

OPINION OF INDIVIDUAL JUSTICE
IN CHAMBERS

NATIONAL FARMERS UNION INSURANCE COS.
ET AL. *v.* CROW TRIBE OF INDIANS ET AL.

ON APPLICATION TO VACATE STAY

No. A-778. Decided April 24, 1985

An application to vacate the Court of Appeals' stay of all proceedings with respect to this case in the Federal District Court and in the Crow Tribal Court, pending resolution of the merits by this Court, is denied. It is not likely that four Members of this Court would wish to review the separate issue of whether the Court of Appeals had jurisdiction to issue the stay order, in addition to resolving the merits of the principal case, which has already been argued. Nor do the equities favor preserving the posture between the parties that applicants seek.

JUSTICE REHNQUIST, Circuit Justice.

The Court of Appeals for the Ninth Circuit has stayed all proceedings with respect to this case in the United States District Court and in the Crow Tribal Court pending resolution of the merits of the case by this Court. Applicants contend that the Court of Appeals was without jurisdiction to issue the stay, and request me to "dissolve" the stay issued by the Court of Appeals. The jurisdiction of the Court of Appeals to issue the stay order is indeed debatable, but I do not believe that four Members of the Court would wish to review that separate issue in addition to resolving the merits of the principal case argued on April 16th. Nor do I believe that the equities favor a stay to preserve the posture between the parties that applicants seek, given the present state of affairs in the District and Tribal Courts. Decision of the merits by this Court may ordinarily be expected before the summer recess around July 1st, and the stay issued

by the Court of Appeals will expire by its own terms upon the happening of that event. The application is therefore denied.

NATIONAL FARMERS UNION INSURANCE CO. ET AL. v. CROW TRIBE OF INDIANS ET AL.

ON APPLICATION TO VACATE STAY

No. A-75. Docket April 24, 1984.

An application to vacate the Court of Appeals' stay of all proceedings with respect to this case in the Federal District Court and in the Crow Tribal Court, pending resolution of the merits of the case by this Court, is denied. It is not likely that four Members of the Court would wish to review the separate issue of whether the Court of Appeals had jurisdiction to issue the stay order, in addition to resolving the merits of the principal case, which has already been argued. Nor do the equities favor preserving the posture between the parties that applicants seek.

JUSTICE BREWER, Circuit Justice.

The Court of Appeals for the Ninth Circuit has stayed all proceedings with respect to this case in the United States District Court and in the Crow Tribal Court pending resolution of the merits of the case by this Court. Applicants contend that the Court of Appeals was without jurisdiction to issue the stay, and request me to "dissolve" the stay issued by the Court of Appeals. The jurisdiction of the Court of Appeals to issue the stay order is indeed debatable, but I do not believe that four Members of the Court would wish to review that separate issue in addition to resolving the merits of the principal case argued on April 18th. Nor do I believe that the equities favor a stay to preserve the posture between the parties that applicants seek, given the present state of affairs in the District and Tribal Courts. Decision of the merits by this Court may ordinarily be expected before the summer recess around July 1st, and the stay issued