

ORDER LIST

MONDAY, OCTOBER 19, 1992

CERTIORARI -- SUMMARY DISPOSITION

91-1633 HATCHER, WARDEN, ET AL. V. DEUTSCHER, HENRY

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 Ninth Circuit for further consideration in light of *Sawyer v. Whitley*, 505 U. S. _ (1992).

ORDERS IN PENDING CASES

No. __. ROBERT N. MORELAND, ET UX. V. VELSICOL CHEMICAL CORPORATION.

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

No. __. HAROLD AMOS BARNARD V. JAMES A. COLLINS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL

DIVISION.

The motion to for leave to proceed *in forma pauperis* without an affidavit of indigency executed by the petitioner is granted.

D-1135 IN THE MATTER OF DISBARMENT OF ARTHUR J. PIKEN

It having been reported to the Court that Arthur J. Piken, of Kew Gardens, New York, has resigned from the practice of law before the Appellate Division, Supreme Court of New York, Second Judicial Department and this Court by order of June 8, 1992, having suspended the said Arthur J. Piken from the practice of law in this Court and directed that a rule issue requiring him to show cause why he should not be disbarred;

And it appearing that the said rule was duly issued and served upon the respondent and that the time to file a response has expired;

It is ordered that the said Arthur J. Piken be disbarred from the practice of law in this Court and that his name be stricken from the roll of attorneys admitted to practice before the Bar of this Court.

D-1138 IN THE MATTER OF DISBARMENT OF WINSTON W. JACOBO

It having been reported to the Court that Winston W. Jacobo, of St. Augustine, Florida, has been disbarred from the practice of law by the Supreme Court of Florida and this Court by order of June 15, 1992, having suspended the said Winston W. Jacobo from the practice of law in this Court and directed that a rule issue requiring him to show cause why he should not be disbarred;

And it appearing that the said rule was duly issued;

It is ordered that the said Winston W. Jacobo be disbarred from the practice of law in this Court and that his name be stricken from the roll of attorneys admitted to practice before the Bar of this Court.

D-1139 IN THE MATTER OF DISBARMENT OF DAVID M. FINE

It having been reported to the Court that David M. Fine, of Richmond, Virginia, has resigned from the practice of law before the Supreme Court of Virginia and this Court by order of June 15, 1992, having suspended the said David M. Fine from the practice of law in this Court and directed that a rule issue requiring him to show cause why he should not be

disbarred;

And it appearing that the said rule was duly issued;

It is ordered that the said David M. Fine be disbarred from the practice of law in this Court and that his name be stricken from the roll of attorneys admitted to practice before the Bar of this Court.

D-1141 IN THE MATTER OF DISBARMENT OF ROBERT M. ELLIS

It having been reported to the Court that Robert M. Ellis, of Wilmette, Illinois, has been disbarred from the practice of law by the Supreme Court of Illinois and this Court by order of June 22, 1992, having suspended the said Robert M. Ellis from the practice of law in this Court and directed that a rule issue requiring him to show cause why he should not be disbarred;

And it appearing that the said rule was duly issued and served upon the respondent and that the time to file a response has expired;

It is ordered that the said Robert M. Ellis be disbarred from the practice of law in this Court and that his name be stricken from the roll of attorneys

admitted to practice before the Bar of this Court.

D-1144 IN THE MATTER OF DISBARMENT OF ROBERT JUSTIN DRISCOLL

It having been reported to the Court that Robert Justin Driscoll, of Denver, Colorado, has been suspended from the practice of law by the Supreme Court of Colorado and this Court by order of August 18, 1992, having suspended the said Robert Justin Driscoll from the practice of law in this Court and directed that a rule issue requiring him to show cause why he should not be disbarred;

And it appearing that the said rule was duly issued and served upon the respondent and that a response has been filed;

It is ordered that the said Robert Justin Driscoll be disbarred from the practice of law in this Court and that his name be stricken from the roll of attorneys admitted to practice before the Bar of this Court.

D-1145 IN THE MATTER OF DISBARMENT OF KENNETH VAN RYE

It having been reported to the Court that Kenneth Van Rye, of Elmwood Park, New Jersey, has been suspended from the practice of law by the Supreme Court of New Jersey and this Court by order of August 18,

1992, having suspended the said Kenneth Van Rye from the practice of law in this Court and directed that a rule issue requiring him to show cause why he should not be disbarred;

And it appearing that the said rule was duly issued and served upon the respondent and that the time to file a response has expired;

It is ordered that the said Kenneth Van Rye be disbarred from the practice of law in this Court and that his name be stricken from the roll of attorneys admitted to practice before the Bar of this Court.

D-1146 IN THE MATTER OF DISBARMENT OF PHILIP RICHARD HERZIG

It having been reported to the Court that Philip Richard Herzig, of Salina, Kansas, has been disbarred from the practice of law by the Supreme Court of Kansas and this Court by order of August 18, 1992, having suspended the said Philip Richard Herzig from the practice of law in this Court and directed that a rule issue requiring him to show cause why he should not be disbarred;

And it appearing that the said rule was duly issued and served upon the respondent and that the time to file a response has expired;

It is ordered that the said Philip Richard Herzig be disbarred from the practice of law in this Court and that his name be stricken from the roll of attorneys admitted to practice before the Bar of this Court.

D-1149 IN THE MATTER OF DISBARMENT OF MICHAEL I. GREENWALD

It having been reported to the Court that Michael I. Greenwald, of Cleveland, Ohio, has resigned from the practice of law before the Supreme Court of Ohio and this Court by order of August 18, 1992, having suspended the said Michael I. Greenwald from the practice of law in this Court and directed that a rule issue requiring him to show cause why he should not be disbarred;

And it appearing that the said rule was duly issued and served upon the respondent and that the time to file a response has expired;

It is ordered that the said Michael I. Greenwald be disbarred from the practice of law in this Court and that his name be stricken from the roll of attorneys admitted to practice before the Bar of this Court.

D-1165 IN THE MATTER OF DISBARMENT OF JOHN D. WATSON

It having been reported to the Court that John D. Watson, of Denver, Colorado, has been suspended from the practice of law by the Supreme Court of Colorado and this Court by order of September 4, 1992, having suspended the said John D. Watson from the practice of law in this Court and directed that a rule issue requiring him to show cause why he should not be disbarred;

And it appearing that the said rule was duly issued and served upon the respondent and that a response has been filed;

It is ordered that the said John D. Watson be disbarred from the practice of law in this Court and that his name be stricken from the roll of attorneys admitted to practice before the Bar of this Court.

D-1176 IN THE MATTER OF DISBARMENT OF RANDY WAYNE KEITH

It is ordered that Randy Wayne Keith, of Chatsworth, California, be suspended from the practice of law in this Court and that a rule issue, returnable within forty days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

D-1177 IN THE MATTER OF DISBARMENT OF ARNOLD I. BIEGEN

It is ordered that Arnold I. Biegen, of New York, New York, be suspended from the practice of law in this Court and that a rule issue, returnable within forty days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

D-1178 IN THE MATTER OF DISBARMENT OF MORRIS EISEN

It is ordered that Morris Eisen, of New York, New York, be suspended from the practice of law in this Court and that a rule issue, returnable within forty days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

D-1179 IN THE MATTER OF DISBARMENT OF HAROLD MICHAEL FISHMAN

It is ordered that Harold Michael Fishman, of Great Neck, New York, be suspended from the practice of law in this Court and that a rule issue, returnable within forty days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

D-1180 IN THE MATTER OF DISBARMENT OF JAY HOWARD LANDAU

It is ordered that Jay Howard Landau, of New York, New York, be suspended from the practice of law in this Court and that a rule issue, returnable within

forty days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

D-1181 IN THE MATTER OF DISBARMENT OF STUART CHARLES LEVITAS

It is ordered that Stuart Charles Levitas, of Walnut Creek, California, be suspended from the practice of law in this Court and that a rule issue, returnable within forty days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

D-1182 IN THE MATTER OF DISBARMENT OF JOSEPH P. NAPOLI

It is ordered that Joseph P. Napoli, of New York, New York, be suspended from the practice of law in this Court and that a rule issue, returnable within forty days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

D-1183 IN THE MATTER OF DISBARMENT OF JEAN D. ARTMAN

It is ordered that Jean D. Artman, of Detroit, Michigan, be suspended from the practice of law in this Court and that a rule issue, returnable within forty days, requiring her to show cause why she should not be disbarred from the practice of law in this Court.

D-1184 IN THE MATTER OF DISBARMENT OF DAWSON A. McQUAIG, SR.

It is ordered that Dawson A. McQuaig, Sr., of Jacksonville, Florida, be suspended from the practice of law in this Court and that a rule issue, returnable within forty days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

D-1185 IN THE MATTER OF DISBARMENT OF THEODORE CARLTON
RICHARDSON

It is ordered that Theodore Carlton Richardson, of Washington, DC, be suspended from the practice of law in this Court and that a rule issue, returnable within forty days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

D-1186 IN THE MATTER OF DISBARMENT OF MICHAEL McGRADY

It is ordered that Michael McGrady, of Seattle, Washington, be suspended from the practice of law in this Court and that a rule issue, returnable within forty days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

D-1187 IN THE MATTER OF DISBARMENT OF TIMOTHY FRANCIS O'LEARY

It is ordered that Timothy Francis O'Leary, of Melrose, Massachusetts, be suspended from the practice of law in this Court and that a rule issue, returnable within forty days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

D-1188 IN THE MATTER OF DISBARMENT OF JOSEPH A. LOMBARDI

It is ordered that Joseph A. Lombardi, of Scituate, Massachusetts, be suspended from the practice of law in this Court and that a rule issue, returnable within forty days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

D-1189 IN THE MATTER OF DISBARMENT OF DANIEL G. HURLEY

It is ordered that Daniel G. Hurley, of Medford, Massachusetts, be suspended from the practice of law in this Court and that a rule issue, returnable within forty days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

D-1190 IN THE MATTER OF DISBARMENT OF HOWARD SY COLE

It is ordered that Howard Sy Cole, of Van Nuys, California, be suspended from the practice of law

in this Court and that a rule issue, returnable within forty days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

65 ORIG. TEXAS V. NEW MEXICO

The motion of the River Master for approval of fees and expenses is granted and the River Master is awarded \$7,194.27 for the period April 1 - June 30, 1992.

108 ORIG. NEBRASKA V. WYOMING

The motion of Nebraska for leave to file a sur-reply brief is denied.

91-1160 ARAVE, WARDEN V. CREECH, THOMAS E.

The motion of Thomas Gibson for leave to file a brief as *amicus curiae* is granted.

91-1677 CIR V. KEYSTONE CONSOL. INDUS.

The motion of the Solicitor General to dispense with printing the joint appendix is granted.

91-8674 SMITH, JOHN A. V. UNITED STATES

The motion for appointment of counsel is granted and it is ordered that Gary Kollin, Esquire, of Ft. Lauderdale, Florida, is appointed to serve as counsel for the petitioner in this case.

92-352 NOVAK, JASON W., ET AL. V. ANDERSEN CORP., ET AL.

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

CERTIORARI GRANTED

92-166 KEENE CORP. V. UNITED STATES

92-351 HELLER, LEONARD, ETC. V. DOE, SAMUEL, ETC., ET AL.

The petitions for writs of certiorari are granted.

92-190 UNITED STATES V. IDAHO, ETC.

The motion of Nez Perce Tribe, et al. for leave to file a brief as *amici curiae* is granted. The petition for a writ of certiorari is granted.

92-5129 SULLIVAN, JOHN V. LOUISIANA

The motion of petitioner for leave to proceed *in forma pauperis* and the petition for a writ of certiorari are granted.

CERTIORARI DENIED

91-8345 DEUTSCHER, HENRY V. HATCHER, WARDEN, ET AL.

91-8503 HAZEL, BOBBY E. V. UNITED STATES

91-8580 REDD, PAUL A. V. BORG, WARDEN

92-21 STOCKSTILL, KENDALL, ET AL. V. SHELL OIL CO., ET AL.

92-81 ELLIS, STEPHEN B. V. CARD, SEC. OF TRANS.

92-93 SNEEDE, CURTIS, ET AL. V. KIZER, KENNETH, ET AL.

92-168 WARREN, ROY V. SULLIVAN, SEC. OF H&HS

92-169 MITCHELL, ROBIN G., ET AL. V. UNITED TEACHERS-LOS ANGELES

92-171 RODRIGUEZ-MORALES, ALICIA V. UNITED STATES

92-173 EFAMOL, LTD. V. UNITED STATES

92-180 BTM CORPORATION V. LILLEY, ROBERT

92-269) GROSS, DELMUS G. V. UNITED STATES
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92-324) PATRICK, BILL J. V. UNITED STATES

92-307 ELLIOTT, JOHN D., ET AL. V. ATHENS, GEORGIA, ET AL.

92-343 SANTOS, JAMES B. V. LINDSTROM, MEGUMI, ET AL.

92-350 LANCASTER, FRANCES, ET AL. V. MERCHANTS NATL. BANK, ETC.

92-355 MIDCO PIPE & TUBE, INC. V. UNITED STATES

92-356 MUMAW, KENNETH B. V. NURAD, INC.

92-365 LUNDE, KAREN R. V. IOWA BOARD OF REGENTS

92-368 GUY, TOMMY V. BREEKO CORPORATION

92-370 PENTER, TAMMY V. BALDWIN PIANO AND ORGAN CO.

92-374 STANDRING, ROBERT J. V. McALLISTER, RALPH A.

92-378 VORWALD, CURTIS R. V. RIVER FALLS SCH., ET AL.

92-381 KING, STEWART, ET UX. V. KING, W. R.

92-388 ANDERSON, LEWIS R., ET AL. V. CONTINENTAL STEEL, ET AL.

92-394 WILLIAMS, DANFORD V. UNITED STATES

92-404 SHEET METAL WORKERS, ET AL. V. AETNA CASUALTY, ETC., ET AL.

92-431 SAFIR, MARSHALL P. V. PRUDENTIAL INS. CO., ET AL.

92-437 LUGO, FRANCISCO J. V. BARR, ATTY. GEN., ET AL.

92-441 JENKINS, DAVID R., ET AL. V. DAVIDON, ALAN D., ET AL.

92-442 MICHELSON, DOUGLAS J. V. CIR

92-455 KNOX COUNTY SCHOOL SYSTEM V. BABB, JASON, ET AL.

92-461 HANNER, LAWRENCE V. STONE, SEC. OF THE ARMY

92-473 MORRIS, MELVIN V. UNITED STATES

92-491 BRISTER, ROGER, G., ET AL. V. UNION TX PET. CORP.

92-492 WATFORD, JOSEPH, ET UX. V. UNITED STATES

92-503 GUAGLIERI, JOSEPHINE V. NEW JERSEY

92-5014 ST. PIERRE, ROBERT V. ILLINOIS

92-5202 CARDONA, FELIX J. V. UNITED STATES

92-5260 WALLACE, BARRY S. V. UNITED STATES

92-5272 HARRIS, KENNETH B. V. TEXAS

92-5340 FARMER, DEE V. COWAN, JAMES R., ET AL.

92-5366 McCASLIN, DUANE V. UNITED STATES

92-5518 MILLER, LOUIS V. UNITED STATES

92-5519 LEWIS, ROSALINE B. V. UNITED STATES

92-5576 MAYET, CANDIDO V. UNITED STATES

92-5602 THARPE, KEITH L. V. GEORGIA

92-5622 DOUGAN, JACOB J. V. FLORIDA

92-5624 WILSON, HAROLD V. ARMONTROUT, WARDEN

92-5641 HOWARD, ALBERT C. V. CALIFORNIA

92-5643 SMITH, SEAN V. CONNECTICUT

92-5644 WATKINS, PORTER L. V. HIGGINS, SUPT.

92-5648 VIGNOLO, LEONARD V. NEVADA

92-5651 COLEMAN, PASQUALE V. DELAWARE

92-5652 PEREZ, AUGUSTINE V. BLANKENSHIP, WARDEN, ET AL.

92-5661 MORRIS, DARRELL V. INDIANAPOLIS PUBLIC SCHOOLS

92-5662 McCLAIN, JIMMY V. McGINNIS, DIRECTOR, ET AL.

92-5666 VEALE, SCOTT, ET AL. V. NEW HAMPSHIRE

92-5668 VAN DER JAGT, PETER V. JOHNSON, PAULA, ET AL.

92-5669 BRAKKE, RONALD V. UNITED STATES

92-5674 HARRIS, ROCHESTER V. BLANCHARD, GOV. OF MICHIGAN

92-5681 KOT, JAMES G. V. PATERNOSTER, TONY, ET AL.

92-5697 SAWYER, DALLAS L. V. ALABAMA

92-5708 ROSS, HARRISON V. UNITED STATES

92-5709 MARTIN, CALVIN E. V. WISCONSIN

92-5710 MIKESELL, LARRY J. V. MICHIGAN

92-5711 NEESE, TIMOTHY V. UNITED STATES

92-5719 BETTS, JOHN A. V. ROBINSON, ADM., ET AL.

92-5721 ROBERSON, LARRY V. UNITED STATES

92-5722 RILEY, JIMMIE L. V. JABE, WARDEN

92-5723 ROBERTS, DAVID C. V. SUP CT. OF LOS ANGELES

92-5724 BROWNE, CECIL V. DELAWARE

92-5725 CHARIF, WADGY, ET AL. V. UNITED STATES

92-5768 GARCIA, JOSE V. UNITED STATES

92-5770 FOSTER, WILLIAM L. V. SCHUETZLE, TIMOTHY, ET AL.
92-5774 JIMISON, CURTIS C. V. HATCHER, WARDEN, ET AL.
92-5775 KNIGHT, CHARLES R. V. KING, TOM, ET AL.
92-5813 McMASTER, MARGARET V. AKRON HOUSING APPEAL BD.
92-5824 GARRETT, JAMES V. RYAN, SUPT., ET AL.
92-5844 JONES, JAMES R. V. UNITED STATES
92-5845 PACK, BRIAN J. V. UNITED STATES
92-5849 MINES, JOSEPH V. UNITED STATES
92-5852 UZAMERE, OSAYAME V. UNITED STATES
92-5854 SEXSTONE, C. WILLIAM V. UNITED STATES
92-5857 FLANAGAN, JOHN W. V. UNITED STATES
92-5858 COOK, TERRI L. V. UNITED STATES
92-5859 LaFRADEZ, BAILON P. V. UNITED STATES
92-5868 SUTTON, DWIGHT V. MARYLAND, ET AL.
92-5873 RAINES, RONALD L. V. MARYLAND
92-5877 YOUNG, WILLIAM V. UNITED STATES
92-5878 BELTON, RAYMOND V. UNITED STATES
92-5884 COUSINO, PAUL V. STENNETT, WAYNE, ET AL.
92-5889 MILES, LESTER L. V. UNITED STATES
92-5891 ENCARNACION-GALVEZ, ROBERTO V. UNITED STATES
92-5892 RODRIGUEZ, MARIO V. UNITED STATES
92-5893 PEDEN, JOHN W. V. UNITED STATES
92-5895 BROWN, TERRANCE D. V. UNITED STATES

92-5900 BENJAMIN, STEVEN R. V. HAWLEY, WARDEN

92-5908 WEAVER, DONALD R. V. UNITED STATES

92-5912 BUTLER, JAMES R. V. UNITED STATES

92-5913 USHERY, CHARLES V. UNITED STATES

92-5924 WALKER, JAMES V. UNITED STATES

92-5936 GEBOW, LES V. UNITED STATES

92-5937 GARRISON, THOMAS H. V. UNITED STATES

92-5949 JOHNSON, EUGENE V. UNITED STATES

92-5952 GAETANO, JOSE V. UNITED STATES

92-5960 HOUSLEY, DOUGLAS G. V. UNITED STATES

92-5970 HOLGUIN, FRANK M. V. HUGHES, LARRY, ET AL.

The petitions for writs of certiorari are denied.

91-1740 LOCAL 3, IBEW, AFL-CIO V. WICKHAM CONTRACTING, ET AL.

The petition for a writ of certiorari is denied.

Justice White would grant certiorari.

92-339 BOWERS, RICHARD K. V. TAYLOR, WESLEY

The motion of respondent for leave to proceed *in forma pauperis* is granted. The petition for a writ of certiorari is denied.

92-363 995 FIFTH AVENUE ASSOCS. V. NY ST. DEPT. TAX., ET AL.

The motion of L.A. Cotton Co., et al. for leave to file a brief as *amici curiae* is granted. The petition

for a writ of certiorari is denied.

MANDAMUS DENIED

92-5569 IN RE MELVIN C. ELLIS

92-5642 IN RE FREDERICK W. BAUER

The petitions for writs of mandamus are denied.

PROHIBITION DENIED

92-5635 IN RE FRED WHITAKER

The petition for a writ of prohibition is denied.

REHEARING DENIED

91-1737 SHISEIDO COSMETICS V. FRANCHISE TAX BD., CA

The motion for leave to file a petition for rehearing is denied.

MOTIONS FOR ADMISSION

The written motions for admission of the following lawyers to the Bar of this Court are granted: