

**(ORDER LIST 522 U. S.)**

**TUESDAY, JANUARY 20, 1998**

**ORDERS IN PENDING CASES**

M-27 WESTERN MOHEGAN TRIBE & NATION OF NEW YORK V. UNITED STATES, STATE OF NEW JERSEY, AND STATE OF NEW YORK

The motion for reconsideration of order denying leave to invoke the Court's original jurisdiction is denied.

M-35 KATHRYN LORRAINE GERWIG V. DEPARTMENT OF EDUCATION

M-36 MICHAEL M. SHERMAN V. JEROME SHERMAN, ET AL.

The motions to direct the Clerk to file petitions for writs of certiorari out-of-time are denied.

105, ORIG. KANSAS V. COLORADO

The exceptions of Colorado to the Second Report of the Special Master are overruled without prejudice to Colorado's right to renew those exceptions at the conclusion of the Special Master's remedial proceedings.

96-8732 EDWARDS, VINCENT, ET AL. V. UNITED STATES

Further consideration of the motion of petitioner Joseph Tidwell to reconsider order denying certiorari on Question 2 is deferred.

96-1693 HOPKINS, WARDEN V. REEVES, RANDOLPH

The motion for appointment of counsel is granted and it is ordered that Paula Hutchinson, Esq., of Lincoln, Nebraska, is appointed to serve as counsel for the respondent in this case.

96- 8837 CLEVELAND, DONALD E. , ET AL. V. UNITED STATES

The motion for appointment of counsel is granted and it is ordered that Norman S. Zalkind, Esquire, of Boston, Massachusetts, is appointed to serve as counsel for the petitioner Enrique Gray-Santana in this case.

The motion for appointment of counsel is granted and it is ordered that John H. Cunha, Jr., Esquire, of Boston, Massachusetts, is appointed to serve as counsel for the petitioner Donald E. Cleveland in this case.

97- 6789 MOOMCHI, BUICK V. NM CORRECTIONS DEPT. , ET AL.

The motion of petitioner for leave to proceed in *forma pauperis* is denied. See Rule 39.8. Petitioner is allowed until February 10, 1998, within which to pay the docketing fee required by Rule 38(a) and to submit a petition in compliance with Rule 33.1 of the Rules of this Court.

**CERTIORARI DENIED**

96- 1749 MARTIN, ADA, ET VIR V. TELELECTRONICS PACING SYSTEMS

97- 26 EDDY, DEBORAH, ET VIR V. POLYMER TECH. CORP. , ET AL.

97- 343 BURT, WARDEN V. RASHAD, DWIGHT

97- 365 BRANDT, KIMBERLY V. SHOP' N SAVE WAREHOUSE

97- 382 SABLAN, DAVID V. UNITED STATES

97- 404 FISHER, CYNTHIA V. VASSAR COLLEGE

97- 451 FIRST VA BANK V. UNITED STATES, ET AL.

97- 499 FELTMANN, JUDITH V. SIEBEN, INC.

97- 505 EARLES, DONALD, ET AL. V. UNITED STATES

97- 583 AMERTEX ENTERPRISES V. UNITED STATES

97- 602 BANKS, PARK B. V. UNITED STATES

97- 638 CERTAIN UNDERWRITERS LLOYDS V. TRANSIT CASUALTY COMPANY  
 97- 651 SEWELL, HEATHER ANN V. LAKE HAMILTON, FL  
 97- 652 MARKS, LAWRENCE, ET AL. V. UNITED STATES  
 97- 657 CARROLL, RICHARD V. FedEX CORP.  
 97- 719 STUART, GEORGE, ETC. V. AM EXPRESS TAX, ETC. , ET AL  
 97- 753 MILWAUKEE BR. , NAACP, ET AL. V. THOMPSON, GOV. OF WI, ET AL.  
 97- 776 CAMPBELL, BRUCE V. CAMPBELL, JO  
 97- 788 ) PRESCOTT CONVENTION CENTER V. SCOTT, HAROLD, ET AL.  
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 97- 796 ) YAVAPAI -PRESCOTT IND. TRIBE V. SCOTT, HAROLD, ETC. , ET AL.  
 97- 790 BLOUNT, SYLVIA, ET AL. V. WASHINGTON, TROY  
 97- 797 YANKEE ENTERPRISES, INC. V. DUNKIN' DONUTS, INC.  
 97- 804 STANISLAUS COUNTY, ET AL. V. PACIFIC GAS & ELEC. CO.  
 97- 806 CHANDROSS, JONATHAN A. V. ARENA, MARIA, ET AL.  
 97- 807 HUTCHINSON, KENNETH V. FISERV C. I. R. , INC. , ET AL.  
 97- 808 FULTON, PATRICIA V. SANDERS, RICKY, ET AL.  
 97- 812 TAXPAYERS OF KING COUNTY V. KING COUNTY, WA, ET AL.  
 97- 814 CLEVELAND, OH V. NATION OF ISLAM, ET AL.  
 97- 816 VINE, KERRY, ET AL. V. FULLER, JAMES, ET AL.  
 97- 817 MARTIN, RUBEN V. GOODYEAR AUTO SVC. CENTER  
 97- 819 GREENE, BERNARDINE V. GREENBERG, ALAN, ET AL.  
 97- 828 EXCALIBUR GROUP, INC. V. MINNEAPOLIS, MN  
 97- 832 HINES, GARY V. CALIFORNIA  
 97- 850 U. S. , EX REL. MCKENZIE V. BellsOUTH TELECOMM , ETC.  
 97- 852 KAVANAU, EARL W. V. SANTA MONICA RENT CONTR. BD.  
 97- 858 INO INO, INC. , ET AL. V. BELLEVUE, WA  
 97- 859 JORDAHL, VERN, ET AL. V. DEMOCRATIC PARTY OF VA  
 97- 895 SEBASTIAN, MARK R. V. CONNECTICUT

97-900 MADDEN, KENNETH F. V. INTL. ASSN. HEAT & FROST  
 97-941 ALVAREZ, DOLORES, ET AL. V. WESTMORLAND, ET AL.  
 97-951 DUPRE, ROBERT, ET AL. V. UNITED STATES  
 97-964 SCHELKLE, KURT G. V. UNITED STATES  
 97-6107 WILSON, DON R. V. UNITED STATES  
 97-6243 BUSH, EDDIE J. V. WASHINGTON  
 97-6255 ) AYBAR, CARLOS Y. V. CRISPIN-REYES, DIGNA, ET AL.  
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 97-6256 ) MORALES LABOY, MARIA I. V. CRISPIN-REYES, DIGNA, ET AL.  
 97-6259 MCBRIDE, MICHAEL V. JOHNSON, DIR. , TX DCJ  
 97-6343 ZANKICH, JAMES V. V. SANTOS, RENATO, ET AL.  
 97-6375 PETERSON, CHRISTOPHER V. INDIANA  
 97-6436 CARPENTER, DAVID J. V. CALIFORNIA  
 97-6472 MOORE, GARRY L. V. ANDERSON, SUPT. , MS ST. PEN.  
 97-6684 RICHARDSON, CLIFTON V. SOUTHERN UNIVERSITY, ET AL.  
 97-6685 STRICKLAND, DARRELL E. V. NORTH CAROLINA  
 97-6686 SHEEHAN, DANIEL J. V. USDC D AZ  
 97-6687 WILSON, CHRISTOPHER J. V. EVANS, WARDEN, ET AL.  
 97-6695 PREWITT, GEORGE D. V. ALEXANDER, LUTHER, ET AL.  
 97-6713 MOLLETT, LLOYD V. OKLAHOMA  
 97-6714 MAYFIELD, HELEN V. DETROIT NEWS, ET AL.  
 97-6717 MacPHEE, JAMES M V. CALIFORNIA  
 97-6721 JONES, MARK A. V. MARSHALL, WARDEN  
 97-6728 GLEAN, MICHAEL A. V. GEORGIA  
 97-6733 HALL, CANER, ET UX. V. BROOKSIDE COMMUNITY, INC.  
 97-6734 HENTZ, LARRY S. V. MISSISSIPPI  
 97-6735 GREEN, ALBERT V. GAITHER, WARDEN  
 97-6736 ERDMAN, DENNIS G. V. STEGALL, WARDEN  
 97-6739 BROOKS, LARRY J. V. WINSTON-SALEM, NC, ET AL.

97-6741 VILLAFUERTE, JOSE R. V. STEWART, DIR. , AZ DOC  
97-6746 MARTS, SIDNEY V. FOTI, CHARLES C. , ET AL.  
97-6756 SHELTON, LARRY D. V. PITTSBURG COUNTY BD.  
97-6757 RUTHERFORD, TONY V. ALDERMAN, JOHN, ET AL.  
97-6758 PALMISANO, MICHAEL V. LARKIN, JEROME, ET AL.  
97-6762 AKPAETI, IMD J. V. KENTUCKY  
97-6764 YOUNG, VERNON V. NAGLE, WARDEN, ET AL.  
97-6767 YOUNKIN, ELMER W. V. PENNSYLVANIA  
97-6768 WILLIAMS, ANTHONY V. FULCOMER, DEPUTY COMM R  
97-6769 WARD, REEDIE J. V. RAVENSWOOD VILLAGE NURSING  
97-6772 PETERSON, TERRANCE D. V. CALIFORNIA  
97-6776 SMITH, RICHARD A. V. CALIFORNIA  
97-6777 SMITH, LONNIE V. JOHNSON, DIR. , TX DCJ  
97-6778 RANDALL, JACK L. V. SINGLETARY, DIR. , FL DOC  
97-6787 LAWRENCE, GARY V. FLORIDA  
97-6791 NGHIEM, PETER P. V. TOSHIBA AM ELEC. COMP.  
97-6794 LOZANO, LEO M. V. COURT OF CRIM APPEALS OF TX  
97-6798 RUDD, OTIS V. HASTY, HAROLD, ET AL.  
97-6799 SMITH, JAMES V. SERVAPORTION  
97-6800 PEGGS, MAURICE V. NEW YORK  
97-6801 SILVER, TODD V. FLORIDA  
97-6802 SMITH, JAMES V. SERVAPORTION  
97-6815 WARREN, RALPH D. V. LUCAS COUNTY, OH, ETC.  
97-6816 WATSON, JIMMY D. V. KENTUCKY  
97-6821 WHITFIELD, RONALD D. V. USDC WD TX  
97-6859 BEY, MARKO V. MORTON, SUPT. , ET AL.  
97-6861 SMITH, RUSTY V. Di ROSA, LOUIS

97-6866 BURTON, JOHN L. V. SILCOX, ET AL.  
 97-6867 COREY, CHERYL V. UNITED STATES, ET AL.  
 97-6882 BOWEN, JIMMY D. V. FLORIDA  
 97-6975 GRETZLER, DOUGLAS E. V. STEWART, DIR. , AZ DOC  
 97-7012 ) NARANJO, JOSE V. UNITED STATES  
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 97-7105 ) WILLIAMS, ZACHARY, ET AL. V. UNITED STATES  
 97-7020 SOLIS, ARTURO V. UNITED STATES  
 97-7022 GRIFFIN-EL, MILTON V. BOWERSOX, SUPT. , POTOSI  
 97-7032 BALL, WALLACE V. MARYLAND  
 97-7041 STOKES, DENNIS V. PENNSYLVANIA  
 97-7046 JARVOUHEY, SAHR I. V. UNITED STATES  
 97-7061 JOHNSON, LIONEL S. V. UNITED STATES  
 97-7100 WOODRUFF, KEVIN P. V. UNITED STATES  
 97-7101 BAILEY, KEITH D. V. UNITED STATES  
 97-7102 POTTER, SABRINA V. UNITED STATES  
 97-7103 PEVARNIK, THOMAS P. V. UNITED STATES  
 97-7109 MOORE, RON V. UNITED STATES  
 97-7111 WHITE, ROBERT V. UNITED STATES  
 97-7119 SCHREINER, DEMIAN K. V. COLORADO  
 97-7120 RODRIGUEZ, FRANCISCO C. V. UNITED STATES  
 97-7122 BLACK, KENNETH D. V. UNITED STATES  
 97-7123 ALVAREZ, NELSON V. UNITED STATES  
 97-7126 RASCO, JIMMY L. V. UNITED STATES  
 97-7131 OCHOA, MANUEL V. ARIZONA  
 97-7132 RUIZ-MENDOZA, ENRIQUE V. UNITED STATES  
 97-7134 MINTER, GARY W. V. UNITED STATES  
 97-7136 LASZCYNski, RICHARD D. V. UNITED STATES  
 97-7138 MATHIEU, ISAAC V. UNITED STATES

97-7140 ALONSO-ALONSO, JOSE F. V. UNITED STATES  
97-7148 CARTER, ANTHONY V. UNITED STATES  
97-7150 POLLARD, ROBERT V. UNITED STATES  
97-7156 HANDA, HOWARD V. UNITED STATES  
97-7159 GUTIERREZ-CERVANTEZ, PEDRO V. UNITED STATES  
97-7160 GREGORY, WARREN C. V. UNITED STATES  
97-7161 GONZALEZ, RAFAEL V. UNITED STATES  
97-7162 FREEMAN, ROY H. V. UNITED STATES  
97-7170 McCAFFERTY, ROY L. V. UNITED STATES  
97-7180 CROOK, DEMETRIUS M. V. UNITED STATES  
97-7187 DAVIS, HENRY A. V. UNITED STATES  
97-7200 KINGSTON, J. MALCOLM V. UNITED STATES  
97-7201 KOGER, RENARD V. UNITED STATES  
97-7207 MELIUS, MICHAEL D. V. UNITED STATES

The petitions for writs of certiorari are denied.

97-747 PARKER, OUIDA SUE V. METROPOLITAN LIFE, ET AL.

The petition for a writ of certiorari is denied.

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

97-791 BURCH, ROBERT V. COCA-COLA CO.

The motion of American Society of Addiction Medicine, et al. for leave to file a brief as *amici curiae* is granted. The petition for a writ of certiorari is denied. Justice Breyer took no part in the consideration or decision of this motion and this petition.

97-822 FAIR, ET AL. V. SAN BUENAVENTURA, CA, ET AL.

The motion of First Assembly of God in Ventura for leave to file a brief as *amicus curiae* is granted. The motion Pacific Justice Institute for leave to file a brief as *amicus curiae* is granted. The petition for a writ of certiorari is denied.

97-6811 AYERS, JAKE, ET AL. V. FORDICE, GOV. OF MS, ET AL.

The motion of National Association for Equal Opportunity in Higher Education, 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**

97-1015 IN RE TERRY R. BEARDSLEE, ETC.

97-7153 IN RE CHARLES ISELEY

97-7222 IN RE PHILIP ERNEST JOHNSON

The petitions for writs of habeas corpus are denied.

#### **MANDAMUS DENIED**

97-6796 IN RE JEROME THEODORE SCHIEFEN

97-6820 IN RE RONALD DWAYNE WHITFIELD

The petitions for writs of mandamus are denied.

#### **REHEARINGS DENIED**

96-9196 ARTEAGA, LORENZO V. SANTA CLARA DEPT. OF FAMILY

96-9197 ARTEAGA, LORENZO V. CALIFORNIA

97-384 RESHARD, CONNIE, ET AL. V. BRITT, EARL, ET AL.

97-574 TINSLEY, EDWARD G. V. TRW INC., ET AL.

- 97-755 IN RE DAVID SMITH
- 97-5051 Di GIOVANNI, MICHAEL B. V. PENNSYLVANIA
- 97-5280 KIRBY, JEFFERY P. V. AL DOC, ET AL.
- 97-5390 LUCIOUS, JACK V. JOHNSON, DIR. , TX DCJ
- 97-5915 STENGER, RUSSELL F. V. WOOD, SUPT. , WA, ET AL.
- 97-5921 JACOBSON, LAURENCE V. McILWAIN, R. , ET AL.
- 97-5969 CEJA, JOSE J. V. STEWART, DIR. , AZ DOC, ET AL
- 97-6097 JYAN, JiMING J. V. FRANKOVICH, THOMAS N. , ET AL
- 97-6187 ORTIZ, JUAN M V. UNITED STATES
- 97-6433 TURNER, JOHN P. V. UNITED STATES
- 97-6434 TURNER, JOHN P. V. UNITED STATES

The petitions for rehearing are denied.

- 97-703 RIMELL, ALBERT V. UNITED STATES

The motion of petitioner for leave to proceed further herein *in forma pauperis* is granted. The petition for rehearing is denied.

#### ATTORNEY DISCIPLINE

- D-1870 IN THE MATTER OF JULIETTE Z. ALLEN

Juliette Z. Allen, of Tustin, California, having requested to resign as a member of the Bar of this Court, it is ordered that her name be stricken from the roll of attorneys admitted to the practice of law before this Court. The Rule to Show Cause, issued on November 10, 1997, is discharged.

- D-1905 IN THE MATTER OF DISBARMENT OF WILLIAM TORRANCE FIDDES, JR.

William Torrance Fiddes, Jr., of Houston, Texas, 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-1906 IN THE MATTER OF DISBARMENT OF GEORGE ROBERT NEELY

George Robert Neely, of Houston, Texas, 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-1907 IN THE MATTER OF DISBARMENT OF DAVID H. ROME

David H. Rome, of Longmeadow, Massachusetts, 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.

**RECESS ORDER**

The Court will take recess from Monday, January 26, 1998, until Monday, February 23, 1998.