

**(ORDER LIST: 523 U. S.)**

**TUESDAY, APRIL 28, 1998**

**ORDER IN PENDING CASE**

A-801      FRANK B. McFARLAND V. GARY L. JOHNSON, DIRECTOR. TEXAS DEPARTMENT  
OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION

The application for a certificate of probable cause and stay of execution of sentence of death presented to Justice Scalia and by him referred to the Court is denied.

Justice Stevens and Justice Ginsburg would grant the application for stay of execution.