

OPINIONS OF INDIVIDUAL JUSTICES
IN CHAMBERS

LENHARD et al., CLARK COUNTY DEPUTY PUBLIC
DEFENDERS, INDIVIDUALLY AND AS NEXT FRIENDS
of Bishop v. WOLF, WARDEN, NEVADA
STATE PRISON SYSTEM, et al.

ON APPLICANTS FOR STAY OF EXECUTION AND PETITION FOR

REPORTER'S NOTE

The next page is purposely numbered 1301. The numbers between 1104 and 1301 were intentionally omitted, in order to make it possible to publish in-chambers opinions with *permanent* page numbers, thus making the official citations available upon publication of the preliminary prints of the United States Reports.

On October 1, 1978, this Court denied the application of Kirk Lenhard and George Franzen, acting as next friends of Jesse Bishop, for a stay of execution pending the filing and determination of a petition for certiorari, *Lenhard v. Wolf*, ante, p. 807. Respondents have subsequently rescheduled Bishop's execution for Monday, October 22, 1978. Lenhard and Franzen have now submitted to me, as Chief Justice, a petition requesting rehearing of this Court's order of October 1, and an application for stay of execution pending determination of the petition for rehearing.

Resulting in applicants' favor all previous protesting to procedures and rules of the Court, I am satisfied that the moving papers would not procure the requisite number of Justices to grant applicants' proposed petition for certiorari, to

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No. 78-5004. *PAINTER v. ROTH*, ante, p. 937.

No. 78-5048. *FRAYER v. CLARK, JONES, et al.*, ante, p. 564.

No. 78-5054. *WILLIAMS v. UNITED STATES*, ante, p. 1010.

No. 78-5062. *CURSON v. FEDERAL BUREAU OF INVESTIGATION*, ante, p. 1021.

No. 78-5072. *LAWRENCE, et al. v. MURPHY, COMMISSIONER OF INTERNAL REVENUE, et al.*, ante, p. 1046.

No. 78-5085. *JONES v. WASHINGTON, TOWNSHIP, et al.*, ante, p. 1023.

No. 78-5021. *BEYER v. MONTANA*, ante, p. 964.

~~No. 78-5000. *BEYER v. MONTANA*, ante, p. 964.~~

No. 78-5008. *GAINES v. MERCHANTS NATIONAL BANK & TRUST COMPANY OF INDIANAPOLIS*, p. 1023.

No. 78-5057. Part v. *STARRING*, U. S. District Judge, reported ante, p. 1054, *reversed* 1054, *affirmed* 1054.

No. 78-5054. *THURIN v. FRANKLIN TRUST COMPANY, INC.*, et al., ante, pp. 831 and 975; and

~~No. 78-5054. *THURIN v. FRANKLIN TRUST COMPANY, INC.*, et al., ante, pp. 831 and 975.~~

pp. 872 and 975. Motions for leave to file second petitions for rehearing denied.

No. 78-177. *JACKA v. UNITED STATES*, ante, p. 949. Motion for leave to file petition for rehearing denied. Mr. JUSTICE MANSFIELD took no part in the consideration or decision of this motion.

No. 78-545. *HOLLOWAY v. TIMES MINNAPACK PAPER CO.*, ante, p. 965. Motion for leave to file petition for rehearing denied.

February 21, 1940

Disposal Under Rule 60

No. 78-5060. *CHAMBERLAIN v. UNITED STATES*. C. A. 5th Cir. Certiorari granted under this Court's Rule 60. Reported below: 374 F. 2d 972.