

ORDERS FOR JUNE 23 THROUGH
SEPTEMBER 28, 1989

JUNE 23, 1989

Dismissal Under Rule 53

No. 88-1754. O'CONNELL & KITTRELL *v.* KINGERY ET AL. C. A. 5th Cir. Certiorari dismissed under this Court's Rule 53. Reported below: 862 F. 2d 873.

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Appeal Dismissed. (See No. 88-5986, *infra.*)

Certiorari Granted—Vacated and Remanded

No. 87-1293. BHANDARI *v.* FIRST NATIONAL BANK OF COMMERCE. C. A. 5th Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Patterson v. McLean Credit Union*, 491 U. S. 164 (1989). Reported below: 829 F. 2d 1343.

No. 87-1631. BURLINGTON NORTHERN RAILROAD CO. *v.* BROTHERHOOD OF LOCOMOTIVE ENGINEERS. C. A. 9th Cir. Motion of Equal Employment Advisory Council for leave to file a brief as *amicus curiae* granted. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Skinner v. Railway Labor Executives' Assn.*, 489 U. S. 602 (1989). Reported below: 838 F. 2d 1087.

No. 87-2049. RAILWAY LABOR EXECUTIVES' ASSN. ET AL. *v.* CHICAGO & NORTH WESTERN TRANSPORTATION CO. ET AL. C. A. 8th Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Pittsburgh & Lake Erie R. Co. v. Railway Labor Executives' Assn.*, 491 U. S. 490 (1989). Reported below: 848 F. 2d 102.

No. 88-517. CITY OF GALVESTON, TEXAS, ACTING BY AND THROUGH THE BOARD OF TRUSTEES OF THE GALVESTON WHARVES, ET AL. *v.* RAILWAY LABOR EXECUTIVES' ASSN. ET AL. C. A. 5th Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Pittsburgh &*

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Lake Erie R. Co. v. Railway Labor Executives' Assn., 491 U. S. 490 (1989). Reported below: 849 F. 2d 145.

No. 88-955. COMMISSIONER OF INTERNAL REVENUE *v.* MERIT LIFE INSURANCE CO. C. A. 7th Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Colonial American Life Ins. Co. v. Commissioner*, 491 U. S. 244 (1989). Reported below: 853 F. 2d 1435.

No. 88-1063. TENNESSEE *v.* TURNER. C. A. 6th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Alabama v. Smith*, 490 U. S. 794 (1989). Reported below: 858 F. 2d 1201.

No. 88-1282. BROWN-FORMAN CORP. *v.* TENNESSEE ALCOHOLIC BEVERAGE COMMISSION ET AL. C. A. 6th Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Healy v. The Beer Institute*, 491 U. S. 324 (1989). Reported below: 860 F. 2d 1354.

No. 88-1486. SOUTHEASTERN PENNSYLVANIA TRANSPORTATION AUTHORITY ET AL. *v.* TRANSPORT WORKERS' UNION OF PHILADELPHIA, LOCAL 234, ET AL. C. A. 3d Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Consolidated Rail Corporation v. Railway Labor Executives' Assn.*, 491 U. S. 299 (1989). Reported below: 863 F. 2d 1110.

No. 88-1493. SOBOL, COMMISSIONER, NEW YORK STATE DEPARTMENT OF EDUCATION *v.* BURR, BY HIS PARENTS AND NEXT FRIENDS, BURR ET AL. C. A. 2d Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Dellmuth v. Muth*, 491 U. S. 223 (1989). Reported below: 863 F. 2d 1071.

No. 88-1653. UNITED TRANSPORTATION UNION *v.* SOUTHEASTERN PENNSYLVANIA TRANSPORTATION AUTHORITY ET AL. C. A. 3d Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Skinner v. Railway Labor Executives' Assn.*, 489 U. S. 602 (1989). Reported below: 863 F. 2d 1110.

No. 88-1706. CHICAGO & NORTH WESTERN TRANSPORTATION CO. ET AL. *v.* RAILWAY LABOR EXECUTIVES' ASSN. ET AL.; and

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No. 88-1874. RAILWAY LABOR EXECUTIVES' ASSN. ET AL. *v.* INTERSTATE COMMERCE COMMISSION ET AL. C. A. 8th Cir. Certiorari granted, judgment vacated, and cases remanded for further consideration in light of *Pittsburgh & Lake Erie R. Co. v. Railway Labor Executives' Assn.*, 491 U. S. 490 (1989). Reported below: 861 F. 2d 1082.

No. 88-7033. HOLLAND *v.* BLAND ET AL. C. A. 6th Cir. Motion of petitioner for leave to proceed *in forma pauperis* granted. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Hardin v. Straub*, 490 U. S. 536 (1989). Reported below: 865 F. 2d 1268.

Miscellaneous Orders

No. — — —. SEITU *v.* UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF MISSISSIPPI. Motion to direct the Clerk to file petition for writ of certiorari out of time denied.

No. D-749. IN RE DISBARMENT OF CARTER. Disbarment entered. [For earlier order herein, see 488 U. S. 1000.]

No. D-760. IN RE DISBARMENT OF WALLIS. Disbarment entered. [For earlier order herein, see 488 U. S. 1038.]

No. D-761. IN RE DISBARMENT OF GRAHAM. Disbarment entered. [For earlier order herein, see 488 U. S. 1038.]

No. D-767. IN RE DISBARMENT OF ESTON. Disbarment entered. [For earlier order herein, see 489 U. S. 1004.]

No. D-768. IN RE DISBARMENT OF SANDERS. Disbarment entered. [For earlier order herein, see 489 U. S. 1004.]

No. 108, Orig. NEBRASKA *v.* WYOMING ET AL. First Interim Report of the Special Master received and ordered filed. [For earlier order herein, see, *e. g.*, 490 U. S. 1063.]

No. 88-854. SPALLONE *v.* UNITED STATES ET AL.;

No. 88-856. CHEMA *v.* UNITED STATES ET AL.; and

No. 88-870. LONGO ET AL. *v.* UNITED STATES ET AL. C. A. 2d Cir. [Certiorari granted, 489 U. S. 1064.] Motion of American Civil Liberties Union et al. for leave to file a brief as *amici curiae* granted.

No. 88-1000. NEW YORK *v.* HARRIS. Ct. App. N. Y. [Certiorari granted, 490 U. S. 1018.] Motion of Americans for Effec-

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tive Law Enforcement, Inc., et al. for leave to file a brief as *amici curiae* granted.

No. 88-1449. KOREAN AIR LINES *v.* MACNAMARA; and

No. 88-1551. MACNAMARA *v.* KOREAN AIR LINES. C. A. 3d Cir. The Solicitor General is invited to file a brief in these cases expressing the views of the United States.

No. 88-7139. STUTZMAN *v.* BOARD OF EDUCATION OF THE CITY OF CHICAGO ET AL. App. Ct. Ill., 1st Dist. Motion of petitioner for leave to proceed *in forma pauperis* denied. Petitioner is allowed until July 17, 1989, 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 and JUSTICE MARSHALL, 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. 88-7371. IN RE GREEN. Petition for writ of habeas corpus denied.

No. 88-1862. IN RE FLEMING;

No. 88-7143. IN RE SUN; and

No. 88-7153. IN RE REIDT. Petitions for writs of mandamus denied.

No. 88-7157. IN RE MARTIN. Petition for writ of mandamus and/or prohibition denied.

Probable Jurisdiction Noted

No. 88-5986. OSBORNE *v.* OHIO. Appeal from Sup. Ct. Ohio. Motion of appellant for leave to proceed *in forma pauperis* granted. Probable jurisdiction noted limited to Questions I.(b), I.(d), and II presented by the statement as to jurisdiction. With respect to the additional questions presented, appeal dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari denied. Reported below: 37 Ohio St. 3d 249, 525 N. E. 2d 1363.

Certiorari Granted

No. 88-1105. GUIDRY *v.* SHEET METAL WORKERS NATIONAL PENSION FUND ET AL. C. A. 10th Cir. Certiorari granted. Reported below: 856 F. 2d 1457.

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No. 88-1685. NATIONAL LABOR RELATIONS BOARD *v.* CURTIN MATHESON SCIENTIFIC, INC. C. A. 5th Cir. Certiorari granted. Reported below: 859 F. 2d 362.

No. 87-2066. W. S. KIRKPATRICK & Co., INC., ET AL. *v.* ENVIRONMENTAL TECTONICS CORP., INTERNATIONAL. C. A. 3d Cir. Certiorari granted limited to Question 1 presented by the petition. Reported below: 847 F. 2d 1052.

Certiorari Denied. (See also No. 88-5986, *supra.*)

No. 87-1911. RAILWAY LABOR EXECUTIVES' ASSN. ET AL. *v.* GUILFORD TRANSPORTATION INDUSTRIES, INC., ET AL. C. A. 1st Cir. Certiorari denied. Reported below: 843 F. 2d 1383.

No. 87-1932. PENNSYLVANIA ELECTRIC CO. *v.* GUNBY. C. A. 3d Cir. Certiorari denied. Reported below: 840 F. 2d 1108.

No. 88-597. CITY OF GRETN, LOUISIANA, ET AL. *v.* CITIZENS FOR A BETTER GRETN ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 834 F. 2d 496.

No. 88-606. CITY OF BAYTOWN, TEXAS, ET AL. *v.* CAMPOS ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 840 F. 2d 1240.

No. 88-664. DIAMOND *v.* CHARLES ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 846 F. 2d 1057.

No. 88-1114. LEBMAN ET AL. *v.* AKTIEBOLAGET ELECTROLUX ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 854 F. 2d 1319.

No. 88-1116. ALTON & SOUTHERN LODGE No. 306, BROTHERHOOD OF RAILWAY CARMEN OF THE UNITED STATES AND CANADA *v.* ALTON & SOUTHERN RAILWAY Co. C. A. 8th Cir. Certiorari denied. Reported below: 849 F. 2d 1111.

No. 88-1243. COMPANY X *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 857 F. 2d 710.

No. 88-1432. ESPARZA ET AL. *v.* VALDEZ, EXECUTIVE DIRECTOR, COLORADO DEPARTMENT OF LABOR, ET AL. C. A. 10th Cir. Certiorari denied. Reported below: 862 F. 2d 788.

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No. 88-1439. *MONTGOMERY ET AL. v. AURIEMMA ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 860 F. 2d 273.

No. 88-1545. *LAURINS v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 857 F. 2d 529.

No. 88-1566. *CITY OF LITTLE ROCK v. WILLIAMS.* C. A. 8th Cir. Certiorari denied. Reported below: 863 F. 2d 1398.

No. 88-1620. *PETRUS v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 862 F. 2d 873.

No. 88-1621. *GAMBINO v. UNITED STATES.* C. A. 3d Cir. Certiorari denied. Reported below: 864 F. 2d 1064.

No. 88-1638. *PG PUBLISHING CO., T/A THE PITTSBURGH POST-GAZETTE v. DISALLE ET UX.* Super. Ct. Pa. Certiorari denied. Reported below: 375 Pa. Super. 510, 544 A. 2d 1345.

No. 88-1659. *KANNE ET UX. v. CONNECTICUT GENERAL LIFE INSURANCE CO.* C. A. 9th Cir. Certiorari denied. Reported below: 867 F. 2d 489.

No. 88-1664. *DiNORSICIO v. UNITED STATES;* and

No. 88-6875. *COHEN ET AL. v. UNITED STATES.* C. A. 3d Cir. Certiorari denied. Reported below: 864 F. 2d 271.

No. 88-1684. *HENDERSON v. L. G. BALFOUR CO.* C. A. 5th Cir. Certiorari denied. Reported below: 852 F. 2d 818.

No. 88-1745. *COWHIG v. MARSH, SECRETARY OF THE ARMY.* C. A. 1st Cir. Certiorari denied.

No. 88-1761. *SMITH v. VAN DUYN.* App. Ct. Ill., 3d Dist. Certiorari denied. Reported below: 173 Ill. App. 3d 523, 527 N. E. 2d 1005.

No. 88-1765. *PIZARRO v. PLATT ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 870 F. 2d 651.

No. 88-1767. *SAVE YONKERS FEDERATION, INC., ET AL. v. SAND, JUDGE, UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK.* C. A. 2d Cir. Certiorari denied. Reported below: 872 F. 2d 1021.

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No. 88-1777. POSEY ET AL. *v.* OHIO. Sup. Ct. Ohio. Certiorari denied. Reported below: 40 Ohio St. 3d 420, 534 N. E. 2d 61.

No. 88-1778. WHATLEY *v.* SKAGGS COS., INC. C. A. 10th Cir. Certiorari denied.

No. 88-1782. BROWN *v.* UNITED STATES. Ct. Mil. App. Certiorari denied. Reported below: 28 M. J. 232.

No. 88-1784. GREAT REPUBLIC INSURANCE CO. ET AL. *v.* CHEVAL, BY AND THROUGH HER CONSERVATOR, MILLER. Ct. App. Cal., 1st App. Dist. Certiorari denied.

No. 88-1787. HALL *v.* OKABAYASHI ET AL. Int. Ct. App. Haw. Certiorari denied. Reported below: 7 Haw. App. 659, 807 P. 2d 48.

No. 88-1788. DANNER *v.* KLOSTERBUER, ASSISTANT JOHNSON COUNTY ATTORNEY. Ct. App. Iowa. Certiorari denied. Reported below: 434 N. W. 2d 921.

No. 88-1790. NEMOURS FOUNDATION ET AL. *v.* PIERCE ASSOCIATES, INC., ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 865 F. 2d 530.

No. 88-1791. VAUGHN ET VIR *v.* SPEAKER ET AL., CO-EXECUTORS OF THE ESTATE OF SPEAKER. Sup. Ct. Ill. Certiorari denied. Reported below: 126 Ill. 2d 150, 533 N. E. 2d 885.

No. 88-1792. CONLEY *v.* BURLINGTON NORTHERN RAILROAD Co. Ct. App. Mo., Western Dist. Certiorari denied. Reported below: 765 S. W. 2d 272.

No. 88-1793. ALLARD, AS NATURAL TUTRIX OF THE MINORS, ALLARD ET AL. *v.* BIBEAU ET AL. Sup. Ct. La. Certiorari denied. Reported below: 533 So. 2d 346.

No. 88-1803. GLENDENING *v.* FLORIDA. Sup. Ct. Fla. Certiorari denied. Reported below: 536 So. 2d 212.

No. 88-1804. CBS INC. *v.* SILVERMAN. C. A. 2d Cir. Certiorari denied. Reported below: 870 F. 2d 40.

No. 88-1815. NAPIERALSKI *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 869 F. 2d 414.

No. 88-1818. DROGOWSKI *v.* PENNSYLVANIA DEPARTMENT OF TRANSPORTATION ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 869 F. 2d 588.

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No. 88-1829. *CRUSE v. FAYETTE COUNTY ET AL.* Sup. Ct. Ga. Certiorari denied. Reported below: — Ga. —, 377 S. E. 2d 680.

No. 88-1879. *BAKER ET UX. v. UNITED STATES.* C. A. 1st Cir. Certiorari denied. Reported below: 873 F. 2d 1432.

No. 88-1903. *GOLDBERG v. UNITED STATES.* C. A. 9th Cir. Certiorari denied.

No. 88-1907. *RATCLIFF v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 867 F. 2d 1426.

No. 88-1908. *COVATTO v. UNITED STATES.* C. A. 3d Cir. Certiorari denied. Reported below: 869 F. 2d 592.

No. 88-1911. *COSENTINO v. UNITED STATES.* C. A. 7th Cir. Certiorari denied. Reported below: 869 F. 2d 301.

No. 88-1925. *FOSTER v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 867 F. 2d 838.

No. 88-1935. *WALSH v. UNITED STATES.* C. A. 9th Cir. Certiorari denied.

No. 88-5830. *ADAMS v. ILLINOIS.* App. Ct. Ill., 4th Dist. Certiorari denied. Reported below: 169 Ill. App. 3d 312, 523 N. E. 2d 223.

No. 88-6623. *ESTEVEZ, AKA FONTE-FERRO v. UNITED STATES.* C. A. 7th Cir. Certiorari denied. Reported below: 860 F. 2d 706.

No. 88-6777. *BRYSON v. MARYLAND.* Ct. Sp. App. Md. Certiorari denied.

No. 88-6820. *HUGHES v. NEW YORK.* Ct. App. N. Y. Certiorari denied. Reported below: 72 N. Y. 2d 1035, 531 N. E. 2d 652.

No. 88-6884. *MARLOW v. ALABAMA.* Ct. Crim. App. Ala. Certiorari denied. Reported below: 538 So. 2d 804.

No. 88-6941. *GREESON v. UNITED STATES.* C. A. 11th Cir. Certiorari denied. Reported below: 856 F. 2d 1492.

No. 88-6944. *BAILEY v. UNITED STATES.* C. A. 10th Cir. Certiorari denied.

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No. 88-6957. *LIGHTSEY v. YEAGER, WARDEN, ET AL.* C. A. 10th Cir. Certiorari denied.

No. 88-6966. *RITA v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. Reported below: 835 F. 2d 1430.

No. 88-6967. *COLLINS v. UNITED STATES.* C. A. Fed. Cir. Certiorari denied. Reported below: 865 F. 2d 269.

No. 88-6983. *JOHNSON, AKA UNION v. UNITED STATES;* and

No. 88-7001. *BANNER v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 862 F. 2d 1135.

No. 88-6997. *LAWSON v. UNITED STATES.* C. A. 10th Cir. Certiorari denied.

No. 88-6999. *PERCHEITTE v. UNITED STATES;* and

No. 88-7233. *CHIPPAS v. UNITED STATES.* C. A. 8th Cir. Certiorari denied. Reported below: 869 F. 2d 372.

No. 88-7021. *HUSAR v. UNITED STATES.* C. A. D. C. Cir. Certiorari denied. Reported below: 273 U. S. App. D. C. 347, 859 F. 2d 1494.

No. 88-7055. *JOHNSON v. GOVERNMENT EMPLOYEES INSURANCE CO. ET AL.* C. A. 5th Cir. Certiorari denied.

No. 88-7107. *O'NEAL v. EU ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 866 F. 2d 314.

No. 88-7111. *BYNUM v. WOOD.* Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 536 So. 2d 246.

No. 88-7114. *MADSEN v. MORRELL ET AL.* Sup. Ct. Idaho. Certiorari denied.

No. 88-7116. *HART v. FRAME ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 870 F. 2d 654.

No. 88-7123. *YOUNG v. COUGHLIN ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 866 F. 2d 567.

No. 88-7126. *BILAL v. SARGENT, WARDEN, ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 871 F. 2d 1092.

No. 88-7128. *CARTER v. OHIO.* Ct. App. Ohio, Paulding County. Certiorari denied.

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No. 88-7129. *HARRISON v. BONNER ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 862 F. 2d 872.

No. 88-7131. *LECHIARA v. GASKINS ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 866 F. 2d 1416.

No. 88-7134. *TEMPLETON v. NIX, WARDEN, ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 873 F. 2d 1448.

No. 88-7148. *MARTIN v. ABRAM D. MELLINGER REAL ESTATE, INC.* Super. Ct. Pa. Certiorari denied. Reported below: 380 Pa. Super. 657, 547 A. 2d 444.

No. 88-7149. *SPEARS v. BULLOCK, SUPERINTENDENT, SAMPSON CORRECTIONAL CENTER, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 869 F. 2d 594.

No. 88-7152. *HARRIS v. HEINRICH ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 872 F. 2d 434.

No. 88-7156. *SCOTT v. PRINCE GEORGE'S COUNTY DEPARTMENT OF SOCIAL SERVICES ET AL.* Ct. Sp. App. Md. Certiorari denied. Reported below: 76 Md. App. 357, 545 A. 2d 81.

No. 88-7186. *DIXON v. KOHL'S FOOD STORES, INC.* Ct. App. Wis. Certiorari denied.

No. 88-7225. *BAELI v. UNITED STATES.* C. A. 3d Cir. Certiorari denied. Reported below: 872 F. 2d 414.

No. 88-7240. *BRANHAM v. GRINAGE ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 869 F. 2d 1488.

No. 88-7253. *MEANS ET AL. v. UNITED STATES.* C. A. 8th Cir. Certiorari denied. Reported below: 858 F. 2d 404.

No. 88-7288. *HALLIBURTON v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 870 F. 2d 557.

No. 88-7293. *BURKHART v. UNITED STATES.* C. A. 10th Cir. Certiorari denied.

No. 88-7295. *PEREZ v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. Reported below: 871 F. 2d 45.

No. 88-7313. *CASTRO-POUPART v. UNITED STATES.* C. A. 1st Cir. Certiorari denied. Reported below: 872 F. 2d 1073.

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No. 88-7315. BRITT, AKA KLEIN *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 873 F. 2d 299.

No. 88-7330. HAGEN *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 869 F. 2d 277.

No. 88-7345. HERNANDEZ *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 872 F. 2d 431.

No. 88-603. ARIZONA *v.* FLINT. Ct. App. Ariz. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 157 Ariz. 227, 756 P. 2d 324.

No. 88-1796. ILLINOIS *v.* VOUGHT. App. Ct. Ill., 2d Dist. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 174 Ill. App. 3d 563, 528 N. E. 2d 1095.

No. 88-1648. NORFOLK SHIPBUILDING & DRYDOCK CORP. *v.* NANCE ET AL. C. A. 4th Cir. Motion of the parties to remand denied. Certiorari denied. Reported below: 858 F. 2d 182.

No. 88-1675. MORAN *v.* PERRY ET AL. Sup. Ct. Wash. Certiorari denied. JUSTICE BLACKMUN took no part in the consideration or decision of this petition. Reported below: 111 Wash. 2d 885, 766 P. 2d 1096.

No. 88-1751. NORTHWEST FOREST RESOURCE COUNCIL *v.* PORTLAND AUDUBON SOCIETY ET AL. C. A. 9th Cir. Motion of Mountain States Legal Foundation for leave to file a brief as *amicus curiae* granted. Certiorari denied. Reported below: 866 F. 2d 302.

No. 88-6897. WESTLEY *v.* TEXAS. Ct. Crim. App. Tex.; and

No. 88-7090. BENNETT *v.* TEXAS. Ct. Crim. App. Tex. Certiorari denied. Reported below: No. 88-6897, 754 S. W. 2d 224; No. 88-7090, 766 S. W. 2d 227.

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.

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No. 88-6965 (A-798). *WASHINGTON v. TEXAS*;
No. 88-7010 (A-820). *TUCKER v. TEXAS*; and
No. 88-7062 (A-982). *BEETS v. TEXAS*. Ct. Crim. App. Tex.
Applications for stays of mandates, presented to JUSTICE WHITE,
and by him referred to the Court, denied. Certiorari denied.
Reported below: No. 88-6965, 771 S. W. 2d 537; No. 88-7010, 771
S. W. 2d 523; No. 88-7062, 767 S. W. 2d 711.

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. 88-7161. *HERRING v. CONNECTICUT*. Sup. Ct. Conn. Certiorari denied. JUSTICE WHITE would grant certiorari. Reported below: 210 Conn. 78, 554 A. 2d 686.

Rehearing Denied

No. 87-1594. *CROMAN v. MANHATTAN COMMUNITY COLLEGE*, 490 U. S. 1064;

No. 88-1419. *LAFFERTY v. ALYESKA PIPELINE SERVICE CO. ET AL.*, 490 U. S. 1021;

No. 88-1519. *BERGMAN v. UNITED STATES*, 490 U. S. 1036;

No. 88-1641. *BODINE v. UNITED STATES*, 490 U. S. 1048;

No. 88-6513. *ATHERTON v. ATTORNEY GENERAL OF THE UNITED STATES ET AL.*, 490 U. S. 1048;

No. 88-6739. *SUTTON v. UNITED STATES*, 490 U. S. 1011;

No. 88-6813. *KIM v. UNITED STATES ET AL.*, 490 U. S. 1070;

No. 88-6827. *IN RE WALKER*, 490 U. S. 1045;

No. 88-6846. *SUMMERS v. CHAVIS, WARDEN, ET AL.*, 490 U. S. 1071;

No. 88-6900. *HOFFMAN v. UNITED STATES*, 490 U. S. 1051;

No. 88-6904. *MCDONALD v. YELLOW CAB METRO, INC.*, 490 U. S. 1083; and

No. 88-6994. *WILLIAMS v. LITTLE FLOWER CHILDRENS SERVICES*, 490 U. S. 1093. Petitions for rehearing denied.

No. 88-6293. *ROBINSON v. UNITED STATES ET AL.*, 489 U. S. 1068; and

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No. 88-6659. *READ v. TAYLOR ET AL.*, 490 U. S. 1025. Motions for leave to file petitions for rehearing denied.

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Appeal Dismissed

No. 88-1819. *MCCORDIC v. CALIFORNIA*. Appeal from Ct. App. Cal., 2d App. Dist., dismissed for want of jurisdiction. Treating the papers whereon the appeal was taken as a petition for writ of certiorari, certiorari denied.

Certiorari Granted—Vacated and Remanded

No. 87-1051. *HOBSON v. UNITED STATES*. C. A. 11th Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *H. J. Inc. v. Northwestern Bell Telephone Co.*, ante, p. 229. Reported below: 825 F. 2d 364.

No. 87-1358. *MARSHALL-SILVER CONSTRUCTION CO., INC., ET AL. v. MENDEL ET AL.* C. A. 3d Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *H. J. Inc. v. Northwestern Bell Telephone Co.*, ante, p. 229. THE CHIEF JUSTICE, JUSTICE WHITE, JUSTICE STEVENS, and JUSTICE O'CONNOR would deny certiorari. Reported below: 835 F. 2d 63.

No. 87-1530. *EASTERN PUBLISHING & ADVERTISING, INC., T/A ARMED FORCES NEWS v. CHESAPEAKE PUBLISHING & ADVERTISING, INC., T/A THE MILITARY NEWS, ET AL.* C. A. 4th Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *H. J. Inc. v. Northwestern Bell Telephone Co.*, ante, p. 229. THE CHIEF JUSTICE, JUSTICE WHITE, JUSTICE STEVENS, and JUSTICE O'CONNOR would deny certiorari. Reported below: 831 F. 2d 488.

No. 87-1742. *TERRE DU LAC ASSN., INC. v. TERRE DU LAC, INC., ET AL.* C. A. 8th Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *H. J. Inc. v. Northwestern Bell Telephone Co.*, ante, p. 229. Reported below: 834 F. 2d 148.

No. 87-1760. *PERKINSON ET VIR, T/A PERKINSON & PERKINSON v. HUFFMAN, TRUSTEE FOR HARBOUR, DEBTOR, ET AL.* C. A. 4th Cir. Certiorari granted, judgment vacated, and case

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remanded for further consideration in light of *Granfinanciera, S. A. v. Nordberg*, ante, p. 33. Reported below: 840 F. 2d 1165.

No. 87-6482. *RICHARDSON v. TEXAS*. Ct. Crim. App. Tex. Motion of petitioner for leave to proceed *in forma pauperis* granted. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Penry v. Lynaugh*, ante, p. 302. Reported below: 744 S. W. 2d 65.

No. 87-6820. *WAGNER v. OREGON*. Sup. Ct. Ore. Motion of petitioner for leave to proceed *in forma pauperis* granted. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Penry v. Lynaugh*, ante, p. 302. Reported below: 305 Ore. 115, 752 P. 2d 1136.

No. 88-190. *DRIVERS, CHAUFFEURS & HELPERS LOCAL UNION No. 639, AFFILIATED WITH INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN & HELPERS OF AMERICA, AFL-CIO, ET AL. v. YELLOW BUS LINES, INC.* C. A. D. C. Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *H. J. Inc. v. Northwestern Bell Telephone Co.*, ante, p. 229. JUSTICE STEVENS would deny certiorari. Reported below: 268 U. S. App. D. C. 103, 839 F. 2d 782.

No. 88-558. *WALK ET AL. v. BALTIMORE & OHIO RAILROAD ET AL.* C. A. 4th Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *H. J. Inc. v. Northwestern Bell Telephone Co.*, ante, p. 229. Reported below: 847 F. 2d 1100.

No. 88-1506. *FRYAR v. ABELL ET AL.* C. A. 5th Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *H. J. Inc. v. Northwestern Bell Telephone Co.*, ante, p. 229. Reported below: 858 F. 2d 1104.

No. 88-1523. *HELMSLEY ET AL. v. BEAUFORD ET AL.* C. A. 2d Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *H. J. Inc. v. Northwestern Bell Telephone Co.*, ante, p. 229. Reported below: 865 F. 2d 1386.

No. 88-1534. *MERCY-MEMORIAL HOSPITAL CORP. ET AL. v. HOSPITAL EMPLOYEES' DIVISION OF LOCAL 79, SERVICE EMPLOY-*

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EES INTERNATIONAL UNION, AFL-CIO, ET AL. C. A. 6th Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *H. J. Inc. v. Northwestern Bell Telephone Co.*, ante, p. 229. Reported below: 862 F. 2d 606.

No. 88-5611. ALEXANDER v. UNITED STATES. C. A. 11th Cir. Motion of petitioner for leave to proceed *in forma pauperis* granted. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *H. J. Inc. v. Northwestern Bell Telephone Co.*, ante, p. 229. JUSTICE STEVENS would deny certiorari. Reported below: 850 F. 2d 1500.

No. 88-5792. GRAHAM v. LYNAUGH, DIRECTOR, TEXAS DEPARTMENT OF CORRECTIONS. C. A. 5th Cir. Motion of petitioner for leave to proceed *in forma pauperis* granted. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Penry v. Lynaugh*, ante, p. 302. Reported below: 854 F. 2d 715.

No. 88-7199. BOGGESS v. TEXAS. Ct. Crim. App. Tex. Motion of petitioner for leave to proceed *in forma pauperis* granted. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Penry v. Lynaugh*, ante, p. 302.

Certiorari Granted—Reversed. (See No. 88-6801, ante, p. 680.)

Miscellaneous Orders

No. — — —. ROBINSON v. PUCKETT. Motion to direct the Clerk to file petition for writ of certiorari out of time denied.

No. D-788. IN RE DISBARMENT OF CATES. Disbarment entered. [For earlier order herein, see 490 U. S. 1062.]

No. 65, Orig. TEXAS v. NEW MEXICO. Final Report of the Pecos River Master for Accounting Year 1989 received and ordered filed. [For earlier order herein, see, e. g., 490 U. S. 1044.]

No. 88-192. MCKESSON CORP. v. DIVISION OF ALCOHOLIC BEVERAGES AND TOBACCO, DEPARTMENT OF BUSINESS REGULATION OF FLORIDA, ET AL. Sup. Ct. Fla. [Certiorari granted, 488 U. S. 954]; and

No. 88-325. AMERICAN TRUCKING ASSNS., INC., ET AL. v. SMITH, DIRECTOR, ARKANSAS HIGHWAY AND TRANSPORTATION DEPARTMENT, ET AL. Sup. Ct. Ark. [Certiorari granted, 488

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U. S. 954.] Cases restored to calendar for reargument. In No. 88-192, the parties are directed to brief and argue the following questions in addition to the issues already briefed:

"1. When a taxpayer pays under protest a state tax found to violate clearly established law under the Commerce Clause, must the State provide some form of retrospective relief, such as a tax refund or an offsetting tax on past beneficiaries of the tax preference, or may the State elect to provide only prospective relief?

"2. May a State, consistent with the Due Process Clause of the 14th Amendment, remedy the effects of a tax found to discriminate against an interstate business in violation of the Dormant Commerce Clause by retroactively raising the taxes of those who benefited from the discrimination?"

Each case is allotted 45 minutes for reargument.

No. 88-1805. EASTERN NEBRASKA COMMUNITY OFFICE OF RETARDATION ET AL. *v.* GLOVER ET AL. C. A. 8th Cir. The Solicitor General is invited to file a brief in this case expressing the views of the United States.

No. 88-6896. SCHAEFER *v.* TRANSPORTATION MEDIA, INC. C. A. 7th Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [490 U. S. 1063] denied.

No. 88-6995. MOORE *v.* CALIFORNIA, 490 U. S. 1095. Respondent is requested to file a response to the petition for rehearing within 30 days.

No. 88-1990. IN RE LAROCHE ET AL.;

No. 88-7408. IN RE QUALMAN ET UX.; and

No. 88-7413. IN RE SNYDER. Petitions for writs of habeas corpus denied.

No. 88-1329. IN RE DELGADO ET AL. Petition for writ of mandamus denied.

Probable Jurisdiction Noted or Postponed

No. 88-805. OHIO *v.* AKRON CENTER FOR REPRODUCTIVE HEALTH ET AL. Appeal from C. A. 6th Cir. Probable jurisdiction noted. Reported below: 854 F. 2d 852.

No. 88-790. TURNOCK, DIRECTOR OF THE ILLINOIS DEPARTMENT OF PUBLIC HEALTH, ET AL. *v.* RAGSDALE ET AL. Appeal

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from C. A. 7th Cir. Further consideration of question of jurisdiction postponed to hearing of case on the merits. Reported below: 841 F. 2d 1358.

Certiorari Granted

No. 88-334. *LYTLE v. HOUSEHOLD MANUFACTURING, INC., DBA SCHWITZER TURBOCHARGERS*. C. A. 4th Cir. Certiorari granted. Reported below: 831 F. 2d 1057.

No. 88-1503. *CRUZAN, BY HER PARENTS AND CO-GUARDIANS, CRUZAN ET UX. v. DIRECTOR, MISSOURI DEPARTMENT OF HEALTH, ET AL.* Sup. Ct. Mo. Certiorari granted. Reported below: 760 S. W. 2d 408.

No. 88-1597. *BOARD OF EDUCATION OF THE WESTSIDE COMMUNITY SCHOOLS (DIST. 66) ET AL. v. MERGENS, BY AND THROUGH HER NEXT FRIEND, MERGENS, ET AL.* C. A. 8th Cir. Certiorari granted. Reported below: 867 F. 2d 1076.

No. 88-1125. *HODGSON ET AL. v. MINNESOTA ET AL.*; and

No. 88-1309. *MINNESOTA ET AL. v. HODGSON ET AL.* C. A. 8th Cir. Certiorari granted, cases consolidated, and a total of one hour allotted for oral argument. Reported below: 853 F. 2d 1452.

No. 88-1775. *PEEL v. ATTORNEY REGISTRATION AND DISCIPLINARY COMMISSION OF ILLINOIS*. Sup. Ct. Ill. Motions of National Board of Trial Advocacy and Association of Trial Lawyers of America et al. for leave to file briefs as *amici curiae* granted. Certiorari granted. Reported below: 126 Ill. 2d 397, 534 N. E. 2d 980.

No. 88-7146. *WHITMORE, INDIVIDUALLY AND AS NEXT FRIEND OF SIMMONS v. ARKANSAS ET AL.* Sup. Ct. Ark. Motion of petitioner for leave to proceed *in forma pauperis* granted. Certiorari granted. Reported below: 298 Ark. 193 and 255, 766 S. W. 2d 422 and 423.

Certiorari Denied. (See also No. 88-1819, *supra*.)

No. 87-1262. *ROGERS ET AL. v. LIQUID AIR CORP.* C. A. 7th Cir. Certiorari denied. Reported below: 834 F. 2d 1297.

No. 87-1478. *MEDALLION TELEVISION ENTERPRISES, INC., ET AL. v. SELECTV OF CALIFORNIA, INC., ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 833 F. 2d 1360.

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No. 87-1738. *CREATIVE BATH PRODUCTS, INC., ET AL. v. CONNECTICUT GENERAL LIFE INSURANCE CO. ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 837 F. 2d 561.

No. 87-1854. *CORY v. STANDARD FEDERAL SAVINGS & LOAN ASSN. ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 843 F. 2d 1386.

No. 88-458. *SK HAND TOOL CORP. ET AL. v. DRESSER INDUSTRIES, INC.* C. A. 7th Cir. Certiorari denied. Reported below: 852 F. 2d 936.

No. 88-625. *METROMEDIA, INC., ET AL. v. APRIL ENTERPRISES, INC.* Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 88-903. *AMERICANA HOTELS, INC., ET AL. v. PARNAR.* Sup. Ct. Haw. Certiorari denied. Reported below: 70 Haw. 649, 796 P. 2d 997.

No. 88-1327. *DELGADO ET AL. v. SMITH, SECRETARY OF STATE OF FLORIDA, ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 861 F. 2d 1489.

No. 88-1518. *ABELL ET AL. v. WRIGHT, LINDSEY & JENNINGS ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 858 F. 2d 1104.

No. 88-1547. *CALIFORNIA v. BAERT.* Ct. App. Cal., 2d App. Dist. Certiorari denied. Reported below: 205 Cal. App. 3d 514, 252 Cal. Rptr. 418.

No. 88-1611. *GAHAGAN v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. Reported below: 865 F. 2d 1490.

No. 88-1623. *DELIERE v. UNITED STATES;*

No. 88-6952. *DOHERTY v. UNITED STATES;*

No. 88-6953. *BARNER v. UNITED STATES; and*

No. 88-7249. *SALERNO v. UNITED STATES.* C. A. 1st Cir. Certiorari denied. Reported below: 867 F. 2d 47.

No. 88-1660. *MARINO v. UNITED STATES.* C. A. 3d Cir. Certiorari denied. Reported below: 868 F. 2d 549.

No. 88-1701. *WILSON ET AL. v. UNITED STATES ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 864 F. 2d 1219.

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No. 88-1781. *ALGOMA STEEL CORP., LTD. v. UNITED STATES ET AL.* C. A. Fed. Cir. Certiorari denied. Reported below: 865 F. 2d 240.

No. 88-1785. *LAMPASONA v. JACOBS.* Sup. Ct. Conn. Certiorari denied. Reported below: 209 Conn. 724, 553 A. 2d 175.

No. 88-1786. *TWIN MANORS WEST OF MORTON GROVE CONDOMINIUM ASSN. v. ROSEWELL.* App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 175 Ill. App. 3d 564, 529 N. E. 2d 1104.

No. 88-1798. *HEMON v. OFFICE OF PUBLIC GUARDIAN ET AL.* (two cases). Sup. Ct. N. H. Certiorari denied.

No. 88-1802. *CHOW v. ATTORNEY GRIEVANCE COMMISSION.* Sup. Ct. Mich. Certiorari denied.

No. 88-1807. *FLETCHER v. O'DONNELL ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 867 F. 2d 791.

No. 88-1814. *STINNER v. STINNER ET AL.* Sup. Ct. Pa. Certiorari denied. Reported below: 520 Pa. 374, 554 A. 2d 45.

No. 88-1816. *CITY OF BURLINGTON, VERMONT v. MOUNTAIN CABLE Co.* Sup. Ct. Vt. Certiorari denied. Reported below: 151 Vt. 161, 559 A. 2d 153.

No. 88-1820. *MEBANE v. CONNECTICUT.* App. Ct. Conn. Certiorari denied. Reported below: 17 Conn. App. 243, 551 A. 2d 1268.

No. 88-1821. *MARI v. GREEN.* Sup. Ct. Wyo. Certiorari denied. Reported below: 767 P. 2d 600.

No. 88-1825. *HARRIS ET AL. v. UNION ELECTRIC Co. ET AL.* Sup. Ct. Mo. Certiorari denied. Reported below: 766 S. W. 2d 80.

No. 88-1830. *MITCHELL v. ALASKA.* Sup. Ct. Alaska. Certiorari denied.

No. 88-1833. *WILLIAMS v. BAPTIST MEDICAL CENTER ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 866 F. 2d 1423.

No. 88-1837. *SMITH v. DOE.* Ct. App. Ind. Certiorari denied. Reported below: 530 N. E. 2d 331.

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No. 88-1840. *VOELLINGER v. POLICE RETIREMENT SYSTEM OF ST. LOUIS ET AL.* Ct. App. Mo., Eastern Dist. Certiorari denied. Reported below: 763 S. W. 2d 298.

No. 88-1841. *INDIANA CIVIL RIGHTS COMMISSION ET AL. v. AMERICAN COMMERCIAL BARGE LINE Co.* Ct. App. Ind. Certiorari denied. Reported below: 523 N. E. 2d 241.

No. 88-1845. *NEW JERSEY CHAMBER OF COMMERCE ET AL. v. HUGHEY, COMMISSIONER OF ENVIRONMENTAL PROTECTION OF NEW JERSEY, ET AL.;* and

No. 88-1868. *FRAGRANCE MATERIALS ASSOCIATION OF THE UNITED STATES ET AL. v. VAN NOTE ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 868 F. 2d 621.

No. 88-1849. *WORKERS' COMPENSATION INSURERS RATING ASSOCIATION OF MINNESOTA ET AL. v. AUSTIN PRODUCTS Co. ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 867 F. 2d 1552.

No. 88-1851. *WHITE, SECRETARY, PENNSYLVANIA DEPARTMENT OF PUBLIC WELFARE, ET AL. v. BENNETT ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 865 F. 2d 1395.

No. 88-1855. *HENRY v. BEAUMONT IRON & METAL CORP. ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 866 F. 2d 1418.

No. 88-1857. *HOWARD v. PUNG, COMMISSIONER, MINNESOTA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 862 F. 2d 1348.

No. 88-1861. *STRYKER ET AL. v. DECKER ET UX.;* *LOUGHLIN v. GERSCH;* *CITY AND COUNTY OF DENVER ET AL. v. HIGHT-BERRY;* and *KUKURIS ET AL. v. ZAPP ET AL.* Ct. App. Colo. Certiorari denied.

No. 88-1882. *REYES v. KANSAS.* Ct. App. Kan. Certiorari denied. Reported below: 13 Kan. App. 2d xli, 764 P. 2d 853.

No. 88-1929. *WASHABAUGH v. KENTUCKY.* Ct. App. Ky. Certiorari denied.

No. 88-1934. *GRACEY v. DAY.* C. A. 3d Cir. Certiorari denied.

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No. 88-1941. *SHARIFINASSAB v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 870 F. 2d 1047.

No. 88-1949. *NAN YA PLASTICS CORP. U. S. A. v. DESANTIS*. Sup. Ct. Va. Certiorari denied. Reported below: 237 Va. 255, 377 S. E. 2d 388.

No. 88-1967. *ANDERSON v. SICKELS ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 859 F. 2d 149.

No. 88-1975. *BARROW v. HAWKINS ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 868 F. 2d 1274.

No. 88-5077. *DICAPRIO v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 845 F. 2d 1017.

No. 88-6376. *MONTERO v. MEYER ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 861 F. 2d 603.

No. 88-6627. *COSTELLO ET AL. v. CALIFORNIA*. Ct. App. Cal., 1st App. Dist. Certiorari denied. Reported below: 204 Cal. App. 3d 431, 251 Cal. Rptr. 325.

No. 88-6930. *WARRICK v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 864 F. 2d 789.

No. 88-6947. *DIWAN v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 864 F. 2d 715.

No. 88-7064. *IREZIA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 866 F. 2d 114.

No. 88-7098. *HARRIS v. JONES*. C. A. 6th Cir. Certiorari denied. Reported below: 869 F. 2d 1490.

No. 88-7110. *PANTOJA v. STATEVILLE CORRECTIONAL CENTER ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 870 F. 2d 659.

No. 88-7165. *JOHNSON v. KEGANS ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 870 F. 2d 992.

No. 88-7169. *MASON v. REES, WARDEN*. C. A. 6th Cir. Certiorari denied. Reported below: 865 F. 2d 259.

No. 88-7170. *MARQUEZ v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist. Certiorari denied.

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No. 88-7172. *SMITH v. ESTELLE ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 869 F. 2d 1485.

No. 88-7174. *SHEARER v. GEORGIA.* Sup. Ct. Ga. Certiorari denied. Reported below: 259 Ga. 51, 376 S. E. 2d 194.

No. 88-7175. *JONES v. DUGGER, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 866 F. 2d 1422.

No. 88-7176. *SANDERS v. CALIFORNIA.* App. Dept., Super. Ct. Cal., Los Angeles County. Certiorari denied.

No. 88-7177. *CALPIN v. KADISH.* C. A. 11th Cir. Certiorari denied. Reported below: 864 F. 2d 792.

No. 88-7178. *HOFFMAN v. KELSEY ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 869 F. 2d 1490.

No. 88-7179. *JONES v. UNITED STATES.* C. A. 11th Cir. Certiorari denied. Reported below: 863 F. 2d 889.

No. 88-7182. *MIRELES v. MCKAY, ATTORNEY GENERAL OF NEVADA.* C. A. 9th Cir. Certiorari denied. Reported below: 869 F. 2d 1497.

No. 88-7187. *MATHEWS v. MORRIS, SUPERINTENDENT, SOUTHERN OHIO CORRECTIONAL FACILITY.* C. A. 6th Cir. Certiorari denied. Reported below: 872 F. 2d 1026.

No. 88-7192. *CHANDLER v. WHITE ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 873 F. 2d 1447.

No. 88-7193. *MANCHESTER v. FLYNN ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 870 F. 2d 651.

No. 88-7197. *ROBERTS v. J. M. HUBER CORP.* C. A. 6th Cir. Certiorari denied. Reported below: 869 F. 2d 1491.

No. 88-7202. *CARPENTER ET UX. v. WEST VIRGINIA DEPARTMENT OF HUMAN SERVICES ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 865 F. 2d 1257.

No. 88-7203. *SHANNON v. O'LEARY, WARDEN, ET AL.* C. A. 7th Cir. Certiorari denied.

No. 88-7206. *COLEMAN ET AL. v. BUTLER.* Sup. Ct. Ark. Certiorari denied. Reported below: 296 Ark. 447, 757 S. W. 2d 175.

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No. 88-7207. *CORBIT v. DENLEY*. Sup. Ct. Ala. Certiorari denied. Reported below: 541 So. 2d 475.

No. 88-7208. *PEREZ v. FLORIDA*. Sup. Ct. Fla. Certiorari denied. Reported below: 536 So. 2d 206.

No. 88-7220. *WARREN v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied. Reported below: 768 S. W. 2d 300.

No. 88-7256. *BLAIR v. PREECE ET AL.* Sup. Ct. App. W. Va. Certiorari denied. Reported below: 180 W. Va. 501, 377 S. E. 2d 493.

No. 88-7273. *ADKISSON v. TEXAS*. Ct. App. Tex., 11th Dist. Certiorari denied.

No. 88-7280. *DRESSEL ET AL. v. KANSAS*. Sup. Ct. Kan. Certiorari denied. Reported below: 244 Kan. 522, 769 P. 2d 1174.

No. 88-7289. *WILLIAMSON v. BUCKINGHAM ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 872 F. 2d 1030.

No. 88-7296. *WYNN v. UNITED STATES ET AL.* C. A. D. C. Cir. Certiorari denied.

No. 88-7317. *CRAFT v. NAGLE, WARDEN, ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 866 F. 2d 1422.

No. 88-7320. *IDUWE v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 869 F. 2d 1485.

No. 88-7321. *JOLLY v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 871 F. 2d 119.

No. 88-7324. *ROBINSON v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 873 F. 2d 1441.

No. 88-7326. *BOSLEY v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 873 F. 2d 298.

No. 88-7328. *FOOTS, AKA HENDERSON v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 876 F. 2d 900.

No. 88-7331. *WILLIAMS v. NEW YORK ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 863 F. 2d 46.

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No. 88-7335. *MCCARTER v. UNITED STATES*; and
No. 88-7339. *SWISHER v. UNITED STATES*. C. A. 8th Cir.
Certiorari denied. Reported below: 881 F. 2d 1079.

No. 88-7336. *WILLIAMS v. UNITED STATES*. C. A. 11th Cir.
Certiorari denied. Reported below: 876 F. 2d 900.

No. 88-7342. *JUVENILE MALE v. UNITED STATES*. C. A. 9th
Cir. Certiorari denied. Reported below: 869 F. 2d 1499.

No. 88-7347. *RHODEN v. UNITED STATES*. C. A. 11th Cir.
Certiorari denied. Reported below: 873 F. 2d 298.

No. 88-7355. *HOLLAND v. UNITED STATES*. C. A. 4th Cir.
Certiorari denied. Reported below: 866 F. 2d 1416.

No. 88-7357. *EAGLE v. UNITED STATES*. C. A. 8th Cir.
Certiorari denied. Reported below: 873 F. 2d 1448.

No. 88-7365. *HATCH v. UNITED STATES*. Ct. App. D. C.
Certiorari denied.

No. 88-7369. *IRAHETA v. UNITED STATES*. C. A. 5th Cir.
Certiorari denied.

No. 88-7376. *MEJIA-OROSCO v. UNITED STATES*. C. A. 5th
Cir. Certiorari denied. Reported below: 867 F. 2d 216.

No. 88-7380. *ESPINOZA-LEON v. UNITED STATES*. C. A. 4th
Cir. Certiorari denied. Reported below: 873 F. 2d 743.

No. 88-7387. *BOP-NIN CHOW v. UNITED STATES*. C. A. 9th
Cir. Certiorari denied. Reported below: 872 F. 2d 431.

No. 88-7389. *DORSEY v. UNITED STATES*. C. A. D. C. Cir.
Certiorari denied. Reported below: 275 U. S. App. D. C. 176,
865 F. 2d 1275.

No. 88-7390. *YAMIN v. UNITED STATES*. C. A. 5th Cir.
Certiorari denied. Reported below: 868 F. 2d 130.

No. 88-7392. *JONES v. UNITED STATES*. C. A. 11th Cir.
Certiorari denied. Reported below: 868 F. 2d 1274.

No. 88-7396. *SNOOK v. CONNECTICUT*. Sup. Ct. Conn. Cer-
tiorari denied. Reported below: 210 Conn. 244, 555 A. 2d 390.

No. 88-7399. *PRUITT v. UNITED STATES*. C. A. 8th Cir.
Certiorari denied. Reported below: 881 F. 2d 1079.

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No. 88-7401. *PERVEZ v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 871 F. 2d 310.

No. 88-7410. *ROJAS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 865 F. 2d 1272.

No. 88-7424. *PRICE v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 872 F. 2d 422.

No. 88-7458. *DARWALL, AKA FARMER v. MICHIGAN ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 869 F. 2d 1489.

No. 85-5609. *PREJEAN v. BLACKBURN, WARDEN*. C. A. 5th Cir.;

No. 86-6023. *KUNKLE v. TEXAS*. Ct. Crim. App. Tex.;

No. 87-6406. *WILLIAMS v. LYNAUGH, DIRECTOR, TEXAS DEPARTMENT OF CORRECTIONS*. C. A. 5th Cir.;

No. 88-1154. *MONROE v. BUTLER, WARDEN*. Crim. Dist. Ct. La., Parish of Orleans;

No. 88-5189. *CREWS v. ILLINOIS*. Sup. Ct. Ill.;

No. 88-5237. *GUERRA v. TEXAS*. Ct. Crim. App. Tex.;

No. 88-5437. *WILLIAMS v. GEORGIA*. Sup. Ct. Ga.;

No. 88-5581. *POGGI v. CALIFORNIA*. Sup. Ct. Cal.;

No. 88-5749. *HOLLOWAY v. OHIO*. Sup. Ct. Ohio;

No. 88-5953. *MACKALL v. VIRGINIA*. Sup. Ct. Va.;

No. 88-6315. *BELL v. LYNAUGH, DIRECTOR, TEXAS DEPARTMENT OF CORRECTIONS*. C. A. 5th Cir.;

No. 88-6585. *FETTERLY v. IDAHO*. Sup. Ct. Idaho;

No. 88-6611. *LECROY v. FLORIDA*. Sup. Ct. Fla.;

No. 88-6838. *PERILLO v. TEXAS*. Ct. Crim. App. Tex.;

No. 88-7013. *KELLY v. LYNAUGH, DIRECTOR, TEXAS DEPARTMENT OF CORRECTIONS*. C. A. 5th Cir.;

No. 88-7138. *GILLARD v. OHIO*. Sup. Ct. Ohio;

No. 88-7242. *STOUT v. VIRGINIA*. Sup. Ct. Va.; and

No. 88-7394. *NGUYEN v. OKLAHOMA*. Ct. Crim. App. Okla. Certiorari denied. Reported below: No. 85-5609, 743 F. 2d 1091 and 765 F. 2d 482; No. 86-6023, 771 S. W. 2d 435; No. 87-6406, 837 F. 2d 1294; No. 88-5189, 122 Ill. 2d 266, 522 N. E. 2d 1167; No. 88-5237, 771 S. W. 2d 453; No. 88-5437, 258 Ga. 281, 368 S. E. 2d 742; No. 88-5581, 45 Cal. 3d 306, 753 P. 2d 1082; No. 88-5749, 38 Ohio St. 3d 239, 527 N. E. 2d 831; No. 88-5953, 236 Va. 240, 372 S. E. 2d 759; No. 88-6315, 858 F. 2d 978; No.

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88-6585, 115 Idaho 231, 766 P. 2d 701; No. 88-6611, 533 So. 2d 750; No. 88-6838, 758 S. W. 2d 567; No. 88-7013, 862 F. 2d 1126; No. 88-7138, 40 Ohio St. 3d 226, 533 N. E. 2d 272; No. 88-7242, 237 Va. 126, 376 S. E. 2d 288; No. 88-7394, 769 P. 2d 167.

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. 87-1705. *BARRETT v. UNITED STATES ET AL.* C. A. 5th Cir. Certiorari denied. JUSTICE WHITE and JUSTICE MARSHALL would grant certiorari. JUSTICE BRENNAN took no part in the consideration or decision of this petition. Reported below: 837 F. 2d 1341.

No. 87-5666. *HIGH v. ZANT, WARDEN.* C. A. 11th Cir. The order entered June 30, 1988 [487 U. S. 1233], is vacated. Certiorari denied. Reported below: 819 F. 2d 988.

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 vacate the death sentence in this case.

No. 88-492. *SHOSHONE TRIBE ET AL. v. WYOMING ET AL.*; and

No. 88-553. *CITY OF RIVERTON, WYOMING, ET AL. v. UNITED STATES ET AL.* Sup. Ct. Wyo. Certiorari denied. JUSTICE O'CONNOR took no part in the consideration or decision of these petitions. Reported below: 753 P. 2d 76.

No. 88-626. *GOODYEAR TIRE & RUBBER CO. v. HODDER.* Sup. Ct. Minn. Motion of Motor Vehicle Manufacturers Association of the United States, Inc., et al. for leave to file a brief as *amici curiae* granted. Certiorari denied. Reported below: 426 N. W. 2d 826.

No. 88-1186. *CUDAHY CO. ET AL. v. MILLER ET AL.* C. A. 10th Cir. Motion of National Association of Manufacturers of the United States of America for leave to file a brief as *amicus curiae* granted. Certiorari denied. Reported below: 858 F. 2d 1449.

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No. 88-1824. *DEFORD ET AL. v. SOO LINE RAILROAD CO. ET AL.* C. A. 8th Cir. Certiorari denied. JUSTICE BLACKMUN took no part in the consideration or decision of this petition. Reported below: 867 F. 2d 1080.

No. 88-1867. *FLEMING v. MOORE ET AL.* Sup. Ct. Va. Motion of petitioner to defer consideration of the petition for writ of certiorari denied. Certiorari denied.

No. 88-7026 (A-891). *FEARANCE v. TEXAS*; and

No. 88-7354 (A-932). *BOWER v. TEXAS.* Ct. Crim. App. Tex. Applications for stays of mandates, presented to JUSTICE WHITE, and by him referred to the Court, denied. Certiorari denied. Reported below: No. 88-7026, 771 S. W. 2d 486; No. 88-7354, 769 S. W. 2d 887.

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. 88-1463. *WRENN v. STATE INDUSTRIAL INSURANCE SYSTEM*, 490 U. S. 1080;

No. 88-1481. *OEN YIN-CHOY v. ROBINSON, UNITED STATES MARSHAL FOR THE NORTHERN DISTRICT OF CALIFORNIA*, 490 U. S. 1106;

No. 88-1533. *TWIST v. THORNBURGH, ATTORNEY GENERAL OF THE UNITED STATES*, 490 U. S. 1066;

No. 88-1570. *WASHINGTON ET UX. v. FIRST FEDERAL SAVINGS & LOAN ASSOCIATION OF LAPORTE COUNTY, INDIANA, ET AL.*, 490 U. S. 1067;

No. 88-1673. *BONELLO v. CONNECTICUT*, 490 U. S. 1082;

No. 88-5799. *BEUKE v. OHIO*, 489 U. S. 1071;

No. 88-6066. *HILDWIN v. FLORIDA*, 490 U. S. 638;

No. 88-6353. *BEDFORD v. OHIO*, 489 U. S. 1072;

No. 88-6618. *FRITZ v. BARKER, JUDGE, KENTUCKY CIRCUIT COURT AT FAYETTE, ET AL.*, 490 U. S. 1070;

No. 88-6641. *HERBERT v. UNITED STATES*, 490 U. S. 1070;

No. 88-6642. *ALBANESE v. ILLINOIS*, 490 U. S. 1075;

No. 88-6737. *MCCOLPIN v. UNITED STATES*, 490 U. S. 1070;

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No. 88-6785. *FRITZ v. BARKER, JUDGE, KENTUCKY CIRCUIT COURT AT FAYETTE, ET AL.*, 490 U. S. 1070;

No. 88-6804. *FOSTER v. GEORGIA*, 490 U. S. 1085;

No. 88-6810. *LEE v. GEORGIA*, 490 U. S. 1075;

No. 88-6826. *IN RE PHILLIPS*, 490 U. S. 1064;

No. 88-6886. *FILOON v. WORKMEN'S COMPENSATION APPEAL BOARD*, 490 U. S. 1072;

No. 88-6932. *EUBANKS ET UX. v. SOUTH CAROLINA NATIONAL BANK ET AL.*, 490 U. S. 1083;

No. 88-6962. *THOMPSON v. LYNAUGH, DIRECTOR, TEXAS DEPARTMENT OF CORRECTIONS, ET AL.*, 490 U. S. 1092;

No. 88-6988. *CRAIG v. LYNAUGH, DIRECTOR, TEXAS DEPARTMENT OF CORRECTIONS*, 490 U. S. 1093;

No. 88-7004. *FLANAGAN v. UNITED STATES*, 490 U. S. 1074;

No. 88-7015. *MARTIN v. C. ITOH & Co., INC., ET AL.*, 490 U. S. 1100;

No. 88-7016. *IN RE MARTIN*, 490 U. S. 1097; and

No. 88-7068. *CHIZMADIA v. SMILEY'S POINT CLINIC ET AL.*, 490 U. S. 1084. Petitions for rehearing denied.

No. 88-1178. *KEANE v. UNITED STATES*, 490 U. S. 1084. Petition for rehearing denied. JUSTICE STEVENS took no part in the consideration or decision of this petition.

No. 88-7052. *MARINE v. UNITED STATES*, 490 U. S. 1075. Motion for leave to file petition for rehearing denied.

JULY 12, 1989

Miscellaneous Order

No. A-1060 (88-7562). *KIMBLE v. VASQUEZ, WARDEN*. Sup. Ct. Cal. Application for stay of execution of sentence of death, presented to JUSTICE O'CONNOR, and by her 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 issuance of the mandate of this Court.

JULY 13, 1989

Miscellaneous Orders

No. A-29 (89-5094). *DUNKINS v. JONES, WARDEN, ET AL.* C. A. 11th Cir. Application for stay of execution of sentence of

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death, presented to JUSTICE KENNEDY, 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 and the petition for writ of certiorari and would vacate the death sentence in this case.

No. A-31. *DUNKINS v. JONES, WARDEN, ET AL.* Application for stay of execution of sentence of death, presented to JUSTICE KENNEDY, 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 to permit the filing and consideration of petitions for writs of certiorari. We would grant the petitions and vacate the death sentence.

JULY 18, 1989

Miscellaneous Order

No. A-42 (89-5121). *HAMBLÉN v. DUGGER, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS.* C. A. 11th Cir. Application for stay of execution of sentence of death, presented to JUSTICE KENNEDY, 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.

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Miscellaneous Orders

No. A-916. *BANKERS MULTIPLE LINE INSURANCE CO. v. FARISH ET AL.* Dist. Ct. App. Fla., 4th Dist. Application for stay, addressed to JUSTICE BRENNAN and referred to the Court, denied.

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No. A-917 (88-7626). *RIVERA v. OROWEAT FOODS CO., INC., ET AL.* C. A. 9th Cir. Application for recall and stay of mandate, addressed to JUSTICE BRENNAN and referred to the Court, denied.

No. A-961. *UNITED STATES AUTOMOBILE ASSN. v. WADE ET AL.* Sup. Ct. Ala. Application for stay, addressed to JUSTICE O'CONNOR and referred to the Court, denied.

No. A-19. *HASTINGS, UNITED STATES DISTRICT JUDGE v. UNITED STATES SENATE ET AL.* Application for injunction, addressed to JUSTICE BRENNAN and referred to the Court, denied. THE CHIEF JUSTICE took no part in the consideration or decision of this application.

No. D-766. *IN RE DISBARMENT OF HALPER.* Disbarment entered. [For earlier order herein, see 489 U. S. 1004.]

No. D-778. *IN RE DISBARMENT OF SHULTZ.* Disbarment entered. [For earlier order herein, see 490 U. S. 1017.]

No. D-780. *IN RE DISBARMENT OF HAYES.* Disbarment entered. [For earlier order herein, see 490 U. S. 1017.]

No. D-781. *IN RE DISBARMENT OF BLACK.* Disbarment entered. [For earlier order herein, see 490 U. S. 1017.]

No. D-782. *IN RE DISBARMENT OF RICKS.* Disbarment entered. [For earlier order herein, see 490 U. S. 1044.]

No. D-783. *IN RE DISBARMENT OF PAIGE.* Disbarment entered. [For earlier order herein, see 490 U. S. 1044.]

No. D-785. *IN RE DISBARMENT OF ARONSON.* Disbarment entered. [For earlier order herein, see 490 U. S. 1062.]

No. D-786. *IN RE DISBARMENT OF FORD.* Disbarment entered. [For earlier order herein, see 490 U. S. 1062.]

No. D-790. *IN RE DISBARMENT OF FITZGERALD.* Disbarment entered. [For earlier order herein, see 490 U. S. 1089.]

No. D-795. *IN RE DISBARMENT OF HELD.* It is ordered that John J. Held, of Erie, 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.

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No. D-796. *IN RE DISBARMENT OF CANNON*. It is ordered that Glenn Dale Cannon, of Gulfport, Miss., 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-797. *IN RE DISBARMENT OF RIPES*. It is ordered that Lawrence Ripes, of Northbrook, Ill., be suspended from the practice of law in this Court and that a rule issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. D-798. *IN RE DISBARMENT OF ZEALY*. It is ordered that Michael Edwin Zealy, of Fort Lauderdale, Fla., 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-799. *IN RE DISBARMENT OF DAVIS*. It is ordered that Arvin Lee Davis, of Kalamazoo, Mich., 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-800. *IN RE DISBARMENT OF KLAN*. It is ordered that William Francis Xavier Klan, of Danbury, Conn., 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-801. *IN RE DISBARMENT OF JACOBSON*. It is ordered that Robert George Jacobson, of Port Charlotte, Fla., 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-802. *IN RE DISBARMENT OF ROLLMAN*. It is ordered that Warren E. Rollman, of Baltimore, Md., 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-803. *IN RE DISBARMENT OF DIRICCO*. It is ordered that Dennis R. DiRicco, of San Mateo, Cal., be suspended from

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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-804. *IN RE DISBARMENT OF MCMANUS*. It is ordered that George W. McManus, Jr., of Baltimore, Md., 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.

Rehearing Denied

No. 87-1614. *MARTIN ET AL. v. WILKS ET AL.*, 490 U. S. 755;

No. 87-1639. *PERSONNEL BOARD OF JEFFERSON COUNTY, ALABAMA, ET AL. v. WILKS ET AL.*, 490 U. S. 755;

No. 87-1668. *ARRINGTON ET AL. v. WILKS ET AL.*, 490 U. S. 755;

No. 87-7107. *SLAUGHTER v. KENTUCKY*, 490 U. S. 1113;

No. 88-420. *JONES, SUPERINTENDENT, MISSOURI TRAINING CENTER FOR MEN AT MOBERLY v. THOMAS*, 491 U. S. 376;

No. 88-774. *NEWMAN-GREEN, INC. v. ALFONZO-LARRAIN ET AL.*, 490 U. S. 826;

No. 88-897. *ASHENBAUGH ET AL. v. CRUCIBLE INC. 1975 SALARIED RETIREMENT PLAN*, 490 U. S. 1105;

No. 88-1612. *HODGE v. KELLY ET AL.*, 490 U. S. 1081;

No. 88-1616. *LOMBARDO v. UNITED STATES*, 491 U. S. 905;

No. 88-1672. *ACOSTA v. SULLIVAN, SECRETARY OF HEALTH AND HUMAN SERVICES*, 490 U. S. 1082;

No. 88-1711. *PRUESSMAN v. LEWIS ET AL.*, 490 U. S. 1116;

No. 88-1717. *FASSLER v. UNITED STATES*, 490 U. S. 1099;

No. 88-1799. *JACKSON v. UNITED STATES*, 490 U. S. 1099;

No. 88-5241. *HOWARD v. SOUTH CAROLINA*, 490 U. S. 1113;

No. 88-6494. *WRENN v. BENSON ET AL.*, 490 U. S. 1069;

No. 88-6723. *NIXON v. MISSISSIPPI*, 490 U. S. 1102;

No. 88-6917. *MEADE-MURPHY v. CITY OF ATLANTA ET AL.*, 491 U. S. 907;

No. 88-6959. *MENARD v. COUNTY OF HENRICO, VIRGINIA, ET AL.*, 490 U. S. 1110;

No. 88-6992. *WILLIAMS v. WALLMAN, WARDEN, ET AL.*, 490 U. S. 1093;

No. 88-7057. *RUSCITTI v. ESTATE OF RUSCITTI*, 490 U. S. 1111;

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No. 88-7065. BARNES *v.* DUGGER, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL., 490 U. S. 1111;

No. 88-7103. MARTIN *v.* COURT OF APPEALS OF MARYLAND ET AL., 491 U. S. 908;

No. 88-7107. O'NEAL *v.* EU ET AL., *ante*, p. 909;

No. 88-7128. CARTER *v.* OHIO, *ante*, p. 909;

No. 88-7148. MARTIN *v.* ABRAM D. MELLINGER REAL ESTATE, INC., *ante*, p. 910;

No. 88-7157. IN RE MARTIN, *ante*, p. 904;

No. 88-7171. MAY *v.* HACKETT, 490 U. S. 1112;

No. 88-7200. IRVING, AKA OWENS *v.* UNITED STATES, 490 U. S. 1113;

No. 88-7240. BRANHAM *v.* GRINAGE ET AL., *ante*, p. 910;

No. 88-7272. STENGEL *v.* UNITED STATES, 491 U. S. 909; and

No. 88-7281. IN RE HUMPHREY, 491 U. S. 903. Petitions for rehearing denied.

No. — — —. IN RE MASON ET UX., 490 U. S. 1104. Petition for rehearing and for other relief denied.

No. 87-963. HERNANDEZ *v.* COMMISSIONER OF INTERNAL REVENUE, 490 U. S. 680; and

No. 87-1616. GRAHAM ET AL. *v.* COMMISSIONER OF INTERNAL REVENUE, 490 U. S. 680. Petition for rehearing denied. Motion to remand for further proceedings on unresolved issues denied. JUSTICE BRENNAN and JUSTICE KENNEDY took no part in the consideration or decision of this petition and motion.

No. 87-6405. TOMPKINS *v.* TEXAS, 490 U. S. 754. Petition for rehearing denied. JUSTICE O'CONNOR took no part in the consideration or decision of this petition.

No. 88-1843. ROGGIO *v.* UNITED STATES, 490 U. S. 1109. Motion of petitioner for leave to proceed further herein *in forma pauperis* granted. Petition for rehearing denied.

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No. A-139. RICHARDSON *v.* ALABAMA. Application for stay of execution of sentence of death, presented to JUSTICE KENNEDY, and by him referred to the Court, denied.

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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.

Certiorari Denied

No. 89-5395 (A-142). *RICHARDSON v. THIGPEN*, COMMISSIONER, ALABAMA DEPARTMENT OF CORRECTIONS. C. A. 11th Cir. Application for stay of execution of sentence of death, presented to JUSTICE KENNEDY, and by him referred to the Court, denied. Certiorari denied. Reported below: 883 F. 2d 895.

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.

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Miscellaneous Order

No. A-126. *SOUTHERN UNIVERSITY BOARD OF SUPERVISORS v. UNITED STATES ET AL.*; and

No. A-127. *LOUISIANA EX REL. GUSTE, ATTORNEY GENERAL OF LOUISIANA v. UNITED STATES ET AL.* Applications for stay, presented to JUSTICE WHITE, and by him referred to the Court, granted, and enforcement of the judgment and orders of the United States District Court for the Eastern District Court of Louisiana, Civil Action No. 80-3300, entered August 2, 1988, July 19, 1989, and August 4, 1989, is stayed pending the timely docketing of appeals in these cases and final disposition by the Court. JUSTICE BRENNAN, JUSTICE MARSHALL, and JUSTICE BLACKMUN dissent.

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Miscellaneous Order

No. 88-1000. *NEW YORK v. HARRIS*. Ct. App. N. Y. [Certiorari granted, 490 U. S. 1018.] Barrington D. Parker, Jr.,

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Esq., of New York, N. Y., a member of the Bar of this Court, is invited to brief and argue this case as *amicus curiae* in support of the judgment below.

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Miscellaneous Orders

No. A-18. POLYAK *v.* STACK ET AL. C. A. 6th Cir. Application for stay, addressed to JUSTICE BLACKMUN and referred to the Court, denied.

No. A-47. CITY OF NEW YORK ET AL. *v.* SEAWALL ASSOCIATES ET AL. Ct. App. N. Y. Application for stay, presented to JUSTICE MARSHALL, and by him referred to the Court, denied, and the order heretofore entered by JUSTICE MARSHALL on July 20, 1989, is vacated. JUSTICE BRENNAN and JUSTICE MARSHALL would grant the application for stay.

No. A-76 (89-5357). LEBBOS *v.* STATE BAR OF CALIFORNIA ET AL. Ct. App. Cal., 6th App. Dist. Application for stay, addressed to JUSTICE BRENNAN and referred to the Court, denied.

No. A-152. B. J. ALAN CO., INC., ET AL. *v.* INTERSTATE COMMERCE COMMISSION ET AL. Application for stay pending appeal to the United States Court of Appeals for the District of Columbia Circuit, presented to JUSTICE BRENNAN, and by him referred to the Court, denied.

No. 87-1965. ZINERMON ET AL. *v.* BURCH. C. A. 11th Cir. [Certiorari granted, 489 U. S. 1064.] Motion of American Orthopsychiatric Association et al. for leave to file a brief as *amici curiae* granted.

No. 88-854. SPALLONE *v.* UNITED STATES ET AL.;

No. 88-856. CHEMA *v.* UNITED STATES ET AL.; and

No. 88-870. LONGO ET AL. *v.* UNITED STATES ET AL. C. A. 2d Cir. [Certiorari granted, 489 U. S. 1064.] Motion of petitioner in No. 88-854 for divided argument and for additional time for oral argument denied. Motion of petitioner in No. 88-856 for divided argument and for additional time for oral argument denied. Motion of petitioners in No. 88-870 for divided argument and for additional time for oral argument denied. Motion of respondents Yonkers Branch National Association for the Advancement of Colored People et al. for divided argument and for additional time for oral argument denied.

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No. 88-1076. PRESEALT ET UX. *v.* INTERSTATE COMMERCE COMMISSION ET AL. C. A. 2d Cir. [Certiorari granted, 490 U. S. 1034.] Motion of respondents Vermont et al. for divided argument granted.

No. 88-1150. MISSOURI ET AL. *v.* JENKINS ET AL. C. A. 8th Cir. [Certiorari granted, 490 U. S. 1034.] Motion of Icelean Clark et al. for leave to participate in oral argument as *amici curiae*, for divided argument, and for additional time for oral argument denied.

No. 88-1182. BALTIMORE CITY DEPARTMENT OF SOCIAL SERVICES *v.* BOUKNIGHT; and

No. 88-6651. MAURICE M. *v.* BOUKNIGHT. Ct. App. Md. [Certiorari granted, 490 U. S. 1003.] Motion of petitioner Maurice M. for divided argument granted.

No. 88-1198. FEDERAL TRADE COMMISSION *v.* SUPERIOR COURT TRIAL LAWYERS ASSN.; and

No. 88-1393. SUPERIOR COURT TRIAL LAWYERS ASSN. ET AL. *v.* FEDERAL TRADE COMMISSION. C. A. D. C. Cir. [Certiorari granted, 490 U. S. 1019.] Motion of respondents/cross-petitioners Superior Court Trial Lawyers Association et al. for divided argument denied.

No. 88-1569. AUSTIN, MICHIGAN SECRETARY OF STATE, ET AL. *v.* MICHIGAN STATE CHAMBER OF COMMERCE. C. A. 6th Cir. [Probable jurisdiction noted, 490 U. S. 1045.] Motion of Federal Election Commission for leave to participate in oral argument as *amicus curiae* and for divided argument denied.

No. 88-1640. MICHIGAN CITIZENS FOR AN INDEPENDENT PRESS ET AL. *v.* THORNBURGH, ATTORNEY GENERAL OF THE UNITED STATES, ET AL. C. A. D. C. Cir. [Certiorari granted, 490 U. S. 1045.] Motion of the Acting Solicitor General for divided argument denied. JUSTICE WHITE took no part in the consideration or decision of this motion.

Certiorari Denied

No. 89-5476 (A-175). WAYE *v.* MURRAY, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS. C. A. 4th Cir. Application for stay of execution of sentence of death, presented to THE CHIEF JUSTICE, and by him referred to the Court, denied. Certiorari denied. Reported below: 884 F. 2d 765.

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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.

No. 89-5477 (A-176). *WAYE v. TOWNLEY, WARDEN*. C. A. 4th Cir. Application for stay of execution of sentence of death, presented to THE CHIEF JUSTICE, and by him referred to the Court, denied. Certiorari denied. Reported below: 884 F. 2d 762.

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. 86-6023. *KUNKLE v. TEXAS*, *ante*, p. 925;

No. 87-746. *MICHAEL H. ET AL. v. GERALD D.*, 491 U. S. 110;

No. 87-1293. *BHANDARI v. FIRST NATIONAL BANK OF COMMERCE*, *ante*, p. 901;

No. 87-1697. *WILKINSON v. CONFEDERATED TRIBES AND BANDS OF THE YAKIMA INDIAN NATION ET AL.*, *ante*, p. 408;

No. 87-1711. *COUNTY OF YAKIMA ET AL. v. CONFEDERATED TRIBES AND BANDS OF THE YAKIMA INDIAN NATION ET AL.*, *ante*, p. 408;

No. 87-1854. *CORY v. STANDARD FEDERAL SAVINGS & LOAN ASSN. ET AL.*, *ante*, p. 918;

No. 87-5666. *HIGH v. ZANT, WARDEN*, *ante*, p. 926;

No. 87-5765. *STANFORD v. KENTUCKY*, *ante*, p. 361;

No. 87-6026. *WILKINS v. MISSOURI*, *ante*, p. 361;

No. 87-6406. *WILLIAMS v. LYNAUGH, DIRECTOR, TEXAS DEPARTMENT OF CORRECTIONS*, *ante*, p. 925;

No. 87-6997. *CARELLA v. CALIFORNIA*, 491 U. S. 263;

No. 88-226. *WARD ET AL. v. ROCK AGAINST RACISM*, 491 U. S. 781;

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- No. 88-305. *SOUTH CAROLINA v. GATHERS*, 490 U. S. 805;
No. 88-664. *DIAMOND v. CHARLES ET AL.*, *ante*, p. 905;
No. 88-1745. *COWHIG v. MARSH, SECRETARY OF THE ARMY*,
ante, p. 906;
No. 88-1760. *WORRELL v. B. F. GOODRICH CO.*, 491 U. S. 907;
No. 88-1817. *BARROW v. WAHL ET AL.*, 491 U. S. 907;
No. 88-1854. *DAVENPORT v. UNITED STATES*, 491 U. S. 907;
No. 88-5189. *CREWS v. ILLINOIS*, *ante*, p. 925;
No. 88-5237. *GUERRA v. TEXAS*, *ante*, p. 925;
No. 88-5437. *WILLIAMS v. GEORGIA*, *ante*, p. 925;
No. 88-5581. *POGGI v. CALIFORNIA*, *ante*, p. 925;
No. 88-6154. *BEATY v. ARIZONA*, 491 U. S. 910;
No. 88-6957. *LIGHTSEY v. YEAGER, WARDEN, ET AL.*, *ante*,
p. 909;
No. 88-6977. *JOHNSON v. DEPARTMENT OF JUSTICE*, 490 U. S.
1111;
No. 88-7062. *BEETS v. TEXAS*, *ante*, p. 912;
No. 88-7110. *PANTOJA v. STATEVILLE CORRECTIONAL CEN-
TER ET AL.*, *ante*, p. 921;
No. 88-7111. *BYNUM v. WOOD*, *ante*, p. 909;
No. 88-7114. *MADSEN v. MORRELL ET AL.*, *ante*, p. 909;
No. 88-7116. *HART v. FRAME ET AL.*, *ante*, p. 909;
No. 88-7120. *HERNANDEZ v. CALIFORNIA*, 491 U. S. 910;
No. 88-7169. *MASON v. REES, WARDEN*, *ante*, p. 921;
No. 88-7203. *SHANNON v. O'LEARY, WARDEN, ET AL.*, *ante*,
p. 922;
No. 88-7206. *COLEMAN ET AL. v. BUTLER*, *ante*, p. 922;
No. 88-7331. *WILLIAMS v. NEW YORK ET AL.*, *ante*, p. 923;
No. 88-7355. *HOLLAND v. UNITED STATES*, *ante*, p. 924;
No. 88-7394. *NGUYEN v. OKLAHOMA*, *ante*, p. 925;
No. 88-7408. *IN RE QUALMAN ET UX.*, *ante*, p. 916; and
No. 88-7458. *DARWALL, AKA FARMER v. MICHIGAN ET AL.*,
ante, p. 925. Petitions for rehearing denied.

No. 88-309. *WYOMING v. UNITED STATES ET AL.*, *ante*, p. 406.
Petition for rehearing filed by Wyoming denied. Petition for
rehearing filed by respondents Bradford Bath et al. denied. *JUS-
TICE O'CONNOR* took no part in the consideration or decision of
these petitions.

No. 88-5868. *BELMONTES v. CALIFORNIA*, 488 U. S. 1034.
Motion for leave to file petition for rehearing denied.

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No. 88-6078. *BRITZ v. ILLINOIS*, 489 U. S. 1044 and 490 U. S. 1042. Motion of petitioner for leave to file second petition for rehearing denied.

SEPTEMBER 5, 1989

Dismissals Under Rule 53

No. 89-77. *LOUISIANA DOCK CO., INC. v. LOGAN*. Sup. Ct. La. Certiorari dismissed under this Court's Rule 53. Reported below: 541 So. 2d 182.

No. 88-2063. *MINORCO v. CONSOLIDATED GOLD FIELDS PLC ET AL.* C. A. 2d Cir. Certiorari dismissed under this Court's Rule 53. Reported below: 871 F. 2d 252.

SEPTEMBER 13, 1989

Dismissal Under Rule 53

No. 89-195. *MONROE v. BUTLER, WARDEN*. Crim. Dist. Ct., Parish of Orleans, La. Certiorari dismissed under this Court's Rule 53.

Miscellaneous Order

No. A-159 (89-5221). *PASTER v. LYNAUGH, DIRECTOR, TEXAS DEPARTMENT OF CORRECTIONS*. 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. JUSTICE BLACKMUN and JUSTICE STEVENS would grant the application.

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.

SEPTEMBER 21, 1989

Dismissal Under Rule 53

No. 88-2017. *M/V LITSA, FKA LAURIE U v. SOUTHEASTERN MARITIME CO. ET AL.* C. A. 3d Cir. Certiorari dismissed as to Port Stevedoring Co., Inc., and Ryan-Walsh Stevedoring Co., Inc., under this Court's Rule 53. Reported below: 872 F. 2d 554.

SEPTEMBER 25, 1989

Miscellaneous Orders

No. A-58 (88-2010). *ROY v. UNITED STATES*. C. A. 11th Cir. Application to recall and stay the mandate, addressed to JUSTICE SCALIA and referred to the Court, denied.

No. A-85. *JOHNSTON ET AL. v. SMITH ET AL.* Super. Ct. Cal., San Mateo County. Application for stay, addressed to JUSTICE BRENNAN and referred to the Court, denied.

No. A-95 (88-2127). *VAHLSING v. MAINE*. Sup. Jud. Ct. Me. Application for stay, addressed to JUSTICE WHITE and referred to the Court, denied.

No. A-124. *ROSENTHAL v. ARABIAN ET AL.* C. A. 9th Cir. Application for stay, addressed to JUSTICE BRENNAN and referred to the Court, denied.

No. A-149 (89-237). *PAYNE v. IMMIGRATION AND NATURALIZATION SERVICE*. C. A. 4th Cir. Application for stay of deportation, addressed to JUSTICE O'CONNOR and referred to the Court, denied.

No. D-776. *IN RE DISBARMENT OF WERNER*. Disbarment entered. [For earlier order herein, see 490 U. S. 1016.]

No. D-779. *IN RE DISBARMENT OF LAMPERT*. Disbarment entered. [For earlier order herein, see 490 U. S. 1017.]

No. D-789. *IN RE DISBARMENT OF GUINAN*. Disbarment entered. [For earlier order herein, see 490 U. S. 1079.]

No. D-791. *IN RE DISBARMENT OF KROWEN*. Disbarment entered. [For earlier order herein, see 490 U. S. 1104.]

No. D-792. *IN RE DISBARMENT OF SCHAEFER*. Disbarment entered. [For earlier order herein, see 491 U. S. 902.]

No. D-805. *IN RE DISBARMENT OF POLLACK*. It is ordered that Elliott H. Pollack, of New York, N. Y., be suspended from the practice of law in this Court and that a rule issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

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No. D-806. IN RE DISBARMENT OF BIAGGI. It is ordered that Richard Mario Biaggi, of New York, N. Y., be suspended from the practice of law in this Court and that a rule issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. D-807. IN RE DISBARMENT OF CALLY. It is ordered that James J. Cally, of Flushing, N. Y., be suspended from the practice of law in this Court and that a rule issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. D-808. IN RE DISBARMENT OF ADDAMS. It is ordered that Nicholas A. Addams, of Washington, D. 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-809. IN RE DISBARMENT OF EHRLICH. It is ordered that Bernard Gordon Ehrlich, of New York, N. Y., be suspended from the practice of law in this Court and that a rule issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. D-810. IN RE DISBARMENT OF SIMON. It is ordered that Stanley Simon, of New York, N. Y., be suspended from the practice of law in this Court and that a rule issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. 87-1955. LEWIS, COMPTROLLER OF THE STATE OF FLORIDA *v.* CONTINENTAL BANK CORP. ET AL. C. A. 11th Cir. [Probable jurisdiction noted, 490 U. S. 1097.] Motion of appellant for divided argument denied.

No. 87-1979. CHESAPEAKE & OHIO RAILWAY CO. *v.* SCHWALB ET AL.; and

No. 88-127. NORFOLK & WESTERN RAILWAY CO. *v.* GOODE. Sup. Ct. Va. [Certiorari granted, 489 U. S. 1009.] Motion of the Solicitor General to permit Christine Desan Husson, Esq., to present oral argument *pro hac vice*, as *amicus curiae*, granted.

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No. 87-2048. *TEXACO INC. v. HASBROUCK, DBA RICK'S TEXACO, ET AL.* C. A. 9th Cir. [Certiorari granted, 490 U. S. 1105.] Motions for leave to file briefs as *amici curiae* filed by the following are granted: Motor & Equipment Manufacturers Association, National Association of Wholesaler-Distributors, Boise Cascade Corp., Society of Independent Gasoline Marketers of America et al., National Association of Texaco Wholesalers, American Petroleum Institute et al., Motor Vehicle Manufacturers Association of the United States et al., and Petroleum Marketers Association of America. Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 88-1105. *GUIDRY v. SHEET METAL WORKERS NATIONAL PENSION FUND ET AL.* C. A. 10th Cir. [Certiorari granted, *ante*, p. 904.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument denied. JUSTICE BLACKMUN would grant the motion.

No. 88-1323. *SULLIVAN, SECRETARY OF HEALTH AND HUMAN SERVICES, ET AL. v. EVERHART ET AL.* C. A. 10th Cir. [Certiorari granted, 490 U. S. 1080.] Motion of the Solicitor General to dispense with printing the joint appendix granted.

No. 88-1369. *MARYLAND v. BUIE.* Ct. App. Md. [Certiorari granted, 490 U. S. 1097.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 88-1480. *REVES ET AL. v. ARTHUR YOUNG & Co.* C. A. 8th Cir. [Certiorari granted, 490 U. S. 1105.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 88-1503. *CRUZAN, BY HER PARENTS AND CO-GUARDIANS, CRUZAN ET UX. v. DIRECTOR, MISSOURI DEPARTMENT OF HEALTH, ET AL.* Sup. Ct. Mo. [Certiorari granted, *ante*, p. 917.] Motion of petitioners to dispense with printing the joint appendix granted.

No. 88-1512. *FERENS ET UX. v. JOHN DEERE CO.* C. A. 3d Cir. [Certiorari granted, 490 U. S. 1064.] Motions of Pfizer,

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Inc., and Product Liability Advisory Council for leave to file briefs as *amici curiae* granted.

No. 88-1668. ATLANTIC RICHFIELD CO. *v.* USA PETROLEUM CO. C. A. 9th Cir. [Certiorari granted, 490 U. S. 1097.] Motion of American Newspaper Publishers Association for leave to file a brief as *amicus curiae* granted. Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 88-7146. WHITMORE, INDIVIDUALLY AND AS NEXT FRIEND OF SIMMONS *v.* ARKANSAS ET AL. Sup. Ct. Ark. [Certiorari granted, *ante*, p. 917.] Motion of respondents for divided argument and for additional time for oral argument denied.

SEPTEMBER 28, 1989

Miscellaneous Order

No. A-231 (89-5621). GRANT *v.* VASQUEZ, WARDEN. Sup. Ct. Cal. Application for stay of execution of sentence of death, presented to JUSTICE O'CONNOR, and by her 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 issuance of the mandate of this Court.

