

(ORDER LIST: 528 U. S.)

MONDAY, OCTOBER 18, 1999

ORDERS IN PENDING CASES

99M35 BD. OF FIRE COMMRS. V. PIETRAS, VICTORIA

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

98-1161 ERIE, PA, ET AL. V. PAP' S A. M

The motion of Bill Conte, et al. for leave to file a brief as *amici curiae* is granted.

98-1480 BECK, ROBERT A. V. PRUPIS, RONALD M , ET AL.

The motion of respondent Frederick Mezey for divided argument is denied.

98-6322 SLACK, ANTONIO V. McDANIEL, WARDEN, ET AL.

This case is restored to the calendar for reargument.

The parties are directed to file supplemental briefs not to exceed 25 pages addressing the following questions:

(1) Do the provisions of AEDPA, specifically including 28 U. S. C. §2253(c) and 28 U. S. C. §2244(b), control the proceedings on appeal?

(2) If AEDPA does control the proceedings on appeal, may a certificate of appealability issue under 28 U. S. C. §2253(c)?

Briefs are to be filed with the Clerk and served upon opposing parties on or before 3 p. m. , Wednesday, December 15, 1999. Reply briefs, if any, not to exceed 10 pages, are to be filed with the Clerk and served upon

opposing parties on or before 3 p.m., Friday, January 14, 2000. The Solicitor General is invited to file a brief, not to exceed 25 pages, expressing the views of the United States. Any brief as *amicus curiae*, not to exceed 15 pages, may be filed with the Clerk and served upon the parties on or before 3 p.m., Wednesday, December 15, 1999. Rule 29.2 does not apply.

99-5811 BRIGGS, RISE V. DALKON SHIELD CLAIMANTS

99-5813 McCLOUD, ALFREDIA B. V. COMMUNITY HOSPITAL, ET AL.

99-6126 MINFORD, RICHARD A. V. DOMALAKES, JUDGE, ETC.

The motions of petitioners for leave to proceed *in forma pauperis* are denied. Petitioners are allowed until November 8, 1999, within which to pay the docketing fees required by Rule 38(a) and to submit petitions in compliance with Rule 33.1 of the Rules of this Court.

CERTIORARI GRANTED

99-312 NORFOLK SOUTHERN RWY. CO. V. SHANKLIN, DEDRA, ETC.

The petition for a writ of certiorari is granted.

98-9828 OHLER, MARIA S. V. UNITED STATES

99-5153 JOHNSON, CORNELL V. UNITED STATES

The motions of petitioners for leave to proceed *in forma pauperis* and the petitions for writs of certiorari are granted.

CERTIORARI DENIED

98-1998 WITHROW, KENNETH, ET AL. V. UNITED STATES

98-9752 NAUTON, AUTAR E. V. NEWLAND, WARDEN

98-10048 BRADFORD, GAYLAND V. TEXAS
 99-31) W. R. GRACE & CO. , ET AL. vs. WA DEPT. OF REVENUE
)
 99-38) BUFFELEN WOODWORKING, ET AL. V. WASHINGTON DEPT. OF REV.
)
 99-223) WASHINGTON DEPT. OF REV. vs. W. R. GRACE & CO. , ET AL.
 99-119 BRONCO WINE CO. vs. BATF, ET AL.
 99-120 TUSCHNER & COMPANY, ET AL. vs. SEC
 99-127 BACH, LARRY D. V. UNITED STATES
 99-135 WESTERN COAL TRAFFIC LEAGUE V. SURFACE TRANSP. BD. , ET AL.
 99-184 SULLIVAN, BRIAN V. SUFFOLK CO. , NY, ET AL.
 99-185 MEINHARDT, JOHN P. , ET AL. vs. UNISYS CORP. , ET AL.
 99-255 VENTO, JOSEPH vs. CO NATL. BANK, ET AL.
 99-261 MALLORY, WILLIAM ET AL. V. OHIO, ET AL.
 99-285 AVALOS, MANUEL V. HUNTER, SHERIFF
 99-286 RCK PROPERTIES, INC. , ETC. V. UNITED STATES
 99-289 BUTLER, AVIS W. V. ORANGEBURG COUNTY, SC, ET AL
 99-297 HAZANI, EMANUEL V. OKI ELEC. INDUSTRY, ET AL.
 99-298 BRYANT, JEFF V. GOLDEN FLAKE SNACK, ET AL.
 99-299 KING, JONATHAN G. , ET UX. vs. EAST LAMPETER, PA, ET AL.
 99-301 HOLYWELL CORP. V. BANK OF NY, ET AL.
 99-302 FIELDS, GEORGE C. , ET AL. V. ASSAF, EUGENE F.
 99-319 MINGTAI FIRE & MARINE INS. vs. UPS, INC. , ET AL.
 99-334 FREEMAN, NEAL S. V. JOHNSON, ALBERT C.
 99-343 BIRMINGHAM WATER WORKS V. DEPT. OF THE ARMY, ET AL.
 99-349 CRENSHAW, ZENA D. V. BAYNERD, BERRY, ET AL.
 99-354 THERESA, DOMINICK V. NEW JERSEY
 99-355 WENZEL, SANDRA M V. IBM CORP.
 99-360 BROWN, LELAND, ET AL. V. PACIFIC BELL DIRECTORY

99- 363 ROBI, MARTHA V. REED, HERBERT, ET AL.
 99- 426) LUKACS, FRANK P. V. SHALALA, SEC. OF H&HS, ET AL
)
 99- 429) LUKACS, FRANK P. V. SHALALA, SEC. OF H&HS, ET AL
 99- 440 LaGRUA, FRANK, ET AL. V. UNITED STATES
 99- 482 ZORA ENTERPRISES, ET AL. V. MARION, MA, ET AL.
 99- 5003 POLK, MICKY V. V. UNITED STATES
 99- 5287 ROMERO, EDWIN R. V. PENNSYLVANIA
 99- 5295 BRAMBLETT, EARL C. V. VIRGINIA
 99- 5353 WHEAT, JOHN L. V. TEXAS
 99- 5355 HEDRICK, BRANDON W. V. VIRGINIA
 99- 5742 ROCHEVILLE, DAVID V. CATOE, DIR. , SC DOC, ET AL.
 99- 5744 SCOGGIN, DARRYL G. V. KAISER, WARDEN
 99- 5747 HARTNETT, RONALD B. V. FRANKLIN, WAYNE L.
 99- 5748 HARTNETT, RONALD B. V. DODGE CITY, KS, ET AL.
 99- 5749 TAYLOR, CARSBIA V. V. DEES, WARDEN, ET AL.
 99- 5750 WILSON, RAYMOND L. V. MOORE, SEC. , FL DOC, ET AL.
 99- 5751 ODLE, DAVID, ET AL. V. LOUISIANA
 99- 5753 PRAVDA, FRANK V. ALBANY, NY, ET AL.
 99- 5755 PARKER, SAMUEL D. V. MCGINNIS, KENNETH, ET AL.
 99- 5756 SIMS, JOHN V. MOTOROLA, INC.
 99- 5760 KNIGHTEN, ZACHARY V. JOHNSON, DIR. , TX DCJ
 99- 5765 MARION, FRANCIS B. V. FORD MOTOR CREDIT
 99- 5766 YUILLE, MARVIN A. V. WEBB, CHRISTOPHER R. , ET AL.
 99- 5771 HART, JOSEPH, ET UX. V. ELDER, ARTHUR, ET AL.
 99- 5772 THOMAS, ALBERT R. V. CLAGETT, JUDGE, ETC. , ET AL.
 99- 5773 THANNISCH, ANTHONY J. V. SCOTT, WARDEN
 99- 5779 COLEMAN, TIMOTHY L. V. OHIO

99- 5780 AJIWOJU, BOLA V. HOUSING AUTHORITY
 99- 5782) LESLIE, MARK D. V. LITSCHER, SEC. , WI DOC
)
 99- 6006) PISCHKE, KEITH E. V. LITSCHER, SEC. , WI DOC
 99- 5783 NELMS, GARY L. V. TEXAS
 99- 5784 ASHER, RANDALL V. KEMNA, SUPT. , CROSSROADS
 99- 5785 BEATHARD, JAMES V. JOHNSON, DIR. , TX DCJ
 99- 5787 LEMONS, TERRENCE L. V. DORMIRE, SUPT. , JEFFERSON
 99- 5789 NUBINE, CLYDE V. USDC ND TX
 99- 5794 SYVERTSON, CHARLES V. NORTH DAKOTA
 99- 5798 SMITH, STANLEY M V. SNYDER, WARDEN, ET AL.
 99- 5799 ACKER, CHRISTINA J. vs. USDC AZ
 99- 5800 COOLIDGE, LEROY vs. USDC D MN
 99- 5803 RELIFORD, EPHRAIN V. DALE CTY. DEPT. OF HUMAN
 99- 5812 BILLUPS, HUEY L. V. WOODARD, G. L. , ET AL.
 99- 5814 JOHNSON, WILLIAM V. HOFBAUER, WARDEN
 99- 5818 WELLS, MARSHALL V. JOHNSON, DIR. , TX DCJ
 99- 5825 ESTRADA, JOHN A. V. CORNYN, ATT' Y GEN. OF TX
 99- 5826 HEIDELBERG, CLEVE, ET AL. vs. IL PRISONER REVIEW BD.
 99- 5828 DUNN, JOHN V. BOWERSOX, SUPT. , POTOSI
 99- 5833 SPEARS, LARRY D. V. MARSH, DOCTOR, ET AL.
 99- 5841 DICKERSON, WILLIAM V. CAIN, WARDEN
 99- 5842 DANIELS, CHARLES E. V. LINDSEY, LAKE
 99- 5847 GUILFOYLE, DAVID J. V. ANGELONE, DIR. , VA DOC
 99- 5848 DAVIS, MELVIN D. V. CAMBRA, WARDEN
 99- 5849 WILLIAMS, CHAROLETTE A. V. COM BANK/NationsBANK
 99- 5886 SYVERTSON, CHARLES E. V. NORTH DAKOTA
 99- 5891 WASH, ERIC V. BOOKER, SUPT. , MS

99- 5929 BLAND, TERRY G. V. MITCHEM, WARDEN, ET AL.
 99- 5945 SCHERF, BYRON E. V. WASHINGTON
 99- 5949 JUAN, GUILLERMO M. V. TENNESSEE
 99- 5955 BROOKS, CARL V. TEXAS
 99- 5973 BROWN, GREGORY L. V. HICKMAN, WARDEN
 99- 5985 SHEMONSKY, MICHAEL R. V. UNITED STATES
 99- 5987 ROBERTSON, DIANA F. V. CALIFORNIA
 99- 6054 BUCKNER, SHAUNDA V. FRANCO, INC., ET AL.
 99- 6073 LONDON, THEODORE V. CAIN, WARDEN
 99- 6092 SIMENTAL, ELOY V. ILLINOIS
 99- 6095 WAGENER, RONALD C. V. ANGELONE, DIR., VA DOC
 99- 6098 O'CONNOR, PHILIP J. vs. ST. MUTUAL LIFE ASSURANCE CO
 99- 6114 SOURS, WILLIAM S. V. DORMIRE, SUPT., ET AL.
 99- 6115 QUINTERO, PEDRO G. V. NORTH CAROLINA, ET AL.
 99- 6116 WHETHERS, RONALD V. PENNSYLVANIA
 99- 6118 KEENAN, TIMOTHY P. V. MI DOC
 99- 6130 RUCKER, RICHARD L. V. UNITED STATES
 99- 6131 ROMAN, MANUEL E. V. UNITED STATES
 99- 6132 SUMPTER, LEBRONE V. UNITED STATES
 99- 6156 HAYNES, GEORGE E. V. UNITED STATES
 99- 6157 HARRIS, DARREL R. V. KANSAS
 99- 6158) CARVER, CARVESTER V. UNITED STATES
)
 99- 6196) COLEMAN, TERRELL V. UNITED STATES
 99- 6168 MARSACK, RICHARD P. V. MICHIGAN
 99- 6173 WALLS, REGINALD V. CROWLEY, WARDEN
 99- 6179 MEDVECKY, NICHOLAS V. UNITED STATES
 99- 6182 BARCLAY, PERCY V. UNITED STATES

99- 6184 AYALA, RAFAEL V. UNITED STATES
99- 6188 REYNOLDS, HOWARD L. V. UNITED STATES
99- 6192 WARD, JAMES K. V. UNITED STATES
99- 6193 JENKINS, ROBERT T. V. UNITED STATES
99- 6195 ALLEGREE, ROBERT C. V. UNITED STATES
99- 6198 COLEMAN, WILLIAM H. V. UNITED STATES
99- 6204 ALAFFA-FLORES, FELIX A. V. UNITED STATES
99- 6205 BURDEAU, HERBERT L. V. UNITED STATES
99- 6207 BARRETT, WILLIE J. V. UNITED STATES
99- 6208 ISCHY, DAVID P. V. UNITED STATES
99- 6209 LIPPITT, KENNETH O. V. UNITED STATES
99- 6210 LEWIS, CHRISTOPHER L. V. UNITED STATES
99- 6215 RICKETT, NORRIS C. V. UNITED STATES
99- 6220 RODRIGUEZ-DE LA CRUZ, RENE V. UNITED STATES
99- 6221 KING, PAUL M V. UNITED STATES
99- 6222 LAUGHLIN, STACEY V. UNITED STATES
99- 6232 WILLIAMS, RICHARD V. UNITED STATES

The petitions for writs of certiorari are denied.

MANDAMUS DENIED

99- 6197 IN RE JOSE ANTONIO ARRIOLA

The petition for a writ of mandamus is denied.

REHEARINGS DENIED

98- 1746 PETTUS, PAUL JOSEPH V. UNITED STATES

98- 8878 PACK, MICHAEL L. V. UNION STATION TERMINAL

The petitions for rehearing are denied.

ATTORNEY DISCIPLINE

D-2109 IN THE MATTER OF DISBARMENT OF SAAD EL-AMIN

Saad El-Amin, of Richmond, Virginia, 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-2110 IN THE MATTER OF DISBARMENT OF MARK J. MORGENSTERN

Mark J. Morgenstern, of Rockville, New York, 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-2111 IN THE MATTER OF DISBARMENT OF MARC LAWRENCE KRAMER

Marc Lawrence Kramer, of Chicago, Illinois, 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.