

ORDERS FROM JUNE 26 THROUGH
SEPTEMBER 18, 1980

JUNE 26, 1980

Dismissal Under Rule 60

No. 79-1852. BLUE CROSS OF NORTHWEST OHIO *v.* JUMP, SUPERINTENDENT OF INSURANCE. Sup. Ct. Ohio. Certiorari dismissed under this Court's Rule 60. Reported below: 61 Ohio St. 2d 246, 400 N. E. 2d 892.

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Affirmed on Appeal

No. 79-1436. MINNESOTA ET AL. *v.* PLANNED PARENTHOOD OF MINNESOTA. Affirmed on appeal from C. A. 8th Cir. MR. CHIEF JUSTICE BURGER, MR. JUSTICE WHITE, and MR. JUSTICE REHNQUIST would note probable jurisdiction and set case for oral argument. Reported below: 612 F. 2d 359.

Appeal Dismissed

No. 79-1027. KING, GOVERNOR OF MASSACHUSETTS, ET AL. *v.* PRETERM, INC., ET AL. Appeal from C. A. 1st Cir. dismissed for want of jurisdiction. MR. JUSTICE REHNQUIST, being of the view that the order of the Court of Appeals "amending its mandate" to embrace the invalidation of an entirely separate statute is not governed by *FTC v. Minneapolis-Honeywell Co.*, 344 U. S. 206 (1952), dissents from dismissal of the appeal and would note probable jurisdiction and set case for oral argument. Reported below: 591 F. 2d 121.

Certiorari Granted—Reversed and Remanded. (See No. 79-622, *ante*, p. 444.)

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Certiorari Granted—Vacated and Remanded. (See also No. 79-448, *ante*, p. 438.)

No. 79-393. UNITED STATES *v.* CONWAY. C. A. 9th Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *United States v. Salvucci*, *ante*, p. 83, and *Rawlings v. Kentucky*, *ante*, p. 98. Reported below: 595 F. 2d 1157.

No. 78-1902. INTERNATIONAL LONGSHOREMEN'S ASSN., AFL-CIO *v.* CONSOLIDATED EXPRESS, INC., ET AL.;

No. 78-1905. NEW YORK SHIPPING ASSN., INC., ET AL. *v.* CONSOLIDATED EXPRESS, INC., ET AL.; and

No. 79-221. CONSOLIDATED EXPRESS, INC., ET AL. *v.* NEW YORK SHIPPING ASSN., INC., ET AL. C. A. 3d Cir. Certiorari granted, judgment vacated, and cases remanded for further consideration in light of *NLRB v. Longshoremen*, 447 U. S. 490 (1980). Reported below: 602 F. 2d 494.

No. 79-809. GRASSI *v.* UNITED STATES. C. A. 5th Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Walter v. United States*, 447 U. S. 649 (1980). Reported below: 602 F. 2d 1192.

No. 79-921. OHIO *v.* SMITH. Sup. Ct. Ohio. Motion of respondent for leave to proceed *in forma pauperis* and certiorari granted. Judgment vacated and case remanded for further consideration in light of *Ohio v. Roberts*, *ante*, p. 56. MR. JUSTICE STEWART and MR. JUSTICE STEVENS dissent. Reported below: 58 Ohio St. 2d 344, 390 N. E. 2d 778.

No. 79-1242. TIFFANY CONSTRUCTION Co., INC. *v.* BUREAU OF REVENUE OF NEW MEXICO. Ct. App. N. M. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *White Mountain Apache Tribe v. Bracker*, *ante*, p. 136, and *Central Machinery Co. v. Arizona Tax Comm'n*, *ante*, p. 160. Reported below: 93 N. M. 593, 603 P. 2d 332.

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No. 79-1481. UNITED STATES *v.* DICKINSON ET AL. C. A. 2d Cir. Motions of respondents Dickinson and Montanino for leave to proceed *in forma pauperis* and certiorari granted. Judgment vacated and case remanded for further consideration in light of *United States v. Salvucci, ante*, p. 83. Reported below: 615 F. 2d 1351.

No. 79-1677. CALIFORNIA *v.* VELASQUEZ. Sup. Ct. Cal. Motion of respondent for leave to proceed *in forma pauperis* and certiorari granted. Judgment vacated and case remanded for further consideration in light of *Adams v. Texas, ante*, p. 38. Reported below: 26 Cal. 3d 425, 606 P. 2d 341.

No. 79-5026. WILLIAMSON *v.* ALABAMA;

No. 79-5301. WILSON *v.* ALABAMA;

No. 79-5458. HORSLEY *v.* ALABAMA;

No. 79-5525. CADE *v.* ALABAMA;

No. 79-5563. BALDWIN *v.* ALABAMA;

No. 79-5709. THOMAS *v.* ALABAMA;

No. 79-5741. RITTER *v.* ALABAMA; and

No. 79-5835. MACK *v.* ALABAMA. Sup. Ct. Ala. Motions of petitioners for leave to proceed *in forma pauperis* and certiorari granted. Judgments vacated and cases remanded for further consideration in light of *Beck v. Alabama*, 447 U. S. 625 (1980). Reported below: No. 79-5026, 370 So. 2d 1066; No. 79-5301, 371 So. 2d 943; No. 79-5458, 374 So. 2d 375; No. 79-5525, 375 So. 2d 828; No. 79-5563, 372 So. 2d 32; No. 79-5709, 373 So. 2d 1167; No. 79-5741, 375 So. 2d 270; No. 79-5835, 375 So. 2d 504.

No. 79-5804. BURROUGHS *v.* GEORGIA. Sup. Ct. Ga. Motion of petitioner for leave to proceed *in forma pauperis* and certiorari granted. Judgment vacated and case remanded for further consideration in light of *Illinois v. Vitale*, 447 U. S. 410 (1980). Reported below: 244 Ga. 288, 260 S. E. 2d 5.

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No. 79-6150. *MATHEWS v. OHIO*. Ct. App. Ohio, Licking County. Motion of petitioner for leave to proceed *in forma pauperis* and certiorari granted. Judgment vacated and case remanded for further consideration in light of *Illinois v. Vitale*, 447 U. S. 410 (1980).

No. 79-6190. *CRAWFORD v. ALABAMA*. Sup. Ct. Ala. Motion of petitioner for leave to proceed *in forma pauperis* and certiorari granted. Judgment vacated and case remanded for further consideration in light of *Beck v. Alabama*, 447 U. S. 625 (1980), and *United States v. Henry*, 447 U. S. 264 (1980). Reported below: 377 So. 2d 159.

Miscellaneous Orders

No. A-1060. *CRAIG v. UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA ET AL.* (FORD MOTOR CO. ET AL., REAL PARTIES IN INTEREST). Application for stay of trial court proceedings, addressed to MR. JUSTICE BRENNAN and referred to the Court, denied.

No. A-1074. *BLUE v. SEVENTH DISTRICT COMMITTEE OF THE VIRGINIA STATE BAR*. Application for stay of the order of the Supreme Court of Virginia, dated April 18, 1980, addressed to MR. JUSTICE BRENNAN and referred to the Court, denied.

No. A-1093. *SILLO v. KELLY, WARDEN, ET AL.* Application for stay of trial court proceedings, addressed to MR. JUSTICE STEVENS and referred to the Court, denied.

No. A-1167. *ZANT, SUPERINTENDENT, GEORGIA DIAGNOSTIC AND CLASSIFICATION CENTER v. POTTS ET AL.* Application to vacate the order dated June 28, 1980, of the United States Court of Appeals for the Fifth Circuit and for other relief, addressed to MR. JUSTICE POWELL, and by him referred to the Court, denied. MR. JUSTICE BRENNAN took no part in the consideration or decision of this application.

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No. 85, Orig. *TEXAS v. OKLAHOMA*. It is ordered that John A. Carver, Jr., Esquire, of Denver, Colo., be appointed Special Master in this case with authority to fix the time and conditions for the filing of additional pleadings and to direct subsequent proceedings, and with authority to summon witnesses, issue subpoenas, and take such evidence as may be introduced and such as he may deem necessary to call for. The Master is directed to submit such reports as he may deem appropriate.

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

It is further ordered that if the position of Special Master in this case becomes vacant during a recess of the Court, THE CHIEF JUSTICE shall have authority to make a new designation which shall have the same effect as if originally made by the Court. [For earlier order herein, see 444 U. S. 1065.]

No. A-1134. *PENNHURST STATE SCHOOL AND HOSPITAL ET AL. v. HALDERMAN ET AL.* (No. 79-1404); *MAYOR OF PHILADELPHIA ET AL. v. HALDERMAN ET AL.* (No. 79-1408); *PENNSYLVANIA ASSOCIATION FOR RETARDED CITIZENS ET AL. v. PENNHURST STATE SCHOOL AND HOSPITAL ET AL.* (No. 79-1414); *COMMISSIONERS AND MENTAL HEALTH/MENTAL RETARDATION ADMINISTRATOR FOR BUCKS COUNTY ET AL. v. HALDERMAN ET AL.* (No. 79-1415); and *PENNHURST PARENTS-STAFF ASSN. v. HALDERMAN ET AL.* (No. 79-1489). C. A. 3d Cir. [Certiorari granted, 447 U. S. 904.] Motion of petitioner in No. 79-1489 for stay of the judgment of the Court of Appeals, pending final disposition of the cases in this Court, granted to the extent that the judgment mandates the movement of residents of the Pennhurst facility to "appropriate community living arrangements." In all other respects, the motion is

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denied. MR. JUSTICE BRENNAN, MR. JUSTICE MARSHALL, MR. JUSTICE BLACKMUN, and MR. JUSTICE POWELL would deny the motion.

No. 79-1989. CITIZENS PARTY ET AL. *v.* MANCHIN, SECRETARY OF STATE OF WEST VIRGINIA. Sup. Ct. App. W. Va. Motion of appellants to expedite consideration of the appeal and for emergency relief denied.

Certiorari Granted

No. 79-395. UNITED STATES *v.* MORRISON. C. A. 3d Cir. Motion of respondent for leave to proceed *in forma pauperis* and certiorari granted. Reported below: 602 F. 2d 529.

Certiorari Denied

No. 79-297. HORN, COMMISSIONER, DIVISION OF EMPLOYMENT SECURITY, DEPARTMENT OF LABOR AND INDUSTRY OF NEW JERSEY, ET AL. *v.* ROSS ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 598 F. 2d 1312.

No. 79-375. WHITMIRE ET AL. *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 595 F. 2d 1303.

No. 79-1035. NEW YORK SHIPPING ASSN., INC., ET AL. *v.* NATIONAL LABOR RELATIONS BOARD ET AL.;

No. 79-1036. INTERNATIONAL LONGSHOREMEN'S ASSN., AFL-CIO *v.* NATIONAL LABOR RELATIONS BOARD ET AL.;

No. 79-1099. TIDEWATER MOTOR TRUCK ASSN. *v.* INTERNATIONAL LONGSHOREMEN'S ASSN., AFL-CIO, ET AL.;

No. 79-1109. HOUFF TRANSFER, INC. *v.* INTERNATIONAL LONGSHOREMEN'S ASSN., AFL-CIO, ET AL.; and

No. 79-1110. DOLPHIN FORWARDING, INC. *v.* INTERNATIONAL LONGSHOREMEN'S ASSN., AFL-CIO, ET AL. C. A. D. C. Cir. Certiorari denied. Reported below: 198 U. S. App. D. C. 157, 613 F. 2d 890.

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No. 79-64. ZBARAZ ET AL. *v.* MILLER, ACTING DIRECTOR, DEPARTMENT OF PUBLIC AID OF ILLINOIS, ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 596 F. 2d 196.

No. 79-1460. NATIONAL VAN LINES, INC., ET AL. *v.* DIRECTOR, OFFICE OF WORKERS' COMPENSATION PROGRAMS, U. S. DEPARTMENT OF LABOR, ET AL. C. A. D. C. Cir. Certiorari denied. Reported below: 198 U. S. App. D. C. 239, 613 F. 2d 972.

No. 79-5179. TRACY ET AL. *v.* PENNSYLVANIA DEPARTMENT OF PUBLIC WELFARE. Pa. Commw. Ct. Certiorari denied. Reported below: 40 Pa. Commw. 186, 396 A. 2d 913.

No. 79-6128. SMITH *v.* HARTMAN, SHERIFF. C. A. 4th Cir. Certiorari denied. Reported below: 609 F. 2d 510.

No. 79-5533. BURKS *v.* TEXAS. Ct. Crim. App. Tex.;

No. 79-6099. STARVAGGI *v.* TEXAS. Ct. Crim. App. Tex.;
and

No. 79-6350. BARFIELD *v.* NORTH CAROLINA. Sup. Ct. N. C. Certiorari denied. Reported below: No. 79-5533, 583 S. W. 2d 389; No. 79-6099, 593 S. W. 2d 323; No. 79-6350, 298 N. C. 306, 259 S. E. 2d 510.

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

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

Rehearing Denied

No. 65, Orig. TEXAS *v.* NEW MEXICO, 446 U. S. 540; and

No. 78-1522. ANDRUS, SECRETARY OF THE INTERIOR *v.* UTAH, 446 U. S. 500. Petitions for rehearing denied.

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No. 78-1557. NACHMAN CORP. v. PENSION BENEFIT GUARANTY CORPORATION ET AL., 446 U. S. 359;

No. 78-1821. UNITED STATES v. MENDENHALL, 446 U. S. 544;

No. 79-1434. MANDEL ET AL. v. NEW YORK, 446 U. S. 949;

No. 79-6152. HAYES v. VALLEY BANK OF NEVADA; and HAYES v. GLADSTONE ET AL., 446 U. S. 902;

No. 79-6237. RODRIGUES v. CITY OF SPARKS, NEVADA, ET AL., 446 U. S. 931; and

No. 79-6261. JAFFER v. CITY OF MIAMI ET AL., 446 U. S. 931. Petitions for rehearing denied.

No. 79-6108. ARMOUR ET AL. v. NIX ET AL., 446 U. S. 930. Petition for rehearing denied. MR. JUSTICE MARSHALL took no part in the consideration or decision of this petition.

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Dismissal Under Rule 60. (See No. 79-5050, *ante*, p. 725.)

Vacated and Remanded on Appeal

No. 78-1107. ARMISTEAD ET AL. v. ASSOCIATED GENERAL CONTRACTORS OF CALIFORNIA ET AL.;

No. 78-1108. CITY OF LOS ANGELES ET AL. v. ASSOCIATED GENERAL CONTRACTORS OF CALIFORNIA ET AL.;

No. 78-1114. LOS ANGELES COUNTY ET AL. v. ASSOCIATED GENERAL CONTRACTORS OF CALIFORNIA ET AL.;

No. 78-1382. KLUTZNICK, SECRETARY OF COMMERCE v. ASSOCIATED GENERAL CONTRACTORS OF CALIFORNIA ET AL.; and

No. 78-1442. NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE, LOS ANGELES BRANCH v. ASSOCIATED GENERAL CONTRACTORS OF CALIFORNIA ET AL. Appeals from D. C. C. D. Cal. Judgment vacated and cases remanded for further consideration in light of *Fullilove v. Klutznick*, *ante*, p. 448. MR. JUSTICE STEWART, MR. JUSTICE REHNQUIST, and MR. JUSTICE STEVENS would affirm the judgment. Reported below: 459 F. Supp. 766.

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Miscellaneous Orders

No. A-1135. RAILWAY LABOR EXECUTIVES' ASSN. *v.* GIBBONS, TRUSTEE, ET AL. Application for stay of the preliminary injunction entered by the United States District Court for the Northern District of Illinois on June 9, 1980, denied. MR. JUSTICE WHITE, MR. JUSTICE MARSHALL, and MR. JUSTICE REHNQUIST would grant the application. MR. JUSTICE BRENNAN took no part in the consideration or decision of this application.

No. A-1168. KLUTZNICK, SECRETARY OF COMMERCE, ET AL. *v.* CONTROL DATA CORP. ET AL. Application of the Solicitor General to vacate the order of the United States Court of Appeals for the District of Columbia Circuit, entered June 24, 1980, granted. MR. JUSTICE BRENNAN dissents. MR. CHIEF JUSTICE BURGER, MR. JUSTICE BLACKMUN, and MR. JUSTICE STEVENS took no part in the consideration or decision of this application.

Probable Jurisdiction Noted

No. 79-1631. DEMOCRATIC PARTY OF THE UNITED STATES OF AMERICA ET AL. *v.* WISCONSIN EX REL. LA FOLLETTE ET AL. Appeal from Sup. Ct. Wis. Probable jurisdiction noted. The judgment of the Supreme Court of Wisconsin, filed January 19, 1980, is stayed pending the issuance of the mandate of this Court. Reported below: 93 Wis. 2d 473, 287 N. W. 2d 519.

Certiorari Granted. (See also No. 79-243, *ante*, p. 555.)

No. 78-918. REPUBLIC STEEL CORP. *v.* OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION ET AL.; and

No. 78-919. AMERICAN IRON & STEEL INSTITUTE ET AL. *v.* OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION ET AL. C. A. 3d Cir. Motion of American Petroleum Institute et al. for leave to file a brief as *amici curiae* in No. 78-919 granted. *Certiorari* granted, cases consolidated, and a total of one hour allotted for oral argument. Reported below: 577 F. 2d 825.

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No. 79-1213. MINNICK ET AL. *v.* CALIFORNIA DEPARTMENT OF CORRECTIONS ET AL. Ct. App. Cal., 1st App. Dist. Certiorari granted. Reported below: 95 Cal. App. 3d 506, 157 Cal. Rptr. 260.

No. 79-1356. JOHNSON ET AL. *v.* BOARD OF EDUCATION OF THE CITY OF CHICAGO ET AL. C. A. 7th Cir. Certiorari granted. Reported below: 604 F. 2d 504.

No. 79-1601. SUMNER, WARDEN *v.* MATA. C. A. 9th Cir. Motion of respondent for leave to proceed *in forma pauperis* and certiorari granted. Reported below: 611 F. 2d 754.

Certiorari Denied

No. 79-489. MEROLA *v.* BELL, JUSTICE, SUPREME COURT OF NEW YORK, ET AL.; and

No. 79-561. NEW YORK NEWS, INC. *v.* BELL, JUSTICE, SUPREME COURT OF NEW YORK, ET AL. Ct. App. N. Y. Certiorari denied. MR. JUSTICE BRENNAN, MR. JUSTICE MARSHALL, and MR. JUSTICE BLACKMUN would grant certiorari. Reported below: 47 N. Y. 2d 985, 393 N. E. 2d 1038.

Rehearing Denied

No. 79-901. OHIO *v.* KORN, 445 U. S. 911;

No. 79-1216. SYROVATKA ET UX. *v.* EHRLICH, DIRECTOR, DEPARTMENT OF PUBLIC WELFARE OF NEBRASKA, ET AL., 446 U. S. 935;

No. 79-1297. VICTORSON ET AL. *v.* UNITED STATES, 446 U. S. 936;

No. 79-6145. LEE *v.* GARRISON, WARDEN, ET AL., 446 U. S. 967;

No. 79-6175. HOLMES *v.* FLORIDA, 446 U. S. 913;

No. 79-6262. JAFFER *v.* ONGIE, CLERK, CITY OF MIAMI, 446 U. S. 943; and

No. 79-6354. PICKING *v.* HUGHES, GOVERNOR OF MARYLAND, ET AL., 446 U. S. 944. Petitions for rehearing denied.

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No. 78-986. ARKANSAS LOUISIANA GAS CO. *v.* HALL ET AL., 444 U. S. 878. Petition for rehearing denied. MR. JUSTICE STEWART took no part in the consideration or decision of this petition.

No. 79-1428. A. H. ROBINS CO., INC., ET AL. *v.* ROSS ET AL., 446 U. S. 946. Petition for rehearing denied. MR. JUSTICE POWELL took no part in the consideration or decision of this petition.

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Dismissal Under Rule 53

No. 79-1665. PIPER AIRCRAFT CORP. *v.* DAVIS, EXECUTOR. C. A. 4th Cir. Certiorari dismissed under this Court's Rule 53. Reported below: 615 F.2d 606.

JULY 14, 1980

Dismissal Under Rule 53

No. 79-1943. ALESSI ET AL. *v.* RAYBESTOS-MANHATTAN, INC., ET AL. C. A. 3d Cir. Certiorari dismissed as to petitioner Vogt under this Court's Rule 53. Reported below: 616 F. 2d 1238.

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Rehearing Denied

No. 78-630. WASHINGTON ET AL. *v.* CONFEDERATED TRIBES OF THE COLVILLE INDIAN RESERVATION ET AL., 447 U. S. 134;

No. 78-1729. UNITED STATES *v.* PAYNER, 447 U. S. 727;

No. 79-305. UNITED STATES *v.* HAVENS, 446 U. S. 620;

No. 79-421. BRYANT ET AL. *v.* YELLEN ET AL., 447 U. S. 352;

No. 79-425. CALIFORNIA ET AL. *v.* YELLEN ET AL., 447 U. S. 352;

No. 79-435. IMPERIAL IRRIGATION DISTRICT ET AL. *v.* YELLEN ET AL., 447 U. S. 352; and

No. 79-1101. CATALANO, INC., ET AL. *v.* TARGET SALES, INC., ET AL., 446 U. S. 643. Petitions for rehearing denied.

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No. 79-1136. *BROWN & ROOT, INC., ET AL. v. JOYNER ET AL.*, 446 U. S. 981;

No. 79-1175. *WM. T. BURNETT & Co., INC. v. GENERAL TIRE & RUBBER Co.*, 446 U. S. 951;

No. 79-1228. *IVY ET AL. v. SECURITY BARGE LINES, INC.*, 446 U. S. 956;

No. 79-1294. *HARRIS, SECRETARY OF HEALTH AND HUMAN SERVICES v. ROSARIO ET AL.*, 446 U. S. 651;

No. 79-1377. *ANDERSON, WARDEN v. CHARLES*, 447 U. S. 404;

No. 79-1433. *MASKENY ET AL. v. UNITED STATES*, 447 U. S. 921;

No. 79-1506. *LAGUTA ET AL. v. OHIO*, 446 U. S. 952;

No. 79-1549. *GEECK ET AL. v. CITY OF NEW ORLEANS ET AL.*, 446 U. S. 961;

No. 79-1627. *GREEN v. COUNTY OF ALAMEDA ET AL.*, 446 U. S. 984;

No. 79-1671. *WARNER ET AL. v. SOVEREIGN NEWS Co. ET AL.*, 447 U. S. 923;

No. 79-5921. *BLAKE v. GEORGIA*, 446 U. S. 988;

No. 79-5954. *RUBIES ET AL. v. UNITED STATES*, 446 U. S. 940;

No. 79-5975. *BOWEN v. GEORGIA*, 446 U. S. 970;

No. 79-5996. *PEERY v. SIELAFF, CORRECTIONS DIRECTOR, ET AL.*, 446 U. S. 940;

No. 79-6055. *HEITMAN v. MISSOURI*, 446 U. S. 941;

No. 79-6188. *MOORE v. ZANT, WARDEN*, 446 U. S. 947;

No. 79-6196. *GEROMETTE v. GENERAL MOTORS CORP.*, 446 U. S. 985;

No. 79-6209. *STANLEY ET AL. v. WAINWRIGHT, SECRETARY, DEPARTMENT OF OFFENDER REHABILITATION OF FLORIDA*, 447 U. S. 925;

No. 79-6248. *MA v. HAZELWOOD ET AL.*, 446 U. S. 942; and

No. 79-6250. *GRAY v. MISSISSIPPI*, 446 U. S. 988. Petitions for rehearing denied.

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No. 79-6298. *DIOQUINO v. WORKERS' COMPENSATION APPEALS BOARD ET AL.*, 446 U. S. 944;

No. 79-6314. *IRVIN v. NANNI ET AL.*, 446 U. S. 985;

No. 79-6356. *HOP-WAH, AKA GREEN v. HOPPER, WARDEN*, 446 U. S. 968;

No. 79-6404. *CROOKER v. U. S. DEPARTMENT OF JUSTICE*, 447 U. S. 908;

No. 79-6405. *DAVIS v. NEW YORK*, 446 U. S. 986;

No. 79-6412. *MUINA v. DEPARTMENT OF PROFESSIONAL LICENSING OF MONTANA ET AL.*, 446 U. S. 981;

No. 79-6422. *BURGER v. GEORGIA*, 446 U. S. 988;

No. 79-6443. *PROFIT v. CITY OF NIAGARA FALLS, NEW YORK, ET AL.*, 447 U. S. 901;

No. 79-6450. *YOUNG v. BALTIMORE COUNTY BOARD OF EDUCATION ET AL.*, 446 U. S. 955;

No. 79-6457. *JOHNSON v. CARTER, PRESIDENT OF THE UNITED STATES*, 447 U. S. 909;

No. 79-6470. *FRANKLIN v. GEORGIA*, 447 U. S. 930;

No. 79-6487. *CRISAFI v. WIETHE*, 447 U. S. 927;

No. 79-6488. *WOODARD v. WACHOVIA BANK & TRUST CO. ET AL.*, 447 U. S. 928;

No. 79-6494. *GINSBURG v. TIGHE*, 447 U. S. 910;

No. 79-6540. *PROFFITT v. UNITED STATES*, 447 U. S. 910;

No. 79-6551. *SMILEY v. CORCORAN, LOS ANGELES COUNTY CLERK, ET AL.*, 447 U. S. 910;

No. 79-6594. *RUCKER v. CITY OF SAINT LOUIS ET AL.*, 447 U. S. 910;

No. 79-6605. *WESTOVER v. UNITED STATES*, 447 U. S. 929; and

No. 79-6614. *DOBBS v. HOPPER, WARDEN*, 447 U. S. 930. Petitions for rehearing denied.

No. 79-912. *HANRAHAN ET AL. v. HAMPTON ET AL.*, 446 U. S. 754; and

No. 79-914. *JOHNSON ET AL. v. HAMPTON ET AL.*, 446 U. S. 754. Petition for rehearing denied. MR. JUSTICE STEVENS took no part in the consideration or decision of this petition.

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No. 79-1553. COLEMAN *v.* MONTANA, 446 U. S. 970. Motion of petitioner for leave to proceed further herein *in forma pauperis* granted. Petition for rehearing denied.

No. 79-5575. JAGNANDAN ET AL. *v.* MISSISSIPPI STATE UNIVERSITY ET AL., 444 U. S. 1026. Motion for leave to file a petition for rehearing denied.

AUGUST 13, 1980

Dismissal Under Rule 53

No. 79-6885. BEASLEY *v.* UNITED STATES. C. A. 5th Cir. Certiorari dismissed under this Court's Rule 53. Reported below: 615 F. 2d 917.

AUGUST 15, 1980

Miscellaneous Order

No. 80-182. CELEBREZZE, SECRETARY OF STATE OF OHIO *v.* ANDERSON ET AL. C. A. 6th Cir. Motion to expedite consideration of the petition for writ of certiorari denied without prejudice to its later renewal. MR. JUSTICE POWELL and MR. JUSTICE STEVENS would grant the motion.

AUGUST 20, 1980

Dismissal Under Rule 53

No. 79-1908. LEE VISION CENTER, INC. *v.* VAUGHT. C. A. 5th Cir. Certiorari dismissed under this Court's Rule 53. Reported below: 613 F. 2d 313.

AUGUST 22, 1980

Dismissal Under Rule 53

No. 79-1654. AMBOOK ENTERPRISES, AKA AMERICAN BOOK CLUB *v.* TIME INC. ET AL. C. A. 2d Cir. Certiorari dismissed under this Court's Rule 53. Reported below: 612 F. 2d 604.

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Miscellaneous Orders

No. A-1101. SAYLES *v.* HART, U. S. DISTRICT JUDGE. Application to vacate the order of the United States Court of Appeals for the District of Columbia Circuit, addressed to MR. JUSTICE BRENNAN and referred to the Court, denied.

No. A-1138. HOMEOWNER'S ENTERPRISES, INC. *v.* THOMPSON ET AL. Application for stay of trial proceedings, addressed to MR. JUSTICE BRENNAN and referred to the Court, denied.

No. A-1154. WOOD, DBA NATIONAL PHOTO SERVICES *v.* CHACE COMPANY ADVERTISING, INC., ET AL. Application for recall and stay of the mandate of the United States Court of Appeals for the Ninth Circuit, addressed to MR. JUSTICE BRENNAN and referred to the Court, denied.

No. A-1160. PAYNE *v.* UNITED STATES. Application for bail pending appeal to the United States Court of Appeals for the Seventh Circuit, addressed to MR. JUSTICE STEWART and referred to the Court, denied.

No. A-1169. QUINAULT PACIFIC CORP. ET AL. *v.* AETNA BUSINESS CREDIT, INC., ET AL. Application for stay, addressed to MR. JUSTICE STEVENS and referred to the Court, denied.

No. A-27. PRINCE GEORGE'S COUNTY, MARYLAND *v.* STATE WATER CONTROL BOARD ET AL. Application for stay of an order of the United States District Court for the District of Columbia, addressed to MR. JUSTICE REHNQUIST and referred to the Court, denied.

No. A-77. ALADDIN HOTEL CORP. ET AL. *v.* NEVADA GAMING COMMISSION ET AL. C. A. 9th Cir. Application for stay, addressed to MR. JUSTICE STEVENS and referred to the Court, denied.

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No. A-33. O'HAIR ET AL. v. HILL ET AL. C. A. 5th Cir. Application for preliminary injunction, addressed to MR. JUSTICE BRENNAN and referred to the Court, denied.

No. A-1162 (79-1815). SALOB v. AMBACH, COMMISSIONER OF EDUCATION OF NEW YORK, ET AL. Application for stay, addressed to MR. JUSTICE BRENNAN and referred to the Court, denied.

No. A-52 (80-5263). BULLWINKLE v. CALIFORNIA. Ct. App. Cal., 2d App. Dist. Application for stay, addressed to MR. JUSTICE STEVENS and referred to the Court, denied.

Rehearing Denied

No. 79-8. UNITED STATES v. RADDATZ, 447 U. S. 667;

No. 79-343. SUN SHIP, INC. v. PENNSYLVANIA ET AL., 447 U. S. 715;

No. 79-394. UNITED STATES v. WARD, DBA L. O. WARD OIL & GAS OPERATIONS, *ante*, p. 242;

No. 79-6334. ATTWELL v. UNDERCOFLER, CHIEF JUSTICE, SUPREME COURT OF GEORGIA, ET AL., 446 U. S. 955;

No. 79-6362. DOBBERT v. FLORIDA, 447 U. S. 912; and

No. 79-6592. WILKERSON v. WILKERSON ET AL., 447 U. S. 935. Petitions for rehearing denied.

SEPTEMBER 3, 1980

Dismissal Under Rule 53

No. 80-4. MITSUBISHI INTERNATIONAL CORP., INC. v. UNITED STATES DISTRICT COURT FOR THE DISTRICT OF OREGON (BRS, INC., REAL PARTY IN INTEREST). C. A. 9th Cir. Certiorari dismissed under this Court's Rule 53.

SEPTEMBER 4, 1980

Dismissal Under Rule 53

No. 79-6781. PADGETT v. UNITED STATES. C. A. 8th Cir. Certiorari dismissed under this Court's Rule 53. Reported below: 619 F. 2d 783.

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SEPTEMBER 10, 1980

Dismissal Under Rule 53

No. 78-918. REPUBLIC STEEL CORP. *v.* OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION ET AL.; and

No. 78-919. AMERICAN IRON & STEEL INSTITUTE ET AL. *v.* OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION ET AL. C. A. 3d Cir. [Certiorari granted, *ante*, p. 909.] Writs of certiorari dismissed under this Court's Rule 53.

SEPTEMBER 12, 1980

Dismissal Under Rule 53

No. 79-1203. LUCKY MC URANIUM CORP *v.* GEOMET EXPLORATION, LTD. Sup. Ct. Ariz. [Certiorari granted, 447 U. S. 920.] Writ of certiorari dismissed under this Court's Rule 53.

SEPTEMBER 17, 1980

Rehearing Denied

No. 79-4. WILLIAMS ET AL. *v.* ZBARAZ ET AL., *ante*, p. 358;

No. 79-5. MILLER, ACTING DIRECTOR, DEPARTMENT OF PUBLIC AID OF ILLINOIS, ET AL. *v.* ZBARAZ ET AL., *ante*, p. 358;

No. 79-491. UNITED STATES *v.* ZBARAZ ET AL., *ante*, p. 358; and

No. 79-1268. HARRIS, SECRETARY OF HEALTH AND HUMAN SERVICES *v.* MCRAE ET AL., *ante*, p. 297. Motions of Richard Abel et al. and Abortion Rights Council of Minnesota et al. for leave to file briefs as *amici curiae* granted. Petitions for rehearing denied.

No. 79-561. NEW YORK NEWS, INC. *v.* BELL, JUSTICE, SUPREME COURT OF NEW YORK, ET AL., *ante*, p. 910;

No. 79-669. DAWSON CHEMICAL CO. ET AL. *v.* ROHM & HAAS Co., *ante*, p. 176; and

No. 79-1615. HALL *v.* CALIFORNIA ET AL., 447 U. S. 917. Petitions for rehearing denied.

September 17, 18, 1980

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No. 79-1634. STARR ET AL. *v.* NIXON, FORMER PRESIDENT OF THE UNITED STATES, ET AL., 446 U. S. 953;

No. 79-1714. ALEXANDER *v.* LOS ANGELES COUNTY CIVIL SERVICE COMMISSION ET AL., 447 U. S. 924;

No. 79-6099. STARVAGGI *v.* TEXAS, *ante*, p. 907; and

No. 79-6350. BARFIELD *v.* NORTH CAROLINA, *ante*, p. 907.
Petitions for rehearing denied.

SEPTEMBER 18, 1980

Certiorari Denied

No. 80-182. CELEBREZZE, SECRETARY OF STATE OF OHIO *v.* ANDERSON ET AL. C. A. 6th Cir. Renewed motion of petitioner to expedite consideration of the petition for writ of certiorari granted. Certiorari before judgment denied. MR. JUSTICE STEWART, MR. JUSTICE WHITE, and MR. JUSTICE REHNQUIST would grant the petition and set the case for oral argument during the week of October 6, 1980.

OPINIONS OF JUDICIAL OFFICERS IN
CHAMBERS

REYNOLDS V. UNITED STATES, 1942, 125 F.2d 1193, 34-1 USTC ¶9548, 10 AFTR2d 34-5811 (CA-9, 1942).

THE DISTRICT COURT OF APPEALS

OF THE NINTH CIRCUIT, PASADENA, CALIF.

On application of the United States, petitioner, for writ of habeas corpus, the court, by a majority of the judges, has granted the writ.

REPORTER'S NOTE

The next page is purposely numbered 1301. The numbers between 918 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.
