

## **ORDER LIST**

**MONDAY, NOVEMBER 9, 1992**

### **APPEAL -- SUMMARY DISPOSITION**

92-478 AZ HISPANIC COM. FORUM V. SYMINGTON, GOV. OF AZ, ET AL

The judgment is affirmed. Justice Stevens would note probable jurisdiction and set the case for oral argument. Justice O'Connor took no part in the consideration or decision of this case.

### **CERTIORARI -- SUMMARY DISPOSITION**

92-86 SIVLEY, WARDEN, ET AL. V. SOLER, CARLOS

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 with directions to dismiss. *United States v. Munsingwear, Inc.*, 340 U. S. 36 (1950).

92-485 O'KEEFE, ACTING SEC. OF NAVY V. SPECTER, ARLEN, ET AL.

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 Third Circuit for further consideration in light of *Franklin v. Massachusetts*, 505 U. S. \_\_ (1992).

## **ORDERS IN PENDING CASES**

D-1152 IN THE MATTER OF DISBARMENT OF LARRY BURTON BACH

It having been reported to the Court that Larry Burton Bach, of Dallas, Texas, has been disbarred from the practice of law by the Supreme Court of Texas and this Court by order of September 4, 1992, having suspended the said Larry Burton Bach 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 Larry Burton Bach 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-1154 IN THE MATTER OF DISBARMENT OF OSCAR BUREN LADNER

It having been reported to the Court that Oscar Buren Ladner, of Gulfport, Mississippi, has resigned from the practice of law before the Supreme Court of Mississippi and this Court by order of September 4, 1992, having suspended the said Oscar Buren Ladner 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 Oscar Buren Ladner 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-1156 IN THE MATTER OF DISBARMENT OF JUAN PAUL ROBERTSON

It having been reported to the Court that Juan Paul Robertson, of Beverly Hills, California, has resigned from the practice of law before the Supreme Court of California and this Court by order of September 4, 1992, having suspended the said Juan Paul Robertson 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 Juan Paul Robertson 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-1162 IN THE MATTER OF DISBARMENT OF T. JAY SALMEN

It having been reported to the Court that T. Jay Salmen, of St. Paul, Minnesota, has been suspended from the practice of law by the Supreme Court of Minnesota and this Court by order of September 4, 1992, having suspended the said T. Jay Salmen 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 T. Jay Salmen 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-1164 IN THE MATTER OF DISBARMENT OF PHILLIP FRASCINELLA

It having been reported to the Court that Phillip Frascinella, of Santa Monica, California, has been disbarred from the practice of law by the Supreme Court of California and this Court by order of September 4, 1992, having suspended the said Phillip Frascinella 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 Phillip Frascinella 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-1201 IN THE MATTER OF DISBARMENT OF REGINALD L. NORRIS

It is ordered that Reginald L. Norris, of Grand Rapids, Michigan, 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-1202 IN THE MATTER OF DISBARMENT OF LEONARD LEIGHTON

It is ordered that Leonard Leighton, of San Antonio, Texas, 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-1203 IN THE MATTER OF DISBARMENT OF DON MICHAEL BAUCUM

It is ordered that Don Michael Baucum, of San

Antonio, Texas, 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-1204 IN THE MATTER OF DISBARMENT OF FRANKLIN R. SEARS

It is ordered that Franklin R. Sears, of Fort Worth, Texas, 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-1205 IN THE MATTER OF DISBARMENT OF HUBERT PHIL ISAACKS

It is ordered that Hubert Phil Isaacks, of Odessa, Texas, 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.

111 ORIG. DELAWARE V. NEW YORK, ET AL.

The motions for additional time for oral argument and for divided argument are granted in part and denied in part. An additional ten minutes are allotted for oral argument. The time for oral argument is divided as follows: twenty minutes for Delaware; twenty minutes for New York; and thirty minutes for one attorney in support of the

Report of the Special Master.

91-10 SPECTRUM SPORTS, INC., ET AL V. McQUILLAN, SHIRLEY

The motion of respondents for leave to file a supplemental joint appendix is granted.

91-719 PARKE, WARDEN V. RALEY, RICKY

The motion of Criminal Justice Legal Foundation for leave to file a brief as *amicus curiae* is granted.

91-5397 NEGONSOTT, EMERY V. SAMUELS, WARDEN, ET AL.

The motion of Iowa Tribe of Kansas and Nebraska, et al. for leave to file a brief as *amici curiae* is granted. The motion of the Solicitor General to permit William K. Kelley, Esquire, to present oral argument *pro hac vice* is granted.

91-8428 IN RE SYLVESTER JONES

92-5105 JONES, SYLVESTER V. WRIGHT, JUDGE, USDC, ET AL.

92-5407 MARTIN, JAMES L. V. SMITH, ET AL.

The motions of petitioners for reconsideration of orders denying leave to proceed *in forma pauperis* are denied.

92-190 UNITED STATES V. IDAHO, ETC.

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

92-443 ELFELT, JAMES M., ET AL. V. COOPER, ALBINA

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

92-5988 ANDERSON, JOHN A. V. WISCONSIN DEPT. OF REVENUE

The motion of petitioner for leave to proceed *in forma pauperis* is denied. Petitioner is allowed until November 30, 1992, within which to pay the docketing fee required by Rule 38(a) and to submit a petition in compliance with Rule 33 of the Rules of this Court. Justice Blackmun and Justice Stevens, dissenting: For the reasons expressed in *Brown v. Herald Co., Inc.*, 464 U. S. 928 (1983), we would deny the petition for a writ of certiorari without reaching the merits of the motion to proceed *in forma pauperis*.

### **CERTIORARI GRANTED**

92-259 OK TAX COMMN. V. SAC & FOX NATION

92-621 RAKE, DONALD, ET AL. V. WADE, WILLIAM J.

The petitions for writs of certiorari are granted.

91-8685 STINSON, TERRY L. V. UNITED STATES

The motion of petitioner for leave to proceed *in forma pauperis* is granted. The petition for a writ of certiorari is granted, limited to the following question: "Whether a court's failure to follow



Sentencing Guidelines commentary that gives specific direction that the offense of unlawful possession of a firearm by a felon is not a crime of violence under USSG Section 4B1.1, see USSG Section 4B1.2 comment. (n.2), constitutes an 'incorrect application of the sentencing guidelines' under 18 U.S.C. Section 3742(f)(1)."

### **CERTIORARI DENIED**

- 91-1842 McCRORY, CHARLES, ET AL. V. RESOLUTION TRUST CORPORATION
- 91-2044 LEE, DENNIS M. V. CALIFORNIA
- 91-8031 LEAVITT, RICHARD A. V. IDAHO
- 91-8136 COCHRAN, JEFFREY V. UNITED STATES
- 91-8292 MONTGOMERY, WALTER V. GREER, WARDEN
- 92-137 RIDGECREST POLICE, ET AL. V. CURNOW, KENNETH C., ET AL.
- 92-224 BASSETT, LUELLA, ET AL. V. UNITED STATES
- 92-315 PERALES, CESAR A., ETC. V. NY CITY HEALTH, ETC., ET AL.
- 92-329 HEILPRIN, RICHARD A. V. WISCONSIN BD. ATTY'S., ETC.
- 92-333 ) DETROIT AUTO DEALERS, ET AL. V. FTC  
)
- 92-510 ) FTC V. DETROIT AUTO DEALERS, ET AL.
- 92-359 ) KEENE CORP. V. ADAMS, LEONARD, ET AL.  
)
- 92-360 ) OWENS-ILLINOIS, INC. V. BOLYARD, LINCOLN, ET AL.
- 92-371 4408 HILLSIDE CT., ET AL. V. UNITED STATES

92-393 FRAIRE, MARIA, ETC., ET AL. V. ARLINGTON, TEXAS, ET AL.

92-399 LINDO & MADURO, S.A., ET AL. V. UNITED STATES

92-407 MURPHY, REXFORD, ET AL. V. SULLIVAN, SEC. OF H&HS

92-453 MAZUR, ANTHONY, ET AL. V. MERCK & CO., INC.

92-465 LINDAMAN, DOUGLAS K. V. IOWA

92-468 PERRY, D.C. V. EASTMAN KODAK COMPANY

92-469 LOAGUE, CHARLES V. SUPER SAGLESS CORPORATION

92-471 MALONE SERVICE CO., ET AL. V. TEXAS

92-474 SHARP, CAREY F., ET AL. V. UNITED AIRLINES, ET AL.

92-481 WILLIAMS, BILLY F. V. EAGLE-PICHER INDUSTRIES

92-483 ASAM, JULIA V. TUSCALOOSA, ET AL.

92-488 SEEFELD, SANDRA V. OLSEN, CLAIRE, ET AL.

92-489 SAKARIA, ELPIS V. ALLSTATE LIFE INS., ET AL.

92-490 ARIZONA V. PETERSON, FLOYD O.

92-493 LIPWORTH, MARGARET, ETC. V. KAWASAKI MOTORS CORP, ET AL.

92-497 BABCOCK & WILCOX CO. V. INTL. INSURANCE CO., ET AL.

92-498 MERLING, BERNARD W. V. TRAVELERS INDEMNITY, ET AL.

92-499 SAC & FOX NATION V. OK TAX COMMN.

92-500 HENDRICKSON, STEVEN M. V. SANTA ANA, ET AL.

92-502 WAHRMAN, RAYMOND, ETC. V. WAHRMAN, JOHN, ET AL.

92-504 ANDERSEN, LEIF, ETC. V. SKY CRUISES, LTD., INC.

92-513 BAGGS, RALPH, ET AL. V. EAGLE-PICHER INDUSTRIES

92-514 ST. TAMMANY PARISH, ETC. V. INSBROK, ET AL.

92-520 BREMNER, ADAM C., ET AL. V. CHARLES, ELLEN, ET AL.  
92-534 LUNDBERG, WALTER C. V. OREGON  
92-537 GREAT LAKES DREDGE, ET AL. V. LINTON, DONALD, ET UX.  
92-564 BOERER, BONNIE V. ZAKEN, RONNA  
92-573 WADE, GEORGE, ET UX. V. IN SUPERIOR CT. DISC. COMMN.  
92-598 ADAMSON, BRUCE CAMPBELL V. RUNYON, POSTMASTER GEN.  
92-617 URWYLER, ROBERT J. V. CIR  
92-624 PHELPS, COY V. RISON, WARDEN, ET AL.  
92-630 ZAPATA, ANTONIO V. UNITED STATES  
92-5288 OLIVER, CURTIS C. V. UNITED STATES  
92-5295 FLORES, JUAN H. V. UNITED STATES  
92-5474 HARLEY, HARVEY R. V. KEOHANE, WARDEN  
92-5489 WARDLOW, JOHN RAY V. UNITED STATES  
92-5503 BAUER, RICHARD JOSEPH V. UNITED STATES  
92-5520 SCHMIDT, DARLENE V. PETERSON, COMMR., IRS  
92-5539 GARCIA, ROBERT V. UNITED STATES  
92-5545 BANKS, OSMOND V. UNITED STATES  
92-5548 SHOUBE, BART ELLIS V. UNITED STATES  
92-5560 NEWMAN, STEVEN R. V. UNITED STATES  
92-5592 VILLEGAS, EDWARD V. UNITED STATES  
92-5615 MAXWELL, ANDREW V. ILLINOIS  
92-5640 FASSLER, LAWRENCE A. V. US PAROLE COMM., ET AL.  
92-5677 MINEFIELD, JAMES C. V. UNITED STATES

92-5712 MILLS, ALBERT E., ET AL. V. UNITED STATES  
92-5866 CONDE, ROBERT V. UNITED STATES  
92-5870 JONES, LAWRENCE R. V. MURRAY, DIR., DOC, ET AL.  
92-5879 BROWN, SIDNEY V. BORGERT, WARDEN  
92-5886 GESCHWENDT, GEORGE V. RYAN, SUPT., ET AL.  
92-5888 MANNING, RICHARD A. V. UNITED STATES  
92-5902 ELLIS, MARSHALL V. OKLAHOMA  
92-5903 MEDLEY, CHARLES V. THOMAS, WARDEN  
92-5906 ELKIN, MICHAEL V. FAUVER, WILLIAM, ET AL.  
92-5909 YOUNG, DALE V. NEBRASKA  
92-5927 GROFF, ELSWORTH L. V. QUINN, VINCENT J., ET AL.  
92-5928 JOHNSON, DANIEL V. HALE, SELDON, ET AL.  
92-5941 ORTIZ, IGNACIO A. V. ARIZONA  
92-5943 ROBY, ISAAC V. SKUPIEN, GEORGE  
92-5947 MERCHAN, HUSSEIN A. V. UNITED STATES  
92-5948 BAGLEY, H. M. V. OKLAHOMA  
92-5951 DIX, MATTHEW V. PENNSYLVANIA, ET AL.  
92-5962 JOHNSON, JULIE A. V. SPELLING-GOLDBERG PROD.  
92-5985 LEE, RODNEY K. V. UNITED STATES  
92-5989 CUOZZO, ALPHONSE V. UNITED STATES  
92-5999 BLAIR, WINSTON R. V. LOCKHART, DIR., AR DOC  
92-6006 JONES, RONALD L. V. UNITED STATES  
92-6009 HAYS, HENRY F. V. ALABAMA

92-6019 FARLEY, JAMES E. V. LOVE, WARDEN, ET AL.  
92-6029 POORMAN, RICHARD V. O'DEA, WARDEN  
92-6039 NELSON, DAVID V. UNITED STATES  
92-6041 RANKEL, ROBERT V. TRACY, LAWRENCE, ET AL.  
92-6043 RHODES, MANDELL V. COLLINS, DIR., TX DCJ  
92-6045 FULCHER, WAYNE V. UNITED STATES  
92-6047 HUNT, STACIE B. V. THOMPSON, MALCOLM, ET AL.  
92-6059 SNELL, BRENDA V. UNITED STATES  
92-6063 CORREA, JOSE M. V. UNITED STATES  
92-6065 FASSLER, LAWRENCE V. UNITED STATES  
92-6074 JAVINO, DALE R. V. UNITED STATES  
92-6079 GALLAGHER, RUSSELL K., ET UX V. SEC  
92-6100 BLACK, FORREST S. V. UNITED STATES  
92-6101 BETANCOURT, AUGUSTO S. V. UNITED STATES  
92-6104 REGINO-DELGADO, ARMANDO V. UNITED STATES  
92-6110 JORDAN, KIMBERLY A., ET AL. V. UNITED STATES  
92-6112 ROMERO, CRICIENTE V. UNITED STATES  
92-6113 PRICE, WALTER J. V. UNITED STATES  
92-6114 McILROY, ENOCH V. UNITED STATES  
92-6122 WHITE, HENRY V. UNITED STATES  
92-6123 CARTER, DARRYL V. UNITED STATES  
92-6124 FORERO, LEONARDO A. V. UNITED STATES  
92-6127 HENDERSON, RAYMOND R. V. UNITED STATES

- 92-6131 DONAHUE, JOSEPH V. UNITED STATES
- 92-6134 SHEROD, CHRISTOPHER V. UNITED STATES
- 92-6143 LUCUMI, DAVID V. UNITED STATES
- 92-6146 BLEVINS, WILLIAM V. UNITED STATES
- 92-6147 HARRIS, STANLEY V. UNITED STATES
- 92-6149 COOPER, JAMES O. V. UNITED STATES
- 92-6150 JOHNSON, EVONNA V. V. UNITED STATES
- 92-6151 SENTIBANEZ, RUBEN V. UNITED STATES
- 92-6163 HALL, TRACEY A. V. UNITED STATES
- 92-6174 MUNGUIA, MIGUEL V. UNITED STATES
- 92-6181 TEMPLEMAN, CHUCK V. UNITED STATES
- 92-6184 HALL, ANDREW L. V. UNITED STATES
- 92-6185 JOHNSON, JOHN P. V. UNITED STATES

92-6215 MATIAS, ANITA J. V. HAWAII

The petitions for writs of certiorari are denied.

91-1283 GREENBERG, EXECUTOR V. H & H MUSIC CO., ET AL.

The petition for a writ of certiorari is denied.

Justice Blackmun and Justice O'Connor would grant certiorari.

91-1877 ) PACHECO, PHILLIP, ET AL. V. DeFOOR, YVONNE E., ET AL.

)  
91-1922 ) DeFOOR, YVONNE E., ET AL. V. COLORADO, ET AL.

The motion of Colorado Intergovernmental Risk

Sharing Agency for leave to file a brief as *amicus curiae* in No. 91-1922 is granted. The petitions for writs of certiorari are denied.

92-264 ) ARCADIA, ET AL. V. OHIO POWER CO., ET AL.  
 )  
92-280 ) FERC V. OHIO POWER CO., ET AL.

The motion of National Association of State Utility Consumers Advocate, et al. for leave to file a brief as *amici curiae* is granted. The petitions for writs of certiorari are denied. Justice Blackmun would grant certiorari.

92-506 CHEVRON TRANSPORT, ET AL. V. GREAT LAKES DREDGE & DOCK  
92-5524 LOPEZ-GIL, JESUS M. V. UNITED STATES

The petitions for writs of certiorari are denied.  
Justice White would grant certiorari.

92-523 HEIM, ARTHUR V. REHNQUIST, CHIEF JUSTICE

The petition for a writ of certiorari is denied.  
The Chief Justice and Justice Blackmun took no part in the consideration or decision of this petition.

92-635 WALSH, LAWRENCE V. BOARD OF ADMIN. OF PUB. EMP.

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

## **MANDAMUS DENIED**

92-548 IN RE KIRK WHITCOMBE

The petition for a writ of mandamus is denied.

## **REHEARINGS DENIED**

91-7237 McFADDEN, CRAWLEY D. V. DERWINSKI, SECRETARY OF VA

91-8106 HAGMANN, ROBERT F. V. UNITED STATES

91-8330 McLEAN, KENNETH V. COMMONWEALTH CT. OF PA

91-8445 BACIGALUPO, MIGUEL A. V. CALIFORNIA

91-8473 PRENZLER, LYLE V. KLEINMAN, CONRAD J.

91-8481 PRENZLER, LYLE H. V. KLEINMAN, CONRAD J.

92-140 GREENMAN, DONALD, ET UX. V. CITY OF CORTLAND

92-5464 RAYMOND, CARLOS A. V. DEPT. OF VETERANS AFFAIRS

92-5629 IN RE DONALD E. JOHNSON

The petitions for rehearing are denied.

## **RECESS ORDER**

The Court will take a recess from Monday, November 16, 1992 until Monday, November 30, 1992.

## **MOTIONS FOR ADMISSION**



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