

## **ORDER LIST**

**MONDAY, NOVEMBER 16, 1992**

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

91-1328 CITY OF CHICAGO, ET AL. V. ENVIRONMENTAL DEFENSE FUND

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 Seventh Circuit for further consideration in light of the memorandum of The Administrator of the Environmental Protection Agency, dated September 18, 1992, regarding Exemption for Municipal Waste Combustion Ash From Hazardous Waste Regulation Under RCRA Section 3001(i).

### **ORDERS IN PENDING CASES**

No. \_\_. DONALD FLYNN V. MICHIGAN, ET AL.

The motion to direct the Clerk to file a complaint is denied.

65 ORIG. TEXAS V. NEW MEXICO.

The motion of the River Master for award of compensation and reimbursement of expenses is granted and the River Master is awarded \$8,082.13 for the period July 1 - September 30, 1992, to be paid equally by the parties.

D-1150 IN THE MATTER OF DISBARMENT OF RONALD E. DEUTSCH

It having been reported to the Court that Ronald E. Deutsch, of Santa Fe, New Mexico, has resigned from the practice of law before the Supreme Court of Texas and this Court by order of September 4, 1992, having suspended the said Ronald E. Deutsch 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 Ronald E. Deutsch 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-1153 IN THE MATTER OF DISBARMENT OF ROBERT L. KIRKMAN

It having been reported to the Court that Robert L. Kirkman, of Portland, Oregon, has been disbarred from the practice of law by the Supreme Court of Oregon and this Court by order of September 4, 1992, having suspended the said Robert L. Kirkman 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 Robert L. Kirkman 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-1155 IN THE MATTER OF DISBARMENT OF SEGUNDO UNPINGCO

It having been reported to the Court that Segundo Unpingco, of San Jose, 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 Segundo Unpingco 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 Segundo Unpingco 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-1159 IN THE MATTER OF DISBARMENT OF THOMAS GEORGE BRODO

It having been reported to the Court that Thomas George Brodo, of Wayne, New Jersey, has been disbarred from the practice of law by the Supreme Court of New Jersey and this Court by order of September 4, 1992, having suspended the said Thomas George Brodo 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 Thomas George Brodo 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-1163 IN THE MATTER OF DISBARMENT OF DAVID R. KNOLL

It having been reported to the Court that David R. Knoll, of Buffalo, New York, has been disbarred from the practice of law by the Appellate Division, Supreme Court of New York, Fourth Judicial Department, and this Court by order of September 4, 1992, having suspended the said David R. Knoll 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 David R. Knoll 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-1206 IN THE MATTER OF DISBARMENT OF CALVIN W. BREIT

It is ordered that Calvin W. Breit, of Virginia Beach, Virginia, 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-1207 IN THE MATTER OF DISBARMENT OF FRED I. ZABRISKIE

It is ordered that Fred I. Zabriskie, of Larchmont, 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.

91-8258 MARTIN, JAMES L. V. DELAWARE

91-8729 DEMPSEY, JOHN B. V. SEARS, ROEBUCK & CO., ET AL.

92-5068 MARTIN, JAMES L. V. SPARKS, GILCHRIST, ET AL.

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

92-479 TXO PRODUCTION CORP. V. ALLIANCE RESOURCES, ET AL.

The motion of American Petroleum Institute, et al. for leave to file a brief as *amici curiae* is granted. The motion of West Virginia Chamber of Commerce for leave to file a brief as *amicus curiae* is granted.

92-5938 IN RE FRED WHITAKER

The motion of petitioner for leave to proceed *in forma pauperis* is denied. Rule 39.8. Petitioner is allowed until December 7, 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 would deny the petition for a writ of prohibition.

92-6036 FORD, MASON V. UNITED STATES

The motion of petitioner for leave to proceed *in forma pauperis* is denied. Petitioner is allowed until December 7, 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 Stevens, dissenting: For the reasons expressed

in *Brown v. Herald Co., Inc.*, 464 U. S. 928 (1983), I would deny the petition for a writ of certiorari without reaching the merits of the motion to proceed *in forma pauperis*.

#### **CERTIORARI GRANTED**

92-466 BROOKE GROUP LTD. V. BROWN & WILLIAMSON TOBACCO

92-551 KEMP, SEC. OF HUD, ET AL. V. ALPINE RIDGE GROUP, ET AL.

The petitions for writs of certiorari are granted.

92-531 HATCHER, KIM A. V. ALPINE RIDGE GROUP, ET AL.

The petition for a writ of certiorari is granted limited to Question 1 presented by the petition.

#### **CERTIORARI DENIED**

91-1872 FEIST PUB., INC. V. RURAL TELEPHONE SERV.

91-1885 WILSON, PETE, ET AL. V. DEL MONTE, CHARLES, ET AL.

91-8574 HARRIS, VINCENT D. V. SINGLETARY, SEC., FL DOC

91-8725 BELL, JAMES H. V. BAKER, WARDEN

91-8745 ESPELITA, GREGONIA M. V. DERWINSKI, SEC. OF VA

92-30 ZYCH, HARRY, ET AL. V. ILLINOIS HISTORIC PRESERV.

92-211 OKLAHOMA, COMMR. LAND OFFICE V. CROOK, RANDY L., ET AL.

92-338 COOPER TIRE & RUBBER COMPANY V. NLRB

92-384 CASH, ROBERT L., ET AL. V. UNITED STATES

92-518 DOUGHTY, MARVIS V. ZOECON CORP.

92-524 CRAM, LILLIAM V. MAXWELL, HUGH, ETC.

92-535 O'BRIEN, CHARLES, ET AL. V. BANK ONE, COLUMBUS, N.A.

92-536 DURHAM, HARVEY V. CORUM, ALVIS

92-538 PELFRESNE, DONALD V. WILLIAMS BAY, ET AL.

92-540 LABOR UNION OF PICO, ET AL. V. PICO PROD., INC., ET AL.

92-546 WASHINGTON WATER POWER CO. V. SPOKANE INDIAN TRIBE

92-549 ATER, DON V. ARMSTRONG, DAVID, ET AL.

92-550 SAARI, HOWARD E. V. SMITH BARNEY, HARRIS, ETC.

92-553 KAHN, PHYLLIS, ET AL. V. KOHLBERG, KRAVIS, ET AL.

92-559 DUVAL COUNTY, TEXAS, ET AL. V. PEREZ, ANTONIA, ET AL.

92-570 SHARPTON, ALFRED C. V. TURNER, JUDGE, ET AL.

92-599 LINARES, ZOILO, ET AL. V. SENKOWSKI, SUPT. CLINTON

92-618 McCANN, WILLIAM, ET AL. V. CHICAGO

92-619 PATRICK, GEORGE EDWARD V. UNITED STATES

92-661 ROSS, SPECK ARON V. UNITED STATES

92-667 TENAX CORP., ET AL. V. TENSAR CORPORATION

92-5015 COOGAN, CHARLES C. V. McCAUGHTRY, WARDEN

92-5199 BITTENBENDER, CARLTON L. V. TAYLOR, WARDEN, ET AL.

92-5256 AGUIRRE, ARNOLDO V. UNITED STATES

92-5376 CALIA, JOHN J. V. UNITED STATES

92-5384 CARVER, EDWARD V. CARVER, PAULETTE ET AL.

92-5392 KIRSCH, KEVIN E. V. WISCONSIN



92-5526 PHILLIPS, DARNELL V. UNITED STATES  
92-5613 CARLINI, ANGELA A. V. UNITED STATES  
92-5636 VIVES, DAVID V. UNITED STATES  
92-5654 HALL, MELVIN H. V. UNITED STATES  
92-5658 RAY, SHERILYN Y. V. UNITED STATES  
92-5672 KASSIM, ZAID V. UNITED STATES  
92-5847 HARDY, JAMES V. CALIFORNIA  
92-5867 BROWN, BENNY M. V. UNITED STATES  
92-5876 EARLE, ALLEN V. UNITED STATES  
92-5920 DESMOND, JOHN F. V. CITY OF QUINCY, MA, ET AL.  
92-5921 CATELL, MICHAEL J. V. SMYTHE, ADMIN., HALAWA CORR.  
92-5922 TRUNDY, EUGENE V. MAGNUSSON, WARDEN, ET AL.  
92-5923 BIGGS, WILLIAM, ET AL. V. LYNAUGH, EXEC. DIR., TX DCJ  
92-5933 WIGLEY, TROY E. V. COLLINS, DIR., TX DCJ  
92-5934 WIGLEY, TROY E. V. HUGHES UNIT, TX, DCJ, ET AL.  
92-5935 WRIGHT, MELVIN V. KEANE, SUPT., SING SING  
92-5946 BAUTISTA, ANTONIO, ET AL. V. UNITED STATES  
92-5953 BOBO, THOMAS J. V. CONLIN, NANCY E., ET AL.  
92-5958 SINDRAM, MICHAEL V. SAXTON, SAMUEL, ET AL.  
92-5963 BOOTH, JOHN V. MARYLAND  
92-5974 VEGA, MARTIN S. V. TEXAS  
92-5997 ZIEBARTH, SYLVESTER V. FARM CREDIT BANK OF ST. PAUL  
92-6018 BUCHANAN, DOUGLAS McA. V. MURRAY, DIR., VA DOC, ET AL.

92-6020 SMITH, WILLIAM S. V. ALAMEDA CTY. SHERIFF, ET AL.  
92-6042 RIDER, LAWRENCE E. V. DEEDS, WARDEN  
92-6067 AVANA, ANTONIO V. UNITED STATES  
92-6078 SCHOOLEY, LONNIE EUGENE V. SOWDERS, WARDEN  
92-6096 ) EVANS, BRUCE K. V. UNITED STATES  
    )  
92-6208 ) EVANS, JACK V. UNITED STATES  
92-6119 SPEARS, CHARLES V. UNITED STATES  
92-6156 KERNICK, JOHN W. V. UNITED STATES  
92-6175 ROBLEDO, GUSTAVO V. UNITED STATES  
92-6183 ) HOLLEY, GERALDINE S. V. UNITED STATES  
    )  
92-6250 ) HATLEY, CHARLES A. V. UNITED STATES  
92-6188 PETE, RICHARD V. UNITED STATES  
92-6190 MARTIN, WILSON V. UNITED STATES  
92-6191 WOFFORD, RACHEL V. UNITED STATES  
92-6194 CABEZAS-COLON, LUIS H. V. UNITED STATES  
92-6195 LOPEZ-ALVAREZ, RAUL V. UNITED STATES  
92-6199 CUNNINGHAM, G. HAZEL V. UNITED STATES  
92-6201 GARIBAY-BRAVO, FERNANDO V. UNITED STATES  
92-6205 GREGORY, EARL V. MURRAY, DIR., VA DOC  
92-6207 JOHNSON, RAYMOND V. UNITED STATES  
92-6211 MENDEZ, RAPHAEL V. UNITED STATES  
92-6212 QUIROZ, SAMUEL V. UNITED STATES  
92-6213 LEVINSON, MELVIN E. V. UNITED STATES

92-6221 GARZA, JOSEPH H. V. UNITED STATES  
92-6222 BAUTISTA, RAFAEL CASTILLO V. UNITED STATES  
92-6223 ALZATE, MIGUEL ANGEL V. UNITED STATES  
92-6225 ARIGBEDE, OLAKUNLE LANRE V. UNITED STATES  
92-6226 SAVOY, ROBERT DION V. UNITED STATES  
92-6227 CASEY, JAMES ROBERT V. UNITED STATES  
92-6228 SABB, LINWARD V. UNITED STATES  
92-6237 SALLY, ALBERT V. UNITED STATES  
92-6241 WALKER, LARRY V. UNITED STATES  
92-6245 MONTOYA, EDGAR V. UNITED STATES  
92-6251 HOLGUIN, CARLOS O. V. UNITED STATES  
92-6254 RILEY, CHARLES N. V. UNITED STATES  
92-6257 CARTER, ROBERT JOSEPH V. UNITED STATES  
92-6263 SONSHINE, GLENN HOWARD V. UNITED STATES  
92-6268 STRICKLAND, WILLIAM V. UNITED STATES  
92-6269 WEAVER, PRISCILLA V. UNITED STATES  
92-6270 ABATE, TESHOME V. GOLDSMITH, WARDEN, ET AL.  
92-6272 TROUTMAN, LATROY V. UNITED STATES  
92-6273 SASSI, STEVEN V. UNITED STATES  
92-6275 MICKENS, ERIC ELIJAH V. UNITED STATES  
92-6279 HUNTER, KEVIN V. UNITED STATES  
92-6283 FRIEDMAN, BARRY M. V. UNITED STATES  
92-6284 KWASNY, ROBERT M. V. UNITED STATES

92-6286 BYRD, WAYNE M. V. UNITED STATES

92-6295 LUERA, RUBEN V. UNITED STATES

92-6300 EVANS, RANDALL P. V. UNITED STATES

92-6301 HENNINGHAM, GLENN V. UNITED STATES

The petitions for writs of certiorari are denied.

92-111 DIXON, GARY, ET AL. V. WILLIAMS, DOUGLAS

The motion of respondent for leave to proceed *in forma pauperis* is granted. The motion of Criminal Justice Legal Foundation for leave to file a brief as *amicus curiae* is granted. The petition for a writ of certiorari is denied.

92-530 GEORGE BASCH CO. V. BLUE CORAL, INC., ET AL.

92-533 ADAMS, NICOLE, ETC., ET AL. V. CHILDREN'S MERCY, ET AL.

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

92-532 ARIZONA V. BARTLETT, JOSEPH

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

92-5270 DICKERSON, BERNARD V. RYAN, SUPT., ET AL.

The petition for a writ of certiorari is denied.  
Justice Blackmun would grant certiorari.

## REHEARINGS DENIED

- 91-1891 KING, ELINOR S. V. JAMES, L. FOSTER, ET AL.  
91-7872 MUHAMMAD, ABDUL-JABBAR V. UNITED STATES  
91-7975 IN RE JACK D. LIFFITON  
91-8266 LYLE, ROGER L. V. MICHIGAN DEPT. OF CORR.  
91-8414 BROWN, CARSON L. V. BROWN, ROBERT, ET AL.  
91-8545 SUEING, JEROME V. BROWN, DIR., MICHIGAN DOC.  
91-8699 CLAUSEN, PETER T. V. ANNICH, RUSSELL W., ET AL.  
92-45 STONEHILL, HARRY, ET UX. V. UNITED STATES  
92-113 RAMIREZ, MARIA G. V. TEXAS  
92-364 PLEMONS, JOHN V. UNITED STATES  
92-5034 IN RE NEWTON C. ESTES  
92-5204 YATES, MACK B. V. GARNER, JACK, ET AL.  
92-5388 WILLIAMS, DOUGLAS LOUIS V. UNITED STATES  
92-5465 MANWANI, RAM P. V. SCHONZEIT, ET AL.  
92-5466 MULAZIM, FA'DEE V. REDMAN, WARDEN  
92-5591 TAYLOR, ROOSEVELT V. BARBER, EDNA, ET AL.

The petitions for rehearing are denied.

- 92-353 GAMBOCZ, BILL J. V. McCALLUM, CAROLINE, ET AL.

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

- 92-5556 OMOIKE, ISAAC I. V. COCA-COLA BOTTLING COMPANY

The petition for rehearing is denied. Justice Blackmun took no part in the consideration or decision of this petition.

### **MOTIONS FOR ADMISSION**

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