

ORDERS FOR FEBRUARY 28 THROUGH
MAY 1, 1992

FEBRUARY 28, 1992

Dismissals Under Rule 46

No. 91-1271. BURLINGTON COUNTY BRIDGE COMMISSION *v.* LACONIS. Super. Ct. Pa. Certiorari dismissed under this Court's Rule 46. Reported below: 400 Pa. Super. 483, 583 A. 2d 1218.

No. 91-1083. DOHERTY *v.* BARR, ATTORNEY GENERAL, ET AL. C. A. 2d Cir. Certiorari dismissed under this Court's Rule 46. Reported below: 943 F. 2d 204.

Certiorari Denied

No. 91-7437 (A-635). CLARK *v.* COLLINS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION. C. A. 5th Cir. Application for stay of execution of sentence of death, presented to JUSTICE SCALIA, and by him referred to the Court, denied. Certiorari denied. Reported below: 956 F. 2d 68.

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Vacated and Remanded on Appeal

No. 91-6255. SIGGERS ET AL. *v.* TUNICA COUNTY BOARD OF SUPERVISORS ET AL. Appeal from D. C. N. D. Miss. Motion of appellees for leave to proceed *in forma pauperis* granted. Judgment vacated and case remanded with instructions to dismiss the appeal as moot. *United States v. Munsingwear, Inc.*, 340 U. S. 36 (1950).

Certiorari Granted—Vacated and Remanded

No. 91-1116. HICKS *v.* BROWN GROUP, INC., DBA BROWN SHOE CO., INC. C. A. 8th Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of the Civil Rights Act of 1991. Reported below: 946 F. 2d 1344.

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No. 91-6586. DEAN *v.* VETERANS ADMINISTRATION. C. A. 6th Cir. Motion of petitioner for leave to proceed *in forma pauperis* granted. Certiorari granted, judgment vacated, and case remanded to the Court of Appeals to consider whether Rule 15(c) of the Federal Rules of Civil Procedure, as amended, applies to this case. Reported below: 943 F. 2d 667.

Miscellaneous Orders

No. D-1043. IN RE DISBARMENT OF FRAZER. Disbarment entered. [For earlier order herein, see 502 U. S. 935.]

No. D-1056. IN RE DISBARMENT OF TAUB. Disbarment entered. [For earlier order herein, see 502 U. S. 978.]

No. D-1057. IN RE DISBARMENT OF BERMAN. Disbarment entered. [For earlier order herein, see 502 U. S. 978.]

No. D-1058. IN RE DISBARMENT OF BONNER. Disbarment entered. [For earlier order herein, see 502 U. S. 979.]

No. D-1059. IN RE DISBARMENT OF MARQUARDT. Disbarment entered. [For earlier order herein, see 502 U. S. 1010.]

No. D-1085. IN RE DISBARMENT OF KENNEY. It is ordered that Donald J. Kenney, of Safford, Ariz., 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-1086. IN RE DISBARMENT OF NUZZO. It is ordered that Ralph A. Nuzzo, of Fairfield, 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-1087. IN RE DISBARMENT OF FOX. It is ordered that H. Lawrence Fox, of Alexandria, Va., 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-1088. IN RE DISBARMENT OF KRAMER. It is ordered that Arnold I. Kramer, of Chicago, Ill., 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. D-1089. *IN RE DISBARMENT OF WELLMAN*. It is ordered that Bruce D. Wellman, of Dixon, 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-1090. *IN RE DISBARMENT OF GARNER*. It is ordered that Gerald J. Garner, of Harrison, 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. 91-17. *ESTATE OF COWART v. NICKLOS DRILLING CO. ET AL.* C. A. 5th Cir. [Certiorari granted, 502 U. S. 1003.] Motion of the Solicitor General for divided argument granted.

No. 91-155. *INTERNATIONAL SOCIETY FOR KRISHNA CONSCIOUSNESS, INC., ET AL. v. LEE, SUPERINTENDENT OF PORT AUTHORITY POLICE*; and

No. 91-339. *LEE, SUPERINTENDENT OF PORT AUTHORITY POLICE v. INTERNATIONAL SOCIETY FOR KRISHNA CONSCIOUSNESS, INC., ET AL.* C. A. 2d Cir. [Certiorari granted, 502 U. S. 1022.] Motions of Multimedia Newspaper Co. et al. and American Federation of Labor and Congress of Industrial Organizations for leave to file briefs as *amici curiae* granted.

No. 91-543. *NEW YORK v. UNITED STATES ET AL.*;

No. 91-558. *COUNTY OF ALLEGANY, NEW YORK v. UNITED STATES ET AL.*; and

No. 91-563. *COUNTY OF CORTLAND, NEW YORK v. UNITED STATES ET AL.* C. A. 2d Cir. [Certiorari granted, 502 U. S. 1023.] Motion of Council of State Governments for leave to file a brief as *amicus curiae* granted.

No. 91-872. *UNITED STATES v. SALERNO ET AL.* C. A. 2d Cir. [Certiorari granted, 502 U. S. 1056.] Motion of the Solicitor General to dispense with printing the joint appendix granted.

No. 91-1108. *DEKALB BOARD OF REALTORS, INC., ET AL. v. THOMPSON, DBA FLETCHER L. THOMPSON REALTY, ET AL.* C. A. 11th Cir. The Solicitor General is invited to file a brief in this case expressing the views of the United States.

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No. 91-6392. *HEAD v. THORNBURG*, ATTORNEY GENERAL OF NORTH CAROLINA. C. A. 4th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied pursuant to this Court's Rule 39.8. Petitioner is allowed until March 23, 1992, within which to pay the docketing fee required by Rule 38(a) and to submit a petition in compliance with Rule 33 of the Rules of this Court.

JUSTICE STEVENS, with whom JUSTICE BLACKMUN joins, dissenting.

Earlier this Term, the Court applied its new Rule 39.8¹ for the first time, denying *in forma pauperis* status to two indigent litigants—Vladimir Zatko and James Martin. *Zatko v. California*, 502 U.S. 16 (1991) (*per curiam*). In explaining its action, the Court emphasized that Zatko and Martin were “unique.” *Id.*, at 18. What distinguished these petitioners, the Court explained, was not the frivolousness, but the frequency of their filings. Indeed, the Court found it “important to observe” that it had not applied Rule 39.8 to numerous other frivolous petitions. *Ibid.* The Court noted that these other petitions were denied “in the usual manner, underscoring our commitment to hearing the claims, however meritless, of the poor.” *Ibid.*

Zatko had filed 73 petitions in this Court over the past 10 years; Martin had filed more than 45. *Id.*, at 17. In invoking Rule 39.8 today, the Court denies leave to proceed *in forma pauperis* to petitioner Joseph Head. Head has previously filed *one* petition in this Court.²

Today's action thus represents an unexplained expansion of Rule 39.8 and an apparent rejection of the explanation for the action taken with respect to petitioners Zatko and Martin. I would grant leave to proceed *in forma pauperis*, deny the petition for writ of certiorari, and get on with the business of the Court.

No. 91-6781. *KATTULA v. UNITED STATES*. C. A. 4th Cir. Motion of petitioner for leave to proceed *in forma pauperis* de-

¹This Court's Rule 39.8 provides:

“If satisfied that a petition for a writ of certiorari, jurisdictional statement, or petition for an extraordinary writ, as the case may be, is frivolous or malicious, the Court may deny a motion for leave to proceed *in forma pauperis*.”

²See *Head v. Pinion*, 500 U.S. 956 (1991).

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nied. Petitioner is allowed until March 23, 1992, within which to pay the docketing fee required by Rule 38(a) and to submit a petition in compliance with Rule 33 of the Rules of this Court.

No. 91-7005. IN RE GILES; and

No. 91-7203. IN RE KALTENBACH. Petitions for writs of habeas corpus denied.

No. 91-6926. IN RE MARIN; and

No. 91-6964. IN RE ZOLICOFFER. Petitions for writs of mandamus denied.

Certiorari Granted

No. 91-687. MONTANA *v.* IMLAY. Sup. Ct. Mont. Certiorari granted. Reported below: 249 Mont. 82, 813 P. 2d 979.

No. 91-719. PARKE, WARDEN *v.* RALEY. C. A. 6th Cir. Certiorari granted. Reported below: 945 F. 2d 137.

No. 91-781. UNITED STATES *v.* A PARCEL OF LAND, BUILDINGS, APPURTENANCES, AND IMPROVEMENTS, KNOWN AS 92 BUENA VISTA AVENUE, RUMSON, NEW JERSEY, ET AL. C. A. 3d Cir. Certiorari granted. Reported below: 937 F. 2d 98.

No. 91-905. BARR, ATTORNEY GENERAL, ET AL. *v.* FLORES ET AL. C. A. 9th Cir. Certiorari granted. Reported below: 942 F. 2d 1352.

No. 91-946. CHURCH OF SCIENTOLOGY OF CALIFORNIA *v.* UNITED STATES ET AL. C. A. 9th Cir. Certiorari granted.

No. 91-1188. ROWLAND, FORMER DIRECTOR, CALIFORNIA DEPARTMENT OF CORRECTIONS, ET AL. *v.* CALIFORNIA MEN'S COLONY, UNIT II MEN'S ADVISORY COUNCIL. C. A. 9th Cir. Certiorari granted. Reported below: 939 F. 2d 854.

No. 91-6194. CROSBY *v.* UNITED STATES. C. A. 8th Cir. Motion of petitioner for leave to proceed *in forma pauperis* granted. Certiorari granted. Reported below: 951 F. 2d 357.

No. 91-6646. HADLEY *v.* UNITED STATES. C. A. 9th Cir. Motion of petitioner for leave to proceed *in forma pauperis* granted. Certiorari granted. Reported below: 918 F. 2d 848.

Certiorari Denied

No. 91-560. COOK ET AL. *v.* ALEXANDER ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 927 F. 2d 1014.

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No. 91-676. *GUMBY ET AL. v. GENERAL PUBLIC UTILITIES CORP. ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 940 F. 2d 832.

No. 91-691. *THULEN v. BAUSMAN, SHERIFF, CARROLL COUNTY, ILLINOIS*; and

No. 91-1045. *UPTON v. THOMPSON, SHERIFF OF KANKAKEE COUNTY.* C. A. 7th Cir. Certiorari denied. Reported below: 930 F. 2d 1209.

No. 91-761. *PENN CENTRAL CORP. v. UNITED STATES ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 944 F. 2d 164.

No. 91-843. *LITTLE FOREST MEDICAL CENTER OF AKRON v. OHIO CIVIL RIGHTS COMMISSION.* Sup. Ct. Ohio. Certiorari denied. Reported below: 61 Ohio St. 3d 607, 575 N. E. 2d 1164.

No. 91-915. *ISCA ENTERPRISES ET AL. v. CITY OF NEW YORK ET AL.* Ct. App. N. Y. Certiorari denied. Reported below: 77 N. Y. 2d 688, 572 N. E. 2d 610.

No. 91-918. *KALAN INC. v. UNITED STATES*; and *HOSPITAL CORPORATION OF AMERICA v. UNITED STATES.* C. A. Fed. Cir. Certiorari denied. Reported below: 944 F. 2d 847 (first case); 945 F. 2d 417 (second case).

No. 91-986. *SHERMAN v. UNITED STATES ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 943 F. 2d 1319.

No. 91-1019. *CLEMONS ET AL. v. FEDERAL DEPOSIT INSURANCE CORPORATION.* C. A. 6th Cir. Certiorari denied. Reported below: 941 F. 2d 1209.

No. 91-1052. *GOODWIN v. UNITED STATES.* C. A. 3d Cir. Certiorari denied. Reported below: 937 F. 2d 98.

No. 91-1081. *WIRSING v. BOARD OF REGENTS OF UNIVERSITY OF COLORADO ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 945 F. 2d 412.

No. 91-1082. *FOSTER v. RUTGERS, THE STATE UNIVERSITY, ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 909 F. 2d 1476.

No. 91-1100. *FUNNELL v. MARTIN.* Ct. App. Okla. Certiorari denied.

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No. 91-1102. *CHEZ SEZ III CORP. ET AL. v. TOWNSHIP OF UNION ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 945 F. 2d 628.

No. 91-1103. *CENTRAL GMC, INC. v. GENERAL MOTORS CORP.* C. A. 4th Cir. Certiorari denied. Reported below: 946 F. 2d 327.

No. 91-1110. *HARWOOD v. PARTREDEREIT AF. 15.5.81.* C. A. 4th Cir. Certiorari denied. Reported below: 944 F. 2d 1187.

No. 91-1119. *MCGILL v. DUCKWORTH ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 944 F. 2d 344.

No. 91-1121. *WILLOUGHBY v. WILLOUGHBY.* Dist. Ct. App. Fla., 5th Dist. Certiorari denied. Reported below: 587 So. 2d 1342.

No. 91-1126. *KUTSKO v. SUPERIOR COURT OF CALIFORNIA, CITY AND COUNTY OF SAN FRANCISCO (KUTSKO, REAL PARTY IN INTEREST).* Ct. App. Cal., 1st App. Dist. Certiorari denied.

No. 91-1127. *ACCARDO ET UX. v. COMMISSIONER OF INTERNAL REVENUE.* C. A. 7th Cir. Certiorari denied. Reported below: 942 F. 2d 444.

No. 91-1129. *BECK v. BECK.* Sup. Ct. Tex. Certiorari denied. Reported below: 814 S. W. 2d 745.

No. 91-1137. *LIN v. SECURITIES AND EXCHANGE COMMISSION.* C. A. 9th Cir. Certiorari denied. Reported below: 933 F. 2d 1014.

No. 91-1144. *STARR v. CITY OF ALTOONA ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 941 F. 2d 1203.

No. 91-1149. *NOBLE v. NATIONAL MINES CORP.* C. A. 6th Cir. Certiorari denied. Reported below: 941 F. 2d 1210.

No. 91-1156. *LOCRICCHIO ET AL. v. EVENING NEWS ASSN., INC., ET AL.* Sup. Ct. Mich. Certiorari denied. Reported below: 438 Mich. 84, 476 N. W. 2d 112.

No. 91-1189. *EVANS, INDIVIDUALLY AND AS GUARDIAN OF EVANS, WARD AND SPOUSE v. NORTHWEST AIRLINES, INC., ET AL.* Ct. App. Minn. Certiorari denied.

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No. 91-1223. *SANDERS v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 946 F. 2d 896.

No. 91-1257. *GUTHRIE, NOW DECEASED, BY AND THROUGH GUTHRIE v. TIFCO INDUSTRIES, INC., ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 941 F. 2d 374.

No. 91-5965. *PIZZUTO v. IDAHO*. Sup. Ct. Idaho. Certiorari denied. Reported below: 119 Idaho 742, 810 P. 2d 680.

No. 91-6157. *JAMES v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 937 F. 2d 619.

No. 91-6189. *HENDERSON v. ALABAMA*. Sup. Ct. Ala. Certiorari denied. Reported below: 583 So. 2d 305.

No. 91-6262. *ARKY v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 938 F. 2d 579.

No. 91-6290. *WOOD ET AL. v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 908 F. 2d 978.

No. 91-6365. *DAVIS v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 936 F. 2d 352.

No. 91-6378. *RIGSBY v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 943 F. 2d 631.

No. 91-6476. *WARNER ET AL. v. ELLERBE ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 937 F. 2d 600.

No. 91-6571. *RAMOS ET AL. v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 933 F. 2d 968.

No. 91-6690. *DUNCAN v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied. Reported below: 53 Cal. 3d 955, 810 P. 2d 131.

No. 91-6771. *STOWELL, AKA TUCKER v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 947 F. 2d 1251.

No. 91-6788. *PEDROZA v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 942 F. 2d 796.

No. 91-6828. *NETELKOS v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 947 F. 2d 938.

No. 91-6878. *SHELTON v. DAVIS ET AL.*; and

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No. 91-6879. *SHELTON v. MATTINA ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 948 F. 2d 1277.

No. 91-6881. *CARTER v. BARR ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 948 F. 2d 1294.

No. 91-6912. *FUNK v. LOYALTY ENTERPRISES, LTD.* C. A. 9th Cir. Certiorari denied. Reported below: 921 F. 2d 279.

No. 91-6913. *TAYLOR v. SCHWEITZER ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 951 F. 2d 357.

No. 91-6930. *TODARO v. FULCOMER, DEPUTY COMMISSIONER, WESTERN REGION, PENNSYLVANIA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 944 F. 2d 1079.

No. 91-6931. *BROWN v. WILLIAM, WARDEN, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 944 F. 2d 900.

No. 91-6937. *SPRINGER v. ROTH, WARDEN.* C. A. 7th Cir. Certiorari denied.

No. 91-6944. *NABKEY v. PECKERAL ET AL.* C. A. 6th Cir. Certiorari denied.

No. 91-6945. *BAHR v. DEPARTMENT OF THE ARMY.* C. A. Fed. Cir. Certiorari denied. Reported below: 950 F. 2d 731.

No. 91-6947. *FERRIS v. KASS, JUDGE, SECOND JUDICIAL COURT.* C. A. 10th Cir. Certiorari denied. Reported below: 940 F. 2d 1538.

No. 91-6948. *DEAN v. SMITH ET AL.* C. A. 11th Cir. Certiorari denied.

No. 91-6949. *DEAN v. HOMEOWNER'S REPAIR SERVICE ET AL.* C. A. 11th Cir. Certiorari denied.

No. 91-6950. *USHER v. JONES, SUPERINTENDENT, MOBERLY CORRECTIONAL CENTER.* C. A. 8th Cir. Certiorari denied. Reported below: 943 F. 2d 889.

No. 91-6951. *SCHLUP v. ARMONTROUT, WARDEN.* C. A. 8th Cir. Certiorari denied. Reported below: 941 F. 2d 631.

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No. 91-6955. GAUNCE *v.* BURGNER ET AL. C. A. 9th Cir. Certiorari denied.

No. 91-6960. FLORIAN *v.* LEFEVRE, SUPERINTENDENT, FRANKLIN CORRECTIONAL FACILITY, ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 948 F. 2d 1277.

No. 91-6971. SHABAZZ *v.* ARKANSAS. Sup. Ct. Ark. Certiorari denied. Reported below: 306 Ark. xxi.

No. 91-6975. DAVIS *v.* JABE, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 91-6976. WIDENHOUSE *v.* LOUISIANA. Ct. App. La., 2d Cir. Certiorari denied. Reported below: 582 So. 2d 1374.

No. 91-6980. SHAW *v.* MISSOURI. Sup. Ct. Mo. Certiorari denied.

No. 91-6981. WESLEY *v.* REDMAN ET AL. C. A. 6th Cir. Certiorari denied. Reported below: 947 F. 2d 947.

No. 91-6982. WHITE *v.* SINGLETARY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Certiorari denied. Reported below: 939 F. 2d 912.

No. 91-6983. MESSER *v.* KANSAS. Sup. Ct. Kan. Certiorari denied. Reported below: 249 Kan. ix, 815 P. 2d 119.

No. 91-6984. VORHAUER *v.* NIX ET AL. C. A. 3d Cir. Certiorari denied.

No. 91-6985. BROOKS ET AL. *v.* GEORGIA. Ct. App. Ga. Certiorari denied.

No. 91-6987. ALLEYN *v.* WARDEN, SMITHFIELD STATE PRISON. Sup. Ct. Pa. Certiorari denied.

No. 91-6990. HARRIS *v.* VASQUEZ, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 949 F. 2d 1497.

No. 91-6994. MITCHELL *v.* RENFRO ET AL. C. A. 6th Cir. Certiorari denied.

No. 91-6998. PARISEAU *v.* JAGO, SUPERINTENDENT, LONDON CORRECTIONAL INSTITUTION. C. A. 6th Cir. Certiorari denied. Reported below: 943 F. 2d 52.

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No. 91-7020. *LAWSON v. LEWIS ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 936 F. 2d 586.

No. 91-7022. *MURRAY v. DEPARTMENT OF HEALTH AND REHABILITATIVE SERVICES.* Sup. Ct. Fla. Certiorari denied. Reported below: 593 So. 2d 1052.

No. 91-7024. *RUB ET AL. v. ADOLPH RUB TRUST ET AL.* Sup. Ct. N. D. Certiorari denied. Reported below: 474 N. W. 2d 73.

No. 91-7044. *WATTS v. UNITED STATES.* C. A. 8th Cir. Certiorari denied. Reported below: 950 F. 2d 508.

No. 91-7055. *DIAZ-REYES v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 940 F. 2d 669.

No. 91-7057. *HUNTER v. LINDLER, WARDEN.* C. A. 4th Cir. Certiorari denied. Reported below: 944 F. 2d 901.

No. 91-7082. *DINGESS v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 952 F. 2d 397.

No. 91-7090. *SCHMALZRIED v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 947 F. 2d 1487.

No. 91-7091. *PETERS v. UNITED STATES.* C. A. 7th Cir. Certiorari denied. Reported below: 952 F. 2d 960.

No. 91-7093. *MCCAFFERTY v. LEAPLEY, WARDEN, ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 944 F. 2d 445.

No. 91-7099. *MOORE v. BARR, ATTORNEY GENERAL OF THE UNITED STATES, ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 944 F. 2d 911.

No. 91-7100. *OWENS v. DEPARTMENT OF VETERANS AFFAIRS.* C. A. 6th Cir. Certiorari denied. Reported below: 947 F. 2d 945.

No. 91-7110. *JACKSON v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. Reported below: 946 F. 2d 896.

No. 91-7114. *FARRIS v. TEXAS.* Ct. Crim. App. Tex. Certiorari denied. Reported below: 819 S. W. 2d 490.

No. 91-7125. *SWINICK v. DIAMOND ET AL.* Super. Ct. N. J., App. Div. Certiorari denied.

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No. 91-7126. *MILLER v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 948 F. 2d 631.

No. 91-7137. *PARKER v. FLORIDA*. Dist. Ct. App. Fla., 4th Dist. Certiorari denied. Reported below: 591 So. 2d 640.

No. 91-7144. *WILLIAMS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 936 F. 2d 1243.

No. 91-7148. *DANIELS v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 948 F. 2d 1033.

No. 91-7155. *PRIVETTE v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 947 F. 2d 1259.

No. 91-7161. *SINGLETERY v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 948 F. 2d 1283.

No. 91-7167. *ADEDEJI v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 948 F. 2d 1277.

No. 91-7194. *ECHOLS v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 951 F. 2d 352.

No. 91-7195. *PEA v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 947 F. 2d 946.

No. 91-7196. *OCAMPO v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 939 F. 2d 1455.

No. 91-7222. *RAMIREZ v. ILLINOIS*. Sup. Ct. Ill. Certiorari denied. Reported below: 141 Ill. 2d 555, 580 N. E. 2d 129.

No. 91-785. *CHRISTOPHERSEN, SURVIVING SPOUSE OF CHRISTOPHERSEN, DECEASED, ET AL. v. ALLIED-SIGNAL CORP. ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 939 F. 2d 1106.

JUSTICE WHITE, with whom JUSTICE BLACKMUN joins, dissenting.

This case concerns the appropriate standard for determining the admissibility of expert testimony. It is an issue that has long divided the federal courts, see *Mustafa v. United States*, 479 U. S. 953 (1986) (WHITE, J., joined by Brennan, J., dissenting from denial of certiorari), and here deeply divided the Court of Appeals for the Fifth Circuit, sitting en banc.

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Albert Roy Christophersen died of a rare form of cancer in 1986. Petitioners, his widow and son, brought suit, claiming that Christophersen's illness was caused by fumes from the manufacture of nickel/cadmium batteries in the factory where he had worked for 14 years. Petitioners based this claim upon the expert opinion of an internist and toxicologist. Respondents contended that there was no reliable basis for the expert's views and moved for summary judgment. The United States District Court for the Western District of Texas agreed that the doctor's affidavit was "not based upon the type of evidence usually relied upon by experts in the field of cancer research" and entered judgment for respondents. App. C to Pet. for Cert. 74-75.

A panel of the Court of Appeals reversed, 902 F. 2d 362 (1990), but on rehearing en banc, eight members of the court voted to affirm the judgment of the District Court, based in part on their conclusion that the admissibility of an expert witness' evidence should turn on whether his or her methodology is generally accepted within the scientific community. 939 F. 2d 1106 (1991) (*per curiam*). This standard, known as the *Frye* test, was announced almost 70 years ago. See *Frye v. United States*, 54 App. D. C. 46, 293 F. 1013 (1923). But five members of the Court of Appeals concluded that the *Frye* test was not the applicable evidentiary standard. 939 F. 2d, at 1116 (Clark, C. J., concurring in result); *id.*, at 1122, 1136 (Reavley, King, Johnson, Wiener, JJ., dissenting in two opinions).

As the Fifth Circuit is divided, so the Courts of Appeals are in disagreement. Some continue to apply the approach set forth in *Frye* in deciding whether expert evidence is admissible. *E. g.*, *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 951 F. 2d 1128 (CA9 1991); *United States v. Two Bulls*, 918 F. 2d 56 (CA8 1990); *United States v. Smith*, 869 F. 2d 348 (CA7 1989). But courts in other Circuits have concluded that *Frye* was superseded in 1975 by the Federal Rules of Evidence, which they maintain established a lower threshold for determining the admissibility of expert evidence. *E. g.*, *United States v. Jakobetz*, 955 F. 2d 786 (CA2 1992); *DeLuca v. Merrell Dow Pharmaceuticals, Inc.*, 911 F. 2d 941 (CA3 1990). Because this is an important and recurring issue, I would grant certiorari to resolve the conflict.

No. 91-883. CHILDREN'S LEGAL FOUNDATION, INC., ET AL. *v.* ACTION FOR CHILDREN'S TELEVISION ET AL.; and

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No. 91-952. FEDERAL COMMUNICATIONS COMMISSION ET AL. *v.* ACTION FOR CHILDREN'S TELEVISION ET AL. C. A. D. C. Cir. Certiorari denied. JUSTICE WHITE and JUSTICE O'CONNOR would grant certiorari. JUSTICE THOMAS took no part in the consideration or decision of these petitions. Reported below: 290 U. S. App. D. C. 4, 932 F. 2d 1504.

No. 91-966. MICHIGAN *v.* MASON. Ct. App. Mich. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied.

No. 91-1148. SOUTH CAROLINA *v.* MANNING. Sup. Ct. S. C. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 305 S. C. 413, 409 S. E. 2d 372.

No. 91-995. DEL TUFO, ATTORNEY GENERAL OF NEW JERSEY, ET AL. *v.* IVY CLUB. C. A. 3d Cir. Motion of Tiger Inn for leave to file a brief as *amicus curiae* out of time denied. Certiorari denied. Reported below: 943 F. 2d 270.

No. 91-1072. UTAH *v.* SAMPSON. Ct. App. Utah. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. JUSTICE WHITE and JUSTICE O'CONNOR would grant certiorari. Reported below: 808 P. 2d 1100.

No. 91-1109. CAMOSCIO *v.* ROUSE, JUDGE. Sup. Jud. Ct. Mass. Motion of petitioner for an order to direct respondent to correct the court docket denied. Certiorari denied.

No. 91-1117. SOUTHWESTERN BELL TELEPHONE CO. *v.* LANGSTON ET AL. C. A. Fed. Cir. Certiorari denied. JUSTICE O'CONNOR took no part in the consideration or decision of this petition. Reported below: 945 F. 2d 416.

No. 91-1166. PHONETELE, INC. *v.* AMERICAN TELEPHONE & TELEGRAPH CO. ET AL. C. A. 9th Cir. Certiorari denied. JUSTICE O'CONNOR took no part in the consideration or decision of this petition. Reported below: 889 F. 2d 224.

Rehearing Denied

No. 91-789. GRUNST *v.* UNITED STATES ET AL., 502 U. S. 1034;
No. 91-6312. DAMIAN *v.* FEDERAL EXPRESS CORP., 502 U. S. 1050;

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No. 91-6390. *KENT v. DEPARTMENT OF LABOR*, 502 U. S. 1042;
No. 91-6438. *NEWCOMB v. INGLE ET AL.*, 502 U. S. 1044; and
No. 91-6472. *JOHNSON v. UNITED STATES*, 502 U. S. 1063.
Petitions for rehearing denied.

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Certiorari Denied

No. 91-7476 (A-651). *ELLIS v. TEXAS*. Ct. Crim. App. Tex. Application for stay of execution of sentence of death, presented to JUSTICE SCALIA, and by him referred to the Court, denied. Certiorari denied. JUSTICE BLACKMUN and JUSTICE SOUTER would grant the application for stay of execution.

No. 91-7477 (A-652). *ELLIS v. COLLINS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION*. C. A. 5th Cir. Application for stay of execution of sentence of death, presented to JUSTICE SCALIA, and by him referred to the Court, denied. Certiorari denied. JUSTICE BLACKMUN and JUSTICE SOUTER would grant the application for stay of execution. Reported below: 956 F. 2d 76.

MARCH 6, 1992

Dismissal Under Rule 46

No. 91-891. *EICHLEAY CORP. v. INTERNATIONAL ASSOCIATION OF BRIDGE, STRUCTURAL & ORNAMENTAL IRON WORKERS ET AL.* C. A. 3d Cir. Certiorari dismissed under this Court's Rule 46. Reported below: 944 F. 2d 1047.

Certiorari Denied

No. 91-7240 (A-641). *ROBISON v. OKLAHOMA*. Ct. Crim. App. Okla. 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: 818 P. 2d 1250.

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Dismissals Under Rule 46

No. 91-1182. *CITY OF EMPORIA, KANSAS v. RENFRO ET AL.* C. A. 10th Cir. Certiorari dismissed under this Court's Rule 46. Reported below: 948 F. 2d 1529.

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No. 88-790. TURNOCK, DIRECTOR OF THE ILLINOIS DEPARTMENT OF PUBLIC HEALTH, ET AL. *v.* RAGSDALE ET AL. C. A. 7th Cir. [Probable jurisdiction postponed, 492 U. S. 916.] Appeal dismissed under this Court's Rule 46.

Certiorari Granted—Vacated and Remanded

No. 90-7699. MINNIEFIELD *v.* PERKINS. 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 *Hudson v. McMillian*, *ante*, p. 1. Reported below: 917 F. 2d 561.

Miscellaneous Orders

No. — — —. VAN WOUNDENBERG *v.* OKLAHOMA. Motion for leave to proceed *in forma pauperis* without an affidavit of indigency executed by petitioner granted.

No. D-1060. IN RE DISBARMENT OF BLUMENFELD. Disbarment entered. [For earlier order herein, see 502 U. S. 1010.]

No. D-1061. IN RE DISBARMENT OF WALDRON. Disbarment entered. [For earlier order herein, see 502 U. S. 1010.]

No. D-1064. IN RE DISBARMENT OF SOLOMON. Disbarment entered. [For earlier order herein, see 502 U. S. 1011.]

No. D-1067. IN RE DISBARMENT OF CARDIN. Disbarment entered. [For earlier order herein, see 502 U. S. 1026.]

No. D-1091. IN RE DISBARMENT OF CRABTREE. It is ordered that Granville H. Crabtree, Jr., of Sarasota, 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-1092. IN RE DISBARMENT OF DEVINE. It is ordered that Stephen John Devine, of Norristown, 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-1093. IN RE DISBARMENT OF ROBBINS. It is ordered that Alan E. Robbins, of Van Nuys, Cal., 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. 108, Orig. NEBRASKA *v.* WYOMING ET AL. Motions of National Audubon Society and Platte River Whooping Crane Critical Habitat Maintenance Trust for leave to file briefs as *amici curiae* granted. [For earlier order herein, see, *e. g.*, 502 U. S. 1055.]

No. 90–747. UNITED STATES DEPARTMENT OF STATE *v.* RAY ET AL., 502 U. S. 164. Motion of respondents to retax costs denied. JUSTICE BLACKMUN would grant this motion.

No. 90–1676. GADE, DIRECTOR, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY *v.* NATIONAL SOLID WASTES MANAGEMENT ASSN. C. A. 7th Cir. [Certiorari granted, 502 U. S. 1012.] Motion of the Solicitor General to permit William K. Kelly, Esq., to present oral argument *pro hac vice* granted.

No. 91–17. ESTATE OF COWART *v.* NICKLOS DRILLING CO. ET AL. C. A. 5th Cir. [Certiorari granted, 502 U. S. 1003.] Motions of Petroleum Helicopters, Inc., et al. and National Association of Stevedores et al. for leave to file briefs as *amici curiae* granted.

No. 91–542. WRIGHT, WARDEN, ET AL. *v.* WEST. C. A. 4th Cir. [Certiorari granted, 502 U. S. 1012.] Motion of the Attorney General of North Dakota to withdraw as *amicus curiae* granted.

No. 91–543. NEW YORK *v.* UNITED STATES ET AL.;

No. 91–558. COUNTY OF ALLEGANY, NEW YORK *v.* UNITED STATES ET AL.; and

No. 91–563. COUNTY OF CORTLAND, NEW YORK *v.* UNITED STATES ET AL. C. A. 2d Cir. [Certiorari granted, 502 U. S. 1023.] Motion of respondents Washington et al. for divided argument granted.

No. 91–763. REPUBLIC OF ARGENTINA ET AL. *v.* WELTOVER, INC., ET AL. C. A. 2d Cir. [Certiorari granted, 502 U. S. 1024.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 91–786. CLARKE *v.* LOMA LINDA FOODS, INC., ET AL., 502 U. S. 1034. Respondents are invited to file a response to the petition for rehearing within 30 days.

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No. 91-894. MAXIE ET AL. *v.* FELIX, 502 U.S. 1093. Motion of respondent for leave to proceed *in forma pauperis* granted.

No. 91-1195. BEIJING EVER BRIGHT INDUSTRIAL CO. *v.* TIMBER FALLING CONSULTANTS, INC. C. A. 9th Cir. The Solicitor General is invited to file a brief in this case expressing the views of the United States.

No. 91-1370. KING *v.* PALMER, DIRECTOR, DISTRICT OF COLUMBIA DEPARTMENT OF CORRECTIONS, ET AL. C. A. D. C. Cir. Motion of petitioner to expedite consideration of the petition for writ of certiorari denied. JUSTICE THOMAS took no part in the consideration or decision of this motion.

No. 91-6821. IN RE ANDERSON. Petition for writ of mandamus denied.

Certiorari Granted

No. 91-1010. PUERTO RICO AQUEDUCT AND SEWER AUTHORITY *v.* METCALF & EDDY, INC. C. A. 1st Cir. Certiorari granted. Reported below: 945 F. 2d 10.

No. 91-1200. CITY OF CINCINNATI *v.* DISCOVERY NETWORK, INC., ET AL. C. A. 6th Cir. Certiorari granted. Reported below: 946 F. 2d 464.

No. 91-6516. SOLDAL ET UX. *v.* COOK COUNTY, ILLINOIS, ET AL. C. A. 7th Cir. Motion of petitioners for leave to proceed *in forma pauperis* granted. Certiorari granted. Reported below: 942 F. 2d 1073.

Certiorari Denied

No. 90-1208. PEARSON ET UX. *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 917 F. 2d 1215.

No. 90-8325. JOUBERT *v.* NEBRASKA. Sup. Ct. Neb. Certiorari denied. Reported below: 237 Neb. xxxi.

No. 91-873. RYAN ET AL. *v.* CITY OF CHICAGO ET AL. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 206 Ill. App. 3d 968, 565 N. E. 2d 68.

No. 91-914. YOUNG *v.* SULLIVAN, SECRETARY OF HEALTH AND HUMAN SERVICES. C. A. D. C. Cir. Certiorari denied. Reported below: 292 U. S. App. D. C. 88, 946 F. 2d 1568.

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No. 91-947. *FINKELMAN v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 9th Cir. Certiorari denied. Reported below: 937 F. 2d 612.

No. 91-967. *TEICH v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 948 F. 2d 1277.

No. 91-997. *OFFICIAL COMMITTEE OF UNSECURED CREDITORS OF WHITE FARM EQUIPMENT Co. v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 943 F. 2d 752.

No. 91-1001. *NYE COUNTY, NEVADA, ET AL. v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 938 F. 2d 1040.

No. 91-1074. *MEYER v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 943 F. 2d 1317.

No. 91-1113. *LEGISLATURE OF THE STATE OF CALIFORNIA ET AL. v. EU ET AL.*; and

No. 91-1114. *CALIFORNIANS FOR A CITIZEN GOVERNMENT v. LEGISLATURE OF THE STATE OF CALIFORNIA ET AL.* Sup. Ct. Cal. Certiorari denied. Reported below: 54 Cal. 3d 492, 816 P. 2d 1309.

No. 91-1130. *ILLINOIS v. KRUEGER*. App. Ct. Ill., 2d Dist. Certiorari denied. Reported below: 208 Ill. App. 3d 897, 567 N. E. 2d 717.

No. 91-1143. *OWENS-CORNING FIBERGLAS CORP. ET AL. v. WEBB ET AL.* Ct. App. Tex., 6th Dist. Certiorari denied. Reported below: 809 S. W. 2d 899.

No. 91-1147. *GNATOVICH v. OHIO*. Ct. App. Ohio, Medina County. Certiorari denied.

No. 91-1150. *JAMA CONSTRUCTION CORP., INC. v. CITY OF LOS ANGELES ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 938 F. 2d 1045.

No. 91-1154. *STANDARD FRUIT Co. ET AL. v. REPUBLIC OF NICARAGUA*. C. A. 9th Cir. Certiorari denied. Reported below: 937 F. 2d 469.

No. 91-1165. *ILLINOIS v. CASAZZA ET AL.* Sup. Ct. Ill. Certiorari denied. Reported below: 144 Ill. 2d 414, 581 N. E. 2d 651.

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No. 91-1167. *SKY CHEFS, INC. v. DIAS*. C. A. 9th Cir. Certiorari denied. Reported below: 948 F. 2d 532.

No. 91-1168. *INTERNATIONAL EATERIES OF AMERICA, INC. v. BROWARD COUNTY, FLORIDA*. C. A. 11th Cir. Certiorari denied. Reported below: 941 F. 2d 1157.

No. 91-1174. *MEYERS v. KALLESTEAD, DBA BETTE MOM'S TAVERN*. Sup. Ct. Iowa. Certiorari denied. Reported below: 476 N. W. 2d 65.

No. 91-1181. *COLEMAN v. VIRGINIA*. Sup. Ct. Va. Certiorari denied.

No. 91-1187. *HOOPER v. ALABAMA*. Ct. Crim. App. Ala. Certiorari denied. Reported below: 585 So. 2d 142.

No. 91-1190. *ARIZONA v. QUINTON*. Ct. App. Ariz. Certiorari denied. Reported below: 168 Ariz. 545, 815 P. 2d 914.

No. 91-1192. *LAKE AT LAS VEGAS INVESTORS GROUP, INC. v. TRANSCONTINENTAL CORP. ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 933 F. 2d 724.

No. 91-1215. *BLAS, AS PERSONAL REPRESENTATIVE OF THE ESTATE OF BLAS v. GOVERNMENT OF GUAM ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 941 F. 2d 778.

No. 91-1245. *DENNIS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 941 F. 2d 295.

No. 91-1298. *NOWICKI v. WISCONSIN SUPREME COURT, JUDICIAL ADMINISTRATIVE DISTRICTS 1, 2, AND 3, ET AL.* Sup. Ct. Wis. Certiorari denied.

No. 91-6239. *GARCIA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 940 F. 2d 656.

No. 91-6296. *JACOBS v. SUPREME COURT OF MISSOURI*. Sup. Ct. Mo. Certiorari denied.

No. 91-6542. *COLETTI v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 921 F. 2d 285.

No. 91-6638. *LEWIS v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied. Reported below: 815 S. W. 2d 560.

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No. 91-6668. *LEWIS v. RUSSE ET AL.* C. A. 7th Cir. Certiorari denied.

No. 91-6672. *FOSTER v. GEORGIA ET AL.* Sup. Ct. Ga. Certiorari denied. Reported below: 261 Ga. 450, 406 S. E. 2d 74.

No. 91-6703. *DAVIS v. UNITED STATES.* C. A. 3d Cir. Certiorari denied. Reported below: 947 F. 2d 937.

No. 91-6724. *MEDINA v. UNITED STATES.* C. A. 11th Cir. Certiorari denied. Reported below: 946 F. 2d 903.

No. 91-6750. *MANFRED v. DERWINSKI, SECRETARY OF VETERANS AFFAIRS.* C. A. Fed. Cir. Certiorari denied. Reported below: 950 F. 2d 731.

No. 91-6763. *BOYLE v. TEXAS.* Ct. Crim. App. Tex. Certiorari denied. Reported below: 820 S. W. 2d 122.

No. 91-6784. *TORO ARISTIZABAL v. UNITED STATES.* C. A. 1st Cir. Certiorari denied. Reported below: 940 F. 2d 722.

No. 91-6816. *BONHAM v. BOBO ET AL.* C. A. D. C. Cir. Certiorari denied. Reported below: 292 U. S. App. D. C. 83, 946 F. 2d 1563.

No. 91-6823. *WENINGER v. BROOKS.* C. A. 10th Cir. Certiorari denied.

No. 91-6872. *DEMAREST v. MANSPEAKER, CLERK OF THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLORADO, ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 948 F. 2d 655.

No. 91-6890. *COX v. UNITED STATES.* C. A. 8th Cir. Certiorari denied. Reported below: 942 F. 2d 1282.

No. 91-6952. *KENNEDY v. INDIANA.* Sup. Ct. Ind. Certiorari denied. Reported below: 578 N. E. 2d 633.

No. 91-6993. *MAURER v. LOS ANGELES COUNTY SHERIFF'S DEPARTMENT ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 930 F. 2d 28.

No. 91-7000. *SUN v. FORRESTER.* C. A. 11th Cir. Certiorari denied. Reported below: 939 F. 2d 924.

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No. 91-7003. *DIXON v. DEPARTMENT OF SERVICES FOR CHILDREN ET AL.* Sup. Ct. Del. Certiorari denied. Reported below: 586 A. 2d 1201.

No. 91-7009. *CAIN v. REDMAN, WARDEN.* C. A. 6th Cir. Certiorari denied. Reported below: 947 F. 2d 817.

No. 91-7011. *STEELE v. MINNESOTA.* Ct. App. Minn. Certiorari denied.

No. 91-7026. *COVILLION v. AETNA LIFE & CASUALTY ET AL.* C. A. 1st Cir. Certiorari denied. Reported below: 946 F. 2d 881.

No. 91-7029. *BUTLER v. BURTON, WARDEN.* C. A. 11th Cir. Certiorari denied.

No. 91-7032. *JACKSON v. DOW CHEMICAL Co. ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 861 F. 2d 717.

No. 91-7033. *FRESQUEZ v. CALIFORNIA.* Ct. App. Cal., 1st App. Dist. Certiorari denied.

No. 91-7035. *KEYES v. HUCKLEBERRY HOUSE ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 936 F. 2d 578.

No. 91-7042. *ROBINSON v. PONTE, SUPERINTENDENT, OLD COLONY CORRECTIONAL CENTER.* C. A. 1st Cir. Certiorari denied. Reported below: 933 F. 2d 101.

No. 91-7043. *ORTIS ET AL. v. DELMAR OFFSHORE, INC., ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 945 F. 2d 401.

No. 91-7046. *McKINNEY v. SINGLETARY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS.* C. A. 11th Cir. Certiorari denied. Reported below: 948 F. 2d 1296.

No. 91-7068. *ELDER v. HAHN, SUPERINTENDENT, TENNESSEE FEDERAL PRISON CAMP.* C. A. 6th Cir. Certiorari denied. Reported below: 948 F. 2d 1288.

No. 91-7095. *PRATHER v. THOMAS ET AL.* Sup. Ct. Ga. Certiorari denied. Reported below: 261 Ga. XXX, 411 S. E. 2d 42.

No. 91-7096. *PHELPS v. ANGELONE, DIRECTOR, NEVADA DEPARTMENT OF PRISONS, ET AL.* C. A. 9th Cir. Certiorari denied.

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No. 91-7112. *NABRASKI v. WORKERS' COMPENSATION APPEALS BOARD ET AL.* Sup. Ct. Cal. Certiorari denied.

No. 91-7180. *SMITH v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. Reported below: 948 F. 2d 1291.

No. 91-7192. *WALSH v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. Reported below: 940 F. 2d 664.

No. 91-7199. *ANDERSON v. UNITED STATES.* C. A. 3d Cir. Certiorari denied. Reported below: 947 F. 2d 937.

No. 91-7202. *GALE v. UNITED STATES.* C. A. D. C. Cir. Certiorari denied. Reported below: 293 U. S. App. D. C. 218, 952 F. 2d 1412.

No. 91-7205. *GALLARDO v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 951 F. 2d 346.

No. 91-7208. *ALLRED v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 919 F. 2d 734.

No. 91-7209. *BOCK, AKA CULLOM v. UNITED STATES.* C. A. 11th Cir. Certiorari denied. Reported below: 952 F. 2d 410.

No. 91-7217. *COOPER v. UNITED STATES.* C. A. 7th Cir. Certiorari denied. Reported below: 942 F. 2d 1200.

No. 91-7227. *MITCHELL v. UNITED STATES.* Ct. App. D. C. Certiorari denied. Reported below: 595 A. 2d 1010.

No. 91-7253. *CLAY v. KENTUCKY.* Sup. Ct. Ky. Certiorari denied. Reported below: 818 S. W. 2d 264.

No. 91-774. *HIERSCHE, PERSONAL REPRESENTATIVE OF THE ESTATE OF HIERSCHE, DECEASED v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 933 F. 2d 1014.

Opinion of JUSTICE STEVENS, respecting the denial of the petition for writ of certiorari.

Petitioner asks us to resolve a recurring conflict among the Courts of Appeals concerning the meaning of a once obscure sentence in §3 of the Mississippi River Flood Control Act of 1928.¹

¹Section 3 of the statute, which is now codified as 33 U. S. C. § 702c, reads in full as follows:

“SEC. 3. Except when authorized by the Secretary of War upon the recommendation of the Chief of Engineers, no money appropriated under authority of this Act shall be expended on the construction of any item of the project until the States or levee districts have given assurances satisfactory

During the past decade that sentence has assumed greater and greater importance because it has provided the Government with a defense to claims for personal injury and death caused by federal negligence, gross negligence, and even “conscious governmental indifference to the safety of the public.” *United States v. James*, 478 U. S. 597, 600 (1986) (citation and internal quotation marks omitted).²

This is the latest in an expanding series of tragic cases. Jerome Hiersche, a professional diver, contracted with the Government to inspect submerged fish screens at the hydroelectric intake on the John Day Dam on the Columbia River between Oregon and Washington. Although Government employees assured him that the water flow to the fish bypass system would be shut off, they negligently failed to do so. Petitioner’s head was drawn into an orifice in the fish bypass system, and he suffered fatal injuries. The Government defended this wrongful-death action

to the Secretary of War that they will (a) maintain all flood-control works after their completion, except controlling and regulating spillway structures, including special relief levees; maintenance includes normally such matters as cutting grass, removal of weeds, local drainage, and minor repairs of main river levees; (b) agree to accept land turned over to them under the provisions of section 4; (c) provide without cost to the United States, all rights of way for levee foundations and levees on the main stem of the Mississippi River between Cape Girardeau, Missouri, and the Head of Passes.

“No liability of any kind shall attach to or rest upon the United States for any damage from or by floods or flood waters at any place: Provided, however, That if in carrying out the purposes of this Act it shall be found that upon any stretch of the banks of the Mississippi River it is impracticable to construct levees, either because such construction is not economically justified or because such construction would unreasonably restrict the flood channel, and lands in such stretch of the river are subjected to overflow and damage which are not now overflowed or damaged by reason of the construction of levees on the opposite banks of the river it shall be the duty of the Secretary of War and the Chief of Engineers to institute proceedings on behalf of the United States Government to acquire either the absolute ownership of the lands so subjected to overflow and damage or floodage rights over such lands.” 45 Stat. 535–536 (emphasis added).

² As one court noted, while Congress often enacts special legislation to aid the victims of floods, thus mitigating the harsh effect of § 702c with respect to property damage, Congress does not pass special legislation to assist individuals who suffer personal injury in flood-control waters as a result of Government negligence. See *Fryman v. United States*, 901 F. 2d 79, 80 (CA7), cert. denied, 498 U. S. 920 (1990).

on the ground that the 1928 Act immunizes it from liability for all personal injuries caused by its employees in federal flood-control projects. Following this Court's unfortunate decision in *James*, as well as settled precedent in the Ninth Circuit,³ the District Court and the Court of Appeals sustained that defense.

Since 1928 when Congress authorized the construction of the levees on the banks of the Mississippi River, the number and importance of federal flood-control projects has grown dramatically. In addition to controlling floods, these projects generate hydroelectric power and create artificial lakes that serve important recreational and conservation purposes. In some Circuits the Government's flood-control immunity would not constitute a defense in the case of injuries resulting from Government conduct that was unrelated to any flood-control purpose, see, e. g., *Boyd v. United States ex rel. United States Army, Corps of Engineers*, 881 F. 2d 895 (CA10 1989); *Hayes v. United States*, 585 F. 2d 701 (CA4 1978). If this case had arisen in one of those Circuits, the claim would likely succeed because Hiersche's assignment related to fish conservation and power generation, rather than flood control. But in the Ninth Circuit, if flood control was one of the purposes of the Act of Congress authorizing the project itself, the immunity applies.⁴ The Seventh Circuit has suggested that immunity might depend on whether the flood-control activities at the project increased the probability of injury. See *Fryman v. United States*, 901 F. 2d 79 (CA7), cert. denied, 498 U. S. 920 (1990).

This Court has a duty to resolve conflicts among the courts of appeals. As several scholars have recognized, however, that duty is not absolute.⁵ Some conflicts are tolerable. Others can be resolved more effectively by Congress. This is such a case.

³See *McCarthy v. United States*, 850 F. 2d 558 (1988), cert. denied, 489 U. S. 1052 (1989).

⁴See *McCarthy v. United States*, 850 F. 2d, at 562; see also *Zavadil v. United States*, 908 F. 2d 334 (CA8 1990) (*per curiam*), cert. denied, 498 U. S. 1108 (1991); *Mocklin v. Orleans Levee District*, 877 F. 2d 427 (CA5 1989).

⁵See generally A. Hellman, *Unresolved Intercircuit Conflicts: The Nature and Scope of the Problem*, Final Report: Phase I, pp. 65–80 (1991) (report of Federal Judicial Center); Wallace, *The Nature and Extent of Intercircuit Conflicts: A Solution Needed for a Mountain or a Molehill?*, 71 *Calif. L. Rev.* 913, 929–931 (1983).

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The statute at issue here is an anachronism. It was enacted 18 years before the Federal Tort Claims Act, 28 U. S. C. § 2671 *et seq.*, waived the Federal Government's sovereign immunity from liability for personal injuries. At the time of its enactment, no consideration was given to the power generation, recreational, and conservation purposes of flood-control projects, or to their possible impact on the then nonexistent federal liability for personal injury and death caused by the negligent operation of such projects. Today this obsolete legislative remnant is nothing more than an engine of injustice. Congress, not this Court, has the primary duty to confront the question whether any part of this harsh immunity doctrine should be retained.

No. 91-976. MCGINNIS, DIRECTOR, MICHIGAN DEPARTMENT OF CORRECTIONS, ET AL. *v.* SWEETON ET AL. C. A. 6th Cir. Motion of respondents for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 944 F. 2d 905.

No. 91-994. PENNSYLVANIA *v.* WELCH. Super. Ct. Pa. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 401 Pa. Super. 393, 585 A. 2d 517.

No. 91-1090. SCHACHT ET AL. *v.* CATERPILLAR, INC.; and No. 91-1095. BINKLEY ET AL. *v.* CATERPILLAR, INC. App. Ct. Ill., 3d Dist. Certiorari denied. Reported below: 213 Ill. App. 3d 169, 571 N. E. 2d 1215.

JUSTICE WHITE, with whom JUSTICE BLACKMUN joins, dissenting.

These cases present the question whether, following our decision in *Caterpillar Inc. v. Williams*, 482 U. S. 386 (1987), a state-law cause of action is pre-empted under § 301 of the Labor Management Relations Act by a defense based on a collective-bargaining agreement. A state-law cause of action is pre-empted under § 301 if its resolution is "substantially dependent on analysis of a collective-bargaining agreement." *Electrical Workers v. Hechler*, 481 U. S. 851, 859, n. 3 (1987). See also *Allis-Chalmers Corp. v. Lueck*, 471 U. S. 202, 220 (1985).

In the decision below, petitioners based their claims solely on state law, but respondent's defense invoked the provisions of a collective-bargaining agreement. The Illinois court held that

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petitioners' state-law claims were pre-empted under § 301 because their resolution was substantially dependent on interpretation of the applicable collective-bargaining agreement. 213 Ill. App. 3d 169, 175–176, 571 N. E. 2d 1215, 1218 (1991). Several Federal Courts of Appeals similarly have held that a court must look to defenses to determine whether a claim requires interpretation of a collective-bargaining agreement. See, e.g., *Smith v. Colgate-Palmolive Co.*, 943 F. 2d 764, 769–771 (CA7 1991); *Hanks v. General Motors Corp.*, 859 F. 2d 67, 70 (CA8 1988).

By contrast, the Court of Appeals for the Third Circuit, relying on our decision in *Caterpillar Inc. v. Williams*, has held that “in order for there to be section 301 preemption, the plaintiff, in its well-pleaded complaint, must plead an action that requires interpretation of the collective bargaining agreement.” That court accordingly examined the claims presented in the complaint and found no § 301 pre-emption. *Berda v. CBS Inc.*, 881 F. 2d 20, 25 (1989). See also *McCormick v. AT & T Technologies, Inc.*, 934 F. 2d 531, 545 (CA4 1991) (en banc) (Phillips, J., dissenting). The Illinois court below expressly rejected the reasoning of *Berda*.

I would grant certiorari to resolve this conflict.

No. 91–1220. *VIEHWEG v. DEVEREUX*. C. A. 8th Cir. Motion of petitioner to strike and for sanctions denied. Certiorari denied. Reported below: 950 F. 2d 729.

Rehearing Denied

No. 91–704. *RAY v. CONSOLIDATED RAIL CORPORATION, AKA CONRAIL*, 502 U. S. 1048;

No. 91–755. *CORAL CONSTRUCTION CO. ET AL. v. KING COUNTY, WASHINGTON*, 502 U. S. 1033;

No. 91–847. *JOHNSON v. JOHNSON ET AL.*, 502 U. S. 1059;

No. 91–6236. *GARGALLO v. QUICK & REILLY CLEARING CORP. ET AL.*, 502 U. S. 1038;

No. 91–6272. *PRESSLER v. UNITED STATES FIDELITY & GUARANTY CO. ET AL.*, 502 U. S. 1039;

No. 91–6384. *IN RE RETTIG*, 502 U. S. 1029;

No. 91–6395. *DAVIS v. STONE CONTAINER CORP.*, 502 U. S. 1042;

No. 91–6481. *VON CRONEY v. GARRETT, SECRETARY OF THE NAVY*, 502 U. S. 1063;

No. 91–6505. *WORTH v. UNITED STATES*, 502 U. S. 1064; and

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No. 91-6648. *ENO v. UNITED STATES*, 502 U. S. 1080. Petitions for rehearing denied.

No. 90-7830. *MILLER v. GEORGIA*, 501 U. S. 1259. Petition for rehearing denied. JUSTICE THOMAS took no part in the consideration or decision of this petition.

No. 91-5257. *HOLLAND v. UNITED STATES*, 502 U. S. 969. Motion for leave to file petition for rehearing denied.

MARCH 10, 1992

Certiorari Denied

No. 91-7568 (A-673). *PARKS v. REYNOLDS, WARDEN, ET AL.* C. A. 10th 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: 958 F. 2d 989.

MARCH 11, 1992

Miscellaneous Orders

No. 91-615. *ALLIED-SIGNAL, INC., AS SUCCESSOR-IN-INTEREST TO THE BENDIX CORP. v. DIRECTOR, DIVISION OF TAXATION*. Sup. Ct. N. J. [Certiorari granted, 502 U. S. 977.] Case restored to calendar for reargument during the April session. The parties are requested to simultaneously file with the Clerk of this Court and serve upon the parties, on or before 3 p.m., Friday, April 10, 1992, supplemental briefs addressing the following questions:

“1. Should the Court overrule *ASARCO Inc. v. Idaho State Tax Comm’n*, 458 U. S. 307 (1982), and *F. W. Woolworth Co. v. Taxation and Revenue Dept. of New Mexico*, 458 U. S. 354 (1982)?

“2. If *ASARCO* and *Woolworth* were overruled, should the decision apply retroactively?

“3. If *ASARCO* and *Woolworth* were overruled, what constitutional principles should govern state taxation of corporations doing business in several states?”

Replies thereto, if any, are to be filed with the Clerk and served upon the parties on or before noon, Friday, April 17, 1992. The views of *amici curiae* are invited.

No. 91-1420. *GROWE, SECRETARY OF STATE OF MINNESOTA, ET AL. v. EMISON ET AL.* Appeal from D. C. Minn. Motion to expedite consideration of jurisdictional statement granted. Ap-

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pellees' response to the jurisdictional statement is to be filed with the Clerk of this Court and served upon counsel for appellants on or before 1 p.m., Monday, March 23, 1992.

MARCH 12, 1992

Certiorari Denied

No. 91-7599 (A-684). ROBISON *v.* REYNOLDS, WARDEN, ET AL. C. A. 10th 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: 958 F. 2d 1013.

MARCH 13, 1992

Miscellaneous Order

No. A-687. RICHARDS, AS NEXT FRIEND OF PENNELL *v.* DELAWARE COURT OFFICIALS. Application for stay of execution of sentence of death, presented to JUSTICE SOUTER, and by him referred to the Court, denied.

MARCH 14, 1992

Miscellaneous Order

No. A-688. PENNELL, AS NEXT FRIEND OF PENNELL *v.* RISLEY, ADULT BUREAU CHIEF, DELAWARE DEPARTMENT OF CORRECTION. Application for stay of execution of sentence of death, presented to JUSTICE SOUTER, and by him referred to the Court, denied.

MARCH 20, 1992

Probable Jurisdiction Noted

No. 91-1502. FRANKLIN, SECRETARY OF COMMERCE, ET AL. *v.* MASSACHUSETTS ET AL. Appeal from D. C. Mass. Motion to expedite consideration of statement as to jurisdiction granted. Probable jurisdiction noted. Motion to permit filings initially in typewritten form granted. The joint appendix is to be filed by Wednesday, March 25, 1992. If the State of Washington should wish to file any further papers on the application for stay, it must do so by Wednesday, March 25, 1992. Briefs on the merits are to be filed by the parties with the Clerk of this Court and served upon the parties on or before 3 p.m., Monday, April 13, 1992. Replies thereto, if any, are to be filed with the Clerk and served

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upon the parties on or before 3 p.m., Monday, April 20, 1992. The case is set for oral argument on Tuesday, April 21, 1992. Reported below: 785 F. Supp. 230.

MARCH 23, 1992

Vacated and Remanded on Appeal

No. 90–1977. DUPREE ET AL. *v.* MOORE, ATTORNEY GENERAL OF MISSISSIPPI, ET AL. Appeal from D. C. S. D. Miss. Judgment vacated and case remanded for further consideration in light of *Clark v. Roemer*, 500 U. S. 646 (1991). Reported below: 776 F. Supp. 290.

No. 91–1210. CLINTON, GOVERNOR OF ARKANSAS, ET AL. *v.* JEFFERS ET AL. Appeal from D. C. E. D. Ark. Judgment vacated and case remanded with instructions to enter a fresh judgment from which an appeal may be taken to the United States Court of Appeals for the Eighth Circuit. Reported below: 776 F. Supp. 465.

Certiorari Granted—Vacated and Remanded

No. 90–1164. SMITH *v.* BLACK, COMMISSIONER, MISSISSIPPI DEPARTMENT OF CORRECTIONS, ET AL. C. A. 5th Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Stringer v. Black*, ante, p. 222. Reported below: 904 F. 2d 950.

No. 91–432. MOORE *v.* NEVADA. Sup. Ct. Nev. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Dawson v. Delaware*, ante, p. 159. Reported below: 107 Nev. 243, 810 P. 2d 759.

No. 91–701. ILLINOIS *v.* KELK. App. Ct. Ill., 4th Dist. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Florida v. Jimeno*, 500 U. S. 248 (1991). JUSTICE STEVENS dissents. Reported below: 208 Ill. App. 3d 313, 566 N. E. 2d 835.

No. 91–885. EASLEY *v.* SOUTHERN SHIPBUILDING CORP. C. A. 5th Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Southwest Marine, Inc. v. Gizoni*, 502 U. S. 81 (1991). Reported below: 936 F. 2d 839.

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No. 91-5293. FLANAGAN *v.* NEVADA. Sup. Ct. Nev. Motion of petitioner for leave to proceed *in forma pauperis* granted. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Dawson v. Delaware*, *ante*, p. 159. Reported below: 107 Nev. 243, 810 P. 2d 759.

No. 91-5787. PROWS *v.* UNITED STATES. 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 *McCarthy v. Madigan*, *ante*, p. 140. Reported below: 933 F. 2d 1004.

No. 91-6700. KOCHEKIAN *v.* UNITED STATES. C. A. 4th 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 *Williams v. United States*, *ante*, p. 193. Reported below: 938 F. 2d 456.

No. 91-7135. JEFFERIES *v.* SOUTH CAROLINA. Ct. App. S. C. Motion of petitioner for leave to proceed *in forma pauperis* granted. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Yates v. Evatt*, 500 U. S. 391 (1991). Reported below: 304 S. C. 141, 403 S. E. 2d 169.

Miscellaneous Orders

No. — — —. TRAVERS ET AL. *v.* BULLIS SCHOOL, INC. Motion to direct the Clerk to file petition for writ of certiorari out of time denied.

No. A-681. UNION MORTGAGE CO., INC. *v.* BARLOW ET AL. Sup. Ct. Ala. Application for stay of mandate, presented to JUSTICE O'CONNOR, and by her referred to the Court, denied.

No. D-1066. IN RE DISBARMENT OF KROS. James John Kros, of Aurora, Ill., 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 January 13, 1992 [502 U. S. 1026], is hereby discharged.

No. D-1068. IN RE DISBARMENT OF WHITE. Disbarment entered. [For earlier order herein, see 502 U. S. 1026.]

No. D-1069. IN RE DISBARMENT OF BAKER. Disbarment entered. [For earlier order herein, see 502 U. S. 1026.]

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No. D-1074. *IN RE DISBARMENT OF CLEMENTS*. Disbarment entered. [For earlier order herein, see 502 U. S. 1054.]

No. D-1075. *IN RE DISBARMENT OF PACK*. Disbarment entered. [For earlier order herein, see 502 U. S. 1055.]

No. D-1076. *IN RE DISBARMENT OF RATLIFF*. Disbarment entered. [For earlier order herein, see 502 U. S. 1055.]

No. D-1094. *IN RE DISBARMENT OF FEIGE*. It is ordered that Hans Charles Otto Feige, of Coral Springs, 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-1095. *IN RE DISBARMENT OF O'BRYAN*. It is ordered that Adrian F. O'Bryan, of Louisville, Ky., 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-1096. *IN RE DISBARMENT OF GARRICK*. It is ordered that Max Carleton Garrick, Jr., of Whittier, 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. D-1097. *IN RE DISBARMENT OF FRIEDMAN*. It is ordered that Bruce Alan Friedman, 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. D-1098. *IN RE DISBARMENT OF KENNEY*. It is ordered that Michael Thomas Kenney, of Santa Ana, 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. 90-1258. *GOMEZ, WARDEN, DEUEL VOCATIONAL INSTITUTION OF CALIFORNIA v. MCKINNEY*, 502 U. S. 1025. Motion of respondent to retax costs granted.

No. 90-1918. *KRAFT GENERAL FOODS, INC. v. IOWA DEPARTMENT OF REVENUE AND FINANCE*. Sup. Ct. Iowa. [Certiorari

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granted, 502 U. S. 1056.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 90–8370. MEDINA *v.* CALIFORNIA. Sup. Ct. Cal. [Certiorari granted, 502 U. S. 924.] Motion of petitioner for leave to file a supplemental brief after argument denied.

No. 91–155. INTERNATIONAL SOCIETY FOR KRISHNA CONSCIOUSNESS, INC., ET AL. *v.* LEE, SUPERINTENDENT OF PORT AUTHORITY POLICE; and

No. 91–339. LEE, SUPERINTENDENT OF PORT AUTHORITY POLICE *v.* INTERNATIONAL SOCIETY FOR KRISHNA CONSCIOUSNESS, INC., ET AL. C. A. 2d Cir. [Certiorari granted, 502 U. S. 1022.] Motion of petitioners/cross-respondents to strike *amicus curiae* brief of Airports Association Council International-North America denied.

No. 91–538. FORSYTH COUNTY, GEORGIA *v.* NATIONALIST MOVEMENT. C. A. 11th Cir. [Certiorari granted, 502 U. S. 1023.] Motions of American Civil Liberties Union et al. and Public Citizen for leave to file briefs as *amici curiae* granted.

No. 91–542. WRIGHT, WARDEN, ET AL. *v.* WEST. C. A. 4th Cir. [Certiorari granted, 502 U. S. 1012.] Motions of Benjamin R. Civiletti et al. and Gerald Gunther et al. for leave to file briefs as *amici curiae* granted.

No. 91–744. PLANNED PARENTHOOD OF SOUTHEASTERN PENNSYLVANIA ET AL. *v.* CASEY, GOVERNOR OF PENNSYLVANIA, ET AL.; and

No. 91–902. CASEY, GOVERNOR OF PENNSYLVANIA, ET AL. *v.* PLANNED PARENTHOOD OF SOUTHEASTERN PENNSYLVANIA ET AL. C. A. 3d Cir. [Certiorari granted, 502 U. S. 1056.] Motion of Alan Ernest to represent children unborn and born alive denied. Motion of Legal Defense for Unborn Children for leave to file a brief as *amicus curiae* denied.

No. 91–790. CSX TRANSPORTATION, INC. *v.* EASTERWOOD. C. A. 11th Cir.;

No. 91–1206. EASTERWOOD *v.* CSX TRANSPORTATION, INC. C. A. 11th Cir.;

No. 91–1111. HARTFORD FIRE INSURANCE CO. ET AL. *v.* CALIFORNIA ET AL. C. A. 9th Cir.;

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No. 91-1128. MERRETT UNDERWRITING AGENCY MANAGEMENT LTD. ET AL. *v.* CALIFORNIA ET AL. C. A. 9th Cir.;

No. 91-1131. WINTHERTHUR REINSURANCE CORPORATION OF AMERICA *v.* CALIFORNIA. C. A. 9th Cir.; and

No. 91-1146. UNIONAMERICA INSURANCE CO. LTD. ET AL. *v.* CALIFORNIA ET AL. C. A. 9th Cir. The Solicitor General is invited to file briefs in these cases expressing the views of the United States.

No. 91-849. BOARD OF EDUCATION OF COMMUNITY CONSOLIDATED SCHOOL DISTRICT NO. 21 *v.* ILLINOIS STATE BOARD OF EDUCATION ET AL.; and

No. 91-865. ILLINOIS STATE BOARD OF EDUCATION *v.* BOARD OF EDUCATION OF COMMUNITY CONSOLIDATED SCHOOL DISTRICT NO. 21 ET AL., 502 U.S. 1066. Motion of respondents Brozer et ux. for assessment of attorney's fees and costs denied.

No. 91-913. PATTERSON, TRUSTEE *v.* SHUMATE. C. A. 4th Cir. [Certiorari granted, 502 U.S. 1057.] Motion of David B. Tatge, Trustee, for leave to file a brief as *amicus curiae* granted.

No. 91-946. CHURCH OF SCIENTOLOGY OF CALIFORNIA *v.* UNITED STATES ET AL. C. A. 9th Cir. [Certiorari granted, *ante*, p. 905.] Motion of petitioner to dispense with printing the joint appendix granted.

No. 91-1188. ROWLAND, FORMER DIRECTOR, CALIFORNIA DEPARTMENT OF CORRECTIONS, ET AL. *v.* CALIFORNIA MEN'S COLONY, UNIT II MEN'S ADVISORY COUNCIL. C. A. 9th Cir. [Certiorari granted, *ante*, p. 905.] Motion of petitioners to dispense with printing the joint appendix granted.

No. 91-6109. GILBERTSON *v.* GRAHAM ET AL., 502 U.S. 1003. Motion of respondent Walker for attorney's fees denied.

No. 91-6194. CROSBY *v.* UNITED STATES. C. A. 8th Cir. [Certiorari granted, *ante*, p. 905.] Motion for appointment of counsel granted, and it is ordered that Mark D. Nyvold, Esq., of St. Paul, Minn., be appointed to serve as counsel for petitioner in this case.

No. 91-7064. TOLIVER *v.* COUNTY OF SULLIVAN ET AL. C. A. 2d Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied. Petitioner is allowed until April 13, 1992, within

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which to pay the docketing fee required by Rule 38(a) and to submit a petition in compliance with Rule 33 of the Rules of this Court.

JUSTICE BLACKMUN 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. 91-7451. IN RE LEE. Petition for writ of habeas corpus denied.

No. 91-7084. IN RE MARTIN;

No. 91-7085. IN RE MEADE;

No. 91-7256. IN RE COX; and

No. 91-7428. IN RE JOHNS. Petitions for writs of mandamus denied.

Certiorari Granted

No. 91-871. BATH IRON WORKS CORP. ET AL. *v.* DIRECTOR, OFFICE OF WORKERS' COMPENSATION PROGRAMS, UNITED STATES DEPARTMENT OF LABOR, ET AL. C. A. 1st Cir. Certiorari granted. Reported below: 942 F. 2d 811.

No. 91-948. CHURCH OF THE LUKUMI BABALU AYE, INC., ET AL. *v.* CITY OF HIALEAH. C. A. 11th Cir. Certiorari granted. Reported below: 936 F. 2d 586.

No. 91-998. COMMISSIONER OF INTERNAL REVENUE *v.* SOLIMAN. C. A. 4th Cir. Certiorari granted. Reported below: 935 F. 2d 52.

No. 91-1158. MISSISSIPPI ET AL. *v.* LOUISIANA ET AL. C. A. 5th Cir. Certiorari granted limited to Questions 1 and 2 presented by the petition and to the following question: Did the District Court properly assert jurisdiction over respondents' third-party complaint against petitioner State of Mississippi? Reported below: 937 F. 2d 247.

No. 91-6824. ZAFIRO ET AL. *v.* UNITED STATES. C. A. 7th Cir. Motion of petitioners for leave to proceed *in forma pauperis* granted. Certiorari granted. Reported below: 945 F. 2d 881.

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Certiorari Denied

No. 91-851. *MEDLEY v. UNITED STATES*. Ct. Mil. App. Certiorari denied. Reported below: 33 M. J. 75.

No. 91-929. *KIMES v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 939 F. 2d 776.

No. 91-942. *RICHARDSON ET AL. v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 943 F. 2d 1107.

No. 91-944. *COOPER ELECTRIC SUPPLY CO. ET AL. v. MARTIN, SECRETARY OF LABOR*. C. A. 3d Cir. Certiorari denied. Reported below: 940 F. 2d 896.

No. 91-969. *ALLEN v. UNITED STATES*. Ct. Mil. App. Certiorari denied. Reported below: 33 M. J. 209.

No. 91-982. *EMPLOYEES OF THE BUTTE, ANACONDA & PACIFIC RAILWAY CO., REPRESENTED BY THE UNITED TRANSPORTATION UNION ET AL. v. UNITED STATES ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 938 F. 2d 1009.

No. 91-991. *GRIFFEY v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 943 F. 2d 428.

No. 91-1006. *U. S. MARINE CORP. ET AL. v. NATIONAL LABOR RELATIONS BOARD ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 944 F. 2d 1305.

No. 91-1007. *CAINE v. HARDY ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 943 F. 2d 1406.

No. 91-1026. *EAST ALABAMA HEALTH CARE AUTHORITY, DBA EAST ALABAMA MEDICAL CENTER v. AUBURN MEDICAL CENTER, INC., ET AL.* Sup. Ct. Ala. Certiorari denied. Reported below: 583 So. 2d 1346.

No. 91-1036. *JONES ET AL. v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 943 F. 2d 1318.

No. 91-1041. *TAITAGUE ET AL. v. FIRST ISLAND INDUSTRY, INC., ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 942 F. 2d 794.

No. 91-1062. *SCHATZ ET UX. v. WEINBERG & GREEN*. C. A. 4th Cir. Certiorari denied. Reported below: 943 F. 2d 485.

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No. 91-1068. EDWARDS ET AL., DBA CARL EDWARDS & SONS STABLES *v.* UNITED STATES DEPARTMENT OF AGRICULTURE. C. A. 11th Cir. Certiorari denied. Reported below: 943 F. 2d 1318.

No. 91-1139. FRANKLIN SAVINGS ASSN. ET AL. *v.* DIRECTOR, OFFICE OF THRIFT SUPERVISION, ET AL. C. A. 10th Cir. Certiorari denied. Reported below: 934 F. 2d 1127.

No. 91-1175. MORGAN *v.* COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF LOS ANGELES ET AL. Ct. App. Cal., 2d App. Dist. Certiorari denied. Reported below: 231 Cal. App. 3d 243, 284 Cal. Rptr. 745.

No. 91-1178. BASHAM *v.* BLANKENSHIP ET AL. Ct. App. Okla. Certiorari denied.

No. 91-1184. ERICKSON ET AL. *v.* DESERT PALACE, INC., ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 942 F. 2d 694.

No. 91-1191. HECKER *v.* FRANKLIN NATIONAL BANK. C. A. D. C. Cir. Certiorari denied. Reported below: 292 U. S. App. D. C. 37, 946 F. 2d 127.

No. 91-1194. COMMITTEE OF UNSECURED CREDITORS *v.* MELLON BANK, N. A., ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 945 F. 2d 635.

No. 91-1201. SHUTT *v.* SANDOZ CROP PROTECTION CORP. ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 944 F. 2d 1431.

No. 91-1204. ROBINSON *v.* SOUTH CAROLINA. Sup. Ct. S. C. Certiorari denied. Reported below: 305 S. C. 469, 409 S. E. 2d 404.

No. 91-1205. LAVERGNE *v.* CAMERON IRON WORKS. C. A. 5th Cir. Certiorari denied. Reported below: 945 F. 2d 400.

No. 91-1207. FRONT ROYAL & WARREN COUNTY INDUSTRIAL PARK CORP. ET AL. *v.* TOWN OF FRONT ROYAL, VIRGINIA, ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 945 F. 2d 760.

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No. 91-1212. *MITCHELL v. MOBIL OIL CORP. ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 944 F. 2d 911.

No. 91-1214. *BROOKS v. SULPHUR SPRINGS VALLEY ELECTRIC COOPERATIVE ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 951 F. 2d 1050.

No. 91-1219. *CULLY v. COTOFAN.* Sup. Ct. Ohio. Certiorari denied. Reported below: 62 Ohio St. 3d 1438, 579 N. E. 2d 212.

No. 91-1222. *CALIFORNIA ELECTRIC CO. v. BRILEY ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 939 F. 2d 790.

No. 91-1224. *OUZTS v. SOUTH CAROLINA.* Sup. Ct. S. C. Certiorari denied.

No. 91-1226. *DAVIS ET AL. v. HOLLIS.* C. A. 11th Cir. Certiorari denied. Reported below: 941 F. 2d 1471.

No. 91-1228. *CSOKA v. WALDEN ET AL.* C. A. 7th Cir. Certiorari denied.

No. 91-1230. *HOUSTON LIGHTING & POWER CO. v. MORRIS, JUDGE (CITY OF SAN ANTONIO ET AL., REAL PARTIES IN INTEREST).* Sup. Ct. Tex. Certiorari denied.

No. 91-1232. *NORMAN, EXECUTRIX OF THE ESTATE OF NORMAN, DECEASED v. VIRGINIA ELECTRIC & POWER CO.* C. A. 4th Cir. Certiorari denied. Reported below: 941 F. 2d 1207.

No. 91-1235. *NAVARRO, SHERIFF OF BROWARD COUNTY v. REVIEW PUBLICATIONS, INC.* C. A. 11th Cir. Certiorari denied. Reported below: 943 F. 2d 1318.

No. 91-1237. *HAMILTON v. AIR JAMAICA, LTD.* C. A. 3d Cir. Certiorari denied. Reported below: 945 F. 2d 74.

No. 91-1238. *PATY ET AL. v. PRICE, AKA MAUI LOA, ET AL.; and*

PRICE ET AL. v. HAWAII ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 939 F. 2d 702.

No. 91-1244. *HYPOINT TECHNOLOGY, INC. v. HEWLETT-PACKARD Co.* C. A. 6th Cir. Certiorari denied. Reported below: 949 F. 2d 874.

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No. 91-1246. *ARLEN v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 947 F. 2d 139.

No. 91-1247. *MARX v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 930 F. 2d 1246.

No. 91-1249. *NOWERS v. VIRGINIA*. Ct. App. Va. Certiorari denied.

No. 91-1250. *MCALLAN v. KERR ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 948 F. 2d 1275.

No. 91-1253. *COOK v. CAIN*. C. A. 5th Cir. Certiorari denied. Reported below: 946 F. 2d 891.

No. 91-1256. *KLAVONICK v. IRONWORKERS OF WESTERN PENNSYLVANIA BENEFITS PLANS ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 944 F. 2d 897.

No. 91-1258. *BOYD ET UX. v. FORD MOTOR CO. ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 948 F. 2d 283.

No. 91-1261. *TEXAS v. WALKER*. Ct. Crim. App. Tex. Certiorari denied. Reported below: 823 S. W. 2d 247.

No. 91-1262. *BOWERS ET AL. v. PERKO*. C. A. 8th Cir. Certiorari denied. Reported below: 945 F. 2d 1038.

No. 91-1264. *SOEHNGEN v. MERIT SYSTEMS PROTECTION BOARD*. C. A. Fed. Cir. Certiorari denied. Reported below: 945 F. 2d 418.

No. 91-1277. *FARSACI v. BUSH, PRESIDENT OF THE UNITED STATES*. C. A. 1st Cir. Certiorari denied.

No. 91-1279. *KULZER, INDIVIDUALLY AND AS EXECUTRIX OF THE ESTATE OF KULZER, DECEASED v. OWENS-CORNING FIBERGLAS CORP. ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 942 F. 2d 122.

No. 91-1287. *IRBY ET UX. v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 935 F. 2d 1291.

No. 91-1294. *PARKER v. NEW JERSEY*. Sup. Ct. N. J. Certiorari denied. Reported below: 124 N. J. 628, 592 A. 2d 228.

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No. 91-1297. OHIO DEPARTMENT OF HUMAN SERVICES *v.* OHIO HOSPITAL ASSN. ET AL. Sup. Ct. Ohio. Certiorari denied. Reported below: 62 Ohio St. 3d 97, 579 N. E. 2d 695.

No. 91-1307. RANGEL *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 946 F. 2d 1544.

No. 91-1318. METALLO *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 908 F. 2d 795.

No. 91-1336. REICHLIN *v.* WILLIAMS, NOVACK & HANSEN ET AL. Ct. App. Wash. Certiorari denied. Reported below: 59 Wash. App. 1009.

No. 91-1338. GIRLING HEALTH SYSTEMS, INC. *v.* UNITED STATES. C. A. Fed. Cir. Certiorari denied. Reported below: 949 F. 2d 1145.

No. 91-1343. GOOS *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 3d Cir. Certiorari denied. Reported below: 947 F. 2d 935.

No. 91-1357. PERALTA *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 941 F. 2d 1003.

No. 91-1364. HASSNEH INSURANCE COMPANY OF ISRAEL, LTD. *v.* SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES (GARAMENDI, INSURANCE COMMISSIONER OF CALIFORNIA, REAL PARTY IN INTEREST). Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 91-5006. J. E. B. *v.* WISCONSIN. Ct. App. Wis. Certiorari denied. Reported below: 161 Wis. 2d 655, 469 N. W. 2d 192.

No. 91-6461. CUNNINGHAM *v.* PETERS, DIRECTOR, ILLINOIS DEPARTMENT OF CORRECTIONS. C. A. 7th Cir. Certiorari denied. Reported below: 941 F. 2d 535.

No. 91-6490. HESTER *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 940 F. 2d 1542.

No. 91-6510. YOUNG *v.* HERRING ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 938 F. 2d 543.

No. 91-6611. PURVIS *v.* SINGLETARY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS. C. A. 11th Cir. Certiorari denied. Reported below: 932 F. 2d 1413.

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No. 91-6633. *WILLIAMS v. OFFICE OF PERSONNEL MANAGEMENT*. C. A. Fed. Cir. Certiorari denied. Reported below: 945 F. 2d 416.

No. 91-6661. *GIBSON v. UNITED STATES*. Ct. App. D. C. Certiorari denied.

No. 91-6666. *MOSCO v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 946 F. 2d 882.

No. 91-6676. *ZAVESKY v. TOWN OF SCHERERVILLE, INDIANA, ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 940 F. 2d 666.

No. 91-6693. *FISHER v. ALABAMA*. Sup. Ct. Ala. Certiorari denied. Reported below: 587 So. 2d 1039.

No. 91-6722. *KELLY v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 938 F. 2d 1553.

No. 91-6726. *PARMASAVAM v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 934 F. 2d 595.

No. 91-6742. *WILLIAMS v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 945 F. 2d 406.

No. 91-6774. *BARNETT v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 945 F. 2d 1296.

No. 91-6805. *BODRE v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 948 F. 2d 28.

No. 91-6806. *SWAN ET UX. v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 940 F. 2d 654.

No. 91-6811. *DUNNICK v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 944 F. 2d 910.

No. 91-6814. *FRAZIER v. OHIO*. Sup. Ct. Ohio. Certiorari denied. Reported below: 61 Ohio St. 3d 247, 574 N. E. 2d 483.

No. 91-6817. *DONOVAN ET AL. v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. Reported below: 291 U. S. App. D. C. 84, 938 F. 2d 1343.

No. 91-6825. *DUNSON ET AL. v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 940 F. 2d 989.

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No. 91-6833. *NAVARRO-BOTELLO v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 912 F. 2d 318.

No. 91-6839. *OGUNLEYE v. IMMIGRATION AND NATURALIZATION SERVICE*. C. A. 5th Cir. Certiorari denied. Reported below: 940 F. 2d 655.

No. 91-6850. *EDDMONDS v. ILLINOIS*. Sup. Ct. Ill. Certiorari denied. Reported below: 143 Ill. 2d 501, 578 N. E. 2d 952.

No. 91-6853. *CRUZ v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 947 F. 2d 937.

No. 91-6869. *ESCOLASTICO-DISLA v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 91-6886. *ABATE v. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 940 F. 2d 1533.

No. 91-6891. *BEVILL v. MISSISSIPPI*. Sup. Ct. Miss. Certiorari denied.

No. 91-6910. *SOSA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 945 F. 2d 409.

No. 91-6953. *COHEN v. SOUTH CAROLINA*. Sup. Ct. S. C. Certiorari denied. Reported below: 305 S. C. 432, 409 S. E. 2d 383.

No. 91-6965. *PINKSTON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 948 F. 2d 1285.

No. 91-6992. *CABRAL PEREZ v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 946 F. 2d 888.

No. 91-6995. *ALLEN v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 943 F. 2d 58.

No. 91-7007. *KHAN v. TANNER ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 941 F. 2d 1207.

No. 91-7017. *FRALEY v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 936 F. 2d 570.

No. 91-7037. *JONES v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied. Reported below: 53 Cal. 3d 1115, 811 P. 2d 757.

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No. 91-7053. *WHITLOCK v. O'LEARY*, ASSISTANT DEPUTY DIRECTOR, ADULT INSTITUTIONS, ILLINOIS DEPARTMENT OF CORRECTIONS, ET AL. C. A. 7th Cir. Certiorari denied.

No. 91-7056. *BATTENFIELD v. OKLAHOMA*. Ct. Crim. App. Okla. Certiorari denied. Reported below: 816 P. 2d 555.

No. 91-7058. *CUNNINGHAM v. WOODMAN ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 942 F. 2d 790.

No. 91-7060. *CLARKE v. CLARKE COUNTY, GEORGIA, ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 949 F. 2d 1163.

No. 91-7062. *SALIM v. MURRAY*, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 946 F. 2d 886.

No. 91-7063. *N. S. v. EL PASO COUNTY, COLORADO, DEPARTMENT OF SOCIAL SERVICES, ET AL.* Ct. App. Colo. Certiorari denied.

No. 91-7065. *HARRIS v. OKLAHOMA*. Ct. Crim. App. Okla. Certiorari denied.

No. 91-7066. *HOLMAN v. O'LEARY*, WARDEN. C. A. 7th Cir. Certiorari denied.

No. 91-7070. *GONZALEZ-CALAS v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 947 F. 2d 646.

No. 91-7071. *DILL, AKA TUCKER v. LOVE*, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT HUNTINGDON, ET AL. C. A. 3d Cir. Certiorari denied.

No. 91-7074. *BOUDETTE ET AL. v. COUNTY OF YAVAPAI ET AL.* C. A. 9th Cir. Certiorari denied.

No. 91-7075. *RUIZ v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 946 F. 2d 901.

No. 91-7079. *RITCHERSON v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 950 F. 2d 508.

No. 91-7083. *MOORE, AKA SAVAGE v. FLORIDA*. Sup. Ct. Fla. Certiorari denied. Reported below: 588 So. 2d 975.

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No. 91-7089. *FRANZEN v. WRIGHT ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 947 F. 2d 949.

No. 91-7098. *SULLY v. CALIFORNIA.* Sup. Ct. Cal. Certiorari denied. Reported below: 53 Cal. 3d 1195, 812 P. 2d 163.

No. 91-7101. *MONTGOMERY v. UNIVERSITY OF CHICAGO ET AL.* C. A. 7th Cir. Certiorari denied.

No. 91-7102. *THOMASON v. UNITED STATES STEEL CORP. ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 947 F. 2d 948.

No. 91-7104. *MOISTER v. FIRST NATIONAL BANK OF ATLANTA.* C. A. 11th Cir. Certiorari denied. Reported below: 920 F. 2d 887.

No. 91-7111. *SMITH v. LYNAUGH ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 951 F. 2d 344.

No. 91-7115. *HARDING v. REDMAN, WARDEN.* C. A. 3d Cir. Certiorari denied.

No. 91-7118. *BACCHUS v. POSTMAN.* Dist. Ct. App. Fla., 3d Dist. Certiorari denied. Reported below: 581 So. 2d 1324.

No. 91-7120. *SCOTT v. TEXAS.* Ct. App. Tex., 3d Dist. Certiorari denied.

No. 91-7123. *SIMMONS v. BEYER, SUPERINTENDENT, NEW JERSEY STATE PRISON, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 91-7130. *STARKS v. McMACKIN, WARDEN.* C. A. 6th Cir. Certiorari denied. Reported below: 943 F. 2d 52.

No. 91-7132. *IDZIAK v. MICHIGAN.* Ct. App. Mich. Certiorari denied.

No. 91-7133. *HENRY v. COLLINS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION.* C. A. 5th Cir. Certiorari denied. Reported below: 946 F. 2d 1542.

No. 91-7134. *HOWARD v. ZIMMERMAN ET AL.* C. A. 3d Cir. Certiorari denied.

No. 91-7136. *IN RE JESSE.* Sup. Ct. Mo. Certiorari denied.

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No. 91-7138. *LUCIEN v. PETERS, WARDEN*. C. A. 7th Cir. Certiorari denied.

No. 91-7139. *LUCIEN v. JOHNSON, COMMISSIONER, COURT OF CLAIMS*. C. A. 7th Cir. Certiorari denied.

No. 91-7140. *LUCIEN v. ROPER ET AL.* C. A. 7th Cir. Certiorari denied.

No. 91-7141. *REININGHAUS v. REININGHAUS*. Sup. Ct. Mont. Certiorari denied. Reported below: 250 Mont. 86, 817 P. 2d 1159.

No. 91-7145. *GALBRAITH v. NORTHERN TELECOM, INC.* C. A. 6th Cir. Certiorari denied. Reported below: 944 F. 2d 275.

No. 91-7147. *CHUNG KUN YIM v. PRELESNIK, WARDEN*. C. A. 6th Cir. Certiorari denied. Reported below: 946 F. 2d 896.

No. 91-7149. *FRANCOIS v. DUGGER, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS*. C. A. 11th Cir. Certiorari denied. Reported below: 948 F. 2d 730.

No. 91-7150. *HUNTER v. ROBERTS ET AL.* C. A. 11th Cir. Certiorari denied.

No. 91-7153. *RITCHERSON v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 950 F. 2d 508.

No. 91-7154. *MENDEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 947 F. 2d 1488.

No. 91-7156. *PETILLO v. MCCLELLAN, SUPERINTENDENT, SOUTHPORT CORRECTIONAL FACILITY*. C. A. 2d Cir. Certiorari denied.

No. 91-7157. *OWENS v. MURRAY, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS*. C. A. 4th Cir. Certiorari denied. Reported below: 947 F. 2d 941.

No. 91-7158. *ZIMMERMAN v. PENNSYLVANIA*. Sup. Ct. Pa. Certiorari denied. Reported below: 529 Pa. 633, 600 A. 2d 953.

No. 91-7160. *ATEN, EXECUTRIX OF THE ESTATE OF PORCARO v. NEUBERT ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 947 F. 2d 934.

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No. 91-7162. *PARZIALE v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 947 F. 2d 123.

No. 91-7163. *ROLLINS v. TENNESSEE*. Sup. Ct. Tenn. Certiorari denied.

No. 91-7164. *REINBOLD v. DEWEY COUNTY BANK*. C. A. 8th Cir. Certiorari denied. Reported below: 942 F. 2d 1304.

No. 91-7165. *MARIN v. BRIGHAM YOUNG UNIVERSITY*. C. A. 10th Cir. Certiorari denied.

No. 91-7166. *LOVINGS v. VIRGINIA*. Sup. Ct. Va. Certiorari denied.

No. 91-7171. *JUSTICE v. LTV STEEL CO., INC., FOR ITSELF AND AS SUCCESSOR TO REPUBLIC STEEL CORP., ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 948 F. 2d 1277.

No. 91-7172. *HUFFSMITH v. WYOMING COUNTY PRISON BOARD ET AL.* C. A. 3d Cir. Certiorari denied.

No. 91-7177. *SIRECI v. FLORIDA*. Sup. Ct. Fla. Certiorari denied. Reported below: 587 So. 2d 450.

No. 91-7178. *YEATTS v. VIRGINIA*. Sup. Ct. Va. Certiorari denied. Reported below: 242 Va. 121, 410 S. E. 2d 254.

No. 91-7183. *FERGUSON v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 945 F. 2d 396.

No. 91-7204. *HARRIS v. SIVLEY, WARDEN*. C. A. 9th Cir. Certiorari denied. Reported below: 947 F. 2d 949.

No. 91-7207. *CONNER v. INDIANA*. Sup. Ct. Ind. Certiorari denied. Reported below: 580 N. E. 2d 214.

No. 91-7210. *WAGGONER v. COLLINS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION*. C. A. 5th Cir. Certiorari denied. Reported below: 946 F. 2d 1543.

No. 91-7212. *LOWE v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 948 F. 2d 1296.

No. 91-7213. *HARDY v. LECUREUX, WARDEN*. C. A. 6th Cir. Certiorari denied.

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No. 91-7220. *MILLER v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 946 F. 2d 1344.

No. 91-7221. *PHILLIPE v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied.

No. 91-7225. *RUGGLES v. CITY OF RIVERSIDE*. C. A. 9th Cir. Certiorari denied.

No. 91-7226. *ALBURY ET AL. v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 949 F. 2d 1161.

No. 91-7230. *BATTS v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 947 F. 2d 946.

No. 91-7235. *MINOTA-GUERRERO v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 949 F. 2d 1161.

No. 91-7237. *McFADDEN v. DERWINSKI, SECRETARY OF VETERANS AFFAIRS*. C. A. Fed. Cir. Certiorari denied. Reported below: 954 F. 2d 732.

No. 91-7238. *WARD v. WARD*. Sup. Ct. Ga. Certiorari denied. Reported below: 261 Ga. 659, 409 S. E. 2d 518.

No. 91-7241. *KENNEDY v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 948 F. 2d 1291.

No. 91-7254. *ANDREWS v. SINGLETARY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 91-7259. *FAIRMAN v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 947 F. 2d 1479.

No. 91-7261. *GOMEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 947 F. 2d 737.

No. 91-7265. *DIAZ v. TERRELL ET AL.* C. A. 7th Cir. Certiorari denied.

No. 91-7266. *ROGERS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 945 F. 2d 414.

No. 91-7267. *PELAEZ-CARMONA v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 948 F. 2d 1297.

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No. 91-7268. *MORENO v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 944 F. 2d 905.

No. 91-7281. *LAWSON v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 947 F. 2d 849.

No. 91-7284. *HARRISON v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 948 F. 2d 1283.

No. 91-7289. *CANO v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 948 F. 2d 1292.

No. 91-7290. *STRAUGHTER v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 950 F. 2d 1223.

No. 91-7291. *HERNANDEZ v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 949 F. 2d 1161.

No. 91-7296. *HARPER v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 946 F. 2d 1373.

No. 91-7297. *WILLIAMS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 934 F. 2d 320.

No. 91-7303. *SAMUELS v. HAWLEY, WARDEN*. C. A. 6th Cir. Certiorari denied. Reported below: 948 F. 2d 1290.

No. 91-7305. *PINK v. UNITED STATES*; and

No. 91-7349. *RODNEY v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 953 F. 2d 640.

No. 91-7306. *OSEGUERA-LUCATERO v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 948 F. 2d 1286.

No. 91-7307. *POOLE v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 948 F. 2d 1291.

No. 91-7310. *ARACHE v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 946 F. 2d 129.

No. 91-7318. *MALONE v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 947 F. 2d 951.

No. 91-7319. *STEWART v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 949 F. 2d 1158.

No. 91-7321. *ZEPEDA v. DORSEY ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 948 F. 2d 1295.

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No. 91-7322. *CRUM v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 948 F. 2d 1288.

No. 91-7324. *THOMPSON v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 948 F. 2d 1293.

No. 91-7329. *MATA v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 944 F. 2d 60.

No. 91-7330. *OAKLEY v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 944 F. 2d 384.

No. 91-7331. *MURACCIOLE v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 946 F. 2d 903.

No. 91-7334. *GRUNDEN v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 945 F. 2d 405.

No. 91-7338. *FOWLER v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 949 F. 2d 1158.

No. 91-7341. *SKILLERN v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 947 F. 2d 1268.

No. 91-7346. *MOORE v. DEPUTY COMMISSIONER OF THE STATE CORRECTIONAL INSTITUTION AT HUNTINGDON ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 946 F. 2d 236.

No. 91-7353. *GILES v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 953 F. 2d 636.

No. 91-7357. *ROARK v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 947 F. 2d 1490.

No. 91-7359. *SMYLIE v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 949 F. 2d 1161.

No. 91-7361. *BAUMAN v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 947 F. 2d 1191.

No. 91-7362. *VACCARO v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 946 F. 2d 902.

No. 91-7364. *ABADIA, AKA OCHOA v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 949 F. 2d 956.

No. 91-7368. *GILBERT v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 942 F. 2d 1537.

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No. 91-7369. *JOHNSON v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 947 F. 2d 954.

No. 91-7372. *WILLIAMS v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. Reported below: 292 U. S. App. D. C. 190, 948 F. 2d 782.

No. 91-7373. *MINICONE v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 960 F. 2d 1099.

No. 91-7374. *MAYA v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 949 F. 2d 1162.

No. 91-7382. *ABREGO v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 948 F. 2d 1290.

No. 91-7393. *DOE v. GROSS ET AL.* Sup. Jud. Ct. Mass. Certiorari denied. Reported below: 411 Mass. 512, 583 N. E. 2d 1263.

No. 91-7396. *GREENE v. SENKOWSKI, SUPERINTENDENT, CLINTON CORRECTIONAL FACILITY, ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 956 F. 2d 1159.

No. 91-7418. *SAVAGE v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 953 F. 2d 632.

No. 91-7422. *JOZWIAK ET AL. v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 954 F. 2d 458.

No. 90-1861. *GREENVILLE PUBLIC SCHOOL DISTRICT ET AL. v. WESTERN LINE CONSOLIDATED SCHOOL DISTRICT ET AL.* Sup. Ct. Miss. Certiorari denied. JUSTICE BLACKMUN would grant certiorari. Reported below: 575 So. 2d 956.

No. 91-977. *DISTRICT 6, INTERNATIONAL UNION OF INDUSTRIAL SERVICE, TRANSPORT & HEALTH EMPLOYEES v. NATIONAL LABOR RELATIONS BOARD*; and

No. 91-1025. *HUMAN DEVELOPMENT ASSN. v. NATIONAL LABOR RELATIONS BOARD ET AL.* C. A. D. C. Cir. Certiorari denied. JUSTICE THOMAS took no part in the consideration or decision of these petitions. Reported below: 290 U. S. App. D. C. 339, 937 F. 2d 657.

No. 91-1040. *PENTHOUSE INTERNATIONAL, LTD. v. MEESE, FORMER ATTORNEY GENERAL OF THE UNITED STATES, ET AL.* C. A. D. C. Cir. Certiorari denied. JUSTICE THOMAS took no

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part in the consideration or decision of this petition. Reported below: 291 U. S. App. D. C. 183, 939 F. 2d 1011.

No. 91-996. CALIFORNIA *v.* CRIBAS. Ct. App. Cal., 4th App. Dist. Motion of respondent for leave to proceed *in forma pauperis* without an affidavit of indigency executed by respondent granted. Certiorari denied. Reported below: 231 Cal. App. 3d 596, 282 Cal. Rptr. 538.

No. 91-1002. YOUNG & RUBICAM, INC. *v.* MIDLER; and
No. 91-1199. MIDLER *v.* YOUNG & RUBICAM, INC. C. A. 9th Cir. Motion of American Association of Advertising Agencies, Inc., for leave to file a brief as *amicus curiae* in No. 91-1002 granted. Certiorari denied. Reported below: 944 F. 2d 909.

No. 91-1009. SCHOWENGERDT *v.* UNITED STATES ET AL. C. A. 9th Cir. Motion of petitioner for leave to proceed as a veteran granted. Certiorari denied. Reported below: 944 F. 2d 483.

No. 91-1159. MOURADIAN *v.* JOHN HANCOCK COS. ET AL. C. A. 1st Cir. Motion of petitioner for leave to proceed as a veteran granted. Certiorari denied. Reported below: 930 F. 2d 972.

No. 91-1196. HEGGY *v.* HEGGY. C. A. 10th Cir. Certiorari denied. JUSTICE WHITE would grant certiorari. Reported below: 944 F. 2d 1537.

No. 91-1331. PIPEFITTERS' ASSOCIATION LOCAL UNION NO. 597 *v.* DANIELS. C. A. 7th Cir. Certiorari denied. JUSTICE WHITE would grant certiorari. Reported below: 945 F. 2d 906.

No. 91-6681. SMITH *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. JUSTICE WHITE would grant certiorari. Reported below: 944 F. 2d 618.

No. 91-6685. CALDERON *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. JUSTICE WHITE would grant certiorari. Reported below: 946 F. 2d 880.

No. 91-6830. BARRETT *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. JUSTICE WHITE would grant certiorari. Reported below: 946 F. 2d 891.

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No. 91-6849. *FRIERSON v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. JUSTICE WHITE would grant certiorari. Reported below: 945 F. 2d 650.

No. 91-1216. *SUTHERLAND v. SUTHERLAND*. Ct. App. Cal., 2d App. Dist. Motions of Institute in Basic Life Principles et al. and Lincoln Legal Foundation for leave to file briefs as *amici curiae* granted. Certiorari denied.

No. 91-1236. *ABRAHAM, DISTRICT ATTORNEY OF PHILADELPHIA COUNTY v. HARRIS ET AL.* C. A. 3d Cir. Motion of respondents for leave to proceed *in forma pauperis* granted. Certiorari denied. JUSTICE WHITE would grant certiorari. Reported below: 946 F. 2d 214.

No. 91-1240. *ENGELKE v. SCHER*. C. A. 8th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 943 F. 2d 921.

No. 91-1280. *ZANT, WARDEN v. HORTON*. C. A. 11th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 941 F. 2d 1449.

No. 91-7002. *BAILEY v. NOOT ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 940 F. 2d 1150.

JUSTICE WHITE, with whom JUSTICE BLACKMUN joins, dissenting.

The issue in this case is whether the *Ex Post Facto* Clause of the Constitution, Art. I, §9, cl. 3, is violated when a newly modified state parole regulation is applied to a prisoner who began serving his sentence prior to the rule change.

Petitioner pleaded guilty to the 1976 kidnap, sexual abuse, and murder of a young girl; he was sentenced to three concurrent jail terms, the longest of which was 40 years. In 1981, the Minnesota Corrections Board determined that, because of the severity of petitioner's crimes, the target date for his release should be the expiration of his sentence. In a letter to petitioner, the board stated that it would "not consider any form of release prior to the expiration of your sentence unless psychiatric, psychological, and correctional staff can certify that you are no longer a danger to the public in general and/or young females specifically."

A year later, the Minnesota Legislature abolished the corrections board and transferred parole responsibility to the commis-

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sioner of corrections. Minn. Stat. § 243.05 (1990). The commissioner enacted new parole regulations, including a rule that “[a]ll release dates established by the Minnesota corrections board will be left in full force and effect by the commissioner.” 3 Minn. Rule § 2940.1500, subp. 2 (1991). Petitioner was informed that this new regulation effectively froze his release date.

Petitioner filed this civil rights action under Rev. Stat. § 1979, 42 U. S. C. § 1983, asserting that application of the new parole regulation to his case violated the *Ex Post Facto* Clause. The United States District Court for the District of Minnesota entered summary judgment for respondents. A divided panel of the Court of Appeals for the Eighth Circuit affirmed, holding that “the Minnesota parole regulations are not ‘laws’ for ex post facto purposes” *Bailey v. Gardebring*, 940 F. 2d 1150, 1157 (1991). The court, again divided, denied rehearing en banc.

The judgment of the Court of Appeals conflicts with decisions of other Courts of Appeals, which have held that application of changed state parole regulations may pose *ex post facto* problems. See, e. g., *Akins v. Snow*, 922 F. 2d 1558 (CA11), cert. denied, 501 U. S. 1260 (1991); *Royster v. Fauver*, 775 F. 2d 527 (CA3 1985). Because the issue is likely to arise frequently, I would grant certiorari to resolve the disagreement.

No. 91-7239. *MOUNT v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. JUSTICE BLACKMUN took no part in the consideration or decision of this petition. Reported below: 953 F. 2d 634.

Rehearing Denied

No. 91-899. *SLOAN v. UNITED STATES*, 502 U. S. 1060;

No. 91-5477. *BROWN v. UNITED STATES*, 502 U. S. 1075;

No. 91-5613. *WADE v. GEORGIA*, 502 U. S. 1060;

No. 91-6199. *KENNEDY v. SINGLETARY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.*, 502 U. S. 1066;

No. 91-6225. *AHMED v. STONE, SECRETARY, DEPARTMENT OF THE ARMY*, 502 U. S. 1062;

No. 91-6334. *CHALK v. HARRISON ET AL.*, 502 U. S. 1041;

No. 91-6469. *SMYTHE v. GREEN ET AL.*, 502 U. S. 1063;

No. 91-6474. *STONE v. DALLMAN, WARDEN*, 502 U. S. 1063;

No. 91-6514. *WHITE v. ALABAMA*, 502 U. S. 1076;

No. 91-6523. *LOMBARD v. NEW YORK CITY BOARD OF EDUCATION ET AL.*, 502 U. S. 1064;

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No. 91-6563. BRYMER *v.* HESSON, ACTING WARDEN, ET AL., 502 U. S. 1077; and

No. 91-6649. GREENE *v.* TELEDYNE ELECTRONICS, 502 U. S. 1080. Petitions for rehearing denied.

No. 91-5694. FERGUSON *v.* GIANT FOODS, INC., 502 U. S. 927. Petition for rehearing denied. JUSTICE THOMAS took no part in the consideration or decision of this petition.

MARCH 24, 1992

Dismissals Under Rule 46

No. 91-6894. SHANO *v.* UNITED STATES. C. A. 5th Cir. Certiorari dismissed under this Court's Rule 46. Reported below: 947 F. 2d 1263.

No. 91-7200. CASTILLO *v.* NEW YORK. App. Div., Sup. Ct. N. Y., 1st Jud. Dept. Certiorari dismissed under this Court's Rule 46. Reported below: 176 App. Div. 2d 609, 575 N. Y. S. 2d 49.

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Dismissal Under Rule 46

No. 91-1335. WALKER ET AL. *v.* UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF LOUISIANA (EXXON CORP., REAL PARTY IN INTEREST). C. A. 5th Cir. Certiorari dismissed under this Court's Rule 46.

Miscellaneous Orders

No. A-700. CAMP, SECRETARY OF STATE OF ALABAMA *v.* WESCH ET AL. D. C. S. D. Ala. Application for stay, presented to JUSTICE KENNEDY, and by him referred to the Court, denied. Motion to expedite consideration of the jurisdictional statement denied. Motion to permit filings initially in typewritten form granted.

No. 91-1502 (A-696). FRANKLIN, SECRETARY OF COMMERCE, ET AL. *v.* MASSACHUSETTS ET AL. D. C. Mass. [Probable jurisdiction noted, *ante*, p. 929.] Application for stay, presented to JUSTICE SOUTER, and by him referred to the Court, granted, and it is ordered that the judgment of the United States District Court for the District of Massachusetts, case No. Civ. 91-11234-

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WD, be stayed pending disposition of the appeal in this Court. In the event the judgment is affirmed, this order is to terminate automatically. If the judgment is vacated or reversed, this stay is to remain in effect pending the sending down of the judgment of this Court.

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Dismissal Under Rule 46

No. 91-1288. *KINDIG ET AL. v. DEPARTMENT OF TRANSPORTATION ET AL.* C. A. D. C. Cir. Certiorari dismissed as to petitioner Valentine under this Court's Rule 46.

Miscellaneous Orders

No. — — —. *CUEVAS v. UNITED STATES*; and

No. — — —. *HALAS v. QUIGG*. Motions to direct the Clerk to file petitions for writs of certiorari out of time denied.

No. A-642. *PANDEY v. UNITED STATES*. Application for release, addressed to JUSTICE WHITE and referred to the Court, denied.

No. A-670 (91-1494). *GUNTER ET AL. v. ABDULLAH*. C. A. 8th Cir. Application for stay, addressed to JUSTICE THOMAS and referred to the Court, denied.

No. A-689. *AYARS ET UX. v. NEW JERSEY*. Application for bail, addressed to JUSTICE WHITE and referred to the Court, denied.

No. D-1065. *IN RE DISBARMENT OF SOLOWITCH*. Eric Steven Solowitch, of University Heights, Ohio, 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 January 13, 1992 [502 U. S. 1026], is hereby discharged.

No. D-1071. *IN RE DISBARMENT OF WILEY*. Disbarment entered. [For earlier order herein, see 502 U. S. 1054.]

No. D-1072. *IN RE DISBARMENT OF TRUDGEON*. Disbarment entered. [For earlier order herein, see 502 U. S. 1054.]

No. D-1073. *IN RE DISBARMENT OF ZADAN*. Disbarment entered. [For earlier order herein, see 502 U. S. 1054.]

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No. D-1077. IN RE DISBARMENT OF SWICKLE. Disbarment entered. [For earlier order herein, see 502 U. S. 1055.]

No. D-1080. IN RE DISBARMENT OF BRYAN. Disbarment entered. [For earlier order herein, see 502 U. S. 1055.]

No. D-1099. IN RE DISBARMENT OF HART. It is ordered that Henry Clay Hart, Jr., of Morgantown, W. Va., 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-1100. IN RE DISBARMENT OF CUNNINGHAM. It is ordered that Michael Eaton Cunningham, of Brick, 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-1101. IN RE DISBARMENT OF WATSON. It is ordered that Mark Temple Watson, of Elizabethtown, Ky., 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-1102. IN RE DISBARMENT OF CONNER. It is ordered that Kurt R. Conner, of North Wilkesboro, 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-1103. IN RE DISBARMENT OF WINN. It is ordered that Newton Alfred Winn, of St. Petersburg, 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-1104. IN RE DISBARMENT OF BLANK. It is ordered that Gary L. Blank, of Chicago, 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-1105. IN RE DISBARMENT OF MEKAS. It is ordered that Peter G. Mekas, of Reed City, Mich., 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. 91-471. CHEMICAL WASTE MANAGEMENT, INC. *v.* HUNT, GOVERNOR OF ALABAMA, ET AL. Sup. Ct. Ala. [Certiorari granted, 502 U. S. 1070.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 91-744. PLANNED PARENTHOOD OF SOUTHEASTERN PENNSYLVANIA ET AL. *v.* CASEY, GOVERNOR OF PENNSYLVANIA, ET AL.; and

No. 91-902. CASEY, GOVERNOR OF PENNSYLVANIA, ET AL. *v.* PLANNED PARENTHOOD OF SOUTHEASTERN PENNSYLVANIA ET AL. C. A. 3d Cir. [Certiorari granted, 502 U. S. 1056.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 91-538. FORSYTH COUNTY, GEORGIA *v.* NATIONALIST MOVEMENT. C. A. 11th Cir. [Certiorari granted, 502 U. S. 1023.] Motion of International Association of Chiefs of Police et al. for leave to file a brief as *amici curiae* granted.

No. 91-719. PARKE, WARDEN *v.* RALEY. C. A. 6th Cir. [Certiorari granted, *ante*, p. 905.] Motion of respondent for leave to proceed further herein *in forma pauperis* granted. Motion for appointment of counsel granted, and it is ordered that J. Gregory Clare, Esq., of Louisville, Ky., be appointed to serve as counsel for respondent in this case.

No. 91-971. TWO PESOS, INC. *v.* TACO CABANA, INC. C. A. 5th Cir. [Certiorari granted, 502 U. S. 1071.] Motion of respondent to expedite consideration of motion to dismiss the writ as improvidently granted is granted. Motion of respondent to dismiss the writ as improvidently granted is denied.

No. 91-1010. PUERTO RICO AQUEDUCT AND SEWER AUTHORITY *v.* METCALF & EDDY, INC. C. A. 1st Cir. [Certiorari granted, *ante*, p. 918.] Motion of respondent for summary disposition denied.

No. 91-1270. RICHARDS, GOVERNOR OF TEXAS, ET AL. *v.* TERRAZAS ET AL. Appeal from D. C. W. D. Tex. The Solicitor General is invited to file a brief in this case expressing the views of the United States.

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No. 91-1283. GREENBERG, INDEPENDENT EXECUTOR OF ESTATE OF MCGANN, DECEASED *v.* H & H MUSIC CO. ET AL. C. A. 5th Cir. Motions of American Public Health Association et al., Bay Area Lawyers for Individual Freedom et al., and Michigan Protection & Advocacy for leave to file briefs as *amici curiae* granted. The Solicitor General is invited to file a brief in this case expressing the views of the United States.

No. 91-6619. SHANNON ET UX. *v.* UNITED SERVICES AUTOMOBILE ASSN. ET AL. Sup. Ct. Wis.; and

No. 91-7252. NEWMAN ET AL. *v.* ORENTREICH. Ct. App. N. Y. Motions of petitioners for leave to proceed *in forma pauperis* denied. Petitioners are allowed until April 20, 1992, within which to pay the docketing fee required by Rule 38(a) and to submit petitions in compliance with Rule 33 of the Rules of this Court.

No. 91-6646. HADLEY *v.* UNITED STATES. C. A. 9th Cir. [Certiorari granted, *ante*, p. 905.] Motion for appointment of counsel granted, and it is ordered that John Trebon, Esq., of Flagstaff, Ariz., be appointed to serve as counsel for petitioner in this case.

No. 91-7511. IN RE ZZIE; and

No. 91-7542. IN RE GATES. Petitions for writs of habeas corpus denied.

Probable Jurisdiction Noted

No. 91-1420. GROWE, SECRETARY OF STATE OF MINNESOTA, ET AL. *v.* EMISON ET AL. Appeal from D. C. Minn. Probable jurisdiction noted. Reported below: 782 F. Supp. 427.

Certiorari Granted

No. 91-1043. PROFESSIONAL REAL ESTATE INVESTORS, INC., ET AL. *v.* COLUMBIA PICTURES INDUSTRIES, INC., ET AL. C. A. 9th Cir. Certiorari granted. Reported below: 944 F. 2d 1525.

No. 91-10. SPECTRUM SPORTS, INC., ET AL. *v.* MCQUILLAN ET VIR, DBA SORBOTURF ENTERPRISES. C. A. 9th Cir. Certiorari granted limited to Question 1 presented by the petition. Reported below: 907 F. 2d 154.

No. 91-7094. RICHMOND *v.* LEWIS, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 9th Cir. Motion of

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petitioner for leave to proceed *in forma pauperis* granted. Certiorari granted. Reported below: 948 F. 2d 1473.

Certiorari Denied

No. 91-758. CRUZ RASA ET AL. *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 924 F. 2d 1063.

No. 91-961. INTERNATIONAL CHEMICAL CO. ET AL. *v.* NATIONAL LABOR RELATIONS BOARD. C. A. 10th Cir. Certiorari denied. Reported below: 940 F. 2d 1538.

No. 91-1058. MCBRIDE *v.* IMMIGRATION AND NATURALIZATION SERVICE. C. A. 10th Cir. Certiorari denied. Reported below: 943 F. 2d 57.

No. 91-1097. WARD *v.* SECRETARY OF TRANSPORTATION. C. A. 1st Cir. Certiorari denied. Reported below: 943 F. 2d 157.

No. 91-1104. KEGLEY ET AL. *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 889 F. 2d 806 and 923 F. 2d 764.

No. 91-1123. RIVES ET AL. *v.* INTERSTATE COMMERCE COMMISSION ET AL. C. A. 10th Cir. Certiorari denied. Reported below: 934 F. 2d 1171.

No. 91-1124. HAVASUPAI TRIBE ET AL. *v.* UNITED STATES ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 943 F. 2d 32.

No. 91-1155. SMITH, INDIVIDUALLY AND AS ADMINISTRATRIX OF THE ESTATE OF SMITH, ET AL. *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 943 F. 2d 1318.

No. 91-1266. WILSON ET AL. *v.* KARR, TUTTLE, KOCH, CAMPBELL, MAWER, MORROW & SAX ET AL. Ct. App. Wash. Certiorari denied. Reported below: 61 Wash. App. 1045.

No. 91-1268. CITY OF NEWPORT ET AL. *v.* LEE, DBA BRASS BULL. C. A. 6th Cir. Certiorari denied. Reported below: 947 F. 2d 945.

No. 91-1275. WILKERSON *v.* LAKE COUNTY SUPERIOR COURT ET AL. Sup. Ct. Ind. Certiorari denied.

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No. 91-1276. *GORDON ET UX. v. BOARD OF ZONING APPEALS, CARROLL COUNTY, MARYLAND, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 946 F. 2d 885.

No. 91-1278. *FELDMAN v. GLUCROFT ET AL.* Dist. Ct. App. Fla., 3d Dist. Certiorari denied. Reported below: 580 So. 2d 866.

No. 91-1290. *SCHWARZER v. DOUGLAS COUNTY, NEVADA.* 9th Jud. Dist. Ct. Nev., County of Douglas. Certiorari denied.

No. 91-1291. *CARLISLE ET AL. v. BRADSHAW ET AL.* Sup. Ct. N. H. Certiorari denied. Reported below: 135 N. H. 7, 599 A. 2d 481.

No. 91-1293. *LENDABARKER v. ILLINOIS.* App. Ct. Ill., 2d Dist. Certiorari denied. Reported below: 215 Ill. App. 3d 540, 575 N. E. 2d 568.

No. 91-1309. *CORTEC INDUSTRIES, INC., ET AL. v. WESTINGHOUSE CREDIT CORP.* C. A. 2d Cir. Certiorari denied. Reported below: 949 F. 2d 42.

No. 91-1311. *RAPPS, INDIVIDUALLY AND AS DIRECTOR OF THE MISSOURI DIVISION OF CHILD SUPPORT ENFORCEMENT, ET AL. v. JACKSON ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 947 F. 2d 332.

No. 91-1315. *MIRMAN v. GRIEVANCE COMMITTEE FOR SECOND AND ELEVENTH JUDICIAL DISTRICTS.* App. Div., Sup. Ct. N. Y., 2d Jud. Dept. Certiorari denied. Reported below: 167 App. Div. 2d 60, 569 N. Y. S. 2d 981.

No. 91-1317. *ADAM CAB, INC., DBA ADAM CAB CO. v. COLLINS, STATE REVENUE COMMISSIONER OF GEORGIA.* Super. Ct. Chat-ham County, Ga. Certiorari denied.

No. 91-1319. *LANGFORD v. UNITED STATES.* C. A. 11th Cir. Certiorari denied. Reported below: 946 F. 2d 798.

No. 91-1323. *BURNEY v. OHIO* (two cases). Ct. App. Ohio, Cuyahoga County. Certiorari denied.

No. 91-1329. *MOODY v. SMITH, TRUSTEE, ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 862 F. 2d 1194.

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No. 91-1350. *SPAETH ET UX. v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 985 F. 2d 566.

No. 91-1358. *SCHWARTZ v. CITY OF FLINT*. Ct. App. Mich. Certiorari denied. Reported below: 187 Mich. App. 191, 466 N. W. 2d 357.

No. 91-1372. *WOODS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 949 F. 2d 175.

No. 91-1373. *CALERO ET AL. v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 947 F. 2d 1487.

No. 91-1386. *LOWRY v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 947 F. 2d 942.

No. 91-1389. *VIGIL v. SOLANO ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 947 F. 2d 955.

No. 91-6300. *KALTENBACH v. WHITLEY, WARDEN*. C. A. 5th Cir. Certiorari denied.

No. 91-6663. *WALLACE v. ROBINSON ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 940 F. 2d 243.

No. 91-6682. *JEFFRESS v. JEFFRESS*. Ct. App. Va. Certiorari denied.

No. 91-6781. *KATTULA v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 941 F. 2d 1207.

No. 91-6837. *REED v. SOCIAL SECURITY ADMINISTRATION*. C. A. 5th Cir. Certiorari denied. Reported below: 951 F. 2d 344.

No. 91-6858. *CHERIF v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 943 F. 2d 692.

No. 91-6859. *RESTREPO v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 946 F. 2d 654.

No. 91-6899. *LOPEZ JAUREGUI v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 945 F. 2d 409.

No. 91-6905. *OCHOA-FABIAN v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 935 F. 2d 1139.

No. 91-6938. *ALZAMORA v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 948 F. 2d 1296.

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No. 91-6939. *JERMOSEN v. SMITH ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 945 F. 2d 547.

No. 91-6966. *RAIBON v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 946 F. 2d 1542.

No. 91-7121. *SINGER v. UNITED STATES.* C. A. 3d Cir. Certiorari denied. Reported below: 937 F. 2d 600.

No. 91-7142. *BLANKENSHIP v. ZANT, WARDEN.* Sup. Ct. Ga. Certiorari denied.

No. 91-7168. *GILES v. GEORGIA.* Sup. Ct. Ga. Certiorari denied. Reported below: 261 Ga. XXIX, 410 S. E. 2d 747.

No. 91-7173. *BACCAM v. IOWA.* Ct. App. Iowa. Certiorari denied. Reported below: 476 N. W. 2d 884.

No. 91-7175. *ROSS v. DAKOTA RAIL, INC., ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 946 F. 2d 82.

No. 91-7182. *KEYES v. HUCKLEBERRY HOUSE ET AL.*; and *KEYES v. MCISSAC, CHIEF PROBATION OFFICER, CITY AND COUNTY OF SAN FRANCISCO.* Ct. App. Cal., 1st App. Dist. Certiorari denied. Reported below: 234 Cal. App. 3d 143, 285 Cal. Rptr. 633 (second case).

No. 91-7184. *GREEN v. SOUTH CAROLINA.* Sup. Ct. S. C. Certiorari denied. Reported below: 306 S. C. 94, 409 S. E. 2d 785.

No. 91-7189. *AKIONA ET AL. v. UNITED STATES ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 938 F. 2d 158.

No. 91-7190. *SEWELL v. UNITED STATES.* C. A. 7th Cir. Certiorari denied. Reported below: 942 F. 2d 1209.

No. 91-7191. *WILLIAMS v. BANKS.* Super. Ct. Fulton County, Ga. Certiorari denied.

No. 91-7193. *VORHAUER v. CONRAD ET AL.* C. A. 3d Cir. Certiorari denied.

No. 91-7198. *BOCLAIR v. ILLINOIS.* Sup. Ct. Ill. Certiorari denied. Reported below: 129 Ill. 2d 458, 544 N. E. 2d 715.

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No. 91-7201. *CARTWRIGHT v. WHITE*, SUPERINTENDENT, ALGOA CORRECTIONAL CENTER. C. A. 8th Cir. Certiorari denied.

No. 91-7206. *JOHNSON v. CALIFORNIA*. Ct. App. Cal., 6th App. Dist. Certiorari denied. Reported below: 233 Cal. App. 3d 425, 284 Cal. Rptr. 579.

No. 91-7211. *CORDLE v. SQUARE D Co.* C. A. 6th Cir. Certiorari denied. Reported below: 947 F. 2d 944.

No. 91-7214. *GRIMES v. WELLS*, WARDEN. C. A. 6th Cir. Certiorari denied. Reported below: 951 F. 2d 349.

No. 91-7215. *FANT v. TURNER*, WARDEN, ET AL. C. A. 8th Cir. Certiorari denied.

No. 91-7216. *KALTENBACH v. STALDER*, WARDEN, ET AL. C. A. 5th Cir. Certiorari denied.

No. 91-7218. *MERCHANT v. SINGLETARY*, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS. C. A. 11th Cir. Certiorari denied.

No. 91-7219. *PAIGE v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. Reported below: 292 U. S. App. D. C. 37, 946 F. 2d 127.

No. 91-7223. *MASUTH v. INDIANA*. Ct. App. Ind. Certiorari denied. Reported below: 575 N. E. 2d 714.

No. 91-7224. *PATTILLO v. CITY OF LAS VEGAS*, NEVADA. Sup. Ct. Nev. Certiorari denied. Reported below: 107 Nev. 1131, 838 P. 2d 952.

No. 91-7228. *MORGAN v. SOUTH CAROLINA*. Sup. Ct. S. C. Certiorari denied.

No. 91-7232. *HOFMANN v. PRESSMAN TOY CORP. ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 947 F. 2d 935.

No. 91-7234. *LEE v. WALGREEN'S CO. ET AL.* C. A. 7th Cir. Certiorari denied.

No. 91-7236. *MOORE v. JAMES*, JUDGE, SUPERIOR COURT OF DOUGLAS COUNTY. Sup. Ct. Ga. Certiorari denied.

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No. 91-7245. *RENEER v. SAMBERG ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 946 F. 2d 895.

No. 91-7246. *CONNOR v. MOBIL CHEMICAL Co.* C. A. 5th Cir. Certiorari denied. Reported below: 949 F. 2d 1158.

No. 91-7271. *STOKES v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. Reported below: 951 F. 2d 351.

No. 91-7275. *SMITH v. OHIO.* Ct. App. Ohio, Cuyahoga County. Certiorari denied.

No. 91-7276. *GREEN v. PENNSYLVANIA.* Super. Ct. Pa. Certiorari denied. Reported below: 405 Pa. Super. 24, 591 A. 2d 1079.

No. 91-7278. *VALLADARES v. TEXAS.* Ct. App. Tex., 6th Dist. Certiorari denied. Reported below: 800 S. W. 2d 274.

No. 91-7279. *AGATI, DBA INTERNATIONAL MULTI-SERVICES v. UNITED STATES.* C. A. Fed. Cir. Certiorari denied. Reported below: 945 F. 2d 416.

No. 91-7283. *YOUNG v. UNITED STATES.* C. A. 8th Cir. Certiorari denied. Reported below: 943 F. 2d 24.

No. 91-7286. *LAWRENCE v. HOKE, SUPERINTENDENT, EASTERN CORRECTIONAL FACILITY.* C. A. 2d Cir. Certiorari denied. Reported below: 948 F. 2d 1277.

No. 91-7293. *BAILES v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 944 F. 2d 902.

No. 91-7299. *SCHMITT v. FLORIDA.* Sup. Ct. Fla. Certiorari denied. Reported below: 590 So. 2d 404.

No. 91-7312. *JORDAN v. SINGLETARY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS.* C. A. 11th Cir. Certiorari denied. Reported below: 948 F. 2d 1297.

No. 91-7317. *QUINSKY v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 946 F. 2d 888.

No. 91-7343. *MARSHALL v. SALTON.* C. A. 11th Cir. Certiorari denied. Reported below: 940 F. 2d 673.

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No. 91-7365. *COWAN v. GALLEY, WARDEN, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 943 F. 2d 48.

No. 91-7387. *CARRION-CALIZ v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 944 F. 2d 220.

No. 91-7391. *STOUFFER v. OKLAHOMA.* Ct. Crim. App. Okla. Certiorari denied. Reported below: 817 P. 2d 1275.

No. 91-7394. *IRWIN v. UNITED STATES.* C. A. 11th Cir. Certiorari denied. Reported below: 946 F. 2d 1546.

No. 91-7402. *BARRIOS-BARCELONA v. UNITED STATES.* C. A. 11th Cir. Certiorari denied. Reported below: 949 F. 2d 1161.

No. 91-7405. *DELGADO v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 949 F. 2d 1159.

No. 91-7407. *MASSEY v. UNITED STATES.* C. A. 11th Cir. Certiorari denied. Reported below: 947 F. 2d 1490.

No. 91-7429. *HINTZE v. SOUTHWEST GAS INC.* Ct. App. Ariz. Certiorari denied.

No. 91-7433. *WILLIAMS v. UNITED STATES.* C. A. D. C. Cir. Certiorari denied. Reported below: 293 U. S. App. D. C. 356, 954 F. 2d 787.

No. 91-7436. *CORN v. UNITED STATES.* C. A. 7th Cir. Certiorari denied. Reported below: 956 F. 2d 135.

No. 91-7440. *CARR v. UNITED STATES.* C. A. 10th Cir. Certiorari denied. Reported below: 953 F. 2d 1392.

No. 91-7454. *REYNOLDS v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 946 F. 2d 888.

No. 91-7464. *THOMAS v. UNITED STATES.* C. A. 11th Cir. Certiorari denied. Reported below: 949 F. 2d 1161.

No. 91-7465. *CRANFILL v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 951 F. 2d 1256.

No. 91-7466. *SCHIMMEL v. UNITED STATES.* C. A. 7th Cir. Certiorari denied. Reported below: 950 F. 2d 432.

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No. 91-7467. CHASE *v.* UNITED STATES. C. A. D. C. Cir. Certiorari denied. Reported below: 292 U. S. App. D. C. 87, 946 F. 2d 1567.

No. 91-7473. DIXON *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 953 F. 2d 647.

No. 91-7479. TAYLOR *v.* UTAH. Sup. Ct. Utah. Certiorari denied. Reported below: 818 P. 2d 1030.

No. 91-7486. GOMEZ *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 951 F. 2d 1261.

No. 91-7489. ZUCKERMAN *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied.

No. 91-7492. LANGE *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 951 F. 2d 344.

No. 91-7499. TOVAR-PAZ *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 945 F. 2d 401.

No. 91-7501. BLADE *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 950 F. 2d 725.

No. 91-7513. CAHILL *v.* SINGLETARY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS. C. A. 11th Cir. Certiorari denied. Reported below: 951 F. 2d 368.

No. 91-1032. SHEARSON LEHMAN MORTGAGE CORP. *v.* LAGUNA ET AL. C. A. 9th Cir. Certiorari denied. JUSTICE WHITE and JUSTICE O'CONNOR would grant certiorari. Reported below: 944 F. 2d 542.

No. 91-1198. CHESAPEAKE WESTERN RAILWAY ET AL. *v.* TAX COMMISSIONER, VIRGINIA DEPARTMENT OF TAXATION, ET AL. C. A. 4th Cir. Certiorari denied. JUSTICE WHITE and JUSTICE O'CONNOR would grant certiorari. Reported below: 938 F. 2d 528.

No. 91-1255. DEROBERTIS, WARDEN, ET AL. *v.* HENDERSON ET AL. C. A. 7th Cir. Motion of respondents for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 940 F. 2d 1055.

No. 91-1282. CONNECTICUT BANK & TRUST CO. ET AL. *v.* WILMINGTON TRUST CO. ET AL. C. A. 9th Cir. Motion of Mari-

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time Law Association of the United States for leave to file a brief as *amicus curiae* granted. Certiorari denied. Reported below: 934 F. 2d 1026.

No. 91-1288. KINDIG ET AL. *v.* DEPARTMENT OF TRANSPORTATION ET AL. C. A. D. C. Cir. Certiorari denied. JUSTICE THOMAS took no part in the consideration or decision of this petition.

No. 91-1341. THANH VONG HOAI ET AL. *v.* THANH VAN VO ET AL. C. A. D. C. Cir. Motion of Vietnamese Community of Washington, D. C., Maryland, and Virginia for leave to file a brief as *amicus curiae* granted. Certiorari denied. JUSTICE THOMAS took no part in the consideration or decision of this motion and this petition. Reported below: 290 U. S. App. D. C. 142, 935 F. 2d 308.

Rehearing Denied

No. 91-6026. WION *v.* COLLINS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION, 502 U. S. 1100;

No. 91-6318. CHOICE *v.* BEYER ET AL., 502 U. S. 1040;

No. 91-6388. MOORE *v.* O'MALLEY ET AL., 502 U. S. 1042; and

No. 91-6425. PAVLICO *v.* UNITED STATES, 502 U. S. 1102. Petitions for rehearing denied.

No. 91-5429. PIRON *v.* DE GROOTE ET AL., 502 U. S. 912. Petition for rehearing denied. JUSTICE THOMAS took no part in the consideration or decision of this petition.

No. 91-6802 (A-644). ANDREWS *v.* DELAND, DIRECTOR, UTAH DEPARTMENT OF CORRECTIONS, ET AL., 502 U. S. 1110. Application to suspend the effect of the order denying the petition for writ of certiorari, addressed to JUSTICE BLACKMUN and referred to the Court, denied. Petition for rehearing denied.

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Miscellaneous Order

No. A-735. LEWIS, DIRECTOR OF CORRECTIONS OF ARIZONA, ET AL. *v.* HARDING. Application to vacate the stay of execution of sentence of death, presented to JUSTICE O'CONNOR, and by her referred to the Court, granted, and it is ordered that the order

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staying the execution entered by the United States Court of Appeals for the Ninth Circuit on April 2, 1992, is vacated. JUSTICE BLACKMUN and JUSTICE STEVENS would deny the application.

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Certiorari Granted—Reversed and Remanded. (See No. 91-6751, *ante*, p. 562.)

Miscellaneous Orders

No. A-737. *HARDING v. LEWIS, DIRECTOR OF CORRECTIONS OF ARIZONA, ET AL.* Application to stay the execution of sentence of death, presented to JUSTICE O'CONNOR, and by her referred to the Court, denied.

No. D-1062. *IN RE DISBARMENT OF TAVOLACCI.* Disbarment entered. [For earlier order herein, see 502 U. S. 1011.]

No. D-1070. *IN RE DISBARMENT OF DUNN.* Disbarment entered. [For earlier order herein, see 502 U. S. 1027.]

No. D-1079. *IN RE DISBARMENT OF MCNAMEE.* Disbarment entered. [For earlier order herein, see 502 U. S. 1055.]

No. D-1106. *IN RE DISBARMENT OF HOROWITZ.* It is ordered that Howard Horowitz, of Coral Gables, 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-1107. *IN RE DISBARMENT OF CHATZ.* It is ordered that Robert B. Chatz, 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-1108. *IN RE DISBARMENT OF ROSCH.* It is ordered that John Franklin Rosch, of Glen Ellyn, 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. 90-114. *CONSOLIDATION COAL CO. v. DIRECTOR, OFFICE OF WORKERS' COMPENSATION PROGRAMS, UNITED STATES DE-*

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PARTMENT OF LABOR, ET AL., 501 U. S. 680. Motion of respondent Albert C. Dayton for award of attorney's fees denied without prejudice to refiling in the United States Court of Appeals for the Fourth Circuit. JUSTICE KENNEDY and JUSTICE THOMAS took no part in the consideration or decision of this motion.

No. 91-615. ALLIED-SIGNAL, INC., AS SUCCESSOR-IN-INTEREST TO THE BENDIX CORP. *v.* DIRECTOR, DIVISION OF TAXATION. Sup. Ct. N. J. [Certiorari granted, 502 U. S. 977.] Motion of the Attorney General of Commonwealth of Virginia for leave to participate in oral argument as *amicus curiae*, for divided argument, and for additional time for oral argument denied.

No. 91-719. PARKE, WARDEN *v.* RALEY. C. A. 6th Cir. [Certiorari granted, *ante*, p. 905.] Motion of petitioner to be excused from printing certain portions of the record in the joint appendix denied.

No. 91-810. CITY OF BURLINGTON *v.* DAGUE ET AL. C. A. 2d Cir. [Certiorari granted, 502 U. S. 1071.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted. Motion of respondents for divided argument to permit American Bar Association to participate in oral argument as *amicus curiae* denied.

No. 91-913. PATTERSON, TRUSTEE *v.* SHUMATE. C. A. 4th Cir. [Certiorari granted, 502 U. S. 1057.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 91-998. COMMISSIONER OF INTERNAL REVENUE *v.* SOLIMAN. C. A. 4th Cir. [Certiorari granted, *ante*, p. 935.] Motion of the Solicitor General to dispense with printing the joint appendix granted.

No. 91-1514. ANNE ARUNDEL COUNTY REPUBLICAN CENTRAL COMMITTEE ET AL. *v.* STATE ADMINISTRATIVE BOARD OF ELECTION LAWS ET AL. Appeal from D. C. Md. Motion of appellants to expedite consideration of appeal denied.

No. 91-1571. MASSACHUSETTS ET AL. *v.* FRANKLIN, SECRETARY OF COMMERCE, ET AL. Appeal from D. C. Mass. Motion of appellants to expedite consideration of appeal denied. Motion of appellants to permit filings initially in typewritten form granted.

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No. 91-1566. REPUBLICAN PARTY OF OREGON ET AL. *v.* KEISLING, SECRETARY OF STATE OF OREGON. C. A. 9th Cir. Motion of petitioners to expedite consideration of petition for writ of certiorari denied.

No. 91-7344. REYNOLDS *v.* LOCAL 24, UNITED STEEL WORKERS OF AMERICA, ET AL. C. A. 6th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied. Petitioner is allowed until April 27, 1992, within which to pay the docketing fee required by Rule 38(a) and to submit a petition in compliance with Rule 33 of the Rules of this Court.

No. 91-7578. IN RE CLARKE. Petition for writ of habeas corpus denied.

Certiorari Granted

No. 91-1135. NEWARK MORNING LEDGER CO., AS SUCCESSOR TO THE HERALD CO. *v.* UNITED STATES. C. A. 3d Cir. Certiorari granted. Reported below: 945 F. 2d 555.

No. 91-1326. DISTRICT OF COLUMBIA ET AL. *v.* GREATER WASHINGTON BOARD OF TRADE. C. A. D. C. Cir. Motion of Connecticut Business & Industry Association for leave to file a brief as *amicus curiae* granted. Certiorari granted. Reported below: 292 U. S. App. D. C. 209, 948 F. 2d 1317.

Certiorari Denied

No. 91-992. NEWPORT LTD. *v.* BOARD OF COMMISSIONERS, ORLEANS LEVEE DISTRICT. Ct. App. La., 4th Cir. Certiorari denied. Reported below: 578 So. 2d 191.

No. 91-1106. TRANSAMERICA INSURANCE CO. ET AL. *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 946 F. 2d 581.

No. 91-1140. WAGNER SEED CO., INC. *v.* BUSH, PRESIDENT OF THE UNITED STATES, ET AL. C. A. D. C. Cir. Certiorari denied. Reported below: 292 U. S. App. D. C. 44, 946 F. 2d 918.

No. 91-1153. SPIEGEL *v.* RYAN ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 946 F. 2d 1435.

No. 91-1162. SID GOODMAN & CO., INC. *v.* UNITED STATES ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 945 F. 2d 398.

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No. 91-1186. *MONROE v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 943 F. 2d 1007.

No. 91-1296. *STEPHENSON v. OKLAHOMA TURNPIKE AUTHORITY*. C. A. 10th Cir. Certiorari denied. Reported below: 948 F. 2d 1295.

No. 91-1301. *GAUB v. RICHARD SOONG & Co. (USA), INC.* C. A. 9th Cir. Certiorari denied. Reported below: 922 F. 2d 845.

No. 91-1302. *MESSING v. MOSTOLLER, TRUSTEE*. C. A. 6th Cir. Certiorari denied. Reported below: 944 F. 2d 905.

No. 91-1308. *CONTINENTAL CASUALTY Co. v. UNR INDUSTRIES, INC., ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 942 F. 2d 1101.

No. 91-1310. *NPM GROUP, INC., FORMERLY KNOWN AS WILMAT HOLDINGS, INC. v. BENEDETTO ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 950 F. 2d 887.

No. 91-1312. *SMYTH v. GIPSON ET UX*. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 91-1313. *NASCIMENTO v. STATE BAR OF MONTANA*. Sup. Ct. Mont. Certiorari denied.

No. 91-1320. *HARRIS v. HALE ET AL.* Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 91-1321. *BRANDON STEEL DECKS, INC. v. HINES*. C. A. 11th Cir. Certiorari denied. Reported below: 948 F. 2d 1297.

No. 91-1322. *BRIGNOLI v. FOWLER, AS RECEIVER AND LIQUIDATING TRUSTEE OF BRIGNOLI, CURLEY & ROBERTS ASSOCIATES, ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 952 F. 2d 393.

No. 91-1325. *INTERNATIONAL UNION, UNITED MINE WORKERS OF AMERICA, ET AL. v. NEW BECKLEY MINING CORP.* C. A. 4th Cir. Certiorari denied. Reported below: 946 F. 2d 1072.

No. 91-1333. *McGEE v. INTERINSURANCE EXCHANGE OF AUTOMOBILE CLUB OF SOUTHERN CALIFORNIA*. Ct. App. Cal., 2d App. Dist. Certiorari denied.

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No. 91-1334. *LAKE COUNTRY, INC. v. OLSEN ET UX.* C. A. 4th Cir. Certiorari denied. Reported below: 955 F. 2d 203.

No. 91-1349. *MORGENTHAU, DISTRICT ATTORNEY, NEW YORK COUNTY v. RANDALL.* Ct. App. N. Y. Certiorari denied. Reported below: 78 N. Y. 2d 494, 583 N. E. 2d 924.

No. 91-1352. *TABRIZIAN v. MODY ET AL.* Sup. Ct. N. M. Certiorari denied.

No. 91-1400. *USA McDONALD CORP., DBA NORCO PRODUCTS v. NATIONAL LABOR RELATIONS BOARD.* C. A. 9th Cir. Certiorari denied. Reported below: 944 F. 2d 909.

No. 91-5142. *HERRERA v. UNITED STATES.* C. A. 11th Cir. Certiorari denied. Reported below: 931 F. 2d 761.

No. 91-6160. *HENTHORN v. UNITED STATES; and LAWRENCE v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 930 F. 2d 920 (first case); 936 F. 2d 580 (second case).

No. 91-6282. *BALAWAJDER v. WILLIAMS, DISTRICT COURT JUDGE, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 940 F. 2d 1533.

No. 91-6362. *HAIDAR v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. Reported below: 940 F. 2d 663.

No. 91-6374. *RANSOM v. UNITED STATES.* C. A. 8th Cir. Certiorari denied. Reported below: 940 F. 2d 286.

No. 91-6386. *BAILES v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 935 F. 2d 1287.

No. 91-6587. *YEPMA v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 942 F. 2d 787.

No. 91-6934. *HENRY v. MARYLAND.* Ct. App. Md. Certiorari denied. Reported below: 324 Md. 204, 596 A. 2d 1024.

No. 91-6946. *COLEMAN v. UNITED STATES.* C. A. 10th Cir. Certiorari denied. Reported below: 947 F. 2d 1424.

No. 91-6957. *HANUS v. SODORO, DALY & SODORO LAW FIRM.* Sup. Ct. Neb. Certiorari denied. Reported below: 239 Neb. xxi.

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No. 91-6967. *TAYLOR v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 947 F. 2d 1490.

No. 91-6974. *MARTIN v. UNITED STATES*; and
No. 91-7013. *HAMPTON v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 945 F. 2d 1387.

No. 91-6989. *CARTER v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 947 F. 2d 942.

No. 91-7088. *GRADY v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 937 F. 2d 614.

No. 91-7127. *LOVE v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 936 F. 2d 575.

No. 91-7186. *JONES v. MURRAY, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS*. C. A. 4th Cir. Certiorari denied. Reported below: 947 F. 2d 1106.

No. 91-7242. *GEORGE v. VIRGINIA*. Sup. Ct. Va. Certiorari denied. Reported below: 242 Va. 264, 411 S. E. 2d 12.

No. 91-7247. *WILLIAMSON v. OKLAHOMA*. Ct. Crim. App. Okla. Certiorari denied. Reported below: 812 P. 2d 384.

No. 91-7249. *CHEWNING v. IOWA*. Ct. App. Iowa. Certiorari denied. Reported below: 485 N. W. 2d 106.

No. 91-7250. *YANKE v. FLORIDA*. Dist. Ct. App. Fla., 2d Dist. Certiorari denied. Reported below: 588 So. 2d 4.

No. 91-7251. *TYLER v. PURKETT, SUPERINTENDENT, FARMINGTON CORRECTIONAL CENTER*. C. A. 8th Cir. Certiorari denied. Reported below: 985 F. 2d 567.

No. 91-7255. *CLARK v. OCEAN BRAND TUNA ET AL.* C. A. 6th Cir. Certiorari denied.

No. 91-7257. *TAYLOR v. WASHINGTON*. Ct. App. Wash. Certiorari denied.

No. 91-7258. *JOHNSON v. CODY, WARDEN, ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 948 F. 2d 1294.

No. 91-7260. *FREEMAN v. WHITLEY, WARDEN*. C. A. 5th Cir. Certiorari denied.

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No. 91-7262. *JONES v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 201 Ill. App. 3d 440, 559 N. E. 2d 112.

No. 91-7280. *LUCCHESI v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied.

No. 91-7282. *DOESCHER v. WASHINGTON*. Sup. Ct. Wash. Certiorari denied.

No. 91-7285. *MITRAN v. COUNTY OF DUPAGE*. C. A. 7th Cir. Certiorari denied. Reported below: 946 F. 2d 897.

No. 91-7287. *JOHNSON, AKA RICHARDSON v. MONTEREY COUNTY ET AL.* C. A. 9th Cir. Certiorari denied.

No. 91-7288. *CARSON v. HERNANDEZ ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 949 F. 2d 1158.

No. 91-7294. *GAMBLE v. WEBSTER, ATTORNEY GENERAL OF MISSOURI*. C. A. 8th Cir. Certiorari denied.

No. 91-7298. *WICKLIFFE v. AIKEN, COMMISSIONER, INDIANA DEPARTMENT OF CORRECTION, ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 953 F. 2d 646.

No. 91-7300. *DUREN v. ALABAMA*. Sup. Ct. Ala. Certiorari denied. Reported below: 590 So. 2d 369.

No. 91-7309. *RAZO v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied.

No. 91-7311. *ENRIGHT v. ROSEBUD COUNTY, MONTANA, ET AL.* Sup. Ct. Mont. Certiorari denied. Reported below: 250 Mont. 541, 820 P. 2d 434.

No. 91-7314. *VANCE v. OHIO*. Ct. App. Ohio, Hamilton County. Certiorari denied.

No. 91-7315. *YOUNG v. PENNSYLVANIA ET AL.* C. A. 3d Cir. Certiorari denied.

No. 91-7332. *MAISE v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 952 F. 2d 394.

No. 91-7342. *MORALES v. OHIO*. Sup. Ct. Ohio. Certiorari denied. Reported below: 62 Ohio St. 3d 1446, 579 N. E. 2d 491.

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No. 91-7352. *WEIDMAN v. STAHLHUT*. Sup. Ct. Iowa. Certiorari denied. Reported below: 476 N. W. 2d 357.

No. 91-7367. *GADSON v. CONCORD UNION SCHOOL DISTRICT*. C. A. 1st Cir. Certiorari denied.

No. 91-7381. *BOWDEN v. FLORIDA*. Sup. Ct. Fla. Certiorari denied. Reported below: 588 So. 2d 225.

No. 91-7385. *HERRERA v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 948 F. 2d 1046.

No. 91-7389. *LEDFOORD v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 951 F. 2d 1261.

No. 91-7415. *POLK v. REYNOLDS, WARDEN, ET AL.* C. A. 10th Cir. Certiorari denied.

No. 91-7425. *HASTINGS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 949 F. 2d 400.

No. 91-7431. *HOYOS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 946 F. 2d 887.

No. 91-7439. *DEEB v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 944 F. 2d 545.

No. 91-7475. *AL KASHIF v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 951 F. 2d 1261.

No. 91-7478. *STANLEY v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 949 F. 2d 1370.

No. 91-7481. *JENKINS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 951 F. 2d 1257.

No. 91-7488. *ARNOLD v. KMART CORP.* C. A. 7th Cir. Certiorari denied. Reported below: 946 F. 2d 897.

No. 91-7490. *PAYNE v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 944 F. 2d 1458.

No. 91-7493. *LONGBEHN v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 950 F. 2d 728.

No. 91-7502. *LEURO ROSAS v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 952 F. 2d 616.

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No. 91-7503. *BUBBEL v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 951 F. 2d 363.

No. 91-7505. *STEWART v. FLORIDA*. Sup. Ct. Fla. Certiorari denied. Reported below: 588 So. 2d 972.

No. 91-7507. *AJAYI v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 953 F. 2d 1392.

No. 91-7510. *WINN v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 948 F. 2d 145.

No. 91-7512. *VAN WAGNER v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 955 F. 2d 43.

No. 91-7518. *JOSEPH v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 951 F. 2d 367.

No. 91-7519. *JONES v. DEPARTMENT OF THE NAVY*. C. A. Fed. Cir. Certiorari denied. Reported below: 950 F. 2d 731.

No. 91-7521. *FREELove v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 949 F. 2d 399.

No. 91-7526. *DONAHUE v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 948 F. 2d 438.

No. 91-7528. *HARDIN v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 949 F. 2d 400.

No. 91-7534. *DISMUKE v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 951 F. 2d 367.

No. 91-7536. *STUART v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 951 F. 2d 1263.

No. 91-7538. *AGE v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 91-7548. *WILSON v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 952 F. 2d 410.

No. 91-7551. *BROWN v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 950 F. 2d 1223.

No. 91-7553. *HAWKINS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 951 F. 2d 367.

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No. 91-7559. VILLALOBOS-HERNANDEZ *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 949 F. 2d 400.

No. 91-7560. ULLOA *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 951 F. 2d 368.

No. 91-7565. GRANT *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 954 F. 2d 729.

No. 91-7570. DE LEON *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 942 F. 2d 794.

No. 91-7573. MENDES *v.* UNITED STATES. Ct. App. D. C. Certiorari denied. Reported below: 595 A. 2d 972.

No. 91-1242. ALASKA AIRLINES, INC., ET AL. *v.* UNITED AIRLINES, INC., ET AL. C. A. 9th Cir. Certiorari denied. JUSTICE WHITE would grant certiorari. Reported below: 948 F. 2d 536.

No. 91-1260. LAC D'AMIANTE DU QUEBEC, LTEE *v.* STANEK ET AL. Ct. App. Minn. Certiorari denied. JUSTICE WHITE would grant certiorari. Reported below: 474 N. W. 2d 829.

No. 91-1305. UNITED STATES *v.* GUEVARA. C. A. 4th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 941 F. 2d 1299.

No. 91-6561. SCOTT *v.* CALIFORNIA. Ct. App. Cal., 2d App. Dist. Certiorari denied. JUSTICE BLACKMUN would grant certiorari. Reported below: 229 Cal. App. 3d 707, 280 Cal. Rptr. 274.

No. 91-7308. MILES *v.* KENTUCKY. Sup. Ct. Ky. Motion of petitioner to supplement the record denied. Certiorari denied.

Rehearing Denied

No. 91-6400. WILLIAMS ET UX. *v.* UNITED STATES, 502 U. S. 1042;

No. 91-6667. RESTREPO ET UX. *v.* UNITED STATES SMALL BUSINESS ADMINISTRATION, 502 U. S. 1080;

No. 91-6868. FLEMING *v.* COLORADO, 502 U. S. 1113;

No. 91-6893. DEMPSEY *v.* MASSACHUSETTS, 502 U. S. 1114; and

No. 91-7124. BORCHERS *v.* UNITED STATES ET AL., 502 U. S. 1120. Petitions for rehearing denied.

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APRIL 7, 1992

Dismissal Under Rule 46

No. 91-497. MICHIGAN EMPLOYMENT SECURITY COMMISSION *v.* WOLVERINE RADIO Co., INC. C. A. 6th Cir. Certiorari dismissed under this Court's Rule 46. Reported below: 930 F. 2d 1132.

APRIL 15, 1992

Dismissal Under Rule 46

No. 91-1359. PECHINEY & TREFIMETAUX *v.* GOULD, INC. C. A. 6th Cir. Certiorari dismissed under this Court's Rule 46. Reported below: 947 F. 2d 218.

APRIL 20, 1992

Certiorari Granted—Vacated and Remanded

No. 89-1681. BOARD OF EDUCATION OF TOPEKA, SHAWNEE COUNTY, KANSAS *v.* BROWN ET AL. C. A. 10th Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Freeman v. Pitts*, ante, p. 467, and *Board of Ed. of Oklahoma City Pub. Schools v. Dowell*, 498 U. S. 237 (1991). Reported below: 892 F. 2d 851.

No. 90-1527. UNITED STATES *v.* CALDERONE ET AL. C. A. 2d Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *United States v. Felix*, ante, p. 378. Reported below: 917 F. 2d 717.

No. 91-31. UNITED STATES *v.* GAMBINO. C. A. 2d Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *United States v. Felix*, ante, p. 378. Reported below: 920 F. 2d 1108.

No. 91-900. CASPARI ET AL. *v.* MCINTYRE, DIRECTOR, MISSOURI DIVISION OF CLASSIFICATION AND TREATMENT. C. A. 8th Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *United States v. Felix*, ante, p. 378. Reported below: 938 F. 2d 899.

No. 91-1340. DENNLER ET AL. *v.* TRIPPET ET AL. C. A. 10th Cir. Certiorari granted, judgment vacated, and case remanded

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for further consideration in light of § 27 of the Securities Exchange Act of 1934, 48 Stat. 902, as amended, 15 U. S. C. § 78aa. JUSTICE THOMAS took no part in the consideration or decision of this case.* Reported below: 939 F. 2d 1420 and 947 F. 2d 897.

Miscellaneous Orders

No. — — —. CARROLL ET AL. *v.* UNITED STATES. Motion to direct the Clerk to file petition that does not conform with the Rules of this Court denied.

No. — — —. JOHN *v.* NORTH COMMUNITY BANK ET AL. Motion to direct the Clerk to file petition for writ of certiorari out of time denied.

No. — — —. SCHMIDT *v.* SCHMIDT. Motion to dispense with printing petition for writ of certiorari denied.

No. A-693 (91-1618). VOINOVICH, GOVERNOR OF OHIO, ET AL. *v.* QUILTER, SPEAKER PRO TEMPORE OF OHIO HOUSE OF REPRESENTATIVES, ET AL. Appeal from D. C. N. D. Ohio. Application to stay an order of the United States District Court for the Northern District of Ohio, filed March 17, 1992, and supplemented April 6, 1992, presented to JUSTICE STEVENS, and by him referred to the Court, granted, and it is ordered that the orders of the United States District Court for the Northern District of Ohio, case No. 5:91 CV 2219, entered March 10, 1992, and March 31, 1992, are stayed pending final disposition of the appeal by this Court.

No. A-702. FREAS *v.* NEW JERSEY. Super. Ct. N. J., App. Div. Application for stay, addressed to JUSTICE WHITE and referred to the Court, denied.

No. A-718. GAYDOS *v.* GAYDOS ET AL. C. A. 3d Cir. Application for stay, addressed to THE CHIEF JUSTICE and referred to the Court, denied.

No. D-1078. IN RE DISBARMENT OF BEHRENDT. Disbarment entered. [For earlier order herein, see 502 U. S. 1055.]

No. D-1081. IN RE DISBARMENT OF STELLA. Disbarment entered. [For earlier order herein, see 502 U. S. 1087.]

*[REPORTER'S NOTE: For amendment of this order, see *post*, p. 1003.]

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No. D-1082. IN RE DISBARMENT OF SOLODKY. Disbarment entered. [For earlier order herein, see 502 U.S. 1087.]

No. D-1083. IN RE DISBARMENT OF GATTSEK. Disbarment entered. [For earlier order herein, see 502 U.S. 1087.]

No. D-1109. IN RE DISBARMENT OF PRESNICK. It is ordered that Daniel V. Presnick, of Orange, 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-1110. IN RE DISBARMENT OF HANSEN. It is ordered that Phil L. Hansen, of Salt Lake City, Utah, 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-1111. IN RE DISBARMENT OF TESSLER. It is ordered that Harvey Tessler, of St. Louis, Mo., 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-1112. IN RE DISBARMENT OF WHITE. It is ordered that Ivan Vance White, Jr., of Wilmington, 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-1113. IN RE DISBARMENT OF DAVIS. It is ordered that Hilton Davis, of Newark, 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-1114. IN RE DISBARMENT OF HARRISON. It is ordered that Gladys E. Harrison, of Cleveland, Ohio, be suspended from the practice of law in this Court and that a rule issue, returnable within 40 days, requiring her to show cause why she should not be disbarred from the practice of law in this Court.

No. D-1115. IN RE DISBARMENT OF D'ALBORA. It is ordered that John B. D'Albora, of Brooklyn, N. Y., 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. 108, Orig. NEBRASKA *v.* WYOMING ET AL. Sixth motion of the Special Master for compensation and reimbursement of expenses granted, and the Special Master is awarded a total of \$233,144.11. Assessment of this award is deferred pending receipt of further responses by Colorado and the *amici curiae* to the special assessment proposed by the Special Master, to be filed on or before Monday, May 4, 1992, and further order of the Court. [For earlier order herein, see, *e. g.*, *ante*, p. 917.]

No. 91-744. PLANNED PARENTHOOD OF SOUTHEASTERN PENNSYLVANIA ET AL. *v.* CASEY, GOVERNOR OF PENNSYLVANIA, ET AL.; and

No. 91-902. CASEY, GOVERNOR OF PENNSYLVANIA, ET AL. *v.* PLANNED PARENTHOOD OF SOUTHEASTERN PENNSYLVANIA ET AL. C. A. 3d Cir. [Certiorari granted, 502 U.S. 1056.] Motions of James J. Crook and America 21, Family Values for the Twenty-First Century for leave to file briefs as *amici curiae* denied. Motion of Arlen Specter to join *amici curiae* brief of Don Edwards et al. granted.

No. 91-913. PATTERSON, TRUSTEE *v.* SHUMATE. C. A. 4th Cir. [Certiorari granted, 502 U.S. 1057.] Motions for leave to file briefs as *amici curiae* filed by the following are granted: Hallmark Cards, Inc., Wal-Mart Stores et al., Eldon S. Reed, Ronald J. Wyles et al., ERISA Industry Committee et al., Lincoln National Corp., American Society of Pension Actuaries, Chamber of Commerce of the United States of America, and American College of Trust and Estate Counsel.

No. 91-1208. DRILAKE FARMS, INC., ET AL. *v.* SURREILLO ET AL. Sup. Ct. App. W. Va.; and

No. 91-1353. CONROY *v.* ANISKOFF ET AL. Sup. Jud. Ct. Me. The Solicitor General is invited to file briefs in these cases expressing the views of the United States.

No. 91-1502. FRANKLIN, SECRETARY OF COMMERCE, ET AL. *v.* MASSACHUSETTS ET AL. D. C. Mass. [Probable jurisdiction noted, *ante*, p. 929.] Motion of Attorney General of Washington for leave to participate in oral argument as *amicus curiae*, for divided argument, and for additional time for oral argument denied.

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No. 91-6854. *INGALLS v. ROOSEVELT COUNTY, NEW MEXICO, ET AL.* Sup. Ct. N. M. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [502 U. S. 1089] denied. JUSTICE BLACKMUN and JUSTICE STEVENS would grant this motion.

No. 91-7325. *DEMOS v. SUPREME COURT OF WASHINGTON ET AL.* Sup. Ct. Wash.; and

No. 91-7376. *MCDONALD v. YELLOW CAB METRO, INC., ET AL.* Sup. Ct. Tenn. Motions of petitioners for leave to proceed *in forma pauperis* denied. See this Court's Rule 39.8. Petitioners are allowed until May 11, 1992, within which to pay the docketing fee required by Rule 38(a) and to submit petitions in compliance with Rule 33 of the Rules of this Court. JUSTICE STEVENS would deny the petitions for writs of certiorari.

No. 91-7377. *MOOYMAN v. WORKMEN'S COMPENSATION APPEAL BOARD ET AL.* Sup. Ct. Pa. Motion of petitioner for leave to proceed *in forma pauperis* denied. Petitioner is allowed until May 11, 1992, within which to pay the docketing fee required by Rule 38(a) and to submit a petition in compliance with Rule 33 of the Rules of this Court.

No. 91-7504. *DAS v. A. W. CHESTERTON Co.* C. A. 1st Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied. Petitioner is allowed until May 11, 1992, within which to pay the docketing fee required by Rule 38(a) and to submit a petition in compliance with Rule 33 of the Rules of this Court.

JUSTICE STEVENS, dissenting.

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

No. 91-7052. *IN RE DAVIS*;

No. 91-7117. *IN RE ANDERSON*;

No. 91-7263. *IN RE JARVI*;

No. 91-7264. *IN RE JARVI*;

No. 91-7452. *IN RE PREUSS*;

No. 91-7517. *IN RE HARRISON*; and

No. 91-7626. *IN RE BURDINE*. Petitions for writs of mandamus denied.

No. 91-7006. *IN RE ELLIOTT*. Petition for writ of mandamus and/or prohibition denied.

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Certiorari Granted

No. 91-1030. *WITHROW v. WILLIAMS*. C. A. 6th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari granted. Reported below: 944 F. 2d 284.

Certiorari Denied

No. 90-1801. *BOSTON TEACHERS UNION LOCAL 66 v. MORGAN ET AL.* C. A. 1st Cir. Certiorari denied. Reported below: 926 F. 2d 86.

No. 90-1824. *PALOMAR MOBILEHOME PARK ASSN. v. CITY OF SAN MARCOS, CALIFORNIA*. Ct. App. Cal., 4th App. Dist. Certiorari denied.

No. 90-8394. *MUNERA-CADAVID v. UNITED STATES* (two cases). C. A. 11th Cir. Certiorari denied. Reported below: 932 F. 2d 976.

No. 91-631. *CASELLA ET AL. v. CITY OF MORGAN HILL*. Ct. App. Cal., 6th App. Dist. Certiorari denied. Reported below: 230 Cal. App. 3d 43, 280 Cal. Rptr. 876.

No. 91-934. *LADNER v. SMITH, SHERIFF, SMITH COUNTY, TEXAS, ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 941 F. 2d 356.

No. 91-987. *CITY AND COUNTY OF SAN FRANCISCO ET AL. v. FEDERAL AVIATION ADMINISTRATION ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 942 F. 2d 1391.

No. 91-1014. *LACHTERMAN v. MISSOURI*. Ct. App. Mo., Eastern Dist. Certiorari denied. Reported below: 812 S. W. 2d 759.

No. 91-1125. *ARNOLDT v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 947 F. 2d 1120.

No. 91-1145. *CAMPBELL v. DONDERO ET AL.* Sup. Ct. Nev. Certiorari denied. Reported below: 107 Nev. 1115, 838 P. 2d 936.

No. 91-1161. *KISER v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 948 F. 2d 418.

No. 91-1177. *CZARNESKI v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 9th Cir. Certiorari denied. Reported below: 940 F. 2d 1534.

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No. 91-1179. *PUEBLO OF SANTO DOMINGO v. THOMPSON ET AL.*; and

No. 91-1346. *UNITED STATES v. THOMPSON ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 941 F. 2d 1074.

No. 91-1183. *RICHMOND, FREDERICKSBURG & POTOMAC RAILROAD CO. v. UNITED STATES ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 945 F. 2d 765.

No. 91-1193. *NEW BERLIN GRADING CO., INC., ET AL. v. NATIONAL LABOR RELATIONS BOARD.* C. A. 7th Cir. Certiorari denied. Reported below: 946 F. 2d 527.

No. 91-1203. *HEWLETT-PACKARD CO. v. DATAGATE, INC.* C. A. 9th Cir. Certiorari denied. Reported below: 941 F. 2d 864.

No. 91-1209. *NORTHERN ARAPAHO TRIBE OF THE WIND RIVER INDIAN RESERVATION ET AL. v. FOUST ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 942 F. 2d 712.

No. 91-1213. *FLYNT ET AL. v. SPENCE ET AL.* Sup. Ct. Wyo. Certiorari denied. Reported below: 816 P. 2d 771.

No. 91-1217. *FRATERNAL ORDER OF POLICE, LODGE No. 5 v. CITY OF PHILADELPHIA ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 947 F. 2d 935.

No. 91-1218. *FAIRCHILD ET AL. v. PACIFIC MARITIME ASSN. ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 937 F. 2d 612.

No. 91-1225. *MIDNIGHT SESSIONS, LTD., T/A AFTER MIDNIGHT, ET AL. v. CITY OF PHILADELPHIA.* C. A. 3d Cir. Certiorari denied. Reported below: 945 F. 2d 667.

No. 91-1227. *DONNER v. APPALACHIAN INSURANCE CO. ET AL.* Dist. Ct. App. Fla., 3d Dist. Certiorari denied. Reported below: 580 So. 2d 797.

No. 91-1241. *SHIMOTA ET UX. v. UNITED STATES.* C. A. Fed. Cir. Certiorari denied. Reported below: 943 F. 2d 1312.

No. 91-1243. *MCDONALD v. UNITED STATES.* C. A. 11th Cir. Certiorari denied. Reported below: 939 F. 2d 916.

No. 91-1254. *GEORGE JAMES PLATIS, P. C. v. E. F. HUTTON & CO., INC., ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 946 F. 2d 38.

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No. 91-1259. LITTON MICROWAVE COOKING PRODUCTS, DIVISION OF LITTON SYSTEMS, INC., PREDECESSOR TO MICROWAVE PRODUCTS OF AMERICA, INC. *v.* NATIONAL LABOR RELATIONS BOARD. C. A. 8th Cir. Certiorari denied. Reported below: 949 F. 2d 249.

No. 91-1285. COLORADO LIBERTARIAN PARTY ET AL. *v.* MEYER, SECRETARY OF STATE OF COLORADO. Sup. Ct. Colo. Certiorari denied. Reported below: 817 P. 2d 998.

No. 91-1327. HOLDINESS *v.* CSX TRANSPORTATION, INC. C. A. 4th Cir. Certiorari denied. Reported below: 948 F. 2d 1281.

No. 91-1342. CONSOLIDATED BEEF INDUSTRIES, INC., INDIVIDUALLY AND AS A FIDUCIARY UNDER THE C. B. I., INC., PENSION PLAN *v.* NEW YORK LIFE INSURANCE CO. ET AL. C. A. 8th Cir. Certiorari denied. Reported below: 949 F. 2d 960.

No. 91-1345. ASSOCIATED GENERAL CONTRACTORS OF CALIFORNIA, INC. *v.* CITY AND COUNTY OF SAN FRANCISCO ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 950 F. 2d 1401.

No. 91-1348. MADISON CABLEVISION, INC. *v.* CITY OF MORGANTOWN, NORTH CAROLINA, ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 948 F. 2d 1281.

No. 91-1361. DELTA HOLDINGS, INC. *v.* NATIONAL DISTILLERS & CHEMICAL CORP. C. A. 2d Cir. Certiorari denied. Reported below: 945 F. 2d 1226.

No. 91-1362. CITY OF PHILADELPHIA ET AL. *v.* SIMMONS, ADMINISTRATRIX OF THE ESTATE OF SIMMONS. C. A. 3d Cir. Certiorari denied. Reported below: 947 F. 2d 1042.

No. 91-1365. WESLEY *v.* PENNSYLVANIA UNEMPLOYMENT COMPENSATION BOARD OF REVIEW ET AL. Commw. Ct. Pa. Certiorari denied. Reported below: 140 Pa. Commw. 428, 593 A. 2d 28.

No. 91-1381. BIRSNER ET AL. *v.* SIVALIGNHAM ET AL. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 91-1390. WEST FARMS ASSOCIATES *v.* STATE TRAFFIC COMMISSION OF CONNECTICUT ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 951 F. 2d 469.

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No. 91-1392. *HOMEBUILDERS ASSOCIATION OF BUCKS/MONTGOMERY COUNTIES, INC., ET AL. v. BOROUGH OF TRAPPE*. C. A. 3d Cir. Certiorari denied. Reported below: 950 F. 2d 722.

No. 91-1397. *CITY OF TUKWILA v. WORLD WIDE VIDEO, INC.* Sup. Ct. Wash. Certiorari denied. Reported below: 117 Wash. 2d 382, 816 P. 2d 18.

No. 91-1405. *OPTIMAL DATA CORP. v. UNITED STATES*. C. A. Fed. Cir. Certiorari denied. Reported below: 950 F. 2d 730.

No. 91-1407. *WHITE BUFFALO CONSTRUCTION, INC. v. J. ARLIE BRYANT, INC.* C. A. 9th Cir. Certiorari denied. Reported below: 935 F. 2d 277.

No. 91-1408. *CHAGALL v. SOBEL*. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 91-1409. *HERMAN, WARDEN, ET AL. v. PAGE*. C. A. 9th Cir. Certiorari denied. Reported below: 942 F. 2d 793.

No. 91-1411. *WHOLESALE & RETAIL FOOD DISTRIBUTION LOCAL 63, INTERNATIONAL BROTHERHOOD OF TEAMSTERS v. BENDER ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 951 F. 2d 358.

No. 91-1413. *THOMPSON v. CITY OF COVINGTON ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 946 F. 2d 896.

No. 91-1414. *EVONUK v. SHEKELL ET AL.* Ct. App. Ore. Certiorari denied. Reported below: 108 Ore. App. 194, 813 P. 2d 1140.

No. 91-1448. *PUTKA v. FIRST CATHOLIC SLOVAK UNION OF THE UNITED STATES AND CANADA ET AL.* Ct. App. Ohio, Cuyahoga County. Certiorari denied. Reported below: 75 Ohio App. 3d 741, 600 N. E. 2d 797.

No. 91-1453. *HOANG v. SIMS ET AL.* C. A. 7th Cir. Certiorari denied.

No. 91-1454. *VILLA MARINA YACHT SALES, INC., ET AL. v. HATTERAS YACHT ET AL.* C. A. 1st Cir. Certiorari denied. Reported below: 947 F. 2d 529.

No. 91-1457. *PIOTROWSKI ET AL. v. CITY OF CHICAGO*. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 215 Ill. App. 3d 829, 576 N. E. 2d 64.

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No. 91-1465. *PATEL v. MILGRAM*. Super. Ct. Pa. Certiorari denied. Reported below: 408 Pa. Super. 639, 585 A. 2d 542.

No. 91-1466. *MIRABAL v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 951 F. 2d 367.

No. 91-1468. *GRABLE ET AL. v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 946 F. 2d 896.

No. 91-1476. *REBER ET AL. v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 951 F. 2d 961.

No. 91-1477. *NORTH v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 951 F. 2d 1259.

No. 91-1488. *RUSS ET UX. v. INTERNATIONAL PAPER CO.* C. A. 5th Cir. Certiorari denied. Reported below: 943 F. 2d 589.

No. 91-1500. *SHRIVER v. GAF CORP.* C. A. 3d Cir. Certiorari denied. Reported below: 950 F. 2d 723.

No. 91-1508. *MARKET/MEDIA RESEARCH, INC. v. CUYAHOGA COUNTY COURT OF COMMON PLEAS ET AL.* Sup. Ct. Ohio. Certiorari denied. Reported below: 62 Ohio St. 3d 1438, 579 N. E. 2d 211.

No. 91-5025. *RIVERA-FELICIANO v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 930 F. 2d 951.

No. 91-6465. *HILLING v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 942 F. 2d 794.

No. 91-6524. *CAREY v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 943 F. 2d 44.

No. 91-6560. *COX v. ALABAMA*. Ct. Crim. App. Ala. Certiorari denied. Reported below: 585 So. 2d 182.

No. 91-6616. *SAMUELS v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 943 F. 2d 53.

No. 91-6659. *KINDER v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 946 F. 2d 362.

No. 91-6709. *SHEPHERD v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 935 F. 2d 1288.

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No. 91-6717. *BENAVIDES v. DIAZ ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 933 F. 2d 1004.

No. 91-6775. *BERKI, AKA BERKOWITZ v. UNITED STATES.* C. A. 11th Cir. Certiorari denied. Reported below: 936 F. 2d 529.

No. 91-6988. *CURRY v. LOCKHART, DIRECTOR, ARKANSAS DEPARTMENT OF CORRECTION.* C. A. 8th Cir. Certiorari denied. Reported below: 985 F. 2d 568.

No. 91-6997. *ALDRIDGE v. UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS.* C. A. 5th Cir. Certiorari denied.

No. 91-7015. *FAULS v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 946 F. 2d 887.

No. 91-7025. *RANDLE v. KENTUCKY.* Sup. Ct. Ky. Certiorari denied.

No. 91-7054. *TAYLOR v. WHITLEY, WARDEN.* C. A. 5th Cir. Certiorari denied. Reported below: 933 F. 2d 325.

No. 91-7072. *SALAMI v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. Reported below: 949 F. 2d 68.

No. 91-7081. *REESE v. FULCOMER, DEPUTY COMMISSIONER, PENNSYLVANIA DEPARTMENT OF CORRECTIONS.* C. A. 3d Cir. Certiorari denied. Reported below: 946 F. 2d 247.

No. 91-7113. *BICKETT v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. Reported below: 943 F. 2d 53.

No. 91-7128. *MARTIN v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 938 F. 2d 162.

No. 91-7143. *THOMAS v. UNITED STATES.* C. A. D. C. Cir. Certiorari denied. Reported below: 291 U. S. App. D. C. 84, 938 F. 2d 1343.

No. 91-7159. *MICKLE v. CALIFORNIA.* Sup. Ct. Cal. Certiorari denied. Reported below: 54 Cal. 3d 140, 814 P. 2d 290.

No. 91-7174. *PAYNE v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 954 F. 2d 199.

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No. 91-7185. *JEFFRESS v. PETERSON, COMMISSIONER OF INTERNAL REVENUE, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 947 F. 2d 941.

No. 91-7188. *SHORT v. UNITED STATES.* C. A. 10th Cir. Certiorari denied. Reported below: 947 F. 2d 1445.

No. 91-7197. *LUCAS v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. Reported below: 944 F. 2d 1253.

No. 91-7244. *FAULKNER v. PENNSYLVANIA.* Sup. Ct. Pa. Certiorari denied. Reported below: 528 Pa. 57, 595 A. 2d 28.

No. 91-7302. *TUGGLE v. BAIR, WARDEN.* Sup. Ct. Va. Certiorari denied.

No. 91-7320. *CALDWELL v. DRISCOLL ET AL.* C. A. 3d Cir. Certiorari denied.

No. 91-7326. *TAYLOR v. WASHINGTON.* Ct. App. Wash. Certiorari denied.

No. 91-7327. *AGOMO v. COLLINS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION.* C. A. 5th Cir. Certiorari denied. Reported below: 951 F. 2d 344.

No. 91-7333. *CIDLOWSKI v. OFFICE OF THE SECRETARY OF STATE OF CALIFORNIA.* C. A. 9th Cir. Certiorari denied.

No. 91-7336. *JONES v. DEPARTMENT STORE EMPLOYEES UNION LOCAL 1100 ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 944 F. 2d 908.

No. 91-7339. *GREEN v. JONES, SUPERINTENDENT, DERMOTT SCHOOLS, ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 950 F. 2d 728.

No. 91-7345. *RANKINS v. WEISENBURGER.* C. A. 9th Cir. Certiorari denied. Reported below: 952 F. 2d 407.

No. 91-7347. *SKELTON v. PRI-COR, INC.* C. A. 6th Cir. Certiorari denied. Reported below: 948 F. 2d 1290.

No. 91-7350. *BROWN v. STAINER, WARDEN.* C. A. 9th Cir. Certiorari denied.

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No. 91-7354. *MOLINA v. STICKRATH*. C. A. 6th Cir. Certiorari denied. Reported below: 944 F. 2d 905.

No. 91-7355. *LARNER v. WYMAN*. Ct. App. Ind. Certiorari denied. Reported below: 568 N. E. 2d 1059.

No. 91-7360. *YATES v. McMACKIN, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 91-7366. *JOHNSON v. DERWINSKI, SECRETARY OF VETERANS AFFAIRS*. C. A. Fed. Cir. Certiorari denied. Reported below: 949 F. 2d 394.

No. 91-7371. *CRAWFORD v. DISTRICT OF COLUMBIA BOARD OF PAROLE*. C. A. D. C. Cir. Certiorari denied. Reported below: 293 U. S. App. D. C. 56, 951 F. 2d 1323.

No. 91-7378. *PATTERSON v. BUTLER ET AL.* Sup. Ct. Ga. Certiorari denied.

No. 91-7379. *BRENNAN v. SINGLETARY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS*. C. A. 11th Cir. Certiorari denied. Reported below: 949 F. 2d 1161.

No. 91-7380. *CALDWELL v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied. Reported below: 818 S. W. 2d 790.

No. 91-7383. *WILLIAMS v. LOUISIANA STATE PENITENTIARY*. Ct. App. La., 1st Cir. Certiorari denied. Reported below: 583 So. 2d 1249.

No. 91-7384. *DOERR v. EMERSON*. Ct. App. Cal., 4th App. Dist. Certiorari denied.

No. 91-7392. *DOMBY v. UNITED STATES ET AL.* C. A. 9th Cir. Certiorari denied.

No. 91-7395. *HUCKLEBERRY v. GUNTER, EXECUTIVE DIRECTOR, COLORADO DEPARTMENT OF CORRECTIONS*. C. A. 10th Cir. Certiorari denied. Reported below: 946 F. 2d 901.

No. 91-7398. *CARSON v. PETERSON ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 949 F. 2d 1158.

No. 91-7400. *FUNKHOUSER v. SAFFLE, WARDEN, ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 948 F. 2d 1294.

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No. 91-7401. *HERBAGE v. CARLSON, WARDEN, ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 950 F. 2d 727.

No. 91-7404. *NANCY B. v. CHARLOTTE M.* Ct. App. Cal., 1st App. Dist. Certiorari denied. Reported below: 232 Cal. App. 3d 1239, 284 Cal. Rptr. 18.

No. 91-7406. *CURTIS v. CURTIS ET AL.* C. A. 8th Cir. Certiorari denied.

No. 91-7410. *LOCK v. INDIANA.* Sup. Ct. Ind. Certiorari denied. Reported below: 567 N. E. 2d 1155.

No. 91-7411. *REES v. REYES.* Ct. App. D. C. Certiorari denied. Reported below: 602 A. 2d 1137.

No. 91-7412. *RAMSEY v. ARMONTROUT, WARDEN, ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 950 F. 2d 728.

No. 91-7413. *MALUMPHY v. ARIZONA.* Sup. Ct. Ariz. Certiorari denied.

No. 91-7414. *PRUNTY v. BAKER ET AL.* C. A. 6th Cir. Certiorari denied.

No. 91-7416. *McCULLOUGH v. KERSH ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 951 F. 2d 1256.

No. 91-7417. *BALL v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. Reported below: 947 F. 2d 947.

No. 91-7419. *McCULLOUGH v. COLLINS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION, ET AL.* C. A. 5th Cir. Certiorari denied.

No. 91-7420. *SHACKELFORD v. ARMONTROUT, WARDEN.* C. A. 8th Cir. Certiorari denied. Reported below: 950 F. 2d 521.

No. 91-7421. *WESTBROOK v. CITY OF LOS ANGELES ET AL.* C. A. 9th Cir. Certiorari denied.

No. 91-7423. *KERR v. CALIFORNIA.* Ct. App. Cal., 3d App. Dist. Certiorari denied.

No. 91-7424. *GIBBS v. CLEMENTS FOOD CO.* C. A. 10th Cir. Certiorari denied. Reported below: 946 F. 2d 901.

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No. 91-7432. *SIMMONS v. SIMMONS ET AL.* C. A. 6th Cir. Certiorari denied.

No. 91-7434. *SNYDER v. ARMONTROUT, WARDEN.* C. A. 8th Cir. Certiorari denied. Reported below: 950 F. 2d 726.

No. 91-7435. *SMITH v. BUNNELL, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 952 F. 2d 407.

No. 91-7438. *DE NARDO v. ANCHORAGE.* Ct. App. Alaska. Certiorari denied.

No. 91-7441. *STEPHEN ET AL. v. CALIFORNIA STATE BANK ET AL.* Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 91-7442. *GRANT v. FLORIDA.* C. A. 11th Cir. Certiorari denied.

No. 91-7443. *JOHNSON v. SINGLETARY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS.* C. A. 11th Cir. Certiorari denied. Reported below: 953 F. 2d 651.

No. 91-7444. *HOLLIS v. TEXAS.* Ct. Crim. App. Tex. Certiorari denied.

No. 91-7445. *DUNN v. MISSOURI.* Sup. Ct. Mo. Certiorari denied. Reported below: 817 S. W. 2d 241.

No. 91-7446. *STANLEY v. RED RIVER FEDERAL CREDIT UNION.* C. A. 8th Cir. Certiorari denied. Reported below: 985 F. 2d 567.

No. 91-7447. *VERTIN v. OVERTON, WARDEN.* C. A. 6th Cir. Certiorari denied.

No. 91-7453. *WRENN v. CLARK.* Cir. Ct., Jefferson County, Ala. Certiorari denied.

No. 91-7455. *SOLIS v. TEXAS.* Ct. App. Tex., 4th Dist. Certiorari denied.

No. 91-7456. *ROMULUS v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 949 F. 2d 713.

No. 91-7457. *WILLIAMS v. UNIVERSITY OF MISSISSIPPI MEDICAL CENTER.* C. A. 5th Cir. Certiorari denied. Reported below: 947 F. 2d 1486.

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No. 91-7474. *JOHNSON v. SOUTH CAROLINA*. Sup. Ct. S. C. Certiorari denied. Reported below: 306 S. C. 119, 410 S. E. 2d 547.

No. 91-7480. *ELFREEZE v. NEAL, WARDEN, ET AL.* C. A. 7th Cir. Certiorari denied.

No. 91-7495. *ROMERO v. CALDWELL ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 947 F. 2d 954.

No. 91-7496. *MABERY v. RODRIGUEZ ET AL.* C. A. 2d Cir. Certiorari denied.

No. 91-7498. *LASALLE v. WARDEN, OSSINING FACILITY.* C. A. 2d Cir. Certiorari denied. Reported below: 962 F. 2d 1.

No. 91-7509. *BALSAMO v. MAZURKIEWICZ, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT ROCKVIEW.* C. A. 3d Cir. Certiorari denied. Reported below: 952 F. 2d 1391.

No. 91-7514. *PARKER v. OKLAHOMA CITY POLICE DEPARTMENT ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 947 F. 2d 954.

No. 91-7515. *POPE v. WASHINGTON.* Sup. Ct. Wash. Certiorari denied.

No. 91-7524. *FRANCOIS v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 952 F. 2d 397.

No. 91-7532. *MEYER v. MEYER* (two cases). Sup. Ct. Fla. Certiorari denied. Reported below: 592 So. 2d 681 (first case); 595 So. 2d 557 (second case).

No. 91-7533. *MERRIMAN ET AL. v. BOSSIER PARISH SHERIFF'S DEPARTMENT ET AL.*; and

No. 91-7535. *SHUBBIE ET AL. v. LOUISIANA.* C. A. 5th Cir. Certiorari denied. Reported below: No. 91-7533, 947 F. 2d 1487.

No. 91-7547. *VAN WOUNDENBERG v. OKLAHOMA.* Ct. Crim. App. Okla. Certiorari denied. Reported below: 818 P. 2d 913.

No. 91-7549. *PASCHAL v. LAMBDIN, SUPERINTENDENT, GLADES CORRECTIONAL INSTITUTION, ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 951 F. 2d 368.

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No. 91-7554. *HUGHES v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 952 F. 2d 397.

No. 91-7577. *DONNELLY v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 948 F. 2d 1283.

No. 91-7584. *CURTIUS v. MERIT SYSTEMS PROTECTION BOARD*. C. A. Fed. Cir. Certiorari denied. Reported below: 951 F. 2d 1267.

No. 91-7587. *HAYES v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 951 F. 2d 707.

No. 91-7590. *CUERVO v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 948 F. 2d 1278.

No. 91-7591. *BROWN v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 952 F. 2d 397.

No. 91-7592. *HENSHAW v. IMMIGRATION AND NATURALIZATION SERVICE*. C. A. 10th Cir. Certiorari denied. Reported below: 951 F. 2d 1259.

No. 91-7594. *WATSON v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 952 F. 2d 982.

No. 91-7596. *KOONCE v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 945 F. 2d 1145.

No. 91-7605. *ABREU v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 952 F. 2d 1458.

No. 91-7606. *WILSON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 951 F. 2d 345.

No. 91-7608. *MEYERS v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 952 F. 2d 914.

No. 91-7609. *MARTINEZ v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 951 F. 2d 887.

No. 91-7613. *GOLDSTEIN v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 951 F. 2d 363.

No. 91-7615. *CASTRO v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 953 F. 2d 635.

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No. 91-7617. *CAMPAGNA v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 951 F. 2d 367.

No. 91-7623. *JACKSON v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 951 F. 2d 367.

No. 91-7627. *BURDINE v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 948 F. 2d 1283.

No. 91-7628. *EICOFF v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 949 F. 2d 1162.

No. 91-7631. *AUDINOT ET AL. v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 952 F. 2d 1394.

No. 91-7633. *DELGADO v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 949 F. 2d 1159.

No. 91-7637. *DAVENPORT v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 945 F. 2d 404.

No. 91-7639. *WHARTON v. CITY OF VENUS ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 946 F. 2d 891.

No. 91-7642. *BAGGULEY v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. Reported below: 293 U. S. App. D. C. 264, 953 F. 2d 660.

No. 91-7643. *LANGSTON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 949 F. 2d 770.

No. 91-7644. *MINNICK v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 949 F. 2d 8.

No. 91-7645. *MOLINA-CUARTAS v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 952 F. 2d 345.

No. 91-7646. *RAGONESE v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 951 F. 2d 367.

No. 91-7647. *MCINTOSH v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 951 F. 2d 1263.

No. 91-7648. *ANDERSON v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 953 F. 2d 635.

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No. 91-7649. *BUSTAMENTE, AKA LUNA-PERALTA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 951 F. 2d 363.

No. 91-7650. *LOPEZ v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 951 F. 2d 1263.

No. 91-7651. *MATEO v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 953 F. 2d 1389.

No. 91-7655. *LLOYD v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 953 F. 2d 1383.

No. 91-7661. *REED v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 951 F. 2d 97.

No. 91-7662. *HALFORD v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 948 F. 2d 1054.

No. 91-7664. *TUCKER v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 952 F. 2d 398.

No. 91-7667. *CHRISTOFFEL v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 952 F. 2d 1086.

No. 91-7668. *TOLLIVER v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 950 F. 2d 1309.

No. 91-7680. *COX v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 955 F. 2d 45.

No. 91-7682. *RIVERA v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 954 F. 2d 122.

No. 91-7685. *CONNOR v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 952 F. 2d 397.

No. 91-7691. *FLYNN v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 949 F. 2d 928.

No. 91-7692. *KING v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 948 F. 2d 1227.

No. 91-7696. *CLARK v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 951 F. 2d 1261.

No. 91-7698. *ELLIOTT v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 951 F. 2d 1261.

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No. 91-7711. *BURSON v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 952 F. 2d 1196.

No. 91-7717. *BAKER v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 951 F. 2d 1256.

No. 91-7720. *DELEGAL v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 951 F. 2d 351.

No. 91-7721. *NEWBERT v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 952 F. 2d 281.

No. 91-7722. *LAWRENCE v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 953 F. 2d 640.

No. 91-7723. *MACKEY v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 951 F. 2d 350.

No. 91-7743. *HENRY v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 933 F. 2d 553.

No. 91-7744. *YANT v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 91-7745. *DEFUSCO v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 949 F. 2d 114.

No. 91-7746. *CHASMER v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 952 F. 2d 50.

No. 91-569. *WASHINGTON ET AL. v. CONFEDERATED TRIBES OF COLVILLE RESERVATION ET AL.* C. A. 9th Cir. Certiorari denied. JUSTICE WHITE and JUSTICE O'CONNOR would grant certiorari. Reported below: 938 F. 2d 146.

No. 91-6385. *ST. GERMAINE v. CIRCUIT COURT FOR VILAS COUNTY*. C. A. 7th Cir. Certiorari denied. JUSTICE WHITE and JUSTICE O'CONNOR would grant certiorari. Reported below: 938 F. 2d 75.

No. 91-859. *UNITED STATES DEPARTMENT OF COMMERCE ET AL. v. MONTANA ET AL.* C. A. 9th Cir. Certiorari before judgment denied.

No. 91-1136. *RAUTENBERG ET AL. v. UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA (UNITED STATES ET AL., REAL PARTIES IN INTEREST)*. C. A. 9th

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Cir. Motion of petitioners for leave to file an unredacted petition for writ of certiorari under seal granted. Motion of the Solicitor General for leave to file a brief in opposition initially under seal and to lift seal on brief in opposition and on the prior filing granted. Motion of petitioners for leave to file a reply brief and addendum to reply brief under seal granted, and the seal is lifted. Motion of petitioners to file motion to take judicial notice under seal granted. The seal is lifted, and the motion to take judicial notice is granted. Certiorari denied.

No. 91-1221. UNITED STATES *v.* KOONCE. C. A. 10th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 945 F. 2d 1145.

No. 91-1239. TEXAS *v.* COOK. Ct. Crim. App. Tex. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 821 S. W. 2d 600.

No. 91-1289. OHIO *v.* MILLER. Ct. App. Ohio, Summit County. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied.

No. 91-1316. COLORADO *v.* MARCELLUS. Ct. App. Colo. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 819 P. 2d 555.

No. 91-1351. ARIZONA *v.* TAYLOR. Ct. App. Ariz. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 167 Ariz. 439, 808 P. 2d 324.

No. 91-1356. BENFIELD *v.* SAUL ET AL. C. A. 4th Cir. Certiorari denied. JUSTICE O'CONNOR took no part in the consideration or decision of this petition. Reported below: 947 F. 2d 940.

No. 91-1530. BRADLEY ET AL. *v.* E. I. DU PONT DE NEMOURS & Co. C. A. 3d Cir. Certiorari denied. JUSTICE O'CONNOR took no part in the consideration or decision of this petition. Reported below: 952 F. 2d 1391.

No. 91-1458. WHEELER *v.* BUILDING GRIEVANCE COMMITTEE OF CITY OF O'FALLON, ILLINOIS, ET AL. App. Ct. Ill., 5th Dist. Certiorari denied. JUSTICE THOMAS took no part in the consideration or decision of this petition.

No. 91-7179. SCOTT *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. JUSTICE WHITE would grant certiorari. Reported below: 956 F. 2d 1159.

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Rehearing Denied

- No. 91-898. *IN RE WELT*, 502 U. S. 1028;
No. 91-1096. *COBIN ET AL. v. CASTLEBERRY*, Co-EXECUTOR OF ESTATE OF CASTLEBERRY, DECEASED, ET AL., 502 U. S. 1099;
No. 91-6267. *BARNES v. FIRST NATIONAL BANK ET AL.*, 502 U. S. 1101;
No. 91-6296. *JACOBS v. SUPREME COURT OF MISSOURI*, *ante*, p. 920;
No. 91-6361. *GIBSON v. GEORGIA*, 502 U. S. 1101;
No. 91-6377. *WILLIAMS v. UNITED STATES*, 502 U. S. 1101;
No. 91-6455. *WILLIAMS v. UNITED STATES*, 502 U. S. 1101;
No. 91-6541. *WILLIAMS v. GEORGIA*, 502 U. S. 1103;
No. 91-6603. *O'CONNOR ET UX. v. UNITED STATES*, 502 U. S. 1104;
No. 91-6621. *BRANCH v. UNITED STATES*, 502 U. S. 1104;
No. 91-6630. *BLEGEN v. UNITED TRUCK MAINTENANCE ET AL.*, 502 U. S. 1079;
No. 91-6639. *CULLUM v. UNITED STATES*, 502 U. S. 1104;
No. 91-6640. *BROWN v. ILLINOIS*, 502 U. S. 1104;
No. 91-6674. *YOUNG v. FLORIDA*, 502 U. S. 1105;
No. 91-6741. *JONES v. PUCKETT, WARDEN*, 502 U. S. 1107;
No. 91-6747. *MORRIS v. UNIVERSITY OF ARKANSAS ET AL.*, 502 U. S. 1108;
No. 91-6755. *PECORARO v. ILLINOIS*, 502 U. S. 1108;
No. 91-6813. *JOHNSON v. MICHIGAN*, 502 U. S. 1111;
No. 91-6818. *COLEMAN v. KOPF ET AL.*, 502 U. S. 1111;
No. 91-6821. *IN RE ANDERSON*, *ante*, p. 918;
No. 91-6852. *FITZGERALD v. THOMPSON, WARDEN*, 502 U. S. 1112;
No. 91-6907. *MILLER v. DIGGS*, 502 U. S. 1115;
No. 91-6920. *LAUREANO v. SULLIVAN*, SUPERINTENDENT, OS-SINING CORRECTIONAL FACILITY, ET AL., 502 U. S. 1116;
No. 91-6945. *BAHR v. DEPARTMENT OF THE ARMY*, *ante*, p. 909;
No. 91-6973. *JACKSON ET AL. v. DIXON-BOOKMAN ET AL.*, 502 U. S. 1117;
No. 91-6981. *WESLEY v. REDMAN ET AL.*, *ante*, p. 910;
No. 91-6996. *SHUMATE v. CREASY*, 502 U. S. 1118;
No. 91-7000. *SUN v. FORRESTER*, *ante*, p. 921;
No. 91-7001. *SWINICK v. NEW JERSEY*, 502 U. S. 1118;
No. 91-7019. *MONTGOMERY v. CLARK, WARDEN*, 502 U. S. 1118;

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No. 91-7023. RUB ET AL. *v.* PRODUCTION CREDIT ASSOCIATION OF MANDAN, 502 U. S. 1118; and

No. 91-7024. RUB ET AL. *v.* ADOLPH RUB TRUST ET AL., *ante*, p. 911. Petitions for rehearing denied.

No. 90-7628. MEGAR *v.* COLLINS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION, 502 U. S. 825. Petition for rehearing denied. JUSTICE THOMAS took no part in the consideration or decision of this petition.

No. 91-6653. SALEEM *v.* 3-M Co., 502 U. S. 1124. Petition for rehearing denied. JUSTICE BLACKMUN took no part in the consideration or decision of this petition.

APRIL 21, 1992

Miscellaneous Orders. (See also No. A-767, *ante*, p. 653.)

No. A-766. VASQUEZ, WARDEN *v.* HARRIS. Application to vacate the stay of execution of sentence of death, presented to JUSTICE O'CONNOR, and by her referred to the Court, granted, and it is ordered that the order staying the execution entered by the United States Court of Appeals for the Ninth Circuit in No. 92-55426 on April 20, 1992, is vacated.

No. A-768. VASQUEZ, WARDEN *v.* HARRIS. Application to vacate the stay of execution of sentence of death, presented to JUSTICE O'CONNOR, and by her referred to the Court, granted, and it is ordered that the order staying the execution entered by the United States Court of Appeals for the Ninth Circuit on April 21, 1992, is vacated. No further stays of Robert Alton Harris' execution shall be entered by the federal courts except upon order of this Court. JUSTICE BLACKMUN and JUSTICE STEVENS would deny the application.

APRIL 22, 1992

Miscellaneous Order

No. A-775. McNARY, COMMISSIONER, IMMIGRATION AND NATURALIZATION SERVICE, ET AL. *v.* HAITIAN CENTERS COUNCIL, INC., ET AL. Application for stay of preliminary injunction, presented to JUSTICE THOMAS, and by him referred to the Court, granted, and it is ordered that the preliminary injunction entered on April 6, 1992, and clarified on April 15, 1992, by the United

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States District Court for the Eastern District of New York, case No. 92 CV 1258, is stayed pending disposition of the appeal by the United States Court of Appeals for the Second Circuit. JUSTICE BLACKMUN and JUSTICE STEVENS would deny the application.

JUSTICE O'CONNOR, with whom JUSTICE SOUTER joins, dissenting.

I would deny the Government's application to lift the injunction to the extent it applies to refugees who are and who remain screened in. Insofar as it prevents repatriation of those the Government determines may not remain, I would lift the injunction.

Certiorari Denied

No. 91-8028 (A-780). *WHITE v. COLLINS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION*. C. A. 5th Cir. Application for stay of execution of sentence of death, presented to JUSTICE SCALIA, and by him referred to the Court, denied. Certiorari denied. JUSTICE BLACKMUN and JUSTICE STEVENS would grant the application for stay of execution. Reported below: 959 F. 2d 1319.

APRIL 27, 1992

Certiorari Granted—Vacated and Remanded

No. 91-1075. *BAILES v. UNITED STATES*. C. A. 11th Cir. Certiorari granted, judgment vacated, and case remanded to the Court of Appeals with instructions to remand the case to the United States District Court for the Northern District of Alabama with instructions to vacate with prejudice that aspect of the District Court's award that represents the "doubling" of damages as suggested by the Solicitor General in his brief for the United States filed April 1, 1992, and for further appropriate proceedings. Reported below: 942 F. 2d 1555.

Miscellaneous Orders

No. — — —. *HALAS v. QUIGG*. Motion of petitioner for reconsideration of order denying motion to direct the Clerk to file petition for writ of certiorari out of time [*ante*, p. 955] denied.

No. D-1087. *IN RE DISBARMENT OF FOX*. Disbarment entered. [For earlier order herein, see *ante*, p. 902.]

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No. D-1088. IN RE DISBARMENT OF KRAMER. Disbarment entered. [For earlier order herein, see *ante*, p. 902.]

No. D-1116. IN RE DISBARMENT OF MULDROW. It is ordered that Norris Muldrow, of Cincinnati, Ohio, 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. 119, Orig. CONNECTICUT ET AL. *v.* NEW HAMPSHIRE. It is ordered that the Honorable Vincent L. McKusick, retired Chief Justice, Supreme Judicial Court of Maine, be appointed Special Master in this case with authority to fix the time and conditions for the filing of additional pleadings and to direct subsequent proceedings, and with authority to summon witnesses, issue subpoenas, and take such evidence as may be introduced and such as he may deem it necessary to call for. The Master is directed to submit such reports as he may deem appropriate.

The compensation of the Special Master, the allowances to him, the compensation paid to his legal, technical, stenographic, and clerical assistants, the cost of printing his report, and all other proper expenses, including travel expenses, shall be charged against and be borne by the parties in such proportion as the Court may hereafter direct. JUSTICE SOUTER took no part in the consideration or decision of this order. [For earlier order herein, see 502 U.S. 1069.]

No. 91-321. ITEL CONTAINERS INTERNATIONAL CORP. *v.* HUDLESTON, COMMISSIONER OF REVENUE OF TENNESSEE. Sup. Ct. Tenn. [Certiorari granted, 502 U.S. 1090.] Motion of petitioner to dispense with printing the joint appendix granted.

No. 91-1010. PUERTO RICO AQUEDUCT AND SEWER AUTHORITY *v.* METCALF & EDDY, INC. C. A. 1st Cir. [Certiorari granted, *ante*, p. 918.] Motion of petitioner to dispense with printing the joint appendix granted.

No. 91-615. ALLIED-SIGNAL, INC., AS SUCCESSOR-IN-INTEREST TO THE BENDIX CORP. *v.* DIRECTOR, DIVISION OF TAXATION. Sup. Ct. N. J. [Certiorari granted, 502 U.S. 977.] Motion of respondent to strike *amici curiae* brief of General Motors Corp. et al. denied. Motion of respondent to strike *amicus curiae* brief of Georgia Coalition of Military Federal Retirees, Inc., granted.

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No. 91-990. FARRAR ET AL., COADMINISTRATORS OF ESTATE OF FARRAR, DECEASED *v.* HOBBY. C. A. 5th Cir. [Certiorari granted, 502 U. S. 1090.] Motion of American Bar Association for leave to file a brief as *amicus curiae* granted.

No. 91-1188. ROWLAND, FORMER DIRECTOR, CALIFORNIA DEPARTMENT OF CORRECTIONS, ET AL. *v.* CALIFORNIA MEN'S COLONY, UNIT II MEN'S ADVISORY COUNCIL. C. A. 9th Cir. [Certiorari granted, *ante*, p. 905.] Further consideration of motion of respondent for leave to proceed further herein *in forma pauperis* deferred to hearing of case on the merits. The Clerk is directed to print respondent's brief on the merits.

No. 91-1326. DISTRICT OF COLUMBIA ET AL. *v.* GREATER WASHINGTON BOARD OF TRADE. C. A. D. C. Cir. [Certiorari granted, *ante*, p. 970.] Motion of petitioners to dispense with printing the joint appendix granted.

No. 91-1340. DENNLER ET AL. *v.* TRIPPET ET AL. C. A. 10th Cir. The order entered April 20, 1992 [*ante*, p. 978], is amended to read as follows: Certiorari granted, judgment vacated, and case remanded for further consideration in light of § 27A of the Securities Exchange Act of 1934, as added, 105 Stat. 2387, 15 U. S. C. § 78aa-1 (1988 ed., Supp. III). JUSTICE THOMAS took no part in the consideration or decision of this case.

No. 91-1423. RAILROAD COMMISSION OF TEXAS ET AL. *v.* MISSOURI PACIFIC RAILROAD ET AL. C. A. 5th Cir. The Solicitor General is invited to file a brief in this case expressing the views of the United States.

No. 91-7403. DEMOS *v.* SUPREME COURT OF WASHINGTON. Sup. Ct. Wash. Motion of petitioner for leave to proceed *in forma pauperis* denied. See this Court's Rule 39.8. Petitioner is allowed until May 18, 1992, within which to pay the docketing fee required by Rule 38(a) and to submit a petition in compliance with Rule 33 of the Rules of this Court. JUSTICE BLACKMUN and JUSTICE STEVENS would deny the petition for writ of certiorari.

No. 91-7540. CALHOUN *v.* UNITED STATES ET AL. C. A. 2d Cir.; and

No. 91-7550. LOPEZ *v.* CALIFORNIA. App. Dept., Super. Ct. Cal., County of Los Angeles. Motions of petitioners for leave to proceed *in forma pauperis* denied. Petitioners are allowed until

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May 18, 1992, within which to pay the docketing fee required by Rule 38(a) and to submit petitions in compliance with Rule 33 of the Rules of this Court.

No. 91-7151. IN RE DE'ALBUQUERQUE;
No. 91-7826. IN RE DEPEW; and
No. 91-7833. IN RE QUIRKE. Petitions for writs of habeas corpus denied.

Certiorari Granted

No. 91-1421. UNITED STATES *v.* HILL ET UX. C. A. Fed. Cir. Certiorari granted. Reported below: 945 F. 2d 1529.

No. 91-1231. UNITED STATES *v.* DIXON ET AL. Ct. App. D. C. Motion of respondents for leave to proceed *in forma pauperis* granted. Certiorari granted. Reported below: 598 A. 2d 724.

Certiorari Denied

No. 91-1085. CHESTMAN *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 947 F. 2d 551.

No. 91-1152. PUBLIC UTILITY DISTRICT No. 1, DOUGLAS COUNTY, WASHINGTON *v.* BONNEVILLE POWER ADMINISTRATION. C. A. 9th Cir. Certiorari denied. Reported below: 947 F. 2d 386.

No. 91-1234. RICHARDS *v.* LIBERTY MUTUAL FIRE INSURANCE Co. Ct. App. Tex., 14th Dist. Certiorari denied. Reported below: 810 S. W. 2d 232.

No. 91-1265. BELHUMEUR ET AL. *v.* MASSACHUSETTS EDUCATION ASSN. ET AL. Sup. Jud. Ct. Mass. Certiorari denied. Reported below: 411 Mass. 142, 580 N. E. 2d 746.

No. 91-1267. B. J. ALAN Co., INC., ET AL. *v.* INTERSTATE COMMERCE COMMISSION ET AL. C. A. D. C. Cir. Certiorari denied.

No. 91-1281. POPKIN *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 943 F. 2d 1535.

No. 91-1286. SANGRE DE CRISTO DEVELOPMENT Co., INC., ET AL. *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 932 F. 2d 891.

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No. 91-1344. *KIDWELL ET AL. v. TRANSPORTATION COMMUNICATIONS INTERNATIONAL UNION ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 946 F. 2d 283.

No. 91-1375. *GOLDBLUM v. FULCOMER ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 950 F. 2d 722.

No. 91-1377. *YING SHEN v. OKLAHOMA STATE DEPARTMENT OF HEALTH.* C. A. 10th Cir. Certiorari denied. Reported below: 947 F. 2d 955.

No. 91-1384. *UNION OIL COMPANY OF CALIFORNIA v. BATES ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 944 F. 2d 647.

No. 91-1385. *UNION OIL COMPANY OF CALIFORNIA v. HAMILTON ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 944 F. 2d 908.

No. 91-1391. *PATTON v. OHIO.* Ct. App. Ohio, Lucas County. Certiorari denied.

No. 91-1401. *BOUCHARD ET AL. v. REGIONAL GOVERNING BOARD OF REGION V MENTAL RETARDATION SERVICES ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 939 F. 2d 1323.

No. 91-1402. *BROIDA v. SMITH ET AL.* Dist. Ct. App. Fla., 3d Dist. Certiorari denied. Reported below: 579 So. 2d 141.

No. 91-1403. *EATHERLY ET UX. v. SMITH COUNTY, TENNESSEE.* Ct. App. Tenn. Certiorari denied. Reported below: 820 S. W. 2d 366.

No. 91-1406. *AMERICAN TRAIN DISPATCHERS ASSN. v. NORFOLK SOUTHERN RAILWAY CO.* C. A. 4th Cir. Certiorari denied. Reported below: 948 F. 2d 887.

No. 91-1424. *HONG KONG ISLANDS LINE AMERICA, S. A. v. C-ART, LTD.* C. A. 9th Cir. Certiorari denied. Reported below: 940 F. 2d 530.

No. 91-1427. *KLINEBURGER v. MARITRANS OPERATING PARTNERS L. P. ET AL.* Super. Ct. Pa. Certiorari denied. Reported below: 404 Pa. Super. 490, 591 A. 2d 314.

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No. 91-1428. *MIDDLETON v. CROWLEY TOWING & TRANSPORTATION, INC.* C. A. 5th Cir. Certiorari denied. Reported below: 948 F. 2d 1285.

No. 91-1429. *KRASNIQI v. DALLAS COUNTY CHILD PROTECTIVE SERVICES UNIT OF THE TEXAS DEPARTMENT OF HUMAN SERVICES.* Ct. App. Tex., 5th Dist. Certiorari denied. Reported below: 809 S. W. 2d 927.

No. 91-1431. *BARGER ET AL. v. COURIER JOURNAL & LOUISVILLE TIMES Co. ET AL.* Ct. App. Ky. Certiorari denied.

No. 91-1435. *RICH v. ACTION S. A. ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 951 F. 2d 504.

No. 91-1439. *SCHALK v. TEXAS.* Ct. Crim. App. Tex. Certiorari denied. Reported below: 823 S. W. 2d 633.

No. 91-1444. *UTESCH ET AL. v. DITTMER ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 947 F. 2d 321.

No. 91-1445. *ADAMICK ET AL. v. AMEX ET AL.* C. A. 9th Cir. Certiorari denied.

No. 91-1455. *ALLEN v. LOUISIANA STATE BOARD OF DENTISTRY ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 948 F. 2d 946.

No. 91-1456. *UBEROI v. UNIVERSITY OF COLORADO BOARD OF REGENTS ET AL.* Ct. App. Colo. Certiorari denied.

No. 91-5990. *BERNARDO v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. Reported below: 932 F. 2d 957.

No. 91-6758. *PERRY v. UNITED STATES.* C. A. 11th Cir. Certiorari denied. Reported below: 947 F. 2d 1490.

No. 91-6809. *GROSECLOSE v. TENNESSEE.* Sup. Ct. Tenn. Certiorari denied.

No. 91-6810. *GROSECLOSE v. MCWILLIAMS, EXECUTIVE SECRETARY OF THE TENNESSEE SUPREME COURT.* C. A. 6th Cir. Certiorari denied. Reported below: 943 F. 2d 51.

No. 91-7010. *WALLS v. COOPER ET AL.* Sup. Ct. Del. Certiorari denied. Reported below: 604 A. 2d 419.

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No. 91-7176. *WIGGINS v. MARYLAND*. Ct. App. Md. Certiorari denied. Reported below: 324 Md. 551, 597 A. 2d 1359.

No. 91-7187. *DORESTE v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 947 F. 2d 942.

No. 91-7272. *BOWERS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 944 F. 2d 801.

No. 91-7277. *DEGIOVANNI v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 952 F. 2d 393.

No. 91-7427. *HENDERSON v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 951 F. 2d 367.

No. 91-7450. *RUBIANO-MARTINEZ v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 945 F. 2d 397.

No. 91-7460. *COVINO v. CASHMAN*. C. A. 2d Cir. Certiorari denied. Reported below: 956 F. 2d 1159.

No. 91-7461. *CROSBY v. WALDNER*. Ct. App. Tex., 1st Dist. Certiorari denied.

No. 91-7468. *ASHBA v. INDIANA*. Sup. Ct. Ind. Certiorari denied. Reported below: 580 N. E. 2d 244.

No. 91-7471. *CROSLAND v. SOUTH CAROLINA ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 952 F. 2d 395.

No. 91-7482. *GOLDEN v. MORRIS, WARDEN*. C. A. 6th Cir. Certiorari denied. Reported below: 947 F. 2d 944.

No. 91-7485. *GARRISON v. TANSY, WARDEN*. C. A. 10th Cir. Certiorari denied. Reported below: 949 F. 2d 401.

No. 91-7487. *ELGIN v. BUNNELL, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 91-7506. *DUKE v. STAGGERS, SUPERINTENDENT, ZEPHYRHILLS CORRECTIONAL INSTITUTION, ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 951 F. 2d 1263.

No. 91-7508. *SMITH v. ESTLACK ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 945 F. 2d 405.

No. 91-7520. *FITE v. CANTRELL ET AL.* Ct. App. Ky. Certiorari denied.

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No. 91-7522. *FRENCH ET AL. v. RUNDA ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 948 F. 2d 1288.

No. 91-7523. *GILL v. VIRGINIA.* Sup. Ct. Va. Certiorari denied.

No. 91-7525. *KLEIN v. BORG, WARDEN.* C. A. 9th Cir. Certiorari denied. Reported below: 952 F. 2d 406.

No. 91-7527. *BROWN v. BARR, ATTORNEY GENERAL, ET AL.* C. A. D. C. Cir. Certiorari denied. Reported below: 292 U. S. App. D. C. 229, 948 F. 2d 1337.

No. 91-7531. *RICHARDSON v. HESSE, SUPERINTENDENT, CENTENNIAL CORRECTION FACILITY.* Sup. Ct. Colo. Certiorari denied. Reported below: 823 P. 2d 150.

No. 91-7539. *ASHBURN v. NIX, WARDEN.* C. A. 8th Cir. Certiorari denied. Reported below: 950 F. 2d 727.

No. 91-7541. *GRAY v. SILVA ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 936 F. 2d 582.

No. 91-7543. *WASHINGTON v. ESTELLE, WARDEN.* C. A. 9th Cir. Certiorari denied. Reported below: 952 F. 2d 1400.

No. 91-7544. *SLOCUM v. THOMAS, WARDEN.* Sup. Ct. Ga. Certiorari denied.

No. 91-7552. *JOHNSON v. MICHIGAN DEPARTMENT OF CORRECTIONS ET AL.* Ct. App. Mich. Certiorari denied.

No. 91-7556. *FELIX v. BUNNELL, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 91-7557. *HURLBURT v. NEW HAMPSHIRE.* Sup. Ct. N. H. Certiorari denied. Reported below: 135 N. H. 143, 603 A. 2d 493.

No. 91-7558. *DILLON v. HOUSTON CHRONICLE PUBLISHING CO.* C. A. 5th Cir. Certiorari denied. Reported below: 951 F. 2d 344.

No. 91-7562. *ZHOU v. CIARKOWSKI ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 947 F. 2d 947.

No. 91-7571. *CARPENTER v. UNITED STATES.* Ct. App. D. C. Certiorari denied.

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No. 91-7576. *MARINO ET AL. v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 940 F. 2d 649 and 650.

No. 91-7579. *FEATHERSON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 949 F. 2d 770.

No. 91-7581. *DEL RAINE v. HELART*. C. A. 7th Cir. Certiorari denied.

No. 91-7582. *MIDDLETON v. FLORIDA*. Dist. Ct. App. Fla., 2d Dist. Certiorari denied. Reported below: 592 So. 2d 1094.

No. 91-7585. *WEBSTER v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied. Reported below: 54 Cal. 3d 411, 814 P. 2d 1273.

No. 91-7586. *OSBOND v. CRIST, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 944 F. 2d 909.

No. 91-7600. *WRIGHT v. UNITED STATES PAROLE COMMISSION*. C. A. 8th Cir. Certiorari denied. Reported below: 948 F. 2d 433.

No. 91-7607. *ROBINSON v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 954 F. 2d 729.

No. 91-7612. *MARTIN v. SINGLETARY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS*. C. A. 11th Cir. Certiorari denied. Reported below: 947 F. 2d 1490.

No. 91-7616. *DEL ORBE v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 951 F. 2d 1263.

No. 91-7630. *BEDFORD v. FLORIDA*. Sup. Ct. Fla. Certiorari denied. Reported below: 589 So. 2d 245.

No. 91-7641. *SWINGLER v. INTERNAL REVENUE SERVICE*. C. A. 8th Cir. Certiorari denied. Reported below: 953 F. 2d 648.

No. 91-7659. *GEORGE v. GOVERNMENT OF THE VIRGIN ISLANDS*. C. A. 3d Cir. Certiorari denied. Reported below: 952 F. 2d 1392.

No. 91-7701. *GUAJARDO v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 950 F. 2d 203.

No. 91-7704. *JONES v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. Reported below: 293 U. S. App. D. C. 208, 952 F. 2d 1402.

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No. 91-7709. *KEMP v. SINGLETARY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 951 F. 2d 1264.

No. 91-7713. *BUSCEMI v. MARYLAND.* Ct. Sp. App. Md. Certiorari denied. Reported below: 87 Md. App. 800.

No. 91-7715. *AMOS v. UNITED STATES.* C. A. 8th Cir. Certiorari denied. Reported below: 952 F. 2d 992.

No. 91-7739. *COLEMAN v. CTI LOGISTICS, INC.* C. A. 5th Cir. Certiorari denied.

No. 91-7754. *YOUNG v. UNITED STATES.* Ct. App. D. C. Certiorari denied.

No. 91-7755. *CARMICHAEL v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 948 F. 2d 1283.

No. 91-7762. *KIBA v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 951 F. 2d 364.

No. 91-7763. *GARNER v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 951 F. 2d 1257.

No. 91-7769. *GREEN v. UNITED STATES.* C. A. D. C. Cir. Certiorari denied. Reported below: 293 U. S. App. D. C. 58, 952 F. 2d 414.

No. 91-7770. *MCLEAN v. UNITED STATES.* C. A. D. C. Cir. Certiorari denied. Reported below: 293 U. S. App. D. C. 33, 951 F. 2d 1300.

No. 91-7772. *CLARK v. UNITED STATES.* C. A. 10th Cir. Certiorari denied. Reported below: 951 F. 2d 1261.

No. 91-7774. *WALTERS v. UNITED STATES.* C. A. 11th Cir. Certiorari denied. Reported below: 951 F. 2d 1263.

No. 91-7775. *MITCHELL v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 947 F. 2d 1487.

No. 91-7778. *BILLY G. v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 951 F. 2d 362.

No. 91-7787. *ALMONTE v. UNITED STATES.* C. A. 1st Cir. Certiorari denied. Reported below: 952 F. 2d 20.

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No. 91-7788. PATTERSON *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. Reported below: 971 F. 2d 744.

No. 91-7789. RIASGO-BONILLA *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 951 F. 2d 1257.

No. 91-7790. LAWRENCE *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 952 F. 2d 1034.

No. 91-7794. KINARD *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 952 F. 2d 404.

No. 91-7801. BRENT, AKA SLAUSON *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 951 F. 2d 363.

No. 91-7802. HANLEY *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 951 F. 2d 363.

No. 91-1252. CERTAIN UNDERWRITERS AT LLOYD'S, LONDON, ET AL. *v.* INDEPENDENT PETROCHEMICAL CORP. ET AL. C. A. D. C. Cir. Certiorari denied. JUSTICE THOMAS took no part in the consideration or decision of this petition. Reported below: 292 U. S. App. D. C. 19, 944 F. 2d 940.

No. 91-1394. WYLES ET UX. *v.* SWORD, TRUSTEE. C. A. 4th Cir. Certiorari before judgment denied.

No. 91-1395. CELOTEX CORP. *v.* GLASSCOCK ET AL. C. A. 5th Cir. Certiorari denied. JUSTICE WHITE and JUSTICE O'CONNOR would grant certiorari. Reported below: 946 F. 2d 1085.

No. 91-1425. VASQUEZ, WARDEN, ET AL. *v.* BROWN. C. A. 9th Cir. Motion of Criminal Justice Legal Foundation for leave to file a brief as *amicus curiae* granted. Certiorari denied. Reported below: 952 F. 2d 1164.

No. 91-1524. CONSOLIDATED RAIL CORPORATION *v.* ESCHBERGER. App. Div., Sup. Ct. N. Y., 4th Jud. Dept. Motion of Association of American Railroads for leave to file a brief as *amicus curiae* granted. Certiorari denied. Reported below: 174 App. Div. 2d 983, 572 N. Y. S. 2d 539.

No. 91-7459. SAVENELLI *v.* MEACHUM, COMMISSIONER, CONNECTICUT DEPARTMENT OF CORRECTION. C. A. 2d Cir. Certiorari before judgment denied.

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No. 91-7483. INGRAM *v.* CAVANAUGH, EXECUTIVE DIRECTOR OF THE SOUTH CAROLINA PAROLE AND COMMUNITY CORRECTIONS BOARD, ET AL. C. A. 4th Cir. Motion of petitioner to defer consideration of petition for writ of certiorari denied. Certiorari denied. Reported below: 946 F. 2d 885.

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Miscellaneous Order

No. A-808 (91-8111). KENNEDY *v.* SINGLETARY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. Sup. Ct. Fla. 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 issuance of the mandate of this Court.