

ORDER LIST

TUESDAY, MAY 31, 1994

CERTIORARI -- SUMMARY DISPOSITION

92-1799 VISITING HOMEMAKER V. NLRB

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 *National Labor Relations Board v. Health Care & Retirement Corporation of America*, 511 U. S. ____ (1994).

93-892 NTA GRAPHICS V. NLRB

The motion of Solicitor General to vacate and remand is granted. The judgment is vacated as moot and the case is remanded to the United States Court of Appeals for the Sixth Circuit with instructions to remand the case to the National Labor Relations Board to vacate the Board's order in Case No. 8-CA-24277 and to vacate the certification of the Union on which that order was based. See *United States v. Munsingwear*, 340 U. S. 36, 39-40 (1950); *Mechling Barge Lines v. United States*, 368 U. S. 324, 329-331 (1961); *Board of Governors of the Federal Reserve System v. Security Bancorp*, 454 U. S. 1118 (1981).

93-1079 UNITED STATES V. PRICE, MITCHELL LEE

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 *Custis v. United States*, 511 U. S. ____ (1994).

93-6045 STARKES, WILLIAM EDWARD 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 Fourth Circuit for further consideration in light of *Staples v. United States*, 511 U. S. ____ (1994).

93-7816 ROSS, RALPH R. 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 Seventh Circuit for further consideration in light of *Staples v. United States*, 511 U. S. ____ (1994).

ORDERS IN PENDING CASES

No. ____ . TALAKKOTTUR R. DAVID V. JOHN F. HUDACS, COMMISSIONER
OF LABOR OF NEW YORK

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

No. ____ . JOHN EDMOND V. CONSUMER PROTECTION DIVISION

The motion to direct the Clerk to file a petition
for writ of certiorari with an appendix that does not
comply with the Rules is denied.

A-906 CALIFORNIA V. GUSTAVO PIMENTEL

The application for stay of enforcement of
judgment addressed to Justice Scalia and referred to

the Court is denied.

D-1094 IN THE MATTER OF DISBARMENT OF HANS CHARLES OTTO FEIGE

It having been reported to the Court that Hans Charles Otto Feige, of Coral Springs, Florida, has been suspended from the practice of law by the Supreme Court of Florida and this Court by order of March 23, 1992, having suspended the said Hans Charles Otto Feige 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 Hans Charles Otto Feige 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-1374 IN THE MATTER OF DISBARMENT OF HAROLD P. HEITMANN

It having been reported to the Court that Harold P. Heitmann, of St. Louis, Missouri, has resigned from the practice of law before the Supreme Court of Missouri and this Court by order of March 28, 1994, having suspended the said Harold P. Heitmann 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 Harold P. Heitmann 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-1377 IN THE MATTER OF DISBARMENT OF JEFFREY DALE SPENCE

It having been reported to the Court that Jeffrey Dale Spence, of Seattle, Washington, has been disbarred from the practice of law by the Supreme Court of Washington and this Court by order of April 4, 1994, having suspended the said Jeffrey Dale Spence 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 Jeffrey Dale Spence 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-1378 IN THE MATTER OF DISBARMENT OF JULIUS JENNINGS WADE, JR.

It having been reported to the Court that Julius Jennings Wade, Jr., of Charlotte, North Carolina, has been disbarred from the practice of law by the Supreme Court of North Carolina and this Court by order of April 4, 1994, having suspended the said Julius Jennings Wade, 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 Julius Jennings Wade, 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-1387 IN THE MATTER OF DISBARMENT OF GERALD McNAMARA CHAPMAN

It having been reported to the Court that Gerald McNamara Chapman, of Arlington Heights, Illinois, has been suspended from the practice of law by the Supreme Court of Illinois and this Court by order of April 18, 1994, having suspended the said Gerald McNamara Chapman 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 Gerald McNamara Chapman 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-1397 IN THE MATTER OF DISBARMENT OF EDWARD H. CLOUTIER

It is ordered that Edward H. Cloutier, of Livermore Falls, Maine, 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.

93-1353 UNITED STATES V. SIMPSON, DONALD, ET AL.

The motion of respondent Molina for leave to proceed *in forma pauperis* is granted. The motion of respondent Simpson for leave to proceed *in forma pauperis* is granted.

93-7927 KYLES, CURTIS L. V. WHITLEY, WARDEN

The motion for appointment of counsel is granted and it is ordered that George W. Healy, III, Esquire, of New Orleans, Louisiana, is appointed to serve as counsel for the petitioner in this case.

93-8621 McDONALD, BUFFORD V. NEW MEXICO, ET AL.

The motion of petitioner for leave to proceed *in forma pauperis* is denied. See Rule 39.8. Petitioner is allowed until June 21, 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

93-1660 ARIZONA V. EVANS, ISAAC

The motion of respondent for leave to proceed *in forma pauperis* without an affidavit of indigency executed by respondent is granted. The petition for a writ of certiorari is granted.

CERTIORARI DENIED

93-1196 DE MAIO, LOUIS V. BROWN, ANITA, ET AL.

93-1307 KANSAS PUB. EMPLOYEES, ETC. V. REIMER & KOGER ASSOCIATES

93-1365 SAMMETT CORP. V. KEY ENTERPRISES OF DELAWARE

93-1384 DOWNTOWN FRANKFORT, ET AL. V. CAPITAL AREA RT. TO LIFE

93-1405 PARLAVECCHIO, NICHOLAS, ETC. V. UNITED STATES

93-1407 PEARSON, ROBIN V. UNITED STATES

93-1436 HENRY, STANLEY V. WETZLER, JAMES, ET AL.

93-1455 HAYES, MARY, ETC., ET AL. V. DOUGLAS DYNAMICS, INC.

93-1473 TERNES, RAYMOND V. BERCHARD, KARREEN, ET AL.

93-1532 COX, JAMES M. V. UNITED STATES

93-1556 KARATINOS, APHRODITE, ET VIR V. JUNO BEACH, FLORIDA

93-1561 COLLINS, BISHOP, ET AL. V. THOMPSON, GERALD, ET AL.

93-1565 LA DEPT. OF TRANS. & DEV. V. WIEDEMAN, ANTHONY, ET AL.

93-1566 WEAVER, HARVEY NICHOLAS V. CALIFORNIA, ET AL.

93-1567 A. J. INDUSTRIES, INC. V. HEDGES, DEANE, ET UX., ET AL.

93-1568 SILSTAR CORP. OF AM., INC. V. SHAKESPEARE, INC.

93-1571 QUTB, ELIZABETH, ETC., ET AL. V. BARTLETT, STEVE, ETC., ET AL.

93-1573 CHAMNESS, RONALD, ET AL. V. FDIC, ET AL.

93-1579 VAUGHAN, DANNY V. FIRST NATL. BANK, ET AL.

93-1581 SEATTLE, ET AL. V. BASCOMB, PAUL, ET AL.

93-1583 TEXAS COMMERCE BANCSHARES V. GROSSMAN, STANLEY

93-1585 ANONSEN, NANCY, ET AL. V. DONAHUE, PHIL, ET AL.

93-1586 INTL. WOODWORKERS, ET AL. V. WEYERHAEUSER COMPANY

93-1589 SEARS, ROEBUCK & CO., ET AL. V. HARRIS, ANNIE, ET AL.

93-1593 HILLARY, ROSETTA V. TWA, INC.

93-1594 GOLDEN VALLEY MICROWAVE, ETC V. WEAVER POPCORN CO., ET AL.

93-1598 STEELE, ROBERT V. STATE BAR OF MONTANA

93-1607 BROTHERS, LANDA V. BROTHERS, PAUL, ET AL.

93-1614 HUGHES, BOBBY V. NORFOLK & W. RWY. CO.

93-1618 GRAHAM, GARY, ET AL. V. BUTTERWORTH, A.G. OF FL

93-1619 BROYDE, BERYL, ET AL. V. GOTHAM TOWER, INC., ET AL.

93-1653 MILLER, ROGER LEE V. ARKANSAS

93-1658 GILBERT-BEY, REGINALD V. UNITED STATES

93-1693 EMPLOY. UNDERWRITERS, ET AL. V. WEAVER, JIMMY, ET UX.

93-1699 BURACKER, ROBERT, ETC. V. WILT, GLENN, ET UX.

93-1701 DAVIES, PAUL V. UNITED STATES

93-1706 CROSETTO, JOHN, ET AL. V. WISCONSIN STATE BAR, ET AL.

93-1712 JOHNSON, GREGORY V. UNITED STATES

93-1718 UBEROI, MAHINDER V. UNIVERSITY OF CO, ET AL.

93-1721 COBB COUNTY, GEORGIA V. HARVEY, BRUCE, ET AL.

93-1725 GONZALEZ-BALDERAS, HILARIO V. UNITED STATES

93-1727 FASSNACHT, GEORGE V. PHILADELPHIA

93-1730 MICCIO, ARTHUR V. NJ DEPT. OF COM. AFFAIRS

93-1731 SMITH, GEORGE DAVID V. UNITED STATES

93-1733 JONES, DAVID V. UNITED STATES

93-5464 ROMAN, LAZARO V. UNITED STATES

93-5562 WATT, RONALD DEE V. UNITED STATES

93-5570 ELLIOTT, DAVID V. UNITED STATES

93-6321 DAY, ALONZO V. UNITED STATES

93-6385 BYRD, CHARLES EUGENE V. UNITED STATES

93-6448 BRADSHAW, CRAIG V. UNITED STATES

93-6495 JOHNSON, EARNEST M. V. UNITED STATES

93-6600 JACKSON, MARVIS D. V. UNITED STATES

93-7213 VALENZUELA-LOPEZ, MARCO V. UNITED STATES

93-7234 TREVIZO-ORTIZ, JOSE JESUS V. UNITED STATES

93-7514 HERNANDEZ, MANUEL L. V. UNITED STATES

93-7654 DuPONT, DAVID B. V. UNITED STATES

93-7851 GAY, FREDO V. UNITED STATES

93-7881 EDSALL, LUIZ V. UNITED STATES

93-7936 SMITH, ERSKINE V. UNITED STATES

93-8027 NAVARETTE-AVENDANO, JOSE V. UNITED STATES

93-8153 WILSON, CLAUDIA V. UNITED STATES

93-8175 RIVAS-GAYTAN, HERIBERTO V. UNITED STATES

93-8188 RUSSELL, JAMES M. V. SHAKER HEIGHTS, ET AL.

93-8210 NELSON, BYRON P. V. UNITED STATES

93-8276 DINGLE, RODNEY V. UNITED STATES

93-8319 MIDDLETON, KENNETH G. V. LOCKHART, GERALDINE, ET AL.

93-8431 ALMODOVAR, ALEX V. NEW YORK

93-8466 WEBBER, LONNIE V. VANDREW, WILL, ET AL.

93-8577 POTILLOR, RICHARD V. ESTELLE, WARDEN

93-8578 MERRIWEATHER, THOMAS V. MITCHELL, WARDEN

93-8601 MAKIN, AKEEM A. V. CO TERR. CORR. FACILITY

93-8603 HAMANI, WALI S. V. MORTON, ADMINR., ET AL.

93-8612 GODIN, JOHN V. NEW YORK

93-8613 TOWNLEY, JAMES V. JONES, WARDEN

93-8619 LANGE, MICHAEL A. V. HEITKAMP, M. K., ET AL.

93-8624 WILLIAMS, STEPHEN ERIC V. HAWLEY, WARDEN

93-8628 TAVERAS, SIGFREDO V. NY DEPT. OF CORRECTIONAL

93-8630 SLOAN, ISMAIL V. GUILLORY, WARDEN

93-8634 STREETER, SAMUEL V. BURTON, WARDEN

93-8635 HOLLAWELL, JOHN V. STEPANIK, SUPT., ET AL.

93-8641 JOHNSON, TYRONE V. MANN, SUPT., SHAWANGUNK

93-8646 TRUJILLO-GARCIA, EDUARDO V. ROWLAND, WARDEN, ET AL.

93-8650 THANDIWE, TULINAGWE V. COMPTON, WARDEN, ET AL.

93-8651 THANDIWE, TULINAGWE V. STRAHAN, CURTIS, ET AL.

93-8657 DOCTOR, GARY V. PENNSYLVANIA

93-8659 BAIN, MAY VALENTINE V. FLORIDA

93-8662 WITT, HAROLD CLYDE V. CALIFORNIA

93-8664 BURNETT, TERRY V. FAIRLEY, LINDSEY, ET AL.

93-8669 HODGE, MICHAEL L. V. IDAHO

93-8670 GONZALEZ, FEDERICO R. V. UNITED STATES

93-8671 VON FLOWERS, WILLIAM V. GUDMANSON, WARDEN

93-8673 HILL, DARNELL, ET AL. V. CALIFORNIA

93-8694 COTNER, ROBERT E. V. CODY, WARDEN, ET AL.

93-8695 CARPENTER, FRANKLIN, ET UX. V. BLANKENSHIP, JACQUELINE L.

93-8699 KING, DAVID L. V. TEXAS

93-8701 HETT, H. PAUL V. MADISON MUTUAL INS., ET AL.

93-8702 ESNAULT, ALVIN D. V. COLORADO, ET AL.

93-8703 GOMEZ, JUAN C. V. GOMEZ, DIR., CA DOC, ET AL.

93-8715 DESMOND, JOHN F. V. HALDANE, MARK T., ET AL.

93-8718 FROMAL, PATRICIA W. V. ROBINS, JOHN E., ET AL.

93-8725 CHOUDHARY, MOHAMMAD A. V. VT DEPT. OF PUBLIC SERVICE

93-8767 GREEN, CHARLES V. KUHLMAN, SUPT., SULLIVAN

93-8774 AYRS, JULIAN V. PRUDENTIAL-LMI, ET AL.

93-8782 ESPINAL, RAMON V. UNITED STATES

93-8804 MARTIN, HUBERT L. V. SCOTT, DIR., TX DCJ

93-8809 McFAIL, RANDY A. V. UNITED STATES

93-8841 MUNOZ, MATTIAS V. UNITED STATES

93-8844 MUNIR, DUWAD A. V. SCOTT, ELTON I., ET AL.

93-8869 FREEMAN, WILLIAM B. V. UNITED STATES

93-8872 ZACK, WILLIAM D. V. UNITED STATES

93-8880 ALVAREZ, EFRAIN V. UNITED STATES

93-8881 CARDENAS, RITA ANN V. UNITED STATES

93-8882 ARMENTA-LOPEZ, REGINO V. UNITED STATES

93-8884 MAHN, PAUL V. UNITED STATES

93-8887 RODREIQUENZ, JONFIT V. UNITED STATES

93-8895 CLAY, ROY LEE V. UNITED STATES
93-8896 SMITH, SHEILA V. UNITED STATES

93-8897 WILSON, WILLIAM R. V. UNITED STATES
93-8901 GROTE, ROBERT A. V. COPELAND, WARDEN
93-8905 MONTES-MERCADO, JULIAN V. UNITED STATES
93-8908 RICHMOND, EARL V. UNITED STATES
93-8912 BANKS, BOBBIE V. UNITED STATES
93-8913 BARRERO, EFRAIN V. UNITED STATES
93-8915 CARPENTER, REGINALD V. UNITED STATES
93-8920 HALL, JON C. V. UNITED STATES
93-8928 BYERS, EARL V. UNITED STATES
93-8930 COLELLO, JOSEPH, ET UX. V. UNITED STATES
93-9027 CONN, BOBBY STEARLING V. WELLS, H. GARY

The petitions for writs of certiorari are denied.

93-1488 NEW YORK V. MARTINEZ, ANDRE
93-1596 ALABAMA V. WATKINS, DARRYL

The motions of respondents for leave to proceed *in forma pauperis* are granted. The petitions for writs of certiorari are denied.

93-1578 DIOCESE OF CO, ET AL. V. MOSES, MARY, ETC.

The motion of The American Association of Pastoral Counselors for leave to file a brief as *amicus curiae* is granted. The motion of Colorado Catholic Conference, et al. for leave to file a brief as *amici curiae* is granted. The motion of Bear Valley Church of Christ, et al. for leave to file a brief as *amici curiae* is granted. The petition for a writ of certiorari is denied.

93-1610 COLLINS LICENSING V. AT&T

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

93-8622 MATTHEWS, EARL V. SOUTH CAROLINA

The petition for a writ of certiorari 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 certiorari and
vacate the death sentence in this case.

HABEAS CORPUS DENIED

93-9011 IN RE BERNARD L. HAMILTON

93-9015 IN RE JoANN HUNWARDSSEN

The petitions for writs of habeas corpus are
denied.

MANDAMUS DENIED

93-1647 IN RE GEORGE VOINOVICH, GOV. OF OHIO, ET AL.

93-8212 IN RE THOMAS G. PRESLEY

The petitions for writs of mandamus are denied.

REHEARINGS DENIED

93-1314 TAUBER, LASZLO V. SALOMON FOREX, INC., ET AL.

93-1344 FITZGERALD, FRANK V. MT DEPT. FAMILY SVCS., ET AL.
93-7028 NELSON, CARL V. JONES, STEPHANIE T.

93-7288 BOALBEY, RICHARD M. V. HAWES, ROBERT, ET AL.

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

93-7757 LIGHT, DON V. KIRK, JUDGE

93-7810 SNELL, RAYMOND V. DENVER, ET AL.

93-7938 THOMPSON, DOUGLAS W. V. UNITED STATES

93-7985 TAYLOR, ORIGEN V. STRICKLAND, EARNEST, ET AL.

The petitions for rehearing are denied.

93-7530 OMOIKE, ISSAC I. V. L. S. U.

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

RECESS ORDER

The Court will take a recess from Tuesday,
May 31, 1994, until Monday, June 6, 1994.

MOTIONS FOR ADMISSION

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