

ORDERS FROM FEBRUARY 21 THROUGH
APRIL 13, 1979

FEBRUARY 21, 1979

Appeals Dismissed

No. 78-669. ELLSWORTH FREIGHT LINES, INC., ET AL. *v.* MISSOURI HIGHWAY RECIPROCITY COMMISSION ET AL. Appeal from Sup. Ct. Mo. dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari denied. Reported below: 568 S. W. 2d 521.

No. 78-809. WALTON *v.* SMALL BUSINESS ADMINISTRATION. 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: 578 F. 2d 1372.

No. 78-1024. STRONGIN *v.* NYQUIST, COMMISSIONER OF EDUCATION OF NEW YORK, ET AL. Appeal from Ct. App. N. Y. dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari denied. Reported below: 44 N. Y. 2d 943, 380 N. E. 2d 150.

No. 78-1048. MURPHY *v.* PENNSYLVANIA STATE BOARD OF BAR EXAMINERS ET AL. Appeal from Sup. Ct. Pa. dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari denied. Reported below: 482 Pa. 43, 393 A. 2d 369.

No. 78-883. NEWMAN SIGNS, INC. *v.* HJELLE, STATE HIGHWAY COMMISSIONER OF NORTH DAKOTA, ET AL. Appeal from Sup. Ct. N. D. dismissed for want of substantial federal question. Reported below: 268 N. W. 2d 741.

February 21, 1979

440 U.S.

No. 78-955. *CONDOSTA v. CONDOSTA*. Appeal from Sup. Ct. Vt. dismissed for want of substantial federal question. Reported below: 136 Vt. 360, 395 A. 2d 345.

No. 78-1010. *CITY OF MOUNTAIN VIEW, GEORGIA, ET AL. v. CLAYTON COUNTY, GEORGIA, ET AL.* Appeal from Sup. Ct. Ga. dismissed for want of substantial federal question. Reported below: 242 Ga. 163, 249 S. E. 2d 541.

No. 78-1077. *VALLEY INTERNATIONAL PROPERTIES, INC. v. LOS CAMPEONES, INC.* Appeal from Ct. Civ. App. Tex., 13th Sup. Jud. Dist., dismissed for want of substantial federal question. Reported below: 568 S. W. 2d 680.

No. 78-1056. *LOGAN ET AL. v. STRICKLAND, REVENUE COMMISSIONER OF GEORGIA, ET AL.* Appeal from Sup. Ct. Ga. dismissed as moot. Reported below: 242 Ga. 163, 249 S. E. 2d 541.

Miscellaneous Orders

No. 81, Orig. *KENTUCKY v. INDIANA ET AL.* Motion for leave to file bill of complaint granted and defendants allowed 60 days in which to answer.

No. A-631 (78-1086). *ETCHIESON v. TEXAS*. Ct. Crim. App. Tex. Application for stay, addressed to MR. JUSTICE MARSHALL and referred to the Court, denied.

No. A-643. *KLINE ET AL. v. PYMS SUCHMAN REAL ESTATE CO. ET AL.* Sup. Ct. Fla. Application for stay, addressed to MR. JUSTICE MARSHALL and referred to the Court, denied.

No. A-682 (78-1189). *FADDEN v. MASSACHUSETTS*. Sup. Jud. Ct. Mass. Application for stay, presented to MR. JUSTICE BRENNAN, and by him referred to the Court, denied.

No. A-710. *SNYDER v. UNITED STATES*. C. A. 6th Cir. Application for stay, addressed to MR. JUSTICE STEWART and referred to the Court, denied.

440 U. S.

February 21, 1979

No. D-138. *IN RE DISBARMENT OF MUELLER*. Disbarment entered. [For earlier order herein, see 439 U. S. 906.]

No. D-159. *IN RE DISBARMENT OF RATCLIFF*. It is ordered that Elijah W. Ratcliff, of Livingston, Tex., 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. 77-983. *WASHINGTON ET AL. v. WASHINGTON STATE COMMERCIAL PASSENGER FISHING VESSEL ASSN. ET AL.*; and *WASHINGTON ET AL. v. PUGET SOUND GILLNETTERS ASSN. ET AL.* Sup. Ct. Wash.;

No. 78-119. *WASHINGTON ET AL. v. UNITED STATES ET AL.*; and

No. 78-139. *PUGET SOUND GILLNETTERS ASSN. ET AL. v. UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF WASHINGTON (UNITED STATES ET AL., REAL PARTIES IN INTEREST)*. C. A. 9th Cir. [Certiorari granted, 439 U. S. 909.] Motions of American Friends Service Committee et al., Nez Perce Tribe of Idaho, and American Civil Liberties Union et al. for leave to file briefs as *amici curiae* granted.

No. 77-6673. *BROWN v. TEXAS*. County Ct. at Law No. 2, El Paso County. [Probable jurisdiction noted, 439 U. S. 909.] Motion of California for divided argument denied.

No. 78-91. *JONES ET AL. v. WOLF ET AL.* Sup. Ct. Ga. [Certiorari granted, 439 U. S. 891.] Motion of respondents for leave to file supplemental brief after argument granted.

No. 78-233. *PERSONNEL ADMINISTRATOR OF MASSACHUSETTS ET AL. v. FEENEY*. D. C. Mass. [Probable jurisdiction noted, 439 U. S. 891.] Motion of Office of Personnel Management et al. for leave to file a brief as *amici curiae* granted.

No. 78-275. *OSCAR MAYER & Co., ET AL. v. EVANS*. C. A. 8th Cir. [Certiorari granted, 439 U. S. 925.] Motion of the Solicitor General for divided argument granted.

February 21, 1979

440 U. S.

No. 78-329. BELLOTTI, ATTORNEY GENERAL OF MASSACHUSETTS, ET AL. *v.* BAIRD ET AL.; and

No. 78-330. HUNERWADEL *v.* BAIRD ET AL. D. C. Mass. [Probable jurisdiction noted, 439 U. S. 925.] Motion of Planned Parenthood Federation of America, Inc., et al. for leave to file a brief as *amici curiae* granted. Petition for rehearing of order denying appointment of Alan Ernest as counsel or guardian *ad litem* for unborn children, 439 U. S. 1065, denied.

No. 78-349. UNITED STATES *v.* HELSTOSKI; and

No. 78-546. HELSTOSKI *v.* MEANOR, U. S. DISTRICT JUDGE, ET AL. C. A. 3d Cir. [Certiorari granted, 439 U. S. 1045.] Motion of Thomas P. O'Neill, Jr., et al. for leave to file a brief as *amicus curiae* granted.

No. 78-625. ANDRUS, SECRETARY OF THE INTERIOR, ET AL. *v.* SIERRA CLUB ET AL. C. A. D. C. Cir. [Certiorari granted, 439 U. S. 1065.] Motion of respondents to dispense with printing appendix granted.

No. 78-808. CALIFANO, SECRETARY OF HEALTH, EDUCATION, AND WELFARE *v.* BOLES ET AL. D. C. W. D. Tex. [Probable jurisdiction noted, 439 U. S. 1126.] Motion to dispense with printing appendix granted.

No. 78-986. ARKANSAS LOUISIANA GAS CO. *v.* HALL ET AL. Ct. App. La., 2d Cir. The Solicitor General is invited to file a brief in this case expressing the views of the United States.

No. 78-6034. SZIJARTO *v.* CALIFORNIA; and

No. 78-6125. GIBSON ET AL. *v.* WAINWRIGHT, DIRECTOR, DEPARTMENT OF OFFENDER REHABILITATION OF FLORIDA. Motions for leave to file petitions for writs of habeas corpus denied.

No. 78-1105. NASSAR & Co., INC., ET AL. *v.* UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT ET AL. Motion for leave to file petition for writ of mandamus and other relief denied.

440 U. S.

February 21, 1979

No. 78-1038. KUBERT *v.* SUPREME COURT OF PENNSYLVANIA;

No. 78-5858. SHAW *v.* FISHER, U. S. DISTRICT JUDGE, ET AL.; and

No. 78-5938. KIBERT *v.* UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT. Motions for leave to file petitions for writs of mandamus denied.

No. 78-5886. ABU-BAKR *v.* SPRECHER, U. S. CIRCUIT JUDGE, ET AL. Motion for leave to file petition for writ of mandamus and/or prohibition denied.

No. 78-5864. MORROW *v.* KESSLER, JUDGE. Motion for leave to file petition for writ of prohibition denied.

Probable Jurisdiction Noted or Postponed

No. 78-740. ANDRUS, SECRETARY OF THE INTERIOR, ET AL. *v.* ALLARD ET AL. Appeal from D. C. Colo. Probable jurisdiction noted.

No. 78-630. WASHINGTON ET AL. *v.* CONFEDERATED TRIBES OF THE COLVILLE INDIAN RESERVATION ET AL.; and WASHINGTON *v.* UNITED STATES ET AL. Appeals from D. C. E. D. Wash. Further consideration of question of jurisdiction postponed to hearing of case on the merits. Reported below: 446 F. Supp. 1339.

No. 78-952. RUSH ET AL. *v.* SAVCHUK. Appeal from Sup. Ct. Minn. Probable jurisdiction noted and case set for oral argument with No. 78-1078, *World-Wide Volkswagen Corp. v. Woodson* [certiorari granted, *infra*, p. 907]. Reported below: 272 N. W. 2d 888.

Certiorari Granted

No. 78-873. BOARD OF EDUCATION OF THE CITY SCHOOL DISTRICT OF THE CITY OF NEW YORK ET AL. *v.* CALIFANO, SECRETARY OF HEALTH, EDUCATION, AND WELFARE, ET AL. C. A. 2d Cir. Certiorari granted. Reported below: 584 F. 2d 576.

February 21, 1979

440 U.S.

No. 78-1014. UNITED STATES *v.* KUBRICK. C. A. 3d Cir. Certiorari granted. Reported below: 581 F. 2d 1092.

No. 77-1819. VAUGHN ET AL. *v.* VERMILION CORP. Ct. App. La., 3d Cir. Certiorari granted and case set for oral argument with No. 78-738, *Kaiser Aetna v. United States*, immediately *infra*. Reported below: 356 So. 2d 551.

No. 78-738. KAISER AETNA ET AL. *v.* UNITED STATES. C. A. 9th Cir. Certiorari granted and case set for oral argument with No. 77-1819, *Vaughn v. Vermilion Corp.*, immediately *supra*. Reported below: 584 F. 2d 378.

No. 78-857. NATIONAL LABOR RELATIONS BOARD *v.* YESHIVA UNIVERSITY; and

No. 78-997. YESHIVA UNIVERSITY FACULTY ASSN. *v.* YESHIVA UNIVERSITY. C. A. 2d Cir. Certiorari granted, cases consolidated, and a total of one hour allotted for oral argument. Reported below: 582 F. 2d 686.

No. 78-911. INDUSTRIAL UNION DEPARTMENT, AFL-CIO *v.* AMERICAN PETROLEUM INSTITUTE ET AL.; and

No. 78-1036. MARSHALL, SECRETARY OF LABOR *v.* AMERICAN PETROLEUM INSTITUTE ET AL. C. A. 5th Cir. Certiorari granted, cases consolidated, and a total of one hour allotted for oral argument. Reported below: 581 F. 2d 493.

No. 78-253. ESTES ET AL. *v.* METROPOLITAN BRANCHES OF THE DALLAS NAACP ET AL.;

No. 78-282. CURRY ET AL. *v.* METROPOLITAN BRANCHES OF THE DALLAS NAACP ET AL.; and

No. 78-283. BRINEGAR ET AL. *v.* METROPOLITAN BRANCHES OF THE DALLAS NAACP ET AL. C. A. 5th Cir. Motion of respondents Tasby et al. for leave to proceed *in forma pauperis* in No. 78-253 granted. Certiorari granted, cases consolidated, and a total of one hour allotted for oral argument. MR. JUSTICE MARSHALL took no part in the consideration or decision of this motion and these petitions. Reported below: 572 F. 2d 1010.

440 U. S.

February 21, 1979

No. 78-1078. *WORLD-WIDE VOLKSWAGEN CORP. ET AL. v. WOODSON, JUDGE, ET AL.* Sup. Ct. Okla. Certiorari granted and case set for oral argument with No. 78-952, *Rush v. Savchuk* [probable jurisdiction noted, *supra*, p. 905]. Reported below: 585 P. 2d 351.

No. 78-777. *UNITED STATES v. CREWS.* Ct. App. D. C. Motion of respondent for leave to proceed *in forma pauperis* and certiorari granted. Reported below: 389 A. 2d 277.

No. 78-5981. *FERRI v. ACKERMAN.* Sup. Ct. Pa. Motion of petitioner for leave to proceed *in forma pauperis* and certiorari granted. Reported below: 483 Pa. 90, 394 A. 2d 553.

Certiorari Denied. (See also Nos. 78-669, 78-809, 78-1024, and 78-1048, *supra*.)

No. 77-1866. *BOSWELL ET AL. v. GEORGIA POWER CO. ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 563 F. 2d 1178.

No. 78-524. *AZHOCAR v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 581 F. 2d 735.

N. 78-591. *HARELSON v. UNITED STATES;*

No. 78-638. *LIPPER ET AL. v. UNITED STATES;* and

No. 78-769. *JOHNSON v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 575 F. 2d 1347.

No. 78-612. *SCHULMAN, DIRECTOR OF LAW, CITY OF CLEVELAND v. TEGREENE, DIRECTOR OF FINANCE, CITY OF CLEVELAND.* Sup. Ct. Ohio. Certiorari denied. Reported below: 55 Ohio St. 2d 22, 377 N. E. 2d 1003.

No. 78-622. *CLEMENT ET UX. v. UNITED STATES.* Ct. Cl. Certiorari denied. Reported below: 217 Ct. Cl. 495, 580 F. 2d 422.

No. 78-624. *POWELL v. ILLINOIS.* Sup. Ct. Ill. Certiorari denied. Reported below: 72 Ill. 2d 50, 377 N. E. 2d 803.

February 21, 1979

440 U. S.

No. 78-640. *ABELES v. ELROD, SHERIFF*. C. A. 7th Cir. Certiorari denied. Reported below: 588 F. 2d 832.

No. 78-692. *PRO ARTS, INC., ET AL. v. FACTORS ETC., INC., ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 579 F. 2d 215.

No. 78-728. *DiPAOLA v. MITCHELL, WARDEN, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 581 F. 2d 1111.

No. 78-733. *POE v. MITCHELL*. C. A. 6th Cir. Certiorari denied. Reported below: 582 F. 2d 1280.

No. 78-736. *DICK MEYERS TOWING SERVICE, INC. v. UNITED STATES ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 577 F. 2d 1023.

No. 78-737. *HONGISTO, SHERIFF, ET AL. v. GLEN ET AL.* C. A. 9th Cir. Certiorari denied.

No. 78-742. *GRIGSBY v. DEPARTMENT OF ENERGY ET AL.* Temp. Emerg. Ct. App. Certiorari denied. Reported below: 585 F. 2d 1069.

No. 78-743. *RIZZO v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 583 F. 2d 907.

No. 78-779. *EDELSON v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 581 F. 2d 1290.

No. 78-780. *SHOVEA v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 580 F. 2d 1382.

No. 78-783. *REECE v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 578 F. 2d 1386.

No. 78-784. *MORENO v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 579 F. 2d 371.

No. 78-788. *ESQUIRE, INC. v. RINGER, REGISTER OF COPYRIGHTS*. C. A. D. C. Cir. Certiorari denied. Reported below: — U. S. App. D. C. —, 591 F. 2d 796.

440 U.S.

February 21, 1979

No. 78-791. *GREENBLATT v. UNITED STATES*; and
No. 78-896. *BROWN v. UNITED STATES*. C. A. 3d Cir.
Certiorari denied. Reported below: 583 F. 2d 659.

No. 78-800. *KESTENBAUM v. FALSTAFF BREWING CORP.*
C. A. 5th Cir. Certiorari denied. Reported below: 575 F. 2d
564.

No. 78-802. *BULLOCK v. UNITED STATES*; and
No. 78-803. *KEHOE v. UNITED STATES*. C. A. 5th Cir.
Certiorari denied. Reported below: 573 F. 2d 335 and 579
F. 2d 971.

No. 78-806. *HANKINS v. UNITED STATES ET AL.* C. A. 5th
Cir. Certiorari denied. Reported below: 565 F. 2d 1344
and 581 F. 2d 431.

No. 78-812. *HOFFER v. CAMPBELL, CHAIRMAN, UNITED
STATES CIVIL SERVICE COMMISSION, ET AL.* C. A. D. C. Cir.
Certiorari denied. Reported below: 189 U. S. App. D. C. 197,
581 F. 2d 975.

No. 78-818. *TENNESSEE-CAROLINA TRANSPORTATION, INC.
v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 6th Cir.
Certiorari denied. Reported below: 582 F. 2d 378.

No. 78-819. *FROMMHAGEN v. UNITED STATES*. Ct. Cl.
Certiorari denied. Reported below: 216 Ct. Cl. 1, 573 F.
2d 52.

No. 78-820. *REPUBLIC STEEL CORP. v. COSTLE, ADMINIS-
TRATOR, ENVIRONMENTAL PROTECTION AGENCY, ET AL.* C. A.
6th Cir. Certiorari denied. Reported below: 581 F. 2d 1228.

No. 78-823. *DRAKE ET UX. v. UNITED STATES ET AL.* C. A.
9th Cir. Certiorari denied.

No. 78-825. *GRANBERG v. UNITED STATES*. C. A. 9th Cir.
Certiorari denied. Reported below: 580 F. 2d 1054.

February 21, 1979

440 U.S.

No. 78-826. *MOSHER v. MARKEY*, CHIEF JUDGE, U. S. COURT OF CUSTOMS AND PATENT APPEALS, ET AL. C. C. P. A. Certiorari denied.

No. 78-831. *RINGQUIST v. CHAIRMAN*, MERIT SYSTEMS PROTECTION BOARD, ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 582 F. 2d 1138.

No. 78-832. *EVANS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 574 F. 2d 1287.

No. 78-833. *BROWN ET AL. v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 584 F. 2d 252.

No. 78-835. *SAETTELE v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 585 F. 2d 307.

No. 78-837. *FATICO ET AL. v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 591 F. 2d 1332.

No. 78-838. *HOSPITAL & INSTITUTIONAL WORKERS LOCAL 250, SEIU, AFL-CIO v. MERCY HOSPITALS OF SACRAMENTO, INC., ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 589 F. 2d 968.

No. 78-842. *TOM'S FORD, INC. v. NATIONAL LABOR RELATIONS BOARD*. C. A. 3d Cir. Certiorari denied. Reported below: 582 F. 2d 1276.

No. 78-843. *SANTONI v. UNITED STATES*; and

No. 78-944. *JAKUBIK v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 585 F. 2d 667.

No. 78-847. *MARTIN v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 587 F. 2d 31.

No. 78-849. *ZIZZO v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 588 F. 2d 835.

No. 78-852. *LIBRACH v. FEDERAL BUREAU OF INVESTIGATION ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 587 F. 2d 372.

440 U.S.

February 21, 1979

No. 78-854. *HUTUL v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 582 F. 2d 1155.

No. 78-856. *AERO TRUCKING, INC. v. C & H TRANSPORTATION Co., INC., ET AL.* C. A. D. C. Cir. Certiorari denied. Reported below: 191 U. S. App. D. C. 42, 589 F. 2d 565.

No. 78-858. *MATHES ET UX. v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 5th Cir. Certiorari denied. Reported below: 576 F. 2d 70.

No. 78-863. *TRIPLE A MACHINE SHOP ET AL. v. DIRECTOR, OFFICE OF WORKERS' COMPENSATION PROGRAMS, U. S. DEPARTMENT OF LABOR, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 580 F. 2d 1331.

No. 78-871. *SHANNON v. WATERHOUSE ET AL., EXECUTORS*. Sup. Ct. Hawaii. Certiorari denied. Reported below: 58 Haw. 4, 563 P. 2d 391.

No. 78-875. *BLAKE CONSTRUCTION Co., INC. v. ALLIANCE PLUMBING & HEATING Co., INC., ET AL.* Ct. App. D. C. Certiorari denied. Reported below: 388 A. 2d 1217.

No. 78-884. *PUMPHREY v. OREGON*. Ct. App. Ore. Certiorari denied. Reported below: 33 Ore. App. 1, 575 P. 2d 178.

No. 78-886. *WESLEY-JESSEN, INC., ET AL. v. ARIAS*. C. A. 7th Cir. Certiorari denied.

No. 78-889. *CITY OF IMPACT ET AL. v. WHITWORTH, DBA DINKIE'S FOOD MART*. C. A. 5th Cir. Certiorari denied. Reported below: 576 F. 2d 696.

No. 78-890. *LEVITT ET AL. v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 582 F. 2d 1290.

No. 78-892. *GARDNER v. ARKANSAS*. Sup. Ct. Ark. Certiorari denied. Reported below: 263 Ark. 739, 569 S. W. 2d 74.

February 21, 1979

440 U. S.

No. 78-894. *IRVIN ET AL. v. GREENSBORO-HIGH POINT AIRPORT AUTHORITY*. Ct. App. N. C. Certiorari denied. Reported below: 36 N. C. App. 662, 245 S. E. 2d 390.

No. 78-899. *McCOLLUM ET AL. v. STAHL, SHERIFF*. C. A. 4th Cir. Certiorari denied. Reported below: 579 F. 2d 869.

No. 78-900. *PAYNE v. OHIO*. Ct. App. Ohio, Cuyahoga County. Certiorari denied.

No. 78-903. *EATON, DBA EATON CONSTRUCTION v. UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MONTANA (NATIONAL STEEL PRODUCTS Co., REAL PARTY IN INTEREST)*. C. A. 9th Cir. Certiorari denied.

No. 78-909. *CITY OF CINCINNATI, OHIO v. PUBLIC UTILITIES COMMISSION OF OHIO ET AL.* Sup. Ct. Ohio. Certiorari denied. Reported below: 55 Ohio St. 2d 168, 378 N. E. 2d 729.

No. 78-912. *OSKOU v. UNIVERSITY OF PITTSBURGH ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 582 F. 2d 1275.

No. 78-914. *BARRETT v. STATE MUTUAL LIFE ASSURANCE Co.* Ct. App. N. Y. Certiorari denied. Reported below: 44 N. Y. 2d 872, 378 N. E. 2d 1047.

No. 78-916. *OCEAN DRILLING & EXPLORATION Co. v. QUALITY EQUIPMENT, INC.* C. A. 5th Cir. Certiorari denied. Reported below: 577 F. 2d 273.

No. 78-920. *GENERAL CRUDE OIL Co. v. DEPARTMENT OF ENERGY ET AL.* Temp. Emerg. Ct. App. Certiorari denied. Reported below: 585 F. 2d 508.

No. 78-923. *INSURANCE COMPANY OF NORTH AMERICA v. INDEX FUND, INC.* C. A. 2d Cir. Certiorari denied. Reported below: 580 F. 2d 1158.

440 U.S.

February 21, 1979

No. 78-924. ASSOCIATED STUDENTS OF THE UNIVERSITY OF ARIZONA ET AL. *v.* ARIZONA BOARD OF REGENTS. Ct. App. Ariz. Certiorari denied. Reported below: 120 Ariz. 100, 584 P. 2d 564.

No. 78-926. JACKSON *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 586 F. 2d 832.

No. 78-929. VILLAGE OF MAYWOOD ET AL. *v.* STERLING ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 579 F. 2d 1350.

No. 78-932. ZIMMERMAN *v.* SECURITIES AND EXCHANGE COMMISSION. C. A. D. C. Cir. Certiorari denied. Reported below: 190 U. S. App. D. C. 252, 587 F. 2d 1149.

No. 78-935. JOHNSON *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 582 F. 2d 40.

No. 78-936. ATLAS TACK CORP. *v.* MAHONEY ET AL. C. A. 1st Cir. Certiorari denied. Reported below: 581 F. 2d 1.

No. 78-939. PALMIERI *v.* LEFEVRE CORRECTIONAL SUPER-INTENDENT. C. A. 2d Cir. Certiorari denied. Reported below: 584 F. 2d 973.

No. 78-941. JAGGARD ET UX. *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 8th Cir. Certiorari denied. Reported below: 582 F. 2d 1189.

No. 78-942. UNITED STATES FIDELITY & GUARANTY CO. *v.* LORD, U. S. DISTRICT JUDGE, ET AL. C. A. 8th Cir. Certiorari denied. Reported below: 585 F. 2d 860.

No. 78-949. LOWITT *v.* NEW JERSEY. Super. Ct. N. J. Certiorari denied.

No. 78-951. MORTON *v.* MORTON. Ct. App. Cal., 2d App. Dist. Certiorari denied.

February 21, 1979

440 U.S.

No. 78-957. *BACHE HALSEY STUART, INC., ET AL. v. COMMERCIAL IRON & METAL Co.* C. A. 10th Cir. Certiorari denied. Reported below: 581 F. 2d 246.

No. 78-958. *CITY OF FAIRFAX, VIRGINIA v. WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 582 F. 2d 1321.

No. 78-962. *PURVIS ET AL. v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 580 F. 2d 853.

No. 78-965. *FARRELL ET AL. v. CAREY, GOVERNOR OF NEW YORK, ET AL.* Ct. App. N. Y. Certiorari denied. Reported below: 45 N. Y. 2d 832, 381 N. E. 2d 610.

No. 78-967. *DiPIRO v. TAFT, MAYOR OF CRANSTON, ET AL.* C. A. 1st Cir. Certiorari denied. Reported below: 584 F. 2d 1.

No. 78-975. *POSEY v. SOUTH CAROLINA.* Sup. Ct. S. C. Certiorari denied.

No. 78-989. *JONES v. CITY OF MEMPHIS ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 586 F. 2d 622.

No. 78-991. *BEL MARIN ENTERPRISES, INC., ET AL. v. BEL MARIN KEYS COMMUNITY SERVICES DISTRICT ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 582 F. 2d 477.

No. 78-992. *ANAHEIM OPERATING, INC., DBA SHERATON ANAHEIM HOTEL, ET AL. v. HOTEL & RESTAURANT EMPLOYEES & BARTENDERS UNION, LOCAL 681, AFL-CIO.* Ct. App. Cal., 4th App. Dist. Certiorari denied. Reported below: 82 Cal. App. 3d 737, 147 Cal. Rptr. 510.

No. 78-993. *THOMPSON v. PEOPLE'S LIBERTY BANK & TRUST Co. ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 586 F. 2d 844.

440 U. S.

February 21, 1979

No. 78-994. *ALTBAUM v. CALIFORNIA*. Ct. App. Cal., 4th App. Dist. Certiorari denied.

No. 78-995. *ALTBAUM v. CALIFORNIA*. Ct. App. Cal., 4th App. Dist. Certiorari denied.

No. 78-1000. *BLAKENEY ET AL. v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 59 Ill. App. 3d 119, 375 N. E. 2d 1309.

No. 78-1003. *YOFFE v. KELLER INDUSTRIES, INC., ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 580 F. 2d 126 and 582 F. 2d 982.

No. 78-1009. *ECONOMY CARPETS MANUFACTURERS & DISTRIBUTORS, INC. v. BETTER BUSINESS BUREAU OF BATON ROUGE AREA, INC., ET AL.* Ct. App. La., 1st Cir. Certiorari denied. Reported below: 361 So. 2d 234.

No. 78-1011. *BOYCE v. BONDED ADJUSTMENT ASSOCIATES, INC.* Ct. Sp. App. Md. Certiorari denied.

No. 78-1012. *NEWPORT NEWS SHIPBUILDING & DRY DOCK CO. v. DIRECTOR, OFFICE OF WORKERS' COMPENSATION PROGRAMS, U. S. DEPARTMENT OF LABOR, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 583 F. 2d 1273.

No. 78-1016. *GREENBERG v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 591 F. 2d 1332.

No. 78-1020. *ROESCH v. ROESCH*. Ct. App. Cal., 1st App. Dist. Certiorari denied. Reported below: 83 Cal. App. 3d 96, 147 Cal. Rptr. 586.

No. 78-1021. *ALFANO v. ILLINOIS JUDICIAL INQUIRY BOARD ET AL.* Sup. Ct. Ill. Certiorari denied. Reported below: 72 Ill. 2d 225, 380 N. E. 2d 801.

No. 78-1023. *McMILLON v. RONEY*. C. A. 7th Cir. Certiorari denied. Reported below: 588 F. 2d 835.

February 21, 1979

440 U. S.

No. 78-1027. ILLINOIS HOSPITAL & HEALTH SERVICES, INC. *v.* AURAND, TREASURER AND COUNTY COLLECTOR OF WINNEBAGO COUNTY. App. Ct. Ill., 2d Dist. Certiorari denied. Reported below: 58 Ill. App. 3d 79, 373 N. E. 2d 1021.

No. 78-1028. FRIEDLAND *v.* INDIANA BELL TELEPHONE Co., INC. Ct. App. Ind. Certiorari denied. Reported below: — Ind. App. —, 373 N. E. 2d 344.

No. 78-1029. MITCHELL ET AL. *v.* ILLINOIS. App. Ct. Ill., 2d Dist. Certiorari denied. Reported below: 60 Ill. App. 3d 598, 376 N. E. 2d 1036.

No. 78-1031. AU *v.* KELLY ET AL., TRUSTEES, DBA FINANCIAL PLAZA OF THE PACIFIC. Sup. Ct. Hawaii. Certiorari denied.

No. 78-1032. HUDKINS, STATE FARM SUPERINTENDENT, ET AL. *v.* BUISE. C. A. 7th Cir. Certiorari denied. Reported below: 584 F. 2d 223.

No. 78-1034. EVANS *v.* ANDREJKO ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 586 F. 2d 834.

No. 78-1037. STAR CHOPPER Co., INC. *v.* ROY ET AL. C. A. 1st Cir. Certiorari denied. Reported below: 584 F. 2d 1124.

No. 78-1040. HOPEDALE MEDICAL FOUNDATION *v.* TAZE-WELL COUNTY COLLECTOR. App. Ct. Ill., 3d Dist. Certiorari denied. Reported below: 59 Ill. App. 3d 816, 375 N. E. 2d 1376.

No. 78-1042. SPINKA, DBA NORTH GRAND DENTAL LABORATORY, ET AL. *v.* WATSON, DIRECTOR, DEPARTMENT OF REGISTRATION AND EDUCATION OF ILLINOIS, ET AL. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 58 Ill. App. 3d 729, 374 N. E. 2d 787.

440 U. S.

February 21, 1979

No. 78-1045. *CANNES ET AL. v. ILLINOIS*. App. Ct. Ill., 2d Dist. Certiorari denied. Reported below: 61 Ill. App. 3d 865, 378 N. E. 2d 552.

No. 78-1046. *GIRARD ET AL. v. SCHWEITZER, SHERIFF*. C. A. 8th Cir. Certiorari denied.

No. 78-1050. *GIANARIS v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. Reported below: 191 U. S. App. D. C. 212, 589 F. 2d 1116.

No. 78-1053. *SOCIALIST LABOR PARTY v. CITY OF GLENDALE*. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 78-1057. *WILLIAMS v. GEORGIA*. Ct. App. Ga. Certiorari denied. Reported below: 147 Ga. App. 395, 249 S. E. 2d 110.

No. 78-1059. *BEAGLEY v. ANDEL ET AL.* App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 58 Ill. App. 3d 588, 374 N. E. 2d 929.

No. 78-1065. *WRIGHT v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 588 F. 2d 31.

No. 78-1074. *KARGE ET AL. v. MILNES*. C. A. 7th Cir. Certiorari denied.

No. 78-1096. *SORBARA ET AL. v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 588 F. 2d 824.

No. 78-1097. *WEISKOPF ET UX. v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 594 F. 2d 853.

No. 78-1106. *THERIAULT v. SILBER, DIRECTOR, U. S. CHAPLAIN SERVICE, ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 574 F. 2d 197.

No. 78-1120. *OLSEN v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 589 F. 2d 351.

February 21, 1979

440 U.S.

No. 78-1135. *STRAHL v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 590 F. 2d 10.

No. 78-5057. *THOMAS v. O'GRADY*. C. A. 2d Cir. Certiorari denied.

No. 78-5553. *CARTERA v. GILLIAM ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 577 F. 2d 733.

No. 78-5576. *KIRK v. HOWARD ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 577 F. 2d 735.

No. 78-5590. *KUSH v. UNITED STATES*; and

No. 78-5793. *TARNOWSKI v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 583 F. 2d 903.

No. 78-5593. *KING v. BREWER, WARDEN*. C. A. 8th Cir. Certiorari denied. Reported below: 577 F. 2d 435.

No. 78-5598. *GAERTNER v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 583 F. 2d 308.

No. 78-5601. *RUTHERFORD v. BLANKENSHIP, CORRECTIONAL SUPERINTENDENT, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 580 F. 2d 1049.

No. 78-5615. *GRANDISON v. WARDEN, MARYLAND HOUSE OF CORRECTION, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 580 F. 2d 1231.

No. 78-5623. *BERRIOS v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 584 F. 2d 974.

No. 78-5639. *MONGER v. UNITED STATES*;

No. 78-5640. *STEWART v. UNITED STATES*;

No. 78-5641. *JOHNSON v. UNITED STATES*;

No. 78-5664. *STEWART v. UNITED STATES*;

No. 78-5765. *JACKSON v. UNITED STATES*; and

No. 78-5854. *MORROW v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 584 F. 2d 148.

440 U. S.

February 21, 1979

No. 78-5635. *O'QUINN v. ESTELLE*, CORRECTIONS DIRECTOR. C. A. 5th Cir. Certiorari denied. Reported below: 574 F. 2d 1208.

No. 78-5643. *CHORIER v. UNITED STATES*; and

No. 78-5715. *UMBERS v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 586 F. 2d 833.

No. 78-5645. *GAUTAM v. FIRST NATIONAL CITY BANK*. C. A. 2d Cir. Certiorari denied. Reported below: 573 F. 2d 1290.

No. 78-5648. *FINNEGAN v. WASHINGTON*. Ct. App. Wash. Certiorari denied.

No. 78-5651. *HUDSON ET AL. v. RHODES ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 579 F. 2d 46.

No. 78-5661. *SANCHEZ-MURILLO v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 78-5674. *WILCHER ET AL. v. UNITED STATES*. C. A. 10th Cir. Certiorari denied.

No. 78-5675. *MALDONADO-PEREZ v. UNITED STATES*; and

No. 78-5764. *ALGAR v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: No. 78-5675, 577 F. 2d 753; No. 78-5764, 577 F. 2d 752.

No. 78-5688. *MOORE v. ILLINOIS*. C. A. 7th Cir. Certiorari denied. Reported below: 577 F. 2d 411.

No. 78-5692. *SCHWALBE ET UX. v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 586 F. 2d 836.

No. 78-5709. *MILLER v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 78-5724. *SCUDIERO v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 586 F. 2d 833.

February 21, 1979

440 U.S.

No. 78-5725. REES *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 586 F. 2d 845.

No. 78-5727. BOYD *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 578 F. 2d 1376.

No. 78-5733. BOWMAN *v.* OKLAHOMA. Ct. Crim. App. Okla. Certiorari denied. Reported below: 585 P. 2d 1373.

No. 78-5744. LEVY *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 579 F. 2d 1332.

No. 78-5745. PORTER *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 78-5753. PATTERSON *v.* RIDDLE, PENITENTIARY SUPERINTENDENT, ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 586 F. 2d 838.

No. 78-5755. SWANSON *v.* CALIFANO, SECRETARY OF HEALTH, EDUCATION, AND WELFARE. C. A. 5th Cir. Certiorari denied.

No. 78-5758. MARSILI *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 78-5762. LUCK *v.* JACKSON, CORRECTIONS DIRECTOR, ET AL. C. A. D. C. Cir. Certiorari denied.

No. 78-5774. BEECHUM *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 582 F. 2d 898.

No. 78-5775. SILMAN ET UX. *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 4th Cir. Certiorari denied. Reported below: 586 F. 2d 838.

No. 78-5776. CABRAL-AVILA ET AL. *v.* IMMIGRATION AND NATURALIZATION SERVICE. C. A. 9th Cir. Certiorari denied. Reported below: 589 F. 2d 957.

No. 78-5778. BATTLE *v.* OHIO. Ct. App. Ohio, Cuyahoga County. Certiorari denied.

440 U. S.

February 21, 1979

No. 78-5783. *HARRIS v. UNITED STATES*. C. A. 6th-Cir. Certiorari denied. Reported below: 586 F. 2d 845.

No. 78-5784. *GIBSON v. MISSOURI PACIFIC RAILROAD Co. ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 579 F. 2d 890.

No. 78-5785. *COLEMAN v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 588 F. 2d 831.

No. 78-5789. *BROWNING v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 586 F. 2d 844.

No. 78-5791. *BELCHER v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 588 F. 2d 823.

No. 78-5792. *JOHNSON v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 585 F. 2d 374.

No. 78-5801. *DREITZLER v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 577 F. 2d 539.

No. 78-5803. *BRACKETT v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 582 F. 2d 1027.

No. 78-5820. *JONES v. BALKCOM, WARDEN*. C. A. 5th Cir. Certiorari denied.

No. 78-5826. *JENKINS v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 586 F. 2d 635.

No. 78-5829. *MIKKA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 586 F. 2d 152.

No. 78-5834. *SEARP v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 586 F. 2d 1117.

No. 78-5836. *ZILKA v. BAKER ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 580 F. 2d 1051.

No. 78-5837. *HANDABAKA v. CITY OF PATERSON ET AL.* Super. Ct. N. J. Certiorari denied.

February 21, 1979

440 U.S.

No. 78-5838. *DORTCH v. UNITED STATES*. Ct. App. D. C. Certiorari denied.

No. 78-5841. *WALKER ET UX. v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 584 F. 2d 1354.

No. 78-5842. *PEOPLES v. OREGON*. Ct. App. Ore. Certiorari denied. Reported below: 34 Ore. App. 1, 578 P. 2d 508.

No. 78-5843. *SPATES v. CONNECTICUT*. Sup. Ct. Conn. Certiorari denied. Reported below: 176 Conn. 227, 405 A. 2d 656.

No. 78-5845. *IN RE GREEN*. C. A. 8th Cir. Certiorari denied. Reported below: 586 F. 2d 1247.

No. 78-5846. *ROBALLO v. NEW YORK*. App. Div., Sup. Ct. N. Y., 1st Jud. Dept. Certiorari denied. Reported below: 64 App. Div. 2d 874, 407 N. Y. S. 2d 770.

No. 78-5847. *COELHO v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied.

No. 78-5848. *GREEN v. WYRICK, WARDEN*. C. A. 8th Cir. Certiorari denied.

No. 78-5851. *HAAS v. GEORGIA*. Ct. App. Ga. Certiorari denied. Reported below: 146 Ga. App. 729, 247 S. E. 2d 507.

No. 78-5856. *BELK v. CALIFANO, SECRETARY OF HEALTH, EDUCATION, AND WELFARE*. C. A. 5th Cir. Certiorari denied. Reported below: 579 F. 2d 641.

No. 78-5859. *BOWLES v. ANDERSON, WARDEN*. C. A. 9th Cir. Certiorari denied. Reported below: 588 F. 2d 842.

No. 78-5868. *CHANNEY v. NEW JERSEY*. Sup. Ct. N. J. Certiorari denied.

No. 78-5869. *SMITH v. PUTNAM, WARDEN*. C. A. 9th Cir. Certiorari denied. Reported below: 588 F. 2d 842.

440 U.S.

February 21, 1979

No. 78-5870. *HARRIS v. WINSTON ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 588 F. 2d 1348.

No. 78-5871. *YAMINE v. FORD MOTOR Co.* C. A. 6th Cir. Certiorari denied. Reported below: 586 F. 2d 846.

No. 78-5872. *LOPEZ v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. Reported below: 586 F. 2d 978.

No. 78-5878. *RICHMOND v. FOGG, CORRECTIONAL SUPERINTENDENT.* C. A. 2d Cir. Certiorari Denied.

No. 78-5880. *PROPHET v. DUCKWORTH, WARDEN.* C. A. 7th Cir. Certiorari denied. Reported below: 580 F. 2d 926.

No. 78-5881. *NATIELLO v. UNITED STATES.* C. A. 3d Cir. Certiorari denied. Reported below: 588 F. 2d 824.

No. 78-5882. *PAGLUCCI v. NEW JERSEY.* Super. Ct. N. J. Certiorari denied.

No. 78-5884. *BERNOTAS ET UX. v. CHESTER COUNTY WATER RESOURCES AUTHORITY.* Commw. Ct. Pa. Certiorari denied. Reported below: 35 Pa. Commw. 1, 384 A. 2d 1014.

No. 78-5888. *WIDEMAN v. MASSACHUSETTS.* Sup. Jud. Ct. Mass. Certiorari denied. Reported below: — Mass. —, 380 N. E. 2d 687.

No. 78-5890. *McFERRAN v. ENLARGED CITY SCHOOL DISTRICT OF TROY, NEW YORK.* Ct. App. N. Y. Certiorari denied. Reported below: 45 N. Y. 2d 729, 380 N. E. 2d 301.

No. 78-5897. *BRAUDRICK v. TEXAS.* Ct. Crim. App. Tex. Certiorari denied. Reported below: 572 S. W. 2d 709.

No. 78-5899. *SPRINGER v. COLLINS, WARDEN.* C. A. 4th Cir. Certiorari denied. Reported below: 586 F. 2d 329.

No. 78-5902. *FLORES v. ESTELLE, CORRECTIONS DIRECTOR.* C. A. 5th Cir. Certiorari denied. Reported below: 578 F. 2d 80.

February 21, 1979

440 U.S.

No. 78-5903. *HAMPTON v. WYRICK, WARDEN*. C. A. 8th Cir. Certiorari denied. Reported below: 588 F. 2d 632.

No. 78-5906. *WARDEN v. WYRICK, WARDEN*. C. A. 8th Cir. Certiorari denied.

No. 78-5908. *SMITH v. OHIO*. Ct. App. Ohio, Cuyahoga County. Certiorari denied.

No. 78-5909. *EVERS v. UNITED STATES ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 579 F. 2d 71.

No. 78-5910. *CARTERA v. MUNCY ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 586 F. 2d 837.

No. 78-5912. *REUSCHEL v. HOGAN, CORRECTIONS COMMISSIONER, ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 584 F. 2d 974.

No. 78-5915. *LUDWIN, TRUSTEE v. CAMBRIDGE MUTUAL FIRE INSURANCE CO. ET AL.* C. A. 1st Cir. Certiorari denied. Reported below: 588 F. 2d 817.

No. 78-5925. *WHEELER v. FLORIDA*. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 362 So. 2d 377.

No. 78-5926. *WATSON v. ARIZONA*. Sup. Ct. Ariz. Certiorari denied. Reported below: 120 Ariz. 441, 586 P. 2d 1253.

No. 78-5929. *LORENTZEN v. BOSTON COLLEGE*. C. A. 1st Cir. Certiorari denied. Reported below: 577 F. 2d 720.

No. 78-5931. *HAGANS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 585 F. 2d 518.

No. 78-5933. *MATHEWS v. PENLEY ET AL.* Sup. Ct. Ga. Certiorari denied. Reported below: 242 Ga. 192, 249 S. E. 2d 552.

No. 78-5939. *RODRIGUEZ v. CALIFORNIA*. Ct. App. Cal., 4th App. Dist. Certiorari denied.

440 U.S.

February 21, 1979

No. 78-5940. *CRISTINA v. PENNSYLVANIA*. Sup. Ct. Pa. Certiorari denied. Reported below: 481 Pa. 44, 391 A. 2d 1307.

No. 78-5941. *DUNLAP v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 586 F. 2d 845.

No. 78-5945. *DEAN v. JAGO, CORRECTIONAL SUPERINTENDENT*. C. A. 6th Cir. Certiorari denied. Reported below: 588 F. 2d 830.

No. 78-5946. *DUMBACH v. OHIO*. Sup. Ct. Ohio. Certiorari denied.

No. 78-5949. *SPECK v. ESTELLE, CORRECTIONS DIRECTOR*. Ct. Crim. App. Tex. Certiorari denied.

No. 78-5951. *BREEZE v. OHIO*. Sup. Ct. Ohio. Certiorari denied.

No. 78-5952. *KURPIEWSKI v. KURPIEWSKI*. Sup. Ct. Pa. Certiorari denied.

No. 78-5953. *CASTELL v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 584 F. 2d 87.

No. 78-5958. *PERRY v. CUYLER, PRISON SUPERINTENDENT, ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 584 F. 2d 644.

No. 78-5959. *JOHNSON v. COUSINS, WARDEN, ET AL.* C. A. 5th Cir. Certiorari denied.

No. 78-5960. *KLEIN v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 588 F. 2d 831.

No. 78-5961. *HITE v. CALIFORNIA*. Ct. App. Cal., 4th App. Dist. Certiorari denied.

No. 78-5962. *DAVIS ET AL. v. ESTELLE, CORRECTIONS DIRECTOR*. C. A. 5th Cir. Certiorari denied.

February 21, 1979

440 U.S.

No. 78-5963. *TURNER v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 586 F. 2d 395.

No. 78-5964. *WATSON v. BELL, ATTORNEY GENERAL, ET AL.* Ct. App. D. C. Certiorari denied.

No. 78-5966. *STRICKLAND v. UNITED STATES*. Ct. App. D. C. Certiorari denied. Reported below: 389 A. 2d 1325.

No. 78-5970. *WHELAN v. PENNSYLVANIA*. Sup. Ct. Pa. Certiorari denied. Reported below: 481 Pa. 418, 392 A. 2d 1362.

No. 78-5971. *KOZARSKI v. NEW JERSEY*. C. A. 3d Cir. Certiorari denied.

No. 78-5973. *CHATMAN v. ROWE, ACTING CORRECTIONS DIRECTOR*. C. A. 7th Cir. Certiorari denied. Reported below: 588 F. 2d 835.

No. 78-5975. *CELAYA-GARCIA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 583 F. 2d 210.

No. 78-5980. *MATTEO v. PENNSYLVANIA*. Super. Ct. Pa. Certiorari denied. Reported below: 253 Pa. Super. 603, 384 A. 2d 989.

No. 78-5982. *BAILEY v. SHEPARD ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 584 F. 2d 858.

No. 78-5984. *ISAACS ET UX. v. BOARD OF TRUSTEES OF TEMPLE UNIVERSITY ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 582 F. 2d 1274.

No. 78-5987. *ANDERSON ET UX. v. NEW YORK PROPERTY INSURANCE UNDERWRITING ASSN.* C. A. 2d Cir. Certiorari denied. Reported below: 591 F. 2d 1329.

No. 78-5988. *FILLER v. APO ET AL.* C. A. 9th Cir. Certiorari denied.

440 U.S.

February 21, 1979

No. 78-5990. *LOE v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 586 F. 2d 1015.

No. 78-5994. *THOMAS v. UNITED STATES*. Ct. App. D. C. Certiorari denied. Reported below: 393 A. 2d 123.

No. 78-5997. *GRENAGLE v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 588 F. 2d 87.

No. 78-6002. *DUPART v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 579 F. 2d 641.

No. 78-6004. *BIEREY v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 588 F. 2d 620.

No. 78-6015. *PEREZ-CRUZ v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 587 F. 2d 1002.

No. 78-6016. *ADORNO v. NEW YORK*. App. Div., Sup. Ct. N. Y., 1st Jud. Dept. Certiorari denied. Reported below: 63 App. Div. 2d 1123, 405 N. Y. S. 2d 1011.

No. 78-6018. *TUKES v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 587 F. 2d 507.

No. 78-6021. *KAPL v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 590 F. 2d 336.

No. 78-6027. *WILEY v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 581 F. 2d 1190.

No. 78-6033. *FERRARO v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 590 F. 2d 335.

No. 78-6037. *MORROW v. UNITED STATES*;

No. 78-6064. *COLE v. UNITED STATES*; and

No. 78-6083. *CHANDLER v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 586 F. 2d 593.

No. 78-6039. *REID v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 586 F. 2d 393.

February 21, 1979

440 U.S.

No. 78-6044. *BEST v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 594 F. 2d 853.

No. 78-6052. *LAMARTINA v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 584 F. 2d 764.

No. 78-6055. *WOODY v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 588 F. 2d 1212.

No. 78-6056. *GORDON v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 588 F. 2d 818.

No. 78-6070. *TASTO v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 586 F. 2d 1068.

No. 78-6072. *HOLST v. GOVERNMENT OF THE VIRGIN ISLANDS*. C. A. 3d Cir. Certiorari denied. Reported below: 588 F. 2d 824.

No. 78-6080. *WADE v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 585 F. 2d 573.

No. 78-6099. *WHALEN v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 595 F. 2d 1206.

No. 78-6100. *HEAD v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 588 F. 2d 1352.

No 78-517. *CHAMBERS v. TEXAS*. Ct. Crim. App. Tex.; and

No. 78-5901. *DRAKE v. GEORGIA*. Sup. Ct. Ga. Certiorari denied. Reported below: No. 78-517, 568 S. W. 2d 313; No. 78-5901, 241 Ga. 583, 247 S. E. 2d 57.

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.

440 U. S.

February 21, 1979

No. 78-544. *GIANGROSSO ET AL. v. LOUISIANA*. Ct. App. La., 1st Cir. Motion of Public Defender of California for leave to file a brief as *amicus curiae* granted. Certiorari denied. Reported below: 361 So. 2d 259.

No. 78-623. *ROGERS v. LOUGH*, MAGISTRATE FOR WETZEL COUNTY. Sup. Ct. App. W. Va. Certiorari denied. MR. JUSTICE STEWART and MR. JUSTICE MARSHALL would grant certiorari.

No. 78-735. *PENNINGTON v. KANSAS ET AL.* Sup. Ct. Kan. Certiorari denied. MR. JUSTICE BRENNAN and MR. JUSTICE MARSHALL would grant certiorari. Reported below: 224 Kan. 573, 581 P. 2d 812.

No. 78-828. *RESSLER ET AL. v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. MR. JUSTICE STEWART would grant certiorari. Reported below: 576 F. 2d 650.

No. 78-968. *AKERS MOTOR LINES, INC., ET AL. v. DRIVERS, CHAUFFEURS, WAREHOUSEMEN & HELPERS, TEAMSTERS LOCAL UNION No. 71*. C. A. 4th Cir. Certiorari denied. MR. JUSTICE STEWART would grant certiorari. Reported below: 582 F. 2d 1336.

No. 78-872. *ATCHISON, TOPEKA & SANTA FE RAILWAY CO. ET AL. v. NATIONAL ASSOCIATION OF RECYCLING INDUSTRIES, INC., ET AL.* C. A. D. C. Cir. Certiorari denied. MR. JUSTICE POWELL took no part in the consideration or decision of this petition. Reported below: 190 U. S. App. D. C. 118, 585 F. 2d 522.

No. 78-881. *UNITED STATES v. SCOTT*. C. A. 6th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 579 F. 2d 1013.

No. 78-1043. *ABRAMS, ATTORNEY GENERAL OF NEW YORK v. SINGLETON*. C. A. 2d Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 583 F. 2d 618.

February 21, 1979

440 U.S.

No. 78-901. *WOODS v. SAFEWAY STORES, INC.* C. A. 4th Cir. Motion of National Medical Assn. for leave to file a brief as *amicus curiae* granted. Certiorari denied. Reported below: 579 F. 2d 43.

No. 78-946. *EQUAL EMPLOYMENT OPPORTUNITY COMMISSION ET AL. v. BURLINGTON NORTHERN, INC., ET AL.* C. A. 7th Cir. Certiorari denied. MR. JUSTICE BRENNAN would grant certiorari. Reported below: 582 F. 2d 1097.

No. 78-1054. *SEALY, INC., ET AL. v. OHIO-SEALY MATTRESS MANUFACTURING CO. ET AL.* C. A. 7th Cir. Motion of Certain Sealy Licensees for leave to file a brief as *amicus curiae* granted. Certiorari denied. Reported below: 585 F. 2d 821.

No. 78-5746. *KASTO v. UNITED STATES.* C. A. 8th Cir. Certiorari denied. MR. JUSTICE POWELL would grant certiorari. Reported below: 584 F. 2d 268.

No. 78-5750. *EVANS v. ALABAMA.* Sup. Ct. Ala. Motion of petitioner to withdraw petition and certiorari denied. Reported below: 361 So. 2d 666.

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.

No. 78-5850. *BURKE v. MILLER.* C. A. 4th Cir. Certiorari denied. MR. JUSTICE BRENNAN and MR. JUSTICE WHITE would grant certiorari. Reported below: 580 F. 2d 108.

No. 78-5978. *COX v. NORTH CAROLINA.* Ct. App. N. C. Certiorari denied. MR. JUSTICE MARSHALL would grant certiorari. Reported below: 37 N. C. App. 356, 246 S. E. 2d 152.

440 U.S.

February 21, 1979

No. 78-5914. SCHREIBMAN *v.* WALTER E. HELLER & COMPANY OF PUERTO RICO ET AL. C. A. 1st Cir. Petition for rehearing on order denying Las Colinas Development Corp. leave to proceed *in forma pauperis*, 439 U. S. 1063, denied. Certiorari denied. Reported below: 585 F. 2d 7.

Rehearing Denied

No. 78-589. POE *v.* UNITED STATES, 439 U. S. 1047;

No. 78-606. PACIFIC TELEPHONE & TELEGRAPH Co. *v.* PUBLIC UTILITIES COMMISSION OF CALIFORNIA ET AL., 439 U. S. 1052;

No. 78-607. GENERAL TELEPHONE COMPANY OF CALIFORNIA *v.* PUBLIC UTILITIES COMMISSION OF CALIFORNIA ET AL., 439 U. S. 1052;

No. 78-801. KIRK *v.* UNITED STATES, 439 U. S. 1048;

No. 78-5321. ADAMS *v.* FLORIDA, 439 U. S. 947;

No. 78-5457. GLOVER *v.* DOLAN, SHERIFF, 439 U. S. 1075;

No. 78-5520. JONES *v.* UNITED STATES, 439 U. S. 1075;

No. 78-5683. OLVERA *v.* UNITED STATES, 439 U. S. 1078;

No. 78-5700. PATTERSON *v.* THOMPSON, WARDEN, ET AL., 439 U. S. 1078;

No. 78-5721. MORROW *v.* IGLEBURGER ET AL., 439 U. S. 1118;

No. 78-5788. PORTER *v.* CONTINENTAL BANK ET AL., 439 U. S. 1119; and

No. 78-5794. GREENE *v.* UNITED STATES, 439 U. S. 1081. Petitions for rehearing denied.

No. 76-1694. MOBIL OIL CORP. *v.* LIGHTCAP ET AL., 434 U. S. 876. Motion of Continental Oil Co. for leave to file a brief as *amicus curiae* granted. Petition for rehearing denied. MR. JUSTICE STEWART and MR. JUSTICE POWELL took no part in the consideration or decision of this motion and petition.

No. 78-5375. GALLAGHER *v.* FLORIDA, 439 U. S. 1005; and

No. 78-5512. NICHOLAS *v.* TENNESSEE DEPARTMENT OF EMPLOYMENT SECURITY ET AL., 439 U. S. 988. Motions for leave to file petitions for rehearing denied.

February 23, 26, 1979

440 U. S.

FEBRUARY 23, 1979

Miscellaneous Order

No. A-748. EXECUTIVE JET AVIATION, INC. v. ESTATE OF GREEN ET AL. Application for stay of orders of the United States District Court for the Eastern District of Michigan, dated February 9, 1979, and to enjoin Michigan state court proceedings, presented to MR. JUSTICE WHITE, and by him referred to the Court, denied.

FEBRUARY 26, 1979

Certiorari Granted—Reversed and Remanded. (See No. 78-443, *ante*, p. 194, and No. 78-551, *ante*, p. 202.)

Miscellaneous Orders

No. D-136. IN RE DISBARMENT OF BREMERS. Disbarment entered. [For earlier order herein, see 439 U. S. 905.]

No. D-144. IN RE DISBARMENT OF HIRSCH. Disbarment entered. [For earlier order herein, see 439 U. S. 975.]

No. D-145. IN RE DISBARMENT OF SHAKER. Disbarment entered. [For earlier order herein, see 439 U. S. 975.]

No. D-148. IN RE DISBARMENT OF CLEM. Disbarment entered. [For earlier order herein, see 439 U. S. 975.]

No. D-150. IN RE DISBARMENT OF GILLARD. Disbarment entered. [For earlier order herein, see 439 U. S. 1042.]

No. D-155. IN RE DISBARMENT OF REAVES. It is ordered that John Laverne Reaves, of Loris, S. C., be suspended from the practice of law in this Court and that a rule issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. D-160. IN RE DISBARMENT OF FODIMAN. It is ordered that Aaron R. Fodiman, of Arlington, Va., 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.

440 U. S.

February 26, 1979

No. D-157. *IN RE DISBARMENT OF MITCHELL*. It is ordered that Robert B. Mitchell, Jr., of Bethlehem, 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-158. *IN RE DISBARMENT OF HERMAN*. It is ordered that Harold C. Herman, of Woodmere, 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-161. *IN RE DISBARMENT OF BONG HYUN KIM*. It is ordered that Bong Hyun Kim, 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. 77-1844. *CITY OF MOBILE, ALABAMA, ET AL. v. BOLDEN ET AL.* C. A. 5th Cir. [Probable jurisdiction noted, 439 U. S. 815.] Motion of Lawyers Committee for Civil Rights Under Law for leave to file a brief as *amicus curiae* granted.

No. 78-425. *P. C. PFEIFFER CO., INC., ET AL. v. FORD ET AL.* C. A. 5th Cir. [Certiorari granted, 439 U. S. 978.] Motions of National Association of Stevedores, Alliance of American Insurers et al., and International Longshoremen's Assn., AFL-CIO, for leave to file briefs as *amici curiae* granted.

No. 78-482. *SMITH, JUDGE, ET AL. v. DAILY MAIL PUBLISHING Co. ET AL.* Sup. Ct. App. W. Va. [Certiorari granted, 439 U. S. 963.] Motions of American Society of Newspaper Editors et al., American Newspaper Publishers Assn., Chicago Tribune Co., and American Civil Liberties Union for leave to file briefs as *amici curiae* granted.

February 26, 1979

440 U.S.

No. 78-910. OCCIDENTAL OF UMM AL QAYWAYN, INC. v. CITIES SERVICE OIL CO. ET AL. C. A. 5th Cir. The Solicitor General is invited to file a brief in this case expressing the views of the United States.

No. 78-1281. IOWA BEEF PROCESSORS, INC. v. SMITH. C. A. 8th Cir. Motion of petitioner for preliminary injunction denied.

No. 78-5420. PAYTON v. NEW YORK; and

No. 78-5421. RIDDICK v. NEW YORK. Ct. App. N. Y. [Probable jurisdiction noted, 439 U. S. 1044.] Motion of appellee for additional time for oral argument denied.

No. 78-6106. RYAN ET AL. v. UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT. Motion for leave to file petition for writ of mandamus denied. MR. JUSTICE STEVENS took no part in the consideration or decision of this motion.

Certiorari Granted

No. 78-1076. RHODE ISLAND v. INNIS. Sup. Ct. R. I. Certiorari granted. Reported below: — R. I. —, 391 A. 2d 1158.

No. 78-5705. TRAMMEL v. UNITED STATES. C. A. 10th Cir. Motion of petitioner for leave to proceed *in forma pauperis* and certiorari granted. Reported below: 583 F. 2d 1166.

Certiorari Denied

No. 78-739. GENERAL MOTORS CORP. v. UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 573 F. 2d 936, and 584 F. 2d 1366.

No. 78-865. PEOPLES SAVINGS & LOAN ASSOCIATION OF CHILLICOTHE v. CHRISTISON, TRUSTEE IN BANKRUPTCY. C. A. 7th Cir. Certiorari denied. Reported below: 588 F. 2d 832.

440 U. S.

February 26, 1979

No. 78-829. *BLUE v. IOWA*. Ct. App. Iowa. Certiorari denied. Reported below: 268 N. W. 2d 654.

No. 78-868. *HUMMEL v. VIRGINIA*. Sup. Ct. Va. Certiorari denied. Reported below: 217 Va. 548, 247 S. E. 2d 385.

No. 78-877. *CONNOLLY ET AL. v. PENSION BENEFIT GUARANTY CORP.* C. A. 9th Cir. Certiorari denied. Reported below: 581 F. 2d 729.

No. 78-882. *FORSTER v. UNITED STATES*; and

No. 78-885. *ROMERO v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 585 F. 2d 391.

No. 78-908. *DEANGELO v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 584 F. 2d 46.

No. 78-915. *BROUSSARD v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 582 F. 2d 10.

No. 78-921. *RUCCI v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 586 F. 2d 833.

No. 78-925. *OREGON STATE PENITENTIARY ET AL. v. HAMMER*. Sup. Ct. Ore. Certiorari denied. Reported below: 283 Ore. 369, 583 P. 2d 1136.

No. 78-943. *THOMPSON v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. Reported below: 189 U. S. App. D. C. 400, 584 F. 2d 558.

No. 78-970. *ROWLETT ET AL. v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 586 F. 2d 845.

No. 78-978. *INTERNATIONAL LONGSHOREMEN'S & WAREHOUSEMEN'S UNION, LOCAL 13 v. NATIONAL LABOR RELATIONS BOARD*. C. A. 9th Cir. Certiorari denied. Reported below: 581 F. 2d 1321.

No. 78-984. *CARR v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 584 F. 2d 612.

February 26, 1979

440 U.S.

No. 78-1002. *GOUGH, TRUSTEE IN BANKRUPTCY v. ROSS-MOOR CORP. ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 585 F. 2d 381.

No. 78-1058. *DENIS J. O'CONNELL HIGH SCHOOL v. VIRGINIA HIGH SCHOOL LEAGUE ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 581 F. 2d 81.

No. 78-1064. *KAERCHER ET AL. v. LOUISIANA.* Sup. Ct. La. Certiorari denied. Reported below: 362 So. 2d 754.

No. 78-1066. *AMERICAN INDUSTRIES CORP. v. SHARON STEEL CORP.* C. A. 3d Cir. Certiorari denied. Reported below: 588 F. 2d 819.

No. 78-1067. *PADOR v. TERRITORY OF GUAM.* C. A. 9th Cir. Certiorari denied.

No. 78-1070. *KOHLBERG v. WALKER.* C. A. 4th Cir. Certiorari denied. Reported below: 586 F. 2d 839.

No. 78-1075. *STAR FISH & OYSTER Co., INC., ET AL. v. CLABORN.* C. A. 5th Cir. Certiorari denied. Reported below: 578 F. 2d 983.

No. 78-1079. *POPE v. CITY OF ATLANTA ET AL.* Sup. Ct. Ga. Certiorari denied. Reported below: 242 Ga. 331, 249 S. E. 2d 16.

No. 78-1083. *KORNIT v. BOARD OF EDUCATION OF PLAINVIEW-OLD BETHPAGE SCHOOL DISTRICT, PLAINVIEW, NEW YORK.* C. A. 2d Cir. Certiorari denied. Reported below: 591 F. 2d 1330.

No. 78-1086. *ETCHIESON v. TEXAS.* Ct. Crim. App. Tex. Certiorari denied. Reported below: 574 S. W. 2d 753.

No. 78-1094. *GUST CONSTRUCTION Co., INC., ET AL. v. HUB ELECTRIC Co., INC.* C. A. 6th Cir. Certiorari denied. Reported below: 585 F. 2d 183.

440 U.S.

February 26, 1979

No. 78-1110. *BEER, JUDGE v. SECRETARY OF STATE OF MICHIGAN ET AL.* Sup. Ct. Mich. Certiorari denied. Reported below: 403 Mich. 825.

No. 78-5629. *LEBEDUN v. DAY ET AL.* C. A. 10th Cir. Certiorari denied.

No. 78-5718. *COTTON, AKA HAILEY v. DORSEY, SHERIFF.* C. A. 4th Cir. Certiorari denied. Reported below: 580 F. 2d 112.

No. 78-5723. *CROSS v. VIRGINIA.* Sup. Ct. Va. Certiorari denied.

No. 78-5757. *MILLER v. UNITED STATES*; and

No. 78-5979. *MILLER v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. Reported below: 586 F. 2d 845.

No. 78-5798. *RIDDLE v. CALIFORNIA.* Ct. App. Cal., 2d App. Dist. Certiorari denied. Reported below: 83 Cal. App. 3d 563, 148 Cal. Rptr. 170.

No. 78-5818. *McKEE ET AL. v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. Reported below: 588 F. 2d 831.

No. 78-5825. *RODRIGUEZ v. NEW YORK.* App. Div., Sup. Ct. N. Y., 1st Jud. Dept. Certiorari denied. Reported below: 64 App. Div. 2d 874, 407 N. Y. S. 2d 770.

No. 78-5876. *GEARY v. UNITED STATES.* C. A. 3d Cir. Certiorari denied. Reported below: 588 F. 2d 824.

No. 78-5954. *TEPLITSKY v. ENVIRONMENTAL PROTECTION AGENCY ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 594 F. 2d 853.

No. 78-5957. *SUMPTER v. UNITED STATES.* Ct. Cl. Certiorari denied. Reported below: 217 Ct. Cl. 725, 578 F. 2d 1391.

No. 78-5993. *ARNOLD v. KENTUCKY.* Ct. App. Ky. Certiorari denied.

February 26, 1979

440 U.S.

No. 78-5998. *HOLDMAN ET AL. v. ILLINOIS*. Sup. Ct. Ill. Certiorari denied. Reported below: 73 Ill. 2d 213, 383 N. E. 2d 155.

No. 78-6001. *ECHOLS v. DEKALB COUNTY, GEORGIA*. Ct. App. Ga. Certiorari denied. Reported below: 146 Ga. App. 560, 247 S. E. 2d 114.

No. 78-6003. *KRUG v. HILTON, PRISON SUPERINTENDENT, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 78-6006. *LOPEZ v. MALLEY, WARDEN*. C. A. 10th Cir. Certiorari denied.

No. 78-6008. *SHAW v. CARYL*. Ct. App. Ariz. Certiorari denied.

No. 78-6009. *BASAMAN v. McMAHON*. C. A. 3d Cir. Certiorari denied.

No. 78-6013. *SCARBORO v. NORTH CAROLINA*. Ct. App. N. C. Certiorari denied. Reported below: 38 N. C. App. 105, 247 S. E. 2d 273.

No. 78-6014. *SMART v. ZIEGLER, CORRECTIONAL SUPERINTENDENT, ET AL.* C. A. 5th Cir. Certiorari denied.

No. 78-6017. *POOLE v. HENDERSON, CORRECTIONAL SUPERINTENDENT*. C. A. 2d Cir. Certiorari denied.

No. 78-6045. *BRADLEY ET VIR v. PENNSYLVANIA*. Sup. Ct. Pa. Certiorari denied. Reported below: 481 Pa. 223, 392 A. 2d 688.

No. 78-6103. *MILLER v. HUNT ET AL.* Sup. Ct. Idaho. Certiorari denied.

No. 78-6104. *BRIDGES v. UNITED STATES*. Ct. App. D. C. Certiorari denied. Reported below: 392 A. 2d 1053.

No. 78-6108. *SEIDEL v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

440 U. S.

February 26, 1979

No. 78-6117. SMITH *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 588 F. 2d 737.

No. 78-6124. LYNCH ET AL. *v.* UNITED STATES. C. A. D. C. Cir. Certiorari denied. Reported below: 194 U. S. App. D. C. 213, 598 F. 2d 132.

No. 78-6136. SHEPHERD *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 587 F. 2d 943.

No. 78-6146. FAIRORTH *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 588 F. 2d 823.

No. 78-718. CROATAN BOOKS, INC. *v.* VIRGINIA. Sup. Ct. Va. Certiorari denied. MR. JUSTICE BRENNAN, MR. JUSTICE STEWART, and MR. JUSTICE MARSHALL would grant certiorari and reverse the conviction.

No. 78-757. ECHOLS *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. MR. JUSTICE BRENNAN, MR. JUSTICE STEWART, and MR. JUSTICE MARSHALL would grant certiorari and reverse the conviction. Reported below: 577 F. 2d 308.

No. 78-775. NEW YORK *v.* TOMPKINS. Ct. App. N. Y. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 45 N. Y. 2d 748, 380 N. E. 2d 311.

No. 78-960. COLLINS *v.* UNITED STATES. C. A. 10th Cir. Motion of petitioner to supplement petition granted. Certiorari denied.

No. 78-982. SPECTROFUGE CORP. *v.* BECKMAN INSTRUMENTS, INC. C. A. 5th Cir. Certiorari denied. MR. JUSTICE WHITE would grant certiorari. Reported below: 575 F. 2d 256.

No. 78-1030. EPSTEIN ET AL. *v.* GOODMAN ET AL. C. A. 7th Cir. Certiorari denied. MR. JUSTICE STEVENS took no part in the consideration or decision of this petition. Reported below: 582 F. 2d 388.

February 26, 27, 1979

440 U.S.

No. 78-998. *ANDERSON, WARDEN v. STROBLE*. C. A. 6th Cir. Motion of Wayne County Prosecuting Attorney for leave to file a brief as *amicus curiae* granted. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 587 F. 2d 830.

No. 78-1095. *KUMAR v. INGRAM, ADMINISTRATRIX*. C. A. 2d Cir. Certiorari denied. Mr. JUSTICE BLACKMUN would grant certiorari. Reported below: 585 F. 2d 566.

Rehearing Denied

No. 77-388. *WASHINGTON ET AL. v. CONFEDERATED BANDS & TRIBES OF THE YAKIMA INDIAN NATION*, 439 U. S. 463;

No. 78-5290. *EZZELL v. LOS ANGELES COUNTY DEPARTMENT OF ADOPTIONS*, 439 U. S. 1060; and

No. 78-5853. *HUTTER v. FABER ET AL.*, 439 U. S. 1120. Petitions for rehearing denied.

No. 78-308. *MOBAY CHEMICAL CORP. v. COSTLE, ADMINISTRATOR, ENVIRONMENTAL PROTECTION AGENCY*, 439 U. S. 320. Petition for rehearing denied. Mr. JUSTICE BLACKMUN dissents.

No. 78-5359. *JONES v. MORRIS, WARDEN*, 439 U. S. 1090. Petition for rehearing and other relief denied.

FEBRUARY 27, 1979

Appointment of Reporter of Decisions

It is ordered that Henry C. Lind be appointed Reporter of Decisions of this Court to succeed Henry Putzel, jr., effective at the commencement of business February 25, 1979, and he is charged with the duty of reporting the decisions of the present Term which have not been reported prior to February 25, 1979.

440 U.S.

MARCH 5, 1979

Affirmed on Appeal

No. 78-683. CENTURY 21 REAL ESTATE CORP. ET AL. *v.* NEVADA REAL ESTATE ADVISORY COMMISSION ET AL. Appeal from D. C. Nev. Motion of United States Trademark Assn. for leave to file a brief as *amicus curiae* granted. Judgment affirmed. Reported below: 448 F. Supp. 1237.

No. 78-1102. ASHCROFT, ATTORNEY GENERAL OF MISSOURI, ET AL. *v.* FREIMAN ET AL. Appeal from C. A. 8th Cir. Motion of Legal Defense Fund for Unborn Children for leave to file a brief as *amicus curiae* denied. Motion of Alan Ernest for appointment of counsel for children unborn and born alive denied. Judgment affirmed. MR. JUSTICE WHITE and MR. JUSTICE REHNQUIST would note probable jurisdiction and set case for oral argument. Reported below: 584 F. 2d 247.

Appeals Dismissed

No. 77-1257. SCHMIER *v.* TRUSTEES OF CALIFORNIA STATE UNIVERSITY AND COLLEGES ET AL. Appeal from Ct. App. Cal., 4th App. Dist., dismissed for want of substantial federal question. Reported below: 74 Cal. App. 3d 314, 141 Cal. Rptr. 472.

No. 78-762. KRAHAM *v.* FLORIDA. Appeal from Sup. Ct. Fla. dismissed for want of substantial federal question. MR. JUSTICE BRENNAN, MR. JUSTICE STEWART, and MR. JUSTICE MARSHALL would reverse the conviction. Reported below: 360 So. 2d 393.

MR. JUSTICE STEVENS, concurring.

If the Court were to note probable jurisdiction, I would vote to reverse the judgment of the Supreme Court of Florida for the reasons stated in the dissenting opinion of Justice Adkins and in my dissenting opinion in *Smith v. United States*, 431 U. S. 291, 311. I have not, however, voted to set the case for argument because the State Supreme Court's judgment is consistent with this Court's recent holdings.

March 5, 1979

440 U. S.

No. 78-642. THORNBURGH, GOVERNOR OF PENNSYLVANIA, ET AL. v. CASEY, TREASURER OF PENNSYLVANIA, ET AL. Appeal from Sup. Ct. Pa. dismissed for want of substantial federal question. MR. JUSTICE STEVENS would note probable jurisdiction and set case for oral argument. Reported below: 480 Pa. 449, 391 A. 2d 595.

No. 78-5760. CARTER v. TEXAS. Appeal from Ct. Crim. App. Tex. dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari denied.

No. 78-5833. GONZALEZ v. NEW YORK. Appeal from App. Div., Sup. Ct. N. Y., 1st Jud. Dept., dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari denied. MR. JUSTICE BRENNAN and MR. JUSTICE MARSHALL would note probable jurisdiction and set case for oral argument. Reported below: 64 App. Div. 2d 873, 407 N. Y. S. 2d 769.

Certiorari Granted—Reversed. (See No. 77-1659, *ante*, p. 447.)

Certiorari Granted—Vacated and Remanded

No. 77-580. PROCTOR ET AL. v. STATE FARM MUTUAL AUTOMOBILE INSURANCE CO. ET AL. C. A. D. C. Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Group Life & Health Insurance Co. v. Royal Drug Co.*, *ante*, p. 205. Reported below: 182 U. S. App. D. C. 264, 561 F. 2d 262.

Miscellaneous Orders

No. 8, Orig. ARIZONA v. CALIFORNIA ET AL. Motion of the United States for modification of Decree of this Court entered on March 9, 1964 [376 U. S. 340], is referred to the Special Master. MR. JUSTICE MARSHALL took no part in the consideration or decision of this matter. [For earlier order herein, see, *e. g.*, 439 U. S. 419.]

440 U. S.

March 5, 1979

No. 67, Orig. IDAHO EX REL. EVANS, GOVERNOR OF IDAHO, ET AL. v. OREGON ET AL. Report of Special Master received and ordered filed. Exceptions, if any, with supporting briefs, to the Report of the Special Master may be filed by the parties on or before May 3, 1979. Reply briefs, if any, to such exceptions may be filed on or before June 2, 1979. The Solicitor General is invited to file a brief in this case expressing the views of the United States. [For earlier order herein, see, *e. g.*, 431 U. S. 952.]

No. A-715. CLARK ET AL. v. O'BRIEN ET AL. Sup. Ct. N. J. Reapplication for stay, addressed to MR. JUSTICE BLACKMUN and referred to the Court, denied.

No. 77-1511. CALIFANO, SECRETARY OF HEALTH, EDUCATION, AND WELFARE v. ELLIOTT ET AL. C. A. 9th Cir. [Certiorari granted, 439 U. S. 816.] Motion of Gray Panthers for leave to file a brief as *amicus curiae* granted.

No. 77-1645. TRANSAMERICA MORTGAGE ADVISORS, INC. (TAMA), ET AL. v. LEWIS. C. A. 9th Cir. [Certiorari granted, 439 U. S. 952.] Motion of Mary Sullivan et al. for leave to file a brief as *amici curiae* granted. Motion of the Solicitor General for divided argument granted.

No. 77-1844. CITY OF MOBILE, ALABAMA, ET AL. v. BOLDEN ET AL. C. A. 5th Cir. [Probable jurisdiction noted, 439 U. S. 815]; and

No. 78-357. WILLIAMS ET AL. v. BROWN ET AL. C. A. 5th Cir. [Probable jurisdiction noted, 439 U. S. 925.] Motion of appellees to consolidate these cases for oral argument granted. Allocation of time and order of argument as set forth in the motion are approved.

No. 78-223. NATIONAL LABOR RELATIONS BOARD v. BAPTIST HOSPITAL, INC. C. A. 6th Cir. [Certiorari granted, 439 U. S. 1065.] Motion of Local 150-T, Service Employees International Union, AFL-CIO, for leave to intervene granted.

March 5, 1979

440 U.S.

No. 78-160. WILSON ET AL. *v.* OMAHA INDIAN TRIBE ET AL.; and

No. 78-161. IOWA ET AL. *v.* OMAHA INDIAN TRIBE ET AL. C. A. 8th Cir. [Certiorari granted, 439 U. S. 963.] Motion of Native American Rights Fund et al. for leave to file a brief as *amici curiae* granted.

No. 78-354. NORTH CAROLINA *v.* BUTLER. Sup. Ct. N. C. [Certiorari granted, 439 U. S. 1046.] Motion of Americans for Effective Law Enforcement, Inc., et al. for leave to file a brief as *amici curiae* granted.

No. 78-437. CALIFANO, SECRETARY OF HEALTH, EDUCATION, AND WELFARE *v.* WESTCOTT ET AL.; and

No. 78-689. SHARP, COMMISSIONER, DEPARTMENT OF PUBLIC WELFARE OF MASSACHUSETTS *v.* WESTCOTT ET AL. D. C. Mass. [Probable jurisdiction noted, 439 U. S. 1044.] Motion of appellant in No. 78-689 for additional time for oral argument granted, and five additional minutes allotted for that purpose. Appellees in these cases also allotted five additional minutes for oral argument.

No. 78-759. LEROY, ATTORNEY GENERAL OF IDAHO, ET AL. *v.* GREAT WESTERN UNITED CORP. C. A. 5th Cir. [Probable jurisdiction noted, 439 U. S. 1065.] Motion of the Solicitor General to permit the Securities and Exchange Commission to participate in oral argument as *amicus curiae* granted, and 15 additional minutes allotted for that purpose. Appellant also allotted 15 additional minutes for oral argument.

No. 78-6032. ORONOZ *v.* UNITED STATES DISTRICT COURT FOR THE DISTRICT OF PUERTO RICO ET AL. Motion for leave to file petition for writ of mandamus denied.

Certiorari Granted

No. 78-874. ROTH ET AL. *v.* BANK OF THE COMMONWEALTH. C. A. 6th Cir. Certiorari granted. Reported below: 583 F. 2d 527.

440 U.S.

March 5, 1979

No. 78-572. UNITED STATES PAROLE COMMISSION ET AL. *v.* GERAGHTY. C. A. 3d Cir. Certiorari granted and case set for oral argument in tandem with No. 78-904, *Deposit Guaranty National Bank v. Roper*, immediately *infra*. Motion to substitute members of a putative class as respondents or in the alternative to intervene is deferred to hearing of the case on the merits. Reported below: 579 F. 2d 238.

No. 78-904. DEPOSIT GUARANTY NATIONAL BANK OF JACKSON, MISSISSIPPI *v.* ROPER ET AL. C. A. 5th Cir. Certiorari granted limited to Questions 1 and 2 presented by the petition. Case set for oral argument in tandem with No. 78-572, *United States Parole Commission v. Geraghty*, immediately *supra*. Reported below: 578 F. 2d 1106.

Certiorari Denied. (See also Nos. 78-5760 and 78-5833, *supra*.)

No. 77-1444. JOHNSON *v.* ABRAMS, ATTORNEY GENERAL OF NEW YORK, ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 566 F. 2d 866.

No. 77-1517. GARRISON ET AL. *v.* GAULT. C. A. 7th Cir. Certiorari denied. Reported below: 569 F. 2d 993.

No. 78-240. PALMER *v.* TICCIONE ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 576 F. 2d 459.

No. 78-486. COUNCIL FOR EMPLOYMENT AND ECONOMIC ENERGY USE *v.* WHDH CORP. ET AL. C. A. 1st Cir. Certiorari denied. Reported below: 580 F. 2d 9.

No. 78-845. PENOLI *v.* CALIFORNIA. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 78-867. NORMAN *v.* SMITH ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 588 F. 2d 833.

No. 78-893. PELTIER *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 585 F. 2d 314.

March 5, 1979

440 U.S.

No. 78-913. *BEIL ET AL. v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 577 F. 2d 1313.

No. 78-917. *BERAN v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 580 F. 2d 324.

No. 78-945. *BOROUGH OF ELLWOOD CITY v. FEDERAL ENERGY REGULATORY COMMISSION ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 583 F. 2d 642.

No. 78-974. *MILWAUKEE COUNTY v. CITY OF MILWAUKEE ET AL.* C. A. 7th Cir. Certiorari denied.

No. 78-980. *GRAND TRUNK WESTERN RAILROAD Co. v. BARRETT*. C. A. 7th Cir. Certiorari denied. Reported below: 581 F. 2d 132.

No. 78-981. *GRAVES ET UX. v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 6th Cir. Certiorari denied. Reported below: 579 F. 2d 392.

No. 78-985. *GREGORY-PORTLAND INDEPENDENT SCHOOL DISTRICT ET AL. v. TEXAS EDUCATION AGENCY ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 576 F. 2d 81.

No. 78-999. *STEERE TANK LINES, INC. v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 577 F. 2d 279.

No. 78-1001. *WEST ET AL. v. HARRIS, SECRETARY, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT*. C. A. 5th Cir. Certiorari denied. Reported below: 573 F. 2d 873.

No. 78-1025. *PARKER v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 582 F. 2d 953.

No. 78-1087. *SIVERLING v. PENNSYLVANIA*. Super Ct. Pa. Certiorari denied. Reported below: 258 Pa. Super. 632, 391 A. 2d 700.

440 U.S.

March 5, 1979

No. 78-1101. *BIANCONE v. PENNSYLVANIA*. Super. Ct. Pa. Certiorari denied.

No. 78-1104. *ADAMS ET AL. v. REIMER*. C. A. 5th Cir. Certiorari denied. Reported below: 578 F. 2d 621.

No. 78-1115. *DAYTONA BEACH RACING AND RECREATIONAL FACILITIES DISTRICT ET AL. v. COUNTY OF VOLUSIA ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 579 F. 2d 367.

No. 78-1116. *SHELL OIL Co. v. DEUKMEJIAN, ATTORNEY GENERAL OF CALIFORNIA*. C. A. 9th Cir. Certiorari denied. Reported below: 587 F. 2d 34.

No. 78-1151. *SAFE STOP BRAKE CORP. v. GENERAL MOTORS CORP.* C. A. 9th Cir. Certiorari denied. Reported below: 587 F. 2d 982.

No. 78-1171. *SINGLETON v. CONNECTICUT*. Sup. Ct. Conn. Certiorari denied. Reported below: 174 Conn. 112, 384 A. 2d 334.

No. 78-1198. *MILLER v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 588 F. 2d 1256.

No. 78-1208. *CURTIS CIRCULATION Co. v. GOULD PAPER CORP.* C. A. 2d Cir. Certiorari denied. Reported below: 594 F. 2d 852.

No. 78-1209. *RICHARDSON ET AL. v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 588 F. 2d 1235.

No. 78-1235. *COBB v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 588 F. 2d 607.

No. 78-5223. *BEASLEY v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 576 F. 2d 626.

No. 78-5610. *TRANOWSKI v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 588 F. 2d 835.

March 5, 1979

440 U. S.

No. 78-5761. *PRESTON v. ESTELLE*, CORRECTIONS DIRECTOR. Ct. Crim. App. Tex. Certiorari denied.

No. 78-5767. *MITCHELL v. VIRGINIA*. Sup. Ct. Va. Certiorari denied.

No. 78-5777. *PALMER v. KAPNER*, JUDGE. Sup. Ct. Fla. Certiorari denied. Reported below: 364 So. 2d 889.

No. 78-5863. *PILKINGTON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 583 F. 2d 746.

No. 78-5950. *HAYWOOD v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 60 Ill. App. 3d 236, 376 N. E. 2d 328.

No. 78-5956. *BROWN v. UNITED STATES*. Ct. Cl. Certiorari before judgment denied.

No. 78-5965. *DICKERSON v. UNITED STATES*. Ct. App. D. C. Certiorari denied. Reported below: 392 A. 2d 516.

No. 78-6022. *HAFEN v. NEW YORK*. App. Div., Sup. Ct. N. Y., 1st Jud. Dept. Certiorari denied. Reported below: 64 App. Div. 2d 1034, 409 N. Y. S. 2d 37.

No. 78-6023. *SMITH v. WARDEN, MENARD CORRECTIONAL CENTER*. C. A. 7th Cir. Certiorari denied. Reported below: 582 F. 2d 1285.

No. 78-6024. *SULIE v. INDIANA*. Sup. Ct. Ind. Certiorari denied. Reported below: 269 Ind. 204, 379 N. E. 2d 455.

No. 78-6026. *MAPP v. CLEMENT*, CORRECTIONAL SUPERINTENDENT. C. A. 2d Cir. Certiorari denied. Reported below: 591 F. 2d 1330.

No. 78-6036. *GARCIA v. MALLEY*, WARDEN. C. A. 10th Cir. Certiorari denied.

No. 78-6046. *CAMPBELL v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist. Certiorari denied.

440 U.S.

March 5, 1979

No. 78-6038. *WRIGHT v. SOUTH CAROLINA*. Sup. Ct. S. C. Certiorari denied. Reported below: 272 S. C. 429, 248 S. E. 2d 587.

No. 78-6042. *LUSK v. NEW YORK*. App. Div., Sup. Ct. N. Y., 1st Jud. Dept. Certiorari denied. Reported below: 63 App. Div. 2d 919, 406 N. Y. S. 2d 62.

No. 78-6043. *TIDWELL v. ATWOOD, COMMISSIONER OF JOHNSON COUNTY, ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 586 F. 2d 840.

No. 78-6047. *SIMPSON v. OHIO*. Ct. App. Ohio, Cuyahoga County. Certiorari denied.

No. 78-6049. *ARAGON v. MALLEY, WARDEN*. C. A. 10th Cir. Certiorari denied.

No. 78-6053. *PHILLIPS v. OKLAHOMA*. Ct. Crim. App. Okla. Certiorari denied.

No. 78-6121. *SNOW, ADMINISTRATRIX v. TRANSIT CASUALTY Co.* C. A. 5th Cir. Certiorari denied. Reported below: 584 F. 2d 97.

No. 78-6145. *DOOLEY v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 587 F. 2d 201.

No. 78-6156. *TAYLOR v. UNITED STATES*. C. A. 10th Cir. Certiorari denied.

No. 78-6162. *MENDOZA-CARDENAS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 78-774. *REPORTERS COMMITTEE FOR FREEDOM OF THE PRESS ET AL. v. AMERICAN TELEPHONE & TELEGRAPH Co. ET AL.* C. A. D. C. Cir. Certiorari denied. MR. JUSTICE BRENNAN, MR. JUSTICE STEWART, and MR. JUSTICE MARSHALL would grant certiorari. Reported below: 192 U. S. App. D. C. 376, 593 F. 2d 1030.

March 5, 1979

440 U. S.

No. 78-789. *CLARK v. OHIO*. Sup. Ct. Ohio. Certiorari denied. MR. JUSTICE BRENNAN, MR. JUSTICE WHITE, and MR. JUSTICE MARSHALL would grant certiorari. Reported below: 55 Ohio St. 2d 257, 379 N. E. 2d 597.

No. 78-906. *OTTER TAIL POWER CO. v. FEDERAL ENERGY REGULATORY COMMISSION ET AL.* C. A. 8th Cir. Certiorari denied. MR. JUSTICE BLACKMUN took no part in the consideration or decision of this petition. Reported below: 583 F. 2d 399.

No. 78-947. *NEW YORK ET AL. v. NATIONAL LABOR RELATIONS BOARD*. C. A. 2d Cir. Certiorari denied. MR. JUSTICE WHITE would grant certiorari.

No. 78-956. *COVEN v. SECURITIES AND EXCHANGE COMMISSION*. C. A. 2d Cir. Certiorari denied. MR. JUSTICE WHITE and MR. JUSTICE POWELL would grant certiorari. Reported below: 581 F. 2d 1020.

No. 78-1125. *FISHER, U. S. DISTRICT JUDGE v. COOPER TIRE & RUBBER Co.* C. A. 5th Cir. Certiorari denied. MR. JUSTICE BLACKMUN would grant certiorari.

No. 78-5369. *HUGHES v. TEXAS*. Ct. Crim. App. Tex.;

No. 78-5454. *FELDER v. TEXAS*. Ct. Crim. App. Tex.; and

No. 78-5862. *BELL v. MISSISSIPPI*. Sup. Ct. Miss. Certiorari denied. Reported below: No. 78-5369, 563 S. W. 2d 581; No. 78-5454, 564 S. W. 2d 776; No. 78-5862, 360 So. 2d 1206.

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.

440 U.S.

March 5, 19, 1979

No. 78-1140. MICHIGAN *v.* JONES. Sup. Ct. Mich. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. THE CHIEF JUSTICE and MR. JUSTICE POWELL would grant certiorari. Reported below: 403 Mich. 527, 271 N. W. 2d 515.

Rehearing Denied

No. 77-1688. SYMM, TAX ASSESSOR-COLLECTOR OF WALLER COUNTY, TEXAS *v.* UNITED STATES ET AL., 439 U. S. 1105;

No. 78-563. AMERICAN ASSOCIATION OF COUNCILS OF MEDICAL STAFFS OF PRIVATE HOSPITALS, INC. *v.* CALIFANO, SECRETARY OF HEALTH, EDUCATION, AND WELFARE, 439 U. S. 1114;

No. 78-674. MAYER *v.* OHIO STATE BAR ASSN., 439 U. S. 1048;

No. 78-782. PIPELINE CONSTRUCTION CO., INC. *v.* JAFFEE ET AL., 439 U. S. 1115;

No. 78-5632. CALHOUN ET UX. *v.* UNITED STATES, 439 U. S. 1118; and

No. 78-5726. SOMMERVILLE *v.* ALABAMA, 439 U. S. 1118. Petitions for rehearing denied.

MARCH 19, 1979

Affirmed on Appeal

No. 78-721. QUERN, DIRECTOR, DEPARTMENT OF PUBLIC AID OF ILLINOIS, ET AL. *v.* HERNANDEZ ET UX. Appeal from D. C. N. D. Ill. Motion of appellees for leave to proceed *in forma pauperis* granted. Judgment affirmed. Reported below: See 471 F. Supp. 516.

Appeals Dismissed

No. 78-421. DAHLBERG ELECTRONICS, INC., ET AL. *v.* KIEVLAN ET AL. Appeal from Ct. App. Cal., 1st App. Dist., dismissed for want of substantial federal question. Reported below: 78 Cal. App. 3d 951, 144 Cal. Rptr. 585.

March 19, 1979

440 U.S.

No. 78-1091. *LOVE v. MAYNARD*. Appeal from Ct. App. Ohio, Franklin County, dismissed for want of substantial federal question.

No. 78-1119. *FAZEKAS v. UNIVERSITY OF HOUSTON ET AL.* Appeal from Ct. Civ. App. Tex., 1st Sup. Jud. Dist., dismissed for want of substantial federal question. Reported below: 565 S. W. 2d 299.

No. 78-1285. *FLOYD v. ARIZONA*. Appeal from Ct. App. Ariz. dismissed for want of substantial federal question. Reported below: 120 Ariz. 358, 586 P. 2d 203.

No. 78-6102. *ABKEN v. PENNSYLVANIA*. Appeal from Super. Ct. Pa. dismissed for want of substantial federal question. Reported below: 258 Pa. Super. 582, 391 A. 2d 672.

No. 78-1160. *SAKER ET UX. v. HARPSTER BANK*. 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.

No. 78-5844. *FARRELL v. JOHNSON*. Appeal from Sup. Ct. Va. dismissed for want of substantial federal question. MR. JUSTICE BRENNAN, MR. JUSTICE WHITE, and MR. JUSTICE MARSHALL would note probable jurisdiction and set case for oral argument.

Certiorari Granted—Vacated and Remanded

No. 77-1653. *CHILDS v. CHILDS*. App. Div., Sup. Ct. N. Y., 2d Jud. Dept. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Orr v. Orr*, ante, p. 268. MR. JUSTICE STEWART dissents. Reported below: 60 App. Div. 2d 639, 400 N. Y. S. 2d 356.

No. 77-1786. *LOYACANO v. LE BLANC*. Sup. Ct. La. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Orr v. Orr*, ante, p. 268. Reported below: 358 So. 2d 304.

440 U. S.

March 19, 1979

Miscellaneous Orders

No. A-731 (78-6198). HUDAK *v.* CURATORS OF THE UNIVERSITY OF MISSOURI ET AL. C. A. 8th Cir. Application for stay, addressed to MR. JUSTICE MARSHALL and referred to the Court, denied.

No. A-757. ELIAS *v.* FLORIDA. Dist. Ct. App. Fla., 3d Dist. Application for stay, addressed to MR. JUSTICE MARSHALL and referred to the Court, denied.

No. A-771. UNION LIGHT, HEAT & POWER CO. ET AL. *v.* RUBIN, U. S. DISTRICT JUDGE. C. A. 6th Cir. Application for stay, presented to THE CHIEF JUSTICE, and by him referred to the Court, denied. MR. JUSTICE STEWART took no part in the consideration or decision of this application.

No. A-759 (78-1277). GOLDING *v.* CITY COUNCIL OF THE CITY OF RICHMOND ET AL. Sup. Ct. Va. Application for stay, addressed to MR. JUSTICE BRENNAN and referred to the Court, denied.

No. D-143. IN RE DISBARMENT OF BEASLEY. Disbarment entered. [For earlier order herein, see 439 U. S. 950.]

No. D-149. IN RE DISBARMENT OF GENUA. Disbarment entered. [For earlier order herein, see 439 U. S. 1041.]

No. D-151. IN RE DISBARMENT OF HOPFL. Disbarment entered. [For earlier order herein, see 439 U. S. 1042.]

No. D-154. IN RE DISBARMENT OF BRICKEL. Disbarment entered. [For earlier order herein, see 439 U. S. 1042.]

No. 78-223. NATIONAL LABOR RELATIONS BOARD ET AL. *v.* BAPTIST HOSPITAL, INC. C. A. 6th Cir. [Certiorari granted, 439 U. S. 1065.] Motion of National Union of Hospital & Health Care Employees, RWDSU, AFL-CIO, for leave to file a brief as *amicus curiae* granted.

March 19, 1979

440 U.S.

No. 78-303. COLBY, DIRECTOR, CENTRAL INTELLIGENCE AGENCY, ET AL. *v.* DRIVER ET AL. C. A. 1st Cir. [Certiorari granted, 439 U. S. 1113.] Motion of the Solicitor General for divided argument granted.

No. 78-349. UNITED STATES *v.* HELSTOSKI; and

No. 78-546. HELSTOSKI *v.* MEANOR, U. S. DISTRICT JUDGE, ET AL. C. A. 3d Cir. [Certiorari granted, 439 U. S. 1045.] Motion of Thomas P. O'Neill, Jr., et al. for leave to participate in oral argument as *amici curiae* granted, and 15 additional minutes allotted for that purpose. Motion of Helstoski to defer oral argument denied. THE CHIEF JUSTICE, MR. JUSTICE STEWART, MR. JUSTICE REHNQUIST, and MR. JUSTICE STEVENS would grant the latter motion. MR. JUSTICE POWELL took no part in the consideration or decision of the latter motion.

No. 78-432. UNITED STEELWORKERS OF AMERICA, AFL-CIO-CLC *v.* WEBER ET AL.;

No. 78-435. KAISER ALUMINUM & CHEMICAL CORP. *v.* WEBER ET AL.; and

No. 78-436. UNITED STATES ET AL. *v.* WEBER ET AL. C. A. 5th Cir. [Certiorari granted, 439 U. S. 1045.] Motions for leave to file briefs as *amici curiae* filed by the following were granted: Pacific Legal Foundation, Washington Legal Foundation, Southeastern Legal Foundation, United States Justice Foundation, and Great Plains Legal Foundation. Motion of Government Contract Employers Assn. for leave to participate in oral argument as *amicus curiae* denied. MR. JUSTICE STEVENS took no part in the consideration or decision of these motions.

No. 78-511. LO-JI SALES, INC. *v.* NEW YORK. App. Term, Sup. Ct. N. Y., 9th and 10th Jud. Dists. [Certiorari granted, 439 U. S. 978.] Motions of American Booksellers Assn., Inc., et al., and Charles H. Keating, Jr., for leave to file briefs as *amici curiae* granted.

440 U. S.

March 19, 1979

No. 78-482. SMITH, JUDGE, ET AL. *v.* DAILY MAIL PUBLISHING Co. ET AL. Sup. Ct. App. W. Va. [Certiorari granted, 439 U. S. 963.] Motion of Paul Raymond Stone for leave to participate in oral argument as *amicus curiae* denied.

No. 78-575. SOUTHERN RAILWAY Co. *v.* SEABOARD ALLIED MILLING CORP. ET AL.;

No. 78-597. INTERSTATE COMMERCE COMMISSION *v.* SEABOARD ALLIED MILLING CORP. ET AL.; and

No. 78-604. SEABOARD COAST LINE RAILROAD Co. ET AL. *v.* SEABOARD ALLIED MILLING CORP. ET AL. C. A. 8th Cir. [Certiorari granted, 439 U. S. 1066.] Motion of the Solicitor General for additional time for oral argument granted, and 15 minutes allotted for that purpose. MR. JUSTICE POWELL took no part in the consideration or decision of this motion.

No. 78-610. COLUMBUS BOARD OF EDUCATION ET AL. *v.* PENICK ET AL. C. A. 6th Cir. [Certiorari granted, 439 U. S. 1066.] Motions of Neighborhood School Coordinating Committee et al. and Delaware State Board of Education et al. for leave to file briefs as *amici curiae* granted.

No. 78-627. DAYTON BOARD OF EDUCATION ET AL. *v.* BRINKMAN ET AL. C. A. 6th Cir. [Certiorari granted, 439 U. S. 1066.] Motions of Delaware State Board of Education et al. and Pacific Legal Foundation for leave to file briefs as *amici curiae* granted.

No. 78-690. REITER *v.* SONOTONE CORP. ET AL. C. A. 8th Cir. [Certiorari granted, 439 U. S. 1065.] Motion of Kennedy Smith et al. for leave to file a brief as *amici curiae* granted. Motion of the Solicitor General for divided argument granted. Motion of the Attorney General of Minnesota for leave to participate in oral argument as *amicus curiae* granted, and 10 additional minutes allotted for that purpose. Respondents also allotted 10 additional minutes for oral argument.

March 19, 1979

440 U.S.

No. 78-749. *KENTUCKY v. WHORTON*. Sup. Ct. Ky. [Certiorari granted, 439 U. S. 1067.] Consideration of respondent's suggestion of mootness deferred to hearing of case on the merits.

No. 78-759. *LEROY, ATTORNEY GENERAL OF IDAHO, ET AL. v. GREAT WESTERN UNITED CORP.* C. A. 5th Cir. [Probable jurisdiction noted, 439 U. S. 1065.] Motion of National Association of Insurance Commissioners for leave to file a brief as *amicus curiae* granted. Motions of Attorney General of New York and Attorney General of Ohio for leave to participate in oral argument as *amici curiae* denied.

No. 78-1177. *WHITE MOUNTAIN APACHE TRIBE ET AL. v. BRACKER ET AL.* Ct. App. Ariz. The Solicitor General is invited to file a brief in this case expressing the views of the United States.

No. 78-5283. *JACKSON v. VIRGINIA ET AL.* C. A. 4th Cir. [Certiorari granted, 439 U. S. 1001.] Motion of the Attorney General of California for leave to participate in oral argument as *amicus curiae* denied.

No. 78-6096. *WELCH v. CELEBREZZE*, CHIEF JUSTICE, SUPREME COURT OF OHIO; and

No. 78-6133. *MEDLEY v. MOULTRIE*, JUDGE. Motions for leave to file petitions for writs of mandamus denied.

Certiorari Granted

No. 77-6219. *BALDASAR v. ILLINOIS*. App. Ct. Ill., 2d Dist. Motion of petitioner for leave to proceed *in forma pauperis* and certiorari granted. Reported below: 52 Ill. App. 3d 305, 367 N. E. 2d 459.

No. 78-959. *PERRIN v. UNITED STATES*. C. A. 5th Cir. Certiorari granted limited to Question 1 presented by the petition. Reported below: 580 F. 2d 730.

440 U. S.

March 19, 1979

No. 78-599. SECRETARY OF THE NAVY ET AL. *v.* HUFF ET AL. C. A. D. C. Cir. Motion of respondents for leave to proceed *in forma pauperis* granted. Certiorari granted and case set for oral argument in tandem with No. 78-1006, *Brown v. Glines*, immediately *infra*. Reported below: 188 U. S. App. D. C. 26, 575 F. 2d 907.

No. 78-1006. BROWN, SECRETARY OF DEFENSE, ET AL. *v.* GLINES. C. A. 9th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari granted and case set for oral argument in tandem with No. 78-599, *Secretary of the Navy v. Huff*, immediately *supra*. Reported below: 586 F. 2d 675.

No. 78-972. UNITED STATES *v.* APFELBAUM. C. A. 3d Cir. Motion of respondent for leave to proceed *in forma pauperis* and certiorari granted. Reported below: 584 F. 2d 1264.

No. 78-990. UNITED STATES *v.* BAILEY ET AL.; and UNITED STATES *v.* COGDELL. C. A. D. C. Cir. Motions of respondents for leave to proceed *in forma pauperis* and certiorari granted. Reported below: 190 U. S. App. D. C. 142, 585 F. 2d 1087 (first case); 190 U. S. App. D. C. 185, 585 F. 2d 1130 (second case).

No. 78-1183. CARBON FUEL CO. *v.* UNITED MINE WORKERS OF AMERICA ET AL. C. A. 4th Cir. Certiorari granted. Reported below: 582 F. 2d 1346.

Certiorari Denied. (See also No. 78-1160, *supra*.)

No. 76-6853. RANDLE ET AL. *v.* BEAL, SECRETARY, DEPARTMENT OF PUBLIC WELFARE OF PENNSYLVANIA, ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 551 F. 2d 2.

No. 78-221. SIERRA TERRENO ET AL. *v.* TAHOE REGIONAL PLANNING AGENCY. Ct. App. Cal., 3d App. Dist. Certiorari denied. Reported below: 79 Cal. App. 3d 439, 144 Cal. Rptr. 776.

March 19, 1979

440 U.S.

No. 78-792. *ELLIS TRUCKING CO., INC., ET AL. v. SMART ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 580 F. 2d 215.

No. 78-817. *DONALD EVERETT D. ET AL. v. CALIFORNIA.* Ct. App. Cal., 3d App. Dist. Certiorari denied.

No. 78-860. *WOLKIND v. VIRGINIA.* Cir. Ct., Henrico County, Va. Certiorari denied.

No. 78-905. *McKENNA v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 568 F. 2d 779.

No. 78-927. *GROS VENTRE TRIBE OF THE FORT BELKNAP INDIAN RESERVATION, MONTANA v. UNITED STATES ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 581 F. 2d 1314.

No. 78-937. *TAYLOR v. SIMMONS ET AL.* C. A. 10th Cir. Certiorari denied.

No. 78-948. *TINGHINO v. UNITED STATES.* C. A. 7th Cir. Certiorari denied. Reported below: 588 F. 2d 839.

No. 78-954. *WESTERN FUELS ASSN., INC., ET AL. v. NATURAL RESOURCES DEFENSE COUNCIL, INC., ET AL.* C. A. D. C. Cir. Certiorari denied.

No. 78-964. *FARMER v. HOLTON, JUDGE.* Ct. App. Ga. Certiorari denied. Reported below: 146 Ga. App. 102, 245 S. E. 2d 457.

No. 78-966. *MILLER v. UNITED STATES.* C. A. 1st Cir. Certiorari denied. Reported below: 589 F. 2d 1117.

No. 78-977. *ABNEY v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 584 F. 2d 388.

No. 78-988. *LAURENTI ET AL. v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. Reported below: 581 F. 2d 37.

440 U.S.

March 19, 1979

No. 78-1004. *HEILMAN ET AL. v. BELL, ATTORNEY GENERAL, ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 583 F. 2d 373.

No. 78-1017. *TUG OCEAN PRINCE, INC., ET AL. v. UNITED STATES ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 584 F. 2d 1151.

No. 78-1019. *SWAFFORD v. AVAKIAN.* C. A. 5th Cir. Certiorari denied. Reported below: 581 F. 2d 1224.

No. 78-1022. *CROWELL v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 586 F. 2d 1020.

No. 78-1026. *KLINGAMAN, T/A BANNER SIGHTSEEING Co., ET AL. v. SOMMERS.* Dist. Ct. App. Fla., 2d Dist. Certiorari denied. Reported below: 354 So. 2d 1219.

No. 78-1035. *PACE ET AL. v. DEPARTMENT OF THE TREASURY ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 582 F. 2d 39.

No. 78-1044. *DiLUIGI v. KAFKALAS, ADJUTANT GENERAL OF PENNSYLVANIA.* C. A. 3d Cir. Certiorari denied. Reported below: 584 F. 2d 22.

No. 78-1047. *HORVAT ET AL. v. COMMISSIONER OF INTERNAL REVENUE.* C. A. 7th Cir. Certiorari denied. Reported below: 582 F. 2d 1282.

No. 78-1061. *HALEY v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. Reported below: 582 F. 2d 1281.

No. 78-1062. *McMANUS ET AL. v. COMMISSIONER OF INTERNAL REVENUE.* C. A. 9th Cir. Certiorari denied. Reported below: 583 F. 2d 443.

No. 78-1089. *RKO GENERAL, INC. v. MULTI-STATE COMMUNICATIONS, INC.* C. A. D. C. Cir. Certiorari denied. Reported below: 192 U. S. App. D. C. 1, 590 F. 2d 1117.

March 19, 1979

440 U.S.

No. 78-1090. *BIG THREE INDUSTRIAL GAS & EQUIPMENT Co., INC. v. NATIONAL LABOR RELATIONS BOARD*. C. A. 5th Cir. Certiorari denied. Reported below: 579 F. 2d 304.

No. 78-1092. *INTERNATIONAL ASSOCIATION OF MACHINISTS & AEROSPACE WORKERS, AIRLINE DISTRICT LODGE 146, ET AL. v. AIR LINE EMPLOYEES ASSOCIATION INTERNATIONAL UNION ET AL.* Ct. Civ. App. Tex., 10th Sup. Jud. Dist. Certiorari denied. Reported below: 567 S. W. 2d 623.

No. 78-1109. *BOGLE ET AL. v. FLORIDA*. Dist. Ct. App. Fla., 4th Dist. Certiorari denied. Reported below: 353 So. 2d 700.

No. 78-1121. *ORR v. ARGUS-PRESS Co.* C. A. 6th Cir. Certiorari denied. Reported below: 586 F. 2d 1108.

No. 78-1123. *GONZALEZ ET AL. v. NORTHWEST AIRLINES, INC., ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 586 F. 2d 834.

No. 78-1132. *WATERBURY PETROLEUM PRODUCTS, INC. v. JOHN B. HULL, INC., ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 588 F. 2d 24.

No. 78-1137. *HAUSER v. WASHINGTON*. Ct. App. Wash. Certiorari denied. Reported below: 19 Wash. App. 506, 576 P. 2d 420.

No. 78-1141. *STEELCASE, INC. v. DELWOOD FURNITURE Co., INC.* C. A. 5th Cir. Certiorari denied. Reported below: 578 F. 2d 74.

No. 78-1147. *WILSON v. BOARD OF GOVERNORS, WASHINGTON STATE BAR ASSN.* Sup. Ct. Wash. Certiorari denied. Reported below: 90 Wash. 2d 649, 585 P. 2d 136.

No. 78-1148. *NEW WORLD LIFE INSURANCE Co. v. GEORGIA INTERNATIONAL LIFE INSURANCE Co.* C. A. 5th Cir. Certiorari denied. Reported below: 584 F. 2d 388.

440 U. S.

March 19, 1979

No. 78-1149. *LITTON INDUSTRIAL PRODUCTS, INC. v. JAMESBURY CORP.* C. A. 2d Cir. Certiorari denied. Reported below: 586 F. 2d 917.

No. 78-1150. *NICKOLA v. PETERSON, DBA KAYDEE PRODUCTS Co.* C. A. 6th Cir. Certiorari denied. Reported below: 580 F. 2d 898.

No. 78-1156. *MACDONALD v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 585 F. 2d 1211.

No. 78-1159. *HANNER v. TEXAS.* Ct. Crim. App. Tex. Certiorari denied. Reported below: 572 S. W. 2d 702.

No. 78-1163. *OHIO EDISON Co. v. WILLIAMS, DIRECTOR, OHIO ENVIRONMENTAL PROTECTION AGENCY.* Ct. App. Ohio, Franklin County. Certiorari denied.

No. 78-1165. *CHICAGO TITLE & TRUST Co., TRUSTEE, ET AL. v. LISNER ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 582 F. 2d 1092.

No. 78-1180. *ROSENTHAL v. ATTORNEY REGISTRATION AND DISCIPLINARY COMMISSION OF ILLINOIS; and*

No. 78-1193. *CARNOW v. ATTORNEY REGISTRATION AND DISCIPLINARY COMMISSION OF ILLINOIS.* Sup. Ct. Ill. Certiorari denied. Reported below: 73 Ill. 2d 46, 382 N. E. 2d 257.

No. 78-1182. *KLINE v. PITTSBURGH & LAKE ERIE RAILROAD Co.* C. A. 3d Cir. Certiorari denied. Reported below: 588 F. 2d 821.

No. 78-1187. *MILLER v. ATCHISON, TOPEKA & SANTA FE RAILWAY Co.* Ct. Civ. App. Tex., 2d Sup. Jud. Dist. Certiorari denied.

No. 78-1189. *FADDEN v. MASSACHUSETTS.* Sup. Jud. Ct. Mass. Certiorari denied. Reported below: — Mass. —, — N. E. 2d —.

March 19, 1979

440 U.S.

No. 78-1199. *FOREST LAWN MEMORIAL GARDENS, INC., ET AL. v. AYRES ET AL.* Ct. App. Tenn. Certiorari denied.

No. 78-1203. *SHAGOURY v. MASSACHUSETTS.* Ct. App. Mass. Certiorari denied. Reported below: — Mass. App. —, 380 N. E. 2d 708.

No. 78-1220. *LEY v. CATS ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 591 F. 2d 1329.

No. 78-1234. *GUST v. CRAMER.* C. A. 2d Cir. Certiorari denied. Reported below: 594 F. 2d 852.

No. 78-1242. *INSURANCE COMPANY OF NORTH AMERICA v. FILOR, BULLARD & SMYTH.* C. A. 2d Cir. Certiorari denied. Reported below: 605 F. 2d 598.

No. 78-1244. *FREDERICKS v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 586 F. 2d 470.

No. 78-1246. *PARISH ET AL. v. MARYLAND & VIRGINIA MILK PRODUCERS ASSN., INC., ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 588 F. 2d 1350.

No. 78-1280. *WERBROUCK v. UNITED STATES.* C. A. 7th Cir. Certiorari denied. Reported below: 589 F. 2d 273.

No. 78-5771. *BURKE v. VIRGINIA STATE PENITENTIARY.* C. A. 4th Cir. Certiorari denied. Reported below: 577 F. 2d 732.

No. 78-5796. *EBY ET AL. v. VIRGINIA.* Sup. Ct. Va. Certiorari denied.

No. 78-5809. *ARTWAY v. KLEIN ET AL.* C. A. 3d Cir. Certiorari denied.

No. 78-5810. *TURNER ET AL. v. JONES ET AL.* C. A. 5th Cir. Certiorari denied.

No. 78-5823. *BERTOLOTTI v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 590 F. 2d 1379.

440 U.S.

March 19, 1979

No. 78-5831. *RACHAL v. LOUISIANA*. Sup. Ct. La. Certiorari denied. Reported below: 362 So. 2d 737.

No. 78-5835. *HUFF v. WAINWRIGHT, SECRETARY, DEPARTMENT OF OFFENDER REHABILITATION OF FLORIDA*. C. A. 5th Cir. Certiorari denied. Reported below: 583 F. 2d 744.

No. 78-5849. *MULLINS v. TENNESSEE*. Ct. Crim. App. Tenn. Certiorari denied. Reported below: 571 S. W. 2d 852.

No. 78-5875. *MOONE v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 588 F. 2d 824.

No. 78-5877. *WEINRAUCH v. UNITED STATES SECRET SERVICE ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 584 F. 2d 974.

No. 78-5887. *COGDELL v. UNITED STATES*;

No. 78-5889. *WALKER v. UNITED STATES*; and

No. 78-5904. *BAILEY v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. Reported below: No. 78-5887, 190 U. S. App. D. C. 185, 585 F. 2d 1130; Nos. 78-5889 and 78-5904, 190 U. S. App. D. C. 142, 585 F. 2d 1087.

No. 78-5921. *LILES v. MERIT SYSTEMS PROTECTION BOARD ET AL.* C. A. 10th Cir. Certiorari denied.

No. 78-5923. *MASTROCOLO v. CALIFANO, SECRETARY OF HEALTH, EDUCATION, AND WELFARE*. C. A. 5th Cir. Certiorari denied. Reported below: 575 F. 2d 880.

No. 78-5924. *SMITH v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 586 F. 2d 844.

No. 78-5936. *DRUCKER v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 591 F. 2d 1332.

No. 78-5943. *DITTMAN v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 586 F. 2d 841.

March 19, 1979

440 U.S.

No. 78-5955. *SCHERER v. WEBSTER, DIRECTOR, FEDERAL BUREAU OF INVESTIGATION, ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 584 F. 2d 170.

No. 78-5976. *HARRIS v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 586 F. 2d 838.

No. 78-5986. *HILL v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. Reported below: 590 F. 2d 336.

No. 78-5999. *HERRELL v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 588 F. 2d 711.

No. 78-6010. *BEALS v. WILSON ET AL.* C. A. 10th Cir. Certiorari denied.

No. 78-6012. *McGRATH v. UNITED STATES.* C. A. 9th Cir. Certiorari denied.

No. 78-6057. *POPE v. POMERLEAU ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 571 F. 2d 577.

No. 78-6059. *IRONS v. MONTANYE, CORRECTIONAL SUPERINTENDENT.* C. A. 2d Cir. Certiorari denied. Reported below: 591 F. 2d 1330.

No. 78-6063. *STAFFORD v. NAA EMPLOYEES FEDERAL CREDIT UNION.* Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 78-6065. *LANGFORD v. MICHIGAN.* Ct. App. Mich. Certiorari denied. Reported below: 76 Mich. App. 197, 256 N. W. 2d 578.

No. 78-6075. *HARPER v. CALIFORNIA.* Ct. App. Cal., 1st App. Dist. Certiorari denied.

No. 78-6078. *SANKEY v. ALABAMA.* Sup. Ct. Ala. Certiorari denied. Reported below: 364 So. 2d 362.

No. 78-6079. *YOUNG v. CALIFORNIA.* Sup. Ct. Cal. Certiorari denied.

440 U.S.

March 19, 1979

No. 78-6084. *BLANKENSHIP v. MCCARLEY ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 585 F. 2d 518.

No. 78-6085. *THOMAS v. NEW YORK.* App. Div., Sup. Ct. N. Y., 1st Jud. Dept. Certiorari denied. Reported below: 65 App. Div. 2d 679, 409 N. Y. S. 2d 324.

No. 78-6092. *JONES v. MORRIS, WARDEN.* C. A. 7th Cir. Certiorari denied. Reported below: 590 F. 2d 684.

No. 78-6094. *JONES v. CARDWELL, PRISON SUPERINTENDENT.* C. A. 9th Cir. Certiorari denied. Reported below: 588 F. 2d 279.

No. 78-6097. *GREEN v. WHITE.* C. A. 8th Cir. Certiorari denied.

No. 78-6110. *ROSHER v. WAINWRIGHT, DIRECTOR, DEPARTMENT OF OFFENDER REHABILITATION OF FLORIDA.* C. A. 5th Cir. Certiorari denied. Reported below: 588 F. 2d 826.

No. 78-6111. *KING v. OKLAHOMA.* Ct. Crim. App. Okla. Certiorari denied. Reported below: 586 P. 2d 756.

No. 78-6112. *HOLLIMAN v. HARGETT, WARDEN, ET AL.* C. A. 5th Cir. Certiorari denied.

No. 78-6113. *DENNIS v. WAINWRIGHT, DIRECTOR, DEPARTMENT OF OFFENDER REHABILITATION OF FLORIDA.* C. A. 5th Cir. Certiorari denied.

No. 78-6114. *RICHARD v. INDIANA.* Sup. Ct. Ind. Certiorari denied. Reported below: 269 Ind. 607, 382 N. E. 2d 899.

No. 78-6115. *AWKARD v. MARYLAND.* Ct. Sp. App. Md. Certiorari denied.

No. 78-6119. *GALE v. HARRIS, CORRECTIONAL SUPERINTENDENT.* C. A. 2d Cir. Certiorari denied. Reported below: 580 F. 2d 52.

March 19, 1979

440 U.S.

No. 78-6122. *MILLS v. OHIO*. Ct. App. Ohio, Knox County. Certiorari denied.

No. 78-6123. *PHILLIPS v. OKLAHOMA*. Ct. Crim. App. Okla. Certiorari denied.

No. 78-6128. *CHUMLEY v. PENNSYLVANIA*. Sup. Ct. Pa. Certiorari denied. Reported below: 482 Pa. 626, 394 A. 2d 497.

No. 78-6130. *LEARY v. OHIO*. Ct. App. Ohio, Hamilton County. Certiorari denied.

No. 78-6148. *FRAIRE v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 78-6154. *LOVALLO v. VETERANS' ADMINISTRATION ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 588 F. 2d 821.

No. 78-6168. *MANSUETO v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 591 F. 2d 1335.

No. 78-6178. *BURKLEY v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. Reported below: 192 U. S. App. D. C. 294, 591 F. 2d 903.

No. 78-6186. *KILBURN v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 596 F. 2d 928.

No. 78-6202. *MAGEE v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 586 F. 2d 636.

No. 78-6203. *POOLAW v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 588 F. 2d 103.

No. 78-6208. *WILSON v. INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA, UAW, ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 588 F. 2d 836.

440 U. S.

March 19, 1979

No. 78-6209. *GOOSBY v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 591 F. 2d 1337.

No. 78-6219. *SMITH v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 78-6234. *KING v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 591 F. 2d 1337.

No. 78-6246. *OROZCO-RICO v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 589 F. 2d 433.

No. 78-6247. *LOCK v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 588 F. 2d 452.

No. 78-6251. *JONES v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 78-6257. *GREENE v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 588 F. 2d 1352.

No. 78-933. *TULLEY, GUARDIAN v. TULLEY*. Ct. App. Cal., 1st App. Dist. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 83 Cal. App. 3d 698, 146 Cal. Rptr. 266.

No. 78-1170. *ATTORNEY GENERAL OF NEW YORK v. MIZELL*. C. A. 2d Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 586 F. 2d 942.

No. 78-1039. *FARINO v. FARINO*. App. Div., Sup. Ct. N. Y., 2d Jud. Dept. Certiorari denied. Application for stay, presented to MR. JUSTICE MARSHALL, and by him referred to the Court, denied. Reported below: 63 App. Div. 2d 691, 404 N. Y. S. 2d 890.

No. 78-1178. *DIRECTOR, OFFICE WORKERS' COMPENSATION PROGRAMS, U. S. DEPARTMENT OF LABOR v. JACKSONVILLE SHIPYARDS, INC., ET AL.* C. A. 5th Cir. Certiorari denied. MR. JUSTICE BLACKMUN would grant certiorari. Reported below: 575 F. 2d 79.

March 19, 1979

440 U. S.

No. 78-5274. SHIPPY, AKA PREWITT *v.* ESTELLE, CORRECTIONS DIRECTOR, ET AL. Ct. Crim. App. Tex. Certiorari denied based on respondents' representation that "[a]s long as [petitioner] is actively pursuing his right to a writ of habeas corpus, [he] will not be executed." Brief in Opposition 3.

No. 78-1049. ALIQUIPPA & SOUTHERN RAILROAD CO. ET AL. *v.* UNITED STATES ET AL.; and

No. 78-1069. BALTIMORE & OHIO CHICAGO TERMINAL RAILROAD CO. ET AL. *v.* UNITED STATES ET AL. C. A. 3d Cir. Certiorari denied. MR. JUSTICE POWELL took no part in the consideration or decision of these petitions. Reported below: 583 F. 2d 678.

No. 78-5535. BODDE *v.* TEXAS. Ct. Crim. App. Tex. Certiorari denied. Reported below: 568 S. W. 2d 344.

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. 77-1567. BUCK *v.* HUNTER ET AL., 439 U. S. 1059;

No. 78-730. AMERICAN EXPORT LINES, INC., ET AL. *v.* METAL TRADERS, INC., 439 U. S. 1128;

No. 78-786. McDANNALD *v.* HILL, ATTORNEY GENERAL OF TEXAS, ET AL., 439 U. S. 1128;

No. 78-5784. GIBSON *v.* MISSOURI PACIFIC RAILROAD CO. ET AL., *ante*, p. 921; and

No. 78-5819. ALERS *v.* TOLEDO ET AL., 439 U. S. 1131. Petitions for rehearing denied.

440 U. S.

March 19, 26, 1979

No. 78-5824. *SILLO v. PENNSYLVANIA*, 439 U. S. 1132; and
No. 78-5830. *JETER v. UNITED STATES*, 439 U. S. 1120.
Petitions for rehearing denied.

No. 78-454. *PAVLECKA ET AL. v. BANNER, COMMISSIONER
OF PATENTS AND TRADEMARKS*, 439 U. S. 1046. Motion for
leave to file petition for rehearing denied.

MARCH 26, 1979*

Appeal Dismissed

No. 78-1126. *HOAGLAND ET AL. v. MINNESOTA*. Appeal
from Sup. Ct. Minn. dismissed for want of substantial federal
question. Reported below: 270 N. W. 2d 778.

Vacated and Remanded on Appeal

No. 78-846. *FIRST OF OMAHA SERVICE CORP., DBA BANK-
AMERICARD, ET AL. v. IOWA EX REL. TURNER, ATTORNEY GEN-
ERAL OF IOWA*. Appeal from Sup. Ct. Iowa. Judgment va-
cated and case remanded for further consideration in light of
Marquette National Bank v. First of Omaha Service Corp.,
439 U. S. 299 (1979). Reported below: 269 N. W. 2d 409.

Miscellaneous Orders

No. 78-432. *UNITED STEELWORKERS OF AMERICA, AFL-
CIO-CLC v. WEBER ET AL.*;

No. 78-435. *KAISER ALUMINUM & CHEMICAL CORP. v.
WEBER ET AL.*; and

No. 78-436. *UNITED STATES ET AL. v. WEBER ET AL.* C. A.
5th Cir. [Certiorari granted, 439 U. S. 1045.] Motion of
Affirmative Action Coordinating Center et al. for leave to par-
ticipate in oral argument as *amici curiae* denied. MR. JUSTICE
STEVENS took no part in the consideration or decision of this
motion.†

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

†See also note, *supra*.

March 26, 1979

440 U.S.

No. 78-156. *UNITED STATES v. ADDONIZIO ET AL.* C. A. 3d Cir. [Certiorari granted, 439 U. S. 1045.] Motion of respondents for divided argument granted.

No. 78-437. *CALIFANO, SECRETARY OF HEALTH, EDUCATION, AND WELFARE v. WESTCOTT ET AL.*; and

No. 78-689. *PRATT, COMMISSIONER, DEPARTMENT OF PUBLIC WELFARE OF MASSACHUSETTS v. WESTCOTT ET AL.* D. C. Mass. Motion of American Civil Liberties Union et al. for leave to file a brief as *amici curiae* granted.

No. A-778 (78-1359). *GUNDUY v. UNITED STATES.* C. A. 2d Cir. Application for stay, addressed to MR. JUSTICE BRENNAN and referred to the Court, denied.

No. 78-5981. *FERRI v. ACKERMAN.* Sup. Ct. Pa. [Certiorari granted, *ante*, p. 907.] Motion of petitioner for appointment of counsel granted, and it is ordered that Julian N. Eule, Esquire, of Philadelphia, Pa., be appointed to serve as counsel for petitioner in this case.

No. 78-6299. *SATTERLEE v. LOGGINS, CORRECTIONAL SUPERINTENDENT, ET AL.* Motion for leave to file petition for writ of habeas corpus denied.

No. 78-6135. *BURY v. UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF FLORIDA ET AL.* Motion for leave to file petition for writ of mandamus and/or prohibition denied.

Probable Jurisdiction Noted

No. 78-1143. *VANCE, SECRETARY OF STATE v. TERRAZAS.* Appeal from C. A. 7th Cir. Motion of appellee for leave to proceed *in forma pauperis* granted. Probable jurisdiction noted. Reported below: 577 F. 2d 7.

No. 78-5937. *YBARRA v. ILLINOIS.* Appeal from App. Ct. Ill., 2d Dist. Motion of appellant for leave to proceed *in forma pauperis* granted. Probable jurisdiction noted. Reported below: 58 Ill. App. 3d 57, 373 N. E. 2d 1013.

440 U.S.

March 26, 1979

Certiorari Denied

No. 78-907. *CAIN v. MAZURKIEWICZ ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 582 F. 2d 1273.

No. 78-930. *JACKSON v. OREGON.* Ct. App. Ore. Certiorari denied. Reported below: 33 Ore. App. 139, 575 P. 2d 1001.

No. 78-1055. *FAIRCHILD INDUSTRIES, INC. v. HARVEY, U. S. DISTRICT JUDGE (UNITED STATES, REAL PARTY IN INTEREST).* C. A. 4th Cir. Certiorari denied. Reported below: 581 F. 2d 1103.

No. 78-1063. *AMERICAN TELEPHONE & TELEGRAPH CO. ET AL. v. MCI COMMUNICATIONS CORP. ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 594 F. 2d 594.

No. 78-1082. *CONZEMIUS v. UNITED STATES.* C. A. 8th Cir. Certiorari denied. Reported below: 586 F. 2d 97.

No. 78-1112. *BROTHERS ET AL. v. SCHIMKE ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 594 F. 2d 242.

No. 78-1154. *MILWAUKEE NEWSPAPER & GRAPHIC COMMUNICATIONS UNION, LOCAL 23 v. NEWSPAPERS, INC.* C. A. 7th Cir. Certiorari denied. Reported below: 586 F. 2d 19.

No. 78-1157. *DUPAS v. CITY OF NEW ORLEANS ET AL.* Ct. App. La., 4th Cir. Certiorari denied. Reported below: 361 So. 2d 911.

No. 78-1181. *BATT v. MARION HEIGHTS, INC., ET AL.; and*

No. 78-6131. *MUSSO v. SURIANO ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 586 F. 2d 59.

No. 78-1186. *WHARTON v. GARRISON.* C. A. 4th Cir. Certiorari denied. Reported below: 588 F. 2d 1353.

No. 78-1188. *SPICKLER v. BRENGELMANN ET UX.* Sup. Jud. Ct. Me. Certiorari denied. Reported below: 393 A. 2d 174.

March 26, 1979

440 U. S.

No. 78-1195. *TOKHEIM ET AL. v. BLUME*. Ct. App. Iowa. Certiorari denied.

No. 78-1197. *MCGRATH v. NEW YORK*. Ct. App. N. Y. Certiorari denied. Reported below: 46 N. Y. 2d 12, 385 N. E. 2d 541.

No. 78-1215. *BALL v. BOARD OF TRUSTEES OF THE KERRVILLE INDEPENDENT SCHOOL DISTRICT ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 584 F. 2d 684.

No. 78-1232. *COLLIER v. PENNSYLVANIA*. Super. Ct. Pa. Certiorari denied.

No. 78-1269. *MEADOWS v. O'BRIEN*. Ct. App. Ohio, Franklin County. Certiorari denied.

No. 78-1294. *BONAMO ET AL. v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 586 F. 2d 560.

No. 78-1307. *KING ET AL. v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 587 F. 2d 209.

No. 78-1320. *WHITTEN v. UNITED STATES*; and

No. 78-6245. *BRIGHT v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 588 F. 2d 504.

No. 78-1326. *LA DUCA v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 587 F. 2d 144.

No. 78-1330. *WILLIAMS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 581 F. 2d 451.

No. 78-1332. *LYLES v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 593 F. 2d 182.

No. 78-1340. *JONAS v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 590 F. 2d 338.

No. 78-1352. *MATTHEWS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 589 F. 2d 442.

440 U. S.

March 26, 1979

No. 78-1353. *KING v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 590 F. 2d 253.

No. 78-5857. *GOLDBERG v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 582 F. 2d 483.

No. 78-5918. *DIXON v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 58 Ill. App. 3d 557, 374 N. E. 2d 900.

No. 78-5919. *SMITH v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 58 Ill. App. 3d 784, 374 N. E. 2d 1285.

No. 78-5947. *YOUNG v. ILLINOIS*. App. Ct. Ill., 2d Dist. Certiorari denied. Reported below: 60 Ill. App. 3d 49, 376 N. E. 2d 712.

No. 78-5972. *WISEBAKER ET AL. v. RHODES, GOVERNOR OF OHIO, ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 586 F. 2d 1.

No. 78-5977. *OSBORNE v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 591 F. 2d 413.

No. 78-6019. *WATKINS v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 590 F. 2d 336.

No. 78-6025. *JENKINS v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 588 F. 2d 824.

No. 78-6028. *GEOGHEGAN v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 590 F. 2d 336.

No. 78-6031. *BARNETTE v. UNITED STATES*. C. A. 10th Cir. Certiorari denied.

No. 78-6035. *HERNANDEZ v. UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS*. C. A. 5th Cir. Certiorari denied.

March 26, 1979

440 U.S.

No. 78-6109. JACKSON *v.* HENDERSON, CORRECTIONAL SUPERINTENDENT. C. A. 2d Cir. Certiorari denied.

No. 78-6132. WHITE *v.* FLORIDA. Dist. Ct. App. Fla., 4th Dist. Certiorari denied. Reported below: 363 So. 2d 886.

No. 78-6134. NORSWORTHY *v.* TEXAS. Ct. Crim. App. Tex. Certiorari denied.

No. 78-6138. SMITH *v.* CALIFORNIA. Ct. App. Cal., 4th App. Dist. Certiorari denied.

No. 78-6142. HUBBARD *v.* HATRAK, PRISON SUPERINTENDENT. C. A. 3d Cir. Certiorari denied. Reported below: 588 F. 2d 414.

No. 78-6143. JAWA *v.* FAYETTEVILLE STATE UNIVERSITY ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 584 F. 2d 976.

No. 78-6147. CROSS *v.* ILLINOIS. C. A. 7th Cir. Certiorari denied. Reported below: 588 F. 2d 838.

No. 78-6151. CRONNON *v.* ALABAMA. C. A. 5th Cir. Certiorari denied. Reported below: 587 F. 2d 246.

No. 78-6157. COOPER *v.* FITZHARRIS. C. A. 9th Cir. Certiorari denied. Reported below: 586 F. 2d 1325.

No. 78-6158. CLIFTON *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied.

No. 78-6159. GREEN *v.* GORDON TRANSPORTATION, INC. C. A. 6th Cir. Certiorari denied.

No. 78-6164. SMITH *v.* PENNSYLVANIA. Sup. Ct. Pa. Certiorari denied. Reported below: 482 Pa. 172, 393 A. 2d 435.

No. 78-6169. HOHENSEE *v.* SPADINE. Sup. Ct. Pa. Certiorari denied.

440 U.S.

March 26, 1979

No. 78-6172. *CAIN v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 587 F. 2d 678.

No. 78-6189. *TROWERY v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 591 F. 2d 1337.

No. 78-6207. *BRIGGS v. SMITH, CORRECTIONAL SUPERINTENDENT*. C. A. 2d Cir. Certiorari denied.

No. 78-6215. *MANNING v. SOLOMON, ADMINISTRATOR, GENERAL SERVICES ADMINISTRATION, ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 591 F. 2d 1330.

No. 78-6224. *HENDERSON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 588 F. 2d 157.

No. 78-6249. *DOERSCHLAG v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 588 F. 2d 843.

No. 78-6261. *BROWN v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 78-6263. *PESCE, AKA PIERCE v. UNITED STATES*; and

No. 78-6272. *CORCIONE v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 592 F. 2d 111.

No. 78-6265. *JOHNSON v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 593 F. 2d 182.

No. 78-6266. *ALLSBERRY v. WILKINSON, WARDEN*. C. A. 4th Cir. Certiorari denied. Reported below: 584 F. 2d 975.

No. 78-6270. *PAULSEN v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 78-6280. *MAESTAS v. UNITED STATES*. C. A. 10th Cir. Certiorari denied.

No. 78-6284. *WHEAT v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 587 F. 2d 798.

March 26, 1979

440 U.S.

No. 78-6290. *ROWAN v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 586 F. 2d 355.

No. 78-6292. *HOWARD v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 590 F. 2d 564.

No. 78-953. *HOBBS ET AL. v. ILLINOIS*. App. Ct. Ill., 2d Dist. Certiorari denied. MR. JUSTICE BRENNAN, MR. JUSTICE STEWART, and MR. JUSTICE MARSHALL would grant certiorari and reverse the convictions. Reported below: 59 Ill. App. 3d 793, 375 N. E. 2d 1367.

No. 78-983. *IDAHO ASSOCIATION OF NATUROPATHIC PHYSICIANS, INC., ET AL. v. UNITED STATES FOOD AND DRUG ADMINISTRATION ET AL.* C. A. 4th Cir. Motion of Northwest Academy of Preventive Medicine for leave to file a brief as *amicus curiae* granted. Certiorari denied. Reported below: 582 F. 2d 849.

No. 78-1227. *ELLIS NATIONAL BANK OF TALLAHASSEE v. DAVIS ET UX.* Dist. Ct. App. Fla., 1st Dist. Certiorari denied. MR. JUSTICE STEWART would grant certiorari. Reported below: 359 So. 2d 466.

No. 78-6048. *SPENKELINK v. WAINWRIGHT, SECRETARY, DEPARTMENT OF OFFENDER REHABILITATION OF FLORIDA*. C. A. 5th Cir. Motions of Association of the Bar of the City of New York and American Baptist Churches in the U. S. A. et al. for leave to file briefs as *amici curiae* granted. Certiorari denied. Reported below: 578 F. 2d 582.

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.

440 U.S.

March 26, 29, April 2, 1979

No. 78-5969. RYAN *v.* MONTANA. C. A. 9th Cir. Certiorari denied. MR. JUSTICE BRENNAN and MR. JUSTICE STEWART would grant certiorari. Reported below: 580 F. 2d 988.

Rehearing Denied

No. 78-926. JACKSON *v.* UNITED STATES, *ante*, p. 913;

No. 78-5762. LUCK *v.* JACKSON, CORRECTIONS DIRECTOR, ET AL., *ante*, p. 920;

No. 78-5906. WARDEN *v.* WYRICK, WARDEN, *ante*, p. 924;

No. 78-5954. TEPLITSKY *v.* ENVIRONMENTAL PROTECTION AGENCY ET AL., *ante*, p. 937; and

No. 78-6056. GORDON *v.* UNITED STATES, *ante*, p. 928. Petitions for rehearing denied.

MARCH 29, 1979

Dismissal Under Rule 60

No. 78-1257. GOODE *v.* HORIZONS TOWNE HOUSE, LTD., ET AL. C. A. 2d Cir. Certiorari dismissed under this Court's Rule 60.

APRIL 2, 1979*

Appeals Dismissed

No. 77-1833. SUN OIL COMPANY OF PENNSYLVANIA *v.* UNEMPLOYMENT COMPENSATION BOARD OF REVIEW OF PENNSYLVANIA ET AL. Appeal from Sup. Ct. Pa. dismissed for want of substantial federal question. Reported below: 476 Pa. 589, 383 A. 2d 519.

No. 78-1243. WERNET *v.* MINNESOTA. Appeal from Dist. Ct. Minn., 4th Jud. Dist., dismissed for want of substantial federal question.

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

April 2, 1979

440 U. S.

No. 78-1225. *ETKES v. BARTELL MEDIA CORP. ET AL.* Appeal from Ct. App. Cal., 2d App. Dist., dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari denied.

No. 78-1255. *HELMSLEY ET AL. v. BOROUGH OF FORT LEE ET AL.* Appeal from Sup. Ct. N. J. Motions of National Association of Realtors and National Apartment Assn. for leave to file briefs as *amici curiae* granted. Appeal dismissed for want of substantial federal question. Reported below: 78 N. J. 200, 394 A. 2d 65.

Certiorari Granted—Vacated and Remanded

No. 78-558. *KRETCHMAR v. NEBRASKA.* Sup. Ct. Neb. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Delaware v. Prouse*, ante, p. 648. Reported below: 201 Neb. 308, 267 N. W. 2d 740.

Miscellaneous Orders

No. A-800 (78-1443). *STROUSE ET AL. v. WINTER.* Sup. Ct. Okla. Application of petitioners for stay, addressed to Mr. JUSTICE MARSHALL and referred to the Court, denied.

No. A-842 (78-1369). *COMMITTEE FOR PUBLIC EDUCATION AND RELIGIOUS LIBERTY ET AL. v. REGAN, COMPTROLLER OF NEW YORK, ET AL.* D. C. S. D. N. Y. Application of petitioners for stay, presented to Mr. JUSTICE MARSHALL, and by him referred to the Court, denied.

No. 77-1465. *DIRECTOR, OFFICE OF WORKERS' COMPENSATION PROGRAMS, U. S. DEPARTMENT OF LABOR v. RASMUSSEN ET AL.*; and

No. 77-1491. *GEO CONTROL, INC., ET AL. v. RASMUSSEN ET AL.*, ante, p. 29. Motion of respondents for award of attorney's fees denied.

No. 78-1102. *ASHCROFT, ATTORNEY GENERAL OF MISSOURI, ET AL. v. FREIMAN ET AL.*, ante, p. 941. Motion of appellees for award of attorney's fees and costs denied.

440 U. S.

April 2, 1979

No. 78-223. NATIONAL LABOR RELATIONS BOARD ET AL. v. BAPTIST HOSPITAL, INC. C. A. 6th Cir. [Certiorari granted, 439 U. S. 1065.] Motion of Local 150-T, Service Employees International Union, AFL-CIO, for divided argument granted.

No. 78-605. UNITED STATES ET AL. v. RUTHERFORD ET AL. C. A. 10th Cir. [Certiorari granted, 439 U. S. 1127.] Motion of National Health Federation for leave to file a brief as *amicus curiae* granted.

No. 78-711. SOUTHEASTERN COMMUNITY COLLEGE v. DAVIS. C. A. 4th Cir. [Certiorari granted, 439 U. S. 1065.] Motion of Board of Governors of the University of North Carolina for leave to file a brief as *amicus curiae* granted.

No. 78-753. GREAT AMERICAN FEDERAL SAVINGS & LOAN ASSN. ET AL. v. NOVOTNY. C. A. 3rd Cir. [Certiorari granted, 439 U. S. 1066.] Joint motion of the Solicitor General as *amicus curiae* and respondent for divided argument granted.

No. 78-6089. BLANTON v. ENGLE, CORRECTIONAL SUPERINTENDENT, ET AL. Motion for leave to file petition for writ of habeas corpus denied.

No. 78-1254. EDMOND v. BARLOW, CHIEF JUDGE, U. S. DISTRICT COURT. Motion for leave to file petition for writ of prohibition denied.

Certiorari Denied. (See also No. 78-1225, *supra*.)

No. 77-1625. IMAGE CARRIER CORP. ET AL. v. KOCH, MAYOR OF NEW YORK CITY, ET AL. C. A. 2d Cir. Motions for leave to file briefs as *amici curiae*, filed by the following, were granted: Associated Builders & Contractors, Inc., National Right to Work Legal Defense Foundation, Center on National Labor Policy, and National Association of Manufacturers. Certiorari denied. Reported below: 567 F. 2d 1197.

No. 78-179. JOHNSON ET AL. v. RYDER TRUCK LINES, INC., ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 575 F. 2d 471.

April 2, 1979

440 U.S.

No. 78-880. *LOCAL UNION No. 373, INTERNATIONAL ASSOCIATION OF BRIDGE, STRUCTURAL, & ORNAMENTAL IRONWORKERS, AFL-CIO, ET AL. v. MUNDY ET AL.* Super. Ct. N. J. Certiorari denied. Reported below: See 78 N. J. 326, 395 A. 2d 195.

No. 78-1124. *COLEMAN v. UNITED STATES.* C. A. 7th Cir. Certiorari denied. Reported below: 590 F. 2d 228.

No. 78-1130. *DE BORJA v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 588 F. 2d 1352.

No. 78-1133. *CHOUR v. FERRO, DISTRICT DIRECTOR, IMMIGRATION AND NATURALIZATION SERVICE, ET AL.; and DER-RONG CHOUR v. IMMIGRATION AND NATURALIZATION SERVICE.* C. A. 2d Cir. Certiorari denied. Reported below: 591 F. 2d 1329 (first case); 578 F. 2d 464 (second case).

No. 78-1134. *RAINONE ET AL. v. UNITED STATES.* C. A. 7th Cir. Certiorari denied. Reported below: 586 F. 2d 1132.

No. 78-1138. *BARKER ET AL. v. COMMODITY FUTURES TRADING COMMISSION.* C. A. 5th Cir. Certiorari denied.

No. 78-1142. *REAMER v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 589 F. 2d 769.

No. 78-1145. *CONAWAY v. ALEXANDER, SECRETARY OF THE ARMY, ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 583 F. 2d 540.

No. 78-1146. *RAVEN v. PANAMA CANAL COMPANY/CANAL ZONE GOVERNMENT.* C. A. 5th Cir. Certiorari denied. Reported below: 583 F. 2d 169.

No. 78-1153. *ANGUS v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. Reported below: 586 F. 2d 844.

No. 78-1158. *SHIPP ET AL. v. MEMPHIS AREA OFFICE, DEPARTMENT OF EMPLOYMENT SECURITY OF TENNESSEE, ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 581 F. 2d 1167.

440 U. S.

April 2, 1979

No. 78-1161. *HAAS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 583 F. 2d 216.

No. 78-1162. *JORDAN ET AL. v. UNIVERSITY OF TENNESSEE ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 586 F. 2d 844.

No. 78-1168. *WALLACE ET AL. v. SECURITIES AND EXCHANGE COMMISSION ET AL.* C. A. 1st Cir. Certiorari denied. Reported below: 586 F. 2d 241.

No. 78-1173. *DAVIS ET AL. v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 6th Cir. Certiorari denied. Reported below: 585 F. 2d 807.

No. 78-1185. *SLEDGE ET AL. v. J. P. STEVENS & Co., INC., ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 585 F. 2d 625.

No. 78-1205. *FULTON v. HECHT ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 580 F. 2d 1243.

No. 78-1207. *FROST ET AL. v. EXECUTORS OF ESTATE OF MORRISON*. C. A. 4th Cir. Certiorari denied. Reported below: 584 F. 2d 652.

No. 78-1216. *BRITISH AIRWAYS BOARD v. BOEING Co.* C. A. 9th Cir. Certiorari denied. Reported below: 585 F. 2d 946.

No. 78-1224. *LUKEFAHR v. LOUISIANA*. Sup. Ct. La. Certiorari denied. Reported below: 363 So. 2d 661.

No. 78-1236. *ARNOLD ET UX. v. JOHNSON ET AL.* Sup. Ct. Ky. Certiorari denied.

No. 78-1241. *PEPI, INC., ET AL. v. PITCHFORD SCIENTIFIC INSTRUMENTS CORP.* C. A. 3d Cir. Certiorari denied. Reported below: 582 F. 2d 1275.

April 2, 1979

440 U.S.

No. 78-1250. *BRAZIL v. SAMBO'S RESTAURANTS, INC.* C. A. 7th Cir. Certiorari denied. Reported below: 588 F. 2d 834.

No. 78-1251. *RENARD v. NEVADA*. Sup. Ct. Nev. Certiorari denied. Reported below: 94 Nev. 368, 580 P. 2d 470.

No. 78-1252. *LUPIA v. STELLA D'ORO BISCUIT Co., INC.* C. A. 7th Cir. Certiorari denied. Reported below: 586 F. 2d 1163.

No. 78-1256. *WALLER v. MISSISSIPPI STATE HIGHWAY COMMISSION*. Sup. Ct. Miss. Certiorari denied. Reported below: 361 So. 2d 988.

No. 78-1292. *BENGEL v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 591 F. 2d 1337.

No. 78-1336. *BUCKLEY v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 586 F. 2d 498.

No. 78-1363. *MILLER v. UNITED STATES*; and *DAVIS ET AL. v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 588 F. 2d 1030 (first case); 588 F. 2d 1041 (second case).

No. 78-1377. *BLAIR v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 586 F. 2d 481.

No. 78-5812. *WOODALL ET AL. v. UNITED STATES*. C. A. 10th Cir. Certiorari denied.

No. 78-5860. *BRIGGS v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 588 F. 2d 831.

No. 78-5893. *JONES v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 588 F. 2d 824.

No. 78-5942. *TROY v. KANSAS*. Sup. Ct. Kan. Certiorari denied.

440 U.S.

April 2, 1979

No. 78-5948. *WOODS v. GEORGIA*. Sup. Ct. Ga. Certiorari denied. Reported below: 242 Ga. 277, 248 S. E. 2d 612.

No. 78-5974. *McCLENDON v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 587 F. 2d 384.

No. 78-5983. *FIGUEROA v. NEW YORK*. App. Div., Sup. Ct. N. Y., 1st Jud. Dept. Certiorari denied.

No. 78-5991. *KROTEC v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 590 F. 2d 336.

No. 78-6040. *BRADLEY v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 590 F. 2d 335.

No. 78-6041. *STANFORD ET AL. v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 589 F. 2d 285.

No. 78-6051. *GREER v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 588 F. 2d 1151.

No. 78-6054. *WILLIAMS v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 588 F. 2d 825.

No. 78-6061. *WARE v. UNITED STATES*; and

No. 78-6062. *D'ANDREA v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 585 F. 2d 1351.

No. 78-6082. *THORNTON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 588 F. 2d 827.

No. 78-6105. *YOUNGMAN v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 590 F. 2d 336.

No. 78-6152. *LYON ET UX. v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 9th Cir. Certiorari denied.

No. 78-6155. *GOODWYN v. DEFENDERS ASSOCIATION OF PHILADELPHIA ET AL.* C. A. 3d Cir. Certiorari denied.

No. 78-6160. *ESTEP v. COLORADO*. Sup. Ct. Colo. Certiorari denied. Reported below: 196 Colo. 340, 583 P. 2d 927.

April 2, 1979

440 U.S.

No. 78-6170. *GIVENS v. MARYLAND*. Ct. Sp. App. Md. Certiorari denied.

No. 78-6171. *VALENTINE v. BLACKBURN, WARDEN*. C. A. 5th Cir. Certiorari denied. Reported below: 585 F. 2d 519.

No. 78-6174. *BURNS v. ESTELLE, CORRECTIONS DIRECTOR*. C. A. 5th Cir. Certiorari denied. Reported below: 585 F. 2d 518.

No. 78-6175. *MASON v. NORTH CAROLINA*. Sup. Ct. N. C. Certiorari denied. Reported below: 295 N. C. 584, 248 S. E. 2d 241.

No. 78-6180. *PENNINGTON v. LOUISVILLE GAS & ELECTRIC CO. ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 595 F. 2d 1224.

No. 78-6184. *RUTH v. OKLAHOMA*. Ct. Crim. App. Okla. Certiorari denied. Reported below: 581 P. 2d 919.

No. 78-6185. *BURKS v. OKLAHOMA*. Ct. Crim. App. Okla. Certiorari denied.

No. 78-6188. *CUDJO v. OKLAHOMA*. Ct. Crim. App. Okla. Certiorari denied.

No. 78-6190. *DELESPINE v. ESTELLE, CORRECTIONS DIRECTOR*. C. A. 5th Cir. Certiorari denied.

No. 78-6191. *COONAN v. INDIANA*. Sup. Ct. Ind. Certiorari denied. Reported below: 269 Ind. 578, 382 N. E. 2d 157.

No. 78-6192. *WOOD v. JEFFES, CORRECTIONAL SUPERINTENDENT, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 78-6193. *SEDILLO v. ROMERO, WARDEN, ET AL.* C. A. 10th Cir. Certiorari denied.

440 U. S.

April 2, 1979

No. 78-6195. *KESSINGER v. HESS, WARDEN*. Ct. Crim. App. Okla. Certiorari denied.

No. 78-6198. *HUDAK v. CURATORS OF THE UNIVERSITY OF MISSOURI ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 586 F. 2d 105.

No. 78-6199. *FREDERICK v. WASHINGTON*. Ct. App. Wash. Certiorari denied. Reported below: 20 Wash. App. 175, 579 P. 2d 390.

No. 78-6200. *SCOTT ET AL. v. ARIZONA*. Ct. App. Ariz. Certiorari denied.

No. 78-6201. *LATENDER v. ISRAEL, WARDEN*. C. A. 7th Cir. Certiorari denied. Reported below: 584 F. 2d 817.

No. 78-6210. *O'NEILL v. BRUNN*. C. A. 9th Cir. Certiorari denied. Reported below: 584 F. 2d 980.

No. 78-6217. *STAFFORD v. WEBER ET AL.* Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 78-6262. *DAIRSAW v. NEW YORK*. Ct. App. N. Y. Certiorari denied. Reported below: 46 N. Y. 2d 739, 386 N. E. 2d 249.

No. 78-6298. *McGEE v. UNITED STATES*; and

No. 78-6303. *JOHNSON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 588 F. 2d 961.

No. 78-6302. *GOODMAN v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 590 F. 2d 705.

No. 78-6317. *CORCIONE v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 592 F. 2d 111.

No. 78-6321. *BRACKENRIDGE v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 590 F. 2d 810.

April 2, 1979

440 U. S.

No. 78-1253. BECKERS ET AL. *v.* INTERNATIONAL SNOWMOBILE INDUSTRY ASSN. ET AL. C. A. 8th Cir. Certiorari denied. MR. JUSTICE BLACKMUN took no part in the consideration or decision of this petition.* Reported below: 581 F. 2d 1308.

No. 78-5932. RETZ *v.* RETZ. Ct. App. Ohio, Montgomery County. Certiorari denied. MR. JUSTICE BRENNAN and MR. JUSTICE STEWART would grant certiorari.

No. 78-6166. BANKS *v.* GLASS, SHERIFF. Sup. Ct. Ga. Certiorari denied. Reported below: 242 Ga. 518, 250 S. E. 2d 431.

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.

No. 78-6196. SHOWKER *v.* GEORGIA. Ct. App. Ga. Certiorari denied. MR. JUSTICE BRENNAN, MR. JUSTICE STEWART, and MR. JUSTICE MARSHALL would grant certiorari and reverse the conviction. Reported below: 146 Ga. App. 862, 247 S. E. 2d 515.

Rehearing Denied

No. 78-5871. YAMINE *v.* FORD MOTOR Co., *ante*, p. 923;

No. 78-5883. LEDESMA *v.* COLEMAN, U. S. CIRCUIT JUDGE, ET AL., 439 U. S. 1132; and

No. 78-5962. DAVIS ET AL. *v.* ESTELLE, CORRECTIONS DIRECTOR, *ante*, p. 925. Petitions for rehearing denied.

*See also note, *supra*, p. 977.

440 U. S.

APRIL 13, 1979

Miscellaneous Order

NO. A-868. EVANS *v.* BENNETT, CORRECTIONAL COMMISSIONER, ET AL. Application for stay of execution, presented to MR. JUSTICE REHNQUIST, and by him referred to the Court, denied. MR. JUSTICE POWELL took no part in the consideration or decision of this application.

MR. JUSTICE BRENNAN, concurring.

It should be noted that the applicant has filed a letter with the Clerk of the Court stating in part:

"1. On April 11, 1979, John Louis Evans, applicant's son, signed and verified a petition for writ of *habeas corpus* and stay of execution for filing with the United States District Court for the Southern District of Alabama.

"2. Also, on April 11, 1979, that verified petition was mailed for filing to the clerk of that court.

"3. As of April 11, 1979, the Alabama Supreme Court had not yet set a new execution date for John Louis Evans."

The above-stated facts may make it unnecessary for the Court to rule on her application for a stay at its conference on Friday, April 13. Should the District Court grant her son's application for a stay of execution, the application for a stay before this Court would become moot. Applicant is aware that the temporary stay granted in this action expires at 5 p. m. on April 13, 1979. No harm will come to applicant by the expiration of the temporary stay since the Alabama Supreme Court has not yet set a new execution date for her son and, until such date is set, her son cannot be executed.

In view of the foregoing, it is apparent that there is now no need to grant the application.

OPINIONS OF INDIVIDUAL JUSTICES IN
CHAMBERS ON APRIL 2 AND
APRIL 5, 1979

EVANS v. BENNETT, CONSTITUTIONAL
COMMISSIONER OF ALA.

ON APPLICATION FOR WRIT OF HABEAS CORPUS

No. 100-100, Docket April 2, 1979

REPORTER'S NOTE

The next page is purposely numbered 1301. The numbers between 987 and 1301 were intentionally omitted, in order to make it possible to publish in-chambers opinions in the current preliminary print of the United States Reports with *permanent* page numbers, thus making the official citations immediately available.

Mr. Justice Brennan, Concurring Opinion

The application for writ of habeas corpus is based on the unavailability of Mr. Justice Powell. Applicant is the mother of John Louis Evans; her son was a 1961 graduate of Alabama law by an Alabama trial court in April 1977. Evans did not contest his guilt at trial. Instead he took the stand, confessed to the crime, and requested the jury to find him guilty so that he could receive the death penalty. His conviction and sentence were appealed (according to the application, against his will) under the Alabama automatic appeal statute, and the judgment and sentence were affirmed by the Alabama Court of Criminal Appeals and the Supreme Court of Alabama. *Evans v. State*, 391 So. 2d 694 (Ala. Crim. App. 1977); *Evans v. State*, 391 So. 2d 695 (Ala. 1978). With his

Executive Order

The first page is partially numbered 1241. The number between 1241 and 1242 was apparently written in order to make it possible to follow a document through the various preliminary steps of the process. These figures and numbers are written in the margin of the official document immediately preceding.
