

ORDER LIST

MONDAY, MAY 23, 1994

CERTIORARI -- SUMMARY DISPOSITION

93-883 ICC, ET AL. V. OVERLAND EXPRESS, INC.

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 District of Columbia Circuit for further consideration in light of *Security Services, Inc. v. Kmart Corporation*, 511 U. S. ____ (1994). Justice Ginsburg took no part in the consideration or decision of this case.

93-1129 COTTER & COMPANY V. BRIZENDINE, ROBERT

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 *Security Services, Inc. v. Kmart Corporation*, 511 U. S. ____ (1994).

ORDERS IN PENDING CASES

D-1336 IN THE MATTER OF DISBARMENT OF WAYNE JEFFREY PRICE

It having been reported to the Court that Wayne Jeffrey Price, of Brooklyn, New York, has been disbarred from the practice of law by the Appellate Division, Supreme Court of New York, Second Judicial Department, and this Court by order of December 13, 1993, having suspended the said Wayne Jeffrey Price 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 Wayne Jeffrey Price 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-1349 IN THE MATTER OF DISBARMENT OF GARRY MICHAEL COOPER

It having been reported to the Court that Garry Michael Cooper, of Houston, Texas, has been suspended from the practice of law by the Supreme Court of Texas and this Court by order of January 10, 1994, having suspended the said Garry Michael Cooper 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 Garry Michael Cooper 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-1359 IN THE MATTER OF DISBARMENT OF NEIL WARREN STEINHORN

It having been reported to the Court that Neil Warren Steinhorn, of Baltimore, Maryland, has been disbarred from the practice of law by the Court of Appeals of Maryland and this Court by order of February

22, 1994, having suspended the said Neil Warren Steinhorn 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 Neil Warren Steinhorn 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-1360 IN THE MATTER OF DISBARMENT OF BRUCE PROVDA

It having been reported to the Court that Bruce Provda, of Floral Park, New York, has been suspended from the practice of law by the Appellate Division, Supreme Court of New York, First Judicial Department, and this Court by order of February 22, 1994, having suspended the said Bruce Provda 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 Bruce Provda 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-1364 IN THE MATTER OF DISBARMENT OF BRUCE A. HERRING

It having been reported to the Court that Bruce A.

Herring, of Placentia, California, has been disbarred from the practice of law by the Supreme Court of California and this Court by order of February 22, 1994, having suspended the said Bruce A. Herring 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 Bruce A. Herring 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-1366 IN THE MATTER OF DISBARMENT OF A. KARL STEVENS, JR.

It having been reported to the Court that A. Karl Stevens, Jr., of Tampa, Florida, has resigned from the practice of law before the Supreme Court of Ohio and this Court by order of February 22, 1994, having suspended the said A. Karl Stevens, 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 A. Karl Stevens, 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-1372 IN THE MATTER OF DISBARMENT OF MICHAEL I. SMITH

It having been reported to the Court that Michael I. Smith, of Washington, D. C., has resigned from the practice of law before the Appellate Division, Supreme Court of New York, First Judicial Department, and this Court by order of March 21, 1994, having suspended the said Michael I. Smith 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 Michael I. Smith 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-1376 IN THE MATTER OF DISBARMENT OF JACK NATH

It having been reported to the Court that Jack Nath, of New Hyde Park, 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 March 28, 1994, having suspended the said Jack Nath 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 Jack Nath 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-1391 IN THE MATTER OF DISBARMENT OF WILLIAM CASTRO

It is ordered that William Castro, of Miami, 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-1392 IN THE MATTER OF DISBARMENT OF CARTER BLEDSOE

It is ordered that Carter Bledsoe, of McLean, 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-1393 IN THE MATTER OF DISBARMENT OF ERIO M. COMICI

It is ordered that Erio M. Comici, of Chesterfield, 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-1394 IN THE MATTER OF DISBARMENT OF NORMAN C. FARHAT

It is ordered that Norman C. Farhat, of Farmington Hills, 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-1395 IN THE MATTER OF DISBARMENT OF LAWRENCE D. MORINGIELLO

It is ordered that Lawrence D. Moringiello, of Brooklyn, 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-1396 IN THE MATTER OF DISBARMENT OF JOSEPH G. CAIRO, JR.

It is ordered that Joseph G. Cairo, Jr., of Corona Village, 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.

93-823 NEBRASKA DEPT. OF REVENUE V. LOEWENSTEIN, JOHN

The motion of Federal Reserve Bank of New York for leave to file a brief as *amicus curiae* is granted. The motion of Council of State Governments, et al. for leave to file a brief as *amici curiae* is granted.

93-1260 UNITED STATES V. LOPEZ, ALFONSO

93-1318 ICC V. TRANSCON LINES, ET AL.

The motions of the Solicitor General to dispense with printing the joint appendices are granted.

93-1341 WEST PENN POWER CO., ET AL. V. PA PUB. UTL. COMMN., 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 reconsideration of the order denying leave to proceed *in forma pauperis* is denied.

93-8569 IN RE FRED WHITAKER

The motion of petitioner for leave to proceed *in forma pauperis* is denied. See Rule 39.8. Petitioner is allowed until June 13, 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

93-1199 STONE, MARVIN V. INS

93-1525 LEBRON, MICHAEL V. NATL. RR PASSENGER CORP.

The petitions for writs of certiorari are granted.

93-1504 CELOTEX CORPORATION V. EDWARDS, BENNIE, ET UX.

The petition for a writ of certiorari is granted limited to the following question: "Whether Rule 65.1 of the Federal Rules of Civil Procedure allows enforcement of a supersedeas bond, posted to stay execution of judgment against a defendant that filed for reorganization after the judgment became final, against the non-bankrupt surety that issued the bond, even though a bankruptcy court in another circuit has attempted to restrain execution on supersedeas bonds posted in favor of the debtor under section 105(a) of the Bankruptcy Code."

93-1543 MCKENNON, CHRISTINE V. NASHVILLE BANNER PUBLISHING

The motion of American Association of Retired Persons, et al. for leave to file a brief as *amici curiae* is granted. The petition for a writ of certiorari

is granted.

CERTIORARI DENIED

93-683 SECURITY SERVICES, ETC. V. GARVEY CORP., ET AL.
93-792 SILVEY REFRIGERATED CARRIERS V. H.J. HEINZ COMPANY
93-1133 GRAY, MAINE, ET AL. V. TRI-STATE RUBBISH, ET AL.
93-1215 MITCHELL ARMS, INC. V. UNITED STATES
93-1230 SCHNEIDER, DAVID V. UNITED STATES
93-1265 DOUGHARTY, GARY V. UNITED STATES
93-1335 SECURITY SERVICES, INC. V. JOHN H. HARLAND CO.
93-1403 ARTHUR, PEARL, ET AL. V. BELL ATLANTIC CORP., ET AL.
93-1470 METZGER, TOM, ET AL. V. BERHANU, ENGEDAW
93-1505 TRI-STATE RUBBISH, INC. V. AUBURN, MAINE, ET AL.
93-1508 MOSELEY, THOMAS, ET UX. V. GEORGIA, ET AL.
93-1526 NELSON, MICHAEL V. NELSON, PATRICIA
93-1527 ROGERS, HENRY LEON V. INVERNESS, FLORIDA, ET AL.
93-1528 CLARK, THOMAS V. BALTIMORE MUNICIPAL, ET AL.
93-1536 EJAY TRAVEL, INC., ET AL. V. ALGEMEEN BURGERLIJK, ETC.
93-1537 KEHS, ROBERT, ET AL. V. FOSTER, LARRY EUGENE, ET AL.
93-1541) HALL, FRANCES V. HALL, RICHARD
)
93-1542) CAMOSCIO, FRANK V. HALL, RICHARD
93-1545 RUSCITTI, EMILIANO, ET AL. V. FARMERS INS. EXCHANGE
93-1546 RAY, WILLIAM V. PEABODY INSTITUTE, ETC.
93-1548 JOHNSON, DeETTA, ETC. V. METHODIST MED. CENTER OF IL
93-1549 WESTCHESTER COUNTY, NY V. CT COMMR. OF TRANSP., ET AL.
93-1553 BOYD, HENRY V. GOOLSBY, AARON, ET AL.
93-1557 LAMB, CARL V. UNION CARBIDE CORP.
93-1558 SPRANGER, EDWARD V. RUNYON, POSTMASTER GEN.
93-1574 McNARON, CURTIS V. BROWN, SEC. OF VA

93-1580 KRUG, GREGORY V. AMBROSE, WILSON, ET AL.

93-1590 HARPER, NORMAN V. HARPER, JOAN

93-1600 EGB ASSOC., INC., ET AL. V. TCBY SYSTEMS, INC., ET AL.

93-1601 BACHTEL, RICHARD, ET AL. V. UNITED STATES

93-1605 ALLIED VAN LINES V. OBERG, GERALD, ET AL.

93-1611 WHITMAN, CHRISTINE, ET AL. V. DONOGHUE, DAVID, ET AL.

93-1616 GUZMAN, PAUL V. HUDSON, DIR., U.S. MARSHALS

93-1641 DOE, JOHN, ETC., ET AL. V. TULLAHOMA CITY SCH., ET AL.

93-1646 FORESTWOOD FARMS, INC. V. NLRB

93-1648 KAMIENSKI, PAUL V. NEW JERSEY

93-1664 WILLIAMS, WOODROW, ET UX. V. STEWART, JAMES, ETC.

93-1668 CROWELL, MELANIE V. UNITED STATES

93-1680 CONTRERAS-SUBIAS, JOSE V. UNITED STATES

93-1694 ADAMS, TERRY V. UNITED STATES

93-6253 ALLUM, ROBERT V. SECOND JUDICIAL DISTRICT CT.

93-7583 BLACK, EARL S. V. COLORADO

93-7699 KARIM-PANAHI, PARVIZ V. UNITED STATES, ET AL.

93-7826 GEERY, DANIEL V. USDC FOR IDAHO

93-7849 BARFIELD, RICHARD WAYNE V. SEC., NC DEPT. CRIME CONTROL

93-7856 BENNETT, TOSSIE V. BORG, WARDEN

93-7871 DUPARD, RONALD J. V. JARVIS, KAREN L., ET AL.

93-7935 KOWALCZYK, CHESTER V. THOMPSON, WARDEN, ET AL.

93-7979 LOWERY, KEVIN V. UNITED STATES

93-8006 MENA, TRISTAN V. CALIFORNIA

93-8035 GOINS, ERIC L. V. UNITED STATES

93-8049 BALOG, NICHOLAS V. SHALALA, SEC. OF H&HS

93-8070 MIKHAIL, MICHAEL A. V. RAILROAD RETIREMENT BOARD

93-8208 ISRAEL, AMAZIAH D. V. USDC MD FL

93-8255 STREETER, SAMUEL CHARLES V. ALABAMA

93-8295 WARREN, GERALD V. UNITED STATES
93-8299 STARKEY, LLOYD RAY V. HENDERSON, BRYAN
93-8428 CULP, JOHN L. V. UNITED STATES
93-8474 SHERMAN, RICHARD V. COMMUNITY CONSOLIDATED DIST.
93-8509 MURPHY, TERRENCE V. WESTCHESTER, ET AL.
93-8512 MAXWELL, ANTHONY V. ARVONIO, PATRICK
93-8513 LOPEZ, FRANK C. V. CALIFORNIA
93-8517 MEEKS, EDWARD E. V. CALIFORNIA
93-8527 RAY, CANDIS O. V. ERVIN, SAM J., ET AL.
93-8529 PRESSLEY, TERRY K. V. MEDLOCK, T. TRAVIS
93-8530 PAYNE, RICHARD V. ESCAMBIA COUNTY SHERIFF
93-8532 MEDINA, JERRY V. CALIFORNIA
93-8533 WILSON, EARL V. SANDERS, WARDEN
93-8537 DRAPER, JOHN CLINT V. GUNN, B. S., ET AL.
93-8538 LUCERO, PEDRO V. CALIFORNIA
93-8541 D'AMARIO, ARTHUR V. O'NEIL, ATTY. GEN. OF RI
93-8548 WILLIAMS, THOMAS V. SINGLETARY, DIR., FL DOC
93-8560 FRANKLIN, JEFFERY B. V. ENNIS POLICE DEPT., ET AL.
93-8561 REYNOLDS, ALMUS L. V. CALIFORNIA
93-8566 WALKER, GARY V. JONES, WARDEN
93-8567 TUCKER, TERRY JAMES V. NINK, WARDEN, ET AL.
93-8568 TOY, EDGAR V. FLORIDA
93-8574 LEWIS, LEON V. UNITED STATES
93-8584 DUKOVICH, DENNIS STEPHEN V. UNITED STATES
93-8588 EWELL, STACY L., ET AL. V. MURRAY, DIR., VA DOC, ET AL.
93-8591 GIPSON, FAITDON V. CALIFORNIA
93-8594 JORDAN, CARL M. V. ALABAMA
93-8595 KLEINSCHMIDT, MARIE, ET AL. V. LIBERTY MUTUAL INS., ET AL.

93-8598 MITCHELL, JERRY L. V. OSBORNE, WARDEN, ET AL.
93-8600 MACIEL, JAMES D. V. GOMEZ, DIR., CA DOC, ET AL.
93-8602 RICHARDS, JUSTO V. BARTLETT, SUPT., ELMIRA
93-8605 GRECO, LOUIS V. NELSON, SUPT., BAY STATE
93-8629 SLOAN, ISMAIL V. ROBERTS, CHARLES, ET AL.
93-8639 JEFFRESS, JESSE W. V. BROWN, SEC. OF VA
93-8660 THOMPSON, JAMES V. UNITED STATES
93-8661 VOIGT, GAIL ANNETTE V. LEWIS, DIR., AZ DOC
93-8668 GRIFFITH, KENRICK V. UNITED STATES
93-8693 BRANHAM, VERNON LEE V. UNITED STATES
93-8696 BARNUM, HERMAN LEE V. UNITED STATES
93-8726 LeBLANC, J. E. V. SHALALA, SEC. OF HHS
93-8734 RAU, RICHARD V. UNITED STATES
93-8763 KAPLAN, HOWARD J. V. UNITED STATES
93-8764 FORREST, TIMOTHY W. V. UNITED STATES
93-8765 KANU, GODWIN V. UNITED STATES
93-8773 FIALLO, MANUEL R. V. UNITED STATES
93-8779 ATAMANTYK, MICHAEL S. V. DEPT. OF DEFENSE
93-8781 KELLY, JOSEPH C. V. UNITED STATES
93-8784 COLVIN, JEWEL L. V. UNITED STATES
93-8786 McKAY, THOMAS V. UNITED STATES
93-8790 MESSER, ALAN L. V. UNITED STATES
93-8791 LEE, HENRY V. UNITED STATES
93-8794 McQUEEN, ROGER V. UNITED STATES
93-8797 McKNIGHT, SHAWN P. V. IOWA
93-8806 GHOLSTON, CHARLES O. V. UNITED STATES
93-8808 MARSHALL, KENNETH B. V. UNITED STATES
93-8812 JACKSON, LORENZO V. UNITED STATES
93-8814 DIAZ, HECTOR SAMUEL MARTINEZ V. VIRGIN ISLANDS

93-8817 HANKERSON, CLEVELAND V. UNITED STATES
93-8821 LEE, DEMETRIUS V. UNITED STATES
93-8826 SANTANA, CARLOS SANCHEZ V. UNITED STATES
93-8835 DRESSLER, JOACHIM E. V. WISCONSIN
93-8845 PHELPS, COY R. V. FEDERAL GOVERNMENT
93-8847 BROWN, JAY V. UNITED STATES
93-8850 DIZON, GEORGE MANUEL V. UNITED STATES
93-8856 SALCEDO, JOSE E. V. UNITED STATES
93-8857 BALL, BYRON ROBERT V. UNITED STATES
93-8862 GREGG, STEVEN D. V. UNITED STATES
93-8863 FREDETTE, ZACHARY S., ET AL. V. UNITED STATES
93-8878 ANTHONY, CARL V. UNITED STATES
93-8888 PAGE, DANA B. V. UNITED STATES
93-8889 MENDEZ, REYNALDO V. UNITED STATES
93-8892 CAZARES-BARRAGAN, GERARDO V. UNITED STATES
93-8904 HEILIG, HARRY L. V. UNITED STATES

The petitions for writs of certiorari are denied.

93-1533 PHILLIPS PET. CO. V. ROBERTSON OIL CO.

The petition for a writ of certiorari is denied.

Justice O'Connor took no part in the consideration or decision of this petition.

93-1563 NORTHBROOK PROP. INS. CO. V. EDWARDS, BENNIE, ET UX.

The motion of Northbrook Property Insurance Company for leave to intervene is denied. The motion of Northbrook Property Insurance Company for leave to file a brief as *amicus curiae* in No. 93-1504, *Celotex Corporation v. Edwards*, is granted. The petition for a

writ of certiorari is dismissed.

93-5893 WILLIAMSON, RONALD KEITH V. OKLAHOMA
93-7957 BELTRAN-LOPEZ, MAURICIO V. FLORIDA
93-8089 TOWNS, TERRANCE V. ILLINOIS
93-8229 ARBELAEZ, GUILLERMO V. FLORIDA
93-8376 SAM, THAVIRAK 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

93-8547 IN RE NOLAN L. JAMES
93-8616 IN RE E. LEE BEAUMONT

The petitions for writs of mandamus are denied.

REHEARINGS DENIED

93-6630 MURPHY, JAMES L. V. UNITED STATES
93-7108 SEMIEN, BENJAMIN V. SHALALA, SEC., H&HS
93-7696 GANT, ROBERT L. V. UNITED STATES
93-7813 ADAMS, CARL B. V. UNITED STATES
93-7820 WATSON, JOHNNY BELL V. MORRIS, DOROTHY, ET AL.
93-7892 STEEL, JOHN V. WACHTLER, SOL, ET AL.
93-7948 KENNEDY, MICHAEL A. V. COLLINS, DIR., TX DCJ

The petitions for rehearing are denied.

93-423 KATSIS, STAVROS V. INS
93-7501 MALDONADO, GEORGE V. UNITED STATES

The motions for leave to file a petition for rehearing are denied.

93-7002 CAMPBELL, CHARLES R. V. WOOD, SUPT., ET AL.

The petition for rehearing is denied. Justice Blackmun dissents from the denial of rehearing. He would grant the petition for rehearing, grant the petition for certiorari, and vacate petitioner's death sentence. See *Callins v. Collins*, 510 U.S. ____, ____ (1994).

RECESS ORDER

The Court will take a recess from Monday, May 23, 1994, until Tuesday, May 31, 1994.

MOTIONS FOR ADMISSION

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