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1. *Drunken-driving suspect—Incriminating utterances made while in police custody.*—Where respondent made incriminating statements while being booked for drunken driving, a police question whether he knew the date of his sixth birthday required a testimonial response and admission of his response at trial violated his privilege against self-incrimination; however, his incriminating utterances during his sobriety and breathalyzer tests were not prompted by an interrogation and should not have been suppressed; in addition, State Superior Court's ruling that his responses to routine "booking" questions should be suppressed is vacated. *Pennsylvania v. Muniz*, p. 582.

2. *Questioning by undercover police officer posing as inmate.*—An undercover law enforcement officer posing as a fellow inmate need not give warnings required by *Miranda v. Arizona*, 384 U. S. 436, to an incarcerated suspect before asking questions that may elicit an incriminating response. *Illinois v. Perkins*, p. 292.

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Pre-emption of state law—Tort claim for intentional infliction of emotional distress.—Where employee, frustrated by employer's failure to address her concerns about several perceived nuclear-safety violations at facility where she worked, marked, rather than cleaned, a contaminated work area and was ultimately discharged for that conduct, her state-law claim for intentional infliction of emotional distress was not pre-empted by federal law, either on theory that Congress has pre-empted field of nuclear safety or on theory that her specific claim conflicted with particular aspects of Act. *English v. General Electric Co.*, p. 72.

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EQUAL ACCESS TO JUSTICE ACT.

Attorney's fees for fee litigation—“Substantial justification.”—Equal Access to Justice Act’s “substantial justification” requirement establishes a clear threshold for determining a prevailing party’s eligibility for fees; thus, a finding that Government’s position in fee litigation itself was not substantially justified is not required before fees are awarded for services rendered during fee litigation. *Commissioner, INS v. Jean*, p. 154.

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against States that arise from state courts, including state tax refund actions. *McKesson Corp. v. Division of Alcoholic Beverages and Tobacco, Dept. of Business Regulation of Florida*, p. 18.

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2. *Social Security disability benefits—Court of appeals’ jurisdiction—Order invalidating regulations and remanding case for further administrative proceedings.*—Secretary of Health and Human Services may immediately appeal a district court order effectively invalidating regulations limiting kinds of inquiries that must be made to determine entitlement to Social Security disability benefits and remanding claim to Secretary for consideration without those restrictions. *Sullivan v. Finkelstein*, p. 617.

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1. *“A federal law which regulates the manufacture, use, or sale of drugs.”* 35 U. S. C. § 271(e)(1). *Eli Lilly & Co. v. Medtronic, Inc.*, p. 661.

2. *“Child support.”* § 402(a)(8)(A)(vi), Social Security Act, 42 U. S. C. § 602(a)(8)(A)(vi). *Sullivan v. Stroop*, p. 478.

3. *“Property of the debtor.”* Bankruptcy Code, 11 U. S. C. § 547(b). *Begier v. IRS*, p. 53.













