

ORDERS FROM APRIL 28 THROUGH
JUNE 13, 1977

APRIL 28, 1977

Dismissal Under Rule 60

No. 76-6475. *WILSON v. UNITED STATES*. C. A. 5th Cir. Certiorari dismissed under this Court's Rule 60. Reported below: 546 F.2d 1175.

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Appeals Dismissed

No. 76-815. *APPAWORA v. BROUGH*. Appeal from Sup. Ct. Utah dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari granted, judgment vacated, and case remanded for further consideration in light of *Rosebud Sioux Tribe v. Kneip*, 430 U. S. 584 (1977). Reported below: 553 P. 2d 934.

No. 76-1279. *SALT RIVER PROJECT AGRICULTURAL IMPROVEMENT AND POWER DISTRICT v. DEPARTMENT OF PROPERTY VALUATION OF ARIZONA*. Appeal from Sup. Ct. Ariz. dismissed for want of substantial federal question. Reported below: 113 Ariz. 472, 556 P. 2d 1134.

No. 76-6067. *DOVE v. NEW YORK ET AL.* Appeal from D. C. S. D. N. Y. dismissed for want of jurisdiction.

Certiorari Granted—Vacated and Remanded. (See No. 76-815, *supra*.)

Miscellaneous Orders

No. A-445. *WHITEHEAD v. UNITED STATES*. C. A. 5th Cir. Application for bail, presented to Mr. JUSTICE BRENNAN, and by him referred to the Court, denied.

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No. A-486. *HURST v. UNITED STATES*. C. A. 6th Cir. Application for bail, presented to MR. JUSTICE MARSHALL, and by him referred to the Court, denied.

No. D-89. *IN RE DISBARMENT OF AVGERIN*. It having been reported to the Court by Peter Victor Pappas, of Chicago, Ill., that Constantine N. Avgerin died February 19, 1977, the rule to show cause heretofore issued on November 15, 1976 [429 U. S. 955], is hereby discharged.

No. D-104. *IN RE DISBARMENT OF MURRAY*. It is ordered that Richard C. Murray, of Lutherville, 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. 75-1069. *RICHMOND UNIFIED SCHOOL DISTRICT ET AL. v. BERG*. C. A. 9th Cir. [Certiorari granted, 429 U. S. 1071.] Motion of National Education Assn. for leave to file a brief as *amicus curiae* granted.

No. 75-1157. *TOWN OF LOCKPORT, NEW YORK, ET AL. v. CITIZENS FOR COMMUNITY ACTION AT THE LOCAL LEVEL, INC., ET AL.*, 430 U. S. 259. Motion of appellees Citizens for Community Action at the Local Level, Inc., et al. for recall of judgment and clarification of remand 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 the United States for leave to file a brief as *amicus curiae* granted.

No. 76-793. *EHRlichman v. UNITED STATES*; and

No. 76-1081. *MITCHELL ET AL. v. UNITED STATES*. C. A. D. C. Cir. Motion of petitioners for leave to file supplemental memorandum denied. MR. JUSTICE REHNQUIST took no part in the consideration or decision of this motion.

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No. 76-577. *ZACCHINI v. SCRIPPS-HOWARD BROADCASTING Co.* Sup. Ct. Ohio. [Certiorari granted, 429 U. S. 1037.] Motion of National Association of Broadcasters for leave to file a brief as *amicus curiae* denied.

No. 76-1105. *CLARK v. KIMMITT, SECRETARY OF THE SENATE, ET AL.* Appeal from C. A. D. C. Cir.; and

No. 76-1258. *TERRITO ET AL. v. POCHE ET AL.* Appeal from Sup. Ct. La. The Solicitor General is invited to file briefs in these cases expressing the views of the United States.

Certiorari Granted

No. 76-1151. *UNITED STATES v. CECCOLINI.* C. A. 2d Cir. Certiorari granted. Reported below: 542 F. 2d 136.

No. 76-1058. *CENTRAL ILLINOIS PUBLIC SERVICE Co. v. UNITED STATES.* C. A. 7th Cir. Certiorari granted and case set for oral argument with No. 76-1095, *Commissioner of Internal Revenue v. Kowalski* [certiorari granted, 430 U. S. 944]. Reported below: 540 F. 2d 300.

Certiorari Denied

No. 76-374. *SIMS v. WALN ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 536 F. 2d 686.

No. 76-1003. *LONGHI v. ESSEX COUNTY PROBATION DEPARTMENT ET AL.* Super. Ct. N. J. Certiorari denied.

No. 76-1056. *BUDDY SYSTEMS, INC. v. EXER-GENIE, INC., ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 545 F. 2d 1164.

No. 76-1066. *NORTHERN COMMERCIAL Co. v. SELLS.* C. A. 9th Cir. Certiorari denied. Reported below: 544 F. 2d 526.

No. 76-1078. *DEVINCENT ET AL. v. UNITED STATES.* C. A. 1st Cir. Certiorari denied. Reported below: 546 F. 2d 452.

No. 76-1091. *ROSE ET AL. v. CITY OF LOS ANGELES ET AL.* Ct. App. Cal., 2d App. Dist. Certiorari denied.

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No. 76-1099. *SHORT v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 549 F. 2d 803.

No. 76-1104. *SAGRACY v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 549 F. 2d 803.

No. 76-1125. *JACK SANDERS CORP. v. UNITED STATES*. Ct. Cl. Certiorari denied. Reported below: 211 Ct. Cl. 318, 546 F. 2d 430.

No. 76-1131. *ECHOLS ET AL. v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 542 F. 2d 948.

No. 76-1136. *HELSTOSKI v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 547 F. 2d 1165.

No. 76-1138. *LE BEAU TOURS INTER-AMERICA, INC. v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 547 F. 2d 9.

No. 76-1146. *B & E PAVING CO. ET AL. v. UNITED STATES ET AL.* C. A. 2d Cir. Certiorari denied.

No. 76-1167. *CRUMPACKER v. RUMAN ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 544 F. 2d 519.

No. 76-1197. *SECURITIES INVESTOR PROTECTION CORP. v. MASSACHUSETTS FINANCIAL SERVICES, INC.* C. A. 1st Cir. Certiorari denied. Reported below: 545 F. 2d 754.

No. 76-1252. *BADDOCK v. AMERICAN BENEFIT LIFE INSURANCE CO. ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 544 F. 2d 1291.

No. 76-1255. *VITELLO v. GAUGHAN, CORRECTIONAL SUPERINTENDENT*. C. A. 1st Cir. Certiorari denied. Reported below: 544 F. 2d 17.

No. 76-1268. *POSTER EXCHANGE, INC. v. NATIONAL SCREEN SERVICE CORP. ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 542 F. 2d 255.

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No. 76-1260. *SMITH v. MARTIN ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 542 F. 2d 688.

No. 76-1284. *AMOCO OIL CO. v. OIL, CHEMICAL & ATOMIC WORKERS, INTERNATIONAL UNION, LOCAL 7-1, INC., ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 548 F. 2d 1288.

No. 76-1295. *FINNEY v. UNITED STATES.* Ct. Cl. Certiorari denied. Reported below: 209 Ct. Cl. 742, 538 F. 2d 347.

No. 76-1366. *INDIVIGLIA v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. Reported below: 549 F. 2d 264.

No. 76-5631. *JOSEPH v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 533 F. 2d 282.

No. 76-5969. *WARHOLIC v. UNITED STATES;* and

No. 76-6142. *RICCARDI v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: No. 76-5969, 547 F. 2d 1177; No. 76-6142, 547 F. 2d 1176.

No. 76-6026. *WINFORD v. HOPPER, WARDEN.* C. A. 5th Cir. Certiorari denied.

No. 76-6031. *REDDING v. UNITED STATES.* C. A. 3d Cir. Certiorari denied. Reported below: 547 F. 2d 36.

No. 76-6068. *SKINNER v. FLORIDA.* Dist. Ct. App. Fla., 2d Dist. Certiorari denied. Reported below: 329 So. 2d 405.

No. 76-6075. *FIMBRES v. CALIFORNIA.* Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 76-6076. *WIGGINS v. UNITED STATES.* C. A. D. C. Cir. Certiorari denied. Reported below: 178 U. S. App. D. C. 77, 543 F. 2d 1390.

No. 76-6093. *KLARE v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 545 F. 2d 93.

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No. 76-6096. *BRINSON ET AL. v. FLORIDA*. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 325 So. 2d 447.

No. 76-6099. *STREET v. WARDEN, MARYLAND PENITENTIARY*. C. A. 4th Cir. Certiorari denied. Reported below: 549 F. 2d 799.

No. 76-6119. *HUNT v. HAVENER, CORRECTIONAL SUPERINTENDENT*. C. A. 6th Cir. Certiorari denied. Reported below: 549 F. 2d 801.

No. 76-6177. *VICE ET AL. v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 543 F. 2d 1102.

No. 76-6205. *RICHARDSON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 546 F. 2d 909.

No. 76-6240. *NOEL v. UNITED STATES*;

No. 76-6243. *EASTER v. UNITED STATES*;

No. 76-6259. *PROCTOR v. UNITED STATES*; and

No. 76-6269. *BRYANT v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 551 F. 2d 309 and 310.

No. 76-6246. *ORZECZOWSKI v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 547 F. 2d 978.

No. 76-6284. *DAVIS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 546 F. 2d 583.

No. 76-6361. *CHAMBERLAIN v. ESTELLE, CORRECTIONS DIRECTOR*. C. A. 5th Cir. Certiorari denied. Reported below: 545 F. 2d 1296.

No. 76-6363. *MAYNARD v. ILLINOIS*. App. Ct. Ill., 3d Dist. Certiorari denied. Reported below: — Ill. App. 3d —, 346 N. E. 2d 235.

No. 76-6368. *BLACK v. NEW HAMPSHIRE*. Sup. Ct. N. H. Certiorari denied. Reported below: 116 N. H. 836, 368 A. 2d 1177.

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No. 76-6367. *GOULD v. GAVETT ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 551 F. 2d 306.

No. 76-6374. *CURTIS ET AL. v. TOWNSEND ET UX.* App. Ct. Ill., 3d Dist. Certiorari denied. Reported below: 15 Ill. App. 3d 209, 303 N. E. 2d 566.

No. 76-6378. *ZATKO v. CALIFORNIA ET AL.* C. A. 9th Cir. Certiorari denied.

No. 76-6385. *SMITH v. HEWITT, CORRECTIONAL SUPERINTENDENT.* C. A. 3d Cir. Certiorari denied. Reported below: 549 F. 2d 796.

No. 76-6414. *BREWER v. OHIO.* Sup. Ct. Ohio. Certiorari denied.

No. 76-6443. *BIRCH ET AL. v. CAREY, GOVERNOR OF NEW YORK, ET AL.* Ct. App. N. Y. Certiorari denied.

No. 76-6462. *LAIRD v. UNITED STATES.* C. A. 3d Cir. Certiorari denied. Reported below: 549 F. 2d 797.

No. 76-6467. *YOUNG v. HOGAN, WARDEN.* C. A. 5th Cir. Certiorari denied. Reported below: 547 F. 2d 572.

No. 76-6468. *HILL v. UNITED STATES.* C. A. 9th Cir. Certiorari denied.

No. 76-6471. *HERNDON v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 548 F. 2d 354.

No. 76-6476. *MURRAY v. UNITED STATES.* C. A. 6th Cir. Certiorari denied.

No. 76-6487. *VITALE v. UNITED STATES.* C. A. 8th Cir. Certiorari denied. Reported below: 549 F. 2d 71.

No. 76-6489. *DELAMOTTE v. UNITED STATES.* C. A. 2d Cir. Certiorari denied.

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No. 76-6490. *CHANNEL v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 76-6495. *CHAPMAN v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 547 F. 2d 1240.

No. 76-6500. *PERKINS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 548 F. 2d 354.

No. 76-6501. *SPANIER v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 76-6508. *BAAITH, AKA CURTIS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 550 F. 2d 41.

No. 76-6510. *MEEKS ET AL. v. UNITED STATES*. C. A. 10th Cir. Certiorari denied.

No. 76-6539. *DYER v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 76-1219. *GRUTKA v. BARBOUR, REGIONAL DIRECTOR, NATIONAL LABOR RELATIONS BOARD, ET AL.* C. A. 7th Cir. Motions of General Conference of Seventh-day Adventists and American Baptist Churches in the USA for leave to file briefs as *amici curiae* granted. Certiorari denied. Reported below: 549 F. 2d 5.

No. 76-1249. *DAY v. AVERY 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: 179 U. S. App. D. C. 63, 548 F. 2d 1018.

No. 76-1270. *NEW YORK v. LUIS J.* Ct. App. N. Y. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. THE CHIEF JUSTICE and MR. JUSTICE WHITE would grant certiorari. Reported below: 40 N. Y. 2d 990, 359 N. E. 2d 663.

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No. 76-6265. *GOODWIN v. GEORGIA*; and

No. 76-6395. *COLEMAN 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. 76-6265, 236 Ga. 339, 223 S. E. 2d 703; No. 76-6395, 237 Ga. 84, 226 S. E. 2d 911.

Rehearing Denied

No. 76-718. *MAKRIS v. UNITED STATES*, 430 U. S. 954;

No. 76-5756. *NOLEN v. BROWN, SECRETARY OF DEFENSE, ET AL.*, 429 U. S. 1104; and

No. 76-5985. *STEEL v. FINE ET AL.*, 430 U. S. 943. Petitions for rehearing denied.

No. 76-5357. *COOPER v. UNITED STATES*, 429 U. S. 1099. Motion for leave to file petition for rehearing denied.

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Miscellaneous Order

No. A-917. *ADDONIZIO v. UNITED STATES*. Application to vacate order entered May 2, 1977, by the United States Court of Appeals for the Third Circuit, presented to MR. JUSTICE BRENNAN, and by him referred to the Court, granted pursuant to this Court's Rule 49 (3). Order filed April 27, 1977, by the United States District Court for the District of New Jersey is reinstated pending decision of the Court of Appeals of the appeal therefrom. THE CHIEF JUSTICE and MR. JUSTICE REHNQUIST dissent.

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Affirmed on Appeal

No. 76-1076. *RAILROAD RETIREMENT BOARD v. KALINA*. Appeal from C. A. 6th Cir. Motion of appellee for leave to

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proceed *in forma pauperis* granted. Judgment affirmed. Reported below: 541 F. 2d 1204.

No. 76-1299. GRAVES ET AL. *v.* MEYSTRIK, DIRECTOR, DIVISION OF EMPLOYMENT SECURITY, ET AL. Affirmed on appeal from D. C. E. D. Mo. MR. JUSTICE BRENNAN would note probable jurisdiction and set case for oral argument. Reported below: 425 F. Supp. 40.

No. 76-6413. WHITFIELD ET AL. *v.* BURNS, COMMISSIONER, DEPARTMENT OF PENSIONS AND SECURITY OF ALABAMA, ET AL. Affirmed on appeal from D. C. M. D. Ala.

Appeals Dismissed

No. 76-1315. CALHOUN *v.* KUPPERMAN ET AL. Appeal from C. A. 2d Cir. dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari denied.

No. 76-1321. YORK *v.* DAVIS. Appeal from Sup. Ct. Ga. dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari denied. Reported below: 237 Ga. 202, 227 S. E. 2d 359.

No. 76-1368. PACIFIC POWER & LIGHT CO. *v.* DEPARTMENT OF REVENUE OF MONTANA. Appeal from Sup. Ct. Mont. dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari denied. Reported below: 171 Mont. 334, 558 P. 2d 454.

No. 76-1328. ANDREW CATAPANO CO., INC., ET AL. *v.* NEW YORK CITY FINANCE ADMINISTRATION. Appeal from Ct. App. N. Y. dismissed for want of substantial federal question. Reported below: 40 N. Y. 2d 1074, 360 N. E. 2d 934.

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No. 76-6034. *POTTER v. DEPARTMENT OF SOCIAL SERVICES*. Appeal from Ct. App. Cal., 1st App. Dist., dismissed for want of jurisdiction. Reported below: 61 Cal. App. 3d 310, 132 Cal. Rptr. 5.

Vacated and Remanded on Appeal

No. 75-1079. *SCHANEFELT v. PARADISO*. Appeal from Sup. Ct. N. M. Judgment vacated and case remanded for further consideration in light of *Califano v. Goldfarb*, 430 U. S. 199 (1977), and *Trimble v. Gordon*, 430 U. S. 762 (1977).

No. 75-1148. *LALLI v. LALLI, ADMINISTRATRIX*. Appeal from Ct. App. N. Y. Judgment vacated and case remanded for further consideration in light of *Trimble v. Gordon*, 430 U. S. 762 (1977). Reported below: 38 N. Y. 2d 77, 340 N. E. 2d 721.

No. 75-1610. *PENDLETON v. PENDLETON ET AL.* Appeal from Sup. Ct. Ky. Judgment vacated and case remanded for further consideration in light of *Trimble v. Gordon*, 430 U. S. 762 (1977). Reported below: 531 S. W. 2d 507.

Certiorari Dismissed

No. 76-1016. *WARDEN, GREEN HAVEN STATE PRISON v. PALERMO*. C. A. 2d Cir. The Court is advised that respondent was found dead at John F. Kennedy Airport, N. Y., on March 25, 1977. The petition for certiorari is therefore dismissed. *Dove v. United States*, 423 U. S. 325 (1976). Reported below: 545 F. 2d 286.

Miscellaneous Orders

No. ———. *MARK TRAIL CAMPGROUNDS, INC. v. FIELD ENTERPRISES, INC., ET AL.* Ct. App. Ga. Motion of Mark Trail Campgrounds, Inc., for leave to proceed *in forma pauperis* denied.

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No. 36, Orig. TEXAS *v.* LOUISIANA. For the purpose of giving effect to the opinion of this Court announced on June 14, 1976, 426 U. S. 465, decree entered, *ante*, p. 161. Costs to be taxed to the parties in accordance with their contribution to the fund established by the Special Master, and no costs to be taxed for the services of the Special Master. Any unexpended funds contributed by the parties to the Special Master for necessary expenses to be returned to the parties. Upon such return of funds the Honorable Robert Van Pelt, Special Master appointed in this cause, will have completed his duties and is thereupon discharged.

No. D-67. IN RE DISBARMENT OF MEYER. Disbarment entered. [For earlier order, see 429 U. S. 914.]

No. D-74. IN RE DISBARMENT OF FOSTER. Disbarment entered. [For earlier order, see 429 U. S. 936.]

No. D-87. IN RE DISBARMENT OF COHEN. Disbarment entered. [For earlier order, see 429 U. S. 955.]

No. D-88. IN RE DISBARMENT OF NOWAK. Disbarment entered. [For earlier order, see 429 U. S. 955.]

No. D-97. IN RE DISBARMENT OF DEUTSCH. Disbarment entered. [For earlier order, see 429 U. S. 1069.]

No. D-105. IN RE DISBARMENT OF SALTZER. It is ordered that Leonard Saltzer, of Cleveland, 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. D-106. IN RE DISBARMENT OF ABBOTT. It is ordered that William Hayes Abbott of Orangevale, Cal., be suspended from the practice of law in this Court and that a rule issue, returnable within 40 days, requiring him to show cause why

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he should not be disbarred from the practice of law in this Court.

No. D-107. *IN RE DISBARMENT OF FRIEDLAND*. It is ordered that Edward S. Friedland of New York, N. Y., be suspended from the practice of law in this Court and that a rule issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. D-108. *IN RE DISBARMENT OF ZEIGLER*. It is ordered that Charles D. Zeigler, of Youngstown, 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. 76-6544. *MCALLISTER v. MAGGIO, WARDEN*; and

No. 76-6606. *DARNER v. MALLEY, WARDEN*. Motions for leave to file petitions for writs of habeas corpus denied.

No. 76-6474. *TYLER v. UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF MISSOURI*. Motion for leave to file petition for writ of mandamus denied.

Certiorari Granted

No. 76-682. *SANTA CLARA PUEBLO ET AL. v. MARTINEZ ET AL.* C. A. 10th Cir. Motions of Shoshone and Arapahoe Tribes of the Wind River Indian Reservation et al., Seneca Nation of Indians of New York et al., and Pueblo de Cochiti et al. for leave to file briefs as *amici curiae* granted. *Certiorari* granted. Reported below: 540 F. 2d 1039.

Certiorari Denied. (See also Nos. 76-1315, 76-1321, and 76-1368, *supra*.)

No. 76-507. *LEIPZIG ET AL. v. BALDWIN ET AL.* C. A. 9th Cir. *Certiorari* denied. Reported below: 540 F. 2d 1360.

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No. 76-525. *SCHANBARGER v. McNULTY, SHERIFF*. C. A. 2d Cir. Certiorari denied. Reported below: 542 F. 2d 1165.

No. 76-972. *STATE BOARD OF MEDICINE OF IDAHO ET AL. v. JONES ET AL.* Sup. Ct. Idaho. Certiorari denied. Reported below: 97 Idaho 859, 555 P. 2d 399.

No. 76-1048. *75.81 ACRES OF LAND, MORE OR LESS, SITUATE IN GRAYSON COUNTY, VIRGINIA, ET AL. v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 76-1062. *O'BRIEN ET AL. v. JORDAN*. C. A. 1st Cir. Certiorari denied. Reported below: 544 F. 2d 543.

No. 76-1071. *MARTINEZ v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 547 F. 2d 1165.

No. 76-1085. *TELEPHONE ANSWERING SERVICE Co., INC. v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 4th Cir. Certiorari denied. Reported below: 546 F. 2d 423.

No. 76-1115. *HOFSTAD v. UNITED STATES*; and

No. 76-1135. *CARLSON v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 547 F. 2d 1346.

No. 76-1152. *KAVALER v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 76-1161. *NATIONAL MOTOR FREIGHT TRAFFIC ASSN., INC., ET AL. v. UNITED STATES ET AL.* C. A. D. C. Cir. Certiorari denied. Reported below: 178 U. S. App. D. C. 77, 543 F. 2d 1390.

No. 76-1175. *STRASBURG REALTY, INC. v. SECURITIES AND EXCHANGE COMMISSION ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 546 F. 2d 422.

No. 76-1186. *COHEN v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 544 F. 2d 781.

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No. 76-1190. *FASSNACHT ET UX. v. SPECTER ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 546 F. 2d 416.

No. 76-1196. *CONFEDERATION OF POLICE ET AL. v. CITY OF CHICAGO ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 539 F. 2d 712.

No. 76-1205. *AMERICAN AIRLINES, INC., ET AL. v. WORLD AIRWAYS, INC., ET AL.* C. A. D. C. Cir. Certiorari denied. Reported below: 178 U. S. App. D. C. 398, 547 F. 2d 695.

No. 76-1214. *BURGDORF v. BOARD OF TRUSTEES OF WOODLAND JOINT UNIFIED SCHOOL DISTRICT ET AL.* Ct. App. Cal., 3d App. Dist. Certiorari denied.

No. 76-1238. *FREDEMAN ET AL. v. UNITED STATES.* Temp. Emerg. Ct. App. Certiorari denied. Reported below: 547 F. 2d 1156.

No. 76-1251. *FORD MOTOR CO. ET AL. v. FEDERAL TRADE COMMISSION.* C. A. 6th Cir. Certiorari denied. Reported below: 547 F. 2d 954.

No. 76-1263. *FIRST NATIONAL BANK OF CHICAGO v. COMMISSIONER OF INTERNAL REVENUE.* C. A. 7th Cir. Certiorari denied. Reported below: 546 F. 2d 759.

No. 76-1264. *TABER INSTRUMENT CORP. ET AL. v. RAAB.* C. A. 2d Cir. Certiorari denied. Reported below: 546 F. 2d 522.

No. 76-1276. *EDWARDS v. WARDEN, KENTUCKY STATE PENITENTIARY.* C. A. 6th Cir. Certiorari denied. Reported below: 549 F. 2d 800.

No. 76-1277. *MARYLAND v. JONES.* Ct. App. Md. Certiorari denied. Reported below: 279 Md. 1, 367 A. 2d 1.

No. 76-1278. *ADAMS ET AL. v. FEDERAL EXPRESS CORP.* C. A. 6th Cir. Certiorari denied. Reported below: 547 F. 2d 319.

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No. 76-1289. *MARKER ET AL. v. INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA ET AL.* C. A. D. C. Cir. Certiorari denied. Reported below: 178 U. S. App. D. C. 277, 546 F. 2d 1043.

No. 76-1306. *LAMONT v. FRESHMAN, MARANTZ, COMSKY & DEUTSCH ET AL.* Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 76-1307. *NAVAJO FREIGHT LINES, INC. v. VACCO INDUSTRIES.* Ct. App. Cal., 2d App. Dist. Certiorari denied. Reported below: 63 Cal. App. 3d 262, 133 Cal. Rptr. 628.

No. 76-1312. *WILD v. UNITED STATES.* C. A. D. C. Cir. Certiorari denied. Reported below: 179 U. S. App. D. C. 232, 551 F. 2d 418.

No. 76-1317. *MOUNT v. BOSTON ATHENAEUM.* C. A. 1st Cir. Certiorari denied. Reported below: 530 F. 2d 961.

No. 76-1318. *SAULS v. NORTH CAROLINA.* Sup. Ct. N. C. Certiorari denied. Reported below: 291 N. C. 253, 230 S. E. 2d 390.

No. 76-1320. *JENSEN v. SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO.* Ct. App. Cal., 4th App. Dist. Certiorari denied.

No. 76-1323. *FOSTER v. KINGDON.* Sup. Ct. Ga. Certiorari denied. Reported below: 238 Ga. 37, 230 S. E. 2d 855.

No. 76-1326. *GAINES v. OREGON.* Ct. App. Ore. Certiorari denied. Reported below: 27 Ore. App. 69, 555 P. 2d 469.

No. 76-1330. *DOE v. PRINGLE ET AL., JUSTICES.* C. A. 10th Cir. Certiorari denied. Reported below: 550 F. 2d 596.

No. 76-1332. *ANASTOS ET AL. v. O'BRIEN, EXECUTRIX, ET AL.* Sup. Ct. Ill. Certiorari denied.

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No. 76-1331. *NORBECK v. DAVENPORT COMMUNITY SCHOOL DISTRICT ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 545 F. 2d 63.

No. 76-1335. *TYLER v. LOUISIANA.* Sup. Ct. La. Certiorari denied. Reported below: 342 So. 2d 574.

No. 76-1338. *DIANA ET AL. v. OHIO.* Sup. Ct. Ohio. Certiorari denied. Reported below: 48 Ohio St. 2d 199, 357 N. E. 2d 1090.

No. 76-1341. *RICHTER v. WASHINGTON.* Ct. App. Wash. Certiorari denied. Reported below: 15 Wash. App. 1038, — P. 2d —.

No. 76-1347. *MARTIN SWEETS CO., INC. v. JACOBS.* C. A. 6th Cir. Certiorari denied. Reported below: 550 F. 2d 364.

No. 76-1348. *LEAMAN v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 546 F. 2d 148.

No. 76-1350. *GARIBALDI ET AL. v. CANVIN, ADMINISTRATRIX, ET AL.* Ct. App. Cal., 3d App. Dist. Certiorari denied.

No. 76-1353. *KUYKENDALL v. SOUTHERN FARM BUREAU CASUALTY INSURANCE Co.* C. A. 5th Cir. Certiorari denied. Reported below: 543 F. 2d 754.

No. 76-1379. *DAVIS v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 549 F. 2d 809.

No. 76-1409. *VILLARREAL v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 546 F. 2d 1145.

No. 76-1420. *STATE MUTUAL LIFE ASSURANCE COMPANY OF AMERICA ET AL. v. ARTHUR ANDERSEN & Co. ET AL.* C. A. 2d Cir. Certiorari denied.

No. 76-1433. *BUTLER v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 538 F. 2d 898.

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No. 76-1461. *WARE v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 550 F. 2d 524.

No. 76-1465. *PACHECO v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 547 F. 2d 891.

No. 76-5613. *JOHNSON v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 539 F. 2d 1241.

No. 76-6089. *ROGERS v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 549 F. 2d 490.

No. 76-6120. *WALLACE v. WYRICK, WARDEN*. C. A. 8th Cir. Certiorari denied.

No. 76-6122. *DEEM v. UNITED STATES*; and

No. 76-6324. *DEEM v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 549 F. 2d 802.

No. 76-6126. *BLANTON v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 547 F. 2d 1168.

No. 76-6138. *BLACKWELL v. MARYLAND*. Ct. App. Md. Certiorari denied. Reported below: 278 Md. 466, 365 A. 2d 545.

No. 76-6144. *CLARK v. ILLINOIS*. Sup. Ct. Ill. Certiorari denied. Reported below: 65 Ill. 2d 169, 357 N. E. 2d 798.

No. 76-6150. *MONTECALVO v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 545 F. 2d 684.

No. 76-6183. *TENNANT v. ILLINOIS*. Sup. Ct. Ill. Certiorari denied. Reported below: 65 Ill. 2d 401, 358 N. E. 2d 1116.

No. 76-6184. *GELFAND v. UNITED STATES*. C. A. 10th Cir. Certiorari denied.

No. 76-6188. *CLAYTON v. ESTELLE, CORRECTIONS DIRECTOR*. C. A. 5th Cir. Certiorari denied. Reported below: 541 F. 2d 486.

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- No. 76-6203. *TRZCINSKI v. UNITED STATES*; and
No. 76-6242. *CIMASZEWSKI ET AL. v. UNITED STATES*.
C. A. 3d Cir. Certiorari denied. Reported below: No. 76-6203, 553 F. 2d 851; No. 76-6242, 547 F. 2d 1165.
- No. 76-6212. *PRICE v. UNITED STATES*. C. A. 6th Cir.
Certiorari denied. Reported below: 538 F. 2d 330.
- No. 76-6224. *McCOY ET AL. v. UNITED STATES*; and
No. 76-6225. *VAUGHN v. UNITED STATES*. C. A. 5th Cir.
Certiorari denied. Reported below: 539 F. 2d 1050.
- No. 76-6228. *SILKMAN v. UNITED STATES ET AL.* C. A. 8th
Cir. Certiorari denied. Reported below: 543 F. 2d 1218.
- No. 76-6233. *JOHNSON ET AL. v. NEW YORK*. App. Div.,
Sup. Ct. N. Y., 1st Jud. Dept. Certiorari denied.
- No. 76-6236. *HOWARD v. UNITED STATES*. C. A. 6th Cir.
Certiorari denied. Reported below: 549 F. 2d 802.
- No. 76-6247. *SHADD v. UNITED STATES*. C. A. 3d Cir.
Certiorari denied.
- No. 76-6255. *BRUGGER v. UNITED STATES*. C. A. 7th Cir.
Certiorari denied. Reported below: 549 F. 2d 2.
- No. 76-6260. *CAVAZOS v. UNITED STATES*. C. A. 5th Cir.
Certiorari denied. Reported below: 545 F. 2d 167.
- No. 76-6262. *WATSON v. UNITED STATES*. C. A. 2d Cir.
Certiorari denied.
- No. 76-6266. *CALDWELL v. UNITED STATES*. C. A. 6th Cir.
Certiorari denied. Reported below: 549 F. 2d 802.
- No. 76-6277. *MORGAN v. UNITED STATES*. Ct. App. D. C.
Certiorari denied. Reported below: 363 A. 2d 999.
- No. 76-6286. *SEGAL v. UNITED STATES*. C. A. 9th Cir.
Certiorari denied. Reported below: 549 F. 2d 1293.

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No. 76-6287. *HALL v. BUREAU OF EMPLOYMENT AGENCIES*. Ct. App. Cal., 4th App. Dist. Certiorari denied.

No. 76-6293. *DOE ET AL. v. BURNS, COMMISSIONER, DEPARTMENT OF SOCIAL SERVICES OF IOWA, ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 545 F. 2d 1101.

No. 76-6313. *SANTANA v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 549 F. 2d 797.

No. 76-6315. *LOWENBERG v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 549 F. 2d 809.

No. 76-6317. *JOE v. NIXON ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 546 F. 2d 426.

No. 76-6328. *WILLIAMS v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 548 F. 2d 665.

No. 76-6329. *ROBINSON v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 549 F. 2d 805.

No. 76-6336. *GUNTER ET AL. v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 546 F. 2d 861.

No. 76-6348. *MIDDLETON v. UNITED STATES*; and

No. 76-6353. *TOTARO v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 550 F. 2d 957.

No. 76-6355. *VANDYGRIFT v. TURLINGTON, COMMISSIONER, DEPARTMENT OF EDUCATION OF FLORIDA*. Sup. Ct. Fla. Certiorari denied.

No. 76-6381. *MASSEY v. LOCKHART, CORRECTION SUPERINTENDENT*. C. A. 8th Cir. Certiorari denied. Reported below: 547 F. 2d 1172.

No. 76-6387. *REECE v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied.

No. 76-6392. *MUNCASTER v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 5th Cir. Certiorari denied.

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No. 76-6393. *TYLER v. WYRICK, WARDEN*. C. A. 8th Cir. Certiorari denied.

No. 76-6397. *BOYD v. RODRIGUEZ, WARDEN*. C. A. 10th Cir. Certiorari denied.

No. 76-6399. *ROBERTS v. LEEKE, CORRECTIONS DIRECTOR, ET AL.* C. A. 4th Cir. Certiorari denied.

76-6402. *CROSS v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied. Reported below: 544 S. W. 2d 436.

No. 76-6405. *JOHNSON v. RYAN, GENESEE COUNTY PAROLE AGENT*. C. A. 6th Cir. Certiorari denied. Reported below: 547 F. 2d 1167.

No. 76-6412. *YOUNGER v. CALIFORNIA*. Ct. App. Cal., 3d App. Dist. Certiorari denied.

No. 76-6416. *JOE v. WARNER BROS., INC., ET AL.* C. A. 9th Cir. Certiorari denied.

No. 76-6417. *REID v. ARIZONA*. Sup. Ct. Ariz. Certiorari denied. Reported below: 114 Ariz. 16, 559 P. 2d 136.

No. 76-6425. *PHILLIPS v. CRISP, WARDEN*. Ct. Crim. App. Okla. Certiorari denied.

No. 76-6426. *HERMAN v. FLORIDA*. Dist Ct. App. Fla., 4th Dist. Certiorari denied.

No. 76-6431. *KARKENNY v. POTOMAC BUILDING CORP.* Ct. App. D. C. Certiorari denied. Reported below: 364 A. 2d 809.

No. 76-6444. *MOODY v. MOODY*. Sup. Ct. Ga. Certiorari denied. Reported below: 237 Ga. 374, 228 S. E. 2d 788.

No. 76-6446. *RASBERRY v. J. C. PENNEY, GREENBRIAR*. C. A. 5th Cir. Certiorari denied. Reported below: 540 F. 2d 1083.

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No. 76-6447. *DAWSON v. REVERCOMB, JUDGE, ET AL.* Ct. App. D. C. Certiorari denied.

No. 76-6449. *HOOVER v. VIRGINIA.* Sup. Ct. Va. Certiorari denied.

No. 76-6451. *THOMPSON v. PENNSYLVANIA ET AL.* C. A. 3d Cir. Certiorari denied.

No. 76-6453. *HENSLEY v. ROSE, WARDEN.* C. A. 6th Cir. Certiorari denied. Reported below: 549 F. 2d 801.

No. 76-6454. *GLOVER v. OKLAHOMA.* Ct. Crim. App. Okla. Certiorari denied. Reported below: 557 P. 2d 922.

No. 76-6457. *MILLS v. STATE BOARD OF CORRECTIONS.* C. A. 5th Cir. Certiorari denied. Reported below: 545 F. 2d 1296.

No. 76-6461. *ALO v. HAWAII.* Sup. Ct. Hawaii. Certiorari denied. Reported below: 57 Haw. 418, 558 P. 2d 1012.

No. 76-6469. *LEE v. DAVIS, WARDEN.* C. A. 5th Cir. Certiorari denied.

No. 76-6472. *SOLIS v. ESTELLE, CORRECTIONS DIRECTOR.* C. A. 5th Cir. Certiorari denied. Reported below: 545 F. 2d 167.

No. 76-6478. *HINES v. CALIFORNIA.* Ct. App. Cal., 3d App. Dist. Certiorari denied.

No. 76-6488. *HARTSOCK v. BORDENKIRCHER, PENITENTIARY SUPERINTENDENT.* C. A. 6th Cir. Certiorari denied.

No. 76-6493. *HUDSON ET AL. v. UNITED STATES.* C. A. 3d Cir. Certiorari denied.

No. 76-6502. *ANDERSON ET AL. v. UNITED STATES.* C. A. 5th Cir. Certiorari denied.

No. 76-6503. *BERTOLINI v. UNITED STATES.* C. A. 5th Cir. Certiorari denied.

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No. 76-6514. HUDSON *v.* UNITED STATES; and

No. 76-6526. JARDAN *v.* UNITED STATES. C. A. 8th Cir.
Certiorari denied. Reported below: 549 F. 2d 517.

No. 76-6517. CRAWFORD *v.* UNITED STATES. C. A. 9th Cir.
Certiorari denied.

No. 76-6524. JAMES *v.* UNITED STATES. C. A. 6th Cir.
Certiorari denied.

No. 76-6554. DUDLEY *v.* UNITED STATES. C. A. 7th Cir.
Certiorari denied.

No. 76-6556. KNOWLIN *v.* UNITED STATES. C. A. 4th Cir.
Certiorari denied. Reported below: 553 F. 2d 97.

No. 76-6557. ALTENBURGER *v.* UNITED STATES. C. A. 9th
Cir. Certiorari denied. Reported below: 549 F. 2d 702.

No. 76-6560. FRENCH *v.* UNITED STATES. C. A. 7th Cir.
Certiorari denied. Reported below: 547 F. 2d 1169.

No. 76-6564. RENTFROW *v.* UNITED STATES. C. A. 7th
Cir. Certiorari denied.

No. 76-6565. GONZALEZ *v.* UNITED STATES. C. A. 9th Cir.
Certiorari denied.

No. 76-6566. MERRIWEATHER *v.* UNITED STATES. C. A.
9th Cir. Certiorari denied. Reported below: 551 F. 2d 314.

No. 76-6567. DAVIS *v.* UNITED STATES. C. A. 8th Cir.
Certiorari denied. Reported below: 551 F. 2d 233.

No. 76-6576. SULLIVAN *v.* UNITED STATES. C. A. 9th Cir.
Certiorari denied.

No. 76-6599. WARDLAW *v.* UNITED STATES. Ct. App. D. C.
Certiorari denied.

No. 76-6601. PIZIO *v.* UNITED STATES. C. A. 5th Cir.
Certiorari denied. Reported below: 547 F. 2d 891.

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No. 76-6604. CONTRERAS-PEREZ *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 551 F. 2d 313.

No. 76-6607. DAVENPORT *v.* UNITED MUTUAL LIFE INSURANCE Co. C. A. 2d Cir. Certiorari denied. Reported below: 546 F. 2d 528.

No. 76-931. STOPS ET UX. *v.* LITTLE HORN STATE BANK. Sup Ct. Mont. Motion of Crow Tribe for leave to file a brief as *amicus curiae* granted. Certiorari denied. Reported below: 170 Mont. 510, 555 P. 2d 211.

No. 76-989. UNITED STATES *v.* MAYES. C. A. 9th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 537 F. 2d 1080.

No. 76-1300. NEW MEXICO *v.* HUDSON. Sup. Ct. N. M. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 89 N. M. 759, 557 P. 2d 1108.

No. 76-1052. PRUDENTIAL INSURANCE COMPANY OF AMERICA ET AL. *v.* NATIONAL ORGANIZATION FOR WOMEN, WASHINGTON, D. C. CHAPTER, ET AL. Petition for certiorari before judgment to C. A. D. C. Cir. Certiorari denied. Applications for stay denied without prejudice to parties to request stays from the United States Court of Appeals for the District of Columbia Circuit pending appeal to that court.

No. 76-1192. BROWN, SECRETARY OF DEFENSE, ET AL. *v.* WESTINGHOUSE ELECTRIC CORP. ET AL. C. A. 4th Cir. Motion of Reuben B. Robertson III for leave to file a brief as *amicus curiae* granted. Certiorari denied. Reported below: 542 F. 2d 1190.

No. 76-1275. ESTELLE, CORRECTIONS DIRECTOR *v.* GILL. C. A. 5th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. THE CHIEF JUSTICE and MR. JUSTICE BLACKMUN would grant certiorari. Reported below: 544 F. 2d 1336.

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No. 76-1250. VELSICOL CHEMICAL CORP. *v.* ENVIRONMENTAL PROTECTION AGENCY ET AL. C. A. D. C. Cir. Motions of Manufacturing Chemists Assn. and National Agricultural Chemicals Assn. for leave to file briefs as *amici curiae* granted. Certiorari denied. Reported below: 179 U. S. App. D. C. 43, 548 F. 2d 998.

No. 76-1285. NEW YORK *v.* TESTA ET AL. Ct. App. N. Y. Motion of respondent Eugene Riggio for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 40 N. Y. 2d 1018, 359 N. E. 2d 1367.

No. 76-1305. SIMS *v.* VIRGINIA ELECTRIC & POWER CO. C. A. 4th Cir. Certiorari denied. MR. JUSTICE POWELL took no part in the consideration or decision of this petition. Reported below: 550 F. 2d 929.

No. 76-6235. COOPER *v.* FLORIDA. Sup. Ct. Fla. 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: 336 So. 2d 1133.

Rehearing Denied

No. 74-1263. BREWER, WARDEN *v.* WILLIAMS, 430 U. S. 387;

No. 75-1053. JONES, DIRECTOR, DEPARTMENT OF WEIGHTS AND MEASURES, RIVERSIDE COUNTY *v.* RATH PACKING CO., 430 U. S. 519;

No. 76-689. MITCHELL *v.* UNITED STATES, 430 U. S. 945;

No. 76-892. FLOREA ET AL. *v.* UNITED STATES, 430 U. S. 945;

No. 76-1038. ALLEN ET AL. *v.* AUSTIN, SECRETARY OF STATE OF MICHIGAN, ET AL., 430 U. S. 924; and

No. 76-1050. CAPLAN *v.* HOWARD ET AL., 430 U. S. 932. Petitions for rehearing denied.

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No. 76-1065. *McINTOSH v. ANAHEIM UNION HIGH SCHOOL DISTRICT ET AL.*, 430 U.S. 941;

No. 76-1089. *MARGOLES v. JOHNS ET AL.*, 430 U.S. 946;

No. 76-5940. *COGNATO v. UNITED STATES*; 430 U.S. 956;

No. 76-6039. *ADAMS v. UNITED STATES*, 430 U.S. 957;

No. 76-6103. *BOULWARE v. TEXAS*, 430 U.S. 959;

No. 76-6178. *O'BRIAIN, AKA O'BRIEN v. CALIFORNIA*, 430 U.S. 958;

No. 76-6274. *TARKOWSKI v. BARTLETT ET AL.*, 430 U.S. 973; and

No. 76-6371. *LAMAR ET AL. v. UNITED STATES*, 430 U.S. 959. Petitions for rehearing denied.

No. 74-701. *ECONOMY FINANCE CORP. ET AL. v. UNITED STATES*, 420 U.S. 947. Motion for leave to file second petition for rehearing denied. MR. JUSTICE STEVENS took no part in the consideration or decision of this motion.

No. 76-927. *RIFKIN v. UNITED STATES*, 429 U.S. 1098; and

No. 76-5955. *FRAZIER v. UNITED STATES*, 429 U.S. 1078. Motions for leave to file petitions for rehearing denied.

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Affirmed on Appeal

No. 76-889. *MALONEY, COMMISSIONER OF CHILDREN AND YOUTH SERVICES OF CONNECTICUT v. LADY JANE ET AL.* Appeal from D. C. Conn. Motion of appellees for leave to proceed *in forma pauperis* granted. Judgment affirmed. Reported below: 420 F. Supp. 318.

Appeals Dismissed

No. 76-1365. *REDMOND v. WHEELER ET AL.* Appeal from Ct. App. Ky. dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari denied.

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No. 76-6494. CAMERON *v.* CAIN ET AL. Appeal from Sup. Ct. Ala. dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari denied. Reported below: 295 Ala. 164, 325 So. 2d 157.

Miscellaneous Orders

No. ———. PENN CENTRAL CO. ET AL. *v.* U. S. RAILWAY ASSN. ET AL. Sp. Ct., R. R. R. R. A. Motions of the United States and United States Railway Assn. to dismiss appeals granted. Appeals dismissed.* *United States v. Crescent Amusement Co.*, 323 U. S. 173, 177 (1944).

No. A-930. EXXON CORP. *v.* FEDERAL TRADE COMMISSION ET AL.;

No. A-931. KERR-McGEE CORP. *v.* FEDERAL TRADE COMMISSION ET AL.; and

No. A-932. UNION CARBIDE CORP. *v.* FEDERAL TRADE COMMISSION ET AL. Applications for stay pending appeal to the United States Court of Appeals for the District of Columbia Circuit, presented to THE CHIEF JUSTICE, and by him referred to the Court, denied. MR. JUSTICE STEWART and MR. JUSTICE POWELL took no part in the consideration or decision of these applications.

No. 76-1349. MAHER, COMMISSIONER OF SOCIAL SERVICES OF CONNECTICUT, ET AL. *v.* BUCKNER ET AL. Appeal from D. C. Conn. The Solicitor General is invited to file a brief in this case expressing the views of the United States.

*[REPORTER'S NOTE: In addition to Penn Central Co., the following lodged notices of appeal with the Clerk of this Court: Trustees of Penn Central Transportation Co.; Trustee of Erie Lackawanna Railway Co.; Trustee of Lehigh & Hudson River Railway Co.; Trustee of Ann Arbor Railroad Co.; Trustee of Lehigh Valley Railroad Co.; Trustees of Reading Co.; Intervening Penn Central Lienholders; Trustee of New York, New Haven & Hartford Railroad Co.; and Trustee of Central Railroad Company of New Jersey.]

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No. A-967. CENTRAL SOUTH CAROLINA CHAPTER, SOCIETY OF PROFESSIONAL JOURNALISTS, SIGMA DELTA CHI, ET AL. *v.* MARTIN, CHIEF JUDGE, U. S. DISTRICT COURT, ET AL. Application for stay of execution and enforcement of paragraphs one through four of order entered by the United States District Court for the District of South Carolina on May 31, 1976, in *United States v. Gasque*, presented to MR. JUSTICE BRENNAN, and by him referred to the Court, denied. MR. JUSTICE BRENNAN and MR. JUSTICE MARSHALL would grant application.

No. 76-6314. OWENS *v.* MEANOR, U. S. DISTRICT JUDGE, ET AL. Motion for leave to file petition for writ of mandamus denied.

Certiorari Granted

No. 76-1137. FULMAN ET AL., TRUSTEES *v.* UNITED STATES. C. A. 1st Cir. Certiorari granted. Reported below: 545 F. 2d 268.

No. 76-1359. BANKERS TRUST CO. *v.* MALLIS ET AL. C. A. 2d Cir. Certiorari granted. Reported below: 568 F. 2d 824.

No. 76-1234. HARRIS, SECRETARY OF HOUSING AND URBAN DEVELOPMENT, ET AL. *v.* ROSS ET AL. C. A. 4th Cir.; and

No. 76-1261. HARRIS, SECRETARY OF HOUSING AND URBAN DEVELOPMENT, ET AL. *v.* ABRAMS ET AL. C. A. 9th Cir. Certiorari granted, cases consolidated, and a total of one hour allotted for oral argument. Reported below: No. 76-1234, 544 F. 2d 514; No. 76-1261, 547 F. 2d 1062.

No. 76-1310. HOUCHINS, SHERIFF *v.* KQED, INC., ET AL. C. A. 9th Cir. Certiorari granted. MR. JUSTICE MARSHALL took no part in the consideration or decision of this petition. Reported below: 546 F. 2d 284.

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Certiorari Denied. (See also Nos. 76-1365 and 76-6494, *supra*.)

No. 76-1109. *FOSTER GRANT CO., INC. v. ILLINOIS TOOL WORKS, INC.* C. A. 7th Cir. *Certiorari denied.* Reported below: 547 F. 2d 1300.

No. 76-1122. *PARISI ET AL. v. LOUISIANA.* Crim. Dist. Ct. of La., Parish of Orleans. *Certiorari denied.*

No. 76-1126. *SHERIDAN v. IOWA.* Sup. Ct. Iowa. *Certiorari denied.* Reported below: 247 N. W. 2d 232.

No. 76-1130. *DESALVATORE, AKA PIZZA v. UNITED STATES.* C. A. 2d Cir. *Certiorari denied.*

No. 76-1141. *GRIGSON v. UNITED STATES.* C. A. 6th Cir. *Certiorari denied.* Reported below: 549 F. 2d 802.

No. 76-1210. *BALLESTRASSE v. UNITED STATES.* C. A. 9th Cir. *Certiorari denied.* Reported below: 549 F. 2d 809.

No. 76-1215. *JACOBS v. UNITED STATES.* C. A. 7th Cir. *Certiorari denied.* Reported below: 543 F. 2d 18.

No. 76-1239. *SCHULTZ v. UNITED STATES.* C. A. 6th Cir. *Certiorari denied.* Reported below: 549 F. 2d 803.

No. 76-1240. *WANEY v. UNITED STATES.* C. A. 9th Cir. *Certiorari denied.* Reported below: 542 F. 2d 1181.

No. 76-1245. *ALBAUGH v. UNITED STATES ET AL.* C. A. 4th Cir. *Certiorari denied.* Reported below: 549 F. 2d 798.

No. 76-1246. *EMERSON ET AL. v. UNITED STATES.* C. A. 5th Cir. *Certiorari denied.* Reported below: 545 F. 2d 1297.

No. 76-1257. *CHRYSLER CREDIT CORP. v. MEYERS ET AL.;*
and

No. 76-1352. *MEYERS v. CHRYSLER CREDIT CORP. ET AL.* C. A. 5th Cir. *Certiorari denied.* Reported below: 539 F. 2d 511.

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No. 76-1265. NATIONAL ASSOCIATION OF REGIONAL MEDICAL PROGRAMS, INC., ET AL. *v.* CALIFANO, SECRETARY OF HEALTH, EDUCATION, AND WELFARE, ET AL. C. A. D. C. Cir. Certiorari denied. Reported below: 178 U. S. App. D. C. 277, 546 F. 2d 1043.

No. 76-1343. SAIKEN *v.* BENSINGER ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 546 F. 2d 1292.

No. 76-1355. PENTHOUSE INTERNATIONAL, LTD., ET AL. *v.* RANCHO LA COSTA, INC., ET AL. Super. Ct. Cal., County of Los Angeles. Certiorari denied.

No. 76-1398. FLETCHER *v.* FLORIDA PUBLISHING CO. Sup. Ct. Fla. Certiorari denied. Reported below: 340 So. 2d 914.

No. 76-1463. APRIL INDUSTRIES, INC. *v.* BJORK ET AL. Sup. Ct. Utah. Certiorari denied. Reported below: 560 P. 2d 315.

No. 76-1469. SPEROW ET AL. *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 551 F. 2d 808.

No. 76-1472. PRIVITERA ET UX. *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 549 F. 2d 1317.

No. 76-1497. SANCHEZ *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied.

No. 76-6163. FROMIN ET AL. *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 540 F. 2d 846.

No. 76-6174. GITTENS *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 547 F. 2d 1165.

No. 76-6190. MORGAN *v.* ILLINOIS. App. Ct. Ill., 5th Dist. Certiorari denied. Reported below: 40 Ill. App. 3d 711, 352 N. E. 2d 444.

No. 76-6191. PIERCE *v.* GEORGIA. Sup. Ct. Ga. Certiorari denied. Reported below: 238 Ga. 126, 231 S. E. 2d 744.

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No. 76-6263. *YOUNG v. WASHINGTON*. Ct. App. Wash. Certiorari denied. Reported below: 15 Wash. App. 581, 550 P. 2d 689.

No. 76-6281. *OGDEN v. VIRGINIA*. Sup. Ct. Va. Certiorari denied.

No. 76-6299. *ROBERTS v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 548 F. 2d 665.

No. 76-6301. *CARPENTER v. SOUTH DAKOTA ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 536 F. 2d 759.

No. 76-6304. *BROWN v. RUBIERA, JUDGE, ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 539 F. 2d 470.

No. 76-6307. *WIGGINS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 76-6323. *ELLSWORTH v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 547 F. 2d 1096.

No. 76-6343. *BEASLEY v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 547 F. 2d 572.

No. 76-6369. *SNEBOLD v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 546 F. 2d 428.

No. 76-6383. *WANZER v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. Reported below: 178 U. S. App. D. C. 410, 547 F. 2d 707.

No. 76-6403. *DUMEUR v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 551 F. 2d 309.

No. 76-6415. *LEE v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 549 F. 2d 797.

No. 76-6428. *JENKINS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 544 F. 2d 180.

No. 76-6448. *GREEN v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 549 F. 2d 797.

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No. 76-6482. *ARCHIE v. MISSISSIPPI*. Sup. Ct. Miss. Certiorari denied. Reported below: 341 So. 2d 107.

No. 76-6492. *CHIARELLO v. FOGG, CORRECTIONAL SUPERINTENDENT*. C. A. 2d Cir. Certiorari denied.

No. 76-6498. *VENNER v. MARYLAND*. Ct. App. Md. Certiorari denied. Reported below: 279 Md. 47, 367 A. 2d 949.

No. 76-6499. *TATUM v. NEW JERSEY*. Super. Ct. N. J. Certiorari denied.

No. 76-6505. *LOMBARDO v. HANDLER ET AL.* C. A. D. C. Cir. Certiorari denied. Reported below: 178 U. S. App. D. C. 277, 546 F. 2d 1043.

No. 76-6509. *HURST v. FIKE, WARDEN*. C. A. 7th Cir. Certiorari denied.

No. 76-6531. *RAITPORT v. GENERAL MOTORS CORP. ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 547 F. 2d 1163.

No. 76-6574. *RIXNER v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 548 F. 2d 1224.

No. 76-6580. *BODEY v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 547 F. 2d 1383.

No. 76-6598. *PADILLA v. UNITED STATES*. C. A. 1st Cir. Certiorari denied.

No. 76-6614. *STEWART v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 548 F. 2d 528.

No. 76-6619. *FRANCOEUR v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 547 F. 2d 891.

No. 76-6620. *MOSES v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 556 F. 2d 568.

No. 76-6625. *GHALAYINI v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 547 F. 2d 932.

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No. 76-6641. *GOLDSTONE v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 76-6648. *GENES ET AL. v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 76-793. *EHRlichMAN v. UNITED STATES*; and

No. 76-1081. *MITCHELL ET AL. v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. MR. JUSTICE REHNQUIST took no part in the consideration or decision of these petitions. Reported below: 181 U. S. App. D. C. 254, 559 F. 2d 31.

No. 76-1316. *BEAL, SECRETARY, DEPARTMENT OF PUBLIC WELFARE OF PENNSYLVANIA, ET AL. v. BRODERICK, U. S. DISTRICT JUDGE*. C. A. 3d Cir. Application for stay of participation of the United States in *Halderman v. Pennhurst*, C. A. No. 74-1345 (ED Pa.), presented to MR. JUSTICE REHNQUIST, and by him referred to the Court, denied. Certiorari denied.

No. 76-1356. *MERCEDES-BENZ OF NORTH AMERICA, INC., ET AL. v. LINK ET AL.* C. A. 3d Cir. Certiorari and other relief denied. Reported below: 550 F. 2d 860.

No. 76-6507. *McDONALD v. TENNESSEE*. Sup. Ct. Tenn. Certiorari and all other relief denied.

No. 76-6326. *LIVINGSTON v. TEXAS*. Ct. Crim. App. Tex.;

No. 76-6401. *GRANVIEL v. TEXAS*. Ct. Crim. App. Tex.; and

No. 76-6407. *HARRIS 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. 76-6326, 542 S. W. 2d 655; No. 76-6401, 552 S. W. 2d 107; No. 76-6407, 237 Ga. 718, 230 S. E. 2d 1.

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No. 76-1362. COMMUNITY LOAN & INVESTMENT CORPORATION OF FULTON COUNTY *v.* JONES. C. A. 5th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 544 F. 2d 1228.

Rehearing Denied

No. 76-188. GOURLEY, DIRECTOR, DIVISION OF FAMILY SERVICES OF MISSOURI, ET AL. *v.* LEWIS, 430 U. S. 940;

No. 76-996. POMPONIO *v.* UNITED STATES, 430 U. S. 966;

No. 76-5972. LIPSCOMB *v.* UNITED STATES, 430 U. S. 970;
and

No. 76-6404. CALHOUN *v.* UNITED STATES, 430 U. S. 974.
Petitions for rehearing denied.

No. 76-5834. ROSENFELD *v.* UNITED STATES, 430 U. S. 941.
Motion for leave to file petition for rehearing denied.

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Affirmed on Appeal

No. 76-1386. COUNTRY-WIDE INSURANCE CO. *v.* HARNETT, SUPERINTENDENT OF INSURANCE OF NEW YORK. Affirmed on appeal from D. C. S. D. N. Y. MR. JUSTICE WHITE would note probable jurisdiction and set case for oral argument. Reported below: 426 F. Supp. 1030.

No. 76-6542. COSTARELLI *v.* PANORA, REGISTRAR OF MOTOR VEHICLES. Affirmed on appeal from D. C. Mass. Reported below: 423 F. Supp. 1309.

Appeals Dismissed

No. 76-1259. PONDER *v.* LOUISIANA STATE BAR ASSN. Appeal from Sup. Ct. La. dismissed for want of substantial federal question. Reported below: 340 So. 2d 134.

No. 76-6322. CAHNMANN *v.* ECKERTY, CITY CLERK OF URBANA. Appeal from App. Ct. Ill., 4th Dist., dismissed for want of substantial federal question. Reported below: 40 Ill. App. 3d 180, 351 N. E. 2d 580.

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No. 76-1397. *KANSAS CITY v. DARBY*. Appeal from Sup. Ct. Mo. dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari denied. MR. JUSTICE WHITE dissents and would set case for oral argument. Reported below: 544 S. W. 2d 529.

No. 76-1454. *PEARSON v. OKLAHOMA*. Appeal from Ct. Crim. App. Okla. dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari denied. Reported below: 556 P. 2d 1025.

Certiorari Granted—Vacated and Remanded

No. 76-1447. *MURRAY ET AL. v. WAGLE*. C. A. 9th Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Mt. Healthy City School District Board of Education v. Doyle*, 429 U. S. 274 (1977). MR. JUSTICE MARSHALL and MR. JUSTICE STEVENS would deny certiorari. Reported below: 546 F. 2d 1329.

Miscellaneous Orders

No. A-936. *HIRSCH, REGIONAL DIRECTOR, NATIONAL LABOR RELATIONS BOARD v. CAULFIELD ET AL.* D. C. E. D. Pa. Motion of respondents to vacate stay heretofore granted by MR. JUSTICE BRENNAN on May 19, 1977, denied.

No. A-981 (76-1081). *MITCHELL ET AL. v. UNITED STATES*, ante, p. 933. Application for suspension of effect of order denying certiorari, presented to THE CHIEF JUSTICE, and by him referred to the Court, denied. MR. JUSTICE REHNQUIST took no part in the consideration or decision of this application.

No. D-96. *IN RE DISBARMENT OF HOFFMANN*. Disbarment entered. [For earlier order, see 430 U. S. 926.]

No. D-99. *IN RE DISBARMENT OF COOK*. Disbarment entered. [For earlier order, see 430 U. S. 962.]

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No. D-109. *IN RE DISBARMENT OF SPECKMAN*. It is ordered that George Raymond Speckman of Plattsburg, Mo., 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-110. *IN RE DISBARMENT OF CRUZE*. It is ordered that Chester Thomas Cruze of Cincinnati, 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. 75-536. *NASHVILLE GAS CO. v. SATTY*. C. A. 6th Cir. [Certiorari granted, 429 U. S. 1071.] Motion of AFL-CIO et al. for leave to file a brief as *amici curiae* granted.

No. 76-678. *SHELL OIL CO. v. DARTT*. C. A. 10th Cir. [Certiorari granted, 429 U. S. 1089.] Motion of Equal Employment Advisory Council for leave to file a brief as *amicus curiae* granted. Reported below: 539 F. 2d 1256.

No. 76-1576. *HELMS ET AL. v. VANCE, SECRETARY OF STATE, ET AL.* C. A. D. C. Cir. Motion of petitioners to expedite consideration of petition for writ of certiorari denied.

Probable Jurisdiction Noted

No. 75-1690. *PARHAM, COMMISSIONER, DEPARTMENT OF HUMAN RESOURCES OF GEORGIA, ET AL. v. J. L. ET AL.* Appeal from D. C. M. D. Ga. Motion of appellee J. R. for leave to proceed *in forma pauperis* granted. Probable jurisdiction noted. In addition to the questions presented by the jurisdictional statement, parties are directed to brief and argue the following question: "Whether, where the parents of a minor voluntarily place the minor in a state institution, there is sufficient 'state action,' including subsequent action by the state institution, to implicate the Due Process Clause of the

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Fourteenth Amendment?" Reported below: 412 F. Supp. 112.

No. 76-6372. *QUILLOIN v. WALCOTT ET VIR.* Appeal from Sup. Ct. Ga. Motion of appellant for leave to proceed *in forma pauperis* granted. Probable jurisdiction noted. Reported below: 238 Ga. 230, 232 S. E. 2d 246.

Certiorari Granted

No. 76-1193. *UNITED STATES v. JACOBS, AKA "MRS. KRAMER."* C. A. 2d Cir. Certiorari granted. Reported below: 547 F. 2d 772.

Certiorari Denied. (See also Nos. 76-1397 and 76-1454, *supra.*)

No. 75-1013. *BRONCUCIA v. COLORADO.* Sup. Ct. Colo. Certiorari denied. Reported below: 189 Colo. 334, 540 P. 2d 1101.

No. 76-274. *LOUIE v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 538 F. 2d 342.

No. 76-992. *FULLE v. UNITED STATES.* C. A. 7th Cir. Certiorari denied. Reported below: 544 F. 2d 519.

No. 76-1124. *GEDRA v. VIRGINIA.* Sup. Ct. Va. Certiorari denied.

No. 76-1160. *ALLIED MILLS, INC. v. NATIONAL LABOR RELATIONS BOARD.* C. A. D. C. Cir. Certiorari denied. Reported below: 177 U. S. App. D. C. 270, 543 F. 2d 417.

No. 76-1176. *GOLDBERG v. CALIFANO, SECRETARY OF HEALTH, EDUCATION, AND WELFARE.* C. A. 2d Cir. Certiorari denied. Reported below: 546 F. 2d 477.

No. 76-1177. *SWAINSON v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. Reported below: 548 F. 2d 657.

No. 76-1223. *SPRAGUE v. FITZPATRICK.* C. A. 3d Cir. Certiorari denied. Reported below: 546 F. 2d 560.

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No. 76-1280. *LABORERS INTERNATIONAL UNION OF NORTH AMERICA, AFL-CIO, LOCAL NO. 720 v. MARSHALL, SECRETARY OF LABOR*. C. A. 10th Cir. Certiorari denied. Reported below: 547 F. 2d 525.

No. 76-1281. *CHURCHILL FOREST INDUSTRIES (MANITOBA), LTD., ET AL. v. SECURITIES AND EXCHANGE COMMISSION*. C. A. 3d Cir. Certiorari denied. Reported below: 548 F. 2d 109.

No. 76-1293. *SILVERMAN ET UX. v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 2d Cir. Certiorari denied. Reported below: 553 F. 2d 94.

No. 76-1325. *NARD v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 549 F. 2d 797.

No. 76-1333. *BEER ET UX. v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 6th Cir. Certiorari denied.

No. 76-1374. *PALMERI v. ILLINOIS*. App. Ct. Ill., 2d Dist. Certiorari denied. Reported below: 44 Ill. App. 3d 69, 358 N. E. 2d 86.

No. 76-1381. *OLDENDORF v. LOPEZ ET AL.*; and

No. 76-1391. *HOFFMAN RIGGING & CRANE SERVICE, INC. v. LOPEZ ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 545 F. 2d 836.

No. 76-1384. *UNIROYAL, INC., ET AL. v. JAVELIN CORP.* C. A. 9th Cir. Certiorari denied. Reported below: 546 F. 2d 276.

No. 76-1387. *LEPPKE v. OKLAHOMA*. Ct. Crim. App. Okla. Certiorari denied. Reported below: 559 P. 2d 459.

No. 76-1392. *EXHIBITORS POSTER EXCHANGE, INC. v. NATIONAL SCREEN SERVICE CORP. ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 543 F. 2d 1106.

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No. 76-1395. *SMITH v. SHAFER ET AL.* App. Ct. Ill., 4th Dist. Certiorari denied. Reported below: 38 Ill. App. 3d 217, 347 N. E. 2d 292.

No. 76-1401. *SECURITY STORAGE COMPANY OF WASHINGTON ET AL. v. DISTRICT UNEMPLOYMENT COMPENSATION BOARD.* Ct. App. D. C. Certiorari denied. Reported below: 365 A. 2d 785.

No. 76-1406. *THORNTON ET AL. v. PERSONAL SERVICE INSURANCE Co.* Sup. Ct. Ohio. Certiorari denied. Reported below: 48 Ohio St. 2d 306, 358 N. E. 2d 579.

No. 76-1442. *A. G. SPALDING & BROS., INC., ET AL. v. PAUL SULLIVAN SPORTS, INC.* C. A. 1st Cir. Certiorari denied. Reported below: 553 F. 2d 91.

No. 76-1446. *COLE v. OHIO.* Ct. App. Ohio, Hamilton County. Certiorari denied.

No. 76-1501. *INGRAHM v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 551 F. 2d 314.

No. 76-1513. *CZARNECKI v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. Reported below: 552 F. 2d 698.

No. 76-1530. *BENSON v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. Reported below: 548 F. 2d 42.

No. 76-6064. *JEFFERSON v. UNITED STATES;*

No. 76-6298. *BARNES v. UNITED STATES;*

No. 76-6409. *FOX v. UNITED STATES;*

No. 76-6459. *HEARN v. UNITED STATES;* and

No. 76-6480. *BAYNES v. UNITED STATES.* C. A. 3d Cir. Certiorari denied. Reported below: 547 F. 2d 1164.

No. 76-6231. *CHOCHREK v. OREGON.* Ct. App. Ore. Certiorari denied. Reported below: 26 Ore. App. 643, 552 P. 2d 1353.

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No. 76-6253. *WHITNEY v. UNITED STATES*. Ct. App. D. C. Certiorari denied.

No. 76-6283. *BARRY v. FLORIDA*. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 330 So. 2d 512.

No. 76-6289. *HOMBURG v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 546 F. 2d 1350.

No. 76-6300. *WARREN v. UNITED STATES*. Ct. App. D. C. Certiorari denied.

No. 76-6303. *BILES v. MISSISSIPPI*. Sup. Ct. Miss. Certiorari denied. Reported below: 338 So. 2d 1004.

No. 76-6308. *WADE v. UNITED STATES*. Ct. Cl. Certiorari denied. Reported below: 212 Ct. Cl. 593, 553 F. 2d 104.

No. 76-6325. *GARRISON v. MAGGIO, WARDEN*. C. A. 5th Cir. Certiorari denied. Reported below: 540 F. 2d 1271.

No. 76-6341. *LA VIOLETTE v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 551 F. 2d 314.

No. 76-6346. *ISAACSON v. PERINI*. C. A. 6th Cir. Certiorari denied. Reported below: 546 F. 2d 424.

No. 76-6373. *SMITH v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 551 F. 2d 314.

No. 76-6375. *GWYNN v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 553 F. 2d 94.

No. 76-6390. *COLLINS v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 549 F. 2d 557.

No. 76-6398. *SEIFFERT v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 548 F. 2d 354.

No. 76-6423. *GOFF v. UNITED STATES*. Ct. Cl. Certiorari denied.

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No. 76-6458. *BAXTER v. CORNETT, WARDEN*. C. A. 5th Cir. Certiorari denied. Reported below: 546 F. 2d 908.

No. 76-6491. *BALL v. WYRICK, WARDEN*. C. A. 8th Cir. Certiorari denied. Reported below: 547 F. 2d 78.

No. 76-6504. *WHARFF v. WARNER*. Sup. Ct. Iowa. Certiorari denied.

No. 76-6515. *HUGHES v. AULT, COMMISSIONER, DEPARTMENT OF OFFENDER REHABILITATION OF GEORGIA*. C. A. 5th Cir. Certiorari denied.

No. 76-6518. *KNIGHTEN v. BRODERICK*. Sup. Ct. Miss. Certiorari denied. Reported below: 331 So. 2d 907.

No. 76-6519. *GRIFFIN v. VIRGINIA*. Sup. Ct. Va. Certiorari denied.

No. 76-6520. *AKRIDGE v. HOPPER, WARDEN*. C. A. 5th Cir. Certiorari denied. Reported below: 545 F. 2d 457.

No. 76-6521. *JONES v. HADICAN*. C. A. 8th Cir. Certiorari denied. Reported below: 552 F. 2d 249.

No. 76-6527. *GUELKER v. MISSOURI*. Sup. Ct. Mo. Certiorari denied. Reported below: 548 S. W. 2d 521.

No. 76-6529. *YOCUM v. ILLINOIS*. Sup. Ct. Ill. Certiorari denied. Reported below: 66 Ill. 2d 211, 361 N. E. 2d 1369.

No. 76-6534. *LEE v. LOUISIANA*. Sup. Ct. La. Certiorari denied. Reported below: 340 So. 2d 1339.

No. 76-6535. *TURNBOUGH v. WYRICK, WARDEN*. C. A. 8th Cir. Certiorari denied. Reported below: 551 F. 2d 202.

No. 76-6537. *STEVENS ET AL. v. CALIFORNIA*. Ct. App. Cal., 1st App. Dist. Certiorari denied.

No. 76-6540. *RAITPORT v. DODD ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 547 F. 2d 1163.

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No. 76-6541. *STAGE v. JAGO, CORRECTIONAL SUPERINTENDENT*. C. A. 6th Cir. Certiorari denied. Reported below: 549 F. 2d 801.

No. 76-6543. *LEE v. EWING, COLE, ERDMAN & EUBANK ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 549 F. 2d 795.

No. 76-6550. *CLARK v. PAYNE ET AL.* C. A. D. C. Cir. Certiorari denied.

No. 76-6551. *HAUGEN v. TAYLOR ET AL.* Sup. Ct. Nev. Certiorari denied.

No. 76-6555. *GRIFFIN v. TEXAS EMPLOYMENT COMMISSION ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 545 F. 2d 1296.

No. 76-6563. *AMARANTE-JORDAN v. WORKERS' COMPENSATION APPEALS BOARD ET AL.* Sup. Ct. Cal. Certiorari denied.

No. 76-6623. *JOHNSTON ET AL. v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 547 F. 2d 282.

No. 76-6635. *TURNER v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 551 F. 2d 780.

No. 76-6650. *MONTGOMERY v. JAGO, CORRECTIONAL SUPERINTENDENT*. C. A. 6th Cir. Certiorari denied. Reported below: 549 F. 2d 801.

No. 76-6658. *MEERT v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 547 F. 2d 1170.

No. 76-6662. *ZARATTINI ET AL. v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 552 F. 2d 753.

No. 76-6663. *WILLIAMS v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 549 F. 2d 797.

No. 76-6664. *WORD v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

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No. 76-6679. *DELGADO-LOMELI v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 550 F. 2d 1283.

No. 76-6683. *THOMAS v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

No. 76-6687. *VALLE-SALAZAR v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 546 F. 2d 428.

No. 76-6689. *TAGLIONE v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 546 F. 2d 139 and 550 F. 2d 243.

No. 76-6691. *BENNETT v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 547 F. 2d 1235.

No. 76-6695. *JACKSON v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

No. 76-6699. *BONNER v. WARDEN, STATEVILLE CORRECTIONAL CENTER*. C. A. 7th Cir. Certiorari denied. Reported below: 553 F. 2d 1091.

No. 76-1116. *NEW YORK v. EARL*. Ct. App. N. Y. Certiorari denied. Reported below: 40 N. Y. 2d 941, 358 N. E. 2d 1037.

MR. CHIEF JUSTICE BURGER, with whom MR. JUSTICE BLACKMUN and MR. JUSTICE REHNQUIST join, dissenting.

Shortly after midnight on September 13, 1970, Jesse Carter, an off-duty New York City police officer, was driving through the South Jamaica section of Queens on his way home from a movie. His suspicion was aroused when he observed two individuals, later identified as respondent and a companion, "crouched" behind a parked automobile in a partially deserted, unfenced hotel parking lot. The two were approximately 15 to 20 feet from Carter, and he noted that respondent was holding an object in his upraised hand. Respondent's companion was also holding an object, which Carter saw him

place in his rear trouser pocket. Carter was unable to identify either of these objects.

The officer then drove his automobile onto the parking lot, stopping approximately two car lengths from the suspects. He turned off his headlights and observed them briefly. He then turned his lights back on and drove his car toward the men. He jumped from the car with his badge in one hand and his drawn revolver in the other, and shouted "Freeze—police officer."

Respondent rose from his crouched position, and Carter saw him drop the object he had been holding which turned out to be a fully loaded .38-caliber revolver. Officer Carter immediately placed the men under arrest, and proceeded to search them. He found six .38-caliber bullets in respondent's pocket and a loaded revolver in the pocket of his companion. Respondent was charged with possession of weapons and dangerous instruments and appliances. His motion to suppress the handgun as evidence was denied by the New York Supreme Court Criminal Term. Respondent then pled guilty to the charge, and, as permitted by New York law,¹ he appealed his conviction, charging that the motion to suppress should have been granted.

The Supreme Court Appellate Division affirmed respondent's conviction in an opinion joined by four justices. One justice dissented. The court first determined that Officer Carter "was clearly possessed of such information as would warrant a 'founded suspicion' that criminal activity was 'afoot.'" 50 App. Div. 2d 289, 293, 377 N. Y. S. 2d 649, 653 (1975). He was therefore held entitled to make further inquiry and to take such precautions as reasonably necessary for his safety. The court further held that Officer Carter's action exhibiting his badge and gun and asserting his authority was reasonable under the circumstances. Accordingly, it concluded that respondent's handgun was properly seized and

¹ See generally *Lefkowitz v. Newsome*, 420 U. S. 283 (1975).

that the trial court had correctly denied respondent's motion to suppress.

The New York Court of Appeals reversed the conviction, with two judges dissenting. 40 N. Y. 2d 941, 358 N. E. 2d 1037 (1976). In a brief unsigned order it adopted the opinion of the dissenting member of the Appellate Division.² The State filed a timely petition for writ of certiorari, seeking review of the Court of Appeals' decision.

In *Terry v. Ohio*, 392 U. S. 1 (1968), in an opinion by Mr. Chief Justice Warren, the Court recognized that a police officer has limited authority to make investigatory stops of individuals engaged in suspicious behavior which does not rise to the level of probable cause to make an arrest.³ *Id.*, at 22. The *Terry* Court further held that, in conducting the investigation, the officer could properly take whatever action was reasonably necessary to assure his safety and the safety of others. The propriety of such police conduct—"necessarily swift action predicated upon the on-the-spot observations of the officer"—is not to be tested by a rigid probable-cause standard, but rather by the "Fourth Amendment's general proscription against unreasonable searches and seizures." *Id.*, at 20 (footnote omitted).

Terry establishes a two-pronged test for determining the propriety of this type of conduct: "[1] whether the officer's action was justified at its inception, and [2] whether it was reasonably related in scope to the circumstances which justi-

² References to the New York Court of Appeals' opinion will therefore be understood to refer to the dissenting opinion in the Appellate Division. The New York Court of Appeals' final action was clearly based on federal constitutional law, not state law.

³ This rationale was further elaborated in *Adams v. Williams*, 407 U. S. 143, 145 (1972), where we stated:

"The Fourth Amendment does not require a policeman who lacks the precise level of information necessary for probable cause to arrest to simply shrug his shoulders and allow a crime to occur or a criminal to escape."

fied the interference in the first place." *Ibid.* Under the first prong of the *Terry* analysis, it is clear that Officer Carter possessed sufficient facts "to conclude in light of his experience that criminal activity may be afoot." *Id.*, at 30. When the officer observed two individuals in a semideserted hotel parking lot "crouching" behind an automobile holding objects which could well have been weapons, he would have been grossly derelict in his duty to ignore what he saw.⁴ In that setting—New York City at midnight—it would have been irrational for a police officer to fail to make further inquiry since the conduct of the two men gave rise to a reasonable suspicion that they might be involved in illegal activity.⁵ The closeup observation by the officer neither confirmed his suspicions nor removed them. In light of these "specific and articulable facts," *id.*, at 21, and "the specific reasonable inferences which [Officer Carter was] entitled to draw from the facts in light of his experience," *id.*, at 27, it was entirely proper to conduct an investigatory stop to determine whether criminal activity was afoot. As Mr. Chief Justice Warren observed as to an analogous "suspicious" situation in *Terry*: "It would have been poor police work indeed . . . to have failed to investigate [respondent's] behavior further." *Id.*, at 23.

⁴ As stated by MR. JUSTICE STEWART, "[a] policeman has a duty to investigate suspicious circumstances, and the circumstance of a person wandering the streets late at night without apparent lawful business may often present the occasion for police inquiry." *Palmer v. City of Euclid*, 402 U. S. 544, 546 (1971) (concurring).

⁵ The opinion of the New York court suggests that respondent might have been holding a tire iron and was crouched behind the automobile because he was in the process of changing a "flat." However, as the Appellate Division majority pointed out, "[t]he record fails to reveal those normal incidents of everyday life which we have come to associate with changing a tire (i. e., the raised or lopsided car, the bumper-jack, and the upraised trunk lid)." 50 App. Div. 2d 289, 293, 377 N. Y. S. 2d 649, 654 (1975).

Once the officer approached the suspects for investigatory purposes, there came into play "the more immediate interest of the police officer in taking steps to assure himself that the person with whom he is dealing is not armed with a weapon that could unexpectedly and fatally be used against him." *Ibid.*; see *Adams v. Williams*, 407 U. S. 143, 146 (1972). The *Terry* opinion stated:

"When an officer is justified in believing that the individual whose suspicious behavior he is investigating at close range is armed and presently dangerous to the officer or to others, it would appear to be clearly unreasonable to deny the officer the power to take necessary measures to determine whether the person is in fact carrying a weapon and to neutralize the threat of physical harm." 392 U. S., at 24.

The defensive measure sanctioned in *Terry* was a pat-down "frisk" of the suspect, *i. e.*, a detailed manual exterior probe of the subject's clothing and body, to assure that a weapon was not being concealed and to remove any weapon found. Mr. Chief Justice Warren's opinion for the Court acknowledged this was "a serious intrusion upon the sanctity of the person, which may inflict great indignity and arouse strong resentment," *id.*, at 17. Nevertheless, the Court held this to be a reasonable response to the danger inherent in a face-to-face encounter with a potentially armed and dangerous individual in the narrowly defined circumstances postulated in *Terry*. *Id.*, at 27.⁶

Of course, Officer Carter's conduct in this case was "intrusive." An individual confronted in the middle of the

⁶ The Court stated in *Terry*:

"The officer need not be absolutely certain that the individual is armed; the issue is whether a reasonably prudent man in the circumstances would be warranted in the belief that his safety or that of others was in danger." 392 U. S., at 27. That test is amply met in the case before us.

night by a police officer holding a handgun and ordering him to "freeze" suffers an affront to his liberty and dignity—interests protected by the Fourth Amendment. But this is precisely what the Court balanced in *Terry*. The intrusion here was plainly within the contemplation of *Terry* and was justified by the circumstances confronting Officer Carter. Traveling in his private car, not equipped with a radio phone, he faced two possibly armed persons in a deserted parking lot, in the middle of the night. Under these circumstances it would have been foolhardy for Officer Carter to act less decisively than he did.

The holding of the New York Court of Appeals puts an officer of the law in Carter's position to a difficult choice indeed. He must either ignore what he sees and what his training and experience tell him he should investigate, thereby permitting the possible completion of criminal conduct for which the suspects may be preparing, or he may approach the suspect without preparing for the very danger which materialized here, thereby risking his life.⁷ The holding of the Court in *Terry* introduced a long overdue element of common sense and rationality into this area of the law; it ought to be followed here. Surely, the Constitution does not require police officers to make the unhappy choice between dereliction of duty and risk of death. With the dissent of the New York Court of Appeals, I "do not believe that the Fourth Amendment's proscription against unreasonable searches and seizures requires officers in Carter's stead to risk their lives

⁷ Respondent suggests that "[o]f course, Officer Carter, like any other citizen, would have had the right to satisfy his curiosity by addressing questions to defendant." Brief in Opposition 6. Of course, no citizen or policeman in his right mind would have approached respondent and his companion as he would a tourist in Times Square at high noon merely to satisfy idle curiosity. Officer Carter, unlike ordinary citizens, had a sworn duty to investigate such suspicious behavior, and was acting pursuant to such duty when he approached the suspects. His conduct should be commended, not reproached.

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needlessly in the performance of their duty." 50 App. Div. 2d, at 294, 377 N. Y. S. 2d, at 654.

This Court cannot, of course, give plenary consideration to every erroneous holding, and I have no doubt that limitations of time and a crowded docket weigh heavily in the decision denying review. In my view, however, where the departure from prior law is as clear as in the instant case, and where the issue is so squarely presented by the petition for certiorari and the response, the matter could be easily resolved in a summary fashion, without the necessity for lengthy briefing and oral argument. See, *e. g.*, *United States v. Morrison*, 429 U. S. 1 (1976). I would therefore grant the petition for certiorari, and reverse the judgment because on the face of the record the Court of Appeals has clearly failed to follow the holding in *Terry* and other relevant cases.

No. 76-1376. ROHAUER ET AL. *v.* KILLIAM SHOWS, INC., ET AL. C. A. 2d Cir. Motion of Authors League of America, Inc., for leave to file a brief as *amicus curiae* granted. Certiorari denied. Reported below: 551 F. 2d 484.

No. 76-1493. BROWN *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. MR. JUSTICE POWELL would grant certiorari. Reported below: 552 F. 2d 817.

No. 76-6114. MOORE *v.* TEXAS ET AL. Ct. Crim. App. Tex.; and

No. 76-6497. FLOYD *v.* GEORGIA. Sup. Ct. Ga. Certiorari denied. Reported below: No. 76-6114, 542 S. W. 2d 664; No. 76-6497, 233 Ga. 280, 210 S. E. 2d 810.

MR. JUSTICE BRENNAN and MR. JUSTICE MARSHALL, dissenting.

Adhering to our views that the death penalty is in all circumstances cruel and unusual punishment prohibited by the Eighth and Fourteenth Amendments, *Gregg v. Georgia*, 428 U. S. 153, 227, 231 (1976), we would vacate the death sentences in these cases.

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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 from September 26, 1977, to September 30, 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.

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Dismissal Under Rule 60

No. 76-6584. HOLMES *v.* UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT. Motion for leave to file petition for writ of mandamus dismissed under this Court's Rule 60.

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Affirmed on Appeal

No. 76-1105. CLARK *v.* KIMMITT, SECRETARY OF THE SENATE, ET AL. Affirmed on appeal from C. A. D. C. Cir. MR. JUSTICE BLACKMUN, MR. JUSTICE REHNQUIST, and MR. JUSTICE STEVENS would dismiss the appeal for want of jurisdiction, treat the papers whereon the appeal was taken as a petition for writ of certiorari, and deny certiorari. Reported below: 182 U. S. App. D. C. 21, 559 F. 2d 642.

Appeals Dismissed

No. 76-1202. INTERNATIONAL-STANLEY CORP. *v.* DEPARTMENT OF REVENUE OF ILLINOIS ET AL. Appeal from App. Ct. Ill., 1st Dist., dismissed for want of substantial federal question. Reported below: 40 Ill. App. 3d 397, 352 N. E. 2d 272.

No. 76-1220. MARTZ *v.* PENNSYLVANIA DEPARTMENT OF TRANSPORTATION, BUREAU OF TRAFFIC SAFETY. Appeal from Commw. Ct. Pa. dismissed for want of substantial federal question. Reported below: 24 Pa. Commw. 26, 354 A. 2d 266.

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No. 76-1422. SHANAHAN *v.* RITTENHOUSE, PROSECUTOR OF HUNTERDON COUNTY. Appeal from Super. Ct. N. J. dismissed for want of substantial federal question.

No. 76-1292. OCEANIC CALIFORNIA, INC. *v.* NORTH CENTRAL COAST REGIONAL COMMISSION ET AL. Appeal from Ct. App. Cal., 1st App. Dist., dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari denied. Reported below: 63 Cal. App. 3d 57, 133 Cal. Rptr. 664.

Certiorari Granted—Vacated and Remanded

No. 75-220. LOCAL 223, UTILITY WORKERS UNION OF AMERICA *v.* EQUAL EMPLOYMENT OPPORTUNITY COMMISSION ET AL.;

No. 75-221. LOCAL 17, INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS *v.* EQUAL EMPLOYMENT OPPORTUNITY COMMISSION ET AL.;

No. 75-239. STAMPS ET AL. *v.* DETROIT EDISON CO. ET AL.; and

No. 75-393. DETROIT EDISON CO. *v.* EQUAL EMPLOYMENT OPPORTUNITY COMMISSION ET AL. C. A. 6th Cir. Certiorari granted, judgment vacated, and cases remanded for further consideration in light of *International Brotherhood of Teamsters v. United States*, ante, p. 324. Reported below: 515 F. 2d 301.

No. 75-781. TEAMSTERS FREIGHT, TANK LINE & AUTOMOBILE INDUSTRY EMPLOYEES, LOCAL No. 988 *v.* SABALA ET AL.;

No. 75-788. INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN & HELPERS OF AMERICA, ET AL. *v.* SABALA ET AL.; and

No. 76-1060. WESTERN GILLETTE, INC. *v.* SABALA ET AL. C. A. 5th Cir. Certiorari granted, judgment vacated, and cases remanded for further consideration in light of *International Brotherhood of Teamsters v. United States*, ante, p. 324. Reported below: 516 F. 2d 1251.

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No. 75-720. LEE WAY MOTOR FREIGHT, INC., ET AL. *v.* RESENDIS ET AL.; and YELLOW FREIGHT SYSTEM, INC. *v.* HERRERA ET AL., 425 U. S. 991. Petition for rehearing granted and order of May 24, 1976, vacated. Certiorari granted, judgments vacated, and case remanded for further consideration in light of *East Texas Motor Freight System, Inc. v. Rodriguez*, ante, p. 395.

No. 76-838. UNION CARBIDE CORP., CONSUMER PRODUCTS DIVISION *v.* NANCE. C. A. 4th Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *International Brotherhood of Teamsters v. United States*, ante, p. 324. Reported below: 540 F. 2d 718.

Miscellaneous Orders

No. 67, Orig. IDAHO EX REL. EVANS, GOVERNOR OF IDAHO, ET AL. *v.* OREGON ET AL. It is ordered that the Honorable Jean Sala Breitenstein, Senior Judge for the United States Court of Appeals for the Tenth Circuit, is appointed Special Master in this case with authority to fix the time and conditions for filing of additional pleadings and to direct subsequent proceedings, and with authority to summon witnesses, issue subpoenas, and take such evidence as may be introduced and such as he may deem necessary to call for. The Master is directed to submit such reports as he may deem appropriate.

The Master shall be allowed his actual expenses. The allowances to him, the compensation paid to his technical, stenographic, and clerical assistants, the cost of printing his report, and all other proper expenses shall be charged against and be borne by the parties in such proportion as the Court may hereafter direct.

It is further ordered that if the position of Special Master in this case becomes vacant during a recess of the Court, THE CHIEF JUSTICE shall have authority to make a new designation which shall have the same effect as if originally made by the Court. [For earlier orders herein, see, *e. g.*, 429 U. S. 163.]

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No. 74-6593. *GARDNER v. FLORIDA*, 430 U. S. 349. Motion of respondent for reduction of costs denied.

No. 76-1117. *PELTZMAN v. KAUFMAN*, CHIEF JUDGE, U. S. COURT OF APPEALS. Motion for leave to file petition for writ of mandamus denied.

Certiorari Granted

No. 76-1159. *QUERN, ACTING DIRECTOR, DEPARTMENT OF PUBLIC AID OF ILLINOIS, ET AL. v. MANDLEY ET AL.*; and

No. 76-1416. *CALIFANO, SECRETARY OF HEALTH, EDUCATION, AND WELFARE v. MANDLEY ET AL.* C. A. 7th Cir. Certiorari granted, cases consolidated, and a total of one hour allotted for oral argument. Reported below: 545 F. 2d 1062.

No. 76-1334. *BORDENKIRCHER, PENITENTIARY SUPERINTENDENT v. HAYES*. C. A. 6th Cir. Motion of respondent for leave to proceed *in forma pauperis* and certiorari granted. Reported below: 547 F. 2d 42.

Certiorari Denied. (See also No. 76-1292, *supra*.)

No. 75-1644. *DRASSENOWER ET AL. v. LEVINE, INDUSTRIAL COMMISSIONER OF NEW YORK*. Ct. App. N. Y. Certiorari denied. Reported below: 38 N. Y. 2d 771, — N. E. 2d —.

No. 76-824. *NANCE v. UNION CARBIDE CORP., CONSUMER PRODUCTS DIVISION*. C. A. 4th Cir. Certiorari denied. Reported below: 540 F. 2d 718.

No. 76-986. *NETELKOS ET AL. v. UNITED STATES*; and

No. 76-1134. *GAMAREKIAN ET AL. v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 546 F. 2d 420.

No. 76-999. *COE ET AL. v. CALIFANO, SECRETARY OF HEALTH, EDUCATION, AND WELFARE*. Certiorari before judgment to C. A. D. C. Cir. denied.

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No. 76-1185. *HOMER v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 545 F. 2d 864.

No. 76-1198. *McCLUNG v. VIRGINIA*. Sup. Ct. Va. Certiorari denied.

No. 76-1199. *BOINEAU v. SOUTH CAROLINA REAL ESTATE COMMISSION*. Sup. Ct. S. C. Certiorari denied. Reported below: 267 S. C. 574, 230 S. E. 2d 440.

No. 76-1211. *BULK TERMINALS CO. ET AL. v. ENVIRONMENTAL PROTECTION AGENCY ET AL.* Sup. Ct. Ill. Certiorari denied. Reported below: 65 Ill. 2d 31, 357 N. E. 2d 430.

No. 76-1262. *GANNET v. FIRST NATIONAL STATE BANK OF NEW JERSEY ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 546 F. 2d 1072.

No. 76-1266. *NATIONAL ASSOCIATION OF REGIONAL MEDICAL PROGRAMS, INC., ET AL. v. CALIFANO, SECRETARY OF HEALTH, EDUCATION, AND WELFARE, ET AL.*; and

No. 76-1304. *WAGSHAL v. CALIFANO, SECRETARY OF HEALTH, EDUCATION, AND WELFARE, ET AL.* C. A. D. C. Cir. Certiorari denied. Reported below: No. 76-1266, 179 U. S. App. D. C. 154, 551 F. 2d 340; No. 76-1304, 178 U. S. App. D. C. 237, 546 F. 2d 1003.

No. 76-1271. *HOOPES v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 545 F. 2d 721.

No. 76-1314. *KILPATRICK ET AL. v. UNITED STATES*; and

No. 76-1360. *JACKSON ET AL. v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 544 F. 2d 242.

No. 76-1329. *BROWN ET AL. v. BRYAN ET AL.* Sup. Ct. Ala. Certiorari denied. Reported below: 339 So. 2d 577.

No. 76-1358. *HANDY HARDWARE WHOLESALE, INC. v. NATIONAL LABOR RELATIONS BOARD*. C. A. 5th Cir. Certiorari denied. Reported below: 542 F. 2d 935.

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No. 76-1367. *HYSTER CO. v. NATIONAL LABOR RELATIONS BOARD*. C. A. 9th Cir. Certiorari denied. Reported below: 549 F. 2d 807.

No. 76-1404. *DOWNEY v. CALLERY ET AL.* Ct. App. La., 4th Cir. Certiorari denied. Reported below: 338 So. 2d 937.

No. 76-1408. *PAUL v. GAMMAGE*. Sup. Ct. Tex. Certiorari denied. Reported below: 548 S. W. 2d 1.

No. 76-1414. *SHAND v. NATIONAL LABOR RELATIONS BOARD*. C. A. D. C. Cir. Certiorari denied.

No. 76-1417. *WIGLESWORTH v. TEAMSTERS LOCAL UNION No. 592 ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 552 F. 2d 1027.

No. 76-1424. *RICHARDSON v. SOUTH CAROLINA*. Sup. Ct. S. C. Certiorari denied.

No. 76-1425. *MAURICE A. GARBELL, INC., ET AL. v. BOEING CO. ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 546 F. 2d 297.

No. 76-1426. *SMITH v. CARTER*. C. A. 5th Cir. Certiorari denied. Reported below: 545 P. 2d 909.

No. 76-1429. *BRADLEY ET AL. v. WHITTEN*. Sup. Ct. Va. Certiorari denied.

No. 76-1430. *GIBSON PRODUCTS, INC., OF RICHARDSON v. TEXAS*. Sup. Ct. Tex. Certiorari denied. Reported below: 545 S. W. 2d 128.

No. 76-1431. *HOBBY v. ARKANSAS*. Sup. Ct. Ark. Certiorari denied.

No. 76-1436. *SPRAGUE & RHODES COMMODITY CORP. ET AL. v. THE IRISH SPRUCE ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 548 F. 2d 56.

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No. 76-1452. *LOCKEWILL, INC. v. UNITED STATES SHOE CORP. ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 547 F. 2d 1024.

No. 76-1485. *BIGELOW v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 549 F. 2d 809.

No. 76-1534. *MOBILE HOME CITY OF CHATTANOOGA, INC., ET AL. v. HAMILTON COUNTY.* Ct. App. Tenn. Certiorari denied. Reported below: 552 S. W. 2d 86.

No. 76-1569. *ABEL ET AL. v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 548 F. 2d 591.

No. 76-1603. *MENDOZA v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 547 F. 2d 952.

No. 76-6251. *FLAMMIA v. UNITED STATES;* and

No. 76-6256. *COLLINS v. UNITED STATES.* C. A. 2d Cir. Certiorari denied.

No. 76-6252. *SANDERS v. UNITED STATES.* C. A. 8th Cir. Certiorari denied. Reported below: 547 F. 2d 1037.

No. 76-6267. *CORPUS v. ESTELLE, CORRECTIONS DIRECTOR.* C. A. 5th Cir. Certiorari denied. Reported below: 542 F. 2d 573.

No. 76-6297. *LOVELL v. FEDERAL DEPOSIT INSURANCE CORP. ET AL.* C. A. 1st Cir. Certiorari denied.

No. 76-6318. *NEWKIRK, AKA SMITH v. MARYLAND.* Ct. Sp. App. Md. Certiorari denied. Reported below: 32 Md. App. 621, 363 A. 2d 637.

No. 76-6335. *WALLSCHLEGER v. MARYLAND.* Ct. Sp. App. Md. Certiorari denied.

No. 76-6382. *GREENIDGE v. GOVERNMENT OF THE VIRGIN ISLANDS.* C. A. 3d Cir. Certiorari denied. Reported below: 547 F. 2d 1160.

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No. 76-6340. *COOK v. MARYLAND*. Ct. Sp. App. Md. Certiorari denied.

No. 76-6408. *JOHNSON v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 76-6432. *LIPSCOMB v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 547 F.2d 1168.

No. 76-6442. *HOLLAND v. UNITED STATES*. C. A. 10th Cir. Certiorari denied.

No. 76-6452. *LELAND v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 76-6464. *REGAN v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 553 F.2d 98.

No. 76-6538. *HUSTON v. CALIFORNIA*. Ct. App. Cal., 4th App. Dist. Certiorari denied.

No. 76-6562. *ARNOLD ET UX. v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 76-6577. *GOUDEAU v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 76-6578. *DAVIS v. ALABAMA*. C. A. 5th Cir. Certiorari denied. Reported below: 545 F.2d 460.

No. 76-6582. *SHINDER v. APPELLATE DEPARTMENT OF THE SUPERIOR COURT, CITY AND COUNTY OF SAN FRANCISCO, ET AL.* Ct. App. Cal., 1st App. Dist. Certiorari denied.

No. 76-6583. *FRANCO v. MISSOURI*. Sup. Ct. Mo. Certiorari denied. Reported below: 544 S.W.2d 533.

No. 76-6587. *SEABOCK ET AL. v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 76-6590. *RUSSELL v. OKLAHOMA*. Ct. Crim. App. Okla. Certiorari denied. Reported below: 560 P.2d 1003.

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No. 76-6588. *EDMONDS v. LEWIS, INSTITUTION SUPERINTENDENT, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 546 F. 2d 566.

No. 76-6594. *HARRISON v. BENTON, CORRECTIONS DIRECTOR, ET AL.* C. A. 10th Cir. Certiorari denied.

No. 76-6595. *HARDEE v. NEW YORK.* App. Div., Sup. Ct. N. Y., 2d Jud. Dept. Certiorari denied. Reported below: 55 App. Div. 2d 858, 390 N. Y. S. 2d 768.

No. 76-6596. *ADAMS v. MINNESOTA.* Dist. Ct. Minn., 1st Jud. Dist. Certiorari denied.

No. 76-6600. *EDNEY v. SMITH, CORRECTIONAL SUPERINTENDENT.* C. A. 2d Cir. Certiorari denied.

No. 76-6602. *RODRIGUEZ v. HENDERSON, CORRECTIONAL SUPERINTENDENT.* C. A. 2d Cir. Certiorari denied. Reported below: 551 F. 2d 301.

No. 76-6605. *MASSEY v. UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF ARKANSAS.* C. A. 8th Cir. Certiorari denied.

No. 76-6609. *CROSS v. CHURCH, COUNTY CLERK-RECORDER, SAN MATEO COUNTY, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 546 F. 2d 426.

No. 76-6613. *MCDONALD v. DAVIDSON COUNTY ELECTION COMMISSION ET AL.* Certiorari before judgment to C. A. 6th Cir. denied.

No. 76-6647. *ALLEY v. DODGE HOTEL ET AL.* C. A. D. C. Cir. Certiorari denied. Reported below: 179 U. S. App. D. C. 256, 551 F. 2d 442.

No. 76-6677. *BELL v. PUTMAN, WARDEN.* C. A. 8th Cir. Certiorari denied. Reported below: 548 F. 2d 749.

No. 76-6700. *TALMAGE v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 554 F. 2d 1072.

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No. 76-6701. *HEAD v. UNITED STATES BOARD OF PAROLE*. C. A. 7th Cir. Certiorari denied. Reported below: 553 F. 2d 22.

No. 76-6704. *MAHON v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 549 F. 2d 1198.

No. 76-6708. *SMITH v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 548 F. 2d 545.

No. 76-6713. *WALTON ET AL. v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 552 F. 2d 1354.

No. 76-6715. *CLAYBROOKS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 553 F. 2d 97.

No. 76-6716. *BRAUNIG v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 553 F. 2d 777.

No. 76-6719. *BELL v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 76-6722. *BURKE v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 549 F. 2d 806.

No. 76-6727. *YOUNG v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 553 F. 2d 1132.

No. 76-6728. *SAILER v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 552 F. 2d 213.

No. 76-1183. *ROBB ET AL. v. KENNEDY*. C. A. 8th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 547 F. 2d 408.

No. 76-1394. *ALABAMA v. CANTRELL*. C. A. 5th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. MR. JUSTICE WHITE and MR. JUSTICE POWELL would grant certiorari. Reported below: 546 F. 2d 652.

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No. 76-1212. *SCIBELLI v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. MR. JUSTICE BRENNAN, MR. JUSTICE WHITE, and MR. JUSTICE MARSHALL would grant certiorari. Reported below: 549 F. 2d 222.

No. 76-1438. *CATAMORE ENTERPRISES, INC. v. INTERNATIONAL BUSINESS MACHINES CORP.* C. A. 1st Cir. Certiorari denied. MR. JUSTICE BLACKMUN took no part in the consideration or decision of this petition. Reported below: 548 F. 2d 1065.

No. 76-6571. *WOODKINS v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied. Reported below: 542 S. W. 2d 855.

MR. JUSTICE BRENNAN and MR. JUSTICE MARSHALL, dissenting.

Adhering to our views that the death penalty is in all circumstances cruel and unusual punishment prohibited by the Eighth and Fourteenth Amendments, *Gregg v. Georgia*, 428 U. S. 153, 227, 231 (1976), we would vacate the death sentence in this case.

Rehearing Granted. (See No. 75-720, *supra*.)

Rehearing Denied

No. 75-1301. *DELAWARE TRIBAL BUSINESS COMMITTEE ET AL. v. WEEKS ET AL.*, 430 U. S. 73;

No. 75-1335. *ABSENTEE DELAWARE TRIBE OF OKLAHOMA BUSINESS COMMITTEE ET AL. v. WEEKS ET AL.*, 430 U. S. 73;

No. 75-1495. *ANDRUS, SECRETARY OF THE INTERIOR, ET AL. v. WEEKS ET AL.*, 430 U. S. 73;

No. 76-1090. *COOK v. UNITED STATES*, 430 U. S. 983;

No. 76-1213. *WOODS v. UNITED STATES*, 430 U. S. 969;

No. 76-5933. *FILMON v. FLORIDA*, 430 U. S. 980;

No. 76-6181. *SELLMAN v. UNITED STATES*, 430 U. S. 972;

No. 76-6272. *SWEETWINE v. WARDEN, MARYLAND PENITENTIARY*, 430 U. S. 973; and

No. 76-6354. *DOBBS v. GEORGIA*, 430 U. S. 975. Petitions for rehearing denied.

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No. 76-6395. *COLEMAN v. GEORGIA*, ante, p. 909. Petition for rehearing denied.

No. 76-833. *MORROW v. GREYHOUND LINES, INC.*, 429 U. S. 1095. Petition for rehearing and other relief denied.

No. 76-5815. *ZANNIS v. UNITED STATES*, 430 U. S. 934; and

No. 76-6167. *BUSTELL v. BUSTELL*, 430 U. S. 925. Motions for leave to file 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 Fifth Circuit in the case of *Willis v. American Bar Assn.*, 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. 76-675. *SENDAK, ATTORNEY GENERAL OF INDIANA, ET AL. v. NIHISER, DBA MOVIELAND DRIVE-IN THEATER*. Affirmed on appeal from D. C. N. D. Ind. MR. JUSTICE BLACKMUN and MR. JUSTICE REHNQUIST would vacate judgment and remand case for further consideration in light of *Trainor v. Hernandez*, ante, p. 434. Reported below: See 405 F. Supp. 482.

No. 76-1203. *SOWERWINE, TRUSTEE IN BANKRUPTCY v. UNITED STATES ET AL.* Affirmed on appeal from D. C. S. D. N. Y. MR. JUSTICE STEWART, MR. JUSTICE REHNQUIST, and MR. JUSTICE STEVENS would dismiss the appeal for want of jurisdiction. Reported below: 427 F. Supp. 1157.

Appeal Dismissed

No. 76-6633. *MCDONALD v. PURITY DAIRIES EMPLOYEES FEDERAL CREDIT UNION ET AL.* Appeal from Sup. Ct. Tenn. dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari denied.

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Certiorari Granted—Vacated and Remanded

No. 76-6483. *BATTLE v. UNITED STATES*. C. A. 10th Cir. Motion for leave to proceed *in forma pauperis* and certiorari granted. Upon representation of the Solicitor General set forth in his memorandum for the United States, filed May 24, 1977, judgment vacated, and case remanded to the United States District Court for the Western District of Oklahoma for further consideration in light of the position presently asserted by the Government. MR. JUSTICE WHITE and MR. JUSTICE REHNQUIST dissent.

Miscellaneous Orders

No. A-916. *COLLIS v. KENTUCKY*. Sup. Ct. Ky. Application for bail, presented to MR. JUSTICE STEVENS, and by him referred to the Court, denied.

No. D-111. *IN RE DISBARMENT OF CHAPMAN*. It is ordered that Gerald McNamara Chapman 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-112. *IN RE DISBARMENT OF CAIN*. It is ordered that Kenneth R. Cain, of Ozark, Ala., 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. 76-528. *CONSUMERS POWER CO. v. AESCHLIMAN ET AL.* C. A. D. C. Cir. [Certiorari granted, 429 U. S. 1090.] Motion of U. S. Labor Party for leave to file a brief as *amicus curiae* granted. MR. JUSTICE POWELL took no part in the consideration or decision of this motion.

No. 76-1167. *CRUMPACKER v. RUMAN ET AL.*, *ante*, p. 904. Motion of respondents to assess damages denied.

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No. 76-864. CITY OF LAFAYETTE, LOUISIANA, ET AL. *v.* LOUISIANA POWER & LIGHT CO. C. A. 5th Cir. [Certiorari granted, 430 U. S. 944.] Motion of National Rural Electric Cooperative Assn. et al. for leave to file a brief as *amici curiae* granted.

No. 76-938. FEDERAL MARITIME COMMISSION ET AL. *v.* PACIFIC MARITIME ASSN. ET AL. C. A. D. C. Cir. [Certiorari granted, 430 U. S. 905.] Motion of Wolfsburger Transport-Gesellschaft m. b. H. for leave to file a brief as *amicus curiae* granted.

No. 76-1057. KEY ET AL. *v.* DOYLE ET AL. Appeal from Ct. App. D. C. [Probable jurisdiction postponed, 430 U. S. 929.] Motion of American Jewish Congress for leave to file a brief as *amicus curiae* granted.

No. 76-1172. FIRST NATIONAL BANK OF BOSTON ET AL. *v.* BELLOTTI, ATTORNEY GENERAL OF MASSACHUSETTS. Appeal from Sup. Jud. Ct. Mass. [Probable jurisdiction postponed, 430 U. S. 964.] Motions of Pacific Legal Foundation, New England Council, and Chamber of Commerce of the United States of America for leave to file briefs as *amici curiae* granted.

No. 76-1200. CRIST, WARDEN, ET AL. *v.* CLINE ET AL. Appeal from C. A. 9th Cir. [Probable jurisdiction postponed, 430 U. S. 982.] Motion of appellees for divided argument granted. Motion of appellee Cline for appointment of counsel granted, and it is ordered that W. William Leaphart, Esquire, of Helena, Mont., is appointed to serve as counsel for appellee Cline in this case. Motion of appellee Bretz for leave to proceed *in forma pauperis* granted.

No. 76-1464. UNIVERSITY OF CHICAGO AND ARGONNE *v.* McDANIEL. C. A. 7th Cir. The Solicitor General is invited to file a brief in this case expressing the views of the United States.

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No. 76-5325. *BROWDER v. DIRECTOR, DEPARTMENT OF CORRECTIONS OF ILLINOIS*. C. A. 7th Cir. [Certiorari granted, 429 U. S. 1072.] Motion of Chicago Council of Lawyers for additional time to participate in oral argument as *amicus curiae* denied.

No. 76-5856. *HOLLOWAY ET AL. v. ARKANSAS*. Sup. Ct. Ark. Motion of Robert Alston Newcomb, Esquire, to permit Joseph H. Purvis, Esquire, to argue *pro hac vice* granted.

No. 76-1419. *RATCLIFF v. UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS*. Motion for leave to file petition for writ of mandamus denied.

No. 76-6710. *JOHNSON v. WOOD*, U. S. DISTRICT JUDGE. Motion for leave to file petition for writ of prohibition denied.

Probable Jurisdiction Noted

No. 76-1450. *LANDMARK COMMUNICATIONS, INC. v. VIRGINIA*. Appeal from Sup. Ct. Va. Probable jurisdiction noted. Reported below: 217 Va. 699, 233 S. E. 2d 120.

Certiorari Granted

No. 76-5729. *OLIPHANT v. SUQUAMISH INDIAN TRIBE ET AL.*; and *BELGARDE v. SUQUAMISH INDIAN TRIBE ET AL.* Certiorari (first case) and certiorari before judgment (second case) to C. A. 9th Cir. Motion of the Governor of the State of Washington for leave to file a brief as *amicus curiae* granted. Motion of respondents to strike brief filed by Kitsap County as *amicus curiae* denied. Motion of petitioners for leave to proceed *in forma pauperis* and certiorari granted. Reported below: 544 F. 2d 1007 (first case).

No. 76-6528. *BURKS v. UNITED STATES*. C. A. 6th Cir. Motion of petitioner for leave to proceed *in forma pauperis* and certiorari granted. Reported below: 547 F. 2d 968.

Certiorari Denied. (See also No. 76-6633, *supra*.)

No. 75-1772. *JONES v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 533 F. 2d 1387.

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No. 75-1882. *CARTER ET AL. v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 535 F. 2d 1255.

No. 75-6648. *WILLIS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 529 F. 2d 1351.

No. 75-6682. *HOPKINS v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 529 F. 2d 775.

No. 75-6811. *LATHAN v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 531 F. 2d 955.

No. 76-344. *COUNCIL OF SUPERVISORS AND ADMINISTRATORS OF THE CITY OF NEW YORK, LOCAL 1, SASOC, AFL-CIO v. CHANCE ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 534 F. 2d 993.

No. 76-387. *ROSENBERGER v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 536 F. 2d 715.

No. 76-969. *HOUSE ET AL. v. WALLACE ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 538 F. 2d 1138.

No. 76-1165. *ZOLLER & DANNEBERG EXPLORATION, LTD., ET AL. v. BALLARD & CORDELL CORP.* C. A. 10th Cir. Certiorari denied. Reported below: 544 F. 2d 1059.

No. 76-1187. *RALEY v. MARYLAND*. Ct. Sp. App. Md. Certiorari denied. Reported below: 32 Md. App. 515, 363 A. 2d 261.

No. 76-1221. *INDUSTRIAL EMPLOYERS & DISTRIBUTORS ASSN. ET AL. v. SMITH*. C. A. 9th Cir. Certiorari denied. Reported below: 546 F. 2d 314.

No. 76-1227. *HAWAIIAN HAULING SERVICE Co., LTD. v. NATIONAL LABOR RELATIONS BOARD*. C. A. 9th Cir. Certiorari denied. Reported below: 545 F. 2d 674.

No. 76-1242. *CASE v. OKLAHOMA*. Ct. Crim. App. Okla. Certiorari denied. Reported below: 555 P. 2d 619.

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No. 76-1248. *FAVROT v. BARNES*. Sup. Ct. La. Certiorari denied. Reported below: 339 So. 2d 843.

No. 76-1283. *CALESNICK v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 549 F. 2d 797.

No. 76-1288. *WITTENBRINK ET AL. v. COLORADO, BY AND ON BEHALF OF THE CITY OF THORNTON*. Sup. Ct. Colo. Certiorari denied. Reported below: 556 P. 2d 1217.

No. 76-1290. *ADHESIVES & SEALANT COUNCIL, INC., ET AL. v. INTERSTATE COMMERCE COMMISSION ET AL.* C. A. D. C. Cir. Certiorari denied. Reported below: 178 U. S. App. D. C. 276, 546 F. 2d 1042.

No. 76-1313. *HOWARD v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist. Certiorari denied. Reported below: 63 Cal. App. 3d 249, 131 Cal. Rptr. 689.

No. 76-1324. *ALLSTATE INSURANCE CO. v. CANNATA*. Ct. App. Cal., 1st App. Dist. Certiorari denied.

No. 76-1351. *W. W. WINDLE Co. v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 1st Cir. Certiorari denied. Reported below: 550 F. 2d 43.

No. 76-1354. *ANGLE, DBA KANSAS REFINED HELIUM Co. v. NATIONAL LABOR RELATIONS BOARD ET AL.* C. A. D. C. Cir. Certiorari denied. Reported below: 178 U. S. App. D. C. 278, 547 F. 2d 575.

No. 76-1357. *COLUMBIA TYPOGRAPHICAL UNION No. 101, INTERNATIONAL TYPOGRAPHICAL UNION OF NORTH AMERICA, AFL-CIO v. NATIONAL LABOR RELATIONS BOARD ET AL.* C. A. D. C. Cir. Certiorari denied. Reported below: 178 U. S. App. D. C. 276, 546 F. 2d 1042.

No. 76-1369. *PENNSYLVANIA TRANSFER COMPANY OF PHILADELPHIA, INC. v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 547 F. 2d 1163.

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No. 76-1363. *MARTIN v. CLAYTOR, SECRETARY OF THE NAVY, ET AL.* C. A. 2d Cir. Certiorari denied.

No. 76-1370. *METHOT v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 549 F. 2d 809.

No. 76-1378. *WHITESEL v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. Reported below: 543 F. 2d 1176.

No. 76-1389. *MARVEL ET UX., DBA MARVEL PHOTO v. UNITED STATES.* C. A. 10th Cir. Certiorari denied. Reported below: 548 F. 2d 295.

No. 76-1399. *MONTANYE, FORMER CORRECTIONAL SUPERINTENDENT, ET AL. v. HAYMES.* C. A. 2d Cir. Certiorari denied. Reported below: 547 F. 2d 188.

No. 76-1402. *POIRIER & McLANE CORP. v. COMMISSIONER OF INTERNAL REVENUE.* C. A. 2d Cir. Certiorari denied. Reported below: 547 F. 2d 161.

No. 76-1444. *CARBONE v. CONNECTICUT; and*

No. 76-1532. *CARBONE v. CONNECTICUT.* Sup. Ct. Conn. Certiorari denied. Reported below: 172 Conn. 242, 374 A. 2d 215..

No. 76-1448. *GRIGSBY v. STERLING DRUG, INC., ET AL.* C. A. D. C. Cir. Certiorari denied. Reported below: 177 U. S. App. D. C. 270, 543 F. 2d 417.

No. 76-1458. *EAGLE LEASING CORP. ET AL. v. HARTFORD FIRE INSURANCE Co.* C. A. 5th Cir. Certiorari denied. Reported below: 540 F. 2d 1257.

No. 76-1459. *PFOTZER ET AL. v. AMERCOAT CORP. ET AL.* Sup. Ct. Conn. Certiorari denied. Reported below: 172 Conn. 681, 364 A. 2d 867.

No. 76-1462. *DANIELS v. SOUTHERN CALIFORNIA RAPID TRANSIT DISTRICT ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 547 F. 2d 1174.

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No. 76-1467. *UNITED STATES STEEL CORP. v. UNITED MINE WORKERS OF AMERICA ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 548 F. 2d 67.

No. 76-1474. *ABBOTT v. FLORIDA.* Dist. Ct. App. Fla., 3d Dist. Certiorari denied. Reported below: 334 So. 2d 642.

No. 76-1475. *LAMB ENTERPRISES, INC., ET AL. v. KIROFF ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 549 F. 2d 1052.

No. 76-1479. *QUALLS v. FRESNO COUNTY BOARD OF SUPERVISORS ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 549 F. 2d 808.

No. 76-1483. *TEAMSTERS LOCAL UNION 377 v. SCOTT.* C. A. 6th Cir. Certiorari denied. Reported below: 548 F. 2d 1244.

No. 76-1496. *MANCINI v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 546 F. 2d 596.

No. 76-1517. *JACOBS ET AL. v. SAPP ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 547 F. 2d 1170.

No. 76-1553. *FINAN, DBA HOUSE OF KAWASAKI ET AL. v. KAWASAKI MOTORS CORP., U. S. A.* C. A. 5th Cir. Certiorari denied.

No. 76-1557. *MIMS v. UNITED STATES.* C. A. 8th Cir. Certiorari denied. Reported below: 549 F. 2d 517.

No. 76-1586. *JONES v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 553 F. 2d 351.

No. 76-1618. *COSTEX v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 554 F. 2d 909.

No. 76-5167. *BOLDEN v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. Reported below: 538 F. 2d 329.

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No. 76-5229. *ALLEN v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 538 F. 2d 325.

No. 76-5898. *TOBIN v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 546 F. 2d 420.

No. 76-6264. *COOK v. ESTELLE, CORRECTIONS DIRECTOR*. C. A. 5th Cir. Certiorari denied.

No. 76-6327. *O'NEAL v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 40 Ill. App. 3d 448, 352 N. E. 2d 282.

No. 76-6338. *HERDRICKS v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 547 F. 2d 1168.

No. 76-6357. *PROVENCE v. FLORIDA*. Sup. Ct. Fla. Certiorari denied. Reported below: 337 So. 2d 783.

No. 76-6364. *VERES v. COUNTY OF MONROE ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 542 F. 2d 1177.

No. 76-6376. *SANFORD v. CALIFORNIA*. Ct. App. Cal., 1st App. Dist. Certiorari denied. Reported below: 63 Cal. App. 3d 952, 134 Cal. Rptr. 155.

No. 76-6389. *PEACH v. CALIFORNIA*. Ct. App. Cal., 5th App. Dist. Certiorari denied.

No. 76-6394. *CAMERIERO v. UNITED STATES*; and

No. 76-6411. *GALANTE v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 547 F. 2d 733.

No. 76-6396. *HOLMBERG v. PARRATT, WARDEN*. C. A. 8th Cir. Certiorari denied. Reported below: 548 F. 2d 745.

No. 76-6400. *LAWRENCE v. KOZLOWSKI, COMMISSIONER OF MOTOR VEHICLES*. Sup. Ct. Conn. Certiorari denied. Reported below: 171 Conn. 705, 372 A. 2d 110.

No. 76-6424. *COX v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

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No. 76-6434. *HOUSAND v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 550 F. 2d 818.

No. 76-6466. *BAKER v. GEORGIA*. Sup. Ct. Ga. Certiorari denied. Reported below: 238 Ga. 389, 233 S. E. 2d 347.

No. 76-6470. *JINKS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 546 F. 2d 908.

No. 76-6477. *STURDEVANT v. WISCONSIN*. Sup. Ct. Wis. Certiorari denied. Reported below: 76 Wis. 2d 247, 251 N. W. 2d 50.

No. 76-6481. *ALTSTADT v. CALIFORNIA*. Ct. App. Cal., 4th App. Dist. Certiorari denied.

No. 76-6486. *JACKSON v. DAVIS ET AL.* C. A. 9th Cir. Certiorari denied.

No. 76-6512. *WOODS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 549 F. 2d 202.

No. 76-6516. *MELLOR v. FLORIDA*. Dist. Ct. App. Fla., 4th Dist. Certiorari denied. Reported below: 336 So. 2d 1192.

No. 76-6558. *OWENS v. OHIO*. Ct. App. Ohio, Summit County. Certiorari denied.

No. 76-6592. *ROSSETTI v. CALIFORNIA*. Ct. App. Cal., 1st App. Dist. Certiorari denied.

No. 76-6622. *PATTERSON v. GEORGIA*. Sup. Ct. Ga. Certiorari denied. Reported below: 238 Ga. 204, 232 S. E. 2d 233.

No. 76-6626. *LIPSCOMB v. LIBBY ET AL.* C. A. 1st Cir. Certiorari denied.

No. 76-6628. *MYDELL v. GEORGIA*. Sup. Ct. Ga. Certiorari denied. Reported below: 238 Ga. 450, 233 S. E. 2d 199.

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No. 76-6630. *KARLIN v. GRAY, WARDEN*. C. A. 7th Cir. Certiorari denied. Reported below: 544 F. 2d 523.

No. 76-6638. *JOHNSON v. PUTNAM ET AL.* C. A. 1st Cir. Certiorari denied.

No. 76-6639. *SPARROW v. OHIO*. Sup. Ct. Ohio. Certiorari denied.

No. 76-6640. *MCDONOUGH v. MARYLAND*. C. A. 4th Cir. Certiorari denied. Reported below: 551 F. 2d 307.

No. 76-6642. *CROWLEY v. NEW JERSEY*. C. A. 3d Cir. Certiorari denied.

No. 76-6643. *FORD v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied.

No. 76-6644. *COTTON v. HUTTO, CORRECTIONS COMMISSIONER*. C. A. 8th Cir. Certiorari denied.

No. 76-6649. *JONES v. INDIANA*. Sup. Ct. Ind. Certiorari denied. Reported below: 253 Ind. 235, 252 N. E. 2d 572.

No. 76-6653. *HERNANDEZ v. WAINWRIGHT, SECRETARY, DEPARTMENT OF OFFENDER REHABILITATION OF FLORIDA*. C. A. 5th Cir. Certiorari denied. Reported below: 550 F. 2d 1282.

No. 76-6657. *MARTIN v. ESTELLE, CORRECTIONS DIRECTOR*. C. A. 5th Cir. Certiorari denied. Reported below: 546 F. 2d 177.

No. 76-6690. *MOORE v. NEWELL, SHERIFF*. C. A. 6th Cir. Certiorari denied. Reported below: 548 F. 2d 671.

No. 76-6725. *EDMOND v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied. Reported below: 546 S. W. 2d 289.

No. 76-6729. *GALLAGHER v. UNITED STATES*. C. A. 10th Cir. Certiorari denied.

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No. 76-6732. *PARR-PLA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 549 F. 2d 660.

No. 76-6735. *MONROE v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 552 F. 2d 860.

No. 76-6740. *SHIRA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 76-6742. *MAESTAS v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 554 F. 2d 834.

No. 76-6746. *SCHLOBOHM v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 76-6749. *KERR v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 76-6750. *WILLIAMS v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. Reported below: 175 U. S. App. D. C. 363, 535 F. 2d 1325.

No. 76-6752. *KING v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 76-6755. *CYPHERS v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 556 F. 2d 630.

No. 76-6760. *WHITE v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 553 F. 2d 310.

No. 76-6772. *LERMA-COTA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 554 F. 2d 1071.

No. 76-6776. *JOHNSON v. UNITED STATES*. Ct. App. D. C. Certiorari denied.

No. 76-6794. *WOJTOWICZ v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 550 F. 2d 786.

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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. Motion of National Congress of American Indians, Inc., for leave to file a brief as *amicus curiae* granted. Motion of respondent James W. Gardipee, real party in interest, for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 168 Mont. 529, 554 P. 2d 1115.

No. 76-970. KUHNS ET AL. *v.* CALIFORNIA. Ct. App. Cal., 1st App. Dist. Certiorari denied. Reported below: 61 Cal. App. 3d 735, 132 Cal. Rptr. 725.

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

The California courts, in response to our remand for reconsideration in light of *Miller v. California*, 413 U. S. 15 (1973), reaffirmed petitioners' 1971 convictions for selling obscene materials in violation of Cal. Penal Code Ann. § 311.2 (West 1970). I would reverse the convictions. I adhere to my view expressed in *Miller* that this statute is "unconstitutionally overbroad, and therefore invalid on its face." 413 U. S., at 47 (dissenting opinion). See also *Splawn v. California*, ante, p. 595 (BRENNAN, J., dissenting); *Pendleton v. California*, 423 U. S. 1068 (1976) (BRENNAN, J., dissenting from dismissal of appeal); *Sandquist v. California*, 423 U. S. 900, 901 (1975) (BRENNAN, J., dissenting from denial of certiorari); *Tobalina v. California*, 419 U. S. 926 (1974) (BRENNAN, J., dissenting from denial of certiorari); *Kaplan v. California*, 419 U. S. 915 (1974) (BRENNAN, J., dissenting from denial of certiorari); *Blank v. California*, 419 U. S. 913 (1974) (BRENNAN, J., dissenting from denial of certiorari).

No. 76-1079. LEVC, AKA O'BLAK, ET AL. *v.* CONNORS, TREASURER OF MONTANA, ET AL. Sup. Ct. Mont. Certiorari denied. MR. JUSTICE WHITE and MR. JUSTICE BLACKMUN would grant certiorari. Reported below: 171 Mont. 1, 555 P. 2d 750.

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No. 76-1120. CALIFORNIA DEPARTMENT OF BENEFIT PAYMENTS ET AL. *v.* ENGLAND, TRUSTEE IN BANKRUPTCY, ET AL. C. A. 9th Cir. Certiorari denied. MR. JUSTICE BLACKMUN would grant certiorari. Reported below: 546 F. 2d 821.

No. 76-1445. MAUGNIE *v.* COMPAGNIE NATIONALE AIR FRANCE. C. A. 9th Cir. Certiorari denied. MR. JUSTICE BLACKMUN would grant certiorari. Reported below: 549 F. 2d 1256.

No. 76-1189. MARYLAND *v.* DOWNS. Ct. App. Md. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 278 Md. 610, 366 A. 2d 41.

No. 76-1432. STANDARD OIL COMPANY OF CALIFORNIA *v.* FEDERAL TRADE COMMISSION;

No. 76-1434. MOBIL OIL CORP. *v.* FEDERAL TRADE COMMISSION; and

No. 76-1435. TEXACO INC. ET AL. *v.* FEDERAL TRADE COMMISSION. C. A. D. C. Cir. Motion of the Chamber of Commerce of the United States for leave to file a brief as *amicus curiae* granted. Certiorari denied. MR. JUSTICE STEWART, MR. JUSTICE WHITE, and MR. JUSTICE POWELL took no part in the consideration or decision of this motion and these petitions. Reported below: 180 U. S. App. D. C. 390, 555 F. 2d 862.

No. 76-1437. SHEET METAL WORKERS' INTERNATIONAL ASSOCIATION, LOCAL 28, AFL-CIO *v.* CARRIER AIR CONDITIONING Co. ET AL. C. A. 2d Cir. Certiorari denied. MR. JUSTICE POWELL took no part in the consideration or decision of this petition. Reported below: 547 F. 2d 1178.

No. 76-6616. BRADINGTON *v.* INTERNATIONAL BUSINESS MACHINES CORP. C. A. 4th Cir. Certiorari denied. MR. JUSTICE BLACKMUN took no part in the consideration or decision of this petition. Reported below: 539 F. 2d 705.

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Rehearing Denied

No. 76-1036. *GRAVITT, EXECUTRIX, ET AL. v. SOUTHWESTERN BELL TELEPHONE CO. ET AL.*, 430 U. S. 723;

No. 76-1282. *FULTON v. HECHT ET AL.*, 430 U. S. 984;

No. 76-1379. *DAVIS v. UNITED STATES*, *ante*, p. 917;

No. 76-6019. *JUAREZ-RODRIGUEZ v. UNITED STATES*, 430 U. S. 985;

No. 76-6067. *DOVE v. NEW YORK ET AL.*, *ante*, p. 901.
Petitions for rehearing denied.

No. 75-1687. *UNITED STATES TRUST CO. OF NEW YORK, TRUSTEE v. NEW JERSEY ET AL.*, *ante*, p. 1. Petition for rehearing denied. MR. JUSTICE STEWART and MR. JUSTICE POWELL took no part in the consideration or decision of this petition.

