

ORDER LIST

MONDAY, MARCH 28, 1994

CERTIORARI -- SUMMARY DISPOSITION

92-6259 ADAMS, SYLVESTER LEWIS V. EVATT, COMMISSIONER, ET AL.

The petition for rehearing is granted. The order entered June 14, 1993 denying the petition for a writ of certiorari is vacated. The motion of petitioner for leave to proceed *in forma pauperis* and the petition for a writ of certiorari are granted. The judgment is vacated and the case is remanded to the United States Court of Appeals for the Fourth Circuit for further consideration in light of *Sullivan v. Louisiana*, \_\_\_ U.S. \_\_\_.

92-8656 AVAKIAN, EDWARD VYHIE V. UNITED STATES

The motion of petitioner for leave to proceed *in forma pauperis* and the petition for a writ of certiorari are 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 *United States v. Granderson*, 511 U. S. \_\_\_ (1994).

93-753 NORTH CAROLINA V. BRYANT, KENNETH

The motion of respondent Marvin Earl Williams for leave to proceed *in forma pauperis* is granted. The motion of respondent Kenneth Michael Bryant for leave to proceed *in forma pauperis* is granted. The petition for a writ of certiorari is granted. The judgments are vacated and the cases are remanded to the Supreme Court of North Carolina for further consideration in light of *Victor v.*

*Nebraska*, 511 U. S. \_\_\_\_ (1994).

93-6913 HILL, DEBORAH S. V. UNITED STATES

The motion of petitioner for leave to proceed *in forma pauperis* and the petition for a writ of certiorari are granted. The judgment is vacated and the case is remanded to the United States Court of Appeals for the Fifth Circuit for further consideration in light of *United States v. Granderson*, 511 U. S. \_\_\_\_ (1994).

**ORDERS IN PENDING CASES**

D-1338 IN THE MATTER OF DISBARMENT OF CARL JAY SACKS

It having been reported to the Court that Carl Jay Sacks, of Baltimore, Maryland, has been disbarred from the practice of law by the Court of Appeals of Maryland and this Court by order of January 10, 1994, having suspended the said Carl Jay Sacks 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 Carl Jay Sacks 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-1341 IN THE MATTER OF DISBARMENT OF JERRY MICHAEL CULLEN

It having been reported to the Court that Jerry Michael Cullen, of Kansas City, Missouri, has been

disbarred from the practice of law by the Supreme Court of Kansas and this Court by order of January 10, 1994, having suspended the said Jerry Michael Cullen 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 Jerry Michael Cullen 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-1342      IN THE MATTER OF DISBARMENT OF BERNARD PATRICK KOLE

It having been reported to the Court that Bernard Patrick Kole, of Havre de Grace, Maryland, has been disbarred from the practice of law by the Court of Appeals of Maryland and this Court by order of January 10, 1994, having suspended the said Bernard Patrick Kole 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 Bernard Patrick Kole 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-1343      IN THE MATTER OF DISBARMENT OF JOSEPH ANDREW KOPROWSKI

It having been reported to the Court that Joseph Andrew Koprowski, of Kingwood, Texas, has been disbarred from the practice of law by the Supreme Court of Texas and this Court by order of January 10, 1994, having suspended the said Joseph Andrew Koprowski 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 Joseph Andrew Koprowski 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-1344      IN THE MATTER OF DISBARMENT OF DAVID LEE JOHNSON

It having been reported to the Court that David Lee Johnson, of Decatur, Illinois, has been disbarred from the practice of law by the Supreme Court of Illinois and this Court by order of January 10, 1994, having suspended the said David Lee Johnson 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 Lee Johnson 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-1345      IN THE MATTER OF DISBARMENT OF BARRY KROHN

It having been reported to the Court that Barry Krohn, of Coral Springs, Florida, has been suspended from the practice of law by the Supreme Court of Florida and this Court by order of January 10, 1994, having suspended the said Barry Krohn 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 Barry Krohn 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-1347      IN THE MATTER OF DISBARMENT OF CHARLES T. CONAWAY

It having been reported to the Court that Charles T. Conaway, of San Antonio, Texas, has resigned from the practice of law before the Supreme Court of Texas and this Court by order of January 10, 1994, having suspended the said Charles T. Conaway 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 Charles T. Conaway 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-1348      IN THE MATTER OF DISBARMENT OF JOEL LYNN BAILEY

It having been reported to the Court that Joel Lynn Bailey, of Garland, Texas, has been disbarred from the practice of law by the Supreme Court of Texas and this Court by order of January 10, 1994, having suspended the said Joel Lynn Bailey 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 Joel Lynn Bailey 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-1352      IN THE MATTER OF DISBARMENT OF ROBERT B. HULNICK, JR.

It having been reported to the Court that Robert B. Hulnick, Jr., of West Chester, Pennsylvania, has been disbarred from the practice of law by the Supreme Court of Pennsylvania, Eastern District, and this Court by order of January 18, 1994, having suspended the said Robert B. Hulnick, Jr., 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 B. Hulnick, Jr., 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-1354      IN THE MATTER OF DISBARMENT OF DEITRA RAVERNE HANDY MICKS

It having been reported to the Court that Deitra Raverne Handy Micks, of Jacksonville, Florida, has been suspended from the practice of law by the Supreme Court of Florida and this Court by order of January 18, 1994, having suspended the said Deitra Raverne Handy Micks from the practice of law in this Court and directed that a rule issue requiring her to show cause why she 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 Deitra Raverne Handy Micks be disbarred from the practice of law in this Court and that her name be stricken from the roll of attorneys admitted to practice before the Bar of this Court.

D-1374      IN THE MATTER OF DISBARMENT OF HAROLD P. HEITMANN

It is ordered that Harold P. Heitmann, of St. Louis, Missouri, 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-1375      IN THE MATTER OF DISBARMENT OF WARREN HARDING McNAMARA, JR.

It is ordered that Warren Harding McNamara, Jr., of Newport News, 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-1376      IN THE MATTER OF DISBARMENT OF JACK NATH

It is ordered that Jack Nath, of New Hyde Park, 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.

93-714      U.S. BANCORP MORTGAGE COMPANY V. BONNER MALL PARTNERSHIP

This case is removed from the April 1994 argument calendar. The memorandum of respondent suggesting that the case is moot filed March 15, 1994 is set for briefing and oral argument in accordance with Rules 24, 25, and 28 of the Rules of this Court. The parties are directed to brief and argue the following question:  
Should the rule announced in *United States v. Munsingwear*, 340 U.S. 36 (1950), extend to cases that become moot in this Court because of the voluntary settlement of the parties?

93-1284      HOECHST CELANESE, ET AL. V. GILLIS, LEONARD, ET AL.

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

93-7745      JOHNSON, CARL I. V. JOHNSON, THERESA M.



The motion of petitioner for leave to proceed *in forma pauperis* is denied. Petitioner is allowed until April 18, 1994, 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.

**CERTIORARI GRANTED**

93-7901 SCHLUP, LLOYD V. DELO, SUPT., POTOSI

The motion of petitioner for leave to proceed *in forma pauperis* is granted. The petition for a writ of certiorari is granted limited to Questions 1 and 2 presented by the petition.

**CERTIORARI DENIED**

93-830 DAVIS SUPERMARKETS, INC. V. NLRB

93-850 ORTIZ-CAMERON, LUIS HIRAM V. UNITED STATES

93-1058 BENNETT, JOSEPH V. UNITED STATES

93-1063 HAYWARD, KENNETH, ET AL. V. UNITED STATES

93-1074 CELLSWITCH L.P., ET AL. V. FCC, ET AL.

93-1081 GILLIS, LEONARD, ET AL. V. HOECHST CELANESE CORP.

93-1097 CHESLEREAN, DANIELA V. INS

93-1105 COLORADO DEPT. HEALTH, ET AL. V. BAUMAN, BERNADETTE, ET AL.

93-1106 JACKSON, EDMOND V. NEW YORK CITY POLICE, ET AL.

93-1152 GARRATT, C. WILLIAM V. MORRIS, EDDIE, ET AL.

93-1204 EAGLEYE, LARRY V. TRW, INC., ET AL.

93-1218 THOMAS, KEVIN, ET AL. V. UNITED STATES

93-1240 BRITT, CLARENCE V. UNITED STATES

93-1245 ODECO OIL & GAS, ETC., ET AL. V. BONNETTE, DAVID, ET AL.

93-1255 MORRIS COUNTY, NEW JERSEY V. PHILIPPEN, JEAN PIERRE  
93-1256 HAYDEN, J. WILLIAM V. LA-Z-BOY CHAIR COMPANY  
93-1257 CATLETT, IRVIN V. VIRGINIA  
93-1258 WILLIS, DAVID V. DeBRUYN, COMMR., IN DOC  
93-1262 TIEMEYER, DONNA, ET AL. V. COMMUNITY MUT. INS., ET AL.  
93-1263 BERNARD, ERROL V. CONNICK, HARRY, ETC.  
93-1264 COWAN, JOE JUNIOR V. MONTANA  
93-1266 CASADOS, JOHN, ET AL. V. DENVER CITY & COUNTY, ET AL.  
93-1268 NM ENVIRONMENT DEPT. V. FRANCO, ORALIA, ETC.  
93-1269 HONG, YOUNG IN V. CHILDREN'S MEMORIAL HOSP.  
93-1270 CALIFORNIA V. USDC ED CA (PARR, ET AL., R P IN INTEREST)  
93-1273 YOUNGER, HAROLD V. YOUNGER, DONNA  
93-1274 KAGAN, MARSHALL V. EL SAN HOTEL, ETC., ET AL.  
93-1288 ELLENBECKER, JAMES, ET AL. V. HOWE, VELDA, ET AL.  
93-1289 ROGERS, GORDON V. UNITED STATES, ET AL.  
93-1295 SPALETTA, JUDITH V. CA WORKERS' COMP. BD., ET AL.  
93-1304 McVAY, SHARMAN V. PARRISH, SAMUEL  
93-1311 BURCHILL, ROBERT V. KISH, DOUGLAS, ET AL.  
93-1352 EDWARDS, A. G. V. WILSON, STEWART, ET AL.  
93-6257 CULVER, ROBERT JAMES V. CALIFORNIA  
93-6635 REED, ANTOINE D. V. CALIFORNIA  
93-6900 METZGER, RANDY V. UNITED STATES  
93-7067 HASSAN EL, JAMES V. UNITED STATES  
93-7299 RICHARDSON, ROBERT V. UNITED STATES  
93-7315 FAVORITO, MICHAEL A. V. UNITED STATES  
93-7346 LAYNE, CARL PRESTON V. UNITED STATES  
93-7355 COBLE, WILLIE V. UNITED STATES  
93-7404 SAMRICK, RICHARD ELLIOTT V. UNITED STATES

93-7623 MILLAN, ERIC V. UNITED STATES

93-7652 DAVIS, YVETTE V. RESOLUTION TRUST CORP.

93-7669 TERRELL, JAMARA DELVIN V. CALIFORNIA

93-7672 SHELTON, BRENDA, ET AL. V. EBERHARDT, JOHN, ET AL.

93-7685 DOYLE, ROBERT JOHN V. FLORIDA

93-7686 SULLIVAN, ALBERT V. FLANNIGAN, MARY, ET AL.

93-7698 ESPARZA, JULIAN S. V. WOODS, S. O., ET AL.

93-7709 LONG, MICHAEL W. V. JENKINS, BILL, ET AL.

93-7715 GASSAWAY, BILLY R. V. CODY, WARDEN

93-7716 GIFFORD, WILLIS, ET UX. V. NATL. BANK OF SD, ET AL.

93-7721 SANFORD, CAROLYN V. ALAMEDA-CONTRA COSTA TRANSIT

93-7723 SWEENEY, TERRENCE V. CIVIL SERVICE COMMISSION

93-7727 SNYDER, WILLIAM V. LOVE, WARDEN

93-7728 WILLIAMS, JOHN FREDERICK V. PINE BLUFF SCHOOL DISTRICT

93-7731 ESPARZA, JULIAN S. V. PAROLE PANEL

93-7735 FRIEDMAN, ABRAHAM V. DEAR, NOACH, ET AL.

93-7736 TYLER, MELVIN LEROY V. PURKETT, SUPT., FARMINGTON

93-7746 CONDON, PAUL V. DELAWARE

93-7750 MILLER, DONALD A. V. ROWLAND, DIR., CA DOC

93-7751 NUNNALLY, GAIL V. ILLINOIS

93-7752 LYLE, ROGER L. V. McKEON, RICHARD M.

93-7753 ROGERS, JERRY RONALD V. NORTH CAROLINA

93-7754 MOSLEY, ROY E. V. COLLINS, DIR., TX DCJ

93-7755 MAGULA, STEVE V. INFANTE, CHARLES, ET AL.

93-7756 O'MURCHU, NOEL V. RENO, U. S. ATTORNEY GENERAL

93-7757 LIGHT, DON V. KIRK, JUDGE

93-7764 SHANTEAU, TAMMY V. DEPARTMENT OF SOCIAL SERVICES

93-7768 PREUSS, OTTO A. V. DISTRICT OF COLUMBIA

93-7771 FIGUEROA, OSCAR A. V. CALIFORNIA

93-7772 GASTER, FRANK M. V. TAYLOR, WARDEN, ET AL.

93-7773 BOOTHE, PHILIP V. STANTON, TIMOTHY F.

93-7774 BYNUM, WADDELL V. STATE FARM INSURANCE COMPANY

93-7775 HOOD, ROBERT L. V. SMITH, DETECTIVE, ET AL.

93-7776 BYERS, BRETT DONALD V. MONTANA

93-7789 KELLY, JOHN M. V. MUNICIPAL COURT OF CA

93-7790 JONES, KENNETH L. V. SNYDER, WARDEN

93-7791 HARPER, CHUCKIE L. V. COLLINS, DIR., TX DCJ

93-7792 ELINE, RICHARD C. V. BISHOP ESTATE, ET AL.

93-7800 GARCIA, JOSE L. V. FLORIDA

93-7806 PITTS, CARL A. V. CALIFORNIA

93-7819 BROWN, DONALD L. V. NORRIS, DIR., AR DOC

93-7822 CORETHERS, CLARENCE V. FRIEDMAN, STUART A., ET AL.

93-7827 GATES, KEITH V. UNITED STATES

93-7830 DILLARD, CHARLES R. V. COLLINS, DIR., TX DCJ

93-7831 MACK, OLIN V. KENZIE, ROSS B., ET AL.

93-7844 FLYNN, DONALD E. V. GARDEN CITY, MI

93-7845 MESSERSCHMIDT, EUGENE D. V. UNITED STATES

93-7909 WATSON, DONALD LLOYD V. UNITED STATES

93-7951 LODEIRO, MANUEL V. UNITED STATES

93-7965 VISINTINE, ROBERT V. UNITED STATES

93-7967 THOMPSON, DOUGLAS WAYNE V. UNITED STATES

93-7981 McQUEEN, KELLY L. V. UNITED STATES

93-7982 MULHOLLAN, FAXON V. UNITED STATES

93-7988 KEEPER, LONNIE V. UNITED STATES

93-7991 GALLARDO, VICTOR V. UNITED STATES

93-7993 HARVEY, WILLIAM E. V. UNITED STATES

93-8003 McCOWAN, OWEN V. UNITED STATES

93-8004 OMECTIN, JOANN V. UNITED STATES  
93-8005 RAY, RANDY L. V. UNITED STATES  
93-8015 KREUZHAGE, HOLGER V. UNITED STATES  
93-8016 ALVAREZ, ROBERT FRED V. UNITED STATES  
93-8017 ADAMS, WILLIAM EDWARD V. UNITED STATES  
93-8019 CALIFANO, PETER V. UNITED STATES  
93-8021 CORRELL, DOUGLAS V. UNITED STATES  
93-8026 LLERENA-ACOSTA, EUFEMIO R. V. UNITED STATES  
93-8028 LUX, HERBERT W., ET UX. V. SPOTSWOOD CONSTRUCTION LOANS  
93-8036 CHILDS, CRAIG L. V. UNITED STATES  
93-8042 SANCHEZ, LUIS V. UNITED STATES  
93-8052 ROBINSON, GASTON V. UNITED STATES  
93-8064 FREEMAN, ROBERT D. V. ID COMMN. FOR PARDONS, ETC.

The petitions for writs of certiorari are denied.

93-52 UNITED STATES V. CLAY, LaSHAWN

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

93-1095 RIVERA, RALPH V. UNITED STATES

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

93-1250 CHANDLER, LYLE, ET AL. V. DALLAS

The motion of Advocacy Incorporated, et al. for leave to file a brief as *amici curiae* is granted. The petition for a writ of certiorari is denied.

93-1259 MARTIN, JAMES L. V. OMEGA MED. CTR. ASSOCS.

The motion of petitioner to consolidate the

petition for a writ of certiorari with other cases is  
denied. The petition for a writ of certiorari is denied.

93-5784 HOFFMAN, MAXWELL V. IDAHO  
93-6885 WILLIAMS, HERBERT V. ALABAMA  
93-7075 CORAL, ROBERT LANCE V. ALABAMA  
93-7247 OGAN, CRAIG NEIL V. TEXAS  
93-7269 TUCKER, JEFFERY EUGENE V. TEXAS  
93-7317 JONES, RONALD V. ILLINOIS  
93-7331 BEHRINGER, EARL RUSSELL V. TEXAS  
93-7423 JENKINS, MARK A. V. ALABAMA  
93-7482 MORENO, JOSE ANGEL V. TEXAS  
93-7648 DUBOIS, JOHNILE L. V. VIRGINIA  
93-7778 YOUNG, JOSEPH LOUIS V. PENNSYLVANIA

The petitions for writs of certiorari are denied.  
Justice Blackmun dissenting:

Adhering to my view that the death penalty cannot  
be imposed fairly within the constraints of our  
Constitution, see my dissent in *Callins v. Collins*, 510  
U.S. \_\_, \_\_ (1994), I would grant certiorari and  
vacate the death sentences in these cases.

**MANDAMUS DENIED**

93-7767 IN RE RONALD L. MADSEN

The petition for a writ of mandamus is denied.

93-7740 IN RE CLARENCE CORETHERS

93-7794 IN RE CLARENCE CORETHERS

The petitions for writs of mandamus and/or  
prohibition are denied.

**REHEARINGS DENIED**

93-6638 PHELPS, RODNEY C. V. LOCKHEED MISSILES & SPACE  
93-6644 RANDALL, JACK L. V. SINGLETARY, SEC., FL DOC  
93-6786 KENNEDY, MICHAEL V. LITTLE, TERRY, ET AL.  
93-6841 RADFORD, LAVONNA, ETC. V. CHEVRON, U.S.A., INC.  
93-6910 JACKSON, STANLEY V. WISNESKI, JEROME J.  
93-7073 CORETHERS, CLARENCE V. KMIECIK, MICHAEL, ET AL.  
93-7187 PORTER, VIRGIE V. MICHAEL REESE HOSPITAL  
93-7188 RICHMOND, GUY L. V. WATERS, WARDEN, ET AL.  
93-7193 THAKKAR, RAJESH V. DEBEVOISE, JUDGE, USDC D NJ  
93-7224 THOMAS, MAJOR V. NATIONAL UNION FIRE INS.  
93-7657 LAWSON, DAVID V. DIXON, WARDEN

The petitions for rehearing are denied.

92-1953 RAYMOND, FREDERIC, ET AL. V. MOBIL OIL CORP.

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

92-8822 JOHNSON, WILLIE D. V. CALIFORNIA

The petition for rehearing is denied.

Justice Blackmun dissenting:

Adhering to my view that the death penalty cannot  
be imposed fairly within the constraints of our  
Constitution, see my dissent in *Callins v. Collins*, 510  
U.S. \_\_, \_\_ (1994), I would grant the petition for  
rehearing.

**Recess Order**

The Court will take a recess from Monday,  
April 4, 1994 until Monday, April 18, 1994.

**MOTIONS FOR ADMISSION**

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