

(ORDER LIST: 526 U. S.)

MONDAY, APRIL 5, 1999

ORDERS IN PENDING CASES

A-726 BARRY WEINSTEIN V. NEW JERSEY

The application for injunctive relief addressed to Justice Ginsburg and referred to the Court is denied.

M-53 JOHN THOMPSON V. BURL CAIN, WARDEN

M-54 DOUGLAS J. HARDO V. WILLIAM J. HENDERSON, POSTMASTER GENERAL

M-55 CLEOPHAS BURRELL V. PENSACOLA POLICE DEPARTMENT, ET AL.

M-56 HAKEEM OBBA, aka BERTELL PROCHER, JR. V. JOHN MARSHALL, SUPERINTENDENT, MASSACHUSETTS CORRECTIONAL INSTUTION – CEDAR JUNCTION

The motions to direct the Clerk to file petitions for writs of certiorari out-of-time are denied.

105, ORIG. KANSAS V. COLORADO

The motion of the Special Master for compensation and reimbursement of expenses is granted, and it is ordered that the Special Master is awarded a total of \$36,708.57 for the period September 10, 1997, through February 28, 1999, to be paid equally by the parties.

98-149 COLLEGE SAVINGS BANK V. FL PREPAID POSTSECONDARY ED.

The motion of the Solicitor General for divided argument is granted to be divided evenly between counsel for petitioner and the Solicitor General. The motion of American Intellectual Property Law Association for leave to file a brief as *amicus curiae* is granted.

98- 531 FL PREPAID POSTSECONDARY ED. V. COLLEGE SAVINGS BANK, ET AL.

The motion of Solicitor General for divided argument is granted to be divided evenly between counsel for College Savings Bank and the Solicitor General.

98- 591 ALBERTSONS, INC. V. KIRKINGBURG, HALLIE

The motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument is granted.

98- 830 AMOCO PROD. CO. V. SOUTHERN UTE INDIAN TRIBE

The motion of Wyoming for leave to participate in oral argument as *amicus curiae* and for divided argument is granted to be divided as follows: 20 minutes for petitioner and 10 minutes for Wyoming. Justice Breyer took no part in the consideration or decision of this motion.

98- 6322 SLACK, ANTONIO T. V. McDANIEL, WARDEN, ET AL.

The motion for appointment of counsel is granted and it is ordered that Michael Pescetta, Esquire, of Las Vegas, Nevada, is appointed to serve as counsel for the petitioner in this case.

98- 6879 MACE, PERRY J. V. MISSOURI, ET AL.

The motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* is denied.

**CERTIORARI GRANTED**

98-8384 WILLIAMS, TERRY V. TAYLOR, WARDEN

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 1a and b, 2, and 3, presented by the petition.

**CERTIORARI DENIED**

98-876 ) CLARK, RICK V. UNITED STATES  
)  
98-7027 ) WADENA, DARRELL C. V. UNITED STATES  
)  
98-7069 ) RAWLEY, JERRY J. V. UNITED STATES  
  
98-1035 STATE-RECORD CO., INC. V. QUATTLEBAUM, B. J.  
  
98-1056 ) LITTLE ROCK, AR V. GOSS, CHARLES  
)  
98-1234 ) GOSS, CHARLES V. LITTLE ROCK, AR  
  
98-1135 AQUATHERM INDUS., INC. V. FL POWER & LIGHT CO.  
  
98-1149 COTO, ODILON, ET AL. vs. J. RAY McDERMOTT, S. A.  
  
98-1218 MICHAUD, GERALD THEODORE V. STATE FARM INSURANCE, ET AL.  
  
98-1219 RUSSELL, MARLENA V. CHATTANOOGA-HAMILTON HOSP.  
  
98-1224 BROWN, CLARENCE, ET UX., ETC. vs. MED. CTR. OF NEW ORLEANS  
  
98-1225 BARNES, LARRY V. LOWE'S COMPANIES, INC.  
  
98-1227 JONES, CONNIE, ET AL. V. LUHR BROS. INC.  
  
98-1229 BOYD, JIMMY V. STATE FARM INS. COMPANY.  
  
98-1231 ) BKY ESTATE OF UNANUE-CASAL V. GOYA FOODS, INC., ET AL.  
)  
98-1250 ) UNANUE-CASAL, ULPiano, ETC. V. GOYA FOODS, INC., ET AL.  
  
98-1239 AETNA FIN. CO. V. WILLIAMS, MILDRED  
  
98-1241 McGUINNESS, KEVIN M vs. UNIV. NM SCH. OF MEDICINE  
  
98-1244 BRADSHAW, WILLIAM, ET AL. V. IGLOO PROD. CORP.

98- 1283 DORWART, RUSSELL V. CARAWAY, PAUL, ET AL.  
98- 1286 McLEMORE, JOHN V. WFAA-TV, INC.  
98- 1335 UTAH FOAM PRODUCTS CO. V. UPJOHN CO.  
98- 1347 McEACHERN, MICHAEL J. V. BLACK, JOHN T.  
98- 1349 DIXON, HARRIET V. BOISE CASCADE CORP.  
98- 1383 STAHULAK, JOSEPH V. CHICAGO, IL, ET AL.  
98- 1397 JARVIS, DOUGLAS A. V. UNITED STATES  
98- 1400 ROBINSON, MELANIE ANN V. DEPT. OF THE ARMY  
98- 1402 REED, RUSSELL V. UNITED STATES  
98- 1413 HOFFMAN, DALE D. V. COHEN, SEC. OF DEFENSE  
98- 1432 TAMBASCIA, BERNICE V. UNITED STATES  
98- 6140 LEE, CHI P. V. UNITED STATES  
98- 6973 PHILLIPS, BRADLEY S. V. UNITED STATES  
98- 7479 NESBIT, CLARENCE V. TENNESSEE  
98- 7486 LEDFORD, CYNTHIA V. UNITED STATES  
98- 7795 BURGESS, ALONZO L. V. ALABAMA  
98- 7890 CUMMINGS, DAVID L. V. EVANS, WARDEN, ET AL.  
98- 7901 COUSINO, PAUL W. V. KIEFER, JOHN B.  
98- 7902 COPLEY, JOHN T. V. SAMMONS, DONALD, ET AL.  
98- 7903 CAMPBELL, HENRY V. UNION POINT, GA, ET AL.  
98- 7906 SPENCER, DONALD L. V. GARRAGHTY, WARDEN  
98- 7908 GYADU, BENJAMIN V. D'ADDARIO INDUST. , ET AL.  
98- 7910 DICKINSON, NORMAN E. V. CHITWOOD, MICHAEL J. , ET AL.  
98- 7913 GUTIERREZ, JESSE H. V. HUBBARD, WARDEN, ET AL.  
98- 7916 EDISON, DARNELL V. PITCHER, WARDEN  
98- 7920 EUGE, HARVEY F. V. ADLER, JUDGE, ETC. , ET AL.  
98- 7921 HARRIS, ARCHIE V. CAIN, WARDEN

98-7923 ESTELL, DENNIS V. EDMONDSON, ATT'Y GEN. OF OK  
98-7926 DODSON, RICARDO V. V. BRIGANO, WARDEN  
98-7928 RANSON, GERRY V. FLORIDA  
98-7931 HOFFMAN, JOHNATHAN G. V. NORTH CAROLINA  
98-7934 HENRY, BILLY L. V. CONLEY, WARDEN  
98-7937 DeCARLO, THOMAS R. V. EASLEY, ATT'Y GEN. OF NC  
98-7938 DAVIS, LIONELL J. V. LENSING, WARDEN, ET AL.  
98-7939 HAWKINS, LEON V. OHIO  
98-7940 FREEMAN, THURMAN V. JOHNSON, DIR., TX DCJ  
98-7943 ELLIS, JAMES V. LYLES, WARDEN, ET AL.  
98-7945 DE SANTIS, PAUL F. V. ROE, WARDEN, ET AL.  
98-7946 DORSEY, PAUL E. V. HARRIS COUNTY JAIL, ET AL.  
98-7947 EWING, JOHNNIE E. V. CALIFORNIA  
98-7948 VON FLOWERS, WILLIAM V. DOYLE, ATT'Y GEN. OF WI  
98-7953 JAMES, ISIAH V. TAYLOR, WARDEN, ET AL.  
98-7954 MOORE-BEY, WILLIAM V. DELROSARIO, CONRADO, ET AL.  
98-7955 KAUGURS, PETER V. TARR, C.  
98-7958 LAVERTU, PAUL V. NH SUPREME COURT  
98-7959 MAPLES, DAVID A. V. MICHIGAN  
98-7971 HAWKINS, ROBERT L. V. CZARNECKI, MARY SUE, ET AL.  
98-7972 TOLENTO, ALBERTO V. CAMBRA, WARDEN  
98-7973 VOTH, FRANK E. V. FUGAZZI, PAM  
98-7974 VALCHAR, JOHNNY R. V. JOHNSON, DIR., TX DCJ  
98-7975 THIBODEAUX, FREDDIE V. DAY, WARDEN, ET AL.  
98-7976 TYLER, JAMES E. V. DUCKWORTH, SUPT., CORR.  
98-7989 HIGGASON, JAMES H. V. SHROYER, BETTY, ET AL.  
98-7992 FORD, MICHAEL V. HANKS, SUPT., WABASH VALLEY

98- 7994 DeLBOSQUE, CRISTIAN J. V. MORGAN, RICHARD  
 98- 8012 WARE, DIMITRY V. VIRGINIA  
 98- 8013 THOMAS, RODNEY E. V. BORG, ROBERT G.  
 98- 8014 WEBB, PATRICIA E. V. HUNT, GOV. OF NC, ET AL.  
 98- 8022 BEATTY, THOMAS A. V. CHARKRAVORTY, DR. , ET AL.  
 98- 8023 AMURA, QASAUCA J. V. CALIFORNIA  
 98- 8024 CHRISTIAN, DARRYL V. AHITOW, WARDEN  
 98- 8025 BENFORD, WILLETTE V. ILLINOIS  
 98- 8050 GRAY, RODNEY V. MISSISSIPPI  
 98- 8116 BIRO, DAVID V. PAGE, WARDEN  
 98- 8117 ANDUHA, WAYNE L. V. MARSHALL, WARDEN, ET AL.  
 98- 8144 CARBIN, CHRISTOPHER V. MISSISSIPPI, ET AL.  
 98- 8148 SIDLES, BRAD H. V. SUTER, CLERK, USSC, ET AL.  
 98- 8149 ROWE, DAVID B. V. USDC MA  
 98- 8161 BROWN, DEBRA D. V. INDIANA  
 98- 8171 HARPER, EDWARD L. V. KENTUCKY  
 98- 8187 MARIN, MELVIN M V. DEPT. OF DEFENSE, ET AL.  
 98- 8192 JOHNSON, TIVAN V. SINGLETARY, SEC. , FL DOC  
 98- 8196 COLLINS, MARGARET A. V. APFEL, COMM R, SOCIAL SEC.  
 98- 8225 OGUNDE, OLUDARE V. VIRGINIA  
 98- 8236 MANNING, WILLIE J. V. MISSISSIPPI  
 98- 8241 MARTIN, BARRY M V. DANVILLE, VA  
 98- 8254 ) MCKINLEY, WILLIAM V. UNITED STATES  
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 98- 8345 ) WALKER, DARNELL L. V. UNITED STATES  
 98- 8276 JAMES, WAYNE V. WEST, SEC. OF VA  
 98- 8286 ) BRIONES, RICARDO V. UNITED STATES  
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 98- 8340 ) BRIONES, RILEY V. UNITED STATES

98- 8296 TONUBBEE, JOHN W. V. CAIN, WARDEN  
98- 8304 WEBB, EDWARD V. WILLIAMS, WARDEN, ET AL.  
98- 8322 FRANCO, PAUL V. UNITED STATES  
98- 8325 HANSERD, EDWARD V. UNITED STATES  
98- 8326 GONZALEZ, VINCENT V. UNITED STATES  
98- 8332 GALLEGOS, JOSE S. V. UNITED STATES  
98- 8334 RODGERS, MARK V. UNITED STATES  
98- 8335 RAMIREZ- GALVAN, JESUS V. UNITED STATES  
98- 8336 SMITH, WILLIAM JR. V. UNITED STATES  
98- 8337 SOLOYE, OLAJIDE O. V. UNITED STATES  
98- 8338 PERRY, MORRIS J. , JR. V. UNITED STATES  
98- 8339 SPEAL, STEVEN B. V. UNITED STATES  
98- 8347 TORRES, ERICK V. UNITED STATES  
98- 8349 BEHRENS, HAROLD O. V. UNITED STATES  
98- 8350 BALDWIN, KEVIN T. V. UNITED STATES  
98- 8351 COLLIER, ANTHONY J. V. UNITED STATES  
98- 8354 SWEED, JAMES L. vs. USCA 5  
98- 8355 REDD, DERRICK V. V. UNITED STATES  
98- 8356 SIMONS, CURTIS V. UNITED STATES  
98- 8358 BOUNSALL, DAVY J. V. UNITED STATES  
98- 8365 STEARNS, NATHAN E. V. UNITED STATES  
98- 8367 LORGE, ROBERT V. UNITED STATES  
98- 8368 LASZCZYNSKI, RICHARD D. V. UNITED STATES  
98- 8370 LEWIS, VINCENT R. V. UNITED STATES  
98- 8371 LINCOLN, WILLIAM F. V. UNITED STATES  
98- 8376 MAGGARD, ARLIE D. , ET UX. V. UNITED STATES  
98- 8379 PAUL, ALEXANDER V. UNITED STATES

98- 8381 WATSON, ROBERT V. CONNECTICUT  
98- 8385 ROBINSON, EDWARD J. V. UNITED STATES  
98- 8386 ABISIA, ROLANDO M V. UNITED STATES  
98- 8388 VANTERPOOL, VICTOR V. UNITED STATES  
98- 8389 CHOW, SIMON V. UNITED STATES  
98- 8390 TODD, RANDY E. V. UNITED STATES  
98- 8393 STEWART, NORBERT W. V. UNITED STATES  
98- 8396 HARRIS, BARBARA B. V. UNITED STATES  
98- 8397 DONELSON, JOSE M V. UNITED STATES  
98- 8408 PETERSON, KIRBY E. V. UNITED STATES  
98- 8409 SMITH, GREGORY V. UNITED STATES  
98- 8415 BREWSTER, WILLIAM C. V. UNITED STATES  
98- 8416 COFSKE, RANDALL J. V. UNITED STATES  
98- 8418 PHILLIPS, JESSE V. UNITED STATES  
98- 8422 LEWIS, STEVEN L. V. UNITED STATES  
98- 8423 JONES, CHRISTOPHER L. V. UNITED STATES  
98- 8427 MILANO, ALBERT G. V. UNITED STATES  
98- 8449 THURSTON, JESSE W. V. UNITED STATES  
98- 8452 GARMANY, HAROLD J. V. UNITED STATES  
98- 8456 HERNANDEZ-GUEVARA, JESUS V. UNITED STATES  
98- 8457 HUMPHREYS, PAUL A. V. UNITED STATES  
98- 8458 DOE, ARTHUR L. V. UNITED STATES  
98- 8464 DUNN, JAMES J. V. UNITED STATES  
98- 8465 TABBAA, ABDUL V. UNITED STATES

The petitions for writs of certiorari are denied.

97- 1357 THOMPSON, JOHN, ET AL. V. MILLE LACS BAND, ETC. , ET AL

The motion of Dean Crist for leave to file a brief



as *amicus curiae* is granted. The petition for a writ of certiorari is denied.

98- 899 PLUNK, GERALD FRANK V. UNITED STATES

The motion of petitioner to defer consideration of the petition for a writ of certiorari is denied. The petition for a writ of certiorari is denied.

98- 1026 ) WASHINGTON V. UNITED STATES, ET AL.

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98- 1028 ) PUGET SOUND SHELLFISH GROWS. V. UNITED STATES, ET AL.

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98- 1039 ) 26 TIDELAND & UPLAND, ET AL. V. UNITED STATES, ET AL.

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98- 1052 ) ALEXANDER, LARRY, ET UX. V. UNITED STATES, ET AL.

The motion of Pacific Legal Foundation for leave to file a brief as *amicus curiae* is granted. The petitions for writs of certiorari are denied.

98- 1077 CALIFORNIANS/SAFE DUMP TRUCK V. MENDONCA, ROBERTA, ET AL.

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

98- 1082 CALDERON, WARDEN V. USDC CD CA (KELLY, R. P.)

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

#### **HABEAS CORPUS DENIED**

98- 8434 IN RE LEMUEL KINNEY

98- 8448 IN RE SCOTT LOUIS YoungBEAR

98- 8468 IN RE ALFONZA LEONARD ARTIS, SR.

98-8474 IN RE RALPH RADOVICH  
98-8503 IN RE EARTHEL B. HILL  
98-8520 IN RE RAPHAEL DWIGHT HUNDLEY

The petitions for writs of habeas corpus are  
denied.

**REHEARINGS DENIED**

98-6636 RAMIREZ, DAVID D. V. JOHNSON, DIR. , TX DCJ  
98-6745 PIERCE, OLIVER V. LOCAL 863, ETC. , ET AL.  
98-7038 MATHISON, EUGENE H. V. UNITED STATES  
98-7149 BLOUNT, MICHILE A. V. UNITED STATES  
98-7375 RAMOS, JOYCE C. V. UNITED STATES  
98-7493 CRIALES, MAURICIO V. AM AIRLINES, INC.  
98-7807 IN RE FREDDIE LOUIS BREWER  
98-7845 MCKEEVE, DAVID S. V. UNITED STATES

The petitions for rehearing are denied.