

ORDERS FOR JUNE 14 THROUGH  
SEPTEMBER 28, 1999

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JUNE 14, 1999

*Certiorari Granted—Vacated and Remanded*

No. 98–477. *GODINEZ v. WHITE*. C. A. 7th 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 *O’Sullivan v. Boerckel*, 526 U.S. 838 (1999). Reported below: 143 F. 3d 1049.

No. 98–1356. *UNITED STATES v. LEVI STRAUSS & CO.* C. A. Fed. Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *United States v. Haggard Apparel Co.*, 526 U.S. 380 (1999). Reported below: 156 F. 3d 1345.

No. 98–7353. *SWOOPES v. SUBLETT, WARDEN, ET AL.* C. A. 9th Cir. Motion of petitioner for leave to proceed *in forma pauperis* granted. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *O’Sullivan v. Boerckel*, 526 U.S. 838 (1999). Reported below: 163 F. 3d 607.

No. 98–8988. *HALLUM v. IOWA*. Sup. Ct. Iowa. Motion of petitioner for leave to proceed *in forma pauperis* granted. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Lilly v. Virginia*, ante, p. 116. Reported below: 585 N. W. 2d 249.

*Miscellaneous Orders*

No. A–979. *WEINSTEIN v. ARNOLD ET AL.* Super. Ct. N. J., Law Div. Application for stay, addressed to JUSTICE GINSBURG and referred to the Court, denied.

No. D–2081. *IN RE DISBARMENT OF BERFIELD*. James Lee Berfield, of St. Petersburg, 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.

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No. D-2082. IN RE DISBARMENT OF LOPEZ. Andrew M. Lopez, of Denver, 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. M-74. REID *v.* TENNESSEE; and

No. M-75. MORGAN *v.* CMS/DATA CORP. Motions to direct the Clerk to file petitions for writs of certiorari out of time denied.

No. 120, Orig. NEW JERSEY *v.* NEW YORK. Motion of the Special Master for compensation and reimbursement of expenses granted, and the Special Master is awarded a total of \$29,096.50, to be paid equally by the parties. [For earlier decision herein, see, *e. g.*, 526 U.S. 589.]

No. 98-1299. NEW YORK *v.* HILL. Ct. App. N. Y. [Certiorari granted, 526 U.S. 1111.] Motion for appointment of counsel granted, and it is ordered that Edward J. Nowak, Esq., of Rochester, N. Y., be appointed to serve as counsel for respondent in this case.

No. 98-9473. IN RE HILL. Motion of petitioner for leave to proceed *in forma pauperis* denied. See this Court's Rule 39.8. Petitioner is allowed until July 6, 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. 98-9500. IN RE MAULDIN. Petition for writ of habeas corpus denied.

No. 98-1821. IN RE LUKACS. Petition for writ of mandamus denied.

*Certiorari Granted*

No. 98-1648. MITCHELL ET AL. *v.* HELMS ET AL. C. A. 5th Cir. Certiorari granted. Reported below: 151 F. 3d 347.

No. 98-7540. CARMELL *v.* TEXAS. Ct. App. Tex., 2d Dist. Motion of petitioner for leave to proceed *in forma pauperis*

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granted. Certiorari granted limited to Question 1 presented by the petition. Reported below: 963 S. W. 2d 833.

*Certiorari Denied*

No. 98-1435. PEARSON ET AL. *v.* PLANNED PARENTHOOD MARGARET SANGER CLINIC (MANHATTAN) ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 159 F. 3d 86.

No. 98-1437. NATIVE VILLAGE OF EYAK ET AL. *v.* DALEY, SECRETARY OF COMMERCE. C. A. 9th Cir. Certiorari denied. Reported below: 154 F. 3d 1090.

No. 98-1449. SOCIALIST PEOPLE'S LIBYAN ARAB JAMAHIRIYA ET AL. *v.* REIN, EXECUTRIX OF THE ESTATE OF REIN, DECEASED, ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 162 F. 3d 748.

No. 98-1460. ARBITER SYSTEMS, INC. *v.* DANZIG, SECRETARY OF THE NAVY. C. A. Fed. Cir. Certiorari denied. Reported below: 178 F. 3d 1311.

No. 98-1467. MALHEUR LUMBER CO. ET AL. *v.* BLUE MOUNTAINS BIODIVERSITY PROJECT ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 161 F. 3d 1208.

No. 98-1493. HERRING *v.* FLORIDA. Sup. Ct. Fla. Certiorari denied. Reported below: 730 So. 2d 1264.

No. 98-1551. ABIOYE *v.* SUNDSTRAND CORP. C. A. 7th Cir. Certiorari denied. Reported below: 164 F. 3d 364.

No. 98-1581. JONES *v.* TRUMP ET AL. C. A. 2d Cir. Certiorari denied.

No. 98-1612. DIAMOND MULTIMEDIA SYSTEMS, INC., ET AL. *v.* SUPERIOR COURT OF CALIFORNIA, SANTA CLARA COUNTY (PASS ET AL., REAL PARTIES IN INTEREST). Sup. Ct. Cal. Certiorari denied. Reported below: 19 Cal. 4th 1036, 968 P. 2d 539.

No. 98-1636. BLUE CROSS OF CALIFORNIA ET AL. *v.* CALIFORNIA SUPERIOR COURT, LOS ANGELES COUNTY, ET AL. Ct. App. Cal., 2d App. Dist. Certiorari denied. Reported below: 67 Cal. App. 4th 42, 78 Cal. Rptr. 2d 779.

No. 98-1638. C. W. SMITH ET AL. *v.* GWINNETT COUNTY. Sup. Ct. Ga. Certiorari denied. Reported below: 270 Ga. 424, 510 S. E. 2d 525.

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No. 98-1639. *MARTIN v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 159 F. 3d 932.

No. 98-1641. *ASHCRAFT ET AL. v. HWA-SHAIN YEH ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 168 F. 3d 489.

No. 98-1642. *STABILE, TRUSTEE OF THE STABILE FAMILY TRUST AGREEMENT DATED MAY 1, 1990 v. CALIFORNIA FEDERAL BANK ET AL.* Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 98-1643. *SOUTHMARK CORP. v. COOPERS & LYBRAND, L. L. P.* C. A. 5th Cir. Certiorari denied. Reported below: 163 F. 3d 925.

No. 98-1645. *PAYNE, MOTHER FOR THE MINOR CHILD, HICKS, ET AL. v. CHURCHICH ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 161 F. 3d 1030.

No. 98-1646. *BRAWNER-AHLSTROM v. HUSSON ET AL.* Ct. App. Colo. Certiorari denied. Reported below: 969 P. 2d 738.

No. 98-1650. *FUESSENICH v. CONNECTICUT*. App. Ct. Conn. Certiorari denied. Reported below: 50 Conn. App. 187, 717 A. 2d 801.

No. 98-1655. *AUSTIN v. HANOVER INSURANCE CO. ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 165 F. 3d 13.

No. 98-1656. *CUTRIGHT v. METROPOLITAN LIFE INSURANCE CO., DBA METLIFE, ET AL.* Sup. Ct. App. W. Va. Certiorari denied.

No. 98-1657. *ILLINOIS EX REL. RYAN, ATTORNEY GENERAL OF ILLINOIS v. TOWERS*. C. A. 7th Cir. Certiorari denied. Reported below: 162 F. 3d 952.

No. 98-1659. *LIN v. LIN*. Ct. App. N. C. Certiorari denied. Reported below: 128 N. C. App. 533, 496 S. E. 2d 849.

No. 98-1661. *FLEET BANK, NATIONAL ASSN. v. BURKE, BANKING COMMISSIONER OF CONNECTICUT, ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 160 F. 3d 883.

No. 98-1665. *KILLINGER, WARDEN v. NEVERS*. C. A. 6th Cir. Certiorari denied. Reported below: 169 F. 3d 352.

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No. 98-1672. *MEADE v. PEP BOYS MANNY MOE & JACK, INC., ET AL.* Ct. Sp. App. Md. Certiorari denied. Reported below: 122 Md. App. 796.

No. 98-1677. *BYERLY v. OHIO.* Ct. App. Ohio, Portage County. Certiorari denied.

No. 98-1679. *BLAIR v. NEVADA DEPARTMENT OF MOTOR VEHICLES AND PUBLIC SAFETY.* Sup. Ct. Nev. Certiorari denied.

No. 98-1681. *IN RE DAY.* Ct. App. D. C. Certiorari denied. Reported below: 717 A. 2d 883.

No. 98-1687. *CROSS v. CROSS.* Sup. Ct. Ga. Certiorari denied.

No. 98-1727. *HEDRICK ET AL. v. HEDRICK ET AL.* C. A. 5th Cir. Certiorari denied.

No. 98-1733. *JUNIOR v. GOODNIGHT ET AL.* Sup. Ct. App. W. Va. Certiorari denied.

No. 98-1755. *BERK REALTY, INC. v. MERCER COUNTY TAX CLAIM BUREAU.* Commw. Ct. Pa. Certiorari denied. Reported below: 715 A. 2d 1247.

No. 98-1757. *UPSHAW v. DEPARTMENT OF TRANSPORTATION ET AL.* C. A. 1st Cir. Certiorari denied.

No. 98-1769. *SEA TOW SOUTH PALM BEACH, INC., ET AL. v. BOAT OWNERS ASSOCIATION OF THE UNITED STATES.* C. A. 11th Cir. Certiorari denied. Reported below: 172 F. 3d 882.

No. 98-1777. *BAIN, DIRECTOR OF PUBLIC SAFETY, SPARTANBURG POLICE DEPARTMENT, ET AL. v. NORWOOD, INDIVIDUALLY AND AS REPRESENTATIVE OF A CLASS OF CITIZENS.* C. A. 4th Cir. Certiorari denied. Reported below: 166 F. 3d 243.

No. 98-1793. *KOLB v. TEXAS.* Ct. App. Tex., 9th Dist. Certiorari denied.

No. 98-1809. *MARIAH BOATS, INC. v. SLANE.* C. A. 7th Cir. Certiorari denied. Reported below: 164 F. 3d 1065.

No. 98-1816. *GOROD v. TABACHNICK.* App. Ct. Mass. Certiorari denied. Reported below: 46 Mass. App. 1109, 707 N. E. 2d 406.

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No. 98-1832. *LYNN v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 178 F. 3d 1297.

No. 98-1834. *FULTZ v. DUNN ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 165 F. 3d 215.

No. 98-1840. *ANDREWS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 172 F. 3d 883.

No. 98-1841. *MEDJUCK v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 156 F. 3d 916.

No. 98-1851. *BERG v. COURT OF APPEAL OF CALIFORNIA, FIRST APPELLATE DISTRICT*. C. A. 9th Cir. Certiorari denied. Reported below: 165 F. 3d 914.

No. 98-1865. *DELUXE ELECTRONIC PAYMENT SYSTEMS, INC. v. MELLON BANK, N. A.* C. A. 3d Cir. Certiorari denied. Reported below: 176 F. 3d 472.

No. 98-6437. *RUNG v. MEYERS, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT ROCKVIEW*. C. A. 3d Cir. Certiorari denied.

No. 98-7930. *CASON v. SMITH, WARDEN, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 165 F. 3d 910.

No. 98-8056. *FREDYMA v. LAKE SUNAPEE BANK ET AL.* C. A. 1st Cir. Certiorari denied. Reported below: 181 F. 3d 79.

No. 98-8172. *OGUNYILEKA v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 166 F. 3d 336.

No. 98-8264. *HAYS v. OREGON*. Ct. App. Ore. Certiorari denied. Reported below: 155 Ore. App. 41, 964 P. 2d 1042.

No. 98-8462. *MCNEILL v. OHIO*. Sup. Ct. Ohio. Certiorari denied. Reported below: 83 Ohio St. 3d 457, 700 N. E. 2d 613.

No. 98-8525. *NEVIUS v. MCDANIEL, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 105 F. 3d 453.

No. 98-8870. *GROVE v. NADEL, JUDGE, COURT OF COMMON PLEAS OF OHIO, HAMILTON COUNTY*. Sup. Ct. Ohio. Certiorari denied. Reported below: 84 Ohio St. 3d 252, 703 N. E. 2d 304.

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No. 98–8872. *DOWTIN-EL v. KAPTURE, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 98–8873. *HOLT v. LEMASTER, WARDEN, ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 161 F. 3d 17.

No. 98–8874. *DUCKWORTH v. MOORE, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 98–8875. *D’ALESSANDRO v. MORTON, ADMINISTRATOR, NEW JERSEY STATE PRISON, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 168 F. 3d 481.

No. 98–8878. *PACK v. UNION STATION TERMINAL*. C. A. D. C. Cir. Certiorari denied. Reported below: 172 F. 3d 920.

No. 98–8881. *CHARPING v. SOUTH CAROLINA*. Sup. Ct. S. C. Certiorari denied. Reported below: 333 S. C. 124, 508 S. E. 2d 851.

No. 98–8882. *FIELDS v. DALKON SHIELD CLAIMANTS TRUST*. C. A. 4th Cir. Certiorari denied. Reported below: 166 F. 3d 331.

No. 98–8883. *KREHNBRINK v. MARYLAND STATE DEPARTMENT OF EDUCATION ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 153 F. 3d 720.

No. 98–8884. *NOVEL v. SALZBERG*. App. Div., Sup. Ct. N. Y., 1st Jud. Dept. Certiorari denied. Reported below: 253 App. Div. 2d 684, 677 N. Y. S. 2d 471.

No. 98–8886. *LEWIS v. CAIN, WARDEN*. C. A. 5th Cir. Certiorari denied.

No. 98–8890. *LOVEDAY v. MICHIGAN*. Cir. Ct. Oakland County, Mich. Certiorari denied.

No. 98–8893. *COUCH v. GEORGIA*. C. A. 11th Cir. Certiorari denied.

No. 98–8899. *JOHNSON v. SMITH, WARDEN*. C. A. 6th Cir. Certiorari denied. Reported below: 172 F. 3d 873.

No. 98–8903. *BUDD v. QUICK ET AL.* Ct. App. D. C. Certiorari denied.

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No. 98–8904. *BAILEY, AKA HILL v. JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION, ET AL.* C. A. 5th Cir. Certiorari denied.

No. 98–8906. *OLSON v. JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION.* C. A. 5th Cir. Certiorari denied.

No. 98–8910. *BISHOP v. COLORADO DEPARTMENT OF CORRECTIONS ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 172 F. 3d 62.

No. 98–8911. *BURKS v. GREEN, WARDEN, ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 173 F. 3d 420.

No. 98–8916. *LUCAS v. JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION.* C. A. 5th Cir. Certiorari denied.

No. 98–8923. *OATS v. MOORE, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS.* C. A. 11th Cir. Certiorari denied. Reported below: 141 F. 3d 1018.

No. 98–8927. *SERRANO v. ESTRADA ET AL.* C. A. 9th Cir. Certiorari denied.

No. 98–8932. *VAZQUEZ v. CATOE, DIRECTOR, SOUTH CAROLINA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 166 F. 3d 336.

No. 98–8933. *VISINTINE v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. Reported below: 173 F. 3d 857.

No. 98–8934. *TAYLOR v. SUPREME COURT OF CALIFORNIA ET AL.* C. A. 9th Cir. Certiorari denied.

No. 98–8935. *BRYANT v. GARCIA, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 98–8937. *COX v. STIENEKE ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 168 F. 3d 481.

No. 98–8938. *COLEMAN v. ALABAMA.* Ct. Crim. App. Ala. Certiorari denied. Reported below: 741 So. 2d 490.

No. 98–8948. *MORGAN v. CHAPIN ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 162 F. 3d 1176.

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No. 98–8957. *SEREQUEBERHAN v. TESFAYE*. Ct. App. D. C. Certiorari denied.

No. 98–8961. *BARRETT v. POCATELLO HOUSING AUTHORITY ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 165 F. 3d 914.

No. 98–8963. *HICKMAN v. MOYA, WARDEN*. Ct. App. Tex., 10th Dist. Certiorari denied. Reported below: 976 S. W. 2d 360.

No. 98–9002. *GILL v. NATIONAL RAILROAD PASSENGER CORPORATION, AKA AMTRAK, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 166 F. 3d 342.

No. 98–9021. *REVERE v. CAIN, WARDEN*. C. A. 5th Cir. Certiorari denied.

No. 98–9025. *WARD v. HATCHER, WARDEN*. C. A. 9th Cir. Certiorari denied. Reported below: 172 F. 3d 61.

No. 98–9036. *RAULS v. LINAHAN, WARDEN*. C. A. 11th Cir. Certiorari denied.

No. 98–9043. *DOUGLAS v. LEHMAN, SECRETARY, WASHINGTON DEPARTMENT OF CORRECTIONS*. C. A. 9th Cir. Certiorari denied.

No. 98–9045. *HUNTER v. PATEL ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 168 F. 3d 482.

No. 98–9102. *GODETTE, AKA ALI v. R & Y MANAGEMENT ET AL.* C. A. 2d Cir. Certiorari denied.

No. 98–9106. *GRIER v. NEW JERSEY*. Super. Ct. N. J., App. Div. Certiorari denied.

No. 98–9110. *PAGLINGAYEN v. OFFICE OF PERSONNEL MANAGEMENT*. C. A. Fed. Cir. Certiorari denied.

No. 98–9189. *VINING v. HENDERSON, POSTMASTER GENERAL*. C. A. 11th Cir. Certiorari denied. Reported below: 170 F. 3d 189.

No. 98–9191. *THOMAS v. JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION*. C. A. 5th Cir. Certiorari denied.

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No. 98-9225. *BUTLER v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 98-9236. *EDWARDS v. ILLINOIS*. App. Ct. Ill., 2d Dist. Certiorari denied. Reported below: 298 Ill. App. 3d 1172, 738 N. E. 2d 238.

No. 98-9251. *WALKER v. OHIO*. Sup. Ct. Ohio. Certiorari denied. Reported below: 84 Ohio St. 3d 1449, 703 N. E. 2d 327.

No. 98-9260. *NOLL v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 165 F. 3d 916.

No. 98-9267. *BLACKBURN v. WILLIAMS, WARDEN, ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 172 F. 3d 62.

No. 98-9278. *MARTINI v. ROSEWELL ET AL.* App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 298 Ill. App. 3d 1146, 738 N. E. 2d 229.

No. 98-9291. *FUGAH v. MEYERS, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT ROCKVIEW, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 98-9293. *FRANCE v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 164 F. 3d 203.

No. 98-9294. *STROTHERS ET AL. v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. Reported below: 172 F. 3d 922.

No. 98-9296. *SKELTON v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 161 F. 3d 16.

No. 98-9297. *SNELL v. MASSACHUSETTS*. Sup. Jud. Ct. Mass. Certiorari denied. Reported below: 428 Mass. 766, 705 N. E. 2d 236.

No. 98-9299. *RIVERA v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 172 F. 3d 39.

No. 98-9302. *LOVE v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 178 F. 3d 1297.

No. 98-9303. *KLEIN v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

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No. 98-9304. *JONES v. UNITED STATES*; and *JEFFERSON v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 168 F. 3d 503 (first judgment); 172 F. 3d 60 (second judgment).

No. 98-9306. *PADGETT v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 98-9307. *CLEMENTS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 172 F. 3d 45.

No. 98-9309. *AROWORADE ET AL. v. UNITED STATES*; and *ROA-MORA v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 175 F. 3d 1021 (first judgment); 172 F. 3d 54 (second judgment).

No. 98-9313. *STUYVESANT v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 98-9316. *TAYLOR v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 172 F. 3d 882.

No. 98-9317. *WILLIAMS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 164 F. 3d 243.

No. 98-9320. *UPHAM v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 168 F. 3d 532.

No. 98-9323. *JOHNSON v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 178 F. 3d 1297.

No. 98-9324. *KEEL v. FRENCH, WARDEN*. C. A. 4th Cir. Certiorari denied. Reported below: 162 F. 3d 263.

No. 98-9340. *SOAPE v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 169 F. 3d 257.

No. 98-9341. *PORRAS-ÁVILA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 168 F. 3d 486.

No. 98-9343. *NAVARRO v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 160 F. 3d 1254.

No. 98-9348. *TOEVS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 173 F. 3d 862.

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No. 98-9351. *OWENS v. MARYLAND*. Ct. App. Md. Certiorari denied. Reported below: 352 Md. 663, 724 A. 2d 43.

No. 98-9356. *MAXWELL v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 173 F. 3d 426.

No. 98-9359. *TAYLOR v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 98-9361. *AUSTIN v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 178 F. 3d 1296.

No. 98-9362. *WITTGENSTEIN v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 163 F. 3d 1164.

No. 98-9363. *ROBINSON v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 172 F. 3d 883.

No. 98-9364. *ROSARIO v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 164 F. 3d 729.

No. 98-9365. *WIGHTMAN v. TEXAS*. Sup. Ct. Tex. Certiorari denied.

No. 98-9367. *WELLS v. CITY OF NEW YORK ET AL.* App. Div., Sup. Ct. N. Y., 1st Jud. Dept. Certiorari denied. Reported below: 254 App. Div. 2d 121, 678 N. Y. S. 2d 498.

No. 98-9368. *SALAS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 98-9372. *PORRAS-CANO v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 172 F. 3d 869.

No. 98-9373. *O'NEAL v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 174 F. 3d 203.

No. 98-9374. *ROSS v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 181 F. 3d 105.

No. 98-9376. *LAWRENCE v. MOATS, WARDEN, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 166 F. 3d 1209.

No. 98-9379. *CAVAZOS-ORTIZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 166 F. 3d 340.

No. 98-9380. *ARMSTRONG v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 172 F. 3d 881.

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No. 98–9397. *DYER v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 178 F. 3d 1297.

No. 98–9399. *CARRILLO GASCON v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 168 F. 3d 502.

No. 98–9401. *HOLLEY v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 176 F. 3d 476.

No. 98–9405. *GUTIERREZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 172 F. 3d 867.

No. 98–9412. *MARTINEZ-JARAMILLO v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 172 F. 3d 870.

No. 98–1509. *COLUMBIA UNION COLLEGE v. CLARKE ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 159 F. 3d 151.

JUSTICE THOMAS, dissenting.

Through the program at issue in this case—a program named, ironically, for Father Joseph Sellinger, a Roman Catholic priest—the State of Maryland provides financial aid, on a per student basis, to a wide range of private colleges. Although many of the colleges participating in the Sellinger Program are affiliated with religious institutions, Maryland deemed Columbia Union College, a private liberal arts college affiliated with the Seventh-day Adventist Church, “too religious” to participate. 159 F. 3d 151, 154–155 (CA4 1998). Throughout this litigation, Columbia Union College has maintained that Maryland violated its free speech, free exercise, and equal protection rights by excluding it from the Sellinger Program. The District Court and the Court of Appeals for the Fourth Circuit agreed that the State’s action infringed one or more of these rights. But, relying on our decision in *Roemer v. Board of Public Works of Md.*, 426 U.S. 736 (1976) (plurality opinion), both courts nonetheless concluded that Columbia Union’s exclusion could be justified by Maryland’s compelling interest in enforcing the Establishment Clause by ensuring that a “pervasively sectarian” institution did not benefit from public funds.

We invented the “pervasively sectarian” test as a way to distinguish between schools that carefully segregate religious and secular activities and schools that consider their religious and educational missions indivisible and therefore require religion to permeate all activities. In my view, the “pervasively sectarian”

test rests upon two assumptions that cannot be squared with our more recent jurisprudence. The first of these assumptions is that the Establishment Clause prohibits government funds from ever benefiting, either directly or indirectly, “religious” activities. See *id.*, at 755. The other is that any institution that takes religion seriously cannot be trusted to observe this prohibition.<sup>1</sup>

We no longer require institutions and organizations to renounce their religious missions as a condition of participating in public programs. Instead, we have held that they may benefit from public assistance that is made available based upon neutral, secular criteria. See *Agostini v. Felton*, 521 U. S. 203 (1997) (students attending religious schools eligible for federal remedial assistance); *Rosenberger v. Rector and Visitors of Univ. of Va.*, 515 U. S. 819 (1995) (Christian student organization eligible for student activity funds); *Zobrest v. Catalina Foothills School Dist.*, 509 U. S. 1 (1993) (publicly funded sign language interpreter could assist student in a Catholic school); *Witters v. Washington Dept. of Servs. for Blind*, 474 U. S. 481 (1986) (blind student free to use public vocational assistance to attend bible college). Furthermore, the application of the “pervasively sectarian” test in this and similar cases directly collides with our decisions that have prohibited governments from discriminating in the distribution of public benefits based upon religious status or sincerity. See *Rosenberger*, *supra* (invalidating university policy denying student activity funds to Christian student newspaper); *Lamb’s Chapel v. Center Moriches Union Free School Dist.*, 508 U. S. 384 (1993) (invalidating “religious use” restriction on public access to school district property); *Widmar v. Vincent*, 454 U. S. 263 (1981) (invalidating policy prohibiting student religious organizations from using public university’s facilities).

We should take this opportunity to scrap the “pervasively sectarian” test and reaffirm that the Constitution requires, at a minimum, *neutrality* not *hostility* toward religion. See *Bowen v. Kendrick*, 487 U. S. 589, 624–625 (1988) (KENNEDY, J., joined by SCALIA, J., concurring). By so doing, we would vindicate Columbia Union’s right to be free from invidious religious discrimina-

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<sup>1</sup>Typical of this assumption is the plurality’s statement in *Tilton v. Richardson*, 403 U. S. 672, 681 (1971), that “[t]here is no evidence that religion seeps into the use of any of these facilities[;] . . . the schools were characterized by an atmosphere of academic freedom rather than religious indoctrination.”

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tion.<sup>2</sup> Columbia Union's exclusion from the Sellinger Program "raise[s] the inevitable inference that the disadvantage imposed is born of animosity to the class of [institutions] affected," namely, those schools that insist upon integrating their religious and secular functions. *Romer v. Evans*, 517 U.S. 620, 634 (1996); see also *Church of Lukumi Babalu Aye, Inc. v. Hialeah*, 508 U.S. 520, 547 (1993) ("[U]pon even slight suspicion that proposals for state intervention stem from animosity to religion or distrust of its practices, all officials must pause to remember their own high duty to the Constitution and to the rights it secures"). We also would provide the lower courts—which are struggling to reconcile our conflicting First Amendment pronouncements—with much needed guidance. Compare *Peter v. Wedl*, 155 F.3d 992 (CA8 1998) (holding that the First Amendment prohibits school district from denying special education services to a child solely because he attends a religious school), and *Hartmann v. Stone*, 68 F.3d 973 (CA6 1995) (invalidating policy excluding religious day care centers from Army program), with *Strout v. Albanese*, 178 F.3d 57 (CA1 1999) (upholding state law excluding students who attend religious schools from education tuition program), and *Bagley v. Raymond School Dept.*, 1999 ME 60, 728 A.2d 127 (1999) (same).

Although the Court declines to grant certiorari today—perhaps because this case comes to us in an interlocutory posture—the growing confusion among the lower courts illustrates that we cannot long avoid addressing the important issues that it presents.

No. 98–1533. HYNES, DISTRICT ATTORNEY OF KINGS COUNTY, NEW YORK, ET AL. *v.* TOMEI, JUSTICE, SUPREME COURT OF NEW YORK, KINGS COUNTY, ET AL. Ct. App. N.Y. Motions of respondents Angel Mateo and Michael Hale for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 92 N.Y.2d 613, 706 N.E.2d 1201.

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<sup>2</sup> Indeed, Maryland is not the only State that practices religious discrimination in the distribution of financial aid. See, e.g., Colo. Rev. Stat. §23–3.5–101–106 (1998) (students attending pervasively sectarian colleges ineligible for Colorado Student Incentive Grant Program); Wash. Rev. Code §28B.10.814 (1994) (students pursuing a theology degree ineligible for state financial aid programs); Wis. Stat. Ann. §39.30(2)(d) (Supp. 1998–1999) (state tuition grants shall not be awarded to "members of religious orders who are pursuing a course of study leading to a degree in theology, divinity or religious education").

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No. 98-1673. SMEDVIG TANKSHIPS, LTD., ET AL. *v.* ABUAN, GUARDIAN ON BEHALF OF VALDEZ. Ct. App. La., 4th Cir. Motion of Norwegian Shipowners' Association for leave to file a brief as *amicus curiae* granted. Certiorari denied. Reported below: 717 So. 2d 1194.

No. 98-1790. PIETRANGELO *v.* UNITED STATES SENATE. C. A. 6th Cir. Certiorari before judgment denied. THE CHIEF JUSTICE took no part in the consideration or decision of this petition.

No. 98-9674 (A-1047). THOMAS *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: 170 F. 3d 466.

*Rehearing Denied*

No. 98-1370. CARRERAS *v.* UNITED STATES, 526 U. S. 1021;  
No. 98-1379. LENTINO ET AL. *v.* CAGE, 526 U. S. 1087;  
No. 98-1380. LENTINO *v.* CAGE, 526 U. S. 1087;  
No. 98-1398. WEISSER *v.* FLORIDA BAR, 526 U. S. 1087;  
No. 98-7982. OWENS *v.* LIVERGOOD ET AL., 526 U. S. 1071;  
No. 98-8178. BALEY *v.* FORD MOTOR CO., 526 U. S. 1089;  
No. 98-8281. CUNNINGHAM *v.* WOODS, WARDEN, ET AL., 526 U. S. 1100;  
No. 98-8291. SHAYESTEH *v.* UNITED STATES, 526 U. S. 1045;  
No. 98-8319. CAVALIERI-CONWAY *v.* CALIFORNIA BOARD OF EQUALIZATION ET AL., 526 U. S. 1091;  
No. 98-8375. WHATLEY *v.* GEORGIA, 526 U. S. 1101;  
No. 98-8385. ROBINSON *v.* UNITED STATES, 526 U. S. 1058; and  
No. 98-8391. WILLIAMS *v.* APFEL, COMMISSIONER OF SOCIAL SECURITY, ET AL., 526 U. S. 1102. Petitions for rehearing denied.

No. 98-7668. TURNER *v.* UTAH DEPARTMENT OF WORKFORCE SERVICES ET AL., 526 U. S. 1024. Motion for leave to file petition for rehearing denied.

JUNE 15, 1999

*Miscellaneous Order*

No. 98-9805 (A-1061). IN RE KILGORE. Application for stay of execution of sentence of death, presented to JUSTICE THOMAS,

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and by him referred to the Court, denied. Petition for writ of habeas corpus denied.

JUNE 16, 1999

*Miscellaneous Orders*

No. 98-9825 (A-1069). *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.

No. 98-9836 (A-1072). *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. 98-9788 (A-1049). *FAULDER 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 denied. Reported below: 178 F. 3d 343.

No. 98-9819 (A-1066). *POLAND v. ARIZONA*. Sup. Ct. Ariz. Application for stay of execution of sentence of death, presented to JUSTICE O'CONNOR, and by her referred to the Court, denied. Certiorari denied.

No. 98-9832 (A-1071). *POLAND v. STEWART, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 9th Cir. Application for stay of execution of sentence of death, presented to JUSTICE O'CONNOR, and by her referred to the Court, denied. Certiorari denied.

JUNE 17, 1999

*Miscellaneous Orders*

No. A-1083. *BALDWIN v. ALABAMA*. Application for stay of execution of sentence of death, presented to JUSTICE KENNEDY, and by him referred to the Court, denied.

No. 98-9850 (A-1084). *IN RE BALDWIN*. Application for stay of execution of sentence of death, presented to JUSTICE KENNEDY, and by him referred to the Court, denied. Petition for writ of habeas corpus denied.

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*Certiorari Denied*

No. 98-9837. FAULDER *v.* JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION, ET AL. C. A. 5th Cir. Application for stay of execution of sentence of death, presented to JUSTICE SCALIA, and by him referred to the Court, denied. Certiorari denied. Reported below: 178 F. 3d 741.

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*Dismissal Under Rule 46*

No. 98-1664. ARKANSAS ET AL. *v.* UNITED STATES EX REL. RODGERS ET AL. C. A. 8th Cir. Certiorari dismissed under this Court's Rule 46. Reported below: 154 F. 3d 865.

*Certiorari Granted—Vacated and Remanded*

No. 97-1988. REOGAS ET AL. *v.* GRAY ET AL. C. A. 11th Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Faragher v. Boca Raton*, 524 U. S. 775 (1998), and 11 U. S. C. § 362. JUSTICE SCALIA would grant the petition for writ of certiorari and vacate the judgment below. Costs under this Court's Rule 43.2 are not allowed. Reported below: 135 F. 3d 144.

No. 98-1332. BABBITT, SECRETARY OF THE INTERIOR *v.* CRAWFORD. C. A. 11th Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *West v. Gibson*, *ante*, p. 212. Reported below: 148 F. 3d 1318.

No. 98-6678. LEMONS *v.* NORTH CAROLINA. Sup. Ct. N. C. Motion of petitioner for leave to proceed *in forma pauperis* granted. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Lilly v. Virginia*, *ante*, p. 116. Reported below: 348 N. C. 335, 501 S. E. 2d 309.

No. 98-8363. SMITH *v.* OHIO. Ct. App. Ohio, Cuyahoga County. Motion of petitioner for leave to proceed *in forma pauperis* granted. Certiorari granted, judgment vacated, and case

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remanded for further consideration in light of *Lilly v. Virginia*, ante, p. 116.

*Certiorari Granted—Reversed.* (See No. 98–1062, ante, p. 465.)

*Miscellaneous Orders.* (See also No. 98–8952, ante, p. 469.)

No. A–1023 (98–1932). PATAKI, GOVERNOR OF NEW YORK, ET AL. v. GRUMET ET AL. Ct. App. N. Y. Application for stay, presented to JUSTICE GINSBURG, and by her referred to the Court, granted, and it is ordered that the judgment of the Court of Appeals of New York, case No. 38, dated May 11, 1999, is stayed pending the 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 issuance of the mandate of this Court.

No. D–2051. IN RE DISBARMENT OF BURGESS. Disbarment entered. [For earlier order herein, see 526 U.S. 1002.]

No. D–2057. IN RE DISBARMENT OF LUCAS. Disbarment entered. [For earlier order herein, see 526 U.S. 1036.]

No. D–2083. IN RE DISBARMENT OF GOBLE. Roger C. Goble, of Arlington Heights, 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–2084. IN RE DISBARMENT OF GIAMANCO. Paul D. Giamanco, of Mt. Vernon, 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–2085. IN RE DISBARMENT OF MAGLARAS. Chris Maglaras, Jr., of Las Vegas, Nev., 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–2086. IN RE DISBARMENT OF SMITH. Stephen L. Smith, of Gulfport, Miss., is suspended from the practice of law in this Court, and a rule will issue, returnable within 40 days,

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

No. D-2087. IN RE DISBARMENT OF PEEK. Mercer Randall Peek, of Conyers, 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-2088. IN RE DISBARMENT OF ROBINS. John Edwards Robins, Jr., of Hampton, 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.

No. M-76. AGARWAL ET UX. *v.* MORRIS ET AL. Motion to direct the Clerk to file petition for writ of certiorari out of time denied.

No. 126, Orig. KANSAS *v.* NEBRASKA ET AL. Motion to strike Nebraska's counterclaim denied. Nebraska is granted leave to file a motion to dismiss, in the nature of a motion under Rule 12(b)(6) of the Federal Rules of Civil Procedure, limited to the question whether the Republican River Compact restricts a State's consumption of groundwater. If such a motion is filed, the parties shall then brief the legal issue. Motion and opening brief of Nebraska shall be filed on or before 45 days from the date of this order. Kansas' brief shall be filed within 30 days thereafter, after which Nebraska may promptly file a reply brief. Further consideration of motion for appointment of Special Master deferred. [For earlier order herein, see, *e. g.*, 525 U. S. 1101.]

No. 98-8970. HOLSEY *v.* DIRECTOR OF CLASSIFICATION FOR DIVISION OF CORRECTIONS ET AL. 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 July 12, 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.

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No. 98–9514. IN RE TAYLOR. Petition for writ of habeas corpus denied.

*Probable Jurisdiction Noted*

No. 98–1682. UNITED STATES ET AL. *v.* PLAYBOY ENTERTAINMENT GROUP, INC. Appeal from D. C. Del. Probable jurisdiction noted. Reported below: 30 F. Supp. 2d 702.

*Certiorari Granted*

No. 98–1255. UNITED STATES *v.* MARTINEZ-SALAZAR. C. A. 9th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari granted. Reported below: 146 F. 3d 653.

*Certiorari Denied*

No. 97–1892. BILZERIAN *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 127 F. 3d 237.

No. 98–495. JOHNSON *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 139 F. 3d 1359.

No. 98–1041. WHITBURN, SECRETARY, WISCONSIN DEPARTMENT OF HEALTH AND FAMILY SERVICES, ET AL. *v.* ADDIS ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 153 F. 3d 836.

No. 98–1089. HAMILTON AMUSEMENT CENTER, T/A VIDEO EXPRESS, ET AL. *v.* VERNIERO, ATTORNEY GENERAL OF NEW JERSEY, ET AL. Sup. Ct. N. J. Certiorari denied. Reported below: 156 N. J. 254, 716 A. 2d 1137.

No. 98–1273. VAN DYKEN *v.* DAY, DIRECTOR, MONTANA DEPARTMENT OF CORRECTIONS. C. A. 9th Cir. Certiorari denied. Reported below: 165 F. 3d 37.

No. 98–1324. SWARTZ *v.* INTERNAL REVENUE SERVICE ET AL. C. A. 1st Cir. Certiorari denied. Reported below: 187 F. 3d 623.

No. 98–1330. APPALACHIAN POWER CO. ET AL. *v.* ENVIRONMENTAL PROTECTION AGENCY ET AL. C. A. D. C. Cir. Certiorari denied. Reported below: 150 F. 3d 1200.

No. 98–1481. KOSTER *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 163 F. 3d 1008.

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No. 98-1495. *CHIEJINA v. FLORIDA*. Dist. Ct. App. Fla., 3d Dist. Certiorari denied. Reported below: 721 So. 2d 748.

No. 98-1505. *FRIAS-MUNOZ v. ALBRIGHT, SECRETARY OF STATE*. C. A. 9th Cir. Certiorari denied. Reported below: 152 F. 3d 925.

No. 98-1511. *CITY OF AUBURN v. UNITED STATES ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 154 F. 3d 1025.

No. 98-1666. *CITY OF SANTA MARIA ET AL. v. RUIZ ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 160 F. 3d 543.

No. 98-1670. *LOZANO, A MINOR, BY AND THROUGH HER GUARDIAN AD LITEM, LANDEROS, ET AL. v. TOYOTA MOTOR CORP. ET AL.* Ct. App. Cal., 3d App. Dist. Certiorari denied.

No. 98-1685. *HARKER v. UNIVERSITY PROFESSIONALS OF ILLINOIS ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 172 F. 3d 53.

No. 98-1690. *FELLENCER v. PENOBSCOT NATION*. C. A. 1st Cir. Certiorari denied. Reported below: 164 F. 3d 706.

No. 98-1691. *DRYDEN ET AL. v. MADISON COUNTY*. Sup. Ct. Fla. Certiorari denied. Reported below: 727 So. 2d 245.

No. 98-1699. *HOULT v. HOULT*. C. A. 1st Cir. Certiorari denied. Reported below: 157 F. 3d 29.

No. 98-1722. *CABIRI ET UX. v. GOVERNMENT OF THE REPUBLIC OF GHANA*. C. A. 2d Cir. Certiorari denied. Reported below: 165 F. 3d 193.

No. 98-1764. *PATIS v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 298 Ill. App. 3d 1159, 738 N. E. 2d 233.

No. 98-1766. *COLWELL v. INDIANA*. Ct. App. Ind. Certiorari denied. Reported below: 699 N. E. 2d 797.

No. 98-1776. *RIVERA v. SHERIFF, COOK COUNTY*. C. A. 7th Cir. Certiorari denied. Reported below: 162 F. 3d 486.

No. 98-1798. *JOHNSTON v. TWENTY GRAND OFFSHORE, INC., ET AL.* Ct. App. La., 1st Cir. Certiorari denied. Reported below: 731 So. 2d 548.

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No. 98-1852. *FINNEGAN v. KRUSE ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 164 F. 3d 630.

No. 98-1855. *GIBSON v. SLATER, SECRETARY OF TRANSPORTATION.* C. A. 9th Cir. Certiorari denied. Reported below: 152 F. 3d 928.

No. 98-1858. *BETTS v. CONTAINER CORPORATION OF AMERICA.* C. A. 7th Cir. Certiorari denied. Reported below: 175 F. 3d 1019.

No. 98-1861. *RUIZ MASSIEU v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 163 F. 3d 238.

No. 98-1868. *DAVISON ET AL. v. UNITED STATES ET AL.* C. A. 5th Cir. Certiorari denied.

No. 98-1870. *UNITED STATIONERS, INC. v. UNITED STATES.* C. A. 7th Cir. Certiorari denied. Reported below: 163 F. 3d 440.

No. 98-1871. *FROST v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 166 F. 3d 335.

No. 98-1874. *VENDETTO v. SONAT OFFSHORE DRILLING, INC.* Sup. Ct. La. Certiorari denied. Reported below: 725 So. 2d 474.

No. 98-6111. *ROBINSON v. CALIFORNIA.* Ct. App. Cal., 4th App. Dist. Certiorari denied.

No. 98-7805. *THOMAS ET AL. v. UNITED STATES.* C. A. 7th Cir. Certiorari denied. Reported below: 159 F. 3d 296.

No. 98-7987. *GUNSBY v. FLORIDA.* Dist. Ct. App. Fla., 5th Dist. Certiorari denied. Reported below: 725 So. 2d 1135.

No. 98-8193. *KIMBRELL v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. Reported below: 178 F. 3d 1297.

No. 98-8201. *PINSON v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 165 F. 3d 24.

No. 98-8373. *MCCOY v. ANGELONE, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS.* C. A. 4th Cir. Certiorari denied. Reported below: 166 F. 3d 333.

No. 98-8522. *THOMAS v. ANDERSON, WARDEN.* C. A. 6th Cir. Certiorari denied.

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No. 98–8715. *STORY v. KINDT, WARDEN, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 98–8724. *WILSON v. UNITED STATES.* C. A. 7th Cir. Certiorari denied. Reported below: 159 F. 3d 280.

No. 98–8758. *SINGLETON v. UNITED STATES.* C. A. 10th Cir. Certiorari denied. Reported below: 165 F. 3d 1297.

No. 98–8947. *HUTCHERSON, AKA BONNER v. ALABAMA.* Sup. Ct. Ala. Certiorari denied. Reported below: 727 So. 2d 861.

No. 98–8964. *HARTLINE v. HAMBRICK ET AL.* C. A. 6th Cir. Certiorari denied.

No. 98–8966. *GRAVES v. WILLIAMS.* Sup. Ct. Va. Certiorari denied.

No. 98–8967. *DAVIS v. HOWES, WARDEN.* C. A. 6th Cir. Certiorari denied.

No. 98–8969. *FOREMAN v. ILLINOIS.* App. Ct. Ill., 4th Dist. Certiorari denied. Reported below: 297 Ill. App. 3d 1139, 737 N. E. 2d 717.

No. 98–8971. *HOWARD v. LAND ET AL.* C. A. 11th Cir. Certiorari denied.

No. 98–8975. *EDWARDS v. CALIFORNIA.* Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 98–8976. *DUNN v. NEW YORK.* App. Div., Sup. Ct. N. Y., 3d Jud. Dept. Certiorari denied. Reported below: 254 App. Div. 2d 511, 680 N. Y. S. 2d 125.

No. 98–8977. *HAWKINS v. SCHOOLEY ET AL.* Ct. App. Mich. Certiorari denied.

No. 98–8978. *HAWKINS v. MICHIGAN DEPARTMENT OF CORRECTIONS.* Ct. App. Mich. Certiorari denied.

No. 98–8979. *GREEN v. TRIPPETT, WARDEN.* C. A. 6th Cir. Certiorari denied.

No. 98–8983. *RIVES v. COUNTY OF MONMOUTH ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 172 F. 3d 41.

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No. 98–8985. *EVANS v. YLST, WARDEN*. C. A. 9th Cir. Certiorari denied. Reported below: 165 F. 3d 915.

No. 98–8990. *GRAHAM v. QUICK*. Ct. App. D. C. Certiorari denied.

No. 98–8995. *THOMAS v. CALIFORNIA*. Ct. App. Cal., 4th App. Dist. Certiorari denied.

No. 98–9010. *MELLENDEZ v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied.

No. 98–9015. *MORALES v. HENRY, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 168 F. 3d 500.

No. 98–9017. *MALLARD v. FIELDS*. C. A. 10th Cir. Certiorari denied. Reported below: 162 F. 3d 1173.

No. 98–9020. *SIMS v. MOORE, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS*. C. A. 11th Cir. Certiorari denied. Reported below: 155 F. 3d 1297.

No. 98–9022. *WALKER v. COOPER ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 172 F. 3d 874.

No. 98–9029. *LUMBEF v. ARDEN FAIR APARTMENTS ET AL.* C. A. 9th Cir. Certiorari denied.

No. 98–9032. *LUMBEF v. STANFORD MEDICAL GROUP ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 165 F. 3d 35.

No. 98–9033. *MIDDLETON v. FLORIDA*. Sup. Ct. Fla. Certiorari denied. Reported below: 727 So. 2d 908.

No. 98–9034. *JACKSON v. UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF OKLAHOMA*. C. A. 10th Cir. Certiorari denied.

No. 98–9051. *PADAVICH v. THALACKER, WARDEN*. C. A. 8th Cir. Certiorari denied. Reported below: 162 F. 3d 521.

No. 98–9053. *BARRETT v. DALKON SHIELD CLAIMANTS TRUST*. C. A. 4th Cir. Certiorari denied. Reported below: 168 F. 3d 481.

No. 98–9059. *BURCKHALTER v. TAYLOR, WARDEN, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 168 F. 3d 481.

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No. 98-9062. *JORDAN v. MISSISSIPPI*. Sup. Ct. Miss. Certiorari denied. Reported below: 728 So. 2d 1088.

No. 98-9078. *BOWLING v. KENTUCKY*. Sup. Ct. Ky. Certiorari denied. Reported below: 981 S. W. 2d 545.

No. 98-9082. *TAYLOR v. SOCIETY OF ST. VINCENT DEPAUL ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 173 F. 3d 856.

No. 98-9089. *BROOKS v. MADDING, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 98-9092. *SCHLEEPER v. MISSOURI*. Sup. Ct. Mo. Certiorari denied. Reported below: 982 S. W. 2d 252.

No. 98-9094. *SMITH v. TENNESSEE*. Ct. Crim. App. Tenn. Certiorari denied.

No. 98-9160. *LOWERY v. GREINER, SUPERINTENDENT, SING SING CORRECTIONAL FACILITY*. C. A. 2d Cir. Certiorari denied.

No. 98-9197. *SYVERTSON v. HUKKEE*. Dist. Ct. N. D., Richland County. Certiorari denied.

No. 98-9201. *SHEPPARD v. OHIO*. Sup. Ct. Ohio. Certiorari denied. Reported below: 84 Ohio St. 3d 230, 703 N. E. 2d 286.

No. 98-9233. *ELROD v. CALIFORNIA*. Ct. App. Cal., 1st App. Dist. Certiorari denied.

No. 98-9256. *RICHARDSON v. JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 98-9305. *MANCUSO v. HERBERT, SUPERINTENDENT, COLLINS CORRECTIONAL FACILITY*. C. A. 2d Cir. Certiorari denied. Reported below: 166 F. 3d 97.

No. 98-9318. *WHITE v. NORTH CAROLINA*. Sup. Ct. N. C. Certiorari denied. Reported below: 349 N. C. 535, 508 S. E. 2d 253.

No. 98-9331. *CARDWELL v. WATKINS*. C. A. 7th Cir. Certiorari denied.

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No. 98–9344. *NEAL v. ALABAMA*. Sup. Ct. Ala. Certiorari denied. Reported below: 731 So. 2d 621.

No. 98–9350. *FAUSTINO VERGARA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 168 F. 3d 502.

No. 98–9355. *LYNCH v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 153 F. 3d 723.

No. 98–9357. *TAYLOR v. RENO, ATTORNEY GENERAL, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 164 F. 3d 440.

No. 98–9358. *WILLIAMSON v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 172 F. 3d 865.

No. 98–9366. *VALDEZ-MOSQUEDA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 172 F. 3d 867.

No. 98–9378. *KEITH v. OHIO*. Ct. App. Ohio, Crawford County. Certiorari denied.

No. 98–9386. *BECKWITH v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

No. 98–9394. *ASAMOAHA v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 187 F. 3d 623.

No. 98–9398. *HERNANDEZ v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 168 F. 3d 503.

No. 98–9403. *GRANT v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 168 F. 3d 489.

No. 98–9414. *KIRKPATRICK v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 172 F. 3d 50.

No. 98–9418. *ABLES v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 167 F. 3d 1021.

No. 98–9419. *ARAIZA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 168 F. 3d 502.

No. 98–9427. *BROWN v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 182 F. 3d 928.

No. 98–9429. *BRITTON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 142 F. 3d 836.

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No. 98-9432. *LITTLE v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 178 F. 3d 1297.

No. 98-9433. *MCCULLOUGH v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 142 F. 3d 446.

No. 98-9434. *PILOTO v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 165 F. 3d 22.

No. 98-9435. *O'CAMPO v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 174 F. 3d 202.

No. 98-9436. *PRATHER v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 172 F. 3d 60.

No. 98-9439. *COLE v. UNITED STATES*. Ct. App. D. C. Certiorari denied.

No. 98-9445. *DAVIS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 173 F. 3d 426.

No. 98-9446. *HERNANDEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 177 F. 3d 978.

No. 98-9449. *FORE v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 169 F. 3d 104.

No. 98-9452. *GORDON v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 178 F. 3d 1297.

No. 98-9453. *DEUTSCH v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 98-9454. *HOLT v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 149 F. 3d 1196.

No. 98-9455. *PAYNE v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 172 F. 3d 880.

No. 98-9456. *PERKINS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 166 F. 3d 1211.

No. 98-9458. *PETREYKOV ET AL. v. CITY OF NEW YORK*. C. A. 2d Cir. Certiorari denied. Reported below: 166 F. 3d 1201.

No. 98-9460. *SNYDER v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 170 F. 3d 572.

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No. 98-9461. *HENRY v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 164 F. 3d 1304.

No. 98-9462. *HALL v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 165 F. 3d 1095.

No. 98-9464. *ROBINSON v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 167 F. 3d 539.

No. 98-9472. *HELMS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 98-9474. *ESCOBAR v. UNITED STATES*. C. A. 10th Cir. Certiorari denied.

No. 98-9476. *ERNEST v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 161 F. 3d 4.

No. 98-9481. *HOWELL v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 166 F. 3d 335.

No. 98-9487. *HOWARD v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 98-9488. *GOMEZ-SALINAS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 157 F. 3d 900.

No. 98-9493. *CHEESE v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 173 F. 3d 425.

No. 98-9494. *BOSTIC v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 168 F. 3d 718.

No. 98-9496. *CHAMBERS v. BOWERSOX, SUPERINTENDENT, POTOSI CORRECTIONAL CENTER*. C. A. 8th Cir. Certiorari denied. Reported below: 157 F. 3d 560.

No. 98-9497. *WILSON v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 169 F. 3d 418.

No. 98-9498. *LAIHBEN v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 167 F. 3d 1364.

No. 98-9499. *MOORE v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 173 F. 3d 847.

No. 98-9501. *MCCUE v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

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No. 98–9508. *QUINTANILLA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 165 F. 3d 920.

No. 98–9512. *CYPROWSKI v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 173 F. 3d 426.

No. 98–9513. *TURNER v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 98–9518. *ROBERTS v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 175 F. 3d 1012.

No. 98–9519. *WELLS v. UNITED STATES*. Ct. App. D. C. Certiorari denied.

No. 98–9524. *CLING v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 166 F. 3d 344.

No. 98–9529. *GORDON v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 168 F. 3d 1222.

No. 98–9531. *FRANCIS, AKA RAMSEY v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 173 F. 3d 425.

No. 98–9533. *GOODSON v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 165 F. 3d 610.

No. 98–9554. *MARCUM v. SMITH, WARDEN*. C. A. 7th Cir. Certiorari denied. Reported below: 172 F. 3d 53.

*Rehearing Denied*

No. 98–8109. *LOWERY v. FLORIDA*, 526 U. S. 1073;

No. 98–8379. *PAUL v. UNITED STATES*, 526 U. S. 1058;

No. 98–8414. *CHILDRESS v. APPALACHIAN POWER Co.*, 526 U. S. 1092; and

No. 98–8453. *GARDNER v. KENTUCKY*, 526 U. S. 1102. Petitions for rehearing denied.

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*Dismissal Under Rule 46*

No. 98–958. *UNITED BROTHERHOOD OF CARPENTERS AND JOINERS OF AMERICA ET AL. v. ANDERSON ET AL.* C. A. 2d Cir. [Certiorari granted, 526 U. S. 1086.] Writ of certiorari dismissed under this Court's Rule 46.1.

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*Certiorari Granted—Remanded*

No. 97-1695. FLANAGAN ET AL. *v.* AHEARN ET AL. C. A. 5th Cir. The Court reversed the judgment below in *Ortiz v. Fibreboard Corp.*, *ante*, p. 815. Therefore, certiorari granted, and case remanded for further proceedings. Reported below: 134 F. 3d 668.

*Certiorari Granted—Vacated and Remanded*

No. 98-4. ARKANSAS DEPARTMENT OF EDUCATION, VOCATIONAL AND TECHNICAL EDUCATION DIVISION *v.* JACOBY ET AL. Sup. Ct. Ark. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Alden v. Maine*, *ante*, p. 706. Reported below: 331 Ark. 508, 962 S.W. 2d 773.

No. 98-667. FEDERAL LABOR RELATIONS AUTHORITY *v.* DEPARTMENT OF JUSTICE ET AL. C. A. 2d Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *NASA v. FLRA*, *ante*, p. 229. Reported below: 137 F. 3d 683.

No. 98-731. REGENTS OF UNIVERSITY OF CALIFORNIA *v.* GENENTECH, INC., ET AL. C. A. Fed. Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *College Savings Bank v. Florida Prepaid Postsecondary Ed. Expense Bd.*, *ante*, p. 666. JUSTICE O'CONNOR took no part in the consideration or decision of this case. Reported below: 143 F. 3d 1446.

No. 98-972. LOWERY ET AL. *v.* CIRCUIT CITY STORES, INC. C. A. 4th Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Kolstad v. American Dental Assn.*, *ante*, p. 526. Reported below: 158 F. 3d 742.

No. 98-1110. NEW MEXICO DEPARTMENT OF PUBLIC SAFETY ET AL. *v.* WHITTINGTON ET AL. Ct. App. N. M. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Alden v. Maine*, *ante*, p. 706. Reported below: 126 N. M. 21, 966 P. 2d 188.

No. 98-1285. NEW YORK STATE BOARD OF LAW EXAMINERS ET AL. *v.* BARTLETT. C. A. 2d Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Sutton v. United Air Lines, Inc.*, *ante*, p. 471, *Murphy v.*

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*United Parcel Service, Inc.*, ante, p. 516, and *Albertson's, Inc. v. Kirkingburg*, ante, p. 555. Reported below: 156 F. 3d 321.

No. 98-1365. HCA HEALTH SERVICES OF TEXAS, INC., DBA SPRING BRANCH MEDICAL CENTER *v.* WASHINGTON. C. A. 5th Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Sutton v. United Air Lines, Inc.*, ante, p. 471, and *Murphy v. United Parcel Service, Inc.*, ante, p. 516. Reported below: 152 F. 3d 464.

No. 98-1494. JACKSON *v.* DYE ET AL. C. A. 6th Cir. Motions of respondents Jeffrey Dye and Gregory Turner for leave to proceed *in forma pauperis* granted. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Martin v. Hadix*, ante, p. 343. Reported below: 172 F. 3d 48.

No. 98-1554. BOARD OF REGENTS OF NEW MEXICO STATE UNIVERSITY ET AL. *v.* COCKRELL. Ct. App. N. M. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Alden v. Maine*, ante, p. 706.

*Miscellaneous Orders.* (See also No. 98-9085, ante, p. 885.)

No. D-2061. IN RE DISBARMENT OF MAGUIRE. Disbarment entered. [For earlier order herein, see 526 U. S. 1084.]

No. D-2062. IN RE DISBARMENT OF LANGFUS. Disbarment entered. [For earlier order herein, see 526 U. S. 1084.]

No. D-2063. IN RE DISBARMENT OF MASSEY. Disbarment entered. [For earlier order herein, see 526 U. S. 1084.]

No. D-2066. IN RE DISBARMENT OF NORVELL. Disbarment entered. [For earlier order herein, see 526 U. S. 1085.]

No. D-2068. IN RE DISBARMENT OF REYES-VIDAL. Disbarment entered. [For earlier order herein, see 526 U. S. 1085.]

No. D-2089. IN RE DISBARMENT OF RAPHAEL. Scott Douglas Raphael, of Newport Beach, 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-2090. IN RE DISBARMENT OF BONCEK. Edward Boncek, of Port St. Lucie, Fla., is suspended from the practice of

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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-77. MATHEWS *v.* MIRCOSTA COLLEGE; and

No. M-78. CARLSON *v.* HYUNDAI MOTOR CO. ET AL. 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 \$189,366.40 for the period September 1, 1998, through May 31, 1999, to be paid as follows: 34% by Nebraska, 34% by Wyoming, 5% by Colorado, 24% by the United States, and 3% by Basin Electric Power Cooperative. [For earlier order herein, see, *e. g.*, 525 U.S. 927.]

No. 98-405. RENO, ATTORNEY GENERAL *v.* BOSSIER PARISH SCHOOL BOARD; and

No. 98-406. PRICE ET AL. *v.* BOSSIER PARISH SCHOOL BOARD. D. C. D. C. [Probable jurisdiction noted, 525 U.S. 1118.] Cases restored to calendar for reargument. The parties are directed to file supplemental briefs not to exceed 25 pages addressing the following questions: (1) Does the purpose prong of § 5 of the Voting Rights Act of 1965 extend to a discriminatory but nonretrogressive purpose? (2) Assuming, *arguendo*, that § 5 prohibits the implementation of a districting plan enacted with a discriminatory, nonretrogressive purpose, does the government or the covered jurisdiction bear the burden of proof in this issue?

No. 98-678. LOS ANGELES POLICE DEPARTMENT *v.* UNITED REPORTING PUBLISHING CORP. C. A. 9th Cir. [Certiorari granted, 525 U.S. 1121.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 98-963. NIXON, ATTORNEY GENERAL OF MISSOURI, ET AL. *v.* SHRINK MISSOURI GOVERNMENT PAC ET AL. C. A. 8th Cir. [Certiorari granted, 525 U.S. 1121.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 98-822. FRIENDS OF THE EARTH, INC., ET AL. *v.* LAIDLAW ENVIRONMENTAL SERVICES (TOC), INC. C. A. 4th Cir. [Certio-

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rari granted, 525 U. S. 1176.] Further consideration of respondent's suggestion of mootness deferred to hearing of case on the merits.

No. 98-1161. CITY OF ERIE ET AL. *v.* PAP'S A. M., TDBA "KANDYLAND." Sup. Ct. Pa. [Certiorari granted, 526 U. S. 1111.] Motion of respondent to dismiss the writ of certiorari as moot denied.

No. 98-8093. PRUNTY *v.* HOLSCHUH, SENIOR JUDGE, UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF OHIO, ET AL. C. A. 6th Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [526 U. S. 1063] denied.

No. 98-9084. TYLER *v.* HARTIGAN, JUDGE, DISTRICT COURT OF NEBRASKA, DOUGLAS COUNTY. Sup. Ct. Neb.; and

No. 98-9133. COHEA *v.* BRAY ET AL. C. A. 9th Cir. Motions of petitioners for leave to proceed *in forma pauperis* denied. See this Court's Rule 39.8. Petitioners are allowed until July 15, 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. 98-9617. IN RE ZUBIATE. Petition for writ of habeas corpus denied.

No. 98-8563. IN RE HOLT. Petition for writ of mandamus denied.

*Certiorari Granted*

No. 98-1828. VERMONT AGENCY OF NATURAL RESOURCES *v.* UNITED STATES EX REL. STEVENS. C. A. 2d Cir. Certiorari granted. Reported below: 162 F. 3d 195.

*Certiorari Denied*

No. 98-303. BARNETT ET AL. *v.* GLENBOROUGH REALTY CORP. ET AL. Ct. App. Cal., 1st App. Dist. Certiorari denied.

No. 98-527. CASEY, DECEASED, BY CASEY, EXECUTRIX OF THE ESTATE, ET AL. *v.* BLISSETT. C. A. 2d Cir. Certiorari denied. Reported below: 147 F. 3d 218.

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No. 98–917. *INMATES OF D. C. JAIL v. EDWARDS, DIRECTOR, DISTRICT OF COLUMBIA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. D. C. Cir. Certiorari denied. Reported below: 158 F. 3d 1357.

No. 98–1057. *RIVER WEST, L. P. v. DEAS ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 152 F. 3d 471.

No. 98–1375. *HARPER ET AL. v. GENERAL ELECTRIC CAPITAL AUTO LEASE, INC.* C. A. 7th Cir. Certiorari denied. Reported below: 159 F. 3d 266.

No. 98–1403. *ROWLAND ET AL. v. RAND.* C. A. 9th Cir. Certiorari denied. Reported below: 154 F. 3d 952.

No. 98–1452. *AMATEL ET AL. v. RENO, ATTORNEY GENERAL, ET AL.* C. A. D. C. Cir. Certiorari denied. Reported below: 156 F. 3d 192.

No. 98–1462. *SWEENEY v. INDIANA.* Sup. Ct. Ind. Certiorari denied. Reported below: 704 N. E. 2d 86.

No. 98–1503. *FIRST FEDERAL BANK OF CALIFORNIA v. SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES, ET AL.* Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 98–1528. *GEORGE v. ABBOTT.* C. A. 3d Cir. Certiorari denied. Reported below: 164 F. 3d 141.

No. 98–1556. *PIASKOWSKI v. WISCONSIN.* Ct. App. Wis. Certiorari denied. Reported below: 222 Wis. 2d 217, 587 N. W. 2d 213.

No. 98–1564. *MACKEY v. MILAM ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 154 F. 3d 648.

No. 98–1568. *TRAFALGAR CAPITAL ASSOCIATES, INC. v. CUOMO, SECRETARY OF HOUSING AND URBAN DEVELOPMENT, ET AL.* C. A. 1st Cir. Certiorari denied. Reported below: 159 F. 3d 21.

No. 98–1570. *SEFICK v. GARDNER ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 164 F. 3d 370.

No. 98–1595. *FITZGERALD v. APFEL, COMMISSIONER OF SOCIAL SECURITY.* C. A. 4th Cir. Certiorari denied. Reported below: 165 F. 3d 910.

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No. 98–1618. *PATRIOT PORTFOLIO, LLC v. WEINSTEIN ET AL.* C. A. 1st Cir. Certiorari denied. Reported below: 164 F. 3d 677.

No. 98–1620. *IN RE MORRISSEY.* C. A. 4th Cir. Certiorari denied. Reported below: 168 F. 3d 134.

No. 98–1635. *HAYDEN v. CONSOLIDATED RAIL CORPORATION.* C. A. 6th Cir. Certiorari denied. Reported below: 198 F. 3d 245.

No. 98–1653. *TOUGH TRAVELER, LTD. v. OUTBOUND PRODUCTS ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 165 F. 3d 15.

No. 98–1675. *PANAYOTIDES v. PANAYOTIDES.* Super. Ct. Pa. Certiorari denied. Reported below: 724 A. 2d 968.

No. 98–1680. *SKURNICK v. RAAKE.* C. A. 11th Cir. Certiorari denied.

No. 98–1703. *BRAZELL v. SAVANNAH ELECTRIC & POWER CO.* C. A. 11th Cir. Certiorari denied. Reported below: 166 F. 3d 354.

No. 98–1704. *AMERICAN AIRLINES, INC. v. TICE ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 162 F. 3d 966.

No. 98–1708. *GASTINEAU v. CALIFORNIA.* App. Dept., Super. Ct. Cal., Ventura County. Certiorari denied.

No. 98–1709. *HEYWARD v. MONROE, INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY AS DISTRICT DIRECTOR OF HEALTH EDUCATION FOR THE SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 166 F. 3d 332.

No. 98–1714. *FULL GOSPEL TABERNACLE ET AL. v. COMMUNITY SCHOOL DISTRICT 27 ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 164 F. 3d 829.

No. 98–1719. *THOMSON, S. A. v. QUIXOTE CORP. ET AL.* C. A. Fed. Cir. Certiorari denied. Reported below: 166 F. 3d 1172.

No. 98–1721. *COURTWAY ET AL. v. CARNAHAN, GOVERNOR OF MISSOURI, ET AL.* Ct. App. Mo., Western Dist. Certiorari denied. Reported below: 985 S. W. 2d 350.

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No. 98-1724. *ZOSKI v. KEGLER*. C. A. 6th Cir. Certiorari denied. Reported below: 173 F. 3d 429.

No. 98-1728. *WHEELING COLLEGE, INC., ET AL. v. CITY OF WHEELING*; and

No. 98-1730. *SCHMITT v. CITY OF HUNTINGTON*. Sup. Ct. App. W. Va. Certiorari denied. Reported below: 204 W. Va. 404, 513 S. E. 2d 177.

No. 98-1732. *R. F. v. A. C. ET AL.* App. Ct. Mass. Certiorari denied. Reported below: 46 Mass. App. 1101, 705 N. E. 2d 1177.

No. 98-1734. *BYLINSKI ET AL. v. CITY OF ALLEN PARK ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 169 F. 3d 1001.

No. 98-1736. *ROWE v. MARIETTA CORP. ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 172 F. 3d 49.

No. 98-1737. *IN RE PAPPAS*. C. A. 11th Cir. Certiorari denied. Reported below: 172 F. 3d 881.

No. 98-1741. *DOUGLASS v. GENERAL MOTORS CORP.* C. A. 10th Cir. Certiorari denied. Reported below: 162 F. 3d 1172.

No. 98-1750. *KALEY, SHERIFF OF PORTAGE COUNTY, ET AL. v. GALLO ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 173 F. 3d 855.

No. 98-1752. *GRANDEOTTO, INC., ET AL. v. CITY OF CLARKSBURG*. Sup. Ct. App. W. Va. Certiorari denied. Reported below: 204 W. Va. 404, 513 S. E. 2d 177.

No. 98-1753. *CITY OF FORT SMITH v. KRANTZ ET AL.*; and

No. 98-1754. *CITY OF ALMA ET AL. v. KRANTZ ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 160 F. 3d 1214.

No. 98-1758. *PARKWOOD DEVELOPMENTAL CENTER, INC., ET AL. v. NATIONAL LABOR RELATIONS BOARD ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 165 F. 3d 41.

No. 98-1762. *STEICHEN v. SOUTH DAKOTA*. Sup. Ct. S. D. Certiorari denied. Reported below: 588 N. W. 2d 870.

No. 98-1767. *WEST v. WEST*. C. A. 9th Cir. Certiorari denied. Reported below: 166 F. 3d 1219.

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No. 98-1773. *GRIFFIN ET AL. v. GRIFFIN*. Ct. App. Miss. Certiorari denied. Reported below: 726 So. 2d 597.

No. 98-1775. *SONIREGUN v. IMMIGRATION AND NATURALIZATION SERVICE*. C. A. 4th Cir. Certiorari denied. Reported below: 165 F. 3d 19.

No. 98-1781. *ALLIANZ LIFE INSURANCE COMPANY OF NORTH AMERICA v. BARTGIS*. Sup. Ct. Nev. Certiorari denied. Reported below: 114 Nev. 1249, 969 P. 2d 949.

No. 98-1787. *ESTATE OF OLIVER, DECEASED, BY RICHARDSON, PERSONAL REPRESENTATIVE v. FLORIDA ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 168 F. 3d 506.

No. 98-1788. *CONCORDE-NEW HORIZONS CORP. v. SHOPTALK, LTD., ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 168 F. 3d 586.

No. 98-1792. *WASHINGTON v. WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY*. C. A. D. C. Cir. Certiorari denied. Reported below: 160 F. 3d 750.

No. 98-1812. *KASI v. VIRGINIA*. Sup. Ct. Va. Certiorari denied. Reported below: 256 Va. 407, 508 S. E. 2d 57.

No. 98-1814. *CANNINGS v. LIBRARIAN OF CONGRESS ET AL.*; *CANNINGS v. LIBRARIAN OF CONGRESS ET AL.*; and *EVELYN v. LIBRARIAN OF CONGRESS ET AL.* C. A. D. C. Cir. Certiorari denied. Reported below: 194 F. 3d 173 (first judgment); 172 F. 3d 919 (second and third judgments).

No. 98-1815. *DACHMAN v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 166 F. 3d 332.

No. 98-1819. *ROBBINS ET VIR v. UNITED STATES*. C. A. Fed. Cir. Certiorari denied. Reported below: 178 F. 3d 1310.

No. 98-1824. *CHRYSLER v. CITY OF WEST COVINA ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 165 F. 3d 915.

No. 98-1830. *RICHARDSON v. ALBERTSON'S, INC., ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 166 F. 3d 1221.

No. 98-1835. *FULK ET AL. v. UNITED TRANSPORTATION UNION*. C. A. 7th Cir. Certiorari denied. Reported below: 160 F. 3d 405.

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No. 98-1847. *WILLS ET AL. v. WALT DISNEY PICTURES & TELEVISION, INC., ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 173 F. 3d 862.

No. 98-1848. *COEUR D'ALENE TRIBE v. MISSOURI EX REL. NIXON, ATTORNEY GENERAL OF MISSOURI.* C. A. 8th Cir. Certiorari denied. Reported below: 164 F. 3d 1102.

No. 98-1873. *IN RE FONT.* C. A. D. C. Cir. Certiorari denied.

No. 98-1893. *LIVINGSTON v. UNITED STATES.* C. A. 11th Cir. Certiorari denied. Reported below: 174 F. 3d 201.

No. 98-1900. *AZAMBER v. FRANCHISE TAX BOARD OF CALIFORNIA.* C. A. 9th Cir. Certiorari denied. Reported below: 165 F. 3d 914.

No. 98-1901. *FUSCO v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. Reported below: 164 F. 3d 796.

No. 98-1907. *WILLIAMS ET AL. v. MARSCH.* Ct. App. Cal., 4th App. Dist. Certiorari denied.

No. 98-1921. *GENERAL TRUCK DRIVERS AND HELPERS UNION LOCAL NO. 92, AFFILIATED WITH THE INTERNATIONAL BROTHERHOOD OF TEAMSTERS, AFL-CIO v. WILSON.* C. A. 6th Cir. Certiorari denied. Reported below: 178 F. 3d 1298.

No. 98-6220. *METZ v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 144 F. 3d 50.

No. 98-6601. *GOFF v. OHIO.* Sup. Ct. Ohio. Certiorari denied. Reported below: 82 Ohio St. 3d 123, 694 N. E. 2d 916.

No. 98-7732. *JENKINS v. NELSON, WARDEN.* C. A. 7th Cir. Certiorari denied. Reported below: 157 F. 3d 485.

No. 98-8089. *BURNS v. TENNESSEE.* Sup. Ct. Tenn. Certiorari denied. Reported below: 979 S. W. 2d 276.

No. 98-8120. *SPEARMAN v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. Reported below: 166 F. 3d 1215.

No. 98-8316. *ANTONE v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 165 F. 3d 918.

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No. 98-8419. *ROLE v. TEAMSTERS UNION LOCAL 11 ET AL.* C. A. 3d Cir. Certiorari denied.

No. 98-8689. *VIEFHAUS v. UNITED STATES.* C. A. 10th Cir. Certiorari denied. Reported below: 168 F. 3d 392.

No. 98-8699. *PELLEGRINO v. FANTER.* C. A. 9th Cir. Certiorari denied. Reported below: 163 F. 3d 607.

No. 98-9016. *JENSEN v. INTERNAL REVENUE SERVICE.* C. A. 9th Cir. Certiorari denied. Reported below: 165 F. 3d 916.

No. 98-9069. *SAFOUANE ET UX. v. WASHINGTON DEPARTMENT OF SOCIAL AND HEALTH SERVICES.* Ct. App. Wash. Certiorari denied.

No. 98-9076. *BEATTY v. MOORE, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 172 F. 3d 881.

No. 98-9077. *CARTER v. FREESTONE COUNTY JAIL ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 158 F. 3d 584.

No. 98-9080. *BOWMAN v. NORTH CAROLINA.* Sup. Ct. N. C. Certiorari denied. Reported below: 349 N. C. 459, 509 S. E. 2d 428.

No. 98-9083. *WARREN v. SMITH, WARDEN.* C. A. 6th Cir. Certiorari denied. Reported below: 161 F. 3d 358.

No. 98-9097. *OLICK v. JOHN HANCOCK MUTUAL LIFE INSURANCE CO. ET AL.* C. A. 1st Cir. Certiorari denied.

No. 98-9098. *LOYA SALAS v. GARCIA, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 98-9099. *FISHER ET UX. v. SUNKIST GROWERS.* C. A. 9th Cir. Certiorari denied.

No. 98-9103. *HUDD v. SHIFFMAN ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 165 F. 3d 32.

No. 98-9108. *HERNANDEZ v. JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION.* C. A. 5th Cir. Certiorari denied. Reported below: 174 F. 3d 198.

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No. 98–9111. *RODRIGUEZ v. VIGLIOTTI ET AL.* C. A. 2d Cir. Certiorari denied.

No. 98–9113. *MARTIN v. SCOTT, EXECUTIVE DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 156 F. 3d 578.

No. 98–9114. *METCALF v. WASHINGTON.* Ct. App. Wash. Certiorari denied. Reported below: 92 Wash. App. 165, 963 P. 2d 911.

No. 98–9116. *LAMPKINS v. BEELER, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 98–9118. *LUDWIG v. JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION.* C. A. 5th Cir. Certiorari denied.

No. 98–9120. *KIMBERLIN v. BIDWELL, WARDEN.* C. A. 4th Cir. Certiorari denied. Reported below: 166 F. 3d 333.

No. 98–9125. *BROWN v. ILLINOIS.* Sup. Ct. Ill. Certiorari denied. Reported below: 185 Ill. 2d 229, 705 N. E. 2d 809.

No. 98–9126. *HENDRICKSON v. MCGINNIS, DIRECTOR, MICHIGAN DEPARTMENT OF CORRECTIONS.* C. A. 6th Cir. Certiorari denied.

No. 98–9127. *HARRIS v. BALLARD ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 158 F. 3d 1164.

No. 98–9132. *MACRI v. SWEET ET AL.* Sup. Ct. Fla. Certiorari denied. Reported below: 727 So. 2d 907.

No. 98–9136. *RANKIN v. CALIFORNIA.* Ct. App. Cal., 4th App. Dist. Certiorari denied.

No. 98–9140. *TRAVIS v. OHIO.* C. A. 6th Cir. Certiorari denied.

No. 98–9141. *BERTONIERE v. KAYLO, WARDEN, ET AL.* C. A. 5th Cir. Certiorari denied.

No. 98–9142. *BURNS v. MISSISSIPPI.* Sup. Ct. Miss. Certiorari denied. Reported below: 729 So. 2d 203.

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No. 98-9145. *WALKER v. FITZGERALD, SHERIFF, STORY COUNTY, IOWA, ET AL.* C. A. 8th Cir. Certiorari denied.

No. 98-9152. *JENNINGS v. FLORIDA.* Sup. Ct. Fla. Certiorari denied. Reported below: 718 So. 2d 144.

No. 98-9185. *TUCKER v. SOUTH CAROLINA.* Sup. Ct. S. C. Certiorari denied. Reported below: 334 S. C. 1, 512 S. E. 2d 99.

No. 98-9188. *THOMPSON v. OREGON.* Sup. Ct. Ore. Certiorari denied. Reported below: 328 Ore. 248, 971 P. 2d 879.

No. 98-9194. *RAMON VILLALOBOS v. MOORE, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS.* C. A. 11th Cir. Certiorari denied. Reported below: 163 F. 3d 1359.

No. 98-9246. *LOSS v. MICHIGAN ATTORNEY GRIEVANCE COMMISSION.* Sup. Ct. Mich. Certiorari denied.

No. 98-9262. *CROOM v. MITCHELL, WARDEN.* C. A. 6th Cir. Certiorari denied. Reported below: 172 F. 3d 47.

No. 98-9279. *GETSY v. OHIO.* Sup. Ct. Ohio. Certiorari denied. Reported below: 84 Ohio St. 3d 180, 702 N. E. 2d 866.

No. 98-9280. *NEWLIN v. EDWARDS, WARDEN.* C. A. 6th Cir. Certiorari denied.

No. 98-9321. *WRIGHT v. DUCHARME, SUPERINTENDENT, WASHINGTON STATE REFORMATORY.* C. A. 9th Cir. Certiorari denied. Reported below: 168 F. 3d 504.

No. 98-9322. *WALTERS v. CALIFORNIA.* Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 98-9353. *BROWN v. SOUTH CAROLINA ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 172 F. 3d 43.

No. 98-9360. *TRAYLOR v. CYPERT ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 172 F. 3d 879.

No. 98-9391. *CHAVIS v. ARKANSAS.* Sup. Ct. Ark. Certiorari denied. Reported below: 336 Ark. xviii.

No. 98-9393. *BARCLAY v. FLANDER.* C. A. 3d Cir. Certiorari denied.

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No. 98-9404. *DENMARK v. FLORIDA*. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 730 So. 2d 674.

No. 98-9406. *GUERRA v. ALAMEDA COUNTY, CALIFORNIA, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 163 F. 3d 606.

No. 98-9409. *POWERS v. ROBINSON, WARDEN*. C. A. 4th Cir. Certiorari denied. Reported below: 173 F. 3d 851.

No. 98-9442. *RHODES v. CITY OF AURORA*. C. A. 10th Cir. Certiorari denied. Reported below: 166 F. 3d 1221.

No. 98-9478. *EVERETT v. JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 98-9480. *NORRIS v. SLATER, SECRETARY OF TRANSPORTATION*. C. A. 9th Cir. Certiorari denied. Reported below: 152 F. 3d 928.

No. 98-9491. *THOMPSON v. MOORE, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS*. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 729 So. 2d 923.

No. 98-9521. *TRICE v. FLORIDA*. Dist. Ct. App. Fla., 2d Dist. Certiorari denied. Reported below: 719 So. 2d 17.

No. 98-9538. *PARKUS v. BOWERSOX, SUPERINTENDENT, POTOSI CORRECTIONAL CENTER*. C. A. 8th Cir. Certiorari denied. Reported below: 157 F. 3d 1136.

No. 98-9567. *SMITH v. MISSISSIPPI*. Sup. Ct. Miss. Certiorari denied. Reported below: 729 So. 2d 1191.

No. 98-9580. *KRONE v. ARIZONA*. Ct. App. Ariz. Certiorari denied.

No. 98-9589. *WILLIAMS v. SMITH, WARDEN, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 168 F. 3d 484.

No. 98-906. *GEORGIA DEPARTMENT OF REVENUE v. BURKE ET AL.* C. A. 11th Cir. Motion of Business Bankruptcy Law Committee, New York County Lawyers' Association, for leave to file a brief as *amicus curiae* granted. Certiorari denied. Reported below: 146 F. 3d 1313.

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No. 98–916. *DEAS v. RIVER WEST ET AL.* C. A. 5th Cir. Motion of Epilepsy Foundation for leave to file a brief as *amicus curiae* granted. Certiorari denied. Reported below: 152 F. 3d 471.

No. 98–1478. *RAINEY v. CHEVER.* Sup. Ct. Ga. Certiorari denied. Reported below: 270 Ga. 519, 510 S. E. 2d 823.

JUSTICE THOMAS, with whom THE CHIEF JUSTICE and JUSTICE SCALIA join, dissenting.

The rising incidence of out-of-wedlock births and delinquent fathers has had dire social consequences, including, in one expert's view: "lower newborn health and increased risk of early infant death; retarded cognitive and verbal development; lowered educational achievement; lowered levels of job attainment; increased behavioral problems; lowered ability to control impulses; warped social development; increased dependence on welfare; increased exposure to crime; and increased risk of being physically or sexually abused." App. to Pet. for Cert. 11 (affidavit of Patrick F. Fagan, former Deputy Assistant Secretary for Family and Social Services Policy, U. S. Dept. of Health and Human Services). The State of Georgia sought to address a particularly disturbing manifestation of this alarming trend. The General Assembly had learned of situations "in which a father of a child, born out of wedlock had failed to form a substantial parental relationship with a child, failed to provide support for the child, or both, and then came forward seeking to profit from the death of the child." *Id.*, at 19–20 (affidavit of State Rep. William C. Randall). Georgia amended its inheritance laws to provide that, in cases where a father's paternity has been established, "neither the father nor any child of the father nor any other paternal kin shall inherit from or through a child born out of wedlock if it shall be established by a preponderance of evidence that the father failed or refused openly to treat the child as his own or failed or refused to provide support for the child." Ga. Code Ann. §53–2–4(b)(2) (1997).

The facts of this case poignantly illustrate the problem that Georgia sought to address. In 1997, DeAndre Bernard Hamilton died tragically in an automobile crash allegedly caused by a manufacturing defect. Before DeAndre's death, respondent, his biological father, showed little interest in his son. He had no role

in his son's life and had taken no responsibility for his upbringing: According to the petition, respondent had no contact with his son even though he lived less than one mile away from him. Indeed, respondent only met his son at the age of 15 when DeAndre (along with other children whom respondent apparently had fathered) confronted him. Respondent never legitimated DeAndre and never initiated a visit with him. He had no idea when (or if) DeAndre graduated from high school, or, until his death, where DeAndre attended college. Nevertheless, immediately after DeAndre died, respondent was the first person—of all the parents whose children were injured or killed—to file a suit seeking monetary damages for his death.

Petitioner, DeAndre's mother, who reared him for 20 years under these adverse conditions, filed a petition to determine the rights of heirs. See § 53-2-20. She contended that because respondent completely neglected DeAndre he was not entitled to any inheritance under § 53-2-4(b)(2). Respondent argued that § 53-2-4(b)(2) violated, *inter alia*, the Equal Protection Clauses of the United States and Georgia Constitutions. A Georgia Superior Court judge agreed and granted summary judgment to respondent. The Supreme Court of Georgia affirmed, ruling that § 53-2-4(b)(2) on its face violated the Equal Protection Clauses of the United States and Georgia Constitutions. 270 Ga. 519, 510 S. E. 2d 823 (1999). The court reasoned that the statute created "a gender-based classification" because it imposed the support obligation only on fathers of children born out of wedlock; by contrast, mothers of these children bore no such support obligations as a condition of inheritance. Appearing to apply intermediate scrutiny, it stated that "[a] statute containing a gender-based classification violates equal protection unless the classification furthers important governmental objectives, and the discriminatory means employed are 'substantially related' to the achievement of those governmental objectives." *Id.*, at 520; 510 S. E. 2d, at 824 (citing *Reed v. Reed*, 404 U. S. 71, 76 (1971); *Franklin v. Hill*, 264 Ga. 302; 444 S. E. 2d 778 (1994)). Although the court recognized that encouraging fathers to take responsibility for out-of-wedlock children was an "important interest," it appeared to conclude that Georgia had an equal interest in encouraging such behavior in mothers and, thus, § 53-2-4(b)(2) did not adequately advance this important interest. 270 Ga., at 520, 510 S. E. 2d, at 824. The court found the State's

argument that mothers are less likely than fathers to abandon children born out of wedlock to be based on impermissible stereotypes and overbroad generalizations.

This decision arguably is inconsistent with this Court's prior decisions and, at a minimum, resolves an important question warranting this Court's review. Contrary to the Georgia Supreme Court's conclusion, §53-2-4(b)(2) does not necessarily draw a gender-based classification but arguably distinguishes between two different categories of men: fathers who support their children born out of wedlock and fathers who do not. Although our prior decisions addressing Equal Protection Clause challenges to similar statutes are not entirely clear, they appear to indicate that heightened scrutiny does not apply. In *Quilloin v. Walcott*, 434 U. S. 246 (1978), we considered a Georgia law requiring both parents' consent to the adoption of children born in wedlock but only the mother's consent for children born out of wedlock (unless the father legitimated the child). We held that the law did not violate the Equal Protection Clause, noting that the State "[u]nder any standard of review" could take into consideration that a delinquent father, unlike a married (or even divorced) one, had "never exercised actual or legal custody over his child, and thus ha[d] never shouldered any significant responsibility with respect to the daily supervision, education, protection, or care of the child." *Id.*, at 256 (emphasis added). Subsequently, in *Parham v. Hughes*, 441 U. S. 347 (1979), we rejected a challenge to a Georgia law that provided that fathers (but not mothers) of out-of-wedlock children could not inherit from their children unless they had legitimated them. Four Justices took the view that the statute did not invidiously discriminate on the basis of sex and, therefore, evaluated the statute under rational-basis review. Justifying its application of the rational-basis test, that four-Justice plurality concluded that "the statutory classification does not discriminate against fathers as a class *but instead distinguishes between fathers who have legitimated their children and those who have not.*" *Id.*, at 356 (emphasis added). Justice Powell, concurring in the judgment, believed that the statute should be reviewed under intermediate scrutiny and, applying that standard, agreed with the plurality that the statute passed constitutional muster. *Id.*, at 359-361. Finally, in *Lehr v. Robertson*, 463 U. S. 248 (1983), this Court upheld a New York law entitling all mothers of illegitimate children to prior notice of any adoption proceeding but entitling only

certain fathers to such notice. In holding that the statute did not invidiously discriminate between the father and mother in that case, we observed that the State could take account of the fact that the father had “never established any custodial, personal, or financial relationship with [his daughter].” *Id.*, at 267. Viewed against these decisions, the lower court’s choice of heightened scrutiny, particularly in this case, appears to be in error.

Even if the Georgia Supreme Court correctly chose heightened scrutiny, its application of that standard is equally dubious. The only authority cited by the Georgia Supreme Court for its apparent conclusion that § 53–2–4(b)(2) was not substantially related to important governmental interests was a page from this Court’s decision in *Miller v. Albright*, 523 U.S. 420, 442 (1998). This reliance on *Miller* is misplaced for several reasons. Most notably, the cited page does not even represent a holding of the Court but merely the views of two Justices. *Ibid.* (opinion of STEVENS, J., joined by REHNQUIST, C. J.). There was no opinion for the Court in *Miller*; rather six Justices, in three different opinions, affirmed a lower court judgment rejecting a constitutional challenge to a federal statute that imposed certain proof-of-paternity requirements on children born abroad to alien mothers and citizen fathers (but not alien fathers and citizen mothers). See *id.*, at 423–445; *id.*, at 445–452 (O’CONNOR, J., joined by KENNEDY, J., concurring in judgment); *id.*, at 452–459 (SCALIA, J., joined by THOMAS, J., concurring in judgment). Moreover, the principal opinion cited by the Georgia Supreme Court actually concluded that the statute at issue was *not* based on impermissible stereotypes, *id.*, at 442–445, reasoning that “[t]he biological differences between single men and single women provide a relevant basis for differing rules governing their ability to confer citizenship on children born in foreign lands,” *id.*, at 445. Thus, while the fractured decision in *Miller* may demonstrate the need for additional guidance as to the constitutionality of laws differentiating between fathers and mothers of out-of-wedlock children, it does not stand for the proposition that all generalizations based on gender are constitutionally infirm.

Further, I am at a loss to understand how the Georgia Supreme Court’s decision can be squared with this Court’s decisions recognizing women’s unique role in childbirth. For example, this Court invalidated a requirement that a woman seek her husband’s consent before obtaining an abortion, reasoning that “[i]nasmuch

as it is the woman who physically bears the child and who is the more directly and immediately affected by the pregnancy, as between the two, the balance weighs in her favor.” *Planned Parenthood of Central Mo. v. Danforth*, 428 U.S. 52, 71 (1976); see also *Planned Parenthood of Southeastern Pa. v. Casey*, 505 U.S. 833, 896 (1992) (“It is an inescapable biological fact that state regulation with respect to the child a woman is carrying will have a far greater impact on the mother’s liberty than on the father’s”). The logic of the abortion cases, suggesting that the State *may not* ignore a mother’s unique efforts in carrying a child to term, flatly contradicts the Georgia Supreme Court’s reasoning that the State *must* ignore these efforts when deciding whether she, as opposed to the father, is entitled to inherit from the deceased child’s estate.

Apart from the apparent inconsistency between the decision below and this Court’s decisions, several prudential considerations counsel in favor of granting certiorari. This Court routinely reviews state courts’ decisions invalidating state or local laws on federal constitutional grounds. See, e.g., *Chicago v. Morales*, ante, p. 41; *Central State Univ. v. American Assn. of Univ. Professors, Central State Univ. Chapter*, 526 U.S. 124 (1999) (*per curiam*). Moreover, the State of Georgia has filed an *amicus* brief urging the Court to uphold the constitutionality of §53–2–4(b)(2), and its views should affect our decision whether to exercise jurisdiction. Finally, the importance of the issue cannot be gainsaid. A variety of States have adopted similar legislation requiring fathers (but not mothers) to support their children born out of wedlock as a condition of inheriting from their estates. See, e.g., Ala. Code §43–8–48(2) (1991); Del. Code Ann., Tit. 12, §508(2) (1995); Idaho Code §15–2–109(b) (1979); Ky. Rev. Stat. Ann. §391.105(c)(2) (Michie Supp. 1998); Me. Rev. Stat. Ann., Tit. 18–A, §2–109(2)(iii) (1998); Miss. Code Ann. §91–1–15(3)(d)(i) (1994); Mo. Rev. Stat. §474.060.2 (1994); Neb. Rev. Stat. §30–2309(2) (1995); S. C. Code Ann. §62–2–109(2) (Supp. 1998); Tenn. Code Ann. §31–2–105(a)(2)(B) (Supp. 1998); Va. Code Ann. §64.1–5.1.3 (Supp. 1998). The decision of the Supreme Court of Georgia, resting on federal constitutional grounds, calls the continued validity of these statutes into doubt. In light of the issue’s importance and the substantial tension between the decision below and this Court’s decisions, I would vote to grant certiorari.

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No. 98-1739. WOODFORD, ACTING WARDEN *v.* CARO. C. A. 9th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. JUSTICE BREYER took no part in the consideration or decision of this motion and this petition. Reported below: 165 F. 3d 1223.

No. 98-1742. EDWARDS, WARDEN *v.* HERRINGTON. C. A. 6th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 178 F. 3d 1294.

No. 98-1783. FREEMAN ET VIR *v.* SIMON ET AL. App. Ct. Mass. Certiorari denied. JUSTICE BREYER took no part in the consideration or decision of this petition. Reported below: 46 Mass. App. 1106, 706 N. E. 2d 729.

*Rehearing Denied*

No. 97-9078. DOE *v.* A. M. E. ZION CHURCH ET AL., 525 U.S. 836;

No. 98-1054. MALLADI *v.* WEST, SECRETARY OF VETERANS AFFAIRS, 526 U.S. 1097;

No. 98-1431. RUPERT *v.* FEDERAL DEPOSIT INSURANCE CORPORATION, AS RECEIVER AND/OR CONSERVATOR FOR COLUMBIA SAVINGS AND LOAN ASSN., 526 U.S. 1099;

No. 98-1587. HAYNES *v.* UNITED STATES, 526 U.S. 1116;

No. 98-7729. RICCO *v.* UNITED STATES, 525 U.S. 1168;

No. 98-7751. HENDERSON *v.* HENNEBERRY, DIRECTOR, PATUXENT INSTITUTION, ET AL., 526 U.S. 1026;

No. 98-7938. DAVIS *v.* LENSING, WARDEN, ET AL., 526 U.S. 1053;

No. 98-8103. DUNLAP *v.* PECO ENERGY CO. ET AL., 526 U.S. 1073;

No. 98-8185. PRICE *v.* RYDER SYSTEM, INC., ET AL., 526 U.S. 1089;

No. 98-8294. SUMTER *v.* NEW JERSEY, 526 U.S. 1100;

No. 98-8402. UNDERWOOD *v.* MERIWETHER COUNTY, GEORGIA, ET AL., 526 U.S. 1119;

No. 98-8438. ABIDEKUN *v.* MARY IMOGENE BASSETT HOSPITAL, 526 U.S. 1120;

No. 98-8469. SMITH *v.* MISSISSIPPI, 526 U.S. 1092;

No. 98-8606. CLOUD *v.* WEBB, 526 U.S. 1134;

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No. 98–8607. *COTNER v. HARGETT, WARDEN, ET AL.*, 526 U. S. 1134;

No. 98–8651. *HAUPT v. DEPARTMENT OF VETERANS AFFAIRS ET AL.*, 526 U. S. 1135;

No. 98–8741. *IN RE NOBLE*, 526 U. S. 1097;

No. 98–8749. *GONZALES v. ARIZONA*, 526 U. S. 1136;

No. 98–8766. *CARROLL v. UNITED STATES*, 526 U. S. 1104; and

No. 98–8925. *IN RE ROGERS*, 526 U. S. 1097. Petitions for rehearing denied.

JUNE 25, 1999

*Dismissal Under Rule 46*

No. 98–9525. *BUEHL v. VAUGHN, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT GRATERFORD, ET AL.* C. A. 3d Cir. Certiorari dismissed under this Court's Rule 46.1. Reported below: 166 F. 3d 163.

JULY 6, 1999

*Certiorari Denied*

No. 99–5107 (A–28). *PROVENZANO v. FLORIDA*. Sup. Ct. Fla. Application for stay of execution of sentence of death, presented to JUSTICE KENNEDY, and by him referred to the Court, denied. Certiorari denied. JUSTICE STEVENS would grant the application for stay of execution. Reported below: 739 So. 2d 1150.

No. 99–5125 (A–32). *WHITE, NEXT FRIEND TO HEIDNIK v. HORN, COMMISSIONER, PENNSYLVANIA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 3d Cir. Application for stay of execution of sentence of death, presented to JUSTICE SOUTER, and by him referred to the Court, denied. Certiorari denied. Reported below: 191 F. 3d 446.

JULY 7, 1999

*Miscellaneous Order*

No. 99–5029 (A–13). *IN RE NEWSTED*. 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.

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*Certiorari Denied*

No. 99–5106 (A–27). *DAVIS v. FLORIDA*. Sup. Ct. Fla. Application for stay of execution of sentence of death, presented to JUSTICE KENNEDY, and by him referred to the Court, denied. Certiorari denied. JUSTICE STEVENS would grant the application for stay of execution. Reported below: 742 So. 2d 233.

No. 99–5161 (A–35). *DAVIS v. FLORIDA*. Sup. Ct. Fla. Application for stay of execution of sentence of death, presented to JUSTICE KENNEDY, and by him referred to the Court, denied. Certiorari denied. JUSTICE STEVENS would grant the application for stay of execution. Reported below: 737 So. 2d 550.

JULY 8, 1999

*Miscellaneous Order*

No. A–38 (O. T. 1999). *HALEY, COMMISSIONER, ALABAMA DEPARTMENT OF CORRECTIONS v. FORD*. Application to vacate the stay of execution of sentence of death entered by the United States Court of Appeals for the Eleventh Circuit on July 7, 1999, presented to JUSTICE KENNEDY, and by him referred to the Court, denied.

JULY 12, 1999

*Dismissal Under Rule 46*

No. 98–2051. *CANTU v. M. S. W. GROUP, L. L. C., ET AL.* C. A. 5th Cir. Certiorari dismissed under this Court's Rule 46.1. Reported below: 174 F. 3d 198.

JULY 21, 1999

*Miscellaneous Orders*

No. 98–7540. *CARMELL v. TEXAS*. Ct. App. Tex., 2d Dist. [Certiorari granted, *ante*, p. 1002.] Motion for appointment of counsel granted, and it is ordered that Richard D. Bernstein, Esq., of Washington, D. C., be appointed to serve as counsel for petitioner in this case.

No. 99–5341 (A–80). *IN RE STRICKLER*. Application for stay of execution of sentence of death, presented to THE CHIEF JUSTICE, and by him referred to the Court, denied. Motion of peti-

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tioner for leave to file a supplement in support of petition under seal denied. Petition for writ of habeas corpus denied.

*Assignment Order*

An order of THE CHIEF JUSTICE designating and assigning Justice White (retired) to perform judicial duties in the United States Court of Appeals for the Ninth Circuit during the period September 15 through September 17, 1999, and for such time as may be required to complete unfinished business, pursuant to 28 U. S. C. § 294(a), is ordered entered on the minutes of this Court, pursuant to 28 U. S. C. § 295.

AUGUST 2, 1999

*Miscellaneous Orders*

No. A-20 (O. T. 1999). ROBERTSON *v.* COMPTROLLER OF THE TREASURY. Ct. App. Md. Application for stay, addressed to JUSTICE SCALIA and referred to the Court, denied.

No. D-2059. IN RE DISBARMENT OF BLUTRICH. Disbarment entered. [For earlier order herein, see 526 U. S. 1036.]

No. D-2060. IN RE DISBARMENT OF SCHAMBACH. Disbarment entered. [For earlier order herein, see 526 U. S. 1084.]

No. D-2064. IN RE DISBARMENT OF OLDS. Disbarment entered. [For earlier order herein, see 526 U. S. 1085.]

No. D-2065. IN RE DISBARMENT OF KULIE. Disbarment entered. [For earlier order herein, see 526 U. S. 1085.]

No. D-2067. IN RE DISBARMENT OF WEBB. Disbarment entered. [For earlier order herein, see 526 U. S. 1085.]

No. D-2069. IN RE DISBARMENT OF WALKER. Disbarment entered. [For earlier order herein, see 526 U. S. 1096.]

No. D-2071. IN RE DISBARMENT OF WOOLFORK. Disbarment entered. [For earlier order herein, see 526 U. S. 1108.]

No. D-2072. IN RE DISBARMENT OF WILSON. Disbarment entered. [For earlier order herein, see 526 U. S. 1109.]

No. D-2075. IN RE DISBARMENT OF COHEN. Disbarment entered. [For earlier order herein, see 526 U. S. 1129.]

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No. D-2077. IN RE DISBARMENT OF ARNOPOLE. Disbarment entered. [For earlier order herein, see 526 U.S. 1156.]

No. D-2091. IN RE DISBARMENT OF TURTLETAUB. Sheldon J. Turtletaub, of Port Washington, 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-2092. IN RE DISBARMENT OF LEWIS. David George Lewis, of White Plains, 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-2093. IN RE DISBARMENT OF BYKOFSKY. Seth Darryl Bykofsky, of Garden 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-2094. IN RE DISBARMENT OF ONDECK. Thomas P. Ondeck, of Washington, D. 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-2095. IN RE DISBARMENT OF CONNORS. Charles Augustus Connors III, of San Mateo, 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-2096. IN RE DISBARMENT OF DURIE. Jack F. Durie, Jr., of Orlando, 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-2097. IN RE DISBARMENT OF WILKES. John Eric Wilkes, of Salem, Ore., 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.

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No. 98-1255. UNITED STATES *v.* MARTINEZ-SALAZAR. C. A. 9th Cir. [Certiorari granted, *ante*, p. 1021.] Motion for appointment of counsel granted, and it is ordered that Michael D. Gordon, Esq., of Tempe, Ariz., be appointed to serve as counsel for respondent in this case.

*Rehearing Denied*

No. 98-1048. MEESTER *v.* HENDERSON, POSTMASTER GENERAL, 526 U. S. 1144;

No. 98-1310. ZISK ET UX. *v.* CITY OF ROSEVILLE ET AL., 526 U. S. 1067;

No. 98-1316. ENERCON GMBH *v.* UNITED STATES INTERNATIONAL TRADE COMMISSION ET AL., 526 U. S. 1130;

No. 98-1461. CONSTRUCTIVIST FOUNDATION, INC. *v.* DEKALB COUNTY BOARD OF TAX ASSESSORS, 526 U. S. 1113;

No. 98-1578. AUSTIN INDEPENDENT SCHOOL DISTRICT ET AL. *v.* MEYER ET AL., 526 U. S. 1132;

No. 98-1624. KIRK ET UX. *v.* BERLIN PROBATE COURT ET AL., 526 U. S. 1132;

No. 98-7510. HALL *v.* UNITED STATES, 526 U. S. 1117;

No. 98-7571. CROSS *v.* UNITED STATES PAROLE COMMISSION, 526 U. S. 1071;

No. 98-8048. PYE *v.* GEORGIA, 526 U. S. 1118;

No. 98-8049. PERKINS *v.* GEORGIA, 526 U. S. 1118;

No. 98-8121. HENRY *v.* GEORGIA, 526 U. S. 1118;

No. 98-8328. FORD *v.* SAUNDERS, WARDEN, ET AL., 526 U. S. 1100;

No. 98-8399. WILLIAMS *v.* JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION, 526 U. S. 1119;

No. 98-8450. GAUNCE *v.* DEVINCENTIS ET AL., 526 U. S. 1120;

No. 98-8501. DECKER *v.* TEXAS, 526 U. S. 1121;

No. 98-8507. HUTCHINSON *v.* FULCOMER ET AL., 526 U. S. 1102;

No. 98-8572. BELL *v.* MISSISSIPPI, 526 U. S. 1122;

No. 98-8577. BROOKS *v.* MARTIN MARIETTA UTILITY SERVICES, INC., ET AL., 526 U. S. 1122;

No. 98-8830. WASHINGTON *v.* WILLIAMS, MAYOR OF DISTRICT OF COLUMBIA, 526 U. S. 1162;

No. 98-8883. KREHNBRINK *v.* MARYLAND STATE DEPARTMENT OF EDUCATION ET AL., *ante*, p. 1007;

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- No. 98–8884. NOVEL *v.* SALZBERG, *ante*, p. 1007;  
No. 98–8905. IN RE COOPER, 526 U.S. 1129;  
No. 98–8957. SEREQUEBERHAN *v.* TESFAYE, *ante*, p. 1009;  
No. 98–8962. BOYD *v.* BARKLEY, CHAPTER 13 TRUSTEE, 526 U.S. 1163;  
No. 98–8974. GRAY *v.* DEPARTMENT OF THE ARMY, 526 U.S. 1138;  
No. 98–8996. ALLEN *v.* HENDERSON, POSTMASTER GENERAL, 526 U.S. 1138;  
No. 98–9128. FOWLER *v.* CITY OF RALEIGH PARKS AND RECREATION DEPARTMENT ET AL., 526 U.S. 1163;  
No. 98–9139. THOMPSON *v.* UNITED STATES POSTAL SERVICE, 526 U.S. 1153; and  
No. 98–9367. WELLS *v.* CITY OF NEW YORK ET AL., *ante*, p. 1012. Petitions for rehearing denied.  
No. 98–1783. FREEMAN ET VIR *v.* SIMON ET AL., *ante*, p. 1049. Petition for rehearing denied. JUSTICE BREYER took no part in the consideration or decision of this petition.

AUGUST 5, 1999

*Certiorari Denied*

No. 98–9745 (A–111). BOYD *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: 167 F. 3d 907.

AUGUST 10, 1999

*Certiorari Denied*

No. 99–5531 (A–116). EARHART *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.

AUGUST 11, 1999

*Miscellaneous Orders*

No. A–143 (O. T. 1999). IN RE EARHART. Application for stay of execution of sentence of death, presented to JUSTICE SCALIA, and by him referred to the Court, denied.

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No. 99-5663 (A-136). *IN RE EARHART*. 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.

AUGUST 17, 1999

*Dismissal Under Rule 46*

No. 98-1839. *EDWARDS, GOVERNOR OF LOUISIANA, ET AL. v. GRIFFIN*. C. A. 5th Cir. Certiorari dismissed under this Court's Rule 46. Reported below: 168 F. 3d 486.

*Certiorari Denied*

No. 98-9936 (A-83). *TREVINO 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: 168 F. 3d 173.

No. 99-5502 (A-148). *WILLIAMS 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. Reported below: 178 F. 3d 1288.

AUGUST 23, 1999

*Miscellaneous Orders*

No. A-95 (98-1924). *WOJCIECHOWSKI v. MONTEVIDEO PARTNERSHIP ET AL.* C. A. 9th Cir. Application for stay, addressed to JUSTICE SOUTER and referred to the Court, denied.

No. A-96 (98-1955). *WOJCIECHOWSKI v. WALT DISNEY CONCERT HALL NO. 1 ET AL.* C. A. 9th Cir. Application for stay, addressed to JUSTICE SOUTER and referred to the Court, denied.

No. A-993 (99-5103). *KINNEY v. BANKERS TRUST Co.* App. Ct. Conn. Application for stay, addressed to JUSTICE BREYER and referred to the Court, denied.

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No. D-2074. IN RE DISBARMENT OF VEDATSKY. Disbarment entered. [For earlier order herein, see 526 U.S. 1129.]

No. D-2078. IN RE DISBARMENT OF PISANO. Disbarment entered. [For earlier order herein, see 526 U.S. 1156.]

No. D-2079. IN RE DISBARMENT OF QUAINANCE. Disbarment entered. [For earlier order herein, see 526 U.S. 1156.]

No. D-2081. IN RE DISBARMENT OF BERFIELD. Disbarment entered. [For earlier order herein, see *ante*, p. 1001.]

No. D-2082. IN RE DISBARMENT OF LOPEZ. Disbarment entered. [For earlier order herein, see *ante*, p. 1002.]

No. D-2083. IN RE DISBARMENT OF GOBLE. Disbarment entered. [For earlier order herein, see *ante*, p. 1019.]

No. D-2084. IN RE DISBARMENT OF GIANMANCO. Disbarment entered. [For earlier order herein, see *ante*, p. 1019.]

No. D-2085. IN RE DISBARMENT OF MAGLARAS. Disbarment entered. [For earlier order herein, see *ante*, p. 1019.]

No. D-2086. IN RE DISBARMENT OF SMITH. Disbarment entered. [For earlier order herein, see *ante*, p. 1019.]

No. D-2090. IN RE DISBARMENT OF BONCEK. Disbarment entered. [For earlier order herein, see *ante*, p. 1032.]

No. D-2098. IN RE DISBARMENT OF HARRIS. Robert H. Harris, of Woodmere, 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-2099. IN RE DISBARMENT OF HERNANDEZ. Rodolfo Hernandez, of El Paso, 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. D-2100. IN RE DISBARMENT OF MMAHAT. John A. Mmahat, of Metairie, La., is suspended from the practice of law in this Court, and a rule will issue, returnable within 40 days, requiring

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him to show cause why he should not be disbarred from the practice of law in this Court.

*Rehearing Denied*

No. 96-8963. *JARRETT v. TOXIC ACTION WASH ET AL.*, 522 U. S. 827;

No. 97-9361. *JONES v. UNITED STATES*, *ante*, p. 373;

No. 98-10. *JEFFERSON COUNTY, ALABAMA v. ACKER*, SENIOR JUDGE, UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF ALABAMA, ET AL., *ante*, p. 423;

No. 98-1481. *KOSTER v. UNITED STATES*, *ante*, p. 1021;

No. 98-1672. *MEADE v. PEP BOYS MANNY MOE & JACK, INC.*, ET AL., *ante*, p. 1005;

No. 98-1680. *SKURNICK v. RAAKE*, *ante*, p. 1036;

No. 98-1703. *BRAZELL v. SAVANNAH ELECTRIC & POWER CO.*, *ante*, p. 1036;

No. 98-1787. *ESTATE OF OLIVER, DECEASED, BY RICHARDSON, PERSONAL REPRESENTATIVE v. FLORIDA ET AL.*, *ante*, p. 1038;

No. 98-1793. *KOLB v. TEXAS*, *ante*, p. 1005;

No. 98-1814. *CANNINGS v. LIBRARIAN OF CONGRESS ET AL.*; *CANNINGS v. LIBRARIAN OF CONGRESS ET AL.*; and *EVELYN v. LIBRARIAN OF CONGRESS ET AL.*, *ante*, p. 1038;

No. 98-1815. *DACHMAN v. UNITED STATES*, *ante*, p. 1038;

No. 98-1830. *RICHARDSON v. ALBERTSON'S, INC.*, ET AL., *ante*, p. 1038;

No. 98-1873. *IN RE FONT*, *ante*, p. 1039;

No. 98-7589. *KING v. POPPELL ET AL.*, 526 U. S. 1117;

No. 98-7670. *PETREYKOV ET AL. v. SPITZER, ATTORNEY GENERAL OF NEW YORK, ET AL.*, 525 U. S. 1167;

No. 98-8077. *KING v. UPSHAW, WARDEN, ET AL.*, 526 U. S. 1072;

No. 98-8352. *SHIVAE v. VIRGINIA ET AL.*, 526 U. S. 1101;

No. 98-8426. *LOFTIS v. CATOE, DIRECTOR, SOUTH CAROLINA DEPARTMENT OF CORRECTIONS, ET AL.*, 526 U. S. 1119;

No. 98-8444. *PATMON v. OKLAHOMA ET AL.*, 526 U. S. 1120;

No. 98-8468. *IN RE ARTIS*, 526 U. S. 1049;

No. 98-8677. *MOORE v. JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION*, 526 U. S. 1103;

No. 98-8678. *MINNIECHESKE v. SHAWANO COUNTY ET AL.*, 526 U. S. 1148;

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- No. 98-8736. *IN RE WILLIAMS LEWIS*, 526 U.S. 1144;  
No. 98-8843. *PEARSON v. CATOE*, 526 U.S. 1162;  
No. 98-8874. *DUCKWORTH v. MOORE*, SECRETARY, FLORIDA  
DEPARTMENT OF CORRECTIONS, ET AL., *ante*, p. 1007;  
No. 98-8933. *VISINTINE v. UNITED STATES*, *ante*, p. 1008;  
No. 98-8983. *RIVES v. COUNTY OF MONMOUTH ET AL.*, *ante*,  
p. 1024;  
No. 98-9062. *JORDAN v. MISSISSIPPI*, *ante*, p. 1026;  
No. 98-9097. *OLICK v. JOHN HANCOCK MUTUAL LIFE INSUR-*  
*ANCE CO. ET AL.*, *ante*, p. 1040;  
No. 98-9127. *HARRIS v. BALLARD ET AL.*, *ante*, p. 1041;  
No. 98-9131. *MANTILLA v. UNITED STATES*, 526 U.S. 1152;  
No. 98-9140. *TRAVIS v. OHIO*, *ante*, p. 1041;  
No. 98-9142. *BURNS v. MISSISSIPPI*, *ante*, p. 1041;  
No. 98-9195. *PARISE v. UNITED STATES*, 526 U.S. 1164;  
No. 98-9278. *MARTINI v. ROSEWELL ET AL.*, *ante*, p. 1010;  
No. 98-9496. *CHAMBERS v. BOWERSOX*, SUPERINTENDENT,  
POTOSI CORRECTIONAL CENTER, *ante*, p. 1029; and  
No. 98-9567. *SMITH v. MISSISSIPPI*, *ante*, p. 1043. Petitions  
for rehearing denied.
- No. 98-6022. *ROSENTHAL v. BANKS*, ADMINISTRATIVE AP-  
PEALS JUDGE, DEPARTMENT OF HEALTH AND HUMAN SERVICES,  
525 U.S. 972. Motion for leave to file petition for rehearing  
denied.

AUGUST 30, 1999

*Dismissal Under Rule 46*

- No. 99-105. *SOUTHERN UNION CO. v. MORSE*. C. A. 8th Cir.  
Certiorari dismissed under this Court's Rule 46.1. Reported  
below: 174 F. 3d 917.

AUGUST 31, 1999

*Miscellaneous Order*

- No. 99-6003 (A-177). *IN RE LEISURE*. 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.

*Certiorari Denied*

- No. 98-9808 (A-102). *JONES v. JOHNSON*, DIRECTOR, TEXAS  
DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION.

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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: 171 F. 3d 270.

No. 99-5975 (A-175). *LEISURE v. BOWERSOX*, SUPERINTENDENT, POTOSI CORRECTIONAL CENTER, ET AL.; and *LEISURE v. BOWERSOX*, SUPERINTENDENT, POTOSI CORRECTIONAL CENTER. Sup. Ct. Mo. Application for stay of execution of sentence of death, presented to JUSTICE THOMAS, and by him referred to the Court, denied. Certiorari denied.

No. 99-6004 (A-178). *LEISURE v. BOWERSOX*, SUPERINTENDENT, POTOSI CORRECTIONAL CENTER, 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.

## SEPTEMBER 1, 1999

*Certiorari Granted*

No. 99-5746 (A-151). *WEEKS 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, granted. Motion for leave to proceed *in forma pauperis* granted. Certiorari granted limited to Question 1 presented by the petition. Reported below: 176 F. 3d 249.

*Certiorari Denied*

No. 99-6016 (A-180). *LEISURE v. SCHRIRO*, DIRECTOR, MISSOURI DEPARTMENT OF CORRECTIONS, ET AL. Sup. Ct. Mo. 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 would grant the application for stay of execution and the petition for writ of certiorari.

No. 99-6017 (A-181). *LEISURE v. SCHRIRO*, DIRECTOR, MISSOURI DEPARTMENT OF CORRECTIONS, 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 would grant the application for stay of execution and the petition for writ of certiorari.

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No. 99–6018 (A–182). *LEISURE v. MISSOURI 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 would grant the application for stay of execution.

SEPTEMBER 8, 1999

*Miscellaneous Order*

No. A–210 (O. T. 1999). *ARKANSAS ABOLITIONIST COMMITTEE v. ARKANSAS.* Application for stay of execution of sentence of death of Alan Willett, presented to JUSTICE THOMAS, and by him referred to the Court, denied. JUSTICE O’CONNOR took no part in the consideration or decision of this application.

SEPTEMBER 9, 1999

*Miscellaneous Order*

No. A–189 (99–6035). *TAYLOR v. CAIN, WARDEN.* 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.

SEPTEMBER 10, 1999

*Miscellaneous Orders*

No. A–962. *ROQUEMORE v. RICE, WARDEN, ET AL.* Application for certificate of appealability, addressed to JUSTICE KENNEDY and referred to the Court, denied.

No. 98–405. *RENO, ATTORNEY GENERAL v. BOSSIER PARISH SCHOOL BOARD*; and

No. 98–406. *PRICE ET AL. v. BOSSIER PARISH SCHOOL BOARD.* D. C. D. C. [Probable jurisdiction noted, 525 U.S. 1118.] Motion of the Solicitor General for divided argument granted.

No. 98–818. *RICE v. CAYETANO, GOVERNOR OF HAWAII.* C. A. 9th Cir. [Certiorari granted, 526 U.S. 1016.] Motion of the So-

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licitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 98–822. FRIENDS OF THE EARTH, INC., ET AL. *v.* LAIDLAW ENVIRONMENTAL SERVICES (TOC), INC. C. A. 4th Cir. [Certiorari granted, 525 U. S. 1176.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 98–1036. ILLINOIS *v.* WARDLOW. Sup. Ct. Ill. [Certiorari granted, 526 U. S. 1097.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 98–1170. PORTUONDO, SUPERINTENDENT, FISHKILL CORRECTIONAL FACILITY *v.* AGARD. C. A. 2d Cir. [Certiorari granted, 526 U. S. 1016.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 98–1299. NEW YORK *v.* HILL. Ct. App. N. Y. [Certiorari granted, 526 U. S. 1111.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 98–1682. UNITED STATES ET AL. *v.* PLAYBOY ENTERTAINMENT GROUP, INC. D. C. Del. [Probable jurisdiction noted, *ante*, p. 1021.] Motion of the Solicitor General to dispense with printing the joint appendix granted.

*Certiorari Granted*

No. 98–1960. CORTEZ BYRD CHIPS, INC. *v.* BILL HARBERT CONSTRUCTION Co., A DIVISION OF BILL HARBERT INTERNATIONAL, INC. C. A. 11th Cir. Certiorari granted. Reported below: 169 F. 3d 693.

No. 98–1696. UNITED STATES *v.* JOHNSON. C. A. 6th 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, October 22, 1999. Brief of respondent is to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Friday, November 19, 1999. A reply brief, if any, is to be filed with the Clerk and served upon opposing counsel on or before 3 p.m.,

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Wednesday, December 1, 1999. This Court's Rule 29.2 does not apply. Reported below: 154 F. 3d 569.

No. 98-1701. UNITED STATES *v.* LOCKE, GOVERNOR OF WASHINGTON, ET AL.; and

No. 98-1706. INTERNATIONAL ASSOCIATION OF INDEPENDENT TANKER OWNERS (INTERTANKO) *v.* LOCKE, GOVERNOR OF WASHINGTON, ET AL. C. A. 9th Cir. Certiorari granted, cases consolidated, and a total of one hour allotted for oral argument. Briefs of petitioners are to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Friday, October 22, 1999. Briefs of respondents are to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Friday, November 19, 1999. Reply briefs, if any, are to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Tuesday, November 30, 1999. This Court's Rule 29.2 does not apply. Reported below: 148 F. 3d 1053.

No. 98-1811. GEIER ET AL. *v.* AMERICAN HONDA MOTOR CO., INC., ET AL. C. A. D. C. Cir. Certiorari granted. Brief of petitioners is to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Friday, October 22, 1999. Brief of respondents is to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Friday, November 19, 1999. A reply brief, if any, is to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Tuesday, November 30, 1999. This Court's Rule 29.2 does not apply. Reported below: 166 F. 3d 1236.

No. 98-1904. UNITED STATES ET AL. *v.* WEATHERHEAD. C. A. 9th Cir. Certiorari granted. Brief of petitioners is to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Friday, October 22, 1999. Brief of respondent is to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Friday, November 19, 1999. A reply brief, if any, is to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Wednesday, December 1, 1999. This Court's Rule 29.2 does not apply. Reported below: 157 F. 3d 735.

No. 99-51. GUTIERREZ ET AL. *v.* ADA ET AL. C. A. 9th Cir. Certiorari granted. Brief of petitioners is to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Friday, October 22, 1999. Brief of respondents is to be filed with

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the Clerk and served upon opposing counsel on or before 3 p.m., Friday, November 19, 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, November 29, 1999. This Court's Rule 29.2 does not apply. Reported below: 179 F. 3d 672.

*Rehearing Denied*

No. 98-1539. GLAVEY *v.* HIGHLAND LAKES COUNTRY CLUB & COMMUNITY ASSN., 526 U. S. 1115;

No. 98-7947. EWING *v.* CALIFORNIA, 526 U. S. 1054;

No. 98-8120. SPEARMAN *v.* UNITED STATES, *ante*, p. 1039;

No. 98-8437. TRRAFT *v.* AMERICAN THRESHOLD INDUSTRIES, INC., 526 U. S. 1120;

No. 98-8752. EDWARDS *v.* FRANCHINI ET AL., 526 U. S. 1124;

No. 98-8836. HAZLEY *v.* CITY OF AKRON ET AL., 526 U. S. 1162;

No. 98-8882. FIELDS *v.* DALKON SHIELD CLAIMANTS TRUST, *ante*, p. 1007;

No. 98-8980. SMITH *v.* BOWERSOX, SUPERINTENDENT, POTOSI CORRECTIONAL CENTER, 526 U. S. 1163;

No. 98-8987. EPLEY *v.* WEST ET AL., 526 U. S. 1150;

No. 98-9029. LUMBEF *v.* ARDEN FAIR APARTMENTS ET AL., *ante*, p. 1025;

No. 98-9032. LUMBEF *v.* STANFORD MEDICAL GROUP ET AL., *ante*, p. 1025;

No. 98-9288. IN RE HARRISON-BEY, 526 U. S. 1144;

No. 98-9331. CARDWELL *v.* WATKINS, *ante*, p. 1026;

No. 98-9376. LAWRENCE *v.* MOATS, WARDEN, ET AL., *ante*, p. 1012;

No. 98-9453. DEUTSCH *v.* UNITED STATES, *ante*, p. 1028;

No. 98-9458. PETREYKOV ET AL. *v.* CITY OF NEW YORK, *ante*, p. 1028;

No. 98-9478. EVERETT *v.* JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION, *ante*, p. 1043;

No. 98-9480. NORRIS *v.* SLATER, SECRETARY OF TRANSPORTATION, *ante*, p. 1043; and

No. 98-9500. IN RE MAULDIN, *ante*, p. 1002. Petitions for rehearing denied.

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SEPTEMBER 14, 1999

*Miscellaneous Order*

No. 99-6147 (A-220). *IN RE DAVIS*. 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.

SEPTEMBER 16, 1999

*Certiorari Denied*

No. 99-6143 (A-222). *MUELLER 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. Reported below: 181 F. 3d 557.

SEPTEMBER 21, 1999

*Dismissals Under Rule 46*

No. 99-425. *WALLACE ET AL. v. STIEHL, SENIOR JUDGE, UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF ILLINOIS*. C. A. 7th Cir. Certiorari dismissed as to Linda Adams under this Court's Rule 46.

No. 99-210. *HOSPITAL SERVICE DISTRICT NO. 1 OF TANGIPAHOA PARISH ET AL. v. SURGICAL CARE CENTER OF HAMMOND, L. C., ET AL.; CITY OF BOSSIER CITY ET AL. v. WILLIS-KNIGHTON MEDICAL CENTER; and RICHLAND PARISH HOSPITAL SERVICE DISTRICT 1-B, DBA RICHLAND PARISH MEDICAL CENTER, ET AL. v. ABRAHAM ET AL.* C. A. 5th Cir. Certiorari dismissed as to *City of Bossier City et al. v. Willis-Knighton Medical Center* under this Court's Rule 46.1. Reported below: 178 F. 3d 1290 (second judgment).

SEPTEMBER 23, 1999

*Certiorari Denied*

No. 99-5630 (A-232). *SULLIVAN v. SNYDER, WARDEN, ET AL.* C. A. 3d Cir. Application for stay of execution of sentence of death, presented to JUSTICE SOUTER, and by him referred to the Court, denied. Certiorari denied. JUSTICE STEVENS and JUSTICE

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TICE GINSBURG would grant the application for stay of execution. Reported below: 187 F. 3d 626.

No. 99-6315 (A-254). SULLIVAN *v.* DELAWARE. Sup. Ct. Del. Application for stay of execution of sentence of death, presented to JUSTICE SOUTER, and by him referred to the Court, denied. Certiorari denied. Reported below: 738 A. 2d 239.

SEPTEMBER 24, 1999

*Dismissal Under Rule 46*

No. 98-1961. INTERNATIONAL BUSINESS MACHINES CORP. ET AL. *v.* MCAULEY ET AL. C. A. 6th Cir. Certiorari dismissed under this Court's Rule 46.1. Reported below: 165 F. 3d 1038.

*Certiorari Denied*

No. 99-6201 (A-235). GREEN *v.* NORTH CAROLINA. Sup. Ct. N. 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. Reported below: 350 N. C. 400, 514 S. E. 2d 724.

No. 99-6278 (A-244). GREEN *v.* NORTH CAROLINA. Gen. Ct. Justice, Super. Ct. Div., Pitt County, N. 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.

No. 99-6313 (A-252). GREEN *v.* LEE, 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.

No. 99-6319 (A-256). GREEN *v.* NORTH CAROLINA. Sup. Ct. N. 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.

SEPTEMBER 27, 1999

*Miscellaneous Order*

No. A-241 (99-451). LEWIS, WARDEN, ET AL. *v.* GARCIA DELGADO. C. A. 9th Cir. Application for stay of judgment of the

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United States Court of Appeals for the Ninth Circuit in case No. 97-56162, presented to JUSTICE O'CONNOR, and by her 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.

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*Miscellaneous Order*

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, 525 U.S. 1121.] Motion of the Solicitor General for divided argument granted.

*Certiorari Granted*

No. 98-1288. VILLAGE OF WILLOWBROOK ET AL. *v.* OLECH. C. A. 7th Cir. Certiorari granted limited to Question 1 presented by the petition. Brief of petitioners is to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Friday, November 12, 1999. Brief of respondent is to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Monday, December 13, 1999. A reply brief, if any, is to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Thursday, December 30, 1999. This Court's Rule 29.2 does not apply. Reported below: 160 F. 3d 386.

No. 98-1667. BARAL *v.* UNITED STATES. C. A. D. C. Cir. Certiorari granted limited to the following question: "Whether a remittance of estimated taxes or of taxes withheld from wages is a payment of tax that is subject to the limitation on tax refunds set forth in §6511(b) of the Internal Revenue Code, 26 U.S.C. §6511(b)?" Brief of petitioner is to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Friday, November 12, 1999. Brief of respondent is to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Monday, December 13, 1999. A reply brief, if any, is to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Thursday, December 30, 1999. This Court's Rule 29.2 does not apply. Reported below: 172 F. 3d 918.

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No. 98-1856. *HILL ET AL. v. COLORADO ET AL.* Sup. Ct. Colo. Certiorari granted. Brief of petitioners is to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Friday, November 12, 1999. Brief of respondents is to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Monday, December 13, 1999. A reply brief, if any, is to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Thursday, December 30, 1999. This Court's Rule 29.2 does not apply. Reported below: 973 P. 2d 1246.

No. 98-1949. *PEGGRAM ET AL. v. HERDRICH*. C. A. 7th Cir. Motions of American Association of Health Plans et al. and Washington Legal Foundation for leave to file briefs as *amici curiae* granted. Certiorari granted. Reported below: 154 F. 3d 362.

No. 98-2043. *HUNT-WESSON, INC. v. FRANCHISE TAX BOARD OF CALIFORNIA*. Ct. App. Cal., 1st App. Dist. Certiorari granted. Brief of petitioner is to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Friday, November 12, 1999. Brief of respondent is to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Monday, December 13, 1999. A reply brief, if any, is to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Thursday, December 30, 1999. This Court's Rule 29.2 does not apply.

No. 99-5. *UNITED STATES v. MORRISON ET AL.*; and

No. 99-29. *BRZONKALA v. MORRISON ET AL.* C. A. 4th Cir. Certiorari granted, cases consolidated, and a total of one hour allotted for oral argument. Briefs of petitioners are to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Friday, November 12, 1999. Briefs of respondents are to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Monday, December 13, 1999. Reply briefs, if any, are to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Thursday, December 30, 1999. This Court's Rule 29.2 does not apply. Reported below: 169 F. 3d 820.

No. 99-137. *GARNER, FORMER CHAIRMAN OF THE STATE BOARD OF PARDONS AND PAROLES OF GEORGIA, ET AL. v. JONES*. C. A. 11th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari granted. Brief of petitioners is to be filed with the Clerk and served upon opposing counsel

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on or before 3 p.m., Friday, November 12, 1999. Brief of respondent is to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Monday, December 13, 1999. A reply brief, if any, is to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Thursday, December 30, 1999. This Court's Rule 29.2 does not apply. Reported below: 164 F. 3d 589.

No. 99-138. *TROXEL ET VIR v. GRANVILLE*. Sup. Ct. Wash. Certiorari granted. Brief of petitioners is to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Friday, November 12, 1999. Brief of respondent is to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Monday, December 13, 1999. A reply brief, if any, is to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Thursday, December 30, 1999. This Court's Rule 29.2 does not apply. Reported below: 137 Wash. 2d 1, 969 P. 2d 21.

No. 99-161. *WEISGRAM ET AL. v. MARLEY CO. ET AL.* C. A. 8th Cir. Certiorari granted limited to Question 2 presented by the petition. Brief of petitioners is to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Friday, November 12, 1999. Brief of respondents is to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Monday, December 13, 1999. A reply brief, if any, is to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Thursday, December 30, 1999. This Court's Rule 29.2 does not apply. Reported below: 169 F. 3d 514.