

ORDERS FOR MARCH 28 THROUGH
JUNE 7, 1994

MARCH 28, 1994

Certiorari Granted—Vacated and Remanded

No. 92-6259. ADAMS *v.* EVATT, COMMISSIONER, SOUTH CAROLINA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 4th Cir. Petition for rehearing granted, and the order entered June 14, 1993 [508 U. S. 974], denying the petition for writ of certiorari is vacated. Motion of petitioner for leave to proceed *in forma pauperis* granted. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Sullivan v. Louisiana*, 508 U. S. 275 (1993). Reported below: 965 F. 2d 1306.

No. 92-8656. AVAKIAN *v.* UNITED STATES. C. A. 9th 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 *United States v. Granderson*, *ante*, p. 39. Reported below: 980 F. 2d 738.

No. 93-753. NORTH CAROLINA *v.* BRYANT; and NORTH CAROLINA *v.* WILLIAMS. Sup. Ct. N. C. Motions of respondents Marvin Earl Williams and Kenneth Michael Bryant for leave to proceed *in forma pauperis* granted. Certiorari granted, judgments vacated, and cases remanded for further consideration in light of *Victor v. Nebraska*, *ante*, p. 1. Reported below: 334 N. C. 333, 432 S. E. 2d 291 (first case); 334 N. C. 440, 434 S. E. 2d 588 (second case).

No. 93-6913. HILL *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 *United States v. Granderson*, *ante*, p. 39. Reported below: 5 F. 3d 528.

Miscellaneous Orders

No. D-1338. IN RE DISBARMENT OF SACKS. Disbarment entered. [For earlier order herein, see 510 U. S. 1034.]

No. D-1341. IN RE DISBARMENT OF CULLEN. Disbarment entered. [For earlier order herein, see 510 U. S. 1035.]

1001

March 28, 1994

511 U. S.

No. D-1342. IN RE DISBARMENT OF KOLE. Disbarment entered. [For earlier order herein, see 510 U. S. 1035.]

No. D-1343. IN RE DISBARMENT OF KOPROWSKI. Disbarment entered. [For earlier order herein, see 510 U. S. 1035.]

No. D-1344. IN RE DISBARMENT OF JOHNSON. Disbarment entered. [For earlier order herein, see 510 U. S. 1035.]

No. D-1345. IN RE DISBARMENT OF KROHN. Disbarment entered. [For earlier order herein, see 510 U. S. 1035.]

No. D-1347. IN RE DISBARMENT OF CONAWAY. Disbarment entered. [For earlier order herein, see 510 U. S. 1036.]

No. D-1348. IN RE DISBARMENT OF BAILEY. Disbarment entered. [For earlier order herein, see 510 U. S. 1036.]

No. D-1352. IN RE DISBARMENT OF HULNICK. Disbarment entered. [For earlier order herein, see 510 U. S. 1069.]

No. D-1354. IN RE DISBARMENT OF MICKS. Disbarment entered. [For earlier order herein, see 510 U. S. 1069.]

No. D-1374. IN RE DISBARMENT OF HEITMANN. It is ordered that Harold P. Heitmann, 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-1375. IN RE DISBARMENT OF MCNAMARA. It is ordered that Warren Harding McNamara, Jr., of Newport News, 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-1376. IN RE DISBARMENT OF NATH. It is ordered that Jack Nath, of New Hyde Park, 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. 93-714. U. S. BANCORP MORTGAGE CO. *v.* BONNER MALL PARTNERSHIP. C. A. 9th Cir. [Certiorari granted, 510 U. S. 1039.] Case removed from the April 1994 argument calendar.

511 U. S.

March 28, 1994

Memorandum of respondent suggesting that the case is moot filed March 15, 1994, is set for briefing and oral argument in accordance with Rules 24, 25, and 28 of the Rules of this Court. The parties are directed to brief and argue the following question: "Should the rule announced in *United States v. Munsingwear, Inc.*, 340 U. S. 36 (1950), extend to cases that become moot in this Court because of the voluntary settlement of the parties?"

No. 93-1284. HOECHST CELANESE CORP. ET AL. *v.* GILLIS ET AL. C. A. 3d Cir. The Solicitor General is invited to file a brief in this case expressing the views of the United States.

No. 93-7745. JOHNSON *v.* JOHNSON. Super. Ct. N. J., App. Div. Motion of petitioner for leave to proceed *in forma pauperis* denied. Petitioner is allowed until April 18, 1994, 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. 93-7767. IN RE MADSEN. Petition for writ of mandamus denied.

No. 93-7740. IN RE CORETHERS; and

No. 93-7794. IN RE CORETHERS. Petitions for writs of mandamus and/or prohibition denied.

Certiorari Granted

No. 93-7901. SCHLUP *v.* DELO, SUPERINTENDENT, POTOSI CORRECTIONAL CENTER. C. A. 8th Cir. Motion of petitioner for leave to proceed *in forma pauperis* granted. Certiorari granted limited to Questions 1 and 2 presented by the petition. Reported below: 11 F. 3d 738.

Certiorari Denied

No. 93-830. DAVIS SUPERMARKETS, INC. *v.* NATIONAL LABOR RELATIONS BOARD. C. A. D. C. Cir. Certiorari denied. Reported below: 2 F. 3d 1162.

No. 93-850. ORTIZ-CAMERON *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. Reported below: 996 F. 2d 436.

No. 93-1058. BENNETT *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 999 F. 2d 548.

March 28, 1994

511 U. S.

No. 93-1063. *HAYWARD ET AL. v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 6 F. 3d 1241.

No. 93-1074. *CELLSWITCH L. P. ET AL. v. FEDERAL COMMUNICATIONS COMMISSION ET AL.* C. A. D. C. Cir. Certiorari denied. Reported below: 998 F. 2d 1051.

No. 93-1081. *GILLIS ET AL. v. HOECHST CELANESE CORP.* C. A. 3d Cir. Certiorari denied. Reported below: 4 F. 3d 1137.

No. 93-1097. *CHESLEREAN v. IMMIGRATION AND NATURALIZATION SERVICE*. C. A. 6th Cir. Certiorari denied. Reported below: 1 F. 3d 1240.

No. 93-1105. *COLORADO DEPARTMENT OF HEALTH ET AL. v. BAUMAN ET AL.* Ct. App. Colo. Certiorari denied. Reported below: 857 P. 2d 499.

No. 93-1106. *JACKSON v. NEW YORK CITY POLICE DEPARTMENT ET AL.* App. Div., Sup. Ct. N. Y., 2d Jud. Dept. Certiorari denied. Reported below: 192 App. Div. 2d 641, 596 N. Y. S. 2d 457.

No. 93-1152. *GARRATT v. MORRIS ET AL.* Sup. Ct. Mich. Certiorari denied. Reported below: 443 Mich. 105, 503 N. W. 2d 654.

No. 93-1204. *EAGLEYE v. TRW, INC., ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 4 F. 3d 417.

No. 93-1218. *THOMAS ET AL. v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 9 F. 3d 110.

No. 93-1240. *BRITT v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 959 F. 2d 232.

No. 93-1245. *ODECO OIL & GAS CO., DRILLING DIVISION, ET AL. v. BONNETTE ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 4 F. 3d 401.

No. 93-1255. *MORRIS COUNTY v. PHILIPPEN*. Super. Ct. N. J., App. Div. Certiorari denied.

No. 93-1256. *HAYDEN v. LA-Z-BOY CHAIR CO.* C. A. 7th Cir. Certiorari denied. Reported below: 9 F. 3d 617.

511 U. S.

March 28, 1994

No. 93-1257. *CATLETT v. VIRGINIA*. Sup. Ct. Va. Certiorari denied.

No. 93-1258. *WILLIS v. DEBRUYN, COMMISSIONER, INDIANA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 8 F. 3d 556.

No. 93-1262. *TIEMEYER ET AL. v. COMMUNITY MUTUAL INSURANCE CO. ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 8 F. 3d 1094.

No. 93-1263. *BERNARD v. CONNICK, INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY AS NEW ORLEANS DISTRICT ATTORNEY*. C. A. 5th Cir. Certiorari denied. Reported below: 9 F. 3d 103.

No. 93-1264. *COWAN v. MONTANA*. Sup. Ct. Mont. Certiorari denied. Reported below: 260 Mont. 510, 861 P. 2d 884.

No. 93-1266. *CASADOS ET AL. v. CITY AND COUNTY OF DENVER, COLORADO, ET AL.* Sup. Ct. Colo. Certiorari denied. Reported below: 862 P. 2d 908.

No. 93-1268. *NEW MEXICO ENVIRONMENT DEPARTMENT v. FRANCO, SUCCESSOR TRUSTEE FOR THE ESTATE OF L. F. JENNINGS OIL Co.* C. A. 10th Cir. Certiorari denied. Reported below: 4 F. 3d 887.

No. 93-1269. *YOUNG IN HONG v. CHILDREN'S MEMORIAL HOSPITAL*. C. A. 7th Cir. Certiorari denied. Reported below: 993 F. 2d 1257.

No. 93-1270. *CALIFORNIA v. UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA (PARR ET AL., REAL PARTIES IN INTEREST)*. C. A. 9th Cir. Certiorari denied.

No. 93-1273. *YOUNGER v. YOUNGER*. Super. Ct. Ga., Chatham County. Certiorari denied.

No. 93-1274. *KAGAN v. EL SAN HOTEL & CASINO ET AL.* C. A. 1st Cir. Certiorari denied. Reported below: 7 F. 3d 218.

No. 93-1288. *ELLENBECKER, SECRETARY, SOUTH DAKOTA DEPARTMENT OF SOCIAL SERVICES, ET AL. v. HOWE ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 8 F. 3d 1258.

No. 93-1289. *ROGERS v. UNITED STATES ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 8 F. 3d 29.

March 28, 1994

511 U. S.

No. 93-1295. *SPALETTA v. CALIFORNIA WORKERS' COMPENSATION APPEALS BOARD ET AL.* Ct. App. Cal., 1st App. Dist. Certiorari denied.

No. 93-1304. *MCVAY v. PARRISH.* C. A. 5th Cir. Certiorari denied. Reported below: 7 F. 3d 76.

No. 93-1311. *BURCHILL v. KISH ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 14 F. 3d 46.

No. 93-1352. *EDWARDS v. WILSON ET AL.* C. A. 9th Cir. Certiorari denied.

No. 93-6257. *CULVER v. CALIFORNIA.* Ct. App. Cal., 3d App. Dist. Certiorari denied.

No. 93-6635. *REED v. CALIFORNIA.* Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 93-6900. *METZGER v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 3 F. 3d 756.

No. 93-7067. *HASSAN EL v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 5 F. 3d 726.

No. 93-7299. *RICHARDSON v. UNITED STATES.* C. A. 3d Cir. Certiorari denied. Reported below: 9 F. 3d 1542.

No. 93-7315. *FAVORITO v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 5 F. 3d 1338.

No. 93-7346. *LAYNE v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. Reported below: 6 F. 3d 396.

No. 93-7355. *COBLE v. UNITED STATES.* C. A. 8th Cir. Certiorari denied. Reported below: 7 F. 3d 1043.

No. 93-7404. *SAMRICK v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. Reported below: 14 F. 3d 603.

No. 93-7623. *MILLAN v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. Reported below: 4 F. 3d 1038.

No. 93-7652. *DAVIS v. RESOLUTION TRUST CORPORATION ET AL.* Ct. App. Ga. Certiorari denied. Reported below: 208 Ga. App. 884, 433 S. E. 2d 143.

511 U. S.

March 28, 1994

No. 93-7669. *TERRELL v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 93-7672. *SHELTON ET AL. v. EBERHARDT ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 7 F. 3d 220.

No. 93-7685. *DOYLE v. FLORIDA*. Dist. Ct. App. Fla., 3d Dist. Certiorari denied. Reported below: 615 So. 2d 278.

No. 93-7686. *SULLIVAN v. FLANNIGAN ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 8 F. 3d 591.

No. 93-7698. *ESPARZA v. WOODS ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 8 F. 3d 23.

No. 93-7709. *LONG v. JENKINS ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 12 F. 3d 213.

No. 93-7715. *GASSAWAY v. CODY, WARDEN*. C. A. 10th Cir. Certiorari denied. Reported below: 9 F. 3d 116.

No. 93-7716. *GIFFORD ET UX. v. NATIONAL BANK OF SOUTH DAKOTA, CITY OF PRESNO, ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 9 F. 3d 114.

No. 93-7721. *SANFORD v. ALAMEDA-CONTRA COSTA TRANSIT DISTRICT ET AL.* Ct. App. Cal., 1st App. Dist. Certiorari denied.

No. 93-7723. *SWEENEY v. CIVIL SERVICE COMMISSION*. Commw. Ct. Pa. Certiorari denied. Reported below: 147 Pa. Commw. 707, 609 A. 2d 216.

No. 93-7727. *SNYDER v. LOVE*. C. A. 3d Cir. Certiorari denied.

No. 93-7728. *WILLIAMS v. PINE BLUFF SCHOOL DISTRICT NO. 3 ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 14 F. 3d 610.

No. 93-7731. *ESPARZA v. PAROLE PANEL*. C. A. 5th Cir. Certiorari denied. Reported below: 8 F. 3d 23.

No. 93-7735. *FRIEDMAN v. DEAR ET AL.* C. A. 2d Cir. Certiorari denied.

March 28, 1994

511 U. S.

No. 93-7736. TYLER *v.* PURKETT, SUPERINTENDENT, FARMINGTON CORRECTIONAL CENTER, ET AL. C. A. 8th Cir. Certiorari denied.

No. 93-7746. CONDON *v.* DELAWARE. Sup. Ct. Del. Certiorari denied. Reported below: 597 A. 2d 7.

No. 93-7750. MILLER *v.* ROWLAND, DIRECTOR, CALIFORNIA DEPARTMENT OF CORRECTIONS. C. A. 9th Cir. Certiorari denied. Reported below: 999 F. 2d 389.

No. 93-7751. NUNNALLY *v.* ILLINOIS. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 251 Ill. App. 3d 1107, 661 N. E. 2d 1199.

No. 93-7752. LYLE *v.* McKEON. C. A. 6th Cir. Certiorari denied. Reported below: 9 F. 3d 108.

No. 93-7753. ROGERS *v.* NORTH CAROLINA. Ct. App. N. C. Certiorari denied. Reported below: 109 N. C. App. 491, 428 S. E. 2d 220.

No. 93-7754. MOSLEY *v.* COLLINS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION. C. A. 5th Cir. Certiorari denied.

No. 93-7755. MAGULA *v.* INFANTE ET AL. Sup. Ct. Fla. Certiorari denied. Reported below: 629 So. 2d 134.

No. 93-7756. O'MURCHU *v.* RENO, ATTORNEY GENERAL OF THE UNITED STATES. C. A. 1st Cir. Certiorari denied.

No. 93-7757. LIGHT *v.* KIRK, JUDGE. Sup. Ct. Tex. Certiorari denied.

No. 93-7764. SHANTEAU *v.* DEPARTMENT OF SOCIAL SERVICES. Ct. App. Mich. Certiorari denied.

No. 93-7768. PREUSS *v.* DISTRICT OF COLUMBIA. Ct. App. D. C. Certiorari denied.

No. 93-7771. FIGUEROA *v.* CALIFORNIA. Ct. App. Cal., 4th App. Dist. Certiorari denied.

No. 93-7772. GASTER *v.* TAYLOR, WARDEN, ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 12 F. 3d 204.

511 U. S.

March 28, 1994

No. 93-7773. *BOOTHE v. STANTON*. Dist. Ct. App. Fla., 5th Dist. Certiorari denied.

No. 93-7774. *BYNUM v. STATE FARM INSURANCE Co.* Ct. App. Ga. Certiorari denied. Reported below: 208 Ga. App. XXVII.

No. 93-7775. *HOOD v. SMITH ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 14 F. 3d 594.

No. 93-7776. *BYERS v. MONTANA*. Sup. Ct. Mont. Certiorari denied. Reported below: 261 Mont. 17, 861 P. 2d 860.

No. 93-7789. *KELLY v. MUNICIPAL COURT OF CALIFORNIA, COUNTY OF SAN MATEO*. C. A. 9th Cir. Certiorari denied.

No. 93-7790. *JONES v. SNYDER, WARDEN*. C. A. 3d Cir. Certiorari denied.

No. 93-7791. *HARPER v. COLLINS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 93-7792. *ELINE v. BISHOP ESTATE ET AL.* C. A. 9th Cir. Certiorari denied.

No. 93-7800. *GARCIA v. FLORIDA*. Sup. Ct. Fla. Certiorari denied. Reported below: 634 So. 2d 624.

No. 93-7806. *PITTS v. CALIFORNIA*. Ct. App. Cal., 1st App. Dist. Certiorari denied.

No. 93-7819. *BROWN v. NORRIS, DIRECTOR, ARKANSAS DEPARTMENT OF CORRECTION, ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 12 F. 3d 1102.

No. 93-7822. *CORETHERS v. FRIEDMAN ET AL.* C. A. 6th Cir. Certiorari denied.

No. 93-7827. *GATES, AKA HAYES v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 988 F. 2d 1218.

No. 93-7830. *DILLARD v. COLLINS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION*. C. A. 5th Cir. Certiorari denied. Reported below: 12 F. 3d 209.

No. 93-7831. *MACK v. KENZIE ET AL.* C. A. 2d Cir. Certiorari denied.

March 28, 1994

511 U. S.

No. 93-7844. *FLYNN v. CITY OF GARDEN CITY, MICHIGAN, ET AL.*; and *FLYNN v. B&T TOWING*. Ct. App. Mich. Certiorari denied.

No. 93-7845. *MESSERSCHMIDT v. UNITED STATES*. C. A. Fed. Cir. Certiorari denied. Reported below: 14 F. 3d 613.

No. 93-7909. *WATSON v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 8 F. 3d 822.

No. 93-7951. *LODEIRO v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 9 F. 3d 1558.

No. 93-7965. *VISINTINE v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 7 F. 3d 236.

No. 93-7967. *THOMPSON v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 7 F. 3d 1377.

No. 93-7981. *MCQUEEN v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 9 F. 3d 1558.

No. 93-7982. *MULHOLLAN v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 12 F. 3d 1098.

No. 93-7988. *KEEPER v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 6 F. 3d 1088.

No. 93-7991. *GALLARDO v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 15 F. 3d 1091.

No. 93-7993. *HARVEY v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 93-8003. *MCCOWAN v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 12 F. 3d 215.

No. 93-8004. *OMECTIN v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 12 F. 3d 1110.

No. 93-8005. *RAY v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 10 F. 3d 810.

No. 93-8015. *KREUZHAGE v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 93-8016. *ALVAREZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 6 F. 3d 287.

511 U. S.

March 28, 1994

No. 93-8017. ADAMS *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 8 F. 3d 30.

No. 93-8019. CALIFANO *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 14 F. 3d 592.

No. 93-8021. CORRELL *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 16 F. 3d 405.

No. 93-8026. LLERENA-ACOSTA *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 3 F. 3d 1496.

No. 93-8028. LUX ET UX. *v.* SPOTSWOOD CONSTRUCTION LOANS, L. P. Sup. Ct. Va. Certiorari denied.

No. 93-8036. CHILDS *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 5 F. 3d 1328.

No. 93-8042. SANCHEZ *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 9 F. 3d 1558.

No. 93-8052. ROBINSON *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 10 F. 3d 79.

No. 93-8064. FREEMAN *v.* IDAHO COMMISSION FOR PARDONS AND PAROLE. C. A. 9th Cir. Certiorari denied. Reported below: 999 F. 2d 542.

No. 93-52. UNITED STATES *v.* CLAY. C. A. 6th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 982 F. 2d 959.

No. 93-1095. RIVERA *v.* UNITED STATES. C. A. 2d Cir. Motion of petitioner for leave to proceed further herein *in forma pauperis* granted. Certiorari denied. Reported below: 4 F. 3d 1038.

No. 93-1250. CHANDLER ET AL. *v.* CITY OF DALLAS. C. A. 5th Cir. Motion of Advocacy Inc. et al. for leave to file a brief as *amici curiae* granted. Certiorari denied. Reported below: 2 F. 3d 1385.

No. 93-1259. MARTIN *v.* OMEGA MEDICAL CENTER ASSOCIATES ET AL. C. A. 3d Cir. Motion of petitioner to consolidate petition for writ of certiorari with other cases denied. Certiorari denied.

March 28, 1994

511 U. S.

No. 93-5784. *HOFFMAN v. IDAHO*. Sup. Ct. Idaho;
No. 93-6885. *WILLIAMS v. ALABAMA*. Sup. Ct. Ala.;
No. 93-7075. *CORAL v. ALABAMA*. Sup. Ct. Ala.;
No. 93-7247. *OGAN v. TEXAS*. Ct. Crim. App. Tex.;
No. 93-7269. *TUCKER v. TEXAS*. Ct. Crim. App. Tex.;
No. 93-7317. *JONES v. ILLINOIS*. Sup. Ct. Ill.;
No. 93-7331. *BEHRINGER v. TEXAS*. Ct. Crim. App. Tex.;
No. 93-7423. *JENKINS v. ALABAMA*. Sup. Ct. Ala.;
No. 93-7482. *MORENO v. TEXAS*. Ct. Crim. App. Tex.;
No. 93-7648. *DUBOIS v. VIRGINIA*. Sup. Ct. Va.; and
No. 93-7778. *YOUNG v. PENNSYLVANIA*. Sup. Ct. Pa. Cer-
tiorari denied. Reported below: No. 93-5784, 123 Idaho 638, 851
P. 2d 934; No. 93-6885, 627 So. 2d 999; No. 93-7075, 628 So. 2d
1004; No. 93-7317, 156 Ill. 2d 225, 620 N. E. 2d 325; No. 93-7423,
627 So. 2d 1054; No. 93-7648, 246 Va. 260, 435 S. E. 2d 636;
No. 93-7778, 536 Pa. 57, 637 A. 2d 1313.

JUSTICE BLACKMUN, dissenting.

Adhering to my view that the death penalty cannot be imposed fairly within the constraints of our Constitution, see my dissent in *Callins v. Collins*, 510 U. S. 1141, 1143 (1994), I would grant certiorari and vacate the death sentences in these cases.

Rehearing Granted. (See No. 92-6259, *supra*, p. 1001.)

Rehearing Denied

No. 93-6638. *PHELPS v. LOCKHEED MISSILES & SPACE CO., INC.*, 510 U. S. 1054;

No. 93-6644. *RANDALL v. SINGLETARY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.*, 510 U. S. 1095;

No. 93-6786. *KENNEDY v. LITTLE ET AL.*, 510 U. S. 1076;

No. 93-6841. *RADFORD, PERSONAL REPRESENTATIVE OF THE ESTATE OF RADFORD, DECEASED v. CHEVRON, U. S. A., INC.*, 510 U. S. 1095;

No. 93-6910. *JACKSON v. WISNESKI*, 510 U. S. 1062;

No. 93-7073. *CORETHERS v. KMIECIK ET AL.*, 510 U. S. 1124;

No. 93-7187. *PORTER v. MICHAEL REESE HOSPITAL & MEDICAL CENTER*, 510 U. S. 1127;

No. 93-7188. *RICHMOND v. WATERS, WARDEN, ET AL.*, 510 U. S. 1127;

511 U. S.

March 28, 30, 31, 1994

No. 93–7193. THAKKAR *v.* DEBEVOISE, JUDGE, UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY, 510 U. S. 1127;

No. 93–7224. THOMAS *v.* NATIONAL UNION FIRE INSURANCE CO. ET AL., 510 U. S. 1129; and

No. 93–7657. LAWSON *v.* DIXON, WARDEN, 510 U. S. 1171. Petitions for rehearing denied.

No. 92–1953. RAYMOND ET AL. *v.* MOBIL OIL CORP., 510 U. S. 822. Motion for leave to file petition for rehearing denied.

No. 92–8822. JOHNSON *v.* CALIFORNIA, 510 U. S. 836. Petition for rehearing denied.

JUSTICE BLACKMUN, dissenting.

Adhering to my view that the death penalty cannot be imposed fairly within the constraints of our Constitution, see my dissent in *Callins v. Collins*, 510 U. S. 1141, 1143 (1994), I would grant the petition for rehearing.

MARCH 30, 1994

Certiorari Denied

No. 93–8522 (A–812). WEBB *v.* COLLINS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION. 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, dissenting.

Adhering to my view that the death penalty cannot be imposed fairly within the constraints of our Constitution, see my dissent in *Callins v. Collins*, 510 U. S. 1141, 1143 (1994), I would grant certiorari and vacate the death sentence in this case.

MARCH 31, 1994

Dismissal Under Rule 46

No. 93–8102. McMILLAN *v.* HOLLAND, WARDEN. C. A. 6th Cir. Certiorari dismissed under this Court’s Rule 46.2.

Certiorari Denied

No. 93–8542 (A–817). HANCE *v.* ZANT, WARDEN. Sup. Ct. Ga. Application for stay of execution of sentence of death, presented

March 31, April 3, 1994

511 U. S.

to JUSTICE KENNEDY, and by him referred to the Court, denied. Certiorari denied. The order heretofore entered by JUSTICE KENNEDY is vacated. JUSTICE STEVENS and JUSTICE GINSBURG would grant the application for stay of execution.

JUSTICE BLACKMUN, dissenting.

Even if I had not reached the conclusion that the death penalty cannot be imposed fairly within the constraints of our Constitution, see my dissent in *Callins v. Collins*, 510 U.S. 1141, 1143 (1994), I could not support its imposition in this case. There is substantial evidence that William Henry Hance is mentally retarded as well as mentally ill. There is reason to believe that his trial and sentencing proceedings were infected with racial prejudice. One of his sentencers has come forward to say that she did not vote for the death penalty because of his mental impairments. And Mr. Hance has raised a colorable claim that the trial court's refusal to answer his jurors' questions about sentencing options should be held and considered in light of the forthcoming decision in *Simmons v. South Carolina*, No. 92-9059, pending before this Court. Accordingly, I would grant the application for a stay, grant the petition for writ of certiorari, and vacate the death sentence in this case.

APRIL 3, 1994

Certiorari Dismissed

No. 93-8492 (A-809). LAMBERTY, AS NEXT FRIEND TO BEAVERS *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 dismissed for want of jurisdiction. JUSTICE STEVENS and JUSTICE GINSBURG would deny the petition for writ of certiorari.

JUSTICE BLACKMUN, dissenting.

Adhering to my view that the death penalty cannot be imposed fairly within the constraints of our Constitution, see my dissent in *Callins v. Collins*, 510 U.S. 1141, 1143 (1994), I would grant the application for stay of execution and the petition for certiorari and would vacate the death sentence in this case.

No. 93-8565 (A-820). BEAVERS, BY AND THROUGH HIS NEXT FRIEND, LAMBERTY *v.* COLLINS, DIRECTOR, TEXAS DEPARTMENT

511 U. S.

April 3, 4, 1994

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 dismissed for want of jurisdiction. JUSTICE GINSBURG would deny the petition for writ of certiorari. JUSTICE STEVENS would grant the application for stay of execution.

JUSTICE BLACKMUN, dissenting.

Adhering to my view that the death penalty cannot be imposed fairly within the constraints of our Constitution, see my dissent in *Callins v. Collins*, 510 U. S. 1141, 1143 (1994), I would grant the application for stay of execution and the petition for certiorari and would vacate the death sentence in this case.

APRIL 4, 1994

Miscellaneous Orders

No. — — —. *BYRD v. OHIO*; *GREER v. OHIO*; *HENDERSON v. OHIO*; *HICKS v. OHIO*; *JAMISON v. OHIO*; *MONTGOMERY v. OHIO*; *POINDEXTER v. OHIO*; *SCOTT v. OHIO*; and *SOWELL v. OHIO*. Motion for leave to proceed *in forma pauperis* without an affidavit of indigency executed by Jay D. Scott granted.

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

No. — — —. *FULLER v. NORFOLK SOUTHERN CORP.* Motions to direct the Clerk to file petitions for writs of certiorari out of time denied.

No. D-1351. *IN RE DISBARMENT OF VENABLE*. William H. C. Venable, of Richmond, Va., 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 10, 1994 [510 U. S. 1036], is hereby discharged.

No. D-1377. *IN RE DISBARMENT OF SPENCE*. It is ordered that Jeffrey Dale Spence, of Seattle, Wash., 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-1378. *IN RE DISBARMENT OF WADE*. It is ordered that Julius Jennings Wade, Jr., of Charlotte, N. C., be suspended from

April 4, 1994

511 U. S.

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-1379. *IN RE DISBARMENT OF FRESCO*. It is ordered that Mark G. Fresco, of Spring Valley, N. Y., be suspended from the practice of law in this Court and that a rule issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. D-1380. *IN RE DISBARMENT OF COOPER*. It is ordered that Arthur Bryan Cooper, of Eaton Town, 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. 92-1920. *LIVADAS v. AUBRY, CALIFORNIA LABOR COMMISSIONER*. C. A. 9th Cir. [Certiorari granted, 510 U. S. 1083.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted. Motion of the Solicitor General to permit Malcolm L. Stewart, Esq., to present oral argument *pro hac vice* granted.

No. 93-518. *DOLAN v. CITY OF TIGARD*. Sup. Ct. Ore. [Certiorari granted, 510 U. S. 989.] Motion of respondent for leave to file a supplemental brief after argument granted.

No. 93-880. *MADSEN ET AL. v. WOMEN'S HEALTH CENTER, INC., ET AL.* Sup. Ct. Fla. [Certiorari granted, 510 U. S. 1084.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 93-7809. *IN RE BENNETT ET AL.* Petition for writ of prohibition denied.

Certiorari Granted

No. 93-1251. *SHALALA, SECRETARY OF HEALTH AND HUMAN SERVICES v. GUERNSEY MEMORIAL HOSPITAL*. C. A. 6th Cir. Certiorari granted. Reported below: 996 F. 2d 830.

No. 93-1103. *DUBUQUE PACKING CO., INC. v. UNITED FOOD & COMMERCIAL WORKERS INTERNATIONAL UNION AFL-CIO, LOCAL NO. 150-A, ET AL.* C. A. D. C. Cir. Certiorari granted.

511 U. S.

April 4, 1994

JUSTICE GINSBURG took no part in the consideration or decision of this petition. Reported below: 1 F. 3d 24.

No. 93-1128. BROWN, SECRETARY OF VETERANS AFFAIRS *v.* GARDNER. C. A. Fed. Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari granted. Reported below: 5 F. 3d 1456.

No. 93-1286. AMERICAN AIRLINES, INC. *v.* WOLENS ET AL. Sup. Ct. Ill. Motion of Air Transport Association of America for leave to file a brief as *amicus curiae* granted. Certiorari granted. Reported below: 157 Ill. 2d 466, 626 N. E. 2d 205.

No. 93-7407. O'NEAL *v.* MCANINCH, WARDEN. C. A. 6th Cir. Motion of petitioner for leave to proceed *in forma pauperis* granted. Certiorari granted limited to Question 2 presented by the petition. Reported below: 3 F. 3d 143.

Certiorari Denied

No. 93-1055. SHANE *v.* RESOLUTION TRUST CORPORATION, AS RECEIVER OF MERCURY SAVINGS & LOAN ASSN. C. A. 9th Cir. Certiorari denied. Reported below: 996 F. 2d 1227.

No. 93-1062. RECALL '92, INC., ET AL. *v.* EDWARDS, GOVERNOR OF LOUISIANA, ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 2 F. 3d 117.

No. 93-1070. SKIPPER, SHERIFF OF MULTNOMAH COUNTY *v.* REUTER. C. A. 9th Cir. Certiorari denied. Reported below: 4 F. 3d 716.

No. 93-1124. ARKANSAS PEACE CENTER ET AL. *v.* ARKANSAS DEPARTMENT OF POLLUTION CONTROL AND ECOLOGY ET AL. C. A. 8th Cir. Certiorari denied. Reported below: 999 F. 2d 1212.

No. 93-1198. ROSS ET AL. *v.* ZVI TRADING CORP. EMPLOYEES' MONEY PURCHASE PENSION PLAN AND TRUST ET AL.; and

No. 93-1357. ZVI TRADING CORP. EMPLOYEES' MONEY PURCHASE PENSION PLAN AND TRUST ET AL. *v.* ROSS ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 9 F. 3d 259.

No. 93-1278. COUNTY OF BERKS, PENNSYLVANIA, ET AL. *v.* MURTAGH ET AL. Sup. Ct. Pa. Certiorari denied. Reported below: 535 Pa. 50, 634 A. 2d 179.

April 4, 1994

511 U. S.

No. 93-1283. *CINEL v. LOUISIANA*. Ct. App. La., 4th Cir. Certiorari denied. Reported below: 619 So. 2d 770.

No. 93-1291. *FLACK v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist. Certiorari denied. Reported below: 17 Cal. App. 4th 940, 21 Cal. Rptr. 2d 796.

No. 93-1292. *PURIFICATO ET AL. v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 3d Cir. Certiorari denied. Reported below: 9 F. 3d 290.

No. 93-1294. *GIBSON ET AL. v. DALLAS COUNTY EDUCATION DISTRICT*. C. A. 5th Cir. Certiorari denied. Reported below: 14 F. 3d 54.

No. 93-1296. *DISTRICT OF COLUMBIA ET AL. v. KATTAN, BY HER PARENTS AND NEXT FRIENDS, THOMAS ET AL.* C. A. D. C. Cir. Certiorari denied. Reported below: 995 F. 2d 274.

No. 93-1297. *LEBLANC v. GREAT AMERICAN INSURANCE CO.* C. A. 1st Cir. Certiorari denied. Reported below: 6 F. 3d 836.

No. 93-1298. *HALL ET AL. v. MARTIN ET AL.* Ct. App. Tex., 9th Dist. Certiorari denied. Reported below: 851 S. W. 2d 905.

No. 93-1299. *SUNDANCE CRUISES CORP. ET AL. v. AMERICAN BUREAU OF SHIPPING*. C. A. 2d Cir. Certiorari denied. Reported below: 7 F. 3d 1077.

No. 93-1300. *SELICK EQUIPMENT, INC. v. BOUTTE*. C. A. 5th Cir. Certiorari denied.

No. 93-1302. *BEARD v. WEST, SECRETARY OF THE ARMY*. C. A. Fed. Cir. Certiorari denied. Reported below: 11 F. 3d 1070.

No. 93-1303. *CHICAGO TRUCK DRIVERS, HELPERS & WAREHOUSE WORKERS UNION (INDEPENDENT) PENSION FUND ET AL. v. SLOTKY*. C. A. 7th Cir. Certiorari denied. Reported below: 9 F. 3d 1251.

No. 93-1306. *CONVERTINO v. WRIGHT, WARDEN, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 9 F. 3d 1543.

No. 93-1308. *CORN v. CITY OF LAUDERDALE LAKES*. C. A. 11th Cir. Certiorari denied. Reported below: 997 F. 2d 1369.

511 U. S.

April 4, 1994

No. 93-1309. *LOUIS DREYFUS CORP. ET AL. v. EBANKS ET AL.* Sup. Ct. La. Certiorari denied. Reported below: 625 So. 2d 1050.

No. 93-1312. *AUTHEMENT, ADMINISTRATRIX OF THE SUCCESSION OF AUTHEMENT, ET AL. v. CITGO PETROLEUM CORP.* C. A. 5th Cir. Certiorari denied. Reported below: 6 F. 3d 330.

No. 93-1321. *FUTUREGRAPHICS, LTD. v. EASTMAN KODAK CO.*; and *FRENCH v. EASTMAN KODAK CO.* Ct. App. Mich. Certiorari denied.

No. 93-1332. *VANOVER ET AL. v. LAMPKIN ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 7 F. 3d 430.

No. 93-1336. *ROGERS v. COMMISSIONER OF INTERNAL REVENUE.* C. A. 9th Cir. Certiorari denied.

No. 93-1343. *YATER ET AL. v. HANCOCK COUNTY PLANNING COMMISSION.* Ct. App. Ind. Certiorari denied. Reported below: 614 N. E. 2d 568.

No. 93-1345. *MADONIA v. BLUE CROSS & BLUE SHIELD OF VIRGINIA.* C. A. 4th Cir. Certiorari denied. Reported below: 11 F. 3d 444.

No. 93-1382. *CRAIG v. UNITED STATES.* C. A. 7th Cir. Certiorari denied. Reported below: 12 F. 3d 1101.

No. 93-1396. *COSTANZ v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. Reported below: 9 F. 3d 1537.

No. 93-1417. *LIPOVSKY v. CARTER, INDIVIDUALLY AND AS UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF NEW YORK.* C. A. 2d Cir. Certiorari denied. Reported below: 17 F. 3d 391.

No. 93-1419. *DODDS v. CIGNA SECURITIES, INC., ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 12 F. 3d 346.

No. 93-6555. *RASHEED-BEY v. DEBRUYN, COMMISSIONER, INDIANA DEPARTMENT OF CORRECTION, ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 1 F. 3d 1244.

No. 93-6630. *MURPHY v. UNITED STATES.* C. A. Fed. Cir. Certiorari denied. Reported below: 993 F. 2d 871.

April 4, 1994

511 U. S.

No. 93-6655. *HINKLE v. COLLINS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION, ET AL.* C. A. 5th Cir. Certiorari denied.

No. 93-7028. *NELSON v. JONES.* Sup. Ct. Ohio. Certiorari denied. Reported below: 67 Ohio St. 3d 438, 619 N. E. 2d 687.

No. 93-7031. *MARSHALL v. LYNN, SECRETARY, LOUISIANA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 3 F. 3d 440.

No. 93-7066. *HAIN v. OKLAHOMA.* Ct. Crim. App. Okla. Certiorari denied. Reported below: 852 P. 2d 744.

No. 93-7148. *KELLOM v. SHELLEY ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 2 F. 3d 1153.

No. 93-7228. *EDWARDS v. UNITED STATES.* C. A. 8th Cir. Certiorari denied. Reported below: 3 F. 3d 244.

No. 93-7380. *BROWN v. TWO UNKNOWN MARSHALS.* C. A. 4th Cir. Certiorari denied. Reported below: 12 F. 3d 204.

No. 93-7410. *MEULI v. UNITED STATES.* C. A. 10th Cir. Certiorari denied. Reported below: 8 F. 3d 1481.

No. 93-7454. *FOUCHE v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 8 F. 3d 31.

No. 93-7455. *HAYES v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 7 F. 3d 144.

No. 93-7477. *VICKERY v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 12 F. 3d 1110.

No. 93-7507. *PHILLIPS v. UNITED STATES.* C. A. 1st Cir. Certiorari denied. Reported below: 1 F. 3d 1231.

No. 93-7526. *WASHINGTON v. UNITED STATES.* C. A. 10th Cir. Certiorari denied. Reported below: 11 F. 3d 1510.

No. 93-7569. *ANGLERO v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. Reported below: 9 F. 3d 1537.

No. 93-7670. *DANZEY v. UNITED STATES.* C. A. 3d Cir. Certiorari denied. Reported below: 14 F. 3d 49.

511 U. S.

April 4, 1994

No. 93-7678. *LICON-HERNANDEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 8 F. 3d 23.

No. 93-7700. *CUIE v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 9 F. 3d 1554.

No. 93-7701. *MOLEY v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 995 F. 2d 1020.

No. 93-7710. *SANCHEZ v. MARTINEZ*. C. A. 5th Cir. Certiorari denied. Reported below: 8 F. 3d 23.

No. 93-7783. *ESTES v. VAN DER VEUR, WARDEN*. C. A. 10th Cir. Certiorari denied. Reported below: 13 F. 3d 405.

No. 93-7813. *ADAMS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 8 F. 3d 22.

No. 93-7820. *WATSON v. MORRIS ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 7 F. 3d 229.

No. 93-7821. *STATON v. VAUGHN, WARDEN, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 93-7829. *KIBBE v. CALIFORNIA*. Ct. App. Cal., 3d App. Dist. Certiorari denied.

No. 93-7832. *PHILLIPS v. GANJOO ET AL.* Sup. Ct. Va. Certiorari denied.

No. 93-7834. *PLATSKY v. KILPATRICK ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 7 F. 3d 220.

No. 93-7835. *McGUFFEY v. GEORGIA ADVOCACY OFFICE ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 996 F. 2d 1232.

No. 93-7836. *MCCAMPBELL v. GRIMES*. C. A. 11th Cir. Certiorari denied. Reported below: 996 F. 2d 1231.

No. 93-7837. *WARREN v. CALIFORNIA*. Ct. App. Cal., 1st App. Dist. Certiorari denied.

No. 93-7841. *HUNT v. MURRAY, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS*. C. A. 4th Cir. Certiorari denied. Reported below: 4 F. 3d 985.

April 4, 1994

511 U. S.

No. 93-7843. *ROBINSON v. STOCK, WARDEN, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 93-7859. *VAILUU v. CALIFORNIA.* Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 93-7860. *WINKLER v. KEANE, SUPERINTENDENT, SING SING CORRECTIONAL FACILITY.* C. A. 2d Cir. Certiorari denied. Reported below: 7 F. 3d 304.

No. 93-7861. *WRIGHT v. MARSHALL ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 16 F. 3d 1230.

No. 93-7862. *TERIO v. TERIO.* App. Div., Sup. Ct. N. Y., 2d Jud. Dept. Certiorari denied. Reported below: 190 App. Div. 2d 666, 593 N. Y. S. 2d 467.

No. 93-7864. *SUDA v. BRENNER ET AL.* App. Div., Sup. Ct. N. Y., 1st Jud. Dept. Certiorari denied. Reported below: 195 App. Div. 2d 421, 602 N. Y. S. 2d 524.

No. 93-7866. *WILLIAMS v. CALIFORNIA.* Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 93-7868. *BARQUET v. MAASS, SUPERINTENDENT, OREGON STATE PENITENTIARY.* C. A. 9th Cir. Certiorari denied. Reported below: 15 F. 3d 1083.

No. 93-7869. *BEDFORD v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 9 F. 3d 104.

No. 93-7872. *LABOY v. PUCINSKI.* C. A. 7th Cir. Certiorari denied. Reported below: 9 F. 3d 112.

No. 93-7875. *MCMAHON v. BANK OF AMERICA N. T. & S. A.* C. A. 9th Cir. Certiorari denied. Reported below: 8 F. 3d 25.

No. 93-7877. *HAWKINS v. CODY, WARDEN.* C. A. 10th Cir. Certiorari denied. Reported below: 13 F. 3d 405.

No. 93-7882. *JIMENEZ v. MGM.* C. A. 6th Cir. Certiorari denied.

No. 93-7884. *BAGLEY v. CALIFORNIA.* Sup. Ct. Cal. Certiorari denied.

511 U. S.

April 4, 1994

No. 93-7886. *ASKEW v. TUCKER, GOVERNOR OF ARKANSAS, ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 22 F. 3d 307.

No. 93-7887. *MORAN v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 4 F. 3d 987.

No. 93-7892. *STEEL v. WACHTLER ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 9 F. 3d 1538.

No. 93-7903. *EPPE v. COUGHLIN, COMMISSIONER, NEW YORK DEPARTMENT OF CORRECTIONAL SERVICES.* C. A. 2d Cir. Certiorari denied. Reported below: 13 F. 3d 615.

No. 93-7918. *LEWIS v. RICHMOND CITY POLICE DEPARTMENT ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 8 F. 3d 819.

No. 93-7928. *CHILTON v. MURRAY, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 7 F. 3d 222.

No. 93-7940. *NIELSEN v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 1 F. 3d 855.

No. 93-7941. *REYES v. WEIMER ET AL.* Ct. App. Cal., 1st App. Dist. Certiorari denied.

No. 93-7952. *MURRAY v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 8 F. 3d 20.

No. 93-7959. *SOTELO SANCHEZ v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 8 F. 3d 202.

No. 93-7961. *STROUD v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 16 F. 3d 413.

No. 93-7978. *MONISH v. UNITED STATES.* C. A. 11th Cir. Certiorari denied. Reported below: 9 F. 3d 1559.

No. 93-7996. *TSCHIDA v. SHALALA, SECRETARY OF HEALTH AND HUMAN SERVICES.* C. A. 9th Cir. Certiorari denied. Reported below: 9 F. 3d 1553.

No. 93-8002. *STOCKDALE v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 993 F. 2d 886.

April 4, 1994

511 U. S.

No. 93-8018. *CALDWELL v. KRONER ET AL.* C. A. 3d Cir. Certiorari denied.

No. 93-8020. *CONTRERAS v. CALIFORNIA.* Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 93-8022. *TRAN v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 12 F. 3d 207.

No. 93-8043. *CAUSEY v. UNITED STATES.* C. A. 7th Cir. Certiorari denied. Reported below: 9 F. 3d 1341.

No. 93-8071. *CASTRO v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. Reported below: 14 F. 3d 590.

No. 93-8073. *WALL v. UNITED STATES.* C. A. 10th Cir. Certiorari denied. Reported below: 13 F. 3d 408.

No. 93-8077. *HOLTHAUS v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 8 F. 3d 31.

No. 93-8078. *HAYS v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 17 F. 3d 397.

No. 93-8080. *JIMENEZ v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 8 F. 3d 27.

No. 93-8084. *RUBINSTEIN v. DEPARTMENT OF THE NAVY.* C. A. Fed. Cir. Certiorari denied. Reported below: 11 F. 3d 1071.

No. 93-8086. *ANDRUS v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 12 F. 3d 207.

No. 93-8087. *CABRERA v. UNITED STATES.* C. A. 11th Cir. Certiorari denied. Reported below: 9 F. 3d 1558.

No. 93-8088. *SLADE v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 14 F. 3d 598.

No. 93-8090. *WALDEN v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 12 F. 3d 1110.

No. 93-8093. *BARNES v. UNITED STATES.* C. A. 10th Cir. Certiorari denied. Reported below: 13 F. 3d 407.

No. 93-8094. *HONEYCUTT v. UNITED STATES.* C. A. 11th Cir. Certiorari denied. Reported below: 8 F. 3d 785.

511 U. S.

April 4, 1994

No. 93-8099. ERWIN *v.* UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS. C. A. 5th Cir. Certiorari denied.

No. 93-8106. CHESNEY *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 10 F. 3d 641.

No. 93-8110. FOXWORTH *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 8 F. 3d 540.

No. 93-8111. GALEANO ET AL. *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 17 F. 3d 390.

No. 93-8112. GARRIS *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 14 F. 3d 597.

No. 93-8119. DAVIDSON *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 11 F. 3d 165.

No. 93-8171. MILLER *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 16 F. 3d 406.

No. 93-8174. ROMERO *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 11 F. 3d 346.

No. 93-8176. CLARK *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 12 F. 3d 215.

No. 93-8178. BAILEY *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 12 F. 3d 1108.

No. 93-785. LANGE *v.* LANGE. Ct. App. Wis. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 175 Wis. 2d 373, 502 N. W. 2d 143.

No. 93-1252. OKLAHOMA *v.* HAIN. Ct. Crim. App. Okla. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 852 P. 2d 744.

No. 93-987. McREADY *v.* BREEDEN, CHAIRMAN, SECURITIES AND EXCHANGE COMMISSION, ET AL. C. A. D. C. Cir. Certiorari denied. JUSTICE GINSBURG took no part in the consideration or decision of this petition. Reported below: 998 F. 2d 7.

No. 93-8039 (A-682). BROWN *v.* UNITED STATES. C. A. 11th Cir. Application for stay, addressed to JUSTICE BLACKMUN and referred to the Court, denied. Certiorari denied.

April 4, 7, 18, 1994

511 U. S.

No. 93-1141. MU'MIN *v.* MURRAY, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS. Sup. Ct. Va.;

No. 93-6862. NETHERY *v.* COLLINS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION. C. A. 5th Cir.;

No. 93-7726. COMER *v.* ARIZONA. Super. Ct. Ariz., Maricopa County; and

No. 93-7780. DAVIS *v.* ARKANSAS. Sup. Ct. Ark. Certiorari denied. Reported below: No. 93-6862, 993 F. 2d 1154; No. 93-7780, 314 Ark. 257, 863 S. W. 2d 259.

JUSTICE BLACKMUN, dissenting.

Adhering to my view that the death penalty cannot be imposed fairly within the constraints of our Constitution, see my dissent in *Callins v. Collins*, 510 U. S. 1141, 1143 (1994), I would grant certiorari and vacate the death sentences in these cases.

Rehearing Denied

No. 93-970. DiCICCO *v.* TREMBLAY, 510 U. S. 1115; and

No. 93-6820. MOSES *v.* UNITED STATES, 510 U. S. 1121. Petitions for rehearing denied.

APRIL 7, 1994

Dismissal Under Rule 46

No. 93-1231. ORION PICTURES CORP. *v.* SHOWTIME NETWORKS, INC., FKA SHOWTIME/THE MOVIE CHANNEL, INC. C. A. 2d Cir. Certiorari dismissed under this Court's Rule 46.1. Reported below: 4 F. 3d 1095.

APRIL 18, 1994

Miscellaneous Orders

No. — — —. SIMMS *v.* RUNYON, POSTMASTER GENERAL. Motion to direct the Clerk to file petition for writ of certiorari out of time and not in compliance with the Rules of this Court denied.

No. — — —. SMITH *v.* LUCAS, COMMISSIONER, MISSISSIPPI DEPARTMENT OF CORRECTIONS. Motion for leave to proceed *in forma pauperis* without an affidavit of indigency executed by petitioner granted.

No. A-715 (93-1496). MISSOURI PACIFIC RAILROAD CO., DBA UNION PACIFIC RAILROAD CO. *v.* TINGSTROM. Ct. App. La., 1st

511 U. S.

April 18, 1994

Cir. Application for stay, addressed to JUSTICE THOMAS and referred to the Court, denied.

No. A-769. *ANDERSON v. HUMANA, INC., ET AL.* D. C. Colo. Application for stay, addressed to JUSTICE BLACKMUN and referred to the Court, denied.

No. D-1357. *IN RE DISBARMENT OF CARPENTER.* Disbarment entered. [For earlier order herein, see 510 U. S. 1104.]

No. D-1358. *IN RE DISBARMENT OF HENDERSON.* Richard Stanley Henderson, of San Diego, Cal., 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 February 22, 1994 [510 U. S. 1104], is hereby discharged.

No. D-1361. *IN RE DISBARMENT OF KRASNER.* Disbarment entered. [For earlier order herein, see 510 U. S. 1105.]

No. D-1363. *IN RE DISBARMENT OF ERDHEIM.* Disbarment entered. [For earlier order herein, see 510 U. S. 1105.]

No. D-1367. *IN RE DISBARMENT OF LONDOFF.* Disbarment entered. [For earlier order herein, see 510 U. S. 1106.]

No. D-1368. *IN RE DISBARMENT OF SCOTT.* Disbarment entered. [For earlier order herein, see 510 U. S. 1106.]

No. D-1370. *IN RE DISBARMENT OF MORRIS.* Disbarment entered. [For earlier order herein, see 510 U. S. 1106.]

No. D-1381. *IN RE DISBARMENT OF MEACHAM.* It is ordered that Jerald Samuel Meacham, of Gary, Ind., 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-1382. *IN RE DISBARMENT OF HARROD.* It is ordered that Samuel Glenn Harrod III, of Eureka, 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-1383. *IN RE DISBARMENT OF BUDMAN.* It is ordered that Ronald Harvey Budman, of San Antonio, Tex., be suspended

April 18, 1994

511 U. S.

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-1384. *IN RE DISBARMENT OF WELLS*. It is ordered that William Eugene Wells, of Houston, Tex., 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-1385. *IN RE DISBARMENT OF MCCLENNY*. It is ordered that William Madison McClenny, of Louisa, 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-1386. *IN RE DISBARMENT OF HEIMAN*. It is ordered that Norman Heiman, of Flushing, N. Y., be suspended from the practice of law in this Court and that a rule issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. D-1387. *IN RE DISBARMENT OF CHAPMAN*. It is ordered that Gerald McNamara Chapman, of Arlington Heights, 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. 111, Orig. *DELAWARE ET AL. v. NEW YORK*. Motion of the Special Master for award of fees granted, and the Special Master is awarded a total of \$47,568.47 to be paid in accordance with the recommendation contained in the fee application dated March 15, 1994. Report of the Special Master with respect to complaints received and ordered filed. Exceptions to the Report, with supporting briefs, may be filed by the parties within 21 days. Replies thereto, if any, may be filed by the parties within 14 days. [For earlier order herein, see, *e. g.*, 510 U. S. 1106.]

No. 92-1920. *LIVADAS v. AUBRY, CALIFORNIA LABOR COMMISSIONER*. C. A. 9th Cir. [Certiorari granted, 510 U. S. 1083.] Motion of Food Employers Council, Inc., for leave to file a brief as *amicus curiae* out of time granted.

No. 93-744. *DIRECTOR, OFFICE OF WORKERS' COMPENSATION PROGRAMS, DEPARTMENT OF LABOR v. GREENWICH COLLIERIES*

511 U. S.

April 18, 1994

ET AL.; and DIRECTOR, OFFICE OF WORKERS' COMPENSATION PROGRAMS, DEPARTMENT OF LABOR *v.* MAHER TERMINALS, INC., ET AL. C. A. 3d Cir. [Certiorari granted, 510 U. S. 1068.] Motion of respondent Greenwich Collieries for reconsideration of order denying motion for divided argument [510 U. S. 1189] denied. Counsel for respondent Greenwich Collieries is designated to present oral argument on behalf of respondents.

No. 93-7034. IN RE ANDERSON. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [510 U. S. 1108] denied.

No. 93-8297. IN RE WASHINGTON. Petition for writ of habeas corpus denied.

No. 93-7999. IN RE SANDERS. Petition for writ of mandamus denied.

Certiorari Granted

No. 92-2038. ASGROW SEED CO. *v.* WINTERBOER ET AL., DBA DEEBEES. C. A. Fed. Cir. Certiorari granted. Reported below: 982 F. 2d 486.

No. 93-1170. UNITED STATES ET AL. *v.* NATIONAL TREASURY EMPLOYEES UNION ET AL. C. A. D. C. Cir. Certiorari granted. Reported below: 990 F. 2d 1271.

No. 93-1318. INTERSTATE COMMERCE COMMISSION *v.* TRANSCON LINES ET AL. C. A. 9th Cir. Certiorari granted. Reported below: 9 F. 3d 64.

No. 93-1340. UNITED STATES *v.* MEZZANATTO. C. A. 9th Cir. Certiorari granted. Reported below: 998 F. 2d 1452.

No. 93-1260. UNITED STATES *v.* LOPEZ. C. A. 5th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari granted. Reported below: 2 F. 3d 1342.

Certiorari Denied

No. 93-959. GERGICK *v.* JOHNSON, ADMINISTRATOR, GENERAL SERVICES ADMINISTRATION, ET AL. C. A. 8th Cir. Certiorari denied. Reported below: 997 F. 2d 1237.

No. 93-967. ZAPATA GULF MARINE CORP. *v.* CHIASSON. C. A. 5th Cir. Certiorari denied. Reported below: 988 F. 2d 513.

April 18, 1994

511 U. S.

No. 93-968. *IVERSON v. WEEKS ET AL.* Ct. App. Ore. Certiorari denied. Reported below: 121 Ore. App. 206, 856 P. 2d 344.

No. 93-972. *FIGUEROA ET AL. v. UNITED STATES ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 7 F. 3d 1405.

No. 93-978. *KOFF ET AL. v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 3 F. 3d 1297.

No. 93-982. *VIERRETHETTER v. UNITED STATES.* C. A. Fed. Cir. Certiorari denied. Reported below: 6 F. 3d 786.

No. 93-996. *IN RE HOLLOWAY.* C. A. D. C. Cir. Certiorari denied. Reported below: 995 F. 2d 1080.

No. 93-1013. *CITY OF LOS ANGELES v. TOPANGA PRESS, INC., ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 989 F. 2d 1524.

No. 93-1023. *BARTH v. DUFFY, DIRECTOR, UNITED STATES INFORMATION AGENCY, ET AL.* C. A. D. C. Cir. Certiorari denied. Reported below: 2 F. 3d 1180.

No. 93-1054. *CONFECIONES ZUNY LTDA. ET AL. v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. Reported below: 6 F. 3d 37.

No. 93-1057. *CLEWIS ET AL. v. KRIVANEK, HILLSBOROUGH COUNTY SUPERVISOR OF ELECTIONS.* Sup. Ct. Fla. Certiorari denied. Reported below: 625 So. 2d 840.

No. 93-1127. *WHITE MOUNTAIN APACHE TRIBE OF ARIZONA v. UNITED STATES.* C. A. Fed. Cir. Certiorari denied. Reported below: 5 F. 3d 1506.

No. 93-1145. *FILIOS ET AL. v. MASSACHUSETTS COMMISSIONER OF REVENUE.* Sup. Jud. Ct. Mass. Certiorari denied. Reported below: 415 Mass. 806, 615 N. E. 2d 933.

No. 93-1156. *HALEY ET AL. v. COMMISSIONER OF INTERNAL REVENUE ET AL.* (two cases). C. A. 9th Cir. Certiorari denied. Reported below: 5 F. 3d 536.

No. 93-1163. *HOUSE OF RAEFORD FARMS, INC. v. NATIONAL LABOR RELATIONS BOARD ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 7 F. 3d 223.

511 U. S.

April 18, 1994

No. 93-1171. *MOERMAN v. CALIFORNIA ET AL.* Ct. App. Cal., 1st App. Dist. Certiorari denied. Reported below: 17 Cal. App. 4th 452, 21 Cal. Rptr. 2d 329.

No. 93-1224. *TODD SHIPYARDS CORP. ET AL. v. EDWARDS ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 999 F. 2d 1374.

No. 93-1229. *ROBINSON ET AL. v. FEDERAL DEPOSIT INSURANCE CORPORATION, AS RECEIVER FOR CHAS. SCHREINER BANK.* C. A. 5th Cir. Certiorari denied. Reported below: 5 F. 3d 528.

No. 93-1248. *WINTERS, DBA SHARP'S PAWN SHOP v. BOARD OF COUNTY COMMISSIONERS OF OSAGE COUNTY, OKLAHOMA, ET AL.; and*

No. 93-1366. *LANDSDOWN, INDIVIDUALLY AND AS DEPUTY SHERIFF, ET AL. v. WINTERS.* C. A. 10th Cir. Certiorari denied. Reported below: 4 F. 3d 848.

No. 93-1284. *HOECHST CELANESE CORP. ET AL. v. GILLIS ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 4 F. 3d 1137.

No. 93-1314. *TAUBER v. SALOMON FOREX, INC., ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 8 F. 3d 966.

No. 93-1317. *SANDERSON v. WINFIELD CARRAWAY HOSPITAL ET AL.* Sup. Ct. Ala. Certiorari denied. Reported below: 639 So. 2d 962.

No. 93-1319. *MENDENHALL ET AL. v. CEDARAPIDS, INC.* C. A. Fed. Cir. Certiorari denied. Reported below: 5 F. 3d 1557.

No. 93-1320. *AMERMAN v. UNITED STATES.* C. A. 3d Cir. Certiorari denied. Reported below: 14 F. 3d 49.

No. 93-1323. *DENOYER, BY NEXT FRIEND DENOYER, ET AL. v. LIVONIA PUBLIC SCHOOLS ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 12 F. 3d 211.

No. 93-1326. *ANDRIOLA ET AL. v. ANTINORO ET AL.* Ct. App. N. Y. Certiorari denied. Reported below: 82 N. Y. 2d 320, 624 N. E. 2d 667.

No. 93-1330. *UBEROI v. UNIVERSITY OF COLORADO BOARD OF REGENTS ET AL.* Ct. App. Colo. Certiorari denied.

April 18, 1994

511 U. S.

No. 93-1331. *QUINN-L CAPITAL CORP. ET AL. v. ROYAL INSURANCE COMPANY OF AMERICA ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 3 F. 3d 877.

No. 93-1333. *SHIMIZU v. SUPERIOR COURT OF CALIFORNIA, COUNTY OF SONOMA (BELLAH, REAL PARTY IN INTEREST).* Ct. App. Cal., 1st App. Dist. Certiorari denied.

No. 93-1334. *MCCUMMINGS v. SHALALA, SECRETARY OF HEALTH AND HUMAN SERVICES.* C. A. Fed. Cir. Certiorari denied. Reported below: 14 F. 3d 613.

No. 93-1337. *MARTE ET AL. v. CHEVRON CORPORATION LONG-TERM DISABILITY PLAN ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 12 F. 3d 1107.

No. 93-1339. *VENTETOULO, ACTING DIRECTOR, RHODE ISLAND DEPARTMENT OF CORRECTIONS v. DEWITT.* C. A. 1st Cir. Certiorari denied. Reported below: 6 F. 3d 32.

No. 93-1344. *FITZGERALD v. MONTANA DEPARTMENT OF FAMILY SERVICES ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 8 F. 3d 26.

No. 93-1346. *WISEMAN ET AL. v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 991 F. 2d 804.

No. 93-1347. *BERG v. DENTISTS INSURANCE CO.* Ct. App. Cal., 1st App. Dist. Certiorari denied.

No. 93-1349. *RAMSEY, SECRETARY, DEPARTMENT OF HEALTH AND HOSPITALS OF LOUISIANA, ET AL. v. ABBEVILLE GENERAL HOSPITAL ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 3 F. 3d 797.

No. 93-1351. *BROWN v. BROWN.* App. Ct. Ill., 4th Dist. Certiorari denied. Reported below: 243 Ill. App. 3d 1104, 657 N. E. 2d 392.

No. 93-1356. *ULYAS ET AL. v. COSTA ET AL.* Super. Ct. Pa. Certiorari denied. Reported below: 425 Pa. Super. 634, 619 A. 2d 793.

No. 93-1359. *RAJU v. RHODES.* C. A. 5th Cir. Certiorari denied. Reported below: 7 F. 3d 1210.

511 U. S.

April 18, 1994

No. 93-1360. *FUENTES v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 8 F. 3d 1004.

No. 93-1368. *NORTHROP CORP. v. UNITED STATES EX REL. BARAJAS*. C. A. 9th Cir. Certiorari denied. Reported below: 5 F. 3d 407.

No. 93-1369. *TARKANIAN ET AL. v. NATIONAL COLLEGIATE ATHLETIC ASSN.* C. A. 9th Cir. Certiorari denied. Reported below: 10 F. 3d 633.

No. 93-1370. *WU v. BOARD OF TRUSTEES, UNIVERSITY OF ALABAMA, ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 996 F. 2d 271.

No. 93-1375. *GOLDSTEIN v. UNITED STATES ET AL.* C. A. Fed. Cir. Certiorari denied. Reported below: 11 F. 3d 1074.

No. 93-1386. *RICHARDSON v. SHALALA, SECRETARY OF HEALTH AND HUMAN SERVICES, ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 993 F. 2d 878.

No. 93-1409. *NATIONALIST MOVEMENT v. FORSYTH COUNTY, GEORGIA*. C. A. 11th Cir. Certiorari denied. Reported below: 11 F. 3d 168.

No. 93-1413. *CONSTANT v. WILSON ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 12 F. 3d 1105.

No. 93-1425. *RHINEHART ET AL. v. SEATTLE TIMES ET AL.* Ct. App. Wash. Certiorari denied.

No. 93-1426. *DEREWAL v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 10 F. 3d 100.

No. 93-1427. *DiFRANCO v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 17 F. 3d 390.

No. 93-1439. *HOSKINS, INDIVIDUALLY, AND IN HIS OFFICIAL CAPACITY AS COMMISSIONER OF THE PHILADELPHIA STREETS DEPARTMENT v. KINNEY ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 9 F. 3d 1067.

No. 93-1442. *BRADFORD v. BRADFORD*. Ct. Civ. App. Ala. Certiorari denied. Reported below: 628 So. 2d 732.

April 18, 1994

511 U. S.

No. 93-1445. *LANDESBURG v. UNITED STATES BANKRUPTCY COURT, SOUTHERN DISTRICT OF NEW YORK*. C. A. 2d Cir. Certiorari denied. Reported below: 14 F. 3d 590.

No. 93-1447. *KUEHL ET UX. v. FEDERAL DEPOSIT INSURANCE CORPORATION ET AL.* C. A. 1st Cir. Certiorari denied. Reported below: 8 F. 3d 905.

No. 93-1451. *BROWN ET VIR v. UNITED STATES ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 8 F. 3d 821.

No. 93-1467. *DUNCAN v. STRANGE*. C. A. 11th Cir. Certiorari denied.

No. 93-1474. *MCDONALD v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 12 F. 3d 217.

No. 93-1476. *CHRISTIENSEN v. SMITH ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 17 F. 3d 391.

No. 93-1511. *BRAWNER v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 14 F. 3d 597.

No. 93-5455. *SIMS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 990 F. 2d 804.

No. 93-6636. *QUARLES v. SCUDERI ET AL.* C. A. 3d Cir. Certiorari denied.

No. 93-6659. *SLOAN v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 996 F. 2d 1213.

No. 93-6784. *WARREN v. UNITED STATES*;
No. 93-7495. *WARREN v. UNITED STATES*;
No. 93-7500. *PEACOCK v. UNITED STATES*; and
No. 93-7536. *JENKINS v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 4 F. 3d 1338.

No. 93-7025. *NAPOLIS ET AL. v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 993 F. 2d 1170.

No. 93-7084. *TUCKER v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 2 F. 3d 574.

No. 93-7095. *POWERS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 5 F. 3d 1500.

511 U. S.

April 18, 1994

No. 93-7117. GREATHOUSE *v.* UNITED STATES;
No. 93-7120. WILLIAMS *v.* UNITED STATES;
No. 93-7145. GREATHOUSE *v.* UNITED STATES; and
No. 93-7146. GREATHOUSE *v.* UNITED STATES. C. A. 11th
Cir. Certiorari denied. Reported below: 4 F. 3d 1000.

No. 93-7174. DUNN *v.* UNITED STATES. C. A. 6th Cir. Cer-
tiorari denied. Reported below: 4 F. 3d 995.

No. 93-7175. KONG YIN CHU *v.* UNITED STATES. C. A. 9th
Cir. Certiorari denied. Reported below: 5 F. 3d 1244.

No. 93-7264. HOSKINS *v.* CALIFORNIA. Ct. App. Cal., 5th
App. Dist. Certiorari denied.

No. 93-7292. GHOLSTON *v.* UNITED STATES. C. A. 11th Cir.
Certiorari denied. Reported below: 5 F. 3d 1499.

No. 93-7362. MCCOMBS *v.* NORRIS ET AL. C. A. 4th Cir.
Certiorari denied. Reported below: 1 F. 3d 1233.

No. 93-7381. ABANATHA *v.* UNITED STATES. C. A. 8th Cir.
Certiorari denied. Reported below: 999 F. 2d 1246.

No. 93-7403. BUSBY *v.* NEW JERSEY. Super. Ct. N. J., App.
Div. Certiorari denied.

No. 93-7412. LEE *v.* UNITED STATES. C. A. 8th Cir. Cer-
tiorari denied. Reported below: 6 F. 3d 1297.

No. 93-7421. BAKER *v.* SHALALA, SECRETARY OF HEALTH AND
HUMAN SERVICES. C. A. 6th Cir. Certiorari denied. Reported
below: 9 F. 3d 106.

No. 93-7459. GROOMS *v.* UNITED STATES. C. A. 4th Cir.
Certiorari denied. Reported below: 2 F. 3d 85.

No. 93-7479. SHOCKEY *v.* BADGER COAL CO. ET AL. C. A.
4th Cir. Certiorari denied. Reported below: 998 F. 2d 1010.

No. 93-7503. TORRES RIVERA *v.* UNITED STATES. C. A. 1st
Cir. Certiorari denied. Reported below: 4 F. 3d 1026.

No. 93-7549. CASIO *v.* CALIFORNIA; and
No. 93-8010. KING *v.* CALIFORNIA. Ct. App. Cal., 2d App.
Dist. Certiorari denied.

April 18, 1994

511 U. S.

No. 93-7554. *NEVELL v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 9 F. 3d 1555.

No. 93-7555. *MYRICK v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 7 F. 3d 234.

No. 93-7564. *HORD v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 6 F. 3d 276.

No. 93-7565. *FALIN v. SHALALA, SECRETARY OF HEALTH AND HUMAN SERVICES, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 6 F. 3d 207.

No. 93-7579. *CAMPBELL v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 12 F. 3d 208.

No. 93-7586. *JOHNSON v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 7 F. 3d 227.

No. 93-7609. *JOHNSTON v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 976 F. 2d 738.

No. 93-7628. *McKINLEY v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 995 F. 2d 1020.

No. 93-7653. *MENDOZA-LOPEZ v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 7 F. 3d 1483.

No. 93-7671. *FIRE THUNDER v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 22 F. 3d 306.

No. 93-7706. *PIERATT v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 1 F. 3d 330.

No. 93-7711. *VAUGHN v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 7 F. 3d 1533.

No. 93-7785. *COBB v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 8 F. 3d 20.

No. 93-7823. *YITREF v. WORKERS' COMPENSATION APPEALS BOARD OF CALIFORNIA ET AL.* Ct. App. Cal., 4th App. Dist. Certiorari denied.

No. 93-7824. *TITLEMORE v. RAYMOND ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 9 F. 3d 1541.

511 U. S.

April 18, 1994

No. 93-7846. *THIEKEN v. OFFICE OF PERSONNEL MANAGEMENT*. C. A. Fed. Cir. Certiorari denied. Reported below: 11 F. 3d 1074.

No. 93-7879. *GROSS v. WESTERN-SOUTHERN LIFE INSURANCE CO. ET AL.* Ct. App. Ohio, Hamilton County. Certiorari denied. Reported below: 85 Ohio App. 3d 662, 621 N. E. 2d 412.

No. 93-7891. *McMURTRY v. SNYDER, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 93-7900. *ISTVAN v. WILLOUGHBY OF CHEVY CHASE CONDOMINIUM COUNCIL OF UNIT OWNERS, INC.* Cir. Ct. Montgomery County, Md. Certiorari denied.

No. 93-7902. *WHITE v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 14 F. 3d 598.

No. 93-7904. *JOHNSON v. SENKOWSKI, SUPERINTENDENT, CLINTON CORRECTIONAL FACILITY*. C. A. 2d Cir. Certiorari denied. Reported below: 17 F. 3d 1425.

No. 93-7905. *JOHNSON v. SENKOWSKI, SUPERINTENDENT, CLINTON CORRECTIONAL FACILITY*. C. A. 2d Cir. Certiorari denied. Reported below: 17 F. 3d 1425.

No. 93-7906. *JOHNSON v. STINSON, SUPERINTENDENT, GREAT MEADOW CORRECTIONAL FACILITY*. C. A. 2d Cir. Certiorari denied. Reported below: 17 F. 3d 1425.

No. 93-7907. *STEPHENS v. O'DEA, WARDEN*. C. A. 6th Cir. Certiorari denied. Reported below: 9 F. 3d 109.

No. 93-7914. *MARTINEZ-PEREZ v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 9 F. 3d 118.

No. 93-7917. *OLLIE v. PENNSYLVANIA*. Sup. Ct. Pa. Certiorari denied.

No. 93-7919. *LENSING v. ARKANSAS DEPARTMENT OF HUMAN SERVICES*. C. A. 8th Cir. Certiorari denied. Reported below: 7 F. 3d 1042.

No. 93-7920. *MAZYCK v. SMITH, WARDEN, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 7 F. 3d 225.

April 18, 1994

511 U. S.

No. 93-7922. *NORTHINGTON v. HOFFMAN ET AL.* C. A. 6th Cir. Certiorari denied.

No. 93-7924. *MURRAY v. DISTRICT OF COLUMBIA ET AL.* C. A. D. C. Cir. Certiorari denied.

No. 93-7925. *LEWIS v. MOYER.* C. A. 6th Cir. Certiorari denied.

No. 93-7929. *DELEMONS v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. Reported below: 9 F. 3d 107.

No. 93-7933. *DOBER v. CALIFORNIA.* Ct. App. Cal., 1st App. Dist. Certiorari denied.

No. 93-7938. *THOMPSON v. UNITED STATES.* C. A. 8th Cir. Certiorari denied. Reported below: 7 F. 3d 1377.

No. 93-7942. *DANILOV v. PENNSYLVANIA.* Commw. Ct. Pa. Certiorari denied. Reported below: 155 Pa. Commw. 678, 625 A. 2d 773.

No. 93-7946. *DYER v. CALIFORNIA.* Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 93-7948. *KENNEDY v. COLLINS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION.* C. A. 5th Cir. Certiorari denied.

No. 93-7949. *KENNEDY v. NEBRASKA.* Sup. Ct. Neb. Certiorari denied. Reported below: 244 Neb. xxii.

No. 93-7962. *BROWN v. ILLINOIS.* App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 253 Ill. App. 3d 165, 624 N. E. 2d 1378.

No. 93-7964. *THOMPSON v. CALIFORNIA.* Ct. App. Cal., 1st App. Dist. Certiorari denied.

No. 93-7966. *WALLACE v. TAYLOR, WARDEN, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 9 F. 3d 1545.

No. 93-7971. *DOUGLAS v. CALIFORNIA.* Ct. App. Cal., 6th App. Dist. Certiorari denied.

No. 93-7973. *WEBER v. GORENFELD ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 8 F. 3d 34.

511 U. S.

April 18, 1994

No. 93-7974. RONG HUA CHEN *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 2 F. 3d 330.

No. 93-7984. VON SCHIGET *v.* CALIFORNIA. Ct. App. Cal., 1st App. Dist. Certiorari denied.

No. 93-7985. TAYLOR *v.* STRICKLAND ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 4 F. 3d 986.

No. 93-7989. GILLIS *v.* MARYLAND. Ct. App. Md. Certiorari denied. Reported below: 333 Md. 69, 633 A. 2d 888.

No. 93-7990. HILAIRE *v.* CALIFORNIA. Ct. App. Cal., 1st App. Dist. Certiorari denied.

No. 93-7992. JOSEPH *v.* WHITLEY, WARDEN. C. A. 5th Cir. Certiorari denied. Reported below: 12 F. 3d 1097.

No. 93-7994. HARRIS *v.* ROCHA, WARDEN. Sup. Ct. Cal. Certiorari denied.

No. 93-7995. EDWARDS *v.* PHOEBE PUTNEY MEMORIAL HOSPITAL ET AL. C. A. 11th Cir. Certiorari denied. Reported below: 977 F. 2d 599.

No. 93-7997. SULLIVAN *v.* CLARK, WARDEN. C. A. 7th Cir. Certiorari denied. Reported below: 4 F. 3d 997.

No. 93-8001. SHAKUR *v.* BEYER, SUPERINTENDENT, NEW JERSEY STATE PRISON, ET AL. C. A. 3d Cir. Certiorari denied.

No. 93-8011. HUNTER *v.* DRESSLER ET AL. C. A. 6th Cir. Certiorari denied.

No. 93-8012. HUGHES *v.* WHITE, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 9 F. 3d 1551.

No. 93-8013. GOMEZ *v.* CALIFORNIA. Ct. App. Cal., 6th App. Dist. Certiorari denied.

No. 93-8014. GOOD *v.* BOWLES, SHERIFF, DALLAS COUNTY, TEXAS. C. A. 5th Cir. Certiorari denied. Reported below: 9 F. 3d 1547.

No. 93-8030. LEDDEN *v.* STEPANIK ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 16 F. 3d 404.

April 18, 1994

511 U. S.

No. 93-8034. *SELLERS v. PETERSON, WARDEN*. C. A. 5th Cir. Certiorari denied.

No. 93-8041. *CONTRERAS v. NEW YORK*. App. Div., Sup. Ct. N. Y., 1st Jud. Dept. Certiorari denied. Reported below: 191 App. Div. 2d 235, 594 N. Y. S. 2d 254.

No. 93-8045. *BARTLETT v. VANCE*. C. A. 3d Cir. Certiorari denied. Reported below: 17 F. 3d 1428.

No. 93-8047. *CLIFTON v. VAUGHN, SUPERINTENDENT, PENNSYLVANIA STATE CORRECTIONAL INSTITUTION AT GRATERFORD, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 93-8055. *RANDALL v. FLORIDA ET AL.* Sup. Ct. Fla. Certiorari denied.

No. 93-8062. *DUFFEY ET AL. v. OKLAHOMA*. Ct. Crim. App. Okla. Certiorari denied.

No. 93-8063. *ROSE ET AL. v. MERRELL DOW PHARMACEUTICALS ET AL.* C. A. 9th Cir. Certiorari denied.

No. 93-8081. *MILLER v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 8 F. 3d 822.

No. 93-8082. *MARROQUIN-GIRON v. UNITED STATES*; and
No. 93-8120. *PAGLIARA-SAMAYOA v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 11 F. 3d 165.

No. 93-8095. *HENSON v. SNYDER, WARDEN, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 93-8098. *CARTER v. VAUGHN, SUPERINTENDENT, PENNSYLVANIA STATE CORRECTIONAL INSTITUTION AT GRATERFORD, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 93-8103. *PITTS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 11 F. 3d 165.

No. 93-8113. *ARNETT v. KELLOGG CO.* C. A. 6th Cir. Certiorari denied. Reported below: 12 F. 3d 211.

No. 93-8122. *STEELE v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 12 F. 3d 1110.

511 U. S.

April 18, 1994

No. 93–8123. *LIMONES v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 8 F. 3d 1004.

No. 93–8124. *NUNEZ v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 5 F. 3d 542.

No. 93–8129. *PINKETT v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 12 F. 3d 206.

No. 93–8130. *RIVERA v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 11 F. 3d 346.

No. 93–8137. *ANGULO-LOPEZ v. UNITED STATES*; and *BARBER v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 7 F. 3d 1506 (first case); 9 F. 3d 118 (second case).

No. 93–8140. *TANTALO v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 93–8143. *HUTCHINSON v. ARTUZ, SUPERINTENDENT, GREEN HAVEN CORRECTIONAL FACILITY*. C. A. 2d Cir. Certiorari denied.

No. 93–8144. *SERHAN v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 12 F. 3d 1110.

No. 93–8145. *WOODWARD v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 13 F. 3d 408.

No. 93–8146. *VINCENT v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 13 F. 3d 409.

No. 93–8149. *CASTANEDA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 8 F. 3d 30 and 9 F. 3d 761.

No. 93–8158. *DEWITT v. UNITED STATES*. Ct. App. D. C. Certiorari denied.

No. 93–8160. *BUCKSA v. FEDERAL BUREAU OF INVESTIGATION*. C. A. 8th Cir. Certiorari denied.

No. 93–8162. *GRANT v. VAUGHN, SUPERINTENDENT, PENNSYLVANIA STATE CORRECTIONAL INSTITUTION AT GRATERFORD, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 93–8163. *JOLIVET v. IMMIGRATION AND NATURALIZATION SERVICE*. C. A. 9th Cir. Certiorari denied. Reported below: 9 F. 3d 1552.

April 18, 1994

511 U. S.

No. 93-8167. *JOHNSON v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 14 F. 3d 597.

No. 93-8169. *McCASKEY ET AL. v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 9 F. 3d 368.

No. 93-8172. *ROSA v. UNITED STATES*; and

No. 93-8197. *HERNANDEZ v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 11 F. 3d 315.

No. 93-8173. *LYSNE v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 12 F. 3d 208.

No. 93-8177. *BACKSTROM v. IOWA DISTRICT COURT FOR JONES COUNTY*; and *LEEPS v. IOWA*. Sup. Ct. Iowa. Certiorari denied. Reported below: 508 N. W. 2d 705 (first case); 512 N. W. 2d 578 (second case).

No. 93-8181. *ROSS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 11 F. 3d 165.

No. 93-8182. *NAVANICK v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 13 F. 3d 407.

No. 93-8186. *O'MURCHU v. SUTER*. C. A. D. C. Cir. Certiorari denied.

No. 93-8192. *JAMES v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 7 F. 3d 227.

No. 93-8193. *GIBBS v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 14 F. 3d 603.

No. 93-8196. *HAGHIGHAT-JOU v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 15 F. 3d 180.

No. 93-8198. *INNIE v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 7 F. 3d 840.

No. 93-8202. *TERRY v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 12 F. 3d 1097.

No. 93-8203. *VAN SICKLE v. MCGINNIS, WARDEN, ET AL.* C. A. 6th Cir. Certiorari denied.

No. 93-8204. *HUTCHINSON v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 9 F. 3d 118.

511 U. S.

April 18, 1994

No. 93-8206. *FLOWERS v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 14 F. 3d 602.

No. 93-8211. *LOPEZ v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 16 F. 3d 1222.

No. 93-8218. *OVALLE v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 14 F. 3d 604.

No. 93-8221. *BROWN v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 9 F. 3d 1374.

No. 93-8230. *BACON v. DEPARTMENT OF THE AIR FORCE*. C. A. 6th Cir. Certiorari denied. Reported below: 7 F. 3d 232.

No. 93-8232. *PEARSON v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 15 F. 3d 1093.

No. 93-8235. *MADERA-AVILA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 12 F. 3d 1109.

No. 93-8236. *OAKES v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 11 F. 3d 897.

No. 93-8237. *LITTLE v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 10 F. 3d 1197.

No. 93-8238. *PIRTLE v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 12 F. 3d 1110.

No. 93-8239. *MAKINDE v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 9 F. 3d 108.

No. 93-8240. *RODRICK v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 14 F. 3d 591.

No. 93-8241. *THOMAS v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 11 F. 3d 620.

No. 93-8242. *DESFONDS v. MASSACHUSETTS*. C. A. 1st Cir. Certiorari denied. Reported below: 9 F. 3d 1535.

No. 93-8243. *WHITE v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 12 F. 3d 1110.

No. 93-8244. *CARPENTER v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 11 F. 3d 788.

April 18, 1994

511 U. S.

No. 93-8245. *HICKLIN v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 12 F. 3d 1109.

No. 93-8250. *URIAS-MELENDZ v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 12 F. 3d 1110.

No. 93-8253. *VILLA v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 12 F. 3d 217.

No. 93-8254. *SINKFIELD v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 5 F. 3d 1500.

No. 93-8273. *FALCONER v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 19 F. 3d 31.

No. 93-8279. *CARRIER v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 9 F. 3d 867.

No. 93-8283. *DRURY v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 12 F. 3d 209.

No. 93-8284. *DUPREE v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 11 F. 3d 620.

No. 93-8285. *CAMPOS-ROZO v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 17 F. 3d 397.

No. 93-8287. *STANLEY v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 12 F. 3d 17.

No. 93-8289. *TRAUNIG v. DEPARTMENT OF VETERANS AFFAIRS*. C. A. Fed. Cir. Certiorari denied. Reported below: 11 F. 3d 1074.

No. 93-8290. *WILLIAMS v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 16 F. 3d 406.

No. 93-8292. *VELTMAN v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 9 F. 3d 718.

No. 93-8296. *TAYLOR v. JOHNSON, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 93-8300. *WISE v. MURRAY ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 16 F. 3d 414.

No. 93-8306. *OWENS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 11 F. 3d 167.

511 U. S.

April 18, 1994

No. 93-8307. *MYERS v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 16 F. 3d 406.

No. 93-8314. *MAYLES v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 17 F. 3d 1431.

No. 93-8330. *ZAPATA v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 12 F. 3d 219.

No. 93-8334. *BALLANTINE v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. Reported below: 8 F. 3d 71.

No. 93-8336. *TURNER v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 1 F. 3d 1243.

No. 93-8337. *PONCE v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 999 F. 2d 1579.

No. 93-8345. *CARTER v. RONE, WARDEN*. C. A. 6th Cir. Certiorari denied. Reported below: 12 F. 3d 211.

No. 93-8353. *TORNOWSKI v. HART*. C. A. 10th Cir. Certiorari denied. Reported below: 10 F. 3d 810.

No. 93-8357. *HUNTER v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 12 F. 3d 1098.

No. 93-8359. *MONTALVO v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 12 F. 3d 1099.

No. 93-8365. *RADZIERCZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 7 F. 3d 1193.

No. 93-8366. *BURGENMEYER v. MICHIGAN*. Ct. App. Mich. Certiorari denied.

No. 93-8368. *ASRAR v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 93-8378. *CIPRANO v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 12 F. 3d 1098.

No. 93-8380. *SWEATT v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 12 F. 3d 217.

No. 93-8387. *DAHLMAN v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 13 F. 3d 1391.

April 18, 1994

511 U. S.

No. 93-8397. *PARIS v. OHIO*. Sup. Ct. Ohio. Certiorari denied. Reported below: 67 Ohio St. 3d 1495, 621 N. E. 2d 1210.

No. 93-1187. *TORWICO ELECTRONICS, INC. v. NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND ENERGY*. C. A. 3d Cir. Motion of Kathryn R. Heidt for leave to file a brief as *amicus curiae* granted. Certiorari denied. Reported below: 8 F. 3d 146.

No. 93-1276. *UNITED STATES v. LEE*. C. A. 8th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 935 F. 2d 952.

No. 93-6134. *GAY v. CALIFORNIA*. Sup. Ct. Cal. Motion of petitioner for leave to amend petition for writ of certiorari granted. Certiorari denied. Reported below: 4 Cal. 4th 1233, 850 P. 2d 1.

JUSTICE BLACKMUN, dissenting.

Adhering to my view that the death penalty cannot be imposed fairly within the constraints of our Constitution, see my dissent in *Callins v. Collins*, 510 U. S. 1141, 1143 (1994), I would grant certiorari and vacate the death sentence in this case.

No. 93-6408. *GOSCH v. TEXAS*. Ct. Crim. App. Tex.;
No. 93-6937. *CUMMINGS v. CALIFORNIA*. Sup. Ct. Cal.;
No. 93-7441. *JEFFERSON v. ZANT, WARDEN*. Sup. Ct. Ga.;
No. 93-7620. *JOHNSON v. TEXAS*. Ct. Crim. App. Tex.;
No. 93-7635. *VAN TRAN v. TENNESSEE*. Sup. Ct. Tenn.;
No. 93-7681. *McHONE v. NORTH CAROLINA*. Sup. Ct. N. C.;
No. 93-7759. *SCHACKART v. ARIZONA*. Sup. Ct. Ariz.;
No. 93-7958. *BIBLE v. ARIZONA*. Sup. Ct. Ariz.;
No. 93-7983. *VILLEGAS LOPEZ v. ARIZONA*. Sup. Ct. Ariz.;
No. 93-7986. *ATWATER v. FLORIDA*. Sup. Ct. Fla.;
No. 93-8009. *CADE v. ALABAMA*. Ct. Crim. App. Ala.; and
No. 93-8231. *JOHNSON v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied. Reported below: No. 93-6937, 4 Cal. 4th 1233, 850 P. 2d 1; No. 93-7441, 263 Ga. 316, 431 S. E. 2d 110; No. 93-7635, 864 S. W. 2d 465; No. 93-7681, 334 N. C. 627, 435 S. E. 2d 296; No. 93-7759, 175 Ariz. 494, 858 P. 2d 639; No. 93-7958, 175 Ariz. 549, 858 P. 2d 1152; No. 93-7983, 175 Ariz. 407, 857 P. 2d 1261; No. 93-7986, 626 So. 2d 1325; No. 93-8009, 629 So. 2d 38; No. 93-8231, 871 S. W. 2d 183.

511 U. S.

April 18, 1994

JUSTICE BLACKMUN, dissenting.

Adhering to my view that the death penalty cannot be imposed fairly within the constraints of our Constitution, see my dissent in *Callins v. Collins*, 510 U. S. 1141, 1143 (1994), I would grant certiorari and vacate the death sentences in these cases.

No. 93-6893. *HOLLY v. BRENNAN, WARDEN, ET AL.* C. A. 3d Cir. Motion of petitioner to defer consideration of petition for writ of certiorari denied. Certiorari denied.

Rehearing Denied

- No. 92-6281. *HAGEN v. UTAH*, 510 U. S. 399;
No. 93-610. *MCDONALD v. UNITED STATES*, 510 U. S. 994;
No. 93-713. *GRAHAM v. FLORIDA SUPREME COURT ET AL.*, 510 U. S. 1163;
No. 93-796. *WHITE v. UNITED STATES*, 510 U. S. 1111;
No. 93-907. *SHELLING v. SOUTHERN RAILWAY Co.*, 510 U. S. 1113;
No. 93-957. *RAMASWAMI v. TEXAS DEPARTMENT OF HUMAN SERVICES ET AL.*, 510 U. S. 1114;
No. 93-1027. *HORNING v. OHIO*, 510 U. S. 1117;
No. 93-6573. *JAMES, AKA FAUST v. UNITED STATES*, 510 U. S. 1120;
No. 93-6753. *BENSON v. HARGETT, SUPERINTENDENT, MISSISSIPPI STATE PENITENTIARY*, 510 U. S. 1058;
No. 93-6823. *PRYOR v. UNITED STATES*, 510 U. S. 1166;
No. 93-6946. *LIGHTLE ET UX. v. FARMERS STATE BANK*, 510 U. S. 1122;
No. 93-7001. *KLUTNICK v. GIGANTI*, 510 U. S. 1122;
No. 93-7076. *GRADY v. MIAMI HERALD PUBLISHING Co. ET AL.*, 510 U. S. 1124;
No. 93-7080. *ANOLIK v. SUNRISE BANK OF CALIFORNIA ET AL.*, 510 U. S. 1125;
No. 93-7158. *CARROLL v. ALABAMA*, 510 U. S. 1171;
No. 93-7185. *ROBINSON v. WELBORN ET AL.*, 510 U. S. 1127;
No. 93-7207. *GUERRERO v. DAVIDSON, SHERIFF, DESCHUTES COUNTY*, 510 U. S. 1128;
No. 93-7225. *GAMBLE v. EAU CLAIRE COUNTY, WISCONSIN, ET AL.*, 510 U. S. 1129;
No. 93-7270. *WARREN v. UNITED STATES*, 510 U. S. 1167;
No. 93-7294. *IGE v. UNITED STATES*, 510 U. S. 1132;

April 18, 19, 21, 1994

511 U. S.

No. 93-7297. DELPH *v.* INTERNATIONAL PAPER ET AL., 510 U. S. 1132;

No. 93-7314. KARIM-PANAHI *v.* CALIFORNIA DEPARTMENT OF TRANSPORTATION ET AL., 510 U. S. 1133;

No. 93-7350. BORROMEO *v.* UNITED STATES, 510 U. S. 1134;

No. 93-7418. WEHRINGER *v.* BRANNIGAN, 510 U. S. 1168;

No. 93-7422. SIMPSON *v.* ROBINSON, SUPERINTENDENT, CHATHAM CORRECTIONAL UNIT, 510 U. S. 1180;

No. 93-7431. IN RE O'CONNOR, 510 U. S. 1108;

No. 93-7461. IN RE ERWIN, 510 U. S. 1175;

No. 93-7483. RANDALL *v.* SINGLETARY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL., 510 U. S. 1181;

No. 93-7489. RICHARDSON ET AL. *v.* SHALALA, SECRETARY OF HEALTH AND HUMAN SERVICES, ET AL., 510 U. S. 1138;

No. 93-7541. VITEK *v.* ST. PAUL PROPERTY & CASUALTY, 510 U. S. 1181;

No. 93-7553. LYLE *v.* RICHARDSON, 510 U. S. 1139;

No. 93-7651. NHAN KIEM TRAN *v.* UNITED STATES, 510 U. S. 1170; and

No. 93-7663. OKOLIE *v.* UNITED STATES, 510 U. S. 1170. Petitions for rehearing denied.

No. 93-659. MILLER *v.* LA ROSA ET AL., 510 U. S. 1109. Motion of petitioner for leave to proceed further herein *in forma pauperis* granted. Petition for rehearing denied.

No. 93-936. NORTH STAR STEEL CO., INC. *v.* UNITED STEELWORKERS OF AMERICA, AFL-CIO-CLC, 510 U. S. 1114. Petition for rehearing denied. JUSTICE BLACKMUN would call for a response to the petition for rehearing.

APRIL 19, 1994

Dismissal Under Rule 46

No. 93-7899. KUYKENDALL *v.* COLLINS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION, ET AL. C. A. 5th Cir. Certiorari dismissed under this Court's Rule 46.

APRIL 21, 1994

Certiorari Dismissed

No. 93-8776 (A-874). STEWART *v.* CHILES, GOVERNOR OF FLORIDA, ET AL. Sup. Ct. Fla. Application for stay of execution

511 U. S.

April 21, 1994

of sentence of death, presented to JUSTICE KENNEDY, and by him referred to the Court, denied. Certiorari dismissed for want of jurisdiction.

JUSTICE BLACKMUN, dissenting.

Adhering to my view that the death penalty cannot be imposed fairly within the constraints of our Constitution, see my dissent in *Callins v. Collins*, 510 U. S. 1141, 1143 (1994), I would grant the application for stay of execution and the petition for certiorari and would vacate the death sentence in this case.

Certiorari Denied

No. 93-8761 (A-869). STEWART *v.* FLORIDA. Sup. Ct. Fla. Application for stay of execution of sentence of death, presented to JUSTICE KENNEDY, and by him referred to the Court, denied. Certiorari denied. Reported below: 632 So. 2d 59.

JUSTICE BLACKMUN, dissenting.

Adhering to my view that the death penalty cannot be imposed fairly within the constraints of our Constitution, see my dissent in *Callins v. Collins*, 510 U. S. 1141, 1143 (1994), I would grant the application for stay of execution and the petition for certiorari and would vacate the death sentence in this case.

No. 93-8775 (A-873). STEWART *v.* FLORIDA. Sup. Ct. Fla. Application for stay of execution of sentence of death, presented to JUSTICE KENNEDY, and by him referred to the Court, denied. Certiorari denied. Reported below: 636 So. 2d 16.

JUSTICE BLACKMUN, dissenting.

Adhering to my view that the death penalty cannot be imposed fairly within the constraints of our Constitution, see my dissent in *Callins v. Collins*, 510 U. S. 1141, 1143 (1994), I would grant the application for stay of execution and the petition for certiorari and would vacate the death sentence in this case.

No. 93-8816 (A-876). STEWART *v.* SINGLETARY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS. C. A. 11th Cir. Application for stay of execution of sentence of death, presented to JUSTICE KENNEDY, and by him referred to the Court, denied. Certiorari denied.

April 21, 22, 25, 1994

511 U. S.

JUSTICE BLACKMUN, dissenting.

Adhering to my view that the death penalty cannot be imposed fairly within the constraints of our Constitution, see my dissent in *Callins v. Collins*, 510 U. S. 1141, 1143 (1994), I would grant the application for stay of execution and the petition for certiorari and would vacate the death sentence in this case.

No. 93-8819 (A-877). STEWART *v.* FLORIDA. Sup. Ct. Fla. Application for stay of execution of sentence of death, presented to JUSTICE KENNEDY, and by him referred to the Court, denied. Certiorari denied.

JUSTICE BLACKMUN, dissenting.

Adhering to my view that the death penalty cannot be imposed fairly within the constraints of our Constitution, see my dissent in *Callins v. Collins*, 510 U. S. 1141, 1143 (1994), I would grant the application for stay of execution and the petition for certiorari and would vacate the death sentence in this case.

APRIL 22, 1994

Dismissal Under Rule 46

No. 93-1016. SNEAD ET AL. *v.* REDLAND AGGREGATES LTD. ET AL. C. A. 5th Cir. Certiorari dismissed under this Court's Rule 46.1. Reported below: 998 F. 2d 1325.

APRIL 25, 1994

Dismissal Under Rule 46

No. 93-8555. CRAMER *v.* LECUREUX, WARDEN. C. A. 6th Cir. Certiorari dismissed under this Court's Rule 46.1.

Certiorari Granted—Vacated and Remanded

No. 93-764. MIDWEST MARINE CONTRACTOR, INC. *v.* RUFOLO ET AL. C. A. 7th Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *McDermott, Inc. v. AmClyde*, ante, p. 202, and *Boca Grande Club, Inc. v. Florida Power & Light Co.*, ante, p. 222. Reported below: 6 F. 3d 448.

No. 93-7599. WELLS *v.* UNITED STATES. C. A. 11th Cir. Motion of petitioner for leave to proceed *in forma pauperis* granted.

511 U. S.

April 25, 1994

Certiorari granted limited to Question 3 presented by the petition, judgment vacated, and case remanded for further consideration in light of the position presently asserted by the Solicitor General in his brief for the United States filed March 30, 1994. Reported below: 4 F. 3d 999.

Miscellaneous Orders

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

No. D-1369. IN RE DISBARMENT OF WOODARD. Disbarment entered. [For earlier order herein, see 510 U. S. 1106.]

No. D-1388. IN RE DISBARMENT OF KLEIN. It is ordered that Lee J. Klein, of Lansing, Mich., be suspended from the practice of law in this Court and that a rule issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. 93-8531. IN RE RENTSCHLER. Petition for writ of habeas corpus denied.

No. 93-1364. IN RE SCROGGY, WARDEN, ET AL. Petition for writ of mandamus denied.

Certiorari Granted

No. 93-7927. KYLES *v.* WHITLEY, WARDEN. C. A. 5th Cir. Motion of petitioner for leave to proceed *in forma pauperis* granted. Certiorari granted. Reported below: 5 F. 3d 806.

Certiorari Denied

No. 93-154. HERITAGE CAPITAL CORP. ET AL. *v.* DELOITTE, HASKINS & SELLS. C. A. 4th Cir. Certiorari denied. Reported below: 993 F. 2d 228.

No. 93-1015. CARDWELL *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 6 F. 3d 778.

No. 93-1024. AMERADA HESS CORP. ET AL. *v.* OWENS-CORNING FIBERGLAS CORP. Sup. Ct. Ala. Certiorari denied. Reported below: 627 So. 2d 367.

April 25, 1994

511 U. S.

No. 93-1030. *MANSFIELD v. UNITED STATES*. Ct. Mil. App. Certiorari denied. Reported below: 38 M. J. 415.

No. 93-1047. *BRANTON v. FEDERAL COMMUNICATIONS COMMISSION ET AL.* C. A. D. C. Cir. Certiorari denied. Reported below: 993 F. 2d 906.

No. 93-1246. *CASCADE GENERAL, INC. v. NATIONAL LABOR RELATIONS BOARD*. C. A. 9th Cir. Certiorari denied. Reported below: 9 F. 3d 731.

No. 93-1315. *PECK, TRUSTEE FOR THE ROBERT M. PECK, M. D., INC., DEFINED BENEFIT PENSION TRUST, ET AL. v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 9 F. 3d 1550.

No. 93-1367. *IN RE SHIEH*. Ct. App. Cal., 2d App. Dist. Certiorari denied. Reported below: 17 Cal. App. 4th 1154, 21 Cal. Rptr. 2d 886.

No. 93-1371. *GEPFRICH v. GEPFRICH ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 8 F. 3d 36.

No. 93-1374. *SANDERS v. CITY OF KANSAS CITY, KANSAS, ET AL.* Ct. App. Kan. Certiorari denied. Reported below: 18 Kan. App. 2d 688, 858 P. 2d 833.

No. 93-1376. *FLORIDA v. POUGH ET AL.* Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 630 So. 2d 184.

No. 93-1378. *NAPLIN v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 2 F. 3d 1159.

No. 93-1381. *RYNDAK v. RIVER GROVE POLICE PENSION BOARD*. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 248 Ill. App. 3d 486, 618 N. E. 2d 606.

No. 93-1387. *GIBSON v. MACOMBER*. Ct. App. Ga. Certiorari denied.

No. 93-1388. *LAMBERT ET AL. v. GENESEE HOSPITAL ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 10 F. 3d 46.

No. 93-1390. *SPAIN ET AL. v. AETNA LIFE INSURANCE CO.* C. A. 9th Cir. Certiorari denied. Reported below: 11 F. 3d 129.

511 U. S.

April 25, 1994

No. 93-1398. *STAUFFACHER v. TELEDYNE CONTINENTAL MOTORS*. C. A. 7th Cir. Certiorari denied. Reported below: 9 F. 3d 1549.

No. 93-1399. *ENCORE SYSTEMS, INC., ET AL. v. LADNEY*. C. A. Fed. Cir. Certiorari denied. Reported below: 11 F. 3d 1072.

No. 93-1404. *MARTIN v. FLORIDA POWER CORP.* C. A. 11th Cir. Certiorari denied. Reported below: 986 F. 2d 507.

No. 93-1429. *CONYERS COMMUNITY CHURCH, INC., ET AL. v. STEVENS ET AL.* Ct. App. Ga. Certiorari denied. Reported below: 210 Ga. App. 231, 435 S. E. 2d 690.

No. 93-1430. *LEWIS v. CADLE Co. II, INC.* Sup. Ct. Kan. Certiorari denied. Reported below: 254 Kan. 158, 864 P. 2d 718.

No. 93-1432. *ADAMO ET AL. v. STATE FARM LLOYDS Co.* Ct. App. Tex., 14th Dist. Certiorari denied. Reported below: 853 S. W. 2d 673.

No. 93-1448. *MILOSLAVSKY ET AL. v. UNITED STATES ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 17 F. 3d 1426.

No. 93-1464. *STROBRIDGE v. UNITED STATES ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 14 F. 3d 591.

No. 93-1472. *SIEGEL v. JAMES ISLAND PUBLIC SERVICE DISTRICT ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 9 F. 3d 1544.

No. 93-1503. *GOAD v. WILLIAMS*. C. A. 5th Cir. Certiorari denied. Reported below: 14 F. 3d 55.

No. 93-1531. *POLYAK v. HAMILTON, JUDGE; POLYAK v. BUFORD EVANS & SONS; POLYAK v. BOSTON ET AL.; POLYAK v. HULEN ET AL.; POLYAK v. HULEN; and POLYAK v. STACK ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 4 F. 3d 994 (first, third, and sixth cases); 2 F. 3d 1151 (second, fourth, and fifth cases).

No. 93-1534. *FISCHL v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 9 F. 3d 107.

No. 93-6952. *WATERS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 10 F. 3d 807.

April 25, 1994

511 U. S.

No. 93-7201. *McGlocklin v. United States*. C. A. 6th Cir. Certiorari denied. Reported below: 8 F. 3d 1037.

No. 93-7329. *Wilson v. United States*. C. A. 7th Cir. Certiorari denied. Reported below: 2 F. 3d 226.

No. 93-7647. *Daniels et al. v. United States*. C. A. 11th Cir. Certiorari denied. Reported below: 986 F. 2d 451 and 5 F. 3d 495.

No. 93-7704. *McKenzie v. United States*. C. A. 11th Cir. Certiorari denied. Reported below: 9 F. 3d 120.

No. 93-7720. *Moore v. United States*. C. A. 9th Cir. Certiorari denied. Reported below: 996 F. 2d 1229.

No. 93-7744. *Hill v. United States*. C. A. 5th Cir. Certiorari denied. Reported below: 9 F. 3d 102.

No. 93-7883. *Adepegba v. United States*. C. A. 5th Cir. Certiorari denied.

No. 93-7916. *Morgan v. United States*. C. A. 5th Cir. Certiorari denied. Reported below: 9 F. 3d 1546.

No. 93-7998. *Van Wagner v. United States*. C. A. 4th Cir. Certiorari denied. Reported below: 9 F. 3d 1545.

No. 93-8007. *Ramsey v. Crosby et al.* Sup. Ct. Colo. Certiorari denied.

No. 93-8023. *Hale v. Via et al.* C. A. 8th Cir. Certiorari denied. Reported below: 22 F. 3d 308.

No. 93-8025. *Ortega v. California*. Ct. App. Cal., 4th App. Dist. Certiorari denied.

No. 93-8031. *L. A. E. v. Davis et al.* Sup. Ct. Ga. Certiorari denied. Reported below: 263 Ga. 473, 435 S. E. 2d 216.

No. 93-8032. *Streeter v. Burton*. C. A. 11th Cir. Certiorari denied. Reported below: 12 F. 3d 218.

No. 93-8037. *Hunnewell v. United States*. C. A. 1st Cir. Certiorari denied. Reported below: 10 F. 3d 805.

511 U. S.

April 25, 1994

No. 93-8038. *CLAY v. MURRAY, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS*. C. A. 4th Cir. Certiorari denied. Reported below: 7 F. 3d 222.

No. 93-8044. *TOEGEMANN v. RICH ET AL.* Sup. Ct. R. I. Certiorari denied.

No. 93-8046. *DINGLE v. CRAWFORD ET AL.* Sup. Ct. S. C. Certiorari denied.

No. 93-8048. *WILLIAMS v. HAWLEY, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 93-8051. *WHITEHEAD v. BRADLEY UNIVERSITY ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 12 F. 3d 1101.

No. 93-8054. *MANNS v. INDIANA*. Ct. App. Ind. Certiorari denied. Reported below: 618 N. E. 2d 62.

No. 93-8057. *BRINSON v. GRAYSON, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 93-8059. *SAVICH v. SAVICH*. Dist. Ct. App. Fla., 2d Dist. Certiorari denied. Reported below: 623 So. 2d 503.

No. 93-8060. *BROWN v. CITY OF BOISE ET AL.* Sup. Ct. Idaho. Certiorari denied.

No. 93-8065. *ESTRADA v. GOMEZ, DIRECTOR, CALIFORNIA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 93-8066. *WITCHER v. WITCHER*. Super. Ct. Pa. Certiorari denied. Reported below: 431 Pa. Super. 656, 631 A. 2d 1383.

No. 93-8067. *ARNEY v. ROBERTS, DEPUTY SECRETARY, KANSAS DEPARTMENT OF CORRECTIONS*. C. A. 10th Cir. Certiorari denied. Reported below: 9 F. 3d 116.

No. 93-8069. *WILLIAMS v. CALIFORNIA*. Ct. App. Cal., 4th App. Dist. Certiorari denied.

No. 93-8072. *SHELTON v. ESTELLE, WARDEN*. C. A. 9th Cir. Certiorari denied. Reported below: 12 F. 3d 1108.

No. 93-8074. *CALVENTO v. GARZA, JURE & KING ET AL.* Ct. App. Cal., 2d App. Dist. Certiorari denied.

April 25, 1994

511 U. S.

No. 93–8075. *STILLWELL v. IDAHO*. Ct. App. Idaho. Certiorari denied. Reported below: 124 Idaho 366, 859 P. 2d 964.

No. 93–8079. *HANZY v. CALIFORNIA*. Ct. App. Cal., 6th App. Dist. Certiorari denied.

No. 93–8083. *NARD v. REED, WARDEN, ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 994 F. 2d 843.

No. 93–8085. *MABERY v. MANN, SUPERINTENDENT, SHAWANGUNK CORRECTIONAL FACILITY*. C. A. 2d Cir. Certiorari denied.

No. 93–8091. *BAKER v. LOPATIN, MILLER, FREEDMAN, BLUESTONE, ERLICH, ROSEN & BARTNICK, ATTORNEYS AT LAW, P. C.* C. A. 6th Cir. Certiorari denied. Reported below: 9 F. 3d 106.

No. 93–8092. *BAXTER v. SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES*. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 93–8097. *DICK v. PETERS, DIRECTOR, ILLINOIS DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 7th Cir. Certiorari denied.

No. 93–8104. *WASHINGTON v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 93–8107. *SHACKFORD v. MURRAY, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS*. C. A. 4th Cir. Certiorari denied. Reported below: 8 F. 3d 820.

No. 93–8108. *YARRELL v. NUNNELEE ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 8 F. 3d 823.

No. 93–8116. *CASTILLO v. CALIFORNIA*. Ct. App. Cal., 1st App. Dist. Certiorari denied.

No. 93–8117. *TENNER v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied. Reported below: 6 Cal. 4th 559, 862 P. 2d 840.

No. 93–8121. *GHEITH v. FLORIDA DEPARTMENT OF HEALTH AND REHABILITATIVE SERVICES ET AL.* Dist. Ct. App. Fla., 2d Dist. Certiorari denied. Reported below: 632 So. 2d 1037.

No. 93–8125. *MURILLO v. TANSY, WARDEN*. C. A. 10th Cir. Certiorari denied. Reported below: 13 F. 3d 406.

511 U. S.

April 25, 1994

No. 93-8138. *WILSON v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 10 F. 3d 734.

No. 93-8155. *WOLFE v. MEYERS ET AL.* Ct. App. Cal., 1st App. Dist. Certiorari denied.

No. 93-8157. *CORNELLIER v. AVENENTI ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 996 F. 2d 1224.

No. 93-8159. *BROWN-BRUNSON ET VIR v. HUNTER, SUPERINTENDENT, BALTIMORE COUNTY BOARD OF EDUCATION, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 8 F. 3d 816.

No. 93-8179. *COSCIA v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 9 F. 3d 1538.

No. 93-8209. *MORGAN v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 10 F. 3d 810.

No. 93-8217. *ZINK v. TURNER, WARDEN*. C. A. 7th Cir. Certiorari denied.

No. 93-8252. *WILLIAMS ET AL. v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 14 F. 3d 603.

No. 93-8274. *SALAZAR v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 12 F. 3d 209.

No. 93-8277. *WOOLERY v. SPAULDING, WARDEN*. C. A. 9th Cir. Certiorari denied. Reported below: 8 F. 3d 1325.

No. 93-8282. *ANDERSON v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 15 F. 3d 979.

No. 93-8305. *ROSCH v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 16 F. 3d 1226.

No. 93-8311. *ANDERSON v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 998 F. 2d 1022.

No. 93-8369. *ALSTON v. SWISHER ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 8 F. 3d 816.

No. 93-8389. *BROWN v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 15 F. 3d 1090.

No. 93-8390. *ALTER v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 17 F. 3d 391.

April 25, 1994

511 U. S.

No. 93-8391. *BOYD v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 14 F. 3d 602.

No. 93-8393. *RAMSDEN v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 2 F. 3d 322.

No. 93-8396. *MARSHALL v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. Reported below: 15 F. 3d 1160.

No. 93-8402. *TREADWELL v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 19 F. 3d 1442.

No. 93-8407. *LANHAM v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 12 F. 3d 219.

No. 93-8408. *RICO-RUIZ v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 12 F. 3d 218.

No. 93-8409. *PATTON v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 5 F. 3d 1498.

No. 93-8410. *LANE v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 14 F. 3d 603.

No. 93-8411. *MULHOLLAN v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 12 F. 3d 1098.

No. 93-8412. *PORTER v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 14 F. 3d 598.

No. 93-8414. *MCGEOUGH v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 17 F. 3d 391.

No. 93-8415. *ORTIZ v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 15 F. 3d 1093.

No. 93-8417. *CRUZ-MORENO v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 15 F. 3d 1091.

No. 93-8432. *ARIAS v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 14 F. 3d 45.

No. 93-8437. *DUARTE OTERO v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 5 F. 3d 543.

No. 93-8441. *BIEREGU v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 16 F. 3d 405.

511 U. S.

April 25, 1994

No. 93-8444. *HUDSON v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 16 F. 3d 413.

No. 93-8448. *SIMMONS v. MURRAY ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 12 F. 3d 206.

No. 93-8449. *ELZAATARI, AKA MCCONNELL v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 12 F. 3d 218.

No. 93-8451. *FERRELL v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 14 F. 3d 602.

No. 93-8452. *FITZHERBERT v. UNITED STATES*; and

No. 93-8453. *FITZHERBERT v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 13 F. 3d 340.

No. 93-8456. *DIAZ v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 15 F. 3d 1091.

No. 93-8457. *ACOSTA v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 16 F. 3d 1221.

No. 93-8459. *FURMAN v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 12 F. 3d 1099.

No. 93-8469. *AHAMEFULE v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 16 F. 3d 405.

No. 93-8475. *TURNBULL v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 16 F. 3d 406.

No. 93-8476. *WHITEHEAD ET AL. v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 16 F. 3d 406.

No. 93-8488. *KENNEDY v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 14 F. 3d 597.

No. 93-8489. *KIDD v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 12 F. 3d 30.

No. 93-8493. *KRAMER v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 12 F. 3d 130.

No. 93-8498. *HERRING v. MEACHUM, COMMISSIONER, CONNECTICUT DEPARTMENT OF CORRECTION*. C. A. 2d Cir. Certiorari denied. Reported below: 11 F. 3d 374.

April 25, 1994

511 U. S.

No. 93-8499. *GALBRAITH v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 16 F. 3d 1223.

No. 93-8500. *KERR v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 13 F. 3d 203.

No. 93-8508. *NEYENS v. IOWA*. Ct. App. Iowa. Certiorari denied. Reported below: 526 N. W. 2d 578.

No. 93-8514. *PAGE-BEY v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 22 F. 3d 308.

No. 93-8520. *BARNETT v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 9 F. 3d 1537.

No. 93-8523. *TARVER v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 14 F. 3d 53.

No. 93-8544. *SANTIAGO v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 17 F. 3d 1432.

No. 93-8545. *SANTIAGO-GODINEZ v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 12 F. 3d 722.

No. 93-8546. *SANCHEZ TELLEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 11 F. 3d 530.

No. 93-8552. *REED v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 14 F. 3d 598.

No. 93-8554. *LODGE v. GRAYSON, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 93-1012. *NORRIS, DIRECTOR, ARKANSAS DEPARTMENT OF CORRECTION v. ORNDORFF*. C. A. 8th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 998 F. 2d 1426.

No. 93-1380. *ARAVE, WARDEN v. BEAM*. C. A. 9th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 3 F. 3d 1301.

No. 93-1044. *HOFFMAN v. HARRIS ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 7 F. 3d 233.

JUSTICE THOMAS, with whom JUSTICE SCALIA joins, dissenting.

Petitioner Ian Hoffman brought suit under Rev. Stat. § 1979, 42 U. S. C. § 1983, against respondents, Kentucky's Cabinet for Human Resources (CHR), two CHR social workers, and his former wife, Melisa Hoffman, alleging that they had deprived him of a constitutionally protected liberty interest in being allowed to visit his minor daughter, B. H. The events giving rise to the suit began when Melisa told the social workers that she suspected petitioner of sexually abusing B. H. The social workers obtained an *ex parte* order from a state court that suspended petitioner's visitation rights. The District Court held that the social workers were absolutely immune from damages liability under § 1983 for this conduct. Relying on its decision in *Salyer v. Patrick*, 874 F. 2d 374 (CA6 1989), the Court of Appeals affirmed. I would grant certiorari to address petitioner's challenge to that ruling.

In *Salyer*, the Sixth Circuit held that, "due to their quasi-prosecutorial function in the initiation of child abuse proceedings," social workers are absolutely immune from liability for filing juvenile abuse petitions. *Id.*, at 378. Other courts addressing the question have agreed that social workers are entitled to absolute immunity under § 1983 in some instances, depending on their conduct and the terms of the state laws pursuant to which they acted. See, e.g., *Meyers v. Contra Costa County Dept. of Social Servs.*, 812 F. 2d 1154, 1157 (CA9) (holding that "social workers are entitled to absolute immunity in performing quasi-prosecutorial functions connected with the initiation and pursuit of child dependency proceedings"), cert. denied, 484 U.S. 829 (1987); *Vosburg v. Department of Social Servs.*, 884 F. 2d 133 (CA4 1989) (granting absolute immunity to social workers in connection with their filing of a child removal petition in juvenile court); *Snell v. Tunnell*, 920 F. 2d 673 (CA10 1990) (denying absolute immunity to social workers for conduct in seeking a protective custody order that did not initiate juvenile court proceedings), cert. denied, 499 U.S. 976 (1991). These courts have reasoned that social workers function as prosecutors in certain contexts, and therefore are entitled to the absolute immunity that would be due a prosecutor performing analogous functions. Cf. *Imbler v. Pachtman*, 424 U.S. 409 (1976) (discussing prosecutorial immunity).

Consideration of the function performed by an official seeking absolute immunity plays an important role in our immunity analysis. See, e. g., *Buckley v. Fitzsimmons*, 509 U. S. 259, 269 (1993). Function, however, becomes significant only when evaluated in historical context. A related inquiry precedes the functional analysis: “Our *initial* inquiry is whether an official claiming immunity under §1983 can point to a common-law counterpart to the privilege he asserts.” *Malley v. Briggs*, 475 U. S. 335, 339–340 (1986) (emphasis added). Although §1983 “on its face admits of no defense of official immunity,” “[c]ertain immunities were so well established in 1871, when §1983 was enacted, that ‘we presume that Congress would have specifically so provided had it wished to abolish’ them.” *Buckley*, *supra*, at 268 (quoting *Pierston v. Ray*, 386 U. S. 547, 554–555 (1967)). We therefore have held that some officials are, under certain circumstances, entitled to absolute immunity. See, e. g., *Imbler*, *supra*. An official seeking such immunity, however, must at the outset show that a “counterpart to the privilege he asserts” was recognized at common law in 1871, for “[w]here we have found that a tradition of absolute immunity did not exist as of 1871, we have refused to grant such immunity under §1983.” *Burns v. Reed*, 500 U. S. 478, 498 (1991) (SCALIA, J., concurring in judgment in part and dissenting in part).

The courts that have accorded absolute immunity to social workers appear to have overlooked the necessary historical inquiry; none has seriously considered whether social workers enjoyed absolute immunity for their official duties in 1871. If they did not, absolute immunity is unavailable to social workers under §1983. See *ibid.* This all assumes, of course, that “social workers” (at least as we now understand the term) even existed in 1871. If that assumption is false, the argument for granting absolute immunity becomes (at least) more difficult to maintain. Cf. *Antoine v. Byers & Anderson, Inc.*, 508 U. S. 429 (1993) (denying court reporter absolute immunity in large part because official court reporters did not begin appearing in state courts until the late 19th century).

It may be argued that the Sixth Circuit and other courts *have* effectively identified a common-law counterpart to the modern social worker for purposes of the immunity analysis: the 1871 prosecutor. In reasoning that the social worker functions as a prosecutor in performing certain duties, these courts essentially

511 U. S.

April 25, 1994

have suggested that, by analogy, the historically rooted immunity for prosecutors should apply to social workers. In the absence of a detailed examination of the immunity (if any) that applied to social workers in 1871, however, such an analogy must be suspect. But even putting historical concerns aside, it is not clear to me that the functional analysis of the Sixth Circuit is correct. I am not convinced that social workers, who often are involved in civil family welfare proceedings, can ever function as prosecutors for purposes of §1983 immunity analysis. Cf. *Imbler, supra*, at 430 (absolute prosecutorial immunity extends to those functions “intimately associated with the judicial phase of the *criminal process*”) (emphasis added).

Of course, the decision below and other decisions granting absolute immunity to social workers may be premised more on the notion that absolute immunity serves important policy concerns than on either historical or functional analyses. See, e.g., *Meyers*, 812 F. 2d, at 1157. To the extent they are so based, they are misguided: The federal courts “do not have a license to establish immunities from §1983 actions in the interests of what [they] judge to be sound public policy.” *Tower v. Glover*, 467 U. S. 914, 922–923 (1984).

We should address the important threshold question whether social workers are, under *any* circumstances, entitled to absolute immunity. Accordingly, I respectfully dissent.

No. 93–1402. *SOLICK v. PARIS ACCESSORIES, INC.* C. A. 3d Cir. Motion of respondent for damages denied. Certiorari denied. Reported below: 16 F. 3d 405.

No. 93–7098. *RICHEY v. NORRIS, DIRECTOR, ARKANSAS DEPARTMENT OF CORRECTION.* C. A. 8th Cir.;

No. 93–7167. *HOLMES ET AL. v. NORRIS, DIRECTOR, ARKANSAS DEPARTMENT OF CORRECTION.* C. A. 8th Cir.;

No. 93–7287. *SMITH v. INDIANA.* Sup. Ct. Ind.;

No. 93–7378. *MADISON v. TEXAS.* Ct. Crim. App. Tex.;

No. 93–7730. *ELKINS v. SOUTH CAROLINA.* Sup. Ct. S. C.;

No. 93–7777. *BARNES v. TEXAS.* Ct. Crim. App. Tex.; and

No. 93–8105. *WEST v. ARIZONA.* Sup. Ct. Ariz. Certiorari denied. Reported below: No. 93–7098, 998 F. 2d 1426; No. 93–7167, 998 F. 2d 1426; No. 93–7287, 613 N. E. 2d 412; No. 93–7730, 312 S. C. 541, 436 S. E. 2d 178; No. 93–8105, 176 Ariz. 432, 862 P. 2d 192.

April 25, 26, 1994

511 U. S.

JUSTICE BLACKMUN, dissenting.

Adhering to my view that the death penalty cannot be imposed fairly within the constraints of our Constitution, see my dissent in *Callins v. Collins*, 510 U. S. 1141, 1143 (1994), I would grant certiorari and vacate the death sentences in these cases.

No. 93-7765. *MERLOS v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. JUSTICE GINSBURG took no part in the consideration or decision of this petition. Reported below: 984 F. 2d 1239.

No. 93-8161. *HOLT v. JONES, ASSISTANT WARDEN, ET AL.* C. A. 5th Cir. Motion of petitioner to strike brief in opposition and for sanctions denied. Certiorari denied. Reported below: 12 F. 3d 209.

Rehearing Denied

No. 93-980. *ANDRISANI v. SUPERIOR COURT OF CALIFORNIA, APPELLATE DEPARTMENT, COUNTY OF LOS ANGELES, ET AL.*, 510 U. S. 1115;

No. 93-1161. *IVIMEY ET AL. v. AMERICAN BANK OF CONNECTICUT*, 510 U. S. 1178;

No. 93-6591. *KIM v. REICH, SECRETARY OF LABOR*, 510 U. S. 1053;

No. 93-7425. *KEEGAN v. FLORIDA DEPARTMENT OF HEALTH AND REHABILITATIVE SERVICES*, 510 U. S. 1180;

No. 93-7426. *PARRIS v. CUTHBERT ET AL.*, 510 U. S. 1180;

No. 93-7464. *ABIDEKUN v. COMMISSIONER OF SOCIAL SERVICE OF THE CITY OF NEW YORK*, 510 U. S. 1168;

No. 93-7532. *COPELAND v. CHESAPEAKE & POTOMAC TELEPHONE COMPANY OF VIRGINIA ET AL.*, 510 U. S. 1181; and

No. 93-7558. *MOSLEY v. COUNTY OF CLARK*, 510 U. S. 1181. Petitions for rehearing denied.

No. 93-1226. *IN RE KUONO*, 510 U. S. 1175. Motion of petitioner for leave to amend the petition for rehearing denied. Petition for rehearing denied.

APRIL 26, 1994

Certiorari Denied

No. 93-8829 (A-881). *ANDERSON v. COLLINS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DI-*

511 U. S.

April 26, 27, 29, 1994

VISION, ET AL. 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 STEVENS and JUSTICE GINSBURG would grant the application for stay of execution. Reported below: 18 F. 3d 1208.

JUSTICE BLACKMUN, dissenting.

Adhering to my view that the death penalty cannot be imposed fairly within the constraints of our Constitution, see my dissent in *Callins v. Collins*, 510 U. S. 1141, 1143 (1994), I would grant the application for stay of execution and the petition for certiorari and would vacate the death sentence in this case.

Rehearing Denied

No. 93-8829. ANDERSON *v.* COLLINS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION, ET AL., *supra*, p. 1064. Petition for rehearing denied.

APRIL 27, 1994

Certiorari Denied

No. 93-8860 (A-895). SPENCER *v.* WRIGHT, WARDEN. C. A. 4th Cir. Application for stay of execution of sentence of death, presented to THE CHIEF JUSTICE, and by him referred to the Court, denied. Certiorari denied.

JUSTICE BLACKMUN, dissenting.

Adhering to my view that the death penalty cannot be imposed fairly within the constraints of our Constitution, see my dissent in *Callins v. Collins*, 510 U. S. 1141, 1143 (1994), I would grant the application for stay of execution and the petition for certiorari and would vacate the death sentence in this case.

APRIL 29, 1994

Miscellaneous Orders. (For the Court's orders prescribing amendments to the Federal Rules of Appellate Procedure, see *post*, p. 1157; amendments to the Federal Rules of Bankruptcy Procedure, see *post*, p. 1171; amendments to the Federal Rules of Criminal Procedure, see *post*, p. 1177; and amendments to the Federal Rules of Evidence, see *post*, p. 1189.)

MAY 2, 1994

Miscellaneous Orders. (See also No. 93–8312, *ante*, p. 364.)

No. — — —. LUMMI INDIAN TRIBE *v.* WHATCOM COUNTY, WASHINGTON. Motion to direct the Clerk to file petition for writ of certiorari out of time denied.

No. A–851. LEWIS ET AL. *v.* CASEY ET AL. Application for stay of enforcement of injunctive order of the United States District Court for the District of Arizona, case Nos. 90–0054 and 91–1808, issued October 13, 1993, presented to JUSTICE O’CONNOR, and by her referred to the Court, granted pending the timely filing and disposition by this Court of a petition for writ of certiorari. Should the petition for writ of certiorari be denied, this stay terminates automatically. In the event the petition for writ of certiorari is granted, this stay shall continue pending the sending down of the judgment of this Court. JUSTICE BLACKMUN, JUSTICE STEVENS, JUSTICE SOUTER, and JUSTICE GINSBURG would deny the application for stay.

No. D–1389. IN RE DISBARMENT OF SCHWARTZ. It is ordered that S. David Schwartz, of Santa Barbara, 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–1390. IN RE DISBARMENT OF DUBOW. It is ordered that Alan E. Dubow, of New York, N. Y., be suspended from the practice of law in this Court and that a rule issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. 108, Orig. NEBRASKA *v.* WYOMING ET AL. Motion of the Special Master for compensation and reimbursement of expenses granted, and the Special Master is awarded a total of \$60,059.18 to be paid as follows: 30% by Nebraska, 30% by Wyoming, 15% by Colorado, and 25% by the United States. [For earlier order herein, see, *e. g.*, 510 U. S. 1189.]

No. 93–644. HONDA MOTOR CO., LTD., ET AL. *v.* OBERG. Sup. Ct. Ore. [Certiorari granted, 510 U. S. 1068.] Motion of respondent for leave to file a supplemental brief after argument granted.

511 U. S.

May 2, 1994

No. 93–908. REICH *v.* COLLINS, REVENUE COMMISSIONER OF GEORGIA, ET AL. Sup. Ct. Ga. [Certiorari granted, 510 U. S. 1109.] Motion of James B. Beam Distilling Co. for leave to file a brief as *amicus curiae* granted.

No. 93–1103. DUBUQUE PACKING CO., INC. *v.* UNITED FOOD & COMMERCIAL WORKERS INTERNATIONAL UNION AFL–CIO, LOCAL No. 150–A, ET AL. C. A. D. C. Cir. [Certiorari granted, *ante*, p. 1016.] Motion of petitioner to dispense with printing the joint appendix granted. JUSTICE GINSBURG took no part in the consideration or decision of this motion.

No. 93–1197. HESS ET AL. *v.* PORT AUTHORITY TRANS-HUDSON CORPORATION. C. A. 3d Cir. [Certiorari granted, 510 U. S. 1190.] Motion of petitioners to dispense with printing the joint appendix granted.

No. 93–1202. BRUNWASSER *v.* STEINER, 510 U. S. 1195. Motion of respondent for fees and costs granted, and respondent is awarded a total of \$500 to be paid by petitioner on or before Monday, May 16, 1994.

No. 93–1340. UNITED STATES *v.* MEZZANATTO. C. A. 9th Cir. [Certiorari granted, *ante*, p. 1029.] Motion of respondent for leave to proceed further herein *in forma pauperis* granted. Motion for appointment of counsel granted, and it is ordered that Mark R. Lippman, Esq., of La Jolla, Cal., be appointed to serve as counsel for respondent in this case.

No. 93–1408. NEW YORK STATE CONFERENCE OF BLUE CROSS & BLUE SHIELD PLANS ET AL. *v.* TRAVELERS INSURANCE CO. ET AL.;

No. 93–1414. CUOMO, GOVERNOR OF NEW YORK, ET AL. *v.* TRAVELERS INSURANCE CO. ET AL.; and

No. 93–1415. HOSPITAL ASSOCIATION OF NEW YORK STATE *v.* TRAVELERS INSURANCE CO. ET AL. C. A. 2d Cir. The Solicitor General is invited to file a brief in these cases expressing the views of the United States.

No. 93–7407. O’NEAL *v.* MCANINCH, WARDEN. C. A. 6th Cir. [Certiorari granted, *ante*, p. 1017.] Motion for appointment of counsel granted, and it is ordered that Thomas R. Wetterer, Jr., Esq., of Columbus, Ohio, be appointed to serve as counsel for petitioner in this case.

May 2, 1994

511 U. S.

No. 93-8132. IN RE CARTER;
No. 93-8135. IN RE ZZIE;
No. 93-8141. IN RE WALKER;
No. 93-8325. IN RE ADAMS; and
No. 93-8589. IN RE JONES. Petitions for writs of mandamus denied.

Certiorari Denied

No. 92-737. JOHNSON *v.* UNCLE BEN'S, INC. C. A. 5th Cir. Certiorari denied. Reported below: 965 F. 2d 1363.

No. 92-793. PETERSON *v.* ADVENTIST HEALTH SYSTEM/SUNBELT, INC., DBA HUGULEY MEMORIAL SEVENTH-DAY ADVENTIST MEDICAL CENTER, INC. C. A. 5th Cir. Certiorari denied. Reported below: 971 F. 2d 748.

No. 92-977. LUDDINGTON *v.* INDIANA BELL TELEPHONE CO. C. A. 7th Cir. Certiorari denied. Reported below: 966 F. 2d 225.

No. 92-980. HOLT *v.* MICHIGAN DEPARTMENT OF CORRECTIONS. C. A. 6th Cir. Certiorari denied. Reported below: 974 F. 2d 771.

No. 92-1190. GERSMAN ET AL. *v.* GROUP HEALTH ASSN., INC. C. A. D. C. Cir. Certiorari denied. Reported below: 975 F. 2d 886.

No. 92-1538. HICKS *v.* BROWN GROUP, INC., DBA BROWN SHOE CO., INC. C. A. 8th Cir. Certiorari denied. Reported below: 982 F. 2d 295.

No. 92-1721. HARRIS *v.* AMERICAN MEDICAL INTERNATIONAL, INC., ET AL. C. A. 10th Cir. Certiorari denied. Reported below: 982 F. 2d 528.

No. 92-1774. HUEY *v.* SHALALA, SECRETARY OF HEALTH AND HUMAN SERVICES. C. A. 8th Cir. Certiorari denied. Reported below: 971 F. 2d 1362.

No. 92-1923. LACEY *v.* DOW CO., DBA DOW CHEMICAL U. S. A. C. A. 5th Cir. Certiorari denied. Reported below: 987 F. 2d 771.

No. 93-673. DICKINSON *v.* OHIO BELL COMMUNICATIONS, INC., ET AL. C. A. 6th Cir. Certiorari denied. Reported below: 996 F. 2d 1214.

511 U. S.

May 2, 1994

No. 93-800. *MOJICA v. GANNETT Co., INC., OWNER OF WGCI-FM RADIO STATION.* C. A. 7th Cir. Certiorari denied. Reported below: 7 F. 3d 552.

No. 93-1114. *WINSTON v. MAINE TERMINAL COLLEGE SYSTEM ET AL.* Sup. Jud. Ct. Me. Certiorari denied. Reported below: 631 A. 2d 70.

No. 93-1131. *KIDD ET UX. v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 8 F. 3d 27.

No. 93-1254. *FEDERACION DE MAESTROS DE PUERTO RICO v. PUERTO RICO LABOR RELATIONS BOARD.* Sup. Ct. P. R. Certiorari denied.

No. 93-1271. *HAMMONS v. UNITED STATES RAILROAD RETIREMENT BOARD.* C. A. 10th Cir. Certiorari denied. Reported below: 7 F. 3d 1045.

No. 93-1275. *JACOBSON v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 4 F. 3d 987.

No. 93-1280. *BIANCO ET AL. v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. Reported below: 998 F. 2d 1112.

No. 93-1281. *AUBURN POLICE UNION ET AL. v. CARPENTER, ATTORNEY GENERAL OF MAINE.* C. A. 1st Cir. Certiorari denied. Reported below: 8 F. 3d 886.

No. 93-1325. *INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, LOCAL 84 v. GEORGIA POWER Co.* C. A. 11th Cir. Certiorari denied. Reported below: 995 F. 2d 1030.

No. 93-1350. *PATRIARCA v. UNITED STATES.* C. A. 1st Cir. Certiorari denied. Reported below: 4 F. 3d 70.

No. 93-1361. *DREXEL BURNHAM LAMBERT GROUP INC. v. COMMITTEE OF RECEIVERS FOR A. W. GALADARI ET AL.; and*

No. 93-1389. *REFCO, INC. v. COMMITTEE OF RECEIVERS FOR A. W. GALADARI ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 12 F. 3d 317.

No. 93-1385. *NORTH AMERICAN VACCINE, INC., ET AL. v. AMERICAN CYANAMID Co. ET AL.* C. A. Fed. Cir. Certiorari denied. Reported below: 7 F. 3d 1571.

May 2, 1994

511 U. S.

No. 93-1391. *HORNBACK v. UNITED STATES*. C. A. Fed. Cir. Certiorari denied. Reported below: 16 F. 3d 422.

No. 93-1392. *PRICE, AKA LOA, INDIVIDUALLY AND IN HIS CAPACITY AS CHIEF OF THE HOU HAWAIIANS, ET AL. v. AKAKA ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 3 F. 3d 1220.

No. 93-1393. *GALLODORO ET AL. v. STATE FARM MUTUAL AUTOMOBILE INSURANCE CO.* C. A. 5th Cir. Certiorari denied. Reported below: 12 F. 3d 208.

No. 93-1400. *GOTTI v. UNITED STATES*; and
No. 93-1420. *LoCASCIO v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 6 F. 3d 924.

No. 93-1406. *MIHNOVETS v. MIHNOVETS*. Ct. App. Va. Certiorari denied.

No. 93-1410. *UNIVERSITY OF COLORADO, BOULDER, ET AL. v. DERDEYN*. Sup. Ct. Colo. Certiorari denied. Reported below: 863 P. 2d 929.

No. 93-1412. *LAWRENCE v. COLUMBIA PRESBYTERIAN MEDICAL CENTER*. C. A. 2d Cir. Certiorari denied. Reported below: 14 F. 3d 590.

No. 93-1423. *YORK RITE BODIES OF FREEMASONRY OF SAVANNAH, GEORGIA, ET AL. v. BOARD OF EQUALIZATION OF CHATHAM COUNTY, GEORGIA, ET AL.* Ct. App. Ga. Certiorari denied. Reported below: 209 Ga. App. 359, 433 S. E. 2d 299.

No. 93-1424. *RAWOOT v. SIGNET BANK/VIRGINIA ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 14 F. 3d 596.

No. 93-1428. *GLOVER v. McDONNELL DOUGLAS CORP.* C. A. 8th Cir. Certiorari denied. Reported below: 12 F. 3d 845.

No. 93-1431. *MEDICAL ENGINEERING CORP. v. AMERICAN MEDICAL SYSTEMS, INC.* C. A. Fed. Cir. Certiorari denied. Reported below: 6 F. 3d 1523.

No. 93-1433. *JOHN E. GRAHAM & SONS v. BERTRAND*. C. A. 5th Cir. Certiorari denied. Reported below: 15 F. 3d 180.

No. 93-1434. *ADVOCATES FOR LIFE, INC. v. LOVEJOY SPECIALTY HOSPITAL, INC.* Ct. App. Ore. Certiorari denied. Reported below: 121 Ore. App. 160, 855 P. 2d 159.

511 U. S.

May 2, 1994

No. 93-1438. *EDWARDS v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 243 Ill. App. 3d 280, 611 N. E. 2d 1196.

No. 93-1516. *TAVAREZ v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 17 F. 3d 392.

No. 93-1552. *VALERA v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 9 F. 3d 1559.

No. 93-1555. *COZAD v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 14 F. 3d 55.

No. 93-1559. *VOGT v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 17 F. 3d 1435.

No. 93-5574. *BUSH v. COMMONWEALTH EDISON CO.* C. A. 7th Cir. Certiorari denied. Reported below: 990 F. 2d 928.

No. 93-7318. *REICHER v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 7 F. 3d 1046.

No. 93-7585. *TAREN-PALMA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 997 F. 2d 525.

No. 93-7636. *ABSHIRE v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 7 F. 3d 226.

No. 93-7702. *RAJI v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 8 F. 3d 1246.

No. 93-7718. *GOLDMAN v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 10 F. 3d 961.

No. 93-7805. *MOLEN v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 9 F. 3d 1084.

No. 93-7815. *PRESIDENT v. OHIO*. Sup. Ct. Ohio. Certiorari denied. Reported below: 67 Ohio St. 3d 1464, 619 N. E. 2d 698.

No. 93-7828. *HALE v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 7 F. 3d 976.

No. 93-7885. *ZACK v. SOVA ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 7 F. 3d 237.

May 2, 1994

511 U. S.

No. 93-8101. *MEIS v. WYOMING DEPARTMENT OF CORRECTIONS ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 9 F. 3d 695.

No. 93-8114. *TRIPATI v. ARIZONA.* Sup. Ct. Ariz. Certiorari denied.

No. 93-8115. *WHITE ET AL. v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 9 F. 3d 1555.

No. 93-8127. *RUZICKA v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. Reported below: 17 F. 3d 390.

No. 93-8128. *PETE v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 14 F. 3d 54.

No. 93-8131. *LANGLINAIS v. LOUISIANA.* Ct. App. La., 3d Cir. Certiorari denied. Reported below: 610 So. 2d 285.

No. 93-8133. *RAY v. CALIFORNIA.* Ct. App. Cal., 3d App. Dist. Certiorari denied.

No. 93-8134. *BRACKETT v. PETERS, WARDEN, ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 11 F. 3d 78.

No. 93-8136. *BERG v. CALIFORNIA.* Ct. App. Cal., 4th App. Dist. Certiorari denied.

No. 93-8139. *SIMON v. CALIFORNIA.* Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 93-8148. *BESON v. WISCONSIN.* Ct. App. Wis. Certiorari denied. Reported below: 179 Wis. 2d 504, 508 N. W. 2d 76.

No. 93-8150. *B. S. ET AL. v. DISTRICT OF COLUMBIA ET AL.* Ct. App. D. C. Certiorari denied. Reported below: 630 A. 2d 186.

No. 93-8154. *SLESARIK v. LUNA COUNTY ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 13 F. 3d 406.

No. 93-8156. *HOLMAN v. ILLINOIS.* App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 250 Ill. App. 3d 503, 620 N. E. 2d 1222.

No. 93-8164. *HOWARD v. NAGLE, WARDEN, ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 4 F. 3d 1000.

511 U. S.

May 2, 1994

No. 93-8165. *HAZZARD v. JONES, WARDEN*. C. A. 11th Cir. Certiorari denied.

No. 93-8166. *GAINER v. SYMINGTON, GOVERNOR OF ARIZONA, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 17 F. 3d 394.

No. 93-8168. *TRIPPET v. CALIFORNIA*. Ct. App. Cal., 1st App. Dist. Certiorari denied.

No. 93-8170. *REVELLO v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 12 F. 3d 217.

No. 93-8183. *CUMMINS v. CALIFORNIA*. Ct. App. Cal., 4th App. Dist. Certiorari denied.

No. 93-8184. *PONCE DE LEON v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 93-8185. *ROBERSON v. MARYLAND ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 8 F. 3d 820.

No. 93-8187. *LAFLAMME v. GOMEZ*. C. A. 9th Cir. Certiorari denied. Reported below: 5 F. 3d 537.

No. 93-8189. *CRAWFORD v. CONNELL*. Sup. Ct. Ill. Certiorari denied. Reported below: 153 Ill. 2d 558, 624 N. E. 2d 805.

No. 93-8190. *PRICE v. SHALALA, SECRETARY OF HEALTH AND HUMAN SERVICES*. C. A. Fed. Cir. Certiorari denied. Reported below: 16 F. 3d 421.

No. 93-8191. *HERNANDEZ v. WHITE, WARDEN*. Sup. Ct. Cal. Certiorari denied.

No. 93-8194. *SIMMONS v. COLLINS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION*. C. A. 5th Cir. Certiorari denied. Reported below: 5 F. 3d 1495.

No. 93-8195. *LOPEZ GONZALEZ v. CALIFORNIA*. Ct. App. Cal., 4th App. Dist. Certiorari denied.

No. 93-8199. *GARCIA v. CALIFORNIA*. Ct. App. Cal., 5th App. Dist. Certiorari denied.

No. 93-8200. *HAZZARD v. CITY OF OAKLAND, CALIFORNIA, ET AL.* Ct. App. Cal., 1st App. Dist. Certiorari denied.

May 2, 1994

511 U. S.

No. 93-8201. *WILSON v. LANHAM ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 12 F. 3d 206.

No. 93-8213. *MOORE v. GEORGIA.* Sup. Ct. Ga. Certiorari denied. Reported below: 263 Ga. 586, 436 S. E. 2d 201.

No. 93-8214. *MANGRUM v. MANGHAN ET AL.* C. A. 11th Cir. Certiorari denied.

No. 93-8215. *RICHARDS v. BARTLETT, SUPERINTENDENT, ELMIRA CORRECTIONAL FACILITY.* C. A. 2d Cir. Certiorari denied.

No. 93-8219. *SHANZ v. GROOSE, WARDEN, ET AL.* C. A. 8th Cir. Certiorari denied.

No. 93-8220. *DUVALL v. ADMINISTRATOR, EASTERN PENNSYLVANIA PSYCHIATRIC INSTITUTE, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 93-8222. *COPELAND v. LOMEN ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 16 F. 3d 409.

No. 93-8223. *HANDO v. SHALALA, SECRETARY OF HEALTH AND HUMAN SERVICES.* C. A. 10th Cir. Certiorari denied. Reported below: 13 F. 3d 405.

No. 93-8225. *HILLBURN v. CALIFORNIA.* Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 93-8227. *BARDSON v. CROSS.* Sup. Ct. Nev. Certiorari denied. Reported below: 109 Nev. 1389, 875 P. 2d 1050.

No. 93-8228. *BREEST v. BRODEUR, COMMISSIONER, NEW HAMPSHIRE DEPARTMENT OF CORRECTIONS.* C. A. 1st Cir. Certiorari denied.

No. 93-8246. *BUCHANAN v. SOUTH CAROLINA.* Sup. Ct. S. C. Certiorari denied.

No. 93-8247. *LOGAN v. HONOLULU POLICE DEPARTMENT.* C. A. 3d Cir. Certiorari denied. Reported below: 19 F. 3d 643.

No. 93-8249. *TOOZE v. CALIFORNIA.* Ct. App. Cal., 3d App. Dist. Certiorari denied.

511 U. S.

May 2, 1994

No. 93-8251. *BENSON v. STEPANIK, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT DALLAS, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 93-8256. *THORNTON v. OKLAHOMA.* Ct. Crim. App. Okla. Certiorari denied.

No. 93-8257. *ALLEN v. ILLINOIS.* App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 249 Ill. App. 3d 1001, 620 N. E. 2d 1105.

No. 93-8258. *CROSKEY v. UNITED STATES.* C. A. Fed. Cir. Certiorari denied. Reported below: 17 F. 3d 1443.

No. 93-8259. *CROCKETT v. OREGON.* Ct. App. Ore. Certiorari denied. Reported below: 121 Ore. App. 442, 856 P. 2d 344.

No. 93-8260. *ALLEN v. OKLAHOMA.* Ct. Crim. App. Okla. Certiorari denied. Reported below: 862 P. 2d 487.

No. 93-8267. *DAVIS v. OHIO.* Ct. App. Ohio, Cuyahoga County. Certiorari denied.

No. 93-8268. *YEAMONS v. CALIFORNIA.* Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 93-8275. *ZOTOS v. UNITED STATES.* C. A. 3d Cir. Certiorari denied. Reported below: 17 F. 3d 1432.

No. 93-8281. *WORMUTH v. CALIFORNIA.* Ct. App. Cal., 6th App. Dist. Certiorari denied.

No. 93-8316. *PETERSON v. SCULLY, SUPERINTENDENT, GREEN HAVEN CORRECTIONAL FACILITY.* C. A. 2d Cir. Certiorari denied. Reported below: 17 F. 3d 391.

No. 93-8323. *LOMAX v. STEPANIK, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT DALLAS, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 93-8331. *CONSIGLIO v. CALIFORNIA.* Ct. App. Cal., 4th App. Dist. Certiorari denied.

No. 93-8333. *COCHRAN v. MURRAY, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 12 F. 3d 204.

May 2, 1994

511 U. S.

No. 93-8338. *PARISH v. UNITED STATES ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 12 F. 3d 205.

No. 93-8342. *BOALBEY v. ROCK ISLAND COUNTY ET AL.* App. Ct. Ill., 3d Dist. Certiorari denied. Reported below: 242 Ill. App. 3d 461, 610 N. E. 2d 769.

No. 93-8347. *ATKINSON v. IDAHO.* Ct. App. Idaho. Certiorari denied. Reported below: 124 Idaho 816, 864 P. 2d 654.

No. 93-8352. *WATSON v. TEXAS.* Ct. App. Tex., 9th Dist. Certiorari denied. Reported below: 861 S. W. 2d 410.

No. 93-8356. *JONES v. MERIT SYSTEMS PROTECTION BOARD.* C. A. Fed. Cir. Certiorari denied. Reported below: 17 F. 3d 1444.

No. 93-8375. *CONBOY v. BUREAU OF NATIONAL AFFAIRS, INC.* C. A. D. C. Cir. Certiorari denied. Reported below: 15 F. 3d 1159.

No. 93-8386. *WALKER v. TEXAS ET AL.* Sup. Ct. Tex. Certiorari denied.

No. 93-8406. *BIDDINGS v. BRIGANO, WARDEN.* C. A. 6th Cir. Certiorari denied. Reported below: 16 F. 3d 1218.

No. 93-8433. *RYLES v. UNITED STATES.* C. A. 11th Cir. Certiorari denied. Reported below: 8 F. 3d 36.

No. 93-8435. *LUCKETTE v. RYAN, WARDEN, ET AL.* Sup. Ct. Ariz. Certiorari denied.

No. 93-8461. *CURCIO v. UNITED STATES.* C. A. 3d Cir. Certiorari denied. Reported below: 13 F. 3d 641.

No. 93-8462. *WATSON v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 14 F. 3d 598.

No. 93-8507. *POLLARD v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 14 F. 3d 54.

No. 93-8524. *DRIESSE v. UNITED STATES.* C. A. 1st Cir. Certiorari denied. Reported below: 15 F. 3d 1202.

No. 93-8525. *BURRELL v. UNITED STATES.* C. A. 3d Cir. Certiorari denied. Reported below: 16 F. 3d 405.

511 U. S.

May 2, 1994

No. 93-8534. HAYES *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 19 F. 3d 20.

No. 93-8539. FULTZ *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 16 F. 3d 1226.

No. 93-8558. FREEMAN *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 6 F. 3d 586.

No. 93-8572. MOCK *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 16 F. 3d 1216.

No. 93-8573. PARRIS *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 17 F. 3d 227.

No. 93-8575. OLIVO *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 16 F. 3d 1216.

No. 93-8576. PARADISE *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 13 F. 3d 410.

No. 93-8583. BARA *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 13 F. 3d 1418.

No. 93-8587. GRAY *v.* UNITED STATES. C. A. D. C. Cir. Certiorari denied. Reported below: 15 F. 3d 1160.

No. 93-8592. EDDY *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 8 F. 3d 577.

No. 93-8593. FOX *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 16 F. 3d 418.

No. 93-8596. REID *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 12 F. 3d 215.

No. 93-8615. DOWELL *v.* WRIGHT ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 10 F. 3d 806.

No. 93-1039. COLORADO *v.* LAFRANKIE. Sup. Ct. Colo. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 858 P. 2d 702.

No. 93-1395. OKLAHOMA *v.* HUMPHREYS. Ct. Crim. App. Okla. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 864 P. 2d 343.

May 2, 1994

511 U. S.

No. 93-1480. *ASAM v. HARWOOD*. Sup. Ct. Ala. Motion of respondent to strike petition for writ of certiorari denied. Certiorari denied. Reported below: 639 So. 2d 960.

No. 93-1634 (A-897). *ROUGEAU 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 STEVENS and JUSTICE GINSBURG would grant the application for stay of execution. Reported below: 16 F. 3d 1215.

JUSTICE BLACKMUN, dissenting.

Adhering to my view that the death penalty cannot be imposed fairly within the constraints of our Constitution, see my dissent in *Callins v. Collins*, 510 U. S. 1141, 1143 (1994), I would grant the application for stay of execution and the petition for certiorari and would vacate the death sentence in this case.

No. 93-7839. *BAKER v. MARYLAND*. Ct. App. Md.;
No. 93-8100. *RAMSEY v. MISSOURI*. Sup. Ct. Mo.;
No. 93-8226. *FORD v. ALABAMA*. Sup. Ct. Ala.;
No. 93-8280. *TARVER v. ALABAMA*. Ct. Crim. App. Ala.; and
No. 93-8399. *MONTGOMERY v. OHIO*; and *GREER v. OHIO*. Sup. Ct. Ohio. Certiorari denied. Reported below: No. 93-7839, 332 Md. 542, 632 A. 2d 783; No. 93-8100, 864 S. W. 2d 320; No. 93-8226, 630 So. 2d 113; No. 93-8280, 629 So. 2d 14; No. 93-8399, 67 Ohio St. 3d 1485, 621 N. E. 2d 407.

JUSTICE BLACKMUN, dissenting.

Adhering to my view that the death penalty cannot be imposed fairly within the constraints of our Constitution, see my dissent in *Callins v. Collins*, 510 U. S. 1141, 1143 (1994), I would grant certiorari and vacate the death sentences in these cases.

Rehearing Denied

No. 93-1134. *SIKKA v. WEST, SECRETARY OF THE ARMY*, 510 U. S. 1177;

No. 93-6570. *VANDYKE v. DOUGLAS VANDYKE COAL CO., INC., ET AL.*, 510 U. S. 1197;

No. 93-6665. *GAUDREAU v. UNITED STATES*, 510 U. S. 1197;

No. 93-7616. *GONZALEZ v. OCEAN COUNTY BOARD OF SOCIAL SERVICES*, 510 U. S. 1201;

511 U. S.

May 2, 9, 11, 1994

No. 93-7626. *NEWSOME v. FLOYD WEST & Co.*, 510 U. S. 1201;
No. 93-7746. *CONDON v. DELAWARE*, *ante*, p. 1008; and
No. 93-7956. *SNELLING v. CHRYSLER MOTORS CORP. ET AL.*,
510 U. S. 1207. Petitions for rehearing denied.

No. 93-6267. *KALAKAY v. NEWBLATT*, JUDGE, UNITED STATES
DISTRICT COURT FOR THE EASTERN DISTRICT OF MICHIGAN, 510
U. S. 1049. Motion for leave to file petition for rehearing denied.

MAY 9, 1994

Miscellaneous Order

No. A-926. *GACY v. PAGE*, WARDEN. Application for stay of
execution of sentence of death, presented to JUSTICE STEVENS,
and by him referred to the Court, denied.

JUSTICE BLACKMUN, dissenting.

Adhering to my view that the death penalty cannot be imposed
fairly within the constraints of our Constitution, see my dissent
in *Callins v. Collins*, 510 U. S. 1141, 1143 (1994), I would grant
the application for stay in order to give the applicant time to file
a petition for writ of certiorari, and would grant the petition and
vacate the death sentence in this case.

MAY 11, 1994

Certiorari Denied

No. 93-9063 (A-931). *PICKENS v. TUCKER*, GOVERNOR OF AR-
KANSAS, ET AL. C. A. 8th Cir. Application for stay of execution
of sentence of death, presented to JUSTICE BLACKMUN, and by
him referred to the Court, denied. Certiorari denied. JUSTICE
STEVENS and JUSTICE GINSBURG would grant the application for
stay of execution. Reported below: 23 F. 3d 1477.

JUSTICE BLACKMUN, dissenting.

Adhering to my view that the death penalty cannot be imposed
fairly within the constraints of our Constitution, see my dissent
in *Callins v. Collins*, 510 U. S. 1141, 1143 (1994), I would grant
the application for stay of execution and the petition for certiorari
and would vacate the death sentence in this case.

No. 93-9087 (A-937). *WHITMORE v. GAINES ET AL.* C. A. 8th
Cir. Application for stay of execution of sentence of death, pre-

May 11, 16, 1994

511 U. S.

sented to JUSTICE BLACKMUN, and by him referred to the Court, denied. Certiorari denied. Reported below: 24 F. 3d 1032.

JUSTICE BLACKMUN, dissenting.

Adhering to my view that the death penalty cannot be imposed fairly within the constraints of our Constitution, see my dissent in *Callins v. Collins*, 510 U. S. 1141, 1143 (1994), I would grant the application for stay of execution and the petition for writ of certiorari and would remand with instructions to enjoin petitioner's execution.

MAY 16, 1994

Certiorari Granted—Vacated and Remanded

No. 93–8310. CLEVELAND *v.* ARKANSAS. Sup. Ct. Ark. Motion of petitioner for leave to proceed *in forma pauperis* granted. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *J. E. B. v. Alabama ex rel. T. B.*, *ante*, p. 127. Reported below: 315 Ark. 91, 865 S. W. 2d 285.

Miscellaneous Orders

No. — — —. WELLS *v.* AMERICAN AIRLINES ET AL. Motion to direct the Clerk to file petition for writ of certiorari out of time denied.

No. — — —. PREWITT *v.* MOLPUS, SECRETARY OF STATE OF MISSISSIPPI, ET AL. Motion of appellant to direct the Clerk to file jurisdictional statement that does not comply with the Rules of this Court and to allow appellant to represent his minor children on appeal denied.

No. 120, Orig. NEW JERSEY *v.* NEW YORK. Motion for leave to file bill of complaint granted, and defendant is allowed 60 days to file an answer. [For earlier order herein, see 510 U. S. 805.]

No. 93–1152. GARRATT *v.* MORRIS ET AL., *ante*, p. 1004. Motion of respondents for taxation of costs and award of attorney's fees denied.

No. 93–1454. CALDERON, WARDEN, ET AL. *v.* CLAIR. C. A. 9th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted.

511 U. S.

May 16, 1994

No. 93-8394. *DiDOMENICO v. BERK ET AL.* Super. Ct. Pa. Motion of petitioner for leave to proceed *in forma pauperis* denied. Petitioner is allowed until June 6, 1994, 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. 93-8711. *IN RE NOLT*. Petition for writ of habeas corpus denied.

No. 93-8364. *IN RE HUMAN*; and

No. 93-8519. *IN RE PREUSS*. Petitions for writs of mandamus denied.

Certiorari Denied

No. 93-667. *AUTERY, ADMINISTRATRIX OF THE ESTATE OF AUTERY, DECEASED, ET AL. v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 992 F. 2d 1523.

No. 93-1032. *RATELLE, WARDEN v. CRAWFORD*. C. A. 9th Cir. Certiorari denied. Reported below: 5 F. 3d 535.

No. 93-1188. *WOOLSEY v. NATIONAL TRANSPORTATION SAFETY BOARD ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 993 F. 2d 516.

No. 93-1212. *GRAVES v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 5 F. 3d 1546.

No. 93-1287. *LEFLORE v. MARVEL ENTERTAINMENT GROUP ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 9 F. 3d 237.

No. 93-1301. *JURCEV ET AL. v. CENTRAL COMMUNITY HOSPITAL ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 7 F. 3d 618.

No. 93-1305. *383 MADISON ASSOCIATES v. CITY OF NEW YORK ET AL.* App. Div., Sup. Ct. N. Y., 1st Jud. Dept. Certiorari denied. Reported below: 193 App. Div. 2d 518, 598 N. Y. S. 2d 180.

No. 93-1310. *WEST ET AL. v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 5 F. 3d 423.

No. 93-1316. *WALSH v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 8 F. 3d 659.

May 16, 1994

511 U. S.

No. 93-1322. *PUIG-MIR v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 9 F. 3d 1546.

No. 93-1329. *DiPINTO ET AL. v. SPERLING ET AL.* C. A. 1st Cir. Certiorari denied. Reported below: 9 F. 3d 2.

No. 93-1342. *TANNER v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 9 F. 3d 109.

No. 93-1372. *EVANS v. CITY OF CHICAGO*; and
No. 93-1373. *BALARK ET AL. v. CITY OF CHICAGO*. C. A. 7th Cir. Certiorari denied. Reported below: 10 F. 3d 474.

No. 93-1421. *AUS ET AL. v. ARMCO, INC., ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 9 F. 3d 104.

No. 93-1435. *BOARD OF GOVERNORS OF REGISTERED DENTISTS OF OKLAHOMA v. JACOBS*. Ct. App. Okla. Certiorari denied.

No. 93-1440. *THIRD NATIONAL BANK IN NASHVILLE v. COMMISSIONER OF INSURANCE OF LOUISIANA*. Ct. App. La., 1st Cir. Certiorari denied. Reported below: 622 So. 2d 275.

No. 93-1443. *MAKIN v. EVANS ET AL.* Ct. App. Ore. Certiorari denied.

No. 93-1444. *MASSACHUSETTS ET AL. v. GATELY ET AL.* C. A. 1st Cir. Certiorari denied. Reported below: 2 F. 3d 1221.

No. 93-1452. *TREGONING ET AL. v. AMERICAN COMMUNITY MUTUAL INSURANCE Co.* C. A. 6th Cir. Certiorari denied. Reported below: 12 F. 3d 79.

No. 93-1453. *DIAZ DEL CASTILLO v. AEROSERVICE AVIATION CENTER, INC.* Dist. Ct. App. Fla., 3d Dist. Certiorari denied. Reported below: 624 So. 2d 285.

No. 93-1457. *DALESKE ET AL. v. FAIRFIELD COMMUNITIES, INC., ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 17 F. 3d 321.

No. 93-1460. *KOELKER v. KOELKER*. Ct. App. Cal., 1st App. Dist. Certiorari denied.

No. 93-1465. *SIMMONS v. PRYOR ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 9 F. 3d 555.

511 U. S.

May 16, 1994

No. 93-1466. T-H NEW ORLEANS LIMITED PARTNERSHIP *v.* FINANCIAL SECURITY ASSURANCE, INC. C. A. 5th Cir. Certiorari denied. Reported below: 10 F. 3d 1099.

No. 93-1477. TATUM *v.* PHILIP MORRIS INC., DBA PHILIP MORRIS USA, ET AL. C. A. 10th Cir. Certiorari denied. Reported below: 16 F. 3d 417.

No. 93-1481. HINTON *v.* PACIFIC ENTERPRISES ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 5 F. 3d 391.

No. 93-1482. ROSE, WIDOW OF ROSE *v.* WESTMORELAND COAL CO. ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 12 F. 3d 205.

No. 93-1487. UNITED STEELWORKERS OF AMERICA, AFL-CIO-CLC *v.* WARRIOR & GULF NAVIGATION CO. C. A. 11th Cir. Certiorari denied. Reported below: 996 F. 2d 279.

No. 93-1491. TONKA CORP. *v.* BITUMINOUS CASUALTY CORP. ET AL. C. A. 8th Cir. Certiorari denied. Reported below: 9 F. 3d 51.

No. 93-1492. GRAND LODGE OF TEXAS (ANCIENT, FREE, AND ACCEPTED MASONS), AS TRUSTEE FOR MASONIC HOME AND SCHOOL OF TEXAS, ET AL. *v.* GANT. C. A. 10th Cir. Certiorari denied. Reported below: 12 F. 3d 998.

No. 93-1493. KAHN ET AL. *v.* VIRGINIA RETIREMENT SYSTEM ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 13 F. 3d 110.

No. 93-1494. TUSKEGEE AREA TRANSPORTATION SYSTEM *v.* NATIONAL LABOR RELATIONS BOARD. C. A. 11th Cir. Certiorari denied. Reported below: 5 F. 3d 1499.

No. 93-1496. MISSOURI PACIFIC RAILROAD CO., DBA UNION PACIFIC RAILROAD CO. *v.* TINGSTROM. Ct. App. La., 1st Cir. Certiorari denied. Reported below: 630 So. 2d 257.

No. 93-1497. BSEIRANI ET AL. *v.* MAHSHIE ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 4 F. 3d 1071.

No. 93-1498. SAKARIA ET AL. *v.* TRANS WORLD AIRLINES. C. A. 4th Cir. Certiorari denied. Reported below: 8 F. 3d 164.

May 16, 1994

511 U. S.

No. 93-1499. *WHEELER v. NEBRASKA STATE BAR ASSN.* Sup. Ct. Neb. Certiorari denied. Reported below: 244 Neb. 786, 508 N. W. 2d 917.

No. 93-1501. *ZIEGLER v. BOARD OF BAR EXAMINERS OF DELAWARE.* Sup. Ct. Del. Certiorari denied. Reported below: 637 A. 2d 829.

No. 93-1502. *SAMURA v. KAISER FOUNDATION HEALTH PLAN, INC., ET AL.* Ct. App. Cal., 1st App. Dist. Certiorari denied. Reported below: 17 Cal. App. 4th 1284, 22 Cal. Rptr. 2d 20.

No. 93-1506. *MICKLER v. NIMISHILLEN & TUSCARAWAS RAILWAY CO.* C. A. 6th Cir. Certiorari denied. Reported below: 13 F. 3d 184.

No. 93-1507. *REISKIN ET AL. v. DEPARTMENT OF WATER SUPPLY/MAUI COUNTY, ET AL.* Sup. Ct. Haw. Certiorari denied. Reported below: 75 Haw. 581, 895 P. 2d 1193.

No. 93-1509. *KEE v. PROVIDENT LIFE & ACCIDENT INSURANCE CO.* C. A. 11th Cir. Certiorari denied. Reported below: 961 F. 2d 1581 and 1582.

No. 93-1512. *INTERSTATE INDEPENDENT CORP. ET AL. v. OHIO EX REL. ROSZMANN, PROSECUTING ATTORNEY, FAYETTE COUNTY, OHIO.* Ct. App. Ohio, Fayette County. Certiorari denied. Reported below: 89 Ohio App. 3d 775, 627 N. E. 2d 629.

No. 93-1514. *MAGNOLIA COURT APARTMENTS, INC. v. CARLSON, COMMISSIONER, DEPARTMENT OF HOUSING OF ATLANTA, ET AL.* Ct. App. Ga. Certiorari denied. Reported below: 211 Ga. App. XXX.

No. 93-1515. *MEGGERS ET AL. v. EXXON CO. U. S. A. ET AL.* Sup. Ct. Va. Certiorari denied.

No. 93-1517. *PAYNE v. NEWPORT NEWS SHIPBUILDING & DRY DOCK CO., INC.* Ct. App. Cal., 4th App. Dist. Certiorari denied.

No. 93-1518. *CONSTANT v. ADVANCED MICRO-DEVICES, INC., ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 12 F. 3d 1105.

No. 93-1520. *ATTORNEY GENERAL OF NEW YORK v. MOODY.* Ct. App. N. Y. Certiorari denied. Reported below: 83 N. Y. 2d 65, 629 N. E. 2d 378.

511 U. S.

May 16, 1994

No. 93-1521. *SETLECH v. UNITED STATES ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 17 F. 3d 390.

No. 93-1523. *GRAFF v. CITY OF CHICAGO.* C. A. 7th Cir. Certiorari denied. Reported below: 9 F. 3d 1309.

No. 93-1524. *TREGENZA ET AL. v. GREAT AMERICAN COMMUNICATIONS CO. ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 12 F. 3d 717.

No. 93-1529. *PICRAY v. CITY OF DES MOINES, IOWA, ET AL.* Ct. App. Iowa. Certiorari denied. Reported below: 515 N. W. 2d 574.

No. 93-1530. *CASELL v. LANCASTER MENNONITE CONFERENCE ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 16 F. 3d 402.

No. 93-1538. *GILL v. VIDMARK, INC., ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 12 F. 3d 1107.

No. 93-1554. *PADDIO v. BOARD OF TRUSTEES FOR STATE COLLEGES AND UNIVERSITIES OF LOUISIANA ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 12 F. 3d 207.

No. 93-1575. *CALDERON, WARDEN v. JOHNSON.* C. A. 9th Cir. Certiorari denied. Reported below: 3 F. 3d 1327.

No. 93-1595. *ROSE v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. Reported below: 16 F. 3d 1223.

No. 93-1627. *UNITED STATES LINES, INC. v. PUBLIC ADMINISTRATOR OF THE COUNTY OF NEW YORK, ADMINISTRATOR OF THE ESTATE OF VALVERDE, DECEASED.* App. Div., Sup. Ct. N. Y., 1st Jud. Dept. Certiorari denied. Reported below: 197 App. Div. 2d 392, 603 N. Y. S. 2d 20.

No. 93-7385. *SHORTHOUSE v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 7 F. 3d 149.

No. 93-7394. *MCCLENDON v. CALIFORNIA.* Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 93-7510. *BELMONTE ROMERO v. CALIFORNIA.* Ct. App. Cal., 4th App. Dist. Certiorari denied.

May 16, 1994

511 U. S.

No. 93-7610. *GRAJEDA v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 93-7612. *FONVILLE v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 5 F. 3d 781.

No. 93-7634. *MALA v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 7 F. 3d 1058.

No. 93-7640. *MUNGUIA v. DIRECTOR, OFFICE OF WORKERS' COMPENSATION PROGRAMS, DEPARTMENT OF LABOR, ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 999 F. 2d 808.

No. 93-7643. *MANCILLA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 8 F. 3d 21.

No. 93-7665. *CAIN v. MISSOURI*. Ct. App. Mo., Eastern Dist. Certiorari denied. Reported below: 859 S. W. 2d 715.

No. 93-7722. *CHRISTESON v. GROOSE, SUPERINTENDENT, JEFFERSON CITY CORRECTIONAL CENTER*. C. A. 8th Cir. Certiorari denied.

No. 93-7795. *BENSON v. UNITED STATES ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 5 F. 3d 531.

No. 93-7838. *COLLINS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 3 F. 3d 443.

No. 93-7912. *DUNHAM v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 8 F. 3d 31.

No. 93-7934. *LAWSON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 9 F. 3d 1546.

No. 93-7970. *CROOK v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 9 F. 3d 1422.

No. 93-8000. *AGUILAR v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 16 F. 3d 1226.

No. 93-8008. *CHASE v. CALIFORNIA*; and

No. 93-8303. *HANKINS v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 93-8033. *STODDARD v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist. Certiorari denied.

511 U. S.

May 16, 1994

No. 93-8061. *BARBER v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 11 F. 3d 1143.

No. 93-8142. *SNAVELY v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 4 F. 3d 1000.

No. 93-8180. *DUNBAR v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 5 F. 3d 541.

No. 93-8216. *WRIGHT v. WRIGHT ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 12 F. 3d 206.

No. 93-8248. *LEWIS v. MAASS, SUPERINTENDENT, OREGON STATE PENITENTIARY*. C. A. 9th Cir. Certiorari denied. Reported below: 12 F. 3d 1107.

No. 93-8261. *CLARK v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 93-8263. *DUNLAP v. CALIFORNIA*. Ct. App. Cal., 5th App. Dist. Certiorari denied. Reported below: 18 Cal. App. 4th 1468, 23 Cal. Rptr. 2d 204.

No. 93-8265. *ALEXANDER v. CALIFORNIA*. Ct. App. Cal., 1st App. Dist. Certiorari denied.

No. 93-8266. *BORBON v. CALIFORNIA*. Ct. App. Cal., 4th App. Dist. Certiorari denied.

No. 93-8269. *WOODRUFF v. CALIFORNIA*. Ct. App. Cal., 1st App. Dist. Certiorari denied.

No. 93-8270. *WHITING v. SINGLETARY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 13 F. 3d 410.

No. 93-8271. *HILL v. OHIO*. Ct. App. Ohio, Lorain County. Certiorari denied.

No. 93-8272. *GAYDOS v. CHERTOFF, UNITED STATES ATTORNEY, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 93-8278. *WRIGHT v. CALIFORNIA*. Ct. App. Cal., 6th App. Dist. Certiorari denied.

No. 93-8288. *ALLEN v. LOCKLEY ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 17 F. 3d 392.

May 16, 1994

511 U. S.

No. 93–8291. *WILSON v. CITY OF CHICAGO ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 6 F. 3d 1233.

No. 93–8293. *DAVILLA v. CALIFORNIA.* Ct. App. Cal., 1st App. Dist. Certiorari denied.

No. 93–8294. *DIRECTO v. CALIFORNIA.* Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 93–8298. *SHOOP v. DAUPHIN COUNTY ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 9 F. 3d 1541.

No. 93–8301. *HORTON v. NORTH CAROLINA.* Sup. Ct. N. C. Certiorari denied.

No. 93–8302. *ARAUJO JUAREZ v. CALIFORNIA.* Ct. App. Cal., 4th App. Dist. Certiorari denied.

No. 93–8304. *JOHNSON v. CALIFORNIA.* Ct. App. Cal., 1st App. Dist. Certiorari denied.

No. 93–8313. *ATTWOOD v. CHILES, GOVERNOR OF FLORIDA, ET AL.* (three cases). C. A. 11th Cir. Certiorari denied.

No. 93–8315. *RUCHTI v. HEDLEY ET AL.* Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 93–8317. *ROGERS v. CALIFORNIA.* Ct. App. Cal., 3d App. Dist. Certiorari denied.

No. 93–8318. *MCDONOUGH v. ANGELONE, DIRECTOR, NEVADA DEPARTMENT OF PRISONS, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 93–8321. *MOODY v. RIVERS ET AL.* C. A. 5th Cir. Certiorari denied.

No. 93–8322. *ROSS v. CALIFORNIA.* Ct. App. Cal., 6th App. Dist. Certiorari denied.

No. 93–8326. *SMITH v. BORG, WARDEN.* C. A. 9th Cir. Certiorari denied. Reported below: 1 F. 3d 1247.

No. 93–8327. *GEAR v. CALIFORNIA.* Ct. App. Cal., 4th App. Dist. Certiorari denied. Reported below: 19 Cal. App. 4th 86, 23 Cal. Rptr. 2d 261.

511 U. S.

May 16, 1994

No. 93-8328. *HOZDISH v. COLLINS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 93-8332. *IKPOH v. ILLINOIS*. App. Ct. Ill., 2d Dist. Certiorari denied. Reported below: 242 Ill. App. 3d 365, 609 N. E. 2d 1025.

No. 93-8335. *GREENE v. ALBEMARLE-CHARLOTTESVILLE JOINT SECURITY COMPLEX*. C. A. 4th Cir. Certiorari denied. Reported below: 14 F. 3d 594.

No. 93-8339. *RICE v. VAUGHN, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT GRATERFORD, ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 16 F. 3d 405.

No. 93-8340. *ALVARCA ALVAREZ v. CALIFORNIA*. Ct. App. Cal., 4th App. Dist. Certiorari denied.

No. 93-8343. *SPYCHALA v. GOMEZ*. Ct. App. Cal., 3d App. Dist. Certiorari denied.

No. 93-8344. *ALLEN v. CALIFORNIA*. Ct. App. Cal., 6th App. Dist. Certiorari denied.

No. 93-8346. *LAESSIG v. PENNSYLVANIA ET AL.* C. A. 3d Cir. Certiorari denied.

No. 93-8348. *BERNABE v. CALIFORNIA*. Ct. App. Cal., 1st App. Dist. Certiorari denied.

No. 93-8349. *CALVERT v. CALIFORNIA*. Ct. App. Cal., 4th App. Dist. Certiorari denied. Reported below: 18 Cal. App. 4th 1820, 23 Cal. Rptr. 2d 644.

No. 93-8350. *DIAZ-ROSAS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 13 F. 3d 1305.

No. 93-8351. *TIZENO v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 93-8354. *WOOD v. LARSON*. C. A. 9th Cir. Certiorari denied.

No. 93-8355. *HARRIS v. RAEMISCH ET AL.* C. A. 7th Cir. Certiorari denied.

May 16, 1994

511 U. S.

No. 93-8361. *GREEN v. ROBERTS, DEPUTY SECRETARY, KANSAS DIVISION OF FACILITY MANAGEMENT, ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 13 F. 3d 405.

No. 93-8363. *HUMAN v. CITY OF SANTA MONICA, CALIFORNIA.* C. A. 9th Cir. Certiorari denied. Reported below: 5 F. 3d 537.

No. 93-8367. *DUNN v. REGENTS OF THE UNIVERSITY OF CALIFORNIA.* C. A. 9th Cir. Certiorari denied.

No. 93-8370. *SNIDER v. CALIFORNIA.* Ct. App. Cal., 6th App. Dist. Certiorari denied.

No. 93-8373. *CORNEJO v. CALIFORNIA.* Ct. App. Cal., 5th App. Dist. Certiorari denied.

No. 93-8374. *BERRY v. CALIFORNIA.* Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 93-8377. *HOWARD v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. Reported below: 14 F. 3d 603.

No. 93-8379. *ARMESTO v. WEIDNER.* Dist. Ct. App. Fla., 3d Dist. Certiorari denied. Reported below: 615 So. 2d 707.

No. 93-8383. *YOUNG v. CALIFORNIA.* Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 93-8385. *WAUGH v. GEORGIA.* Sup. Ct. Ga. Certiorari denied. Reported below: 263 Ga. 691, 437 S. E. 2d 297.

No. 93-8388. *ALLS v. NEW YORK.* Ct. App. N. Y. Certiorari denied. Reported below: 83 N. Y. 2d 94, 629 N. E. 2d 1018.

No. 93-8392. *AGUIRRE v. CALIFORNIA.* Ct. App. Cal., 6th App. Dist. Certiorari denied.

No. 93-8398. *LASHLEY v. ROCHA, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 93-8400. *FLORES v. CALIFORNIA.* Ct. App. Cal., 6th App. Dist. Certiorari denied.

No. 93-8401. *FROMAL v. VIRGINIA STATE BAR DISCIPLINARY BOARD.* Sup. Ct. Va. Certiorari denied.

No. 93-8404. *BLOW v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 10 F. 3d 1044.

511 U. S.

May 16, 1994

No. 93-8413. *ROSSER v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 14 F. 3d 603.

No. 93-8416. *McMURRAY v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 93-8418. *MORIN v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 93-8419. *MARSHALL v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 93-8420. *ROLDAN v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 93-8421. *LOFTON v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 93-8422. *PUGH v. CALIFORNIA*. Ct. App. Cal., 6th App. Dist. Certiorari denied.

No. 93-8424. *GALLOWAY v. THURMAN, WARDEN*. Sup. Ct. Cal. Certiorari denied.

No. 93-8425. *HUNTER v. WHITE, WARDEN*. Sup. Ct. Cal. Certiorari denied.

No. 93-8430. *SCOTT v. DELO, SUPERINTENDENT, POTOSI CORRECTIONAL CENTER*. C. A. 8th Cir. Certiorari denied. Reported below: 12 F. 3d 1103.

No. 93-8434. *LAIRD v. PIZZULLI*. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 93-8436. *REID v. CITY OF FLINT ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 7 F. 3d 234.

No. 93-8438. *LEDET v. 15TH JUDICIAL DISTRICT COURT ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 15 F. 3d 181.

No. 93-8439. *CLINTON v. SMITH, WARDEN, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 9 F. 3d 1543.

No. 93-8440. *DUFFEY v. ABBOTT, WARDEN*. C. A. 11th Cir. Certiorari denied.

No. 93-8443. *FAVORS v. CALIFORNIA*. Ct. App. Cal., 3d App. Dist. Certiorari denied.

May 16, 1994

511 U. S.

No. 93-8445. *CORETHERS v. FUERST ET AL.* C. A. 6th Cir. Certiorari denied.

No. 93-8446. *DORADO v. MARYLAND.* C. A. 4th Cir. Certiorari denied. Reported below: 12 F. 3d 204.

No. 93-8447. *BENGALI ET AL. v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 11 F. 3d 1207.

No. 93-8454. *SILVA v. CALIFORNIA.* Ct. App. Cal., 4th App. Dist. Certiorari denied.

No. 93-8455. *ARCE-RAMOS v. UNITED STATES.* C. A. 1st Cir. Certiorari denied. Reported below: 12 F. 3d 1.

No. 93-8458. *WOODS v. SINGLETARY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 93-8460. *SEAGRAVE v. COUNTY OF LAKE ET AL.* C. A. 9th Cir. Certiorari denied.

No. 93-8465. *WESTFALL v. WHITLEY, WARDEN.* C. A. 5th Cir. Certiorari denied.

No. 93-8470. *BRECKENRIDGE v. CALIFORNIA.* Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 93-8471. *WARENCZUK v. PENNSYLVANIA DEPARTMENT OF TRANSPORTATION.* Sup. Ct. Pa. Certiorari denied. Reported below: 534 Pa. 623, 633 A. 2d 1167.

No. 93-8480. *DEMPSEY v. RANGAIRE CORP.* Super. Ct. Mass., Middlesex County. Certiorari denied.

No. 93-8481. *HOFFMAN v. WEBSTER COUNTY SHERIFF'S DEPARTMENT, MARSHFIELD, MISSOURI, ET AL.* C. A. 8th Cir. Certiorari denied.

No. 93-8482. *ELDRIDGE v. JOHNSON ET AL.* C. A. D. C. Cir. Certiorari denied.

No. 93-8483. *JORDAN v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 16 F. 3d 413.

No. 93-8484. *HOLMES, AKA RICHARDS v. SCOTT, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION.* C. A. 5th Cir. Certiorari denied.

511 U. S.

May 16, 1994

No. 93-8486. *GRIECO v. FLORIDA*. Dist. Ct. App. Fla., 4th Dist. Certiorari denied. Reported below: 626 So. 2d 968.

No. 93-8494. *HAWKINS v. GREEN ET AL.* Sup. Ct. Ala. Certiorari denied. Reported below: 639 So. 2d 960.

No. 93-8495. *KELLY v. DECO RECORDS ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 8 F. 3d 818.

No. 93-8496. *KUKES v. CALDERON, WARDEN.* C. A. 9th Cir. Certiorari denied.

No. 93-8497. *FORSTER v. NEW HAMPSHIRE ET AL.* C. A. 1st Cir. Certiorari denied. Reported below: 14 F. 3d 44.

No. 93-8502. *IBARRA-ARREOLA v. NEVADA.* Sup. Ct. Nev. Certiorari denied. Reported below: 109 Nev. 1401, 875 P. 2d 1063.

No. 93-8504. *BENAVIDES v. UNITED STATES ET AL.* C. A. 5th Cir. Certiorari denied.

No. 93-8511. *NYBERG v. SINGLETARY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 11 F. 3d 167.

No. 93-8518. *KOTAS ET UX. v. JOURNAL COMMUNICATIONS ET AL.* C. A. 7th Cir. Certiorari denied.

No. 93-8526. *DEANE v. SMITH, WARDEN.* C. A. 4th Cir. Certiorari denied. Reported below: 12 F. 3d 204.

No. 93-8528. *LYLE v. MICHIGAN DEPARTMENT OF CORRECTIONS.* Sup. Ct. Mich. Certiorari denied. Reported below: 444 Mich. 956, 514 N. W. 2d 767.

No. 93-8535. *COCKRELL v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 18 F. 3d 1156.

No. 93-8536. *PRINCE v. ARKANSAS.* Sup. Ct. Ark. Certiorari denied. Reported below: 315 Ark. 492, 868 S. W. 2d 77.

No. 93-8543. *YEAGER v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 14 F. 3d 55.

No. 93-8549. *CURETON v. MITCHELL, SUPERINTENDENT, EASTERN CORRECTIONAL FACILITY.* C. A. 2d Cir. Certiorari denied. Reported below: 17 F. 3d 392.

May 16, 1994

511 U. S.

No. 93-8556. *JACKSON ET UX. v. CITY OF RENO*. C. A. 9th Cir. Certiorari denied.

No. 93-8562. *SHABAZZ, AKA HURLEY v. NEW YORK*. App. Div., Sup. Ct. N. Y., 3d Jud. Dept. Certiorari denied. Reported below: 191 App. Div. 2d 832, 594 N. Y. S. 2d 464.

No. 93-8582. *ARNOLD v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 11 F. 3d 597.

No. 93-8590. *HUGGINS v. UNITED STATES*. Ct. App. D. C. Certiorari denied.

No. 93-8597. *BARBER v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 14 F. 3d 602.

No. 93-8606. *TILMON v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 15 F. 3d 1094.

No. 93-8607. *VAUGHAN v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 13 F. 3d 1186.

No. 93-8610. *BULGER v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 13 F. 3d 949.

No. 93-8611. *HULL v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 14 F. 3d 55.

No. 93-8617. *HANSON v. PASSER, CHIEF EXECUTIVE OFFICER, ANOKA COUNTY ADULT DETENTION FACILITY*. C. A. 8th Cir. Certiorari denied. Reported below: 13 F. 3d 275.

No. 93-8623. *ZUNIGA-ROSALES v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 8 F. 3d 33.

No. 93-8626. *SAENZ SOLIZ, AKA SAENZ SALAIZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 14 F. 3d 54.

No. 93-8632. *STEWART v. UNITED STATES*. Ct. App. D. C. Certiorari denied.

No. 93-8633. *RAMIREZ-GALVAN v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 14 F. 3d 54.

No. 93-8637. *KENNEMORE v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 16 F. 3d 1221.

511 U. S.

May 16, 1994

No. 93-8638. JOHNSON, AKA GOOD *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 12 F. 3d 827.

No. 93-8642. FULLWOOD *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 14 F. 3d 59.

No. 93-8643. BARMORE *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 9 F. 3d 1559.

No. 93-8648. STEPHENSON *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 14 F. 3d 55.

No. 93-8649. TUCKER *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 14 F. 3d 57.

No. 93-8652. SIMS-ROBERTSON *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 16 F. 3d 1223.

No. 93-8653. WALLACE *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 5 F. 3d 1500.

No. 93-8655. SERNA SANCHEZ *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 12 F. 3d 1350.

No. 93-8658. BUTT *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 16 F. 3d 412.

No. 93-8666. COLLINS *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 15 F. 3d 179.

No. 93-8667. BARKER *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 14 F. 3d 58.

No. 93-8672. HERRERA *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 13 F. 3d 409.

No. 93-8675. GONZALEZ-LERMA *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 14 F. 3d 1479.

No. 93-8676. HARRIS *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 16 F. 3d 1229.

No. 93-8677. NARANJO *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 14 F. 3d 145.

No. 93-8680. MARTINEZ *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 14 F. 3d 54.

May 16, 1994

511 U. S.

No. 93-8681. *MESSER v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 998 F. 2d 1023.

No. 93-8682. *REAVES v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 13 F. 3d 711.

No. 93-8686. *WELCH v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 15 F. 3d 1202.

No. 93-8700. *EL-MASRI, AKA MASRI v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 12 F. 3d 207.

No. 93-8705. *WALKER v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 9 F. 3d 1245.

No. 93-8713. *MIHALEK v. MICHIGAN ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 9 F. 3d 1548.

No. 93-8714. *BARRETO v. MCCLELLAN, SUPERINTENDENT, SOUTHPORT CORRECTIONAL FACILITY*. C. A. 2d Cir. Certiorari denied.

No. 93-8729. *NADER v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 9 F. 3d 1558.

No. 93-8733. *LOPEZ v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 11 F. 3d 315.

No. 93-8738. *MOORE v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 11 F. 3d 475.

No. 93-8741. *CUEVAS v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 9 F. 3d 110.

No. 93-8742. *BURKE v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 15 F. 3d 1090.

No. 93-8743. *BURCIAGA v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 17 F. 3d 1437.

No. 93-8744. *BROUSSARD v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 9 F. 3d 103.

No. 93-8745. *BRAGG v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 15 F. 3d 179.

No. 93-8746. *RIVAS-CORDOVA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 8 F. 3d 236.

511 U. S.

May 16, 1994

No. 93–8748. *WEBER v. MURPHY, WARDEN*. C. A. 7th Cir. Certiorari denied. Reported below: 15 F. 3d 691.

No. 93–8749. *TAYLOR v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 16 F. 3d 413.

No. 93–8756. *SNITKIN v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 17 F. 3d 1432.

No. 93–8787. *PRUDHOME v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 13 F. 3d 147.

No. 93–8788. *LEJARDE v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 14 F. 3d 57.

No. 93–8789. *POPE v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 14 F. 3d 603.

No. 93–1272. *ANDERSEN v. UNITED STATES ET AL.* C. A. 9th Cir. Certiorari denied. JUSTICE THOMAS took no part in the consideration or decision of this petition. Reported below: 8 F. 3d 25.

No. 93–1495. *LEWIS, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS, ET AL. v. BLAZAK*. C. A. 9th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 1 F. 3d 891.

No. 93–1500. *SOWDERS, WARDEN v. CARTER*. C. A. 6th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 5 F. 3d 975.

No. 93–6047. *WILLS v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied.

JUSTICE O’CONNOR, concurring.

As JUSTICE BLACKMUN details, *post*, p. 1098, petitioner appears to have a strong claim under *Penry v. Lynaugh*, 492 U. S. 302 (1989), that the jury at his capital sentencing trial was unable to give mitigating effect to his mental retardation. It has been the traditional practice of this Court, however, to decline to review claims raised for the first time on rehearing in the court below. See *Radio Station WOW, Inc. v. Johnson*, 326 U. S. 120, 128 (1945) (“Questions first presented to the highest State court

on a petition for rehearing come too late for consideration here, *unless* the State court exerted its jurisdiction [over them on rehearing]”) (emphasis added). Following this practice here makes good sense because we do not have the benefit of a decision analyzing the application of *Penry* to the facts of petitioner’s case. Petitioner is free to bring his *Penry* claim to the attention of the Texas courts in a postconviction proceeding. See *Ex parte Kunkle*, 852 S. W. 2d 499, 502, n. 3 (Tex. Crim. App. 1993) (*Penry* claims are cognizable in state habeas despite an applicant’s failure to raise them on direct appeal). If he is unsuccessful in state court, petitioner can proceed to federal court and petition for a writ of habeas corpus. Because these avenues of relief are sufficient to afford full review of petitioner’s substantial constitutional claim, I concur in the denial of the petition for a writ of certiorari.

JUSTICE BLACKMUN, dissenting.

Petitioner Bobby Joe Wills, a mentally retarded capital defendant who was 17 at the time of his offense, was sentenced to death in Texas without the jury’s being allowed to give mitigating effect to his mental impairment. Petitioner’s death sentence thus was imposed in direct violation of *Penry v. Lynaugh*, 492 U.S. 302 (1989), and is devoid of the reliability the Constitution requires before death can be the appropriate punishment. See *Woodson v. North Carolina*, 428 U.S. 280, 305 (1976) (opinion of Stewart, Powell, and STEVENS, JJ.).

Petitioner has an IQ of 61.¹ At his trial in 1985, petitioner’s counsel introduced evidence of petitioner’s mental retardation to challenge only the reliability of his confession and his *mens rea* to commit the offense. At the close of the guilt phase, the prosecutor admonished the jury not to “‘have any sympathy for the defendant because he’s a little slow or he’s borderline mentally retarded Don’t say, Poor Old Bobby Joe, he’s a little slow, he’s borderline mentally retarded. Let’s give him a break.’”

¹ At the time of petitioner’s trial, the American Association on Mental Retardation classified individuals with an IQ score between 50–55 and 70 as having “mild” retardation. See *Penry v. Lynaugh*, 492 U.S. 302, 308, n. 1 (1989). In 1992, the association revised its classification to identify individuals with an IQ of 75 or below as presumptively retarded. See AAMR, *Mental Retardation: Definition, Classification, and Systems of Supports* 14 (9th ed. 1992).

1097

BLACKMUN, J., dissenting

Pet. for Cert. 10. At the penalty phase, the jurors were asked to answer Texas' two standard "special issues": "Did [Wills] act deliberately when he murdered . . . ? Is there a probability that he will be dangerous in the future?" See *Penry*, 492 U.S., at 320. The prosecutor repeatedly commanded the jurors to consider only these questions and reminded them: "'You're not asked, 'Was the defendant given an unfair chance at life?'" Pet. for Cert. 11. After reviewing petitioner's unstable past, the prosecutor concluded that "all the counselors and all the psychologists and all the teachers and all the case workers and all the supervisors can't do anything for Bobby Joe Wills. *They can't rehabilitate Bobby Joe Wills.*" *Ibid.* (emphasis added). The jury returned affirmative answers to both special issues and sentenced petitioner to death.

Penry v. Lynaugh was decided while petitioner's direct appeal was pending. Recognizing that mental retardation may render a defendant "less morally 'culpable than defendants who have no such excuse,'" 492 U.S., at 322, quoting *California v. Brown*, 479 U.S. 538, 545 (1987) (O'CONNOR, J., concurring), this Court held that Texas' execution of a mentally retarded defendant, without the jury's being instructed that it could consider and give mitigating effect to his mental impairment in imposing sentence, would violate the Eighth Amendment. A rational juror, this Court observed, readily could conclude that a mentally retarded capital defendant had killed deliberately and was likely to be dangerous in the future, while also concluding that mercy and the defendant's reduced culpability for the crime made his execution inappropriate. Texas' capital sentencing scheme allowed a jury to give effect to the former conclusion but not the latter, and thus eliminated "a constitutionally indispensable part of the process of inflicting the penalty of death." *Woodson*, 428 U.S., at 304 (opinion of Stewart, Powell, and STEVENS, JJ.).

Like *Penry*, petitioner was condemned to die by the State of Texas without the jury's ever having had an opportunity to give a "reasoned *moral* response to the defendant's background, character, and crime." *Brown*, 479 U.S., at 545 (O'CONNOR, J., concurring). His sentence therefore runs the constitutionally intolerable risk that the death penalty has been imposed despite the presence of factors that may justify a sentence less than death.

May 16, 1994

511 U. S.

See *Lockett v. Ohio*, 438 U. S. 586, 605 (1978) (opinion of Burger, C. J.).²

It is possible that petitioner's claims may be better addressed in state and federal postconviction proceedings. Even if I did not believe that the death penalty cannot be fairly administered within the constraints of our Constitution, see *Callins v. Collins*, 510 U. S. 1141, 1143 (1994) (BLACKMUN, J., dissenting from denial of certiorari), however, because the execution of this mentally retarded juvenile offender would constitute a miscarriage of justice, I would grant the petition, vacate the death sentence, and remand for resentencing. I therefore dissent.

No. 93-6750. MANN *v.* OKLAHOMA. Ct. Crim. App. Okla.;
No. 93-7505. ALEXANDER *v.* TEXAS. Ct. Crim. App. Tex.;
No. 93-8029. MAREK *v.* SINGLETARY, SECRETARY, FLORIDA
DEPARTMENT OF CORRECTIONS. Sup. Ct. Fla.;
No. 93-8205. HOOKS *v.* OKLAHOMA. Ct. Crim. App. Okla.;
No. 93-8329. HALLFORD *v.* ALABAMA. Ct. Crim. App. Ala.;
No. 93-8405. CODE *v.* LOUISIANA. Sup. Ct. La.;
No. 93-8550. BEUKE *v.* OHIO. Sup. Ct. Ohio;
No. 93-8585. CHAMBERS *v.* TEXAS. Ct. Crim. App. Tex.;
No. 93-8717. BUELL *v.* OHIO. Sup. Ct. Ohio; and
No. 93-8736. CONKLIN *v.* ZANT, WARDEN. Sup. Ct. Ga. Cer-
tiorari denied. Reported below: No. 93-6750, 856 P. 2d 992;

²Petitioner additionally claims that the execution of mentally retarded juvenile offenders is cruel and unusual punishment in violation of the Eighth Amendment. This Court has recognized that youth, like mental retardation, reduces a defendant's criminal culpability and may render the imposition of society's ultimate retributive sanction inappropriate. See, e. g., *Eddings v. Oklahoma*, 455 U. S. 104, 115-116 (1982); *Thompson v. Oklahoma*, 487 U. S. 815 (1988) (striking death sentence for juvenile offender under age 16); but see *Stanford v. Kentucky*, 492 U. S. 361 (1989) (declining to declare capital punishment *per se* invalid for juvenile offenders age 16 or older). That such executions violate society's "evolving standards of decency," *Trop v. Dulles*, 356 U. S. 86, 101 (1958) (plurality opinion), is consistent, of course, with international practice, which condemns the execution of both the mentally disabled and juvenile offenders. At least 72 countries that *retain* the death penalty restrict its administration to persons age 18 or over at the time of the offense. Amnesty International, Open Letter to the President on the Death Penalty 8, n. 10 (1994). The United States thus "stands almost alone in the world in still executing offenders who were under-18 at the time of the crime." *Id.*, at 8. See generally W. Schabas, *The Abolition of the Death Penalty in International Law* (1993).

511 U. S.

May 16, 1994

No. 93-7505, 866 S. W. 2d 1; No. 93-8029, 626 So. 2d 160; No. 93-8205, 862 P. 2d 1273; No. 93-8329, 629 So. 2d 6; No. 93-8405, 627 So. 2d 1373; No. 93-8550, 67 Ohio St. 3d 1500, 622 N. E. 2d 649; No. 93-8585, 866 S. W. 2d 9; No. 93-8717, 67 Ohio St. 3d 1500, 622 N. E. 2d 649.

JUSTICE BLACKMUN, dissenting.

Adhering to my view that the death penalty cannot be imposed fairly within the constraints of our Constitution, see my dissent in *Callins v. Collins*, 510 U. S. 1141, 1143 (1994), I would grant certiorari and vacate the death sentences in these cases.

No. 93-8371. *ADESANYA v. IMMIGRATION AND NATURALIZATION SERVICE*. C. A. 9th Cir. Motion of petitioner to defer consideration of petition for writ of certiorari denied. Certiorari denied. Reported below: 996 F. 2d 1223.

Rehearing Denied

No. 92-9049. *SANDOVAL v. CALIFORNIA*, *ante*, p. 1;
No. 93-946. *WULIGER v. UNITED STATES*, 510 U. S. 1191;
No. 93-1063. *HAYWARD ET AL. v. UNITED STATES*, *ante*, p. 1004;
No. 93-1219. *WILSON v. SOUTHERN RAILWAY CO. ET AL.*, 510 U. S. 1195;
No. 93-1311. *BURCHILL v. KISH ET AL.*, *ante*, p. 1006;
No. 93-6585. *STRIBLING v. COLLINS ET AL.*, 510 U. S. 1053;
No. 93-7195. *WARREN v. CITY OF GRAND RAPIDS*, 510 U. S. 1127;
No. 93-7257. *HARRIS v. CAMPBELL, JUDGE, CIRCUIT COURT OF MISSOURI, ST. LOUIS COUNTY*, 510 U. S. 1130;
No. 93-7429. *POOLE v. CITY OF KILLEEN ET AL.*, 510 U. S. 1180;
No. 93-7488. *PAWLAK v. PENNSYLVANIA BOARD OF LAW EXAMINERS*, 510 U. S. 1215;
No. 93-7551. *COTTON v. KANSAS*, 510 U. S. 1199;
No. 93-7562. *MCCONNELL v. ARMONTROUT, WARDEN, ET AL.*, 510 U. S. 1200;
No. 93-7570. *SIPOS v. WILLIAMSON*, 510 U. S. 1200;
No. 93-7575. *FRANKLIN v. MICHIGAN*, 510 U. S. 1200;
No. 93-7658. *KLEINSCHMIDT v. GATOR OFFICE SUPPLY & FURNITURE, INC., ET AL.*, 510 U. S. 1202;

May 16, 18, 23, 1994

511 U. S.

- No. 93-7673. *BLACKSTON v. SKARBNIK ET AL.*, 510 U. S. 1202;
No. 93-7721. *SANFORD v. ALAMEDA-CONTRA COSTA TRANSIT DISTRICT ET AL.*, *ante*, p. 1007;
No. 93-7723. *SWEENEY v. CIVIL SERVICE COMMISSION*, *ante*, p. 1007;
No. 93-7728. *WILLIAMS v. PINE BLUFF SCHOOL DISTRICT NO. 3 ET AL.*, *ante*, p. 1007;
No. 93-7752. *LYLE v. MCKEON*, *ante*, p. 1008;
No. 93-7753. *ROGERS v. NORTH CAROLINA*, *ante*, p. 1008;
No. 93-7764. *SHANTEAU v. DEPARTMENT OF SOCIAL SERVICES*, *ante*, p. 1008;
No. 93-7767. *IN RE MADSEN*, *ante*, p. 1003;
No. 93-7783. *ESTES v. VAN DER VEUR, WARDEN*, *ante*, p. 1021;
No. 93-7844. *FLYNN v. CITY OF GARDEN CITY, MICHIGAN, ET AL.*; and *FLYNN v. B&T TOWING*, *ante*, p. 1010;
No. 93-7861. *WRIGHT v. MARSHALL ET AL.*, *ante*, p. 1022;
No. 93-7867. *SIMPSON v. MURRAY, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS*, 510 U. S. 1205;
No. 93-8045. *BARTLETT v. VANCE*, *ante*, p. 1040; and
No. 93-8058. *IN RE SAMMONS*, 510 U. S. 1190. Petitions for rehearing denied.
- No. 93-6776. *HICKS v. BALTIMORE GAS & ELECTRIC CO.*, 510 U. S. 1059; and
No. 93-7396. *LAAN v. CALIFORNIA*, 510 U. S. 1167. Motions for leave to file petitions for rehearing denied.

MAY 18, 1994

Dismissal Under Rule 46

No. 93-1170. *UNITED STATES ET AL. v. NATIONAL TREASURY EMPLOYEES UNION ET AL.* C. A. D. C. Cir. [Certiorari granted, *ante*, p. 1029.] Writ of certiorari as to Thomas C. Fishell dismissed under this Court's Rule 46.1.

MAY 23, 1994

Dismissal Under Rule 46

No. 93-8684. *ROYAL v. UNITED STATES*. C. A. 4th Cir. Certiorari dismissed under this Court's Rule 46. Reported below: 16 F. 3d 413.

511 U. S.

May 23, 1994

Certiorari Granted—Vacated and Remanded. (See also No. 92–1113, *ante*, p. 659.)

No. 93–883. INTERSTATE COMMERCE COMMISSION ET AL. *v.* OVERLAND EXPRESS, INC. C. A. D. C. Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Security Services, Inc. v. Kmart Corp.*, *ante*, p. 431. JUSTICE GINSBURG took no part in the consideration or decision of this case. Reported below: 996 F. 2d 356.

No. 93–1129. COTTER & CO. *v.* BRIZENDINE. C. A. 7th Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Security Services, Inc. v. Kmart Corp.*, *ante*, p. 431. Reported below: 4 F. 3d 457.

Certiorari Dismissed

No. 93–1563. NORTHBROOK PROPERTY & CASUALTY INSURANCE CO. *v.* EDWARDS ET AL. C. A. 5th Cir. Motion of Northbrook Property Insurance Co. for leave to intervene denied. Motion of Northbrook Property Insurance Co. for leave to file a brief as *amicus curiae* in No. 93–1504, *Celotex Corp. v. Edwards et ux.* [certiorari granted, *infra*, p. 1105], granted. Certiorari dismissed. Reported below: 6 F. 3d 312.

Miscellaneous Orders

No. D–1336. IN RE DISBARMENT OF PRICE. Disbarment entered. [For earlier order herein, see 510 U. S. 1022.]

No. D–1349. IN RE DISBARMENT OF COOPER. Disbarment entered. [For earlier order herein, see 510 U. S. 1036.]

No. D–1359. IN RE DISBARMENT OF STEINHORN. Disbarment entered. [For earlier order herein, see 510 U. S. 1104.]

No. D–1360. IN RE DISBARMENT OF PROVDA. Disbarment entered. [For earlier order herein, see 510 U. S. 1105.]

No. D–1364. IN RE DISBARMENT OF HERRING. Disbarment entered. [For earlier order herein, see 510 U. S. 1105.]

No. D–1366. IN RE DISBARMENT OF STEVENS. Disbarment entered. [For earlier order herein, see 510 U. S. 1105.]

No. D–1372. IN RE DISBARMENT OF SMITH. Disbarment entered. [For earlier order herein, see 510 U. S. 1188.]

May 23, 1994

511 U. S.

No. D-1376. IN RE DISBARMENT OF NATH. Disbarment entered. [For earlier order herein, see *ante*, p. 1002.]

No. D-1391. IN RE DISBARMENT OF CASTRO. It is ordered that William Castro, of Miami, 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-1392. IN RE DISBARMENT OF BLEDSOE. It is ordered that Carter Bledsoe, of McLean, 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-1393. IN RE DISBARMENT OF COMICI. It is ordered that Erio M. Comici, of Chesterfield, 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-1394. IN RE DISBARMENT OF FARHAT. It is ordered that Norman C. Farhat, of Farmington Hills, Mich., be suspended from the practice of law in this Court and that a rule issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. D-1395. IN RE DISBARMENT OF MORINGIELLO. It is ordered that Lawrence D. Moringiello, of Brooklyn, N. Y., be suspended from the practice of law in this Court and that a rule issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. D-1396. IN RE DISBARMENT OF CAIRO. It is ordered that Joseph G. Cairo, Jr., of Corona Village, 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. 93-823. NEBRASKA DEPARTMENT OF REVENUE *v.* LOEWENSTEIN. Sup. Ct. Neb. [Certiorari granted, 510 U.S. 1176.] Motions of Federal Reserve Bank of New York and Council of State Governments et al. for leave to file briefs as *amici curiae* granted.

511 U. S.

May 23, 1994

No. 93–1260. *UNITED STATES v. LOPEZ*. C. A. 5th Cir. [Certiorari granted, *ante*, p. 1029.] Motion of the Solicitor General to dispense with printing the joint appendix granted.

No. 93–1318. *INTERSTATE COMMERCE COMMISSION v. TRANSCON LINES ET AL.* C. A. 9th Cir. [Certiorari granted, *ante*, p. 1029.] Motion of the Solicitor General to dispense with printing the joint appendix granted.

No. 93–1341. *WEST PENN POWER CO. ET AL. v. PENNSYLVANIA PUBLIC UTILITY COMMISSION ET AL.* Sup. Ct. Pa. The Solicitor General is invited to file a brief in this case expressing the views of the United States.

No. 93–7745. *JOHNSON v. JOHNSON*. Super. Ct. N. J., App. Div. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [*ante*, p. 1003] denied.

No. 93–8569. *IN RE WHITAKER*. Motion of petitioner for leave to proceed *in forma pauperis* denied. See this Court's Rule 39.8. Petitioner is allowed until June 13, 1994, 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. 93–8547. *IN RE JAMES*; and

No. 93–8616. *IN RE BEAUMONT*. Petitions for writs of mandamus denied.

Certiorari Granted

No. 93–1199. *STONE v. IMMIGRATION AND NATURALIZATION SERVICE*. C. A. 6th Cir. Certiorari granted. Reported below: 13 F. 3d 934.

No. 93–1525. *LEBRON v. NATIONAL RAILROAD PASSENGER CORPORATION*. C. A. 2d Cir. Certiorari granted. Reported below: 12 F. 3d 388.

No. 93–1504. *CELOTEX CORP. v. EDWARDS ET UX*. C. A. 5th Cir. Certiorari granted limited to the following question: “Whether Rule 65.1 of the Federal Rules of Civil Procedure allows enforcement of a supersedeas bond, posted to stay execution of judgment against a defendant that filed for reorganization after the judgment became final, against the nonbankrupt surety that issued the bond, even though a bankruptcy court in another

May 23, 1994

511 U. S.

circuit has attempted to restrain execution on supersedeas bonds posted in favor of the debtor under § 105(a) of the Bankruptcy Code.” Reported below: 6 F. 3d 312.

No. 93–1543. *MCKENNON v. NASHVILLE BANNER PUBLISHING CO.* C. A. 6th Cir. Motion of American Association of Retired Persons et al. for leave to file a brief as *amici curiae* granted. Certiorari granted. Reported below: 9 F. 3d 539.

Certiorari Denied

No. 93–683. *SECURITY SERVICES, INC., FKA RISS INTERNATIONAL CORP. v. GARVEY CORP. ET AL.* C. A. 3d Cir. Certiorari denied.

No. 93–792. *SILVEY REFRIGERATED CARRIERS, INC. v. H. J. HEINZ Co.* C. A. 3d Cir. Certiorari denied. Reported below: 6 F. 3d 780.

No. 93–1133. *TOWN OF GRAY ET AL. v. TRI-STATE RUBBISH, INC., ET AL.* Sup. Jud. Ct. Me. Certiorari denied. Reported below: 632 A. 2d 134.

No. 93–1215. *MITCHELL ARMS, INC. v. UNITED STATES.* C. A. Fed. Cir. Certiorari denied. Reported below: 7 F. 3d 212.

No. 93–1230. *SCHNEIDER v. UNITED STATES.* Ct. Mil. App. Certiorari denied. Reported below: 38 M. J. 387.

No. 93–1265. *DOUGHARTY v. UNITED STATES.* C. A. Fed. Cir. Certiorari denied. Reported below: 11 F. 3d 1073.

No. 93–1335. *SECURITY SERVICES, INC. v. JOHN H. HARLAND Co.* Ct. App. Ga. Certiorari denied. Reported below: 209 Ga. App. 175, 433 S. E. 2d 324.

No. 93–1403. *ARTHUR ET AL. v. BELL ATLANTIC CORP. ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 12 F. 3d 204.

No. 93–1470. *METZGER ET AL. v. BERHANU, PERSONAL REPRESENTATIVE OF THE ESTATE OF SERAW, DECEASED.* Ct. App. Ore. Certiorari denied. Reported below: 119 Ore. App. 175, 850 P. 2d 373.

No. 93–1505. *TRI-STATE RUBBISH, INC. v. CITY OF AUBURN, MAINE, ET AL.* Sup. Jud. Ct. Me. Certiorari denied.

511 U. S.

May 23, 1994

No. 93-1508. *MOSELEY ET UX. v. GEORGIA ET AL.* Sup. Ct. Ga. Certiorari denied. Reported below: 263 Ga. 679, 436 S. E. 2d 632.

No. 93-1526. *NELSON v. NELSON.* Super. Ct. Ga., Gwinnett County. Certiorari denied.

No. 93-1527. *ROGERS v. CITY OF INVERNESS, FLORIDA, ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 9 F. 3d 1558.

No. 93-1528. *CLARK v. BALTIMORE MUNICIPAL GOLF CORP. ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 19 F. 3d 10.

No. 93-1536. *EJAY TRAVEL, INC., ET AL. v. ALGEMEEN BURG-ERLIJK PENSIOENFONDS.* C. A. 3d Cir. Certiorari denied. Reported below: 12 F. 3d 1270.

No. 93-1537. *KEHS ET AL. v. FOSTER ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 16 F. 3d 1227.

No. 93-1541. *HALL v. HALL;* and

No. 93-1542. *CAMOSCIO v. HALL.* Sup. Jud. Ct. Mass. Certiorari denied.

No. 93-1545. *RUSCITTI ET AL. v. FARMERS INSURANCE EXCHANGE.* Ct. App. Colo. Certiorari denied.

No. 93-1546. *RAY v. PEABODY INSTITUTE OF THE JOHNS HOPKINS UNIVERSITY CONSERVATORY OF MUSIC.* C. A. 4th Cir. Certiorari denied. Reported below: 11 F. 3d 31.

No. 93-1548. *JOHNSON, INDIVIDUALLY AND AS CONSERVATOR OF THE ESTATE OF JOHNSON, AND AS NEXT BEST FRIEND OF JOHNSON, A MINOR v. METHODIST MEDICAL CENTER OF ILLINOIS.* C. A. 7th Cir. Certiorari denied. Reported below: 10 F. 3d 1300.

No. 93-1549. *COUNTY OF WESTCHESTER, NEW YORK v. COMMISSIONER OF TRANSPORTATION OF CONNECTICUT ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 9 F. 3d 242.

No. 93-1553. *BOYD v. GOOLSBY ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 11 F. 3d 59.

No. 93-1557. *LAMB v. UNION CARBIDE CORP.* C. A. 4th Cir. Certiorari denied. Reported below: 14 F. 3d 595.

May 23, 1994

511 U. S.

No. 93-1558. *SPRANGER v. RUNYON*, POSTMASTER GENERAL. C. A. 9th Cir. Certiorari denied. Reported below: 15 F. 3d 1089.

No. 93-1574. *MCNARON v. BROWN*, SECRETARY OF VETERANS AFFAIRS. C. A. Fed. Cir. Certiorari denied. Reported below: 17 F. 3d 1443.

No. 93-1580. *KRUG v. AMBROSE, WILSON, GRIMM & DURAND ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 16 F. 3d 1220.

No. 93-1590. *HARPER v. HARPER*. Ct. App. Ore. Certiorari denied. Reported below: 122 Ore. App. 9, 856 P. 2d 334.

No. 93-1600. *EGB ASSOCIATES, INC., ET AL. v. TCBY SYSTEMS, INC., ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 2 F. 3d 288.

No. 93-1601. *BACHTEL ET AL. v. UNITED STATES*. C. A. Fed. Cir. Certiorari denied. Reported below: 11 F. 3d 1069.

No. 93-1605. *ALLIED VAN LINES, INC. v. OBERG ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 11 F. 3d 679.

No. 93-1611. *WHITMAN, INDIVIDUALLY AND AS EXECUTRIX OF THE ESTATE OF WHITMAN, DECEASED, ET AL. v. DONOGHUE, INDIVIDUALLY AND IN HIS CAPACITY AS COMMISSIONER OF PUBLIC WORKS FOR THE COUNTY OF BROOME, NEW YORK, ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 17 F. 3d 1426.

No. 93-1616. *GUZMAN v. HUDSON*, DIRECTOR, UNITED STATES MARSHALS SERVICE. C. A. 7th Cir. Certiorari denied. Reported below: 14 F. 3d 604.

No. 93-1641. *DOE, BY AND THROUGH HIS PARENTS AND NEXT FRIENDS, DOE ET AL. v. TULLAHOMA CITY SCHOOLS BOARD OF EDUCATION ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 9 F. 3d 455.

No. 93-1646. *FORESTWOOD FARMS, INC. v. NATIONAL LABOR RELATIONS BOARD*. C. A. 11th Cir. Certiorari denied. Reported below: 3 F. 3d 443.

No. 93-1648. *KAMIENSKI v. NEW JERSEY*. Super. Ct. N. J., App. Div. Certiorari denied.

511 U. S.

May 23, 1994

No. 93-1664. *WILLIAMS ET AL. v. STEWART, PERSONAL REPRESENTATIVE OF THE ESTATE OF STEWART*. Ct. Sp. App. Md. Certiorari denied. Reported below: 97 Md. App. 620, 631 A. 2d 517.

No. 93-1668. *CROWELL v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 12 F. 3d 1109.

No. 93-1680. *CONTRERAS-SUBIAS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 13 F. 3d 1341.

No. 93-1694. *ADAMS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 16 F. 3d 412.

No. 93-6253. *ALLUM v. SECOND JUDICIAL DISTRICT COURT OF NEVADA ET AL.* Sup. Ct. Nev. Certiorari denied. Reported below: 109 Nev. 1388, 875 P. 2d 1048.

No. 93-7583. *BLACK v. COLORADO*. C. A. 10th Cir. Certiorari denied. Reported below: 996 F. 2d 310.

No. 93-7699. *KARIM-PANAHI v. UNITED STATES ET AL.* C. A. D. C. Cir. Certiorari denied. Reported below: 8 F. 3d 71.

No. 93-7826. *GEERY v. UNITED STATES DISTRICT COURT FOR THE DISTRICT OF IDAHO*. C. A. 9th Cir. Certiorari denied.

No. 93-7849. *BARFIELD v. SECRETARY, NORTH CAROLINA DEPARTMENT OF CRIME CONTROL, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 7 F. 3d 1140.

No. 93-7856. *BENNETT v. BORG, WARDEN*. C. A. 9th Cir. Certiorari denied. Reported below: 15 F. 3d 1083.

No. 93-7871. *DUPARD v. JARVIS ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 7 F. 3d 233.

No. 93-7935. *KOWALCZYK v. THOMPSON, WARDEN, ET AL.* C. A. 2d Cir. Certiorari denied.

No. 93-7979. *LOWERY v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 9 F. 3d 1558.

No. 93-8006. *MENA v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist. Certiorari denied.

May 23, 1994

511 U. S.

No. 93-8035. *GOINS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 11 F. 3d 441.

No. 93-8049. *BALOG v. SHALALA, SECRETARY OF HEALTH AND HUMAN SERVICES*. C. A. 3d Cir. Certiorari denied. Reported below: 16 F. 3d 402.

No. 93-8070. *MIKHAIL v. RAILROAD RETIREMENT BOARD*. C. A. 9th Cir. Certiorari denied. Reported below: 5 F. 3d 538.

No. 93-8208. *ISRAEL, AKA BRYANT v. UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF FLORIDA*. C. A. 11th Cir. Certiorari denied.

No. 93-8255. *STREETER v. ALABAMA*. C. A. 11th Cir. Certiorari denied. Reported below: 15 F. 3d 1096.

No. 93-8295. *WARREN v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 999 F. 2d 546.

No. 93-8299. *STARKEY v. HENDERSON*. C. A. 9th Cir. Certiorari denied.

No. 93-8428. *CULP v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 7 F. 3d 613.

No. 93-8474. *SHERMAN v. COMMUNITY CONSOLIDATED SCHOOL DISTRICT 21 OF WHEELING TOWNSHIP, ILLINOIS, ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 8 F. 3d 1160.

No. 93-8509. *MURPHY v. COUNTY OF WESTCHESTER ET AL.* C. A. 2d Cir. Certiorari denied.

No. 93-8512. *MAXWELL v. ARVONIO*. C. A. 3d Cir. Certiorari denied.

No. 93-8513. *CASTRO LOPEZ v. CALIFORNIA*. Ct. App. Cal., 4th App. Dist. Certiorari denied.

No. 93-8517. *MEEKS v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 93-8527. *RAY v. ERVIN ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 14 F. 3d 596.

No. 93-8529. *PRESSLEY v. MEDLOCK, ATTORNEY GENERAL OF SOUTH CAROLINA*. C. A. 4th Cir. Certiorari denied. Reported below: 14 F. 3d 596.

511 U. S.

May 23, 1994

No. 93-8530. *PAYNE v. ESCAMBIA COUNTY SHERIFF*. C. A. 11th Cir. Certiorari denied.

No. 93-8532. *MEDINA v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 93-8533. *WILSON v. SANDERS, WARDEN, ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 14 F. 3d 53.

No. 93-8537. *DRAPER v. GUNN ET AL.* C. A. 9th Cir. Certiorari denied.

No. 93-8538. *LUCERO v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 93-8541. *D'AMARIO v. O'NEIL, ATTORNEY GENERAL OF RHODE ISLAND*. C. A. 1st Cir. Certiorari denied.

No. 93-8548. *WILLIAMS v. SINGLETARY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS*. C. A. 11th Cir. Certiorari denied. Reported below: 8 F. 3d 36.

No. 93-8560. *FRANKLIN v. ENNIS POLICE DEPARTMENT ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 12 F. 3d 1098.

No. 93-8561. *REYNOLDS v. CALIFORNIA*. Ct. App. Cal., 4th App. Dist. Certiorari denied.

No. 93-8566. *WALKER v. JONES, WARDEN*. C. A. 11th Cir. Certiorari denied. Reported below: 10 F. 3d 1569.

No. 93-8567. *TUCKER v. NINK, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 15 F. 3d 1090.

No. 93-8568. *TOY v. FLORIDA*. C. A. 11th Cir. Certiorari denied.

No. 93-8574. *LEWIS v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 3 F. 3d 252.

No. 93-8584. *DUKOVICH v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 11 F. 3d 140.

No. 93-8588. *EWELL ET AL. v. MURRAY, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 11 F. 3d 482.

May 23, 1994

511 U. S.

No. 93-8591. *GIPSON v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 93-8594. *JORDAN v. ALABAMA*. Ct. Crim. App. Ala. Certiorari denied. Reported below: 629 So. 2d 738.

No. 93-8595. *KLEINSCHMIDT ET AL. v. LIBERTY MUTUAL INSURANCE CO. ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 8 F. 3d 35.

No. 93-8598. *MITCHELL v. OSBORNE, WARDEN, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 14 F. 3d 595.

No. 93-8600. *MACIEL v. GOMEZ, DIRECTOR, CALIFORNIA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 93-8602. *RICHARDS v. BARTLETT, SUPERINTENDENT, ELMIRA CORRECTIONAL FACILITY.* C. A. 2d Cir. Certiorari denied.

No. 93-8605. *GRECO, AKA GRIECO v. NELSON, SUPERINTENDENT, BAY STATE CORRECTIONAL CENTER.* C. A. 1st Cir. Certiorari denied.

No. 93-8629. *SLOAN v. ROBERTS ET AL.* Sup. Ct. Va. Certiorari denied.

No. 93-8639. *JEFFRESS v. BROWN, SECRETARY OF VETERANS AFFAIRS.* C. A. Fed. Cir. Certiorari denied. Reported below: 22 F. 3d 1106.

No. 93-8660. *THOMPSON v. UNITED STATES.* Ct. App. D. C. Certiorari denied.

No. 93-8661. *VOIGHT v. LEWIS, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 5 F. 3d 544.

No. 93-8668. *GRIFFITH v. UNITED STATES.* Ct. App. D. C. Certiorari denied.

No. 93-8693. *BRANHAM v. UNITED STATES.* C. A. 10th Cir. Certiorari denied. Reported below: 17 F. 3d 1436.

No. 93-8696. *BARNUM v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 15 F. 3d 181.

511 U. S.

May 23, 1994

No. 93-8726. *LEBLANC v. SHALALA, SECRETARY OF HEALTH AND HUMAN SERVICES*. C. A. 5th Cir. Certiorari denied. Reported below: 15 F. 3d 180.

No. 93-8734. *RAU v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 14 F. 3d 603.

No. 93-8763. *KAPLAN v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 16 F. 3d 1222.

No. 93-8764. *FORREST v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 17 F. 3d 916.

No. 93-8765. *KANU v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 22 F. 3d 1090.

No. 93-8773. *FIALLO v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 93-8779. *ATAMANTYK v. DEPARTMENT OF DEFENSE*. C. A. Fed. Cir. Certiorari denied. Reported below: 17 F. 3d 1443.

No. 93-8781. *KELLY v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 2 F. 3d 1157.

No. 93-8784. *COLVIN v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 14 F. 3d 57.

No. 93-8786. *MCKAY v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 21 F. 3d 1113.

No. 93-8790. *MESSER v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 14 F. 3d 59.

No. 93-8791. *LEE v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 15 F. 3d 1079.

No. 93-8794. *MCQUEEN v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 14 F. 3d 58.

No. 93-8797. *McKNIGHT v. IOWA*. Sup. Ct. Iowa. Certiorari denied. Reported below: 511 N. W. 2d 389.

No. 93-8806. *GHOLSTON v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 10 F. 3d 384.

May 23, 1994

511 U. S.

No. 93-8808. *MARSHALL v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 9 F. 3d 1558.

No. 93-8812. *JACKSON v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 16 F. 3d 1222.

No. 93-8814. *MARTINEZ DIAZ v. GOVERNMENT OF THE VIRGIN ISLANDS*. C. A. 3d Cir. Certiorari denied. Reported below: 17 F. 3d 1431.

No. 93-8817. *HANKERSON v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 14 F. 3d 57.

No. 93-8821. *LEE v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 16 F. 3d 1222.

No. 93-8826. *SANCHEZ SANTANA v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 16 F. 3d 1231.

No. 93-8835. *DRESSLER v. WISCONSIN*. Ct. App. Wis. Certiorari denied. Reported below: 180 Wis. 2d 468, 514 N. W. 2d 53.

No. 93-8845. *PHELPS v. UNITED STATES FEDERAL GOVERNMENT ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 15 F. 3d 735.

No. 93-8847. *BROWN v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 26 F. 3d 124.

No. 93-8850. *DIZON v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 15 F. 3d 1091.

No. 93-8856. *SALCEDO v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 17 F. 3d 1432.

No. 93-8857. *BALL v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 12 F. 3d 214.

No. 93-8862. *GREGG v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 12 F. 3d 1350.

No. 93-8863. *FREDETTE ET AL. v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 15 F. 3d 272.

No. 93-8878. *ANTHONY v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 19 F. 3d 644.

511 U. S.

May 23, 1994

No. 93–8888. *PAGE v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 12 F. 3d 1110.

No. 93–8889. *MENDEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 19 F. 3d 15.

No. 93–8892. *CAZARES-BARRAGAN v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 8 F. 3d 31.

No. 93–8904. *HEILIG v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 16 F. 3d 412.

No. 93–1533. *PHILLIPS PETROLEUM CO. v. ROBERTSON OIL CO.* C. A. 8th Cir. Certiorari denied. JUSTICE O’CONNOR took no part in the consideration or decision of this petition. Reported below: 14 F. 3d 373.

No. 93–5893. *WILLIAMSON v. OKLAHOMA*. Ct. Crim. App. Okla.;

No. 93–7957. *BELTRAN-LOPEZ v. FLORIDA*. Sup. Ct. Fla.;

No. 93–8089. *TOWNS v. ILLINOIS*. Sup. Ct. Ill.;

No. 93–8229. *ARBELAEZ v. FLORIDA*. Sup. Ct. Fla.; and

No. 93–8376. *SAM v. PENNSYLVANIA*. Sup. Ct. Pa. Certiorari denied. Reported below: No. 93–5893, 852 P. 2d 167; No. 93–7957, 626 So. 2d 163; No. 93–8089, 157 Ill. 2d 90, 623 N. E. 2d 269; No. 93–8229, 626 So. 2d 169; No. 93–8376, 535 Pa. 350, 635 A. 2d 603.

JUSTICE BLACKMUN, dissenting.

Adhering to my view that the death penalty cannot be imposed fairly within the constraints of our Constitution, see my dissent in *Callins v. Collins*, 510 U. S. 1141, 1143 (1994), I would grant certiorari and vacate the death sentences in these cases.

No. 93–6577. *DAVIS v. MINNESOTA*. Sup. Ct. Minn. Certiorari denied. Reported below: 504 N. W. 2d 767.

JUSTICE GINSBURG, concurring.

I write only to note that the dissent’s portrayal of the opinion of the Minnesota Supreme Court is incomplete. That court made two key observations: (1) “[R]eligious affiliation (or lack thereof) is not as self-evident as race or gender,” 504 N. W. 2d 767, 771 (Minn. 1993); (2) “Ordinarily . . . , inquiry on voir dire into a juror’s religious affiliation and beliefs is irrelevant and prejudicial,

and to ask such questions is improper,” *id.*, at 772 (adding that “proper questioning . . . should be limited to asking jurors if they knew of any reason why they could not sit, if they would have any difficulty in following the law as given by the court, or if they would have any difficulty in sitting in judgment”).

JUSTICE THOMAS, with whom JUSTICE SCALIA joins, dissenting.

During jury selection for petitioner’s trial on a charge of aggravated robbery, the prosecutor used a peremptory strike to remove a black man from the venire. Petitioner, who is black, objected on *Batson* grounds and requested a race-neutral explanation for the strike. See *Batson v. Kentucky*, 476 U. S. 79, 97 (1986). The prosecutor responded that she had struck the venireman because he was a Jehovah’s Witness and explained that “[i]n my experience Jehovah Witness [sic] are reluctant to exercise authority over their fellow human beings in this Court House.” 504 N. W. 2d 767, 768 (Minn. 1993). The trial court accepted that reason for the strike and proceeded to trial. Petitioner subsequently was convicted.

On appeal, petitioner conceded that the prosecutor’s explanation for the strike was race neutral, but contended that *Batson* should be extended to prohibit peremptory strikes based on religion. The Supreme Court of Minnesota rejected petitioner’s *Batson* argument and affirmed the conviction. The court reasoned that this Court has never held that “*Batson* should extend beyond race-based peremptory challenges,” and noted that “*Batson*, itself, speaks solely of the need to eradicate racial discrimination.” *Ibid.* Acknowledging that “[i]f the life of the law were logic rather than experience, *Batson* might well be extended to include religious bias and, for that matter, an endless number of other biases,” *id.*, at 769, the court nevertheless concluded that, because *Batson* had been confined by this Court to the context of race, it should not be broadened to reach petitioner’s claim in this case, 504 N. W. 2d, at 772.

I find it difficult to understand how the Court concludes today that the judgment of the court below should not be vacated and the case remanded in light of our recent decision in *J. E. B. v. Alabama ex rel. T. B.*, *ante*, p. 127, which shatters the Supreme Court of Minnesota’s understanding that *Batson*’s equal protection analysis applies solely to racially based peremptory strikes. It is abundantly clear that the lower court was relying

on just such a reading of *Batson*, for it reasoned that *Batson* embodies “‘a special rule of relevance’” that operates only in the context of race, and concluded that “[o]utside the uniquely sensitive area of race the ordinary rule that a prosecutor may strike without giving any reason applies.” 504 N. W. 2d, at 771–772 (quoting *Brown v. North Carolina*, 479 U.S. 940, 942 (1986) (O’CONNOR, J., concurring in denial of certiorari)). In extending Equal Protection Clause analysis to prohibit strikes exercised on the basis of sex, *J. E. B.* explicitly disavowed that understanding of *Batson*.

Indeed, given the Court’s rationale in *J. E. B.*, no principled reason immediately appears for declining to apply *Batson* to any strike based on a classification that is accorded heightened scrutiny under the Equal Protection Clause. The Court’s decision in *J. E. B.* was explicitly grounded on a conclusion that peremptory strikes based on sex cannot survive “heightened scrutiny” under the Clause, *ante*, at 135, because such strikes “are not substantially related to an important government objective,” *ante*, at 137, n. 6. In breaking the barrier between classifications that merit strict equal protection scrutiny and those that receive what we have termed “heightened” or “intermediate” scrutiny, *J. E. B.* would seem to have extended *Batson*’s equal protection analysis to all strikes based on the latter category of classifications—a category which presumably would include classifications based on religion. Cf. *Larson v. Valente*, 456 U.S. 228, 244–246 (1982); *Batson*, *supra*, at 124 (Burger, C. J., dissenting). It is at least not obvious, given the reasoning in *J. E. B.*, why peremptory strikes based on religious affiliation would survive equal protection analysis. As JUSTICE SCALIA pointed out in dissent, *J. E. B.* itself provided no rationale for distinguishing between strikes exercised on the basis of various classifications that receive heightened scrutiny, *ante*, at 161, and the Supreme Court of Minnesota certainly did not develop such a distinction. As described above, the court relied expressly on the understanding that *Batson* was confined to the context of race. Under these circumstances, this case should be remanded for the Supreme Court of Minnesota to consider explicitly whether a principled basis exists for confining the holding in *J. E. B.* to the context of sex.

I can only conclude that the Court’s decision to deny certiorari stems from an unwillingness to confront forthrightly the ramifications of the decision in *J. E. B.* It has long been recognized

May 23, 1994

511 U. S.

by some Members of the Court that subjecting the peremptory strike to the rigors of equal protection analysis may ultimately spell the doom of the strike altogether, because the peremptory challenge is by nature ““an arbitrary and capricious right.”” *Batson*, *supra*, at 123 (Burger, C. J., dissenting) (quoting *Swain v. Alabama*, 380 U. S. 202, 219 (1965) (quoting *Lewis v. United States*, 146 U. S. 370, 378 (1892))). Cf. *J. E. B.*, *ante*, at 161–162 (SCALIA, J., dissenting). Once the scope of the logic in *J. E. B.* is honestly acknowledged, it cannot be glibly asserted that the decision has no implications for peremptory strikes based on classifications other than sex, or that it does not imply further restrictions on the exercise of the peremptory strike outside the context of race and sex.

In my view, the petition should therefore be granted, the judgment below vacated, and the case remanded for reconsideration in light of *J. E. B.* I respectfully dissent.

Rehearing Denied

No. 93–6630. *MURPHY v. UNITED STATES*, *ante*, p. 1019;

No. 93–7108. *SEMIEN v. SHALALA, SECRETARY OF HEALTH AND HUMAN SERVICES*, 510 U. S. 1198;

No. 93–7696. *GANT v. UNITED STATES*, 510 U. S. 1183;

No. 93–7813. *ADAMS v. UNITED STATES*, *ante*, p. 1021;

No. 93–7820. *WATSON v. MORRIS ET AL.*, *ante*, p. 1021;

No. 93–7892. *STEEL v. WACHTLER ET AL.*, *ante*, p. 1023; and

No. 93–7948. *KENNEDY v. SCOTT, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION*, *ante*, p. 1038. Petitions for rehearing denied.

No. 93–423. *KATSIS v. IMMIGRATION AND NATURALIZATION SERVICE*, 510 U. S. 1081; and

No. 93–7501. *MALDONADO v. UNITED STATES*, 510 U. S. 1138. Motions for leave to file petitions for rehearing denied.

No. 93–7002. *CAMPBELL v. WOOD, SUPERINTENDENT, WASHINGTON STATE PENITENTIARY, ET AL.*, 510 U. S. 1215. Petition for rehearing denied. JUSTICE BLACKMUN dissents from the denial of rehearing. He would grant the petition for rehearing, grant the petition for certiorari, and vacate petitioner’s death sentence. See *Callins v. Collins*, 510 U. S. 1141, 1143 (1994).

511 U. S.

MAY 26, 1994

Certiorari Denied

No. 93–8931 (A–901). CAMPBELL *v.* WOOD, SUPERINTENDENT, WASHINGTON STATE PENITENTIARY, ET AL. C. A. 9th Cir. Application for stay of execution of sentence of death, presented to JUSTICE O’CONNOR, and by her referred to the Court, denied. Certiorari denied. JUSTICE STEVENS and JUSTICE GINSBURG would grant the application for stay of execution of sentence of death. Reported below: 18 F. 3d 662.

JUSTICE BLACKMUN, dissenting.

In 1853, hanging was the “nearly universal form of execution” in the United States, *State v. Frampton*, 95 Wash. 2d 469, 492, 627 P. 2d 922, 934 (1981), and 48 States once imposed death by this method. Today, only Washington and Montana still employ judicial hanging. Montana has not executed anyone by hanging in over 50 years, and no one who has contested the sentence has been lawfully hanged in the United States in more than three decades.¹ Petitioner Charles Rodman Campbell, who is scheduled to be executed “by hanging by the neck” in Washington this week,² contends that his hanging will constitute a cruel and unusual punishment. I agree, and accordingly, even if I believed that the death penalty could be applied constitutionally, see *Calins v. Collins*, 510 U. S. 1141, 1143 (1994) (BLACKMUN, J., dissenting), I would vote to grant the application for stay and the petition for certiorari in this case.³

¹The only execution by hanging to occur since 1963 was that of Westley Alan Dodd, who was executed in Washington last year. Dodd refused either to select his mode of punishment or to challenge his hanging sentence.

²Washington’s death penalty statute, Wash. Rev. Code 10.95.180(1) (1992), provides: “The punishment of death . . . shall be inflicted either by hanging by the neck or, at the election of the defendant, by [lethal injection].” For defendants like Campbell who are unwilling to select their mode of execution, Washington imposes death by hanging.

³Possible obstacles to review are the facts that petitioner’s habeas claim might constitute a new rule under *Teague v. Lane*, 489 U. S. 288 (1989) (plurality opinion), and that no circuit conflict exists regarding whether hanging is cruel and unusual. Because the only two States that retain hanging are in the Ninth Circuit, a circuit conflict on this issue is unlikely to emerge. Though I respect that Members of this Court may disagree, I would not await a conflict in a capital case raising a fundamental constitutional question such as this.

This Court has accepted that the Eighth Amendment's prohibition against cruel and unusual punishments "draw[s] its meaning from the evolving standards of decency that mark the progress of a maturing society," *Trop v. Dulles*, 356 U.S. 86, 101 (1958) (plurality opinion), and that the best evidence of these evolving standards "is the legislation enacted by the country's legislatures," *Penry v. Lynaugh*, 492 U.S. 302, 331 (1989); see also *Stanford v. Kentucky*, 492 U.S. 361, 370 (1989) (citations omitted) ("'[F]irst' among the 'objective indicia that reflect the public attitude toward a given sanction' are statutes passed by society's elected representatives"); *Ford v. Wainwright*, 477 U.S. 399, 408–410 (1986). The public condemnation of hanging is overwhelming. Not only have 46 of the 48 States that once regularly imposed hanging abandoned the practice, but many state legislatures rejected the practice because it was perceived as inhumane and barbaric, precisely the concern that lies at the core of the Eighth Amendment. See, e.g., *Furman v. Georgia*, 408 U.S. 238, 296–297 (1972) (Brennan, J., concurring) ("Since the development of the supposedly more humane methods" of lethal gas and electrocution, "hanging and shooting have virtually ceased"); *Malloy v. South Carolina*, 237 U.S. 180, 185 (1915) (noting that 11 States altered their practice based on "a well-grounded belief that electrocution is less painful and more humane than hanging"). But see *Glass v. Louisiana*, 471 U.S. 1080 (1985) (Brennan, J., dissenting) (arguing that death by electrocution is cruel and unusual). Even as the death penalty's popularity has increased in recent years, toleration for hanging has steadily declined. Of the eight States that provided for judicial hanging by the time of the *Furman* decision, see 408 U.S., at 297, n. 50 (Brennan, J., concurring), all but two have abolished it. Today, the only three jurisdictions in the English-speaking world that impose state-sponsored hangings are Washington, Montana, and South Africa.⁴ App. to Pet. for Cert. A–38.

Moreover, the States' rejection of hanging has been much more universal than that of practices this Court previously has found to be cruel and unusual. Compare *Thompson v. Oklahoma*, 487

⁴ Hanging in South Africa also soon may be a thing of the past. Former President F. W. de Klerk imposed a moratorium on hanging in South Africa in 1990, and no one has been executed in that country since 1989. The African National Congress has campaigned to abolish the death penalty. See N. Y. Times, Apr. 27, 1994, section A, p. 9, col. 1.

U.S. 815 (1988) (invalidating capital punishment for offenders under age 16 where almost two-thirds of state legislatures rejected the practice); *Enmund v. Florida*, 458 U.S. 782 (1982) (striking down the death penalty for vicarious felony murders where only eight States still authorized the punishment); *Coker v. Georgia*, 433 U.S. 584, 595–596 (1977) (abolishing the death penalty for rape where only Georgia imposed death for rape of an adult and only three States imposed the penalty for any rape), with *Stanford v. Kentucky*, 492 U.S., at 371 (upholding the death penalty for 16-year-olds since “a majority of the States that permit capital punishment authorize” the practice). If the Eighth Amendment represents anything other than a prohibition against punishments that have been entirely abolished, a punishment once universally practiced and then abandoned *specifically due to its inhumanity* must qualify as cruel and unusual.

In a 6-to-5 en banc opinion, the Court of Appeals for the Ninth Circuit disregarded this overwhelming evidence of state practice, holding that such evidence is relevant to consideration only of the *proportionality* of a death sentence. Where the *method* of execution is contested, the majority reasoned, the Eighth Amendment prohibits only “the unnecessary and wanton infliction of pain.” App. to Pet. for Cert. A–20. Because hanging does not inflict “purposeful cruelty,” the method is constitutional. *Id.*, at A–25. The Ninth Circuit’s analysis is surprising given that this Court never has held that pain is the exclusive consideration under the Eighth Amendment, nor distinguished between challenges to the proportionality and the method of capital punishment. To the contrary, we have suggested that “[a] penalty must also accord with ‘the dignity of man,’ which is the ‘basic concept underlying the Eighth Amendment,’” *Gregg v. Georgia*, 428 U.S. 153, 173 (1976) (joint opinion of Stewart, Powell, and STEVENS, JJ.), a suggestion supported by our recognition that *painless*, post mortem punishments such as public display, drawing and quartering, and mutilation also violate the Eighth Amendment. *Wilkinson v. Utah*, 99 U.S. 130, 135–136 (1879).

But the en banc panel’s emphasis on pain also fails on its own terms. Under the most “ideal” of circumstances, hanging kills by breaking the spine. “When the victim is dropped from a sufficient height his vertebrae are dislocated and his spinal cord crushed; unconsciousness is immediate and death follows a short time later.” App. to Pet. for Cert. A–49 (Reinhardt, J., dissent-

ing), quoting Gardner, Executions and Indignities—An Eighth Amendment Assessment of Methods of Inflicting Capital Punishment, 39 Ohio St. L. J. 96, 120 (1978). Hanging, however, is a crude and imprecise practice, which always includes a risk that the inmate will slowly strangle or asphyxiate, if the rope is too elastic or too short, or will be decapitated, if the rope is too taut or too long. A veteran prison warden has described a typical hanging:

“When the trap springs he dangles at the end of the rope. There are times when the neck has not been broken and the prisoner strangles to death. His eyes pop almost out of his head, his tongue swells and protrudes from his mouth, his neck may be broken, and the rope many times takes large portions of skin and flesh from the side of the face that the noose is on. He urinates, he defecates, and droppings fall to the floor while witnesses look on.” App. to Pet. for Cert. A-57 (Reinhardt, J., dissenting), quoting Gardner, 39 Ohio St. L. J., at 121.

A person who slowly asphyxiates or strangulates while twisting at the end of a rope unquestionably experiences the most torturous and “wanton infliction of pain,” *Gregg v. Georgia*, 428 U. S., at 173 (joint opinion of Stewart, Powell, and STEVENS, JJ.), while partial or complete decapitation of the person, as blood sprays uncontrollably, obviously violates human dignity.

Washington contends that by conducting its hangings pursuant to its Field Instruction WSP 410.500 or “protocol,” these misfortunes can be reduced. Washington’s protocol details the appropriate placement of the noose knot and the width and length of the rope to avoid decapitation, and provides that the rope be boiled, stretched, and waxed to reduce asphyxiation. The protocol includes a chart for determining, based on the weight of the defendant, the appropriate distance the body should be dropped. Washington relies entirely on this protocol in conducting its judicial hangings; the State employs no “trained hangers,” nor, apparently, are there any persons so trained in the United States. App. to Pet. for Cert. A-26.

The Ninth Circuit relied on this protocol and the State’s own evidence from its sole recent hanging to find only a “slight risk” that death by hanging will not be rapid or comparatively painless. *Id.*, at A-25. Washington’s protocol, however, is derived almost

511 U. S.

May 26, 31, 1994

verbatim from a 1959 military execution manual that never has been used in any hanging, and that is almost indistinguishable from hanging procedures that resulted in torturous deaths and mutilations in the past. See *id.*, at A-50, and n. 31 (Reinhardt, J., dissenting). Experts for both parties who testified before the District Court agreed that hanging always includes a risk that unconsciousness and death will not be instantaneous, and admitted that a certain number of Washington's hangings inevitably will result in death by decapitation. The State presented no evidence that Washington's protocol will significantly reduce the risk of asphyxiation or decapitation, and Campbell introduced unrebutted testimony that the protocol actually may increase the likelihood that an inmate's head will be torn off. The evidence in the record is uncontested, therefore, that Washington's hangings will suffer the inevitable failings that led all but one other State to abandon hanging as a means of execution.

I do not dispute that petitioner's crime was horrible or that his punishment should be severe. It is equally irrefutable, however, that the Constitution prohibits the imposition of punishments that are offensive to civilized society. Forty-six of the forty-eight States that once imposed hanging have rejected that punishment as unnecessarily torturous, brutal, and inhumane. I can only conclude that today in the United States of America, hanging is cruel and unusual punishment. I dissent.

No. 93-9278 (A-977). *NETHERY 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, dissenting.

Adhering to my view that the death penalty cannot be imposed fairly within the constraints of our Constitution, see my dissent in *Callins v. Collins*, 510 U. S. 1141, 1143 (1994), I would grant the application for stay of execution and the petition for certiorari and would vacate the death sentence in this case.

MAY 31, 1994

Certiorari Granted—Vacated and Remanded

No. 92-1799. *VISITING HOMEMAKER & HEALTH SERVICES, INC. v. NATIONAL LABOR RELATIONS BOARD*. C. A. 3d Cir.

May 31, 1994

511 U. S.

Certiorari granted, judgment vacated, and case remanded for further consideration in light of *NLRB v. Health Care & Retirement Corp. of America*, ante, p. 571. Reported below: 989 F. 2d 490.

No. 93-1079. *UNITED STATES v. PRICE*. C. A. 9th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Custis v. United States*, ante, p. 485. Reported below: 999 F. 2d 545.

No. 93-6045. *STARKES 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 *Staples v. United States*, ante, p. 600. Reported below: 995 F. 2d 1065.

No. 93-7816. *ROSS v. UNITED STATES*. C. A. 7th 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 *Staples v. United States*, ante, p. 600. Reported below: 9 F. 3d 1182.

Vacated and Remanded After Certiorari Granted

No. 93-892. *NTA GRAPHICS, INC. v. NATIONAL LABOR RELATIONS BOARD*. C. A. 6th Cir. [Certiorari granted, 510 U. S. 1162.] Motion of the Solicitor General to vacate and remand granted. Judgment vacated as moot, and case remanded to the Court of Appeals with instructions to remand the case to the National Labor Relations Board to vacate the Board's order in case No. 8-CA-24277 and to vacate the certification of the Union on which that order was based. See *United States v. Munsingwear, Inc.*, 340 U. S. 36, 39-40 (1950); *A. L. Mechling Barge Lines, Inc. v. United States*, 368 U. S. 324, 329-331 (1961); *Board of Governors, FRS v. Security Bancorp*, 454 U. S. 1118 (1981).

Miscellaneous Orders

No. — — —. *DAVID v. HUDACS, COMMISSIONER OF LABOR OF NEW YORK*. Motion to direct the Clerk to file petition for writ of certiorari out of time denied.

No. — — —. *EDMOND v. CONSUMER PROTECTION DIVISION*. Motion to direct the Clerk to file petition for writ of certiorari

511 U. S.

May 31, 1994

with an appendix that does not comply with the Rules of this Court denied.

No. A-906. CALIFORNIA *v.* PIMENTEL. Ct. App. Cal., 4th App. Dist. Application for stay of enforcement of judgment, addressed to JUSTICE SCALIA and referred to the Court, denied.

No. D-1094. IN RE DISBARMENT OF FEIGE. Disbarment entered. [For earlier order herein, see 503 U. S. 932.]

No. D-1374. IN RE DISBARMENT OF HEITMANN. Disbarment entered. [For earlier order herein, see *ante*, p. 1002.]

No. D-1377. IN RE DISBARMENT OF SPENCE. Disbarment entered. [For earlier order herein, see *ante*, p. 1015.]

No. D-1378. IN RE DISBARMENT OF WADE. Disbarment entered. [For earlier order herein, see *ante*, p. 1015.]

No. D-1387. IN RE DISBARMENT OF CHAPMAN. Disbarment entered. [For earlier order herein, see *ante*, p. 1028.]

No. D-1397. IN RE DISBARMENT OF CLOUTIER. It is ordered that Edward H. Cloutier, of Livermore Falls, Me., 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. 93-1353. UNITED STATES *v.* SIMPSON ET AL. C. A. 9th Cir. Motions of respondents Molina and Simpson for leave to proceed *in forma pauperis* granted.

No. 93-7927. KYLES *v.* WHITLEY, WARDEN. C. A. 5th Cir. [Certiorari granted, *ante*, p. 1051.] Motion for appointment of counsel granted, and it is ordered that George W. Healy III, Esq., of New Orleans, La., be appointed to serve as counsel for petitioner in this case.

No. 93-8621. McDONALD *v.* NEW MEXICO ET AL. C. A. 10th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied. See this Court's Rule 39.8. Petitioner is allowed until June 21, 1994, 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. 93-9011. IN RE HAMILTON; and

May 31, 1994

511 U. S.

No. 93-9015. *IN RE HUNWARDSSEN*. Petitions for writs of habeas corpus denied.

No. 93-1647. *IN RE VOINOVICH, GOVERNOR OF OHIO, ET AL.*; and

No. 93-8212. *IN RE PRESLEY*. Petitions for writs of mandamus denied.

Certiorari Granted

No. 93-1660. *ARIZONA v. EVANS*. Sup. Ct. Ariz. Motion of respondent for leave to proceed *in forma pauperis* without an affidavit of indigency executed by respondent granted. Certiorari granted. Reported below: 177 Ariz. 201, 866 P. 2d 869.

Certiorari Denied

No. 93-1196. *DE MAIO v. BROWN ET AL.* Cir. Ct. Baltimore County, Md. Certiorari denied.

No. 93-1307. *KANSAS PUBLIC EMPLOYEES RETIREMENT SYSTEM v. REIMER & KOGER ASSOCIATES, INC., ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 4 F. 3d 614.

No. 93-1365. *SAMMETT CORP. v. KEY ENTERPRISES OF DELAWARE, INC.* C. A. 11th Cir. Certiorari denied. Reported below: 9 F. 3d 893.

No. 93-1384. *DOWNTOWN FRANKFORT, INC., ET AL. v. CAPITAL AREA RIGHT TO LIFE, INC.* Sup. Ct. Ky. Certiorari denied. Reported below: 862 S. W. 2d 297.

No. 93-1405. *PARLAVECCHIO v. UNITED STATES* (two cases). C. A. 3d Cir. Certiorari denied.

No. 93-1407. *PEARSON v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 8 F. 3d 631.

No. 93-1436. *HENRY, INDIVIDUALLY AND ON BEHALF OF CHANRY COMMUNICATIONS, LTD. v. WETZLER, COMMISSIONER, NEW YORK STATE DEPARTMENT OF TAXATION AND FINANCE, ET AL.* Ct. App. N. Y. Certiorari denied. Reported below: 82 N. Y. 2d 859, 631 N. E. 2d 102.

No. 93-1455. *HAYES, AS ADMINISTRATOR, PARENT, AND NEXT FRIEND OF HAYES, DECEASED, ET AL. v. DOUGLAS DYNAMICS,*

511 U. S.

May 31, 1994

INC. C. A. 1st Cir. Certiorari denied. Reported below: 8 F. 3d 88.

No. 93-1473. *TERNES v. BERCHARD, FKA TERNES, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 93-1532. *COX v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 9 F. 3d 1543.

No. 93-1556. *KARATINOS ET AL. v. TOWN OF JUNO BEACH, FLORIDA.* Dist. Ct. App. Fla., 4th Dist. Certiorari denied. Reported below: 621 So. 2d 469.

No. 93-1561. *COLLINS ET AL. v. THOMPSON ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 8 F. 3d 657.

No. 93-1565. *LOUISIANA DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT v. WIEDEMAN ET AL.* Sup. Ct. La. Certiorari denied. Reported below: 627 So. 2d 170.

No. 93-1566. *WEAVER v. CALIFORNIA ET AL.* C. A. 9th Cir. Certiorari denied.

No. 93-1567. *A. J. INDUSTRIES, INC. v. HEDGES ET AL.* Sup. Ct. Vt. Certiorari denied. Reported below: 161 Vt. 614, 640 A. 2d 536.

No. 93-1568. *SILSTAR CORPORATION OF AMERICA, INC. v. SHAKESPEARE, INC.* C. A. 4th Cir. Certiorari denied. Reported below: 9 F. 3d 1091.

No. 93-1571. *QUTB, INDIVIDUALLY AND AS NEXT FRIEND OF QUTB, ET AL. v. BARTLETT, MAYOR OF THE CITY OF DALLAS, TEXAS, ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 11 F. 3d 488.

No. 93-1573. *CHAMNESS ET UX. v. FEDERAL DEPOSIT INSURANCE CORPORATION ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 9 F. 3d 1546.

No. 93-1579. *VAUGHAN v. FIRST NATIONAL BANK OF SHAMROCK, TEXAS, ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 13 F. 3d 408.

No. 93-1581. *CITY OF SEATTLE ET AL. v. BASCOMB ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 9 F. 3d 1550.

May 31, 1994

511 U. S.

No. 93-1583. TEXAS COMMERCE BANCSHARES, INC. *v.* GROSSMAN. C. A. 2d Cir. Certiorari denied.

No. 93-1585. ANONSEN ET AL. *v.* DONAHUE ET AL. Ct. App. Tex., 1st Dist. Certiorari denied. Reported below: 857 S. W. 2d 700.

No. 93-1586. INTERNATIONAL WOODWORKERS OF AMERICA, U. S., AFL-CIO, ET AL. *v.* WEYERHAEUSER CO. C. A. 8th Cir. Certiorari denied. Reported below: 7 F. 3d 133.

No. 93-1589. SEARS, ROEBUCK & CO. ET AL. *v.* HARRIS, ADMINISTRATRIX OF THE ESTATE OF SIMPSON, DECEASED, ET AL. Sup. Ct. Ala. Certiorari denied. Reported below: 630 So. 2d 1018.

No. 93-1593. HILLARY *v.* TRANS WORLD AIRLINES, INC. C. A. 5th Cir. Certiorari denied. Reported below: 15 F. 3d 180.

No. 93-1594. GOLDEN VALLEY MICROWAVE FOODS, INC. *v.* WEAVER POPCORN CO., INC., ET AL. C. A. Fed. Cir. Certiorari denied. Reported below: 11 F. 3d 1072.

No. 93-1598. STEELE *v.* STATE BAR OF MONTANA. Sup. Ct. Mont. Certiorari denied. Reported below: 262 Mont. 481, 865 P. 2d 285.

No. 93-1607. BROTHERS *v.* BROTHERS ET AL. Ct. Civ. App. Ala. Certiorari denied. Reported below: 628 So. 2d 776.

No. 93-1614. HUGHES *v.* NORFOLK & WESTERN RAILWAY CO. Sup. Ct. Va. Certiorari denied. Reported below: 247 Va. 113, 439 S. E. 2d 411.

No. 93-1618. GRAHAM ET AL. *v.* BUTTERWORTH, ATTORNEY GENERAL OF FLORIDA, ET AL. C. A. 11th Cir. Certiorari denied. Reported below: 5 F. 3d 496.

No. 93-1619. BROYDE ET AL. *v.* GOTHAM TOWER, INC., ET AL. C. A. 6th Cir. Certiorari denied. Reported below: 13 F. 3d 994.

No. 93-1653. MILLER *v.* ARKANSAS. Ct. App. Ark. Certiorari denied. Reported below: 44 Ark. App. 112, 868 S. W. 2d 510.

No. 93-1658. GILBERT-BEY *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 12 F. 3d 208.

511 U. S.

May 31, 1994

No. 93-1693. *EMPLOYERS UNDERWRITERS, INC., ET AL. v. WEAVER ET UX.* C. A. 5th Cir. Certiorari denied. Reported below: 13 F. 3d 172.

No. 93-1699. *BURACKER, SHERIFF, AS SUCCESSOR IN INTEREST TO THOMPSON, ADMINISTRATOR TO THE ESTATE OF NICKELSON, DECEASED v. WILT ET UX.* Sup. Ct. App. W. Va. Certiorari denied. Reported below: 191 W. Va. 39, 443 S. E. 2d 196.

No. 93-1701. *DAVIES v. UNITED STATES.* C. A. 11th Cir. Certiorari denied. Reported below: 9 F. 3d 1559.

No. 93-1706. *CROSETTO ET AL. v. STATE BAR OF WISCONSIN ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 12 F. 3d 1396.

No. 93-1712. *JOHNSON v. UNITED STATES.* C. A. 11th Cir. Certiorari denied. Reported below: 11 F. 3d 168.

No. 93-1718. *UBEROI v. UNIVERSITY OF COLORADO ET AL.* Ct. App. Colo. Certiorari denied.

No. 93-1721. *COBB COUNTY, GEORGIA v. HARVEY ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 15 F. 3d 1097.

No. 93-1725. *GONZALEZ-BALDERAS v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 11 F. 3d 1218.

No. 93-1727. *FASSNACHT v. CITY OF PHILADELPHIA.* C. A. 3d Cir. Certiorari denied. Reported below: 17 F. 3d 1429.

No. 93-1730. *MICCIO v. NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 14 F. 3d 48.

No. 93-1731. *SMITH v. UNITED STATES.* C. A. 10th Cir. Certiorari denied. Reported below: 13 F. 3d 407.

No. 93-1733. *JONES v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. Reported below: 12 F. 3d 215.

No. 93-5464. *ROMAN v. UNITED STATES.* C. A. 11th Cir. Certiorari denied. Reported below: 989 F. 2d 1117.

No. 93-5562. *WATT v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. Reported below: 996 F. 2d 1218.

May 31, 1994

511 U. S.

No. 93-5570. *ELLIOTT v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 992 F. 2d 853.

No. 93-6321. *DAY v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 998 F. 2d 622.

No. 93-6385. *BYRD v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 995 F. 2d 536.

No. 93-6448. *BRADSHAW v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 999 F. 2d 798.

No. 93-6495. *JOHNSON v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 1 F. 3d 1234.

No. 93-6600. *JACKSON v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 1 F. 3d 1234.

No. 93-7213. *VALENZUELA-LOPEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 5 F. 3d 1495.

No. 93-7234. *TREVIZO-ORTIZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 5 F. 3d 1494.

No. 93-7514. *HERNANDEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 8 F. 3d 23.

No. 93-7654. *DUPONT v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 2 F. 3d 723.

No. 93-7851. *GAY v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 7 F. 3d 200.

No. 93-7881. *EDSALL v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 11 F. 3d 166.

No. 93-7936. *SMITH v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 14 F. 3d 50.

No. 93-8027. *NAVARETTE-AVENDANO v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 12 F. 3d 1110.

No. 93-8153. *WILSON v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 11 F. 3d 346.

No. 93-8175. *RIVAS-GAYTAN v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 9 F. 3d 104.

511 U. S.

May 31, 1994

No. 93-8188. *RUSSELL v. SHAKER HEIGHTS MUNICIPAL COURT ET AL.* Sup. Ct. Ohio. Certiorari denied. Reported below: 67 Ohio St. 3d 1464, 619 N. E. 2d 698.

No. 93-8210. *NELSON v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 6 F. 3d 1049.

No. 93-8276. *DINGLE v. UNITED STATES.* C. A. D. C. Cir. Certiorari denied. Reported below: 8 F. 3d 71.

No. 93-8319. *MIDDLETON v. LOCKHART ET AL.* Ct. App. Mo., Western Dist. Certiorari denied. Reported below: 863 S. W. 2d 367.

No. 93-8431. *ALMODOVAR v. NEW YORK.* App. Div., Sup. Ct. N. Y., 1st Jud. Dept. Certiorari denied. Reported below: 196 App. Div. 2d 718, 601 N. Y. S. 2d 914.

No. 93-8466. *WEBBER v. VANDREW ET AL.* C. A. 3d Cir. Certiorari denied.

No. 93-8577. *POTILLOR v. ESTELLE, WARDEN.* C. A. 9th Cir. Certiorari denied. Reported below: 12 F. 3d 1108.

No. 93-8578. *MERRIWEATHER v. MITCHELL, WARDEN.* C. A. 2d Cir. Certiorari denied.

No. 93-8601. *MAKIN v. COLORADO TERRITORIAL CORRECTIONAL FACILITY ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 13 F. 3d 406.

No. 93-8603. *HAMANI, AKA CLEMONS v. MORTON, ADMINISTRATOR, NEW JERSEY STATE PRISON, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 93-8612. *GODIN v. NEW YORK.* County Ct., Jefferson County, N. Y. Certiorari denied.

No. 93-8613. *TOWNLEY v. JONES, WARDEN.* C. A. 5th Cir. Certiorari denied.

No. 93-8619. *LANGE v. HEITKAMP ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 16 F. 3d 1227.

No. 93-8624. *WILLIAMS v. HAWLEY, WARDEN.* C. A. 6th Cir. Certiorari denied.

May 31, 1994

511 U. S.

No. 93-8628. *TAVERAS v. NEW YORK DEPARTMENT OF CORRECTIONAL SERVICES ET AL.* C. A. 2d Cir. Certiorari denied.

No. 93-8630. *SLOAN v. GUILLORY, WARDEN.* Sup. Ct. Va. Certiorari denied.

No. 93-8634. *STREETER v. BURTON, WARDEN.* C. A. 11th Cir. Certiorari denied. Reported below: 9 F. 3d 1559.

No. 93-8635. *HOLLAWELL v. STEPANIK, SUPERINTENDENT, PENNSYLVANIA STATE CORRECTIONAL INSTITUTION AT DALLAS, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 93-8641. *JOHNSON, AKA RAZI-BEY v. MANN, SUPERINTENDENT, SHAWANGUNK CORRECTIONAL FACILITY.* C. A. 2d Cir. Certiorari denied.

No. 93-8646. *TRUJILLO-GARCIA v. ROWLAND, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 9 F. 3d 1553.

No. 93-8650. *THANDIWE v. COMPTON, WARDEN, ET AL.* C. A. 6th Cir. Certiorari denied.

No. 93-8651. *THANDIWE v. STRAHAN ET AL.* Sup. Ct. Tenn. Certiorari denied.

No. 93-8657. *DOCTOR v. PENNSYLVANIA.* Super. Ct. Pa. Certiorari denied. Reported below: 431 Pa. Super. 637, 631 A. 2d 1366.

No. 93-8659. *BAIN v. FLORIDA.* Dist. Ct. App. Fla., 5th Dist. Certiorari denied. Reported below: 630 So. 2d 194.

No. 93-8662. *WITT v. CALIFORNIA.* Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 93-8664. *BURNETT v. FAIRLEY ET AL.* C. A. 8th Cir. Certiorari denied.

No. 93-8669. *HODGE v. IDAHO.* Ct. App. Idaho. Certiorari denied. Reported below: 124 Idaho 927, 866 P. 2d 184.

No. 93-8670. *GONZALEZ v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. Reported below: 17 F. 3d 1425.

No. 93-8671. *FLOWERS v. GUDMANSON, WARDEN.* C. A. 7th Cir. Certiorari denied. Reported below: 9 F. 3d 1549.

511 U. S.

May 31, 1994

No. 93-8673. *HILL ET AL. v. CALIFORNIA*. Ct. App. Cal., 1st App. Dist. Certiorari denied.

No. 93-8694. *COTNER v. CODY, WARDEN, ET AL.* C. A. 10th Cir. Certiorari denied.

No. 93-8695. *CARPENTER ET UX. v. BLANKENSHIP*. Cir. Ct. Calhoun County, W. Va. Certiorari denied.

No. 93-8699. *KING v. TEXAS*. Ct. App. Tex., 8th Dist. Certiorari denied.

No. 93-8701. *HETT v. MADISON MUTUAL INSURANCE CO., INC., ET AL.* Sup. Ct. Fla. Certiorari denied. Reported below: 632 So. 2d 1026.

No. 93-8702. *ESNAULT v. COLORADO ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 16 F. 3d 415.

No. 93-8703. *GOMEZ v. GOMEZ, DIRECTOR, CALIFORNIA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 17 F. 3d 394.

No. 93-8715. *DESMOND v. HALDANE ET AL.* App. Ct. Mass. Certiorari denied. Reported below: 36 Mass. App. 1104, 629 N. E. 2d 1016.

No. 93-8718. *FROMAL v. ROBINS ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 14 F. 3d 594.

No. 93-8725. *CHOUDHARY v. VERMONT DEPARTMENT OF PUBLIC SERVICE ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 9 F. 3d 1538.

No. 93-8767. *GREEN v. KUHLMANN, SUPERINTENDENT, SULLIVAN CORRECTIONAL FACILITY*. C. A. 2d Cir. Certiorari denied. Reported below: 17 F. 3d 1427.

No. 93-8774. *AYRS v. PRUDENTIAL-LMI ET AL.* Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 93-8782. *ESPINAL v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 17 F. 3d 1426.

No. 93-8804. *MARTIN v. SCOTT, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION*. C. A. 5th Cir. Certiorari denied.

May 31, 1994

511 U. S.

No. 93-8809. *McFAIL v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. Reported below: 18 F. 3d 954.

No. 93-8841. *MUNOZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 15 F. 3d 395.

No. 93-8844. *MUNIR v. SCOTT ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 12 F. 3d 213.

No. 93-8869. *FREEMAN v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 16 F. 3d 406.

No. 93-8872. *ZACK v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 12 F. 3d 215.

No. 93-8880. *ALVAREZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 15 F. 3d 1078.

No. 93-8881. *CARDENAS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 9 F. 3d 1139.

No. 93-8882. *ARMENTA-LOPEZ v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 8 F. 3d 30.

No. 93-8884. *MAHN v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 16 F. 3d 202.

No. 93-8887. *RODRIQUEZ v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 16 F. 3d 1229.

No. 93-8895. *CLAY v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 19 F. 3d 1430.

No. 93-8896. *SMITH v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 13 F. 3d 860.

No. 93-8897. *WILSON v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 7 F. 3d 828.

No. 93-8901. *GROTE v. COPELAND, WARDEN*. C. A. 9th Cir. Certiorari denied. Reported below: 8 F. 3d 26.

No. 93-8905. *MONTES-MERCADO v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 5 F. 3d 541.

No. 93-8908. *RICHMOND v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 17 F. 3d 1432.

511 U. S.

May 31, 1994

No. 93–8912. *BANKS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 12 F. 3d 1098.

No. 93–8913. *BARRERO v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 19 F. 3d 1446.

No. 93–8915. *CARPENTER v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 16 F. 3d 1221.

No. 93–8920. *HALL v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 16 F. 3d 412.

No. 93–8928. *BYERS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 15 F. 3d 1090.

No. 93–8930. *COLELLO ET UX. v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 16 F. 3d 193.

No. 93–9027. *CONN v. WELLS*. C. A. 6th Cir. Certiorari denied. Reported below: 16 F. 3d 1218.

No. 93–1201. *CAPITAL AREA RIGHT TO LIFE, INC. v. DOWNTOWN FRANKFORT, INC., ET AL.* Sup. Ct. Ky. Certiorari denied. Reported below: 862 S. W. 2d 297.

JUSTICE O’CONNOR, dissenting.

Each year, Downtown Frankfort, Inc. (DFI), a nonprofit corporation established to promote downtown revitalization in Frankfort, Kentucky, organizes a 1-day “Great Pumpkin Festival” on the city’s St. Clair Mall. Capital Area Right to Life, Inc. (CARTL), had a booth at the 1989 festival, where it, among other things, distributed plastic models of fetuses in little baskets. When many festivalgoers objected to this sort of political advocacy at the festival, DFI adopted a policy of denying booths to organizations that it deemed incompatible with the festival’s goals of “fun and entertainment.” Under this policy, DFI refused to give CARTL a booth at the 1990 festival; DFI’s president explicitly told CARTL representatives that this was because CARTL was a “controversial group.” DFI also denied booths to Kentucky NOW and the Kentucky Religious Coalition for Abortion Rights, two political groups with a message opposed to that of CARTL. 862 S. W. 2d 297, 297–298 (Ky. 1993).

CARTL sued, claiming the policy violated its free speech rights. The Kentucky Supreme Court disagreed. It concluded DFI was

a state actor, and thus subject to the strictures of the First Amendment, because (1) DFI is principally funded by state agencies, (2) DFI took over from the city the function of promoting downtown revitalization, and (3) the city temporarily delegated to DFI control over the St. Clair Mall by letting DFI conduct the festival and decide who gets booths. *Id.*, at 299–300. But the court went on to hold that the festival's policy was nonetheless "content neutral," and therefore a valid time, place, and manner restriction. *Id.*, at 300–301. The court interpreted the content-neutrality requirement as meaning that the restriction must be "neutral as to the type of message the restriction permits as well as being nondiscriminatory between messages of the same type, so long as there is a logical and legitimate reason for restricting the type of message." *Id.*, at 301. "It is a critical fact in this case," the court said, "that CARTL's counterparts, NOW and the Religious Coalition for Abortion Rights, were also denied booths in keeping with the festival's theme." *Ibid.*

This content-neutrality analysis is flatly inconsistent with our precedents. The restriction here is clearly not content neutral, and therefore cannot be a permissible time, place, and manner restriction, because it is indisputably justified with reference to the controversial content of the speech. See, e.g., *Boos v. Barry*, 485 U. S. 312, 321 (1988). The fact that prochoice speakers were treated similarly under this regulation does not dispose of the content-neutrality analysis; we have time and again rejected the argument that viewpoint neutrality equals content neutrality. See, e.g., *Burson v. Freeman*, 504 U. S. 191, 197 (1992); *Boos*, *supra*, at 319; *Arkansas Writers' Project, Inc. v. Ragland*, 481 U. S. 221, 230 (1987); *Consolidated Edison Co. of N. Y. v. Public Serv. Comm'n of N. Y.*, 447 U. S. 530, 537–538 (1980); *Carey v. Brown*, 447 U. S. 455, 462, n. 6 (1980).

In fact, *Heffron v. International Soc. for Krishna Consciousness, Inc.*, 452 U. S. 640 (1981), the case on which the opinion below relied, specifically said that, to be a valid time, place, and manner restriction, a regulation "may not be based upon either the content or subject matter of speech," *id.*, at 648 (emphasis added). Perhaps there is some other reason why the restriction might be permissible; but to call it content neutral and to uphold it on that basis is a serious error and an unfortunate precedent.

I also think the Kentucky Supreme Court's state action analysis raises an important and difficult question. Many private organi-

511 U. S.

May 31, 1994

zations—artists’ groups, private hospitals, private universities, organizations that educate the public on social matters, Presidential campaigns—get government subsidies. We have made clear that a state subsidy of a private organization, even a private organization that exercises functions which might otherwise be performed by the State, does not make that organization a state actor for First Amendment purposes. *Rendell-Baker v. Kohn*, 457 U. S. 830, 840–843 (1982) (dealing with a First Amendment claim based on the discharge of an employee by a private school for maladjusted high school students). That this case also involves the use of a traditional public forum probably should not change the analysis. Many of the groups mentioned above may put on events in public fora, and it is not clear that they should have any less right to exclude people from their events than any other public forum user would have to exclude others from its rally or parade.

We have recently granted certiorari in *Lebron v. National Railroad Passenger Corporation*, 511 U. S. 1105 (1994), to resolve a related state action question. While we cannot now tell to what extent the decision in *Lebron* may bear on this case, I would hold this case pending that decision, and then either grant and remand in light of *Lebron*, or, if *Lebron* proves irrelevant, grant and summarily reverse on the content-neutrality point. Accordingly, I respectfully dissent from the denial of the petition for a writ of certiorari.

No. 93–1488. *NEW YORK v. MARTINEZ*. Ct. App. N. Y. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 83 N. Y. 2d 26, 628 N. E. 2d 1320.

No. 93–1596. *ALABAMA v. WATKINS*. Ct. Crim. App. Ala. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 632 So. 2d 555.

No. 93–1578. *DIOCESE OF COLORADO ET AL. v. MOSES, NKA TENANTRY*. Sup. Ct. Colo. Motions of American Association of Pastoral Counselors, Colorado Catholic Conference et al., and Bear Valley Church of Christ et al. for leave to file briefs as *amici curiae* granted. Certiorari denied. Reported below: 863 P. 2d 310.

No. 93–1610. *COLLINS LICENSING v. AMERICAN TELEPHONE & TELEGRAPH Co.* C. A. Fed. Cir. Certiorari denied. JUSTICE

May 31, June 3, 6, 1994

511 U. S.

O'CONNOR took no part in the consideration or decision of this petition. Reported below: 11 F. 3d 1072.

No. 93-8622. MATTHEWS *v.* SOUTH CAROLINA. Ct. Common Pleas of Charleston County, S. C. Certiorari denied.

JUSTICE BLACKMUN, dissenting.

Adhering to my view that the death penalty cannot be imposed fairly within the constraints of our Constitution, see my dissent in *Callins v. Collins*, 510 U. S. 1141, 1143 (1994), I would grant certiorari and vacate the death sentence in this case.

Rehearing Denied

No. 93-1314. TAUBER *v.* SALOMON FOREX, INC., ET AL., *ante*, p. 1031;

No. 93-1344. FITZGERALD *v.* MONTANA DEPARTMENT OF FAMILY SERVICES ET AL., *ante*, p. 1032;

No. 93-7028. NELSON *v.* JONES, *ante*, p. 1020;

No. 93-7288. BOALBEY *v.* HAWES ET AL., 510 U. S. 1132;

No. 93-7736. TYLER *v.* PURKETT, SUPERINTENDENT, FARMINGTON CORRECTIONAL CENTER, ET AL., *ante*, p. 1008;

No. 93-7757. LIGHT *v.* KIRK, JUDGE, *ante*, p. 1008;

No. 93-7810. SNELL *v.* CITY AND COUNTY OF DENVER ET AL., 510 U. S. 1203;

No. 93-7938. THOMPSON *v.* UNITED STATES, *ante*, p. 1038; and

No. 93-7985. TAYLOR *v.* STRICKLAND ET AL., *ante*, p. 1039. Petitions for rehearing denied.

No. 93-7530. OMOIKE *v.* LOUISIANA STATE UNIVERSITY, 510 U. S. 1199. Motion for leave to file petition for rehearing denied.

JUNE 3, 1994

Dismissal Under Rule 46

No. 93-1103. DUBUQUE PACKING CO., INC. *v.* UNITED FOOD & COMMERCIAL WORKERS INTERNATIONAL UNION AFL-CIO, LOCAL NO. 150-A, ET AL. C. A. D. C. Cir. [Certiorari granted, *ante*, p. 1016.] Writ of certiorari dismissed under this Court's Rule 46.

JUNE 6, 1994

Certiorari Granted—Vacated and Remanded

No. 93-8707. MASON *v.* OHIO. Ct. App. Ohio, Ashland County. Motion of petitioner for leave to proceed *in forma pauperis*

511 U. S.

June 6, 1994

granted. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Stansbury v. California*, ante, p. 318.

Miscellaneous Orders

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

No. A-984 (93-1904). COLORADO *v.* LEFTWICH ET AL. Sup. Ct. Colo. Application to recall and stay mandate, addressed to THE CHIEF JUSTICE and referred to the Court, denied.

No. D-696. IN RE DISBARMENT OF HUST. Disbarment entered. [For earlier order herein, see 485 U. S. 985.]

No. D-1353. IN RE DISBARMENT OF CONROY. Disbarment entered. [For earlier order herein, see 510 U. S. 1069.]

No. D-1373. IN RE DISBARMENT OF SWERDLOW. Paul Swerdlow, of Media, Pa., 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 March 21, 1994 [510 U. S. 1188], is hereby discharged.

No. D-1398. IN RE DISBARMENT OF SLOAN. It is ordered that Leland Trickett Sloan, of St. Albans, 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-1399. IN RE DISBARMENT OF AGAJANIAN. It is ordered that Roger James Agajanian, of Mission Viejo, 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-1400. IN RE DISBARMENT OF PEGG. It is ordered that Joel T. Pegg, of Sacramento, 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.

June 6, 1994

511 U. S.

No. D-1401. *IN RE DISBARMENT OF HUNT*. It is ordered that A. Thomas Hunt, of Culver City, 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-1402. *IN RE DISBARMENT OF GRIFFIN*. It is ordered that James H. Griffin, 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-1403. *IN RE DISBARMENT OF MOSTMAN*. It is ordered that Paul Ian Mostman, of Granada Hills, 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-1404. *IN RE DISBARMENT OF YAMADA*. It is ordered that Sunao T. A. Yamada, of New York, N. Y., be suspended from the practice of law in this Court and that a rule issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. 93-714. *U. S. BANCORP MORTGAGE CO. v. BONNER MALL PARTNERSHIP*. C. A. 9th Cir. [Certiorari granted, 510 U.S. 1039.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 93-762. *JEROME B. GRUBART, INC. v. GREAT LAKES DREDGE & DOCK CO. ET AL.*; and

No. 93-1094. *CITY OF CHICAGO v. GREAT LAKES DREDGE & DOCK CO. ET AL.* C. A. 7th Cir. [Certiorari granted, 510 U.S. 1108.] Motion of petitioner City of Chicago for divided argument granted to be divided as follows: petitioner Jerome B. Grubart, Inc., 15 minutes; petitioner City of Chicago, 15 minutes.

No. 93-1001. *ALLIED-BRUCE TERMINIX COS., INC., ET AL. v. DOBSON ET AL.* Sup. Ct. Ala. [Certiorari granted, 510 U.S. 1190.] Motion of American Arbitration Association for leave to file a brief as *amicus curiae* granted.

No. 93-1789. *IN RE AZEN*; and

No. 93-9072. *IN RE HENTHORN*. Petitions for writs of mandamus denied.

511 U. S.

June 6, 1994

No. 93-8341. IN RE BENITEZ. Petition for writ of mandamus and/or prohibition denied.

Certiorari Granted

No. 93-1612. NATIONSBANK OF NORTH CAROLINA, N. A., ET AL. *v.* VARIABLE ANNUITY LIFE INSURANCE CO. ET AL.; and

No. 93-1613. LUDWIG, COMPTROLLER OF THE CURRENCY, ET AL. *v.* VARIABLE ANNUITY LIFE INSURANCE CO. ET AL. C. A. 5th Cir. Certiorari granted, cases consolidated, and a total of one hour allotted for oral argument. Reported below: 998 F. 2d 1295.

No. 93-1121. PLAUT ET AL. *v.* SPENDTHRIFT FARM, INC., ET AL. C. A. 6th Cir. Certiorari granted limited to the following question: "Whether §27A(b) of the Securities Exchange Act of 1934, 15 U.S.C. §78aa-1, to the extent that it purports to require reinstatement of §10(b) actions dismissed with prejudice pursuant to judgments that became final prior to the enactment of §27A(b), contravenes the separation-of-powers doctrine or the Fifth Amendment Due Process Clause of the United States Constitution." Reported below: 1 F. 3d 1487.

Certiorari Denied

No. 92-1012. SIMPSON PAPER (VERMONT) CO. *v.* DEPARTMENT OF ENVIRONMENTAL CONSERVATION ET AL. Sup. Ct. Vt. Certiorari denied. Reported below: 159 Vt. 639, 628 A. 2d 944.

No. 93-1193. OWENS *v.* TEXAS. Ct. App. Tex., 3d Dist. Certiorari denied. Reported below: 860 S. W. 2d 727.

No. 93-1285. NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION ET AL. *v.* NIAGARA MOHAWK POWER CORP. Ct. App. N. Y. Certiorari denied. Reported below: 82 N. Y. 2d 191, 624 N. E. 2d 146.

No. 93-1363. PROTECT KEY WEST, INC., DBA LAST STAND *v.* PERRY, SECRETARY OF DEFENSE, ET AL. C. A. 11th Cir. Certiorari denied. Reported below: 11 F. 3d 166.

No. 93-1397. TUCKER *v.* GEORGIA DEPARTMENT OF HUMAN RESOURCES EX REL. CASSEL. Super. Ct. Glynn County, Ga. Certiorari denied.

No. 93-1411. WHITE *v.* IMMIGRATION AND NATURALIZATION SERVICE. C. A. 8th Cir. Certiorari denied. Reported below: 6 F. 3d 1312.

June 6, 1994

511 U. S.

No. 93-1449. *METHODIST HOSPITAL ET AL. v. SHALALA, SECRETARY OF HEALTH AND HUMAN SERVICES*. C. A. D. C. Cir. Certiorari denied. Reported below: 6 F. 3d 829.

No. 93-1458. *CBC, INC., ET AL. v. BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM*. C. A. 10th Cir. Certiorari denied. Reported below: 13 F. 3d 404.

No. 93-1513. *VAN ENGEL v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 15 F. 3d 623.

No. 93-1588. *PARKRIDGE INVESTORS LIMITED PARTNERSHIP v. FARMERS HOME ADMINISTRATION*. C. A. 8th Cir. Certiorari denied. Reported below: 13 F. 3d 1192.

No. 93-1606. *WHITE ET UX. v. BROWNING-FERRIS, INC.* C. A. 5th Cir. Certiorari denied. Reported below: 15 F. 3d 1078.

No. 93-1617. *VOLLRATH CO. v. SAMMI CORP. ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 9 F. 3d 1455.

No. 93-1620. *RUBENS ET AL. v. SHINE, JULIANELLE, KARP, BOZELKO & KARAZIN, P. C.* Ct. App. N. Y. Certiorari denied. Reported below: 82 N. Y. 2d 778, 624 N. E. 2d 685.

No. 93-1622. *GUTIERREZ ET AL. v. UNITED FOODS, INC.* C. A. 5th Cir. Certiorari denied. Reported below: 11 F. 3d 556.

No. 93-1623. *SUGGS v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 16 F. 3d 1223.

No. 93-1624. *PSARIANOS ET AL. v. UNITED KINGDOM MUTUAL STEAMSHIP ASSURANCE ASSN. (BERMUDA), LTD.* C. A. 5th Cir. Certiorari denied. Reported below: 12 F. 3d 461.

No. 93-1628. *FORTIN ET AL. v. ROMAN CATHOLIC BISHOP OF WORCESTER*. Sup. Jud. Ct. Mass. Certiorari denied. Reported below: 416 Mass. 781, 625 N. E. 2d 1352.

No. 93-1640. *BILLINGS ET AL. v. TAVAGLIONE*. Ct. App. Cal., 4th App. Dist. Certiorari denied.

No. 93-1642. *DAVIS v. DAVIS*. Super. Ct. Pa. Certiorari denied.

No. 93-1649. *ALLSTATE INSURANCE CO. v. LOUISIANA INSURANCE GUARANTY ASSN. ET AL.* Sup. Ct. La. Certiorari denied. Reported below: 630 So. 2d 714.

511 U. S.

June 6, 1994

No. 93-1655. *MCMASTER, NKA HINES v. IOWA BOARD OF PSYCHOLOGY EXAMINERS*. Sup. Ct. Iowa. Certiorari denied. Reported below: 509 N. W. 2d 754.

No. 93-1661. *TRANSAMERICAN NATURAL GAS CORP. v. ZAPATA PARTNERSHIP, LTD.* C. A. 5th Cir. Certiorari denied. Reported below: 12 F. 3d 480.

No. 93-1695. *TRAVITZ v. NORTHEAST DEPARTMENT ILGWU HEALTH AND WELFARE FUND ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 13 F. 3d 704.

No. 93-1715. *JARMUSIK v. MERIT SYSTEMS PROTECTION BOARD*. C. A. Fed. Cir. Certiorari denied. Reported below: 6 F. 3d 786.

No. 93-1751. *BRAY TERMINALS, INC., ET AL. v. NEW YORK STATE DEPARTMENT OF TAXATION AND FINANCE*. App. Div., Sup. Ct. N. Y., 2d Jud. Dept. Certiorari denied. Reported below: 191 App. Div. 2d 668, 596 N. Y. S. 2d 717.

No. 93-1752. *FAIRFAX COUNTY SCHOOL BOARD v. FAIRFAX COVENANT CHURCH*. C. A. 4th Cir. Certiorari denied. Reported below: 17 F. 3d 703.

No. 93-1763. *HALL v. MELENDEZ*. Sup. Ct. P. R. Certiorari denied.

No. 93-7580. *BOGGS v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 93-7893. *HARTSOCK v. KENTUCKY*. Ct. App. Ky. Certiorari denied.

No. 93-7923. *LOOMIS v. VERNON ET AL.* Sup. Ct. Idaho. Certiorari denied.

No. 93-8152. *SHELTON v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 11 F. 3d 165.

No. 93-8234. *LEWIN v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 5 F. 3d 1497.

No. 93-8264. *DURBIN v. DURBIN ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 12 F. 3d 1106.

June 6, 1994

511 U. S.

No. 93-8324. *LUPE v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 8 F. 3d 32.

No. 93-8362. *GAREY v. OH ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 12 F. 3d 219.

No. 93-8384. *SAMUELS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 14 F. 3d 52.

No. 93-8485. *JACKSON v. DEPARTMENT OF THE TREASURY*. C. A. Fed. Cir. Certiorari denied. Reported below: 6 F. 3d 787.

No. 93-8510. *MARK v. UNITED STATES ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 7 F. 3d 228.

No. 93-8516. *PARRIS v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 16 F. 3d 418.

No. 93-8564. *GERALD, AKA JONES v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. Reported below: 5 F. 3d 563.

No. 93-8618. *PRICE v. DEPARTMENT OF THE NAVY*. C. A. Fed. Cir. Certiorari denied. Reported below: 11 F. 3d 1073.

No. 93-8644. *VAN WINKLE v. KANSAS*. Sup. Ct. Kan. Certiorari denied. Reported below: 254 Kan. 214, 864 P. 2d 729.

No. 93-8663. *MINH TRONG v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 93-8685. *WRIGHT v. WHITLEY, WARDEN, ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 11 F. 3d 542.

No. 93-8689. *VAN HAELE v. MONTANA*. Sup. Ct. Mont. Certiorari denied. Reported below: 261 Mont. 536, 868 P. 2d 641.

No. 93-8691. *SPENCER v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 93-8692. *SINGLETON v. CARMICHAEL, WARDEN, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 14 F. 3d 596.

No. 93-8704. *FLORES-MARTINEZ v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 8 F. 3d 31.

No. 93-8706. *RUIZ v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 16 F. 3d 418.

511 U. S.

June 6, 1994

No. 93-8710. *MITCHELL v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 93-8716. *CORUGEDO v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 11 F. 3d 165.

No. 93-8719. *FLOWERS v. JORDAN, ADMINISTRATOR, WISCONSIN DIVISION OF PROBATION AND PAROLE*. C. A. 7th Cir. Certiorari denied. Reported below: 12 F. 3d 1100.

No. 93-8720. *McKAY v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 15 F. 3d 179.

No. 93-8721. *RIVERA v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 93-8724. *SALTER v. WHITLEY, WARDEN, ET AL.* C. A. 5th Cir. Certiorari denied.

No. 93-8727. *POOLE v. HOLLAND, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 93-8731. *JACKSON v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 15 F. 3d 1092.

No. 93-8732. *MARTINEZ v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 93-8739. *STEINBRONN v. CITY OF PHILADELPHIA ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 6 F. 3d 780.

No. 93-8757. *WOLFE v. CALIFORNIA ET AL.* Ct. App. Cal., 1st App. Dist. Certiorari denied.

No. 93-8778. *SEI YOUNG CHOI v. PARMET ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 17 F. 3d 391.

No. 93-8824. *FLOYD ET AL. v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 16 F. 3d 1222.

No. 93-8842. *MACKEY v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 14 F. 3d 597.

No. 93-8848. *SENICH v. LAMBDIN*. C. A. 11th Cir. Certiorari denied.

No. 93-8851. *BAKER v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 15 F. 3d 1090.

June 6, 1994

511 U. S.

No. 93-8858. *HUFFMAN v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 10 F. 3d 1197.

No. 93-8898. *GONZALES v. SCOTT, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION*. C. A. 5th Cir. Certiorari denied. Reported below: 14 F. 3d 55.

No. 93-8900. *HOWARD v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 16 F. 3d 413.

No. 93-8902. *JOHNSON v. SCOTT, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 93-8911. *OKOR v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 93-8916. *CHAHINE v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 16 F. 3d 1221.

No. 93-8918. *STETTER v. SOUTH DAKOTA*. Sup. Ct. S. D. Certiorari denied. Reported below: 513 N. W. 2d 87.

No. 93-8921. *HERRERA-DURAN v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 17 F. 3d 391.

No. 93-8932. *BROWN v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. Reported below: 8 F. 3d 71.

No. 93-8934. *PATTERSON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 15 F. 3d 179.

No. 93-8936. *MENDOZA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 15 F. 3d 1093.

No. 93-8938. *LOUDERMILK v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 15 F. 3d 1093.

No. 93-8939. *LEEPER v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 12 F. 3d 1103.

No. 93-8940. *MITCHELL v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 17 F. 3d 1437.

No. 93-8942. *VILLANUEVA v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 15 F. 3d 197.

511 U. S.

June 6, 1994

No. 93-8946. *HARRIS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 8 F. 3d 821.

No. 93-8947. *FIERRO-GAXIOLA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 8 F. 3d 31.

No. 93-8948. *HESTER v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 21 F. 3d 428.

No. 93-8949. *FRUSHON v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 10 F. 3d 663.

No. 93-8952. *HARRIS v. UNITED STATES*; and
No. 93-8963. *HARRIS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 15 F. 3d 1090.

No. 93-8953. *KLIMAS v. DEPARTMENT OF THE TREASURY*. C. A. 9th Cir. Certiorari denied. Reported below: 17 F. 3d 395.

No. 93-8955. *WEST v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 16 F. 3d 413.

No. 93-8960. *REYNOLDS v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 19 F. 3d 1444.

No. 93-8961. *WARNER v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 10 F. 3d 1236.

No. 93-8964. *VALDES-PUIG v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 19 F. 3d 645.

No. 93-8965. *VALENCIA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 15 F. 3d 149.

No. 93-8966. *HAYNES v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 19 F. 3d 12.

No. 93-8969. *NETTERS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 6 F. 3d 586.

No. 93-8971. *MONTALVO v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 995 F. 2d 234.

No. 93-8973. *MAYFIELD v. MICHIGAN BOARD OF LAW EXAMINERS ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 16 F. 3d 1220.

June 6, 1994

511 U. S.

No. 93-8974. *HERRERA v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 16 F. 3d 418.

No. 93-8983. *COLE v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 15 F. 3d 1091.

No. 93-8985. *BROWN v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 8 F. 3d 31.

No. 93-8987. *COCKRELL v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 18 F. 3d 1156.

No. 93-8988. *CLEMONS v. ARVONIO, SUPERINTENDENT, EAST JERSEY STATE PRISON, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 93-8989. *FRANKLIN v. LUMMIS ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 12 F. 3d 208.

No. 93-8993. *TRIPLIN v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 15 F. 3d 1094.

No. 93-8994. *PAULK v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 16 F. 3d 1222.

No. 93-8996. *THOMAS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 19 F. 3d 1431.

No. 93-9003. *RYSKAMP v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 93-9005. *LARNER v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 1st Cir. Certiorari denied. Reported below: 10 F. 3d 805.

No. 93-9008. *HEARRON v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 9 F. 3d 1554.

No. 93-9010. *GUTIERREZ-AMEZQUITA, AKA LUGO v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 21 F. 3d 1107.

No. 93-9017. *OJEDA CHANG v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 19 F. 3d 645.

No. 93-9022. *AVERY v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 15 F. 3d 816.

511 U. S.

June 6, 1994

No. 93-9024. *AKECH v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 19 F. 3d 644.

No. 93-9029. *MATA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 5 F. 3d 542.

No. 93-9030. *RITCHIE v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 15 F. 3d 272.

No. 93-9032. *MYERS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 16 F. 3d 413.

No. 93-9034. *PACE v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 10 F. 3d 1106.

No. 93-9038. *BROWER v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 16 F. 3d 405.

No. 93-9047. *HESS v. ARIZONA*. Ct. App. Ariz. Certiorari denied.

No. 93-9050. *OGUNDE v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 16 F. 3d 413.

No. 93-9053. *LYLE v. DEPARTMENT OF CORRECTIONS ET AL.* Sup. Ct. Mich. Certiorari denied. Reported below: 444 Mich. 956, 514 N. W. 2d 767.

No. 93-9057. *NEWKIRK v. SMITH, WARDEN, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 19 F. 3d 11.

No. 93-9069. *VELA v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 19 F. 3d 20.

No. 93-9074. *FONT, AKA NAVARRO v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 17 F. 3d 1431.

No. 93-9075. *HUNT v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 16 F. 3d 418.

No. 93-9091. *DUNNE v. KEOHANE, WARDEN*. C. A. 7th Cir. Certiorari denied. Reported below: 14 F. 3d 335.

No. 93-9094. *BURTON v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 19 F. 3d 30.

June 6, 1994

511 U. S.

No. 93-1338. J. ALEXANDER SECURITIES, INC. *v.* MENDEZ. Ct. App. Cal., 2d App. Dist. Certiorari denied. Reported below: 17 Cal. App. 4th 1083, 21 Cal. Rptr. 2d 826.

JUSTICE O'CONNOR, with whom THE CHIEF JUSTICE joins, dissenting.

Petitioner is a Los Angeles brokerage firm. When respondent opened an account there, she executed an agreement providing for arbitration of all disputes. See 17 Cal. App. 4th 1083, 1087, n. 2, 21 Cal. Rptr. 2d 826, 828, n. 2 (1993). The contract also provided that "[t]his agreement and its enforcement shall be governed by the laws of the State of New York." *Id.*, at 1087, 21 Cal. Rptr. 2d, at 827. In 1991, respondent alleged that petitioner and one of its employees had engaged in various deceptive practices, resulting in financial losses to respondent. The parties submitted the dispute to a panel of three arbitrators convened in accordance with the rules of the National Association of Securities Dealers (NASD). The panel awarded respondent \$27,000 in compensatory damages and \$27,000 in punitive damages for petitioner's failure to adequately supervise the employee. *Id.*, at 1087-1088, 21 Cal. Rptr. 2d, at 828.

Petitioner sought to have the punitive damages portion of the award set aside, arguing that New York law prohibits arbitrators from awarding punitive damages. See *Garrity v. Lyle Stuart, Inc.*, 40 N. Y. 2d 354, 353 N. E. 2d 793 (1976). The trial court declined to correct the award. Relying on the Federal Arbitration Act, 9 U. S. C. § 2 *et seq.* (1988 ed. and Supp. IV), the California Court of Appeal affirmed. The court concluded that "[t]he choice of law provision [in the contract] merely designates the substantive law that the arbitrators must apply in determining whether the conduct of the parties warrants an award of punitive damages; it does not deprive the arbitrators of their authority to award punitive damages." 17 Cal. App. 4th, at 1091, 21 Cal. Rptr. 2d, at 830.

The decision below is in accord with several federal decisions holding that the Arbitration Act pre-empts state law prohibitions on arbitral punitive damages awards. See, *e. g.*, *Todd Shipyards Corp. v. Cunard Line, Ltd.*, 943 F. 2d 1056 (CA9 1991); *Bonar v. Dean Witter Reynolds, Inc.*, 835 F. 2d 1378 (CA11 1988). But the Court of Appeal expressly "decline[d] to follow two Second Circuit cases, which held . . . that state law relating to the propri-

ety of a punitive damages award by an arbitrator is not pre-empted by federal substantive law, and thus vacated the punitive damage[s] award.” 17 Cal. App. 4th, at 1091, n. 7, 21 Cal. Rptr. 2d, at 830, n. 7, citing *Barbier v. Shearson Lehman Hutton, Inc.*, 948 F. 2d 117 (CA2 1991), and *Fahnestock & Co. v. Waltman*, 935 F. 2d 512 (CA2 1991).

Moreover, the decision below irreconcilably conflicts with *Mastrobuono v. Shearson Lehman Hutton, Inc.*, 20 F. 3d 713 (CA7 1994). In *Mastrobuono*, the investor signed an agreement with the brokerage house containing an arbitration provision and a New York choice-of-law clause identical to those in the agreement in this case. The investor brought the same kinds of claims as respondent did—churning and unauthorized trading—and they were submitted to arbitration pursuant to NASD rules. The arbitration panel awarded punitive damages against the brokerage firm, but the Court of Appeals for the Seventh Circuit held that the award should be set aside. See 9 U.S.C. § 10(a)(4) (1988 ed., Supp. IV) (authorizing set-aside where “the arbitrators exceeded their powers”). The court acknowledged the strong federal policy favoring arbitration, but also noted that the policy “is simply to ensure the enforceability, *according to their terms*, of private agreements to arbitrate.” *Volt Information Sciences, Inc. v. Board of Trustees of Leland Stanford Junior Univ.*, 489 U.S. 468, 476 (1989) (emphasis added). By incorporating New York law into the agreement, the court reasoned, the parties agreed to be bound by the New York prohibition on arbitrators’ awarding punitive damages. The Seventh Circuit expressly “recognize[d] that some circuit courts have reached a different result.” 20 F. 3d, at 718, citing *Bonar v. Dean Witter Reynolds, Inc.*, *supra*; *Raytheon Co. v. Automated Business Systems, Inc.*, 882 F. 2d 6 (CA1 1989); *Todd Shipyards Corp. v. Cunard Line, Ltd.*, *supra*; *Lee v. Chica*, 983 F. 2d 883 (CA8), cert. denied, 510 U.S. 906 (1993).

To this list of conflicting decisions may be added the decision below. The result is that courts in different jurisdictions reach contrary results with respect to the availability of punitive damages in cases involving similarly situated parties and identical arbitration agreements. The Federal Arbitration Act was passed, in part, to prevent this kind of disarray. Because most securities agreements contain arbitration provisions, and many are governed by New York law, the ability of arbitrators to award

June 6, 1994

511 U. S.

punitive damages in these circumstances is an important and recurring question of federal law. The state and federal courts have divided as to how this question should be answered; I would therefore grant the petition for a writ of certiorari.

No. 93-1637. MEDICAL SOCIETY OF THE STATE OF NEW YORK ET AL. *v.* SOBOL, COMMISSIONER OF THE DEPARTMENT OF EDUCATION OF NEW YORK, ET AL. Ct. App. N. Y. Motion of American Medical Association for leave to file a brief as *amicus curiae* granted. Certiorari denied. Reported below: 82 N. Y. 2d 802, 624 N. E. 2d 696.

No. 93-8109. HUGHES *v.* TEXAS. Ct. Crim. App. Tex. Motion of petitioner to strike the brief in opposition denied. Certiorari denied. Reported below: 878 S. W. 2d 142.

JUSTICE BLACKMUN, dissenting.

Adhering to my view that the death penalty cannot be imposed fairly within the constraints of our Constitution, see my dissent in *Callins v. Collins*, 510 U. S. 1141, 1143 (1994), I would grant certiorari and vacate the death sentence in this case.

No. 93-8151. MORAN *v.* PENNSYLVANIA. Sup. Ct. Pa.;

No. 93-8207. ESPINOSA *v.* FLORIDA. Sup. Ct. Fla.; and

No. 93-8636. GEORGE *v.* MURRAY, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS. Sup. Ct. Va. Certiorari denied. Reported below: No. 93-8151, 535 Pa. 485, 636 A. 2d 612; No. 93-8207, 626 So. 2d 165.

JUSTICE BLACKMUN, dissenting.

Adhering to my view that the death penalty cannot be imposed fairly within the constraints of our Constitution, see my dissent in *Callins v. Collins*, 510 U. S. 1141, 1143 (1994), I would grant certiorari and vacate the death sentences in these cases.

Rehearing Denied

No. 93-1235. AUSTIN ET AL. *v.* UNITED PARCEL SERVICE, 510 U. S. 1196;

No. 93-1391. HORNBACK *v.* UNITED STATES, *ante*, p. 1070;

No. 93-1472. SIEGEL *v.* JAMES ISLAND PUBLIC SERVICE DISTRICT ET AL., *ante*, p. 1053;

No. 93-6893. HOLLY *v.* BRENNAN, WARDEN, ET AL., *ante*, p. 1047;

511 U. S.

June 6, 7, 1994

No. 93-7421. *BAKER v. SHALALA*, SECRETARY OF HEALTH AND HUMAN SERVICES, *ante*, p. 1035;

No. 93-7479. *SHOCKEY v. BADGER COAL CO. ET AL.*, *ante*, p. 1035;

No. 93-7773. *BOOTHE v. STANTON*, *ante*, p. 1009;

No. 93-8063. *ROSE ET AL. v. MERRELL DOW PHARMACEUTICALS ET AL.*, *ante*, p. 1040;

No. 93-8099. *ERWIN v. UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS*, *ante*, p. 1025;

No. 93-8246. *BUCHANAN v. SOUTH CAROLINA*, *ante*, p. 1074; and

No. 93-8296. *TAYLOR v. JOHNSON, WARDEN*, *ante*, p. 1044. Petitions for rehearing denied.

JUNE 7, 1994

Dismissal Under Rule 46

No. 93-8811. *IN RE KUKES*. Petition for writ of mandamus dismissed under this Court's Rule 46.