

ORDERS FROM JUNE 14 THROUGH
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Certiorari Granted—Reversed and Remanded. (See No. 76-1786, *ante*, p. 43.)

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Appeals Dismissed

No. 76-1423. SIGETY, DBA FLORENCE NIGHTINGALE NURSING HOME *v.* HORAN, WELFARE INSPECTOR GENERAL OF NEW YORK. Appeal from Ct. App. N. Y. dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari denied. Reported below: 40 N. Y. 2d 1085, 360 N. E. 2d 1103.

No. 76-1490. LEWIS ET AL. *v.* ALASKA ET AL. Appeal from Sup. Ct. Alaska dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari denied. Reported below: 559 P. 2d 630.

No. 76-6675. McDONALD *v.* TENNESSEE. 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.

No. 76-1509. JOSEPH E. SEAGRAM & SONS, INC. *v.* JONES ET AL. Appeal from Ct. App. Tenn. dismissed for want of substantial federal question. Reported below: 548 S. W. 2d 667.

No. 76-6671. LEE *v.* WASHINGTON. Appeal from Sup. Ct. Wash. dismissed for want of substantial federal question. Reported below: 87 Wash. 2d 932, 558 P. 2d 236.

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Vacated and Remanded on Appeal

No. 76-366. REINHARD, STATE'S ATTORNEY OF WINNEBAGO COUNTY, ET AL. v. EAGLE BOOKS, INC., ET AL. Appeal from D. C. N. D. Ill. Judgment vacated and case remanded for further consideration in light of *Ward v. Illinois*, 431 U. S. 767 (1977). MR. JUSTICE BRENNAN, MR. JUSTICE STEWART, MR. JUSTICE MARSHALL, and MR. JUSTICE STEVENS would affirm the judgment. Reported below: 418 F. Supp. 345.

Certiorari Granted—Vacated and Remanded

No. 75-1695. CARINI ET AL. v. UNITED STATES. C. A. 4th Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *United States v. Larionoff*, 431 U. S. 864 (1977). Reported below: 528 F. 2d 738.

No. 75-6657. BARTEMIO v. UNITED STATES. C. A. 7th Cir. Motion of petitioner for leave to proceed *in forma pauperis* and certiorari granted. Judgment vacated and case remanded for further consideration in light of *Abney v. United States*, 431 U. S. 651, 664 n. 9 (1977).

No. 75-6905. ALLEN v. SOUTH CAROLINA. Sup. Ct. S. C. Motion of petitioner for leave to proceed *in forma pauperis* and certiorari granted. Judgment vacated and case remanded for further consideration in light of *Roberts v. Louisiana*, 431 U. S. 633 (1977), and *State v. Rumsey*, 267 S. C. 236, 226 S. E. 2d 894 (1976). Reported below: 266 S. C. 175, 222 S. E. 2d 287.

No. 76-211. MONROE COUNTY PROBATE COURT ET AL. v. WELDON ET AL. C. A. 6th Cir. Motion of Michigan Probate and Juvenile Judges Assn. et al. for leave to file a brief as *amici curiae* granted. Motions of respondent Weldon and Bettye S. Elkins, guardian *ad litem* for respondent Weldon, for leave to proceed *in forma pauperis* granted. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Trainor v. Hernandez*, 431 U. S. 434

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(1977), and *Juidice v. Vail*, 430 U. S. 327 (1977). Reported below: 529 F. 2d 528.

No. 76-1107. *CROUCH ET AL. v. UNITED STATES*. C. A. 5th Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Abney v. United States*, 431 U. S. 651, 664 n. 9 (1977).

No. 76-677. *SAYLORS ET AL. v. UNITED STATES ET AL.* C. A. 9th Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *United States v. Larionoff*, 431 U. S. 864 (1977). Reported below: 542 F. 2d 1109.

No. 76-1297. *MILLS v. UNITED STATES*. C. A. 6th Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Abney v. United States*, 431 U. S. 651, 664 n. 9 (1977).

Miscellaneous Orders

No. A-976. *BARKER v. UNITED STATES*. Application for reduction of bail pending appeal to the United States Court of Appeals for the Tenth Circuit, presented to THE CHIEF JUSTICE, and by him referred to the Court, denied.

No. A-1029. *MCDONALD v. THOMPSON, WARDEN*. Application for supersedeas bond pending appeal to the United States Court of Appeals for the Sixth Circuit, presented to MR. JUSTICE BRENNAN, and by him referred to the Court, denied.

No. A-1036. *ELLERS v. REDMAN, CORRECTION COMMISSIONER, ET AL.* Application for writ of habeas corpus and other relief, presented to THE CHIEF JUSTICE, and by him referred to the Court, denied.

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No. 76-419. VERMONT YANKEE NUCLEAR POWER CORP. *v.* NATURAL RESOURCES DEFENSE COUNCIL, INC., ET AL.; and

No. 76-528. CONSUMERS POWER CO. *v.* AESCHLIMAN ET AL. C. A. D. C. Cir. [Certiorari granted, 429 U. S. 1090.] Motion of Pacific Legal Foundation for leave to file a brief as *amicus curiae* granted. Motion of Hans A. Bethe et al., for leave to file a brief as *amici curiae* in No. 76-528 granted. MR. JUSTICE POWELL took no part in the consideration or decision of these motions.

No. 72, Orig. SOUTH DAKOTA *v.* NEBRASKA. Report of Special Master on motion of Robert J. Foley et al. for leave to intervene as defendants is received and ordered filed. Exceptions, if any, with supporting briefs to Report may be filed by the parties within 30 days. Reply briefs, if any, to such exceptions may be filed within 30 days. [For earlier orders herein, see, *e. g.*, 429 U. S. 996.]

No. 76-1172. FIRST NATIONAL BANK OF BOSTON ET AL. *v.* BELLOTTI, ATTORNEY GENERAL OF MASSACHUSETTS. Sup. Jud. Ct. Mass. [Probable jurisdiction postponed, 430 U. S. 964.] Motion of Northeastern Legal Foundation et al. for leave to file a brief as *amici curiae* denied.

No. 76-1403. HUNT ET AL. *v.* MOBIL OIL CORP. ET AL. C. A. 2d Cir. The Solicitor General is invited to file a brief in this case expressing the views of the United States. MR. JUSTICE POWELL took no part in the consideration or decision of this order.

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

No. 76-5796. SIMPSON *v.* UNITED STATES. C. A. 6th Cir. [Certiorari granted, 430 U. S. 964.] Motion for appointment of counsel granted, and it is ordered that Robert W. Willmott, Jr., Esquire, of Lexington, Ky., is appointed to serve as counsel for petitioners in these cases.

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No. 76-1662. UNITED STATES *v.* BOARD OF COMMISSIONERS OF SHEFFIELD, ALABAMA, ET AL. Appeal from D. C. N. D. Ala. Motion to expedite consideration of the appeal granted.

No. 76-6694. BLAKE *v.* UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT. Motion for leave to file petition for writ of mandamus and/or prohibition denied.

Probable Jurisdiction Noted

No. 76-1427. MCDANIEL *v.* PATY ET AL. Appeal from Sup. Ct. Tenn. Probable jurisdiction noted. Reported below: 547 S. W. 2d 897.

Certiorari Granted

No. 75-1892. UNITED STATES *v.* MACDONALD. C. A. 4th Cir. Certiorari granted. Reported below: 531 F. 2d 196.

No. 76-1383. CHRISTIANSBURG GARMENT CO. *v.* EQUAL EMPLOYMENT OPPORTUNITY COMMISSION. C. A. 4th Cir. Certiorari granted. Reported below: 550 F. 2d 949.

No. 76-1500. MASSACHUSETTS *v.* UNITED STATES. C. A. 1st Cir. Certiorari granted. Reported below: 548 F. 2d 33.

No. 76-6617. GREENE *v.* MASSEY, CORRECTIONAL SUPERINTENDENT. C. A. 5th Cir. Motion of petitioner for leave to proceed *in forma pauperis* and certiorari granted. Reported below: 546 F. 2d 51.

Certiorari Denied. (See also Nos. 76-1423, 76-1490, and 76-6675, *supra*; and No. 75-1182, *ante*, at 424 n. 7.)

No. 76-220. GENERAL DYNAMICS CORP. *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 535 F. 2d 489.

No. 76-984. DRUMMOND ET UX. *v.* FULTON COUNTY DEPARTMENT OF FAMILY AND CHILDREN'S SERVICES ET AL. Sup. Ct. Ga. Certiorari denied. Reported below: 237 Ga. 449, 228 S. E. 2d 839.

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No. 76-1231. *LOVELADIES PROPERTY OWNERS ASSN., INC., ET AL. v. RAAB ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 547 F. 2d 1162.

No. 76-1269. *BERKSON v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. Reported below: 551 F. 2d 302.

No. 76-1273. *POPKIN v. NEW YORK STATE HEALTH & MENTAL HYGIENE FACILITIES IMPROVEMENT CORP.* C. A. 2d Cir. Certiorari denied. Reported below: 547 F. 2d 18.

No. 76-1287. *STONE v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. Reported below: 553 F. 2d 95.

No. 76-1393. *RINGWALT ET AL. v. UNITED STATES.* C. A. 8th Cir. Certiorari denied. Reported below: 549 F. 2d 89.

No. 76-1421. *MARTIN, ADMINISTRATOR v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 546 F. 2d 1355.

No. 76-1473. *KNOX ET AL. v. BROWN.* C. A. 5th Cir. Certiorari denied. Reported below: 547 F. 2d 900.

No. 76-1477. *JOHNSON v. GEORGIA.* Ct. App. Ga. Certiorari denied. Reported below: 140 Ga. App. 284, 231 S. E. 2d 87.

No. 76-1492. *JACKSON v. REILING.* Sup. Ct. Minn. Certiorari denied. Reported below: — Minn. —, 249 N. W. 2d 896.

No. 76-1495. *STROBL v. ARKANSAS.* Sup. Ct. Ark. Certiorari denied.

No. 76-1507. *SANDOVAL v. INDUSTRIAL COMMISSION OF ARIZONA ET AL.* Ct. App. Ariz. Certiorari denied. Reported below: 114 Ariz. 132, 559 P. 2d 688.

No. 76-1516. *MIRIN, DBA STRIP CAB CO., ET AL. v. NEVADA EX REL. PUBLIC SERVICE COMMISSION, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 547 F. 2d 91.

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No. 76-1512. *CLOWES, SUPERINTENDENT OF SCHOOLS OF LOS ANGELES COUNTY, ET AL. v. SERRANO ET AL.* Sup. Ct. Cal. Certiorari denied. Reported below: 18 Cal. 3d 728, 557 P. 2d 929.

No. 76-1522. *HARMER ET AL. v. MOTION PICTURE FILM ENTITLED "DEEP THROAT," ET AL.* Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 76-1529. *SPENCER v. AYOUB ET UX.* C. A. 3d Cir. Certiorari denied. Reported below: 550 F. 2d 164.

No. 76-1527. *CHESNEY v. GRESHAM, TAX COLLECTOR OF MERCED COUNTY, ET AL.* Ct. App. Cal., 5th App. Dist. Certiorari denied. Reported below: 64 Cal. App. 3d 120, 134 Cal. Rptr. 238.

No. 76-1568. *JOYOUS JUNQUES, INC. v. WHITEHURST ASSOCIATES.* Ct. App. D. C. Certiorari denied.

No. 76-1576. *HELMS ET AL. v. VANCE, SECRETARY OF STATE, ET AL.* C. A. D. C. Cir. Certiorari denied.

No. 76-5889. *EASON v. MALONEY ET AL.* Sup. Ct. Conn. Certiorari denied. Reported below: 171 Conn. 630, 370 A. 2d 1082.

No. 76-6350. *PROFFITT v. UNITED STATES.* C. A. 3d Cir. Certiorari denied.

No. 76-6365. *STOKES v. UNITED STATES.* C. A. 7th Cir. Certiorari denied. Reported below: 549 F. 2d 804.

No. 76-6366. *JOHNSON v. UNITED STATES.* C. A. D. C. Cir. Certiorari denied. Reported below: 182 U. S. App. D. C. 383, 561 F. 2d 832.

No. 76-6388. *BUCHANAN v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 544 F. 2d 1322.

No. 76-6406. *PILLA v. UNITED STATES.* C. A. 8th Cir. Certiorari denied. Reported below: 550 F. 2d 1085.

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No. 76-6420. *McCLAIN v. UNITED STATES*; and
No. 76-6422. *WATSON v. UNITED STATES*. C. A. 6th Cir.
Certiorari denied. Reported below: 549 F. 2d 803.

No. 76-6433. *WALTON v. UNITED STATES*. C. A. 8th Cir.
Certiorari denied.

No. 76-6439. *GRIFFIN v. SOUTH CAROLINA*. Sup. Ct. S. C.
Certiorari denied.

No. 76-6455. *HINKLEY v. UNITED STATES*; and
No. 76-6473. *LEGERE v. UNITED STATES*. C. A. 6th Cir.
Certiorari denied. Reported below: 549 F. 2d 802.

No. 76-6456. *STEELE v. UNITED STATES*. C. A. D. C. Cir.
Certiorari denied. Reported below: 179 U. S. App. D. C. 128,
549 F. 2d 830.

No. 76-6463. *GRANT v. UNITED STATES*. C. A. 4th Cir.
Certiorari denied. Reported below: 549 F. 2d 942.

No. 76-6532. *MILLIGAN v. STONE, WARDEN*. C. A. 9th
Cir. Certiorari denied. Reported below: 548 F. 2d 878.

No. 76-6569. *ALLOTEY v. UNITED STATES*. C. A. 2d Cir.
Certiorari denied.

No. 76-6608. *SAVERESE v. UNITED STATES*; and
No. 76-6618. *ROBINSON v. UNITED STATES*. C. A. 2d Cir.
Certiorari denied.

No. 76-6659. *MULLEN v. JENNINGS*. C. A. 3d Cir. Cer-
tiorari denied.

No. 76-6667. *ZATKO v. CALIFORNIA ET AL.* Sup. Ct. Cal.
Certiorari denied.

No. 76-6668. *WARREN v. BLACK, REFORMATORY SUPERIN-
TENDENT*. C. A. 6th Cir. Certiorari denied. Reported be-
low: 549 F. 2d 803.

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No. 76-6669. *JONES v. CALIFORNIA*. Ct. App. Cal., 3d App. Dist. Certiorari denied.

No. 76-6672. *CHERRY v. ESTELLE, CORRECTIONS DIRECTOR*. C. A. 5th Cir. Certiorari denied. Reported below: 544 F. 2d 516.

No. 76-6674. *PERKINS v. ESTELLE, CORRECTIONS DIRECTOR*. Ct. Crim. App. Tex. Certiorari denied.

No. 76-6676. *WHITE v. YOCHELSON*. Ct. App. D. C. Certiorari denied.

No. 76-6681. *CROWLEY v. NEW JERSEY*. C. A. 3d Cir. Certiorari denied.

No. 76-6688. *CUTHBERTSON v. WASHINGTON*. Sup. Ct. Wash. Certiorari denied. Reported below: 88 Wash. 2d 1003, — P. 2d —.

No. 76-6693. *CRISAFI v. VIRGINIA*. Sup. Ct. Va. Certiorari denied.

No. 76-6733. *FOSTER v. BECHTEL CORP.* C. A. 9th Cir. Certiorari denied.

No. 76-6747. *OWENS v. UNITED STATES PAROLE COMMISSION*. C. A. 3d Cir. Certiorari denied. Reported below: 549 F. 2d 796.

No. 76-6764. *SALLEY v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 562 F. 2d 1345.

No. 76-6766. *SHELTON v. TAYLOR, WARDEN, ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 550 F. 2d 98.

No. 76-6777. *WOODS v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 76-6821. *CUTTING v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 552 F. 2d 761.

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No. 76-6824. *COZZETTI v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 547 F. 2d 1174.

No. 76-832. *JAGNANDAN ET AL. v. GILES ET AL.* C. A. 5th Cir. Certiorari denied. THE CHIEF JUSTICE and MR. JUSTICE BRENNAN would grant certiorari. Reported below: 538 F. 2d 1166.

No. 76-1322. *CHRISTIAN v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 549 F. 2d 1369.

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

Petitioner was convicted in the United States District Court for the Western District of Oklahoma of transporting an obscene film in interstate commerce in violation of 18 U. S. C. § 1462. The Court of Appeals for the Tenth Circuit affirmed the conviction. I would reverse. I adhere to my view that this statute is "clearly overbroad and unconstitutional on its face." *United States v. Orito*, 413 U. S. 139, 147, 148 (1973) (dissenting opinion). In that circumstance, I have no occasion to consider whether the other question presented merits plenary review. See *Heller v. New York*, 413 U. S. 483, 494 (1973) (dissenting opinion).

No. 76-1478. *PEROT ET AL. v. ALLEGAERT, TRUSTEE IN BANKRUPTCY, ET AL.* C. A. 2d Cir. Motion of American Stock Exchange, Inc., for leave to file a brief as *amicus curiae* granted. Certiorari denied. Reported below: 548 F. 2d 432.

No. 76-1518. *BLACK, WARDEN v. HOLT*. C. A. 6th Cir. Application for release of respondent on personal recognizance, presented to MR. JUSTICE STEWART, and by him referred to the Court, denied. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. MR. JUSTICE POWELL would grant certiorari. Reported below: 550 F. 2d 1061.

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No. 76-1524. *TIMES MIRROR CO. v. ANSELM ET AL.* C. A. 10th Cir. Certiorari denied. MR. JUSTICE STEWART and MR. JUSTICE POWELL would grant certiorari. Reported below: 552 F. 2d 316.

No. 76-1533. *FOGG, CORRECTIONAL SUPERINTENDENT v. WELCOME.* C. A. 2d Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Petition for writ of certiorari denied as untimely filed. 28 U. S. C. § 2101 (c). Reported below: 549 F. 2d 853.

No. 76-6333. *GHOLSON ET AL. v. TEXAS.* Ct. Crim. App. Tex. Certiorari denied. Reported below: 542 S. W. 2d 395.

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 this case.

Rehearing Denied

No. 76-1353. *KUYKENDALL v. SOUTHERN FARM BUREAU CASUALTY INSURANCE Co.*, 431 U. S. 917;

No. 76-6265. *GOODWIN v. GEORGIA*, 431 U. S. 909; and

No. 76-6397. *BOYD v. RODRIGUEZ, WARDEN*, 431 U. S. 921. Petitions for rehearing denied.

No. 665, O. T. 1966. *KLEIN v. KLEIN*, 385 U. S. 973. Motion for leave to file third petition for rehearing denied.

No. 76-330. *PARKER v. BOORSTIN, LIBRARIAN OF CONGRESS, ET AL.*, 429 U. S. 978. Motion for leave to file petition for rehearing denied.

