

ORDERS FOR JUNE 13 THROUGH
SEPTEMBER 30, 1994

JUNE 13, 1994

Certiorari Granted—Vacated and Remanded

No. 93-428. LIVINGSTONE *v.* DONAHEY ET AL. C. A. 6th Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Key Tronic Corp. v. United States*, 511 U. S. 809 (1994). Reported below: 987 F. 2d 1250.

Miscellaneous Orders

No. A-991. GRIGSBY *v.* O'DONNELL, JUDGE, 301ST DISTRICT COURT, DALLAS COUNTY, TEXAS. Dist. Ct., 301st Jud. Dist., Dallas County, Tex. Application for stay, addressed to JUSTICE GINSBURG and referred to the Court, denied.

No. D-1063. IN RE DISBARMENT OF WEISS. Disbarment entered. [For earlier order herein, see 502 U. S. 1011.]

No. D-1375. IN RE DISBARMENT OF MCNAMARA. Disbarment entered. [For earlier order herein, see 511 U. S. 1002.]

No. D-1380. IN RE DISBARMENT OF COOPER. Disbarment entered. [For earlier order herein, see 511 U. S. 1016.]

No. D-1385. IN RE DISBARMENT OF MCCLENNY. Disbarment entered. [For earlier order herein, see 511 U. S. 1028.]

No. D-1405. IN RE DISBARMENT OF WARNER. It is ordered that Marq J. Warner, of Englewood, Colo., 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-1406. IN RE DISBARMENT OF BRENNAN. It is ordered that John Daniel Brennan, of Evanston, 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-1407. IN RE DISBARMENT OF ANAST. It is ordered that Nick J. Anast, of Schererville, Ind., be suspended from the

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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-1408. *IN RE DISBARMENT OF LESLIE*. It is ordered that Brian Hal Leslie, 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-1409. *IN RE DISBARMENT OF BELLER*. It is ordered that Louis R. Beller, of Miami Beach, 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. S-3. *IN RE DISBARMENT OF POWELL*. Disbarment entered. [For earlier order herein, see No. 882, Misc., 389 U. S. 924.]

No. 65, Orig. *TEXAS v. NEW MEXICO*. Motion of the River Master for approval of fees and expenses granted, and the River Master is awarded \$836 for the period January 1 through March 31, 1994, to be paid equally by the parties. [For earlier order herein, see, *e. g.*, 510 U. S. 1106.]

No. 111, Orig. *DELAWARE ET AL. v. NEW YORK*. Upon consideration of the Report of the Special Master, the Exceptions of Plaintiff-Intervenor States of Alabama et al., and the Reply of Delaware, it is ordered that Delaware's complaint against New York is dismissed, that the renewed motion of Delaware to dismiss the complaint without prejudice is denied, and that the motion of New York to amend its answer in order to assert certain counterclaims is denied without prejudice. The Court takes no action at this time on the recommendation of the Special Master for determining the location of noncorporate debtors. This cause shall now be known as *State of Texas et al., Plaintiffs-Intervenors v. State of New York*. [For earlier order herein, see, *e. g.*, 511 U. S. 1028.]

No. 92-1012. *SIMPSON PAPER (VERMONT) CO. v. DEPARTMENT OF ENVIRONMENTAL CONSERVATION ET AL.* Sup. Ct. Vt. In light of the dismissal of the petition on January 5, 1994 [510 U. S.

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1032], the order entered June 6, 1994 [511 U. S. 1141], denying the petition for writ of certiorari is vacated.

No. 93-986. *McINTYRE v. OHIO ELECTIONS COMMISSION*. Sup. Ct. Ohio. [Certiorari granted, 510 U. S. 1108.] Motion to substitute Joseph McIntyre, Executor, in place of Margaret McIntyre, deceased, as petitioner in this case granted. Motion of respondent to dismiss denied.

No. 93-1224. *TODD SHIPYARDS CORP. ET AL. v. EDWARDS ET AL.*, 511 U. S. 1031. Motion of respondent Richard Edwards for assessment of costs and attorney's fees denied without prejudice to refiling in the United States Court of Appeals for the Ninth Circuit.

No. 93-1535. *WEST PENN POWER CO. ET AL. v. PENNSYLVANIA PUBLIC UTILITY COMMISSION ET AL.* Commw. Ct. Pa. Motions of Metropolitan Edison Co. et al. and Edison Electric Institute for leave to file briefs as *amici curiae* granted.

No. 93-1652. *CALDERON, WARDEN, ET AL. v. HAMILTON*. C. A. 9th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Motion of Criminal Justice Legal Foundation for leave to file a brief as *amicus curiae* granted.

No. 93-8312. *IN RE ANDERSON*. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [511 U. S. 364] denied.

No. 93-9060. *IN RE LEWIS*; and

No. 93-9171. *IN RE NOLT*. Petitions for writs of habeas corpus denied.

No. 93-8802. *IN RE BIERLEY*. Petition for writ of mandamus denied.

No. 93-1418. *IN RE CALDERON, WARDEN, ET AL.* Motion of respondent Melvin Wade for leave to proceed *in forma pauperis* granted. Petition for writ of mandamus denied.

Certiorari Granted

No. 93-1631. *BENTSEN, SECRETARY OF THE TREASURY v. ADOLPH COORS CO.* C. A. 10th Cir. Certiorari granted. Reported below: 2 F. 3d 355.

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No. 93-1636. SWINT ET AL. *v.* CHAMBERS COUNTY COMMISSION ET AL. C. A. 11th Cir. Certiorari granted. Reported below: 5 F. 3d 1435 and 11 F. 3d 1030.

No. 93-1677. OKLAHOMA TAX COMMISSION *v.* JEFFERSON LINES, INC. C. A. 8th Cir. Certiorari granted. Reported below: 15 F. 3d 90.

Certiorari Denied

No. 93-1328. INTERNATIONAL UNION OF ELECTRONIC, ELECTRICAL, TECHNICAL, SALARIED & MACHINE WORKERS, AFL-CIO, ET AL. *v.* UNITED STATES. C. A. Fed. Cir. Certiorari denied. Reported below: 6 F. 3d 1511.

No. 93-1348. ADAMS *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 5 F. 3d 529.

No. 93-1377. WARDLAW *v.* PICKETT ET AL. C. A. D. C. Cir. Certiorari denied. Reported below: 1 F. 3d 1297.

No. 93-1437. GILFORD PARTNERS *v.* PIZITZ ET AL. Sup. Ct. Ala. Certiorari denied. Reported below: 630 So. 2d 404.

No. 93-1459. GREENFIELD *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 12 F. 3d 217.

No. 93-1461. MAG INSTRUMENT, INC. *v.* COMMISSION OF PATENTS AND TRADEMARKS. C. A. Fed. Cir. Certiorari denied. Reported below: 17 F. 3d 1442.

No. 93-1463. SOUTHWESTERN BELL TELEPHONE CO. *v.* FEDERAL COMMUNICATIONS COMMISSION ET AL. C. A. D. C. Cir. Certiorari denied. Reported below: 10 F. 3d 892.

No. 93-1468. POPELKA ET AL. *v.* LEE ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 17 F. 3d 395.

No. 93-1469. FOXWOOD MANAGEMENT CO. ET AL. *v.* FEDERAL DEPOSIT INSURANCE CORPORATION ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 15 F. 3d 180.

No. 93-1478. ANDERSON ET AL. *v.* MERIT SYSTEMS PROTECTION BOARD. C. A. Fed. Cir. Certiorari denied. Reported below: 12 F. 3d 1069.

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No. 93-1486. FEDERAL DEPOSIT INSURANCE CORPORATION, AS RECEIVER OF TEXAS INVESTMENT BANK, N. A. *v.* DAWSON ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 4 F. 3d 1303.

No. 93-1489. LOWERY, TREASURER OF CLEVELAND COUNTY, OKLAHOMA, ET AL. *v.* FEDERAL DEPOSIT INSURANCE CORPORATION. C. A. 10th Cir. Certiorari denied. Reported below: 12 F. 3d 995.

No. 93-1519. FAIRFAX HOSPITAL *v.* NATIONAL LABOR RELATIONS BOARD ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 14 F. 3d 594.

No. 93-1562. MR. SPROUT, INC., ET AL. *v.* UNITED STATES ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 8 F. 3d 118.

No. 93-1569. BOARDS ET AL. *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 10 F. 3d 587.

No. 93-1597. COMRIE ET AL. *v.* FEDERAL NATIONAL MORTGAGE ASSOCIATION. C. A. 11th Cir. Certiorari denied. Reported below: 8 F. 3d 36.

No. 93-1602. FIRST INTERSTATE BANK OF DENVER, N. A. *v.* DUFFIELD. C. A. 10th Cir. Certiorari denied. Reported below: 13 F. 3d 1403.

No. 93-1608. McBEATH *v.* COOPER ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 11 F. 3d 547.

No. 93-1615. ILLINOIS DEPARTMENT OF THE LOTTERY *v.* MARCHIANDO. C. A. 7th Cir. Certiorari denied. Reported below: 13 F. 3d 1111.

No. 93-1635. PIGNATO *v.* AMERICAN TRANS AIR, INC. C. A. 7th Cir. Certiorari denied. Reported below: 14 F. 3d 342.

No. 93-1645. ADVANCED MICRO DEVICES, INC. *v.* INTEL CORP. C. A. 9th Cir. Certiorari denied. Reported below: 12 F. 3d 908.

No. 93-1650. ELJER MANUFACTURING, INC. *v.* KOWIN DEVELOPMENT CORP. C. A. 7th Cir. Certiorari denied. Reported below: 14 F. 3d 1250.

No. 93-1654. CRUTCHFIELD *v.* MCGREGOR. Ct. App. Ore. Certiorari denied.

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No. 93-1656. *EICHELBERGER ET AL. v. AYCOCK ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 12 F. 3d 1097.

No. 93-1657. *LOWERY v. REDD ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 14 F. 3d 595.

No. 93-1659. *CAMPBELL v. CALIFORNIA.* C. A. 9th Cir. Certiorari denied.

No. 93-1665. *HUNGER ET AL. v. AB ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 12 F. 3d 118.

No. 93-1666. *STEVENS v. BOARD OF LAW EXAMINERS OF TEXAS.* Sup. Ct. Tex. Certiorari denied. Reported below: 868 S. W. 2d 773.

No. 93-1667. *ALABAMA v. MCREYNOLDS.* Ct. Crim. App. Ala. Certiorari denied. Reported below: 631 So. 2d 280.

No. 93-1671. *FRENCH v. KING, DIRECTOR OF CAROLINE COUNTY, VIRGINIA, SOCIAL SERVICES, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 14 F. 3d 594.

No. 93-1675. *DEMATTEIS v. PENNSYLVANIA.* Super. Ct. Pa. Certiorari denied. Reported below: 425 Pa. Super. 627, 619 A. 2d 787.

No. 93-1676. *FULLER ET AL. v. GOLDEN AGE FISHERIES ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 14 F. 3d 1405.

No. 93-1681. *ROSS ET AL. v. FORD MOTOR CREDIT Co.* Ct. App. Mo., Western Dist. Certiorari denied. Reported below: 867 S. W. 2d 546.

No. 93-1682. *BALCOR REAL ESTATE HOLDINGS, INC., FKA BALCOR REAL ESTATE FINANCE, INC. v. CLARK, TRUSTEE, BANKRUPTCY ESTATES OF MERIDITH HOFFMAN PARTNERS ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 12 F. 3d 1549.

No. 93-1683. *WHEELER v. KIDDER, PEABODY & Co., INC., ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 8 F. 3d 21.

No. 93-1685. *HEBERT v. BROWN, SECRETARY OF VETERANS AFFAIRS.* C. A. Fed. Cir. Certiorari denied. Reported below: 14 F. 3d 612.

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No. 93-1688. *CENTRAL DISTRIBUTORS OF BEER, INC. v. CONN ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 5 F. 3d 181.

No. 93-1689. *RICE v. OHIO DEPARTMENT OF TRANSPORTATION ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 14 F. 3d 1133.

No. 93-1691. *MANESS v. STAR-KIST FOODS, INC., ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 7 F. 3d 704.

No. 93-1698. *SAUNDERS v. BUSH, FORMER PRESIDENT OF THE UNITED STATES, ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 15 F. 3d 64.

No. 93-1704. *ABRAHAM, PERSONAL REPRESENTATIVE OF THE ESTATE OF ABRAHAM, ET AL. v. PWG PARTNERSHIP ET AL.* Sup. Ct. N. M. Certiorari denied. Reported below: 116 N. M. 583, 866 P. 2d 311.

No. 93-1737. *WOZNICK v. HINSON, ADMINISTRATOR, FEDERAL AVIATION ADMINISTRATION.* C. A. 6th Cir. Certiorari denied. Reported below: 16 F. 3d 1224.

No. 93-1755. *MOBIL OIL CORP. v. TOWN OF CYRIL.* C. A. 10th Cir. Certiorari denied. Reported below: 11 F. 3d 996.

No. 93-1785. *ORGANIZACION JD LTDA. ET AL. v. UNITED STATES ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 18 F. 3d 91.

No. 93-1791. *REIVES v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 15 F. 3d 42.

No. 93-1804. *SACRAMENTO CITY UNIFIED SCHOOL DISTRICT BOARD OF EDUCATION v. HOLLAND, BY AND THROUGH HER GUARDIAN AD LITEM, HOLLAND, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 14 F. 3d 1398.

No. 93-1807. *SCHLEDWITZ v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. Reported below: 14 F. 3d 603.

No. 93-1808. *ALAGO v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 15 F. 3d 1092.

No. 93-1815. *BURNS-TOOLE v. BYRNE ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 11 F. 3d 1270.

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No. 93-1819. *GONZALEZ v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 16 F. 3d 1232.

No. 93-1868. *ORTMAN v. OAKLAND COUNTY, MICHIGAN, ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 16 F. 3d 1220.

No. 93-6289. *SMITH v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 996 F. 2d 1231.

No. 93-7161. *MURRAY v. DUNCAN, WARDEN*. C. A. 9th Cir. Certiorari denied. Reported below: 996 F. 2d 1226.

No. 93-8056. *COPELAND v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 10 F. 3d 1044.

No. 93-8382. *WILSON v. UNITED STATES*;

No. 93-8403. *WILLIAMS v. UNITED STATES*; and

No. 93-8450. *JONES v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 14 F. 3d 598.

No. 93-8395. *GUILLOU v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 12 F. 3d 219.

No. 93-8559. *GRIGGS v. KANSAS ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 16 F. 3d 416.

No. 93-8737. *RODENBAUGH v. RODENBAUGH ET AL.* C. A. 3d Cir. Certiorari denied.

No. 93-8740. *RODENBAUGH v. RODENBAUGH ET AL.* C. A. 3d Cir. Certiorari denied.

No. 93-8750. *WILLOUGHBY v. CALIFORNIA*. Ct. App. Cal., 4th App. Dist. Certiorari denied.

No. 93-8751. *WALKER v. LANHAM ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 17 F. 3d 1435.

No. 93-8753. *WYATT v. OKLAHOMA*. Ct. Crim. App. Okla. Certiorari denied.

No. 93-8759. *CARMICHAEL v. BRYANT, ATTORNEY GENERAL OF ARKANSAS, ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 16 F. 3d 1227.

No. 93-8766. *IRVINE v. TEXAS*. Ct. App. Tex., 1st Dist. Certiorari denied. Reported below: 857 S. W. 2d 920.

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No. 93-8768. *FUQUA v. GOMEZ, DIRECTOR, CALIFORNIA DEPARTMENT OF CORRECTIONS*. C. A. 9th Cir. Certiorari denied. Reported below: 10 F. 3d 808.

No. 93-8769. *JACKSON v. SHALALA, SECRETARY OF HEALTH AND HUMAN SERVICES*. C. A. 7th Cir. Certiorari denied. Reported below: 12 F. 3d 1100.

No. 93-8771. *EDWARDS v. HARGETT, WARDEN*. C. A. 10th Cir. Certiorari denied. Reported below: 9 F. 3d 1557.

No. 93-8783. *EVANS v. NEW YORK*. App. Div., Sup. Ct. N. Y., 1st Jud. Dept. Certiorari denied. Reported below: 199 App. Div. 2d 191, 605 N. Y. S. 2d 287.

No. 93-8793. *MURPHY v. MAASS, SUPERINTENDENT, OREGON STATE PENITENTIARY*. Ct. App. Ore. Certiorari denied. Reported below: 122 Ore. App. 376, 857 P. 2d 890.

No. 93-8795. *LYON v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied. Reported below: 872 S. W. 2d 732.

No. 93-8796. *PRICE v. CONNECTICUT*. Sup. Ct. Conn. Certiorari denied.

No. 93-8799. *STRINGER v. MISSISSIPPI*. Sup. Ct. Miss. Certiorari denied. Reported below: 627 So. 2d 326.

No. 93-8800. *GOFF v. BURTON ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 7 F. 3d 734.

No. 93-8801. *HOZDISH v. TYRA ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 12 F. 3d 208.

No. 93-8803. *RUFFIN v. MEACHUM, COMMISSIONER, CONNECTICUT DEPARTMENT OF CORRECTION, ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 17 F. 3d 391.

No. 93-8805. *MORRIS v. PERLOS*. C. A. 6th Cir. Certiorari denied.

No. 93-8810. *DEA v. PENNSYLVANIA ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 14 F. 3d 47.

No. 93-8813. *JOHNSON ET UX. v. STATE FARM GENERAL INSURANCE CO.* C. A. 5th Cir. Certiorari denied. Reported below: 14 F. 3d 53.

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No. 93-8818. *DESMOND v. NORDBERG ET AL.* App. Ct. Mass. Certiorari denied. Reported below: 36 Mass. App. 1104, 629 N. E. 2d 1016.

No. 93-8820. *RODENBAUGH v. GERSON.* C. A. 3d Cir. Certiorari denied. Reported below: 14 F. 3d 49.

No. 93-8827. *YOUNG v. PENNSYLVANIA.* Super. Ct. Pa. Certiorari denied.

No. 93-8830. *BELL ET AL. v. COUGHLIN, COMMISSIONER, NEW YORK STATE DEPARTMENT OF CORRECTIONAL SERVICES, ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 17 F. 3d 390.

No. 93-8831. *BARNES v. GARETNER ET AL.* Ct. App. Ohio, Cuyahoga County. Certiorari denied.

No. 93-8832. *WIESE v. UNITED STATES.* C. A. 8th Cir. Certiorari denied. Reported below: 15 F. 3d 100.

No. 93-8837. *CHAMBERS v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. Reported below: 16 F. 3d 1221.

No. 93-8853. *WHITLEY v. FLORIDA.* Sup. Ct. Fla. Certiorari denied. Reported below: 630 So. 2d 1103.

No. 93-8859. *PENALES GUERRERO v. CALIFORNIA.* Ct. App. Cal., 2d App. Dist. Certiorari denied. Reported below: 19 Cal. App. 4th 401, 23 Cal. Rptr. 2d 803.

No. 93-8861. *COOLEY ET UX. v. KNAPP ET AL.* Sup. Ct. Ala. Certiorari denied. Reported below: 639 So. 2d 960.

No. 93-8864. *HILL v. CARUSO, WARDEN.* C. A. 6th Cir. Certiorari denied.

No. 93-8865. *JOHNSON v. WHITAKER.* C. A. 5th Cir. Certiorari denied. Reported below: 20 F. 3d 466.

No. 93-8866. *THOMAS v. ZAVARAS, EXECUTIVE DIRECTOR, COLORADO DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 16 F. 3d 417.

No. 93-8870. *SWINEY v. HARRELSON, WARDEN, ET AL.* C. A. 11th Cir. Certiorari denied.

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No. 93-8874. *TRAINA v. MISSOURI*. Sup. Ct. Mo. Certiorari denied.

No. 93-8876. *HERRERA v. NEVADA*. Sup. Ct. Nev. Certiorari denied. Reported below: 109 Nev. 1400, 875 P. 2d 1062.

No. 93-8909. *MIDDLETON v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 14 F. 3d 598.

No. 93-8917. *DOLAN v. MAASS, SUPERINTENDENT, OREGON STATE PENITENTIARY*. C. A. 9th Cir. Certiorari denied. Reported below: 21 F. 3d 1112.

No. 93-8926. *BETKA v. OREGON DEPARTMENT OF REVENUE ET AL.* Sup. Ct. Ore. Certiorari denied. Reported below: 318 Ore. 55, 861 P. 2d 1018.

No. 93-8927. *DARRING v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. Reported below: 8 F. 3d 71.

No. 93-8935. *STOLLAR v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 10 F. 3d 1574.

No. 93-8941. *ROSAS v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 16 F. 3d 1226.

No. 93-8945. *TAYLOR v. LUNGREN, ATTORNEY GENERAL OF CALIFORNIA, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 93-8950. *FULLER v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 15 F. 3d 646.

No. 93-8979. *CASIMONO v. HUNDLEY, WARDEN, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 93-8986. *COLLINS v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 19 F. 3d 1434.

No. 93-9009. *JONES v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 15 F. 3d 1096.

No. 93-9013. *JOHNSON v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 12 F. 3d 760.

No. 93-9019. *DAVIS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 17 F. 3d 1435.

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No. 93-9020. *CARPER v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 16 F. 3d 417.

No. 93-9031. *ONOKPACHERE v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 14 F. 3d 59.

No. 93-9044. *JOHNSON v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 9 F. 3d 506.

No. 93-9056. *MCCARTHY v. HEDRICK, WARDEN*. C. A. 8th Cir. Certiorari denied.

No. 93-9083. *SAMUELS v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 16 F. 3d 1221.

No. 93-9092. *TAYLOR v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 16 F. 3d 1215.

No. 93-9101. *BADARACCO v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 17 F. 3d 396.

No. 93-9104. *FLORES ET UX. v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 15 F. 3d 632.

No. 93-9107. *GOMEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 16 F. 3d 1214.

No. 93-9115. *MOSES v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 15 F. 3d 774.

No. 93-9119. *AUSTIN v. PETERS ET AL.* C. A. 6th Cir. Certiorari denied.

No. 93-9120. *MERIT v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 93-9129. *DIXON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 19 F. 3d 15.

No. 93-9132. *TIPTON ET AL. v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 11 F. 3d 602.

No. 93-9141. *GOSHEN v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 14 F. 3d 602.

No. 93-9156. *KEITH v. MCCAUGHTRY, WARDEN*. C. A. 7th Cir. Certiorari denied. Reported below: 1 F. 3d 1244.

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No. 93-960. MAYCO OIL & CHEMICAL CO. ET AL. *v.* TRANS-TECH INDUSTRIES, INC., ET AL. C. A. 3d Cir. Certiorari denied. JUSTICE BLACKMUN took no part in the consideration or decision of this petition. Reported below: 5 F. 3d 51.

No. 93-1383. ILLINOIS *v.* PERKINS. App. Ct. Ill., 5th Dist. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 248 Ill. App. 3d 762, 618 N. E. 2d 1275.

No. 93-1490. RENT STABILIZATION ASSOCIATION OF NEW YORK CITY, INC., ET AL. *v.* HIGGINS ET AL. Ct. App. N. Y. Motion of Pacific Legal Foundation for leave to file a brief as *amicus curiae* granted. Certiorari denied. Reported below: 83 N. Y. 2d 156, 630 N. E. 2d 626.

No. 93-1674. TRUSTEES OF COLUMBIA UNIVERSITY IN THE CITY OF NEW YORK ET AL. *v.* KARIBIAN ET AL. C. A. 2d Cir. Motions of Chamber of Commerce of the United States of America, Commission on Independent Colleges and Universities, and Equal Employment Advisory Council et al. for leave to file briefs as *amici curiae* granted. Certiorari denied. Reported below: 14 F. 3d 773.

No. 93-5944. MULLET *v.* ARIZONA. Ct. App. Ariz. Certiorari denied. JUSTICE O'CONNOR took no part in the consideration or decision of this petition.

No. 93-8855. KING *v.* BOONE, WARDEN, ET AL. C. A. 10th Cir. Motion of petitioner to defer consideration of petition for writ of certiorari denied. Certiorari denied. Reported below: 16 F. 3d 416.

No. 93-7545. HILL *v.* TEXAS. Ct. Crim. App. Tex.;

No. 93-8683. ROMINE *v.* ZANT, WARDEN. Sup. Ct. Ga.;

No. 93-8728. SCOTT *v.* OHIO. Ct. App. Ohio, Cuyahoga County;

No. 93-8730. GILES *v.* ALABAMA. Sup. Ct. Ala.; and

No. 93-9049. PALMER *v.* CLARKE, WARDEN. C. A. 8th Cir. Certiorari denied. Reported below: No. 93-8730, 632 So. 2d 577; No. 93-9049, 12 F. 3d 781.

JUSTICE BLACKMUN, dissenting.

Adhering to my view that the death penalty cannot be imposed fairly within the constraints of our Constitution, see my dissent

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in *Callins v. Collins*, 510 U. S. 1141, 1143 (1994), I would grant certiorari and vacate the death sentences in these cases.

No. 93-9506 (A-1028). *CRANK v. SCOTT*, 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: 19 F. 3d 172.

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. 93-1015. *CARDWELL v. UNITED STATES*, 511 U. S. 1051;
No. 93-1269. *YOUNG IN HONG v. CHILDREN'S MEMORIAL HOSPITAL*, 511 U. S. 1005;

No. 93-1404. *MARTIN v. FLORIDA POWER CORP.*, 511 U. S. 1053;
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.*, 511 U. S. 1053;

No. 93-5455. *SIMS v. UNITED STATES*, 511 U. S. 1034;

No. 93-7484. *NEWSOME v. PETERS*, DIRECTOR, ILLINOIS DEPARTMENT OF CORRECTIONS, ET AL., 510 U. S. 1198;

No. 93-7823. *YITREF v. WORKERS' COMPENSATION APPEALS BOARD OF CALIFORNIA ET AL.*, 511 U. S. 1036;

No. 93-7882. *JIMENEZ v. MGM*, 511 U. S. 1022;

No. 93-7999. *IN RE SANDERS*, 511 U. S. 1029;

No. 93-8038. *CLAY v. MURRAY*, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS, 511 U. S. 1055;

No. 93-8046. *DINGLE v. CRAWFORD ET AL.*, 511 U. S. 1055;

No. 93-8051. *WHITEHEAD v. BRADLEY UNIVERSITY ET AL.*, 511 U. S. 1055;

No. 93-8091. *BAKER v. LOPATIN*, MILLER, FREEDMAN, BLUESTONE, ERLICH, ROSEN & BARTNICK, ATTORNEYS AT LAW, P. C., 511 U. S. 1056;

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No. 93–8113. ARNETT *v.* KELLOGG Co., 511 U. S. 1040;

No. 93–8159. BROWN-BRUNSON ET VIR *v.* HUNTER, SUPERINTENDENT, BALTIMORE COUNTY BOARD OF EDUCATION, ET AL., 511 U. S. 1057; and

No. 93–8342. BOALBEY *v.* ROCK ISLAND COUNTY ET AL., 511 U. S. 1076. Petitions for rehearing denied.

No. 93–7098. RICHLEY *v.* NORRIS, DIRECTOR, ARKANSAS DEPARTMENT OF CORRECTION, 511 U. S. 1063;

No. 93–7167. HOLMES ET AL. *v.* NORRIS, DIRECTOR, ARKANSAS DEPARTMENT OF CORRECTION, 511 U. S. 1063;

No. 93–7441. JEFFERSON *v.* ZANT, WARDEN, 511 U. S. 1046; and

No. 93–7730. ELKINS *v.* SOUTH CAROLINA, 511 U. S. 1063. Petitions for rehearing denied. JUSTICE BLACKMUN dissents from the denial of rehearing. He would grant the petitions for rehearing, grant the petitions for certiorari, and vacate petitioners' death sentences. See *Callins v. Collins*, 510 U. S. 1141, 1143 (1994).

No. 93–7178. DAVIS *v.* UNITED STATES, 510 U. S. 1127. Motion for leave to file petition for rehearing denied.

JUNE 14, 1994

Miscellaneous Order

No. 93–1984. IN RE LAWSON ET AL. Motion of petitioners for expedited review granted. Petition for writ of mandamus denied.

Certiorari Denied

No. 93–9538 (A–1036). LAWSON *v.* DIXON, WARDEN. C. A. 4th Cir. Application for stay of execution of sentence of death, presented to THE CHIEF JUSTICE, and by him referred to the Court, denied. Certiorari denied. Reported below: 25 F. 3d 1040.

JUSTICE BLACKMUN, dissenting.

Despite alleged procedural problems, I find petitioner's constitutional challenge to the gas chamber to be a serious one. Only four States, Arizona, California, Mississippi, and North Carolina, still use the gas chamber as a method of execution. Its cruelty has been attested to on more than one occasion. See, *e. g.*, the dissenting opinion of Justice Marshall, joined by Justice Brennan, in *Gray v. Lucas*, 463 U. S. 1237, 1240 (1983).

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In addition, 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.

JUNE 16, 1994

Dismissals Under Rule 46

No. 93–1241. VIRTUAL MAINTENANCE, INC. *v.* COMPUTERVISION CORP.; and

No. 93–1826. COMPUTERVISION CORP. *v.* VIRTUAL MAINTENANCE, INC. C. A. 6th Cir. Certiorari dismissed under this Court's Rule 46.1. Reported below: 11 F. 3d 660.

JUNE 17, 1994

Dismissal Under Rule 46

No. 93–6025. GOSCH *v.* SCOTT, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION. C. A. 5th Cir. Certiorari dismissed under this Court's Rule 46. Reported below: 8 F. 3d 20.

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Certiorari Granted—Vacated and Remanded

No. 93–81. HART *v.* STOCKMAR ENERGIE, INC., DBA L. F. C. POWER CORP. Ct. App. Cal., 3d App. Dist. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Livadas v. Bradshaw*, *ante*, p. 107.

No. 93–1068. ARMADORES DE CABOTAJE, S. A. *v.* YOUNG. Ct. App. La., 4th Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Howlett v. Birkdale Shipping Co.*, *ante*, p. 92. Reported below: 617 So. 2d 517.

No. 93–1293. SCINDIA STEAM NAVIGATION CO. ET AL. *v.* RIGGS. C. A. 9th Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Howlett v. Birkdale Shipping Co.*, *ante*, p. 92. Reported below: 8 F. 3d 1442.

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No. 93-5044. *WRIGHT v. VIRGINIA*. Sup. Ct. Va. Motion of petitioner for leave to proceed *in forma pauperis* granted. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Simmons v. South Carolina*, ante, p. 154. Reported below: 245 Va. 177, 427 S. E. 2d 379.

No. 93-8309. *RAMDASS v. VIRGINIA*. Sup. Ct. Va. Motion of petitioner for leave to proceed *in forma pauperis* granted. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Simmons v. South Carolina*, ante, p. 154. Reported below: 246 Va. 413, 437 S. E. 2d 566.

Miscellaneous Orders

No. — — —. *CABAL v. I. T., INC.*; and

No. — — —. *THREATT ET AL. v. FULTON COUNTY*. Motions to direct the Clerk to file petitions for writs of certiorari out of time denied.

No. — — —. *DURDEN v. UNITED STATES*. Motion of Jon M. Hunter for leave to intervene in order to file petition for writ of certiorari denied.

No. — — —. *DUNKIN ET AL. v. LOUISIANA-PACIFIC CORP. ET AL.* Motion to direct the Clerk to file petition for writ of certiorari denied.

No. A-955. *MORRISON v. UNITED STATES*. Application for bail, addressed to JUSTICE BLACKMUN and referred to the Court, denied.

No. D-1379. *IN RE DISBARMENT OF FRESCO*. Disbarment entered. [For earlier order herein, see 511 U. S. 1016.]

No. D-1410. *IN RE DISBARMENT OF VANDER VORT*. It is ordered that Wayne A. Vander Vort, of Minneapolis, Minn., 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-1411. *IN RE DISBARMENT OF KARSCH*. It is ordered that Stephen Elias Karsch, of New York, N. Y., be suspended from the practice of law in this Court and that a rule issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

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No. 93–180. BOCA GRANDE CLUB, INC. *v.* FLORIDA POWER & LIGHT CO., INC., 511 U.S. 222. Motion of respondent to retax costs denied.

No. 93–9098. DOSS *v.* CHEVY CHASE SAVINGS, F. S. B. Ct. App. D. C. Motion of petitioner for leave to proceed *in forma pauperis* denied. Petitioner is allowed until July 11, 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. 93–9320. IN RE FRANZ. Petition for writ of habeas corpus denied.

No. 93–8925. IN RE JACKSON; and

No. 93–9080. IN RE EISMAN. Petitions for writs of mandamus denied.

No. 93–8977. IN RE AL'SHABAZZ. Petition for writ of prohibition denied.

Certiorari Granted

No. 93–1151. FEDERAL ELECTION COMMISSION *v.* NRA POLITICAL VICTORY FUND ET AL. C. A. D. C. Cir. Certiorari granted. JUSTICE GINSBURG took no part in the consideration or decision of this petition. Reported below: 6 F. 3d 821.

No. 93–1456. U. S. TERM LIMITS, INC., ET AL. *v.* THORNTON ET AL.; and

No. 93–1828. BRYANT, ATTORNEY GENERAL OF ARKANSAS *v.* HILL ET AL. Sup. Ct. Ark. Motions of Citizens for Term Limits et al. and Washington Legal Foundation et al. for leave to file briefs as *amici curiae* in No. 93–1828 granted. Certiorari granted, cases consolidated, and a total of one hour allotted for oral argument. Reported below: 316 Ark. 251, 872 S. W. 2d 349.

Certiorari Denied

No. 92–1831. NORTHERN KENTUCKY WELFARE RIGHTS ASSN. ET AL. *v.* JONES, GOVERNOR OF KENTUCKY. C. A. 6th Cir. Certiorari denied. Reported below: 985 F. 2d 561.

No. 93–569. FERMAN, EXECUTRIX OF THE ESTATE OF PAGLIN, DECEASED *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 993 F. 2d 485.

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No. 93-651. *FEDERAL DEPOSIT INSURANCE CORPORATION v. SHRADER & YORK ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 991 F. 2d 216.

No. 93-1313. *WHITE v. RUNYON, POSTMASTER GENERAL.* C. A. 4th Cir. Certiorari denied. Reported below: 8 F. 3d 823.

No. 93-1327. *BRANCH ET AL. v. TUNNELL, INDIVIDUALLY AND AS SPECIAL AGENT OF THE BUREAU OF LAND MANAGEMENT.* C. A. 9th Cir. Certiorari denied. Reported below: 14 F. 3d 449.

No. 93-1358. *JACKSON v. HOYLMAN ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 12 F. 3d 212.

No. 93-1422. *WEISSICH ET AL. v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 4 F. 3d 810.

No. 93-1446. *CRETAN, WIDOW OF CRETAN, ET AL. v. DIRECTOR, OFFICE OF WORKERS' COMPENSATION PROGRAMS, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 1 F. 3d 843.

No. 93-1471. *SOMENSKI ET AL. v. COMPANHIA DE NAVEGACIO LLOYD BRASILEIRO.* C. A. 3d Cir. Certiorari denied. Reported below: 9 F. 3d 1541.

No. 93-1475. *WONG v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 2 F. 3d 927.

No. 93-1522. *MARAVILLA ET AL. v. UNITED STATES.* C. A. 1st Cir. Certiorari denied. Reported below: 7 F. 3d 219.

No. 93-1540. *McNICHOLS v. COMMISSIONER OF INTERNAL REVENUE.* C. A. 1st Cir. Certiorari denied. Reported below: 13 F. 3d 432.

No. 93-1560. *HUFF ET AL. v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 10 F. 3d 1440.

No. 93-1564. *ALASKA ET AL. v. UNITED STATES;* and

No. 93-1639. *UNITED STATES v. ALASKA ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 8 F. 3d 33.

No. 93-1582. *LEBLANC ET AL. v. LOUISIANA DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT.* Sup. Ct. La. Certiorari denied. Reported below: 626 So. 2d 1151.

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No. 93-1625. *NORTH STAR ALASKA HOUSING CORP. v. UNITED STATES ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 14 F. 3d 36.

No. 93-1652. *CALDERON, WARDEN, ET AL. v. HAMILTON.* C. A. 9th Cir. Certiorari denied. Reported below: 17 F. 3d 1149.

No. 93-1692. *COUNTY OF SAN DIEGO ET AL. v. MURPHY.* C. A. 9th Cir. Certiorari denied. Reported below: 990 F. 2d 1518.

No. 93-1697. *REILLY v. TUCSON ELECTRIC POWER CO. ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 8 F. 3d 1370.

No. 93-1702. *HIDALGO v. FEATHERLITE BUILDING PRODUCTS CORP.* C. A. 5th Cir. Certiorari denied. Reported below: 14 F. 3d 52.

No. 93-1705. *HALL ET AL. v. SAN BERNARD ELECTRIC COOPERATIVE, INC., ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 14 F. 3d 54.

No. 93-1708. *WARDELL v. TRACY.* Ct. Sp. App. Md. Certiorari denied. Reported below: 97 Md. App. 772.

No. 93-1709. *NEW ORLEANS 2000 PARTNERSHIP v. BOARD OF COMMISSIONERS OF THE NEW ORLEANS EXHIBITION HALL AUTHORITY.* Ct. App. La., 4th Cir. Certiorari denied. Reported below: 625 So. 2d 1070.

No. 93-1714. *KEPLINGER v. WILSON ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 12 F. 3d 212.

No. 93-1716. *PROFILE MANUFACTURING, INC., ET AL. v. KRESS ET AL.* Cir. Ct. Macomb County, Mich. Certiorari denied.

No. 93-1717. *SNYDER v. CONSOLIDATED FREIGHTWAYS, INC., ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 15 F. 3d 1089.

No. 93-1719. *LINDMARK v. PENNSYLVANIA BOARD OF LAW EXAMINERS.* Sup. Ct. Pa. Certiorari denied.

No. 93-1720. *EVANS v. WEIR ET AL.* Ct. App. Cal., 2d App. Dist. Certiorari denied.

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No. 93-1722. *MORGAN v. FORD ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 6 F. 3d 750.

No. 93-1724. *CABAZON BAND OF MISSION INDIANS ET AL. v. NATIONAL INDIAN GAMING COMMISSION ET AL.* C. A. D. C. Cir. Certiorari denied. Reported below: 14 F. 3d 633.

No. 93-1726. *TARRANT SERVICE AGENCY, INC. v. AMERICAN STANDARD, INC., DBA TRANE CO.* C. A. 6th Cir. Certiorari denied. Reported below: 12 F. 3d 609.

No. 93-1732. *GILDER v. AETNA LIFE & CASUALTY.* C. A. 5th Cir. Certiorari denied. Reported below: 9 F. 3d 1546.

No. 93-1738. *MARINE RECREATIONAL OPPORTUNITIES, INC. v. BERMAN ET UX.* C. A. 2d Cir. Certiorari denied. Reported below: 15 F. 3d 270.

No. 93-1739. *THOMPSON v. VIRGINIA.* C. A. 4th Cir. Certiorari denied. Reported below: 16 F. 3d 576.

No. 93-1740. *KUHN v. PHILIP MORRIS U. S. A.* C. A. 3d Cir. Certiorari denied. Reported below: 16 F. 3d 404.

No. 93-1741. *SEARS, ROEBUCK & CO. v. NEWPORT LTD.* C. A. 5th Cir. Certiorari denied. Reported below: 6 F. 3d 1058.

No. 93-1744. *CHOATE v. TRW, INC.* C. A. D. C. Cir. Certiorari denied. Reported below: 14 F. 3d 74.

No. 93-1754. *DANESHMAND v. R. B. HAZARD, INC., ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 16 F. 3d 409.

No. 93-1762. *LARSON ET AL. v. SANFT ET AL.* Sup. Ct. Minn. Certiorari denied.

No. 93-1766. *U. S. ANCHOR MANUFACTURING, INC. v. RULE INDUSTRIES, INC., ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 7 F. 3d 986.

No. 93-1771. *CASILLAN ET AL. v. REGIONAL TRANSPORTATION DISTRICT ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 16 F. 3d 415.

No. 93-1774. *BEHRENS v. SHARP ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 15 F. 3d 180.

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No. 93-1777. *LACHANCE v. RENO, ATTORNEY GENERAL, ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 13 F. 3d 586.

No. 93-1778. *SHAW v. UNITED STATES.* C. A. 11th Cir. Certiorari denied. Reported below: 12 F. 3d 217.

No. 93-1799. *ROSENBAUM v. ROSENBAUM ET AL.* App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 253 Ill. App. 3d 1108, 667 N. E. 2d 747.

No. 93-1814. *FLORES DE BRENES, INDIVIDUALLY, AND AS EXECUTOR, ADMINISTRATOR, OR PERSONAL REPRESENTATIVE OF THE ESTATE OF BRENES, DECEDENT, ET AL. v. TRANSPORTES AEREOS NACIONALES, S. A., ET AL.* Dist. Ct. App. Fla., 3d Dist. Certiorari denied. Reported below: 625 So. 2d 4.

No. 93-1822. *O'CONNER v. COMMONWEALTH EDISON CO. ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 13 F. 3d 1090.

No. 93-1838. *KING v. DUTTON, WARDEN.* C. A. 6th Cir. Certiorari denied. Reported below: 17 F. 3d 151.

No. 93-1856. *CLAY v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 16 F. 3d 1216.

No. 93-1858. *BREWER v. ROGERS ET AL.* Ct. App. Ga. Certiorari denied. Reported below: 211 Ga. App. 343, 439 S. E. 2d 77.

No. 93-1859. *MEISLER v. GANNETT CO., INC.* C. A. 11th Cir. Certiorari denied. Reported below: 12 F. 3d 1026.

No. 93-1861. *PSI ENERGY, INC. v. EXXON COAL USA, INC., ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 17 F. 3d 969.

No. 93-1864. *KURZAWA v. WISCONSIN.* Sup. Ct. Wis. Certiorari denied. Reported below: 180 Wis. 2d 502, 509 N. W. 2d 712.

No. 93-1871. *ANTONIO URREGO v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 12 F. 3d 1339.

No. 93-1888. *BRUN v. KENTUCKY.* Ct. App. Ky. Certiorari denied.

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No. 93-7932. *CHAPMAN v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 7 F. 3d 66.

No. 93-8320. *PIRON v. DEPARTMENT OF ENERGY ET AL.* C. A. 9th Cir. Certiorari denied.

No. 93-8381. *SMITH v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 16 F. 3d 413.

No. 93-8429. *DERSHEM v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 16 F. 3d 406.

No. 93-8442. *DARDEN-BEY ET AL. v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 93-8468. *CHOATE v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 12 F. 3d 1318.

No. 93-8540. *CALDWELL ET AL. v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 17 F. 3d 1428.

No. 93-8581. *SEPULVEDA ET AL. v. UNITED STATES* (two cases). C. A. 1st Cir. Certiorari denied. Reported below: 15 F. 3d 1216 (first case) and 1161 (second case).

No. 93-8625. *GOODLEY v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 14 F. 3d 54.

No. 93-8654. *SWORD v. SHALALA, SECRETARY OF HEALTH AND HUMAN SERVICES*. C. A. 6th Cir. Certiorari denied.

No. 93-8656. *TORRES-TIRADO v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 8 F. 3d 236.

No. 93-8687. *MORRIS v. GRAVEN ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 7 F. 3d 234.

No. 93-8807. *SULE v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 14 F. 3d 590.

No. 93-8840. *MANUEL L. v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied. Reported below: 7 Cal. 4th 229, 865 P. 2d 718.

No. 93-8867. *ENGRON v. DEPARTMENT OF LABOR*. C. A. 7th Cir. Certiorari denied. Reported below: 9 F. 3d 112.

No. 93-8871. *SMITH v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 16 F. 3d 417.

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No. 93-8877. *WILSON v. TEXAS*. Ct. App. Tex., 4th Dist. Certiorari denied.

No. 93-8890. *ROCHON v. ROEMER, GOVERNOR OF LOUISIANA, ET AL.* Sup. Ct. La. Certiorari denied. Reported below: 630 So. 2d 247.

No. 93-8891. *MOSLEY v. VIRGINIA*. Sup. Ct. Va. Certiorari denied.

No. 93-8894. *MLO v. NORTH CAROLINA*. Sup. Ct. N. C. Certiorari denied. Reported below: 335 N. C. 353, 440 S. E. 2d 98.

No. 93-8899. *WILLIAMS v. SCOTT, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 93-8922. *JONES v. TOOMBS, WARDEN*. C. A. 6th Cir. Certiorari denied. Reported below: 16 F. 3d 1220.

No. 93-8924. *JACKSON v. MAKEL, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 93-8929. *DEANGELO v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 13 F. 3d 1228.

No. 93-8937. *LAGATTA v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 12 F. 3d 1178.

No. 93-8980. *CHEVALIER v. WHITLEY, WARDEN, ET AL.* C. A. 5th Cir. Certiorari denied.

No. 93-8981. *STARNES v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 14 F. 3d 1207.

No. 93-8991. *ANDERSEN v. ARIZONA*. Ct. App. Ariz. Certiorari denied. Reported below: 177 Ariz. 381, 868 P. 2d 964.

No. 93-9018. *DRAKE v. OHIO*. Ct. App. Ohio, Cuyahoga County. Certiorari denied.

No. 93-9036. *DEARINGER v. BARBOUR, SUPERINTENDENT, TWIN RIVERS CORRECTIONS CENTER*. C. A. 9th Cir. Certiorari denied. Reported below: 12 F. 3d 1106.

No. 93-9040. *ARDITI v. RUNYON, POSTMASTER GENERAL*. C. A. 6th Cir. Certiorari denied. Reported below: 12 F. 3d 211.

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No. 93-9041. *DEVITTO v. SINGLETARY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* Sup. Ct. Fla. Certiorari denied. Reported below: 634 So. 2d 623.

No. 93-9042. *COOPER ET AL. v. MISSOURI BOARD OF PROBATION AND PAROLE ET AL.* Sup. Ct. Mo. Certiorari denied. Reported below: 866 S. W. 2d 135.

No. 93-9043. *HAYES v. UNITED STATES.* C. A. 8th Cir. Certiorari denied. Reported below: 15 F. 3d 125.

No. 93-9062. *ANDRISANI v. LUCAS ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 993 F. 2d 881.

No. 93-9065. *BRIM v. WRIGHT, WARDEN, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 14 F. 3d 593.

No. 93-9066. *SHIRAR v. OFFICE OF PERSONNEL MANAGEMENT.* C. A. Fed. Cir. Certiorari denied. Reported below: 17 F. 3d 1442.

No. 93-9067. *SWASEY v. CALIFORNIA.* Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 93-9084. *BELLUCCI v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 995 F. 2d 157.

No. 93-9086. *WENDT v. SCOTT, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION.* C. A. 5th Cir. Certiorari denied. Reported below: 20 F. 3d 1169.

No. 93-9093. *BOYLAND v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 17 F. 3d 396.

No. 93-9095. *TOLVER v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 17 F. 3d 397.

No. 93-9100. *BACKSTROM v. UNITED STATES.* C. A. 3d Cir. Certiorari denied. Reported below: 19 F. 3d 644.

No. 93-9105. *HOLLON v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. Reported below: 16 F. 3d 1222.

No. 93-9111. *WITHERSPOON ET AL. v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 16 F. 3d 414.

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No. 93-9124. *TAYLOR v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 18 F. 3d 55.

No. 93-9127. *CAMPBELL v. FLORIDA*. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 633 So. 2d 1070.

No. 93-9138. *BOSARGE v. DEPARTMENT OF EDUCATION ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 5 F. 3d 1414.

No. 93-9142. *GLASGOW v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 17 F. 3d 1435.

No. 93-9143. *JOYNER v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 17 F. 3d 1439.

No. 93-9147. *LOGAN v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 16 F. 3d 1222.

No. 93-9154. *HAMILTON v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. Reported below: 18 F. 3d 953.

No. 93-9168. *OSPINA v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 18 F. 3d 1332.

No. 93-9180. *DEXTRAS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 16 F. 3d 1231.

No. 93-9187. *KLEIN v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 13 F. 3d 1182.

No. 93-9190. *PARKER v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 9 F. 3d 113.

No. 93-9200. *DELBRIDGE ET UX. v. NEW JERSEY DIVISION OF YOUTH AND FAMILY SERVICES ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 17 F. 3d 1429.

No. 93-9209. *TAVAREZ v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 16 F. 3d 1231.

No. 93-9210. *STROPE v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 14 F. 3d 50.

No. 93-9211. *DICKINSON v. GOPALAN ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 19 F. 3d 1439.

No. 93-9213. *CHAVES v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 13 F. 3d 1464.

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No. 93-9215. *SILVERS v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 16 F. 3d 1101.

No. 93-9232. *WITHERSPOON v. REES, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 93-9236. *ISANG v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 14 F. 3d 54.

No. 93-9252. *FAULKNER v. WISCONSIN*. Ct. App. Wis. Certiorari denied. Reported below: 181 Wis. 2d 369, 514 N. W. 2d 423.

No. 93-9277. *JAMES v. MANN, SUPERINTENDENT, SHAWAN-GUNK CORRECTIONAL FACILITY*. C. A. 2d Cir. Certiorari denied. Reported below: 22 F. 3d 1090.

No. 93-9306. *HAWKINS v. ABRAMAJTYS, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 93-9312. *GATLIN v. SINGLETARY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS*. C. A. 11th Cir. Certiorari denied. Reported below: 17 F. 3d 1438.

No. 93-9315. *PREWITT v. PARKE, WARDEN*. C. A. 6th Cir. Certiorari denied. Reported below: 16 F. 3d 1221.

No. 93-9316. *LAMPHEAR v. ABRAHAMSON, WARDEN*. C. A. 7th Cir. Certiorari denied.

No. 93-241. *JAFFE v. SNOW ET AL.* Dist. Ct. App. Fla., 5th Dist. Motions of Government of Canada, International Human Rights Law Group et al., and Canadian Helsinki Watch Group for leave to file briefs as *amici curiae* granted. Certiorari denied. Reported below: 610 So. 2d 482.

No. 93-1033. *CHANDLER v. UNITED STATES*. C. A. 11th Cir.;

No. 93-6191. *HICKS v. TEXAS*. Ct. Crim. App. Tex.;

No. 93-6220. *JOHNSON v. ILLINOIS*. Sup. Ct. Ill.;

No. 93-7042. *COLVIN-EL v. MARYLAND*. Ct. App. Md.;

No. 93-8823. *VALDES v. FLORIDA*. Sup. Ct. Fla.;

No. 93-8839. *MILKE v. ARIZONA*. Sup. Ct. Ariz.; and

No. 93-8943. *MORDENTI v. FLORIDA*. Sup. Ct. Fla. Certiorari denied. Reported below: No. 93-1033, 996 F. 2d 1073; No. 93-6191, 860 S. W. 2d 419; No. 93-6220, 154 Ill. 2d 356, 609 N. E. 2d 294; No. 93-7042, 332 Md. 144, 630 A. 2d 725; No. 93-8823, 626

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So. 2d 1316; No. 93–8839, 177 Ariz. 118, 865 P. 2d 779; No. 93–8943, 630 So. 2d 1080.

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. 93–1222. *GARCIA ET AL. v. SPUN STEAK CO.* C. A. 9th Cir. Certiorari denied. JUSTICE BLACKMUN and JUSTICE O’CONNOR would grant certiorari. Reported below: 998 F. 2d 1480.

No. 93–1592. *INTERNATIONAL HOUSE OF PANCAKES v. PINNOCK ET AL.* C. A. 9th Cir. Certiorari before judgment denied.

No. 93–1710. *PHILIP MORRIS INC., DBA PHILIP MORRIS U. S. A. v. CABARRUS COUNTY, NORTH CAROLINA.* Sup. Ct. N. C. Motions of Committee on State Taxation, North Carolina Citizens for Business and Industry, and Institute of Property Taxation for leave to file briefs as *amici curiae* granted. Certiorari denied. Reported below: 335 N. C. 227, 436 S. E. 2d 828.

No. 93–1742. *LUMMI INDIAN TRIBE v. WHATCOM COUNTY, WASHINGTON, ET AL.* C. A. 9th Cir. Motion of Blackfeet Tribe of Indians for leave to file a brief as *amicus curiae* granted. Certiorari denied. Reported below: 5 F. 3d 1355.

No. 93–1833. *CITIZENS FOR TERM LIMITS v. FOLEY ET AL.* C. A. 9th Cir. Motion of petitioner to expedite consideration of petition for writ of certiorari granted. Certiorari before judgment denied.

No. 93–1955. *GREGOIRE, ATTORNEY GENERAL OF WASHINGTON, ET AL. v. THORSTED ET AL.* C. A. 9th Cir. Motion of petitioners to expedite consideration of petition for writ of certiorari granted. Certiorari before judgment denied.

No. 93–7724. *BUCHANAN v. UNITED STATES.* C. A. 8th Cir. Certiorari denied. JUSTICE BLACKMUN dissents and would grant the petition for writ of certiorari and remand the case for reentry of judgment and appointment of counsel. Reported below: 985 F. 2d 1372.

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No. 93–8423. *HOPKINS v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. JUSTICE BLACKMUN dissents and would grant the petition for writ of certiorari and remand the case for reentry of judgment and appointment of counsel. Reported below: 972 F. 2d 355.

No. 93–8599. *HAMILTON v. CALDERON, WARDEN, ET AL.* C. A. 9th Cir. Motion of counsel to supplement the petition for writ of certiorari denied. Certiorari denied. Reported below: 17 F. 3d 1149.

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. 93–594. *WATTS v. RICE, SECRETARY OF THE ARMY, ET AL.*, 510 U. S. 1012;

No. 93–1386. *RICHARDSON v. SHALALA, SECRETARY OF HEALTH AND HUMAN SERVICES, ET AL.*, 511 U. S. 1033;

No. 93–1410. *UNIVERSITY OF COLORADO, BOULDER, ET AL. v. DERDEYN*, 511 U. S. 1070;

No. 93–8066. *WITCHER v. WITCHER*, 511 U. S. 1055;

No. 93–8187. *LAFLAMME v. GOMEZ*, 511 U. S. 1073;

No. 93–8190. *PRICE v. SHALALA, SECRETARY OF HEALTH AND HUMAN SERVICES*, 511 U. S. 1073;

No. 93–8200. *HAZZARD v. CITY OF OAKLAND, CALIFORNIA, ET AL.*, 511 U. S. 1073;

No. 93–8208. *ISRAEL, AKA BRYANT v. UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF FLORIDA*, 511 U. S. 1110; and

No. 93–8333. *COCHRAN v. MURRAY, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS, ET AL.*, 511 U. S. 1075. Petitions for rehearing denied.

No. 93–7809. *IN RE BENNETT ET AL.*, 511 U. S. 1016. Motion for leave to file petition for rehearing denied.

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Certiorari Denied

No. 93-9361 (A-1017). *DEPUTY v. TAYLOR, WARDEN*. C. A. 3d Cir. Application for stay of execution of sentence of death, presented to JUSTICE SOUTER, 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: 19 F. 3d 1485.

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. 93-9675 (A-1077). *DEPUTY v. SNYDER, WARDEN*. C. A. 3d Cir. Application for stay of execution of sentence of death, presented to JUSTICE SOUTER, 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.

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Vacated and Remanded on Appeal

No. 93-45. *NATIONAL INTERFAITH CABLE COALITION, INC., OPERATING AS THE VISION INTERFAITH SATELLITE NETWORK, ET AL. v. FEDERAL COMMUNICATIONS COMMISSION ET AL.* Appeal from D. C. D. C. Judgment vacated and case remanded for further consideration in light of *Turner Broadcasting System, Inc. v. FCC*, ante, p. 622. Reported below: 819 F. Supp. 32.

No. 93-1539. *LOUISIANA ET AL. v. HAYS ET AL.* Appeal from D. C. W. D. La. Judgment vacated and case remanded for further consideration in light of Act 1 of the Second Extraordinary Ses-

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sion of the 1994 Louisiana Legislature and the parties' filings in this Court concerning Act 1. Reported below: 839 F. Supp. 1188.

Certiorari Granted—Vacated and Remanded

No. 93–696. SHALALA, SECRETARY OF HEALTH AND HUMAN SERVICES *v.* OHIO STATE UNIVERSITY, DBA OHIO STATE HOSPITALS. C. A. 6th Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Thomas Jefferson Univ. v. Shalala*, ante, p. 504. Reported below: 996 F. 2d 122.

No. 93–697. SNAP-ON TOOLS CORP. ET AL. *v.* EULRICH ET AL. Ct. App. Ore. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Honda Motor Co. v. Oberg*, ante, p. 415. Reported below: 121 Ore. App. 25, 853 P. 2d 1350.

No. 93–842. EHRLICH *v.* CITY OF CULVER CITY ET AL. Ct. App. Cal., 2d App. Dist. Motion of Pacific Legal Foundation for leave to file a brief as *amicus curiae* granted. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Dolan v. City of Tigard*, ante, p. 374. JUSTICE BLACKMUN, JUSTICE STEVENS, JUSTICE SOUTER, and JUSTICE GINSBURG would deny certiorari. Reported below: 15 Cal. App. 4th 1737, 19 Cal. Rptr. 2d 468.

No. 93–935. FREEMAN UNITED COAL MINING CO. *v.* JONES, WIDOW OF JONES, DECEASED, ET AL. C. A. 7th Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Director, Office of Workers' Compensation Programs v. Greenwich Collieries*, ante, p. 267. Reported below: 988 F. 2d 706.

No. 93–964. CONSOLIDATION COAL CO. *v.* SKUKAN ET AL. C. A. 6th Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Director, Office of Workers' Compensation Programs v. Greenwich Collieries*, ante, p. 267. Reported below: 993 F. 2d 1228.

No. 93–1584. HIRRAS *v.* NATIONAL RAILROAD PASSENGER CORPORATION. C. A. 5th Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Hawaiian Airlines, Inc. v. Norris*, ante, p. 246. Reported below: 10 F. 3d 1142.

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Miscellaneous Orders

No. — — —. ESCAMILLA *v.* NEBRASKA;

No. — — —. HOLLOWAY *v.* BURCH ET AL.; and

No. — — —. KING *v.* VAUGHN ET AL. Motions to direct the Clerk to file petitions for writs of certiorari out of time denied.

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

No. D-1381. IN RE DISBARMENT OF MEACHAM. Disbarment entered. [For earlier order herein, see 511 U. S. 1027.]

No. D-1386. IN RE DISBARMENT OF HEIMAN. Disbarment entered. [For earlier order herein, see 511 U. S. 1028.]

No. D-1403. IN RE DISBARMENT OF MOSTMAN. Paul Ian Mostman, of Granada Hills, 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 June 6, 1994 [511 U. S. 1140], is hereby discharged.

No. D-1412. IN RE DISBARMENT OF LEDERBERG. It is ordered that Joshua Lederberg, of Babylon, 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-1413. IN RE DISBARMENT OF KILPATRICK. It is ordered that Donald E. Kilpatrick, 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-1414. IN RE DISBARMENT OF WOODSIDE. It is ordered that Jon Lee Woodside, of Portland, Ore., 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-1415. IN RE DISBARMENT OF MARGOLIS. It is ordered that Marvin Margolis, of New York, N. Y., be suspended from the

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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-1416. *IN RE DISBARMENT OF MEYER*. It is ordered that Gary Kenneth Meyer, 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. 93-404. *GUSTAFSON ET AL. v. ALLOYD CO., INC., FKA ALLOYD HOLDINGS, INC., ET AL.* C. A. 7th Cir. [Certiorari granted, 510 U. S. 1176.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 93-1286. *AMERICAN AIRLINES, INC. v. WOLENS ET AL.* Sup. Ct. Ill. [Certiorari granted, 511 U. S. 1017.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 93-7407. *O'NEAL v. MCANINCH, WARDEN*. C. A. 6th Cir. [Certiorari granted, 511 U. S. 1017.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 93-823. *NEBRASKA DEPARTMENT OF REVENUE v. LOEWENSTEIN*. Sup. Ct. Neb. [Certiorari granted, 510 U. S. 1176.] Motion of Dreyfus Corp. for leave to file a brief as *amicus curiae* 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, 511 U. S. 1141.] Motion of petitioners to dispense with printing the joint appendix granted.

No. 93-1660. *ARIZONA v. EVANS*. Sup. Ct. Ariz. [Certiorari granted, 511 U. S. 1126.] Motion for appointment of counsel granted, and it is ordered that Carol A. Carrigan, Esq., of Phoenix, Ariz., be appointed to serve as counsel for respondent in this case.

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No. 93-8394. *DiDOMENICO v. BERK ET AL.* Super. Ct. Pa. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [511 U. S. 1081] denied.

No. 93-8569. *IN RE WHITAKER.* Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [511 U. S. 1105] denied.

No. 93-9593. *GENDRON v. UNITED STATES.* C. A. 1st Cir. Motion of petitioner to expedite consideration of petition for writ of certiorari denied.

No. 93-9335. *IN RE THOMAS*; and

No. 93-9433. *IN RE ANDERSEN.* Petitions for writs of habeas corpus denied.

No. 93-8620. *IN RE MONROE*;

No. 93-8893. *IN RE MCCURDY*;

No. 93-8919. *IN RE TYLER*; and

No. 93-8990. *IN RE BILYEU.* Petitions for writs of mandamus denied.

Certiorari Granted

No. 93-768. *MILWAUKEE BREWERY WORKERS' PENSION PLAN v. JOS. SCHLITZ BREWING CO. ET AL.* C. A. 7th Cir. Certiorari granted limited to Question 1 presented by the petition. Reported below: 3 F. 3d 994.

No. 93-7659. *HARRIS v. ALABAMA.* Sup. Ct. Ala. 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: 632 So. 2d 543.

Certiorari Denied

No. 92-1751. *ALCAN ALUMINUM CORP. v. FRANCHISE TAX BOARD OF CALIFORNIA.* Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 92-8835. *DEAN v. KENTUCKY.* Sup. Ct. Ky. Certiorari denied. Reported below: 844 S. W. 2d 417.

No. 93-474. *SANTORO v. MAHER TERMINALS, INC., ET AL.*; and

No. 93-666. *MAHER TERMINALS, INC. v. SANTORO ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 992 F. 2d 1277.

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No. 93-813. *ALCAN ALUMINUM CORP. v. FRANCHISE TAX BOARD OF CALIFORNIA*. Ct. App. Cal., 3d App. Dist. Certiorari denied.

No. 93-1132. *REUTERS LTD. v. TAX APPEALS TRIBUNAL ET AL.* Ct. App. N. Y. Certiorari denied. Reported below: 82 N. Y. 2d 112, 623 N. E. 2d 1145.

No. 93-1401. *ABI-GHANEM v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 9 F. 3d 114.

No. 93-1450. *CEDARS-SINAI MEDICAL CENTER ET AL. v. O'LEARY, SECRETARY OF ENERGY*. C. A. Fed. Cir. Certiorari denied. Reported below: 11 F. 3d 1573.

No. 93-1544. *NEBRASKA v. HUGHES*. Sup. Ct. Neb. Certiorari denied. Reported below: 244 Neb. 810, 510 N. W. 2d 33.

No. 93-1570. *PREFERRED COMMUNICATIONS, INC. v. CITY OF LOS ANGELES ET AL.*; and

No. 93-1759. *CITY OF LOS ANGELES ET AL. v. PREFERRED COMMUNICATIONS, INC.* C. A. 9th Cir. Certiorari denied. Reported below: 13 F. 3d 1327.

No. 93-1576. *UNITED TEXAS TRANSMISSION CO. v. UNITED STATES ARMY CORPS OF ENGINEERS ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 7 F. 3d 436.

No. 93-1587. *LOVELL ET AL. v. PEOPLES HERITAGE SAVINGS BANK ET AL.* C. A. 1st Cir. Certiorari denied. Reported below: 14 F. 3d 44.

No. 93-1591. *DELGADO GARCIA ET AL. v. FEDERAL DEPOSIT INSURANCE CORPORATION, AS RECEIVER FOR FIRST CITY, TEXAS-HOUSTON, N. A., ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 12 F. 3d 209.

No. 93-1599. *HENRY v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 12 F. 3d 215.

No. 93-1609. *CALVARY BAPTIST CHURCH ET AL. v. OKLAHOMA DEPARTMENT OF HUMAN SERVICES ET AL.* Ct. App. Okla. Certiorari denied.

No. 93-1621. *HARDY v. MERIT SYSTEMS PROTECTION BOARD*. C. A. Fed. Cir. Certiorari denied. Reported below: 13 F. 3d 1571.

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No. 93-1626. *TRUEX v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 11 F. 3d 165.

No. 93-1629. *STEPHENS v. SHALALA, SECRETARY OF HEALTH AND HUMAN SERVICES*. C. A. 11th Cir. Certiorari denied. Reported below: 9 F. 3d 121.

No. 93-1643. *BUDD ET UX. v. CITY OF SEWARD, ALASKA, ET AL.* Sup. Ct. Alaska. Certiorari denied.

No. 93-1673. *CHONICH ET AL. v. WAYNE COUNTY COMMUNITY COLLEGE ET AL.* C. A. 6th Cir. Certiorari denied.

No. 93-1745. *KILPATRICK v. STATE BAR OF TEXAS*. Sup. Ct. Tex. Certiorari denied. Reported below: 874 S. W. 2d 656.

No. 93-1746. *TWEEDY v. AMERICAN AIRLINES, INC.* C. A. 10th Cir. Certiorari denied. Reported below: 13 F. 3d 404.

No. 93-1747. *EIGHT UNKNOWN OFFICERS v. CENTANNI*. C. A. 6th Cir. Certiorari denied. Reported below: 15 F. 3d 587.

No. 93-1749. *SCHOOLCRAFT v. UTAH ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 16 F. 3d 417.

No. 93-1750. *MACE v. BLUNT ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 7 F. 3d 1042.

No. 93-1753. *CITY OF TIMBER LAKE, SOUTH DAKOTA, ET AL. v. CHEYENNE RIVER SIOUX TRIBE ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 10 F. 3d 554.

No. 93-1756. *COHEN v. CITY OF DES PLAINES*. C. A. 7th Cir. Certiorari denied. Reported below: 8 F. 3d 484.

No. 93-1760. *OHIO v. CARPENTER*. Sup. Ct. Ohio. Certiorari denied. Reported below: 68 Ohio St. 3d 59, 623 N. E. 2d 66.

No. 93-1761. *SCHMIDT ET AL. v. TEXAS ET AL.* Sup. Ct. Tex. Certiorari denied. Reported below: 867 S. W. 2d 769.

No. 93-1764. *TAKEALL v. PEPSICO, INC.* C. A. 4th Cir. Certiorari denied. Reported below: 14 F. 3d 596.

No. 93-1769. *SCHOOL DISTRICT No. 1J, MULTNOMAH COUNTY, OREGON v. ACANDS, INC., ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 5 F. 3d 1255.

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No. 93-1770. *CIMORELLI v. GENERAL ELECTRIC Co.* C. A. 1st Cir. Certiorari denied. Reported below: 16 F. 3d 401.

No. 93-1772. *PUSEY v. CITY OF YOUNGSTOWN, OHIO, ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 11 F. 3d 652.

No. 93-1773. *DEATON ET AL. v. CITY OF DAYTON ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 14 F. 3d 600.

No. 93-1775. *MOSESIAN v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 972 F. 2d 1346.

No. 93-1780. *RYAN v. SCHUTTER ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 12 F. 3d 1108.

No. 93-1781. *SPENCE v. NORFOLK SOUTHERN RAILWAY Co. ET AL.* Ct. App. Ga. Certiorari denied. Reported below: 210 Ga. App. 284, 435 S. E. 2d 680.

No. 93-1786. *GALIN CORP. ET AL. v. MCI TELECOMMUNICATIONS CORP.* C. A. 5th Cir. Certiorari denied. Reported below: 12 F. 3d 465.

No. 93-1788. *BROWNLEE ET AL. v. LEAR SIEGLER MANAGEMENT SERVICES CORP.* C. A. 10th Cir. Certiorari denied. Reported below: 15 F. 3d 976.

No. 93-1792. *JONES v. ARKANSAS.* Sup. Ct. Ark. Certiorari denied. Reported below: 314 Ark. 383, 862 S. W. 2d 273.

No. 93-1798. *ROOD v. PINELLAS COUNTY ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 15 F. 3d 1096.

No. 93-1800. *SACKMAN ET UX. v. ZONING BOARD OF ADJUSTMENT OF THE TOWNSHIP OF EAST BRUNSWICK, NEW JERSEY.* C. A. 3d Cir. Certiorari denied. Reported below: 14 F. 3d 49.

No. 93-1801. *BYRNE ET AL. v. UNITED STATES.* C. A. Fed. Cir. Certiorari denied. Reported below: 19 F. 3d 40.

No. 93-1813. *EL VOCERO DE PUERTO RICO (CARIBBEAN INTERNATIONAL NEWS CORP.) ET AL. v. RODRIGUEZ ET AL.* Sup. Ct. P. R. Certiorari denied. Reported below: 135 D. P. R. —.

No. 93-1818. *HICKEY v. HOLLISTER ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 19 F. 3d 18.

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No. 93-1834. *AQUARIAN FOUNDATION ET AL. v. WASHINGTON*. C. A. 9th Cir. Certiorari denied. Reported below: 19 F. 3d 25.

No. 93-1837. *ABBOTT v. SHEARSON LEHMAN HUTTON, INC., ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 18 F. 3d 935.

No. 93-1853. *HARTLINE, INDIVIDUALLY AND AS PERSONAL REPRESENTATIVE OF THE ESTATE OF HARTLINE, ET AL. v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 19 F. 3d 11.

No. 93-1862. *MESSA v. FOLEY, SECRETARY OF DEPARTMENT OF LABOR AND INDUSTRY OF PENNSYLVANIA, ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 17 F. 3d 1430.

No. 93-1895. *THOMAS, A MINOR BY THOMAS ET AL., HIS NATURAL PARENTS AND GUARDIANS v. ZUBRITZKY ET AL.* Super. Ct. Pa. Certiorari denied. Reported below: 427 Pa. Super. 656, 625 A. 2d 100.

No. 93-1901. *BEDDOE v. SPILLMAN ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 24 F. 3d 244.

No. 93-1905. *KODAK, FKA KOZUCK v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 3d Cir. Certiorari denied. Reported below: 14 F. 3d 47.

No. 93-1919. *BERGMANN v. LEE DATA CORP. ET AL.* Ct. App. Minn. Certiorari denied.

No. 93-5738. *HARRISON v. KENTUCKY*. Sup. Ct. Ky. Certiorari denied. Reported below: 858 S. W. 2d 172.

No. 93-5743. *BOGDANOFF v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 993 F. 2d 884.

No. 93-6747. *THIGPEN ET AL. v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 4 F. 3d 1573.

No. 93-7000. *FISHER v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 10 F. 3d 115.

No. 93-7159. *MCLEAN v. HAMBLIN ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 7 F. 3d 224.

No. 93-7604. *YEPES-GONZALEZ v. IMMIGRATION AND NATURALIZATION SERVICE*. C. A. 2d Cir. Certiorari denied.

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No. 93-8050. *BARBER v. NORTH CAROLINA*. Sup. Ct. N. C. Certiorari denied. Reported below: 335 N. C. 120, 436 S. E. 2d 106.

No. 93-8126. *PIERCE v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 16 F. 3d 1223.

No. 93-8262. *ANGELL v. UNITED STATES*; and

No. 93-9125. *ANGELL v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 11 F. 3d 806.

No. 93-8426. *HARPER v. INTERIOR BOARD OF LAND APPEALS*. C. A. D. C. Cir. Certiorari denied.

No. 93-8427. *JONES v. SHALALA, SECRETARY OF HEALTH AND HUMAN SERVICES*. C. A. 4th Cir. Certiorari denied. Reported below: 981 F. 2d 1251.

No. 93-8472. *NHAN KIEM TRAN v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 7 F. 3d 229.

No. 93-8477. *SCOTT v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 14 F. 3d 591.

No. 93-8478. *TURNER v. LUMADUE*. C. A. D. C. Cir. Certiorari denied. Reported below: 13 F. 3d 421.

No. 93-8479. *URREGO v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 93-8490. *GAYDOS v. NATIONAL FIRE INSURANCE CO. ET AL.* C. A. 3d Cir. Certiorari denied.

No. 93-8503. *ABREU v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 997 F. 2d 825.

No. 93-8506. *PALMER v. NEVADA*. Sup. Ct. Nev. Certiorari denied. Reported below: 109 Nev. 1421, 875 P. 2d 1083.

No. 93-8515. *MAYES v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 12 F. 3d 213.

No. 93-8551. *PARE ET AL. v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 14 F. 3d 590.

No. 93-8557. *COLON-OSORIO v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 10 F. 3d 41.

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No. 93-8570. *ALLEN v. UNITED STATES DISTRICT COURT FOR THE DISTRICT OF OREGON*. C. A. 9th Cir. Certiorari denied.

No. 93-8579. *SYKES v. JAMES*. C. A. 2d Cir. Certiorari denied. Reported below: 13 F. 3d 515.

No. 93-8608. *BROOKS v. MCCAUSELAND*. C. A. 3d Cir. Certiorari denied. Reported below: 14 F. 3d 46.

No. 93-8609. *AJAYI v. IMMIGRATION AND NATURALIZATION SERVICE*. C. A. 5th Cir. Certiorari denied. Reported below: 9 F. 3d 103.

No. 93-8614. *WILSON v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 10 F. 3d 734.

No. 93-8627. *DONALDSON v. SWIDERSKI ET AL.* C. A. 7th Cir. Certiorari denied.

No. 93-8645. *WALKER v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 996 F. 2d 301.

No. 93-8647. *BERDUZCO v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 19 F. 3d 32.

No. 93-8665. *GIBBS v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 14 F. 3d 603.

No. 93-8688. *RUTHERS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 14 F. 3d 596.

No. 93-8760. *DANIEL v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 9 F. 3d 1559.

No. 93-8772. *JOHNSON v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 14 F. 3d 766.

No. 93-8838. *TAPLIN v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 20 F. 3d 468.

No. 93-8846. *BEASLEY v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 2 F. 3d 1551.

No. 93-8907. *NETTLES v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 14 F. 3d 57.

No. 93-8914. *BARFIELD v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 21 F. 3d 425.

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No. 93-8933. *CLIFFORD v. ESPY, SECRETARY OF AGRICULTURE, ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 16 F. 3d 1218.

No. 93-8944. *REEVES v. KEANE, SUPERINTENDENT, SING SING CORRECTIONAL FACILITY.* C. A. 2d Cir. Certiorari denied. Reported below: 23 F. 3d 396.

No. 93-8954. *GEORGESCU v. BECHTEL CONSTRUCTION, INC.* C. A. 9th Cir. Certiorari denied. Reported below: 15 F. 3d 1085.

No. 93-8957. *GEORGE v. ILLINOIS* (two cases). App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 263 Ill. App. 3d 968, 636 N. E. 2d 682 (first case); 251 Ill. App. 3d 1106, 661 N. E. 2d 1197 (second case).

No. 93-8958. *DUVALL v. PURKETT, WARDEN.* C. A. 8th Cir. Certiorari denied. Reported below: 15 F. 3d 745.

No. 93-8959. *BOODRAM v. MARYLAND FARMS CONDOMINIUM ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 16 F. 3d 408.

No. 93-8970. *PONCE-BRAN v. CALIFORNIA FACULTY ASSN. ET AL.* Ct. App. Cal., 3d App. Dist. Certiorari denied.

No. 93-8975. *JONES v. WASHINGTON, WARDEN.* C. A. 7th Cir. Certiorari denied. Reported below: 15 F. 3d 671.

No. 93-8982. *CUTWRIGHT v. UNITED STATES*; and

No. 93-9114. *McKIBBEN v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. Reported below: 16 F. 3d 1221.

No. 93-8992. *LORAH v. DEPARTMENT OF HUMAN RIGHTS.* C. A. D. C. Cir. Certiorari denied.

No. 93-8997. *CHAVEZ v. NEW MEXICO.* Ct. App. N. M. Certiorari denied. Reported below: 116 N. M. 807, 867 P. 2d 1189.

No. 93-8998. *SMITH v. OKLAHOMA.* Ct. Crim. App. Okla. Certiorari denied.

No. 93-9016. *DASILVA v. CALIFORNIA.* Ct. App. Cal., 1st App. Dist. Certiorari denied.

No. 93-9109. *LONG v. UNITED STATES*; and

No. 93-9206. *JACKSON v. UNITED STATES.* C. A. 3d Cir. Certiorari denied. Reported below: 13 F. 3d 711.

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No. 93-9131. *D'ANJOU v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 16 F. 3d 604.

No. 93-9159. *BRYANT v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 16 F. 3d 1215.

No. 93-9161. *CARLTON v. DUTTON, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 93-9162. *WATTS v. FEDERAL BUREAU OF PRISONS* (two cases). C. A. D. C. Cir. Certiorari denied.

No. 93-9163. *QUINN v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 18 F. 3d 1461.

No. 93-9167. *WHITE v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 93-9188. *KLEIN v. ARIZONA*. Sup. Ct. Ariz. Certiorari denied.

No. 93-9189. *GUERRERO v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 16 F. 3d 1216.

No. 93-9191. *POINTER v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 16 F. 3d 1226.

No. 93-9192. *AILPORT v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 17 F. 3d 235.

No. 93-9194. *ARIONUS v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 21 F. 3d 433.

No. 93-9198. *DANIEL v. FLORIDA*. Cir. Ct. Fla., Hillsborough County. Certiorari denied.

No. 93-9219. *WILSON v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 12 F. 3d 217.

No. 93-9226. *TATE v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 16 F. 3d 1223.

No. 93-9227. *ALLEN v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 16 F. 3d 1221.

No. 93-9229. *SLOLEY v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 19 F. 3d 149.

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No. 93-9241. *WORYTKO v. NICKERSON*. App. Term, Sup. Ct. N. Y., 9th and 10th Jud. Dists. Certiorari denied.

No. 93-9243. *AUTREY v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 17 F. 3d 1439.

No. 93-9246. *WILLIAMS v. JOSEPHS ET AL.* C. A. 2d Cir. Certiorari denied.

No. 93-9253. *KIMBLE v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 16 F. 3d 1222.

No. 93-9254. *FULTON ET AL. v. UNITED STATES*; and
No. 93-9310. *CUERO-GONGORA, AKA ARROYA-RIENA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 18 F. 3d 935.

No. 93-9255. *BUHL v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 17 F. 3d 1431.

No. 93-9262. *LEONARD v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 18 F. 3d 935.

No. 93-9266. *REID v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 17 F. 3d 1439.

No. 93-9271. *BEARD v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 20 F. 3d 465.

No. 93-9272. *TAYLOR v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 20 F. 3d 467.

No. 93-9280. *HOPSON v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 19 F. 3d 1434.

No. 93-9281. *HOPSON v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 18 F. 3d 465.

No. 93-9284. *WRIGHT v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 16 F. 3d 1429.

No. 93-9285. *LECROIX v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 19 F. 3d 31.

No. 93-9294. *SCHUENEMANN v. HAMES, COMMISSIONER, ALASKA DEPARTMENT OF CORRECTIONS*. C. A. 9th Cir. Certiorari denied. Reported below: 17 F. 3d 396.

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No. 93-9297. *BRADSHAW v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 17 F. 3d 1439.

No. 93-9298. *DAMATTA-OLIVERA v. UNITED STATES*. Ct. Mil. App. Certiorari denied. Reported below: 37 M. J. 474.

No. 93-9299. *MCPHAIL ET AL. v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 20 F. 3d 465.

No. 93-9302. *MATTHEWS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 8 F. 3d 32.

No. 93-9304. *MINTZ v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 16 F. 3d 1101.

No. 93-9307. *ANGEL GONZALEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 18 F. 3d 936.

No. 93-9323. *O'NEAL v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 17 F. 3d 1439.

No. 93-9324. *MACMILLAN v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 12 F. 3d 1109.

No. 93-9329. *ALEXANDER v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 12 F. 3d 1103.

No. 93-9330. *WHITE v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 16 F. 3d 1223.

No. 93-9332. *LEE v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 15 F. 3d 1092.

No. 93-9333. *LEGG v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 18 F. 3d 240.

No. 93-9336. *DAVIS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 17 F. 3d 1438.

No. 93-9337. *BALLARD v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 16 F. 3d 1110.

No. 93-9338. *DUARTE v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 24 F. 3d 251.

No. 93-9342. *CASTNER v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 19 F. 3d 1434.

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No. 93-9343. BRYAN *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 19 F. 3d 30.

No. 93-9346. NASH *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 19 F. 3d 31.

No. 93-9357. WARE *v.* YUKINS, WARDEN. C. A. 6th Cir. Certiorari denied. Reported below: 19 F. 3d 1435.

No. 93-9365. ROMANO *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 22 F. 3d 304.

No. 93-9370. COVINGTON *v.* MOODY, SUPERINTENDENT, WILDWOOD CORRECTIONAL CENTER. C. A. 9th Cir. Certiorari denied. Reported below: 15 F. 3d 1084.

No. 93-9390. ANDERSON *v.* SUNY HEALTH SCIENCE CENTER AT SYRACUSE ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 23 F. 3d 396.

No. 93-541. NCR CORP. *v.* NEW MEXICO TAXATION AND REVENUE DEPARTMENT. Ct. App. N. M. Certiorari denied. JUSTICE O'CONNOR took no part in the consideration or decision of this petition. Reported below: 115 N. M. 612, 856 P. 2d 982.

No. 93-1416. NCR CORP. *v.* SOUTH CAROLINA DEPARTMENT OF REVENUE AND TAXATION. Sup. Ct. S. C. Certiorari denied. JUSTICE O'CONNOR took no part in the consideration or decision of this petition. Reported below: 312 S. C. 52, 439 S. E. 2d 254.

No. 93-1354. LEWIS, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS, ET AL. *v.* JACOBY. C. A. 9th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 8 F. 3d 27.

No. 93-1572. UNITED STATES *v.* VILLEGAS. C. A. 2d Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 3 F. 3d 643.

No. 93-1713. WAYFIELD *v.* TOWN OF TISBURY ET AL. C. A. 1st Cir. Motion of Polish Historical Society for leave to file a brief as *amicus curiae* granted. Certiorari denied. Reported below: 10 F. 3d 805.

No. 93-1797. INSURANCE COMPANY OF NORTH AMERICA ET AL. *v.* MORTON INTERNATIONAL, INC. Sup. Ct. N. J. Motion

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of Insurance Environmental Litigation Association for leave to file a brief as *amicus curiae* granted. Certiorari denied. Reported below: 134 N. J. 1, 629 A. 2d 831.

No. 93-1870. AIDANT, INC., ET AL. *v.* SIREX, U. S. A., INC., ET AL.; AIDANT, L. P., ET AL. *v.* HUMMEL ET AL.; and IZADPANAH ET AL. *v.* HUMMEL ET AL. Sup. Ct. Va. Motion of petitioners to strike respondents' brief in opposition denied. Certiorari denied.

No. 93-1878. ROE *v.* LOUISIANA SUPREME COURT ET AL. C. A. 5th Cir. Motion of petitioner to direct that the response to the petition and the lodging be placed under seal denied. Motion of John Doe for leave to intervene and other relief denied. Certiorari denied. Reported below: 8 F. 3d 23.

No. 92-8717. ROBINSON *v.* TEXAS. Ct. Crim. App. Tex.;
No. 93-6225. SLAWSON *v.* FLORIDA. Sup. Ct. Fla.;
No. 93-7248. MCBRIDE *v.* TEXAS. Ct. Crim. App. Tex.;
No. 93-7641. MARTINEZ *v.* TEXAS. Ct. Crim. App. Tex.;
No. 93-8096. EDGESTON *v.* ILLINOIS. Sup. Ct. Ill.;
No. 93-8147. BYRD *v.* OHIO. Sup. Ct. Ohio;
No. 93-8358. HICKS *v.* OHIO. Sup. Ct. Ohio;
No. 93-8360. POINDEXTER *v.* OHIO. Sup. Ct. Ohio;
No. 93-8372. HENDERSON *v.* OHIO. Sup. Ct. Ohio;
No. 93-8501. GIBBS *v.* NORTH CAROLINA. Sup. Ct. N. C.;
No. 93-8505. SOWELL *v.* OHIO. Sup. Ct. Ohio;
No. 93-8571. 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. Sup. Ct. Ohio;
No. 93-8586. OTEY *v.* HOPKINS, WARDEN. C. A. 8th Cir.;
No. 93-8604. TENNER *v.* ILLINOIS. Sup. Ct. Ill.;
No. 93-8723. BEDFORD *v.* OHIO. Sup. Ct. Ohio;
No. 93-8825. SMITH *v.* OHIO. Sup. Ct. Ohio;
No. 93-8852. STEFFEN *v.* OHIO. Sup. Ct. Ohio;
No. 93-8854. SCOTT *v.* OHIO. Sup. Ct. Ohio;
No. 93-9025. RESNOVER *v.* CARTER, ATTORNEY GENERAL OF INDIANA, ET AL. C. A. 7th Cir.;
No. 93-9046. HALL *v.* SOUTH CAROLINA. Sup. Ct. S. C.;
No. 93-9112. WOODARD *v.* OHIO. Sup. Ct. Ohio; and
No. 93-9364. ROSE *v.* NORTH CAROLINA. Sup. Ct. N. C. Certiorari denied. Reported below: No. 92-8717, 851 S. W. 2d 216;

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No. 93-6225, 619 So. 2d 255; No. 93-7248, 862 S. W. 2d 600; No. 93-7641, 867 S. W. 2d 30; No. 93-8096, 157 Ill. 2d 201, 623 N. E. 2d 329; No. 93-8147, 67 Ohio St. 3d 1485, 621 N. E. 2d 407; No. 93-8358, 67 Ohio St. 3d 1485, 621 N. E. 2d 407; No. 93-8360, 67 Ohio St. 3d 1485, 621 N. E. 2d 407; No. 93-8372, 67 Ohio St. 3d 1485, 621 N. E. 2d 407; No. 93-8501, 335 N. C. 1, 436 S. E. 2d 321; No. 93-8505, 67 Ohio St. 3d 1500, 622 N. E. 2d 649; No. 93-8571, 67 Ohio St. 3d 1487, 621 N. E. 2d 409 (first through eighth cases), 67 Ohio St. 3d 1502, 622 N. E. 2d 651 (ninth case); No. 93-8586, 5 F. 3d 1125; No. 93-8604, 157 Ill. 2d 341, 626 N. E. 2d 138; No. 93-8723, 67 Ohio St. 3d 1509, 622 N. E. 2d 656; No. 93-8825, 68 Ohio St. 3d 1404, 623 N. E. 2d 562; No. 93-8852, 67 Ohio St. 3d 1500, 622 N. E. 2d 649; No. 93-8854, 67 Ohio St. 3d 1485, 621 N. E. 2d 407; No. 93-9025, 9 F. 3d 113; No. 93-9046, 312 S. C. 95, 439 S. E. 2d 278; No. 93-9112, 68 Ohio St. 3d 70, 623 N. E. 2d 75; No. 93-9364, 335 N. C. 301, 439 S. E. 2d 518.

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. 92-903. POSTERS ‘N’ THINGS, LTD., ET AL. *v.* UNITED STATES, 511 U.S. 513;

No. 92-1370. BFP *v.* RESOLUTION TRUST CORPORATION, AS RECEIVER OF IMPERIAL FEDERAL SAVINGS ASSN., ET AL., 511 U.S. 531;

No. 93-289. DALTON, SECRETARY OF THE NAVY, ET AL. *v.* SPECTER ET AL., 511 U.S. 462;

No. 93-1257. CATLETT *v.* VIRGINIA, 511 U.S. 1005;

No. 93-1407. PEARSON *v.* UNITED STATES, 511 U.S. 1126;

No. 93-1498. SAKARIA ET AL. *v.* TRANS WORLD AIRLINES, 511 U.S. 1083;

No. 93-7824. TITLEMORE *v.* RAYMOND ET AL., 511 U.S. 1036;

No. 93-7995. EDWARDS *v.* PHOEBE PUTNEY MEMORIAL HOSPITAL ET AL., 511 U.S. 1039;

No. 93-8189. CRAWFORD *v.* CONNELL, 511 U.S. 1073;

No. 93-8230. BACON *v.* DEPARTMENT OF THE AIR FORCE, 511 U.S. 1043;

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No. 93-8343. *SPYCHALA v. GOMEZ*, 511 U. S. 1089;
No. 93-8367. *DUNN v. REGENTS OF THE UNIVERSITY OF CALIFORNIA*, 511 U. S. 1090;
No. 93-8446. *DORADO v. MARYLAND*, 511 U. S. 1092;
No. 93-8460. *SEAGRAVE v. COUNTY OF LAKE ET AL.*, 511 U. S. 1092;
No. 93-8480. *DEMPSEY v. RANGAIRE CORP.*, 511 U. S. 1092;
No. 93-8518. *KOTAS ET UX. v. JOURNAL COMMUNICATIONS ET AL.*, 511 U. S. 1093;
No. 93-8519. *IN RE PREUSS*, 511 U. S. 1081;
No. 93-8556. *JACKSON ET UX. v. CITY OF RENO*, 511 U. S. 1094;
No. 93-8653. *WALLACE v. UNITED STATES*, 511 U. S. 1095;
and
No. 93-9003. *RYSKAMP v. UNITED STATES*, 511 U. S. 1148.
Petitions for rehearing denied.

No. 93-609. *MORGAN STANLEY & CO., INC., ET AL. v. PACIFIC MUTUAL LIFE INSURANCE CO. ET AL.*, 511 U. S. 658. Petition for rehearing denied. JUSTICE O'CONNOR took no part in the consideration or decision of this petition.

No. 93-8226. *FORD v. ALABAMA*, 511 U. S. 1078;
No. 93-8405. *CODE v. LOUISIANA*, 511 U. S. 1100; and
No. 93-8736. *CONKLIN v. ZANT, WARDEN*, 511 U. S. 1100. Petitions for rehearing denied. JUSTICE BLACKMUN dissents from the denial of rehearing. He would grant the petitions for rehearing, grant the petitions for certiorari, and vacate petitioners' death sentences. See *Callins v. Collins*, 510 U. S. 1141, 1143 (1994).

No. 93-8289. *TRAUNIG v. DEPARTMENT OF VETERANS AFFAIRS*, 511 U. S. 1044; and

No. 93-8615. *DOWELL v. WRIGHT ET AL.*, 511 U. S. 1077. Motions for leave to file petitions for rehearing denied.

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Vacated and Remanded on Appeal

No. 93-1108. *MCWHERTER, GOVERNOR OF TENNESSEE, ET AL. v. RURAL WEST TENNESSEE AFRICAN-AMERICAN AFFAIRS COUNCIL, INC., ET AL.*; and

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No. 93–1379. RURAL WEST TENNESSEE AFRICAN-AMERICAN AFFAIRS COUNCIL, INC., ET AL. *v.* MCWHERTER, GOVERNOR OF TENNESSEE, ET AL. Appeals from D. C. W. D. Tenn. Judgment vacated and cases remanded for further consideration in light of *Johnson v. De Grandy*, ante, p. 997. Reported below: 836 F. Supp. 453.

Certiorari Granted—Vacated and Remanded

No. 93–828. PEARSON ET AL. *v.* PLANNED PARENTHOOD MARGARET SANGER CLINIC (MANHATTAN) ET AL. C. A. 2d Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Mine Workers v. Bagwell*, ante, p. 821. Reported below: 996 F. 2d 1351.

No. 93–1279. REALI ET AL. *v.* FEMINIST WOMEN’S HEALTH CENTER. Ct. App. Cal., 3d App. Dist. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Madsen v. Women’s Health Center, Inc.*, ante, p. 753. Reported below: 17 Cal. App. 4th 1543, 22 Cal. Rptr. 2d 184.

No. 93–1394. TYUS ET AL. *v.* BOSLEY ET AL. C. A. 8th Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Johnson v. De Grandy*, ante, p. 997. Reported below: 999 F. 2d 1301.

No. 93–7348. PRICE *v.* NORTH CAROLINA. Sup. Ct. N. C. Motion of petitioner for leave to proceed *in forma pauperis* granted. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Simmons v. South Carolina*, ante, p. 154. Reported below: 334 N. C. 615, 433 S. E. 2d 746.

JUSTICE BLACKMUN, concurring.

Although I concur in the Court’s remand of this case for further consideration in light of the recent decision in *Simmons v. South Carolina*, ante, p. 154, I write to note that there remains another serious error in this case, one this Court has not reached before and does not reach today.

It is undisputed that petitioner’s sentencing jury was given the very instruction found unconstitutional in *McKoy v. North Carolina*, 494 U. S. 433 (1990). This instruction ran afoul of *Mills v. Maryland*, 486 U. S. 367 (1988), by requiring that all jurors agree on the existence of a mitigating circumstance before any

juror could give it effect. The North Carolina Supreme Court concluded, however, that this *McKoy* error was harmless beyond a reasonable doubt. 331 N. C. 620, 418 S. E. 2d 169 (1992). The state court's analysis does not support its conclusion.

The State Supreme Court relied on a poll of the sentencing jurors. In that poll, each juror first was asked:

“Do you *unanimously* find from the evidence the existence of one or more of the following mitigating circumstances?” *Id.*, at 626, 418 S. E. 2d, at 172.

Then, for each of 10 mitigating circumstances submitted to the jury, each juror was asked, for example:

“Q: As to the mitigating factors. ‘Number 1: This murder was committed while the defendant was under the influence of mental illness or emotional disturbance. Answer: No.’ Is this your answer?”

“A: Yes.

“Q: Do you still assent thereto?”

“A: Yes.” *Ibid.*

The State's Supreme Court ruled that, in this context, the question, “Is this your answer?” could reasonably be understood only as asking each juror “Is this your own individual answer?” *Id.*, at 627, 418 S. E. 2d, at 173. Our concern, however, is “not what the State Supreme Court declares the meaning of the [poll question] to be, but rather what a reasonable juror could have understood the [poll question] as meaning.” *Francis v. Franklin*, 471 U. S. 307, 315–316 (1985). It is equally plausible that a reasonable juror could have interpreted “Is this your answer?” to mean “Is this your, *the jury's*, answer?” Since the jurors had been instructed that they could answer “yes” only if they unanimously agreed, a juror's answer to the poll question easily could have meant, “Yes, that was our answer, because we could not achieve unanimity on the existence of that factor.” Or even if the juror was answering for himself, he could be saying “Yes, that was my answer, but only because I could not get the others unanimously to agree that this mitigating circumstance existed.” Jurors are presumed to follow their instructions. See, e. g., *Yates v. Evatt*, 500 U. S. 391, 403 (1991); *Richardson v. Marsh*, 481 U. S. 200, 211 (1987).

Given the ambiguity of the poll, I “cannot say with any degree of confidence which interpretation [Price’s] jury adopted,” *Mills*, 486 U.S., at 383, and consequently, I cannot conclude that the *McKoy* error was harmless. A finding of harmlessness is warranted only if it appears “beyond a reasonable doubt that the error complained of did not contribute to the verdict obtained.” *Chapman v. California*, 386 U.S. 18, 24 (1967). Because the unanimity instruction preceded and shaped the jury’s consideration of mitigating evidence, it may have contributed to the verdict by directing the jury to “examin[e] the evidence with the wrong question in mind.” *Yates v. Evatt*, 500 U.S., at 413 (SCALIA, J., concurring). The poll tells us nothing about how the juror would have voted—either on a particular mitigating circumstance or on the ultimate life-or-death question—had he been instructed that he could give effect to all the mitigating evidence, as the Constitution requires. Thus, the state court’s analysis does not satisfy the “high standard” of harmlessness for federal constitutional error. See *Sochor v. Florida*, 504 U.S. 527, 541 (1992) (O’CONNOR, J., concurring); see also *Clemons v. Mississippi*, 494 U.S. 738 (1990) (remanding a case to state court for “detailed explanation” and analysis of its conclusion of harmlessness).

Because the poll does not demonstrate convincingly, much less beyond a reasonable doubt, that no juror interpreted the unconstitutional instruction to block consideration of mitigating evidence on which the jurors were not unanimous, I do not share the state court’s “confiden[ce]” that the poll “demonstrates unequivocally” that the instruction did not prevent any juror from giving weight to any mitigating evidence. See 331 N. C., at 628, 418 S. E. 2d, at 173. Concern that the *McKoy* instruction may have precluded consideration of relevant mitigating evidence is only fueled by the North Carolina Supreme Court’s acknowledgment “there [wa]s evidence which support[ed] several of the mitigating circumstances not found by the jury.” 331 N. C., at 628, 418 S. E. 2d, at 173. Cf. *McNeil v. North Carolina*, 494 U.S. 1050 (1990) (KENNEDY, J., dissenting from grant of certiorari) (noting that *McKoy* error may be harmless where the defendant did not present mitigating evidence).

It is true that this is the third time we have remanded this case for further consideration in light of an intervening decision, again providing the state court the opportunity to consider

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and to correct constitutional error. See 498 U. S. 802 (1990) (vacated and remanded in light of *McKoy v. North Carolina*, 494 U. S. 433 (1990)); 506 U. S. 1043 (1993) (vacated and remanded in light of *Morgan v. Illinois*, 504 U. S. 719 (1992)). On this remand, if the North Carolina Supreme Court concludes that there is *Simmons* error that requires resentencing, the new sentencing jurors will not receive the now-abandoned *McKoy* instruction, and the case will be purged of any existing nonharmless *McKoy* error. But if petitioner does not receive a new sentencing hearing, I believe the harmlessness of the *McKoy* error deserves this Court's attention on the next round, notwithstanding petitioner's previous visits to this Court.

No. 93-7494. *MORENO v. SCOTT, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION*. 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 *McFarland v. Scott*, *ante*, p. 849. Reported below: 15 F. 3d 180.

No. 93-7739. *JOINER v. SCOTT, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION*. 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 *McFarland v. Scott*, *ante*, p. 849. Reported below: 15 F. 3d 1079.

No. 93-8233. *CLAYTON v. SCOTT, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION*. 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 *McFarland v. Scott*, *ante*, p. 849. Reported below: 19 F. 3d 15.

Miscellaneous Order

No. 93-8621. *MCDONALD v. NEW MEXICO ET AL.* C. A. 10th Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [511 U. S. 1125] denied.

Certiorari Denied

No. 93-812. *RED CLAY CONSOLIDATED SCHOOL DISTRICT BOARD OF EDUCATION ET AL. v. JENKINS ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 4 F. 3d 1103.

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No. 93-1454. CALDERON, WARDEN, ET AL. *v.* CLAIR. C. A. 9th Cir. Certiorari denied.

No. 92-8482. ESPINOZA *v.* CALIFORNIA. Sup. Ct. Cal.;
No. 93-5140. NOGUERA *v.* CALIFORNIA. Sup. Ct. Cal.;
No. 93-6801. MAYFIELD *v.* CALIFORNIA. Sup. Ct. Cal.;
No. 93-6863. WADER *v.* CALIFORNIA. Sup. Ct. Cal.;
No. 93-7249. PAGE *v.* ILLINOIS. Sup. Ct. Ill.;
No. 93-7278. MITCHAM *v.* CALIFORNIA. Sup. Ct. Cal.;
No. 93-7376. MIRANDA *v.* CALIFORNIA. Sup. Ct. Cal.;
No. 93-7399. DOUGLAS *v.* CALDERON, WARDEN. Sup. Ct. Cal.;
No. 93-7414. SIMS *v.* CALIFORNIA. Sup. Ct. Cal.;
No. 93-7442. EDWARDS *v.* CALDERON, WARDEN. Sup. Ct. Cal.;
No. 93-7631. BACIGALUPO *v.* CALIFORNIA. Sup. Ct. Cal.;
No. 93-7680. MONTIEL *v.* CALIFORNIA. Sup. Ct. Cal.;
No. 93-7955. RUDD *v.* TEXAS. Ct. Crim. App. Tex.; and
No. 93-8118. CLARK *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied. Reported below: No. 92-8482, 3 Cal. 4th 806, 838 P. 2d 204; No. 93-5140, 4 Cal. 4th 599, 842 P. 2d 1160; No. 93-6801, 5 Cal. 4th 142, 852 P. 2d 331; No. 93-6863, 5 Cal. 4th 610, 854 P. 2d 80; No. 93-7249, 156 Ill. 2d 258, 620 N. E. 2d 339; No. 93-7414, 5 Cal. 4th 405, 853 P. 2d 992; No. 93-7631, 6 Cal. 4th 457, 862 P. 2d 808; No. 93-7680, 5 Cal. 4th 877, 855 P. 2d 1277; No. 93-8118, 5 Cal. 4th 950, 857 P. 2d 1099.

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. 93-1159. WINFIELD ET AL. *v.* KAPLAN ET AL. Sup. Ct. N. C. Certiorari denied. Reported below: 335 N. C. 175, 436 S. E. 2d 379.

JUSTICE SCALIA, with whom JUSTICE KENNEDY and JUSTICE THOMAS join, dissenting.

In Greensboro, North Carolina, a state trial court entered a preliminary injunction prohibiting antiabortion protesters from picketing, parading, marching, or demonstrating anywhere on respondent's street or within 300 feet of the center line of that street. The North Carolina Court of Appeals affirmed and the

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Supreme Court of North Carolina denied discretionary review. The protesters petitioned this Court for review. When their petition first came before us for consideration, we voted to defer disposition pending the announcement of our judgment in *Madsen v. Women's Health Center, Inc.*, *ante*, p. 753, because of the similarity of the issues presented in the two cases.

In Part III-E of the *Madsen* opinion, announced today, we find unconstitutional an injunctive provision—prohibiting congregating, picketing, patrolling, and demonstrating within 300 feet of the residences of respondents' employees—indistinguishable in relevant respects from the one that remains in effect in the present case. The obviously appropriate course of action, therefore, is to grant the present petition for certiorari, vacate the judgment below, and remand the cause to the North Carolina Court of Appeals for reconsideration in light of *Madsen*. That is what we ordinarily do with petitions that have been held for the decision of cases that, in the event, show the petitions to have merit.

Instead, the Court chooses to deny the petition for certiorari. The only conceivable explanation for this decision is that because the injunction presently under consideration is temporary, the North Carolina courts will have the benefit of our *Madsen* opinion when they come to decide whether a permanent injunction should issue. But if that fact alone justifies denial of the petition, we should have denied it at the outset, rather than held it pending *Madsen*.

No possible resolution of *Madsen* could have shown this case more flatly wrong than the opinion that issued. By holding the petition for *Madsen*, and then, in light of *Madsen*, letting the challenged injunction stand, we send a confusing message to the North Carolina courts. And also, of course, we leave a clear judicial abridgment of petitioners' First Amendment rights in effect. For these reasons, I dissent from the denial of certiorari.

No. 93-7200. *McCOLLUM v. NORTH CAROLINA*. Sup. Ct. N. C. Certiorari denied. Reported below: 334 N. C. 208, 433 S. E. 2d 144.

JUSTICE BLACKMUN, dissenting.

Henry Lee "Buddy" McCollum is sentenced to be executed for his part in a brutal crime. He participated with three other young men in the rape and murder of an 11-year-old girl. Each raped the child, and McCollum helped hold her down while an-

other young man stuffed her panties down her throat with a stick. When I announced in *Callins v. Collins*, 510 U.S. 1141, 1143 (1994) (opinion dissenting from denial of certiorari), that I had reached the conclusion that the death penalty, as currently administered, is unconstitutional, JUSTICE SCALIA questioned why I did not choose Buddy McCollum's case as the vehicle to announce that position. *Id.*, at 1142–1143 (SCALIA, J., concurring in denial of certiorari). He seemed to believe that my position would be harder to defend in a case like this one that “cries out for punishment.” 334 N.C. 208, 245, 433 S. E. 2d 144, 165 (1993) (Exum, C. J., concurring in part and dissenting in part). Far from it. The crime indeed is abhorrent, but there is more to the story.

Buddy McCollum is mentally retarded. He has an IQ between 60 and 69 and the mental age of a 9-year-old. He reads on a second-grade level. This factor alone persuades me that the death penalty in his case is unconstitutional. See *Penry v. Lynaugh*, 492 U.S. 302, 350 (1989) (STEVENS, J., concurring in part and dissenting in part) (executions of the mentally retarded are unconstitutional).

The sentencing jury found two aggravating circumstances: that the murder was committed to avoid arrest and that the murder was especially heinous, atrocious, or cruel. It found seven mitigating circumstances: that McCollum was mentally retarded, that he had difficulty thinking clearly under stress, that he was easily influenced by others, that he committed the felony murder under the influence of mental or emotional disturbance, that he had cooperated with the police, that he had no significant history of prior criminal activity, and that he had adapted well to prison. In addition, the trial judge concluded that “[a]ll of the evidence tends to show that [McCollum's] capacity . . . to appreciate the criminality of his conduct or to conform his conduct to the requirements of law was impaired.” App. to Pet. for Cert. 50. McCollum was 19 at the time of the crime.

Along with these compelling mitigating circumstances, the evidence at trial tended to show that Buddy McCollum was far from the most culpable of the four accomplices. He was not the one who initiated the rape, the one who proposed the murder, or the one who actually committed the murder. Nonetheless, he was the only one convicted of murder and the only one sentenced to die.

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North Carolina's death penalty scheme requires appellate proportionality review, N. C. Gen. Stat. § 15A-2000(d)(2) (1988), and the Chief Justice of the North Carolina Supreme Court found himself compelled to conclude that the death penalty for Buddy McCollum was disproportionate. 334 N. C., at 248-250, 433 S. E. 2d, at 167-168 (Exum, C. J., dissenting). North Carolina jurors had never before recommended death for a defendant whom they had found mentally retarded. Only once had jurors recommended death where there was even any evidence of mental retardation. No North Carolina jury ever had recommended death for a felony murderer under 20 years of age. Nor had any jury recommended death in a sexual offense felony murder where there was evidence of the defendant's mental and emotional disturbance, not even where the defendant was the actual perpetrator of an especially heinous, atrocious, or cruel killing.

That our system of capital punishment would single out Buddy McCollum to die for this brutal crime only confirms my conclusion that the death penalty experiment has failed. Our system of capital punishment simply does not accurately and consistently determine which defendants most "deserve" to die.

No. 93-8040. *McFARLAND v. SCOTT, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION*. C. A. 5th Cir. Certiorari denied. Reported below: 8 F. 3d 256.

JUSTICE BLACKMUN, dissenting.

Today in *McFarland v. Scott*, *ante*, p. 849, this Court addressed the right to qualified legal counsel guaranteed to all capital defendants in federal habeas corpus proceedings. See 21 U. S. C. § 848(q)(4)(B). More often than not, however, it is in the proceedings antecedent to federal habeas corpus—the capital trial, and to a lesser extent state postconviction proceedings—that a capital defendant's case is won or lost. Frequently the legal counsel available to capital defendants at these critical stages is woefully inadequate. I therefore write to address the crisis in trial and state postconviction legal representation for capital defendants that forms the backdrop to the federal right to counsel afforded by § 848(q)(4)(B).

Without question, "the principal failings of the capital punishment review process today are the inadequacy and inadequate compensation of counsel at trial and the unavailability of counsel in state post-conviction proceedings." Robbins, *Toward a More*

Just and Effective System of Review in State Death Penalty Cases, Report of the American Bar Association's Recommendations Concerning Death Penalty Habeas Corpus, 40 Am. U. L. Rev. 1, 16 (1990) (ABA Report). The unique, bifurcated nature of capital trials and the special investigation into a defendant's personal history and background that may be required, the complexity and fluidity of the law, and the high, emotional stakes involved all make capital cases more costly and difficult to litigate than ordinary criminal trials. Yet, the attorneys assigned to represent indigent capital defendants at times are less qualified than those appointed in ordinary criminal cases. See Green, Lethal Fiction: The Meaning of 'Counsel' in the Sixth Amendment, 78 Iowa L. Rev. 433, 434 (1993); Coyle, et al., Fatal Defense, 12 Nat. L. J. 30, 44 (June 11, 1990) (Capital-defense attorneys in eight States were disbarred, suspended, or disciplined at rates 3 to 46 times higher than the general attorney-discipline rates).

Two factors contribute to the general unavailability of qualified attorneys to represent capital defendants. The absence of standards governing court-appointed capital-defense counsel means that unqualified lawyers often are appointed, and the absence of funds to compensate lawyers prevents even qualified lawyers from being able to present an adequate defense. Many States that regularly impose the death penalty have few, if any, standards governing the qualifications required of court-appointed capital-defense counsel. In 21 U. S. C. §§ 848(q)(5) and (6), Congress has required that attorneys appointed to represent capital defendants in federal habeas corpus proceedings must have five years of experience litigating before the relevant court and three years of felony experience. See *McFarland*, ante, at 854, n. 2. According to a 1990 survey by the National Law Journal, however, Florida, Georgia, Mississippi, Texas, and California have no binding statewide qualification criteria for capital-defense counsel. See Coyle, 12 Nat. L. J., at 32. Capital-defense attorneys in Louisiana must have five years' experience practicing in some area of law, but are not required to have experience in capital defense or any form of criminal practice. *Ibid*.

In addition to the lack of standards, compensation for attorneys representing indigent capital defendants often is perversely low. Although a properly conducted capital trial can involve hundreds of hours of investigation, preparation, and lengthy trial proceedings, many States severely limit the compensation paid for capital

defense. Louisiana limits the compensation for court-appointed capital-defense counsel to \$1,000 for *all* pretrial preparation and trial proceedings. Kentucky pays a maximum of \$2,500 for the same services. Alabama limits reimbursement for out-of-court preparation in capital cases to a maximum of \$1,000 each for the trial and penalty phases. Ala. Code § 15-12-21(a) (Supp. 1992); Op. Ala. Atty. Gen. No. 91-00206 (Mar. 21, 1991). See generally Klein, *The Eleventh Commandment: Thou Shalt Not Be Compelled to Render the Ineffective Assistance of Counsel*, 68 Ind. L. J. 363, 364-375 (1993).

Court-awarded funds for the appointment of investigators and experts often are either unavailable, severely limited, or not provided by state courts. As a result, attorneys appointed to represent capital defendants at the trial level frequently are unable to recoup even their overhead costs and out-of-pocket expenses, and effectively may be required to work at minimum wage or below while funding from their own pockets their client's defense. A recent survey by the Mississippi Trial Lawyers' Association estimated that capital-defense attorneys in that State are compensated at an average rate of \$11.75 per hour. See Coyle, 12 Nat. L. J., at 32. Compensation rates of \$5 per hour or less are not uncommon. Strasser, *\$1,000 Fee Cap Makes Death Row's 'Justice' A Bargain for the State*, 12 Nat. L. J. 33 (June 11, 1990).¹ The prospect that hours spent in trial preparation or funds expended hiring psychiatrists or ballistics experts will be uncompensated unquestionably chills even a qualified attorney's zealous representation of his client.

¹ Recent improvements have been made, however. The Florida Supreme Court struck down the State's maximum fee of \$3,500 as unconstitutional when applied in such a manner as to impinge on the right to effective counsel in capital cases. *White v. Board of County Comm'rs*, 537 So. 2d 1376 (1989). The court found itself "hard pressed to find any capital case in which the circumstances would not warrant an award of attorneys' fees in excess of the [\$3,500] fee cap." *Id.*, at 1378. South Carolina's Supreme Court also refused, on Sixth Amendment grounds, to enforce the State's \$10 and \$15 per hour and \$5,000 maximum compensation levels in capital cases. *Bailey v. State*, 424 S. E. 2d 503, 508 (1992). The Oklahoma and Arkansas Supreme Courts recently struck down their States' respective compensation caps of \$3,200 and \$1,000 as unconstitutional takings when applied to capital cases. See *State v. Lynch*, 796 P. 2d 1150 (Okla. 1990); *Arnold v. Kemp*, 306 Ark. 294, 813 S. W. 2d 770 (1991).

The practical costs of such ad hoc systems of attorney selection and compensation are well documented. Capital defendants have been sentenced to death when represented by counsel who never bothered to read the state death penalty statute, *e. g.*, *Smith v. State*, 581 So. 2d 497 (Ala. Crim. App. 1990), slept through or otherwise were not present during trial, or failed to investigate or present any mitigating evidence at the penalty phase, *Mitchell v. Kemp*, 483 U.S. 1026 (1987) (Marshall, J., dissenting from denial of certiorari). Other indigent defendants have been represented by attorneys who had been admitted to the bar only six months before and never had conducted a criminal trial. *E. g.*, *Paradis v. Arave*, 954 F.2d 1483, 1490–1491 (CA9 1992), vacated and remanded, 507 U.S. 1026 (1993), relief denied, 20 F.3d 950, 959 (1994). One Louisiana defendant was convicted of capital murder following a 1-day trial and 20-minute penalty phase proceeding, in which his counsel stipulated to the defendant's age at the time of the crime and rested. *State v. Messiah*, 538 So. 2d 175, 187 (La. 1988), cert. denied, 493 U.S. 1063 (1990). When asked to cite the criminal cases he knew, one defense attorney who failed to challenge his client's racially unrepresentative jury pool could name only two cases: *Miranda v. Arizona*, 384 U.S. 436 (1966), and *Dred Scott v. Sandford*, 19 How. 393 (1857). See Bright, Counsel for the Poor: The Death Sentence Not for the Worst Crime but for the Worst Lawyer, 103 Yale L. J. 1835, 1839, and n. 32 (1994), citing Tr. of Hearing 231 (Apr. 25–27, 1988) in *State v. Birt*, No. 2360 (Super. Ct. Jefferson Cty., Ga. 1988).

The consequences of such poor trial representation for the capital defendant, of course, can be lethal. Evidence not presented at trial cannot later be discovered and introduced; arguments and objections not advanced are forever waived. Nor is a capital defendant likely to be able to demonstrate that his legal counsel was ineffective, given the low standard for acceptable attorney conduct and the high showing of prejudice required under *Strickland v. Washington*, 466 U.S. 668 (1984). Ten years after the articulation of that standard, practical experience establishes that the *Strickland* test, in application, has failed to protect a defendant's right to be represented by something more than "a person who happens to be a lawyer." *Id.*, at 685.

The impotence of the *Strickland* standard is perhaps best evidenced in the cases in which ineffective-assistance claims have

been denied. John Young, for example, was represented in his capital trial by an attorney who was addicted to drugs and who a few weeks later was incarcerated on federal drug charges. The Court of Appeals for the Eleventh Circuit rejected Young's ineffective-assistance-of-counsel claim on federal habeas, *Young v. Kemp*, 727 F. 2d 1489 (1984), and this Court denied review, 470 U. S. 1009 (1985). Young was executed in 1985. John Smith and his codefendant Rebecca Machetti were sentenced to death by juries selected under the same Georgia statute. Machetti's attorneys successfully challenged the statute under a recent Supreme Court decision, *Taylor v. Louisiana*, 419 U. S. 522 (1975), winning Machetti a new trial and ultimately a life sentence. *Machetti v. Linahan*, 679 F. 2d 236 (CA11 1982). Smith's counsel was unaware of the Supreme Court decision, however, and failed similarly to object at trial. *Smith v. Kemp*, 715 F. 2d 1459 (CA11 1983). Smith was executed in 1983.

Jesus Romero's attorney failed to present any evidence at the penalty phase and delivered a closing argument totaling 29 words. Although the attorney later was suspended on unrelated grounds, Romero's ineffective-assistance claim was rejected by the Court of Appeals for the Fifth Circuit, *Romero v. Lynaugh*, 884 F. 2d 871, 875 (1989), and this Court denied certiorari, 494 U. S. 1012 (1990). Romero was executed in 1992. Larry Heath was represented on direct appeal by counsel who filed a 6-page brief before the Alabama Court of Criminal Appeals. The attorney failed to appear for oral argument before the Alabama Supreme Court and filed a brief in that court containing a 1-page argument and citing a single case. The Eleventh Circuit found no prejudice, *Heath v. Jones*, 941 F. 2d 1126, 1131 (1991), and this Court denied review, 502 U. S. 1077 (1992). Heath was executed in Alabama in 1992.

James Messer, a mentally impaired capital defendant, was represented by an attorney who at the trial's guilt phase presented *no* defense, made no objections, and emphasized the horror of the capital crime in his closing statement. At the penalty phase, the attorney presented no evidence of mental impairment, failed to introduce other substantial mitigating evidence, and again repeatedly suggested in closing that death was the appropriate punishment. The Eleventh Circuit refused to grant relief, *Messer v. Kemp*, 760 F. 2d 1080 (1985) (Johnson, J., dissenting), and this Court denied certiorari, 474 U. S. 1088 (1986). Messer was exe-

cuted in 1988. Even the attorney who could name only *Miranda* and *Dred Scott* twice has survived ineffective-assistance challenges. See *Birt v. Montgomery*, 725 F. 2d 587, 596–601 (CA11) (en banc), cert. denied, 469 U.S. 874 (1984); *Williams v. State*, 258 Ga. 281, 368 S. E. 2d 742 (1988), cert. denied, 492 U.S. 925 (1989).² None of these cases inspires confidence that the adversarial system functioned properly or “that the trial ca[n] be relied on as having produced a just result.” *Strickland*, 466 U.S., at 686. Yet, in none of these cases was counsel’s assistance found to be ineffective.

Regardless of the quality of counsel, capital defendants constitutionally are entitled to have *some* “person who happens to be a lawyer . . . present at trial alongside the accused.” *Id.*, at 685. The same cannot be said for state postconviction review. State habeas corpus proceedings are a vital link in the capital review process, not the least because all federal habeas claims first must be adequately raised in state court. This Court thus far has declined to hold that indigent capital defendants have a right to counsel at this level, based on the assumption that capital defendants generally can obtain volunteer or other counsel to represent them in these state proceedings. *Murray v. Giarattano*, 492 U.S. 1, 14 (1989) (KENNEDY, J., joined by O’CONNOR, J., concurring in judgment) (In “the case before us . . . no prisoner on death row in Virginia has been unable to obtain counsel to represent him in postconviction proceedings”).

Though perhaps true for some jurisdictions, this assumption bears little resemblance to the realities confronting McFarland and other condemned inmates in Texas. A recent study of state postconviction capital representation in Texas sponsored by the State Bar of Texas concluded that the capital-defense situation in that State is “desperate.” The Spangenberg Group, *A Study of Representation in Capital Cases in Texas*, ii (Mar. 1993). According to the Spangenberg Group, “Texas has already reached the crisis stage in capital representation and . . . the problem is substantially worse than that faced by any other state with the death penalty.” *Id.*, at i.

²For further discussion of these and other examples of indigent capital defense representation, see, *e.g.*, Bright, *Counsel for the Poor: The Death Sentence Not for the Worst Crime but for the Worst Lawyer*, 103 Yale L.J. 1835 (1994); ABA Report, at 65–70.

Texas has the second largest death row in the country, with approximately 375 inmates currently facing execution. Since 1976, Texas has executed approximately one third of all the defendants put to death in the United States, NAACP Legal Defense and Educational Fund, Inc., *Death Row, U. S. A.*, 10 (spring 1994), and the pace of executions in Texas is increasing. In June 1993, this Court denied certiorari in an unprecedented 29 capital cases from Texas, including McFarland's. During the ensuing period between June 1 and October 21, 1993, Texas scheduled 39 executions and actually executed 10 capital defendants. All told, the Lone Star State set more than 100 execution dates in 1993, at least 8 of which were set within 45 days of the close of direct review.

Finding qualified defense counsel capable of meeting this demand might be formidable even if an adequate pool of attorneys and adequate funds were available. Capital defendants in Texas, however, have no statutory right to counsel in state postconviction proceedings, receive little benefit from the State's skeletal public defender service, and are not provided even discretionary court-appointed counsel. Although the Texas Code of Criminal Procedure, Arts. 11.07, 26.04, 26.05, gives state courts discretion to appoint and compensate counsel for state habeas corpus proceedings, "this is almost never done." Spangenberg Group, at vii. Funds for experts and other expenses also "are almost never approved." *Ibid.* Indeed, the Texas Bar study found that "[p]resently no funds are allocated for payment of counsel or litigation expenses at the state habeas level." Spangenberg Group, at ii. Capital defendants in state postconviction proceedings must rely almost exclusively on volunteer private counsel—volunteers who are increasingly difficult to find. Texas thus has become "the only death penalty state in which death-sentenced prisoners are not routinely represented in state postconviction proceedings." Brief for American Bar Association as *Amicus Curiae*, *McFarland v. Scott*, No. 93-6497, p. 3, and n. 9. The lack of attorney compensation and Texas' aggressive practice of "[d]ocket control by execution date," Jones, *Death Penalty Procedures: A Proposal for Reform*, 53 Tex. Bar J. 850, 851 (1990), have left an estimated 75 capital defendants in Texas who currently are facing execution dates without any legal representation.

The right to qualified legal counsel in federal habeas corpus proceedings bestowed by § 848(q)(4)(B) is triggered only after a capital defendant has completed his direct review and, generally, some form of state postconviction proceeding. The continuing importance of federal habeas corpus in correcting constitutional errors is well documented. Of the capital cases reviewed in federal habeas corpus proceedings between 1976 and 1991, nearly half (46%) were found to have constitutional error. Liebman, More than ‘Slightly Retro:’ The Rehnquist Court’s Rout of Habeas Corpus Jurisdiction in *Teague v. Lane*, 18 N. Y. U. Rev. L. & Soc. Change 537, 541, n. 15 (1990–1991). The total reversal rate of capital cases at all stages of review during the same time period was estimated at 60% or more. *Id.*, at 541, n. 15; see also *Murray v. Giarratano*, 492 U. S., at 23–24, and n. 13 (STEVENS, J., joined by Brennan, Marshall, and BLACKMUN, JJ., dissenting) (citing a federal habeas corpus success rate of 60% to 70% in capital cases, versus 0.25% to 7% in noncapital cases); *id.*, at 14 (KENNEDY, J., joined by O’CONNOR, J., concurring in judgment). This Court itself frequently has granted capital defendants relief in federal habeas corpus proceedings. See, e. g., *Parker v. Dugger*, 498 U. S. 308 (1991); *Yates v. Evatt*, 500 U. S. 391 (1991); *Yates v. Aiken*, 484 U. S. 211 (1988); *Yates v. Aiken*, 474 U. S. 896 (1985); *Penry v. Lynaugh*, 492 U. S. 302 (1989); *Amadeo v. Zant*, 486 U. S. 214 (1988); *Maynard v. Cartwright*, 486 U. S. 356 (1988); *Johnson v. Mississippi*, 486 U. S. 578 (1988); *Hitchcock v. Dugger*, 481 U. S. 393 (1987); *Ford v. Wainwright*, 477 U. S. 399 (1986).

The mere presence of “[s]uch a high incidence of uncorrected error” found in capital habeas corpus proceedings, *Murray v. Giarratano*, 492 U. S., at 24 (STEVENS, J., joined by Brennan, Marshall, and BLACKMUN, JJ., dissenting), testifies to the inadequacy of the legal representation afforded at the trial and state postconviction stages. Yet the barriers to relief in federal habeas corpus proceedings are high. Even the best lawyers cannot rectify a meritorious constitutional claim that has been procedurally defaulted or waived by prior inadequate counsel. The accumulating and often byzantine restrictions this Court has imposed on federal habeas corpus review, see, e. g., *Herrera v. Collins*, 506 U. S. 390 (1993); *Sawyer v. Whitley*, 505 U. S. 333 (1992); *Keeney v. Tamayo-Reyes*, 504 U. S. 1 (1992); *Coleman v. Thompson*, 501 U. S. 722 (1991); *McCleskey v. Zant*, 499 U. S. 467 (1991); *Butler v. McKellar*, 494 U. S. 407 (1990); *Teague v. Lane*, 489 U. S.

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288 (1989), make it even less likely that future capital defendants who receive qualified legal counsel in federal habeas actually will obtain relief. And it is the capital defendant who pays the price for the failings of counsel and this review process—generally with his life.

Our system of justice is adversarial and depends for its legitimacy on the fair and adequate representation of all parties at all levels of the judicial process. The trial is the main event in this system, where the prosecution and the defense do battle to reach a presumptively reliable result. When we execute a capital defendant in this country, we rely on the belief that the individual was guilty, and was convicted and sentenced after a fair trial, to justify the imposition of state-sponsored killing. And when this Court curtails federal oversight of state-court proceedings, it does so in reliance on the proposition that justice has been done at the trial level. My 24 years of overseeing the imposition of the death penalty from this Court have left me in grave doubt whether this reliance is justified and whether the constitutional requirement of competent legal counsel for capital defendants is being fulfilled. It is my hope and belief that this Nation soon will come to realize that capital punishment cannot morally or constitutionally be imposed. Until that time, however, we must have the courage to recognize the failings of our present system of capital representation and the conviction to do what is necessary to improve it.

Adhering to my belief that the death penalty cannot be imposed fairly within the constraints of our Constitution, *Callins v. Collins*, 510 U.S. 1141, 1143 (1994) (BLACKMUN, J., dissenting), I would grant the petition for certiorari and vacate the death sentence.

Rehearing Denied

No. 93-7699. KARIM-PANAHI *v.* UNITED STATES ET AL., 511 U.S. 1109;

No. 93-8295. WARREN *v.* UNITED STATES, 511 U.S. 1110;

No. 93-8401. FROMAL *v.* VIRGINIA STATE BAR DISCIPLINARY BOARD, 511 U.S. 1090;

No. 93-8458. WOODS *v.* SINGLETARY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL., 511 U.S. 1092; and

No. 93-8853. WHITLEY *v.* FLORIDA, *ante*, p. 1210. Petitions for rehearing denied.

512 U. S. July 12, 28, 29, August 1, 1994

JULY 12, 1994

Dismissal Under Rule 46

No. 92–1996. ALASKA HOUSING FINANCE CORP. *v.* KURTH. C. A. 9th Cir. Certiorari dismissed under this Court’s Rule 46.1. Reported below: 980 F. 2d 737.

JULY 28, 1994

Miscellaneous Order

No. A–60 (O. T. 1994). AMSDEN ET AL. *v.* BIDEN, CHAIRMAN, SENATE JUDICIARY COMMITTEE, ET AL. Application for injunction, presented to JUSTICE SOUTER, and by him referred to the Court, denied.

JULY 29, 1994

Dismissal Under Rule 46

No. 93–9795. TORNOW *v.* IMMIGRATION AND NATURALIZATION SERVICE. C. A. 5th Cir. Certiorari dismissed under this Court’s Rule 46.

AUGUST 1, 1994

Dismissal Under Rule 46

No. 93–1812. SEA SAVAGE, INC., ET AL. *v.* CHEVRON U. S. A., INC. C. A. 5th Cir. Certiorari dismissed under this Court’s Rule 46.1. Reported below: 13 F. 3d 888.

Certiorari Denied

No. 94–5427 (A–100). DREW *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.

August 1, 2, 1994

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No. 94-5446 (A-98). DREW *v.* SCOTT, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION. C. A. 5th Cir. Application for stay of execution of sentence of death, presented to JUSTICE SCALIA, and by him referred to the Court, denied. Certiorari denied. Reported below: 28 F. 3d 460.

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.

AUGUST 2, 1994

Appointment of Marshal

It is ordered by this Court that Dale E. Bosley be, and he is hereby, appointed Marshal of this Court, effective August 1, 1994.

Miscellaneous Orders

No. D-1356. IN RE DISBARMENT OF SEEMAN. Disbarment entered. [For earlier order herein, see 510 U. S. 1104.]

No. D-1371. IN RE DISBARMENT OF MCGRATH. Disbarment entered. [For earlier order herein, see 510 U. S. 1174.]

No. D-1383. IN RE DISBARMENT OF BUDMAN. Disbarment entered. [For earlier order herein, see 511 U. S. 1027.]

No. D-1384. IN RE DISBARMENT OF WELLS. Disbarment entered. [For earlier order herein, see 511 U. S. 1028.]

No. D-1388. IN RE DISBARMENT OF KLEIN. Disbarment entered. [For earlier order herein, see 511 U. S. 1051.]

No. D-1390. IN RE DISBARMENT OF DUBOW. Disbarment entered. [For earlier order herein, see 511 U. S. 1066.]

No. D-1393. IN RE DISBARMENT OF COMICI. Disbarment entered. [For earlier order herein, see 511 U. S. 1104.]

No. D-1394. IN RE DISBARMENT OF FARHAT. Disbarment entered. [For earlier order herein, see 511 U. S. 1104.]

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No. D-1395. IN RE DISBARMENT OF MORINGIELLO. Disbarment entered. [For earlier order herein, see 511 U. S. 1104.]

No. D-1397. IN RE DISBARMENT OF CLOUTIER. Disbarment entered. [For earlier order herein, see 511 U. S. 1125.]

No. D-1398. IN RE DISBARMENT OF SLOAN. Disbarment entered. [For earlier order herein, see 511 U. S. 1139.]

No. D-1402. IN RE DISBARMENT OF GRIFFIN. James H. Griffin, of Los Angeles, 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 June 6, 1994 [511 U. S. 1140], is hereby discharged.

No. D-1417. IN RE DISBARMENT OF ASBELL. It is ordered that Samuel Asbell, of Camden, N. J., be suspended from the practice of law in this Court and that a rule issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. D-1418. IN RE DISBARMENT OF GRIFFITH. It is ordered that John B. Griffith, of Silver Spring, Md., be suspended from the practice of law in this Court and that a rule issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. D-1419. IN RE DISBARMENT OF LASHLEY. It is ordered that Douglas L. Lashley, of Olney, Md., be suspended from the practice of law in this Court and that a rule issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. D-1420. IN RE DISBARMENT OF BERNSTEIN. It is ordered that Harry J. Bernstein, of Belmore, 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-1421. IN RE DISBARMENT OF SLAN. It is ordered that Allan G. Slan, of Rockville, Md., be suspended from the practice of law in this Court and that a rule issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

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No. D-1422. IN RE DISBARMENT OF MOSELY. It is ordered that Fred M. Mosely, of East Cleveland, Ohio, be suspended from the practice of law in this Court and that a rule issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. D-1423. IN RE DISBARMENT OF OKOCHA. It is ordered that Nwabueze Vincent Okocha, of Cleveland, Ohio, be suspended from the practice of law in this Court and that a rule issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. D-1424. IN RE DISBARMENT OF HOLZMANN. It is ordered that James Charles Holzmann, of San Diego, 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-1425. IN RE DISBARMENT OF ABRAMS. It is ordered that Harold B. Abrams, 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-1426. IN RE DISBARMENT OF NOLAN. It is ordered that Patrick James Nolan, 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.

No. D-1427. IN RE DISBARMENT OF SCHECHTERMAN. It is ordered that Lawrence Schechterman, of Boca Raton, 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-1428. IN RE DISBARMENT OF STERNBERG. It is ordered that Les Paul Sternberg, of Sunrise, 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.

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No. D-1429. IN RE DISBARMENT OF BERNARD. It is ordered that Donald Ray Bernard, of Seabrook, 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-1430. IN RE DISBARMENT OF FIELD. It is ordered that Carl M. Field, of Cedarhurst, 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-1431. IN RE DISBARMENT OF SCHMIEDER. It is ordered that Robert W. Schmieder, of Belleville, 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-1432. IN RE DISBARMENT OF THOMPSON. It is ordered that Bruce A. Thompson, of Fair Haven, N. J., be suspended from the practice of law in this Court and that a rule issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. D-1433. IN RE DISBARMENT OF CORCES. It is ordered that Charles B. Corces, of Tampa, 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. 92-2038. ASGROW SEED CO. *v.* WINTERBOER ET AL., DBA DEEBEES. C. A. Fed. Cir. [Certiorari granted, 511 U. S. 1029.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 93-1543. MCKENNON *v.* NASHVILLE BANNER PUBLISHING CO. C. A. 6th Cir. [Certiorari granted, 511 U. S. 1106.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 93-1340. UNITED STATES *v.* MEZZANATTO. C. A. 9th Cir. [Certiorari granted, 511 U. S. 1029.] Motion of National Association of Criminal Defense Lawyers et al. for leave to file a brief as *amici curiae* granted.

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No. 93-1631. BENTSEN, SECRETARY OF THE TREASURY *v.* ADOLPH COORS CO. C. A. 10th Cir. [Certiorari granted, *ante*, p. 1203.] Motion of respondent to substitute Coors Brewing Co. in place of Adolph Coors Co. granted.

No. 93-1636. SWINT ET AL. *v.* CHAMBERS COUNTY COMMISSION ET AL. C. A. 11th Cir. [Certiorari granted, *ante*, p. 1204.] Motion of petitioners to dispense with printing the joint appendix granted.

No. 93-7901. SCHLUP *v.* DELO, SUPERINTENDENT, POTOSI CORRECTIONAL CENTER. C. A. 8th Cir. [Certiorari granted, 511 U. S. 1003.] Motion of Criminal Justice Legal Foundation for leave to file a brief as *amicus curiae* granted.

Rehearing Denied

No. 92-7264. WALKER *v.* SCOTT, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION, 507 U. S. 964;

No. 93-1329. DiPINTO ET AL. *v.* SPERLING ET AL., 511 U. S. 1082;

No. 93-1377. WARDLAW *v.* PICKETT ET AL., *ante*, p. 1204;

No. 93-1469. FOXWOOD MANAGEMENT CO. ET AL. *v.* FEDERAL DEPOSIT INSURANCE CORPORATION ET AL., *ante*, p. 1204;

No. 93-1620. RUBENS ET AL. *v.* SHINE, JULIANELLE, KARP, BOZELKO & KARAZIN, P. C., 511 U. S. 1142;

No. 93-1652. CALDERON, WARDEN, ET AL. *v.* HAMILTON, *ante*, p. 1220;

No. 93-1654. CRUTCHFIELD *v.* MCGREGOR, *ante*, p. 1205;

No. 93-1730. MICCIO *v.* NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS ET AL., 511 U. S. 1129;

No. 93-1815. BURNS-TOOLE *v.* BYRNE ET AL., *ante*, p. 1207;

No. 93-1868. ORTMAN *v.* OAKLAND COUNTY, MICHIGAN, ET AL., *ante*, p. 1208;

No. 93-7394. MCCLENDON *v.* CALIFORNIA, 511 U. S. 1085;

No. 93-7936. SMITH *v.* UNITED STATES, 511 U. S. 1130;

No. 93-8044. TOEGEMANN *v.* RICH ET AL., 511 U. S. 1055;

No. 93-8272. GAYDOS *v.* CHERTOFF, UNITED STATES ATTORNEY, ET AL., 511 U. S. 1087;

No. 93-8315. RUCHTI *v.* HEDLEY ET AL., 511 U. S. 1088;

No. 93-8368. ASRAR *v.* UNITED STATES, 511 U. S. 1045;

No. 93-8436. REID *v.* CITY OF FLINT ET AL., 511 U. S. 1091;

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No. 93-8439. CLINTON *v.* SMITH, WARDEN, ET AL., 511 U. S. 1091;

No. 93-8494. HAWKINS *v.* GREEN ET AL., 511 U. S. 1093;

No. 93-8510. MARK *v.* UNITED STATES ET AL., 511 U. S. 1144;

No. 93-8530. PAYNE *v.* ESCAMBIA COUNTY SHERIFF, 511 U. S. 1111;

No. 93-8595. KLEINSCHMIDT ET AL. *v.* LIBERTY MUTUAL INSURANCE CO. ET AL., 511 U. S. 1112;

No. 93-8619. LANGE *v.* HEITKAMP ET AL., 511 U. S. 1131;

No. 93-8628. TAVERAS *v.* NEW YORK DEPARTMENT OF CORRECTIONAL SERVICES ET AL., 511 U. S. 1132;

No. 93-8639. JEFFRESS *v.* BROWN, SECRETARY OF VETERANS AFFAIRS, 511 U. S. 1112;

No. 93-8664. BURNETT *v.* FAIRLEY ET AL., 511 U. S. 1132;

No. 93-8695. CARPENTER ET UX. *v.* BLANKENSHIP, 511 U. S. 1133;

No. 93-8718. FROMAL *v.* ROBINS ET AL., 511 U. S. 1133;

No. 93-8727. POOLE *v.* HOLLAND, WARDEN, 511 U. S. 1145;

No. 93-8771. EDWARDS *v.* HARGETT, WARDEN, *ante*, p. 1209;

No. 93-8807. SULE *v.* UNITED STATES, *ante*, p. 1223;

No. 93-8831. BARNES *v.* GARETNER ET AL., *ante*, p. 1210;

No. 93-8861. COOLEY ET UX. *v.* KNAPP ET AL., *ante*, p. 1210;

No. 93-8911. OKOR *v.* UNITED STATES, 511 U. S. 1146;

No. 93-9057. NEWKIRK *v.* SMITH, WARDEN, ET AL., 511 U. S. 1149; and

No. 93-9320. IN RE FRANZ, *ante*, p. 1218. Petitions for rehearing denied.

No. 93-10. CULLEN *v.* TRAINOR, ROBERTSON, SMITS & WADE ET AL., 510 U. S. 859. Motion for leave to file petition for rehearing denied.

No. 93-1443. MAKIN *v.* EVANS ET AL., 511 U. S. 1082. Motion of petitioner for leave to proceed further herein *in forma pauperis* granted. Petition for rehearing denied.

AUGUST 3, 1994

Dismissal Under Rule 46

No. 93-1904. COLORADO *v.* LEFTWICH ET AL. Sup. Ct. Colo. Certiorari dismissed under this Court's Rule 46. Reported below: 869 P. 2d 1260.

August 3, 4, 1994

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Miscellaneous Orders

No. A-79 (O. T. 1994). *RICHLEY v. NORRIS*, DIRECTOR, ARKANSAS DEPARTMENT OF CORRECTION. Application for stay of execution of sentence of death, presented to JUSTICE BLACKMUN, and by him referred to the Court, denied. JUSTICE BREYER took no part in the consideration or decision of this application.

No. A-83 (O. T. 1994). *RICHLEY ET AL. v. GAINES ET AL.* Application for stays of execution of sentences of death, presented to JUSTICE THOMAS, and by him referred to the Court, denied. JUSTICE BREYER took no part in the consideration or decision of this application.

No. A-87 (O. T. 1994). *HOLMES v. NORRIS*, DIRECTOR, ARKANSAS DEPARTMENT OF CORRECTION. Application for stay of execution of sentence of death, presented to JUSTICE THOMAS, and by him referred to the Court, denied. JUSTICE BREYER took no part in the consideration or decision of this application.

Certiorari Denied

No. 94-5469 (A-81). *CLINES v. NORRIS*, DIRECTOR, ARKANSAS DEPARTMENT OF CORRECTION. 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 BREYER took no part in the consideration or decision of this application and this petition.

Assignment Order

Pursuant to the provisions of 28 U. S. C. §42, it is ordered that JUSTICE THOMAS be, and he is hereby, assigned to the Eighth Circuit as Circuit Justice pending further order of the Court.

AUGUST 4, 1994

Rehearing Denied

No. A-79 (O. T. 1994). *RICHLEY v. NORRIS*, DIRECTOR, ARKANSAS DEPARTMENT OF CORRECTION, *ante* this page. Amendment to the application for stay of execution is treated as a motion for reconsideration and is denied. JUSTICE SCALIA would not treat the amendment as a motion for reconsideration and therefore registers no vote. JUSTICE BREYER took no part in the consideration or decision of this matter.

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No. A-83 (O. T. 1994). *RICHLEY ET AL. v. GAINES ET AL.*, *ante*, p. 1272. Amendment to the application for stays of executions is treated as a motion for reconsideration and is denied. JUSTICE SCALIA would not treat the amendment as a motion for reconsideration and therefore registers no vote. JUSTICE BREYER took no part in the consideration or decision of this matter.

AUGUST 5, 1994

Certiorari Denied

No. 94-5016 (A-56). *FIERRO v. SCOTT, 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 BREYER took no part in the consideration or decision of this application and this petition. Reported below: 22 F. 3d 1095.

AUGUST 9, 1994

Dismissal Under Rule 46

No. 93-1940. *ROYAL SOVEREIGN CORP. ET AL. v. BEVERLY HILLS FAN CO.* C. A. Fed. Cir. Certiorari dismissed under this Court's Rule 46.1. Reported below: 21 F. 3d 1558.

AUGUST 11, 1994

Miscellaneous Order

No. A-64 (O. T. 1994). *LOUISIANA ET AL. v. HAYS ET AL.*; and No. A-75 (O. T. 1994). *UNITED STATES v. HAYS ET AL.* Applications for stay, presented to JUSTICE SCALIA, and by him referred to the Court, granted, and it is ordered that the judgment of the United States District Court for the Western District of Louisiana, Civil Action No. CV 92-1522S, filed July 25, 1994, is stayed pending the timely filing of statements as to jurisdiction in this Court. Should such statements be so timely filed, this order shall remain in effect pending this Court's action on the appeals. If the judgment should be affirmed, or the appeals dismissed, this stay shall expire automatically. In the event jurisdiction is noted or postponed, this order shall remain in effect pending the sending down of the judgment of this Court. JUSTICE SCALIA would deny the applications.

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AUGUST 18, 1994

Dismissal Under Rule 46

No. 94-5107. *MOORE v. REYNOLDS, WARDEN*. C. A. 10th Cir. Certiorari dismissed under this Court's Rule 46.

AUGUST 24, 1994

Miscellaneous Orders

No. A-41 (93-1988). *RABIN v. UNITED STATES INTELLIGENCE ET AL.* C. A. 2d Cir. Application for stay, addressed to JUSTICE GINSBURG and referred to the Court, denied. JUSTICE BREYER took no part in the consideration or decision of this application.

No. A-42 (O. T. 1994). *BUENO v. COLORADO*. Dist. Ct., Douglas County, Colo. Application for stay, addressed to JUSTICE SCALIA and referred to the Court, denied. JUSTICE BREYER took no part in the consideration or decision of this application.

No. D-1389. *IN RE DISBARMENT OF SCHWARTZ*. Disbarment entered. [For earlier order herein, see 511 U. S. 1066.]

No. D-1392. *IN RE DISBARMENT OF BLEDSOE*. Disbarment entered. [For earlier order herein, see 511 U. S. 1104.]

No. D-1396. *IN RE DISBARMENT OF CAIRO*. Disbarment entered. [For earlier order herein, see 511 U. S. 1104.]

No. D-1399. *IN RE DISBARMENT OF AGAJANIAN*. Disbarment entered. [For earlier order herein, see 511 U. S. 1139.]

No. D-1400. *IN RE DISBARMENT OF PEGG*. Disbarment entered. [For earlier order herein, see 511 U. S. 1139.]

No. D-1401. *IN RE DISBARMENT OF HUNT*. Disbarment entered. [For earlier order herein, see 511 U. S. 1140.]

No. D-1404. *IN RE DISBARMENT OF YAMADA*. Disbarment entered. [For earlier order herein, see 511 U. S. 1140.]

No. D-1405. *IN RE DISBARMENT OF WARNER*. Disbarment entered. [For earlier order herein, see *ante*, p. 1201.]

No. D-1406. *IN RE DISBARMENT OF BRENNAN*. Disbarment entered. [For earlier order herein, see *ante*, p. 1201.]

No. D-1407. *IN RE DISBARMENT OF ANAST*. Disbarment entered. [For earlier order herein, see *ante*, p. 1201.]

No. D-1409. *IN RE DISBARMENT OF BELLER*. Disbarment entered. [For earlier order herein, see *ante*, p. 1202.]

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No. D-1410. IN RE DISBARMENT OF VANDER VORT. Disbarment entered. [For earlier order herein, see *ante*, p. 1217.]

No. D-1412. IN RE DISBARMENT OF LEDERBERG. Disbarment entered. [For earlier order herein, see *ante*, p. 1232.]

No. D-1434. IN RE DISBARMENT OF PERRY. It is ordered that Harold L. Perry, of Oakland, 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-1435. IN RE DISBARMENT OF MCGREEVY. It is ordered that Timothy J. McGreevy, of Sioux Falls, S. D., 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-1436. IN RE DISBARMENT OF SIMS. It is ordered that William Sims, of Buffalo, 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-1437. IN RE DISBARMENT OF JONES. It is ordered that Fred Everett Jones, of Memphis, Tenn., 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-1438. IN RE DISBARMENT OF KENNEDY. It is ordered that Patrick James Kennedy, of Dallas, 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-1439. IN RE DISBARMENT OF CRIST. It is ordered that John A. Crist, of Middletown, Ohio, be suspended from the practice of law in this Court and that a rule issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. D-1440. IN RE DISBARMENT OF OFFSTEIN. It is ordered that Jerrold N. Offstein, of San Francisco, Cal., be suspended from the practice of law in this Court and that a rule issue, returnable

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

No. D-1441. *IN RE DISBARMENT OF HAMER*. It is ordered that Brenda Joyce Hamer, of Glendale, Cal., be suspended from the practice of law in this Court and that a rule issue, returnable within 40 days, requiring her to show cause why she should not be disbarred from the practice of law in this Court.

No. D-1442. *IN RE DISBARMENT OF FELDMAN*. It is ordered that Richard Stewart Feldman, of Ushers, 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-1443. *IN RE DISBARMENT OF KAGAN*. It is ordered that Philip I. Kagan, of New York, N. Y., be suspended from the practice of law in this Court and that a rule issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. D-1444. *IN RE DISBARMENT OF GASPERI*. It is ordered that Edward M. Gasperi, of Saratoga Springs, 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-1445. *IN RE DISBARMENT OF SPARROW*. It is ordered that Victor H. Sparrow III, of Washington, D. C., be suspended from the practice of law in this Court and that a rule issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. D-1446. *IN RE DISBARMENT OF KENDERIAN*. It is ordered that Ronald V. Kenderian, of Alpine, N. J., be suspended from the practice of law in this Court and that a rule issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. D-1447. *IN RE DISBARMENT OF CREGAN*. It is ordered that Lawrence Vincent Cregan, of Youngstown, Ohio, be suspended from the practice of law in this Court and that a rule issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

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No. D-1448. IN RE DISBARMENT OF CROWLEY. It is ordered that James Tyner Crowley, of Cleveland, Ohio, be suspended from the practice of law in this Court and that a rule issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. D-1449. IN RE DISBARMENT OF LEVINE. It is ordered that Leslie Ira Levine, of Mt. Kisco, 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.

Rehearing Denied

No. 92-8717. ROBINSON *v.* TEXAS, *ante*, p. 1246;

No. 93-880. MADSEN ET AL. *v.* WOMEN'S HEALTH CENTER, INC., ET AL., *ante*, p. 753;

No. 93-1033. CHANDLER *v.* UNITED STATES, *ante*, p. 1227;

No. 93-1254. FEDERACION DE MAESTROS DE PUERTO RICO *v.* PUERTO RICO LABOR RELATIONS BOARD, 511 U. S. 1069;

No. 93-1348. ADAMS *v.* UNITED STATES, *ante*, p. 1204;

No. 93-1522. MARAVILLA ET AL. *v.* UNITED STATES, *ante*, p. 1219;

No. 93-1732. GILDER *v.* AETNA LIFE & CASUALTY, *ante*, p. 1221;

No. 93-1745. KILPATRICK *v.* STATE BAR OF TEXAS, *ante*, p. 1236;

No. 93-1746. TWEEDY *v.* AMERICAN AIRLINES, INC., *ante*, p. 1236;

No. 93-1771. CASILLAN ET AL. *v.* REGIONAL TRANSPORTATION DISTRICT ET AL., *ante*, p. 1221;

No. 93-1778. SHAW *v.* UNITED STATES, *ante*, p. 1222;

No. 93-1797. INSURANCE COMPANY OF NORTH AMERICA ET AL. *v.* MORTON INTERNATIONAL, INC., *ante*, p. 1245;

No. 93-1798. ROOD *v.* PINELLAS COUNTY ET AL., *ante*, p. 1237;

No. 93-1799. ROSENBAUM *v.* ROSENBAUM ET AL., *ante*, p. 1222;

No. 93-1862. MESSA *v.* FOLEY, SECRETARY OF DEPARTMENT OF LABOR AND INDUSTRY OF PENNSYLVANIA, ET AL., *ante*, p. 1238;

No. 93-5418. REED *v.* FARLEY, SUPERINTENDENT, INDIANA STATE PRISON, ET AL., *ante*, p. 339;

No. 93-6220. JOHNSON *v.* ILLINOIS, *ante*, p. 1227;

No. 93-7060. WICKLIFFE *v.* FARLEY, WARDEN, ET AL., 510 U. S. 1124;

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- No. 93-7200. *McCOLLUM v. NORTH CAROLINA*, *ante*, p. 1254;
No. 93-7631. *BACIGALUPO v. CALIFORNIA*, *ante*, p. 1253;
No. 93-7680. *MONTIEL v. CALIFORNIA*, *ante*, p. 1253;
No. 93-7724. *BUCHANAN v. UNITED STATES*, *ante*, p. 1228;
No. 93-8220. *DUVALL v. ADMINISTRATOR, EASTERN PENNSYLVANIA PSYCHIATRIC INSTITUTE, ET AL.*, 511 U. S. 1074;
No. 93-8423. *HOPKINS v. UNITED STATES*, *ante*, p. 1229;
No. 93-8442. *DARDEN-BEY ET AL. v. UNITED STATES*, *ante*, p. 1223;
No. 93-8478. *TURNER v. LUMADUE*, *ante*, p. 1239;
No. 93-8485. *JACKSON v. DEPARTMENT OF THE TREASURY*, 511 U. S. 1144;
No. 93-8490. *GAYDOS v. NATIONAL FIRE INSURANCE CO. ET AL.*, *ante*, p. 1239;
No. 93-8869. *FREEMAN v. UNITED STATES*, 511 U. S. 1134;
No. 93-8893. *IN RE MCCURDY*, *ante*, p. 1234;
No. 93-8924. *JACKSON v. MAKEL, WARDEN*, *ante*, p. 1224;
No. 93-8925. *IN RE JACKSON*, *ante*, p. 1218;
No. 93-8970. *PONCE-BRAN v. CALIFORNIA FACULTY ASSN. ET AL.*, *ante*, p. 1241;
No. 93-8975. *JONES v. WASHINGTON, WARDEN*, *ante*, p. 1241;
No. 93-9025. *RESNOVER v. CARTER, ATTORNEY GENERAL OF INDIANA, ET AL.*, *ante*, p. 1246;
No. 93-9040. *ARDITI v. RUNYON, POSTMASTER GENERAL*, *ante*, p. 1224;
No. 93-9041. *DEVITTO v. SINGLETARY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.*, *ante*, p. 1225;
No. 93-9042. *COOPER ET AL. v. MISSOURI BOARD OF PROBATION AND PAROLE ET AL.*, *ante*, p. 1225;
No. 93-9120. *MERIT v. UNITED STATES*, *ante*, p. 1212;
No. 93-9162. *WATTS v. FEDERAL BUREAU OF PRISONS* (two cases), *ante*, p. 1242;
No. 93-9255. *BUHL v. UNITED STATES*, *ante*, p. 1243;
No. 93-9365. *ROMANO v. UNITED STATES*, *ante*, p. 1245; and
No. 93-9433. *IN RE ANDERSEN*, *ante*, p. 1234. Petitions for rehearing denied. JUSTICE BREYER took no part in the consideration or decision of these petitions.

No. 93-44. *TURNER BROADCASTING SYSTEM, INC., ET AL. v. FEDERAL COMMUNICATIONS COMMISSION ET AL.*, *ante*, p. 622. Petition of Daniels Cablevision for rehearing denied. JUSTICE

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BREYER took no part in the consideration or decision of this petition.

No. 93-1715. JARMUSIK *v.* MERIT SYSTEMS PROTECTION BOARD, 511 U. S. 1143;

No. 93-8482. ELDRIDGE *v.* JOHNSON ET AL., 511 U. S. 1092; and

No. 93-8992. LORAH *v.* DEPARTMENT OF HUMAN RIGHTS, *ante*, p. 1241. Motions for leave to file petitions for rehearing denied. JUSTICE BREYER took no part in the consideration or decision of these motions.

Assignment Order

An order of THE CHIEF JUSTICE designating and assigning Justice Powell (retired) to perform judicial duties in the United States Court of Appeals for the Fourth Circuit from September 26, 1994, through June 9, 1995, and for such time as may be required to complete unfinished business, pursuant to 28 U. S. C. § 294(a), is ordered entered on the minutes of this Court pursuant to 28 U. S. C. § 295.

AUGUST 29, 1994

Dismissal Under Rule 46

No. 93-1551. PRESTON ET AL. *v.* FRANTZ ET AL. C. A. 2d Cir. Certiorari dismissed under this Court's Rule 46.1. Reported below: 11 F. 3d 357.

SEPTEMBER 1, 1994

Certiorari Denied

No. 94-5887 (A-156). OTEY *v.* STENBERG, ATTORNEY GENERAL OF NEBRASKA, ET AL. C. A. 8th Cir. Application for stay of execution of sentence of death, presented to JUSTICE THOMAS, and by him referred to the Court, denied. Certiorari denied. JUSTICE STEVENS and JUSTICE GINSBURG would grant the application for stay of execution. JUSTICE BREYER took no part in the consideration or decision of this application and this petition. Reported below: 34 F. 3d 635.

SEPTEMBER 6, 1994

Dismissal Under Rule 46

No. 93-9279. HERNANDEZ *v.* BISCAYNE AQUA-CENTER, INC. Dist. Ct. App. Fla., 3d Dist. Certiorari dismissed under this Court's Rule 46.1. Reported below: 630 So. 2d 620.

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SEPTEMBER 7, 1994

Dismissal Under Rule 46

No. 94-5240. *WHITAKER v. UNITED STATES*. C. A. 9th Cir. Certiorari dismissed under this Court's Rule 46. Reported below: 3 F. 3d 1312.

SEPTEMBER 8, 1994

Miscellaneous Order

No. 93-404. *GUSTAFSON ET AL. v. ALLOYD CO., INC., FKA ALLOYD HOLDINGS, INC., ET AL.* C. A. 7th Cir. [Certiorari granted, 510 U.S. 1176.] The parties are ordered to file on or before Tuesday, October 11, 1994, supplemental briefs addressing the question whether §12(2) of the Securities Act of 1933 applies to secondary transactions as well as to initial offerings of securities. Oral argument in this case, presently scheduled for October 11, 1994, is postponed. JUSTICE STEVENS and JUSTICE GINSBURG dissent from the entry of the foregoing order.

SEPTEMBER 9, 1994

Dismissal Under Rule 46

No. 93-1937. *WACHS ET AL. v. TREVINO, A MINOR, BY AND THROUGH HER NEXT FRIEND, HER GRANDMOTHER, CRUZ*. C. A. 9th Cir. Certiorari dismissed under this Court's Rule 46.

Miscellaneous Order

No. 93-1151. *FEDERAL ELECTION COMMISSION v. NRA POLITICAL VICTORY FUND ET AL.* C. A. D. C. Cir. [Certiorari granted, *ante*, p. 1218.] This case will be heard on oral argument October 11, 1994, in place of No. 93-404, *Gustafson et al. v. Alloyd Co., Inc., et al.*

SEPTEMBER 14, 1994

Miscellaneous Orders

No. A-20 (94-5859). *GILES v. SNOW ET AL.* C. A. 11th Cir. Application for stay, addressed to JUSTICE STEVENS and referred to the Court, denied. JUSTICE BREYER took no part in the consideration or decision of this application.

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No. A-72 (O. T. 1994). *MCCURDY v. CRANDELL, WARDEN*. Application for bail, addressed to JUSTICE BREYER and referred to the Court, denied.

No. A-103 (94-5808). *BROCKMAN v. SWEETWATER COUNTY SCHOOL DISTRICT NO. 1*. C. A. 10th Cir. Application for stay, addressed to THE CHIEF JUSTICE and referred to the Court, denied. JUSTICE BREYER took no part in the consideration or decision of this application.

No. A-157 (O. T. 1994). *DUFFY ET AL. v. WETZLER ET AL.* App. Div., Sup. Ct. N. Y., 2d Jud. Dept. Application for stay, addressed to JUSTICE SOUTER and referred to the Court, denied. JUSTICE BREYER took no part in the consideration or decision of this application.

No. D-1415. *IN RE DISBARMENT OF MARGOLIS*. Disbarment entered. [For earlier order herein, see *ante*, p. 1232.]

No. D-1427. *IN RE DISBARMENT OF SCHECHTERMAN*. Lawrence Schechterman, of Boca Raton, Fla., 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 August 2, 1994 [*ante*, p. 1268], is hereby discharged.

No. D-1429. *IN RE DISBARMENT OF BERNARD*. Donald Ray Bernard, of Seabrook, Tex., 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 August 2, 1994 [*ante*, p. 1269], is hereby discharged.

No. D-1443. *IN RE DISBARMENT OF KAGAN*. It having been reported to the Court that Philip I. Kagan, of Toms River, N. J., has died, the rule to show cause, heretofore issued on August 24, 1994 [*ante*, p. 1276], is hereby discharged.

No. D-1450. *IN RE DISBARMENT OF KARCH*. It is ordered that Richard L. Karch, 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.

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No. D-1451. IN RE DISBARMENT OF LINDER. It is ordered that Robert Alan Linder, of Batavia, Ohio, be suspended from the practice of law in this Court and that a rule issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. D-1452. IN RE DISBARMENT OF MITWOL. It is ordered that Michael Roger Mitwol, of Palm Harbor, 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-1453. IN RE DISBARMENT OF ZELMAN. It is ordered that Allan G. Zelman, of Arlington, Mass., 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-1454. IN RE DISBARMENT OF ANTHONY. It is ordered that William D. Anthony, of Pittsburgh, Pa., be suspended from the practice of law in this Court and that a rule issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. D-1455. IN RE DISBARMENT OF WONG. It is ordered that Allan Yon Kwong Wong, of Somerville, Mass., 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-1456. IN RE DISBARMENT OF FREEDMAN. It is ordered that Kenneth B. Freedman, of Stow, Mass., 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.

SEPTEMBER 15, 1994

Certiorari Denied

No. 94-6046 (A-192). GUTIERREZ *v.* SCOTT, 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 JUS-

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TICE GINSBURG would grant the application for stay of execution. JUSTICE BREYER took no part in the consideration or decision of this application and this petition. Reported below: 36 F. 3d 90.

SEPTEMBER 19, 1994

Dismissal Under Rule 46

No. 94-201. STEPHENS, COMMISSIONER OF INSURANCE OF KENTUCKY, IN HIS CAPACITY AS LIQUIDATOR OF DELTA AMERICA RE INSURANCE CO. *v.* INSTITUTO DE RESSEGUROS DO BRASIL (IRB). App. Div., Sup. Ct. N. Y., 1st Jud. Dept. Certiorari dismissed under this Court's Rule 46. Reported below: 196 App. Div. 2d 250, 608 N. Y. S. 2d 166.

SEPTEMBER 23, 1994

Certiorari Granted—Vacated and Remanded

No. 94-218 (A-183). CITY OF BRIDGEPORT, CONNECTICUT, ET AL. *v.* BRIDGEPORT COALITION FOR FAIR REPRESENTATION ET AL. (two cases). C. A. 2d Cir. Certiorari granted, judgments vacated, and cases remanded to the Court of Appeals with instructions to vacate the judgments of the United States District Court for the District of Connecticut and then to remand the cases to the District Court for further consideration in light of *Johnson v. De Grandy*, ante, p. 997. The Clerk is directed to issue the judgment forthwith. Application for stay, presented to JUSTICE THOMAS, and by him referred to the Court, dismissed as moot. JUSTICE BREYER took no part in the consideration or decision of this petition and this application. Reported below: 26 F. 3d 271 (first case) and 280 (second case).

Miscellaneous Order

No. A-190 (O. T. 1994). MILLER, GOVERNOR OF GEORGIA, ET AL. *v.* JOHNSON ET AL.;

No. A-200 (O. T. 1994). ABRAMS ET AL. *v.* JOHNSON ET AL.; and

No. A-203 (O. T. 1994). UNITED STATES *v.* JOHNSON ET AL. Applications for stay, presented to JUSTICE KENNEDY, and by him referred to the Court, granted, and it is ordered that the judgment of the United States District Court for the Southern District of Georgia, Civil Action No. 194-008, dated September 12, 1994, is stayed pending the timely filing of statements as to jurisdiction

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in this Court. Should such statements be so timely filed, this order shall remain in effect pending this Court's action on the appeals. If the judgment should be affirmed, or the appeals dismissed, this stay shall expire automatically. In the event jurisdiction is noted, or postponed, this order shall remain in effect pending the sending down of the judgment of this Court. JUSTICE SCALIA took no part in the consideration or decision of these applications.

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Miscellaneous Orders

No. A-196 (94-5319). CLARK *v.* SCOTT, 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, granted pending the disposition by this Court of the petition for writ of certiorari. Should the petition for writ of certiorari be denied, this stay terminates automatically. In the event the petition for writ of certiorari is granted, this stay shall continue pending the sending down of the judgment of this Court.

No. D-1411. IN RE DISBARMENT OF KARSCH. Disbarment entered. [For earlier order herein, see *ante*, p. 1217.]

No. D-1414. IN RE DISBARMENT OF WOODSIDE. Jon Lee Woodside, of Portland, Ore., 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 June 27, 1994 [*ante*, p. 1232], is hereby discharged.

No. D-1416. IN RE DISBARMENT OF MEYER. Disbarment entered. [For earlier order herein, see *ante*, p. 1233.]

No. D-1418. IN RE DISBARMENT OF GRIFFITH. Disbarment entered. [For earlier order herein, see *ante*, p. 1267.]

No. D-1422. IN RE DISBARMENT OF MOSELY. Disbarment entered. [For earlier order herein, see *ante*, p. 1268.]

No. D-1423. IN RE DISBARMENT OF OKOCHA. Disbarment entered. [For earlier order herein, see *ante*, p. 1268.]

No. D-1433. IN RE DISBARMENT OF CORCES. Disbarment entered. [For earlier order herein, see *ante*, p. 1269.]

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No. D-1437. IN RE DISBARMENT OF JONES. Fred Everett Jones, of Memphis, Tenn., 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 August 24, 1994 [*ante*, p. 1275], is hereby discharged.

No. D-1457. IN RE DISBARMENT OF GERLIN. It is ordered that William Lance Gerlin, of Coral Gables, Fla., be suspended from the practice of law in this Court and that a rule issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. D-1458. IN RE DISBARMENT OF COLE. It is ordered that David Patten Cole, of Columbia, S. C., be suspended from the practice of law in this Court and that a rule issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. D-1459. IN RE DISBARMENT OF DURUSAU. It is ordered that Patrick L. Durusau, of Conyers, Ga., 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. 92-2038. ASGROW SEED CO. *v.* WINTERBOER ET AL., DBA DEEBEES. C. A. Fed. Cir. [Certiorari granted, 511 U.S. 1029.] Motion of respondents for additional time for oral argument denied.

No. 93-768. MILWAUKEE BREWERY WORKERS' PENSION PLAN *v.* JOS. SCHLITZ BREWING CO. ET AL. C. A. 7th Cir. [Certiorari granted, *ante*, p. 1234.] Motion of Central States, Southeast and Southwest Areas Pension Fund for leave to participate in oral argument as *amicus curiae* and for divided argument denied.

No. 93-1121. PLAUT ET AL. *v.* SPENDTHRIFT FARM, INC., ET AL. C. A. 6th Cir. [Certiorari granted, 511 U.S. 1141.] Motions of National Association of Securities and Commercial Law Attorneys, Pacific Mutual Life Insurance Co., and Michael B. Dashjian for leave to file briefs as *amici curiae* granted. Motion of the Solicitor General for divided argument granted.

No. 93-1151. FEDERAL ELECTION COMMISSION *v.* NRA POLITICAL VICTORY FUND ET AL. C. A. D. C. Cir. [Certiorari

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granted, *ante*, p. 1218.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted. JUSTICE GINSBURG took no part in the consideration or decision of this motion.

No. 93-1199. *STONE v. IMMIGRATION AND NATURALIZATION SERVICE*. C. A. 6th Cir. [Certiorari granted, 511 U.S. 1105.] Motion of the Solicitor General to dispense with printing the joint appendix granted.

No. 93-1260. *UNITED STATES v. LOPEZ*. C. A. 5th Cir. [Certiorari granted, 511 U.S. 1029.] Motion of Coalition to Stop Gun Violence et al. for leave to file a brief as *amici curiae* out of time denied.

No. 93-1456. *U. S. TERM LIMITS, INC., ET AL. v. THORNTON ET AL.*; and

No. 93-1828. *BRYANT, ATTORNEY GENERAL OF ARKANSAS v. HILL ET AL.* Sup. Ct. Ark. [Certiorari granted, *ante*, p. 1218.] Motion of petitioners U. S. Term Limits, Inc., et al. for additional time for oral argument granted, and their motion for divided argument denied. Motion of the Attorney General of Arkansas for additional time for oral argument and for divided argument granted, and 15 additional minutes allotted for that purpose. Motion of respondents for additional time for oral argument granted, and their motion for divided argument denied. Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted, and an additional 15 minutes allotted for that purpose.

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, 511 U.S. 1141.] Motion of the Solicitor General for divided argument granted.

No. 93-1636. *SWINT ET AL. v. CHAMBERS COUNTY COMMISSION ET AL.* C. A. 11th Cir. [Certiorari granted, *ante*, p. 1204.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 93-1660. *ARIZONA v. EVANS*. Sup. Ct. Ariz. [Certiorari granted, 511 U.S. 1126.] Motion of Washington Legal Foundation

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et al. for leave to participate in oral argument as *amici curiae* and for divided argument denied.

Certiorari Granted

No. 93-1462. CALIFORNIA DEPARTMENT OF CORRECTIONS ET AL. *v.* RAMON MORALES. C. A. 9th Cir. Certiorari granted. Brief of petitioners is to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Tuesday, November 8, 1994. Brief of respondent is to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Tuesday, December 6, 1994. A reply brief, if any, is to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Tuesday, December 20, 1994. This Court's Rule 29.2 does not apply. Reported below: 16 F. 3d 1001.

No. 93-1577. QUALITEX Co. *v.* JACOBSON PRODUCTS CO., INC. C. A. 9th Cir. Motions of Dr. Pepper/Seven-Up Corp., International Trademark Association, and American Bar Association for leave to file briefs as *amici curiae* granted. Certiorari granted limited to Question 1 presented by the petition. Brief of petitioner is to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Tuesday, November 8, 1994. Brief of respondent is to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Tuesday, December 6, 1994. A reply brief, if any, is to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Tuesday, December 20, 1994. This Court's Rule 29.2 does not apply. Reported below: 13 F. 3d 1297.

No. 93-1783. DIRECTOR, OFFICE OF WORKERS' COMPENSATION PROGRAMS, DEPARTMENT OF LABOR *v.* NEWPORT NEWS SHIP-BUILDING & DRY DOCK CO. ET AL. C. A. 4th Cir. Certiorari granted. Brief of petitioner is to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Tuesday, November 8, 1994. Brief of respondents is to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Tuesday, December 6, 1994. A reply brief, if any, is to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Tuesday, December 20, 1994. This Court's Rule 29.2 does not apply. Reported below: 8 F. 3d 175.

No. 93-1823. MISSOURI ET AL. *v.* JENKINS ET AL. (two cases). C. A. 8th Cir. Certiorari granted. Brief of petitioners is to be

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filed with the Clerk and served upon opposing counsel on or before 3 p.m., Tuesday, November 8, 1994. Brief of respondents is to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Tuesday, December 6, 1994. A reply brief, if any, is to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Tuesday, December 20, 1994. This Court's Rule 29.2 does not apply. Reported below: 11 F. 3d 755 (first case); 13 F. 3d 1170 (second case).

No. 93-1841. ADARAND CONSTRUCTORS, INC. *v.* PENA, SECRETARY OF TRANSPORTATION, ET AL. C. A. 10th Cir. Certiorari granted. Brief of petitioner is to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Tuesday, November 8, 1994. Brief of respondents is to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Tuesday, December 6, 1994. A reply brief, if any, is to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Tuesday, December 20, 1994. This Court's Rule 29.2 does not apply. Reported below: 16 F. 3d 1537.

No. 93-1883. ANDERSON, DIRECTOR, CALIFORNIA DEPARTMENT OF SOCIAL SERVICES, ET AL. *v.* EDWARDS, GUARDIAN AD LITEM FOR EDWARDS, ET AL. C. A. 9th Cir. Certiorari granted. Brief of petitioners is to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Tuesday, November 8, 1994. Brief of respondents is to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Tuesday, December 6, 1994. A reply brief, if any, is to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Tuesday, December 20, 1994. This Court's Rule 29.2 does not apply. Reported below: 12 F. 3d 154.

No. 93-1935. CURTISS-WRIGHT CORP. *v.* SCHOONEJONGEN ET AL. C. A. 3d Cir. Motions of Chamber of Commerce of the United States and National Union Fire Insurance Company of Pittsburgh, Pennsylvania, for leave to file briefs as *amici curiae* granted. Certiorari granted. Brief of petitioner is to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Tuesday, November 8, 1994. Brief of respondents is to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Tuesday, December 6, 1994. A reply brief, if any, is to be filed with the Clerk and served upon opposing counsel on

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or before 3 p.m., Tuesday, December 20, 1994. This Court's Rule 29.2 does not apply. Reported below: 18 F. 3d 1034.

No. 94-226. FLORIDA BAR *v.* WENT FOR IT, INC., ET AL. C. A. 11th Cir. Certiorari granted. Brief of petitioner is to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Tuesday, November 8, 1994. Brief of respondents is to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Tuesday, December 6, 1994. A reply brief, if any, is to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Tuesday, December 20, 1994. This Court's Rule 29.2 does not apply. Reported below: 21 F. 3d 1038.

Certiorari Denied

No. 94-5004. WILLIAMS *v.* SCOTT, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION. C. A. 5th Cir. Certiorari denied. Reported below: 16 F. 3d 626.

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*Miscellaneous Order**

No. 93-1462 (A-204). CALIFORNIA DEPARTMENT OF CORRECTIONS ET AL. *v.* RAMON MORALES. C. A. 9th Cir. [Certiorari granted, *ante*, p. 1287.] Application for stay, presented to JUSTICE O'CONNOR, and by her referred to the Court, granted, and it is ordered that the mandate of the United States Court of Appeals for the Ninth Circuit, case No. 92-56262, is stayed pending the sending down of the judgment of this Court.

*For the Court's order making allotment of Justices, see *ante*, p. VI.