

ORDERS FOR MAY 30 THROUGH  
SEPTEMBER 29, 2000

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MAY 30, 2000

*Certiorari Granted—Vacated and Remanded*

No. 99–1266. UNITED STATES *v.* JOHNSON. C. A. 5th 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 *Jones v. United States*, 529 U. S. 848 (2000). Reported below: 194 F. 3d 657.

No. 99–6136. REA *v.* UNITED STATES. C. A. 8th 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 *Jones v. United States*, 529 U. S. 848 (2000). Reported below: 169 F. 3d 1111.

*Certiorari Dismissed*

No. 99–8771. COTNER *v.* COURT OF CRIMINAL APPEALS OF OKLAHOMA ET AL. Sup. Ct. Okla. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8.

No. 99–8810. MIKKILINENI *v.* CITY OF HOUSTON ET AL. C. A. 5th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8. Reported below: 203 F. 3d 828.

No. 99–8814. PATTERSON *v.* HAWK SAWYER, DIRECTOR, FEDERAL BUREAU OF PRISONS, ET AL. C. A. 5th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8. Reported below: 199 F. 3d 439.

*Miscellaneous Orders*

No. 129, Orig. VIRGINIA *v.* MARYLAND. Motion of Audubon Naturalist Society for leave to file a brief as *amicus curiae* granted. Motion for leave to file bill of complaint granted. Defendant is allowed 60 days within which to file an answer.

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No. 99-1403. CEMENT MASONS HEALTH AND WELFARE TRUST FUND FOR NORTHERN CALIFORNIA ET AL. *v.* STONE. C. A. 9th Cir. Motions of International Training Institute for the Sheet Metal and Air Conditioning Industry; Multiemployer Trust Funds; Central States, Southeast and Southwest Areas Health and Welfare Fund; and Health Insurance Association of America for leave to file briefs as *amici curiae* granted. The Solicitor General is invited to file a brief in this case expressing the views of the United States.

No. 99-9336. IN RE JEAN-HENRIQUEZ; and

No. 99-9431. IN RE GLASS. Petitions for writs of habeas corpus denied.

No. 99-8843. IN RE KAZANDJIAN;

No. 99-8931. IN RE BAILEY; and

No. 99-8994. IN RE LEWIS. Petitions for writs of mandamus denied.

*Certiorari Granted*

No. 99-1331. LEWIS *v.* LEWIS & CLARK MARINE, INC. C. A. 8th Cir. Certiorari granted. Reported below: 196 F. 3d 900.

No. 99-1434. UNITED STATES *v.* MEAD CORP. C. A. Fed. Cir. Certiorari granted. Reported below: 185 F. 3d 1304.

No. 99-1426. AMERICAN TRUCKING ASSNS., INC., ET AL. *v.* BROWNER, ADMINISTRATOR OF ENVIRONMENTAL PROTECTION AGENCY, ET AL. C. A. D. C. Cir. Certiorari granted, and case set for oral argument in tandem with No. 99-1257, *Browner, Administrator of Environmental Protection Agency, et al. v. American Trucking Assns., Inc., et al.* [certiorari granted, 529 U. S. 1129]. Reported below: 175 F. 3d 1027 and 195 F. 3d 4.

*Certiorari Denied*

No. 99-213. UNITED STATES *v.* SCS BUSINESS & TECHNICAL INSTITUTE, INC., ET AL. C. A. D. C. Cir. Certiorari denied. Reported below: 173 F. 3d 870 and 890.

No. 99-321. UNITED STATES EX REL. FOULDS *v.* TEXAS TECH UNIVERSITY ET AL.;

No. 99-365. UNITED STATES *v.* TEXAS TECH UNIVERSITY ET AL.; and

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No. 99-513. *TEXAS TECH UNIVERSITY ET AL. v. UNITED STATES EX REL. FOULDS ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 171 F. 3d 279.

No. 99-337. *SOWERBY, PERSONAL REPRESENTATIVE OF THE ESTATE OF HINKLEY, DECEASED, ET AL. v. PREVO'S FAMILY MARKET, INC., ET AL.* Ct. App. Mich. Certiorari denied. Reported below: 230 Mich. App. 131, 583 N. W. 2d 509.

No. 99-464. *GASAWAY v. UNITED STATES;*

No. 99-5614. *CHOPANE v. UNITED STATES;*

No. 99-6259. *LIMBRICK v. UNITED STATES;*

No. 99-6302. *MCCRAY v. UNITED STATES;* and

No. 99-6378. *HICKMAN v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 179 F. 3d 230.

No. 99-633. *C. W. ROEN CONSTRUCTION CO. ET AL. v. UNITED STATES EX REL. PLUMBERS AND STEAMFITTERS LOCAL UNION NO. 38 ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 183 F. 3d 1088.

No. 99-774. *UNITED STATES v. TEXAS ET AL.;*

No. 99-779. *UNITED STATES EX REL. CHURCHILL v. TEXAS ET AL.;* and

No. 99-956. *TEXAS ET AL. v. UNITED STATES ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 192 F. 3d 126.

No. 99-998. *MOYER v. UNITED STATES.* C. A. 8th Cir. Certiorari denied. Reported below: 182 F. 3d 1018.

No. 99-1060. *LOCKHEED MISSILES & SPACE CO., INC. v. UNITED STATES EX REL. NEWSHAM ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 190 F. 3d 963.

No. 99-1239. *OGLALA SIOUX TRIBAL PUBLIC SAFETY DEPARTMENT v. BABBITT, SECRETARY OF THE INTERIOR.* C. A. Fed. Cir. Certiorari denied. Reported below: 194 F. 3d 1374.

No. 99-1261. *MICCOSUKEE CORP. v. BABBITT, SECRETARY OF THE INTERIOR.* C. A. Fed. Cir. Certiorari denied. Reported below: 217 F. 3d 857.

No. 99-1380. *LYONS v. STOVALL.* C. A. 6th Cir. Certiorari denied. Reported below: 188 F. 3d 327.

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No. 99–1421. COUNTY OF LOS ANGELES ET AL. *v.* SHALALA, SECRETARY OF HEALTH AND HUMAN SERVICES. C. A. D. C. Cir. Certiorari denied. Reported below: 192 F. 3d 1005.

No. 99–1422. FLEMING *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 193 F. 3d 522.

No. 99–1481. VAKHARIA *v.* SWEDISH COVENANT HOSPITAL ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 190 F. 3d 799.

No. 99–1497. BELSHE, DIRECTOR, CALIFORNIA DEPARTMENT OF HEALTH SERVICES *v.* CHILDREN’S HOSPITAL AND HEALTH CENTER. C. A. 9th Cir. Certiorari denied. Reported below: 188 F. 3d 1090.

No. 99–1507. DUNN ET AL. *v.* AIR LINE PILOTS ASSN. ET AL.; and

No. 99–1530. NORMAN *v.* AIR LINE PILOTS ASSN. ET AL. C. A. 11th Cir. Certiorari denied. Reported below: 193 F. 3d 1185.

No. 99–1557. COBORN *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 8th Cir. Certiorari denied. Reported below: 205 F. 3d 1345.

No. 99–1562. BREWER *v.* COLORADO. Ct. App. Colo. Certiorari denied.

No. 99–1568. BRITTON *v.* MALONEY. C. A. 1st Cir. Certiorari denied. Reported below: 196 F. 3d 24.

No. 99–1570. BAYER CORP. *v.* HOOVER COLOR CORP. C. A. 4th Cir. Certiorari denied. Reported below: 199 F. 3d 160.

No. 99–1572. VIEHWEG *v.* MELLO. C. A. 8th Cir. Certiorari denied. Reported below: 198 F. 3d 252.

No. 99–1574. LOCAL 1199J *v.* OFFICIAL COMMITTEE OF UNSECURED CREDITORS OF UNITED HEALTH CARE SYSTEM, INC. C. A. 3d Cir. Certiorari denied. Reported below: 200 F. 3d 170.

No. 99–1575. JOHNSON COUNTY BOARD OF COUNTY COMMISSIONERS *v.* SOUTHWESTERN BELL WIRELESS, INC., FKA SOUTHWESTERN BELL MOBILE SYSTEMS, INC., ET AL. C. A. 10th Cir. Certiorari denied. Reported below: 199 F. 3d 1185.

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No. 99–1579. *DONAT v. VBB IV, INC., ET AL.* App. Ct. Ill., 1st Dist. Certiorari denied.

No. 99–1581. *HIZAM v. MOSSA.* App. Div., Sup. Ct. N. Y., 4th Jud. Dept. Certiorari denied. Reported below: 265 App. Div. 2d 873, 695 N. Y. S. 2d 854.

No. 99–1590. *VELARDI v. NEW YORK CITY FIRE DEPARTMENT PENSION FUND.* C. A. 2d Cir. Certiorari denied. Reported below: 182 F. 3d 902.

No. 99–1605. *BARNES ET AL. v. CITY OF HOUSTON ET AL.* C. A. 5th Cir. Certiorari denied.

No. 99–1609. *THEN v. MAINE DEPARTMENT OF HUMAN SERVICES;* and

No. 99–8956. *THEN v. MAINE DEPARTMENT OF HUMAN SERVICES.* Sup. Jud. Ct. Me. Certiorari denied. Reported below: 742 A. 2d 911.

No. 99–1611. *HUTCHINSON, PERSONAL REPRESENTATIVE OF THE ESTATE OF HUTCHINSON, DECEASED, ET AL. v. PFEIL ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 201 F. 3d 448.

No. 99–1616. *PUNCHARD v. LUNA COUNTY COMMISSION ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 202 F. 3d 282.

No. 99–1658. *BELANGER v. CONNECTICUT.* App. Ct. Conn. Certiorari denied. Reported below: 55 Conn. App. 2, 738 A. 2d 1109.

No. 99–1660. *STEPARD ET AL. v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 188 F. 3d 516.

No. 99–1682. *VENTURE FUNDING, LTD. v. COMMISSIONER OF INTERNAL REVENUE.* C. A. 6th Cir. Certiorari denied. Reported below: 198 F. 3d 248.

No. 99–1699. *VONDERHEIDE v. INTERNAL REVENUE SERVICE.* C. A. 6th Cir. Certiorari denied. Reported below: 194 F. 3d 1315.

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No. 99-6323. *SMITH v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 182 F. 3d 452.

No. 99-6328. *NUTALL v. UNITED STATES*; and  
No. 99-6329. *NUTALL v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 180 F. 3d 182.

No. 99-6461. *MCCLINTON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 162 F. 3d 94.

No. 99-6762. *LIDDELL v. UNITED STATES*; and  
No. 99-6973. *GAINES v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 192 F. 3d 130.

No. 99-6968. *HAMMOND v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 194 F. 3d 1306.

No. 99-7268. *SERRANO OSORIO v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 191 F. 3d 12.

No. 99-8034. *WOODRUFF v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 198 F. 3d 256.

No. 99-8081. *NESBETH v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 202 F. 3d 255.

No. 99-8361. *HERNANDEZ-FRANCO v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 189 F. 3d 1151.

No. 99-8396. *LOPEZ v. PENNSYLVANIA*. Sup. Ct. Pa. Certiorari denied. Reported below: 559 Pa. 131, 739 A. 2d 485.

No. 99-8429. *SUMPTER v. STEGALL, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 99-8645. *ISSAK v. MAINE DEPARTMENT OF HUMAN SERVICES*; and

No. 99-9014. *HIRSI v. MAINE DEPARTMENT OF HUMAN SERVICES*. Sup. Jud. Ct. Me. Certiorari denied. Reported below: 742 A. 2d 919.

No. 99-8732. *BARNES v. GILMORE, GOVERNOR OF VIRGINIA*. C. A. 4th Cir. Certiorari denied. Reported below: 201 F. 3d 435.

No. 99-8740. *FIERRO v. JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION*. C. A. 5th Cir. Certiorari denied. Reported below: 197 F. 3d 147.

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No. 99–8768. *BAKER v. MCCLUNG, WARDEN*. Sup. Ct. Ga. Certiorari denied. Reported below: 271 Ga. 795, 524 S. E. 2d 718.

No. 99–8772. *RAYMOND v. WEBER, WARDEN, ET AL.* C. A. 8th Cir. Certiorari denied.

No. 99–8776. *BANKS v. JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 99–8785. *BEERS v. HENDREN, CHIEF JUDGE, UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF ARKANSAS, ET AL.* C. A. 8th Cir. Certiorari denied.

No. 99–8787. *BARKER v. BROYLE, ACTING SUPERINTENDENT, CORRECTIONAL INDUSTRIAL FACILITY*. C. A. 7th Cir. Certiorari denied.

No. 99–8788. *BUTLER v. FLORIDA*. C. A. 11th Cir. Certiorari denied.

No. 99–8796. *JARRELL v. CAIN, WARDEN*. C. A. 5th Cir. Certiorari denied.

No. 99–8799. *HUNG NAM TRAN v. ROSCIZEWSKI ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 202 F. 3d 275.

No. 99–8801. *WILSON v. MITCHEM, WARDEN, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 99–8802. *WALKER v. VILLAGE OF BOLINGBROOK ET AL.* C. A. 7th Cir. Certiorari denied.

No. 99–8803. *VARNER v. MILLER, SUPERINTENDENT, PENDLETON CORRECTIONAL FACILITY*. C. A. 7th Cir. Certiorari denied.

No. 99–8804. *TORRES v. ARTUZ, SUPERINTENDENT, GREEN HAVEN CORRECTIONAL FACILITY*. C. A. 2d Cir. Certiorari denied.

No. 99–8809. *HERNANDEZ CONTRERAS v. JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 99–8811. *JOHNSTON v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 199 F. 3d 1015.

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No. 99–8812. *MOORE v. GIBSON, WARDEN*. C. A. 10th Cir. Certiorari denied. Reported below: 195 F. 3d 1152.

No. 99–8813. *STOKES v. CORCORAN, WARDEN, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 203 F. 3d 822.

No. 99–8816. *PARK v. SHOSTROM ET AL.* Sup. Ct. Ore. Certiorari denied.

No. 99–8825. *SCHULTZ v. SONDALE, WARDEN*. C. A. 7th Cir. Certiorari denied.

No. 99–8830. *BOWIE v. GIBSON, WARDEN, ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 198 F. 3d 257.

No. 99–8832. *WYATT v. CAREY ET AL.* Ct. App. Tenn. Certiorari denied.

No. 99–8833. *CAVE v. GARRITY ET AL.* Sup. Ct. Va. Certiorari denied.

No. 99–8880. *PENA v. LEOMBRUNI ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 200 F. 3d 1031.

No. 99–8905. *MCKINNEY v. IDAHO*. Sup. Ct. Idaho. Certiorari denied. Reported below: 133 Idaho 695, 992 P. 2d 144.

No. 99–8911. *MCKINLEY v. APFEL, COMMISSIONER OF SOCIAL SECURITY*. C. A. 9th Cir. Certiorari denied. Reported below: 199 F. 3d 1332.

No. 99–8953. *PAVEY v. NORTH CAROLINA*. Ct. App. N. C. Certiorari denied.

No. 99–8995. *RODRIGUES v. DEPARTMENT OF THE ARMY*. C. A. 9th Cir. Certiorari denied.

No. 99–9000. *MITCHELL v. SEABOLD, WARDEN*. C. A. 6th Cir. Certiorari denied. Reported below: 202 F. 3d 269.

No. 99–9002. *HUGHES v. MILLS*. C. A. 6th Cir. Certiorari denied.

No. 99–9007. *CLARKE v. JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION*. C. A. 5th Cir. Certiorari denied.

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No. 99-9030. *WAGNER v. PUGH, WARDEN*. C. A. 10th Cir. Certiorari denied.

No. 99-9042. *FRANKS v. KAHN, CLERK, UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT*. C. A. 11th Cir. Certiorari denied.

No. 99-9058. *RENOIR v. TRUE*. C. A. 4th Cir. Certiorari denied.

No. 99-9062. *SPENCER v. MASCHNER, WARDEN*. C. A. 8th Cir. Certiorari denied. Reported below: 205 F. 3d 1347.

No. 99-9069. *MARCONE v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 208 F. 3d 207.

No. 99-9075. *BENTON v. SOUTH CAROLINA*. Sup. Ct. S. C. Certiorari denied. Reported below: 338 S. C. 151, 526 S. E. 2d 228.

No. 99-9081. *THOMAS v. DISTRICT OF COLUMBIA DEPARTMENT OF EMPLOYMENT SERVICES*. Ct. App. D. C. Certiorari denied.

No. 99-9084. *KING v. HOLLAND, WARDEN, ET AL.* C. A. 6th Cir. Certiorari denied.

No. 99-9085. *MATTHEWS v. LEONARD, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 99-9133. *MONTFORD v. HUTCHINSON, WARDEN, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 210 F. 3d 361.

No. 99-9172. *SMITH v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 203 F. 3d 824.

No. 99-9175. *BUNCH v. NORTH CAROLINA*. Gen. Ct. Justice, Super. Ct. Div., Hertford County, N. C. Certiorari denied.

No. 99-9180. *WISE v. CAIN, WARDEN*. C. A. 5th Cir. Certiorari denied.

No. 99-9185. *PADIN-TORRES v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 181 F. 3d 81.

No. 99-9216. *CHOICE v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 201 F. 3d 837.

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No. 99-9222. *MITCHELL v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 202 F. 3d 275.

No. 99-9250. *DODD v. STRUBLE, JUDGE, SUPERIOR COURT OF GEORGIA, MOUNTAIN JUDICIAL CIRCUIT, ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 189 F. 3d 482.

No. 99-9257. *DEARMITT v. MORGAN, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 99-9282. *BOBBITT v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 203 F. 3d 822.

No. 99-9285. *AUSTIN v. MITCHELL, WARDEN*. C. A. 6th Cir. Certiorari denied. Reported below: 200 F. 3d 391.

No. 99-9290. *RAPOSO v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 205 F. 3d 1326.

No. 99-9292. *JENKINS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 203 F. 3d 833.

No. 99-9293. *HANSON v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 208 F. 3d 215.

No. 99-9300. *LAUREANO v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 205 F. 3d 1326.

No. 99-9316. *FLORES v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 99-1072. *CELPAGE, INC., ET AL. v. FEDERAL COMMUNICATIONS COMMISSION ET AL.* C. A. 5th Cir. Certiorari denied. JUSTICE O'CONNOR took no part in the consideration or decision of this petition. Reported below: 183 F. 3d 393.

No. 99-1549. *MRO COMMUNICATIONS, INC. v. AT&T CORP.* C. A. 9th Cir. Certiorari denied. JUSTICE O'CONNOR took no part in the consideration or decision of this petition. Reported below: 205 F. 3d 1350.

No. 99-1223. *HANLON ET UX., PARENTS AND NEXT FRIENDS OF HANLON, ET AL. v. SHALALA, SECRETARY OF HEALTH AND HUMAN SERVICES*. C. A. Fed. Cir. Motion of petitioners to defer consideration of petition for writ of certiorari denied. Certiorari denied. Reported below: 191 F. 3d 1344.

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*Rehearing Denied*

No. 99-7767. KANAZEH *v.* LOCKHEED MARTIN ET AL., 529 U.S. 1024;

No. 99-8015. BELL *v.* NERO ET AL., 529 U.S. 1057;

No. 99-8090. SMITH *v.* TALLY, WARDEN, 529 U.S. 1028;

No. 99-8134. WALKER *v.* JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION, 529 U.S. 1071; and

No. 99-8382. FARRELL *v.* PATAKI, GOVERNOR OF NEW YORK, ET AL., 529 U.S. 1091. Petitions for rehearing denied.

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*Rehearing Denied*

No. 99-8734 (99A963). CARTER *v.* JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION, 529 U.S. 1117. Application for stay of execution of sentence of death, presented to JUSTICE SCALIA, and by him referred to the Court, denied. Petition for rehearing denied.

JUNE 1, 2000

*Miscellaneous Order*

No. 99-9765 (99A989). IN RE MCGINN. Application for stay of execution of sentence of death, presented to JUSTICE SCALIA, and by him referred to the Court, denied. Petition for writ of habeas corpus denied.

*Certiorari Denied*

No. 99-9808 (99A997). MCGINN *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.

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*Miscellaneous Order*

No. 99A987. SAFIR, POLICE COMMISSIONER OF THE CITY OF NEW YORK, ET AL. *v.* TUNICK. C. A. 2d Cir. Application for stay, presented to JUSTICE SCALIA, and by him referred to the Court, denied.

JUNE 5, 2000

*Certiorari Granted—Vacated and Remanded*

No. 99–8119. SALDANO *v.* TEXAS. Ct. Crim. App. Tex. Motion of petitioner for leave to proceed *in forma pauperis* granted. Certiorari granted, judgment vacated, and case remanded for further consideration in light of the confession of error by the Solicitor General of Texas.

*Miscellaneous Orders*

No. 99M86. BROOKS *v.* CITIBANK (SOUTH DAKOTA), N. A. Motion to direct the Clerk to file petition for writ of certiorari out of time under this Court's Rule 14.5 denied.

No. 99M90. RILEY *v.* ARMSTRONG; and

No. 99M91. FULLER *v.* OREGON OFFICE FOR SERVICES TO CHILDREN AND FAMILIES ET AL. Motions to direct the Clerk to file petitions for writs of certiorari out of time denied.

No. 65, Orig. TEXAS *v.* NEW MEXICO. Motion of the River Master for fees and reimbursement of expenses granted, and the River Master is awarded a total of \$2,439 for the period January 1 through March 31, 2000, to be paid equally by the parties. [For earlier order herein, see, *e. g.*, 528 U. S. 925.]

No. 99–804. CLEVELAND *v.* UNITED STATES. C. A. 5th Cir. [Certiorari granted, 529 U. S. 1017.] Motion of petitioner to dispense with printing the joint appendix granted.

No. 99–1038. EASTERN ASSOCIATED COAL CORP. *v.* UNITED MINE WORKERS OF AMERICA, DISTRICT 17, ET AL. C. A. 4th Cir. [Certiorari granted, 529 U. S. 1017.] Motion of Institute for a Drug-Free Workplace for leave to file a brief as *amicus curiae* granted.

No. 99–8470. IN RE NAGY. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [529 U. S. 1065] denied.

No. 99–8945. BOBROWSKY *v.* TOYOTA MOTOR CORP. ET AL. App. Div., Sup. Ct. N. Y., 2d Jud. Dept. Motion of petitioner for leave to proceed *in forma pauperis* denied. Petitioner is allowed until June 26, 2000, within which to pay the docketing fee required

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by Rule 38(a) and to submit a petition in compliance with Rule 33.1 of the Rules of this Court.

No. 99–9006. *IN RE WILLIAMS*. Ct. Sp. App. Md. Petition for writ of common-law certiorari denied. Reported below: 124 Md. App. 720.

No. 99–9427. *IN RE ALLISON*. Petition for writ of habeas corpus denied.

No. 99–1607. *IN RE CARR*;

No. 99–1812. *IN RE PUMPER*;

No. 99–8899. *IN RE JACKSON*;

No. 99–8904. *IN RE KLAIMON*;

No. 99–8910. *IN RE IACOE*; and

No. 99–8939. *IN RE ROSENZWEIG*. Petitions for writs of mandamus denied.

*Certiorari Granted*

No. 99–1244. *GTE SERVICE CORP. ET AL. v. FEDERAL COMMUNICATIONS COMMISSION ET AL.* C. A. 5th Cir. Certiorari granted. JUSTICE O’CONNOR took no part in the consideration or decision of this petition. Reported below: 183 F. 3d 393.

*Certiorari Denied.* (See also No. 99–9006, *supra*.)

No. 99–1342. *HILL v. DIRECTOR, OFFICE OF WORKERS’ COMPENSATION PROGRAMS, ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 195 F. 3d 790.

No. 99–1347. *CAL-ALMOND, INC., ET AL. v. DEPARTMENT OF AGRICULTURE.* C. A. 9th Cir. Certiorari denied. Reported below: 192 F. 3d 1272.

No. 99–1427. *COMPETITION POLICY INSTITUTE v. US WEST, INC., ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 182 F. 3d 1224.

No. 99–1429. *ANADARKO PETROLEUM CORP. ET AL. v. FEDERAL ENERGY REGULATORY COMMISSION ET AL.* C. A. D. C. Cir. Certiorari denied. Reported below: 196 F. 3d 1264 and 200 F. 3d 867.

No. 99–1483. *PACIFIC MARITIME ASSN. v. INTERNATIONAL LONGSHORE AND WAREHOUSE UNION, LOCAL 68.* C. A. 9th Cir. Certiorari denied. Reported below: 198 F. 3d 1078.

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No. 99–1595. *FELDMAN v. SKADDEN, ARPS, SLATE, MEAGHER & FLOM ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 198 F. 3d 235.

No. 99–1597. *TUCKER v. FIRST COMMERCIAL BANK NA ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 207 F. 3d 657.

No. 99–1602. *BUSSELL v. PROVIDENT LIFE & ACCIDENT INSURANCE CO. ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 203 F. 3d 832.

No. 99–1614. *INTERNATIONAL SELECT GROUP, INC., DBA BELL’OGGETTI INTERNATIONAL LTD. v. FREHLING ENTERPRISES, INC., DBA OGGETTI.* C. A. 11th Cir. Certiorari denied. Reported below: 192 F. 3d 1330.

No. 99–1615. *GREENE v. VIRGINIA.* Sup. Ct. Va. Certiorari denied.

No. 99–1618. *HELFFRICH v. ATLANTIS SUBMARINES, INC., ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 210 F. 3d 383.

No. 99–1619. *RILEY v. HICKMAN ET AL.* C. A. 9th Cir. Certiorari denied.

No. 99–1624. *ATC PARTNERSHIP v. TOWN OF WINDHAM ET AL.* Sup. Ct. Conn. Certiorari denied. Reported below: 251 Conn. 597, 741 A. 2d 305.

No. 99–1626. *MEEKER v. JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION.* C. A. 5th Cir. Certiorari denied.

No. 99–1630. *EADY v. SUPERVALUE TRANSPORTATION, INC., ET AL.* Cir. Ct. Wisconsin, Milwaukee County. Certiorari denied.

No. 99–1635. *MARCHISHECK v. SAN MATEO COUNTY ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 199 F. 3d 1068.

No. 99–1636. *LORD v. BABBITT, SECRETARY OF THE INTERIOR, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 188 F. 3d 513.

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No. 99-1640. *SHAFER v. SUBURBAN NEWSPAPERS OF GREATER ST. LOUIS, INC., ET AL.* App. Ct. Ill., 5th Dist. Certiorari denied.

No. 99-1649. *CITY OF COLUMBUS ET AL. v. HOWARD, BY AND THROUGH HER NATURAL AND LEGAL GUARDIAN, COBBIN, ET AL.* Ct. App. Ga. Certiorari denied. Reported below: 239 Ga. App. 399, 521 S. E. 2d 51.

No. 99-1651. *SCHROEDER v. AEL INDUSTRIES, INC., ET AL.* C. A. Fed. Cir. Certiorari denied. Reported below: 217 F. 3d 859.

No. 99-1662. *CORWIN v. AIR LINE PILOTS ASSN. ET AL.* C. A. 11th Cir. Certiorari denied.

No. 99-1672. *BUCK v. OGDEN DESERET INDUSTRIES/L. D. S. WELFARE SERVICES.* C. A. 10th Cir. Certiorari denied.

No. 99-1678. *REEVES ET AL. v. FRIERDICH ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 202 F. 3d 274.

No. 99-1686. *EL BANCO DE SEGUROS DEL ESTADO v. EMPLOYERS INSURANCE OF WAUSAU.* C. A. 7th Cir. Certiorari denied. Reported below: 199 F. 3d 937.

No. 99-1697. *LYNCH v. DEPARTMENT OF THE TREASURY ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 210 F. 3d 384.

No. 99-1713. *BOYADJIAN v. CIGNA COS. ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 203 F. 3d 816.

No. 99-1717. *SINCLAIR v. WARD, WARDEN, ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 205 F. 3d 1338.

No. 99-1719. *PARACELUS HEALTHCARE CORP. v. WILLARD ET AL.* Sup. Ct. Miss. Certiorari denied. Reported below: 754 So. 2d 437.

No. 99-1724. *WOOD v. OHIO.* Ct. App. Ohio, Richland County. Certiorari denied.

No. 99-1734. *DISTRICT OF COLUMBIA v. CURRY.* C. A. D. C. Cir. Certiorari denied. Reported below: 195 F. 3d 654.

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No. 99-1737. *BADGLEY ET AL. v. CONNOR*. Sup. Ct. N. J. Certiorari denied. Reported below: 162 N. J. 397, 744 A. 2d 1158.

No. 99-7887. *GALLEGO v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 191 F. 3d 156.

No. 99-8186. *BAKER v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied.

No. 99-8282. *DOUGLAS v. PENNSYLVANIA*. Sup. Ct. Pa. Certiorari denied. Reported below: 558 Pa. 412, 737 A. 2d 1188.

No. 99-8315. *MOORE v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied. Reported below: 999 S. W. 2d 385.

No. 99-8321. *CARSON v. PENNSYLVANIA*. Sup. Ct. Pa. Certiorari denied. Reported below: 559 Pa. 460, 741 A. 2d 686.

No. 99-8477. *RAMIREZ v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 203 F. 3d 832.

No. 99-8505. *SAUCEDO v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 203 F. 3d 828.

No. 99-8827. *RUCKER v. KLINGER, WARDEN*. C. A. 10th Cir. Certiorari denied. Reported below: 202 F. 3d 282.

No. 99-8838. *SUTTON v. TENNESSEE*. Ct. Crim. App. Tenn. Certiorari denied.

No. 99-8854. *DWYER v. DWYER*. C. A. 6th Cir. Certiorari denied. Reported below: 187 F. 3d 635.

No. 99-8862. *DAVIS v. FLORIDA UNEMPLOYMENT APPEALS COMMISSION ET AL.* Sup. Ct. Fla. Certiorari denied. Reported below: 743 So. 2d 11.

No. 99-8866. *HENSLEY v. MOORE, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 189 F. 3d 481.

No. 99-8868. *WALLACE v. GIBSON, WARDEN*. C. A. 10th Cir. Certiorari denied. Reported below: 191 F. 3d 1235.

No. 99-8870. *BORDERS v. MISSOURI*. Sup. Ct. Mo. Certiorari denied.

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No. 99–8881. *SMITH v. PRICE*, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT GREENE, ET AL. C. A. 3d Cir. Certiorari denied.

No. 99–8882. *PISTORIUS v. WALKER*, WARDEN. C. A. 11th Cir. Certiorari denied.

No. 99–8883. *SMITH v. SCHRIRO*, DIRECTOR, MISSOURI DEPARTMENT OF CORRECTIONS, ET AL. C. A. 8th Cir. Certiorari denied. Reported below: 198 F. 3d 251.

No. 99–8884. *PEARSON v. MAZZUCA*, SUPERINTENDENT, FISH-KILL CORRECTIONAL FACILITY. C. A. 2d Cir. Certiorari denied.

No. 99–8886. *MCLEAN v. VIRGINIA*. Sup. Ct. Va. Certiorari denied.

No. 99–8888. *WOODERTS v. JOHNSON*, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION. C. A. 5th Cir. Certiorari denied.

No. 99–8889. *TALBERT v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied.

No. 99–8892. *SABO v. GAITHER*, WARDEN. C. A. 11th Cir. Certiorari denied. Reported below: 204 F. 3d 1122.

No. 99–8906. *TENACE v. NEW YORK*. App. Div., Sup. Ct. N. Y., 3d Jud. Dept. Certiorari denied. Reported below: 256 App. Div. 2d 928, 682 N. Y. S. 2d 279.

No. 99–8909. *MONTOYA v. COWAN*, WARDEN. C. A. 7th Cir. Certiorari denied.

No. 99–8915. *LEWIS v. WEST ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 208 F. 3d 1006.

No. 99–8921. *WALTON v. STEWART*, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS. C. A. 9th Cir. Certiorari denied. Reported below: 168 F. 3d 504.

No. 99–8924. *WATKINS v. UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS*. C. A. 5th Cir. Certiorari denied.

No. 99–8925. *CLOUD v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied.

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No. 99–8927. *KEARSE, AKA CROUCH v. MANTELLO, SUPERINTENDENT, COXSACKIE CORRECTIONAL FACILITY*. C. A. 2d Cir. Certiorari denied.

No. 99–8935. *BRENNAN v. MOORE, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 99–8942. *WHEELOUS v. POSEY ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 203 F. 3d 825.

No. 99–8947. *MCINNIS v. YUKINS, WARDEN*. C. A. 6th Cir. Certiorari denied. Reported below: 201 F. 3d 441.

No. 99–8948. *LANGON v. FLORIDA*. Dist. Ct. App. Fla., 4th Dist. Certiorari denied. Reported below: 791 So. 2d 1105.

No. 99–8951. *BARNETT v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied.

No. 99–8975. *BUSH v. NATIONS BANK; and BUSH v. MANPOWER, INC.* C. A. D. C. Cir. Certiorari denied.

No. 99–8977. *MCINTOSH v. LUKAS ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 210 F. 3d 372.

No. 99–8982. *SHELTON v. DELAWARE*. Sup. Ct. Del. Certiorari denied. Reported below: 744 A. 2d 465.

No. 99–8988. *ALLEN v. NEW MEXICO*. Sup. Ct. N. M. Certiorari denied. Reported below: 128 N. M. 482, 994 P. 2d 728.

No. 99–9009. *DEDEAUX v. BANNISTER ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 184 F. 3d 817.

No. 99–9016. *COLEMAN v. MISSOURI*. Ct. App. Mo., Western Dist. Certiorari denied.

No. 99–9020. *THIEL v. SCHUETZLE, WARDEN*. C. A. 8th Cir. Certiorari denied. Reported below: 200 F. 3d 1120.

No. 99–9047. *SMITH v. APFEL, COMMISSIONER OF SOCIAL SECURITY*. C. A. 6th Cir. Certiorari denied. Reported below: 202 F. 3d 270.

No. 99–9070. *VINSON v. VIRGINIA*. Sup. Ct. Va. Certiorari denied. Reported below: 258 Va. 459, 522 S. E. 2d 170.

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No. 99–9091. *CLYATT v. MOORE, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 99–9095. *REYNOLDS v. ANGELONE, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS.* C. A. 4th Cir. Certiorari denied. Reported below: 191 F. 3d 448.

No. 99–9108. *BETTS v. CALIFORNIA DEPARTMENT OF CORRECTIONS ET AL.* C. A. 9th Cir. Certiorari denied.

No. 99–9130. *TRUMAN v. JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION.* C. A. 5th Cir. Certiorari denied. Reported below: 205 F. 3d 844.

No. 99–9139. *DEMEO v. MERIT SYSTEMS PROTECTION BOARD.* C. A. Fed. Cir. Certiorari denied. Reported below: 230 F. 3d 1372.

No. 99–9146. *FELLS, AKA JOHNSON v. UNITED STATES; and*  
No. 99–9334. *MILES v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 210 F. 3d 363.

No. 99–9160. *DIVINE, AKA HORTON v. LOUISIANA.* Ct. App. La., 5th Cir. Certiorari denied. Reported below: 738 So. 2d 614.

No. 99–9183. *HERMAN v. DOVALA, SHERIFF, NATRONA COUNTY, WYOMING, ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 208 F. 3d 226.

No. 99–9209. *RIVERA v. ILLINOIS.* App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 307 Ill. App. 3d 821, 719 N. E. 2d 154.

No. 99–9218. *DEFEO v. MASSACHUSETTS.* Sup. Jud. Ct. Mass. Certiorari denied.

No. 99–9248. *HOLLAR v. APFEL, COMMISSIONER OF SOCIAL SECURITY.* C. A. 4th Cir. Certiorari denied. Reported below: 194 F. 3d 1304.

No. 99–9256. *HARRIS v. SIZER, WARDEN, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 194 F. 3d 1304.

No. 99–9258. *ROBERTS v. JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION.* C. A. 5th Cir. Certiorari denied.

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No. 99–9275. *VILLARREAL v. EMA*. C. A. 11th Cir. Certiorari denied.

No. 99–9277. *ZARWELL v. MARYLAND ET AL.* Ct. Sp. App. Md. Certiorari denied. Reported below: 127 Md. App. 797.

No. 99–9286. *COOK v. MCDANIEL, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 99–9287. *MARTINEZ v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 198 F. 3d 248.

No. 99–9291. *TOWNS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 209 F. 3d 723.

No. 99–9295. *RAMOS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 99–9299. *PARKER v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 208 F. 3d 1007.

No. 99–9304. *CLIFTON ET AL. v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 210 F. 3d 362.

No. 99–9315. *FRANKLIN v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 210 F. 3d 386.

No. 99–9319. *MIKAYELYAN v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 197 F. 3d 966.

No. 99–9322. *MYERS, AKA PARKER v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 198 F. 3d 160.

No. 99–9325. *CHOATE v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 208 F. 3d 215.

No. 99–9328. *BLAIR v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 210 F. 3d 385.

No. 99–9331. *WOODHOUSE v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 203 F. 3d 823.

No. 99–9332. *WHITEFORD v. REED ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 205 F. 3d 1331.

No. 99–9333. *KOYNOK v. SCIULLO & GOODYEAR*. Super. Ct. Pa. Certiorari denied. Reported below: 737 A. 2d 1287.

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No. 99-9335. *HERNAN MONTES v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 208 F. 3d 207.

No. 99-9337. *MATTATALL v. VOSE, DIRECTOR, RHODE ISLAND DEPARTMENT OF CORRECTIONS*. C. A. 1st Cir. Certiorari denied.

No. 99-9339. *IGE v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 173 F. 3d 844.

No. 99-9346. *TREVINO v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 99-9347. *SPINNER v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 210 F. 3d 359.

No. 99-9348. *SANDOVAL-DANIEL v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 208 F. 3d 223.

No. 99-9349. *PACCIONE v. UNITED STATES*; and  
No. 99-9400. *PACCIONE v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 202 F. 3d 622.

No. 99-9350. *KEMMISH v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 202 F. 3d 280.

No. 99-9351. *LAMBERT v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 208 F. 3d 211.

No. 99-9354. *TAPIA ANCHONDO v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 99-9355. *CAMILO v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 196 F. 3d 1262.

No. 99-9361. *ORTIZ-MINAJARES v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 99-9364. *MONEGRO v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 205 F. 3d 1326.

No. 99-9367. *WIGGINS v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 210 F. 3d 377.

No. 99-9370. *ARTEAGA-NUNEZ v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 208 F. 3d 222.

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No. 99–9371. *CASTNER v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 203 F. 3d 823.

No. 99–9372. *COOKS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 209 F. 3d 718.

No. 99–9373. *ABUBAKAR v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 99–9376. *STIFF v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 99–9382. *PERRY v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 99–9386. *WHITE v. UNITED STATES*;  
No. 99–9393. *MCCOY v. UNITED STATES*; and  
No. 99–9458. *GORMLEY v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 206 F. 3d 349.

No. 99–9388. *BOYD v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 208 F. 3d 204.

No. 99–9394. *NAVIN v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 205 F. 3d 1347.

No. 99–9428. *CHIN v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 208 F. 3d 1010.

No. 99–9439. *KOH v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 199 F. 3d 632.

No. 99–9448. *GARMAN v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 213 F. 3d 637.

No. 99–9449. *GARCIA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 179 F. 3d 265.

No. 99–9452. *DUDNEY v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 189 F. 3d 475.

No. 99–9453. *DULIGA v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 204 F. 3d 97.

No. 99–9463. *JONES, AKA SHABAZZ v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 203 F. 3d 822.

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No. 99–9465. *MILLER v. LEONARD, WARDEN*. Sup. Ct. Ohio. Certiorari denied. Reported below: 88 Ohio St. 3d 46, 723 N. E. 2d 114.

No. 99–9477. *GREENIDGE v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 199 F. 3d 1324.

No. 99–9478. *DIXON v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 210 F. 3d 394.

No. 99–1249. *AT&T CORP. ET AL. v. CINCINNATI BELL TELEPHONE CO. ET AL.* C. A. 5th Cir. Certiorari denied. JUSTICE O’CONNOR took no part in the consideration or decision of this petition. Reported below: 183 F. 3d 393.

No. 99–1612. *RAGSDALE, TRUSTEE OF THE ESTATE OF MILLER v. RUBBERMAID, INC., ET AL.* C. A. 11th Cir. Certiorari denied. JUSTICE O’CONNOR took no part in the consideration or decision of this petition. Reported below: 193 F. 3d 1235.

No. 99–1560. *INTERNATIONAL PRECIOUS METALS CORP. ET AL. v. WATERS ET AL.* C. A. 11th Cir. Motion of Lester Brickman et al. for leave to file a brief as *amici curiae* granted. Certiorari denied. Reported below: 190 F. 3d 1291.

Statement of JUSTICE O’CONNOR respecting the denial of the petition for a writ of certiorari.

This case involves an award of attorney’s fees that, by any measure, is extraordinary. Respondents brought a securities class action, alleging that petitioners had fraudulently solicited and stimulated excessive trading of commodities options. The parties ultimately settled the suit, whereby petitioners agreed to create a \$40 million “reversionary fund” for the class plaintiffs. Under the terms of the settlement, the portion of the fund not claimed by class members and not paid to respondents in attorney’s fees and expenses was to revert to petitioners.

After the parties reached their agreement, the District Court approved respondents’ application for attorney’s fees in the amount of \$13,333,333, or one-third of the reversionary fund. The figure was unrelated to the amount actually claimed by class plaintiffs. As it later turned out, the actual distribution to class members was \$6,485,362.15. Accordingly, the fee award approved by the District Court was more than twice the amount of the class’ actual recovery. The Court of Appeals affirmed the award,

holding that the District Court had not abused its discretion. See 190 F. 3d 1291, 1293 (CA11 1999).

In *Boeing Co. v. Van Gemert*, 444 U. S. 472 (1980), we upheld an award of attorney's fees in a class action where the award was based on the total fund available to the class rather than the amount actually recovered. *Id.*, at 480–481. We had no occasion in *Boeing*, however, to address whether there must at least be *some* rational connection between the fee award and the amount of the actual distribution to the class. The approval of attorney's fees absent any such inquiry could have several troubling consequences. Arrangements such as that at issue here decouple class counsel's financial incentives from those of the class, increasing the risk that the actual distribution will be misallocated between attorney's fees and the plaintiffs' recovery. They potentially undermine the underlying purposes of class actions by providing defendants with a powerful means to enticing class counsel to settle lawsuits in a manner detrimental to the class. And they could encourage the filing of needless lawsuits where, because the value of each class member's individual claim is small compared to the transaction costs in obtaining recovery, the actual distribution to the class will inevitably be minimal. The Courts of Appeals have differed in their approaches to the problem. Compare *Strong v. BellSouth Telecommunications, Inc.*, 137 F. 3d 844, 852 (CA5 1998) (District Court did not abuse its discretion in basing fee award on actual payout rather than reversionary fund), with *Williams v. MGM-Pathé Communications Co.*, 129 F. 3d 1026, 1027 (CA9 1997) (benchmark for fee award is 25% of entire fund, and District Court abused its discretion in basing award on actual distribution to class).

Although I believe this issue warrants the Court's attention, this particular case does not present a suitable opportunity for its resolution. As part of their settlement, the parties agreed that respondents would apply for attorney's fees in an amount up to one-third of the reversionary fund, and petitioners expressly pledged not to "directly or indirectly oppose [respondents'] application for fees." App. to Pet. for Cert. G–36. Moreover, according to the District Court's order approving the settlement, petitioners' counsel represented to the court that "the fee application specifically contemplated by the [settlement], i. e. \$13,333,333 . . . was reasonable and that its reasonableness was supported by his experience in other class actions." *Id.*, at S–4. Consequently,

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petitioners appear to have waived any right to challenge the reasonableness of the fee award in this case. I therefore agree with the Court's decision to deny the petition for a writ of certiorari. Nonetheless, I believe the importance of the issue counsels in favor of granting review in an appropriate case.

No. 99–1592. *SANTINI ET AL. v. CONNECTICUT HAZARDOUS WASTE MANAGEMENT SERVICE*. Sup. Ct. Conn. Motion of National Association of Home Builders for leave to file a brief as *amicus curiae* granted. Certiorari denied. Reported below: 251 Conn. 121, 739 A. 2d 680.

No. 99–1603. *GENERAL PUBLIC UTILITIES CORP. ET AL. v. ABRAMS ET AL.*; and

No. 99–1604. *DOLAN ET AL. v. GENERAL PUBLIC UTILITIES CORP. ET AL.* C. A. 3d Cir. Certiorari denied. JUSTICE BREYER took no part in the consideration or decision of these petitions. Reported below: 193 F. 3d 613 and 199 F. 3d 158.

No. 99–1653. *DE LARRACOECHEA AZUMENDI, AS REPRESENTATIVE AND ANCILLARY CO-EXECUTRIX OF THE ESTATE OF NIEVES DE LARRACOECHEA AZUMENDI, DECEASED v. ROSENKRANZ, ON HIS OWN BEHALF AND AS ANCILLARY CO-EXECUTOR OF THE ESTATE OF NIEVES DE LARRACOECHEA AZUMENDI, DECEASED*. App. Div., Sup. Ct. N. Y., 1st Jud. Dept. Motion of petitioner to defer consideration of petition for writ of certiorari denied. Certiorari denied. Reported below: 259 App. Div. 2d 313, 684 N. Y. S. 2d 787.

No. 99–1700. *CASE CORP. v. B & J CO., INC., ET AL.* C. A. 8th Cir. Motion of petitioner for leave to lodge under seal District Court order granted. Certiorari denied. Reported below: 205 F. 3d 1345.

*Rehearing Denied*

No. 98–1935. *DEJA VU OF NASHVILLE, INC., ET AL. v. METROPOLITAN GOVERNMENT OF NASHVILLE ET AL.*, 529 U. S. 1052;

No. 99–1200. *HERSHFIELD v. TOWN OF COLONIAL BEACH ET AL.*, 529 U. S. 1004;

No. 99–1306. *HERSHFIELD v. BOARD OF ZONING APPEALS, KING GEORGE COUNTY*, 529 U. S. 1054;

No. 99–1446. *MCCLELLAN v. NORTHERN TRUST Co.*, 529 U. S. 1069;

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- No. 99-1463. JUNIOR *v.* WEST VIRGINIA ET AL., 529 U. S. 1069;
- No. 99-1484. POLYAK *v.* SUMMERS, ATTORNEY GENERAL OF TENNESSEE, ET AL., 529 U. S. 1094;
- No. 99-1491. MALLADI *v.* WEST, SECRETARY OF VETERANS AFFAIRS, 529 U. S. 1069;
- No. 99-7345. GLASS *v.* CITY OF CARLSBAD ET AL., 528 U. S. 1166;
- No. 99-7666. GEARY *v.* MCKINNEY ET AL., 529 U. S. 1008;
- No. 99-7978. ESPINOZA RODRIGUEZ *v.* JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION, 529 U. S. 1041;
- No. 99-8061. COOK *v.* JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION, 529 U. S. 1058;
- No. 99-8076. JOHNSON *v.* ESSEX COUNTY HOSPITAL CENTER, 529 U. S. 1070;
- No. 99-8140. PEACHLUM *v.* PENNSYLVANIA, 529 U. S. 1072;
- No. 99-8149. HAWKINS *v.* MAINE BUREAU OF INSURANCE, 529 U. S. 1042;
- No. 99-8240. COLE *v.* CITY OF TAMPA, FLORIDA, 529 U. S. 1073;
- No. 99-8276. BLUE *v.* MOORE, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, 529 U. S. 1074;
- No. 99-8288. IN RE SANDERS, 529 U. S. 1016;
- No. 99-8462. WILLIAMS *v.* LUEBBERS, SUPERINTENDENT, POTOSI CORRECTIONAL CENTER, 529 U. S. 1076;
- No. 99-8542. BONOWITZ ET AL. *v.* UNITED STATES, 529 U. S. 1077;
- No. 99-8636. DIN *v.* SUMMERS, SECRETARY OF THE TREASURY, 529 U. S. 1102; and
- No. 99-8755. HOOK *v.* UNITED STATES, 529 U. S. 1082. Petitions for rehearing denied.
- No. 99-1192. BULLOCK *v.* TEXAS, 529 U. S. 1066. Motion of petitioner for leave to proceed further herein *in forma pauperis* granted. Petition for rehearing denied.
- No. 99-6035 (99A957). TAYLOR *v.* CAIN, WARDEN, 529 U. S. 1088. Application for stay of execution of sentence of death, presented to JUSTICE SCALIA, and by him referred to the Court, denied. Petition for rehearing denied.

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JUNE 7, 2000

*Miscellaneous Order*

No. 99–9911 (99A1015). *IN RE DEMPS*. 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.

*Certiorari Denied*

No. 99–9886 (99A1013). *DEMPS v. FLORIDA*. Sup. Ct. Fla. Application for stay of execution of sentence of death, presented to JUSTICE KENNEDY, and by him referred to the Court, denied. Certiorari denied. Reported below: 761 So. 2d 302.

JUNE 9, 2000

*Miscellaneous Order*

No. 99–1702 (99A1007). *TEXAS v. COBB*. Ct. Crim. App. Tex. Application for stay, presented to JUSTICE SCALIA, and by him referred to the Court, granted, and it is ordered that the mandate of the Court of Criminal Appeals of Texas, case No. 72,807, is hereby 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 terminate upon the issuance of the mandate of this Court.

JUNE 12, 2000

*Certiorari Granted—Vacated and Remanded*

No. 99–8458. *JACKSON v. APFEL, COMMISSIONER OF SOCIAL SECURITY*. C. A. 5th Cir. Motion of petitioner for leave to proceed *in forma pauperis* granted. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Sims v. Apfel, ante*, p. 103. Reported below: 196 F. 3d 1257.

*Certiorari Dismissed*

No. 99–8943. *OKORO v. SCIBANA, WARDEN*. C. A. 6th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8. Reported below: 201 F. 3d 441.

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*Miscellaneous Orders*

No. 99A979. *DOE ET AL. v. OREGON ET AL.* Ct. App. Ore. Application for stay, addressed to JUSTICE THOMAS and referred to the Court, denied.

No. 99M92. *WEBB v. ATTORNEY GRIEVANCE COMMISSION OF MICHIGAN.* Motion to direct the Clerk to file petition for writ of certiorari out of time under this Court's Rule 14.5 denied.

No. 99M93. *TARVER v. MOORE, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* Motion to direct the Clerk to file petition for writ of certiorari out of time denied.

No. 128, Orig. *ALASKA v. UNITED STATES.* Motion for leave to file bill of complaint granted. The United States is allowed 60 days within which to file an answer.

No. 99-1178. *SOLID WASTE AGENCY OF NORTHERN COOK COUNTY v. UNITED STATES ARMY CORPS OF ENGINEERS ET AL.* C. A. 7th Cir. [Certiorari granted, 529 U.S. 1129.] Motion of Cargill, Inc., for leave to file a brief as *amicus curiae* granted.

No. 99-9314. *IN RE VARGAS*;  
No. 99-9607. *IN RE TAYLOR*; and  
No. 99-9615. *IN RE WILLIAMS.* Petitions for writs of habeas corpus denied.

No. 99-8557. *IN RE OTIS*;  
No. 99-8985. *IN RE SNAVELY*; and  
No. 99-9380. *IN RE ALBERT.* Petitions for writs of mandamus denied.

No. 99-1692. *IN RE MENSAH*; and  
No. 99-8733. *IN RE AWOFOLU.* Petitions for writs of mandamus and/or prohibition denied.

*Certiorari Denied*

No. 99-1225. *PARSONS CORP. ET AL. v. UNITED STATES EX REL. OLIVER.* C. A. 9th Cir. Certiorari denied. Reported below: 195 F. 3d 457.

No. 99-1314. *TEFEL ET AL. v. RENO, ATTORNEY GENERAL, ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 180 F. 3d 1286.

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No. 99-1482. OSAGE TRIBAL COUNCIL, ON BEHALF OF THE OSAGE TRIBE OF INDIANS *v.* DEPARTMENT OF LABOR. C. A. 10th Cir. Certiorari denied. Reported below: 187 F. 3d 1174.

No. 99-1486. SAC & FOX NATION OF OKLAHOMA ET AL. *v.* CUOMO, SECRETARY OF HOUSING AND URBAN DEVELOPMENT, ET AL. C. A. 10th Cir. Certiorari denied. Reported below: 193 F. 3d 1162.

No. 99-1511. HALAT *v.* UNITED STATES; and

No. 99-8637. HOLCOMB *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 193 F. 3d 852.

No. 99-1541. BECKER *v.* BECKER ET AL. Sup. Ct. Ohio. Certiorari denied.

No. 99-1559. YUKINS, WARDEN *v.* BARKER. C. A. 6th Cir. Certiorari denied. Reported below: 199 F. 3d 867.

No. 99-1620. GARCIA ET AL. *v.* CONOCO, INC., ET AL.; and

No. 99-1621. ACUNA ET AL. *v.* BROWN & ROOT, INC., ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 200 F. 3d 335.

No. 99-1632. GRACIANO *v.* PENNSYLVANIA DEPARTMENT OF TRANSPORTATION, BUREAU OF DRIVER LICENSING. Commw. Ct. Pa. Certiorari denied. Reported below: 729 A. 2d 1284.

No. 99-1633. U. S. BORAX INC. *v.* FORSTER, PERSONAL REPRESENTATIVE OF THE ESTATE OF READE, DECEASED. Dist. Ct. App. Fla., 4th Dist. Certiorari denied. Reported below: 764 So. 2d 24.

No. 99-1634. THOMPSON *v.* BUDD Co. C. A. 6th Cir. Certiorari denied. Reported below: 199 F. 3d 799.

No. 99-1638. BRONNER BROS., INC. *v.* BLOUNT. C. A. 11th Cir. Certiorari denied. Reported below: 199 F. 3d 443.

No. 99-1639. SPIVEY ET UX., DBA THRIFTY INSTANT PRINT *v.* ROBERTSON ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 197 F. 3d 772.

No. 99-1642. GOULD *v.* SMITH ET AL. C. A. 11th Cir. Certiorari denied. Reported below: 207 F. 3d 663.

No. 99-1643. GOULD *v.* SMITH ET AL. C. A. 11th Cir. Certiorari denied. Reported below: 208 F. 3d 1009.

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No. 99-1644. *GOULD v. SMITH ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 208 F. 3d 1011.

No. 99-1646. *DAVIS v. BOARD OF ASSESSORS OF THE CITY OF MALDEN.* App. Ct. Mass. Certiorari denied. Reported below: 48 Mass. App. 1110, 720 N. E. 2d 848.

No. 99-1656. *CITY OF SHREVEPORT v. SIMPSON.* C. A. 5th Cir. Certiorari denied. Reported below: 207 F. 3d 658.

No. 99-1657. *MCCLURE v. PENNSYLVANIA.* Super. Ct. Pa. Certiorari denied. Reported below: 745 A. 2d 42.

No. 99-1666. *UNITED STATES EX REL. HARRIS v. GEORGE WASHINGTON PRIMARY CARE ASSOCIATES ET AL.* C. A. D. C. Cir. Certiorari denied. Reported below: 203 F. 3d 53.

No. 99-1685. *VOTING INTEGRITY PROJECT, INC., ET AL. v. BOMER, SECRETARY OF STATE OF TEXAS.* C. A. 5th Cir. Certiorari denied. Reported below: 199 F. 3d 773.

No. 99-1689. *LEBLANC v. SALEM, TRUSTEE.* C. A. 1st Cir. Certiorari denied. Reported below: 196 F. 3d 1.

No. 99-1695. *JENKINS v. IDAHO STATE BAR.* Sup. Ct. Idaho. Certiorari denied.

No. 99-1707. *STAVRIDIS v. ENERGY ABSORPTION SYSTEMS, INC.* C. A. 11th Cir. Certiorari denied. Reported below: 202 F. 3d 287.

No. 99-1721. *GAINES v. WHITE RIVER ENVIRONMENTAL PARTNERSHIP ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 202 F. 3d 273.

No. 99-1757. *MOUNKES ET UX. v. UNITED STATES.* C. A. 10th Cir. Certiorari denied. Reported below: 204 F. 3d 1024.

No. 99-1759. *CONNER v. BARBOUR COUNTY BOARD OF EDUCATION ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 198 F. 3d 236.

No. 99-1765. *IN RE LEDVINA.* C. A. 8th Cir. Certiorari denied. Reported below: 210 F. 3d 379.

No. 99-1766. *UNDERWOOD ET UX. v. COMMISSIONER OF INTERNAL REVENUE.* C. A. 10th Cir. Certiorari denied. Reported below: 203 F. 3d 836.

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No. 99-1768. *DUMANIS ET UX. v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 2d Cir. Certiorari denied. Reported below: 182 F. 3d 899.

No. 99-1775. *FLANDREAU SANTEE SIOUX TRIBE v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 197 F. 3d 949.

No. 99-1776. *BRODSKY ET AL. v. UNION LOCAL 306, MOTION PICTURE PROJECTIONISTS, VIDEO TECHNICIANS AND ALLIED CRAFTS, I. A. T. S. E., ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 205 F. 3d 1321.

No. 99-1780. *PEEPLS v. WRIGHT INVESTMENT PROPERTIES, INC., ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 204 F. 3d 1122.

No. 99-1784. *MANCHAK v. SEVENSON ENVIRONMENTAL SERVICES, INC.* C. A. Fed. Cir. Certiorari denied. Reported below: 217 F. 3d 860.

No. 99-1791. *GRAHAM v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 198 F. 3d 255.

No. 99-1809. *DU PONT v. PENNSYLVANIA*. Super. Ct. Pa. Certiorari denied. Reported below: 730 A. 2d 970.

No. 99-6907. *EADS v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 191 F. 3d 1206.

No. 99-8069. *SMITH v. GOMEZ, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 99-8172. *PEREZ-RODRIGUEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 202 F. 3d 265.

No. 99-8292. *KAMMERSELL v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 196 F. 3d 1137.

No. 99-8314. *MELVIN v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 187 F. 3d 1316.

No. 99-8324. *BARNES v. SCOTT, WARDEN*. C. A. 10th Cir. Certiorari denied. Reported below: 201 F. 3d 1292.

No. 99-8447. *WILSON v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 183 F. 3d 1291.

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No. 99–8560. *GARCIA-ANTUNEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 203 F. 3d 827.

No. 99–8581. *ULLRING v. MAINE*. Sup. Jud. Ct. Me. Certiorari denied. Reported below: 741 A. 2d 1065.

No. 99–8635. *GRANDISON v. CORCORAN, WARDEN, ET AL.* Cir. Ct. Baltimore City, Md. Certiorari denied.

No. 99–8930. *VARGAS v. THOMPSON, WARDEN*. C. A. 11th Cir. Certiorari denied.

No. 99–8941. *RODRIGUEZ v. SONDALLE, WARDEN*. C. A. 7th Cir. Certiorari denied.

No. 99–8950. *NEALY v. JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 99–8954. *SHARK v. ARTUZ, SUPERINTENDENT, GREEN HAVEN CORRECTIONAL FACILITY*. C. A. 2d Cir. Certiorari denied.

No. 99–8955. *MOSHER v. WISCONSIN*. Ct. App. Wis. Certiorari denied. Reported below: 221 Wis. 2d 203, 584 N. W. 2d 553.

No. 99–8962. *ASPELMEIER v. ILLINOIS*. Sup. Ct. Ill. Certiorari denied.

No. 99–8963. *JOHNSON v. SAFFLE, DIRECTOR, OKLAHOMA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 203 F. 3d 835.

No. 99–8965. *ASPELMEIER v. ILLINOIS*. App. Ct. Ill., 3d Dist. Certiorari denied.

No. 99–8973. *WYATT v. BOONE, WARDEN, ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 201 F. 3d 450.

No. 99–8976. *COUNCIL v. SEBERG ET AL.* Sup. Ct. Haw. Certiorari denied.

No. 99–8980. *JONES v. FLORIDA*. Sup. Ct. Fla. Certiorari denied. Reported below: 748 So. 2d 1012.

No. 99–8999. *NICHOLSON v. CAIN, WARDEN*. C. A. 5th Cir. Certiorari denied.

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No. 99-9001. *MUHAMMAD v. COWAN, WARDEN*. C. A. 7th Cir. Certiorari denied.

No. 99-9017. *DiGIOVANNI v. HENDRICKS, ADMINISTRATOR, NEW JERSEY STATE PRISON, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 99-9022. *WOOLVERTON v. JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 99-9025. *WILLIAMS v. MAYER, WARDEN*. C. A. 6th Cir. Certiorari denied. Reported below: 198 F. 3d 248.

No. 99-9029. *WUCHANG v. THORNTON ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 203 F. 3d 833.

No. 99-9031. *WILDER v. MCGILL ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 203 F. 3d 825.

No. 99-9033. *ADAMS v. HARRISON, WARDEN, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 181 F. 3d 86.

No. 99-9037. *FUNKE v. LUEBBERS, SUPERINTENDENT, POTOSI CORRECTIONAL CENTER*. C. A. 8th Cir. Certiorari denied.

No. 99-9038. *HUNT v. MASSACHUSETTS*. App. Ct. Mass. Certiorari denied. Reported below: 46 Mass. App. 1115, 707 N. E. 2d 411.

No. 99-9039. *GLORIA v. JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 99-9040. *DOYLE v. MOORE, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS*. C. A. 11th Cir. Certiorari denied.

No. 99-9043. *GATES v. JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 99-9044. *GRANT v. FISHER, ATTORNEY GENERAL OF PENNSYLVANIA, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 99-9045. *REED v. MARICOPA COUNTY, ARIZONA, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 210 F. 3d 385.

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No. 99–9049. CALDWELL *v.* GREINER, SUPERINTENDENT, SING SING CORRECTIONAL FACILITY. C. A. 2d Cir. Certiorari denied.

No. 99–9050. CRAWFORD *v.* PURKETT, SUPERINTENDENT, FARMINGTON CORRECTIONAL CENTER. C. A. 8th Cir. Certiorari denied.

No. 99–9056. CRAWFORD *v.* UNION CARBIDE CORP. C. A. 4th Cir. Certiorari denied. Reported below: 202 F. 3d 257.

No. 99–9063. HENNESS *v.* OHIO. Ct. App. Ohio, Franklin County. Certiorari denied.

No. 99–9100. MACK ET AL. *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 200 F. 3d 653.

No. 99–9105. BENOIT ET AL. *v.* LOUISIANA WATER CO. ET AL. Ct. App. La., 3d Cir. Certiorari denied. Reported below: 752 So. 2d 987.

No. 99–9116. COSME *v.* ARTUZ, SUPERINTENDENT, GREEN HAVEN CORRECTIONAL FACILITY. C. A. 2d Cir. Certiorari denied.

No. 99–9118. WESTON *v.* FIRST UNION NATIONAL BANK ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 201 F. 3d 434.

No. 99–9123. BROWN *v.* PENNSYLVANIA. Super. Ct. Pa. Certiorari denied. Reported below: 739 A. 2d 582.

No. 99–9141. GRIEFEN ET AL. *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 200 F. 3d 1256.

No. 99–9165. BRADFIELD *v.* BOWLEN, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 99–9201. TYREE *v.* MILLIKEN, ASSOCIATE JUDGE, DISTRICT OF COLUMBIA SUPERIOR COURT. Ct. App. D. C. Certiorari denied.

No. 99–9210. STEWART *v.* UNITED STATES. C. A. Fed. Cir. Certiorari denied. Reported below: 230 F. 3d 1372.

No. 99–9220. JACKSON *v.* WEST, SECRETARY OF VETERANS AFFAIRS. C. A. Fed. Cir. Certiorari denied. Reported below: 230 F. 3d 1371.

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No. 99–9230. REYES *v.* CALIFORNIA. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 99–9232. CROMPTON *v.* MOORE, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. Sup. Ct. Fla. Certiorari denied. Reported below: 761 So. 2d 327.

No. 99–9238. JACKSON *v.* WEST, SECRETARY OF VETERANS AFFAIRS. C. A. Fed. Cir. Certiorari denied. Reported below: 232 F. 3d 912.

No. 99–9247. GIBBS *v.* MILLER, SUPERINTENDENT, EASTERN NEW YORK CORRECTIONAL FACILITY. C. A. 2d Cir. Certiorari denied.

No. 99–9307. COGWELL *v.* ILLINOIS. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 304 Ill. App. 3d 1076, — N. E. 2d —.

No. 99–9308. SPEIGHTS *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 202 F. 3d 287.

No. 99–9326. ARABAXHI *v.* CONSTANTINE, ADMINISTRATOR, DRUG ENFORCEMENT ADMINISTRATION. C. A. 1st Cir. Certiorari denied. Reported below: 201 F. 3d 426.

No. 99–9329. SCOTT *v.* KELLY, SUPERINTENDENT, ATTICA CORRECTIONAL FACILITY. C. A. 2d Cir. Certiorari denied.

No. 99–9330. WALDER *v.* HUFFMAN, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 99–9341. SOTO *v.* UNITED STATES. C. A. Armed Forces. Certiorari denied. Reported below: 53 M. J. 52.

No. 99–9345. YOUNG *v.* MOORE, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Certiorari denied.

No. 99–9359. RUSSEL *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 208 F. 3d 223.

No. 99–9369. ALAIMO *v.* STATE UNIVERSITY OF NEW YORK ET AL. C. A. 2d Cir. Certiorari denied.

No. 99–9379. ALBERT *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 203 F. 3d 818.

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No. 99-9384. *SPOTTS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 203 F. 3d 824.

No. 99-9392. *WEISCHEDEL v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 201 F. 3d 1250.

No. 99-9398. *BOLTON v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 182 F. 3d 933.

No. 99-9402. *AKPAETI v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 99-9405. *BISHOP v. RHODE ISLAND*. C. A. 1st Cir. Certiorari denied.

No. 99-9409. *MONROE v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 210 F. 3d 359.

No. 99-9416. *JONES v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 210 F. 3d 386.

No. 99-9419. *PEREA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 216 F. 3d 1085.

No. 99-9421. *WASHINGTON v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied.

No. 99-9434. *MANN v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 99-9437. *YERUSHALAYIM, FKA BRASCH v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 205 F. 3d 1325.

No. 99-9440. *BIRBAL v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 99-9442. *WILLIAMS v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. Reported below: 221 F. 3d 197.

No. 99-9447. *DAVIS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 202 F. 3d 212.

No. 99-9450. *DRAGONE v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 205 F. 3d 1330.

No. 99-9451. *GIL-GARCIA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 208 F. 3d 223.

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No. 99-9457. *GIL, AKA GUSTAVO v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 208 F. 3d 205.

No. 99-9467. *SCHOONOVER v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 210 F. 3d 387.

No. 99-9472. *AGUIAR v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 99-9473. *TOWNSEND v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 210 F. 3d 387.

No. 99-9484. *PORTER v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 205 F. 3d 1326.

No. 99-9493. *JOHNSON ET AL. v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 189 F. 3d 479.

No. 99-9494. *BREWINGTON v. DUNCAN, SUPERINTENDENT, GREAT MEADOWS CORRECTIONAL FACILITY*. C. A. 2d Cir. Certiorari denied.

No. 99-9499. *OSBORN v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 203 F. 3d 1176.

No. 99-9500. *BRON v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 201 F. 3d 437.

No. 99-9503. *CALDWELL v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 204 F. 3d 1120.

No. 99-9507. *INZUNZA-GIL v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 208 F. 3d 223.

No. 99-9509. *RIVERA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 189 F. 3d 476.

No. 99-9512. *TUNCAP v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 99-9514. *NANCE v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 205 F. 3d 1336.

No. 99-9516. *RUSSELL v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 205 F. 3d 1336.

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No. 99–9522. MULLINS, AKA ISAACS *v.* UNITED STATES; and No. 99–9559. SWINEY *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 203 F. 3d 397.

No. 99–9524. BRADLEY *v.* OHIO. Ct. App. Ohio, Logan County. Certiorari denied.

No. 99–9525. ALVARADO-TORRES *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 208 F. 3d 222.

No. 99–9529. SANDERS *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. Reported below: 197 F. 3d 568.

No. 99–9530. ROBERTS *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 203 F. 3d 867.

No. 99–9545. MORRIS *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 208 F. 3d 207.

No. 99–9547. RAMIREZ-RODRIGUEZ *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 99–9558. RAMIREZ *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 210 F. 3d 367.

No. 99–1353. FRIZZELL CONSTRUCTION Co., INC. *v.* GATLINBURG, L. L. C. Sup. Ct. Tenn. Motion of Associated General Contractors of America, Inc., for leave to file a brief as *amicus curiae* granted. Certiorari denied. Reported below: 9 S. W. 3d 79.

No. 99–1629. CHING-RONG WANG *v.* WINNER INTERNATIONAL ROYALTY CORP. C. A. Fed. Cir. Motion of Intellectual Property Creators for leave to file a brief as *amicus curiae* granted. Certiorari denied. Reported below: 202 F. 3d 1340.

No. 99–9851 (99A1006). MASON *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: 203 F. 3d 829.

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*Rehearing Denied*

No. 99-1412. CHEROKEE CORPORATION OF LINDEN, VIRGINIA, INC. *v.* CAPITAL SKIING CORP., 529 U.S. 1087;

No. 99-6199. COLVIN-EL *v.* NUTH, WARDEN, ET AL., 529 U.S. 1088;

No. 99-7763. JOHNSON *v.* LUMBERMENS MUTUAL CASUALTY CO. ET AL., 529 U.S. 1024;

No. 99-7781. WISNIEWSKI *v.* CONTI ET AL., 529 U.S. 1070;

No. 99-7813. FELIX *v.* ANGELONE, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS, 528 U.S. 1193;

No. 99-7821. HORNSBY *v.* EVANS, WARDEN, 529 U.S. 1026;

No. 99-8137. COLEMAN *v.* JOHN THOMAS BATTIS, INC., 529 U.S. 1071;

No. 99-8141. SPAIN *v.* WEST, SECRETARY OF VETERANS AFFAIRS, 529 U.S. 1059;

No. 99-8144. MICHELFELDER *v.* GAY & CHACKER, P. C., 529 U.S. 1042;

No. 99-8193. GREEN *v.* TEXAS, 529 U.S. 1059;

No. 99-8289. PEABODY *v.* ZLAKET, CHIEF JUSTICE, SUPREME COURT OF ARIZONA, ET AL., 529 U.S. 1074;

No. 99-8291. STEWART *v.* UNITED STATES, 529 U.S. 1059;

No. 99-8305. IN RE RUSSEL, 529 U.S. 1065;

No. 99-8319. JOHNSON *v.* JEFFERSON, 529 U.S. 1089;

No. 99-8354. DAVIS *v.* UNITED PARCEL SERVICE, INC., ET AL., 529 U.S. 1090;

No. 99-8388. CANCESSI *v.* ROBINSON, 529 U.S. 1075;

No. 99-8519. WOODS *v.* VAUGHN, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT GRATERFORD, ET AL., 529 U.S. 1092;

No. 99-8574. HADDAD *v.* MICHIGAN NATIONAL CORP. ET AL., 529 U.S. 1078; and

No. 99-8823. MARCELLO *v.* MAINE DEPARTMENT OF HUMAN SERVICES, 529 U.S. 1102. Petitions for rehearing denied.

No. 96-8823. JANECKA *v.* TEXAS, 522 U.S. 825. Motion for leave to file petition for rehearing denied.

JUNE 13, 2000

*Miscellaneous Order*

No. 99-9574 (99A948). IN RE BRYSON. Application for stay of execution of sentence of death, presented to JUSTICE BREYER,

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

JUNE 14, 2000

*Miscellaneous Order*

No. 99A1035. *BURKS v. JOHNSON*, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION. Application to vacate the June 14, 2000, order of the United States Court of Appeals for the Fifth Circuit, presented to JUSTICE SCALIA, and by him referred to the Court, denied.

*Certiorari Denied*

No. 99-9501 (99A995). *BURKS 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: 207 F. 3d 658.

JUNE 15, 2000

*Miscellaneous Orders*

No. 99-10023 (99A1038). *IN RE NUNCIO*. 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.

No. 99-10034 (99A1041). *IN RE NUNCIO*. Application for stay of execution of sentence of death, presented to JUSTICE SCALIA, and by him referred to the Court, denied. Petition for writ of habeas corpus denied.

*Certiorari Denied*

No. 99-9678 (99A968). *NUNCIO 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: 208 F. 3d 1007.

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*Certiorari Granted—Vacated and Remanded*

No. 98–1836. UNITED STATES HEALTHCARE SYSTEMS OF PENNSYLVANIA, INC. *v.* PENNSYLVANIA HOSPITAL INSURANCE CO. ET AL. Sup. Ct. Pa. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Pegram v. Herdrich*, ante, p. 211. Reported below: 555 Pa. 342, 724 A. 2d 889.

No. 99–937. MOTEL 6 OPERATING L. P. ET AL. *v.* HUTTINGER ET AL. C. A. 9th Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Reeves v. Sanderson Plumbing Products, Inc.*, ante, p. 133. Reported below: 187 F. 3d 647.

*Certiorari Dismissed*

No. 99–9144. DENARDO *v.* CUNNINGHAM ET AL. C. A. 9th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8. Reported below: 194 F. 3d 1316.

No. 99–9517. KARIM-PANAHI *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 9th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8. As petitioner has repeatedly abused this Court's process, the Clerk is directed not to accept any further petitions in noncriminal matters from petitioner unless the docking fee required by Rule 38(a) is paid and the petition is submitted in compliance with Rule 33.1. See *Martin v. District of Columbia Court of Appeals*, 506 U.S. 1 (1992) (*per curiam*). JUSTICE STEVENS dissents. See *id.*, at 4, and cases cited therein. Reported below: 208 F. 3d 221.

*Miscellaneous Orders*

No. D–2120. IN RE DISBARMENT OF GELBWAKS. Disbarment entered. [For earlier order herein, see 528 U.S. 984.]

No. 99–8465. NAGY *v.* LAPPIN ET AL. C. A. 4th Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [529 U.S. 1096] denied.

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No. 99–9005. IN RE ABIDEKUN. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [529 U. S. 1096] denied.

No. 99–9647. IN RE VONDETTE; and  
No. 99–9669. IN RE CROMEDY. Petitions for writs of habeas corpus denied.

No. 99–9395. IN RE MORRISON;  
No. 99–9527. IN RE MORRISON;  
No. 99–9555. IN RE MORRISON; and  
No. 99–9567. IN RE MORRISON. Petitions for writs of mandamus denied.

No. 99–1696. IN RE JOHNSTON. Petition for writ of mandamus and/or prohibition denied.

*Certiorari Granted*

No. 99–1529. EGGLEHOF *v.* EGGLEHOF, A MINOR, BY AND THROUGH HER NATURAL PARENT, BREINER, ET AL. Sup. Ct. Wash. Motions of Boeing Co. et al. and American Council of Life Insurers for leave to file briefs as *amici curiae* granted. Certiorari granted. Reported below: 139 Wash. 2d 557, 989 P. 2d 80.

No. 99–1680. CITY NEWS & NOVELTY, INC. *v.* CITY OF WAUKESHA. Ct. App. Wis. Certiorari granted limited to Question 3 as presented by the petition. Reported below: 231 Wis. 2d 93, 604 N. W. 2d 870.

*Certiorari Denied*

No. 99–679. CONOVER *v.* FERNALD ENVIRONMENTAL RESTORATION MANAGEMENT CORP. ET AL. C. A. 6th Cir. Certiorari denied. Reported below: 178 F. 3d 414.

No. 99–1383. U. S. HEALTHCARE, INC. *v.* BAUMAN ET UX., INDIVIDUALLY AND AS ADMINISTRATORS AD PROSEQUENDUM OF THE ESTATE OF BAUMAN, DECEASED. C. A. 3d Cir. Certiorari denied. Reported below: 193 F. 3d 151.

No. 99–1555. BICKERSTAFF *v.* VASSAR COLLEGE. C. A. 2d Cir. Certiorari denied. Reported below: 196 F. 3d 435.

No. 99–1563. S&M ENTERPRISES *v.* UNITED STATES. C. A. Fed. Cir. Certiorari denied. Reported below: 199 F. 3d 1317.

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No. 99-1582. *BROWNING ET AL. v. ROHM & HAAS CO.* C. A. 6th Cir. Certiorari denied. Reported below: 194 F. 3d 1311.

No. 99-1637. *RAFFENSPERGER, HUGHES & CO., INC., ET AL. v. BROUWER ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 199 F. 3d 961.

No. 99-1650. *SPIEGEL v. CORTESE.* C. A. 7th Cir. Certiorari denied. Reported below: 196 F. 3d 717.

No. 99-1655. *WEI v. FINK, TRUSTEE, ET AL.*; and  
No. 99-9098. *GRAVEN v. FINK, TRUSTEE, ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 186 F. 3d 871.

No. 99-1659. *SHARON P. v. ARMAN, LTD., ET AL.* Sup. Ct. Cal. Certiorari denied. Reported below: 21 Cal. 4th 1181, 989 P. 2d 121.

No. 99-1665. *PENLEY v. TEXAS.* Ct. App. Tex., 6th Dist. Certiorari denied. Reported below: 2 S. W. 3d 534.

No. 99-1679. *COUNTY OF SAN DIEGO ET AL. v. MCALINDIN.* C. A. 9th Cir. Certiorari denied. Reported below: 192 F. 3d 1226 and 201 F. 3d 1211.

No. 99-1681. *PURDY v. BURLINGTON NORTHERN SANTA FE CORP. ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 204 F. 3d 1114.

No. 99-1684. *STEHLIK v. CHARLES.* Sup. Ct. Pa. Certiorari denied. Reported below: 560 Pa. 334, 744 A. 2d 1255.

No. 99-1690. *CITY OF HOUSTON v. KOLB ET AL.* Ct. App. Tex., 14th Dist. Certiorari denied. Reported below: 982 S. W. 2d 949.

No. 99-1701. *BERK v. SENKOWSKI, SUPERINTENDENT, CLINTON CORRECTIONAL FACILITY.* C. A. 2d Cir. Certiorari denied.

No. 99-1714. *FERGUSON v. CSX TRANSPORTATION.* C. A. 3d Cir. Certiorari denied. Reported below: 208 F. 3d 205.

No. 99-1732. *DAVENPORT, AN INFANT, BY HER LEGAL GUARDIAN AND NATURAL MOTHER, BELT, ET AL. v. YOUNG MEN'S CHRISTIAN ASSN. ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 205 F. 3d 1345.

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No. 99-1735. *BROOKS v. DELTA AIR LINES*. C. A. 11th Cir. Certiorari denied. Reported below: 208 F. 3d 1010.

No. 99-1736. *OSTERBERG ET UX. v. PECA*. Sup. Ct. Tex. Certiorari denied. Reported below: 12 S. W. 3d 31.

No. 99-1740. *ATLAS TURNER, INC. v. HAMILTON, INDIVIDUALLY AND AS EXECUTRIX OF THE ESTATE OF HAMILTON, DECEASED*. C. A. 2d Cir. Certiorari denied. Reported below: 197 F. 3d 58.

No. 99-1755. *HENDERSON v. SHEAHAN ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 196 F. 3d 839.

No. 99-1778. *HAMAMCY v. TEXAS BOARD OF MEDICAL EXAMINERS*. C. A. 5th Cir. Certiorari denied. Reported below: 210 F. 3d 369.

No. 99-1782. *SUMMERFIELD HOUSING LIMITED PARTNERSHIP v. UNITED STATES*. C. A. Fed. Cir. Certiorari denied. Reported below: 217 F. 3d 860.

No. 99-1785. *THAYER v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 201 F. 3d 214.

No. 99-1797. *BRECK ET AL. v. MICHIGAN ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 203 F. 3d 392.

No. 99-1806. *WILLETT v. ILLINOIS ET AL.* C. A. 7th Cir. Certiorari denied.

No. 99-1816. *ZUNAMON ET AL. v. BOWER, DIRECTOR, ILLINOIS DEPARTMENT OF REVENUE, ET AL.* App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 308 Ill. App. 3d 69, 719 N. E. 2d 130.

No. 99-1818. *RAMBACHER ET VIR v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 6th Cir. Certiorari denied. Reported below: 194 F. 3d 1313.

No. 99-1831. *CAMPILLO v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 197 F. 3d 1108.

No. 99-1832. *HIDALGO ET AL. v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 197 F. 3d 1108.

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No. 99-1833. *BAPTIST MEMORIAL HOSPITAL v. BAKERY & CONFECTIONERY UNION & INDUSTRY INTERNATIONAL HEALTH BENEFITS FUND*. C. A. 6th Cir. Certiorari denied. Reported below: 208 F. 3d 212.

No. 99-1835. *CANTOR v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 205 F. 3d 1321.

No. 99-1854. *FRYE v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 202 F. 3d 270.

No. 99-1902. *P. J. v. EAGLE-UNION COMMUNITY SCHOOL CORP.* C. A. 7th Cir. Certiorari denied. Reported below: 202 F. 3d 274.

No. 99-7602. *BEY v. NEW JERSEY*. Sup. Ct. N. J. Certiorari denied. Reported below: 161 N. J. 233, 736 A. 2d 469.

No. 99-8421. *MCINNIS v. FARMON, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 99-8527. *STANLEY v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied.

No. 99-8630. *HORNING v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 99-8703. *JENNINGS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 195 F. 3d 795.

No. 99-8708. *CHESTARO v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 197 F. 3d 600.

No. 99-8913. *CHEEK v. NORTH CAROLINA*. Sup. Ct. N. C. Certiorari denied. Reported below: 351 N. C. 48, 520 S. E. 2d 545.

No. 99-9057. *HUNT v. MASSACHUSETTS*. App. Ct. Mass. Certiorari denied. Reported below: 47 Mass. App. 1107, 713 N. E. 2d 404.

No. 99-9061. *PEGGS v. NASSAU COUNTY POLICE DEPARTMENT*. C. A. 2d Cir. Certiorari denied.

No. 99-9068. *McGEE v. JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION*. C. A. 5th Cir. Certiorari denied.

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No. 99-9078. *OCHOA v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 99-9079. *RENWICK v. ILLINOIS*. App. Ct. Ill., 3d Dist. Certiorari denied. Reported below: 298 Ill. App. 3d 1184, 738 N. E. 2d 242.

No. 99-9087. *MCCLENDON v. MISSISSIPPI*. Ct. App. Miss. Certiorari denied. Reported below: 748 So. 2d 814.

No. 99-9092. *BARELA v. REED ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 210 F. 3d 381.

No. 99-9099. *GONZALEZ MEJIAS ET AL. v. M/V EMILY S. ET AL.* C. A. 1st Cir. Certiorari denied. Reported below: 201 F. 3d 427.

No. 99-9104. *HOLSEY v. GEORGIA*. Sup. Ct. Ga. Certiorari denied. Reported below: 271 Ga. 856, 524 S. E. 2d 473.

No. 99-9110. *BLAYLOCK v. JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 99-9113. *MUSGROVE v. PAGE, WARDEN*. C. A. 7th Cir. Certiorari denied.

No. 99-9114. *MERRIMAN v. TRIPPETT, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 99-9115. *CHEATHAM v. MILLER, SUPERINTENDENT, EASTERN NEW YORK CORRECTIONAL FACILITY*. C. A. 2d Cir. Certiorari denied.

No. 99-9117. *WILLIAMS v. HEAD, WARDEN*. C. A. 11th Cir. Certiorari denied. Reported below: 185 F. 3d 1223.

No. 99-9119. *WILLIAMS v. POLUNSKY ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 209 F. 3d 719.

No. 99-9121. *BENTON v. DORMIRE, SUPERINTENDENT, JEFFERSON CITY CORRECTIONAL CENTER*. C. A. 8th Cir. Certiorari denied.

No. 99-9122. *BRIDGEWATER v. CAIN, WARDEN*. C. A. 5th Cir. Certiorari denied.

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No. 99–9124. *LEWIS v. MICHIGAN DEPARTMENT OF CORRECTIONS*; and *LEWIS v. MICHIGAN PAROLE BOARD*. Ct. App. Mich. Certiorari denied.

No. 99–9126. *BUTERBAUGH v. OHIO*. Ct. App. Ohio, Franklin County. Certiorari denied.

No. 99–9128. *BINDER v. STEGALL, WARDEN*. C. A. 6th Cir. Certiorari denied. Reported below: 198 F. 3d 177.

No. 99–9131. *AUSTIN v. ARTUZ, SUPERINTENDENT, GREEN HAVEN CORRECTIONAL FACILITY*. C. A. 2d Cir. Certiorari denied.

No. 99–9134. *BOLES v. FENTON SECURITY, INC. OF COLORADO, ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 202 F. 3d 281.

No. 99–9135. *CREUSERE v. TWYMAN ET AL.* C. A. 6th Cir. Certiorari denied.

No. 99–9143. *GOLLIVER v. WALKER, SUPERINTENDENT, AUBURN CORRECTIONAL FACILITY*. C. A. 2d Cir. Certiorari denied.

No. 99–9154. *GRIFFIN v. INDIANA*. Sup. Ct. Ind. Certiorari denied. Reported below: 717 N. E. 2d 73.

No. 99–9158. *FRAZIER v. SNYDER, WARDEN*. C. A. 3d Cir. Certiorari denied.

No. 99–9166. *AL-HAKIM v. CARVER ET AL.* C. A. 11th Cir. Certiorari denied.

No. 99–9168. *BODIN v. JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 99–9174. *PENA v. CALIFORNIA*. Ct. App. Cal., 4th App. Dist. Certiorari denied.

No. 99–9177. *CAVENDER v. MOORE, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 99–9179. *BARNES v. SUPERIOR COURT OF CALIFORNIA, SAN DIEGO COUNTY*. Ct. App. Cal., 4th App. Dist. Certiorari denied.

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No. 99-9181. CHEN LIU *v.* PORTUONDO, SUPERINTENDENT, SHAWANGUNK CORRECTIONAL FACILITY. C. A. 2d Cir. Certiorari denied.

No. 99-9186. CLAYTON *v.* HARRIS, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 99-9187. ALLEN *v.* MISSOURI. Sup. Ct. Mo. Certiorari denied.

No. 99-9196. ROWBOTTOM *v.* MCDANIEL, WARDEN, ET AL. C. A. 9th Cir. Certiorari denied.

No. 99-9237. MCCRAY *v.* ATWELL. Sup. Ct. Tex. Certiorari denied.

No. 99-9266. BROWN *v.* DANZIG, SECRETARY OF THE NAVY. C. A. 4th Cir. Certiorari denied. Reported below: 194 F. 3d 1303.

No. 99-9297. FINNEY *v.* FLORIDA PAROLE AND PROBATION COMMISSION. C. A. 11th Cir. Certiorari denied. Reported below: 158 F. 3d 588.

No. 99-9298. DHALIWAL *v.* IMMIGRATION AND NATURALIZATION SERVICE. C. A. 9th Cir. Certiorari denied.

No. 99-9357. CLIFTON *v.* MOORE, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS. C. A. 11th Cir. Certiorari denied. Reported below: 207 F. 3d 662.

No. 99-9391. BAUMER *v.* LEMKE ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 187 F. 3d 646.

No. 99-9404. CRUZ-MENDEZ *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 201 F. 3d 449.

No. 99-9407. YOUNG *v.* FLORIDA. Dist. Ct. App. Fla., 5th Dist. Certiorari denied.

No. 99-9414. ALLEN *v.* SHOE ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 203 F. 3d 819.

No. 99-9415. MURPHY *v.* UNITED STATES. C. A. D. C. Cir. Certiorari denied.

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No. 99-9424. *BUTLER v. MAINE*. Sup. Jud. Ct. Me. Certiorari denied.

No. 99-9426. *BUSTAMONTE v. LEMASTER, WARDEN, ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 203 F. 3d 834.

No. 99-9432. *GREEN v. PRICE, WARDEN, ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 188 F. 3d 518.

No. 99-9436. *MCCOWN v. MACK, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 99-9438. *TEAGUE v. UNITED STATES POSTAL SERVICE ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 208 F. 3d 215.

No. 99-9441. *BRANDON v. PENNSYLVANIA BOARD OF PROBATION AND PAROLE ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 208 F. 3d 207.

No. 99-9454. *HECHT v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 212 F. 3d 847.

No. 99-9459. *HULSE ET AL. v. HALL, SHERIFF, BOTTINEAU COUNTY, NORTH DAKOTA*. C. A. 8th Cir. Certiorari denied. Reported below: 205 F. 3d 1346.

No. 99-9469. *CASEY v. BRAXTON, WARDEN*. C. A. 4th Cir. Certiorari denied. Reported below: 194 F. 3d 1303.

No. 99-9479. *BROOKS v. RIDDLE ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 203 F. 3d 819.

No. 99-9510. *RIDDICK v. BOGUS ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 208 F. 3d 206.

No. 99-9515. *ORTIZ v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 205 F. 3d 1326.

No. 99-9546. *KEITH v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 99-9548. *COPLEN v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 203 F. 3d 836.

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No. 99–9564. *PROCTOR v. ARIZONA*. Ct. App. Ariz. Certiorari denied.

No. 99–9580. *ZACKULAR v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 203 F. 3d 72.

No. 99–9584. *REGISTER v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 182 F. 3d 820.

No. 99–9586. *BLACKMORE v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 209 F. 3d 720.

No. 99–9590. *DANIELS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 99–9596. *FRAZIER v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 201 F. 3d 438.

No. 99–9597. *HERNANDEZ v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 205 F. 3d 1348.

No. 99–9613. *WALKER v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 205 F. 3d 1327.

No. 99–9617. *ALARCON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 210 F. 3d 368.

No. 99–9623. *LONES ET AL. v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 205 F. 3d 1335.

No. 99–9624. *JOY v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 192 F. 3d 761.

No. 99–9642. *WEATHERFORD v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 207 F. 3d 661.

No. 99–9643. *PEREZ-HINOJOSA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 191 F. 3d 462.

No. 99–1388. *PHELPS DODGE CORP. ET AL. v. UNITED STATES ET AL.*; and

No. 99–1389. *SALT RIVER VALLEY WATER USERS' ASSN. ET AL. v. UNITED STATES ET AL.* Sup. Ct. Ariz. Motion of Mountain States Legal Foundation et al. for leave to file a brief as *amici curiae* granted. Certiorari denied. JUSTICE O'CONNOR took no part in the consideration or decision of this motion and these petitions. Reported below: 195 Ariz. 411, 989 P. 2d 739.

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No. 99–1625. TANGIPAHOA PARISH BOARD OF EDUCATION ET AL. *v.* FREILER ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 185 F. 3d 337.

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

## I

On April 19, 1994, the Tangipahoa Parish, Louisiana, Board of Education (Board) passed the following resolution:

“Whenever, in classes of elementary or high school, the scientific theory of evolution is to be presented, whether from textbook, workbook, pamphlet, other written material, or oral presentation the following statement shall be quoted immediately before the unit of study begins as a disclaimer from endorsement of such theory.

“It is hereby recognized by the Tangipahoa Parish Board of Education, that the lesson to be presented, regarding the origin of life and matter, is known as the Scientific Theory of Evolution and should be presented to inform students of the scientific concept and not intended to influence or dissuade the Biblical version of Creation or any other concept.

“It is further recognized by the Board of Education that it is the basic right and privilege of each student to form his/her own opinion or maintain beliefs taught by parents on this very important matter of the origin of life and matter. Students are urged to exercise critical thinking and gather all information possible and closely examine each alternative toward forming an opinion.” Pet. for Cert. 2.

Approximately seven months after this resolution was adopted, respondents, three parents of children attending the Tangipahoa Parish Public Schools, brought suit in the United States District Court for the Eastern District of Louisiana against petitioners, the Board, its members, and the superintendent of the school district. They brought a facial challenge to the disclaimer contained in the last two paragraphs of the resolution, claiming that it violated the coextensive Establishment Clauses of the United States and Louisiana Constitutions. The District Court ruled in favor of respondents. 975 F. Supp. 819 (1997). It concluded that the disclaimer lacked a secular purpose, and thus failed the first prong of the three-prong test outlined in *Lemon v. Kurtzman*,

403 U. S. 602 (1971), because the Board's articulated purpose—that it adopted the disclaimer to promote critical thinking by students on the subject of the origin of life—was a sham. See 975 F. Supp., at 829. It therefore held the disclaimer unconstitutional under both the Federal and the Louisiana Constitutions. See *id.*, at 830.

The Fifth Circuit affirmed. 185 F. 3d 337 (1999). It began by noting that, in the context of public education, this Court has used three different tests to evaluate state actions challenged on Establishment Clause grounds: the three-prong test of *Lemon*; the “endorsement” test of *County of Allegheny v. American Civil Liberties Union, Greater Pittsburgh Chapter*, 492 U. S. 573 (1989); and the “coercion” test of *Lee v. Weisman*, 505 U. S. 577 (1992). See 185 F. 3d, at 343. Although noting that the *Lemon* test has been “widely criticized and occasionally ignored,” the court opted to apply it. 185 F. 3d, at 344. The court first concluded that the disclaimer had a secular purpose and therefore survived the first prong of the *Lemon* test. See 185 F. 3d, at 344–346. While agreeing with the District Court that the purpose of promoting critical thinking by students on the subject of the origin of life was a sham, the court concluded that the disclaimer served two other, legitimate secular purposes: disclaiming any orthodoxy of belief that could be inferred from the exclusive place of evolution in the curriculum, and reducing offense to any student or parent caused by the teaching of evolution. See *ibid.*

The Fifth Circuit then turned to the second prong of the *Lemon* test—the so-called “effects” prong. See 185 F. 3d, at 346–348. The court concluded that the disclaimer failed this prong because “the primary effect of the disclaimer is to protect and maintain a particular religious viewpoint, namely belief in the Biblical version of creation.” *Id.*, at 346. It based this conclusion on three factors: “(1) the juxtaposition of the disavowal of endorsement of evolution with an urging that students contemplate alternative theories of the origin of life; (2) the reminder that students have the right to maintain beliefs taught by their parents regarding the origin of life; and (3) the ‘Biblical version of Creation’ as the only alternative theory explicitly referenced in the disclaimer.” *Ibid.* (Finally, the court noted, albeit in passing and without elaboration, that, because the disclaimer failed the second prong of the *Lemon* test, it would also fail the endorsement test. See 185 F. 3d, at 348.)

Petitioners unsuccessfully moved for rehearing by the panel and by the en banc Fifth Circuit. 201 F.3d 602 (2000). Judge Barksdale, joined by six other judges, dissented from the denial of rehearing en banc. See *id.*, at 603–608.

## II

Like a majority of the Members of this Court, I have previously expressed my disapproval of the *Lemon* test. See *Lamb's Chapel v. Center Moriches Union Free School Dist.*, 508 U.S. 384, 398–400 (1993) (SCALIA, J., joined by THOMAS, J., concurring in judgment); *County of Allegheny, supra*, at 655–657 (KENNEDY, J., concurring in judgment in part and dissenting in part); *Corporation of Presiding Bishop of Church of Jesus Christ of Latter-day Saints v. Amos*, 483 U.S. 327, 346–349 (1987) (O'CONNOR, J., concurring in judgment); *Wallace v. Jaffree*, 472 U.S. 38, 107–113 (1985) (REHNQUIST, J., dissenting). I would grant certiorari in this case if only to take the opportunity to inter the *Lemon* test once for all.

Even assuming, however, that the Fifth Circuit correctly chose to apply the *Lemon* test, I believe the manner of its application so erroneous as independently to merit the granting of certiorari, if not summary reversal. Under the second prong of *Lemon*, the “principal or primary effect [of a state action] must be one that neither advances nor inhibits religion.” *Lemon, supra*, at 612. Far from advancing religion, the “principal or primary effect” of the disclaimer at issue here is merely to advance freedom of thought. At the outset, it is worth noting that the theory of evolution is the only theory actually *taught* in the Tangipahoa Parish schools. As the introductory paragraph of the resolution suggests, the disclaimer operates merely as a (perhaps not too believable) “disclaimer from endorsement” of that single theory, and not as an affirmative endorsement of any particular religious theory as to the origin of life, or even of religious theories as to the origin of life generally. The only allusion to religion in the entire disclaimer is a reference to the “Biblical version of Creation,” mentioned as an illustrative *example*—surely the most obvious example—of a “concept” that the teaching of evolution was “not intended to influence or dissuade.” The disclaimer does not refer again to the “Biblical version of Creation,” much less provide any elaboration as to what that theory entails; instead, it merely reaffirms that “it is the basic right and privilege of each

student to form his/her own opinion or maintain beliefs taught by parents on this very important matter of the origin of life and matter,” and neutrally encourages students “closely [to] examine *each* alternative” before forming an opinion.

As even this cursory discussion of the disclaimer amply demonstrates, the Fifth Circuit’s conclusion that “[t]he disclaimer . . . encourages students to read and meditate upon religion in general and the ‘Biblical version of Creation’ in particular,” 185 F. 3d, at 346, lacks any support in the text of the invalidated document. In view of the fact that the disclaimer merely reminds students of their right to form their own beliefs on the subject, or to maintain beliefs taught by their parents—not to mention the fact that the theory of evolution is the only theory actually taught in the lesson that follows the disclaimer—there is “no realistic danger that the community would think that the [School Board] was endorsing religion or any particular creed, and any benefit to religion or to the Church would have been no more than incidental.” *Lamb’s Chapel, supra*, at 395. At bottom, the disclaimer constitutes nothing more than “simply a tolerable acknowledgment of beliefs widely held among the people of this country,” *Marsh v. Chambers*, 463 U. S. 783, 792 (1983). See also *Lynch v. Donnelly*, 465 U. S. 668, 673 (1984) (“Nor does the Constitution require complete separation of church and state; it affirmatively mandates accommodation, not merely tolerance, of all religions, and forbids hostility toward any”).

In denying the petition for rehearing, the Fifth Circuit panel took another tack: “In denying rehearing, we emphasize that we do not decide that a state-mandated statement violates the Constitution simply because it disclaims any intent to communicate to students that the theory of evolution is the only accepted explanation of the origin of life, informs students of their right to follow their religious principles, and encourages students to evaluate all explanations of life’s origins, including those taught outside the classroom. We decide only that under the facts and circumstances of this case, the statement of the Tangipahoa Parish School Board is not sufficiently neutral to prevent it from violating the Establishment Clause.” 201 F. 3d, at 603. Inasmuch as what the disclaimer contains is nothing more than what this statement purports to allow, the explanation is incoherent. Reference to unnamed “facts and circumstances of this case” is not a substi-

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tute for judicial reasoning. The only aspect of the disclaimer that could conceivably be regarded as going beyond what the rehearing statement purports to approve is the explicit mention—as an example—of “the Biblical version of Creation.” To think that this reference to (and plainly not endorsement of) a reality of religious literature—and this use of an example that is not a contrived one, but to the contrary the example most likely to come into play—somehow converts the otherwise innocuous disclaimer into an establishment of religion is quite simply absurd.

In *Epperson v. Arkansas*, 393 U.S. 97 (1968), we invalidated a statute that forbade the teaching of evolution in public schools; in *Edwards v. Aguillard*, 482 U.S. 578 (1987), we invalidated a statute that required the teaching of creationism whenever evolution was also taught; today we permit a Court of Appeals to push the much beloved secular legend of the Monkey Trial one step further. We stand by in silence while a deeply divided Fifth Circuit bars a school district from even suggesting to students that other theories besides evolution—including, but not limited to, the Biblical theory of creation—are worthy of their consideration. I dissent.

*Rehearing Denied*

No. 99–1460. *WATTS v. NETWORK SOLUTIONS, INC.*, 529 U.S. 1088;

No. 99–1631. *ICELAND STEAMSHIP CO., LTD.-EIMSKIP v. DEPARTMENT OF THE ARMY ET AL.*, 529 U.S. 1112;

No. 99–8278. *IN RE BARDELLA*, 529 U.S. 1065;

No. 99–8349. *WINGATE v. TEXAS*, 529 U.S. 1090;

No. 99–8408. *LEONE v. KERLEY ET AL.*, 529 U.S. 1076;

No. 99–8546. *REYNOLDS v. ROONEY ET UX.*, 529 U.S. 1092; and

No. 99–8626. *COLLINS v. G/H CONTRACTING Co. ET AL.*, 529 U.S. 1116. Petitions for rehearing denied.

JUNE 20, 2000

*Certiorari Denied*

No. 99–9990 (99A1031). *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 and JUSTICE BREYER would grant the petition for writ of certiorari and the application for stay of execution. Reported below: 760 So. 2d 137.

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JUNE 21, 2000

*Miscellaneous Orders*

No. 99A1052 (99–9917). *BURKET 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 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 terminate upon the sending down of the judgment of this Court.

No. 99–10090 (99A1056). *IN RE PROVENZANO*. 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.

*Certiorari Denied*

No. 99–10089 (99A1055). *PROVENZANO v. MOORE*, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS. C. A. 11th Cir. Application for stay of execution of sentence of death, presented to JUSTICE KENNEDY, and by him referred to the Court, denied. Certiorari denied. Reported below: 215 F. 3d 1233.

JUNE 22, 2000

*Miscellaneous Order*

No. 99–10120 (99A1065). *IN RE GRAHAM*. 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. JUSTICE STEVENS, JUSTICE SOUTER, JUSTICE GINSBURG, and JUSTICE BREYER would grant the application for stay of execution.

JUNE 26, 2000

*Certiorari Granted—Vacated and Remanded*

No. 99–935. *CHANDLER, FATHER AND NEXT FRIEND OF CHANDLER v. SIEGELMAN*, GOVERNOR OF ALABAMA AND PRESIDENT OF THE STATE BOARD OF EDUCATION, ET AL. C. A. 11th Cir. Certiorari granted, judgment vacated, and case remanded

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for further consideration in light of *Santa Fe Independent School Dist. v. Doe*, ante, p. 290. Reported below: 180 F. 3d 1254.

No. 99–1264. *BROWN v. O’DEA, WARDEN*. C. A. 6th Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Williams v. Taylor*, 529 U. S. 362 (2000). Reported below: 187 F. 3d 572.

*Miscellaneous Orders*

No. D–2148. *IN RE DISBARMENT OF STONE*. Disbarment entered. [For earlier order herein, see 529 U. S. 1035.]

No. D–2149. *IN RE DISBARMENT OF RASKIN*. Disbarment entered. [For earlier order herein, see 529 U. S. 1035.]

No. D–2150. *IN RE DISBARMENT OF KORONES*. Disbarment entered. [For earlier order herein, see 529 U. S. 1035.]

No. D–2152. *IN RE DISBARMENT OF HALEY*. Disbarment entered. [For earlier order herein, see 529 U. S. 1036.]

No. D–2153. *IN RE DISBARMENT OF SCALE*. Disbarment entered. [For earlier order herein, see 529 U. S. 1050.]

No. D–2154. *IN RE DISBARMENT OF ADAMS*. Disbarment entered. [For earlier order herein, see 529 U. S. 1051.]

No. D–2156. *IN RE DISBARMENT OF MITCHELL*. Disbarment entered. [For earlier order herein, see 529 U. S. 1051.]

No. D–2159. *IN RE DISBARMENT OF BLACK*. Disbarment entered. [For earlier order herein, see 529 U. S. 1085.]

No. D–2165. *IN RE DISBARMENT OF TAMER*. David Ferris Tamer, of Winston-Salem, N. C., having requested to resign as a member of the Bar of this Court, it is ordered that his name be stricken from the roll of attorneys admitted to the practice of law before this Court. The rule to show cause, issued on May 22, 2000 [529 U. S. 1127], is discharged.

No. D–2166. *IN RE DISBARMENT OF CARROLL*. Daniel G. Carroll, of Chicago, 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.

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No. D-2167. *IN RE DISBARMENT OF JACOBS*. Charles H. Jacobs, of Dubuque, Iowa, 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-2168. *IN RE DISBARMENT OF BROOKS*. Trevor L. Brooks, of New York, N. Y., is suspended from the practice of law in this Court, and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. D-2169. *IN RE DISBARMENT OF BOOKER*. Thomas Michael Booker, of Austin, 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-2170. *IN RE DISBARMENT OF ESPER*. Richard Dennis Esper, 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-2171. *IN RE DISBARMENT OF BURNETT*. Robert Lee Burnett, Jr., of Beaumont, 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-2172. *IN RE DISBARMENT OF SILVER*. Ronald Silver, of Coral Gables, 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-2173. *IN RE DISBARMENT OF ROCCA*. Glenn Michael Rocca, of Fort Lee, N. J., is suspended from the practice of law in this Court, and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. D-2174. *IN RE DISBARMENT OF KIERPIEC*. Joseph Paul Kierpiec, of Detroit, Mich., is suspended from the practice of law

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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-2175. IN RE DISBARMENT OF TANDY. Marshall D. Tandy, of Tucson, Ariz., is suspended from the practice of law in this Court, and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. D-2176. IN RE DISBARMENT OF GREGORY. Howell Jackson Gregory, of Columbia, S. C., is suspended from the practice of law in this Court, and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. 99M94. BYRD *v.* SALMON. Motion to direct the Clerk to file petition for writ 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 \$90,755.32 for the period December 2, 1999, through June 5, 2000, to be paid as follows: 40% by Nebraska, 40% by Wyoming, 3% by Colorado, 12% by the United States, and 5% by Basin Electric Power Cooperative. [For earlier order herein, see, *e. g.*, 528 U. S. 1059.]

No. 99-1178. SOLID WASTE AGENCY OF NORTHERN COOK COUNTY *v.* UNITED STATES ARMY CORPS OF ENGINEERS ET AL. C. A. 7th Cir. [Certiorari granted, 529 U. S. 1129.] Motion of petitioner to dispense with printing the joint appendix granted.

No. 99-1257. BROWNER, ADMINISTRATOR OF ENVIRONMENTAL PROTECTION AGENCY, ET AL. *v.* AMERICAN TRUCKING ASSNS., INC., ET AL. C. A. D. C. Cir. [Certiorari granted, 529 U. S. 1129.] Motion of the Solicitor General to dispense with printing the joint appendix granted.

No. 99-1426. AMERICAN TRUCKING ASSNS., INC., ET AL. *v.* BROWNER, ADMINISTRATOR OF ENVIRONMENTAL PROTECTION AGENCY, ET AL. C. A. D. C. Cir. [Certiorari granted, *ante*, p. 1202.] Motion of the Solicitor General to dispense with printing the joint appendix granted.

No. 99-9772. IN RE DEEMER. Petition for writ of habeas corpus denied.

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No. 99–9563. IN RE JEFFS. Petition for writ of prohibition denied.

*Probable Jurisdiction Noted*

No. 99–1864. HUNT, GOVERNOR OF NORTH CAROLINA, ET AL. v. CROMARTIE ET AL.; and

No. 99–1865. SMALLWOOD ET AL. v. CROMARTIE ET AL. Appeals from D. C. E. D. N. C. Probable jurisdiction noted, cases consolidated, and a total of one hour allotted for oral argument. Reported below: 133 F. Supp. 2d 407.

*Certiorari Granted*

No. 99–1551. SEMTEK INTERNATIONAL INC. v. LOCKHEED MARTIN CORP. Ct. Sp. App. Md. Certiorari granted. Reported below: 128 Md. App. 39, 736 A. 2d 1104.

No. 99–1571. TRAFIX DEVICES, INC. v. MARKETING DISPLAYS, INC. C. A. 6th Cir. Certiorari granted. Reported below: 200 F. 3d 929.

No. 99–1408. ATWATER ET AL. v. CITY OF LAGO VISTA ET AL. C. A. 5th Cir. Motions of American Civil Liberties Union of Texas, Inc., Texas Criminal Defense Lawyers Association, and National Association of Criminal Defense Lawyers et al. for leave to file briefs as *amici curiae* granted. Certiorari granted. Reported below: 195 F. 3d 242.

No. 99–1687. BARTNICKI ET AL. v. VOPPER, AKA WILLIAMS, ET AL.; and

No. 99–1728. UNITED STATES v. VOPPER, AKA WILLIAMS, ET AL. C. A. 3d Cir. Certiorari granted, cases consolidated, and a total of one hour allotted for oral argument. Reported below: 200 F. 3d 109.

No. 99–1702. TEXAS v. COBB. Ct. Crim. App. Tex. Motion of respondent for leave to proceed *in forma pauperis* granted. Motions of Criminal Justice Legal Foundation, National Association of Police Organizations et al., and Texas District and County Attorneys Association et al. for leave to file briefs as *amici curiae* granted. Certiorari granted limited to Questions 1 and 2 presented by the petition.

No. 99–1792. DIRECTOR OF REVENUE OF MISSOURI v. COBANK ACB, AS SUCCESSOR TO THE NATIONAL BANK FOR COOPERA-

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TIVES. Sup. Ct. Mo. Certiorari granted limited to the following question: "Does 12 U. S. C. § 2134 authorize States to tax the income of the National Bank for Cooperatives, a federally chartered instrumentality of the United States?" Reported below: 10 S. W. 3d 142.

No. 99-8576. GLOVER *v.* UNITED STATES. C. A. 7th Cir. Motion of petitioner for leave to proceed *in forma pauperis* granted. Certiorari granted. Reported below: 182 F. 3d 921.

*Certiorari Denied*

No. 99-905. ARMSTRONG SURGICAL CENTER, INC. *v.* ARMSTRONG COUNTY MEMORIAL HOSPITAL ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 185 F. 3d 154.

No. 99-1349. HALE *v.* COMMITTEE ON CHARACTER AND FITNESS OF THE ILLINOIS BAR ET AL. Sup. Ct. Ill. Certiorari denied.

No. 99-1457. DITTMAN *v.* CALIFORNIA ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 191 F. 3d 1020.

No. 99-1490. SOUTH DAKOTA ET AL. *v.* YANKTON SIOUX TRIBE ET AL.; and

No. 99-1683. YANKTON SIOUX TRIBE ET AL. *v.* GAFFEY ET AL. C. A. 8th Cir. Certiorari denied. Reported below: 188 F. 3d 1010.

No. 99-1504. NEDER *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 197 F. 3d 1122.

No. 99-1556. ALCOA INC. ET AL. *v.* BONNEVILLE POWER ADMINISTRATION (two judgments). C. A. 9th Cir. Certiorari denied.

No. 99-1594. BUTTS ET AL. *v.* McNALLY ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 195 F. 3d 1039.

No. 99-1623. WASHINGTON ET AL. *v.* CSC CREDIT SERVICES, INC., ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 199 F. 3d 263.

No. 99-1677. MYSTIC TRANSPORTATION, INC., ET AL. *v.* CARLTON. C. A. 2d Cir. Certiorari denied. Reported below: 202 F. 3d 129.

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No. 99-1704. *INTER-MODAL RAIL EMPLOYEES ASSN. ET AL. v. BURLINGTON NORTHERN & SANTA FE RAILWAY CO. ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 210 F. 3d 383.

No. 99-1706. *SULLIVAN v. RIVER VALLEY SCHOOL DISTRICT ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 197 F. 3d 804.

No. 99-1708. *HILLCREST DEVELOPMENT v. COUNTY OF RIVERSIDE ET AL.* Ct. App. Cal., 4th App. Dist. Certiorari denied.

No. 99-1710. *UTAH v. CANNON.* Sup. Ct. Utah. Certiorari denied. Reported below: 994 P. 2d 1254.

No. 99-1711. *CUCAMONGANS UNITED FOR REASONABLE EXPANSION ET AL. v. CITY OF RANCHO CUCAMONGA ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 210 F. 3d 382.

No. 99-1715. *SOPER, A MINOR, BY HER MOTHER AND NEXT FRIEND, SOPER, ET AL. v. HOBEN ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 195 F. 3d 845.

No. 99-1716. *BIBBEE v. SCOTT, WARDEN.* C. A. 10th Cir. Certiorari denied. Reported below: 201 F. 3d 447.

No. 99-1742. *BARRETT ET UX. v. HARWOOD ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 189 F. 3d 297.

No. 99-1743. *BUCKLEY v. CITY OF PORTAGE ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 191 F. 3d 451.

No. 99-1744. *FLORIDA v. CONNER.* Sup. Ct. Fla. Certiorari denied. Reported below: 748 So. 2d 950.

No. 99-1752. *SPORTY'S FARM, L. L. C. v. SPORTSMAN'S MARKET, INC.* C. A. 2d Cir. Certiorari denied. Reported below: 202 F. 3d 489.

No. 99-1753. *SEWELL v. MICHIGAN.* Cir. Ct. Wayne County, Mich. Certiorari denied.

No. 99-1754. *KAHN v. GENERAL MOTORS CORP.* C. A. Fed. Cir. Certiorari denied. Reported below: 230 F. 3d 1374.

No. 99-1761. *NOVARTIS PHARMACEUTICALS CORP., FKA SANDOZ PHARMACEUTICALS CORP. v. PARNELL, INDIVIDUALLY AND*

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ON BEHALF OF HER MINOR SON, PARNELL, ET AL. C. A. 11th Cir. Certiorari denied.

No. 99-1764. *CERVONE v. BORIS*. Ct. App. Ohio, Mahoning County. Certiorari denied.

No. 99-1767. *CASKEY v. PENSION BENEFIT GUARANTY CORPORATION*. C. A. 3d Cir. Certiorari denied. Reported below: 203 F. 3d 816.

No. 99-1771. *KAHRE v. UNITED STATES FIDELITY & GUARANTY CO.* C. A. 9th Cir. Certiorari denied. Reported below: 202 F. 3d 280.

No. 99-1773. *MEYER v. MEYER*. Ct. App. Ariz. Certiorari denied.

No. 99-1779. *WEE ET UX. v. ANDREWS ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 205 F. 3d 1327.

No. 99-1781. *PIETRANGELO v. UNITED STATES SENATE*. C. A. 6th Cir. Certiorari denied. Reported below: 210 F. 3d 372.

No. 99-1793. *BOWEN ET AL. v. BOARD OF PATENT APPEALS AND INTERFERENCES*. C. A. Fed. Cir. Certiorari denied. Reported below: 230 F. 3d 1373.

No. 99-1803. *MCDUFFIE, DBA D & M CONTRACTING CO. v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 205 F. 3d 1355.

No. 99-1810. *MARTIN v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 195 F. 3d 961.

No. 99-1830. *MOBIL OIL CORP. ET AL. v. MCMAHON FOUNDATION ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 200 F. 3d 317.

No. 99-1837. *ANDERSON ET UX. v. CLINTON FOR PRESIDENT COMMITTEE ET AL.* C. A. D. C. Cir. Certiorari denied. Reported below: 194 F. 3d 139.

No. 99-1846. *GOULD v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 203 F. 3d 840.

No. 99-1866. *INFELISE v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

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No. 99-1868. *FRIES v. WISCONSIN COURT OF APPEALS, DISTRICT I, ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 202 F. 3d 273.

No. 99-1873. *LODD ENTERPRISES, INC., ET AL. v. COASTAL FORD, INC., ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 202 F. 3d 288.

No. 99-1885. *STROGOV v. NEW YORK.* C. A. 2d Cir. Certiorari denied. Reported below: 191 F. 3d 188.

No. 99-1888. *INTERNATIONAL CUSTOMS ASSOCIATES, INC., ET AL. v. FORD MOTOR CO. ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 201 F. 3d 431.

No. 99-1895. *DEVEGTER v. UNITED STATES.* C. A. 11th Cir. Certiorari denied. Reported below: 198 F. 3d 1324.

No. 99-1905. *EL-FADLY v. INTERNAL REVENUE SERVICE.* C. A. 9th Cir. Certiorari denied. Reported below: 198 F. 3d 253.

No. 99-6865. *CAGLE ET AL. v. HUTTO ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 177 F. 3d 253.

No. 99-7367. *VAZQUEZ ET AL. v. CARVER ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 181 F. 3d 85.

No. 99-8312. *TUCKER v. UNITED STATES.* C. A. 11th Cir. Certiorari denied. Reported below: 202 F. 3d 287.

No. 99-8585. *COLLADO v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. Reported below: 201 F. 3d 433.

No. 99-8837. *SHEHEE v. LUTTRELL ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 199 F. 3d 295.

No. 99-8842. *DELEVEAUX v. UNITED STATES.* C. A. 11th Cir. Certiorari denied. Reported below: 205 F. 3d 1292.

No. 99-9164. *SMITH v. HARGETT, WARDEN.* C. A. 10th Cir. Certiorari denied. Reported below: 202 F. 3d 282.

No. 99-9170. *HERNANDEZ ORTIZ v. MOORE, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS.* C. A. 11th Cir. Certiorari denied.

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No. 99-9171. *SHEA v. VERMONT*. Sup. Ct. Vt. Certiorari denied. Reported below: 170 Vt. 660, 745 A. 2d 177.

No. 99-9191. *PORTER v. POTOCKI*. C. A. 6th Cir. Certiorari denied. Reported below: 202 F. 3d 269.

No. 99-9195. *LUKEN v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied.

No. 99-9198. *OWENS v. DORMIRE, SUPERINTENDENT, JEFFERSON CITY CORRECTIONAL CENTER, ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 198 F. 3d 679.

No. 99-9199. *TIMMONS v. KEMNA ET AL.* C. A. 8th Cir. Certiorari denied.

No. 99-9205. *NASH v. BATTLE, WARDEN, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 99-9206. *THOMPSON v. OKLAHOMA*. C. A. 10th Cir. Certiorari denied. Reported below: 202 F. 3d 283.

No. 99-9208. *ODOM v. COLLEGE OF CHARLESTON BOOKSTORE*. C. A. 4th Cir. Certiorari denied. Reported below: 203 F. 3d 821.

No. 99-9213. *AGUIRRE v. CLARKE, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 99-9217. *LITTERAL v. WILLIAMS, WARDEN, ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 203 F. 3d 835.

No. 99-9221. *KING v. BOYD ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 194 F. 3d 1312.

No. 99-9223. *MELONCON v. GODINICH*. C. A. 5th Cir. Certiorari denied. Reported below: 210 F. 3d 367.

No. 99-9225. *MARTIN v. EHRLICH*. C. A. 2d Cir. Certiorari denied. Reported below: 199 F. 3d 1322.

No. 99-9227. *ODOM v. SOUTH CAROLINA ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 199 F. 3d 1327.

No. 99-9228. *SPULKA v. WALKER, SUPERINTENDENT, AUBURN CORRECTIONAL FACILITY*. C. A. 2d Cir. Certiorari denied.

No. 99-9231. *BOITNOTT v. CRIST, WARDEN*. C. A. 8th Cir. Certiorari denied.

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No. 99-9233. *ATHERTON v. SNYDER ET AL.* Sup. Ct. Va. Certiorari denied.

No. 99-9234. *CUDNOHOSKY v. CIRCUIT COURT OF WISCONSIN, DANE COUNTY, ET AL.* Ct. App. Wis. Certiorari denied.

No. 99-9235. *ALDAZABAL v. MORGAN, WARDEN.* C. A. 7th Cir. Certiorari denied.

No. 99-9236. *BAEZ v. FOLES, CHIEF DEPUTY SHERIFF, CLAYTON COUNTY, GEORGIA.* C. A. 11th Cir. Certiorari denied.

No. 99-9251. *HARRISON v. CAIN, WARDEN.* C. A. 5th Cir. Certiorari denied.

No. 99-9252. *DUBUC v. JOHNSON ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 201 F. 3d 447.

No. 99-9253. *DANIEL v. PAPERBACK SWAP-N-SHOP.* C. A. 5th Cir. Certiorari denied.

No. 99-9255. *GIBSON v. CITY OF NEW YORK ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 182 F. 3d 899.

No. 99-9259. *SMITH v. CALIFORNIA.* Ct. App. Cal., 4th App. Dist. Certiorari denied.

No. 99-9263. *CHEATHAM v. WARD, WARDEN.* C. A. 10th Cir. Certiorari denied. Reported below: 202 F. 3d 281.

No. 99-9265. *BURNETT v. GREEN.* Ct. App. Mich. Certiorari denied.

No. 99-9273. *THAMES v. WHITE, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 194 F. 3d 1318.

No. 99-9274. *TAYLOR v. CONNECTICUT BOARD OF MEDIATION AND ARBITRATION.* App. Ct. Conn. Certiorari denied. Reported below: 54 Conn. App. 550, 736 A. 2d 175.

No. 99-9296. *ROBERTS v. MOORE, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS.* Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 737 So. 2d 1083.

No. 99-9317. *RICHARDSON-LONGMIRE v. KANSAS.* C. A. 10th Cir. Certiorari denied. Reported below: 198 F. 3d 258.

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No. 99-9321. *MORGAN v. NEVADA BOARD OF PRISON COMMISSIONERS*. C. A. 9th Cir. Certiorari denied.

No. 99-9362. *PROPER v. JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 99-9433. *KHASHOGGI v. MOORE, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 99-9487. *ORYANG v. MITCHEM, WARDEN, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 99-9488. *REDMOND v. JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 99-9489. *RICHARDSON v. WEST VIRGINIA*. C. A. 4th Cir. Certiorari denied. Reported below: 210 F. 3d 361.

No. 99-9506. *MATHIS v. HENDERSON, POSTMASTER GENERAL*. C. A. 11th Cir. Certiorari denied. Reported below: 204 F. 3d 1123.

No. 99-9565. *JOHNSON v. WISCONSIN*. Sup. Ct. Wis. Certiorari denied. Reported below: 232 Wis. 2d 679, 605 N.W. 2d 846.

No. 99-9566. *JACKSON v. UNITED STATES*; and  
No. 99-9693. *MEDINA v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 196 F. 3d 383.

No. 99-9568. *LOWRY v. DEPARTMENT OF DEFENSE*. C. A. Fed. Cir. Certiorari denied. Reported below: 230 F. 3d 1374.

No. 99-9578. *TORRECH-GONZALEZ v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 99-9588. *HERNANDEZ-GARCIA v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 215 F. 3d 1312.

No. 99-9594. *ERVIN v. LUEBBERS, SUPERINTENDENT, POTOSI CORRECTIONAL CENTER*. C. A. 8th Cir. Certiorari denied. Reported below: 194 F. 3d 908.

No. 99-9606. *UPSHER v. UNITED STATES ARMY*. C. A. 6th Cir. Certiorari denied. Reported below: 198 F. 3d 248.

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- No. 99-9616. *ROBINSON v. UNITED STATES*; and  
No. 99-9672. *WARREN v. UNITED STATES*. C. A. 5th Cir.  
Certiorari denied. Reported below: 210 F. 3d 369.
- No. 99-9620. *KELLY v. UNITED STATES*. C. A. 6th Cir. Cer-  
tiorari denied. Reported below: 204 F. 3d 652.
- No. 99-9640. *YEPEZ v. UNITED STATES*. C. A. 9th Cir. Cer-  
tiorari denied.
- No. 99-9653. *HOGAN v. UNITED STATES*. C. A. 4th Cir. Cer-  
tiorari denied. Reported below: 205 F. 3d 1335.
- No. 99-9656. *HILL v. UNITED STATES*. C. A. 5th Cir. Cer-  
tiorari denied. Reported below: 210 F. 3d 368.
- No. 99-9658. *ANIEKWU v. UNITED STATES*. C. A. 5th Cir.  
Certiorari denied. Reported below: 210 F. 3d 369.
- No. 99-9660. *DAVID v. UNITED STATES*. C. A. 11th Cir. Cer-  
tiorari denied. Reported below: 204 F. 3d 1121.
- No. 99-9662. *GUIMOND v. UNITED STATES*. C. A. 6th Cir.  
Certiorari denied. Reported below: 205 F. 3d 1342.
- No. 99-9663. *HANKEY v. UNITED STATES*. C. A. 9th Cir.  
Certiorari denied. Reported below: 203 F. 3d 1160.
- No. 99-9670. *BELL v. UNITED STATES*. C. A. 11th Cir. Cer-  
tiorari denied.
- No. 99-9671. *PRINCE v. UNITED STATES*. C. A. 9th Cir. Cer-  
tiorari denied. Reported below: 210 F. 3d 387.
- No. 99-9673. *ZAKARIA v. UNITED STATES*. C. A. 4th Cir.  
Certiorari denied. Reported below: 201 F. 3d 439.
- No. 99-9680. *PEARSON v. UNITED STATES*. C. A. 10th Cir.  
Certiorari denied. Reported below: 203 F. 3d 1243.
- No. 99-9685. *JARRELL v. UNITED STATES*. C. A. 4th Cir.  
Certiorari denied. Reported below: 208 F. 3d 210.
- No. 99-9689. *ISAACS v. UNITED STATES*. C. A. 6th Cir. Cer-  
tiorari denied. Reported below: 203 F. 3d 397.

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No. 99-9691. *CISNEROS LEDESMA, AKA GARCIA v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 203 F. 3d 836.

No. 99-9700. *BROOKS v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 211 F. 3d 1270.

No. 99-9704. *LIPSCOMB ET AL. v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 197 F. 3d 879.

No. 99-9711. *WINTERS v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 193 F. 3d 515.

No. 99-9714. *PEARSALL v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 205 F. 3d 1355.

No. 99-9716. *REYNOLDS v. OHIO*. Ct. App. Ohio, Miami County. Certiorari denied.

No. 99-9725. *PENA ET AL. v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 213 F. 3d 634.

No. 99-9727. *SPADE v. OHIO*. Ct. App. Ohio, Miami County. Certiorari denied.

No. 99-9728. *FRAY v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 192 F. 3d 130.

No. 99-9733. *HAZEL v. UNITED STATES*. Ct. App. D. C. Certiorari denied.

No. 99-9742. *HINOJOSA v. PURDY, WARDEN*. C. A. 5th Cir. Certiorari denied.

No. 99-9744. *HUNT v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 210 F. 3d 367.

No. 99-9758. *BIVINS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 205 F. 3d 1335.

No. 99-9759. *COLLINS v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 208 F. 3d 218.

No. 99-9764. *ALALADE v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 204 F. 3d 536.

No. 99-1667. *ANDERSON v. JOHNSON ET AL.* C. A. 6th Cir. Motion of respondents Wayne County Circuit Court et al. for

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sanctions, including double costs and attorney's fees, denied. Certiorari denied. Reported below: 194 F. 3d 1311.

No. 99-1733. SHOPPERS FOOD WAREHOUSE MD CORP. *v.* MORENO. Ct. App. D. C. Motion of Chamber of Commerce of the United States et al. for leave to file a brief as *amici curiae* granted. Certiorari denied. Reported below: 746 A. 2d 320.

*Rehearing Denied*

No. 99-1453. UNITED STATES EX REL. A-1 AMBULANCE SERVICE, INC., ET AL. *v.* COUNTY OF MONTEREY ET AL., 529 U. S. 1099. Petition for rehearing denied.

JUNE 27, 2000

*Miscellaneous Order*

No. 99-10164 (99A1072). IN RE HUNTER. 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. 99-10215 (99A1080). HUNTER *v.* LUEBBERS, SUPERINTENDENT, POTOSI CORRECTIONAL CENTER. 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.

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*Certiorari Denied*

No. 99-2079 (99A1076). GONZALEZ, NEXT FRIEND, OR ALTERNATIVELY, AS TEMPORARY LEGAL CUSTODIAN OF GONZALEZ, A MINOR *v.* RENO, ATTORNEY GENERAL, ET AL. C. A. 11th Cir. Application for stay, presented to JUSTICE KENNEDY, and by him referred to the Court, denied. Certiorari denied. Reported below: 212 F. 3d 1338.

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*Certiorari Granted—Remanded*

No. 98-1658. HELMS, INDIVIDUALLY, AND AS NEXT FRIEND OF HELMS, A MINOR, ET AL. *v.* PICARD, SUPERINTENDENT OF LOUISIANA PUBLIC EDUCATION, ET AL.; and

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No. 98–1671. PICARD, SUPERINTENDENT OF LOUISIANA PUBLIC EDUCATION, ET AL. *v.* HELMS ET AL. C. A. 5th Cir. The Court reversed the judgment below in *Mitchell v. Helms*, *ante*, p. 793. Therefore, certiorari granted, and cases remanded for further proceedings. Reported below: 151 F. 3d 347 and 165 F. 3d 311.

*Certiorari Granted—Vacated and Remanded*

No. 99–1152. HOPE CLINIC ET AL. *v.* RYAN, ATTORNEY GENERAL OF ILLINOIS, ET AL. C. A. 7th Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Stenberg v. Carhart*, *ante*, p. 914. Reported below: 195 F. 3d 857.

No. 99–1156. PLANNED PARENTHOOD OF WISCONSIN ET AL. *v.* DOYLE, ATTORNEY GENERAL OF WISCONSIN, ET AL.; and

No. 99–1177. CHRISTENSEN ET AL. *v.* DOYLE, ATTORNEY GENERAL OF WISCONSIN, ET AL. C. A. 7th Cir. Certiorari granted, judgment vacated, and cases remanded for further consideration in light of *Stenberg v. Carhart*, *ante*, p. 914. Reported below: 195 F. 3d 857.

No. 99–7890. GREEN *v.* UNITED STATES. C. A. 4th Cir. Motion of petitioner for leave to proceed *in forma pauperis* granted. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Dickerson v. United States*, *ante*, p. 428. Reported below: 201 F. 3d 438.

No. 99–8176. JONES *v.* UNITED STATES. C. A. 10th 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 *Apprendi v. New Jersey*, *ante*, p. 466. Reported below: 194 F. 3d 1178.

*Certiorari Dismissed*

No. 99–9268. ROCHON *v.* LOUISIANA. Sup. Ct. La. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8. Reported below: 754 So. 2d 963.

No. 99–9284. COTNER *v.* BOONE, WARDEN. Ct. Crim. App. Okla.; and

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No. 99–9306. *COTNER v. COURT OF CRIMINAL APPEALS OF OKLAHOMA ET AL.* Sup. Ct. Okla. Motions of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court’s Rule 39.8. As petitioner has repeatedly abused this Court’s process, the Clerk is directed not to accept any further petitions in noncriminal matters from petitioner unless the docketing fee required by Rule 38(a) is paid and the petition is submitted in compliance with Rule 33.1. See *Martin v. District of Columbia Court of Appeals*, 506 U. S. 1 (1992) (*per curiam*). JUSTICE STEVENS dissents. See *id.*, at 4, and cases cited therein.

No. 99–9374. *COUSINO v. KIEFER.* Ct. App. Mich.; and

No. 99–9375. *COUSINO v. SUPREME COURT OF MICHIGAN.* Sup. Ct. Mich. Motions of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court’s Rule 39.8. As petitioner has repeatedly abused this Court’s process, the Clerk is directed not to accept any further petitions in noncriminal matters from petitioner unless the docketing fee required by Rule 38(a) is paid and the petition is submitted in compliance with Rule 33.1. See *Martin v. District of Columbia Court of Appeals*, 506 U. S. 1 (1992) (*per curiam*). JUSTICE STEVENS dissents. See *id.*, at 4, and cases cited therein. Reported below: No. 99–9375, 461 Mich. 882, 603 N. W. 2d 636.

*Miscellaneous Orders.* (See also No. 84, Orig., *ante*, p. 1021.)

No. 99M95. *FARLEY v. TEXAS.* Motion to direct the Clerk to file petition for writ of certiorari out of time under this Court’s Rule 14.5 denied.

No. 99M96. *VIRAMONTES v. GALAZA, WARDEN, ET AL.*; and

No. 99M97. *GARDNER ET UX. v. UNITED STATES.* Motions to direct the Clerk to file petitions for writs of certiorari out of time denied.

No. 126, Orig. *KANSAS v. NEBRASKA ET AL.* Motion of Nebraska to dismiss denied, and case is recommitted to the Special Master for further proceedings. [For earlier order herein, see, *e. g.*, 528 U. S. 1151.]

No. 130, Orig. *NEW HAMPSHIRE v. MAINE.* Motion for leave to file bill of complaint granted, and defendant is allowed 60 days within which to file a motion to dismiss on res judicata grounds.

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Plaintiff is allowed 45 days to file a response to the motion. The Solicitor General is invited to file a brief expressing the views of the United States. JUSTICE SOUTER took no part in the consideration or decision of this order.

No. 99–936. FERGUSON ET AL. *v.* CITY OF CHARLESTON ET AL. C. A. 4th Cir. [Certiorari granted, 528 U. S. 1187.] Motions of American Civil Liberties Union et al., National Coalition for Child Protection Reform et al., NARAL Foundation et al., American Public Health Association et al., and American Medical Association for leave to file briefs as *amici curiae* granted.

No. 99–8898. NAGY *v.* UNITED STATES. C. A. 4th Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [529 U. S. 1106] denied.

No. 99–9576. VIELE ET VIR *v.* FORD MOTOR CO. C. A. 2d Cir. Motion of petitioners for leave to proceed *in forma pauperis* denied. Petitioners are allowed until July 20, 2000, 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. 99–9822. IN RE HEIMERMANN;

No. 99–9894. IN RE JONES; and

No. 99–9974. IN RE MANCILLAS. Petitions for writs of habeas corpus denied.

No. 00–5002 (00A2). IN RE SAN MIGUEL. Application for stay of execution of sentence of death, presented to JUSTICE SCALIA, and by him referred to the Court, denied. Petition for writ of habeas corpus denied.

*Certiorari Granted*

No. 98–1768. BUCKMAN CO. *v.* PLAINTIFFS’ LEGAL COMMITTEE. C. A. 3d Cir. Motions of Medical Device Manufacturers Association, Danek Medical, Inc., Product Liability Advisory Council, Inc., and Pharmaceutical Research and Manufacturers of America for leave to file briefs as *amici curiae* granted. Certiorari granted limited to the following question: “Whether federal law pre-empts state-law tort claims alleging fraud on the Food and Drug Administration during the regulatory process for marketing clearance applicable to certain medical devices?” Reported below: 159 F. 3d 817.

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*Certiorari Denied*

No. 99-1112. MILLER, ATTORNEY GENERAL OF IOWA *v.* PLANNED PARENTHOOD OF GREATER IOWA, INC., ET AL. C. A. 8th Cir. Certiorari denied. Reported below: 195 F. 3d 386.

No. 99-1307. HOTTE *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 189 F. 3d 462.

No. 99-1416. BROWN ET AL. *v.* UNITED STATES ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 188 F. 3d 579.

No. 99-1462. CITY OF FORT WORTH *v.* DEPARTMENT OF TRANSPORTATION ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 202 F. 3d 788.

No. 99-1517. UNIVERSAL MANAGEMENT SERVICES, INC., ET AL. *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 191 F. 3d 750.

No. 99-1552. FOSTER, GOVERNOR OF LOUISIANA, ET AL. *v.* O'NEILL ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 197 F. 3d 1169.

No. 99-1577. GREENBRIER ET AL. *v.* UNITED STATES. C. A. Fed. Cir. Certiorari denied. Reported below: 193 F. 3d 1348.

No. 99-1580. JARAMILLO ET AL. *v.* FEDERAL COMMUNICATIONS COMMISSION. C. A. D. C. Cir. Certiorari denied.

No. 99-1596. CARNIVAL CRUISE LINES, INC., ET AL. *v.* UNITED STATES. C. A. Fed. Cir. Certiorari denied. Reported below: 200 F. 3d 1361.

No. 99-1600. PRINCESS CRUISES, INC. *v.* UNITED STATES. C. A. Fed. Cir. Certiorari denied. Reported below: 201 F. 3d 1352.

No. 99-1674. VANDEL *v.* STANDARD MOTOR PRODUCTS, INC. C. A. 2d Cir. Certiorari denied. Reported below: 201 F. 3d 433.

No. 99-1698. UNITED AIRLINES, INC., ET AL. *v.* CITY AND COUNTY OF DENVER. Sup. Ct. Colo. Certiorari denied. Reported below: 992 P. 2d 41.

No. 99-1718. JAMES, ASSIGNEE OF THE RIGHTS OF MERIDIAN ENGINEERING, INC., AND COMPANION, INC., DBA COMPANION AS-

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SURANCE Co. *v.* ZURICH-AMERICAN INSURANCE COMPANY OF ILLINOIS. C. A. 3d Cir. Certiorari denied. Reported below: 203 F. 3d 250.

No. 99-1727. GATES *v.* FORREST GENERAL HOSPITAL ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 196 F. 3d 1258.

No. 99-1729. UNIVERSE SALES Co., LTD. *v.* OFFSHORE SPORTSWEAR, INC., ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 182 F. 3d 1036.

No. 99-1738. CHILDREN'S SEASHORE HOUSE *v.* GUHL, COMMISSIONER, NEW JERSEY DEPARTMENT OF HUMAN SERVICES, ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 197 F. 3d 654.

No. 99-1741. SUNOCO, INC., ET AL. *v.* SEYMOUR ET AL. Sup. Ct. Pa. Certiorari denied. Reported below: 559 Pa. 380, 740 A. 2d 1139.

No. 99-1748. WILEY *v.* MISSISSIPPI. Sup. Ct. Miss. Certiorari denied. Reported below: 750 So. 2d 1193.

No. 99-1751. OCEANSIDE-MISSION ASSOCIATES *v.* CITY OF OCEANSIDE. Ct. App. Cal., 4th App. Dist. Certiorari denied.

No. 99-1758. DELAWARE RIVER PORT AUTHORITY *v.* FRATERNAL ORDER OF POLICE, PENN JERSEY LODGE 30, ET AL. Super. Ct. N. J., App. Div. Certiorari denied. Reported below: 323 N. J. Super. 444, 733 A. 2d 545.

No. 99-1762. VIRGINIA ELECTRONIC & LIGHTING CORP. *v.* NATIONAL SERVICE INDUSTRIES, INC., DBA LITHONIA LIGHTING. C. A. Fed. Cir. Certiorari denied. Reported below: 230 F. 3d 1377.

No. 99-1763. GULF INSURANCE Co. *v.* SIEGFRIED CONSTRUCTION, INC. C. A. 4th Cir. Certiorari denied. Reported below: 203 F. 3d 822.

No. 99-1769. STRAIN, SHERIFF OF ST. TAMMANY PARISH *v.* CLIFFORD, AKA COLEMAN. C. A. 5th Cir. Certiorari denied. Reported below: 204 F. 3d 1115.

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No. 99-1770. *SIMPSON v. GALANOS ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 198 F. 3d 263.

No. 99-1772. *PORT AUTHORITY OF NEW YORK AND NEW JERSEY v. RYDUCHOWSKI.* C. A. 2d Cir. Certiorari denied. Reported below: 203 F. 3d 135.

No. 99-1774. *DILLARD DEPARTMENT STORES, INC., ET AL. v. BECKWITH.* Sup. Ct. Nev. Certiorari denied. Reported below: 115 Nev. 372, 989 P. 2d 882.

No. 99-1794. *GERRISH v. COUNTY OF GENESEE ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 198 F. 3d 233.

No. 99-1795. *CIRCUIT CITY STORES, INC. v. JOHNSON.* C. A. 4th Cir. Certiorari denied. Reported below: 203 F. 3d 821.

No. 99-1802. *ALSCHULER v. UNIVERSITY OF PENNSYLVANIA LAW SCHOOL ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 201 F. 3d 430.

No. 99-1808. *SMITH v. UNITED STATES.* C. A. 9th Cir. Certiorari denied.

No. 99-1825. *PORT JEFFERSON HEALTH CARE FACILITY ET AL. v. WING ET AL.* Ct. App. N. Y. Certiorari denied. Reported below: 94 N. Y. 2d 284, 726 N. E. 2d 449.

No. 99-1839. *HARRIS v. WEST, SECRETARY OF VETERANS AFFAIRS.* C. A. Fed. Cir. Certiorari denied. Reported below: 203 F. 3d 1347.

No. 99-1879. *HARDY, INDIVIDUALLY AND AS REPRESENTATIVE OF THE ESTATE OF HARDY, DECEASED, ET AL. v. TESTA ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 208 F. 3d 1007.

No. 99-1886. *CIRAULO v. MICHIGAN.* Cir. Ct. Macomb County, Mich. Certiorari denied.

No. 99-1889. *VALICENTI ADVISORY SERVICES, INC., ET AL. v. SECURITIES AND EXCHANGE COMMISSION.* C. A. 2d Cir. Certiorari denied. Reported below: 198 F. 3d 62.

No. 99-1898. *KHAN v. ABERCROMBIE & FITCH, INC.* C. A. 2d Cir. Certiorari denied. Reported below: 201 F. 3d 431.

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No. 99–1917. *COZART v. UNITED STATES*. C. A. Armed Forces. Certiorari denied. Reported below: 53 M. J. 57.

No. 99–1921. *TITTJUNG v. RENO, ATTORNEY GENERAL, ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 199 F. 3d 393.

No. 99–1926. *LANZOTTI v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 205 F. 3d 951.

No. 99–1928. *TARAWALY v. FARREY, WARDEN*. C. A. 7th Cir. Certiorari denied.

No. 99–1931. *BEARDSLEE v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 197 F. 3d 378 and 204 F. 3d 983.

No. 99–1936. *RAYHANI ET AL. v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 199 F. 3d 1334.

No. 99–1941. *IDEMA v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 202 F. 3d 261.

No. 99–1949. *NIJMEH v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 210 F. 3d 387.

No. 99–1954. *PERSON v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 205 F. 3d 1336.

No. 99–7579. *COTTON v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied.

No. 99–8165. *HARDY v. UNITED STATES*;

No. 99–8184. *CAUSEY v. UNITED STATES*; and

No. 99–8285. *DAVIS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 185 F. 3d 407.

No. 99–8463. *WIGGINS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 201 F. 3d 439.

No. 99–8489. *BOBILLO v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 203 F. 3d 840.

No. 99–8675. *OMELEBELE v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 204 F. 3d 1116.

No. 99–8839. *PISTONE v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 177 F. 3d 957.

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No. 99–8848. *KOONS v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 202 F. 3d 283.

No. 99–8978. *MARTIN v. ORANGE DISTRICT SCHOOLS*. C. A. 11th Cir. Certiorari denied. Reported below: 189 F. 3d 484.

No. 99–9151. *DAVIS v. FLORIDA*. Dist. Ct. App. Fla., 3d Dist. Certiorari denied. Reported below: 710 So. 2d 723.

No. 99–9193. *RENOIR v. ANGELONE, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 4th Cir. Certiorari denied.

No. 99–9229. *SARTORI v. VIRGINIA*. Sup. Ct. Va. Certiorari denied.

No. 99–9260. *STATON v. YUKINS, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 99–9276. *WILLIAMS v. ZELLER, WARDEN, ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 209 F. 3d 718.

No. 99–9278. *PON ET UX. v. CITY AND COUNTY OF SAN FRANCISCO*. Ct. App. Cal., 1st App. Dist. Certiorari denied.

No. 99–9283. *BILLUPS v. PRUNTY, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 99–9288. *KUPLEN v. FRANKLIN ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 188 F. 3d 502.

No. 99–9289. *KIRKENDALL v. UNIVERSITY OF CONNECTICUT HEALTH CENTER ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 205 F. 3d 1323.

No. 99–9301. *JONES v. PENNSYLVANIA WORKERS' COMPENSATION APPEAL BOARD*. Commw. Ct. Pa. Certiorari denied.

No. 99–9302. *NAVA v. GARCIA, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 205 F. 3d 1352.

No. 99–9303. *LABRANCH v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied.

No. 99–9305. *ALLISON v. BRONSON, PROBATION OFFICER, BRONX COUNTY, NEW YORK*. C. A. 2d Cir. Certiorari denied.

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No. 99-9309. *STOCKENAUER v. KAPTURE, WARDEN, ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 202 F. 3d 270.

No. 99-9310. *RISLEY v. SCOTT, FORMER DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION, ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 199 F. 3d 440.

No. 99-9311. *JACKSON v. NEW YORK ET AL.* C. A. 2d Cir. Certiorari denied.

No. 99-9312. *MERILATT v. NEW MEXICO.* Ct. App. N. M. Certiorari denied.

No. 99-9313. *WILLIAMS v. CHOATE, SHERIFF, BOWIE COUNTY, TEXAS, ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 208 F. 3d 1007.

No. 99-9318. *JACOBSEN-WAYNE v. KAM ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 198 F. 3d 254.

No. 99-9324. *SANGSTER v. YUKINS, WARDEN.* C. A. 6th Cir. Certiorari denied.

No. 99-9338. *MAFFE v. SCOTT, WARDEN, ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 202 F. 3d 282.

No. 99-9340. *SAVIOR v. HUMPHREY ET AL.* Ct. App. Minn. Certiorari denied.

No. 99-9342. *WALSH v. CORCORAN, WARDEN, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 210 F. 3d 364.

No. 99-9343. *WARD v. TERRANGI, WARDEN.* Sup. Ct. Va. Certiorari denied.

No. 99-9344. *WILLIAMS v. NEWSWEEK, INC., ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 202 F. 3d 262.

No. 99-9352. *KREPS v. PESINA ET AL.* Ct. App. Ohio, Lucas County. Certiorari denied.

No. 99-9353. *MARCELLO v. MAINE DEPARTMENT OF HUMAN SERVICES.* Sup. Jud. Ct. Me. Certiorari denied.

No. 99-9356. *BAILEY v. FEDERAL BUREAU OF PRISONS ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 208 F. 3d 205.

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No. 99-9360. *SHOMO v. NEW YORK*. App. Div., Sup. Ct. N. Y., 1st Jud. Dept. Certiorari denied. Reported below: 265 App. Div. 2d 184, 696 N. Y. S. 2d 674.

No. 99-9366. *WALKER v. GASPARINI, SHERIFF, WINNEBAGO COUNTY, ILLINOIS, ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 210 F. 3d 377.

No. 99-9387. *BARRITT v. WEST VIRGINIA*. Cir. Ct. Ohio County, W. Va. Certiorari denied.

No. 99-9401. *SATTERWHITE v. JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION*. C. A. 5th Cir. Certiorari denied. Reported below: 207 F. 3d 658.

No. 99-9408. *WILLIAMS v. CONROY, WARDEN*. C. A. 4th Cir. Certiorari denied. Reported below: 205 F. 3d 1336.

No. 99-9411. *TAYLOR v. LARKINS, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT DALLAS, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 99-9413. *COLON v. ARTUZ, SUPERINTENDENT, GREEN HAVEN CORRECTIONAL FACILITY*. C. A. 2d Cir. Certiorari denied.

No. 99-9464. *JEMZURA v. NEW YORK STATE DEPARTMENT OF MOTOR VEHICLES ET AL.* C. A. 2d Cir. Certiorari denied.

No. 99-9468. *SHABAZZ, FKA HURLEY v. NEW YORK*. App. Div., Sup. Ct. N. Y., 2d Jud. Dept. Certiorari denied.

No. 99-9474. *TALFORD v. SCARBERRY*. Sup. Ct. Va. Certiorari denied.

No. 99-9502. *BOYD v. DAVIS, CLERK, SUPREME COURT OF MICHIGAN*. C. A. 6th Cir. Certiorari denied.

No. 99-9533. *PRICE v. RYDER SYSTEM, INC., ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 210 F. 3d 369.

No. 99-9538. *WATSON v. SOUTHWESTERN BELL TELEPHONE Co.* C. A. 8th Cir. Certiorari denied. Reported below: 205 F. 3d 1349.

No. 99-9571. *BEADLES v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 205 F. 3d 1337.

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No. 99-9592. *GONZALEZ v. WEST, SECRETARY OF VETERANS AFFAIRS, ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 202 F. 3d 254.

No. 99-9601. *VEGA v. ADULT PROBATION DEPARTMENT OF COOK COUNTY ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 202 F. 3d 276.

No. 99-9604. *MCKEE v. FLORIDA.* Dist. Ct. App. Fla., 5th Dist. Certiorari denied. Reported below: 757 So. 2d 511.

No. 99-9608. *BOLTON v. UNITED STATES.* C. A. 11th Cir. Certiorari denied. Reported below: 204 F. 3d 1121.

No. 99-9622. *MARTINEZ v. MASSACHUSETTS.* Sup. Jud. Ct. Mass. Certiorari denied. Reported below: 430 Mass. 517, 722 N. E. 2d 406.

No. 99-9631. *BARBER v. MICHIGAN.* Ct. App. Mich. Certiorari denied.

No. 99-9632. *CICCHINELLI v. PENNSYLVANIA.* Super. Ct. Pa. Certiorari denied. Reported below: 747 A. 2d 410.

No. 99-9650. *SALLEY v. LUEBBERS, SUPERINTENDENT, POTOSI CORRECTIONAL CENTER.* C. A. 8th Cir. Certiorari denied.

No. 99-9651. *PHILLIPS v. BUSH, GOVERNOR OF FLORIDA.* Sup. Ct. Fla. Certiorari denied. Reported below: 760 So. 2d 948.

No. 99-9659. *ANDREWS v. CAIN, WARDEN.* C. A. 5th Cir. Certiorari denied.

No. 99-9667. *ACKLIN v. NORRIS, DIRECTOR, ARKANSAS DEPARTMENT OF CORRECTION.* C. A. 8th Cir. Certiorari denied.

No. 99-9675. *PARSONS v. RYDER, SUPERINTENDENT, TOMOKA CORRECTIONAL INSTITUTION AND WORK CAMP.* C. A. 11th Cir. Certiorari denied.

No. 99-9682. *PALMER v. UNITED STATES.* C. A. 1st Cir. Certiorari denied. Reported below: 203 F. 3d 55.

No. 99-9687. *BROCKMAN v. SOUTH CAROLINA.* Sup. Ct. S. C. Certiorari denied. Reported below: 339 S. C. 57, 528 S. E. 2d 661.

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No. 99-9692. *MENDOZA-MARTINEZ ET AL. v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 204 F. 3d 1118.

No. 99-9696. *OSWALD v. WISCONSIN*. Ct. App. Wis. Certiorari denied. Reported below: 232 Wis. 2d 103, 606 N. W. 2d 238.

No. 99-9709. *ANDERSON v. OHIO*. Ct. App. Ohio, Miami County. Certiorari denied.

No. 99-9717. *OAKLEY v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 213 F. 3d 649.

No. 99-9718. *OCHSNER v. PRATT, WARDEN*. C. A. 5th Cir. Certiorari denied.

No. 99-9726. *SEIBEL v. OHIO*. Ct. App. Ohio, Morgan County. Certiorari denied.

No. 99-9730. *GAONA-HERNANDEZ v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 189 F. 3d 475.

No. 99-9734. *WATSON v. KONTEH, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 99-9736. *CAMPILLO-RESTREPO v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 99-9749. *WHITE v. OHIO*. Ct. App. Ohio, Miami County. Certiorari denied.

No. 99-9757. *COSTA v. MISSOURI*. Ct. App. Mo., Western Dist. Certiorari denied. Reported below: 11 S. W. 3d 670.

No. 99-9785. *KIISTER v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 208 F. 3d 227.

No. 99-9787. *CARMOUCHE v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 210 F. 3d 369.

No. 99-9790. *LIVINGSTON v. UNITED STATES*. C. A. 10th Cir. Certiorari denied.

No. 99-9791. *JOHNSON v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 213 F. 3d 633.

No. 99-9796. *HUDSON v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

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No. 99-9803. *PAGAN v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 196 F. 3d 884.

No. 99-9805. *WILLIAMS v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 202 F. 3d 275.

No. 99-9816. *DAVIS v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 99-9820. *HEWLETT v. LAPPIN, WARDEN*. C. A. 7th Cir. Certiorari denied.

No. 99-9828. *MARZETTE v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 202 F. 3d 271.

No. 99-9834. *BEASLEY v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 212 F. 3d 600.

No. 99-9835. *COKER v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 202 F. 3d 270.

No. 99-9838. *HUGHES v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 99-9839. *FULLER v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 205 F. 3d 1335.

No. 99-9846. *SHURLAND v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 208 F. 3d 211.

No. 99-9859. *COOPER v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 199 F. 3d 898.

No. 99-9860. *BUGH v. OHIO*. Ct. App. Ohio, Carroll County. Certiorari denied.

No. 99-9861. *CARTER v. UNITED STATES*. C. A. 1st Cir. Certiorari denied.

No. 99-9883. *WOOD v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 209 F. 3d 847.

No. 99-9884. *WILLIAMS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 99-9917. *BURKET v. ANGELONE, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS*. C. A. 4th Cir. Certiorari denied. Reported below: 208 F. 3d 172.

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No. 99-1584. CALIFORNIA *v.* JOHNSON. Ct. App. Cal., 4th App. Dist. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied.

No. 99-1641. U S WEST COMMUNICATIONS, INC. *v.* MFS INTELENET, INC., ET AL. C. A. 9th Cir. Certiorari denied. JUSTICE O'CONNOR took no part in the consideration or decision of this petition. Reported below: 193 F. 3d 1112.

No. 99-1691. BOULAHANIS ET AL. *v.* BOARD OF REGENTS OF THE ILLINOIS STATE UNIVERSITY ET AL. C. A. 7th Cir. Motion of Dennis Hastert, Speaker of the House of Representatives, et al. for leave to file a brief as *amici curiae* granted. Certiorari denied. Reported below: 198 F. 3d 633.

No. 99-1739. DALLAS-FORT WORTH INTERNATIONAL AIRPORT BOARD *v.* DEPARTMENT OF TRANSPORTATION ET AL.; and

No. 99-1745. AMERICAN AIRLINES, INC. *v.* DEPARTMENT OF TRANSPORTATION ET AL. C. A. 5th Cir. Motion of Airports Council International-North America for leave to file a brief as *amicus curiae* granted. Certiorari denied. Reported below: 202 F. 3d 788.

No. 00-5001 (00A1). SAN MIGUEL *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.

#### *Rehearing Denied*

No. 99-1193. FRAZER *v.* CALIFORNIA, 529 U. S. 1108;

No. 99-1475. STONIER ET AL. *v.* DIGITAL EQUIPMENT CORP., 529 U. S. 1109;

No. 99-1543. JOHNSON *v.* JOHNSON ET AL., 529 U. S. 1111;

No. 99-7470. LOFTON *v.* JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION, ET AL., 528 U. S. 1170;

No. 99-8153. FLOURNOY *v.* MOSKOWITZ, JUDGE, UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF CALIFORNIA, 529 U. S. 1072;

No. 99-8210. GAINES *v.* DALLAS COUNTY ET AL., 529 U. S. 1073;

No. 99-8365. FIELDS *v.* JACKSON, 529 U. S. 1090;

No. 99-8521. WATERS *v.* HESSON, WARDEN, 529 U. S. 1114;

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No. 99-8526. BITTERMAN *v.* HARDING, CHIEF JUSTICE, SUPREME COURT OF FLORIDA, ET AL., 529 U.S. 1114;

No. 99-8590. JACKSON *v.* LUEBBERS, SUPERINTENDENT, POTOSI CORRECTIONAL CENTER, 529 U.S. 1092;

No. 99-8604. POWELL *v.* TEXAS, 529 U.S. 1116;

No. 99-8649. DECARO *v.* UNITED STATES, 529 U.S. 1079;

No. 99-8690. AYERS *v.* CITY OF MEMPHIS ET AL., 529 U.S. 1133;

No. 99-8743. FLANAGAN *v.* ARNAIZ ET AL., 529 U.S. 1117;

No. 99-8806. YOUNG *v.* SMEEKS, 529 U.S. 1117;

No. 99-8926. DOUGHERTY *v.* UNITED STATES, 529 U.S. 1119;

No. 99-8960. ATAMIAN *v.* GORKIN, 529 U.S. 1135; and

No. 99-9178. CONWAY *v.* GAMBLE, WARDEN, 529 U.S. 1123.  
Petitions for rehearing denied.

JULY 3, 2000

*Dismissal Under Rule 46*

No. 99-1676. DICKERSON *v.* ALACHUA COUNTY BOARD OF COUNTY COMMISSIONERS. C. A. 11th Cir. Certiorari dismissed under this Court's Rule 46.1. Reported below: 200 F. 3d 761.

JULY 6, 2000

*Certiorari Denied*

No. 99-10071 (99A1073). CLAGETT *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: 209 F. 3d 370.

JULY 12, 2000

*Miscellaneous Orders*

No. 00A26. YOUNG *v.* LUEBBERS, SUPERINTENDENT, POTOSI CORRECTIONAL CENTER. Application for stay of execution of sentence of death, presented to JUSTICE THOMAS, and by him referred to the Court, denied.

No. 00A33. JOYCE-HAYES ET AL. *v.* YOUNG. Application to vacate the stay of execution of sentence of death entered by the

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United States Court of Appeals for the Eighth Circuit on July 11, 2000, presented to JUSTICE THOMAS, and by him referred to the Court, denied. JUSTICE KENNEDY took no part in the consideration or decision of this application.

*Certiorari Denied*

No. 00–5116 (00A25). *YOUNG v. LUEBBERS, 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.

JULY 18, 2000

*Dismissal Under Rule 46*

No. 99–10191. *SCHERER v. G. E. CAPITAL CORP.* C. A. 10th Cir. Certiorari dismissed under this Court's Rule 46. Reported below: 211 F. 3d 1279.

JULY 19, 2000

*Miscellaneous Order*

No. 99A1064 (99–2055). *SHEA v. FLORIDA JUDICIAL QUALIFICATIONS COMMISSION*. Sup. Ct. Fla. Application for stay, addressed to JUSTICE THOMAS and referred to the Court, denied.

*Certiorari Denied*

No. 00–5258 (00A66). *BRAUN v. KEATING, GOVERNOR OF OKLAHOMA, ET AL.* C. A. 10th Cir. Application for stay of execution of sentence of death, presented to JUSTICE BREYER, and by him referred to the Court, denied. Certiorari denied.

JULY 25, 2000

*Certiorari Denied*

No. 99–10042 (99A1046). *SORIA 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: 207 F. 3d 232.

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JULY 26, 2000

*Miscellaneous Order*

No. 00–5402 (00A88). IN RE SORIA. 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 1, 2000

*Dismissal Under Rule 46*

No. 99–845. NIAGARA MOHAWK POWER CORP. *v.* LOCAL 97, INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, AFL–CIO. C. A. 2d Cir. Certiorari dismissed under this Court’s Rule 46.1. Reported below: 196 F. 3d 117.

AUGUST 7, 2000

*Miscellaneous Orders*

No. D–2080. IN RE DISBARMENT OF O’GRADY. Disbarment entered. [For earlier order herein, see 526 U. S. 1156.]

No. D–2134. IN RE DISBARMENT OF GROSKIN. Disbarment entered. [For earlier order herein, see 528 U. S. 1072.]

No. D–2158. IN RE DISBARMENT OF FRESE. Disbarment entered. [For earlier order herein, see 529 U. S. 1085.]

No. D–2161. IN RE DISBARMENT OF SOKOLOW. Disbarment entered. [For earlier order herein, see 529 U. S. 1127.]

No. D–2163. IN RE DISBARMENT OF FRIEDLER. Disbarment entered. [For earlier order herein, see 529 U. S. 1127.]

No. D–2164. IN RE DISBARMENT OF CARLSON. Robert Bent Carlson, of North Port, Fla., having requested to resign as a member of the Bar of this Court, it is ordered that his name be stricken from the roll of attorneys admitted to the practice of law before this Court. The rule to show cause, issued on May 22, 2000 [529 U. S. 1127], is discharged.

No. D–2166. IN RE DISBARMENT OF CARROLL. Daniel G. Carroll, of Chicago, Ill., having requested to resign as a member of the Bar of this Court, it is ordered that his name be stricken from the roll of attorneys admitted to the practice of law before

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this Court. The rule to show cause, issued on June 26, 2000 [*ante*, p. 1257], is discharged.

No. D-2177. *IN RE DISBARMENT OF DINGMAN*. Harold W. Dingman, of Ooltewah, Tenn., is suspended from the practice of law in this Court, and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. D-2178. *IN RE DISBARMENT OF PHILLIPS*. John J. Phillips, of Overland Park, Kan., 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-2179. *IN RE DISBARMENT OF LEE*. Clifford Leon Lee, of Fayetteville, N. 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-2180. *IN RE DISBARMENT OF CLARK*. Wilson Meredith Clark, of Memphis, Tenn., is suspended from the practice of law in this Court, and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. D-2181. *IN RE DISBARMENT OF POTTERS*. Robert Sands Potters, of Wellesley, Mass., is suspended from the practice of law in this Court, and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. D-2182. *IN RE DISBARMENT OF SANDS*. Lawrence M. Sands, of New York, N. Y., is suspended from the practice of law in this Court, and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. D-2183. *IN RE DISBARMENT OF VINING*. Edward C. Vining, Jr., of Miami, Fla., is suspended from the practice of law in this Court, and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

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No. D-2184. *IN RE DISBARMENT OF AULAKH*. I. Singh Aulakh, of Visalia, 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-2185. *IN RE DISBARMENT OF KOZEL*. Kenneth A. Kozel, of LaSalle, 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.

*Rehearing Denied*

No. 98-9849. *HOOD v. UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA*, 528 U.S. 856;

No. 99-1555. *BICKERSTAFF v. VASSAR COLLEGE*, *ante*, p. 1242;

No. 99-1560. *INTERNATIONAL PRECIOUS METALS CORP. ET AL. v. WATERS ET AL.*, *ante*, p. 1223;

No. 99-1561. *OLIVER ET VIR v. SAHA ET AL.*, 529 U.S. 1130;

No. 99-1568. *BRITTON v. MALONEY*, *ante*, p. 1204;

No. 99-1616. *PUNCHARD v. LUNA COUNTY COMMISSION ET AL.*, *ante*, p. 1205;

No. 99-1678. *REEVES ET AL. v. FRIERDICH ET AL.*, *ante*, p. 1215;

No. 99-1699. *VONDERHEIDE v. INTERNAL REVENUE SERVICE*, *ante*, p. 1205;

No. 99-1776. *BRODSKY ET AL. v. UNION LOCAL 306, MOTION PICTURE PROJECTIONISTS, VIDEO TECHNICIANS AND ALLIED CRAFTS, I. A. T. S. E., ET AL.*, *ante*, p. 1231;

No. 99-6779. *CRUZ v. ANGELONE, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS*, 528 U.S. 1087;

No. 99-7000. *RAMDASS v. ANGELONE, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS*, *ante*, p. 156;

No. 99-7649. *IN RE GULLION*, 528 U.S. 1152;

No. 99-7663. *FRANKS v. MARTIN ET AL.*, 529 U.S. 1007;

No. 99-7866. *O'NEAL v. GEORGIA*, 529 U.S. 1039;

No. 99-8128. *A'KU v. MOTOROLA, INC.*, 529 U.S. 1071;

No. 99-8156. *FORD v. JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION*, 529 U.S. 1072;

No. 99-8157. *ELLIS v. ILLINOIS*, 529 U.S. 1072;

No. 99-8206. *IN RE HOLLOMAN*, 529 U.S. 1097;

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- No. 99-8303. *WELLS v. PHILLIPS, WARDEN*, 529 U. S. 1075;  
No. 99-8317. *MURPHY v. CITY OF SMITHVILLE, TENNESSEE, ET AL.*, 529 U. S. 1089;  
No. 99-8438. *SELMAN v. SANDERS, WARDEN*, 529 U. S. 1101;  
No. 99-8466. *CHANDLER v. KENNEDY ET AL.*, 529 U. S. 1101;  
No. 99-8481. *O'NEAL v. SINNREICH & FRANCISCO ET AL.*, 529 U. S. 1112;  
No. 99-8544. *ABRAM v. DEPARTMENT OF AGRICULTURE*, 529 U. S. 1077;  
No. 99-8577. *HABELMAN v. GARVEY, ADMINISTRATOR, FEDERAL AVIATION ADMINISTRATION*, 529 U. S. 1115;  
No. 99-8669. *TAYLOR v. DEES, WARDEN, ET AL.*, 529 U. S. 1132;  
No. 99-8679. *JEFFERS v. CAIN, WARDEN*, 529 U. S. 1132;  
No. 99-8694. *BUCHANAN v. TATE, WARDEN*, 529 U. S. 1093;  
No. 99-8733. *IN RE AWOFOLU*, *ante*, p. 1228;  
No. 99-8772. *RAYMOND v. WEBER, WARDEN, ET AL.*, *ante*, p. 1207;  
No. 99-8844. *COROPUNA v. VIRGINIA DEPARTMENT OF CORRECTIONS*, 529 U. S. 1118;  
No. 99-8854. *DWYER v. DWYER*, *ante*, p. 1216;  
No. 99-8871. *BELLO v. UNITED STATES*, 529 U. S. 1118;  
No. 99-8897. *MCCOY v. UNITED STATES*, 529 U. S. 1119;  
No. 99-8906. *TENACE v. NEW YORK*, *ante*, p. 1217;  
No. 99-8925. *CLOUD v. TEXAS*, *ante*, p. 1217;  
No. 99-8948. *LANGON v. FLORIDA*, *ante*, p. 1218;  
No. 99-8964. *WAI CHONG LEUNG v. UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA*, 529 U. S. 1120;  
No. 99-9002. *HUGHES v. MILLS*, *ante*, p. 1208;  
No. 99-9007. *CLARKE v. JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION*, *ante*, p. 1208;  
No. 99-9017. *DI GIOVANNI v. HENDRICKS, ADMINISTRATOR, NEW JERSEY STATE PRISON, ET AL.*, *ante*, p. 1233;  
No. 99-9022. *WOOLVERTON v. JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION*, *ante*, p. 1233;  
No. 99-9095. *REYNOLDS v. ANGELONE, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS*, *ante*, p. 1219;  
No. 99-9134. *BOLES v. FENTON SECURITY, INC. OF COLORADO, ET AL.*, *ante*, p. 1247;

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- No. 99–9171. SHEA *v.* VERMONT, *ante*, p. 1265;  
No. 99–9196. ROWBOTTOM *v.* MCDANIEL, WARDEN, ET AL.,  
*ante*, p. 1248;  
No. 99–9248. HOLLAR *v.* APFEL, COMMISSIONER OF SOCIAL  
SECURITY, *ante*, p. 1219;  
No. 99–9277. ZARWELL *v.* MARYLAND ET AL., *ante*, p. 1220;  
No. 99–9376. STIFF *v.* UNITED STATES, *ante*, p. 1222; and  
No. 99–9563. IN RE JEFFS, *ante*, p. 1260. Petitions for rehear-  
ing denied.  
No. 99–5252. BURNETT *v.* ROE, WARDEN, ET AL., 528 U.S. 894.  
Motion for leave to file petition for rehearing denied.

AUGUST 9, 2000

*Certiorari Denied*

No. 00–5037 (00A13). ROBERSON *v.* JOHNSON, DIRECTOR,  
TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DI-  
VISION. C. A. 5th Cir. Application for stay of execution of sen-  
tence 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 execu-  
tion. Reported below: 212 F. 3d 595.

No. 00–5509 (00A112). CRUZ *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, JUSTICE  
GINSBURG, and JUSTICE BREYER would grant the application for  
stay of execution. Reported below: 228 F. 3d 409.

AUGUST 15, 2000

*Dismissal Under Rule 46*

No. 99–1828. EHLMANN ET AL. *v.* KAISER FOUNDATION  
HEALTH PLAN OF TEXAS ET AL. C. A. 5th Cir. Certiorari dis-  
missed under this Court’s Rule 46. Reported below: 198 F. 3d  
552.

AUGUST 18, 2000

*Miscellaneous Order*

No. 99A942. GOLUB *v.* GENERAL ELECTRIC CO. ET AL. C. A.  
2d Cir. Application for stay, addressed to JUSTICE BREYER and  
referred to the Court, denied.

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AUGUST 21, 2000

*Miscellaneous Orders*

No. 00A149. IN RE GIBBS. Application for stay of execution of sentence of death, presented to JUSTICE SCALIA, and by him referred to the Court, denied.

No. 00–5792 (00A153). IN RE GIBBS. 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 mandamus denied.

*Certiorari Denied*

No. 00–5102 (00A139). GIBBS *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.

No. 00–5107 (00A27). JONES *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: 212 F. 3d 595.

AUGUST 22, 2000

*Certiorari Denied*

No. 00–5807 (00A161). JONES *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 23, 2000

*Certiorari Denied*

No. 99–9581 (99A954). CALDWELL *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: 210 F. 3d 369.

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*Rehearing Denied*

No. 00–5792 (00A163). *IN RE GIBBS*, *ante*, p. 1292. Application for stay of execution of sentence of death, presented to JUSTICE SCALIA, and by him referred to the Court, denied. Petition for rehearing denied.

AUGUST 25, 2000

*Dismissal Under Rule 46*

No. 99–1948. *STEINHAUSER v. HAWKINS*. Certiorari dismissed under this Court’s Rule 46.1. Reported below: 210 F. 3d 383.

*Certiorari Dismissed*

No. 00–5920 (00A176). *HAUSER, BY HIS NEXT FRIENDS, CRAWFORD ET AL. v. MOORE, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Application for stay of execution of sentence of death, presented to JUSTICE KENNEDY, and by him referred to the Court, denied. Certiorari dismissed. JUSTICE STEVENS would grant the application for stay of execution. Reported below: 223 F. 3d 1316.

AUGUST 28, 2000

*Miscellaneous Orders*

No. D–2157. *IN RE DISBARMENT OF BAKER*. Disbarment entered. [For earlier order herein, see 529 U. S. 1085.]

No. D–2160. *IN RE DISBARMENT OF TIERNEY*. Disbarment entered. [For earlier order herein, see 529 U. S. 1127.]

No. D–2162. *IN RE DISBARMENT OF MURCHISON*. Disbarment entered. [For earlier order herein, see 529 U. S. 1127.]

No. D–2168. *IN RE DISBARMENT OF BROOKS*. Disbarment entered. [For earlier order herein, see *ante*, p. 1258.]

No. D–2170. *IN RE DISBARMENT OF ESPER*. Disbarment entered. [For earlier order herein, see *ante*, p. 1258.]

No. D–2171. *IN RE DISBARMENT OF BURNETT*. Disbarment entered. [For earlier order herein, see *ante*, p. 1258.]

No. D–2172. *IN RE DISBARMENT OF SILVER*. Disbarment entered. [For earlier order herein, see *ante*, p. 1258.]

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No. D-2173. IN RE DISBARMENT OF ROCCA. Disbarment entered. [For earlier order herein, see *ante*, p. 1258.]

No. D-2175. IN RE DISBARMENT OF TANDY. Disbarment entered. [For earlier order herein, see *ante*, p. 1259.]

No. D-2176. IN RE DISBARMENT OF GREGORY. Disbarment entered. [For earlier order herein, see *ante*, p. 1259.]

No. D-2186. IN RE DISBARMENT OF FREMONT. Kenneth P. Fremont, of Loudon, Tenn., is suspended from the practice of law in this Court, and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. D-2187. IN RE DISBARMENT OF RISKER. Frederick L. Risker, Jr., of Stafford, 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-2188. IN RE DISBARMENT OF TIDWELL. Drew V. Tidwell III, of Amherst, 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-2189. IN RE DISBARMENT OF SEPE. Alfonso C. Sepe, of North Bay Village, 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-2190. IN RE DISBARMENT OF FERGUSON. Donald L. Ferguson, of Boca Raton, Fla., is suspended from the practice of law in this Court, and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. D-2191. IN RE DISBARMENT OF GARCIA. David Garcia, of Edinburg, 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.

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No. D-2192. IN RE DISBARMENT OF HINSON. Hillord Hensley Hinson, of Houston, 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-2193. IN RE DISBARMENT OF MOORE. Fred Henderson Moore, of Charleston, S. C., is suspended from the practice of law in this Court, and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. D-2194. IN RE DISBARMENT OF ALBANESE. Joseph P. Albanese, of New York, N. Y., is suspended from the practice of law in this Court, and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. D-2195. IN RE DISBARMENT OF VOGEL. Peter F. Vogel, of Hackensack, N. J., is suspended from the practice of law in this Court, and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. 99-603. LEGAL SERVICES CORPORATION *v.* VELAZQUEZ ET AL.; and

No. 99-960. UNITED STATES *v.* VELAZQUEZ ET AL. C. A. 2d Cir. [Certiorari granted, 529 U. S. 1052.] Motion of the Solicitor General for divided argument granted.

No. 99-901. BRENTWOOD ACADEMY *v.* TENNESSEE SECONDARY SCHOOL ATHLETIC ASSN. ET AL. C. A. 6th Cir. [Certiorari granted, 528 U. S. 1153.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 99-1038. EASTERN ASSOCIATED COAL CORP. *v.* UNITED MINE WORKERS OF AMERICA, DISTRICT 17, ET AL. C. A. 4th Cir. [Certiorari granted, 529 U. S. 1017.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 99-936. FERGUSON ET AL. *v.* CITY OF CHARLESTON ET AL. C. A. 4th Cir. [Certiorari granted, 528 U. S. 1187.] Motion of

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Rutherford Institute for leave to file a brief as *amicus curiae* granted.

No. 99-1030. CITY OF INDIANAPOLIS ET AL. *v.* EDMOND ET AL. C. A. 7th Cir. [Certiorari granted, 528 U. S. 1153.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted. Motion of Kansas et al. for leave to participate in oral argument as *amici curiae* and for divided argument denied.

No. 99-1235. GREEN TREE FINANCIAL CORP.-ALABAMA ET AL. *v.* RANDOLPH. C. A. 11th Cir. [Certiorari granted, 529 U. S. 1052.] Motion of Terry Johnson et al. for leave to file a brief as *amici curiae* granted.

No. 99-1238. ARTUZ, SUPERINTENDENT, GREEN HAVEN CORRECTIONAL FACILITY *v.* BENNETT. C. A. 2d Cir. [Certiorari granted, 529 U. S. 1065.] Motion of Florida for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 99-1434. UNITED STATES *v.* MEAD CORP. C. A. Fed. Cir. [Certiorari granted, *ante*, p. 1202.] Motion of the Solicitor General to dispense with printing the joint appendix granted.

No. 99-1680. CITY NEWS & NOVELTY, INC. *v.* CITY OF WAUKESHA. Ct. App. Wis. [Certiorari granted, *ante*, p. 1242.] Motion of the parties to dispense with printing the joint appendix granted.

No. 99-1702. TEXAS *v.* COBB. Ct. Crim. App. Tex. [Certiorari granted, *ante*, p. 1260.] Motion of the parties to dispense with printing the joint appendix granted.

*Rehearing Denied*

No. 98-1648. MITCHELL ET AL. *v.* HELMS ET AL., *ante*, p. 793;

No. 99-1556. ALCOA INC. ET AL. *v.* BONNEVILLE POWER ADMINISTRATION (two judgments), *ante*, p. 1261;

No. 99-1582. BROWNING ET AL. *v.* ROHM & HAAS CO., *ante*, p. 1243;

No. 99-1771. KAHRE *v.* UNITED STATES FIDELITY & GUARANTY CO., *ante*, p. 1263;

No. 99-1779. WEE ET UX. *v.* ANDREWS ET AL., *ante*, p. 1263;

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- No. 99-1794. GERRISH *v.* COUNTY OF GENESEE ET AL., *ante*, p. 1276;
- No. 99-1837. ANDERSON ET UX. *v.* CLINTON FOR PRESIDENT COMMITTEE ET AL., *ante*, p. 1263;
- No. 99-7643. HIBBERT *v.* TERHUNE, DIRECTOR, CALIFORNIA DEPARTMENT OF CORRECTIONS, ET AL., 529 U.S. 1007;
- No. 99-8341. ROGERS *v.* ILLINOIS, 529 U.S. 1089;
- No. 99-8587. FEURTADO *v.* UNITED STATES, 529 U.S. 1102;
- No. 99-8724. IN RE KING, 529 U.S. 1129;
- No. 99-8888. WOODERTS *v.* JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION, *ante*, p. 1217;
- No. 99-9047. SMITH *v.* APFEL, COMMISSIONER OF SOCIAL SECURITY, *ante*, p. 1218;
- No. 99-9049. CALDWELL *v.* GREINER, SUPERINTENDENT, SING SING CORRECTIONAL FACILITY, *ante*, p. 1234;
- No. 99-9104. HOLSEY *v.* GEORGIA, *ante*, p. 1246;
- No. 99-9223. MELONCON *v.* GODINICH, *ante*, p. 1265;
- No. 99-9250. DODD *v.* STRUBLE, JUDGE, SUPERIOR COURT OF GEORGIA, MOUNTAIN JUDICIAL CIRCUIT, ET AL., *ante*, p. 1210;
- No. 99-9356. BAILEY *v.* FEDERAL BUREAU OF PRISONS ET AL., *ante*, p. 1279;
- No. 99-9487. ORYANG *v.* MITCHEM, WARDEN, ET AL., *ante*, p. 1267;
- No. 99-9533. PRICE *v.* RYDER SYSTEM, INC., ET AL., *ante*, p. 1280;
- No. 99-9632. CICCHINELLI *v.* PENNSYLVANIA, *ante*, p. 1281; and
- No. 99-9772. IN RE DEEMER, *ante*, p. 1259. Petitions for rehearing denied.
- No. 99-1481. VAKHARIA *v.* SWEDISH COVENANT HOSPITAL ET AL., *ante*, p. 1204; and
- No. 99-7210. STANCLIFF *v.* JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION, 528 U.S. 1164. Motions for leave to file petitions for rehearing denied.
- No. 99-1641. U S WEST COMMUNICATIONS, INC. *v.* MFS INTELENET, INC., ET AL., *ante*, p. 1284. Petition for rehearing denied. JUSTICE O'CONNOR took no part in the consideration or decision of this petition.

August 29, 30, 2000

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AUGUST 29, 2000

*Miscellaneous Order*

No. 00A145. UNITED STATES *v.* OAKLAND CANNABIS BUYERS' COOPERATIVE ET AL. Application for stay, presented to JUSTICE O'CONNOR, and by her referred to the Court, granted as to the order granting the motion to modify the injunction, and as to paragraph 6 of the amended preliminary injunction, both entered by the United States District Court for the Northern District of California, case No. 98–0088 CRB, on July 17, 2000. The stay shall be in effect pending final disposition of the appeal by the United States Court of Appeals for the Ninth Circuit and further order of this Court. JUSTICE BREYER took no part in the consideration or decision of this application.

JUSTICE STEVENS, dissenting.

When faced with an application of this kind, we are required to engage in the speculative task of balancing the “stay equities,” *INS v. Legalization Assistance Project of Los Angeles County Federation of Labor*, 510 U. S. 1301, 1304 (1993) (O'CONNOR, J., in chambers); see also *Weinberger v. Romero-Barcelo*, 456 U. S. 305, 322 (1982) (STEVENS, J., dissenting) (“Unless Congress specifically commands a particular form of relief, the question of remedy remains subject to a court's equitable discretion”). Because the applicant in this case has failed to demonstrate that the denial of necessary medicine to seriously ill and dying patients will advance the public interest or that the failure to enjoin the distribution of such medicine will impair the orderly enforcement of federal criminal statutes, whereas respondents have demonstrated that the entry of a stay will cause them irreparable harm, I am persuaded that a fair assessment of that balance favors a denial of the extraordinary relief that the Government seeks. I respectfully dissent.

AUGUST 30, 2000

*Certiorari Denied*

No. 00–5971 (00A185). CALDWELL *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

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to the Court, denied. Certiorari denied. JUSTICE O'CONNOR and JUSTICE THOMAS took no part in the consideration or decision of this application and this petition. Reported below: 226 F. 3d 367.

SEPTEMBER 1, 2000

*Dismissal Under Rule 46*

No. 00-5516. MONTROYA *v.* UNITED STATES. C. A. 2d Cir. Certiorari dismissed under this Court's Rule 46.

SEPTEMBER 8, 2000

*Certiorari Granted*

No. 99-9136. DANIELS *v.* UNITED STATES. C. A. 9th Cir. Motion of petitioner for leave to proceed *in forma pauperis* granted. Certiorari granted. Reported below: 195 F. 3d 501.

*Rehearing Denied*

No. 99-1806. WILLETT *v.* ILLINOIS ET AL., *ante*, p. 1244;  
No. 99-8732. BARNES *v.* GILMORE, GOVERNOR OF VIRGINIA, *ante*, p. 1206;  
No. 99-9220. JACKSON *v.* WEST, SECRETARY OF VETERANS AFFAIRS, *ante*, p. 1234;  
No. 99-9229. SARTORI *v.* VIRGINIA, *ante*, p. 1278;  
No. 99-9266. BROWN *v.* DANZIG, SECRETARY OF THE NAVY, *ante*, p. 1248;  
No. 99-9502. BOYD *v.* DAVIS, CLERK, SUPREME COURT OF MICHIGAN, *ante*, p. 1280;  
No. 99-9571. BEADLES *v.* UNITED STATES, *ante*, p. 1280; and  
No. 99-9615. IN RE WILLIAMS, *ante*, p. 1228. Petitions for rehearing denied.

No. 96-6839. ALMENDAREZ-TORRES *v.* UNITED STATES, 523 U.S. 224. Motion for leave to file petition for rehearing denied.

SEPTEMBER 11, 2000

*Dismissal Under Rule 46*

No. 00-234. HAAS AUTOMATION, INC., ET AL. *v.* IMS TECHNOLOGY, INC. C. A. Fed. Cir. Certiorari dismissed under this Court's Rule 46.1. Reported below: 206 F. 3d 1422.

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*Miscellaneous Order*

No. 00A158 (99-1331). LEWIS *v.* LEWIS & CLARK MARINE, INC. C. A. 8th Cir. [Certiorari granted, *ante*, p. 1202.] Application for stay, presented to JUSTICE THOMAS, and by him referred to the Court, denied.

SEPTEMBER 12, 2000

*Miscellaneous Order*

No. 00-6106 (00A228). IN RE HARRIS. 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.

SEPTEMBER 14, 2000

*Certiorari Denied*

No. 00-6070 (00A221). BARNABEI *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: 214 F. 3d 463.

No. 00-6153 (00A237). BARNABEI *v.* EARLEY, ATTORNEY GENERAL OF VIRGINIA, ET AL. C. A. 4th Cir. Application for stay of execution of sentence of death, presented to THE CHIEF JUSTICE, and by him referred to the Court, denied. Certiorari denied.

SEPTEMBER 15, 2000

*Dismissal Under Rule 46*

No. 00-89. ALLSTATE INSURANCE Co. *v.* BACHER ET VIR. C. A. 3d Cir. Certiorari dismissed under this Court's Rule 46.1. Reported below: 211 F. 3d 52.

SEPTEMBER 22, 2000

*Dismissal Under Rule 46*

No. 99-1799. PFEIFER ET UX. *v.* E. I. DU PONT DE NEMOURS & Co. Sup. Ct. Neb. Certiorari dismissed under this Court's Rule 46.1. Reported below: 258 Neb. 756, 606 N. W. 2d 773.

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SEPTEMBER 26, 2000

*Appeal Denied*

No. 00–139. MICROSOFT CORP. *v.* UNITED STATES ET AL. Appeal from D. C. D. C.; and

No. 00–261. NEW YORK EX REL. SPITZER, ATTORNEY GENERAL OF NEW YORK, ET AL. *v.* MICROSOFT CORP. C. A. D. C. Cir. In No. 00–139, direct appeal denied, and case remanded to the United States Court of Appeals for the District of Columbia Circuit. The Clerk is directed to issue the judgment forthwith. In No. 00–261, certiorari before judgment denied. Reported below: No. 00–139, 97 F. Supp. 2d 59.

JUSTICE BREYER, dissenting in No. 00–139.

I would note probable jurisdiction in this case. 15 U.S.C. § 29(b). The case significantly affects an important sector of the economy—a sector characterized by rapid technological change. Speed in reaching a final decision may help create legal certainty. That certainty, in turn, may further the economic development of that sector so important to our Nation’s prosperity.

I recognize that there are competing considerations. A Court of Appeals proceeding would likely narrow, focus, and initially decide the legal issues now presented here. It would thereby facilitate any later deliberation in this Court. Nonetheless, I believe this Court can consider the issues fully now by taking additional briefs and by granting additional time for oral argument, if necessary. Consequently, I would hear the appeal.

Statement of CHIEF JUSTICE REHNQUIST.

Microsoft Corporation has retained the law firm of Goodwin, Procter & Hoar in Boston as local counsel in private antitrust litigation. My son James C. Rehnquist is a partner in that firm and is one of the attorneys working on those cases. I have therefore considered at length whether his representation requires me to disqualify myself on the Microsoft matters currently before this Court. I have reviewed the relevant legal authorities and consulted with my colleagues. I have decided that I ought not to disqualify myself from these cases.

Title 28 U.S.C. § 455 sets forth the legal criteria for disqualification of federal magistrates, judges, and Supreme Court Justices. This statute is divided into two subsections, both of which are relevant to the present situation. Section 455(b) lists specific

instances in which disqualification is required, including those instances where the child of a Justice “[i]s known . . . to have an interest that could be substantially affected by the outcome of the proceeding.” § 455(b)(5)(iii). As that provision has been interpreted in relevant case law, there is no reasonable basis to conclude that the interests of my son or his law firm will be substantially affected by the proceedings currently before the Supreme Court. It is my understanding that Microsoft has retained Goodwin, Procter & Hoar on an hourly basis at the firm’s usual rates. Even assuming that my son’s nonpecuniary interests are relevant under the statute, it would be unreasonable and speculative to conclude that the outcome of any Microsoft proceeding in this Court would have an impact on those interests when neither he nor his firm would have done any work on the matters here. Thus, I believe my continued participation is consistent with § 455(b)(5)(iii).

Section 455(a) contains the more general declaration that a Justice “shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned.” As this Court has stated, what matters under § 455(a) “is not the reality of bias or prejudice but its appearance.” *Liteky v. United States*, 510 U. S. 540, 548 (1994). This inquiry is an objective one, made from the perspective of a reasonable observer who is informed of all the surrounding facts and circumstances. See *ibid.*; *In re Drexel Burnham Lambert Inc.*, 861 F. 2d 1307, 1309 (CA2 1988). I have already explained that my son’s personal and financial concerns will not be affected by our disposition of the Supreme Court’s Microsoft matters. Therefore, I do not believe that a well-informed individual would conclude that an appearance of impropriety exists simply because my son represents, in another case, a party that is also a party to litigation pending in this Court.

It is true that both my son’s representation and the matters before this Court relate to Microsoft’s potential antitrust liability. A decision by this Court as to Microsoft’s antitrust liability could have a significant effect on Microsoft’s exposure to antitrust suits in other courts. But, by virtue of this Court’s position atop the Federal Judiciary, the impact of many of our decisions is often quite broad. The fact that our disposition of the pending Microsoft litigation could potentially affect Microsoft’s exposure to antitrust liability in other litigation does not, to my mind, signifi-

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cantly distinguish the present situation from other cases that this Court decides. Even our most unremarkable decision interpreting an obscure federal regulation might have a significant impact on the clients of our children who practice law. Giving such a broad sweep to § 455(a) seems contrary to the “reasonable person” standard which it embraces. I think that an objective observer, informed of these facts, would not conclude that my participation in the pending Microsoft matters gives rise to an appearance of partiality.

Finally, it is important to note the negative impact that the unnecessary disqualification of even one Justice may have upon our Court. Here—unlike the situation in a District Court or a Court of Appeals—there is no way to replace a recused Justice. Not only is the Court deprived of the participation of one of its nine Members, but the even number of those remaining creates a risk of affirmance of a lower court decision by an equally divided court.

#### *Miscellaneous Orders*

No. 99–929. *COOK v. GRALIKE ET AL.* C. A. 8th Cir. [Certiorari granted, 529 U.S. 1065.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 99–1132. *ILLINOIS v. MCARTHUR.* App. Ct. Ill., 4th Dist. [Certiorari granted, 529 U.S. 1097.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 99–1240. *BOARD OF TRUSTEES OF THE UNIVERSITY OF ALABAMA ET AL. v. GARRETT ET AL.* C. A. 11th Cir. [Certiorari granted, 529 U.S. 1065.] Motion of the Solicitor General for divided argument granted.

No. 99–1295. *GITLITZ ET AL. v. COMMISSIONER OF INTERNAL REVENUE.* C. A. 10th Cir. [Certiorari granted, 529 U.S. 1097.] Motion of Real Estate Roundtable for leave to participate in oral argument as *amicus curiae* and for divided argument denied.

#### *Certiorari Granted*

No. 99–1613. *SHAW ET AL. v. MURPHY.* C. A. 9th Cir. Motion of respondent for leave to proceed *in forma pauperis*

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granted. Certiorari granted. Brief of petitioners is to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Monday, November 13, 2000. Brief of respondent is to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Wednesday, December 13, 2000. A reply brief, if any, is to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Friday, December 29, 2000. This Court's Rule 29.2 does not apply. Reported below: 195 F. 3d 1121.

No. 99-1815. NATIONAL LABOR RELATIONS BOARD *v.* KENTUCKY RIVER COMMUNITY CARE, INC., ET AL. 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., Monday, November 13, 2000. Brief of respondents is to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Wednesday, December 13, 2000. A reply brief, if any, is to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Friday, December 29, 2000. This Court's Rule 29.2 does not apply. Reported below: 193 F. 3d 444.

No. 99-1848. BUCKHANNON BOARD & CARE HOME, INC., ET AL. *v.* WEST VIRGINIA DEPARTMENT OF HEALTH AND HUMAN RESOURCES ET AL. C. A. 4th Cir. Certiorari granted. Brief of petitioners is to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Monday, November 13, 2000. Brief of respondents is to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Wednesday, December 13, 2000. A reply brief, if any, is to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Friday, December 29, 2000. This Court's Rule 29.2 does not apply. Reported below: 203 F. 3d 819.

No. 99-1871. DEPARTMENT OF THE INTERIOR ET AL. *v.* KLAMATH WATER USERS PROTECTIVE ASSN. 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., Monday, November 13, 2000. Brief of respondent is to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Wednesday, December 13, 2000. A reply brief, if any, is to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Friday, December 29, 2000. This Court's Rule 29.2 does not apply. Reported below: 189 F. 3d 1034.

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No. 99–1908. ALEXANDER, DIRECTOR, ALABAMA DEPARTMENT OF PUBLIC SAFETY, ET AL. *v.* SANDOVAL, INDIVIDUALLY AND ON BEHALF OF ALL OTHERS SIMILARLY SITUATED. C. A. 11th Cir. Certiorari granted. Brief of petitioners is to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Monday, November 13, 2000. Brief of respondent is to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Wednesday, December 13, 2000. A reply brief, if any, is to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Friday, December 29, 2000. This Court's Rule 29.2 does not apply. Reported below: 197 F. 3d 484.

No. 99–1953. DISTRICT OF COLUMBIA ET AL. *v.* TRI COUNTY INDUSTRIES, INC. 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., Monday, November 13, 2000. Brief of respondent is to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Wednesday, December 13, 2000. A reply brief, if any, is to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Friday, December 29, 2000. This Court's Rule 29.2 does not apply. Reported below: 200 F. 3d 836 and 208 F. 3d 1066.

No. 99–2071. TUAN ANH NGUYEN ET AL. *v.* IMMIGRATION AND NATURALIZATION SERVICE. C. A. 5th Cir. Certiorari granted. Brief of petitioners is to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Monday, November 13, 2000. Brief of respondent is to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Wednesday, December 13, 2000. A reply brief, if any, is to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Friday, December 29, 2000. This Court's Rule 29.2 does not apply. Reported below: 208 F. 3d 528.

No. 99–8508. KYLLO *v.* UNITED STATES. C. A. 9th Cir. Motion of petitioner for leave to proceed *in forma pauperis* granted. Certiorari granted. Brief of petitioner is to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Monday, November 13, 2000. Brief of respondent is to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Wednesday, December 13, 2000. A reply brief, if any, is to be filed with the Clerk and served upon opposing counsel on or be-

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fore 3 p.m., Friday, December 29, 2000. This Court's Rule 29.2 does not apply. Reported below: 190 F. 3d 1041.

No. 99-9073. *BUFORD v. UNITED STATES*. C. A. 7th Cir. Motion of petitioner for leave to proceed *in forma pauperis* granted. Certiorari granted. Brief of petitioner is to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Monday, November 13, 2000. Brief of respondent is to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Wednesday, December 13, 2000. A reply brief, if any, is to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Friday, December 29, 2000. This Court's Rule 29.2 does not apply. Reported below: 201 F. 3d 937.

No. 00-24. *PGA TOUR, INC. v. MARTIN*. C. A. 9th Cir. Certiorari granted. Brief of petitioner is to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Monday, November 13, 2000. Brief of respondent is to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Wednesday, December 13, 2000. A reply brief, if any, is to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Friday, December 29, 2000. This Court's Rule 29.2 does not apply. Reported below: 204 F. 3d 994.

No. 00-46. *MURPHY v. BECK, SUCCESSOR AGENT FOR SOUTHEAST BANK, N. A.* C. A. 11th Cir. Certiorari granted. Brief of petitioner is to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Monday, November 13, 2000. Brief of respondent is to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Wednesday, December 13, 2000. A reply brief, if any, is to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Friday, December 29, 2000. This Court's Rule 29.2 does not apply. Reported below: 208 F. 3d 959.

No. 00-5250. *SHAFER v. SOUTH CAROLINA*. Sup. Ct. S. C. Motion of petitioner for leave to proceed *in forma pauperis* granted. Certiorari granted limited to Question 1 presented by the petition. Brief of petitioner is to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Monday, November 13, 2000. Brief of respondent is to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Wednesday, December 13, 2000. A reply brief, if any, is to be filed with the

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Clerk and served upon opposing counsel on or before 3 p.m., Friday, December 29, 2000. This Court's Rule 29.2 does not apply. Reported below: 340 S. C. 291, 531 S. E. 2d 524.

*Certiorari Denied.* (See also No. 00-261, *supra.*)

No. 99-9889. LAWTON *v.* JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION. C. A. 5th Cir. Certiorari denied. Reported below: 211 F. 3d 125.

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*Miscellaneous Order*

No. 00A241. NIXON, ATTORNEY GENERAL OF MISSOURI, ET AL. *v.* MISSOURI REPUBLICAN PARTY ET AL. C. A. 8th Cir. Application for stay, presented to JUSTICE THOMAS, and by him referred to the Court, denied. JUSTICE STEVENS would grant the application for stay.