

(ORDER LIST: 525 U. S.)

MONDAY, NOVEMBER 16, 1998

**ORDERS IN PENDING CASES**

M-28 MELVIN DAWSON V. DENNIS BAILEY, STATE TROOPER, COLBERT COUNTY, ALABAMA, ET AL.

M-29 STEVE RUDOLPH GELIS V. UNITED STATES

M-30 SEA AIR SHUTTLE CORPORATOIN V. UNITED STATES

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

97-7597 KNOWLES, PATRICK V. IOWA

The motion for appointment of counsel is granted and it is ordered that Paul Rosenberg, Esquire, of Des Moines, Iowa, is appointed to serve as counsel for the petitioner in this case under Rule 39.6 of the Rules of this Court.

98-286 FISH, BURTON L. V. MARSH, SPAEDER, BAUR, ET AL.

The motion of respondents for damages and costs is denied.

98-512 DAVIS, ANITA, ET AL. V. CHILES, GOV. OF FL, ET AL.

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

**CERTIORARI GRANTED**

97-2048 O' SULLIVAN, WILLIAM V. BOERCKEL, DARREN

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

certiorari is granted limited to the following question: May an individual who is in custody pursuant to a state criminal conviction pursue claims in a federal habeas petition if those claims were not raised on direct appeal in a petition for discretionary review to the state's highest court?

98-223 FLORIDA V. WHITE, TYVESSEL TYVORUS

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

98-262 JOHNSON, PERRY, ET AL. V. HADIX, EVERETT, ET AL.

The petition for a writ of certiorari is granted limited to the following questions: 1. Whether, in litigation pending on the effective date of the Prison Litigation Reform Act, the attorney fee provision of PLRA Sec. 803(d), 42 U.S.C. Sec. 1997e(d), applies to fees awarded after the Act's effective date for services rendered after that date. 2. Whether, in such litigation, this fee provision applies to fees awarded after the Act's effective date for services rendered before that date.

#### **CERTIORARI DENIED**

97-1993 SUN DRILLING PRODUCTS CORP. V. RAYBORN, JERRY

98-105 URBANO, MIRTHA V. CONTINENTAL AIRLINES, INC.

98-200 HARPER, KENNETH, ET AL. V. BLOCKBUSTER ENTERTAINMENT

98-272 NORFOLK SO. CORP., ET AL. V. CIR

98-279 YOUNG, DIANE, ET AL. V. LOCKHEED ADVANCED DEV. CO.  
 98-295 CARTER, SCOTT V. GOOD, DANIEL, ET AL.  
 98-309 HANIFI, EBRAHIM, ET AL. V. MOTOR CLUB OF AM INS. CO.  
 98-391 GEE, GERALD V. FLORIDA, ET AL.  
 98-397 ) CITIZENS FOR CLEAN GOVT. V. RUSSELL, RON, ET AL.  
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 98-399 ) BURRIS, TROY, ETC., ET AL. V. RUSSELL, RON, ET AL.  
 98-430 PARENT-GUARDIAN ASSN. V. PEOPLE FIRST OF TN, ET AL.  
 98-431 MELENDEZ, ADAN, ET UX. V. LOS ANGELES, CA  
 98-432 PARRINO, NICK, ETC. V. FHP, INC., ET AL.  
 98-446 CARABELLO, FRANK V. SUPREME CT. OF KY, ET AL.  
 98-454 CINCINNATI, OH, ET AL. V. KRUSE, JOHN, ET AL.  
 98-463 TSE, YVONNE, ET AL. V. MIRAGE CASINO-HOTEL  
 98-464 TRENTON, WI V. LOUNGE MANAGEMENT, LTD.  
 98-466 MARTIN, JEROME V. KENTUCKY STATE POLICE, ET AL.  
 98-471 NORTON, JOHN C. V. SAM S CLUB, ET AL.  
 98-474 VAN GEMERT, GERALD, ET AL. V. LADICK, DREW  
 98-478 DONNER, MIRIAM V. DONNER, CHARLES  
 98-493 SMITH, DAVID L. V. COLORADO SUPREME COURT  
 98-498 HOOPER, JAMES L. V. PERRINO, DOLINSKY, KARESH  
 98-509 COOPER, CANDACE, ET AL. V. NORTH CAROLINA  
 98-515 MILLER-WAGENKNECHT, J. V. DOYLESTOWN, OH, ET AL.  
 98-526 VALENTIN, RAUL V. GATES, JUDGE, ET AL.  
 98-532 CONTINENTAL MARITIME, ETC. V. LENANE, JAMES  
 98-538 DREXLER, MARY, ET AL. V. LICKISS, ROBERT  
 98-550 KAZANJIAN, KATHLEEN V. ANNISTON BD. OF ED., ET AL.  
 98-558 FURBY, DALE V. UNITED AUTO WKRS, ET AL.  
 98-560 LAPIDUS, MICHAEL H. vs. HAHN, JAMES, ETC., ET AL.

98-592 KING, WAYNE V. BEAVERS, CHARLES  
 98-596 BABIGIAN, JOHN H. V. COMM ON PROF. STANDARDS  
 98-599 DAVIS, FRED, ET AL. V. TABACHNICK, EDITH  
 98-604 SANTIAGO, FELIX V. MASSACHUSETTS  
 98-611 SAN DIEGO COUNTY, CA, ET AL. V. SCHNEIDER, LOUIS  
 98-615 YOUNG, ROSE ANN V. CALDERA, SEC. OF THE ARMY  
 98-626 ALFORD, BILLY V. UNTIED STATES  
 98-639 LESOON, EDWARD V. CIR  
 98-646 PAYNE, JOHN H. V. UNITED STATES  
 98-664 MILLS, ROBERT JACK V. UNITED STATES  
 98-5113 RABY, CHARLES D. V. TEXAS  
 98-5248 ) JONES, ROGER D. V. UNITED STATES  
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 98-5424 ) DODSON, CYNTHIA V. UNITED STATES  
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 98-5725 ) MOTLEY, TIMOTHY B. V. UNITED STATES  
 98-5318 ETSITTY, DENNISON V. UNITED STATES  
 98-5341 CAIN, DANIEL H. V. UNITED STATES  
 98-5350 BURGER, VOYD B. V. MASTERS MATES & PILOTS UNION  
 98-5656 HOOD, MICHAEL L. V. HELLING, WARDEN, ET AL.  
 98-5748 FARRIS, TROY D. V. JOHNSON, DIR. , TX DCJ  
 98-5827 HENDERSON, JAMES L. V. TEXAS  
 98-5953 LINK, DARRELL A. V. PRODUCTION CREDIT ASSN.  
 98-5954 McDONALD, MAURICE J. V. MILLER, GOV. OF NV, ET AL.  
 98-5969 OKEN, STEVEN H. V. MAINE  
 98-5983 HUTCHISON, RICHARD W. V. JOHNSON, DIR. , TX DCJ  
 98-5984 HAINES, TERRY L. V. TERRANGI, WARDEN  
 98-5985 GORE, MARS L. V. THE ENTERPRISE  
 98-5987 GRAY, TRAVIS D. V. JOHNSON, DIR. , TX DCJ

98-5988 SKIPPER, JOSEPH E. V. ETOWAH COUNTY DEPARTMENT

98-5989 SHAMSIDEEN, ASADI V. TEXAS, ET AL.

98-5991 PRUNTE, ROBERT R. V. WALT DISNEY CO. , ET AL.

98-5992 STEELE, VERNETTA V. LOS ANGELES COUNTY, ET AL.

98-5994 LINK, WAYNE E. V. COLUMBUS, OH

98-6000 ARAGON, DONALD V. SHANKS, WARDEN

98-6001 BARBER, DANNY L. V. JOHNSON, DIR. , TX DCJ

98-6003 WHITE, BRUCE V. WHITE, WARDEN, ET AL.

98-6008 JONES, JOHNNIE, ET UX V. TEXAS

98-6009 BIRDS, VALENTINE V. GARCIA, RODERICK, ET AL.

98-6010 COLLAZO, MARIANO C. V. MORTON, ADM R, NJ, ET AL.

98-6026 GRIBBLE, WILLIAM R. V. PENNSYLVANIA

98-6032 JUDGE, JOHN E. V. CARTER, JEFFREY J. , ET AL.

98-6038 BILLINGS, ARCHIE L. V. NORTH CAROLINA

98-6042 THOMPSON, FRANCES V. BOARD OF REGENTS, NE

98-6049 SHAFFER, DOUGLAS C. V. SAFFLE, DIR. , OK DOC, ET AL.

98-6051 OGILVIE, JAN E. V. CALIFORNIA

98-6053 BUTTERFIELD, NATHAN G. V. SERV. EMPLOYEES INTL. UNION

98-6057 CROSS, RICHARD M. V. PLACER COUNTY SUPERIOR CT.

98-6058 BURNEY, JOHN V. THOMPKINS, BILLY, ET AL.

98-6061 REED, JOSEPH V. SCOTT, EX. DIR. , TX DCJ

98-6062 QUARTERMAN, KENNETH V. LEWIS, JUDGE, PROBATE COURT

98-6064 STANTON, THOMAS D. V. HUSZ, JOHN, ET AL.

98-6071 JOHNSON, ANTHONY F. V. BOWERSOX, SUPT. , POTOSI

98-6073 SIKORA, MATTHEW J. V. HOUSTON, WARDEN, ET AL.

98-6082 RANDLE, SHELTON P. V. TEXAS

98-6086 MADISON, VERNON V. ALABAMA

98-6088 CARVER, ELBERT S. V. NEVADA  
98-6090 CAMPBELL, JOSEPH W. V. ALABAMA  
98-6092 JOHNSON, VAN V. INDIANA  
98-6095 DIGGS, JAMES E. V. HALL, GEORGE P. , ET AL.  
98-6101 HILL, MARIA V. BURDICK, JOHN, ETC.  
98-6104 KIDO, GEORGETTE V. HAWAII  
98-6106 GOMEZ, PEDRO V. EASTLAND COUNTY, TX, ET AL.  
98-6121 MACK, LARRY V. ILLINOIS  
98-6144 NICOLAISON, WAYNE C. V. DOTH, DAVID, ETC.  
98-6216 MILLENDER, REX L. V. HOOKS, WARDEN, ET AL.  
98-6258 LARA, ROGER C. V. IOWA  
98-6265 HACHMEISTER, WILLIAM F. V. DEPT. OF DEFENSE  
98-6287 VINNIE, RAYMOND P. V. MASSACHUSETTS  
98-6294 JORDAN, GEORGE V. MAINE  
98-6298 JACOBS, WILLIE V. EDWARDS, WARDEN  
98-6300 M MALANI, LAL V. NEWPORT NEWS SHIPBUILDING  
98-6305 BRIGHTWELL, BOB V. KYLER, SUPT. , CAMP HILL  
98-6323 CARTER, GEORGE V. HOPKINS, WARDEN  
98-6333 KAHL, SCOTT E. V. MARYLAND  
98-6335 THOMPSON, CHARLES Y. V. MASSACHUSETTS  
98-6345 PRESLEY, JOHNNY R. V. PAGE, WARDEN  
98-6349 WITHERS, KENNETH R. V. JOHNSON, DIR. , TX DCJ  
98-6361 HURT, WILLIAM F. V. INDIANA  
98-6362 SHEPHERD, CHARLES E. V. ILLINOIS HUMAN RIGHTS COMM N  
98-6368 BRADVICA, DAVID A. V. BLOCK, SHERMAN, ET AL.  
98-6415 SMITH, RANKING V. UNITED STATES  
98-6423 MACK, ELBERT V. UNITED STATES

98-6433 RUTHERFORD, PAUL D. V. UNITED STATES  
98-6434 ROCKOT, DENNIS M. V. UNITED STATES  
98-6436 SEGERS, JAMES C. V. UNITED STATES  
98-6438 STINNETT, CARLOS D. V. NORTH CAROLINA  
98-6441 TREMBLAY, SCOTT B. V. UNITED STATES  
98-6442 YOUNG, WILLIAM D. V. UNITED STATES  
98-6444 WALTON, GARLAND E. V. UNITED STATES  
98-6445 WILLIAMS, NAMOND E. V. UNITED STATES  
98-6447 WILLIAMS, MARVIN E. V. NORTH CAROLINA  
98-6449 MENN, RAY V. UNITED STATES  
98-6450 McCARTHY, JOHN M. V. UNITED STATES  
98-6454 NOVAK, VALERY V. UNITED STATES  
98-6457 STEVENS, ANTON F. V. UNITED STATES  
98-6459 PAJOOH, MASSOOD D. V. UNITED STATES  
98-6462 ASLANI, DAVID V. DETROIT PUBLIC LIBRARY  
98-6471 CUREAUX, LIONEL V. UNITED STATES  
98-6475 JONES, JAMES S. V. UNITED STATES  
98-6480 LANCELOTTI, MICHAEL V. UNITED STATES  
98-6502 HALL, EARL R. V. UNITED STATES  
98-6503 GRIFFIN, WILLIAM M. V. UNITED STATES  
98-6504 GARCIA, LEONEL V. UNITED STATES  
98-6507 DUGAN, JAMES M. V. UNITED STATES  
98-6512 GONZALEZ-MENDEZ, EDUARDO V. UNITED STATES  
98-6545 BROWN, ANDREA R. V. LITTLE ROCK, AR, ET AL  
98-6596 BARBARO, ARZO V. COLLERAN, ACTING SUPT.

The petitions for writs of certiorari are denied.

98-162 WILLIAMS, R. E., ET AL. V. BYRD, DARRYL

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

98-193 CONSOL RAIL CORP. V. WICKER, EDWARD, ET AL.

The motion of Association of American Railroads for leave to file a brief as *amicus curiae* is granted. The petition for a writ of certiorari is denied.

98-289 HENDON, KATHERINE V. E. I. duPONT DE NEMOURS

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

98-424 NATL. SOLID WASTE MGMT. ASSN V. WILLIAMS MN COMM. POLLUTION

The motion of BFI Waste Systems of North America for leave to file a brief as *amicus curiae* is granted. The petition for a writ of certiorari is denied.

**COMMON LAW CERTIORARI DENIED**

98-6577 IN RE ROBERT BREEST

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

**HABEAS CORPUS DENIED**

98-6551 IN RE RICHARD ORVILLE BURGESS

98-6561 IN RE RICHARD F. EVERHART



98-6646 IN RE FERNANDO PEREZ BUSTILLO

The petitions for writs of habeas corpus are  
denied.

**MANDAMUS DENIED**

98-5922 IN RE WILLIE JEFFERSON

98-6023 IN RE EDWARD SMITH

98-6067 IN RE JOE DANIEL WOODARD, JR.

98-6383 IN RE JAMES PETER KYRICOPOULOS

The petitions for writs of mandamus are denied.

98-467 IN RE WILLIAM H. VIEHWEG

The petition for writ of mandamus and/or  
prohibition is denied.

**REHEARINGS DENIED**

97-1910 ZIEMKE, MARILYN, ET AL. V. ALMOG, SHALOM, ET UX., ET AL

97-2004 NCAA V. LAW, NORMAN, ET AL.

97-2008 LIN, WEN-CHOUH V. LIN, ANITA C. S.

97-2060 GADDIS, EUGENE V. GADDIS, SHARON

97-2066 YADEGAR, MANOUTCHEHR V. YADEGAR, MARIA, ET AL.

97-8681 HOLLAND, GERALD J. V. MISSISSIPPI

97-9177 TUDOROV, MARIA N. V. COLAZO, LUCIA

97-9192 BLOUNT, WILLIAM V. UNITED STATES

97-9238 LIMEHOUSE, KEITH D. V. RED LOBSTER, INC.

97-9354 BOYD, MICHAEL J. V. TENNESSEE

97-9682 KING, MONICA V. SUPERIOR CT. OF N. H.

98-34 FERNANDES, NELSON V. EPA, ET AL.

98-213 UPSHAW, SOLOMON J. V. BOND, JEFFREY M , ET AL.  
98-5147 WEISWASSER, LAWRENCE M V. TERHUNE, DIR. , CA DOC  
98-5200 CAPERS, AUGUSTUS T. vs. TCI OF NORTHERN NEW JERSEY  
98-5227 CUNNINGHAM, WILLIAM E. V. KENT, J. , ET AL.  
98-5319 OZMEN, FRIZELLE L. V. NEW MEXICO  
98-5328 TWIDDY, THOMAS V. HEALDSBURG, CA, ET AL.  
98-5461 CURTIS, ROBERT G. V. PARKER, WARDEN  
98-5700 WILLIAMSON, CHARLES V. SHALALA, SEC. OF H&HS

The petitions for rehearing are denied.

97-2038 IN RE CHARLES RAYMOND CROWELL

The motion of petitioner for leave to proceed further *in forma pauperis* is granted. The petition for rehearing is denied.

#### ATTORNEY DISCIPLINE

D-1970 IN THE MATTER OF DISBARMENT OF PHILLIP KURTZ

Phillip Kurtz, of Euclid, Ohio, having been suspended from the practice of law in this Court by order of June 22, 1998; and a rule having been issued and served upon him requiring him to show cause why he should not be disbarred; and a response having been filed;

It is ordered that Phillip Kurtz is disbarred from the practice of law in this Court.

D-2010 IN THE MATTER OF DISBARMENT OF BRUCE CHARLES BEREANO

Bruce Charles Bereano, of Annapolis, Maryland, 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-2011 IN THE MATTER OF DISBARMENT OF WILLIAM ALFRED WECHSLER**

William Alfred Wechsler, of Hartford, Connecticut, 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-2012 IN THE MATTER OF DISBARMENT OF HIRSCH FRIEDMAN**

Hirsch Friedman, of Atlanta, Georgia, 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-2013 IN THE MATTER OF DISBARMENT OF ROBERT L. REHBERGER**

Robert L. Rehberger, of Forsyth, Georgia, 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-2014 IN THE MATTER OF DISBARMENT OF HARVEY D. MYERSON**

Harvey D. Myerson, of New York, New York, 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.