 503 F. 2d 447.

No. 74-760. SCHABATKA ET AL. *v.* ILLINOIS. App. Ct. Ill., 3d Dist. Certiorari denied. Reported below: 18 Ill. App. 3d 635, 310 N. E. 2d 192.

No. 74-761. HAWKINS *v.* MOSS, CHIEF JUSTICE, SUPREME COURT OF SOUTH CAROLINA, ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 503 F. 2d 1171.

420 U. S.

February 18, 1975

No. 74-765. *GULF OIL CORP. v. LEHRMAN*. C. A. 5th Cir. Certiorari denied. Reported below: 500 F. 2d 659.

No. 74-770. *CELANESE CORP. v. ATELIERS ROANNAIS DE CONSTRUCTIONS TEXTILES ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 502 F. 2d 188.

No. 74-785. *EVES ET UX. v. FORD MOTOR CO. ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 506 F. 2d 1403.

No. 74-788. *ADDRISI v. EQUITABLE LIFE ASSURANCE SOCIETY OF THE UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 503 F. 2d 725.

No. 74-790. *SCHMITT v. INDIANA*. Ct. App. Ind. Certiorari denied. Reported below: — Ind. App. —, 310 N. E. 2d 73.

No. 74-791. *SIBLEY v. HORN ADVERTISING, INC.* Ct. Civ. App. Tex. Certiorari denied. Reported below: 505 S. W. 2d 417.

No. 74-792. *CIURUS ET AL. v. NEW, TREASURER OF INDIANA*. C. A. 7th Cir. Certiorari denied. Reported below: 506 F. 2d 1402.

No. 74-796. *WOODSTOCK, INC. v. KARRIS*. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 19 Ill. App. 3d 1, 312 N. E. 2d 426.

No. 74-797. *ATCHISON, TOPEKA & SANTA FE RAILWAY Co. v. BENCHCRAFT, INC., ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 503 F. 2d 560.

No. 74-798. *LITTLESTONE Co. ET AL. v. COUNTY OF COOK ET AL.* App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 19 Ill. App. 3d 222, 311 N. E. 2d 268.

No. 74-803. *YATZOR v. ALLEN ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 503 F. 2d 1400.

February 18, 1975

420 U. S.

No. 74-812. *CHAMPION OIL SERVICE Co. v. SINCLAIR OIL CORP. ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 502 F. 2d 709.

No. 74-814. *MCCARTHY v. AMERICAN RED BALL TRANSIT Co., INC.* Sup. Ct. N. H. Certiorari denied.

No. 74-815. *EVANS v. SECURITIES AND EXCHANGE COMMISSION.* C. A. 5th Cir. Certiorari denied. Reported below: 505 F. 2d 733.

No. 74-826. *BERGSTRALH v. LOWE ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 504 F. 2d 1276.

No. 74-829. *MCCLURE v. FIRST NATIONAL BANK OF LUBBOCK, TEXAS, ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 497 F. 2d 490.

No. 74-5347. *WARD v. GRIGGS, INSTITUTION SUPERINTENDENT, ET AL.* Sup. Ct. Cal. Certiorari denied.

No. 74-5348. *WARD v. GRIGGS, INSTITUTION SUPERINTENDENT.* Sup. Ct. Cal. Certiorari denied.

No. 74-5357. *SHORT v. TEXAS.* Ct. Crim. App. Tex. Certiorari denied. Reported below: 511 S. W. 2d 288.

No. 74-5381. *STENGEL v. CALIFORNIA ET AL.* Ct. App. Cal., 4th App. Dist. Certiorari denied.

No. 74-5399. *MAXIE v. MISSOURI.* Sup. Ct. Mo. Certiorari denied. Reported below: 513 S. W. 2d 338.

No. 74-5414. *AGUIRRE v. CALIFORNIA.* Ct. App. Cal., 1st App. Dist. Certiorari denied.

No. 74-5455. *COWPER v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. Reported below: 503 F. 2d 130.

No. 74-5459. *WARD v. GRIGGS, INSTITUTION SUPERINTENDENT.* Sup. Ct. Cal. Certiorari denied.

420 U. S.

February 18, 1975

No. 74-5460. *SUTTON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 502 F. 2d 784.

No. 74-5473. *BAERGA v. WEINBERGER, SECRETARY OF HEALTH, EDUCATION, AND WELFARE*. C. A. 3d Cir. Certiorari denied. Reported below: 500 F. 2d 309.

No. 74-5475. *CRUZ v. UNITED STATES*. C. A. 10th Cir. Certiorari denied.

No. 74-5483. *HERBERT ET AL. v. UNITED STATES*. C. A. 10th Cir. Certiorari denied.

No. 74-5488. *ROHRBAUGH v. PENNSYLVANIA*. Super. Ct. Pa. Certiorari denied.

No. 74-5491. *GREEN v. DAGGETT, WARDEN*. C. A. 10th Cir. Certiorari denied.

No. 74-5493. *BROWN v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 500 F. 2d 1400.

No. 74-5504. *TRIANA-PACHECO v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 74-5507. *MATHEWS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 74-5510. *ORAND v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 74-5511. *RIADON v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 74-5512. *HILL v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 500 F. 2d 315.

No. 74-5515. *TRIMMINGS v. HENDERSON, WARDEN*. C. A. 5th Cir. Certiorari denied. Reported below: 498 F. 2d 86.

February 18, 1975

420 U. S.

No. 74-5517. *RAMSEY v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 503 F. 2d 524.

No. 74-5519. *JOHNSON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 500 F. 2d 575.

No. 74-5523. *WHITE v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 506 F. 2d 1399.

No. 74-5539. *HALL v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 74-5543. *MAJORS v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 490 F. 2d 1321.

No. 74-5548. *TURLEY v. UNITED STATES*. C. A. 10th Cir. Certiorari denied.

No. 74-5553. *MCDANIEL ET AL. v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 74-5556. *BURGER v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 505 F. 2d 731.

No. 74-5562. *ARCEDIANO v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 505 F. 2d 731.

No. 74-5563. *EVANS v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 506 F. 2d 1401.

No. 74-5570. *WALLER v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 503 F. 2d 1014.

No. 74-5572. *MOSELY v. UNITED STATES*. C. A. 10th Cir. Certiorari denied.

No. 74-5575. *TORBICH v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 503 F. 2d 1400.

420 U. S.

February 18, 1975

No. 74-5580. *RICKUS v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 506 F. 2d 1052.

No. 74-5581. *PEREZ-MARTINEZ v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 74-5585. *LEE v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 505 F. 2d 731.

No. 74-5586. *JEMISON v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 505 F. 2d 728.

No. 74-5587. *JONES v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 505 F. 2d 731.

No. 74-5589. *HARA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 505 F. 2d 495.

No. 74-5591. *FELICIANO v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 503 F. 2d 1402.

No. 74-5593. *BOLLELLA v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 505 F. 2d 727.

No. 74-5598. *KESHISHIAN v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 506 F. 2d 1401.

No. 74-5604. *HAIRRELL v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 508 F. 2d 843.

No. 74-5612. *FLAKE v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 506 F. 2d 1398.

No. 74-5615. *HEARD v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. Reported below: 164 U. S. App. D. C. 202, 504 F. 2d 271.

February 18, 1975

420 U.S.

No. 74-5616. *LEYBA v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 504 F. 2d 441.

No. 74-5635. *POITRA v. UNITED STATES*. C. A. 10th Cir. Certiorari denied.

No. 74-5638. *SCHMITZ v. UNITED STATES ET AL.* C. A. 9th Cir. Certiorari denied.

No. 74-5639. *FELAN v. DAGGETT, WARDEN*. C. A. 10th Cir. Certiorari denied.

No. 74-5643. *DORROUGH v. MULLIKIN*. C. A. 5th Cir. Certiorari denied. Reported below: 503 F. 2d 1401.

No. 74-5656. *MITCHELL v. OHIO*. Sup. Ct. Ohio. Certiorari denied.

No. 74-5690. *PILLIS v. JOHNSON*. Sup. Ct. Va. Certiorari denied.

No. 74-5698. *REED v. JONES, SHERIFF, ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 502 F. 2d 784.

No. 74-5700. *PHILLIPS ET AL. v. MONEY, DBA DAN MONEY'S STANDARD SERVICE CENTER*. C. A. 7th Cir. Certiorari denied. Reported below: 503 F. 2d 990.

No. 74-5702. *MATRA v. COURT OF APPEALS OF NEW YORK ET AL.* C. A. 2d Cir. Certiorari denied.

No. 74-5708. *PERKINS v. GUNN, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 74-5712. *MUNOZ ET AL. v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 74-5717. *SMITH v. DARIN & ARMSTRONG CONSTRUCTION CO. ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 503 F. 2d 1404.

420 U.S.

February 18, 1975

No. 74-5716. JOHNSON *v.* GUNN, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 74-5718. NEWMAN *v.* NEW JERSEY. Super. Ct. N. J. Certiorari denied.

No. 74-5719. DRAGO *v.* OHIO. Ct. App. Ohio, Cuyahoga County. Certiorari denied.

No. 74-5726. HICKS *v.* LEEKE, CORRECTIONS DIRECTOR. C. A. 4th Cir. Certiorari denied. Reported below: 506 F. 2d 1397.

No. 74-5730. JONES *v.* WEST VIRGINIA. Sup. Ct. App. W. Va. Certiorari denied.

No. 74-5733. SMITH *v.* CITY OF IRONDALE. Sup. Ct. Ala. Certiorari denied. Reported below: 293 Ala. 357, 303 So. 2d 130.

No. 74-5735. MILLER *v.* KENTUCKY. Ct. App. Ky. Certiorari denied. Reported below: 512 S. W. 2d 941.

No. 74-5739. CLARK *v.* MCCARTHY, MEN'S COLONY SUPERINTENDENT. C. A. 9th Cir. Certiorari denied.

No. 74-5740. GUPTA ET UX. *v.* MERRILL LYNCH, PIERCE, FENNER & SMITH, INC., ET AL. C. A. 3d Cir. Certiorari denied.

No. 74-5761. JACKSON *v.* ILLINOIS. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 19 Ill. App. 3d 689, 312 N. E. 2d 405.

No. 74-5756. ROBINSON, AKA JENKINS *v.* WAINWRIGHT, CORRECTIONS DIRECTOR. C. A. 5th Cir. Certiorari denied. Reported below: 502 F. 2d 784.

No. 74-5751. KELLY *v.* ARIZONA. Sup. Ct. Ariz. Certiorari denied. Reported below: 111 Ariz. 181, 526 P. 2d 720.

February 18, 1975

420 U. S.

No. 74-5747. *GRIFFIN v. NANGLE ET AL.* C. A. 8th Cir. Certiorari denied.

No. 74-5749. *BERKOWITZ v. OHIO.* Sup. Ct. Ohio. Certiorari denied.

No. 74-5755. *NICHOLS v. NELSON, WARDEN.* C. A. 9th Cir. Certiorari denied.

No. 74-5762. *STURGIS v. ILLINOIS.* Sup. Ct. Ill. Certiorari denied. Reported below: 58 Ill. 2d 211, 317 N. E. 2d 545.

No. 74-5763. *HOUSTON v. ILLINOIS.* App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 21 Ill. App. 3d 209, 315 N. E. 2d 192.

No. 74-5764. *MASON v. ARIZONA ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 504 F. 2d 1345.

No. 74-5766. *GILMAN v. ILLINOIS.* Sup. Ct. Ill. Certiorari denied.

No. 74-5768. *HAMILTON ET AL. v. KENTUCKY.* Ct. App. Ky. Certiorari denied. Reported below: 514 S. W. 2d 188.

No. 74-5770. *FRANZ v. CALIFORNIA.* Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 74-5772. *DIAZ v. CALIFORNIA.* Ct. App. Cal., 4th App. Dist. Certiorari denied.

No. 74-5773. *GONZALEZ v. LAVALLEE, CORRECTIONAL SUPERINTENDENT.* C. A. 2d Cir. Certiorari denied. Reported below: 503 F. 2d 1397.

No. 74-5780. *DAVENPORT v. ILLINOIS.* App. Ct. Ill., 1st Jud. Dist. Certiorari denied. Reported below: 21 Ill. App. 3d 209, 315 N. E. 2d 192.

420 U. S.

February 18, 1975

No. 74-5779. *PACE v. MASSACHUSETTS*. C. A. 1st Cir. Certiorari denied.

No. 74-5783. *COLEMAN v. MICHIGAN*. Ct. App. Mich. Certiorari denied. Reported below: 51 Mich. App. 539, 215 N. W. 2d 585.

No. 74-5785. *ALECK v. WASHINGTON*. Ct. App. Wash. Certiorari denied. Reported below: 10 Wash. App. 796, 520 P. 2d 645.

No. 74-5792. *VAUGHAN ET UX. v. GILL, JUDGE, ET AL.* C. A. 4th Cir. Certiorari denied.

No. 74-5793. *PADILLA v. NEW MEXICO*. C. A. 10th Cir. Certiorari denied.

No. 74-5795. *NEWTON v. CALIFORNIA*. Ct. App. Cal., 5th App. Dist. Certiorari denied. Reported below: 42 Cal. App. 3d 292, 116 Cal. Rptr. 690.

No. 74-5802. *SHEPHARD v. THE NOPAL PROGRESS ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 497 F. 2d 963.

No. 74-5809. *SULLIVAN v. CALIFORNIA*. Ct. App. Cal., 1st App. Dist. Certiorari denied.

No. 74-293. *PENNSYLVANIA v. WEEDEN ET AL.* Sup. Ct. Pa. Motion of respondents for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 457 Pa. 436, 322 A. 2d 343.

No. 74-496. *CROOKS v. WASHINGTON*. Ct. App. Wash. Certiorari denied. See *Molinaro v. New Jersey*, 396 U. S. 365 (1970). Reported below: 10 Wash. App. 1023.

No. 74-5805. *STAGGS v. EVANS, SHERIFF, ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 505 F. 2d 733.

February 18, 1975

420 U. S.

No. 74-5816. TRIGG *v.* TENNESSEE. C. A. 6th Cir. Certiorari denied. Reported below: 507 F. 2d 949.

No. 74-5835. BARRETT *v.* TEXAS. Ct. Crim. App. Tex. Certiorari denied.

No. 74-454. PROCUNIER, CORRECTIONS DIRECTOR *v.* VALRIE. Sup. Ct. Cal. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 12 Cal. 3d 139, 524 P. 2d 812.

No. 74-623. KENTUCKY CARBON CORP. ET AL. *v.* INTERIOR BOARD OF MINE OPERATIONS APPEALS ET AL. C. A. D. C. Cir. Motion of American Mining Congress for leave to file a brief as *amicus curiae* granted. Certiorari denied. MR. JUSTICE WHITE would grant certiorari. Reported below: 163 U. S. App. D. C. 104, 500 F. 2d 772.

No. 74-772. CALIFORNIA ET AL. *v.* GORDON ET AL. Sup. Ct. Cal. Certiorari denied, there being no present case or controversy such as to confer jurisdiction on this Court. Reported below: 12 Cal. 3d 323, 525 P. 2d 72.

No. 74-5552. PILCHER *v.* MISSISSIPPI. Sup. Ct. Miss. Certiorari denied without prejudice to an application for writ of habeas corpus in the appropriate United States District Court for consideration of questions not adequately presented by the record before us. These include question whether, in view of all of the circumstances attendant upon the trial, petitioner received a fair trial before an impartial judge and by an impartial jury as required by the Fourteenth Amendment. MR. JUSTICE MARSHALL took no part in the consideration or decision of this petition.\* Reported below: 296 So. 2d 682.

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\*See also note, *supra*, p. 914.

420 U. S.

February 18, 1975

No. 74-5644. LUCAS *v.* REGAN, CHAIRMAN, NEW YORK STATE DIVISION OF PAROLE. C. A. 2d Cir. Certiorari denied. MR. JUSTICE MARSHALL dissents from denial of certiorari for reasons stated by Judge Oakes in the court below. 503 F. 2d 1, 5 (1974) (dissenting opinion). Reported below: 503 F. 2d 1.

*Rehearing Denied*

No. 73-5677. SCHICK *v.* REED, CHAIRMAN, UNITED STATES BOARD OF PAROLE, ET AL., 419 U. S. 256;

No. 74-211. TOLLETT *v.* LAMAN ET AL., 419 U. S. 1088;

No. 74-225. MARSHALL ET AL. *v.* OHIO, 419 U. S. 1062;

No. 74-226. KENSINGER *v.* OHIO, 419 U. S. 1062;

No. 74-229. POMMERENING ET AL. *v.* UNITED STATES, 419 U. S. 1088;

No. 74-301. WASHBURN *v.* UNITED STATES, 419 U. S. 1106;

No. 74-502. SMART *v.* JONES ET AL., 419 U. S. 1090;

No. 74-5042. HALE *v.* UNITED STATES, 419 U. S. 999;

No. 74-5144. O'BRIEN *v.* CALIFORNIA, 419 U. S. 1111;

No. 74-5157. MEYERS *v.* VENABLE ET AL., 419 U. S. 1090;

No. 74-5457. AGUR *v.* WILSON, GOVERNOR OF NEW YORK, ET AL., 419 U. S. 1072;

No. 74-5477. PAQUETTE *v.* LAVALLEE, CORRECTIONAL SUPERINTENDENT, 419 U. S. 1073;

No. 74-5496. BARTLETT *v.* TOLEDO BAR ASSN., 419 U. S. 1073; and

No. 74-5595. RATCLIFF *v.* TEXAS ET AL., 419 U. S. 1103. Petitions for rehearing denied.

No. 74-245. HUTTER ET AL. *v.* CITY OF CHICAGO, 419 U. S. 870. Motion for leave to file petition for rehearing denied.

February 21, 24, 1975

420 U. S.

FEBRUARY 21, 1975

*Miscellaneous Order*

No. A-687. *LOVELACE ET AL. v. DECHAMPLAIN*. Application for stay of order of the United States District Court for the Western District of Missouri, directing applicants to hold an evidentiary hearing to determine whether respondent is entitled to pretrial release, presented to MR. JUSTICE BLACKMUN, and by him referred to the Court, granted. MR. JUSTICE DOUGLAS and MR. JUSTICE MARSHALL took no part in the consideration or decision of this application. Reported below: See 510 F. 2d 419.

FEBRUARY 24, 1975\*

*Affirmed on Appeal*

No. 74-594. *WEISBROD v. LYNN, SECRETARY OF HOUSING AND URBAN DEVELOPMENT, ET AL.* Affirmed on appeal from D. C. D. C. MR. JUSTICE BLACKMUN would note probable jurisdiction and set case for oral argument. Motion of American Medical Assn. for leave to file a brief as *amicus curiae* granted. MR. JUSTICE MARSHALL took no part in the consideration or decision of this motion.† Reported below: 383 F. Supp. 933.

*Appeal Dismissed*

No. 74-767. *CHU v. UNITED STATES*. Appeal from C. A. 9th Cir. dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari denied.

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\*MR. JUSTICE DOUGLAS took no part in the consideration or decision of cases in which orders hereinafter reported were announced on this date, with the exception of the following: No. 74-5281, *Spross v. Gunn, infra*, p. 955; No. 74-5435, *Imbler v. Pachtman, infra*, p. 945; and No. 74-5466, *Vigil v. New Mexico, infra*, p. 955.

†See also note, *supra*.

420 U. S.

February 24, 1975

No. 74-813. ABRAHAM ET AL. v. FLORIDA ET AL. Appeal from Sup. Ct. Fla. dismissed for want of substantial federal question. Reported below: 301 So. 2d 11.

#### *Miscellaneous Orders*

No. D-38. IN RE DISBARMENT OF DONNELLY. It is ordered that John J. Donnelly, Jr., of Geneva, Fla., be suspended from the practice of law in this Court and that a rule issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court. MR. JUSTICE MARSHALL took no part in the consideration or decision of this matter.\*

No. D-39. IN RE DISBARMENT OF ROSENBERG. It is ordered that Harvey Rosenberg, of Silver Spring, Md., be suspended from the practice of law in this Court and that a rule issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court. MR. JUSTICE MARSHALL took no part in the consideration or decision of this matter.\*

No. D-40. IN RE DISBARMENT OF GILBERT. It is ordered that Donald E. Gilbert, of East Northport, N. Y., be suspended from the practice of law in this Court and that a rule issue, returnable within 40 days, requiring him so show cause why he should not be disbarred from the practice of law in this Court. MR. JUSTICE MARSHALL took no part in the consideration or decision of this matter.\*

No. D-41. IN RE DISBARMENT OF SIEGEL. It is ordered that George J. Siegel, of New York, N. Y., be suspended from the practice of law in this Court and that a rule issue, returnable within 40 days, requiring him to

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\*See also first note, *supra*, p. 940.

February 24, 1975

420 U. S.

show cause why he should not be disbarred from the practice of law in this Court. MR. JUSTICE MARSHALL took no part in the consideration or decision of this matter.\*

No. D-42. IN RE DISBARMENT OF DEAN. It is ordered that John W. Dean III, of Los Angeles, Cal., be suspended from the practice of law in this Court and that a rule issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court. MR. JUSTICE MARSHALL took no part in the consideration or decision of this matter.\*

No. D-43. IN RE DISBARMENT OF ANDRESEN. It is ordered that Peter C. Andresen, of Kensington, Md., be suspended from the practice of law in this Court and that a rule issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court. MR. JUSTICE MARSHALL took no part in the consideration or decision of this matter.\*

No. 73-1573. WITHROW ET AL. v. LARKIN. Appeal from D. C. E. D. Wis. [Probable jurisdiction noted, 417 U. S. 943.] Motion of appellee for leave to file supplemental brief after argument granted. MR. JUSTICE MARSHALL took no part in the consideration or decision of this motion.\*

No. 73-7031. FOWLER v. NORTH CAROLINA. Sup. Ct. N. C. [Certiorari granted, 419 U. S. 963.] Motion of the Attorney General of California for additional time to participate in oral argument as *amicus curiae* denied. MR. JUSTICE MARSHALL took no part in the consideration or decision of this motion.\*

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\*See also first note, *supra*, p. 940.

420 U. S.

February 24, 1975

No. 73-1966. ABERDEEN & ROCKFISH RAILROAD CO. ET AL. v. STUDENTS CHALLENGING REGULATORY AGENCY PROCEDURES (SCRAP) ET AL.; and

No. 73-1971. UNITED STATES ET AL. v. STUDENTS CHALLENGING REGULATORY AGENCY PROCEDURES (SCRAP) ET AL. Appeals from D. C. D. C. [Probable jurisdiction noted, 419 U. S. 822.] Joint motion of appellants for additional time for oral argument granted and 10 additional minutes granted each side. MR. JUSTICE MARSHALL and MR. JUSTICE POWELL took no part in the consideration or decision of this motion.\*

No. 73-6336. ROGERS v. UNITED STATES. C. A. 5th Cir. [Certiorari granted, 419 U. S. 824.] Motion of petitioner for appointment of counsel granted. It is ordered that Ralph W. Parnell, Jr., Esquire, of Shreveport, La., be, and he is hereby, appointed to serve as counsel for petitioner in this case. MR. JUSTICE MARSHALL took no part in the consideration or decision of this motion.\*

No. 73-6587. HERRING v. NEW YORK. Appeal from App. Div., Sup. Ct. N. Y., 2d Jud. Dept. [Probable jurisdiction noted, 419 U. S. 893.] Motion of the Attorney General of New York to permit two counsel to argue orally on behalf of the State of New York granted. MR. JUSTICE MARSHALL took no part in the consideration or decision of this motion.\*

No. 74-8. O'CONNOR v. DONALDSON. C. A. 5th Cir. [Certiorari granted, 419 U. S. 894.] Motion of respondent for leave to file supplemental brief after argument granted. MR. JUSTICE MARSHALL took no part in the consideration or decision of this motion.\*

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\*See also first note, *supra*, p. 940.

February 24, 1975

420 U. S.

No. 74-70. *GOLDFARB ET UX. v. VIRGINIA STATE BAR ET AL.* C. A. 4th Cir. [Certiorari granted, 419 U. S. 963.] Motion of the District of Columbia Bar for reconsideration of motion for leave to file a brief as *amicus curiae* denied. Motion of the Association of the Bar of the City of New York for reconsideration of motion for leave to file a brief as *amicus curiae* granted and it is ordered that the brief be filed. MR. JUSTICE MARSHALL and MR. JUSTICE POWELL took no part in the consideration or decision of these motions.\*

No. 74-124. *BLUE CHIP STAMPS ET AL. v. MANOR DRUG STORES.* C. A. 9th Cir. [Certiorari granted, 419 U. S. 992.] Motion of the Solicitor General for additional time to permit the Securities and Exchange Commission to participate in oral argument as *amicus curiae* denied. MR. JUSTICE MARSHALL took no part in the consideration or decision of this motion.\*

No. 74-389. *ALBEMARLE PAPER CO. ET AL. v. MOODY ET AL.*; and

No. 74-428. *HALIFAX LOCAL NO. 425, UNITED PAPERMAKERS & PAPERWORKERS, AFL-CIO v. MOODY ET AL.* C. A. 4th Cir. [Certiorari granted, 419 U. S. 1068.] Motion of American Society for Personnel Administration for leave to file a brief as *amicus curiae* granted. MR. JUSTICE MARSHALL and MR. JUSTICE POWELL took no part in the consideration or decision of this motion.\*

No. 74-5951. *HARRELSON v. UNITED STATES ET AL.* Motion for leave to file petition for writ of habeas corpus and other relief denied.

No. 74-5797. *ELLINGBURG v. HENLEY, CHIEF JUDGE, U. S. DISTRICT COURT.* Motion for leave to file petition for writ of mandamus denied.

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\*See also first note, *supra*, p. 940.

420 U. S.

February 24, 1975

No. 74-6019. STEELE *v.* SUPREME COURT OF COLORADO ET AL. Motion to expedite consideration denied. MR. JUSTICE MARSHALL took no part in the consideration or decision of this motion.\*

No. 74-5788. MASTRIAN *v.* CUDD, U. S. MAGISTRATE, DISTRICT OF MINNESOTA, ET AL. Motion for leave to file petition for writ of mandamus and/or habeas corpus denied.

*Certiorari Granted*

No. 74-5435. IMBLER *v.* PACHTMAN, DISTRICT ATTORNEY. C. A. 9th Cir. Motion for leave to proceed *in forma pauperis* and certiorari granted. Reported below: 500 F. 2d 1301.

*Certiorari Denied.* (See also No. 74-767, *supra.*)

No. 74-188. TEXAS *v.* LANDRY. Ct. Civ. App. Tex., 9th Sup. Jud. Dist. Certiorari denied. Reported below: 504 S. W. 2d 580.

No. 74-416. MATARAZZO *v.* SOUTH CAROLINA. Sup. Ct. S. C. Certiorari denied. Reported below: 262 S. C. 662, 207 S. E. 2d 93.

No. 74-431. VITA FOOD PRODUCTS OF ILLINOIS, INC. *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 502 F. 2d 715.

No. 74-556. CALABRESE, MAYOR OF SAND CITY, ET AL. *v.* AVERY ET AL.; and

No. 74-831. AVERY ET AL. *v.* CALABRESE, MAYOR OF SAND CITY, ET AL. C. A. 9th Cir. Certiorari denied.

No. 74-567. PEEL *v.* UNITED STATES; and

No. 74-593. MYERS *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 497 F. 2d 1369.

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\*See also first note, *supra*, p. 940.

February 24, 1975

420 U. S.

No. 74-561. *RICHARDS v. NORTH CAROLINA*. Ct. App. N. C. Certiorari denied. Reported below: 21 N. C. App. 686, 205 S. E. 2d 369.

No. 74-571. *INDIANA & MICHIGAN ELECTRIC Co. v. FEDERAL POWER COMMISSION ET AL.* C. A. D. C. Cir. Certiorari denied. Reported below: 163 U. S. App. D. C. 334, 502 F. 2d 336.

No. 74-574. *NATIONAL NUTRITIONAL FOODS ASSN. ET AL. v. FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 504 F. 2d 761.

No. 74-575. *SEGURA, AKA TOMANENG v. IMMIGRATION AND NATURALIZATION SERVICE*. C. A. 9th Cir. Certiorari denied.

No. 74-578. *BURKHART v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 501 F. 2d 993.

No. 74-579. *TUCKER v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 502 F. 2d 944.

No. 74-583. *McCONNELL v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 500 F. 2d 347.

No. 74-592. *SUTHERLAND v. IMMIGRATION AND NATURALIZATION SERVICE*. C. A. 9th Cir. Certiorari denied.

No. 74-595. *SIMPKINS ET AL. v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 505 F. 2d 562.

No. 74-607. *CLEVELAND MILLS Co. v. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION*. C. A. 4th Cir. Certiorari denied. Reported below: 502 F. 2d 153.

No. 74-620. *IRONS v. DANN, COMMISSIONER OF PATENTS*. C. A. D. C. Cir. Certiorari denied.

420 U. S.

February 24, 1975

No. 74-694. GENERAL STEEL PRODUCTS CO., A DIVISION OF SENG CO. *v.* NATIONAL LABOR RELATIONS BOARD. C. A. 4th Cir. Certiorari denied. Reported below: 503 F. 2d 896.

No. 74-701. ECONOMY FINANCE CORP. ET AL. *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 501 F. 2d 466.

No. 74-748. PURVIS *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 501 F. 2d 311.

No. 74-766. WALLACE ET AL. *v.* KERN ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 499 F. 2d 1345.

No. 74-805. BINDER *v.* ILLINOIS. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 18 Ill. App. 3d 960, 310 N. E. 2d 661.

No. 74-817. ROSS *v.* ROSS. Ct. App. Mass. Certiorari denied. Reported below: — Mass. —, 314 N. E. 2d 888.

No. 74-818. REGINA ET AL. *v.* LAVALLEE, CORRECTIONAL SUPERINTENDENT, ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 504 F. 2d 580.

No. 74-832. BAY *v.* WESTERN PACIFIC Co. Ct. App. Cal., 1st App. Dist. Certiorari denied.

No. 74-852. GRAYCO CONSTRUCTORS, INC., ET AL. *v.* GREAT LAKES GAS TRANSMISSION Co. C. A. 6th Cir. Certiorari denied. Reported below: 506 F. 2d 498.

No. 74-881. MORGAN *v.* TEXAS. Ct. Crim. App. Tex. Certiorari denied. Reported below: 516 S. W. 2d 188.

No. 74-5436. HORNE *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

February 24, 1975

420 U. S.

No. 74-5478. *MILLER v. LOVE*. C. A. 4th Cir. Certiorari denied.

No. 74-5579. *BOWDACH v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 501 F. 2d 220.

No. 74-5594. *DEARGUMENTO v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 505 F. 2d 727.

No. 74-5600. *COY v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 503 F. 2d 566.

No. 74-5602. *WILLIAMS v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 506 F. 2d 1403.

No. 74-5603. *BYARS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 505 F. 2d 734.

No. 74-5609. *LAYTHAM v. UNITED STATES*; and

No. 74-5627. *JANIEC v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 505 F. 2d 983.

No. 74-5620. *CHASE v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 503 F. 2d 571.

No. 74-5623. *RISER ET AL. v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 502 F. 2d 1166.

No. 74-5624. *MEZES v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 506 F. 2d 1052.

No. 74-5625. *MOORE v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 506 F. 2d 1401.

No. 74-5628. *TAYLOR v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

420 U. S.

February 24, 1975

No. 74-5641. *ROBINSON v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 503 F. 2d 208.

No. 74-5642. *TURNER v. WEINBERGER, SECRETARY OF HEALTH, EDUCATION, AND WELFARE*. C. A. 5th Cir. Certiorari denied. Reported below: 502 F. 2d 784.

No. 74-5645. *SAMUELS v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 505 F. 2d 731.

No. 74-5647. *KILIYAN v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 504 F. 2d 1153.

No. 74-5671. *VAUGHAN v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 74-5688. *PHARO v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 503 F. 2d 1402.

No. 74-5689. *BISHOP v. ROSE, WARDEN*. C. A. 6th Cir. Certiorari denied. Reported below: 508 F. 2d 843.

No. 74-5811. *COOPER v. NEW YORK*. Ct. App. N. Y. Certiorari denied. Reported below: 35 N. Y. 2d 670, 319 N. E. 2d 202.

No. 74-5814. *TRUJILLO v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 74-5821. *WOJLOH v. DEVITO ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 506 F. 2d 1399.

No. 74-5824. *KELLY v. KENTUCKY*. Ct. App. Ky. Certiorari denied.

No. 74-5829. *SMILGUS v. MICHIGAN CONSOLIDATED GAS CO. ET AL.* Sup. Ct. Mich. Certiorari denied.

February 24, 1975

420 U. S.

No. 74-5940. *QUALLS v. BRISCOE ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 503 F. 2d 1402.

No. 74-533. *McKINNEY v. CITY OF BIRMINGHAM*;  
No. 74-534. *McKINNEY v. CITY OF BIRMINGHAM*;  
and

No. 74-535. *HARLOW ET AL. v. CITY OF BIRMINGHAM*. Ct. Crim. App. Ala. Certiorari denied. Reported below: No. 74-533, see 292 Ala. 726, 296 So. 2d 236; No. 74-534, 52 Ala. App. 605, 296 So. 2d 197; No. 74-535, 52 Ala. App. 612, 296 So. 2d 202.

MR. JUSTICE BRENNAN, with whom MR. JUSTICE STEWART and MR. JUSTICE MARSHALL join, dissenting.

Petitioners were convicted in the Jefferson Circuit Court of selling or exhibiting obscene material in violation of Birmingham Ordinance No. 67-2, § 3, which provides:

"It shall be unlawful for any person to knowingly . . . exhibit, sell, or offer for sale, in the City or the police jurisdiction thereof, any obscene matter."

As used in Ordinance No. 67-2, "obscene" meant at the time of the alleged offenses:

"that to the average person, applying contemporary standards, the predominant appeal of the matter, taken as a whole, is to prurient interest, i. e., a shameful or morbid interest in nudity, sex or excretion, which goes substantially beyond customary limits of candor in description or representation of such matters." § 1.

On appeal, the Alabama Court of Criminal Appeals affirmed the convictions. Petitions for writs of certiorari

were filed with the Supreme Court of Alabama and denied.

It is my view that "at least in the absence of distribution to juveniles or obtrusive exposure to unconsenting adults, the First and Fourteenth Amendments prohibit the State and Federal Governments from attempting wholly to suppress sexually oriented materials on the basis of their allegedly 'obscene' contents." *Paris Adult Theatre I v. Slaton*, 413 U. S. 49, 113 (1973) (BRENNAN, J., dissenting). It is clear that, tested by that constitutional standard, Ordinance No. 67-2 as it existed at the time of the alleged offenses was constitutionally overbroad and therefore invalid on its face. For the reasons stated in my dissent in *Miller v. California*, 413 U. S. 15, 47 (1973), I would therefore grant certiorari and, since the judgments of the Court of Criminal Appeals were rendered after *Miller*, reverse the convictions. In that circumstance, I have no occasion to consider whether the other questions presented in these cases merit plenary review. See *Heller v. New York*, 413 U. S. 483, 494 (1973) (BRENNAN, J., dissenting).

Further, it does not appear from the petitions or responses that the obscenity of the disputed material was adjudged by applying local community standards. Based on my dissent in *Hamling v. United States*, 418 U. S. 87, 141 (1974), I believe that, consistent with the Due Process Clause, petitioners must be given an opportunity to have their cases decided on, and to introduce evidence relevant to, the legal standard upon which their convictions have ultimately come to depend. Thus, even on its own terms, the Court should vacate the judgments below and remand for a determination whether petitioners should be afforded new trials under local community standards.

February 24, 1975

420 U. S.

No. 74-573. CUYLER, CORRECTIONAL SUPERINTENDENT *v.* MATTHEWS. C. A. 3d Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 503 F. 2d 339.

No. 74-670. HILL *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 500 F. 2d 733.

MR. JUSTICE BRENNAN, with whom MR. JUSTICE STEWART and MR. JUSTICE MARSHALL join, dissenting.

Petitioner was convicted in the United States District Court for the Southern District of Florida of shipping obscene films by common carrier in interstate commerce in violation of 18 U. S. C. § 1462 and of transporting the films in interstate commerce for the purpose of sale or distribution in violation of 18 U. S. C. § 1465. Title 18 U. S. C. § 1462 provides in pertinent part:

“Whoever brings into the United States, or any place subject to the jurisdiction thereof, or knowingly uses any express company or other common carrier, for carriage in interstate or foreign commerce—

“(a) any obscene, lewd, lascivious, or filthy book, pamphlet, picture, motion-picture film, paper, letter, writing, print, or other matter of indecent character . . .

“Shall be fined not more than \$5,000 or imprisoned not more than five years, or both, for the first such offense and shall be fined not more than \$10,000 or imprisoned not more than ten years, or both, for each such offense thereafter.”

The Court of Appeals for the Fifth Circuit affirmed the conviction, 500 F. 2d 733 (1974).

I adhere to my dissent in *United States v. Orito*, 413 U. S. 139, 147 (1973), in which, speaking of 18 U. S. C.

420 U. S.

February 24, 1975

§ 1462, I expressed the view that “[w]hatever the extent of the Federal Government’s power to bar the distribution of allegedly obscene material to juveniles or the offensive exposure of such material to unconsenting adults, the statute before us is clearly overbroad and unconstitutional on its face.” 413 U. S., at 147–148. For the reasons stated in my dissent in *Miller v. California*, 413 U. S. 15, 47 (1973), I would therefore grant certiorari, and, since the judgment of the Court of Appeals for the Fifth Circuit was rendered after *Orito*, reverse. In that circumstance, I have no occasion to consider whether the other questions presented merit plenary review. See *Heller v. New York*, 413 U. S. 483, 494 (1973) (BRENNAN, J., dissenting).

Finally, it does not appear from the petition and response that the obscenity of the disputed materials was adjudged by applying local community standards. Based on my dissent in *Hamling v. United States*, 418 U. S. 87, 141 (1974), I believe that, consistent with the Due Process Clause, petitioner must be given an opportunity to have his case decided on, and to introduce evidence relevant to, the legal standard upon which his conviction has ultimately come to depend. Thus, even on its own terms, the Court should vacate the judgment below and remand for a determination whether petitioner should be afforded a new trial under local community standards.

No. 74–717. HERMAN ET AL. v. ARKANSAS. Sup. Ct. Ark. Certiorari denied. Reported below: 256 Ark. 840, 512 S. W. 2d 923.

MR. JUSTICE BRENNAN, joined by MR. JUSTICE STEWART and MR. JUSTICE MARSHALL, dissenting.

Petitioners were convicted in the Pulaski County, Arkansas, Circuit Court of exhibiting an allegedly obscene film in violation of Ark. Stat. Ann. § 41–2729

(Supp. 1973), which provides in pertinent part as follows:

"Hereafter, it shall be unlawful for any person knowingly to exhibit . . . any obscene film."

"Obscene" is defined in § 41-2730 (2), which provides:

"'Obscene' means that to the average person, applying contemporary community standards, the dominant theme of the material taken as a whole appeals to prurient interest."

The Supreme Court of Arkansas affirmed. 512 S. W. 2d 923 (1974).

It is my view that "at least in the absence of distribution to juveniles or obtrusive exposure to unconsenting adults, the First and Fourteenth Amendments prohibit the State and Federal Governments from attempting wholly to suppress sexually oriented materials on the basis of their allegedly 'obscene' contents." *Paris Adult Theatre I v. Slaton*, 413 U. S. 49, 113 (1973) (BRENNAN, J., dissenting). It is clear that, tested by that constitutional standard, § 41-2729, as it incorporates the definition of "obscene" in § 41-2730 (2), is unconstitutionally overbroad and therefore invalid on its face. For the reasons stated in my dissent in *Miller v. California*, 413 U. S. 15, 47 (1973), I would therefore grant certiorari, and, since the judgment of the Supreme Court of Arkansas was rendered after *Miller*, reverse. In that circumstance, I have no occasion to consider whether the other questions presented merit plenary review. See *Heller v. New York*, 413 U. S. 483, 494 (1973) (BRENNAN, J., dissenting).

Finally, it does not appear from the petition and response that the obscenity of the disputed materials was adjudged by applying local community standards. Based on my dissent in *Hamling v. United States*, 418 U. S. 87, 141 (1974), I believe that, consistent with the Due Process

420 U. S.

February 24, 1975

Clause, petitioners must be given an opportunity to have their case decided on, and to introduce evidence relevant to, the legal standard upon which their convictions have ultimately come to depend. Thus, even on its own terms, the Court should vacate the judgment below and remand for a determination whether petitioners should be afforded new trials under local community standards.

No. 74-784. REAMER *v.* BEALL, UNITED STATES ATTORNEY, ET AL. C. A. 4th Cir. Certiorari denied. MR. JUSTICE BRENNAN would grant certiorari. Reported below: 506 F. 2d 1345.

No. 74-5500. BERGER *v.* UNITED STATES; and

No. 74-5619. FALCONE *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. MR. JUSTICE BRENNAN would grant certiorari. Reported below: 505 F. 2d 478.

No. 74-5281. SPROSS *v.* GUNN, WARDEN. C. A. 9th Cir. Certiorari denied. MR. JUSTICE DOUGLAS and MR. JUSTICE BLACKMUN would grant certiorari.

No. 74-5466. VIGIL *v.* NEW MEXICO. Sup. Ct. N. M. Certiorari denied. MR. JUSTICE DOUGLAS would grant certiorari.

No. 74-5479. BECHTEL *v.* UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA. C. A. 9th Cir. Certiorari and other relief denied.

No. 74-5813. HEALD *v.* MULLANEY, WARDEN, ET AL. C. A. 1st Cir. Motion to amend petition granted. Certiorari denied. Reported below: 505 F. 2d 1241.

#### *Rehearing Denied*

No. 73-848. FUSARI, COMMISSIONER OF LABOR *v.* STEINBERG ET AL., 419 U. S. 379. Petition for rehearing denied.

February 24, 1975

420 U. S.

No. 73-1055. *BOWMAN TRANSPORTATION, INC. v. ARKANSAS-BEST FREIGHT SYSTEM, INC., ET AL.*, 419 U. S. 281;

No. 73-1069. *JOHNSON MOTOR LINES, INC. v. ARKANSAS-BEST FREIGHT SYSTEM, INC., ET AL.*, 419 U. S. 281;

No. 73-1070. *RED BALL MOTOR FREIGHT, INC. v. ARKANSAS-BEST FREIGHT SYSTEM, INC., ET AL.*, 419 U. S. 281;

No. 73-1071. *LORCH-WESTWAY CORP. ET AL. v. ARKANSAS-BEST FREIGHT SYSTEM, INC., ET AL.*, 419 U. S. 281;

No. 73-1072. *UNITED STATES ET AL. v. ARKANSAS-BEST FREIGHT SYSTEM, INC., ET AL.*, 419 U. S. 281;

No. 74-313. *BUCKLEY ET AL. v. AMERICAN FEDERATION OF TELEVISION & RADIO ARTISTS*, 419 U. S. 1093;

No. 74-314. *LEWIS v. AMERICAN FEDERATION OF TELEVISION & RADIO ARTISTS*, 419 U. S. 1093;

No. 74-407. *INFELICE v. UNITED STATES*, 419 U. S. 1107;

No. 74-435. *WARD v. PHILADELPHIA ELECTRIC CO.*, 419 U. S. 1049;

No. 74-629. *PLACID OIL CO. ET AL. v. LOUISIANA ET AL.*, 419 U. S. 1110;

No. 74-638. *TEXACO INC. v. LOUISIANA ET AL.*, 419 U. S. 1110;

No. 74-5005. *ALEXANDER ET AL. v. CALIFORNIA*, 419 U. S. 1122; and

No. 74-5614. *HARSANY v. WORKMEN'S COMPENSATION APPEALS BOARD ET AL.*, 419 U. S. 1125. Petitions for rehearing denied.

No. 74-551. *LEE ET AL. v. ARROWOOD, Co-EXECUTOR, ET AL.*, 419 U. S. 1116. Petition for rehearing

420 U. S.

February 24, 26, March 3, 1975

denied. MR. JUSTICE BLACKMUN took no part in the consideration or decision of this petition.\*

### *Assignment Order*

An order of THE CHIEF JUSTICE designating and assigning Mr. Justice Clark (retired) to perform judicial duties in the United States Court of Appeals for the Fifth Circuit during the period May 12 to May 15, 1975, and for such additional time as may be required to complete unfinished business, pursuant to 28 U. S. C. § 294 (a), is ordered entered on the minutes of this Court, pursuant to 28 U. S. C. § 295.

FEBRUARY 26, 1975

### *Miscellaneous Order*

No. A-690 (74-1062). CALDWELL *v.* CITY OF NEW ORLEANS. Sup. Ct. La. Application for stay of execution and enforcement of sentence, presented to MR. JUSTICE BRENNAN, and by him referred to the Court, denied. MR. JUSTICE DOUGLAS and MR. JUSTICE MARSHALL took no part in the consideration or decision of this application.

MARCH 3, 1975†

### *Affirmed on Appeal*

No. 74-552. JEWELL ET AL. *v.* DOCKING, GOVERNOR OF KANSAS, ET AL. Affirmed on appeal from D. C. Kan.

\*See also first note, *supra*, p. 940.

†MR. JUSTICE DOUGLAS took no part in the consideration or decision of cases in which orders hereinafter reported were announced on this date, with the exception of the following:

No. 74-552, *Jewell et al. v. Docking et al.*, *infra* this page; No. 74-682, *Crete Carrier Corp. v. United States et al.*, *infra*, p. 958; No. 74-5568, *Garcia v. United States*, *infra*, p. 960; No. 74-5599, *Grace v. California*, *infra*, p. 960; No. 74-5633, *Iannarelli v. Morton, Secretary of the Interior, et al.*, *infra*, p. 960; No. 74-5634, *Stone et al. v. United States*, *infra*, p. 960; No. 74-5636, *Patterson v.*

March 3, 1975

420 U. S.

No. 74-682. CRETE CARRIER CORP. *v.* UNITED STATES ET AL. Affirmed on appeal from D. C. Neb.

No. 74-885. SUNUNU ET AL. *v.* STARK, SECRETARY OF STATE OF NEW HAMPSHIRE. Affirmed on appeal from D. C. N. H. Reported below: 383 F. Supp. 1287.

*Appeal Dismissed*

No. 74-794. HALPRIN ET AL. *v.* CALIFORNIA ET AL. Appeal from Ct. App. Cal., 2d App. Dist., dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari denied.

*Vacated and Remanded on Appeal*

No. 73-6980. SWIGERT ET AL. *v.* MILLER ET AL. Appeal from Ct. App. Ohio, Hamilton County. Motion for leave to proceed *in forma pauperis* granted. Judgment vacated and case remanded for further consideration in light of *Wood v. Strickland*, *ante*, p. 308.

*Miscellaneous Orders*

No. ———. MARK TRAIL CAMP GROUNDS, INC. *v.* FIELD ENTERPRISES, INC., DBA PUBLISHERS-HALL SYNDICATE. C. A. 5th Cir. Motion of petitioner to reconsider denial of motion for leave to proceed *in forma pauperis* [419 U. S. 1043] denied.

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*United States, infra*, p. 961; No. 74-5646, *Curry v. United States, infra*, p. 961; No. 74-5651, *Martinez v. United States, infra*, p. 961; No. 74-5658, *Marrocco v. United States, infra*, p. 961; No. 74-5664, *Hoog v. United States, infra*, p. 961; No. 74-5665, *Gaither v. United States, infra*, p. 961; No. 74-5674, *Villasencia-Garcia v. United States, infra*, p. 961; No. 74-5680, *Olmstead v. United States, infra*, p. 961; No. 74-5681, *Wright v. United States, infra*, p. 961; No. 74-5686, *Segura v. United States, infra*, p. 961; No. 74-5691, *Sloan v. United States, infra*, p. 961; No. 74-5607, *Crenshaw v. Wolff, Warden, infra*, p. 966; No. 74-5629, *Granillo v. United States, infra*, p. 966; and No. 74-5648, *Lyon v. United States, infra*, p. 966.

420 U. S.

March 3, 1975

No. A-664. *MARKS v. FLORIDA*. Sup. Ct. Fla. Application for stay of execution and enforcement of sentence, presented to MR. JUSTICE DOUGLAS, and by him referred to the Court, denied. MR. JUSTICE BRENNAN, MR. JUSTICE STEWART, and MR. JUSTICE MARSHALL would grant the application.

No. A-676. *UNITED STATES v. MISSOURI ET AL.* Application to vacate stay heretofore entered by the United States Court of Appeals for the Eighth Circuit, presented to MR. JUSTICE BLACKMUN, and by him referred to the Court, denied.

No. 66, Orig. *MONTGOMERY v. CONGRESS OF THE UNITED STATES ET AL.* Motion for leave to file bill of complaint and for all other relief denied.

No. 73-1046. *WEINBERGER, SECRETARY OF HEALTH, EDUCATION, AND WELFARE v. DIAZ ET AL.* Appeal from D. C. S. D. Fla. [Probable jurisdiction noted, 416 U. S. 980]; and

No. 73-1596. *HAMPTON, CHAIRMAN, U. S. CIVIL SERVICE COMMISSION, ET AL. v. MOW SUN WONG ET AL.* C. A. 9th Cir. [Certiorari granted, 417 U. S. 944.] Cases restored to calendar for reargument.

No. 73-1820. *PHILBROOK, COMMISSIONER, DEPARTMENT OF SOCIAL WELFARE v. GLODGETT ET AL.* [Probable jurisdiction noted, 419 U. S. 963]; and

No. 74-132. *WEINBERGER, SECRETARY OF HEALTH, EDUCATION, AND WELFARE v. GLODGETT ET AL.* [Probable jurisdiction postponed, 419 U. S. 963.] Appeals from D. C. Vt. Motion of appellants for divided argument granted.

No. 74-124. *BLUE CHIP STAMPS ET AL. v. MANOR DRUG STORES.* C. A. 9th Cir. [Certiorari granted, 419 U. S. 992.] Motion of respondent for divided argument granted.

March 3, 1975

420 U. S.

No. 74-1015. INTERCOUNTY CONSTRUCTION CORP. ET AL. *v.* WALTER, DEPUTY COMMISSIONER, BUREAU OF EMPLOYEES' COMPENSATION, U. S. DEPARTMENT OF LABOR, ET AL. C. A. D. C. Cir. Motion to expedite consideration of petition for writ of certiorari denied.

No. 74-1031. FILES *v.* HEISKELL, SECRETARY OF STATE OF WEST VIRGINIA, ET AL. Sup. Ct. App. W. Va. Motion to expedite consideration of petition for writ of certiorari denied.

No. 74-5967. VECCHIARELLO *v.* UNITED STATES; and  
No. 74-5985. SAUNDERS *v.* HOGAN, WARDEN, ET AL. Motions for leave to file petitions for writs of habeas corpus denied.

No. 74-5784. JACKSON *v.* BROWNING ET AL., JUDGES, U. S. COURT OF APPEALS; and

No. 74-5856. CARTER *v.* HANNAY, U. S. DISTRICT JUDGE. Motions for leave to file petitions for writs of mandamus denied.

No. 74-5818. BONNER *v.* NANGLE, U. S. DISTRICT JUDGE. Motion for leave to file petition for writ of prohibition denied.

*Certiorari Denied.* (See also No. 74-794, *supra.*)

No. 74-5568. GARCIA *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 496 F. 2d 670.

No. 74-5599. GRACE *v.* CALIFORNIA. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 74-5633. IANNARELLI *v.* MORTON, SECRETARY OF THE INTERIOR, ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 503 F. 2d 1398.

No. 74-5634. STONE ET AL. *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 506 F. 2d 1403.

420 U.S.

March 3, 1975

No. 74-5636. PATTERSON *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied.

No. 74-5646. CURRY *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 502 F. 2d 1163.

No. 74-5651. MARTINEZ *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied.

No. 74-5658. MARROCCO *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 506 F. 2d 1395.

No. 74-5664. HOOG *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 504 F. 2d 45.

No. 74-5665. GAITHER *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 503 F. 2d 452.

No. 74-5674. VILLASENCIA-GARCIA *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 74-5680. OLMSTEAD *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 503 F. 2d 1405.

No. 74-5681. WRIGHT *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 500 F. 2d 1183.

No. 74-5686. SEGURA *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied.

No. 74-5691. SLOAN *v.* UNITED STATES. C. A. D. C. Cir. Certiorari denied. Reported below: 164 U. S. App. D. C. 310, 505 F. 2d 417.

No. 73-1798. BEATRICE FOODS CO. *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 493 F. 2d 1259.

March 3, 1975

420 U. S.

No. 73-2015. *BOYKINS ET AL. v. FAIRFIELD BOARD OF EDUCATION ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 492 F. 2d 697.

No. 73-6950. *MEGA v. WEST VIRGINIA.* Sup. Ct. App. W. Va. Certiorari denied.

No. 74-342. *PYRAMID LAKE PAIUTE TRIBE OF INDIANS v. MORTON, SECRETARY OF THE INTERIOR.* C. A. D. C. Cir. Certiorari denied. Reported below: 163 U. S. App. D. C. 90, 499 F. 2d 1095.

No. 74-503. *BELL v. HONGISTO, SHERIFF.* C. A. 9th Cir. Certiorari denied. Reported below: 501 F. 2d 346.

No. 74-563. *GOLDSTEIN v. UNITED STATES;* and

No. 74-5653. *SPERLING v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. Reported below: 506 F. 2d 1323.

No. 74-619. *POLLARD v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 506 F. 2d 1398.

No. 74-658. *ROHM & HAAS Co. ET AL. v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 500 F. 2d 167.

No. 74-662. *TIMES-PICAYUNE PUBLISHING CORP. v. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.* C. A. 5th Cir. Certiorari denied. Reported below: 500 F. 2d 392.

No. 74-666. *TEWA TESUQUE ET AL. v. MORTON, SECRETARY OF THE INTERIOR, ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 498 F. 2d 240.

No. 74-667. *ANGLIN v. JOHNSTON ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 504 F. 2d 1165.

420 U. S.

March 3, 1975

No. 74-630. *HASKINS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 74-633. *QUINONES v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 503 F. 2d 710.

No. 74-698. *DIXON v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 504 F. 2d 69.

No. 74-733. *GRAVES ET AL. v. LYNN, SECRETARY, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 502 F. 2d 1062.

No. 74-740. *THIERRY v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 502 F. 2d 1166.

No. 74-755. *CARVER v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 506 F. 2d 1398.

No. 74-774. *HARTEN ET UX. v. COONS ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 502 F. 2d 1363.

No. 74-787. *WILLIS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 74-816. *CARR STALEY, INC. v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 496 F. 2d 1366.

No. 74-819. *PITTMAN v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 505 F. 2d 731.

No. 74-835. *NIENDORFF v. WILLIAMS, KING COUNTY TREASURER, ET AL.* Ct. App. Wash. Certiorari denied.

No. 74-839. *LOUISIANA & ARKANSAS RAILWAY CO. ET AL. v. GOSLIN, SHERIFF, ET AL.* Sup. Ct. La. Certiorari denied. Reported below: 300 So. 2d 483 and 488.

March 3, 1975

420 U.S.

No. 74-844. *ORAM v. GENERAL AMERICAN OIL COMPANY OF TEXAS ET AL.* Ct. Civ. App. Tex., 11th Sup. Jud. Dist. Certiorari denied. Reported below: 503 S. W. 2d 607.

No. 74-847. *CIRAVOLA v. LOUISIANA.* 24th Jud. Dist. Ct. La., Jefferson Parish. Certiorari denied.

No. 74-875. *BURTON ET AL. v. WALLER, GOVERNOR OF MISSISSIPPI, ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 502 F. 2d 1261.

No. 74-893. *THE SVENDBORG ET AL. v. MARINE ENGINE SPECIALTIES CORP.* C. A. 2d Cir. Certiorari denied. Reported below: 501 F. 2d 376.

No. 74-5673. *JACKSON v. UNITED STATES.* C. A. 8th Cir. Certiorari denied. Reported below: 504 F. 2d 337.

No. 74-5692. *BELL v. UNITED STATES.* C. A. 7th Cir. Certiorari denied. Reported below: 505 F. 2d 539.

No. 74-5695. *SAWYER v. UNITED STATES.* C. A. 3d Cir. Certiorari denied. Reported below: 506 F. 2d 1053.

No. 74-5696. *MACHADO ET AL. v. UNITED STATES.* C. A. 9th Cir. Certiorari denied.

No. 74-5704. *MARINACCI v. UNITED STATES.* C. A. 3d Cir. Certiorari denied. Reported below: 506 F. 2d 1053.

No. 74-5707. *NAZIEN ET AL. v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 504 F. 2d 394.

No. 74-5725. *WORTH v. UNITED STATES.* C. A. 10th Cir. Certiorari denied. Reported below: 505 F. 2d 1206.

420 U. S.

March 3, 1975

No. 74-5703. *COHENS v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 74-5750. *MANN v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 506 F. 2d 1401.

No. 74-5799. *MERIWETHER v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 505 F. 2d 733.

No. 74-5831. *YATES v. KENTUCKY*. C. A. 6th Cir. Certiorari denied.

No. 74-5832. *SMITH v. WASHINGTON*. Ct. App. Wash. Certiorari denied. Reported below: 11 Wash. App. 1006.

No. 74-5843. *DESOTO ET AL. v. COUNTY OF VENTURA ET AL.* Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 74-5846. *VERDUGO v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 74-5848. *WRIGHT v. CALIFORNIA*. Ct. App. Cal., 4th App. Dist. Certiorari denied.

No. 74-5849. *BELFIELD v. VIRGINIA*. Sup. Ct. Va. Certiorari denied. Reported below: 215 Va. 303, 208 S. E. 2d 771.

No. 74-5851. *RUFFIN v. VIRGINIA*. Sup. Ct. Va. Certiorari denied.

No. 74-5858. *HAMPTON v. PENNSYLVANIA*. Sup. Ct. Pa. Certiorari denied.

No. 74-5862. *VICK v. MEMPHIS & SHELBY COUNTY BAR ASSN., INC.* Sup. Ct. Tenn. Certiorari denied.

No. 74-5866. *MA v. CALIFORNIA*. Ct. App. Cal., 1st App. Dist. Certiorari denied.

March 3, 1975

420 U.S.

No. 74-5867. SPANO *v.* SCHOOL DISTRICT OF THE BOROUGH OF BRENTWOOD. Sup. Ct. Pa. Certiorari denied.

No. 74-5868. DEYERMOND *v.* MARYLAND. Ct. App. Md. Certiorari denied. Reported below: See 19 Md. App. 698, 313 A. 2d 709.

No. 74-5871. BLAINE *v.* MCGRAW EDISON Co., FOOD EQUIPMENT DIVISION, ET AL. App. Div., Sup. Ct. N. Y., 4th Jud. Dept. Certiorari denied.

No. 74-338. AKRIDGE *v.* BARRES ET AL. Sup. Ct. N. J. Certiorari denied. MR. JUSTICE BRENNAN took no part in the consideration or decision of this petition.\* Reported below: 65 N. J. 266, 321 A. 2d 230.

No. 74-404. SOLOMON *v.* ENZENSPERGER. C. A. 9th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. MR. JUSTICE BLACKMUN and MR. JUSTICE POWELL would grant certiorari.

No. 74-5607. CRENSHAW *v.* WOLFF, WARDEN. C. A. 8th Cir. Certiorari denied. MR. JUSTICE DOUGLAS would grant certiorari. Reported below: 504 F. 2d 377.

No. 74-5629. GRANILLO *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. MR. JUSTICE DOUGLAS would grant certiorari. Reported below: 503 F. 2d 1401.

No. 74-5648. LYON *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. MR. JUSTICE DOUGLAS would grant certiorari.

#### *Rehearing Denied*

No. 73-776. SCHLESINGER, SECRETARY OF DEFENSE, ET AL. *v.* BALLARD, 419 U. S. 498. Petition for rehearing denied.

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\*See also second note, *supra*, p. 957.

420 U. S. March 3, 7, 10, 12, 1975

No. 74-396. *MATHIS v. ALABAMA*, 419 U. S. 1106;

No. 74-5283. *RODRIGUEZ-PRECIADO v. IMMIGRATION AND NATURALIZATION SERVICE*, 419 U. S. 1112;

No. 74-5463. *MILLER v. MARYLAND*, 419 U. S. 1072;

No. 74-5465. *LAUGHLIN v. UNITED STATES*, 419 U. S. 1114;

No. 74-5583. *TURNER v. CALIFORNIA*, 419 U. S. 1099; and

No. 74-5667. *LUCKETT v. WARDEN, NEVADA STATE PRISON*, *ante*, p. 911. Petitions for rehearing denied.

No. 73-1323. *GENERAL MOTORS ACCEPTANCE CORP. ET AL. v. EASON ET AL.*, 416 U. S. 960. Motion for leave to file petition for rehearing denied. MR. JUSTICE POWELL took no part in the consideration or decision of this motion.\*

MARCH 7, 1975

*Dismissals Under Rule 60*

No. 74-5654. *JONES v. UNITED STATES*; and

No. 74-5786. *JONES v. UNITED STATES*. C. A. 3d Cir. Certiorari dismissed under this Court's Rule 60.

MARCH 10, 1975

*Dismissal Under Rule 60*

No. 74-5844. *WOODS v. UNITED STATES*. C. A. 4th Cir. Certiorari dismissed under this Court's Rule 60.

MARCH 12, 1975

*Dismissal Under Rule 60*

No. 74-854. *DATA PRODUCTS CORP. v. UNITED STATES*. C. A. 9th Cir. Certiorari dismissed under this Court's Rule 60.

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\*See also second note, *supra*, p. 957.

MARCH 17, 1975\*

*Affirmed on Appeal*

No. 74-515. B-H TRANSFER CO. v. UNITED STATES ET AL. Appeal from D. C. M. D. Ga. Motion of American Short Line Railroad Assn. for leave to file a brief as *amicus curiae* granted. Judgment affirmed. Reported below: 379 F. Supp. 1027.

*Appeals Dismissed*

No. 74-664. SILVERS v. DOWLING, JUDGE. Appeal from Sup. Ct. La. dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari denied.

No. 74-780. HUMPHREYS ET AL. v. HUMPHREYS ET AL. Appeal from Sup. Ct. Fla. dismissed for want of substantial federal question. Reported below: 299 So. 2d 595.

No. 74-924. UNITED STATES FIDELITY & GUARANTY CO. v. CITY OF SPARTANBURG ET AL. Appeal from Sup. Ct. S. C. dismissed for want of substantial federal question. Reported below: 263 S. C. 169, 209 S. E. 2d 36.

*Vacated and Remanded on Appeal*

No. 74-684. WESTBY, SECRETARY, SOUTH DAKOTA DEPARTMENT OF SOCIAL SERVICES, ET AL. v. DOE. Appeal from D. C. S. D. Motion of National Black Feminist Organization et al. for leave to file a brief as *amici curiae* granted. Judgment vacated and case remanded for further consideration in light of *Hagans v. Lavine*, 415 U. S. 528, 543-545 (1974). Reported below: 383 F. Supp. 1143.

*Certiorari Granted—Reversed.* (See No. 74-479, *ante*, p. 534.)

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\*MR. JUSTICE DOUGLAS took no part in the consideration or decision of cases in which orders hereinafter reported were announced on this date.

420 U. S.

March 17, 1975

*Miscellaneous Orders*

No. A-637 (74-1056). *DROBACK v. UNITED STATES*. C. A. 9th Cir. Application for bail, presented to MR. JUSTICE DOUGLAS, and by him referred to the Court, denied.

No. A-697. *DECHAMPLAIN v. LOVELACE ET AL.* C. A. 8th Cir. Application for bail, presented to MR. JUSTICE STEWART, and by him referred to the Court, denied. MR. JUSTICE BRENNAN and MR. JUSTICE STEWART would grant the application.

No. A-721. *UNITED STATES STEEL CORP. ET AL. v. RODGERS ET AL.* Order heretofore entered on March 5, 1975, by MR. JUSTICE BRENNAN is vacated and application for recall and stay of mandate of the United States Court of Appeals for the Third Circuit denied. Reported below: 508 F. 2d 152.

No. A-725. *FIRST AMERICAN BANK & TRUST CO. ET AL. v. ELLWEIN, STATE EXAMINER AND COMMISSIONER, DEPARTMENT OF BANKING AND FINANCIAL INSTITUTIONS, ET AL.* D. C. N. D. Application for stay pending appeal, presented to MR. JUSTICE WHITE, and by him referred to the Court, denied. Reported below: 397 F. Supp. 810.

No. 73-1869. *BEER ET AL. v. UNITED STATES ET AL.* Appeal from D. C. D. C. [Probable jurisdiction noted, 419 U. S. 822.] Motion of appellees for divided argument granted.

No. 74-7031. *FOWLER v. NORTH CAROLINA*. Sup. Ct. N. C. [Certiorari granted, 419 U. S. 963.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* granted and 15 minutes allotted for that purpose. Petitioner allotted 15 additional minutes for oral argument.

March 17, 1975

420 U. S.

No. 73-1908. *CORT ET AL. v. ASH*. C. A. 3d Cir. [Certiorari granted, 419 U. S. 992.] Motion of Common Cause for reconsideration of motion for leave to file a brief as *amicus curiae* denied.

No. 74-22. *IVAN ALLEN CO. v. UNITED STATES*. C. A. 5th Cir. [Certiorari granted, 419 U. S. 1067.] Motion of American Trading & Production Corp. for leave to file a brief as *amicus curiae* granted.

No. 74-363. *UNITED STATES v. RELIABLE TRANSFER CO., INC.* C. A. 2d Cir. [Certiorari granted, 419 U. S. 1018.] Motion of the Solicitor General to permit John P. Rupp, Esquire, to present oral argument *pro hac vice* on behalf of the United States granted.

No. 74-878. *NATIONAL LEAGUE OF CITIES ET AL. v. BRENNAN, SECRETARY OF LABOR*; and

No. 74-879. *CALIFORNIA v. BRENNAN, SECRETARY OF LABOR*. Appeals from D. C. D. C. [Probable jurisdiction noted, *ante*, p. 906.] Motion of appellants for additional time for oral argument granted and 30 additional minutes allotted for that purpose. Appellee allotted 30 additional minutes for oral argument.

No. 74-1170. *AUSTIN ET AL. v. UNITED STATES ET AL.* C. A. 2d Cir. Motion of petitioners for leave to proceed *in forma pauperis* denied.

No. 74-6035. *ALBRITTON v. DAVIS, CORRECTIONS DIRECTOR*; and

No. 74-6039. *FOSTER v. JONES, TURNEY CENTER SUPERINTENDENT*. Motions for leave to file petitions for writs of habeas corpus denied.

*Probable Jurisdiction Noted*

No. 73-6935. *YOUAKIM ET AL. v. MILLER, DIRECTOR, DEPARTMENT OF CHILDREN AND FAMILY SERVICES, ET AL.* Appeal from D. C. N. D. Ill. Motion of appellants for

420 U. S.

March 17, 1975

leave to proceed *in forma pauperis* granted. Probable jurisdiction noted. Reported below: 374 F. Supp. 1204.

No. 74-895. VIRGINIA STATE BOARD OF PHARMACY ET AL. *v.* VIRGINIA CITIZENS CONSUMER COUNCIL, INC. ET AL. Appeal from D. C. E. D. Va. Probable jurisdiction noted. Reported below: 373 F. Supp. 683.

*Certiorari Granted*

No. 74-54. TRANSAMERICAN FREIGHT LINES, INC. *v.* BRADA MILLER FREIGHT SYSTEMS, INC., ET AL. C. A. 7th Cir. Certiorari granted.

No. 74-125. ALAMO LAND & CATTLE Co., INC. *v.* ARIZONA. C. A. 9th Cir. Certiorari granted. Reported below: 495 F. 2d 12.

No. 74-220. HANCOCK, ATTORNEY GENERAL OF KENTUCKY *v.* TRAIN, ADMINISTRATOR, ENVIRONMENTAL PROTECTION AGENCY, ET AL. C. A. 6th Cir. Certiorari granted. Reported below: 497 F. 2d 1172.

No. 74-869. UNITED STATES *v.* UNITED CONTINENTAL TUNA CORP. C. A. 9th Cir. Certiorari granted. Reported below: 499 F. 2d 774.

No. 74-884. UNITED STATES *v.* POWELL. C. A. 9th Cir. Certiorari granted. Reported below: 501 F. 2d 1136.

No. 74-773. HUDGENS *v.* NATIONAL LABOR RELATIONS BOARD ET AL. C. A. 5th Cir. Motion to defer consideration denied. Certiorari granted. Reported below: 501 F. 2d 161.

No. 74-966. AMERICAN FOREIGN STEAMSHIP Co. *v.* MATISE. C. A. 9th Cir. Motion of respondent for leave to proceed *in forma pauperis* and certiorari granted. Reported below: See 488 F. 2d 469.

March 17, 1975

420 U. S.

*Certiorari Denied.* (See also No. 74-664, *supra*.)

No. 73-6987. *TUBBS v. HENDERSON, WARDEN.* C. A. 5th Cir. *Certiorari denied.*

No. 74-465. *ROBINSON, STATE FARM SUPERINTENDENT v. WILLIAMS.* C. A. 4th Cir. *Certiorari denied.*

No. 74-514. *JOHNSON v. UNITED STATES.* C. A. 5th Cir. *Certiorari denied.* Reported below: 496 F. 2d 1131.

No. 74-518. *LEVY v. PARKER, WARDEN, ET AL.* C. A. 3d Cir. *Certiorari denied.* Reported below: See 478 F. 2d 772.

No. 74-542. *PRINCE WILLIAM HOSPITAL CORP. v. BRENNAN, SECRETARY OF LABOR.* C. A. 4th Cir. *Certiorari denied.* Reported below: 503 F. 2d 282.

No. 74-549. *ALLIED PILOTS ASSN. v. CIVIL AERONAUTICS BOARD ET AL.;*

No. 74-709. *AIR LINE DISPATCHERS' ASSN. ET AL. v. CIVIL AERONAUTICS BOARD ET AL.;* and

No. 74-710. *AIR LINE PILOTS ASSN., INTERNATIONAL v. CIVIL AERONAUTICS BOARD ET AL.* C. A. D. C. Cir. *Certiorari denied.* Reported below: 163 U. S. App. D. C. 451, 502 F. 2d 453.

No. 74-596. *THRALL v. WOLFE, REGIONAL COMMISSIONER, INTERNAL REVENUE SERVICE, ET AL.* C. A. 7th Cir. *Certiorari denied.* Reported below: 503 F. 2d 313.

No. 74-601. *CHICAGO, ROCK ISLAND & PACIFIC RAILROAD CO. v. INTERSTATE COMMERCE COMMISSION.* C. A. 8th Cir. *Certiorari denied.* Reported below: 501 F. 2d 908.

No. 74-603. *KINSER v. FLORIDA.* Dist. Ct. App. Fla., 3d Dist. *Certiorari denied.* Reported below: 291 So. 2d 80.

420 U. S.

March 17, 1975

No. 74-655. *CARRATT v. VIRGINIA*. Sup. Ct. Va. Certiorari denied. Reported below: 215 Va. 55, 205 S. E. 2d 653.

No. 74-656. *INTERNATIONAL UNION OF OPERATING ENGINEERS, LOCAL 701 v. INTERNATIONAL LONGSHOREMEN'S & WAREHOUSEMEN'S UNION, LOCAL 50, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 504 F. 2d 1209.

No. 74-671. *CALIFORNIA v. HARRIS ET UX.* C. A. 9th Cir. Certiorari denied. Reported below: 500 F. 2d 1124.

No. 74-689. *MIRABILE v. UNITED STATES.* C. A. 8th Cir. Certiorari denied. Reported below: 503 F. 2d 1065.

No. 74-705. *HOSCHLER, REGISTRAR, CONTRACTORS' LICENSE BOARD OF CALIFORNIA v. GRIMES.* Sup. Ct. Cal. Certiorari denied. Reported below: 12 Cal. 3d 305, 525 P. 2d 65.

No. 74-711. *DUNLAP ET AL. v. UNITED STATES.* C. A. 6th Cir. Certiorari denied.

No. 74-724. *INTERNATIONAL UNION OF OPERATING ENGINEERS, LOCAL 701 v. NATIONAL LABOR RELATIONS BOARD ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 504 F. 2d 1222.

No. 74-731. *BROWN, CHAIRMAN, CALIFORNIA ADULT AUTHORITY v. LA CROIX.* Sup. Ct. Cal. Certiorari denied. Reported below: 12 Cal. 3d 146, 524 P. 2d 816.

No. 74-789. *SYNTHETIC ORGANIC CHEMICAL MANUFACTURERS ASSN. ET AL. v. BRENNAN, SECRETARY OF LABOR, ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 503 F. 2d 1155.

March 17, 1975

420 U. S.

No. 74-732. *DYE ET AL. v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 508 F. 2d 1226.

No. 74-771. *HECKETHORN MANUFACTURING Co. v. NATIONAL LABOR RELATIONS BOARD*. C. A. 6th Cir. Certiorari denied.

No. 74-822. *SOUTHLAND CORP. v. NATIONAL LABOR RELATIONS BOARD*. C. A. 5th Cir. Certiorari denied. Reported below: 500 F. 2d 1182.

No. 74-856. *CHESTER HOUSING AUTHORITY v. PENNSYLVANIA HUMAN RELATIONS COMMISSION*. Sup. Ct. Pa. Certiorari denied. Reported below: 458 Pa. 67, 327 A. 2d 335.

No. 74-860. *BURTCHETT v. MONTANA*. Sup. Ct. Mont. Certiorari denied. Reported below: — Mont. —, 530 P. 2d 471.

No. 74-866. *DEAN v. MISSISSIPPI*. Sup. Ct. Miss. Certiorari denied. Reported below: 300 So. 2d 797.

No. 74-868. *SUGARMAN v. MARYLAND STATE BAR ASSN., INC.* Ct. App. Md. Certiorari denied. Reported below: 273 Md. 306, 329 A. 2d 1.

No. 74-880. *PALOMARES v. WORKMEN'S COMPENSATION APPEALS BOARD OF CALIFORNIA ET AL.* Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 74-888. *RALEY v. LEAGUE TO SAVE LAKE TAHOE ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 507 F. 2d 517.

No. 74-892. *SKIL CORP. v. LUCERNE PRODUCTS, INC.* C. A. 7th Cir. Certiorari denied. Reported below: 503 F. 2d 745.

420 U. S.

March 17, 1975

No. 74-890. DUDLEY ET UX. *v.* GRUT ET AL. C. A. 9th Cir. Certiorari denied.

No. 74-894. RYAN *v.* INDIANA. Ct. App. Ind. Certiorari denied. Reported below: — Ind. App. —, 313 N. E. 2d 351.

No. 74-897. STONER ET AL. *v.* VENDO Co. Sup. Ct. Ill. Certiorari denied. Reported below: 58 Ill. 2d 289, 321 N. E. 2d 1.

No. 74-898. POTTER, DBA RFI SHIELD-ROOMS *v.* CHRISTENSEN & FOSTER ET AL. C. A. 9th Cir. Certiorari denied.

No. 74-905. HENNEPIN BROADCASTING ASSOCIATES, INC., DBA RADIO STATIONS KTCR/AM, ET AL. *v.* AMERICAN FEDERATION OF TELEVISION & RADIO ARTISTS ET AL. Sup. Ct. Minn. Certiorari denied. Reported below: 301 Minn. 508, 223 N. W. 2d 391.

No. 74-908. KERR STEAMSHIP Co., INC., ET AL. *v.* CITY OF GALVESTON. C. A. 5th Cir. Certiorari denied. Reported below: 503 F. 2d 1401.

No. 74-909. J. HOWARD SMITH, INC., ET AL. *v.* THE MARANON ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 501 F. 2d 1275.

No. 74-911. JONES ET AL. *v.* CALIFORNIA. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 74-917. GORDON, ADMINISTRATOR *v.* DAHL, ADMINISTRATRIX, ET AL. C. A. 6th Cir. Certiorari denied. Reported below: 505 F. 2d 517.

No. 74-918. ELLIS ET AL. *v.* HARADA ET AL. Sup. Ct. Haw. Certiorari denied.

March 17, 1975

420 U. S.

No. 74-920. *WEINER v. DAYTON BAR ASSN.* Sup. Ct. Ohio. Certiorari denied. Reported below: 40 Ohio St. 2d 7, 317 N. E. 2d 783.

No. 74-927. *FOREST HILLS UTILITY CO. v. WHITMAN, DIRECTOR OF ENVIRONMENTAL PROTECTION.* Ct. App. Ohio, Franklin County. Certiorari denied.

No. 74-936. *VOLL v. SHAUL, DIRECTOR OF COMMERCE.* Ct. App. Ohio, Cuyahoga County. Certiorari denied.

No. 74-939. *QUICK v. HANSEN.* C. A. 9th Cir. Certiorari denied.

No. 74-941. *BOARD OF EDUCATION OF THE CITY OF NEW YORK ET AL. v. LOMBARD.* C. A. 2d Cir. Certiorari denied. Reported below: 502 F. 2d 631.

No. 74-5413. *BURKINS v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 500 F. 2d 1182.

No. 74-5544. *MACK v. CALIFORNIA ADULT AUTHORITY.* Ct. App. Cal., 3d App. Dist. Certiorari denied.

No. 74-5611. *BLACKWELL v. LOUISIANA.* Sup. Ct. La. Certiorari denied. Reported below: 298 So. 2d 798.

No. 74-5613. *DOTCH v. LOUISIANA.* Sup. Ct. La. Certiorari denied. Reported below: 298 So. 2d 742.

No. 74-5662. *NELSON v. CALIFORNIA.* Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 74-5666. *LUPINO v. UNITED STATES.* C. A. 8th Cir. Certiorari denied. Reported below: 505 F. 2d 693.

No. 74-5669. *MASTURZO v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 502 F. 2d 1166.

420 U.S.

March 17, 1975

No. 74-5672. EDWARDS *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 503 F. 2d 838.

No. 74-5675. LAYNE *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 506 F. 2d 1103.

No. 74-5693. RICHEYSON *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied.

No. 74-5697. JOHNSON *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 502 F. 2d 1373.

No. 74-5699. FRAZIER *v.* UNITED STATES. C. A. D. C. Cir. Certiorari denied.

No. 74-5705. CLARK *v.* NORTH CAROLINA. Sup. Ct. N. C. Certiorari denied. Reported below: 285 N. C. 760, 208 S. E. 2d 380.

No. 74-5709. MOSLEY *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied.

No. 74-5713. CRAFT *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 508 F. 2d 844.

No. 74-5723. BROWER *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 506 F. 2d 1050.

No. 74-5715. STROTHER *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 502 F. 2d 784.

No. 74-5722. LEVIN *v.* UNITED STATES; and

No. 74-5742. WHITE ET AL. *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 500 F. 2d 715.

March 17, 1975

420 U. S.

No. 74-5714. *LARA v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 506 F. 2d 1402.

No. 74-5724. *HAWKE v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 505 F. 2d 817.

No. 74-5727. *HENKEL v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 503 F. 2d 1398.

No. 74-5728. *GREEN v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 505 F. 2d 731.

No. 74-5731. *JOHNSON v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 506 F. 2d 640.

No. 74-5732. *GRAY v. TEXAS*. Sup. Ct. Tex. Certiorari denied.

No. 74-5734. *BETHEA v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 506 F. 2d 1398.

No. 74-5737. *ANDERSON v. UNITED STATES*. Ct. App. D. C. Certiorari denied. Reported below: 326 A. 2d 807.

No. 74-5745. *STONE ET AL. v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 506 F. 2d 561.

No. 74-5748. *RICHARDSON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 504 F. 2d 357.

No. 74-5754. *RENDON-ROJAS v. IMMIGRATION AND NATURALIZATION SERVICE*. C. A. 9th Cir. Certiorari denied.

No. 74-5757. *LERMA-BRAMBILA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

420 U.S.

March 17, 1975

No. 74-5760. *ELLIFRITS v. UNITED STATES BOARD OF PAROLE ET AL.* C. A. 10th Cir. Certiorari denied.

No. 74-5767. *GLUMB v. DOGGETT, WARDEN.* C. A. 6th Cir. Certiorari denied. Reported below: 506 F. 2d 1400.

No. 74-5769. *JIMENEZ v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 496 F. 2d 288.

No. 74-5774. *JACKSON v. McCUNE, WARDEN.* C. A. 10th Cir. Certiorari denied.

No. 74-5775. *LUEDER v. UNITED STATES.* C. A. 9th Cir. Certiorari denied.

No. 74-5778. *GOCKE v. UNITED STATES.* C. A. 8th Cir. Certiorari denied. Reported below: 507 F. 2d 820.

No. 74-5781. *KOWALSKI v. UNITED STATES.* C. A. 7th Cir. Certiorari denied. Reported below: 502 F. 2d 203.

No. 74-5782. *LITTLE ET AL. v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. Reported below: 506 F. 2d 1395.

No. 74-5791. *WILCOX v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 507 F. 2d 364.

No. 74-5794. *McGRADY v. UNITED STATES.* C. A. 8th Cir. Certiorari denied. Reported below: 508 F. 2d 13.

No. 74-5798. *McGANN v. UNITED STATES.* C. A. 2d Cir. Certiorari denied.

No. 74-5826. *OXIDEAN v. UNITED STATES.* C. A. 9th Cir. Certiorari denied.

No. 74-5837. *STEEN v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. Reported below: 508 F. 2d 844.

March 17, 1975

420 U. S.

No. 74-5828. *LIDDY v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. Reported below: 166 U. S. App. D. C. 289, 510 F. 2d 669.

No. 74-5879. *OLDEN v. UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA*. C. A. 9th Cir. Certiorari denied.

No. 74-5880. *HATFIELD v. SWENSON, WARDEN*. C. A. 8th Cir. Certiorari denied.

No. 74-5882. *BROWN v. SAN DIEGO COUNTY ADVISORY COMMITTEE OF MEXICAN-AMERICANS ON ANTI-POVERTY, INC.* Super. Ct. Cal., County of San Diego. Certiorari denied.

No. 74-5883. *RHODES v. NEBRASKA*. Sup. Ct. Neb. Certiorari denied. Reported below: 192 Neb. 557, 222 N. W. 2d 837.

No. 74-5885. *DAVILA v. BRITT, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 74-5888. *DELORIO v. HENDERSON, CORRECTIONAL SUPERINTENDENT*. C. A. 2d Cir. Certiorari denied.

No. 74-5889. *ESSER v. KNAPP ET AL.* C. A. 2d Cir. Certiorari denied.

No. 74-5893. *SKIDMORE v. PENN CENTRAL TRANSPORTATION Co. ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 505 F. 2d 727.

No. 74-5899. *HUNTER v. SWENSON, WARDEN*. C. A. 8th Cir. Certiorari denied. Reported below: 504 F. 2d 1104.

No. 74-5905. *MITCHELL v. ALABAMA*. Ct. Crim. App. Ala. Certiorari denied. Reported below: 54 Ala. App. 203, 306 So. 2d 296.

420 U.S.

March 17, 1975

No. 74-5904. *PHILLIPS v. OKLAHOMA ET AL.* C. A. 10th Cir. Certiorari denied.

No. 74-5907. *GLUCKSMAN v. NEW YORK.* Ct. App. N. Y. Certiorari denied. Reported below: 35 N. Y. 2d 341, 320 N. E. 2d 633.

No. 74-5908. *DONGIVINE, AKA ROCCO, ET AL. v. UNITED STATES.* C. A. 3d Cir. Certiorari denied. Reported below: 506 F. 2d 1053.

No. 74-5910. *JORDAN v. COLBERT, WARDEN.* C. A. 6th Cir. Certiorari denied. Reported below: 506 F. 2d 1400.

No. 74-5914. *NOLAN v. GUNN, WARDEN.* C. A. 9th Cir. Certiorari denied.

No. 74-5915. *HAMILTON v. PENNSYLVANIA.* Sup. Ct. Pa. Certiorari denied. Reported below: — Pa. —, 329 A. 2d 212.

No. 74-5916. *LEDFOORD v. BOUNDS, CORRECTION COMMISSIONER, ET AL.* C. A. 4th Cir. Certiorari denied.

No. 74-5918. *CALLAHAN v. SOUTH CAROLINA.* Sup. Ct. S. C. Certiorari denied. Reported below: 263 S. C. 35, 208 S. E. 2d 284.

No. 74-5923. *TATE v. GRAY, CORRECTIONAL SUPERINTENDENT.* C. A. 3d Cir. Certiorari denied. Reported below: 506 F. 2d 1053.

No. 74-5924. *BAXTER v. FLORIDA.* Dist. Ct. App. Fla., 4th Dist. Certiorari denied. Reported below: 294 So. 2d 392.

No. 74-5927. *BROWN ET AL. v. BOUNDS, CORRECTION COMMISSIONER, ET AL.* C. A. 4th Cir. Certiorari denied.

March 17, 1975

420 U.S.

No. 74-5933. *IN RE TROY*. C. A. 1st Cir. Certiorari denied. Reported below: 505 F. 2d 746.

No. 74-5934. *CARPIO v. TUCSON HIGH SCHOOL DISTRICT NO. 1 OF PIMA COUNTY ET AL.* Sup. Ct. Ariz. Certiorari denied. Reported below: 111 Ariz. 127, 524 P. 2d 948.

No. 74-5936. *HILL v. FIFTY-SIXTH DISTRICT COURT OF TEXAS ET AL.* C. A. 5th Cir. Certiorari denied.

No. 74-5938. *HAYES v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied.

No. 74-5944. *NORWOODS v. SUPERIOR COURT IN AND FOR THE COUNTY OF ORANGE ET AL.* Ct. App. Cal., 4th App. Dist. Certiorari denied.

No. 74-5947. *THOMAS v. CALIFORNIA*. Ct. App. Cal., 1st App. Dist. Certiorari denied.

No. 74-5969. *NUGENT ET UX. v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 506 F. 2d 461.

No. 74-5991. *PORTER v. MOORE BUSINESS FORMS, INC.* C. A. 5th Cir. Certiorari denied. Reported below: 504 F. 2d 759.

No. 74-5992. *YATES v. KENTUCKY*. C. A. 6th Cir. Certiorari denied.

No. 74-438. *ATHENEUM BOOK STORE, INC. v. CITY OF MIAMI BEACH*. Cir. Ct. Fla., Dade County. Certiorari denied. Reported below: See 297 So. 2d 26.

MR. JUSTICE BRENNAN, with whom MR. JUSTICE STEWART and MR. JUSTICE MARSHALL join, dissenting.

On June 15, 1971, a Miami Beach Municipal Court Judge ordered the materials in petitioner's bookstore seized for use as evidence at a subsequent trial. The

420 U. S.

March 17, 1975

order followed a 13-minute examination of the store's contents which convinced the judge that some of the publications on sale "based upon previous judicial decisions, constitute hard core pornography" and that the owners of the store were "pandering both to heterosexual and homosexual individuals." The Circuit Court of the Eleventh Judicial Circuit affirmed, and the Third District Court of Appeal and the Supreme Court of Florida denied certiorari.

It is my view that "at least in the absence of distribution to juveniles or obtrusive exposure to unconsenting adults, the First and Fourteenth Amendments prohibit the State and Federal Governments from attempting wholly to suppress sexually oriented materials on the basis of their allegedly 'obscene' contents." *Paris Adult Theatre I v. Slaton*, 413 U. S. 49, 113 (1973) (BRENNAN, J., dissenting). It is clear that, tested by that constitutional standard, the Municipal Court Judge's order was invalid. For the reasons stated in my dissent in *Miller v. California*, 413 U. S. 15, 47 (1973), I would therefore grant certiorari, and, since the judgment of the Supreme Court of Florida was rendered after *Miller*, reverse. In that circumstance, I have no occasion to consider whether the other questions presented merit plenary review. See *Heller v. New York*, 413 U. S. 483, 494 (1973) (BRENNAN, J., dissenting).

No. 74-576. STERRETT ET AL. v. TAYLOR ET AL. C. A. 5th Cir. Motion of respondents for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 499 F. 2d 367.

No. 74-874. MICHIGAN v. RAINWATER. Ct. App. Mich. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied.

March 17, 1975

420 U. S.

No. 74-921. STANTON, ADMINISTRATOR, DEPARTMENT OF PUBLIC WELFARE OF INDIANA, ET AL. *v.* BOND ET AL. C. A. 7th Cir. Motion of respondents for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 504 F. 2d 1246.

No. 74-901. HOLMAN ET AL. *v.* COIE ET AL. Ct. App. Wash. Certiorari denied. MR. JUSTICE BLACKMUN took no part in the consideration or decision of this petition.\* Reported below: 11 Wash. App. 195, 522 P. 2d 515.

No. 74-914. THOMPSON ET AL. *v.* SHEPPARD ET AL. C. A. 5th Cir. Motion for leave to amend petition granted. Certiorari denied. Reported below: 490 F. 2d 830 and 502 F. 2d 1389.

#### *Rehearing Denied*

No. 74-272. SEMINOLE NATION OF OKLAHOMA *v.* UNITED STATES, *ante*, p. 907;

No. 74-481. VIRGINIA *v.* UNITED STATES ET AL., *ante*, p. 901;

No. 74-482. CISSNA *v.* MCQUAID, TRUSTEE IN BANKRUPTCY, 419 U. S. 1050;

No. 74-5367. SMITH *v.* MARYLAND, *ante*, p. 909;

No. 74-5701. CLARK *v.* DUMBAULD, U. S. DISTRICT JUDGE, *ante*, p. 905; and

No. 74-5721. CARTER *v.* ESTELLE, CORRECTIONS DIRECTOR, *ante*, p. 912. Petitions for rehearing denied.

No. 74-424. BOWMAN TRANSPORTATION, INC. *v.* FRANKS ET AL., 419 U. S. 1050; and

No. 74-5337. MARTIN-MENDOZA *v.* IMMIGRATION AND NATURALIZATION SERVICE, 419 U. S. 1113. Motions for leave to file petitions for rehearing denied.

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\*See also note, *supra*, p. 968.

420 U. S.

MARCH 24, 1975\*

*Affirmed on Appeal*

No. 74-977. *ROSENTHAL v. BOARD OF EDUCATION OF CENTRAL HIGH SCHOOL DISTRICT NO. 3 OF THE TOWN OF HEMPSTEAD ET AL.* Affirmed on appeal from D. C. E. D. N. Y. Reported below: 385 F. Supp. 223.

*Appeals Dismissed*

No. 74-374. *TIMES-PICAYUNE PUBLISHING CORP. v. SCHULINGKAMP.* Appeal from Sup. Ct. La. dismissed as moot. MR. JUSTICE DOUGLAS would note probable jurisdiction and set case for oral argument. Reported below: 297 So. 2d 207.

No. 74-919. *CROOKSHANKS v. CROOKSHANKS.* Appeal from Ct. App. Cal., 2d App. Dist., dismissed for want of substantial federal question. Reported below: 41 Cal. App. 3d 475, 116 Cal. Rptr. 10.

*Certiorari Granted—Reversed.* (See No. 74-751, *ante*, p. 734.)

*Miscellaneous Orders*

No. A-687. *LOVELACE ET AL. v. DECHAMPLAIN.* Application for further stay of order of United States District Court for the Western District of Missouri, presented to MR. JUSTICE BLACKMUN, and by him referred

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\*MR. JUSTICE DOUGLAS took no part in the consideration or decision of cases in which orders hereinafter reported were announced on this date, with the exception of the following:

No. 74-374, *Times-Picayune Publishing Corp. v. Schulingkamp*, *infra*, this page; No. 74-706, *Pacelli v. United States*, *infra*, p. 995; No. 74-749, *Art Theatre Guild, Inc. v. Parrish*, *infra*, p. 995; No. 74-5499, *Carter v. Lee*, *infra*, p. 995; No. 74-5706, *Orange v. North Carolina*, *infra*, p. 996; No. 74-5741, *Hardwick v. Caldwell*, *infra*, p. 996; No. 74-5810, *May v. United States*, *infra*, p. 996; No. 74-5815, *Murphy v. United States*, *infra*, p. 996; No. 74-5855, *Wright v. United States*, *infra*, p. 997; and No. 74-5942, *Brown v. Estelle*, *infra*, p. 996.

March 24, 1975

420 U. S.

to the Court, granted pending the filing on or before April 10, 1975, of petition for writ of certiorari and final disposition thereon. MR. JUSTICE BRENNAN, MR. JUSTICE STEWART, and MR. JUSTICE MARSHALL would deny the application except upon condition that respondent be released on bail.

No. A-700 (74-6089). *ESCAMILLA v. BOGUE*, U. S. DISTRICT JUDGE. C. A. 8th Cir. Application for stay of trial, presented to MR. JUSTICE MARSHALL, and by him referred to the Court, denied.

No. A-739 (74-1169). *ROGERS ET AL. v. INMATES' COUNCILMATIC VOICE ET AL.* Appeal from D. C. N. D. Ohio. Application for stay of execution of paragraph 7 of order of the United States District Court for the Northern District of Ohio, presented to MR. JUSTICE STEWART, and by him referred to the Court, granted pending final disposition of appeal.

No. D-27. *IN RE DISBARMENT OF McDERMOTT*. It having been reported to this Court that Francis X. McDermott, of New York, N. Y., has been disbarred from the practice of law in all of the courts of the State of New York, and this Court by order of November 18, 1974 [419 U. S. 1016], having suspended the said Francis X. McDermott from the practice of law in this Court and directed that a rule issue requiring him to show cause why he should not be disbarred;

And it appearing that the said rule was duly issued and served upon the respondent and that the time within which to file a return has expired;

It is ordered that the said Francis X. McDermott be, and he is hereby, disbarred from the practice of law in this Court and that his name be stricken from the roll of attorneys admitted to practice before the Bar of this Court.

420 U. S.

March 24, 1975

No. D-34. *IN RE DISBARMENT OF KERR.* It having been reported to this Court that Elaine Worley Kerr, of Bailey's Crossroads, Va., has been disbarred from the practice of law in all of the courts of the State of Maryland and disbarred from the practice of law in the District of Columbia, and this Court by order of January 20, 1975 [419 U. S. 1118], having suspended the said Elaine Worley Kerr from the practice of law in this Court and directed that a rule issue requiring her to show cause why she should not be disbarred;

And it appearing that the said rule was duly issued and served upon the respondent and that a response has been filed;

It is ordered that the said Elaine Worley Kerr be, and she is hereby, disbarred from the practice of law in this Court and that her name be stricken from the roll of attorneys admitted to practice before the Bar of this Court.

No. D-35. *IN RE DISBARMENT OF RAIMONDI.* Thomas Paul Raimondi, of Baltimore, Md., having requested to resign as a member of the Bar of this Court, it is ordered that his name be stricken from the roll of attorneys admitted to practice before the Bar of this Court. The rule to show cause heretofore issued on January 20, 1975 [419 U. S. 1118], is hereby discharged.

No. 74-157. *UNITED HOUSING FOUNDATION, INC., ET AL. v. FORMAN ET AL.*; and

No. 74-647. *NEW YORK ET AL. v. FORMAN ET AL.* C. A. 2d Cir. [Certiorari granted, 419 U. S. 1120.] Motion of petitioners for additional time for oral argument granted and ten additional minutes allotted for that purpose. Respondents allotted ten additional minutes for oral argument.

March 24, 1975

420 U. S.

No. D-44. *IN RE DISBARMENT OF MORGAN*. It is ordered that Edward LeRoy Morgan, of Phoenix, Ariz., be suspended from the practice of law in this Court and that a rule issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. 73-6739. *COSTARELLI v. MASSACHUSETTS*. Appeal from Municipal Ct. of Boston. [Probable jurisdiction postponed, 419 U. S. 893.] Motion of Massachusetts Defenders Committee for leave to file a brief as *amicus curiae* granted.

No. 74-389. *ALBEMARLE PAPER CO. ET AL. v. MOODY ET AL.*; and

No. 74-428. *HALIFAX LOCAL NO. 425, UNITED PAPERMAKERS & PAPERWORKERS, AFL-CIO v. MOODY ET AL.* C. A. 4th Cir. [Certiorari granted, 419 U. S. 1068.] Motion of petitioners for additional time for oral argument granted and ten additional minutes allotted for that purpose. Respondents allotted ten additional minutes for oral argument. MR. JUSTICE POWELL took no part in the consideration or decision of this motion.\*

No. 74-511. *TRAINOR, ACTING DIRECTOR, DEPARTMENT OF PUBLIC AID OF ILLINOIS v. VARGAS*. C. A. 7th Cir. Motion for leave to supplement petition for writ of certiorari granted.

No. 74-5988. *HOHENSEE v. MUIR*, U. S. DISTRICT JUDGE. Motion for leave to file petition for writ of mandamus denied.

No. 74-5823. *MARTIN v. UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT*. Motion for leave to file petition for writ of mandamus and/or prohibition denied.

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\*See also note, *supra*, p. 985.

420 U. S.

March 24, 1975

No. 74-6101. *THERIAULT v. PITTMAN*, CHIEF JUDGE, U. S. DISTRICT COURT, ET AL. Motion for leave to file petition for writ of habeas corpus and/or mandamus denied.

*Probable Jurisdiction Noted*

No. 74-952. *BLANTON*, GOVERNOR OF TENNESSEE, ET AL. *v.* AMERICANS UNITED FOR THE SEPARATION OF CHURCH AND STATE ET AL. Appeal from D. C. M. D. Tenn. Probable jurisdiction noted and case set for oral argument with No. 74-730, *Roemer v. Board of Public Works of Maryland* [probable jurisdiction noted, *ante*, p. 922].

*Certiorari Granted*

No. 74-728. *FRANKS ET AL. v. BOWMAN TRANSPORTATION Co., INC., ET AL.* C. A. 5th Cir. Certiorari granted. Reported below: 495 F. 2d 398.

No. 74-850. *WEINBERGER*, SECRETARY OF HEALTH, EDUCATION, AND WELFARE *v.* *WEBER.* C. A. 9th Cir. Certiorari granted. Reported below: 503 F. 2d 1049.

No. 74-754. *UNITED STATES v. MANDUJANO.* C. A. 5th Cir. Motion of respondent for leave to proceed *in forma pauperis* and certiorari granted. Reported below: 496 F. 2d 1050.

*Certiorari Denied*

No. 73-953. *FARR v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. Reported below: 487 F. 2d 1023.

No. 73-6009. *HICKMAN v. UNITED STATES.* C. A. 7th Cir. Certiorari denied. Reported below: 487 F. 2d 1404.

No. 73-6659. *BUTLER ET AL. v. UNITED STATES.* C. A. 7th Cir. Certiorari denied. Reported below: 489 F. 2d 759.

March 24, 1975

420 U. S.

No. 73-5489. *POLESTI v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 73-6868. *FERNANDEZ ET AL. v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 497 F. 2d 730.

No. 74-604. *DEPARTMENT OF HIGHWAYS OF LOUISIANA v. BEAIRD-POULAN, INC.* C. A. 5th Cir. Certiorari denied. Reported below: 497 F. 2d 54.

No. 74-632. *IRALI v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 503 F. 2d 1295.

No. 74-659. *CAPRA ET AL. v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 501 F. 2d 267.

No. 74-690. *ANONYMOUS v. KISSINGER, SECRETARY OF STATE, ET AL.* C. A. D. C. Cir. Certiorari denied. Reported below: 163 U. S. App. D. C. 92, 499 F. 2d 1097.

No. 74-699. *ABBOTT LABORATORIES ET AL. v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 505 F. 2d 565.

No. 74-714. *DELLINGER ET AL. v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 502 F. 2d 813.

No. 74-720. *DiGIORGIO ET AL. v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 505 F. 2d 727.

No. 74-752. *RUSSELL v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 506 F. 2d 1398.

No. 74-763. *GROSSMAN v. STRIEPEKE, SHERIFF*. C. A. 9th Cir. Certiorari denied.

420 U. S.

March 24, 1975

No. 74-776. *PHELPS v. CHRISTISON, TRUSTEE IN BANKRUPTCY, ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 503 F. 2d 1405.

No. 74-800. *MOSELEY v. UNITED STATES.* C. A. 8th Cir. Certiorari denied. Reported below: 507 F. 2d 257.

No. 74-801. *MAURO v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. Reported below: 507 F. 2d 802.

No. 74-804. *CROUSE v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 506 F. 2d 1398.

No. 74-809. *HINMAN v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. Reported below: 503 F. 2d 1397.

No. 74-811. *REEVES v. ADMINISTRATOR, FEDERAL ENERGY OFFICE, ET AL.* Temp. Emerg. Ct. App. Certiorari denied. Reported below: 507 F. 2d 455.

No. 74-825. *CLINCHER ET AL. v. UNITED STATES ET AL.* Ct. Cl. Certiorari denied. Reported below: 205 Ct. Cl. 8, 499 F. 2d 1250.

No. 74-827. *ANDERSON v. UNITED STATES.* C. A. D. C. Cir. Certiorari denied. Reported below: 165 U. S. App. D. C. 390, 509 F. 2d 312.

No. 74-830. *ANDERSON v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 506 F. 2d 1398.

No. 74-834. *DEMOPOULOS v. UNITED STATES.* C. A. 7th Cir. Certiorari denied. Reported below: 506 F. 2d 1171.

No. 74-836. *GUTWEIN ET AL. v. EASTON PUBLISHING Co.* Ct. App. Md. Certiorari denied. Reported below: 272 Md. 563, 325 A. 2d 740.

March 24, 1975

420 U. S.

No. 74-840. *GULF OIL CORP. v. WOOD*. C. A. 5th Cir. Certiorari denied. Reported below: 504 F. 2d 760.

No. 74-843. *GORDON v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 505 F. 2d 845.

No. 74-849. *GARRAMONE ET AL. v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 506 F. 2d 1053.

No. 74-853. *GERACI, EXECUTRIX v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 6th Cir. Certiorari denied. Reported below: 502 F. 2d 1148.

No. 74-855. *FRITTS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 505 F. 2d 168.

No. 74-862. *KRILICH v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 502 F. 2d 680.

No. 75-867. *PUGET SOUND POWER & LIGHT Co. v. LOCAL UNION 77, INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, AFL-CIO*. C. A. 9th Cir. Certiorari denied. Reported below: 506 F. 2d 523.

No. 74-887. *RAYNER ET AL. v. CITY COUNCIL OF THE CITY OF CHICAGO ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 503 F. 2d 912.

No. 74-916. *RADISICH v. RADISICH*. Ct. App. Cal., 1st App. Dist. Certiorari denied.

No. 74-929. *DAVID R. McGEORGE CAR Co., INC. v. LEYLAND MOTOR SALES, INC., ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 504 F. 2d 52.

No. 74-5777. *PEERAER v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 74-959. *BAEZ v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist. Certiorari denied.

420 U. S.

March 24, 1975

No. 74-938. *LAUSCHE v. COMMISSIONER OF PUBLIC WELFARE ET AL.* Sup. Ct. Minn. Certiorari denied. Reported below: 302 Minn. 165, 225 N. W. 2d 366.

No. 74-945. *RIESS ET UX. v. MURCHISON ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 503 F. 2d 999.

No. 74-962. *BOYD v. PENNSYLVANIA STATE BOARD OF OSTEOPATHIC EXAMINERS.* Pa. Commw. Ct. Certiorari denied. Reported below: 12 Pa. Commw. 620, 317 A. 2d 307.

No. 74-999. *BEDFORD AVIATION, INC. v. MASSACHUSETTS PORT AUTHORITY.* C. A. 1st Cir. Certiorari denied. Reported below: 508 F. 2d 835.

No. 74-5746. *MORGAN v. SWENSON, WARDEN.* C. A. 8th Cir. Certiorari denied. Reported below: 505 F. 2d 736.

No. 74-937. *LOUIS ET AL. v. PENNSYLVANIA INDUSTRIAL DEVELOPMENT AUTHORITY ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 505 F. 2d 730.

No. 74-5789. *DEBENEDICTUS v. UNITED STATES.* C. A. 3d Cir. Certiorari denied. Reported below: 500 F. 2d 1399.

No. 74-5796. *REID v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 505 F. 2d 733.

No. 74-5812. *SCHALL ET AL. v. UNITED STATES.* C. A. 3d Cir. Certiorari denied. Reported below: 503 F. 2d 1400.

No. 74-5820. *SNYDER v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 505 F. 2d 595.

No. 74-5833. *MESSINA v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. Reported below: 507 F. 2d 73.

March 24, 1975

420 U. S.

No. 74-5836. *EHLI v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 506 F. 2d 1050.

No. 74-5864. *RESNICK v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 500 F. 2d 1183.

No. 74-5874. *BRUCE v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. Reported below: 164 U. S. App. D. C. 369, 505 F. 2d 476.

No. 74-5941. *WOOD v. WILSON, WARDEN, ET AL.* C. A. 10th Cir. Certiorari denied.

No. 74-5952. *MOORE ET UX. v. CSAKAI ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 510 F. 2d 970.

No. 74-5953. *TIPLER v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 74-5959. *HILL v. CALIFORNIA ADULT AUTHORITY PAROLE BOARD*. C. A. 5th Cir. Certiorari denied.

No. 74-5962. *WARD v. GRIGGS, INSTITUTION SUPERINTENDENT*. Sup. Ct. Cal. Certiorari denied.

No. 74-5963. *SMITH v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist. Certiorari denied. Reported below: 40 Cal. App. 3d 107, 115 Cal. Rptr. 109.

No. 74-5964. *OLENZ v. CLEARY ET AL.* App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 19 Ill. App. 3d 946, 312 N. E. 2d 385.

No. 74-5972. *CHACON v. YOUNGER, ATTORNEY GENERAL OF CALIFORNIA, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 74-5973. *JOHNSON v. VINCENT, CORRECTIONAL SUPERINTENDENT*. C. A. 2d Cir. Certiorari denied. Reported below: 507 F. 2d 1309.

420 U. S.

March 24, 1975

No. 74-5974. *POWELL v. LAVALLEE, CORRECTIONAL SUPERINTENDENT*. C. A. 2d Cir. Certiorari denied. Reported below: 506 F. 2d 1396.

No. 74-5976. *GRISOLIA, AKA DEROSI v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 74-5980. *FINLEY v. GUNN, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 74-5981. *KONJEVIC ET VIR v. FLORIDA DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION*. Dist. Ct. App. Fla., 3d Dist. Certiorari denied.

No. 74-5983. *LAPLANTE v. WOLFF, WARDEN*. C. A. 8th Cir. Certiorari denied. Reported below: 505 F. 2d 780.

No. 74-5989. *THOMPSON v. GRAY, WARDEN*. C. A. 7th Cir. Certiorari denied. Reported below: 510 F. 2d 976.

No. 74-5995. *STOKES v. ROBUCK, CHAIRMAN, KENTUCKY PAROLE BOARD, ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 510 F. 2d 973.

No. 74-706. *PACELLI v. UNITED STATES*; and

No. 74-738. *MALLAH v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. MR. JUSTICE DOUGLAS would grant certiorari in No. 74-706. Reported below: 503 F. 2d 971.

No. 74-749. *ART THEATRE GUILD, INC., ET AL. v. PARRISH ET AL.* C. A. 6th Cir. Certiorari denied. MR. JUSTICE DOUGLAS would grant certiorari. Reported below: 503 F. 2d 133.

No. 74-5499. *CARTER v. LEE*. C. A. 5th Cir. Certiorari denied. MR. JUSTICE DOUGLAS would grant certiorari. Reported below: 503 F. 2d 565.

March 24, 1975

420 U. S.

No. 74-5706. *ORANGE v. NORTH CAROLINA*. Sup. Ct. N. C. Certiorari denied. MR. JUSTICE DOUGLAS would grant certiorari. Reported below: 285 N. C. 762, 208 S. E. 2d 380.

No. 74-5741. *HARDWICK v. CALDWELL, WARDEN*. C. A. 5th Cir. Certiorari denied. MR. JUSTICE DOUGLAS would grant certiorari. Reported below: 502 F. 2d 783.

No. 74-5810. *MAY v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. MR. JUSTICE DOUGLAS would grant certiorari.

No. 74-5815. *MURPHY v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. MR. JUSTICE DOUGLAS would grant certiorari. Reported below: 506 F. 2d 529.

No. 74-5942. *BROWN v. ESTELLE, CORRECTIONS DIRECTOR*. C. A. 5th Cir. Certiorari denied. MR. JUSTICE DOUGLAS would grant certiorari. Reported below: 503 F. 2d 1401.

No. 74-333. *UNITED STATES v. COOKS*. C. A. 7th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. MR. JUSTICE WHITE and MR. JUSTICE BLACKMUN would grant certiorari. Reported below: 493 F. 2d 668.

No. 74-615. *PROCUNIER, CORRECTIONS DIRECTOR v. BYE*. Sup. Ct. Cal. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 12 Cal. 3d 96, 524 P. 2d 854.

No. 74-786. *LLOYD A. FRY ROOFING CO. v. ILLINOIS POLLUTION CONTROL BOARD ET AL.* App. Ct. Ill., 1st Dist. Motion of respondents Hemmerick et al. for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 20 Ill. App. 3d 301, 314 N. E. 2d 350.

420 U. S.

March 24, 1975

No. 74-5855. *WRIGHT v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. MR. JUSTICE DOUGLAS would grant certiorari. Reported below: 505 F. 2d 731.

No. 74-821. *HARDING v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 507 F. 2d 294.

MR. JUSTICE BRENNAN, with whom MR. JUSTICE STEWART and MR. JUSTICE MARSHALL join, dissenting.

Petitioner was convicted of receiving obscene materials which had been transported in interstate commerce in violation of 18 U. S. C. § 1462. The United States Court of Appeals for the Tenth Circuit affirmed the conviction. 475 F. 2d 480 (1973). We granted the petition for certiorari, and remanded the case for further consideration in light of *Miller v. California*, 413 U. S. 15 (1973). 414 U. S. 964 (1973). On remand, the District Court determined that the material was obscene under the *Miller* standard, and reinstated the judgment of conviction. Again, the Tenth Circuit affirmed.

For the reasons stated in my dissent from the remand of this case, 414 U. S., at 965, and because the present judgment was rendered after *Miller*, I would grant the petition and reverse the judgment.

No. 74-935. *CHICAGO BOARD OF HEALTH ET AL. v. FRIENDSHIP MEDICAL CENTER, LTD., ET AL.* C. A. 7th Cir. Certiorari denied. MR. JUSTICE WHITE would grant certiorari. Reported below: 505 F. 2d 1141.

No. 74-946. *DUPLAN CORP. ET AL. v. MOULINAGE ET RETORDERIE DE CHAVANOS*. C. A. 4th Cir. Certiorari denied. MR. JUSTICE BLACKMUN would grant certiorari. Reported below: 509 F. 2d 730.

No. 74-986. *CHESAPEAKE & OHIO RAILWAY Co. v. PAYNTER*. C. A. 4th Cir. Certiorari denied. MR. JUS-

March 24, 1975

420 U. S.

TICE POWELL took no part in the consideration or decision of this petition.\* Reported below: 506 F. 2d 1397.

### *Rehearing Denied*

No. 74-5436. HORNE *v.* UNITED STATES, *ante*, p. 947; and

No. 74-5816. TRIGG *v.* TENNESSEE, *ante*, p. 938. Petitions for rehearing denied.

No. 74-5529. MCHAR *v.* McHALE, 419 U. S. 1115. Motion for leave to file petition for rehearing denied.

### *Assignment Orders*

An order of THE CHIEF JUSTICE designating and assigning Mr. Justice Clark (retired) to perform judicial duties and sit on a panel in the United States Court of Appeals for the Third Circuit to hear the following cases: *Hartman v. Switzer* (No. 74-1861); *Hartman v. United States* (No. 74-1881); *Hartman v. Tannenwald* (No. 74-1882); *Adams v. Richardson* (No. 74-2193); *Cupp v. Secretary of the Treasury* (No. 73-1837); and *Cupp v. Saxbe* (No. 74-2147), pursuant to 28 U. S. C. § 294 (a), is ordered entered on the minutes of this Court, pursuant to 28 U. S. C. § 295.

An order of THE CHIEF JUSTICE designating and assigning Mr. Justice Clark (retired) to perform judicial duties in the United States Court of Appeals for the Seventh Circuit during the period beginning June 9, 1975, and ending June 13, 1975, and for such additional time as may be required to complete unfinished business, pursuant to 28 U. S. C. § 294 (a), is ordered entered on the minutes of this Court, pursuant to 28 U. S. C. § 295.

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\*See also note, *supra*, p. 985.

420 U. S.

MARCH 31, 1975

*Affirmed on Appeal*

No. 74-743. COMET ELECTRONICS, INC., ET AL. v. UNITED STATES ET AL.;

No. 74-762. GEORGE T. COOK CO., INC., ET AL. v. UNITED STATES ET AL.; and

No. 74-833. TRANS-MARK SERVICES, INC., ET AL. v. INTERSTATE COMMERCE COMMISSION ET AL. Affirmed on appeal from D. C. W. D. Mo. Reported below: 381 F. Supp. 1233.

No. 74-823. SERVITRON, INC., ET AL. v. INTERSTATE COMMERCE COMMISSION ET AL. Affirmed on appeal from D. C. M. D. La. Reported below: 380 F. Supp. 1344.

*Certiorari Granted—Vacated and Remanded*

No. 73-1763. LUKHARD, DIRECTOR, DEPARTMENT OF WELFARE AND INSTITUTIONS OF VIRGINIA v. DOE. C. A. 4th Cir. Motion of respondent for leave to proceed *in forma pauperis* and certiorari granted. Judgment vacated and case remanded for further consideration in light of *Burns v. Alcalá, ante*, p. 575. Reported below: 493 F. 2d 54.

No. 74-637. TRAINOR, DIRECTOR, DEPARTMENT OF PUBLIC AID OF ILLINOIS, ET AL. v. WILSON. C. A. 7th Cir. Motion of respondent for leave to proceed *in forma pauperis* and certiorari granted. Judgment vacated and case remanded for further consideration in light of *Burns v. Alcalá, ante*, p. 575. Reported below: 499 F. 2d 155.

No. 73-1917. IMMIGRATION AND NATURALIZATION SERVICE v. ECHEVERRIA. C. A. 9th Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Reid v. Immigration and Naturalization Service, ante*, p. 619.

March 31, 1975

420 U. S.

No. 74-242. HOOKER, DIRECTOR, NEW HAMPSHIRE DIVISION OF WELFARE *v.* CARVER ET AL. C. A. 1st Cir. Motion of respondents for leave to proceed *in forma pauperis* and certiorari granted. Judgment vacated and case remanded for further consideration in light of *Burns v. Alcalá, ante*, p. 575. Reported below: 501 F. 2d 1244.

*Miscellaneous Orders*

No. A-232. MINNESOTA ET AL. *v.* RESERVE MINING CO. ET AL.; and

No. A-262. UNITED STATES *v.* RESERVE MINING CO. ET AL. C. A. 8th Cir. Renewed applications to vacate indefinite stay order pending appeal, presented to MR. JUSTICE BLACKMUN, and by him referred to the Court, denied. Reported below: 498 F. 2d 1073.

No. A-684. MAROE *v.* PROCUNIER, CORRECTIONS DIRECTOR, ET AL. D. C. C. D. Cal. Application for bail, presented to MR. JUSTICE DOUGLAS, and by him referred to the Court, denied.

No. A-697. DECHAMPLAIN *v.* LOVELACE ET AL. C. A. 8th Cir. Reapplication for bail, presented to MR. JUSTICE BLACKMUN, and by him referred to the Court, denied.

No. A-728. B. COLEMAN CORP. ET AL. *v.* WALKER ET AL. C. A. 7th Cir. Application for stay or for injunction, presented to MR. JUSTICE MARSHALL, and by him referred to the Court, denied.

No. 74-362. INTERCOUNTY CONSTRUCTION CORP. ET AL. *v.* WALTER, DEPUTY COMMISSIONER, BUREAU OF EMPLOYEES' COMPENSATION, U. S. DEPARTMENT OF LABOR, ET AL. C. A. D. C. Cir. [Certiorari granted, 419 U. S. 1119.] Motion of the Solicitor General to permit Frank H. Easterbrook, Esquire, to argue *pro hac vice* granted.

420 U. S.

March 31, 1975

No. A-765. *PATTERSON ET AL. v. SUPERIOR COURT OF CALIFORNIA IN AND FOR THE COUNTY OF FRESNO ET AL.* Sup. Ct. Cal. Application for stay, presented to MR. JUSTICE DOUGLAS, and by him referred to the Court, denied. Stay heretofore granted by MR. JUSTICE DOUGLAS on March 21, 1975, *post*, p. 1301, is vacated. MR. JUSTICE DOUGLAS dissents from Court's order vacating his previous stay.

No. D-45. *IN RE DISBARMENT OF MITCHELL.* It is ordered that John Newton Mitchell, of New York, N. Y., be suspended from the practice of law in this Court and that a rule issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court. MR. JUSTICE REHNQUIST took no part in the consideration or decision of this matter.

No. D-46. *IN RE DISBARMENT OF MARDIAN.* It is ordered that Robert Charles Mardian, of Phoenix, Ariz., be suspended from the practice of law in this Court and that a rule issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court. MR. JUSTICE REHNQUIST took no part in the consideration or decision of this matter.

No. 73-1888. *UNITED STATES v. ALASKA.* C. A. 9th Cir. [Certiorari granted, 419 U. S. 1045.] Motion of respondent for divided argument granted.

No. 74-466. *DUNLOP, SECRETARY OF LABOR v. BACHOWSKI ET AL.* C. A. 3d Cir. [Certiorari granted, 419 U. S. 1068.] Motion of United Steelworkers of America, AFL-CIO, for additional time to present oral argument denied. The alternative request for divided argument granted only if the Solicitor General agrees to cede some of the time allotted petitioner for oral argument.

March 31, 1975

420 U. S.

No. 74-389. ALBEMARLE PAPER CO. ET AL. *v.* MOODY ET AL.; and

No. 74-428. HALIFAX LOCAL NO. 425, UNITED PAPERMAKERS & PAPERWORKERS, AFL-CIO *v.* MOODY ET AL. C. A. 4th Cir. [Certiorari granted, 419 U. S. 1068.] Motion of Lawyers' Committee for Civil Rights Under Law for leave to file a brief as *amicus curiae* granted. MR. JUSTICE POWELL took no part in the consideration or decision of this motion.

No. 74-634. UNITED STATES *v.* NOBLES. C. A. 9th Cir. [Certiorari granted, 419 U. S. 1120.] Motion of respondent for additional time for oral argument, or in the alternative for divided argument, denied.

No. 74-878. NATIONAL LEAGUE OF CITIES ET AL. *v.* DUNLOP, SECRETARY OF LABOR; and

No. 74-879. CALIFORNIA *v.* DUNLOP, SECRETARY OF LABOR. Appeals from D. C. D. C. [Probable jurisdiction noted, *ante*, p. 906.] Motion of Florida Police Benevolent Assn. for leave to file a brief as *amicus curiae* granted.

No. A-776 (74-1185). FIRESTONE PLASTICS CO., A DIVISION OF FIRESTONE TIRE & RUBBER CO., ET AL. *v.* UNITED STATES DEPARTMENT OF LABOR ET AL. C. A. 2d Cir. Application for stay, presented to MR. JUSTICE MARSHALL, and by him referred to the Court, denied. MR. JUSTICE DOUGLAS and MR. JUSTICE POWELL took no part in the consideration or decision of this application. Reported below: 509 F. 2d 1301.

No. 74-6154. MORTON ET AL. *v.* MEACHAM, WARDEN, ET AL. Motion for leave to file petition for writ of habeas corpus denied.

420 U. S.

March 31, 1975

*Certiorari Granted*

No. 74-799. UNITED STATES *v.* FOSTER LUMBER Co., INC. C. A. 8th Cir. Certiorari granted. Reported below: 500 F. 2d 1230.

No. 74-942. RIZZO, MAYOR OF PHILADELPHIA, ET AL. *v.* GOODE ET AL. C. A. 3d Cir. Certiorari granted. Reported below: 506 F. 2d 542.

No. 74-492. OHIO *v.* GALLAGHER. Sup. Ct. Ohio. Motion of respondent for leave to proceed *in forma pauperis* and certiorari granted. Reported below: 38 Ohio St. 2d 291, 313 N. E. 2d 396.

No. 74-928. UNITED STATES *v.* DINITZ. C. A. 5th Cir. Motion of respondent for leave to proceed *in forma pauperis* and certiorari granted. Reported below: 504 F. 2d 854.

No. 74-5822. HAMPTON, AKA BYERS *v.* UNITED STATES. C. A. 8th Cir. Motion for leave to proceed *in forma pauperis* and certiorari granted. Reported below: 507 F. 2d 832.

*Certiorari Denied*

No. 74-622. PEOPLE OF SAIPAN, BY GUERRERO ET AL. *v.* UNITED STATES DEPARTMENT OF THE INTERIOR ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 502 F. 2d 90.

No. 74-649. BELLIZZI *v.* SUPERIOR COURT OF STANISLAUS COUNTY. Sup. Ct. Cal. Certiorari denied. Reported below: 12 Cal. 3d 33, 524 P. 2d 148.

No. 74-795. CURBELO-TALVARA ET AL. *v.* UNITED STATES; and

No. 74-5857. ARIAS-DIAZ ET AL. *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 497 F. 2d 165.

March 31, 1975

420 U. S.

No. 74-841. *PORTER ET AL. v. UNITED STATES*. Ct. Cl. Certiorari denied. Reported below: 204 Ct. Cl. 355, 496 F. 2d 583.

No. 74-870. *LAWSON v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 507 F. 2d 433.

No. 74-871. *NEW JERSEY CHAPTER, INC. OF THE AMERICAN PHYSICAL THERAPY ASSN., INC. v. WEINBERGER, SECRETARY OF HEALTH, EDUCATION, AND WELFARE, ET AL.* C. A. D. C. Cir. Certiorari denied. Reported below: 164 U. S. App. D. C. 40, 502 F. 2d 500.

No. 74-899. *LEFAIVRE ET AL. v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 507 F. 2d 1288.

No. 74-907. *KEYSER, DBA KEYSER TOWING CO., ET AL. v. DUNLOP, SECRETARY OF LABOR*. C. A. 9th Cir. Certiorari denied. Reported below: 507 F. 2d 472.

No. 74-968. *BARRERA v. ROSCOE, SNYDER & PACIFIC RAILWAY Co.* C. A. 5th Cir. Certiorari denied. Reported below: 503 F. 2d 1058.

No. 74-969. *OLYMPIC FASTENING SYSTEMS, INC. v. TEXTRON, INC.* C. A. 6th Cir. Certiorari denied. Reported below: 504 F. 2d 609.

No. 74-971. *BOARD OF EDUCATION OF THE CITY SCHOOL DISTRICT OF NEW YORK v. NEWMAN*. C. A. 2d Cir. Certiorari denied. Reported below: 508 F. 2d 277.

No. 74-983. *MALONEY, DBA APALACHICOLA TIMES v. GIBSON ET AL.* Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 295 So. 2d 120.

No. 74-5472. *NUDD v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied. Reported below: 12 Cal. 3d 204, 524 P. 2d 844.

420 U. S.

March 31, 1975

No. 74-1008. *BACON ET AL. v. TEXACO INC.* C. A. 5th Cir. Certiorari denied. Reported below: 503 F. 2d 946.

No. 74-1013. *ORIENT MID-EAST LINES, INC., ET AL. v. A SHIPMENT OF RICE NOW OR LATELY ON BOARD THE ORIENT TRANSPORTER ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 496 F. 2d 1032.

No. 74-5711. *O'BRIEN v. UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA.* C. A. 9th Cir. Certiorari denied.

No. 74-5729. *NUNNERY v. BARBER, COMMISSIONER, ALCOHOL BEVERAGE CONTROL COMMISSION.* C. A. 4th Cir. Certiorari denied. Reported below: 503 F. 2d 1349.

No. 74-5744. *McFARLAND v. WASHINGTON.* Sup. Ct. Wash. Certiorari denied. Reported below: 84 Wash. 2d 391, 526 P. 2d 361.

No. 74-5753. *SLAUGHTER ET AL. v. FLORIDA.* Sup. Ct. Fla. Certiorari denied. Reported below: 301 So. 2d 762.

No. 74-5759. *FERNANDEZ v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. Reported below: 506 F. 2d 1395.

No. 74-5790. *JOHNSON v. UNITED STATES.* C. A. 7th Cir. Certiorari denied. Reported below: 506 F. 2d 305.

No. 74-5803. *BARNES v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. Reported below: 506 F. 2d 1400.

No. 74-5807. *GANT v. UNITED STATES.* C. A. 8th Cir. Certiorari denied. Reported below: 506 F. 2d 518.

No. 74-5817. *HODGE v. UNITED STATES.* C. A. 10th Cir. Certiorari denied.

March 31, 1975

420 U. S.

No. 74-5819. *TOCCO ET AL. v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 503 F. 2d 234.

No. 74-5838. *POOLE v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 505 F. 2d 733.

No. 74-5839. *LUNDY v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 505 F. 2d 76.

No. 74-5845. *HESSBROOK v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 504 F. 2d 1375.

No. 74-5847. *DANIELS v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 506 F. 2d 1053.

No. 74-5853. *RIVERA v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 503 F. 2d 710.

No. 74-5886. *STRAWN v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 504 F. 2d 759.

No. 74-5891. *TERRY v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 506 F. 2d 1399.

No. 74-5906. *BROGAN v. WEINBERGER, SECRETARY OF HEALTH, EDUCATION, AND WELFARE*. C. A. 10th Cir. Certiorari denied.

No. 74-5920. *LEE v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. Reported below: 166 U. S. App. D. C. 67, 509 F. 2d 400.

No. 74-5926. *JEWELL v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 506 F. 2d 1405.

420 U. S.

March 31, 1975

No. 74-5943. *ABNEY v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 508 F. 2d 1285.

No. 74-5987. *MOORE v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 74-5993. *FORMAN v. NEW YORK*. App. Div., Sup. Ct. N. Y., 4th Jud. Dept. Certiorari denied. Reported below: 45 App. Div. 2d 820, 358 N. Y. S. 2d 353.

No. 74-5994. *KOSKY v. WHEALON, CORRECTIONAL SUPERINTENDENT*. C. A. 6th Cir. Certiorari denied. Reported below: 508 F. 2d 843.

No. 74-5996. *NOWLAN v. NOWLAN*. Ct. App. Cal., 4th App. Dist. Certiorari denied.

No. 74-6001. *COLE v. DISTRICT ATTORNEY OF PLACER COUNTY*. Ct. App. Cal., 3d App. Dist. Certiorari denied.

No. 74-6004. *EATON v. BUCHKOE, WARDEN*. C. A. 6th Cir. Certiorari denied. Reported below: 508 F. 2d 843.

No. 74-6005. *MUDD v. ALABAMA*. Sup. Ct. Ala. Certiorari denied.

No. 74-6009. *McHAR v. GOVERNMENT EMPLOYEES INSURANCE CO. ET AL.* C. A. D. C. Cir. Certiorari denied.

No. 74-6010. *BLACK ET AL. v. HANRAHAN ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 506 F. 2d 1404.

No. 74-6011. *PORZUCZEK, GUARDIAN v. COUNTY OF SAN MATEO ET AL.* Ct. App. Cal., 1st App. Dist. Certiorari denied.

March 31, 1975

420 U. S.

No. 74-6013. *BELL v. SOUTH CAROLINA*. Sup. Ct. S. C. Certiorari denied. Reported below: 263 S. C. 239, 209 S. E. 2d 890.

No. 74-6017. *ROBINSON v. ROBINSON, STATE FARM SUPERINTENDENT*. C. A. 4th Cir. Certiorari denied.

No. 74-6023. *HAWK v. MICHIGAN ET AL.* C. A. 6th Cir. Certiorari denied.

No. 74-6024. *EPPERSON v. GUNN, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 74-6031. *TRAILOR v. HOPPER, WARDEN*. C. A. 5th Cir. Certiorari denied. Reported below: 505 F. 2d 733.

No. 74-6054. *SMITH v. NORTH CAROLINA ET AL.* C. A. 4th Cir. Certiorari denied.

No. 74-511. *TRAINOR, ACTING DIRECTOR, DEPARTMENT OF PUBLIC AID OF ILLINOIS v. VARGAS*. C. A. 7th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. MR. JUSTICE DOUGLAS would grant certiorari. Reported below: 508 F. 2d 485.

No. 74-779. *LOUISIANA v. SAIA*. Sup. Ct. La. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 302 So. 2d 869.

No. 74-900. *CITY OF PARMA, OHIO v. UNITED STATES*. C. A. 6th Cir. Certiorari and other relief denied.

No. 74-980. *LEE ET AL. v. ARROWOOD ET AL.* Sup. Ct. Minn. Certiorari denied. MR. JUSTICE BLACKMUN took no part in the consideration or decision of this petition. Reported below: 302 Minn. 188, 224 N. W. 2d 489.

420 U. S.

March 31, 1975

No. 74-979. TWOMEY, WARDEN, ET AL. *v.* WRIGHT. C. A. 7th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 506 F. 2d 1404.

*Rehearing Denied*

No. 74-719. NEALE ET VIR *v.* HAYDUK ET AL., *ante*, p. 915; and

No. 74-5568. GARCIA *v.* UNITED STATES, *ante*, p. 960. Petitions for rehearing denied.

No. 74-5347. WARD *v.* GRIGGS, INSTITUTION SUPERINTENDENT, ET AL., *ante*, p. 930;

No. 74-5348. WARD *v.* GRIGGS, INSTITUTION SUPERINTENDENT, *ante*, p. 930;

No. 74-5459. WARD *v.* GRIGGS, INSTITUTION SUPERINTENDENT, *ante*, p. 930; and

No. 74-5510. ORAND *v.* UNITED STATES, *ante*, p. 931. Petitions for rehearing denied. MR. JUSTICE DOUGLAS took no part in the consideration or decision of these petitions.

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No. 74-578. *Thompson v. ...* Reported below: 1917 12 20

No. 74-579. *...* Reported below: 1917 12 20

No. 74-580. *...* Reported below: 1917 12 20

No. 74-581. *...* Reported below: 1917 12 20

No. 74-582. *...* Reported below: 1917 12 20

No. 74-583. *...* Reported below: 1917 12 20

No. 74-584. *...* Reported below: 1917 12 20

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