

ORDERS FOR OCTOBER 5, 1998, THROUGH  
MARCH 1, 1999

---

OCTOBER 5, 1998

*Dismissal Under Rule 46*

No. 98-346. STROHMEYER *v.* NEVADA. Sup. Ct. Nev. Certiorari dismissed under this Court's Rule 46. Reported below: 114 Nev. 1749, 988 P. 2d 868.

*Certiorari Granted—Vacated and Remanded*

No. 97-1623. UNITED STATES *v.* FOSTER. C. A. 9th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Muscarello v. United States*, 524 U. S. 125 (1998). Reported below: 133 F. 3d 704.

No. 97-1656. SLOAN *v.* SHARP, COMPTROLLER OF PUBLIC ACCOUNTS OF TEXAS, ET AL. C. A. 5th Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Faragher v. Boca Raton*, 524 U. S. 775 (1998), and *Burlington Industries, Inc. v. Ellerth*, 524 U. S. 742 (1998). Reported below: 136 F. 3d 136.

No. 97-1751. PFAU *v.* REED, DIRECTOR, DEFENSE CONTRACT AUDIT AGENCY. C. A. 5th Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Faragher v. Boca Raton*, 524 U. S. 775 (1998), and *Burlington Industries, Inc. v. Ellerth*, 524 U. S. 742 (1998). Reported below: 125 F. 3d 927.

No. 97-1969. WILSON *v.* CITY OF PLANO. C. A. 5th Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Faragher v. Boca Raton*, 524 U. S. 775 (1998), and *Burlington Industries, Inc. v. Ellerth*, 524 U. S. 742 (1998). Reported below: 139 F. 3d 899.

No. 97-2018. KIOWA TRIBE OF OKLAHOMA *v.* HOOVER. Sup. Ct. Okla. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Kiowa Tribe of*

October 5, 1998

525 U. S.

*Okla. v. Manufacturing Technologies, Inc.*, 523 U. S. 751 (1998).  
Reported below: 957 P. 2d 81.

No. 97-8284. *SCHWENINGER v. MINNESOTA*. Ct. App. Minn. Motion of petitioner for leave to proceed *in forma pauperis* granted. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Kansas v. Hendricks*, 521 U. S. 346 (1997).

No. 97-8592. *PIERCE v. KING, ASSISTANT SUPERINTENDENT, TILLERY CORRECTIONAL CENTER, ET AL.* C. A. 4th Cir. Motion of petitioner for leave to proceed *in forma pauperis* granted. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Pennsylvania Dept. of Corrections v. Yeskey*, 524 U. S. 206 (1998). Reported below: 131 F. 3d 136.

No. 97-8906. *FLOYD ET AL. v. WAITERS ET AL.* C. A. 11th Cir. Motion of petitioners for leave to proceed *in forma pauperis* granted. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Gebser v. Lago Vista Independent School Dist.*, 524 U. S. 274 (1998). Reported below: 133 F. 3d 786.

No. 98-155. *TODD v. ORTHO BIOTECH, INC.* C. A. 8th Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Faragher v. Boca Raton*, 524 U. S. 775 (1998), and *Burlington Industries, Inc. v. Ellerth*, 524 U. S. 742 (1998). Reported below: 138 F. 3d 733.

#### *Miscellaneous Orders*

No. D-1952. *IN RE DISBARMENT OF STEWART*. Disbarment entered. [For earlier order herein, see 523 U. S. 1115.]

No. D-1954. *IN RE DISBARMENT OF WILLIAMS*. Disbarment entered. [For earlier order herein, see 523 U. S. 1115.]

No. D-1956. *IN RE DISBARMENT OF BLEECKER*. Motion to defer consideration granted. [For earlier order herein, see 524 U. S. 902.]

No. D-1958. *IN RE DISBARMENT OF BERG*. Disbarment entered. [For earlier order herein, see 524 U. S. 902.]

No. D-1960. *IN RE DISBARMENT OF MEISLER*. Disbarment entered. [For earlier order herein, see 524 U. S. 902.]

525 U.S.

October 5, 1998

No. D-1962. IN RE DISBARMENT OF NEILL. Motion to defer consideration denied. Disbarment entered. [For earlier order herein, see 524 U.S. 914.]

No. D-1966. IN RE DISBARMENT OF TAYLOR. Disbarment entered. [For earlier order herein, see 524 U.S. 925.]

No. D-1968. IN RE DISBARMENT OF HERZOG. Disbarment entered. [For earlier order herein, see 524 U.S. 935.]

No. D-1975. IN RE DISBARMENT OF ROSE. Disbarment entered. [For earlier order herein, see 524 U.S. 966.]

No. D-1978. IN RE DISBARMENT OF BRIDGE. Disbarment entered. [For earlier order herein, see 524 U.S. 967.]

No. D-1979. IN RE DISBARMENT OF POST. Disbarment entered. [For earlier order herein, see 524 U.S. 967.]

No. D-1981. IN RE DISBARMENT OF UTTERBACK. Disbarment entered. [For earlier order herein, see 524 U.S. 967.]

No. D-1982. IN RE DISBARMENT OF MOORE. Disbarment entered. [For earlier order herein, see 524 U.S. 967.]

No. D-1983. IN RE DISBARMENT OF PLATO. Disbarment entered. [For earlier order herein, see 524 U.S. 968.]

No. D-1989. IN RE DISBARMENT OF WOLFROM. Carl Thompson Wolfrom, of Columbus, Ohio, is suspended from the practice of law in this Court, and a rule will 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-1990. IN RE DISBARMENT OF TAYLOR. Wyatt Nowlin Taylor, of Shelbyville, Tenn., is suspended from the practice of law in this Court, and a rule will 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-1991. IN RE DISBARMENT OF BECKER. Herbert Arnold Becker, of Sterling, Va., is suspended from the practice of law in this Court, and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

October 5, 1998

525 U. S.

No. D-1992. *IN RE DISBARMENT OF CHRISTY*. Perry Thomas Christy, of Plymouth, Mich., is suspended from the practice of law in this Court, and a rule will 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-1993. *IN RE DISBARMENT OF RICHARDSON*. Thomas Scott Richardson, Jr., of St. Louis, Mo., is suspended from the practice of law in this Court, and a rule will 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-1994. *IN RE DISBARMENT OF KRASNOVE*. Keith Martin Krasnove, of Coral Springs, Fla., is suspended from the practice of law in this Court, and a rule will 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-1995. *IN RE DISBARMENT OF STEVENSON*. John B. Stevenson, Jr., of Blanco, Tex., is suspended from the practice of law in this Court, and a rule will 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. M-71 (O. T. 1997). *IN RE DOE*. Motion to unseal petition for writ of certiorari lodged under seal denied.

No. M-86 (O. T. 1997). *CARLIER v. RAY ET AL.*;

No. M-1. *JACKSON v. GOLDEN STATE FOODS CORP.*;

No. M-2. *REAVES v. MARION COUNTY, SOUTH CAROLINA, ET AL.*;

No. M-4. *PHONOMETRICS, INC. v. SIEMENS INFORMATION SYSTEMS*;

No. M-5. *SHIPPING FINANCIAL SERVICES v. DRAKOS ET AL.*;

No. M-7. *WIEDEMER v. MARR, SUPERINTENDENT, ARKANSAS VALLEY CORRECTIONAL FACILITY, ET AL.*;

No. M-10. *ARDOIN v. SAVOY ET AL.*;

No. M-11. *GOLIS v. COMMISSIONER OF SOCIAL SECURITY*;

No. M-12. *EVANS v. BAYTOWN POLICE DEPARTMENT ET AL.*;

No. M-13. *FORE v. DENNY'S INC. ET AL.*;

No. M-14. *SCHLESINGER v. SCHLESINGER*;

No. M-15. *VILLAGE OF AIRMONT, NEW YORK, ET AL. v. LEBLANC-STERNBERG ET AL.*;

525 U.S.

October 5, 1998

No. M-16. *KARIMI v. UNITED STATES*; and

No. M-17. *BARAN v. FEDERAL NATIONAL MORTGAGE ASSOCIATION*. Motions to direct the Clerk to file petitions for writs of certiorari out of time denied.

No. M-3. *LOE v. UNITED STATES*. Motion for leave to file petition for writ of certiorari under seal denied without prejudice to filing a redacted petition for writ of certiorari within 30 days.

No. M-8. *BYRD v. CONNELLY ET AL.*; and

No. M-9. *SANKAR v. ELLIS ET AL.* Motions to direct the Clerk to file petitions for writs of certiorari out of time under this Court's Rule 14.5 denied.

No. 65, Orig. *TEXAS v. NEW MEXICO*. Motion of the River Master for fees and reimbursement of expenses granted, and the River Master is awarded a total of \$4,054.58 for the period April 1 through June 30, 1998, to be paid equally by the parties. [For earlier order herein, see, *e. g.*, 524 U.S. 925.]

No. 126, Orig. *KANSAS v. NEBRASKA ET AL.*;

No. 97-1943. *SUTTON ET AL. v. UNITED AIR LINES, INC.* C. A. 10th Cir.;

No. 97-1992. *MURPHY v. UNITED PARCEL SERVICE, INC.* C. A. 10th Cir.;

No. 98-127. *CAMPOS ET AL. v. TICKETMASTER CORP.* C. A. 8th Cir.; and

No. 98-5070. *SLEKIS v. THOMAS, COMMISSIONER, CONNECTICUT DEPARTMENT OF SOCIAL SERVICES.* C. A. 2d Cir. The Solicitor General is invited to file briefs in these cases expressing the views of the United States.

No. 96-1793. *CEDAR RAPIDS COMMUNITY SCHOOL DISTRICT v. GARRET F., A MINOR, BY HIS MOTHER AND NEXT FRIEND, CHARLENE F.* C. A. 8th Cir. [Certiorari granted, 523 U.S. 1117.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 97-1287. *HUGHES AIRCRAFT CO. ET AL. v. JACOBSON ET AL.* C. A. 9th Cir. [Certiorari granted, 523 U.S. 1093.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 97-1536. *ARIZONA DEPARTMENT OF REVENUE v. BLAZE CONSTRUCTION Co., INC.* Ct. App. Ariz. [Certiorari granted,

October 5, 1998

525 U. S.

523 U. S. 1117.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 97-1709. KUMHO TIRE CO., LTD., ET AL. *v.* CARMICHAEL ET AL. C. A. 11th Cir. [Certiorari granted, 524 U. S. 936.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 97-1139. UNITED STATES *v.* RODRIGUEZ-MORENO. C. A. 3d Cir. [Certiorari granted, 524 U. S. 915.] Motion for appointment of counsel granted, and it is ordered that John P. McDonald, Esq., of Somerville, N. J., be appointed to serve as counsel for respondent in this case.

No. 97-1472. HADDLE *v.* GARRISON ET AL. C. A. 11th Cir. [Certiorari granted, 523 U. S. 1136.] Motion of National Whistle-Blower Center for leave to file a brief as *amicus curiae* granted.

No. 97-7164. HOLLOWAY, AKA ALI *v.* UNITED STATES. C. A. 2d Cir. [Certiorari granted, 523 U. S. 1093.] Motion for appointment of counsel granted, and it is ordered that Kevin J. Keating, Esq., of Garden City, N. Y., be appointed to serve as counsel for petitioner in this case.

No. 97-7541. MITCHELL *v.* UNITED STATES. C. A. 3d Cir. [Certiorari granted, 524 U. S. 925.] Motion for appointment of counsel granted, and it is ordered that Steven A. Morley, Esq., of Philadelphia, Pa., be appointed to serve as counsel for petitioner in this case.

No. 97-8978. RUSSELL *v.* VBR. C. A. 4th Cir. Motion of petitioner Katherine L. Russell for reconsideration of order denying leave to proceed *in forma pauperis* [524 U. S. 925] denied.

No. 98-413. LEGISLATURE OF CALIFORNIA ET AL. *v.* UNITED STATES HOUSE OF REPRESENTATIVES ET AL. Appeal from D. C. D. C. Motion of appellants to expedite consideration of jurisdictional statement and to consolidate with No. 98-404, *Department of Commerce et al. v. United States House of Representatives et al.* [probable jurisdiction noted, 524 U. S. 978], denied.

No. 98-5350. BURGER *v.* MASTERS, MATES & PILOTS UNION ET AL. C. A. 11th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied. Petitioner is allowed until October

525 U.S.

October 5, 1998

26, 1998, within which to pay the docketing fee required by Rule 38(a) and to submit a petition in compliance with Rule 33.1 of the Rules of this Court.

No. 98-5707. IN RE KENNEDY. Motion of petitioner for leave to proceed *in forma pauperis* denied. See this Court's Rule 39.8. Petitioner is allowed until October 26, 1998, within which to pay the docketing fee required by Rule 38(a) and to submit a petition in compliance with Rule 33.1 of the Rules of this Court.

No. 98-5215. IN RE BENDER ET AL. Sup. Ct. N. D. Petition for writ of common-law certiorari denied.

No. 97-9475. IN RE ARREOLA;  
No. 97-9554. IN RE WAPNICK;  
No. 97-9617. IN RE WILSON;  
No. 97-9630. IN RE THOMPSON;  
No. 97-9676. IN RE HENDERSON;  
No. 98-5074. IN RE BLAIR;  
No. 98-5130. IN RE JENKINS;  
No. 98-5148. IN RE WOLF;  
No. 98-5152. IN RE SWANSON;  
No. 98-5356. IN RE DELESPINE;  
No. 98-5470. IN RE TOTH;  
No. 98-5522. IN RE WILLIAMS;  
No. 98-5523. IN RE CANNON;  
No. 98-5599. IN RE SIGGERS;  
No. 98-5671. IN RE TOWNSEND;  
No. 98-5789. IN RE LINCOLN;  
No. 98-5807. IN RE SCHULTZ;  
No. 98-5896. IN RE GHOLSTON; and  
No. 98-5897. IN RE HERRINGTON. Petitions for writs of habeas corpus denied.

No. 97-2038. IN RE CROWELL;  
No. 97-9079. IN RE FLETCHER;  
No. 97-9090. IN RE SEATON;  
No. 97-9120. IN RE ROBINSON;  
No. 97-9132. IN RE RUDD;  
No. 97-9133. IN RE RODRIGUEZ CRUZ;  
No. 97-9256. IN RE FARRELL;  
No. 97-9283. IN RE SCOTT;  
No. 97-9352. IN RE LOWE;

October 5, 1998

525 U. S.

No. 97-9426. IN RE FULLER;  
No. 97-9429. IN RE LOWE;  
No. 97-9441. IN RE TASBY;  
No. 97-9655. IN RE TODD;  
No. 97-9661. IN RE LOWE;  
No. 98-259. IN RE STANTON;  
No. 98-5042. IN RE ZANKICH;  
No. 98-5105. IN RE LOWE;  
No. 98-5197. IN RE LOWE;  
No. 98-5216. IN RE WESTINE;  
No. 98-5282. IN RE LOWE;  
No. 98-5445. IN RE HARSTON; and  
No. 98-5548. IN RE VARELA. Petitions for writs of mandamus denied.

No. 97-1933. IN RE BANK OF SAIPAN, EXECUTOR OF THE ESTATE OF HILLBLOM;  
No. 97-8930. IN RE CAMPBELL;  
No. 97-9233. IN RE SALEEM;  
No. 97-9341. IN RE DEVLIN;  
No. 97-9644. IN RE CAMP;  
No. 97-9645. IN RE CAMP;  
No. 98-17. IN RE VEY;  
No. 98-42. IN RE WOOTEN;  
No. 98-76. IN RE DORNFRIED; and  
No. 98-242. IN RE LAUSLEGA. Petitions for writs of mandamus and/or prohibition denied.

No. 98-330. IN RE ATKINSON. Petition for writ of prohibition denied.

*Certiorari Granted*

No. 97-1754. IMMIGRATION AND NATURALIZATION SERVICE *v.* AGUIRRE-AGUIRRE. C. A. 9th Cir. Certiorari granted. Reported below: 121 F. 3d 521.

No. 97-1008. CLEVELAND *v.* POLICY MANAGEMENT SYSTEMS CORP. ET AL. C. A. 5th Cir. Certiorari granted limited to the following questions: "1. Whether the application for, or receipt of, disability insurance benefits under the Social Security Act, 42 U. S. C. § 423, creates a rebuttable presumption that the applicant or recipient is judicially estopped from asserting that she is a

525 U.S.

October 5, 1998

‘qualified individual with a disability’ under the Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. § 12101 *et seq.* 2. If it does not create such a presumption, what weight, if any, should be given to the application for, or receipt of, disability insurance benefits when a person asserts she is a ‘qualified individual with a disability’ under the ADA?” Reported below: 120 F.3d 513.

No. 97–1802. *CONN ET AL. v. GABBERT*. C. A. 9th Cir. Certiorari granted limited to the following questions: “1. Does a prosecutor violate an attorney’s rights under the Fourteenth Amendment by causing the attorney to be searched at the time his client is testifying before a grand jury? 2. If the answer to the first question is ‘yes,’ was such a right on the part of the attorney clearly established in March 1994?” Reported below: 131 F.3d 793.

No. 97–8629. *RICHARDSON v. UNITED STATES*. C. A. 7th Cir. Motion of petitioner for leave to proceed *in forma pauperis* granted. Certiorari granted limited to the following question: “Whether the District Court committed reversible error in failing to instruct the jury that it must agree unanimously on which particular drug violations constituted the ‘series of violations’ required for conviction for conducting a continuing criminal enterprise in violation of 21 U.S.C. § 848?” Reported below: 130 F.3d 765.

No. 97–9361. *JONES v. UNITED STATES*. C. A. 5th Cir. Motion of petitioner for leave to proceed *in forma pauperis* granted. Certiorari granted limited to the following questions: “1. Whether petitioner was entitled to a jury instruction that the jury’s failure to agree on a sentencing recommendation automatically would result in a court-imposed sentence of life imprisonment without possibility of release? 2. Whether there is a reasonable likelihood that the jury instructions led the jury to believe that deadlock on the penalty recommendation would automatically result in a court-imposed sentence less severe than life imprisonment? 3. Whether the Court of Appeals correctly held that the submission of invalid nonstatutory aggravating factors was harmless beyond a reasonable doubt?” Reported below: 132 F.3d 232.

No. 98–5864. *STRICKLER v. GREENE, WARDEN*. C. A. 4th Cir. Motion of petitioner for leave to proceed *in forma pauperis* granted. Certiorari granted limited to the following questions:

October 5, 1998

525 U. S.

“1. Whether the State violated *Brady v. Maryland*, 373 U.S. 83 (1963), and its progeny? 2. If so, whether the State’s nondisclosure of exculpatory evidence and the State’s representation that its open file contained all *Brady* material establishes the requisite ‘cause’ for failing to raise a *Brady* claim in state proceedings? 3. Whether petitioner was prejudiced by nondisclosure?” Reported below: 149 F. 3d 1170.

*Certiorari Denied*

No. 97-1061. *MORROW v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied. Reported below: 952 S. W. 2d 530.

No. 97-1254. *PRACTICE MANAGEMENT INFORMATION CORP. v. AMERICAN MEDICAL ASSN.* C. A. 9th Cir. Certiorari denied. Reported below: 121 F. 3d 516 and 133 F. 3d 1140.

No. 97-1549. *FROST v. UNITED STATES*;

No. 97-8295. *TURNER v. UNITED STATES*;

No. 97-8305. *POTTER v. UNITED STATES*;

No. 97-8328. *CONGO v. UNITED STATES*; and

No. 97-8374. *FAULKNER v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 125 F. 3d 346.

No. 97-1575. *MURDOCK v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 132 F. 3d 534.

No. 97-1638. *RENDEL ET UX. v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 129 F. 3d 127.

No. 97-1652. *NORTHWESTERN INDIANA TELEPHONE CO. ET AL. v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 7th Cir. Certiorari denied. Reported below: 127 F. 3d 643.

No. 97-1668. *MILETI v. COLE, REPRESENTATIVE OF THE ESTATE OF COLE, DECEASED*. C. A. 6th Cir. Certiorari denied. Reported below: 133 F. 3d 433.

No. 97-1679. *UNUM CORP. ET AL. v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 130 F. 3d 501.

No. 97-1685. *HOWELL v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 133 F. 3d 933.

No. 97-1690. *LOBUE ET AL. v. DILEONARDI, UNITED STATES MARSHAL FOR THE NORTHERN DISTRICT OF ILLINOIS*. C. A. 7th Cir. Certiorari denied. Reported below: 125 F. 3d 1110.

525 U.S.

October 5, 1998

No. 97-1702. *SANCHEZ-VELASCO v. FLORIDA*. Sup. Ct. Fla. Certiorari denied. Reported below: 702 So. 2d 224.

No. 97-1717. *BENNETT ET AL. v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 2d Cir. Certiorari denied. Reported below: 131 F. 3d 130.

No. 97-1721. *ADAMS v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 97-1733. *SPEARS ET UX. v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 2d Cir. Certiorari denied. Reported below: 131 F. 3d 131.

No. 97-1734. *STICHTING PENSIOENFONDS VOOR DE GEZONDHEID, GEESTELIJKE EN MAATSCHAPPELIJKE BELANGEN v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. Reported below: 129 F. 3d 195.

No. 97-1739. *RODRIGUEZ ET AL. v. FAIR, A MINOR, BY AND THROUGH HIS MOTHER AND NEXT FRIEND, FOY*. C. A. 2d Cir. Certiorari denied.

No. 97-1740. *WILSON ET AL. v. NUTT, SHERIFF OF WAYNE COUNTY*. C. A. 6th Cir. Certiorari denied. Reported below: 134 F. 3d 373.

No. 97-1744. *CHRISTIANS, TRUSTEE v. CRYSTAL EVANGELICAL FREE CHURCH*. C. A. 8th Cir. Certiorari denied. Reported below: 141 F. 3d 854.

No. 97-1748. *RASO ET AL. v. LAGO ET AL.* C. A. 1st Cir. Certiorari denied. Reported below: 135 F. 3d 11.

No. 97-1759. *RESEARCH TRIANGLE INSTITUTE v. BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 132 F. 3d 985.

No. 97-1768. *MERRILL LYNCH, PIERCE, FENNER & SMITH INC. ET AL. v. KRAVITZ ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 135 F. 3d 266.

No. 97-1774. *MINH DAT DINH DO v. COLORADO*. Ct. App. Colo. Certiorari denied.

No. 97-1783. *SCHIMMEL ET AL. v. INTERNATIONAL ASSOCIATION OF MACHINISTS AND AEROSPACE WORKERS, AFL-CIO*,

October 5, 1998

525 U. S.

ET AL. C. A. 8th Cir. Certiorari denied. Reported below: 128 F. 3d 689.

No. 97-1786. *BLASKE v. UNUM LIFE INSURANCE COMPANY OF AMERICA*. C. A. 8th Cir. Certiorari denied. Reported below: 131 F. 3d 763.

No. 97-1792. *PIERCE, AKA SEALED DEFT. 2, AKA MARTIN v. UNITED STATES*; and

No. 97-8964. *PIERCE v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 130 F. 3d 547.

No. 97-1796. *EPSTEIN v. SOUTHERN CALIFORNIA PERMANENTE MEDICAL GROUP, DBA KAISER PERMANENTE MEDICAL GROUP, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 141 F. 3d 1175.

No. 97-1807. *CLEAN ET AL. v. CITY OF SPOKANE ET AL.* Sup. Ct. Wash. Certiorari denied. Reported below: 133 Wash. 2d 455, 947 P. 2d 1169.

No. 97-1808. *BELLESFIELD v. VERNIERO, ATTORNEY GENERAL OF NEW JERSEY, ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 142 F. 3d 427.

No. 97-1812. *TERLECKY, TRUSTEE v. HURD ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 133 F. 3d 377.

No. 97-1816. *NEAL v. DISTRICT OF COLUMBIA ET AL.* C. A. D. C. Cir. Certiorari denied. Reported below: 131 F. 3d 172.

No. 97-1817. *SMILAND PAINT CO. ET AL. v. ENVIRONMENTAL PROTECTION AGENCY ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 122 F. 3d 1070.

No. 97-1818. *GISCH v. EXTENDACARE HEALTH SYSTEMS, INC., ET AL.* Ct. App. Tex., 5th Dist. Certiorari denied.

No. 97-1820. *ALTIPENTA, INC. v. SECURITY INSURANCE COMPANY OF HARTFORD*. C. A. 3d Cir. Certiorari denied. Reported below: 142 F. 3d 429.

No. 97-1824. *CRIPPEN v. KUHLMANN, WARDEN*. C. A. 2d Cir. Certiorari denied.

No. 97-1828. *OMEGA ENVIRONMENTAL, INC., ET AL. v. GILBARCO, INC.* C. A. 9th Cir. Certiorari denied. Reported below: 127 F. 3d 1157.

525 U.S.

October 5, 1998

No. 97-1829. WEST, IN HER INDIVIDUAL CAPACITY AND AS A NORTH CAROLINA REVENUE ENFORCEMENT OFFICER, ET AL. *v.* LYNN ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 134 F. 3d 582.

No. 97-1830. METROPOLITAN GOVERNMENT OF NASHVILLE ET AL. *v.* DOE, BY AND THROUGH HIS PARENTS AND NEXT FRIENDS, DOE ET UX. C. A. 6th Cir. Certiorari denied. Reported below: 133 F. 3d 384.

No. 97-1832. STRANG ET AL. *v.* NATIONAL LABOR RELATIONS BOARD. C. A. 7th Cir. Certiorari denied. Reported below: 133 F. 3d 1012.

No. 97-1835. BORING *v.* BUNCOMBE COUNTY BOARD OF EDUCATION ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 136 F. 3d 364.

No. 97-1836. LU *v.* RAVIDA ET AL. C. A. 1st Cir. Certiorari denied.

No. 97-1837. CHAPARRAL STEEL Co. *v.* TEXAS. Ct. App. Tex., 10th Dist. Certiorari denied.

No. 97-1838. NORTHEAST CELLULAR TELEPHONE CO. *v.* FEDERAL COMMUNICATIONS COMMISSION ET AL. C. A. D. C. Cir. Certiorari denied. Reported below: 133 F. 3d 25.

No. 97-1839. SANTEE SIOUX TRIBE OF NEBRASKA *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 135 F. 3d 558.

No. 97-1840. NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE, LOS ANGELES BRANCH, ET AL. *v.* JONES, CALIFORNIA SECRETARY OF STATE, ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 131 F. 3d 1317.

No. 97-1844. BERNOFSKY *v.* TULANE UNIVERSITY SCHOOL OF MEDICINE, ADMINISTRATORS OF THE TULANE EDUCATIONAL FUND. C. A. 5th Cir. Certiorari denied. Reported below: 136 F. 3d 137.

No. 97-1846. ANTI-MONOPOLY, INC. *v.* HASBRO, INC. C. A. 2d Cir. Certiorari denied. Reported below: 130 F. 3d 1101.

October 5, 1998

525 U. S.

No. 97-1847. *MAESTAS v. BOARD OF SUPERVISORS OF NAVAJO COUNTY ET AL.* Ct. App. Ariz. Certiorari denied.

No. 97-1848. *JOOS v. JOOS.* Ct. App. Utah. Certiorari denied.

No. 97-1850. *DEES, DBA DAVID DEES ILLUSTRATION v. SABAN ENTERTAINMENT, INC.* C. A. 9th Cir. Certiorari denied. Reported below: 131 F. 3d 146.

No. 97-1851. *GYADU v. WORKERS' COMPENSATION COMMISSION OF CONNECTICUT ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 129 F. 3d 113.

No. 97-1853. *OHIO v. HOLT.* Ct. App. Ohio, Franklin County. Certiorari denied.

No. 97-1855. *ROUTH v. WYOMING WORKERS' COMPENSATION DIVISION.* Sup. Ct. Wyo. Certiorari denied. Reported below: 952 P. 2d 1108.

No. 97-1856. *PARNAR v. LAW OFFICES OF JOHN A. CHANIN.* Sup. Ct. Haw. Certiorari denied. Reported below: 87 Haw. 35, 950 P. 2d 1235.

No. 97-1857. *VELASCO ET AL. v. FAIRALL.* C. A. 4th Cir. Certiorari denied. Reported below: 134 F. 3d 365.

No. 97-1859. *HULMES v. HONDA MOTOR Co., LTD., ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 141 F. 3d 1154.

No. 97-1862. *DELA ROSA v. SCOTTSDALE MEMORIAL HEALTH SYSTEMS, INC., ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 132 F. 3d 38.

No. 97-1863. *BEARDEN v. QUORUM HEALTH GROUP, INC., ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 134 F. 3d 386.

No. 97-1864. *CANTOR v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. Reported below: 141 F. 3d 1152.

No. 97-1865. *SNYDER v. RINGGOLD.* C. A. 4th Cir. Certiorari denied. Reported below: 133 F. 3d 917.

No. 97-1866. *INTERSTATE INDEPENDENT CORP. v. BOARD OF ZONING APPEALS FOR FAYETTE COUNTY AND THE VILLAGE OF*

525 U.S.

October 5, 1998

OCTA. Ct. App. Ohio, Fayette County. Certiorari denied. Reported below: 123 Ohio App. 3d 511, 704 N. E. 2d 611.

No. 97-1869. DOLE OCEAN LINER EXPRESS *v.* GEORGIA VEGETABLE Co. C. A. 5th Cir. Certiorari denied. Reported below: 136 F. 3d 136.

No. 97-1870. ESTATE OF MAURO, BY AND THROUGH ITS INDEPENDENT PERSONAL REPRESENTATIVE, MAURO *v.* BORGESS MEDICAL CENTER. C. A. 6th Cir. Certiorari denied. Reported below: 137 F. 3d 398.

No. 97-1873. STUMPF *v.* GREATER NEW ORLEANS EXPRESSWAY COMMISSION ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 138 F. 3d 952.

No. 97-1874. HOLT CARGO SYSTEMS, INC. *v.* KEIFER ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 142 F. 3d 428.

No. 97-1875. WREN ET AL. *v.* TOWE ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 130 F. 3d 1154.

No. 97-1876. EL VOCERO DE PUERTO RICO (CARIBBEAN INTERNATIONAL NEWS CORP.) ET AL. *v.* PUERTO RICO ET AL. Ct. App. P. R. Certiorari denied.

No. 97-1878. VICARI CONTRACTORS, INC. *v.* PARISH OF JEFFERSON. Ct. App. La., 5th Cir. Certiorari denied. Reported below: 701 So. 2d 250.

No. 97-1879. MAC PANEL Co. *v.* VIRGINIA PANEL CORP. C. A. Fed. Cir. Certiorari denied. Reported below: 133 F. 3d 860.

No. 97-1880. ST. MATTHEW'S SLOVAK ROMAN CATHOLIC CONGREGATION OF ST. MATHIAS CHURCH ET AL. *v.* WUERL, BISHOP, ROMAN CATHOLIC DIOCESE OF PITTSBURGH. Super. Ct. Pa. Certiorari denied. Reported below: 704 A. 2d 1128.

No. 97-1881. LLOYD WEBBER ET AL. *v.* REPP ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 132 F. 3d 882.

No. 97-1882. LEJANO ET UX. *v.* K. S. BANDAK ASSURANCE-FORENINGEN GARD ET AL. Sup. Ct. La. Certiorari denied. Reported below: 705 So. 2d 158.

October 5, 1998

525 U. S.

No. 97-1883. *DANIELS ET AL. v. SIX L'S PACKING CO., INC., ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 132 F. 3d 1460.

No. 97-1886. *MEADE v. USAA LIFE INSURANCE CO.* C. A. 5th Cir. Certiorari denied. Reported below: 136 F. 3d 1328.

No. 97-1888. *DIKAR, S. COOP. LTDA v. UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF KENTUCKY (HAYMAKER, REAL PARTY IN INTEREST).* C. A. 6th Cir. Certiorari denied.

No. 97-1889. *BYUNG WHA AN ET AL. v. DOO-HWAN CHUN ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 134 F. 3d 376.

No. 97-1890. *KERBY v. SOUTHEASTERN PUBLIC SERVICE AUTHORITY OF VIRGINIA ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 135 F. 3d 770.

No. 97-1891. *BABICZ ET AL. v. SCHOOL BOARD OF BROWARD COUNTY, FLORIDA, ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 135 F. 3d 1420.

No. 97-1893. *STUDENT LOAN FUND OF IDAHO, INC. v. DUERNER.* Sup. Ct. Idaho. Certiorari denied. Reported below: 131 Idaho 45, 951 P. 2d 1272.

No. 97-1896. *SEALE v. JASPER HOSPITAL DISTRICT.* Ct. App. Tex., 9th Dist. Certiorari denied.

No. 97-1897. *VISTA PAINT CORP. v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 129 F. 3d 129.

No. 97-1898. *WILLIAMS v. PENNSYLVANIA.* Super. Ct. Pa. Certiorari denied. Reported below: 704 A. 2d 696.

No. 97-1899. *NATIONSBANK OF GEORGIA, N. A., ET AL. v. HERMAN, SECRETARY OF LABOR.* C. A. 11th Cir. Certiorari denied. Reported below: 126 F. 3d 1354.

No. 97-1900. *BUZZETTI, DBA COZY CABIN, ET AL. v. CITY OF NEW YORK ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 140 F. 3d 134.

No. 97-1902. *DEMARIA ET AL. v. WASHINGTON COUNTY, IDAHO, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 129 F. 3d 125.

525 U.S.

October 5, 1998

No. 97-1904. *MOLL v. FLORIDA*. Dist. Ct. App. Fla., 5th Dist. Certiorari denied. Reported below: 705 So. 2d 604.

No. 97-1905. *CITY OF ROSEBURG v. ROHDE*. C. A. 9th Cir. Certiorari denied. Reported below: 137 F. 3d 1142.

No. 97-1906. *WADE v. COLLEGE*. C. A. 5th Cir. Certiorari denied. Reported below: 136 F. 3d 138.

No. 97-1910. *ZIEMKE ET AL. v. ALMOG ET AL.* Super. Ct. N. J., App. Div. Certiorari denied. Reported below: 298 N. J. Super. 145, 689 A. 2d 158.

No. 97-1911. *WEAVER ET AL. v. PRUDENTIAL INSURANCE COMPANY OF AMERICA*. C. A. 3d Cir. Certiorari denied. Reported below: 133 F. 3d 225.

No. 97-1912. *WIRTZ, EXECUTRIX OF THE ESTATE OF WHITLEY, ET AL. v. SWITZER*. Sup. Ct. Miss. Certiorari denied. Reported below: 703 So. 2d 861.

No. 97-1915. *FRAHM ET AL. v. EQUITABLE LIFE ASSURANCE SOCIETY OF THE UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 137 F. 3d 955.

No. 97-1916. *HARPER v. UNION PACIFIC RAILROAD CO. ET AL.* Sup. Ct. Mo. Certiorari denied. Reported below: 961 S. W. 2d 816.

No. 97-1917. *BUCHBINDER ET UX. v. FRANCHISE TAX BOARD OF CALIFORNIA ET AL.* C. A. 9th Cir. Certiorari denied.

No. 97-1918. *FROMSON v. ANITEC PRINTING PLATES, INC., ET AL.* C. A. Fed. Cir. Certiorari denied. Reported below: 132 F. 3d 1437.

No. 97-1919. *BECKHAM ET AL. v. UNION PACIFIC RAILROAD CO. ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 138 F. 3d 325.

No. 97-1920. *KILLIAN v. PROVIDENT LIFE & ACCIDENT INSURANCE CO.* C. A. 11th Cir. Certiorari denied. Reported below: 135 F. 3d 145.

No. 97-1921. *CUEVAS-SEGARRA ET AL. v. CONTRERAS*. C. A. 1st Cir. Certiorari denied. Reported below: 134 F. 3d 458.

October 5, 1998

525 U. S.

No. 97-1922. PORT AUTHORITY TRANS-HUDSON CORPORATION *v.* FEDERAL RAILROAD ADMINISTRATION ET AL. C. A. D. C. Cir. Certiorari denied. Reported below: 132 F. 3d 1482.

No. 97-1923. MEISNER, INDIVIDUALLY AND AS PERSONAL REPRESENTATIVE OF THE ESTATE OF WEATHERLY, DECEASED *v.* POTLATCH CORP. ET AL. Sup. Ct. Idaho. Certiorari denied. Reported below: 131 Idaho 258, 954 P. 2d 676.

No. 97-1925. SUTTON *v.* SELTZER ET AL. Super. Ct. N. J., App. Div. Certiorari denied.

No. 97-1926. SUTTON *v.* ESTATE OF SUTTON ET AL. Super. Ct. N. J., App. Div. Certiorari denied.

No. 97-1928. EMERY *v.* AMERICAN GENERAL FINANCE, INC., ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 134 F. 3d 1321.

No. 97-1930. CESSNA AIRCRAFT CO. *v.* DALTON, SECRETARY OF THE NAVY. C. A. Fed. Cir. Certiorari denied. Reported below: 126 F. 3d 1442.

No. 97-1931. VANNER *v.* OUR LADY OF THE LAKE HOSPITAL ET AL. Ct. App. La., 1st Cir. Certiorari denied. Reported below: 669 So. 2d 463.

No. 97-1934. BRIENT *v.* PETRO PSC, LP. C. A. 6th Cir. Certiorari denied. Reported below: 134 F. 3d 370.

No. 97-1935. CAL-ALMOND, INC., ET AL. *v.* DEPARTMENT OF AGRICULTURE. C. A. 9th Cir. Certiorari denied.

No. 97-1936. BENEFIEL *v.* IDAHO. Sup. Ct. Idaho. Certiorari denied. Reported below: 131 Idaho 226, 953 P. 2d 976.

No. 97-1937. CITY OF ATLANTIC CITY *v.* PEVNER. C. A. 3d Cir. Certiorari denied. Reported below: 142 F. 3d 429.

No. 97-1938. BIAGI ET UX. *v.* UNITED STATES FOREST SERVICE. C. A. 9th Cir. Certiorari denied. Reported below: 141 F. 3d 1173.

No. 97-1939. TAYLOR *v.* HAM, INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY AS CHIEF OF POLICE, PONCA CITY POLICE

525 U.S.

October 5, 1998

DEPARTMENT, ET AL. C. A. 10th Cir. Certiorari denied. Reported below: 133 F. 3d 933.

No. 97-1941. COOLBAUGH *v.* LOUISIANA. C. A. 5th Cir. Certiorari denied. Reported below: 136 F. 3d 430.

No. 97-1944. JERRON WEST, INC., ET AL. *v.* CALIFORNIA STATE BOARD OF EQUALIZATION ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 129 F. 3d 1334.

No. 97-1945. BENEDICT *v.* EAU CLAIRE PUBLIC SCHOOLS ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 139 F. 3d 901.

No. 97-1946. KIDD *v.* KIDD. Ct. Civ. App. Ala. Certiorari denied. Reported below: 723 So. 2d 112.

No. 97-1948. HOSKINS *v.* WASHINGTON COUNTY. C. A. 5th Cir. Certiorari denied. Reported below: 132 F. 3d 1457.

No. 97-1950. POPE, SHERIFF, SHASTA COUNTY, ET AL. *v.* HENRY ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 132 F. 3d 512 and 137 F. 3d 1372.

No. 97-1951. GROGAN ET UX. *v.* MARONEY, UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF NEW YORK, ET AL. C. A. 2d Cir. Certiorari denied.

No. 97-1953. JORDAN *v.* FENDON. Ct. App. Ariz. Certiorari denied.

No. 97-1954. JOHNSON *v.* WEST, SECRETARY OF VETERANS AFFAIRS. C. A. 9th Cir. Certiorari denied. Reported below: 133 F. 3d 927.

No. 97-1955. GRIGLEY *v.* CITY OF ATLANTA ET AL. C. A. 11th Cir. Certiorari denied. Reported below: 136 F. 3d 752.

No. 97-1956. DON KING PRODUCTIONS, INC. *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 134 F. 3d 1173.

No. 97-1957. K & K CONSTRUCTION, INC., ET AL. *v.* MICHIGAN DEPARTMENT OF NATURAL RESOURCES ET AL. Sup. Ct. Mich. Certiorari denied. Reported below: 456 Mich. 570, 575 N. W. 2d 531.

October 5, 1998

525 U. S.

No. 97-1959. *DOW JONES & Co., INC., ET AL. v. CLINTON, PRESIDENT OF THE UNITED STATES, ET AL.* C. A. D. C. Cir. Certiorari denied. Reported below: 142 F. 3d 496.

No. 97-1960. *LAFAYETTE FEDERAL CREDIT UNION ET AL. v. NATIONAL CREDIT UNION ADMINISTRATION ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 133 F. 3d 915.

No. 97-1961. *CASTELLANO ET AL. v. CITY OF NEW YORK ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 142 F. 3d 58.

No. 97-1962. *SOUTHLAKE PROPERTY ASSOCIATES, LTD. v. CITY OF MORROW.* C. A. 11th Cir. Certiorari denied. Reported below: 112 F. 3d 1114.

No. 97-1963. *CONERLY v. HENDERSON, POSTMASTER GENERAL, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 122 F. 3d 1070.

No. 97-1964. *CONRAD, LEGAL REPRESENTATIVE OF CONRAD, DECEASED v. SECRETARY OF HEALTH AND HUMAN SERVICES.* C. A. Fed. Cir. Certiorari denied.

No. 97-1965. *OLMOS-FLORES v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 133 F. 3d 930.

No. 97-1966. *BAXTER ET AL. v. REED ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 134 F. 3d 351.

No. 97-1967. *BRATTON v. PENNSYLVANIA.* Super. Ct. Pa. Certiorari denied. Reported below: 451 Pa. Super. 646, 679 A. 2d 842.

No. 97-1968. *BALDWIN v. MASSACHUSETTS.* Sup. Jud. Ct. Mass. Certiorari denied. Reported below: 426 Mass. 105, 686 N. E. 2d 1001.

No. 97-1970. *MILLS v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. Reported below: 127 F. 3d 1102.

No. 97-1971. *BILTMORE FOREST RADIO, INC. v. FEDERAL COMMUNICATIONS COMMISSION ET AL.; BILTMORE FOREST RADIO, INC. v. FEDERAL COMMUNICATIONS COMMISSION ET AL.; and WILLSYR COMMUNICATIONS v. FEDERAL COMMUNICATIONS COMMISSION*

525 U.S.

October 5, 1998

ET AL. C. A. D. C. Cir. Certiorari denied. Reported below: 131 F. 3d 176 (first judgment).

No. 97-1972. LANDBERG ET AL. *v.* DUFFY ET AL. C. A. 8th Cir. Certiorari denied. Reported below: 133 F. 3d 1120.

No. 97-1973. CHRISTOPHER *v.* ADAM'S MARK HOTELS, A DIVISION OF HBF CORP. C. A. 8th Cir. Certiorari denied. Reported below: 137 F. 3d 1069.

No. 97-1974. WRIGHT *v.* FREDERIKSEN. Ct. App. Colo. Certiorari denied.

No. 97-1975. SPRING *v.* WASHINGTON. Ct. App. Wash. Certiorari denied. Reported below: 85 Wash. App. 1049.

No. 97-1976. SPRECHER *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 162 F. 3d 1148.

No. 97-1977. YWCA OF OKLAHOMA CITY ET AL. *v.* SELF INSURERS' MANAGEMENT GROUP; and COLBERT NURSING HOME, INC., DBA SOUTHERN POINTE LIVING CENTER, ET AL. *v.* OKLAHOMA EMPLOYERS SAFETY GROUP, S. I. A. Sup. Ct. Okla. Certiorari denied. Reported below: 954 P. 2d 115 (first judgment) and 120 (second judgment).

No. 97-1978. FALCON DRILLING Co., INC., ET AL. *v.* VIATOR. Ct. App. La., 3d Cir. Certiorari denied. Reported below: 701 So. 2d 487.

No. 97-1979. ABRAMS *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 137 F. 3d 704.

No. 97-1980. WILLIAMS *v.* CITY OF LOS ANGELES. C. A. 9th Cir. Certiorari denied. Reported below: 133 F. 3d 931.

No. 97-1981. WEST VIRGINIA BOARD OF PUBLIC WORKS ET AL. *v.* CSX TRANSPORTATION, INC., ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 138 F. 3d 537.

No. 97-1982. IN RE GERACI. C. A. 7th Cir. Certiorari denied. Reported below: 138 F. 3d 314.

No. 97-1983. WALKER *v.* INSTITUTE FOR ECONOMETRIC RESEARCH. C. A. 11th Cir. Certiorari denied. Reported below: 130 F. 3d 443.

October 5, 1998

525 U. S.

No. 97-1986. *WEINSTEIN v. FIDELITY BROKERAGE SERVICES, INC.* C. A. 1st Cir. Certiorari denied.

No. 97-1987. *HUDSON v. RENO, ATTORNEY GENERAL.* C. A. 6th Cir. Certiorari denied. Reported below: 130 F. 3d 1193.

No. 97-1989. *KUHL ET AL. v. BOARD OF ADJUSTMENT OF THE TOWNSHIP OF MONTCLAIR ET AL.* Super. Ct. N. J., App. Div. Certiorari denied.

No. 97-1990. *BELIN v. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION ET AL.* C. A. 6th Cir. Certiorari denied.

No. 97-1995. *MILLER v. UNITED STATES.* C. A. Armed Forces. Certiorari denied. Reported below: 48 M. J. 49.

No. 97-1996. *CAMPBELL ET AL. v. CALIFORNIA.* C. A. 9th Cir. Certiorari denied. Reported below: 138 F. 3d 772.

No. 97-1997. *BANK OF AMERICA NATIONAL TRUST AND SAVINGS ASSN. v. MARQUES.* Ct. App. Cal., 1st App. Dist. Certiorari denied. Reported below: 59 Cal. App. 4th 356, 69 Cal. Rptr. 2d 154.

No. 97-1998. *GOSU v. IMMIGRATION AND NATURALIZATION SERVICE.* C. A. 9th Cir. Certiorari denied. Reported below: 142 F. 3d 443.

No. 97-2001. *RANDOLPH, AS CONSERVATOR OF RANDOLPH v. CERVANTES ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 130 F. 3d 727.

No. 97-2002. *COLEMAN ET AL. v. SANTA CLARA COUNTY OPEN SPACE AUTHORITY.* Ct. App. Cal., 6th App. Dist. Certiorari denied.

No. 97-2003. *ARMENIS v. AGUIRRE ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 139 F. 3d 911.

No. 97-2004. *NATIONAL COLLEGIATE ATHLETIC ASSN. v. LAW ET AL.* (two judgments). C. A. 10th Cir. Certiorari denied. Reported below: 134 F. 3d 1010 (first judgment) and 1025 (second judgment).

No. 97-2005. *PHONOMETRICS, INC. v. TADIRAN ELECTRONIC INDUSTRIES, INC.* C. A. Fed. Cir. Certiorari denied. Reported below: 135 F. 3d 777.

525 U.S.

October 5, 1998

No. 97-2006. *WARD v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied. Reported below: 964 S. W. 2d 617.

No. 97-2007. *MSW INVESTMENTS v. CHEVRON U.S.A. INC.* C. A. 5th Cir. Certiorari denied. Reported below: 140 F. 3d 1038.

No. 97-2008. *WEN-CHOUH LIN v. LIN*. Ct. App. N. C. Certiorari denied. Reported below: 128 N. C. App. 533, 496 S. E. 2d 849.

No. 97-2009. *MONSKY v. MORAGHAN, CONNECTICUT SUPERIOR COURT JUDGE*. C. A. 2d Cir. Certiorari denied. Reported below: 127 F. 3d 243.

No. 97-2010. *ARCURI ET AL. v. LOCAL 54 OF THE HOTEL EMPLOYEES AND RESTAURANT EMPLOYEES INTERNATIONAL UNION ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 137 F. 3d 139.

No. 97-2011. *IN RE HILLIARD*. Sup. Ct. Tex. Certiorari denied. Reported below: 960 S. W. 2d 35.

No. 97-2012. *RANKIN ET UX. v. EVANS ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 133 F. 3d 1425.

No. 97-2013. *WATSON v. SZCZEPANIAK ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 124 F. 3d 215.

No. 97-2014. *WARNER, A MINOR, BY AND THROUGH WARNER, HIS MOTHER v. ST. PAUL INDEPENDENT SCHOOL DISTRICT NO. 625*. C. A. 8th Cir. Certiorari denied. Reported below: 134 F. 3d 1333.

No. 97-2015. *MONUS v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 128 F. 3d 376.

No. 97-2016. *ARIADNE FINANCIAL SERVICES PTY. LTD. ET AL. v. UNITED STATES*. C. A. Fed. Cir. Certiorari denied. Reported below: 133 F. 3d 874.

No. 97-2017. *HOOTERS OF AMERICA, INC. v. CAROLINA WINGS, INC.* C. A. 11th Cir. Certiorari denied. Reported below: 135 F. 3d 143.

No. 97-2019. *HORSLEY, SHERIFF, SAN MATEO COUNTY v. SANTAMARIA*; and

October 5, 1998

525 U. S.

No. 97-9296. *SANTAMARIA v. HORSLEY, SHERIFF, SAN MATEO COUNTY, CALIFORNIA*. C. A. 9th Cir. Certiorari denied. Reported below: 133 F. 3d 1242.

No. 97-2020. *METROPOLITAN TRANSPORTATION AUTHORITY v. NEW YORK MAGAZINE*. C. A. 2d Cir. Certiorari denied. Reported below: 136 F. 3d 123.

No. 97-2021. *TODD ET UX., ON THEIR OWN BEHALF AND AS NEXT FRIENDS FOR THEIR SON, TODD, ET AL. v. RUSH COUNTY SCHOOLS ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 133 F. 3d 984.

No. 97-2022. *PUTNAM v. PROULX ET AL.* Sup. Jud. Ct. Me. Certiorari denied.

No. 97-2023. *NEIRA v. BANDERA COUNTY FRESH WATER SUPPLY DISTRICT NO. 1*. Ct. App. Tex., 4th Dist. Certiorari denied.

No. 97-2025. *VORHEES, AS EXECUTOR OF THE LAST WILL AND TESTAMENT OF BRACH, A PERSON PRESUMED DEAD v. BROWN, SECRETARY, ILLINOIS DEPARTMENT OF TRANSPORTATION, ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 134 F. 3d 375.

No. 97-2026. *ARIZONA v. BRANHAM*. Ct. App. Ariz. Certiorari denied. Reported below: 191 Ariz. 94, 952 P. 2d 332.

No. 97-2027. *JACOBSEN v. SOUTH DAKOTA*. Sup. Ct. S. D. Certiorari denied. Reported below: 577 N. W. 2d 333.

No. 97-2028. *TRAVELERS INDEMNITY COMPANY OF ILLINOIS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 131 F. 3d 148.

No. 97-2030. *SCHOOL DISTRICT OF PHILADELPHIA v. SULLIVAN ET AL.*; and

No. 98-161. *BUTLER, SECRETARY, PENNSYLVANIA DEPARTMENT OF LABOR AND INDUSTRY, ET AL. v. SULLIVAN ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 139 F. 3d 158.

No. 97-2031. *TDK CORP. v. WARREN/SHERER REFRIGERATION CO. ET AL.* Ct. App. La., 1st Cir. Certiorari denied.

No. 97-2033. *GRIMES v. MCANULTY, JUDGE, JEFFERSON CIRCUIT COURT OF KENTUCKY (KENTUCKY, REAL PARTY IN IN-*

525 U.S.

October 5, 1998

TEREST). Sup. Ct. Ky. Certiorari denied. Reported below: 957 S. W. 2d 223.

No. 97-2034. WATTS *v.* CALDERA, SECRETARY OF THE ARMY, ET AL. C. A. 11th Cir. Certiorari denied. Reported below: 117 F. 3d 1433.

No. 97-2035. CAROLYN PROPERTIES I ET AL. *v.* MITSUI TRUST & BANKING Co., LTD., ET AL. C. A. 11th Cir. Certiorari denied. Reported below: 136 F. 3d 140.

No. 97-2036. ANDRESEN *v.* MINKOFF Co., INC. Ct. App. Md. Certiorari denied. Reported below: 348 Md. 333, 703 A. 2d 1264.

No. 97-2037. HOEFLER ET AL. *v.* BABBITT, SECRETARY OF THE INTERIOR, ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 139 F. 3d 726.

No. 97-2039. HAVIGHURST ET AL. *v.* FIRST NATIONAL BANK OF SOUTHWESTERN OHIO, EXECUTOR OF THE ESTATE OF HAVIGHURST, ET AL. Ct. App. Ohio, Butler County. Certiorari denied. Reported below: 121 Ohio App. 3d 170, 699 N. E. 2d 523.

No. 97-2040. GRINNELL CORP. *v.* ROAD SPRINKLER FITTERS LOCAL UNION NO. 669 ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 133 F. 3d 914.

No. 97-2041. ASCARRUNZ *v.* BECHTEL POWER CORP. C. A. 9th Cir. Certiorari denied.

No. 97-2042. WALKER *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 140 F. 3d 1042.

No. 97-2043. JOHNSON *v.* JOHNSON ET AL. C. A. 6th Cir. Certiorari denied.

No. 97-2046. SUPERVALU INC. ET AL. *v.* DISCOUNT FOODS, INC. Sup. Ct. Ala. Certiorari denied. Reported below: 711 So. 2d 992.

No. 97-2047. SELINGER *v.* SCHLAGE LOCK Co. ET AL. Ct. App. Cal., 4th App. Dist. Certiorari denied.

No. 97-2049. CONDOR INSURANCE Co. *v.* ERIKSEN. Ct. App. Cal., 2d App. Dist. Certiorari denied.

October 5, 1998

525 U. S.

No. 97-2051. *GRAFF v. V & M ERECTORS, INC.* C. A. 11th Cir. Certiorari denied. Reported below: 132 F. 3d 1461.

No. 97-2052. *PETROLEUM HELICOPTERS, INC. v. BURAS.* Ct. App. La., 4th Cir. Certiorari denied. Reported below: 705 So. 2d 766.

No. 97-2053. *WOLKOWITZ, TRUSTEE, ET AL. v. SHEARSON LEHMAN BROTHERS, INC.* C. A. 9th Cir. Certiorari denied. Reported below: 136 F. 3d 655.

No. 97-2054. *PALM BEACH SOIL AND WATER CONSERVATION DISTRICT v. BLEDSOE.* C. A. 11th Cir. Certiorari denied. Reported below: 133 F. 3d 816.

No. 97-2055. *BARKER v. BANK ONE, LEXINGTON, N. A., ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 142 F. 3d 431.

No. 97-2056. *SATTERFIELD v. WAL-MART STORES, INC.* C. A. 5th Cir. Certiorari denied. Reported below: 135 F. 3d 973.

No. 97-2058. *CONGRESS OF CALIFORNIA SENIORS ET AL. v. QUACKENBUSH, INSURANCE COMMISSIONER OF CALIFORNIA, ET AL.* Ct. App. Cal., 1st App. Dist. Certiorari denied. Reported below: 60 Cal. App. 4th 454, 70 Cal. Rptr. 2d 271.

No. 97-2059. *NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE, MINNEAPOLIS BRANCH, ET AL. v. METROPOLITAN COUNCIL.* C. A. 8th Cir. Certiorari denied. Reported below: 144 F. 3d 1168.

No. 97-2060. *GADDIS v. GADDIS.* Ct. App. Ariz. Certiorari denied. Reported below: 191 Ariz. 467, 957 P. 2d 1010.

No. 97-2061. *BELL, TRUSTEE FOR BELL LAND TRUST v. CITY OF VIRGINIA BEACH.* Sup. Ct. Va. Certiorari denied. Reported below: 255 Va. 395, 498 S. E. 2d 414.

No. 97-2062. *IMPRESSA PEROSA, S. R. L. v. BUTI ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 139 F. 3d 98.

No. 97-2064. *TEXTILE PRODUCTIONS, INC. v. MEAD CORP. ET AL.* C. A. Fed. Cir. Certiorari denied. Reported below: 134 F. 3d 1481.

No. 97-2065. *CARROLL v. BLACK ET AL.* Ct. App. Tex., 10th Dist. Certiorari denied. Reported below: 938 S. W. 2d 134.

525 U.S.

October 5, 1998

No. 97-2066. *YADEGAR v. YADEGAR ET AL.* C. A. 9th Cir. Certiorari denied.

No. 97-2067. *OLIVER v. HYDRO-VAC SERVICES, INC., ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 165 F. 3d 28.

No. 97-2068. *THERM-O-DISC, INC. v. MARYLAND CASUALTY CO., AS SUBROGEE OF GITELSON, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 137 F. 3d 780.

No. 97-2069. *NIELSEN v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 127 F. 3d 1107.

No. 97-2070. *SKARA v. MESTCHYAN ET UX.* Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 97-2071. *MILLER ET AL. v. FLUME ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 139 F. 3d 1130.

No. 97-2072. *TURBOMECA, S. A., ET AL. v. BARNETT, INDIVIDUALLY AND AS GUARDIAN AD LITEM AND NEXT FRIEND OF BARNETT, ET AL.* Ct. App. Mo., Western Dist. Certiorari denied. Reported below: 963 S. W. 2d 639.

No. 97-2073. *BARJON ET AL. v. DALTON, SECRETARY OF THE NAVY.* C. A. 9th Cir. Certiorari denied. Reported below: 132 F. 3d 496.

No. 97-2074. *DEMAREST ET UX. v. RAINIER TITLE INSURANCE CO.* C. A. 9th Cir. Certiorari denied. Reported below: 124 F. 3d 211.

No. 97-2075. *GREEN ET AL. v. CITY OF BOSTON ET AL.* C. A. 1st Cir. Certiorari denied. Reported below: 132 F. 3d 30.

No. 97-2076. *WYNN v. UNITED STATES;* and

No. 98-5654. *HADDY v. UNITED STATES.* C. A. 3d Cir. Certiorari denied. Reported below: 134 F. 3d 542.

No. 97-2077. *HIBBLE v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 133 F. 3d 915.

No. 97-2078. *WATSON v. UNIVERSITY MEDICAL CENTER ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 133 F. 3d 931.

No. 97-2080. *J & E SALVAGE CO. ET AL. v. UNITED STATES.* C. A. Fed. Cir. Certiorari denied. Reported below: 152 F. 3d 945.

October 5, 1998

525 U. S.

No. 97-2082. *THRASH, INDIVIDUALLY AND AS PIERCE COUNTY DEPUTY SHERIFF v. GULLIFORD*. C. A. 9th Cir. Certiorari denied. Reported below: 136 F. 3d 1345.

No. 97-2083. *RICE ET AL. v. BOROVICKA ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 133 F. 3d 923.

No. 97-2084. *LOCKERBY v. DUGAL ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 129 F. 3d 126.

No. 97-2085. *S. A. LUDSIN & Co. v. SMALL BUSINESS ADMINISTRATION*. C. A. 2d Cir. Certiorari denied. Reported below: 162 F. 3d 1148.

No. 97-8122. *TODD v. ILLINOIS*. Sup. Ct. Ill. Certiorari denied. Reported below: 178 Ill. 2d 297, 687 N. E. 2d 998.

No. 97-8191. *TORAIN v. SIEMENS ROLM COMMUNICATIONS, INC.* C. A. 7th Cir. Certiorari denied. Reported below: 132 F. 3d 37.

No. 97-8229. *DODD v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 128 F. 3d 732.

No. 97-8230. *HOWERY v. ILLINOIS*. Sup. Ct. Ill. Certiorari denied. Reported below: 178 Ill. 2d 1, 687 N. E. 2d 836.

No. 97-8383. *UNDERWOOD v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 131 F. 3d 153.

No. 97-8416. *PAGE ET AL. v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 131 F. 3d 1173.

No. 97-8425. *ALVARADO v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 122 F. 3d 1077.

No. 97-8460. *BURNS v. UNITED STATES*; and  
No. 97-9155. *TURNER v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 130 F. 3d 442.

No. 97-8515. *FRANKLIN v. JONES, WARDEN, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 97-8551. *EMBREY v. HERSHBERGER, WARDEN*. C. A. 8th Cir. Certiorari denied. Reported below: 131 F. 3d 739.

525 U.S.

October 5, 1998

No. 97-8558. *JOHNSON v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 130 F. 3d 1420.

No. 97-8586. *LEE v. UNITED STATES*;

No. 97-8634. *HALL v. UNITED STATES*;

No. 97-8636. *PALMER v. UNITED STATES*; and

No. 97-8638. *CURRY v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 130 F. 3d 765.

No. 97-8593. *R. D. v. ALABAMA*. Ct. Crim. App. Ala. Certiorari denied. Reported below: 706 So. 2d 770.

No. 97-8620. *ESCOBAR v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 132 F. 3d 1456.

No. 97-8626. *WITHERS v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 128 F. 3d 1167.

No. 97-8641. *ESCOBAR DE JESUS v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 125 F. 3d 842.

No. 97-8654. *GRUBBS v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 134 F. 3d 371.

No. 97-8670. *GONZALEZ BATH v. TEXAS*. Ct. App. Tex., 13th Dist. Certiorari denied. Reported below: 951 S. W. 2d 11.

No. 97-8677. *DEE v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 122 F. 3d 1074.

No. 97-8678. *DUNCAN v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied.

No. 97-8681. *HOLLAND v. MISSISSIPPI*. Sup. Ct. Miss. Certiorari denied. Reported below: 705 So. 2d 307.

No. 97-8701. *KOKORALEIS v. GILMORE, WARDEN*. C. A. 7th Cir. Certiorari denied. Reported below: 131 F. 3d 692.

No. 97-8740. *WILKENS v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied.

No. 97-8745. *NAHNKEN v. UNITED STATES ET AL.* C. A. Fed. Cir. Certiorari denied. Reported below: 116 F. 3d 1496.

No. 97-8767. *RASON v. WEST, SECRETARY OF VETERANS AFFAIRS*. C. A. Fed. Cir. Certiorari denied.

October 5, 1998

525 U. S.

No. 97-8771. *STRAHAN v. COXE, SECRETARY OF MASSACHUSETTS EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS, ET AL.* C. A. 1st Cir. Certiorari denied. Reported below: 127 F. 3d 155.

No. 97-8774. *LISLE v. NEVADA.* Sup. Ct. Nev. Certiorari denied. Reported below: 113 Nev. 679, 941 P. 2d 459.

No. 97-8776. *MASSIE v. UNITED STATES.* C. A. 10th Cir. Certiorari denied. Reported below: 132 F. 3d 44.

No. 97-8805. *HAYNES v. UNITED STATES.* C. A. 9th Cir. Certiorari denied.

No. 97-8828. *BUNNER v. UNITED STATES.* C. A. 10th Cir. Certiorari denied. Reported below: 134 F. 3d 1000.

No. 97-8830. *DAMARLANE v. UNITED STATES.* C. A. Fed. Cir. Certiorari denied. Reported below: 135 F. 3d 773.

No. 97-8853. *WILLIAMS v. NEVADA.* Sup. Ct. Nev. Certiorari denied. Reported below: 113 Nev. 1008, 945 P. 2d 438.

No. 97-8871. *GRIFFIN v. PENROD, SHERIFF, SAN BERNARDINO COUNTY, CALIFORNIA.* C. A. 9th Cir. Certiorari denied. Reported below: 139 F. 3d 905.

No. 97-8880. *HENLEY v. TENNESSEE.* Sup. Ct. Tenn. Certiorari denied. Reported below: 960 S. W. 2d 572.

No. 97-8884. *PARKS v. ANDERSEN ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 136 F. 3d 1331.

No. 97-8887. *SOBASZKIEWICZ v. CALIFORNIA.* Ct. App. Cal., 3d App. Dist. Certiorari denied.

No. 97-8888. *GREEN v. VACCO, ATTORNEY GENERAL OF NEW YORK.* C. A. 2d Cir. Certiorari denied.

No. 97-8889. *DANIEL v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. Reported below: 134 F. 3d 1259.

No. 97-8895. *DAVIS v. JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION.* C. A. 5th Cir. Certiorari denied.

No. 97-8896. *GAMBINO v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 106 F. 3d 398.

525 U.S.

October 5, 1998

No. 97-8897. *FARABAUGH v. MARKOVITZ*. C. A. 3d Cir. Certiorari denied. Reported below: 133 F. 3d 909.

No. 97-8898. *CURRY v. OHIO*. Ct. App. Ohio, Scioto County. Certiorari denied.

No. 97-8901. *SCOTT v. DORSEY, WARDEN*. C. A. 10th Cir. Certiorari denied. Reported below: 134 F. 3d 383.

No. 97-8902. *REED v. CHAMPION, WARDEN, ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 134 F. 3d 383.

No. 97-8903. *STANFIELD v. OSBORNE INDUSTRIES, INC., ET AL.* Sup. Ct. Kan. Certiorari denied. Reported below: 263 Kan. 388, 949 P. 2d 602.

No. 97-8910. *MENDEZ, AKA QUINTANILLA v. TERHUNE, DIRECTOR, CALIFORNIA DEPARTMENT OF CORRECTIONS*. C. A. 9th Cir. Certiorari denied.

No. 97-8913. *SAYLOR v. INDIANA*. Sup. Ct. Ind. Certiorari denied. Reported below: 686 N. E. 2d 80.

No. 97-8914. *RAHMAN v. HUBBARD ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 137 F. 3d 1350.

No. 97-8918. *BALDWIN v. LOUISIANA*. Sup. Ct. La. Certiorari denied. Reported below: 705 So. 2d 1076.

No. 97-8919. *AVILA v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist. Certiorari denied. Reported below: 58 Cal. App. 4th 1069, 68 Cal. Rptr. 2d 432.

No. 97-8925. *MCGUIRE v. OHIO*. Sup. Ct. Ohio. Certiorari denied. Reported below: 80 Ohio St. 3d 390, 686 N. E. 2d 1112.

No. 97-8927. *STEPHENS v. NORTH CAROLINA*. Sup. Ct. N. C. Certiorari denied. Reported below: 347 N. C. 352, 493 S. E. 2d 435.

No. 97-8934. *BROWN v. WHITE, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 97-8937. *CLAY v. STEGALL, WARDEN*. C. A. 6th Cir. Certiorari denied.

October 5, 1998

525 U. S.

No. 97-8939. *BANKS v. MICHIGAN*. C. A. 6th Cir. Certiorari denied.

No. 97-8941. *DARDEN v. JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 97-8942. *HOWARD v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 133 F. 3d 506.

No. 97-8946. *GREEN v. SINGLETARY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 136 F. 3d 139.

No. 97-8947. *POPE v. JARVIS, SECRETARY, NORTH CAROLINA DEPARTMENT OF CORRECTION, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 131 F. 3d 136.

No. 97-8949. *PHIM v. CALIFORNIA*. Ct. App. Cal., 5th App. Dist. Certiorari denied.

No. 97-8952. *DUMAS v. CAIN, WARDEN*. C. A. 5th Cir. Certiorari denied.

No. 97-8954. *LEVENTHAL v. SURFACE ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 119 F. 3d 9 and 11.

No. 97-8960. *LOWE v. OKLAHOMA*. Ct. Crim. App. Okla. Certiorari denied.

No. 97-8963. *PRENTICE v. INFORMATION RESOURCES, INC.* C. A. 7th Cir. Certiorari denied. Reported below: 139 F. 3d 902.

No. 97-8965. *WALP v. BOZARTH*. C. A. 5th Cir. Certiorari denied. Reported below: 138 F. 3d 951.

No. 97-8966. *TERRY v. CIRCUIT COURT OF MISSISSIPPI, SUNFLOWER COUNTY*. Sup. Ct. Miss. Certiorari denied.

No. 97-8967. *ORTIZ v. FLORIDA ET AL.* Sup. Ct. Fla. Certiorari denied. Reported below: 705 So. 2d 902.

No. 97-8968. *RILEY v. SEATTLE UNIVERSITY ET AL.* Ct. App. Wash. Certiorari denied.

No. 97-8976. *FERGUSON v. WILLIAMS, WARDEN*. C. A. 10th Cir. Certiorari denied. Reported below: 139 F. 3d 911.

525 U.S.

October 5, 1998

No. 97-8977. *TRUJILLO v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 136 F. 3d 1388.

No. 97-8979. *NORRIS v. WEST VALLEY CITY, UTAH*. Ct. App. Utah. Certiorari denied.

No. 97-8983. *BYRD v. CLEMENTS*. C. A. 5th Cir. Certiorari denied. Reported below: 137 F. 3d 1351.

No. 97-8984. *BRADFORD v. THOMPSON, WARDEN*. C. A. 11th Cir. Certiorari denied.

No. 97-8985. *STEWART v. CAIN, WARDEN*. C. A. 5th Cir. Certiorari denied.

No. 97-8986. *SNELLING v. MISSOURI ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 133 F. 3d 923.

No. 97-8988. *ANTONELLI v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 291 Ill. App. 3d 1112, 716 N. E. 2d 875.

No. 97-8990. *BROWN v. TOOMBS, WARDEN, ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 139 F. 3d 1102.

No. 97-8992. *FARRIS v. SHULER*. C. A. 10th Cir. Certiorari denied.

No. 97-8993. *FARRELL v. PATAKI, GOVERNOR OF NEW YORK, ET AL.* C. A. 2d Cir. Certiorari denied.

No. 97-8997. *TAYLOR v. UTAH*. Sup. Ct. Utah. Certiorari denied. Reported below: 947 P. 2d 681.

No. 97-8999. *CASS v. PENNSYLVANIA*. Sup. Ct. Pa. Certiorari denied. Reported below: 551 Pa. 25, 709 A. 2d 350.

No. 97-9003. *ARTHUR v. STOCK ET AL.* C. A. 11th Cir. Certiorari denied.

No. 97-9005. *BURGE v. COLORADO ET AL.* Dist. Ct. Colo., Jefferson County. Certiorari denied.

No. 97-9009. *NEAL v. ILLINOIS*. Sup. Ct. Ill. Certiorari denied. Reported below: 179 Ill. 2d 541, 689 N. E. 2d 1040.

October 5, 1998

525 U. S.

No. 97-9013. *COX v. NORRIS, DIRECTOR, ARKANSAS DEPARTMENT OF CORRECTION*. C. A. 8th Cir. Certiorari denied. Reported below: 133 F. 3d 565.

No. 97-9014. *ALLISON v. ILLINOIS*. App. Ct. Ill., 5th Dist. Certiorari denied. Reported below: 294 Ill. App. 3d 1130, 721 N. E. 2d 865.

No. 97-9016. *STATEN v. PRUITT ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 129 F. 3d 611.

No. 97-9019. *REZAQ v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. Reported below: 134 F. 3d 1121.

No. 97-9021. *BREWER v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 133 F. 3d 923.

No. 97-9025. *JONES v. WEST, SECRETARY OF VETERANS AFFAIRS*. C. A. Fed. Cir. Certiorari denied. Reported below: 136 F. 3d 1296.

No. 97-9027. *SOLIS v. JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION, ET AL.* C. A. 5th Cir. Certiorari denied.

No. 97-9028. *SHAWLEY v. KYLER, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AND DIAGNOSTIC/CLASSIFICATION CENTER AT CAMP HILL, ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 135 F. 3d 766.

No. 97-9029. *BUCCI v. PLANNED PARENTHOOD FEDERATION OF AMERICA, INC.* C. A. 2d Cir. Certiorari denied. Reported below: 152 F. 3d 920.

No. 97-9030. *SANTIAGO v. MASSACHUSETTS*. C. A. 1st Cir. Certiorari denied.

No. 97-9031. *PARK v. COUNTY OF SAN MATEO ET AL.* Ct. App. Cal., 1st App. Dist. Certiorari denied.

No. 97-9036. *ZANKICH v. PHOENIX CARDIOLOGISTS ET AL.* C. A. 9th Cir. Certiorari denied.

No. 97-9037. *BAEZ v. UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF GEORGIA*. C. A. 11th Cir. Certiorari denied.

525 U.S.

October 5, 1998

No. 97-9038. *ABDULHASEEB v. HARGETT, WARDEN*. C. A. 10th Cir. Certiorari denied. Reported below: 141 F. 3d 1184.

No. 97-9039. *HUDSON v. OKALOOSA COUNTY BOARD OF COUNTY COMMISSIONERS ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 127 F. 3d 38.

No. 97-9046. *HORPENKO v. BLISS*. Super. Ct. N. J., App. Div. Certiorari denied.

No. 97-9049. *KING v. CAIN, WARDEN*. C. A. 5th Cir. Certiorari denied.

No. 97-9051. *ROBINSON v. SANDERS, WARDEN, ET AL.* C. A. 5th Cir. Certiorari denied.

No. 97-9052. *SMITH v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 291 Ill. App. 3d 1123, 716 N. E. 2d 880.

No. 97-9053. *RAINES v. GHEE ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 132 F. 3d 33.

No. 97-9055. *HARRIS v. MORGAN, WARDEN*. C. A. 7th Cir. Certiorari denied. Reported below: 129 F. 3d 1267.

No. 97-9056. *COLLINS v. PENNSYLVANIA*. Sup. Ct. Pa. Certiorari denied. Reported below: 549 Pa. 593, 702 A. 2d 540.

No. 97-9059. *HARDY v. HAMLIN ET AL.* C. A. 11th Cir. Certiorari denied.

No. 97-9062. *CASTALDI v. TOWNSHIP OF RADNOR ET AL.* Commw. Ct. Pa. Certiorari denied. Reported below: 696 A. 2d 937.

No. 97-9064. *WILKERSON v. NIELSEN, CHAIRMAN, CALIFORNIA BOARD OF PRISON TERMS, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 133 F. 3d 931.

No. 97-9065. *WALDEN v. LUNGREN, ATTORNEY GENERAL OF CALIFORNIA*. C. A. 9th Cir. Certiorari denied.

No. 97-9068. *MORGAN v. KIMBROUGH ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 133 F. 3d 928.

October 5, 1998

525 U. S.

No. 97-9069. *LEON v. ROE, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 97-9071. *KADO v. ADAMS, WARDEN.* C. A. 6th Cir. Certiorari denied.

No. 97-9078. *DOE v. A. M. E. ZION CHURCH ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 124 F. 3d 1300.

No. 97-9081. *ESCAMILLA v. NEW YORK.* App. Div., Sup. Ct. N. Y., 3d Jud. Dept. Certiorari denied. Reported below: 244 App. Div. 2d 805, 666 N. Y. S. 2d 278.

No. 97-9083. *EPPS v. CALIFORNIA.* Ct. App. Cal., 4th App. Dist. Certiorari denied.

No. 97-9084. *PARADISE v. WARDEN, CONNECTICUT CORRECTIONAL INSTITUTE.* C. A. 2d Cir. Certiorari denied. Reported below: 136 F. 3d 331.

No. 97-9088. *HIGGINS v. ANDERSON, COMMISSIONER, MISSISSIPPI DEPARTMENT OF CORRECTIONS, ET AL.* Sup. Ct. Miss. Certiorari denied.

No. 97-9095. *RISHER v. NORRIS, DIRECTOR, ARKANSAS DEPARTMENT OF CORRECTION.* C. A. 8th Cir. Certiorari denied.

No. 97-9096. *HOOD v. MURPHY ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 133 F. 3d 915.

No. 97-9097. *CUTHBERT v. CRAWFORD, CLERK, CIRCUIT COURT OF FLORIDA, BREVARD COUNTY, ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 132 F. 3d 46.

No. 97-9098. *BUFFKIN v. SINGLETARY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 97-9100. *WILLIAMS v. SINGLETARY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* Sup. Ct. Fla. Certiorari denied. Reported below: 707 So. 2d 1128.

No. 97-9103. *PARKS v. MADISON COUNTY, INDIANA, ET AL.* C. A. 7th Cir. Certiorari denied.

No. 97-9104. *PEREZ v. CALIFORNIA* (two judgments). Ct. App. Cal., 2d App. Dist. Certiorari denied.

525 U.S.

October 5, 1998

No. 97-9106. *MORETTI v. UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY*. C. A. 3d Cir. Certiorari denied.

No. 97-9109. *KERSH v. COOK ET AL.* C. A. D. C. Cir. Certiorari denied. Reported below: 124 F. 3d 1309.

No. 97-9112. *SMITH ET UX. v. HAYNES ET AL.* Sup. Ct. Mont. Certiorari denied. Reported below: 287 Mont. 505, 951 P. 2d 1394.

No. 97-9114. *STONE v. GALAZA, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 97-9118. *BLANCO v. FLORIDA*. Sup. Ct. Fla. Certiorari denied. Reported below: 706 So. 2d 7.

No. 97-9119. *SCHOFIELD v. BROWN ET AL.* C. A. 1st Cir. Certiorari denied. Reported below: 134 F. 3d 361.

No. 97-9121. *SADOWSKI v. TECHNICAL CAREER INSTITUTES, INC., ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 162 F. 3d 1148.

No. 97-9122. *PALMER v. OHIO*. Sup. Ct. Ohio. Certiorari denied. Reported below: 80 Ohio St. 3d 543, 687 N. E. 2d 685.

No. 97-9123. *ROY v. GENERAL DYNAMICS CORP., ELECTRIC BOAT DIVISION, ET AL.* App. Ct. Conn. Certiorari denied. Reported below: 47 Conn. App. 924, 703 A. 2d 1198.

No. 97-9124. *POOLE v. HELMAN, WARDEN*. C. A. 7th Cir. Certiorari denied.

No. 97-9126. *BORRIE v. MAKOWSKI, WARDEN*. C. A. 6th Cir. Certiorari denied. Reported below: 134 F. 3d 370.

No. 97-9127. *SELLERS v. SINGLETARY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* Sup. Ct. Fla. Certiorari denied. Reported below: 717 So. 2d 537.

No. 97-9128. *SAVEDRA v. TEXAS*. Ct. App. Tex., 7th Dist. Certiorari denied.

No. 97-9129. *POULAKIDAS v. UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT*. C. A. 7th Cir. Certiorari denied. Reported below: 139 F. 3d 902.

October 5, 1998

525 U. S.

No. 97-9130. *RUDD v. ROBINSON ET AL.* C. A. 5th Cir. Certiorari denied.

No. 97-9131. *RUSSELL v. SIKES, WARDEN.* Sup. Ct. Ga. Certiorari denied.

No. 97-9134. *RICHARDS v. JONES, WARDEN.* C. A. 6th Cir. Certiorari denied.

No. 97-9135. *KERSH v. MARTIN & MEHAFFY ET AL.* C. A. 10th Cir. Certiorari denied.

No. 97-9137. *JOHNSON v. BURTON ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 129 F. 3d 126.

No. 97-9138. *KARIM-PANAHI v. WILSON, GOVERNOR OF CALIFORNIA, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 131 F. 3d 147.

No. 97-9139. *PURSER v. TEXAS.* Ct. App. Tex., 8th Dist. Certiorari denied. Reported below: 902 S. W. 2d 641.

No. 97-9141. *VAN'T HOF v. METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA ET AL.* Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 97-9143. *GAMES v. INDIANA.* Sup. Ct. Ind. Certiorari denied. Reported below: 690 N. E. 2d 211.

No. 97-9144. *DOMINQUE v. CAIN, WARDEN.* C. A. 5th Cir. Certiorari denied.

No. 97-9145. *EARICK v. EARICK.* Ct. App. Cal., 4th App. Dist. Certiorari denied.

No. 97-9146. *FULLER ET AL. v. VIRGINIA.* Sup. Ct. Va. Certiorari denied.

No. 97-9150. *LAWRENCE v. MISSOURI DEPARTMENT OF CORRECTIONS ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 133 F. 3d 922.

No. 97-9154. *WILLIAMS v. LOUISIANA.* Sup. Ct. La. Certiorari denied. Reported below: 708 So. 2d 703.

No. 97-9157. *RIENHARDT v. ARIZONA.* Sup. Ct. Ariz. Certiorari denied. Reported below: 190 Ariz. 579, 951 P. 2d 454.

525 U.S.

October 5, 1998

No. 97-9158. *WILLS v. TERHUNE, DIRECTOR, CALIFORNIA DEPARTMENT OF CORRECTIONS*. C. A. 9th Cir. Certiorari denied.

No. 97-9160. *VICKSON v. ALFORD, SUPERINTENDENT, GULF CORRECTIONAL INSTITUTION*. Sup. Ct. Fla. Certiorari denied. Reported below: 707 So. 2d 1128.

No. 97-9161. *SCARPELLO v. NEW YORK*. App. Div., Sup. Ct. N. Y., 4th Jud. Dept. Certiorari denied. Reported below: 244 App. Div. 2d 856, 665 N. Y. S. 2d 227.

No. 97-9163. *DUNCAN v. TEXAS*. Ct. App. Tex., 5th Dist. Certiorari denied.

No. 97-9166. *KNIGHT v. IVESTER ET AL.* Ct. App. S. C. Certiorari denied.

No. 97-9167. *MACIEL v. ROE, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 97-9168. *MCCOY v. SMITH, WARDEN, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 134 F. 3d 363.

No. 97-9169. *MAYBERRY v. GABRY*. C. A. 6th Cir. Certiorari denied. Reported below: 142 F. 3d 435.

No. 97-9171. *TUERK v. FLORIDA BOARD OF BAR EXAMINERS*. Sup. Ct. Fla. Certiorari denied.

No. 97-9172. *WHITE v. RIGSBY ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 124 F. 3d 1298.

No. 97-9175. *SIRIPONGS v. CALDERON, WARDEN*. C. A. 9th Cir. Certiorari denied. Reported below: 133 F. 3d 732.

No. 97-9176. *TATUM v. LANHAM, COMMISSIONER, MARYLAND DIVISION OF CORRECTION, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 131 F. 3d 136.

No. 97-9177. *TUDOROV v. COLAZO*. C. A. 2d Cir. Certiorari denied.

No. 97-9178. *MENDOZA v. FLORIDA*. Sup. Ct. Fla. Certiorari denied. Reported below: 700 So. 2d 670.

No. 97-9179. *ALBERTS ET UX. v. GRAY*. Ct. App. Mich. Certiorari denied.

October 5, 1998

525 U. S.

No. 97-9185. *DUNNUGAN v. KEANE*, SUPERINTENDENT, SING SING CORRECTIONAL FACILITY. C. A. 2d Cir. Certiorari denied. Reported below: 137 F. 3d 117.

No. 97-9188. *LISLE v. NEVADA*. Sup. Ct. Nev. Certiorari denied. Reported below: 113 Nev. 540, 937 P. 2d 473.

No. 97-9189. *MALONE v. SHAPIRO*. Ct. App. D. C. Certiorari denied.

No. 97-9190. *MASON v. UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF FLORIDA*. C. A. 11th Cir. Certiorari denied.

No. 97-9192. *BLOUNT v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 140 F. 3d 1041.

No. 97-9193. *JOHNSON v. MELTZER ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 134 F. 3d 1393.

No. 97-9195. *HESS v. RYAN, WARDEN, ET AL.* Ct. App. Ariz. Certiorari denied.

No. 97-9196. *GREGORY v. OHIO*. Ct. App. Ohio, Lucas County. Certiorari denied.

No. 97-9197. *EWING v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied.

No. 97-9198. *GLEATON v. MOORE, DIRECTOR, SOUTH CAROLINA DEPARTMENT OF CORRECTIONS, ET AL.*; and

No. 97-9264. *GILBERT v. MOORE, DIRECTOR, SOUTH CAROLINA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 134 F. 3d 642.

No. 97-9201. *WHITFIELD v. FLORIDA*. Sup. Ct. Fla. Certiorari denied. Reported below: 706 So. 2d 1.

No. 97-9202. *ZAMPARDI v. UNITED STATES*; and

No. 97-9488. *CASSANO v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 132 F. 3d 646.

No. 97-9205. *JOHNSON v. WATERS, WARDEN*. C. A. 11th Cir. Certiorari denied.

No. 97-9206. *CHARLTON v. DUNCAN, WARDEN*. C. A. 9th Cir. Certiorari denied. Reported below: 129 F. 3d 124.

525 U.S.

October 5, 1998

No. 97-9207. *SWOFFORD v. SCILLIA, WARDEN*. C. A. 7th Cir. Certiorari denied. Reported below: 137 F. 3d 442.

No. 97-9210. *RIPPO v. NEVADA*. Sup. Ct. Nev. Certiorari denied. Reported below: 113 Nev. 1239, 946 P. 2d 1017.

No. 97-9211. *ROSELLE v. DEPARTMENT OF THE INTERIOR*. C. A. 9th Cir. Certiorari denied. Reported below: 133 F. 3d 928.

No. 97-9212. *O'ROURKE v. FLORIDA*. Dist. Ct. App. Fla., 5th Dist. Certiorari denied. Reported below: 696 So. 2d 387.

No. 97-9215. *PROWELL v. INDIANA*. Sup. Ct. Ind. Certiorari denied. Reported below: 687 N. E. 2d 563.

No. 97-9216. *PINCKNEY v. STINSON, SUPERINTENDENT, GREAT MEADOW CORRECTIONAL FACILITY*. C. A. 2d Cir. Certiorari denied. Reported below: 164 F. 3d 618.

No. 97-9219. *WEATHERSPOON v. HERMAN, SECRETARY OF LABOR*. C. A. 7th Cir. Certiorari denied. Reported below: 134 F. 3d 375.

No. 97-9222. *SOWERS v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 136 F. 3d 24.

No. 97-9224. *VARNADO v. CAIN, WARDEN, ET AL.* C. A. 5th Cir. Certiorari denied.

No. 97-9225. *BALTIN ET UX. v. ALARON TRADING CORP.* C. A. 11th Cir. Certiorari denied. Reported below: 128 F. 3d 1466.

No. 97-9226. *RALEIGH v. FLORIDA*. Sup. Ct. Fla. Certiorari denied. Reported below: 705 So. 2d 1324.

No. 97-9227. *SAN MARTIN v. FLORIDA*. Sup. Ct. Fla. Certiorari denied. Reported below: 705 So. 2d 1337.

No. 97-9228. *MURRAY v. ALFORD, WARDEN*. Sup. Ct. Fla. Certiorari denied. Reported below: 707 So. 2d 1126.

No. 97-9229. *MILLER-JACKSON v. MEAD CORP. ET AL.*;  
No. 97-9318. *SMITH v. MEAD CORP. ET AL.*; and  
No. 97-9346. *HOLCOMB v. MEAD CORP. ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 139 F. 3d 891.

October 5, 1998

525 U. S.

No. 97-9230. *JACOBS v. JACOBS ET AL.* Ct. App. Minn. Certiorari denied.

No. 97-9232. *MARTIN v. NORRIS, DIRECTOR, ARKANSAS DEPARTMENT OF CORRECTION.* C. A. 8th Cir. Certiorari denied.

No. 97-9234. *PIKITUS v. BOROUGH OF SHENANDOAH SEWAGE DEPARTMENT.* C. A. 3d Cir. Certiorari denied.

No. 97-9235. *BRANCATO v. FISCHER ET AL.* C. A. 8th Cir. Certiorari denied.

No. 97-9238. *LIMEHOUSE v. RED LOBSTER, INC.* C. A. 11th Cir. Certiorari denied. Reported below: 138 F. 3d 955.

No. 97-9239. *KINSLOW v. UNITED STATES.* C. A. 10th Cir. Certiorari denied. Reported below: 136 F. 3d 1399.

No. 97-9240. *KING v. SINGLETARY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 97-9241. *SPAULDING v. LEE, ADMINISTRATOR, CALEDONIA CORRECTIONAL INSTITUTION.* C. A. 4th Cir. Certiorari denied. Reported below: 139 F. 3d 892.

No. 97-9244. *MURRAY v. ALFORD, WARDEN.* Sup. Ct. Fla. Certiorari denied. Reported below: 707 So. 2d 1126.

No. 97-9245. *MCCLUSTER v. SINGLETARY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS.* Sup. Ct. Fla. Certiorari denied. Reported below: 717 So. 2d 535.

No. 97-9248. *JONES v. ALABAMA ET AL.* C. A. 11th Cir. Certiorari denied.

No. 97-9251. *BAST v. GLASBERG ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 129 F. 3d 1258.

No. 97-9255. *HENDERSON v. UNIVERSITY OF COLORADO AT BOULDER.* C. A. 10th Cir. Certiorari denied. Reported below: 139 F. 3d 912.

No. 97-9259. *HIRT v. GIRARD, MINNESOTA COMMISSIONER OF REVENUE.* Ct. App. Minn. Certiorari denied.

525 U.S.

October 5, 1998

No. 97-9262. *HILLSMAN v. NEW JERSEY*. Super. Ct. N. J., App. Div. Certiorari denied.

No. 97-9263. *HOWARD v. MOORE, DIRECTOR, SOUTH CAROLINA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 131 F. 3d 399.

No. 97-9273. *WHITE v. OHIO*. Ct. App. Ohio, Cuyahoga County. Certiorari denied.

No. 97-9274. *WEAVER v. GEORGE ET AL.* Commw. Ct. Pa. Certiorari denied. Reported below: 696 A. 2d 939.

No. 97-9275. *HENDERSON v. IOWA ET AL.* C. A. 8th Cir. Certiorari denied.

No. 97-9276. *GILLIAM v. SIMMS, SECRETARY, MARYLAND DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.* C. A. 4th Cir. Certiorari denied. Reported below: 133 F. 3d 914.

No. 97-9280. *ADAMS v. LOCKHEED MARTIN*. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 701 So. 2d 869.

No. 97-9281. *SONNIER v. CAIN, WARDEN*. C. A. 5th Cir. Certiorari denied.

No. 97-9282. *PALMER v. VIRGINIA*. Sup. Ct. Va. Certiorari denied.

No. 97-9284. *SHAW v. BOWERSOX, SUPERINTENDENT, POTOSI CORRECTIONAL CENTER*. C. A. 8th Cir. Certiorari denied.

No. 97-9287. *RUSSO v. SAN FRANCISCO COUNTY, CALIFORNIA, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 97-9289. *MORKE v. GARRAGHTY, WARDEN* (four judgments). Sup. Ct. Va. Certiorari denied.

No. 97-9290. *MC EVOY v. HOAG*. Ct. App. Ariz. Certiorari denied.

No. 97-9292. *RICHMOND v. NORTH CAROLINA*. Sup. Ct. N. C. Certiorari denied. Reported below: 347 N. C. 412, 495 S. E. 2d 677.

October 5, 1998

525 U. S.

No. 97-9293. *TUCKER v. BARTON ET AL.* C. A. 10th Cir. Certiorari denied.

No. 97-9295. *COCHRAN v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 135 F. 3d 770.

No. 97-9297. *BARRETT v. ARIZONA.* Ct. App. Ariz. Certiorari denied.

No. 97-9298. *ROCHE v. UNITED STATES;* and  
No. 97-9367. *RIVERA v. UNITED STATES.* C. A. 3d Cir. Certiorari denied.

No. 97-9299. *SWEATT v. UNITED STATES.* C. A. D. C. Cir. Certiorari denied. Reported below: 130 F. 3d 451.

No. 97-9300. *SANCHEZ PALACIOS v. THOMPSON, SUPERINTENDENT, OREGON STATE PENITENTIARY, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 139 F. 3d 907.

No. 97-9303. *COLWELL v. NEVADA.* Sup. Ct. Nev. Certiorari denied. Reported below: 112 Nev. 807, 919 P. 2d 403.

No. 97-9306. *WHITLEY v. MICHIGAN.* Ct. App. Mich. Certiorari denied.

No. 97-9307. *VIDAL v. SINGLETARY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS.* C. A. 11th Cir. Certiorari denied.

No. 97-9308. *WILSON v. KINKELA ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 145 F. 3d 1335.

No. 97-9309. *DIAZ, AKA THOMAS v. BRADY.* C. A. 8th Cir. Certiorari denied.

No. 97-9310. *WALTON v. APFEL, COMMISSIONER OF SOCIAL SECURITY.* C. A. 8th Cir. Certiorari denied.

No. 97-9311. *MORETTI v. UNITED STATES.* C. A. Fed. Cir. Certiorari denied. Reported below: 135 F. 3d 778.

No. 97-9312. *KEY v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 145 F. 3d 1327.

No. 97-9315. *MINERD v. PENNSYLVANIA.* Super. Ct. Pa. Certiorari denied. Reported below: 698 A. 2d 1347.

525 U.S.

October 5, 1998

No. 97-9317. *RAMSEY v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 97-9320. *SAMPANG v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 125 F. 3d 859.

No. 97-9321. *WATSON v. JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 97-9322. *WOLPER v. MCGRAW-HILL, INC.* C. A. 2d Cir. Certiorari denied. Reported below: 162 F. 3d 1149.

No. 97-9323. *RAMPEY v. BALDWIN, SUPERINTENDENT, EASTERN OREGON CORRECTIONAL INSTITUTION*. C. A. 9th Cir. Certiorari denied. Reported below: 141 F. 3d 1178.

No. 97-9324. *ROLEY v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 97-9325. *BORDEN v. ALABAMA*. Sup. Ct. Ala. Certiorari denied. Reported below: 711 So. 2d 506.

No. 97-9327. *PEREZ v. PRUNTY, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 139 F. 3d 907.

No. 97-9328. *SMITH v. NORTH CAROLINA*. Sup. Ct. N. C. Certiorari denied. Reported below: 347 N. C. 453, 496 S. E. 2d 357.

No. 97-9330. *TURNER v. JOHNSON*. C. A. 8th Cir. Certiorari denied.

No. 97-9331. *PRICE v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 134 F. 3d 340.

No. 97-9334. *OCHOA-FLORES v. TOMBONE, WARDEN*. C. A. 5th Cir. Certiorari denied. Reported below: 145 F. 3d 359.

No. 97-9337. *AIKENS v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 132 F. 3d 452.

No. 97-9338. *DAVIS v. CITY OF PITTSBURGH*. C. A. 3d Cir. Certiorari denied.

No. 97-9339. *ERVIN v. BOWERSOX, SUPERINTENDENT, POTOSI CORRECTIONAL CENTER*. C. A. 8th Cir. Certiorari denied.

October 5, 1998

525 U. S.

No. 97-9340. *HAWKINS v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 139 F. 3d 902.

No. 97-9342. *HART v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 3d Cir. Certiorari denied. Reported below: 135 F. 3d 764.

No. 97-9344. *DAVIS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 141 F. 3d 1180.

No. 97-9345. *FRETWELL v. NORRIS, DIRECTOR, ARKANSAS DEPARTMENT OF CORRECTION*. C. A. 8th Cir. Certiorari denied. Reported below: 133 F. 3d 621.

No. 97-9347. *GHOLSTON v. HOOKS, WARDEN, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 97-9348. *SMITH v. TENNESSEE*. Ct. Crim. App. Tenn. Certiorari denied.

No. 97-9349. *ROBINSON v. RATNARAJAH ET AL.* C. A. 5th Cir. Certiorari denied.

No. 97-9350. *SAMMONS v. NELSON, WARDEN, ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 139 F. 3d 912.

No. 97-9351. *SATTERWHITE v. SMALL ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 136 F. 3d 137.

No. 97-9353. *MCCOY v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

No. 97-9354. *BOYD v. TENNESSEE*. Sup. Ct. Tenn. Certiorari denied. Reported below: 959 S. W. 2d 557.

No. 97-9355. *COBBS v. UNITED STATES*;

No. 97-9369. *LATSON v. UNITED STATES*; and

No. 97-9562. *WILLIAMS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 139 F. 3d 896.

No. 97-9356. *CALLAWAY v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 132 F. 3d 1459.

No. 97-9357. *COLEMAN v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 132 F. 3d 440.

No. 97-9359. *BREECH v. ALABAMA POWER CO. ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 140 F. 3d 1043.

525 U.S.

October 5, 1998

No. 97-9360. *PERRY v. UNITED STATES*. C. A. Fed. Cir. Certiorari denied. Reported below: 135 F. 3d 775.

No. 97-9363. *CUMMINGS v. STEWART, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 132 F. 3d 38.

No. 97-9364. *COATES v. SHALALA, SECRETARY OF HEALTH AND HUMAN SERVICES*. C. A. 4th Cir. Certiorari denied. Reported below: 133 F. 3d 914.

No. 97-9365. *PADILLA-FLORES v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 141 F. 3d 1182.

No. 97-9366. *PHILLIPS v. TENNESSEE*. Ct. Crim. App. Tenn. Certiorari denied. Reported below: 968 S. W. 2d 874.

No. 97-9368. *QUINONES-RUIZ v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 139 F. 3d 909.

No. 97-9370. *MOORE v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 139 F. 3d 895.

No. 97-9371. *LYONS v. SILLS*. Sup. Ct. Ariz. Certiorari denied.

No. 97-9372. *MISIRLI v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 134 F. 3d 380.

No. 97-9373. *BLOCH v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 137 F. 3d 252.

No. 97-9374. *AGHAJI v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 142 F. 3d 445.

No. 97-9375. *SMITH v. PENNSYLVANIA*. Sup. Ct. Pa. Certiorari denied. Reported below: 548 Pa. 65, 694 A. 2d 1086.

No. 97-9376. *PETERSON v. APFEL, COMMISSIONER OF SOCIAL SECURITY*. C. A. 8th Cir. Certiorari denied.

No. 97-9377. *WILLIAMS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 138 F. 3d 955.

No. 97-9378. *CARTER v. WEST VIRGINIA*. Sup. Ct. App. W. Va. Certiorari denied.

October 5, 1998

525 U. S.

No. 97-9379. *POOLER v. FLORIDA*. Sup. Ct. Fla. Certiorari denied. Reported below: 704 So. 2d 1375.

No. 97-9380. *ROSENBERG v. DEPARTMENT OF THE AIR FORCE ET AL.* C. A. D. C. Cir. Certiorari denied.

No. 97-9381. *POPE v. BOARD OF SCHOOL COMMISSIONERS OF BALTIMORE CITY ET AL.* Ct. Sp. App. Md. Certiorari denied. Reported below: 116 Md. App. 744.

No. 97-9382. *BEYDLER v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 141 F. 3d 1180.

No. 97-9383. *BROWN v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 139 F. 3d 893.

No. 97-9384. *BRESSI v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 149 F. 3d 1165.

No. 97-9385. *HARRIS v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 137 F. 3d 1058.

No. 97-9386. *FRETWELL v. NORRIS, DIRECTOR, ARKANSAS DEPARTMENT OF CORRECTION*. C. A. 8th Cir. Certiorari denied.

No. 97-9387. *HARRIS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 139 F. 3d 894.

No. 97-9389. *FLEMING v. UNITED STATES ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 131 F. 3d 134.

No. 97-9390. *CARTER v. OHIO*. Ct. App. Ohio, Hamilton County. Certiorari denied.

No. 97-9391. *RASHED v. DORSEY ET AL.* C. A. 3d Cir. Certiorari denied.

No. 97-9392. *STEWART v. HECHINGER STORES Co.* Ct. Sp. App. Md. Certiorari denied. Reported below: 118 Md. App. 354, 702 A. 2d 946.

No. 97-9393. *PANETTI v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied.

No. 97-9394. *BISZALIK v. MICHIGAN*. Ct. App. Mich. Certiorari denied.

525 U.S.

October 5, 1998

No. 97-9395. *LARA-GUEVARA v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 130 F. 3d 442.

No. 97-9396. *NELSON v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 141 F. 3d 1171.

No. 97-9397. *KIRKLAND v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 138 F. 3d 959.

No. 97-9398. *LEUVANO v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 141 F. 3d 1186.

No. 97-9399. *MARTINEZ v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 136 F. 3d 972.

No. 97-9400. *KIRKSEY v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 138 F. 3d 120.

No. 97-9401. *LOPEZ-ELIZONDO v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 133 F. 3d 908.

No. 97-9402. *LIEBERMAN v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 156 F. 3d 1226.

No. 97-9403. *SPEARS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 141 F. 3d 1182.

No. 97-9404. *OWEN v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 134 F. 3d 380.

No. 97-9405. *POWERS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 139 F. 3d 899.

No. 97-9406. *BAIRD v. INDIANA*. Sup. Ct. Ind. Certiorari denied. Reported below: 688 N. E. 2d 911.

No. 97-9407. *CHIPPEWA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 141 F. 3d 1180.

No. 97-9408. *ALLISON v. UNITED STATES*; and

No. 97-9555. *STAFFORD v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 136 F. 3d 1109.

No. 97-9409. *ZARATE-MARTINEZ v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 133 F. 3d 1194.

October 5, 1998

525 U. S.

No. 97-9410. *WRIGHT v. SINGLETARY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS*. Sup. Ct. Fla. Certiorari denied. Reported below: 717 So. 2d 543.

No. 97-9411. *URBAN v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 140 F. 3d 229.

No. 97-9412. *WOLLESEN v. SACASA*. Ct. Sp. App. Md. Certiorari denied. Reported below: 118 Md. App. 722.

No. 97-9413. *WILLIAMS v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 87 F. 3d 249.

No. 97-9415. *HOY v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 137 F. 3d 726.

No. 97-9416. *GRIMMOND v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 137 F. 3d 823.

No. 97-9417. *GELLERT v. COMMISSIONER OF INTERNAL REVENUE ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 124 F. 3d 1299.

No. 97-9418. *GRANT v. REGENTS OF THE UNIVERSITY OF CALIFORNIA ET AL.* Ct. App. Cal., 3d App. Dist. Certiorari denied.

No. 97-9419. *HECHINGER v. DELAWARE*. Sup. Ct. Del. Certiorari denied. Reported below: 707 A. 2d 766.

No. 97-9420. *HART v. SINGLETARY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS*. Sup. Ct. Fla. Certiorari denied. Reported below: 707 So. 2d 1124.

No. 97-9421. *DANIELS v. SINGLETARY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS*. Sup. Ct. Fla. Certiorari denied. Reported below: 717 So. 2d 530.

No. 97-9422. *HOUSTON v. ANDERSON, WARDEN*. C. A. 6th Cir. Certiorari denied. Reported below: 129 F. 3d 1264.

No. 97-9424. *HESTER v. UNITED STATES*. C. A. Armed Forces. Certiorari denied. Reported below: 47 M. J. 461.

No. 97-9425. *FLY v. GEORGIA*. Ct. App. Ga. Certiorari denied. Reported below: 229 Ga. App. 374, 494 S. E. 2d 95.

525 U.S.

October 5, 1998

No. 97-9427. *DAWSON ET AL. v. DISTRICT OF COLUMBIA*. C. A. D. C. Cir. Certiorari denied. Reported below: 139 F. 3d 940.

No. 97-9428. *NOLAND v. FRENCH, WARDEN*. C. A. 4th Cir. Certiorari denied. Reported below: 134 F. 3d 208.

No. 97-9430. *WATSON v. SINGLETARY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 97-9431. *JACKSON v. CASPARI, SUPERINTENDENT, MISSOURI EASTERN CORRECTIONAL CENTER*. C. A. 8th Cir. Certiorari denied.

No. 97-9432. *MOREJON v. FLORIDA*. Dist. Ct. App. Fla., 3d Dist. Certiorari denied. Reported below: 698 So. 2d 613.

No. 97-9433. *BUENO v. UNITED STATES*. C. A. 1st Cir. Certiorari denied.

No. 97-9434. *PATTERSON v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 138 F. 3d 956.

No. 97-9435. *EINFELDT v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 138 F. 3d 373.

No. 97-9436. *BAILEY v. UNITED STATES*. Ct. App. D. C. Certiorari denied. Reported below: 709 A. 2d 708.

No. 97-9437. *BLACK v. OKLAHOMA*. Ct. Crim. App. Okla. Certiorari denied.

No. 97-9438. *BROWN v. WHITE, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 97-9439. *BRUCCHERI v. ARIZONA*. Ct. App. Ariz. Certiorari denied.

No. 97-9440. *TROBAUGH v. IOWA*. C. A. 8th Cir. Certiorari denied. Reported below: 141 F. 3d 1170.

No. 97-9443. *TAYLOR v. SHARP*. C. A. 5th Cir. Certiorari denied. Reported below: 140 F. 3d 1037.

No. 97-9444. *WILKIE v. JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION*. C. A. 5th Cir. Certiorari denied.

October 5, 1998

525 U. S.

No. 97-9445. *WHITSEL v. HUNDLEY, WARDEN*. C. A. 8th Cir. Certiorari denied.

No. 97-9446. *ANTONELLI v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 97-9447. *AULTMAN v. ALFORD, WARDEN*. Sup. Ct. Fla. Certiorari denied. Reported below: 707 So. 2d 1123.

No. 97-9448. *TUAN ANH NGUYEN v. REYNOLDS, WARDEN*. C. A. 10th Cir. Certiorari denied. Reported below: 131 F. 3d 1340.

No. 97-9449. *LINK v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 141 F. 3d 1171.

No. 97-9450. *ANDERSON v. ALABAMA*. Ct. Crim. App. Ala. Certiorari denied. Reported below: 725 So. 2d 1082.

No. 97-9451. *CAPUTO v. CLARK, WARDEN*. C. A. 7th Cir. Certiorari denied. Reported below: 132 F. 3d 36.

No. 97-9452. *BROWN v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 142 F. 3d 437.

No. 97-9453. *BROWN v. FRAZIER*. C. A. 4th Cir. Certiorari denied. Reported below: 135 F. 3d 769.

No. 97-9456. *POWELL v. BATTLE, WARDEN*. C. A. 11th Cir. Certiorari denied.

No. 97-9457. *SAYADI-TAKHTEHKAR v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 139 F. 3d 899.

No. 97-9458. *RUTHERFORD v. ROE, WARDEN, ET AL.* C. A. 9th Cir.

No. 97-9459. *SPAGNOULO v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 130 F. 3d 443.

No. 97-9460. *O'BRIEN v. GENERAL MOTORS CORP. ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 142 F. 3d 444.

No. 97-9461. *ROBERSON v. TEXAS*. Ct. App. Tex., 3d Dist. Certiorari denied.

No. 97-9462. *BENSON v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

525 U.S.

October 5, 1998

No. 97-9464. *WILLIAMS v. CAIN, WARDEN*. C. A. 5th Cir. Certiorari denied.

No. 97-9465. *BRABSON v. TENNESSEE; DAVIS v. TENNESSEE; and WILLIAMSON v. TENNESSEE*. Ct. Crim. App. Tenn. Certiorari denied.

No. 97-9466. *LAGOYE v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 122 F. 3d 1075.

No. 97-9467. *JORDAN v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 134 F. 3d 361.

No. 97-9468. *MCDONNELL, AKA JUSTICE v. CLINTON, PRESIDENT OF THE UNITED STATES*. C. A. D. C. Cir. Certiorari denied. Reported below: 132 F. 3d 1481.

No. 97-9469. *LANCASTER v. GRIFFIN ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 134 F. 3d 378.

No. 97-9470. *OWENS v. LUNGREN, ATTORNEY GENERAL OF CALIFORNIA, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 141 F. 3d 1178.

No. 97-9471. *SOTO-CERVANTES v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 138 F. 3d 1319.

No. 97-9472. *ROGERS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 139 F. 3d 899.

No. 97-9473. *ALEGRE v. CALIFORNIA*. Ct. App. Cal., 3d App. Dist. Certiorari denied.

No. 97-9474. *CLAREY v. GREGG, UNITED STATES MARSHAL FOR THE SOUTHERN DISTRICT OF CALIFORNIA*. C. A. 9th Cir. Certiorari denied. Reported below: 138 F. 3d 764.

No. 97-9476. *ASBURY v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 138 F. 3d 956.

No. 97-9477. *MICKEY v. NORTH CAROLINA*. Sup. Ct. N. C. Certiorari denied. Reported below: 347 N. C. 508, 495 S. E. 2d 669.

No. 97-9478. *LAZO-ORTIZ, AKA LAZA v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 136 F. 3d 1282.

October 5, 1998

525 U. S.

No. 97-9479. *MATHIS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 139 F. 3d 899.

No. 97-9480. *MARSH v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 149 F. 3d 1166.

No. 97-9481. *MENDOZA v. HAWAII*. Sup. Ct. Haw. Certiorari denied.

No. 97-9482. *IOANE v. COWARD*. C. A. 9th Cir. Certiorari denied. Reported below: 127 F. 3d 1105.

No. 97-9483. *LIESS v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 149 F. 3d 1166.

No. 97-9484. *PENNELLORE v. DUBOIS, COMMISSIONER, MASSACHUSETTS DEPARTMENT OF CORRECTION*. C. A. 1st Cir. Certiorari denied.

No. 97-9485. *CARTA v. UNITED STATES*;

No. 98-5109. *GILMORE v. UNITED STATES*;

No. 98-5131. *MCALEER v. UNITED STATES*; and

No. 98-5132. *MCALEER v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 138 F. 3d 852.

No. 97-9487. *COX v. SARGENT ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 136 F. 3d 349.

No. 97-9489. *BOWLER v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 117 F. 3d 1416.

No. 97-9490. *CRELEY v. LEMASTER, WARDEN, ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 139 F. 3d 911.

No. 97-9491. *BENDER v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 129 F. 3d 1265.

No. 97-9492. *SITTMAN v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 97-9493. *PEYTON v. UNITED STATES*. Ct. App. D. C. Certiorari denied. Reported below: 709 A. 2d 65.

No. 97-9494. *PORTORREAL-QUEZADA v. UNITED STATES*. C. A. 1st Cir. Certiorari denied.

No. 97-9495. *RIOJAS v. RICE, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied.

525 U.S.

October 5, 1998

No. 97-9496. *MILLER v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 145 F. 3d 1347.

No. 97-9497. *MOORE v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 141 F. 3d 1182.

No. 97-9498. *MONTERO-MORLOTTI v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 141 F. 3d 1182.

No. 97-9499. *MARA v. HAWAII*. Sup. Ct. Haw. Certiorari denied. Reported below: 85 Haw. 320, 944 P. 2d 693.

No. 97-9500. *HARING ET UX. v. IR FEDERAL CREDIT UNION*. Sup. Ct. Va. Certiorari denied.

No. 97-9501. *HARRISON v. HAWAII*. Sup. Ct. Haw. Certiorari denied.

No. 97-9502. *BRODNAX v. VAUGHN, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT GRATERFORD, ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 142 F. 3d 427.

No. 97-9503. *MATHIS v. ODEN ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 134 F. 3d 378.

No. 97-9505. *MCKENZIE v. PENNSYLVANIA ET AL.* C. A. 3d Cir. Certiorari denied.

No. 97-9506. *LENDER v. MASSACHUSETTS*. App. Ct. Mass. Certiorari denied. Reported below: 43 Mass. App. 1115, 685 N. E. 2d 490.

No. 97-9507. *PEREZ BUSTILLO v. UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA*. C. A. 9th Cir. Certiorari denied.

No. 97-9508. *COLEMAN v. JACOBS ET AL.* C. A. 2d Cir. Certiorari denied.

No. 97-9509. *ALEXANDER v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 135 F. 3d 470.

No. 97-9510. *COLIDA v. SONY CORPORATION OF AMERICA*. C. A. Fed. Cir. Certiorari denied. Reported below: 152 F. 3d 940.

October 5, 1998

525 U. S.

No. 97-9511. *CLEWELL v. UNITED CHURCH OF CHRIST ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 132 F. 3d 32.

No. 97-9512. *STEWART v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 141 F. 3d 1182.

No. 97-9513. *PAPPAS v. PAPPAS.* Sup. Ct. Del. Certiorari denied. Reported below: 707 A. 2d 766.

No. 97-9514. *SOLOMON v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. Reported below: 159 F. 3d 1349.

No. 97-9515. *HARRIS v. UNITED STATES POSTAL SERVICE.* C. A. Fed. Cir. Certiorari denied. Reported below: 132 F. 3d 54.

No. 97-9516. *GALLO v. KERNAN, WARDEN.* C. A. 9th Cir. Certiorari denied. Reported below: 141 F. 3d 1175.

No. 97-9518. *HARPER v. CRABTREE, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 127 F. 3d 1105.

No. 97-9519. *GOBLE v. OKLAHOMA.* Ct. Crim. App. Okla. Certiorari denied.

No. 97-9520. *EDWARDS v. LOUISIANA.* Sup. Ct. La. Certiorari denied. Reported below: 709 So. 2d 766.

No. 97-9521. *GLOVER v. SINGLETARY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* Sup. Ct. Fla. Certiorari denied. Reported below: 717 So. 2d 531.

No. 97-9522. *GLOVER v. DEPARTMENT OF HEALTH AND HUMAN SERVICES ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 129 F. 3d 1259.

No. 97-9523. *HINSON v. GEORGIA.* Sup. Ct. Ga. Certiorari denied.

No. 97-9524. *DAVENPORT v. OWENS ET AL.* C. A. 3d Cir. Certiorari denied.

No. 97-9526. *BUCKNER v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 108 F. 3d 331.

No. 97-9527. *ALLEN v. CALIFORNIA.* Ct. App. Cal., 1st App. Dist. Certiorari denied.

525 U.S.

October 5, 1998

No. 97-9528. *BURG v. RAVEN, KIRSCHNER & NORELL, P. C.* Ct. App. Ariz. Certiorari denied.

No. 97-9529. *ASHIEGBU v. KIM ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 145 F. 3d 1329.

No. 97-9530. *CHITTY v. NEBRASKA.* Sup. Ct. Neb. Certiorari denied. Reported below: 253 Neb. 753, 571 N. W. 2d 794.

No. 97-9531. *CLARK v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 141 F. 3d 1180.

No. 97-9532. *SWINTON v. UNITED STATES.* C. A. 3d Cir. Certiorari denied. Reported below: 151 F. 3d 1027.

No. 97-9533. *JOYNER v. TAYLOR, DEPUTY SHERIFF, SHELBY COUNTY, TENNESSEE, ET AL.* Ct. App. Tenn. Certiorari denied. Reported below: 968 S. W. 2d 847.

No. 97-9534. *BOWES v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 139 F. 3d 900.

No. 97-9535. *CORNEJO v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 141 F. 3d 1180.

No. 97-9536. *BONEV v. UNITED STATES.* C. A. 3d Cir. Certiorari denied. Reported below: 149 F. 3d 1165.

No. 97-9537. *MOCKS v. MASSACHUSETTS.* Sup. Jud. Ct. Mass. Certiorari denied. Reported below: 426 Mass. 1018, 690 N. E. 2d 435.

No. 97-9538. *LYLES v. NEW YORK.* App. Div., Sup. Ct. N. Y., 2d Jud. Dept. Certiorari denied. Reported below: 243 App. Div. 2d 729, 665 N. Y. S. 2d 316.

No. 97-9539. *MYERS v. PENNSYLVANIA.* Super. Ct. Pa. Certiorari denied. Reported below: 704 A. 2d 694.

No. 97-9540. *ROBINSON v. HENDERSON ET AL.* C. A. 9th Cir. Certiorari denied.

No. 97-9541. *PENDER v. UNION COUNTY, NEW JERSEY, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 97-9542. *SPENCER v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 139 F. 3d 896.

October 5, 1998

525 U. S.

No. 97-9543. *WARD v. GENERAL MOTORS NATIONAL RETIREMENT SERVICE*. C. A. 9th Cir. Certiorari denied. Reported below: 112 F. 3d 518.

No. 97-9544. *TOTH v. UNITED STATES*. C. A. 1st Cir. Certiorari denied.

No. 97-9545. *ZUTHER v. MOON, JUDGE, SUPERIOR COURT OF ARIZONA, MOHAVE COUNTY*. Ct. App. Ariz. Certiorari denied.

No. 97-9546. *WILLIAMS v. JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 97-9547. *VILORIA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 141 F. 3d 1182.

No. 97-9548. *VELASQUEZ-TELLO v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 133 F. 3d 933.

No. 97-9549. *VALLE v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 141 F. 3d 1182.

No. 97-9550. *WALKER v. FLORIDA*. Dist. Ct. App. Fla., 5th Dist. Certiorari denied. Reported below: 701 So. 2d 1258.

No. 97-9551. *TONUBBEE v. RIVER PARISHES GUIDE ET AL.* Sup. Ct. La. Certiorari denied. Reported below: 709 So. 2d 747.

No. 97-9552. *ASHIEGBU v. HERRON, OHIO BUREAU OF EMPLOYMENT SERVICES, ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 145 F. 3d 1329.

No. 97-9556. *KING v. JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION*. C. A. 5th Cir. Certiorari denied. Reported below: 138 F. 3d 951.

No. 97-9557. *LUCKETT v. UNITED STATES ET AL.* C. A. 9th Cir. Certiorari denied.

No. 97-9558. *VAUGHN v. ARTUZ, SUPERINTENDENT, GREEN HAVEN CORRECTIONAL FACILITY*. C. A. 2d Cir. Certiorari denied. Reported below: 159 F. 3d 1349.

No. 97-9559. *THOMAS v. MISSOURI ET AL.* C. A. 8th Cir. Certiorari denied.

525 U.S.

October 5, 1998

No. 97-9560. *YOUNG v. DENNIS ET AL.* C. A. 11th Cir. Certiorari denied.

No. 97-9561. *ZERLA v. OHIO.* Ct. App. Ohio, Franklin County. Certiorari denied.

No. 97-9563. *STORY v. UNITED STATES.* C. A. 7th Cir. Certiorari denied. Reported below: 137 F. 3d 518.

No. 97-9564. *PAREDES-BATISTA v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. Reported below: 140 F. 3d 367.

No. 97-9565. *CRAWFORD v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 133 F. 3d 917.

No. 97-9566. *BETANCOURT v. WHITE, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 97-9567. *WILLIAMS v. CAIN, WARDEN.* C. A. 5th Cir. Certiorari denied. Reported below: 125 F. 3d 269.

No. 97-9568. *BOWMAN v. SINGLETARY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 97-9569. *CARTER v. ROE, WARDEN.* C. A. 9th Cir. Certiorari denied. Reported below: 145 F. 3d 1336.

No. 97-9572. *HUGHES v. MITCHELL, SUPERINTENDENT, EASTERN CORRECTIONAL FACILITY, ET AL.* C. A. 2d Cir. Certiorari denied.

No. 97-9573. *HARRISON v. HELMAN, WARDEN.* C. A. 7th Cir. Certiorari denied. Reported below: 142 F. 3d 439.

No. 97-9574. *FREEMAN v. ILLINOIS.* App. Ct. Ill., 4th Dist. Certiorari denied. Reported below: 291 Ill. App. 3d 1142, 716 N. E. 2d 888.

No. 97-9575. *HALL v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 127 F. 3d 1107.

No. 97-9576. *GONZALEZ v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 141 F. 3d 1180.

No. 97-9578. *GARCIA v. THOMAS, WARDEN, ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 141 F. 3d 1184.

October 5, 1998

525 U. S.

No. 97-9579. *DALLAS v. ALABAMA*. Sup. Ct. Ala. Certiorari denied. Reported below: 711 So. 2d 1114.

No. 97-9580. *HILL v. ARKANSAS*. Sup. Ct. Ark. Certiorari denied. Reported below: 331 Ark. 312, 962 S. W. 2d 762.

No. 97-9581. *GUILMAIN v. WASHINGTON FAMILY COURT*. Sup. Ct. Vt. Certiorari denied. Reported below: 167 Vt. 647, 708 A. 2d 200.

No. 97-9582. *BELO v. CITY OF HIGH POINT ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 139 F. 3d 887.

No. 97-9583. *ARNOUS v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 142 F. 3d 437.

No. 97-9584. *MATTHEWS v. KENTUCKY*. Sup. Ct. Ky. Certiorari denied.

No. 97-9585. *KNOTTNERUS v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 139 F. 3d 558.

No. 97-9586. *LEE v. CUSHMAN, INC.* C. A. 4th Cir. Certiorari denied. Reported below: 129 F. 3d 1259.

No. 97-9587. *METZ v. OHIO*. Ct. App. Ohio, Washington County. Certiorari denied.

No. 97-9588. *STEWART v. ANGLIKER ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 139 F. 3d 892.

No. 97-9590. *LESLIE v. NEVADA*. Sup. Ct. Nev. Certiorari denied. Reported below: 114 Nev. 8, 952 P. 2d 966.

No. 97-9591. *KEENAN v. OHIO*. Sup. Ct. Ohio. Certiorari denied. Reported below: 81 Ohio St. 3d 133, 689 N. E. 2d 929.

No. 97-9592. *WILLIAMS v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. Reported below: 159 F. 3d 638.

No. 97-9593. *TURNER v. UNITED STATES ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 151 F. 3d 1030.

No. 97-9594. *THOMAS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 139 F. 3d 899.

525 U.S.

October 5, 1998

No. 97-9595. *WILSON v. WASHINGTON, DIRECTOR, ILLINOIS DEPARTMENT OF CORRECTIONS*. C. A. 7th Cir. Certiorari denied. Reported below: 138 F. 3d 647.

No. 97-9596. *CRENSHAW v. KANSAS* (two judgments). Ct. App. Kan. Certiorari denied. Reported below: 24 Kan. App. 2d xxvii, 951 P. 2d 1322 (first judgment); 24 Kan. App. 2d xxvii, 951 P. 2d 1323 (second judgment).

No. 97-9597. *BRYANT v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 139 F. 3d 893.

No. 97-9598. *FULTON v. WHITLEY CIRCUIT COURT ET AL.* C. A. 6th Cir. Certiorari denied.

No. 97-9599. *GUAY v. STEGALL, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 97-9600. *FRANKLIN v. GAMMON, SUPERINTENDENT, Moberly Correctional Center, et al.* C. A. 8th Cir. Certiorari denied.

No. 97-9601. *FAIRBANK v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied. Reported below: 16 Cal. 4th 1223, 947 P. 2d 1321.

No. 97-9602. *HAWKINS v. OKLAHOMA*. Ct. Crim. App. Okla. Certiorari denied.

No. 97-9603. *WHALEY v. JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 97-9604. *TOBIAS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 140 F. 3d 1041.

No. 97-9605. *WRINKLES v. INDIANA*. Sup. Ct. Ind. Certiorari denied. Reported below: 690 N. E. 2d 1156.

No. 97-9606. *HIGGINS v. ARTUZ, SUPERINTENDENT, GREEN HAVEN CORRECTIONAL FACILITY, et al.* C. A. 2d Cir. Certiorari denied.

No. 97-9607. *DAVIS v. CAMPBELL, COMMISSIONER, TENNESSEE DEPARTMENT OF CORRECTION*. C. A. 6th Cir. Certiorari denied. Reported below: 145 F. 3d 1330.

October 5, 1998

525 U. S.

No. 97-9608. *GEITZ v. ILLINOIS*. App. Ct. Ill., 5th Dist. Certiorari denied. Reported below: 287 Ill. App. 3d 1139, 710 N. E. 2d 580.

No. 97-9609. *DIAZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 97-9610. *DANNALS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 141 F. 3d 1180.

No. 97-9611. *FARABAUGH v. ALLEGHENY VALLEY HOSPITAL ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 149 F. 3d 1164.

No. 97-9612. *ROSS v. RICE, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 133 F. 3d 928.

No. 97-9613. *SCHACKART v. ARIZONA*. Sup. Ct. Ariz. Certiorari denied. Reported below: 190 Ariz. 238, 947 P. 2d 315.

No. 97-9614. *SNAVELY v. CITY OF PALO ALTO*. C. A. 9th Cir. Certiorari denied.

No. 97-9616. *WILLIAMS v. EDGAR, JUDGE, UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TENNESSEE, ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 145 F. 3d 1335.

No. 97-9618. *BRELOVE v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 144 F. 3d 54.

No. 97-9619. *CANATELLA v. RENNE ET AL.* Ct. App. Cal., 1st App. Dist. Certiorari denied.

No. 97-9620. *HUNT v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 97-9621. *HARRISON v. TENNESSEE*. Ct. Crim. App. Tenn. Certiorari denied.

No. 97-9622. *HUFF, AKA THOMPSON v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

No. 97-9623. *DEBLASIO v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 134 F. 3d 364.

525 U.S.

October 5, 1998

No. 97-9624. *BIXLER v. SINGLETARY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS*. C. A. 11th Cir. Certiorari denied.

No. 97-9625. *KENNEDY v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 131 F. 3d 1371.

No. 97-9627. *CLAVETTE v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 135 F. 3d 1308.

No. 97-9628. *BOXLEY v. WEST VIRGINIA*. Sup. Ct. App. W. Va. Certiorari denied. Reported below: 201 W. Va. 292, 496 S. E. 2d 242.

No. 97-9629. *TIZER v. MONTGOMERY COUNTY ORPHANS' COURT*. Sup. Ct. Pa. Certiorari denied.

No. 97-9631. *UCHIMURA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 125 F. 3d 1282.

No. 97-9632. *STADTFELD v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 293 Ill. App. 3d 1135, 718 N. E. 2d 1089.

No. 97-9633. *EPLEY v. TEXAS*. Ct. App. Tex., 14th Dist. Certiorari denied.

No. 97-9634. *PARKUS v. BOWERSOX, SUPERINTENDENT, POTOSI CORRECTIONAL CENTER, ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 135 F. 3d 1232.

No. 97-9635. *RASH v. RAINS, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 97-9636. *SHAFFER v. WORKERS' COMPENSATION DIVISION ET AL.* Sup. Ct. App. W. Va. Certiorari denied.

No. 97-9637. *MARTIN v. DAVIS, WARDEN, ET AL.* C. A. 6th Cir. Certiorari denied.

No. 97-9638. *JUDD v. UNIVERSITY OF NEW MEXICO ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 134 F. 3d 367.

No. 97-9639. *KING v. BABBITT, SECRETARY OF THE INTERIOR*. C. A. 8th Cir. Certiorari denied. Reported below: 129 F. 3d 121.

October 5, 1998

525 U. S.

No. 97-9640. *ARRON C. v. CALIFORNIA*. Ct. App. Cal., 1st App. Dist. Certiorari denied. Reported below: 59 Cal. App. 4th 1365, 69 Cal. Rptr. 2d 852.

No. 97-9641. *BENNETT v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied.

No. 97-9642. *LUNDGREN v. YUKINS, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 97-9643. *MALONE v. CHAN*. Ct. App. D. C. Certiorari denied.

No. 97-9646. *BALDWIN v. EASLEY, ATTORNEY GENERAL OF NORTH CAROLINA, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 145 F. 3d 1323.

No. 97-9647. *OLIVER v. ERVIN ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 139 F. 3d 891.

No. 97-9648. *CAMACHO v. NEW JERSEY*. Sup. Ct. N. J. Certiorari denied. Reported below: 153 N. J. 54, 701 A. 2d 455.

No. 97-9649. *BELL v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 140 F. 3d 1041.

No. 97-9650. *SMITH v. UNITED STATES*. Ct. App. D. C. Certiorari denied. Reported below: 709 A. 2d 78.

No. 97-9651. *SHLEIFER v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 141 F. 3d 1182.

No. 97-9652. *WOOD v. PIERCE, SUPERINTENDENT, CASWELL CORRECTIONAL CENTER, ET AL.* Sup. Ct. N. C. Certiorari denied.

No. 97-9653. *RANDALL v. MANGELS ET AL.* Ct. App. Cal., 4th App. Dist. Certiorari denied.

No. 97-9654. *WALCZAK v. MASSACHUSETTS STATE RETIREMENT BOARD*. C. A. 1st Cir. Certiorari denied. Reported below: 141 F. 3d 1150.

No. 97-9656. *ROBINSON v. JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION*. C. A. 5th Cir. Certiorari denied.

525 U.S.

October 5, 1998

No. 97-9657. *NELSON v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 129 F. 3d 1266.

No. 97-9658. *KING v. FREEDMAN ET AL.* Super. Ct. N. H., Rockingham County. Certiorari denied.

No. 97-9659. *BONGIORNO v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 139 F. 3d 640.

No. 97-9660. *JONATHAN B. v. NEW MEXICO*. Sup. Ct. N. M. Certiorari denied. Reported below: 124 N. M. 620, 954 P. 2d 52.

No. 97-9663. *LAWRENCE v. BOWERSOX, SUPERINTENDENT, POTOSI CORRECTIONAL CENTER*. C. A. 8th Cir. Certiorari denied.

No. 97-9664. *KIRK v. KNIGHT ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 141 F. 3d 1190.

No. 97-9665. *BROWN v. JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 97-9666. *BARNETT v. GAMMON, SUPERINTENDENT, Moberly Correctional Center*. C. A. 8th Cir. Certiorari denied.

No. 97-9667. *ANDERSON v. GARNER, WARDEN*. C. A. 5th Cir. Certiorari denied.

No. 97-9668. *BOLTON v. WOOD, SUPERINTENDENT, WASHINGTON STATE PENITENTIARY*. C. A. 9th Cir. Certiorari denied.

No. 97-9669. *BAZROWX v. JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION, ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 136 F. 3d 1053.

No. 97-9670. *HOWE v. VIRGINIA*. Sup. Ct. Va. Certiorari denied.

No. 97-9671. *HUBBARD v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 97-9672. *HARRIS v. SINGLETARY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS*. Sup. Ct. Fla. Certiorari denied. Reported below: 717 So. 2d 532.

October 5, 1998

525 U. S.

No. 97-9673. *DUVIGNEAUD v. MORROW, ACTING SUPERINTENDENT, OREGON STATE PENITENTIARY*. C. A. 9th Cir. Certiorari denied. Reported below: 141 F. 3d 1175.

No. 97-9674. *HUMMEL v. BACA, JUDGE, DISTRICT COURT OF TEXAS, EL PASO COUNTY*. Ct. App. Tex., 8th Dist. Certiorari denied.

No. 97-9675. *GOINGS v. WHITE, SUPERINTENDENT, ALGOA CORRECTIONAL CENTER, ET AL.* C. A. 8th Cir. Certiorari denied.

No. 97-9677. *GALLOWAY v. SPEROS ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 122 F. 3d 1071.

No. 97-9678. *SMITH v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 139 F. 3d 896.

No. 97-9679. *OMOIKE v. LOUISIANA*. C. A. 5th Cir. Certiorari denied.

No. 97-9680. *GRAY v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 137 F. 3d 765.

No. 97-9681. *ANGULO FELIX v. ROE, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 97-9682. *KING v. SUPERIOR COURT OF NEW HAMPSHIRE, ROCKINGHAM COUNTY*. Sup. Ct. N. H. Certiorari denied.

No. 97-9683. *VINH HUNG LAM v. INTERIM SERVICES, INC.* C. A. 9th Cir. Certiorari denied. Reported below: 139 F. 3d 905.

No. 97-9684. *KING v. ELSER*. C. A. 5th Cir. Certiorari denied.

No. 97-9685. *COUTERMARSH v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 139 F. 3d 291.

No. 97-9687. *DURHAM v. UNITED STATES*; and  
No. 98-5065. *EVANS v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 139 F. 3d 1325.

No. 97-9688. *PEREZ v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 136 F. 3d 140.

525 U.S.

October 5, 1998

No. 97-9689. *ROSENBERG v. MONTGOMERY COUNTY, MARYLAND, ET AL.* C. A. D. C. Cir. Certiorari denied.

No. 97-9690. *CASAS, AKA CASAREZ v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 145 F. 3d 359.

No. 97-9691. *BRITO v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 136 F. 3d 397.

No. 97-9692. *BARTEL v. EASTERN AIRLINES.* C. A. 2d Cir. Certiorari denied. Reported below: 133 F. 3d 906.

No. 97-9693. *BROWN v. JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION.* C. A. 5th Cir. Certiorari denied.

No. 97-9694. *CAMPBELL v. CALIFORNIA.* Sup. Ct. Cal. Certiorari denied.

No. 98-1. *LONG ET AL. v. FIRSTRUST CORP.* C. A. 5th Cir. Certiorari denied. Reported below: 134 F. 3d 312.

No. 98-3. *MASTRONARDI v. OHIO.* Ct. App. Ohio, Erie County. Certiorari denied.

No. 98-5. *KIMBOKO v. UNITED STATES ET AL.* C. A. 10th Cir. Certiorari denied.

No. 98-7. *GRIMES v. VITALINK COMMUNICATIONS CORP.* Sup. Ct. Del. Certiorari denied. Reported below: 708 A. 2d 630.

No. 98-8. *FELDMAN ET AL. v. MORGAN.* C. A. 5th Cir. Certiorari denied. Reported below: 134 F. 3d 367.

No. 98-9. *EMANUEL ET AL., DBA SALVATION DISPOSAL & CONSTRUCTION CO. v. J. M. CONTAINER CORP.* Sup. Ct. N. H. Certiorari denied. Reported below: 142 N. H. xxvi.

No. 98-12. *ZIMMER v. NAUMANN, PARISH COUNCIL CHAIRPERSON, ET AL.* Ct. App. Minn. Certiorari denied.

No. 98-13. *WAGNER v. TRW, INC.* C. A. 5th Cir. Certiorari denied. Reported below: 139 F. 3d 898.

No. 98-14. *CLEVELAND ET AL. v. WILKEN, CLERK, CIRCUIT COURT, FIFTEENTH JUDICIAL CIRCUIT, PALM BEACH COUNTY,*

October 5, 1998

525 U. S.

FLORIDA, ET AL. C. A. 11th Cir. Certiorari denied. Reported below: 131 F. 3d 154.

No. 98-15. *ASTAIRE v. BEST FILM & VIDEO CORP.* C. A. 9th Cir. Certiorari denied. Reported below: 116 F. 3d 1297 and 136 F. 3d 1208.

No. 98-16. *BAUCUM v. SANDERS ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 134 F. 3d 331.

No. 98-20. *OGLESBY, INDIVIDUALLY AND AS REPRESENTATIVE OF THE ESTATE OF OGLESBY, DECEASED v. BROWN & WILLIAMSON TOBACCO CORP., INDIVIDUALLY AND AS SUCCESSOR BY MERGER TO AMERICAN TOBACCO Co., ET AL.;*

No. 98-31. *WHIRLEY v. BROWN & WILLIAMSON TOBACCO CORP., INDIVIDUALLY AND AS SUCCESSOR BY MERGER TO AMERICAN TOBACCO Co., ET AL.;* and

No. 98-71. *HULSEY v. BROWN & WILLIAMSON TOBACCO CORP., INDIVIDUALLY AND AS SUCCESSOR BY MERGER TO AMERICAN TOBACCO Co., ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 139 F. 3d 898.

No. 98-23. *ALEMAN v. CIRCUIT COURT OF COOK COUNTY, ILLINOIS, CRIMINAL DIVISION, ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 138 F. 3d 302.

No. 98-25. *ALEXANDER v. BAKER, ATTORNEY GENERAL OF GEORGIA, ET AL.* Sup. Ct. Ga. Certiorari denied. Reported below: 269 Ga. 340, 498 S. E. 2d 728.

No. 98-26. *NICULESCU v. IMMIGRATION AND NATURALIZATION SERVICE.* C. A. 9th Cir. Certiorari denied.

No. 98-27. *BLANKENSHIP v. ILLINOIS.* App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 292 Ill. App. 3d 1114, 717 N. E. 2d 857.

No. 98-29. *Z. J. GIFTS D-2, L. L. C., DBA CHRISTIE'S v. CITY OF AURORA.* C. A. 10th Cir. Certiorari denied. Reported below: 136 F. 3d 683.

No. 98-30. *LECHUZA VILLAS WEST v. CALIFORNIA COASTAL COMMISSION ET AL.* Ct. App. Cal., 2d App. Dist. Certiorari denied. Reported below: 60 Cal. App. 4th 218, 70 Cal. Rptr. 2d 399.

525 U.S.

October 5, 1998

No. 98–32. *ROUMELIOTIS v. POPA*. C. A. 1st Cir. Certiorari denied. Reported below: 140 F. 3d 317.

No. 98–33. *CHRISTENSON v. TURPIN, WARDEN*. Sup. Ct. Ga. Certiorari denied. Reported below: 269 Ga. 226, 497 S. E. 2d 216.

No. 98–34. *FERNANDES v. ENVIRONMENTAL PROTECTION AGENCY ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 142 F. 3d 428.

No. 98–35. *ATWATER v. FEDERAL EXPRESS CORP.* C. A. 8th Cir. Certiorari denied.

No. 98–36. *PRESTON v. GEORGIA POWER Co.* Ct. App. Ga. Certiorari denied. Reported below: 227 Ga. App. 449, 489 S. E. 2d 573.

No. 98–37. *TALANDA v. KFC NATIONAL MANAGEMENT Co., DBA KFC, AKA KENTUCKY FRIED CHICKEN*. C. A. 7th Cir. Certiorari denied. Reported below: 140 F. 3d 1090.

No. 98–39. *KLECAN ET AL. v. NEW MEXICO RIGHT TO CHOOSE/NARAL ET AL.* Sup. Ct. N. M. Certiorari denied.

No. 98–40. *LAFONTAINE v. COMMISSIONER OF CORRECTIONAL SERVICES OF NEW YORK*. C. A. 2d Cir. Certiorari denied. Reported below: 162 F. 3d 1148.

No. 98–41. *VERA CRUZ v. CITY OF ESCONDIDO*. C. A. 9th Cir. Certiorari denied. Reported below: 139 F. 3d 659.

No. 98–44. *GEE v. HUMPHRIES ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 141 F. 3d 1189.

No. 98–45. *COATS v. SMITH, SUPERINTENDENT, EASTERN CORRECTIONAL INSTITUTION*. C. A. 4th Cir. Certiorari denied. Reported below: 139 F. 3d 888.

No. 98–46. *BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES v. ATCHISON, TOPEKA & SANTA FE RAILWAY Co. ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 138 F. 3d 635.

No. 98–47. *WOOD v. CITY COUNCIL OF MANASSAS ET AL.* Cir. Ct. Prince William County, Va. Certiorari denied.

No. 98–48. *LUKACS v. SHALALA, SECRETARY OF HEALTH AND HUMAN SERVICES, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 133 F. 3d 916.

October 5, 1998

525 U. S.

No. 98-49. *GRINN v. VILLAGE OF NORTH PALM BEACH ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 136 F. 3d 141.

No. 98-51. *BASCH ET AL. v. THE GROUND ROUND, INC.* C. A. 1st Cir. Certiorari denied. Reported below: 139 F. 3d 6.

No. 98-52. *DUBIN v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 133 F. 3d 929.

No. 98-53. *GOLD v. CITY OF MIAMI ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 121 F. 3d 1442.

No. 98-56. *HARWICK v. ANDERSON, INDIVIDUALLY AND AS SHERIFF OF MCCLAIN COUNTY, OKLAHOMA, ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 145 F. 3d 1345.

No. 98-57. *D'AURIZIO v. BOROUGH OF PALISADES PARK ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 151 F. 3d 1024.

No. 98-58. *IN RE BRUMLEY.* C. A. 8th Cir. Certiorari denied.

No. 98-59. *JACKSON v. CSX TRANSPORTATION, INC., ET AL.* Ct. App. La., 4th Cir. Certiorari denied. Reported below: 712 So. 2d 514.

No. 98-60. *BUCK v. FRIES & FRIES, INC., ET AL., DBA TASTE-MAKER.* C. A. 6th Cir. Certiorari denied. Reported below: 142 F. 3d 432.

No. 98-61. *BROOME v. UNITED STATES.* C. A. 11th Cir. Certiorari denied. Reported below: 134 F. 3d 386.

No. 98-63. *FASONE v. CLINTON TOWNSHIP ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 142 F. 3d 433.

No. 98-64. *JONES, EXECUTRIX OF THE ESTATE OF JONES, DECEASED v. CONSOLIDATED RAIL CORPORATION.* C. A. 6th Cir. Certiorari denied. Reported below: 134 F. 3d 371.

No. 98-65. *DILLON v. BEELER, WARDEN.* C. A. 6th Cir. Certiorari denied.

No. 98-66. *KENNEDY v. SCHOENBERG, FISHER & NEWMAN, LTD., ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 140 F. 3d 716.

525 U.S.

October 5, 1998

No. 98-67. *BRANDT v. MALENG ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 145 F. 3d 1336.

No. 98-70. *BUCKLEY v. ARIZONA.* Ct. App. Ariz. Certiorari denied.

No. 98-73. *PRICE ET AL. v. UNITED STATES.* C. A. 11th Cir. Certiorari denied. Reported below: 130 F. 3d 443.

No. 98-75. *THOMAS v. OREGON.* Sup. Ct. Ore. Certiorari denied. Reported below: 326 Ore. 397, 952 P. 2d 542.

No. 98-78. *CITY AND COUNTY OF HONOLULU v. SMALL LAND-OWNERS OF OAHU ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 124 F. 3d 1150.

No. 98-79. *SELLERS, BY HIS PARENTS, SELLERS ET UX., ET AL. v. SCHOOL BOARD OF THE CITY OF MANASSAS, VIRGINIA, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 141 F. 3d 524.

No. 98-80. *JORDAN v. SMITHKLINE BEECHAM, INC.* C. A. 3d Cir. Certiorari denied. Reported below: 142 F. 3d 428.

No. 98-81. *SCHULZ ET AL. v. NEW YORK STATE EXECUTIVE ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 162 F. 3d 1148.

No. 98-82. *INTERNATIONAL UNION OF OPERATING ENGINEERS, LOCAL 18 v. VENCL.* C. A. 6th Cir. Certiorari denied. Reported below: 137 F. 3d 420.

No. 98-87. *MARTIN v. LAMAR ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 142 F. 3d 435.

No. 98-89. *J. A. CROSON Co. v. J. A. GUY, INC., ET AL.* Sup. Ct. Ohio. Certiorari denied. Reported below: 81 Ohio St. 3d 346, 691 N. E. 2d 655.

No. 98-90. *BOLT v. DAYTONA COMMUNITY HOSPITAL ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 130 F. 3d 442.

No. 98-92. *GLASCOE v. SHOPPERS FOOD WAREHOUSE MD CORP.* Ct. Sp. App. Md. Certiorari denied. Reported below: 119 Md. App. 815.

October 5, 1998

525 U. S.

No. 98-95. *KEY BANK NATIONAL ASSN., FKA KEY BANK OF NEW YORK v. MILHAM ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 141 F. 3d 420.

No. 98-96. *ELLIOTT'S ENTERPRISES, INC. v. FLYING J, INC., ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 141 F. 3d 1158.

No. 98-99. *JADAIR, INC. v. ALLIED COLLOIDS, INC.* C. A. 4th Cir. Certiorari denied. Reported below: 139 F. 3d 887.

No. 98-100. *FAIRFULL v. LEE, MAJOR, COMMANDER, TROOP D, FLORIDA HIGHWAY PATROL, ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 130 F. 3d 444.

No. 98-104. *SANCHEZ ET UX. v. SWYDEN ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 139 F. 3d 464.

No. 98-106. *SASSOWER v. MANGANO, PRESIDING JUSTICE OF THE APPELLATE DIVISION, SECOND DEPARTMENT, SUPREME COURT OF NEW YORK, ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 122 F. 3d 1057.

No. 98-107. *SMITH v. NATIONAL COLLEGIATE ATHLETIC ASSN. ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 139 F. 3d 180.

No. 98-108. *DAVIS ET AL. v. SHAVERS.* Sup. Ct. Ga. Certiorari denied. Reported below: 269 Ga. 75, 495 S. E. 2d 23.

No. 98-109. *PARRA ET AL. v. CITY OF CHINO ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 141 F. 3d 1178.

No. 98-110. *KORNFELD v. COMMISSIONER OF INTERNAL REVENUE.* C. A. 10th Cir. Certiorari denied. Reported below: 137 F. 3d 1231.

No. 98-111. *MILDEN ET UX. v. STATE OF THE ART, INC., ET AL.* Ct. App. Cal., 4th App. Dist. Certiorari denied.

No. 98-112. *BRYANT ET AL. v. GENERAL DYNAMICS CORP.* C. A. 5th Cir. Certiorari denied. Reported below: 137 F. 3d 333.

No. 98-113. *SENCHENKO v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 133 F. 3d 1153.

525 U.S.

October 5, 1998

No. 98–114. *A. R. ET AL. v. MASSACHUSETTS*. Sup. Jud. Ct. Mass. Certiorari denied. Reported below: 427 Mass. 221, 692 N. E. 2d 56.

No. 98–115. *MITCHELL v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied.

No. 98–116. *WILKINSON ET AL. v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 137 F. 3d 214.

No. 98–117. *RUPP, TRUSTEE v. TAYLOR*. C. A. 10th Cir. Certiorari denied. Reported below: 133 F. 3d 1336.

No. 98–118. *WISCONSIN RIGHT TO LIFE, INC. v. PARADISE, CHAIRMAN, WISCONSIN STATE ELECTIONS BOARD, ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 138 F. 3d 1183.

No. 98–119. *MAY v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 141 F. 3d 1169.

No. 98–120. *RECKLISS ET AL. v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 138 F. 3d 952.

No. 98–121. *WALKER ET AL. v. FEDERAL HOME LOAN MORTGAGE CORPORATION*. C. A. 5th Cir. Certiorari denied. Reported below: 134 F. 3d 369.

No. 98–122. *CAMPBELL v. HATCHER ET AL.* C. A. 9th Cir. Certiorari denied.

No. 98–123. *RATCLIFF ET AL. v. CAPITAL CITIES/ABC, INC., ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 141 F. 3d 1405.

No. 98–124. *BURBANK-GLENDALE-PASADENA AIRPORT AUTHORITY v. CITY OF BURBANK ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 136 F. 3d 1360.

No. 98–125. *GOODWIN, INDIVIDUALLY AND AS NEXT FRIEND OF GOODWIN, A MINOR v. HALL*. Sup. Ct. Wyo. Certiorari denied. Reported below: 957 P. 2d 1299.

No. 98–129. *PROCOPIO, A MINOR, BY AND THROUGH HER NEXT FRIEND AND MOTHER, PROCOPIO v. UNIVERSITY SCHOOL OF NOVA SOUTHEASTERN UNIVERSITY ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 138 F. 3d 957.

October 5, 1998

525 U. S.

No. 98-132. *WESTERN RESOURCES, INC., RECEIVER OF THE ASSETS OF THE VICTOR MUSCAT TESTAMENTARY TRUSTS v. CALIFORNIA*. C. A. 9th Cir. Certiorari denied. Reported below: 138 F. 3d 784.

No. 98-133. *UNNAMED ATTORNEY v. MARYLAND ATTORNEY GRIEVANCE COMMISSION*. Ct. App. Md. Certiorari denied. Reported below: 349 Md. 391, 708 A. 2d 667.

No. 98-134. *LEVINE v. SECURITIES AND EXCHANGE COMMISSION*. C. A. 2d Cir. Certiorari denied.

No. 98-136. *ORENA v. UNITED STATES; and AMATO v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 98-138. *TURQUITT, ADMINISTRATRIX OF THE ESTATE OF TURQUITT v. JEFFERSON COUNTY*. C. A. 11th Cir. Certiorari denied. Reported below: 137 F. 3d 1285.

No. 98-139. *FERNANDEZ v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 119 F. 3d 217.

No. 98-140. *FENT ET UX. v. OKLAHOMA CAPITOL IMPROVEMENT AUTHORITY*. Sup. Ct. Okla. Certiorari denied. Reported below: 958 P. 2d 759.

No. 98-141. *DELUCA v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 137 F. 3d 24.

No. 98-142. *SHONG-CHING TONG v. GARCIA ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 142 F. 3d 443.

No. 98-143. *KAHN v. SMITH BARNEY, HARRIS UPHAM & Co., INC.* App. Div., Sup. Ct. N. Y., 1st Jud. Dept. Certiorari denied. Reported below: 245 App. Div. 2d 17, 665 N. Y. S. 2d 74.

No. 98-144. *IN RE KLAYMAN ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 138 F. 3d 33.

No. 98-146. *SNYDER v. MORGAN*. Sup. Ct. Pa. Certiorari denied.

No. 98-147. *TPI INTERNATIONAL AIRWAYS, INC. v. WIDNALL, SECRETARY OF THE AIR FORCE*. C. A. Fed. Cir. Certiorari denied. Reported below: 135 F. 3d 776.

525 U.S.

October 5, 1998

No. 98-148. *AUBIN v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 136 F. 3d 137.

No. 98-150. *ADAPTIVE POWER SOLUTIONS, LLC v. HUGHES MISSILE SYSTEMS CO. ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 141 F. 3d 947.

No. 98-151. *RAGAN v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 5th Cir. Certiorari denied. Reported below: 135 F. 3d 329.

No. 98-152. *HOCKENBARGER v. KANSAS*. Ct. App. Kan. Certiorari denied. Reported below: 24 Kan. App. 2d xxxi, 951 P. 2d 1325.

No. 98-156. *MORRIS v. COOPER STEVEDORING CO. ET AL.* C. A. 5th Cir. Certiorari denied.

No. 98-157. *ADSANI v. MILLER ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 139 F. 3d 67.

No. 98-159. *BERG v. STATE BAR OF CALIFORNIA*. Sup. Ct. Cal. Certiorari denied.

No. 98-160. *SKINNER v. UNITED STATES RAILROAD RETIREMENT BOARD*. C. A. 11th Cir. Certiorari denied. Reported below: 136 F. 3d 1331.

No. 98-164. *BRANDT v. KING COUNTY DISTRICT COURT, SHORELINE DIVISION*. C. A. 9th Cir. Certiorari denied. Reported below: 145 F. 3d 1336.

No. 98-165. *CAIN, INDIVIDUALLY AND AS PERSONAL REPRESENTATIVE OF THE ESTATES OF THOMPSON ET AL., DECEASED v. CITY OF TACOMA ET AL.* Ct. App. Wash. Certiorari denied. Reported below: 87 Wash. App. 1094.

No. 98-166. *MICHAELS v. WASHINGTON COUNTY CHILDREN SERVICES BOARD*. Ct. App. Ohio, Washington County. Certiorari denied.

No. 98-168. *KAHN v. GENERAL MOTORS CORP.* C. A. Fed. Cir. Certiorari denied. Reported below: 135 F. 3d 1472.

No. 98-169. *FROST ET AL. v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 139 F. 3d 856.

October 5, 1998

525 U. S.

No. 98-170. *KEYSTONE COCA-COLA BOTTLING CO. v. PENNSYLVANIA UNEMPLOYMENT COMPENSATION BOARD OF REVIEW*. Commw. Ct. Pa. Certiorari denied. Reported below: 693 A. 2d 637.

No. 98-171. *GUPTA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 142 F. 3d 443.

No. 98-174. *SILVERMAN, INDEPENDENT FIDUCIARY OF THE UNITRON GRAPHICS, INC., PROFIT SHARING TRUST v. MUTUAL BENEFIT LIFE INSURANCE CO. ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 138 F. 3d 98.

No. 98-175. *U. S. SUPPLY CO., INC. v. APEX PLUMBING SUPPLY, INC., ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 142 F. 3d 188.

No. 98-176. *FRED E. YOUNG, INC. v. BRUSH MOUNTAIN SPORTSMEN'S ASSN.* Super. Ct. Pa. Certiorari denied. Reported below: 697 A. 2d 984.

No. 98-177. *PRZYBYLSKI v. MICHIGAN ET AL.* Ct. App. Mich. Certiorari denied.

No. 98-178. *NOBELPHARMA AB ET AL. v. IMPLANT INNOVATIONS, INC.* C. A. Fed. Cir. Certiorari denied. Reported below: 141 F. 3d 1059.

No. 98-180. *SHERMAN v. STATE BAR OF CALIFORNIA*. Sup. Ct. Cal. Certiorari denied.

No. 98-182. *RODRIGUEZ v. UNITED STATES POSTAL SERVICE*. C. A. 2d Cir. Certiorari denied. Reported below: 141 F. 3d 1152.

No. 98-183. *LANDGATE, INC. v. CALIFORNIA COASTAL COMMISSION*. Sup. Ct. Cal. Certiorari denied. Reported below: 17 Cal. 4th 1006, 953 P. 2d 1188.

No. 98-185. *RYAN v. CONNECTICUT*. App. Ct. Conn. Certiorari denied. Reported below: 48 Conn. App. 148, 709 A. 2d 21.

No. 98-187. *PELTIER v. LOUISIANA*. Sup. Ct. La. Certiorari denied. Reported below: 708 So. 2d 401.

No. 98-191. *DRAGO DAIC INTERESTS, INC. v. NAURU PHOSPHATE ROYALTIES (TEXAS), INC.* C. A. 5th Cir. Certiorari denied. Reported below: 138 F. 3d 160.

525 U.S.

October 5, 1998

No. 98–195. *SMITH ET UX. v. HUNTON ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 145 F. 3d 1346.

No. 98–196. *PARRETTI v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 143 F. 3d 508.

No. 98–202. *GROOM v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 141 F. 3d 1161.

No. 98–205. *HOSCH v. BANDAG, INC., ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 133 F. 3d 915.

No. 98–206. *MESSINA v. JOHN LABATT, LTD., ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 134 F. 3d 374.

No. 98–207. *PREMRATANANONT v. SOUTH SUBURBAN PARK AND RECREATION DISTRICT.* C. A. 10th Cir. Certiorari denied. Reported below: 149 F. 3d 1191.

No. 98–210. *SPETH v. CAPITOL INDEMNITY CORP. ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 139 F. 3d 902.

No. 98–213. *UPSHAW v. BOND ET AL.* C. A. 3d Cir. Certiorari denied.

No. 98–214. *KEIRSEY ET AL. v. DIAMOND ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 145 F. 3d 1345.

No. 98–216. *HENDERSON v. COMMISSIONER OF INTERNAL REVENUE.* C. A. 9th Cir. Certiorari denied. Reported below: 143 F. 3d 497.

No. 98–218. *BINGMAN LABORATORIES, INC. v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. Reported below: 145 F. 3d 1335.

No. 98–220. *SCHILLER v. DEPARTMENT OF STATE.* C. A. 4th Cir. Certiorari denied. Reported below: 133 F. 3d 916.

No. 98–221. *LUBRIZOL CORP. v. EXXON CHEMICAL PATENTS, INC., ET AL.* C. A. Fed. Cir. Certiorari denied. Reported below: 137 F. 3d 1475.

No. 98–226. *SHONG-CHING TONG v. UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT ET AL.* C. A. 9th Cir. Certiorari denied.

October 5, 1998

525 U. S.

No. 98-233. *PENNSYLVANIA v. HUNTER*. Super. Ct. Pa. Certiorari denied. Reported below: 704 A. 2d 1118.

No. 98-234. *GARCIA-ABREGO v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 141 F. 3d 142.

No. 98-236. *GRABER v. UNITED STATES ET AL.* C. A. 8th Cir. Certiorari denied.

No. 98-240. *POLYAK v. UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT*. C. A. 6th Cir. Certiorari denied.

No. 98-246. *CRUZ v. COHEN, SECRETARY OF DEFENSE*. C. A. 9th Cir. Certiorari denied. Reported below: 142 F. 3d 442.

No. 98-247. *DAVIDSON v. COHEN, SECRETARY OF DEFENSE*. C. A. 4th Cir. Certiorari denied. Reported below: 133 F. 3d 914.

No. 98-248. *BENKO v. JUDGES' RETIREMENT SYSTEM ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 145 F. 3d 1329.

No. 98-250. *GRANGER v. OFFICE OF ATTORNEY ETHICS OF NEW JERSEY ET AL.* Sup. Ct. N. J. Certiorari denied.

No. 98-252. *HENGLE ET AL. v. WARD*. Ct. App. Ohio, Summit County. Certiorari denied. Reported below: 124 Ohio App. 3d 396, 706 N. E. 2d 392.

No. 98-257. *MARCANTI v. ILLINOIS ATTORNEY REGISTRATION AND DISCIPLINARY COMMISSION*. Sup. Ct. Ill. Certiorari denied.

No. 98-258. *FOTI v. ARLINGTON COUNTY BOARD OF SUPERVISORS ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 139 F. 3d 889.

No. 98-264. *STRIBLING v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 142 F. 3d 440.

No. 98-268. *TOM ET UX. v. COMMISSIONER OF INTERNAL REVENUE ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 134 F. 3d 364.

No. 98-270. *RUSKIN, AKA RUFKIN v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 145 F. 3d 360.

525 U.S.

October 5, 1998

No. 98-277. *ARMSTRONG v. SCHOOL DISTRICT OF PHILADELPHIA ET AL.* C. A. 3d Cir. Certiorari denied.

No. 98-283. *NEVIS v. UNITED STATES.* C. A. 9th Cir. Certiorari denied.

No. 98-288. *WEBSTER v. UNITED STATES.* C. A. 7th Cir. Certiorari denied. Reported below: 151 F. 3d 1034.

No. 98-299. *BASSO v. APFEL, COMMISSIONER OF SOCIAL SECURITY.* C. A. 9th Cir. Certiorari denied. Reported below: 139 F. 3d 903.

No. 98-300. *HOLGATE ET UX. v. COMMISSIONER OF INTERNAL REVENUE.* C. A. 9th Cir. Certiorari denied. Reported below: 139 F. 3d 905.

No. 98-301. *PENNIX v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 145 F. 3d 1327.

No. 98-304. *ROBERTSON v. UNITED STATES.* C. A. 10th Cir. Certiorari denied. Reported below: 145 F. 3d 1346.

No. 98-305. *GREY v. CARRIER/UNITED TECHNOLOGIES CORP.* C. A. 2d Cir. Certiorari denied.

No. 98-306. *DOWTY v. UNITED STATES.* C. A. Armed Forces. Certiorari denied. Reported below: 48 M. J. 102.

No. 98-328. *ALLISON v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 132 F. 3d 38.

No. 98-332. *LENIUS v. ILLINOIS.* App. Ct. Ill., 4th Dist. Certiorari denied. Reported below: 293 Ill. App. 3d 519, 688 N. E. 2d 705.

No. 98-342. *FOSTER v. COMMISSIONER OF INTERNAL REVENUE.* C. A. 9th Cir. Certiorari denied. Reported below: 122 F. 3d 1071.

No. 98-344. *GROSSI v. UNITED STATES.* C. A. 7th Cir. Certiorari denied. Reported below: 143 F. 3d 348.

No. 98-349. *MANGLITZ v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 141 F. 3d 1161.

October 5, 1998

525 U. S.

No. 98-365. *DREYER v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 141 F. 3d 784.

No. 98-373. *YICK MAN MUI v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 159 F. 3d 1349.

No. 98-379. *THRASHER v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 294 Ill. App. 3d 1104, 721 N. E. 2d 853.

No. 98-393. *WRIGHT v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 140 F. 3d 596.

No. 98-395. *DAVIS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 149 F. 3d 1173.

No. 98-398. *DEFEDE v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 98-5002. *RAINEY v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied.

No. 98-5003. *PHILLIPS v. FLORIDA*. Sup. Ct. Fla. Certiorari denied. Reported below: 705 So. 2d 1320.

No. 98-5004. *DE LA BECKWITH v. MISSISSIPPI*. Sup. Ct. Miss. Certiorari denied. Reported below: 707 So. 2d 547.

No. 98-5005. *PENOYER v. SINGLETARY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 98-5006. *ROJAS v. UNITED STATES POSTAL SERVICE*. C. A. Fed. Cir. Certiorari denied. Reported below: 152 F. 3d 940.

No. 98-5007. *SWANSON v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 139 F. 3d 896.

No. 98-5008. *PHILLIPS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 98-5009. *PHILLIPS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 98-5010. *ABDUL v. NEW YORK*. App. Div., Sup. Ct. N. Y., 1st Jud. Dept. Certiorari denied. Reported below: 244 App. Div. 2d 237, 665 N. Y. S. 2d 406.

525 U.S.

October 5, 1998

No. 98-5011. *AMER v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 162 F. 3d 1149.

No. 98-5012. *WITT v. ROADWAY EXPRESS ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 136 F. 3d 1424.

No. 98-5013. *MURILLO v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 142 F. 3d 437.

No. 98-5014. *LOVE v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 139 F. 3d 902.

No. 98-5015. *JENNINGS v. VAUGHN, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT GRATERFORD, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 98-5016. *MORLEY v. SINGLETARY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS*. Sup. Ct. Fla. Certiorari denied. Reported below: 707 So. 2d 1126.

No. 98-5017. *JOHNSON v. JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION*. C. A. 5th Cir. Certiorari denied. Reported below: 134 F. 3d 369.

No. 98-5018. *KRUEGER v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 141 F. 3d 1186.

No. 98-5019. *SERRANO v. LINDSEY, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 98-5020. *O'BRYANT v. MISSISSIPPI*. C. A. 5th Cir. Certiorari denied.

No. 98-5022. *POWELL v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 132 F. 3d 45.

No. 98-5023. *ROBERTSON v. HANKS, SUPERINTENDENT, WABASH VALLEY CORRECTIONAL FACILITY*. C. A. 7th Cir. Certiorari denied. Reported below: 140 F. 3d 707.

No. 98-5024. *SCHUBERT v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 139 F. 3d 909.

No. 98-5025. *PIGGOTT v. UNITED STATES*; and

No. 98-5171. *MOYE ET AL. v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: No. 98-5025, 141 F. 3d 394; No. 98-5171, 131 F. 3d 132 and 141 F. 3d 394.

October 5, 1998

525 U. S.

No. 98-5026. *ROBERTSON v. LOUISIANA*. Sup. Ct. La. Certiorari denied. Reported below: 712 So. 2d 8.

No. 98-5027. *BRUCE v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 142 F. 3d 437.

No. 98-5028. *BUTLER v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 137 F. 3d 1371.

No. 98-5029. *CORTEZ v. ILLINOIS*. Sup. Ct. Ill. Certiorari denied. Reported below: 181 Ill. 2d 249, 692 N. E. 2d 1129.

No. 98-5030. *COOLMAN v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 8th Cir. Certiorari denied.

No. 98-5031. *CRAIGHEAD v. UNITED STATES*; and

No. 98-5137. *CRAIGHEAD v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 139 F. 3d 893.

No. 98-5032. *ATKINS v. MOORE, DIRECTOR, SOUTH CAROLINA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 139 F. 3d 887.

No. 98-5033. *OWSLEY v. MISSOURI*. Sup. Ct. Mo. Certiorari denied. Reported below: 959 S. W. 2d 789.

No. 98-5034. *JACKSON v. JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 98-5035. *LIVINGSTON v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 131 F. 3d 155.

No. 98-5036. *JONES v. EASLEY, ATTORNEY GENERAL OF NORTH CAROLINA, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 139 F. 3d 890.

No. 98-5037. *WILLIAMS v. ILLINOIS*. Sup. Ct. Ill. Certiorari denied. Reported below: 181 Ill. 2d 297, 692 N. E. 2d 1109.

No. 98-5038. *WALKER v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 155 F. 3d 563.

No. 98-5039. *ZELCH ET AL. v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 139 F. 3d 909.

525 U.S.

October 5, 1998

No. 98-5040. *WALKER v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 142 F. 3d 447.

No. 98-5041. *BRISON v. SCOTT, WARDEN, ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 135 F. 3d 144.

No. 98-5043. *TREVINO v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 129 F. 3d 612.

No. 98-5044. *BILES v. MORGAN, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 98-5045. *CLAYTON v. HANKS, SUPERINTENDENT, WABASH VALLEY CORRECTIONAL FACILITY*. C. A. 7th Cir. Certiorari denied.

No. 98-5046. *BIRDS v. NUGENT ET AL.* Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 98-5047. *PUGH v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 142 F. 3d 438.

No. 98-5048. *ROMINES v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 139 F. 3d 895.

No. 98-5049. *OWENS v. UNITED STATES*; and  
No. 98-5377. *JOHNSON v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 134 F. 3d 383.

No. 98-5050. *SERRANO v. SUPERIOR COURT OF CALIFORNIA, LOS ANGELES COUNTY*. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 98-5051. *SMITH v. UNITED FEDERATION OF TEACHERS ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 162 F. 3d 1148.

No. 98-5052. *RIDDICK v. VIRGINIA*. Sup. Ct. Va. Certiorari denied.

No. 98-5054. *ROBERTS v. CAIN, WARDEN, ET AL.* C. A. 5th Cir. Certiorari denied.

No. 98-5056. *JOHNSON, AKA IDRISSE v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 134 F. 3d 365.

October 5, 1998

525 U. S.

No. 98–5057. *JOHNSON v. FLORIDA*. C. A. 11th Cir. Certiorari denied. Reported below: 140 F. 3d 1042.

No. 98–5058. *AVERY v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 141 F. 3d 1160.

No. 98–5059. *HARDING v. CALIFORNIA*. App. Dept., Super. Ct. Cal., County of Los Angeles. Certiorari denied.

No. 98–5060. *HERNANDEZ-PAUTURI v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 98–5061. *GONZALES v. MERIT SYSTEMS PROTECTION BOARD*. C. A. Fed. Cir. Certiorari denied. Reported below: 152 F. 3d 943.

No. 98–5062. *GUMM v. OHIO*. Ct. App. Ohio, Hamilton County. Certiorari denied.

No. 98–5063. *HAYES v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 141 F. 3d 1188.

No. 98–5064. *DOUGLAS v. OKLAHOMA*. Ct. Crim. App. Okla. Certiorari denied. Reported below: 951 P. 2d 651.

No. 98–5066. *HIGGINS v. ARTUZ, SUPERINTENDENT, GREEN HAVEN CORRECTIONAL FACILITY*. C. A. 2d Cir. Certiorari denied.

No. 98–5067. *HOLMES, AKA RICHARDS v. JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 98–5068. *GANDY v. JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION*. C. A. 5th Cir. Certiorari denied. Reported below: 137 F. 3d 1349.

No. 98–5069. *CHISHOLM v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 140 F. 3d 1042.

No. 98–5071. *KENNEDY v. DISTRICT COURT OF TEXAS, ANDERSON COUNTY*. Ct. App. Tex., 12th Dist. Certiorari denied.

No. 98–5072. *WHEELER v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

525 U.S.

October 5, 1998

No. 98-5073. *LEVY v. CITY OF ALEXANDRIA, VIRGINIA*. C. A. 4th Cir. Certiorari denied. Reported below: 139 F. 3d 890.

No. 98-5075. *COLE v. OBREGON ET AL.* C. A. 5th Cir. Certiorari denied.

No. 98-5076. *BARNETT v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. Reported below: 159 F. 3d 637.

No. 98-5077. *LOWE v. MONARD*. Ct. Civ. App. Okla. Certiorari denied.

No. 98-5078. *KELLEY v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 135 F. 3d 1178.

No. 98-5079. *MAHLER v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 141 F. 3d 811.

No. 98-5080. *NWACHUKWU v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 137 F. 3d 1350.

No. 98-5082. *BRUMMITT v. CHANDLER, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 98-5083. *WILHELM v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 98-5084. *OBERLE v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 136 F. 3d 1414.

No. 98-5085. *TRENT v. INDIANA*. Ct. App. Ind. Certiorari denied. Reported below: 688 N. E. 2d 426.

No. 98-5086. *PACK v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 124 F. 3d 221.

No. 98-5087. *PIHLBLAD v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 142 F. 3d 437.

No. 98-5088. *SMITH v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 292 Ill. App. 3d 1119, 717 N. E. 2d 859.

No. 98-5089. *JOYNER v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 135 F. 3d 771.

No. 98-5090. *JONES v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 131 F. 3d 149.

October 5, 1998

525 U. S.

No. 98-5091. *JOHNSON v. OHIO ET AL.* C. A. 6th Cir. Certiorari denied.

No. 98-5092. *KHALI v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 132 F. 3d 41.

No. 98-5093. *MC CONICO v. BOOKER ET AL.* C. A. 11th Cir. Certiorari denied.

No. 98-5095. *JACKSON v. UNITED STATES.* C. A. 11th Cir. Certiorari denied. Reported below: 136 F. 3d 141.

No. 98-5096. *SMITH v. MOORE, DIRECTOR, SOUTH CAROLINA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 137 F. 3d 808.

No. 98-5097. *SLAUGHTER v. OKLAHOMA.* Ct. Crim. App. Okla. Certiorari denied. Reported below: 950 P. 2d 839.

No. 98-5098. *RAMIREZ v. UNITED STATES.* C. A. 11th Cir. Certiorari denied. Reported below: 141 F. 3d 1189.

No. 98-5099. *SONNER v. NEVADA.* Sup. Ct. Nev. Certiorari denied. Reported below: 112 Nev. 1328, 930 P. 2d 707 and 955 P. 2d 673.

No. 98-5100. *LEWINE v. BUTTERWORTH, ATTORNEY GENERAL OF FLORIDA.* C. A. 11th Cir. Certiorari denied.

No. 98-5101. *MOORE v. JACKSON ET AL.* C. A. 11th Cir. Certiorari denied.

No. 98-5102. *MEDRANO v. UNITED STATES.* C. A. 11th Cir. Certiorari denied.

No. 98-5103. *KEARNEY v. UNITED STATES.* C. A. 4th Cir. Certiorari denied.

No. 98-5104. *MEJIA v. UNITED STATES.* C. A. 11th Cir. Certiorari denied. Reported below: 141 F. 3d 1188.

No. 98-5106. *HARRIS v. UNITED STATES;* and

No. 98-5450. *ATKINS v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. Reported below: 145 F. 3d 1335.

No. 98-5107. *FARBER v. FARBER.* Ct. Sp. App. Md. Certiorari denied. Reported below: 118 Md. App. 713.

525 U.S.

October 5, 1998

No. 98-5108. *ERWIN v. KEY WEST CITIZEN ET AL.* Sup. Ct. Fla. Certiorari denied. Reported below: 717 So. 2d 530.

No. 98-5110. *GIPPERICH v. PEARSON.* C. A. 7th Cir. Certiorari denied.

No. 98-5111. *FICI v. LANSING, WARDEN, ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 141 F. 3d 1153.

No. 98-5112. *SPRINGFIELD v. UNITED STATES.* C. A. 11th Cir. Certiorari denied. Reported below: 141 F. 3d 1188.

No. 98-5115. *PENSE v. SHANKS, WARDEN, ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 139 F. 3d 912.

No. 98-5118. *ESPINAL v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 141 F. 3d 1160.

No. 98-5119. *HUBERT v. UNITED STATES.* C. A. 11th Cir. Certiorari denied. Reported below: 138 F. 3d 912.

No. 98-5120. *HATFIELD v. NORTH CAROLINA.* Ct. App. N. C. Certiorari denied. Reported below: 128 N. C. App. 294, 495 S. E. 2d 163.

No. 98-5121. *ENJADY v. UNITED STATES.* C. A. 10th Cir. Certiorari denied. Reported below: 134 F. 3d 1427.

No. 98-5122. *HOREK v. UNITED STATES.* C. A. 10th Cir. Certiorari denied. Reported below: 137 F. 3d 1226.

No. 98-5123. *SHERRON v. MIDDLETOWN RANCHERIA OF POMO INDIANS, DBA TWIN PINE CASINO.* Ct. App. Cal., 1st App. Dist. Certiorari denied. Reported below: 60 Cal. App. 4th 1340, 71 Cal. Rptr. 2d 105.

No. 98-5124. *SAFOUANE ET UX. v. WASHINGTON STATE DEPARTMENT OF SOCIAL AND HEALTH SERVICES.* Ct. App. Wash. Certiorari denied. Reported below: 87 Wash. App. 1005.

No. 98-5125. *SCOTT v. OHIO.* Ct. App. Ohio, Cuyahoga County. Certiorari denied.

No. 98-5126. *SMITH v. ROGERS, WARDEN.* C. A. 6th Cir. Certiorari denied.

October 5, 1998

525 U. S.

No. 98-5127. *REEVES v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 141 F. 3d 1188.

No. 98-5128. *STEPHENS v. FREEDMAN ET AL.* C. A. 11th Cir. Certiorari denied.

No. 98-5129. *KIERSTEAD v. SUTER, CLERK, SUPREME COURT OF THE UNITED STATES, ET AL.* (two judgments). C. A. 3d Cir. Certiorari denied.

No. 98-5133. *MEASE v. BOWERSOX, SUPERINTENDENT, POTOSI CORRECTIONAL CENTER*. C. A. 8th Cir. Certiorari denied.

No. 98-5135. *ASHLEY v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 141 F. 3d 63.

No. 98-5136. *BRUMMITT v. CHANDLER, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 98-5138. *CANTU v. UNITED STATES*; and

No. 98-5277. *LANDAN v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 137 F. 3d 252.

No. 98-5140. *AHMED v. REESE HOSPITAL AND MEDICAL CENTER*. App. Ct. Ill., 1st Dist. Certiorari denied.

No. 98-5141. *BOOTH, AKA BOOTH-EL v. MARYLAND*. Cir. Ct. Baltimore City, Md. Certiorari denied.

No. 98-5142. *CURD v. ODOM, SHERIFF, WHITE COUNTY, ARKANSAS, ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 141 F. 3d 839.

No. 98-5143. *CHRISPEN v. TAYLOR, JUDGE, CIRCUIT COURT OF FLORIDA, BROWARD COUNTY, ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 131 F. 3d 155.

No. 98-5145. *BROWN v. NORTH CAROLINA*. Super. Ct. N. C., Martin County. Certiorari denied.

No. 98-5147. *WEISWASSER v. TERHUNE, DIRECTOR, CALIFORNIA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 98-5149. *ZIEBARTH v. AGRIBANK, FCB*. C. A. 8th Cir. Certiorari denied. Reported below: 133 F. 3d 924.

525 U.S.

October 5, 1998

No. 98-5150. PESEK *v.* WITSCHER ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 132 F. 3d 36.

No. 98-5153. SHAUGHNESSY *v.* MCKEEVER ET AL. Super. Ct. N. H., Belknap County. Certiorari denied.

No. 98-5154. STEVENS *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 141 F. 3d 1188.

No. 98-5155. TUMLIN *v.* GOODYEAR TIRE & RUBBER CO. ET AL. Sup. Ct. Va. Certiorari denied.

No. 98-5156. WILLIAMS *v.* WASHINGTON, DIRECTOR, ILLINOIS DEPARTMENT OF CORRECTIONS, ET AL. App. Ct. Ill., 5th Dist. Certiorari denied. Reported below: 289 Ill. App. 3d 1158, 713 N. E. 2d 841.

No. 98-5157. WILLIS *v.* LINAHAN, WARDEN. C. A. 11th Cir. Certiorari denied.

No. 98-5158. PATTERSON *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 142 F. 3d 437.

No. 98-5159. MCKINNON *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 145 F. 3d 1327.

No. 98-5160. NIGEL N., A JUVENILE *v.* MASSACHUSETTS. App. Ct. Mass. Certiorari denied. Reported below: 44 Mass. App. 1114, 691 N. E. 2d 250.

No. 98-5161. WATSON *v.* UNITED STATES. Ct. App. D. C. Certiorari denied.

No. 98-5162. WALKER *v.* KLINGER, WARDEN. C. A. 10th Cir. Certiorari denied. Reported below: 141 F. 3d 1187.

No. 98-5163. THOMPSON *v.* SPRIGGS ET AL. C. A. 5th Cir. Certiorari denied.

No. 98-5164. GOMEZ-GUTIERREZ *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 140 F. 3d 1287.

No. 98-5165. HOWARD *v.* HOUSE PARTS, INC. C. A. 11th Cir. Certiorari denied. Reported below: 130 F. 3d 444.

No. 98-5166. GILLIES *v.* STEWART, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS. C. A. 9th Cir. Certiorari denied. Reported below: 141 F. 3d 1176.

October 5, 1998

525 U. S.

No. 98-5168. *GILBERT v. OKLAHOMA*. Ct. Crim. App. Okla. Certiorari denied. Reported below: 951 P. 2d 98.

No. 98-5169. *PADILLA v. NORRIS, DIRECTOR, ARKANSAS DEPARTMENT OF CORRECTION*. C. A. 8th Cir. Certiorari denied.

No. 98-5170. *LOGAN v. WHITE, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT PITTSBURGH, ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 162 F. 3d 1151.

No. 98-5172. *MOLINA-MORENO v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 141 F. 3d 1164.

No. 98-5173. *JOHNSON v. SUPREME COURT OF CALIFORNIA*. Sup. Ct. Cal. Certiorari denied.

No. 98-5174. *TALBERT v. VIRGINIA*. Sup. Ct. Va. Certiorari denied.

No. 98-5175. *WHITETHORNE v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 141 F. 3d 1186.

No. 98-5176. *URIAS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 146 F. 3d 867.

No. 98-5177. *WILLIAMSON v. JEANNETTE CITY POLICE ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 149 F. 3d 1166.

No. 98-5178. *CAPPS v. CALIFORNIA*. Ct. App. Cal., 1st App. Dist. Certiorari denied.

No. 98-5179. *BRAND v. THOMPSON, WARDEN*. C. A. 11th Cir. Certiorari denied.

No. 98-5180. *CORDOVA v. CALIFORNIA*. Ct. App. Cal., 4th App. Dist. Certiorari denied.

No. 98-5181. *SMITH v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 151 F. 3d 1031.

No. 98-5182. *BOLDUC v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 134 F. 3d 374.

No. 98-5183. *SHORTER v. ROE, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 98-5184. *RANGEN v. SECURITIES AND EXCHANGE COMMISSION*. C. A. 9th Cir. Certiorari denied.

525 U.S.

October 5, 1998

No. 98-5185. *PORTNOY v. OFFICE OF PERSONNEL MANAGEMENT*. C. A. Fed. Cir. Certiorari denied. Reported below: 152 F. 3d 942.

No. 98-5186. *SHINGLER v. UNITED STATES* (two judgments). C. A. 4th Cir. Certiorari denied. Reported below: 149 F. 3d 1172 (first judgment); 145 F. 3d 1327 (second judgment).

No. 98-5187. *PETERS v. LEMASTER, WARDEN*. C. A. 10th Cir. Certiorari denied. Reported below: 139 F. 3d 912.

No. 98-5188. *LATTAKER v. LATTAKER ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 133 F. 3d 910.

No. 98-5189. *LEWIS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 142 F. 3d 1278.

No. 98-5190. *KELLY v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied.

No. 98-5192. *KIMBROUGH v. SUPERIOR COURT OF CALIFORNIA, KERN COUNTY*. Ct. App. Cal., 5th App. Dist. Certiorari denied.

No. 98-5193. *MOORE v. JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 98-5194. *KIMBERLIN v. DEPARTMENT OF JUSTICE*. C. A. D. C. Cir. Certiorari denied. Reported below: 139 F. 3d 944.

No. 98-5195. *MILLER v. MARR, SUPERINTENDENT, ARKANSAS VALLEY CORRECTIONAL FACILITY, ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 141 F. 3d 976.

No. 98-5196. *KEYS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 133 F. 3d 1282.

No. 98-5198. *WARNER v. KEYSTONE JUNIOR COLLEGE ET AL.* Commw. Ct. Pa. Certiorari denied.

No. 98-5199. *WILSON v. NEVADA*. Sup. Ct. Nev. Certiorari denied. Reported below: 114 Nev. 1761, 988 P. 2d 880.

No. 98-5200. *CAPERS v. TCI OF NORTHERN NEW JERSEY, INC.* C. A. 3d Cir. Certiorari denied. Reported below: 142 F. 3d 427.

October 5, 1998

525 U. S.

No. 98-5204. *BOYD v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 131 F. 3d 951.

No. 98-5205. *CERVANTES DE GORTARI v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

No. 98-5206. *DIAZ v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 138 F. 3d 1410.

No. 98-5207. *GARAY-BURGOS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 134 F. 3d 380.

No. 98-5208. *HENDERSON v. TEXAS*. Ct. App. Tex., 1st Dist. Certiorari denied.

No. 98-5210. *GORE v. FLORIDA*. Sup. Ct. Fla. Certiorari denied. Reported below: 706 So. 2d 1328.

No. 98-5211. *DABNEY v. UNITED STATES*. Ct. App. D. C. Certiorari denied.

No. 98-5213. *HOLLAND v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 138 F. 3d 956.

No. 98-5214. *HART/CROSS v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 145 F. 3d 1331.

No. 98-5217. *WELBECK v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 145 F. 3d 493.

No. 98-5218. *WATKINS v. CHALAT & CO., P. C., ET AL.* C. A. 10th Cir. Certiorari denied.

No. 98-5219. *VARGAS v. KEOWN ET AL.* C. A. 11th Cir. Certiorari denied.

No. 98-5220. *NELSON v. PRUNTY, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 129 F. 3d 126.

No. 98-5221. *STONE v. HAWAII*. Sup. Ct. Haw. Certiorari denied. Reported below: 86 Haw. 20, 946 P. 2d 974.

No. 98-5222. *SCOTT v. NORRIS, DIRECTOR, ARKANSAS DEPARTMENT OF CORRECTION*. C. A. 8th Cir. Certiorari denied.

No. 98-5223. *JOHNSON v. CORLEY ET AL.* Ct. App. Tex., 1st Dist. Certiorari denied.

525 U.S.

October 5, 1998

No. 98-5224. *LAWHORN v. ANGELONE, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 4th Cir. Certiorari denied.

No. 98-5225. *MICHAU v. MILLER ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 134 F. 3d 363.

No. 98-5226. *CRESSEY v. UNITED STATES.* C. A. 1st Cir. Certiorari denied. Reported below: 141 F. 3d 1150.

No. 98-5227. *CUNNINGHAM v. KENT ET AL.* C. A. 5th Cir. Certiorari denied.

No. 98-5228. *MAYES v. JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION.* C. A. 5th Cir. Certiorari denied. Reported below: 137 F. 3d 1350.

No. 98-5229. *MANLEY v. DELAWARE.* Sup. Ct. Del. Certiorari denied. Reported below: 709 A. 2d 643.

No. 98-5230. *ANDERSON v. UNITED STATES.* Ct. App. D. C. Certiorari denied.

No. 98-5231. *COTTON v. FORDICE, GOVERNOR OF MISSISSIPPI, ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 136 F. 3d 1329.

No. 98-5232. *BYRD, AKA LAESSIG v. ROBISON ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 149 F. 3d 1163.

No. 98-5233. *BAGLEY v. JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION.* C. A. 5th Cir. Certiorari denied. Reported below: 137 F. 3d 1350.

No. 98-5234. *BOLLING v. RUSSELL COUNTY DEPARTMENT OF SOCIAL SERVICES ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 135 F. 3d 769.

No. 98-5235. *DAVIS v. UNITED STATES.* C. A. D. C. Cir. Certiorari denied. Reported below: 127 F. 3d 68.

No. 98-5236. *HUGHES v. CORNELL ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 133 F. 3d 922.

No. 98-5237. *FRANTZ v. SINGLETARY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS.* Sup. Ct. Fla. Certiorari denied. Reported below: 707 So. 2d 1124.

October 5, 1998

525 U. S.

No. 98-5238. *DUKES v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 139 F. 3d 469.

No. 98-5239. *GLOSTER v. SINGLETARY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 98-5240. *GORDON v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 144 F. 3d 55.

No. 98-5241. *FOX v. UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF FLORIDA*. C. A. 11th Cir. Certiorari denied.

No. 98-5242. *HENSLER v. UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS*. C. A. 5th Cir. Certiorari denied.

No. 98-5243. *WILSON v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 134 F. 3d 855.

No. 98-5244. *WILSON v. STEPHENS, ASSISTANT WARDEN, ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 141 F. 3d 1163.

No. 98-5245. *ATMAN v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 145 F. 3d 1333.

No. 98-5246. *BUTLER v. GAMMICK, DISTRICT ATTORNEY, WASHOE COUNTY, NEVADA*. Sup. Ct. Nev. Certiorari denied. Reported below: 114 Nev. 1687, 988 P. 2d 806.

No. 98-5247. *JEFFERY v. EVERETT*. C. A. 5th Cir. Certiorari denied.

No. 98-5249. *WRIGHT v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 133 F. 3d 1412.

No. 98-5250. *BOZELLA v. GREINER, SUPERINTENDENT, SING SING CORRECTIONAL FACILITY*. C. A. 2d Cir. Certiorari denied.

No. 98-5251. *ASHWORTH v. JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 98-5252. *COUSINS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 144 F. 3d 56.

525 U.S.

October 5, 1998

No. 98-5253. *BAILEY v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. Reported below: 159 F. 3d 637.

No. 98-5254. *CUNNINGHAM v. BALDWIN, SUPERINTENDENT, EASTERN OREGON CORRECTIONAL INSTITUTION*. C. A. 9th Cir. Certiorari denied.

No. 98-5255. *O'DONNELL v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 152 F. 3d 920.

No. 98-5256. *ROTHEL v. JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 98-5257. *ROLLER v. SIKES, WARDEN, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 98-5259. *PEAK v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 139 F. 3d 898.

No. 98-5260. *SMITH v. WORTHINGTON ET AL.* C. A. 11th Cir. Certiorari denied.

No. 98-5261. *IWEGBU v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 98-5262. *NIELSON v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 141 F. 3d 1161.

No. 98-5263. *IRICK v. TENNESSEE*. Ct. Crim. App. Tenn. Certiorari denied. Reported below: 973 S. W. 2d 643.

No. 98-5264. *JACOB v. NEBRASKA*. Sup. Ct. Neb. Certiorari denied. Reported below: 253 Neb. 950, 574 N. W. 2d 117.

No. 98-5265. *ADAMS v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 140 F. 3d 895.

No. 98-5266. *AVILLA v. HAWAII DEPARTMENT OF HUMAN SERVICES*. Sup. Ct. Haw. Certiorari denied. Reported below: 87 Haw. 472, 959 P. 2d 842.

No. 98-5267. *AYERS v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 138 F. 3d 360.

October 5, 1998

525 U. S.

- No. 98-5268. *WALKER v. UNITED STATES*; and  
No. 98-5325. *DIAZ, AKA ROGERS v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 142 F. 3d 103.
- No. 98-5270. *CORTES-RAMIREZ ET AL. v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 142 F. 3d 1282.
- No. 98-5271. *BULLIS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 139 F. 3d 893.
- No. 98-5272. *PIERSON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 139 F. 3d 501.
- No. 98-5273. *PRADE ET AL. v. JACKSON AND KELLY*. C. A. 4th Cir. Certiorari denied. Reported below: 135 F. 3d 770.
- No. 98-5274. *REED v. WILKINSON ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 141 F. 3d 1165.
- No. 98-5276. *AILSWORTH v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 138 F. 3d 843.
- No. 98-5278. *JONES v. NORRIS, DIRECTOR, ARKANSAS DEPARTMENT OF CORRECTION*. C. A. 8th Cir. Certiorari denied.
- No. 98-5279. *KLAIMON v. CIGNA COS. ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 138 F. 3d 952.
- No. 98-5280. *LEWIS v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 145 F. 3d 1334.
- No. 98-5281. *ALLEN v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 142 F. 3d 1279.
- No. 98-5283. *MCKOY v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 139 F. 3d 895.
- No. 98-5285. *MCLEAN v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 138 F. 3d 1398.
- No. 98-5287. *MORROW v. MISSOURI*. Sup. Ct. Mo. Certiorari denied. Reported below: 968 S. W. 2d 100.
- No. 98-5288. *JOHNSON v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 133 F. 3d 918.
- No. 98-5289. *NICHOLS v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

525 U.S.

October 5, 1998

No. 98-5290. *BARLEY-COOKE v. EDISON ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 142 F. 3d 431.

No. 98-5291. *MANN v. UNITED STATES.* C. A. 10th Cir. Certiorari denied. Reported below: 145 F. 3d 1347.

No. 98-5292. *KIRKLAND, AKA KEMP, AKA WEBB v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 141 F. 3d 1160.

No. 98-5293. *ARONOVSKY v. NGUYEN ET AL.* Ct. App. Cal., 1st App. Dist. Certiorari denied.

No. 98-5294. *YAZZIE v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 139 F. 3d 909.

No. 98-5295. *YOUNG v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 139 F. 3d 896.

No. 98-5296. *VELASQUEZ v. UNITED STATES;* and

No. 98-5332. *VELASQUEZ v. UNITED STATES.* C. A. 8th Cir. Certiorari denied. Reported below: 141 F. 3d 1280.

No. 98-5298. *VALMOND v. FLORIDA.* Dist. Ct. App. Fla., 3d Dist. Certiorari denied. Reported below: 711 So. 2d 553.

No. 98-5299. *JOHNSON v. ANGELONE, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 139 F. 3d 890.

No. 98-5300. *BYRD v. CITY OF ERIE POLICE DEPARTMENT ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 142 F. 3d 427.

No. 98-5301. *BENIGNI v. UNITED STATES.* C. A. 8th Cir. Certiorari denied. Reported below: 141 F. 3d 1167.

No. 98-5303. *REYNOLDS v. GAMMON, SUPERINTENDENT, MOTHERLY CORRECTIONAL CENTER.* C. A. 8th Cir. Certiorari denied.

No. 98-5304. *MARTINEZ v. UNITED STATES;* and

No. 98-5799. *CHAVEZ VILLEGAS v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 142 F. 3d 242.

No. 98-5305. *LINWOOD v. UNITED STATES.* C. A. 7th Cir. Certiorari denied. Reported below: 142 F. 3d 418.

October 5, 1998

525 U. S.

No. 98-5306. *JONES v. ANDERSON, SUPERINTENDENT, MISSISSIPPI STATE PENITENTIARY, ET AL.* C. A. 5th Cir. Certiorari denied.

No. 98-5307. *LEBLANC v. UNITED STATES.* C. A. 5th Cir. Certiorari denied.

No. 98-5308. *MATHIS v. JOHN MORDEN BUICK, INC.* C. A. 7th Cir. Certiorari denied. Reported below: 136 F. 3d 1153.

No. 98-5309. *GRIGONIS v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 141 F. 3d 1328.

No. 98-5310. *HARDIN v. UNITED STATES.* C. A. 11th Cir. Certiorari denied. Reported below: 139 F. 3d 813.

No. 98-5311. *DIAZ v. ANDERSON, INTERIM DIRECTOR, CALIFORNIA DEPARTMENT OF SOCIAL SERVICES.* C. A. 9th Cir. Certiorari denied. Reported below: 142 F. 3d 443.

No. 98-5312. *GRANT v. TOSCO REFINING CO.* C. A. 9th Cir. Certiorari denied. Reported below: 129 F. 3d 125.

No. 98-5314. *HILL v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. Reported below: 142 F. 3d 305.

No. 98-5315. *DURHAM v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. Reported below: 159 F. 3d 1348.

No. 98-5317. *HOMMICH v. SCHNEIDER.* Ct. App. Wis. Certiorari denied. Reported below: 217 Wis. 2d 290, 577 N. W. 2d 387.

No. 98-5319. *OZMEN v. NEW MEXICO.* Dist. Ct. N. M., Bernalillo County. Certiorari denied.

No. 98-5320. *SPIVEY v. OHIO.* Sup. Ct. Ohio. Certiorari denied. Reported below: 81 Ohio St. 3d 405, 692 N. E. 2d 151.

No. 98-5321. *MOHD v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 141 F. 3d 1181.

No. 98-5322. *JONES v. UNITED STATES.* Ct. App. D. C. Certiorari denied.

No. 98-5323. *MITCHELL v. ELZIE ET AL.* C. A. D. C. Cir. Certiorari denied.

525 U.S.

October 5, 1998

No. 98-5324. *NIEVES v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 122 F. 3d 1077.

No. 98-5326. *HEFLIN v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 132 F. 3d 41.

No. 98-5327. *FARAHKHAN v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 135 F. 3d 140.

No. 98-5328. *TWIDDY v. CITY OF HEALDSBURG, CALIFORNIA, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 104 F. 3d 366.

No. 98-5329. *FRIDDELL v. UNITED STATES*; and  
No. 98-5463. *CLARK v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 139 F. 3d 485.

No. 98-5330. *CARTER v. UNITED STATES*. Ct. App. D. C. Certiorari denied.

No. 98-5334. *LYLE v. BURKE, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 98-5335. *MORALES v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 145 F. 3d 1334.

No. 98-5336. *LUSON v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 159 F. 3d 1347.

No. 98-5337. *VALERIO v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 134 F. 3d 361.

No. 98-5338. *TAFTSIU v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 144 F. 3d 287.

No. 98-5339. *TILLMAN v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 138 F. 3d 957.

No. 98-5340. *COLEMAN ET AL. v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 148 F. 3d 897.

No. 98-5342. *BROWN v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 134 F. 3d 379.

No. 98-5343. *ASHIEGBU v. DAMSCHRODER*. C. A. 6th Cir. Certiorari denied. Reported below: 145 F. 3d 1329.

October 5, 1998

525 U. S.

No. 98-5344. *BARBOUR v. MICHIGAN DEPARTMENT OF SOCIAL SERVICES*. Ct. App. Mich. Certiorari denied.

No. 98-5345. *CANINO v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 151 F. 3d 1027.

No. 98-5346. *COOKE v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 141 F. 3d 1160.

No. 98-5347. *VALDERRAMA-HERNANDEZ v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 142 F. 3d 447.

No. 98-5348. *WILLIAMS v. SOUTH CAROLINA*. Sup. Ct. S. C. Certiorari denied.

No. 98-5349. *BILLUPS v. TRAXLER ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 145 F. 3d 1329.

No. 98-5351. *BYRD v. JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION*. C. A. 5th Cir. Certiorari denied. Reported below: 137 F. 3d 1351.

No. 98-5352. *BARKLEY v. PITCHER, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 98-5353. *DROTAR v. BOARD OF COMMISSIONERS ON JUDICIAL STANDARDS ET AL.* Sup. Ct. S. C. Certiorari denied.

No. 98-5354. *GUTIERREZ-HERMOSILLO v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 142 F. 3d 1225.

No. 98-5355. *DOUGLAS v. PENNSYLVANIA*. Super. Ct. Pa. Certiorari denied. Reported below: 704 A. 2d 1126.

No. 98-5357. *HOLLINS v. SINGLETARY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS*. C. A. 11th Cir. Certiorari denied. Reported below: 135 F. 3d 143.

No. 98-5358. *DOYLE v. JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 98-5359. *DEAN v. CAMPBELL, COMMISSIONER, TENNESSEE DEPARTMENT OF CORRECTION, ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 145 F. 3d 1330.

525 U.S.

October 5, 1998

No. 98-5360. *HUFFMAN v. FLIPPO ET AL.* Ct. App. Cal., 6th App. Dist. Certiorari denied.

No. 98-5361. *GREEN v. STOVAL.* C. A. 6th Cir. Certiorari denied.

No. 98-5362. *DAVIS v. UNITED STATES.* C. A. 11th Cir. Certiorari denied.

No. 98-5363. *SEHORN v. UNITED STATES;*  
No. 98-5381. *LOTT v. UNITED STATES;* and  
No. 98-5875. *NELSON v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 137 F. 3d 1094.

No. 98-5364. *ROWE v. CALIFORNIA.* Ct. App. Cal., 4th App. Dist. Certiorari denied.

No. 98-5365. *PARIS v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. Reported below: 145 F. 3d 1334.

No. 98-5366. *SERRANO v. LINDSEY, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 98-5367. *ROBINSON v. MAENTANIS, DEPUTY SHERIFF, COOK COUNTY, ILLINOIS.* C. A. 7th Cir. Certiorari denied. Reported below: 139 F. 3d 902.

No. 98-5368. *ROSSER v. NEWLAND, WARDEN.* C. A. 9th Cir. Certiorari denied.

No. 98-5369. *SINGLETON v. SINGLETARY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS.* C. A. 11th Cir. Certiorari denied.

No. 98-5370. *SANCHEZ v. STIENEKE, DIRECTOR, NORTH CAROLINA DIVISION OF PRISONS.* C. A. 4th Cir. Certiorari denied. Reported below: 141 F. 3d 1159.

No. 98-5371. *ROBERTSON v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 141 F. 3d 1161.

No. 98-5373. *COOMBS v. SOBINA, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT SOMERSET, ET AL.* (two judgments). C. A. 3d Cir. Certiorari denied.

No. 98-5375. *VALDES v. UNITED STATES.* C. A. 11th Cir. Certiorari denied.

October 5, 1998

525 U. S.

No. 98-5376. *MARTIN v. OHIO*. Ct. App. Ohio, Mahoning County. Certiorari denied.

No. 98-5378. *MOORING ET AL. v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 137 F. 3d 595.

No. 98-5379. *MAXWELL v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 131 F. 3d 137.

No. 98-5382. *MINCEY v. CALIFORNIA*. Ct. App. Cal., 1st App. Dist. Certiorari denied.

No. 98-5383. *BAYRAMOGLU v. TERHUNE, DIRECTOR, CALIFORNIA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 98-5384. *CLEMMONS v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 142 F. 3d 432.

No. 98-5385. *RIEARA v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 107 F. 3d 23.

No. 98-5386. *SCOTT v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 98-5387. *SMITH v. SAPP, COMMISSIONER, KENTUCKY DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 156 F. 3d 1232.

No. 98-5388. *PROSSER v. WEEKS ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 141 F. 3d 1170.

No. 98-5389. *GREEN v. TASKER ET AL.* C. A. 2d Cir. Certiorari denied.

No. 98-5390. *HALL v. IEYOUB, ATTORNEY GENERAL OF LOUISIANA, ET AL.* C. A. 5th Cir. Certiorari denied.

No. 98-5391. *GLOSTER v. KEANE, SUPERINTENDENT, SING SING CORRECTIONAL FACILITY.* C. A. 2d Cir. Certiorari denied.

No. 98-5392. *GORDON v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 142 F. 3d 429.

No. 98-5393. *DEHLER v. MITCHELL, WARDEN.* C. A. 6th Cir. Certiorari denied.

525 U.S.

October 5, 1998

No. 98-5394. *HARVEY v. NEWLAND, WARDEN*. C. A. 9th Cir. Certiorari denied. Reported below: 142 F. 3d 443.

No. 98-5396. *GANTHER v. WOODS, WARDEN*. C. A. 5th Cir. Certiorari denied. Reported below: 139 F. 3d 898.

No. 98-5397. *DAY v. PENNSYLVANIA*. Super. Ct. Pa. Certiorari denied. Reported below: 704 A. 2d 690.

No. 98-5398. *HARRELL v. FLORIDA*. Sup. Ct. Fla. Certiorari denied. Reported below: 709 So. 2d 1364.

No. 98-5399. *DANIELS v. WORKERS' COMPENSATION APPEALS BOARD ET AL.* Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 98-5400. *O'CONNELL v. BACA, JUDGE, DISTRICT COURT OF NEW MEXICO, BERNALILLO COUNTY, ET AL.* Sup. Ct. N. M. Certiorari denied.

No. 98-5401. *RICHARDS v. JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION, ET AL.* C. A. 5th Cir. Certiorari denied.

No. 98-5402. *SAUCY v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 141 F. 3d 1182.

No. 98-5403. *PENA v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 143 F. 3d 1363.

No. 98-5404. *MACIEL v. UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT*. C. A. 9th Cir. Certiorari denied.

No. 98-5407. *HYMAN v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 141 F. 3d 1161.

No. 98-5408. *MALEPEAI v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 142 F. 3d 446.

No. 98-5409. *LOPEZ v. HADA*. C. A. 9th Cir. Certiorari denied.

No. 98-5411. *GERLAUGH v. STEWART, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS*. C. A. 9th Cir. Certiorari denied. Reported below: 129 F. 3d 1027.

No. 98-5413. *TWEED v. WILKINSON, DIRECTOR, OHIO DEPARTMENT OF REHABILITATION AND CORRECTION, ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 145 F. 3d 1333.

October 5, 1998

525 U. S.

No. 98-5414. *JACKSON v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 141 F. 3d 1181.

No. 98-5415. *MONTGOMERY v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 129 F. 3d 120.

No. 98-5416. *BROWN v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 134 F. 3d 380.

No. 98-5417. *SAELEE v. WHITE, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 98-5418. *TIEN SIN JIANG, AKA ZHEN ZING CHEN v. UNITED STATES*;

No. 98-5573. *CHING LIN v. UNITED STATES*; and

No. 98-5613. *LIN XUE FEI ET AL. v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: Nos. 98-5418 and 98-5613, 139 F. 3d 1303 and 141 F. 3d 1180; No. 98-5573, 141 F. 3d 1180.

No. 98-5419. *MOLIN v. THE TRENTONIAN ET AL.* Super. Ct. N. J., App. Div. Certiorari denied. Reported below: 297 N. J. Super. 153, 687 A. 2d 1022.

No. 98-5421. *CHAMPION v. BOARD OF PRISON TERMS ET AL.* C. A. 9th Cir. Certiorari denied.

No. 98-5422. *FOREMANYE v. UNIVERSITY OF PENNSYLVANIA*. C. A. 3d Cir. Certiorari denied. Reported below: 151 F. 3d 1025.

No. 98-5423. *HUTCHISON v. TENNESSEE*. Ct. Crim. App. Tenn. Certiorari denied.

No. 98-5425. *HAMILTON v. SOUTH CAROLINA*. Ct. App. S. C. Certiorari denied. Reported below: 327 S. C. 440, 486 S. E. 2d 512.

No. 98-5426. *GOLDSMITH v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 293 Ill. App. 3d 1128, 718 N. E. 2d 1086.

No. 98-5427. *QUINTERO GOMEZ v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 142 F. 3d 447.

No. 98-5428. *HEXAMER v. FORENESS ET AL.* Ct. App. Tex., 5th Dist. Certiorari denied. Reported below: 971 S. W. 2d 525.

525 U.S.

October 5, 1998

No. 98-5429. *GENEREUX v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 142 F. 3d 446.

No. 98-5430. *GILBERT v. WRIGHT, JUDGE, LETCHER CIRCUIT COURT, ET AL.* Sup. Ct. Ky. Certiorari denied.

No. 98-5432. *SMITH v. TENNESSEE*. Ct. Crim. App. Tenn. Certiorari denied.

No. 98-5434. *PATTON v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 149 F. 3d 1189.

No. 98-5435. *SLAGEL v. SHELL OIL CO. ET AL.* C. A. 7th Cir. Certiorari denied.

No. 98-5436. *RAY v. SOUTH CAROLINA*. Sup. Ct. S. C. Certiorari denied. Reported below: 330 S. C. 184, 498 S. E. 2d 640.

No. 98-5437. *RICHARDS v. UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA*. C. A. 9th Cir. Certiorari denied.

No. 98-5438. *MAZURAK v. ARIZONA*. Ct. App. Ariz. Certiorari denied.

No. 98-5440. *JONES v. PRUNTY, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 98-5441. *BUTLER v. RENWICK ET AL.* C. A. 9th Cir. Certiorari denied.

No. 98-5442. *BARTELHO v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 129 F. 3d 663.

No. 98-5443. *ERVIN v. FISHERMAN'S RESTAURANT*. C. A. 9th Cir. Certiorari denied.

No. 98-5446. *GREEN v. JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 98-5447. *ALVAREZ v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 142 F. 3d 1243.

No. 98-5448. *CRUZ v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 144 F. 3d 54.

October 5, 1998

525 U. S.

No. 98-5449. *BUCHSBAUM v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 145 F. 3d 1341.

No. 98-5451. *SANFORD v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 144 F. 3d 50.

No. 98-5452. *OLIVERAS-MEDRANO v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 142 F. 3d 447.

No. 98-5453. *SMITH v. MERKLE, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 98-5454. *VIVEROS-CASTRO v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 142 F. 3d 447.

No. 98-5455. *TELLERIA v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 162 F. 3d 1153.

No. 98-5456. *WORTHINGTON v. DAY, WARDEN*. C. A. 5th Cir. Certiorari denied.

No. 98-5457. *CUSTODIO v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 141 F. 3d 965.

No. 98-5458. *EDWARDS v. TOBIN ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 139 F. 3d 889.

No. 98-5459. *CHHORN v. WEST, SECRETARY OF VETERANS AFFAIRS*. C. A. 2d Cir. Certiorari denied. Reported below: 129 F. 3d 113.

No. 98-5460. *BOUDREAU v. JARVIS, SECRETARY, NORTH CAROLINA DEPARTMENT OF CORRECTION, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 127 F. 3d 1099.

No. 98-5461. *CURTIS v. PARKER, WARDEN*. C. A. 6th Cir. Certiorari denied. Reported below: 145 F. 3d 1330.

No. 98-5462. *CLARKS v. CAMBRA, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 98-5464. *AUSTIN v. PINE, ATTORNEY GENERAL OF RHODE ISLAND*. C. A. 1st Cir. Certiorari denied.

No. 98-5465. *BATOR v. BREEN ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 139 F. 3d 903.

525 U.S.

October 5, 1998

No. 98-5466. *CAPPS v. CALIFORNIA*. Ct. App. Cal., 1st App. Dist. Certiorari denied.

No. 98-5467. *BROWN v. SINGLETARY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS*. Dist. Ct. App. Fla., 3d Dist. Certiorari denied. Reported below: 714 So. 2d 1018.

No. 98-5469. *ABNER v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 136 F. 3d 1330.

No. 98-5471. *CRAIG v. NORTH CAROLINA*. Sup. Ct. N. C. Certiorari denied.

No. 98-5472. *CANADY v. BAKER, SUPERINTENDENT, MANSFIELD CORRECTIONAL INSTITUTION*. C. A. 6th Cir. Certiorari denied. Reported below: 142 F. 3d 432.

No. 98-5473. *CONNELLY v. CONNECTICUT*. App. Ct. Conn. Certiorari denied. Reported below: 46 Conn. App. 486, 700 A. 2d 694.

No. 98-5474. *RUIZ v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 152 F. 3d 921.

No. 98-5476. *RAMIREZ v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist. Certiorari denied. Reported below: 59 Cal. App. 4th 1548, 70 Cal. Rptr. 2d 341.

No. 98-5477. *SMITH v. UNITED STATES*; and

No. 98-5478. *SUMLER v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. Reported below: 136 F. 3d 188.

No. 98-5482. *STEELEY v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 145 F. 3d 1335.

No. 98-5483. *PATTERSON v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 140 F. 3d 767.

No. 98-5488. *HYNES v. SQUILLACE ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 143 F. 3d 653.

No. 98-5489. *FELIPE v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 148 F. 3d 101.

No. 98-5490. *HERNANDEZ v. UNITED STATES*; and

No. 98-5800. *HERNANDEZ v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 141 F. 3d 1042.

October 5, 1998

525 U. S.

No. 98-5491. *GREEN v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 144 F. 3d 54.

No. 98-5492. *HARMS v. INTERNAL REVENUE SERVICE*. C. A. 8th Cir. Certiorari denied. Reported below: 149 F. 3d 1187.

No. 98-5493. *BREWSTER v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 137 F. 3d 853.

No. 98-5494. *DAVIS v. COLONIAL SAVINGS*. Ct. App. Ariz. Certiorari denied.

No. 98-5497. *NORRIS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 144 F. 3d 50.

No. 98-5498. *KELLEY v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 140 F. 3d 596.

No. 98-5499. *KEMBITSKEY v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 142 F. 3d 446.

No. 98-5500. *MADSEN v. DORMIRE, SUPERINTENDENT, JEFFERSON CITY CORRECTIONAL CENTER, ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 137 F. 3d 602.

No. 98-5501. *MAUWEE v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 145 F. 3d 1342.

No. 98-5502. *MILLER v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 145 F. 3d 1334.

No. 98-5506. *IBRAHIM v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 98-5507. *GIBSON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 146 F. 3d 868.

No. 98-5509. *SAIN v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 141 F. 3d 463.

No. 98-5511. *PERCOPO v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 144 F. 3d 51.

No. 98-5512. *JERMOSEN v. CAHILL ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 159 F. 3d 1347.

No. 98-5513. *MOORE v. PAGE, WARDEN*. C. A. 7th Cir. Certiorari denied.

525 U.S.

October 5, 1998

No. 98-5515. *JOHNSON v. ARVONIO, ADMINISTRATOR, EAST JERSEY STATE PRISON, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 98-5517. *SHULMAN v. UNITED STATES ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 142 F. 3d 445.

No. 98-5519. *OUTLAW v. APFEL, COMMISSIONER OF SOCIAL SECURITY.* C. A. D. C. Cir. Certiorari denied.

No. 98-5524. *WASHINGTON, AKA ROBINSON v. UNITED STATES.* C. A. 7th Cir. Certiorari denied. Reported below: 142 F. 3d 441.

No. 98-5525. *MARES v. PAGE, WARDEN.* C. A. 7th Cir. Certiorari denied.

No. 98-5526. *LAWSON v. UNITED STATES; and*

No. 98-5907. *ALVAREZ, AKA HILL v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 149 F. 3d 1171.

No. 98-5527. *RANSON v. FLORIDA ET AL.* Dist. Ct. App. Fla., 2d Dist. Certiorari denied. Reported below: 720 So. 2d 525.

No. 98-5528. *OTIS v. SCHOTTEN, WARDEN.* C. A. 6th Cir. Certiorari denied.

No. 98-5529. *PRINCE v. UNITED STATES.* C. A. 9th Cir. Certiorari denied.

No. 98-5531. *MCBROWN v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 149 F. 3d 1176.

No. 98-5534. *KOEHLER v. UNITED STATES;*

No. 98-5559. *SLATER v. UNITED STATES; and*

No. 98-5560. *O'NEILL v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 137 F. 3d 237.

No. 98-5535. *DAVIS v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 146 F. 3d 219.

No. 98-5537. *HOPPER v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 133 F. 3d 918.

No. 98-5538. *ROBLES v. JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION.* C. A. 5th Cir. Certiorari denied. Reported below: 139 F. 3d 898.

October 5, 1998

525 U. S.

No. 98-5539. RAMOS-REY *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 98-5540. SCOTT *v.* JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION. C. A. 5th Cir. Certiorari denied.

No. 98-5541. RODRIGUEZ-RODRIGUEZ *v.* UNITED STATES; and  
No. 98-5561. GARCIA-BELTRAN *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. Reported below: 149 F. 3d 1.

No. 98-5543. NIEVES *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 143 F. 3d 728.

No. 98-5544. MURKS *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 145 F. 3d 1334.

No. 98-5545. KIPKIRWA *v.* SANTA CLARA COUNTY PROBATION DEPARTMENT ET AL. C. A. 9th Cir. Certiorari denied.

No. 98-5549. ABDUL-MATIYN *v.* NEW YORK. Sup. Ct. N. Y., Bronx County. Certiorari denied.

No. 98-5551. COOK *v.* MILLS, WARDEN, ET AL. C. A. 6th Cir. Certiorari denied.

No. 98-5552. D'GINTO *v.* GILLIS, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT COAL TOWNSHIP, ET AL. C. A. 3d Cir. Certiorari denied.

No. 98-5553. FLUITT *v.* STINSON, SUPERINTENDENT, GREAT MEADOW CORRECTIONAL FACILITY. C. A. 2d Cir. Certiorari denied. Reported below: 159 F. 3d 1346.

No. 98-5555. HAYNES *v.* BELL, WARDEN. C. A. 6th Cir. Certiorari denied. Reported below: 145 F. 3d 1331.

No. 98-5556. GAULT *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 141 F. 3d 1399.

No. 98-5558. BENSON *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied.

No. 98-5563. WOODENLEGS *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 152 F. 3d 931.

525 U.S.

October 5, 1998

No. 98-5564. REYES-GUTIERREZ *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 145 F. 3d 1347.

No. 98-5565. SHOCKEY *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 141 F. 3d 1165.

No. 98-5566. RUMPH *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 145 F. 3d 1334.

No. 98-5567. SPENCER *v.* MILLER. C. A. 7th Cir. Certiorari denied. Reported below: 151 F. 3d 1033.

No. 98-5569. SAUNDERS *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied.

No. 98-5570. SOUVERAIN *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 145 F. 3d 1327.

No. 98-5574. MURRAY *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 144 F. 3d 270.

No. 98-5575. MOURADIAN *v.* DETROIT NEWS ET AL. Ct. App. Mich. Certiorari denied.

No. 98-5576. RAMON MARTINEZ *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 143 F. 3d 1266.

No. 98-5578. KAZANDJIAN *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 133 F. 3d 930.

No. 98-5580. LOFTIN *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 144 F. 3d 51.

No. 98-5581. WATKINS *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 151 F. 3d 1034.

No. 98-5583. SICAIRO BELTRAN *v.* CALIFORNIA. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 98-5584. BAUTISTA *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 145 F. 3d 1140.

No. 98-5585. BARROGA *v.* GILLAN ET AL. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 98-5586. KENNEDY, AKA KORNEGAY *v.* UNITED STATES. C. A. D. C. Cir. Certiorari denied. Reported below: 133 F. 3d 53.

October 5, 1998

525 U. S.

No. 98-5591. *SAMBOY v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 98-5592. *PAUL v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 3d Cir. Certiorari denied.

No. 98-5595. *BRYANT ET AL. v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 155 F. 3d 563.

No. 98-5597. *CREHORE v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 148 F. 3d 577.

No. 98-5600. *REAGAN v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 129 F. 3d 1257.

No. 98-5604. *FEDERENKO v. TERHUNE, DIRECTOR, CALIFORNIA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 139 F. 3d 904.

No. 98-5606. *DONALDSON v. DEPARTMENT OF AGRICULTURE*. C. A. 6th Cir. Certiorari denied.

No. 98-5610. *WALKER v. MCDANIEL, WARDEN*. Sup. Ct. Nev. Certiorari denied. Reported below: 114 Nev. 1757, 988 P. 2d 876.

No. 98-5612. *DUNCAN v. CHILDREN'S NATIONAL MEDICAL CENTER*. Ct. App. D. C. Certiorari denied. Reported below: 702 A. 2d 207.

No. 98-5614. *DENNIS v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied. Reported below: 17 Cal. 4th 468, 950 P. 2d 1035.

No. 98-5615. *VAN DE WALKER v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 141 F. 3d 1451.

No. 98-5616. *MARTIN v. MISSOURI*. Ct. App. Mo., Southern Dist. Certiorari denied.

No. 98-5617. *JARRAHI v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 145 F. 3d 1326.

No. 98-5618. *EDMONDS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 149 F. 3d 1171.

No. 98-5620. *LOCKHART v. UNITED STATES*. C. A. Fed. Cir. Certiorari denied. Reported below: 155 F. 3d 565.

525 U.S.

October 5, 1998

No. 98-5623. *CHRISTIAN v. SEABOLD, WARDEN, ET AL.* Ct. App. Ky. Certiorari denied.

No. 98-5624. *DAVIS v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 141 F. 3d 1180.

No. 98-5625. *ROSS v. UNITED STATES*; and  
No. 98-5884. *ADAMS v. UNITED STATES.* C. A. 11th Cir. Certiorari denied. Reported below: 131 F. 3d 970.

No. 98-5626. *POSL v. APFEL, COMMISSIONER OF SOCIAL SECURITY.* C. A. 8th Cir. Certiorari denied. Reported below: 149 F. 3d 1188.

No. 98-5628. *CHRISTIAN v. VIRGINIA.* Sup. Ct. Va. Certiorari denied.

No. 98-5631. *OLIVAREZ v. UNITED STATES.* C. A. 11th Cir. Certiorari denied. Reported below: 145 F. 3d 362.

No. 98-5632. *SMALLEY v. FRANK, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT HUNTINGDON, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 98-5633. *GONZALES-AMESCUA v. UNITED STATES.* C. A. 9th Cir. Certiorari denied.

No. 98-5635. *DIAZ v. UNITED STATES.* C. A. 11th Cir. Certiorari denied. Reported below: 138 F. 3d 1359.

No. 98-5636. *EDWARDS v. UNITED STATES.* C. A. 10th Cir. Certiorari denied. Reported below: 145 F. 3d 1347.

No. 98-5637. *DUMAS v. JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION.* C. A. 5th Cir. Certiorari denied.

No. 98-5639. *DAVIS v. ILLINOIS.* App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 292 Ill. App. 3d 1115, 717 N. E. 2d 857.

No. 98-5640. *DILLON v. PARKE, SUPERINTENDENT, INDIANA STATE PRISON.* C. A. 7th Cir. Certiorari denied.

No. 98-5641. *DOYLE v. JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION.* Ct. Crim. App. Tex. Certiorari denied.

October 5, 1998

525 U. S.

No. 98-5642. *RAMIREZ-GONZALEZ v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 139 F. 3d 909.

No. 98-5644. *COUNCE v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 141 F. 3d 1180.

No. 98-5646. *HIGLEY v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

No. 98-5651. *HAYNES v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 143 F. 3d 1089.

No. 98-5653. *DOE, AKA SMITH, AKA IROH v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 149 F. 3d 634.

No. 98-5655. *HAM v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 156 F. 3d 1226.

No. 98-5660. *HOPPER v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 98-5662. *GATTO v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

No. 98-5666. *FUTRELL v. ANGELONE, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS*. C. A. 4th Cir. Certiorari denied. Reported below: 129 F. 3d 1259.

No. 98-5672. *STANDARD v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 133 F. 3d 931.

No. 98-5673. *SPAULDING v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 149 F. 3d 1172.

No. 98-5674. *PUCH v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 141 F. 3d 1165.

No. 98-5675. *MCLEAN v. UNITED STATES*. Ct. App. D. C. Certiorari denied.

No. 98-5678. *JOHNSON v. CALIFORNIA*. Ct. App. Cal., 4th App. Dist. Certiorari denied. Reported below: 62 Cal. App. 4th 608, 72 Cal. Rptr. 2d 805.

No. 98-5685. *BROOKS v. NUTH, WARDEN, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 149 F. 3d 1167.

525 U.S.

October 5, 1998

No. 98-5686. *VILLA ARELLANO v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 149 F. 3d 1194.

No. 98-5687. *HERNANDEZ, AKA RODRIGUEZ v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 156 F. 3d 1226.

No. 98-5690. *MORALES v. TERHUNE, DIRECTOR, CALIFORNIA DEPARTMENT OF CORRECTIONS*. C. A. 9th Cir. Certiorari denied.

No. 98-5693. *WARREN v. NORTH CAROLINA*. Sup. Ct. N. C. Certiorari denied. Reported below: 348 N. C. 80, 499 S. E. 2d 431.

No. 98-5700. *WILLIAMSON v. SHALALA, SECRETARY OF HEALTH AND HUMAN SERVICES*. C. A. D. C. Cir. Certiorari denied.

No. 98-5701. *CONNER v. WISCONSIN*. Ct. App. Wis. Certiorari denied.

No. 98-5702. *PIERCE v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 145 F. 3d 1343.

No. 98-5703. *SAUNDERS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 149 F. 3d 1195.

No. 98-5704. *SMITH v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 98-5705. *BRATTON v. ALABAMA*. Ct. Crim. App. Ala. Certiorari denied. Reported below: 727 So. 2d 176.

No. 98-5706. *ABOH v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 145 F. 3d 1326.

No. 98-5708. *JOHNSON v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 132 F. 3d 628.

No. 98-5709. *MOORE v. ARTUZ, SUPERINTENDENT, GREEN HAVEN CORRECTIONAL FACILITY*. C. A. 2d Cir. Certiorari denied.

No. 98-5711. *LUEPKE v. OFFICE OF PERSONNEL MANAGEMENT*. C. A. Fed. Cir. Certiorari denied. Reported below: 155 F. 3d 568.

October 5, 1998

525 U. S.

No. 98-5712. *JOHNSON v. HENDERSON*, POSTMASTER GENERAL. C. A. 8th Cir. Certiorari denied. Reported below: 137 F. 3d 1081.

No. 98-5714. *CALHOUN v. WISCONSIN*. Ct. App. Wis. Certiorari denied. Reported below: 218 Wis. 2d 165, 578 N. W. 2d 209.

No. 98-5716. *NOWACZYK v. SUPREME COURT OF NEW HAMPSHIRE ET AL.* C. A. 1st Cir. Certiorari denied.

No. 98-5718. *BATTLES v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 145 F. 3d 1342.

No. 98-5719. *ANDERS v. TEXAS*. Ct. App. Tex., 12th Dist. Certiorari denied. Reported below: 973 S. W. 2d 682.

No. 98-5720. *BROWN v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 129 F. 3d 117.

No. 98-5726. *LAHERA v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 142 F. 3d 437.

No. 98-5728. *MARIN v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 144 F. 3d 1085.

No. 98-5730. *WEST v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 145 F. 3d 1343.

No. 98-5734. *WEADON v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 145 F. 3d 158.

No. 98-5739. *PLUTA v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 144 F. 3d 968.

No. 98-5740. *ALLEN v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 98-5745. *LANTER v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 141 F. 3d 1181.

No. 98-5750. *HUNTER v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 145 F. 3d 946.

No. 98-5751. *FREDERICKS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 145 F. 3d 1342.

No. 98-5753. *DANIEL v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 149 F. 3d 1185.

525 U.S.

October 5, 1998

No. 98-5756. *MOORE v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 127 F. 3d 1107.

No. 98-5757. *MITNICK v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 145 F. 3d 1342.

No. 98-5758. *SLATER v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 141 F. 3d 1189.

No. 98-5759. *SHAVERS v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 151 F. 3d 1027.

No. 98-5768. *MONTGOMERY v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 150 F. 3d 983.

No. 98-5771. *LOTT v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 156 F. 3d 1233.

No. 98-5773. *KEY-EL v. MARYLAND*. Ct. App. Md. Certiorari denied. Reported below: 349 Md. 811, 709 A. 2d 1305.

No. 98-5774. *NOBLE v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 142 F. 3d 446.

No. 98-5775. *MAGANA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 152 F. 3d 930.

No. 98-5780. *NGUYEN v. UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA*. C. A. D. C. Cir. Certiorari denied.

No. 98-5783. *PERRY v. HENDERSON, POSTMASTER GENERAL*. C. A. 8th Cir. Certiorari denied.

No. 98-5784. *ORTIZ v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 146 F. 3d 25.

No. 98-5785. *OUIMETTE v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 137 F. 3d 24.

No. 98-5786. *McLANE v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 98-5790. *MAXWELL v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 139 F. 3d 895.

No. 98-5794. *JONES v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

October 5, 1998

525 U. S.

No. 98-5795. *McKINNEY v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 143 F. 3d 325.

No. 98-5797. *BOCLAIR v. PAGE*. C. A. 7th Cir. Certiorari denied.

No. 98-5801. *FLORES-SOLANO v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 145 F. 3d 1342.

No. 98-5803. *SWANN v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 155 F. 3d 563.

No. 98-5808. *HOPPER v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 137 F. 3d 1351.

No. 98-5810. *DOWNEY v. DAVIS, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 98-5814. *MOORE v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. Reported below: 159 F. 3d 638.

No. 98-5815. *LOWE v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 145 F. 3d 45.

No. 98-5824. *HICKS v. UNITED STATES*. Ct. App. D. C. Certiorari denied.

No. 98-5825. *HELMSTETTER v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 98-5831. *CURRY v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 156 F. 3d 1232.

No. 98-5832. *BELTRAN v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 142 F. 3d 446.

No. 98-5834. *CAMPBELL v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 134 F. 3d 379.

No. 98-5835. *BROWN v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 147 F. 3d 477.

No. 98-5838. *SINGH v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 145 F. 3d 1327.

No. 98-5842. *GARCIA-BERMEDEZ v. BROOKS, WARDEN*. C. A. 10th Cir. Certiorari denied. Reported below: 153 F. 3d 727.

525 U.S.

October 5, 1998

No. 98-5844. *HINTON v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 141 F. 3d 1160.

No. 98-5846. *HINTON v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 98-5847. *HARRIS v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 149 F. 3d 1185.

No. 98-5849. *PAUL v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 142 F. 3d 836.

No. 98-5851. *ODUS v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 98-5854. *BLYTHE v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 98-5857. *WRIGHT v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 145 F. 3d 972.

No. 98-5858. *WESTERN v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 149 F. 3d 1172.

No. 98-5859. *VENTURA v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 146 F. 3d 91.

No. 98-5860. *YOUNG, AKA BURNSIDE v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 98-5863. *YOUNG v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 136 F. 3d 137.

No. 98-5865. *ARAGON v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 141 F. 3d 1186.

No. 98-5866. *BRADSHAW v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 145 F. 3d 1333.

No. 98-5868. *LAMBERT ET AL. v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 153 F. 3d 723.

No. 98-5874. *LEONARD v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 141 F. 3d 1161.

No. 98-5878. *ORTEGA-RAMOS v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

October 5, 1998

525 U. S.

No. 98–5879. REESE *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 145 F. 3d 1343.

No. 98–5887. ELBERT *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied.

No. 98–5889. HUNTER *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 145 F. 3d 1342.

No. 98–5890. GARCIA *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 162 F. 3d 1152.

No. 98–5891. HOOVER *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 149 F. 3d 1171.

No. 97–1798. BIRBROWER, MONTALBANO, CONDON & FRANK, P. C., ET AL. *v.* ESQ BUSINESS SERVICES, INC. Sup. Ct. Cal. Motions of American Corporate Counsel Association et al., Federal Communications Bar Association, and Securities Industry Association for leave to file briefs as *amici curiae* granted. Certiorari denied. Reported below: 17 Cal. 4th 119, 949 P. 2d 1.

No. 97–1825. ISQUITH, BY HER CUSTODIAN, ISQUITH, INDIVIDUALLY AND ON BEHALF OF ALL OTHERS SIMILARLY SITUATED *v.* CAREMARK INTERNATIONAL, INC., ET AL. C. A. 7th Cir. Certiorari denied. JUSTICE O’CONNOR took no part in the consideration or decision of this petition. Reported below: 136 F. 3d 531.

No. 97–1841. CALDERON, WARDEN *v.* TAYLOR. C. A. 9th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 134 F. 3d 981.

No. 97–2024. CALDERON, WARDEN *v.* CLARK. C. A. 9th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied.

No. 98–11. MICHIGAN *v.* BAILEY. Ct. App. Mich. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied.

No. 98–22. OHIO *v.* TENACE. Ct. App. Ohio, Lucas County. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 121 Ohio App. 3d 702, 700 N. E. 2d 899.

525 U.S.

October 5, 1998

No. 98–212. MICHIGAN *v.* BASS. Sup. Ct. Mich. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 457 Mich. 866, 577 N. W. 2d 667.

No. 97–1895. MCCARTHY ET AL. *v.* PROVIDENTIAL CORP. ET AL. C. A. 9th Cir. Motion of Stephane Bourcier de Carbon et al. for leave to file a brief as *amici curiae* granted. Certiorari denied. Reported below: 122 F. 3d 1242.

No. 97–1929. MONTANA ET AL. *v.* ENVIRONMENTAL PROTECTION AGENCY ET AL. C. A. 9th Cir. Motions of Montana Association of Counties, National Water Resources Association et al., and Sunnyside Valley Irrigation District et al. for leave to file briefs as *amici curiae* granted. Certiorari denied. Reported below: 137 F. 3d 1135.

No. 97–1958. SMALL LANDOWNERS OF OAHU ET AL. *v.* CITY AND COUNTY OF HONOLULU. C. A. 9th Cir. Motion of Pacific Legal Foundation for leave to file a brief as *amicus curiae* granted. Certiorari denied. Reported below: 124 F. 3d 1150.

No. 97–1999. FIREMAN'S FUND INSURANCE CO. *v.* M. V. DSR ATLANTIC, HER ENGINES, TACKLE, MACHINERY, IN REM, ET AL. C. A. 9th Cir. Motion of American Institute of Marine Underwriters for leave to file a brief as *amicus curiae* granted. Certiorari denied. Reported below: 131 F. 3d 1336.

No. 97–2032. KAIMOWITZ *v.* FLORIDA ET AL.; KAIMOWITZ *v.* UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF FLORIDA; and KAIMOWITZ *v.* UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF FLORIDA. C. A. 11th Cir. Motion of petitioner to defer consideration of petition for writ of certiorari denied. Certiorari denied. Reported below: 136 F. 3d 1330 (first judgment).

No. 97–2081. SASSANI *v.* UNITED STATES. C. A. 4th Cir. Motion of petitioner to defer consideration of petition for writ of certiorari denied. Certiorari denied. Reported below: 139 F. 3d 895.

No. 97–9571. GRIFFIN *v.* UNITED STATES. C. A. 7th Cir. Motion of petitioner to defer consideration of petition for writ of certiorari denied. Certiorari denied.

No. 98–77. BREEDLOVE ET AL. *v.* EARTHGRAINS BAKING COS., INC., DBA CAMPBELL TAGGART BAKING CO., INC. C. A. 8th

October 5, 1998

525 U. S.

Cir. Motion of petitioners to defer consideration of petition for writ of certiorari denied. Certiorari denied. Reported below: 140 F. 3d 797.

No. 97-2050. GRABOSKI ET AL. *v.* GIULIANI, MAYOR OF THE CITY OF NEW YORK, ET AL. C. A. 2d Cir. Motion of COAPP-VSF, Inc., for leave to file a brief as *amicus curiae* granted. Certiorari denied. Reported below: 142 F. 3d 58.

No. 97-2063. STATE FARM MUTUAL AUTOMOBILE INSURANCE CO. *v.* SPERONI ET AL. Sup. Ct. Ill. Motions for leave to file briefs as *amici curiae* filed by the following are granted: Public Citizen, Inc., et al., National Conference of Insurance Legislators, Alliance of American Insurers et al., Office of Public Insurance Counsel, Chamber of Commerce of the United States, and Washington Legal Foundation et al. Certiorari denied.

No. 97-9242. STEELE *v.* SISTRUNK ET AL. C. A. 11th Cir. Motion of respondents for determination of frivolousness denied. Certiorari denied. Reported below: 138 F. 3d 955.

No. 97-9286. SOLOMON *v.* CHENEY ET AL. C. A. 1st Cir. Certiorari denied. THE CHIEF JUSTICE took no part in the consideration or decision of this petition. Reported below: 132 F. 3d 30.

No. 97-9358. BREEST *v.* BRODEUR, COMMISSIONER, NEW HAMPSHIRE DEPARTMENT OF CORRECTIONS. C. A. 1st Cir. Certiorari denied. JUSTICE SOUTER took no part in the consideration or decision of this petition.

No. 97-9517. HUDD *v.* SHIFFMAN ET AL. C. A. 7th Cir. Certiorari before judgment denied.

No. 97-9615. PENK *v.* CLINTON, PRESIDENT OF THE UNITED STATES. C. A. 10th Cir. Certiorari before judgment denied.

No. 97-9686. GIANOPOULOS *v.* BANCOHIO, AKA NCB/COLS NATIONAL CITIES CORP., ET AL. C. A. 1st Cir. Certiorari denied. JUSTICE BREYER took no part in the consideration or decision of this petition.

No. 98-192. CHANDLER ET UX. *v.* NORWEST BANK MINNESOTA, NATIONAL ASSOCIATION, ET AL. C. A. 8th Cir. Certiorari denied. JUSTICE BREYER took no part in the consideration or decision of this petition. Reported below: 137 F. 3d 1053.

525 U.S.

October 5, 1998

No. 98-54. DODD ET UX. *v.* HOOD RIVER COUNTY ET AL. C. A. 9th Cir. Motion of Hans Hoeck for leave to file a brief as *amicus curiae* granted. Certiorari denied. Reported below: 136 F. 3d 1219.

No. 98-62. ETHICON, INC., ET AL. *v.* UNITED STATES SURGICAL CORP. ET AL. C. A. Fed. Cir. Motion of American Home Products Corp. et al. for leave to file a brief as *amici curiae* granted. Certiorari denied. Reported below: 135 F. 3d 1456.

No. 98-69. SAL TINNERELLO & SONS, INC. *v.* TOWN OF STONINGTON ET AL. C. A. 2d Cir. Motion of BFI Waste Systems of North America for leave to file a brief as *amicus curiae* granted. Certiorari denied. Reported below: 141 F. 3d 46.

No. 98-86. SHOEN *v.* SHOEN ET AL. Ct. App. Ariz. Certiorari denied. JUSTICE THOMAS took no part in the consideration or decision of this petition. Reported below: 191 Ariz. 64, 952 P. 2d 302.

No. 98-5055. MILLER ET AL. *v.* LORAIN COUNTY BOARD OF ELECTIONS ET AL. C. A. 6th Cir. Motion of Coalition for Free and Open Elections et al. for leave to file a brief as *amici curiae* granted. Certiorari denied. Reported below: 141 F. 3d 252.

#### *Rehearing Denied*

No. 97-1567. AMERICAN MEDICAL ASSN. *v.* PRACTICE MANAGEMENT INFORMATION CORP., 524 U. S. 952;

No. 97-1872. ARSHAL *v.* DALTON, SECRETARY OF THE NAVY, 524 U. S. 954;

No. 97-7420. GAVIN ET AL. *v.* BRANSTAD ET AL., 524 U. S. 955;

No. 97-7635. KOSYLA *v.* ILLINOIS, 523 U. S. 1010;

No. 97-8265. CUNNINGHAM *v.* WOODS, WARDEN, ET AL., 523 U. S. 1125;

No. 97-8409. WILSON *v.* STEWART, SUPERINTENDENT, MCNEIL ISLAND CORRECTIONS CENTER, 523 U. S. 1140;

No. 97-8420. QUARTERMAN *v.* QUARTERMAN, 523 U. S. 1141;

No. 97-8430. MCCORD *v.* UNITED STATES, 523 U. S. 1100;

No. 97-8705. HALPIN *v.* SINGLETARY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, 523 U. S. 1131;

No. 97-8738. HILLIARD *v.* KAISER ET AL., 524 U. S. 941;

No. 97-8793. ALJAMI *v.* KENTUCKY, 524 U. S. 909;

October 5, 7, 9, 1998

525 U. S.

No. 97-8855. *WASHINGTON v. SERVICE EMPLOYEES' INTERNATIONAL UNION, LOCAL 50, ET AL.*, 524 U. S. 957;

No. 97-8861. *IN RE BAEZ*, 524 U. S. 950;

No. 97-8873. *HUNTER v. SOUTH CAROLINA ET AL.*, 524 U. S. 943;

No. 97-8875. *MOSSERI v. UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK* (two judgments), 524 U. S. 931;

No. 97-8890. *HARRIS v. HIGGINS, WARDEN*, 524 U. S. 931;

No. 97-9002. *CRAFTON v. CRAFTON*, 524 U. S. 958;

No. 97-9006. *CAMPBELL v. UNITED STATES POSTAL SERVICE*, 524 U. S. 931; and

No. 97-9089. *STEELE v. UNITED STATES*, 524 U. S. 944. Petitions for rehearing denied.

No. 97-1615. *PROPST, INDIVIDUALLY AND AS REPRESENTATIVE OF THE ESTATE OF CHAMBERS, DECEASED v. KINGRY ET AL.*, 523 U. S. 1138. Motion for leave to file petition for rehearing denied.

OCTOBER 7, 1998

*Miscellaneous Order*

No. A-281. *NOBLES v. TEXAS DEPARTMENT OF CRIMINAL JUSTICE*. Application for stay of execution of sentence of death, presented to JUSTICE SCALIA, and by him referred to the Court, denied.

OCTOBER 9, 1998

*Dismissal Under Rule 46*

No. 97-8998. *ANSON v. TEXAS*. Ct. Crim. App. Tex. Certiorari dismissed under this Court's Rule 46. Reported below: 959 S. W. 2d 203.

*Probable Jurisdiction Noted*

No. 98-564. *CLINTON, PRESIDENT OF THE UNITED STATES, ET AL. v. GLAVIN ET AL.* Appeal from D. C. E. D. Va. Joint motion to expedite consideration of jurisdictional statement and to set an expedited briefing schedule granted. Probable jurisdiction noted. Brief of the Solicitor General is to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Tuesday,

525 U.S.

October 9, 12, 13, 1998

October 20, 1998. Briefs of appellees are to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Wednesday, November 4, 1998. A reply brief, if any, is to be filed with the Clerk and served upon opposing counsel on or before Tuesday, November 17, 1998. This Court's Rule 29.2 does not apply. The case is consolidated for oral argument on Monday, November 30, 1998, with No. 98-404, *Department of Commerce et al. v. United States House of Representatives et al.* [probable jurisdiction noted, 524 U.S. 978], and a total of one and one-half hours allotted for oral argument. Reported below: 19 F. Supp. 2d 543.

OCTOBER 12, 1998

*Miscellaneous Order*

No. A-285. LAMBERT, SUPERINTENDENT, WASHINGTON STATE PENITENTIARY *v.* VARGAS, NEXT FRIEND OF SAGASTEGUI. Application to vacate the stay of execution of sentence of death, entered by the United States Court of Appeals for the Ninth Circuit on October 11, 1998, presented to JUSTICE O'CONNOR, and by her referred to the Court, granted. JUSTICE STEVENS and JUSTICE BREYER would deny the application to vacate the stay of execution.

*Certiorari Denied*

No. 98-6324 (A-278). WRIGHT *v.* ANGELONE, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS. C. A. 4th Cir. Application for stay of execution of sentence of death, presented to THE CHIEF JUSTICE, and by him referred to the Court, denied. Certiorari denied. JUSTICE STEVENS and JUSTICE GINSBURG would grant the application for stay of execution.

OCTOBER 13, 1998

*Miscellaneous Orders.* (See also No. 9, Orig., *ante*, p. 1.)

No. D-1961. IN RE DISBARMENT OF WEISSER. Motion to defer consideration granted. [For earlier order herein, see 524 U.S. 913.]

No. D-1977. IN RE DISBARMENT OF PRIAMOS. Disbarment entered. [For earlier order herein, see 524 U.S. 967.]

October 13, 1998

525 U. S.

No. D-1984. *IN RE DISBARMENT OF TURNER*. Disbarment entered. [For earlier order herein, see 524 U. S. 973.]

No. D-1985. *IN RE DISBARMENT OF DREW*. Disbarment entered. [For earlier order herein, see 524 U. S. 973.]

No. D-1986. *IN RE DISBARMENT OF PINCKNEY*. Disbarment entered. [For earlier order herein, see 524 U. S. 973.]

No. D-1996. *IN RE DISBARMENT OF BRAXTON*. Harold L. Braxton, of Miami, Fla., is suspended from the practice of law in this Court, and a rule will 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-1997. *IN RE DISBARMENT OF KRAMER*. Steven M. Kramer, of New York, N. Y., is suspended from the practice of law in this Court, and a rule will 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-1998. *IN RE DISBARMENT OF TORPY*. Richard D. Torpy, of Littleton, Colo., is suspended from the practice of law in this Court, and a rule will 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-1999. *IN RE DISBARMENT OF CAMPOS QUIROZ*. Raymundo Campos Quiroz, of Los Angeles, Cal., is suspended from the practice of law in this Court, and a rule will 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-2000. *IN RE DISBARMENT OF HENRY*. Donald Wilson Henry, of Woodland Hills, Cal., is suspended from the practice of law in this Court, and a rule will 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-2001. *IN RE DISBARMENT OF LALIME*. James L. Lalime, of Williamsville, N. Y., is suspended from the practice of law in this Court, and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

525 U.S.

October 13, 1998

No. M-19. IN RE HARGREAVES;

No. M-20. FORE *v.* CARMEL ET AL.; andNo. M-21. U. S. FISH CORP. *v.* SEMINOLE TRIBE OF FLORIDA.

Motions to direct the Clerk to file petitions for writs of certiorari out of time denied.

No. 108, Orig. NEBRASKA *v.* WYOMING ET AL. Motion of the Special Master for compensation and reimbursement of expenses granted, and the Special Master is awarded a total of \$98,644.56 to be paid as follows: 35% by Nebraska, 35% by Wyoming, 5% by Colorado, and 25% by the United States. [For earlier order herein, see, *e. g.*, 522 U.S. 1026.]

No. 97-303. HUMANA INC. ET AL. *v.* FORSYTH ET AL. C. A. 9th Cir. [Certiorari granted, 524 U.S. 936.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 97-930. BUCKLEY, SECRETARY OF STATE OF COLORADO *v.* AMERICAN CONSTITUTIONAL LAW FOUNDATION, INC., ET AL. C. A. 10th Cir. [Certiorari granted, 522 U.S. 1107.] Motion of respondent American Constitutional Law Foundation, Inc., for leave to permit respondent Bill Orr to sit at counsel table denied.

No. 97-1620. SEIF, SECRETARY, PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL PROTECTION, ET AL. *v.* CHESTER RESIDENTS CONCERNED FOR QUALITY LIVING ET AL., 524 U.S. 974. Motion of petitioners to award costs denied.

No. 98-404. DEPARTMENT OF COMMERCE ET AL. *v.* UNITED STATES HOUSE OF REPRESENTATIVES ET AL. D. C. D. C. [Probable jurisdiction noted, 524 U.S. 978.] Motion of Jerome Gray et al. for leave to file a brief as *amici curiae* granted.

No. 98-5554. FLANAGAN ET UX. *v.* ARNAIZ ET AL. C. A. 9th Cir.; and

No. 98-5590. MUHAMMAD *v.* FEDERAL REPUBLIC OF NIGERIA ET AL. C. A. 9th Cir. Motions of petitioners for leave to proceed *in forma pauperis* denied. Petitioners are allowed until November 3, 1998, within which to pay the docketing fee required by Rule 38(a) and to submit petitions in compliance with Rule 33.1 of the Rules of this Court.

October 13, 1998

525 U. S.

- No. 98-5917. IN RE McDERMOTT;  
No. 98-5923. IN RE MELONCON;  
No. 98-5951. IN RE KIMBERLIN;  
No. 98-5982. IN RE HAMILTON;  
No. 98-6004. IN RE WEBB, AKA WEBB-EL;  
No. 98-6007. IN RE KING;  
No. 98-6072. IN RE CANTRELL; and  
No. 98-6075. IN RE OKORO. Petitions for writs of habeas corpus denied.
- No. 98-5895. IN RE DEBARDELEBEN. Petition for writ of mandamus denied.

*Certiorari Granted*

No. 98-6. EL PASO NATURAL GAS CO. ET AL. *v.* NEZTSOSIE ET AL. C. A. 9th Cir. Certiorari granted. Reported below: 136 F. 3d 610.

No. 97-1868. UNUM LIFE INSURANCE COMPANY OF AMERICA *v.* WARD. C. A. 9th Cir. Motions of Standard Insurance Co., Association of California Life and Health Insurance Companies, and American Council of Life Insurance et al. for leave to file briefs as *amici curiae* granted. Certiorari granted. Reported below: 135 F. 3d 1276.

No. 97-1985. NEDER *v.* UNITED STATES. C. A. 11th Cir. Certiorari granted limited to the following questions: “1. Whether the trial court’s failure to instruct the jury on the materiality element in this case was harmless error because materiality was not in dispute at trial? 2. Whether materiality is an element of the crimes set forth in the federal mail fraud (18 U. S. C. § 1341), wire fraud (18 U. S. C. § 1343), and bank fraud (18 U. S. C. § 1344) statutes?” Reported below: 136 F. 3d 1459.

*Certiorari Denied*

No. 97-1947. BEVERLY COMMUNITY HOSPITAL ASSN., DBA BEVERLY HOSPITAL, ET AL. *v.* BELSHE, DIRECTOR, CALIFORNIA DEPARTMENT OF HEALTH SERVICES, ET AL.;

No. 97-1949. GILMORE ET AL. *v.* SHALALA, SECRETARY OF HEALTH AND HUMAN SERVICES, ET AL.; and

No. 97-2079. CALIFORNIA AMBULANCE ASSN. ET AL. *v.* BELSHE, DIRECTOR, CALIFORNIA DEPARTMENT OF HEALTH SERVICES, ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 132 F. 3d 1259.

525 U.S.

October 13, 1998

No. 97-1994. *NEWTON ET UX. v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 131 F. 3d 147.

No. 97-2029. *PARAMOUNT HEALTH SYSTEMS, INC., PERSONALLY AND ON BEHALF OF ALL PERSONS SIMILARLY SITUATED, ET AL. v. WRIGHT, DIRECTOR, ILLINOIS DEPARTMENT OF PUBLIC AID, ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 138 F. 3d 706.

No. 97-9054. *COLLIER v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied. Reported below: 959 S. W. 2d 621.

No. 97-9626. *LEGRANDE v. EASLEY, ATTORNEY GENERAL OF NORTH CAROLINA*. C. A. 4th Cir. Certiorari denied. Reported below: 145 F. 3d 1325.

No. 98-24. *BAKER v. HENDERSON, POSTMASTER GENERAL*. C. A. 7th Cir. Certiorari denied. Reported below: 114 F. 3d 668.

No. 98-50. *KEWEENAW BAY INDIAN COMMUNITY v. UNITED STATES ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 136 F. 3d 469.

No. 98-74. *TEAGUE ET AL. v. BAKKER ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 139 F. 3d 892.

No. 98-98. *STEWART, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS, ET AL. v. SMITH*. C. A. 9th Cir. Certiorari denied. Reported below: 140 F. 3d 1263.

No. 98-102. *PETE LIEN & SONS, INC., DBA COLORADO LIEN Co. v. BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF LARIMER ET AL.* Ct. App. Colo. Certiorari denied.

No. 98-130. *UNITED STATES v. CONTINENTAL AIRLINES ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 134 F. 3d 536.

No. 98-154. *MOORE v. BOARD OF EDUCATION OF THE JOHNSON CITY SCHOOLS ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 134 F. 3d 781.

No. 98-179. *PANDUIT CORP. v. THOMAS & BETTS CORP. ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 138 F. 3d 277.

No. 98-181. *LOPEZ v. SHAPIRO ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 139 F. 3d 912.

No. 98-189. *BOURCIER DE CARBON ET AL. v. GENERAL MOTORS CORP. ET AL.* C. A. 9th Cir. Certiorari denied.

October 13, 1998

525 U. S.

No. 98-198. *WHELAN ET AL. v. MERRELL DOW PHARMACEUTICALS, INC.* C. A. D. C. Cir. Certiorari denied.

No. 98-201. *KOCH ET AL. v. JAMES ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 151 F. 3d 1025.

No. 98-215. *HELLER v. FORTIS BENEFITS INSURANCE CO.* C. A. D. C. Cir. Certiorari denied. Reported below: 142 F. 3d 487.

No. 98-219. *FRIES v. HELSPER ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 146 F. 3d 452.

No. 98-228. *FRISARD v. TRAINA.* C. A. 5th Cir. Certiorari denied. Reported below: 138 F. 3d 951.

No. 98-229. *FUTURA DEVELOPMENT OF PUERTO RICO, INC. v. ESTADO LIBRE ASOCIADO DE PUERTO RICO ET AL.* C. A. 1st Cir. Certiorari denied. Reported below: 144 F. 3d 7.

No. 98-230. *AETNA LIFE INSURANCE CO. v. ACE.* C. A. 9th Cir. Certiorari denied. Reported below: 139 F. 3d 1241.

No. 98-232. *COUGHIN v. CITY OF BIRMINGHAM.* Cir. Ct. Ala., Jefferson County. Certiorari denied.

No. 98-244. *REPEAT-O-TYPE STENCIL MANUFACTURING CORP. v. HEWLETT-PACKARD Co.* C. A. 9th Cir. Certiorari denied. Reported below: 141 F. 3d 1178.

No. 98-253. *COOKSEY BROTHERS DISPOSAL CO., INC. v. BOYD COUNTY.* Ct. App. Ky. Certiorari denied. Reported below: 973 S. W. 2d 64.

No. 98-255. *PAUL v. FARMLAND INDUSTRIES, INC.* C. A. 8th Cir. Certiorari denied. Reported below: 141 F. 3d 1169.

No. 98-256. *SALTSMAN ET AL. v. CAMPBELL ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 145 F. 3d 1333.

No. 98-261. *MA ET AL. v. BROWN ET UX.* C. A. 9th Cir. Certiorari denied. Reported below: 145 F. 3d 1336.

No. 98-265. *SMITH v. UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT ET AL.* C. A. 10th Cir. Certiorari denied.

525 U.S.

October 13, 1998

No. 98-267. *HOEINGS, AKA HOINS, ET AL. v. ADAMS COUNTY ET AL.* Sup. Ct. Neb. Certiorari denied. Reported below: 254 Neb. 64, 574 N. W. 2d 498.

No. 98-269. *DAVIS ET AL. v. UNITED STATES FIDELITY & GUARANTY Co. ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 149 F. 3d 1189.

No. 98-271. *CERTAIN UNDERWRITERS AT LLOYD'S, LONDON, ET AL. v. INDIANA GAS CO., INC., ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 141 F. 3d 314.

No. 98-273. *BERG v. KOZLOFF.* Sup. Ct. Pa. Certiorari denied. Reported below: 552 Pa. 126, 713 A. 2d 1106.

No. 98-274. *TYLER v. CHILES, GOVERNOR OF FLORIDA, ET AL.* Dist. Ct. App. Fla., 2d Dist. Certiorari denied. Reported below: 718 So. 2d 811.

No. 98-278. *KIRWAN ET AL. v. CIGNA SETTling DEFENDANTS.* C. A. 7th Cir. Certiorari denied. Reported below: 142 F. 3d 441.

No. 98-280. *LANE, CONSERVATOR OF THE ESTATE OF JAMERSON v. CITY AND COUNTY OF SAN FRANCISCO ET AL.* Ct. App. Cal., 1st App. Dist. Certiorari denied.

No. 98-282. *TAMAGNI ET AL. v. TAX APPEALS TRIBUNAL OF NEW YORK ET AL.* Ct. App. N. Y. Certiorari denied. Reported below: 91 N. Y. 2d 530, 695 N. E. 2d 1125.

No. 98-287. *SHANKLIN v. SECURITIES AND EXCHANGE COMMISSION.* C. A. 2d Cir. Certiorari denied. Reported below: 137 F. 3d 732.

No. 98-293. *FAVIS v. NAPA STATE HOSPITAL ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 139 F. 3d 904.

No. 98-294. *FLESCH v. WRANOSKY.* Ct. App. Wis. Certiorari denied. Reported below: 216 Wis. 2d 114, 573 N. W. 2d 900.

No. 98-297. *NAPLETON, NOT INDIVIDUALLY, BUT AS TRUSTEE UNDER THE KATHERINE R. NAPLETON REVOCABLE SELF-DECLARATION OF TRUST DATED OCTOBER 1, 1992 v. GENERAL MOTORS CORP.* C. A. 7th Cir. Certiorari denied. Reported below: 138 F. 3d 1209.

October 13, 1998

525 U. S.

No. 98-302. *AIRBORNE FREIGHT CORP., DBA AIRBORNE EXPRESS v. KELLEY*. C. A. 1st Cir. Certiorari denied. Reported below: 140 F. 3d 335.

No. 98-311. *ISLANDER EAST RENTAL PROGRAM ET AL. v. BARFIELD ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 145 F. 3d 359.

No. 98-319. *OBREGON ET UX. v. ALLSTATE INSURANCE CO. ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 141 F. 3d 1178.

No. 98-323. *SHONG-CHING TONG v. MCMAHON ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 145 F. 3d 1341.

No. 98-343. *NORLAND v. GRINNELL MUTUAL REINSURANCE CO. ET AL.* Sup. Ct. Iowa. Certiorari denied. Reported below: 578 N. W. 2d 239.

No. 98-375. *VERS, AN INCOMPETENT, BY HER DISCHARGED PERMANENT CONSERVATOR AND GUARDIAN AD LITEM, VERS, ET AL. v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 141 F. 3d 1182.

No. 98-416. *NSBD, DBA FAIRLANE TOWN CENTER v. NATIONAL LABOR RELATIONS BOARD.* C. A. 6th Cir. Certiorari denied. Reported below: 145 F. 3d 1332.

No. 98-420. *AIELLO v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. Reported below: 159 F. 3d 1345.

No. 98-427. *CHICAGO MILWAUKEE CORP. v. UNITED STATES.* C. A. Fed. Cir. Certiorari denied. Reported below: 141 F. 3d 1112.

No. 98-435. *ELECTRONIC ENGINEERING Co. v. FEDERAL COMMUNICATIONS COMMISSION.* C. A. D. C. Cir. Certiorari denied. Reported below: 140 F. 3d 1045.

No. 98-5001. *BENSON v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. Reported below: 134 F. 3d 787.

No. 98-5094. *JONES v. CALIFORNIA.* Sup. Ct. Cal. Certiorari denied. Reported below: 17 Cal. 4th 279, 949 P. 2d 890.

No. 98-5134. *CRIBBS v. TENNESSEE.* Sup. Ct. Tenn. Certiorari denied. Reported below: 967 S. W. 2d 773.

525 U.S.

October 13, 1998

No. 98-5139. *CROCKETT v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 98-5146. *WHITE v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 139 F. 3d 998.

No. 98-5209. *DILLINGHAM v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied.

No. 98-5212. *EARHART v. JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION*. C. A. 5th Cir. Certiorari denied. Reported below: 132 F. 3d 1062.

No. 98-5316. *GALLAMORE v. JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION*. Ct. Crim. App. Tex. Certiorari denied.

No. 98-5439. *ABBINGTON v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 144 F. 3d 1003.

No. 98-5475. *ROGERS v. LOUISIANA*. Ct. App. La., 2d Cir. Certiorari denied. Reported below: 701 So. 2d 261.

No. 98-5479. *SANDERS v. BROWNER, ADMINISTRATOR, ENVIRONMENTAL PROTECTION AGENCY, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 151 F. 3d 1030.

No. 98-5480. *SIEGRIST v. IWUAGWA*. Ct. App. Ga. Certiorari denied. Reported below: 229 Ga. App. 508, 494 S. E. 2d 180.

No. 98-5484. *PICKETT v. WAL-MART STORES, INC., ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 141 F. 3d 1159.

No. 98-5485. *FABIAN v. METROPOLITAN DADE COUNTY ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 136 F. 3d 1331.

No. 98-5486. *DIAZ v. VIRGINIA*. Sup. Ct. Va. Certiorari denied.

No. 98-5487. *DUVALL v. REYNOLDS, WARDEN*. C. A. 10th Cir. Certiorari denied. Reported below: 139 F. 3d 768.

No. 98-5503. *LEE v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist. Certiorari denied.

October 13, 1998

525 U. S.

No. 98-5504. *NOVOSAD v. NEW MEXICO BOARD OF MEDICAL EXAMINERS ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 145 F. 3d 1346.

No. 98-5505. *NATHAN v. COOK, SUPERINTENDENT, SOUTH MISSISSIPPI CORRECTIONAL INSTITUTION, ET AL.* C. A. 5th Cir. Certiorari denied.

No. 98-5508. *CHRISPEN v. JENNE, SHERIFF, BROWARD COUNTY, FLORIDA, ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 138 F. 3d 958.

No. 98-5514. *LOWE v. OKLAHOMA.* Ct. Crim. App. Okla. Certiorari denied.

No. 98-5516. *SIMPSON v. SINGLETARY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 98-5518. *RIVERA v. MASSACHUSETTS.* Sup. Jud. Ct. Mass. Certiorari denied. Reported below: 424 Mass. 266, 675 N. E. 2d 791.

No. 98-5520. *VIEIRA v. CALDERON, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 142 F. 3d 447.

No. 98-5521. *TRAINOR v. ILLINOIS.* App. Ct. Ill., 3d Dist. Certiorari denied. Reported below: 293 Ill. App. 3d 1150, 718 N. E. 2d 1096.

No. 98-5533. *NEUMAN v. DUNCIL, WARDEN.* C. A. 4th Cir. Certiorari denied. Reported below: 139 F. 3d 891.

No. 98-5542. *ST. CLAIR v. HODGES, DISTRICT JUDGE, ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 141 F. 3d 1185.

No. 98-5546. *JEMZURA v. MUGGLIN ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 133 F. 3d 907.

No. 98-5547. *BROWN v. CALIFORNIA.* Sup. Ct. Cal. Certiorari denied.

No. 98-5550. *MILLER v. HAYS STATE PRISON ET AL.* C. A. 11th Cir. Certiorari denied.

525 U.S.

October 13, 1998

No. 98-5557. *DREAD v. MARYLAND STATE POLICE*. Ct. Sp. App. Md. Certiorari denied.

No. 98-5568. *SINGLETON v. LEWIS ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 139 F. 3d 892.

No. 98-5571. *RAY v. TRUSTEES AND OFFICERS OF THE CHERRY CHAPEL UM CHURCH*. Sup. Ct. Tex. Certiorari denied.

No. 98-5579. *JOHNSON v. COGGINS ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 144 F. 3d 50.

No. 98-5582. *YANCEY v. GLAZER ET AL.* Ct. App. Ohio, Montgomery County. Certiorari denied.

No. 98-5587. *JOHNSON v. MISSOURI*. Sup. Ct. Mo. Certiorari denied. Reported below: 968 S. W. 2d 123.

No. 98-5588. *MARR v. WASHINGTON*. Ct. App. Wash. Certiorari denied.

No. 98-5589. *NORRIS v. SCHOTTEN, WARDEN*. C. A. 6th Cir. Certiorari denied. Reported below: 146 F. 3d 314.

No. 98-5593. *ROLAND v. TEXAS*. Sup. Ct. Tex. Certiorari denied. Reported below: 973 S. W. 2d 665.

No. 98-5594. *PERRY v. GOODIN ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 149 F. 3d 1184.

No. 98-5596. *HUMPHREY v. CAIN, WARDEN*. C. A. 5th Cir. Certiorari denied. Reported below: 138 F. 3d 552.

No. 98-5601. *RASHID v. HAWK, DIRECTOR, FEDERAL BUREAU OF PRISONS, ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 144 F. 3d 54.

No. 98-5602. *RIVERA v. FLORIDA*. Dist. Ct. App. Fla., 2d Dist. Certiorari denied. Reported below: 718 So. 2d 185.

No. 98-5603. *HARRIS v. KING ET AL.* Ct. App. Cal., 4th App. Dist. Certiorari denied. Reported below: 60 Cal. App. 4th 1185, 70 Cal. Rptr. 2d 790.

No. 98-5605. *ENAND v. AHMAD ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 135 F. 3d 769.

October 13, 1998

525 U. S.

No. 98-5608. *GRADY v. AFFILIATED CENTRAL, INC.* C. A. 2d Cir. Certiorari denied. Reported below: 130 F. 3d 553.

No. 98-5609. *TYUS v. B & G PACKAGING.* C. A. 8th Cir. Certiorari denied.

No. 98-5611. *COCHRAN v. NELSON ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 142 F. 3d 432.

No. 98-5621. *KEENE v. OHIO.* Sup. Ct. Ohio. Certiorari denied. Reported below: 81 Ohio St. 3d 646, 693 N. E. 2d 246.

No. 98-5622. *LUCAS v. BRINSON, WARDEN, ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 148 F. 3d 1071.

No. 98-5627. *BARDO v. PENNSYLVANIA.* Sup. Ct. Pa. Certiorari denied. Reported below: 551 Pa. 140, 709 A. 2d 871.

No. 98-5629. *CORNELL v. MITCHELL, WARDEN.* C. A. 6th Cir. Certiorari denied.

No. 98-5630. *RANSON v. FLORIDA.* Sup. Ct. Fla. Certiorari denied. Reported below: 718 So. 2d 170.

No. 98-5634. *XUAN HUYNH v. FORTE AIRPORT SERVICES, INC.* C. A. 2d Cir. Certiorari denied.

No. 98-5638. *HAMILTON v. JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION.* C. A. 5th Cir. Certiorari denied.

No. 98-5643. *SCHUDER v. TEXAS.* Ct. App. Tex., 2d Dist. Certiorari denied.

No. 98-5645. *GONZALEZ v. JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION.* C. A. 5th Cir. Certiorari denied.

No. 98-5647. *CRAWFORD v. JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION.* Ct. Crim. App. Tex. Certiorari denied.

No. 98-5648. *ALEXANDER v. PLILER, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 139 F. 3d 903.

No. 98-5649. *ABEGGLEN v. JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION.* C. A. 5th Cir. Certiorari denied.

525 U.S.

October 13, 1998

No. 98-5652. *FOSTER v. CUYAHOGA COUNTY BOARD OF COMMISSIONERS ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 142 F. 3d 433.

No. 98-5657. *THOMAS v. LOUISIANA DEPARTMENT OF LABOR ET AL.* Sup. Ct. La. Certiorari denied. Reported below: 716 So. 2d 371.

No. 98-5658. *HACHMEISTER v. HAWAII.* Sup. Ct. Haw. Certiorari denied. Reported below: 87 Haw. 272, 954 P. 2d 651.

No. 98-5659. *CORDLE v. SQUARE D CO. ET AL.* Ct. App. Ky. Certiorari denied.

No. 98-5661. *GANN v. CAMBRA, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 98-5667. *GUNNELL v. LAZAROFF, WARDEN.* C. A. 6th Cir. Certiorari denied.

No. 98-5668. *HILL v. FLORIDA.* Dist. Ct. App. Fla., 5th Dist. Certiorari denied. Reported below: 709 So. 2d 643.

No. 98-5684. *CERVENIAK v. BAKER, WARDEN.* C. A. 6th Cir. Certiorari denied.

No. 98-5691. *MASON v. BRIGANO, WARDEN.* C. A. 6th Cir. Certiorari denied.

No. 98-5699. *TINSLEY v. O'DEA, WARDEN.* C. A. 6th Cir. Certiorari denied. Reported below: 142 F. 3d 436.

No. 98-5710. *MARTIN v. MCELVANEY ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 145 F. 3d 360.

No. 98-5727. *KNUCKLES-EL v. ORDIWAY.* C. A. 6th Cir. Certiorari denied. Reported below: 142 F. 3d 434.

No. 98-5729. *MANN v. SCHOTTEN, WARDEN.* C. A. 6th Cir. Certiorari denied.

No. 98-5732. *PUGH v. DEPARTMENT OF VETERANS AFFAIRS.* C. A. Fed. Cir. Certiorari denied. Reported below: 155 F. 3d 567.

No. 98-5733. *WILLIAMS v. BORG, WARDEN.* C. A. 9th Cir. Certiorari denied. Reported below: 139 F. 3d 737.

October 13, 1998

525 U. S.

No. 98-5743. *CUTEREZ MORALES v. IMMIGRATION AND NATURALIZATION SERVICE*. C. A. 9th Cir. Certiorari denied.

No. 98-5764. *PEROTTI v. BAKER, WARDEN*. C. A. 6th Cir. Certiorari denied. Reported below: 145 F. 3d 1332.

No. 98-5791. *KELLEY v. ROLFS ET AL.* C. A. 9th Cir. Certiorari denied.

No. 98-5805. *SMITH v. ROE, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 98-5821. *TUBWELL v. EVANS*. Sup. Ct. Miss. Certiorari denied.

No. 98-5828. *DEMPSEY v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 142 F. 3d 433.

No. 98-5836. *BEACHEM v. SCHRIRO, DIRECTOR, MISSOURI DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 141 F. 3d 1292.

No. 98-5837. *RICHARDSON v. VIRGINIA DEPARTMENT OF CORRECTIONS ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 153 F. 3d 722.

No. 98-5840. *SANDERS v. HOBBS, WARDEN*. C. A. 4th Cir. Certiorari denied. Reported below: 151 F. 3d 1030.

No. 98-5843. *HECKER v. CALIFORNIA*. Ct. App. Cal., 4th App. Dist. Certiorari denied.

No. 98-5852. *ARKADILE v. WORTHINGTON ET AL.* C. A. 11th Cir. Certiorari denied.

No. 98-5862. *THOMAS v. BARTLETT, SUPERINTENDENT, ELMIRA CORRECTIONAL FACILITY*. C. A. 2d Cir. Certiorari denied.

No. 98-5871. *LYNCH v. PATHMARK SUPERMARKETS*. C. A. 2d Cir. Certiorari denied. Reported below: 152 F. 3d 919.

No. 98-5873. *JOHNSON v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 146 F. 3d 547.

No. 98-5877. *PEREZ v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

525 U.S.

October 13, 1998

No. 98-5883. *CARGILL v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 144 F. 3d 51.

No. 98-5885. *BELCHER v. JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION*. C. A. 5th Cir. Certiorari denied. Reported below: 145 F. 3d 360.

No. 98-5888. *FORSYTHE v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 153 F. 3d 729.

No. 98-5900. *NICHOLS v. MCDADE, SUPERINTENDENT, HARNETT CORRECTIONAL INSTITUTION*. C. A. 4th Cir. Certiorari denied. Reported below: 145 F. 3d 1325.

No. 98-5901. *LEWIN v. THOMPSON, WARDEN*. C. A. 4th Cir. Certiorari denied. Reported below: 141 F. 3d 1158.

No. 98-5906. *ANJUM v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 139 F. 3d 887.

No. 98-5908. *STEPHENS v. RUBIN, SECRETARY OF THE TREASURY*. C. A. 11th Cir. Certiorari denied. Reported below: 138 F. 3d 958.

No. 98-5910. *KUMARAN v. TOWN OF CICERO, ILLINOIS*. C. A. 7th Cir. Certiorari denied.

No. 98-5913. *PERKINS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 152 F. 3d 930.

No. 98-5915. *OKORO v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 151 F. 3d 1033.

No. 98-5916. *PARKER v. DEPARTMENT OF JUSTICE ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 139 F. 3d 891.

No. 98-5918. *MCCULLERS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 149 F. 3d 1171.

No. 98-5920. *JONES ET AL. v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 162 F. 3d 1157.

No. 98-5924. *MARTINEZ v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 159 F. 3d 1349.

No. 98-5926. *BURROUS v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 147 F. 3d 111.

October 13, 1998

525 U. S.

No. 98-5927. *BROWN v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 155 F. 3d 561.

No. 98-5928. *ACOPA v. UNITED STATES*. C. A. Armed Forces. Certiorari denied. Reported below: 50 M. J. 116.

No. 98-5932. *BLACKBURN v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 98-5933. *CLARK v. HENDERSON, POSTMASTER GENERAL, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 134 F. 3d 376.

No. 98-5935. *CARTER v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 149 F. 3d 1191.

No. 98-5937. *CARTER v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 138 F. 3d 956.

No. 98-5938. *AUGUST v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 98-5943. *PARRA-RIOS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 156 F. 3d 187.

No. 98-5945. *CONTRERA v. UNITED STATES*;  
No. 98-5950. *MORA v. UNITED STATES*; and  
No. 98-5993. *MORA v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 152 F. 3d 921.

No. 98-5946. *MOODY v. JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION*. C. A. 5th Cir. Certiorari denied. Reported below: 139 F. 3d 477.

No. 98-5947. *LEWAL v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 152 F. 3d 919.

No. 98-5949. *LOPEZ-LOPEZ v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 145 F. 3d 1342.

No. 98-5955. *BACON v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 152 F. 3d 929.

No. 98-5956. *COTTO v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 159 F. 3d 1353.

525 U.S.

October 13, 1998

No. 98-5957. *NORRIS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 149 F. 3d 1173.

No. 98-5961. *TATUM v. CORRECTIONAL MEDICAL SYSTEMS ET AL.* Ct. Sp. App. Md. Certiorari denied.

No. 98-5962. *TYLER v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 151 F. 3d 1034.

No. 98-5964. *RICE v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 149 F. 3d 1176.

No. 98-5971. *GANTT v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. Reported below: 140 F. 3d 249.

No. 98-5972. *GRANT-CHASE v. RISLEY, COMMISSIONER, NEW HAMPSHIRE DEPARTMENT OF CORRECTIONS*. C. A. 1st Cir. Certiorari denied. Reported below: 145 F. 3d 431.

No. 98-5974. *HICKS v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 146 F. 3d 1198.

No. 98-5975. *GARCIA v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 152 F. 3d 921.

No. 98-5978. *BERRY v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 98-5990. *SALLEE v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 98-5998. *ABBOTT v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 153 F. 3d 728.

No. 98-6002. *VISCOME v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 144 F. 3d 1365.

No. 98-6006. *LOMELI v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 98-6014. *REES v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 149 F. 3d 1185.

No. 98-6015. *SPRATT v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 149 F. 3d 1173.

No. 98-6029. *MURPHY v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 145 F. 3d 1332.

October 13, 1998

525 U. S.

No. 98-6030. *MANSANARES v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 162 F. 3d 1165.

No. 98-6033. *MICHELSEN v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 141 F. 3d 867.

No. 98-6036. *PARKER v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 136 F. 3d 653.

No. 98-6044. *BASSHAM v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 162 F. 3d 1165.

No. 98-6045. *LISASUAIN v. UNITED STATES*. C. A. 1st Cir. Certiorari denied.

No. 98-6046. *LAVIGNE v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 152 F. 3d 930.

No. 98-6048. *CIRILO-MUNOZ v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 139 F. 3d 34.

No. 98-6052. *SIMMONS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 98-6054. *BOYLES v. WISCONSIN*. Ct. App. Wis. Certiorari denied. Reported below: 218 Wis. 2d 166, 578 N. W. 2d 209.

No. 98-6056. *BULLINGTON v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 153 F. 3d 728.

No. 98-6059. *SPENCER v. UNITED STATES*. Ct. App. D. C. Certiorari denied.

No. 98-6068. *BURCIAGA-JIMENEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 149 F. 3d 1174.

No. 98-6085. *TROBAUGH v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 97-1688. *COLORADO v. ROMERO*. Sup. Ct. Colo. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 953 P. 2d 550.

No. 97-1940. *CALDERON, WARDEN v. McLAIN*. C. A. 9th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 134 F. 3d 1383.

525 U.S.

October 13, 1998

No. 98–55. CAIN, WARDEN *v.* HUMPHREY. C. A. 5th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 138 F. 3d 552.

No. 98–203. NORTH CAROLINA *v.* JACKSON. Sup. Ct. N. C. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 348 N. C. 52, 497 S. E. 2d 409.

No. 97–1779. RICHARDS ET AL. *v.* LLOYD’S OF LONDON ET AL. C. A. 9th Cir. Motion of North American Securities Administrators Association, Inc., for leave to file a brief as *amicus curiae* granted. Certiorari denied. JUSTICE BREYER took no part in the consideration or decision of this motion and this petition. Reported below: 135 F. 3d 1289.

No. 97–1795. EQUALITY FOUNDATION OF GREATER CINCINNATI, INC., ET AL. *v.* CITY OF CINCINNATI ET AL. C. A. 6th Cir. Certiorari denied. Reported below: 128 F. 3d 289.

Opinion of JUSTICE STEVENS, with whom JUSTICE SOUTER and JUSTICE GINSBURG join, respecting the denial of the petition for a writ of certiorari.

As I have pointed out on more than one occasion, the denial of a petition for a writ of certiorari is not a ruling on the merits.<sup>1</sup> Sometimes such an order reflects nothing more than a conclusion that a particular case may not constitute an appropriate forum in which to decide a significant issue. In this case, the Sixth Circuit held that the city charter “merely removed municipally enacted special protection from gays and lesbians.”<sup>2</sup> 128 F. 3d 289, 301

---

<sup>1</sup> *Brown v. Texas*, 522 U. S. 940, 942 (1997) (opinion of STEVENS, J., respecting denial of certiorari); *Lackey v. Texas*, 514 U. S. 1045, 1047 (1995); *Barber v. Tennessee*, 513 U. S. 1184 (1995) (opinion of STEVENS, J., respecting denial of certiorari).

<sup>2</sup> The relevant amendment to the city charter reads:

“The City of Cincinnati and its various Boards and Commissions may not enact, adopt, enforce or administer any ordinance, regulation, rule or policy which provides that homosexual, lesbian, or bisexual orientation, status, conduct, or relationship constitutes, entitles, or otherwise provides a person with the basis to have any claim of minority or protected status, quota preference or other preferential treatment. This provision of the City Charter shall in all respects be self-executing. Any ordinance, regulation, rule or policy enacted before this amendment is adopted that violates the forego-

October 13, 1998

525 U. S.

(1997). This construction differs significantly, although perhaps not dispositively, from the reading advocated by the petitioners. They construe the charter as an enactment that “bars antidiscrimination protections only for gay, lesbian and bisexual citizens.” Pet. for Cert. i.

This Court does not normally make an independent examination of state-law questions that have been resolved by a court of appeals. See *Bishop v. Wood*, 426 U. S. 341, 346–347 (1976). Thus, the confusion over the proper construction of the city charter counsels against granting the petition for certiorari. The Court’s action today should not be interpreted either as an independent construction of the charter or as an expression of its views about the underlying issues that the parties have debated at length.

No. 98–245. *HOWMEDICA, INC. v. ELBERT*. C. A. 9th Cir. Motion of Pharmaceutical Research and Manufacturers of America for leave to file a brief as *amicus curiae* granted. Certiorari denied. JUSTICE O’CONNOR took no part in the consideration or decision of this motion and this petition. Reported below: 143 F. 3d 1208.

No. 98–286. *FISH v. MARSH, SPAEDER, BAUR, SPAEDER & SCHAAF ET AL.* Super. Ct. Pa. Motion of petitioner to disqualify counsel and other relief denied. Certiorari denied. Reported below: 701 A. 2d 786.

No. 98–5410. *ELLEDDGE v. FLORIDA*. Sup. Ct. Fla. Certiorari denied. Reported below: 706 So. 2d 1340.

JUSTICE BREYER, dissenting.

Petitioner in this case has spent more than 23 years in prison under sentence of death. His claim—that the Constitution forbids his execution after a delay of this length—is a serious one.

The Eighth Amendment forbids punishments that are “cruel” and “unusual.” Twenty-three years under sentence of death is unusual—whether one takes as a measuring rod current practice or the practice in this country and in England at the time our Constitution was written. See, *e. g.*, P. Mackay, Hanging in the

---

ing prohibition shall be null and void and of no force or effect.” 128 F. 3d 289, 291 (CA6 1997).

Balance: The Anti-Capital Punishment Movement in New York State, 1776–1861, p. 17 (1982) (executions took place soon after sentencing in 18th-century New York); *Pratt v. Attorney Gen. of Jamaica*, [1994] 2 App. Cas. 1, 17 (P. C. 1993) (same in United Kingdom); see also T. Jefferson, A Bill for Proportioning Crimes and Punishments (1779), reprinted in *The Complete Jefferson* 90, 95 (S. Padover ed. 1943); 2 Papers of John Marshall 207–209 (C. Cullen & H. Johnson eds. 1977) (petition seeking commutation of a death sentence in part because of lengthy 5-month delay).

Moreover, petitioner argues forcefully that his execution would be especially “cruel.” Not only has he, in prison, faced the threat of death for nearly a generation, but he has experienced that delay because of the State’s own faulty procedures and not because of frivolous appeals on his own part. His three successful appeals account for 18 of the 23 years of delay. A fourth appeal accounts for the remaining five years—which appeal, though ultimately unsuccessful, left the Florida Supreme Court divided 4–2. 706 So. 2d 1340 (1997); see Brief in Opposition 12 (conceding that “[a]ll delays were a result of [petitioner’s] ‘successful litigation’ in the appellate courts of Florida and the federal system”).

As JUSTICE STEVENS has previously pointed out, executions carried out after delays of this magnitude may prove particularly cruel. *Lackey v. Texas*, 514 U. S. 1045 (1995) (opinion respecting denial of certiorari). After such a delay, an execution may well cease to serve the legitimate penological purposes that otherwise provide a necessary constitutional justification for the death penalty. *Ibid.* Moreover, British jurists have suggested that the Bill of Rights of 1689, a document relevant to the interpretation of our own Constitution, may forbid, as cruel and unusual, significantly lesser delays. *Riley v. Attorney Gen. of Jamaica*, [1983] 1 App. Cas. 719, 734–735 (P. C. 1982) (Lord Scarman, joined by Lord Brightman, dissenting). See generally *Harmelin v. Michigan*, 501 U. S. 957, 966–967 (1991) (SCALIA, J., concurring in judgment) (on the relevance of the 1689 Bill of Rights to the interpretation of our own Constitution).

Finally, a reasoned answer to the “delay” question could help to ease the practical anomaly created when foreign courts refuse to extradite capital defendants to America for fear of undue delay in execution. See *Soering v. United Kingdom*, 11 Eur. H. R. Rep. 439 (1989) (holding that the extradition of a capital defendant to

October 13, 14, 19, 1998

525 U. S.

America would be a violation of Article 3 of the European Convention on Human Rights, primarily because of the risk of delay before execution).

For these reasons, and for the additional reasons set forth by JUSTICE STEVENS in *Lackey, supra*, I would grant the petition for certiorari.

OCTOBER 14, 1998

*Miscellaneous Order*

No. A-289. *WRIGHT v. ANGELONE, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS*. Application for stay of execution of sentence of death, presented to THE CHIEF JUSTICE, and by him referred to the Court, denied. JUSTICE STEVENS and JUSTICE GINSBURG would grant the application for stay of execution.

OCTOBER 19, 1998

*Miscellaneous Orders*

No. A-157. *MITNICK v. UNITED STATES*. Application for bail, addressed to JUSTICE STEVENS and referred to the Court, denied.

No. A-209. *IN RE MARTIN*. C. A. 4th Cir. Application for stay, addressed to JUSTICE GINSBURG and referred to the Court, denied.

No. 98-85. *HUNT, GOVERNOR OF NORTH CAROLINA, ET AL. v. CROMARTIE ET AL.* D. C. E. D. N. C. [Probable jurisdiction noted, 524 U. S. 980.] Motion of Alfred Smallwood et al. for leave to intervene as appellants in this Court granted.

No. 98-6141. *IN RE MILNER*;  
No. 98-6222. *IN RE MOK*; and  
No. 98-6230. *IN RE SEDDENS*. Petitions for writs of habeas corpus denied.

No. 98-5665. *IN RE HOLMES, AKA RICHARDS*;  
No. 98-5723. *IN RE SCHLEEPER*; and  
No. 98-5741. *IN RE CLARK*. Petitions for writs of mandamus denied.

No. 98-6047. *IN RE CLARK*. Petition for writ of mandamus and/or prohibition denied.

525 U.S.

October 19, 1998

*Certiorari Denied*

No. 97-9504. *KORN v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 138 F. 3d 1239.

No. 97-9577. *EVANS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 140 F. 3d 1037.

No. 98-72. *LAFONTAINE v. GEORGIA*. Sup. Ct. Ga. Certiorari denied. Reported below: 269 Ga. 251, 497 S. E. 2d 367.

No. 98-88. *FLESHMAN v. WEST, SECRETARY OF VETERANS AFFAIRS*. C. A. Fed. Cir. Certiorari denied. Reported below: 138 F. 3d 1429.

No. 98-91. *THORNE v. DEPARTMENT OF DEFENSE ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 139 F. 3d 893.

No. 98-103. *PHARAON v. BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM*. C. A. D. C. Cir. Certiorari denied. Reported below: 135 F. 3d 148.

No. 98-135. *MORGAN v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 11th Cir. Certiorari denied. Reported below: 138 F. 3d 957.

No. 98-137. *RESNER ET AL. v. ARC MILLS, INC.* C. A. 2d Cir. Certiorari denied. Reported below: 152 F. 3d 920.

No. 98-209. *MERS v. MARRIOTT INTERNATIONAL GROUP ACCIDENTAL DEATH AND DISMEMBERMENT PLAN*. C. A. 7th Cir. Certiorari denied. Reported below: 144 F. 3d 1014.

No. 98-239. *HESTER INDUSTRIES, INC. v. STEIN, INC.* C. A. Fed. Cir. Certiorari denied. Reported below: 142 F. 3d 1472.

No. 98-275. *EDDLETON v. BOARD OF SUPERVISORS OF HANOVER COUNTY*. Sup. Ct. Va. Certiorari denied.

No. 98-281. *ABSENTEE SHAWNEE TRIBE OF OKLAHOMA v. CITIZEN BAND OF POTAWATOMI INDIAN TRIBE OF OKLAHOMA*. C. A. 10th Cir. Certiorari denied. Reported below: 142 F. 3d 1325.

No. 98-284. *HAWTHORNE v. UNIVERSITY OF WEST FLORIDA ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 130 F. 3d 442.

October 19, 1998

525 U. S.

No. 98-285. *HAMMONS, DBA FULL CIRCLE DISTRIBUTING v. ALCAN ALUMINUM CORP. ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 132 F. 3d 39.

No. 98-290. *MARLBORO FOOTWORKS, LTD., ET AL. v. AEROGROUP INTERNATIONAL, INC.* C. A. Fed. Cir. Certiorari denied. Reported below: 152 F. 3d 948.

No. 98-291. *MORRIS v. MORRIS.* Ct. App. Tex., 4th Dist. Certiorari denied.

No. 98-298. *DIETRICH v. CHEW, INDIVIDUALLY AND AS ADMINISTRATRIX OF THE ESTATE OF CHEW, DECEASED, ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 143 F. 3d 24.

No. 98-317. *SIGSBY v. HARTMAN, JUDGE, 190TH JUDICIAL DISTRICT OF TEXAS, DALLAS COUNTY.* Sup. Ct. Tex. Certiorari denied.

No. 98-321. *COLE, SUBSTITUTE TRUSTEE, ESTATE OF REYNOLDS, DECEASED, ET AL. v. MITCHELL, PERSONAL REPRESENTATIVE OF THE ESTATE OF MITCHELL, DECEASED.* Sup. Ct. Tenn. Certiorari denied. Reported below: 966 S. W. 2d 411.

No. 98-324. *MAYER ET UX. v. ALLEN, MATKINS, LECK, GAMBLE & MALLORY ET AL.* Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 98-327. *ABELA v. MICHIGAN.* Ct. App. Mich. Certiorari denied.

No. 98-329. *BRANDON v. CHICAGO BOARD OF EDUCATION.* C. A. 7th Cir. Certiorari denied. Reported below: 143 F. 3d 293.

No. 98-331. *SHAFFER v. BOARD OF REGENTS OF THE STATE OF NEW YORK.* App. Div., Sup. Ct. N. Y., 3d Jud. Dept. Certiorari denied. Reported below: 243 App. Div. 2d 838, 663 N. Y. S. 2d 359.

No. 98-333. *WOOD v. MEADOWS, SECRETARY, STATE BOARD OF ELECTIONS OF VIRGINIA.* C. A. 4th Cir. Certiorari denied.

No. 98-340. *MCMANAMA v. BAGLEY ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 141 F. 3d 1177.

No. 98-341. *HINCHLIFFE v. RESIDENTIAL PORTFOLIO INVESTMENT GROUP II.* Super. Ct. Pa. Certiorari denied.

525 U.S.

October 19, 1998

No. 98-354. *FISCHER v. FLORIDA DIVISION OF ELECTIONS ET AL.* Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 706 So. 2d 289.

No. 98-356. *RAY v. UNITED STATES.* C. A. Fed. Cir. Certiorari denied. Reported below: 152 F. 3d 946.

No. 98-361. *CASTLEWOOD, INC. v. ANDERSON COUNTY ET AL.* Sup. Ct. Tenn. Certiorari denied. Reported below: 969 S. W. 2d 908.

No. 98-389. *GLAVARIS ET AL. v. YOUNG ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 139 F. 3d 908.

No. 98-428. *WROBEL v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 142 F. 3d 447.

No. 98-429. *PALUMBO BROTHERS, INC., FDBA LENINGER MID-STATES PAVING CO. AND PALUMBO EXCAVATING CO., ET AL. v. UNITED STATES;* and

No. 98-434. *FERRARINI v. UNITED STATES.* C. A. 7th Cir. Certiorari denied. Reported below: 145 F. 3d 850.

No. 98-438. *HEDRICK v. APFEL, COMMISSIONER OF SOCIAL SECURITY.* C. A. 5th Cir. Certiorari denied. Reported below: 149 F. 3d 1175.

No. 98-442. *DE LA CRUZ v. UNITED STATES.* C. A. 7th Cir. Certiorari denied. Reported below: 144 F. 3d 492.

No. 98-458. *ROYAL v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 149 F. 3d 1175.

No. 98-460. *MILLARD v. UNITED STATES.* C. A. 8th Cir. Certiorari denied. Reported below: 139 F. 3d 1200.

No. 98-461. *OSBOURNE v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 145 F. 3d 1327.

No. 98-5167. *ENRACA v. SUPERIOR COURT OF CALIFORNIA, RIVERSIDE COUNTY.* Ct. App. Cal., 4th App. Dist. Certiorari denied.

No. 98-5258. *SHERLOCK v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 134 F. 3d 369.

October 19, 1998

525 U. S.

No. 98-5269. *WALKER v. NEVADA*. Sup. Ct. Nev. Certiorari denied. Reported below: 113 Nev. 853, 944 P. 2d 762.

No. 98-5275. *RENSHAW v. NEBRASKA*. Sup. Ct. Neb. Certiorari denied. Reported below: 254 Neb. 531, 577 N. W. 2d 296.

No. 98-5302. *STOCKDALE v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 129 F. 3d 1066 and 139 F. 3d 767.

No. 98-5333. *MUSCA v. FRANK, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT HUNTINGDON, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 98-5663. *EDMOND v. WILSON, WARDEN, ET AL.* Ct. App. Colo. Certiorari denied.

No. 98-5664. *FRIEND v. ARKANSAS*. Sup. Ct. Ark. Certiorari denied. Reported below: 333 Ark. xix.

No. 98-5669. *DEYONGHE v. SCOTT, WARDEN*. C. A. 10th Cir. Certiorari denied. Reported below: 141 F. 3d 1184.

No. 98-5670. *HOLMES, AKA RICHARDS v. JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 98-5676. *KEYES v. MISSOURI*. Ct. App. Mo., Eastern Dist. Certiorari denied. Reported below: 965 S. W. 2d 187.

No. 98-5679. *JACKSON v. SHANKS, WARDEN*. C. A. 10th Cir. Certiorari denied. Reported below: 143 F. 3d 1313.

No. 98-5682. *CRESPIN v. NEW MEXICO ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 144 F. 3d 641.

No. 98-5683. *BANKERT v. SHANKS, WARDEN, ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 149 F. 3d 1190.

No. 98-5689. *NAPPER v. HARDY ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 142 F. 3d 435.

No. 98-5692. *KENDRICK v. COHN, COMMISSIONER, INDIANA DEPARTMENT OF CORRECTION*. C. A. 7th Cir. Certiorari denied.

No. 98-5694. *WADE v. CALIFORNIA*. Ct. App. Cal., 3d App. Dist. Certiorari denied.

525 U.S.

October 19, 1998

No. 98-5695. *MAHONE v. WASHINGTON*. Ct. App. Wash. Certiorari denied.

No. 98-5696. *MCLEOD v. FLORIDA*. Sup. Ct. Fla. Certiorari denied. Reported below: 717 So. 2d 535.

No. 98-5697. *LERETTE v. DORMIRE, SUPERINTENDENT, JEFFERSON CITY CORRECTIONAL CENTER*. C. A. 8th Cir. Certiorari denied.

No. 98-5698. *WYATT v. CITY OF BOSTON, MASSACHUSETTS, ET AL.* C. A. 1st Cir. Certiorari denied.

No. 98-5713. *WRIGHT v. SINGLETARY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS*. C. A. 11th Cir. Certiorari denied. Reported below: 149 F. 3d 1194.

No. 98-5715. *MENDOZA v. DUCHARME, SUPERINTENDENT, WASHINGTON STATE REFORMATORY*. C. A. 9th Cir. Certiorari denied.

No. 98-5717. *KNUCKLES-EL v. KOSKINEN ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 156 F. 3d 1230.

No. 98-5721. *PAYROT v. JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION*. C. A. 5th Cir. Certiorari denied. Reported below: 144 F. 3d 50.

No. 98-5722. *RIVERA v. FLORIDA DEPARTMENT OF CORRECTIONS*. C. A. 11th Cir. Certiorari denied.

No. 98-5724. *SNELLING v. WASHINGTON APARTMENTS LIMITED PARTNERSHIP ET AL.* Ct. App. Mo., Eastern Dist. Certiorari denied. Reported below: 963 S. W. 2d 366.

No. 98-5731. *TRUESDALE v. MOORE, DIRECTOR, SOUTH CAROLINA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 142 F. 3d 749.

No. 98-5735. *JONES ET AL. v. SMITH ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 144 F. 3d 51.

No. 98-5736. *JORDAN v. BUSH, GOVERNOR OF TEXAS, ET AL.* C. A. 5th Cir. Certiorari denied.

No. 98-5737. *BRODRICK v. CITY OF NEW YORK ET AL.* C. A. 2d Cir. Certiorari denied.

October 19, 1998

525 U. S.

No. 98-5746. *GRANBERRY v. BAPTIST MEMORIAL HOSPITAL*. C. A. 6th Cir. Certiorari denied. Reported below: 145 F. 3d 1331.

No. 98-5747. *GOODLETTE v. THOMPSON*. C. A. 9th Cir. Certiorari denied. Reported below: 145 F. 3d 1337.

No. 98-5749. *FLAHERTY v. NATIONAL MARINE FISHERIES SERVICE ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 125 F. 3d 843.

No. 98-5752. *HAYES v. PALOMAR POMERADO HEALTH SYSTEM*. Ct. App. Cal., 4th App. Dist. Certiorari denied.

No. 98-5754. *GREGORY v. NORTH CAROLINA*. Sup. Ct. N. C. Certiorari denied. Reported below: 348 N. C. 203, 499 S. E. 2d 753.

No. 98-5765. *RAMSEY v. ANDERSON, SUPERINTENDENT, MISSISSIPPI STATE PENITENTIARY*. C. A. 5th Cir. Certiorari denied. Reported below: 141 F. 3d 1165.

No. 98-5841. *SHERRILLS v. UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OHIO*. C. A. 6th Cir. Certiorari denied.

No. 98-5856. *ORTEZ v. TEXAS*. Ct. App. Tex., 2d Dist. Certiorari denied.

No. 98-5861. *TROUTMAN v. ANDERSON, WARDEN*. Sup. Ct. Ohio. Certiorari denied. Reported below: 82 Ohio St. 3d 1429, 694 N. E. 2d 979.

No. 98-5872. *LANAUX v. CENTRAL NEW YORK PSYCHIATRIC CENTER*. C. A. 2d Cir. Certiorari denied. Reported below: 152 F. 3d 919.

No. 98-5909. *MOAWAD v. ANDERSON, SUPERINTENDENT, MISSISSIPPI STATE PENITENTIARY, ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 143 F. 3d 942.

No. 98-5929. *BURKHARDT v. PENNSYLVANIA*. Super. Ct. Pa. Certiorari denied. Reported below: 421 Pa. Super. 646, 613 A. 2d 26.

No. 98-5959. *YOUNG v. SINGLETARY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied.

525 U.S.

October 19, 1998

No. 98-5966. *OGDEN v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 98-5979. *BROWN v. WILLIAMS, WARDEN, ET AL.* C. A. 10th Cir. Certiorari denied.

No. 98-5996. *SMITH v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 145 F. 3d 458.

No. 98-5997. *SHEPPARD v. LONG ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 141 F. 3d 1185.

No. 98-6018. *MALONE v. VASQUEZ, WARDEN, ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 138 F. 3d 711.

No. 98-6025. *BYRD v. PRICE, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT PITTSBURGH, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 98-6031. *HY THI NGUYEN v. DALTON, SECRETARY OF THE NAVY*. C. A. 4th Cir. Certiorari denied. Reported below: 149 F. 3d 1169.

No. 98-6034. *LEE v. GAMMON, SUPERINTENDENT, MOBERLY CORRECTION CENTER*. C. A. 8th Cir. Certiorari denied. Reported below: 146 F. 3d 615.

No. 98-6037. *STOIANOFF v. NEW YORK TIMES ET AL.* App. Div., Sup. Ct. N. Y., 2d Jud. Dept. Certiorari denied. Reported below: 248 App. Div. 2d 525, 670 N. Y. S. 2d 204.

No. 98-6041. *MARTIN v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied.

No. 98-6050. *PEREZ v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 129 F. 3d 255.

No. 98-6055. *CURTIS v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 156 F. 3d 1232.

No. 98-6060. *SMITH v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 98-6076. *SWEENEY v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 151 F. 3d 1033.

October 19, 1998

525 U. S.

No. 98-6080. *PEREZ v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 153 F. 3d 724.

No. 98-6093. *DOE v. TOWSON STATE UNIVERSITY*. C. A. 4th Cir. Certiorari denied. Reported below: 149 F. 3d 1168.

No. 98-6096. *FISHER v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

No. 98-6098. *FASHEWE v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 152 F. 3d 921.

No. 98-6099. *GUERRERO-ACOSTA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 152 F. 3d 930.

No. 98-6102. *HOLMES v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 142 F. 3d 437.

No. 98-6105. *JARRELL v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 147 F. 3d 315.

No. 98-6107. *WASHINGTON v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 147 F. 3d 490.

No. 98-6108. *ZELAYA v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 151 F. 3d 1031.

No. 98-6116. *BROWN v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 145 F. 3d 1334.

No. 98-6117. *CALZONCINTH v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 149 F. 3d 1176.

No. 98-6119. *BOLAR v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 149 F. 3d 1176.

No. 98-6123. *JAMES v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 162 F. 3d 1152.

No. 98-6128. *MONTALVO v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 159 F. 3d 1349.

No. 98-6135. *WILSON v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 152 F. 3d 931.

No. 98-6160. *HUTCHINSON ET AL. v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 141 F. 3d 1186.

525 U.S.

October 19, 1998

No. 97-1790. LAWSON ET AL. v. MURRAY ET UX. Super. Ct. N. J., App. Div. Certiorari denied.

JUSTICE SCALIA, concurring.

This case approves a degree of restriction upon free speech that is unparalleled in the opinions of this Court. Petitioners have been enjoined from carrying signs with generalized anti-abortion messages, and signs identifying respondent as an abortionist. The prohibition is absolute with respect to the public street along the 330-foot front property line of the 1.25 acre parcel occupied (with an 80-foot setback) by respondent's residence; but it also prevents sign carrying beyond that zone (and "around" the Murray home), except for picketing by no more than 15 persons, no more than one hour every two weeks, and only if the police department is given 24 hours' notice. This silencing of speech on the public sidewalks has not been imposed to remedy any violence, disruption of traffic, or other tortious or unlawful activity that petitioners have engaged in or threatened; no such activity has occurred.

This dispute is here for the third time. An injunction against similar picketing at respondents' former residence, affirmed by the New Jersey Supreme Court, was vacated and remanded for reconsideration in light of our decision in *Madsen v. Women's Health Center, Inc.*, 512 U.S. 753 (1994). See *Murray v. Lawson*, 136 N. J. 32, 642 A. 2d 338, vacated and remanded, 513 U.S. 802 (1994). On remand the New Jersey Supreme Court revised the injunction, making it similar to what the one here provides. *Murray v. Lawson*, 138 N. J. 206, 649 A. 2d 1253 (1994). We denied certiorari in that case. 515 U.S. 1110 (1995). Subsequent to that decision, the Murrays moved, and sought a new injunction preventing picketing around their new residence. An injunction issued and was approved by the Appellate Division of the Superior Court of New Jersey; the Supreme Court of New Jersey declined a petition for certification.

Although I believe that what New Jersey has approved here makes a mockery of First Amendment law, I concur in the denial of certiorari for the same reasons I concurred the last time this dispute was here. See *ibid.* First, the lower court's reliance on a so-called "captive audience" exception to the doctrine of prior restraints may make it difficult to reach the most significant question the case presents: whether prior restraint of

October 19, 20, 1998

525 U. S.

speech may be imposed in absence of actual or threatened illegality. And second, experience suggests that seeking to bring the First Amendment to the assistance of abortion protesters is more likely to harm the former than help the latter.

No. 98-227. PRUNTY, WARDEN, ET AL. *v.* SINGH. C. A. 9th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 142 F. 3d 1157.

No. 98-6420 (A-286). FITZGERALD *v.* GREENE, WARDEN. C. A. 4th Cir. Application for stay of execution of sentence of death, presented to THE CHIEF JUSTICE, and by him referred to the Court, denied. Certiorari denied. JUSTICE STEVENS and JUSTICE GINSBURG would grant the application for stay of execution. Reported below: 150 F. 3d 357.

*Rehearing Denied*

No. 97-8932. BARBIR *v.* WHITE, WARDEN, 524 U. S. 943. Petition for rehearing denied.

OCTOBER 20, 1998

*Miscellaneous Orders*

No. A-326. POLAND *v.* RENO, ATTORNEY GENERAL, ET AL. Application for stay of execution of sentence of death, presented to THE CHIEF JUSTICE, and by him referred to the Court, denied.

No. A-330. STEWART, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS, ET AL. *v.* POLAND. Application to vacate the stay of execution of sentence of death entered by the United States District Court for the District of Arizona on October 20, 1998, presented to JUSTICE O'CONNOR, and by her referred to the Court, denied.

No. 98-6529 (A-320). IN RE POLAND. Application for stay of execution of sentence of death, presented to JUSTICE O'CONNOR, and by her referred to the Court, denied. Petition for writ of habeas corpus denied.

*Certiorari Denied*

No. 98-6548 (A-328). POLAND *v.* ARIZONA. Sup. Ct. Ariz. Application for stay of execution of sentence of death, presented

525 U.S.                    October 20, 30, November 2, 1998

to JUSTICE O'CONNOR, and by her referred to the Court, denied.  
Certiorari denied.

OCTOBER 30, 1998

*Dismissal Under Rule 46*

No. 98–18. BROOKER *v.* DUROCHER DOCK & DREDGE ET AL.  
C. A. 11th Cir. [Certiorari granted, 524 U.S. 982.] Writ of cer-  
tiorari dismissed under this Court's Rule 46.1.

NOVEMBER 2, 1998

*Certiorari Granted—Vacated and Remanded*

No. 98–19. UNITED STATES *v.* QUALLS. C. A. 9th Cir. Cer-  
tiorari granted, judgment vacated, and case remanded for further  
consideration in light of *Caron v. United States*, 524 U.S. 308  
(1998). Reported below: 140 F. 3d 824.

*Miscellaneous Orders*

No. D–1976. IN RE DISBARMENT OF KALYVAS. Disbarment  
entered. [For earlier order herein, see 524 U.S. 967.]

No. D–1987. IN RE DISBARMENT OF ANGELO. Disbarment  
entered. [For earlier order herein, see 524 U.S. 973.]

No. D–1988. IN RE DISBARMENT OF PRICE. Disbarment  
entered. [For earlier order herein, see 524 U.S. 975.]

No. D–2002. IN RE DISBARMENT OF GIFIS. Steven H. Gifs,  
of Pennington, N. J., is suspended from the practice of law in this  
Court, and a rule will 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–2003. IN RE DISBARMENT OF CUETO. Amiel Stephen  
Cueto, of Belleville, Ill., is suspended from the practice of law in  
this Court, and a rule will issue, returnable within 40 days, re-  
quiring him to show cause why he should not be disbarred from  
the practice of law in this Court.

No. D–2004. IN RE DISBARMENT OF CONSOLI. James A. Con-  
soli, of Dowingtown, Pa., is suspended from the practice of law in  
this Court, and a rule will issue, returnable within 40 days, re-

November 2, 1998

525 U. S.

quiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. D-2005. *IN RE DISBARMENT OF WASHBURN*. A. Curtis Washburn, of Rockford, Ill., is suspended from the practice of law in this Court, and a rule will 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-2006. *IN RE DISBARMENT OF PRICE*. Paul Arthur Price, of Salt Lake City, Utah, is suspended from the practice of law in this Court, and a rule will 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-2007. *IN RE DISBARMENT OF MONSOUR*. Robert Dishington Monsour, of Murrysville, Pa., is suspended from the practice of law in this Court, and a rule will 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. M-22. *HERMANSEN v. UTAH ET AL.*;

No. M-23. *BRAVO v. DEPARTMENT OF VETERANS AFFAIRS ET AL.*;

No. M-24. *JIROVEC v. WOOD, SUPERINTENDENT, WASHINGTON STATE PENITENTIARY*; and

No. M-25. *PUTNAM v. WEATHERBEE ET AL.* Motions to direct the Clerk to file petitions for writs of certiorari out of time denied.

No. M-26. *SAI ET AL. v. UNITED STATES ET AL.* Motion to direct the Clerk to file motion for leave to file bill of complaint denied.

No. 97-53. *ROBERTS, GUARDIAN FOR JOHNSON v. GALEN OF VIRGINIA, INC., FORMERLY DBA HUMANA HOSPITAL-UNIVERSITY OF LOUISVILLE, DBA UNIVERSITY OF LOUISVILLE HOSPITAL*. C. A. 6th Cir. [Certiorari granted, 524 U. S. 915.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 97-475. *EL AL ISRAEL AIRLINES, LTD. v. TSUI YUAN TSENG*. C. A. 2d Cir. [Certiorari granted, 523 U. S. 1117.] Motion of the Solicitor General for leave to file a supplemental brief as *amicus curiae* granted.

525 U.S.

November 2, 1998

No. 97-843. DAVIS, AS NEXT FRIEND OF LASHONDA D. *v.* MONROE COUNTY BOARD OF EDUCATION ET AL. C. A. 11th Cir. [Certiorari granted, 524 U.S. 980.] Motion of petitioner to dispense with printing the joint appendix granted.

No. 97-1337. MINNESOTA ET AL. *v.* MILLE LACS BAND OF CHIPPEWA INDIANS ET AL. C. A. 8th Cir. [Certiorari granted, 524 U.S. 915.] Motion of respondents John W. Thompson et al. for divided argument granted to be divided as follows: 20 minutes for Minnesota and 10 minutes for respondents John W. Thompson et al. Request for additional time for oral argument denied. Motion of the Solicitor General for divided argument granted.

No. 97-1489. YOUR HOME VISITING NURSE SERVICES, INC. *v.* SHALALA, SECRETARY OF HEALTH AND HUMAN SERVICES. C. A. 6th Cir. [Certiorari granted, 524 U.S. 925.] Motion of Oklahoma Hospital Association et al. for leave to file a brief as *amici curiae* out of time denied.

No. 97-1709. KUMHO TIRE CO., LTD., ET AL. *v.* CARMICHAEL ET AL. C. A. 11th Cir. [Certiorari granted, 524 U.S. 936.] Motions of International Association of Arson Investigators and National Academy of Forensic Engineers for leave to file briefs as *amici curiae* granted.

No. 97-8629. RICHARDSON *v.* UNITED STATES. C. A. 7th Cir. [Certiorari granted, *ante*, p. 809.] Motion for appointment of counsel granted, and it is ordered that William A. Barnett, Jr., Esq., of Chicago, Ill., be appointed to serve as counsel for petitioner in this case.

No. 98-5864. STRICKLER *v.* GREENE, WARDEN. C. A. 4th Cir. [Certiorari granted, *ante*, p. 809.] Motion for appointment of counsel granted, and it is ordered that Barbara L. Hartung, Esq., of Richmond, Va., be appointed to serve as counsel for petitioner in this case.

No. 98-404. DEPARTMENT OF COMMERCE ET AL. *v.* UNITED STATES HOUSE OF REPRESENTATIVES ET AL. D. C. D. C. [Probable jurisdiction noted, 524 U.S. 978]; and

No. 98-564. CLINTON, PRESIDENT OF THE UNITED STATES, ET AL. *v.* GLAVIN ET AL. D. C. E. D. Va. [Probable jurisdiction noted, *ante*, p. 924.] Motion of appellees for divided argument granted.

November 2, 1998

525 U. S.

No. 98-5530. IN RE LOWE;  
No. 98-5681. IN RE LOWE; and  
No. 98-5919. IN RE LOWE. Motions of petitioner for leave to proceed *in forma pauperis* denied. See this Court's Rule 39.8. Petitioner is allowed until November 23, 1998, within which to pay the docketing fees required by Rule 38(a) and to submit petitions in compliance with Rule 33.1 of the Rules of this Court.

No. 98-5778. CARR *v.* CARR. App. Ct. Mass.;  
No. 98-5816. IYEGHA *v.* UNITED AIRLINES, INC. Sup. Ct. Ala.; and  
No. 98-6024. STAFFORD ET VIR *v.* ROSSOTTI, COMMISSIONER OF INTERNAL REVENUE. C. A. 5th Cir. Motions of petitioners for leave to proceed *in forma pauperis* denied. Petitioners are allowed until November 23, 1998, within which to pay the docketing fee required by Rule 38(a) and to submit petitions in compliance with Rule 33.1 of the Rules of this Court.

No. 97-9032. IN RE BROWN;  
No. 98-528. IN RE NEAL;  
No. 98-6293. IN RE TOBIAS;  
No. 98-6353. IN RE PARKS; and  
No. 98-6410. IN RE NASIR. Petitions for writs of habeas corpus denied.

No. 98-414. IN RE OWEN;  
No. 98-5793. IN RE MILLER;  
No. 98-5876. IN RE SCHNELLE; and  
No. 98-6201. IN RE DEBARDELEBEN. Petitions for writs of mandamus denied.

*Certiorari Granted*

No. 97-1909. MURPHY BROTHERS, INC. *v.* MICHETTI PIPE STRINGING, INC. C. A. 11th Cir. Certiorari granted. Reported below: 125 F. 3d 1396.

No. 98-208. KOLSTAD *v.* AMERICAN DENTAL ASSOCIATION. C. A. D. C. Cir. Certiorari granted. Reported below: 139 F. 3d 958.

No. 98-369. NATIONAL AERONAUTICS AND SPACE ADMINISTRATION ET AL. *v.* FEDERAL LABOR RELATIONS AUTHORITY ET AL. C. A. 11th Cir. Certiorari granted. Reported below: 120 F. 3d 1208.

525 U.S.

November 2, 1998

No. 98-377. LEHMAN, COMMISSIONER OF PATENTS AND TRADEMARKS *v.* ZURKO ET AL. C. A. Fed. Cir. Certiorari granted. Reported below: 142 F. 3d 1447.

No. 98-131. UNITED STATES *v.* SUN-DIAMOND GROWERS OF CALIFORNIA. C. A. D. C. Cir. Motion of Public Citizen for leave to file a brief as *amicus curiae* granted. Certiorari granted limited to the following question: "Is the requirement in 18 U. S. C. §201(c)(1)(A) that a thing of value be given 'for or because of any official act' satisfied by a showing that the giving of a thing of value was motivated by the recipient's official position?" Reported below: 138 F. 3d 961.

No. 98-347. CLINTON, PRESIDENT OF THE UNITED STATES, ET AL. *v.* GOLDSMITH. C. A. Armed Forces. Motion of National Institute of Military Justice for leave to file a brief as *amicus curiae* granted. Certiorari granted. Reported below: 48 M. J. 84.

*Certiorari Denied*

No. 97-9442. TUNE *v.* BELL, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 98-21. MERRILL LYNCH, PIERCE, FENNER & SMITH INC. ET AL. *v.* ROUBIK. Sup. Ct. Ill. Certiorari denied. Reported below: 181 Ill. 2d 373, 692 N. E. 2d 1167.

No. 98-28. CARPENTERS LOCAL 209, AFL-CIO *v.* ANHEUSER-BUSCH, INC. C. A. 9th Cir. Certiorari denied. Reported below: 141 F. 3d 1173.

No. 98-38. BERGER ET UX. *v.* CABLE NEWS NETWORK, INC., ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 129 F. 3d 505.

No. 98-68. STONER *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 139 F. 3d 1343.

No. 98-145. BANKERS LIFE & CASUALTY CO. *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 142 F. 3d 973.

No. 98-153. FLYNN ET AL. *v.* CITY OF BOSTON ET AL. C. A. 1st Cir. Certiorari denied. Reported below: 140 F. 3d 42.

November 2, 1998

525 U. S.

No. 98-158. *GRADY v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 145 F. 3d 1327.

No. 98-172. *BERING STRAIT SCHOOL DISTRICT v. UNITED STATES ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 138 F. 3d 1281.

No. 98-173. *ADVENTURE RESOURCES, INC. v. HOLLAND ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 137 F. 3d 786.

No. 98-186. *UMIC, INC., ET AL. v. FEDERAL DEPOSIT INSURANCE CORPORATION, AS MANAGER OF THE FSLIC RESOLUTION FUND*. C. A. 10th Cir. Certiorari denied. Reported below: 136 F. 3d 1375.

No. 98-188. *HERMAN, SECRETARY OF LABOR v. L. R. WILLSON & SONS, INC.* C. A. 4th Cir. Certiorari denied. Reported below: 134 F. 3d 1235.

No. 98-194. *O'NEILL, ON BEHALF OF HERSELF AND THE ESTATE OF O'NEILL, DECEASED, ET AL. v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 142 F. 3d 428.

No. 98-197. *ROUTEN v. WEST, SECRETARY OF VETERANS AFFAIRS*. C. A. Fed. Cir. Certiorari denied. Reported below: 142 F. 3d 1434.

No. 98-199. *ACCESS TELECOMMUNICATIONS, ON BEHALF OF ITSELF AND ALL OTHERS SIMILARLY SITUATED, FKA UNIFIED TELECOMMUNICATIONS, L. L. C. v. SOUTHWESTERN BELL TELEPHONE CO.* C. A. 8th Cir. Certiorari denied. Reported below: 137 F. 3d 605.

No. 98-204. *MAMMOET SHIPPING B. V. ET AL. v. SKY SHIPPING LTD. ET AL.*; and

No. 98-353. *SKY SHIPPING LTD. v. MAMMOET SHIPPING B. V. ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 139 F. 3d 1450.

No. 98-211. *TURLINGTON ET UX. v. ATLANTA GAS LIGHT CO. ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 135 F. 3d 1428.

No. 98-217. *PARK VILLAGE APARTMENTS v. UNITED STATES*. C. A. Fed. Cir. Certiorari denied. Reported below: 152 F. 3d 943.

525 U.S.

November 2, 1998

No. 98-224. SINGLETARY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS *v.* SNOWDEN. C. A. 11th Cir. Certiorari denied. Reported below: 135 F. 3d 732.

No. 98-260. BYRD ET AL. *v.* CANTU ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 137 F. 3d 1126.

No. 98-263. TISCHMANN *v.* ITT/SHERATON CORP. C. A. 2d Cir. Certiorari denied. Reported below: 145 F. 3d 561.

No. 98-307. MELODY *v.* BOROUGH OF EATONTOWN ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 151 F. 3d 1026.

No. 98-312. BENION ET UX. *v.* BANK ONE, DAYTON, N. A., ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 144 F. 3d 1056.

No. 98-314. MATTSON *v.* SCHULTZ. C. A. 7th Cir. Certiorari denied. Reported below: 145 F. 3d 937.

No. 98-325. DOE *v.* BERKELEY PUBLISHERS, DBA THE BERKELEY INDEPENDENT. Sup. Ct. S. C. Certiorari denied. Reported below: 329 S. C. 412, 496 S. E. 2d 636.

No. 98-334. FREED, FKA FRIEDLANDER *v.* AMERICAN ARBITRATION ASSN. ET AL. C. A. 7th Cir. Certiorari denied.

No. 98-335. HUNNEWELL *v.* MAINE. Sup. Jud. Ct. Me. Certiorari denied.

No. 98-336. RITCHEY *v.* UPJOHN DRUG Co. ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 139 F. 3d 1313.

No. 98-337. PNEUMO ABEX CORP. ET AL. *v.* HIGH POINT, THOMASVILLE & DENTON RAILROAD Co. ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 142 F. 3d 769.

No. 98-339. KELLEY *v.* KLUGER, PERETZ, KAPLAN & BERLIN ET AL. C. A. 11th Cir. Certiorari denied. Reported below: 148 F. 3d 1071.

No. 98-345. KEEVER *v.* CITY OF MIDDLETOWN. C. A. 6th Cir. Certiorari denied. Reported below: 145 F. 3d 809.

No. 98-351. BEARD *v.* BAUM ET AL. Sup. Ct. Alaska. Certiorari denied. Reported below: 960 P. 2d 1.

November 2, 1998

525 U. S.

No. 98-355. *WRIGHT v. FREDERIKSEN*. Ct. App. Colo. Certiorari denied.

No. 98-357. *NADEL v. MORRISTOWN FIRE DEPARTMENT ET AL.* Super. Ct. N. J., App. Div. Certiorari denied.

No. 98-358. *RELIANCE INSURANCE CO. v. U. S. BANK OF WASHINGTON, N. A.* C. A. 9th Cir. Certiorari denied. Reported below: 143 F. 3d 502.

No. 98-359. *DOYLE ET AL. v. BELL SOUTH COMMUNICATIONS SYSTEMS, INC., ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 142 F. 3d 433.

No. 98-360. *CHAMBERS ET AL. v. OHIO DEPARTMENT OF HUMAN SERVICES ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 145 F. 3d 793.

No. 98-362. *HEARTSPRINGS, INC. v. HEARTSPRING, INC., AKA INSTITUTE OF LOGOPEDICS, INC.* C. A. 10th Cir. Certiorari denied. Reported below: 143 F. 3d 550.

No. 98-364. *AMERICAN DENTAL ASSN. v. KOLSTAD*. C. A. D. C. Cir. Certiorari denied. Reported below: 139 F. 3d 958.

No. 98-368. *LADSON v. LADSON*. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 293 Ill. App. 3d 1123, 718 N. E. 2d 1083.

No. 98-372. *FOWLER v. BOARD OF COUNTY COMMISSIONERS OF POTTAWATOMIE COUNTY*. Ct. Civ. App. Okla. Certiorari denied.

No. 98-374. *SUN-DIAMOND GROWERS OF CALIFORNIA v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. Reported below: 138 F. 3d 961.

No. 98-380. *BANK ONE, MILWAUKEE, N. A. v. P. A. BERGNER & CO.* C. A. 7th Cir. Certiorari denied. Reported below: 140 F. 3d 1111.

No. 98-381. *EGAN v. ATHOL MEMORIAL HOSPITAL ET AL.* C. A. 1st Cir. Certiorari denied. Reported below: 134 F. 3d 361.

No. 98-382. *SCHMIDT ET UX., HEIRS OF DECEDENT SCHMIDT, ET AL. v. HTG, INC., ET AL.* Sup. Ct. Kan. Certiorari denied. Reported below: 265 Kan. 372, 961 P. 2d 677.

525 U.S.

November 2, 1998

No. 98-386. *PERALES v. SUPREME COURT OF TEXAS ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 140 F. 3d 1039.

No. 98-392. *WALKER ET AL. v. FIRST COMMERCIAL BANK, N. A.* Sup. Ct. Ark. Certiorari denied. Reported below: 333 Ark. 100, 969 S. W. 2d 146.

No. 98-394. *TAUBER ET AL. v. VIRGINIA EX REL. EARLEY, ATTORNEY GENERAL OF VIRGINIA, ET AL.* Sup. Ct. Va. Certiorari denied. Reported below: 255 Va. 445, 499 S. E. 2d 839.

No. 98-401. *MITCHELL v. RICHARDS, CHIEF INSURANCE COMMISSIONER OF SOUTH CAROLINA.* C. A. 4th Cir. Certiorari denied. Reported below: 141 F. 3d 1159.

No. 98-402. *GILDER v. MISSISSIPPI.* Ct. App. Miss. Certiorari denied. Reported below: 704 So. 2d 467.

No. 98-408. *ALLISON ET UX. v. UNKNOWN HEIRS ET AL.* Sup. Ct. Mont. Certiorari denied. Reported below: 289 Mont. 543, 971 P. 2d 1249.

No. 98-415. *SEACOAST MOTORS OF SALISBURY, INC. v. CHRYSLER CORP.* C. A. 1st Cir. Certiorari denied. Reported below: 143 F. 3d 626.

No. 98-417. *GARNER ET UX. v. CORPUS CHRISTI NATIONAL BANK.* Ct. App. Tex., 13th Dist. Certiorari denied. Reported below: 944 S. W. 2d 469.

No. 98-421. *SCHULZ ET AL. v. NEW YORK STATE EXECUTIVE.* Ct. App. N. Y. Certiorari denied. Reported below: 92 N. Y. 2d 1, 699 N. E. 2d 360.

No. 98-422. *SNYDER v. GARB, JUDGE, COURT OF COMMON PLEAS, BUCKS COUNTY, PENNSYLVANIA.* C. A. 3d Cir. Certiorari denied. Reported below: 159 F. 3d 1353.

No. 98-425. *SOLOMON v. FLORIDA BAR.* Sup. Ct. Fla. Certiorari denied. Reported below: 711 So. 2d 1141.

No. 98-440. *DONLON ET AL. v. CITY OF OXNARD ET AL.* Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 98-441. *DELAP v. OREGON.* Sup. Ct. Ore. Certiorari denied.

November 2, 1998

525 U. S.

No. 98-452. *IN RE GILMAN*. Sup. Ct. Cal. Certiorari denied.

No. 98-453. *DUNCAN, PERSONALLY AND ON BEHALF OF HER DECEASED CHILD, BABY BOY SCOTT v. CALDERA, SECRETARY OF THE ARMY*. C. A. 4th Cir. Certiorari denied. Reported below: 153 F. 3d 719.

No. 98-459. *WYNEKEN v. SCOTT ET AL.* Ct. App. Ind. Certiorari denied. Reported below: 683 N. E. 2d 1367.

No. 98-475. *DUNLAP v. NATIONAL BANK OF ALASKA*. C. A. 9th Cir. Certiorari denied.

No. 98-481. *ANDERSON v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 144 F. 3d 653.

No. 98-506. *MANTELL ET AL. v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 151 F. 3d 1027.

No. 98-508. *MERRILL v. ALABAMA*. Ct. Crim. App. Ala. Certiorari denied. Reported below: 727 So. 2d 179.

No. 98-513. *GAGER ET UX. v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 149 F. 3d 918.

No. 98-516. *LIEN ET AL. v. MERIT SYSTEMS PROTECTION BOARD*. C. A. Fed. Cir. Certiorari denied. Reported below: 152 F. 3d 948.

No. 98-522. *DAMICO v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 98-541. *WARREN v. WISCONSIN*. Sup. Ct. Wis. Certiorari denied. Reported below: 219 Wis. 2d 616, 579 N. W. 2d 698.

No. 98-547. *APPERSON v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 151 F. 3d 1031.

No. 98-549. *KWOK CHING YU v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 98-567. *CERRO v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 133 F. 3d 929.

No. 98-5081. *BILLIOT v. ANDERSON, COMMISSIONER, MISSISSIPPI DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 135 F. 3d 311.

525 U.S.

November 2, 1998

No. 98-5114. RAMOS-RODRIGUEZ *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 136 F. 3d 465.

No. 98-5374. ALBA *v.* TEXAS. Ct. Crim. App. Tex. Certiorari denied.

No. 98-5405. KASZA ET AL. *v.* BROWNER, ADMINISTRATOR, ENVIRONMENTAL PROTECTION AGENCY, ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 133 F. 3d 1159.

No. 98-5412. WALLS *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 141 F. 3d 1171.

No. 98-5431. SANCHEZ *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 138 F. 3d 1410.

No. 98-5468. CAUTHERN *v.* TENNESSEE. Sup. Ct. Tenn. Certiorari denied. Reported below: 967 S. W. 2d 726.

No. 98-5495. MCGINN *v.* TEXAS. Ct. Crim. App. Tex. Certiorari denied.

No. 98-5510. STEVENSON *v.* DELAWARE. Sup. Ct. Del. Certiorari denied. Reported below: 709 A. 2d 619.

No. 98-5532. CAPETILLO *v.* TEXAS. Ct. Crim. App. Tex. Certiorari denied.

No. 98-5536. DARNE *v.* WISCONSIN ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 137 F. 3d 484.

No. 98-5738. RAMIREZ *v.* HATCHER, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 136 F. 3d 1209.

No. 98-5742. MORENO BARAJAS *v.* JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION. C. A. 5th Cir. Certiorari denied.

No. 98-5744. SHROFF *v.* SUNSHINE EXTRAVAGANZA PROMOTION. C. A. 9th Cir. Certiorari denied.

No. 98-5755. ROW *v.* IDAHO. Sup. Ct. Idaho. Certiorari denied. Reported below: 131 Idaho 303, 955 P. 2d 1082.

No. 98-5760. RANSOM *v.* SALKIN. Cir. Ct. Baltimore City, Md. Certiorari denied.

November 2, 1998

525 U. S.

No. 98-5763. *COLON v. FLORIDA COMMISSION ON ETHICS ET AL.* Sup. Ct. Fla. Certiorari denied. Reported below: 717 So. 2d 529.

No. 98-5766. *STEWART v. ILLINOIS.* App. Ct. Ill., 3d Dist. Certiorari denied. Reported below: 292 Ill. App. 3d 1130, 717 N. E. 2d 864.

No. 98-5767. *SMITH v. MORGAN, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT SMITHFIELD, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 98-5769. *JENKINS v. GEORGIA.* Sup. Ct. Ga. Certiorari denied. Reported below: 269 Ga. 282, 498 S. E. 2d 502.

No. 98-5770. *KING v. MOODEY.* C. A. 11th Cir. Certiorari denied. Reported below: 136 F. 3d 139.

No. 98-5776. *COLLINS v. AUGUSTA HOUSING AUTHORITY, CITY OF AUGUSTA, GEORGIA.* C. A. 11th Cir. Certiorari denied. Reported below: 141 F. 3d 1190.

No. 98-5777. *BOYD v. ALABAMA.* Sup. Ct. Ala. Certiorari denied. Reported below: 715 So. 2d 852.

No. 98-5779. *MEANES v. JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION.* C. A. 5th Cir. Certiorari denied. Reported below: 138 F. 3d 1007.

No. 98-5781. *MITCHELL v. TPI RESTAURANTS.* C. A. 11th Cir. Certiorari denied. Reported below: 136 F. 3d 1330.

No. 98-5782. *OATEY v. CALIFORNIA.* Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 98-5787. *FAUSTINO RIVERA v. FLORIDA.* Dist. Ct. App. Fla., 1st Dist. Certiorari denied.

No. 98-5788. *PATTERSON v. SOUTH CAROLINA.* Sup. Ct. S. C. Certiorari denied.

No. 98-5792. *KEESLING v. CALIFORNIA.* Sup. Ct. Cal. Certiorari denied.

No. 98-5796. *CLIFFORD v. BOZZELLA ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 153 F. 3d 719.

525 U.S.

November 2, 1998

No. 98-5798. *AJAMU v. ALFRED ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 146 F. 3d 870.

No. 98-5802. *EMERY v. JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION.* C. A. 5th Cir. Certiorari denied. Reported below: 139 F. 3d 191.

No. 98-5806. *RILEY v. PRUNTY, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 152 F. 3d 929.

No. 98-5809. *HILL v. TURPIN, WARDEN.* Sup. Ct. Ga. Certiorari denied. Reported below: 269 Ga. 302, 498 S. E. 2d 52.

No. 98-5811. *ROUNDTREE v. KENNEDY ET AL.* C. A. 11th Cir. Certiorari denied.

No. 98-5812. *SPARKS v. KENTUCKY CHARACTER AND FITNESS COMMITTEE ET AL.* C. A. 6th Cir. Certiorari denied.

No. 98-5813. *SPIGELSKI v. McDONALD'S.* C. A. 3d Cir. Certiorari denied.

No. 98-5817. *LIEBERS v. SALINE COUNTY, KANSAS.* Ct. App. Kan. Certiorari denied. Reported below: 24 Kan. App. 2d xix, 951 P. 2d 1323.

No. 98-5819. *DUBOSE v. JONES, WARDEN, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 98-5820. *SHAFER v. MISSOURI.* Sup. Ct. Mo. Certiorari denied. Reported below: 969 S. W. 2d 719.

No. 98-5822. *GUILLOT v. DAY, WARDEN, ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 146 F. 3d 867.

No. 98-5829. *SHOOK v. CALIFORNIA.* Ct. App. Cal., 6th App. Dist. Certiorari denied.

No. 98-5830. *HALL v. JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION.* C. A. 5th Cir. Certiorari denied.

No. 98-5833. *BARNES v. GEORGIA.* Sup. Ct. Ga. Certiorari denied. Reported below: 269 Ga. 345, 496 S. E. 2d 674.

No. 98-5839. *PROSSER v. ROSS ET AL.* C. A. 8th Cir. Certiorari denied.

November 2, 1998

525 U. S.

No. 98-5850. *RAWLINS v. ARIZONA DEPARTMENT OF CORRECTIONS ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 152 F. 3d 928.

No. 98-5869. *KEE v. MASSACHUSETTS MUTUAL LIFE INSURANCE CO. ET AL.* Sup. Ct. Fla. Certiorari denied. Reported below: 717 So. 2d 533.

No. 98-5870. *JACKSON v. ILLINOIS.* Sup. Ct. Ill. Certiorari denied. Reported below: 182 Ill. 2d 30, 695 N. E. 2d 391.

No. 98-5880. *NIEVES v. SINGLETARY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS.* Sup. Ct. Fla. Certiorari denied. Reported below: 718 So. 2d 169.

No. 98-5882. *KURTZEMANN v. TEXAS.* Ct. App. Tex., 10th Dist. Certiorari denied.

No. 98-5886. *FORSYTH v. BRIGNER ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 156 F. 3d 1229.

No. 98-5892. *HARBISON ET AL. v. CAMPBELL, COMMISSIONER, TENNESSEE DEPARTMENT OF CORRECTION, ET AL.* C. A. 6th Cir. Certiorari denied.

No. 98-5893. *HIBBARD v. APFEL, COMMISSIONER OF SOCIAL SECURITY.* C. A. 7th Cir. Certiorari denied. Reported below: 139 F. 3d 901.

No. 98-5894. *DEJESUS v. EDGAR, GOVERNOR OF ILLINOIS, ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 142 F. 3d 439.

No. 98-5899. *NADDI v. HILL, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 152 F. 3d 928.

No. 98-5902. *WILLIS v. SPRAGUE.* Ct. App. D. C. Certiorari denied.

No. 98-5903. *WILLIS v. SOUTHERLAND.* Ct. App. D. C. Certiorari denied.

No. 98-5904. *KEIFFER v. CITY OF SEATTLE CIVIL SERVICE COMMISSION ET AL.* Ct. App. Wash. Certiorari denied. Reported below: 87 Wash. App. 170, 940 P. 2d 704.

525 U.S.

November 2, 1998

No. 98-5911. *LAGRAND ET AL. v. STEWART, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS*. C. A. 9th Cir. Certiorari denied. Reported below: 133 F. 3d 1253.

No. 98-5912. *NELSON v. HENSON ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 152 F. 3d 928.

No. 98-5914. *OSBORNE v. SINGLETARY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS*. Sup. Ct. Fla. Certiorari denied. Reported below: 707 So. 2d 1126.

No. 98-5921. *MORAN v. TRIPPETT, WARDEN*. C. A. 6th Cir. Certiorari denied. Reported below: 149 F. 3d 1184.

No. 98-5925. *BECKMAN v. CALIFORNIA*. Ct. App. Cal., 5th App. Dist. Certiorari denied.

No. 98-5930. *BEACHEM v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 294 Ill. App. 3d 1094, 721 N. E. 2d 849.

No. 98-5936. *CASTRO v. GIBSON, WARDEN*. C. A. 10th Cir. Certiorari denied. Reported below: 131 F. 3d 810.

No. 98-5960. *VARGAS v. SIKES, WARDEN*. C. A. 11th Cir. Certiorari denied.

No. 98-5981. *EARL v. ARKANSAS*. Sup. Ct. Ark. Certiorari denied. Reported below: 333 Ark. 489, 970 S. W. 2d 789.

No. 98-5986. *FIELDS v. JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 98-5999. *CHRISTIAN v. VIRGINIA*. Sup. Ct. Va. Certiorari denied.

No. 98-6005. *WILLIS v. GOODWILL INDUSTRIES OF KENTUCKY, INC.* Ct. App. Ky. Certiorari denied.

No. 98-6011. *HURD v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist. Certiorari denied. Reported below: 62 Cal. App. 4th 1084, 73 Cal. Rptr. 2d 203.

No. 98-6019. *LOWREY v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied.

November 2, 1998

525 U. S.

No. 98-6022. *ROSENTHAL v. BANKS*, ADMINISTRATIVE APPEALS JUDGE, DEPARTMENT OF HEALTH AND HUMAN SERVICES. C. A. 1st Cir. Certiorari denied. Reported below: 181 F. 3d 80.

No. 98-6027. *CUNNINGHAM v. PACE ET AL.* C. A. 5th Cir. Certiorari denied.

No. 98-6028. *JACKSON v. MORGAN, WARDEN.* C. A. 6th Cir. Certiorari denied.

No. 98-6035. *SCOTT v. BURTON, WARDEN.* C. A. 11th Cir. Certiorari denied.

No. 98-6040. *KROEMER v. IRVIN.* C. A. 2d Cir. Certiorari denied.

No. 98-6063. *TIDWELL v. MILLS, WARDEN.* C. A. 6th Cir. Certiorari denied.

No. 98-6069. *VINH HUNG LAM v. HARTE-HANKS COMMUNICATIONS, INC.* C. A. 9th Cir. Certiorari denied. Reported below: 161 F. 3d 13.

No. 98-6074. *RISHER v. ARKANSAS.* Sup. Ct. Ark. Certiorari denied. Reported below: 332 Ark. xxi.

No. 98-6078. *BEARD v. JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION.* C. A. 5th Cir. Certiorari denied. Reported below: 141 F. 3d 1165.

No. 98-6079. *HYON O v. HENDERSON, POSTMASTER GENERAL.* C. A. 9th Cir. Certiorari denied.

No. 98-6081. *SCOTT v. FLORIDA.* Sup. Ct. Fla. Certiorari denied. Reported below: 717 So. 2d 908.

No. 98-6083. *JONES v. POOLE, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 98-6084. *LOWE v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 136 F. 3d 1231.

No. 98-6089. *VIENGVILAI v. NEWLAND, WARDEN.* C. A. 9th Cir. Certiorari denied. Reported below: 145 F. 3d 1343.

No. 98-6091. *ARLEDGE v. IDAHO ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 141 F. 3d 1173.

525 U.S.

November 2, 1998

No. 98-6097. *HIMMELSTEIN v. MERIT SYSTEMS PROTECTION BOARD*. C. A. Fed. Cir. Certiorari denied. Reported below: 155 F. 3d 570.

No. 98-6110. *PACK v. PAGE, WARDEN*. C. A. 7th Cir. Certiorari denied. Reported below: 147 F. 3d 586.

No. 98-6112. *PRINCE v. CORCORAN, WARDEN, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 153 F. 3d 721.

No. 98-6118. *BRACE v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 145 F. 3d 247.

No. 98-6120. *NANCE v. VIEREGGE ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 147 F. 3d 589.

No. 98-6126. *ROBINSON v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 149 F. 3d 1194.

No. 98-6129. *JACKSON v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 98-6130. *MAHONE v. HENDERSON, POSTMASTER GENERAL*. C. A. 6th Cir. Certiorari denied. Reported below: 142 F. 3d 435.

No. 98-6136. *WILLIAMSON v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 152 F. 3d 931.

No. 98-6142. *MELTON v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 149 F. 3d 1185.

No. 98-6145. *KING v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 155 F. 3d 562.

No. 98-6153. *LOMAX v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 98-6154. *JOLLY v. UNITED STATES*. Ct. App. D. C. Certiorari denied. Reported below: 704 A. 2d 855.

No. 98-6155. *MARSH ET AL. v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 144 F. 3d 1229.

No. 98-6156. *CARDOZA-HINOJOSA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 140 F. 3d 610.

No. 98-6158. *CARROLL v. LOCAL 144 PENSION FUND ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 152 F. 3d 917.

November 2, 1998

525 U. S.

No. 98-6159. *WILLIAMS v. FURLONG, WARDEN, ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 149 F. 3d 1192.

No. 98-6163. *CARRILLO-HERNANDEZ v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 149 F. 3d 1176.

No. 98-6165. *DAVIS v. UNITED STATES.* C. A. 7th Cir. Certiorari denied.

No. 98-6167. *HANNAH v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. Reported below: 149 F. 3d 1185.

No. 98-6168. *GREGORY ET AL. v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 151 F. 3d 1030.

No. 98-6169. *GREEN v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 137 F. 3d 1349.

No. 98-6171. *LOPEZ v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. Reported below: 152 F. 3d 919.

No. 98-6172. *ELWOOD v. UNITED STATES.* C. A. 5th Cir. Certiorari denied.

No. 98-6175. *GUNN v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 151 F. 3d 1031.

No. 98-6176. *MARKUN v. UNITED STATES.* C. A. 1st Cir. Certiorari denied.

No. 98-6179. *MALLARD v. UNITED STATES.* C. A. 11th Cir. Certiorari denied. Reported below: 138 F. 3d 958.

No. 98-6183. *PIERCE v. UNITED STATES.* C. A. 11th Cir. Certiorari denied. Reported below: 136 F. 3d 770.

No. 98-6185. *MCLEGGAN v. UNITED STATES.* C. A. 3d Cir. Certiorari denied. Reported below: 159 F. 3d 1354.

No. 98-6186. *MYERS v. UNITED STATES.* C. A. 2d Cir. Certiorari denied.

No. 98-6187. *CARRILLO v. ANGELONE, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS.* C. A. 4th Cir. Certiorari denied. Reported below: 131 F. 3d 133.

525 U.S.

November 2, 1998

No. 98-6191. *DEAN v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 146 F. 3d 1141.

No. 98-6192. *FOX v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 149 F. 3d 1192.

No. 98-6196. *DINKINS v. MICHIGAN*. Ct. App. Mich. Certiorari denied.

No. 98-6197. *GREEN v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 98-6202. *FORD v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 159 F. 3d 1353.

No. 98-6203. *GERMOSEN v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 98-6206. *KENNEDY v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 8th Cir. Certiorari denied.

No. 98-6207. *LOPEZ v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 153 F. 3d 723.

No. 98-6210. *BOLEY v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 149 F. 3d 1178.

No. 98-6211. *COPNEY v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 155 F. 3d 561.

No. 98-6213. *KELLEY v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 142 F. 3d 1282.

No. 98-6215. *MORRIS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 98-6218. *THOMAS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 155 F. 3d 563.

No. 98-6223. *LAZAREVICH v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 147 F. 3d 1061.

No. 98-6224. *ROJAS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 152 F. 3d 931.

No. 98-6225. *MARTINEZ v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 152 F. 3d 930.

November 2, 1998

525 U. S.

No. 98-6227. *JONES v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 142 F. 3d 446.

No. 98-6228. *PROPHETT v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 163 F. 3d 608.

No. 98-6232. *KAZMIERCZAK v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 159 F. 3d 1354.

No. 98-6234. *JOHNSON v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 149 F. 3d 1194.

No. 98-6235. *BROWN v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 162 F. 3d 1152.

No. 98-6243. *HERNANDEZ-GUERRERO v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 147 F. 3d 1075.

No. 98-6244. *FRANK, AKA CLARKE, AKA WILSON v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 162 F. 3d 1152.

No. 98-6246. *DUNBAR v. MICHIGAN DEPARTMENT OF CIVIL SERVICE, EMPLOYMENT RELATIONS BOARD*. Ct. App. Mich. Certiorari denied.

No. 98-6249. *FIELDS v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 156 F. 3d 1232.

No. 98-6252. *WILLIAMS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 144 F. 3d 55.

No. 98-6253. *WOOD v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 145 F. 3d 362.

No. 98-6254. *TELLECHIA v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 151 F. 3d 1034.

No. 98-6255. *VIRAMONTES-ALVARADO v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 149 F. 3d 912.

No. 98-6257. *AL JIBORI v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 149 F. 3d 125.

No. 98-6259. *JENKINS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 129 F. 3d 616.

525 U.S.

November 2, 1998

No. 98-6260. *HOOKS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 156 F. 3d 1240.

No. 98-6262. *GENTILE v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 144 F. 3d 1365.

No. 98-6267. *GRANADOS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 155 F. 3d 562.

No. 98-6271. *PEKER v. FADER ET AL.* C. A. 2d Cir. Certiorari denied.

No. 98-6284. *OVIEDO ROSALES v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 149 F. 3d 1180.

No. 98-6285. *SCRUGGS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 151 F. 3d 1030.

No. 98-6286. *MARTINSON v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 37 F. 3d 1490.

No. 98-6290. *MING HOI WONG v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 98-6291. *VICKERS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 150 F. 3d 1196.

No. 98-6295. *BASWELL v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 149 F. 3d 1196.

No. 98-6301. *CARBAUGH v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 141 F. 3d 791.

No. 98-6304. *ALLMAN v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 145 F. 3d 1341.

No. 98-6307. *McKINNEY v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 156 F. 3d 1233.

No. 98-6315. *RAMIREZ v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 155 F. 3d 563.

No. 98-6326. *MURPHY v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 201 F. 3d 429.

No. 98-6327. *MCCOY v. UNITED STATES*. Ct. App. D. C. Certiorari denied.

November 2, 1998

525 U. S.

No. 98-6336. WOOD *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied.

No. 98-6339. VAZQUEZ-PULIDO *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 155 F. 3d 1213.

No. 98-6342. BRAGGS *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 142 F. 3d 432.

No. 97-1485. COATES, DIRECTOR, MASSACHUSETTS DIVISION OF MARINE FISHERIES, ET AL. *v.* STRAHAN. C. A. 1st Cir. Motion of Conservation Law Foundation, Inc., for leave to file a brief as *amicus curiae* granted. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 127 F. 3d 155.

No. 97-9525. HENDERSON *v.* TEXAS. Ct. Crim. App. Tex. Motion of petitioner to amend the petition for writ of certiorari and to supplement the record denied. Certiorari denied. Reported below: 962 S. W. 2d 544.

No. 98-292. CALDERON, WARDEN *v.* BROWN. Sup. Ct. Cal. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 17 Cal. 4th 873, 952 P. 2d 715.

No. 98-371. HILL, WARDEN, ET AL. *v.* NADDI. C. A. 9th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 152 F. 3d 928.

No. 98-310. STATE INSURANCE FUND *v.* MATHER, TRUSTEE FOR THE ESTATE OF SOUTHERN STAR FOODS, INC. C. A. 10th Cir. Motion of National Council on Compensation Insurance, Inc., et al. for leave to file a brief as *amici curiae* granted. Certiorari denied. Reported below: 144 F. 3d 712.

No. 98-352. AT&T UNIVERSAL CARD SERVICES, INC. *v.* REMBERT. C. A. 6th Cir. Certiorari denied. JUSTICE O'CONNOR took no part in the consideration or decision of this petition. Reported below: 141 F. 3d 277.

*Rehearing Denied*

No. 97-9086. DIACONU *v.* DEFENSE LOGISTICS AGENCY ET AL., 524 U. S. 944. Petition for rehearing denied.

525 U.S. November 2, 3, 4, 6, 9, 1998

No. 97-9194. *GUANIPA v. UNITED STATES*, 524 U.S. 959. Motion for leave to file petition for rehearing denied.

NOVEMBER 3, 1998

*Dismissal Under Rule 46*

No. 98-6350. *IN RE WHITFIELD*. Petition for writ of mandamus dismissed under this Court's Rule 46.

NOVEMBER 4, 1998

*Dismissals Under Rule 46*

No. 98-597. *GRANVILLE TOWNSHIP BOARD OF TRUSTEES v. SMITH ET AL.* Sup. Ct. Ohio. Certiorari dismissed under this Court's Rule 46. Reported below: 81 Ohio St. 3d 608, 693 N. E. 2d 219.

No. 98-632. *IN RE CALDERON, WARDEN, ET AL.* Petition for writ of mandamus dismissed under this Court's Rule 46.

NOVEMBER 6, 1998

*Rehearing Denied*

No. 97-9567 (A-370). *WILLIAMS v. CAIN, WARDEN, ante*, p. 859. Application for stay of execution of sentence of death, presented to JUSTICE SCALIA, and by him referred to the Court, denied. Petition for rehearing denied.

NOVEMBER 9, 1998

*Certiorari Granted—Vacated and Remanded*

No. 97-945. *UNITED PAPERWORKERS INTERNATIONAL UNION ET AL. v. BUZENIUS ET AL.* C. A. 6th Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Marquez v. Screen Actors, ante*, p. 33. Reported below: 124 F. 3d 788.

No. 97-1507. *TEEL ET AL. v. KHURANA.* C. A. 5th Cir. Motion of petitioners for double costs denied. Certiorari granted, judgment vacated, and case remanded with instructions to dismiss

November 9, 1998

525 U. S.

the case as moot. See *United States v. Munsingwear, Inc.*, 340 U. S. 36 (1950). Reported below: 130 F. 3d 143.

*Miscellaneous Orders*

No. A-334. WEINSTEIN ET AL. *v.* STARR ET AL. Application for injunctive relief, addressed to JUSTICE SCALIA and referred to the Court, denied.

No. A-336. MARITIME OVERSEAS CORP. *v.* ELLIS. Sup. Ct. Tex. Application for stay, addressed to JUSTICE O'CONNOR and referred to the Court, denied.

No. D-1941. IN RE DISBARMENT OF HUBER. Disbarment entered. [For earlier order herein, see 523 U. S. 1069.]

No. D-1973. IN RE DISBARMENT OF FALICK. Disbarment entered. [For earlier order herein, see 524 U. S. 949.]

No. D-2008. IN RE DISBARMENT OF MOORE. Theron Monroe Moore, of Norcross, Ga., is suspended from the practice of law in this Court, and a rule will 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-2009. IN RE DISBARMENT OF GLEAN. Michael Anthony Glean, of Smyrna, Ga., is suspended from the practice of law in this Court, and a rule will 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. M-27. MASON *v.* SECURITIES AND EXCHANGE COMMISSION ET AL. Motion to direct the Clerk to file petition for writ of certiorari out of time denied.

No. 97-9361. JONES *v.* UNITED STATES. C. A. 5th Cir. [Certiorari granted, *ante*, p. 809.] Motion of petitioner for appointment of second counsel denied.

No. 98-184. WYOMING *v.* HOUGHTON. Sup. Ct. Wyo. [Certiorari granted, 524 U. S. 983.] Motion for appointment of counsel granted, and it is ordered that Donna D. Domonkos, Esq., of Cheyenne, Wyo., be appointed to serve as counsel for respondent in this case.

525 U.S.

November 9, 1998

No. 98-6416. IN RE SEWARD;  
No. 98-6469. IN RE BEAZLEY;  
No. 98-6470. IN RE BURCH; and  
No. 98-6489. IN RE BALL. Petitions for writs of habeas corpus denied.

*Certiorari Granted*

No. 98-436. ALDEN ET AL. *v.* MAINE. Sup. Jud. Ct. Me. Certiorari granted. Reported below: 715 A. 2d 172.

No. 97-1927. HANLON ET AL. *v.* BERGER ET UX. C. A. 9th Cir.; and

No. 98-83. WILSON ET AL. *v.* LAYNE, DEPUTY UNITED STATES MARSHAL, ET AL. C. A. 4th Cir. Certiorari granted limited to the following questions: "1. Whether law enforcement officers violate the Fourth Amendment by allowing members of the news media to accompany them and to observe and record their execution of a warrant? 2. Whether, if this action violates the Fourth Amendment, the officers are nonetheless entitled to a defense of qualified immunity?" Cases consolidated and a total of one hour allotted for oral argument. Reported below: No. 97-1927, 129 F. 3d 505; No. 98-83, 141 F. 3d 111.

No. 98-5881. LILLY *v.* VIRGINIA. Sup. Ct. Va. Motion of petitioner for leave to proceed *in forma pauperis* granted. Certiorari granted. Reported below: 255 Va. 558, 499 S. E. 2d 522.

*Certiorari Denied*

No. 97-1894. SEAHORSE COASTAL ASSISTANCE & TOWING ET AL. *v.* FLEISCHMANN ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 137 F. 3d 131.

No. 98-128. MCNAMARA ET AL. *v.* CITY OF CHICAGO ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 138 F. 3d 1219.

No. 98-163. CITY OF IRVINE ET AL. *v.* NELSON ET AL., ON BEHALF OF THEMSELVES AND ON BEHALF OF OTHERS SIMILARLY SITUATED. C. A. 9th Cir. Certiorari denied. Reported below: 143 F. 3d 1196.

No. 98-190. HUFFINGTON *v.* NUTH, WARDEN, ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 140 F. 3d 572.

November 9, 1998

525 U. S.

No. 98-254. *PRINCESS CRUISES, INC. v. GENERAL ELECTRIC Co.* C. A. 4th Cir. Certiorari denied. Reported below: 143 F. 3d 828.

No. 98-385. *EARLES ET AL. v. STATE BOARD OF CERTIFIED PUBLIC ACCOUNTANTS OF LOUISIANA ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 139 F. 3d 1033.

No. 98-400. *SMITH, TRUSTEE FOR THE ESTATES OF HANSON ET AL. v. LASER, WILSON, BUFORD & WATTS, P. C., ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 149 F. 3d 1188.

No. 98-403. *MENCER v. HAMMONDS.* C. A. 11th Cir. Certiorari denied. Reported below: 134 F. 3d 1066.

No. 98-407. *PIANO ET UX. v. NASUTI, TRUSTEE.* C. A. 11th Cir. Certiorari denied. Reported below: 148 F. 3d 1071.

No. 98-409. *DUFFIELD v. ROBERTSON, STEPHENS & Co.* C. A. 9th Cir. Certiorari denied. Reported below: 144 F. 3d 1182.

No. 98-410. *FISTER, PARENT AND GUARDIAN OF FISTER v. MINNESOTA NEW COUNTRY SCHOOL.* C. A. 8th Cir. Certiorari denied. Reported below: 149 F. 3d 1187.

No. 98-411. *HUBER v. DISTRICT OF COLUMBIA BOARD ON PROFESSIONAL RESPONSIBILITY ET AL.* Ct. App. D. C. Certiorari denied. Reported below: 708 A. 2d 259.

No. 98-412. *JACKSON v. NCT CORP. ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 141 F. 3d 1158.

No. 98-418. *WYOMING DEPARTMENT OF TRANSPORTATION v. STRAIGHT.* C. A. 10th Cir. Certiorari denied. Reported below: 143 F. 3d 1387.

No. 98-423. *THOMPSON v. DEPARTMENT OF THE NAVY.* C. A. D. C. Cir. Certiorari denied.

No. 98-445. *BATCHELDER, INDIVIDUALLY AND DERIVATIVELY ON BEHALF OF HONDA MOTOR CO., LTD., ET AL. v. KAWAMOTO ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 147 F. 3d 915.

No. 98-448. *STEWART v. STEWART.* Ct. App. N. C. Certiorari denied. Reported below: 128 N. C. App. 754, 498 S. E. 2d 210.

525 U.S.

November 9, 1998

No. 98-449. *GUSTO RECORDS, INC., ET AL. v. PETERSON ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 140 F. 3d 1313.

No. 98-451. *DOE v. MILES INC. ET AL.* Ct. App. Ariz. Certiorari denied. Reported below: 193 Ariz. 51, 969 P. 2d 657.

No. 98-483. *GIH-HORNG CHEN v. ZYGO CORP.* C. A. 2d Cir. Certiorari denied. Reported below: 162 F. 3d 1147.

No. 98-486. *O'BRIEN v. UNITED STATES.* C. A. Fed. Cir. Certiorari denied. Reported below: 168 F. 3d 1320.

No. 98-497. *HANLON v. DUNBAR.* Ct. App. D. C. Certiorari denied.

No. 98-503. *BELLO, DBA NUCLEUS OIL CO. v. CITIZENS NATIONAL BANK ET AL.* Ct. App. Tex., 2d Dist. Certiorari denied.

No. 98-521. *JENSVOLD v. SHALALA, SECRETARY OF HEALTH AND HUMAN SERVICES.* C. A. 4th Cir. Certiorari denied. Reported below: 141 F. 3d 1158.

No. 98-523. *FRITZ v. LANCASTER COUNTY ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 151 F. 3d 1025.

No. 98-537. *MOODY v. MOODY.* Ct. App. La., 1st Cir. Certiorari denied. Reported below: 710 So. 2d 375.

No. 98-545. *FLUOR DANIEL (NPOSR), INC. v. SEWARD.* Sup. Ct. Wyo. Certiorari denied. Reported below: 956 P. 2d 1131.

No. 98-546. *GREENE v. WCI HOLDINGS CORP. ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 136 F. 3d 313.

No. 98-566. *KENNEDY v. GOLDIN, ADMINISTRATOR OF NATIONAL AERONAUTICS AND SPACE ADMINISTRATION.* C. A. 11th Cir. Certiorari denied. Reported below: 140 F. 3d 1043.

No. 98-602. *SMITH-GREGG v. DEPARTMENT OF THE INTERIOR.* C. A. D. C. Cir. Certiorari denied.

No. 98-609. *CASSIS MANAGEMENT CORP. v. NATIONAL LABOR RELATIONS BOARD.* C. A. 2d Cir. Certiorari denied. Reported below: 152 F. 3d 917.

No. 98-617. *SCHAEFFER v. UNITED STATES.* C. A. 8th Cir. Certiorari denied. Reported below: 149 F. 3d 1189.

November 9, 1998

525 U. S.

No. 98-5151. *PITSONBARGER v. GRAMLEY, WARDEN*. C. A. 7th Cir. Certiorari denied. Reported below: 141 F. 3d 728.

No. 98-5818. *LUDWIG v. VERMETTE ET AL.* Dist. Ct. App. Fla., 2d Dist. Certiorari denied. Reported below: 707 So. 2d 742.

No. 98-5931. *BARNES v. PUCINSKI, CLERK, CIRCUIT COURT OF ILLINOIS, COOK COUNTY*. Sup. Ct. Ill. Certiorari denied.

No. 98-5934. *TAYLOR v. GARRETT, JUDGE, CIRCUIT COURT OF ALABAMA, JEFFERSON COUNTY, ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 136 F. 3d 1331.

No. 98-5939. *BOGART v. CURRY ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 139 F. 3d 887.

No. 98-5940. *PARNELL v. JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION, ET AL.* C. A. 5th Cir. Certiorari denied.

No. 98-5941. *SMITH v. PARKER, WARDEN, ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 165 F. 3d 28.

No. 98-5944. *POLLACK v. WILSHIRE LEASING, LTD.* C. A. 11th Cir. Certiorari denied. Reported below: 142 F. 3d 1282.

No. 98-5952. *MUNG VAN LAM v. BARNETT ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 151 F. 3d 1033.

No. 98-5958. *CORRELL v. STEWART, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS*. C. A. 9th Cir. Certiorari denied. Reported below: 137 F. 3d 1404.

No. 98-5965. *PIZZO v. STALDER, SECRETARY, LOUISIANA DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS, ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 157 F. 3d 903.

No. 98-5967. *PERFETTO v. KUHLMANN, SUPERINTENDENT, SULLIVAN CORRECTIONAL FACILITY*. C. A. 2d Cir. Certiorari denied. Reported below: 152 F. 3d 920.

No. 98-5968. *RICHARDSON v. HUFFMAN*. C. A. 4th Cir. Certiorari denied. Reported below: 151 F. 3d 1030.

No. 98-5970. *CLYMER v. RUBENSTEIN, DISTRICT ATTORNEY OF BUCKS COUNTY, PENNSYLVANIA, ET AL.* Super. Ct. Pa. Certiorari denied. Reported below: 707 A. 2d 554.

525 U.S.

November 9, 1998

No. 98–5973. *HOWELL v. TENNESSEE*. Ct. Crim. App. Tenn. Certiorari denied.

No. 98–5977. *WANLESS v. OKLAHOMA*. Ct. Crim. App. Okla. Certiorari denied.

No. 98–6013. *FRANKLIN ET AL., ON BEHALF OF BERRY v. FRANCIS, WARDEN*. C. A. 6th Cir. Certiorari denied. Reported below: 144 F. 3d 429.

No. 98–6017. *JOHNSON v. ILLINOIS*. Sup. Ct. Ill. Certiorari denied. Reported below: 182 Ill. 2d 96, 695 N. E. 2d 435.

No. 98–6039. *LANE v. SINGLETARY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 98–6043. *ALLEN v. OKLAHOMA*. Ct. Crim. App. Okla. Certiorari denied. Reported below: 956 P. 2d 918.

No. 98–6070. *MILLER v. PENNSYLVANIA*. Super. Ct. Pa. Certiorari denied. Reported below: 704 A. 2d 164.

No. 98–6077. *WADE v. OHIO*. Ct. App. Ohio, Richland County. Certiorari denied.

No. 98–6103. *MOORE v. JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 98–6109. *STEVENS v. FLORIDA*. Sup. Ct. Fla. Certiorari denied. Reported below: 714 So. 2d 347.

No. 98–6147. *RODDEN v. BOWERSOX, SUPERINTENDENT, POTOSI CORRECTIONAL CENTER, ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 143 F. 3d 441.

No. 98–6149. *OBERUCH v. STEWART, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 98–6150. *PALOMINO v. ARIZONA*. Sup. Ct. Ariz. Certiorari denied.

No. 98–6181. *MUELLER v. BRUCE, WARDEN, ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 139 F. 3d 912.

November 9, 1998

525 U. S.

No. 98-6184. *WARREN v. CHAPTER 13 TRUSTEE'S OFFICE*. C. A. 11th Cir. Certiorari denied. Reported below: 135 F. 3d 146.

No. 98-6194. *HAGANS v. CLINTON, PRESIDENT OF THE UNITED STATES*. C. A. D. C. Cir. Certiorari denied.

No. 98-6221. *MASON v. PENNSYLVANIA*. Super. Ct. Pa. Certiorari denied. Reported below: 704 A. 2d 164.

No. 98-6226. *BAAQAR v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 149 F. 3d 1196.

No. 98-6236. *CARDINE v. MORGAN, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 98-6237. *CANFIELD v. AMERICAN EUROCOPTER CORP. ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 154 F. 3d 417.

No. 98-6238. *BRATTON v. CALIFORNIA*. App. Dept., Super. Ct. Cal., County of Los Angeles. Certiorari denied.

No. 98-6239. *FRANCIS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 131 F. 3d 1452.

No. 98-6256. *PORTER v. GENERAL SERVICES ADMINISTRATION ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 151 F. 3d 1033.

No. 98-6264. *GIBSON v. PENNSYLVANIA NATIONAL GUARD*. C. A. 3d Cir. Certiorari denied. Reported below: 159 F. 3d 1351.

No. 98-6270. *DAVIDSON v. HENDERSON, POSTMASTER GENERAL*. C. A. 4th Cir. Certiorari denied. Reported below: 139 F. 3d 888.

No. 98-6273. *ROSENBERG v. DEPARTMENT OF THE AIR FORCE ET AL.* C. A. 4th Cir. Certiorari denied.

No. 98-6274. *SIKORA v. BOHN*. Sup. Ct. Neb. Certiorari denied.

No. 98-6276. *OMOSEFUNMI v. COBB ET AL.* C. A. 1st Cir. Certiorari denied. Reported below: 181 F. 3d 80.

525 U.S.

November 9, 1998

No. 98-6278. *SIDLES v. STEWART, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 145 F. 3d 1340.

No. 98-6279. *HURD v. IOWA DEPARTMENT OF HUMAN SERVICES.* Sup. Ct. Iowa. Certiorari denied. Reported below: 580 N. W. 2d 383.

No. 98-6283. *PALMER v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 153 F. 3d 724.

No. 98-6297. *STRABLE v. UNITED STATES.* C. A. Fed. Cir. Certiorari denied. Reported below: 173 F. 3d 432.

No. 98-6302. *TILDON v. MCCONNELL.* C. A. 4th Cir. Certiorari denied. Reported below: 141 F. 3d 1160.

No. 98-6313. *KOWALCZYK v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. Reported below: 152 F. 3d 918.

No. 98-6328. *AUGUST v. UNITED STATES.* C. A. 5th Cir. Certiorari denied.

No. 98-6329. *PRICE v. UNITED STATES.* C. A. D. C. Cir. Certiorari denied. Reported below: 159 F. 3d 638.

No. 98-6330. *STONE-LAO v. UNITED STATES.* C. A. 11th Cir. Certiorari denied. Reported below: 145 F. 3d 363.

No. 98-6331. *RESTREPO v. UNITED STATES.* C. A. 11th Cir. Certiorari denied. Reported below: 150 F. 3d 1197.

No. 98-6332. *CERVANTES v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 152 F. 3d 930.

No. 98-6340. *CROSBY v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 139 F. 3d 893.

No. 98-6344. *SUMLER v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 155 F. 3d 563.

No. 98-6346. *CHARLES v. UNITED STATES.* C. A. 3d Cir. Certiorari denied. Reported below: 159 F. 3d 1353.

No. 98-6347. *CROCKER v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 139 F. 3d 893.

November 9, 1998

525 U. S.

No. 98–6348. *DOE v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 149 F. 3d 945.

No. 98–6356. *DAVIS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 144 F. 3d 54.

No. 98–6366. *BURNS v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 98–6369. *JONES v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 145 F. 3d 959.

No. 98–6370. *MONTGOMERY v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 153 F. 3d 724.

No. 98–6371. *JONES v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 145 F. 3d 736.

No. 98–6373. *LERMA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 149 F. 3d 1180.

No. 98–6376. *BROWN ET AL. v. UNITED STATES*; and *BRADY v. UNITED STATES*. Ct. App. D. C. Certiorari denied. Reported below: 682 A. 2d 1131 (first judgment).

No. 98–6377. *THENEN v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 98–6378. *TATE v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 163 F. 3d 600.

No. 98–6379. *WOODSON ET AL. v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 163 F. 3d 600.

No. 98–6380. *WALKER v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 142 F. 3d 103.

No. 98–6381. *COLLINS v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 98–6384. *JAMES v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 98–6388. *SMITH v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 145 F. 3d 1335.

No. 98–6389. *SHINAULT v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 147 F. 3d 1266.

525 U.S.

November 9, 1998

No. 98-6392. *JORDAN v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 156 F. 3d 1233.

No. 98-6393. *JEFFERSON v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 149 F. 3d 444.

No. 98-6394. *KNOX v. VAUGHN, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT GRATERFORD, ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 159 F. 3d 1351.

No. 98-6395. *CHRISTENSEN v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 132 F. 3d 40.

No. 98-6398. *MCKOY v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 159 F. 3d 1354.

No. 98-6399. *KIPERTS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 152 F. 3d 930.

No. 98-6404. *BUXTON v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 150 F. 3d 983.

No. 98-6405. *HERNANDEZ v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 141 F. 3d 1042.

No. 98-6407. *FEINSTEIN v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 98-6424. *CHILELLI v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 156 F. 3d 1239.

No. 98-6425. *BISHOP v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 153 F. 3d 728.

No. 98-6426. *COLLINS v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 150 F. 3d 668.

No. 98-6427. *REINHARDT v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 149 F. 3d 1178.

No. 98-6428. *PETERSON v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 150 F. 3d 1196.

No. 98-6429. *BAYLESS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 98-6439. *WARDRICK v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 141 F. 3d 1161.

November 9, 1998

525 U. S.

No. 98–93. RUBIN, SECRETARY OF THE TREASURY, ET AL. *v.* UNITED STATES, THROUGH THE INDEPENDENT COUNSEL. C. A. D. C. Cir. Certiorari denied. Reported below: 148 F. 3d 1073.

JUSTICE GINSBURG, dissenting.

I agree with JUSTICE BREYER that this Court, and not a Court of Appeals, ought to be the definitive judicial arbiter in this case. The matter is grave and the competency of the Judiciary (as opposed to the Legislature) to craft the privilege in question is genuinely debatable. Today's disposition, I note, does not in any sense constitute a ruling on the merits of the issue presented. See, *e. g.*, *Equality Foundation of Greater Cincinnati, Inc. v. Cincinnati*, 525 U. S. 943 (1998) (STEVENS, J., respecting denial of certiorari).

JUSTICE BREYER, dissenting.

This petition raises the question whether federal law recognizes a special Secret Service evidentiary privilege which, in effect, would permit a Secret Service agent protecting the President to refuse to testify unless he saw or heard conduct or statements that were clearly criminal. To put the matter more precisely, the Secret Service claims a privilege that would protect

“information obtained by Secret Service personnel while performing their protective function in physical proximity to the President,”

except that it would not apply

“in the context of a federal investigation or prosecution, to bar testimony by an officer or agent concerning observations or statements that, at the time they were made, were sufficient to provide reasonable grounds for believing that a felony has been, is being, or will be committed.” *In re: Sealed Case*, 148 F. 3d 1073, 1075 (CAD 1998) (internal quotation marks omitted).

The Court of Appeals denied the existence of such a privilege. The Secretary of the Treasury asks this Court to review that determination.

I believe the question is important and that this Court should grant review. The physical security of the President of the United States has a special legal role to play in our constitutional

system. The Constitution vests the entire “Power” of one branch of Government in that single human being, the “President” of the United States. Art. II, § 1, cl. 1. He is the head of state. He and the Vice President are the only officials for whom the entire Nation votes. And he is responsible for the actions of the Executive Branch in much the same way that the entire Congress is responsible for the actions of the Legislative Branch or the entire Judiciary for those of the Judicial Branch. He has been called “the sole indispensable man in government.” *Clinton v. Jones*, 520 U.S. 681, 713 (1997) (BREYER, J., concurring in judgment) (quoting P. Kurland, *Watergate and the Constitution* 135 (1978)). Thus, one could reasonably believe that the law should take special account of the obvious fact that serious physical harm to the President is a national calamity—by recognizing a special governmental privilege where needed to help avert that calamity.

Moreover, the federal courts themselves have adequate legal authority to develop an evidentiary privilege that will materially help to ensure the physical safety of the President. Federal Rule of Evidence 501 says that “the privilege of a witness . . . shall be governed by the principles of the common law as they may be interpreted by the courts of the United States in the light of reason and experience.” This Court has held that this Rule “did not freeze the law governing the privileges of witnesses in federal trials at a particular point in our history, but rather directed federal courts to continue the evolutionary development of testimonial privileges.” *Jaffee v. Redmond*, 518 U.S. 1, 9 (1996) (internal quotation marks omitted). See also *United States v. Weber Aircraft Corp.*, 465 U.S. 792, 804, n. 25 (1984) (“Rule 501 was adopted precisely because Congress wished to leave privilege questions to the courts rather than attempt to codify them”). The Court has suggested that a privilege will apply where permitting a refusal to testify serves “a public good transcending the normally predominant principle of utilizing all rational means for ascertaining truth.” *Trammel v. United States*, 445 U.S. 40, 50 (1980) (quoting *Elkins v. United States*, 364 U.S. 206, 234 (1960) (Frankfurter, J., dissenting)). The Court of Appeals recognized that the President’s physical safety amounts to the kind of transcendent public good that, in principle, might justify the recognition of a new privilege here, *In re: Sealed Case*, *supra*, at 1076, just as important public need has led the courts to recognize new privileges in other cases, *Jaffee*

v. *Redmond*, *supra*; *Upjohn Co. v. United States*, 449 U. S. 383, 394–395 (1981) (extending attorney-client privilege to cases involving communication between a corporation’s employees acting at the direction of its officers and the corporation’s attorney); *Totten v. United States*, 92 U. S. 105, 107 (1876) (state secrets privilege); cf. 8 J. Wigmore, *Evidence* §§ 2290, 2333 (J. McNaughton rev. 1961) (explaining how common-law courts developed lawyer-client privilege and spousal privilege between the 16th and 19th centuries).

I concede that this Court, when analyzing a new claim of privilege, has looked to the ability of the privilege to win acceptance in federal courts and other jurisdictions. *Jaffee v. Redmond*, *supra*, at 12–13; *Trammel v. United States*, *supra*, at 47–50. There is no precedent for the privilege claimed in this case. But, as the Court of Appeals pointed out, the lack of precedent is “hardly surprising,” for this “appears to be the first effort in U. S. history to compel testimony by agents guarding the President.” *In re: Sealed Case*, 148 F. 3d, at 1076. For that reason, the Court of Appeals decided that “the absence of precedent” did not “weig[h] heavily against recognition of the privilege.” *Ibid.* In my view, that determination was correct.

Further, there are strong reasons for believing that a President’s physical safety requires the nearby presence of Secret Service agents. The terrible truth, as we all know, is that assassins have killed four American Presidents and have wounded one other. Nine Presidents have been the subject of assassination attempts, including attempts that have taken place while the President was in the White House itself. In addition, a would-be assassin fired a pistol at President-elect Roosevelt three weeks before his inauguration, and the United States has accused a foreign government of planning the assassination of former President Bush when he visited Kuwait in 1993. See Appendix, *infra*, at 996.

History also teaches that the difference between life and death can be a matter of a few feet between a President and his protectors. President McKinley, for example, standing in a receiving line at the Pan American Exposition in Buffalo, was approached by an assassin, gun in hand hidden under a handkerchief. A Secret Service agent next to the President, and noticing the handkerchief, might have stopped the assassin. But there was no agent next to the President, for exposition officials

had requested those places. The assassination succeeded. N. Y. Times, Sept. 7, 1901, p. 1, col. 2; App. to Pet. for Cert. 42a.

By way of contrast, when John Hinckley fired shots at President Reagan, a Secret Service agent next to the President immediately pushed the President toward a limousine, another pushed the two men into the car, and a third spread his arms and legs to protect the President (and was hit in the chest). The President's life was saved. P. Melanson, *The Politics of Protection: The U. S. Secret Service in the Terrorist Age 186* (1984) (hereinafter Melanson). When a woman pointed a loaded semiautomatic pistol at President Ford, a Secret Service agent standing next to the President quickly grabbed the weapon with one hand and the woman's arm with the other. After another agent shouted a code warning, two agents grabbed the President and others swiftly surrounded him as they escorted him away. N. Y. Times, Sept. 6, 1975, p. 1, col. 8. Only two weeks later, a shot was fired at President Ford in San Francisco. The President was immediately shielded and hustled into his limousine. N. Y. Times, Sept. 23, 1975, p. 1, col. 8.

As these examples indicate, the Secret Service seeks to surround a President with "an all-encompassing zone of protection," such that agents, once alerted, can form a human shield within seconds. App. to Pet. for Cert. 41a. The Secret Service submitted undisputed affidavits stating that it cannot carry out this strategy effectively unless agents are near, and often next to, the President. *Id.*, at 37a-93a.

Even when the President is at the White House, the need for protection, and the corresponding need for agents to stay close to the President, does not disappear. A man unknown to President Carter visited him at the Oval Office. During the Reagan administration, a man on the Secret Service's list of dangerous persons, and with a history of mental disorders, reached the Oval Office without being stopped. Melanson 92. And as noted above, shots were fired at the White House when President Clinton was there. Even though the President was in the private residence at the time, agents fell upon the President within seconds to cover him and move him away from windows. App. to Pet. for Cert. 57a-58a.

Finally, I turn to what the Court of Appeals considered the key question in dispute: Is there a significant likelihood that, without the evidentiary privilege, Presidents too often will keep

agents at a distance? The words “too often” are important here. No one believes that the President would refuse protection outright. He cannot do so according to law. 18 U. S. C. § 3056(a). But no law can prescribe the President’s attitude toward security. No law can dictate how faithfully the President follows the Secret Service’s advice regarding security measures. And Presidential security may turn on close questions of degree. The Court of Appeals recognized that the matter was one of degree. It concluded that the Secretary had not shown the benefits of recognizing the privilege with sufficient force. Yet I believe this conclusion is open to significant doubt, particularly for the following two reasons.

First, the complexity of modern federal criminal law, codified in several thousand sections of the United States Code and the virtually infinite variety of factual circumstances that might trigger an investigation into a possible violation of the law, make it difficult for anyone to know, in advance, just when a particular set of statements might later appear (to a prosecutor) to be relevant to some such investigation. Thus, without the privilege, a President could not count on privacy. Rather, he would have to assume, in respect to many Presidential conversations, some genuine risk that a nearby Secret Service agent might later have to divulge their contents.

At the same time there may well be conversations—perfectly lawful conversations, concerning, say, politics or personalities—which a President reasonably would not want divulged. Unless those conversations clearly fall within the bounds of “executive privilege,” the bounds of which are unclear, cf. Memorandum for All Executive Department and Agency General Counsels, from Lloyd Cutler, Special Counsel to the President (Sept. 28, 1994), the only way a President could assure privacy would be to create a physical distance between himself and his Secret Service staff. The problem, in other words, arises in respect to ordinary conversations, not in respect to the unusual circumstance of an *obvious* crime.

Second, former President George Bush, several past and present directors of the Secret Service, and all of the now-living former Special Agents in Charge of the Secret Service detail assigned to protect the President presented statements, either sworn or as *amici*, declaring that the absence of a privilege *will* cause the President to lose trust in his agents and keep them

at a distance. This conclusion is plausible in light of human psychology that could lead Presidents to discount certain invisible dangers, such as the risk of assassination in surroundings that seem familiar and where all seems secure. Presidents may ignore those inherent dangers to some small degree, if they do not like having another individual, even an unobtrusive Secret Service agent, right next to them wherever they go. Presidents have not always eagerly accepted the omnipresence of their protectors. Politicians often feel the need to mingle with the public in a way that frustrates the Secret Service's goal of maintaining a controlled environment. And even for those who accept their protectors, enthusiasm can wear thin as the Service pervades the President's private as well as public life. Melanson 126. Franklin Roosevelt, for example, would try to elude his protectors. See Tays, *Presidential Reaction to Security: A Longitudinal Study*, 10 *Presidential Studies Quarterly* 600, 601-602 (1980). President Truman summed up his attitude toward the Secret Service as follows: "Kind and considerate as the Secret Service men were in the performance of their duty, I couldn't help feeling uncomfortable." *Id.*, at 603.

A delicate relationship exists between the President and his privacy-intruding protectors, one that may be particularly sensitive to the trust that comes from knowing that what the agents learn in the course of their duties will never be made public. That, in any event, is what the sworn statements set forth in the record and the briefs suggest. Those who provided those statements are in a position to know. It is difficult to characterize the statements as "speculation," *In re: Sealed Case*, 148 F. 3d, at 1076, particularly when the record contains nothing to the contrary.

The upshot, in my view, is that this Court should answer the question whether some kind of protective privilege exists and determine its outlines (whether, for example, it is waivable by the President). The matter is, as the Court of Appeals conceded, "fairly disputed." *Id.*, at 1079. It is legally uncertain. It is important. And only this Court can provide an authoritative answer.

The Independent Counsel at one point argued that "only this Court has the moral authority and public credibility to issue a final ruling on what the Secret Service plainly believes is a sensitive, life-or-death issue." *Pet. for Cert. in United States v.*

November 9, 1998

525 U. S.

*Rubin*, O. T. 1997, No. 1942, p. 10 (redacted version). I agree. This Court, not a lower court, should decide this close legal question directly related to the physical security of the President of the United States.

I therefore dissent from the Court's denial of the writ.

#### APPENDIX TO OPINION OF BREYER, J.

##### Presidential Assassinations and Assaults

Date	President	Location	Method	Result
1/30/1835	Andrew Jackson	Washington	Pistol	Misfire
4/14/1865	Abraham Lincoln	Washington	Pistol	Killed
7/21/1881	James Garfield	Washington	Pistol	Killed
9/6/1901	William McKinley	Buffalo	Pistol	Killed
2/15/1933	Franklin Roosevelt (President-elect)	Miami	Pistol	Missed target
11/1/1950	Harry Truman	Washington	Automatic weapon	Assailants intercepted
11/22/1963	John Kennedy	Dallas	Rifle	Killed
9/5/1975	Gerald Ford	Sacramento	Pistol	Misfire
9/22/1975	Gerald Ford	San Francisco	Pistol	Missed target
3/30/1981	Ronald Reagan	Washington	Pistol	Wounded
April 1993	George Bush (former President)	Kuwait	Bomb	Plot thwarted
10/29/1994	Bill Clinton	Washington	Assault rifle	Missed target

SOURCES: Kaiser, Presidential Assassinations and Assaults: Characteristics and Impact on Protective Procedures, 11 *Presidential Studies Quarterly* 545, 546-547 (1981); N. Y. Times, June 28, 1993, section A, p. 7, col. 2; N. Y. Times, Apr. 5, 1995, section A, p. 16, col. 5.

No. 98-222. STEWART, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS *v.* CORRELL. C. A. 9th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 137 F. 3d 1404.

No. 98-237. ROBERTSON, STEPHENS & CO. *v.* DUFFIELD. C. A. 9th Cir. Motion of Securities Industry Association for leave to file a brief as *amicus curiae* granted. Certiorari denied. Reported below: 144 F. 3d 1182.

No. 98-316. OFFICE OF THE PRESIDENT *v.* OFFICE OF THE INDEPENDENT COUNSEL. C. A. D. C. Cir. Motion of petitioner

525 U.S.

November 9, 1998

for leave to file an unredacted appendix under seal granted. Certiorari denied. Reported below: 158 F. 3d 1263.

JUSTICE BREYER, with whom JUSTICE GINSBURG joins, dissenting.

The divided decision of the Court of Appeals makes clear that the question presented by this petition has no clear legal answer and is open to serious legal debate. Both parties agree that the question presented is important and warrants this Court's attention. See Pet. for Cert. 6–7; Pet. for Cert. in *United States of America v. Clinton*, O. T. 1997, No. 97–1924, p. 9. I recognize that a denial of certiorari is not a disposition on the merits of that question. See, e.g., *Equality Foundation of Greater Cincinnati, Inc. v. Cincinnati*, ante, p. 943 (STEVENS, J., respecting denial of certiorari). Nonetheless, whether or when other opportunities for this Court to consider the issue arise depends upon whether or when the President, or other Government employees, will risk disclosing to Government lawyers significant matters that, under the Court of Appeals' decision, are not privileged. They may very well choose the cautious course, holding back information from Government counsel, perhaps hiring outside lawyers instead. I believe that this Court, not the Court of Appeals, should establish controlling legal principle in this disputed matter of law, of importance to our Nation's governance. I would grant the petition for certiorari.

No. 98–376. JACKSON ET AL. *v.* BENSON ET AL. Sup. Ct. Wis. Motion of National School Boards Association for leave to file a brief as *amicus curiae* granted. Certiorari denied. JUSTICE BREYER would grant certiorari. Reported below: 218 Wis. 2d 835, 578 N. W. 2d 602.

*Rehearing Denied*

No. 97–8139. KARRIEM *v.* UNITED STATES ET AL., 523 U.S. 1065;

No. 97–9198. GLEATON *v.* MOORE, DIRECTOR, SOUTH CAROLINA DEPARTMENT OF CORRECTIONS, ET AL., ante, p. 840;

No. 97–9264. GILBERT *v.* MOORE, DIRECTOR, SOUTH CAROLINA DEPARTMENT OF CORRECTIONS, ET AL., ante, p. 840;

No. 97–9593. TURNER *v.* UNITED STATES ET AL., ante, p. 860;

No. 98–17. IN RE VEY, ante, p. 808; and

November 9, 10, 16, 1998

525 U. S.

No. 98–5597. *CREHORE v. UNITED STATES*, *ante*, p. 912. Petitions for rehearing denied.

NOVEMBER 10, 1998

*Dismissal Under Rule 46*

No. 98–5898. *IN RE FLOWERS*. Petition for writ of mandamus dismissed under this Court's Rule 46.

NOVEMBER 16, 1998

*Miscellaneous Orders*

No. D–1970. *IN RE DISBARMENT OF KURTZ*. Disbarment entered. [For earlier order herein, see 524 U. S. 935.]

No. D–2010. *IN RE DISBARMENT OF BEREANO*. Bruce Charles Bereano, of Annapolis, Md., is suspended from the practice of law in this Court, and a rule will 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–2011. *IN RE DISBARMENT OF WECHSLER*. William Alfred Wechsler, of Hartford, Conn., is suspended from the practice of law in this Court, and a rule will 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–2012. *IN RE DISBARMENT OF FRIEDMAN*. Hirsch Friedman, of Atlanta, Ga., is suspended from the practice of law in this Court, and a rule will 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–2013. *IN RE DISBARMENT OF REHBERGER*. Robert L. Rehberger, of Forsyth, Ga., is suspended from the practice of law in this Court, and a rule will 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–2014. *IN RE DISBARMENT OF MYERSON*. Harvey D. Myerson, of New York, N. Y., is suspended from the practice of law in this Court, and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

525 U.S.

November 16, 1998

No. M-28. DAWSON *v.* BAILEY, STATE TROOPER, COLBERT COUNTY, ALABAMA, ET AL.;

No. M-29. GELIS *v.* UNITED STATES; and

No. M-30. SEA AIR SHUTTLE CORP. *v.* UNITED STATES. Motions to direct the Clerk to file petitions for writs of certiorari out of time denied.

No. 97-7597. KNOWLES *v.* IOWA. Sup. Ct. Iowa. [Certiorari granted, 523 U.S. 1019.] Motion for appointment of counsel granted, and it is ordered that Paul Rosenberg, Esq., of Des Moines, Iowa, be appointed to serve as counsel for petitioner in this case under Rule 39.6 of the Rules of this Court.

No. 98-286. FISH *v.* MARSH, SPAEDER, BAUR, SPAEDER & SCHAAF ET AL., *ante*, p. 944. Motion of respondents for damages and costs denied.

No. 98-512. DAVIS ET AL. *v.* CHILES, GOVERNOR OF FLORIDA, ET AL. C. A. 11th Cir. The Solicitor General is invited to file a brief in this case expressing the views of the United States.

No. 98-6577. IN RE BREEST. C. A. 1st Cir. Petition for writ of common-law certiorari denied. JUSTICE SOUTER took no part in the consideration or decision of this petition.

No. 98-6551. IN RE BURGESS;

No. 98-6561. IN RE EVERHART; and

No. 98-6646. IN RE PEREZ BUSTILLO. Petitions for writs of habeas corpus denied.

No. 98-5922. IN RE JEFFERSON;

No. 98-6023. IN RE SMITH;

No. 98-6067. IN RE WOODARD; and

No. 98-6383. IN RE KYRICOPOULOS. Petitions for writs of mandamus denied.

No. 98-467. IN RE VIEHWEG. Petition for writ of mandamus and/or prohibition denied.

*Certiorari Granted*

No. 97-2048. O'SULLIVAN *v.* BOERCKEL. C. A. 7th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari granted limited to the following question: "May an individual who is in custody pursuant to a state criminal

November 16, 1998

525 U. S.

conviction pursue claims in a federal habeas petition if those claims were not raised on direct appeal in a petition for discretionary review to the State's highest court?" Reported below: 135 F. 3d 1194.

No. 98-223. FLORIDA *v.* WHITE. Sup. Ct. Fla. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari granted. Reported below: 710 So. 2d 949.

No. 98-262. MCGINNIS, DIRECTOR, MICHIGAN DEPARTMENT OF CORRECTIONS, ET AL. *v.* HADIX ET AL. C. A. 6th Cir. Certiorari granted limited to the following questions: "1. Whether, in litigation pending on the effective date of the Prison Litigation Reform Act, the attorney fee provision of PLRA § 803(d), 42 U. S. C. § 1997e(d), applies to fees awarded after the Act's effective date for services rendered after that date? 2. Whether, in such litigation, this fee provision applies to fees awarded after the Act's effective date for services rendered before that date?" Reported below: 143 F. 3d 246.

*Certiorari Denied.* (See also No. 98-6577, *supra.*)

No. 97-1993. SUN DRILLING PRODUCTS CORP. ET AL. *v.* RAYBORN. Ct. App. La., 4th Cir. Certiorari denied. Reported below: 703 So. 2d 818.

No. 98-105. URBANO *v.* CONTINENTAL AIRLINES, INC. C. A. 5th Cir. Certiorari denied. Reported below: 138 F. 3d 204.

No. 98-200. HARPER ET AL. *v.* BLOCKBUSTER ENTERTAINMENT CORP. C. A. 11th Cir. Certiorari denied. Reported below: 139 F. 3d 1385.

No. 98-272. NORFOLK SOUTHERN CORP. ET AL. *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 4th Cir. Certiorari denied. Reported below: 140 F. 3d 240.

No. 98-279. YOUNG ET AL. *v.* LOCKHEED ADVANCED DEVELOPMENT Co. ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 141 F. 3d 1183.

No. 98-295. CARTER *v.* GOOD, INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY AS SHERIFF OF RUTHERFORD COUNTY, ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 145 F. 3d 1323.

525 U.S.

November 16, 1998

No. 98-309. HANIFI ET AL. *v.* MOTOR CLUB OF AMERICA INSURANCE CO. C. A. 4th Cir. Certiorari denied. Reported below: 145 F. 3d 170.

No. 98-391. GEE *v.* FLORIDA ET AL. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 718 So. 2d 175.

No. 98-397. CITIZENS FOR CLEAN GOVERNMENT *v.* RUSSELL ET AL.; and

No. 98-399. BURRIS, CHAIRPERSON, ARKANSAS ETHICS COMMISSION, ET AL. *v.* RUSSELL ET AL. C. A. 8th Cir. Certiorari denied. Reported below: 146 F. 3d 563.

No. 98-430. PARENT-GUARDIAN ASSOCIATION OF ARLINGTON DEVELOPMENTAL CENTER *v.* PEOPLE FIRST OF TENNESSEE ET AL. C. A. 6th Cir. Certiorari denied. Reported below: 145 F. 3d 1332.

No. 98-431. MELENDEZ ET UX. *v.* CITY OF LOS ANGELES. Ct. App. Cal., 2d App. Dist. Certiorari denied. Reported below: 63 Cal. App. 4th 1, 73 Cal. Rptr. 2d 469.

No. 98-432. PARRINO, ADMINISTRATOR OF THE ESTATE OF PARRINO, DECEASED, AND SUCCESSOR TO PARRINO *v.* FHP, INC., ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 146 F. 3d 699.

No. 98-446. CARABELLO *v.* SUPREME COURT OF KENTUCKY ET AL. C. A. 6th Cir. Certiorari denied. Reported below: 149 F. 3d 1182.

No. 98-454. CITY OF CINCINNATI ET AL. *v.* KRUSE ET AL. C. A. 6th Cir. Certiorari denied. Reported below: 142 F. 3d 907.

No. 98-463. TSE ET AL. *v.* MIRAGE CASINO-HOTEL. C. A. 9th Cir. Certiorari denied. Reported below: 145 F. 3d 1341.

No. 98-464. TOWN OF TRENTON *v.* LOUNGE MANAGEMENT, LTD. Sup. Ct. Wis. Certiorari denied. Reported below: 219 Wis. 2d 13, 580 N. W. 2d 156.

No. 98-466. MARTIN *v.* KENTUCKY STATE POLICE ET AL. Sup. Ct. Ky. Certiorari denied.

No. 98-471. NORTON *v.* SAM'S CLUB ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 145 F. 3d 114.

November 16, 1998

525 U. S.

No. 98-474. *VAN GEMERT ET AL. v. LADICK*. C. A. 10th Cir. Certiorari denied. Reported below: 146 F. 3d 1205.

No. 98-478. *DONNER v. DONNER, DECEASED*. Dist. Ct. App. Fla., 4th Dist. Certiorari denied.

No. 98-493. *SMITH v. SUPREME COURT OF COLORADO*. Sup. Ct. Colo. Certiorari denied.

No. 98-498. *HOOPER v. PERRINO, DOLINSKY, KARESH, WITHROW, JUARBE & BAIER, M. D., P. A., ET AL.* Ct. Sp. App. Md. Certiorari denied. Reported below: 116 Md. App. 739.

No. 98-509. *COOPER ET AL. v. NORTH CAROLINA EX REL. LONG, COMMISSIONER OF INSURANCE, AS LIQUIDATOR OF TWENTIETH CENTURY LIFE INSURANCE CO.* C. A. 4th Cir. Certiorari denied. Reported below: 151 F. 3d 1030.

No. 98-515. *MILLER-WAGENKNECHT v. VILLAGE OF DOYLES-TOWN ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 145 F. 3d 1332.

No. 98-526. *VALENTIN v. GATES, JUDGE, COURT OF COMMON PLEAS, LEBANON COUNTY, PENNSYLVANIA, ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 162 F. 3d 1153.

No. 98-532. *CONTINENTAL MARITIME OF SAN DIEGO, INC. v. LENANE*. Ct. App. Cal., 4th App. Dist. Certiorari denied. Reported below: 61 Cal. App. 4th 1073, 72 Cal. Rptr. 2d 121.

No. 98-538. *DREXLER, FORMER SHERIFF OF TAZEWELL COUNTY, ET AL. v. LICKISS*. C. A. 7th Cir. Certiorari denied. Reported below: 141 F. 3d 1220.

No. 98-550. *KAZANJIAN v. ANNISTON CITY BOARD OF EDUCATION ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 140 F. 3d 1043.

No. 98-558. *FURBY v. UNITED AUTO WORKERS ET AL.* Ct. App. Mich. Certiorari denied.

No. 98-560. *LAPIDUS v. HAHN, INDIVIDUALLY AND AS LOS ANGELES CITY ATTORNEY, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 139 F. 3d 906.

No. 98-592. *KING v. BEAVERS*. C. A. 8th Cir. Certiorari denied. Reported below: 148 F. 3d 1031.

525 U.S.

November 16, 1998

No. 98-596. *BABIGIAN v. COMMITTEE ON PROFESSIONAL STANDARDS, THIRD JUDICIAL DEPARTMENT*. App. Div., Sup. Ct. N. Y., 3d Jud. Dept. Certiorari denied. Reported below: 247 App. Div. 2d 817, 669 N. Y. S. 2d 686.

No. 98-599. *DAVIS ET AL. v. TABACHNICK*. Sup. Jud. Ct. Mass. Certiorari denied. Reported below: 428 Mass. 1001, 696 N. E. 2d 547.

No. 98-604. *SANTIAGO v. MASSACHUSETTS*. Sup. Jud. Ct. Mass. Certiorari denied. Reported below: 428 Mass. 39, 697 N. E. 2d 979.

No. 98-611. *COUNTY OF SAN DIEGO ET AL. v. SCHNEIDER*. C. A. 9th Cir. Certiorari denied. Reported below: 145 F. 3d 1340.

No. 98-615. *YOUNG v. CALDERA, SECRETARY OF THE ARMY*. C. A. 4th Cir. Certiorari denied. Reported below: 149 F. 3d 1172.

No. 98-626. *ALFORD v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 142 F. 3d 825.

No. 98-639. *LESOON v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 10th Cir. Certiorari denied. Reported below: 141 F. 3d 1185.

No. 98-646. *PAYNE v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 153 F. 3d 724.

No. 98-664. *MILLS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 138 F. 3d 928 and 152 F. 3d 1324.

No. 98-5113. *RABY v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied. Reported below: 970 S. W. 2d 1.

No. 98-5248. *JONES v. UNITED STATES*;

No. 98-5424. *DODSON v. UNITED STATES*; and

No. 98-5725. *MOTLEY v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 145 F. 3d 1326.

No. 98-5318. *ETSITTY v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 130 F. 3d 420 and 140 F. 3d 1274.

November 16, 1998

525 U. S.

No. 98-5341. *CAIN v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 141 F. 3d 1160.

No. 98-5350. *BURGER v. MASTERS, MATES & PILOTS UNION ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 141 F. 3d 1189.

No. 98-5656. *HOOD v. HELLING, WARDEN, ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 141 F. 3d 892.

No. 98-5748. *FARRIS v. JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION.* C. A. 5th Cir. Certiorari denied. Reported below: 144 F. 3d 50.

No. 98-5827. *HENDERSON v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied.

No. 98-5953. *LINK v. PRODUCTION CREDIT ASSN.* C. A. 8th Cir. Certiorari denied. Reported below: 141 F. 3d 1169.

No. 98-5954. *MCDONALD v. MILLER, GOVERNOR OF NEVADA, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 156 F. 3d 1238.

No. 98-5969. *OKEN v. MAINE*. Sup. Jud. Ct. Me. Certiorari denied. Reported below: 716 A. 2d 1007.

No. 98-5983. *HUTCHISON v. JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION.* C. A. 5th Cir. Certiorari denied.

No. 98-5984. *HAINES v. TERRANGI, WARDEN.* C. A. 4th Cir. Certiorari denied. Reported below: 149 F. 3d 1168.

No. 98-5985. *GORE v. THE ENTERPRISE.* C. A. 11th Cir. Certiorari denied.

No. 98-5987. *GRAY v. JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION.* C. A. 5th Cir. Certiorari denied. Reported below: 142 F. 3d 1278.

No. 98-5988. *SKIPPER v. ETOWAH COUNTY DEPARTMENT OF HUMAN RESOURCES ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 149 F. 3d 1195.

No. 98-5989. *SHAMSIDEEN v. TEXAS ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 149 F. 3d 1174.

525 U.S.

November 16, 1998

No. 98-5991. *PRUNTE v. WALT DISNEY CO. ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 156 F. 3d 186.

No. 98-5992. *STEELE v. COUNTY OF LOS ANGELES ET AL.* Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 98-5994. *LINK v. CITY OF COLUMBUS, OHIO.* Ct. App. Ohio, Franklin County. Certiorari denied. Reported below: 127 Ohio App. 3d 122, 711 N. E. 2d 1046.

No. 98-6000. *ARAGON v. SHANKS, WARDEN.* C. A. 10th Cir. Certiorari denied. Reported below: 144 F. 3d 690.

No. 98-6001. *BARBER v. JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION.* C. A. 5th Cir. Certiorari denied. Reported below: 145 F. 3d 234.

No. 98-6003. *WHITE v. WHITE, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 98-6008. *JONES ET AL. v. TEXAS.* C. A. 5th Cir. Certiorari denied. Reported below: 137 F. 3d 1351.

No. 98-6009. *BIRDS v. GARCIA ET AL.* Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 98-6010. *COLLAZO v. MORTON, ADMINISTRATOR, NEW JERSEY STATE PRISON, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 98-6026. *GRIBBLE v. PENNSYLVANIA.* Sup. Ct. Pa. Certiorari denied. Reported below: 550 Pa. 62, 703 A. 2d 426.

No. 98-6032. *JUDGE v. CARTER ET AL.* Ct. App. Cal., 1st App. Dist. Certiorari denied.

No. 98-6038. *BILLINGS v. NORTH CAROLINA.* Sup. Ct. N. C. Certiorari denied. Reported below: 348 N. C. 169, 500 S. E. 2d 423.

No. 98-6042. *THOMPSON v. BOARD OF REGENTS OF THE UNIVERSITY OF NEBRASKA AT LINCOLN.* Ct. App. Neb. Certiorari denied. Reported below: 6 Neb. App. 734, 577 N. W. 2d 749.

No. 98-6049. *SHAFFER v. SAFFLE, DIRECTOR, OKLAHOMA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 148 F. 3d 1180.

November 16, 1998

525 U. S.

No. 98–6051. *OGILVIE v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied. Reported below: 201 F. 3d 428.

No. 98–6053. *BUTTERFIELD v. SERVICE EMPLOYEES INTERNATIONAL UNION, LOCAL 28, ET AL.* C. A. D. C. Cir. Certiorari denied. Reported below: 159 F. 3d 635.

No. 98–6057. *CROSS v. PLACER COUNTY SUPERIOR COURT*. C. A. 9th Cir. Certiorari denied.

No. 98–6058. *BURNEY v. THOMPSON ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 136 F. 3d 142.

No. 98–6061. *REED v. SCOTT, EXECUTIVE DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE*. C. A. 5th Cir. Certiorari denied. Reported below: 149 F. 3d 1175.

No. 98–6062. *QUARTERMAN v. LEWIS, JUDGE, PROBATE COURT OF CHATHAM COUNTY, GEORGIA*. Sup. Ct. Ga. Certiorari denied. Reported below: 269 Ga. XXV, 500 S. E. 2d 336.

No. 98–6064. *STANTON v. HUSZ ET AL.* Ct. App. Wis. Certiorari denied.

No. 98–6071. *JOHNSON v. BOWERSOX, SUPERINTENDENT, POTOSI CORRECTIONAL CENTER*. C. A. 8th Cir. Certiorari denied.

No. 98–6073. *SIKORA v. HOUSTON ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 162 F. 3d 1165.

No. 98–6082. *RANDLE v. TEXAS*. C. A. 5th Cir. Certiorari denied.

No. 98–6086. *MADISON v. ALABAMA*. Sup. Ct. Ala. Certiorari denied. Reported below: 718 So. 2d 104.

No. 98–6088. *CARVER v. NEVADA*. Sup. Ct. Nev. Certiorari denied. Reported below: 114 Nev. 1688, 988 P. 2d 807.

No. 98–6090. *CAMPBELL v. ALABAMA*. Ct. Crim. App. Ala. Certiorari denied. Reported below: 718 So. 2d 123.

No. 98–6092. *JOHNSON v. INDIANA*. Ct. App. Ind. Certiorari denied. Reported below: 692 N. E. 2d 512.

No. 98–6095. *DIGGS v. HALL ET AL.* Ct. App. D. C. Certiorari denied.

525 U.S.

November 16, 1998

No. 98-6101. *HILL v. BURDICK, CHAPTER 7 TRUSTEE, ET AL.* C. A. 1st Cir. Certiorari denied. Reported below: 201 F. 3d 428.

No. 98-6104. *KIDO v. HAWAII.* Sup. Ct. Haw. Certiorari denied. Reported below: 87 Haw. 198, 953 P. 2d 576.

No. 98-6106. *GOMEZ v. EASTLAND COUNTY, TEXAS, ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 142 F. 3d 1278.

No. 98-6121. *MACK v. ILLINOIS.* Sup. Ct. Ill. Certiorari denied. Reported below: 182 Ill. 2d 377, 695 N. E. 2d 869.

No. 98-6144. *NICOLAISON v. DOTH, COMMISSIONER OF HUMAN SERVICES OF MINNESOTA.* Ct. App. Minn. Certiorari denied.

No. 98-6216. *MILLENDER v. HOOKS, WARDEN, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 98-6258. *LARA v. IOWA.* Sup. Ct. Iowa. Certiorari denied. Reported below: 580 N. W. 2d 783.

No. 98-6265. *HACHMEISTER v. DEPARTMENT OF DEFENSE.* C. A. Fed. Cir. Certiorari denied. Reported below: 152 F. 3d 945.

No. 98-6287. *VINNIE v. MASSACHUSETTS.* Sup. Jud. Ct. Mass. Certiorari denied. Reported below: 428 Mass. 161, 698 N. E. 2d 896.

No. 98-6294. *JORDAN v. MAINE.* Sup. Jud. Ct. Me. Certiorari denied. Reported below: 716 A. 2d 1004.

No. 98-6298. *JACOBS v. EDWARDS, WARDEN.* C. A. 6th Cir. Certiorari denied.

No. 98-6300. *M'MALANI v. NEWPORT NEWS SHIPBUILDING & DRY DOCK Co.* C. A. 4th Cir. Certiorari denied. Reported below: 149 F. 3d 1169.

No. 98-6305. *BRIGHTWELL v. KYLER, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AND DIAGNOSTIC/CLASSIFICATION CENTER AT CAMP HILL, ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 151 F. 3d 1024.

No. 98-6323. *CARTER v. HOPKINS, WARDEN.* C. A. 8th Cir. Certiorari denied. Reported below: 151 F. 3d 872.

November 16, 1998

525 U. S.

No. 98-6333. *KAHL v. MARYLAND*. Ct. Sp. App. Md. Certiorari denied. Reported below: 119 Md. App. 817.

No. 98-6335. *THOMPSON v. MASSACHUSETTS*. Sup. Jud. Ct. Mass. Certiorari denied. Reported below: 427 Mass. 729, 696 N. E. 2d 105.

No. 98-6345. *PRESLEY v. PAGE, WARDEN*. C. A. 7th Cir. Certiorari denied.

No. 98-6349. *WITHERS v. JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION*. C. A. 5th Cir. Certiorari denied. Reported below: 156 F. 3d 181.

No. 98-6361. *HURT v. INDIANA*. Ct. App. Ind. Certiorari denied. Reported below: 694 N. E. 2d 1212.

No. 98-6362. *SHEPHERD v. ILLINOIS HUMAN RIGHTS COMMISSION*. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 293 Ill. App. 3d 1139, 718 N. E. 2d 1091.

No. 98-6368. *BRADVICA v. BLOCK ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 145 F. 3d 1336.

No. 98-6415. *SMITH v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 149 F. 3d 1172.

No. 98-6423. *MACK v. UNITED STATES*. Ct. App. D. C. Certiorari denied.

No. 98-6433. *RUTHERFORD v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 152 F. 3d 931.

No. 98-6434. *ROCKOT v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 159 F. 3d 1354.

No. 98-6436. *SEGGERS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 153 F. 3d 724.

No. 98-6438. *STINNETT v. NORTH CAROLINA*. Ct. App. N. C. Certiorari denied. Reported below: 129 N. C. App. 192, 497 S. E. 2d 696.

No. 98-6441. *TREMBLAY v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 157 F. 3d 901.

No. 98-6442. *YOUNG v. UNITED STATES*. Ct. App. D. C. Certiorari denied.

525 U.S.

November 16, 1998

No. 98-6444. *WALTON v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 98-6445. *WILLIAMS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 139 F. 3d 896.

No. 98-6447. *WILLIAMS v. NORTH CAROLINA*. Gen. Ct. Justice, Super. Ct. Div., Wayne County, N. C. Certiorari denied.

No. 98-6449. *MENN v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 98-6450. *MCCARTHY v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 135 F. 3d 754.

No. 98-6454. *NOVAK v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 146 F. 3d 73.

No. 98-6457. *STEVENS v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 149 F. 3d 747.

No. 98-6459. *PAJOOH v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 137 F. 3d 1350.

No. 98-6462. *ASLANI v. DETROIT PUBLIC LIBRARY ET AL.* Ct. App. Mich. Certiorari denied.

No. 98-6471. *CUREAUX v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 116 F. 3d 1476.

No. 98-6475. *JONES v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 98-6480. *LANCELOTTI v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 145 F. 3d 1342.

No. 98-6502. *HALL v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 159 F. 3d 1354.

No. 98-6503. *GRIFFIN v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 161 F. 3d 18.

No. 98-6504. *GARCIA v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 156 F. 3d 1244.

No. 98-6507. *DUGAN v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 150 F. 3d 865.

November 16, 1998

525 U. S.

No. 98–6512. *GONZALEZ-MENDEZ v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 150 F. 3d 1058.

No. 98–6545. *BROWN v. CITY OF LITTLE ROCK, ARKANSAS, ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 149 F. 3d 1186.

No. 98–6596. *BARBARO v. COLLERAN, ACTING SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT WAYMART, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 97–2057. *DANNER v. KENTUCKY*. Sup. Ct. Ky. Certiorari denied. Reported below: 963 S. W. 2d 632.

JUSTICE SCALIA, with whom JUSTICE THOMAS joins, dissenting.

The Sixth Amendment guarantees a criminal defendant “the right . . . to be confronted with the witnesses against him.” In this case, the Kentucky Supreme Court deprived James Danner of that right in defending against a prosecution for raping and sodomizing his daughter, because the victim of the asserted crime, now 15 years of age, vaguely protested that she could not be near him. The trial court conducted the following inquiry:

“Q. Why is it that him being there in the room would make you unable to tell your side?

“A. I don’t know. I just can’t. I just can’t be near him.

“Q. We’ve already talked about that you’re not afraid of him, are you?

“A. No.

“Q. I know it’s difficult to exactly put a finger on what it is about; but why do you think that you could tell when he’s not in the room but you couldn’t tell it with him in the room?

“A. I don’t know. I just can’t be near him. I don’t know why. I just can’t.

“Q. Do you think that if you were to try and you know if we had to take breaks or something, you would be able to do it?

“A. I don’t know.’” Pet. for Cert. 7.

Even though the witness had expressly disclaimed fear of the defendant, the trial court concluded:

“The Court finds that due to factors which I cannot define but yet go much further than anxiety or nervousness, as referred

to the various cases that have been cited, that compelling need exists for the use of the electronic equipment. And although I am not making this decision simply for the witnesses [*sic*] convenience, or to prevent her from being nervous or anxious, as that no doubt happens to all witnesses, the Court is convinced that due to the nature of [the] testimony and the age of the witness that face-to-face arrangement would inhibit the witness to a degree that the jury's search for the truth would be clouded.'" *Id.*, at 7–8.

The Kentucky Supreme Court affirmed Danner's conviction. 963 S. W. 2d 632 (1998). Although petitioner objected that this procedure violated his constitutional right to confront his accuser, neither the trial court nor the Supreme Court so much as mentioned the Sixth Amendment.

*Maryland v. Craig*, 497 U. S. 836 (1990), holds that a State may allow child witnesses in abuse cases to testify outside the presence of the defendant if "necessary to protect a child witness from trauma that would be caused by testifying in the physical presence of the defendant, at least where such trauma would impair the child's ability to communicate . . ." *Id.*, at 857. The child witnesses in *Craig* were presumably all around the age of the principal child witness, who was seven. See *Craig v. State*, 316 Md. 551, 555–556, 560 A. 2d 1120, 1122 (1989). Experts testified at trial that one child "wouldn't be able to communicate effectively," another "would probably stop talking and . . . withdraw and curl up," another would "become highly agitated, that he may refuse to talk or if he did talk, that he would choose his subject regardless of the questions," and another would "become extremely timid and unwilling to talk." *Craig*, 497 U. S., at 842 (internal quotation marks omitted).

I believe *Craig* was wrongly decided, since the confrontation guaranteed by the Sixth Amendment covers all witnesses in (as the text says) "*all* criminal prosecutions." (Emphasis added.) See *id.*, at 860 (SCALIA, J., dissenting). This case, however, comes nowhere close to fitting within *Craig*'s limited exception. Far from being rendered mute with fear at the prospect of facing her father, Danner's daughter did not even rule out the possibility of testifying if she could take breaks from the witness stand. Moreover, *Craig* hardly contemplates that the child-witness exception is available to 15-year-olds.

November 16, 1998

525 U. S.

But for the precedent of *Craig*, the present case would be such an obvious and blatant violation of the Sixth Amendment that it would warrant summary reversal. Given *Craig*, however, it should be reviewed on certiorari and reversed to make clear that the exception we have created to the text of the Sixth Amendment is a narrow one. It is a dangerous business to water down the confrontation right so dramatically merely because society finds the charged crime particularly reprehensible. Indeed, the more reprehensible the charge, the more the defendant is in need of all constitutionally guaranteed protection for his defense.

No. 98-162. WILLIAMS ET AL. *v.* BYRD. C. A. 3d Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 142 F. 3d 427.

No. 98-193. CONSOLIDATED RAIL CORPORATION *v.* WICKER ET AL. C. A. 3d Cir. Motion of Association of American Railroads for leave to file a brief as *amicus curiae* granted. Certiorari denied. Reported below: 142 F. 3d 690.

No. 98-289. HENDON, ADMINISTRATOR OF THE ESTATE OF MAYBERRY, DECEASED *v.* E. I. DU PONT DE NEMOURS & CO. ET AL. C. A. 6th Cir. Certiorari denied. JUSTICE O'CONNOR took no part in the consideration or decision of this petition. Reported below: 145 F. 3d 1331.

No. 98-424. NATIONAL SOLID WASTE MANAGEMENT ASSN. *v.* WILLIAMS, COMMISSIONER, MINNESOTA POLLUTION CONTROL AGENCY, ET AL. C. A. 8th Cir. Motion of BFI Waste Systems of North America for leave to file a brief as *amicus curiae* granted. Certiorari denied. Reported below: 146 F. 3d 595.

No. 98-6796 (A-394). WILSON *v.* TAYLOR, WARDEN. C. A. 4th Cir. Application for stay of execution of sentence of death, presented to THE CHIEF JUSTICE, and by him referred to the Court, denied. Certiorari denied. JUSTICE STEVENS and JUSTICE GINSBURG would grant the application for stay of execution. Reported below: 155 F. 3d 396.

No. 98-6830 (A-398). ENOCH *v.* GRAMLEY, WARDEN. C. A. 7th Cir. Application for stay of execution of sentence of death, presented to JUSTICE STEVENS, and by him referred to the Court, denied. Certiorari denied.

525 U.S.

November 16, 1998

No. 98-6864 (A-404). GILLIAM *v.* SIMMS, SECRETARY, MARYLAND DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES. Ct. App. Md. Application for stay of execution of sentence of death, presented to THE CHIEF JUSTICE, and by him referred to the Court, denied. Certiorari denied.

*Rehearing Denied*

- No. 97-1910. ZIEMKE ET AL. *v.* ALMOG ET AL., *ante*, p. 817;  
No. 97-2004. NATIONAL COLLEGIATE ATHLETIC ASSN. *v.* LAW ET AL. (two judgments), *ante*, p. 822;  
No. 97-2008. WEN-CHOUH LIN *v.* LIN, *ante*, p. 823;  
No. 97-2060. GADDIS *v.* GADDIS, *ante*, p. 826;  
No. 97-2066. YADEGAR *v.* YADEGAR ET AL., *ante*, p. 827;  
No. 97-8681. HOLLAND *v.* MISSISSIPPI, *ante*, p. 829;  
No. 97-9177. TUDOROV *v.* COLAZO, *ante*, p. 839;  
No. 97-9192. BLOUNT *v.* UNITED STATES, *ante*, p. 840;  
No. 97-9238. LIMEHOUSE *v.* RED LOBSTER, INC., *ante*, p. 842;  
No. 97-9354. BOYD *v.* TENNESSEE, *ante*, p. 846;  
No. 97-9682. KING *v.* SUPERIOR COURT OF NEW HAMPSHIRE, ROCKINGHAM COUNTY, *ante*, p. 866;  
No. 98-34. FERNANDES *v.* ENVIRONMENTAL PROTECTION AGENCY ET AL., *ante*, p. 869;  
No. 98-213. UPSHAW *v.* BOND ET AL., *ante*, p. 877;  
No. 98-5147. WEISWASSER *v.* TERHUNE, DIRECTOR, CALIFORNIA DEPARTMENT OF CORRECTIONS, ET AL., *ante*, p. 888;  
No. 98-5200. CAPERS *v.* TCI OF NORTHERN NEW JERSEY, INC., *ante*, p. 891;  
No. 98-5227. CUNNINGHAM *v.* KENT ET AL., *ante*, p. 893;  
No. 98-5319. OZMEN *v.* NEW MEXICO, *ante*, p. 898;  
No. 98-5328. TWIDDY *v.* CITY OF HEALDSBURG, CALIFORNIA, ET AL., *ante*, p. 899;  
No. 98-5461. CURTIS *v.* PARKER, WARDEN, *ante*, p. 906; and  
No. 98-5700. WILLIAMSON *v.* SHALALA, SECRETARY OF HEALTH AND HUMAN SERVICES, *ante*, p. 915. Petitions for rehearing denied.
- No. 97-2038. IN RE CROWELL, *ante*, p. 807. Motion of petitioner for leave to proceed further herein *in forma pauperis* granted. Petition for rehearing denied.

November 17, 30, 1998

525 U. S.

NOVEMBER 17, 1998

*Miscellaneous Order*

No. A-410. WILSON, GOVERNOR OF CALIFORNIA, ET AL. *v.* UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA. Application to vacate the temporary restraining order entered by the United States District Court for the Northern District of California on November 16, 1998, presented to JUSTICE O'CONNOR, and by her referred to the Court, denied.

*Certiorari Denied*

No. 98-6888 (A-414). McDUFF *v.* JOHNSON, 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: 163 F. 3d 1356.

NOVEMBER 30, 1998

*Miscellaneous Orders*

No. M-31. COLLINS *v.* WARNER-LAMBERT Co. Motion to direct the Clerk to file petition for writ of certiorari denied.

No. M-32. LAI *v.* UNITED STATES. Motion to direct the Clerk to file petition for writ of certiorari out of time denied.

No. M-33. CANNON *v.* OKLAHOMA. Motion for leave to proceed *in forma pauperis* without an affidavit of indigency executed by petitioner denied.

No. 98-6132. SPETH *v.* NEW JERSEY. Super. Ct. N. J., App. Div.;

No. 98-6148. PERCESEPE *v.* NEW YORK STATE DEPARTMENT OF LABOR ET AL. C. A. 2d Cir.; and

No. 98-6615. STAFFORD *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 5th Cir. Motions of petitioners for leave to proceed *in forma pauperis* denied. Petitioners are allowed until December 21, 1998, within which to pay the docketing fee required by Rule 38(a) and to submit petitions in compliance with Rule 33.1 of the Rules of this Court.

525 U.S. November 30, 1998

No. 98-6672. IN RE NOLAND;  
No. 98-6674. IN RE WHITLEY; and  
No. 98-6721. IN RE PERRY. Petitions for writs of habeas corpus denied.

No. 98-6242. IN RE KING. Petition for writ of mandamus denied.

No. 98-6647. IN RE BYRD. Petition for writ of prohibition denied.

*Certiorari Granted*

No. 98-231. GRUPO MEXICANO DE DESARROLLO, S. A., ET AL. v. ALLIANCE BOND FUND, INC., ET AL. C. A. 2d Cir. Certiorari granted. Reported below: 143 F. 3d 688.

*Certiorari Denied*

No. 97-8940. HARRIS v. PENNSYLVANIA. Sup. Ct. Pa. Certiorari denied. Reported below: 550 Pa. 92, 703 A. 2d 441.

No. 97-9329. COLLINS v. PENNSYLVANIA. Sup. Ct. Pa. Certiorari denied. Reported below: 550 Pa. 46, 703 A. 2d 418.

No. 98-94. FEDERICO v. DIPAOLO, SUPERINTENDENT, MASSACHUSETTS CORRECTIONAL INSTITUTION AT NORFOLK. C. A. 1st Cir. Certiorari denied.

No. 98-225. MICHIGAN ET AL. v. DEPARTMENT OF ENERGY ET AL. C. A. D. C. Cir. Certiorari denied. Reported below: 128 F. 3d 754.

No. 98-276. DELEW ET AL. v. WAGNER ET AL.;  
No. 98-443. WAGNER v. DELEW ET AL.; and  
No. 98-444. LAS VEGAS METROPOLITAN POLICE DEPARTMENT ET AL. v. DELEW ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 143 F. 3d 1219.

No. 98-296. LEGAL AID SOCIETY OF HAWAII ET AL. v. LEGAL SERVICES CORPORATION ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 145 F. 3d 1017.

No. 98-313. GIBSON v. RIVERA ET AL. Ct. App. Cal., 2d App. Dist. Certiorari denied.

November 30, 1998

525 U. S.

No. 98-315. *AMERICAN RE-INSURANCE CO. ET AL. v. CRAWFORD, INSURANCE COMMISSIONER OF OKLAHOMA, AS RECEIVER OF EMPLOYERS NATIONAL INSURANCE CORP.* C. A. 5th Cir. Certiorari denied. Reported below: 141 F. 3d 585.

No. 98-320. *BASTEK ET AL. v. FEDERAL CROP INSURANCE CORPORATION ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 145 F. 3d 90.

No. 98-338. *FIELDS v. ALBRIGHT, SECRETARY OF STATE.* C. A. D. C. Cir. Certiorari denied. Reported below: 139 F. 3d 227.

No. 98-363. *MOORE ET AL. v. TIME WARNER, INC., ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 133 F. 3d 928.

No. 98-378. *STONE ET AL. v. NORTH CAROLINA DEPARTMENT OF LABOR ET AL.* Sup. Ct. N. C. Certiorari denied. Reported below: 347 N. C. 473, 495 S. E. 2d 711.

No. 98-384. *DEPARTMENT OF ENERGY ET AL. v. NORTHERN STATES POWER Co. ET AL.* C. A. D. C. Cir. Certiorari denied. Reported below: 128 F. 3d 754.

No. 98-426. *CITY OF OXNARD ET AL. v. JENSEN, INDIVIDUALLY AND AS ADMINISTRATOR OF THE ESTATE OF JENSEN, DECEASED, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 145 F. 3d 1078.

No. 98-455. *GIANELLI MONEY PURCHASE PLAN AND TRUST, GIANELLI, TRUSTEE v. ADM INVESTOR SERVICES, INC.* C. A. 11th Cir. Certiorari denied. Reported below: 146 F. 3d 1309.

No. 98-465. *KANSAS CITY SOUTHERN RAILWAY Co. v. DARDEN ET AL.* Ct. App. La., 1st Cir. Certiorari denied.

No. 98-479. *KANSAS CITY SOUTHERN RAILWAY Co. v. MCKENNA ET AL.* Cir. Ct. Hinds County, Miss. Certiorari denied.

No. 98-480. *COMM-CARE CORP. v. LOUISIANA TAX COMMISSION ET AL.* Ct. App. La., 1st Cir. Certiorari denied. Reported below: 728 So. 2d 26.

No. 98-482. *HANLIN v. MARTIN ET AL.* C. A. 3d Cir. Certiorari denied.

525 U.S.

November 30, 1998

No. 98-484. *REBEL OIL CO. ET AL. v. ATLANTIC RICHFIELD CO.* C. A. 9th Cir. Certiorari denied. Reported below: 146 F. 3d 1088.

No. 98-487. *MARITIME OVERSEAS CORP. v. ELLIS.* Sup. Ct. Tex. Certiorari denied. Reported below: 971 S. W. 2d 402.

No. 98-489. *BRODTMANN, WIFE OF BRODTMANN, DECEASED, ET AL. v. DUKE ET AL.* Ct. App. La., 4th Cir. Certiorari denied. Reported below: 708 So. 2d 447.

No. 98-490. *BOSSLEY ET UX., INDIVIDUALLY AND AS REPRESENTATIVES OF THE ESTATE OF BOSSLEY, DECEASED v. DALLAS COUNTY MENTAL HEALTH AND MENTAL RETARDATION ET AL.* Sup. Ct. Tex. Certiorari denied. Reported below: 968 S. W. 2d 339.

No. 98-491. *ADMINISTRATIVE COMMITTEE, WAL-MART STORES, INC., ASSOCIATES HEALTH AND WELFARE PLAN v. SPECIALE.* C. A. 7th Cir. Certiorari denied. Reported below: 147 F. 3d 612.

No. 98-494. *ERIEVIEW CARTAGE, INC. v. PENNSYLVANIA BOARD OF FINANCE AND REVENUE.* Sup. Ct. Pa. Certiorari denied. Reported below: 551 Pa. 525, 711 A. 2d 473.

No. 98-496. *P. C. FILMS CORP. v. MGM/UA HOME VIDEO INC. ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 138 F. 3d 453.

No. 98-499. *MAJOR LEAGUE UMPIRES ASSN. v. NATIONAL LEAGUE OF PROFESSIONAL BASEBALL CLUBS ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 159 F. 3d 1352.

No. 98-501. *WYNAT DEVELOPMENT CO. ET AL. v. BOARD OF LEVEE COMMISSIONERS FOR THE PARISH OF ORLEANS.* Sup. Ct. La. Certiorari denied. Reported below: 710 So. 2d 783.

No. 98-502. *SLOTNIK ET AL. v. CONSIDINE ET AL.* Sup. Ct. Conn. Certiorari denied. Reported below: 244 Conn. 781, 712 A. 2d 396.

No. 98-504. *TORRES ET AL. v. COMMISSIONER OF CORRECTION OF MASSACHUSETTS ET AL.* Sup. Jud. Ct. Mass. Certiorari denied. Reported below: 427 Mass. 611, 695 N. E. 2d 200.

November 30, 1998

525 U. S.

No. 98-510. *KUHNS v. CORESTATES FINANCIAL CORP., SUCCESSOR TO MERIDIAN BANCORP, INC.* C. A. 3d Cir. Certiorari denied.

No. 98-511. *VAUGHAN v. TEXAS.* Ct. App. Tex., 12th Dist. Certiorari denied.

No. 98-514. *DAVIS ET UX. v. SUN OIL Co.* C. A. 6th Cir. Certiorari denied. Reported below: 148 F. 3d 606.

No. 98-517. *MILLER v. ALLEN ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 146 F. 3d 871.

No. 98-518. *SYNATEL INSTRUMENTATION LTD. v. VANDELUNE ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 148 F. 3d 943.

No. 98-519. *TOTH v. TOTH ET AL.* Ct. App. Mich. Certiorari denied. Reported below: 227 Mich. App. 548, 577 N. W. 2d 111.

No. 98-524. *POLSBY v. SPRULL ET AL.* C. A. D. C. Cir. Certiorari denied.

No. 98-530. *PETERSON v. GENTILE ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 129 F. 3d 127.

No. 98-533. *CENTRAL TRANSPORT, INC., ET AL. v. MICHIGAN PUBLIC SERVICE COMMISSION.* Ct. App. Mich. Certiorari denied. Reported below: 223 Mich. App. 288, 566 N. W. 2d 299.

No. 98-539. *HAWAII LEASEHOLDERS EQUITY COALITION v. SMALL LANDOWNERS OF OAHU ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 124 F. 3d 1150.

No. 98-540. *IRVING, AS GUARDIAN OF THE PERSON AND PROPERTY OF BASHIR AND AS ADMINISTRATRIX OF THE ESTATE OF IRVING, DECEASED v. MAZDA MOTOR CORP. ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 136 F. 3d 764.

No. 98-542. *SMITH v. JOHN PETER LEE, LTD., ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 141 F. 3d 1179.

No. 98-544. *MERINO v. SAN DIEGO COUNTY COUNCIL OF THE BOY SCOUTS OF AMERICA ET AL.* Ct. App. Cal., 4th App. Dist. Certiorari denied.

525 U.S.

November 30, 1998

No. 98-552. *ARMSTRONG ET AL. v. MARTIN MARIETTA CORP. ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 138 F. 3d 1374.

No. 98-553. *TAIWAN SHIN YEH ENTERPRISE Co., LTD. v. SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO (PACIFIC EMPLOYERS INSURANCE Co., REAL PARTY IN INTEREST).* Ct. App. Cal., 1st App. Dist. Certiorari denied.

No. 98-555. *HINES v. BALTIMORE GAS & ELECTRIC Co.* C. A. 4th Cir. Certiorari denied. Reported below: 134 F. 3d 363.

No. 98-565. *EVERFRESH BEVERAGES, INC. v. NATIONAL LABOR RELATIONS BOARD ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 162 F. 3d 1162.

No. 98-573. *BRANDT v. ORTHOPEDICS CONSULTANTS OF WASHINGTON ET AL.* C. A. 9th Cir. Certiorari denied.

No. 98-580. *BLACKMAN v. MISSOURI.* Sup. Ct. Mo. Certiorari denied. Reported below: 968 S. W. 2d 138.

No. 98-587. *WOOD v. RENDELL, MAYOR OF THE CITY OF PHILADELPHIA, ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 156 F. 3d 1227.

No. 98-588. *IN RE SMITH.* C. A. 10th Cir. Certiorari denied. Reported below: 150 F. 3d 1227.

No. 98-589. *COOK ET AL. v. HERMAN, SECRETARY OF LABOR.* C. A. 2d Cir. Certiorari denied. Reported below: 152 F. 3d 918.

No. 98-590. *McMULLAN ET UX. v. NATIONAL BANK OF COMMERCE.* C. A. 8th Cir. Certiorari denied. Reported below: 162 F. 3d 1164.

No. 98-610. *CHAMBERS ET AL. v. VAN HORN.* Sup. Ct. Tex. Certiorari denied. Reported below: 970 S. W. 2d 542.

No. 98-612. *McCOWN v. KANSAS.* Sup. Ct. Kan. Certiorari denied. Reported below: 264 Kan. 655, 957 P. 2d 401.

No. 98-634. *BENSCH ET AL. v. MATTOS ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 149 F. 3d 1179.

No. 98-637. *SHIVES v. CSX TRANSPORTATION, INC.* C. A. 4th Cir. Certiorari denied. Reported below: 151 F. 3d 164.

November 30, 1998

525 U. S.

No. 98-641. *ZVENIA v. NEVADA*. Sup. Ct. Nev. Certiorari denied. Reported below: 114 Nev. 1763, 988 P. 2d 882.

No. 98-645. *HUNT v. ARMBRISTER ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 149 F. 3d 1164.

No. 98-670. *TEMPLE v. INTERNAL REVENUE SERVICE*. C. A. 6th Cir. Certiorari denied.

No. 98-689. *GALLARA, AKA STANFA v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 159 F. 3d 1353.

No. 98-690. *NOSIK v. CONNECTICUT*. Sup. Ct. Conn. Certiorari denied. Reported below: 245 Conn. 196, 715 A. 2d 673.

No. 98-693. *PURDY v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 144 F. 3d 241.

No. 98-695. *PAFFORD ET AL. v. HERMAN, SECRETARY OF LABOR*. C. A. 7th Cir. Certiorari denied. Reported below: 148 F. 3d 658.

No. 98-701. *MILLS v. BABBITT, SECRETARY OF THE INTERIOR*. C. A. 9th Cir. Certiorari denied. Reported below: 152 F. 3d 927.

No. 98-703. *NEUFELD ET AL. v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 149 F. 3d 1185.

No. 98-705. *SCHULER v. MCGRAW-HILL COS., INC., ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 145 F. 3d 1346.

No. 98-714. *PIERCE v. MANSFIELD*. C. A. 4th Cir. Certiorari denied. Reported below: 153 F. 3d 721.

No. 98-5053. *SMITH v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

No. 98-5380. *JENKINS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 137 F. 3d 1355.

No. 98-5395. *HUY VU NGUYEN DANG v. DUCHARME, SUPERINTENDENT, WASHINGTON STATE REFORMATORY*. C. A. 9th Cir. Certiorari denied.

No. 98-5481. *BLOCKER v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 144 F. 3d 51.

525 U.S.

November 30, 1998

No. 98-5577. *LOCKHART v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 149 F. 3d 1196.

No. 98-5680. *NICKLASSON v. MISSOURI*. Sup. Ct. Mo. Certiorari denied. Reported below: 967 S. W. 2d 596.

No. 98-5772. *LADUM v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 141 F. 3d 1328.

No. 98-5826. *HOUGH v. INDIANA*. Sup. Ct. Ind. Certiorari denied. Reported below: 690 N. E. 2d 267.

No. 98-5848. *STEVENS v. INDIANA*. Sup. Ct. Ind. Certiorari denied. Reported below: 691 N. E. 2d 412.

No. 98-5853. *BIEGLER v. INDIANA*. Sup. Ct. Ind. Certiorari denied. Reported below: 690 N. E. 2d 188.

No. 98-5942. *RICHARDSON v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied.

No. 98-6087. *BOYD v. HAWK, DIRECTOR, FEDERAL BUREAU OF PRISONS*. C. A. 2d Cir. Certiorari denied.

No. 98-6113. *ROSENBERG v. ARLINGTON COUNTY GOVERNMENT ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 161 F. 3d 3.

No. 98-6115. *CRAWFORD v. MISSISSIPPI*. Sup. Ct. Miss. Certiorari denied. Reported below: 716 So. 2d 1028.

No. 98-6124. *MOODY v. MOODY*. Ct. Sp. App. Md. Certiorari denied. Reported below: 119 Md. App. 819.

No. 98-6131. *LEWIS v. PUGH, COMMISSIONER, ALASKA DEPARTMENT OF CORRECTIONS*. C. A. 9th Cir. Certiorari denied.

No. 98-6133. *COLE v. JOHNSON, WARDEN, ET AL.* C. A. 8th Cir. Certiorari denied.

No. 98-6137. *WILLIAMS v. CONWAY ET AL.* C. A. 8th Cir. Certiorari denied.

No. 98-6138. *WILLIAMS v. FRANCIS ET AL.* C. A. 8th Cir. Certiorari denied.

No. 98-6151. *CHANEY v. MISSOURI*. Sup. Ct. Mo. Certiorari denied. Reported below: 967 S. W. 2d 47.

November 30, 1998

525 U. S.

No. 98-6152. *SHAMSIDEEN v. PRICE, WARDEN*. C. A. 5th Cir. Certiorari denied.

No. 98-6157. *BERRIEN v. SHANKS, WARDEN, ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 149 F. 3d 1190.

No. 98-6162. *GLOVER v. PUCKETT*. Sup. Ct. Wis. Certiorari denied. Reported below: 220 Wis. 2d 368, 585 N. W. 2d 160.

No. 98-6164. *HICKS v. SOUTH CAROLINA*. Sup. Ct. S. C. Certiorari denied. Reported below: 330 S. C. 207, 499 S. E. 2d 209.

No. 98-6166. *GREEN v. GERARD ET AL.* C. A. 11th Cir. Certiorari denied.

No. 98-6170. *GRANT v. WHITE, WARDEN, ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 151 F. 3d 1025.

No. 98-6173. *HOWARD v. SHARPE, WARDEN*. C. A. 11th Cir. Certiorari denied.

No. 98-6174. *DARDEN v. CITY OF BERKELEY, CALIFORNIA, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 139 F. 3d 904.

No. 98-6177. *MONTFORD v. METROPOLITAN DADE COUNTY ET AL.* C. A. 11th Cir. Certiorari denied.

No. 98-6178. *MONTFORD v. METROPOLITAN DADE COUNTY POLICE DEPARTMENT ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 138 F. 3d 956.

No. 98-6182. *BARNES v. WASHINGTON*. Ct. App. Wash. Certiorari denied. Reported below: 88 Wash. App. 1031.

No. 98-6188. *RANSON v. FLORIDA*. Dist. Ct. App. Fla., 2d Dist. Certiorari denied. Reported below: 722 So. 2d 201.

No. 98-6189. *RANSON v. FLORIDA*. Dist. Ct. App. Fla., 2d Dist. Certiorari denied. Reported below: 725 So. 2d 1122.

No. 98-6190. *GLISSON v. UNITED STATES FOREST SERVICE ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 138 F. 3d 1181.

525 U.S.

November 30, 1998

No. 98-6193. *FOSTER v. NELSON, WARDEN, ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 153 F. 3d 727.

No. 98-6195. *GRAY v. CURRAN, ATTORNEY GENERAL OF MARYLAND, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 145 F. 3d 1324.

No. 98-6198. *REEVES v. BRINSON, WARDEN, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 98-6199. *HALL v. FLORIDA DEPARTMENT OF CORRECTIONS ET AL.* C. A. 11th Cir. Certiorari denied.

No. 98-6200. *HOGAN v. COFFEY ET AL.* C. A. 6th Cir. Certiorari denied.

No. 98-6204. *GILYARD v. MCCORMICK COUNTY JAIL ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 139 F. 3d 889.

No. 98-6205. *LEE v. INDIANA.* Sup. Ct. Ind. Certiorari denied. Reported below: 694 N. E. 2d 719.

No. 98-6209. *CHRISTIANSSEN v. CLARKE, DIRECTOR, NEBRASKA DEPARTMENT OF CORRECTIONAL SERVICES, ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 147 F. 3d 655.

No. 98-6214. *NELSON v. TERHUNE, DIRECTOR, CALIFORNIA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 142 F. 3d 444.

No. 98-6219. *WYATT v. CITY OF BOSTON ET AL.* C. A. 1st Cir. Certiorari denied. Reported below: 181 F. 3d 81.

No. 98-6229. *SEARLES v. RIVER MEAD CONDOMINIUM ASSN.* App. Ct. Conn. Certiorari denied.

No. 98-6231. *PALMISANO v. SECURITIES AND EXCHANGE COMMISSION.* C. A. 2d Cir. Certiorari denied. Reported below: 135 F. 3d 860.

No. 98-6233. *STUART v. FAMILY INDEPENDENCE AGENCY.* Ct. App. Mich. Certiorari denied.

No. 98-6241. *FERGUSON v. SAFECO INSURANCE COMPANY OF AMERICA ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 149 F. 3d 1168.

November 30, 1998

525 U. S.

No. 98-6245. *HARRIS v. PRINCE GEORGE'S COUNTY PUBLIC SCHOOLS*. C. A. 4th Cir. Certiorari denied. Reported below: 141 F. 3d 1158.

No. 98-6247. *EVANS v. FIRST KNOX NATIONAL TRUST ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 149 F. 3d 1183.

No. 98-6248. *GEORGE v. ALABAMA*. Sup. Ct. Ala. Certiorari denied. Reported below: 717 So. 2d 858.

No. 98-6250. *LOPEZ v. DOUGLAS, WARDEN, ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 141 F. 3d 974.

No. 98-6251. *SANTILLAN VALMONTE v. IMMIGRATION AND NATURALIZATION SERVICE*. C. A. 2d Cir. Certiorari denied. Reported below: 136 F. 3d 914.

No. 98-6261. *HEADSPETH v. MERCEDES-BENZ CREDIT CORP. ET AL.* Ct. App. D. C. Certiorari denied. Reported below: 709 A. 2d 717.

No. 98-6263. *MILNER ET AL. v. APFEL, COMMISSIONER OF SOCIAL SECURITY*. C. A. 7th Cir. Certiorari denied. Reported below: 148 F. 3d 812.

No. 98-6266. *K. W. F. v. COLORADO*. Ct. App. Colo. Certiorari denied. Reported below: 958 P. 2d 511.

No. 98-6268. *HENDRIX v. FLORIDA*. Dist. Ct. App. Fla., 5th Dist. Certiorari denied. Reported below: 712 So. 2d 778.

No. 98-6269. *GIASSON v. STEWART, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 98-6272. *JOHNSON v. OFFICE OF PERSONNEL MANAGEMENT*. C. A. Fed. Cir. Certiorari denied. Reported below: 155 F. 3d 569.

No. 98-6275. *SELLERS v. GIBSON, WARDEN*. C. A. 10th Cir. Certiorari denied. Reported below: 135 F. 3d 1333.

No. 98-6277. *DJERF v. ARIZONA*. Sup. Ct. Ariz. Certiorari denied. Reported below: 191 Ariz. 583, 959 P. 2d 1274.

525 U.S.

November 30, 1998

No. 98-6280. *FERNANDEZ v. HOME SAVINGS OF AMERICA*. C. A. 9th Cir. Certiorari denied. Reported below: 161 F. 3d 12.

No. 98-6281. *FECHTER v. GOEBEL ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 142 F. 3d 443.

No. 98-6282. *FLOYD v. ALEXANDER, WARDEN*. C. A. 6th Cir. Certiorari denied. Reported below: 148 F. 3d 615.

No. 98-6288. *WEBBER v. DEPARTMENT OF DEFENSE ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 153 F. 3d 730.

No. 98-6289. *WARREN v. HENDERSON, WARDEN*. Ct. App. D. C. Certiorari denied.

No. 98-6292. *TUBWELL v. MISSISSIPPI*. Sup. Ct. Miss. Certiorari denied.

No. 98-6296. *SAWYER v. JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION*. C. A. 5th Cir. Certiorari denied. Reported below: 116 F. 3d 477.

No. 98-6303. *MADDIX v. GEORGE, SHERIFF, SALINE COUNTY, MISSOURI*. C. A. 8th Cir. Certiorari denied.

No. 98-6306. *BRAUN v. STOTTS ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 134 F. 3d 382.

No. 98-6316. *SCHWARZ v. DEPARTMENT OF STATE*. C. A. D. C. Cir. Certiorari denied. Reported below: 172 F. 3d 921.

No. 98-6317. *SCHWARZ v. FEDERAL BUREAU OF PRISONS ET AL.* C. A. 9th Cir. Certiorari denied.

No. 98-6318. *SCHWARZ v. EXECUTIVE OFFICE OF THE PRESIDENT*. C. A. 5th Cir. Certiorari denied.

No. 98-6319. *BROWN v. FRENCH, WARDEN*. C. A. 4th Cir. Certiorari denied. Reported below: 147 F. 3d 307.

No. 98-6320. *BLEECKER v. CITY OF ATLANTIC CITY ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 162 F. 3d 1150.

No. 98-6341. *BOITNOTT v. MINNESOTA*. Sup. Ct. Minn. Certiorari denied. Reported below: 582 N. W. 2d 243.

November 30, 1998

525 U. S.

No. 98-6352. *BRENNAN v. SINGLETARY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 141 F. 3d 1189.

No. 98-6357. *HODGES v. VIRGINIA.* Sup. Ct. Va. Certiorari denied.

No. 98-6360. *DAVIS v. PENNSYLVANIA.* Super. Ct. Pa. Certiorari denied. Reported below: 704 A. 2d 650.

No. 98-6382. *BRUMLEY v. GHEE ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 156 F. 3d 1228.

No. 98-6387. *SUMTER v. SAYBOLT, INC., ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 159 F. 3d 1353.

No. 98-6390. *WISE v. BOWERSOX, SUPERINTENDENT, POTOSI CORRECTIONAL CENTER.* C. A. 8th Cir. Certiorari denied. Reported below: 136 F. 3d 1197.

No. 98-6396. *BROWN v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. Reported below: 151 F. 3d 476.

No. 98-6401. *LACOURSE v. VERMONT.* Sup. Ct. Vt. Certiorari denied. Reported below: 168 Vt. 162, 716 A. 2d 14.

No. 98-6406. *GIATAS v. DIMITRI ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 162 F. 3d 1147.

No. 98-6413. *ADAMS v. PORTUONDO, SUPERINTENDENT, SHAWANGUNK CORRECTIONAL FACILITY.* C. A. 2d Cir. Certiorari denied.

No. 98-6432. *SPRINKLE v. UNITED STATES.* C. A. 11th Cir. Certiorari denied. Reported below: 144 F. 3d 54.

No. 98-6435. *SLUSAR v. DALKON SHIELD CLAIMANTS TRUST.* C. A. 11th Cir. Certiorari denied. Reported below: 150 F. 3d 1197.

No. 98-6446. *WILSON v. GHEE.* Sup. Ct. Ohio. Certiorari denied. Reported below: 83 Ohio St. 3d 1428, 699 N. E. 2d 945.

No. 98-6453. *NALL v. ANGELONE, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS.* C. A. 4th Cir. Certiorari denied. Reported below: 149 F. 3d 1169.

525 U.S.

November 30, 1998

No. 98-6455. *LAWLESS v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 153 F. 3d 729.

No. 98-6456. *WILLIAMS v. MOLINA, WARDEN*. C. A. 7th Cir. Certiorari denied. Reported below: 151 F. 3d 1035.

No. 98-6461. *ARVIN v. MILLS, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 98-6465. *BODWELL v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 134 F. 3d 379.

No. 98-6468. *CHARITY v. VIRGINIA*. Sup. Ct. Va. Certiorari denied.

No. 98-6476. *BELL v. BEELER ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 145 F. 3d 1329.

No. 98-6477. *BROOKS v. VOINOVICH, GOVERNOR OF OHIO, ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 142 F. 3d 432.

No. 98-6481. *MITCHELL v. HAWKINS ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 155 F. 3d 560.

No. 98-6485. *AINSWORTH v. CUNNINGHAM, WARDEN*. Super. Ct. N. H., Merrimack County. Certiorari denied.

No. 98-6487. *BRASWELL v. UNITED STATES POSTAL SERVICE*. C. A. Fed. Cir. Certiorari denied. Reported below: 155 F. 3d 573.

No. 98-6491. *LILES v. EASLEY, ATTORNEY GENERAL OF NORTH CAROLINA, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 151 F. 3d 1029.

No. 98-6495. *MALLARD v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 164 F. 3d 620.

No. 98-6496. *MOORE v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 156 F. 3d 1245.

No. 98-6498. *HANNAH v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 159 F. 3d 1354.

No. 98-6500. *GONZALEZ, AKA QUINONES v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 157 F. 3d 90.

November 30, 1998

525 U. S.

No. 98-6501. *FRAZIER v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 149 F. 3d 1179.

No. 98-6505. *FERNANDEZ v. NEW YORK CITY POLICE DEPARTMENT ET AL.* App. Div., Sup. Ct. N. Y., 2d Jud. Dept. Certiorari denied. Reported below: 248 App. Div. 2d 384, 669 N. Y. S. 2d 1015.

No. 98-6506. *D. P. v. FLORIDA*. Dist. Ct. App. Fla., 3d Dist. Certiorari denied. Reported below: 705 So. 2d 593.

No. 98-6508. *SMITH v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 149 F. 3d 1185.

No. 98-6509. *RASHID v. DRUG ENFORCEMENT ADMINISTRATION*. C. A. D. C. Cir. Certiorari denied.

No. 98-6520. *SOTO v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 152 F. 3d 931.

No. 98-6525. *TCHAKMAKJIAN v. COHEN, SECRETARY OF DEFENSE*. C. A. 9th Cir. Certiorari denied. Reported below: 133 F. 3d 929.

No. 98-6526. *VELEZ v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

No. 98-6527. *JUSTUS ET AL. v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 162 F. 3d 1157.

No. 98-6531. *PARREN v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 145 F. 3d 1343.

No. 98-6532. *WHITE v. CALDWELL, WARDEN*. C. A. 4th Cir. Certiorari denied.

No. 98-6533. *THOMPSON v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 145 F. 3d 1327.

No. 98-6537. *A. S. v. FLORIDA*. Dist. Ct. App. Fla., 3d Dist. Certiorari denied. Reported below: 707 So. 2d 1196.

No. 98-6538. *A. V. v. FLORIDA*. Dist. Ct. App. Fla., 3d Dist. Certiorari denied. Reported below: 706 So. 2d 945.

No. 98-6542. *KYGER v. CARLTON, WARDEN*. C. A. 6th Cir. Certiorari denied. Reported below: 146 F. 3d 374.

525 U.S.

November 30, 1998

No. 98-6553. *CHEESE v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 98-6554. *ETHERIDGE v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 149 F. 3d 1171.

No. 98-6556. *GONZALEZ v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

No. 98-6558. *GARCIA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 149 F. 3d 1008.

No. 98-6560. *HAWKINS v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 139 F. 3d 29.

No. 98-6562. *FLAUGHER v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 98-6564. *FLUKER v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 141 F. 3d 1160.

No. 98-6565. *FLOWERS v. COURT OF APPEALS OF WISCONSIN, DISTRICT I, ET AL.* Sup. Ct. Wis. Certiorari denied.

No. 98-6572. *CASTANEDA v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 153 F. 3d 728.

No. 98-6573. *RICHARDS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 153 F. 3d 724.

No. 98-6578. *NANTROUP v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 98-6579. *LAWRENCE v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 2d Cir. Certiorari denied.

No. 98-6580. *LEATHERWOOD v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 155 F. 3d 562.

No. 98-6582. *SAINTE MARIE v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 151 F. 3d 1002.

No. 98-6583. *MONTGOMERY v. UNITED STATES*. Ct. App. D. C. Certiorari denied.

No. 98-6584. *BROWNE v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 141 F. 3d 1170.

November 30, 1998

525 U. S.

No. 98-6585. *CAMARILLO v. OFFICE OF PERSONNEL MANAGEMENT*. C. A. Fed. Cir. Certiorari denied. Reported below: 168 F. 3d 1316.

No. 98-6588. *SANCHEZ-SANCHEZ v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 152 F. 3d 931.

No. 98-6589. *SHEA v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 150 F. 3d 44.

No. 98-6591. *FENNER ET AL. v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 147 F. 3d 360.

No. 98-6593. *EMIGH v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 136 F. 3d 1330.

No. 98-6595. *DOGGETT v. SENKOWSKI, SUPERINTENDENT, CLINTON CORRECTIONAL FACILITY*. C. A. 2d Cir. Certiorari denied.

No. 98-6598. *BAIG v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 98-6600. *EVANS v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. Reported below: 159 F. 3d 637.

No. 98-6602. *HUGHEY v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 147 F. 3d 423.

No. 98-6603. *FRAZIER v. WILLIAMS, WARDEN, ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 153 F. 3d 727.

No. 98-6606. *NAVARRO-SALCEDO v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 136 F. 3d 140.

No. 98-6607. *MITCHELL v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 164 F. 3d 626.

No. 98-6608. *MOORE v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 149 F. 3d 773.

No. 98-6610. *TRAYLOR v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 156 F. 3d 1233.

No. 98-6611. *PITT v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 153 F. 3d 724.

525 U.S.

November 30, 1998

No. 98-6612. *RATTIGAN v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 151 F. 3d 551.

No. 98-6613. *PETERS v. KENTUCKY*. Sup. Ct. Ky. Certiorari denied.

No. 98-6623. *SCHWARZ v. INTERNAL REVENUE SERVICE*. C. A. 2d Cir. Certiorari denied.

No. 98-6625. *LATEJU v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 163 F. 3d 608.

No. 98-6626. *LAMB v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 155 F. 3d 562.

No. 98-6627. *MERAZ-SANDOVAL v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 163 F. 3d 608.

No. 98-6628. *RODRIGUEZ v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 155 F. 3d 563.

No. 98-6629. *JEFFUS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 135 F. 3d 771.

No. 98-6630. *IRWIN v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 149 F. 3d 565.

No. 98-6631. *MITCHELL v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 146 F. 3d 1338.

No. 98-6632. *BURKE v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 148 F. 3d 832.

No. 98-6633. *RICHARDS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 152 F. 3d 934.

No. 98-6634. *STOCKE v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 159 F. 3d 1354.

No. 98-6635. *PEREDES v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 139 F. 3d 840.

No. 98-6639. *MARTINEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 151 F. 3d 384.

No. 98-6640. *JOHNSON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 149 F. 3d 1173.

November 30, 1998

525 U. S.

No. 98-6644. *SARGENT v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 153 F. 3d 729.

No. 98-6645. *PACHECO-IZAZAGA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 152 F. 3d 930.

No. 98-6648. *MARTIN v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 98-6650. *MARTIN v. UNIVERSITY OF TEXAS HEALTH CENTER*. C. A. 5th Cir. Certiorari denied. Reported below: 154 F. 3d 416.

No. 98-6653. *WAGONER v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 98-6654. *VILLEGAS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 142 F. 3d 242.

No. 98-6655. *MIRANDA VASQUEZ v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 161 F. 3d 16.

No. 98-6656. *WITTERS v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 159 F. 3d 1354.

No. 98-6657. *WILEY v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 98-6663. *ANDERSON v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 141 F. 3d 1189.

No. 98-6668. *NABORS ET AL. v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 147 F. 3d 662.

No. 98-6669. *IMAM v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 162 F. 3d 1165.

No. 98-6671. *MCCAULEY v. UNITED STATES*. C. A. Fed. Cir. Certiorari denied. Reported below: 152 F. 3d 948.

No. 98-6689. *RADMALL v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 152 F. 3d 931.

No. 98-6690. *STEINER v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 152 F. 3d 931.

No. 98-6695. *IGLESIA CRUZ v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. Reported below: 172 F. 3d 921.

525 U.S.

November 30, 1998

No. 98-6698. WEBB ET AL. *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 152 F. 3d 756.

No. 98-6699. AREVALO-PEREZ *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 161 F. 3d 14.

No. 98-6708. MCFERREN *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 142 F. 3d 437.

No. 98-43. ILLINOIS *v.* AUSTIN. App. Ct. Ill., 1st Dist. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 293 Ill. App. 3d 784, 688 N. E. 2d 740.

No. 98-476. CALDERON, WARDEN *v.* DYER. C. A. 9th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 151 F. 3d 970.

No. 98-543. TEXAS *v.* FERNANDEZ. Ct. App. Tex., 4th Dist. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 989 S. W. 2d 781.

No. 98-593. NEW JERSEY *v.* SMITH. Sup. Ct. N. J. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 155 N. J. 83, 713 A. 2d 1033.

No. 98-326. THOMAS ET AL. *v.* ALBRIGHT, SECRETARY OF STATE. C. A. D. C. Cir. Motion of class of African-American Foreign Service Officers for leave to file a brief as *amicus curiae* granted. Certiorari denied. Reported below: 139 F. 3d 227.

No. 98-735. LOE *v.* UNITED STATES. C. A. 9th Cir. Motion of petitioner for leave to file appendix to petition for writ of certiorari under seal granted. Certiorari denied. Reported below: 142 F. 3d 1122.

No. 98-6240. DEFoe *v.* MASSACHUSETTS DEPARTMENT OF REVENUE. C. A. 9th Cir. Certiorari before judgment denied.

*Rehearing Denied*

No. D-1958. IN RE DISBARMENT OF BERG, *ante*, p. 802;

No. 97-1890. KERBY *v.* SOUTHEASTERN PUBLIC SERVICE AUTHORITY OF VIRGINIA ET AL., *ante*, p. 816;

No. 97-1912. WIRTZ, EXECUTRIX OF THE ESTATE OF WHITLEY, ET AL. *v.* SWITZER, *ante*, p. 817;

November 30, 1998

525 U. S.

- No. 97-1957. *K & K CONSTRUCTION, INC., ET AL. v. MICHIGAN DEPARTMENT OF NATURAL RESOURCES ET AL.*, *ante*, p. 819;
- No. 97-1990. *BELIN v. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION ET AL.*, *ante*, p. 822;
- No. 97-2034. *WATTS v. CALDERA, SECRETARY OF THE ARMY, ET AL.*, *ante*, p. 825;
- No. 97-2065. *CARROLL v. BLACK ET AL.*, *ante*, p. 826;
- No. 97-2075. *GREEN ET AL. v. CITY OF BOSTON ET AL.*, *ante*, p. 827;
- No. 97-8701. *KOKORALEIS v. GILMORE, WARDEN*, *ante*, p. 829;
- No. 97-8918. *BALDWIN v. LOUISIANA*, *ante*, p. 831;
- No. 97-8930. *IN RE CAMPBELL*, *ante*, p. 808;
- No. 97-8963. *PRENTICE v. INFORMATION RESOURCES, INC.*, *ante*, p. 832;
- No. 97-9027. *SOLIS v. JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION, ET AL.*, *ante*, p. 834;
- No. 97-9090. *IN RE SEATON*, *ante*, p. 807;
- No. 97-9154. *WILLIAMS v. LOUISIANA*, *ante*, p. 838;
- No. 97-9256. *IN RE FARRELL*, *ante*, p. 807;
- No. 97-9290. *MC EVOY v. HOAG*, *ante*, p. 843;
- No. 97-9292. *RICHMOND v. NORTH CAROLINA*, *ante*, p. 843;
- No. 97-9293. *TUCKER v. BARTON ET AL.*, *ante*, p. 844;
- No. 97-9363. *CUMMINGS v. STEWART, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS, ET AL.*, *ante*, p. 847;
- No. 97-9364. *COATES v. SHALALA, SECRETARY OF HEALTH AND HUMAN SERVICES*, *ante*, p. 847;
- No. 97-9376. *PETERSON v. APFEL, COMMISSIONER OF SOCIAL SECURITY*, *ante*, p. 847;
- No. 97-9392. *STEWART v. HECHINGER STORES Co.*, *ante*, p. 848;
- No. 97-9413. *WILLIAMS v. UNITED STATES*, *ante*, p. 850;
- No. 97-9441. *IN RE TASBY*, *ante*, p. 808;
- No. 97-9467. *JORDAN v. UNITED STATES*, *ante*, p. 853;
- No. 97-9543. *WARD v. GENERAL MOTORS NATIONAL RETIREMENT SERVICE*, *ante*, p. 858;
- No. 97-9551. *TONUBBEE v. RIVER PARISHES GUIDE ET AL.*, *ante*, p. 858;
- No. 97-9554. *IN RE WAPNICK*, *ante*, p. 807;

525 U.S.

November 30, 1998

- No. 97-9556. KING *v.* JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION, *ante*, p. 858;
- No. 97-9591. KEENAN *v.* OHIO, *ante*, p. 860;
- No. 97-9629. TIZER *v.* MONTGOMERY COUNTY ORPHANS' COURT, *ante*, p. 863;
- No. 97-9630. IN RE THOMPSON, *ante*, p. 807;
- No. 97-9649. BELL *v.* UNITED STATES, *ante*, p. 864;
- No. 97-9654. WALCZAK *v.* MASSACHUSETTS STATE RETIREMENT BOARD, *ante*, p. 864;
- No. 97-9658. KING *v.* FREEDMAN ET AL., *ante*, p. 865;
- No. 97-9676. IN RE HENDERSON, *ante*, p. 807;
- No. 97-9678. SMITH *v.* UNITED STATES, *ante*, p. 866;
- No. 97-9684. KING *v.* ELSER, *ante*, p. 866;
- No. 98-106. SASSOWER *v.* MANGANO, PRESIDING JUSTICE OF THE APPELLATE DIVISION, SECOND DEPARTMENT, SUPREME COURT OF NEW YORK, ET AL., *ante*, p. 872;
- No. 98-159. BERG *v.* STATE BAR OF CALIFORNIA, *ante*, p. 875;
- No. 98-210. SPETH *v.* CAPITOL INDEMNITY CORP. ET AL., *ante*, p. 877;
- No. 98-234. GARCIA-ABREGO *v.* UNITED STATES, *ante*, p. 878;
- No. 98-240. POLYAK *v.* UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT, *ante*, p. 878;
- No. 98-273. BERG *v.* KOZLOFF, *ante*, p. 931;
- No. 98-274. TYLER *v.* CHILES, GOVERNOR OF FLORIDA, ET AL., *ante*, p. 931;
- No. 98-330. IN RE ATKINSON, *ante*, p. 808;
- No. 98-435. ELECTRONIC ENGINEERING CO. *v.* FEDERAL COMMUNICATIONS COMMISSION, *ante*, p. 932;
- No. 98-5007. SWANSON *v.* UNITED STATES, *ante*, p. 880;
- No. 98-5026. ROBERTSON *v.* LOUISIANA, *ante*, p. 882;
- No. 98-5055. MILLER ET AL. *v.* LORAIN COUNTY BOARD OF ELECTIONS ET AL., *ante*, p. 923;
- No. 98-5133. MEASE *v.* BOWERSOX, SUPERINTENDENT, POTOSI CORRECTIONAL CENTER, *ante*, p. 888;
- No. 98-5149. ZIEBARTH *v.* AGRIBANK, FCB, *ante*, p. 888;
- No. 98-5152. IN RE SWANSON, *ante*, p. 807;
- No. 98-5166. GILLIES *v.* STEWART, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS, *ante*, p. 889;
- No. 98-5178. CAPPS *v.* CALIFORNIA, *ante*, p. 890;
- No. 98-5290. BARLEY-COOKE *v.* EDISON ET AL., *ante*, p. 897;

November 30, December 1, 1998

525 U. S.

- No. 98-5293. ARONOVSKY *v.* NGUYEN ET AL., *ante*, p. 897;  
No. 98-5369. SINGLETON *v.* SINGLETARY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, *ante*, p. 901;  
No. 98-5373. COOMBS *v.* SOBINA, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT SOMERSET, ET AL. (two judgments), *ante*, p. 901;  
No. 98-5386. SCOTT *v.* UNITED STATES, *ante*, p. 902;  
No. 98-5419. MOLIN *v.* THE TRENTONIAN ET AL., *ante*, p. 904;  
No. 98-5459. CHHORN *v.* WEST, SECRETARY OF VETERANS AFFAIRS, *ante*, p. 906;  
No. 98-5519. OUTLAW *v.* APFEL, COMMISSIONER OF SOCIAL SECURITY, *ante*, p. 909;  
No. 98-5548. IN RE VARELA, *ante*, p. 808;  
No. 98-5551. COOK *v.* MILLS, WARDEN, ET AL., *ante*, p. 910;  
No. 98-5557. DREAD *v.* MARYLAND STATE POLICE, *ante*, p. 935;  
No. 98-5578. KAZANDJIAN *v.* UNITED STATES, *ante*, p. 911;  
No. 98-5579. JOHNSON *v.* COGGINS ET AL., *ante*, p. 935;  
No. 98-5605. ENAND *v.* AHMAD ET AL., *ante*, p. 935;  
No. 98-5612. DUNCAN *v.* CHILDREN'S NATIONAL MEDICAL CENTER, *ante*, p. 912;  
No. 98-5646. HIGLEY *v.* UNITED STATES, *ante*, p. 914;  
No. 98-5667. GUNNELL *v.* LAZAROFF, WARDEN, *ante*, p. 937;  
No. 98-5783. PERRY *v.* HENDERSON, POSTMASTER GENERAL, *ante*, p. 917;  
No. 98-5795. MCKINNEY *v.* UNITED STATES, *ante*, p. 918;  
No. 98-5828. DEMPSEY *v.* UNITED STATES, *ante*, p. 938; and  
No. 98-6085. TROBAUGH *v.* UNITED STATES, *ante*, p. 942. Petitions for rehearing denied.  
No. 97-8254. WOLDE-GIORGIS *v.* DELECKI ET AL., 523 U. S. 1125. Motion for leave to file petition for rehearing denied.

DECEMBER 1, 1998

*Dismissal Under Rule 46*

- No. 98-318. LOUISIANA ET AL. *v.* ST. TAMMANY PARISH SCHOOL BOARD ET AL. C. A. 5th Cir. Certiorari dismissed under this Court's Rule 46. Reported below: 142 F. 3d 776.

525 U.S.

December 3, 4, 1998

DECEMBER 3, 1998

*Miscellaneous Order*

No. A-461 (98-7140). CANTU-TZIN *v.* JOHNSON, 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 disposition of the petition for writ of certiorari. Should the petition for writ of certiorari be denied, this stay shall terminate automatically. In the event the petition for writ of certiorari is granted, the stay shall continue pending the sending down of the judgment of this Court.

*Certiorari Denied*

No. 98-6997 (A-437). CARDWELL *v.* GREENE, WARDEN. C. A. 4th Cir. Application for stay of execution of sentence of death, presented to THE CHIEF JUSTICE, and by him referred to the Court, denied. Certiorari denied. JUSTICE STEVENS and JUSTICE GINSBURG would grant the application for stay of execution. Reported below: 152 F. 3d 331.

DECEMBER 4, 1998

*Miscellaneous Order*

No. A-463. GILBERT ET AL. *v.* BEASLEY, GOVERNOR OF SOUTH CAROLINA, ET AL. Application for stay of execution of sentence of death, presented to THE CHIEF JUSTICE, and by him referred to the Court, denied. JUSTICE STEVENS and JUSTICE GINSBURG would grant the application for stay of execution.

*Certiorari Denied*

No. 98-7126 (A-456). GLEATON *v.* MOORE, DIRECTOR, SOUTH CAROLINA DEPARTMENT OF CORRECTIONS, ET AL. Sup. Ct. S. C. Application for stay of execution of sentence of death, presented to THE CHIEF JUSTICE, and by him referred to the Court, denied. Certiorari denied. JUSTICE STEVENS and JUSTICE BREYER would grant the application for stay of execution.

No. 98-7132 (A-458). GILBERT *v.* MOORE, DIRECTOR, SOUTH CAROLINA DEPARTMENT OF CORRECTIONS, ET AL. Sup. Ct. S. C. Application for stay of execution of sentence of death, presented to THE CHIEF JUSTICE, and by him referred to the Court, de-

December 4, 7, 1998

525 U. S.

nied. Certiorari denied. JUSTICE STEVENS and JUSTICE BREYER would grant the application for stay of execution.

DECEMBER 7, 1998

*Affirmed on Appeal*

No. 98-562. CITY OF GRENADA, MISSISSIPPI, ET AL. *v.* HUBBARD ET AL. Affirmed on appeal from D. C. N. D. Miss.

*Miscellaneous Orders*

No. A-344. WISE *v.* BOWERSOX, SUPERINTENDENT, POTOSI CORRECTIONAL CENTER. Application for certificate of appealability, addressed to JUSTICE STEVENS and referred to the Court, denied.

No. D-1960. IN RE DISBARMENT OF MEISLER. Motion to vacate order of October 5, 1998 [*ante*, p. 802], denied.

No. D-1989. IN RE DISBARMENT OF WOLFROM. Disbarment entered. [For earlier order herein, see *ante*, p. 803.]

No. D-1990. IN RE DISBARMENT OF TAYLOR. Disbarment entered. [For earlier order herein, see *ante*, p. 803.]

No. D-1992. IN RE DISBARMENT OF CHRISTY. Disbarment entered. [For earlier order herein, see *ante*, p. 804.]

No. D-1993. IN RE DISBARMENT OF RICHARDSON. Disbarment entered. [For earlier order herein, see *ante*, p. 804.]

No. D-1994. IN RE DISBARMENT OF KRASNOVE. Disbarment entered. [For earlier order herein, see *ante*, p. 804.]

No. D-1995. IN RE DISBARMENT OF STEVENSON. Disbarment entered. [For earlier order herein, see *ante*, p. 804.]

No. D-2015. IN RE DISBARMENT OF HINGLE. Gilmer P. Hingle, of Monroe, La., is suspended from the practice of law in this Court, and a rule will 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-2016. IN RE DISBARMENT OF SMITH. Z. Hershel Smith, of Brooklyn, N. Y., is suspended from the practice of law in this Court, and a rule will issue, returnable within 40 days,

525 U.S.

December 7, 1998

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

No. D-2017. *IN RE DISBARMENT OF GLEE*. Willi James Glee, of Charleston, S. C., is suspended from the practice of law in this Court, and a rule will 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-2018. *IN RE DISBARMENT OF MARTUCCI*. Joseph C. Martucci, of Miami, Fla., is suspended from the practice of law in this Court, and a rule will 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-2019. *IN RE DISBARMENT OF FROST*. Jack Nowell Frost, of Plainfield, N. J., is suspended from the practice of law in this Court, and a rule will 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. 98-5804. *IN RE SMITH*. The Solicitor General is invited to file a brief in this case expressing the views of the United States.

No. 98-726. *IN RE LUKACS*; and

No. 98-6354. *IN RE SHAWLEY*. Petitions for writs of mandamus denied.

No. 98-6391. *IN RE MASON*. Petition for writ of mandamus denied. JUSTICE BREYER took no part in the consideration or decision of this petition.

*Certiorari Granted*

No. 98-470. *RUHRGAS AG v. MARATHON OIL CO. ET AL.* C. A. 5th Cir. Certiorari granted. Reported below: 145 F. 3d 211.

No. 98-10. *JEFFERSON COUNTY, ALABAMA v. ACKER, SENIOR JUDGE, UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF ALABAMA, ET AL.* C. A. 11th Cir. Certiorari granted limited to the following questions: “1. Whether the District Court had subject matter jurisdiction over this action in light of the Tax Injunction Act, 28 U. S. C. § 1341? 2. Whether a county privilege/occupational tax levied upon the pay or compensation of an Article

December 7, 1998

525 U. S.

III judge violates the Supremacy Clause?" Reported below: 137 F. 3d 1314.

*Certiorari Denied*

No. 98-235. NUTRITIONAL HEALTH ALLIANCE ET AL. *v.* SHALALA, SECRETARY OF HEALTH AND HUMAN SERVICES, ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 144 F. 3d 220.

No. 98-241. BRICKHOUSE *v.* JONATHAN CORP. ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 142 F. 3d 217.

No. 98-251. LOVING *v.* HART, COLONEL, COMMANDANT, UNITED STATES DISCIPLINARY BARRACKS, ET AL. C. A. Armed Forces. Certiorari denied. Reported below: 47 M. J. 438.

No. 98-383. WELDON *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 129 F. 3d 1262.

No. 98-388. VOLKEMA ET AL. *v.* MICHIGAN ET AL. Ct. App. Mich. Certiorari denied. Reported below: 214 Mich. App. 66, 542 N. W. 2d 282.

No. 98-396. TEXAS ET AL. *v.* FEDERAL DEPOSIT INSURANCE CORPORATION, AS MANAGER OF THE FSLIC RESOLUTION FUND AS RECEIVER OF FIRST SOUTH, N. A. Ct. App. Tex., 2d Dist. Certiorari denied.

No. 98-468. MONTGOMERY *v.* CITY OF FARMINGTON HILLS ET AL. C. A. 6th Cir. Certiorari denied.

No. 98-485. TOWNSHIP OF LELAND ET AL. *v.* GRAND TRAVERSE BAND OF OTTAWA AND CHIPPEWA INDIANS (two judgments). C. A. 6th Cir. Certiorari denied. Reported below: 141 F. 3d 635 (first judgment); 149 F. 3d 1183 (second judgment).

No. 98-556. BURNS ET AL. *v.* STONE FOREST INDUSTRIES, INC. C. A. 9th Cir. Certiorari denied. Reported below: 147 F. 3d 1182.

No. 98-557. FORD *v.* TOWN OF GRAFTON. App. Ct. Mass. Certiorari denied. Reported below: 44 Mass. App. 715, 693 N. E. 2d 1047.

No. 98-563. GABAY *v.* MOSTAZAFAN FOUNDATION OF IRAN, AKA FOUNDATION FOR THE OPPRESSED, ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 152 F. 3d 918.

525 U.S.

December 7, 1998

No. 98-570. *BANK OF CHINA v. VOEST-ALPINE TRADING USA CORP.* C. A. 5th Cir. Certiorari denied. Reported below: 142 F. 3d 887.

No. 98-571. *CARTER, ADMINISTRATRIX OF THE ESTATE OF BRAUD, DECEASED, ET AL. v. FENNER ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 136 F. 3d 1000.

No. 98-572. *HORWATH ASSOCIATES v. CITY OF EAST PALO ALTO ET AL.* Ct. App. Cal., 1st App. Dist. Certiorari denied.

No. 98-575. *BESTELMEYER v. HENRY, WARDEN.* C. A. 9th Cir. Certiorari denied.

No. 98-582. *GOTTFRIED v. MEDICAL PLANNING SERVICES, INC., ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 142 F. 3d 326.

No. 98-585. *KRUMME ET AL. v. WESTPOINT STEVENS INC., FKA WESTPOINT-PEPPERELL, INC., ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 143 F. 3d 71.

No. 98-586. *KEITH v. TEXAS.* Ct. App. Tex., 8th Dist. Certiorari denied.

No. 98-595. *MT. HOPE ASPHALT CORP. ET AL. v. ZAGATA, COMMISSIONER, NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, ET AL.* App. Div., Sup. Ct. N. Y., 2d Jud. Dept. Certiorari denied. Reported below: 248 App. Div. 2d 540, 669 N. Y. S. 2d 874.

No. 98-616. *BARBER v. WELCH.* Ct. Civ. App. Ala. Certiorari denied. Reported below: 736 So. 2d 685.

No. 98-618. *MCCLELLAN FEDERAL CREDIT UNION v. PARKER.* C. A. 9th Cir. Certiorari denied. Reported below: 139 F. 3d 668.

No. 98-619. *JONAS v. BRIGGS, EXECUTRIX OF THE ESTATE OF MOREY, DECEASED.* Sup. Ct. N. H. Certiorari denied.

No. 98-621. *IN RE LENTINO.* C. A. 5th Cir. Certiorari denied.

No. 98-624. *GLASER v. CITY OF SAN DIEGO.* C. A. 9th Cir. Certiorari denied. Reported below: 163 F. 3d 606.

December 7, 1998

525 U. S.

No. 98-631. *WEEKS v. OKLAHOMA BAR ASSN.* Sup. Ct. Okla. Certiorari denied. Reported below: 969 P. 2d 347.

No. 98-638. *GOWAN v. DEPARTMENT OF THE AIR FORCE.* C. A. 10th Cir. Certiorari denied. Reported below: 148 F. 3d 1182.

No. 98-658. *MAYEUX v. UNITED STATES ARMY CORPS OF ENGINEERS.* C. A. 5th Cir. Certiorari denied. Reported below: 149 F. 3d 1180.

No. 98-663. *STURGIS v. EMPLOYERS INSURANCE OF WAUSAU ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 145 F. 3d 1341.

No. 98-683. *COGHILL v. VIRGINIA.* Sup. Ct. Va. Certiorari denied.

No. 98-711. *RODRIGUE ET AL. v. MADDEN ET AL.* Sup. Jud. Ct. Me. Certiorari denied.

No. 98-729. *RANDALL v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 141 F. 3d 1181.

No. 98-750. *HUSICK v. UNITED STATES.* C. A. 11th Cir. Certiorari denied. Reported below: 156 F. 3d 186.

No. 98-5297. *BENNETT v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 139 F. 3d 893.

No. 98-5762. *WOOD v. ALABAMA.* Sup. Ct. Ala. Certiorari denied. Reported below: 715 So. 2d 819.

No. 98-5845. *HILL v. NEVADA.* Sup. Ct. Nev. Certiorari denied. Reported below: 114 Nev. 169, 953 P. 2d 1077.

No. 98-5905. *HARRIS v. ILLINOIS.* Sup. Ct. Ill. Certiorari denied. Reported below: 182 Ill. 2d 114, 695 N. E. 2d 447.

No. 98-5963. *BELTRAN TORRES v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. Reported below: 140 F. 3d 392.

No. 98-5976. *HARMON v. MATARAZZO.* C. A. 2d Cir. Certiorari denied. Reported below: 162 F. 3d 1147.

No. 98-6125. *PEEVY v. CALIFORNIA.* Sup. Ct. Cal. Certiorari denied. Reported below: 17 Cal. 4th 1184, 953 P. 2d 1212.

525 U.S.

December 7, 1998

No. 98-6299. *MASSEY v. HEAD, WARDEN, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 98-6308. *LEDFORD v. TEXAS.* Ct. Crim. App. Tex. Certiorari denied. Reported below: 970 S. W. 2d 17.

No. 98-6309. *MARTINEZ v. UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA.* C. A. 9th Cir. Certiorari denied.

No. 98-6310. *LINDSTEDT v. BAUM ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 141 F. 3d 1169.

No. 98-6311. *NELSON v. STRINGER, SHERIFF, MARION COUNTY, MISSISSIPPI, ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 149 F. 3d 1176.

No. 98-6312. *NELSON v. IDAHO.* Ct. App. Idaho. Certiorari denied. Reported below: 131 Idaho 210, 953 P. 2d 650.

No. 98-6321. *CROSS v. CAMBRA, WARDEN.* C. A. 9th Cir. Certiorari denied.

No. 98-6325. *MCINERNEY v. CITY AND COUNTY OF SAN FRANCISCO ET AL.* Ct. App. Cal., 1st App. Dist. Certiorari denied.

No. 98-6334. *WASHINGTON v. WARD, WARDEN.* C. A. 5th Cir. Certiorari denied.

No. 98-6337. *WILLIAMS v. VENTURA COUNTY, CALIFORNIA, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 98-6338. *WORTHEN v. OKLAHOMA.* Ct. Crim. App. Okla. Certiorari denied. Reported below: 964 P. 2d 904.

No. 98-6343. *BAUHAUS v. REYNOLDS, WARDEN.* C. A. 10th Cir. Certiorari denied. Reported below: 153 F. 3d 726.

No. 98-6351. *CROWDER v. TEXAS.* Ct. Crim. App. Tex. Certiorari denied.

No. 98-6355. *POWERS v. SOUTH CAROLINA.* Sup. Ct. S. C. Certiorari denied. Reported below: 331 S. C. 37, 501 S. E. 2d 116.

No. 98-6359. *HILL v. SOUTH CAROLINA.* Sup. Ct. S. C. Certiorari denied. Reported below: 331 S. C. 94, 501 S. E. 2d 122.

December 7, 1998

525 U. S.

No. 98-6363. SPANGLER *v.* ALABAMA. Ct. Crim. App. Ala. Certiorari denied. Reported below: 711 So. 2d 1125.

No. 98-6364. SAUNDERS *v.* ANGELONE, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS. C. A. 4th Cir. Certiorari denied. Reported below: 112 F. 3d 510.

No. 98-6367. BENTLEY *v.* DEMSKIE, ACTING SUPERINTENDENT, WOODBOURNE CORRECTIONAL FACILITY, ET AL. App. Div., Sup. Ct. N. Y., 3d Jud. Dept. Certiorari denied. Reported below: 250 App. Div. 2d 886, 673 N. Y. S. 2d 226.

No. 98-6375. BARNETT *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied. Reported below: 17 Cal. 4th 1044, 954 P. 2d 384.

No. 98-6402. LABANKOFF ET AL. *v.* VIKING CREDIT CORP. ET AL. Ct. App. Cal., 1st App. Dist. Certiorari denied.

No. 98-6460. RIGGINS *v.* DORMIRE, SUPERINTENDENT, JEFFERSON CITY CORRECTIONAL CENTER. C. A. 8th Cir. Certiorari denied.

No. 98-6466. BARTLETT *v.* DEPARTMENT OF THE ARMY. C. A. Fed. Cir. Certiorari denied.

No. 98-6479. MCLENNON *v.* SENKOWSKI, SUPERINTENDENT, CLINTON CORRECTIONAL FACILITY. C. A. 2d Cir. Certiorari denied.

No. 98-6490. CARTER *v.* AMTRAK CORPORATION. C. A. 11th Cir. Certiorari denied. Reported below: 152 F. 3d 936.

No. 98-6499. DINSMORE-THOMAS *v.* FEDERAL DEPOSIT INSURANCE CORPORATION ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 139 F. 3d 904.

No. 98-6513. LANIER *v.* SUPERIOR COURT OF THE DISTRICT OF COLUMBIA ET AL. Ct. App. D. C. Certiorari denied.

No. 98-6536. THOMAS *v.* SINGLETARY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS. Sup. Ct. Fla. Certiorari denied. Reported below: 725 So. 2d 1111.

No. 98-6541. MOSS *v.* DUNCAN, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 134 F. 3d 378.

525 U.S.

December 7, 1998

No. 98-6544. *BROWN v. MCGINNIS ET AL.* C. A. 6th Cir. Certiorari denied.

No. 98-6567. *HARPER v. SINGLETARY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 98-6569. *FIELDS v. DUNCAN, WARDEN.* C. A. 9th Cir. Certiorari denied.

No. 98-6597. *BROWN v. VIDOR, DEPUTY WARDEN, ET AL.* C. A. 6th Cir. Certiorari denied.

No. 98-6605. *MCCLANAHAN v. WELLMORE COAL CORP.* C. A. 4th Cir. Certiorari denied. Reported below: 133 F. 3d 920.

No. 98-6637. *RASHED v. DORSEY ET AL.* C. A. 3d Cir. Certiorari denied.

No. 98-6642. *SMITH v. DUNCAN, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 98-6643. *SHARMA v. UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA.* C. A. 9th Cir. Certiorari denied.

No. 98-6649. *JAMES v. MOORE, DIRECTOR, SOUTH CAROLINA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 155 F. 3d 559.

No. 98-6658. *CHILDS v. SMITH, WARDEN, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 149 F. 3d 1167.

No. 98-6662. *CARPENTER v. UNITED STATES.* Ct. App. D. C. Certiorari denied.

No. 98-6665. *BOWEN v. ILLINOIS.* Sup. Ct. Ill. Certiorari denied. Reported below: 183 Ill. 2d 103, 699 N. E. 2d 577.

No. 98-6675. *BORJA-ESPINOZA v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 156 F. 3d 1239.

No. 98-6676. *MCBRIDE v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 154 F. 3d 418.

No. 98-6677. *MARSHALL v. UNITED STATES.* C. A. 7th Cir. Certiorari denied. Reported below: 157 F. 3d 477.

December 7, 1998

525 U. S.

No. 98-6680. *DE LA ROSA, AKA ACOSTA v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 187 F. 3d 623.

No. 98-6682. *GRANT v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 148 F. 3d 530.

No. 98-6684. *COOK v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 152 F. 3d 933.

No. 98-6685. *GRAVES v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 154 F. 3d 418.

No. 98-6686. *CLARK ET UX. v. CITY OF PORTLAND, OREGON*. C. A. 9th Cir. Certiorari denied. Reported below: 145 F. 3d 1337.

No. 98-6687. *LUPERCIO RAMIREZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 145 F. 3d 345.

No. 98-6688. *SAVAGE-EL v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 98-6693. *REINHARDT v. UNITED STATES POSTAL SERVICE ET AL.* C. A. 11th Cir. Certiorari denied.

No. 98-6697. *WALTON v. VIRGINIA*. Sup. Ct. Va. Certiorari denied. Reported below: 256 Va. 85, 501 S. E. 2d 134.

No. 98-6702. *COLLAZO-DIAZ v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 149 F. 3d 1.

No. 98-6704. *SANDOVAL v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 156 F. 3d 1241.

No. 98-6706. *LABOONE v. ANGELONE, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS*. C. A. 4th Cir. Certiorari denied. Reported below: 166 F. 3d 333.

No. 98-6707. *LAWTON v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 162 F. 3d 1158.

No. 98-6716. *VAID, AKA JOHNSON v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 153 F. 3d 724.

No. 98-6722. *RODRIGUEZ v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 152 F. 3d 920.

525 U.S.

December 7, 1998

No. 98-6728. *WILEY v. SMITH, WARDEN, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 155 F. 3d 564.

No. 98-6730. *WONG v. UNITED STATES.* C. A. 2d Cir. Certiorari denied.

No. 98-6734. *WHITING v. UNITED STATES.* C. A. 1st Cir. Certiorari denied. Reported below: 215 F. 3d 1313.

No. 98-6739. *RIVERA v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. Reported below: 159 F. 3d 1348.

No. 98-6748. *WILLIAMS v. MCKEEN, ACTING ADMINISTRATOR, SOUTHERN STATE CORRECTIONAL FACILITY, ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 166 F. 3d 1207.

No. 98-6750. *KULIK v. UNITED STATES.* C. A. 10th Cir. Certiorari denied. Reported below: 153 F. 3d 729.

No. 98-6751. *JONES v. UNITED STATES.* C. A. 11th Cir. Certiorari denied.

No. 98-6753. *JAMES v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 145 F. 3d 1326.

No. 98-6756. *ALEXANDER v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 156 F. 3d 181.

No. 98-6758. *ALANIZ v. UNITED STATES.* C. A. 8th Cir. Certiorari denied. Reported below: 148 F. 3d 929.

No. 98-6759. *ISMEL ET AL. v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 153 F. 3d 723.

No. 98-6763. *LYDAY v. UNITED STATES.* C. A. 10th Cir. Certiorari denied. Reported below: 162 F. 3d 1175.

No. 98-6764. *LUTZ v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 153 F. 3d 723.

No. 98-6766. *BUDD v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 157 F. 3d 903.

No. 98-6772. *GUERRERO v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 154 F. 3d 418.

No. 98-6774. *DOSS v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 149 F. 3d 1177.

December 7, 1998

525 U. S.

No. 98-6776. ADLER *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 152 F. 3d 929.

No. 98-6780. KING *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied.

No. 98-6781. NELSON *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 159 F. 3d 1354.

No. 98-6786. WILLIAMS *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 164 F. 3d 620.

No. 98-6787. THOMAS *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 155 F. 3d 833.

No. 98-6791. YOSSFIF *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 141 F. 3d 1155.

No. 98-6793. BYERS *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 153 F. 3d 722.

No. 98-6795. PEREZ *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 133 F. 3d 919.

No. 98-6804. MATTISON *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 156 F. 3d 447.

No. 98-6805. MARJI *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 158 F. 3d 60.

No. 98-6807. ASHLEY *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 156 F. 3d 1240.

No. 98-6810. THOMAS *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 161 F. 3d 5.

No. 98-6812. WRIGHT *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 98-266. ANNE ARUNDEL COUNTY *v.* WEST ET AL. C. A. 4th Cir. Motion of National League of Cities et al. for leave to file a brief as *amici curiae* granted. Certiorari denied. Reported below: 137 F. 3d 752.

No. 98-568. HILLIARD ET AL., TRUSTEES UNDER TRUST AGREEMENT DATED MAY 5, 1979 *v.* SHELL WESTERN E & P, INC. C. A. 6th Cir. Certiorari denied. JUSTICE BREYER took no part

525 U.S.

December 7, 1998

in the consideration or decision of this petition. Reported below: 149 F. 3d 1183.

No. 98-734. ZRNCHIK ET AL. *v.* AMOCO OIL CO. Sup. Ct. Ind. Certiorari denied. JUSTICE BREYER took no part in the consideration or decision of this petition. Reported below: 696 N. E. 2d 383.

No. 98-6976 (A-437). CORWIN *v.* JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION. C. A. 5th Cir. Application for stay of execution of sentence of death and for certificate of appealability, presented to JUSTICE SCALIA, and by him referred to the Court, denied. Motion to supplement the record denied. Certiorari denied. JUSTICE STEVENS and JUSTICE GINSBURG would grant the application for stay of execution. Reported below: 150 F. 3d 467.

*Rehearing Denied*

- No. 97-2084. LOCKERBY *v.* DUGAL ET AL., *ante*, p. 828;  
No. 97-9062. CASTALDI *v.* TOWNSHIP OF RADNOR ET AL., *ante*, p. 835;  
No. 97-9516. GALLO *v.* KERNAN, WARDEN, *ante*, p. 856;  
No. 97-9620. HUNT *v.* UNITED STATES, *ante*, p. 862;  
No. 98-67. BRANDT *v.* MALENG ET AL., *ante*, p. 871;  
No. 98-77. BREEDLOVE ET AL. *v.* EARTHGRAINS BAKING COS., INC., DBA CAMPBELL TAGGART BAKING CO., INC., *ante*, p. 921;  
No. 98-164. BRANDT *v.* KING COUNTY DISTRICT COURT, SHORELINE DIVISION, *ante*, p. 875;  
No. 98-285. HAMMONS, DBA FULL CIRCLE DISTRIBUTING *v.* ALCAN ALUMINUM CORP. ET AL., *ante*, p. 948;  
No. 98-333. WOOD *v.* MEADOWS, SECRETARY, STATE BOARD OF ELECTIONS OF VIRGINIA, *ante*, p. 948;  
No. 98-355. WRIGHT *v.* FREDERIKSEN, *ante*, p. 964;  
No. 98-356. RAY *v.* UNITED STATES, *ante*, p. 949;  
No. 98-5129. KIERSTEAD *v.* SUTER, CLERK, SUPREME COURT OF THE UNITED STATES, ET AL. (two judgments), *ante*, p. 888;  
No. 98-5157. WILLIS *v.* LINAHAN, WARDEN, *ante*, p. 889;  
No. 98-5413. TWEED *v.* WILKINSON, DIRECTOR, OHIO DEPARTMENT OF REHABILITATION AND CORRECTION, ET AL., *ante*, p. 903;  
No. 98-5585. BARROGA *v.* GILLAN ET AL., *ante*, p. 911;  
No. 98-5622. LUCAS *v.* BRINSON, WARDEN, ET AL., *ante*, p. 936;

December 7, 8, 9, 1998

525 U. S.

No. 98-5871. *LYNCH v. PATHMARK SUPERMARKETS*, *ante*, p. 938;

No. 98-5887. *ELBERT v. UNITED STATES*, *ante*, p. 920;

No. 98-5911. *LAGRAND ET AL. v. STEWART, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS*, *ante*, p. 971;

No. 98-5915. *OKORO v. UNITED STATES*, *ante*, p. 939;

No. 98-6004. *IN RE WEBB, AKA WEBB-EL*, *ante*, p. 928; and

No. 98-6080. *PEREZ v. UNITED STATES*, *ante*, p. 954. Petitions for rehearing denied.

DECEMBER 8, 1998

*Rehearing Denied*

No. 98-5731 (A-434). *TRUESDALE v. MOORE, DIRECTOR, SOUTH CAROLINA DEPARTMENT OF CORRECTIONS, ET AL.*, *ante*, p. 951. Application for stay of execution of sentence of death, presented to THE CHIEF JUSTICE, and by him referred to the Court, denied. Petition for rehearing denied.

DECEMBER 9, 1998

*Miscellaneous Orders*

No. M-35 (A-471). *TUAN ANH NGUYEN v. GIBSON, WARDEN*. Motion to permit filing of a petition for writ of certiorari denied. Application for stay of execution of sentence of death, presented to JUSTICE BREYER, and by him referred to the Court, denied. JUSTICE STEVENS, JUSTICE SOUTER, JUSTICE GINSBURG, and JUSTICE BREYER would grant the application for stay of execution.

No. 98-7167 (A-466). *IN RE TUAN ANH NGUYEN*. Application for stay of execution of sentence of death, presented to JUSTICE BREYER, and by him referred to the Court, denied. Petition for writ of habeas corpus denied.

*Certiorari Denied*

No. 98-7206 (A-468). *BARBER 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.

525 U.S. December 10, 11, 14, 1998

DECEMBER 10, 1998

*Miscellaneous Order*

No. A-436 (98-7001). FAULDER *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, granted pending disposition of the petition for writ of certiorari. Should the petition for writ of certiorari be denied, this stay shall terminate automatically. In the event the petition for writ of certiorari is granted, the stay shall continue pending the sending down of the judgment of this Court.

DECEMBER 11, 1998

*Dismissal Under Rule 46*

No. 98-767. PINEHURST NATIONAL CORP. ET AL. *v.* RESORTS OF PINEHURST, INC. C. A. 4th Cir. Certiorari dismissed under this Court's Rule 46. Reported below: 148 F. 3d 417.

*Miscellaneous Order*

No. A-475. TRUESDALE *v.* MOORE, DIRECTOR, SOUTH CAROLINA DEPARTMENT OF CORRECTIONS, ET AL. Application for stay of execution of sentence of death, presented to THE CHIEF JUSTICE, and by him referred to the Court, denied.

*Certiorari Denied*

No. 98-7236 (A-474). TRUESDALE *v.* BEASLEY, GOVERNOR OF SOUTH CAROLINA, ET AL. 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.

DECEMBER 14, 1998

*Certiorari Granted—Reversed and Remanded.* (See No. 98-437, *ante*, p. 141.)

*Miscellaneous Orders*

No. D-1996. IN RE DISBARMENT OF BRAXTON. Disbarment entered. [For earlier order herein, see *ante*, p. 926.]

No. D-1998. IN RE DISBARMENT OF TORPY. Disbarment entered. [For earlier order herein, see *ante*, p. 926.]

December 14, 1998

525 U. S.

No. D-1999. IN RE DISBARMENT OF CAMPOS QUIROZ. Disbarment entered. [For earlier order herein, see *ante*, p. 926.]

No. D-2001. IN RE DISBARMENT OF LALIME. Disbarment entered. [For earlier order herein, see *ante*, p. 926.]

No. D-2002. IN RE DISBARMENT OF GIFIS. Steven H. Gifis, of Pennington, N. J., 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 the practice of law before this Court. The rule to show cause, issued on November 2, 1998 [*ante*, p. 957], is discharged.

No. D-2020. IN RE DISBARMENT OF FITSOS. John Fitsos, of Sacramento, Cal., is suspended from the practice of law in this Court, and a rule will 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. 97-843. DAVIS, AS NEXT FRIEND OF LASHONDA D. *v.* MONROE COUNTY BOARD OF EDUCATION ET AL. C. A. 11th Cir. [Certiorari granted, 524 U.S. 980.] Motion of American Civil Liberties Union et al. for leave to file a brief as *amici curiae* granted. Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 97-1732. CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM ET AL. *v.* FELZEN ET AL. C. A. 7th Cir. [Certiorari granted, 524 U.S. 980.] Motion of Public Citizen, Inc., et al. for leave to file a brief as *amici curiae* granted. Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted. JUSTICE O'CONNOR took no part in the consideration or decision of these motions.

No. 97-2000. AMERICAN MANUFACTURERS MUTUAL INSURANCE CO. ET AL. *v.* SULLIVAN ET AL. C. A. 3d Cir. [Certiorari granted, 524 U.S. 981.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 98-84. NATIONAL COLLEGIATE ATHLETIC ASSN. *v.* SMITH. C. A. 3d Cir. [Certiorari granted, 524 U.S. 982.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

525 U.S.

December 14, 1998

No. 98–85. HUNT, GOVERNOR OF NORTH CAROLINA, ET AL. *v.* CROMARTIE ET AL. D. C. E. D. N. C. [Probable jurisdiction noted, 524 U.S. 980.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 98–97. ANDERSON, DIRECTOR, CALIFORNIA DEPARTMENT OF SOCIAL SERVICES, ET AL. *v.* ROE ET AL., ON BEHALF OF THEMSELVES AND ALL OTHERS SIMILARLY SITUATED. C. A. 9th Cir. [Certiorari granted, 524 U.S. 982.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 98–184. WYOMING *v.* HOUGHTON. Sup. Ct. Wyo. [Certiorari granted, 524 U.S. 983.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 98–369. NATIONAL AERONAUTICS AND SPACE ADMINISTRATION ET AL. *v.* FEDERAL LABOR RELATIONS AUTHORITY ET AL. C. A. 11th Cir. [Certiorari granted, *ante*, p. 960.] Motion of the Solicitor General to dispense with printing the joint appendix granted.

No. 98–436. ALDEN ET AL. *v.* MAINE. Sup. Jud. Ct. Me. [Certiorari granted, *ante*, p. 981.] Motion of the United States for leave to intervene granted.

No. 98–6817. SCHWARZ *v.* FEDERAL BUREAU OF INVESTIGATION. C. A. 10th Cir.;

No. 98–6818. SCHWARZ *v.* NATIONAL INSTITUTE OF CORRECTIONS ET AL. C. A. 10th Cir.;

No. 98–6819. SCHWARZ *v.* UNITED STATES PAROLE COMMISSION ET AL. C. A. 4th Cir.; and

No. 98–6820. SCHWARZ *v.* NATIONAL ARCHIVES AND RECORDS ADMINISTRATION. C. A. 10th Cir. Motions of petitioner for leave to proceed *in forma pauperis* denied. See this Court's Rule 39.8. Petitioner is allowed until January 4, 1999, within which to pay the docketing fees required by Rule 38(a) and to submit petitions in compliance with Rule 33.1 of the Rules of this Court.

No. 98–6948. IN RE MORALES. Petition for writ of habeas corpus denied.

December 14, 1998

525 U. S.

No. 98-708. *IN RE STAFNE*. Motion of Center for Judicial Accountability for leave to file a brief as *amicus curiae* granted. Petition for writ of mandamus denied.

No. 98-6484. *IN RE BAZUA-AVILES*. Petition for writ of mandamus and/or prohibition denied.

*Certiorari Granted*

No. 98-536. *OLMSTEAD, COMMISSIONER, GEORGIA DEPARTMENT OF HUMAN RESOURCES, ET AL. v. L. C., BY ZIMRING, GUARDIAN AD LITEM AND NEXT FRIEND, ET AL.* C. A. 11th Cir. Certiorari granted.\* Reported below: 138 F. 3d 893.

*Certiorari Denied*

No. 98-370. *SEAGATE TECHNOLOGY, INC. v. BEAIRD ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 145 F. 3d 1159.

No. 98-390. *DEPAEPE, EXECUTOR OF THE ESTATE OF DEPAEPE v. GENERAL MOTORS CORP.* C. A. 7th Cir. Certiorari denied. Reported below: 141 F. 3d 715.

No. 98-419. *CHRISTOPHER v. UNITED STATES.* C. A. 1st Cir. Certiorari denied. Reported below: 142 F. 3d 46.

No. 98-439. *KIRSH ET VIR v. CITY OF NEW YORK ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 159 F. 3d 1347.

No. 98-472. *GREATER NEW ORLEANS EXPRESSWAY COMMISSION ET AL. v. PENDERGRASS.* C. A. 5th Cir. Certiorari denied. Reported below: 144 F. 3d 342.

No. 98-505. *MATHEWS v. SEARS PENSION PLAN ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 144 F. 3d 461.

No. 98-520. *PALM, INDIVIDUALLY AND AS SURVIVING PARENT OF PALM, DECEASED v. LAS VEGAS METROPOLITAN POLICE DEPARTMENT ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 142 F. 3d 444.

No. 98-578. *COLSTON ET AL. v. BARNHART.* C. A. 5th Cir. Certiorari denied. Reported below: 130 F. 3d 96 and 146 F. 3d 282.

---

\*[REPORTER'S NOTE: For amendment of this order, see *post*, p. 1062.]

525 U.S.

December 14, 1998

No. 98-603. *KERTH ET AL. v. HAMOT HEALTH FOUNDATION, INC., ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 159 F. 3d 1351.

No. 98-608. *JONES ET AL. v. GEORGIA PACIFIC CORP. ET AL.* C. A. 11th Cir. Certiorari denied.

No. 98-613. *PEOPLES BANK & TRUST COMPANY OF HAZARD v. PENICK, DBA W. PENICK ELECTRICAL CONSTRUCTION, INC.* C. A. 6th Cir. Certiorari denied. Reported below: 149 F. 3d 1184.

No. 98-620. *STONE CONSOLIDATED, INC. v. M/V KAPETAN MARTINOVIC, IN REM, ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 140 F. 3d 1043.

No. 98-623. *JERRY K. v. DAWN D.* Sup. Ct. Cal. Certiorari denied. Reported below: 17 Cal. 4th 932, 952 P. 2d 1139.

No. 98-625. *BRADY ET AL. v. OHMAN, SECRETARY OF STATE OF WYOMING.* C. A. 10th Cir. Certiorari denied. Reported below: 153 F. 3d 726.

No. 98-628. *SYKES v. MINNESOTA.* Ct. App. Minn. Certiorari denied. Reported below: 578 N. W. 2d 807.

No. 98-629. *TOWN OF NEWBURGH ET AL. v. HOLZAPFEL.* C. A. 2d Cir. Certiorari denied. Reported below: 145 F. 3d 516.

No. 98-642. *HIRSCHFELD v. ROGERS ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 152 F. 3d 925.

No. 98-648. *O'CONNELL ET AL. v. MILAZZO.* C. A. 7th Cir. Certiorari denied. Reported below: 151 F. 3d 587.

No. 98-649. *LINDQUIST v. CONDRA ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 162 F. 3d 1164.

No. 98-691. *SEBASTIAN ET AL. v. MARINECHANCE SHIPPING, LTD.* C. A. 5th Cir. Certiorari denied. Reported below: 143 F. 3d 216.

No. 98-694. *MANU v. G. E. CAPITAL MORTGAGE SERVICES, INC.* Super. Ct. Pa. Certiorari denied. Reported below: 701 A. 2d 789.

December 14, 1998

525 U. S.

No. 98-725. *GREASER v. MISSOURI DEPARTMENT OF CORRECTIONS ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 145 F. 3d 979.

No. 98-741. *BIXLER v. MINNESOTA.* Sup. Ct. Minn. Certiorari denied. Reported below: 582 N. W. 2d 252.

No. 98-745. *JOHNSON ET UX. v. INTERNAL REVENUE SERVICE ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 146 F. 3d 867.

No. 98-748. *LESOON v. UNITED STATES.* C. A. 10th Cir. Certiorari denied. Reported below: 153 F. 3d 727.

No. 98-755. *HADDAD v. VIRGINIA POLYTECHNIC INSTITUTE ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 153 F. 3d 720.

No. 98-768. *PATTERSON v. UNITED STATES.* C. A. 8th Cir. Certiorari denied. Reported below: 148 F. 3d 1013.

No. 98-776. *BAIRD v. UNITED STATES.* C. A. 3d Cir. Certiorari denied. Reported below: 159 F. 3d 1353.

No. 98-782. *NICHOLS v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 142 F. 3d 857.

No. 98-785. *MANKARIOUS ET AL. v. UNITED STATES.* C. A. 7th Cir. Certiorari denied. Reported below: 151 F. 3d 694.

No. 98-786. *ZAKARIAN v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 156 F. 3d 1241.

No. 98-804. *CURRIER v. UNITED STATES.* C. A. 1st Cir. Certiorari denied. Reported below: 151 F. 3d 39.

No. 98-813. *ALEXANDER v. UNITED STATES.* C. A. 11th Cir. Certiorari denied. Reported below: 157 F. 3d 906.

No. 98-5372. *MARMOLEJO v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 139 F. 3d 528.

No. 98-5444. *DURAN v. UNITED STATES.* C. A. 10th Cir. Certiorari denied. Reported below: 141 F. 3d 1186.

No. 98-5598. *ROBERTS v. TEXAS.* Ct. Crim. App. Tex. Certiorari denied.

525 U.S.

December 14, 1998

No. 98-5980. *HOWARD v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 150 F. 3d 1197.

No. 98-6012. *HAILE v. IMMIGRATION AND NATURALIZATION SERVICE ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 139 F. 3d 901.

No. 98-6408. *HEMMERLE v. ERDMAN ET AL.* Dist. Ct. App. Fla., 4th Dist. Certiorari denied. Reported below: 725 So. 2d 1132.

No. 98-6409. *GREIST v. NORRISTOWN STATE HOSPITAL ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 156 F. 3d 1224.

No. 98-6411. *BUHL v. TEXAS*. Ct. App. Tex., 10th Dist. Certiorari denied. Reported below: 960 S. W. 2d 927.

No. 98-6414. *WHITE v. OHIO*. Sup. Ct. Ohio. Certiorari denied. Reported below: 82 Ohio St. 3d 16, 693 N. E. 2d 772.

No. 98-6418. *SENA v. LYTLE, WARDEN, ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 153 F. 3d 728.

No. 98-6419. *SCHLEEPER v. CAMPBELL, JUDGE, CIRCUIT COURT OF MISSOURI, ST. LOUIS COUNTY*. Sup. Ct. Mo. Certiorari denied.

No. 98-6430. *CERILLI v. BARBIERI, WARDEN*. C. A. 2d Cir. Certiorari denied.

No. 98-6443. *TURRENTINE v. OKLAHOMA*. Ct. Crim. App. Okla. Certiorari denied. Reported below: 965 P. 2d 955.

No. 98-6492. *JORDAN v. JOURNAL NEWSPAPERS, INC., ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 149 F. 3d 1168.

No. 98-6516. *MASON v. OHIO*. Sup. Ct. Ohio. Certiorari denied. Reported below: 82 Ohio St. 3d 144, 694 N. E. 2d 932.

No. 98-6518. *BALDWIN v. SUPERIOR COURT OF THE DISTRICT OF COLUMBIA*. Ct. App. D. C. Certiorari denied.

No. 98-6604. *MINK v. GENERAL MOTORS CORP.* C. A. 6th Cir. Certiorari denied. Reported below: 165 F. 3d 27.

December 14, 1998

525 U. S.

No. 98-6614. *SPERRY v. CALIFORNIA*. Ct. App. Cal., 3d App. Dist. Certiorari denied.

No. 98-6622. *COLLIE v. FLORIDA*. Dist. Ct. App. Fla., 2d Dist. Certiorari denied. Reported below: 710 So. 2d 1000.

No. 98-6705. *KELLER v. LINDSEY, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 98-6710. *MOTTE v. UNITED STATES FEDERAL PAROLE OFFICERS ET AL.* C. A. 3d Cir. Certiorari denied.

No. 98-6731. *COLEMAN v. CALDERON, WARDEN*. C. A. 9th Cir. Certiorari denied. Reported below: 150 F. 3d 1105.

No. 98-6732. *COOKS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 156 F. 3d 187.

No. 98-6749. *MAZZELL v. MOORE, DIRECTOR, SOUTH CAROLINA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 155 F. 3d 559.

No. 98-6761. *MAYBERRY v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 98-6762. *MANTILLA v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 162 F. 3d 1152.

No. 98-6765. *PERRY v. BENNETT, SUPERINTENDENT, ELMIRA CORRECTIONAL FACILITY*. C. A. 2d Cir. Certiorari denied. Reported below: 152 F. 3d 920.

No. 98-6770. *HUTCHINS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 155 F. 3d 562.

No. 98-6777. *BRAZIEL v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 156 F. 3d 1239.

No. 98-6782. *MENDOZA v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 156 F. 3d 1245.

No. 98-6789. *MOSER v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 165 F. 3d 29.

No. 98-6790. *WILLIAMS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 155 F. 3d 418.

525 U.S.

December 14, 1998

No. 98–6797. *SCHWENSOW v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 151 F. 3d 650.

No. 98–6800. *SUBER v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 158 F. 3d 587.

No. 98–6803. *GARCIA v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 166 F. 3d 1206.

No. 98–6806. *MANSFIELD v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 156 F. 3d 182.

No. 98–6814. *UMEBOLU v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 156 F. 3d 185.

No. 98–6815. *SERANG v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 156 F. 3d 910.

No. 98–6816. *SWINT v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 98–6823. *JACKSON v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 155 F. 3d 942.

No. 98–6826. *KNIGHT v. DEPARTMENT OF THE NAVY*. C. A. 4th Cir. Certiorari denied. Reported below: 149 F. 3d 1169.

No. 98–6827. *THOMAS v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

No. 98–6828. *BARRON v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. Reported below: 145 F. 3d 1385.

No. 98–6831. *MATHES v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 151 F. 3d 251.

No. 98–6832. *JUVENILE v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 156 F. 3d 1240.

No. 98–6833. *LUCAS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 161 F. 3d 15.

No. 98–6834. *DAVIS v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 149 F. 3d 1192.

No. 98–6835. *ANDINO v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 148 F. 3d 101.

December 14, 1998

525 U. S.

No. 98-6836. *BROWN v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 159 F. 3d 1348.

No. 98-6853. *HERNANDEZ-CASTILLO v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 156 F. 3d 1245.

No. 98-6855. *GONZALEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 156 F. 3d 182.

No. 98-6857. *ZENONE ET AL. v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 153 F. 3d 725.

No. 98-6861. *TAYLOR v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 154 F. 3d 675.

No. 98-6863. *CLARK v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 161 F. 3d 3.

No. 98-366. *MCKUNE, WARDEN, ET AL. v. STELTZLEN*. Ct. App. Kan. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 24 Kan. App. 2d xl, 944 P. 2d 197.

No. 98-367. *HANNIGAN, WARDEN, ET AL. v. STANSBURY*; and *SIMMONS, SECRETARY OF CORRECTIONS, ET AL. v. BANKES*. Sup. Ct. Kan. Motion of respondent Raymond F. Stansbury for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 265 Kan. 404, 960 P. 2d 227 (first judgment); 265 Kan. 341, 963 P. 2d 412 (second judgment).

No. 98-636. *SILBERSTEIN ET AL. v. ZWAAN*. C. A. 3d Cir. Motion of petitioners to defer consideration of petition for writ of certiorari denied. Certiorari denied. Reported below: 156 F. 3d 1227.

#### *Rehearing Denied*

No. 97-9251. *BAST v. GLASBERG ET AL.*, *ante*, p. 842;

No. 97-9351. *SATTERWHITE v. SMALL ET AL.*, *ante*, p. 846;

No. 97-9456. *POWELL v. BATTLE, WARDEN*, *ante*, p. 852;

No. 97-9665. *BROWN v. JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION*, *ante*, p. 865;

No. 97-9674. *HUMMEL v. BACA, JUDGE, DISTRICT COURT OF TEXAS, EL PASO COUNTY*, *ante*, p. 866;

525 U.S.

December 14, 16, 1998

No. 98–5015. JENNINGS *v.* VAUGHN, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT GRATERFORD, ET AL., *ante*, p. 881;

No. 98–5184. RANGEN *v.* SECURITIES AND EXCHANGE COMMISSION, *ante*, p. 890;

No. 98–5400. O’CONNELL *v.* BACA, JUDGE, DISTRICT COURT OF NEW MEXICO, BERNALILLO COUNTY, ET AL., *ante*, p. 903;

No. 98–5632. SMALLEY *v.* FRANK, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT HUNTINGDON, ET AL., *ante*, p. 913;

No. 98–5763. COLON *v.* FLORIDA COMMISSION ON ETHICS ET AL., *ante*, p. 968;

No. 98–5991. PRUNTE *v.* WALT DISNEY CO. ET AL., *ante*, p. 1005; and

No. 98–6076. SWEENEY *v.* UNITED STATES, *ante*, p. 953. Petitions for rehearing denied.

No. 98–5602. RIVERA *v.* FLORIDA, *ante*, p. 935; and

No. 98–5722. RIVERA *v.* FLORIDA DEPARTMENT OF CORRECTIONS, *ante*, p. 951. Motions for leave to file petitions for rehearing denied.

DECEMBER 16, 1998

*Miscellaneous Order*

No. 98–7249 (A–476). IN RE DUVALL. Application for stay of execution of sentence of death, presented to JUSTICE BREYER, and by him referred to the Court, denied. Petition for writ of habeas corpus denied.

*Certiorari Denied*

No. 98–7273 (A–487). DUVALL *v.* REYNOLDS, WARDEN. C. A. 10th Cir. Application for stay of execution of sentence of death, presented to JUSTICE BREYER, and by him referred to the Court, denied. Certiorari denied.

No. 98–7289 (A–488). DUVALL *v.* KEATING, GOVERNOR OF OKLAHOMA, ET AL. C. A. 10th Cir. Application for stay of execution of sentence of death, presented to JUSTICE BREYER, and by him referred to the Court, denied. Certiorari denied. Reported below: 162 F. 3d 1058.

December 17, 18, 21, 1998

525 U. S.

DECEMBER 17, 1998

*Dismissal Under Rule 46*

No. 98-812. BARBERA ET UX. *v.* NATHAN, CHAPTER 7 TRUSTEE. C. A. 6th Cir. Certiorari dismissed under this Court's Rule 46.1. Reported below: 156 F. 3d 1228.

*Miscellaneous Order*

No. 98-536. OLMSTEAD, COMMISSIONER, GEORGIA DEPARTMENT OF HUMAN RESOURCES, ET AL. *v.* L. C., BY ZIMRING, GUARDIAN AD LITEM AND NEXT FRIEND, ET AL. C. A. 11th Cir. [Certiorari granted, *ante*, p. 1054.] The order entered December 14, 1998, granting the petition for writ of certiorari is amended to read as follows: "Certiorari granted limited to Question 1 presented by the petition."

DECEMBER 18, 1998

*Dismissal Under Rule 46*

No. 98-771. FLIGHT INTERNATIONAL OF FLORIDA ET AL. *v.* DESROSIERS, BY AND THROUGH HIS GUARDIAN AD LITEM, DESROSIERS, ET AL. C. A. 9th Cir. Certiorari dismissed under this Court's Rule 46. Reported below: 156 F. 3d 952.

*Miscellaneous Order*

No. 98-7323 (A-499). IN RE SMITH. Application for stay of execution of sentence of death, presented to THE CHIEF JUSTICE, and by him referred to the Court, denied. Petition for writ of habeas corpus denied.

*Certiorari Denied*

No. 98-7318 (A-497). SMITH *v.* MOORE, DIRECTOR, SOUTH CAROLINA DEPARTMENT OF CORRECTIONS, ET AL. Sup. Ct. S. C. Application for stay of execution of sentence of death, presented to THE CHIEF JUSTICE, and by him referred to the Court, denied. Certiorari denied.

DECEMBER 21, 1998

*Dismissal Under Rule 46*

No. 98-808. ATRIA RECLAMELUCIFERS FABRIEKEN BV (CRICKET BV) ET AL. *v.* TALKINGTON ET AL. C. A. 4th Cir. Cer-

525 U.S.            December 21, 1998, January 5, 8, 1999

tiorari dismissed under this Court's Rule 46.1. Reported below:  
152 F. 3d 254.

JANUARY 5, 1999

*Miscellaneous Order*

No. A-547. MOODY *v.* RODRIGUEZ ET AL. Application for stay of execution of sentence of death, presented to JUSTICE SCALIA, and by him referred to the Court, denied.

JANUARY 8, 1999

*Certiorari Granted*

No. 97-1943. SUTTON ET AL. *v.* UNITED AIR LINES, INC. C. A. 10th Cir. Certiorari granted. Brief of petitioners is to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Monday, February 22, 1999. Brief of respondent is to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Wednesday, March 24, 1999. A reply brief, if any, is to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Monday, April 12, 1999. This Court's Rule 29.2 does not apply. Reported below: 130 F. 3d 893.

No. 97-1992. MURPHY *v.* UNITED PARCEL SERVICE, INC. C. A. 10th Cir. Certiorari granted limited to Questions 1 and 4 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., Monday, February 22, 1999. Brief of respondent is to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Wednesday, March 24, 1999. A reply brief, if any, is to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Monday, April 12, 1999. This Court's Rule 29.2 does not apply. Reported below: 141 F. 3d 1185.

No. 98-149. COLLEGE SAVINGS BANK *v.* FLORIDA PREPAID POSTSECONDARY EDUCATION EXPENSE BOARD ET AL. C. A. 3d Cir. Certiorari granted. Brief of petitioner is to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Monday, February 22, 1999. Brief of respondents is to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Wednesday, March 24, 1999. A reply brief, if any, is to be filed with the Clerk and served upon opposing counsel on or be-

January 8, 11, 1999

525 U. S.

fore 3 p.m., Monday, April 12, 1999. This Court's Rule 29.2 does not apply. Reported below: 131 F. 3d 353.

No. 98-531. FLORIDA PREPAID POSTSECONDARY EDUCATION EXPENSE BOARD *v.* COLLEGE SAVINGS BANK ET AL. C. A. Fed. Cir. Motion of Regents of the University of California for leave to file a brief as *amicus 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., Monday, February 22, 1999. Brief of respondents is to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Wednesday, March 24, 1999. A reply brief, if any, is to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Monday, April 12, 1999. This Court's Rule 29.2 does not apply. Reported below: 148 F. 3d 1343.

No. 98-591. ALBERTSON'S, INC. *v.* KIRKINGBURG. C. A. 9th Cir. Motions of American Trucking Associations et al. and United Parcel Service of America, Inc., 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., Monday, February 22, 1999. Brief of respondent is to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Wednesday, March 24, 1999. A reply brief, if any, is to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Monday, April 12, 1999. This Court's Rule 29.2 does not apply. Reported below: 143 F. 3d 1228.

*Certiorari Denied*

No. 98-7541 (A-551). HOWARD *v.* MOORE, DIRECTOR, SOUTH CAROLINA DEPARTMENT OF CORRECTIONS, ET AL. Sup. Ct. S. C. Application for stay of execution of sentence of death, presented to THE CHIEF JUSTICE, and by him referred to the Court, denied. Certiorari denied.

JANUARY 11, 1999

*Affirmed on Appeal*

No. 98-548. PARKER-WEAVER ET AL. *v.* FORDICE, GOVERNOR OF MISSISSIPPI, ET AL. Affirmed on appeal from D. C. S. D. Miss.

525 U.S.

January 11, 1999

*Miscellaneous Orders.\** (See also No. 98–6945, *ante*, p. 153.)

No. M–34. HUGO P. *v.* GEORGE P. ET AL. Motion for leave to proceed *in forma pauperis* without an affidavit of indigency executed by petitioner granted.

No. 97–843. DAVIS, AS NEXT FRIEND OF LASHONDA D. *v.* MONROE COUNTY BOARD OF EDUCATION ET AL. C. A. 11th Cir. [Certiorari granted, 524 U.S. 980.] Motion of National School Boards Association et al. for leave to participate in oral argument as *amici curiae* and for divided argument denied.

No. 97–1049. LYNN ET AL. *v.* MURPHY, 522 U.S. 1115. Motion of respondent for compensation and expenses denied without prejudice to refiling in the United States Court of Appeals for the Second Circuit.

No. 97–1625. CALIFORNIA DENTAL ASSN. *v.* FEDERAL TRADE COMMISSION. C. A. 9th Cir. [Certiorari granted, 524 U.S. 980.] Motion of Consumer Dental Choice Project of the National Institute for Science, Law, and Public Policy, Inc., for leave to file a brief as *amicus curiae* granted.

No. 98–5864. STRICKLER *v.* GREENE, WARDEN. C. A. 4th Cir. [Certiorari granted, *ante*, p. 809.] Motion of National Association of Criminal Defense Lawyers et al. for leave to file a brief as *amici curiae* granted.

No. 98–5881. LILLY *v.* VIRGINIA. Sup. Ct. Va. [Certiorari granted, *ante*, p. 981.] Motion of National Association of Criminal Defense Attorneys et al. for leave to file a brief as *amici curiae* granted.

No. 98–6024. STAFFORD ET VIR *v.* ROSSOTTI, COMMISSIONER OF INTERNAL REVENUE. C. A. 5th Cir. Motion of petitioners for reconsideration of order denying leave to proceed *in forma pauperis* [*ante*, p. 960] denied.

No. 98–6127. RIVERA *v.* ALLIN ET AL. C. A. 11th Cir.;

No. 98–6679. MACE *v.* MISSOURI DEPARTMENT OF SOCIAL SERVICES, DIVISION OF CHILD SUPPORT ENFORCEMENT. C. A. 8th Cir.;

---

\*For the Court's order adopting revisions to the Rules of this Court, see *post*, p. 1190.

January 11, 1999

525 U. S.

No. 98-6713. *MACE v. MISSOURI ET AL.* C. A. 8th Cir.; and  
No. 98-6879. *MACE v. MISSOURI ET AL.* C. A. 8th Cir. Motions of petitioners for leave to proceed *in forma pauperis* denied. See this Court's Rule 39.8. Petitioners are allowed until February 1, 1999, within which to pay the docketing fee required by Rule 38(a) and to submit petitions in compliance with Rule 33.1 of the Rules of this Court.

No. 98-6510. *IN RE RIVERA.* Motion of petitioner for leave to proceed *in forma pauperis* denied. See this Court's Rule 39.8. Petitioner is allowed until February 1, 1999, within which to pay the docketing fee required by Rule 38(a) and to submit a petition in compliance with Rule 33.1 of the Rules of this Court.

No. 98-6385. *SWISHER v. TEXAS COMMISSION FOR LAWYER DISCIPLINE.* Sup. Ct. Tex.;

No. 98-6618. *SANSONE v. MCI TELECOMMUNICATIONS.* C. A. 4th Cir.; and

No. 98-6621. *SWISHER v. TEXAS COMMISSION FOR LAWYER DISCIPLINE.* Sup. Ct. Tex. Motions of petitioners for leave to proceed *in forma pauperis* denied. Petitioners are allowed until February 1, 1999, within which to pay the docketing fee required by Rule 38(a) and to submit petitions in compliance with Rule 33.1 of the Rules of this Court.

No. 98-7088. *IN RE DAY;*

No. 98-7105. *IN RE SEAVOY;*

No. 98-7143. *IN RE CARTER;* and

No. 98-7227. *IN RE RODRIGUEZ-VELAZQUEZ.* Petitions for writs of habeas corpus denied.

No. 98-6474. *IN RE BIBBS;*

No. 98-6619. *IN RE SALDANA;*

No. 98-6670. *IN RE MARSHALL;*

No. 98-6919. *IN RE MAYBERRY;* and

No. 98-7022. *IN RE CHRISTY.* Petitions for writs of mandamus denied.

No. 98-6651. *IN RE TERMINELLO.* Petition for writ of mandamus and/or prohibition denied.

*Certiorari Denied*

No. 98-243. *REDMON v. UNITED STATES.* C. A. 7th Cir. *Certiorari* denied. Reported below: 138 F. 3d 1109.

525 U.S.

January 11, 1999

No. 98-457. *DALE v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. Reported below: 140 F. 3d 1054.

No. 98-473. *UNITED STATES EX REL. SEQUOIA ORANGE CO. ET AL. v. SUNKIST GROWERS, INC., ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 151 F. 3d 1139.

No. 98-488. *MCDERMOTT ET UX. v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 1st Cir. Certiorari denied. Reported below: 141 F. 3d 1149.

No. 98-500. *HOLMES ET AL. v. CALIFORNIA ARMY NATIONAL GUARD ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 124 F. 3d 1126.

No. 98-535. *TEXAS EDUCATION AGENCY v. MESSER*. C. A. 5th Cir. Certiorari denied. Reported below: 130 F. 3d 130.

No. 98-551. *TRIPLE A FIRE PROTECTION, INC. v. NATIONAL LABOR RELATIONS BOARD ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 136 F. 3d 727.

No. 98-559. *AUSTIN v. DAWSON-AUSTIN*. Sup. Ct. Tex. Certiorari denied. Reported below: 968 S. W. 2d 319.

No. 98-561. *EXXEL/ATMOS, INC. v. NATIONAL LABOR RELATIONS BOARD ET AL.* C. A. D. C. Cir. Certiorari denied. Reported below: 147 F. 3d 972.

No. 98-569. *AMSTERDAM VIDEO, INC., ET AL. v. CITY OF NEW YORK ET AL.*; and

No. 98-574. *HICKERSON ET AL. v. CITY OF NEW YORK ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 146 F. 3d 99.

No. 98-581. *SOTH v. BALTIMORE SUNPAPERS, INC., ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 145 F. 3d 1325.

No. 98-583. *JACKSON v. VIRGINIA*. Sup. Ct. Va. Certiorari denied. Reported below: 255 Va. 625, 499 S. E. 2d 538.

No. 98-622. *FALOW v. GRIEVANCE COMMITTEE FOR THE NINTH JUDICIAL DISTRICT OF NEW YORK*. App. Div., Sup. Ct. N. Y., 2d Jud. Dept. Certiorari denied.

No. 98-633. *DUNN v. ALABAMA AGRICULTURAL AND MECHANICAL UNIVERSITY ET AL.* Ct. Civ. App. Ala. Certiorari denied. Reported below: 719 So. 2d 224.

January 11, 1999

525 U. S.

No. 98-635. *MCPHAIL, ADMINISTRATRIX OF THE ESTATE OF MCPHAIL, DECEASED v. MITSUBISHI MOTOR MANUFACTURING OF AMERICA, INC., ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 141 F. 3d 1190.

No. 98-644. *BARKER ET AL. v. GOLF U. S. A., INC.* C. A. 8th Cir. Certiorari denied. Reported below: 154 F. 3d 788.

No. 98-647. *NEBRASKA v. PATTNO.* Sup. Ct. Neb. Certiorari denied. Reported below: 254 Neb. 733, 579 N. W. 2d 503.

No. 98-650. *NITRAM, INC., ET AL. v. M. A. N. GUTEHOFFNUNG-SHUTTE GMBH.* C. A. 11th Cir. Certiorari denied. Reported below: 141 F. 3d 1434.

No. 98-654. *SOUTHEASTERN PENNSYLVANIA TRANSPORTATION AUTHORITY ET AL. v. CHRIST'S BRIDE MINISTRIES, INC.* C. A. 3d Cir. Certiorari denied. Reported below: 148 F. 3d 242.

No. 98-656. *LOPEZ v. CALIFORNIA.* Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 98-666. *KOLODZIEJ v. REINES.* C. A. 7th Cir. Certiorari denied. Reported below: 142 F. 3d 970.

No. 98-669. *LEVITON MANUFACTURING CO., INC. v. RHODE ISLAND INSURERS' INSOLVENCY FUND.* Sup. Ct. R. I. Certiorari denied. Reported below: 716 A. 2d 730.

No. 98-672. *AMERICAN BLIND & WALLPAPER FACTORY, INC. v. ALVORD POLK, INC., ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 162 F. 3d 1150.

No. 98-673. *DOUGLAS v. DYNMCDERMOTT PETROLEUM OPERATIONS CO. ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 144 F. 3d 364.

No. 98-675. *HARLINE v. DEPARTMENT OF JUSTICE ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 148 F. 3d 1199.

No. 98-679. *METRO FORD TRUCK SALES, INC. v. FORD MOTOR Co.* C. A. 5th Cir. Certiorari denied. Reported below: 145 F. 3d 320.

No. 98-680. *SCOTT v. PRUDENTIAL SECURITIES, INC.* C. A. 11th Cir. Certiorari denied. Reported below: 141 F. 3d 1007.

525 U.S.

January 11, 1999

No. 98-681. *MONKS, AKA STAFFORD v. MASSIE, WARDEN*. C. A. 10th Cir. Certiorari denied. Reported below: 153 F. 3d 727.

No. 98-685. *ANDERSON ET AL. v. ANHEUSER-BUSCH COS., INC., ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 163 F. 3d 605.

No. 98-686. *LEVENTHAL, AS SUCCESSOR TO PROVIDENCE CONSTRUCTION Co. v. BAUER*. Ct. App. Ga. Certiorari denied. Reported below: 229 Ga. App. 679, 494 S. E. 2d 527.

No. 98-696. *HORN v. BASSETT FURNITURE INDUSTRIES, INC.* C. A. 8th Cir. Certiorari denied. Reported below: 162 F. 3d 1164.

No. 98-698. *ALDRIDGE ET AL. v. LILY-TULIP, INC., ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 145 F. 3d 363.

No. 98-699. *BOYETT v. TROY STATE UNIVERSITY AT MONTGOMERY (TSUM) ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 142 F. 3d 1284.

No. 98-700. *GRAND RIVER DAM AUTHORITY ET AL. v. DALRYMPLE ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 145 F. 3d 1180.

No. 98-702. *LAWRENCE COUNTY ET AL. v. WILSON*. C. A. 8th Cir. Certiorari denied. Reported below: 154 F. 3d 757.

No. 98-710. *MARCUS ET AL. v. IOWA PUBLIC TELEVISION ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 150 F. 3d 924.

No. 98-712. *STRASBURGER v. BOARD OF EDUCATION, HARDIN COUNTY COMMUNITY UNIT SCHOOL DISTRICT No. 1, ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 143 F. 3d 351.

No. 98-716. *NATIONAL ASSOCIATION OF BROADCAST EMPLOYEES & TECHNICIANS ET AL. v. ABC, INC., ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 140 F. 3d 459.

No. 98-717. *BYBEE ET UX. v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 9th Cir. Certiorari denied. Reported below: 129 F. 3d 124.

January 11, 1999

525 U. S.

No. 98-728. *DRILTECH, INC. v. REEDRILL CORP.* C. A. Fed. Cir. Certiorari denied. Reported below: 168 F. 3d 1318.

No. 98-738. *TENNISON ET AL. v. PAULUS ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 144 F. 3d 1285.

No. 98-743. *TURNER v. BANK ONE, LEXINGTON, N. A., ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 156 F. 3d 1228.

No. 98-749. *MORGAN v. COHEN, SECRETARY OF DEFENSE.* C. A. 3d Cir. Certiorari denied. Reported below: 142 F. 3d 670.

No. 98-754. *NYE v. SECURITIES AND EXCHANGE COMMISSION.* C. A. D. C. Cir. Certiorari denied. Reported below: 159 F. 3d 637.

No. 98-763. *GUNDAKER ET AL. v. UNISYS CORP.* C. A. 8th Cir. Certiorari denied. Reported below: 151 F. 3d 842.

No. 98-769. *SIMMONS v. WETHERALL ET AL.* Sup. Ct. Conn. Certiorari denied.

No. 98-770. *BROADMAN, JUDGE, SUPERIOR COURT FOR TULARE COUNTY v. CALIFORNIA COMMISSION ON JUDICIAL PERFORMANCE.* Sup. Ct. Cal. Certiorari denied. Reported below: 18 Cal. 4th 1079, 959 P. 2d 715.

No. 98-772. *FOSS v. FOSS.* C. A. 9th Cir. Certiorari denied. Reported below: 152 F. 3d 925.

No. 98-781. *PETERS v. UNITED STATES.* C. A. 7th Cir. Certiorari denied. Reported below: 153 F. 3d 445.

No. 98-792. *TROST v. UNITED STATES.* C. A. 7th Cir. Certiorari denied. Reported below: 152 F. 3d 715.

No. 98-800. *TRAIL ENTERPRISES, INC., DBA WILSON OIL CO. v. CITY OF HOUSTON.* Ct. App. Tex., 14th Dist. Certiorari denied. Reported below: 957 S. W. 2d 625.

No. 98-803. *BEATY v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. Reported below: 147 F. 3d 522.

No. 98-805. *WYMAN-GORDON FORGINGS, INC., ET AL. v. MCCORKLE, JUDGE, DISTRICT COURT OF HARRIS COUNTY, TEXAS, ET AL.* Sup. Ct. Tex. Certiorari denied.

525 U.S.

January 11, 1999

No. 98-809. *DECUIR v. COUNTY OF LOS ANGELES ET AL.* Ct. App. Cal., 2d App. Dist. Certiorari denied. Reported below: 64 Cal. App. 4th 75, 75 Cal. Rptr. 2d 102.

No. 98-816. *BILLINGTON v. ANGELONE, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS.* C. A. 4th Cir. Certiorari denied. Reported below: 155 F. 3d 557.

No. 98-823. *LESLIE ET UX. v. COMMISSIONER OF INTERNAL REVENUE.* C. A. 9th Cir. Certiorari denied. Reported below: 146 F. 3d 643.

No. 98-838. *POLANCO v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. Reported below: 145 F. 3d 536.

No. 98-841. *COLEMAN v. UNITED STATES.* C. A. 7th Cir. Certiorari denied. Reported below: 149 F. 3d 674.

No. 98-843. *MARYLAND v. WALKER.* Ct. Sp. App. Md. Certiorari denied. Reported below: 121 Md. App. 364, 709 A. 2d 177.

No. 98-844. *MASCHERONI v. REGENTS OF THE UNIVERSITY OF CALIFORNIA ET AL.* Ct. App. Cal., 1st App. Dist. Certiorari denied.

No. 98-845. *JIMENEZ ARAGON v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 157 F. 3d 900.

No. 98-847. *LIDDLE & ROBINSON, L. L. P. v. KIDDER, PEABODY & Co., INC.* C. A. D. C. Cir. Certiorari denied. Reported below: 146 F. 3d 899.

No. 98-848. *SMITH v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 155 F. 3d 1051.

No. 98-849. *LUCARELLI v. WEST, SECRETARY OF VETERANS AFFAIRS, ET AL.* C. A. D. C. Cir. Certiorari denied.

No. 98-855. *BLUE CROSS & BLUE SHIELD UNITED OF WISCONSIN v. MARSHFIELD CLINIC ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 152 F. 3d 588.

No. 98-857. *WESLIN ET AL. v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. Reported below: 156 F. 3d 292.

No. 98-860. *MINIX v. KENTUCKY ET AL.* Ct. App. Ky. Certiorari denied.

January 11, 1999

525 U. S.

No. 98-861. *MILLER v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 148 F. 3d 207.

No. 98-866. *RUSSO ET AL. v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 145 F. 3d 551.

No. 98-870. *REHMAN v. ECC INTERNATIONAL CORP.* C. A. 11th Cir. Certiorari denied. Reported below: 157 F. 3d 906.

No. 98-882. *MURTARI v. MURTARI*. App. Div., Sup. Ct. N. Y., 4th Jud. Dept. Certiorari denied. Reported below: 249 App. Div. 2d 960, 673 N. Y. S. 2d 278.

No. 98-886. *TINDOL v. TEXAS*. Ct. App. Tex., 8th Dist. Certiorari denied.

No. 98-890. *ESTATE OF DELAUNE, DECEASED, ET AL. v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 143 F. 3d 995.

No. 98-892. *SAVOIE ET AL. v. RODNEY ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 162 F. 3d 1165.

No. 98-895. *IVERY v. DEPARTMENT OF THE NAVY*. C. A. Fed. Cir. Certiorari denied. Reported below: 168 F. 3d 1321.

No. 98-904. *NARAYAN v. ST. CHARLES HOSPITAL*. C. A. 6th Cir. Certiorari denied. Reported below: 149 F. 3d 1184.

No. 98-931. *GRANT ET UX. v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 145 F. 3d 1342.

No. 98-938. *JOHNSON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 154 F. 3d 417.

No. 98-5144. *COOPER v. UNITED STATES*; and

No. 98-5191. *MARTIN v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 132 F. 3d 1400.

No. 98-5406. *MCKITTRICK v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 142 F. 3d 1170.

No. 98-5433. *BAUSCH v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 140 F. 3d 739.

No. 98-5496. *NYESTE v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 145 F. 3d 1334.

525 U.S.

January 11, 1999

No. 98-5677. *MARTINEZ v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 139 F. 3d 412.

No. 98-5778. *CARR v. CARR*. App. Ct. Mass. Certiorari denied. Reported below: 44 Mass. App. 924, 691 N. E. 2d 963.

No. 98-5855. *ALLEN v. INDIANA*. Sup. Ct. Ind. Certiorari denied. Reported below: 686 N. E. 2d 760.

No. 98-5948. *MONROE v. NEW HAMPSHIRE*. Sup. Ct. N. H. Certiorari denied. Reported below: 142 N. H. 857, 711 A. 2d 878.

No. 98-6066. *MONROE v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 148 F. 3d 1070.

No. 98-6143. *MUSSELWHITE v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied. Reported below: 17 Cal. 4th 1216, 954 P. 2d 475.

No. 98-6146. *RUIZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 145 F. 3d 359.

No. 98-6212. *CLUCK v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 143 F. 3d 174.

No. 98-6217. *TIMBERLAKE v. INDIANA*. Sup. Ct. Ind. Certiorari denied. Reported below: 690 N. E. 2d 243.

No. 98-6386. *ROBERTS v. BOWERSOX, SUPERINTENDENT, POTOSI CORRECTIONAL CENTER*. C. A. 8th Cir. Certiorari denied. Reported below: 137 F. 3d 1062.

No. 98-6421. *MITCHELL v. WILLIAMS ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 155 F. 3d 560.

No. 98-6422. *MOSLEY v. ARKANSAS*. Sup. Ct. Ark. Certiorari denied. Reported below: 333 Ark. 273, 968 S. W. 2d 612.

No. 98-6431. *SIMS v. ARKANSAS*. Sup. Ct. Ark. Certiorari denied. Reported below: 333 Ark. 405, 969 S. W. 2d 657.

No. 98-6440. *VICKERS v. STEWART, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 144 F. 3d 613.

No. 98-6448. *LEGRANDE v. HOGWOOD*. C. A. 4th Cir. Certiorari denied. Reported below: 161 F. 3d 2.

January 11, 1999

525 U. S.

No. 98-6452. *PIZZO v. LOUISIANA*. Sup. Ct. La. Certiorari denied. Reported below: 724 So. 2d 745.

No. 98-6464. *JAMES v. OKLAHOMA*. Ct. Crim. App. Okla. Certiorari denied.

No. 98-6467. *CONNELLY v. MCCONNELL ET AL.* C. A. 9th Cir. Certiorari denied.

No. 98-6472. *ALVAREZ v. CALIFORNIA*. Ct. App. Cal., 4th App. Dist. Certiorari denied.

No. 98-6473. *COLEMAN v. BEILEIN, SHERIFF*. C. A. 2d Cir. Certiorari denied.

No. 98-6478. *CANO v. TERHUNE, DIRECTOR, CALIFORNIA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 98-6482. *CROSS v. COURT OF APPEAL OF CALIFORNIA, THIRD APPELLATE DISTRICT*. C. A. 9th Cir. Certiorari denied.

No. 98-6483. *CHAROWSKY v. WAPINSKY ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 159 F. 3d 1350.

No. 98-6486. *BARRAZA v. CALIFORNIA*. Ct. App. Cal., 3d App. Dist. Certiorari denied.

No. 98-6488. *ATHERTON v. ARLINGTON COUNTY, VIRGINIA*. C. A. 4th Cir. Certiorari denied. Reported below: 145 F. 3d 1323.

No. 98-6493. *MCINTURFF v. CORCORAN, WARDEN, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 149 F. 3d 1169.

No. 98-6494. *MARSHALL v. STRAUB, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 98-6497. *MORETTI v. CHASE MORTGAGE SERVICES, INC.* Sup. Ct. N. J. Certiorari denied.

No. 98-6511. *KING v. WRIGHT, SUPERINTENDENT, CLALLAM BAY CORRECTIONS CENTER*. C. A. 9th Cir. Certiorari denied.

No. 98-6515. *JACKSON v. MILLIKEN*. Ct. App. D. C. Certiorari denied.

525 U.S.

January 11, 1999

No. 98–6519. *CARTER v. CASKEY, WARDEN, ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 149 F. 3d 1179.

No. 98–6522. *JOHNSON v. KINDT, WARDEN, ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 158 F. 3d 1060.

No. 98–6528. *NEELLEY v. NAGLE, WARDEN.* C. A. 11th Cir. Certiorari denied. Reported below: 138 F. 3d 917.

No. 98–6530. *WELCH v. CAIN, WARDEN, ET AL.* C. A. 5th Cir. Certiorari denied.

No. 98–6534. *WOODCOCK v. NEW YORK STATE HIGHER EDUCATION SERVICES CORPORATION.* C. A. 10th Cir. Certiorari denied. Reported below: 144 F. 3d 1340.

No. 98–6535. *VORA v. CONEMAUGH VALLEY MEMORIAL HOSPITAL OF JOHNSTOWN ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 156 F. 3d 1227.

No. 98–6539. *IVEY v. SOUTH CAROLINA.* Sup. Ct. S. C. Certiorari denied. Reported below: 331 S. C. 118, 502 S. E. 2d 92.

No. 98–6540. *KASHANNEJAD v. TERHUNE, DIRECTOR, CALIFORNIA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 98–6543. *MCCARTHY v. MAASS, SUPERINTENDENT, OREGON STATE PENITENTIARY.* C. A. 9th Cir. Certiorari denied. Reported below: 145 F. 3d 1339.

No. 98–6546. *ARTMORE v. TEXAS*; and

No. 98–6547. *ARTMORE v. TEXAS.* Ct. App. Tex., 1st Dist. Certiorari denied.

No. 98–6549. *WILLIAMS v. SOBINA, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT SOMERSET.* C. A. 3d Cir. Certiorari denied.

No. 98–6550. *WHITFIELD v. TEXAS* (three judgments). Ct. Crim. App. Tex. Certiorari denied.

No. 98–6552. *COLLIER v. DRAGOO ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 153 F. 3d 726.

No. 98–6555. *GORNICK v. CALIFORNIA.* Ct. App. Cal., 2d App. Dist. Certiorari denied.

January 11, 1999

525 U. S.

No. 98-6557. *FIKROU v. COUNTY OF SANTA CLARA ET AL.* Ct. App. Cal., 6th App. Dist. Certiorari denied.

No. 98-6563. *GASSAWAY v. CODY, WARDEN.* C. A. 10th Cir. Certiorari denied. Reported below: 132 F. 3d 42.

No. 98-6566. *GEE v. DEUTH.* C. A. 7th Cir. Certiorari denied.

No. 98-6568. *FORD v. MORRISON, WARDEN, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 98-6570. *DAVIS v. SINGLETARY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS.* Sup. Ct. Fla. Certiorari denied. Reported below: 717 So. 2d 530.

No. 98-6574. *WOODS v. JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION.* C. A. 5th Cir. Certiorari denied.

No. 98-6576. *PORTER v. RARDIN, WARDEN.* C. A. 9th Cir. Certiorari denied.

No. 98-6586. *CAPROOD v. BESSINGER, WARDEN, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 149 F. 3d 1167.

No. 98-6587. *PRICE v. SINGLETARY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 152 F. 3d 933.

No. 98-6590. *DUNCAN v. OREGON.* C. A. 9th Cir. Certiorari denied. Reported below: 145 F. 3d 1337.

No. 98-6599. *BOULINEAU v. WOZNIAC ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 152 F. 3d 936.

No. 98-6609. *MANCHA v. CALIFORNIA.* Ct. App. Cal., 6th App. Dist. Certiorari denied.

No. 98-6616. *SWEATT v. POINDEXTER ET AL.* C. A. 6th Cir. Certiorari denied.

No. 98-6617. *SANTOS v. NEW YORK.* App. Div., Sup. Ct. N. Y., 1st Jud. Dept. Certiorari denied. Reported below: 250 App. Div. 2d 413, 673 N. Y. S. 2d 94.

525 U.S.

January 11, 1999

No. 98-6620. *PARKS v. O'DEA, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 98-6624. *MCCALL v. SOUTH CAROLINA*. C. A. 4th Cir. Certiorari denied. Reported below: 149 F. 3d 1169.

No. 98-6636. *RAMIREZ v. JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 98-6641. *LOVE v. TOWN OF LAKE PROVIDENCE, LOUISIANA, ET AL.* C. A. 5th Cir. Certiorari denied.

No. 98-6652. *CHUNG YEE CHOI v. ROSS, SUPERINTENDENT, ARTHUR KILL CORRECTIONAL FACILITY*. C. A. 2d Cir. Certiorari denied.

No. 98-6659. *ALBERTS v. SHILLINGER, WARDEN, ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 153 F. 3d 726.

No. 98-6660. *BURGESS v. KITZHABER, GOVERNOR OF OREGON*. Sup. Ct. Ore. Certiorari denied.

No. 98-6661. *BANKS v. OKLAHOMA*. Ct. Crim. App. Okla. Certiorari denied.

No. 98-6664. *YARBROUGH v. CITY OF KINGFISHER ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 153 F. 3d 730.

No. 98-6666. *KELLY v. SOUTH CAROLINA*. Sup. Ct. S. C. Certiorari denied. Reported below: 331 S. C. 132, 502 S. E. 2d 99.

No. 98-6673. *CLEMONS v. OHIO*. Sup. Ct. Ohio. Certiorari denied. Reported below: 82 Ohio St. 3d 438, 696 N. E. 2d 1009.

No. 98-6683. *DRAUS v. TOWN OF HOULTON, MAINE, ET AL.* C. A. 1st Cir. Certiorari denied. Reported below: 141 F. 3d 1149.

No. 98-6691. *SCHAFFER v. KOENIG*. C. A. 3d Cir. Certiorari denied. Reported below: 162 F. 3d 1152.

No. 98-6692. *RANSON v. FLORIDA*. Sup. Ct. Fla. Certiorari denied. Reported below: 727 So. 2d 909.

January 11, 1999

525 U. S.

No. 98-6694. *CATO RIGGS v. MICHIGAN*. Ct. App. Mich. Certiorari denied. Reported below: 223 Mich. App. 662, 568 N. W. 2d 101.

No. 98-6701. *TAYLOR v. PULLINS ET AL.* Sup. Ct. App. W. Va. Certiorari denied.

No. 98-6703. *ALLEN v. MAHONEY, WARDEN*. C. A. 9th Cir. Certiorari denied. Reported below: 145 F. 3d 1336.

No. 98-6709. *MIZE v. GEORGIA*. Sup. Ct. Ga. Certiorari denied. Reported below: 269 Ga. 646, 501 S. E. 2d 219.

No. 98-6711. *JOHNSON v. OKLAHOMA*. Ct. Crim. App. Okla. Certiorari denied.

No. 98-6712. *MAY v. PENNSYLVANIA*. Sup. Ct. Pa. Certiorari denied. Reported below: 551 Pa. 286, 710 A. 2d 44.

No. 98-6717. *MCLAURIN v. TRENT, WARDEN*. Sup. Ct. App. W. Va. Certiorari denied. Reported below: 203 W. Va. 67, 506 S. E. 2d 322.

No. 98-6718. *NAGY v. UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK*. C. A. 2d Cir. Certiorari denied.

No. 98-6719. *JACKSON v. KUHLMANN, SUPERINTENDENT, SULLIVAN CORRECTIONAL FACILITY*. C. A. 2d Cir. Certiorari denied.

No. 98-6720. *PECK v. CHAFIN, JUDGE, CIRCUIT COURT OF WEST VIRGINIA, WAYNE COUNTY, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 145 F. 3d 1324.

No. 98-6723. *PEDONE v. DIRECTOR, OFFICE OF WORKERS' COMPENSATION PROGRAMS, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 141 F. 3d 1178.

No. 98-6724. *PALMISANO v. UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT*. C. A. 7th Cir. Certiorari denied. Reported below: 151 F. 3d 1033.

No. 98-6725. *STRUSS v. STRACK, SUPERINTENDENT, FISHKILL CORRECTIONAL FACILITY*. C. A. 2d Cir. Certiorari denied.

525 U.S.

January 11, 1999

No. 98-6726. *CARSON v. KAUTZKY, DIRECTOR, IOWA DEPARTMENT OF CORRECTIONS*. C. A. 8th Cir. Certiorari denied. Reported below: 150 F. 3d 973.

No. 98-6727. *WILLIAMS v. McLAUGHLIN ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 159 F. 3d 1354.

No. 98-6729. *WAMBACH v. EASLEY, ATTORNEY GENERAL OF NORTH CAROLINA, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 155 F. 3d 564.

No. 98-6733. *VILLALBA v. ROE, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 98-6735. *ALVARADO ET VIR v. MINNESOTA*. Ct. App. Minn. Certiorari denied.

No. 98-6736. *CROSS v. DROZD ET AL.* C. A. 9th Cir. Certiorari denied.

No. 98-6737. *CROSS v. PELICAN BAY STATE PRISON*. C. A. 9th Cir. Certiorari denied.

No. 98-6738. *SIMS v. BROWN*. C. A. 4th Cir. Certiorari denied. Reported below: 153 F. 3d 722.

No. 98-6740. *SELLERS v. JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 98-6741. *PALOMINO v. ARIZONA*. Sup. Ct. Ariz. Certiorari denied.

No. 98-6742. *WALKER v. SUMNER ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 152 F. 3d 931.

No. 98-6743. *WILLIAMS v. COUNTY OF STANISLAUS PLANNING DEPARTMENT ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 145 F. 3d 1343.

No. 98-6744. *TAYLOR v. HANKS, SUPERINTENDENT, WABASH VALLEY CORRECTIONAL INSTITUTE*. C. A. 7th Cir. Certiorari denied.

No. 98-6745. *PIERCE v. LOCAL 863, INTERNATIONAL BROTHERHOOD OF TEAMSTERS, ET AL.* C. A. 3d Cir. Certiorari denied.

January 11, 1999

525 U. S.

No. 98-6746. *TAYLOR v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied.

No. 98-6747. *YOUNGER v. SAFFLE, DIRECTOR, OKLAHOMA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 153 F. 3d 730.

No. 98-6752. *KEE v. PROVIDENT LIFE & ACCIDENT INSURANCE CO.* C. A. 11th Cir. Certiorari denied.

No. 98-6754. *SIKORA v. UNITED STATES ET AL.* C. A. 8th Cir. Certiorari denied.

No. 98-6755. *ROCHESTER v. SOUTH CAROLINA DEPARTMENT OF CORRECTIONS ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 161 F. 3d 3.

No. 98-6757. *ALVARO C. v. SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES*. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 98-6760. *MARTIN v. KEELING, ASSISTANT WARDEN, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 141 F. 3d 1159.

No. 98-6767. *EVANS ET UX. v. FLIPPIN ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 156 F. 3d 1229.

No. 98-6768. *R. A. D. v. ILLINOIS*. App. Ct. Ill., 5th Dist. Certiorari denied. Reported below: 295 Ill. App. 3d 1142, 726 N. E. 2d 241.

No. 98-6769. *EASON v. JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION*. C. A. 5th Cir. Certiorari denied. Reported below: 149 F. 3d 1177.

No. 98-6771. *DUFF v. LEWIS*. Sup. Ct. Nev. Certiorari denied. Reported below: 114 Nev. 564, 958 P. 2d 82.

No. 98-6773. *EVANS v. HOFBAUER, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 98-6775. *DILLON v. RUSSELL, WARDEN, ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 165 F. 3d 27.

No. 98-6778. *BERNYS v. NEW YORK ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 162 F. 3d 1147.

525 U.S.

January 11, 1999

No. 98-6779. *MORRISON v. JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 98-6783. *WIGFALL v. KIMMERLY*. Ct. App. Mich. Certiorari denied.

No. 98-6784. *TRIGLER v. BRADLEY ET AL.* C. A. 11th Cir. Certiorari denied.

No. 98-6785. *YORDAN v. FLORIDA*. Dist. Ct. App. Fla., 5th Dist. Certiorari denied. Reported below: 725 So. 2d 1139.

No. 98-6788. *WILSON ET AL. v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 154 F. 3d 658.

No. 98-6792. *BAUTISTA v. CALIFORNIA*. Ct. App. Cal., 6th App. Dist. Certiorari denied.

No. 98-6794. *BILES v. CORCORAN, WARDEN, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 151 F. 3d 1028.

No. 98-6808. *WILLIAMS v. U-HAUL COMPANY OF COLORADO*. C. A. 10th Cir. Certiorari denied. Reported below: 161 F. 3d 19.

No. 98-6809. *WOOD v. MOORE, DIRECTOR, SOUTH CAROLINA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 162 F. 3d 1158.

No. 98-6813. *WILLIAMSON v. GREGOIRE, ATTORNEY GENERAL OF WASHINGTON*. C. A. 9th Cir. Certiorari denied. Reported below: 151 F. 3d 1180.

No. 98-6822. *SCHAIRED v. JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 98-6837. *STEELE v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 98-6838. *HALL v. MILLS, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 98-6842. *HOWARD v. SANDERS, WARDEN, ET AL.* C. A. 11th Cir. Certiorari denied.

January 11, 1999

525 U. S.

No. 98-6847. *GONZALEZ-ALVIRA v. UNITED STATES*. C. A. 1st Cir. Certiorari denied.

No. 98-6848. *SHARMAN v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 154 F. 3d 418.

No. 98-6850. *SUTTON v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 156 F. 3d 185.

No. 98-6852. *GONZALEZ v. CONSOLIDATED REAL ESTATE INVESTMENTS, DBA L'IL ABNER MOBILE HOME PARK*. Sup. Ct. Fla. Certiorari denied. Reported below: 722 So. 2d 192.

No. 98-6854. *GUNWALL v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 156 F. 3d 1245.

No. 98-6856. *BUCKLEW v. MISSOURI*. Sup. Ct. Mo. Certiorari denied. Reported below: 973 S. W. 2d 83.

No. 98-6858. *TORRES v. OKLAHOMA*. Ct. Crim. App. Okla. Certiorari denied. Reported below: 962 P. 2d 3.

No. 98-6859. *THOMAS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 156 F. 3d 185.

No. 98-6866. *SAUNDERS v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 156 F. 3d 1233.

No. 98-6868. *WYRICK v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 149 F. 3d 773.

No. 98-6869. *WHETHERS v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 159 F. 3d 1354.

No. 98-6873. *WEST v. JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 98-6874. *CROSSLEY v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 162 F. 3d 1162.

No. 98-6875. *THOMAS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 157 F. 3d 900.

No. 98-6876. *CANINO v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

525 U.S.

January 11, 1999

No. 98-6877. *LANDER v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 156 F. 3d 185.

No. 98-6878. *LOCKETT v. CALDERA, SECRETARY OF THE ARMY*. C. A. 4th Cir. Certiorari denied. Reported below: 149 F. 3d 1169.

No. 98-6880. *LOTT v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 156 F. 3d 1240.

No. 98-6881. *CORTEZ-LUNA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 161 F. 3d 15.

No. 98-6882. *MERAZ-SANDOVAL v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 163 F. 3d 608.

No. 98-6883. *LIDDAWI v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 145 F. 3d 1342.

No. 98-6885. *OZURU v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 152 F. 3d 920.

No. 98-6887. *STEWART v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 168 F. 3d 480.

No. 98-6889. *BOIGEGRAIN v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 155 F. 3d 1181.

No. 98-6892. *SHAKARIAN v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 156 F. 3d 1241.

No. 98-6895. *MARSHALL v. JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 98-6897. *DESOUZA v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 165 F. 3d 20.

No. 98-6901. *GERMOSEN v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 139 F. 3d 120.

No. 98-6902. *ELDRIDGE, AKA ISON v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 155 F. 3d 562.

No. 98-6904. *GUIDRY v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 156 F. 3d 1240.

January 11, 1999

525 U. S.

No. 98–6905. *HERMOSILLO-RODRIGUEZ v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 161 F. 3d 15.

No. 98–6906. *RATLIFF v. OFFICE OF PERSONNEL MANAGEMENT*. C. A. Fed. Cir. Certiorari denied. Reported below: 155 F. 3d 569.

No. 98–6907. *RODRIGUEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 159 F. 3d 1355.

No. 98–6910. *DOBBINS v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 165 F. 3d 29.

No. 98–6911. *DUKES v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 147 F. 3d 1033.

No. 98–6912. *JONES v. CORCORAN, WARDEN, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 153 F. 3d 720.

No. 98–6915. *MILLER v. JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 98–6916. *LANK v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 144 F. 3d 54.

No. 98–6917. *MILES v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

No. 98–6918. *VANCE ET AL. v. UNITED STATES*; and

No. 98–6921. *MCCOY ET AL. v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 162 F. 3d 1157.

No. 98–6922. *HERLIHY v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 157 F. 3d 900.

No. 98–6924. *BROWN v. VIRGINIA*. Sup. Ct. Va. Certiorari denied.

No. 98–6925. *ALBERTSEN v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 162 F. 3d 1156.

No. 98–6926. *WESTCOTT, AKA MORRISON v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 159 F. 3d 107.

No. 98–6928. *PORTER v. HENDERSON, POSTMASTER GENERAL*. C. A. 9th Cir. Certiorari denied. Reported below: 142 F. 3d 444.

525 U.S.

January 11, 1999

No. 98-6929. *ROSENBERG v. FEDERAL PROTECTION SERVICE*. C. A. D. C. Cir. Certiorari denied. Reported below: 172 F. 3d 920.

No. 98-6930. *SMITH v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 157 F. 3d 900.

No. 98-6931. *REEVES v. FLOWERS*. C. A. 11th Cir. Certiorari denied. Reported below: 156 F. 3d 186.

No. 98-6935. *BEVLEY v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 157 F. 3d 900.

No. 98-6937. *JARAMILLO v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 156 F. 3d 1245.

No. 98-6938. *MUSTIN v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 156 F. 3d 1240.

No. 98-6940. *MATTINGLY v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 161 F. 3d 4.

No. 98-6942. *GONZALEZ v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 145 F. 3d 1342.

No. 98-6943. *DENT v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 149 F. 3d 180.

No. 98-6946. *MEDLEY v. GRAMLEY, WARDEN*. C. A. 7th Cir. Certiorari denied.

No. 98-6947. *MARTINEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 151 F. 3d 384.

No. 98-6949. *LUNA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 98-6951. *BURGOS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 137 F. 3d 841.

No. 98-6953. *CLAY v. MISSOURI*. Sup. Ct. Mo. Certiorari denied. Reported below: 975 S. W. 2d 121.

No. 98-6954. *BROOMFIELD v. UNITED STATES*; and  
No. 98-6990. *BROOMFIELD v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 161 F. 3d 15.

January 11, 1999

525 U. S.

No. 98–6958. *BENNETT v. TEXAS*. Sup. Ct. Tex. Certiorari denied.

No. 98–6960. *ALVIN v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

No. 98–6961. *MARTINEZ SANDOVAL v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 152 F. 3d 1190.

No. 98–6962. *OBERLIN v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 145 F. 3d 1343.

No. 98–6963. *SAMUELS v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 166 F. 3d 1206.

No. 98–6964. *PEREYRA v. UNITED STATES*. C. A. 1st Cir. Certiorari denied.

No. 98–6965. *PANTIN v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 155 F. 3d 91.

No. 98–6967. *PATERSON v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 150 F. 3d 382.

No. 98–6968. *POTTER v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 139 F. 3d 895.

No. 98–6969. *PASTOR v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 98–6971. *BANKS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 162 F. 3d 1156.

No. 98–6974. *SPIKES v. UNITED STATES*; and  
No. 98–7170. *SMITH v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 158 F. 3d 913.

No. 98–6977. *CESPEDES v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 151 F. 3d 1329.

No. 98–6981. *MENNELLA v. OFFICE OF COURT ADMINISTRATION ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 164 F. 3d 618.

No. 98–6982. *LANDRY v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 154 F. 3d 897.

525 U.S.

January 11, 1999

No. 98–6983. *KRUEGER v. DOE ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 162 F. 3d 1173.

No. 98–6984. *LOVELACE v. UNITED STATES.* C. A. 7th Cir. Certiorari denied.

No. 98–6985. *RICHMAN v. UNITED STATES.* C. A. 3d Cir. Certiorari denied. Reported below: 159 F. 3d 1354.

No. 98–6986. *COURTNEY v. UNITED STATES.* Ct. App. D. C. Certiorari denied. Reported below: 708 A. 2d 1008.

No. 98–6987. *ORTEGA v. UNITED STATES.* C. A. 8th Cir. Certiorari denied. Reported below: 150 F. 3d 937.

No. 98–6988. *STRABLE v. UNITED STATES.* C. A. Fed. Cir. Certiorari denied.

No. 98–6989. *PESEK v. UNITED STATES.* C. A. 8th Cir. Certiorari denied.

No. 98–6991. *SALEMO v. UNITED STATES.* C. A. 3d Cir. Certiorari denied.

No. 98–6992. *JACKSON v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. Reported below: 166 F. 3d 1215.

No. 98–6993. *STAUFFER v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 156 F. 3d 1241.

No. 98–6994. *PIERCE v. UNITED STATES.* Ct. App. D. C. Certiorari denied. Reported below: 705 A. 2d 1086.

No. 98–6995. *RIGGIO v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 149 F. 3d 1176.

No. 98–6998. *WALTON v. UNITED STATES.* C. A. 10th Cir. Certiorari denied. Reported below: 156 F. 3d 1245.

No. 98–6999. *SEHORN v. UNITED STATES.* C. A. 9th Cir. Certiorari denied.

No. 98–7002. *THOMPSON v. UNITED STATES.* C. A. 8th Cir. Certiorari denied. Reported below: 150 F. 3d 865.

No. 98–7003. *TELESFORD v. UNITED STATES.* C. A. 3d Cir. Certiorari denied.

January 11, 1999

525 U. S.

No. 98-7004. *WASHINGTON v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 98-7005. *VAUGHN v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 98-7012. *OLIVARES v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 98-7014. *JOHNSTON v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 146 F. 3d 785.

No. 98-7017. *LAKE v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 150 F. 3d 269.

No. 98-7019. *NASIRUDDIN v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 162 F. 3d 1157.

No. 98-7020. *YANCEY v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 155 F. 3d 564.

No. 98-7021. *WILLIAMS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 149 F. 3d 1193.

No. 98-7023. *JONES v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 98-7026. *TATE v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 162 F. 3d 1166.

No. 98-7028. *GRIMES v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 142 F. 3d 1342.

No. 98-7029. *DAVIS v. UNITED STATES*; and

No. 98-7194. *DAVIS, AKA OLIVER v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 149 F. 3d 1193.

No. 98-7032. *DAVIS v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 98-7034. *HILL v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 161 F. 3d 15.

No. 98-7036. *FELGENTRAEGER v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 152 F. 3d 930.

525 U.S.

January 11, 1999

No. 98-7037. *DEBARDELEBEN v. UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND*. C. A. 4th Cir. Certiorari denied. Reported below: 145 F. 3d 1323.

No. 98-7038. *MATHISON v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 157 F. 3d 541.

No. 98-7041. *MIMMS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 155 F. 3d 562.

No. 98-7043. *BYRD v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 163 F. 3d 599.

No. 98-7047. *PETTY v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 98-7051. *HOLLAND v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 162 F. 3d 1157.

No. 98-7055. *GARRETT v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 172 F. 3d 860.

No. 98-7059. *BROADWATER v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 151 F. 3d 1359.

No. 98-7060. *NDIBE v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 163 F. 3d 600.

No. 98-7062. *MOUND v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 149 F. 3d 799.

No. 98-7063. *MYERS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 155 F. 3d 563.

No. 98-7067. *MORRIS v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 98-7071. *LOUCKS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 149 F. 3d 1048.

No. 98-7073. *MITCHELL v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 98-7074. *MOBERLY v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 149 F. 3d 1192.

No. 98-7082. *MARSHALL v. UNITED STATES ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 154 F. 3d 417.

January 11, 1999

525 U. S.

No. 98-7084. *KISSICK v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 153 F. 3d 729.

No. 98-7085. *MAHIQUE v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 150 F. 3d 1330.

No. 98-7086. *EICKLEBERRY v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 98-7089. *GULLION v. WRIGHT, WARDEN*. C. A. 4th Cir. Certiorari denied. Reported below: 149 F. 3d 1168.

No. 98-7091. *DARDEN v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 149 F. 3d 1171.

No. 98-7093. *HESTER v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 157 F. 3d 903.

No. 98-7096. *GREEN v. FRENCH, WARDEN*. C. A. 4th Cir. Certiorari denied. Reported below: 143 F. 3d 865.

No. 98-7097. *DAHLER v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 143 F. 3d 1084.

No. 98-7098. *STYLES v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 162 F. 3d 1158.

No. 98-7100. *SMITH v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 156 F. 3d 1046.

No. 98-7102. *BLANKENSHIP v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 159 F. 3d 336.

No. 98-7110. *GILDEA v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 132 F. 3d 31.

No. 98-7112. *HINOJOSA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 98-7113. *EWING v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 138 F. 3d 955.

No. 98-7114. *DECKARD, AKA VALE v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 151 F. 3d 1030.

No. 98-7117. *ALTAMIRANO-LOPEZ, AKA OCHOA-LOPEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 158 F. 3d 583.

525 U.S.

January 11, 1999

No. 98-7121. *DUTTON v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 161 F. 3d 4.

No. 98-7122. *FRENCH v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 162 F. 3d 1156.

No. 98-7123. *FLORES v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 135 F. 3d 1000.

No. 98-7127. *SINGLETARY v. LUKEHART ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 153 F. 3d 728.

No. 98-7128. *ALLEN v. CRABTREE, WARDEN*. C. A. 9th Cir. Certiorari denied. Reported below: 153 F. 3d 1030.

No. 98-7129. *CLAY v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 156 F. 3d 638.

No. 98-7130. *MARTINEZ v. UNITED STATES*; and  
No. 98-7134. *TINEO v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 165 F. 3d 34.

No. 98-7135. *WHEELER ET AL. v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 153 F. 3d 725.

No. 98-7136. *WALTON v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 145 F. 3d 1327.

No. 98-7139. *CRAWFORD v. MITCHELL, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 98-7140. *CANTU-TZIN v. JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION*. C. A. 5th Cir. Certiorari denied. Reported below: 162 F. 3d 295.

No. 98-7141. *FITZGERALD v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 98-7147. *BOWMAN v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 164 F. 3d 621.

No. 98-7149. *BLOUNT v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 145 F. 3d 1326.

No. 98-7150. *JACKSON v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 161 F. 3d 18.

January 11, 1999

525 U.S.

No. 98-7152. *LUMPKIN v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 163 F. 3d 608.

No. 98-7155. *MARTINEZ v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 162 F. 3d 97.

No. 98-7158. *SMITH v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 145 F. 3d 1327.

No. 98-7160. *MAYWEATHERS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 154 F. 3d 418.

No. 98-7162. *MILTON v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 153 F. 3d 724.

No. 98-7163. *JARVIS v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 166 F. 3d 349.

No. 98-7175. *PEYTON ET AL. v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 164 F. 3d 627.

No. 98-7181. *BRISENO-MANZO v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 163 F. 3d 607.

No. 98-7185. *TRUETT v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 161 F. 3d 20.

No. 98-7186. *WILLIAMS v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 153 F. 3d 730.

No. 98-7192. *FLORES v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 149 F. 3d 1272.

No. 98-7193. *HAMMONS v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 152 F. 3d 1025.

No. 98-7195. *GRAY-BEY v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 156 F. 3d 733.

No. 98-7196. *FLYTHE v. UNITED STATES*. Ct. App. D. C. Certiorari denied.

No. 98-7197. *FREEMAN v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 162 F. 3d 1160.

No. 98-7207. *YOUBOTY v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 172 F. 3d 861.

525 U.S.

January 11, 1999

No. 98-7219. BARTOLOTTA *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 153 F. 3d 875.

No. 98-167. ARIZONANS FOR OFFICIAL ENGLISH ET AL. *v.* ARIZONA ET AL. Sup. Ct. Ariz. Motion of Arizona Legislators for leave to file a brief as *amicus curiae* granted. Certiorari denied. Reported below: 191 Ariz. 441, 957 P. 2d 984.

No. 98-433. MERKLE, WARDEN *v.* SEIDEL. C. A. 9th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 146 F. 3d 750.

No. 98-529. FORD *v.* SCHERING-PLOUGH CORP. ET AL. C. A. 3d Cir. Certiorari denied. JUSTICE BREYER took no part in the consideration or decision of this petition. Reported below: 145 F. 3d 601.

No. 98-657. STATE STREET BANK & TRUST CO. *v.* SIGNATURE FINANCIAL GROUP, INC. C. A. Fed. Cir. Certiorari denied. JUSTICE BREYER took no part in the consideration or decision of this petition. Reported below: 149 F. 3d 1368.

No. 98-736. LIPCON ET AL. *v.* UNDERWRITERS AT LLOYD'S LONDON ET AL. C. A. 11th Cir. Certiorari denied. JUSTICE BREYER took no part in the consideration or decision of this petition. Reported below: 148 F. 3d 1285.

No. 98-6571. HENRY *v.* WILLIAMSON ET AL. C. A. 8th Cir. Certiorari denied. JUSTICE BREYER took no part in the consideration or decision of this petition.

No. 98-534. BRADY ET AL. *v.* DAVIS. C. A. 6th Cir. Motions of Michigan Municipal Risk Management Authority and Michigan Municipal League for leave to file briefs as *amici curiae* granted. Certiorari denied. Reported below: 143 F. 3d 1021.

No. 98-600. AT&T CORP. *v.* ANDERSON ET AL. C. A. 6th Cir. Certiorari denied. JUSTICE O'CONNOR took no part in the consideration or decision of this petition. Reported below: 147 F. 3d 467.

No. 98-718. HEATH *v.* BAXTER INTERNATIONAL ET AL. C. A. 7th Cir. Certiorari denied. JUSTICE O'CONNOR took no part in the consideration or decision of this petition. Reported below: 151 F. 3d 1032.

January 11, 1999

525 U. S.

No. 98-659. PAUL *v.* WILLIAM MORROW & Co., INC., ET AL. C. A. 11th Cir. Certiorari denied. THE CHIEF JUSTICE took no part in the consideration or decision of this petition. Reported below: 149 F. 3d 1194.

No. 98-674. BOWERSOX, SUPERINTENDENT, POTOSI CORRECTIONAL CENTER *v.* WILKINS. C. A. 8th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 145 F. 3d 1006.

No. 98-707. CENTRAL OF GEORGIA RAILROAD Co. *v.* MOCK. Ct. App. Ga. Motion of Association of American Railroads for leave to file a brief as *amicus curiae* granted. Certiorari denied. Reported below: 231 Ga. App. 586, 499 S. E. 2d 673.

No. 98-721. UNITED STATES *v.* PLAYERS INTERNATIONAL, INC., ET AL. C. A. 3d Cir. Motion of Valley Broadcasting Co. et al. for leave to file a brief as *amici curiae* granted. Certiorari before judgment denied.

No. 98-864. ESTOCK CORP., N. V., ET AL. *v.* FIRST NATIONAL BANK OF CHICAGO. C. A. 7th Cir. Motions of Illinois Trial Lawyers Association and Association of Trial Lawyers of America for leave to file briefs as *amici curiae* granted. Certiorari denied. Reported below: 148 F. 3d 760.

#### *Rehearing Denied*

- No. 97-1130. PFAFF *v.* WELLS ELECTRONICS, INC., *ante*, p. 55;
- No. 97-1975. SPRING *v.* WASHINGTON, *ante*, p. 821;
- No. 97-8620. ESCOBAR *v.* UNITED STATES, *ante*, p. 829;
- No. 97-8960. LOWE *v.* OKLAHOMA, *ante*, p. 832;
- No. 97-8984. BRADFORD *v.* THOMPSON, WARDEN, *ante*, p. 833;
- No. 97-9352. IN RE LOWE, *ante*, p. 807;
- No. 97-9429. IN RE LOWE, *ante*, p. 808;
- No. 97-9503. MATHIS *v.* ODEN ET AL., *ante*, p. 855;
- No. 97-9529. ASHIEGBU *v.* KIM ET AL., *ante*, p. 857;
- No. 97-9552. ASHIEGBU *v.* HERRON, OHIO BUREAU OF EMPLOYMENT SERVICES, ET AL., *ante*, p. 858;
- No. 97-9626. LEGRANDE *v.* EASLEY, ATTORNEY GENERAL OF NORTH CAROLINA, *ante*, p. 929;
- No. 97-9633. EPLEY *v.* TEXAS, *ante*, p. 863;
- No. 97-9661. IN RE LOWE, *ante*, p. 808;
- No. 97-9667. ANDERSON *v.* GARNER, WARDEN, *ante*, p. 865;

525 U.S.

January 11, 1999

- No. 97-9693. *BROWN v. JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION*, *ante*, p. 867;
- No. 98-9. *EMANUEL ET AL., DBA SALVATION DISPOSAL & CONSTRUCTION CO. v. J. M. CONTAINER CORP.*, *ante*, p. 867;
- No. 98-277. *ARMSTRONG v. SCHOOL DISTRICT OF PHILADELPHIA ET AL.*, *ante*, p. 879;
- No. 98-386. *PERALES v. SUPREME COURT OF TEXAS ET AL.*, *ante*, p. 965;
- No. 98-478. *DONNER v. DONNER, DECEASED*, *ante*, p. 1002;
- No. 98-497. *HANLON v. DUNBAR*, *ante*, p. 983;
- No. 98-503. *BELLO, DBA NUCLEUS OIL CO. v. CITIZENS NATIONAL BANK ET AL.*, *ante*, p. 983;
- No. 98-573. *BRANDT v. ORTHOPEDICS CONSULTANTS OF WASHINGTON ET AL.*, *ante*, p. 1019;
- No. 98-602. *SMITH-GREGG v. DEPARTMENT OF THE INTERIOR*, *ante*, p. 983;
- No. 98-5006. *ROJAS v. UNITED STATES POSTAL SERVICE*, *ante*, p. 880;
- No. 98-5077. *LOWE v. MONARD*, *ante*, p. 885;
- No. 98-5105. *IN RE LOWE*, *ante*, p. 808;
- No. 98-5197. *IN RE LOWE*, *ante*, p. 808;
- No. 98-5242. *HENSLER v. UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS*, *ante*, p. 894;
- No. 98-5246. *BUTLER v. GAMMICK, DISTRICT ATTORNEY, WASHOE COUNTY, NEVADA*, *ante*, p. 894;
- No. 98-5256. *ROTHEL v. JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION*, *ante*, p. 895;
- No. 98-5282. *IN RE LOWE*, *ante*, p. 808;
- No. 98-5343. *ASHIEGBU v. DAMSCHRODER*, *ante*, p. 899;
- No. 98-5344. *BARBOUR v. MICHIGAN DEPARTMENT OF SOCIAL SERVICES*, *ante*, p. 900;
- No. 98-5399. *DANIELS v. WORKERS' COMPENSATION APPEALS BOARD ET AL.*, *ante*, p. 903;
- No. 98-5416. *BROWN v. UNITED STATES*, *ante*, p. 904;
- No. 98-5435. *SLAGEL v. SHELL OIL CO. ET AL.*, *ante*, p. 905;
- No. 98-5463. *CLARK v. UNITED STATES*, *ante*, p. 899;
- No. 98-5514. *LOWE v. OKLAHOMA*, *ante*, p. 934;
- No. 98-5568. *SINGLETON v. LEWIS ET AL.*, *ante*, p. 935;
- No. 98-5635. *DIAZ v. UNITED STATES*, *ante*, p. 913;

January 11, 1999

525 U. S.

- No. 98-5659. *CORDLE v. SQUARE D CO. ET AL.*, *ante*, p. 937;  
No. 98-5769. *JENKINS v. GEORGIA*, *ante*, p. 968;  
No. 98-5787. *FAUSTINO RIVERA v. FLORIDA*, *ante*, p. 968;  
No. 98-5788. *PATTERSON v. SOUTH CAROLINA*, *ante*, p. 968;  
No. 98-5789. *IN RE LINCOLN*, *ante*, p. 807;  
No. 98-5809. *HILL v. TURPIN, WARDEN*, *ante*, p. 969;  
No. 98-5833. *BARNES v. GEORGIA*, *ante*, p. 969;  
No. 98-5850. *RAWLINS v. ARIZONA DEPARTMENT OF CORRECTIONS ET AL.*, *ante*, p. 970;  
No. 98-5899. *NADDI v. HILL, WARDEN, ET AL.*, *ante*, p. 970;  
No. 98-5968. *RICHARDSON v. HUFFMAN*, *ante*, p. 984;  
No. 98-6008. *JONES ET AL. v. TEXAS*, *ante*, p. 1005;  
No. 98-6031. *HY THI NGUYEN v. DALTON, SECRETARY OF THE NAVY*, *ante*, p. 953;  
No. 98-6124. *MOODY v. MOODY*, *ante*, p. 1021;  
No. 98-6158. *CARROLL v. LOCAL 144 PENSION FUND ET AL.*, *ante*, p. 973;  
No. 98-6194. *HAGANS v. CLINTON, PRESIDENT OF THE UNITED STATES*, *ante*, p. 986;  
No. 98-6230. *IN RE SEDDENS*, *ante*, p. 946;  
No. 98-6245. *HARRIS v. PRINCE GEORGE'S COUNTY PUBLIC SCHOOLS*, *ante*, p. 1024;  
No. 98-6274. *SIKORA v. BOHN*, *ante*, p. 986;  
No. 98-6278. *SIDLES v. STEWART, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS, ET AL.*, *ante*, p. 987;  
No. 98-6316. *SCHWARZ v. DEPARTMENT OF STATE*, *ante*, p. 1025;  
No. 98-6317. *SCHWARZ v. FEDERAL BUREAU OF PRISONS ET AL.*, *ante*, p. 1025;  
No. 98-6318. *SCHWARZ v. EXECUTIVE OFFICE OF THE PRESIDENT*, *ante*, p. 1025;  
No. 98-6373. *LERMA v. UNITED STATES*, *ante*, p. 988;  
No. 98-6480. *LANCELLOTTI v. UNITED STATES*, *ante*, p. 1009;  
No. 98-6561. *IN RE EVERHART*, *ante*, p. 999; and  
No. 98-6623. *SCHWARZ v. INTERNAL REVENUE SERVICE*, *ante*, p. 1031. Petitions for rehearing denied.
- No. 92-1449. *PARKER v. OREGON STATE BOARD OF BAR EXAMINERS*, 508 U.S. 950. Motion of petitioner for leave to proceed further herein *in forma pauperis* granted. Motion for leave to file petition for rehearing denied.

525 U.S. January 11, 13, 15, 1999

No. 98-5279. *KLAIMON v. CIGNA COS. ET AL.*, *ante*, p. 896. Motion for leave to file petition for rehearing denied.

JANUARY 13, 1999

*Miscellaneous Orders*

No. A-567. *MALONE v. CALDERON, WARDEN, ET AL.* Application for stay of execution of sentence of death, presented to JUSTICE O'CONNOR, and by her referred to the Court, denied.

No. 98-7650 (A-569). *IN RE FARRIS*. Application for stay of execution of sentence of death, presented to JUSTICE SCALIA, and by him referred to the Court, denied. Petition for writ of habeas corpus denied.

*Certiorari Denied*

No. 98-7609 (A-566). *MALONE v. CALDERON, WARDEN, 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 SOUTER would grant the application for stay of execution. Reported below: 167 F. 3d 1186.

No. 98-7651 (A-570). *FARRIS 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.

JANUARY 15, 1999

*Certiorari Granted*

No. 98-238. *WEST, SECRETARY OF VETERANS AFFAIRS v. GIBSON*. C. A. 7th Cir. Certiorari granted. Brief of the Solicitor General is to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Thursday, February 25, 1999. Brief of respondent is to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Wednesday, March 24, 1999. A reply brief, if any, is to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Monday, April 12, 1999. This Court's Rule 29.2 does not apply. Reported below: 137 F. 3d 992.

No. 98-387. *GREATER NEW ORLEANS BROADCASTING ASSN., INC., ET AL. v. UNITED STATES ET AL.* C. A. 5th Cir. Certiorari

January 15, 19, 1999

525 U. S.

granted. Brief of petitioners is to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Thursday, February 25, 1999. Brief of the Solicitor General is to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Wednesday, March 24, 1999. A reply brief, if any, is to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Monday, April 12, 1999. This Court's Rule 29.2 does not apply. Reported below: 149 F. 3d 334.

No. 98-507. *SNYDER v. TREPAGNIER ET AL.* C. A. 5th Cir. Certiorari granted limited to the following questions: "1. Whether a jury finding that a constitutional violation incurred by use of excessive force in an arrest necessarily precludes a finding of qualified immunity, so as to make such dual findings irreconcilable? 2. Whether a reviewing court may reconcile apparent inconsistencies in special jury verdicts despite possible defects in special interrogatories submitted, by determining whether, upon review of the entire record, the verdict as a whole was reasonable and supported by the evidence?" Brief of petitioner is to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Thursday, February 25, 1999. Brief of respondents is to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Wednesday, March 24, 1999. A reply brief, if any, is to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Monday, April 12, 1999. This Court's Rule 29.2 does not apply. Reported below: 142 F. 3d 791.

No. 98-727. *CUNNINGHAM v. HAMILTON COUNTY, OHIO.* C. A. 6th Cir. 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., Thursday, February 25, 1999. Brief of respondent is to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Wednesday, March 24, 1999. A reply brief, if any, is to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Monday, April 12, 1999. This Court's Rule 29.2 does not apply. Reported below: 144 F. 3d 418.

JANUARY 19, 1999

*Certiorari Granted—Vacated and Remanded*

No. 98-5070. *SLEKIS v. THOMAS, COMMISSIONER, CONNECTICUT DEPARTMENT OF SOCIAL SERVICES.* C. A. 2d Cir. Motion

525 U.S.

January 19, 1999

of petitioner for leave to proceed *in forma pauperis* granted. Certiorari granted, judgment vacated, and case remanded for further consideration in light of the interpretive guidance issued by the Health Care Financing Administration on September 4, 1998. Reported below: 139 F. 3d 80.

*Miscellaneous Orders*

No. A-482. LINEBERGER *v.* UNITED STATES. Application for release pending appeal, addressed to JUSTICE GINSBURG and referred to the Court, denied.

No. D-1910. IN RE DISBARMENT OF CARANCHINI. Disbarment entered. [For earlier order herein, see 522 U.S. 1104.]

No. D-1934. IN RE DISBARMENT OF SADLER. Gerald A. Sadler, of Houston, 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 the practice of law before this Court. The rule to show cause, issued on April 20, 1998 [523 U.S. 1069], is discharged.

No. D-1940. IN RE DISBARMENT OF LEWINSON. Disbarment entered. [For earlier order herein, see 523 U.S. 1069.]

No. D-1991. IN RE DISBARMENT OF BECKER. Disbarment entered. [For earlier order herein, see *ante*, p. 803.]

No. D-2000. IN RE DISBARMENT OF HENRY. Disbarment entered. [For earlier order herein, see *ante*, p. 926.]

No. D-2003. IN RE DISBARMENT OF CUETO. Disbarment entered. [For earlier order herein, see *ante*, p. 957.]

No. D-2004. IN RE DISBARMENT OF CONSOLI. Disbarment entered. [For earlier order herein, see *ante*, p. 957.]

No. D-2005. IN RE DISBARMENT OF WASHBURN. Disbarment entered. [For earlier order herein, see *ante*, p. 958.]

No. D-2021. IN RE DISBARMENT OF RECKDENWALD. Edward Walker Reckdenwald, of Rockville, N. Y., is suspended from the practice of law in this Court, and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

January 19, 1999

525 U. S.

No. D-2022. IN RE DISBARMENT OF JACKSON. Kent Wayne Jackson, of Phoenix, Ariz., is suspended from the practice of law in this Court, and a rule will 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-2023. IN RE DISBARMENT OF WEINBERGER. Barrett Neil Weinberger, of Cincinnati, Ohio, is suspended from the practice of law in this Court, and a rule will 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-2024. IN RE DISBARMENT OF FORMAN. Neal Forman, of Brooklyn, N. Y., is suspended from the practice of law in this Court, and a rule will 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-2025. IN RE DISBARMENT OF SEGAL. Alan Harris Segal, of Newton, Mass., is suspended from the practice of law in this Court, and a rule will 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-2026. IN RE DISBARMENT OF FREYDL. Thomas Patrick Freydl, of Bloomfield Hills, Mich., is suspended from the practice of law in this Court, and a rule will 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-2027. IN RE DISBARMENT OF GILL. John Michael Gill, of Glen Burnie, Md., is suspended from the practice of law in this Court, and a rule will 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-2028. IN RE DISBARMENT OF EFIRD. William Palmer Efird, of Memphis, Tenn., is suspended from the practice of law in this Court, and a rule will 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-2029. IN RE DISBARMENT OF PUGLIA. Andrew R. Puglia, of Winter Hill, Mass., is suspended from the practice of

525 U.S.

January 19, 1999

law in this Court, and a rule will 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-2030. *IN RE DISBARMENT OF WEISS*. Michael S. Weiss, of Mamaroneck, N. Y., is suspended from the practice of law in this Court, and a rule will 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-2031. *IN RE DISBARMENT OF CUSTER*. William B. Custer, of Portland, N. Y., is suspended from the practice of law in this Court, and a rule will 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. M-36 (98-34). *FERNANDES v. ENVIRONMENTAL PROTECTION AGENCY ET AL.*, *ante*, pp. 869 and 1013. Motion to direct the Clerk to file second petition for rehearing denied.

No. M-37. *CENTER v. NEW YORK STATE DEPARTMENT OF AGRICULTURE AND MARKETS ET AL.*; and

No. M-38. *SILVA v. KELLY ET AL.* Motions to direct the Clerk to file petitions for writs of certiorari out of time denied.

No. 126, Orig. *KANSAS v. NEBRASKA ET AL.* Motion for leave to file bill of complaint granted. Motion of Nebraska for leave to file a surreply brief denied. Defendants are allowed 60 days within which to file an answer. [For earlier order herein, see *ante*, p. 805.]

No. 98-5611. *COCHRAN v. NELSON ET AL.*, *ante*, p. 936. Motion of respondents for sanctions denied.

No. 98-7291. *IN RE SUMMERS*. Petition for writ of habeas corpus denied.

No. 98-778. *IN RE WEST*;

No. 98-913. *IN RE MUELLER*;

No. 98-6860. *IN RE VANDERBECK*; and

No. 98-7205. *IN RE WILLIAMS*. Petitions for writs of mandamus denied.

No. 98-6927. *IN RE CELESTINE*. Petition for writ of mandamus and/or prohibition denied.

January 19, 1999

525 U. S.

No. 98-6821. *IN RE SURLLES*. Petition for writ of prohibition denied.

*Certiorari Denied*

No. 98-127. *CAMPOS ET AL. v. TICKETMASTER CORP.* C. A. 8th Cir. Certiorari denied. Reported below: 140 F. 3d 1166.

No. 98-308. *CURRY v. UNITED STATES*. C. A. Armed Forces. Certiorari denied. Reported below: 48 M. J. 115.

No. 98-348. *TEXAS v. WALKER*; and  
No. 98-350. *WALKER v. TEXAS ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 142 F. 3d 813.

No. 98-456. *BOEHMS v. CROWELL ET AL., AS MEMBERS OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY*. C. A. 5th Cir. Certiorari denied. Reported below: 139 F. 3d 452.

No. 98-469. *KASHUBA v. LEGION INSURANCE CO., c/o BALLARD, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 139 F. 3d 1273.

No. 98-525. *OPERATION RESCUE NATIONAL ET AL. v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 147 F. 3d 68.

No. 98-576. *LABORDE v. IMMIGRATION AND NATURALIZATION SERVICE ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 145 F. 3d 1325.

No. 98-594. *DON LEE DISTRIBUTOR, INC. (WARREN), ET AL. v. NATIONAL LABOR RELATIONS BOARD ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 145 F. 3d 834.

No. 98-601. *DODDS v. AMERICAN BROADCASTING Co., INC.* C. A. 9th Cir. Certiorari denied. Reported below: 143 F. 3d 1053.

No. 98-605. *POUNDS v. DOUGLAS COUNTY BOARD OF COMMISSIONERS ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 141 F. 3d 1190.

No. 98-607. *GOETZ, DBA JERRY GOETZ & SONS v. GLICKMAN, SECRETARY OF AGRICULTURE, ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 149 F. 3d 1131.

525 U.S.

January 19, 1999

No. 98-614. ESTATE OF MUER, DECEASED *v.* KARBEL, PERSONAL REPRESENTATIVE OF THE ESTATE OF DRUMMEY ET AL., DECEASED; and

No. 98-817. KARBEL, PERSONAL REPRESENTATIVE OF THE ESTATE OF DRUMMEY ET AL. *v.* ESTATE OF MUER, DECEASED. C. A. 6th Cir. Certiorari denied. Reported below: 146 F. 3d 410.

No. 98-627. UNITED TRANSPORTATION UNION *v.* SLATER, SECRETARY OF TRANSPORTATION, ET AL. C. A. 8th Cir. Certiorari denied. Reported below: 149 F. 3d 851.

No. 98-630. HAMILTON *v.* DOCTOR'S ASSOCIATES, INC. C. A. 2d Cir. Certiorari denied. Reported below: 150 F. 3d 157.

No. 98-643. JAKUBOWSKI *v.* SECURITIES AND EXCHANGE COMMISSION. C. A. 7th Cir. Certiorari denied. Reported below: 150 F. 3d 675.

No. 98-651. LINDQUIST *v.* LOBECK ET AL. Dist. Ct. App. Fla., 4th Dist. Certiorari denied. Reported below: 706 So. 2d 358.

No. 98-661. PANI ET AL. *v.* EMPIRE BLUE CROSS BLUE SHIELD. C. A. 2d Cir. Certiorari denied. Reported below: 152 F. 3d 67.

No. 98-662. HART *v.* O'BRIEN ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 127 F. 3d 424.

No. 98-665. SLAUTTERBACK ET AL. *v.* IPC MUTUAL INDEMNITY, LTD. C. A. 11th Cir. Certiorari denied. Reported below: 132 F. 3d 47.

No. 98-671. CITIZENS FOR A CONSTITUTIONAL CONVENTION ET AL. *v.* YOSHINA, CHIEF ELECTION OFFICER OF HAWAII, ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 140 F. 3d 1218.

No. 98-677. ARMSTRONG *v.* NORTH CAROLINA STATE BOARD OF DENTAL EXAMINERS. Ct. App. N. C. Certiorari denied. Reported below: 129 N. C. App. 153, 499 S. E. 2d 462.

No. 98-688. ATEEQ *v.* NAJOR ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 152 F. 3d 928.

No. 98-692. RADECKI, INDIVIDUALLY AND AS PERSONAL REPRESENTATIVE OF THE ESTATE OF RADECKI, DECEASED, ET AL. *v.*

January 19, 1999

525 U. S.

BARELA ET AL. C. A. 10th Cir. Certiorari denied. Reported below: 146 F. 3d 1227.

No. 98-732. POLARIS INSURANCE CO., LTD. *v.* BRUNET ET AL. Ct. App. La., 5th Cir. Certiorari denied. Reported below: 711 So. 2d 308.

No. 98-733. POWELL ET AL. *v.* ALABAMA POWER Co. Sup. Ct. Ala. Certiorari denied. Reported below: 733 So. 2d 491.

No. 98-742. AMERICAN NATIONAL FIRE INSURANCE Co. *v.* PACIFIC INSURANCE Co. ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 148 F. 3d 396.

No. 98-747. QUARTZ CREEK LAND Co. *v.* CHILDERS. Ct. App. Colo. Certiorari denied. Reported below: 946 P. 2d 534.

No. 98-760. TRIPLETT ET AL. *v.* LIVINGSTON COUNTY BOARD OF EDUCATION ET AL. Ct. App. Ky. Certiorari denied. Reported below: 967 S. W. 2d 25.

No. 98-761. MARTIN *v.* BAUGH. C. A. 11th Cir. Certiorari denied. Reported below: 141 F. 3d 1417.

No. 98-775. MILLER *v.* VANNATTA ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 151 F. 3d 1215.

No. 98-779. UNITED STATES SURGICAL CORP. *v.* APPLIED MEDICAL RESOURCES CORP. C. A. Fed. Cir. Certiorari denied. Reported below: 147 F. 3d 1374.

No. 98-780. MCMILLAN *v.* MASSACHUSETTS SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS ET AL. C. A. 1st Cir. Certiorari denied. Reported below: 140 F. 3d 288.

No. 98-783. WRIGHT *v.* ERNST & YOUNG LLP. C. A. 2d Cir. Certiorari denied. Reported below: 152 F. 3d 169.

No. 98-784. PMC, INC. *v.* SHERWIN-WILLIAMS Co. C. A. 7th Cir. Certiorari denied. Reported below: 151 F. 3d 610.

No. 98-787. SCOTT *v.* CARGILL INVESTOR SERVICES, INC., ET AL. C. A. 11th Cir. Certiorari denied. Reported below: 144 F. 3d 55.

No. 98-788. CANADY ET AL. *v.* ALLSTATE INSURANCE Co. ET AL. C. A. 8th Cir. Certiorari denied. Reported below: 162 F. 3d 1163.

525 U.S.

January 19, 1999

No. 98-790. *MARTINEZ ARES v. MARTINEZ*. Ct. Civ. App. Ala. Certiorari denied. Reported below: 740 So. 2d 498.

No. 98-793. *SCHEERER ET VIR v. HARDEE'S FOOD SYSTEMS, INC.* C. A. 8th Cir. Certiorari denied. Reported below: 148 F. 3d 1036.

No. 98-795. *CALZADILLA CONSTRUCTION CORP. v. MUNICIPALITY OF VEGA BAJA*. Ct. App. P. R. Certiorari denied.

No. 98-797. *AMWEST SAVINGS ASSN. ET AL. v. STATEWIDE CAPITAL, INC., ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 144 F. 3d 885.

No. 98-798. *CHARTER PLC v. CAMERON, INDIVIDUALLY AND AS SPECIAL ADMINISTRATOR OF THE ESTATE OF LATTA, DECEASED, ET AL.* App. Ct. Ill., 4th Dist. Certiorari denied. Reported below: 296 Ill. App. 3d 978, 695 N. E. 2d 572.

No. 98-801. *RADFORD v. GENERAL DYNAMICS CORP. ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 151 F. 3d 396.

No. 98-802. *SHAMROCK FARMS CO. ET AL. v. VENEMAN, SECRETARY, CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 146 F. 3d 1177.

No. 98-806. *WESTLING ET UX. v. COUNTY OF MILLE LACS ET AL.* Sup. Ct. Minn. Certiorari denied. Reported below: 581 N. W. 2d 815.

No. 98-807. *KMART CORP., AS NAMED FIDUCIARY OF THE KMART CORPORATION MASTER WELFARE BENEFIT PLAN v. SCHLEIBAUM ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 153 F. 3d 496.

No. 98-811. *HOYOS ET AL. v. CAMILO-ROBLES*. C. A. 1st Cir. Certiorari denied. Reported below: 151 F. 3d 1.

No. 98-815. *BROWNING-FERRIS INDUSTRIES OF COLORADO, INC. v. DECKER*. Sup. Ct. Colo. Certiorari denied.

No. 98-820. *FORT BEND COUNTY v. BRADY ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 145 F. 3d 691.

No. 98-824. *WILSON v. HILL, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied.

January 19, 1999

525 U. S.

- No. 98-827. *IN RE ALDRICH, DISTRICT JUDGE*; and  
No. 98-6890. *SMITH v. WILKINSON ET AL.* C. A. 6th Cir.  
Certiorari denied. Reported below: 137 F. 3d 911.
- No. 98-828. *HOME BOY 2000 v. GUCCI AMERICA, INC., ET AL.*  
C. A. 2d Cir. Certiorari denied. Reported below: 158 F. 3d 631.
- No. 98-833. *SAMUEL MADDEN HOMES TENANT COUNCIL v.*  
*ALEXANDRIA RESIDENT COUNCIL, INC.* C. A. 4th Cir. Certio-  
rari denied. Reported below: 153 F. 3d 718.
- No. 98-850. *ROCKWELL INTERNATIONAL CORP. v. CELERITAS*  
*TECHNOLOGIES, LTD.* C. A. Fed. Cir. Certiorari denied. Re-  
ported below: 150 F. 3d 1354.
- No. 98-868. *PMC TRUST ET AL. v. FOOTHILLS TOWNHOME*  
*ASSN.* Ct. App. Cal., 4th App. Dist. Certiorari denied. Re-  
ported below: 65 Cal. App. 4th 688, 76 Cal. Rptr. 2d 516.
- No. 98-877. *MYERS v. THIRD JUDICIAL DISTRICT COURT OF*  
*SALT LAKE COUNTY ET AL.* C. A. 10th Cir. Certiorari denied.  
Reported below: 153 F. 3d 727.
- No. 98-879. *MAHURKAR v. C. R. BARD, INC.* C. A. Fed. Cir.  
Certiorari denied. Reported below: 155 F. 3d 574.
- No. 98-884. *LAKE JAMES COMMUNITY VOLUNTEER FIRE DE-*  
*PARTMENT, INC. v. BURKE COUNTY.* C. A. 4th Cir. Certiorari  
denied. Reported below: 149 F. 3d 277.
- No. 98-903. *MINNS, INDIVIDUALLY AND AS PARENT AND*  
*GUARDIAN OF MINNS (INFANT), ET AL. v. UNITED STATES.* C. A.  
4th Cir. Certiorari denied. Reported below: 155 F. 3d 445.
- No. 98-910. *YOUNG v. DALEY, SECRETARY OF COMMERCE.*  
C. A. D. C. Cir. Certiorari denied.
- No. 98-914. *WRIGHT v. UNITED STATES.* C. A. 4th Cir. Cer-  
tiorari denied. Reported below: 163 F. 3d 600.
- No. 98-922. *BARNETT v. DEPARTMENT OF VETERANS AF-*  
*FAIRS.* C. A. 6th Cir. Certiorari denied. Reported below: 153  
F. 3d 338.
- No. 98-937. *HARRIS ET AL. v. UNITED STATES ET AL.* C. A.  
9th Cir. Certiorari denied. Reported below: 163 F. 3d 606.

525 U.S.

January 19, 1999

No. 98-944. *FISHER ET AL. v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 4th Cir. Certiorari denied. Reported below: 141 F. 3d 1158.

No. 98-946. *SHLIKAS v. WAKE FOREST UNIVERSITY ET AL.* C. A. 4th Cir. Certiorari denied.

No. 98-948. *JACKSON v. UNITED STATES*. C. A. Armed Forces. Certiorari denied. Reported below: 48 M. J. 292.

No. 98-953. *BOWMAN v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 4th Cir. Certiorari denied. Reported below: 149 F. 3d 1167.

No. 98-955. *THAI v. BOARD OF REVIEW, NEW JERSEY DEPARTMENT OF LABOR*. Super. Ct. N. J., App. Div. Certiorari denied.

No. 98-973. *BOUCHAT v. MARYLAND*. Ct. Sp. App. Md. Certiorari denied. Reported below: 122 Md. App. 787.

No. 98-5607. *DONALDSON v. DEPARTMENT OF AGRICULTURE*. C. A. 6th Cir. Certiorari denied.

No. 98-5816. *IYEGHA v. UNITED AIRLINES, INC.* Sup. Ct. Ala. Certiorari denied. Reported below: 734 So. 2d 1002.

No. 98-6016. *SANTA MARIA-MARTINEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 143 F. 3d 914.

No. 98-6100. *EDGE v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 155 F. 3d 562.

No. 98-6148. *PERCESEPE v. NEW YORK STATE DEPARTMENT OF LABOR ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 125 F. 3d 844.

No. 98-6161. *HOLLY v. MISSISSIPPI*. Sup. Ct. Miss. Certiorari denied. Reported below: 716 So. 2d 979.

No. 98-6208. *NEELY v. NEWTON, WARDEN, ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 149 F. 3d 1074.

No. 98-6365. *EVEHEMA ET AL. v. INDIAN HEALTH SERVICES ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 141 F. 3d 1182.

January 19, 1999

525 U. S.

No. 98-6397. *BEN-YISRAYL v. INDIANA*. Sup. Ct. Ind. Certiorari denied. Reported below: 690 N. E. 2d 1141.

No. 98-6400. *LUCAS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 138 F. 3d 956.

No. 98-6451. *WHITAKER v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied. Reported below: 977 S. W. 2d 595.

No. 98-6514. *JOHNSTON v. DEPARTMENT OF VETERANS AFFAIRS*. C. A. Fed. Cir. Certiorari denied. Reported below: 152 F. 3d 941.

No. 98-6517. *NEVIUS v. MCDANIEL, WARDEN, ET AL.* Sup. Ct. Nev. Certiorari denied. Reported below: 112 Nev. 1734.

No. 98-6521. *LESKO v. PENNSYLVANIA*. Sup. Ct. Pa. Certiorari denied. Reported below: 553 Pa. 233, 719 A. 2d 217.

No. 98-6575. *VERNER v. UNITED STATES PAROLE COMMISSION*. C. A. 10th Cir. Certiorari denied. Reported below: 150 F. 3d 1172.

No. 98-6798. *RICHARDS v. BERGE, WARDEN*. C. A. 7th Cir. Certiorari denied.

No. 98-6799. *PARSON v. SENKOWSKI, SUPERINTENDENT, CLINTON CORRECTIONAL FACILITY*. C. A. 2d Cir. Certiorari denied.

No. 98-6801. *MARTIN v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 98-6811. *VARGAS v. JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 98-6824. *KNIGHT v. CIRCUIT COURT OF ALABAMA, HOUSTON COUNTY*. Sup. Ct. Ala. Certiorari denied.

No. 98-6825. *LEWIS v. TEXAS*. C. A. 5th Cir. Certiorari denied.

No. 98-6829. *PETERSON v. FLORIDA*. Dist. Ct. App. Fla., 5th Dist. Certiorari denied. Reported below: 725 So. 2d 1137.

No. 98-6839. *HAYES v. GOORD, COMMISSIONER, NEW YORK DEPARTMENT OF CORRECTIONAL SERVICES, ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 142 F. 3d 517.

525 U.S.

January 19, 1999

No. 98-6840. *HUMPHREY v. REDMON*. Sup. Ct. Mont. Certiorari denied. Reported below: 290 Mont. 530, 977 P. 2d 342.

No. 98-6841. *DAY v. PURKETT, SUPERINTENDENT, FARMINGTON CORRECTIONAL CENTER*. C. A. 8th Cir. Certiorari denied.

No. 98-6843. *GASTER v. MOORE, DIRECTOR, SOUTH CAROLINA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 149 F. 3d 1168.

No. 98-6844. *FLOYD v. NORRIS, DIRECTOR, ARKANSAS DEPARTMENT OF CORRECTION*. C. A. 8th Cir. Certiorari denied.

No. 98-6845. *HARRISON v. PITCHER, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 98-6846. *FLOURNOY v. GLAZIER*. C. A. 9th Cir. Certiorari denied.

No. 98-6851. *GARCIA QUINTERO v. NORTH CAROLINA DEPARTMENT OF CORRECTIONS*. C. A. 4th Cir. Certiorari denied. Reported below: 153 F. 3d 721.

No. 98-6862. *SIMPSON v. SIMPSON*. Super. Ct. Cobb County, Ga. Certiorari denied.

No. 98-6865. *STEIN v. WOOD, SUPERINTENDENT, WASHINGTON STATE PENITENTIARY*. C. A. 9th Cir. Certiorari denied. Reported below: 134 F. 3d 379.

No. 98-6867. *PERRY v. OKLAHOMA*. Ct. Crim. App. Okla. Certiorari denied.

No. 98-6870. *TAYLOR v. SINGLETARY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS*. C. A. 11th Cir. Certiorari denied. Reported below: 148 F. 3d 1276.

No. 98-6871. *WARREN v. NEVADA*. Sup. Ct. Nev. Certiorari denied.

No. 98-6872. *WILLIAMS v. WALGREEN Co.* C. A. 9th Cir. Certiorari denied. Reported below: 152 F. 3d 932.

No. 98-6884. *KINDRED v. NORTHOME/INDUS. INDEPENDENT SCHOOL DISTRICT 363*. C. A. 8th Cir. Certiorari denied. Reported below: 154 F. 3d 801.

January 19, 1999

525 U. S.

No. 98-6886. *PAL v. PAL*. App. Div., Sup. Ct. N. Y., 2d Jud. Dept. Certiorari denied.

No. 98-6893. *LEAPHART v. MICHIGAN DEPARTMENT OF CORRECTIONS*. Ct. App. Mich. Certiorari denied.

No. 98-6894. *MOBLEY v. STINSON, SUPERINTENDENT, GREAT MEADOW CORRECTIONAL FACILITY*. C. A. 2d Cir. Certiorari denied.

No. 98-6896. *HADDERTON v. HADDERTON*. Ct. App. Tex., 7th Dist. Certiorari denied.

No. 98-6898. *EDMOND v. BATSON*. C. A. 11th Cir. Certiorari denied.

No. 98-6899. *DICKERSON v. LEAVITT RENTALS ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 153 F. 3d 726.

No. 98-6900. *JENKINS v. HILL, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 163 F. 3d 606.

No. 98-6908. *SERRANO v. THOMAS, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 98-6909. *PLAIR v. PRICE, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT PITTSBURGH*. C. A. 3d Cir. Certiorari denied.

No. 98-6913. *NEWCOMB v. MORGAN, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 98-6914. *DAURE v. SINGLETARY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 144 F. 3d 56.

No. 98-6920. *JOHNSON v. PURKETT, SUPERINTENDENT, FARMINGTON CORRECTIONAL CENTER, ET AL.* C. A. 8th Cir. Certiorari denied.

No. 98-6936. *VASALKA v. KEANE, SUPERINTENDENT, SING SING CORRECTIONAL FACILITY*. C. A. 2d Cir. Certiorari denied.

No. 98-6939. *LEE v. JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION*. C. A. 5th Cir. Certiorari denied.

525 U.S.

January 19, 1999

No. 98-6941. *GREEN v. NORTH CAROLINA*. Sup. Ct. N. C. Certiorari denied. Reported below: 348 N. C. 588, 502 S. E. 2d 819.

No. 98-6944. *BRADFIELD v. COMPTON ET AL.* Ct. App. Tenn. Certiorari denied.

No. 98-6996. *PEROTTI v. COLLINS, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 98-7000. *SANFORD v. GILLIS, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT COAL TOWNSHIP, ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 166 F. 3d 1206.

No. 98-7011. *SUMTER v. NATIONAL LABOR RELATIONS BOARD*. C. A. 3d Cir. Certiorari denied.

No. 98-7015. *NOLLMEYER v. UNITED STATES ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 153 F. 3d 728.

No. 98-7039. *MARTINEZ v. NEW MEXICO ET AL.* Sup. Ct. N. M. Certiorari denied.

No. 98-7044. *THOMAS v. DEPARTMENT OF THE NAVY*. C. A. Fed. Cir. Certiorari denied. Reported below: 155 F. 3d 570.

No. 98-7072. *LAWHORN v. FLEMING, WARDEN, ET AL.; LAWHORN v. ANGELONE, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS, ET AL.; and LAWHORN v. FLEMING, WARDEN, ET AL.* C. A. 4th Cir. Certiorari denied.

No. 98-7080. *BURGESS v. UNITED STATES ET AL.* C. A. 9th Cir. Certiorari denied.

No. 98-7094. *FERMIN v. NEW YORK*. App. Div., Sup. Ct. N. Y., 1st Jud. Dept. Certiorari denied. Reported below: 250 App. Div. 2d 389, 673 N. Y. S. 2d 84.

No. 98-7095. *HOWARD v. BOWERSOX, SUPERINTENDENT, POTOSI CORRECTIONAL CENTER*. C. A. 8th Cir. Certiorari denied.

No. 98-7125. *HARRELL v. DEPARTMENT OF JUSTICE, CIVIL RIGHTS DIVISION*. C. A. D. C. Cir. Certiorari denied.

No. 98-7133. *TURNER v. JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION*. C. A. 5th Cir. Certiorari denied.

January 19, 1999

525 U. S.

No. 98-7137. *BROWN v. JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 98-7138. *CUNNINGHAM v. HEUSZEL, WARDEN, ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 157 F. 3d 902.

No. 98-7142. *DOPSON v. ILLINOIS*. App. Ct. Ill., 4th Dist. Certiorari denied. Reported below: 296 Ill. App. 3d 1088, 726 N. E. 2d 1197.

No. 98-7145. *ABOUHALIMA v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 152 F. 3d 88.

No. 98-7177. *JONES v. MISSOURI*. Sup. Ct. Mo. Certiorari denied. Reported below: 979 S. W. 2d 171.

No. 98-7209. *PACHECO v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 154 F. 3d 1236.

No. 98-7213. *BEVERLY v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 98-7220. *CAMPOS v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 98-7223. *EVANS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 148 F. 3d 477.

No. 98-7224. *ORTIZ RAMIRES v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 98-7225. *SHENBERG v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 146 F. 3d 871.

No. 98-7226. *PAYNE v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 164 F. 3d 626.

No. 98-7229. *CROSS v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 98-7231. *CRUZ-SANTANA v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 165 F. 3d 29.

No. 98-7237. *FRANKLYN, AKA FRANKLIN v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 157 F. 3d 90.

No. 98-7239. *GONZALEZ MUNOZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 150 F. 3d 401.

525 U.S.

January 19, 1999

No. 98-7245. *VASSELL v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 163 F. 3d 600.

No. 98-7247. *VAUTIER v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 144 F. 3d 756.

No. 98-7248. *MCNEAL v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 164 F. 3d 621.

No. 98-7250. *SHERWOOD v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 156 F. 3d 219.

No. 98-7251. *ROGERS v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 150 F. 3d 851.

No. 98-7254. *SEWELL v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 98-7257. *RICKS v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 165 F. 3d 29.

No. 98-7270. *TINSLEY ET AL. v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 166 F. 3d 336.

No. 98-7271. *BUMAN v. WISCONSIN*. Ct. App. Wis. Certiorari denied. Reported below: 220 Wis. 2d 357, 582 N. W. 2d 504.

No. 98-7275. *CROUSHORN v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 98-7277. *AHMAD v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 162 F. 3d 1156.

No. 98-7281. *WILLIAMS v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 154 F. 3d 655.

No. 98-7282. *TUTT v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 165 F. 3d 29.

No. 98-652. *SBC COMMUNICATIONS, INC., ET AL. v. FEDERAL COMMUNICATIONS COMMISSION ET AL.* C. A. 5th Cir. Motion of Texas Justice Foundation for leave to file a brief as *amicus curiae* granted. Certiorari denied. JUSTICE O'CONNOR took no part in the consideration or decision of this motion and this petition. Reported below: 154 F. 3d 226.

No. 98-653. *BELL ATLANTIC CORP. v. FEDERAL COMMUNICATIONS COMMISSION ET AL.* C. A. 5th Cir. Certiorari de-

January 19, 1999

525 U. S.

nied. JUSTICE O'CONNOR took no part in the consideration or decision of this petition. Reported below: 154 F. 3d 226.

No. 98-687. NEW JERSEY *v.* NELSON. Sup. Ct. N. J. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 155 N. J. 487, 715 A. 2d 281.

No. 98-737. MARSHALL ET AL. *v.* SUSTER ET AL. C. A. 6th Cir. Motion of Secretary of State of Connecticut et al. for leave to file a brief as *amici curiae* granted. Certiorari denied. Reported below: 149 F. 3d 523.

No. 98-799. KAUTHER SDN BHD *v.* STERNBERG ET AL. C. A. 7th Cir. Motion of American Association of Retired Persons et al. for leave to file a brief as *amici curiae* granted. Certiorari denied. Reported below: 149 F. 3d 659.

No. 98-819. KRELL ET AL. *v.* PRUDENTIAL INSURANCE COMPANY OF AMERICA; and

No. 98-888. JOHNSON *v.* PRUDENTIAL INSURANCE COMPANY OF AMERICA. C. A. 3d Cir. Certiorari denied. JUSTICE BREYER took no part in the consideration or decision of these petitions. Reported below: 148 F. 3d 283.

No. 98-5021. RIGGS *v.* CALIFORNIA. Ct. App. Cal., 4th App. Dist. Certiorari denied.

Opinion of JUSTICE STEVENS, with whom JUSTICE SOUTER and JUSTICE GINSBURG join, respecting the denial of the petition for a writ of certiorari.

This *pro se* petition for certiorari raises a serious question concerning the application of California's "three strikes" law, Cal. Penal Code Ann. § 667 (West Supp. 1998), to petty offenses.

In 1995, petitioner stole a bottle of vitamins from a supermarket. The California Court of Appeal described his offense as "a petty theft motivated by homelessness and hunger." App. to Pet. for Cert. 12. If this had been petitioner's first offense, it would have been treated as a misdemeanor punishable by a fine or a jail sentence of six months or less. See Cal. Penal Code Ann. § 490 (West 1988). Because of petitioner's prior record, however, the trial judge was authorized, and perhaps even required, to treat the crime as a felony. See Cal. Penal Code Ann. § 666 (West Supp. 1998); *People v. Terry*, 47 Cal. App. 4th 329, 54 Cal. Rptr. 2d 769 (1996); *People v. Dent*, 38 Cal. App. 4th 1726,

45 Cal. Rptr. 2d 746 (1995). Having elevated the character of the offense, the judge was then compelled to apply the mandatory sentencing provisions of the three-strikes law and to impose a minimum sentence of 25 years to life imprisonment. See Cal. Penal Code Ann. § 667(e)(2)(A) (West Supp. 1998) (requiring that persons convicted of a “felony” who have two prior qualifying felony convictions be so sentenced). Petitioner asks us to decide that this sentence is so “grossly disproportionate” to his crime that it violates the Eighth Amendment. See *Harmelin v. Michigan*, 501 U. S. 957, 1001 (1991) (KENNEDY, J., concurring in part and concurring in judgment).

This question is obviously substantial, particularly since California appears to be the only State in which a misdemeanor could receive such a severe sentence. See *id.*, at 1004–1005 (opinion of KENNEDY, J.); *Solem v. Helm*, 463 U. S. 277, 291 (1983). While this Court has traditionally accorded to state legislatures considerable (but not unlimited) deference to determine the length of sentences “for crimes concededly classified and classifiable as felonies,” *Rummel v. Estelle*, 445 U. S. 263, 274 (1980), petty theft does not appear to fall into that category. Furthermore, petty theft has many characteristics in common with the crime for which we invalidated a life sentence in *Solem*, uttering a “no account” check for \$100. “It involve[s] neither violence nor [the] threat of violence to any person”; the amount of money involved is relatively small; and the State treats the crime as a felony (here, only under certain circumstances) pursuant to a unique quirk in state law. 463 U. S., at 296, and n. 20.

Nevertheless, there are valid reasons for not issuing the writ in this case. Neither the California Supreme Court nor any federal tribunal has yet addressed the question. Given the fact that a defendant’s prior criminal record may play a dual role in the enhancement scheme—first converting the misdemeanor into a felony, and then invoking the provisions of the three-strikes law—there is some uncertainty about how our cases dealing with the punishment of recidivists should apply. We have of course held that “a State is justified in punishing a recidivist more severely than it punishes a first offender.” *Id.*, at 296. But in order to avoid double jeopardy concerns, we have repeatedly emphasized that under recidivist sentencing schemes “the enhanced punishment imposed for the [present] offense ‘is not to be viewed as . . . [an] additional penalty for the earlier crimes,’ but instead as ‘a

January 19, 1999

525 U. S.

stiffened penalty for the latest crime, which is considered to be an aggravated offense because a repetitive one.’” *Witte v. United States*, 515 U. S. 389, 400 (1995) (quoting *Gryger v. Burke*, 334 U. S. 728, 732 (1948)). See also *Moore v. Missouri*, 159 U. S. 673, 677 (1895) (under a recidivist statute, “the accused is not again punished for the first offence” because “the punishment is for the last offence committed, and it is rendered more severe in consequence of the situation into which the party had previously brought himself”). It is thus unclear how, if at all, a defendant’s criminal record beyond the requisite two prior “strikes”—petitioner in this case has eight prior felony convictions—affects the constitutionality of his sentence, especially when the State “double counts” the defendant’s recidivism in the course of imposing that punishment. Cf. *Solem*, 463 U. S., at 298–299; *Rummel*, 445 U. S., at 274, n. 11.

The denial of this petition for certiorari, as always, does not constitute a ruling on the merits. Moreover, since petitioner is asking us to apply a settled rule of Eighth Amendment law, rather than to fashion a new rule, his claim may be asserted in federal court by way of an application for a writ of habeas corpus. See *Spencer v. Georgia*, 500 U. S. 960 (1991) (KENNEDY, J., concurring in denial of certiorari). It is therefore prudent for this Court to await review by other courts before addressing the issue. Cf. *McCray v. New York*, 461 U. S. 961 (1983) (opinion of STEVENS, J., respecting denial of certiorari).

JUSTICE BREYER, dissenting.

I agree with JUSTICE STEVENS that this petition for certiorari raises a serious question concerning the application of a “three-strikes” law to what is in essence a petty offense. I believe it appropriate to review that question in this case and would grant the writ of certiorari.

No. 98–6065. *LOPEZ v. SINGLETARY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* Sup. Ct. Fla. Motion of petitioner to strike the appendix and portions of the brief in opposition denied. Certiorari denied. Reported below: 719 So. 2d 287.

*Rehearing Denied*

No. 97–8515. *FRANKLIN v. JONES, WARDEN, ET AL.*, ante, p. 828;

525 U.S.

January 19, 20, 1999

- No. 97-8888. GREEN *v.* SPITZER, ATTORNEY GENERAL OF NEW YORK, *ante*, p. 830;
- No. 97-9389. FLEMING *v.* UNITED STATES ET AL., *ante*, p. 848;
- No. 97-9425. FLY *v.* GEORGIA, *ante*, p. 850;
- No. 98-52. DUBIN *v.* UNITED STATES, *ante*, p. 870;
- No. 98-105. URBANO *v.* CONTINENTAL AIRLINES, INC., *ante*, p. 1000;
- No. 98-363. MOORE ET AL. *v.* TIME WARNER, INC., ET AL., *ante*, p. 1016;
- No. 98-588. IN RE SMITH, *ante*, p. 1019;
- No. 98-641. ZVENIA *v.* NEVADA, *ante*, p. 1020;
- No. 98-705. SCHULER *v.* MCGRAW-HILL COS., INC., ET AL., *ante*, p. 1020;
- No. 98-5841. SHERRILLS *v.* UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OHIO, *ante*, p. 952;
- No. 98-5990. SALLEE *v.* UNITED STATES, *ante*, p. 941;
- No. 98-6062. QUARTERMAN *v.* LEWIS, JUDGE, PROBATE COURT OF CHATHAM COUNTY, GEORGIA, *ante*, p. 1006;
- No. 98-6073. SIKORA *v.* HOUSTON ET AL., *ante*, p. 1006;
- No. 98-6250. LOPEZ *v.* DOUGLAS, WARDEN, ET AL., *ante*, p. 1024;
- No. 98-6280. FERNANDEZ *v.* HOME SAVINGS OF AMERICA, *ante*, p. 1025;
- No. 98-6344. SUMLER *v.* UNITED STATES, *ante*, p. 987; and
- No. 98-6525. TCHAKMAKJIAN *v.* COHEN, SECRETARY OF DEFENSE, *ante*, p. 1028. Petitions for rehearing denied.
- No. 98-5735. JONES ET AL. *v.* SMITH ET AL., *ante*, p. 951. Motion for leave to file petition for rehearing denied.
- No. 98-5813. SPIGELSKI *v.* McDONALD'S, *ante*, p. 969. Petition for rehearing denied. JUSTICE BREYER took no part in the consideration or decision of this petition.

JANUARY 20, 1999

*Certiorari Denied*

No. 98-7680 (A-581). SHEPPARD *v.* TAYLOR, WARDEN. C. A. 4th Cir. Application for stay of execution of sentence of death, addressed to THE CHIEF JUSTICE, 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: 165 F. 3d 19.

January 20, 22, 1999

525 U. S.

No. 98-7715 (A-585). SHEPPARD *v.* EARLEY, ATTORNEY GENERAL OF VIRGINIA. C. A. 4th Cir. Application for preliminary injunction, addressed to THE CHIEF JUSTICE, and by him referred to the Court, denied. Certiorari denied. Reported below: 168 F. 3d 689.

JANUARY 22, 1999

*Miscellaneous Order*

No. A-603. ATKINS *v.* CATOE, INTERIM DIRECTOR, SOUTH CAROLINA DEPARTMENT OF CORRECTIONS, ET AL. Application for stay of execution of sentence of death, addressed to THE CHIEF JUSTICE, and by him referred to the Court, denied.

*Probable Jurisdiction Noted*

No. 98-405. RENO, ATTORNEY GENERAL *v.* BOSSIER PARISH SCHOOL BOARD; and

No. 98-406. PRICE ET AL. *v.* BOSSIER PARISH SCHOOL BOARD. Appeals from D. C. D. C. Probable jurisdiction noted, cases consolidated, and a total of one hour allotted for oral argument. Briefs of appellants are to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Friday, March 5, 1999. Brief of appellee is to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Friday, April 2, 1999. Reply briefs, if any, are to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Friday, April 16, 1999. This Court's Rule 29.2 does not apply. Reported below: 7 F. Supp. 2d 29.

*Certiorari Granted*

No. 98-830. AMOCO PRODUCTION CO., ON BEHALF OF ITSELF AND THE CLASS IT REPRESENTS *v.* SOUTHERN UTE INDIAN TRIBE 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., Friday, March 5, 1999. Briefs of respondents are to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Friday, April 2, 1999. A reply brief, if any, is to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Friday, April 16, 1999. This Court's Rule 29.2 does not apply. JUSTICE BREYER took no part in the

525 U.S.

January 22, 25, 1999

consideration or decision of this petition.\* Reported below: 151 F. 3d 1251.

*Certiorari Denied*

No. 98-7077. SAUCEDA VEGA *v.* JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION. C. A. 5th Cir. Certiorari denied. Reported below: 149 F. 3d 354.

JANUARY 25, 1999

*Dismissals Under Rule 46*

No. 98-881. MINNESOTA MUTUAL LIFE INSURANCE CO. *v.* HAGAN ET AL.; and

No. 98-911. PARAGON FINANCIAL SERVICES, INC., ET AL. *v.* HAGAN ET AL. Sup. Ct. Ala. Certiorari dismissed under this Court's Rule 46.1. Reported below: 721 So. 2d 167.

No. 98-945. BRYAN *v.* NORFOLK SOUTHERN RAILWAY CO. C. A. 8th Cir. Certiorari dismissed under this Court's Rule 46.1. Reported below: 154 F. 3d 899.

*Miscellaneous Orders*

No. D-2007. IN RE DISBARMENT OF MONSOUR. Disbarment entered. [For earlier order herein, see *ante*, p. 958.]

No. D-2010. IN RE DISBARMENT OF BEREANO. Disbarment entered. [For earlier order herein, see *ante*, p. 998.]

No. D-2014. IN RE DISBARMENT OF MYERSON. Disbarment entered. [For earlier order herein, see *ante*, p. 998.]

No. M-39. WOODS *v.* UNITED STATES. Motion for leave to file petition for writ of certiorari under seal with redacted copies for the public record granted.

No. M-40. SCHUBERT *v.* SUPERIOR COURT OF WASHINGTON. Motion to direct the Clerk to file petition for writ of certiorari out of time denied.

No. 97-1008. CLEVELAND *v.* POLICY MANAGEMENT SYSTEMS CORP. ET AL. C. A. 5th Cir. [Certiorari granted, *ante*, p. 808.]

---

\*[REPORTER'S NOTE: For amendment of this order, see *post*, p. 1130.]

January 25, 1999

525 U. S.

Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 97-1868. UNUM LIFE INSURANCE COMPANY OF AMERICA *v.* WARD. C. A. 9th Cir. [Certiorari granted, *ante*, p. 928.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 98-6. EL PASO NATURAL GAS CO. ET AL. *v.* NEZTSOSIE ET AL. C. A. 9th Cir. [Certiorari granted, *ante*, p. 928.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 98-208. KOLSTAD *v.* AMERICAN DENTAL ASSOCIATION. C. A. D. C. Cir. [Certiorari granted, *ante*, p. 960.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 98-10. JEFFERSON COUNTY, ALABAMA *v.* ACKER, SENIOR JUDGE, UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF ALABAMA, ET AL. C. A. 11th Cir. [Certiorari granted, *ante*, p. 1039.] Motion of the parties to dispense with printing the joint appendix granted.

No. 98-7024. LANDSBERGER *v.* SCHAFFER, JUDGE, SUPERIOR COURT OF ARIZONA, MARICOPA COUNTY, ET AL. C. A. 9th Cir.; and

No. 98-7374. THIELE *v.* UNITED STATES. C. A. 9th Cir. Motions of petitioners for leave to proceed *in forma pauperis* denied. Petitioners are allowed until February 16, 1999, within which to pay the docketing fee required by Rule 38(a) and to submit petitions in compliance with Rule 33.1 of the Rules of this Court.

No. 98-7311. VAN WAGNER *v.* HENRY, WARDEN. C. A. 4th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied. See this Court's Rule 39.8. Petitioner is allowed until February 16, 1999, within which to pay the docketing fee required by Rule 38(a) and to submit a petition in compliance with Rule 33.1 of the Rules of this Court.

No. 98-7358. IN RE MOORE; and

No. 98-7445. IN RE HILL. Petitions for writs of habeas corpus denied.

No. 98-7343. IN RE DUNN. Petition for writ of mandamus denied.

525 U.S.

January 25, 1999

*Certiorari Granted*

No. 98-678. LOS ANGELES POLICE DEPARTMENT *v.* UNITED REPORTING PUBLISHING CORP. C. A. 9th Cir. Certiorari granted. Reported below: 146 F. 3d 1133.

No. 98-963. NIXON, ATTORNEY GENERAL OF MISSOURI, ET AL. *v.* SHRINK MISSOURI GOVERNMENT PAC ET AL. C. A. 8th Cir. Certiorari granted. Reported below: 161 F. 3d 519.

No. 98-791. KIMEL ET AL. *v.* FLORIDA BOARD OF REGENTS ET AL.; and

No. 98-796. UNITED STATES *v.* FLORIDA BOARD OF REGENTS ET AL. C. A. 11th Cir. Certiorari granted, cases consolidated, and a total of one hour allotted for oral argument. Reported below: 139 F. 3d 1426.

*Certiorari Denied*

No. 98-492. BEVERLY HEALTH & REHABILITATION SERVICES, INC., ET AL. *v.* KOBELL ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 142 F. 3d 428.

No. 98-655. SANDS ET AL. *v.* SECURITIES AND EXCHANGE COMMISSION. C. A. 9th Cir. Certiorari denied. Reported below: 142 F. 3d 1186.

No. 98-660. MARROQUIN ET UX. *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 144 F. 3d 51.

No. 98-722. DAVIS *v.* ZIRKELBACH ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 149 F. 3d 614.

No. 98-774. ATLANTIC LLOYD'S INSURANCE COMPANY OF TEXAS ET AL. *v.* ZURICH INSURANCE CO. ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 146 F. 3d 868.

No. 98-832. MILLER & SON PAVING, INC. *v.* PLUMSTEAD TOWNSHIP. Sup. Ct. Pa. Certiorari denied. Reported below: 552 Pa. 652, 717 A. 2d 483.

No. 98-840. HEUSSER *v.* MLQ INVESTORS, L. P. C. A. 9th Cir. Certiorari denied. Reported below: 146 F. 3d 746.

No. 98-842. DERRYBERRY, INDIVIDUALLY AND AS NEXT FRIEND OF BRYANT *v.* NATIONSBANK OF TEXAS, N. A., FKA

January 25, 1999

525 U. S.

N. C. N. B. TEXAS NATIONAL BANK. Ct. App. Tex., 1st Dist. Certiorari denied.

No. 98-846. STENCEL *v.* EMARD. C. A. 9th Cir. Certiorari denied. Reported below: 153 F. 3d 949.

No. 98-854. THOMAS *v.* MISSOURI. Ct. App. Mo., Western Dist. Certiorari denied. Reported below: 972 S. W. 2d 309.

No. 98-862. WATSON *v.* FIRST NATIONAL BANKCARD CENTER. C. A. 8th Cir. Certiorari denied. Reported below: 162 F. 3d 1166.

No. 98-865. ANR PIPELINE CO. ET AL. *v.* LAFAYER, SECRETARY, KANSAS DEPARTMENT OF REVENUE, ET AL. C. A. 10th Cir. Certiorari denied. Reported below: 150 F. 3d 1178.

No. 98-872. TAHARA *v.* MATSON TERMINALS, INC., ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 152 F. 3d 929.

No. 98-883. MICHIGAN AUTOMOTIVE RESEARCH CORP. *v.* MICHIGAN DEPARTMENT OF TREASURY. Ct. App. Mich. Certiorari denied. Reported below: 222 Mich. App. 227, 564 N. W. 2d 503.

No. 98-887. MILLER *v.* MILLER. Ct. App. Cal., 5th App. Dist. Certiorari denied. Reported below: 64 Cal. App. 4th 111, 74 Cal. Rptr. 2d 797.

No. 98-891. HIRSCHFELD *v.* ZLAKET, CHIEF JUSTICE, ARIZONA SUPREME COURT, ET AL. Sup. Ct. Ariz. Certiorari denied. Reported below: 192 Ariz. 40, 960 P. 2d 640.

No. 98-894. SCOTT *v.* OHIO. Ct. App. Ohio, Mahoning County. Certiorari denied.

No. 98-900. COLLIN *v.* UNIVERSITY OF VIRGINIA ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 163 F. 3d 598.

No. 98-901. TOKHEIM *v.* COMMODITY FUTURES TRADING COMMISSION. C. A. 7th Cir. Certiorari denied. Reported below: 153 F. 3d 474.

No. 98-902. PLAZA *v.* GENERAL ASSURANCE CO., AKA GENERAL ACCIDENT INSURANCE CO. App. Div., Sup. Ct. N. Y., 1st

525 U.S.

January 25, 1999

Jud. Dept. Certiorari denied. Reported below: 244 App. Div. 2d 238, 664 N. Y. S. 2d 444.

No. 98-908. *MOSS v. CITY OF MONTGOMERY ET AL.* C. A. 11th Cir. Certiorari denied.

No. 98-925. *PARHAM v. MISSISSIPPI.* Sup. Ct. Miss. Certiorari denied. Reported below: 722 So. 2d 465.

No. 98-936. *PEREZ v. ARIZONA.* Ct. App. Ariz. Certiorari denied.

No. 98-956. *CANNON ET AL. v. WILLIAMS.* C. A. 1st Cir. Certiorari denied. Reported below: 156 F. 3d 86.

No. 98-968. *JOHNSON v. ILLINOIS.* App. Ct. Ill., 3d Dist. Certiorari denied. Reported below: 296 Ill. App. 3d 1082, 726 N. E. 2d 1195.

No. 98-979. *GHENT v. NEW YORK ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 164 F. 3d 617.

No. 98-984. *ERWIN v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. Reported below: 155 F. 3d 818.

No. 98-997. *DICKEY v. CITY OF HARTSVILLE ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 149 F. 3d 1167.

No. 98-1000. *DACHMAN v. SCHWIETERMAN ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 155 F. 3d 558.

No. 98-1006. *MISZKO v. SPITZER, ATTORNEY GENERAL OF NEW YORK, ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 164 F. 3d 618.

No. 98-1015. *OWENS v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 158 F. 3d 584.

No. 98-1017. *JUDA v. UNITED STATES.* C. A. 9th Cir. Certiorari denied.

No. 98-6180. *THOMAS v. GILMORE, WARDEN.* C. A. 7th Cir. Certiorari denied. Reported below: 144 F. 3d 513.

No. 98-6374. *BENEVIDES v. CALIFORNIA.* Ct. App. Cal., 5th App. Dist. Certiorari denied. Reported below: 64 Cal. App. 4th 728, 75 Cal. Rptr. 2d 388.

January 25, 1999

525 U. S.

No. 98-6592. *FALGE v. APFEL, COMMISSIONER OF SOCIAL SECURITY*. C. A. 11th Cir. Certiorari denied. Reported below: 150 F. 3d 1320.

No. 98-6802. *IHEKE v. UNITED STATES*; and  
No. 98-7030. *EMUCHAY v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 156 F. 3d 185.

No. 98-6932. *PERRY v. UNITED PARCEL SERVICE*. C. A. 11th Cir. Certiorari denied.

No. 98-6933. *CLEMONS v. ALABAMA*. Sup. Ct. Ala. Certiorari denied. Reported below: 720 So. 2d 985.

No. 98-6952. *ANSLEY v. GREENBUS LINES, INC., ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 159 F. 3d 1345.

No. 98-6955. *BERGNE v. DUNCAN, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 98-6956. *AMADOR v. GREINER, SUPERINTENDENT, SING SING CORRECTIONAL FACILITY*. C. A. 2d Cir. Certiorari denied.

No. 98-6957. *COHEA v. UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA*. C. A. 9th Cir. Certiorari denied.

No. 98-6959. *CARPENTER v. MILLS, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 98-6966. *ROSENBERG v. HYATT HOTEL AND RESORT ET AL.* C. A. D. C. Cir. Certiorari denied. Reported below: 172 F. 3d 920.

No. 98-6970. *SPAIN v. VIRGINIA*. C. A. 4th Cir. Certiorari denied. Reported below: 165 F. 3d 20.

No. 98-6972. *BONNETT v. NORTH CAROLINA*. Sup. Ct. N. C. Certiorari denied. Reported below: 348 N. C. 417, 502 S. E. 2d 563.

No. 98-6978. *LAWRENCE v. TURPIN, WARDEN, ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 152 F. 3d 933.

No. 98-6979. *KISKILA ET UX. v. BUSINESS EXCHANGE, INC.* Ct. App. Cal., 4th App. Dist. Certiorari denied.

525 U.S.

January 25, 1999

No. 98-6980. *NINEMIRE v. STOVALL, ATTORNEY GENERAL OF KANSAS, ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 156 F. 3d 1244.

No. 98-7001. *FAULDER v. TEXAS.* Ct. Crim. App. Tex. Certiorari denied.

No. 98-7006. *VICKERS v. MISSOURI.* Ct. App. Mo., Southern Dist. Certiorari denied. Reported below: 956 S. W. 2d 405.

No. 98-7007. *YOUNG v. HANKS, SUPERINTENDENT, WABASH VALLEY CORRECTIONAL FACILITY.* C. A. 7th Cir. Certiorari denied.

No. 98-7008. *YOUNGBEAR v. ANHEUSER-BUSCH, INC.; and YOUNGBEAR v. PLAYBOY ENTERPRISES, INC.* C. A. 8th Cir. Certiorari denied.

No. 98-7009. *SAZIO v. ALCOSER ET AL.* Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 98-7013. *MARSHALL v. OKLAHOMA.* Ct. Crim. App. Okla. Certiorari denied. Reported below: 963 P. 2d 1.

No. 98-7016. *MCCARTNEY v. TERRAL ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 157 F. 3d 903.

No. 98-7018. *MARIN v. MARYLAND BOARD OF LAW EXAMINERS ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 162 F. 3d 1155.

No. 98-7025. *TALVENSAARI v. CALIFORNIA.* Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 98-7087. *DOGGETT v. SPARKS ET AL.* C. A. 2d Cir. Certiorari denied.

No. 98-7116. *BISHOP v. NEWLAND, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 98-7119. *GREEN v. FLORIDA PAROLE AND PARDON COMMISSION ET AL.* C. A. 11th Cir. Certiorari denied.

No. 98-7131. *CRESPO v. CONNECTICUT.* Sup. Ct. Conn. Certiorari denied. Reported below: 246 Conn. 665, 718 A. 2d 925.

January 25, 1999

525 U. S.

No. 98-7157. *SNOW v. SNOW*. Sup. Ct. Mont. Certiorari denied. Reported below: 289 Mont. 543, 971 P. 2d 1249.

No. 98-7159. *RICHARDSON v. WEST, SECRETARY OF VETERANS AFFAIRS*. C. A. Fed. Cir. Certiorari denied. Reported below: 173 F. 3d 432.

No. 98-7183. *ZAKRZEWSKI v. FLORIDA*. Sup. Ct. Fla. Certiorari denied. Reported below: 717 So. 2d 488.

No. 98-7187. *THOMPSON v. DEPARTMENT OF THE TREASURY*. C. A. Fed. Cir. Certiorari denied. Reported below: 155 F. 3d 574.

No. 98-7203. *STREET v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 297 Ill. App. 3d 1124, — N. E. 2d —.

No. 98-7246. *YOUNG v. MICHIGAN*. Sup. Ct. Mich. Certiorari denied. Reported below: 458 Mich. 43, 580 N. W. 2d 404.

No. 98-7252. *SPLAIN v. NEWTON, WARDEN, ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 161 F. 3d 18.

No. 98-7253. *RANDOLPH v. JONES, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 98-7263. *MILNER v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 155 F. 3d 697.

No. 98-7268. *CLIFTON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 158 F. 3d 583.

No. 98-7272. *CHAPPELL v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 161 F. 3d 8.

No. 98-7279. *WHETHERS v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 159 F. 3d 1354.

No. 98-7293. *SMITH v. UNITED STATES*. C. A. 1st Cir. Certiorari denied.

No. 98-7295. *CHARBONNEAU v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 98-7297. *ANDERTON v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 136 F. 3d 747.

525 U.S.

January 25, 1999

No. 98-7305. *SMITH v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 161 F. 3d 5.

No. 98-7310. *UBOH v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 98-7315. *MCCARROLL v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 152 F. 3d 921.

No. 98-7317. *LATTANY v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

No. 98-7320. *BROWN v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 98-7322. *BELL v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 98-7324. *REYES v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 172 F. 3d 861.

No. 98-7326. *URIAS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 161 F. 3d 16.

No. 98-7327. *CLIFF v. SLAATTEN ET AL.* App. Div., Sup. Ct. N. Y., 2d Jud. Dept. Certiorari denied.

No. 98-7330. *GARZA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 159 F. 3d 1355.

No. 98-7332. *FAZZINI v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 98-7334. *MILLER v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 146 F. 3d 1281.

No. 98-7335. *MILLER v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 151 F. 3d 957.

No. 98-7337. *DOUGLAS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 145 F. 3d 1326.

No. 98-7338. *GONZALEZ, AKA GONZALES v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 139 F. 3d 908.

No. 98-7339. *NGUYEN v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

January 25, 1999

525 U. S.

No. 98-7340. *LAWRENCE v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 153 F. 3d 729.

No. 98-7341. *MENDOZA-MORA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 159 F. 3d 1356.

No. 98-7342. *LUNA-HERRERA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 149 F. 3d 1054.

No. 98-7345. *HOLLAND v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 98-7357. *NAGY v. UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT*. C. A. 2d Cir. Certiorari denied.

No. 98-7364. *MOLINA-SUERO v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 164 F. 3d 620.

No. 98-7370. *RODRIGUEZ-PENA v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 54 F. 3d 764.

No. 98-7375. *RAMOS v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 98-7379. *QUINTERO-FIGUEROA v. UNITED STATES*. C. A. 1st Cir. Certiorari denied.

No. 98-7382. *CUNNINGHAM v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. Reported below: 145 F. 3d 1385.

No. 98-7385. *BRUNETTI v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 159 F. 3d 1353.

No. 98-7386. *CONNELLY v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 156 F. 3d 978.

No. 98-7389. *BRISENO-MANZO v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 163 F. 3d 607.

No. 98-7390. *ARIAS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 139 F. 3d 840.

No. 98-7392. *CHRISTY v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 155 F. 3d 561.

No. 98-7410. *WARDELL v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 159 F. 3d 1361.

525 U.S.

January 25, 1999

No. 98-7411. VEGA-BENAVIDES *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 161 F. 3d 7.

No. 98-7418. ANDERSON *v.* UNITED STATES. C. A. D. C. Cir. Certiorari denied. Reported below: 172 F. 3d 921.

No. 98-2. METROPOLITAN LIFE INSURANCE CO. *v.* SABO. C. A. 3d Cir. Motion of American Council of Life Insurance for leave to file a brief as *amicus curiae* granted. Certiorari denied. Reported below: 137 F. 3d 185.

No. 98-831. ALBUQUERQUE JOURNAL *v.* GONZALES ET AL. C. A. 10th Cir. Motion of respondents for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 150 F. 3d 1246.

*Rehearing Denied*

No. 98-425. SOLOMON *v.* FLORIDA BAR, *ante*, p. 965;

No. 98-468. MONTGOMERY *v.* CITY OF FARMINGTON HILLS ET AL., *ante*, p. 1040;

No. 98-519. TOTH *v.* TOTH ET AL., *ante*, p. 1018;

No. 98-5214. HART/CROSS *v.* UNITED STATES, *ante*, p. 892;

No. 98-5819. DUBOSE *v.* JONES, WARDEN, ET AL., *ante*, p. 969;

No. 98-6138. WILLIAMS *v.* FRANCIS ET AL., *ante*, p. 1021;

No. 98-6229. SEARLES *v.* RIVER MEAD CONDOMINIUM ASSN., *ante*, p. 1023;

No. 98-6390. WISE *v.* BOWERSOX, SUPERINTENDENT, POTOSI CORRECTIONAL CENTER, *ante*, p. 1026;

No. 98-6408. HEMMERLE *v.* ERDMAN ET AL., *ante*, p. 1057;

No. 98-6436. SEGERS *v.* UNITED STATES, *ante*, p. 1008;

No. 98-6490. CARTER *v.* AMTRAK CORPORATION, *ante*, p. 1044; and

No. 98-6579. LAWRENCE *v.* COMMISSIONER OF INTERNAL REVENUE, *ante*, p. 1029. Petitions for rehearing denied.

No. 97-9568. BOWMAN *v.* SINGLETARY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL., *ante*, p. 859; and

No. 98-5634. XUAN HUYNH *v.* FORTE AIRPORT SERVICES, INC., *ante*, p. 936. Motions for leave to file petitions for rehearing denied.

January 29, February 1, 3, 1999

525 U. S.

JANUARY 29, 1999

*Miscellaneous Order*

No. 98–830. AMOCO PRODUCTION CO., ON BEHALF OF ITSELF AND THE CLASS IT REPRESENTS *v.* SOUTHERN UTE INDIAN TRIBE ET AL. C. A. 10th Cir. [Certiorari granted, *ante*, p. 1118.] The order granting the petition for writ of certiorari is amended to read as follows:

Certiorari granted limited to the following question: “Whether, in reserving to the United States ‘coal’ in lands patented under the 1909 and 1910 Coal Land Acts, 30 U. S. C. §§ 81, 83–85, while passing the surface land and all other minerals (including natural gas) to the patentee, Congress reserved only the solid rock fuel commonly known as ‘coal,’ but not natural gas in coal formations?” Brief of petitioner is to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Friday, March 5, 1999. Briefs of respondents are to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Friday, April 2, 1999. A reply brief, if any, is to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Friday, April 16, 1999. This Court’s Rule 29.2 does not apply. JUSTICE BREYER took no part in the consideration or decision of this petition.

FEBRUARY 1, 1999

*Certiorari Denied*

No. 98–7792 (A–618). FRY *v.* ANGELONE, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS. C. A. 4th Cir. Application for stay of execution of sentence of death, addressed to THE CHIEF JUSTICE, 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: 165 F. 3d 18.

FEBRUARY 3, 1999

*Miscellaneous Order*

No. 98–7965 (A–644). IN RE GERLAUGH. Application for stay of execution of sentence of death, presented to JUSTICE O’CONNOR, and by her referred to the Court, denied. Petition for writ of habeas corpus denied. JUSTICE STEVENS and JUSTICE BREYER would grant the application for stay of execution.

525 U.S.

February 3, 8, 10, 1999

*Certiorari Denied*

No. 98-7964 (A-643). GERLAUGH *v.* STEWART, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS. C. A. 9th Cir. Application for stay of execution of sentence of death, presented to JUSTICE O'CONNOR, and by her referred to the Court, denied. Certiorari denied. JUSTICE STEVENS and JUSTICE BREYER would grant the application for stay of execution. Reported below: 167 F. 3d 1222.

No. 98-7967 (A-645). SELLERS *v.* OKLAHOMA PARDON AND PAROLE BOARD ET AL. C. A. 10th Cir. Application for stay of execution of sentence of death, presented to JUSTICE BREYER, and by him referred to the Court, denied. Certiorari denied.

FEBRUARY 8, 1999

*Miscellaneous Order*

No. 98-8042 (A-657). IN RE SIRIPONGS. Application for stay of execution of sentence of death, presented to JUSTICE O'CONNOR, and by her referred to the Court, denied. Petition for writ of habeas corpus denied.

*Certiorari Denied*

No. 98-7466 (A-544). CORDOVA *v.* JOHNSON, 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: 157 F. 3d 380.

No. 98-8043 (A-658). SIRIPONGS *v.* CALDERON, WARDEN. C. A. 9th Cir. Application for stay of execution of sentence of death, presented to JUSTICE O'CONNOR, and by her referred to the Court, denied. Certiorari denied. Reported below: 167 F. 3d 1225.

FEBRUARY 10, 1999

*Dismissal Under Rule 46*

No. 98-7401. HICKMAN *v.* UNITED STATES. C. A. 5th Cir. Certiorari dismissed under this Court's Rule 46.1. Reported below: 151 F. 3d 446.

February 11, 16, 19, 1999

525 U. S.

FEBRUARY 11, 1999

*Miscellaneous Order*

No. A-664. *BARBER v. TEXAS BOARD OF PARDONS AND PAROLES ET AL.* Application for stay of execution of sentence of death, presented to JUSTICE SCALIA, and by him referred to the Court, denied.

*Certiorari Denied*

No. 98-8095 (A-667). *BARBER v. TEXAS BOARD OF PARDONS AND PAROLES ET AL.* C. A. 5th Cir. Application for stay of execution of sentence of death, presented to JUSTICE SCALIA, and by him referred to the Court, denied. Certiorari before judgment denied.

FEBRUARY 16, 1999

*Dismissal Under Rule 46*

No. 98-1124. *KABIR ET AL. v. SILICON VALLEY BANK ET AL.* Ct. App. Cal., 6th App. Dist. Certiorari dismissed as to respondents Silicon Valley Bank, Robert Gionfriddo, Robert McMillan, Sherry Stevens, Marc Cadieux, Roger Smith, and John Dean under this Court's Rule 46.1.

*Miscellaneous Orders*

No. A-685. *CANTU-TZIN v. JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION.* Application for stay of execution of sentence of death, presented to JUSTICE SCALIA, and by him referred to the Court, denied. JUSTICE BREYER took no part in the consideration or decision of this application.

No. 98-8108 (A-678). *IN RE COX.* Application for stay of execution of sentence of death, presented to JUSTICE THOMAS, and by him referred to the Court, denied. Petition for writ of habeas corpus denied.

FEBRUARY 19, 1999

*Certiorari Denied*

No. 98-8173 (A-691). *FRANKLIN ET AL., AS NEXT FRIENDS FOR BERRY v. FRANCIS, WARDEN.* C. A. 6th Cir. Application for stay of execution of sentence of death, presented to JUSTICE

525 U.S. February 19, 22, 1999

STEVENS, and by him referred to the Court, denied. Certiorari denied. Reported below: 168 F. 3d 261.

FEBRUARY 22, 1999

*Appeal Dismissed*

No. 98–413. LEGISLATURE OF CALIFORNIA ET AL. *v.* UNITED STATES HOUSE OF REPRESENTATIVES ET AL. Appeal from D. C. D. C. dismissed. Reported below: 11 F. Supp. 2d 76.

*Certiorari Granted—Vacated and Remanded*

No. 97–1519. FEDERAL COMMUNICATIONS COMMISSION ET AL. *v.* IOWA UTILITIES BOARD ET AL.; and

No. 97–1520. AT&T CORP. ET AL. *v.* IOWA UTILITIES BOARD ET AL. C. A. 8th Cir. Certiorari granted, judgment vacated, and cases remanded for further consideration in light of *AT&T Corp. v. Iowa Utilities Bd.*, *ante*, p. 366. JUSTICE O’CONNOR took no part in the consideration or decision of these cases. Reported below: 135 F. 3d 535.

No. 98–909. OFFICE AND PROFESSIONAL EMPLOYEES INTERNATIONAL UNION, LOCAL 12 *v.* BLOOM ET AL. C. A. 8th Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Marquez v. Screen Actors*, *ante*, p. 33. Reported below: 153 F. 3d 844.

*Certiorari Dismissed*

No. 98–7222. EVANS *v.* MISSISSIPPI. Sup. Ct. Miss. Certiorari dismissed. Reported below: 725 So. 2d 613.

*Miscellaneous Orders*

No. A–620. MILBERG WEISS BERSHAD HYNES & LERACH ET AL. *v.* LEXECON INC. ET AL. D. C. N. D. Ill. Application for stay, addressed to JUSTICE SOUTER and referred to the Court, denied.

No. D–1997. IN RE DISBARMENT OF KRAMER. Further consideration of response to the rule to show cause deferred. [For earlier order herein, see *ante*, p. 926.]

No. D–2006. IN RE DISBARMENT OF PRICE. Disbarment entered. [For earlier order herein, see *ante*, p. 958.]

February 22, 1999

525 U. S.

No. D-2008. IN RE DISBARMENT OF MOORE. Disbarment entered. [For earlier order herein, see *ante*, p. 980.]

No. D-2009. IN RE DISBARMENT OF GLEAN. Disbarment entered. [For earlier order herein, see *ante*, p. 980.]

No. D-2011. IN RE DISBARMENT OF WECHSLER. Disbarment entered. [For earlier order herein, see *ante*, p. 998.]

No. D-2012. IN RE DISBARMENT OF FRIEDMAN. Disbarment entered. [For earlier order herein, see *ante*, p. 998.]

No. D-2015. IN RE DISBARMENT OF HINGLE. Disbarment entered. [For earlier order herein, see *ante*, p. 1038.]

No. D-2016. IN RE DISBARMENT OF SMITH. Disbarment entered. [For earlier order herein, see *ante*, p. 1038.]

No. D-2017. IN RE DISBARMENT OF GLEE. Disbarment entered. [For earlier order herein, see *ante*, p. 1039.]

No. D-2019. IN RE DISBARMENT OF FROST. Disbarment entered. [For earlier order herein, see *ante*, p. 1039.]

No. D-2020. IN RE DISBARMENT OF FITSOS. Disbarment entered. [For earlier order herein, see *ante*, p. 1052.]

No. D-2032. IN RE DISBARMENT OF BOOREAM. Charles V. Booream III, of Milltown, N. J., is suspended from the practice of law in this Court, and a rule will 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-2033. IN RE DISBARMENT OF BALDRIDGE. H. Gene Baldrige, of Ashland, Ky., is suspended from the practice of law in this Court, and a rule will 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-2034. IN RE DISBARMENT OF TEW. F. Allen Tew, of Indianapolis, Ind., is suspended from the practice of law in this Court, and a rule will 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-2035. IN RE DISBARMENT OF GOULD. Albert Ira Gould, of Bolton, Mass., is suspended from the practice of law in

525 U.S.

February 22, 1999

this Court, and a rule will 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-2036. *IN RE DISBARMENT OF ATKIN*. Sanford I. Atkin, of Cleveland, Ohio, is suspended from the practice of law in this Court, and a rule will 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-2037. *IN RE DISBARMENT OF SCHULMAN*. Robert D. Schulman, of New York City, N. Y., is suspended from the practice of law in this Court, and a rule will 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-2038. *IN RE DISBARMENT OF GOLDSWEIG*. Susan Goldsweig, of Yonkers, N. Y., is suspended from the practice of law in this Court, and a rule will 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-2039. *IN RE DISBARMENT OF LEVENE*. Robert G. Levene, of Tustin, Cal., is suspended from the practice of law in this Court, and a rule will 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-2040. *IN RE DISBARMENT OF TIERNAN*. Gerald James Tiernan, of San Francisco, Cal., is suspended from the practice of law in this Court, and a rule will 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-2041. *IN RE DISBARMENT OF MANNING*. Lawrence Paul Manning, of San Francisco, Cal., is suspended from the practice of law in this Court, and a rule will 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-2042. *IN RE DISBARMENT OF BUTLER*. Philip Gale Butler, Jr., of Greenville, Fla., is suspended from the practice of law in this Court, and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

February 22, 1999

525 U. S.

No. D-2043. *IN RE DISBARMENT OF REA*. Peter H. Rea, of Branson, Mo., is suspended from the practice of law in this Court, and a rule will 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-2044. *IN RE DISBARMENT OF MCCALLUM*. William C. McCallum, of Framingham, Mass., is suspended from the practice of law in this Court, and a rule will 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-2045. *IN RE DISBARMENT OF HOLLANDER*. David Stephen Hollander, of Boca Raton, Fla., is suspended from the practice of law in this Court, and a rule will 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. M-41. *BISCHOF v. UNITED STATES*; and

No. M-42. *RUIZ-RIVERA v. DEPARTMENT OF EDUCATION ET AL.* Motions to direct the Clerk to file petitions for writs of certiorari out of time denied.

No. 97-1732. *CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM ET AL. v. FELZEN ET AL.*, *ante*, p. 315. Motion of respondents for an order respecting costs denied. JUSTICE O'CONNOR took no part in the consideration or decision of this motion.

No. 97-1927. *HANLON ET AL. v. BERGER ET UX*. C. A. 9th Cir. [Certiorari granted, *ante*, p. 981]; and

No. 98-83. *WILSON ET AL. v. LAYNE, DEPUTY UNITED STATES MARSHAL, ET AL.* C. A. 4th Cir. [Certiorari granted, *ante*, p. 981.] Motion of the parties respecting oral argument granted, and the time is allotted as follows: 20 minutes for petitioners Hanlon et al. in No. 97-1927 and federal respondents Layne et al. in No. 98-83; 10 minutes for state respondents in No. 98-83; 15 minutes for respondents Berger et ux. in No. 97-1927; and 15 minutes for petitioners Wilson et al. in No. 98-83.

No. 98-10. *JEFFERSON COUNTY, ALABAMA v. ACKER, SENIOR JUDGE, UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF ALABAMA, ET AL.* C. A. 11th Cir. [Certiorari granted, *ante*, p. 1039.] Motion of the Solicitor General for leave to participate

525 U.S.

February 22, 1999

in oral argument as *amicus curiae* and for divided argument granted.

No. 98-208. KOLSTAD *v.* AMERICAN DENTAL ASSOCIATION. C. A. D. C. Cir. [Certiorari granted, *ante*, p. 960.] Motion of Rutherford Institute for leave to file a brief as *amicus curiae* granted. Motion of respondent to permit the Chamber of Commerce of the United States to participate in oral argument as *amicus curiae* and for divided argument denied.

No. 98-6510. IN RE RIVERA. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [*ante*, p. 1066] denied.

No. 98-6679. MACE *v.* MISSOURI DEPARTMENT OF SOCIAL SERVICES, DIVISION OF CHILD SUPPORT ENFORCEMENT. C. A. 8th Cir.; and

No. 98-6713. MACE *v.* MISSOURI ET AL. C. A. 8th Cir. Motions of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [*ante*, p. 1065] denied.

No. 98-7061. MILLER *v.* J & J DRILLING, INC. Ct. App. Wash.;

No. 98-7264. COERS *v.* TEXAS GUARANTEED STUDENT LOAN CORPORATION ET AL. C. A. 5th Cir.;

No. 98-7413. WALDEN *v.* LEVITT. C. A. 3d Cir.; and

No. 98-7425. SANTESSON *v.* MANOUKIAN ET AL. Ct. App. Cal., 6th App. Dist. Motions of petitioners for leave to proceed *in forma pauperis* denied. Petitioners are allowed until March 15, 1999, within which to pay the docketing fee required by Rule 38(a) and to submit petitions in compliance with Rule 33.1 of the Rules of this Court.

No. 98-7529. IN RE AL-AMIN;

No. 98-7643. IN RE RASHID;

No. 98-7780. IN RE LINTZ;

No. 98-7807. IN RE BREWER;

No. 98-7922. IN RE GUICE; and

No. 98-7927. IN RE GRIFFIN. Petitions for writs of habeas corpus denied.

No. 98-7101. IN RE RUIZ;

No. 98-7161. IN RE LEWIS;

No. 98-7208. IN RE BONNER;

February 22, 1999

525 U. S.

No. 98-7233. IN RE LITTLE; and  
No. 98-7256. IN RE RICE. Petitions for writs of mandamus denied.

No. 98-1088. IN RE VEY;  
No. 98-7151. IN RE MOSSERI;  
No. 98-7166. IN RE BALL; and  
No. 98-7168. IN RE ABIDEKUN. Petitions for writs of mandamus and/or prohibition denied.

*Certiorari Granted*

No. 98-6322. SLACK *v.* MCDANIEL, WARDEN, ET AL. C. A. 9th Cir. Motion of petitioner for leave to proceed *in forma pauperis* granted. Certiorari granted limited to the following question: "If a person's petition for habeas corpus under 28 U. S. C. § 2254 is dismissed for failure to exhaust state remedies, and he subsequently exhausts his state remedies and refiles the § 2254 petition, are claims included within that petition that were not included within his initial § 2254 filing 'second or successive' habeas applications?"

*Certiorari Denied*

No. 97-1834. BRILLINGER ET AL. *v.* GENERAL ELECTRIC CO. ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 130 F. 3d 61.

No. 98-322. EXXON CORP. ET AL. *v.* DOW CHEMICAL CO. C. A. Fed. Cir. Certiorari denied. Reported below: 139 F. 3d 1470.

No. 98-447. VITEK SUPPLY CORP. ET AL. *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 144 F. 3d 476.

No. 98-462. WOODWARD *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. Reported below: 149 F. 3d 46.

No. 98-554. LEE *v.* HUGHES ET AL. C. A. 11th Cir. Certiorari denied. Reported below: 145 F. 3d 1272.

No. 98-577. GOMEZ-OCHOA *v.* RENO, ATTORNEY GENERAL, ET AL. C. A. 5th Cir. Certiorari denied.

No. 98-598. COUSIN ET AL. *v.* SUNDQUIST, GOVERNOR OF TENNESSEE, ET AL. C. A. 6th Cir. Certiorari denied. Reported below: 145 F. 3d 818.

525 U.S.

February 22, 1999

- No. 98-606. *TAYLOR v. ROONEY*; and  
No. 98-789. *ROONEY v. TAYLOR*. C. A. 2d Cir. Certiorari denied. Reported below: 143 F. 3d 679.
- No. 98-640. *ROBERTS ET UX. v. FLORIDA POWER & LIGHT CO.* C. A. 11th Cir. Certiorari denied. Reported below: 146 F. 3d 1305.
- No. 98-668. *ROBERTS v. KLING*. C. A. 10th Cir. Certiorari denied. Reported below: 144 F. 3d 710.
- No. 98-676. *HART ET AL. v. GWADOSKY, SECRETARY OF STATE OF MAINE*. Sup. Jud. Ct. Me. Certiorari denied. Reported below: 715 A. 2d 165.
- No. 98-709. *SHEMPERT ET AL. v. HARWICK CHEMICAL CORP. ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 151 F. 3d 793.
- No. 98-713. *FRONTIER PACIFIC INSURANCE CO. v. FEDERAL TRADE COMMISSION*. C. A. 9th Cir. Certiorari denied. Reported below: 149 F. 3d 1036.
- No. 98-715. *WILSON v. YAKLICH ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 148 F. 3d 596.
- No. 98-719. *SEUS v. JOHN NUVEEN & Co., INC.* C. A. 3d Cir. Certiorari denied. Reported below: 146 F. 3d 175.
- No. 98-720. *GEORGOPOULOS v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 149 F. 3d 169.
- No. 98-723. *EUROPE AND OVERSEAS COMMODITY TRADERS, S. A. v. BANQUE PARIBAS LONDON ET AL.*; and  
No. 98-923. *BANQUE PARIBAS LONDON ET AL. v. EUROPE AND OVERSEAS COMMODITY TRADERS, S. A.* C. A. 2d Cir. Certiorari denied. Reported below: 147 F. 3d 118.
- No. 98-740. *NEC CORP. ET AL. v. UNITED STATES ET AL.* C. A. Fed. Cir. Certiorari denied. Reported below: 151 F. 3d 1361.
- No. 98-744. *LOCAL 24, INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN & HELPERS OF AMERICA v. SCHOONOVER*; and

February 22, 1999

525 U. S.

No. 98-773. CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE *v.* SCHOONOVER. C. A. 6th Cir. Certiorari denied. Reported below: No. 98-744, 147 F. 3d 492; No. 98-773, 49 F. 3d 219 and 147 F. 3d 492.

No. 98-746. NATIONWIDE MUTUAL INSURANCE CO. *v.* INSURANCE COMPANY OF NORTH AMERICA ET AL. C. A. 6th Cir. Certiorari denied. Reported below: 150 F. 3d 545.

No. 98-752. DEPARTMENT OF ENVIRONMENTAL PROTECTION OF FLORIDA *v.* BOUCHARD TRANSPORTATION CO. ET AL. C. A. 11th Cir. Certiorari denied. Reported below: 147 F. 3d 1344.

No. 98-753. EXXON CHEMICAL PATENTS, INC. *v.* DOW CHEMICAL CO. C. A. Fed. Cir. Certiorari denied. Reported below: 155 F. 3d 573.

No. 98-756. DIAL SERVICE INTERNATIONAL, INC., ET AL. *v.* KIM. C. A. 2d Cir. Certiorari denied. Reported below: 159 F. 3d 1347.

No. 98-758. FICKLING ET AL. *v.* HERMAN, SECRETARY OF LABOR; and

No. 98-762. SOUTH CAROLINA NATIONAL BANK *v.* HERMAN, SECRETARY OF LABOR. C. A. 11th Cir. Certiorari denied. Reported below: 140 F. 3d 1413.

No. 98-759. CITY OF CHICAGO *v.* YANG. C. A. 7th Cir. Certiorari denied. Reported below: 137 F. 3d 522.

No. 98-777. CITY OF SOUTHFIELD ET AL. *v.* REESE. C. A. 6th Cir. Certiorari denied. Reported below: 162 F. 3d 1162.

No. 98-794. ESTATE OF MUELLER, DECEASED, ET AL. *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 6th Cir. Certiorari denied. Reported below: 153 F. 3d 302.

No. 98-810. KOTTLE *v.* NORTHWEST KIDNEY CENTERS. C. A. 9th Cir. Certiorari denied. Reported below: 146 F. 3d 1056.

No. 98-834. PLANNED PARENTHOOD OF THE BLUE RIDGE ET AL. *v.* CAMBLOS, IN HIS OFFICIAL CAPACITY AS COMMONWEALTH'S ATTORNEY, COUNTY OF ALBEMARLE. C. A. 4th Cir. Certiorari denied. Reported below: 155 F. 3d 352.

525 U.S.

February 22, 1999

No. 98-839. NAJAR VDA. DE PANTA, INDIVIDUALLY AND AS PERSONAL REPRESENTATIVE OF THE ESTATE OF PANTA PAZOS, DECEASED, ET AL. *v.* AFRAM CARRIERS, INC. C. A. 5th Cir. Certiorari denied. Reported below: 145 F. 3d 298.

No. 98-851. REUTERS TELEVISION INTERNATIONAL, LTD., ET AL. *v.* LOS ANGELES NEWS SERVICE. C. A. 9th Cir. Certiorari denied. Reported below: 149 F. 3d 987.

No. 98-852. ROMER ET AL. *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 148 F. 3d 359.

No. 98-853. TAYLOR ET AL. *v.* QUALITY HYUNDAI, INC., ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 150 F. 3d 689.

No. 98-856. HYATT *v.* BOONE. C. A. Fed. Cir. Certiorari denied. Reported below: 146 F. 3d 1348.

No. 98-858. COWBOY AUTO SALES, INC., ET AL. *v.* HALWOOD ET UX. Ct. App. N. M. Certiorari denied.

No. 98-869. HONG KONG & SHANGHAI BANKING CORP., LTD. *v.* SIMON. C. A. 9th Cir. Certiorari denied. Reported below: 153 F. 3d 991.

No. 98-874. ISKCON MIAMI, INC., ET AL. *v.* METROPOLITAN DADE COUNTY ET AL. C. A. 11th Cir. Certiorari denied. Reported below: 147 F. 3d 1282.

No. 98-880. FIGUEROA, DBA THE EXPORT GROUP *v.* MEXICAN COFFEE INSTITUTE. C. A. 9th Cir. Certiorari denied. Reported below: 152 F. 3d 925.

No. 98-885. PERE, INDIVIDUALLY AND ON BEHALF OF HER MINOR CHILDREN, PERE ET AL. *v.* NUOVO PIGNONE S.P.A. C. A. 5th Cir. Certiorari denied. Reported below: 150 F. 3d 477.

No. 98-889. WASHINGTON PHYSICIANS SERVICE ASSN. ET AL. *v.* GREGOIRE, ATTORNEY GENERAL OF WASHINGTON, ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 147 F. 3d 1039.

No. 98-893. ZARUBA, SHERIFF, DUPAGE COUNTY *v.* FRANKLIN ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 150 F. 3d 682.

February 22, 1999

525 U. S.

No. 98-898. SMITH, INDIVIDUALLY AND ON BEHALF OF ALL BENEFICIARIES OF ALLEN, DECEASED *v.* AMERICAN ISUZU MOTORS, INC., ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 137 F. 3d 859.

No. 98-905. SINGH ET AL. *v.* PAN AMERICAN WORLD AIRWAYS, INC., ET AL.; and

No. 98-907. PATEL ET AL. *v.* PAN AMERICAN WORLD AIRWAYS, INC., ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 148 F. 3d 84.

No. 98-921. NORDSTROM *v.* NORDSTROM. Ct. App. Tex., 1st Dist. Certiorari denied. Reported below: 965 S. W. 2d 575.

No. 98-924. BLACKNER *v.* CONTINENTAL AIRLINES, INC. Super. Ct. N. J., App. Div. Certiorari denied. Reported below: 311 N. J. Super. 10, 709 A. 2d 258.

No. 98-928. NICOLE'S, INC., DBA WHARTON AUTOMATION ASSOCIATES, ET AL. *v.* PYRAMID TECHNOLOGY CORP., INC. C. A. 9th Cir. Certiorari denied. Reported below: 152 F. 3d 928.

No. 98-929. WHITE *v.* KENTUCKY. Ct. App. Ky. Certiorari denied.

No. 98-930. GOLLAHER *v.* UTAH. Ct. App. Utah. Certiorari denied.

No. 98-934. EGBUNA *v.* TIME-LIFE LIBRARIES, INC. C. A. 4th Cir. Certiorari denied. Reported below: 153 F. 3d 184.

No. 98-935. IN RE JOHNSON. C. A. 8th Cir. Certiorari denied. Reported below: 152 F. 3d 859.

No. 98-939. LEAVITT ET AL. *v.* KESSEL. Sup. Ct. App. W. Va. Certiorari denied. Reported below: 204 W. Va. 95, 511 S. E. 2d 720.

No. 98-940. LEVENE & EISENBERG *v.* GOLD COAST ASSET ACQUISITION, L. P. C. A. 9th Cir. Certiorari denied. Reported below: 144 F. 3d 1288 and 154 F. 3d 1103.

No. 98-941. CRESCENT TOWING & SALVAGE CO., INC., ET AL. *v.* ORMET PRIMARY ALUMINUM CORP. ET AL. Sup. Ct. La. Certiorari denied. Reported below: 720 So. 2d 628.

525 U.S.

February 22, 1999

No. 98-943. *HOLLMAN v. WILSON, SUPERINTENDENT, RETREAT CORRECTIONAL INSTITUTION, ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 158 F. 3d 177.

No. 98-949. *DURAN v. CNO, INC.* Ct. App. N. M. Certiorari denied.

No. 98-951. *BREEDLOVE v. SKY BRYCE ASSN., INC., ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 155 F. 3d 557.

No. 98-952. *GIBSON v. KENTUCKY.* Ct. App. Ky. Certiorari denied.

No. 98-954. *ANDERSON v. IMPERIAL CENTER V, L. P., ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 134 F. 3d 376.

No. 98-962. *POLYAK v. SOOKER ET AL.* Dist. Ct. App. Fla., 4th Dist. Certiorari denied.

No. 98-964. *EDWARDS v. CALIFORNIA UNIVERSITY OF PENNSYLVANIA ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 156 F. 3d 488.

No. 98-965. *FOXWORTH v. RICHARDSON, MARION COUNTY SHERIFF, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 139 F. 3d 889.

No. 98-967. *SPARKS v. MATTOX & MATTOX.* Ct. App. Ind. Certiorari denied. Reported below: 691 N. E. 2d 521.

No. 98-969. *HARMONIC DESIGN, INC., ET AL. v. HUNTER DOUGLAS, INC., ET AL.* C. A. Fed. Cir. Certiorari denied. Reported below: 153 F. 3d 1318.

No. 98-971. *TRULL v. TRULL ET AL.* App. Ct. Ill., 2d Dist. Certiorari denied. Reported below: 295 Ill. App. 3d 1126, 726 N. E. 2d 234.

No. 98-974. *FOX v. FOX.* Ct. Sp. App. Md. Certiorari denied. Reported below: 121 Md. App. 717.

No. 98-975. *LAVODIE, SUCCESSOR DIRECTOR-TRUSTEE FOR 3011 CORP., T/A U.S. BOOKS, ET AL. v. CASSILLY, INDIVIDUALLY AND AS STATES ATTORNEY, HARFORD COUNTY, MARYLAND, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 153 F. 3d 720.

February 22, 1999

525 U. S.

No. 98-976. *LOPEZ v. IMMIGRATION AND NATURALIZATION SERVICE*. C. A. 4th Cir. Certiorari denied. Reported below: 141 F. 3d 1159.

No. 98-982. *THOMPSON v. QUINCY'S RESTAURANT, INC.* Ct. Civ. App. Ala. Certiorari denied. Reported below: 740 So. 2d 491.

No. 98-988. *NIX, CHIEF JUSTICE (RETIRED), SUPREME COURT OF PENNSYLVANIA, ET AL. v. LARSEN*. C. A. 3d Cir. Certiorari denied. Reported below: 154 F. 3d 82.

No. 98-991. *TARANTINO v. PIERCE*. C. A. 5th Cir. Certiorari denied. Reported below: 149 F. 3d 1174.

No. 98-995. *ROBISHEAUX v. MEMORIAL CITY REGIONAL MALL*. Ct. App. Tex., 1st Dist. Certiorari denied.

No. 98-998. *SEABORN ET AL. v. FLORIDA DEPARTMENT OF CORRECTIONS*. C. A. 11th Cir. Certiorari denied. Reported below: 143 F. 3d 1405.

No. 98-1001. *RODEN v. MISSISSIPPI*. Ct. App. Miss. Certiorari denied. Reported below: 723 So. 2d 1246.

No. 98-1002. *PORT v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied.

No. 98-1004. *GARAU v. HAHN ET AL.* Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 98-1005. *RODRIGUEZ v. CITY OF CHICAGO*. C. A. 7th Cir. Certiorari denied. Reported below: 156 F. 3d 771.

No. 98-1009. *SMITH v. SUPREME COURT OF THE UNITED STATES*. C. A. 10th Cir. Certiorari denied.

No. 98-1010. *PAUL v. PB-KBB, INC., ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 149 F. 3d 1179.

No. 98-1012. *HESS v. TEXAS*. Ct. App. Tex., 4th Dist. Certiorari denied.

No. 98-1013. *LEVITIN ET AL. v. PAINEWEBBER, INC.; and BISSELL v. MERRILL LYNCH & Co., INC., ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 159 F. 3d 698 (first judgment); 157 F. 3d 138 (second judgment).

525 U.S.

February 22, 1999

No. 98-1014. AIRBUS INDUSTRIE ET AL. *v.* LINTON ET AL. Ct. App. Tex., 14th Dist. Certiorari denied. Reported below: 934 S. W. 2d 754.

No. 98-1016. DAVID B. ET AL. *v.* McDONALD, DIRECTOR, ILLINOIS DEPARTMENT OF CHILDREN AND FAMILY SERVICES, ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 156 F. 3d 780.

No. 98-1019. JAISINGHANI *v.* CAPITAL CITIES/ABC, INC., ET AL. C. A. 11th Cir. Certiorari denied. Reported below: 149 F. 3d 1195.

No. 98-1021. HECKMAN *v.* UGI UTILITIES, INC. Super. Ct. Pa. Certiorari denied. Reported below: 704 A. 2d 1129.

No. 98-1023. PHELPS *v.* MINNESOTA. Ct. App. Minn. Certiorari denied.

No. 98-1027. WINGS, AKA L & L WINGS, INC. *v.* TWO'S COMPANY. C. A. 11th Cir. Certiorari denied. Reported below: 161 F. 3d 21.

No. 98-1029. SPENCER *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied.

No. 98-1030. RUSSELL ET AL. *v.* BURRIS, CHAIRPERSON, ARKANSAS ETHICS COMMISSION, ET AL. C. A. 8th Cir. Certiorari denied.

No. 98-1031. BIERI *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied.

No. 98-1032. CHI-MING CHOW *v.* MICHIGAN ET AL. C. A. 6th Cir. Certiorari denied. Reported below: 165 F. 3d 26.

No. 98-1038. LARSEN *v.* AFFLERBACH ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 152 F. 3d 240.

No. 98-1040. ARKANSAS RIGHT TO LIFE STATE POLITICAL ACTION COMMITTEE ET AL. *v.* BUTLER, STATE ATTORNEY, BENTON COUNTY, ET AL. C. A. 8th Cir. Certiorari denied.

No. 98-1043. COLVIN *v.* NATIONAL AUTOMOTIVE PARTS ASSN. ET AL. C. A. Fed. Cir. Certiorari denied. Reported below: 168 F. 3d 1321.

February 22, 1999

525 U. S.

No. 98-1050. *BATTLE v. DISTRICT COURT OF APPEAL OF FLORIDA, FIFTH DISTRICT, ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 149 F. 3d 1194.

No. 98-1053. *DORSEY v. LEHMAN BROTHERS HOLDINGS ET AL.* Super. Ct. N. J., App. Div. Certiorari denied.

No. 98-1060. *ORANGE COUNTY v. MYERS.* C. A. 2d Cir. Certiorari denied. Reported below: 157 F. 3d 66.

No. 98-1067. *CHOE v. GILMORE, WARDEN.* C. A. 7th Cir. Certiorari denied.

No. 98-1073. *HERNANDEZ v. LOCKRIDGE ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 158 F. 3d 583.

No. 98-1075. *STILLO v. HEDRICK ET AL.* App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 294 Ill. App. 3d 1107, 721 N. E. 2d 855.

No. 98-1078. *PHELPS v. KANSAS.* C. A. 10th Cir. Certiorari denied. Reported below: 162 F. 3d 1174.

No. 98-1080. *VLASIC FOODS INTERNATIONAL, INC. v. DEFOREST, EXECUTRIX OF THE ESTATE OF ZENDER ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 156 F. 3d 1236.

No. 98-1081. *CRENSHAW v. DISCIPLINARY COMMISSION OF THE SUPREME COURT OF INDIANA.* C. A. 7th Cir. Certiorari denied.

No. 98-1083. *OLSON ET AL. v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 156 F. 3d 1240.

No. 98-1084. *R. J. CORMAN RAILROAD CORP. v. LOUISVILLE GAS & ELECTRIC CO.* Ct. App. Ky. Certiorari denied.

No. 98-1087. *FERRARA v. MICHIGAN JUDICIAL TENURE COMMISSION.* Sup. Ct. Mich. Certiorari denied. Reported below: 458 Mich. 350, 582 N. W. 2d 817.

No. 98-1095. *LASALLE NATIONAL BANK ET AL. v. TEACHERS INSURANCE AND ANNUITY ASSOCIATION OF AMERICA.* App. Ct. Ill., 2d Dist. Certiorari denied. Reported below: 295 Ill. App. 3d 61, 691 N. E. 2d 881.

No. 98-1096. *CENEX, INC., FKA FARMERS UNION CENTRAL EXCHANGE, INC. v. UNITED STATES.* C. A. Fed. Cir. Certiorari denied. Reported below: 156 F. 3d 1377.

525 U.S.

February 22, 1999

No. 98–1100. *FLOWERS v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 98–1102. *DEBOSE v. SECRETARY OF THE ARMY*. C. A. 5th Cir. Certiorari denied. Reported below: 154 F. 3d 417.

No. 98–1105. *GIESBERG v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied. Reported below: 984 S. W. 2d 245.

No. 98–1107. *SALERY ET AL. v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 156 F. 3d 185.

No. 98–1118. *TESTA v. GRAMLEY, WARDEN*. C. A. 7th Cir. Certiorari denied.

No. 98–1129. *SANK v. NEW JERSEY ET AL.* Super. Ct. N. J., App. Div. Certiorari denied.

No. 98–1132. *IVANKOV v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 146 F. 3d 73.

No. 98–1134. *RODRIGUEZ v. DALEY, SECRETARY OF COMMERCE*. C. A. 4th Cir. Certiorari denied. Reported below: 162 F. 3d 1155.

No. 98–1142. *VAN ZANDT v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 164 F. 3d 620.

No. 98–1144. *ROCKY MOUNTAIN RADAR, INC. v. FEDERAL COMMUNICATIONS COMMISSION*. C. A. 10th Cir. Certiorari denied. Reported below: 158 F. 3d 1118.

No. 98–1158. *JELKS v. FEDERAL COMMUNICATIONS COMMISSION*. C. A. D. C. Cir. Certiorari denied. Reported below: 146 F. 3d 878.

No. 98–1168. *BROZYNA v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 151 F. 3d 1026.

No. 98–1171. *GARCIA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 98–1175. *DACCARET-GHIA ET AL. v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 168 F. 3d 480.

No. 98–1177. *HEILBRUNN v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

February 22, 1999

525 U. S.

No. 98-1187. *JAY v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 165 F. 3d 21.

No. 98-1188. *FAZIO ET AL. v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 159 F. 3d 1355.

No. 98-1196. *GREEN v. MORTHAM, SECRETARY OF STATE OF FLORIDA*. C. A. 11th Cir. Certiorari denied. Reported below: 155 F. 3d 1332.

No. 98-1202. *PORTWOOD ET AL. v. FORD MOTOR Co.* Sup. Ct. Ill. Certiorari denied. Reported below: 183 Ill. 2d 459, 701 N. E. 2d 1102.

No. 98-5867. *MATHENEY v. INDIANA*. Sup. Ct. Ind. Certiorari denied. Reported below: 688 N. E. 2d 883.

No. 98-5995. *LEAL v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied.

No. 98-6122. *JACKSON v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 151 F. 3d 1031.

No. 98-6314. *STEPHENS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 98-6358. *HARRIS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 159 F. 3d 1357.

No. 98-6403. *MOSES v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 148 F. 3d 277.

No. 98-6458. *SMITH v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied. Reported below: 977 S. W. 2d 610.

No. 98-6463. *COLELLA v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied. Reported below: 977 S. W. 2d 621.

No. 98-6594. *EYOUM v. HOOKS ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 149 F. 3d 1173.

No. 98-6618. *SANSONE v. MCI TELECOMMUNICATIONS*. C. A. 4th Cir. Certiorari denied. Reported below: 151 F. 3d 1030.

No. 98-6638. *O'ROURKE v. NORRIS, DIRECTOR, ARKANSAS DEPARTMENT OF CORRECTION*. C. A. 8th Cir. Certiorari denied. Reported below: 153 F. 3d 560.

525 U.S.

February 22, 1999

No. 98-6667. *LATIMORE v. SPENCER, SUPERINTENDENT, MASSACHUSETTS CORRECTIONAL INSTITUTION, ET AL.* C. A. 1st Cir. Certiorari denied.

No. 98-6696. *ACEVEDO v. UNITED STATES.* C. A. 11th Cir. Certiorari denied. Reported below: 141 F. 3d 1421.

No. 98-6700. *CALAMBRO, BY AND THROUGH CALAMBRO, AS NEXT FRIEND OF CALAMBRO v. IGNACIO, WARDEN, ET AL.* Sup. Ct. Nev. Certiorari denied. Reported below: 114 Nev. 108, 964 P. 2d 794.

No. 98-6714. *WHITE v. JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION.* C. A. 5th Cir. Certiorari denied. Reported below: 153 F. 3d 197.

No. 98-6715. *WHITE v. UNITED STATES;* and  
No. 98-6849. *SAWYER v. UNITED STATES.* C. A. 11th Cir. Certiorari denied. Reported below: 146 F. 3d 870.

No. 98-6903. *DAVIS v. ALABAMA.* Ct. Crim. App. Ala. Certiorari denied. Reported below: 720 So. 2d 1006.

No. 98-6923. *CROWDER v. UNITED STATES.* C. A. D. C. Cir. Certiorari denied. Reported below: 141 F. 3d 1202.

No. 98-6950. *MILLWEE v. CALIFORNIA.* Sup. Ct. Cal. Certiorari denied. Reported below: 18 Cal. 4th 96, 954 P. 2d 990.

No. 98-7010. *SNAVELY v. CITY OF PALO ALTO.* C. A. 9th Cir. Certiorari denied. Reported below: 156 F. 3d 1238.

No. 98-7031. *GEDEON v. HOST MARRIOTT CORP. ET AL.* C. A. 4th Cir. Certiorari denied.

No. 98-7033. *NEGRON-GAZTAMBIDE v. HERNANDEZ-TORRES ET AL.* C. A. 1st Cir. Certiorari denied. Reported below: 145 F. 3d 410.

No. 98-7035. *GEORGE v. SOUTH CAROLINA.* Sup. Ct. S. C. Certiorari denied. Reported below: 331 S. C. 342, 503 S. E. 2d 168.

No. 98-7040. *MORGAN v. COKER ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 156 F. 3d 182.

February 22, 1999

525 U. S.

No. 98-7045. *BOYD v. FRENCH, WARDEN, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 147 F. 3d 319.

No. 98-7048. *SHACKELFORD v. CHAMPION, WARDEN.* C. A. 10th Cir. Certiorari denied. Reported below: 156 F. 3d 1244.

No. 98-7049. *PATTERSON v. ENDICOTT, WARDEN.* C. A. 7th Cir. Certiorari denied.

No. 98-7056. *WRIGHT v. JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION.* C. A. 5th Cir. Certiorari denied.

No. 98-7057. *THOMAS, AKA ALLAH v. SIKES, WARDEN, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 98-7058. *RYAN D. L. v. WISCONSIN.* Sup. Ct. Wis. Certiorari denied. Reported below: 219 Wis. 849 and 220 Wis. 2d 360, 580 N. W. 2d 660.

No. 98-7064. *JACOBSON v. OREGON.* Ct. App. Ore. Certiorari denied. Reported below: 155 Ore. App. 488, 967 P. 2d 530.

No. 98-7065. *CAMPBELL v. NORRIS, DIRECTOR, ARKANSAS DEPARTMENT OF CORRECTION.* C. A. 8th Cir. Certiorari denied. Reported below: 146 F. 3d 606.

No. 98-7066. *MAPLES v. JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION.* C. A. 5th Cir. Certiorari denied.

No. 98-7068. *JOHNSON v. MARYLAND.* Ct. Sp. App. Md. Certiorari denied. Reported below: 119 Md. App. 817.

No. 98-7070. *BUTLER v. MILLS, WARDEN.* C. A. 6th Cir. Certiorari denied.

No. 98-7075. *NEESE v. JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION.* C. A. 5th Cir. Certiorari denied.

No. 98-7078. *REED v. SOUTH CAROLINA.* Sup. Ct. S. C. Certiorari denied. Reported below: 332 S. C. 35, 503 S. E. 2d 747.

No. 98-7079. *CARLEY v. CARLEY.* C. A. 2d Cir. Certiorari denied.

525 U.S.

February 22, 1999

No. 98-7081. *INMAN v. WASHINGTON*. Ct. App. Wash. Certiorari denied.

No. 98-7083. *JIROVEC v. WOOD, SUPERINTENDENT, WASHINGTON STATE PENITENTIARY, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 134 F. 3d 377.

No. 98-7090. *HERNANDEZ v. AYERS, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 98-7092. *HOMER v. EDGEWORTH ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 149 F. 3d 1174.

No. 98-7099. *RUSH v. OHIO*. Sup. Ct. Ohio. Certiorari denied. Reported below: 83 Ohio St. 3d 53, 697 N. E. 2d 634.

No. 98-7103. *CLARKE v. STALDER, SECRETARY, LOUISIANA DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS, ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 154 F. 3d 186.

No. 98-7104. *PARKER v. CHAMPION, WARDEN*. C. A. 10th Cir. Certiorari denied. Reported below: 148 F. 3d 1219.

No. 98-7106. *SHERRILLS v. PENNINGTON ET AL.* Ct. App. Ohio, Franklin County. Certiorari denied.

No. 98-7107. *ROSENBERG v. ROSENBERG*. C. A. D. C. Cir. Certiorari denied.

No. 98-7108. *BOOKLESS v. MCKUNE, WARDEN, ET AL.* C. A. 10th Cir. Certiorari denied.

No. 98-7109. *DESMOND v. MASSACHUSETTS BAY TRANSPORTATION AUTHORITY ET AL.* C. A. 1st Cir. Certiorari denied. Reported below: 181 F. 3d 79.

No. 98-7111. *HINES v. ALFORD, SUPERINTENDENT, GULF CORRECTIONAL INSTITUTION*. Sup. Ct. Fla. Certiorari denied. Reported below: 727 So. 2d 906.

No. 98-7115. *HURD v. KEANE, SUPERINTENDENT, SING SING CORRECTIONAL FACILITY, ET AL.* C. A. 2d Cir. Certiorari denied.

No. 98-7120. *FINK v. UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT*. C. A. 9th Cir. Certiorari denied.

February 22, 1999

525 U. S.

No. 98-7124. *HAUPT v. DRAVILLAS REAL ESTATE ET AL.* Ct. App. D. C. Certiorari denied.

No. 98-7144. *BRANCATO v. MISSOURI ET AL.* C. A. 8th Cir. Certiorari denied.

No. 98-7146. *CROWLEY v. JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION.* C. A. 5th Cir. Certiorari denied.

No. 98-7148. *BROWN v. TERHUNE, DIRECTOR, CALIFORNIA DEPARTMENT OF CORRECTIONS.* C. A. 9th Cir. Certiorari denied. Reported below: 139 F. 3d 903.

No. 98-7153. *JOHNSON v. LOUISIANA.* Ct. App. La., 4th Cir. Certiorari denied. Reported below: 706 So. 2d 468.

No. 98-7154. *KENDRICK v. CITY OF EUREKA ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 145 F. 3d 1338.

No. 98-7156. *OMOSEFUNMI v. SERVICE PROCESSING CENTER ET AL.* C. A. 1st Cir. Certiorari denied. Reported below: 201 F. 3d 428.

No. 98-7165. *BODDIE v. CARPENTER ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 159 F. 3d 1345.

No. 98-7169. *CARR v. LOUISIANA.* Sup. Ct. La. Certiorari denied. Reported below: 706 So. 2d 991.

No. 98-7171. *SAFOUANE ET UX. v. DEPARTMENT OF SOCIAL AND HEALTH SERVICES FOR THE STATE OF WASHINGTON.* Ct. App. Wash. Certiorari denied.

No. 98-7172. *RIGSBY v. CALIFORNIA.* Ct. App. Cal., 5th App. Dist. Certiorari denied.

No. 98-7173. *STEWART v. CITY OF MESQUITE, TEXAS, ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 149 F. 3d 1178.

No. 98-7174. *JOHNSON v. LOUISIANA.* Ct. App. La., 4th Cir. Certiorari denied. Reported below: 704 So. 2d 995.

No. 98-7178. *KIPP v. CALIFORNIA.* Sup. Ct. Cal. Certiorari denied. Reported below: 18 Cal. 4th 349, 956 P. 2d 1169.

525 U.S.

February 22, 1999

No. 98-7179. *QADIR v. SOUTH CAROLINA ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 163 F. 3d 599.

No. 98-7180. *PATTERSON v. UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS.* C. A. 5th Cir. Certiorari denied.

No. 98-7184. *TAMME v. KENTUCKY.* Sup. Ct. Ky. Certiorari denied. Reported below: 973 S. W. 2d 13.

No. 98-7188. *TAYLOR v. JACKSON, WARDEN.* C. A. 6th Cir. Certiorari denied.

No. 98-7189. *TEDDER v. ALABAMA.* Ct. Crim. App. Ala. Certiorari denied. Reported below: 728 So. 2d 718.

No. 98-7190. *TRIPLETT v. JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION.* C. A. 5th Cir. Certiorari denied. Reported below: 158 F. 3d 584.

No. 98-7191. *EDMOND v. CIRCUIT COURT OF ALABAMA, ESCAMBIA COUNTY.* Sup. Ct. Ala. Certiorari denied.

No. 98-7198. *DIAAB v. WHARTON.* C. A. 11th Cir. Certiorari denied.

No. 98-7199. *CODDINGTON v. MAKEL, WARDEN.* C. A. 6th Cir. Certiorari denied. Reported below: 145 F. 3d 1330.

No. 98-7200. *ANDERSON v. REGIONAL MEDICAL CENTER AT MEMPHIS ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 162 F. 3d 1161.

No. 98-7201. *BEWLEY v. CITY OF DUNCAN ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 149 F. 3d 1190.

No. 98-7202. *SOSA v. TEXAS.* Ct. Crim. App. Tex. Certiorari denied.

No. 98-7204. *SHABAZZ v. LINDSEY, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 98-7210. *PRUNTY v. OHIO.* C. A. 6th Cir. Certiorari denied.

No. 98-7211. *CABAL v. TETRAPLASTICS, INC., ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 163 F. 3d 601.

February 22, 1999

525 U. S.

No. 98-7212. *PATTON v. JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 98-7214. *BARREN v. HARRINGTON ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 152 F. 3d 1193.

No. 98-7215. *ARNETT v. HANKS, SUPERINTENDENT, WABASH VALLEY CORRECTIONAL FACILITY*. C. A. 7th Cir. Certiorari denied.

No. 98-7216. *ISMAIL v. SHIPLEVY, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 98-7217. *BRIDGEFORTH v. FIELDS, DIRECTOR, OKLAHOMA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 153 F. 3d 726.

No. 98-7218. *BONDS v. KOONTZ ET AL.* C. A. 11th Cir. Certiorari denied.

No. 98-7228. *ESPARZA v. ROLLINS, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 145 F. 3d 1337.

No. 98-7230. *CONTURSI v. CIVIL SERVICE COMMISSION ET AL.* Ct. App. Cal., 4th App. Dist. Certiorari denied.

No. 98-7232. *LEONARD v. NEVADA*. Sup. Ct. Nev. Certiorari denied. Reported below: 114 Nev. 639, 958 P. 2d 1220.

No. 98-7234. *LEFKOWITZ v. CITI-EQUITY GROUP, INC.* C. A. 8th Cir. Certiorari denied. Reported below: 146 F. 3d 609.

No. 98-7235. *MCCLASKIE v. WEST VIRGINIA*. Cir. Ct. Kanawha County, W. Va. Certiorari denied.

No. 98-7240. *KANJORSKI v. CITY OF SATELLITE BEACH ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 150 F. 3d 1196.

No. 98-7241. *LYLE v. SMITH ET AL.* C. A. 6th Cir. Certiorari denied.

No. 98-7242. *WALKER v. MISSOURI*. Ct. App. Mo., Eastern Dist. Certiorari denied. Reported below: 972 S. W. 2d 295.

525 U.S.

February 22, 1999

No. 98-7243. *WILLIAMS v. MCFADDEN, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 161 F. 3d 16.

No. 98-7244. *VARNADORE v. JARVIS, SECRETARY, NORTH CAROLINA DEPARTMENT OF CORRECTION.* C. A. 4th Cir. Certiorari denied. Reported below: 161 F. 3d 5.

No. 98-7255. *RICHARDSON v. SAUNDERS ET AL.* C. A. 4th Cir. Certiorari denied.

No. 98-7258. *NICHOLS v. TEXAS.* Ct. App. Tex., 12th Dist. Certiorari denied.

No. 98-7260. *MASON v. NEW YORK STATE DEPARTMENT OF CORRECTIONAL SERVICES.* C. A. 2d Cir. Certiorari denied.

No. 98-7265. *ANDERSON v. LEMASTER, WARDEN, ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 149 F. 3d 1190.

No. 98-7266. *CHASE v. MOYER.* Sup. Ct. Del. Certiorari denied. Reported below: 719 A. 2d 489.

No. 98-7267. *BRANCATO v. ST. LOUIS COMMUNITY COLLEGE AT FLORISSANT VALLEY ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 163 F. 3d 601.

No. 98-7269. *SUNIGA v. CALIFORNIA.* Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 98-7274. *CHAIDEZ v. CALIFORNIA.* Sup. Ct. Cal. Certiorari denied.

No. 98-7276. *BURKE v. NORTH DAKOTA.* Sup. Ct. N. D. Certiorari denied.

No. 98-7278. *BENTLEY v. SCULLY, SUPERINTENDENT, GREEN HAVEN CORRECTIONAL FACILITY, ET AL.* C. A. 2d Cir. Certiorari denied.

No. 98-7283. *WILLIAMS v. FRENCH, WARDEN, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 146 F. 3d 203.

No. 98-7284. *THOMAS v. HARGETT, WARDEN.* C. A. 10th Cir. Certiorari denied. Reported below: 162 F. 3d 1174.

February 22, 1999

525 U. S.

No. 98-7285. *VERSER v. NELSON*. C. A. 7th Cir. Certiorari denied.

No. 98-7286. *BRICE v. VIRGINIA BEACH CORRECTIONAL CENTER ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 133 F. 3d 913.

No. 98-7287. *BAKER v. OKLAHOMA*. Ct. Crim. App. Okla. Certiorari denied. Reported below: 966 P. 2d 797.

No. 98-7288. *ALEXANDER v. SOUTH CAROLINA ET AL.* C. A. 4th Cir. Certiorari denied.

No. 98-7292. *PATTERSON v. MICHIGAN DEPARTMENT OF CORRECTIONS ET AL.* Ct. App. Mich. Certiorari denied.

No. 98-7294. *SIMMS v. SIZER, WARDEN*. C. A. 4th Cir. Certiorari denied. Reported below: 164 F. 3d 625.

No. 98-7296. *SMITH v. JONES, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 98-7298. *SMITH v. BARRY ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 165 F. 3d 19.

No. 98-7300. *SELLERS v. SANDERS, WARDEN, ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 159 F. 3d 1356.

No. 98-7301. *PEETE v. STEGALL, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 98-7302. *RIOS v. UNITED STATES*. C. A. Armed Forces. Certiorari denied. Reported below: 48 M. J. 261.

No. 98-7303. *SANTOS v. PENNSYLVANIA*. Super. Ct. Pa. Certiorari denied. Reported below: 706 A. 2d 1258.

No. 98-7304. *POOLE v. JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 98-7308. *WILLIAMS v. USX CORP.* C. A. 3d Cir. Certiorari denied. Reported below: 166 F. 3d 1207.

No. 98-7309. *WILLIAMS v. COURT OF CRIMINAL APPEALS OF TEXAS*. Ct. Crim. App. Tex. Certiorari denied.

525 U.S.

February 22, 1999

No. 98-7312. *BUTLER v. JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 98-7313. *CLARK v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 163 F. 3d 603.

No. 98-7314. *MCBRIDE v. NULTY, SUPERINTENDENT, COLD SPRINGS CORRECTIONAL FACILITY*. C. A. 4th Cir. Certiorari denied. Reported below: 163 F. 3d 599.

No. 98-7316. *IBRAHIM v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 164 F. 3d 621.

No. 98-7319. *MANGRUM v. MARSHALL*. C. A. 11th Cir. Certiorari denied.

No. 98-7321. *BROWN v. FLORIDA*. Dist. Ct. App. Fla., 2d Dist. Certiorari denied. Reported below: 722 So. 2d 197.

No. 98-7325. *AUTEN v. GOMEZ, WARDEN*. C. A. 9th Cir. Certiorari denied. Reported below: 162 F. 3d 1167.

No. 98-7328. *ARMSTRONG v. RODRIGUEZ, CHAIRMAN, TEXAS BOARD OF PARDONS AND PAROLES, ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 145 F. 3d 360.

No. 98-7329. *DAVIS v. BETHLEHEM STEEL CORP. ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 166 F. 3d 1199.

No. 98-7331. *HUTCHINSON v. WASHINGTON*. Sup. Ct. Wash. Certiorari denied. Reported below: 135 Wash. 2d 863, 959 P. 2d 1061.

No. 98-7333. *FALTAS v. THE STATE NEWSPAPER ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 155 F. 3d 557.

No. 98-7336. *GARRETT v. BESHEARS, WARDEN, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 145 F. 3d 1324.

No. 98-7344. *GOLDSBY v. ROWLEY, SUPERINTENDENT, NORTHEAST CORRECTIONAL CENTER*. C. A. 8th Cir. Certiorari denied.

No. 98-7346. *HOGAN v. NOBLES ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 149 F. 3d 1179.

February 22, 1999

525 U. S.

No. 98-7347. *HAMILTON v. WORKERS' COMPENSATION APPEALS BOARD ET AL.* Ct. App. Cal., 4th App. Dist. Certiorari denied.

No. 98-7348. *PHILLIPS v. CARTER, WARDEN.* C. A. 6th Cir. Certiorari denied.

No. 98-7355. *SCANTLEBERRY-FRANK v. UNITED STATES.* C. A. 1st Cir. Certiorari denied. Reported below: 158 F. 3d 612.

No. 98-7356. *ROSE v. COOK, DIRECTOR, OREGON DEPARTMENT OF CORRECTIONS.* C. A. 9th Cir. Certiorari denied. Reported below: 164 F. 3d 631.

No. 98-7359. *MATHISON ET UX. v. MINNEHAHA COUNTY, SOUTH DAKOTA, ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 163 F. 3d 602.

No. 98-7360. *THOMPSON v. KEOHANE, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 145 F. 3d 1341.

No. 98-7361. *TSUHA v. CALIFORNIA.* Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 98-7362. *WILSON v. OHIO.* C. A. 6th Cir. Certiorari denied.

No. 98-7363. *MONTENEGRO v. ILLINOIS.* App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 296 Ill. App. 3d 1067, 726 N. E. 2d 1188.

No. 98-7365. *WOLFGRAM ET AL. v. UNITED STATES ET AL.* C. A. 9th Cir. Certiorari denied.

No. 98-7366. *WILLIAMS v. JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION.* C. A. 5th Cir. Certiorari denied.

No. 98-7367. *YRDANOFF v. TEXAS.* Ct. App. Tex., 5th Dist. Certiorari denied.

No. 98-7369. *SKORNIK v. UNITED STATES.* C. A. 8th Cir. Certiorari denied.

No. 98-7371. *LOPS v. LOPS.* C. A. 11th Cir. Certiorari denied. Reported below: 140 F. 3d 927.

525 U.S.

February 22, 1999

No. 98-7373. *WHITLATCH v. PENNSYLVANIA DEPARTMENT OF TRANSPORTATION, BUREAU OF DRIVER LICENSING*. Sup. Ct. Pa. Certiorari denied. Reported below: 552 Pa. 298, 715 A. 2d 387.

No. 98-7377. *POLLARD v. UNITED STATES*. Ct. App. D. C. Certiorari denied.

No. 98-7381. *SHAW v. DAVIS, WARDEN, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 153 F. 3d 722.

No. 98-7383. *CROMARTIE v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 161 F. 3d 18.

No. 98-7387. *BABBITT v. CALDERON, WARDEN*. C. A. 9th Cir. Certiorari denied. Reported below: 151 F. 3d 1170.

No. 98-7388. *BRYAN v. SINGLETARY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS*. C. A. 11th Cir. Certiorari denied. Reported below: 140 F. 3d 1354.

No. 98-7394. *HERMANEK v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 145 F. 3d 1342.

No. 98-7397. *GENOA v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 98-7400. *HILL v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 164 F. 3d 632.

No. 98-7402. *ANTONIO ESTEVEZ v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 164 F. 3d 619.

No. 98-7405. *PROBY v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 159 F. 3d 1355.

No. 98-7407. *SANDOVAL v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 164 F. 3d 632.

No. 98-7408. *GONZALEZ v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 152 F. 3d 934.

No. 98-7409. *VARGAS ESTRADA v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 164 F. 3d 619.

No. 98-7412. *NAVARRO TORRES v. CALIFORNIA*. Ct. App. Cal., 4th App. Dist. Certiorari denied.

February 22, 1999

525 U.S.

No. 98-7414. *TRUETT v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 161 F. 3d 20.

No. 98-7416. *URIAS v. UNITED STATES ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 164 F. 3d 632.

No. 98-7417. *WILLIAMS v. CUOMO, SECRETARY OF HOUSING AND URBAN DEVELOPMENT*. C. A. 7th Cir. Certiorari denied. Reported below: 151 F. 3d 1035.

No. 98-7421. *VALENCIA-AYALA v. UNITED STATES*. C. A. 10th Cir. Certiorari denied.

No. 98-7423. *CRAFT v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 165 F. 3d 28.

No. 98-7424. *BELTRAN v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 164 F. 3d 619.

No. 98-7426. *HENRIQUES v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 161 F. 3d 4.

No. 98-7428. *HUNTER v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 98-7429. *DILLON v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

No. 98-7431. *GARDNER v. JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 98-7432. *EVANS v. JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 98-7433. *FEIST v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 139 F. 3d 908.

No. 98-7434. *HAYES v. BELL, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 98-7436. *RYAN v. DRAGOVICH, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT MAHANAY, ET AL.* C. A. 3d Cir. Certiorari denied.

525 U.S.

February 22, 1999

No. 98-7439. *PICCOLO v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 159 F. 3d 1354.

No. 98-7440. *HILL v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 98-7441. *GILLIS v. ENDICOTT, WARDEN*. C. A. 7th Cir. Certiorari denied.

No. 98-7446. *HINES v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 154 F. 3d 772.

No. 98-7447. *DENNIS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 131 F. 3d 1452.

No. 98-7448. *HURNEY v. OHIO*. Sup. Ct. Ohio. Certiorari denied. Reported below: 80 Ohio St. 3d 1446, 686 N. E. 2d 274.

No. 98-7457. *RAMON v. CITY OF HOUSTON ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 156 F. 3d 181.

No. 98-7458. *SHEPHERD v. ROSSOTTI, COMMISSIONER OF INTERNAL REVENUE*. C. A. 7th Cir. Certiorari denied.

No. 98-7461. *RUSSELL v. ARMSTRONG, COMMISSIONER, CONNECTICUT DEPARTMENT OF CORRECTION*. App. Ct. Conn. Certiorari denied. Reported below: 49 Conn. App. 52, 712 A. 2d 978.

No. 98-7464. *PERRY v. COUNTY OF SAN DIEGO ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 162 F. 3d 1169.

No. 98-7467. *VENTURA-CANDELARIO, AKA GUITEREZ v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 164 F. 3d 620.

No. 98-7470. *CHESTNUT v. MAINE*. Sup. Jud. Ct. Me. Certiorari denied.

No. 98-7471. *BARNETT v. MISSOURI*. Sup. Ct. Mo. Certiorari denied. Reported below: 980 S. W. 2d 297.

No. 98-7478. *MARTINES v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 159 F. 3d 1354.

No. 98-7480. *JONES v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 161 F. 3d 21.

February 22, 1999

525 U. S.

No. 98-7482. *MIOTKE v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 166 F. 3d 339.

No. 98-7483. *LEBARON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 156 F. 3d 621.

No. 98-7484. *NELSON v. SINGLETARY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS*. C. A. 11th Cir. Certiorari denied. Reported below: 149 F. 3d 1193.

No. 98-7485. *MEANS v. ALEXANDER ET AL.* C. A. D. C. Cir. Certiorari denied.

No. 98-7488. *JACKSON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 166 F. 3d 340.

No. 98-7489. *LOWE v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 159 F. 3d 1357.

No. 98-7492. *WRIGHT v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 178 F. 3d 1298.

No. 98-7493. *CRIALES v. AMERICAN AIRLINES, INC.* C. A. 2d Cir. Certiorari denied.

No. 98-7494. *MILLIGAN ET AL. v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 164 F. 3d 627.

No. 98-7495. *LINDAHL v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 145 F. 3d 1342.

No. 98-7496. *MARSH v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 164 F. 3d 632.

No. 98-7498. *MOORE v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 98-7499. *MOORE v. UNITED STATES*. Ct. App. D. C. Certiorari denied.

No. 98-7502. *PHAM v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 164 F. 3d 620.

No. 98-7503. *SNOWDEN v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 164 F. 3d 632.

No. 98-7504. *SANCHO v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 157 F. 3d 918.

525 U.S.

February 22, 1999

No. 98-7507. *ADAMS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 161 F. 3d 3.

No. 98-7512. *HIGGASON v. HANKS, SUPERINTENDENT, WABASH VALLEY CORRECTIONAL FACILITY*. C. A. 7th Cir. Certiorari denied.

No. 98-7513. *DEVOIL-EL v. DORMIRE, SUPERINTENDENT, JEFFERSON CITY CORRECTIONAL CENTER*. C. A. 8th Cir. Certiorari denied. Reported below: 160 F. 3d 1184.

No. 98-7516. *GLOVER v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 156 F. 3d 1244.

No. 98-7517. *HARRIS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 161 F. 3d 7.

No. 98-7519. *HUDDLESTON v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 98-7520. *ROMAN v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

No. 98-7523. *RODRIGUEZ v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 168 F. 3d 480.

No. 98-7525. *CHRISTIE v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 164 F. 3d 626.

No. 98-7527. *CROOKSHANK v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 161 F. 3d 15.

No. 98-7530. *ALLEN v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 161 F. 3d 20.

No. 98-7531. *BONDS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 164 F. 3d 631.

No. 98-7536. *JARRETT v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 154 F. 3d 772.

No. 98-7537. *ALLEN v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 161 F. 3d 5.

No. 98-7539. *BRAUN v. DEPARTMENT OF JUSTICE ET AL.* C. A. 10th Cir. Certiorari denied.

February 22, 1999

525 U. S.

No. 98-7543. *TALK v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 158 F. 3d 1064.

No. 98-7544. *CHAMBERS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 165 F. 3d 918.

No. 98-7545. *BYRNES v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 166 F. 3d 1215.

No. 98-7552. *JONES v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 164 F. 3d 620.

No. 98-7554. *LOFTON v. ATWOOD*. C. A. D. C. Cir. Certiorari denied. Reported below: 172 F. 3d 920.

No. 98-7556. *LIBRETTI v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 161 F. 3d 18.

No. 98-7558. *MORENO v. JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 98-7560. *MORRIS v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 149 F. 3d 1188.

No. 98-7563. *GOLDEN v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 168 F. 3d 478.

No. 98-7564. *MARTINEZ GARCIA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 163 F. 3d 608.

No. 98-7566. *GOTSCH v. NEW HAMPSHIRE*. Sup. Ct. N. H. Certiorari denied. Reported below: 143 N. H. 88, 719 A. 2d 606.

No. 98-7568. *HUERTA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 164 F. 3d 632.

No. 98-7569. *HILL v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 165 F. 3d 21.

No. 98-7570. *GRIGGS v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 98-7572. *BOADU v. IMMIGRATION AND NATURALIZATION SERVICE*. C. A. 4th Cir. Certiorari denied. Reported below: 164 F. 3d 623.

525 U.S.

February 22, 1999

No. 98-7574. *BROWN v. SHALALA, SECRETARY OF HEALTH AND HUMAN SERVICES*. C. A. 10th Cir. Certiorari denied. Reported below: 161 F. 3d 17.

No. 98-7575. *JUDD v. UNITED STATES* (two judgments). C. A. 5th Cir. Certiorari denied.

No. 98-7576. *MELBERT v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 98-7582. *JOHNSON v. GILLIS, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT COAL TOWNSHIP, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 98-7585. *CURET-CASELLAS v. UNITED STATES*. C. A. 1st Cir. Certiorari denied.

No. 98-7586. *CHAMBERS v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 157 F. 3d 541.

No. 98-7587. *ALEXANDER v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 163 F. 3d 426.

No. 98-7588. *MILTON ET AL. v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 153 F. 3d 891.

No. 98-7590. *JACKSON v. NIXON, ATTORNEY GENERAL OF MISSOURI, ET AL.* C. A. 8th Cir. Certiorari denied.

No. 98-7592. *LOPEZ v. TERHUNE, DIRECTOR, CALIFORNIA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 98-7595. *MCQUEEN v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 166 F. 3d 1216.

No. 98-7599. *WENBURG v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 161 F. 3d 22.

No. 98-7600. *KINNISON v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 161 F. 3d 4.

No. 98-7601. *SAMANIEGO LORETO v. THOMAS, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 98-7602. *NANCE v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 165 F. 3d 21.

February 22, 1999

525 U. S.

No. 98-7603. *MILLS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 135 F. 3d 771.

No. 98-7608. *BRAVO v. DEPARTMENT OF VETERANS AFFAIRS ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 162 F. 3d 1167.

No. 98-7613. *RAMSEY v. BOWERSOX, SUPERINTENDENT, POTOSI CORRECTIONAL CENTER*. C. A. 8th Cir. Certiorari denied. Reported below: 149 F. 3d 749.

No. 98-7614. *LENA v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 151 F. 3d 1027.

No. 98-7624. *JAMES v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 156 F. 3d 1240.

No. 98-7625. *BOGARD v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 98-7627. *BLACK v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 158 F. 3d 588.

No. 98-7629. *PADILLA-MENDOZA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 157 F. 3d 730.

No. 98-7630. *ROBERTSON v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 158 F. 3d 1370.

No. 98-7631. *SHERROD v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 166 F. 3d 1215.

No. 98-7632. *SLATER v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 162 F. 3d 1175.

No. 98-7633. *KEY v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 145 F. 3d 771.

No. 98-7639. *YOUNG v. BOWLEN, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 98-7655. *MCDANIEL v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 165 F. 3d 29.

No. 98-7657. *ERLACH v. NEW YORK CITY BOARD OF EDUCATION*. C. A. 2d Cir. Certiorari denied. Reported below: 129 F. 3d 113.

525 U.S.

February 22, 1999

No. 98-7663. *SHORT v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 98-7664. *POLK v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 139 F. 3d 909.

No. 98-7665. *SANTOYO v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 146 F. 3d 519.

No. 98-7666. *PALOMO v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 162 F. 3d 93.

No. 98-7669. *NGUYEN v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 155 F. 3d 1219.

No. 98-7670. *PETREYKOV ET AL. v. SPITZER, ATTORNEY GENERAL OF NEW YORK, ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 159 F. 3d 1347.

No. 98-7671. *THORPE v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 164 F. 3d 632.

No. 98-7672. *TORRES v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 162 F. 3d 1171.

No. 98-7676. *BINDLEY v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 157 F. 3d 1235.

No. 98-7677. *BENDEK v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 146 F. 3d 1326.

No. 98-7681. *AGUILERA v. WEARE, CLERK, UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 163 F. 3d 605.

No. 98-7683. *EMUCHAY v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 156 F. 3d 185.

No. 98-7684. *GUZEY v. LAW OFFICES OF HOWARD A. KAPP*. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 98-7685. *GARCIA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 166 F. 3d 341.

No. 98-7691. *FEDD v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 161 F. 3d 4.

February 22, 1999

525 U. S.

No. 98-7705. *SILLER v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 165 F. 3d 24.

No. 98-7706. *RICHIEZ v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 162 F. 3d 1158.

No. 98-7707. *PAYAN-APODACA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 165 F. 3d 36.

No. 98-7708. *POWELL v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 159 F. 3d 500.

No. 98-7709. *PERRY v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 152 F. 3d 900.

No. 98-7711. *LINSMEIER v. WEST, SECRETARY OF VETERANS AFFAIRS*. C. A. 6th Cir. Certiorari denied. Reported below: 156 F. 3d 1230.

No. 98-7712. *JONES v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 155 F. 3d 562.

No. 98-7713. *ALEXANDER v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 162 F. 3d 1152.

No. 98-7714. *CARROLL v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 166 F. 3d 334.

No. 98-7718. *NERLICH v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 162 F. 3d 97.

No. 98-7720. *ROBINSON v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 165 F. 3d 34.

No. 98-7721. *SEWELL v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 159 F. 3d 275.

No. 98-7724. *TAYLOR v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 149 F. 3d 1195.

No. 98-7725. *TARRANT v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 158 F. 3d 946.

No. 98-7728. *STODDARD v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 150 F. 3d 1140.

No. 98-7729. *RICCO v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 166 F. 3d 336.

525 U.S.

February 22, 1999

No. 98-7730. *SCHWARTZ v. EMHART GLASS MACHINERY ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 163 F. 3d 607.

No. 98-7733. *LOOS ET AL. v. UNITED STATES.* C. A. 7th Cir. Certiorari denied. Reported below: 165 F. 3d 504.

No. 98-7737. *WOODARD v. UNITED STATES.* C. A. 11th Cir. Certiorari denied. Reported below: 152 F. 3d 935.

No. 98-7741. *SANCHEZ v. UNITED STATES.* C. A. 5th Cir. Certiorari denied.

No. 98-7743. *ERVIN v. MISSOURI.* Sup. Ct. Mo. Certiorari denied. Reported below: 979 S. W. 2d 149.

No. 98-7744. *DAVIS ET AL. v. UNITED STATES.* C. A. 8th Cir. Certiorari denied. Reported below: 154 F. 3d 772.

No. 98-7745. *HULL v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 160 F. 3d 265.

No. 98-7746. *FUENTES-DIAZ v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 164 F. 3d 632.

No. 98-7747. *ESCOBAR-OREJUELA v. UNITED STATES.* C. A. 2d Cir. Certiorari denied.

No. 98-7750. *GRAY v. UNITED STATES.* C. A. 8th Cir. Certiorari denied. Reported below: 152 F. 3d 816.

No. 98-7752. *GUTIERREZ v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 165 F. 3d 37.

No. 98-7753. *BAILEY v. UNITED STATES;* and

No. 98-7765. *WOODS v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 165 F. 3d 22.

No. 98-7754. *LEWIS v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 165 F. 3d 21.

No. 98-7755. *LAWSON v. KIRSCHNER.* C. A. 2d Cir. Certiorari denied. Reported below: 152 F. 3d 919.

No. 98-7756. *NYHUIS v. UNITED STATES.* C. A. 6th Cir. Certiorari denied.

No. 98-7758. *BROWN v. UNITED STATES.* C. A. 8th Cir. Certiorari denied. Reported below: 148 F. 3d 1003.

February 22, 1999

525 U. S.

No. 98-7759. *BARTON v. FLORIDA*. Sup. Ct. Fla. Certiorari denied. Reported below: 727 So. 2d 902.

No. 98-7770. *ANTONELLI v. HURLEY, WARDEN*. C. A. 7th Cir. Certiorari denied. Reported below: 151 F. 3d 1032.

No. 98-7772. *SIMMONS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 137 F. 3d 1352.

No. 98-7774. *POLAND v. RENO, ATTORNEY GENERAL, ET AL.* C. A. D. C. Cir. Certiorari denied.

No. 98-7775. *POLK v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 162 F. 3d 95.

No. 98-7777. *MARSHALL v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 162 F. 3d 94.

No. 98-7783. *MUHAMMAD v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 98-7784. *LEBARON ET AL. v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 98-7785. *LANGFORD v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 98-7787. *JAMAL v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 98-7788. *MARTIN v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 166 F. 3d 1216.

No. 98-7789. *MAGGARD v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 156 F. 3d 843.

No. 98-7793. *GUADALUPE ALTAMIRANO v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 166 F. 3d 348.

No. 98-7794. *ALLEN v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 153 F. 3d 1037.

No. 98-7797. *CALLOWAY v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 162 F. 3d 1161.

No. 98-7804. *WOODS v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

525 U.S.

February 22, 1999

No. 98-7806. *TOBIN v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 155 F. 3d 636.

No. 98-7808. *WORD v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 98-7810. *LLOYD v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 98-7816. *KIMBERLIN v. UNITED STATES PAROLE COMMISSION*. C. A. 4th Cir. Certiorari denied.

No. 98-7821. *MARZANO v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 160 F. 3d 399.

No. 98-7824. *NICHOLSON v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 98-7826. *WATSON v. SMITH, WARDEN, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 161 F. 3d 5.

No. 98-682. *BOUCHARD TRANSPORTATION CO., INC., ET AL. v. UNITED STATES ET AL.* C. A. 11th Cir. Motions of Maritime Law Association of the United States and American Waterways Operators for leave to file briefs as *amici curiae* granted. Certiorari denied. Reported below: 147 F. 3d 1344.

No. 98-873. *JOHN CRANE INC. v. ABATE ET AL.* Ct. Sp. App. Md. Motion of National Association of Manufacturers et al. for leave to file a brief as *amici curiae* granted. Certiorari denied. Reported below: 121 Md. App. 590, 710 A. 2d 944.

No. 98-918 (A-511). *PUERTO RICO MARINE MANAGEMENT, INC., ET AL. v. HOOPER*. Ct. App. La., 4th Cir. Application for stay, addressed to JUSTICE O'CONNOR and referred to the Court, denied. Certiorari denied. Reported below: 716 So. 2d 197.

No. 98-947. *AT&T WIRELESS SERVICES ET AL. v. TENORE ET AL.* Sup. Ct. Wash. Motion of Cellular Telecommunications Industry Association for leave to file a brief as *amicus curiae* granted. Certiorari denied. JUSTICE O'CONNOR took no part in the consideration or decision of this motion and this petition. Reported below: 136 Wash. 2d 322, 962 P. 2d 104.

No. 98-960. *COBB v. E. I. DU PONT DE NEMOURS & CO. ET AL.* C. A. 4th Cir. Certiorari denied. JUSTICE O'CONNOR took no

February 22, 1999

525 U. S.

part in the consideration or decision of this petition. Reported below: 153 F. 3d 719.

No. 98-1003. GIRRES ET AL. *v.* BORMANN ET AL. Sup. Ct. Iowa. Motion of National Pork Producers Council et al. for leave to file a brief as *amici curiae* granted. Certiorari denied. JUSTICE STEVENS took no part in the consideration or decision of this motion and this petition. Reported below: 584 N. W. 2d 309.

*Rehearing Denied*

No. 97-9166. KNIGHT *v.* IVESTER ET AL., *ante*, p. 839;

No. 97-9670. HOWE *v.* VIRGINIA, *ante*, p. 865;

No. 98-520. PALM, INDIVIDUALLY AND AS SURVIVING PARENT OF PALM, DECEASED *v.* LAS VEGAS METROPOLITAN POLICE DEPARTMENT ET AL., *ante*, p. 1054;

No. 98-800. TRAIL ENTERPRISES, INC., DBA WILSON OIL CO. *v.* CITY OF HOUSTON, *ante*, p. 1070;

No. 98-5080. NWACHUKWU *v.* UNITED STATES, *ante*, p. 885;

No. 98-5647. CRAWFORD *v.* JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION, *ante*, p. 936;

No. 98-5669. DEYONGHE *v.* SCOTT, WARDEN, *ante*, p. 950;

No. 98-5767. SMITH *v.* MORGAN, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT SMITHFIELD, ET AL., *ante*, p. 968;

No. 98-5807. IN RE SCHULTZ, *ante*, p. 807;

No. 98-5876. IN RE SCHNELLE, *ante*, p. 960;

No. 98-5939. BOGART *v.* CURRY ET AL., *ante*, p. 984;

No. 98-5992. STEELE *v.* COUNTY OF LOS ANGELES ET AL., *ante*, p. 1005;

No. 98-6003. WHITE *v.* WHITE, WARDEN, ET AL., *ante*, p. 1005;

No. 98-6057. CROSS *v.* PLACER COUNTY SUPERIOR COURT, *ante*, p. 1006;

No. 98-6109. STEVENS *v.* FLORIDA, *ante*, p. 985;

No. 98-6115. CRAWFORD *v.* MISSISSIPPI, *ante*, p. 1021;

No. 98-6137. WILLIAMS *v.* CONWAY ET AL., *ante*, p. 1021;

No. 98-6152. SHAMSIDEEN *v.* PRICE, WARDEN, *ante*, p. 1022;

No. 98-6174. DARDEN *v.* CITY OF BERKELEY, CALIFORNIA, ET AL., *ante*, p. 1022;

No. 98-6198. REEVES *v.* BRINSON, WARDEN, ET AL., *ante*, p. 1023;

No. 98-6293. IN RE TOBIAS, *ante*, p. 960;

No. 98-6366. BURNS *v.* UNITED STATES, *ante*, p. 988;

525 U.S.

February 22, 24, 1999

- No. 98-6387. SUMTER *v.* SAYBOLT, INC., ET AL., *ante*, p. 1026;  
No. 98-6466. BARTLETT *v.* DEPARTMENT OF THE ARMY, *ante*,  
p. 1044;  
No. 98-6482. CROSS *v.* COURT OF APPEAL OF CALIFORNIA,  
THIRD APPELLATE DISTRICT, *ante*, p. 1074;  
No. 98-6549. WILLIAMS *v.* SOBINA, SUPERINTENDENT, STATE  
CORRECTIONAL INSTITUTION AT SOMERSET, *ante*, p. 1075;  
No. 98-6629. JEFFUS *v.* UNITED STATES, *ante*, p. 1031;  
No. 98-6643. SHARMA *v.* UNITED STATES DISTRICT COURT FOR  
THE CENTRAL DISTRICT OF CALIFORNIA, *ante*, p. 1045;  
No. 98-6671. McCAULEY *v.* UNITED STATES, *ante*, p. 1032;  
No. 98-6736. CROSS *v.* DROZD ET AL., *ante*, p. 1079;  
No. 98-6737. CROSS *v.* PELICAN BAY STATE PRISON, *ante*,  
p. 1079;  
No. 98-6754. SIKORA *v.* UNITED STATES ET AL., *ante*, p. 1080;  
No. 98-6795. PEREZ *v.* UNITED STATES, *ante*, p. 1048; and  
No. 98-6808. WILLIAMS *v.* U-HAUL COMPANY OF COLORADO,  
*ante*, p. 1081. Petitions for rehearing denied.
- No. 98-659. PAUL *v.* WILLIAM MORROW & Co., INC., ET AL.,  
*ante*, p. 1094. Petition for rehearing denied. THE CHIEF JUSTICE  
took no part in the consideration or decision of this petition.

FEBRUARY 24, 1999

*Miscellaneous Orders*

No. A-706 (98-1368). STEWART, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS, ET AL. *v.* LAGRAN. C. A. 9th Cir. Application to vacate stay of execution of sentence of death, presented to JUSTICE O'CONNOR, and by her referred to the Court, granted. JUSTICE GINSBURG would deny the application to vacate stay of execution.

JUSTICE STEVENS, dissenting.

The State has filed a petition for certiorari in No. 98-1368 raising the following four questions:

"1. Has the Ninth Circuit opinion holding that execution by lethal gas constitutes cruel and unusual punishment under the Eighth Amendment, created a conflict among the circuits requiring this Court to resolve the constitutionality of Arizona's method of execution?"

February 24, 1999

525 U. S.

“2. Does an inmate who chooses to be executed by lethal gas, rather than the available constitutional method of lethal injection, waive his right to complain that lethal gas is unconstitutional?”

“3. Whether an inmate who failed to timely raise an argument about the unconstitutionality of lethal gas in state court has shown cause by claiming that it would have been futile for his appellate lawyer to raise the claim even though lethal gas was the only method of execution at the time the inmate was sentenced? Whether the inmate can show cause for his procedural default by claiming that factual information about lethal gas was unavailable even though numerous executions by lethal gas had occurred over the previous five decades?”

“4. Whether application of a ruling declaring lethal gas an unconstitutional method of execution is a new rule being applied on collateral review in derogation of *Teague v. Lane*[, 489 U. S. 288 (1989)?]” Pet. for Cert. (i).

In my opinion, all four of these questions presented in the State’s petition for certiorari merit this Court’s attention. I would, therefore, grant that petition and allow the stay to remain in place. Otherwise, the case may become moot.

No. A-706 (98-1368). STEWART, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS, ET AL. *v.* LAGRAN. C. A. 9th Cir. Motion by Karl LaGrand to clarify the order entered by the Court in the above captioned case on February 24, 1999 [immediately *supra*], denied. JUSTICE GINSBURG took no part in the consideration or decision of this motion.

JUSTICE STEVENS, dissenting.

Because I am not at all sure that the Court has authority to vacate an injunction without first granting certiorari, and because I also think the Court’s order is not entirely clear, I would grant the motion for clarification.

No. 98-8222 (A-705). IN RE GREEN. Application for stay of execution of sentence of death, presented to JUSTICE SCALIA, and by him referred to the Court, denied. Petition for writ of habeas corpus denied.

*Certiorari Denied*

No. 98-8136 (A-700). GREEN *v.* JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION.

525 U.S.

February 24, March 1, 1999

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: 160 F. 3d 1029.

MARCH 1, 1999

*Miscellaneous Orders*

No. D-1906. IN RE DISBARMENT OF NEELY. The rule to show cause entered January 20, 1998 [522 U. S. 1073], is discharged, and the order suspending respondent from practice of law in this Court is vacated.

No. D-2023. IN RE DISBARMENT OF WEINBERGER. Barrett Neil Weinberger, of Cincinnati, Ohio, having requested to resign as a member of the Bar of this Court, it is ordered that his name be stricken from the roll of attorneys admitted to the practice of law before this Court. The rule to show cause, issued on January 19, 1999 [*ante*, p. 1100], is discharged.

No. D-2046. IN RE DISBARMENT OF PELLICANE. Robert J. Pellicane, of Hauppauge, N. Y., is suspended from the practice of law in this Court, and a rule will 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-2047. IN RE DISBARMENT OF HESS. Stanford Donald Hess, of Baltimore, Md., is suspended from the practice of law in this Court, and a rule will 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-2048. IN RE DISBARMENT OF WOLOSIN. Gary Ellis Wolosin, of Cincinnati, Ohio, is suspended from the practice of law in this Court, and a rule will 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. M-44. WALTON *v.* CITY OF MANASSAS; and

No. M-45. TAYLOR *v.* DEPARTMENT OF HEALTH AND HUMAN SERVICES. Motions to direct the Clerk to file petitions for writs of certiorari out of time denied.

March 1, 1999

525 U. S.

No. 97-1927. HANLON ET AL. *v.* BERGER ET UX. C. A. 9th Cir. [Certiorari granted, *ante*, p. 981]; and

No. 98-83. WILSON ET AL. *v.* LAYNE, DEPUTY UNITED STATES MARSHAL, ET AL. C. A. 4th Cir. [Certiorari granted, *ante*, p. 981.] A total of 10 additional minutes for oral argument are allotted to petitioners Hanlon et al., federal respondents Layne et al., and state respondents. A total of 10 additional minutes for oral argument are allotted to respondents Berger et ux. and petitioners Wilson et al.

No. 98-223. FLORIDA *v.* WHITE. Sup. Ct. Fla. [Certiorari granted, *ante*, p. 1000.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 98-369. NATIONAL AERONAUTICS AND SPACE ADMINISTRATION ET AL. *v.* FEDERAL LABOR RELATIONS AUTHORITY ET AL. C. A. 11th Cir. [Certiorari granted, *ante*, p. 960.] Motion of respondent American Federation of Government Employees for divided argument granted, and the time is divided as follows: 20 minutes for the Federal Labor Relations Authority, and 10 minutes for the American Federation of Government Employees, AFL-CIO.

No. 98-1041. WHITBURN, SECRETARY, WISCONSIN DEPARTMENT OF HEALTH AND FAMILY SERVICES, ET AL. *v.* ADDIS ET AL. C. A. 7th Cir. The Solicitor General is invited to file a brief in this case expressing the views of the United States.

No. 98-7306. LOWE *v.* CANTRELL. Ct. Civ. App. Okla. Motion of petitioner to proceed *in forma pauperis* denied. See this Court's Rule 39.8. Petitioner is allowed until March 22, 1999, within which to pay the docketing fee required by Rule 38(a) and to submit a petition in compliance with Rule 33.1 of the Rules of this Court.

No. 98-7999. IN RE ROSE. Petition for writ of habeas corpus denied.

No. 98-7455. IN RE ADDAMS-MORE. Petition for writ of mandamus denied.

*Certiorari Granted*

No. 98-822. FRIENDS OF THE EARTH, INC., ET AL. *v.* LAIDLAW ENVIRONMENTAL SERVICES (TOC), INC. C. A. 4th Cir. Motion

525 U.S.

March 1, 1999

of Public Citizen for leave to file a brief as *amicus curiae* granted. Certiorari granted. Reported below: 149 F. 3d 303.

*Certiorari Denied*

No. 98-697. HARBERT/LUMMUS AGRIFUELS PROJECTS ET AL. *v.* UNITED STATES. C. A. Fed. Cir. Certiorari denied. Reported below: 142 F. 3d 1429.

No. 98-765. SONNEBERG *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 164 F. 3d 621.

No. 98-837. SHOTTS *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 145 F. 3d 1289.

No. 98-863. LAFAYETTE PLACE ASSOCIATES *v.* CITY OF BOSTON. Sup. Jud. Ct. Mass. Certiorari denied. Reported below: 427 Mass. 509, 694 N. E. 2d 820.

No. 98-867. CLAGG ET AL. *v.* BAYCLIFFS CORP. ET AL. Sup. Ct. Ohio. Certiorari denied. Reported below: 82 Ohio St. 3d 277, 695 N. E. 2d 728.

No. 98-871. UNITED STATES *v.* HUGHES AIRCRAFT CO. C. A. Fed. Cir. Certiorari denied. Reported below: 140 F. 3d 1470.

No. 98-875. DAVISTER CORP. *v.* UNITED REPUBLIC LIFE INSURANCE CO. ET AL. C. A. 10th Cir. Certiorari denied. Reported below: 152 F. 3d 1277.

No. 98-897. GABLE *v.* PATTON ET AL.; and  
No. 98-1072. PATTON *v.* GABLE ET AL. C. A. 6th Cir. Certiorari denied. Reported below: 142 F. 3d 940.

No. 98-912. ROSS *v.* INDIANA STATE TEACHERS ASSN. ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 159 F. 3d 1001.

No. 98-919. LUMSDEN ET AL. *v.* LIBERTY MUTUAL INSURANCE CO. ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 159 F. 3d 1356.

No. 98-985. HERBERT *v.* REINSTEIN ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 162 F. 3d 1151.

No. 98-986. DAIMLERCHRYSLER CORP. *v.* KOLOSSO AUTO SALES, INC. C. A. 7th Cir. Certiorari denied. Reported below: 148 F. 3d 892.

March 1, 1999

525 U. S.

No. 98–987. *HELLER v. YANNITELLI ET AL.* App. Div., Sup. Ct. N. Y., 1st Jud. Dept. Certiorari denied. Reported below: 247 App. Div. 2d 271, 668 N. Y. S. 2d 613.

No. 98–1020. *RILEY v. ST. LOUIS COUNTY ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 153 F. 3d 627.

No. 98–1022. *SMITH v. SMITH.* Super. Ct. Pa. Certiorari denied.

No. 98–1024. *KING v. UNITED STATES*; and  
No. 98–6523. *SMITH v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 161 F. 3d 5.

No. 98–1033. *BAIR, INDIVIDUALLY AND AS REPRESENTATIVE OF THE ESTATE OF BAIR, ET AL. v. HAGANS ET AL.* Ct. App. Tex., 14th Dist. Certiorari denied.

No. 98–1034. *LOVENESS ET UX. v. ARIZONA DEPARTMENT OF REVENUE.* Ct. App. Ariz. Certiorari denied. Reported below: 192 Ariz. 224, 963 P. 2d 303.

No. 98–1042. *SMITH v. SUPREME COURT OF COLORADO.* C. A. 10th Cir. Certiorari denied.

No. 98–1047. *KOERNER ET AL. v. CRESCENT CITY EMERGENCY MEDICAL SERVICES, INC., ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 159 F. 3d 1356.

No. 98–1049. *ALLINDER v. INTER-CITY PRODUCTS CORP. (USA) ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 152 F. 3d 544.

No. 98–1051. *BOJEKIAN ET UX. v. FORT LEE PLANNING BOARD ET AL.* Super. Ct. N. J., App. Div. Certiorari denied.

No. 98–1068. *MAGNOLIA VENTURE CAPITAL CORP. v. MISSISSIPPI DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT.* C. A. 5th Cir. Certiorari denied. Reported below: 151 F. 3d 439.

No. 98–1069. *HERNANDEZ v. CALIFORNIA.* Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 98–1070. *HARRIS v. TEXAS.* Ct. App. Tex., 12th Dist. Certiorari denied. Reported below: 986 S. W. 2d 619.

525 U.S.

March 1, 1999

No. 98-1086. *HORVATH v. OHIO STATE TEACHERS RETIREMENT BOARD*. Sup. Ct. Ohio. Certiorari denied. Reported below: 83 Ohio St. 3d 67, 697 N. E. 2d 644.

No. 98-1114. *ONSTINE v. RAMALEY ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 163 F. 3d 607.

No. 98-1157. *SHABAZZ v. CONNECTICUT*. Sup. Ct. Conn. Certiorari denied. Reported below: 246 Conn. 746, 719 A. 2d 440.

No. 98-1179. *COMPAGNIE EURALAIR, S. A. v. GENERAL ELECTRIC CO.* C. A. 2d Cir. Certiorari denied. Reported below: 164 F. 3d 617.

No. 98-1180. *SCHAP v. UNITED STATES*. C. A. Armed Forces. Certiorari denied. Reported below: 49 M. J. 317.

No. 98-1185. *IDARECIS v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 164 F. 3d 620.

No. 98-1205. *ANDONIAN v. UNITED STATES* (two judgments). C. A. 9th Cir. Certiorari denied.

No. 98-1212. *KIRK v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 159 F. 3d 1357.

No. 98-1232. *DAYTON v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 162 F. 3d 1178.

No. 98-6524. *WALDEN v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 146 F. 3d 487.

No. 98-6559. *HARTBARGER ET AL. v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 148 F. 3d 777.

No. 98-6681. *HUDSON, AKA BLACK, AKA BALK v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. Reported below: 159 F. 3d 637.

No. 98-6891. *SMITH v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 162 F. 3d 1162.

No. 98-7042. *BOLIN v. NEVADA*. Sup. Ct. Nev. Certiorari denied. Reported below: 114 Nev. 503, 960 P. 2d 784.

No. 98-7050. *DAVIS v. ALABAMA*. Sup. Ct. Ala. Certiorari denied. Reported below: 718 So. 2d 1166.

March 1, 1999

525 U. S.

No. 98-7052. *FLETCHER v. NORTH CAROLINA*. Sup. Ct. N. C. Certiorari denied. Reported below: 348 N. C. 292, 500 S. E. 2d 668.

No. 98-7053. *DE LA TORRE v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 157 F. 3d 1205.

No. 98-7076. *BURDIX-DANA v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 149 F. 3d 741.

No. 98-7118. *BLANTON v. TENNESSEE*. Sup. Ct. Tenn. Certiorari denied. Reported below: 975 S. W. 2d 269.

No. 98-7351. *SHAW v. KANSAS*. Ct. App. Kan. Certiorari denied.

No. 98-7352. *SOLIS v. TEXAS*. Ct. App. Tex., 10th Dist. Certiorari denied.

No. 98-7368. *SANDERS-BEY v. STEGALL, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 98-7376. *RAGLIN v. OHIO*. Sup. Ct. Ohio. Certiorari denied. Reported below: 83 Ohio St. 3d 253, 699 N. E. 2d 482.

No. 98-7378. *OTT v. OKLAHOMA*. Ct. Crim. App. Okla. Certiorari denied. Reported below: 967 P. 2d 472.

No. 98-7380. *SNOW v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 98-7393. *CONE v. DUTTON, WARDEN*. C. A. 10th Cir. Certiorari denied.

No. 98-7396. *EDENS v. OKLAHOMA*. Ct. Crim. App. Okla. Certiorari denied.

No. 98-7403. *HIPPS v. NORTH CAROLINA*. Sup. Ct. N. C. Certiorari denied. Reported below: 348 N. C. 377, 501 S. E. 2d 625.

No. 98-7415. *VANN v. WILSON; VANN v. MILLER; and VANN v. SMEDLEY*. Sup. Ct. Okla. Certiorari denied.

No. 98-7419. *BAKER v. DONSCO, INC.* C. A. 3d Cir. Certiorari denied.

525 U.S.

March 1, 1999

No. 98-7420. *WEATHERLY v. OKLAHOMA ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 149 F. 3d 1192.

No. 98-7422. *WATKIS v. AMERICAN NATIONAL INSURANCE CO.* C. A. 11th Cir. Certiorari denied. Reported below: 150 F. 3d 1197.

No. 98-7427. *HUNTER v. STRAUB, WARDEN.* C. A. 6th Cir. Certiorari denied.

No. 98-7430. *HURD v. SINGLETARY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS.* Sup. Ct. Fla. Certiorari denied. Reported below: 718 So. 2d 168.

No. 98-7435. *FORD v. ALABAMA BOARD OF PARDONS AND PAROLES ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 149 F. 3d 1196.

No. 98-7442. *DICESARE v. BALDRIDGE ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 156 F. 3d 1243.

No. 98-7443. *GREGORY v. LOVE ET AL.* C. A. 3d Cir. Certiorari denied.

No. 98-7444. *FASSLER v. COLLINS, JUDGE, SUPERIOR COURT OF ARIZONA, PIMA COUNTY.* Sup. Ct. Ariz. Certiorari denied.

No. 98-7449. *PEREZ v. TERHUNE, DIRECTOR, CALIFORNIA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 98-7454. *TAYLOR v. MCDUFFIE ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 155 F. 3d 479.

No. 98-7456. *OLDHAM v. TEXAS.* Ct. Crim. App. Tex. Certiorari denied. Reported below: 977 S. W. 2d 354.

No. 98-7469. *TRIPP v. ILLINOIS.* App. Ct. Ill., 5th Dist. Certiorari denied. Reported below: 289 Ill. App. 3d 1157, 713 N. E. 2d 840.

No. 98-7472. *BULJAT v. FEDERAL HOME LOAN MORTGAGE CORPORATION ET AL.* C. A. 4th Cir. Certiorari denied.

No. 98-7473. *CARRASCO CASTILLO v. TEXAS.* Ct. App. Tex., 8th Dist. Certiorari denied.

March 1, 1999

525 U. S.

No. 98-7474. *BLAKE v. MILLS, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 98-7475. *BECTON v. HARTE HANKS DIRECT MARKETING*. C. A. 4th Cir. Certiorari denied. Reported below: 164 F. 3d 623.

No. 98-7509. *COOK v. OHIO*. Sup. Ct. Ohio. Certiorari denied. Reported below: 83 Ohio St. 3d 404, 700 N. E. 2d 570.

No. 98-7561. *FEUERWERKER v. ZENT, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 98-7567. *DAVIS v. MUROV ET AL.* Sup. Ct. Va. Certiorari denied.

No. 98-7577. *KIGHT v. O'NEILL ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 159 F. 3d 1360.

No. 98-7583. *LEE v. STEWART ET AL.* C. A. 9th Cir. Certiorari denied.

No. 98-7606. *MCINTIRE v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 159 F. 3d 1357.

No. 98-7611. *BRICKHOUSE v. NORTH CAROLINA*. Ct. App. N. C. Certiorari denied. Reported below: 129 N. C. App. 644, 501 S. E. 2d 390.

No. 98-7612. *BAILEY v. ALEXANDER, WARDEN, ET AL.* C. A. 6th Cir. Certiorari denied.

No. 98-7617. *REED v. ROSSOTTI, COMMISSIONER OF INTERNAL REVENUE*. C. A. 4th Cir. Certiorari denied. Reported below: 155 F. 3d 560.

No. 98-7622. *IGLESIAS v. UNITED STATES*. C. A. Armed Forces. Certiorari denied. Reported below: 51 M. J. 117.

No. 98-7636. *MACIEL v. ROWLAND ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 145 F. 3d 1339.

No. 98-7637. *SMITH v. BUDGET RENT-A-CAR SYSTEMS, INC.* C. A. 4th Cir. Certiorari denied. Reported below: 164 F. 3d 625.

No. 98-7653. *PATTERSON v. JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION*. C. A. 5th Cir. Certiorari denied.

525 U.S.

March 1, 1999

No. 98-7658. *ACOLI v. NEW JERSEY STATE PAROLE BOARD*. Super. Ct. N. J., App. Div. Certiorari denied.

No. 98-7674. *MEANS v. SEGAL, CHAIR, FEDERAL LABOR RELATIONS AUTHORITY*. C. A. D. C. Cir. Certiorari denied.

No. 98-7679. *BOYD v. HELFER, CHAIRMAN, BOARD OF DIRECTORS, FEDERAL DEPOSIT INSURANCE CORPORATION*. C. A. 7th Cir. Certiorari denied. Reported below: 151 F. 3d 1032.

No. 98-7693. *SMITH v. BOWERSOX, SUPERINTENDENT, POTOSI CORRECTIONAL CENTER, ET AL.* C. A. 8th Cir. Certiorari denied.

No. 98-7704. *YOUNG YIL JO v. ANDERSON*. C. A. 9th Cir. Certiorari denied.

No. 98-7710. *LAMPTON v. UNITED STATES*;

No. 98-7734. *JACKSON v. UNITED STATES*; and

No. 98-7766. *WALKER v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 158 F. 3d 251.

No. 98-7739. *ANTHONY v. NEW YORK STATE DIVISION OF PAROLE*. App. Div., Sup. Ct. N. Y., 3d Jud. Dept. Certiorari denied. Reported below: 252 App. Div. 2d 704, 679 N. Y. S. 2d 158.

No. 98-7757. *LEVITAN v. UNITED STATES*; and

No. 98-7811. *LEVITAN v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 140 F. 3d 1041.

No. 98-7763. *WILLIAMS v. SOUTH CAROLINA ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 165 F. 3d 22.

No. 98-7764. *WILLINGHAM v. NEW YORK*. App. Div., Sup. Ct. N. Y., 2d Jud. Dept. Certiorari denied. Reported below: 253 App. Div. 2d 533, 676 N. Y. S. 2d 883.

No. 98-7790. *MORRIS v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 98-7799. *RUZZO v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 162 F. 3d 98.

No. 98-7800. *PASSMORE v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 165 F. 3d 21.

No. 98-7819. *VILLAREAL v. UNITED STATES*; and

March 1, 1999

525 U. S.

No. 98-7900. *MALISZEWSKI v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 161 F. 3d 992.

No. 98-7823. *MORERA v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 153 F. 3d 724.

No. 98-7831. *PENA v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 98-7835. *BROWN v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 159 F. 3d 147.

No. 98-7836. *BOLES v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 162 F. 3d 1177.

No. 98-7837. *BOGELA v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 156 F. 3d 187.

No. 98-7839. *MARIN v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 165 F. 3d 33.

No. 98-7840. *MARCUM v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 166 F. 3d 1216.

No. 98-7841. *STOCKHEIMER ET AL. v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 157 F. 3d 1082.

No. 98-7842. *POTTS v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 165 F. 3d 34.

No. 98-7843. *SHEFFEY v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 98-7844. *RAY v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 162 F. 3d 1175.

No. 98-7845. *McKEEVE v. UNITED STATES*. C. A. 1st Cir. Certiorari denied.

No. 98-7848. *KEY v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 165 F. 3d 21.

No. 98-7850. *TAVIZON v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 98-7855. *HARRISON, AKA IORIZZO v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 156 F. 3d 182.

525 U.S.

March 1, 1999

No. 98-7857. *BROWN v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 163 F. 3d 599.

No. 98-7860. *GEIGER v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 162 F. 3d 1170.

No. 98-7862. *EL-JASSEM, AKA DOE, AKA AL-JAWARY v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 165 F. 3d 15.

No. 98-7866. *HORTON v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 165 F. 3d 21.

No. 98-7867. *HUNT v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 162 F. 3d 1176.

No. 98-7868. *GREER v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 158 F. 3d 228.

No. 98-7869. *HUNTER v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 166 F. 3d 1211.

No. 98-7870. *GONZALEZ v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 98-7873. *HERNANDEZ v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 168 F. 3d 480.

No. 98-7874. *FLENNORY v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 145 F. 3d 1264.

No. 98-7879. *CLAYTON v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 168 F. 3d 480.

No. 98-7881. *MILES v. UNITED STATES*. Ct. App. D. C. Certiorari denied.

No. 98-7883. *SERESI v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 98-7887. *NEVELS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 160 F. 3d 226.

No. 98-7888. *BLANTON v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 165 F. 3d 918.

No. 98-7891. *BYRD v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 158 F. 3d 1215.

March 1, 1999

525 U. S.

No. 98-7892. *O'CONNOR v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 166 F. 3d 344.

No. 98-7895. *PEREZ-SOSA v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 164 F. 3d 1082.

No. 98-7896. *POTWIN v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 98-7897. *LAWSON v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 155 F. 3d 980.

No. 98-7898. *JAMES v. UNITED STATES PAROLE COMMISSION*. C. A. 9th Cir. Certiorari denied. Reported below: 159 F. 3d 1200.

No. 98-7905. *SWEENEY v. SMITH, WARDEN, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 165 F. 3d 20.

No. 98-7918. *HUMPHREY v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 98-7932. *DEHART v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 98-7936. *DE LA GARZA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 158 F. 3d 583.

No. 98-7944. *FELICI v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 98-7951. *MUHAMMED v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 159 F. 3d 1352.

No. 98-8027. *DJADI v. CORCORAN, WARDEN, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 164 F. 3d 624.

No. 98-8059. *SMITH v. COUNTY OF CONTRA COSTA BOARD OF SUPERVISORS ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 161 F. 3d 14.

No. 98-1045. *ARTUZ, SUPERINTENDENT, GREEN HAVEN CORRECTIONAL FACILITY v. FERNANDEZ; ARTUZ, SUPERINTENDENT, GREEN HAVEN CORRECTIONAL FACILITY v. BROOKS; ARTUZ, SUPERINTENDENT, GREEN HAVEN CORRECTIONAL FACILITY v. SOSA; STINSON, SUPERINTENDENT, GREAT MEADOW CORRECTIONAL FACILITY v. AVINCOLA; KEANE, SUPERINTENDENT, SING SING CORRECTIONAL FACILITY v. BRANNIGAN; SENKOWSKI,*

525 U.S.

March 1, 1999

SUPERINTENDENT, CLINTON CORRECTIONAL FACILITY *v.* KIRBY; KELLY, SUPERINTENDENT, ATTICA CORRECTIONAL FACILITY *v.* OPPENHEIMER; and WALKER, SUPERINTENDENT, AUBURN CORRECTIONAL FACILITY *v.* LA TORRES. C. A. 2d Cir. Motions of respondents Adalberto Fernandez and Timothy Kirby for leave to proceed *in forma pauperis* granted. Certiorari denied.

No. 98-1127. BOWERSOX, SUPERINTENDENT, POTOSI CORRECTIONAL CENTER *v.* SMITH. C. A. 8th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 159 F. 3d 345.

No. 98-7465. BITTERMAN *v.* BITTERMAN. Sup. Ct. Fla. Motion of respondent Boose Casey Ciklin Lubitz Martens McBane & O'Connell for damages denied. Motion of petitioner for damages denied. Certiorari denied. Reported below: 714 So. 2d 356.

No. 98-7817. LEVITAN *v.* UNITED STATES. C. A. 11th Cir. Motion of petitioner to seal petition for writ of certiorari denied. Certiorari denied. Reported below: 140 F. 3d 1041.

*Rehearing Denied*

No. 98-242. IN RE LAUSLEGA, *ante*, p. 808;

No. 98-633. DUNN *v.* ALABAMA AGRICULTURAL AND MECHANICAL UNIVERSITY ET AL., *ante*, p. 1067;

No. 98-639. LESOON *v.* COMMISSIONER OF INTERNAL REVENUE, *ante*, p. 1003;

No. 98-717. BYBEE ET UX. *v.* COMMISSIONER OF INTERNAL REVENUE, *ante*, p. 1069;

No. 98-792. TROST *v.* UNITED STATES, *ante*, p. 1070;

No. 98-5484. PICKETT *v.* WAL-MART STORES, INC., ET AL., *ante*, p. 933;

No. 98-6488. ATHERTON *v.* ARLINGTON COUNTY, VIRGINIA, *ante*, p. 1074;

No. 98-6515. JACKSON *v.* MILLIKEN, *ante*, p. 1074;

No. 98-6550. WHITFIELD *v.* TEXAS (three judgments), *ante*, p. 1075;

No. 98-6744. TAYLOR *v.* HANKS, SUPERINTENDENT, WABASH VALLEY CORRECTIONAL INSTITUTE, *ante*, p. 1079;

No. 98-6768. R. A. D. *v.* ILLINOIS, *ante*, p. 1080;

No. 98-6852. GONZALEZ *v.* CONSOLIDATED REAL ESTATE INVESTMENTS, DBA L'IL ABNER MOBILE HOME PARK, *ante*, p. 1082;

March 1, 1999

525 U. S.

- No. 98-6958. *BENNETT v. TEXAS*, *ante*, p. 1086;  
No. 98-7114. *DECKARD, AKA VALE v. UNITED STATES*, *ante*,  
p. 1090;  
No. 98-7123. *FLORES v. UNITED STATES*, *ante*, p. 1091;  
No. 98-7138. *CUNNINGHAM v. HEUSZEL, WARDEN, ET AL.*,  
*ante*, p. 1112; and  
No. 98-7193. *HAMMONS v. UNITED STATES*, *ante*, p. 1092. Pe-  
titions for rehearing denied.
- No. 96-9340. *LAVERTU v. BOROFKY, LEWIS & AMODEO-  
VICKERY*, 522 U. S. 843; and  
No. 97-9417. *GELLERT v. COMMISSIONER OF INTERNAL REVE-  
NUE ET AL.*, *ante*, p. 850.