

(ORDER LIST: 526 U. S.)

MONDAY, MAY 24, 1999

APPEAL -- SUMMARY DISPOSITION

98-450 CROMARTIE, MARTIN, ET AL. V. HUNT, GOV. OF NORTH CAROLINA

The judgment is vacated and the case is remanded to the United States District Court for the Eastern District of North Carolina for further consideration in light of *Hunt v. Cromartie*, 526 U.S. ____ (1999).

CERTIORARI -- SUMMARY DISPOSITION

98-981 ATLAS COPCO AB, ET AL. V. ALPINE VIEW CO., 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 Fifth Circuit for further consideration in light of *Ruhrgas v. Marathon Oil Co.*, 526 U.S. ____ (1999).

ORDERS IN PENDING CASES

M-68 JAMES F. DUKE and ANYA S. DUKE V. COLLECTION BUREAU CENTRAL

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

98-418 WY DEPT. OF TRANS. V. STRAIGHT, BEVERLY

The motion of respondent for leave to file application for attorney fees is denied without prejudice to filing the motion in the United States

Court of Appeals for the Tenth Circuit.

98- 8567 DeBARDELEBEN, JAMES M V. HEDRICK, WARDEN, ET AL.

The motion of petitioner for leave to proceed *in forma pauperis* is denied. See Rule 39.8. Petitioner is allowed until June 14, 1999, within which to pay the docketing fee required by Rule 38(a) and to submit a petition in compliance with Rule 33.1 of the Rules of this Court.

98- 8838 HARDY, LELAND D. V. FLORIDA

The motion of petitioner for leave to proceed *in forma pauperis* is denied. Petitioner is allowed until June 14, 1999, within which to pay the docketing fee required by Rule 38(a) and to submit a petition in compliance with Rule 33.1 of the Rules of this Court.

CERTIORARI DENIED

98- 915 HOUSTOUN, FEATHER, ET AL. V. MALDONADO, EDWIN, ET AL.

98- 1115 MARI COPA- STANFIELD, ET AL. V. UNITED STATES

98- 1165 BEREANO, BRUCE V. UNITED STATES

98- 1275 CONSTANTINO, ROSE V. UNIV. OF PITTSBURGH, ET AL.

98- 1298 LANDAU, ROBERT V. UNITED STATES

98- 1311 ROBERT COAL CO. , ET AL. V. HOLLAND, MICHAEL, ET AL.

98- 1316 ENERCON GmbH vs. U. S. INTL. TRADE COMM.

98- 1334 FUNDAMENTALIST CHURCH, ET AL. V. BRADSHAW, CYRIL, ET AL.

98- 1338 TX ASSN. OF DAIRYMEN, ET AL. V. MN MILK PRODUCERS ASSN.

98- 1340 COHEN, WILLIAM V. UNITED STATES

98- 1346 BERGER FOUNDATION V. ESCONDIDO, CA, ET AL.

98-1373) C. R. BARD, INC. V. MB SYSTEMS, INC.
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 98-1572) MB SYSTEMS, INC. V. C. R. BARD, INC.

 98-1433 CHILDREN OF THE ROSARY V. PHOENIX, AZ, ET AL.

 98-1512 SANTA MONICA BEACH, LTD. V. SUPERIOR CT. OF CA, ETC.

 98-1514 CASTELLANO, PETER, ET AL. V. NEW YORK CITY, ET AL.

 98-1521 BROOKS, TYRONE, ET AL. V. BARNES, GOV. OF GA, ET AL.

 98-1522 HOBBS, TOMMY V. GEORGE, KATHY L.

 98-1527 KNAUST, MARK, ET AL. V. KINGSTON, NY, ET AL.

 98-1529 HESTER INDUSTRIES, INC. V. TYSON FOODS, INC.

 98-1535 WAGNER, EDWARD V. WEST PALM BEACH, FL, ET AL.

 98-1536 BRAGDON, RANDON V. ABBOTT, SIDNEY, ET AL.

 98-1547 PONA, MARILYN V. CECIL WHITTAKER'S INC.

 98-1553 DOUCET, L. J., ET UX. vs. OWENS CORNING FIBERGLAS

 98-1561 BURDICK, GEORGE E., ET UX. vs. FRANKLIN CTY., NC

 98-1571 INGRAM BARGE CO., ET AL. vs. CLAIMANTS' STEERING COMM

 98-1574 HINCHLIFFE, JAMES A., ET AL. V. PRUDENTIAL HOME MORTGAGE CO.

 98-1575 HINCHLIFFE, JAMES A., ET AL. V. PRUDENTIAL HOME MORTGAGE CO.

 98-1578 AUSTIN INDEP. SCH. DIST. vs. MEYER, TED, ET AL.

 98-1579 BMC INDUSTRIES, INC. V. BARTH INDUSTRIES, ET AL.

 98-1589 EVERETT, FRANK E. V. UNITED STATES, ET AL.

 98-1592 LEWIS, JERRY, ET UX. V. GTE NORTH, INC.

 98-1593 McDONALD, PATRICIA V. CHEMICAL BANK

 98-1605 IN RE JOEL GREENBERG

 98-1608 KELLY, JACK D. V. ESCAMBIA CTY., FL, ET AL.

 98-1624 KIRK, WALTER, ET UX. V. BERLIN PROBATE COURT, ET AL.

 98-1627 CASTALDO, PAT V. NY CITY BD. OF ED., ET AL.

 98-1640 THOMPSON, JAMIE, ETC. V. McFATTER, WILLIAM, ET AL.

98- 1663 DuVALL, FRED V. ARKANSAS

98- 1674 MEECE, ROBERT, ETC. V. ROLEX WATCH, U. S. A. , INC.

98- 1693 SHEINBAUM, URI, ET AL. V. UNITED STATES

98- 1705 KANSAS V. BRANDAU, ANN

98- 1710 MOHAMMED, MUTAZ A. V. UNITED STATES

98- 1711 DERRICK, PAUL W. , ET AL. V. UNITED STATES

98- 7700 LANG, FERENGE V. UNITED STATES

98- 7762 ALBOROLA-RODRIGUEZ, JORGE V. UNITED STATES

98- 7852 UNDERWOOD, KEVIN V. WILSON, MICHAEL, ET AL.

98- 8218 PRICE, CHRISTOPHER L. V. ALABAMA

98- 8252 FULLER, TYRONE V. JOHNSON, DIR. , TX DCJ

98- 8544 GUEVARA, ANGEL V. NORTH CAROLINA

98- 8556 CHENEY, DAVID H. V. ARIZONA

98- 8560 FISHER, HERBERT G. V. YOUNG, WARDEN

98- 8561 HILL, REGINALD V. CARLTON, WARDEN

98- 8570 SHADEED, AL-KAREEM V. WOOD, SUPT. , WASHINGTON

98- 8576 LUANHASA, LUAN V. BATES, ROBIN, ET AL.

98- 8578 COOPER, STEVEN P. V. JOHNSON, DIR. , TX DCJ

98- 8579 CHEN, XIN H. V. RAZ, LAWRENCE W. , ET AL.

98- 8580 BARNES, WILLIE V. FLORIDA

98- 8581 BRANCATO, DONALD H. V. WHOLESALE TOOL CO. , INC.

98- 8583 COLEMAN, MICHAEL J. V. CALIFORNIA

98- 8584 DAY, MORRIS V. GILMORE, SOCIAL WORKER

98- 8590 McLITTLE, AIJALON W. V. O'BRIEN, JOHN P. , ET AL.

98- 8592 BRINLEE, REX V. WARD, WARDEN, ET AL.

98- 8602 MILLENDER, MARLON B. V. TACO BELL CORP.

98- 8606 CLOUD, JOHN H. V. WEBB, JIMMY S.

98- 8607 COTNER, ROBERT E. V. HARGETT, WARDEN, ET AL.

98- 8608 CHIPMAN, JAMES V. GUNDY, WARDEN, ET AL.

98- 8610 SMITH, MARVIN L. V. BROWN, KELLY, ET AL.

98- 8618 McLAUGHLIN, KIMBERLY G. V. WEATHERS, CHARLES H. , ET AL.

98- 8623 ASHIEGBU, CLETUS O. V. WINSTON, MICHAEL, ET AL.

98- 8627 WRIGHT, JOHN L. V. CAPOTS, RAYMOND, ET AL.

98- 8628 WHITE, LEROY V. CAIN, WARDEN

98- 8635 REID, KEVIN J. V. FLINT, MI, ET AL.

98- 8640 FLIPPEN, SAMUEL R. V. NORTH CAROLINA

98- 8645 GREEN, MILTON J. V. CAIN, WARDEN, ET AL.

98- 8649 AVILA, BERTHA T. V. ILLINOIS

98- 8650 BLANKENSHIP, DONNIE E. V. GROOSE, MICHAEL

98- 8651 HAUPT, JOHN H. V. DEPT. OF VA, ET AL.

98- 8653 CARTER, FREDDIE V. FREESTONE COUNTY JAIL, ET AL

98- 8654 BAKER, HENRY C. V. OKLAHOMA

98- 8657 ANDERSON, ALVIN R. V. SINGLETARY, SEC. , FL DOC

98- 8661 PROCTOR, ANTHONY E. V. MEYERS, SUPT. , ROCKVIEW

98- 8671 BALLARD, NORMAN C. V. ROWLEY, SUPT. , NORTHEAST

98- 8696 FLETCHER, TODD G. , ET AL. V. FORT WAYNE, IN, ET AL.

98- 8698 HERNANDEZ, DAVID V. CALIFORNIA

98- 8706 KNESE, RANDALL B. V. MISSOURI

98- 8713 SELLS, CHARLES T. V. OHIO

98- 8716 ODINKEMELU, CHRISTOPHER J. V. CONSOLIDATED STORES CORP.

98- 8738 MOORE, GARRY L. V. ANDERSON, SUPT. , MS, ET AL.

98- 8749 GONZALES, MARGARITO V. ARIZONA

98- 8787 BROWN, DWIGHT D. V. ANDERSON, SUPT. , MS, ET AL.

98- 8788 RICE, CHESTER V. WASHINGTON, DIR. , IL DOC

98- 8789 REDMON, ELDRED V. SMITH, SERGEANT, ET AL.
98- 8790 SMITH, EDWARD L. V. UNITED STATES, ET AL.
98- 8800 CANNON, FRANK M V. AYERS, ROBERT L. , ET AL.
98- 8819 STAFFORD, JOSEPH V. UNITED STATES
98- 8842 ROSS, CHARLES K. V. TEXAS
98- 8851 SEAVEY, HARRY M V. UNITED STATES
98- 8852 MARTIN, ROBERT A. V. UNITED STATES
98- 8860 LEARY, DAVID A. V. VIRGINIA
98- 8919 NORRIS, CHARLES A. V. BELL, WARDEN
98- 8920 McNEILL, FREDDIE V. OHIO
98- 8924 RIOS- CASTANO, LUIS G. V. UNITED STATES
98- 8936 CHARIF, WADGY V. UNITED STATES
98- 8942 HUSSEN, LEBAN A. V. VIRGINIA
98- 8949 SADAT, JAMYL S. V. TUCKER, CHMN. , VA PAROLE
98- 8955 BOYD, WILLIAM V. UNITED STATES
98- 8956 TOLIVER, MARC R. V. UNITED STATES
98- 8958 TALLEY, BILLY L. V. UNITED STATES
98- 8959 TAPAR, RAYMOND, ET AL. V. LOS ANGELES, CA, ET AL.
98- 8960 DeTEMPLE, GARY L. V. UNITED STATES
98- 8965 DANLEY, MICKY D. V. UNITED STATES
98- 8974 GRAY, WILLIAM T. V. DEPT. OF ARMY
98- 8984 THOMPSON, MARY B. V. UNITED STATES
98- 8986 GOHEEN, JOEL R. V. UNITED STATES
98- 8989 HARRISON, STURDY V. UNITED STATES
98- 8992 CHARGOIS, LESTER V. UNITED STATES
98- 8993 COLEMAN, WILLIAM T. V. UNITED STATES
98- 8994 BERRY, DARREN P. V. UNITED STATES

98- 8996 ALLEN, VICTOR A. V. HENDERSON, POSTMASTER GEN.
98- 8997 BUNDY, HARRY E. V. UNITED STATES
98- 9000 BROWN, TROY L. V. UNITED STATES
98- 9001 HENNINGS, DEXTER V. V. UNITED STATES
98- 9003 GUNWALL, WAYNE R. V. UNITED STATES
98- 9004 GARLOCK, JAMES R. V. UNITED STATES
98- 9005 HAESE, JACK H. V. UNITED STATES
98- 9007 MUHAMMAD, RUTH V. UNITED STATES
98- 9009 JIMENO, ADAN B. V. UNITED STATES
98- 9012 LATTIMORE, KARL J. V. UNITED STATES
98- 9013 MCINTYRE, CHARLES E. V. UNITED STATES
98- 9014 INFANTE, SANTANA V. UNITED STATES
98- 9018 PEREZ-OCANAS, TIRSO V. UNITED STATES
98- 9019 RUSH, LESLIE L. V. ARIZONA
98- 9023 WINTER, ERROL V. UNITED STATES
98- 9024 THOMAS, ALVON A. V. UNITED STATES
98- 9026 THEN, MANUEL V. UNITED STATES
98- 9027 WASHINGTON, LIVINGSTON V. UNITED STATES
98- 9028 WHITE, ERIC V. UNITED STATES
98- 9030 KELLY, JOHN D. V. SIZER, WARDEN, ET AL.
98- 9037 BONE, JOHN V. UNITED STATES
98- 9038 PEREZ-BASTAR, ROBERTO V. UNITED STATES
98- 9040 BENSON, RONNIE J. V. UNITED STATES
98- 9041 HERRERA, RAFAEL A. V. UNITED STATES
98- 9042 DODSON, LAWSON J. V. UNITED STATES
98- 9046 SMITH, RAYMOND S. , ET AL. V. UNITED STATES
98- 9047 SANCHEZ, RUBEN O. V. UNITED STATES

98-9048 PORTER, HOWARD T. V. UNITED STATES
98-9049 LAMPKIN, MELVIN L. V. UNITED STATES
98-9050 MAGALLON, LUIS M V. UNITED STATES
98-9058 ANDERSON, MICHAEL V. COYLE, WARDEN
98-9105 FIELDS, RANDY V. UNITED STATES
98-9151 SECRIST, TIMOTHY M V. WISCONSIN

The petitions for writs of certiorari are denied.

HABEAS CORPUS DENIED

98-9119 IN RE RUBEN NOTHA McNEELY

The petition for a writ of habeas corpus is denied.

MANDAMUS DENIED

98-8905 IN RE TIMOTHY T. COOPER

The petition for a writ of mandamus is denied.

PROHIBITION DENIED

98-8918 IN RE DANIEL B. JEFFS

98-8968 IN RE MAURICE E. HUGHLEY

The petitions for writs of prohibition are denied.

REHEARINGS DENIED

98-1149 COTO, ODILON, ET AL. V. J. RAY McDERMOTT, S. A.

98-1173 ATLANTA, GA V. R. MAYER OF ATLANTA, INC.

98-1219 RUSSELL, MARLENA V. CHATTANOOGA-HAMILTON HOSP.

98-1231 BKCY ESTATE OF UNANUE-CASAL V. GOYA FOODS, INC. , ET AL.

98-1250 UNANUE-CASAL, ULPIANO, ETC. V. GOYA FOODS, INC. , ET AL.

98-7366 WILLIAMS, MICHAEL G. V. JOHNSON, DIR., TX DCJ
98-7607 LEISURE, DAVID V. BOWERSOX, SUPT., POTOSI
98-7641 SIMS, NATHANIEL V. SECOND CIRCUIT COURT OF APP.
98-7773 RAVER, LARRY D. V. McANINCH, WARDEN
98-8079 LAYTON, ANN L. vs. GMC
98-8148 SIDLES, BRAD H. V. SUTER, CLERK, USSC, ET AL.
98-8448 IN RE SCOTT LOUIS YoungBEAR

The petitions for rehearing are denied.

ATTORNEY DISCIPLINE

D-2073 IN THE MATTER OF DISBARMENT OF DAVID SMITH NUNES

David Smith Nunes, of Fort Lauderdale, Florida, is suspended from the practice of law in this Court and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

D-2074 IN THE MATTER OF DISBARMENT OF ROBERT J. VEDATSKY

Robert J. Vedatsky, of Cherry Hill, New Jersey, is suspended from the practice of law in this Court and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

D-2075 IN THE MATTER OF DISBARMENT OF GERALD MYRON COHEN

Gerald Myron Cohen, of Boston, Massachusetts, is suspended from the practice of law in this Court and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from

the practice of law in this Court.

Recess Order

The Court will take a recess from Monday, May 24, 1999, until Tuesday, June 1, 1999.