

ORDERS FROM FEBRUARY 23 THROUGH
APRIL 25, 1977

FEBRUARY 23, 1977

Affirmed on Appeal. (See No. 75-1328, *ante*, p. 83 n. 16.)

FEBRUARY 25, 1977

Miscellaneous Order

No. A-703. *DOBBS v. GEORGIA*. Sup. Ct. Ga. Application for stay of execution of the sentence of death, presented to MR. JUSTICE POWELL, and by him referred to the Court, granted pending filing of a petition for writ of certiorari on or before the close of business March 9, 1977. In the event a petition for writ of certiorari is so filed, this order is to remain in effect pending this Court's action on petition. Should petition for writ of certiorari be denied, this order is to terminate automatically. In the event petition for writ of certiorari is granted, this order is to remain in effect pending issuance of mandate of this Court. The State of Georgia is requested to file a response to petition for a writ of certiorari as expeditiously as possible. Reported below: 236 Ga. 427, 224 S. E. 2d 3.

FEBRUARY 28, 1977

Affirmed on Appeal

No. 76-954. *CUYAHOGA COUNTY BAR ASSN. ET AL. v. SUPREME COURT OF OHIO ET AL.* Affirmed on appeal from D. C. S. D. Ohio.

Appeals Dismissed

No. 76-5774. *P. J. P. v. OREGON EX REL. JUVENILE DEPARTMENT OF POLK COUNTY ET AL.* Appeal from Ct. App. Ore. dismissed for want of substantial federal question. Reported below: 26 Ore. App. 215, 552 P. 2d 584.

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No. 76-5944. *CHOCHREK v. CUPP*, PENITENTIARY SUPERINTENDENT. 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. Reported below: 542 F. 2d 1179.

Certiorari Granted—Vacated and Remanded

No. 74-1486. *UNITED STATES v. BERNSTEIN*. C. A. 4th Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *United States v. Donovan*, 429 U. S. 413 (1977). Reported below: 509 F. 2d 996.

No. 76-169. *UNITED STATES v. BARLETTA ET AL.* C. A. 8th Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *United States v. Donovan*, 429 U. S. 413 (1977). Reported below: 533 F. 2d 1395.

No. 76-597. *UNITED STATES v. CABRAL*. C. A. 9th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *United States v. Donovan*, 429 U. S. 413 (1977). Reported below: 546 F. 2d 255.

No. 76-720. *UNITED STATES v. LEE*. C. A. 6th Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *United States v. Donovan*, 429 U. S. 413 (1977). Reported below: 542 F. 2d 353.

No. 76-5415. *GILBERT v. UNITED STATES*. C. A. 5th Cir. Motion for leave to proceed *in forma pauperis* and certiorari granted. On representation of the Acting Solicitor General, set forth in his brief for the United States filed February 7, 1977, judgment vacated, and case remanded for reconsideration in light of position presently asserted by the Government. Reported below: 537 F. 2d 118.

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No. 76-941. GIBSON, SHERIFF *v.* SMALL. C. A. 4th Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Codd v. Velger*, 429 U. S. 624 (1977). Reported below: 541 F. 2d 277.

Miscellaneous Orders

No. D-46. IN RE DISBARMENT OF MARDIAN. It having been reported to the Court that the Supreme Court of California and the United States District Court for the District of Columbia have vacated their orders suspending Robert Charles Mardian from the practice of law, it is ordered that the order of this Court entered March 31, 1975 [420 U. S. 1001], suspending Robert Charles Mardian from the further practice of law in this Court is vacated and that the rule to show cause issued March 31, 1975, is discharged. MR. JUSTICE REHNQUIST took no part in the consideration or decision of this order.

No. 75-1126. TRANS WORLD AIRLINES, INC. *v.* HARDISON ET AL.; and

No. 75-1385. INTERNATIONAL ASSOCIATION OF MACHINISTS & AEROSPACE WORKERS, AFL-CIO, ET AL. *v.* HARDISON ET AL. C. A. 8th Cir. [Certiorari granted, 429 U. S. 958.] Motions of New York State Division of Human Rights, Central Conference of American Rabbis et al., General Conference of Seventh-Day Adventists, and American Civil Liberties Union for leave to file briefs as *amici curiae* granted.

No. 75-1771. COMMISSIONER OF INTERNAL REVENUE *v.* STANDARD LIFE & ACCIDENT INSURANCE CO. C. A. 10th Cir. [Certiorari granted, 429 U. S. 814.] Motion of Acting Solicitor General for additional time for oral argument on behalf of petitioner granted and 15 additional minutes allotted for that purpose. Respondent also granted 15 additional minutes for oral argument.

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No. 76-99. OCCIDENTAL LIFE INSURANCE COMPANY OF CALIFORNIA *v.* EQUAL EMPLOYMENT OPPORTUNITY COMMISSION. C. A. 9th Cir. [Certiorari granted, 429 U. S. 1022.] Motion of Texas Association of Business for leave to file a brief as *amicus curiae* granted.

No. 76-143. SPLAWN *v.* CALIFORNIA. Ct. App. Cal., 1st App. Dist. [Certiorari granted, 429 U. S. 997.] Motion of Citizens for Decency Through Law, Inc., for leave to file a brief as *amicus curiae* granted.

No. 76-422. DOTHARD, DIRECTOR, DEPARTMENT OF PUBLIC SAFETY OF ALABAMA, ET AL. *v.* RAWLINSON ET AL. Appeal from D. C. M. D. Ala. [Probable jurisdiction noted, 429 U. S. 976.] Motion of the Attorney General of Alabama for additional time for oral argument denied.

No. 76-444. NORTHEAST MARINE TERMINAL CO., INC., ET AL. *v.* CAPUTO ET AL.; and

No. 76-454. INTERNATIONAL TERMINAL OPERATING CO., INC. *v.* BLUNDO ET AL. Appeals from C. A. 2d Cir. [Certiorari granted, 429 U. S. 998.] Motion of West Gulf Maritime Assn. for leave to file a brief as *amicus curiae* granted.

No. 76-447. MILLIKEN, GOVERNOR OF MICHIGAN, ET AL. *v.* BRADLEY ET AL. C. A. 6th Cir. [Certiorari granted, 429 U. S. 958.] Motion of Michigan Education Assn. for leave to file a brief as *amicus curiae* denied.

No. 76-931. STOPS ET UX. *v.* LITTLE HORN STATE BANK. Sup. Ct. Mont. The Solicitor General is invited to file a brief in this case expressing the views of the United States.

No. 76-5206. ROBERTS *v.* LOUISIANA. Sup. Ct. La. [Certiorari granted, 429 U. S. 938.] Motion of Americans for Effective Law Enforcement, Inc., et al., for leave to file a brief as *amici curiae* granted. Motion of the Attorney General of California for leave to participate in oral argument as *amicus curiae* denied.

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No. 76-5843. *BELL v. MALLEY, WARDEN*; and

No. 76-6124. *BLAKE v. THOMPSON, WARDEN*. Motions for leave to file petitions for writs of habeas corpus denied.

Probable Jurisdiction Noted

No. 76-930. *RAY, GOVERNOR OF WASHINGTON, ET AL. v. ATLANTIC RICHFIELD CO. ET AL.* Appeal from D. C. W. D. Wash. Probable jurisdiction noted. The Solicitor General is invited to file a brief in this case expressing the views of the United States.

Certiorari Granted

No. 76-750. *SEARS, ROEBUCK & CO. v. SAN DIEGO COUNTY DISTRICT COUNCIL OF CARPENTERS*. Sup. Ct. Cal. Certiorari granted. Reported below: 17 Cal. 3d 893, 553 P. 2d 603.

No. 76-938. *FEDERAL MARITIME COMMISSION ET AL. v. PACIFIC MARITIME ASSN. ET AL.* C. A. D. C. Cir. Certiorari granted. Reported below: 177 U. S. App. D. C. 248, 543 F. 2d 395.

Certiorari Denied. (See also No. 76-5944, *supra*.)

No. 75-500. *ANDERSON v. UNITED STATES*;

No. 75-509. *MALLOWAY v. UNITED STATES*; and

No. 75-513. *DOOLITTLE ET AL. v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 518 F. 2d 500.

No. 75-611. *GANEM ET AL. v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 519 F. 2d 1068.

No. 75-963. *KILGORE v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 524 F. 2d 957.

No. 75-1393. *PRINCIPIE v. UNITED STATES*; and

No. 75-1394. *LABRIOLA ET AL. v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 531 F. 2d 1132.

No. 75-1813. *CIVELLA ET AL. v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 533 F. 2d 1395.

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No. 75-1816. *LABRIOLA v. NEW YORK*. App. Div., Sup. Ct. N. Y., 1st Jud. Dept. Certiorari denied. Reported below: 51 App. Div. 2d 713, 380 N. Y. S. 2d 1019.

No. 75-1838. *GREEN v. UNITED STATES*; and

No. 75-6957. *HILL ET AL. v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 534 F. 2d 1262.

No. 75-6944. *SCHWARTZ v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 535 F. 2d 160.

No. 76-232. *HAINA v. MARYLAND*. Ct. Sp. App. Md. Certiorari denied. Reported below: 30 Md. App. 295, 352 A. 2d 874.

No. 76-414. *KILCULLEN v. UNITED STATES*; and

No. 76-5509. *REDDALL v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 546 F. 2d 435.

No. 76-654. *PARKER v. SOUTH LOUISIANA CONTRACTORS, INC., ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 537 F. 2d 113.

No. 76-747. *PENT-R-BOOKS, INC. v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 538 F. 2d 519.

No. 76-783. *HO CHUNG TSAO ET AL. v. IMMIGRATION AND NATURALIZATION SERVICE*. C. A. 5th Cir. Certiorari denied. Reported below: 538 F. 2d 667.

No. 76-787. *PRASSE v. UNITED STATES*; and *LEBONICK v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 546 F. 2d 425.

No. 76-826. *ILLINOIS TERMINAL RAILROAD CO. v. UNITED STATES ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 541 F. 2d 201.

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No. 76-843. CASCO BANK & TRUST CO. ET AL. *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. Reported below: 544 F. 2d 528.

No. 76-853. STASSI *v.* UNITED STATES; and

No. 76-865. STASSI, AKA ROGERS *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 544 F. 2d 579.

No. 76-858. GOULD, INC. *v.* NATIONAL LABOR RELATIONS BOARD. C. A. 6th Cir. Certiorari denied. Reported below: 542 F. 2d 1176.

No. 76-861. CANNON *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 5th Cir. Certiorari denied. Reported below: 533 F. 2d 959.

No. 76-946. WALTON *v.* WALTON, A MINOR, BY BAKER. Dist. Ct. Colo., Jefferson County. Certiorari denied.

No. 76-949. GIBSON *v.* MISSOURI. Ct. App. Mo., Springfield Dist. Certiorari denied. Reported below: 540 S. W. 2d 952.

No. 76-952. INMOBILIARIA MELIA DE PUERTO RICO, INC. *v.* PAINE, WEBBER, JACKSON & CURTIS, INC. C. A. 2d Cir. Certiorari denied. Reported below: 543 F. 2d 3.

No. 76-953. RONWIN *v.* SPECIAL COMMITTEE ON EXAMINATIONS AND ADMISSIONS OF THE ARIZONA SUPREME COURT. Sup. Ct. Ariz. Certiorari denied.

No. 76-955. DOVER CONVEYOR & EQUIPMENT CO., INC. *v.* OHIO SAVINGS & TRUST CO. Ct. App. Ohio, Tuscarawas County. Certiorari denied.

No. 76-1064. ROSSI *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 545 F. 2d 814.

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No. 76-5522. *ROSE v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 541 F. 2d 750.

No. 76-5535. *CAPASSO v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 544 F. 2d 512.

No. 76-5561. *MYERS v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. Reported below: 176 U. S. App. D. C. 76, 538 F. 2d 424.

No. 76-5563. *ALLEN ET AL. v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 542 F. 2d 630.

No. 76-5672. *FIELDS v. MAGGIO, WARDEN*. C. A. 5th Cir. Certiorari denied. Reported below: 542 F. 2d 573.

No. 76-5678. *THACKER v. GARRISON, WARDEN*. C. A. 4th Cir. Certiorari denied.

No. 76-5730. *PROCTOR v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 538 F. 2d 331.

No. 76-5733. *LOVELL v. UNITED STATES*. C. A. 1st Cir. Certiorari denied.

No. 76-5740. *FORD v. PITCHESS*. Sup. Ct. Cal. Certiorari denied.

No. 76-5748. *TESTA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 546 F. 2d 428.

No. 76-5759. *AARON v. NORTH CAROLINA*. Ct. App. N. C. Certiorari denied. Reported below: 29 N. C. App. 582, 225 S. E. 2d 117.

No. 76-5766. *TARAVELLA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 538 F. 2d 898.

No. 76-5769. *WALLACE v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 542 F. 2d 770.

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No. 76-5779. *ERICKSON v. ILLINOIS*. App. Ct. Ill., 2d Dist. Certiorari denied. Reported below: 37 Ill. App. 3d 418, 346 N. E. 2d 82.

No. 76-5787. *JERMENDY v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 544 F. 2d 640.

No. 76-5792. *HAUGEN v. BRYAN*. Sup. Ct. Nev. Certiorari denied.

No. 76-5800. *COWDEN v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 545 F. 2d 257.

No. 76-5803. *LEVINGSTON v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 544 F. 2d 521.

No. 76-5807. *KARKARIA v. KARKARIA*. Super. Ct. Pa. Certiorari denied. Reported below: 241 Pa. Super. 554, 358 A. 2d 84.

No. 76-5824. *AUSTING v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 542 F. 2d 1180.

No. 76-5846. *BOYD v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 538 F. 2d 314.

No. 76-5885. *RAYGOSA-GAETA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 546 F. 2d 427.

No. 76-5917. *SWANSON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 542 F. 2d 1172.

No. 76-5925. *NEIKIRK v. ARKANSAS*. Sup. Ct. Ark. Certiorari denied. Reported below: 260 Ark. 526, 542 S. W. 2d 282.

No. 76-5999. *BOLUS v. ENGLE ET AL.* Sup. Ct. Ohio. Certiorari denied. Reported below: 48 Ohio St. 2d 3, 355 N. E. 2d 493.

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No. 76-6000. *CAVER v. ALABAMA*; and *WHITE v. ALABAMA*. C. A. 5th Cir. Certiorari denied. Reported below: 537 F. 2d 1333 (first case); 541 F. 2d 1092 (second case).

No. 76-6002. *ROY v. MANCHESTER GAS CO.* C. A. D. C. Cir. Certiorari denied.

No. 76-6006. *FELIX v. CARDWELL, WARDEN.* C. A. 9th Cir. Certiorari denied. Reported below: 545 F. 2d 92.

No. 76-6008. *CAMPISE v. HAMILTON, SHERIFF.* C. A. 5th Cir. Certiorari denied.

No. 76-6013. *TRIBBITT v. WAINWRIGHT, SECRETARY, DEPARTMENT OF OFFENDER REHABILITATION OF FLORIDA.* C. A. 5th Cir. Certiorari denied. Reported below: 540 F. 2d 840.

No. 76-6015. *MOTTU v. ESTELLE, CORRECTIONS DIRECTOR.* Ct. Crim. App. Tex. Certiorari denied.

No. 76-6022. *BRADLEY v. CALIFORNIA.* Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 76-6098. *MELVIN ET AL. v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 544 F. 2d 767.

No. 76-6108. *OSBORNE v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 542 F. 2d 574.

No. 76-6110. *SLEDGE v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 546 F. 2d 1120.

No. 76-6123. *TEFSA, AKA TEFFA v. UNITED STATES.* C. A. 3d Cir. Certiorari denied. Reported below: 544 F. 2d 138.

No. 76-6128. *DANISE v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. Reported below: 548 F. 2d 42.

No. 76-6137. *POWLESS v. UNITED STATES.* C. A. 8th Cir. Certiorari denied. Reported below: 546 F. 2d 792.

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No. 76-768. *RIOS ET AL. v. ENTERPRISE ASSOCIATION STEAMFITTERS, LOCAL NO. 638 OF U. A., ET AL.* C. A. 2d Cir. Certiorari denied. MR. JUSTICE BRENNAN and MR. JUSTICE STEWART would grant certiorari. Reported below: 542 F. 2d 579.

Rehearing Denied

No. 75-1318. *PEARSON v. DODD ET AL.*, 429 U. S. 396;

No. 76-566. *IACONETTI v. UNITED STATES*, 429 U. S. 1041;

No. 76-569. *NEW YORK SHIPPING ASSN., INC. v. NATIONAL LABOR RELATIONS BOARD ET AL.*, 429 U. S. 1041;

No. 76-570. *INTERNATIONAL LONGSHOREMEN'S ASSN., AFL-CIO v. NATIONAL LABOR RELATIONS BOARD ET AL.*, 429 U. S. 1041;

No. 76-622. *JOHNSON BRONZE CO. v. OSTAPOWICZ*, 429 U. S. 1041;

No. 76-5408. *MANVILLE v. MICHIGAN*, 429 U. S. 1063;

No. 76-5427. *BURBANK v. WARDEN, ILLINOIS STATE PENITENTIARY*, 429 U. S. 1045;

No. 76-5473. *GUERRA v. UNITED STATES*, 429 U. S. 1046;

No. 76-5531. *KELLEY v. UNITED STATES ET AL.*, 429 U. S. 1047;

No. 76-5556. *SELLARS v. ESTELLE, CORRECTIONS DIRECTOR*, 429 U. S. 1076;

No. 76-5731. *BERRYHILL v. GEORGIA*, 429 U. S. 1054; and

No. 76-5763. *MAYFIELD v. UNITED STATES*, 429 U. S. 1071. Petitions for rehearing denied.

No. 76-5414. *POWELL v. CALIFORNIA*, 429 U. S. 1032. Motion for leave to file petition for rehearing denied.

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 Seventh Circuit for the purpose of hearing and deciding the matter of *Taylor v.*

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American Bar Association, 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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Affirmed on Appeal

No. 76-976. *ROUNDTREE ET AL. v. BERGER, COMMISSIONER, DEPARTMENT OF SOCIAL SERVICES OF NEW YORK, ET AL.* Affirmed on appeal from D. C. E. D. N. Y. Reported below: 420 F. Supp. 282.

Appeals Dismissed

No. 76-699. *AMERICAN PARTY OF IDAHO ET AL. v. EVANS, CHAIRMAN, STATE BOARD OF EXAMINERS, ET AL.* Appeal from D. C. Idaho dismissed for want of jurisdiction.

No. 76-995. *DREWETT ET AL. v. LOUISIANA.* Appeal from Sup. Ct. La. dismissed for want of substantial federal question. Reported below: 338 So. 2d 288.

No. 76-5820. *MAYNARD v. NEW YORK.* Appeal from Sup. Ct. N. Y. dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari denied.

Certiorari Granted—Vacated and Remanded

No. 75-1706. *NATIONAL LABOR RELATIONS BOARD v. LOCAL 742, UNITED BROTHERHOOD OF CARPENTERS & JOINERS OF AMERICA, ET AL.*; and

No. 75-1755. *J. L. SIMMONS CO., INC. v. LOCAL 742, UNITED BROTHERHOOD OF CARPENTERS & JOINERS OF AMERICA, ET AL.* C. A. D. C. Cir. Certiorari granted, judgment vacated, and cases remanded for further consideration in light of *NLRB v. Pipefitters*, 429 U. S. 507 (1977). Reported below: 174 U. S. App. D. C. 456, 533 F. 2d 683.

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Certiorari Granted—Reversed. (See No. 76-867, *ante*, p. 308.)

Miscellaneous Orders

No. A-655 (76-1193). *ROBB, FORMER DIRECTOR OF DEPARTMENT OF MENTAL HEALTH, ET AL. v. KENNEDY.* Application for recall and stay of mandate of the United States Court of Appeals for the Eighth Circuit, presented to MR. JUSTICE REHNQUIST, and by him referred to the Court, denied.

No. A-709. *MELVIN v. UNITED STATES.* Application for stay of mandate of the United States Court of Appeals for the First Circuit and for bail pending timely filing of a petition for writ of certiorari, presented to MR. JUSTICE BRENNAN, and by him referred to the Court, denied. Reported below: 546 F. 2d 1.

No. 75-1605. *NIXON v. ADMINISTRATOR OF GENERAL SERVICES ET AL.* Appeal from D. C. D. C. Cir. [Probable jurisdiction noted, 429 U. S. 976.] Motion of appellees for additional time for oral argument granted and 15 additional minutes allotted for that purpose. Appellant also allotted 15 additional minutes for oral argument.

No. 75-1771. *COMMISSIONER OF INTERNAL REVENUE v. STANDARD LIFE & ACCIDENT INSURANCE Co.* C. A. 10th Cir. [Certiorari granted, 429 U. S. 814.] Motion of Lincoln National Life Insurance Co. for leave to file a brief as *amicus curiae* granted.

No. 76-422. *DOTHARD, DIRECTOR, DEPARTMENT OF PUBLIC SAFETY OF ALABAMA, ET AL. v. RAWLINSON ET AL.* Appeal from D. C. M. D. Ala. [Probable jurisdiction noted, 429 U. S. 976.] Motions of Women's Legal Defense Fund et al. and American Civil Liberties Union for leave to file briefs as *amici curiae* granted.

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No. 76-423. PUYALLUP TRIBE, INC., ET AL. *v.* DEPARTMENT OF GAME OF WASHINGTON ET AL. Sup. Ct. Wash. [Certiorari granted, 429 U. S. 976.] Motion of respondents Northwest Steelheaders Council of Trout, Unlimited, et al. for additional time for oral argument denied. Alternative request for divided argument granted.

No. 76-447. MILLIKEN, GOVERNOR OF MICHIGAN, ET AL. *v.* BRADLEY ET AL. C. A. 6th Cir. [Certiorari granted, 429 U. S. 958.] Motion of respondent Detroit Board of Education to argue on behalf of all respondents denied. Divided argument on behalf of respondents allowed.

No. 76-496. WOLMAN ET AL. *v.* ESSEX, SUPERINTENDENT OF PUBLIC INSTRUCTION OF OHIO, ET AL. Appeal from D. C. S. D. Ohio. [Probable jurisdiction noted, 429 U. S. 1037.] Motion of National Coalition for Public Education and Religious Liberty for leave to file a brief as *amicus curiae* granted.

Probable Jurisdiction Noted

No. 76-558. RAYMOND MOTOR TRANSPORTATION, INC., ET AL. *v.* RICE, SECRETARY, WISCONSIN DEPARTMENT OF TRANSPORTATION, ET AL. Appeal from D. C. W. D. Wis. Probable jurisdiction noted. MR. JUSTICE STEVENS took no part in the consideration or decision of this appeal. Reported below: 417 F. Supp. 1352.

Certiorari Denied. (See also No. 76-5820, *supra*.)

No. 76-697. NORTHRUP *v.* UNITED STATES DISTRICT COURT FOR THE DISTRICT OF RHODE ISLAND ET AL. C. A. 1st Cir. Certiorari denied.

No. 76-863. A. LASAPONARA & SONS, INC., ET AL. *v.* NATIONAL LABOR RELATIONS BOARD. C. A. 2d Cir. Certiorari denied. Reported below: 541 F. 2d 992.

No. 76-913. FISHER *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 540 F. 2d 1083.

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No. 76-936. *EMPIRE GAS CORP. ET AL. v. UNITED STATES ET AL.* Temp. Emerg. Ct. App. Certiorari denied. Reported below: 547 F. 2d 1147.

No. 76-948. *LEIB ET AL. v. TWENTIETH CENTURY CORP. ET AL.* C. A. 3d Cir. Certiorari denied.

No. 76-958. *COMMERCE UNION BANK, TRUSTEE, ET AL. v. KINKADE ET AL.* Sup. Ct. Ky. Certiorari denied. Reported below: 540 S. W. 2d 861.

No. 76-960. *JOHNSON v. INDIANA.* Sup. Ct. Ind. Certiorari denied. Reported below: 265 Ind. 470, 355 N. E. 2d 240.

No. 76-964. *RICHARD'S LUMBER & SUPPLY CO. ET AL. v. KAUFMAN & BROAD HOMES, INC., ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 545 F. 2d 18.

No. 76-965. *PURER v. JORDAN ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 542 F. 2d 1180.

No. 76-966. *WOLF ET AL. v. TRANS WORLD AIRLINES, INC. ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 544 F. 2d 134.

No. 76-973. *ARIZONA ET AL. v. COOK PAINT & VARNISH Co. ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 541 F. 2d 226.

No. 76-977. *VOLVO OF AMERICA CORP. v. SCHWARZER, U. S. DISTRICT JUDGE (ROSACK, REAL PARTY IN INTEREST).* C. A. 9th Cir. Certiorari denied.

No. 76-980. *IN RE KRAFT.* Sup. Ct. Idaho. Certiorari denied.

No. 76-983. *GOSPER v. FANCHER ET AL.* Ct. App. N. Y. Certiorari denied. Reported below: 40 N. Y. 2d 867, 356 N. E. 2d 479.

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No. 76-985. *GEVYN CONSTRUCTION CORP. v. LIMBACH CO.* C. A. 1st Cir. Certiorari denied. Reported below: 544 F. 2d 1104.

No. 76-991. *KOTTIS, ADMINISTRATRIX v. UNITED STATES STEEL CORP.* C. A. 7th Cir. Certiorari denied. Reported below: 543 F. 2d 22.

No. 76-993. *RONALD F. RIVIERE, D. D. S., INC. v. OHIO ET AL.* Sup. Ct. Ohio. Certiorari denied.

No. 76-998. *WIENER KING, INC. v. WIENER KING CORP. ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 546 F. 2d 421.

No. 76-1011. *WALGREEN LOUISIANA CO., INC., ET AL. v. CITY OF NEW ORLEANS ET AL.* Sup. Ct. La. Certiorari denied. Reported below: 337 So. 2d 1081.

No. 76-1044. *ESTATE OF WHITLOCK ET AL. v. COMMISSIONER OF INTERNAL REVENUE ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 547 F. 2d 506.

No. 76-1046. *VOELLER v. VOELLER.* Super. Ct. N. J. Certiorari denied.

No. 76-1054. *CATANZARO v. CENTRAL GULF STEAMSHIP CORP. ET AL.* C. A. 2d Cir. Certiorari denied.

No. 76-1092. *FALCONE ET AL. v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. Reported below: 544 F. 2d 607.

No. 76-1101. *IVLER v. UNITED STATES.* C. A. 3d Cir. Certiorari denied. Reported below: 547 F. 2d 1160.

No. 76-1103. *BERAN ET AL. v. UNITED STATES.* C. A. 8th Cir. Certiorari denied. Reported below: 546 F. 2d 1316.

No. 76-5599. *BENITEZ-CORTEZ v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 542 F. 2d 1180.

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No. 76-5602. *BALDWIN v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 76-5752. *ARMEDO-SARMIENTO v. UNITED STATES*;

No. 76-5764. *ROLDAN v. UNITED STATES*;

No. 76-6135. *RODRIGUEZ-PARRA v. UNITED STATES*; and

No. 76-6171. *MONTES-GOMEZ v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 545 F. 2d 785.

No. 76-5785. *CLARK v. MALLEY, WARDEN*. Sup. Ct. N. M. Certiorari denied.

No. 76-5809. *KLINE v. WISCONSIN*. Sup. Ct. Wis. Certiorari denied. Reported below: 73 Wis. 2d 337, 243 N. W. 2d 519.

No. 76-5811. *ATWELL ET AL. v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 541 F. 2d 279.

No. 76-5812. *RUNKLE v. ESTELLE, CORRECTIONS DIRECTOR*. C. A. 5th Cir. Certiorari denied. Reported below: 539 F. 2d 708.

No. 76-5832. *AINSWORTH v. REED, PENITENTIARY SUPERINTENDENT*. C. A. 5th Cir. Certiorari denied. Reported below: 542 F. 2d 243.

No. 76-5841. *TOWNS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 540 F. 2d 1083.

No. 76-5857. *GALLIANO v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 546 F. 2d 419.

No. 76-5876. *STOCKWELL v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 546 F. 2d 428.

No. 76-5879. *WITHERS v. UNITED STATES*. C. A. 10th Cir. Certiorari denied.

No. 76-5886. *RUDD v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 546 F. 2d 427.

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No. 76-5894. *SCLAFANI v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 536 F. 2d 703.

No. 76-5897. *PARKER v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 542 F. 2d 932.

No. 76-5900. *CHEW v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 546 F. 2d 309.

No. 76-5903. *ALVAREZ v. DISTRICT DIRECTOR, U. S. IMMIGRATION AND NATURALIZATION SERVICE*. C. A. 9th Cir. Certiorari denied. Reported below: 539 F. 2d 1220.

No. 76-5977. *FOX v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 547 F. 2d 1176.

No. 76-5989. *BEITLING v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 545 F. 2d 1106.

No. 76-6016. *LOVE v. GRAY, WARDEN*. C. A. 7th Cir. Certiorari denied. Reported below: 544 F. 2d 520.

No. 76-6018. *ASH v. IOWA*. Sup. Ct. Iowa. Certiorari denied. Reported below: 244 N. W. 2d 812.

No. 76-6020. *SMITH v. HOPPER, WARDEN*. C. A. 5th Cir. Certiorari denied.

No. 76-6032. *RADO v. CONNECTICUT*. Sup. Ct. Conn. Certiorari denied. Reported below: 172 Conn. 74, 372 A. 2d 159.

No. 76-6035. *MALLEY v. MANSON ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 547 F. 2d 25.

No. 76-6036. *BROWN v. FLORIDA*. Ct. App. Fla., 3d Dist. Certiorari denied. Reported below: 322 So. 2d 73.

No. 76-6041. *MICHELE v. FOGG, CORRECTIONAL SUPERINTENDENT*. C. A. 2d Cir. Certiorari denied.

No. 76-6049. *JONES v. BRIERTON, WARDEN*. C. A. 7th Cir. Certiorari denied. Reported below: 544 F. 2d 520.

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No. 76-6050. *HUFFMAN v. ESTELLE*, CORRECTIONS DIRECTOR. C. A. 5th Cir. Certiorari denied.

No. 76-6051. *TUCKER v. GUNN*, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 76-6053. *KAWAMURA v. VERSKA*. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 76-6057. *OWENS v. OFFICE OF THE DEAN, RUTGERS LAW SCHOOL, ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 546 F. 2d 418.

No. 76-6088. *ZAPATA v. WATKINS ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 542 F. 2d 1168.

No. 76-6127. *REFUGE v. MAGGIO*, WARDEN. C. A. 5th Cir. Certiorari denied.

No. 76-6129. *BABSON v. UNITED STATES*. C. A. 10th Cir. Certiorari denied.

No. 76-6139. *BLACKWELL v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 549 F. 2d 799.

No. 76-6143. *DEVOLL v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 546 F. 2d 427.

No. 76-6157. *PEARCE ET AL. v. UNITED STATES*. C. A. 10th Cir. Certiorari denied.

No. 76-6164. *WUESCHINSKI v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 547 F. 2d 1166.

No. 76-6165. *MCINTOSH ET AL. v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 547 F. 2d 1048.

No. 76-6168. *BUSBY v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 76-6170. *WATTERS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 545 F. 2d 1297.

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No. 76-6182. *WOODS ET AL. v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. Reported below: 178 U. S. App. D. C. 277, 546 F. 2d 1043.

No. 76-493. *ESTELLE, CORRECTIONS DIRECTOR v. MABRY*. C. A. 5th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 532 F. 2d 184.

No. 76-530. *MARTINEZ, ADMINISTRATRIX v. SHROCK ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 537 F. 2d 765.

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

Petitioner's decedent, a retired Army sergeant, died shortly after undergoing a gall bladder operation performed by respondents, two Army surgeons. Petitioner instituted survival and wrongful-death claims under New Jersey law in the Superior Court of New Jersey. Respondents removed the action to the United States District Court. The District Court dismissed the complaint on the ground that respondents were absolutely immune from personal liability for acts done within the scope of their official duties under *Barr v. Mateo*, 360 U. S. 564 (1959). The Court of Appeals for the Third Circuit, sitting en banc, affirmed.

The Court of Appeals placed principal reliance on its decision in *Bailey v. DeQuevedo*, 375 F. 2d 72, cert. denied, 389 U. S. 923 (1967), which in turn relied heavily upon *Feres v. United States*, 340 U. S. 135 (1950). In *Feres* the Court held that the United States was not subject to suit under the Federal Tort Claims Act, 28 U. S. C. §§ 1346 and 2671 *et seq.* (1970 ed. and Supp. V), for injuries resulting from the negligence of an Army surgeon in the performance of his duties. In *Bailey* the Third Circuit applied this rule to bar a diversity suit arising under state law against an Army surgeon personally.

The Court of Appeals' reliance on *Feres* and *Bailey* deserves further scrutiny. First, in both *Feres* and *Bailey* the persons injured were active-duty military personnel, a fact critical to the reasoning in both decisions, while petitioner's decedent was in a retired status at the time that the injury occurred. This Court has held that *Feres* does not apply where, as here, the person injured is a discharged veteran of the Armed Services. *United States v. Brown*, 348 U. S. 110 (1954). Second, the question presented in *Bailey*—whether the decision in *Feres*, which involved a statutory interpretation of the Tort Claims Act, creates an unqualified personal immunity for military physicians from suits arising under state law—has never been decided by this Court.

In the past, when Congress has seen fit to immunize certain categories of federal officials, including physicians, from suit, it has done so by statute. See 38 U. S. C. § 4116 (1970 ed. and Supp. V); 42 U. S. C. § 233. No such statute was applicable in this case.* Apart from these statutes, this Court has recognized a very narrow category of judicially created absolute immunity for some federal officials. See *Barr v. Mateo*, *supra*. However, such absolute immunity heretofore has only been applied to policymaking officials, and nowhere has it been suggested that there is a judicially created unqualified immunity for Government functionaries operating at respondents' level. Indeed, when faced with precisely the

*On October 8, 1976, after the Third Circuit's decision in this case, Congress by statute declared that an action against the United States is the sole remedy for injuries resulting from the negligent or wrongful acts or omissions of medical personnel in the Armed Forces, 90 Stat. 1985, 10 U. S. C. § 1089 (1976 ed.), thereby extending statutory immunity to Army surgeons such as respondents. This statute was not made retroactive, however, and therefore has no applicability to this case. Because the decision below has broader implications than presented by the narrow facts of this case, the enactment of the new statute does not detract from the utility of affording plenary consideration to the issues here presented.

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same issue presented here, the Court of Appeals for the District of Columbia Circuit held that an Army medical officer was not entitled to absolute immunity from suit. *Henderson v. Bluemink*, 167 U. S. App. D. C. 161, 511 F. 2d 399 (1974). Hence, there is a square conflict between the Third Circuit and the District of Columbia Circuit as to the proper resolution of the issue presented in this case.

In order to decide the serious, unsettled question presented here, and to resolve the Circuit conflict, I would grant the petition for certiorari.

No. 76-781. *EXXON CORP. ET AL. v. ENVIRONMENTAL PROTECTION AGENCY ET AL.* C. A. 10th Cir. Certiorari denied. MR. JUSTICE STEWART and MR. JUSTICE POWELL took no part in the consideration or decision of this petition. Reported below: 540 F. 2d 1023.

No. 76-870. *MINNESOTA PUBLIC INTEREST RESEARCH GROUP v. SECRETARY OF AGRICULTURE ET AL.* C. A. 8th Cir. Certiorari denied. MR. JUSTICE BLACKMUN took no part in the consideration or decision of this petition. Reported below: 541 F. 2d 1292.

No. 76-988. *BLUE SHIELD OF SOUTHERN WEST VIRGINIA, INC., ET AL. v. BALLARD ET AL.* C. A. 4th Cir. Certiorari denied. MR. JUSTICE BLACKMUN would grant certiorari. Reported below: 543 F. 2d 1075.

No. 76-5854. *SMITH v. TEXAS.* Ct. Crim. App. Tex. Certiorari denied. MR. JUSTICE BRENNAN and MR. JUSTICE MARSHALL would grant certiorari and vacate the judgment insofar as it leaves undisturbed the sentence of death. See *Gregg v. Georgia*, 428 U. S. 153, 227 (1976) (BRENNAN, J., dissenting); *id.*, at 231 (MARSHALL, J., dissenting). MR. JUSTICE WHITE would grant certiorari limited to Questions 1 and 2 presented by the petition. Reported below: 540 S. W. 2d 693.

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Rehearing Denied

No. 75-1694. JONES ET AL. *v.* NEW YORK CITY HUMAN RESOURCES ADMINISTRATION ET AL., 429 U. S. 825;

No. 76-459. COMMUNICATIONS WORKERS OF AMERICA *v.* WESTERN ELECTRIC CO., INC., ET AL., 429 U. S. 1067;

No. 76-851. ALBERT ET AL. *v.* FIRST NATIONAL BANK & TRUST COMPANY OF MARQUETTE, EXECUTOR, 429 U. S. 1074;

No. 76-5380. RICKETTS *v.* TEXAS ET AL., 429 U. S. 1063;

No. 76-5577. JENKINS ET AL. *v.* UNITED STATES, 429 U. S. 1079;

No. 76-5619. CRANE *v.* HINSHAW ET AL., 429 U. S. 1064;

No. 76-5816. CRANE *v.* RAM ENTERPRISES, INC., 429 U. S. 1077;

No. 76-5817. CRANE *v.* CITY OF SAN DIEGO ET AL., 429 U. S. 1077;

No. 76-5818. CRANE *v.* COUNTY OF RIVERSIDE ET AL., 429 U. S. 1077;

No. 76-5822. SMOCK *v.* KESSLER, JUDGE, ET AL., 429 U. S. 1077; and

No. 76-5844. JOHNSON *v.* MALLEY, WARDEN, 429 U. S. 1059. Petitions for rehearing denied.

No. 75-6490. ESCOBAR-ORDONEZ *v.* IMMIGRATION AND NATURALIZATION SERVICE, 426 U. S. 938. Motion for leave to file petition for rehearing denied.

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Dismissal Under Rule 60

No. 76-950. WOBBS *v.* FORD MOTOR CO. ET AL. C. A. 3d Cir. Certiorari dismissed under this Court's Rule 60.

MARCH 11, 1977

Dismissal Under Rule 60

No. 76-5780. JOHNSON *v.* UNITED STATES. C. A. 3d Cir. Certiorari dismissed under this Court's Rule 60. Reported below: 542 F. 2d 1168.

MARCH 21, 1977

Dismissals Under Rule 60

No. 75-765. *COFFIN v. CALIFANO, SECRETARY OF HEALTH, EDUCATION, AND WELFARE*; and

No. 75-791. *CALIFANO, SECRETARY OF HEALTH, EDUCATION, AND WELFARE v. COFFIN*. Appeals from D. C. D. C. dismissed under this Court's Rule 60. Reported below: 400 F. Supp. 953.

Affirmed on Appeal

No. 75-712. *CALIFANO, SECRETARY OF HEALTH, EDUCATION, AND WELFARE v. SILBOWITZ ET UX*. Affirmed on appeal from D. C. S. D. Fla. Reported below: 397 F. Supp. 862.

No. 75-727. *JABLON ET VIR v. CALIFANO, SECRETARY OF HEALTH, EDUCATION, AND WELFARE*; and

No. 75-739. *CALIFANO, SECRETARY OF HEALTH, EDUCATION, AND WELFARE v. JABLON ET VIR*. Affirmed on appeal from D. C. Md. Reported below: 399 F. Supp. 118.

No. 76-772. *COUNTY COMMISSION OF HALE COUNTY ET AL. v. UNITED STATES*. Affirmed on appeal from D. C. S. D. Ala. Reported below: 425 F. Supp. 433.

No. 76-802. *HOWARD v. REAL ESTATE COMMISSION OF COLORADO*. Affirmed on appeal from D. C. Colo.

No. 75-1643. *CALIFANO, SECRETARY OF HEALTH, EDUCATION, AND WELFARE v. ABBOTT ET UX*. Appeal from D. C. N. D. Ohio. Motion of appellees for leave to proceed *in forma pauperis* granted. Judgment affirmed.

No. 76-1038. *ALLEN ET AL. v. AUSTIN, SECRETARY OF STATE OF MICHIGAN, ET AL.* Affirmed on appeal from D. C. E. D. Mich. MR. JUSTICE STEWART, MR. JUSTICE BLACKMUN, and MR. JUSTICE POWELL would postpone jurisdiction to a hearing of case on the merits. Reported below: 419 F. Supp. 1002.

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No. 76-1039. *WILSON v. WILSON ET AL.* Affirmed on appeal from D. C. Ore. Reported below: 416 F. Supp. 984.

Appeals Dismissed

No. 76-1013. *TEXAS EASTERN TRANSMISSION CORP. v. KINGSLEY, DIRECTOR, DIVISION OF TAXATION.* Appeal from Super. Ct. N. J. dismissed for want of substantial federal question.

No. 76-1043. *HENNIGAN v. LOUISIANA STATE BAR ASSN.* Appeal from Sup. Ct. La. dismissed for want of substantial federal question. Reported below: 340 So. 2d 264.

No. 76-6167. *BUSTELL v. BUSTELL.* Appeal from Sup. Ct. Mont. dismissed for want of substantial federal question. Reported below: 170 Mont. 457, 555 P. 2d 722.

No. 76-1034. *MOREAU v. TONRY ET AL.* Appeal from Sup. Ct. La. dismissed for want of properly presented federal question. Reported below: 339 So. 2d 3.

No. 76-6148. *REISER v. HUNTINGTON NATIONAL BANK ET AL.* Appeal from Ct. App. Ohio, Franklin County, dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari denied.

Certiorari Granted—Vacated and Remanded

No. 75-1663. *FRIEDMAN v. UNITED STATES.* C. A. 10th Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Marks v. United States*, ante, p. 188. Reported below: 528 F. 2d 784.

No. 76-728. *MENTAL PATIENT CIVIL LIBERTIES PROJECT ET AL. v. DEPARTMENT OF PUBLIC WELFARE OF PENNSYLVANIA ET AL.* C. A. 3d Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of 90 Stat. 2641, 42 U. S. C. § 1988 (1976 ed.). Reported below: 541 F. 2d 275.

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Certiorari Granted—Reversed and Remanded. (See No. 76-5881, *ante*, p. 322; and No. 76-5920, *ante*, p. 325.)

Miscellaneous Orders

No. A-710. *PEARSON v. OKLAHOMA*. Ct. Crim. App. Okla. Renewed application for bail, presented to MR. JUSTICE BRENNAN, and by him referred to the Court, denied.

No. A-514 (76-902). *OLSEN v. GOODMAN*. Application for stay of trial in the 11th Judicial Circuit, in and for Dade County, Fla., presented to THE CHIEF JUSTICE, and by him referred to the Court, denied.

No. D-60. *IN RE DISBARMENT OF HOFFER*. Disbarment entered. [For earlier order herein, see 429 U. S. 913.]

No. D-61. *IN RE DISBARMENT OF HEMLOCK*. Disbarment entered. [For earlier order herein, see 429 U. S. 913.]

No. D-63. *IN RE DISBARMENT OF SMILEY*. Disbarment entered. [For earlier order herein, see 429 U. S. 913.]

No. D-71. *IN RE DISBARMENT OF MASON*. Disbarment entered. [For earlier order herein, see 429 U. S. 936.]

No. D-72. *IN RE DISBARMENT OF MANER*. Disbarment entered. [For earlier order herein, see 429 U. S. 936.]

No. D-77. *IN RE DISBARMENT OF LACINAK*. Disbarment entered. [For earlier order herein, see 429 U. S. 937.]

No. D-78. *IN RE DISBARMENT OF MOORE*. Disbarment entered. [For earlier order herein, see 429 U. S. 937.]

No. D-94. *IN RE DISBARMENT OF ESBER*. Disbarment entered. [For earlier order herein, see 429 U. S. 1035.]

No. D-96. *IN RE DISBARMENT OF HOFFMANN*. It is ordered that Joseph L. Hoffmann, of Monongahela, Pa., be suspended from the practice of law in this Court and that a rule

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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. D-98. IN RE DISBARMENT OF RENSHAW. It is ordered that Robert E. Renshaw, of Springfield, Ohio, 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. 75-1126. TRANS WORLD AIRLINES, INC. *v.* HARDISON ET AL.; and

No. 75-1385. INTERNATIONAL ASSOCIATION OF MACHINISTS & AEROSPACE WORKERS, AFL-CIO, ET AL. *v.* HARDISON ET AL. C. A. 8th Cir. [Certiorari granted, 429 U. S. 958.] Motion of National Jewish Commission on Law and Public Affairs for leave to participate in oral argument as *amicus curiae* in support of respondents granted.

No. 75-1874. JONES, SECRETARY, DEPARTMENT OF CORRECTION OF NORTH CAROLINA, ET AL. *v.* NORTH CAROLINA PRISONERS' LABOR UNION, INC. Appeal from D. C. E. D. N. C. [Probable jurisdiction noted, 429 U. S. 976.] Motion of the Acting Solicitor General for leave to participate in oral argument as *amicus curiae* granted and five additional minutes allotted for that purpose.

No. 75-6909. MANESS *v.* WAINWRIGHT, SECRETARY, DEPARTMENT OF OFFENDER REHABILITATION OF FLORIDA. C. A. 5th Cir. [Certiorari granted, 429 U. S. 893.] Motion of George R. Georgieff, Esquire, to permit Arthur Joel Berger, Esquire, to argue *pro hac vice* on behalf of respondent granted. Motion of petitioner for additional time for oral argument, or in the alternative for divided argument, denied. Motion to strike portions of respondent's brief denied.

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No. 75-1181. *BATTERTON, SECRETARY, DEPARTMENT OF HUMAN RESOURCES OF MARYLAND, ET AL. v. FRANCIS ET AL.* C. A. 4th Cir. [Certiorari granted, 429 U. S. 939.] Motion of the Chamber of Commerce of the United States for divided argument and/or additional time for oral argument denied.

No. 76-63. *HUNT, GOVERNOR OF NORTH CAROLINA, ET AL. v. WASHINGTON STATE APPLE ADVERTISING COMMISSION.* Appeal from D. C. E. D. N. C. [Probable jurisdiction postponed, *sub nom. Holshouser. v. Washington State Apple Advertising Comm'n*, 429 U. S. 814.] Motion of appellee for leave to file supplemental brief after argument granted.

No. 76-423. *PUYALLUP TRIBE, INC., ET AL. v. DEPARTMENT OF GAME OF WASHINGTON ET AL.* Sup. Ct. Wash. [Certiorari granted, 429 U. S. 976.] Motion of the Acting Solicitor General for leave to participate in oral argument as *amicus curiae* granted and 15 additional minutes allotted for that purpose. Respondents also allotted 15 additional minutes for oral argument.

No. 76-919. *FORT BELKNAP INDIAN COMMUNITY, FORT BELKNAP INDIAN RESERVATION v. DISTRICT COURT OF THE TWELFTH JUDICIAL DISTRICT OF MONTANA, IN AND FOR THE COUNTY OF BLAINE, ET AL.* Sup. Ct. Mont. The Solicitor General is invited to file a brief in this case expressing the views of the United States.

No. 76-5187. *LEE v. UNITED STATES.* C. A. 7th Cir. [Certiorari granted, 429 U. S. 1037.] Motion for appointment of counsel granted, and it is ordered that Joseph P. Bauer, Esquire, of Notre Dame, Ind., be appointed to serve as co-counsel for petitioner in this case.

No. 76-5416. *JONES v. HILDEBRANT ET AL.* Sup. Ct. Colo. [Certiorari granted, 429 U. S. 1061.] Motion of Lawyers' Committee for Civil Rights Under Law et al. for leave to file a brief as *amici curiae* granted.

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No. 76-5206. *ROBERTS v. LOUISIANA*. Sup. Ct. La. [Certiorari granted, 429 U. S. 938.] Motion of the Attorney General of New York for leave to participate in oral argument as *amicus curiae* granted. Motion of the Attorney General of California for leave to participate in oral argument as *amicus curiae* denied.

No. 76-6107. *DOVE v. NEW YORK ET AL.*;

No. 76-6125. *MAGEE v. WEST*, U. S. DISTRICT JUDGE; and

No. 76-6147. *HENRY v. UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT ET AL.* Motions for leave to file petitions for writs of mandamus denied.

Probable Jurisdiction Postponed

No. 76-1057. *KEY ET AL. v. DOYLE ET AL.* Appeal from Ct. App. D. C. Further consideration of question of jurisdiction postponed to hearing of case on the merits. Reported below: 365 A. 2d 621.

Certiorari Granted

No. 76-5935. *DURST ET AL. v. UNITED STATES*. C. A. 4th Cir. Certiorari granted. Motion of petitioner for leave to proceed *in forma pauperis* and certiorari granted. Reported below: 549 F. 2d 799.

Certiorari Denied. (See also No. 76-6148, *supra*.)

No. 75-1843. *CROW DOG v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 532 F. 2d 1182.

No. 76-104. *COMMUNITY SCHOOL BOARD OF BROOKLYN, NEW YORK DISTRICT NO. 14, ET AL. v. HUNTLEY*. C. A. 2d Cir. Certiorari denied. Reported below: 543 F. 2d 979.

No. 76-450. *INGRAM CORP. v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 541 F. 2d 166.

No. 76-625. *HUNTLEY ET AL. v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 535 F. 2d 1400.

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No. 76-671. *SOLITRON DEVICES, INC. v. UNITED STATES*. Ct. Cl. Certiorari denied. Reported below: 210 Ct. Cl. 352, 537 F. 2d 417.

No. 76-686. *DALEY v. CALIFANO, SECRETARY OF HEALTH, EDUCATION, AND WELFARE, ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 536 F. 2d 519.

No. 76-729. *GIBSON ET AL. v. GRIMM, JUDGE*. Sup. Ct. Mo. Certiorari denied. Reported below: 540 S. W. 2d 17.

No. 76-754. *B. F. GOODRICH CO. ET AL. v. UNITED STATES DEPARTMENT OF TRANSPORTATION ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 541 F. 2d 1178.

No. 76-770. *CAHN v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 76-773. *GORDON ET UX. v. UNITED STATES*. Ct. Cl. Certiorari denied. Reported below: 211 Ct. Cl. 310, 546 F. 2d 430.

No. 76-784. *CIVIL SERVICE COMMISSION OF THE CITY OF NEW YORK ET AL. v. BERNS*. C. A. 2d Cir. Certiorari denied. Reported below: 537 F. 2d 714.

No. 76-789. *NOLL v. VIRGINIA*. Sup. Ct. Va. Certiorari denied.

No. 76-790. *MILLER v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 545 F. 2d 1204.

No. 76-799. *ALBERTS, INC. v. NATIONAL LABOR RELATIONS BOARD ET AL.* C. A. D. C. Cir. Certiorari denied.

No. 76-820. *OKAGBARE v. IMMIGRATION AND NATURALIZATION SERVICE*. C. A. 6th Cir. Certiorari denied.

No. 76-827. *LAMBROS v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 544 F. 2d 962.

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No. 76-840. TEXAS INDUSTRIAL ACCIDENT BOARD ET AL. *v.* INDUSTRIAL FOUNDATION OF THE SOUTH. Sup. Ct. Tex. Certiorari denied. Reported below: 540 S. W. 2d 668.

No. 76-876. MACDONALD, CHAIRMAN, NAVAJO TRIBAL COUNCIL *v.* SEKAQUAPTEWA, CHAIRMAN, HOPI TRIBAL COUNCIL, ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 544 F. 2d 396.

No. 76-881. FIRST BANK & TRUST CO. *v.* BLOOM, ACTING COMPTROLLER OF THE CURRENCY, ET AL. C. A. 1st Cir. Certiorari denied. Reported below: 545 F. 2d 752.

No. 76-895. WHEATON *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 546 F. 2d 6.

No. 76-897. HESS, TRUSTEE, ET AL. *v.* UNITED STATES. Ct. Cl. Certiorari denied. Reported below: 210 Ct. Cl. 483, 537 F. 2d 457.

No. 76-915. PATRICK *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 542 F. 2d 381.

No. 76-921. RAPOPORT *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 545 F. 2d 802.

No. 76-997. KANNISTO *v.* CITY AND COUNTY OF SAN FRANCISCO ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 541 F. 2d 841.

No. 76-1002. LAHMANN *v.* HAUBROCK ET AL. Sup. Ct. Ohio. Certiorari denied.

No. 76-1004. CASTLEWOOD INTERNATIONAL CORP. *v.* DISTILLED SPIRITS COUNCIL OF THE UNITED STATES, INC. C. A. D. C. Cir. Certiorari denied. Reported below: 177 U. S. App. D. C. 269, 543 F. 2d 416.

No. 76-1014. BEDELL *v.* ARKANSAS. Sup. Ct. Ark. Certiorari denied. Reported below: 260 Ark. 401, 541 S. W. 2d 297.

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No. 76-1017. *GRANT v. PARKE, DAVIS & Co.* C. A. 7th Cir. Certiorari denied. Reported below: 544 F. 2d 521.

No. 76-1024. *BAUM v. ANDERSON.* C. A. 5th Cir. Certiorari denied. Reported below: 541 F. 2d 1166.

No. 76-1031. *PAPPAGEORGE v. CALIFORNIA.* Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 76-1041. *HARRIS v. ARKANSAS.* Sup. Ct. Ark. Certiorari denied. Reported below: 260 Ark. 420, 540 S. W. 2d 859.

No. 76-1045. *DWYER ET AL. v. CLIMATROL INDUSTRIES, INC., ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 544 F. 2d 307.

No. 76-1049. *BAKER ET UX. v. BRIGGS, ADMINISTRATOR; and BAKER ET UX. v. PIHL, JUDGE.* C. A. 9th Cir. Certiorari denied.

No. 76-1050. *CAPLAN v. HOWARD ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 540 F. 2d 1083.

No. 76-1051. *CRABBE ET AL. v. HORD.* Ct. Civ. App. Tex., 2d Sup. Jud. Dist. Certiorari denied. Reported below: 536 S. W. 2d 409.

No. 76-1055. *TUCKER v. PEOPLES SAVINGS BANK, BRIDGEPORT.* Sup. Ct. Conn. Certiorari denied. Reported below: 172 Conn. 686, 365 A. 2d 632.

No. 76-1059. *ELKINS v. OHIO.* Sup. Ct. Ohio. Certiorari denied.

No. 76-1063. *TUCKER v. HARTFORD NATIONAL BANK & TRUST Co.* Sup. Ct. Conn. Certiorari denied. Reported below: 172 Conn. 675, 364 A. 2d 643.

No. 76-1108. *RILEY v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 544 F. 2d 237.

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No. 76-1129. *COCO v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 542 F. 2d 573.

No. 76-1147. *TURNER v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 549 F. 2d 803.

No. 76-1155. *BERZONSKI v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 547 F. 2d 1164.

No. 76-1158. *KELLEY ET AL. v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 545 F. 2d 619.

No. 76-1173. *KLEIN v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 76-1181. *ROSENBERG ET AL. v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 76-5581. *MORROW v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 541 F. 2d 1229.

No. 76-5683. *FARRIES v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 542 F. 2d 1167.

No. 76-5696. *SHAW v. BRISCOE, GOVERNOR OF TEXAS, ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 541 F. 2d 489.

No. 76-5739. *THURMOND v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 541 F. 2d 774.

No. 76-5776. *PAYNE v. HOPPER, WARDEN*. C. A. 5th Cir. Certiorari denied.

No. 76-5788. *MCGRATH v. CALIFANO, SECRETARY OF HEALTH, EDUCATION, AND WELFARE*. C. A. 10th Cir. Certiorari denied. Reported below: 541 F. 2d 249.

No. 76-5797. *MOORE v. RISTAINO ET AL.* C. A. 1st Cir. Certiorari denied.

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No. 76-5815. *ZANNIS v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 538 F. 2d 331.

No. 76-5821. *REESE v. UNITED STATES ET AL.* C. A. 10th Cir. Certiorari denied.

No. 76-5826. *PHILLION v. HARRIS, WARDEN*. C. A. 9th Cir. Certiorari denied. Reported below: 542 F. 2d 1180.

No. 76-5833. *WORTHY v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 546 F. 2d 428.

No. 76-5864. *CLAY ET AL. v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 542 F. 2d 1283.

No. 76-5865. *JOHNSON v. MISSOURI*. Ct. App. Mo., St. Louis District. Certiorari denied. Reported below: 539 S. W. 2d 493.

No. 76-5868. *SMITH v. TEXAS*. C. A. 5th Cir. Certiorari denied. Reported below: 539 F. 2d 708.

No. 76-5880. *DeLUCA v. UNITED STATES*; and

No. 76-5947. *WALLACE v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 546 F. 2d 420.

No. 76-5883. *ROOTS v. WAINWRIGHT, SECRETARY, DEPARTMENT OF OFFENDER REHABILITATION OF FLORIDA*. C. A. 5th Cir. Certiorari denied.

No. 76-5893. *JOHNSON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 542 F. 2d 941.

No. 76-5914. *YOUNG v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 541 F. 2d 331.

No. 76-5931. *SPOON v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 544 F. 2d 523.

No. 76-5934. *STARR v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 546 F. 2d 420.

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No. 76-5957. *ARMENTROUT v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 544 F. 2d 526.

No. 76-5958. *WALKER v. NEW YORK*. App. Div., Sup. Ct. N. Y., 1st Jud. Dept. Certiorari denied. Reported below: 54 App. Div. 2d 620, 387 N. Y. S. 2d 341.

No. 76-5963. *BRIGHT v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 541 F. 2d 471.

No. 76-5965. *SINCLAIR v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 547 F. 2d 1176.

No. 76-5967. *HILL v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 546 F. 2d 420.

No. 76-5970. *BATTLES v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 546 F. 2d 419.

No. 76-5974. *JEFFERS v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 544 F. 2d 523.

No. 76-5978. *JAMES v. TENNYSON*. C. A. 8th Cir. Certiorari denied.

No. 76-5982. *FRANKS v. ESTELLE, CORRECTIONS DIRECTOR*. C. A. 5th Cir. Certiorari denied. Reported below: 543 F. 2d 567.

No. 76-5991. *MUSOLINO v. NEW YORK*. App. Div., Sup. Ct. N. Y., 3d Jud. Dept. Certiorari denied. Reported below: 54 App. Div. 2d 22, 386 N. Y. S. 2d 710.

No. 76-6007. *LOVELL v. LORA ET AL.* C. A. 1st Cir. Certiorari denied.

No. 76-6043. *JORDAN v. NEW JERSEY*. C. A. 3d Cir. Certiorari denied. Reported below: 546 F. 2d 421.

No. 76-6055. *DUNSON v. OHIO*. Ct. App. Ohio, Cuyahoga County. Certiorari denied.

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No. 76-6059. *HARRIS v. TENNESSEE*. C. A. 6th Cir. Certiorari denied. Reported below: 546 F. 2d 424.

No. 76-6061. *BLUVER v. NEW YORK*. App. Div., Sup. Ct. N. Y., 2d Jud. Dept. Certiorari denied. Reported below: 54 App. Div. 2d 764, 387 N. Y. S. 2d 994.

No. 76-6069. *MAKAL v. ARIZONA ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 544 F. 2d 1030.

No. 76-6071. *GOULD v. WFF-N-PROOF ET AL.* C. A. D. C. Cir. Certiorari denied. Reported below: 176 U. S. App. D. C. 240, 539 F. 2d 242.

No. 76-6074. *LEITZEL v. STAPLETON ET AL.* Super. Ct. Pa. Certiorari denied. Reported below: 236 Pa. Super. 718, 348 A. 2d 750.

No. 76-6077. *CLARK ET AL. v. LOUISIANA*. Sup. Ct. La. Certiorari denied. Reported below: 340 So. 2d 208.

No. 76-6079. *RODRIGUEZ v. ESTELLE, CORRECTIONS DIRECTOR*. C. A. 5th Cir. Certiorari denied. Reported below: 536 F. 2d 1385.

No. 76-6080. *O'LEARY v. ILLINOIS ET AL.* Sup. Ct. Ill. Certiorari denied. Reported below: 65 Ill. 2d 268, 357 N. E. 2d 491.

No. 76-6084. *MORGAN v. MINNESOTA*. Sup. Ct. Minn. Certiorari denied. Reported below: 310 Minn. 88, 246 N. W. 2d 165.

No. 76-6085. *SHADD v. TRIDICO ET AL.* C. A. 3d Cir. Certiorari denied.

No. 76-6086. *FORRESTER v. NEW YORK UNIVERSITY*. C. A. 2d Cir. Certiorari denied.

No. 76-6092. *WRINKLE v. VIRGINIA*. Sup. Ct. Va. Certiorari denied.

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No. 76-6101. *LOGAN v. CAPPS, WARDEN, ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 542 F. 2d 1171.

No. 76-6109. *FULSOM v. WYRICK, WARDEN.* C. A. 8th Cir. Certiorari denied.

No. 76-6113. *SMITH v. TEXAS.* Ct. Crim. App. Tex. Certiorari denied. Reported below: 541 S. W. 2d 831.

No. 76-6117. *DUNBAR v. ROSE, WARDEN.* C. A. 6th Cir. Certiorari denied. Reported below: 546 F. 2d 424.

No. 76-6121. *GOEWY v. COCHRANE.* C. A. 4th Cir. Certiorari denied. Reported below: 546 F. 2d 422.

No. 76-6173. *FASICK v. UNITED STATES.* C. A. 3d Cir. Certiorari denied. Reported below: 547 F. 2d 1165.

No. 76-6175. *PILLIS v. DISTRICT OF COLUMBIA HACKERS' LICENSE APPEAL BOARD.* Ct. App. D. C. Certiorari denied. Reported below: 366 A. 2d 1094.

No. 76-6179. *SHAW v. MANUFACTURERS & TRADERS TRUST Co.* C. A. 2d Cir. Certiorari denied.

No. 76-6185. *YOUNG v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. Reported below: 547 F. 2d 1168.

No. 76-6186. *CRUZ v. UNITED STATES.* C. A. 7th Cir. Certiorari denied. Reported below: 547 F. 2d 1171.

No. 76-6187. *HENDRIX v. UNITED STATES.* C. A. 8th Cir. Certiorari denied. Reported below: 547 F. 2d 438.

No. 76-6197. *ANGUIANO-ARREOLA v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 549 F. 2d 809.

No. 76-6198. *GERMANY v. UNITED STATES.* C. A. 10th Cir. Certiorari denied.

No. 76-6206. *OLLIE v. UNITED STATES.* Ct. App. D. C. Certiorari denied.

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No. 76-6207. *McGHEE v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 529 F. 2d 521.

No. 76-6209. *GONZALES, AKA TORRES-GARCIA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 76-6214. *ARGUMEDO-RODRIGUEZ v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 549 F. 2d 809.

No. 76-6215. *SLATER v. UNITED STATES*. C. A. 1st Cir. Certiorari denied.

No. 76-6218. *GREEN v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 76-6219. *HEATH v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 547 F. 2d 1165.

No. 76-6226. *THOMPSON v. LAFFOON ET AL.* C. A. 9th Cir. Certiorari denied.

No. 76-6227. *FIELHAUER v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 547 F. 2d 1168.

No. 76-6232. *BREEZE v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 547 F. 2d 1174.

No. 76-6285. *LEWIS v. HENDERSON, CORRECTIONAL SUPERINTENDENT*. C. A. 2d Cir. Certiorari denied.

No. 75-985. *AMERICAN THEATRE CORP. ET AL. v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 526 F. 2d 48.

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

Petitioners were convicted in the United States District Court for the District of Nebraska of knowingly transporting by common carrier in interstate commerce two obscene films

in violation of 18 U. S. C. § 1462. The Court of Appeals for the Eighth Circuit affirmed. 526 F.2d 48.

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."

I adhere to my dissent in *United States v. Orito*, 413 U. S. 139, 147 (1973), in which, speaking of 18 U. S. C. § 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 Eighth Circuit was rendered after *Orito*, reverse. In that circumstance, I have no occasion to consider whether the other questions presented by petitioners merit plenary review. See *Heller v. New York*, 413 U. S. 483, 495 (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

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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 case decided on, and 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 a new trial under local community standards.

No. 76-188. GOURLEY, DIRECTOR, DIVISION OF FAMILY SERVICES OF MISSOURI, ET AL. *v.* LEWIS. C. A. 8th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. MR. JUSTICE BLACKMUN would grant certiorari. Reported below: 534 F. 2d 794.

No. 76-917. HORWATH ET AL. *v.* NATIONAL LABOR RELATIONS BOARD ET AL. C. A. 7th Cir. Certiorari denied. MR. JUSTICE BLACKMUN would grant certiorari. Reported below: 539 F. 2d 1093.

No. 76-974. PEABODY COAL CO. *v.* LOCAL UNION NO. 1734 ET AL., UNITED MINE WORKERS OF AMERICA. C. A. 6th Cir. Certiorari denied. MR. JUSTICE BLACKMUN would grant certiorari. Reported below: 543 F. 2d 10.

No. 76-1023. FRANCHISE REALTY INTERSTATE CORP. ET AL. *v.* SAN FRANCISCO LOCAL JOINT EXECUTIVE BOARD OF CULINARY WORKERS ET AL. C. A. 9th Cir. Motion of Ernest W. Hahn, Inc., et al. for leave to file a brief as *amici curiae* granted. Certiorari denied. Reported below: 542 F. 2d 1076.

No. 76-1027. HENDERSON, CORRECTIONAL SUPERINTENDENT *v.* LEWIS. C. A. 2d Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied.

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No. 76-1084. GATES, CHAIRMAN, BOARD OF PAROLE OF CONNECTICUT, ET AL. *v.* DeLORENZO. C. A. 2d Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 544 F. 2d 82.

No. 76-1028. AZALEA DRIVE-IN THEATRE, INC., ET AL. *v.* SARGOY ET AL. C. A. 4th Cir. Certiorari denied. MR. JUSTICE POWELL took no part in the consideration or decision of this petition. Reported below: 540 F. 2d 713.

No. 76-5834. ROSENFELD *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. MR. JUSTICE BRENNAN and MR. JUSTICE STEWART would grant certiorari. Reported below: 545 F. 2d 98.

No. 76-6066. IN RE DONNELLY. C. A. 1st Cir. Certiorari and other relief denied.

Rehearing Denied

No. 76-710. BOARD OF EDUCATION OF JEFFERSON COUNTY ET AL. *v.* NEWBURG AREA COUNCIL, INC., ET AL., 429 U. S. 1074;

No. 76-5550. TYLER *v.* RYAN ET AL., 429 U. S. 1076; and

No. 76-5951. HAMBURG *v.* WYOMING, 429 U. S. 1083. Petitions for rehearing denied.

No. 75-753. BOYD *v.* UNITED STATES, 424 U. S. 911; and

No. 76-5913. SANDERS *v.* UNITED STATES, 429 U. S. 1066. Motions for leave to file petitions for rehearing denied.

No. 76-753. BORRI *v.* SIVERSON, 429 U. S. 1078. Motion of petitioner for leave to proceed *in forma pauperis* granted. Petition for rehearing denied.

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Appeal Dismissed

No. 76-1065. McINTOSH *v.* ANAHEIM UNION HIGH SCHOOL DISTRICT ET AL. Appeal from Ct. App. Cal., 4th App.

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Dist., dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari denied.

Certiorari Granted—Vacated and Remanded

No. 76-256. GATHRIGHT, CORRECTIONAL SUPERINTENDENT v. CAMPBELL. C. A. 4th Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Stone v. Powell*, 428 U. S. 465 (1976). Reported below: 538 F. 2d 323.

No. 76-5884. GARNER v. UNITED STATES. C. A. 6th Cir. Motion for leave to proceed *in forma pauperis* and certiorari granted. On representation of the Acting Solicitor General set forth in his memorandum for the United States filed March 17, 1977, judgment vacated, and case remanded for reconsideration in light of position presently asserted by the Government. MR. JUSTICE POWELL and MR. JUSTICE REHNQUIST would deny the petition for writ of certiorari. Reported below: 538 F. 2d 128.

Miscellaneous Orders

No. A-732 (76-833). MORROW v. GREYHOUND LINES, INC., 429 U. S. 1095. Application to stay effectiveness of order denying certiorari pending timely filing of petition for rehearing, presented to MR. JUSTICE STEWART, and by him referred to the Court, denied.

No. D-79. IN RE DISBARMENT OF MOORE. Disbarment entered. [For earlier order herein, see 429 U. S. 937.]

No. D-82. IN RE DISBARMENT OF KOCH. Disbarment entered. [For earlier order herein, see 429 U. S. 954.]

No. D-83. IN RE DISBARMENT OF BRIN. Disbarment entered. [For earlier order herein, see 429 U. S. 954.]

No. D-84. IN RE DISBARMENT OF EDELSTEIN. Disbarment entered. [For earlier order herein, see 429 U. S. 954.]

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No. D-85. IN RE DISBARMENT OF ROTHBART. Disbarment entered. [For earlier order herein, see 429 U. S. 954.]

No. D-86. IN RE DISBARMENT OF KUTA. Disbarment entered. [For earlier order herein, see 429 U. S. 955.]

No. D-91. IN RE DISBARMENT OF LEONARD. Disbarment entered. [For earlier order herein, see 429 U. S. 955.]

No. D-92. IN RE DISBARMENT OF ANDERSON. Disbarment entered. [For earlier order herein, see 429 U. S. 956.]

No. 75-1126. TRANS WORLD AIRLINES, INC. *v.* HARDISON ET AL.; and

No. 75-1385. INTERNATIONAL ASSOCIATION OF MACHINISTS & AEROSPACE WORKERS, AFL-CIO, ET AL. *v.* HARDISON ET AL. C. A. 8th Cir. [Certiorari granted, 429 U. S. 958.] Motion of Chrysler Corp. for leave to participate in oral argument as *amicus curiae* denied.

No. 75-1771. COMMISSIONER OF INTERNAL REVENUE *v.* STANDARD LIFE & ACCIDENT INSURANCE Co. C. A. 10th Cir. [Certiorari granted, 429 U. S. 814.] Motion of Tax Analysts & Advocates for leave to file a brief as *amicus curiae* denied.

No. 76-63. HUNT, GOVERNOR OF NORTH CAROLINA, ET AL. *v.* WASHINGTON STATE APPLE ADVERTISING COMMISSION. Appeal from D. C. E. D. N. C. [Probable jurisdiction noted, 429 U. S. 814.] Motion of appellants for leave to file supplemental brief after argument granted.

No. 76-413. UNITED STATES ET AL. *v.* LARIONOFF ET AL. C. A. D. C. Cir. [Certiorari granted, 429 U. S. 997.] Motion to dismiss writ of certiorari denied. Further consideration of alternative request to impose penalty deferred to hearing of case on the merits.

No. 76-5985. STEEL *v.* FINE ET AL. Motion for leave to file petition for writ of mandamus and other relief denied.

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No. 76-6211. *BUCK v. UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT*. Motion for leave to file petition for writ of mandamus denied.

Probable Jurisdiction Noted

No. 76-839. *FOLEY v. CONNELIE, SUPERINTENDENT OF NEW YORK STATE POLICE, ET AL.* Appeal from D. C. S. D. N. Y. Probable jurisdiction noted. Reported below: 419 F. Supp. 889.

Certiorari Granted

No. 76-864. *CITY OF LAFAYETTE, LOUISIANA, ET AL. v. LOUISIANA POWER & LIGHT Co.* C. A. 5th Cir. Certiorari granted. Reported below: 532 F. 2d 431.

No. 76-944. *NIXON v. WARNER COMMUNICATIONS, INC., ET AL.* C. A. D. C. Cir. Certiorari granted. Reported below: 179 U. S. App. D. C. 293, 551 F. 2d 1252.

No. 76-1095. *COMMISSIONER OF INTERNAL REVENUE v. KOWALSKI ET UX.* C. A. 3d Cir. Certiorari granted. Reported below: 544 F. 2d 686.

No. 76-653. *ALLIED-GENERAL NUCLEAR SERVICES ET AL. v. NATURAL RESOURCES DEFENSE COUNCIL, INC., ET AL.*;

No. 76-762. *COMMONWEALTH EDISON Co. ET AL. v. NATURAL RESOURCES DEFENSE COUNCIL, INC., ET AL.*;

No. 76-769. *WESTINGHOUSE ELECTRIC CORP. v. NATURAL RESOURCES DEFENSE COUNCIL, INC., ET AL.*; and

No. 76-774. *BALTIMORE GAS & ELECTRIC Co. ET AL. v. NATURAL RESOURCES DEFENSE COUNCIL, INC., ET AL.* C. A. 2d Cir. Certiorari granted, cases consolidated, and a total of one and one-half hours allotted for oral argument. MR. JUSTICE STEWART and MR. JUSTICE POWELL took no part in the consideration or decision of these petitions. Reported below: 539 F. 2d 824.

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Certiorari Denied. (See also No. 76-1065, *supra*.)

No. 76-689. MITCHELL *v.* UNITED STATES. C. A. 5th Cir. *Certiorari* denied. Reported below: 538 F. 2d 1230.

No. 76-817. ROBBINS *v.* CALIFORNIA. Ct. App. Cal., 1st App. Dist. *Certiorari* denied.

No. 76-855. LEGGETT & PLATT, INC. *v.* UNITED STATES. C. A. 6th Cir. *Certiorari* denied. Reported below: 542 F. 2d 655.

No. 76-892. FLOREA ET AL. *v.* UNITED STATES. C. A. 6th Cir. *Certiorari* denied. Reported below: 541 F. 2d 568.

No. 76-902. OLSEN *v.* GOODMAN. Sup. Ct. Fla. *Certiorari* denied.

No. 76-908. CITIZENS & SOUTHERN NATIONAL BANK *v.* UNITED STATES; and

No. 76-909. CITIZENS & SOUTHERN NATIONAL BANK *v.* UNITED STATES. C. A. 5th Cir. *Certiorari* denied. Reported below: 538 F. 2d 1101.

No. 76-924. SAVE OUR INVALUABLE LAND (SOIL), INC., ET AL. *v.* NEEDHAM ET AL. C. A. 10th Cir. *Certiorari* denied. Reported below: 542 F. 2d 539.

No. 76-929. OWENS *v.* UNITED STATES. C. A. 9th Cir. *Certiorari* denied. Reported below: 541 F. 2d 1386.

No. 76-947. RODEWAY INNS OF AMERICA, INC., ET AL. *v.* FRANK ET AL. C. A. 8th Cir. *Certiorari* denied. Reported below: 541 F. 2d 759.

No. 76-957. WITHINGTON *v.* FEDERAL ENERGY ADMINISTRATION ET AL. C. A. 10th Cir. *Certiorari* denied.

No. 76-975. WINN ET UX. *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 4th Cir. *Certiorari* denied. Reported below: 546 F. 2d 423.

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No. 76-987. *BAKER, DBA ROSS BAKER TOWING v. MARSHALL, SECRETARY OF LABOR*. C. A. 9th Cir. Certiorari denied. Reported below: 544 F. 2d 429.

No. 76-990. *JACOBSON v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 547 F. 2d 21.

No. 76-994. *ABDUSH-SHAHID v. NEW YORK STATE NARCOTICS ADDICTION CONTROL COMMISSION*. Ct. App. N. Y. Certiorari denied.

No. 76-1006. *OSTRER v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 551 F. 2d 303.

No. 76-1010. *ALLEGHENY COUNTY INSTITUTION DISTRICT, DBA JOHN J. KANE HOSPITAL v. MARSHALL, SECRETARY OF LABOR*. C. A. 3d Cir. Certiorari denied. Reported below: 544 F. 2d 148.

No. 76-1053. *McCASLIN, DBA TAX MAN v. H & R BLOCK, INC.* C. A. 5th Cir. Certiorari denied. Reported below: 541 F. 2d 1098.

No. 76-1068. *COMINS v. MASSACHUSETTS*. Sup. Jud. Ct. Mass. Certiorari denied. Reported below: 370 Mass. —, 356 N. E. 2d 241.

No. 76-1074. *DICKERSON v. CERMEL-LUFT INSURANCE AGENCY, INC.* Sup. Ct. Ohio. Certiorari denied.

No. 76-1089. *MARGOLES v. JOHNS ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 544 F. 2d 520.

No. 76-1094. *OHIO INNS, INC. v. NYE, DIRECTOR, DEPARTMENT OF NATURAL RESOURCES OF OHIO, ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 542 F. 2d 673.

No. 76-1097. *ARIZONA WHOLESALE SUPPLY Co. v. ITULE*. C. A. 9th Cir. Certiorari denied. Reported below: 543 F. 2d 652.

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No. 76-1204. *WALLS v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 538 F. 2d 331.

No. 76-1216. *HERNANDEZ v. DYE ET AL.* Ct. App. Cal., 1st App. Dist. Certiorari denied.

No. 76-1230. *HAYNES v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 546 F. 2d 861.

No. 76-1235. *MITCHOM v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 544 F. 2d 523.

No. 76-5770. *LEMUS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 542 F. 2d 222.

No. 76-5773. *SCHNEEKLOTH v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 541 F. 2d 287.

No. 76-5793. *LELAND v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 536 F. 2d 1386.

No. 76-5801. *WILLIAMS ET AL. v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 540 F. 2d 1083.

No. 76-5862. *RICE v. NEBRASKA*. Sup. Ct. Neb. Certiorari denied. Reported below: 188 Neb. 728, 199 N. W. 2d 480.

No. 76-5888. *OLIVER v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 546 F. 2d 420.

No. 76-5890. *MONTGOMERY v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 547 F. 2d 1172.

No. 76-5911. *WEST v. MARYLAND*. C. A. 4th Cir. Certiorari denied. Reported below: 538 F. 2d 327.

No. 76-5915. *MILLER v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 535 F. 2d 1255.

No. 76-5979. *LIND v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 542 F. 2d 598.

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No. 76-5981. *HENSON v. BELL, ATTORNEY GENERAL, ET AL.* C. A. D. C. Cir. Certiorari denied. Reported below: 177 U. S. App. D. C. 271, 543 F. 2d 418.

No. 76-5984. *HOPKINS v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 535 F. 2d 658.

No. 76-5994. *SMITH v. UNITED STATES.* C. A. 3d Cir. Certiorari denied.

No. 76-6010. *MURRAY v. NEW YORK.* Ct. App. N. Y. Certiorari denied. Reported below: 40 N. Y. 2d 327, 353 N. E. 2d 605.

No. 76-6011. *FEHRENBACH v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. Reported below: 547 F. 2d 1168.

No. 76-6030. *CLEVINGER v. UNITED STATES;* and

No. 76-6081. *BRAFFORD v. UNITED STATES.* C. A. 3d Cir. Certiorari denied. Reported below: 547 F. 2d 1165.

No. 76-6058. *WILSON v. TEXAS.* C. A. 5th Cir. Certiorari denied. Reported below: 542 F. 2d 574.

No. 76-6131. *WATSON v. HOPPER, WARDEN.* C. A. 5th Cir. Certiorari denied.

No. 76-6132. *BERNTH v. NEBRASKA.* Sup. Ct. Neb. Certiorari denied. Reported below: 196 Neb. 813, 246 N. W. 2d 600.

No. 76-6134. *ZATKO v. UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA ET AL.* C. A. 9th Cir. Certiorari denied.

No. 76-6136. *EMBRY v. UNITED STATES.* C. A. 3d Cir. Certiorari denied. Reported below: 546 F. 2d 552.

No. 76-6141. *PETTIGREW v. FLORIDA.* C. A. 5th Cir. Certiorari denied. Reported below: 545 F. 2d 1296.

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No. 76-6146. *WANDER v. MICHIGAN*. Ct. App. Mich. Certiorari denied.

No. 76-6149. *IN RE CURLEY*. Super. Ct. Pa. Certiorari denied.

No. 76-6153. *BROWN v. LIBERTY LOAN CORPORATION OF DUVAL ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 539 F. 2d 1355.

No. 76-6155. *BLOETH v. HENDERSON, CORRECTIONAL SUPERINTENDENT*. App. Div., Sup. Ct. N. Y., 4th Jud. Dept. Certiorari denied. Reported below: 54 App. Div. 2d 600, 387 N. Y. S. 2d 407.

No. 76-6156. *WALKER v. FLORIDA*. C. A. 5th Cir. Certiorari denied.

No. 76-6159. *NORWOOD v. WISCONSIN*. Sup. Ct. Wis. Certiorari denied. Reported below: 74 Wis. 2d 343, 246 N. W. 2d 801.

No. 76-6160. *MAXWELL v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 76-6161. *ZATKO v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied.

No. 76-6217. *LAND v. BORDENKIRCHER, PENITENTIARY SUPERINTENDENT*. C. A. 6th Cir. Certiorari denied. Reported below: 546 F. 2d 424.

No. 76-6237. *HILL ET AL. v. UNITED STATES*. C. A. 10th Cir. Certiorari denied.

No. 76-6244. *BROWN v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 549 F. 2d 954.

No. 76-6245. *HENDERSON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 546 F. 2d 909.

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No. 76-6248. *FARRELL v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 551 F. 2d 310.

No. 76-6273. *UNDERWOOD v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 553 F. 2d 91.

No. 76-6279. *GRIFFIN v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 546 F. 2d 153.

No. 76-6280. *PITCHFORD v. ALABAMA*. Ct. Crim. App. Ala. Certiorari denied. Reported below: 339 So. 2d 601.

No. 76-6319. *HOOKE v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 547 F. 2d 1165.

No. 76-6321. *WILEMAN v. UNITED STATES*. C. A. 10th Cir. Certiorari denied.

No. 76-1077. *UNITED STATES v. SECURITY NATIONAL BANK*. C. A. 2d Cir. Certiorari denied. MR. JUSTICE STEWART and MR. JUSTICE WHITE would grant certiorari. Reported below: 546 F. 2d 492.

No. 76-1087. *BENEFICIAL FINANCE COMPANY OF JACKSONVILLE v. HARRIS*. Sup. Ct. Fla. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. MR. JUSTICE WHITE would grant certiorari. Reported below: 338 So. 2d 196.

No. 76-1132. *HERNANDEZ ET AL. v. AIR FRANCE*. C. A. 1st Cir. Certiorari denied. MR. JUSTICE BLACKMUN would grant certiorari. Reported below: 545 F. 2d 279.

No. 76-5860. *STRATE v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. MR. JUSTICE BRENNAN and MR. JUSTICE STEWART would grant certiorari. Reported below: 540 F. 2d 1083.

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No. 76-6201. *JUREK v. ESTELLE*, CORRECTIONS DIRECTOR, ET AL. Ct. Crim. App. Tex. Without intimating any views on the merits of the questions presented to the United States District Court for the Southern District of Texas in petitioner's pending application for a writ of habeas corpus, the petition for a writ of certiorari is denied. The stay entered on January 17, 1977 [429 U. S. 1057], shall remain in effect until April 4, 1977. MR. JUSTICE BRENNAN and MR. JUSTICE MARSHALL would grant certiorari and vacate the judgment insofar as it leaves undisturbed the sentence of death. See *Gregg v. Georgia*, 428 U. S. 153, 227 (1976) (BRENNAN, J., dissenting); *id.*, at 231 (MARSHALL, J., dissenting).

Rehearing Denied

No. 76-5463. *SZYMANSKI v. MICHIGAN*, 429 U. S. 1075; and

No. 76-6037. *REED v. DEL CHEMICAL CORP.*, 429 U. S. 1110. Petitions for rehearing denied.

No. 76-5679. *WHITE v. ELECTION LAWS OF THE STATE OF COLORADO*, 429 U. S. 1076. Motion for leave to file petition for rehearing denied.

MARCH 29, 1977

Dismissal Under Rule 60

No. 76-6309. *BARRAGAN v. UNITED STATES*. C. A. 5th Cir. Certiorari dismissed under this Court's Rule 60. Reported below: 547 F. 2d 572.

MARCH 30, 1977

Dismissal Under Rule 60

No. 76-1037. *RITE AID CORP. ET AL. v. BOARD OF PHARMACY OF NEW JERSEY ET AL.* Appeal from D. C. N. J. dismissed under this Court's Rule 60. Reported below: 421 F. Supp. 1161.

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Appeals Dismissed

No. 76-1102. *AVCO COMMUNITY DEVELOPERS, INC. v. SOUTH COAST REGIONAL COMMISSION 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.

No. 76-1112. *RALPH WILLIAMS' NORTHWEST CHRYSLER PLYMOUTH, INC., ET AL. v. WASHINGTON.* Appeal from Sup. Ct. Wash. dismissed for want of substantial federal question. Reported below: 87 Wash. 2d 298 and 327, 553 P. 2d 423 and 442.

Certiorari Granted—Vacated and Remanded

No. 75-5800. *SONGER, AKA BERRY v. FLORIDA.* Sup. Ct. Fla. Motion for leave to proceed *in forma pauperis* and certiorari granted. Judgment vacated and case remanded for further consideration in light of *Gardner v. Florida, ante*, p. 349. Reported below: 322 So. 2d 481.

No. 76-859. *HAZELWOOD CHRONIC & CONVALESCENT HOSPITAL, INC., DBA KEARNEY STREET CONVALESCENT CENTER v. CALIFANO, SECRETARY OF HEALTH, EDUCATION, AND WELFARE, ET AL.* C. A. 9th Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Califano v. Sanders, ante*, p. 99. Reported below: 543 F. 2d 703.

Miscellaneous Orders

No. D-90. *IN RE DISBARMENT OF BUSHMAN.* Disbarment entered. [For earlier order herein, see 429 U. S. 955.]

No. D-100. *IN RE DISBARMENT OF OOMS.* It is ordered that Owen Jennings OOMS, of Chicago, Ill., 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.

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No. 75-1583. MORRIS ET AL. *v.* GRESSETTE, PRESIDENT PRO TEM, SOUTH CAROLINA SENATE, ET AL. Appeal from D. C. S. C. [Probable jurisdiction noted, 429 U. S. 997.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* in support of appellants granted and 15 minutes allotted for that purpose. Appellees also allotted 15 additional minutes for oral argument.

No. 76-878. MAHER, COMMISSIONER OF SOCIAL SERVICES OF CONNECTICUT *v.* DOE ET AL. Appeal from D. C. Conn.;

No. 76-1033. EVANS, TRUSTEE IN BANKRUPTCY *v.* S. S. KRESGE Co. C. A. 3d Cir.; and

No. 76-1079. LEVC, AKA O'BLAK, ET AL. *v.* CONNORS, TREASURER OF MONTANA, ET AL. Sup. Ct. Mont. The Solicitor General is invited to file briefs in these cases expressing the views of the United States.

Certiorari Granted

No. 76-911. ADAMO WRECKING Co. *v.* UNITED STATES. C. A. 6th Cir. Certiorari granted. Reported below: 545 F. 2d 1.

No. 76-529. MONTANA POWER Co. ET AL. *v.* UNITED STATES ENVIRONMENTAL PROTECTION AGENCY ET AL.;

No. 76-585. AMERICAN PETROLEUM INSTITUTE ET AL. *v.* UNITED STATES ENVIRONMENTAL PROTECTION AGENCY ET AL.;

No. 76-594. INDIANA-KENTUCKY ELECTRIC CORP. ET AL. *v.* UNITED STATES ENVIRONMENTAL PROTECTION AGENCY ET AL.;

No. 76-603. ALABAMA POWER Co. ET AL. *v.* UNITED STATES ENVIRONMENTAL PROTECTION AGENCY ET AL.;

No. 76-619. UTAH POWER & LIGHT Co. ET AL. *v.* UNITED STATES ENVIRONMENTAL PROTECTION AGENCY ET AL.; and

No. 76-620. WESTERN ENERGY SUPPLY & TRANSMISSION ASSOCIATES ET AL. *v.* UNITED STATES ENVIRONMENTAL PROTECTION AGENCY ET AL. C. A. D. C. Cir. Certiorari granted limited to the following questions:

1. Whether regulations promulgated by the Environmental

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Protection Agency to prevent the significant deterioration of air quality are authorized by the Clean Air Act;

2. Whether the Clean Air Act permits the Environmental Protection Agency to adopt regulations which grant to federal land managers and Indian governing bodies power to reclassify federal and Indian lands within their jurisdiction. Cases consolidated and a total of one and one-half hours allotted for oral argument. MR. JUSTICE POWELL took no part in the consideration or decision of these petitions. Reported below: 176 U. S. App. D. C. 335, 540 F. 2d 1114.

Certiorari Denied. (See also No. 76-1102, *supra*.)

No. 75-1052. WALLACE, DIRECTOR OF FOOD AND AGRICULTURE OF CALIFORNIA, ET AL. *v.* RATH PACKING CO. C. A. 9th Cir. *Certiorari denied.* Reported below: 530 F. 2d 1295.

No. 75-1660. GREEN, EXECUTOR, ET AL. *v.* SANTA FE INDUSTRIES, INC. ET AL. C. A. 2d Cir. *Certiorari denied.* Reported below: 533 F. 2d 1283 and 1309.

No. 76-5. MARSH ET AL. *v.* ARMADA CORP. ET AL. C. A. 6th Cir. *Certiorari denied.* Reported below: 533 F. 2d 978.

No. 76-662. McMURTREY *v.* UNITED STATES. C. A. 5th Cir. *Certiorari denied.* Reported below: 537 F. 2d 1387.

No. 76-718. MAKRIS *v.* UNITED STATES. C. A. 5th Cir. *Certiorari denied.* Reported below: 535 F. 2d 899.

No. 76-748. ABBOTT *v.* THETFORD, JUDGE, ET AL. C. A. 5th Cir. *Certiorari denied.* Reported below: 534 F. 2d 1101.

No. 76-804. CAESAR *v.* MOUNTANOS, SHERIFF, ET AL. C. A. 9th Cir. *Certiorari denied.* Reported below: 542 F. 2d 1064.

No. 76-807. GERCEY ET AL. *v.* UNITED STATES. C. A. 1st Cir. *Certiorari denied.* Reported below: 540 F. 2d 536.

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No. 76-816. *HAYDOCK v. CALIFORNIA*. App. Dept., Super. Ct. Cal., County of Ventura. Certiorari denied.

No. 76-847. *TANAKA v. UNITED STATES*. Ct. Cl. Certiorari denied. Reported below: 210 Ct. Cl. 712, 538 F. 2d 348.

No. 76-884. *MARTIN v. ELROD*. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 36 Ill. App. 3d 952, 344 N. E. 2d 714.

No. 76-1001. *MCCARTHY v. FEDERAL COMMUNICATIONS COMMISSION ET AL.* C. A. D. C. Cir. Certiorari denied.

No. 76-1025. *JACOBSON ET AL. v. INTERNAL REVENUE SERVICE ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 544 F. 2d 637.

No. 76-1042. *BETHLEHEM STEEL CORP. v. DEPARTMENT OF ENVIRONMENTAL RESOURCES OF PENNSYLVANIA*. Sup. Ct. Pa. Certiorari denied. Reported below: 469 Pa. 578, 367 A. 2d 222.

No. 76-1083. *DAVISON v. IOWA*. Sup. Ct. Iowa. Certiorari denied. Reported below: 245 N. W. 2d 321.

No. 76-1106. *COPPOLA v. FLORIDA*. Ct. App. Fla., 2d Dist. Certiorari denied. Reported below: 318 So. 2d 181.

No. 76-1111. *OWENS v. ILLINOIS*. Sup. Ct. Ill. Certiorari denied. Reported below: 65 Ill. 2d 83, 357 N. E. 2d 465.

No. 76-1119. *STRONG v. HOLDSWORTH ET UX.* C. A. 10th Cir. Certiorari denied. Reported below: 545 F. 2d 687.

No. 76-1128. *FAY v. RICHTER*. Ct. App. Ohio, Hamilton County. Certiorari denied.

No. 76-1228. *SCHMIEDER v. HALL, EXECUTOR*. C. A. 2d Cir. Certiorari denied. Reported below: 545 F. 2d 768.

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No. 76-1244. *STOLL v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 549 F. 2d 810.

No. 76-1253. *KAPLAN v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 547 F. 2d 1165.

No. 76-1274. *WEST v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 549 F. 2d 545.

No. 76-5668. *MARTIN ET AL. v. UNITED STATES*; and

No. 76-5714. *BRENNAN v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 537 F. 2d 120.

No. 76-5830. *HOSKINS v. WYOMING*. Sup. Ct. Wyo. Certiorari denied. Reported below: 552 P. 2d 342.

No. 76-5853. *SKAGGS v. MISSOURI*. Ct. App. Mo., St. Louis Dist. Certiorari denied. Reported below: 539 S. W. 2d 583.

No. 76-5867. *BURCHFIELD v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 544 F. 2d 922.

No. 76-5919. *PORTER v. GEORGIA*. Sup. Ct. Ga. Certiorari denied. Reported below: 237 Ga. 580, 229 S. E. 2d 384.

No. 76-5939. *ALLEN v. ILLINOIS*. App. Ct. Ill., 3d Dist. Certiorari denied. Reported below: 37 Ill. App. 3d 619, 346 N. E. 2d 486.

No. 76-5940. *COGNATO v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 539 F. 2d 703.

No. 76-5942. *LOGAN v. ILLINOIS*. App. Ct. Ill., 4th Dist. Certiorari denied. Reported below: 39 Ill. App. 3d 656, 350 N. E. 2d 40.

No. 76-5960. *JONES v. WYRICK, WARDEN*. C. A. 8th Cir. Certiorari denied. Reported below: 542 F. 2d 1013.

No. 76-5980. *GRUBA v. WASHINGTON*. Ct. App. Wash. Certiorari denied.

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No. 76-5987. *WARLITNER v. VIRGINIA*. Sup. Ct. Va. Certiorari denied. Reported below: 217 Va. 348, 228 S. E. 2d 698.

No. 76-6003. *PONCE v. CALIFORNIA*. Ct. App. Cal., 4th App. Dist. Certiorari denied.

No. 76-6004. *FERRI v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 546 F. 2d 419.

No. 76-6014. *JONES v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 543 F. 2d 1171.

No. 76-6024. *REYNOLDS v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 546 F. 2d 425.

No. 76-6038. *CRUTCHER v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 547 F. 2d 1165.

No. 76-6039. *ADAMS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 544 F. 2d 516.

No. 76-6045. *LOVELL v. UNITED STATES*. C. A. 1st Cir. Certiorari denied.

No. 76-6056. *STARKS v. OHIO*. Ct. App. Ohio, Cuyahoga County. Certiorari denied.

No. 76-6065. *CARREON-HERNANDEZ v. BELL, ATTORNEY GENERAL, ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 543 F. 2d 637.

No. 76-6078. *EDELSON v. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE ET AL.* C. A. 2d Cir. Certiorari denied.

No. 76-6118. *JESSUP v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 546 F. 2d 420.

No. 76-6162. *JACKSON v. HOWARD, CORRECTIONAL SUPERINTENDENT*. C. A. 3d Cir. Certiorari denied. Reported below: 547 F. 2d 1161.

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No. 76-6166. *TYRRELL v. JEFFES, CORRECTIONAL SUPERINTENDENT*. C. A. 3d Cir. Certiorari denied.

No. 76-6172. *ZATKO v. UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA ET AL.* C. A. 9th Cir. Certiorari denied.

No. 76-6176. *HARRISON v. ESTELLE, CORRECTIONS DIRECTOR*. C. A. 5th Cir. Certiorari denied.

No. 76-6178. *O'BRIAIN, AKA O'BRIEN v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 76-6189. *NICHOLS v. ESTELLE, CORRECTIONS DIRECTOR*. C. A. 5th Cir. Certiorari denied.

No. 76-6193. *BLACKBURN v. MCKENZIE, WARDEN*. Sup. Ct. App. W. Va. Certiorari denied.

No. 76-6196. *CARTER v. ESTELLE, CORRECTIONS DIRECTOR*. C. A. 5th Cir. Certiorari denied.

No. 76-6202. *TURNER v. LOUISIANA*. Sup. Ct. La. Certiorari denied. Reported below: 339 So. 2d 348.

No. 76-6210. *TROMBLEY v. MICHIGAN*. Ct. App. Mich. Certiorari denied.

No. 76-6223. *MICCIO ET AL. v. ZONING BOARD OF ADJUSTMENT OF EWING TOWNSHIP ET AL.* Super. Ct. N. J. Certiorari denied.

No. 76-6241. *MYLES ET AL. v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 547 F. 2d 1171.

No. 76-6316. *SAVAGE v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 547 F. 2d 212.

No. 76-6331. *GARCIA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 546 F. 2d 613.

No. 76-6347. *BETANCOURT v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 542 F. 2d 573.

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No. 76-6352. HENDRIX *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 542 F. 2d 879.

No. 76-6370. KING *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied.

No. 76-6371 LAMAR ET AL. *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 545 F. 2d 488.

No. 76-370. GARRISON, WARDEN *v.* STRICKLAND. C. A. 4th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. MR. JUSTICE BLACKMUN would grant certiorari. Reported below: 538 F. 2d 325.

No. 76-576. BUREAU OF REVENUE OF NEW MEXICO *v.* EASTERN NAVAJO INDUSTRIES, INC. Ct. App. N. M. Motion of Vlassis, Ruzow & Linzer for leave to file a brief as *amicus curiae* granted. Certiorari denied. Reported below: 89 N. M. 369, 552 P. 2d 805.

No. 76-617. SIERRA CLUB ET AL. *v.* UNITED STATES ENVIRONMENTAL PROTECTION AGENCY ET AL. C. A. D. C. Cir. Certiorari denied. MR. JUSTICE POWELL took no part in the consideration or decision of this petition. Reported below: 176 U. S. App. D. C. 335, 540 F. 2d 1114.

No. 76-776. PADERICK, PENITENTIARY SUPERINTENDENT *v.* BOONE. C. A. 4th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 541 F. 2d 447.

No. 76-6103. BOULWARE *v.* TEXAS; and

No. 76-6199. COLLINS *v.* TEXAS. Ct. Crim. App. Tex. Certiorari denied. MR. JUSTICE BRENNAN and MR. JUSTICE MARSHALL would grant certiorari and vacate judgments insofar as they leave undisturbed the sentences of death. See *Gregg v. Georgia*, 428 U. S. 153, 227 (1976) (BRENNAN, J., dissenting); *id.*, at 231 (MARSHALL, J., dissenting). Reported below: No. 76-6103, 542 S. W. 2d 677.

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No. 76-785. WALKER, FORMER GOVERNOR OF ILLINOIS, ET AL. *v.* COLAIZZI ET AL. C. A. 7th Cir. Certiorari denied. Mr. JUSTICE BLACKMUN would grant certiorari. Reported below: 542 F. 2d 969.

Rehearing Denied

No. 76-636. BUCKLEY TOWERS CONDOMINIUM, INC., ET AL. *v.* BUCHWALD, ET AL., 429 U. S. 1121;

No. 76-691. THOMPSON *v.* GAFFNEY ET AL., 429 U. S. 1078;

No. 76-701. BRENNAN *v.* UNITED STATES, 429 U. S. 1092;

No. 76-813. BENSON *v.* METRO-GOLDWYN-MAYER, INC., 429 U. S. 1095;

No. 76-828. MARKLE MANUFACTURING CO. *v.* INTERNATIONAL UNION OF ELECTRICAL, RADIO & MACHINE WORKERS, AFL-CIO-CLC, ET AL., 429 U. S. 1095;

No. 76-899. MCGRAW-EDISON CO. *v.* SOPER ET AL., 429 U. S. 1097;

No. 76-5785. CLARK *v.* MALLEY, WARDEN, *ante*, p. 917;

No. 76-5838. GREENFIELD *v.* TIBBETTS, 429 U. S. 1105;

No. 76-5872. MAUCH *v.* MICHIGAN DEPARTMENT OF CORRECTIONS, 429 U. S. 1106;

No. 76-5986. DONNER *v.* BILL SEIDEL'S DATSUN, INC., ET AL., 429 U. S. 1109; and

No. 76-6072. TROLLEY *v.* UNITED STATES, 429 U. S. 1111. Petitions for rehearing denied.

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Dismissal Under Rule 60

No. 76-1100. CALIFANO, SECRETARY OF HEALTH, EDUCATION, AND WELFARE *v.* HAU ET VIR. Appeal from D. C. N. J. dismissed under this Court's Rule 60.

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Affirmed on Appeal

No. 76-778. NATIONAL CLASSIFICATION COMMITTEE v. UNITED STATES. Affirmed on appeal from D. C. D. C. THE CHIEF JUSTICE, MR. JUSTICE BLACKMUN, and MR. JUSTICE REHNQUIST would note probable jurisdiction and set case for oral argument. Reported below: 417 F. Supp. 851.

No. 76-1029. SCARNATO ET AL. v. PARKER, TREASURER OF LOUISIANA, ET AL. Affirmed on appeal from D. C. M. D. La. Reported below: 415 F. Supp. 272.

No. 76-1069. CANADIAN NATIONAL RAILWAY CO. ET AL. v. UNITED STATES ET AL. Affirmed on appeal from D. C. D. C. Reported below: 425 F. Supp. 290

No. 76-6337. TAYLOR ET AL. v. HILL, DIRECTOR, DIVISION OF SOCIAL SERVICES, ET AL. Affirmed on appeal from D. C. W. D. N. C. Reported below: 420 F. Supp. 1020.

Appeals Dismissed

No. 76-951. SKAFTE v. ROREX, BOULDER COUNTY CLERK. Appeal from Sup. Ct. Colo. dismissed for want of substantial federal question. *Sugarman v. Dougall*, 413 U. S. 634, 649 (1973); *Kramer v. Union School District*, 395 U. S. 621, 625 (1969). Reported below: 191 Colo. 399, 553 P. 2d 830.

No. 76-968. POPULAR SCIENCE PUBLISHING CO., INC. v. CALIFORNIA BOARD OF EQUALIZATION. Appeal from Ct. App. Cal., 2d App. Dist., dismissed for want of substantial federal question. *National Geographic Society v. California Board of Equalization*, ante, p. 551.

No. 76-1201. NEW YORK DOCK RAILWAY v. DIRECTOR OF FINANCE OF NEW YORK CITY. Appeal from Ct. App. N. Y. dismissed for want of substantial federal question. Reported below: 40 N. Y. 2d 1037, 360 N. E. 2d 355.

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No. 76-6282. *JOHNSON v. CRANE ET AL.* Appeal from C. A. 1st Cir. dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari denied.

Reversed on Appeal

No. 76-5606. *ACKER v. TEXAS.* Appeal from County Ct. at Law No. 2, Travis County. Judgment reversed. *Gooding v. Wilson*, 405 U. S. 518, 525 (1972). THE CHIEF JUSTICE, MR. JUSTICE BLACKMUN, and MR. JUSTICE REHNQUIST dissent.

Miscellaneous Orders

No. A-787. *JUZENAS v. CITY OF SOUTHFIELD.* Application for stay of execution and enforcement of judgment of the 46th District Court of Michigan, presented to MR. JUSTICE MARSHALL, and by him referred to the Court, denied.

No. A-801. *RICHMOND v. ARIZONA.* Application for stay of execution and enforcement of sentence of death imposed upon applicant by the Superior Court for the State of Arizona, in and for the County of Pima, presented to MR. JUSTICE REHNQUIST, and by him referred to the Court, granted pending timely filing and disposition of a petition for writ of certiorari in this Court. Reported below: 560 P. 2d 41.

No. D-99. *IN RE DISBARMENT OF COOK.* It is ordered that G. Bradford Cook, of Washington, D. C., 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. 75-1605. *NIXON v. ADMINISTRATOR OF GENERAL SERVICES ET AL.* Appeal from D. C. D. C. [Probable jurisdiction noted, 429 U. S. 976.] Motion of Public Affairs Associates, Inc., for leave to file a brief as *amicus curiae* denied.

No. 75-1721. *UNITED STATES v. CHADWICK ET AL.* C. A. 1st Cir. [Certiorari granted, 429 U. S. 814.] Motion of respondents for divided argument denied.

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No. 75-1707. OHIO BUREAU OF EMPLOYMENT SERVICES ET AL. *v.* HODORY. Appeal from D. C. N. D. Ohio. [Probable jurisdiction noted, 429 U. S. 814.] Motion of appellee for leave to file additional material after argument granted.

No. 76-444. NORTHEAST MARINE TERMINAL CO., INC., ET AL. *v.* CAPUTO ET AL.; and

No. 76-454. INTERNATIONAL TERMINAL OPERATING CO., INC. *v.* BLUNDO ET AL. C. A. 2d Cir. [Certiorari granted, 429 U. S. 998.] Motion of International Longshoremen's Assn., AFL-CIO, for leave to participate in oral argument as *amicus curiae* denied.

No. 76-539. DAYTON BOARD OF EDUCATION ET AL. *v.* BRINKMAN ET AL. C. A. 6th Cir. [Certiorari granted, 429 U. S. 1060.] Motion of respondents for divided argument denied.

No. 76-906. UNITED AIRLINES, INC. *v.* McMANN. C. A. 4th Cir. [Certiorari granted, 429 U. S. 1090.] Motion of National Retired Teachers Assn. et al. for leave to file a brief as *amici curiae* granted.

No. 76-1184. MALONE, COMMISSIONER OF LABOR AND INDUSTRY OF MINNESOTA *v.* WHITE MOTOR CORP. ET AL. Appeal from C. A. 8th Cir. The Solicitor General is invited to file a brief in this case expressing the views of the United States. MR. JUSTICE BLACKMUN took no part in the consideration or decision of this matter.

No. 76-5935. DURST ET AL. *v.* UNITED STATES. C. A. 4th Cir. [Certiorari granted, *ante*, p. 929.] Motion of Charles G. Bernstein, Esquire, to permit Michael Stuart Frisch, Esquire, to present oral argument *pro hac vice*, on behalf of petitioners, granted.

No. 76-6485. McDONALD *v.* TENNESSEE ET AL. Motion of petitioner to consolidate this case with No. 76-6507 [*McDonald v. Tennessee*] denied. Motion for leave to file petition for writ of habeas corpus denied.

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Probable Jurisdiction Noted or Postponed

No. 76-1143. MARSHALL, SECRETARY OF LABOR, ET AL. *v.* BARLOW'S, INC. Appeal from D. C. Idaho. Probable jurisdiction noted. Reported below: 424 F. Supp. 437.

No. 76-1172. FIRST NATIONAL BANK OF BOSTON ET AL. *v.* BELLOTTI, ATTORNEY GENERAL OF MASSACHUSETTS. Appeal from Sup. Jud. Ct. Mass. Motion of Associated Industries of Massachusetts, Inc., et al. for leave to file a brief as *amici curiae* granted. Further consideration of question of jurisdiction postponed to hearing of case on the merits. In addition to questions presented by the jurisdictional statement, counsel are directed to brief and argue question of mootness. Reported below: 370 Mass. —, 359 N. E. 2d 1262.

Certiorari Granted

No. 76-695. BOARD OF CURATORS OF THE UNIVERSITY OF MISSOURI ET AL. *v.* HOROWITZ. C. A. 8th Cir. Certiorari granted. Reported below: 538 F. 2d 1317.

No. 76-1149. CAREY ET AL. *v.* PIPHUS ET AL. C. A. 7th Cir. Certiorari granted. Reported below: 545 F. 2d 30.

No. 76-1171. CARTER, PUBLIC VEHICLE LICENSE COMMISSIONER OF CHICAGO *v.* MILLER. C. A. 7th Cir. Certiorari granted. Reported below: 547 F. 2d 1314.

No. 76-749. PFIZER INC. ET AL. *v.* GOVERNMENT OF INDIA ET AL. C. A. 8th Cir. Certiorari granted. Mr. JUSTICE BLACKMUN took no part in the consideration or decision of this petition. Reported below: 550 F. 2d 396.

No. 76-5761. SIMPSON ET AL. *v.* UNITED STATES; and

No. 76-5796. SIMPSON *v.* UNITED STATES. C. A. 6th Cir. Motions of petitioners for leave to proceed *in forma pauperis* and certiorari granted. Cases consolidated and a total of one hour allotted for oral argument. Reported below: 542 F. 2d 1177.

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No. 76-1168. ARIZONA ET AL. *v.* WASHINGTON. C. A. 9th Cir. Motion of respondent for leave to proceed *in forma pauperis* and certiorari granted. Reported below: 546 F. 2d 829.

No. 76-5856. HOLLOWAY ET AL. *v.* ARKANSAS. Sup. Ct. Ark. Motion of petitioners for leave to proceed *in forma pauperis* granted. Certiorari granted limited to Question 1 presented by the petition. Reported below: 260 Ark. 250, 539 S. W. 2d 435.

Certiorari Denied. (See also No. 76-6282, *supra.*)

No. 76-795. TAYLOR *v.* TENNESSEE. Ct. Crim. App. Tenn. Certiorari denied.

No. 76-825. LA DUCA *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 546 F. 2d 417.

No. 76-869. DEFALCO *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 546 F. 2d 419.

No. 76-877. RYAN *v.* UNITED STATES; and

No. 76-898. WILSON *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 548 F. 2d 782.

No. 76-905. AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES ET AL. *v.* ALEXANDER, SECRETARY OF THE ARMY, ET AL. C. A. D. C. Cir. Certiorari denied. Reported below: 178 U. S. App. D. C. 1, 543 F. 2d 930.

No. 76-914. C. I. MORTGAGE GROUP ET AL. *v.* SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO (BANK-AMERICA REALTY SERVICES, INC., REAL PARTY IN INTEREST). Ct. App. Cal., 1st App. Dist. Certiorari denied.

No. 76-943. CANNADY *v.* NORTH CAROLINA WILDLIFE RESOURCES COMMISSION ET AL. Ct. App. N. C. Certiorari denied. Reported below: 30 N. C. App. 247, 226 S. E. 2d 678.

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No. 76-961. *GANGADEAN v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 545 F. 2d 1217.

No. 76-962. *MILLER v. MARYLAND*. Ct. Sp. App. Md. Certiorari denied. Reported below: 32 Md. App. 482, 361 A. 2d 152.

No. 76-967. *UCO OIL CO. ET AL. v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 546 F. 2d 833.

No. 76-971. *KING v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 552 F. 2d 833.

No. 76-979. *ARTHUR G. MCKEE & Co. v. G. C. S., INC., ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 546 F. 2d 415.

No. 76-981. *CPC INTERNATIONAL, INC., ET AL. v. COSTLE, ADMINISTRATOR, ENVIRONMENTAL PROTECTION AGENCY, ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 540 F. 2d 1329.

No. 76-982. *SLOAN, DBA SAMUEL H. SLOAN & Co. v. SECURITIES AND EXCHANGE COMMISSION*. C. A. 2d Cir. Certiorari denied. Reported below: 535 F. 2d 679.

No. 76-996. *POMPONIO v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 546 F. 2d 423.

No. 76-1008. *CAHALAN v. WALKER*. C. A. 6th Cir. Certiorari denied. Reported below: 542 F. 2d 681.

No. 76-1015. *HUGHETT ET AL. v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 549 F. 2d 802.

No. 76-1021. *FLAV-O-RICH, INC. v. NATIONAL LABOR RELATIONS BOARD*. C. A. 6th Cir. Certiorari denied. Reported below: See 531 F. 2d 358.

No. 76-1022. *MILES ET AL. v. GUIN, U. S. DISTRICT JUDGE, ET AL.* C. A. 5th Cir. Certiorari denied.

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No. 76-1026. *FEDERATED PUBLICATIONS, INC., DBA STATE JOURNAL v. NATIONAL LABOR RELATIONS BOARD*. C. A. 6th Cir. Certiorari denied. Reported below: 544 F. 2d 908.

No. 76-1047. *GLOBAL INDUSTRIES, INC. v. NATIONAL LABOR RELATIONS BOARD*. C. A. 8th Cir. Certiorari denied. Reported below: 542 F. 2d 1178.

No. 76-1061. *SANG YON SHIN v. IMMIGRATION AND NATURALIZATION SERVICE*; and *JOON DUCK CHOI v. IMMIGRATION AND NATURALIZATION SERVICE*. C. A. 9th Cir. Certiorari denied. Reported below: 547 F. 2d 1175.

No. 76-1067. *HEMPHILL v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 544 F. 2d 341.

No. 76-1070. *SMALDONE v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 544 F. 2d 456.

No. 76-1073. *PARRISH v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 546 F. 2d 423.

No. 76-1082. *FARMERS & TRADERS STATE BANK OF MEREDOSIA v. MAGILL*. C. A. 7th Cir. Certiorari denied. Reported below: 545 F. 2d 583.

No. 76-1086. *LOCAL UNION No. 391, INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN & HELPERS OF AMERICA v. NATIONAL LABOR RELATIONS BOARD*. C. A. D. C. Cir. Certiorari denied. Reported below: 178 U.S. App. D. C. 60, 543 F. 2d 1373.

No. 76-1110. *HARMER ET AL. v. MOTION PICTURE FILM ENTITLED "THE DEVIL IN MISS JONES" ET AL.* Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 76-1118. *JOHNSON, ADMINISTRATRIX, ET AL. v. ATLANTIC CITY ELECTRIC CO. ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 546 F. 2d 417.

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No. 76-1123. *BROADMOOR APARTMENTS, INC., ET AL. v. COLLECTOR OF REVENUE OF LOUISIANA*. Ct. App. La., 1st Cir. Certiorari denied. Reported below: 336 So. 2d 332.

No. 76-1127. *OBURN ET AL. v. SHAPP, GOVERNOR OF PENNSYLVANIA, ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 546 F. 2d 418.

No. 76-1139. *SCHANBARGER v. DISTRICT ATTORNEY OF RENSSELAER COUNTY ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 547 F. 2d 770.

No. 76-1142. *HARRIS ET AL. v. CAFRITZ MEMORIAL HOSPITAL ET AL.* Ct. App. D. C. Certiorari denied. Reported below: 364 A. 2d 135.

No. 76-1145. *LEIBOWITZ v. SIMINS, COMMISSIONER, DEPARTMENT OF PUBLIC WORKS, ET AL.* App. Div., Sup. Ct. N. Y., 1st Jud. Dept. Certiorari denied. Reported below: 53 App. Div. 2d 542, 384 N. Y. S. 2d 465.

No. 76-1148. *HUGHES v. FRANK, COMMISSIONER OF POLICE OF NASSAU COUNTY, ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 551 F. 2d 300.

No. 76-1154. *STEFFRON, INC. v. LUSKEY ET AL.* Sup. Ct. Pa. Certiorari denied. Reported below: — Pa. —, 366 A. 2d 223.

No. 76-1156. *REYNOLDS v. ESTATE OF REYNOLDS ET AL.* Sup. Ct. Ga. Certiorari denied. Reported below: 238 Ga. 1, 230 S. E. 2d 842.

No. 76-1169. *KEYES ET AL. v. DISTRICT OF COLUMBIA ET AL.* Ct. App. D. C. Certiorari denied. Reported below: 362 A. 2d 729.

No. 76-1170. *TURNER v. HOPKINS ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 551 F. 2d 301.

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No. 76-1174. *FEDERATION OF TELEPHONE WORKERS OF PENNSYLVANIA v. BELL TELEPHONE COMPANY OF PENNSYLVANIA*. C. A. 3d Cir. Certiorari denied. Reported below: 546 F. 2d 415 and 416.

No. 76-1178. *JWAYYED v. BELL TELEPHONE SYSTEM ET AL.* C. A. 2d Cir. Certiorari denied.

No. 76-1180. *CALIFORNIA FAIR POLITICAL PRACTICES COMMISSION v. HARDIE ET AL.* Sup. Ct. Cal. Certiorari denied. Reported below: 18 Cal. 3d 371, 556 P. 2d 301.

No. 76-1182. *BROWN v. IVARANS REDERI A/S*. C. A. 3d Cir. Certiorari denied. Reported below: 545 F. 2d 854.

No. 76-1188. *UNITED STATES v. WHITECLIFF, INC., DBA WHITE CLIFF MANOR*. Ct. Cl. Certiorari denied. Reported below: 210 Ct. Cl. 53, 536 F. 2d 347.

No. 76-1213. *WOODS v. UNITED STATES*; and

No. 76-1247. *BLAIR v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 544 F. 2d 242.

No. 76-1217. *POYNER v. LEAR SIEGLER, INC.* C. A. 6th Cir. Certiorari denied. Reported below: 542 F. 2d 955.

No. 76-1218. *NEUGENT v. ALABAMA*. Ct. Crim. App. Ala. Certiorari denied. Reported below: 340 So. 2d 55.

No. 76-1286. *SWEET v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 548 F. 2d 198.

No. 76-1296. *TURZITTI ET AL. v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 547 F. 2d 1003.

No. 76-1302. *CRAIG v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 549 F. 2d 802.

No. 76-1303. *HAYWARD v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

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No. 76-5681. *CASPER ET AL. v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 541 F. 2d 1275.

No. 76-5771. *LEISS v. UNITED STATES*. Ct. App. D. C. Certiorari denied. Reported below: 364 A. 2d 803.

No. 76-5918. *SCULLY ET AL. v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 546 F. 2d 255.

No. 76-5936. *ESTEP v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 546 F. 2d 427.

No. 76-5959. *NYBERG v. ILLINOIS*. Sup. Ct. Ill. Certiorari denied. Reported below: 64 Ill. 2d 210, 356 N. E. 2d 80.

No. 76-5972. *LIPSCOMB v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 546 F. 2d 787.

No. 76-5975. *CRONIN v. CALIFORNIA*. App. Dept., Super. Ct. Cal., County of Los Angeles. Certiorari denied.

No. 76-5993. *BLACKBURN v. STRALKA ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 546 F. 2d 424.

No. 76-6005. *HARRELL v. MARYLAND*. C. A. 4th Cir. Certiorari denied. Reported below: 546 F. 2d 422.

No. 76-6012. *HOLMES v. CALIFORNIA*. Ct. App. Cal., 4th App. Dist. Certiorari denied.

No. 76-6027. *CURRY v. CALIFANO, SECRETARY, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 547 F. 2d 1174.

No. 76-6042. *BROWN v. WAINWRIGHT, SECRETARY, DEPARTMENT OF OFFENDER REHABILITATION OF FLORIDA*. C. A. 5th Cir. Certiorari denied. Reported below: 537 F. 2d 154.

No. 76-6060. *AVALOS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 541 F. 2d 1100.

No. 76-6070. *WILSON v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 544 F. 2d 522.

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No. 76-6082. *HARBOLT v. McCUNE, WARDEN*. C. A. 10th Cir. Certiorari denied.

No. 76-6090. *LIGGONS v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 545 F. 2d 1118.

No. 76-6091. *GIFFORD v. FEDERAL ELECTION COMMISSION ET AL.* C. A. D. C. Cir. Certiorari denied.

No. 76-6097. *GREENE v. HOGAN, WARDEN*. C. A. 5th Cir. Certiorari denied. Reported below: 542 F. 2d 1171.

No. 76-6105. *SAMPLE v. CALIFANO, SECRETARY OF HEALTH, EDUCATION, AND WELFARE*. C. A. 5th Cir. Certiorari denied. Reported below: 537 F. 2d 1141.

No. 76-6106. *LORENTZOS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 546 F. 2d 423.

No. 76-6112. *WAITE v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 547 F. 2d 1166.

No. 76-6115. *MOORE v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 76-6116. *VELEZ-DIAZ v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 551 F. 2d 303.

No. 76-6130. *MOSBY v. UNITED STATES*. Ct. App. D. C. Certiorari denied.

No. 76-6133. *DORROUGH v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 76-6140. *RODRIGUEZ v. CALIFORNIA*. Ct. App. Cal., 3d App. Dist. Certiorari denied.

No. 76-6145. *RODGERS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 551 F. 2d 314.

No. 76-6180. *PARKER v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 549 F. 2d 1217.

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No. 76-6181. *SELLMAN v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. Reported below: 178 U. S. App. D. C. 277, 546 F. 2d 1043.

No. 76-6213. *PERRY v. MULLIGAN, CHIEF PROBATION OFFICER FOR ESSEX COUNTY*. C. A. 3d Cir. Certiorari denied. Reported below: 544 F. 2d 674.

No. 76-6216. *JOHNSON v. SUPERINTENDENT, CLIFTON T. PERKINS HOSPITAL CENTER*. C. A. 4th Cir. Certiorari denied.

No. 76-6220. *BAKER v. WYRICK, WARDEN*. C. A. 8th Cir. Certiorari denied. Reported below: 547 F. 2d 428.

No. 76-6222. *KINCAID v. INDIANA*. Sup. Ct. Ind. Certiorari denied. Reported below: 265 Ind. 345, 354 N. E. 2d 199.

No. 76-6229. *SAVCHUK v. KOEHLER, WARDEN*. C. A. 6th Cir. Certiorari denied. Reported below: 547 F. 2d 1167.

No. 76-6230. *SIMPSON v. BAR ASSOCIATION OF GREATER CLEVELAND*. Sup. Ct. Ohio. Certiorari denied. Reported below: 48 Ohio St. 2d 120, 357 N. E. 2d 380.

No. 76-6234. *WINEGAR v. MICHIGAN DEPARTMENT OF CORRECTIONS*. C. A. 6th Cir. Certiorari denied. Reported below: 549 F. 2d 803.

No. 76-6239. *FOURNETTE v. MAGGIO, WARDEN*. C. A. 5th Cir. Certiorari denied.

No. 76-6249. *JONES v. FLORIDA*. Sup. Ct. Fla. Certiorari denied. Reported below: 339 So. 2d 1117.

No. 76-6250. *CRAMPTON v. GRAY, PENITENTIARY SUPERINTENDENT*. C. A. 6th Cir. Certiorari denied. Reported below: 546 F. 2d 424.

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No. 76-6257. *JETER v. ALABAMA*. Ct. Crim. App. Ala. Certiorari denied. Reported below: 339 So. 2d 91.

No. 76-6270. *ZATKO v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied.

No. 76-6271. *ROBINSON v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 76-6272. *SWEETWINE v. WARDEN, MARYLAND PENITENTIARY*. C. A. 4th Cir. Certiorari denied. Reported below: 549 F. 2d 799.

No. 76-6274. *TARKOWSKI v. BARTLETT, TRUSTEE, ET AL.* App. Ct. Ill., 2d Dist. Certiorari denied. Reported below: 38 Ill. App. 3d 134, 347 N. E. 2d 415.

No. 76-6275. *AGNEW v. WALKER*. Ct. App. Cal., 4th App. Dist. Certiorari denied.

No. 76-6276. *WILSON v. SCHMIDT ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 547 F. 2d 1170.

No. 76-6278. *KRALOWEC v. PRINCE GEORGES COUNTY, MARYLAND*. Ct. App. Md. Certiorari denied.

No. 76-6288. *EDWARDS v. ESTELLE, CORRECTIONS DIRECTOR*. C. A. 5th Cir. Certiorari denied. Reported below: 541 F. 2d 1162.

No. 76-6290. *MARTINEZ v. NEW MEXICO*. Ct. App. N. M. Certiorari denied. Reported below: 89 N. M. 729, 557 P. 2d 578.

No. 76-6291. *IN RE BARRETO ET AL.* Ct. App. N. Y. Certiorari denied. Reported below: 40 N. Y. 2d 1033, 359 N. E. 2d 1369.

No. 76-6292. *ROBERTS v. COLLINS, WARDEN*. C. A. 4th Cir. Certiorari denied. Reported below: 544 F. 2d 168.

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No. 76-6295. *VAN MEERBEKE v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 548 F. 2d 415.

No. 76-6302. *RUFF v. GRAY*. C. A. 7th Cir. Certiorari denied. Reported below: 547 F. 2d 1169.

No. 76-6306. *WHEELER v. NEW JERSEY*. Super. Ct. N. J. Certiorari denied.

No. 76-6310. *HIGGINS v. BLOODGOOD ET AL.* C. A. 9th Cir. Certiorari denied.

No. 76-6311. *LODEN v. SYPE, JUDGE, ET AL.* Sup. Ct. Ill. Certiorari denied.

No. 76-6320. *BLOUNT v. NEW YORK*. App. Div., Sup. Ct. N. Y., 2d Jud. Dept. Certiorari denied. Reported below: 54 App. Div. 2d 718, 387 N. Y. S. 2d 469.

No. 76-6359. *BURKS v. KENTUCKY*. C. A. 6th Cir. Certiorari denied. Reported below: 549 F. 2d 800.

No. 76-6377. *MARRUFO v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 549 F. 2d 804.

No. 76-6386. *MEDINA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 545 F. 2d 1297.

No. 76-6404. *CALHOUN v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 547 F. 2d 1169.

No. 76-6419. *BOWEN v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 76-6421. *JONES v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 551 F. 2d 310.

No. 76-6427. *MITCHELL v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 542 F. 2d 1172.

No. 76-6435. *CARTER, AKA BROWN v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 549 F. 2d 1164.

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No. 76-6441. *PETTY v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 548 F. 2d 354.

No. 76-6445. *STEVENS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 548 F. 2d 1360.

No. 76-1035. *BETHLEHEM STEEL CORP. v. QUARLES, ACTING ADMINISTRATOR, ENVIRONMENTAL PROTECTION AGENCY*. C. A. 3d Cir. Certiorari denied. THE CHIEF JUSTICE and MR. JUSTICE POWELL would grant certiorari. Reported below: 544 F. 2d 657.

No. 76-1195. *JUSTICES OF THE SUPERIOR COURT OF MASSACHUSETTS v. JACKSON ET AL.* C. A. 1st Cir. Motion of respondents for leave to proceed *in forma pauperis* granted. Certiorari denied. MR. JUSTICE STEWART would grant certiorari. Reported below: 549 F. 2d 215.

No. 76-6009. *EVANS v. REED, PENITENTIARY SUPERINTENDENT, ET AL.* Sup. Ct. Miss. Certiorari denied for want of a properly presented federal question. Reported below: 342 So. 2d 290.

No. 76-6192. *BANKS v. GEORGIA*; and

No. 76-6354. *DOBBS v. GEORGIA*. Sup. Ct. Ga. Certiorari denied. MR. JUSTICE BRENNAN and MR. JUSTICE MARSHALL would grant certiorari and vacate judgments insofar as they leave undisturbed the sentences of death. See *Gregg v. Georgia*, 428 U. S. 153, 227 (1976) (BRENNAN, J., dissenting); *id.*, at 231 (MARSHALL, J., dissenting). Reported below: No. 76-6192, 237 Ga. 325, 227 S. E. 2d 380; No. 76-6354, 236 Ga. 427, 224 S. E. 2d 3.

No. 76-6200. *JACKSON ET AL. v. JUSTICES OF THE SUPERIOR COURT OF MASSACHUSETTS*. C. A. 1st Cir. Certiorari denied. MR. JUSTICE BRENNAN, MR. JUSTICE STEWART, and MR. JUSTICE POWELL would grant certiorari. Application for stay heretofore granted by MR. JUSTICE BRENNAN on January 25, 1977, is hereby vacated. Reported below: 549 F. 2d 215.

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Rehearing Denied

No. 75-353. *PIPER ET AL. v. CHRIS-CRAFT INDUSTRIES, INC.*, *ante*, p. 1;

No. 75-354. *FIRST BOSTON CORP. v. CHRIS-CRAFT INDUSTRIES, INC.*, *ante*, p. 1;

No. 75-355. *BANGOR PUNTA CORP. v. CHRIS-CRAFT INDUSTRIES, INC.*, *ante*, p. 1;

No. 75-963. *KILGORE v. UNITED STATES*, *ante*, p. 905;

No. 75-6944. *SCHWARTZ v. UNITED STATES*, *ante*, p. 906;

No. 76-29. *COMPLETE AUTO TRANSIT, INC. v. BRADY, CHAIRMAN, MISSISSIPPI TAX COMMISSION*, *ante*, p. 274;

No. 76-554. *TULARE LAKE CANAL CO. ET AL. v. UNITED STATES*, 429 U. S. 1121;

No. 76-555. *SALYER LAND CO. v. UNITED STATES*, 429 U. S. 1121;

No. 76-590. *SHUEY v. UNITED STATES*, 429 U. S. 1092;

No. 76-712. *STEWART v. UNITED STATES ET AL.*, 429 U. S. 1081;

No. 76-763. *CAMELIA BUILDERS, INC., ET AL. v. FIDELITY MORTGAGE INVESTORS*, 429 U. S. 1093;

No. 76-803. *VESCO & Co., INC. v. INTERNATIONAL CONTROLS CORP.*, 429 U. S. 1088;

No. 76-868. *JAMES v. ILLINOIS*, 429 U. S. 1082;

No. 76-980. *IN RE KRAFT*, *ante*, p. 915;

No. 76-1019. *AFFLERBACH v. UNITED STATES*, 429 U. S. 1098;

No. 76-5792. *HAUGEN v. BRYAN*, *ante*, p. 909; and

No. 76-5883. *ROOTS v. WAINWRIGHT, SECRETARY, DEPARTMENT OF OFFENDER REHABILITATION OF FLORIDA*, *ante*, p. 934.
Petitions for rehearing denied.

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Appeals Dismissed

No. 76-893. *SLOAN, DBA SAMUEL H. SLOAN & Co. v. SHEARSON, HAMMILL & Co., INC.* Appeal from Ct. App. N. Y. dis-

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missed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari denied. Reported below: 40 N. Y. 2d 844, — N. E. 2d —.

No. 76-1236. *CHRISTENSEN v. MOORE ET AL.* Appeal from Ct. App. Wash. dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari denied.

No. 76-6047. *FELDMAN ET AL. v. WEYMOUTH TOWNSHIP ET AL.* Appeal from Sup. Ct. N. J. dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari denied. Reported below: 71 N. J. 249, 364 A. 2d 1016.

No. 76-6332. *WATKINS v. LOUISIANA.* 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. Reported below: 340 So. 2d 235.

No. 76-1030. *MINNESOTA v. ALEXANDER, SECRETARY OF THE ARMY, ET AL.* Appeal from C. A. 8th Cir. dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari denied. Reported below: 543 F. 2d 1198.

MR. JUSTICE STEVENS, with whom MR. JUSTICE MARSHALL and MR. JUSTICE REHNQUIST join, dissenting.

In this case, the Court of Appeals held that dredging by the Army Corps of Engineers is exempt from state water-pollution regulations. 543 F. 2d 1198 (CA8 1976). The Court today refuses to review this ruling despite the fact that the case is here on appeal, and may well be within our mandatory jurisdiction.¹ The case deserves plenary review

¹ Our mandatory jurisdiction includes cases in which a court of appeals holds a state statute "invalid as repugnant to the Constitution, treaties or laws of the United States . . ." 28 U. S. C. § 1254 (2). The Secretary

because of its practical importance and because of the likelihood that error has been committed.

The general rule, of course, is that federal agencies are immune from state regulation, but this immunity may be waived by Congress. See *EPA v. California ex rel. State Water Resources Control Board*, 426 U. S. 200. It appears that Congress has made such a waiver in § 313 of the Federal Water Pollution Control Act, as added, 86 Stat. 875, 33 U. S. C. § 1323 (1970 ed., Supp. V). Section 313 provides, in no uncertain terms, that:

"Each department, agency, or instrumentality of the executive, legislative, and judicial branches of the Federal Government . . . shall comply with Federal, State, interstate, and local requirements"

Congress was cautious indeed in allowing exceptions, as shown by the remainder of § 313. Federal agencies may be exempted only by the President himself, and only if he finds the exemption to be in the "paramount interest of the United States." Even then, the exemption lasts only one year unless renewed by the President, and he must report each exemption

of the Army concedes that "[b]y holding that the federal statute did not waive the traditional immunity of the Corps of Engineers from state regulation, the court implicitly held that the purported reach of state laws over the Corps' dredging activities was invalid under the Supremacy Clause" Motion to Dismiss or Affirm 5. In *City of Detroit v. Murray Corp.*, 355 U. S. 489, the Court of Appeals, 234 F. 2d 380, had ruled that, as applied, a state taxing statute invaded the Federal Government's immunity from state taxation. This Court postponed the question of appellate jurisdiction to the hearing on the merits, but then held without explanation that an appeal was proper. 355 U. S., at 492. A similar result should apply to a holding that a state statute invaded the Federal Government's immunity from unconsented state regulation. It is arguable, of course, that our mandatory appellate jurisdiction is defeated by the Court of Appeals' failure to make express its invalidation of the statute as applied to the Corps, but we clearly have power to review the case on writ of certiorari.

to Congress "together with his reason for granting such exemption."

Despite the evident intent of Congress to allow even temporary exemptions only under extraordinary circumstances, the Court of Appeals found an implied, permanent exemption in § 404 of the Act, 86 Stat. 884, 33 U. S. C. § 1344 (1970 ed., Supp. V).² 543 F. 2d, at 1202. Section 404 simply provides that dredging permits are issued by the Army Corps of Engineers, rather than the Environmental Protection Agency. It says nothing about any exemption from state water-pollution regulation. Indeed, § 404 does not distinguish between dredging by the Corps and dredging by private industry; private dredgers are concededly subject to state pollution require-

² Section 404 states:

"(a) The Secretary of the Army, acting through the Chief of Engineers, may issue permits, after notice and opportunity for public hearings for the discharge of dredged or fill material into the navigable waters at specified disposal sites.

"(b) Subject to subsection (c) of this section, each such disposal site shall be specified for each such permit by the Secretary of the Army (1) through the application of guidelines developed by the Administrator in conjunction with the Secretary of the Army, which guidelines shall be based upon criteria comparable to the criteria applicable to the territorial seas, the contiguous zone, and the ocean under section 403 (c), and (2) in any case where such guidelines under clause (1) alone would prohibit the specification of a site, through the application additionally of the economic impact of the site on navigation and anchorage.

"(c) The Administrator is authorized to prohibit the specification (including the withdrawal of specification) of any defined area as a disposal site, and he is authorized to deny or restrict the use of any defined area for specification (including the withdrawal of specification) as a disposal site, whenever he determines, after notice and opportunity for public hearings, that the discharge of such materials into such area will have an unacceptable adverse effect on municipal water supplies, shellfish beds and fishery areas (including spawning and breeding areas), wildlife, or recreational areas. Before making such determination, the Administrator shall consult with the Secretary of the Army. The Administrator shall set forth in writing and make public his findings and his reasons for making any determination under this subsection." 86 Stat. 884.

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ments (Motion to Dismiss or Affirm 9, and n. 10); and Congress expected that "the disposal activities of private dredgers and the Corps of Engineers will be treated similarly." S. Conf. Rep. No. 92-1236, p. 142 (1972); see also H. R. Rep. No. 92-911, p. 130 (1972).

* In *State Water Resources Control Bd.*, the Court emphasized that "[f]ederal installations are subject to state regulation only when and to the extent that congressional authorization is clear and unambiguous." 426 U.S., at 211. Perhaps further investigation will disclose that the congressional authorization here is not so "clear and unambiguous" as it now appears to be. Even giving all benefit of the doubt to the Court of Appeals, however, the correctness of its holding is far from apparent.

This case has more than theoretical importance. According to the complaint, the Corps dredges some two million cubic yards of sediment from the Mississippi River alone, and deposits about half that amount in Minnesota. App. A-4. These activities have allegedly caused "severe degradation of the quality of the waters of [that] state." *Id.*, at A-2. Other States, too, are concerned—briefs of *amici curiae* urging reversal have been filed on behalf of California, Hawaii, Idaho, Missouri, Washington, and Wisconsin.

I would order the case set for oral argument, postponing until then the issue whether the case should be taken on appeal or by writ of certiorari.

No. 76-1226. *SICILIANO ET AL. v. NEW YORK*. Appeal from Ct. App. N. Y. dismissed for want of substantial federal question. Reported below: 40 N. Y. 2d 996, 359 N. E. 2d 700.

No. 76-5933. *FILMON v. FLORIDA*. Appeal from Sup. Ct. Fla. dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari denied. MR. JUSTICE BRENNAN and MR. JUSTICE STEVENS would note probable jurisdiction and set case for oral argument. Reported below: 336 So. 2d 586.

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Certiorari Granted—Reversed and Remanded. (See No. 76-1036, *ante*, p. 723.)

Miscellaneous Orders

No. A-812 (76-5415). *GILBERT v. UNITED STATES*, *ante*, p. 902. Application for bail, presented to MR. JUSTICE BRENNAN, and by him referred to the Court, denied.

No. D-101. *IN RE DISBARMENT OF WALKER*. It is ordered that John E. Walker, of Lansing, Ill., 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. D-102. *IN RE DISBARMENT OF PAPPAS*. It is ordered that Peter Victor Pappas, of Chicago, Ill., 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. D-103. *IN RE DISBARMENT OF CLAY*. It is ordered that Gerald R. Clay, 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.

No. 75-1181. *BATTERTON, SECRETARY, DEPARTMENT OF EMPLOYMENT AND SOCIAL SERVICES OF MARYLAND, ET AL. v. FRANCIS ET AL.* C. A. 4th Cir. [Certiorari granted, 429 U. S. 939.] Motion of respondents for leave to file supplemental brief granted.

No. 76-422. *DOTHARD, DIRECTOR, DEPARTMENT OF PUBLIC SAFETY OF ALABAMA, ET AL. v. RAWLINSON ET AL.* Appeal from D. C. M. D. Ala. [Probable jurisdiction noted, 429 U. S. 976.] Motion of the Solicitor General for leave to file a brief as *amicus curiae* denied.

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No. 76-1420. STATE MUTUAL LIFE ASSURANCE COMPANY OF AMERICA ET AL. *v.* ARTHUR ANDERSEN & Co. ET AL. C. A. 2d Cir. Motion to expedite consideration of petition for writ of certiorari denied.

No. 76-5187. LEE *v.* UNITED STATES. C. A. 7th Cir. [Certiorari granted, 429 U. S. 1037.] Motion of Thomas Sanabria for leave to file a brief as *amicus curiae* denied.

Probable Jurisdiction Postponed

No. 76-1200. CRIST, WARDEN, ET AL. *v.* CLINE ET AL. Appeal from C. A. 9th Cir. Motion of appellee Merrel Cline for leave to proceed *in forma pauperis* granted. Further consideration of question of jurisdiction postponed to hearing of case on the merits. Reported below: 546 F. 2d 1336.

Certiorari Granted

No. 76-1121. AMERICAN BROADCASTING COMPANIES, INC., ET AL. *v.* WRITERS GUILD OF AMERICA, WEST, INC., ET AL.;

No. 76-1153. ASSOCIATION OF MOTION PICTURE & TELEVISION PRODUCERS, INC. *v.* WRITERS GUILD OF AMERICA, WEST, INC., ET AL.; and

No. 76-1162. NATIONAL LABOR RELATIONS BOARD *v.* WRITERS GUILD OF AMERICA, WEST, INC., ET AL. C. A. 2d Cir. Certiorari granted, cases consolidated, and a total of one and one-half hours allotted for oral argument. Reported below: 547 F. 2d 159.

Certiorari Denied. (See also Nos. 76-893, 76-1236, 76-6047, 76-6332, 76-1030, and 76-5933, *supra.*)

No. 75-5867. COOK *v.* PARKINSON, WARDEN, ET AL. C. A. 8th Cir. Certiorari denied. Reported below: 525 F. 2d 120.

No. 76-814. CAMERON *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 543 F. 2d 1002.

No. 76-956. MISSISSIPPI GAY ALLIANCE ET AL. *v.* GOUDLOCK ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 536 F. 2d 1073.

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No. 76-886. *UMENTUM v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 547 F. 2d 987.

No. 76-937. *CHAFFIN ET AL. v. McDONALD ET UX*. Ct. App. Tenn. Certiorari denied.

No. 76-1012. *MANSFIELD v. SMALL CLAIMS COURT, LOS ANGELES JUDICIAL DISTRICT*. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 76-1018. *FORT MOJAVE TRIBE v. COUNTY OF SAN BERNARDINO*. C. A. 9th Cir. Certiorari denied. Reported below: 543 F. 2d 1253.

No. 76-1072. *VALERIANO v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 76-1080. *DAIGLE v. KANSAS*. Sup. Ct. Kan. Certiorari denied. Reported below: 220 Kan. 639, 556 P. 2d 400.

No. 76-1088. *FEDERAL TRADE COMMISSION v. BENEFICIAL CORP. ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 542 F. 2d 611.

No. 76-1090. *COOK v. UNITED STATES*; and

No. 76-1267. *CRAVERO ET AL. v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 545 F. 2d 406.

No. 76-1096. *LANGELLA v. COMMISSIONER OF CORRECTIONS OF NEW YORK*. C. A. 2d Cir. Certiorari denied. Reported below: 545 F. 2d 818.

No. 76-1098. *MARATHON OIL Co. v. FEDERAL ENERGY ADMINISTRATION ET AL.* Temp. Emerg. Ct. App. Certiorari denied. Reported below: 547 F. 2d 1140.

No. 76-1140. *YOUNG ET AL. v. MIDLAND INDEPENDENT SCHOOL DISTRICT ET AL.* C. A. 5th Cir. Certiorari denied.

No. 76-1207. *WARD v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 37 Ill. App. 3d 960, 347 N. E. 2d 381.

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No. 76-1222. *NEW PITTSBURGH COURIER PUBLISHING CO. v. JONES, RECEIVER*. Sup. Ct. Pa. Certiorari denied. Reported below: 469 Pa. 157, 364 A. 2d 1315.

No. 76-1224. *A. STUCKI CO. v. RAILROAD DYNAMICS, INC.* C. A. 3d Cir. Certiorari denied. Reported below: 547 F. 2d 1158.

No. 76-1229. *KELLNER v. KARNES CITY INDEPENDENT SCHOOL DISTRICT ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 541 F. 2d 279.

No. 76-1232. *CARTER ET AL. v. HAMLIN HOSPITAL DISTRICT ET AL.* Ct. Civ. App. Tex., 11th Sup. Jud. Dist. Certiorari denied. Reported below: 538 S. W. 2d 671.

No. 76-1233. *SUPER ATHLETICS CORP. ET AL. v. UNIVERSAL ATHLETIC SALES CO. ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 546 F. 2d 530.

No. 76-1237. *FRIEDMAN ET AL. v. BERGER, COMMISSIONER, DEPARTMENT OF SOCIAL SERVICES OF NEW YORK, ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 547 F. 2d 724.

No. 76-1241. *FLORIDA v. NIDIFFER*. C. A. 5th Cir. Certiorari denied. Reported below: 546 F. 2d 908.

No. 76-1256. *PEAK ET AL. v. ALABAMA DEPARTMENT OF INDUSTRIAL RELATIONS ET AL.* Ct. Civ. App. Ala. Certiorari denied. Reported below: 340 So. 2d 796.

No. 76-1272. *INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS, LOCAL No. 782, AFL-CIO, ET AL. v. OLSON, CITY MANAGER OF SALINA, KANSAS*. C. A. 10th Cir. Certiorari denied.

No. 76-1282. *FULTON v. HECHT ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 545 F. 2d 540.

No. 76-1336. *BLITZSTEIN v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 549 F. 2d 804.

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No. 76-1301. *DUBUQUE COMMUNICATIONS CORP. v. AMERICAN BROADCASTING COMPANIES, INC.* C. A. 7th Cir. Certiorari denied. Reported below: 547 F. 2d 1170.

No. 76-1342. *GUSAN v. UNITED STATES.* C. A. 7th Cir. Certiorari denied. Reported below: 549 F. 2d 15.

No. 76-1344. *MUHAMMAD v. UNITED STATES.* C. A. 8th Cir. Certiorari denied. Reported below: 549 F. 2d 517.

No. 76-5950. *FOWLER v. MARYLAND.* Ct. App. Md. Certiorari denied.

No. 76-5990. *KNIGHT v. UNITED STATES.* C. A. 1st Cir. Certiorari denied. Reported below: 542 F. 2d 1163.

No. 76-6017. *PACHECO v. IMMIGRATION AND NATURALIZATION SERVICE.* C. A. 1st Cir. Certiorari denied. Reported below: 546 F. 2d 448.

No. 76-6019. *JUAREZ-RODRIGUEZ v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 568 F. 2d 120.

No. 76-6044. *LYNOTT v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 535 F. 2d 657.

No. 76-6048. *CAMPBELL v. UNITED STATES.* C. A. 10th Cir. Certiorari denied. Reported below: 542 F. 2d 548.

No. 76-6151. *CASELL v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 542 F. 2d 279.

No. 76-6152. *BOORD v. UNITED STATES.* C. A. 1st Cir. Certiorari denied.

No. 76-6154. *BEGLEY v. CALIFANO, SECRETARY OF HEALTH, EDUCATION, AND WELFARE.* C. A. 6th Cir. Certiorari denied. Reported below: 544 F. 2d 1345.

No. 76-6158. *HORN v. COMMISSIONER OF INTERNAL REVENUE.* C. A. 2d Cir. Certiorari denied.

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No. 76-6169. *MELICKIAN v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 547 F. 2d 416.

No. 76-6195. *NOLAN v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 547 F. 2d 1165.

No. 76-6208. *CHANDLER v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 546 F. 2d 415.

No. 76-6312. *McMAHAN v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 548 F. 2d 712.

No. 76-6330. *RODRIGUEZ v. AARON, WARDEN*. C. A. 10th Cir. Certiorari denied.

No. 76-6339. *SMITH v. LOUISIANA*. Sup. Ct. La. Certiorari denied. Reported below: 339 So. 2d 829.

No. 76-6342. *BURAS v. COATES ET AL.* C. A. 5th Cir. Certiorari denied.

No. 76-6344. *NELSON v. MAGGIO, WARDEN*. C. A. 5th Cir. Certiorari denied. Reported below: 545 F. 2d 167.

No. 76-6345. *CLARK v. RODRIGUEZ ET AL.* C. A. 10th Cir. Certiorari denied.

No. 76-6349. *ZATKO v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied.

No. 76-6351. *MANSON v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist. Certiorari denied. Reported below: 61 Cal. App. 3d 102, 132 Cal. Rptr. 265.

No. 76-6356. *VICTORS, AKA VITORATOS v. OHIO*. Ct. App. Ohio, Summit County. Certiorari denied.

No. 76-6358. *FRANKEL v. AMERICAN EXPORT-ISBRANDTSEN LINES, INC.* C. A. 2d Cir. Certiorari denied.

No. 76-6360. *WATSON v. ARIZONA*. Sup. Ct. Ariz. Certiorari denied. Reported below: 114 Ariz. 1, 559 P. 2d 121.

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No. 76-6362. NUSS, TRUSTEE *v.* LOONEY ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 545 F. 2d 916.

No. 76-6437. LARICHE *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 549 F. 2d 1088.

No. 76-6438. CARTER *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 549 F. 2d 797.

No. 76-6450. CRAFT *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 547 F. 2d 1169.

No. 76-6460. SPICER *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 547 F. 2d 1228.

No. 76-6465. FOLKERTS *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 76-6484. GONZALEZ *v.* SOUTHERN METHODIST UNIVERSITY. C. A. 5th Cir. Certiorari denied. Reported below: 536 F. 2d 1071.

No. 76-1075. LEBEOUF BROS. TOWING CO. ET AL. *v.* UNITED STATES. C. A. 5th Cir. Motion of Lawrence K. Benson et al. for leave to file a brief as *amici curiae* granted. Certiorari denied. Reported below: 537 F. 2d 149.

No. 76-1208. WAINWRIGHT, SECRETARY, DEPARTMENT OF OFFENDER REHABILITATION OF FLORIDA *v.* PRESSLEY. C. A. 5th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 540 F. 2d 818.

No. 76-6294. HILL *v.* MISSISSIPPI. Sup. Ct. Miss. Certiorari denied. MR. JUSTICE BRENNAN and MR. JUSTICE MARSHALL would grant certiorari and vacate judgment insofar as it leaves undisturbed the sentence of death. See *Gregg v. Georgia*, 428 U. S. 153, 227 (1976) (BRENNAN, J., dissenting); *id.*, at 231 (MARSHALL, J., dissenting). Reported below: 339 So. 2d 1382.

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No. 76-6305. *WHITE v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied. MR. JUSTICE BRENNAN and MR. JUSTICE MARSHALL would grant certiorari and vacate judgment insofar as it leaves undisturbed the sentence of death. See *Gregg v. Georgia*, 428 U. S. 153, 227 (1976) (BRENNAN, J., dissenting); *id.*, at 231 (MARSHALL, J., dissenting). Reported below: 543 S. W. 2d 104.

Rehearing Denied

No. 75-1198. *NOLDE BROTHERS, INC. v. LOCAL No. 358, BAKERY & CONFECTIONERY WORKERS UNION, AFL-CIO*, *ante*, p. 243;

No. 76-1054. *CATANZARO v. CENTRAL GULF STEAMSHIP CORP. ET AL.*, *ante*, p. 916; and

No. 76-5881. *MORALES v. TURMAN ET AL.*, *ante*, p. 322. Petitions for rehearing denied.

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 Eighth Circuit from October 10, 1977, to October 14, 1977, 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.