

ORDERS FROM JUNE 1 THROUGH
JUNE 18, 1987

JUNE 1, 1987

Appeals Dismissed

No. 86-1652. LIQUID TRANSPORTERS, INC. *v.* REVENUE CABINET OF KENTUCKY. Appeal from Ct. App. Ky. dismissed for want of substantial federal question. Reported below: 721 S. W. 2d 722.

No. 86-1666. CROSS *v.* OHIO. Appeal from Ct. App. Ohio, Greene County, dismissed for want of substantial federal question. Reported below: 31 Ohio App. 3d 28, 508 N. E. 2d 172.

Certiorari Granted—Vacated and Remanded. (See also No. 86-298, *ante*, at 68, n. 2.)

No. 86-908. UNITED STEELWORKERS OF AMERICA, AFL-CIO-CLC *v.* RAWSON, INDIVIDUALLY AND AS GUARDIAN AD LITEM FOR RAWSON, ET AL. Sup. Ct. Idaho. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Electrical Workers v. Hechler*, 481 U. S. 851 (1987). Reported below: 111 Idaho 630, 726 P. 2d 742.

No. 86-5533. CHIRINO *v.* JORDAN MARSH CO. C. A. 11th Cir. Motion of petitioner for leave to proceed *in forma pauperis* and certiorari granted. Judgment vacated and case remanded for further consideration in light of *Shaare Tefila Congregation v. Cobb*, 481 U. S. 615 (1987), and *Saint Francis College v. Al-Khazraji*, 481 U. S. 604 (1987). Reported below: 795 F. 2d 87.

Certiorari Granted—Reversed. (See No. 86-1053, *ante*, p. 117.)

Vacated and Remanded After Certiorari Granted

No. 86-1408. HAYNIE ET AL. *v.* ROSS GEAR DIVISION OF TRW, INC., ET AL. C. A. 6th Cir. [Certiorari granted, 481 U. S. 1003.] On the basis of the representations made in the parties' joint stipulation of dismissal and suggestion of mootness, the judgment of the United States Court of Appeals for the Sixth Circuit is vacated and the case is remanded to that court with a direction to dismiss. See *United States v. Munsingwear, Inc.*, 340

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U. S. 36 (1950). JUSTICE MARSHALL took no part in the consideration or decision of this case.

Certiorari Dismissed

No. 86-6452. PATTERSON *v.* SOUTH CAROLINA. Sup. Ct. S. C. Certiorari dismissed for want of jurisdiction. Reported below: 290 S. C. 523, 351 S. E. 2d 853.

Miscellaneous Orders

No. — — ——. GRANVIEL *v.* TEXAS. Motion to direct the Clerk to file the petition for writ of certiorari without an affidavit of indigency executed by the petitioner granted.

No. A-778 (86-1646). TEXAS *v.* WILLIAMS. Application to continue the stay of mandate of the Court of Criminal Appeals of Texas, presented to JUSTICE WHITE, and by him referred to the Court, is granted pending final disposition by this Court of the petition for writ of certiorari.

No. A-807. LEVY *v.* UNITED STATES. Application for release pending appeal, addressed to JUSTICE BRENNAN and referred to the Court, denied.

No. A-811. MILLSAP *v.* FEDERAL NATIONAL MORTGAGE ASSOCIATION ET AL. C. A. 7th Cir. Application for stay, addressed to JUSTICE BRENNAN and referred to the Court, denied.

No. A-846. MISSISSIPPI POWER & LIGHT CO. *v.* MISSISSIPPI ET AL. Application for stay of judgment of the Supreme Court of Mississippi, presented to JUSTICE WHITE, and by him referred to the Court, granted pending the timely filing and disposition of the appeal by this Court. This order is further conditioned upon the posting of a good and sufficient bond, in manner and amount to be determined by the Supreme Court of Mississippi.

No. A-847 (86-1879). NATIONAL TREASURY EMPLOYEES UNION ET AL. *v.* VON RAAB, COMMISSIONER, UNITED STATES CUSTOMS SERVICE. C. A. 5th Cir. Application for stay, presented to JUSTICE WHITE, and by him referred to the Court, denied. JUSTICE BRENNAN would grant the application.

No. D-608. IN RE DISBARMENT OF SHARE. Disbarment entered. [For earlier order herein, see 480 U. S. 902.]

No. D-611. IN RE DISBARMENT OF BRICKLE. Disbarment entered. [For earlier order herein, see 480 U. S. 902.]

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No. D-623. *IN RE DISBARMENT OF CONNELL*. Disbarment entered. [For earlier order herein, see 480 U. S. 944.]

No. D-625. *IN RE DISBARMENT OF ERNST*. Thomas J. Ernst, of Clayton, Mo., having requested to resign as a member of the Bar of this Court, it is ordered that his name be stricken from the roll of attorneys admitted to practice before the Bar of this Court. The rule to show cause, heretofore issued on April 6, 1987 [481 U. S. 1002], is hereby discharged.

No. D-627. *IN RE DISBARMENT OF GERNS*. Disbarment entered. [For earlier order herein, see 481 U. S. 1002.]

No. D-635. *IN RE DISBARMENT OF FLEISCHER*. It is ordered that Edward Leo Fleischer, of Morganville, N. J., be suspended from the practice of law in this Court and that a rule issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. D-636. *IN RE DISBARMENT OF BROWN*. It is ordered that Arnold E. Brown, of Englewood, N. J., be suspended from the practice of law in this Court and that a rule issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. D-637. *IN RE DISBARMENT OF HOAGLAND*. It is ordered that Robert D. Hoagland, of Charlotte, N. 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-638. *IN RE DISBARMENT OF HAEBERLE*. It is ordered that W. Gene Haeberle, of Camden, N. J., be suspended from the practice of law in this Court and that a rule issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. D-639. *IN RE DISBARMENT OF GOLDBERG*. It is ordered that Gerald Mark Goldberg, of Rockaway, N. J., be suspended from the practice of law in this Court and that a rule issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. D-640. *IN RE DISBARMENT OF OXFELD*. It is ordered that Emil Oxfeld, of South Orange, N. J., be suspended from the practice of law in this Court and that a rule issue, returnable

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within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. 85-2079. LABORERS HEALTH AND WELFARE TRUST FUND FOR NORTHERN CALIFORNIA ET AL. *v.* ADVANCED LIGHT-WEIGHT CONCRETE Co., INC. C. A. 9th Cir. [Certiorari granted, 479 U. S. 1083.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 86-279. BASIC INC. ET AL. *v.* LEVINSON ET AL. C. A. 6th Cir. [Certiorari granted, 479 U. S. 1083.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument denied. THE CHIEF JUSTICE took no part in the consideration or decision of this motion.

No. 86-492. BOYLE, PERSONAL REPRESENTATIVE OF THE HEIRS AND ESTATE OF BOYLE *v.* UNITED TECHNOLOGIES CORP. C. A. 4th Cir. [Certiorari granted, 479 U. S. 1029.] Motion of Bell Helicopter Textron Inc. for leave to file a brief as *amicus curiae* granted. JUSTICE POWELL took no part in the consideration or decision of this motion.

No. 86-890. DEAKINS ET AL. *v.* MONAGHAN ET AL. C. A. 3d Cir. [Certiorari granted, 479 U. S. 1063.] Motion of American Civil Liberties Union Foundation et al. for leave to file a brief as *amici curiae* granted.

No. 86-1108. VERMONT *v.* COX. Sup. Ct. Vt. [Certiorari granted, 479 U. S. 1083.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 86-1593. SHELL OIL Co. *v.* DEPARTMENT OF REVENUE OF FLORIDA. Appeal from Sup. Ct. Fla. The Solicitor General is invited to file a brief in this case expressing the views of the United States.

Certiorari Granted

No. 86-637. COMMUNICATIONS WORKERS OF AMERICA ET AL. *v.* BECK ET AL. C. A. 4th Cir. Certiorari granted. In addition to the questions presented by the petition, the parties are directed to brief and argue the applicability of *San Diego Building Trades Council v. Garmon*, 359 U. S. 236 (1959). Reported below: 800 F. 2d 1280.

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No. 86-6284. *SATTERWHITE v. TEXAS*. Ct. Crim. App. Tex. Motion of petitioner for leave to proceed *in forma pauperis* and certiorari granted limited to Question 1 presented by the petition. Reported below: 726 S. W. 2d 81.

Certiorari Denied. (See also No. 86-1054, *ante*, p. 117.)

No. 85-455. *POLO FASHIONS, INC. v. STOCK BUYERS INTERNATIONAL, INC., ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 760 F. 2d 698.

No. 86-940. *PACIFIC FIRST FEDERAL SAVINGS BANK ET AL. v. REMBOLD ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 798 F. 2d 1307.

No. 86-1304. *CAIFANO v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 807 F. 2d 997.

No. 86-1440. *MONSOUR MEDICAL CENTER v. BOWEN, SECRETARY OF HEALTH AND HUMAN SERVICES, ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 806 F. 2d 1185.

No. 86-1464. *CORBETT v. TISCH, POSTMASTER GENERAL OF THE UNITED STATES, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 804 F. 2d 145.

No. 86-1616. *PLUMBERS & STEAMFITTERS UNION LOCAL 598 ET AL. v. WASHINGTON PUBLIC POWER SUPPLY SYSTEM*. Ct. App. Wash. Certiorari denied. Reported below: 44 Wash. App. 906, 724 P. 2d 1030.

No. 86-1618. *HARRISON SCHOOL DISTRICT NO. 1 ET AL. v. LEWIS*. C. A. 8th Cir. Certiorari denied. Reported below: 805 F. 2d 310.

No. 86-1622. *UNITED STATES v. FUCCILLO*. C. A. 1st Cir. Certiorari denied. Reported below: 808 F. 2d 173.

No. 86-1630. *MIRABOLE v. FLORIDA BAR*. Sup. Ct. Fla. Certiorari denied. Reported below: 498 So. 2d 428.

No. 86-1631. *MARGOLES v. JOHNS ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 798 F. 2d 1069.

No. 86-1634. *BUTCHER v. CITY OF DETROIT*. Ct. App. Mich. Certiorari denied. Reported below: 156 Mich. App. 165, 401 N. W. 2d 260.

No. 86-1635. *LYNE v. COXON ET AL.* Sup. Ct. N. M. Certiorari denied. Reported below: 105 N. M. 57, 728 P. 2d 467.

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No. 86-1639. *VINSON v. FORD MOTOR Co.* C. A. 6th Cir. Certiorari denied. Reported below: 806 F. 2d 686.

No. 86-1640. *PACE RESOURCES, INC. v. SHREWSBURY TOWNSHIP ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 808 F. 2d 1023.

No. 86-1644. *YAMHILL YAMAHA, INC. v. UNITED STATES DISTRICT COURT FOR THE DISTRICT OF OREGON (YAMAHA MOTOR CORP. ET AL., REAL PARTIES IN INTEREST).* C. A. 9th Cir. Certiorari denied.

No. 86-1648. *WEST ET AL. v. MULTIBANCO COMERMEX, S. A., ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 807 F. 2d 820.

No. 86-1651. *SHEDRICK v. DONNELLY ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 811 F. 2d 601.

No. 86-1653. *BOURKE v. SCHUMAN.* App. Dept., Super. Ct. Cal., Alameda County. Certiorari denied.

No. 86-1668. *HANEY v. LOUISIANA TRAINING INSTITUTE.* C. A. 5th Cir. Certiorari denied.

No. 86-1671. *COKER v. GIELOW, CHAIRMAN, RAILROAD RETIREMENT BOARD, ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 806 F. 2d 689.

No. 86-1691. *RAYBURN v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. Reported below: 813 F. 2d 105.

No. 86-1716. *MOORE v. STATE BANK OF BURDEN ET AL.* Sup. Ct. Kan. Certiorari denied. Reported below: 240 Kan. 382, 729 P. 2d 1205.

No. 86-1737. *FLAUGH v. MICHIGAN.* Ct. App. Mich. Certiorari denied.

No. 86-6289. *MINOTTI v. LENSINK, COMMISSIONER, CONNECTICUT STATE DEPARTMENT OF MENTAL RETARDATION.* C. A. 2d Cir. Certiorari denied. Reported below: 798 F. 2d 607.

No. 86-6425. *WATSON v. HENSIEK.* Ct. App. Mo., Eastern Dist. Certiorari denied. Reported below: 716 S. W. 2d 284.

No. 86-6453. *WILLIAMS v. UNITED STATES.* C. A. 1st Cir. Certiorari denied. Reported below: 809 F. 2d 75.

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No. 86-6466. BEASLEY *v.* UNITED STATES. Ct. App. D. C. Certiorari denied. Reported below: 512 A. 2d 1007.

No. 86-6482. MARTIR *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 810 F. 2d 1161.

No. 86-6669. SWEETMAN *v.* TOWNSHIP OF PENNSAUKEN, NEW JERSEY. Super. Ct. N. J., App. Div. Certiorari denied.

No. 86-6676. ANNONSON *v.* GROVER, STATE SUPERINTENDENT OF PUBLIC INSTRUCTION. Sup. Ct. Wis. Certiorari denied. Reported below: 133 Wis. 2d 482, 400 N. W. 2d 470.

No. 86-6682. STANDIFER *v.* NEW YORK. App. Div., Sup. Ct. N. Y., 4th Jud. Dept. Certiorari denied. Reported below: 124 App. Div. 2d 1077, 508 N. Y. S. 2d 130.

No. 86-6689. WASHINGTON *v.* SCULLY, SUPERINTENDENT, GREEN HAVEN CORRECTIONAL FACILITY. C. A. 2d Cir. Certiorari denied. Reported below: 812 F. 2d 713.

No. 86-6690. PHILLIPS *v.* ILLINOIS. App. Ct. Ill., 3d Dist. Certiorari denied. Reported below: 147 Ill. App. 3d 1163, 512 N. E. 2d 139.

No. 86-6691. RHODEN *v.* FLORIDA ET AL. C. A. 11th Cir. Certiorari denied.

No. 86-6693. SOTO *v.* LEFEVRE, SUPERINTENDENT, CLINTON CORRECTIONAL FACILITY. C. A. 2d Cir. Certiorari denied. Reported below: 812 F. 2d 713.

No. 86-6694. MORRIS *v.* KEMP, WARDEN. C. A. 11th Cir. Certiorari denied. Reported below: 809 F. 2d 1499.

No. 86-6714. MONNIN *v.* CONSOLIDATED RAIL CORPORATION. C. A. 6th Cir. Certiorari denied. Reported below: 812 F. 2d 1407.

No. 86-6715. OWENS *v.* ADAMS ET AL. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 144 Ill. App. 3d 1173, 510 N. E. 2d 1330.

No. 86-6720. LEWIS *v.* ILLINOIS. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 147 Ill. App. 3d 249, 498 N. E. 2d 1169.

No. 86-6744. GORDON *v.* LYNAUGH, DIRECTOR, TEXAS DEPARTMENT OF CORRECTIONS. C. A. 5th Cir. Certiorari denied.

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No. 86-6753. *ATTWELL v. METROPOLITAN ATLANTA RAPID TRANSIT AUTHORITY ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 811 F. 2d 610.

No. 86-6754. *LEWIS v. LYNAUGH, DIRECTOR, TEXAS DEPARTMENT OF CORRECTIONS.* C. A. 5th Cir. Certiorari denied.

No. 86-6764. *THOMAS v. EDWARDS, WARDEN, ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 808 F. 2d 1518.

No. 86-6774. *RAFFOUL v. UNITED STATES.* C. A. 3d Cir. Certiorari denied. Reported below: 815 F. 2d 696.

No. 86-6779. *GOMEZ v. UNITED STATES.* C. A. 10th Cir. Certiorari denied. Reported below: 810 F. 2d 947.

No. 86-6785. *MARQUEZ v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. Reported below: 816 F. 2d 670.

No. 86-6787. *RODRIGUES v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 810 F. 2d 1338.

No. 86-6790. *LONEY v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 811 F. 2d 1506.

No. 86-6801. *WOODCOCK v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 812 F. 2d 965.

No. 86-6804. *BROWN-BEY v. UNITED STATES MARSHAL.* C. A. 8th Cir. Certiorari denied. Reported below: 815 F. 2d 711.

No. 86-6817. *PORTAL v. UNITED STATES.* C. A. 11th Cir. Certiorari denied. Reported below: 755 F. 2d 830.

No. 86-6818. *VADEN v. VILLAGE OF MAYWOOD, ILLINOIS, ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 809 F. 2d 361.

No. 86-6819. *ROQUE-PINO v. UNITED STATES.* C. A. 11th Cir. Certiorari denied. Reported below: 816 F. 2d 686.

No. 86-6820. *BAILEY v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 817 F. 2d 102.

No. 86-6822. *BASCOS v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 812 F. 2d 715.

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No. 86-6824. *KLEIN v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 815 F. 2d 706.

No. 86-6833. *ROHRBACH v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 813 F. 2d 142.

No. 86-6837. *WATKINS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 811 F. 2d 1408.

No. 86-6838. *RAWWAD v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 807 F. 2d 294.

No. 86-1519. *AKZO N. V. ET AL. v. UNITED STATES INTERNATIONAL TRADE COMMISSION ET AL.* C. A. Fed. Cir. Motion of Kingdom of the Netherlands for leave to file a brief as *amicus curiae* granted. Certiorari denied. Reported below: 808 F. 2d 1471.

No. 86-6638. *HARRIS v. INDIANA*. Sup. Ct. Ind.;

No. 86-6677. *GASKINS v. SOUTH CAROLINA*. Ct. Common Pleas of Richland County, S. C.;

No. 86-6700. *ADKINS v. TENNESSEE*. Sup. Ct. Tenn.; and

No. 86-6750. *COLEMAN v. BROWN, WARDEN, ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: No. 86-6638, 499 N. E. 2d 723; No. 86-6700, 725 S. W. 2d 660; No. 86-6750, 802 F. 2d 1227.

JUSTICE BRENNAN and JUSTICE MARSHALL, dissenting.

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

No. 86-6706. *HEISLUP ET AL. v. TOWN OF COLONIAL BEACH, VIRGINIA, ET AL.* C. A. 4th Cir. Certiorari denied. THE CHIEF JUSTICE took no part in the consideration or decision of this petition. Reported below: 813 F. 2d 401.

Rehearing Denied

No. 86-1155. *INTERNATIONAL PRIMATE PROTECTION LEAGUE ET AL. v. INSTITUTE FOR BEHAVIORAL RESEARCH, INC., ET AL.*, 481 U. S. 1004;

No. 86-6312. *HYMEN v. MERIT SYSTEMS PROTECTION BOARD*, 481 U. S. 1019;

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No. 86-6401. SKURDAL *v.* CITY OF BILLINGS, MONTANA, 481 U. S. 1020;

No. 86-6417. LAY *v.* HORAN, COMMONWEALTH ATTORNEY, 481 U. S. 1020;

No. 86-6450. MARSHALL *v.* BAUER, 481 U. S. 1021; and

No. 86-6607. IN RE FIXEL, 481 U. S. 1012. Petitions for rehearing denied.

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Miscellaneous Order

No. A-884. BERRY *v.* PHELPS, SECRETARY, LOUISIANA DEPARTMENT OF CORRECTIONS, ET AL. Application for stay of execution of sentence of death, presented to JUSTICE WHITE, and by him referred to the Court, denied.

JUSTICE BRENNAN and 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 the application for stay of execution in order to give the applicant time to file a petition for writ of certiorari and would grant the petition and vacate the death sentence in this case.

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Affirmed on Appeal

No. 86-1559. BURRELL ET AL. *v.* ALLAIN, GOVERNOR OF MISSISSIPPI, ET AL. Affirmed on appeal from D. C. S. D. Miss.

Appeals Dismissed

No. 86-1096. GRIFFITH *v.* ILLINOIS. Appeal from App. Ct. Ill., 5th Dist., dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari denied. Reported below: 143 Ill. App. 3d 683, 493 N. E. 2d 413.

JUSTICE WHITE, dissenting.

I agree with the majority that this case is not a proper appeal but, for the reason stated in my dissent from denial of certiorari in *Nyflot v. Minnesota Commissioner of Public Safety*, 474 U. S. 1027 (1985), I would grant certiorari.

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No. 86-1502. *SPRING REALTY CO. ET AL. v. NEW YORK CITY LOFT BOARD ET AL.* Appeal from Ct. App. N. Y. dismissed for want of substantial federal question. Reported below: 69 N. Y. 2d 657, 503 N. E. 2d 1367.

No. 86-6748. *RILEY v. CITY OF JUNCTION CITY, KANSAS.* Appeal from Sup. Ct. Kan. dismissed for want of properly presented federal question. Reported below: 240 Kan. 614, 731 P. 2d 310.

No. 86-6758. *HATTON v. MINNESOTA.* Appeal from Sup. Ct. Minn. dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari denied.

Miscellaneous Orders

No. A-619. *EFFINGER v. GREENE ET AL.* C. A. 11th Cir. Motion to direct the Clerk to file the petition for writ of certiorari out of time denied.

No. D-604. *IN RE DISBARMENT OF KORNOWSKI.* Disbarment entered. [For earlier order herein, see 479 U. S. 1051.]

No. D-641. *IN RE DISBARMENT OF WECHSLER.* It is ordered that Benjamin B. Wechsler II, of Pittsburgh, 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-642. *IN RE DISBARMENT OF PALOMO.* It is ordered that Raul Palomo, Jr., of Los Angeles, Cal., be suspended from the practice of law in this Court and that a rule issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. 86-327. *MULLINS COAL CO., INC. OF VIRGINIA, ET AL. v. DIRECTOR, OFFICE OF WORKERS' COMPENSATION PROGRAMS, UNITED STATES DEPARTMENT OF LABOR, ET AL.* C. A. 4th Cir. [Certiorari granted, 479 U. S. 1029.] Motion of United Mine Workers of America for leave to participate in oral argument as *amicus curiae*, for additional time for oral argument, and for divided argument denied.

No. 86-492. *BOYLE, PERSONAL REPRESENTATIVE OF THE HEIRS AND ESTATE OF BOYLE v. UNITED TECHNOLOGIES CORP.*

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C. A. 4th Cir. [Certiorari granted, 479 U. S. 1029.] Motions of Chamber of Commerce of the United States, UNR Industries, Inc., Defense Research Institute, Inc., and Product Liability Advisory Council, Inc., et al. for leave to file briefs as *amici curiae* granted. JUSTICE POWELL took no part in the consideration or decision of these motions.

No. 86-728. HONIG, CALIFORNIA SUPERINTENDENT OF PUBLIC INSTRUCTION *v.* DOE ET AL. C. A. 9th Cir. [Certiorari granted, 479 U. S. 1084.] Motion of respondents for leave to proceed further herein *in forma pauperis* granted.

No. 86-836. HAZELWOOD SCHOOL DISTRICT ET AL. *v.* KUHLEMEIER ET AL. C. A. 8th Cir. [Certiorari granted, 479 U. S. 1053.] Motions of People for the American Way, American Society of Newspaper Editors et al., American Civil Liberties Union et al., and NOW Legal Defense & Educational Fund et al. for leave to file briefs as *amici curiae* granted.

No. 86-890. DEAKINS ET AL. *v.* MONAGHAN ET AL. C. A. 3d Cir. [Certiorari granted, 479 U. S. 1063.] Respondents' suggestion of mootness rejected.

No. 86-1415. MARINO ET AL. *v.* ORTIZ ET AL.; and COSTELLO ET AL. *v.* NEW YORK CITY POLICE DEPARTMENT ET AL. C. A. 2d Cir. The order entered May 18, 1987 [481 U. S. 1047], granting the petition for writ of certiorari is amended to read as follows: Certiorari granted limited to Questions 2 and 3 presented by the petition.

No. 86-1879. NATIONAL TREASURY EMPLOYEES UNION ET AL. *v.* VON RAAB, COMMISSIONER, UNITED STATES CUSTOMS SERVICE. C. A. 5th Cir. Motion of petitioners to expedite consideration of the petition for writ of certiorari denied.

No. 86-6717. IN RE TYLER ET AL.;
No. 86-6742. IN RE KENNEDY; and
No. 86-6772. IN RE ROY. Petitions for writs of mandamus denied.

Certiorari Granted

No. 85-1910. BUSINESS ELECTRONICS CORP. *v.* SHARP ELECTRONICS CORP. C. A. 5th Cir. Certiorari granted. Reported below: 780 F. 2d 1212.

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No. 86-1294. WEBSTER, DIRECTOR OF CENTRAL INTELLIGENCE *v.* DOE. C. A. D. C. Cir. Certiorari granted. Reported below: 254 U. S. App. D. C. 282, 796 F. 2d 1508.

No. 86-1461. EDWARD J. DEBARTOLO CORP. *v.* FLORIDA GULF COAST BUILDING & CONSTRUCTION TRADES COUNCIL ET AL. C. A. 11th Cir. Certiorari granted. Reported below: 796 F. 2d 1328.

No. 86-1650. TRANS WORLD AIRLINES, INC. *v.* INDEPENDENT FEDERATION OF FLIGHT ATTENDANTS. C. A. 8th Cir. Certiorari granted. Reported below: 809 F. 2d 483.

No. 86-1672. COMMISSIONER OF INTERNAL REVENUE *v.* BOLLINGER ET AL. C. A. 6th Cir. Certiorari granted. Reported below: 807 F. 2d 65.

Certiorari Denied. (See also Nos. 86-1096 and 86-6758, *supra.*)

No. 86-129. PULIDO-ZORRILLA *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied.

No. 86-1240. TAYLOR *v.* BOWEN, SECRETARY OF HEALTH AND HUMAN SERVICES. C. A. 3d Cir. Certiorari denied. Reported below: 787 F. 2d 584.

No. 86-1263. HENRICH *v.* TEXAS. Ct. App. Tex., 5th Dist. Certiorari denied. Reported below: 697 S. W. 2d 841.

No. 86-1287. AHLBERG ET AL. *v.* UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES; and SUMIDA *v.* UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES. C. A. Fed. Cir. Certiorari denied. Reported below: 804 F. 2d 1238 (first case).

No. 86-1345. ARAGON *v.* CALIFORNIA. Ct. App. Cal., 4th App. Dist. Certiorari denied.

No. 86-1399. YOUNG *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 804 F. 2d 116.

No. 86-1451. OGLALA SIOUX TRIBE OF THE PINE RIDGE INDIAN RESERVATION *v.* UNITED STATES ET AL. C. A. Fed. Cir. Certiorari denied. Reported below: 806 F. 2d 1046.

No. 86-1454. MAYS ET AL. *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 806 F. 2d 976.

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No. 86-1488. *DI BELLA v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 833 F. 2d 1003.

No. 86-1526. *GRIFFIN v. HILKE ET AL.*; and

No. 86-1684. *HILKE v. GRIFFIN*. C. A. 8th Cir. Certiorari denied. Reported below: 804 F. 2d 1052.

No. 86-1533. *IANNELLI v. NEW YORK*. Ct. App. N. Y. Certiorari denied. Reported below: 69 N. Y. 2d 684, 504 N. E. 2d 383.

No. 86-1538. *NEW YORK v. MOSLEY*. Ct. App. N. Y. Certiorari denied. Reported below: 68 N. Y. 2d 881, 501 N. E. 2d 580.

No. 86-1591. *CITY OF TWIN FALLS, IDAHO v. ENVIROTECH CORP., DBA ENVIROTECH SYSTEMS, INC.* C. A. 9th Cir. Certiorari denied. Reported below: 806 F. 2d 862.

No. 86-1598. *KAISER ENGINEERS, DIVISION OF HENRY J. KAISER CO., ET AL. v. ALLENDALE MUTUAL INSURANCE CO.*; and

No. 86-1615. *AZL ENGINEERING, INC., FORMERLY SERGENT HAUSKINS & BECKWITH v. ALLENDALE MUTUAL INSURANCE CO.* C. A. 10th Cir. Certiorari denied. Reported below: 804 F. 2d 592.

No. 86-1632. *WETZEL v. ARIZONA STATE REAL ESTATE DEPARTMENT*. Ct. App. Ariz. Certiorari denied. Reported below: 151 Ariz. 330, 727 P. 2d 825.

No. 86-1645. *BATAYOLA v. MUNICIPALITY OF METROPOLITAN SEATTLE*. C. A. 9th Cir. Certiorari denied. Reported below: 798 F. 2d 355.

No. 86-1657. *WOOLERY v. NEVADA*. Sup. Ct. Nev. Certiorari denied. Reported below: 103 Nev. 826.

No. 86-1660. *COULTER v. TENNESSEE ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 805 F. 2d 146.

No. 86-1663. *VIA v. WILLIAMS, COMMISSIONER, VIRGINIA DIVISION OF MOTOR VEHICLES*. Sup. Ct. Va. Certiorari denied.

No. 86-1670. *KILE v. PACIFIC TELEPHONE & TELEGRAPH ET AL.* Ct. App. Cal., 3d App. Dist. Certiorari denied.

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No. 86-1676. *MORRISON v. ILLINOIS*. App. Ct. Ill., 3d Dist. Certiorari denied. Reported below: 149 Ill. App. 3d 282, 500 N. E. 2d 442.

No. 86-1677. *HUISKAMP v. NEW YORK CONNECTING RAILROAD Co. ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 806 F. 2d 252.

No. 86-1679. *AVERBACH v. RIVAL MANUFACTURING Co.* C. A. 3d Cir. Certiorari denied. Reported below: 809 F. 2d 1016.

No. 86-1680. *NICOLET INSTRUMENT CORP. v. BIO-RAD LABORATORIES, INC.* C. A. Fed. Cir. Certiorari denied. Reported below: 807 F. 2d 964.

No. 86-1682. *FERRINO v. CUNARD LINE LTD.* C. A. 3d Cir. Certiorari denied. Reported below: 802 F. 2d 446.

No. 86-1687. *HAMPTON v. BREWER, APPEAL OFFICER FOR DEPARTMENT OF ADMINISTRATION, STATE OF NEVADA*. Sup. Ct. Nev. Certiorari denied. Reported below: 103 Nev. 73, 733 P. 2d 852.

No. 86-1690. *MEADOWS v. KUHLMANN, SUPERINTENDENT, SULLIVAN CORRECTIONAL FACILITY, ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 812 F. 2d 72.

No. 86-1698. *INTERNATIONAL DISTRIBUTION CENTERS, INC. v. WALSH TRUCKING Co. ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 812 F. 2d 786.

No. 86-1726. *GLOBE LIFE INSURANCE Co. ET AL. v. ED MINIAT, INC., ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 805 F. 2d 732.

No. 86-1757. *CLOÛTIER v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 816 F. 2d 670.

No. 86-1775. *DARNELL v. CITY OF JASPER, ALABAMA*. C. A. 11th Cir. Certiorari denied. Reported below: 806 F. 2d 1068.

No. 86-1792. *WALSH ET AL. v. FORD MOTOR Co.* C. A. D. C. Cir. Certiorari denied. Reported below: 257 U. S. App. D. C. 85, 807 F. 2d 1000.

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No. 86-1831. *CAMER v. SEATTLE POST-INTELLIGENCER ET AL.* Ct. App. Wash. Certiorari denied. Reported below: 45 Wash. App. 29, 723 P. 2d 1195.

No. 86-5173. *VESTER v. ROGERS, WARDEN, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 795 F. 2d 1179.

No. 86-6016. *DAVIS v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. Reported below: 805 F. 2d 1036.

No. 86-6255. *DAVIS v. OKLAHOMA.* Ct. Crim. App. Okla. Certiorari denied. Reported below: 728 P. 2d 846.

No. 86-6299. *DRANE v. MISSISSIPPI.* Sup. Ct. Miss. Certiorari denied. Reported below: 493 So. 2d 294.

No. 86-6305. *RAMIREZ v. UNITED STATES.* C. A. 11th Cir. Certiorari denied. Reported below: 805 F. 2d 1447.

No. 86-6330. *AYODEJI v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 802 F. 2d 740.

No. 86-6392. *GUILLORY v. ST. LANDRY PARISH POLICE JURY ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 802 F. 2d 822.

No. 86-6431. *MELTON v. UNITED STATES.* C. A. 11th Cir. Certiorari denied. Reported below: 808 F. 2d 1522.

No. 86-6433. *BATES v. BLACKBURN, WARDEN.* C. A. 5th Cir. Certiorari denied. Reported below: 805 F. 2d 569.

No. 86-6514. *GLENN v. SOWDERS, WARDEN.* C. A. 6th Cir. Certiorari denied. Reported below: 811 F. 2d 605.

No. 86-6515. *NEUROTH v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. Reported below: 809 F. 2d 339.

No. 86-6519. *COFIELD v. MERIT SYSTEMS PROTECTION BOARD.* C. A. Fed. Cir. Certiorari denied.

No. 86-6526. *MISENKO v. WISCONSIN.* Ct. App. Wis. Certiorari denied. Reported below: 135 Wis. 2d 543, 401 N. W. 2d 27.

No. 86-6532. *TRULLO v. UNITED STATES.* C. A. 1st Cir. Certiorari denied. Reported below: 809 F. 2d 108.

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No. 86-6554. *CARWILE v. KENTUCKY*. Sup. Ct. Ky. Certiorari denied.

No. 86-6557. *RILEY v. CITY OF JUNCTION CITY, KANSAS*. Sup. Ct. Kan. Certiorari denied. Reported below: 240 Kan. 614, 731 P. 2d 310.

No. 86-6576. *GOPMAN v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 806 F. 2d 1487.

No. 86-6701. *KOENIG v. IOWA*. Sup. Ct. Iowa. Certiorari denied.

No. 86-6713. *WILLIAMS v. BLACKBURN, WARDEN*. C. A. 5th Cir. Certiorari denied. Reported below: 813 F. 2d 405.

No. 86-6721. *BROWN v. DUGGER, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS*. C. A. 11th Cir. Certiorari denied.

No. 86-6722. *JONES v. UNITED STATES*. C. A. 10th Cir. Certiorari denied.

No. 86-6725. *BRYANT v. KANSAS*. Sup. Ct. Kan. Certiorari denied. Reported below: 240 Kan. 803.

No. 86-6728. *EVANS v. OBERLE-JORDRE Co., INC.* C. A. 7th Cir. Certiorari denied. Reported below: 804 F. 2d 143.

No. 86-6729. *DORRILL v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 812 F. 2d 1413.

No. 86-6730. *TURNER v. FUERST*. C. A. 6th Cir. Certiorari denied. Reported below: 815 F. 2d 706.

No. 86-6736. *FIXEL v. SLANSKY ET AL.* C. A. 9th Cir. Certiorari denied.

No. 86-6738. *HAMMOND v. ALABAMA*. Ct. Crim. App. Ala. Certiorari denied. Reported below: 502 So. 2d 843.

No. 86-6739. *BATTLES v. OKLAHOMA*. Ct. Crim. App. Okla. Certiorari denied. Reported below: 732 P. 2d 480.

No. 86-6740. *CHARRETTE v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist. Certiorari denied.

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No. 86-6746. *MAX v. LANE, DIRECTOR, ILLINOIS DEPARTMENT OF CORRECTIONS*. C. A. 7th Cir. Certiorari denied. Reported below: 810 F. 2d 1167.

No. 86-6756. *COOPER v. SIMON*. Ct. App. Mo., Western Dist. Certiorari denied. Reported below: 719 S. W. 2d 463.

No. 86-6760. *SEARS v. MARYLAND*. Ct. Sp. App. Md. Certiorari denied. Reported below: 68 Md. App. 749.

No. 86-6761. *WILSON v. MCKENNA ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 815 F. 2d 707.

No. 86-6776. *BUTLER v. WELSCHMEYER*. C. A. 8th Cir. Certiorari denied. Reported below: 815 F. 2d 711.

No. 86-6789. *MOORE v. OHIO*. Ct. App. Ohio, Butler County. Certiorari denied.

No. 86-6791. *HERNANDEZ-CANO v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 808 F. 2d 779.

No. 86-6796. *EASLEY v. PETSOCK, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AND DIAGNOSTIC AND CLASSIFICATION CENTER AT PITTSBURGH, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 86-6811. *PORTER v. DUGGER, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS*. C. A. 11th Cir. Certiorari denied. Reported below: 805 F. 2d 930.

No. 86-6814. *MONTGOMERY v. UNITED STATES*. Ct. App. D. C. Certiorari denied.

No. 86-6832. *THOMPSON v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 815 F. 2d 706.

No. 86-6834. *MOORE v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 804 F. 2d 144.

No. 86-6848. *PAGE v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 808 F. 2d 723.

No. 86-1353. *FOLTZ, WARDEN v. THIGPEN*. C. A. 6th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 804 F. 2d 893.

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No. 86-1507. DUGGER, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS *v.* PORTER. C. A. 11th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 805 F. 2d 930.

No. 86-1371. TELECOMMUNICATIONS RESEARCH & ACTION CENTER ET AL. *v.* FEDERAL COMMUNICATIONS COMMISSION ET AL. C. A. D. C. Cir. Certiorari denied. JUSTICE SCALIA took no part in the consideration or decision of this petition. Reported below: 255 U. S. App. D. C. 287, 801 F. 2d 501.

No. 86-1373. NEW YORK ET AL. *v.* THOMAS, ADMINISTRATOR, UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, ET AL.; and

No. 86-1374. HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO ET AL. *v.* THOMAS, ADMINISTRATOR, UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, ET AL. C. A. D. C. Cir. Certiorari denied. JUSTICE POWELL and JUSTICE SCALIA took no part in the consideration or decision of these petitions. Reported below: 256 U. S. App. D. C. 49, 802 F. 2d 1443.

No. 86-1475. BURLINGTON NORTHERN RAILROAD Co. *v.* BELL ET AL. Ct. App. Okla. Certiorari denied. Reported below: 738 P. 2d 949.

JUSTICE WHITE, dissenting.

This case presents the question whether a state court may proceed to adjudicate a case after a removal petition has been filed in federal court. Respondents in this case brought a negligence action against petitioner and an individual defendant in state court. After seven days of trial, the trial court dismissed the individual defendant. Petitioner then filed a removal petition in federal court, alleging diversity of citizenship. The state trial court proceeded despite the removal petition and the jury rendered a verdict against petitioner. Subsequently, the District Court held that the case was not properly removed because the individual defendant was dismissed on the merits and not, as petitioner contended, with the consent of the plaintiffs. The District Court remanded the case and the state trial court entered judgment against petitioner on the basis of the previously rendered jury verdict.

The trial court and the Oklahoma Court of Appeals rejected petitioner's argument that the verdict against it is void under 28

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U. S. C. § 1446(e), which provides that the proper filing of a removal petition "shall effect the removal [to federal court] and the State court shall proceed no further unless and until the case is remanded."

The decision below conflicts with cases holding that when a case has been removed to federal court the state court lacks jurisdiction to act until the case is remanded. See, e. g., *South Carolina v. Moore*, 447 F. 2d 1067, 1072-1074 (CA4 1971); *Mississippi Power Co. v. Luter*, 336 So. 2d 753, 755 (Miss. 1976). I would grant certiorari to resolve this conflict.

No. 86-6216. *DEMOUCHETTE v. TEXAS*. Ct. Crim. App. Tex.;
No. 86-6711. *TARVER v. ALABAMA*. Sup. Ct. Ala.;
No. 86-6731. *SCHLUP v. MISSOURI*. Sup. Ct. Mo.;
No. 86-6747. *TERRY v. PENNSYLVANIA*. Sup. Ct. Pa.; and
No. 86-6795. *JACKSON v. FLORIDA*. Sup. Ct. Fla. Certiorari denied. Reported below: No. 86-6216, 731 S. W. 2d 75; No. 86-6711, 500 So. 2d 1256; No. 86-6731, 724 S. W. 2d 236; No. 86-6747, 513 Pa. 381, 521 A. 2d 398; No. 86-6795, 502 So. 2d 409.

JUSTICE BRENNAN and JUSTICE MARSHALL, dissenting.

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

No. 86-7013 (A-888). *MOORE v. BUTLER, WARDEN*. C. A. 5th Cir. Application for stay of execution of sentence of death, presented to JUSTICE WHITE, and by him referred to the Court, denied. Certiorari denied. Reported below: 819 F. 2d 517.

JUSTICE BRENNAN and 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 the application for stay of execution and the petition for writ of certiorari and would vacate the death sentence in this case.

Rehearing Denied

No. 84-6811. *MCCLESKEY v. KEMP, SUPERINTENDENT, GEORGIA DIAGNOSTIC AND CLASSIFICATION CENTER*, 481 U. S. 279;

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- No. 86-1158. SCHELLONG *v.* IMMIGRATION AND NATURALIZATION SERVICE, 481 U. S. 1004;
No. 86-1209. POLUR *v.* NEW YORK ET AL., 480 U. S. 932;
No. 86-1467. STEMER *v.* WAYNE COUNTY DEPARTMENT OF HEALTH ET AL., 481 U. S. 1017;
No. 86-1479. RATCLIFF *v.* MCKEEVER ET AL., 481 U. S. 1017;
No. 86-1545. IN RE KOWALIK, 481 U. S. 1012;
No. 86-5884. IRVING *v.* MISSISSIPPI, 481 U. S. 1042;
No. 86-6323. VELILLA *v.* UNITED TECHNOLOGIES CORP., HAMILTON STANDARD DIVISION, ET AL., 480 U. S. 948;
No. 86-6325. PERRY *v.* GRESK ET AL., 480 U. S. 949;
No. 86-6333. PERRY *v.* ASTRIKE ET AL., 480 U. S. 949;
No. 86-6377. LUSK *v.* FLORIDA, 481 U. S. 1024;
No. 86-6460. CARDELLE *v.* DELTA AIR LINES, INC., 481 U. S. 1021;
No. 86-6474. ROBINSON, BY HIS MOTHER AND NEXT FRIEND, ROBINSON *v.* UNITED STATES, 481 U. S. 1026; and
No. 86-6606. BAKER *v.* UNITED STATES, 481 U. S. 1040. Petitions for rehearing denied.
No. 84-6075. TISON *v.* ARIZONA (two cases), 481 U. S. 137. Motion of California Appellate Project for leave to file a memorandum as *amicus curiae* denied. Petition for rehearing denied.

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Miscellaneous Order

No. A-899. GLASS *v.* BUTLER, WARDEN. Application for stay of execution of sentence of death, presented to JUSTICE WHITE, and by him referred to the Court, denied.

JUSTICE BRENNAN and 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 the application for stay of execution in order to give the applicant time to file a petition for writ of certiorari and would grant the petition and vacate the death sentence in this case.

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Appeals Dismissed

No. 86-1707. BLINN *v.* MASSACHUSETTS. Appeal from Sup. Jud. Ct. Mass. dismissed for want of substantial federal question.

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JUSTICE BRENNAN and JUSTICE O'CONNOR would note probable jurisdiction and set case for oral argument. Reported below: 399 Mass. 126, 503 N. E. 2d 25.

No. 86-1711. EDWARDS *v.* TURNER. Appeal from Ct. App. Mich. dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari denied.

No. 86-1728. CAHOON *v.* ALTON PACKAGING CORP. ET AL. Appeal from App. Ct. Ill., 5th Dist., dismissed for want of properly presented federal question. JUSTICE BRENNAN and JUSTICE STEVENS would note probable jurisdiction and set case for oral argument. Reported below: 148 Ill. App. 3d 480, 499 N. E. 2d 522.

Certiorari Granted—Vacated and Remanded

No. 85-1442. BOWEN, SECRETARY OF HEALTH AND HUMAN SERVICES *v.* JOHNSON ET AL. C. A. 7th Cir. Motion of respondents for leave to proceed *in forma pauperis* and certiorari granted. Judgment vacated and case remanded for further consideration in light of *Bowen v. Yuckert*, ante, p. 137. Reported below: 769 F. 2d 1202 and 776 F. 2d 166.

No. 85-7216. SUEIRO *v.* FLORIDA. Sup. Ct. Fla. Motion of petitioner for leave to proceed *in forma pauperis* and certiorari granted. Judgment vacated and case remanded for further consideration in light of *Miller v. Florida*, ante, p. 423. Reported below: 487 So. 2d 1071.

No. 86-2. BOWEN, SECRETARY OF HEALTH AND HUMAN SERVICES *v.* DIXON ET AL. C. A. 2d Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Bowen v. Yuckert*, ante, p. 137. Reported below: 785 F. 2d 1102.

No. 86-40. KIDDER, PEABODY & CO. INC. *v.* INTRE SPORT, LTD. C. A. 2d Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Shearson/American Express Inc. v. McMahon*, ante, p. 220. Reported below: 795 F. 2d 1004.

No. 86-282. DREXEL BURNHAM LAMBERT, INC., ET AL. *v.* KING. C. A. 5th Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Shearson/Amer-*

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ican Express Inc. v. McMahan, ante, p. 220. Reported below: 796 F. 2d 59.

No. 86-321. DEAN WITTER REYNOLDS INC. ET AL. *v.* CONOVER. C. A. 9th Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Shearson/American Express Inc. v. McMahan*, ante, p. 220. Reported below: 794 F. 2d 520.

No. 86-487. MERRILL LYNCH, PIERCE, FENNER & SMITH, INC., ET AL. *v.* JACOBSON ET AL.;

No. 86-543. PAINE, WEBBER, JACKSON & CURTIS, INC., ET AL. *v.* BURRIS; and

No. 86-559. DEAN WITTER REYNOLDS INC. *v.* BLUMENTHAL. C. A. 3d Cir. Certiorari granted, judgments vacated, and cases remanded for further consideration in light of *Shearson/American Express Inc. v. McMahan*, ante, p. 220. Reported below: 797 F. 2d 1197.

No. 86-591. MERRILL LYNCH, PIERCE, FENNER & SMITH, INC., ET AL. *v.* BADART ET AL. C. A. 9th Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Shearson/American Express Inc. v. McMahan*, ante, p. 220. Reported below: 797 F. 2d 775.

No. 86-668. MERRILL LYNCH, PIERCE, FENNER & SMITH, INC. *v.* DELMAN. C. A. 9th Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Shearson/American Express Inc. v. McMahan*, ante, p. 220. Reported below: 796 F. 2d 478.

No. 86-897. BOWEN, SECRETARY OF HEALTH AND HUMAN SERVICES *v.* WILSON ET AL. C. A. 3d Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Bowen v. Yuckert*, ante, p. 137. Reported below: 796 F. 2d 36.

No. 86-1160. SHEARSON LEHMAN BROTHERS, INC., ET AL. *v.* MAYAJA, INC., ET AL. C. A. 5th Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Shearson/American Express Inc. v. McMahan*, ante, p. 220. Reported below: 803 F. 2d 157.

No. 86-1218. E. F. HUTTON & Co., INC., ET AL. *v.* WOLFE ET AL. C. A. 11th Cir. Certiorari granted, judgment vacated,

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and case remanded for further consideration in light of *Shearson/American Express Inc. v. McMahon*, ante, p. 220. Reported below: 800 F. 2d 1032.

No. 86-1376. *A. G. BECKER INC. v. FIRST BISCAYNE CORP. ET AL.* C. A. 11th Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Shearson/American Express Inc. v. McMahon*, ante, p. 220. Reported below: 808 F. 2d 59.

No. 86-5842. *WILKERSON v. FLORIDA.* Sup. Ct. Fla. Motion of petitioner for leave to proceed *in forma pauperis* and certiorari granted. Judgment vacated and case remanded for further consideration in light of *Miller v. Florida*, ante, p. 423. Reported below: 494 So. 2d 210.

No. 86-6360. *PATTERSON v. FLORIDA.* Sup. Ct. Fla. Motion of petitioner for leave to proceed *in forma pauperis* and certiorari granted. Judgment vacated and case remanded for further consideration in light of *Miller v. Florida*, ante, p. 423. Reported below: 499 So. 2d 831.

No. 86-6422. *ABBOTT v. FLORIDA.* Dist. Ct. App. Fla., 1st Dist. Motion of petitioner for leave to proceed *in forma pauperis* and certiorari granted. Judgment vacated and case remanded for further consideration in light of *Miller v. Florida*, ante, p. 423. Reported below: 499 So. 2d 65.

Miscellaneous Orders

No. A-835 (86-1947). *QUALITY ALUMINUM PRODUCTS, INC. v. NATIONAL LABOR RELATIONS BOARD.* C. A. 6th Cir. Application for stay, addressed to THE CHIEF JUSTICE and referred to the Court, denied.

No. A-915. *WINGO v. BUTLER, WARDEN.* Application for stay of execution of sentence of death, presented to JUSTICE WHITE, and by him referred to the Court, denied.

JUSTICE BRENNAN and 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 the application for stay of execu-

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tion in order to give the applicant time to file a petition for writ of certiorari and would grant the petition and vacate the death sentence in this case.

No. A-916. *WINGO v. BUTLER, WARDEN*. Application for stay of execution of sentence of death, presented to JUSTICE WHITE, and by him referred to the Court, denied.

JUSTICE BRENNAN and 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 the application for stay of execution in order to give the applicant time to file a petition for writ of certiorari and would grant the petition and vacate the death sentence in this case.

No. 85-1765. *BANKERS LIFE & CASUALTY CO. v. CRENSHAW*. Sup. Ct. Miss. [Probable jurisdiction noted, 480 U. S. 915.] Motion of Alliance of American Insurers et al. for leave to file a brief as *amici curiae* granted. JUSTICE STEVENS took no part in the consideration or decision of this motion.

No. 86-492. *BOYLE, PERSONAL REPRESENTATIVE OF THE HEIRS AND ESTATE OF BOYLE v. UNITED TECHNOLOGIES CORP.* C. A. 4th Cir. [Certiorari granted, 479 U. S. 1029.] Motion of petitioner for additional time for oral argument denied. Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted. JUSTICE POWELL took no part in the consideration or decision of these motions.

No. 86-595. *UNITED STATES v. FAUSTO*. C. A. Fed. Cir. [Certiorari granted, 479 U. S. 1029.] Motion of the Solicitor General to dispense with printing the joint appendix granted.

No. 86-714. *WESTFALL ET AL. v. ERWIN ET UX*. C. A. 11th Cir. [Certiorari granted, 480 U. S. 905.] Motion of the Solicitor General to dispense with printing the joint appendix granted.

No. 86-1521. *UNITED STATES v. WELLS FARGO BANK ET AL.* D. C. C. D. Cal. [Probable jurisdiction noted *sub nom. United States v. Crocker National Bank*, 481 U. S. 1047.] Motion of the Solicitor General to dispense with printing the joint appendix granted.

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No. 86-728. HONIG, CALIFORNIA SUPERINTENDENT OF PUBLIC INSTRUCTION *v.* DOE ET AL. C. A. 9th Cir. [Certiorari granted, 479 U. S. 1084.] Motion of respondents to seal the record granted. Motion of respondents to seal the joint appendix granted.

No. 86-836. HAZELWOOD SCHOOL DISTRICT ET AL. *v.* KUHLMAYER ET AL. C. A. 8th Cir. [Certiorari granted, 479 U. S. 1053.] Motion of Planned Parenthood Federation of America, Inc., et al. for leave to file a brief as *amici curiae* granted.

No. 86-6895. BROWN *v.* SCHWEITZER ET AL. C. A. 7th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied. Petitioner is allowed until July 6, 1987, within which to pay the docketing fee required by Rule 45(a) and to submit a petition in compliance with Rule 33 of the Rules of this Court.

JUSTICE BRENNAN, JUSTICE MARSHALL, and JUSTICE STEVENS, dissenting.

For the reasons expressed in *Brown v. Herald Co.*, 464 U. S. 928 (1983), we would deny the petition for writ of certiorari without reaching the merits of the motion to proceed *in forma pauperis*.

No. 86-6780. IN RE COOPER. Petition for writ of mandamus denied.

Certiorari Granted

No. 86-978. GARDEBRING, COMMISSIONER OF THE MINNESOTA DEPARTMENT OF HUMAN SERVICES *v.* JENKINS. C. A. 8th Cir. Certiorari granted. Reported below: 801 F. 2d 288.

No. 86-1696. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION *v.* COMMERCIAL OFFICE PRODUCTS Co. C. A. 10th Cir. Certiorari granted. Reported below: 803 F. 2d 581.

No. 86-1357. UNITED STATES DEPARTMENT OF JUSTICE ET AL. *v.* JULIAN ET AL. C. A. 9th Cir. Motion of respondent Kenneth Julian for leave to proceed *in forma pauperis* granted. Certiorari granted. Reported below: 806 F. 2d 1411.

No. 86-5309. ROSS *v.* OKLAHOMA. Ct. Crim. App. Okla. Motion of petitioner for leave to proceed *in forma pauperis* granted. Certiorari granted limited to Question I presented by the petition. Reported below: 717 P. 2d 117.

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Certiorari Denied. (See also No. 86-1711, *supra.*)

No. 85-983. UNITED TRANSPORTATION UNION *v.* INTERSTATE COMMERCE COMMISSION ET AL.; and

No. 85-997. BROTHERHOOD OF LOCOMOTIVE ENGINEERS *v.* INTERSTATE COMMERCE COMMISSION ET AL. C. A. D. C. Cir. *Certiorari denied.* Reported below: 245 U. S. App. D. C. 311, 761 F. 2d 714.

No. 85-1054. UNITED TRANSPORTATION UNION ET AL. *v.* MISSOURI PACIFIC RAILROAD CO. ET AL. C. A. 8th Cir. *Certiorari before judgment denied.*

No. 85-1957. BRUNO ET AL. *v.* WESTERN PACIFIC RAILROAD CO. ET AL. Sup. Ct. Del. *Certiorari denied.* Reported below: 508 A. 2d 72.

No. 86-990. RCA CORP. *v.* MALIA ET UX. C. A. 3d Cir. *Certiorari denied.* Reported below: 794 F. 2d 909.

No. 86-1340. RUSSELL ET AL. *v.* SHEARSON LEHMAN BROTHERS, INC., FKA SHEARSON/LEHMAN AMERICAN EXPRESS, INC., ET AL. C. A. 5th Cir. *Certiorari denied.* Reported below: 806 F. 2d 259.

No. 86-1354. MAYAJA, INC., ET AL. *v.* SHEARSON LEHMAN BROTHERS, INC., ET AL. C. A. 5th Cir. *Certiorari denied.* Reported below: 803 F. 2d 157.

No. 86-1447. TORRES *v.* WEBB, SECRETARY OF THE NAVY. C. A. 9th Cir. *Certiorari denied.* Reported below: 805 F. 2d 1039.

No. 86-1529. ORLOWSKI *v.* UNITED STATES. C. A. 8th Cir. *Certiorari denied.* Reported below: 808 F. 2d 1283.

No. 86-1576. WOLFE *v.* UNITED STATES. C. A. 9th Cir. *Certiorari denied.* Reported below: 798 F. 2d 1241 and 806 F. 2d 1410.

No. 86-1578. BURKE, BY AND THROUGH HIS NEXT FRIEND, DRAVES *v.* GENERAL MOTORS CORP. ET AL. C. A. 6th Cir. *Certiorari denied.* Reported below: 811 F. 2d 604.

No. 86-1617. BOWEN, SECRETARY OF HEALTH AND HUMAN SERVICES *v.* POLASKI ET AL. C. A. 8th Cir. *Certiorari denied.* Reported below: 804 F. 2d 456.

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No. 86-1620. *SMOKY GREENHAW COTTON CO., INC., ET AL. v. MERRILL LYNCH, PIERCE, FENNER & SMITH, INC., ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 805 F. 2d 1221.

No. 86-1629. *511 DETROIT STREET, INC., ET AL. v. KELLEY, ATTORNEY GENERAL OF MICHIGAN, ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 807 F. 2d 1293.

No. 86-1693. *Y ET AL. v. KURIANSKY, DEPUTY ATTORNEY GENERAL OF NEW YORK FOR MEDICAID FRAUD CONTROL.* Ct. App. N. Y. Certiorari denied. Reported below: 69 N. Y. 2d 232, 505 N. E. 2d 925.

No. 86-1694. *SAVELY ET AL. v. CITY OF HOUSTON, TEXAS, ET AL.* Ct. App. Tex., 1st Dist. Certiorari denied. Reported below: 708 S. W. 2d 879.

No. 86-1695. *REIBOLDT v. NEW JERSEY.* Super. Ct. N. J., App. Div. Certiorari denied.

No. 86-1697. *FORTIN v. MICHIGAN.* Ct. App. Mich. Certiorari denied.

No. 86-1702. *UNITED DAIRYMEN OF ARIZONA v. LASALVIA ET UX.* C. A. 9th Cir. Certiorari denied. Reported below: 804 F. 2d 1113.

No. 86-1703. *LANCASTER v. BUERKLE BUICK HONDA CO.* C. A. 8th Cir. Certiorari denied. Reported below: 809 F. 2d 539.

No. 86-1706. *KELLY, SUPERINTENDENT, ATTICA CORRECTIONAL FACILITY, ET AL. v. JOHNSTONE.* C. A. 2d Cir. Certiorari denied. Reported below: 808 F. 2d 214 and 812 F. 2d 821.

No. 86-1708. *MCDERMOTT v. TATE, SUPERINTENDENT, CHILICOTHE CORRECTIONAL INSTITUTE.* C. A. 6th Cir. Certiorari denied. Reported below: 811 F. 2d 606.

No. 86-1723. *WALSH v. UNION PACIFIC RAILROAD CO. ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 803 F. 2d 412.

No. 86-1730. *SETERA v. TEXAS A & M UNIVERSITY ET AL.* C. A. 1st Cir. Certiorari denied. Reported below: 808 F. 2d 1513.

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No. 86-1732. *CITY OF ARLINGTON, TEXAS v. BYRD ET AL.* Ct. App. Tex., 2d Dist. Certiorari denied. Reported below: 713 S. W. 2d 224.

No. 86-1734. *ARKANSAS v. FOSTER.* Sup. Ct. Ark. Certiorari denied. Reported below: 290 Ark. 495, 720 S. W. 2d 712.

No. 86-1740. *WANLESS v. ROTHBALLER ET AL.* Sup. Ct. Ill. Certiorari denied. Reported below: 115 Ill. 2d 158, 503 N. E. 2d 316.

No. 86-1742. *MARMOTT ET AL. v. MARYLAND LUMBER CO. ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 807 F. 2d 1180.

No. 86-1748. *STRELKOFF v. PENNSYLVANIA.* Super. Ct. Pa. Certiorari denied. Reported below: 359 Pa. Super. 630, 515 A. 2d 619.

No. 86-1790. *FLEMING v. COMMISSIONER OF INTERNAL REVENUE.* C. A. 10th Cir. Certiorari denied.

No. 86-1797. *GLANTZ ET AL. v. UNITED STATES.* C. A. 1st Cir. Certiorari denied. Reported below: 810 F. 2d 316.

No. 86-1802. *AMERICAN SAVINGS & LOAN ASSN. v. MORGAN GUARANTY TRUST COMPANY OF NEW YORK ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 804 F. 2d 1487.

No. 86-1818. *GAGGI v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. Reported below: 811 F. 2d 47.

No. 86-1826. *GOULDING v. FEINGLASS ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 811 F. 2d 1099.

No. 86-6443. *GABEL v. LYNAUGH, DIRECTOR, TEXAS DEPARTMENT OF CORRECTIONS.* C. A. 5th Cir. Certiorari denied. Reported below: 803 F. 2d 814.

No. 86-6490. *MARS v. FLORIDA.* Sup. Ct. Fla. Certiorari denied. Reported below: 498 So. 2d 402.

No. 86-6520. *TYLER v. KENTUCKY.* Sup. Ct. Ky. Certiorari denied.

No. 86-6528. *DIXON v. PENNSYLVANIA.* Sup. Ct. Pa. Certiorari denied.

No. 86-6547. *ARMSTRONG v. KANSAS.* Sup. Ct. Kan. Certiorari denied. Reported below: 240 Kan. 446, 731 P. 2d 249.

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No. 86-6605. *THOMAS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 805 F. 2d 1464.

No. 86-6645. *SAWYER v. ILLINOIS*. Sup. Ct. Ill. Certiorari denied. Reported below: 115 Ill. 2d 184, 503 N. E. 2d 331.

No. 86-6724. *HAMILTON v. REID, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT GREENSBURG*. C. A. 3d Cir. Certiorari denied. Reported below: 813 F. 2d 397.

No. 86-6751. *BOAG v. BRAMLETT, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 806 F. 2d 263.

No. 86-6762. *PARKS v. BRADY*. Sup. Ct. N. H. Certiorari denied.

No. 86-6769. *LAMOTHE v. MICHIGAN*. Sup. Ct. Mich. Certiorari denied. Reported below: 428 Mich. 864.

No. 86-6771. *RUETHER v. LOHMAR, JUDGE, ET AL.* C. A. 8th Cir. Certiorari denied.

No. 86-6773. *WEBB v. OKLAHOMA*. Ct. Crim. App. Okla. Certiorari denied. Reported below: 732 P. 2d 478.

No. 86-6775. *GARRIS v. LYLES, WARDEN*. C. A. 4th Cir. Certiorari denied. Reported below: 812 F. 2d 1400.

No. 86-6777. *EWERS v. CITY OF GARLAND ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 811 F. 2d 601.

No. 86-6778. *APPLEBY v. MARYLAND*. Ct. Sp. App. Md. Certiorari denied. Reported below: 69 Md. App. 784.

No. 86-6786. *MARTIN v. LITTLE, BROWN & Co., INC., ET AL.* C. A. 3d Cir. Certiorari denied.

No. 86-6799. *CASON v. COOK ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 810 F. 2d 188.

No. 86-6849. *THOMAS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 810 F. 2d 478.

No. 86-6862. *KIMBLE v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 814 F. 2d 661.

No. 86-6875. *DEMPSEY v. WISCONSIN*. Ct. App. Wis. Certiorari denied. Reported below: 136 Wis. 2d 557, 402 N. W. 2d 390.

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No. 86-6894. PRUETT *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 813 F. 2d 408.

No. 86-6900. TRIPP *v.* ILLINOIS. App. Ct. Ill., 1st Dist. Certiorari denied.

No. 86-578. PHILLIPS ET AL. *v.* MERRILL LYNCH, PIERCE, FENNER & SMITH, INC., ET AL. C. A. 8th Cir. Certiorari denied. JUSTICE BLACKMUN took no part in the consideration or decision of this petition. Reported below: 795 F. 2d 1393.

No. 86-1636. CADWALADER, WICKERSHAM & TAFT *v.* UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA (GOTTLIEB, REAL PARTY IN INTEREST). C. A. 9th Cir. Certiorari denied. JUSTICE WHITE would grant certiorari.

No. 86-6175. WILSON *v.* DENTON ET AL. C. A. 6th Cir. Certiorari denied. JUSTICE WHITE and JUSTICE BLACKMUN would grant certiorari. Reported below: 811 F. 2d 608.

No. 86-6685. GLENN *v.* OHIO. Sup. Ct. Ohio;

No. 86-6727. CORRELL *v.* VIRGINIA. Sup. Ct. Va.;

No. 86-6732. PRUETT *v.* VIRGINIA. Sup. Ct. Va.;

No. 86-6768. LUCAS *v.* AIKEN, WARDEN, ET AL. Ct. Common Pleas of York County, S. C.;

No. 86-6827. HICKS *v.* GEORGIA. Sup. Ct. Ga.; and

No. 86-6903. GRUBBS *v.* MISSOURI. Sup. Ct. Mo. Certiorari denied. Reported below: No. 86-6685, 28 Ohio St. 3d 451, 504 N. E. 2d 701; No. 86-6727, 232 Va. 454, 352 S. E. 2d 352; No. 86-6732, 232 Va. 266, 351 S. E. 2d 1; No. 86-6827, 256 Ga. 715, 352 S. E. 2d 762; No. 86-6903, 724 S. W. 2d 494.

JUSTICE BRENNAN and 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. 86-6459. BELK *v.* CHRANS, WARDEN, ET AL., 481 U. S. 1021; and

No. 86-6475. LAVERGNE *v.* HOLY NAME HOSPITAL, 481 U. S. 1022. Petitions for rehearing denied.

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No. 86-6483. MCHARRIS *v.* SPEARS, WARDEN, ET AL., 481 U. S. 1031; and

No. 86-6564. MAY *v.* PRO-GUARD, INC., 481 U. S. 1032. Petitions for rehearing denied.

JUNE 16, 1987

Miscellaneous Order

No. A-814 (86-6867). LOWENFIELD *v.* PHELPS, SECRETARY, LOUISIANA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 5th Cir. Application for stay of execution of sentence of death, presented to JUSTICE WHITE, and by him referred to the Court, granted pending the disposition by this Court of the petition for writ of certiorari. Should the petition for writ of certiorari be denied, this stay terminates automatically. In the event the petition for writ of certiorari is granted, this stay shall continue pending the sending down of the judgment of this Court.

JUNE 18, 1987

Miscellaneous Order

No. A-923. AGAN *v.* FLORIDA. Application for stay of execution of sentence of death, presented to JUSTICE POWELL, and by him referred to the Court, denied.

JUSTICE BRENNAN and 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 the application for stay of execution in order to give the applicant time to file a petition for writ of certiorari and would grant the petition and vacate the death sentence in this case.