

(ORDER LIST: 522 U. S.)

MONDAY, NOVEMBER 3, 1997

CERTIORARI -- SUMMARY DISPOSITION

96-1430 UNITED STATES V. SCHLEIBAUM, PATRICK

The motion of respondent for leave to proceed *in forma pauperis* is granted. The petition for a writ of certiorari is granted. The judgment is vacated and the case is remanded to the United States Court of Appeals for the Tenth Circuit for further consideration in light of *Johnson v. United States*, 520 U. S. ____ (1997).

ORDERS IN PENDING CASES

A-269 IN RE SIMON BANKS

The application for stay addressed to Justice Breyer and referred to the Court is denied.

M-22 ROBERT H. HEDGES V. JANET L. STUMBO, ET AL.

The motion to direct the Clerk to file a petition for a writ of certiorari out-of-time is denied.

M-23 IN RE JOHN DOE

The motion for leave to file a petition for a writ of certiorari under seal is denied.

96-679 PISCATAWAY BD. OF ED. V. TAXMAN, SHARON

96-827 CRAWFORD-EL, LEONARD V. BRITTON, PATRICIA

96-1578 PHILLIPS, THOMAS, ET AL. V. WASHINGTON LEGAL FDN., ET AL

The motions of the Acting Solicitor General for leave to participate in oral argument as *amicus curiae*

and for divided argument are granted.

96-1400 CALIFORNIA, ET AL. V. DEEP SEA RESEARCH, INC.

The motion of the Acting Solicitor General for divided argument is granted and the time for oral argument is allotted as follows: petitioners - 25 minutes; respondent Deep Sea Reserach, Inc. - 25 minutes; and the Acting Solicitor General - 10 minutes. The motion of Columbus-America Discovery Group, et al. for leave to participate in oral argument as *amici curiae* is denied.

96-8516 BOUSLEY, KENNETH EUGENE V. BROOKS, WARDEN

The motion for appointment of counsel is granted and it is ordered that L. Marshall Smith, Esquire, of St. Paul, Minnesota, is appointed to serve as counsel for the petitioner in this case.

97-215 CALDERON, WARDEN V. THOMPSON, THOMAS

The motion of respondent for leave to proceed further herein *in forma pauperis* is granted.

97-475 EL AL ISRAEL AIRLINES V. TSENG, TSUI

The Solicitor General is invited to file a brief in this case expressing the views of the United States.

97-5748 LARSON, MARK A. V. OHLANDER, KARIN S.

The motion of petitioner for leave to proceed *in forma pauperis* is denied. Petitioner is allowed until November 24, 1997, 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.

CERTIORARI DENIED

- 96- 1839) WILES, QUENTIN V. UNITED STATES
)
96- 8626) SCHLEIBAUM, PATRICK J. V. UNITED STATES
- 96- 2041 BOYD, DOROTHY, ET AL. V. BROWNER, ADMINR. , EPA, ET AL.
- 96- 2045) SOSNE, DAVID, ETC. V. REINERT & DUREE, ET AL.
)
97- 7) REINERT & DUREE, ET AL. V. SOSNE, DAVID, ETC.
- 96- 2054 E. COLUMBIA BASIN IRRIG. DIS V. UNITED STATES
- 96- 9542 GIBSON, RONALD V. PENNSYLVANIA
- 96- 9547 WHITE, LEAMON V. MISSOURI
- 97- 133 ZIMMRA, DAVID, ETC. V. ALAMO RENT-A-CAR, ET AL.
- 97- 137 ANDERSON, TOM V. CIR
- 97- 141 RIGGS, DENNIS V. DOCTOR' S ASSOCIATES, INC.
- 97- 145) DISTAJO, EMILY, ET AL. V. DOCTOR' S ASSOC. , INC.
)
97- 146) DISTAJO, EMILY, ET AL. V. DOCTOR' S ASSOC. , INC.
- 97- 163 SWANSON, TOMMY V. GSA
- 97- 170 ROSS BROS. CONSTR. CO. V. NLRB
- 97- 180 BARR, ROBERT, ET UX. V. ANNE ARUNDEL MED. CENTER
- 97- 185 NEW BREED LEASING CORP. V. NLRB
- 97- 186 WEISS, VERN T. , ET AL. V. ALASKA, ET AL.
- 97- 189 MobileTEL, INC. V. FCC, ET AL.
- 97- 208 NATL. ACADEMY OF SCIENCES V. ANIMAL LEGAL DEFENSE, ET AL.
- 97- 235 LEECH LAKE BAND OF INDIANS V. CASS CTY. , MN, ET AL.
- 97- 265 GJERDE, MARTIN V. UNITED STATES
- 97- 317 GUTIERREZ, CARL, ET AL. V. GUAM SOCIETY/OBSTETRICIANS
- 97- 322 ALEXANDER, KAREN F. V. WHITMAN, CHRISTINE T. , ET AL.
- 97- 334 MILDEN, CHARLES, ET UX. V. JOSEPH, JAMES, ETC.
- 97- 341 OLDFATHER, JOYCE, ET AL. V. CIGNA INS. CO.

97-344 WILSON, JOHN V. WASHINGTON, ET AL.

97-347 KAUCKY, ROBERT V. SOUTHWEST AIRLINES

97-349 SILVER, A. vs. LINCOLN NATL. LIFE INS.

97-350 OKUSAMI, TAIWO V. PSYCHIATRIC INST. OF WA

97-356 NICHOLSON, CHARLES, ET AL. V. WORLD BUS. NETWORK, ET AL.

97-358 PRICE, GEORGE, ET AL. V. FCC NATIONAL BANK

97-360 U. S. SURGICAL CORP V. ETHICON, INC. , ET AL.

97-362 BROWN, M DREW, ET UX. V. AM MOTORISTS INS. CO.

97-364 NIDDS, RAYMOND V. SCHINDLER ELEVATOR CORP.

97-366 MCGAHREN, JOHANNA V. FIRST CITIZENS BANK & TRUST

97-368 WHITE, WILLIS V. PROVIDENT LIFE INS.

97-374 SIGMON, ERNESTO, ET AL. V. SOUTHWEST AIRLINES

97-379 DARAKSHAN, ALI, ET UX. V. BERKELEY, CA, ET AL.

97-380 BESTROM, JOHN V. BANKERS TRUST CO.

97-383 VOINCHE, WOODY V. FBI

97-389 SMILEY, JOHN V. KENTUCKY

97-390 HARRIS, HOWARD V. JENSEN, DIANE, ET AL.

97-396 EDWARDS, JOE E. V. ARKANSAS

97-397 RINELLA, RICHARD ANTHONY V. ROBINSON, MARY, ETC.

97-398 FORGIONE, BEVERLY V. COMMERCIAL CREDIT CORP.

97-408 PATENT OFFICE PROF. ASSOC. V. FED. LABOR RELATIONS AUTH.

97-418 ADVANCE REPRODUCTION CO. V. UNITED STATES, ET AL.

97-420 J. E. MERIT CONSTRUCTORS, INC V. DAVIS, JOHN L.

97-422 ANDERSON, BENJAMIN V. PANOS, SAMUEL, ET AL.

97-432 HEIMANN, ROBERT V. DEPT. OF AG.

97-434 IN RE DAVID L. SMITH

97-437 SPAHN, BETTY, ETC. V. WITTMAN, MARK, ETC., ET AL.

97-441 SMITH, BARRY, ETC., ET AL. V. HARTFORD ACCIDENT & INS. CO.

97-447 MARTIN, FAYE M V. NEW YORK, NEW YORK, ET AL.

97-452 DeJESUS, EDWIN V. STEPANIK, SUPT., DALLAS

97-457 WEDDELL, ROLLAND V. HOCHMAN, BRUCE, ET AL.

97-470 BIGGINS, WALTER V. HAZEN PAPER CO., ET AL.

97-477 MICHALOWSKI, RAYMOND V. NJ DEPT. OF LABOR, ETC.

97-480 ROOT, KEVIN, ET AL. V. BOLLMAN HAT COMPANY, ETC.

97-483 CROSS, JACK V. NICHOLS, LUTHER, ET AL.

97-490 CURASI, JAMES V. UNITED STATES

97-496 ADAMS FORD BELTON, INC. V. MD MOTOR VEHICLE COMM.

97-500 ZELMA, RICHARD, ETC. V. McLEOD, DONNA, ET AL.

97-506 ULRICH, CHARLES D. V. ST. PAUL RAMSEY HOSP., ET AL.

97-509 CERWINSKI, SUSAN V. INS. SERV. OFFICE, INC.

97-513 FRY, ARTHUR V. ALLERGAN MED. OPTICS

97-517 HAEGER, JOHN V. EDMOND, WONDA, ET AL.

97-519 BAK, UEON V. RUNYON, POSTMASTER GEN.

97-531 AVIATECA, S. A. V. ROMAN, RAUL, ET AL.

97-534 WHEELER, LAWYER V. UNITED STATES

97-538 TERHUNE, CAL, ET AL. V. McBATH, JOSEPH

97-555 SEARS, CATHERINE V. BD. OF REG. OF CHIROPRACTORS

97-558 NAPOLEON, DORIS L. V. UNITED STATES

97-571 GLENOS, GUS V. UNITED STATES

97-579 RESORT PROPERTIES, INC. V. MISERANDINO, GERARD, ET UX.

97-589 DAHOD, AARIF V. UNITED STATES

97-593 BOWERS, JESSE V. MD ST. EMPLOY'S RETIREMENT

97-5038 SIMMONS, CHRISTOPHER V. MISSOURI

97-5176 BRADLEY, WILLIAM J. V. OHIO
97-5378 BUSH, MICHAEL D. V. TENNESSEE
97-5404 JONES, ASHLEY V. GEORGIA
97-5446 RIDDLE, JOEL E. V. BellsOUTH BUSINESS SYSTEMS
97-5475 YOU, MING V. UNITED STATES
97-5528 BRADFORD, MARK A. V. CALIFORNIA
97-5691 SMITH, KEITH A. V. MISSOURI
97-5713 POWELL, KITRICH V. NEVADA
97-5714 SMITH, JOHNNY V. GILMORE, WARDEN
97-5716 JAMES, GLEN C. V. DELGADO, RUBEN C., ET AL.
97-5717 SKOLNICK, SHERMAN H. V. DORIA, SHERIFF, ET AL.
97-5720 MOORE, C. EDWARD V. FENNEMA, ROCKY, ET AL.
97-5721 SMITH, JAMES L. V. COMM OF SUPREME COURT OF SC
97-5728 CORTEZ, GRACIELA C. V. MSPB
97-5729 LOVE, AARON D. V. NORRIS, DIR., AR DOC
97-5746 ROLL, GARY L. V. MISSOURI
97-5755 GRIFFIN, LEWIS A. V. JACKSON, WARDEN
97-5759 EDWARDS, DARRON V. KANSAS
97-5762 HARRIS, SHELBY V. KAVER, J. D., ET AL.
97-5765 SCHIRNER, RICHARD, ET UX. V. WICOMICO COUNTY PLANNING
97-5767 ANDERSON, ROBERT N. V. SOUTHERN STEVEDORING CO.
97-5771 JOHNS, GUY V. ILLINOIS
97-5778 LOVETT, WILLIAM V. FLORIDA
97-5781 SULLIVAN, TERRY V. COLORADO
97-5782 JACKSON, MARSHALL V. DUCKWORTH, SUPT., IN
97-5788 A. B. R. vs. VT DEPT. OF SOCIAL SVC., ETC.

97-5790 VOLOSIN, KARL P. J. vs. CONSTR. CONTRACTORS BD.
97-5797 CHAPMAN, TROY V. LeCUREUX, WARDEN
97-5807 CALHOUN, RONALD C. V. BALL CORP.
97-5818 CERATO, JOSEPH V. MORTON, ADM R, NJ, ET AL.
97-5819 JONES, JEFFREY G. V. CALIFORNIA
97-5825 DOLENC, JOHN V. DIST. ATT' Y OF ALLEGHENY CTY
97-5827 FERNANDEZ, RENE F. V. MICHIGAN
97-5830 GUILLEN, OSCAR V. HANKS, SUPT. , WABASH VALLEY
97-5831 HUDSON, MARVA V. CONSUMER POWER CO.
97-5832 FABIAN, RICHARD V. METRO. DADE CTY. , FL, ET AL.
97-5833 HART, EVA L. V. UNITED STATES CONGRESS
97-5837 LOCKHART, JAMES V. USDC WD WA
97-5838 NISCHAN, MAXINE R. V. CONNECTICUT NAT. FOOD MARKET
97-5839 LONG, RONALD V. MORTON, ADM R, NJ, ET AL.
97-5840 LEVY, CHARLES W. V. FAIRFAX COUNTY, VA, ET AL.
97-5841 JACKSON, EVELYN V. JOHNSON, JOHNNIE, ET AL.
97-5843 VRETTOS, JOHN M. V. CALLAHAN, ACTING COMM R
97-5844 WOLLESEN, WOODROW V. SACASA, ANA M
97-5848 BROWN, WILLIAM K. V. UNITED STATES
97-5853 SMITH, JAMES V. SERVA-PORITION
97-5856 ASWEGAN, RAYMOND W. V. EMMETT, JOHN
97-5860 WILLIAMS, MICHAEL, ET UX. V. STONE, ELLIOT W. , ET AL.
97-5863 BUJAN, JOSEPH V. ALABAMA
97-5866 BRYAN, ROBERT L. V. OKLAHOMA
97-5869 FLETCHER, CHE U. V. NORTH CAROLINA
97-5881 CLASE-ESPINAL, GERARDO V. UNITED STATES
97-5890 BELL, EVERETT V. MICHIGAN

97-5894 OKORO, RALPHAEL V. STRUBBE, THOMAS, ET AL.

97-5908 LOVE, JAMES F. V. OHIO

97-5910 CHANEY, TODD V. NEW YORK

97-5915 STENGER, RUSSELL F. V. WOOD, SUPT. , WA, ET AL.

97-5939 JACKSON, RAYMOND V. UNITED STATES, ET AL.

97-5943 SMITH, JAMES W. V. ALABAMA

97-5944 HAYES, PAT V. CORRECTION MANAGEMENT, INC.

97-5947 SWIFT, DOUGLAS S. V. MAZURKIEWICZ, SUPT.

97-5950 ANONYMOUS, M G. vs. INS

97-5996 JACKSON, REGAN V. LARKINS, SUPT. , DALLAS

97-6004 TWENTER, VIRGINIA A. V. MISSOURI

97-6006 JOHNSTON, DAVID K. V. VARNER, SUPT. , GREENE

97-6008 MICKELSEN, SCOTT L. V. REYNOLDS, JERRY D.

97-6012 SORIA, CRISANTO V. vs. BROWN, SEC. OF VA

97-6013 WELLS, RICHARD K. V. SEC

97-6018 DIAZ-CRUZ, LYDIA V. BOARD OF REVIEW

97-6020 DeKEYSER, CURTIS V. LARKINS, SUPT. , DALLAS

97-6024 SMITH, MICHAEL V. CASELLAS, CHAIRMAN, EEOC

97-6026 ALLEN, ROBERT L. V. TEXAS

97-6034 BAILEY, COY E. V. SNYDER, WARDEN, ET AL.

97-6037 ANDERSON, DEREK V. McKUNE, WARDEN

97-6061) SATTERFIELD, JAMES G. V. UNITED STATES
)

97-6094) SHEPPARD, HERBERT A. V. UNITED STATES

97-6067 WILLIAMS, ANDREW J. V. CHRYSLER CORP.

97-6070 CONNELLY, JAMES V. FOREST HILLS, PA

97-6073 ANDREWS, LISA V. LA CO. DEPT. OF CHILDREN

97-6075 CARTER, LEXIE L. V. VAUGHN, SUPT. , GRATERFORD
97-6079 FRENZEL, PAUL A. V. WYOMING
97-6089 BROWN, JAMES F. V. UPHOFF, DIR. , WY DOC, ET AL.
97-6103 MINK, EARL F. V. GMC
97-6105 HOCHSTEIN, PETER L. V. HOPKINS, WARDEN
97-6116 PRICE, KERRY SHEA V. MAZURKIEWICZ, J. F. , ET AL.
97-6137 BROWN, DERON D. V. UNITED STATES
97-6139 ADEWUSI, SUARAWU V. UNITED STATES
97-6142 SCHERPING, LOREN V. UNITED STATES
97-6152 MAYS, GREGORY O. V. UNITED STATES
97-6153 MECCA, JOSEPH N. V. UNITED STATES
97-6154 COMEAUX, KENNETH V. UNITED STATES
97-6155 HINES, NELSON, ET AL. V. UNITED STATES
97-6159 EVANS, WILLIE R. V. UNITED STATES
97-6160 GREENE, SHIRLIE V. UNITED STATES
97-6161 RODRIGUEZ, ORESTES V. CHILES, GOV. OF FL
97-6163 WHITE, ANTONE R. , ET AL. V. UNITED STATES
97-6164 TENCER, STEVEN B. V. UNITED STATES
97-6167 BROWN, CHARLES A. , ET AL. V. UNITED STATES
97-6168 BALDWIN, CHARLES V. UNITED STATES
97-6171 WILD, JAMES L. V. WOOTEN, WARDEN
97-6174 SWINT, PAUL V. UNITED STATES
97-6175 RICHARDSON, ANTHONY V. UNITED STATES
97-6176 SHIDELER, TODD K. V. UNITED STATES
97-6180 GODINEZ, ARMANDO V. UNITED STATES
97-6183 HERNANDEZ-FLORES, SERGIO V. UNITED STATES
97-6184 HICKS, ERIC A. V. UNITED STATES

97-6185 PFEIL, LARRY K. V. UNITED STATES
97-6187 ORTIZ, JUAN M V. UNITED STATES
97-6188 HUDSON, WILLIE B. V. UNITED STATES
97-6190 STATONEL, WALTER V. UNITED STATES
97-6196 MARKS, AUSTIN H. V. UNITED STATES
97-6198 MOST, CHARLES H. V. UNITED STATES
97-6199 NELSON, GREG S. V. UNITED STATES
97-6201 KILLINGSWORTH, BRYAN L. V. UNITED STATES
97-6202 MENDOZA, LEONEL V. UNITED STATES
97-6205 STALLINGS, MICHAEL J. V. DELO, WARDEN
97-6211 McCRORY, LAMAR V. UNITED STATES
97-6219 WATSON, JERRY W. V. UNITED STATES
97-6221 LURZ, RAYMOND T. V. UNITED STATES
97-6222 McFARLAND, JOHN V. UNITED STATES
97-6225 CHAPPELL, DUALA, ET AL. V. UNITED STATES
97-6226 WALKER, DONALD M V. UNITED STATES
97-6227 VARSAMAS, THERESA V. UNITED STATES
97-6228 THOMPSON, KENNETH L. V. UNITED STATES
97-6232 TAYLOR, JAMES A. V. UNITED STATES
97-6242 BROWN, FREDRICK Q. V. UNITED STATES
97-6245 GAINNEY, DANIEL P. V. UNITED STATES
97-6249 CLAY, RONALD E. V. UNITED STATES
97-6254 ARMENDARIZ-AMAYA, ISMAEL V. UNITED STATES
97-6258 LAMAS, ELVA V. UNITED STATES
97-6266 ASH, JENNYLIND, ET VIR V. UNITED STATES
97-6268 MORELAND, RANDALL V. UNITED STATES

97-6269 GONZALEZ, JORGE R. V. UNITED STATES
97-6275 GUERRERO-MARTINEZ, HECTOR V. UNITED STATES
97-6293 RODRIGUEZ, JOSE M. V. UNITED STATES
97-6294 GLENN, EDDIE L. V. UNITED STATES
97-6296 GAINES, ANTHONY V. UNITED STATES
97-6309 WIEDMER, ARNOLD G. V. UNITED STATES
97-6325 FREDERICK, DAVID S. V. WISCONSIN

The petitions for writs of certiorari are denied.

97-27 VA COMMONWEALTH SECRETARY V. MISERANDINO, GERARD, ET UX.

The motion of Virginia Creditors Bar Association for leave to file a brief as *amicus curiae* is granted. The motion of Virginia Credit Union League for leave to file a brief as *amicus curiae* is granted. The petition for a writ of certiorari is denied.

97-337 GENENTECH, INC. V. NOVO NORDISK A/S, ET AL.

The petition for a writ of certiorari is denied. Justice O'Connor took no part in the consideration or decision of this petition.

97-369 COALITION FOR ECONOMIC EQ. V. WILSON, GOV. OF CA, ET AL.

The motion of California National Organization for Women and Blacks in Government for leave to file a brief as *amici curiae* is granted. The motion of Human Rights Advocates for leave to file a brief as *amicus curiae* is granted. The petition for a writ of certiorari is denied.

97-376 WARREN PUB., INC. V. MICRODOS DATA CORP., ET AL.

The motion of Information Industry Association for leave to file a brief as *amicus curiae* is granted. The

motion of Newsletter Publishers Association, et al. for leave to file a brief as *amici curiae* is granted. The petition for a writ of certiorari is denied.

HABEAS CORPUS DENIED

97-6284 IN RE FELTON WOODS

The petition for a writ of habeas corpus is denied.

MANDAMUS DENIED

97-5758 IN RE ROBERT FUENTES

97-5854 IN RE OKEY GARRY OKPALA

The petitions for writs of mandamus are denied.

97-5811 IN RE WAYNE MORRIS REEVES, JR.

The petition for writ of mandamus and/or prohibition is denied.

PROHIBITION DENIED

97-5806 IN RE HAROLD L. WASHINGTON

The petition for a writ of prohibition is denied.

ATTORNEY DISCIPLINE

D-1821 IN THE MATTER OF DISBARMENT OF ANIS AHMAD SIDDIQI

Anis Ahmad Siddiqi, of Brooklyn, New York, having been suspended from the practice of law in this Court by order of August 4, 1997; and a rule having been issued and served upon him requiring him to show cause why he

should not be disbarred; and the time to file a response having expired;

It is ordered that Anis Ahmad Siddiqi is disbarred from the practice of law in this Court.

D-1833 IN THE MATTER OF DISBARMENT OF HARRIS A. TOBIN

Harris A. Tobin, of Gainesville, Florida, having been suspended from the practice of law in this Court by order of August 4, 1997; and a rule having been issued requiring him to show cause why he should not be disbarred;

It is ordered that Harris A. Tobin is disbarred from the practice of law in this Court.

D-1843 IN THE MATTER OF LAWRENCE STANLEY TUCCORI

Lawrence Stanley Tuccori, of Fresno, California, 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 September 29, 1997, is discharged.

D-1867 IN THE MATTER OF DISBARMENT OF STANLEY B. MANN

Stanley B. Mann, of Encino, California, 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.

D-1868 IN THE MATTER OF DISBARMENT OF KARL L. KENYON

Karl L. Kenyon, of Anderson, South Carolina, 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.

D-1869 IN THE MATTER OF DISBARMENT OF HENRY MATHEW STEINBERG

Henry Mathew Steinberg, of San Francisco, California, 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.