

ORDERS FROM END OF OCTOBER TERM, 1976  
THROUGH FEBRUARY 22, 1978

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CASES DISMISSED IN VACATION

No. 76-1665. *PARKER v. BOORSTIN, LIBRARIAN OF CONGRESS, ET AL.* C. A. D. C. Cir. Certiorari dismissed August 29, 1977, under this Court's Rule 60.

No. 76-1712. *LOCAL 741, INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, AFL-CIO v. MYERS ET AL.* C. A. 5th Cir. Certiorari dismissed August 29, 1977, under this Court's Rule 60. Reported below: 544 F. 2d 837.

No. 76-1311. *CALIFORNIA-AMERICAN WATER Co. v. SOUTH BAY IRRIGATION DISTRICT ET AL.* Ct. App. Cal., 4th App. Dist. Certiorari dismissed August 30, 1977, under this Court's Rule 60. Reported below: 61 Cal. App. 3d 944, 133 Cal. Rptr. 166.

No. 76-1673. *WARREN, EXECUTOR, ET AL. v. SERODY ET AL.* C. A. 5th Cir. Certiorari dismissed August 30, 1977, under this Court's Rule 60. Reported below: 540 F. 2d 777.

No. 77-5151. *CIRILLO v. UNITED STATES.* C. A. 2d Cir. Certiorari dismissed September 1, 1977, under this Court's Rule 60. Reported below: 554 F. 2d 54.

No. 76-1734. *VIUTCH ET AL. v. CALIFANO, SECRETARY OF HEALTH, EDUCATION, AND WELFARE.* C. A. D. C. Cir. Certiorari before judgment dismissed September 12, 1977, under this Court's Rule 60.

No. 76-932. *NATIONAL FOOTBALL LEAGUE ET AL. v. MACKEY ET AL.* C. A. 8th Cir. Certiorari dismissed September 12, 1977, under this Court's Rule 60. Reported below: 543 F. 2d 606.

October 3, 1977

434 U. S.

No. 77-233. *VILLARREAL v. UNITED STATES*. C. A. 5th Cir. Certiorari dismissed September 21, 1977, under this Court's Rule 60. Reported below: 554 F. 2d 235.

No. 77-59. *POWELL v. UNITED STATES*. C. A. 5th Cir. Certiorari dismissed September 27, 1977, under this Court's Rule 60. Reported below: 552 F. 2d 368.

No. 76-6841. *McGHEE v. GARRISON, WARDEN*. C. A. 4th Cir. Certiorari dismissed September 27, 1977, under this Court's Rule 60.

No. 77-5290. *KING v. FLORIDA*. Dist. Ct. App. Fla., 2d Dist. Certiorari dismissed September 27, 1977, under this Court's Rule 60. Reported below: 336 So. 2d 1200.

No. 77-50. *ORDER OF AHEPA, AKA AMERICAN HELLENIC EDUCATIONAL & PROGRESSIVE ASSN., INC. v. TRAVEL CONSULTANTS, INC.* Ct. App. D. C. Certiorari dismissed September 29, 1977, under this Court's Rule 60. Reported below: 367 A. 2d 119.

OCTOBER 3, 1977

*Dismissal Under Rule 60*

No. 77-5310. *TURNER v. UNITED STATES*. C. A. 5th Cir. Certiorari dismissed under this Court's Rule 60. Reported below: 558 F. 2d 604.

*Affirmed on Appeal*

No. 76-1563. *COCA COLA BOTTLING COMPANY OF PUERTO RICO, INC., ET AL. v. ALONSO-GARCIA, MANAGER, STATE INSURANCE FUND, ET AL.* Affirmed on appeal from D. C. P. R.

No. 77-180. *HAGOPIAN v. JUSTICES OF THE SUPREME JUDICIAL COURT OF MASSACHUSETTS*. Affirmed on appeal from D. C. Mass. Reported below: 429 F. Supp. 367.

434 U. S.

October 3, 1977

No. 77-84. *SMITH ET AL. v. BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA ET AL.* Affirmed on appeal from D. C. W. D. N. C. Mr. JUSTICE BRENNAN, Mr. JUSTICE MARSHALL, and Mr. JUSTICE STEVENS would note probable jurisdiction and set case for oral argument. Reported below: 429 F. Supp. 871.

No. 77-250. *AMERICANS UNITED FOR SEPARATION OF CHURCH AND STATE ET AL. v. BLANTON, GOVERNOR OF TENNESSEE, ET AL.* Affirmed on appeal from D. C. M. D. Tenn. Mr. JUSTICE BRENNAN, Mr. JUSTICE MARSHALL, and Mr. JUSTICE STEVENS would note probable jurisdiction and set case for oral argument. Reported below: 433 F. Supp. 97.

*Appeals Dismissed*

No. 76-1258. *TERRITO ET AL. v. POCHE ET AL.* Appeal from Sup. Ct. La. dismissed for want of jurisdiction. Reported below: 339 So. 2d 1212.

No. 76-1340. *BONNER v. BLUMENTHAL, SECRETARY OF THE TREASURY, ET AL.* Appeal from D. C. D. C. dismissed for want of jurisdiction.

No. 76-1488. *JACOBSON v. CITY OF TUCSON ET AL.* Appeal from Sup. Ct. Ariz. dismissed for want of substantial federal question. Reported below: 113 Ariz. 534, 558 P. 2d 686.

No. 76-1566. *COMLY v. LOWER SOUTHAMPTON TOWNSHIP.* Appeal from Commw. Ct. Pa. dismissed for want of substantial federal question. Reported below: 27 Pa. Commw. 202, 365 A. 2d 883.

No. 76-1674. *STEPHENSON ET AL. v. DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES OF FLORIDA.* Appeal from Sup. Ct. Fla. dismissed for want of substantial federal question. Reported below: 342 So. 2d 60.

No. 76-1714. *ROSENTHAL v. NEVADA ET AL.* Appeal from Sup. Ct. Nev. dismissed for want of substantial federal question. Reported below: 93 Nev. 36, 559 P. 2d 830.

October 3, 1977

434 U. S.

No. 76-1688. *JOHN HANCOCK MUTUAL LIFE INSURANCE Co. v. BRADY, CHAIRMAN, TAX COMMISSION OF MISSISSIPPI.* Appeal from Sup. Ct. Miss. dismissed for want of substantial federal question. Reported below: 342 So. 2d 295.

No. 76-1741. *SCHUPAK ET AL. v. FORMAN & ZUCKERMAN, P. A.* Appeal from Ct. App. N. C. dismissed for want of substantial federal question. Reported below: 31 N. C. App. 62, 228 S. E. 2d 503.

No. 76-1759. *DAYTONA BEACH RACING AND RECREATIONAL FACILITIES DISTRICT ET AL. v. VOLUSIA COUNTY ET AL.* Appeal from Sup. Ct. Fla. dismissed for want of substantial federal question. Reported below: 341 So. 2d 498.

No. 77-61. *LEIGH v. OKLAHOMA EX REL. TAX COMMISSION OF OKLAHOMA.* Appeal from Sup. Ct. Okla. dismissed for want of substantial federal question.

No. 77-86. *GREGG v. INDIANA.* Appeal from Ct. App. Ind. dismissed for want of substantial federal question. Reported below: — Ind. App. —, 356 N. E. 2d 1384.

No. 77-125. *GETTY OIL CO. v. TAX COMMISSION OF OKLAHOMA.* Appeal from Sup. Ct. Okla. dismissed for want of substantial federal question. Reported below: 563 P. 2d 627.

No. 77-133. *FAULK v. ARKANSAS.* Appeal from Sup. Ct. Ark. dismissed for want of substantial federal question. Reported below: 261 Ark. 543, 551 S. W. 2d 194.

No. 77-181. *CORLESS v. CITY OF LEBANON.* Appeal from Ct. App. Ohio, Montgomery County, dismissed for want of substantial federal question.

No. 77-210. *EVEANDRA ENTERPRISES, INC. v. COUNTY OF NASSAU.* Appeal from Ct. App. N. Y. dismissed for want of substantial federal question. Reported below: 42 N. Y. 2d 849, 366 N. E. 2d 287.

434 U. S.

October 3, 1977

No. 77-202. *IN RE KADANS*. Appeal from Sup. Ct. Nev. dismissed for want of substantial federal question. Reported below: 93 Nev. 216, 562 P. 2d 490.

No. 77-287. *REEL, EXECUTOR v. DEPARTMENT OF REVENUE OF IOWA*. Appeal from Sup. Ct. Iowa dismissed for want of substantial federal question. Reported below: 255 N. W. 2d 99.

No. 76-1634. *BAER ET VIR, EXECUTORS v. BAER*. Appeal from Sup. Ct. Utah dismissed for want of substantial federal question. MR. JUSTICE STEVENS would note probable jurisdiction and set case for oral argument. Reported below: 562 P. 2d 614.

No. 76-1647. *KATZMAN v. FLORIDA*. Appeal from Sup. Ct. Fla. dismissed for want of substantial federal question. MR. JUSTICE BRENNAN, MR. JUSTICE MARSHALL, and MR. JUSTICE STEVENS would note probable jurisdiction and set case for oral argument. Reported below: 343 So. 2d 38.

No. 76-1681. *GOLDEN v. CALIFORNIA*. Appeal from Ct. App. Cal., 3d App. Dist., dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari denied. MR. JUSTICE BRENNAN would note probable jurisdiction and set case for oral argument. Reported below: 65 Cal. App. 3d 789, 135 Cal. Rptr. 512.

No. 76-1699. *LEADERSHIP HOUSING, INC., ET AL. v. DEPARTMENT OF REVENUE OF FLORIDA*. Appeal from Sup. Ct. Fla. dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari denied. Reported below: 343 So. 2d 611.

No. 76-1811. *TRACY v. OHIO*. Appeal from Ct. App. Ohio, Franklin County, dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari denied.

October 3, 1977

434 U. S.

No. 76-1778. *RUSSELL v. CITY OF RAYTOWN*. Appeal from Ct. App. Mo., Kansas City 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: 544 S. W. 2d 48.

No. 76-1807. *GENUINE PARTS CO. ET AL. v. COURT OF APPEALS OF NEW MEXICO ET AL.* Appeal from Sup. Ct. N. M. dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari denied.

No. 76-1824. *JACKSON v. STONE & SIMONS ADVERTISING, INC., ET AL.* Appeal from D. C. E. D. Mich. dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari denied.

No. 76-6656. *ALLEN v. VIRGINIA*. Appeal from Sup. Ct. Va. dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari denied.

No. 76-6798. *BATES v. INCE*. Appeal from Ct. App. Ore. dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari denied. Reported below: 28 Ore. App. 71, 558 P. 2d 1253.

No. 76-6995. *JOHNS v. HABER*. Appeal from Super. Ct. N. J. dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari denied.

No. 77-45. *CALHOUN v. NEW YORK 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. Reported below: 553 F. 2d 93.

434 U. S.

October 3, 1977

No. 76-6867. *CORRADO ET UX. v. PROVIDENCE REDEVELOPMENT AGENCY.* Appeal from Sup. Ct. R. I. dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari denied. Reported below: 117 R. I. 647, 370 A. 2d 226.

No. 77-77. *O'BRIEN, EXECUTOR, ET AL. v. CITY OF SYRACUSE ET AL.* Appeal from App. Div., Sup. Ct. N. Y., 4th Jud. Dept., dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari denied. Reported below: 54 App. Div. 2d 186, 388 N. Y. S. 2d 866.

No. 77-145. *CRISMON v. UNITED STATES.* Appeal from C. A. 9th Cir. Appeal dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari denied. Reported below: 550 F. 2d 1205.

No. 77-44. *BARNES & TUCKER Co. v. PENNSYLVANIA.* Appeal from Sup. Ct. Pa. Motion of National Coal Assn. et al. for leave to file a brief as *amici curiae* granted. Appeal dismissed for want of substantial federal question. MR. JUSTICE BRENNAN and MR. JUSTICE WHITE would note probable jurisdiction and set case for oral argument. Reported below: 472 Pa. 115, 371 A. 2d 461.

No. 77-234. *SPENCER v. SPENCER ET AL.* Appeal from D. C. M. D. N. C. dismissed for want of jurisdiction. *MTM, Inc. v. Baxley*, 420 U. S. 799 (1975). Reported below: 430 F. Supp. 683.

No. 77-5216. *TOWNSLEY v. BOARD OF PORT COMMISSIONERS, PORT OF OAKLAND.* Appeal from Ct. App. Cal., 1st App. Dist., dismissed for want of a properly presented federal question.

October 3, 1977

434 U. S.

No. 76-1735. MARABLE-PIRKLE, INC. *v.* TURNER ET AL. Appeal from Sup. Ct. Ga. Motion of appellee Turner for leave to proceed *in forma pauperis* granted. Appeal dismissed for want of substantial federal question. Reported below: 238 Ga. 517, 233 S. E. 2d 773.

No. 77-114. QUIRK ET AL. *v.* MUNICIPAL ASSISTANCE CORPORATION FOR THE CITY OF NEW YORK ET AL. Appeal from Ct. App. N. Y. Motion of United States Trust Company of New York for leave to file a brief as *amicus curiae* granted. Appeal dismissed for want of substantial federal question. Reported below: 41 N. Y. 2d 644, 363 N. E. 2d 549.

*Vacated and Remanded on Appeal*

No. 76-1704. CAMPBELL, SUPERINTENDENT OF PUBLIC INSTRUCTION OF VIRGINIA, ET AL. *v.* KRUSE ET AL. Appeal from D. C. E. D. Va. Judgment vacated and case remanded to the United States District Court for the Eastern District of Virginia with directions to decide the claim based on the federal statute, § 504 of the Rehabilitation Act of 1973, 87 Stat. 394, 29 U. S. C. § 794 (1970 ed., Supp. V); *Westby v. Doe*, 433 U. S. 901 (1977). MR. JUSTICE POWELL took no part in the consideration or decision of this case. Reported below: 431 F. Supp. 180.

*Certiorari Granted—Vacated and Remanded*

No. 76-1692. PERCY, SECRETARY, DEPARTMENT OF HEALTH AND SOCIAL SERVICES OF WISCONSIN *v.* TERRY. Sup. Ct. Wis. Motion of respondent for leave to proceed *in forma pauperis* and certiorari granted. Judgment vacated and case remanded to consider whether judgment is based upon federal or state constitutional grounds, or both. See *California v. Krivda*, 409 U. S. 33 (1972). Reported below: 74 Wis. 2d 487, 247 N. W. 2d 109.

434 U. S.

October 3, 1977

*Vacated and Remanded After Certiorari Granted*

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

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

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

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

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

No. 76-620. WESTERN ENERGY SUPPLY & TRANSMISSION ASSOCIATES ET AL. *v.* UNITED STATES ENVIRONMENTAL PROTECTION AGENCY ET AL. C. A. D. C. Cir. [Certiorari granted, 430 U. S. 953.] Motion of the Solicitor General to dismiss the writs of certiorari as improvidently granted denied. Judgment vacated and cases remanded for further consideration in light of Clean Air Act Amendments of 1977, 91 Stat. 685, 42 U. S. C. § 7401 *et seq.* (1976 ed., Supp. I), and to consider suggestion of mootness filed by intervenor-respondents. MR. JUSTICE POWELL took no part in the consideration or decision of this motion and these cases. Reported below: 176 U. S. App. D. C. 335, 540 F. 2d 1114.

*Miscellaneous Orders*

No. \_\_\_\_\_. PHILLIPS *v.* TOBIN ET AL. C. A. 2d Cir. Motion for an order directing the Clerk to accept as properly printed petition for writ of certiorari denied.

No. 65, Orig. TEXAS *v.* NEW MEXICO. Report of Special Master received and ordered filed. [For earlier orders herein, see *e. g.*, 423 U. S. 942.]

No. 75-562. ROSEBUD SIOUX TRIBE *v.* KNEIP, GOVERNOR OF SOUTH DAKOTA, ET AL., 430 U. S. 584. Motion of petition to retax costs denied.

October 3, 1977

434 U. S.

No. 75-651. TEAMSTERS LOCAL UNION 657 *v.* RODRIGUEZ ET AL.; TEAMSTERS LOCAL UNION 657 *v.* HERRERA ET AL.; and TEAMSTERS LOCAL UNION 657 *v.* RESENDIS ET AL.;

No. 75-715. SOUTHERN CONFERENCE OF TEAMSTERS *v.* RODRIGUEZ ET AL.; SOUTHERN CONFERENCE OF TEAMSTERS *v.* HERRERA ET AL.; and SOUTHERN CONFERENCE OF TEAMSTERS *v.* RESENDIS ET AL.; and

No. 75-718. EAST TEXAS MOTOR FREIGHT SYSTEM, INC. *v.* RODRIGUEZ ET AL., 431 U. S. 395. Motion of respondents to retax costs denied.

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.] Joint motion of petitioners and the Solicitor General on behalf of the federal respondents for additional time for oral argument granted and 15 additional minutes allotted for that purpose. Nonfederal respondents also allotted 15 additional minutes for oral argument. MR. JUSTICE POWELL took no part in the consideration or decision of this motion.

No. 76-811. REGENTS OF THE UNIVERSITY OF CALIFORNIA *v.* BAKKE. Sup. Ct. Cal. [Certiorari granted, 429 U. S. 1090.] Motion of the State of California to participate in oral argument as *amicus curiae* denied. Motion of the Solicitor General for leave to file a brief as *amicus curiae* granted; motion to participate in oral argument as *amicus curiae* granted and 15 additional minutes allotted for that purpose. Motions of Pacific Legal Foundation, Chamber of Commerce of the United States, and NAACP Legal Defense & Educational Fund, Inc., to participate in oral argument as *amicus curiae* denied. Motion of petitioner for additional time for oral argument granted and 15 additional minutes allotted for that purpose; respondent also allotted 15 additional minutes for oral argument.

434 U. S.

October 3, 1977

No. 76-545. UNITED AIRLINES, INC. *v.* McDONALD, 432 U. S. 385. Respondent requested to file a response to petition for rehearing within 30 days. MR. JUSTICE STEVENS took no part in the consideration or decision of this order.

No. 76-859. HAZELWOOD CHRONIC & CONVALESCENT HOSPITAL, INC., DBA KEARNEY STREET CONVALESCENT CENTER *v.* CALIFANO, SECRETARY OF HEALTH, EDUCATION, AND WELFARE, ET AL., 430 U. S. 952. Motion for clarification and recall of judgment denied.

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 Columbus & Southern Ohio Electric Co. et al. for leave to file a brief as *amici curiae* granted.

No. 76-1523. SWOAP, DIRECTOR, DEPARTMENT OF BENEFIT PAYMENTS OF CALIFORNIA *v.* GARCIA ET AL. Ct. App. Cal., 2d App. Dist.;

No. 76-1609. INDIANA *v.* SCOTTSDALE MALL. C. A. 7th Cir.;

No. 76-1645. GENERAL DYNAMICS CORP. *v.* BULLOCK, COMPTROLLER OF PUBLIC ACCOUNTS OF TEXAS, ET AL. Sup. Ct. Tex.;

No. 76-1690. BERRY ET AL. *v.* DOLES, CHAIRMAN, BOARD OF COMMISSIONERS OF ROADS AND REVENUES OF PEACH COUNTY, ET AL. D. C. M. D. Ga.;

No. 76-6853. RANDLE ET AL. *v.* BEAL, SECRETARY, DEPARTMENT OF PUBLIC WELFARE OF PENNSYLVANIA, ET AL. C. A. 3d Cir.;

No. 77-97. ALLIED CHEMICAL CORP. *v.* WHITE ET AL. C. A. 5th Cir.; and

No. 77-388. WASHINGTON ET AL. *v.* CONFEDERATED BANDS AND TRIBES OF THE YAKIMA INDIAN NATION. C. A. 9th Cir. The Solicitor General is invited to file briefs in each of these cases expressing the views of the United States.

October 3, 1977

434 U. S.

No. 76-1095. COMMISSIONER OF INTERNAL REVENUE *v.* KOWALSKI ET UX. C. A. 3d Cir. [Certiorari granted, 430 U. S. 944.] Motion of respondents for divided argument denied.

No. 76-1662. UNITED STATES *v.* BOARD OF COMMISSIONERS OF SHEFFIELD, ALABAMA, ET AL. D. C. N. D. Ala. [Probable jurisdiction noted, 433 U. S. 906.] Motion of Mexican American Legal Defense & Educational Fund et al. for leave to file a brief as *amici curiae* granted.

No. 76-6720. RICHMOND *v.* ARIZONA, 433 U. S. 915. Respondent requested to file a response to petition for rehearing within 30 days.

No. 77-5150. FAISON *v.* WASHINGTON. Motion for leave to file petition for writ of certiorari denied.

No. 77-5125. BEARDEN *v.* SOUTH CAROLINA ET AL.;

No. 77-5143. PETERSON *v.* MOORE, WARDEN;

No. 77-5268. ROBINSON *v.* BENSON, WARDEN, ET AL.;

No. 77-5281. AVANT *v.* MOORE, WARDEN; and

No. 77-5327. McDONALD *v.* THOMPSON, WARDEN. Motions for leave to file petitions for writs of habeas corpus denied.

No. 77-5317. RANDLE *v.* RIGGSBY, WARDEN. Motion for leave to file petition for writ of habeas corpus denied. MR. JUSTICE STEVENS took no part in the consideration or decision of this motion.

No. 76-1651. NEW JERSEY DENTAL ASSN. ET AL. *v.* BROTMAN, U. S. DISTRICT JUDGE;

No. 76-1656. EDMOND *v.* UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT ET AL.; and

No. 76-6430. FRAZIER *v.* GROSSMAN, DEPUTY CLERK, U. S. COURT OF APPEALS FOR THE SEVENTH CIRCUIT. Motions for leave to file petitions for writs of mandamus denied.

434 U. S.

October 3, 1977

No. 76-6586. *GOODSPEED v. BREWSTER*, U. S. DISTRICT JUDGE;

No. 76-6711. *LEWIS v. DOYLE*, JUDGE;

No. 76-6763. *RIDDELL v. VOORHEES*, U. S. DISTRICT JUDGE, ET AL.;

No. 76-6843. *HAM v. HEMPHILL*, U. S. DISTRICT JUDGE, ET AL.;

No. 76-6894. *KAPLAN v. LUMBARD*, U. S. DISTRICT JUDGE, ET AL.;

No. 76-6897. *DOCKERY v. SNEED*, U. S. CIRCUIT JUDGE;

No. 76-6939. *GUZMAN v. JONES* ET AL.;

No. 76-6950. *ROBINSON v. UNITED STATES* DISTRICT COURT FOR THE DISTRICT OF KANSAS;

No. 76-6955. *ROBINSON v. UNITED STATES* COURT OF APPEALS FOR THE NINTH CIRCUIT ET AL.;

No. 76-6958. *BEACHEM v. UNITED STATES* COURT OF APPEALS FOR THE THIRD CIRCUIT; and

No. 77-5180. *MORGAN v. UNITED STATES* DISTRICT COURT FOR THE WESTERN DISTRICT OF KENTUCKY ET AL. Motions for leave to file petitions for writs of mandamus denied.

No. 77-38. *TIMMONS v. LAWTON* ET AL. Motion for leave to file petition for writ of mandamus, prohibition, and other relief denied.

No. 77-5159. *RIDDELL v. WRIGHT*, CHIEF JUSTICE, SUPREME COURT OF WASHINGTON, ET AL. Motion for leave to file petition for writ of mandamus and other relief denied.

#### *Probable Jurisdiction Noted*

No. 76-1184. *MALONE, COMMISSIONER OF LABOR AND INDUSTRY FOR MINNESOTA v. WHITE MOTOR CORP.* ET AL. Appeal from C. A. 8th Cir. Probable jurisdiction noted. MR. JUSTICE BLACKMUN took no part in the consideration or decision of this case. Reported below: 545 F. 2d 599.

October 3, 1977

434 U. S.

No. 76-1650. OHRALIK *v.* OHIO STATE BAR ASSN. Appeal from Sup. Ct. Ohio; and

No. 77-56. IN RE SMITH. Appeal from Sup. Ct. S. C. Motion of Public Citizen et al. for leave to file a brief as *amici curiae* granted. Probable jurisdiction noted and cases set for oral argument in tandem. Reported below: No. 76-1650, 48 Ohio St. 2d 217, 357 N. E. 2d 1097; No. 77-56, 268 S. C. 259, 233 S. E. 2d 301.

No. 77-10. EXXON CORP. ET AL. *v.* GOVERNOR OF MARYLAND ET AL.;

No. 77-11. SHELL OIL CO. *v.* GOVERNOR OF MARYLAND ET AL.;

No. 77-12. CONTINENTAL OIL CO. ET AL. *v.* GOVERNOR OF MARYLAND ET AL.;

No. 77-47. GULF OIL CORP. *v.* GOVERNOR OF MARYLAND ET AL.; and

No. 77-64. ASHLAND OIL, INC., ET AL. *v.* GOVERNOR OF MARYLAND ET AL. Appeals from Ct. App. Md. Motions of Pacific Legal Foundation and Champlin Petroleum Co. et al. for leave to file briefs as *amici curiae* in No. 77-10 granted. Motion of Chamber of Commerce of the United States for leave to file a brief as *amicus curiae* granted. Probable jurisdiction noted. Cases consolidated and a total of one hour allotted for oral argument. MR. JUSTICE STEWART and MR. JUSTICE POWELL took no part in the consideration or decision of these motions and cases. Reported below: 279 Md. 410, 370 A. 2d 1102 and 372 A. 2d 237.

*Certiorari Granted*

No. 76-1608. MICHIGAN *v.* TYLER ET AL. Sup. Ct. Mich. Certiorari granted. Reported below: 399 Mich. 564, 250 N. W. 2d 467.

No. 76-1610. AYALA ET AL. *v.* UNITED STATES ET AL. C. A. 9th Cir. Certiorari granted. Reported below: 550 F. 2d 1196.

434 U. S.

October 3, 1977

No. 76-1706. DEPARTMENT OF REVENUE OF WASHINGTON *v.* ASSOCIATION OF WASHINGTON STEVEDORING COMPANIES ET AL. Sup. Ct. Wash. Certiorari granted. Reported below: 88 Wash. 2d 315, 559 P. 2d 997.

No. 76-1750. STUMP ET AL. *v.* SPARKMAN ET VIR. C. A. 7th Cir. Certiorari granted. Reported below: 552 F. 2d 172.

No. 76-1767. NATIONAL SOCIETY OF PROFESSIONAL ENGINEERS *v.* UNITED STATES. C. A. D. C. Cir. Certiorari granted. Reported below: 181 U. S. App. D. C. 41, 555 F. 2d 978.

No. 76-1810. CITY OF LOS ANGELES, DEPARTMENT OF WATER AND POWER ET AL. *v.* MANHART ET AL. C. A. 9th Cir. Certiorari granted. Reported below: 553 F. 2d 581.

No. 76-1471. FEDERAL COMMUNICATIONS COMMISSION *v.* NATIONAL CITIZENS COMMITTEE FOR BROADCASTING ET AL.;

No. 76-1521. CHANNEL TWO TELEVISION CO. ET AL. *v.* NATIONAL CITIZENS COMMITTEE FOR BROADCASTING ET AL.;

No. 76-1595. NATIONAL ASSOCIATION OF BROADCASTERS *v.* FEDERAL COMMUNICATIONS COMMISSION ET AL.;

No. 76-1604. AMERICAN NEWSPAPER PUBLISHERS ASSN. *v.* NATIONAL CITIZENS COMMITTEE FOR BROADCASTING ET AL.;

No. 76-1624. ILLINOIS BROADCASTING CO., INC., ET AL. *v.* NATIONAL CITIZENS COMMITTEE FOR BROADCASTING ET AL.; and

No. 76-1685. POST CO. ET AL. *v.* NATIONAL CITIZENS COMMITTEE FOR BROADCASTING ET AL. C. A. D. C. Cir. Certiorari granted, cases consolidated, and a total of one hour allotted for oral argument. Reported below: 181 U. S. App. D. C. 1, 555 F. 2d 938.

No. 76-1560. UNITED STATES *v.* UNITED STATES GYPSUM CO. ET AL. C. A. 3d Cir. Certiorari granted. MR. JUSTICE BLACKMUN took no part in the consideration or decision of this petition. Reported below: 550 F. 2d 115.

October 3, 1977

434 U. S.

No. 76-1484. ZURCHER, CHIEF OF POLICE OF PALO ALTO, ET AL. *v.* STANFORD DAILY ET AL.; and

No. 76-1600. BERGNA, DISTRICT ATTORNEY OF SANTA CLARA COUNTY, ET AL. *v.* STANFORD DAILY ET AL. C. A. 9th Cir. Certiorari granted, cases consolidated, and a total of one hour allotted for oral argument. Reported below: 550 F. 2d 464.

No. 76-1572. UNITED STATES *v.* GRAYSON. C. A. 3d Cir. Motion of respondent for leave to proceed *in forma pauperis* and certiorari granted. Reported below: 550 F. 2d 103.

No. 76-1629. UNITED STATES *v.* WHEELER. C. A. 9th Cir. Motion of respondent for leave to proceed *in forma pauperis* and certiorari granted. Reported below: 545 F. 2d 1255.

No. 77-142. UNITED STATES *v.* CULBERT. C. A. 9th Cir. Motion of respondent for leave to proceed *in forma pauperis* and certiorari granted. Reported below: 548 F. 2d 1355.

No. 76-1596. UNITED STATES *v.* MAURO ET AL. C. A. 2d Cir. Motion of respondent Fusco for leave to proceed *in forma pauperis* granted. Certiorari granted and case set for argument with No. 77-52, immediately *infra*. Reported below: 544 F. 2d 588.

No. 77-52. UNITED STATES *v.* FORD. C. A. 2d Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari granted and case set for argument with No. 76-1596, immediately *supra*. Reported below: 550 F. 2d 732.

No. 76-1726. MOBIL OIL CORP. *v.* HIGGINBOTHAM, ADMINISTRATRIX, ET AL. C. A. 5th Cir. Certiorari granted limited to Question 1 presented by the petition. Reported below: 545 F. 2d 422.

No. 76-1800. UNITED STATES *v.* SOTELO ET UX. C. A. 7th Cir. Certiorari granted and case set for argument with No. 76-1835, immediately *infra*. Reported below: 551 F. 2d 1090.

434 U. S.

October 3, 1977

No. 76-1835. *SLODOV v. UNITED STATES*. C. A. 6th Cir. Certiorari granted and case set for argument with No. 76-1800, immediately *supra*. Reported below: 552 F. 2d 159.

No. 77-25. *FLAGG BROS., INC., ET AL. v. BROOKS ET AL.*;

No. 77-37. *LEFKOWITZ, ATTORNEY GENERAL OF NEW YORK v. BROOKS ET AL.*; and

No. 77-42. *AMERICAN WAREHOUSEMEN'S ASSN. ET AL. v. BROOKS ET AL.* C. A. 2d Cir. Certiorari granted, cases consolidated, and a total of one hour allotted for oral argument. Reported below: 553 F. 2d 764.

*Certiorari Denied.* (See also Nos. 76-1681, 76-1699, 76-1778, 76-1807, 76-1811, 76-1824, 76-6656, 76-6798, 76-6867, 76-6995, 77-45, 77-77, and 77-145, *supra*.)

No. 76-1254. *IN RE HUNT*. Ct. App. D. C. Certiorari denied. Reported below: 367 A. 2d 155.

No. 76-1298. *WORTHINGTON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 544 F. 2d 1275.

No. 76-1345. *SOVEREIGN NEWS CO. v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 544 F. 2d 909.

No. 76-1373. *MEYER v. UNITED STATES*. Ct. Cl. Certiorari denied. Reported below: 212 Ct. Cl. 537, 546 F. 2d 431.

No. 76-1385. *SEXTON v. CALIFORNIA*. App. Dept., Super. Ct. Cal., County of Orange. Certiorari denied.

No. 76-1396. *SHAFER ET UX. v. SMITH ET AL.* App. Ct. Ill., 4th Dist. Certiorari denied. Reported below: 38 Ill. App. 3d 217, 347 N. E. 2d 292.

No. 76-1412. *BORLAND ET AL. v. BAYONNE HOSPITAL ET AL.* Sup. Ct. N. J. Certiorari denied. Reported below: 72 N. J. 152, 369 A. 2d 1.

October 3, 1977

434 U. S.

No. 76-1415. LOCAL 814, INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN & HELPERS OF AMERICA *v.* NATIONAL LABOR RELATIONS BOARD ET AL. C. A. D. C. Cir. Certiorari denied. Reported below: 178 U. S. App. D. C. 223, 546 F. 2d 989.

No. 76-1439. PIHAKIS *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 545 F. 2d 973.

No. 76-1443. ALLIED MEAT CO. *v.* NATIONAL LABOR RELATIONS BOARD. C. A. 10th Cir. Certiorari denied.

No. 76-1449. SALMON *v.* DISTRICT OF COLUMBIA REDEVELOPMENT LAND AGENCY. C. A. D. C. Cir. Certiorari denied.

No. 76-1453. O'BRIEN *v.* HALL, CORRECTIONS COMMISSIONER. C. A. 1st Cir. Certiorari denied. Reported below: 546 F. 2d 414.

No. 76-1455. WELLMAN INDUSTRIES, INC. *v.* NATIONAL LABOR RELATIONS BOARD. C. A. D. C. Cir. Certiorari denied. Reported below: 179 U. S. App. D. C. 128, 549 F. 2d 830.

No. 76-1456. KLEIN *v.* EDELSTEIN, CHIEF JUDGE, U. S. DISTRICT COURT. C. A. 2d Cir. Certiorari denied. Reported below: 551 F. 2d 300.

No. 76-1457. LUNDY PACKING CO. *v.* NATIONAL LABOR RELATIONS BOARD. C. A. 4th Cir. Certiorari denied. Reported below: 549 F. 2d 300.

No. 76-1460. VEGAS VIC, INC., DBA PIONEER CLUB *v.* NATIONAL LABOR RELATIONS BOARD. C. A. 9th Cir. Certiorari denied. Reported below: 546 F. 2d 828.

No. 76-1468. HENDRIX *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 549 F. 2d 1225.

No. 76-1470. ROSENBLUM ET AL. *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 549 F. 2d 1140.

434 U. S.

October 3, 1977

No. 76-1480. *RODRIGUEZ v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 545 F. 2d 829.

No. 76-1481. *BALLENILLA-GONZALEZ v. IMMIGRATION AND NATURALIZATION SERVICE*. C. A. 2d Cir. Certiorari denied. Reported below: 546 F. 2d 515.

No. 76-1482. *LAKESIDE MERCY HOSPITAL, INC. v. INDIANA STATE BOARD OF HEALTH ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 547 F. 2d 1170.

No. 76-1486. *BROWN v. GEORGIA*. Ct. App. Ga. Certiorari denied. Reported below: 140 Ga. App. 160, 230 S. E. 2d 128.

No. 76-1487. *CONTINENTAL CASUALTY CO. v. CHAMPION INTERNATIONAL CORP.* C. A. 2d Cir. Certiorari denied. Reported below: 546 F. 2d 502.

No. 76-1489. *HEITLAND ET UX. v. IMMIGRATION AND NATURALIZATION SERVICE*. C. A. 2d Cir. Certiorari denied. Reported below: 551 F. 2d 495.

No. 76-1491. *NATELLI v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 553 F. 2d 5.

No. 76-1494. *ANDERSON ET AL. v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 548 F. 2d 249.

No. 76-1499. *RODMAN, TRUSTEE IN BANKRUPTCY v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 2d Cir. Certiorari denied. Reported below: 548 F. 2d 1109.

No. 76-1502. *BANTA ET AL. v. UNITED STATES ET AL.*; and No. 76-1668. *CITY OF ST. LOUIS ET AL. v. UNITED STATES ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 549 F. 2d 506.

No. 76-1504. *McGEE v. RAILROAD RETIREMENT BOARD*. C. A. 9th Cir. Certiorari denied. Reported below: 549 F. 2d 807.

October 3, 1977

434 U. S.

No. 76-1505. *SAFIR v. KREPS, SECRETARY OF COMMERCE, ET AL.;*

No. 77-62. *AMERICAN EXPORT LINES, INC., ET AL. v. SAFIR ET AL.;* and

No. 77-65. *KREPS, SECRETARY OF COMMERCE, ET AL. v. SAFIR ET AL.* C. A. D. C. Cir. Certiorari denied. Reported below: 179 U. S. App. D. C. 261, 551 F. 2d 447.

No. 76-1506. *SMITH v. ILLINOIS.* App. Ct. Ill., 4th Dist. certiorari denied. Reported below: 41 Ill. App. 3d 1073, 358 N. E. 2d 741.

No. 76-1508. *EGGE v. DAVIS, PUBLIC UTILITY COMMISSIONER OF OREGON.* Ct. App. Ore. Certiorari denied. Reported below: 27 Ore. App. 383, 556 P. 2d 153.

No. 76-1510. *GRABER v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. Reported below: 556 F. 2d 561.

No. 76-1514. *CONSIDINE ET AL. v. UNITED STATES.* C. A. 1st Cir. Certiorari denied. Reported below: 550 F. 2d 693.

No. 76-1515. *PACIFIC NORTHWEST BELL TELEPHONE Co. v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 549 F. 2d 1313.

No. 76-1520. *HENRY v. UNITED OVERSEAS MARINE CORP.* C. A. 3d Cir. Certiorari denied. Reported below: 547 F. 2d 1160.

No. 76-1525. *RAMIREZ v. UNITED STATES DEPARTMENT OF INTERIOR, BUREAU OF RECLAMATION, ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 546 F. 2d 645.

No. 76-1528. *AMERICAN AIRLINES, INC., ET AL. v. CIVIL AERONAUTICS BOARD ET AL.* C. A. D. C. Cir. Certiorari denied. Reported below: 178 U. S. App. D. C. 276, 546 F. 2d 1042.

434 U. S.

October 3, 1977

No. 76-1535. TRONE, TRUSTEE, ET AL. *v.* UNITED STATES. Ct. Cl. Certiorari denied. Reported below: 213 Ct. Cl. 671, 553 F. 2d 105.

No. 76-1536. KABUA ET AL. *v.* UNITED STATES. Ct. Cl. Certiorari denied. Reported below: 212 Ct. Cl. 160, 546 F. 2d 381.

No. 76-1537. MASON *v.* CITY INVESTING CO. ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 556 F. 2d 557.

No. 76-1542. LASKY *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 548 F. 2d 835.

No. 76-1546. CRUZ ET AL. *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 549 F. 2d 202.

No. 76-1547. SLOAN ET AL. *v.* SECURITIES AND EXCHANGE COMMISSION ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 547 F. 2d 152.

No. 76-1548. ALATERAS *v.* HEPTING ET AL. Ct. App. La., 4th Cir. Certiorari denied. Reported below: 342 So. 2d 247.

No. 76-1550. MEAGHER *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 551 F. 2d 313.

No. 76-1554. GRANDVIEW BANK & TRUST CO. *v.* BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM ET AL. C. A. 8th Cir. Certiorari denied. Reported below: 550 F. 2d 415.

No. 76-1555. BASIN, INC. *v.* FEDERAL ENERGY ADMINISTRATION ET AL. Temp. Emerg. Ct. App. Certiorari denied. Reported below: 552 F. 2d 931.

No. 76-1561. NATIONAL LABOR RELATIONS BOARD *v.* ELECTRO VECTOR, INC. C. A. 9th Cir. Certiorari denied. Reported below: 539 F. 2d 35.

No. 76-1567. COMLY *v.* LOWER SOUTHAMPTON TOWNSHIP. Commw. Ct. Pa. Certiorari denied. Reported below: 27 Pa. Commw. 202, 365 A. 2d 883.

October 3, 1977

434 U. S.

No. 76-1570. *ROBINSON ET AL. v. UNION CARBIDE CORP.* C. A. 5th Cir. Certiorari denied. Reported below: 538 F. 2d 652 and 544 F. 2d 1258.

No. 76-1571. *WILEY, MOTHER AND NEXT OF KIN OF BERRY v. MEMPHIS POLICE DEPARTMENT ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 548 F. 2d 1247.

No. 76-1573. *BARNETTE v. UNITED STATES ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 546 F. 2d 187.

No. 76-1575. *CONTROL DATA CORP. v. TECHNITROL, INC.* C. A. 4th Cir. Certiorari denied. Reported below: 550 F. 2d 992.

No. 76-1577. *HALL v. IOWA.* Sup. Ct. Iowa. Certiorari denied. Reported below: 249 N. W. 2d 843.

No. 76-1578. *VISCONTI v. UNITED STATES;* and

No. 76-6697. *VISCONTI v. UNITED STATES.* C. A. 3d Cir. Certiorari denied. Reported below: 556 F. 2d 570.

No. 76-1579. *GRAND LODGE OF FREE AND ACCEPTED MASONs, MASONIC HOME v. NATIONAL LABOR RELATIONS BOARD ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 548 F. 2d 1276.

No. 76-1580. *SANDS POINT NURSING HOME v. INGRAHAM, COMMISSIONER OF HEALTH OF NEW YORK, ET AL.* Ct. App. N. Y. Certiorari denied. Reported below: 41 N. Y. 2d 837, 361 N. E. 2d 1048.

No. 76-1581. *FREEDMAN v. HIGGINBOTHAM, U. S. DISTRICT JUDGE.* C. A. 3d Cir. Certiorari denied. Reported below: 552 F. 2d 498.

No. 76-1582. *WHITMER v. WHITMER.* Super. Ct. Pa. Certiorari denied. Reported below: 243 Pa. Super. 462, 365 A. 2d 1316.

434 U. S.

October 3, 1977

No. 76-1583. AHMADI ET AL. *v.* CALIFORNIA. Ct. App. Cal., 1st App. Dist. Certiorari denied.

No. 76-1584. HENNEPIN BROADCASTING ASSOCIATES, INC. *v.* NATIONAL LABOR RELATIONS BOARD ET AL. C. A. 8th Cir. Certiorari denied.

No. 76-1585. HENSON ET AL. *v.* ALPHIN ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 538 F. 2d 85 and 552 F. 2d 1033.

No. 76-1590. TIGHE *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 551 F. 2d 18.

No. 76-1591. SAPIA *v.* NEW YORK. Ct. App. N. Y. Certiorari denied. Reported below: 41 N. Y. 2d 160, 359 N. E. 2d 688.

No. 76-1592. MILLER, TRUSTEE IN BANKRUPTCY *v.* NEW YORK PRODUCE EXCHANGE ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 550 F. 2d 762.

No. 76-1593. SKINNER *v.* MALLARD TRUCK LINES, INC., ET AL. Ct. App. La., 1st Cir. Certiorari denied. Reported below: 340 So. 2d 372.

No. 76-1594. NORTH WASHINGTON NEIGHBORS, INC., ET AL. *v.* DISTRICT OF COLUMBIA ET AL. Ct. App. D. C. Certiorari denied. Reported below: 367 A. 2d 143.

No. 76-1597. BASSETT FURNITURE INDUSTRIES, INC., ET AL. *v.* BRAVMAN; and

No. 76-1805. BRAVMAN *v.* BASSETT FURNITURE INDUSTRIES, INC., ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 552 F. 2d 90.

No. 76-1598. STANDARD FORGE & AXLE CO., INC. *v.* ADAMS, SECRETARY OF TRANSPORTATION, ET AL. C. A. D. C. Cir. Certiorari denied. Reported below: 179 U. S. App. D. C. 309, 551 F. 2d 1268.

October 3, 1977

434 U. S.

No. 76-1599. *PRYOR v. UNITED STATES*. Ct. Cl. Certiorari denied. Reported below: 212 Ct. Cl. 578, 553 F. 2d 104.

No. 76-1601. *FOODSERVICE & LODGING INSTITUTE, INC., ET AL. v. UNITED STATES DEPARTMENT OF LABOR ET AL.* C. A. D. C. Cir. Certiorari denied. Reported below: 179 U. S. App. D. C. 127, 549 F. 2d 829.

No. 76-1602. *CALIFORNIA EX REL. DEPARTMENT OF TRANSPORTATION v. UNITED STATES EX REL. DEPARTMENT OF TRANSPORTATION, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 547 F. 2d 1388.

No. 76-1605. *SECURITY MUTUAL CASUALTY CO. v. CENTURY CASUALTY CO.* C. A. 10th Cir. Certiorari denied.

No. 76-1611. *SCHARF v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 551 F. 2d 1124.

No. 76-1612. *SCRUGGS ET AL. v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 549 F. 2d 1097.

No. 76-1613. *FISHER v. ROBINSON*. C. A. 3d Cir. Certiorari denied. Reported below: 556 F. 2d 565.

No. 76-1614. *SIBLEY v. TANDY CORP. ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 543 F. 2d 540.

No. 76-1615. *JOHNSTON, A MINOR, BY BRYSON ET UX., GENERAL GUARDIANS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 551 F. 2d 312.

No. 76-1617. *ORDNER v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 554 F. 2d 24.

No. 76-1620. *HARNETT, SUPERINTENDENT OF INSURANCE OF NEW YORK v. AZZARO ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 553 F. 2d 93.

No. 76-1623. *FIDELITY CORP. v. REGAL WARE, INC.* C. A. 4th Cir. Certiorari denied. Reported below: 550 F. 2d 934.

434 U. S.

October 3, 1977

No. 76-1622. *ROTTENBERG v. SULMEYER ET AL., TRUSTEES.* C. A. 9th Cir. Certiorari denied. Reported below: 551 F. 2d 313.

No. 76-1626. *WRIGHT ET AL. v. BAILEY, SHERIFF, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 544 F. 2d 737.

No. 76-1627. *TEMPE ELEMENTARY SCHOOL DISTRICT NO. 3 ET AL. v. BERNASCONI.* C. A. 9th Cir. Certiorari denied. Reported below: 548 F. 2d 857.

No. 76-1628. *CHISHOLM-RYDER CO., INC., ET AL. v. LEWIS MANUFACTURING CO. ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 547 F. 2d 1159.

No. 76-1630. *CHANEN ET AL. v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 549 F. 2d 1306.

No. 76-1631. *ROSENWASSER v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. Reported below: 550 F. 2d 806.

No. 76-1632. *HENDERSON ET AL. v. MANN THEATRES CORPORATION OF CALIFORNIA.* Ct. App. Cal., 2d App. Dist. Certiorari denied. Reported below: 65 Cal. App. 3d 397, 135 Cal. Rptr. 266.

No. 76-1633. *GARRIGAN v. GIESE ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 553 F. 2d 35.

No. 76-1635. *REILLY ET AL. v. ROBERTSON ET AL.* Sup. Ct. Ind. Certiorari denied. Reported below: 266 Ind. 29, 360 N. E. 2d 171.

No. 76-1636. *ARIZONA STATE DENTAL ASSN. ET AL. v. BODDICKER ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 549 F. 2d 626.

No. 76-1637. *EXECUTIVE AERO, INC. v. BAACT CORP.* Sup. Ct. Minn. Certiorari denied. Reported below: 312 Minn. 143, 251 N. W. 2d 107.

October 3, 1977

434 U. S.

No. 76-1639. *RAMSEY v. THE MODOC ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 546 F. 2d 908.

No. 76-1641. *ROSNER v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. Reported below: 549 F. 2d 259.

No. 76-1642. *SEARS, ROEBUCK & Co. v. GENERAL SERVICES ADMINISTRATION ET AL.* C. A. D. C. Cir. Certiorari denied. Reported below: 180 U. S. App. D. C. 202, 553 F. 2d 1378.

No. 76-1643. *MAGAVERN, EXECUTOR AND TRUSTEE v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. Reported below: 550 F. 2d 797.

No. 76-1646. *KEARNEY v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 551 F. 2d 314.

No. 76-1648. *MILLROOD v. PENNSYLVANIA.* Sup. Ct. Pa. Certiorari denied.

No. 76-1649. *MOVERS & WAREHOUSEMEN'S ASSOCIATION OF METROPOLITAN WASHINGTON, D. C., INC., ET AL. v. NATIONAL LABOR RELATIONS BOARD.* C. A. 4th Cir. Certiorari denied. Reported below: 550 F. 2d 962.

No. 76-1652. *MOUNT WILSON F. M. BROADCASTERS, INC. v. FOX ET AL.* Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 76-1654. *BROWNSELL ET UX. v. DAVIDSON ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 556 F. 2d 554.

No. 76-1655. *RICKENBACKER v. WARDEN, AUBURN CORRECTIONAL FACILITY, ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 550 F. 2d 62.

No. 76-1657. *MACKETHAN, RECEIVER v. BURRUS, COOTES & BURRUS ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 545 F. 2d 1388.

No. 76-1659. *GUTTELMAN v. STEWART ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 548 F. 2d 353.

434 U. S.

October 3, 1977

No. 76-1658. *DYNAMIC MACHINE Co. v. NATIONAL LABOR RELATIONS BOARD*. C. A. 7th Cir. Certiorari denied. Reported below: 552 F. 2d 1195.

No. 76-1664. *GAMA-GARCIA v. IMMIGRATION AND NATURALIZATION SERVICE*. C. A. 7th Cir. Certiorari denied. Reported below: 556 F. 2d 584.

No. 76-1667. *MONROE ET AL. v. GRAY ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 553 F. 2d 94.

No. 76-1669. *DELTA STEAMSHIP LINES, INC. v. TURNER*; and

No. 76-1687. *TURNER v. DELTA STEAMSHIP LINES, INC.* C. A. 5th Cir. Certiorari denied. Reported below: 546 F. 2d 676.

No. 76-1670. *PERRY v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 550 F. 2d 524.

No. 76-1671. *UNITED STATES v. DEMARCO*. C. A. 9th Cir. Certiorari denied. Reported below: 550 F. 2d 1224.

No. 76-1679. *BATON ROUGE WATER WORKS Co. v. LOUISIANA PUBLIC SERVICE COMMISSION*. Sup. Ct. La. Certiorari denied. Reported below: 342 So. 2d 609.

No. 76-1680. *RELF ET AL. v. GASCH*, U. S. DISTRICT JUDGE. C. A. D. C. Cir. Certiorari denied.

No. 76-1682. *HARTMAN v. HARTMAN*. Sup. Ct. Pa. Certiorari denied. Reported below: 469 Pa. 82, 364 A. 2d 914.

No. 76-1683. *NATIONAL BARREL & DRUM ASSN., INC. v. UNITED STATES ET AL.* C. A. D. C. Cir. Certiorari denied.

No. 76-1684. *SUPER TIRE ENGINEERING Co. ET AL. v. McCORKLE, COMMISSIONER, DEPARTMENT OF INSTITUTIONS AND AGENCIES OF NEW JERSEY, ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 550 F. 2d 903.

October 3, 1977

434 U. S.

No. 76-1686. INTERNATIONAL ORGANIZATION OF MASTERS, MATES & PILOTS, MARINE DIVISION, INTERNATIONAL LONGSHOREMEN'S ASSN., AFL-CIO *v.* NATIONAL LABOR RELATIONS BOARD ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 539 F. 2d 554.

No. 76-1689. H. R. MORGAN, INC., ET AL. *v.* UNITED STATES EX REL. MISSISSIPPI ROAD SUPPLY CO. C. A. 5th Cir. Certiorari denied. Reported below: 542 F. 2d 262.

No. 76-1691. MATASSINI *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 549 F. 2d 362.

No. 76-1695. ECKMAN *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 559 F. 2d 1221.

No. 76-1696. HAKIM *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 6th Cir. Certiorari denied.

No. 76-1697. MACDERMID, INC. *v.* SOUTHERN CALIFORNIA CHEMICAL CO., INC. C. A. 9th Cir. Certiorari denied. Reported below: 549 F. 2d 807.

No. 76-1698. MAYFIELD *v.* PHELPS. Sup. Ct. Ky. Certiorari denied. Reported below: 546 S. W. 2d 433.

No. 76-1700. ILLINOIS ET AL. *v.* INTERSTATE COMMERCE COMMISSION ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 558 F. 2d 1032.

No. 76-1702. ROCHFORD ET AL. *v.* ALLIANCE TO END REPRESSION ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 558 F. 2d 1031.

No. 76-1703. DURHAM HOSIERY MILLS, INC. *v.* NATIONAL LABOR RELATIONS BOARD. C. A. D. C. Cir. Certiorari denied. Reported below: 179 U. S. App. D. C. 280, 551 F. 2d 466.

No. 76-1707. HUERTA *v.* UNITED STATES. Ct. Cl. Certiorari denied. Reported below: 212 Ct. Cl. 473, 548 F. 2d 343.

434 U. S.

October 3, 1977

No. 76-1708. *STERN v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 559 F. 2d 1223.

No. 76-1709. *ARTHUR YOUNG & CO. ET AL. v. UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 549 F. 2d 686.

No. 76-1711. *UNDERWOOD ET AL. v. LOUISIANA*. 4th Jud. Dist. Ct. La., Ouachita Parish. Certiorari denied.

No. 76-1713. *KENDALL v. BETHLEHEM STEEL CORP.* C. A. 4th Cir. Certiorari denied. Reported below: 551 F. 2d 307.

No. 76-1715. *SILETTI v. NEW YORK CITY EMPLOYEES' RETIREMENT SYSTEM ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 556 F. 2d 559.

No. 76-1716. *LIPSITZ ET AL. v. COSTELLO ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 547 F. 2d 1267.

No. 76-1717. *CHICKASHA COTTON OIL CO. ET AL. v. CORPORATION COMMISSION OF OKLAHOMA ET AL.* Sup. Ct. Okla. Certiorari denied. Reported below: 562 P. 2d 507.

No. 76-1720. *DALEY v. ATTORNEY REGISTRATION AND DISCIPLINARY COMMISSION OF THE SUPREME COURT OF ILLINOIS*. C. A. 7th Cir. Certiorari denied. Reported below: 549 F. 2d 469.

No. 76-1724. *FEDERAL COMMUNICATIONS COMMISSION v. HOME BOX OFFICE, INC., ET AL.* ;

No. 76-1841. *AMERICAN BROADCASTING COMPANIES, INC. v. HOME BOX OFFICE, INC., ET AL.*; and

No. 76-1842. *NATIONAL ASSOCIATION OF BROADCASTERS v. HOME BOX OFFICE, INC., ET AL.* C. A. D. C. Cir. Certiorari denied. Reported below: 185 U. S. App. D. C. 142, 567 F. 2d 9.

October 3, 1977

434 U. S.

No. 76-1722. *HIGGINBOTHAM, ADMINISTRATRIX, ET AL. v. MOBIL OIL CORP. ET AL.*; and

No. 76-1725. *LONG, ADMINISTRATRIX v. BELL HELICOPTER Co.* C. A. 5th Cir. Certiorari denied. Reported below: 545 F. 2d 422.

No. 76-1728. *KOWALIK v. GENERAL MARINE TRANSPORT CORP. ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 550 F. 2d 770.

No. 76-1730. *RICHARDSON v. SPAHR ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 547 F. 2d 1163.

No. 76-1731. *DYBA v. UNITED STATES.* C. A. 10th Cir. Certiorari denied. Reported below: 554 F. 2d 417.

No. 76-1732. *KALVAR CORP. v. UNITED STATES.* Ct. Cl. Certiorari denied. Reported below: 211 Ct. Cl. 192, 543 F. 2d 1298.

No. 76-1733. *NABHAN ET AL. v. ABDULLA ET AL.* Ct. App. Mass. Certiorari denied. Reported below: — Mass. App. —, 359 N. E. 2d 650.

No. 76-1736. *MEYER v. FRANK, COMMISSIONER OF POLICE OF NASSAU COUNTY, ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 550 F. 2d 726.

No. 76-1740. *MIDWEST HANGER CO. ET AL. v. NATIONAL LABOR RELATIONS BOARD.* C. A. 8th Cir. Certiorari denied. Reported below: 550 F. 2d 1101.

No. 76-1742. *HALTERMAN v. IOWA.* Sup. Ct. Iowa. Certiorari denied. Reported below: 251 N. W. 2d 257.

No. 76-1743. *SMITH v. UNITED STATES.* C. A. 10th Cir. Certiorari denied. Reported below: 551 F. 2d 1193.

No. 76-1744. *BARNETT v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. Reported below: 547 F. 2d 1168.

434 U. S.

October 3, 1977

No. 76-1745. *BAGERIS ET AL. v. McGREGOR ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 556 F. 2d 580.

No. 76-1746. *WILSON v. BICCUM ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 546 F. 2d 676.

No. 76-1747. *FLEMING, EXECUTOR v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 547 F. 2d 872.

No. 76-1748. *RIFFE v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 550 F. 2d 1013.

No. 76-1749. *WATERMAN v. WRAY ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 549 F. 2d 803.

No. 76-1751. *LEMOS-OLAYA v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 554 F. 2d 1071.

No. 76-1752. *BERRY ET VIR v. HINDS COUNTY, MISSISSIPPI,* Sup. Ct. Miss. Certiorari denied. Reported below: 344 So. 2d 146.

No. 76-1753. *CONLIN v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. Reported below: 551 F. 2d 534.

No. 76-1754. *KISHPAUGH v. DISTRICT OF COLUMBIA GOVERNMENT ET AL.* Ct. App. D. C. Certiorari denied.

No. 76-1756. *NORTON ET UX. v. UNITED STATES.* Ct. Cl. Certiorari denied. Reported below: 213 Ct. Cl. 215, 551 F. 2d 821.

No. 76-1758. *RASTELLI v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. Reported below: 551 F. 2d 902.

No. 76-1760. *S. D. COHN & CO. ET AL. v. WOOLF ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 546 F. 2d 1252.

No. 76-1761. *JOHNSTON v. UNITED STATES.* C. A. 7th Cir. Certiorari denied. Reported below: 544 F. 2d 522.

October 3, 1977

434 U. S.

No. 76-1762. *MIRABELLI v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 556 F. 2d 569.

No. 76-1763. *LEWANDOWSKI ET AL. v. ASHCROFT, ATTORNEY GENERAL OF MISSOURI*. Sup. Ct. Mo. Certiorari denied. Reported below: 547 S. W. 2d 470.

No. 76-1764. *SHATTERPROOF GLASS CORP. v. LIBBEY-OWENS-FORD CO.* C. A. 6th Cir. Certiorari denied. Reported below: 556 F. 2d 582.

No. 76-1765. *JOHNSON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 550 F. 2d 320.

No. 76-1769. *LIBERMAN v. CITY OF ST. LOUIS*. Sup. Ct. Mo. Certiorari denied. Reported below: 547 S. W. 2d 452.

No. 76-1770. *INTERNATIONAL ASSOCIATION OF BRIDGE, STRUCTURAL & ORNAMENTAL IRON WORKERS, AFL-CIO, LOCAL 433 v. NATIONAL LABOR RELATIONS BOARD*. C. A. 9th Cir. Certiorari denied. Reported below: 549 F. 2d 634.

No. 76-1771. *CALIFORNIA ET AL. v. CIVIL AERONAUTICS BOARD*. C. A. D. C. Cir. Certiorari denied. Reported below: 185 U. S. App. D. C. 134, 567 F. 2d 1.

No. 76-1772. *TENN ET AL. v. FIRST HAWAIIAN BANK*. C. A. 9th Cir. Certiorari denied. Reported below: 549 F. 2d 1356.

No. 76-1773. *TEXAS INTERNATIONAL AIRLINES, INC., ET AL. v. SOUTHWEST AIRLINES CO. ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 546 F. 2d 84.

No. 76-1774. *JACKSON ET AL. v. ASSOCIATED HOSPITAL SERVICE OF PHILADELPHIA, AKA BLUE CROSS OF GREATER PHILADELPHIA, ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 549 F. 2d 795.

No. 76-1775. *BENSING v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 551 F. 2d 262.

434 U. S.

October 3, 1977

No. 76-1777. *BENSON v. NEBRASKA*. Sup. Ct. Neb. Certiorari denied. Reported below: 198 Neb. 14, 251 N. W. 2d 659.

No. 76-1780. *BONSUKAN v. IMMIGRATION AND NATURALIZATION SERVICE*. C. A. 1st Cir. Certiorari denied. Reported below: 554 F. 2d 2.

No. 76-1781. *LEVE ET AL., DBA QUASHA LAW OFFICE v. SCHERING CORP.* C. A. 3d Cir. Certiorari denied. Reported below: 556 F. 2d 567.

No. 76-1782. *CREAMER v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 555 F. 2d 612.

No. 76-1784. *MUSTO ET AL. v. NEW YORK*. App. Div., Sup. Ct. N. Y., 1st Jud. Dept. Certiorari denied. Reported below: 55 App. Div. 2d 894, 391 N. Y. S. 2d 374.

No. 76-1785. *FLOWERS ET AL. v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 549 F. 2d 805.

No. 76-1787. *LEVY v. COHEN ET AL.* Sup. Ct. Cal. Certiorari denied. Reported below: 19 Cal. 3d 165, 561 P. 2d 252.

No. 76-1788. *ST. REGIS PAPER Co. v. BEMIS Co., INC.* C. A. 7th Cir. Certiorari denied. Reported below: 549 F. 2d 833.

No. 76-1790. *KIRSNER ET AL. v. REID ET AL.* Baltimore City Court of Maryland. Certiorari denied.

No. 76-1791. *KAY v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 545 F. 2d 491.

No. 76-1793. *SANDERS v. KANSAS*. Sup. Ct. Kan. Certiorari denied. Reported below: 222 Kan. 189, 563 P. 2d 461.

No. 76-1794. *ZELDES, TRUSTEE v. MANUFACTURERS HANOVER TRUST Co. ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 567 F. 2d 166.

October 3, 1977

434 U. S.

No. 76-1797. *SOUTHERN PACIFIC TRANSPORTATION CO. v. JOHNSON*. Ct. App. Cal., 1st App. Dist. Certiorari denied.

No. 76-1798. *HOMANS v. SECURITIES AND EXCHANGE COMMISSION*. C. A. 2d Cir. Certiorari denied. Reported below: 546 F. 2d 1044.

No. 76-1803. *SOUTHWEST KENWORTH, INC. v. ARIZONA STATE TAX COMMISSION ET AL.* Ct. App. Ariz. Certiorari denied. Reported below: 114 Ariz. 433, 561 P. 2d 757.

No. 76-1804. *HOTCHNER v. DOUBLEDAY & CO., INC.* C. A. 2d Cir. Certiorari denied. Reported below: 551 F. 2d 910.

No. 76-1806. *GETZ v. EQUITABLE LIFE ASSURANCE SOCIETY OF THE UNITED STATES*. Sup. Ct. N. M. Certiorari denied. Reported below: 90 N. M. 195, 561 P. 2d 468.

No. 76-1808. *GORTHY v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 550 F. 2d 1051.

No. 76-1812. *ROBERTS ET AL. v. ANDRUS, SECRETARY OF THE INTERIOR*. C. A. 10th Cir. Certiorari denied. Reported below: 549 F. 2d 158.

No. 76-1815. *VIDGLIA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 549 F. 2d 335.

No. 76-1816. *TURCO v. MONROE COUNTY BAR ASSN. ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 554 F. 2d 515.

No. 76-1817. *STOCKTON DOOR CO., INC. v. NATIONAL LABOR RELATIONS BOARD*. C. A. 9th Cir. Certiorari denied. Reported below: 547 F. 2d 489.

No. 76-1818. *HAMILTON v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 553 F. 2d 63.

No. 76-1820. *BATTEN v. IOWA*. Sup. Ct. Iowa. Certiorari denied. Reported below: 249 N. W. 2d 865.

434 U. S.

October 3, 1977

No. 76-1819. FIRST NATIONAL BANK IN ALBUQUERQUE, GUARDIAN *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 552 F. 2d 370.

No. 76-1821. ESTATE OF CHESTERTON *v.* UNITED STATES. Ct. Cl. Certiorari denied. Reported below: 213 Ct. Cl. 345, 551 F. 2d 278.

No. 76-1823. 28 EAST JACKSON ENTERPRISES, INC. *v.* CULERTON, ASSESSOR OF COOK COUNTY, ILLINOIS, ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 551 F. 2d 1093.

No. 76-1825. BAKER *v.* CALIFANO, SECRETARY OF HEALTH, EDUCATION, AND WELFARE, ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 538 F. 2d 855.

No. 76-1829. McDONNEL *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 550 F. 2d 1010.

No. 76-1832. BUNYARD ET AL. *v.* FRANCO, ADMINISTRATRIX, ET AL. Sup. Ct. Ark. Certiorari denied. Reported below: 261 Ark. 144, 547 S. W. 2d 91.

No. 76-1844. HAMILTON *v.* LOUISIANA STATE BAR ASSN. Sup. Ct. La. Certiorari denied. Reported below: 343 So. 2d 985.

No. 76-1845. EX PARTE MOODY. Sup. Ct. Ala. Certiorari denied.

No. 76-1846. ARIZONA POWER AUTHORITY, ELECTRIC DISTRICT No. 3, PINAL COUNTY, ARIZONA, ET AL. *v.* ANDRUS, SECRETARY OF THE INTERIOR, ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 549 F. 2d 1231.

No. 76-1849. MULTI-MEDICAL CONVALESCENT & NURSING CENTER OF TOWSON *v.* NATIONAL LABOR RELATIONS BOARD. C. A. 4th Cir. Certiorari denied. Reported below: 550 F. 2d 974.

October 3, 1977

434 U. S.

No. 76-1850. *SEEKINS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 556 F. 2d 590.

No. 76-1851. *ALLEN v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 554 F. 2d 398.

No. 76-1853. *LARKIN ET UX. v. TOWN BOARD OF THE TOWN OF FLEMING ET AL.*; and

No. 76-1854. *LARKIN ET UX. v. FARRELL, TREASURER OF CAYUGA COUNTY, ET AL.* App. Div., Sup. Ct. N. Y., 4th Jud. Dept. Certiorari denied. Reported below: No. 76-1853, 52 App. Div. 2d 1068, 384 N. Y. S. 2d 603; No. 76-1854, 52 App. Div. 2d 1069, 384 N. Y. S. 2d 605.

No. 76-1856. *HUMBOLDT PLACER MINING Co. v. ANDRUS, SECRETARY OF THE INTERIOR*. C. A. 9th Cir. Certiorari denied. Reported below: 549 F. 2d 622.

No. 76-1857. *HARRIS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 551 F. 2d 621.

No. 76-1858. *ALEXANDER v. NEW YORK*. App. Div., Sup. Ct. N. Y., 1st Jud. Dept. Certiorari denied. Reported below: 56 App. Div. 2d 740, 391 N. Y. S. 2d 936.

No. 76-1861. *FLORIDA BOATSMEN ASSN. ET AL. v. DEPARTMENT OF REVENUE OF FLORIDA ET AL.* Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 324 So. 2d 651.

No. 76-1862. *DOE v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 554 F. 2d 1068.

No. 76-1863. *SHORE, DBA SHORE OIL PRODUCTS, ET AL. v. LONGVIEW REFINING Co. ET AL.* Temp. Emerg. Ct. App. Certiorari denied. Reported below: 554 F. 2d 1006.

No. 76-1864. *SAVE OUR WETLANDS, INC. (SOWL), ET AL. v. UNITED STATES ARMY CORPS OF ENGINEERS ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 549 F. 2d 1021.

434 U. S.

October 3, 1977

No. 76-1865. *DEBOLES v. TRANS WORLD AIRLINES, INC., ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 552 F. 2d 1005.

No. 76-1866. *KORBAR v. HITE ET AL.* App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 43 Ill. App. 3d 636, 357 N. E. 2d 135.

No. 76-1867. *ROSEE v. BOARD OF TRADE OF THE CITY OF CHICAGO ET AL.* App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 43 Ill. App. 3d 203, 356 N. E. 2d 1012.

No. 76-1868. *NATIONAL LABOR RELATIONS BOARD v. INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS LOCAL UNION NO. 388.* C. A. 7th Cir. Certiorari denied. Reported below: 548 F. 2d 704.

No. 76-1869. *AMALGAMATED TRANSIT UNION, DIVISION 1384, AFL-CIO, ET AL. v. GREYHOUND LINES, INC.* C. A. 9th Cir. Certiorari denied. Reported below: 550 F. 2d 1237.

No. 76-1872. *WHITAKER v. PIERCE ET AL.* App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 44 Ill. App. 3d 148, 358 N. E. 2d 61.

No. 76-6379. *POSNER v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 551 F. 2d 310.

No. 76-6380. *TULEY v. UNITED STATES;* and

No. 76-6807. *OLLER v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 546 F. 2d 1264.

No. 76-6384. *HARPER v. UNITED STATES.* C. A. 10th Cir. Certiorari denied. Reported below: 550 F. 2d 610.

No. 76-6391. *HENRY v. HOPPER, WARDEN.* C. A. 5th Cir. Certiorari denied. Reported below: 544 F. 2d 516.

No. 76-6418. *GOODYEAR v. DELAWARE CORRECTIONAL CENTER.* C. A. 3d Cir. Certiorari denied.

October 3, 1977

434 U. S.

No. 76-6440. *PADUANO v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 549 F. 2d 145.

No. 76-6479. *POLK v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 550 F. 2d 1265.

No. 76-6496. *YBARRA v. NEVADA STATE EMPLOYEES FEDERAL CREDIT UNION*. Sup. Ct. Nev. Certiorari denied.

No. 76-6522. *LONDON v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 547 F. 2d 1165.

No. 76-6530. *WRIGHT v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 547 F. 2d 1166.

No. 76-6533. *MILLER v. ESTELLE, CORRECTIONS DIRECTOR*. C. A. 5th Cir. Certiorari denied. Reported below: 548 F. 2d 353.

No. 76-6536. *GREATHOUSE v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 548 F. 2d 225.

No. 76-6545. *BYRD v. VIRGINIA*. Sup. Ct. Va. Certiorari denied.

No. 76-6568. *McGHEE v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 551 F. 2d 310.

No. 76-6570. *WILLIAMS v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 556 F. 2d 563.

No. 76-6572. *BACKERT, AKA TALLENT v. WALKER, WARDEN*. Sup. Ct. La. Certiorari denied. Reported below: 342 So. 2d 671.

No. 76-6573. *BUSH v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 76-6581. *WENSTROM ET AL. v. ILLINOIS*. App. Ct. Ill., 2d Dist. Certiorari denied. Reported below: 43 Ill. App. 3d 250, 356 N. E. 2d 1165.

434 U. S.

October 3, 1977

No. 76-6585. *CARDENAS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 538 F. 2d 898.

No. 76-6593. *CLARK v. UNITED STATES*. Ct. Cl. Certiorari denied. Reported below: 212 Ct. Cl. 590, 553 F. 2d 104.

No. 76-6603. *SHANNON v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 556 F. 2d 570.

No. 76-6610. *MEDINA v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 552 F. 2d 181.

No. 76-6615. *GUILLETTE ET AL. v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 547 F. 2d 743.

No. 76-6621. *BARON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 548 F. 2d 354.

No. 76-6624. *SIGMAN v. ILLINOIS*. App. Ct. Ill., 2d Dist. Certiorari denied. Reported below: 42 Ill. App. 3d 624, 356 N. E. 2d 400.

No. 76-6629. *HAZZARD v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 556 F. 2d 566.

No. 76-6631. *DUNBAR v. ESTELLE, CORRECTIONS DIRECTOR*. C. A. 5th Cir. Certiorari denied.

No. 76-6632. *EVERMAN v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 556 F. 2d 580.

No. 76-6634. *McCLAIN ET AL. v. UNITED STATES*; and

No. 76-6684. *READY v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: No. 76-6634, 553 F. 2d 97; No. 76-6684, 553 F. 2d 98.

No. 76-6636. *LONDON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 550 F. 2d 1283.

No. 76-6645. *CHIARINI ET AL. v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 549 F. 2d 802.

October 3, 1977

434 U.S.

No. 76-6646. *FREEMAN v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 556 F. 2d 569.

No. 76-6651. *LEONARD v. DAY, WARDEN, ET AL.* C. A. 10th Cir. Certiorari denied.

No. 76-6652. *SUDLER v. DELAWARE*. C. A. 3d Cir. Certiorari denied. Reported below: 556 F. 2d 570.

No. 76-6654. *MASTERSON v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 76-6655. *HORGER v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 547 F. 2d 1204.

No. 76-6660. *JONES v. HENDERSON, WARDEN*. C. A. 5th Cir. Certiorari denied. Reported below: 549 F. 2d 995.

No. 76-6661. *DINSIO v. UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA*. C. A. 9th Cir. Certiorari denied.

No. 76-6665. *PREWITT v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 553 F. 2d 1082.

No. 76-6666. *MORRISON v. SIGLER ET AL.* C. A. 10th Cir. Certiorari denied.

No. 76-6670. *FEATHERSTON v. VIRGINIA*. Sup. Ct. Va. Certiorari denied.

No. 76-6673. *DiSILVESTRO v. VETERANS' ADMINISTRATION*. C. A. 2d Cir. Certiorari denied. Reported below: 556 F. 2d 555.

No. 76-6678. *WIGGINS v. CALIFORNIA*. Ct. App. Cal., 3d App. Dist. Certiorari denied.

No. 76-6680. *BLACKBURN v. PERINI, CORRECTIONAL SUPERINTENDENT*. C. A. 6th Cir. Certiorari denied. Reported below: 547 F. 2d 1167.

434 U. S.

October 3, 1977

No. 76-6682. *MELNYCZENKO v. HEWITT, CORRECTIONAL SUPERINTENDENT.* C. A. 3d Cir. Certiorari denied.

No. 76-6685. *KELLEY v. BAPTIST, DISTRICT DIRECTOR OF INTERNAL REVENUE, ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 548 F. 2d 353.

No. 76-6686. *FRIAS-DELEON v. IMMIGRATION AND NATURALIZATION SERVICE.* C. A. 2d Cir. Certiorari denied. Reported below: 547 F. 2d 142.

No. 76-6692. *EDMONDS v. UNITED STATES.* Ct. App. D. C. Certiorari denied.

No. 76-6696. *CARDALL v. UNITED STATES.* C. A. 10th Cir. Certiorari denied. Reported below: 550 F. 2d 604.

No. 76-6698. *WASHINGTON v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 550 F. 2d 320.

No. 76-6703. *WALLACE v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 550 F. 2d 277.

No. 76-6705. *WARD v. HOPPER, WARDEN.* Super. Ct. Ga., Tattnall County. Certiorari denied.

No. 76-6706. *LAGRONE v. OKLAHOMA ET AL.* C. A. 10th Cir. Certiorari denied.

No. 76-6721. *GREEN v. WISCONSIN.* Sup. Ct. Wis. Certiorari denied. Reported below: 75 Wis. 2d 631, 250 N. W. 2d 305.

No. 76-6724. *JONES v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. Reported below: 556 F. 2d 582.

No. 76-6730. *MOORE v. UNITED STATES.* C. A. 8th Cir. Certiorari denied. Reported below: 558 F. 2d 1035.

No. 76-6731. *MOODY v. MOODY.* Sup. Ct. Ga. Certiorari denied. Reported below: 238 Ga. 309, 232 S. E. 2d 841.

October 3, 1977

434 U. S.

No. 76-6734. *DUPART v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 551 F. 2d 862.

No. 76-6736. *ASH v. WYOMING*. Sup. Ct. Wyoming. Certiorari denied. Reported below: 555 P. 2d 221 and 560 P. 2d 369.

No. 76-6737. *ZAMBRANO v. ESTELLE, CORRECTIONS DIRECTOR*. C. A. 5th Cir. Certiorari denied. Reported below: 514 F. 2d 63.

No. 76-6739. *SMITH v. COLLINS, WARDEN*. C. A. 4th Cir. Certiorari denied. Reported below: 551 F. 2d 309.

No. 76-6741. *JACKSON v. HOPPER, WARDEN*. C. A. 5th Cir. Certiorari denied. Reported below: 547 F. 2d 260.

No. 76-6745. *CARTER v. GEORGIA*. Sup. Ct. Ga. Certiorari denied. Reported below: 238 Ga. 446, 233 S. E. 2d 201.

No. 76-6748. *BRUNSON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 549 F. 2d 348.

No. 76-6751. *HALL v. FOGG, CORRECTIONAL SUPERINTENDENT*. C. A. 2d Cir. Certiorari denied.

No. 76-6753. *SOCRATES v. BALSON, HOSPITAL SUPERINTENDENT*. C. A. 6th Cir. Certiorari denied.

No. 76-6757. *STEVENS v. WEST VALLEY JOINT COMMUNITY COLLEGE DISTRICT ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 549 F. 2d 808.

No. 76-6758. *LOVITZ v. ILLINOIS*. App. Ct. Ill., 2d Dist. Certiorari denied. Reported below: 39 Ill. App. 3d 624, 350 N. E. 2d 276.

No. 76-6759. *NICOL v. CALIFORNIA*. Ct. App. Cal., 1st App. Dist. Certiorari denied.

No. 76-6761. *HOLT v. VIRGINIA*. Sup. Ct. Va. Certiorari denied.

434 U. S.

October 3, 1977

No. 76-6762. *KIMMONS v. WAINWRIGHT*, SECRETARY, DEPARTMENT OF OFFENDER REHABILITATION OF FLORIDA. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 338 So. 2d 239.

No. 76-6765. *CYPHERS v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 553 F. 2d 1064.

No. 76-6770. *STOKES v. TRACEY ET AL.* C. A. 3d Cir. Certiorari denied.

No. 76-6771. *DIXON v. THOMPSON, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 76-6773. *PERRY v. FOGG*, CORRECTIONAL SUPERINTENDENT. C. A. 2d Cir. Certiorari denied. Reported below: 553 F. 2d 94.

No. 76-6775. *AUSTIN v. MISSISSIPPI*. Sup. Ct. Miss. Certiorari denied. Reported below: 344 So. 2d 1188.

No. 76-6778. *ESCOBAR-NEGRON v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 76-6780. *GRAVINA v. MEACHUM, WARDEN, ET AL.* C. A. 1st Cir. Certiorari denied. Reported below: 559 F. 2d 1200.

No. 76-6781. *ALLEN v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 556 F. 2d 582.

No. 76-6782. *CURAN v. ARKANSAS*. Sup. Ct. Ark. Certiorari denied. Reported below: 260 Ark. 461, 541 S. W. 2d 923.

No. 76-6785. *VINCENT v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 76-6788. *BATEMAN v. VIRGINIA*. Sup. Ct. Va. Certiorari denied.

October 3, 1977

434 U. S.

No. 76-6789. *BATEMAN v. VIRGINIA*. Sup. Ct. Va. Certiorari denied.

No. 76-6790. *BATEMAN v. VIRGINIA*. Sup. Ct. Va. Certiorari denied.

No. 76-6791. *TALIAFERRO v. VIRGINIA*. Sup. Ct. Va. Certiorari denied.

No. 76-6792. *WILEY v. DAGGETT, WARDEN, ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 551 F. 2d 776.

No. 76-6793. *MEEKS v. JAGO, CORRECTIONAL SUPERINTENDENT*. C. A. 6th Cir. Certiorari denied. Reported below: 548 F. 2d 134.

No. 76-6795. *EASTER v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 552 F. 2d 230.

No. 76-6796. *FORSBERG v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 556 F. 2d 589.

No. 76-6797. *WILLIAMS v. WAINWRIGHT, SECRETARY, DEPARTMENT OF OFFENDER REHABILITATION OF FLORIDA*. C. A. 5th Cir. Certiorari denied. Reported below: 548 F. 2d 354.

No. 76-6800. *LYNOTT v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 76-6803. *VAVRA v. OKLAHOMA ET AL.* C. A. 10th Cir. Certiorari denied.

No. 76-6804. *PHELPS v. INDIANA*. Sup. Ct. Ind. Certiorari denied. Reported below: 266 Ind. 66, 360 N. E. 2d 191.

No. 76-6805. *SMILEY v. CALIFORNIA ET AL.* C. A. 9th Cir. Certiorari denied.

No. 76-6808. *STROUD v. DELTA AIR LINES, INC.* C. A. 5th Cir. Certiorari denied. Reported below: 544 F. 2d 892.

No. 76-6809. *JACQUES v. HILTON, PRISON SUPERINTENDENT*. C. A. 3d Cir. Certiorari denied.

434 U. S.

October 3, 1977

No. 76-6810. *SELBY v. NEW YORK*. App. Div., Sup. Ct. N. Y., 2d Jud. Dept. Certiorari denied. Reported below: 56 App. Div. 2d 584, 391 N. Y. S. 2d 189.

No. 76-6811. *CARTER v. MARYLAND*. Ct. Sp. App. Md. Certiorari denied.

No. 76-6812. *SPRIGGS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 552 F. 2d 368.

No. 76-6813. *TAYLOR v. CONSOLIDATED EDISON COMPANY OF NEW YORK, INC., ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 552 F. 2d 39.

No. 76-6814. *WARD v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 547 F. 2d 572.

No. 76-6815. *GILLIHAN v. RODRIGUEZ, WARDEN*. C. A. 10th Cir. Certiorari denied. Reported below: 551 F. 2d 1182.

No. 76-6816. *BOWLES v. STRICKLAND, CORRECTIONAL SUPERINTENDENT*. C. A. D. C. Cir. Certiorari denied. Reported below: 181 U. S. App. D. C. 199, 556 F. 2d 76.

No. 76-6817. *HERNANDEZ v. ESTELLE, CORRECTIONS DIRECTOR*. Ct. Crim. App. Tex. Certiorari denied.

No. 76-6819. *STIMPSON v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 549 F. 2d 1286.

No. 76-6820. *CAIN v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied. Reported below: 549 S. W. 2d 707.

No. 76-6826. *WEATHINGTON v. WAINWRIGHT, SECRETARY, DEPARTMENT OF OFFENDER REHABILITATION OF FLORIDA*. Sup. Ct. Fla. Certiorari denied. Reported below: 345 So. 2d 429.

No. 76-6831. *ANGUS v. WISCONSIN*. Sup. Ct. Wis. Certiorari denied. Reported below: 76 Wis. 2d 191, 251 N. W. 2d 28.

October 3, 1977

434 U.S.

No. 76-6833. *HALL v. LOUISIANA*. Sup. Ct. La. Certiorari denied. Reported below: 342 So. 2d 616.

No. 76-6835. *BOLTON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 552 F. 2d 368.

No. 76-6836. *TRIMBLE v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied. Reported below: 550 S. W. 2d 707.

No. 76-6839. *DOWNING v. DISTRICT ATTORNEY OF NORTHAMPTON COUNTY*. Super. Ct. Pa. Certiorari denied. Reported below: 241 Pa. Super. 592, 360 A. 2d 671.

No. 76-6840. *COLE v. WAINRIGHT, SECRETARY, DEPARTMENT OF OFFENDER REHABILITATION OF FLORIDA*. Sup. Ct. Fla. Certiorari denied. Reported below: 345 So. 2d 421.

No. 76-6842. *LOTER v. ESTELLE, CORRECTIONS DIRECTOR*. C. A. 5th Cir. Certiorari denied. Reported below: 546 F. 2d 151.

No. 76-6844. *STONE v. SUPERIOR COURT OF CALIFORNIA FOR THE COUNTY OF LOS ANGELES*. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 76-6845. *CARTER v. UNITED STATES DEPARTMENT OF JUSTICE ET AL.* C. A. 2d Cir. Certiorari denied.

No. 76-6846. *WHITE v. KENTUCKY*. Sup. Ct. Ky. Certiorari denied.

No. 76-6848. *GRAY v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 534 F. 2d 1405.

No. 76-6849. *SUTTON v. OKLAHOMA*. Ct. Crim. App. Okla. Certiorari denied. Reported below: 558 P. 2d 1193.

No. 76-6851. *MILLER v. MISSISSIPPI*. Sup. Ct. Miss. Certiorari denied. Reported below: 345 So. 2d 630.

No. 76-6855. *SIMS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 552 F. 2d 368.

434 U. S.

October 3, 1977

No. 76-6859. *FORD v. REES, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 76-6861. *CHIARELLO v. FOGG, CORRECTIONAL SUPERINTENDENT*. C. A. 2d Cir. Certiorari denied.

No. 76-6862. *CASTANEDA v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 555 F. 2d 605.

No. 76-6863. *DEFREITAS v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 556 F. 2d 569.

No. 76-6864. *GOLSTON v. ALABAMA*. C. A. 5th Cir. Certiorari denied.

No. 76-6865. *PURDY v. FLORIDA*. Sup. Ct. Fla. Certiorari denied. Reported below: 343 So. 2d 4.

No. 76-6868. *BROWN v. CONNECTICUT*. Sup. Ct. Conn. Certiorari denied. Reported below: 172 Conn. 531, 375 A. 2d 1024.

No. 76-6869. *MASON v. GAGNON, WARDEN*. C. A. 7th Cir. Certiorari denied.

No. 76-6871. *DAVIS v. UNITED STATES*. Ct. App. D. C. Certiorari denied. Reported below: 367 A. 2d 1254.

No. 76-6874. *WHITE ET AL. v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 553 F. 2d 1137.

No. 76-6876. *ANDERSON v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 556 F. 2d 568.

No. 76-6877. *PADILLA-MARTINEZ v. UNITED STATES*; and No. 76-6878. *NAVAS ET AL. v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 552 F. 2d 435.

No. 76-6879. *SMITH v. McNICHOL ET AL.* Pa. Commw. Ct. Certiorari denied.

No. 76-6881. *ENGLISH v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 559 F. 2d 1225.

October 3, 1977

434 U. S.

No. 76-6883. *ZAKRAJSEK v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 559 F. 2d 1224.

No. 76-6884. *WRIGHT v. CALIFORNIA ET AL.* Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 76-6885. *WOOD v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 556 F. 2d 576.

No. 76-6886. *OWENS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 551 F. 2d 1053.

No. 76-6887. *KASOLD v. CARDWELL, WARDEN*. C. A. 9th Cir. Certiorari denied. Reported below: 554 F. 2d 1069.

No. 76-6888. *GILBERT v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 76-6889. *DAY v. WISCONSIN*. Sup. Ct. Wis. Certiorari denied. Reported below: 76 Wis. 2d 588, 251 N. W. 2d 811.

No. 76-6890. *TOSTI ET AL. v. UNITED STATES*. C. A. 10th Cir. Certiorari denied.

No. 76-6891. *STARKEY v. WYRICK, WARDEN*. C. A. 8th Cir. Certiorari denied. Reported below: 555 F. 2d 1352.

No. 76-6892. *TALTON v. MANSON, CORRECTION COMMISSIONER, ET AL.* C. A. 2d Cir. Certiorari denied.

No. 76-6893. *WALKER v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 552 F. 2d 566.

No. 76-6895. *BEARDSLEY v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 556 F. 2d 569.

No. 76-6896. *WINDHAM v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied. Reported below: 19 Cal. 3d 121, 560 P. 2d 1187.

No. 76-6898. *BURDEN v. CALIFORNIA*. Ct. App. Cal., 4th App. Dist. Certiorari denied.

434 U. S.

October 3, 1977

No. 76-6899. *BEARD v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 559 F. 2d 1205.

No. 76-6900. *BASSETT v. McCARTHY, MEN'S COLONY SUPERINTENDENT*. C. A. 9th Cir. Certiorari denied. Reported below: 549 F. 2d 616.

No. 76-6901. *RUTHERFORD ET AL. v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 551 F. 2d 862.

No. 76-6902. *HENDRIX v. UNITED STATES*. Ct. Cl. Certiorari denied. Reported below: 214 Ct. Cl. 50, 555 F. 2d 785.

No. 76-6903. *WILSON v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 523 F. 2d 828 and 554 F. 2d 893.

No. 76-6904. *HIPP v. WISCONSIN*. Sup. Ct. Wis. Certiorari denied. Reported below: 75 Wis. 2d 621, 250 N. W. 2d 299.

No. 76-6905. *WELLS v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied.

No. 76-6906. *HAJAL v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 555 F. 2d 558.

No. 76-6908. *SMITH v. TENNESSEE*. Sup. Ct. Tenn. Certiorari denied. Reported below: 547 S. W. 2d 925.

No. 76-6909. *ROSARIO v. LAVALLEE, CORRECTIONAL SUPERINTENDENT*. Ct. App. N. Y. Certiorari denied.

No. 76-6910. *SMALLWOOD v. OREGON*. Sup. Ct. Ore. Certiorari denied. Reported below: 277 Ore. 503, 561 P. 2d 600.

No. 76-6911. *HARRIS v. ZAHRADNICK, PENITENTIARY SUPERINTENDENT*. C. A. 4th Cir. Certiorari denied. Reported below: 551 F. 2d 936.

October 3, 1977

434 U. S.

No. 76-6912. *HARDY v. JAMISON ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 551 F. 2d 306.

No. 76-6913. *KINSLEY v. BRENT, DBA SAFEWAY FINANCE CO., INC., ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 546 F. 2d 1154.

No. 76-6914. *JACKSON v. NORTH CAROLINA.* Sup. Ct. N. C. Certiorari denied. Reported below: 292 N. C. 203, 232 S. E. 2d 407.

No. 76-6915. *COUSIN v. HENDERSON, WARDEN.* C. A. 5th Cir. Certiorari denied. Reported below: 538 F. 2d 897.

No. 76-6917. *JOHNSTON v. ESTELLE, CORRECTIONS DIRECTOR.* C. A. 5th Cir. Certiorari denied. Reported below: 548 F. 2d 1238.

No. 76-6918. *BRINLEE v. CRISP, WARDEN.* C. A. 10th Cir. Certiorari denied.

No. 76-6919. *WEGER v. BRIERTON, WARDEN, ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 558 F. 2d 1032.

No. 76-6920. *WARD v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 552 F. 2d 1080.

No. 76-6921. *HOUSE v. UNITED STATES.* C. A. 8th Cir. Certiorari denied. Reported below: 551 F. 2d 756.

No. 76-6922. *BARKER v. CALIFORNIA.* Ct. App. Cal., 1st App. Dist. Certiorari denied.

No. 76-6923. *GWINN v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 553 F. 2d 97.

No. 76-6925. *GEHRMAN v. NEW YORK.* App. Div., Sup. Ct. N. Y., 2d Jud. Dept. Certiorari denied. Reported below: 56 App. Div. 2d 579, 391 N. Y. S. 2d 621.

No. 76-6927. *BOWDACH v. HAVENS ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 550 F. 2d 39.

434 U. S.

October 3, 1977

No. 76-6928. *STOLARZ v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 550 F. 2d 488.

No. 76-6929. *FLOYD v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 555 F. 2d 45.

No. 76-6930. *MOSLEY v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 555 F. 2d 191.

No. 76-6931. *LONDON ET AL. v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 556 F. 2d 567 and 568.

No. 76-6932. *VINES v. MUNCY, CORRECTIONAL SUPERINTENDENT, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 553 F. 2d 342.

No. 76-6934. *WETHERINGTON v. JAMES, JUDGE, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 551 F. 2d 311.

No. 76-6935. *EDWARDS v. WAINWRIGHT, SECRETARY, DEPARTMENT OF OFFENDER REHABILITATION OF FLORIDA*. C. A. 5th Cir. Certiorari denied. Reported below: 552 F. 2d 367.

No. 76-6936. *HOUGHTON v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 554 F. 2d 1219.

No. 76-6937. *BENSON v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 552 F. 2d 223.

No. 76-6938. *TZIMOPOULOS v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 554 F. 2d 1216.

No. 76-6940. *CAMPBELL v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 531 F. 2d 1333.

No. 76-6943. *CANDIE v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 551 F. 2d 305.

No. 76-6944. *HEISER v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 554 F. 2d 1071.

October 3, 1977

434 U. S.

No. 76-6945. *MARTINEZ v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 554 F. 2d 1071.

No. 76-6947. *HODGES v. ALEXANDER, SECRETARY OF THE ARMY*. C. A. 5th Cir. Certiorari denied. Reported below: 551 F. 2d 861.

No. 76-6948. *WIGGINS v. AARON, WARDEN*. C. A. 10th Cir. Certiorari denied.

No. 76-6949. *RODRIGUEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 553 F. 2d 99.

No. 76-6953. *COLLINS v. MAGGIO, WARDEN*. C. A. 5th Cir. Certiorari denied.

No. 76-6954. *SCHAFFER v. ROBINSON, WARDEN*. C. A. 2d Cir. Certiorari denied. Reported below: 556 F. 2d 559.

No. 76-6957. *WILKINS v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 76-6960. *BLACK v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 558 F. 2d 1032.

No. 76-6963. *DAVIS v. ARKANSAS*. Sup. Ct. Ark. Certiorari denied.

No. 76-6964. *WOODALL v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. Reported below: 179 U. S. App. D. C. 281, 551 F. 2d 467.

No. 76-6966. *SILO v. KANE, ATTORNEY GENERAL OF PENNSYLVANIA, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 76-6967. *SHAW ET AL. v. MERRITT-CHAPMAN & SCOTT CORP. ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 554 F. 2d 786.

No. 76-6968. *WILLIAMS v. LEEKE, CORRECTIONS DIRECTOR, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 556 F. 2d 577.

434 U. S.

October 3, 1977

No. 76-6969. *SANCHEZ ET AL. v. CARIBBEAN CARRIERS, LTD., ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 552 F. 2d 70.

No. 76-6970. *DAVIS v. UNITED STATES.* Ct. App. D. C. Certiorari denied. Reported below: 370 A. 2d 1337.

No. 76-6971. *SANDS v. HOPPER, WARDEN.* C. A. 5th Cir. Certiorari denied.

No. 76-6972. *SCOTT v. FLORIDA.* Dist. Ct. App. Fla., 2d Dist. Certiorari denied. Reported below: 345 So. 2d 414.

No. 76-6975. *McDOWELL v. MORRIS.* Super. Ct. Pa. Certiorari denied. Reported below: 241 Pa. Super. 600, 360 A. 2d 674.

No. 76-6976. *ROSENBAUM v. ARIZONA.* Ct. App. Ariz. Certiorari denied.

No. 76-6980. *LONGORIA-CASTENADA v. IMMIGRATION AND NATURALIZATION SERVICE.* C. A. 8th Cir. Certiorari denied. Reported below: 548 F. 2d 233.

No. 76-6984. *WHITE v. LEFEVRE, CORRECTIONAL SUPERINTENDENT.* C. A. 2d Cir. Certiorari denied. Reported below: 556 F. 2d 563.

No. 76-6991. *MASON v. GRAY, WARDEN.* C. A. 7th Cir. Certiorari denied. Reported below: 559 F. 2d 1225.

No. 76-6992. *SWANN v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 556 F. 2d 576.

No. 76-6993. *GALBO v. MISSISSIPPI.* Sup. Ct. Miss. Certiorari denied. Reported below: 347 So. 2d 964.

No. 76-6994. *RAMSEY v. UNITED STATES;*

No. 77-5037. *GREEN v. UNITED STATES;* and

No. 77-5185. *WESLEY v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. Reported below: 562 F. 2d 1345.

October 3, 1977

434 U. S.

No. 76-6996. *WEAVER v. CARSON ET AL.* C. A. 6th Cir. Certiorari denied.

No. 76-6999. *SAMPSON v. CALIFANO, SECRETARY OF HEALTH, EDUCATION, AND WELFARE.* C. A. 1st Cir. Certiorari denied. Reported below: 551 F. 2d 881.

No. 76-7000. *LUSSIER v. GUNTER, CORRECTIONAL SUPERINTENDENT, ET AL.* C. A. 1st Cir. Certiorari denied. Reported below: 552 F. 2d 385.

No. 76-7001. *BEECHER v. BAXLEY, ATTORNEY GENERAL OF ALABAMA, ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 549 F. 2d 974.

No. 77-1. *MEITZNER ET AL. v. MINDICK ET AL.* C. C. P. A. Certiorari denied. Reported below: 549 F. 2d 775.

No. 77-2. *WAGGONER ET AL. v. GRIFFITH CO. ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 545 F. 2d 1194.

No. 77-4. *AMALGAMATED SUGAR CO. ET AL. v. UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA (ANTHONY J. PIZZA FOOD PRODUCTS CORP. ET AL., REAL PARTIES IN INTEREST).* C. A. 9th Cir. Certiorari denied.

No. 77-5. *BRUNWASSER ET AL. v. UNITED STATES.* C. A. 3d Cir. Certiorari denied.

No. 77-6. *RUSSELL v. BLACK, WARDEN.* C. A. 6th Cir. Certiorari denied. Reported below: 556 F. 2d 582.

No. 77-9. *AMERICAN FIDELITY FIRE INSURANCE CO. v. SUE KLAU ENTERPRISES, INC.* C. A. 1st Cir. Certiorari denied. Reported below: 551 F. 2d 882.

No. 77-13. *BLEVINS POPCORN CO. v. NATIONAL LABOR RELATIONS BOARD ET AL.* C. A. D. C. Cir. Certiorari denied.

No. 77-14. *BOGLE v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 556 F. 2d 589.

434 U. S.

October 3, 1977

No. 77-15. *Brooks v. Merrill Lynch, Pierce, Fenner & Smith, Inc.* C. A. 5th Cir. Certiorari denied. Reported below: 548 F. 2d 615.

No. 77-19. *In re Boston & Providence Railroad Corp.* C. A. 1st Cir. Certiorari denied.

No. 77-20. *Riniolo v. United States.* C. A. 2d Cir. Certiorari denied. Reported below: 554 F. 2d 550.

No. 77-21. *Barone et al. v. United States.* C. A. 9th Cir. Certiorari denied. Reported below: 558 F. 2d 1038.

No. 77-23. *McLucas v. Connecticut.* Sup. Ct. Conn. Certiorari denied. Reported below: 172 Conn. 542, 375 A. 2d 1014.

No. 77-27. *Landmesser v. United States.* C. A. 6th Cir. Certiorari denied. Reported below: 553 F. 2d 17.

No. 77-28. *Iowa Beef Processors, Inc. v. Valley View Cattle Co.* C. A. 5th Cir. Certiorari denied. Reported below: 548 F. 2d 1219.

No. 77-29. *Nemser et ux. v. Commissioner of Internal Revenue.* C. A. 2d Cir. Certiorari denied. Reported below: 556 F. 2d 558.

No. 77-31. *King v. United States.* Ct. Cl. Certiorari denied. Reported below: 214 Ct. Cl. 795, 566 F. 2d 1189.

No. 77-33. *Turner v. United States.* C. A. 5th Cir. Certiorari denied. Reported below: 554 F. 2d 474.

No. 77-35. *Kirschenblatt, aka Kirsch, et al. v. Securities and Exchange Commission.* C. A. 2d Cir. Certiorari denied. Reported below: 556 F. 2d 559.

No. 77-36. *Sabine Towing & Transportation Co., Inc. v. Zapata Uglan Drilling, Inc.* C. A. 5th Cir. Certiorari denied. Reported below: 553 F. 2d 489.

October 3, 1977

434 U. S.

No. 77-40. *TONTI v. TONTI ET AL.* Ct. App. Ohio, Franklin County. Certiorari denied.

No. 77-41. *CITY OF CLEVELAND v. CLEVELAND ELECTRIC ILLUMINATING CO.* Ct. App. Ohio, Cuyahoga County. Certiorari denied. Reported below: 50 Ohio App. 2d 275, 363 N. E. 2d 759.

No. 77-48. *WALLES v. BECHTEL CORP. ET AL.* Sup. Ct. Iowa. Certiorari denied. Reported below: 252 N. W. 2d 701.

No. 77-49. *HOLM v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 550 F. 2d 568.

No. 77-51. *FUIMAN v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 546 F. 2d 1155.

No. 77-55. *ALLEN ET AL. v. UNITED STATES.* C. A. 10th Cir. Certiorari denied.

No. 77-58. *CHLEBORAD v. CHARTER, ASSIGNEE.* C. A. 8th Cir. Certiorari denied. Reported below: 551 F. 2d 246.

No. 77-60. *NATIONAL RAILROAD PASSENGER CORP. v. BLANCHETTE ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 551 F. 2d 127.

No. 77-66. *CUGLIATA ET AL. v. MAINE.* Sup. Jud. Ct. Me. Certiorari denied. Reported below: 372 A. 2d 1019.

No. 77-68. *PARKING REALTY CO. ET AL. v. SHERLINE.* Sup. Ct. Mich. Certiorari denied.

No. 77-71. *DINEEN ET AL. v. BILANDIC.* C. A. 7th Cir. Certiorari denied. Reported below: 556 F. 2d 584.

No. 77-72. *WEST v. IOWA.* Sup. Ct. Iowa. Certiorari denied. Reported below: 252 N. W. 2d 457.

No. 77-73. *PILLSBURY CO. ET AL. v. DONALDSON.* C. A. 8th Cir. Certiorari denied. Reported below: 554 F. 2d 825.

434 U. S.

October 3, 1977

No. 77-75. SYSTEMATIC TOOL & MACHINE CO. ET AL. v. WALTER KIDDE & Co., INC. C. A. 3d Cir. Certiorari denied. Reported below: 555 F. 2d 342.

No. 77-76. SMITH ET UX. v. VILLAGE OF LaGRANGE. Ct. App. Ohio, Ashland County. Certiorari denied.

No. 77-78. McFADDEN v. G. H. McSHANE Co., INC. C. A. 3d Cir. Certiorari denied. Reported below: 554 F. 2d 111.

No. 77-80. POLIN v. CONDUCTRON CORP. ET AL. C. A. 8th Cir. Certiorari denied. Reported below: 552 F. 2d 797.

No. 77-82. CICHANSKI v. HONEYWELL, INC. C. A. 7th Cir. Certiorari denied. Reported below: 547 F. 2d 1171.

No. 77-87. KAMA CORP. v. LOCAL No. 1451, U. A. W., INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA. C. A. 3d Cir. Certiorari denied. Reported below: 556 F. 2d 566.

No. 77-89. LUCOM v. REID ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 551 F. 2d 862.

No. 77-90. ALFONSO ET AL. v. UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 552 F. 2d 605.

No. 77-92. TAYLOR INDUSTRIES, INC. v. PANDUIT CORP. C. A. 6th Cir. Certiorari denied. Reported below: 556 F. 2d 581.

No. 77-95. CONTINENTAL ACCEPTANCE CORP. v. RIVERA. Ct. App. Ohio, Cuyahoga County. Certiorari denied. Reported below: 50 Ohio App. 2d 338, 363 N. E. 2d 772.

No. 77-98. CALIFORNIA, BY AND THROUGH THE DEPARTMENT OF TRANSPORTATION v. UNITED STATES. Ct. Cl. Certiorari denied. Reported below: 213 Ct. Cl. 329, 551 F. 2d 843.

No. 77-100. ATWELL v. O'CONNELL ET AL. C. A. 6th Cir. Certiorari denied.

October 3, 1977

434 U. S.

No. 77-101. *ALLEN ET AL. v. PITTPERGER, SECRETARY OF EDUCATION OF PENNSYLVANIA, ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 556 F. 2d 564.

No. 77-102. *KEHN ET AL. v. OHIO.* Sup. Ct. Ohio. Certiorari denied. Reported below: 50 Ohio St. 2d 11, 361 N. E. 2d 1330.

No. 77-105. *FINKELSTEIN ET AL. v. TRANS WORLD AIRLINES, INC.* App. Div., Sup. Ct. N. Y., 2d Jud. Dept. Certiorari denied. Reported below: 56 App. Div. 2d 647, 391 N. Y. S. 2d 998.

No. 77-107. *WESTERN PHARMACAL CO. v. AMFAC DISTRIBUTING CORP., DBA WESTERN DRUG SUPPLY CO.* C. A. 10th Cir. Certiorari denied.

No. 77-108. *DiNAPOLI v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. Reported below: 557 F. 2d 962.

No. 77-109. *WILSON ET AL. v. HINKLE ET AL.* Ct. App. Cal., 2d App. Dist. Certiorari denied. Reported below: 67 Cal. App. 3d 506, 136 Cal. Rptr. 731.

No. 77-110. *BYERLY ET AL. v. UNITED STATES.* C. A. 3d Cir. Certiorari denied. Reported below: 556 F. 2d 569.

No. 77-111. *PEOPLES NATIONAL BANK OF NEW JERSEY v. STONEHILL ET AL.* Sup. Ct. N. J. Certiorari denied. Reported below: 73 N. J. 88, 372 A. 2d 1096.

No. 77-112. *REA EXPRESS, INC. v. TRAVELERS INSURANCE CO. ET AL.* C. A. D. C. Cir. Certiorari denied. Reported below: 180 U. S. App. D. C. 341, 554 F. 2d 1200.

No. 77-113. *IN RE MEAD.* Sup. Jud. Ct. Mass. Certiorari denied. Reported below: 372 Mass. 253, 361 N. E. 2d 403.

No. 77-122. *SIMS ET AL. v. WESTERN STEEL CO.* C. A. 10th Cir. Certiorari denied. Reported below: 551 F. 2d 811.

434 U. S.

October 3, 1977

No. 77-124. *OVERSEAS OIL CARRIERS, INC. v. PENINSULAR & ORIENTAL STEAM NAVIGATION CO.* C. A. 2d Cir. Certiorari denied. Reported below: 553 F. 2d 830.

No. 77-129. *NATIONAL MICRONETICS, INC. v. U. S. PHILIPS CORP. ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 550 F. 2d 716.

No. 77-130. *STATE FARM MUTUAL AUTOMOBILE INSURANCE CO. ET AL. v. AAACON AUTO TRANSPORT, INC.* Ct. App. N. Y. Certiorari denied. Reported below: 41 N. Y. 2d 951, 363 N. E. 2d 359.

No. 77-140. *KIWANIS CLUB OF GREAT NECK, INC., ET AL. v. BOARD OF TRUSTEES OF KIWANIS INTERNATIONAL ET AL.* Ct. App. N. Y. Certiorari denied. Reported below: 41 N. Y. 2d 1034, 363 N. E. 2d 1378.

No. 77-141. *EAST BATON ROUGE PARISH SCHOOL BOARD ET AL. v. MOCH ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 548 F. 2d 594.

No. 77-144. *ARIZONA v. PHELPS DODGE CORP.* C. A. 9th Cir. Certiorari denied. Reported below: 548 F. 2d 1383.

No. 77-147. *HOZIE ET UX. v. HOZIE.* Sup. Ct. Va. Certiorari denied.

No. 77-148. *BRITT ET AL. v. SAN DIEGO UNIFIED PORT DISTRICT ET AL.* Ct. App. Cal., 4th App. Dist. Certiorari denied. Reported below: 67 Cal. App. 3d 361, 136 Cal. Rptr. 557.

No. 77-149. *FITZGERALD v. CONNECTICUT GENERAL LIFE INSURANCE CO. ET AL.* C. A. D. C. Cir. Certiorari denied. Reported below: 181 U. S. App. D. C. 195, 556 F. 2d 72.

No. 77-151. *MANGURIAN ET AL. v. THOMPSON ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 549 F. 2d 1029.

October 3, 1977

434 U. S.

No. 77-153. SCHIFFMAN *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 552 F. 2d 1124.

No. 77-155. BALLARD, DBA BALLARD'S DAIRY QUEEN *v.* BURGER TRAIN SYSTEMS, INC. C. A. 10th Cir. Certiorari denied. Reported below: 552 F. 2d 1377.

No. 77-156. MILGO ELECTRONIC CORP. ET AL. *v.* CODEX CORP. ET AL. C. A. 1st Cir. Certiorari denied. Reported below: 553 F. 2d 735.

No. 77-157. CHAUFFEURS, TEAMSTERS & HELPERS LOCAL UNION No. 186 *v.* McNALL BUILDING MATERIALS, INC. C. A. 9th Cir. Certiorari denied. Reported below: 556 F. 2d 586.

No. 77-158. NORFOLK & WESTERN RAILWAY CO. *v.* WHITE. Sup. Ct. Va. Certiorari denied. Reported below: 217 Va. 823, 232 S. E. 2d 807.

No. 77-168. KAMEI-AUTOKOMFORT ET AL. *v.* EURASIAN AUTOMOTIVE PRODUCTS. C. A. 9th Cir. Certiorari denied. Reported below: 553 F. 2d 603.

No. 77-170. RIEBOLD ET AL. *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 557 F. 2d 697.

No. 77-171. FRANKFORD HOSPITAL *v.* BLUE CROSS OF GREATER PHILADELPHIA. C. A. 3d Cir. Certiorari denied. Reported below: 554 F. 2d 1253.

No. 77-173. MOONE *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 558 F. 2d 1038.

No. 77-177. PROVIDENT LIFE & ACCIDENT INSURANCE CO. *v.* ZAWACKI. C. A. 6th Cir. Certiorari denied. Reported below: 559 F. 2d 1223.

No. 77-179. AMPEREX ELECTRONIC CORP. *v.* NEW YORK RACING ASSN., INC., ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 553 F. 2d 740.

434 U. S.

October 3, 1977

No. 77-184. ERNEST, NEXT FRIEND OF UNBORN CHILD *Roe v. Carter*, PRESIDENT OF THE UNITED STATES, ET AL. C. A. D. C. Cir. Certiorari denied.

No. 77-186. *Porro v. Woodcock*, PROSECUTOR OF BERGEN COUNTY, ET AL. Super. Ct. N. J. Certiorari denied.

No. 77-188. *Glazner v. Florida*. Dist. Ct. App. Fla., 2d Dist. Certiorari denied. Reported below: 341 So. 2d 1091.

No. 77-191. *Donahue et al. v. Board of Elections of New York et al.* C. A. 2d Cir. Certiorari denied. Reported below: 559 F. 2d 1202.

No. 77-197. *Schanbarger v. Marine Midland Bank-Central, Executor*. App. Div., Sup. Ct. N. Y., 4th Jud. Dept. Certiorari denied. Reported below: 55 App. Div. 2d 817, 390 N. Y. S. 2d 610.

No. 77-198. *Hurst et al. v. Triad Shipping Co.* C. A. 3d Cir. Certiorari denied. Reported below: 554 F. 2d 1237.

No. 77-199. *Gunne v. Michigan*. Ct. App. Mich. Certiorari denied. Reported below: 66 Mich. App. 318, 239 N. W. 2d 603.

No. 77-205. *Marx et al. v. Diners' Club, Inc.* C. A. 2d Cir. Certiorari denied. Reported below: 550 F. 2d 505.

No. 77-209. *Watkins v. United States*. C. A. 5th Cir. Certiorari denied. Reported below: 553 F. 2d 903.

No. 77-224. *Zimmerman et ux. v. Eber et al.* C. A. 10th Cir. Certiorari denied.

No. 77-232. *LiPuma v. Corrections Commissioner et al.* C. A. 2d Cir. Certiorari denied. Reported below: 560 F. 2d 84.

No. 77-238. *Michigan v. Mosley*. Sup. Ct. Mich. Certiorari denied. Reported below: 400 Mich. 181, 254 N. W. 2d 29.

October 3, 1977

434 U. S.

No. 77-251. LOCAL UNION NO. 657, UNITED BROTHERHOOD OF CARPENTERS & JOINERS OF AMERICA OF SHEBOYGAN COUNTY *v.* SIDELL ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 552 F. 2d 1250.

No. 77-288. SMYTH *v.* UNITED STATES; and

No. 77-289. BAVOUSETT *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 557 F. 2d 823.

No. 77-307. UNITED STATES EX REL. JOHNSTON, DBA L. R. JOHNSTON CO. *v.* GENERAL INSURANCE COMPANY OF AMERICA ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 550 F. 2d 39.

No. 77-319. SICA *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 560 F. 2d 149.

No. 77-320. COAST OF MAINE LOBSTER CO., INC., ET AL. *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. Reported below: 557 F. 2d 905.

No. 77-329. POLK *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 556 F. 2d 803.

No. 77-5003. MCBRYAR *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 553 F. 2d 433.

No. 77-5005. WINGARD *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 556 F. 2d 577.

No. 77-5006. WALKER *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 558 F. 2d 1035.

No. 77-5007. RAITPORT *v.* DELAWARE VALLEY SMALL BUSINESS INVESTMENT CORP. ET AL. C. A. 3d Cir. Certiorari denied.

No. 77-5008. ESCALANTE *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 554 F. 2d 970.

No. 77-5010. MALLOY *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 553 F. 2d 97.

434 U. S.

October 3, 1977

No. 77-5012. *WILLIS v. CALIFORNIA*. Ct. App. Cal., 1st App. Dist. Certiorari denied.

No. 77-5013. *RODRIGUEZ v. WALLENSTEIN*. C. A. 7th Cir. Certiorari denied.

No. 77-5015. *LEWIS v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 556 F. 2d 446.

No. 77-5017. *FLEETWOOD v. MARYLAND ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 551 F. 2d 306.

No. 77-5023. *LEE v. THOMPSON, WARDEN*. C. A. 6th Cir. Certiorari denied. Reported below: 559 F. 2d 1220.

No. 77-5024. *GOODSON v. OKLAHOMA*. Ct. Crim. App. Okla. Certiorari denied. Reported below: 564 P. 2d 260.

No. 77-5027. *OGROD v. OGROD*. C. A. 3d Cir. Certiorari denied. Reported below: 556 F. 2d 568.

No. 77-5030. *VERDUGO v. INDUSTRIAL COMMISSION OF ARIZONA ET AL.* Ct. App. Ariz. Certiorari denied. Reported below: 114 Ariz. 477, 561 P. 2d 1249.

No. 77-5032. *McFERRAN v. BOARD OF EDUCATION FOR THE ENLARGED CITY SCHOOL DISTRICT OF TROY, NEW YORK, ET AL.* C. A. 2d Cir. Certiorari denied.

No. 77-5035. *CRUZ v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 554 F. 2d 1071.

No. 77-5038. *LINDEN v. SCHWARTZ ET AL.* C. A. 2d Cir. Certiorari denied.

No. 77-5039. *CHATMAN v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 557 F. 2d 147.

No. 77-5040. *KRAMER v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 550 F. 2d 261.

No. 77-5041. *CRAFT v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 556 F. 2d 569.

October 3, 1977

434 U.S.

No. 77-5043. *BASS v. SULLIVAN*, CORRECTIONS COMMISSIONER, ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 550 F. 2d 229.

No. 77-5045. *CLARK v. NEW YORK*. Ct. App. N. Y. Certiorari denied. Reported below: 41 N. Y. 2d 612, 363 N. E. 2d 319.

No. 77-5047. *GORDY v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 559 F. 2d 1209.

No. 77-5048. *DUDAR v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 77-5050. *MUNN v. UNITED STATES*. C. A. 10th Cir. Certiorari denied.

No. 77-5051. *LOWE v. HOOVER*. Sup. Ct. Alaska. Certiorari denied. Reported below: 564 P. 2d 1222.

No. 77-5052. *PALMER v. LOUISIANA*. Sup. Ct. La. Certiorari denied. Reported below: 344 So. 2d 964.

No. 77-5053. *SHAW v. THOMPSON, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 77-5054. *FAIR v. CITY OF TAMPA ET AL.* C. A. 5th Cir. Certiorari denied.

No. 77-5056. *NEARY v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 552 F. 2d 1184.

No. 77-5058. *GREENE v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 552 F. 2d 368.

No. 77-5060. *ABBITT v. VIRGINIA*. Sup. Ct. Va. Certiorari denied.

No. 77-5062. *FULTON v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 556 F. 2d 575.

No. 77-5064. *BETTKER v. WHITLEY ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 559 F. 2d 1219.

434 U. S.

October 3, 1977

No. 77-5067. *DIGGS v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 559 F. 2d 1209.

No. 77-5068. *KING v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 556 F. 2d 566.

No. 77-5071. *CLIFTON v. VIRGINIA*. Sup. Ct. Va. Certiorari denied.

No. 77-5072. *KENNEDY v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 548 F. 2d 608.

No. 77-5073. *McCANT v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 554 F. 2d 474.

No. 77-5075. *WILLIAMS v. WYRICK, WARDEN*. C. A. 8th Cir. Certiorari denied. Reported below: 558 F. 2d 1036.

No. 77-5076. *CATANO v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 553 F. 2d 497.

No. 77-5077. *WILLIAMS v. MARTIN, WARDEN, ET AL.* C. A. 4th Cir. Certiorari denied.

No. 77-5078. *FLETCHER v. HOWARD, CORRECTIONAL SUPERINTENDENT*. C. A. 3d Cir. Certiorari denied.

No. 77-5079. *CORNISH v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 556 F. 2d 575.

No. 77-5080. *BUTLER v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 533 F. 2d 221.

No. 77-5082. *YATES v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 554 F. 2d 342.

No. 77-5085. *VASQUEZ-GUERRERO v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 554 F. 2d 917.

No. 77-5086. *ROMAN v. CALIFORNIA*. Ct. App. Cal., 4th App. Dist. Certiorari denied.

October 3, 1977

434 U. S.

No. 77-5087. *MATA v. AARON, WARDEN*. C. A. 10th Cir. Certiorari denied.

No. 77-5088. *GRAMLICH ET AL. v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 551 F. 2d 1359.

No. 77-5089. *GWIN v. THOMPSON, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 77-5091. *MORGAN v. MOYLE*. C. A. 9th Cir. Certiorari denied.

No. 77-5094. *NAMENSON v. VALLENCOURT*. C. A. 1st Cir. Certiorari denied. Reported below: 555 F. 2d 1067.

No. 77-5096. *CARTER v. INDIANA*. Sup. Ct. Ind. Certiorari denied. Reported below: 266 Ind. 196, 361 N. E. 2d 1208.

No. 77-5098. *UPTAIN v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 552 F. 2d 1107 and 1108.

No. 77-5100. *PANKEY ET AL. v. BORDENKIRCHER, WARDEN, ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 556 F. 2d 582.

No. 77-5102. *JONES v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 554 F. 2d 251.

No. 77-5103. *OLIVAS v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 558 F. 2d 1366.

No. 77-5108. *BROUSSARD v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied. Reported below: 550 S. W. 2d 706.

No. 77-5109. *NUNEZ v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 77-5110. *McDONALD v. TENNESSEE*. Sup. Ct. Tenn. Certiorari denied.

No. 77-5113. *VANASCO v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 557 F. 2d 13.

434 U. S.

October 3, 1977

No. 77-5114. OWENS *v.* PENNSYLVANIA. Super. Ct. Pa. Certiorari denied. Reported below: 244 Pa. Super. 581, 371 A. 2d 862.

No. 77-5117. HOOD *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 556 F. 2d 569.

No. 77-5119. NAILS *v.* LOUISIANA STATE PENITENTIARY. C. A. 5th Cir. Certiorari denied. Reported below: 550 F. 2d 39.

No. 77-5121. BRIGHTWELL *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 559 F. 2d 1209.

No. 77-5122. HAYES *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 553 F. 2d 824.

No. 77-5123. NOLEN *v.* OWENS, U. S. DISTRICT JUDGE. C. A. 5th Cir. Certiorari denied.

No. 77-5126. TAYLOR *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 558 F. 2d 1033.

No. 77-5127. BARTLETT *v.* O'DELL ET AL. C. A. 6th Cir. Certiorari denied.

No. 77-5129. HUDSON *v.* ATTORNEY GENERAL OF NEW YORK. C. A. 2d Cir. Certiorari denied. Reported below: 559 F. 2d 1203.

No. 77-5130. REESE *v.* SMITH, CORRECTIONAL SUPERINTENDENT. C. A. 2d Cir. Certiorari denied.

No. 77-5131. QUARELS *v.* INDIANA. Ct. App. Ind. Certiorari denied.

No. 77-5132. GRIPPE *v.* FRANK ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 556 F. 2d 556.

No. 77-5135. BRADLEY *v.* KOEHLER, WARDEN. C. A. 6th Cir. Certiorari denied. Reported below: 559 F. 2d 1219.

October 3, 1977

434 U. S.

No. 77-5136. CORBITT *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 556 F. 2d 569.

No. 77-5137. RANSOM *v.* WAINWRIGHT, SECRETARY, DEPARTMENT OF OFFENDER REHABILITATION OF FLORIDA. C. A. 5th Cir. Certiorari denied. Reported below: 553 F. 2d 900.

No. 77-5139. PIERSON *v.* KANSAS. Sup. Ct. Kan. Certiorari denied. Reported below: 222 Kan. 498, 565 P. 2d 270.

No. 77-5144. KROHN, AKA LEWANDOWSKI *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 558 F. 2d 390.

No. 77-5147. VALERIO *v.* TEXAS. Ct. Crim. App. Tex. Certiorari denied.

No. 77-5153. HENDERSON *v.* MARYLAND. Ct. Sp. App. Md. Certiorari denied.

No. 77-5154. PRATT *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 555 F. 2d 1390.

No. 77-5158. MILLS *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 556 F. 2d 557.

No. 77-5160. CARUSO *v.* EVANS, PENITENTIARY SUPERINTENDENT. C. A. 10th Cir. Certiorari denied.

No. 77-5162. PETTY *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied.

No. 77-5167. DAVIS *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 554 F. 2d 1390.

No. 77-5169. AARON *v.* FLORIDA. Sup. Ct. Fla. Certiorari denied. Reported below: 345 So. 2d 641.

No. 77-5170. NASIM *v.* MARYLAND. Ct. Sp. App. Md. Certiorari denied. Reported below: 34 Md. App. 65, 366 A. 2d 70.

434 U. S.

October 3, 1977

No. 77-5178. *SIMS v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 559 F. 2d 1221.

No. 77-5181. *TOPE v. INDIANA*. Sup. Ct. Ind. Certiorari denied. Reported below: 266 Ind. 239, 362 N. E. 2d 137.

No. 77-5182. *SUNDAY v. UNITED STATES DISTRICT COURT*. C. A. 6th Cir. Certiorari denied.

No. 77-5186. *HOLSEY v. MARYLAND INMATE GRIEVANCE COMMISSION*. City Ct. of Baltimore, Md. Certiorari denied.

No. 77-5195. *WHITEHEAD v. FLAMEGAS COMPANIES, INC., ET AL.* C. A. 5th Cir. Certiorari denied.

No. 77-5197. *LEVERITTE v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 555 F. 2d 462.

No. 77-5199. *PISA v. MASSACHUSETTS*. Sup. Jud. Ct. Mass. Certiorari denied. Reported below: — Mass. —, 363 N. E. 2d 245.

No. 77-5200. *LIPTROTH v. ALABAMA*. Ct. Crim. App. Ala. Certiorari denied. Reported below: 342 So. 2d 959.

No. 77-5201. *COLLINS v. FOGG, CORRECTIONAL SUPERINTENDENT*. C. A. 2d Cir. Certiorari denied. Reported below: 559 F. 2d 1202.

No. 77-5202. *MANGIOPANE v. JAGO, CORRECTIONAL SUPERINTENDENT*. C. A. 6th Cir. Certiorari denied. Reported below: 559 F. 2d 1220.

No. 77-5203. *STEPHENS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 77-5204. *MURRAY v. CALIFORNIA*. Ct. App. Cal., 1st App. Dist. Certiorari denied.

No. 77-5208. *TOLIVER v. MARYLAND*. Ct. Sp. App. Md. Certiorari denied.

October 3, 1977

434 U. S.

No. 77-5209. *HILL v. SOUTH CAROLINA*. Sup. Ct. S. C. Certiorari denied. Reported below: 268 S. C. 390, 234 S. E. 2d 219.

No. 77-5211. *THERIAULT v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 555 F. 2d 460.

No. 77-5213. *FAHRIG v. JENEFSKY*. Ct. App. Ohio, Montgomery County. Certiorari denied.

No. 77-5217. *FLANNERY v. MONTGOMERY COUNTY PROBATION DEPARTMENT ET AL.* C. A. 3d Cir. Certiorari denied.

No. 77-5218. *CABRAL v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 554 F. 2d 363.

No. 77-5222. *IN RE FRANCISCUS*. Sup. Ct. Pa. Certiorari denied. Reported below: 471 Pa. 53, 369 A. 2d 1190.

No. 77-5227. *HENDERSON v. METROPOLITAN ATLANTA RAPID TRANSIT AUTHORITY*. Ct. App. Ga. Certiorari denied. Reported below: 141 Ga. App. 509, 233 S. E. 2d 817.

No. 77-5230. *GALLAGHER v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 557 F. 2d 1041.

No. 77-5232. *FAHRIG ET AL. v. LEDFORD ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 549 F. 2d 800.

No. 77-5235. *WARRINER v. FLORIDA ET AL.* C. A. 5th Cir. Certiorari denied.

No. 77-5238. *COOK v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 553 F. 2d 900.

No. 77-5242. *CORONADO v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 554 F. 2d 166.

No. 77-5245. *WHITE v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 557 F. 2d 1249.

No. 77-5251. *COLLINS v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 552 F. 2d 243.

434 U. S.

October 3, 1977

No. 77-5253. *WALLACE v. PAN AMERICAN AIRWAYS*. C. A. D. C. Cir. Certiorari denied.

No. 77-5254. *MILLS v. ESTELLE, CORRECTIONS DIRECTOR*. C. A. 5th Cir. Certiorari denied. Reported below: 552 F. 2d 119.

No. 77-5264. *GILLENTINE v. HANCOCK TEXTILE Co., INC.* C. A. 5th Cir. Certiorari denied. Reported below: 550 F. 2d 39.

No. 77-5265. *BONDURANT, AKA GRANT ET AL. v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 555 F. 2d 1328.

No. 77-5270. *ROLISON v. PENNSYLVANIA*. Sup. Ct. Pa. Certiorari denied. Reported below: 473 Pa. 261, 374 A. 2d 509.

No. 77-5275. *TERRY v. UNITED STATES*. Ct. App. D. C. Certiorari denied.

No. 77-5279. *JENNINGS v. DAY, WARDEN*. C. A. 10th Cir. Certiorari denied.

No. 77-5280. *PEDEN v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 556 F. 2d 278.

No. 77-5282. *ANDRESS v. UNITED STATES*. C. A. 10th Cir. Certiorari denied.

No. 77-5283. *THERIAULT ET AL. v. SILBER ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 547 F. 2d 1279.

No. 77-5289. *KLEINBART v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. Reported below: 183 U. S. App. D. C. 129, 561 F. 2d 1022.

No. 77-5297. *CRUZ-VALENZUELA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

October 3, 1977

434 U.S.

No. 77-5302. *DE MARO ET UX. v. UNITED STATES.* C. A. 7th Cir. Certiorari denied. Reported below: 557 F. 2d 596.

No. 77-5304. *BUBAR v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. Reported below: 567 F. 2d 192.

No. 77-5307. *BROWN v. UNITED STATES.* C. A. 7th Cir. Certiorari denied. Reported below: 560 F. 2d 1303.

No. 77-5311. *SHORT, AKA BROWN v. UNITED STATES.* C. A. 3d Cir. Certiorari denied. Reported below: 559 F. 2d 1210.

No. 77-5313. *EVANS v. UNITED STATES.* C. A. 10th Cir. Certiorari denied.

No. 77-5314. *DUKE v. UNITED STATES.* C. A. 4th Cir. Certiorari denied.

No. 77-5315. *GARCIA v. GILMAN, DISTRICT ATTORNEY OF CAMERON COUNTY, TEXAS.* C. A. 5th Cir. Certiorari denied. Reported below: 554 F. 2d 1063.

No. 77-5316. *GRiffin v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 559 F. 2d 1213.

No. 77-5319. *CRIDER v. UNITED STATES.* C. A. 10th Cir. Certiorari denied.

No. 77-5325. *MATLOCK v. UNITED STATES.* C. A. 8th Cir. Certiorari denied. Reported below: 558 F. 2d 1328.

No. 77-5341. *HANCOCK v. UNITED STATES.* C. A. 8th Cir. Certiorari denied. Reported below: 558 F. 2d 1300.

No. 77-5348. *TAPLIN ET AL. v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 558 F. 2d 544.

No. 77-5362. *CISNEROS-JIMINEZ v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 558 F. 2d 1038.

No. 77-5363. *FLOWERS v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. Reported below: 558 F. 2d 1231.

434 U. S.

October 3, 1977

No. 77-5364. FAIRFAX *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied.

No. 77-5366. KILBOURNE *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 559 F. 2d 1263.

No. 76-1339. PARRATT, WARDEN, ET AL. *v.* SELL ET AL. C. A. 8th Cir. Motion of respondent Konder for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 548 F. 2d 753.

No. 76-1511. ILLINOIS *v.* POLITICO. App. Ct. Ill., 1st Dist. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 42 Ill. App. 3d 372, 355 N. E. 2d 725.

No. 76-1540. JAGO, CORRECTIONAL SUPERINTENDENT *v.* WEBB. C. A. 6th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 549 F. 2d 1081.

No. 76-1729. OTTO CONSTRUCTION CORP. *v.* BOCK, ADMINISTRATRIX. C. A. 3d Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 556 F. 2d 564.

No. 76-1792. SHAW, DISTRICT CLERK OF DALLAS COUNTY, TEXAS *v.* CLAYTON. C. A. 5th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 548 F. 2d 1155.

No. 77-160. KETTE, CORRECTIONAL SUPERINTENDENT *v.* Moss. C. A. 6th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 555 F. 2d 137.

No. 77-161. GUNTER, CORRECTIONAL SUPERINTENDENT, ET AL. *v.* LUSSIER. C. A. 1st Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 552 F. 2d 385.

October 3, 1977

434 U. S.

No. 77-226. MITCHELL, WARDEN *v.* HEALEY. C. A. 7th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 553 F. 2d 1052.

No. 76-1371. SEABOARD COAST LINE RAILROAD CO. *v.* OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION ET AL.; and

No. 76-1400. SOUTHERN PACIFIC TRANSPORTATION CO. *v.* OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION ET AL. C. A. 5th Cir. Certiorari denied. MR. JUSTICE POWELL took no part in the consideration or decision of these petitions. Reported below: 539 F. 2d 386.

No. 76-1675. NORTH CAROLINA UTILITIES COMMISSION ET AL. *v.* FEDERAL COMMUNICATIONS COMMISSION ET AL.;

No. 76-1676. UNITED STATES INDEPENDENT TELEPHONE ASSN. ET AL. *v.* FEDERAL COMMUNICATIONS COMMISSION ET AL.;

No. 76-1677. AMERICAN TELEPHONE & TELEGRAPH CO. ET AL. *v.* FEDERAL COMMUNICATIONS COMMISSION ET AL.; and

No. 76-1814. UNITED SYSTEM SERVICE, INC., ET AL. *v.* FEDERAL COMMUNICATIONS COMMISSION ET AL. C. A. 4th Cir. Certiorari denied. MR. JUSTICE POWELL took no part in the consideration or decision of these petitions. Reported below: 552 F. 2d 1036.

No. 76-1721. ATCHISON, TOPEKA & SANTA FE RAILWAY CO. ET AL. *v.* UNITED STATES ET AL.;

No. 76-1795. ANHEUSER-BUSCH, INC. *v.* UNITED STATES ET AL.;

No. 76-1870. AMERICAN BAKERS ASSN. *v.* UNITED STATES ET AL.; and

No. 77-24. BOARD OF TRADE OF KANSAS CITY, MISSOURI, INC. *v.* UNITED STATES ET AL. C. A. 8th Cir. Certiorari denied. MR. JUSTICE POWELL took no part in the consideration or decision of these petitions. Reported below: 549 F. 2d 1186. *cert. denied*. Reported below: 434 U. S. 922.

434 U. S.

October 3, 1977

No. 76-1860. *WEST ET AL. v. EXXON CORP.* Ct. Civ. App. Tex., 1st Sup. Jud. Dist. Certiorari denied. Mr. Justice POWELL took no part in the consideration or decision of this petition. Reported below: 543 S. W. 2d 667.

No. 77-22. *BUNN, EXECUTRIX v. CATERPILLAR TRACTOR CO. ET AL.* C. A. 3d Cir. Certiorari denied. Mr. Justice POWELL took no part in the consideration or decision of this petition. Reported below: 556 F. 2d 564.

No. 77-83. *MEERS v. SUNDSTRAND CORP. ET AL.*; and

No. 77-255. *SUNDSTRAND CORP. v. SUN CHEMICAL CORP. ET AL.* C. A. 7th Cir. Certiorari denied. Mr. Justice POWELL took no part in the consideration or decision of these petitions. Reported below: 553 F. 2d 1033.

No. 76-1380. *ARADO ET AL. v. UNITED STATES*; and

No. 76-1390. *ADAMS ET AL. v. CITY OF CHICAGO ET AL.* C. A. 7th Cir. Certiorari denied. Mr. Justice STEVENS took no part in the consideration or decision of these petitions. Reported below: 549 F. 2d 415.

No. 77-5172. *JACKSON v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Mr. Justice STEVENS took no part in the consideration or decision of this petition. Reported below: 559 F. 2d 1226.

No. 76-1558. *DANN, COMMISSIONER OF PATENTS AND TRADEMARKS v. NOLL*; and

No. 76-1559. *DANN, COMMISSIONER OF PATENTS AND TRADEMARKS v. CHATFIELD*. C. C. P. A. Motion of Computer & Business Equipment Manufacturers Assn. for leave to file a brief as *amicus curiae* granted. Certiorari denied in No. 76-1558. Mr. Justice BLACKMUN would grant certiorari, vacate judgment, and remand case with directions to dismiss case as moot. Certiorari denied in No. 76-1559 as untimely filed. 28 U. S. C. § 2101 (c). Reported below: No. 76-1558, 545 F. 2d 141; No. 76-1559, 545 F. 2d 152.

October 3, 1977

434 U. S.

No. 76-1388. *LOWE ET AL. v. EUGENE SAND & GRAVEL, INC., ET AL.* Sup. Ct. Ore. Certiorari denied. MR. JUSTICE BRENNAN would grant certiorari. Reported below: 276 Ore. 1007, 558 P. 2d 338.

No. 76-6506. *SMITH v. WASHINGTON.* Sup. Ct. Wash. Certiorari denied. MR. JUSTICE BRENNAN would grant certiorari. Reported below: 88 Wash. 2d 127, 559 P. 2d 970.

No. 76-1565. *SOUTHERN OHIO COAL CO. ET AL. v. UNITED MINE WORKERS OF AMERICA ET AL.* C. A. 6th Cir. Motions of Bituminous Coal Operators' Assn., Inc., and Chamber of Commerce of the United States for leave to file briefs as *amici curiae* granted. Certiorari denied. Reported below: 551 F. 2d 695.

No. 76-1663. *FREDERICK CONTRACTORS, INC. v. METROPOLITAN FEDERAL SAVINGS & LOAN ASSOCIATION OF BETHESDA ET AL.* Ct. App. Md. Certiorari denied, it appearing that the judgment below rests on adequate state grounds. Reported below: 279 Md. 483, 369 A. 2d 563.

No. 76-1678. *CHRISTENSEN, DIRECTOR OF FOOD AND AGRICULTURE OF CALIFORNIA, ET AL. v. FEDERAL TRADE COMMISSION ET AL.;* and

No. 76-1705. *CALIFORNIA MILK PRODUCERS ADVISORY BOARD ET AL. v. FEDERAL TRADE COMMISSION ET AL.* C. A. 9th Cir. Certiorari denied. MR. JUSTICE STEWART would grant certiorari. Reported below: 549 F. 2d 1321.

No. 76-1694. *MOBIL OIL CORP. v. LIGHTCAP ET AL.* Sup. Ct. Kan. Motion of Northern Distributor Group et al. for leave to file a brief as *amici curiae* granted. Order entered by MR. JUSTICE WHITE on June 15, 1977, staying issuance of mandate of Supreme Court of Kansas is vacated. Certiorari denied. MR. JUSTICE STEWART and MR. JUSTICE POWELL took no part in the consideration or decision of this motion, order, and petition. Reported below: 221 Kan. 448, 562 P. 2d 1.

434 U. S.

October 3, 1977

No. 77-70. NATIONAL LABOR RELATIONS BOARD *v.* ALPERS' JOBBING CO. C. A. 8th Cir. Certiorari denied. MR. JUSTICE STEWART would grant certiorari. Reported below: 547 F. 2d 402.

No. 76-1739. JOHNSON ET AL. *v.* HUNTINGTON BEACH UNION HIGH SCHOOL DISTRICT ET AL. Ct. App. Cal., 4th App. Dist. Certiorari denied, it appearing that there is no final judgment within the meaning of 28 U. S. C. § 1257.

No. 76-1766. SUNSET SCAVENGER CO. ET AL. *v.* ROBERTS ET AL. C. A. 9th Cir. Certiorari denied as untimely filed. 28 U. S. C. § 2101 (c). Reported below: 556 F. 2d 588.

No. 76-1801. RIVET, ADMINISTRATRIX *v.* J. C. PENNEY CO., INC. C. A. 5th Cir. Certiorari denied. MR. JUSTICE BLACKMUN took no part in the consideration or decision of this petition. Reported below: 550 F. 2d 1283.

No. 76-6998. MASON ET AL. *v.* CALLAWAY ET AL. C. A. 4th Cir. Certiorari denied. MR. JUSTICE BLACKMUN took no part in the consideration or decision of this petition. Reported below: 554 F. 2d 129.

No. 76-1802. FIRST NATIONAL BANK & TRUST COMPANY OF FARGO *v.* DAKOTA NATIONAL BANK & TRUST CO. C. A. 8th Cir. Certiorari denied. MR. JUSTICE BLACKMUN would grant certiorari. Reported below: 554 F. 2d 345.

No. 77-46. CORY, CONTROLLER OF CALIFORNIA *v.* FASKEN, EXECUTOR. Sup. Ct. Cal. Certiorari denied. MR. JUSTICE BLACKMUN would grant certiorari. Reported below: 19 Cal. 3d 412, 563 P. 2d 832.

No. 77-207. BOWMAN *v.* SIMPSON. Sup. Ct. Tex. Certiorari denied. MR. JUSTICE BLACKMUN would grant certiorari.

No. 76-1840. POLUR *v.* THOMSEN, U. S. DISTRICT JUDGE. C. A. 4th Cir. Certiorari and other relief denied. Reported below: 553 F. 2d 97.

October 3, 1977

434 U. S.

No. 76-6334. *MIDDLETON v. SOUTH CAROLINA*. Sup. Ct. S. C. Certiorari denied. MR. JUSTICE STEWART and MR. JUSTICE WHITE would grant certiorari. Reported below: 266 S. C. 251, 222 S. E. 2d 763.

No. 76-6627. *MAGDA v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. MR. JUSTICE MARSHALL would grant certiorari. Reported below: 547 F. 2d 756.

No. 76-6717. *FUNCHESS v. FLORIDA*. Sup. Ct. Fla.;

No. 76-6756. *CHENAULT v. STYNCHCOMBE, SHERIFF*. C. A. 5th Cir.;

No. 76-6823. *NEAL v. ARKANSAS*. Sup. Ct. Ark.;

No. 76-6933. *SIMANTS v. NEBRASKA*. Sup. Ct. Neb.;

No. 77-5021. *COLLINS v. ARKANSAS*. Sup. Ct. Ark.;

No. 77-5083. *ADAMS v. FLORIDA*. Sup. Ct. Fla.;

No. 77-5099. *SMITH, AKA MACHETTI v. GEORGIA*. Sup. Ct. Ga.;

No. 77-5155. *MOORE v. GEORGIA*. Sup. Ct. Ga.; and

No. 77-5288. *SULLIVAN ET AL. v. ASKEW, GOVERNOR OF FLORIDA, ET AL.* Sup. Ct. Fla. Certiorari denied. Reported below: No. 76-6717, 341 So. 2d 762; No. 76-6756, 546 F. 2d 1191; No. 76-6823, 261 Ark. 336, 548 S. W. 2d 135; No. 76-6933, 197 Neb. 549, 250 N. W. 2d 881; No. 77-5021, 261 Ark. 195, 548 S. W. 2d 106; No. 77-5083, 341 So. 2d 765; No. 77-5099, 238 Ga. 655, 235 S. E. 2d 375; No. 77-5155, 239 Ga. 67, 235 S. E. 2d 519; No. 77-5288, 348 So. 2d 312.

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 grant certiorari and vacate the death sentences in these cases.

434 U. S.

October 3, 1977

No. 76-6738. *HEIMERLE v. UNITED STATES*. C. A. 2d Cir. Motion for leave to file supplement to petition granted. Certiorari denied. Reported below: 556 F. 2d 561.

No. 76-6802. *CARMICHAEL v. ALABAMA*. Ct. Crim. App. Ala. Certiorari denied. Mr. JUSTICE BRENNAN and Mr. JUSTICE MARSHALL would grant certiorari even though the denial of the petition is without prejudice to the filing of a petition for writ of habeas corpus in the appropriate United States District Court.

No. 76-6834. *BLACKMON v. WAINWRIGHT*, SECRETARY, DEPARTMENT OF OFFENDER REHABILITATION OF FLORIDA. Sup. Ct. Fla. Certiorari denied. Mr. JUSTICE BRENNAN and Mr. JUSTICE MARSHALL would grant certiorari. Reported below: 345 So. 2d 420.

No. 77-3. *GISH v. BOARD OF EDUCATION OF THE BOROUGH OF PARAMUS*. Super. Ct. N. J. Certiorari denied. Mr. JUSTICE BRENNAN and Mr. JUSTICE MARSHALL would grant certiorari. Reported below: 145 N. J. Super. 96, 366 A. 2d 1337.

No. 77-91. *GAYLORD v. TACOMA SCHOOL DISTRICT NO. 10 ET AL.* Sup. Ct. Wash. Certiorari denied. Mr. JUSTICE BRENNAN and Mr. JUSTICE MARSHALL would grant certiorari. Reported below: 88 Wash. 2d 286, 559 P. 2d 1340.

No. 76-6872. *SANDOVAL v. UNITED STATES*. C. A. 9th Cir. Motions of Aguilar et al. for leave to join in petition denied. Certiorari denied. Reported below: 550 F. 2d 427.

No. 77-118. *PACIFIC ENGINEERING & PRODUCTION COMPANY OF NEVADA v. KERR-MCGEE CORP. ET AL.* C. A. 10th Cir. Certiorari denied. Mr. JUSTICE WHITE and Mr. JUSTICE BLACKMUN would grant certiorari. Mr. JUSTICE STEWART took no part in the consideration or decision of this petition. Reported below: 551 F. 2d 790.

October 3, 1977

434 U. S.

No. 77-81. *NIXON v. DELLUMS ET AL.* C. A. D. C. Cir. Certiorari denied. MR. JUSTICE REHNQUIST took no part in the consideration or decision of this petition. Reported below: 182 U. S. App. D. C. 244, 561 F. 2d 242.

No. 77-131. *DELAWARE STATE BOARD OF EDUCATION ET AL. v. EVANS ET AL.*;

No. 77-223. *CLAYMONT SCHOOL DISTRICT ET AL. v. EVANS ET AL.*;

No. 77-235. *NEWARK SCHOOL DISTRICT v. EVANS ET AL.*;

No. 77-236. *NEW CASTLE-GUNNING BEDFORD SCHOOL DISTRICT v. EVANS ET AL.*; and

No. 77-239. *MARSHALLTON-MCKEAN SCHOOL DISTRICT v. EVANS ET AL.* C. A. 3d Cir. Certiorari denied. THE CHIEF JUSTICE, MR. JUSTICE POWELL, and MR. JUSTICE REHNQUIST would grant petitions for writs of certiorari, vacate the judgment, and remand the cases for further consideration in light of *Dayton Board of Education v. Brinkman*, 433 U. S. 406 (1977). MR. JUSTICE MARSHALL and MR. JUSTICE STEVENS took no part in the consideration or decision of these petitions. Reported below: 555 F. 2d 373.

No. 77-136. *ALDENS, INC. v. LAFOLLETTE, ATTORNEY GENERAL OF WISCONSIN, ET AL.* C. A. 7th Cir. Motion of Direct Mail/Marketing Assn., Inc., for leave to file a brief as *amicus curiae* granted. Certiorari denied. Reported below: 552 F. 2d 745.

*Rehearing Denied*

No. 75-442. *POELKER, MAYOR OF ST. LOUIS, ET AL. v. DOE*, 432 U. S. 519;

No. 75-1578. *WAINWRIGHT, SECRETARY, DEPARTMENT OF OFFENDER REHABILITATION OF FLORIDA v. SYKES*, 433 U. S. 72; and

No. 75-1805. *JEFFERS v. UNITED STATES*, 432 U. S. 137. Petitions for rehearing denied.

434 U. S.

October 3, 1977

No. 75-1809. RABINOVITCH *v.* NYQUIST, COMMISSIONER OF EDUCATION OF NEW YORK, ET AL., 433 U. S. 901;

No. 75-1844. UNITED STATES *v.* LOVASCO, 431 U. S. 783;

No. 76-156. VENDO CO. *v.* LEKTRO-VEND CORP. ET AL., 433 U. S. 623;

No. 76-220. GENERAL DYNAMICS CORP. *v.* UNITED STATES, 432 U. S. 905;

No. 76-316. BATES ET AL. *v.* STATE BAR OF ARIZONA, 433 U. S. 350;

No. 76-344. COUNCIL OF SUPERVISORS AND ADMINISTRATORS OF THE CITY OF NEW YORK, LOCAL 1, SASOC, AFL-CIO *v.* CHANCE ET AL., 431 U. S. 965;

No. 76-404. ILLINOIS BRICK CO. ET AL. *v.* ILLINOIS ET AL., 431 U. S. 720;

No. 76-984. DRUMMOND ET UX. *v.* DEPARTMENT OF FAMILY AND CHILDREN'S SERVICES OF FULTON COUNTY, ET AL., 432 U. S. 905;

No. 76-1079. LEVC, AKA O'BLAK, ET AL. *v.* CONNORS, TREASURER OF MONTANA, ET AL., 431 U. S. 973;

No. 76-1113. CALIFANO, SECRETARY OF HEALTH, EDUCATION, AND WELFARE *v.* MCRAE ET AL., 433 U. S. 916;

No. 76-1116. NEW YORK *v.* EARL, 431 U. S. 943;

No. 76-1209. GENERAL MOTORS CORP. *v.* STEWART ET AL., 433 U. S. 919;

No. 76-1295. FINNEY *v.* UNITED STATES, 431 U. S. 905;

No. 76-1367. HYSTER CO. *v.* NATIONAL LABOR RELATIONS BOARD, 431 U. S. 955;

No. 76-1378. WHITESEL *v.* UNITED STATES, 431 U. S. 967;

No. 76-1414. SHAND *v.* NATIONAL LABOR RELATIONS BOARD, 431 U. S. 955;

No. 76-1429. BRADLEY ET AL. *v.* WHITTEN, 431 U. S. 955; and

No. 76-1479. QUALLS *v.* FRESNO COUNTY BOARD OF SUPERVISORS ET AL., 431 U. S. 968. Petitions for rehearing denied.

October 3, 1977

434 U. S.

No. 76-1589. DAWKINS *v.* NABISCO, INC., BAKERY & CONFECTIIONERY UNION, LOCAL NO. 42, 433 U. S. 910;

No. 76-1618. COSTEY *v.* UNITED STATES, 431 U. S. 968;

No. 76-5306. DOBBERT *v.* FLORIDA, 432 U. S. 282;

No. 76-6221. FUSCO *v.* UNITED STATES, 433 U. S. 909;

No. 76-6723. FALVO *v.* UNITED STATES, 433 U. S. 909;

No. 76-6238. KEENER *v.* GEORGIA, 433 U. S. 911;

No. 76-6322. CAHNMANN *v.* ECKERTY, CITY CLERK OF URBANA, 431 U. S. 934;

No. 76-6333. GHOLSON ET AL. *v.* TEXAS, 432 U. S. 911;

No. 76-6406. PILLA *v.* UNITED STATES, 432 U. S. 907;

No. 76-6407. HARRIS *v.* GEORGIA, 431 U. S. 933;

No. 76-6497. FLOYD *v.* GEORGIA, 431 U. S. 949;

No. 76-6518. KNIGHTEN *v.* BRODERICK, 431 U. S. 941;

No. 76-6527. GUELKER *v.* MISSOURI, 431 U. S. 941;

No. 76-6555. GRIFFIN *v.* TEXAS EMPLOYMENT COMMISSION ET AL., 431 U. S. 942;

No. 76-6569. ALLOTEY *v.* UNITED STATES, 432 U. S. 908;

No. 76-6622. PATTERSON *v.* GEORGIA, 431 U. S. 970;

No. 76-6623. JOHNSTON ET AL. *v.* UNITED STATES, 431 U. S. 942;

No. 76-6642. CROWLEY *v.* NEW JERSEY, 431 U. S. 971;

No. 76-6681. CROWLEY *v.* NEW JERSEY, 432 U. S. 909; and

No. 76-6733. FOSTER *v.* BECHTEL CORP., 432 U. S. 909.

Petitions for rehearing denied.

No. 75-1882. CARTER ET AL. *v.* UNITED STATES, 431 U. S. 965. Motion of petitioner Carter for leave to proceed further herein *in forma pauperis* granted. Petition for rehearing denied.

No. 76-321. STENCEL AERO ENGINEERING CORP. *v.* UNITED STATES, 431 U. S. 666. Motion of Textron, Inc., et al. for leave to file a brief as *amici curiae* granted. Petition for rehearing denied.

434 U. S.

October 3, 11, 1977

No. 76-710. BOARD OF EDUCATION OF JEFFERSON COUNTY ET AL. *v.* NEWBURG AREA COUNCIL, INC., ET AL., 429 U. S. 1074, and 430 U. S. 941. Motion for leave to file second petition for rehearing denied.

No. 76-960. JOHNSON *v.* INDIANA, 430 U. S. 915; and

No. 76-6323. ELLSWORTH *v.* UNITED STATES, 431 U. S. 931. Motions for leave to file petitions for rehearing denied.

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, 431 U. S. 974. Petition for rehearing denied. MR. JUSTICE STEWART, MR. JUSTICE WHITE, and MR. JUSTICE POWELL took no part in the consideration or decision of this petition.

OCTOBER 11, 1977

*Appeals Dismissed*

No. 76-1828. GROSS, DBA VALLEY ROCK & SAND CORP. *v.* COURT OF APPEAL OF CALIFORNIA, FOURTH APPELLATE DISTRICT. Appeal from Sup. Ct. Cal. dismissed for want of substantial federal question.

No. 76-6962. WITZKOWSKI *v.* ILLINOIS. Appeal from Sup. Ct. Ill. dismissed for want of substantial federal question. Reported below: 53 Ill. 2d 216, 290 N. E. 2d 236.

No. 77-5145. ROYAL *v.* BERGLAND, SECRETARY OF AGRICULTURE, ET AL. Appeal from D. C. D. C. dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari denied. Reported below: 428 F. Supp. 75.

October 11, 1977

434 U. S.

*Vacated and Remanded on Appeal*

No. 76-265. MASSACHUSETTS ET AL. *v.* FEENEY. Appeal from D. C. Mass. Motion of John R. Buckley, Secretary of Administration and Finance of Massachusetts, for leave to file a brief as *amicus curiae* granted. Judgment vacated and case remanded for further consideration in light of *Washington v. Davis*, 426 U. S. 229 (1976). MR. JUSTICE BRENNAN, MR. JUSTICE MARSHALL, and MR. JUSTICE POWELL would note probable jurisdiction and set case for oral argument. Reported below: 415 F. Supp. 485.

*Certiorari Granted—Vacated and Remanded.* (See also No. 76-1418, *ante*, p. 5.)

No. 77-292. UNITED STATES POSTAL SERVICE *v.* ASSOCIATED THIRD CLASS MAIL USERS. C. A. D. C. Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of the March 1977 amended provisions of the Board of Governors' internal operating procedures. Reported below: 186 U. S. App. D. C. 331, 569 F. 2d 570.

*Miscellaneous Orders*

No. A-192 (76-6528). BURKS *v.* UNITED STATES. C. A. 6th Cir. Application for bail, presented to MR. JUSTICE BRENNAN, and by him referred to the Court, denied.

No. D-69. IN RE DISBARMENT OF LUNDY. Disbarment entered. [For earlier order herein, see 429 U. S. 936.]

No. D-81. IN RE DISBARMENT OF DARROW. Disbarment entered. [For earlier order herein, see 429 U. S. 954.]

No. D-101. IN RE DISBARMENT OF WALKER. Disbarment entered. [For earlier order herein, see 430 U. S. 981.]

No. D-103. IN RE DISBARMENT OF CLAY. Disbarment entered. [For earlier order herein, see 430 U. S. 981.]

No. D-106. IN RE DISBARMENT OF ABBOTT. Disbarment entered. [For earlier order herein, see 431 U. S. 912.]

434 U. S.

October 11, 1977

No. D-109. IN RE DISBARMENT OF SPECKMAN. Disbarment entered. [For earlier order herein, see 431 U. S. 936.]

No. D-115. IN RE DISBARMENT OF McCARRON. It is ordered that Oliver J. McCarron, of Philadelphia, Pa., 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-116. IN RE DISBARMENT OF BUTLER. It is ordered that Richard William Butler, of Glenarm, 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. D-117. IN RE DISBARMENT OF EISENBERG. It is ordered that Robert A. Eisenberg, of Beverly Hills, Cal., be suspended from the practice of law in this Court and that a rule issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. D-118. IN RE DISBARMENT OF RUTTENBERG. It is ordered that Marshall Jack Ruttenberg, of Wilmette, 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. 76-558. RAYMOND MOTOR TRANSPORTATION, INC., ET AL. v. RICE, SECRETARY, DEPARTMENT OF TRANSPORTATION OF WISCONSIN, ET AL. Appeal from D. C. W. D. Wis. [Probable jurisdiction noted, 430 U. S. 914.] Motion of Association of American Railroads for leave to file a brief as *amicus curiae* granted. MR. JUSTICE STEVENS took no part in the consideration or decision of this motion.

October 11, 1977

434 U. S.

No. 76-678. *SHELL OIL CO. v. DARTT*. C. A. 10th Cir. [Certiorari granted, 429 U. S. 1089.] Motion of the Solicitor General for leave to file a brief as *amicus curiae* denied.

No. 76-682. *SANTA CLARA PUEBLO ET AL. v. MARTINEZ ET AL.* C. A. 10th Cir. [Certiorari granted, 431 U. S. 913.] Motion of Pueblo De Cochiti et al. for leave to file a brief as *amici curiae* granted.

No. 76-695. *BOARD OF CURATORS OF THE UNIVERSITY OF MISSOURI ET AL. v. HOROWITZ*. C. A. 8th Cir. [Certiorari granted, 430 U. S. 964.] Motion of American Civil Liberties Union et al. for leave to file a brief as *amici curiae* granted.

No. 76-749. *PFIZER INC. ET AL. v. GOVERNMENT OF INDIA ET AL.* C. A. 8th Cir. [Certiorari granted, 430 U. S. 964.] Motion of Federal Republic of Germany for leave to file a brief as *amicus curiae* granted. MR. JUSTICE BLACKMUN took no part in the consideration or decision of this motion.

No. 76-811. *REGENTS OF THE UNIVERSITY OF CALIFORNIA v. BAKKE*. Sup. Ct. Cal. [Certiorari granted, 429 U. S. 1090.] Motions of Polish American Congress et al. and Committee on Academic Nondiscrimination and Integrity et al. for leave to participate in oral argument as *amici curiae* denied.

No. 76-839. *FOLEY v. CONNELIE, SUPERINTENDENT OF NEW YORK STATE POLICE, ET AL.* Appeal from D. C. S. D. N. Y. [Probable jurisdiction noted, 430 U. S. 944.] Motion of Mexican-American Legal Defense & Educational Fund et al. for leave to file a brief as *amici curiae* granted.

No. 76-930. *RAY, GOVERNOR OF WASHINGTON, ET AL. v. ATLANTIC RICHFIELD CO. ET AL.* Appeal from D. C. W. D. Wash. [Probable jurisdiction noted, 430 U. S. 905.] Motions of Mid-America Legal Foundation and Maritime Law Association of the United States for leave to file briefs as *amici curiae* granted.

434 U. S.

October 11, 1977

No. 76-1114. CALIFORNIA ET AL. *v.* SOUTHLAND ROYALTY CO. ET AL.;

No. 76-1133. EL PASO NATURAL GAS CO. *v.* SOUTHLAND ROYALTY CO. ET AL.; and

No. 76-1587. FEDERAL POWER COMMISSION *v.* SOUTHLAND ROYALTY CO. ET AL. C. A. 5th Cir. [Certiorari granted, 433 U. S. 907.] Motions of Associated Gas Distributors and Public Service Commission of New York for leave to file briefs as *amici curiae* granted. MR. JUSTICE STEWART and MR. JUSTICE POWELL took no part in the consideration or decision of these motions.

No. 76-1359. BANKERS TRUST CO. *v.* MALLIS ET AL. C. A. 2d Cir. [Certiorari granted, 431 U. S. 928.] Motion of New York Clearing House Assn. for leave to file a brief as *amicus curiae* granted.

No. 76-1427. McDANIEL *v.* PATY ET AL. Sup. Ct. Tenn. [Probable jurisdiction noted, 432 U. S. 905.] Motion of American Civil Liberties Union et al. for leave to file a brief as *amici curiae* granted.

No. 76-1450. LANDMARK COMMUNICATIONS, INC. *v.* VIRGINIA. Appeal from Sup. Ct. Va. [Probable jurisdiction noted, 431 U. S. 964.] Motion of American Civil Liberties Union et al. for leave to file a brief as *amici curiae* granted.

No. 76-6372. QUILLOIN *v.* WALCOTT ET VIR. Appeal from Sup. Ct. Ga. [Probable jurisdiction noted, 431 U. S. 937.] Motion of appellees to permit Thomas F. Jones, Esquire, to present oral argument *pro hac vice* granted.

No. 76-6513. BELL *v.* OHIO. Sup. Ct. Ohio. [Certiorari granted, 433 U. S. 907.] Motion of American Civil Liberties Union of Ohio Foundation, Inc., for leave to file a brief as *amicus curiae* granted.

October 11, 1977

434 U. S.

No. 76-6617. *GREENE v. MASSEY, CORRECTIONAL SUPERINTENDENT.* C. A. 5th Cir. [Certiorari granted, 432 U. S. 905.] Motion of Donald C. Peters, Esquire, to permit John T. Chandler, Esquire, to argue *pro hac vice*, on behalf of petitioner granted. Motion of Basil S. Diamond, Esquire, to permit Harry M. Hipler, Esquire, to argue *pro hac vice* on behalf of respondent granted.

No. 77-5278. *MALDONADO v. ESTELLE, CORRECTIONS DIRECTOR.* Motion for leave to file petition for writ of certiorari denied.

No. 76-6924. *TALK v. UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT;*

No. 77-165. *McMILLEN v. LEFKOWITZ, ATTORNEY GENERAL OF NEW YORK;* and

No. 77-5262. *HINES v. SNEED, U. S. CIRCUIT JUDGE.* Motions for leave to file petitions for writs of mandamus denied.

*Certiorari Granted*

No. 76-1621. *McCLELLAN ET AL. v. MCSURELY ET UX.* C. A. D. C. Cir. Certiorari granted. Reported below: 180 U. S. App. D. C. 101, 553 F. 2d 1277.

No. 77-117. *NATIONAL BROILER MARKETING ASSN. v. UNITED STATES.* C. A. 5th Cir. Certiorari granted. Reported below: 550 F. 2d 1380.

No. 77-154. *ELKINS, PRESIDENT, UNIVERSITY OF MARYLAND v. MORENO ET AL.* C. A. 4th Cir. Certiorari granted. Reported below: 556 F. 2d 573.

No. 76-6767. *SCOTT ET AL. v. UNITED STATES.* C. A. D. C. Cir. Motion of petitioners for leave to proceed *in forma pauperis* and certiorari granted limited to Question 1 presented by the petition. Parties also directed to brief and argue question of standing. Reported below: 179 U. S. App. D. C. 281, 551 F. 2d 467.

434 U. S.

October 11, 1977

No. 76-1382. UNITED STATES *v.* SCOTT. C. A. 6th Cir. Motion of respondent for leave to proceed *in forma pauperis* and certiorari granted. Reported below: 544 F. 2d 903.

No. 76-6942. LAKESIDE *v.* OREGON. Sup. Ct. Ore. Motion of petitioner for leave to proceed *in forma pauperis* and certiorari granted. Reported below: 277 Ore. 569, 561 P. 2d 612.

No. 76-6997. LOCKETT *v.* OHIO. Sup. Ct. Ohio. Motion of petitioner for leave to proceed *in forma pauperis* and certiorari granted. Reported below: 49 Ohio St. 2d 48, 358 N. E. 2d 1062.

No. 77-5176. FRANKS *v.* DELAWARE. Sup. Ct. Del. Motion of petitioner for leave to proceed *in forma pauperis* and certiorari granted. Reported below: 373 A. 2d 578.

*Certiorari Denied.* (See also No. 77-5145, *supra*.)

No. 76-1653. AMERICAN INSTITUTE FOR SHIPPERS' ASSNS., INC., ET AL. *v.* INTERSTATE COMMERCE COMMISSION ET AL. C. A. D. C. Cir. Certiorari denied. Reported below: 179 U. S. App. D. C. 127, 549 F. 2d 829.

No. 76-1661. J. L. SIMMONS Co., INC., ET AL. *v.* ILLINOIS ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 552 F. 2d 768.

No. 76-1710. TEXAS *v.* UNITED STATES STEEL CORP. ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 546 F. 2d 626.

No. 76-1723. HEISE *v.* CALIFORNIA. App. Dept., Super. Ct. Cal., County of San Diego. Certiorari denied.

No. 76-1727. MALLEY, WARDEN *v.* JAMES. C. A. 10th Cir. Certiorari denied. Reported below: 553 F. 2d 59.

No. 76-1768. TALLANT ET AL. *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 547 F. 2d 1291.

October 11, 1977

434 U. S.

No. 76-6850. *CRESPO v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 559 F. 2d 1221.

No. 76-6873. *McDERMOTT v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 556 F. 2d 575.

No. 76-6946. *BUCK v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 548 F. 2d 871.

No. 76-6959. *HAYES v. UNITED STATES*. C. A. 10th Cir. Certiorari denied.

No. 76-6973. *IN RE BARTLETT*. C. A. 6th Cir. Certiorari denied. Reported below: 556 F. 2d 580.

No. 76-6979. *VAN BUREN v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 76-6988. *HAIMSON v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 556 F. 2d 561.

No. 77-7. *DEAL, EXECUTRIX, ET AL. v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 552 F. 2d 255.

No. 77-17. *SMALDONE ET AL. v. UNITED STATES*. C. A. 10th Cir. Certiorari denied.

No. 77-43. *MELVIN v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 549 F. 2d 803.

No. 77-99. *UTAH STATE UNIVERSITY OF AGRICULTURE AND APPLIED SCIENCE v. BEAR, STEARNS & CO. ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 549 F. 2d 164.

No. 77-103. *LEO FOUNDATION v. NEW HAMPSHIRE*. Sup. Ct. N. H. Certiorari denied. Reported below: 117 N. H. 209, 372 A. 2d 1311.

No. 77-127. *WALKER v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

434 U. S.

October 11, 1977

No. 77-138. *WEINBERGER v. DEPARTMENT OF COMMERCE OF FLORIDA*; *WEINBERGER v. TROMBETTA ET AL.*; and *WEINBERGER v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 550 F. 2d 1284 (first and second cases); 555 F. 2d 1390 (third case).

No. 77-150. *CONLEY v. UNITED STATES*. Ct. Cl. Certiorari denied.

No. 77-196. *GENERAL FINANCE CORP. v. POLLOCK ET UX.* C. A. 5th Cir. Certiorari denied. Reported below: 552 F. 2d 1142.

No. 77-208. *AMALGAMATED TRANSIT UNION, LOCAL 788 v. ALLEN ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 554 F. 2d 876.

No. 77-212. *ROGERS v. CHILIVIS, COMMISSIONER OF REVENUE OF GEORGIA*. Ct. App. Ga. Certiorari denied. Reported below: 141 Ga. App. 407, 233 S. E. 2d 451.

No. 77-213. *BANDELIN v. PIETSCH ET AL.* Sup. Ct. Idaho. Certiorari denied. Reported below: 98 Idaho 337, 563 P. 2d 395.

No. 77-230. *MEDINA v. RUDMAN ET AL.* C. A. 1st Cir. Certiorari denied. Reported below: 545 F. 2d 244.

No. 77-245. *NORTH SHORE TRAVEL SERVICE, INC. v. HINTERSEHR ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 556 F. 2d 558.

No. 77-247. *FOLEY v. NEW JERSEY*. Super. Ct. N. J. Certiorari denied.

No. 77-253. *DECARLO v. PENNSYLVANIA*. Super. Ct. Pa. Certiorari denied. Reported below: 244 Pa. Super. 608, 371 A. 2d 1296.

No. 77-261. *FRANCIS v. LOUISIANA*. Sup. Ct. La. Certiorari denied. Reported below: 345 So. 2d 1120.

October 11, 1977

434 U. S.

No. 77-268. *FLOTA MERCANTE GRANCOLOMBIANA, S. A. v. VANA TRADING Co., INC., ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 556 F. 2d 100.

No. 77-273. *COLODNY ET AL. v. KRAUSE.* Ct. App. Ga. Certiorari denied. Reported below: 141 Ga. App. 134, 232 S. E. 2d 597.

No. 77-276. *TUNNEL BARREL & DRUM Co. ET AL. v. HACK-ENSACK MEADOWLANDS DEVELOPMENT COMMISSION ET AL.* Super. Ct. N. J. Certiorari denied.

No. 77-297. *KERSHMAN v. UNITED STATES.* C. A. 8th Cir. Certiorari denied. Reported below: 555 F. 2d 198.

No. 77-298. *JAMES v. WILMINGTON NEWS JOURNAL Co. ET AL.* C. A. D. C. Cir. Certiorari denied. Reported below: 181 U. S. App. D. C. 410, 559 F. 2d 187.

No. 77-302. *RIZZO, MAYOR OF PHILADELPHIA, ET AL. v. ROSENTHAL.* C. A. 3d Cir. Certiorari denied. Reported below: 555 F. 2d 390.

No. 77-305. *BAUER ET AL. v. GILLIAM ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 551 F. 2d 304.

No. 77-315. *VARIANO v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. Reported below: 550 F. 2d 1330.

No. 77-345. *ONE 1974 CADILLAC ELDORADO v. UNITED STATES.* C. A. 8th Cir. Certiorari denied.

No. 77-349. *DENTON ET AL. v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. Reported below: 556 F. 2d 811.

No. 77-360. *ROTONDO v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 554 F. 2d 712.

No. 77-364. *LIND v. UNITED STATES.* C. A. 7th Cir. Certiorari denied. Reported below: 562 F. 2d 53.

434 U. S.

October 11, 1977

No. 77-5001. *HEATH v. FLORIDA*. Sup. Ct. Fla. Certiorari denied. Reported below: 343 So. 2d 13.

No. 77-5014. *BURGESS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 556 F. 2d 575.

No. 77-5028. *RUNNELS v. OKLAHOMA*. Ct. Crim. App. Okla. Certiorari denied. Reported below: 562 P. 2d 932.

No. 77-5084. *WARD v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 559 F. 2d 1210.

No. 77-5092. *BRANDON v. UNITED STATES*; and

No. 77-5105. *WILLIS v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: No. 77-5092, 559 F. 2d 1209; No. 77-5105, 559 F. 2d 1210.

No. 77-5138. *REYNOLDS v. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE ET AL.* C. A. 2d Cir. Certiorari denied.

No. 77-5168. *LYONS v. CULLINANE, CHIEF OF POLICE OF D. C., ET AL.* Ct. App. D. C. Certiorari denied.

No. 77-5191. *BOYD v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 77-5192. *BENNETT v. DIRECTOR OF INTERNAL REVENUE FOR NORTH CAROLINA ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 551 F. 2d 304.

No. 77-5219. *SHIELDS v. DELAWARE*. Sup. Ct. Del. Certiorari denied. Reported below: 374 A. 2d 816.

No. 77-5223. *CONLEY v. ENGLE, WARDEN*. C. A. 6th Cir. Certiorari denied. Reported below: 559 F. 2d 1219.

No. 77-5226. *HIGHTOWER v. OHIO*. Ct. App. Ohio, Cuyahoga County. Certiorari denied.

No. 77-5239. *JOHNSON v. FLORIDA*. Dist. Ct. App. Fla., 4th Dist. Certiorari denied. Reported below: 349 So. 2d 638.

October 11, 1977

434 U. S.

No. 77-5234. *GILES v. ARKANSAS*. Sup. Ct. Ark. Certiorari denied. Reported below: 261 Ark. 413, 549 S. W. 2d 479.

No. 77-5241. *CLAYTON v. ESTELLE*, CORRECTIONS DIRECTOR. C. A. 5th Cir. Certiorari denied.

No. 77-5247. *JONES v. PENITENTIARY SUPERINTENDENT*. C. A. 4th Cir. Certiorari denied.

No. 77-5260. *FELTON v. LOUISIANA*. Sup. Ct. La. Certiorari denied. Reported below: 346 So. 2d 205.

No. 77-5277. *WETHERINGTON v. PUTNAM, MAGISTRATE, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 556 F. 2d 576.

No. 77-5284. *KING v. ILLINOIS*. Sup. Ct. Ill. Certiorari denied. Reported below: 66 Ill. 2d 551, 363 N. E. 2d 838.

No. 77-5292. *ATCHISON v. SOUTH CAROLINA*. Sup. Ct. S. C. Certiorari denied. Reported below: 268 S. C. 588, 235 S. E. 2d 294.

No. 77-5298. *SEVERA v. UNEMPLOYMENT COMPENSATION BOARD OF REVIEW OF PENNSYLVANIA*. Pa. Commw. Ct. Certiorari denied. Reported below: 27 Pa. Commw. 67, 365 A. 2d 1325.

No. 77-5320. *FRIEDBERG v. MERRILL LYNCH, PIERCE, FENNER & SMITH, INC., ET AL.* C. A. 7th Cir. Certiorari denied.

No. 77-5374. *GREEDY v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 557 F. 2d 822.

No. 77-5385. *SOR-LOKKEN v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 557 F. 2d 755.

No. 77-5400. *JENKINS v. UNITED STATES*. Ct. App. D. C. Certiorari denied. Reported below: 374 A. 2d 581.

434 U. S.

October 11, 1977

No. 77-5421. *KROHN ET UX. v. UNITED STATES.* C. A. 7th Cir. Certiorari denied. Reported below: 560 F. 2d 293.

No. 76-1827. *HAIM v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. MR. JUSTICE BRENNAN, MR. JUSTICE STEWART, and MR. JUSTICE MARSHALL would grant certiorari. Reported below: 554 F. 2d 474.

No. 76-6743. *CULP v. UNITED STATES.* C. A. 8th Cir. Certiorari denied. Reported below: 558 F. 2d 1035.

MR. JUSTICE BRENNAN, with whom MR. JUSTICE MARSHALL joins, dissenting.

After a jury trial in 1972 in the United States District Court for the District of Nebraska, petitioner was convicted of forcibly breaking into a post office with intent to commit larceny. The proof at trial showed that postal money orders identified by serial number and a postal marking stamp containing the legend "Lincoln, Nebraska Station No. 5" were missing and taken in the crime of which petitioner was convicted. Previously, petitioner had been indicted in the Southern District of Florida on charges of receiving property stolen from the post office, passing forged postal money orders, and conspiracy to commit those offenses. The Florida indictment listed as overt acts the unlawful receipt, concealment, and retention of postal money orders with serial numbers identical to those involved in the Nebraska case as well as possession of the Lincoln, Neb., postal marking stamp. Guilty pleas were entered to this indictment and petitioner was sentenced to consecutive terms totaling 10 years on October 19, 1971. The convictions in both Nebraska and Florida were upheld on appeal and certiorari was denied.

Thereafter, petitioner moved the Nebraska court pursuant to 28 U. S. C. § 2255 to vacate the Nebraska conviction. In support of this motion it was argued that Congress did not intend to punish a person who steals from a post office for both the act of larceny and the subsequent receipt and posses-

October 11, 1977

434 U. S.

sion of the property stolen. Cf. *Milanovich v. United States*, 365 U. S. 551 (1961). In addition, petitioner took the position that the Double Jeopardy Clause required the Nebraska conviction to be set aside. The District Court rejected both contentions and the Court of Appeals affirmed without opinion. 558 F. 2d 1035 (CA8 1977).

I would grant the petition for certiorari and reverse the judgment of the United States Court of Appeals for the Eighth Circuit. I adhere to the view that the Double Jeopardy Clause of the Fifth Amendment requires the prosecution in one proceeding, except in extremely limited circumstances not present here, of "all the charges against a defendant that grow out of a single criminal act, occurrence, episode, or transaction." *Ashe v. Swenson*, 397 U. S. 436, 453-454 (1970) (BRENNAN, J., concurring). See *Thompson v. Oklahoma*, 429 U. S. 1053 (1977) (BRENNAN, J., dissenting from denial of certiorari), and cases collected therein.

No. 76-6774. *KIRK v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. MR. JUSTICE BRENNAN, MR. JUSTICE WHITE, and MR. JUSTICE MARSHALL would grant certiorari. Reported below: 550 F. 2d 1283.

No. 76-6981. *BUTLER v. FOGG, CORRECTIONAL SUPERINTENDENT*. C. A. 2d Cir. Certiorari denied. Reported below: 556 F. 2d 554.

MR. JUSTICE BRENNAN, with whom MR. JUSTICE MARSHALL joins, dissenting.

Petitioner was charged by information in New York State court in Suffolk County with the criminal possession of stolen property. He pleaded guilty and was sentenced to one year in county jail. Thereafter, he was indicted in New York State court in Nassau County and charged with burglary arising out of the same episode. Over his objection that this indictment violated the Double Jeopardy Clause, petitioner was convicted after a jury trial and sentenced to an indetermi-

434 U. S.

October 11, 1977

nate sentence not to exceed five years. The burglary conviction was affirmed on direct appeal by the Appellate Division of the New York Supreme Court, *People v. Butler*, 44 App. Div. 2d 423, 355 N. Y. S. 2d 172 (1974), and the New York Court of Appeals, 36 N. Y. 2d 990, 337 N. E. 2d 120 (1975). The Federal District Court subsequently denied petitioner habeas corpus relief, *Butler v. Bombard*, No. 76 C 1126 (EDNY Dec. 8, 1976), and the Court of Appeals for the Second Circuit affirmed, 556 F. 2d 554 (1977).

I would grant the petition for certiorari and reverse the judgment of the Second Circuit. Obviously the two New York counties are not separate sovereigns for double jeopardy purposes. See *Waller v. Florida*, 397 U. S. 387 (1970). I adhere to the view that the Double Jeopardy Clause of the Fifth Amendment, applied to the States through the Fourteenth Amendment, requires the prosecution in one proceeding, except in extremely limited circumstances not present here, of "all the charges against a defendant that grow out of a single criminal act, occurrence, episode, or transaction." *Ashe v. Swenson*, 397 U. S. 436, 453-454 (1970) (BRENNAN, J., concurring). See *Thompson v. Oklahoma*, 429 U. S. 1053 (1977) (BRENNAN, J., dissenting from denial of certiorari), and cases collected therein.

No. 77-185. *ROME ET UX., TRUSTEES v. INDIAN HEAD, INC., ET AL.* C. A. 2d Cir. Certiorari denied. MR. JUSTICE BLACKMUN took no part in the consideration or decision of this petition. Reported below: 559 F. 2d 1202.

No. 77-5095. *ORTIZ v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. MR. JUSTICE STEWART would grant certiorari. Reported below: 553 F. 2d 782.

No. 77-5111. *TOWNSEND v. UNITED STATES.* C. A. 7th Cir. Certiorari denied. MR. JUSTICE BRENNAN and MR. JUSTICE POWELL would grant certiorari. Reported below: 555 F. 2d 152.

October 13, 14, 17, 1977

434 U. S.

OCTOBER 13, 1977

*Dismissal Under Rule 60*

No. 76-1757. *WESSEL v. PENNSYLVANIA STATE BOARD OF LAW EXAMINERS.* Sup. Ct. Pa. Certiorari dismissed under this Court's Rule 60.

OCTOBER 14, 1977

*Miscellaneous Order*

No. A-331. *MEANS v. SOUTH DAKOTA.* Application for stay of order of the Supreme Court of South Dakota, dated September 9, 1977, presented to MR. JUSTICE BLACKMUN, and by him referred to the Court, granted, pending receipt of a response from respondent which is to be filed before the close of business October 21, 1977, and until further action of this Court.

OCTOBER 17, 1977

*Affirmed on Appeal*

No. 76-1349. *MAHER, COMMISSIONER OF SOCIAL SERVICES OF CONNECTICUT, ET AL. v. BUCKNER ET AL.* Appeal from D. C. Conn. Motion of appellees for leave to proceed *in forma pauperis* granted. Judgment affirmed. Reported below: 424 F. Supp. 366.

*Appeals Dismissed*

No. 76-1519. *KUHNLE v. O'HAGAN, COMMISSIONER, FIRE DEPARTMENT OF THE CITY OF NEW YORK, ET AL.* Appeal from Ct. App. N. Y. dismissed for want of substantial federal question. Reported below: 40 N. Y. 2d 720, 358 N. E. 2d 507.

No. 76-1813. *THOMPSON v. WASHINGTON.* Appeal from Sup. Ct. Wash. dismissed for want of substantial federal question. Reported below: 88 Wash. 2d 13, 558 P. 2d 202.

No. 77-280. *PAUL KOCH VOLKSWAGEN, INC. v. WISHERD.* Appeal from Ct. App. Ore. dismissed for want of substantial federal question. Reported below: 28 Ore. App. 513, 559 P. 2d 1305.

434 U. S.

October 17, 1977

No. 77-295. *RAFFERTY ET AL. v. MARCIN.* Appeal from App. Ct. Ill., 1st Dist., dismissed for want of substantial federal question. Reported below: 44 Ill. App. 3d 930, 358 N. E. 2d 1276.

*Miscellaneous Orders*

No. A-147. *OLIVERA ET AL. v. SOUTH CAROLINA.* C. A. 4th Cir. Application for reduction of bond, presented to MR. JUSTICE MARSHALL, and by him referred to the Court, denied.

No. A-293 (77-471). *McDOUGAL v. COUNTY OF IMPERIAL.* Appeal from Sup. Ct. Cal. Application for stay and supersedeas on appeal, presented to MR. JUSTICE REHNQUIST, and by him referred to the Court, denied.

No. A-327. *PORT AUTHORITY OF NEW YORK AND NEW JERSEY ET AL. v. BRITISH AIRWAYS BOARD ET AL.* C. A. 2d Cir. Application for stay, presented to MR. JUSTICE MARSHALL, and by him referred to the Court, denied.

No. D-64. *IN RE DISBARMENT OF WASSERMAN.* Disbarment entered. [For earlier order herein, see 429 U. S. 913.]

No. D-108. *IN RE DISBARMENT OF ZEIGLER.* Disbarment entered. [For earlier order herein, see 431 U. S. 913.]

No. D-110. *IN RE DISBARMENT OF CRUZE.* Disbarment entered. [For earlier order herein, see 431 U. S. 936.]

No. D-112. *IN RE DISBARMENT OF CAIN.* Disbarment entered. [For earlier order herein, see 431 U. S. 962.]

No. D-113. *IN RE DISBARMENT OF LIBRACH.* Disbarment entered. [For earlier order herein, see 433 U. S. 906.]

No. D-114. *IN RE DISBARMENT OF CONSOLDANE.* It is ordered that Anthony V. Consoldane, of Warren, 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.

October 17, 1977

434 U. S.

No. D-119. *IN RE DISBARMENT OF SUGAR.* It is ordered that Manuel Jerome Sugar, of Olympia Fields, 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-120. *IN RE DISBARMENT OF BOZNOS.* It is ordered that Peter William Boznos, of Pompano Beach, Fla., be suspended from the practice of law in this Court and that a rule issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. 77-5174. *MURRY v. UNITED STATES.* C. A. 6th Cir. Motion of petitioner to consolidate with Nos. 76-5761 and 76-5796, *Simpson v. United States* [certiorari granted, 430 U. S. 964], for oral argument denied.

No. 75-1771. *COMMISSIONER OF INTERNAL REVENUE v. STANDARD LIFE & ACCIDENT INSURANCE CO.*, 433 U. S. 148. Motion to retax costs granted. MR. JUSTICE STEWART took no part in the consideration or decision of this motion.

No. 76-811. *REGENTS OF THE UNIVERSITY OF CALIFORNIA v. BAKKE.* Sup. Ct. Cal. [Certiorari granted, 429 U. S. 1090.] Motion of Members of the Congressional Black Caucus et al. for leave to file a brief as *amici curiae* denied. Each party to this cause is directed to file within 30 days a supplemental brief discussing Title VI of the Civil Rights Act of 1964 as it applies to this case.

No. 76-1143. *MARSHALL, SECRETARY OF LABOR, ET AL. v. BARLOW'S, INC.* Appeal from D. C. Idaho. [Probable jurisdiction noted, 430 U. S. 964.] Motion of Mountain States Legal Foundation for leave to file a brief as *amicus curiae* granted.

434 U. S.

October 17, 1977

No. 76-1159. QUERN, 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, 431 U. S. 953.] Motion of United Way of Metropolitan Chicago et al. for leave to file a brief as *amici curiae* granted. Joint motion of petitioners for additional time for oral argument granted and 15 additional minutes allotted for that purpose. Respondents also allotted 15 additional minutes for oral argument.

No. 77-318. SHANG, ACTING COMMISSIONER, DEPARTMENT OF SOCIAL SERVICES OF NEW YORK *v.* HOLLEY 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.

No. 77-373. ERNEST *v.* UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT; and

No. 77-5349. CARTER *v.* BUE, U. S. DISTRICT JUDGE. Motions for leave to file petitions for writs of mandamus denied.

*Certiorari Granted*

No. 76-1410. AGOSTO *v.* IMMIGRATION AND NATURALIZATION SERVICE. C. A. 9th Cir. Certiorari granted. Reported below: 549 F. 2d 806.

No. 76-1607. SECURITIES AND EXCHANGE COMMISSION *v.* SLOAN. C. A. 2d Cir. Certiorari granted. In addition to questions presented by the petition the parties are requested to brief and argue question of possibility of mootness. Reported below: 547 F. 2d 152.

No. 76-1660. HUTTO ET AL. *v.* FINNEY ET AL. C. A. 8th Cir. Motion of respondents for leave to proceed *in forma pauperis* and certiorari granted. Reported below: 548 F. 2d 740.

October 17, 1977

434 U. S.

No. 77-5353. *MINCEY v. ARIZONA*. Sup. Ct. Ariz. Motion of petitioner for leave to proceed *in forma pauperis* and certiorari granted. Reported below: 115 Ariz. 472, 566 P. 2d 273.

*Certiorari Denied*

No. 76-1440. *GOLDSTEIN v. UNITED STATES*;

No. 76-6561. *NIKOLORIC v. UNITED STATES*; and

No. 76-6579. *DEARDEN v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 546 F. 2d 622.

No. 76-1718. *BEAME, MAYOR OF NEW YORK CITY, ET AL. v. FRIENDS OF THE EARTH ET AL.*; and

No. 76-1737. *CAREY, GOVERNOR OF NEW YORK, ET AL. v. FRIENDS OF THE EARTH ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 552 F. 2d 25.

No. 76-1719. *WASHINGTON MEDICAL CENTER, INC., ET AL. v. UNITED STATES*. Ct. Cl. Certiorari denied. Reported below: 211 Ct. Cl. 145, 545 F. 2d 116.

No. 76-1783. *LEDEE v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 549 F. 2d 990.

No. 76-6744. *TILLOTSON v. CALIFORNIA*. Ct. App. Cal., 1st App. Dist. Certiorari denied.

No. 76-6768. *WOODS v. ESTELLE, CORRECTIONS DIRECTOR*. C. A. 5th Cir. Certiorari denied. Reported below: 547 F. 2d 269.

No. 76-6779. *NIEHAUS v. INDIANA*. Sup. Ct. Ind. Certiorari denied. Reported below: 265 Ind. 655, 359 N. E. 2d 513.

No. 76-6806. *OLSON v. TEXAS*. C. A. 5th Cir. Certiorari denied.

No. 76-6875. *HIMMELWRIGHT v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 551 F. 2d 991.

434 U. S.

October 17, 1977

No. 76-6941. *GAMBLE v. ESTELLE, CORRECTIONS DIRECTOR.* C. A. 5th Cir. Certiorari denied. Reported below: 551 F. 2d 654.

No. 77-34. *PARTIN ET AL. v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 552 F. 2d 621.

No. 77-67. *ROBINSON v. UNITED STATES.* C. A. 3d Cir. Certiorari denied. Reported below: 559 F. 2d 1209.

No. 77-93. *MASONIC HOME OF DELAWARE, INC. v. UNITED STATES DISTRICT COURT FOR THE DISTRICT OF DELAWARE ET AL.* C. A. 3d Cir. Certiorari denied.

No. 77-106. *TRUDO v. IOWA.* Sup. Ct. Iowa. Certiorari denied. Reported below: 253 N. W. 101.

No. 77-115. *WESTERN UNION TELEGRAPH CO. v. WESTERN UNION INTERNATIONAL, INC., ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 544 F. 2d 87.

No. 77-134. *REGULAR COMMON CARRIER CONFERENCE OF THE AMERICAN TRUCKING ASSNS., INC. v. INTERSTATE COMMERCE COMMISSION ET AL.* C. A. D. C. Cir. Certiorari denied. Reported below: 182 U. S. App. D. C. 177, 559 F. 2d 798.

No. 77-163. *ALABAMA DRY DOCK & SHIPBUILDING CO. v. KININNESS ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 554 F. 2d 176.

No. 77-183. *ASPHALT MATERIALS, INC., ET AL. v. UNITED STATES ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 559 F. 2d 1205.

No. 77-218. *EXPERT ELECTRIC, INC., ET AL. v. LEVINE, INDUSTRIAL COMMISSIONER OF NEW YORK.* C. A. 2d Cir. Certiorari denied. Reported below: 554 F. 2d 1227.

October 17, 1977

434 U. S.

No. 77-220. *FAIRFAX AUTO PARTS, INC., ET AL. v. COMMISSIONER OF INTERNAL REVENUE.* C. A. 4th Cir. Certiorari denied. Reported below: 548 F. 2d 501.

No. 77-228. *KEYES v. LENOIR RHYNE COLLEGE ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 552 F. 2d 579.

No. 77-260. *NAEGELE ET AL., TRUSTEES v. UNITED STATES.* C. A. 8th Cir. Certiorari denied. Reported below: 558 F. 2d 1036.

No. 77-299. *CHICAGO & NORTH WESTERN TRANSPORTATION CO. v. BRANDT ELEVATOR, INC., ET AL.* Sup. Ct. Iowa. Certiorari denied. Reported below: 254 N. W. 2d 6.

No. 77-304. *RICHTER, DBA BODY SHOP v. RICE, DIRECTOR, DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL, ET AL.* Ct. App. Cal., 4th App. Dist. Certiorari denied.

No. 77-323. *ANDERSON ET UX. v. CITY OF DEKALB ET AL.* App. Ct. Ill., 2d Dist. Certiorari denied. Reported below: 43 Ill. App. 3d 915, 357 N. E. 2d 837.

No. 77-325. *NASHVILLE GAS CO. v. TENNESSEE PUBLIC SERVICE COMMISSION ET AL.* Sup. Ct. Tenn. Certiorari denied. Reported below: 551 S. W. 2d 315.

No. 77-330. *COLUMBIA RESEARCH CORP. ET AL. v. CALIFORNIA.* Ct. App. Cal., 1st App. Dist. Certiorari denied. Reported below: 71 Cal. App. 3d 607, 139 Cal. Rptr. 517.

No. 77-347. *NOLAN v. UNITED STATES.* C. A. 10th Cir. Certiorari denied. Reported below: 551 F. 2d 266.

No. 77-355. *BERNSTEIN v. FLORIDA; and BROPHY v. NEW HAMPSHIRE ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 562 F. 2d 37.

434 U. S.

October 17, 1977

No. 77-412. *COMPTON ET AL. v. McCook COUNTY NATIONAL BANK.* C. A. 8th Cir. Certiorari denied. Reported below: 558 F. 2d 871.

No. 77-5016. *ROBINSON v. UNITED STATES.* C. A. D. C. Cir. Certiorari denied. Reported below: 181 U. S. App. D. C. 200, 556 F. 2d 77.

No. 77-5066. *MORGAN v. TENNESSEE.* Sup. Ct. Tenn. Certiorari denied. Reported below: 550 S. W. 2d 643.

No. 77-5081. *CHIOLA v. UNITED STATES.* C. A. 7th Cir. Certiorari denied. Reported below: 559 F. 2d 1224.

No. 77-5090. *RANDOLPH v. UNITED STATES.* C. A. 7th Cir. Certiorari denied. Reported below: 558 F. 2d 1033.

No. 77-5177. *WILLIAMS v. UNITED STATES.* C. A. 7th Cir. Certiorari denied. Reported below: 558 F. 2d 1034.

No. 77-5183. *PITTS v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. Reported below: 559 F. 2d 1220.

No. 77-5184. *PRATHER v. UNITED STATES.* Ct. App. D. C. Certiorari denied.

No. 77-5188. *GROFT v. UNITED STATES.* Ct. Cl. Certiorari denied.

No. 77-5189. *ANDERSON ET AL. v. UNITED STATES ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 554 F. 2d 1067.

No. 77-5194. *MACHADO v. NEW YORK.* App. Div., Sup. Ct. N. Y., 1st Jud. Dept. Certiorari denied. Reported below: 56 App. Div. 2d 741, 391 N. Y. S. 2d 936.

No. 77-5224. *JARAMILLO v. TENORIO ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 554 F. 2d 423.

October 17, 1977

434 U. S.

No. 77-5229. *LUNSFORD v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 558 F. 2d 1030.

No. 77-5244. *HART v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 557 F. 2d 162.

No. 77-5303. *WRIGHT v. PENNSYLVANIA*. Super. Ct. Pa. Certiorari denied. Reported below: 244 Pa. Super. 619, 371 A. 2d 1302.

No. 77-5309. *CAMPBELL v. SOUTH CAROLINA*. Sup. Ct. S. C. Certiorari denied.

No. 77-5326. *CRADDOCK v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied. Reported below: 553 S. W. 2d 765.

No. 77-5330. *COLLINS v. OKLAHOMA*. Ct. Crim. App. Okla. Certiorari denied. Reported below: 561 P. 2d 1373.

No. 77-5331. *HOLMQUIST v. CONNECTICUT*. Sup. Ct. Conn. Certiorari denied. Reported below: 173 Conn. 140, 376 A. 2d 1111.

No. 77-5344. *HUNTER ET UX. v. INDIANA*. Ct. App. Ind. Certiorari denied. Reported below: — Ind. App. —, 360 N. E. 2d 588.

No. 77-5345. *PATNO v. NEW YORK*. App. Div., Sup. Ct. N. Y., 3d Jud. Dept. Certiorari denied. Reported below: 55 App. Div. 2d 967, 390 N. Y. S. 2d 471.

No. 77-5346. *O'CONNOR v. O'CONNOR*. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 77-5350. *COCHRAN v. BAYER*. C. A. 6th Cir. Certiorari denied. Reported below: 559 F. 2d 1219.

No. 77-5351. *ARCENEAUX v. CALIFORNIA*. Ct. App. Cal., 5th App. Dist. Certiorari denied.

No. 77-5352. *PULLEY v. THOMPSON, WARDEN*. C. A. 6th Cir. Certiorari denied.

434 U. S.

October 17, 1977

No. 77-5354. *PIERCE v. MARYLAND*. Ct. Sp. App. Md. Certiorari denied. Reported below: 34 Md. App. 654, 369 A. 2d 140.

No. 77-5359. *HOLMES v. ISRAEL, WARDEN*. C. A. 7th Cir. Certiorari denied.

No. 77-5370. *CARR v. GRACE ET AL.* Dist. Ct. App. Fla., 3d Dist. Certiorari denied. Reported below: 348 So. 2d 966.

No. 77-5402. *HALL ET AL. v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 557 F. 2d 1114.

No. 77-5415. *BOOTH v. ESTELLE, CORRECTIONS DIRECTOR*. C. A. 5th Cir. Certiorari denied. Reported below: 554 F. 2d 1063.

No. 77-5440. *SMITH v. THOMPSON, WARDEN*. C. A. 6th Cir. Certiorari denied. Reported below: 559 F. 2d 1221.

No. 77-5443. *COLLINS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 559 F. 2d 561.

No. 76-1625. *MAYES ET AL. v. STATON*. C. A. 10th Cir. Certiorari denied. MR. JUSTICE BLACKMUN would grant certiorari. Reported below: 552 F. 2d 908.

No. 76-1638. *MASRI v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 547 F. 2d 932.

MR. JUSTICE WHITE, with whom MR. JUSTICE MARSHALL joins, dissenting.

I dissent from the denial of the petition for certiorari.

The issue is the admissibility of polygraph evidence offered in his own defense by a defendant in a criminal trial. The facts about his conduct were largely undisputed; his principal defense was that he lacked criminal intent. The trial judge found that the polygraph evidence proffered could have been appropriate on the question of intent but excluded the

October 17, 1977

434 U. S.

evidence because of the rule in the Fifth Circuit absolutely barring polygraph evidence.

The rule is different in other Circuits. Some have expressed a willingness to uphold a trial judge's sound discretion on admitting polygraph evidence. See, e. g., *United States v. Mayes*, 512 F. 2d 637 (CA6), cert. denied, 422 U. S. 1008 (1975); *United States v. Infelice*, 506 F. 2d 1358 (CA7 1974), cert. denied, 419 U. S. 1107 (1975); *United States v. De Betham*, 470 F. 2d 1367 (CA9 1972), cert. denied, 412 U. S. 907 (1973); and *United States v. Wainwright*, 413 F. 2d 796 (CA10 1969), cert. denied, 396 U. S. 1009 (1970). See also *United States v. Ridling*, 350 F. Supp. 90 (ED Mich. 1972). Nor is polygraph evidence inherently inadmissible in the Eighth Circuit. There the trial judge may admit such evidence offered by the defense without an objection by the Government. Compare *United States v. Oliver*, 525 F. 2d 731 (CA8 1975), with *United States v. Alexander*, 526 F. 2d 161, 170 n. 18 (CA8 1975).

This Court should grant certiorari in such cases as this, where a defendant's rights would be notably different depending upon the Circuit in which he is tried, and where the record affords a clear opportunity to address the question in conflict. I therefore dissent and would set the case for oral argument.

No. 76-1838. *PAUL v. PLEASANTS, SHERIFF*. C. A. 4th Cir. Certiorari denied. MR. JUSTICE BRENNAN and MR. JUSTICE MARSHALL would grant certiorari. Reported below: 551 F. 2d 575.

No. 76-6261. *RANSOM v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 545 F. 2d 481.

MR. JUSTICE WHITE, dissenting.

This case raises the question whether 18 U. S. C. § 922 (a) (6), which prohibits the purchaser of a firearm from making a

434 U. S.

WHITE, J., dissenting

false statement material to the lawfulness of the sale, requires the purchaser to disclose a prior felony conviction obtained in violation of his Sixth Amendment right to counsel. Petitioner contends that a conviction obtained without the counsel guaranteed by *Gideon v. Wainwright*, 372 U. S. 335 (1963), is "void" under *Burgett v. Texas*, 389 U. S. 109 (1967), and therefore cannot be used to convict a person who has represented that he has no prior felony convictions. Some courts have accepted this theory, *United States v. O'Neal*, 545 F. 2d 85 (CA9 1976); *United States v. Pricepaull*, 540 F. 2d 417 (CA9 1976), or have held that a conviction invalid for denial of the right to counsel is not material to enforcement of the federal firearms statutes, *United States v. Megura*, 394 F. Supp. 246 (Conn. 1975); see *United States v. Cody*, 529 F. 2d 564, 567 n. 4 (CA8 1976) (dictum). Other courts, including the Fifth Circuit panel below, have held that even where a prior conviction is invalid for failure to furnish counsel, a purchaser of firearms who falsely represents that he has no prior convictions may be punished under § 922 (a)(6). *United States v. Allen*, 556 F. 2d 720 (CA4 1977); *United States v. Graves*, 554 F. 2d 65 (CA3 1977); *United States v. Ransom*, 545 F. 2d 481 (CA5 1977); *United States v. Cassity*, 521 F. 2d 1320 (CA6 1975).

While I recognize that this Court cannot decide every question of federal law presented to it, there is an urgent need to resolve conflicts such as this one. American citizens have a right to know the precise requirements of the criminal code with which they are expected to comply. The national criminal code should not be differently interpreted in different courts; some individuals should not be punished for conduct for which others would go free. Because the task of resolving such conflicts in interpreting the federal law is not here being fulfilled, I dissent from the denial of certiorari in this case.

October 17, 1977

434 U. S.

No. 76-6612. *SCOTT v. WILLIAMS ET AL.*; and  
No. 76-6858. *LAY v. WILLIAMS ET AL.* Ct. Crim. App. Okla. Certiorari denied.

MR. JUSTICE WHITE, with whom MR. JUSTICE BRENNAN joins, dissenting.

These two cases raise once again the question of whether parole release determinations implicate an interest in liberty entitled to protection under the Due Process Clause of the Fourteenth Amendment. Petitioners in both cases contend that the Oklahoma Pardon and Parole Board acted unconstitutionally in denying them parole without affording them an opportunity to appear personally before the Board and providing them with reasons for its decision. The Oklahoma Court of Criminal Appeals denied relief. The issue is clearly an important one which significantly affects a great number of persons. Indeed, we have previously granted certiorari to decide whether due process requires that parole release hearings be accompanied by procedural safeguards. See *Scott v. Kentucky Parole Board*, 423 U. S. 1031 (1975); 429 U. S. 60 (1976) (vacating and remanding case below for consideration of mootness). The question has been extensively litigated in federal and state appellate courts with varying and conflicting results. The confusing state of the law is evident from the cases cited in *Scott v. Kentucky Parole Board*, 429 U. S., at 61 n. 1 (STEVENS, J., dissenting). Under these circumstances, the Court's refusal to grant certiorari in these two cases is inexplicable if judged by normal standards governing the exercise of our certiorari jurisdiction. I would set the cases for oral argument.

No. 76-6916. *SCHUSTER v. NEW YORK*. C. A. 2d Cir. Certiorari denied. MR. JUSTICE MARSHALL would grant certiorari.

MR. JUSTICE BRENNAN, dissenting.

This suit is brought by a New York citizen against New York officials. In that circumstance it is my view that New

434 U. S.

October 17, 1977

York may not invoke the Eleventh Amendment, since that Amendment in terms bars only federal court suits against States by citizens of other States. *Edelman v. Jordan*, 415 U. S. 651, 687 (1974) (BRENNAN, J., dissenting). I would grant the petition and reverse the judgment of the Court of Appeals.

No. 77-119. *RUSKAY ET AL. v. WADDELL ET AL.* C. A. 2d Cir. Certiorari denied. MR. JUSTICE MARSHALL took no part in the consideration or decision of this petition. Reported below: 552 F. 2d 392.

No. 77-128. *DUPUY v. DUPUY.* C. A. 5th Cir. Certiorari denied. Reported below: 551 F. 2d 1005.

MR. JUSTICE WHITE, dissenting.

This case concerns the standard of care required of plaintiffs seeking to recover damages for violations of § 10 (b) of the Securities Exchange Act of 1934 and SEC Rule 10b-5. In the wake of this Court's decision in *Ernst & Ernst v. Hochfelder*, 425 U. S. 185 (1976), the Courts of Appeals have reached differing conclusions as to the degree of diligence appropriately required. The court below held that because *Ernst & Ernst* had imposed on defendants a standard not stricter than nonrecklessness, a plaintiff would not be barred from recovery unless he had been reckless. 551 F. 2d 1005. Similarly, the Tenth and Seventh Circuits have held that, after *Ernst & Ernst*, the contributory fault of the plaintiff would bar recovery only if it constituted "gross conduct somewhat comparable to that of defendant." *Holdsworth v. Strong*, 545 F. 2d 687, 693 (CA10 1976), cert. denied, 430 U. S. 955 (1977); *Sundstrand Corp. v. Sun Chemical Corp.*, 553 F. 2d 1033, 1048 (CA7), cert. denied, *ante*, p. 875. Also, the Third Circuit now "require[s] only that the plaintiff act reasonably" and has shifted to the defendant the burden of proving the plaintiff's

October 17, 1977

434 U. S.

unreasonable conduct. *Straub v. Vaisman & Co.*, 540 F. 2d 591, 598 (1976). The Second Circuit, however, appears to adhere to the view that the plaintiff must demonstrate due diligence in discovering important information. *Hirsch v. Du Pont*, 553 F. 2d 750, 762-763 (1977); accord, *NBI Mortgage Investment Corp. v. Chemical Bank*, 75 Civ. 3411 (SDNY May 24, 1977) ("the standard of due diligence is still viable and accepted in this circuit").

The Court should take this opportunity to clarify the standard of care expected of plaintiffs in litigation under Rule 10b-5. Business can be transacted more freely and efficiently if the responsibility for verifying underlying facts is clearly allocated. Because securities litigation can be complex and expensive, it should be avoided to the maximum extent by early clarification of the ground rules. This Court should thus promptly resolve the existing uncertainty as to the proper standard of care required of plaintiffs after *Ernst & Ernst*. Accordingly, I dissent from the denial of certiorari in this case.

No. 77-348. *TRACY v. GOLSTON ET AL.* Certiorari before judgment to C. A. 9th Cir. and other relief denied.

No. 77-5257. *RUST v. NEBRASKA*; and *HOLTAN v. NEBRASKA*. Sup. Ct. Neb. Certiorari denied. Reported below: 197 Neb. 528, 250 N. W. 2d 867 (first case); 197 Neb. 544, 250 N. W. 2d 876 (second case).

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 grant certiorari and vacate the death sentences in these cases.

434 U. S.

October 20, 31, 1977

OCTOBER 20, 1977

*Miscellaneous Order*

No. A-278 (77-452). MOBIL ALASKA PIPELINE Co. *v.* UNITED STATES ET AL.;

No. A-280 (77-457). EXXON PIPELINE Co. *v.* UNITED STATES ET AL.; and

No. A-319 (77-551). BP PIPELINES, INC. *v.* UNITED STATES ET AL. C. A. 5th Cir. The applications for stay, presented to MR. JUSTICE POWELL, and by him referred to the Court, are granted. The order of the Interstate Commerce Commission, served June 28, 1977, in its Investigation and Suspension Docket No. 9164, Trans Alaska Pipeline System (Rate Filings), is hereby stayed pending final disposition of the petitions for certiorari by this Court. The stays are conditioned upon applicants-petitioners' agreement to keep account of the amounts collected under the proposed rates, as that term is used in the order in this matter issued by the Interstate Commerce Commission on June 28, 1977, and their agreement to refund any portion of the amounts collected under such rates by virtue of the stay which it is ultimately determined that they were not lawfully entitled to collect. The parties shall submit a proposed order embodying this undertaking to the Clerk of this Court within five days.

MR. JUSTICE STEWART and MR. JUSTICE POWELL took no part in the consideration or decision of this order.

OCTOBER 31, 1977

*Dismissal Under Rule 60.*

No. 77-259. LEE PHARMACEUTICALS *v.* UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA (DEN-MAT, INC., ET AL., REAL PARTIES IN INTEREST). C. A. 9th Cir. Certiorari dismissed under this Court's Rule 60.

October 31, 1977

434 U. S.

*Affirmed on Appeal*

No. 76-1855. SPENCER PRESS, INC. *v.* KURTZ, COMMISSIONER OF INTERNAL REVENUE. Affirmed on appeal from D. C. Mass. MR. JUSTICE STEVENS took no part in the consideration or decision of this case.

No. 76-6870. SCHNEIDER ET AL. *v.* McNUTT, DIRECTOR, DEPARTMENT OF SOCIAL AND HEALTH SERVICES, ET AL. Affirmed on appeal from D. C. W. D. Wash.

*Appeals Dismissed*

No. 76-1809. SCOTT *v.* BENN ET AL. Appeal from Sup. Ct. Va. dismissed for want of substantial federal question.

No. 77-395. BULLION *v.* CITY OF PHILADELPHIA. Appeal from Pa. Commw. Ct. dismissed for want of substantial federal question. Reported below: 28 Pa. Commw. 485, 368 A. 2d 1375.

No. 77-5009. HALL *v.* HALL. Appeal from Ct. App. N. Y. dismissed for want of substantial federal question.

No. 77-5055. D. *v.* JUVENILE DEPARTMENT OF MULTNOMAH COUNTY. Appeal from Ct. App. Ore. dismissed for want of substantial federal question. Reported below: 27 Ore. App. 861, 557 P. 2d 687.

No. 77-18. OSCEOLA *v.* KUYKENDALL ET AL. Appeal from D. C. D. C. dismissed for want of jurisdiction. MR. JUSTICE STEWART, MR. JUSTICE WHITE, MR. JUSTICE POWELL, and MR. JUSTICE REHNQUIST concur. See *MTM, Inc. v. Baxley*, 420 U. S. 799 (1975), and *Gonzalez v. Automatic Employees Credit Union*, 419 U. S. 90 (1974). THE CHIEF JUSTICE, MR. JUSTICE BRENNAN, and MR. JUSTICE STEVENS would affirm the judgment.

434 U. S.

October 31, 1977

No. 77-359. FLR CORP. v. BLODGETT, TRUSTEE, ET AL. Appeal from Ct. Civ. App. Tex., 8th Sup. Jud. 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: 541 S. W. 2d 209.

*Vacated and Remanded on Appeal*

No. 76-1834. KLEIN, DIRECTOR, DEPARTMENT OF HEALTH AND WELFARE OF IDAHO, ET AL. v. DOE ET AL. Appeal from D. C. Idaho. Motion of appellees for leave to proceed *in forma pauperis* granted. Judgment vacated and case remanded for further consideration in light of *Beal v. Doe*, 432 U. S. 438 (1977), and *Maher v. Roe*, 432 U. S. 464 (1977).

MR. JUSTICE BLACKMUN, with whom MR. JUSTICE BRENNAN and MR. JUSTICE MARSHALL join.

The opinion and judgment of the three-judge District Court in this case were both filed prior to this Court's pronouncements on June 20, 1977, in *Beal v. Doe*, 432 U. S. 438, and *Maher v. Roe*, 432 U. S. 464, and so the District Court did not have the benefit of those decisions. Being bound by *Beal* and *Maher*, although not at all persuaded or agreeing with them, I am compelled to go along with the Court's order today in the present case.

Inasmuch, however, as the Idaho statute under challenge, 1976 Idaho Sess. Laws, ch. 339, § 3, denies the use of funds for an abortion "unless it is the recommendation of two (2) consulting physicians that an abortion is necessary to save the life or health of the mother . . .," it seems to me that what this Court said and held in *Doe v. Bolton*, 410 U. S. 179, 198-200 (1973), about this type of statutory provision is most pertinent. I therefore trust that the District Court, on remand, will examine the Idaho statute in the light of this particular aspect of *Doe v. Bolton*.

I note also that the challenged 1976 Idaho statute was an appropriation Act applicable only to the fiscal year ended June 30, 1977. The appellees' Motion to Dismiss and/or

October 31, 1977

434 U. S.

Affirm in Part asserts, at 4, that the statute "expired by law on June 30, 1977, but was immediately replaced by a permanent codified change to Idaho law (Idaho Code § 56-209c) enacted by the 1977 Idaho Legislature." The new statute is 1977 Idaho Sess. Laws, ch. 321. What effect, if any, all this may have upon the continued vitality of this litigation is something the District Court may also wish to consider on remand.

No. 77-69. PANORA, REGISTRAR OF MOTOR VEHICLES OF MASSACHUSETTS v. MONTRYM. Appeal from D. C. Mass. Judgment vacated and case remanded for further consideration in light of *Dixon v. Love*, 431 U. S. 105 (1977).\* Reported below: 429 F. Supp. 393.

*Certiorari Granted—Reversed and Remanded.* (See No. 76-1640, *ante*, p. 12.)

*Certiorari Granted—Vacated and Remanded*

No. 77-336. DELTA AIR LINES, INC. v. McBRIDE. C. A. 6th Cir. Motion of respondent for leave to proceed *in forma pauperis* and certiorari granted. Judgment vacated and case remanded for further consideration in light of *East Texas Motor Freight System, Inc. v. Rodriguez*, 431 U. S. 395 (1977). Reported below: 551 F. 2d 113.

*Miscellaneous Orders*

No. A-331. MEANS v. SOUTH DAKOTA. Order heretofore entered on October 14, 1977 [*ante*, p. 898], vacated and application for stay of order of the Supreme Court of South Dakota, dated September 9, 1977, denied. MR. JUSTICE BLACKMUN, joined by MR. JUSTICE BRENNAN and MR. JUSTICE MARSHALL, being concerned about First Amendment implications of the vacation of the stay, dissents and would continue stay pending plenary consideration of South Dakota Supreme Court's revocation of applicant's bail.

\*[REPORTER'S NOTE: This order was vacated and the appeal was restored to the docket, *post*, p. 1058.]

434 U. S.

October 31, 1977

No. D-45. IN RE DISBARMENT OF MITCHELL. Disbarment entered. [For earlier order, see 420 U. S. 1001.]

No. D-48. IN RE DISBARMENT OF EHRlichMAN. Disbarment entered. [For earlier order, see 421 U. S. 905.]

No. 74, Orig. GEORGIA *v.* SOUTH CAROLINA. Motion for leave to file bill of complaint granted and defendant shall have 60 days to answer.

No. 75-1870. E. I. DU PONT DE NEMOURS & Co. *v.* COLLINS ET AL.; and

No. 75-1872. SECURITIES AND EXCHANGE COMMISSION *v.* COLLINS ET AL., 432 U. S. 46. Motion to retax costs denied. MR. JUSTICE REHNQUIST took no part in the consideration or decision of this motion.

No. 76-749. PFIZER INC. ET AL. *v.* GOVERNMENT OF INDIA ET AL. C. A. 8th Cir. [Certiorari granted, 430 U. S. 964.] Motion of Federal Republic of Germany for leave to participate in oral argument as *amicus curiae* denied. MR. JUSTICE BLACKMUN took no part in the consideration or decision of this motion.

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 respondents for divided argument granted.

No. 76-944. NIXON *v.* WARNER COMMUNICATIONS, INC., ET AL. C. A. D. C. Cir. [Certiorari granted, 430 U. S. 944.] Motion of respondents for divided argument granted.

No. 76-1168. ARIZONA ET AL. *v.* WASHINGTON. C. A. 9th Cir. [Certiorari granted, 430 U. S. 965.] Motion of respondent for appointment of counsel granted, and it is ordered that Ed Bolding, Esquire, of Tucson, Ariz., be appointed to serve as counsel for respondent in this case.

October 31, 1977

434 U. S.

No. 76-1114. CALIFORNIA ET AL. *v.* SOUTHLAND ROYALTY CO. ET AL.;

No. 76-1133. EL PASO NATURAL GAS CO. *v.* SOUTHLAND ROYALTY CO. ET AL.; and

No. 76-1587. FEDERAL POWER COMMISSION *v.* SOUTHLAND ROYALTY CO. ET AL. C. A. 5th Cir. [Certiorari granted, 433 U. S. 907.] Motion of Federal Power Commission for additional time for oral argument granted and 15 additional minutes allotted for that purpose. Respondents also allotted 15 additional minutes for oral argument. MR. JUSTICE STEWART and MR. JUSTICE POWELL took no part in the consideration or decision of this motion.

No. 76-1310. HOUCHINS, SHERIFF *v.* KQED, INC., ET AL. C. A. 9th Cir. [Certiorari granted, 431 U. S. 928.] Motion of Reporters Committee for Freedom of the Press Legal Defense & Research Fund et al. for leave to file a brief as *amici curiae* denied. MR. JUSTICE MARSHALL took no part in the consideration or decision of this motion.

No. 76-1596. UNITED STATES *v.* MAURO ET AL. C. A. 2d Cir. [Certiorari granted, *ante*, p. 816.] Motion of respondent Mauro for leave to proceed further herein *in forma pauperis* granted.

No. 76-1800. UNITED STATES *v.* SOTELO ET UX. C. A. 7th Cir. [Certiorari granted, *ante*, p. 816.] Motion of petitioner for leave to dispense with printing appendix granted.

No. 76-6942. LAKESIDE *v.* OREGON. Sup. Ct. Ore. [Certiorari granted, *ante*, p. 889.] Motion of petitioner for appointment of counsel granted, and it is ordered that Phillip M. Margolin, Esquire, of Portland, Ore., be appointed to serve as counsel for petitioner in this case.

No. 77-5521. JONES *v.* McCARTHY, MEN'S COLONY SUPERINTENDENT, ET AL. Motion for leave to file petition for writ of habeas corpus denied.

434 U. S.

October 31, 1977

No. 77-216. *TOMKO v. TEITELBAUM*, U. S. DISTRICT JUDGE. Motion for leave to file petition for writ of prohibition and/or mandamus denied.

*Probable Jurisdiction Noted*

No. 77-324. *HICKLIN ET AL. v. ORBECK*, COMMISSIONER, DEPARTMENT OF LABOR OF ALASKA, ET AL. Appeal from Sup. Ct. Alaska. Probable jurisdiction noted. Reported below: 565 P. 2d 159.

*Certiorari Granted*

No. 77-39. *PINKUS, DBA ROSSLYN NEWS CO., ET AL. v. UNITED STATES*. C. A. 9th Cir. Certiorari granted. Reported below: 551 F. 2d 1155.

No. 77-240. *ST. PAUL FIRE & MARINE INSURANCE CO. ET AL. v. BARRY ET AL.* C. A. 1st Cir. Certiorari granted. Reported below: 555 F. 2d 3.

No. 77-335. *OPPENHEIMER FUND, INC., ET AL. v. SANDERS ET AL.* C. A. 2d Cir. Certiorari granted. Reported below: 558 F. 2d 636.

*Certiorari Denied. (See also No. 77-359, *supra*.)*

No. 76-1789. *RUCKER v. BELL*, ATTORNEY GENERAL, ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 552 F. 2d 998.

No. 76-1822. *MADONNA v. UNITED STATES*; and

No. 76-1859. *LARCA v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 556 F. 2d 562.

No. 76-6801. *HOOVER v. SMITH*, CORRECTIONAL SUPERINTENDENT. C. A. 2d Cir. Certiorari denied.

No. 76-6830. *LAW v. ALABAMA*. Ct. Crim. App. Ala. Certiorari denied. Reported below: 342 So. 2d 412.

No. 76-6961. *DUDLEY v. FOGG*, CORRECTIONAL SUPERINTENDENT. C. A. 2d Cir. Certiorari denied.

October 31, 1977

434 U. S.

No. 76-6987. *SMITH v. NEW YORK*. App. Term, Sup. Ct. N. Y., 9th and 10th Jud. Dists. Certiorari denied. Reported below: 89 Misc. 2d 789, 392 N. Y. S. 2d 968.

No. 76-6989. *HUCKABY v. FLORIDA*. Sup. Ct. Fla. Certiorari denied. Reported below: 343 So. 2d 29.

No. 77-30. *STICH v. UNITED STATES ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 554 F. 2d 1070.

No. 77-74. *COFER ET AL. v. DANN, COMMISSIONER OF PATENTS AND TRADEMARKS*. C. C. P. A. Certiorari denied. Reported below: 558 F. 2d 1040.

No. 77-94. *M & H PRODUCE CO., INC. v. BERGLAND, SECRETARY OF AGRICULTURE, ET AL.* C. A. D. C. Cir. Certiorari denied. Reported below: 179 U. S. App. D. C. 128, 549 F. 2d 830.

No. 77-146. *NEKOOSA PAPERS, INC. v. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 558 F. 2d 841.

No. 77-162. *WEITZEL v. NATIONAL LABOR RELATIONS BOARD*. C. A. 9th Cir. Certiorari denied. Reported below: 551 F. 2d 314.

No. 77-176. *MINERAL VENTURES, LTD. v. ANDRUS, SECRETARY OF THE INTERIOR*. C. A. 9th Cir. Certiorari denied. Reported below: 554 F. 2d 1069.

No. 77-182. *HART v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 551 F. 2d 738.

No. 77-187. *KALLIR, PHILIPS, ROSS, INC. v. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 559 F. 2d 1203.

No. 77-190. *AGUILAR ET AL. v. BELL, ATTORNEY GENERAL, ET AL.* C. A. D. C. Cir. Certiorari denied. Reported below: 181 U. S. App. D. C. 199, 556 F. 2d 76.

434 U. S.

October 31, 1977

No. 77-193. *ADCOCK v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 558 F. 2d 397.

No. 77-194. *VESPE v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 559 F. 2d 1210.

No. 77-200. *KAYE v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 556 F. 2d 855.

No. 77-215. *NEW YORK v. ABRUZZI*. Ct. App. N. Y. Certiorari denied. Reported below: 42 N. Y. 2d 813, 364 N. E. 2d 1342.

No. 77-221. *PHILLIPS PETROLEUM CO. v. ASHLAND OIL, INC., ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 554 F. 2d 381.

No. 77-222. *CHRISTOVAO, DBA MERCANTUM TRADING CO. v. UNISUL-UNIAO DE COOP. TRANSF. DE TOMATE DO SUL DO TEJO, S. C. R. L., ET AL.* App. Div., Sup. Ct. N. Y., 1st Jud. Dept. Certiorari denied. Reported below: 55 App. Div. 2d 561, 390 N. Y. S. 2d 71.

No. 77-225. *MANDEL ET AL. v. ALEXANDER, SECRETARY OF THE ARMY, ET AL.* C. A. D. C. Cir. Certiorari denied. Reported below: 179 U. S. App. D. C. 281, 551 F. 2d 467.

No. 77-229. *PACE v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 559 F. 2d 1222.

No. 77-264. *BROWN v. UNITED STATES*. Ct. App. D. C. Certiorari denied. Reported below: 372 A. 2d 557.

No. 77-265. *HIGGINBOTTOM v. BLUMENTHAL, SECRETARY OF THE TREASURY*. C. A. 5th Cir. Certiorari denied. Reported below: 553 F. 2d 99.

No. 77-272. *PUGET SOUND TRUCK LINES, INC. v. UNITED STATES ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 556 F. 2d 959.

October 31, 1977

434 U. S.

No. 77-274. *TIMBERLAND PACKING CORP. v. NATIONAL LABOR RELATIONS BOARD*. C. A. 9th Cir. Certiorari denied. Reported below: 550 F. 2d 500.

No. 77-283. *INTERNATIONAL LONGSHOREMEN'S & WAREHOUSEMEN'S UNION, LOCAL NO. 13 v. NATIONAL LABOR RELATIONS BOARD*. C. A. 9th Cir. Certiorari denied. Reported below: 549 F. 2d 1346.

No. 77-284. *SHEIKOWITZ v. BOARD OF REGENTS OF THE UNIVERSITY OF NEW YORK*. App. Div., Sup. Ct. N. Y., 3d Jud. Dept. Certiorari denied. Reported below: 57 App. Div. 2d 1031, 395 N. Y. S. 2d 260.

No. 77-286. *UNITED STATES v. McGARRY ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 549 F. 2d 587.

No. 77-327. *SHOTT v. STARTZMAN, CLERK, SUPREME COURT OF OHIO*. Sup. Ct. Ohio. Certiorari denied.

No. 77-328. *TRAFFICANTE v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 552 F. 2d 605.

No. 77-331. *MILLS v. ELECTRIC AUTO-LITE CO. ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 552 F. 2d 1239.

No. 77-339. *REED, ADMINISTRATRIX, ET AL. v. WISER ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 555 F. 2d 1079.

No. 77-340. *BOLTE ET AL. v. SIDERS ET AL.* Sup. Ct. Ohio. Certiorari denied.

No. 77-341. *PERATI v. BATTALION ET AL.* Ct. App. Cal., 1st App. Dist. Certiorari denied.

No. 77-342. *ORKIN ET AL. v. GEORGIA*. Ct. App. Ga. Certiorari denied. Reported below: 140 Ga. App. 651, 231 S. E. 2d 481.

434 U. S.

October 31, 1977

No. 77-350. *O'BRIEN v. DUTCHIE, INC.* C. A. 6th Cir. Certiorari denied. Reported below: 556 F. 2d 581.

No. 77-353. *COGDELL v. COGDELL ET AL.* Ct. Civ. App. Tex., 11th Sup. Jud. Dist. Certiorari denied. Reported below: 544 S. W. 2d 825.

No. 77-354. *QUINN v. DONDLINGER & SONS CONSTRUCTION CO., INC.* C. A. 10th Cir. Certiorari denied.

No. 77-356. *CALL CARL, INC., ET AL. v. BP OIL CORP. ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 554 F. 2d 623.

No. 77-358. *NATIONAL MARITIME UNION OF AMERICA, AFL-CIO v. COMMERCE TANKERS CORP. ET AL.*; and

No. 77-376. *COMMERCE TANKERS CORP. ET AL. v. NATIONAL MARITIME UNION OF AMERICA, AFL-CIO.* C. A. 2d Cir. Certiorari denied. Reported below: 553 F. 2d 793.

No. 77-362. *ROBINSON v. KENTUCKY.* Sup. Ct. Ky. Certiorari denied. Reported below: 550 S. W. 2d 496.

No. 77-366. *BLINDER ROBINSON & CO., INC. v. HALPERT OBERST & CO.* C. A. 3d Cir. Certiorari denied. Reported below: 559 F. 2d 1208.

No. 77-367. *FORD MOTOR CO. v. REA ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 560 F. 2d 554.

No. 77-370. *KENNY ET AL. v. CITY OF PHILADELPHIA*; and *MACDONALD ET AL. v. CITY OF PHILADELPHIA.* Pa. Commw. Ct. Certiorari denied. Reported below: — Pa. Commw. —, 369 A. 2d 1343 (first case); — Pa. Commw. —, 369 A. 2d 1341 (second case).

No. 77-377. *NEW JERSEY MANUFACTURERS INSURANCE CO. v. MOTOR CLUB FIRE & CASUALTY CO. ET AL.* Sup. Ct. N. J. Certiorari denied. Reported below: 73 N. J. 425, 375 A. 2d 639.

October 31, 1977

434 U. S.

No. 77-374. *SLOAN v. BONIME ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 556 F. 2d 554.

No. 77-378. *BANK OF NEW JERSEY v. NORTHWESTERN NATIONAL INSURANCE CO.* C. A. 3d Cir. Certiorari denied. Reported below: 557 F. 2d 365.

No. 77-379. *FURR v. NORTH CAROLINA.* Sup. Ct. N. C. Certiorari denied. Reported below: 292 N. C. 711, 235 S. E. 2d 193.

No. 77-384. *TATERKA v. WISCONSIN TELEPHONE CO.* C. A. 7th Cir. Certiorari denied. Reported below: 559 F. 2d 1224.

No. 77-387. *WILLIAMS ET AL. v. CITY OF CHICAGO ET AL.* Sup. Ct. Ill. Certiorari denied. Reported below: 66 Ill. 2d 423, 362 N. E. 2d 1030.

No. 77-389. *PERSON v. ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 554 F. 2d 534.

No. 77-403. *AMALGAMATED DEVELOPMENT CO., INC., ET AL. v. COMMITTEE ON UNAUTHORIZED PRACTICE, DISTRICT OF COLUMBIA COURT OF APPEALS.* Ct. App. D. C. Certiorari denied. Reported below: 375 A. 2d 494.

No. 77-409. *GOODWIN v. IOWA.* Sup. Ct. Iowa. Certiorari denied. Reported below: 255 N. W. 2d 170.

No. 77-411. *BENNETT ET AL. v. UNITED STATES.* C. A. 8th Cir. Certiorari denied. Reported below: 563 F. 2d 879.

No. 77-415. *SALYERS v. BOARD OF GOVERNORS OF STATE COLLEGES AND UNIVERSITIES OF ILLINOIS ET AL.* Cir. Ct., Coles County, Ill. Certiorari denied.

No. 77-437. *MARTINEZ ET AL. v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 555 F. 2d 1248.

434 U. S.

October 31, 1977

No. 77-441. *DICK v. UNITED STATES*; and

No. 77-442. *DICK v. UNITED STATES*. C. A. 10th Cir. Certiorari denied.

No. 77-461. *DIGGS v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 560 F. 2d 266.

No. 77-462. *KING v. UNITED STATES*; and

No. 77-463. *BOUCHER v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 560 F. 2d 122.

No. 77-469. *Rocco FERRERA & Co. v. MORRISON, TRUSTEE IN BANKRUPTCY*. C. A. 6th Cir. Certiorari denied. Reported below: 554 F. 2d 290.

No. 77-5002. *HYRNKOW v. BUTLER, CHAIRMAN, BOARD OF PROBATION AND PAROLE OF PENNSYLVANIA*. C. A. 3d Cir. Certiorari denied.

No. 77-5004. *SALYER v. ILLINOIS*. App. Ct. Ill., 3d Dist. Certiorari denied. Reported below: 44 Ill. App. 3d 854, 358 N. E. 2d 1333.

No. 77-5011. *DORRIS ET AL. v. GEORGIA*. Ct. App. Ga. Certiorari denied. Reported below: 141 Ga. App. 127, 232 S. E. 2d 590.

No. 77-5018. *VELASQUEZ v. ESTELLE, CORRECTIONS DIRECTOR*. C. A. 5th Cir. Certiorari denied. Reported below: 550 F. 2d 1284.

No. 77-5025. *MORGAN v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 556 F. 2d 583.

No. 76-5029. *HUGHES v. MARYLAND*. Ct. Sp. App. Md. Certiorari denied.

No. 77-5031. *WILLIAMSON v. UNITED STATES*; and

No. 77-5033. *MITCHELL v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 556 F. 2d 371.

October 31, 1977

434 U. S.

No. 77-5034. *POTE v. ILLINOIS*. C. A. 7th Cir. Certiorari denied. Reported below: 549 F. 2d 804.

No. 77-5046. *COOPER v. MARYLAND*. C. A. 4th Cir. Certiorari denied. Reported below: 556 F. 2d 571.

No. 77-5065. *EVERS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 552 F. 2d 1119.

No. 77-5070. *LEAL v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 554 F. 2d 1071.

No. 77-5074. *FORD v. WAINWRIGHT, SECRETARY, DEPARTMENT OF OFFENDER REHABILITATION OF FLORIDA*. C. A. 5th Cir. Certiorari denied. Reported below: 549 F. 2d 981.

No. 77-5097. *SHEFFEY v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 559 F. 2d 1209.

No. 77-5101. *GONZALEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 551 F. 2d 862.

No. 77-5118. *PEDERSON v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 555 F. 2d 737.

No. 77-5120. *GRAY v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 77-5124. *McCRAY v. UNITED STATES*. C. A. 10th Cir. Certiorari denied.

No. 77-5134. *CRAFT v. BOARD OF PARDONS AND PAROLES OF TEXAS ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 550 F. 2d 1054.

No. 77-5165. *JUMPER v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 554 F. 2d 1064.

No. 77-5187. *HARGON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 555 F. 2d 1390.

No. 77-5190. *RAMIREZ v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 556 F. 2d 909.

434 U. S.

October 31, 1977

No. 77-5193. *FINCH v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 557 F. 2d 1234.

No. 77-5205. *MONTGOMERY v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 554 F. 2d 754.

No. 77-5220. *DUBRAY v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 562 F. 2d 40.

No. 77-5231. *WADE v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 559 F. 2d 1223.

No. 77-5233. *HARRIS ET AL. v. HARRIS, SECRETARY OF HOUSING AND URBAN DEVELOPMENT, ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 555 F. 2d 1357.

No. 77-5236. *MIZE v. UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA*. C. A. 9th Cir. Certiorari denied.

No. 77-5246. *WATSON v. UNITED STATES*. Ct. App. D. C. Certiorari denied.

No. 77-5248. *BOYD v. HENDERSON, CORRECTIONAL SUPERINTENDENT*. C. A. 2d Cir. Certiorari denied. Reported below: 555 F. 2d 56.

No. 77-5263. *MASSENGALE v. UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF KENTUCKY*. C. A. 6th Cir. Certiorari denied. Reported below: 554 F. 2d 301.

No. 77-5274. *DiMAIO v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 77-5308. *McBRIDE v. DELTA AIR LINES, INC.* C. A. 6th Cir. Certiorari denied. Reported below: 551 F. 2d 113.

No. 77-5361. *MORGAN v. ILLINOIS*. Sup. Ct. Ill. Certiorari denied. Reported below: 67 Ill. 2d 1, 364 N. E. 2d 56.

No. 77-5365. *RODRIGUEZ v. FINKBEINER ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 547 F. 2d 1170.

October 31, 1977

434 U. S.

No. 77-5367. *BROGAN v. DEPARTMENT OF LABOR OF NEBRASKA ET AL.* C. A. 10th Cir. Certiorari denied.

No. 77-5368. *MASSEY v. HUTTO, CORRECTION COMMISSIONER.* C. A. 8th Cir. Certiorari denied.

No. 77-5376. *RODGERS v. MARYLAND.* Ct. App. Md. Certiorari denied. Reported below: 280 Md. 406, 373 A. 2d 944.

No. 77-5383. *ELDRIDGE v. INDIANA.* Sup. Ct. Ind. Certiorari denied. Reported below: 266 Ind. 134, 361 N. E. 2d 155.

No. 77-5386. *WILLIAMS v. LOUISIANA.* Sup. Ct. La. Certiorari denied. Reported below: 343 So. 2d 1026.

No. 77-5391. *CORBO v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 555 F. 2d 1279.

No. 77-5392. *ENRIQUEZ v. ESTELLE, CORRECTIONS DIRECTOR.* C. A. 5th Cir. Certiorari denied.

No. 77-5394. *BIONDO v. NEW YORK.* Ct. App. N. Y. Certiorari denied. Reported below: 41 N. Y. 2d 483, 362 N. E. 2d 576.

No. 77-5395. *TYLER v. STANTON; and HOGAN v. UNITED STATES.* C. A. 8th Cir. Certiorari denied.

No. 77-5398. *SCOTT v. MARYLAND.* Ct. Sp. App. Md. Certiorari denied.

No. 77-5401. *GREENFIELD v. GUNN.* C. A. 9th Cir. Certiorari denied. Reported below: 556 F. 2d 935.

No. 77-5405. *MAY v. NORTH CAROLINA.* Sup. Ct. N. C. Certiorari denied. Reported below: 292 N. C. 644, 235 S. E. 2d 178.

No. 77-5407. *GREENE v. SOUTH CAROLINA.* Sup. Ct. S. C. Certiorari denied.

434 U.S.

October 31, 1977

No. 77-5408. *BANKS v. REDEVELOPMENT AUTHORITY OF THE CITY OF PHILADELPHIA ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 556 F. 2d 564.

No. 77-5409. *PATTERSON ET AL. v. LEEKE ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 556 F. 2d 1168.

No. 77-5412. *GORDON v. ARKANSAS.* Sup. Ct. Ark. Certiorari denied. Reported below: 259 Ark. 134, 529 S. W. 2d 330.

No. 77-5413. *MANVILLE v. EGELER, WARDEN.* C. A. 6th Cir. Certiorari denied. Reported below: 556 F. 2d 581.

No. 77-5416. *CONDO v. VINDICATOR PRINTING CO. ET AL.* C. A. 6th Cir. Certiorari denied.

No. 77-5417. *BROWN v. MAGGIO, WARDEN.* C. A. 5th Cir. Certiorari denied.

No. 77-5420. *HOFFMAN v. BUONINFANTE.* Ct. App. N. Y. Certiorari denied. Reported below: 42 N. Y. 2d 912, 366 N. E. 2d 1359.

No. 77-5425. *MOBLEY v. RISTAINO.* C. A. 1st Cir. Certiorari denied.

No. 77-5437. *MORELLO v. UNITED STATES.* C. A. 3d Cir. Certiorari denied. Reported below: 558 F. 2d 133.

No. 77-5446. *MUNGO v. LAVALLEE, CORRECTIONAL SUPERINTENDENT.* C. A. 2d Cir. Certiorari denied.

No. 77-5453. *GOLDBACH v. CALIFORNIA SUPREME COURT ET AL.* C. A. 9th Cir. Certiorari denied.

No. 77-5457. *WISE v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 550 F. 2d 1180.

No. 77-5462. *DAVIS v. UNITED STATES.* C. A. D. C. Cir. Certiorari denied. Reported below: 183 U. S. App. D. C. 121, 561 F. 2d 1014.

October 31, 1977

434 U. S.

No. 77-5471. *POREBSKI v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 562 F. 2d 43.

No. 77-5485. *HESSBROOK v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 555 F. 2d 468.

No. 77-5486. *HICKS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 558 F. 2d 316.

No. 77-5491. *STAVREDES v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 77-5496. *HERZBERG ET AL. v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 558 F. 2d 1219.

No. 77-5523. *SANFARDINO v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 77-5527. *WASHINGTON v. NEW YORK*. App. Div., Sup. Ct. N. Y., 1st Jud. Dept. Certiorari denied. Reported below: 57 App. Div. 2d 739, 393 N. Y. S. 2d 631.

No. 76-1755. *HOLLENBACH, JUDGE v. HAYCRAFT ET AL.* C. A. 6th Cir. Certiorari denied. MR. JUSTICE POWELL would grant certiorari, vacate judgment, and remand case for further consideration in light of *Dayton Board of Education v. Brinkman*, 433 U. S. 406 (1977). MR. JUSTICE WHITE took no part in the consideration or decision of this petition.

No. 76-1796. *OTTOBONI ET AL. v. UNITED STATES*. C. A. 9th Cir. Motion of California Indian Legal Services for leave to file a brief as *amicus curiae* granted. Certiorari denied. Reported below: 549 F. 2d 1271.

No. 76-1848. *TRIBUNE PUBLISHING CO. ET AL. v. CALDERO*. Sup. Ct. Idaho. Certiorari denied. MR. JUSTICE MARSHALL would grant certiorari. Reported below: 98 Idaho 288, 562 P. 2d 791.

No. 77-5042. *PRUDE v. ILLINOIS*. Sup. Ct. Ill. Certiorari denied. MR. JUSTICE MARSHALL would grant certiorari. Reported below: 66 Ill. 2d 470, 363 N. E. 2d 371.

434 U. S.

October 31, 1977

No. 77-227. PHILIP MORRIS, INC. *v.* SECRETARY OF THE TREASURY OF PUERTO RICO. Sup. Ct. P. R. Certiorari denied. MR. JUSTICE POWELL took no part in the consideration or decision of this petition. Reported below: — P. R. R. —.

No. 77-301. LEWIS ET AL. *v.* HYLAND ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 554 F. 2d 93.

MR. JUSTICE MARSHALL, with whom MR. JUSTICE BRENNAN joins, dissenting.

I dissent from the denial of the petition for certiorari.

Petitioners sought relief under 42 U. S. C. § 1983 on behalf of a class of persons who travel on the public highways and toll roads of New Jersey and who, it was alleged, have been subjected to a "pattern and practice" of unreasonable stops and searches by the New Jersey State Police. Petitioners' complaint further defined a subclass of "long-haired highway travelers," who allegedly have been subjected to illegal stops and searches solely because of their "highly individualized personal appearance." The Court of Appeals found the complaint sufficient to survive a motion to dismiss, *Lewis v. Kugler*, 446 F. 2d 1343 (CA3 1971), and petitioners then had an opportunity to prove their case against respondents, the Attorney General of New Jersey, the Superintendent of State Police, 14 named state police troopers, and a class of unnamed troopers.

At trial, according to the Court of Appeals, petitioners "substantiated (and, indeed, augmented) their initial allegations." 554 F. 2d 93, 94 (CA3 1977). The court summarized "[t]he district court's extensive findings of fact" as "reveal[ing] what can only be described as callous indifference by the New Jersey State Police for the rights of citizens using New Jersey roads." *Ibid.* In the view of the Court of Appeals, petitioners would clearly have been entitled to injunctive relief, "in light of [their] demonstration of numerous violations of their constitutional rights," were it not for this

MARSHALL, J., dissenting

434 U. S.

Court's ruling in *Rizzo v. Goode*, 423 U. S. 362 (1976). 554 F. 2d, at 95.

Any lower court decision that reads a single opinion of this Court as effectuating a sharp change in the law deserves careful scrutiny before certiorari is denied, at least when the opinion does not claim to be making any such change. When the lower court's reading of our opinion results in the denial of relief to a large class of persons whose federal constitutional rights were repeatedly violated—as established by substantial evidence credited by the finder of fact, following the expenditure of many hours of judges' and litigants' time—a strong case is established for the granting of certiorari. When the opinion of this Court that is the sole cause of the denial of relief is grounded in particular facts and contains alternative rationales, the case for granting certiorari becomes compelling.

I joined my Brother BLACKMUN's dissenting opinion in *Rizzo v. Goode*, *supra*, and continue to believe that the case was wrongly decided. One can accept *Rizzo*, however, and yet view it as only one step in, rather than the end of, this Court's continuing effort to define the contours of § 1983 suits against public officials who, with varying degrees of personal participation, have allowed the violation of citizens' rights by subordinate employees. Certainly the lower courts have not found in *Rizzo* any unambiguous signal; to the contrary, they have given the opinion varying interpretations that suggest the need for guidance from this Court.<sup>1</sup>

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<sup>1</sup> See, e. g., *Duchesne v. Sugarman*, 566 F. 2d 817 (CA2 1977); *Youakim v. Miller*, 562 F. 2d 483, 491 (CA7 1977); *Washington Mobilization Committee v. Cullinane*, 184 U. S. App. D. C. 215, 566 F. 2d 107 (1977) (statements by Bazelon, C. J., and Leventhal, J., as to reasons for voting to deny rehearing en banc); *Butler v. Cooper*, 554 F. 2d 645, 647-648 (CA4 1977); *id.*, at 649-650 (dissenting opinion); *Welsch v. Likins*, 550 F. 2d 1122, 1131-1132 (CA8 1977); *Kite v. Kelley*, 546 F. 2d 334, 336-337 (CA10 1976); *Illinois Migrant Council v. Pilliod*, 540 F. 2d 1062, 1067-1068 (CA7 1976), modified in part on rehearing en banc, 548 F. 2d 715 (1977); 540 F. 2d, at 1072-1073 (dissenting opinion); *Sims v. Adams*, 537 F. 2d 829,

On its facts, moreover, this case is quite different from *Rizzo*. There, the extent of the defendant officials' knowledge of their subordinates' unconstitutional actions was uncertain; plaintiffs apparently proceeded on the theory that the officials had a duty to act to correct a statistical pattern of abuse, regardless of their knowledge of the pattern. See 423 U. S., at 376. Here, petitioners' evidence established that complaints about illegal searches were made to state police officials. The officials were, in the words of the Court of Appeals, "insensitiv[e]," "obliviou[s]," and "indifferen[t]" to these complaints. 554 F. 2d, at 101. A failure to act in the face of knowledge of subordinates' illegal actions is surely different from a failure to correct a statistical pattern of which one is not aware. Cf. *Estelle v. Gamble*, 429 U. S. 97, 104-106 (1976) (distinguishing, for Eighth Amendment purposes, between "deliberate indifference" to prisoners' medical needs and accidental failure to provide adequate care).

There is thus a closer nexus here between the inaction of responsible officials and the violations of rights by subordinates than there was in *Rizzo*. In addition, the plaintiff class is narrower here,<sup>2</sup> named defendants have engaged in deliberate

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832 (CA5 1976); *Shifrin v. Wilson*, 412 F. Supp. 1282, 1301-1302, n. 22 (DC 1976).

<sup>2</sup> The class of New Jersey highway travelers and the subclass of long-haired highway travelers, though large and undifferentiated, nevertheless have more plainly identical interests with regard to police illegality than did the classes of all Philadelphia residents and all minority citizens that were certified in *Rizzo v. Goode*, see 423 U. S., at 366-367. Petitioners point out, moreover, that the plaintiff classes in *Rizzo* were coextensive with the city's electorate and thus had recourse to the political process to remedy official tolerance of abuse of civil rights, a factor that may have made the need for federal-court intervention appear less compelling. In the instant case, by contrast, many members of the class and subclass are interstate travelers who are merely driving through New Jersey and have no opportunity to correct official indifference through the State's political process.

October 31, 1977

434 U. S.

wrongdoing,<sup>3</sup> and the injunctive relief sought is far less intrusive in terms of judicial interference with police operations.<sup>4</sup> Certiorari should be granted in this case to clarify the scope of the *Rizzo* decision.

No. 77-332. *F. EBERSTADT & Co., INC., ET AL. v. TANNENBAUM ET AL.* C. A. 2d Cir. Motion of Investment Company Institute for leave to file a brief as *amicus curiae* granted. Certiorari denied. MR. JUSTICE POWELL would grant certiorari. Reported below: 552 F. 2d 402.

No. 77-401. *INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, LOCAL 922, ET AL. v. STATEN ISLAND RAPID TRANSIT OPERATING AUTHORITY.* App. Div., Sup. Ct. N. Y., 2d Jud. Dept. Certiorari denied. MR. JUSTICE BRENNAN would grant certiorari. Reported below: 57 App. Div. 2d 614, 393 N. Y. S. 2d 773.

No. 77-5019. *PEREZ v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. MR. JUSTICE STEWART would grant certiorari. Reported below: 558 F. 2d 1053.

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<sup>3</sup> In *Rizzo* the policemen who were found to have violated constitutional rights were not named as defendants, a factor twice emphasized by the Court. See 423 U. S., at 371, 375. The only named defendants were supervisory officials. *Id.*, at 364-365, n. 1. Here the defendants included the individual troopers who had committed illegal acts, as well as a class of unnamed troopers who had participated in the illegality. See 554 F. 2d, at 95 n. 3. The presence of the supervisory defendants in this case may thus have been for the purpose of shaping an effective remedy. Cf. *Hills v. Gautreaux*, 425 U. S. 284, 297 (1976) (once violation of rights is established, court of equity has broad power in fashioning remedy).

<sup>4</sup> The injunction in *Rizzo* "significantly revis[ed] the internal procedures of the Philadelphia police department." 423 U. S., at 379. Petitioners here, by contrast, would be content with "[a] simple notification from superiors to subordinates that they [may] not constitutionally stop and search vehicles solely because of the personal appearance of the occupants." Pet. for Cert. 23.

434 U. S.

October 31, November 2, 1977

No. 77-5026. *WITT v. FLORIDA*. Sup. Ct. Fla.;  
No. 77-5305. *BURNS v. TEXAS*. Ct. Crim. App. Tex.;  
No. 77-5355. *SHIPPY v. TEXAS*. Ct. Crim. App. Tex.; and  
No. 77-5464. *PRYOR v. GEORGIA*. Sup. Ct. Ga. Certiorari denied. Reported below: No. 77-5026, 342 So. 2d 497; No. 77-5305, 556 S. W. 2d 270; No. 77-5355, 556 S. W. 2d 246; No. 77-5464, 238 Ga. 698, 234 S. E. 2d 918.

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 grant certiorari and vacate the death sentences in these cases.

No. 77-5207. *KING v. UNITED STATES*. C. A. 9th Cir. Motions of Russo et al. for leave to join in petition and certiorari denied. Reported below: 562 F. 2d 56.

*Rehearing Denied*

No. 76-6771. *DIXON v. THOMPSON, WARDEN*, *ante*, p. 843; and

No. 77-5216. *TOWNSLEY v. BOARD OF PORT COMMISSIONERS, PORT OF OAKLAND*, *ante*, p. 807. Petitions for rehearing denied.

No. 76-6616. *BRADINGTON v. INTERNATIONAL BUSINESS MACHINES CORP.*, 431 U. S. 974; and

No. 76-6998. *MASON ET AL. v. CALLAWAY ET AL.*, *ante*, p. 877. Petitions for rehearing denied. MR. JUSTICE BLACKMUN took no part in the consideration or decision of these petitions.

NOVEMBER 2, 1977

*Miscellaneous Order*

No. A-396 (77-529). *WISE, MAYOR OF DALLAS, ET AL. v. LIPSCOMB ET AL.* C. A. 5th Cir. Application for injunction,

November 2, 1977

434 U. S.

presented to MR. JUSTICE POWELL, and by him referred to the Court, denied. MR. JUSTICE BRENNAN took no part in the consideration or decision of this application.

NOVEMBER 7, 1977

*Certiorari Granted—Vacated and Remanded.* (See also No. 76-6194, *ante*, p. 22.)

No. 76-1644. GUNN, WARDEN *v.* POULIN. C. A. 9th Cir. Motion of respondent for leave to proceed *in forma pauperis* and certiorari granted. Judgment vacated and case remanded for further consideration in light of *Wainwright v. Sykes*, 433 U. S. 72 (1977). Reported below: 548 F. 2d 1379.

#### *Miscellaneous Orders*

No. A-222. MECOM *v.* UNITED STATES. C. A. 5th Cir. Application for reduction of bail, presented to MR. JUSTICE BRENNAN, and by him referred to the Court, denied.

No. A-302 (77-5353). MINCEY *v.* ARIZONA. Application for stay of the mandate of the Supreme Court of Arizona, presented to MR. JUSTICE BRENNAN, and by him referred to the Court, denied.

No. A-328 (77-5431). TYLER *v.* DYER, CLERK, CIRCUIT COURT OF PLATTE COUNTY. C. A. 8th Cir. Application for stay of state court proceedings, presented to MR. JUSTICE MARSHALL, and by him referred to the Court, denied.

No. A-332. GILBERT ET AL. *v.* LEIGHTON, U. S. DISTRICT JUDGE, ET AL. C. A. 7th Cir. Application for stay of injunction, presented to MR. JUSTICE WHITE, and by him referred to the Court, denied.

No. A-352 (77-526). CHITTY *v.* UNITED STATES; and POSTAL *v.* UNITED STATES. C. A. 5th Cir. Application for bail, presented to MR. JUSTICE BRENNAN, and by him referred to the Court, denied.

434 U. S.

November 7, 1977

No. D-121. *IN RE DISBARMENT OF SKONTOS.* It is ordered that George John Skontos, 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. 76-1596. *UNITED STATES v. MAURO ET AL.* C. A. 2d Cir. [Certiorari granted, *ante*, p. 816.] Motion for appointment of counsel granted, and it is ordered that Kevin Ross, Esquire, of Kew Gardens, N. Y., be appointed to serve as counsel for respondents in this case.

No. 76-1767. *NATIONAL SOCIETY OF PROFESSIONAL ENGINEERS v. UNITED STATES.* C. A. D. C. Cir. [Certiorari granted, *ante*, p. 815.] Motion of petitioner for leave to file the Court of Appeals appendix in lieu of an appendix as prescribed by this Court's Rule 39 granted.

No. 76-6860. *GUTIERREZ v. SINGLETON, U. S. DISTRICT JUDGE;* and

No. 77-5436. *HOLSEY v. HAYNSWORTH, U. S. CIRCUIT JUDGE.* Motions for leave to file petitions for writs of mandamus denied.

#### *Probable Jurisdiction Noted*

No. 77-262. *DUKE POWER CO. v. CAROLINA ENVIRONMENTAL STUDY GROUP, INC., ET AL.*; and

No. 77-375. *UNITED STATES NUCLEAR REGULATORY COMMISSION ET AL. v. CAROLINA ENVIRONMENTAL STUDY GROUP, INC., ET AL.* Appeals from D. C. W. D. N. C. Motions of Pacific Legal Foundation and Southeastern Legal Foundation for leave to file briefs as *amici curiae* granted. Probable jurisdiction noted, cases consolidated, and a total of one hour allotted for oral argument. Reported below: 431 F. Supp. 203.

November 7, 1977

434 U. S.

*Certiorari Denied*

No. 76-1843. OLLESTEAD ET AL. *v.* NATIVE VILLAGE OF TYONEK. Sup. Ct. Alaska. Certiorari denied. Reported below: 560 P. 2d 31.

No. 76-6956. BURSE *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 559 F. 2d 1205.

No. 76-6982. BRICKHOUSE *v.* ZAHRADNICK, PENITENTIARY SUPERINTENDENT. C. A. 4th Cir. Certiorari denied. Reported below: 553 F. 2d 340.

No. 77-54. BEASLEY *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 550 F. 2d 261.

No. 77-96. BRITISH AMERICAN COMMODITY OPTIONS CORP. ET AL. *v.* BAGLEY, CHAIRMAN, COMMODITY FUTURES TRADING COMMISSION, ET AL.; and

No. 77-204. NATIONAL ASSOCIATION OF COMMODITY OPTION DEALERS ET AL. *v.* COMMODITY FUTURES TRADING COMMISSION ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 552 F. 2d 482.

No. 77-192. STEBBINS *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 562 F. 2d 39.

No. 77-244. LEE PHARMACEUTICALS *v.* DEN-MAT, INC., ET AL. C. A. 9th Cir. Certiorari denied.

No. 77-254. DISCOUNT CO., INC. *v.* UNITED STATES. Ct. Cl. Certiorari denied. Reported below: 213 Ct. Cl. 567, 554 F. 2d 435.

No. 77-278. CHAMPION INTERNATIONAL CORP. *v.* UNITED STATES;

No. 77-281. YOUNG & MORGAN, INC., ET AL. *v.* UNITED STATES; and

No. 77-282. FRERES LUMBER CO., INC., ET AL. *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 557 F. 2d 1270.

434 U. S.

November 7, 1977

No. 77-257. *BERGEN v. UNITED STATES*. Ct. Cl. Certiorari denied. Reported below: 213 Ct. Cl. 609, 562 F. 2d 1197.

No. 77-300. *KANANEN v. CALIFANO*, SECRETARY OF HEALTH, EDUCATION, AND WELFARE. C. A. 8th Cir. Certiorari denied. Reported below: 555 F. 2d 667.

No. 77-310. *SMITH, TREASURER OF ILLINOIS, ET AL. v. SNOW ET AL.* Sup. Ct. Ill. Certiorari denied. Reported below: 66 Ill. 2d 443, 362 N. E. 2d 1052.

No. 77-313. *MASON ET AL. v. UNITED STATES ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 554 F. 2d 1069.

No. 77-363. *CITY OF MIAMI BEACH v. JACOBS, DBA PARK APARTMENT HOTEL, ET AL.* Dist. Ct. App. Fla., 3d Dist. Certiorari denied. Reported below: 341 So. 2d 236.

No. 77-385. *DAVIS v. DAVIS*. Ct. App. Md. Certiorari denied. Reported below: 280 Md. 119, 372 A. 2d 231.

No. 77-386. *FLANNIGAN v. BAILAR*, POSTMASTER GENERAL OF THE UNITED STATES, ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 554 F. 2d 1068.

No. 77-394. *MANSON, CORRECTIONS COMMISSIONER v. MOYNAHAN*. C. A. 2d Cir. Certiorari denied. Reported below: 559 F. 2d 1204.

No. 77-398. *FORTUNA CORP. v. WILKERSON*. C. A. 5th Cir. Certiorari denied. Reported below: 554 F. 2d 745.

No. 77-402. *FERGUSON v. BOARD OF TRUSTEES OF BONNER COUNTY SCHOOL DISTRICT No. 82 ET AL.* Sup. Ct. Idaho. Certiorari denied. Reported below: 98 Idaho 359, 564 P. 2d 971.

No. 77-407. *DIAZ v. NEW YORK*. Ct. App. N. Y. Certiorari denied. Reported below: 41 N. Y. 2d 876, 362 N. E. 2d 609.

November 7, 1977

434 U. S.

No. 77-423. BERRY ET AL., JUDGES *v.* JUDICIARY COMMISSION OF LOUISIANA. Sup. Ct. La. Certiorari denied. Reported below: 346 So. 2d 676.

No. 77-426. IN RE WULIGER. Ct. App. Ohio, Cuyahoga County. Certiorari denied.

No. 77-465. KETCHUM ET AL. *v.* GREEN ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 557 F. 2d 1022.

No. 77-507. BRUNO *v.* KALMICHE. C. A. 7th Cir. Certiorari denied. Reported below: 553 F. 2d 549.

No. 77-511. BENEKY *v.* WATERFRONT COMMISSION OF NEW YORK HARBOR. Ct. App. N. Y. Certiorari denied. Reported below: 42 N. Y. 2d 920, 366 N. E. 2d 1349.

No. 77-5020. BIAS *v.* OKLAHOMA. Ct. Crim. App. Okla. Certiorari denied. Reported below: 561 P. 2d 523.

No. 77-5022. PAUL *v.* UNITED STATES. C. A. D. C. Cir. Certiorari denied. Reported below: 179 U. S. App. D. C. 281, 551 F. 2d 467.

No. 77-5036. SCHOLLE *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 553 F. 2d 1109.

No. 77-5049. WALLACE *v.* JAGO, CORRECTIONAL SUPERINTENDENT. C. A. 6th Cir. Certiorari denied. Reported below: 552 F. 2d 721.

No. 77-5057. JACKSON *v.* JAGO, CORRECTIONAL SUPERINTENDENT. C. A. 6th Cir. Certiorari denied. Reported below: 556 F. 2d 807.

No. 77-5112. GIBSON *v.* MISSOURI. Ct. App. Mo., Kansas City Dist. Certiorari denied. Reported below: 547 S. W. 2d 861.

No. 77-5140. HUDSON *v.* NEW YORK. App. Div., Sup. Ct. N. Y., 1st Jud. Dept. Certiorari denied. Reported below: 56 App. Div. 2d 986, 392 N. Y. S. 2d 527.

434 U. S.

November 7, 1977

No. 77-5142. *PROCTOR v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 558 F. 2d 1034.

No. 77-5152. *SIMPSON v. VIRGINIA*. Sup. Ct. Va. Certiorari denied.

No. 77-5166. *CLARK v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 553 F. 2d 504.

No. 77-5179. *TOON v. UNITED STATES*. Ct. App. D. C. Certiorari denied.

No. 77-5237. *JACKSON v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 560 F. 2d 112.

No. 77-5255. *PAPINI v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 559 F. 2d 1209.

No. 77-5273. *TRAMMELL v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 559 F. 2d 1223.

No. 77-5293. *HARTFORD v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 556 F. 2d 575.

No. 77-5322. *BAMOND v. SOLICITOR GENERAL OF THE UNITED STATES ET AL.* C. A. 2d Cir. Certiorari denied.

No. 77-5323. *BRINKLEY v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 560 F. 2d 871.

No. 77-5335. *VICKERS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 556 F. 2d 578.

No. 77-5339. *WADE v. SHELL, U. S. DISTRICT JUDGE*. C. A. 8th Cir. Certiorari denied.

No. 77-5429. *MAYO v. BOMBARD, CORRECTIONAL SUPERINTENDENT*. C. A. 2d Cir. Certiorari denied. Reported below: 559 F. 2d 1204.

No. 77-5430. *SHERMAN v. SAFEWAY STORES, INC., ET AL.* C. A. 10th Cir. Certiorari denied.

November 7, 1977

434 U. S.

No. 77-5432. *RICHARDSON v. TENNESSEE*. Ct. Crim. App. Tenn. Certiorari denied. Reported below: 555 S. W. 2d 411.

No. 77-5434. *GREEN v. ESTELLE, CORRECTIONS DIRECTOR*. C. A. 5th Cir. Certiorari denied.

No. 77-5435. *DOAK, AKA McDONALD v. MARYLAND*. Ct. Sp. App. Md. Certiorari denied.

No. 77-5438. *CRUM v. WALTER H. BRYAN, INC., ET AL.* Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 346 So. 2d 1252.

No. 77-5442. *ROZELL v. ESTELLE, CORRECTIONS DIRECTOR*. C. A. 5th Cir. Certiorari denied. Reported below: 554 F. 2d 229.

No. 77-5444. *SALOUKAS v. CODD, POLICE COMMISSIONER OF THE CITY OF NEW YORK*. C. A. 2d Cir. Certiorari denied.

No. 77-5451. *BOTTOS v. RUMAN ET AL.* Ct. App. Ind. Certiorari denied.

No. 77-5463. *HOLSEY v. MARYLAND COURT OF APPEALS*. Ct. App. Md. Certiorari denied.

No. 77-5487. *RAYSOR v. WOLF & CO. ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 562 F. 2d 39.

No. 77-5498. *STUART v. ARKANSAS*. C. A. 8th Cir. Certiorari denied.

No. 77-5500. *GRAY v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 77-5517. *DOHERTY v. OUTAGAMIE BANK*. C. A. 7th Cir. Certiorari denied.

No. 77-5528. *HIGHTOWER v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 564 F. 2d 620.

No. 77-5530. *WALKER v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 562 F. 2d 50.

434 U. S.

November 7, 1977

No. 77-5531. *ANDERSON v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 561 F. 2d 1301.

No. 77-5537. *JOHNSON v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 562 F. 2d 56.

No. 77-258. *JAGO, CORRECTIONAL SUPERINTENDENT v. PAPP*. C. A. 6th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 559 F. 2d 1220.

No. 77-382. *BEAL, SECRETARY, DEPARTMENT OF PUBLIC WELFARE OF PENNSYLVANIA, ET AL. v. VECCHIONE ET AL.* C. A. 3d Cir. Motion of respondents Ragone et al. for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 558 F. 2d 150.

No. 77-290. *COLE v. UNITED STATES*. Ct. Cl. Motion to proceed as a veteran granted. Certiorari denied.

No. 77-414. *CAPE PUBLICATIONS, INC., ET AL. v. ADAMS*. Dist. Ct. App. Fla., 4th Dist. Motion of American Newspaper Publishers Assn. for leave to file a brief as *amicus curiae* granted. Certiorari denied. Reported below: 336 So. 2d 1197.

No. 77-433. *HOWELL v. DALLAS BAR ASSN. ET AL.* C. A. 5th Cir. Motion for consideration with No. 76-1750, *Stump v. Sparkman* [certiorari granted, *ante*, p. 815], and certiorari denied. Reported below: 551 F. 2d 861.

*Rehearing Denied*

No. 76-6593. *CLARK v. UNITED STATES*, *ante*, p. 839;

No. 76-6939. *GUZMAN v. JONES ET AL.*, *ante*, p. 813;

No. 76-6967. *SHAW ET AL. v. MERRITT-CHAPMAN & SCOTT CORP. ET AL.*, *ante*, p. 852;

No. 77-5053. *SHAW v. THOMPSON, WARDEN*, *ante*, p. 864; and

No. 77-5283. *THERIAULT ET AL. v. SILBER ET AL.*, *ante*, p. 871. Petitions for rehearing denied.

November 7, 9, 14, 1977

434 U. S.

No. 77-131. DELAWARE STATE BOARD OF EDUCATION ET AL.  
*v.* EVANS ET AL.;

No. 77-223. CLAYMONT SCHOOL DISTRICT ET AL. *v.* EVANS  
ET AL.;

No. 77-235. NEWARK SCHOOL DISTRICT *v.* EVANS ET AL.;

No. 77-236. NEW CASTLE-GUNNING BEDFORD SCHOOL DIS-  
TRICT *v.* EVANS ET AL.; and

No. 77-239. MARSHALLTON-MCKEAN SCHOOL DISTRICT *v.*  
EVANS ET AL., *ante*, p. 880. Petition for rehearing denied.  
MR. JUSTICE MARSHALL and MR. JUSTICE STEVENS took no  
part in the consideration or decision of this petition.

NOVEMBER 9, 1977

#### *Miscellaneous Order*

No. A-406. MORIAL ET AL. *v.* JUDICIARY COMMISSION OF  
LOUISIANA ET AL. Application for stay of order of the United  
States Court of Appeals for the Fifth Circuit, presented to  
MR. JUSTICE BRENNAN, and by him referred to the Court,  
denied.

NOVEMBER 14, 1977

#### *Dismissal Under Rule 60*

No. 77-5163. WILLIAMS *v.* WARD, CORRECTIONAL COM-  
MISSIONER, ET AL. C. A. 2d Cir. Certiorari dismissed under  
this Court's Rule 60. Reported below: 556 F. 2d 1143.

#### *Appeals Dismissed*

No. 77-471. McDUGAL *v.* COUNTY OF IMPERIAL. Appeal  
from Sup. Ct. Cal. dismissed for want of substantial federal  
question. Reported below: 19 Cal. 3d 505, 564 P. 2d 14.

No. 77-502. MUSS ET AL. *v.* CITY OF MIAMI BEACH. Ap-  
peal from Dist. Ct. App. Fla., 3d Dist., dismissed for want  
of substantial federal question. Reported below: 339 So. 2d  
236.

434 U. S.

November 14, 1977

*Certiorari Granted—Vacated and Remanded*

No. 76-1377. OREGON STATE PENITENTIARY ET AL. v. HAMMER. Sup. Ct. Ore. Certiorari granted, judgment vacated, and case remanded for reconsideration in light of *Dixon v. Love*, 431 U. S. 105 (1977). Reported below: 276 Ore. 651, 556 P. 2d 1348.

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

Since *Dixon v. Love*, 431 U. S. 105, sheds no light on the issues decided by the Oregon Supreme Court, the Court's disposition of this petition can only be characterized as cavalier.

The respondent, a tenured corrections officer, was discharged without a pretermination hearing; at a post-termination hearing the Public Employee Relations Board decided that the dismissal was proper as a matter of state law. On appeal, the Oregon Supreme Court reversed. Relying on its decision in *Tupper v. Fairview Hospital & Training Center*, 276 Ore. 657, 556 P. 2d 1340 (1976), the court concluded that procedural due process required that a tenured employee receive notice of the charges against him and the proposed sanction, as well as an opportunity to respond, before being discharged. It further held that respondent was entitled to backpay and other benefits from the time of his discharge until such time as a proper termination hearing is held, even though the discharge had been upheld at the post-termination hearing.<sup>1</sup>

No decision of this Court is controlling on either the due process issue or the remedy issue decided by the Oregon Supreme Court. In *Dixon v. Love, supra*, this Court held that

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<sup>1</sup> The Oregon Court of Appeals had held that respondent was entitled to a pretermination hearing, but it limited the award of back wages to the period between the date of his dismissal and the date of his subsequent hearing. 23 Ore. App. 743, 543 P. 2d 1094 (1975).

STEVENS, J., dissenting

434 U. S.

the Illinois regulation providing for the automatic suspension of the license of a driver who had been convicted repeatedly for traffic offenses was constitutionally valid. In so holding, the Court relied on the fact that the driver "had the opportunity for a full judicial hearing in connection with each of the traffic convictions on which the Secretary's decision was based," 431 U. S., at 113; on the fact that the suspension and revocation decisions were "largely automatic" under the Illinois regulations, *ibid.*; and on "the important public interest in safety on the roads and highways, and in the prompt removal of a safety hazard." *Id.*, at 114. None of those factors, decisive in *Dixon*, has any relevance to the issues decided by the Oregon Supreme Court in this case.

Indeed, in *Dixon* the premise for the Court's legal analysis was "that something less than an evidentiary hearing is sufficient prior to adverse administrative action." *Id.*, at 113, quoting *Mathews v. Eldridge*, 424 U. S. 319, 343. Precisely the same premise provided the basis for the legal analysis of the Oregon Supreme Court. The court held that a pretermination evidentiary hearing was not required, but that "something less" was necessary—in this case, fair notice and an opportunity to respond. Whether or not that holding is correct, it is not even arguably inconsistent with either the holding or anything said by this Court in *Dixon*. Nor is there anything in *Dixon* which remotely relates to the question whether the remedy directed by the Oregon Supreme Court was proper.

In my judgment, even assuming that the Oregon Supreme Court has extended greater procedural protection to Oregon residents than the Federal Constitution requires, there is no need for this Court to address those issues until a conflict with the Oregon holding has developed on a national level. But if my judgment in this respect is incorrect, and enlightenment on a nationwide basis is indeed appropriate, surely the Court should provide something more edifying than a cryptic reference to a case as wide of the mark as *Dixon v. Love*. This

434 U. S.

November 14, 1977

summary treatment of a carefully reasoned decision of the highest court of the State of Oregon fails to accord proper respect to that tribunal and gives no guidance whatsoever for further proceedings in this litigation. Cf. *United States v. Jacobs*, 429 U. S. 909 (STEVENS, J., concurring).<sup>2</sup>

I respectfully dissent.

No. 77-277. *JACKSON v. UNITED STATES*. Ct. Cl. Certiorari granted, judgment vacated, and case remanded for further consideration in light of the position presently asserted by the Solicitor General in his brief filed October 25, 1977. MR. JUSTICE REHNQUIST would deny the petition. Reported below: 213 Ct. Cl. 354, 551 F. 2d 282.

No. 77-5161. *JOHNSON v. HAMPTON, JUDGE*. Ct. Crim. App. Okla. Motion of petitioner for leave to proceed *in forma pauperis* and certiorari granted. Judgment vacated, and case remanded for further consideration in light of *Brown v. Ohio*, 432 U. S. 161 (1977), and *Harris v. Oklahoma*, 433 U. S. 682 (1977). Reported below: 564 P. 2d 641.

#### *Miscellaneous Orders*

No. \_\_\_\_\_. *MARK TRAIL CAMPGROUNDS, INC. v. FIELD ENTERPRISES, INC., ET AL.*, 431 U. S. 911. Motion for reconsideration denied.

No. A-379 (77-704). *GIBBS v. UNITED STATES*. C. A. 5th Cir. Application for stay, presented to MR. JUSTICE MARSHALL, and by him referred to the Court, denied.

No. A-381 (Nos. 77-26 and 77-32). *CHIN v. UNITED STATES*. Application for an order directing the United States Court of Appeals for the Second Circuit to issue a printed opinion, presented to MR. JUSTICE MARSHALL, and by him referred to the Court, denied.

<sup>2</sup> Although four of us disagree with the Court's disposition of this case, the Justices who join this opinion do not insist that the case be orally argued. See *Trinkler v. Alabama*, 418 U. S. 917, 918 (BRENNAN, J., dissenting).

November 14, 1977

434 U. S.

No. A-384. *WALKER v. ILLINOIS*. Application for writ of habeas corpus, presented to THE CHIEF JUSTICE, and by him referred to the Court, denied.

No. D-100. *IN RE DISBARMENT OF OOMS*. Owen Jennings Ooms, of Chicago, Ill., having requested to resign as a member of the Bar of this Court, it is ordered that his name be stricken from the roll of attorneys admitted to practice before the Bar of this Court. The rule to show cause heretofore issued on April 4, 1977 [430 U. S. 952], is hereby discharged.

No. D-107. *IN RE DISBARMENT OF FRIEDLAND*. Disbarment entered. [For earlier order, see 431 U. S. 913.]

No. 72, Orig. *SOUTH DAKOTA v. NEBRASKA*. Exception of South Dakota to the Report of the Special Master overruled. Motion of Robert J. Foley et al. for leave to intervene as defendants granted. [For earlier order herein, see 432 U. S. 904.]

No. 76-682. *SANTA CLARA PUEBLO ET AL. v. MARTINEZ ET AL.* C. A. 10th Cir. [Certiorari granted, 431 U. S. 913.] Motion of the Solicitor General of the United States for leave to file a brief as *amicus curiae* denied.

No. 76-1121. *AMERICAN BROADCASTING COMPANIES, INC., ET AL. v. WRITERS GUILD OF AMERICA, WEST, INC., ET AL.*;

No. 76-1153. *ASSOCIATION OF MOTION PICTURE & TELEVISION PRODUCERS, INC. v. WRITERS GUILD OF AMERICA, WEST, INC., ET AL.*; and

No. 76-1162. *NATIONAL LABOR RELATIONS BOARD v. WRITERS GUILD OF AMERICA, WEST, INC., ET AL.* C. A. 2d Cir. [Certiorari granted, 430 U. S. 982.] Motion of American Federation of Labor & Congress of Industrial Organizations for leave to file a brief as *amicus curiae* granted.

434 U. S.

November 14, 1977

No. 76-777. CONNOR ET AL. *v.* FINCH, GOVERNOR OF MISSISSIPPI, ET AL.;

No. 76-933. FINCH, GOVERNOR OF MISSISSIPPI, ET AL. *v.* CONNOR ET AL.;

No. 76-934. UNITED STATES *v.* FINCH, GOVERNOR OF MISSISSIPPI, ET AL.; and

No. 76-935. CONNOR ET AL. *v.* FINCH, GOVERNOR OF MISSISSIPPI, ET AL., 431 U. S. 407. Motion to retax costs denied.

No. 76-1143. MARSHALL, SECRETARY OF LABOR, ET AL. *v.* BARLOW'S, INC. D. C. Idaho. [Probable jurisdiction noted, 430 U. S. 964.] Motion of Pacific Legal Foundation for leave to participate in oral argument as *amicus curiae* denied.

No. 76-1359. BANKERS TRUST CO. *v.* MALLIS ET AL. C. A. 2d Cir. [Certiorari granted, 431 U. S. 928.] Motion of New York Clearing House Assn. for leave to participate in oral argument as *amicus curiae* granted.

No. 76-5729. OLIPHANT *v.* SUQUAMISH INDIAN TRIBE ET AL.; and BELGARDE *v.* SUQUAMISH INDIAN TRIBE ET AL. C. A. 9th Cir. [Certiorari granted, 431 U. S. 964.] Motion of the United States for leave to participate in oral argument as *amicus curiae* granted and 15 additional minutes allotted for that purpose. Petitioners also allotted 15 additional minutes for oral argument.

No. A-278 (77-452). MOBIL ALASKA PIPELINE CO. *v.* UNITED STATES ET AL.;

No. A-280 (77-457). EXXON PIPELINE CO. *v.* UNITED STATES ET AL.;

No. A-319 (77-551). BP PIPELINES, INC. *v.* UNITED STATES ET AL.; and

No. A-376 (77-602). ARCO PIPE LINE CO. *v.* UNITED STATES ET AL. C. A. 5th Cir.

On October 20, 1977 [*ante*, p. 913], this Court stayed the order of the Interstate Commerce Commission served June 28,

November 14, 1977

434 U. S.

1977, in its Investigation and Suspension Docket No. 9164, Trans Alaska Pipeline System (Rate Filings), pending final disposition of the petitions for writ of certiorari by this Court. To further effectuate that order, it is hereby ordered:

1. During the period the stay is in effect, commencing at 3 p. m., e. d. t., October 20, 1977, the following pipeline companies may collect their respective rates set forth in the tariffs that were suspended by the Interstate Commerce Commission in its order of June 28, 1977:

Amerada Hess Pipeline Corporation

ARCO Pipe Line Company

BP Pipelines, Inc.

Mobil Alaska Pipeline Company

Sohio Pipe Line Company

Exxon Pipeline Company

Union Alaska Pipeline Company

2. The Federal Energy Regulatory Commission may proceed with its investigation of the rates set forth in said tariffs (FERC Docket No. OR78-1) and in connection with that investigation may enter any appropriate orders not inconsistent with either this order or this Court's order of October 20, 1977.

3. During the period the stay is in effect, the pipeline companies shall keep account of all sums collected under the terms of said tariffs by virtue of the stay entered by this Court.

4. In the event certiorari is denied or it is otherwise ultimately determined that said pipeline companies were not lawfully entitled to collect a portion of the rates so collected, the pipeline companies shall refund such portion of said rates, with interest computed in accordance with Section 15 (8)(e) of the Interstate Commerce Act, as amended, 90 Stat. 38, 49 U. S. C. A. § 15 (8)(e) (Supp. 1977), to the persons entitled thereto without further order of this Court.

MR. JUSTICE STEWART and MR. JUSTICE POWELL took no part in the consideration or decision of this order.

MR. JUSTICE BRENNAN, with whom MR. JUSTICE MARSHALL joins, dissenting.

I initially joined in granting a stay in these cases. Upon further consideration, however, I am convinced that our stay was improvidently and precipitately issued and that it should now be dissolved.

Applicants will be able to collect approximately \$1.5 million per day by virtue of our stay that would not be collected were the suspension order of the Interstate Commerce Commission—which is the subject of petitions for certiorari in this case<sup>1</sup>—to remain in effect. Because of the enormous sums of money that will be collected under our stay, over \$100 million by January 28, 1978, when the suspension order of the ICC ends by its terms, the Court should be very clear before continuing this stay that it is really needed to protect applicants and, more importantly, that the provisions of the stay adequately protect the interests of anyone who may be affected by this litigation. On the pleadings so far before us, I am not convinced that the Court is in a position to act with any such conviction.

First, with respect to the need for the stay, it is important to recognize that each applicant comes before this Court in a dual capacity: Each is both a part owner of the Trans Alaska Pipeline System and a shipper of oil over the pipeline. Therefore some amounts which an applicant would be prevented from collecting under the suspension order would immediately be recouped as extra profit to that applicant in its capacity as a shipper. This is not to suggest that the gains would offset the losses with any precision, but only that the net losses may be sufficiently small that extraordinary equitable relief would not be appropriate.

My greater concern, however, is that the form of our stay may not adequately protect the ultimate consumers of oil

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<sup>1</sup> For a discussion of the background of this litigation, see *Mobil Alaska Pipeline Co. v. United States*, 557 F. 2d 775 (CA5 1977).

BRENNAN, J., dissenting

434 U. S.

shipped over the pipeline or the interests of shippers or holders of royalty interests in the oil at Prudhoe Bay. Although the applicants aver that the "landed price" of oil in the United States will not be affected by our stay and therefore that consumers of Alaskan oil will not face higher prices because of our order, I am not prepared to accept these unexplained statements on the record presently before us. Nor do I think the interest which applicants are today ordered to pay on any amounts ultimately ordered refunded is sufficient to reimburse shippers and royalty holders for the costs they may incur as a consequence of our stay. The only information we have as to what those costs may be is the statement of the Arctic Slope Regional Corp.<sup>2</sup> that it will have to borrow at an estimated interest of 10% amounts equal to the royalties it would have had but for our stay. Nonetheless, the Court today sets the interest to be paid on amounts refunded at the rate prescribed by 49 U. S. C. § 15 (8)(e) (1976 ed.), which applies only to railroad tariffs and is today somewhere below 7%.<sup>3</sup> Indeed, in adopting this rate, the Court today rejects what is to me the much more reasonable suggestion of the Solicitor General that the interest be set at 9%, which is the rate prescribed by the Federal Power Commission for tariff refunds from natural gas pipelines.<sup>4</sup>

For the reasons stated above, I would vacate the stay ordered by this Court on October 20, 1977, and order proceedings on the petitions for certiorari to be expedited. Barring

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<sup>2</sup> Arctic Slope is the representative of the Inupiat Eskimos who have a claim to be paid 2% of the wellhead value of Alaskan crude oil up to a total of \$500 million as consideration for their surrender of aboriginal land claims in the Prudhoe Bay area.

<sup>3</sup> Section 15 (8)(e) sets the rate of interest at "a rate which is equal to the average yield . . . of marketable securities of the United States which have a duration of 90 days."

<sup>4</sup> See 18 CFR § 154.67 (c) (2) (1977).

434 U. S.

November 14, 1977

this, I would have entered the form of stay order suggested by the Solicitor General.

MR. JUSTICE BLACKMUN, dissenting.

I, too, conclude that the Court's stay was improvident. I agree with the conclusions reached by MR. JUSTICE BRENNAN and would vacate the stay issued by this Court on October 20, would accelerate consideration of the petitions for certiorari, and would follow the suggestions of the Solicitor General as to the rate of interest.

No. 77-5353. *MINCEY v. ARIZONA*. Sup. Ct. Ariz. [Certiorari granted, *ante*, p. 902.] Motion of petitioner for appointment of counsel granted, and it is ordered that Richard Oseran, Esquire, of Tucson, Ariz., be appointed to serve as counsel for petitioner.

No. 77-5629. *HANCOCK v. UNITED STATES ET AL.* Motion for leave to file petition for writ of habeas corpus denied.

No. 77-5522. *THERIAULT v. UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT ET AL.* Motion for leave to file petition for writ of mandamus denied.

#### *Probable Jurisdiction Noted*

No. 77-334. *FIRST FEDERAL SAVINGS & LOAN ASSOCIATION OF BOSTON ET AL. v. TAX COMMISSION OF MASSACHUSETTS ET AL.* Appeal from Sup. Jud. Ct. Mass. Probable jurisdiction noted. The Solicitor General is invited to file a brief in this case expressing the views of the United States. Reported below: — Mass. —, 363 N. E. 2d 474.

No. 77-454. *MOORMAN MANUFACTURING CO. v. BAIR, DIRECTOR OF REVENUE OF IOWA.* Appeal from Sup. Ct. Iowa. Motions of William J. Baumol et al., Motor Vehicle Manufacturers Association of the United States, Inc., Multistate Tax Commission, and Committee on State Taxation of the Council of State Chambers of Commerce for leave to file briefs

November 14, 1977

434 U.S.

as *amici curiae* granted. Probable jurisdiction noted. Reported below: 254 N. W. 2d 737.

*Certiorari Granted*

No. 76-1701. TENNESSEE VALLEY AUTHORITY *v.* HILL ET AL. C. A. 6th Cir. Motion of Eastern Band of Cherokee Indians for leave to file a brief as *amicus curiae* and certiorari granted. Reported below: 549 F. 2d 1064.

No. 76-1836. COOPERS & LYBRAND *v.* LIVESAY ET AL.; and No. 76-1837. PUNTA GORDA ISLES, INC. *v.* LIVESAY ET AL. C. A. 8th Cir. Certiorari granted, cases consolidated, and a total of one hour allotted for oral argument. Reported below: 550 F. 2d 1106.

*Certiorari Denied.* (See also No. 76-1057, *ante*, at 68 n. 15.)

No. 76-1831. MASSLER *v.* UNITED STATES; No. 76-1833. RICE ET AL. *v.* UNITED STATES; and No. 76-1839. ALVAREZ *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 550 F. 2d 1364.

No. 76-6974. DEVAUGHN *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 556 F. 2d 575.

No. 76-6977. SANDOVAL-ROMAN *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 559 F. 2d 1225.

No. 76-6986. SIERRA ET AL. *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 548 F. 2d 528.

No. 77-104. CONSOLIDATED RAIL CORP. ET AL. *v.* UNITED STATES ET AL. C. A. D. C. Cir. Certiorari denied. Reported below: 185 U. S. App. D. C. 197, 567 F. 2d 64.

No. 77-116. RUSSELL *v.* TEXAS. Ct. Crim. App. Tex. Certiorari denied. Reported below: 551 S. W. 2d 710.

No. 77-135. YARMOSH ET AL. *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 562 F. 2d 39.

434 U. S.

November 14, 1977

No. 77-159. INTERNATIONAL ASSOCIATION OF BRIDGE, STRUCTURAL & ORNAMENTAL IRON WORKERS, AFFILIATED LOCAL UNION 597 *v.* LINBECK CONSTRUCTION CORP. C. A. 5th Cir. Certiorari denied. Reported below: 547 F. 2d 948.

No. 77-175. STROUP *v.* TENNESSEE. Ct. Crim. App. Tenn. Certiorari denied. Reported below: 552 S. W. 2d 418.

No. 77-231. NACHBAUR *v.* NATIONAL LABOR RELATIONS BOARD ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 559 F. 2d 1204.

No. 77-317. GRATEHOUSE *v.* UNITED STATES. Ct. Cl. Certiorari denied. Reported below: 206 Ct. Cl. 288, 553 F. 2d 105.

No. 77-346. HARMONT PLAZA, INC. *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 6th Cir. Certiorari denied. Reported below: 549 F. 2d 414.

No. 77-351. ALABAMA *v.* ROCKAWAY CORP. Ct. Civ. App. Ala. Certiorari denied. Reported below: 346 So. 2d 444.

No. 77-449. HOULIHAN *v.* TEXAS. Ct. Crim. App. Tex. Certiorari denied. Reported below: 551 S. W. 2d 719.

No. 77-455. RUSSOM ET AL. *v.* SEARS, ROEBUCK & CO. ET AL. C. A. 8th Cir. Certiorari denied. Reported below: 558 F. 2d 439.

No. 77-456. PATCH ET AL. *v.* WHITE, MAYOR OF BOSTON, ET AL. C. A. 1st Cir. Certiorari denied. Reported below: 559 F. 2d 1200.

No. 77-460. GARGALLO *v.* GARGALLO. Ct. App. Ohio, Franklin County. Certiorari denied.

No. 77-464. STORER ET AL., Co-EXECUTORS *v.* STORER. Sup. Ct. Fla. Certiorari denied. Reported below: 346 So. 2d 994.

November 14, 1977

434 U. S.

No. 77-467. *CHAPMAN v. MICHIGAN*. Ct. App. Mich. Certiorari denied. Reported below: 73 Mich. App. 547, 252 N. W. 2d 511.

No. 77-476. *TOWN OF NORWOOD, MASSACHUSETTS, ET AL. v. BOSTON EDISON CO. ET AL.* C. A. D. C. Cir. Certiorari denied. Reported below: 181 U. S. App. D. C. 222, 557 F. 2d 845.

No. 77-479. *ALBANO v. JORDAN MARSH CO.* Ct. App. Mass. Certiorari denied. Reported below: — Mass. App. —, 362 N. E. 2d 219.

No. 77-485. *KEISTER ET AL. v. SAN DIEGO & ARIZONA EASTERN RAILROAD*. C. A. 9th Cir. Certiorari denied. Reported below: 562 F. 2d 55.

No. 77-491. *MYERS v. BUTLER ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 556 F. 2d 398.

No. 77-514. *McDONALD v. HEADRICK, SHERIFF, ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 554 F. 2d 253.

No. 77-517. *DOLWIG v. UNITED STATES*;

No. 77-518. *VOGT v. UNITED STATES*; and

No. 77-541. *STRADLEY v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 554 F. 2d 958.

No. 77-537. *LARRY L. v. VERONICA P.* Ct. App. N. Y. Certiorari denied. Reported below: 42 N. Y. 2d 898, 366 N. E. 2d 1342.

No. 77-546. *SILVERMAN v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 556 F. 2d 655.

No. 77-549. *AGEE v. UNITED STATES*; and

No. 77-550. *RENFRO v. UNITED STATES*. C. A. 10th Cir. Certiorari denied.

434 U. S.

November 14, 1977

No. 77-547. *FREELAND v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 562 F. 2d 383.

No. 77-561. *SCHMALTZ v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 562 F. 2d 558.

No. 77-5093. *KESLER v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 559 F. 2d 1209.

No. 77-5148. *JORDAN v. ESTELLE, CORRECTIONS DIRECTOR*. C. A. 5th Cir. Certiorari denied. Reported below: 551 F. 2d 612.

No. 77-5175. *LUMPKIN v. RICKETTS, WARDEN*. C. A. 5th Cir. Certiorari denied. Reported below: 551 F. 2d 680.

No. 77-5196. *SMITH v. BRITT ET AL.* C. A. 9th Cir. Certiorari denied.

No. 77-5206. *ROBERTS v. OKLAHOMA*. Ct. Crim. App. Okla. Certiorari denied. Reported below: 571 P. 2d 129.

No. 77-5240. *SMITH v. GOVERNMENT OF THE VIRGIN ISLANDS*. C. A. 3d Cir. Certiorari denied. Reported below: 558 F. 2d 691.

No. 77-5249. *JEFFERSON ET AL. v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 559 F. 2d 1222.

No. 77-5272. *GOODE v. ESTELLE, CORRECTIONS DIRECTOR*. C. A. 5th Cir. Certiorari denied.

No. 77-5347. *BRAGER v. RIGGSBY, WARDEN*. C. A. 7th Cir. Certiorari denied.

No. 77-5377. *CHEYENNE v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 558 F. 2d 902.

No. 77-5411. *FRAZIER v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 8th Cir. Certiorari denied. Reported below: 551 F. 2d 1118.

November 14, 1977

434 U.S.

No. 77-5459. *HARRISON v. MARYLAND*. Ct. Sp. App. Md. Certiorari denied.

No. 77-5465. *ULREY, AKA TALIFERRO v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 561 F. 2d 8.

No. 77-5472. *LAGRONE v. OKLAHOMA*. C. A. 10th Cir. Certiorari denied.

No. 77-5473. *TAYLOR v. TENNESSEE*. Sup. Ct. Tenn. Certiorari denied.

No. 77-5480. *PHILLIPS v. OKLAHOMA*. Ct. Crim. App. Okla. Certiorari denied.

No. 77-5481. *BARTLETT v. TOLEDO BLADE Co., INC.* Ct. App. Ohio, Lucas County. Certiorari denied.

No. 77-5483. *DRAYTON v. NEW YORK ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 556 F. 2d 644.

No. 77-5484. *MATTISON ET AL. v. LEEKE, CORRECTIONS COMMISSIONER, ET AL.* C. A. 4th Cir. Certiorari before judgment denied.

No. 77-5493. *PARKER v. GEORGIA*. Ct. App. Ga. Certiorari denied. Reported below: 142 Ga. App. 195, 235 S. E. 2d 585.

No. 77-5499. *FORD v. NEW YORK*. App. Div., Sup. Ct. N. Y., 2d Jud. Dept. Certiorari denied. Reported below: 56 App. Div. 2d 609, 391 N. Y. S. 2d 839.

No. 77-5504. *ROLLINS v. CALIFORNIA*. Ct. App. Cal., 1st App. Dist. Certiorari denied.

No. 77-5505. *CONTRERAS v. ESTELLE, CORRECTIONS DIRECTOR*. C. A. 5th Cir. Certiorari denied.

No. 77-5514. *SMITH v. WHITE STORES, INC.* C. A. 5th Cir. Certiorari denied. Reported below: 555 F. 2d 1389.

434 U. S.

November 14, 1977

No. 77-5536. *MOTEN v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 564 F. 2d 620.

No. 77-5544. *WATSON v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 562 F. 2d 43.

No. 77-5551. *SAUNDERS v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 562 F. 2d 43.

No. 77-5566. *JACKSON v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 77-5568. *GIBSON v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. Reported below: 183 U. S. App. D. C. 65, 561 F. 2d 958.

No. 77-5579. *RAMSEY v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 562 F. 2d 50.

No. 77-5583. *FULLMAN v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 562 F. 2d 43.

No. 77-5589. *DURNS v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 562 F. 2d 542.

No. 77-5592. *HUDSON v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 564 F. 2d 93.

No. 77-5594. *WITHERSPOON v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 562 F. 2d 43.

No. 77-5599. *DANIELS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 564 F. 2d 93.

No. 77-5600. *SNYDER v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 562 F. 2d 57.

No. 77-5602. *SANSONE v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 563 F. 2d 527.

No. 77-361. *WALKER, GOVERNOR OF ILLINOIS, ET AL. v. HAYES*. C. A. 7th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 555 F. 2d 625.

November 14, 1977

434 U. S.

No. 77-5156. *JEFFRIES v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. MR. JUSTICE STEWART would grant certiorari. Reported below: 559 F. 2d 1222.

No. 77-5215. *PITTMAN v. HOPPER, WARDEN*. C. A. 5th Cir. Certiorari denied. MR. JUSTICE MARSHALL would grant certiorari. Reported below: 555 F. 2d 551.

No. 77-5285. *SCOTT v. PAROLE BOARD OF KENTUCKY ET AL.* C. A. 6th Cir. Certiorari denied. MR. JUSTICE BRENNAN would grant certiorari. Reported below: 556 F. 2d 805.

No. 77-5488. *BLAKE v. GEORGIA*. Sup. Ct. Ga.; and  
No. 77-5538. *SPENKELINK v. FLORIDA*. Sup. Ct. Fla. Certiorari denied. Reported below: No. 77-5488, 239 Ga. 292, 236 S. E. 2d 637; No. 77-5538, 350 So. 2d 85.

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 grant certiorari and vacate the death sentences in these cases.

#### *Rehearing Denied*

No. 76-1468. *HENDRIX v. UNITED STATES*, *ante*, p. 818;

No. 76-1566. *COMLY v. LOWER SOUTHAMPTON TOWNSHIP*, *ante*, p. 803;

No. 76-1674. *STEPHENSON ET AL. v. DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES OF FLORIDA*, *ante*, p. 803;

No. 76-1691. *MATASSINI v. UNITED STATES*, *ante*, p. 828;

No. 76-1722. *HIGGINBOTHAM, ADMINISTRATRIX, ET AL. v. MOBIL OIL CORP. ET AL.*, *ante*, p. 830;

No. 76-6379. *POSNER v. UNITED STATES*, *ante*, p. 837; and

No. 76-6673. *DiSILVESTRO v. VETERANS' ADMINISTRATION*, *ante*, p. 840. Petitions for rehearing denied.

434 U. S.

November 14, 1977

No. 76-6685. *KELLEY v. BAPTIST, DISTRICT DIRECTOR OF INTERNAL REVENUE, ET AL.*, *ante*, p. 841;

No. 76-6696. *CARDALL v. UNITED STATES*, *ante*, p. 841;

No. 76-6748. *BRUNSON v. UNITED STATES*, *ante*, p. 842;

No. 76-6774. *KIRK v. UNITED STATES*, *ante*, p. 896;

No. 76-6823. *NEAL v. ARKANSAS*, *ante*, p. 878;

No. 76-6896. *WINDHAM v. CALIFORNIA*, *ante*, p. 848;

No. 76-6933. *SIMANTS v. NEBRASKA*, *ante*, p. 878;

No. 77-27. *LANDMESSER v. UNITED STATES*, *ante*, p. 855;

No. 77-61. *LEIGH v. OKLAHOMA EX REL. TAX COMMISSION OF OKLAHOMA*, *ante*, p. 804;

No. 77-5040. *KRAMER v. UNITED STATES*, *ante*, p. 863;

No. 77-5099. *SMITH, AKA MACHETTI v. GEORGIA*, *ante*, p. 878;

No. 77-5136. *CORBITT v. UNITED STATES*, *ante*, p. 868;

No. 77-5138. *REYNOLDS v. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE ET AL.*, *ante*, p. 893;

No. 77-5182. *SUNDAY v. UNITED STATES DISTRICT COURT*, *ante*, p. 869; and

No. 77-5279. *JENNINGS v. DAY, WARDEN*, *ante*, p. 871. Petitions for rehearing denied.

NOVEMBER 28, 1977\*

*Appeals Dismissed*

No. 77-5502. *DOUGLAS v. UNITED STATES ET AL.* Appeal from C. A. 3d Cir. dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari denied.

No. 77-5269. *SIMPSON v. FLORIDA*. Appeal from Sup. Ct. Fla. dismissed for want of jurisdiction. Reported below: 347 So. 2d 414.

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

November 28, 1977

434 U. S.

No. 77-419. HOUSTON BELT & TERMINAL RAILWAY CO. v. WHERRY. Appeal from Ct. Civ. App. Tex., 1st Sup. Jud. 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: 548 S. W. 2d 743.

No. 77-5561. JONES v. COLORADO. Appeal from Sup. Ct. Colo. dismissed for want of substantial federal question. Reported below: 193 Colo. 250, 565 P. 2d 1333.

#### *Vacated and Remanded on Appeal*

No. 76-1588. CALIFANO, SECRETARY OF HEALTH, EDUCATION, AND WELFARE v. McMAHON. Appeal from D. C. E. D. N. Y. Motion of appellee for leave to proceed *in forma pauperis* granted, judgment vacated, and case remanded for further consideration in light of *Califano v. Jobst, ante*, p. 47.

#### *Certiorari Granted—Vacated and Remanded*

No. 77-53. PIERRE ET AL. v. UNITED STATES. C. A. 5th Cir. Certiorari granted, judgment vacated, and case remanded to consider question of mootness. Reported below: 547 F. 2d 1281.

No. 77-5069. NUNLEY v. UNITED STATES. C. A. 6th Cir. Motion of petitioner for leave to proceed *in forma pauperis* and certiorari granted. Judgment of the United States Court of Appeals for the Sixth Circuit vacated and case remanded to the United States District Court for the Western District of Tennessee with directions to dismiss the indictment. Reported below: 556 F. 2d 583.

#### *Miscellaneous Orders*

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. [Probable jurisdiction noted, 431 U. S. 936.] Motion of the Solicitor General for leave to file a brief as *amicus curiae* granted.

434 U. S.

November 28, 1977

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 the Attorney General of New York for leave to participate in oral argument as *amicus curiae* denied. MR. JUSTICE POWELL took no part in the consideration or decision of this motion.\*

No. 76-811. REGENTS OF THE UNIVERSITY OF CALIFORNIA *v.* BAKKE. Sup. Ct. Cal. [Certiorari granted, 429 U. S. 1090.] Motion of the Solicitor General for leave to file a supplemental brief after argument, as *amicus curiae*, granted.

No. 76-1359. BANKERS TRUST CO. *v.* MALLIS ET AL. C. A. 2d Cir. [Certiorari granted, 431 U. S. 928.] Motions of the Solicitor General for leave to file a brief as *amicus curiae* and to participate in oral argument as *amicus curiae* granted.

No. 77-533. HISQUIERDO *v.* HISQUIERDO. Sup. Ct. Cal. The Solicitor General is invited to file a brief in this case expressing the views of the United States.

No. 77-565. ERNEST *v.* SIRICA, U. S. DISTRICT JUDGE, ET AL.; and

No. 77-5256. NORMAN *v.* CHRIST, CLERK, U. S. DISTRICT COURT. Motions for leave to file petitions for writs of mandamus denied.

*Probable Jurisdiction Noted*

No. 77-653. SWISHER, STATE'S ATTORNEY FOR BALTIMORE CITY, ET AL. *v.* BRADY ET AL. Appeal from D. C. Md. Motion of appellees for leave to proceed *in forma pauperis* granted. Probable jurisdiction noted. Reported below: 436 F. Supp. 1361.

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\*See also note, *supra*, p. 961.

November 28, 1977

434 U. S.

No. 77-404. CITY OF PHILADELPHIA ET AL. *v.* NEW JERSEY ET AL. Appeal from Sup. Ct. N. J. Probable jurisdiction noted. Reported below: 73 N. J. 562, 376 A. 2d 888.

*Certiorari Granted*

No. 77-380. ANDRUS, SECRETARY OF THE INTERIOR *v.* CHARLESTONE STONE PRODUCTS Co., Inc. C. A. 9th Cir. Certiorari granted. Reported below: 553 F. 2d 1209.

No. 77-452. MOBIL ALASKA PIPELINE Co. *v.* UNITED STATES ET AL.;

No. 77-457. EXXON PIPELINE Co. *v.* UNITED STATES ET AL.;

No. 77-551. BP PIPELINES, INC. *v.* UNITED STATES ET AL.; and

No. 77-602. ARCO PIPE LINE Co. *v.* UNITED STATES ET AL. C. A. 5th Cir. Certiorari granted, cases consolidated, and a total of one hour allotted for oral argument. MR. JUSTICE STEWART and MR. JUSTICE POWELL took no part in the consideration or decision of these petitions.\* Reported below: 557 F. 2d 775.

No. 77-5549. TAYLOR *v.* KENTUCKY. Ct. App. Ky. Motion of petitioner for leave to proceed *in forma pauperis* and certiorari granted. Reported below: 551 S. W. 2d 813.

*Certiorari Denied.* (See also Nos. 77-419 and 77-5502, *supra*.)

No. 76-1776. PEABODY *v.* UNITED STATES;

No. 76-6907. CASON *v.* UNITED STATES; and

No. 76-6926. THARP *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 556 F. 2d 584.

No. 76-1779. CHAZIN *v.* WITKOVICH ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 547 F. 2d 1174.

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\*See also note, *supra*, p. 961.

434 U.S.

November 28, 1977

No. 76-6880. KEETON ET UX. *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 549 F. 2d 804.

No. 77-8. MEHTA *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 547 F. 2d 1169.

No. 77-57. GERMAIN ET AL. *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 552 F. 2d 868.

No. 77-137. ELLISON *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 557 F. 2d 128.

No. 77-139. MORGAN *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 554 F. 2d 31.

No. 77-167. WATTS *v.* VIRGINIA. Sup. Ct. Va. Certiorari denied.

No. 77-195. TARASI ET AL. *v.* PITTSBURGH NATIONAL BANK ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 555 F. 2d 1152.

No. 77-201. PRICE *v.* PITCHESS, SHERIFF. C. A. 9th Cir. Certiorari denied. Reported below: 556 F. 2d 926.

No. 77-203. IRONS *v.* PARKER, ACTING COMMISSIONER OF PATENTS AND TRADEMARKS. C. A. D. C. Cir. Certiorari denied. Reported below: 179 U. S. App. D. C. 37, 548 F. 2d 992.

No. 77-248. GLOVER *v.* HERALD Co., DBA GLOBE-DEMOCRAT PUBLISHING Co. Sup. Ct. Mo. Certiorari denied. Reported below: 549 S. W. 2d 858.

No. 77-266. BETHLEHEM STEEL CORP. *v.* UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA (TITUS, A MINOR, BY CUTHBERT, REAL PARTY IN INTEREST). C. A. 9th Cir. Certiorari denied.

No. 77-269. McCALL ET AL. *v.* TEXAS. Ct. Crim. App. Tex. Certiorari denied. Reported below: 550 S. W. 2d 707.

November 28, 1977

434 U. S.

No. 77-309. *MCDONNELL DOUGLAS CORP. v. HOUGHTON ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 553 F. 2d 561.

No. 77-316. *KARNES v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. Reported below: 559 F. 2d 1222.

No. 77-343. *CISTERNINO v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. Reported below: 549 F. 2d 1088.

No. 77-352. *PLESONS v. UNITED STATES.* C. A. 8th Cir. Certiorari denied. Reported below: 560 F. 2d 890.

No. 77-372. *AMERICAN TELEPHONE & TELEGRAPH CO. ET AL. v. UNITED STATES.* C. A. D. C. Cir. Certiorari denied.

No. 77-390. *CERILLI ET AL. v. UNITED STATES.* C. A. 3d Cir. Certiorari denied. Reported below: 558 F. 2d 697.

No. 77-391. *BURGETT ET UX. v. FEDERAL LAND BANK OF WICHITA.* Sup. Ct. N. M. Certiorari denied.

No. 77-392. *SWEENEY INDEPENDENT SCHOOL DISTRICT ET AL. v. HARKLESS ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 554 F. 2d 1353.

No. 77-393. *FADELL v. MINNEAPOLIS STAR & TRIBUNE CO., INC., ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 557 F. 2d 107.

No. 77-399. *McDONALD v. ILLINOIS ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 557 F. 2d 596.

No. 77-400. *WOODROW v. UNITED STATES.* C. A. 1st Cir. Certiorari denied. Reported below: 557 F. 2d 13.

No. 77-408. *INGALLS SHIPBUILDING CORP., DIVISION OF LITTON SYSTEMS, INC. v. MORGAN ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 551 F. 2d 61.

No. 77-418. *CALHOUN v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 557 F. 2d 401.

434 U. S.

November 28, 1977

No. 77-435. *SWANSON v. WASHINGTON*. Ct. App. Wash. Certiorari denied. Reported below: 16 Wash. App. 179, 554 P. 2d 364.

No. 77-438. *BOLDRIDGE ET UX. v. ESTATE OF KEIMIG*. Sup. Ct. Kan. Certiorari denied. Reported below: 222 Kan. 280, 564 P. 2d 497.

No. 77-439. *EKMANIAN ET AL. v. MARSHALL, SECRETARY OF LABOR*. C. A. 9th Cir. Certiorari denied. Reported below: 562 F. 2d 55.

No. 77-445. *KENNY ET AL., EXECUTORS v. SANFILIPPO ET AL.*; and

No. 77-451. *SANFILIPPO ET AL. v. KENNY ET AL., EXECUTORS*. C. A. 3d Cir. Certiorari denied. Reported below: 559 F. 2d 1208.

No. 77-468. *GOOCH v. VIRGINIA*. Sup. Ct. Va. Certiorari denied.

No. 77-472. *BUR v. BREIER ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 558 F. 2d 1034.

No. 77-482. *CONKLIN ET AL. v. MARYLAND*. Ct. Sp. App. Md. Certiorari denied.

No. 77-492. *GREENBERG v. BURMAH OIL Co., LTD., ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 558 F. 2d 43.

No. 77-494. *GEMEINDE BRAU, INC., ET AL. v. AMANA SOCIETY ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 557 F. 2d 638.

No. 77-496. *CARGILE ET AL. v. MICHIGAN*. Sup. Ct. Mich. Certiorari denied. Reported below: 400 Mich. 527, 255 N. W. 2d 603.

November 28, 1977

434 U. S.

No. 77-499. *BOARD OF SUPERVISORS OF HINDS COUNTY, MISSISSIPPI, ET AL. v. KIRKSEY ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 554 F. 2d 139.

No. 77-506. *PETERS v. ARKANSAS.* Sup. Ct. Ark. Certiorari denied.

No. 77-509. *ROSANSKY v. LADENBURG, THALMANN & Co., Inc.* App. Div., Sup. Ct. N. Y., 1st Jud. Dept. Certiorari denied.

No. 77-513. *LOS ALAMOS SCHOOL BOARD v. WUGALTER, CHIEF, PUBLIC SCHOOL FINANCE DIVISION, DEPARTMENT OF FINANCE AND ADMINISTRATION OF NEW MEXICO, ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 557 F. 2d 709.

No. 77-516. *ZOLA v. CITY OF WAVERLY.* Ct. App. Ohio, Pike County. Certiorari denied.

No. 77-519. *NEWCOMB v. BRENNAN ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 558 F. 2d 825.

No. 77-520. *KING v. ALABAMA.* Ct. Crim. App. Ala. Certiorari denied. Reported below: 349 So. 2d 620.

No. 77-523. *WILSON, ADMINISTRATRIX v. CROUSE-HINDS Co.* C. A. 8th Cir. Certiorari denied. Reported below: 556 F. 2d 870.

No. 77-530. *UNITED STATES v. ASHLAND OIL, INC., ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 554 F. 2d 381.

No. 77-535. *Goss v. REVLON, INC., ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 556 F. 2d 556.

No. 77-536. *WINTERS v. MILLER, COMMISSIONER OF MENTAL HYGIENE OF NEW YORK, ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 562 F. 2d 40.

434 U.S.

November 28, 1977

No. 77-552. WHEELING-PITTSBURGH STEEL CORP. *v.* DEPARTMENT OF ENVIRONMENTAL RESOURCES OF PENNSYLVANIA. Sup. Ct. Pa. Certiorari denied. Reported below: 473 Pa. 432, 375 A. 2d 320.

No. 77-553. RINALDI *v.* HOLT, RINEHART & WINSTON, INC., ET AL. Ct. App. N. Y. Certiorari denied. Reported below: 42 N. Y. 2d 369, 366 N. E. 2d 1299.

No. 77-556. EAST END YACHT CLUB, INC. *v.* BUCKLEY BROS. C. A. 2d Cir. Certiorari denied.

No. 77-558. GREVAS *v.* THE OLYMPIC PEGASUS ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 557 F. 2d 65.

No. 77-559. LANE *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied.

No. 77-563. MOON ET AL. *v.* WEEKS. Ct. Sp. App. Md. Certiorari denied.

No. 77-566. HOWIE *v.* UNITED STATES RUBBER CO., INC., ET AL. Ct. App. Fla., 3d Dist. Certiorari denied. Reported below: 343 So. 2d 52.

No. 77-573. CLARK ET AL. *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 559 F. 2d 420.

No. 77-591. LOSING *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 560 F. 2d 906.

No. 77-604. A. J. WHITE & CO. ET AL. *v.* SECURITIES AND EXCHANGE COMMISSION. C. A. 1st Cir. Certiorari denied. Reported below: 556 F. 2d 619.

No. 77-5044. MEADOWS *v.* EVANS, SHERIFF. C. A. 5th Cir. Certiorari denied. Reported below: 550 F. 2d 345.

No. 77-5104. FLORES *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 556 F. 2d 561.

November 28, 1977

434 U.S.

No. 77-5106. GRAVES, AKA BROWN *v.* POWERS, JUDGE, ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 556 F. 2d 572.

No. 77-5107. SCOTT ET AL. *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 554 F. 2d 1064.

No. 77-5115. GAMBLE *v.* ESTELLE, CORRECTIONS DIRECTOR. C. A. 5th Cir. Certiorari denied.

No. 77-5116. STOVALL *v.* MAGGIO, WARDEN. C. A. 5th Cir. Certiorari denied.

No. 77-5128. BARTLETT *v.* DOWNTOWN TOLEDO ASSOCIATES, INC., ET AL. C. A. 6th Cir. Certiorari denied.

No. 77-5141. EMRISKO ET AL. *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 559 F. 2d 1209 and 1210.

No. 77-5164. SNOW *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 552 F. 2d 165.

No. 77-5171. KINCADE *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 559 F. 2d 906.

No. 77-5212. HUTTON *v.* UNITED STATES; and

No. 77-5225. WHITE *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 558 F. 2d 1265.

No. 77-5243. DOWD *v.* PENNSYLVANIA. Sup. Ct. Pa. Certiorari denied. Reported below: 472 Pa. 296, 372 A. 2d 705.

No. 77-5258. KOPEL *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 552 F. 2d 1265.

No. 77-5266. WILKERSON, AKA JONES *v.* UNITED STATES. C. A. D. C. Cir. Certiorari denied.

No. 77-5267. GREENE *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 558 F. 2d 1029.

434 U. S.

November 28, 1977

No. 77-5286. *MORRIS v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 559 F. 2d 1209.

No. 77-5294. *CHAPMAN v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 562 F. 2d 49.

No. 77-5299. *LINZY v. ILLINOIS*. App. Ct. Ill., 4th Dist. Certiorari denied. Reported below: 45 Ill. App. 3d 612, 359 N. E. 2d 1230.

No. 77-5300. *PARKER v. ILLINOIS*. App. Ct. Ill., 4th Dist. Certiorari denied.

No. 77-5301. *CASTILE v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 559 F. 2d 1221.

No. 77-5306. *MULLER v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 550 F. 2d 1375.

No. 77-5336. *ROBINSON v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 77-5342. *PILLA v. ALEXANDER, COMMISSIONER OF INTERNAL REVENUE, ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 558 F. 2d 509.

No. 77-5380. *KEARNEY ET AL. v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 560 F. 2d 1358.

No. 77-5381. *WHITE v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 559 F. 2d 1213.

No. 77-5393. *DAVIS v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 557 F. 2d 1239.

No. 77-5396. *CARVIN v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 555 F. 2d 1303.

No. 77-5410. *FOLKES v. UTAH*. Sup. Ct. Utah. Certiorari denied. Reported below: 565 P. 2d 1125.

No. 77-5433. *SMOLAR v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 557 F. 2d 13.

November 28, 1977

434 U. S.

No. 77-5470. *KEY v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 561 F. 2d 8.

No. 77-5475. *KNIGHT v. HANDWRITING EXEMPLARS*. C. A. 3d Cir. Certiorari denied. Reported below: 559 F. 2d 1208.

No. 77-5501. *CARTER v. DE GRAZIA ET AL.* C. A. 1st Cir. Certiorari denied.

No. 77-5507. *MASON v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 558 F. 2d 133.

No. 77-5510. *GUERRERO v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 77-5512. *MURPHY v. FATZER, CHIEF JUSTICE, SUPREME COURT OF KANSAS, ET AL.* C. A. 10th Cir. Certiorari denied.

No. 77-5513. *PETRAUSKAS v. KIPNIS ET AL.* Sup. Ct. Ill. Certiorari denied.

No. 77-5518. *GREEN v. ESTELLE, CORRECTIONS DIRECTOR*. C. A. 5th Cir. Certiorari denied.

No. 77-5520. *BAUHAUS v. OKLAHOMA*. Ct. Crim. App. Okla. Certiorari denied. Reported below: 532 P. 2d 434.

No. 77-5526. *MORRIS v. INDIANA*. Sup. Ct. Ind. Certiorari denied. Reported below: 266 Ind. 473, 364 N. E. 2d 132.

No. 77-5533. *KURZ ET UX. v. MICHIGAN ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 548 F. 2d 172.

No. 77-5534. *ARZATE v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied. Reported below: 550 S. W. 2d 706.

No. 77-5535. *KNIGHTEN v. BRODERICK*. Sup. Ct. Miss. Certiorari denied. Reported below: 347 So. 2d 362.

434 U. S.

November 28, 1977

No. 77-5542. *ZILKA v. WALKER ET AL.* C. A. 5th Cir. Certiorari denied.

No. 77-5546. *HENDERSON v. COURT OF APPEAL OF CALIFORNIA, SECOND APPELLATE DISTRICT.* Sup. Ct. Cal. Certiorari denied.

No. 77-5550. *HAYTON v. EGELER, WARDEN.* C. A. 6th Cir. Certiorari denied. Reported below: 555 F. 2d 599.

No. 77-5552. *ROBINSON v. INDIANA.* Sup. Ct. Ind. Certiorari denied. Reported below: 266 Ind. 604, 365 N. E. 2d 1218.

No. 77-5558. *WEST v. SMITH.* C. A. 2d Cir. Certiorari denied.

No. 77-5559. *DE SWOLKIEN v. MCKENNA ET AL.* Sup. Ct. N. J. Certiorari denied.

No. 77-5564. *POSTON v. SOUTH CAROLINA.* Sup. Ct. S. C. Certiorari denied.

No. 77-5565. *GALBRAITH v. CITY OF COLUMBUS, OHIO.* C. A. 6th Cir. Certiorari denied.

No. 77-5567. *THOMPSON v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 559 F. 2d 552.

No. 77-5569. *MONACO ET AL. v. BOARD OF EDUCATION OF THE CITY OF CHICAGO ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 559 F. 2d 1224.

No. 77-5573. *RAINES v. ALABAMA.* C. A. 5th Cir. Certiorari denied. Reported below: 552 F. 2d 660.

No. 77-5578. *CARLSON v. UNITED STATES.* C. A. 1st Cir. Certiorari denied. Reported below: 561 F. 2d 105.

No. 77-5585. *DYAS v. UNITED STATES.* Ct. App. D. C. Certiorari denied. Reported below: 376 A. 2d 827.

November 28, 1977

434 U. S.

No. 77-5586. HARRELL *v.* McCARTHY, MEN'S COLONY SUPERINTENDENT. C. A. 9th Cir. Certiorari denied.

No. 77-5588. PRICE *v.* FOLTZ, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 77-5596. TRAMBLE *v.* ARIZONA. Ct. App. Ariz. Certiorari denied. Reported below: 116 Ariz. 249, 568 P. 2d 1147.

No. 77-5597. COGNATO *v.* CICCONE, MEDICAL CENTER DIRECTOR. C. A. 8th Cir. Certiorari denied. Reported below: 558 F. 2d 512.

No. 77-5603. GAMBLE *v.* ESTELLE, CORRECTIONS DIRECTOR. C. A. 5th Cir. Certiorari denied. Reported below: 554 F. 2d 653.

No. 77-5606. YORK *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 562 F. 2d 53.

No. 77-5609. BEAR RIBS *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 562 F. 2d 563.

No. 77-5611. MANDUCHI *v.* SCHLAGER, WARDEN, ET AL. C. A. 3d Cir. Certiorari denied.

No. 77-5618. BALOUN *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 77-5630. FOSTER *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 564 F. 2d 620.

No. 77-5632. HAYNES *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 560 F. 2d 913.

No. 77-5635. LLAMAS *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 77-5636. AVALOS-OCHOA *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 557 F. 2d 1299.

434 U. S.

November 28, 1977

No. 77-5638. *WEST v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 77-5661. *SMITH v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied.

No. 77-256. *TIGER INTERNATIONAL, INC., ET AL. v. CIVIL AERONAUTICS BOARD*. C. A. 9th Cir. Certiorari denied. MR. JUSTICE WHITE would grant certiorari. Reported below: 554 F. 2d 926.

No. 77-501. *STERN v. UNITED STATES GYPSUM, INC., ET AL.* C. A. 7th Cir. Certiorari denied. MR. JUSTICE WHITE would grant certiorari. Reported below: 547 F. 2d 1329.

No. 77-531. *UNION CAMP CORP. v. SEABOARD COAST LINE RAILROAD CO.* C. A. 5th Cir. Certiorari denied. MR. JUSTICE POWELL took no part in the consideration or decision of this petition.\* Reported below: 554 F. 2d 1299.

No. 77-5439. *HOUSE v. STYNCHCOMBE, SHERIFF, ET AL.* Sup. Ct. Ga.;

No. 77-5450. *CEJA v. ARIZONA*. Sup. Ct. Ariz.; and

No. 77-5482. *McCORQUODALE v. STYNCHCOMBE, SHERIFF, ET AL.* Sup. Ct. Ga. Certiorari denied. Reported below: No. 77-5439, 239 Ga. 222, 236 S. E. 2d 353; No. 77-5450, 115 Ariz. 413, 565 P. 2d 1274; No. 77-5482, 239 Ga. 138, 236 S. E. 2d 486.

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 grant certiorari and vacate the death sentences in these cases.

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\*See also note, *supra*, p. 961.

November 28, 1977

434 U. S.

No. 77-5612. *HAWKINS-EL ET AL. v. COLLINS, WARDEN.* C. A. 4th Cir. Certiorari denied. Application for bail, presented to MR. JUSTICE MARSHALL, and by him referred to the Court, denied. Reported below: 558 F. 2d 1029.

*Rehearing Denied*

No. 76-1418. *COUNTY BOARD OF ARLINGTON COUNTY ET AL. v. RICHARDS ET AL.*, *ante*, p. 5;

No. 76-1440. *GOLDSTEIN v. UNITED STATES*, *ante*, p. 902;

No. 76-1547. *SLOAN ET AL. v. SECURITIES AND EXCHANGE COMMISSION ET AL.*, *ante*, p. 821;

No. 76-1578. *VISCONTI v. UNITED STATES*, *ante*, p. 822;

No. 76-1599. *PRYOR v. UNITED STATES*, *ante*, p. 824;

No. 76-1654. *BROWNSELL ET UX. v. DAVIDSON ET AL.*, *ante*, p. 826;

No. 76-1670. *PERRY v. UNITED STATES*, *ante*, p. 827;

No. 76-1811. *TRACY v. OHIO*, *ante*, p. 805;

No. 76-1824. *JACKSON v. STONE & SIMONS ADVERTISING, INC., ET AL.*, *ante*, p. 806;

No. 76-1845. *EX PARTE MOODY*, *ante*, p. 835;

No. 76-6261. *RANSOM v. UNITED STATES*, *ante*, p. 908;

No. 76-6697. *VISCONTI v. UNITED STATES*, *ante*, p. 822;

No. 76-6720. *RICHMOND v. ARIZONA*, 433 U. S. 915;

No. 76-6756. *CHENAULT v. STYNCHCOMBE, SHERIFF*, *ante*, p. 878;

No. 76-6975. *McDOWELL v. MORRIS*, *ante*, p. 853;

No. 77-19. *IN RE BOSTON & PROVIDENCE RAILROAD CORP.*, *ante*, p. 855;

No. 77-31. *KING v. UNITED STATES*, *ante*, p. 855;

No. 77-38. *TIMMONS v. LAWTON ET AL.*, *ante*, p. 813;

No. 77-49. *HOLM v. UNITED STATES*, *ante*, p. 856; and

No. 77-71. *DINEEN ET AL. v. BILANDIC*, *ante*, p. 856. Petitions for rehearing denied.

434 U.S.

November 28, 1977

No. 77-138. *WEINBERGER v. DEPARTMENT OF COMMERCE OF FLORIDA*; *WEINBERGER v. TROMBETTA ET AL.*; and *WEINBERGER v. UNITED STATES*, *ante*, p. 891;

No. 77-212. *ROGERS v. CHILIVIS, COMMISSIONER OF REVENUE OF GEORGIA*, *ante*, p. 891;

No. 77-221. *PHILLIPS PETROLEUM Co. v. ASHLAND OIL, INC., ET AL.*, *ante*, p. 921;

No. 77-5021. *COLLINS v. ARKANSAS*, *ante*, p. 878;

No. 77-5058. *GREENE v. UNITED STATES*, *ante*, p. 864;

No. 77-5066. *MORGAN v. TENNESSEE*, *ante*, p. 905;

No. 77-5083. *ADAMS v. FLORIDA*, *ante*, p. 878;

No. 77-5145. *ROYAL v. BERGLAND, SECRETARY OF AGRICULTURE, ET AL.*, *ante*, p. 883;

No. 77-5170. *NASIM v. MARYLAND*, *ante*, p. 868;

No. 77-5192. *BENNETT v. DIRECTOR OF INTERNAL REVENUE FOR NORTH CAROLINA ET AL.*, *ante*, p. 893;

No. 77-5213. *FAHRIG v. JENEFSKY*, *ante*, p. 870;

No. 77-5227. *HENDERSON v. METROPOLITAN ATLANTA RAPID TRANSIT AUTHORITY*, *ante*, p. 870;

No. 77-5253. *WALLACE v. PAN AMERICAN AIRWAYS*, *ante*, p. 871;

No. 77-5298. *SEVERA v. UNEMPLOYMENT COMPENSATION BOARD OF REVIEW OF PENNSYLVANIA*, *ante*, p. 894; and

No. 77-5457. *WISE v. UNITED STATES*, *ante*, p. 929. Petitions for rehearing denied.

No. 77-118. *PACIFIC ENGINEERING & PRODUCTION COMPANY OF NEVADA v. KERR-MCGEE CORP. ET AL.*, *ante*, p. 879. Petition for rehearing denied. MR. JUSTICE STEWART took no part in the consideration or decision of this petition.\*

No. 77-5246. *WATSON v. UNITED STATES*, *ante*, p. 927. Motion to reject respondent's lodging and petition for rehearing denied.

\*See also note, *supra*, p. 961.

November 29, December 5, 1977

434 U. S.

NOVEMBER 29, 1977

*Dismissal Under Rule 60*

No. 77-623. REGENTS OF THE UNIVERSITY OF MINNESOTA ET AL. v. NATIONAL COLLEGIATE ATHLETIC ASSN. C. A. 8th Cir. Certiorari dismissed under this Court's Rule 60. Reported below: 560 F. 2d 352.

DECEMBER 5, 1977\*

*Orders Appointing Director and Deputy Director of Administrative Office of U. S. Courts*

It is ordered that William E. Foley be appointed Director and that Joseph F. Spaniol be appointed Deputy Director of the Administrative Office of the United States Courts, effective November 21, 1977, pursuant to the provisions of § 601 of Title 28 United States Code.

*Affirmed on Appeal*

No. 77-5321. GRIMES v. MILLER ET AL. Affirmed on appeal from D. C. M. D. N. C. Reported below: 429 F. Supp. 1350.

*Appeal Dismissed*

No. 76-1847. SHELBY COUNTY, TENNESSEE, ET AL. v. PEEL. Appeal from Ct. App. Tenn. dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari denied.

*Certiorari Granted—Vacated and Remanded*

No. 76-1243. UNITED STATES v. SMITH ET UX. C. A. 5th Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Commissioner of Internal Revenue v. Kowalski*, ante, p. 77. Reported below: 543 F. 2d 1155.

\*MR. JUSTICE BLACKMUN took no part in the consideration or decision of cases in which orders hereinafter reported were announced on this date, with the exception of No. 76-1200, *Crist, Warden, et al. v. Cline et al.*, *infra*, p. 980.

434 U. S.

December 5, 1977

*Certiorari Granted—Reversed and Remanded.* (See No. 76-1830, *ante*, p. 106.)

*Certiorari Granted—Reversed.* (See No. 76-1291, *ante*, p. 100.)

### *Miscellaneous Orders*

No. A-453. *BRISCOE, GOVERNOR OF TEXAS, ET AL. v. ESCALANTE ET AL.* Application for stay of mandate of the United States District Court for the Western District of Texas, entered November 10, 1977, presented to MR. JUSTICE POWELL, and by him referred to the Court, granted pending timely filing and disposition of an appeal in this Court.

No. D-65. *IN RE DISBARMENT OF GALLANT.* Disbarment entered. [For earlier order, see 429 U. S. 914.]

No. D-104. *IN RE DISBARMENT OF MURRAY.* Disbarment entered. [For earlier order, see 431 U. S. 902.]

No. D-122. *IN RE DISBARMENT OF STILLO.* It is ordered that Joseph E. Stillo 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-123. *IN RE DISBARMENT OF CHVOSTA.* It is ordered that Jerry F. Chvosta of North Randall, 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-124. *IN RE DISBARMENT OF LINDSAY.* It is ordered that George G. Lindsay, of Pottsville, Pa., 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.

December 5, 1977

434 U. S.

No. D-125. *IN RE DISBARMENT OF DUDEN.* It is ordered that Frederick D. Duden, Jr., of Wynnewood, Pa., 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-126. *IN RE DISBARMENT OF SPAR.* It is ordered that Charles Spar, of Brooklyn, 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-127. *IN RE DISBARMENT OF GONZALEZ.* It is ordered that Maximino Gonzalez of Bronx, 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-128. *IN RE DISBARMENT OF KELLOGG.* It is ordered that Jack L. Kellogg, of Plainsboro, N. J., 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-129. *IN RE DISBARMENT OF FITZPATRICK.* It is ordered that Robert L. Fitzpatrick, of Los Angeles, Cal., be suspended from the practice of law in this Court and that a rule issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. 76-1200. *CRIST, WARDEN, ET AL. v. CLINE ET AL.* C. A. 9th Cir. [Probable jurisdiction postponed, 430 U. S. 982.] Case restored to calendar for reargument. Counsel requested to brief and discuss during oral argument the following questions:

434 U. S.

December 5, 1977

1. Is the rule heretofore applied in the federal courts—that jeopardy attaches in jury trials when the jury is sworn—constitutionally mandated?

2. Should this Court hold that the Constitution does not require jeopardy to attach in any trial—state or federal, jury or nonjury—until the first witness is sworn?

The Solicitor General is invited to file a brief expressing the views of the United States on each of these questions.

MR. JUSTICE MARSHALL, dissenting.

By its order restoring this case to the calendar for rebriefing and additional oral argument, the Court appears once again to be “reach[ing] out” for a vehicle to change a long line of precedent. See *Pennsylvania v. Mimms*, *ante*, at 117 (STEVENS, J., dissenting). The Court asks the parties to discuss the rule to be applied in the federal courts with regard to attachment of jeopardy, a rule that is very well established.<sup>1</sup> But the parties here are Montana prison officials, represented by the Attorney General of Montana, and state-court defendants; they can hardly be considered knowledgeable about the federal courts. The Court attempts to surmount this difficulty by inviting the Solicitor General to provide the federal prosecutor’s perspective on this important issue, yet it does not invite the other side, federal defendants or a representative of them, to submit a brief providing the opposing perspective.

In my view, the Court today does violence to two assumptions underlying Art. III of the Constitution: that we will

<sup>1</sup> The current federal rule on attachment of jeopardy was applied in the federal courts as early as 1868. *United States v. Watson*, 28 F. Cas. 499 (No. 16,651) (SDNY). Since *Downum v. United States*, 372 U. S. 734 (1963), it has never been questioned in this Court that jeopardy attaches when the jury is sworn. See, e. g., *Illinois v. Somerville*, 410 U. S. 458, 467 (1973); *id.*, at 471 (WHITE, J., dissenting); *Serfass v. United States*, 420 U. S. 377, 388 (1975); *United States v. Martin Linen Supply Co.*, 430 U. S. 564, 569 (1977).

December 5, 1977

434 U. S.

not anticipate a question before it is necessary to decide it,<sup>2</sup> and that both sides of an issue will be vigorously represented by involved advocates.<sup>3</sup> See generally *Ashwander v. TVA*, 297 U. S. 288, 346-348 (1936) (Brandeis, J., concurring). I dissent from the order restoring the case for reargument.

No. 76-1484. ZURCHER, CHIEF OF POLICE OF PALO ALTO, ET AL. v. STANFORD DAILY ET AL.; and

No. 76-1600. BERGNA, DISTRICT ATTORNEY OF SANTA CLARA COUNTY, ET AL. v. STANFORD DAILY ET AL. C. A. 9th Cir. [Certiorari granted, *ante*, p. 816.] Motion of petitioners for additional time for oral argument denied. Alternative request for divided argument granted.

No. 76-1608. MICHIGAN v. TYLER ET AL. Sup. Ct. Mich. [Certiorari granted, *ante*, p. 814.] Motion of L. Brooks Patterson, Esquire, to permit Jeffrey Butler, Esquire, to present oral argument *pro hac vice* on behalf of petitioner granted.

No. 76-1660. HUTTO ET AL. v. FINNEY ET AL. C. A. 8th Cir. [Certiorari granted, *ante*, p. 901.] Motion of petitioners to dispense with printing appendix granted.

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<sup>2</sup> The problems involved in anticipating a question are illustrated by the form of the Court's order. The Court asks about only two possibilities—when the jury is sworn or when the first witness is sworn—along a continuum of moments in a trial when jeopardy might be thought to attach. If tradition in this area is to be abandoned, there is no reason to limit the parties to these two quite arbitrary points of discussion. Cf. *Williams v. Florida*, 399 U. S. 78, 125-126 (1970) (Harlan, J., concurring and dissenting) (arbitrariness as reason for “not hoisting the anchor to history”). At least one commentator has argued that attaching jeopardy when the jury is sworn is too late, not too early, and that jeopardy should attach at the opening of *voir dire*. Schulhofer, Jeopardy and Mistrials, 125 U. Pa. L. Rev. 449, 512-514 (1977).

<sup>3</sup> It is particularly surprising that the Court grants oral argument to the state parties here, in view of the fact that rebriefing only—and not additional oral argument—was ordered earlier this Term in *Regents of University of California v. Bakke*, No. 76-811. I cannot believe that the Court views the instant case as raising more momentous issues than those raised in *Bakke*.

434 U. S.

December 5, 1977

No. 76-1650. *OHRALIK v. OHIO STATE BAR ASSN.* Sup. Ct. Ohio; and

No. 77-56. *IN RE SMITH.* Sup. Ct. S. C. [Probable jurisdiction noted, *ante*, p. 814.] Motion of Public Citizen et al. for leave to file a brief as *amici curiae* granted.

No. 77-25. *FLAGG BROS., INC., ET AL. v. BROOKS ET AL.*;

No. 77-37. *LEFKOWITZ, ATTORNEY GENERAL OF NEW YORK v. BROOKS ET AL.*; and

No. 77-42. *AMERICAN WAREHOUSEMEN'S ASSN. ET AL. v. BROOKS ET AL.* C. A. 2d Cir. [Certiorari granted, *ante*, p. 817.] Motion of petitioners for additional time for oral argument denied. Alternative request for divided argument granted.

No. 77-5713. *MAYFIELD v. UNITED STATES.* Motion for leave to file petition for writ of habeas corpus denied.

No. 77-5608. *NORMAN v. McGOVERN, CHIEF JUDGE, U. S. DISTRICT COURT.* Motion for leave to file petition for writ of mandamus denied.

#### *Probable Jurisdiction Noted or Postponed*

No. 77-293. *KULKO v. SUPERIOR COURT OF CALIFORNIA IN AND FOR THE CITY AND COUNTY OF SAN FRANCISCO (HORN, REAL PARTY IN INTEREST).* Appeal from Sup. Ct. Cal. Further consideration of question of jurisdiction postponed to hearing of case on the merits. Reported below: 19 Cal. 3d 514, 564 P. 2d 353.

No. 77-444. *PENN CENTRAL TRANSPORTATION CO. ET AL. v. NEW YORK CITY ET AL.* Appeal from Ct. App. N. Y. Probable jurisdiction noted. Reported below: 42 N. Y. 2d 324, 366 N. E. 2d 1271.

#### *Certiorari Granted*

No. 77-178. *ROBERTSON v. WEGMANN, EXECUTOR, ET AL.* C. A. 5th Cir. Certiorari granted. Reported below: 545 F. 2d 980.

December 5, 1977

434 U. S.

No. 77-285. CALIFORNIA ET AL. v. UNITED STATES. C. A. 9th Cir. Certiorari granted. Reported below: 558 F. 2d 1347.

No. 77-560. GARDNER v. WESTINGHOUSE BROADCASTING CO. C. A. 3d Cir. Certiorari granted and case set for oral argument together with No. 76-1836, *Coopers & Lybrand v. Livesay*, and No. 76-1837, *Punta Gorda Isles, Inc. v. Livesay* [certiorari granted, *ante*, p. 954.] Reported below: 559 F. 2d 209.

*Certiorari Denied.* (See also No. 76-1847, *supra*.)

No. 76-1403. HUNT ET AL. v. MOBIL OIL CORP. ET AL. C. A. 2d Cir. Certiorari denied. MR. JUSTICE STEWART and MR. JUSTICE POWELL took no part in the consideration or decision of this petition.\* Reported below: 550 F. 2d 68.

No. 76-1539. KOERNER ET AL. v. UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 550 F. 2d 1362.

No. 76-6852. WILLIAMS v. CALIFORNIA. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 77-166. SCHEPICI ET AL. v. UNITED STATES. C. A. 1st Cir. Certiorari denied. Reported below: 560 F. 2d 448.

No. 77-303. THOMAS J. PALMER, INC., ET AL. v. SUPERIOR COURT OF CALIFORNIA FOR THE COUNTY OF LOS ANGELES (CROCKER NATIONAL BANK, REAL PARTY IN INTEREST). Ct. App. Cal., 2d App. Dist. Certiorari denied. Reported below: 68 Cal. App. 3d 863, 136 Cal. Rptr. 481.

No. 77-312. BARBER v. UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 558 F. 2d 1271.

No. 77-413. KLEIN v. ASTLER ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 554 F. 2d 1063.

No. 77-427. KOONTZ v. UNITED STATES. Ct. Cl. Certiorari denied. Reported below: 213 Ct. Cl. 762, 566 F. 2d 1188.

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\*See also note, *supra*, p. 978.

434 U. S.

December 5, 1977

No. 77-430. OGLETREE ET AL. *v.* UNITED STATES; and

No. 77-432. SCOTT ET AL. *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 555 F. 2d 522.

No. 77-443. JOSEPH SKILKEN & CO. ET AL. *v.* CITY OF TOLEDO ET AL. C. A. 6th Cir. Certiorari denied. Reported below: 558 F. 2d 350.

No. 77-446. TENNESSEE VALLEY AUTHORITY ET AL. *v.* EASTLAND ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 553 F. 2d 364.

No. 77-544. BLUE CROSS OF WESTERN PENNSYLVANIA *v.* MARSH, U. S. DISTRICT JUDGE (COLES, REAL PARTY IN INTEREST). C. A. 3d Cir. Certiorari denied. Reported below: 560 F. 2d 186.

No. 77-554. GLOBE LININGS, INC., ET AL. *v.* CITY OF CORVALLIS ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 555 F. 2d 727.

No. 77-569. ZURN ENGINEERS *v.* CALIFORNIA EX REL. DEPARTMENT OF WATER RESOURCES. Ct. App. Cal., 2d App. Dist. Certiorari denied. Reported below: 69 Cal. App. 3d 798, 138 Cal. Rptr. 478.

No. 77-571. MOODY *v.* TEXAS. Ct. Civ. App. Tex., 9th Sup. Jud. Dist. Certiorari denied. Reported below: 539 S. W. 2d 354.

No. 77-579. MARTIN ET UX. *v.* GIRARD TRUST BANK. C. A. 3d Cir. Certiorari denied. Reported below: 557 F. 2d 386.

No. 77-586. McCARTHY ET AL. *v.* BRISCOE, GOVERNOR OF TEXAS, ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 553 F. 2d 1005.

No. 77-590. TIMMONS *v.* McGRATH. Sup. Ct. S. C. Certiorari denied.

December 5, 1977

434 U. S.

No. 77-634. SEMCO MANUFACTURING, INC. *v.* U. S. INDUSTRIES, INC. C. A. 8th Cir. Certiorari denied. Reported below: 562 F. 2d 1061.

No. 77-5059. DUPREE *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 553 F. 2d 1189.

No. 77-5146. POULACK *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. Reported below: 556 F. 2d 83.

No. 77-5149. HARRIS *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 560 F. 2d 148.

No. 77-5198. HARMER *v.* UNITED STATES ET AL. C. A. 8th Cir. Certiorari denied.

No. 77-5210. MEDICO *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 557 F. 2d 309.

No. 77-5228. WILSON *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 556 F. 2d 1177.

No. 77-5295. KENNARD *v.* ESTELLE, CORRECTIONS DIRECTOR. C. A. 5th Cir. Certiorari denied.

No. 77-5296. STANARD *v.* NEW YORK. Ct. App. N. Y. Certiorari denied. Reported below: 42 N. Y. 2d 74, 365 N. E. 2d 857.

No. 77-5338. MUIR *v.* ILLINOIS. Sup. Ct. Ill. Certiorari denied. Reported below: 67 Ill. 2d 86, 365 N. E. 2d 332.

No. 77-5356. SAYLOR *v.* OVERBERG, CORRECTIONAL SUPERINTENDENT. C. A. 6th Cir. Certiorari denied.

No. 77-5357. BOTTOS *v.* AVAKIAN ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 559 F. 2d 1225.

No. 77-5372. PAYNE *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 559 F. 2d 1220.

No. 77-5404. STANFIELD *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied.

434 U. S.

December 5, 1977

No. 77-5441. *GOMEZ v. UNITED STATES*; and

No. 77-5474. *BREZALL v. UNITED STATES*. C. A. 10th Cir. Certiorari denied.

No. 77-5458. *GIBSON v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 559 F. 2d 934.

No. 77-5467. *TOWNES v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 559 F. 2d 1213.

No. 77-5489. *MOORE v. NEW YORK*. Ct. App. N. Y. Certiorari denied. Reported below: 42 N. Y. 2d 421, 366 N. E. 2d 1330.

No. 77-5497. *KLEIN v. SMITH, CORRECTIONAL SUPERINTENDENT*. C. A. 2d Cir. Certiorari denied. Reported below: 559 F. 2d 189.

No. 77-5572. *LITTLEFIELD v. KENTUCKY*. Ct. App. Ky. Certiorari denied. Reported below: 554 S. W. 2d 872.

No. 77-5574. *STODDARD v. UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF MICHIGAN*. C. A. 6th Cir. Certiorari denied.

No. 77-5575. *HEYMAN v. TRUST FUND SERVICES, INC.* Sup. Ct. Wash. Certiorari denied. Reported below: 88 Wash. 2d 698, 565 P. 2d 805.

No. 77-5581. *LEWIS v. GOURLEY, CORRECTIONS DIRECTOR, ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 560 F. 2d 393.

No. 77-5595. *DONNELLY v. BOSTON COLLEGE ET AL.* C. A. 1st Cir. Certiorari denied. Reported below: 558 F. 2d 634.

No. 77-5605. *BRAUDRICK v. ESTELLE, CORRECTIONS DIRECTOR*. Ct. Crim. App. Tex. Certiorari denied.

No. 77-5607. *WARD v. KENTUCKY STATE UNIVERSITY BOARD OF REGENTS ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 559 F. 2d 1223.

December 5, 1977

434 U. S.

No. 77-5610. CONDLEY ET AL. *v.* CALIFORNIA. Ct. App. Cal., 4th App. Dist. Certiorari denied. Reported below: 69 Cal. App. 3d 999, 138 Cal. Rptr. 515.

No. 77-5616. HINES *v.* CALIFORNIA. C. A. 9th Cir. Certiorari denied.

No. 77-5625. TAYLOR *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 562 F. 2d 572.

No. 77-5662. LOE *v.* BELL, ATTORNEY GENERAL, ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 558 F. 2d 1029.

No. 77-311. ILLINOIS *v.* GARLICK. App. Ct. Ill., 5th Dist. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied, it appearing that the judgment below rests upon adequate state grounds. Reported below: 46 Ill. App. 3d 216, 360 N. E. 2d 1121.

*Rehearing Denied*

No. 76-1724. FEDERAL COMMUNICATIONS COMMISSION *v.* HOME BOX OFFICE, INC., ET AL., *ante*, p. 829;

No. 77-325. NASHVILLE GAS CO. *v.* TENNESSEE PUBLIC SERVICE COMMISSION ET AL., *ante*, p. 904;

No. 77-355. BERNSTEIN *v.* FLORIDA ET AL.; and BROPHY *v.* NEW HAMPSHIRE ET AL., *ante*, p. 904;

No. 77-373. ERNEST *v.* UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT, *ante*, p. 901;

No. 77-5057. JACKSON *v.* JAGO, CORRECTIONAL SUPERINTENDENT, *ante*, p. 940;

No. 77-5065. EVERE *v.* UNITED STATES, *ante*, p. 926; and

No. 77-5257. RUST *v.* NEBRASKA; and HOLTAN *v.* NEBRASKA, *ante*, p. 912. Petitions for rehearing denied.

No. 75-881. HOOBAN *v.* BOARD OF GOVERNORS, WASHINGTON STATE BAR ASSN., 424 U. S. 902. Motion of petitioner for leave to proceed further herein *in forma pauperis* granted. Motion for leave to file petition for rehearing denied.

434 U. S.

December 5, 12, 1977

No. 76-545. UNITED AIRLINES, INC. *v.* McDONALD, 432 U. S. 385. Petition for rehearing denied. MR. JUSTICE STEVENS took no part in the consideration or decision of this petition.\*

No. 76-1639. RAMSEY *v.* THE MODOC ET AL., *ante*, p. 826. Motion for leave to file petition for rehearing denied.

DECEMBER 12, 1977†

*Appeals Dismissed*

No. 77-132. HILL *v.* GARNER. Appeal from Sup. Ct. Ore. dismissed for want of substantial federal question. Reported below: 277 Ore. 641, 561 P. 2d 1016.

MR. JUSTICE WHITE, with whom MR. JUSTICE BRENNAN joins, dissenting.

The issue presented by this appeal from the Oregon Supreme Court is whether Oregon's guest-passenger statute, Ore. Rev. Stat. § 30.115 (1975),<sup>1</sup> violates either the Equal

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\*See also note, *supra*, p. 978.

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

No. 77-132, *infra*, this page; No. 77-211, *infra*, p. 1000; No. 77-249, *infra*, p. 1001; No. 77-365, *infra*, p. 996; No. 77-369, *infra*, p. 996; No. 77-503, *infra*, p. 1001; No. 77-534, *infra*, p. 1002; and No. 77-568, *infra*, p. 1002.

<sup>1</sup>Section 30.115 reads as follows:

"No person transported by the owner or operator of a motor vehicle, an aircraft, a watercraft, or other means of conveyance, as his guest without payment for such transportation, shall have a cause of action for damages against the owner or operator for injury, death or loss, in case of accident, unless the accident was intentional on the part of the owner or operator or caused by his gross negligence or intoxication. As used in this section:

"(1) 'Payment' means a substantial benefit in a material or business sense conferred upon the owner or operator of the conveyance and which

WHITE, J., dissenting

434 U. S.

Protection or Due Process Clause of the Fourteenth Amendment. The statute, which prevents a nonpaying passenger from recovering against the owner or operator of a vehicle except in those situations in which the passenger's injury is the result of an intentional or grossly negligent act on the part of the owner or operator, was upheld by the Oregon court on the basis of its earlier decisions sustaining the statute's constitutionality. See *Duerst v. Limbocker*, 269 Ore. 252, 525 P. 2d 99 (1974); *Salmon v. Miller*, 269 Ore. 267, 525 P. 2d 104 (1974); *Jenson v. Spencer*, 269 Ore. 411, 525 P. 2d 153 (1974).

In 1929 this Court held that Connecticut's guest statute did not violate the Equal Protection Clause, because it could not be said that "no grounds exist[ed] for the distinction" between gratuitous passengers in automobiles and those in other classes of vehicles. *Silver v. Silver*, 280 U. S. 117, 123 (1929). While that decision foreclosed federal equal protection challenges to the guest statutes of the various States, in recent years the issue of the constitutional validity of these statutes has been frequently litigated in state courts with conflicting results. Since 1971 the highest courts of no fewer than 6 States have concluded that their guest statutes violated the Equal Protection Clause of the Fourteenth Amendment,<sup>2</sup> while during the same period similar statutes

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is a substantial motivating factor for the transportation, and it does not include a mere gratuity or social amenity.

"(2) 'Gross negligence' refers to negligence which is materially greater than the mere absence of reasonable care under the circumstances, and which is characterized by conscious indifference to or reckless disregard of the rights of others."

<sup>2</sup> In the following cases guest statutes were declared invalid on federal constitutional grounds: *McGeehan v. Bunch*, 88 N. M. 308, 540 P. 2d 238 (1975); *Laakonen v. Eighth Judicial District Court*, 91 Nev. 506, 538 P. 2d 574 (1975); *Primes v. Tyler*, 43 Ohio St. 2d 195, 331 N. E. 2d 723 (1975); *Thompson v. Hagan*, 96 Idaho 19, 523 P. 2d 1365 (1974); *Henry v. Bauder*, 213 Kan. 751, 518 P. 2d 362 (1974); *Brown v. Merlo*, 8 Cal. 3d 855, 506 P. 2d 212 (1973). In each of these cases, the statute was also invalidated on state constitutional grounds, but it is apparent

have been upheld against federal constitutional attack in 10 States.<sup>3</sup> Typical of those decisions striking down the guest statutes is *Brown v. Merlo*, 8 Cal. 3d 855, 506 P. 2d 212 (1973), in which the California Supreme Court concluded that the classifications created by the challenged statute between those denied and those permitted recovery for negligently inflicted injuries did not bear a substantial and rational relation to the statute's purposes of protecting the hospitality of the host driver and of preventing collusive lawsuits. *Silver v. Silver* was expressly distinguished as involving different equal protection considerations. In contrast, the Oregon Supreme Court, among others, has held that the hospitality rationale does support the distinctions drawn by the State's guest statute. *Duerst v. Limbocker, supra*.

As could be expected from the frequency of the consideration of this question by the state courts and from the contradictory results, the issue has been presented here several

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that various equal protection cases in this Court, such as *Jimenez v. Weinberger*, 417 U. S. 628 (1974); *Reed v. Reed*, 404 U. S. 71 (1971); *Glona v. American Guarantee & Liability Ins. Co.*, 391 U. S. 73 (1968), were read as requiring a different federal constitutional result from that announced in *Silver v. Silver* and were influential factors in arriving at the state-law conclusion.

Additionally, in two cases guest statutes were invalidated on state constitutional grounds: *Manistee Bank & Trust Co. v. McGowan*, 394 Mich. 655, 232 N. W. 2d 636 (1975); *Johnson v. Hassett*, 217 N. W. 2d 771 (N. D. 1974).

<sup>3</sup> In the following cases guest statutes were upheld: *Sidle v. Majors*, 536 F. 2d 1156 (CA7), cert. denied, 429 U. S. 945 (1976); *Behrns v. Burke*, 89 S. D. 96, 229 N. W. 2d 86 (1975); *White v. Hughes*, 257 Ark. 627, 519 S. W. 2d 70, appeal dismissed for want of substantial federal question, 423 U. S. 805 (1975); *Richardson v. Hansen*, 186 Colo. 346, 527 P. 2d 536 (1974); *Duerst v. Limbocker*, 269 Ore. 252, 525 P. 2d 99 (1974); *Cannon v. Oviatt*, 520 P. 2d 883 (Utah), appeal dismissed for want of substantial federal question, 419 U. S. 810 (1974); *Keasling v. Thompson*, 217 N. W. 2d 687 (Iowa 1974); *Justice v. Gatchell*, 325 A. 2d 97 (Del. 1974); *Tisko v. Harrison*, 500 S. W. 2d 565 (Tex. Civ. App. 1973); *Delany v. Badame*, 49 Ill. 2d 168, 274 N. E. 2d 353 (1971).

December 12, 1977

434 U. S.

times in recent years. In each of the last three Terms, we have been asked to consider whether a state or federal court had correctly determined that a state guest statute did not violate the Equal Protection Clause, and on each occasion we declined to grant plenary consideration of the question. *Sidle v. Majors*, 536 F. 2d 1156 (CA7), cert. denied, 429 U. S. 945 (1976); *White v. Hughes*, 257 Ark. 627, 519 S. W. 2d 70, appeal dismissed for want of substantial federal question, 423 U. S. 805 (1975); *Cannon v. Oviatt*, 520 P. 2d 883 (Utah), appeal dismissed for want of substantial federal question, 419 U. S. 810 (1974).

It is significant that on two of these occasions the issue was presented here by means of appeal and that the constitutional grounds urged for invalidity were similar to those relied upon by those courts that have invalidated state guest statutes. We nevertheless dismissed in these two instances for want of a substantial federal question, thus ruling on the merits of the equal protection issue, *Hicks v. Miranda*, 422 U. S. 332 (1975), and rejecting the challenge to the statutes.

Such dismissals, however, may not serve their intended purpose, for on at least three occasions since our decision in *Cannon v. Oviatt, supra*, state courts have invalidated guest statutes on the same or very similar equal protection grounds found to be insubstantial in *Cannon*. Because the significant division among state courts persists despite *Silver v. Silver, supra*, and despite our more recent relevant dismissals, I would note probable jurisdiction and set this case for oral argument.

No. 77-578. *BRIGGS v. NORTH CAROLINA*. Appeal from C. A. 4th Cir. dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari denied. Reported below: 562 F. 2d 48.

No. 77-5329. *STANDOW v. CITY OF SPOKANE*. Appeal from Sup. Ct. Wash. dismissed for want of substantial federal question. Reported below: 88 Wash. 2d 624, 564 P. 2d 1145.

434 U. S.

December 12, 1977

*Miscellaneous Orders*

No. ———. BLANCHETTE ET AL., TRUSTEES OF THE PROPERTY OF PENN CENTRAL TRANSPORTATION CO. ET AL. *v.* U. S. RAILWAY ASSN. ET AL. Sp. Ct. R. R. R. A. Appeals dismissed without prejudice, it appearing that the appeals would not be in the interest of an expeditious conclusion to the proceedings.\* Reported below: 445 F. Supp. 994.

No. A-259 (O. T. 1976). HARRIS, SECRETARY OF HOUSING AND URBAN DEVELOPMENT, ET AL. *v.* UNDERWOOD ET AL. D. C. D. C. Motion of respondents to vacate stay heretofore entered by the Court on October 18, 1976 [429 U. S. 892, *sub nom. Hills v. Underwood*], denied.

No. A-433 (76, Orig.). CALIFORNIA *v.* TEXAS. Application for temporary restraining order and preliminary injunction, presented to MR. JUSTICE POWELL, and by him referred to the Court, denied.

No. A-453. BRISCOE, GOVERNOR OF TEXAS, ET AL. *v.* ESCALANTE ET AL. D. C. W. D. Tex. Motion to reconsider stay granted by this Court on December 5, 1977 [*ante*, p. 979], and for other relief denied.

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\*[REPORTER'S NOTE: In addition to the Penn Central Trustees, the following lodged notices of appeal with the Clerk of this Court: Intervening Penn Central Lienholders; Trustee of Certain Secondary Debtors; Trustee of the Pittsburgh, Fort Wayne & Chicago Railway Co.; Mahoning Coal Railroad Co. et al.; Indianapolis Union Railway Co. et al.; Central Indiana Railway Co. et al.; Trustee of the Ann Arbor Railroad Co.; Trustee of the Central Railroad Co. of New Jersey et al.; Trustee of the Lehigh Valley Railroad Co. et al.; Trustees of the Reading Co. et al.; Provident National Bank et al.; Penn Central Co.; Trustees of Erie Lackawanna Railway Co. et al.; Peoria & Eastern Railway Co.; Trustee of the Philadelphia, Baltimore & Washington Railroad Co. et al.; North Pennsylvania Railroad Co. et al.; Trustee of the Lehigh & Hudson River Railway Co.; Citibank, N. A.; Trustee of the New York, New Haven & Hartford Railroad Co.; and the Chicago, Kalamazoo & Saginaw Railway Co. et al.]

December 12, 1977

434 U.S.

No. A-244. *JONES v. UNITED STATES*. C. A. 10th Cir. Application for bail, presented to MR. JUSTICE BRENNAN, and by him referred to the Court, denied.

No. 76-419. *VERMONT YANKEE NUCLEAR POWER CORP. v. NATURAL RESOURCES DEFENSE COUNCIL, INC., ET AL.* C. A. D. C. Cir. [Certiorari granted, 429 U. S. 1090.] Motion of respondents for leave to file a brief after argument granted. MR. JUSTICE POWELL took no part in the consideration or decision of this motion.\*

No. 76-709. *BUTZ ET AL. v. ECONOMOU ET AL.* C. A. 2d Cir. [Certiorari granted, 429 U. S. 1089.] Motion of respondents for leave to file a supplemental brief after argument granted.

No. 76-1471. *FEDERAL COMMUNICATIONS COMMISSION v. NATIONAL CITIZENS COMMITTEE FOR BROADCASTING ET AL.*;

No. 76-1521. *CHANNEL TWO TELEVISION CO. ET AL. v. NATIONAL CITIZENS COMMITTEE FOR BROADCASTING ET AL.*;

No. 76-1595. *NATIONAL ASSOCIATION OF BROADCASTERS v. FEDERAL COMMUNICATIONS COMMISSION ET AL.*;

No. 76-1604. *AMERICAN NEWSPAPER PUBLISHERS ASSN. v. NATIONAL CITIZENS COMMITTEE FOR BROADCASTING ET AL.*;

No. 76-1624. *ILLINOIS BROADCASTING CO., INC., ET AL. v. NATIONAL CITIZENS COMMITTEE FOR BROADCASTING ET AL.*; and

No. 76-1685. *POST CO. ET AL. v. NATIONAL CITIZENS COMMITTEE FOR BROADCASTING ET AL.* C. A. D. C. Cir. [Certiorari granted, *ante*, p. 815.] Motion of the Solicitor General, on behalf of all private petitioners, the Federal Communications Commission, and respondents United States and National Citizens Committee, for additional time granted, and a total of one and one-half hours allotted for oral argument.

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\*See also second note, *supra*, p. 989.

434 U. S.

December 12, 1977

No. 76-1121. AMERICAN BROADCASTING COMPANIES, INC., ET AL. *v.* WRITERS GUILD OF AMERICA, WEST, INC., ET AL.;

No. 76-1153. ASSOCIATION OF MOTION PICTURE & TELEVISION PRODUCERS, INC. *v.* WRITERS GUILD OF AMERICA, WEST, INC., ET AL.; and

No. 76-1162. NATIONAL LABOR RELATIONS BOARD *v.* WRITERS GUILD OF AMERICA, WEST, INC., ET AL. C. A. 2d Cir. [Certiorari granted, 430 U. S. 982.] These cases are restored to the calendar for reargument.

No. 77-10. EXXON CORP. ET AL. *v.* GOVERNOR OF MARYLAND ET AL.;

No. 77-11. SHELL OIL CO. *v.* GOVERNOR OF MARYLAND ET AL.;

No. 77-12. CONTINENTAL OIL CO. ET AL. *v.* GOVERNOR OF MARYLAND ET AL.;

No. 77-47. GULF OIL CORP. *v.* GOVERNOR OF MARYLAND ET AL.; and

No. 77-64. ASHLAND OIL, INC., ET AL. *v.* GOVERNOR OF MARYLAND ET AL. Ct. App. Md. [Probable jurisdiction noted, *ante*, p. 814.] Motion of Charter Oil Co. et al. for leave to file a brief as *amici curiae* granted. Motion of Crown Central Petroleum Co. for leave to file a brief as *amicus curiae* in No. 77-10 granted. MR. JUSTICE STEWART and MR. JUSTICE POWELL took no part in the consideration or decision of these motions.\*

No. 77-747. ALLIED STRUCTURAL STEEL CO. *v.* SPANNAUS, ATTORNEY GENERAL OF MINNESOTA, ET AL. Appeal from D. C. Minn. Motion of appellants to expedite consideration of appeal denied.

No. 77-5176. FRANKS *v.* DELAWARE. Sup. Ct. Del. [Certiorari granted, *ante*, p. 889.] Motion of American Civil Liberties Union for leave to file a brief as *amicus curiae* granted.

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\*See also second note, *supra*, p. 989.

December 12, 1977

434 U. S.

*Certiorari Granted*

No. 77-365. UNITED STATES ET AL. v. LASALLE NATIONAL BANK ET AL. C. A. 7th Cir. Certiorari granted. Reported below: 554 F. 2d 302.

No. 77-369. FURNCO CONSTRUCTION CORP. v. WATERS ET AL. C. A. 7th Cir. Certiorari granted. Reported below: 551 F. 2d 1085.

No. 77-567. NEW YORK STATE PAROLE BOARD ET AL. v. CORALLUZZO. C. A. 2d Cir. Certiorari granted. Reported below: 566 F. 2d 375.

*Certiorari Denied. (See also No. 77-578, *supra*.)*

No. 76-6268. SHIMA v. UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 545 F. 2d 1026, and 560 F. 2d 1287.

No. 76-6990. YOUNG v. UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 559 F. 2d 1223.

No. 77-271. ST. REGIS PAPER CO. v. ROYAL INDUSTRIES ET AL.; and

No. 77-279. ROYAL INDUSTRIES ET AL. v. ST. REGIS PAPER CO. C. A. 9th Cir. Certiorari denied. Reported below: 552 F. 2d 309.

No. 77-344. HEYN v. LOUISIANA STATE UNIVERSITY, AGRICULTURAL AND MECHANICAL COLLEGE, ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 550 F. 2d 1282.

No. 77-428. MOODY v. PAYNE, COMMISSIONER OF INSURANCE. Sup. Ct. Ala. Certiorari denied. Reported below: 344 So. 2d 160.

No. 77-545. GENERAL GMC TRUCKS, INC. v. GENERAL MOTORS CORP. ET AL. Sup. Ct. Ga. Certiorari denied. Reported below: 239 Ga. 373, 237 S. E. 2d 194.

434 U. S.

December 12, 1977

No. 77-562. *EARLEY v. NORTH CAROLINA*. Ct. App. N. C. Certiorari denied. Reported below: 33 N. C. App. 636, 235 S. E. 2d 798.

No. 77-585. *INDIANA ET AL. v. CHOUDHRY*. C. A. 7th Cir. Certiorari denied. Reported below: 559 F. 2d 1085.

No. 77-600. *LANSING BOARD OF EDUCATION ET AL. v. NATIONAL ASSOCIATION FOR ADVANCEMENT OF COLORED PEOPLE ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 559 F. 2d 1042.

No. 77-616. *HOLLYWOOD, INC. v. CITY OF HOLLYWOOD*. Ct. App. Fla., 4th Dist. Certiorari denied. Reported below: 339 So. 2d 1190.

No. 77-625. *LEWIS, AKA KENNEDY v. GREYHOUND LINES-EAST ET AL.* C. A. D. C. Cir. Certiorari denied. Reported below: 181 U. S. App. D. C. 116, 555 F. 2d 1053.

No. 77-676. *THOMPSON v. BOARD OF ELECTIONS OF KENTON COUNTY ET AL.* C. A. 6th Cir. Certiorari denied.

No. 77-692. *ORSINI v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 559 F. 2d 1206.

No. 77-5133. *KRAUT v. UNITED STATES*. C. A. 10th Cir. Certiorari denied.

No. 77-5173. *HAWKINS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 562 F. 2d 49.

No. 77-5259. *JOHNSON v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied. Reported below: 550 S. W. 2d 706.

No. 77-5261. *DOYLE v. MAGGIO, WARDEN*. C. A. 5th Cir. Certiorari denied. Reported below: 554 F. 2d 474.

No. 77-5276. *CAMPBELL v. UNITED STATES*;

No. 77-5390. *WILLIAMS v. UNITED STATES*; and

No. 77-5399. *WILLIAMS ET AL. v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 559 F. 2d 1213.

December 12, 1977

434 U. S.

No. 77-5318. *MINJARES v. CALIFORNIA*. Ct. App. Cal., 4th App. Dist. Certiorari denied.

No. 77-5334. *WRIGHT v. ARKANSAS*. Sup. Ct. Ark. Certiorari denied.

No. 77-5369. *PAPRSKAR v. WHITESIDE ET AL.* C. A. 5th Cir. Certiorari denied.

No. 77-5384. *BELT v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 559 F. 2d 1221.

No. 77-5388. *BROWN v. NORTH CAROLINA*. Sup. Ct. N. C. Certiorari denied. Reported below: 292 N. C. 494, 234 S. E. 2d 563.

No. 77-5424. *SEARCY v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 554 F. 2d 1064.

No. 77-5445. *TINOCO v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 77-5490. *PEEKS v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 563 F. 2d 569.

No. 77-5495. *TAYLOR v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 557 F. 2d 822.

No. 77-5543. *RAITPORT v. CHEMICAL BANK ET AL.* C. A. 2d Cir. Certiorari denied.

No. 77-5562. *NICHELSON v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 562 F. 2d 530.

No. 77-5584. *FORBES v. ESTELLE, CORRECTIONS DIRECTOR*. C. A. 5th Cir. Certiorari denied. Reported below: 559 F. 2d 967.

No. 77-5614. *FAIRCHILD v. MUNICIPAL COURT OF CALIFORNIA, IMPERIAL COUNTY, IMPERIAL JUDICIAL DISTRICT*. Ct. App. Cal., 4th App. Dist. Certiorari denied.

434 U. S.

December 12, 1977

No. 77-5619. *MASSEY v. GARNER, SHERIFF, ET AL.* C. A. 8th Cir. Certiorari denied.

No. 77-5622. *STOCKING v. MARSH ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 551 F. 2d 309.

No. 77-5624. *WARNER ET AL. v. OKLAHOMA.* Ct. Crim. App. Okla. Certiorari denied. Reported below: 568 P. 2d 1284.

No. 77-5627. *DILLARD v. LAVALLEE, CORRECTIONAL SUPERINTENDENT, ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 559 F. 2d 873.

No. 77-5628. *DIOQUINO v. FAIR EMPLOYMENT PRACTICE COMMISSION OF CALIFORNIA.* Ct. App. Cal., 1st App. Dist. Certiorari denied.

No. 77-5634. *SPECK v. AUGER.* C. A. 8th Cir. Certiorari denied. Reported below: 558 F. 2d 394.

No. 77-5637. *YOUNG v. CLANON, PENITENTIARY SUPERINTENDENT, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 77-5642. *THOMPSON v. VERMILLION ET AL.* C. A. 8th Cir. Certiorari denied.

No. 77-5649. *EDWARDS v. KENTUCKY.* Sup. Ct. Ky. Certiorari denied. Reported below: 554 S. W. 2d 380.

No. 77-5673. *WHITESIDE v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 558 F. 2d 1039.

No. 77-5675. *HARMER v. UNITED STATES ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 564 F. 2d 101.

No. 77-5681. *WATSON v. UNITED STATES.* C. A. 3d Cir. Certiorari denied. Reported below: 565 F. 2d 154.

No. 77-5682. *BROCKMAN v. UNITED STATES.* C. A. 10th Cir. Certiorari denied.

December 12, 1977

434 U.S.

No. 77-5683. CONDO *v.* SUN CO. ET AL. C. A. 3d Cir. Certiorari denied.

No. 77-5685. PLACE *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 561 F. 2d 213.

No. 77-5689. DAVIS *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 561 F. 2d 830.

No. 77-5691. RAMIREZ-BETANCOURT, AKA BRAVO *v.* UNITED STATES; and

No. 77-5694. ARCHBOLD-NEWBALL *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 554 F. 2d 665.

No. 77-5697. KOSSEFF *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 77-5699. KELLEY *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 559 F. 2d 399.

No. 77-5714. ALLEN *v.* UNITED STATES. Ct. App. D. C. Certiorari denied. Reported below: 377 A. 2d 65.

No. 77-5719. LYNCH *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 564 F. 2d 100.

No. 77-211. MARLER *v.* CALIFORNIA. App. Dept., Super. Ct. Cal., County of San Diego. Certiorari denied.

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

Petitioner was convicted in the San Diego Municipal Court of selling obscene materials in violation of Cal. Penal Code Ann. § 311.2 (West 1970), and his conviction was affirmed in an unpublished decision by the Appellate Department of the San Diego County Superior Court. I would reverse the conviction. I adhere to my view expressed in *Miller v. California*, 413 U. S. 15 (1973), that this statute is "unconstitutionally overbroad, and therefore invalid on its face." *Id.*, at 47

434 U. S.

December 12, 1977

(BRENNAN, J., dissenting). See also *Kuhns v. California*, 431 U. S. 973 (1977) (BRENNAN, J., dissenting); *Splawn v. California*, 431 U. S. 595, 601 (1977) (BRENNAN, J., dissenting); *Pendleton v. California*, 423 U. S. 1068 (1976) (BRENNAN, J., dissenting); *Sandquist v. California*, 423 U. S. 900, 901 (1975) (BRENNAN, J., dissenting); *Tobalina v. California*, 419 U. S. 926 (1974) (BRENNAN, J., dissenting); *Kaplan v. California*, 419 U. S. 915 (1974) (BRENNAN, J., dissenting); *Blank v. California*, 419 U. S. 913 (1974) (BRENNAN, J., dissenting).

No. 77-249. *JOHANSEN v. CALIFORNIA*. App. Dept., Super. Ct. Cal., County of Los Angeles. Certiorari denied.

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

Petitioner was convicted in the Whittier Municipal Court of exhibiting obscene materials in violation of Cal. Penal Code Ann. § 311.2 (West 1970), and his conviction was affirmed in an unpublished decision by the Appellate Department of the Los Angeles County Superior Court. I would reverse the conviction. I adhere to my view expressed in *Miller v. California*, 413 U. S. 15 (1973), that this statute is "unconstitutionally overbroad, and therefore invalid on its face." *Id.*, at 47 (BRENNAN, J., dissenting). See also *Kuhns v. California*, 431 U. S. 973 (1977) (BRENNAN, J., dissenting); *Splawn v. California*, 431 U. S. 595, 601 (1977) (BRENNAN, J., dissenting); *Pendleton v. California*, 423 U. S. 1068 (1976) (BRENNAN, J., dissenting); *Sandquist v. California*, 423 U. S. 900, 901 (1975) (BRENNAN, J., dissenting); *Tobalina v. California*, 419 U. S. 926 (1974) (BRENNAN, J., dissenting); *Kaplan v. California*, 419 U. S. 915 (1974) (BRENNAN, J., dissenting); *Blank v. California*, 419 U. S. 913 (1974) (BRENNAN, J., dissenting).

No. 77-503. *ESTELLE, CORRECTIONS DIRECTOR v. POTTS*. C. A. 5th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 554 F. 2d 1063.

December 12, 1977

434 U. S.

No. 77-568. *MARYLAND v. KIDD*. Ct. App. Md. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 281 Md. 32, 375 A. 2d 1105.

No. 77-534. *CHASE v. WALD ET AL.* C. A. 8th Cir. Certiorari denied. MR. JUSTICE STEWART and MR. JUSTICE WHITE would grant certiorari. Reported below: 557 F. 2d 157.

No. 77-576. *EDWARDS ET AL. v. NEW YORK TIMES CO. ET AL.* C. A. 2d Cir. Motions of Accuracy in Media, Inc., and Pacific Legal Foundation for leave to file briefs as *amici curiae* granted. Certiorari denied. Reported below: 556 F. 2d 113.

No. 77-5553. *BROCK v. TEXAS*. Ct. Crim. App. Tex.; and No. 77-5620. *YOUNG v. GEORGIA*. Sup. Ct. Ga. Certiorari denied. Reported below: No. 77-5553, 556 S. W. 2d 309; No. 77-5620, 239 Ga. 53, 236 S. E. 2d 1.

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 grant certiorari and vacate the death sentences in these cases.

#### *Rehearing Denied*

No. 76-1793. *SANDERS v. KANSAS*, *ante*, p. 833;

No. 76-6966. *SILO v. KANE*, ATTORNEY GENERAL OF PENNSYLVANIA, ET AL., *ante*, p. 852;

No. 77-265. *HIGGINBOTTOM v. BLUMENTHAL*, SECRETARY OF THE TREASURY, *ante*, p. 921;

No. 77-295. *RAFFERTY ET AL. v. MARCIN*, *ante*, p. 899;

No. 77-328. *TRAFFICANTE v. UNITED STATES*, *ante*, p. 922; and

No. 77-331. *MILLS v. ELECTRIC AUTO-LITE CO. ET AL.*, *ante*, p. 922. Petitions for rehearing denied.

434 U. S.

December 12, 1977, January 9, 1978

No. 77-5025. MORGAN *v.* UNITED STATES, *ante*, p. 925;

No. 77-5408. BANKS *v.* REDEVELOPMENT AUTHORITY OF THE CITY OF PHILADELPHIA ET AL., *ante*, p. 929; and

No. 77-5464. PRYOR *v.* GEORGIA, *ante*, p. 935. Petitions for rehearing denied.

JANUARY 9, 1978

*Appeals Dismissed*

No. 77-397. SCOTT, DBA SLICK NICK'S *v.* DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL OF CALIFORNIA ET AL. Appeal from Ct. App. Cal., 2d App. Dist., dismissed for want of substantial federal question.

No. 77-5375. BRANTLEY *v.* RICKETTS, WARDEN, ET AL. Appeal from Sup. Ct. Ga. dismissed for want of substantial federal question. Reported below: 239 Ga. 151, 236 S. E. 2d 51.

No. 77-5492. HENRY ET AL. *v.* FLINT RIVER MILLS. Appeal from Sup. Ct. Ga. Appeal dismissed for want of substantial federal question. Reported below: 239 Ga. 347, 236 S. E. 2d 583.

No. 77-410. CITY OF PHILADELPHIA ET AL. *v.* SECURITIES AND EXCHANGE COMMISSION ET AL. Appeal from D. C. E. D. Pa. dismissed for want of jurisdiction. *MTM v. Baxley*, 420 U. S. 799 (1975). Reported below: 434 F. Supp. 281.

No. 77-644. WILD *v.* OTIS ET AL. Appeal from Sup. Ct. Minn. dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari denied. MR. JUSTICE BLACKMUN took no part in the consideration or decision of this case. Reported below: 257 N. W. 2d 361.

No. 77-5525. TORRES ET AL. *v.* RAMOS, SECRETARY OF NATURAL RESOURCES, ET AL. Appeal from Sup. Ct. P. R. dismissed for want of jurisdiction. Reported below: — P. R. R.

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January 9, 1978

434 U. S.

No. 77-5623. *EDENS v. CALIFANO, SECRETARY OF HEALTH, EDUCATION, AND WELFARE.* Appeal from C. A. 4th Cir. dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari denied. Reported below: 562 F. 2d 46.

No. 77-5659. *BAD HEART BULL ET AL. v. SOUTH DAKOTA.* Appeal from Sup. Ct. S. D. Motion of appellants to dismiss information denied. Appeal dismissed for want of substantial federal question. Reported below: — S. D. —, 257 N. W. 2d 715.

*Certiorari Granted—Reversed.* (See No. 77-267, *ante*, p. 236.)

#### *Miscellaneous Orders*

No. A-545 (77-885). *COMMISSIONER OF EDUCATION OF NEW JERSEY ET AL. v. BOARD OF EDUCATION OF THE NORTH HUNTERDON REGIONAL HIGH SCHOOL, TOWNSHIP OF FRANKLIN, ET AL.* Sup. Ct. N. J. Application for stay, presented to MR. JUSTICE BRENNAN, and by him referred to the Court, denied.

No. A-563. *WESTERN UNION INTERNATIONAL, INC. v. FEDERAL COMMUNICATIONS COMMISSION ET AL.* Application for stay of mandate of the United States Court of Appeals for the Second Circuit and stay of orders and authorizations of the Federal Communications Commission, presented to MR. JUSTICE MARSHALL, and by him referred to the Court, denied. Order heretofore entered by MR. JUSTICE MARSHALL on December 30, 1977, is vacated.

No. D-130. *IN RE DISBARMENT OF SPURLARK.* It is ordered that Royal E. Spurlark, Jr., 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.

434 U.S.

January 9, 1978

No. D-114. IN RE DISBARMENT OF CONSOLDANE. Disbarment entered. [For earlier order, see *ante*, p. 899.]

No. 76-1184. MALONE, COMMISSIONER OF LABOR AND INDUSTRY FOR MINNESOTA *v.* WHITE MOTOR CORP. ET AL. C. A. 8th Cir. [Probable jurisdiction noted, *ante*, p. 813.] Motions of Chamber of Commerce of the United States and American Federation of Labor and Congress of Industrial Organizations for leave to file briefs as *amici curiae* granted. MR. JUSTICE BLACKMUN took no part in the consideration or decision of these motions.

No. 76-1471. FEDERAL COMMUNICATIONS COMMISSION *v.* NATIONAL CITIZENS COMMITTEE FOR BROADCASTING ET AL.;

No. 76-1521. CHANNEL TWO TELEVISION CO. ET AL. *v.* NATIONAL CITIZENS COMMITTEE FOR BROADCASTING ET AL.;

No. 76-1595. NATIONAL ASSOCIATION OF BROADCASTERS *v.* FEDERAL COMMUNICATIONS COMMISSION ET AL.;

No. 76-1604. AMERICAN NEWSPAPER PUBLISHERS ASSN. *v.* NATIONAL CITIZENS COMMITTEE FOR BROADCASTING ET AL.;

No. 76-1624. ILLINOIS BROADCASTING CO., INC., ET AL. *v.* NATIONAL CITIZENS COMMITTEE FOR BROADCASTING ET AL.; and

No. 76-1685. POST CO. ET AL. *v.* NATIONAL CITIZENS COMMITTEE FOR BROADCASTING ET AL. C. A. D. C. Cir. [Certiorari granted, *ante*, p. 815.] Motions of Office of Communication of the United Church of Christ et al. and National Emergency Civil Liberties Foundation for leave to file briefs as *amici curiae* granted.

No. 76-1484. ZURCHER, CHIEF OF POLICE OF PALO ALTO, ET AL. *v.* STANFORD DAILY ET AL.; and

No. 76-1600. BERGNA, DISTRICT ATTORNEY OF SANTA CLARA COUNTY, ET AL. *v.* STANFORD DAILY ET AL. C. A. 9th Cir. [Certiorari granted, *ante*, p. 816.] Motion of National Association of Criminal Defense Lawyers, Inc., for leave to participate in oral argument as *amicus curiae* denied.

January 9, 1978

434 U. S.

No. 76-1650. OHRALIK *v.* OHIO STATE BAR ASSN. Sup. Ct. Ohio; and

No. 77-56. IN RE SMITH. Sup. Ct. S. C. [Probable jurisdiction noted, *ante*, p. 814.] Motion of Public Citizen et al. for leave to participate in oral argument as *amici curiae* denied.

No. 76-1726. MOBIL OIL CORP. *v.* HIGGINBOTHAM, ADMINISTRATRIX, ET AL. C. A. 5th Cir. [Certiorari granted, *ante*, p. 816.] Motion of respondents for divided argument denied.

No. 76-1767. NATIONAL SOCIETY OF PROFESSIONAL ENGINEERS *v.* UNITED STATES. C. A. D. C. Cir. [Certiorari granted, *ante*, p. 815.] Motion of petitioner to compel the Solicitor General to file brief for the United States granted.

No. 76-1796. OTTOBONI ET AL. *v.* UNITED STATES, *ante*, p. 930. The Solicitor General is invited to file a response to motion for leave to file petition for rehearing within 30 days.

No. 77-10. EXXON CORP. ET AL. *v.* GOVERNOR OF MARYLAND ET AL.;

No. 77-11. SHELL OIL CO. *v.* GOVERNOR OF MARYLAND ET AL.;

No. 77-12. CONTINENTAL OIL CO. ET AL. *v.* GOVERNOR OF MARYLAND ET AL.;

No. 77-47. GULF OIL CORP. *v.* GOVERNOR OF MARYLAND ET AL.; and

No. 77-64. ASHLAND OIL, INC., ET AL. *v.* GOVERNOR OF MARYLAND ET AL. Ct. App. Md. [Probable jurisdiction noted, *ante*, p. 814.] Motions of National Congress of Petroleum Retailers and Day Enterprises, Inc., et al. for leave to file briefs as *amici curiae* granted. Motion of Day Enterprises, Inc., et al. for leave to participate in oral argument as *amici curiae* denied. MR. JUSTICE STEWART and MR. JUSTICE POWELL took no part in the consideration or decision of these motions.

434 U. S.

January 9, 1978

No. 76-1750. STUMP ET AL. *v.* SPARKMAN ET VIR. C. A. 7th Cir. [Certiorari granted, *ante*, p. 815.] Motions of American Coalition of Citizens with Disabilities et al., American Civil Liberties Union et al., and National Center for Law and the Handicapped, Inc., for leave to file briefs as *amici curiae* granted. Motion of petitioners for divided argument denied.

No. 77-25. FLAGG BROS., INC., ET AL. *v.* BROOKS ET AL.;

No. 77-37. LEFKOWITZ, ATTORNEY GENERAL OF NEW YORK *v.* BROOKS ET AL.; and

No. 77-42. AMERICAN WAREHOUSEMEN'S ASSN. ET AL. *v.* BROOKS ET AL. C. A. 2d Cir. [Certiorari granted, *ante*, p. 817.] Motions of New York State Consumer Protection Board and Legal Aid Society of New York City for leave to file briefs as *amici curiae* granted.

No. 77-653. SWISHER, STATE'S ATTORNEY FOR BALTIMORE CITY, ET AL. *v.* BRADY ET AL. D. C. Md. [Probable jurisdiction noted, *ante*, p. 963.] Motion of appellees for appointment of counsel granted, and it is ordered that Peter S. Smith, Esquire, of Baltimore, Md., be appointed to serve as counsel in this case.

No. 77-5582. RANDALL *v.* UNITED STATES. C. A. D. C. Cir. Motion of petitioner to consolidate with No. 76-1596, *United States v. Mauro* [certiorari granted, *ante*, p. 816], denied.

No. 77-615. KEYES ET UX. *v.* DISTRICT OF COLUMBIA COURT OF APPEALS ET AL.;

No. 77-5516. BEACHEM *v.* UNITED STATES ET AL.;

No. 77-5677. CORLEY *v.* JOHNSON, JUDGE; and

No. 77-5703. STACY *v.* KARL, ASSOCIATE JUSTICE, SUPREME COURT OF FLORIDA. Motions for leave to file petitions for writs of mandamus denied.

January 9, 1978

434 U.S.

*Certiorari Granted*

No. 77-528. FEDERAL COMMUNICATIONS COMMISSION *v.* PACIFICA FOUNDATION ET AL. C. A. D. C. Cir. Certiorari granted. Reported below: 181 U. S. App. D. C. 132, 556 F. 2d 9.

No. 77-677. OWEN EQUIPMENT & ERECTION CO. *v.* KROGER, ADMINISTRATRIX. C. A. 8th Cir. Certiorari granted. Reported below: 558 F. 2d 417.

No. 77-693. WILL, U. S. DISTRICT JUDGE *v.* CALVERT FIRE INSURANCE CO. ET AL. C. A. 7th Cir. Certiorari granted. Reported below: 560 F. 2d 792.

No. 77-510. UNITED STATES *v.* NEW MEXICO. Sup. Ct. N. M. Motion of National Wildlife Federation et al. for leave to file a brief as *amici curiae* and certiorari granted. Reported below: 90 N. M. 410, 564 P. 2d 615.

No. 77-529. WISE, MAYOR OF DALLAS, ET AL. *v.* LIPSCOMB ET AL. C. A. 5th Cir. Motion of respondents for leave to proceed *in forma pauperis* and certiorari granted. Reported below: 551 F. 2d 1043.

No. 77-598. GREYHOUND CORP. ET AL. *v.* MT. HOOD STAGES, INC., DBA PACIFIC TRAILWAYS. C. A. 9th Cir. Certiorari granted limited to Question 3 presented by the petition. Reported below: 555 F. 2d 687.

*Certiorari Denied.* (See also Nos. 77-644 and 77-5623, *supra*.)

No. 76-1157. SOUTHWESTERN BELL TELEPHONE CO. *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 546 F. 2d 243.

No. 76-1375. ZINGER *v.* BLANCHETTE ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 549 F. 2d 901.

No. 76-1609. INDIANA *v.* SCOTTSDALE MALL. C. A. 7th Cir. Certiorari denied. Reported below: 549 F. 2d 484.

434 U. S.

January 9, 1978

No. 76-1645. GENERAL DYNAMICS CORP. *v.* BULLOCK, COMPTROLLER OF PUBLIC ACCOUNTS OF TEXAS, ET AL. Sup. Ct. Tex. Certiorari denied. Reported below: 547 S. W. 2d 255.

No. 76-6983. KEEFER *v.* PENNSYLVANIA. Sup. Ct. Pa. Certiorari denied. Reported below: 470 Pa. 142, 367 A. 2d 1082.

No. 77-63. COOPER *v.* TAX COMMISSION OF UTAH. Sup. Ct. Utah. Certiorari denied.

No. 77-79. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION *v.* CHILDREN'S HOSPITAL OF PITTSBURGH. C. A. 3d Cir. Certiorari denied. Reported below: 556 F. 2d 222.

No. 77-143. MANGO *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 559 F. 2d 1222.

No. 77-164. LEPOO *v.* UNITED STATES; and

No. 77-169. GOLDSTEIN *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 552 F. 2d 1156.

No. 77-214. ATKINS ET AL. *v.* UNITED STATES. Ct. Cl. Certiorari denied. Reported below: 214 Ct. Cl. 186, 556 F. 2d 1028.

No. 77-217. BAGERIS *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 559 F. 2d 1221.

No. 77-237. NETTERVILLE *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 553 F. 2d 903.

No. 77-252. RIVERA *v.* TEXAS. Ct. Crim. App. Tex. Certiorari denied. Reported below: 549 S. W. 2d 209.

No. 77-275. ARTHUR LIPPER CORP. ET AL. *v.* SECURITIES AND EXCHANGE COMMISSION; and

No. 77-291. SECURITIES AND EXCHANGE COMMISSION *v.* ARTHUR LIPPER CORP. ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 547 F. 2d 171.

January 9, 1978

434 U. S.

No. 77-294. *OLIVA v. FLORIDA*. Dist. Ct. App. Fla., 3d Dist. Certiorari denied. Reported below: 346 So. 2d 1066.

No. 77-296. *HESTNES v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 558 F. 2d 1034.

No. 77-321. *UPPER WEST FORK RIVER WATERSHED ASSN. v. CORPS OF ENGINEERS, U. S. ARMY, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 556 F. 2d 576.

No. 77-333. *WELLHAM ET AL. v. UNION BANK ET AL.* C. A. 9th Cir. Certiorari denied.

No. 77-337. *CASTOR ET AL. v. UNITED STATES*; and

No. 77-500. *DEIN v. UNITED STATES ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 558 F. 2d 379.

No. 77-338. *WETZEL ET AL. v. LIBERTY MUTUAL INSURANCE CO.* C. A. 3d Cir. Certiorari denied. Reported below: 558 F. 2d 1028.

No. 77-357. *PATTY v. VIRGINIA*. Sup. Ct. Va. Certiorari denied. Reported below: 218 Va. 150, 235 S. E. 2d 437.

No. 77-368. *BERDICK v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 555 F. 2d 1329.

No. 77-381. *ATKINSON v. NORTH CAROLINA*. Sup. Ct. N. C. Certiorari denied. Reported below: 292 N. C. 730, 235 S. E. 2d 784.

No. 77-396. *PACELLI v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 556 F. 2d 558.

No. 77-406. *CALIFORNIA ET AL. v. FEDERAL COMMUNICATIONS COMMISSION ET AL.*; and

No. 77-434. *NATIONAL ASSOCIATION OF REGULATORY UTILITY COMMISSIONERS v. FEDERAL COMMUNICATIONS COMMISSION ET AL.* C. A. D. C. Cir. Certiorari denied. Reported below: 185 U. S. App. D. C. 217, 567 F. 2d 84.

434 U. S.

January 9, 1978

No. 77-416. *GARDNER v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 553 F. 2d 946.

No. 77-425. *GIBSON, SHERIFF v. SMALL*. C. A. 4th Cir. Certiorari denied. Reported below: 562 F. 2d 48.

No. 77-429. *FRY ET UX. v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 557 F. 2d 646.

No. 77-431. *LEWIS v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 556 F. 2d 385.

No. 77-458. *WARD v. MARYLAND*. Ct. App. Md. Certiorari denied. Reported below: 280 Md. 485, 374 A. 2d 1118.

No. 77-470. *CHAUFFEURS, TEAMSTERS & HELPERS LOCAL UNION No. 391 v. PILOT FREIGHT CARRIERS, INC., ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 558 F. 2d 205.

No. 77-473. *DISTRICT No. 9, INTERNATIONAL ASSOCIATION OF MACHINISTS & AEROSPACE WORKERS v. SCHULTZ ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 560 F. 2d 849.

No. 77-474. *JEFFERSON PARISH SCHOOL BOARD v. CITY PARK IMPROVEMENT ASSN. ET AL.* Ct. App. La., 4th Cir. Certiorari denied. Reported below: 345 So. 2d 597.

No. 77-478. *PENNSYLVANIA ET AL. v. INTERSTATE COMMERCE COMMISSION ET AL.* C. A. D. C. Cir., No. 76-2153. Certiorari denied.

No. 77-480. *LOCAL 259, UNITED AUTOMOBILE, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA v. NATIONAL LABOR RELATIONS BOARD ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 562 F. 2d 38.

No. 77-484. *COCHRAN v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 562 F. 2d 49.

No. 77-486. *McCORKLE v. UNITED STATES ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 559 F. 2d 1258.

January 9, 1978

434 U. S.

No. 77-488. *SEA-LAND SERVICE, INC. v. UNITED STATES.* Ct. Cl. Certiorari denied. Reported below: 213 Ct. Cl. 555, 553 F. 2d 651.

No. 77-489. *CITY OF WILLCOX ET AL. v. FEDERAL ENERGY REGULATORY COMMISSION ET AL.* C. A. D. C. Cir. Certiorari denied. Reported below: 185 U. S. App. D. C. 287, 567 F. 2d 394.

No. 77-490. *BARTER ET AL. v. UNITED STATES.* C. A. 7th Cir. Certiorari denied. Reported below: 550 F. 2d 1239.

No. 77-505. *IRWIN v. UNITED STATES.* C. A. 10th Cir. Certiorari denied. Reported below: 561 F. 2d 198.

No. 77-540. *MOORE ET AL. v. HAMPTON ROADS SANITATION DISTRICT COMMISSION ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 557 F. 2d 1030.

No. 77-542. *FURRAT v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 550 F. 2d 1283.

No. 77-548. *BERLIN ET AL. v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 559 F. 2d 1215.

No. 77-564. *HUNTINGTON TOWERS, LTD., ET AL. v. FEDERAL RESERVE BANK OF NEW YORK ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 559 F. 2d 863.

No. 77-572. *JENKS v. UNITED STATES.* C. A. 6th Cir. Certiorari denied.

No. 77-577. *COLEMAN ET AL. v. RICE, DIRECTOR, DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL OF CALIFORNIA, ET AL.* Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 77-594. *STONE v. EXPORT-IMPORT BANK OF THE UNITED STATES ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 552 F. 2d 132.

No. 77-597. *HOOVER ET UX. v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. Reported below: 559 F. 2d 1219.

434 U. S.

January 9, 1978

No. 77-601. *FOUKE CO. v. ANIMAL WELFARE INSTITUTE ET AL.* C. A. D. C. Cir. Certiorari denied. Reported below: 183 U. S. App. D. C. 109, 561 F. 2d 1002.

No. 77-607. *CLARK v. FLORIDA*. Sup. Ct. Fla. Certiorari denied. Reported below: 352 So. 2d 170.

No. 77-608. *NIZER ET AL. v. MEEROPOL ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 560 F. 2d 1061.

No. 77-609. *ANDRE ET AL. v. BOARD OF TRUSTEES OF THE VILLAGE OF MAYWOOD, COOK COUNTY, ILLINOIS, ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 561 F. 2d 48.

No. 77-611. *KWANG-WEI HAN v. ANDERSON AIR CONDITIONING, INC.* App. Dept., Super. Ct. Cal., County of Orange. Certiorari denied.

No. 77-612. *UNITED MINE WORKERS OF AMERICA v. NEDD ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 556 F. 2d 190.

No. 77-617. *TERMINAL-HUDSON ELECTRONICS, INC., DBA OPTI-CAL v. DUNDAS ET AL.* Ct. App. Cal., 4th App. Dist. Certiorari denied.

No. 77-618. *BRAMBLETT v. GEORGIA*. Sup. Ct. Ga. Certiorari denied. Reported below: 239 Ga. 336, 236 S. E. 2d 580.

No. 77-619. *INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN & HELPERS OF AMERICA v. PILOT FREIGHT CARRIERS, INC.* C. A. 4th Cir. Certiorari denied.

No. 77-620. *GUYTON v. OHIO*. Ct. App. Ohio, Summit County. Certiorari denied.

No. 77-626. *COLUMBUS MUNICIPAL SEPARATE SCHOOL DISTRICT ET AL. v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 558 F. 2d 228.

January 9, 1978

434 U. S.

No. 77-627. *AUSTIN NATIONAL BANK, GUARDIAN v. NORTON ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 557 F. 2d 1061.

No. 77-629. *LEACH ET AL. v. SAWICKI, JUDGE.* Sup. Ct. Ohio. Certiorari denied.

No. 77-632. *MURRAY ET AL. v. WAGLE.* C. A. 9th Cir. Certiorari denied. Reported below: 560 F. 2d 401.

No. 77-640. *LAIRD ET UX. v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 556 F. 2d 1224.

No. 77-647. *YETTE v. NEWSWEEK MAGAZINE ET AL.* Ct. App. D. C. Certiorari denied. Reported below: 376 A. 2d 777.

No. 77-649. *DEMOPOLIS CITY SCHOOL SYSTEM v. UNITED STATES ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 557 F. 2d 1053.

No. 77-650. *SPENCER v. SKELTON ET AL.* Sup. Ct. Idaho. Certiorari denied. Reported below: 98 Idaho 417, 565 P. 2d 1374.

No. 77-655. *CROUCH v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 562 F. 2d 49.

No. 77-666. *VESCO & CO., INC. v. INTERNATIONAL CONTROLS CORP.* C. A. 2d Cir. Certiorari denied. Reported below: 556 F. 2d 665.

No. 77-679. *VALE v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 558 F. 2d 237.

No. 77-680. *WALL STREET TRANSCRIPT CORP. ET AL. v. WAINWRIGHT SECURITIES, INC.* C. A. 2d Cir. Certiorari denied. Reported below: 558 F. 2d 91.

No. 77-696. *JOHNSON v. UNITED STATES.* C. A. 7th Cir. Certiorari denied.

434 U.S.

January 9, 1978

No. 77-700. *EVANS ET UX. v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 559 F. 2d 244.

No. 77-702. *AMREP CORP. ET AL. v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. Reported below: 560 F. 2d 539.

No. 77-703. *SINCLAIR v. SPATOCO ET AL.* Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 77-704. *GIBBS v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 559 F. 2d 28.

No. 77-711. *MILLET v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 559 F. 2d 253.

No. 77-718. *TOWNSEND v. NASSAU COUNTY MEDICAL CENTER ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 558 F. 2d 117.

No. 77-720. *ROSNER v. UNITED STATES.* C. A. 2d Cir. Certiorari denied.

No. 77-735. *ANZALONE v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. Reported below: 560 F. 2d 492.

No. 77-756. *JOHNSON v. UNITED STATES.* C. A. 6th Cir. Certiorari denied.

No. 77-775. *MARCHAND v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. Reported below: 564 F. 2d 983.

No. 77-797. *LA MORDER v. LA MORDER.* C. A. 5th Cir. Certiorari denied.

No. 77-807. *PHELPS v. CHRISTISON, TRUSTEE IN BANKRUPTCY, ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 562 F. 2d 53.

No. 77-824. *DAVIS v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 564 F. 2d 840.

January 9, 1978

434 U. S.

No. 77-5250. *LINKLETTER v. LOUISIANA*. Sup. Ct. La. Certiorari denied. Reported below: 345 So. 2d 452.

No. 77-5271. *FLOWERS v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 558 F. 2d 1231.

No. 77-5287. *BLEVINS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 555 F. 2d 1236.

No. 77-5328. *HILLIARD v. ESTELLE, CORRECTIONS DIRECTOR*. C. A. 5th Cir. Certiorari denied.

No. 77-5332. *BEASLEY ET AL. v. ILLINOIS*. Sup. Ct. Ill. Certiorari denied. Reported below: 66 Ill. 2d 385, 362 N. E. 2d 1024.

No. 77-5333. *TALIAFERRO v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 558 F. 2d 724.

No. 77-5337. *DAWSON ET AL. v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 559 F. 2d 1213.

No. 77-5340. *CASEBEER v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 562 F. 2d 53.

No. 77-5358. *SCHILLACI v. SMITH ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 556 F. 2d 582.

No. 77-5360. *ROBINSON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 553 F. 2d 429.

No. 77-5371. *FALCONE v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

No. 77-5373. *MILLER v. VIRGINIA*. Sup. Ct. Va. Certiorari denied. Reported below: 217 Va. 929, 234 S. E. 2d 269.

No. 77-5378. *SCHICK v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 550 F. 2d 219.

No. 77-5379. *HODGES v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 556 F. 2d 366.

434 U. S.

January 9, 1978

No. 77-5382. *JUZENAS v. CITY OF SOUTHFIELD*. Cir. Ct., Oakland County, Mich. Certiorari denied.

No. 77-5387. *RUDMAN v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 77-5397. *ALLEN v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 560 F. 2d 112.

No. 77-5403. *TRUDO v. UNITED STATES PAROLE COMMISSION*. C. A. 2d Cir. Certiorari denied. Reported below: 556 F. 2d 560.

No. 77-5414. *McMILLAN v. HOPPER, WARDEN*. C. A. 5th Cir. Certiorari denied. Reported below: 557 F. 2d 822.

No. 77-5418. *BROOKS v. MISSOURI*. Ct. App. Mo., St. Louis Dist. Certiorari denied. Reported below: 551 S. W. 2d 634.

No. 77-5426. *HEATH v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

No. 77-5428. *BRUCE v. ESTELLE, CORRECTIONS DIRECTOR*. C. A. 5th Cir. Certiorari denied.

No. 77-5454. *KELLY v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 556 F. 2d 257.

No. 77-5455. *NICHOLS v. TREFFERT ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 558 F. 2d 1031.

No. 77-5460. *WILLIAMS v. FLORIDA*. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 340 So. 2d 498.

No. 77-5506. *GATES v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 557 F. 2d 1086.

No. 77-5508. *WOODSON v. ARNOLD, WARDEN*. C. A. 3d Cir. Certiorari denied. Reported below: 562 F. 2d 43.

January 9, 1978

434 U. S.

No. 77-5509. *DILLINGHAM v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 537 F. 2d 1287.

No. 77-5532. *RAMIREZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 559 F. 2d 1215.

No. 77-5540. *ROBINSON v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 559 F. 2d 1213.

No. 77-5560. *GAULDEN v. CALIFORNIA*. Ct. App. Cal., 4th App. Dist. Certiorari denied.

No. 77-5593. *REESE v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 562 F. 2d 42.

No. 77-5598. *FRANKLIN v. MARYLAND*. Ct. App. Md. Certiorari denied. Reported below: 281 Md. 51, 375 A. 2d 1116.

No. 77-5601. *GREENE v. HOGAN, WARDEN, ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 558 F. 2d 604.

No. 77-5615. *GREEN v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 561 F. 2d 423.

No. 77-5643. *MORALES v. NEW YORK*. Ct. App. N. Y. Certiorari denied. Reported below: 42 N. Y. 2d 129, 366 N. E. 2d 248.

No. 77-5644. *JENKINS v. DISTRICT OF COLUMBIA*. Ct. App. D. C. Certiorari denied.

No. 77-5646. *THOMPSON v. ALABAMA*. Ct. Crim. App. Ala. Certiorari denied. Reported below: 347 So. 2d 1371.

No. 77-5648. *CRUZ ET AL. v. WARD, CORRECTIONAL COMMISSIONER, ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 558 F. 2d 658.

No. 77-5650. *BURRELL v. AARON, WARDEN*. C. A. 10th Cir. Certiorari denied. Reported below: 560 F. 2d 988.

434 U. S.

January 9, 1978

No. 77-5651. *HAM v. SOUTH CAROLINA*. Sup. Ct. S. C. Certiorari denied. Reported below: 268 S. C. 340, 233 S. E. 2d 698.

No. 77-5652. *REITER v. CITY OF KEENE ET AL.* Sup. Ct. Tex. Certiorari denied.

No. 77-5654. *SELLARS v. CALIFORNIA ET AL.* Sup. Ct. Cal. Certiorari denied.

No. 77-5655. *INGRAM v. UNITED STATES*. C. A. 10th Cir. Certiorari denied.

No. 77-5656. *CHRISTOPHER v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 561 F. 2d 8.

No. 77-5664. *MEIER v. SANDEFUR ET AL.* Ct. App. Ind. Certiorari denied.

No. 77-5665. *CARROLL v. TURNER ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 559 F. 2d 1211.

No. 77-5670. *MARTIN v. WYRICK, WARDEN*. C. A. 8th Cir. Certiorari denied.

No. 77-5674. *CARSON v. ELROD, DIRECTOR, DEPARTMENT OF SOCIAL SERVICES OF VIRGINIA BEACH, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 562 F. 2d 44.

No. 77-5676. *BEARD v. ESTELLE, CORRECTIONS DIRECTOR*. C. A. 5th Cir. Certiorari denied.

No. 77-5678. *QURAISHI v. NYQUIST, COMMISSIONER OF EDUCATION OF NEW YORK*. Ct. App. N. Y. Certiorari denied.

No. 77-5679. *YOUNG v. CLANON, MEDICAL FACILITY SUPERINTENDENT, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 77-5686. *STONE v. ESTELLE, CORRECTIONS DIRECTOR*. C. A. 5th Cir. Certiorari denied. Reported below: 556 F. 2d 1242.

January 9, 1978

434 U.S.

No. 77-5680. *WRIGHT v. OKLAHOMA ET AL.* C. A. 10th Cir. Certiorari denied.

No. 77-5696. *TIMMINS v. GORE NEWSPAPERS CO., INC.* Dist. Ct. App. Fla., 4th Dist. Certiorari denied. Reported below: 339 So. 2d 255.

No. 77-5700. *HAMILTON v. UNITED STATES*;  
No. 77-5704. *CHRISTOPHER v. UNITED STATES*;  
No. 77-5705. *CHRISTOPHER ET AL. v. UNITED STATES*; and  
No. 77-5707. *BRYANT v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 557 F. 2d 1064.

No. 77-5712. *BERARD v. HOGAN, CORRECTIONS COMMISSIONER*. C. A. 2d Cir. Certiorari denied.

No. 77-5716. *SANDERS v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 563 F. 2d 379.

No. 77-5717. *NICHOLAS v. ESTELLE, CORRECTIONS DIRECTOR*. C. A. 5th Cir. Certiorari denied. Reported below: 556 F. 2d 1330.

No. 77-5718. *JACKSON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 557 F. 2d 1149.

No. 77-5722. *WILSON v. VOLKSWAGEN OF AMERICA, INC., ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 561 F. 2d 494.

No. 77-5723. *TAYLOR v. RIDDLE, CORRECTIONAL SUPERINTENDENT*. C. A. 4th Cir. Certiorari denied. Reported below: 563 F. 2d 133.

No. 77-5726. *DIXON v. WAINWRIGHT, SECRETARY, DEPARTMENT OF OFFENDER REHABILITATION OF FLORIDA*. C. A. 5th Cir. Certiorari denied. Reported below: 559 F. 2d 27.

No. 77-5729. *VASARAB v. JAGO, CORRECTIONAL SUPERINTENDENT*. C. A. 6th Cir. Certiorari denied. Reported below: 559 F. 2d 1223.

434 U. S.

January 9, 1978

No. 77-5739. *HOLT v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 564 F. 2d 93.

No. 77-5745. *HALL v. ALABAMA*. Ct. Crim. App. Ala. Certiorari denied. Reported below: 348 So. 2d 870.

No. 77-5752. *COVINGTON ET AL. v. FORD, JUDGE*. Sup. Ct. Ind. Certiorari denied.

No. 77-5765. *JOHNSON v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 563 F. 2d 936.

No. 77-5788. *WILSON v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 562 F. 2d 476.

No. 77-5795. *DORSEY v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 565 F. 2d 159.

No. 77-5796. *VASQUEZ-CAZARES v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 563 F. 2d 1329.

No. 77-5799. *RAMOS v. UNITED STATES*. C. A. 10th Cir. Certiorari denied.

No. 77-5800. *MANCIL v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 77-5810. *JONES ET AL. v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 559 F. 2d 960.

No. 77-5812. *FORD v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 563 F. 2d 1366.

No. 77-5813. *ELLIOTT v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 77-5815. *SMITH v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 563 F. 2d 1361.

No. 77-5816. *CARTER v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 565 F. 2d 286.

January 9, 1978

434 U. S.

No. 77-5818. *HARTFORD v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 77-5821. *HINES v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 564 F. 2d 925.

No. 77-5823. *HALE, AKA SMITH v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 562 F. 2d 336.

No. 77-5830. *CLAYTON v. UNITED STATES*. C. A. 10th Cir. Certiorari denied.

No. 77-5835. *SWETS ET AL. v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 563 F. 2d 989.

No. 77-5844. *AGUILAR-GARCIA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 566 F. 2d 1184.

No. 77-5847. *GRAHAM v. UNITED STATES*. Ct. App. D. C. Certiorari denied. Reported below: 377 A. 2d 1138.

No. 76-1451. *ROGERS ET AL. v. EXXON RESEARCH & ENGINEERING CO.* C. A. 3d Cir. Certiorari denied. MR. JUSTICE STEWART and MR. JUSTICE POWELL took no part in the consideration or decision of this petition. Reported below: 550 F. 2d 834.

No. 77-26. *CHIN v. UNITED STATES*; and

No. 77-32. *CHIN v. UNITED STATES*. C. A. 2d Cir. Motions of Asian-American Legal Defense & Education Fund and Asian Law Caucus, Inc., et al. for leave to file briefs as *amici curiae* granted. Certiorari denied. Reported below: 556 F. 2d 560.

No. 77-263. *CENTRAL SOUTH CAROLINA CHAPTER, SOCIETY OF PROFESSIONAL JOURNALISTS, SIGMA DELTA CHI, ET AL. v. MARTIN, U. S. DISTRICT JUDGE, ET AL.* C. A. 4th Cir. Certiorari denied. MR. JUSTICE WHITE and MR. JUSTICE POWELL would grant certiorari. Reported below: 556 F. 2d 706.

434 U. S.

January 9, 1978

No. 77-322. *HOGAN v. ILLINOIS EX REL. KUNCE, JUDGE.* Sup. Ct. Ill. Certiorari denied. MR. JUSTICE WHITE, MR. JUSTICE MARSHALL, and MR. JUSTICE BLACKMUN would grant certiorari. Reported below: 67 Ill. 2d 55, 364 N. E. 2d 50.

No. 77-383. *INTERNATIONAL AMUSEMENTS, DBA ADULT BOOK & CINEMA STORE, ET AL. v. UTAH.* Sup. Ct. Utah. Certiorari denied. Reported below: 565 P. 2d 1112.

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

Petitioners were convicted following a jury trial in the District Court for Weber County, Utah, for distributing pornographic material in violation of ch. 49, §§ 1 and 4, 1975 Utah Laws (formerly codified at 8 Utah Code Ann. §§ 76-10-1203 and 76-10-1204 (Supp. 1975), current version at Utah Crim. Code §§ 76-10-1203 and 76-10-1204 (1977)). The conviction was affirmed by the Utah Supreme Court. 565 P. 2d 1112 (1977).

Section 76-10-1204 provided in pertinent part at the time of the alleged offense as follows:

“(1) A person is guilty of distributing pornographic material when he knowingly:

“(c) Distributes or offers to distribute, exhibits or offers to exhibit, any pornographic material to others . . . .”

As used in § 76-10-1204, “pornographic material” was defined by § 76-10-1203 as follows:

“(a) The average person, applying contemporary community standards, finds that, taken as a whole, it appeals to prurient interest in sex;

“(b) It is patently offensive in the description or depiction of nudity, sexual conduct, sexual excitement, sadomasochistic abuse, or excretion; and

“(c) Taken as a whole it does not have serious literary, artistic, political or scientific value.

January 9, 1978

434 U. S.

“(2) In any prosecution dealing with an offense relating to pornographic material or performances, or dealing in harmful material, the question whether material or a performance appeals to prurient interest in sex shall be determined with reference to average adults or average minors as the case may be.

“(3) Neither the prosecution nor the defense shall be required to introduce expert witness testimony concerning the pornographic character of the material or performance which is the subject of a prosecution under this part.”

I adhere to my view that “at least in the absence of distribution to juveniles or obtrusive exposure to unconsenting adults, the First and Fourteenth Amendments prohibit the State and Federal Governments from attempting wholly to suppress sexually oriented materials on the basis of their allegedly ‘obscene’ contents.” *Paris Adult Theatre I v. Slaton*, 413 U. S. 49, 113 (1973) (BRENNAN, J., dissenting). It is clear that, tested by that constitutional standard, § 76–10–1204, as it incorporated the definition of “pornographic material” of § 76–10–1203, was constitutionally overbroad and therefore invalid on its face. For the reasons stated in my dissent in *Miller v. California*, 413 U. S. 15, 47 (1973), I would therefore grant certiorari, and, since the judgment of the Utah Supreme Court was rendered after *Miller*, reverse. In that circumstance, I have no occasion to consider whether the other questions presented merit plenary review. See *Heller v. New York*, 413 U. S. 483, 495 (1973) (BRENNAN, J., dissenting).

No. 77–624. *NESTLER ET AL. v. EXXON CORP.* C. A. D. C. Cir. Certiorari denied. MR. JUSTICE POWELL took no part in the consideration or decision of this petition. Reported below: 181 U. S. App. D. C. 411, 559 F. 2d 188.

434 U.S.

January 9, 1978

No. 77-683. MILLER BREWING CO. *v.* G. HEILEMAN BREWING CO., INC. C. A. 7th Cir. Certiorari denied. MR. JUSTICE POWELL took no part in the consideration or decision of this petition. Reported below: 561 F. 2d 75.

No. 77-662. L. & J. PRESS CORP. *v.* MURPHY ET AL. C. A. 8th Cir. Certiorari and/or motion for leave to file petition for writ of mandamus denied. Reported below: 558 F. 2d 407.

No. 77-682. VILLAGE OF ARLINGTON HEIGHTS ET AL. *v.* METROPOLITAN HOUSING DEVELOPMENT CORP. ET AL. C. A. 7th Cir. Certiorari denied. MR. JUSTICE STEVENS took no part in the consideration or decision of this petition. Reported below: 558 F. 2d 1283.

No. 77-5427. BOSSINGER ET AL. *v.* FLORIDA. Dist. Ct. App. Fla., 3d Dist. Certiorari denied. MR. JUSTICE POWELL would grant certiorari. Reported below: 347 So. 2d 137.

*Rehearing Denied*

No. 76-1057. KEY ET AL. *v.* DOYLE ET AL., *ante*, p. 59;

No. 76-1684. SUPER TIRE ENGINEERING CO. ET AL. *v.* McCORKLE, COMMISSIONER, DEPARTMENT OF INSTITUTIONS AND AGENCIES OF NEW JERSEY, ET AL., *ante*, p. 827;

No. 76-6839. DOWNING *v.* DISTRICT ATTORNEY OF NORTHAMPTON COUNTY, *ante*, p. 846;

No. 76-6909. ROSARIO *v.* LAVALLEE, CORRECTIONAL SUPERINTENDENT, *ante*, p. 849;

No. 76-6974. DEVAUGHN *v.* UNITED STATES, *ante*, p. 954;

No. 77-370. KENNY ET AL. *v.* CITY OF PHILADELPHIA; and MACDONALD ET AL. *v.* CITY OF PHILADELPHIA, *ante*, p. 923;

No. 77-374. SLOAN *v.* BONIME ET AL., *ante*, p. 924;

No. 77-385. DAVIS *v.* DAVIS, *ante*, p. 939;

No. 77-415. SALYERS *v.* BOARD OF GOVERNORS OF STATE COLLEGES AND UNIVERSITIES OF ILLINOIS ET AL., *ante*, p. 924; and

No. 77-437. MARTINEZ ET AL. *v.* UNITED STATES, *ante*, p. 924. Petitions for rehearing denied.

January 9, 16, 1978

434 U. S.

No. 77-517. *DOLWIG v. UNITED STATES*, *ante*, p. 956;  
No. 77-5026. *WITT v. FLORIDA*, *ante*, p. 935;  
No. 77-5235. *WARRINER v. FLORIDA ET AL.*, *ante*, p. 870;  
No. 77-5438. *CRUM v. WALTER H. BRYAN, INC., ET AL.*,  
*ante*, p. 942;  
No. 77-5498. *STUART v. ARKANSAS*, *ante*, p. 942;  
No. 77-5514. *SMITH v. WHITE STORES, INC.*, *ante*, p. 958;  
No. 77-5542. *ZILKA v. WALKER ET AL.*, *ante*, p. 973;  
No. 77-5558. *WEST v. SMITH*, *ante*, p. 973; and  
No. 77-5618. *BALOUN v. UNITED STATES*, *ante*, p. 974. Petitions for rehearing denied.

No. 75-855. *BROWN v. UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS ET AL.*, 424 U. S. 906; and

No. 77-290. *COLE v. UNITED STATES*, *ante*, p. 943. Motions for leave to file petitions for rehearing denied.

JANUARY 16, 1978

*Affirmed on Appeal*

No. 77-422. *NATIONAL EDUCATION ASSN. ET AL. v. SOUTH CAROLINA ET AL.*; and

No. 77-543. *UNITED STATES v. SOUTH CAROLINA ET AL.* Affirmed on appeal from D. C. S. C. MR. JUSTICE MARSHALL and MR. JUSTICE BLACKMUN took no part in the consideration or decision of these appeals. Reported below: 445 F. Supp. 1094.

MR. JUSTICE WHITE, with whom MR. JUSTICE BRENNAN joins, dissenting.

For many years, South Carolina has used the National Teachers' Examinations (NTE) in hiring and classifying teachers, despite the advice of its authors that it should not be used as the State uses it and despite the fact that it serves to disqualify a greater proportion of black applicants than white and to place a greater percentage of black teachers in

lower paying classifications. For example, the new test score requirements contained in the 1976 revision of the State's plan will disqualify 83% of black applicants, but only 17.5% of white applicants; and 96% of the newly certified candidates permitted to teach will be white teachers.

This litigation began when the United States brought suit challenging the use of the NTE under both the Constitution and Title VII of the Civil Rights Act of 1964. The District Court upheld the State's use of the test and rejected both claims. Not only had plaintiffs failed to prove a racially discriminatory purpose in the State's uses of the NTE but, in the view of the District Court, the State had carried its burden of justifying the test despite its disparate racial impact.

The State's evidence in this regard consisted of a validation study prepared by the authors of the test at the request of the State. The District Court deemed the study sufficient to validate the NTE, even though the validation was not in relation to job performance and showed at best that the test measured the familiarity of the candidate with the content of certain teacher training courses.

*Washington v. Davis*, 426 U. S. 229 (1976), was thought by the District Court to have warranted validating the test in terms of the applicant's training rather than against job requirements; but *Washington v. Davis*, in this respect, held only that the test there involved, which sought to ascertain whether the applicant had the minimum communication skills necessary to understand the offerings in a police training course, could be used to measure eligibility to enter that program. The case did not hold that a training course, the completion of which is required for employment, need not itself be validated in terms of job relatedness. Nor did it hold that a test that a job applicant must pass and that is designed to indicate his mastery of the materials or skills taught in the training course can be validated without reference to the job. Tests supposedly measuring an applicant's qualifications for employment, if they have differential racial impact,

January 16, 1978

434 U. S.

must bear some "manifest relationship to the employment in question," *Griggs v. Duke Power Co.*, 401 U. S. 424, 432 (1971), and it is insufficient for the employer "to demonstrate some rational basis for the challenged practices." *Washington v. Davis, supra*, at 247.

The District Court here held that no other measures would satisfy the State's interest in obtaining qualified teachers and paying them fairly. But only two other States use the NTE for initial certification and South Carolina is the *only* State which uses the NTE in determining pay. Furthermore, the authors of the test themselves advise against using it for determining the pay for experienced teachers and believe that the NTE should not be the sole criterion for initial certification.

The question here is not merely whether the District Court, applying correct legal standards, reached the correct conclusion on the record before it, but whether the court was legally correct in holding that the NTE need not be validated against job performance and that the validation requirement was satisfied by a study which demonstrated only that a trained person could pass the test.

I therefore dissent from the Court's summary affirmance and would set the case for oral argument.

No. 77-450. PRESSLER, MEMBER, U. S. HOUSE OF REPRESENTATIVES *v.* BLUMENTHAL, SECRETARY OF THE TREASURY, ET AL. Appeal from D. C. D. C. Motion of James M. Jeffords et al. for leave to file a brief as *amici curiae* granted. Judgment affirmed.

MR. JUSTICE REHNQUIST, concurring.

In joining the summary affirmance of the judgment of the District Court in this case, I think it important to point out that such affirmance does not necessarily reflect this Court's agreement with the conclusion reached by the District Court on the merits of the Ascertainment Clause ques-

434 U. S.

January 16, 1978

tion. The District Court decided that appellant did have standing to litigate this issue by virtue of the fact that he was a Member of Congress, but decided the issue against him on the merits. Our "unexplicated affirmance" without opinion could rest as readily on our conclusion that appellant lacked standing to litigate the merits of the question as it could on agreement with the District Court's resolution of the merits of the question.

*Appeals Dismissed*

No. 77-524. *MORITT v. GOVERNOR OF NEW YORK ET AL.* Appeal from Ct. App. N. Y. dismissed for want of substantial federal question. Reported below: 42 N. Y. 2d 347, 366 N. E. 2d 1285.

No. 77-574. *IN RE MURRAY.* Appeal from Sup. Ct. Ind. dismissed for want of substantial federal question. Reported below: 266 Ind. 221, 362 N. E. 2d 128.

No. 77-582. *CHASE BRASS & COPPER Co., INC. v. FRANCHISE TAX BOARD OF CALIFORNIA.* Appeal from Ct. App. Cal., 1st App. Dist., dismissed for want of substantial federal question. Reported below: 70 Cal. App. 3d 457, 138 Cal. Rptr. 901.

No. 77-749. *A. P. F. v. C. M. C., A MINOR, BY CONWAY, ET AL.* Appeal from Sup. Ct. Minn. dismissed for want of substantial federal question. Reported below: 257 N. W. 2d 282.

No. 77-5740. *IN RE DEL RIO, JUDGE.* Appeal from Sup. Ct. Mich. dismissed for want of substantial federal question. Reported below: 400 Mich. 665, 256 N. W. 2d 727.

*Certiorari Granted—Reversed and Remanded.* (See No. 76-6799, *ante*, p. 332.)

January 16, 1978

434 U. S.

*Certiorari Granted—Vacated and Remanded*

No. 77-459. *HAAS v. UNITED STATES*. C. A. 5th Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of the position presentedly asserted by the Solicitor General in his memorandum filed December 22, 1977. Reported below: 552 F. 2d 368.

No. 77-508. *GTE SYLVANIA, INC., ET AL. v. CONSUMERS UNION OF THE UNITED STATES, INC., ET AL.* C. A. D. C. Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of the permanent injunction entered by the United States District Court for the District of Delaware on December 8, 1977. Reported below: 182 U. S. App. D. C. 351, 561 F. 2d 349.

No. 77-631. *COSTLE, ADMINISTRATOR, ENVIRONMENTAL PROTECTION AGENCY, ET AL. v. REPUBLIC STEEL CORP. ET AL.* C. A. 6th Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of Pub. L. 95-217, 91 Stat. 1566 (Dec. 27, 1977). Reported below: 557 F. 2d 91.

*Vacated and Remanded After Certiorari Granted*

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

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

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

No. 76-774. *BALTIMORE GAS & ELECTRIC CO. ET AL. v. NATURAL RESOURCES DEFENSE COUNCIL, INC., ET AL.* C. A. 2d Cir. [Certiorari granted 430 U. S. 944.] Judgment vacated and cases remanded to consider question of mootness. MR. JUSTICE STEWART and MR. JUSTICE POWELL took no part in the consideration or decision of these cases. Reported below: 539 F. 2d 824.

434 U. S.

January 16, 1978

*Miscellaneous Orders*

No. 54, Orig. UNITED STATES *v.* FLORIDA ET AL. Upon consideration of the Report of the Special Master and the joint motion to dismiss, it is ordered that this case be dismissed. [For earlier order herein, see, *e. g.*, 430 U. S. 140.]

No. 75, Orig. IDAHO ET AL. *v.* VANCE, SECRETARY OF STATE, ET AL. Motion of plaintiffs to strike brief in opposition, or in the alternative for an allowance of time to respond, denied. Motion for leave to file bill of complaint denied.

No. 75-1690. PARHAM, COMMISSIONER, DEPARTMENT OF HUMAN RESOURCES OF GEORGIA, ET AL. *v.* J. L. ET AL. D. C. M. D. Ga. [Probable jurisdiction noted, 431 U. S. 936]; and

No. 76-1193. UNITED STATES *v.* JACOBS, AKA "MRS. KRAMER." C. A. 2d Cir. [Certiorari granted, 431 U. S. 937.] Cases restored to calendar for reargument.

No. 76-1484. ZURCHER, CHIEF OF POLICE OF PALO ALTO, ET AL. *v.* STANFORD DAILY ET AL.; and

No. 76-1600. BERGNA, DISTRICT ATTORNEY OF SANTA CLARA COUNTY, ET AL. *v.* STANFORD DAILY ET AL. C. A. 9th Cir. [Certiorari granted, *ante*, p. 816.] Motion of Reporters Committee for Freedom of the Press et al. for leave to participate in oral argument as *amicus curiae* denied. Motion of respondents to continue oral argument denied.

No. 76-1596. UNITED STATES *v.* MAURO ET AL. C. A. 2d Cir. [Certiorari granted, *ante*, p. 816]; and

No. 77-52. UNITED STATES *v.* FORD. C. A. 2d Cir. [Certiorari granted, *ante*, p. 816.] Motion of the Solicitor General to consolidate these cases for oral argument denied.

No. 76-6767. SCOTT ET AL. *v.* UNITED STATES. C. A. D. C. Cir. [Certiorari granted, *ante*, p. 888.] Motion of Chloe V. Daviage for leave to participate in oral argument as *amicus curiae* denied. Motion of petitioners for divided argument denied.

January 16, 1978

434 U.S.

No. 76-1560. UNITED STATES *v.* UNITED STATES GYPSUM CO. ET AL. C. A. 3d Cir. [Certiorari granted, *ante*, p. 815.] Motion of respondents for additional time for oral argument granted and 10 additional minutes allotted for that purpose. The United States also allotted 10 additional minutes for oral argument. MR. JUSTICE BLACKMUN took no part in the consideration or decision of this motion.

No. 77-117. NATIONAL BROILER MARKETING ASSN. *v.* UNITED STATES. C. A. 5th Cir. [Certiorari granted, *ante*, p. 888.] Motion of American Farm Bureau Federation for leave to file a brief as *amicus curiae* granted.

No. 77-285. CALIFORNIA ET AL. *v.* UNITED STATES. C. A. 9th Cir. [Certiorari granted, *ante*, p. 984.] Motion of petitioners for additional time for oral argument granted and 15 additional minutes allotted for that purpose. The United States also allotted 15 additional minutes for oral argument.

No. 77-689. INDIANA & MICHIGAN ELECTRIC CO. *v.* CITY OF MISHAWAKA, INDIANA, ET AL. C. A. 7th Cir. The Solicitor General is invited to file a brief in this case expressing the views of the United States.

No. 77-5710. SPEIGHTS *v.* BUE, U. S. DISTRICT JUDGE. Motion for leave to file petition for writ of mandamus and/or prohibition denied.

*Probable Jurisdiction Postponed*

No. 77-575. JOHN ET AL. *v.* MISSISSIPPI. Appeal from Sup. Ct. Miss.; and

No. 77-836. UNITED STATES *v.* JOHN ET AL. C. A. 5th Cir. Motion of Mississippi Band of Choctaw Indians for leave to file a brief in No. 77-575 as *amicus curiae* granted. In No. 77-575, further consideration of question of jurisdiction postponed to hearing of case on the merits. In No. 77-836, certiorari granted. Cases consolidated and a total of one hour allotted for oral argument. Reported below: No. 77-575, 347 So. 2d 959; No. 77-836, 560 F. 2d 1202.

434 U. S.

January 16, 1978

*Certiorari Granted.* (See also No. 77-836, *supra*.)

No. 77-152. BETH ISRAEL HOSPITAL *v.* NATIONAL LABOR RELATIONS BOARD. C. A. 1st Cir. Certiorari granted. Reported below: 554 F. 2d 477.

No. 77-642. PARKER, ACTING COMMISSIONER OF PATENTS AND TRADEMARKS *v.* FLOOK. C. C. P. A. Certiorari granted. Reported below: 559 F. 2d 21.

*Certiorari Denied*

No. 76-1464. UNIVERSITY OF CHICAGO AND ARGONNE *v.* McDANIEL. C. A. 7th Cir. Certiorari denied. Reported below: 548 F. 2d 689.

No. 77-246. TURLEY *v.* WYRICK, WARDEN. C. A. 8th Cir. Certiorari denied. Reported below: 554 F. 2d 840.

No. 77-483. SAFFRON *v.* DEPARTMENT OF THE NAVY ET AL. C. A. D. C. Cir. Certiorari denied. Reported below: 183 U. S. App. D. C. 45, 561 F. 2d 938.

No. 77-521. GENERAL MOTORS CORP. *v.* UNITED STATES ET AL. C. A. D. C. Cir. Certiorari denied. Reported below: 183 U. S. App. D. C. 30, 561 F. 2d 923.

No. 77-581. R. H. MACY & Co., INC., ET AL. *v.* UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF MICHIGAN (MICROELECTRONIC SYSTEMS CORPORATION OF AMERICA, REAL PARTY IN INTEREST). C. A. 6th Cir. Certiorari denied.

No. 77-587. HARR ET VIR *v.* PRUDENTIAL FEDERAL SAVINGS & LOAN ASSN.; and HARR ET AL. *v.* FEDERAL HOME LOAN BANK BOARD. C. A. 10th Cir. Certiorari denied. Reported below: 557 F. 2d 751 (first case); 557 F. 2d 747 (second case).

No. 77-599. PARKHILL-GOODLOE Co., INC., ET AL. *v.* McINTOSH ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 550 F. 2d 1283.

No. 77-613. NOLAN *v.* NATIONAL TRANSPORTATION SAFETY BOARD. C. A. 10th Cir. Certiorari denied.

January 16, 1978

434 U. S.

No. 77-639. *CITY OF HARTFORD ET AL. v. TOWN OF GLASTONBURY ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 561 F. 2d 1032.

No. 77-660. *BYNUM v. ALABAMA.* Ct. Crim. App. Ala. Certiorari denied. Reported below: 348 So. 2d 804.

No. 77-664. *HINISH v. SOMERS.* Ct. Sp. App. Md. Certiorari denied.

No. 77-670. *STOCKHAM VALVES & FITTINGS, INC. v. JAMES ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 559 F. 2d 310.

No. 77-675. *RING v. WADDINGTON, DIRECTOR OF MOTOR VEHICLES OF NEW JERSEY, ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 565 F. 2d 153.

No. 77-678. *ATLANTIC SHIPPING, INC. v. EDYNAK ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 562 F. 2d 215.

No. 77-698. *VAN CURA v. ILLINOIS.* App. Ct. Ill., 2d Dist. Certiorari denied. Reported below: 49 Ill. App. 3d 157, 364 N. E. 2d 564.

No. 77-699. *CARSON v. TEXAS.* Ct. Crim. App. Tex. Certiorari denied. Reported below: 555 S. W. 2d 133.

No. 77-701. *ARTHURS v. STERN, EXECUTIVE SECRETARY, BOARD OF REGISTRATION AND DISCIPLINE IN MEDICINE OF MASSACHUSETTS, ET AL.* C. A. 1st Cir. Certiorari denied. Reported below: 560 F. 2d 477.

No. 77-705. *BROWNING-FERRIS INDUSTRIES, INC. v. TIGER TRASH, A DIVISION OF JOE W. MORGAN, INC.* C. A. 7th Cir. Certiorari denied. Reported below: 560 F. 2d 818.

No. 77-706. *BENNETT ET AL. v. KIGGINS ET AL.* Ct. App. D. C. Certiorari denied. Reported below: 377 A. 2d 57.

434 U. S.

January 16, 1978

No. 77-709. *WEINBERGER v. EQUIFAX, INC.* (FORMERLY RETAIL CREDIT CO.). C. A. 5th Cir. Certiorari denied. Reported below: 557 F. 2d 456.

No. 77-712. *MARVIN v. CENTRAL GULF LINES, INC.* (FORMERLY CENTRAL GULF STEAMSHIP CORP.). C. A. 5th Cir. Certiorari denied. Reported below: 554 F. 2d 1295.

No. 77-717. *GROSS v. NEWBURGER, LOEB & CO. ET AL.*; and No. 77-727. *FINLEY, KUMBLE, WAGNER, HEINE, UNDERBERG & GRUTMAN v. GROSS ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 563 F. 2d 1057.

No. 77-738. *STULL v. BAYARD ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 561 F. 2d 429.

No. 77-739. *GURTENSTEIN v. CALIFORNIA.* Ct. App. Cal., 2d App. Dist. Certiorari denied. Reported below: 69 Cal. App. 3d 441, 138 Cal. Rptr. 161.

No. 77-741. *MIZOKAMI BROS. OF ARIZONA, INC. v. BAYCHEM CORP. ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 556 F. 2d 975.

No. 77-745. *OWENS-ILLINOIS, INC. v. SCHULTZ ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 560 F. 2d 849.

No. 77-748. *BURLINGTON NORTHERN, INC. v. TORCHIA.* Sup. Ct. Mont. Certiorari denied. Reported below: — Mont. —, 568 P. 2d 558.

No. 77-750. *D'ANGELO, RECEIVER v. PETROLEOS MEXICANOS.* C. A. 3d Cir. Certiorari denied. Reported below: 564 F. 2d 89.

No. 77-766. *ALBERT v. FIRST NATIONAL BANK & TRUST COMPANY OF MARQUETTE, EXECUTOR.* Ct. App. Mich. Certiorari denied.

January 16, 1978

434 U.S.

No. 77-767. INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, AFL-CIO, CLC, LOCAL UNION NO. 1805 *v.* WESTINGHOUSE ELECTRIC CORP., AEROSPACE DIVISION. C. A. 4th Cir. Certiorari denied. Reported below: 561 F. 2d 521.

No. 77-817. BRISENDINE ET AL. *v.* NATIONAL MOVIE-DINE, INC., ET AL. C. A. 5th Cir. Certiorari denied.

No. 77-820. CHASES *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 558 F. 2d 912.

No. 77-821. CHASES *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 558 F. 2d 1038.

No. 77-825. TUCKER *v.* HARTFORD NATIONAL BANK & TRUST CO. Sup. Ct. Conn. Certiorari denied.

No. 77-840. NIEVES *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 558 F. 2d 1034.

No. 77-876. WRIGHT *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 564 F. 2d 100.

No. 77-5214. PEREZ *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 550 F. 2d 1283.

No. 77-5312. SWEETWINE *v.* WARDEN, MARYLAND STATE PENITENTIARY. Baltimore City Ct. Certiorari denied.

No. 77-5389. FEARON *v.* NEW YORK. App. Div., Sup. Ct. N. Y., 4th Jud. Dept. Certiorari denied. Reported below: 58 App. Div. 2d 1041, 397 N. Y. S. 2d 294.

No. 77-5406. ADAMS *v.* SOUTH CAROLINA. Sup. Ct. S. C. Certiorari denied.

No. 77-5431. TYLER *v.* DYER, CLERK, CIRCUIT COURT OF PLATTE COUNTY. C. A. 8th Cir. Certiorari denied.

No. 77-5447. LIPSCOMB *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied.

434 U. S.

January 16, 1978

No. 77-5452. *DIAZ v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 77-5461. *PARTYKA v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 561 F. 2d 118.

No. 77-5468. *DOUGLAS v. WARDEN, PETERSBURG FEDERAL REFORMATORY, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 562 F. 2d 46.

No. 77-5469. *BLACKWELL v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied.

No. 77-5555. *BREEDEN v. VIRGINIA*. Sup. Ct. Va. Certiorari denied.

No. 77-5563. *SASIADEK v. UNITED STATES VETERANS' ADMINISTRATION BOARD OF VETERANS' APPEALS ET AL.* C. A. D. C. Cir. Certiorari denied.

No. 77-5571. *TENNENT v. AUCOIN, WARDEN*. C. A. 5th Cir. Certiorari denied.

No. 77-5577. *RODEN v. CALIFORNIA*. Ct. App. Cal., 1st App. Dist. Certiorari denied.

No. 77-5591. *McCRACKEN v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 557 F. 2d 822.

No. 77-5626. *DUDEK, AKA LANDERS v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 560 F. 2d 1288.

No. 77-5658. *ROLLINS v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 77-5663. *LYDAY v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 565 F. 2d 165.

No. 77-5698. *GALE v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. Reported below: 181 U. S. App. D. C. 411, 559 F. 2d 188.

January 16, 1978

434 U.S.

No. 77-5738. *NATHANIEL v. ESTELLE*, CORRECTIONS DIRECTOR. C. A. 5th Cir. Certiorari denied. Reported below: 562 F. 2d 1259.

No. 77-5741. *GATES v. HENDERSON*, CORRECTIONAL SUPERINTENDENT. C. A. 2d Cir. Certiorari denied. Reported below: 568 F. 2d 830.

No. 77-5743. *BLAKE v. THOMPSON, WARDEN*. C. A. 6th Cir. Certiorari denied. Reported below: 563 F. 2d 248.

No. 77-5749. *GLADNEY v. COLORADO*. Sup. Ct. Colo. Certiorari denied. Reported below: 194 Colo. 68, 570 P. 2d 231.

No. 77-5753. *GREER v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 77-5756. *LAYNE v. GUNTER*. C. A. 1st Cir. Certiorari denied. Reported below: 559 F. 2d 850.

No. 77-5758. *JOPLIN v. GARRETT*. C. A. 10th Cir. Certiorari denied.

No. 77-5759. *STEGMANN v. GARRISON*. C. A. 4th Cir. Certiorari denied. Reported below: 565 F. 2d 159.

No. 77-5761. *HOLSEY v. GREIF ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 556 F. 2d 573.

No. 77-5764. *ASH v. ESTELLE*, CORRECTIONS DIRECTOR. C. A. 5th Cir. Certiorari denied. Reported below: 560 F. 2d 1021.

No. 77-5766. *DEGLER v. MABRY*, CORRECTION COMMISSIONER. C. A. 8th Cir. Certiorari denied. Reported below: 553 F. 2d 49.

No. 77-5767. *SANTANA v. NEW YORK*. App. Div., Sup. Ct. N. Y., 1st Jud. Dept. Certiorari denied. Reported below: 57 App. Div. 2d 746, 394 N. Y. S. 2d 16.

No. 77-5783. *KINCADE v. HOPPER, WARDEN*. C. A. 5th Cir. Certiorari denied. Reported below: 564 F. 2d 95.

434 U.S.

January 16, 1978

No. 77-5770. *GOLSTON v. MASSACHUSETTS*. Sup. Jud. Ct. Mass. Certiorari denied. Reported below: — Mass. —, 366 N. E. 2d 744.

No. 77-5773. *MANN, TRUSTEE IN BANKRUPTCY v. CHRYSLER CORP.* C. A. 8th Cir. Certiorari denied. Reported below: 561 F. 2d 1282.

No. 77-5779. *JONES v. ISRAEL, WARDEN*. C. A. 7th Cir. Certiorari denied. Reported below: 558 F. 2d 1034.

No. 77-5793. *TALTON v. ROBINSON, WARDEN*. C. A. 2d Cir. Certiorari denied.

No. 77-5794. *FIVECOAT v. WAINWRIGHT, SECRETARY, DEPARTMENT OF OFFENDER REHABILITATION OF FLORIDA*. C. A. 5th Cir. Certiorari denied. Reported below: 557 F. 2d 822.

No. 77-5802. *TINDER v. MASSACHUSETTS*. Municipal Ct., West Roxbury Dist. Certiorari denied.

No. 77-5829. *SALAZAR v. COLORADO*. Ct. App. Colo. Certiorari denied. Reported below: — Colo. App. —, 568 P. 2d 101.

No. 77-5833. *VILENSKY v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 77-5851. *BEVERLY v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 562 F. 2d 201.

No. 77-5853. *SANCHEZ-HUERTA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 566 F. 2d 1185.

No. 77-5860. *SACCO v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 563 F. 2d 552.

No. 77-5899. *SEDULE v. CAPITAL SCHOOL DISTRICT ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 565 F. 2d 153.

No. 77-5896. *CRANE v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 566 F. 2d 1184.

January 16, 1978

434 U. S.

No. 77-189. *WATSON v. UNITED STATES*; and

No. 77-219. *PLUMLEE v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. MR. JUSTICE BRENNAN and MR. JUSTICE STEWART would grant certiorari. Reported below: 554 F. 2d 474.

No. 77-420. *UNITED STATES INDEPENDENT TELEPHONE ASSN. v. MCI TELECOMMUNICATIONS CORP. ET AL.*;

No. 77-421. *AMERICAN TELEPHONE & TELEGRAPH CO. v. MCI TELECOMMUNICATIONS CORP. ET AL.*; and

No. 77-436. *FEDERAL COMMUNICATIONS COMMISSION v. MCI TELECOMMUNICATIONS CORP. ET AL.* C. A. D. C. Cir. Motions of National Association of Regulatory Utility Commissioners, Tennessee Public Service Commission, and Public Service Commission of the District of Columbia et al. for leave to file briefs in No. 77-436 as *amici curiae* granted. Motion of the State of Michigan et al. for leave to file a brief as *amici curiae* in all three cases granted. Certiorari denied. MR. JUSTICE STEWART and MR. JUSTICE POWELL would grant certiorari in these cases. Reported below: 182 U. S. App. D. C. 367, 561 F. 2d 365.

No. 77-512. *MORFORD, ACTING WARDEN v. ELLIOTT*. C. A. 6th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 557 F. 2d 1228.

No. 77-694. *INTERNATIONAL BUSINESS MACHINES CORP. v. GREYHOUND COMPUTER CORP., INC.* C. A. 9th Cir. Certiorari denied. MR. JUSTICE BLACKMUN took no part in the consideration or decision of this petition. Reported below: 559 F. 2d 488.

No. 77-707. *BARTHULI v. BOARD OF TRUSTEES OF JEFFERSON ELEMENTARY SCHOOL DISTRICT*. Sup. Ct. Cal. Certiorari denied. MR. JUSTICE STEWART would grant certiorari. Reported below: 19 Cal. 3d 717, 566 P. 2d 261.

434 U. S.

January 16, 1978

No. 77-5657. BATTIE *v.* TEXAS. Ct. Crim. App. Tex. Certiorari denied. Reported below: 551 S. W. 2d 401.

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 grant certiorari and vacate the death sentence in this case.

*Rehearing Denied*

No. 77-201. PRICE *v.* PITCHESS, *ante*, p. 965;  
No. 77-496. CARGILE ET AL. *v.* MICHIGAN, *ante*, p. 967;  
No. 77-566. HOWIE *v.* UNITED STATES RUBBER CO., INC., ET AL., *ante*, p. 969;  
No. 77-590. TIMMONS *v.* McGRATH, *ante*, p. 985;  
No. 77-5286. MORRIS *v.* UNITED STATES, *ante*, p. 971;  
No. 77-5357. BOTTOS *v.* AVAKIAN ET AL., *ante*, p. 986;  
No. 77-5381. WHITE *v.* UNITED STATES, *ante*, p. 971;  
No. 77-5439. HOUSE *v.* STYNCHCOMBE, SHERIFF, ET AL., *ante*, p. 975;  
No. 77-5458. GIBSON *v.* UNITED STATES, *ante*, p. 987;  
No. 77-5467. TOWNES *v.* UNITED STATES, *ante*, p. 987;  
No. 77-5482. MCCORQUODALE *v.* STYNCHCOMBE, SHERIFF, ET AL., *ante*, p. 975;  
No. 77-5512. MURPHY *v.* FATZER, CHIEF JUSTICE, SUPREME COURT OF KANSAS, ET AL., *ante*, p. 972;  
No. 77-5552. ROBINSON *v.* INDIANA, *ante*, p. 973;  
No. 77-5564. POSTON *v.* SOUTH CAROLINA, *ante*, p. 973;  
No. 77-5565. GALBRAITH *v.* CITY OF COLUMBUS, OHIO, *ante*, p. 973; and  
No. 77-5614. FAIRCHILD *v.* MUNICIPAL COURT OF CALIFORNIA, IMPERIAL COUNTY, IMPERIAL JUDICIAL DISTRICT, *ante*, p. 998. Petitions for rehearing denied.

January 16, 23, 1978

434 U.S.

No. 76-678. *SHELL OIL Co. v. DARTT*, *ante*, p. 99. Petition for rehearing denied. MR. JUSTICE STEWART took no part in the consideration or decision of this petition.

No. 76-6913. *KINSLEY v. BRENT, DBA SAFEWAY FINANCE Co., INC., ET AL.*, *ante*, p. 850. Motion for leave to file petition for rehearing denied.

No. 77-571. *MOODY v. TEXAS*, *ante*, p. 985. Motion for consolidation and petition for rehearing denied.

JANUARY 23, 1978

*Order Appointing Librarian*

It is ordered that Roger F. Jacobs be, and he is hereby, appointed Librarian of this Court effective January 22, 1978.

*Appeals Dismissed*

No. 77-525. *SPICER v. BOARD OF TRUSTEES OF THE UNIVERSITY OF ALABAMA, DBA MEDICAL COLLEGE ET AL., 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: 347 So. 2d 983.

No. 77-658. *ASARCO, INC. (FORMERLY AMERICAN SMELTING & REFINING Co.) v. MONTANA DEPARTMENT OF REVENUE*. Appeal from Sup. Ct. Mont. dismissed for want of jurisdiction. Reported below: — Mont. —, 567 P. 2d 901.

No. 77-725. *PEACOCK v. NORTH CAROLINA*. Appeal from Sup. Ct. N. C. dismissed for want of substantial federal question. Reported below: 293 N. C. 257, 237 S. E. 2d 538.

No. 77-757. *FISHER v. OMAHA INDEMNITY Co.* Appeal from Ct. App. Mich. dismissed for want of substantial federal question.

434 U. S.

January 23, 1978

No. 77-801. *FOWLER v. MARYLAND STATE BOARD OF LAW EXAMINERS.* Appeal from Ct. App. Md. dismissed for want of substantial federal question.

*Miscellaneous Orders*

No. A-531 (77-878). *KEEFER v. CALIFORNIA.* Ct. App. Cal., 2d App. Dist. Reapplication for stay, presented to MR. JUSTICE BRENNAN, and by him referred to the Court, denied.

No. D-68. *IN RE DISBARMENT OF HONOROFF.* Disbarment entered. [For earlier order, see 429 U. S. 935.]

No. D-115. *IN RE DISBARMENT OF McCARRON.* Disbarment entered. [For earlier order, see *ante*, p. 885.]

No. D-116. *IN RE DISBARMENT OF BUTLER.* Disbarment entered. [For earlier order, see *ante*, p. 885.]

No. D-118. *IN RE DISBARMENT OF RUTTENBERG.* Disbarment entered. [For earlier order, see *ante*, p. 885.]

No. D-119. *IN RE DISBARMENT OF SUGAR.* Disbarment entered. [For earlier order, see *ante*, p. 900.]

No. D-121. *IN RE DISBARMENT OF SKONTOS.* Disbarment entered. [For earlier order, see *ante*, p. 937.]

No. 76-1621. *McADAMS, EXECUTOR, ET AL. v. McSURELY ET UX.* C. A. D. C. Cir. [Certiorari granted *sub nom. McClellan v. McSurely*, *ante*, p. 888.] Motion to substitute Herbert H. McAdams III, as Executor of Estate of John L. McClellan, in place of John L. McClellan, deceased, as a party petitioner granted.

No. 77-52. *UNITED STATES v. FORD.* C. A. 2d Cir. [Certiorari granted, *ante*, p. 816.] Motion of Phylis Skloot Bamberger to permit David J. Gottlieb, Esquire, to present oral argument *pro hac vice* granted.

January 23, 1978

434 U. S.

No. 77-240. ST. PAUL FIRE & MARINE INSURANCE CO. ET AL. *v.* BARRY ET AL. C. A. 1st Cir. [Certiorari granted, *ante*, p. 919.] Motions of Blue Shield Assn., American Insurance Assn. et al., and National Association of Insurance Commissioners for leave to file briefs as *amici curiae* granted.

No. 77-262. DUKE POWER CO. *v.* CAROLINA ENVIRONMENTAL STUDY GROUP, INC., ET AL.; and

No. 77-375. UNITED STATES NUCLEAR REGULATORY COMMISSION ET AL. *v.* CAROLINA ENVIRONMENTAL STUDY GROUP, INC., ET AL. Appeals from D. C. W. D. N. C. [Probable jurisdiction noted, *ante*, p. 937.] Motions of Southeastern Legal Foundation and Pacific Legal Foundation for leave to file briefs as *amici curiae* granted. Motion of the Solicitor General for additional time for oral argument granted and 15 additional minutes allotted for that purpose. Appellees also allotted 15 additional minutes for oral argument.

No. 77-475. FRY *v.* UNITED STATES. C. A. 6th Cir. Motion to grant petition for certiorari as sanction for the United States' failure to file a timely brief denied.

No. 77-643. UNITED STEELWORKERS OF AMERICA, AFL-CIO-CLC *v.* SADLOWSKI ET AL. C. A. 3d Cir.;

No. 77-765. WADSWORTH, ADMINISTRATOR, NEW HAMPSHIRE EMPLOYERS' BENEFIT TRUST, ET AL. *v.* WHALAND, COMMISSIONER, DEPARTMENT OF INSURANCE OF NEW HAMPSHIRE. C. A. 1st Cir.; and

No. 77-772. DAWSON, ADMINISTRATOR, NORTHERN NEW ENGLAND CARPENTERS HEALTH & WELFARE FUND, ET AL. *v.* WHALAND, COMMISSIONER, DEPARTMENT OF INSURANCE OF NEW HAMPSHIRE. C. A. 1st Cir. The Solicitor General is invited to file briefs in these cases expressing the views of the United States.

No. 77-5176. FRANKS *v.* DELAWARE. Sup. Ct. Del. Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* denied.

434 U. S.

January 23, 1978

No. 77-5807. *ALLEY v. UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT ET AL.* Motion for leave to file petition for writ of mandamus denied.

*Probable Jurisdiction Noted*

No. 77-747. *ALLIED STRUCTURAL STEEL Co. v. SPANNAUS, ATTORNEY GENERAL OF MINNESOTA, ET AL.* Appeal from D. C. Minn. Probable jurisdiction noted. Reported below: 449 F. Supp. 644.

*Certiorari Granted*

No. 77-453. *EASTEX, INC. v. NATIONAL LABOR RELATIONS BOARD.* C. A. 5th Cir. Certiorari granted. Reported below: 550 F. 2d 198.

*Certiorari Denied.* (See also No. 77-525, *supra*.)

No. 77-314. *SWONGER ET AL. v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. Reported below: 559 F. 2d 1223.

No. 77-405. *LUSTIG v. UNITED STATES;* and

No. 77-417. *LUSTIG v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: No. 77-405, 555 F. 2d 737; No. 77-417, 555 F. 2d 751.

No. 77-424. *TUCKER ET UX. v. UNITED STATES.* C. A. 2d Cir. Certiorari denied.

No. 77-448. *NATIONAL AIRLINES, INC. v. CIVIL AERONAUTICS BOARD ET AL.* C. A. D. C. Cir. Certiorari denied. Reported below: 182 U. S. App. D. C. 295, 561 F. 2d 293.

No. 77-495. *SWAROVSKI v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. Reported below: 557 F. 2d 40.

No. 77-589. *CAHALANE ET AL. v. UNITED STATES.* C. A. 3d Cir. Certiorari denied. Reported below: 560 F. 2d 601.

No. 77-595. *U. S. INDUSTRIES, INC. v. PAGE ET AL.;* and

No. 77-838. *PAGE ET AL. v. U. S. INDUSTRIES, INC.* C. A. 5th Cir. Certiorari denied. Reported below: 556 F. 2d 346.

January 23, 1978

434 U. S.

No. 77-651. UNITED BROADCASTING CO., INC. *v.* FEDERAL COMMUNICATIONS COMMISSION ET AL. C. A. D. C. Cir. Certiorari denied. Reported below: 184 U. S. App. D. C. 124, 565 F. 2d 699.

No. 77-710. CALL *v.* CALIFORNIA. Ct. App. Cal., 1st App. Dist. Certiorari denied.

No. 77-715. EDWARDS *v.* SUPERIOR COURT OF CALIFORNIA, EL DORADO COUNTY (CARTER ET AL., REAL PARTIES IN INTEREST). Sup. Ct. Cal. Certiorari denied. Reported below: See 15 Cal. 3d 623, 542 P. 2d 994.

No. 77-721. EMERY *v.* SUPERIOR COURT OF CALIFORNIA, RIVERSIDE COUNTY (CALIFORNIA, REAL PARTY IN INTEREST). Ct. App. Cal., 4th App. Dist. Certiorari denied.

No. 77-730. REEVES *v.* OKLAHOMA. Ct. Crim. App. Okla. Certiorari denied. Reported below: 567 P. 2d 503.

No. 77-751. HAGENDORFER *v.* ALABAMA. Ct. Crim. App. Ala. Certiorari denied. Reported below: 348 So. 2d 1097.

No. 77-758. RICHTER, DBA BODY SHOP *v.* DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL OF CALIFORNIA ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 559 F. 2d 1168.

No. 77-760. LEVINE ET UX. *v.* STEIN ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 560 F. 2d 1175.

No. 77-774. SWEENEY, EXECUTOR AND TRUSTEE *v.* KNOWLTON ET AL. Sup. Ct. Va. Certiorari denied.

No. 77-776. FORTE TOWERS, INC., ET AL. *v.* CITY OF MIAMI BEACH. Cir. Ct. Fla., Dade County. Certiorari denied.

No. 77-778. HASHEMI *v.* INTER-REGIONAL FINANCIAL GROUP, INC. C. A. 2d Cir. Certiorari denied. Reported below: 562 F. 2d 152.

434 U. S.

January 23, 1978

No. 77-781. PENTAGON CITY COORDINATING COMMITTEE, INC., ET AL. *v.* ARLINGTON COUNTY BOARD ET AL. Sup. Ct. Va. Certiorari denied.

No. 77-789. ZABY ET AL. *v.* CALIFORNIA; and DEMARCO ET AL. *v.* CALIFORNIA. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 77-796. INTERNATIONAL UNION, UNITED MINE WORKERS OF AMERICA, ET AL. *v.* CEDAR COAL CO. ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 560 F. 2d 1153.

No. 77-799. AQUILINO ET AL. *v.* McGRAW-EDISON CO. ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 564 F. 2d 89.

No. 77-811. PHELPS DODGE CORP. ET AL. *v.* STATE TAX COMMISSION OF ARIZONA ET AL. Sup. Ct. Ariz. Certiorari denied. Reported below: 116 Ariz. 175, 568 P. 2d 1073.

No. 77-816. DRIELICK *v.* MICHIGAN. Sup. Ct. Mich. Certiorari denied. Reported below: 400 Mich. 559, 255 N. W. 2d 619.

No. 77-5422. BRINKLOW *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 560 F. 2d 1003.

No. 77-5423. McMANUS *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 560 F. 2d 747.

No. 77-5449. RODRIGUEZ *v.* RITCHIEY ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 556 F. 2d 1185.

No. 77-5476. JACKSON *v.* TEXAS. Ct. Crim. App. Tex. Certiorari denied. Reported below: 552 S. W. 2d 798.

No. 77-5478. JAQUEZ *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 559 F. 2d 28.

No. 77-5529. DEROSA *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 559 F. 2d 1213.

January 23, 1978

434 U. S.

No. 77-5545. *JONES v. MISSOURI*. Ct. App. Mo., St. Louis Dist. Certiorari denied. Reported below: 552 S. W. 2d 45.

No. 77-5548. *BRADLEY v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 562 F. 2d 43.

No. 77-5570. *ROSA ET AL. v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 562 F. 2d 205.

No. 77-5692. *WOE v. CALIFANO, SECRETARY OF HEALTH, EDUCATION, AND WELFARE, ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 562 F. 2d 40.

No. 77-5709. *SOTTILE v. SECRETARY OF HEALTH, EDUCATION, AND WELFARE*. C. A. 4th Cir. Certiorari denied. Reported below: 562 F. 2d 48.

No. 77-5746. *DONALD, AKA DAVIS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 562 F. 2d 1259.

No. 77-5762. *JOHNSON v. JOHNSON*. Sup. Ct. Alaska. Certiorari denied. Reported below: 564 P. 2d 71.

No. 77-5768. *TAYLOR v. MISSISSIPPI EMPLOYMENT SECURITY COMMISSION ET AL.* Sup. Ct. Miss. Certiorari denied. Reported below: 348 So. 2d 1347.

No. 77-5771. *FAIR, AKA FARRIOR v. ROCKEFELLER ET AL.* C. A. D. C. Cir. Certiorari denied.

No. 77-5778. *SCHWARTZ v. PITTS, SHERIFF*. C. A. 6th Cir. Certiorari denied. Reported below: 564 F. 2d 99.

No. 77-5782. *SOUZA v. HAWAII*. Sup. Ct. Hawaii. Certiorari denied.

No. 77-5798. *JOHNSON v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 561 F. 2d 8.

No. 77-5803. *BRYANT v. BYRD ET AL.* C. A. 5th Cir. Certiorari denied.

434 U. S.

January 23, 1978

No. 77-5805. *WINDOWS v. PENNSYLVANIA*. Super. Ct. Pa. Certiorari denied. Reported below: 247 Pa. Super. 615, 373 A. 2d 1141.

No. 77-5808. *HARDWICK v. DOOLITTLE ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 558 F. 2d 292 and 561 F. 2d 630.

No. 77-5809. *TURNER v. LANDRY*. C. A. 5th Cir. Certiorari denied.

No. 77-5811. *GILBERT v. YALANZON*. Ct. App. Ga. Certiorari denied. Reported below: 143 Ga. App. 131, 237 S. E. 2d 660.

No. 77-5819. *TEPLITSKY v. BUREAU OF COMPENSATION, U. S. DEPARTMENT OF LABOR, ET AL.* C. A. 2d Cir. Certiorari denied.

No. 77-5825. *MYERS v. AMPLEX, INC., ET AL.* C. A. 9th Cir. Certiorari denied.

No. 77-5828. *WASHINGTON v. MISSOURI*. Ct. App. Mo., Kansas City Dist. Certiorari denied. Reported below: 549 S. W. 2d 547.

No. 77-5840. *SAVAGE v. CITY OF WORTHINGTON, OHIO*. Ct. App. Ohio, Franklin County. Certiorari denied.

No. 77-5841. *HOLLIS v. NEW YORK*. C. A. 2d Cir. Certiorari denied.

No. 77-5842. *HOCKINGS v. OREGON*. Ct. App. Ore. Certiorari denied. Reported below: 29 Ore. App. 139, 562 P. 2d 587.

No. 77-5843. *HILL v. ESTELLE, CORRECTIONS DIRECTOR*. C. A. 5th Cir. Certiorari denied. Reported below: 560 F. 2d 1021.

No. 77-5849. *PEARSON v. NEW YORK*. App. Div., Sup. Ct. N. Y., 4th Jud. Dept. Certiorari denied.

January 23, 1978

434 U. S.

No. 77-5850. *SMILEY v. CALIFORNIA ET AL.* Sup. Ct. Cal. Certiorari denied.

No. 77-5856. *CEDRONE v. UNITED STATES.* C. A. 1st Cir. Certiorari denied. Reported below: 566 F. 2d 1166.

No. 77-5866. *MORGAN ET AL. v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 562 F. 2d 1001.

No. 77-5868. *BROOKS v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 562 F. 2d 1259.

No. 77-5880. *GARCIA-RODRIGUEZ ET AL. v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 558 F. 2d 956.

No. 77-5881. *ROBIDEAU v. UNITED STATES.* C. A. 10th Cir. Certiorari denied.

No. 77-5883. *RAY v. UNITED STATES.* C. A. D. C. Cir. Certiorari denied.

No. 77-5885. *IMPSON v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 562 F. 2d 970.

No. 77-5886. *ROBINSON v. UNITED STATES.* C. A. 2d Cir. Certiorari denied.

No. 77-5888. *SCHLAEBITZ v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 564 F. 2d 414.

No. 77-5894. *STEELE v. UNITED STATES.* C. A. 8th Cir. Certiorari denied. Reported below: 565 F. 2d 1058.

No. 77-5897. *NISNEWITZ v. UNITED STATES.* C. A. 2d Cir. Certiorari denied.

No. 77-5904. *BLACHOWIAK v. UNITED STATES.* C. A. 7th Cir. Certiorari denied. Reported below: 567 F. 2d 392.

No. 77-5906. *SIZEMORE v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 564 F. 2d 414.

434 U. S.

January 23, 1978

No. 77-5912. *LA FONTAINE v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 566 F. 2d 1185.

No. 77-5914. *CLOUD v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 77-5917. *DILLARD v. NEW YORK ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 559 F. 2d 1202.

No. 77-5924. *LEMONS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 564 F. 2d 96.

No. 77-5925. *JONES v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 565 F. 2d 153.

No. 77-5929. *MCBRIDE v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 565 F. 2d 159.

No. 77-97. *ALLIED CHEMICAL CORP. v. WHITE ET AL.* C. A. 5th Cir. Certiorari denied. MR. JUSTICE BLACKMUN would grant certiorari. Reported below: 538 F. 2d 1094.

No. 77-665. *UNITED STATES v. PITCAIRN*. Ct. Cl. Motions of Bell Helicopter Textron and Eltra Corp. for leave to file briefs as *amici curiae* granted. Certiorari denied. MR. JUSTICE WHITE and MR. JUSTICE BLACKMUN would grant certiorari. Reported below: 212 Ct. Cl. 168 and 224, 547 F. 2d 1106.

No. 77-823. *WEYERHAEUSER CO. v. SHEPLER ET AL.* Sup. Ct. Ore. Certiorari denied. MR. JUSTICE WHITE would grant certiorari. Reported below: 279 Ore. 477, 569 P. 2d 1040.

*Rehearing Denied*

No. 77-443. *JOSEPH SKILKEN & CO. ET AL. v. CITY OF TOLEDO ET AL.*, *ante*, p. 985;

No. 77-554. *GLOBE LININGS, INC., ET AL. v. CITY OF CORVALLIS ET AL.*, *ante*, p. 985;

No. 77-5553. *BROCK v. TEXAS*, *ante*, p. 1002; and

No. 77-5620. *YOUNG v. GEORGIA*, *ante*, p. 1002. Petitions for rehearing denied.

January 23, 24, February 21, 1978

434 U. S.

No. 76-1333. BEER ET UX. *v.* COMMISSIONER OF INTERNAL REVENUE, 431 U. S. 938. Motion for leave to file petition for rehearing denied. MR. JUSTICE STEVENS took no part in the consideration or decision of this motion.

JANUARY 24, 1978

*Dismissals Under Rule 60*

No. 77-737. GOODYEAR TIRE & RUBBER Co. *v.* BIG O TIRE DEALERS, INC. C. A. 10th Cir. Certiorari dismissed under this Court's Rule 60. Reported below: 561 F. 2d 1365.

No. 77-867. DANSKER ET AL. *v.* UNITED STATES. C. A. 3d Cir. Certiorari dismissed under this Court's Rule 60. Reported below: 565 F. 2d 1262.

FEBRUARY 21, 1978

*Affirmed on Appeal*

No. 77-504. ENOMOTO, CORRECTIONS DIRECTOR, ET AL. *v.* WRIGHT ET AL. Affirmed on appeal from D. C. N. D. Cal. Reported below: 462 F. Supp. 397.

MR. JUSTICE REHNQUIST, with whom THE CHIEF JUSTICE joins, dissenting.

Appellants seek to appeal to this Court a decision of a three-judge District Court pursuant to 28 U. S. C. § 1253. That section provides for a direct appeal from any "suit or proceeding required by any Act of Congress to be heard and determined by a district court of three judges." If no Act of Congress required a three-judge District Court to hear this suit, the decision cannot be appealed directly to this Court pursuant to § 1253 even though a three-judge court may have been in fact convened. Appeal lies instead to the United States Court of Appeals. Under such circumstances, we do not have jurisdiction to consider the appeal. *Board of Regents v. New Left Education Project*, 404 U. S. 541 (1972);

*Moody v. Flowers*, 387 U. S. 97 (1967); *Phillips v. United States*, 312 U. S. 246 (1941). Because I believe that no Act of Congress required a three-judge District Court in this case, I believe that the Court therefore errs in considering the merits of the appeal.

Appellee prisoners sued appellants, officials of the California prison system, in the District Court for the Northern District of California contending that constitutionally insufficient procedural safeguards are provided a prisoner who is placed into administrative segregation. A three-judge court was convened under 28 U. S. C. § 2281 (now repealed) which at the time this action was filed provided for such a court whenever the constitutionality of a "State statute . . . or of an order made by an administrative board or commission acting under State statutes" is challenged.

It is the second clause of § 2281 that is relevant here since appellees challenge no state statute. The District Court based its jurisdiction on a presumed challenge to various regulations promulgated and issued by the Director of the Department of Corrections of the State of California. According to the District Court, these regulations are "formal orders of statewide application" and thus a challenge to their constitutionality provides jurisdiction under § 2281. Both because the regulations would not appear to be "order[s] made by an administrative board or commission" and because appellees would not appear to challenge the regulations, I do not believe that a three-judge District Court was required by § 2281.

"[T]he three-judge court statute is to be strictly construed." *Board of Regents v. New Left Education Project*, *supra*, at 545. Loose construction of § 2281 to require a three-judge court not only "entails a serious drain upon the federal judicial system" but also, inasmuch as direct review is in this Court, "defeat[s] the purposes of Congress, as expressed by the Jurisdictional Act of February 13, 1925, to keep within

narrow confines our appellate docket." *Phillips v. United States*, *supra*, at 250. Section 2281 does not speak broadly in terms of "formal orders," as the District Court would assume. Instead, it requires a three-judge court to be convened only where a plaintiff challenges an "order made by an *administrative board or commission*." (Emphasis added.) Here, the orders allegedly under attack were issued by only one man, the Director of the Department of Corrections. While Congress could have given three-judge courts jurisdiction over orders issued by any state official, it did not. When Congress uses exact terms such as "administrative board" and "commission," it clearly does not intend to include state officials.

Even assuming that an order of a single state official can provide jurisdiction for a three-judge District Court here appellees' complaint does not bring into question the constitutionality of the regulations. As the District Court observed, the regulations provide for prior notice and a hearing "when possible"; these same regulations provide that an inmate should have the assistance of a caseworker or investigating officer when he is unable to prepare his own defense and should be allowed to testify and present documentary evidence; finally, a written statement of the outcome of the hearing is required. Appellees presumably do not object to these procedural safeguards. Instead, they argue that these regulations are not strictly followed, and that wardens are constitutionally obligated to go even further than the regulations require and provide for additional procedural protections such as cross-examination.

There is no allegation that the regulations prohibit additional procedural safeguards. The rules, which are entitled "General Procedures," simply provide an outline for the procedures to be followed when a prisoner is placed in administrative segregation. Presumably, each warden is free to supplement these minimum procedures as he sees fit. While wardens may be providing the minimum procedures with the

434 U. S.

February 21, 1978

acquiescence and even approval of the Director, the choice of procedures (beyond the minimum required by the regulations) remains that of the warden and does not bind any other prison in California. Under such circumstances, the regulations of the Director, even if an order of an "administrative board or commission," is not an order of "general application" and thus will not provide jurisdiction for a three-judge District Court. See *Griffin v. County School Board*, 377 U. S. 218 (1964).

Because a three-judge court was not required in this case, we do not have appellate jurisdiction and are not free to reach the merits. *Board of Regents v. New Left Education Project*, *supra*, and cases cited therein. Under such circumstances in the past, we have vacated the judgment and remanded with instructions to enter a fresh decree so that appellants may, if they desire, perfect a timely appeal to the Court of Appeals. I would follow that course here.

#### *Appeals Dismissed*

No. 77-493. *BLOCK C-11, LOT 11, ET AL. v. ATLANTIC CITY*. Appeal from Sup. Ct. N. J. dismissed for want of substantial federal question. Reported below: 74 N. J. 34, 376 A. 2d 926.

No. 77-636. *ROBERTS v. JOHNSON, FIRE MARSHAL OF SOUTH CAROLINA*. Appeal from Sup. Ct. S. C. dismissed for want of substantial federal question. Reported below: 269 S. C. 119, 236 S. E. 2d 737.

No. 77-822. *LANE v. GALLMAN ET AL., TAX COMMISSION OF NEW YORK*. Appeal from App. Div., Sup. Ct. N. Y., 3d Jud. Dept., dismissed for want of substantial federal question. Reported below: 49 App. Div. 2d 963, 373 N. Y. S. 2d 700.

No. 77-842. *DAVIS ET UX. v. FRANCHISE TAX BOARD OF CALIFORNIA*. Appeal from Ct. App. Cal., 3d App. Dist., dismissed for want of substantial federal question. Reported below: 71 Cal. App. 3d 998, 139 Cal. Rptr. 797.

February 21, 1978

434 U.S.

No. 77-875. *RANKIN v. OHIO*. Appeal from Sup. Ct. Ohio dismissed for want of substantial federal question.

No. 77-877. *HORTON ET AL. v. OKLAHOMA CITY, OKLAHOMA, ET AL.* Appeal from Sup. Ct. Okla. dismissed for want of substantial federal question. Reported below: 566 P. 2d 431.

No. 77-883. *DAPPOLONIA v. BOARD OF CHIROPRACTIC EXAMINERS OF FLORIDA*. Appeal from Dist. Ct. App. Fla., 4th Dist., dismissed for want of substantial federal question. Reported below: 346 So. 2d 656.

No. 77-862. *CAL-CUT PIPE & SUPPLY, INC., DBA WESTERN PIPE & TUBE Co. v. SOUTHERN IDAHO PIPE & STEEL Co.* Appeal from Sup. Ct. Idaho dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari denied. Reported below: 98 Idaho 495, 567 P. 2d 1246.

No. 77-934. *LAWRENCE ET AL. v. BOARD OF EDUCATION OF THE CITY OF CHICAGO ET AL.* Appeal from App. Ct. Ill., 1st 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: 48 Ill. App. 3d 834, 363 N. E. 2d 116.

No. 77-5908. *HAMPTON v. ALASKA*. 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: 569 P. 2d 138.

No. 77-5938. *LAYTON ET AL. v. OHIO*. Appeal from Ct. App. Ohio, Hancock County, dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari denied.

434 U. S.

February 21, 1978

No. 77-5964. *WAYLAND v. FURNARI*. Appeal from C. A. 1st Cir. dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari denied.

No. 77-899. *MILLER ET AL. v. HEFFERNAN, TAX COMMISSIONER OF CONNECTICUT*. Appeal from Sup. Ct. Conn. Motions of Connecticut Legal Fund and Salisbury Taxpayers Assn. for leave to file briefs as *amici curiae* granted. Appeal dismissed for want of substantial federal question. Reported below: 173 Conn. 506, 378 A. 2d 572.

*Certiorari Granted—Vacated and Remanded*

No. 77-5747. *HADDAD v. UNITED STATES*. C. A. 6th 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 the views expressed by the Solicitor General in his memorandum filed January 31, 1978. MR. JUSTICE WHITE, MR. JUSTICE POWELL, and MR. JUSTICE REHNQUIST dissent.

*Miscellaneous Orders*

No. 74, Orig. *GEORGIA v. SOUTH CAROLINA*. It is ordered that the Honorable Walter E. Hoffman, Senior Judge of the United States District Court for the Eastern District of Virginia, be appointed Special Master in this case with authority to fix the time and conditions for the 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

February 21, 1978

434 U. S.

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 order herein, see *ante*, p. 917.]

No. 76, Orig. CALIFORNIA *v.* TEXAS. Motion for leave to file bill of complaint set for oral argument in due course. [For earlier order herein, see *ante*, p. 993.]

No. 76-1610. AYALA ET AL. *v.* UNITED STATES ET AL. C. A. 9th Cir. [Certiorari granted, *ante*, p. 814.] Motion of petitioner to reopen and supplement record granted.

No. 77-69. PANORA, REGISTRAR OF MOTOR VEHICLES OF MASSACHUSETTS *v.* MONTRYM. Appeal from D. C. Mass. Motion of appellees to vacate judgment granted. The Court's order of October 31, 1977 (*ante*, p. 916), vacating judgment of the District Court and remanding case for further consideration is hereby vacated, and appeal is restored to Court's docket for appropriate action. Should the parties desire to file supplemental briefs in light of the District Court's October 6, 1977, opinion, they may do so on or before March 24, 1978.

No. 77-408. INGALLS SHIPBUILDING CORP., DIVISION OF LITTON SYSTEMS, INC. *v.* MORGAN ET AL., *ante*, p. 966. Motion of respondents for attorney's fees denied without prejudice to presenting a motion to the United States Court of Appeals for the Fifth Circuit.

No. 77-599. PARKHILL-GOODLOE Co., INC., ET AL. *v.* McINTOSH ET AL., *ante*, p. 1033. Motion of respondent Rudolph McIntosh for award of attorney's fee denied without prejudice to presenting a motion to the United States Court of Appeals for the Fifth Circuit.

434 U. S.

February 21, 1978

No. 77-10. EXXON CORP. ET AL. *v.* GOVERNOR OF MARYLAND ET AL.;

No. 77-11. SHELL OIL CO. *v.* GOVERNOR OF MARYLAND ET AL.;

No. 77-12. CONTINENTAL OIL CO. ET AL. *v.* GOVERNOR OF MARYLAND ET AL.;

No. 77-47. GULF OIL CORP. *v.* GOVERNOR OF MARYLAND ET AL.; and

No. 77-64. ASHLAND OIL, INC., ET AL. *v.* GOVERNOR OF MARYLAND ET AL. Appeals from Ct. App. Md. [Probable jurisdiction noted, *ante*, p. 814.] Motion of the State of California for leave to file a brief as *amicus curiae* granted. Motion of National Congress of Petroleum Retailers for leave to participate in oral argument as *amicus curiae* denied. Motion of appellees for divided argument granted. MR. JUSTICE STEWART and MR. JUSTICE POWELL took no part in the consideration or decision of these motions.

No. 77-627. AUSTIN NATIONAL BANK, GUARDIAN *v.* NORTON ET AL., *ante*, p. 1014. Motion of respondent to assess damages pursuant to this Court's Rule 56 (4) denied.

No. 77-910. GOVERNMENT OF THE VIRGIN ISLANDS ET AL. *v.* VITCO, INC. C. A. 3d Cir. The Solicitor General is invited to file a brief in this case expressing the views of the United States.

No. 77-5960. ROOTS *v.* WAINWRIGHT, SECRETARY, DEPARTMENT OF OFFENDER REHABILITATION OF FLORIDA. Motion for leave to file petition for writ of habeas corpus denied.

No. 77-5824. EVER v. UNITED STATES;

No. 77-5878. GRANT *v.* CONNECTICUT;

No. 77-5882. KAPLAN *v.* WHIPPLE ET AL., JUDGES; and

No. 77-5974. NEWSOME *v.* COLLINSON ET AL., U. S. DISTRICT JUDGES. Motions for leave to file petitions for writs of mandamus denied.

February 21, 1978

434 U. S.

No. 77-5792. KORDJA *v.* NEW JERSEY. Motion for leave to file petition for writ of certiorari denied.

No. 77-5873. SELLARS *v.* BUSCH ET AL. Motion for leave to file petition for writ of mandamus and/or prohibition denied.

#### *Probable Jurisdiction Noted*

No. 77-742. MILLER, DIRECTOR, DEPARTMENT OF CHILDREN AND FAMILY SERVICES OF ILLINOIS, ET AL. *v.* YOUAKIM ET AL. Appeal from C. A. 7th Cir. Probable jurisdiction noted. MR. JUSTICE STEVENS took no part in the consideration or decision of this matter. Reported below: 562 F. 2d 483.

No. 77-837. NEW MOTOR VEHICLE BOARD OF CALIFORNIA ET AL. *v.* ORRIN W. FOX CO. ET AL.; and

No. 77-849. NORTHERN CALIFORNIA MOTOR CAR DEALERS ASSN. ET AL. *v.* ORRIN W. FOX CO. ET AL. Appeals from D. C. C. D. Cal. Probable jurisdiction noted, cases consolidated, and a total of one hour allotted for oral argument. Reported below: 440 F. Supp. 436.

No. 77-888. VITEK, DIRECTOR, DEPARTMENT OF CORRECTIONAL SERVICES, ET AL. *v.* JONES ET AL. Appeal from D. C. Neb. Probable jurisdiction noted. Reported below: 437 F. Supp. 569.

No. 77-5903. CORBITT *v.* NEW JERSEY. Appeal from Sup. Ct. N. J. Motion of appellant for leave to proceed *in forma pauperis* granted. Probable jurisdiction noted. Reported below: 74 N. J. 379, 378 A. 2d 235.

#### *Certiorari Granted*

No. 77-539. ZENITH RADIO CORP. *v.* UNITED STATES. C. C. P. A. Certiorari granted. Reported below: 562 F. 2d 1209.

434 U. S.

February 21, 1978

No. 77-752. NATIONAL LABOR RELATIONS BOARD *v.* CATHOLIC BISHOP OF CHICAGO ET AL. C. A. 7th Cir. Certiorari granted. Reported below: 559 F. 2d 1112.

No. 77-832. BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM *v.* FIRST LINCOLNWOOD CORP. C. A. 7th Cir. Certiorari granted. Reported below: 560 F. 2d 258.

No. 77-911. NATIONAL LABOR RELATIONS BOARD *v.* ROBBINS TIRE & RUBBER CO. C. A. 5th Cir. Certiorari granted. Reported below: 563 F. 2d 724.

No. 77-719. CHAPMAN, COMMISSIONER, DEPARTMENT OF HUMAN RESOURCES OF TEXAS, ET AL. *v.* HOUSTON WELFARE RIGHTS ORGANIZATION ET AL. C. A. 5th Cir. Certiorari granted and case set for oral argument with No. 77-5324, immediately *infra*. Reported below: 555 F. 2d 1219.

No. 77-5324. GONZALEZ, GUARDIAN *v.* YOUNG, DIRECTOR, HUDSON COUNTY WELFARE BOARD, ET AL. C. A. 3d Cir. Motion for leave to proceed *in forma pauperis* granted. Certiorari granted and case set for oral argument with No. 77-719, immediately *supra*. Reported below: 560 F. 2d 160.

No. 77-753. INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN & HELPERS OF AMERICA *v.* DANIEL; and

No. 77-754. LOCAL 705, INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN & HELPERS OF AMERICA, ET AL. *v.* DANIEL. C. A. 7th Cir. Motion of American Bankers Assn. for leave to file a brief as *amicus curiae* in No. 77-753 granted. Motions of National Association of Manufacturers, ERISA Industry Committee, National Coordinating Committee for Multiemployer Plans, American Federation of Labor & Congress of Industrial Organizations, and Gray Panthers for leave to file briefs as *amici curiae* granted. Certiorari granted, cases consolidated, and a total of one hour allotted for oral argument. Reported below: 561 F. 2d 1223.

February 21, 1978

484 U. S.

*Certiorari Denied.* (See also Nos. 77-862, 77-934, 77-5908, 77-5938, and 77-5964, *supra*.)

No. 76-1327. *GOODROE v. UNITED STATES.* C. A. 3d Cir. Certiorari denied. Reported below: 549 F. 2d 797.

No. 77-466. *POMPONIO v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 558 F. 2d 1172.

No. 77-475. *FRY v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. Reported below: 559 F. 2d 1221.

No. 77-498. *RODRIGUEZ v. UNITED STATES;* and

No. 77-538. *GERALDO v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. Reported below: 556 F. 2d 638.

No. 77-522. *DOZIER v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 559 F. 2d 1213.

No. 77-526. *CHITTY v. UNITED STATES;* and *POSTAL v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 558 F. 2d 604 (first case); 559 F. 2d 234 (second case).

No. 77-527. *RAMSEY v. UNITED STATES.* C. A. D. C. Cir. Certiorari denied. Reported below: 176 U. S. App. D. C. 67 and 183 U. S. App. D. C. 129; 538 F. 2d 415 and 561 F. 2d 1022.

No. 77-583. *FORSACK v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. Reported below: 573 F. 2d 1297.

No. 77-584. *NEUSTEIN v. UNITED STATES.* C. A. 3d Cir. Certiorari denied. Reported below: 562 F. 2d 43.

No. 77-588. *PIASCIK v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 559 F. 2d 545.

No. 77-596. *GULF OIL CORP. v. FEDERAL ENERGY REGULATORY COMMISSION ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 563 F. 2d 588.

No. 77-610. *HARDING v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. Reported below: 563 F. 2d 299.

434 U. S.

February 21, 1978

No. 77-614. *U-ANCHOR ADVERTISING, INC. v. BURT, DBA GRANOT LODGE.* Sup. Ct. Tex. Certiorari denied. Reported below: 553 S. W. 2d 760.

No. 77-621. *DADE CHRISTIAN SCHOOLS, INC. v. BROWN ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 556 F. 2d 310.

No. 77-628. *MAGILL ET AL. v. LYNCH ET AL.* C. A. 1st Cir. Certiorari denied. Reported below: 560 F. 2d 22.

No. 77-630. *NATIONAL BERYLLIA CORP. v. NATIONAL LABOR RELATIONS BOARD.* C. A. 3d Cir. Certiorari denied. Reported below: 562 F. 2d 42.

No. 77-633. *IRVIN ET UX. v. SIMS ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 558 F. 2d 1030.

No. 77-638. *GRANADEROS v. IMMIGRATION AND NATURALIZATION SERVICE.* C. A. 6th Cir. Certiorari denied.

No. 77-641. *CANTU v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 557 F. 2d 1173.

No. 77-645. *DER-RONG CHOUE v. FERRO, DISTRICT DIRECTOR, IMMIGRATION AND NATURALIZATION SERVICE, ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 573 F. 2d 1289.

No. 77-646. *BRAND v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 556 F. 2d 1312.

No. 77-652. *DIXON v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 558 F. 2d 919.

No. 77-656. *INTERNATIONAL ASSOCIATION OF MACHINISTS & AEROSPACE WORKERS, AFL-CIO v. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 560 F. 2d 224.

No. 77-659. *WESTERN UNION TELEGRAPH Co. v. MARSHALL, SECRETARY OF LABOR.* C. A. 3d Cir. Certiorari denied. Reported below: 561 F. 2d 477.

February 21, 1978

434 U. S.

No. 77-663. *CENTENO SUPER MARKETS, INC. v. NATIONAL LABOR RELATIONS BOARD.* C. A. 5th Cir. Certiorari denied. Reported below: 555 F. 2d 442.

No. 77-667. *BARKER, EXECUTRIX v. PARKER, ACTING COMMISSIONER OF PATENTS AND TRADEMARKS.* C. C. P. A. Certiorari denied. Reported below: 559 F. 2d 588.

No. 77-671. *DELTA AIR LINES, INC. v. UNITED STATES.* C. A. 1st Cir. Certiorari denied. Reported below: 561 F. 2d 381.

No. 77-673. *QUADE ET AL., DBA NORTHWEST TRUCK RENTALS v. UNITED STATES.* C. A. 8th Cir. Certiorari denied. Reported below: 563 F. 2d 375.

No. 77-685. *COUNTY OF SUFFOLK ET AL. v. SECRETARY OF THE INTERIOR ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 562 F. 2d 1368.

No. 77-687. *MEREDITH v. WORKERS' COMPENSATION APPEALS BOARD OF CALIFORNIA ET AL.* Sup. Ct. Cal. Certiorari denied. Reported below: 19 Cal. 3d 777, 567 P. 2d 746.

No. 77-690. *STONE ET AL. v. UNITED STATES;*

No. 77-724. *GOLDSTEIN v. UNITED STATES;* and

No. 77-5730. *DAIDONE v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 558 F. 2d 775.

No. 77-708. *McGRATH v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. Reported below: 558 F. 2d 1102.

No. 77-723. *CASSITY v. UNITED STATES.* C. A. 10th Cir. Certiorari denied.

No. 77-726. *J. P. STEVENS & CO., INC., ET AL. v. NATIONAL LABOR RELATIONS BOARD.* C. A. 2d Cir. Certiorari denied. Reported below: 563 F. 2d 8.

No. 77-728. *SCHOOL DISTRICT OF OMAHA ET AL. v. UNITED STATES ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 565 F. 2d 127.

434 U. S.

February 21, 1978

No. 77-729. STOUFFER CORP., DBA STOUFFER'S CINCINNATI INN *v.* NATIONAL LABOR RELATIONS BOARD ET AL. C. A. 6th Cir. Certiorari denied.

No. 77-744. CARVEL Co. *v.* NATIONAL LABOR RELATIONS BOARD. C. A. 1st Cir. Certiorari denied. Reported below: 560 F. 2d 1030.

No. 77-746. JOHNSON *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 558 F. 2d 744.

No. 77-768. COOK COUNTY ET AL. *v.* UNITED STATES ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 562 F. 2d 53.

No. 77-777. MILLER *v.* HARRIS, SECRETARY, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 551 F. 2d 313.

No. 77-779. IN RE GILLIS. C. A. 6th Cir. Certiorari denied.

No. 77-788. COLE ET AL. *v.* TENNESSEE. Ct. Crim. App. Tenn. Certiorari denied.

No. 77-791. CROSSROADS BOOKS, INC. *v.* TOA ENTERPRISES, INC. Sup. Ct. Va. Certiorari denied.

No. 77-793. KING ET AL. *v.* PUBLIC SERVICE EMPLOYEES LOCAL UNION 572, LABORERS INTERNATIONAL UNION OF NORTH AMERICA, AFL-CIO, ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 562 F. 2d 297.

No. 77-798. GULF OIL CORP. *v.* MADDOX. Sup. Ct. Kan. Certiorari denied. Reported below: 222 Kan. 733, 567 P. 2d 1326.

No. 77-800. OUACHITA NATIONAL BANK IN MONROE *v.* ROWAN ET AL. Ct. App. La., 4th Cir. Certiorari denied. Reported below: 345 So. 2d 1014.

February 21, 1978

434 U. S.

No. 77-804. *JOACHIM v. JOACHIM*. App. Div., Sup. Ct. N. Y., 2d Jud. Dept. Certiorari denied. Reported below: 57 App. Div. 2d 546, 393 N. Y. S. 2d 63.

No. 77-808. *KANSAS CITY AREA TRANSPORTATION AUTHORITY OF THE KANSAS CITY AREA TRANSPORTATION DISTRICT v. ASHLEY ET AL.* Sup. Ct. Mo. Certiorari denied. Reported below: 555 S. W. 2d 9.

No. 77-810. *FORD v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 1st Cir. Certiorari denied. Reported below: 546 F. 2d 413.

No. 77-812. *DEAN v. AMERICAN SECURITY INSURANCE CO.* C. A. 5th Cir. Certiorari denied. Reported below: 559 F. 2d 1036.

No. 77-813. *URIAS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 566 F. 2d 1186.

No. 77-814. *HEIZER CORP. v. WRIGHT ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 560 F. 2d 236.

No. 77-815. *WHITE PLAINS NURSING HOME v. COMMISSIONER, DEPARTMENT OF HEALTH OF NEW YORK, ET AL.* Ct. App. N. Y. Certiorari denied. Reported below: 42 N. Y. 2d 838, 366 N. E. 2d 79.

No. 77-819. *HUDSON ET AL. v. VIRGINIA*. Sup. Ct. Va. Certiorari denied.

No. 77-827. *WILSON v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 565 F. 2d 153.

No. 77-828. *GUNTHER ET AL. v. MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION*. Ct. Sp. App. Md. Certiorari denied.

434 U. S.

February 21, 1978

No. 77-829. *PATTERSON ET AL. v. ARKANSAS*. Sup. Ct. Ark. Certiorari denied.

No. 77-830. *O'CONNOR v. WASHINGTON*. Ct. App. Wash. Certiorari denied.

No. 77-831. *LO-VACA GATHERING CO. v. RAILROAD COMMISSION OF TEXAS*. Temp. Emerg. Ct. App. Certiorari denied. Reported below: 565 F. 2d 144.

No. 77-833. *GOLDMAN v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 563 F. 2d 501.

No. 77-834. *FUNGER ET AL. v. MONTGOMERY COUNTY, MARYLAND, ET AL.* Ct. App. Md. Certiorari denied. Reported below: 280 Md. 686, 376 A. 2d 483.

No. 77-844. *MONONGAHELA POWER CO. v. PUBLIC SERVICE COMMISSION OF WEST VIRGINIA*; and

No. 77-845. *POTOMAC EDISON CO. v. PUBLIC SERVICE COMMISSION OF WEST VIRGINIA*. Sup. Ct. App. W. Va. Certiorari denied.

No. 77-847. *SUPERIOR OIL CO. v. STERLING ET AL.* Sup. Ct. Kan. Certiorari denied. Reported below: 222 Kan. 737, 567 P. 2d 1325.

No. 77-848. *NORTHERN NATURAL GAS PRODUCING CO. ET AL. v. NIX ET AL.* Sup. Ct. Kan. Certiorari denied. Reported below: 222 Kan. 739, 567 P. 2d 1322.

No. 77-850. *KEYES ET AL. v. DISTRICT OF COLUMBIA ET AL.* Ct. App. D. C. Certiorari denied.

No. 77-853. *WALTON ET UX. v. PAPAGIANOPOULOS ET AL.* Ct. App. Cal., 3d App. Dist. Certiorari denied.

No. 77-854. *PROVIDENCE HOSPITAL v. MANHATTAN CONSTRUCTION COMPANY OF TEXAS ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 551 F. 2d 1026.

February 21, 1978

434 U. S.

No. 77-856. *PHILLIPS PETROLEUM CO. v. SHUTTS, EXECUTOR.* Sup. Ct. Kan. Certiorari denied. Reported below: 222 Kan. 527, 567 P. 2d 1292.

No. 77-858. *PUBLIC BROADCASTING SERVICE v. NETWORK PROJECT ET AL.*; and

No. 77-864. *CORPORATION FOR PUBLIC BROADCASTING v. NETWORK PROJECT ET AL.* C. A. D. C. Cir. Certiorari denied. Reported below: 183 U. S. App. D. C. 70, 561 F. 2d 963.

No. 77-860. *CLUBB v. MISSISSIPPI.* Sup. Ct. Miss. Certiorari denied. Reported below: 350 So. 2d 693.

No. 77-861. *HILDEBRAND v. UNEMPLOYMENT INSURANCE APPEALS BOARD OF CALIFORNIA ET AL.* Sup. Ct. Cal. Certiorari denied. Reported below: 19 Cal. 3d 765, 566 P. 2d 1297.

No. 77-871. *TERRY ET UX. v. KLAMATH PRODUCTION CREDIT ASSN. ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 568 F. 2d 777 and 778.

No. 77-873. *MOODY ET AL. v. TEXAS ET AL.* Ct. Civ. App. Tex. 10th Sup. Jud. Dist. Certiorari denied. Reported below: 538 S. W. 2d 158.

No. 77-878. *KEEFER v. CALIFORNIA.* Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 77-882. *WODOSLAWSKY v. MARYLAND.* Ct. Sp. App. Md. Certiorari denied. Reported below: 36 Md. App. 654, 374 A. 2d 917.

No. 77-893. *GERTLER ET VIR v. CITY OF NEW ORLEANS ET AL.* Ct. App. La., 4th Cir. Certiorari denied. Reported below: 346 So. 2d 228.

No. 77-895. *RYAN ET AL. v. ILLINOIS.* App. Ct. Ill., 1st Dist. Certiorari denied.

434 U. S.

February 21, 1978

No. 77-896. *VILLAGE OF NORTHBROOK ET AL. v. NORTHBROOK TRUST & SAVINGS BANK ET AL.* App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 47 Ill. App. 3d 879, 365 N. E. 2d 433.

No. 77-897. *MERIDOR ET AL. v. GOLDBERG ET AL.*; and

No. 77-940. *SINGER v. GOLDBERG ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 567 F. 2d 209.

No. 77-905. *Cox, ADMINISTRATRIX v. ADMINISTRATOR, VETERANS' ADMINISTRATION, ET AL.* C. A. 2d Cir. Certiorari denied.

No. 77-907. *JORDAN v. U. S. NATURAL RESOURCES, INC., IRVINGTON MOORE DIVISION.* C. A. 4th Cir. Certiorari denied. Reported below: 564 F. 2d 92.

No. 77-912. *ALASKA ROUGHNECKS & DRILLERS ASSN. v. NATIONAL LABOR RELATIONS BOARD ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 555 F. 2d 732.

No. 77-913. *PAPADOPoulos v. OREGON STATE UNIVERSITY ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 566 F. 2d 1183.

No. 77-916. *WILLIAMS ET AL. v. UNITED STATES.* C. A. 6th Cir. Certiorari denied.

No. 77-918. *FIRST NATIONAL BANK OF GLEN HEAD v. KATZ, TRUSTEE IN BANKRUPTCY.* C. A. 2d Cir. Certiorari denied. Reported below: 568 F. 2d 964.

No. 77-921. *PAGLIARA, AKA SELLS v. ILLINOIS.* App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 47 Ill. App. 3d 708, 365 N. E. 2d 72.

No. 77-923. *OLINKRAFT, INC. v. CLARK.* C. A. 5th Cir. Certiorari denied. Reported below: 556 F. 2d 1219.

No. 77-924. *KENT v. OHIO.* Ct. App. Ohio, Hamilton County. Certiorari denied.

February 21, 1978

434 U. S.

No. 77-927. *HARRIS, ADMINISTRATRIX v. FIREMAN'S FUND AMERICAN LIFE INSURANCE CO.* C. A. 7th Cir. Certiorari denied. Reported below: 562 F. 2d 54.

No. 77-930. *WATTS v. ILLINOIS*; and

No. 77-937. *NELSON v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 47 Ill. App. 3d 798, 365 N. E. 2d 415.

No. 77-931. *KUNKLE, DBA R. J. RESTORATION CO. v. EGGLESTON*. Ct. App. Ohio, Franklin County. Certiorari denied.

No. 77-933. *WESTERVELT v. CENTRAL ILLINOIS PUBLIC SERVICE CO.* Sup. Ct. Ill. Certiorari denied. Reported below: 67 Ill. 2d 207, 367 N. E. 2d 661.

No. 77-935. *HELENE CURTIS INDUSTRIES, INC. v. CHURCH & DWIGHT CO., INC., ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 560 F. 2d 1325.

No. 77-941. *ENDER v. CHRYSLER CORP. ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 566 F. 2d 1176.

No. 77-942. *REYNOLDS v. WETLI*. C. A. 6th Cir. Certiorari denied. Reported below: 559 F. 2d 1220.

No. 77-954. *GRESEN v. FEIKES ET AL.* Sup. Ct. Nev. Certiorari denied.

No. 77-975. *SUMMERS v. ALABAMA*. Ct. Crim. App. Ala. Certiorari denied. Reported below: 348 So. 2d 1126.

No. 77-1006. *JACEK v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 565 F. 2d 86.

No. 77-1007. *LEFFERDINK v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 564 F. 2d 414.

No. 77-1009. *HEDGEMAN v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 564 F. 2d 763.

434 U. S.

February 21, 1978

No. 77-1014. SURVEY ENGINEERS, INC. *v.* ZOLINE FOUNDATION ET AL. Sup. Ct. Colo. Certiorari denied. Reported below: 193 Colo. 488, 568 P. 2d 436.

No. 77-1021. URDIALES *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 559 F. 2d 273.

No. 77-1023. PACEE *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 564 F. 2d 306.

No. 77-5419. TWYMAN *v.* OKLAHOMA ET AL. C. A. 10th Cir. Certiorari denied. Reported below: 560 F. 2d 422.

No. 77-5477. MOORE *v.* HOGAN, WARDEN. C. A. 5th Cir. Certiorari denied. Reported below: 559 F. 2d 28.

No. 77-5494. ATKINS *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 558 F. 2d 133.

No. 77-5503. HARRIS *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 564 F. 2d 90.

No. 77-5515. HAMPTON *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 564 F. 2d 89.

No. 77-5519. DODSON *v.* MISSOURI. Ct. App. Mo., St. Louis Dist. Certiorari denied. Reported below: 551 S. W. 2d 932.

No. 77-5524. PROVO *v.* OKLAHOMA. Ct. Crim. App. Okla. Certiorari denied. Reported below: 565 P. 2d 719.

No. 77-5554. SMITH *v.* UNITED STATES. Ct. App. D. C. Certiorari denied.

No. 77-5557. EDWARDS *v.* LANG ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 554 F. 2d 474.

No. 77-5580. KEATING *v.* MISSOURI. Sup. Ct. Mo. Certiorari denied. Reported below: 551 S. W. 2d 589.

No. 77-5587. DEL VALLE-ROJAS *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 568 F. 2d 779.

February 21, 1978

434 U. S.

No. 77-5613. *PRESTON v. GEORGIA*. C. A. 5th Cir. Certiorari denied.

No. 77-5617. *MILLHOUSE v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 563 F. 2d 1083.

No. 77-5621. *WARD v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 559 F. 2d 1215.

No. 77-5631. *SMITH v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 562 F. 2d 453.

No. 77-5633. *MARTINEZ v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 77-5639. *BANKS v. MARYLAND*. Ct. Sp. App. Md. Certiorari denied.

No. 77-5640. *BROWN v. BLANKENSHIP, CORRECTIONAL SUPERINTENDENT*. C. A. 4th Cir. Certiorari denied. Reported below: 562 F. 2d 44.

No. 77-5641. *RICHARDSON v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 562 F. 2d 476.

No. 77-5645. *PETTICOLAS v. UNITED STATES*. Ct. App. D. C. Certiorari denied.

No. 77-5647. *HENNE v. FIKE, WARDEN, ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 563 F. 2d 809.

No. 77-5660. *HOCKER v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 562 F. 2d 49.

No. 77-5666. *HARRIS v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 565 F. 2d 153.

No. 77-5667. *SILLS v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 563 F. 2d 1083.

No. 77-5668. *MARTINEZ v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist. Certiorari denied.

434 U. S.

February 21, 1978

No. 77-5669. *FRANKLIN v. UNITED STATES*. C. A. 10th Cir. Certiorari denied.

No. 77-5684. *LAY v. OKLAHOMA*. Ct. Crim. App. Okla. Certiorari denied. Reported below: 568 P. 2d 295.

No. 77-5688. *GRANATA v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 565 F. 2d 153.

No. 77-5693. *JOHNSON v. WILLIAMS, WARDEN*. C. A. 4th Cir. Certiorari denied. Reported below: 559 F. 2d 1212.

No. 77-5701. *ROGERS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 558 F. 2d 788.

No. 77-5702. *SMITH v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 557 F. 2d 1206.

No. 77-5711. *KLEIN v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 560 F. 2d 1236.

No. 77-5720. *BURROUGHS v. CALIFORNIA*. App. Dept., Super. Ct. Cal., Los Angeles County. Certiorari denied.

No. 77-5721. *THORNTON v. GEORGIA*. Sup. Ct. Ga. Certiorari denied. Reported below: 239 Ga. 693, 238 S. E. 2d 376.

No. 77-5724. *BIRMINGHAM v. EISELE, U. S. DISTRICT JUDGE*. C. A. 8th Cir. Certiorari denied.

No. 77-5725. *BUMPERS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 562 F. 2d 1259.

No. 77-5727. *CHAPPELL v. HOPPER, WARDEN*. C. A. 5th Cir. Certiorari denied. Reported below: 559 F. 2d 1214.

No. 77-5731. *CURRY v. MICHIGAN*. Sup. Ct. Mich. Certiorari denied.

No. 77-5732. *ORQUIZ v. UNITED STATES*; and

No. 77-5791. *SANCHEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 560 F. 2d 1022.

February 21, 1978

434 U. S.

No. 77-5734. *BARBOSA v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied.

No. 77-5736. *RICCARDI v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 77-5744. *BUSTAMANTE v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 573 F. 2d 1296.

No. 77-5751. *McMILLIAN v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 535 F. 2d 1035.

No. 77-5754. *COZAD v. JOHNSON, DIRECTOR, U. S. INDIAN HEALTH SERVICE, ET AL.* C. A. 10th Cir. Certiorari denied.

No. 77-5763. *LIPINSKI v. NEW YORK*. C. A. 2d Cir. Certiorari denied. Reported below: 557 F. 2d 289.

No. 77-5772. *HODGES v. LOUISIANA*. Sup. Ct. La. Certiorari denied. Reported below: 349 So. 2d 250.

No. 77-5774. *VELLA v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 562 F. 2d 275.

No. 77-5789. *LAMBROS v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 564 F. 2d 26.

No. 77-5790. *GREEN v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 565 F. 2d 151.

No. 77-5797. *LEJA v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 563 F. 2d 244.

No. 77-5801. *FRIVALDO v. CLELAND, ADMINISTRATOR, VETERANS' AFFAIRS, ET AL.* C. A. D. C. Cir. Certiorari denied.

No. 77-5804. *SIMMONS ET AL. v. UNITED STATES*. Ct. Cl. Certiorari denied.

No. 77-5806. *WEAVER v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 565 F. 2d 129.

434 U. S.

February 21, 1978

No. 77-5827. *JOHNSON v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. Reported below: 185 U. S. App. D. C. 133, 566 F. 2d 798.

No. 77-5834. *ROGERS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 565 F. 2d 159.

No. 77-5846. *JOHNSON v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 565 F. 2d 179.

No. 77-5859. *CALDWELL v. NORTH CAROLINA*. Sup. Ct. N. C. Certiorari denied. Reported below: 293 N. C. 336, 237 S. E. 2d 742.

No. 77-5861. *HEADS v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied.

No. 77-5862. *LODEN v. THOMPSON ET AL.* C. A. 7th Cir. Certiorari denied.

No. 77-5867. *BROWN v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 77-5870. *BARNETT ET UX. v. CISNEROS ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 560 F. 2d 190.

No. 77-5871. *KOSSA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 562 F. 2d 959.

No. 77-5872. *ALLEN v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 77-5876. *HARPER v. RIDDLE, PENITENTIARY SUPERINTENDENT*. C. A. 4th Cir. Certiorari denied.

No. 77-5877. *CARROLL v. MANSON, CORRECTIONS COMMISSIONER, ET AL.* C. A. 2d Cir. Certiorari denied.

No. 77-5879. *WALKER ET AL. v. PIERCE ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 560 F. 2d 609.

February 21, 1978

434 U. S.

No. 77-5900. *HALL v. WAINWRIGHT*, SECRETARY, DEPARTMENT OF OFFENDER REHABILITATION OF FLORIDA. C. A. 5th Cir. Certiorari denied. Reported below: 559 F. 2d 964.

No. 77-5905. *LATIMORE ET AL. v. SIELAFF ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 561 F. 2d 691.

No. 77-5907. *BUTLER v. FLORIDA*. Sup. Ct. Fla. Certiorari denied. Reported below: 353 So. 2d 673.

No. 77-5909. *PHILLIPS v. WAINWRIGHT*, SECRETARY, DEPARTMENT OF OFFENDER REHABILITATION OF FLORIDA. C. A. 5th Cir. Certiorari denied. Reported below: 562 F. 2d 1259.

No. 77-5910. *MASON v. MULLIGAN*, U. S. ATTORNEY. C. A. 7th Cir. Certiorari denied.

No. 77-5911. *SMITH v. NORTH CAROLINA*. Ct. App. N. C. Certiorari denied. Reported below: 33 N. C. App. 511, 235 S. E. 2d 860.

No. 77-5913. *ROCHE v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 564 F. 2d 100.

No. 77-5918. *BEVERLY v. MARYLAND*. Ct. Sp. App. Md. Certiorari denied.

No. 77-5920. *SAND v. ESTELLE*, CORRECTIONS DIRECTOR. C. A. 5th Cir. Certiorari denied. Reported below: 559 F. 2d 364.

No. 77-5922. *KINES v. MASSACHUSETTS*. Ct. App. Mass. Certiorari denied. Reported below: — Mass. App. —, 367 N. E. 2d 861.

No. 77-5926. *JOHNSON v. BARGE*. Ct. Civ. App. Tex., 5th Sup. Jud. Dist. Certiorari denied. Reported below: 552 S. W. 2d 508.

No. 77-5928. *HENDRIX v. IOWA*. Ct. App. Iowa. Certiorari denied. Reported below: 255 N. W. 2d 170.

434 U. S.

February 21, 1978

No. 77-5932. FARRELL ET AL. *v.* CZARNETZKY ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 566 F. 2d 381.

No. 77-5934. BEHM *v.* ILLINOIS. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 49 Ill. App. 3d 574, 364 N. E. 2d 636.

No. 77-5937. SLOTNICK *v.* STAVISKEY ET AL. C. A. 1st Cir. Certiorari denied. Reported below: 560 F. 2d 31.

No. 77-5943. GARZA *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 563 F. 2d 1164.

No. 77-5944. FLOWERS *v.* MASSACHUSETTS. Ct. App. Mass. Certiorari denied. Reported below: — Mass. App. —, 365 N. E. 2d 839.

No. 77-5945. TAYLOR *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 565 F. 2d 545.

No. 77-5946. WIGGINS *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 566 F. 2d 1171.

No. 77-5947. JEFFERSON *v.* SANDERS, CHIEF JUSTICE, SUPREME COURT OF LOUISIANA, ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 564 F. 2d 414.

No. 77-5950. OREJUELA *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 565 F. 2d 153.

No. 77-5952. THOMAS-BEY *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 562 F. 2d 576.

No. 77-5959. PIERCE *v.* ILLINOIS. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 50 Ill. App. 3d 525, 365 N. E. 2d 988.

No. 77-5961. BURNSED *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 566 F. 2d 882.

No. 77-5963. RAITPORT *v.* BANK & TRUST COMPANY OF OLD YORK ROAD ET AL. C. A. 3d Cir. Certiorari denied.

February 21, 1978

434 U. S.

No. 77-5966. *JOLLY v. CRISP, WARDEN.* C. A. 10th Cir. Certiorari denied.

No. 77-5968. *CROSS v. UNITED STATES.* C. A. 8th Cir. Certiorari denied. Reported below: 566 F. 2d 1178.

No. 77-5969. *PIERCE ET AL. v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 559 F. 2d 1339.

No. 77-5970. *CHINNICI v. UNITED STATES.* C. A. 3d Cir. Certiorari denied. Reported below: 566 F. 2d 1170.

No. 77-5973. *SIMMONS v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 564 F. 2d 414.

No. 77-5977. *BROWN v. FLORIDA.* Dist. Ct. App. Fla., 4th Dist. Certiorari denied. Reported below: 349 So. 2d 1196.

No. 77-5979. *BERNOTAS ET UX. v. CHESTER COUNTY WATER RESOURCES AUTHORITY.* Sup. Ct. Pa. Certiorari denied.

No. 77-5980. *REINERT v. CALIFORNIA.* App. Dept., Super. Ct. Cal., County of Los Angeles. Certiorari denied.

No. 77-5981. *REDMOND v. ILLINOIS.* Sup. Ct. Ill. Certiorari denied. Reported below: 67 Ill. 2d 242, 367 N. E. 2d 703.

No. 77-5982. *SMITH v. ARKANSAS.* Sup. Ct. Ark. Certiorari denied.

No. 77-5983. *BOWEN v. ABSHIRE, CORRECTIONAL SUPERINTENDENT.* C. A. 6th Cir. Certiorari denied.

No. 77-5986. *THROWER v. UNITED STATES.* C. A. 3d Cir. Certiorari denied. Reported below: 568 F. 2d 771.

No. 77-5989. *BROCKUS v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 566 F. 2d 1184.

No. 77-5990. *SAVAGE v. UNITED STATES.* C. A. 3d Cir. Certiorari denied. Reported below: 566 F. 2d 1170.

434 U. S.

February 21, 1978

No. 77-5993. *SMITH v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 564 F. 2d 244.

No. 77-5998. *ANDERSON v. INDIANA*. Sup. Ct. Ind. Certiorari denied. Reported below: 267 Ind. 289, 370 N. E. 2d 318.

No. 77-6001. *SMITH v. UNITED STATES*. C. A. 10th Cir. Certiorari denied.

No. 77-6004. *YOUNG v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 567 F. 2d 799.

No. 77-6007. *MILLER v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 566 F. 2d 1185.

No. 77-6010. *ANTHONY ET AL. v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 565 F. 2d 533.

No. 77-6011. *DELGADILLO-AYALA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 568 F. 2d 779.

No. 77-6012. *SHEPARD v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 566 F. 2d 1171.

No. 77-6021. *HEGWOOD v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 562 F. 2d 946.

No. 77-6034. *SAVAGE-EL v. ARNOLD, WARDEN, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 77-6040. *GARCIA v. UNITED STATES*. Ct. App. D. C. Certiorari denied.

No. 77-6041. *EHNES v. FLYNN ET AL.* C. A. 10th Cir. Certiorari denied.

No. 77-6042. *BEY v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 563 F. 2d 243.

No. 77-6043. *PEARSON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 563 F. 2d 243.

February 21, 1978

434 U.S.

No. 77-6045. *SCOTT v. OHIO*. Ct. App. Ohio, Cuyahoga County. Certiorari denied.

No. 77-6060. *BYER v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 573 F. 2d 1311.

No. 77-6075. *MORGAN v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 573 F. 2d 1311.

No. 77-6076. *OROPEZA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 564 F. 2d 316.

No. 77-6086. *WALDRON v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 568 F. 2d 185.

No. 77-6098. *LIPSCOMB v. UNITED STATES ATTORNEY ET AL.* C. A. 7th Cir. Certiorari denied.

No. 77-6105. *GORIN v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 564 F. 2d 159.

No. 77-447. *RATCHFORD, PRESIDENT, UNIVERSITY OF MISSOURI, ET AL. v. GAY LIB ET AL.* C. A. 8th Cir. Certiorari denied. THE CHIEF JUSTICE would grant petition and give plenary consideration to this case. Reported below: 558 F. 2d 848.

MR. JUSTICE REHNQUIST, with whom MR. JUSTICE BLACKMUN joins, dissenting.

There is a natural tendency on the part of any conscientious court to avoid embroiling itself in a controversial area of social policy unless absolutely required to do so. I therefore completely understand, if I do not agree with, the Court's decision to deny certiorari in this case. In quick summary, the University of Missouri, exercising the traditional authority granted to it by the State to regulate what student organizations will have access to campus facilities, denied recognition to respondent Gay Lib. The denial stemmed from a finding by a University-appointed hearing officer that formal University

recognition would "tend to expand homosexual behavior which will cause increased violations of [the State's sodomy statute]." Respondents, choosing to remove the dispute from its traditional University setting to the federal courts, sued in the United States District Court for the Western District of Missouri, claiming that the denial infringed their constitutional rights to free speech and freedom of association. The District Court held that the University had not violated respondents' constitutional rights. *Gay Lib v. University of Missouri*, 416 F. Supp. 1350 (1976). Respondents, continuing to pursue a judicial solution to their problem, persuaded two judges of a three-judge panel of the Court of Appeals for the Eighth Circuit to reverse the District Court. 558 F. 2d 848 (1977). A petition for rehearing en banc was denied by an equally divided court. The University now seeks certiorari here to review that decision.

Courts by nature are passive institutions and may decide only those issues raised by litigants in lawsuits before them. The obverse side of that passivity is the requirement that they *do* dispose of those lawsuits that are before them and entitled to attention. The District Court and the Court of Appeals were doubtless as chary as we are of being thrust into the middle of this controversy but were nonetheless obligated to decide the case. Unlike the District Court and the Court of Appeals, Congress has accorded to us through the Judiciary Act of 1925, 28 U. S. C. § 1254, the discretion to decline to hear a case such as this on the merits without explaining our reasons for doing so. But the existence of such discretion does not imply that it should be used as a sort of judicial storm cellar to which we may flee to escape from controversial or sensitive cases. Our Rules provide that one of the considerations governing review on certiorari is whether a Court of Appeals "has decided an important question of federal law which has not been, but should be, settled by this court; or has decided a federal question in a way in conflict with appli-

REHNQUIST, J., dissenting

434 U. S.

cable decisions of this court." Rule 19 (1)(b). In my opinion the panel decision of the Court of Appeals meets both of these tests, and I would therefore grant certiorari and hear the case on the merits.

The sharp split amongst the judges who considered this case below demonstrates that our past precedents do not conclusively address the issues central to this dispute. In the same manner that we expect considered and deliberate treatment of cases by these courts, we have a concomitant responsibility to aid them where confusion or uncertainty in the law prevails. By refusing to grant certiorari in this case, we ignore our function and responsibility in the framework of the federal court system and place added burdens on other courts in that system.

Writ large, the issue posed in this case is the extent to which a self-governing democracy, having made certain acts criminal, may prevent or discourage individuals from engaging in speech or conduct which encourages others to violate those laws. The Court of Appeals holds that a state university violates the First and Fourteenth Amendments when it refuses to recognize an organization whose activities both a University factfinder and the District Court found were likely to incite violations of an admittedly valid criminal statute. Neither the Court of Appeals nor respondents contend that the testimony of the expert psychologists at these hearings was insufficient to support such a finding. They appear to take instead the position that such a finding is not governed by the normal "clearly erroneous" test established in Fed. Rule Civ. Proc. 52 (a). This unusual conclusion, in itself, would seem to me to be sufficient to warrant a grant of certiorari.

But lurking behind this procedural question is one which surely goes to the heart of the inevitable clash between the authority of a State to prevent the subversion of the lawful rules of conduct which it has enacted pursuant to its police power and the right of individuals under the First and Four-

teenth Amendments who disagree with various of those rules to urge that they be changed through democratic processes. The University in this case did not ban the discussion in the classroom, or out of it, of the wisdom of repealing sodomy statutes. The State did not proscribe membership in organizations devoted to advancing "gay liberation." The University merely refused to recognize an organization whose activities were found to be likely to incite a violation of a valid state criminal statute. While respondents disavow any intent to advocate present violations of state law, the organization intends to engage in far more than political discussion. Among respondent Gay Lib's asserted purposes are the following:

"3. Gay Lib wants to provide information to the vast majority of those who really don't know what homosexuality or bi-sexual behavior really is. Too much of the same prejudice is now directed at gay people just as it is directed at ethnic minorities.

"4. Gay lib does not seek to proselytize, convert, or recruit. On the other hand, people who have already established a pattern of homosexuality when they enter college must adjust to this fact.

"5. Gay Lib hopes to help the gay community to rid itself of its subconscious burden of guilt. Society imprints this self-image on homosexuals and makes adjustment with the straight world more difficult."

Expert psychological testimony below established the fact that the meeting together of individuals who consider themselves homosexual in an officially recognized university organization can have a distinctly different effect from the mere advocacy of repeal of the State's sodomy statute. As the University has recognized, this danger may be particularly acute in the university setting where many students are still coping with the sexual problems which accompany late adolescence and early adulthood.

The University's view of respondents' activities and respondents' own view of them are diametrically opposed. From the point of view of the latter, the question is little different from whether university recognition of a college Democratic club in fairness also requires recognition of a college Republican club. From the point of view of the University, however, the question is more akin to whether those suffering from measles have a constitutional right, in violation of quarantine regulations, to associate together and with others who do not presently have measles, in order to urge repeal of a state law providing that measles sufferers be quarantined. The very act of assemblage under these circumstances undercuts a significant interest of the State which a plea for the repeal of the law would nowise do. Where between these two polar characterizations of the issue the truth lies is not as important as whether a federal appellate court is free to reject the University's characterization, particularly when it is supported by the findings of the District Court.

As the split among the lower court judges shows, *Healy v. James*, 408 U. S. 169 (1972), did not directly address these questions. There we remanded the decision of the Court of Appeals of the Second Circuit to decide whether the University's refusal to recognize a local branch of the Students for a Democratic Society was motivated by a factual conclusion that the organization would not abide by reasonable campus regulations of the sort held valid in *Esteban v. Central Missouri State College*, 415 F. 2d 1077, 1089 (CA8 1969) (Blackmun, J.). Here the question is not whether Gay Lib as an organization will abide by university regulations. Nor is it really whether Gay Lib will persuasively advocate violations of the sodomy statute. Instead, the question is whether a university can deny recognition to an organization the activities of which expert psychologists testify will in and of themselves lead directly to violations of a concededly valid state criminal law.

As our cases establish from *Schenck v. United States*, 249 U. S. 47 (1919), in which Mr. Justice Holmes, speaking for a unanimous Court, held that the Government has a right to criminally punish words which are "used in such circumstances and are of such a nature as to create a clear and present danger that they will bring about the substantive evils that Congress has a right to prevent," to *Brandenburg v. Ohio*, 395 U. S. 444 (1969), some speech that has a propensity to induce action prohibited by the criminal laws may itself be prohibited. *A fortiori*, speech and conduct combined which have that effect may surely be placed off limits of a university campus without doing violence to the First or Fourteenth Amendments.

*Healy* was decided by the lower courts in what may fairly be described as a factual vacuum. There this Court stated that a student organization need not be recognized if such recognition is likely to incite criminal violations, but did not have to consider how that standard would be applied to a particular factual situation. No attempt had been made by the University to demonstrate that imminent lawless action was likely as a result of the speech in question, nor was there any hint that any such effort was likely to have been successful. Here, such a demonstration was undertaken, and the District Court sitting as a finder of fact concluded that petitioners had made out their case. The Court of Appeals' panel opinion, for me at least, sheds no light on why this conclusion of the District Court could be rejected. By denying certiorari, we must leave university officials in complete confusion as to how, if ever, they may meet the standard that we laid out in *Healy*.

The mathematically even division of the Court of Appeals on the petition for rehearing en banc gives some indication of the divergence of judicial views which may be expected from conscientious judges on difficult constitutional questions such as this. Our views may be no less divergent, and no less persuasive to one another, than were the views of the eight judges of the Court of Appeals. But believing as I do that we

February 21, 1978

434 U. S.

cannot under our Rules properly leave this important question of law in its present state, I would grant the petition for certiorari.

No. 77-481. GREENE COUNTY PLANNING BOARD ET AL. *v.* FEDERAL ENERGY REGULATORY COMMISSION ET AL. C. A. 2d Cir. Motion of Pacific Legal Foundation for leave to file a brief as *amicus curiae* granted. Certiorari denied. MR. JUSTICE BRENNAN and MR. JUSTICE STEWART would grant certiorari.

No. 77-681. TAX ANALYSTS & ADVOCATES ET AL. *v.* BLUMENTHAL, SECRETARY OF THE TREASURY, ET AL. C. A. D. C. Cir. Certiorari denied. MR. JUSTICE WHITE would grant certiorari. Reported below: 184 U. S. App. D. C. 238, 566 F. 2d 130.

No. 77-908. MADRY *v.* SOREL ET AL. C. A. 5th Cir. Certiorari denied. MR. JUSTICE WHITE would grant certiorari. Reported below: 558 F. 2d 303.

No. 77-740. GULF OIL CORP. ET AL. *v.* BOGOSIAN ET AL. C. A. 3d Cir. Certiorari denied. MR. JUSTICE STEWART and MR. JUSTICE POWELL took no part in the consideration or decision of this petition. Reported below: 561 F. 2d 434.

No. 77-802. NORTHWEST AIRLINES, INC. *v.* LAFFEY ET AL. C. A. D. C. Cir. Certiorari denied. MR. JUSTICE BLACKMUN took no part in the consideration or decision of this petition. Reported below: 185 U. S. App. D. C. 322, 567 F. 2d 429.

No. 77-904. SHULL *v.* DAIN, KALMAN & QUAIL, INC., ET AL. C. A. 8th Cir. Certiorari denied. MR. JUSTICE BLACKMUN took no part in the consideration or decision of this petition. Reported below: 561 F. 2d 152.

No. 77-843. HENSLER *v.* NICHOLS. C. A. 7th Cir. Certiorari denied. MR. JUSTICE STEVENS took no part in the consideration or decision of this petition. Reported below: 566 F. 2d 1175.

434 U. S.

February 21, 1978

No. 77-852. *ALABAMA v. CANNON*. C. A. 5th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 558 F. 2d 1211.

No. 77-857. *PATTERSON ET AL. v. MCKINNON ET AL.* C. A. 2d Cir. Motion of respondents for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 568 F. 2d 930.

No. 77-892. *STENSAKER SCHIFFAHTSGES v. WILEY ET AL.* C. A. 5th Cir. Motion of respondent Henry Wiley for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 557 F. 2d 1168.

No. 77-902. *VOLKSWAGENWERK, A. G., ET AL. v. HEAT-TRANSFER CORP.* C. A. 5th Cir. Certiorari denied. MR. JUSTICE POWELL would grant certiorari. Reported below: 553 F. 2d 964.

No. 77-909. *BYRD ET AL. v. GAIN ET AL.* C. A. 9th Cir. Certiorari denied. MR. JUSTICE STEWART would grant certiorari. Reported below: 558 F. 2d 553.

No. 77-945. *IVY ET AL., Co-ADMINISTRATORS v. MICHIGAN DEPARTMENT OF THE TREASURY.* Sup. Ct. Mich. Certiorari denied. MR. JUSTICE STEWART would grant certiorari. Reported below: 401 Mich. 340, 258 N. W. 2d 11.

No. 77-932. *BOARD OF APPEALS OF SCITUATE v. HOUSING APPEALS COMMITTEE ET AL.* Ct. App. Mass. Certiorari denied. MR. JUSTICE BRENNAN would grant certiorari.

No. 77-951. *SAVAGE ET AL. v. LERMA.* C. A. 5th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 559 F. 2d 27.

No. 77-969. *McGARRITY v. UNITED STATES.* C. A. 5th Cir. Motion to defer and certiorari denied. Reported below: 559 F. 2d 1386.

February 21, 1978

434 U.S.

No. 77-5576. *PHILLIPS v. WYRICK, WARDEN*. C. A. 8th Cir. Certiorari denied. MR. JUSTICE BRENNAN, MR. JUSTICE STEWART, and MR. JUSTICE POWELL would grant certiorari. Reported below: 558 F. 2d 489.

No. 77-5671. *DITMARS v. IDAHO*. Sup. Ct. Idaho. Certiorari denied. MR. JUSTICE BRENNAN, MR. JUSTICE WHITE, and MR. JUSTICE MARSHALL would grant certiorari. Reported below: 98 Idaho 472, 567 P. 2d 17.

No. 77-5687. *KING v. TEXAS*. Ct. Crim. App. Tex.;

No. 77-5715. *FREEMAN v. TEXAS*. Ct. Crim. App. Tex.; and

No. 77-5921. *GADDIS v. GEORGIA*. Sup. Ct. Ga. Certiorari denied. Reported below: No. 77-5687, 553 S. W. 2d 105; No. 77-5715, 556 S. W. 2d 287; No. 77-5921, 239 Ga. 238, 236 S. E. 2d 594.

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 grant certiorari and vacate the death sentences in these cases.

No. 77-5695. *MOORE v. BRIERTON, WARDEN*. C. A. 7th Cir. Certiorari denied. MR. JUSTICE BRENNAN and MR. JUSTICE MARSHALL would grant certiorari. Reported below: 560 F. 2d 288.

No. 77-5901. *WOODARD ET AL. v. WAINWRIGHT, SECRETARY, DEPARTMENT OF OFFENDER REHABILITATION OF FLORIDA*. C. A. 5th Cir. Certiorari denied. MR. JUSTICE MARSHALL would grant certiorari. Reported below: 556 F. 2d 781.

434 U. S.

February 21, 1978

*Rehearing Denied*

No. 76-5325. *BROWDER v. DIRECTOR, DEPARTMENT OF CORRECTIONS OF ILLINOIS*, *ante*, p. 257;

No. 77-26. *CHIN v. UNITED STATES*, *ante*, p. 1022;

No. 77-296. *HESTNES v. UNITED STATES*, *ante*, p. 1010;

No. 77-5428. *BRUCE v. ESTELLE, CORRECTIONS DIRECTOR*, *ante*, p. 1017;

No. 77-5431. *TYLER v. DYER, CLERK, CIRCUIT COURT OF PLATTE COUNTY*, *ante*, p. 1036;

No. 77-5591. *McCRACKEN v. UNITED STATES*, *ante*, p. 1037;

No. 77-5601. *GREENE v. HOGAN, WARDEN, ET AL.*, *ante*, p. 1018;

No. 77-5626. *DUDEK, AKA LANDERS v. UNITED STATES*, *ante*, p. 1037;

No. 77-5652. *REITER v. CITY OF KEENE ET AL.*, *ante*, p. 1019; and

No. 77-5761. *HOLSEY v. GREIF ET AL.*, *ante*, p. 1038. Petitions for rehearing denied.

No. 76-6623. *JOHNSTON ET AL. v. UNITED STATES*, 431 U. S. 942, and *ante*, p. 882. Motion for leave to file second petition for rehearing denied.

No. 77-428. *MOODY v. PAYNE, COMMISSIONER OF INSURANCE*, *ante*, p. 996;

No. 77-430. *OGLETREE ET AL. v. UNITED STATES*, *ante*, p. 985;

No. 77-5533. *KURZ ET UX. v. MICHIGAN ET AL.*, *ante*, p. 972;

No. 77-5605. *BRAUDRICK v. ESTELLE, CORRECTIONS DIRECTOR*, *ante*, p. 987; and

No. 77-5622. *STOCKING v. MARSH ET AL.*, *ante*, p. 999. Petitions for rehearing denied. MR. JUSTICE BLACKMUN took no part in the consideration or decision of these petitions.

February 21, 22, 1978

434 U. S.

No. 72-397. BONELLI CATTLE CO. ET AL. *v.* ARIZONA ET AL., 414 U. S. 313; and

No. 77-231. NACHBAUR *v.* NATIONAL LABOR RELATIONS BOARD ET AL., *ante*, p. 955. Motions for leave to file petitions for rehearing denied.

No. 77-5574. STODDARD *v.* UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF MICHIGAN, *ante*, p. 987. Motion for leave to file petition for rehearing denied. MR. JUSTICE BLACKMUN took no part in the consideration or decision of this motion.

FEBRUARY 22, 1978

*Miscellaneous Order*

No. A-695. IN RE NORTHERN. This application for stay of the mandate of the Tennessee Court of Appeals, Middle Section, was presented to MR. JUSTICE STEWART as Circuit Justice on February 16, 1978, and referred by him to the Conference. Whereupon the Court requested the State to file an expedited response to the application by noon, February 21, 1978. The response was received in due course and a special conference was called to consider the matter. It is hereby ordered that the application be denied. THE CHIEF JUSTICE and MR. JUSTICE BLACKMUN dissent and would grant the stay.

OPINIONS OF INDIVIDUAL JUSTICES IN  
CHAMBERS

CALIFANO, SECRETARY OF HEALTH, EDUCATION,  
AND WELFARE v. MOORE et al.

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REPORTER'S NOTE

The next page is purposely numbered 1301. The numbers between 1090 and 1301 were intentionally omitted, in order to make it possible to publish in-chambers opinions with *permanent* page numbers, thus making the official citations available upon publication of the preliminary prints of the United States Reports.

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United States Court of Appeals, Circuit Judges  
Schenck v. Board of Pub. Hlth, 109 F. Supp. 191 (1952), appealed to the Supreme Court by the Secretary of Health, Education, and Welfare, from an order suspending federal Medicaid funds for abortions. In the instant case, the United States Court of Appeals for the Second Circuit, Division of New York, enjoined operation of the law. On June 25, 1977, the Court entered the following order:

"The judgment is vacated and the cause is remanded to the United States Court of Appeals for the Second Circuit, Division of New York for further consideration in light of *Planned Parenthood v. Casey*, 428 U. S. 484 (1977), and *Planned Parenthood v. Danforth*, 428 U. S. 286 (1977).", *See also* U. S. 896.

For an application for:

entry of execution of the Court's order, see the Justice's report's injunction of Section 100 of Title I of the Law 93-532 (the Hyde Amendment) and/or, in the alternative for a stay as follows:

February 21, 23, 1978

224 U.S.

No. 77-307. *Brown's Carrie Co. v. Amazechuk et al.*, 414 U.S. 310; and

No. 77-381. *Nakayama v. National Labor Relations Board et al.*, ante, p. 955. Motions for leave to file petitions for rehearing denied.

No. 77-382. *Brookman v. United States District Court for the Southern District of Tennessee*, ante, p. 955. Motion for leave to file petition for rehearing denied. Mr. Justice Blackmun took no part in the consideration or decision of this motion.

At a meeting of the Conference of Justices held on February 21, 1978, a copy of the application for rehearing in *Brookman v. United States District Court for the Southern District of Tennessee*, ante, p. 955, the mandate of the Tennessee Court of Appeals, Middle Section, was presented to Mr. Justice Stewart as Circuit Justice on February 16, 1978, and referred by him to the Conference. Whereupon the Court requested the State to file an expedited response to the application by noon, February 23, 1978. The response was received in due course and a special conference was called to consider the matter. It is hereby ordered that the application be denied. The Circuit Justice and Mr. Justice Blackmun dissent and would grant the application.