

(ORDER LIST: 527 U. S.)

THURSDAY, JUNE 24, 1999

CERTIORARI -- SUMMARY DISPOSITION

97-1695 FLANAGAN, JAMES, ET AL. V. AHEARN, GERALD, ET AL.

The Court reversed the judgment below in *Ortiz v. Fibreboard Corp.*, 527 U.S. ____ (1999). Therefore, the petition for a writ of certiorari is granted and the case is remanded to the United States Court of Appeals for the Fifth Circuit for further proceedings.

98-4 AR DEPT. OF ED. V. JACOBY, RICHARD, ET AL.

The petition for a writ of certiorari is granted. The judgment is vacated and the case is remanded to the Supreme Court of Arkansas for further consideration in light of *Alden v. Maine*, 527 U.S. ____ (1999).

98-667 FLRA V. DOJ, 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 Second Circuit for further consideration in light of *National Aeronautics and Space Administration v. Federal Labor Relations Authority*, 527 U.S. ____ (1999).

98-731 REGENTS OF UNIV. OF CA V. GENENTECH, INC., 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 Federal Circuit for further consideration in light of *College Savings Bank v. Florida Prepaid Postsecondary Education Expense Board*, 527 U.S. ____ (1999). Justice O'Connor took no part in the consideration or decision of this case.

98-972 LOWERY, RENEE, ET AL. V. CIRCUIT CITY STORES, 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 Fourth Circuit for further consideration in light of *Kolstad v. American Dental Association*, 527 U.S. ____ (1999).

98-1110 NM DEPT. OF PUBL. SAFETY V. WHITTINGTON, STEPHEN, ET AL.

The petition for a writ of certiorari is granted. The judgment is vacated and the case is remanded to the Court of Appeals of New Mexico for further consideration in light of *Alden v. Maine*, 527 U.S. ____ (1999).

98-1285 NY STATE BD. /LAW EXAMINERS V. BARTLETT, MARILYN J.

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 Second Circuit for further consideration in light of *Sutton v. United Air Lines, Inc.*, 527 U.S. ____ (1999), *Murphy v. United Parcel Service, Inc.*, 527 U.S. ____ (1999), and *Albertsons, Inc. v. Kirkingburg*, 527 U.S. ____ (1999).

98-1365 HCA HEALTH SERVS. OF TX V. WASHINGTON, KELVIN

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 *Sutton v. United Air Lines, Inc.*, 527 U.S. ____ (1999), and *Murphy v. United Parcel Service, Inc.*, 527 U.S. ____ (1999).

98-1494 JACKSON, WAYNE V. DYE, JEFFREY, ET AL.

The motion of respondent Jeffrey Dye for leave to proceed *in forma pauperis* is granted. The motion of respondent Gregory Turner 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 Sixth Circuit for further consideration in light of *Martin v. Hadix*, 527 U.S. ____ (1999).

98-1554 NM UNIV. BD. OF REGENTS V. COCKRELL, FLETCHER

The petition for a writ of certiorari is granted. The judgment is vacated and the case is remanded to the Court of Appeals of New Mexico for further consideration in light of *Alden v. Maine*, 527 U.S. ____ (1999).

ORDERS IN PENDING CASES

M-77 GEORGE F. MATHEWS V. MIRCOSTA COLLEGE

M-78 JODI MICHAELLE CARLSON V. HYUNDAI MOTOR CO., ET AL.

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

108, ORIG. NEBRASKA V. WYOMING, ET AL.

The motion of the Special Master for compensation and reimbursement of expenses is granted, and the Special

Master is awarded a total of \$189,366.40 for the period September 1, 1998 through May 31, 1999, to be paid as follows: 34% by Nebraska, 34% by Wyoming, 5% by Colorado, 24% by the United States, and 3% by Basin Electric Power Cooperative.

98-405) RENO, ATTORNEY GENERAL V. BOSSIER PARISH SCHOOL BOARD
)
98-406) PRICE, GEORGE, ET AL. V. BOSSIER PARISH SCHOOL BOARD

These cases are restored to the calendar for re-argument. The parties are directed to file supplemental briefs not to exceed 25 pages addressing the following questions:

- 1) Does the purpose prong of §5 of the Voting Rights Act of 1965 extend to a discriminatory but non-retrogressive purpose? and
- 2) Assuming *arguendo* that §5 prohibits the implementation of a districting plan enacted with a discriminatory, non-retrogressive purpose, does the government or the covered jurisdiction bear the burden of proof in this issue?

98-678 LOS ANGELES POLICE DEPT. V. UNITED REPORTING PUB. CORP.

98-963 NIXON, MD ATTY. GEN., ET AL. V. SHRINK MD GOVT. PAC, ET AL.

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

98-822 FRIENDS OF THE EARTH, ET AL. V. LAIDLAW ENVIRONMENTAL SVCS.

Further consideration of respondent's suggestion of mootness is deferred to hearing the case on the merits.

98-1161 ERIE, PA, ET AL. V. PAP' S A. M

The motion of respondent to dismiss the writ of certiorari as moot is denied.

98-8093 PRUNTY, ROBERT E. V. HOLSCHUH, SENIOR JUDGE, ETC.

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

98-9084 TYLER, BILLY R. V. HARTIGAN, JUDGE, ETC.

The motion of petitioner for leave to proceed *in forma pauperis* is denied. See Rule 39.8. Petitioner is allowed until July 15, 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.

98-9133 COHEA, DANNY J. V. BRAY, T., ET AL.

The motion of petitioner for leave to proceed *in forma pauperis* is denied. See Rule 39.8. Petitioner is allowed until July 15, 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 GRANTED

98-1828 VT AGENCY OF NAT. RESOURCES V. U. S., EX REL STEVENS

The petition for a writ of certiorari is granted.

CERTIORARI DENIED

- 98- 303 BARNETT, DONALD, ET AL. V. GLENBOROUGH REALTY CORP.
- 98- 527 CASEY, DANIEL, ET AL. V. BLISSETT, DONOVAN
- 98- 906 GA DEPT. OF REVENUE V. BURKE, GARY, ET UX. , ET AL.
- 98- 917 INMATES OF D. C. JAIL V. EDWARDS, CALVIN, ET AL.
- 98- 1057 RIVER WEST, L. P. vs. DEAS, ALLISON, ET AL.
- 98- 1375 HARPER, SUZANNE, ET AL. vs. GEN. ELEC. CAPITAL AUTO
- 98- 1403 ROWLAND, JAMES, ET AL. V. RAND, LEE A.
- 98- 1452 AMATEL, JOSEPH, ET AL. V. RENO, ATTY. GEN. , ET AL.
- 98- 1462 SWEENEY, CHARLES EDWARD V. INDIANA
- 98- 1503 FIRST FED. BANK OF CA vs. SUP. CT. OF CA, ET AL.
- 98- 1528 GEORGE, DENNIS V. ABBOTT, MARK
- 98- 1556 PIASKOWSKI, MICHAEL L. V. WISCONSIN
- 98- 1564 MACKEY, DOROTHY V. MILAM, DAVID, ET AL.
- 98- 1568 TRAFALGAR CAPITAL ASSOCS. V. CUOMO, SEC. OF HUD, ET AL.
- 98- 1570 SEFICK, JOHN V. GARDNER, RICHARD, ET AL.
- 98- 1595 FITZGERALD, GEORGE LAWRENCE V. APFEL, COMMR. OF SOC. SEC.
- 98- 1618 PATRIOT PORTFOLIO, LLC V. WEINSTEIN, HARRY W. , ET AL.
- 98- 1620 IN RE JOSEPH D. MORRISSEY
- 98- 1635 HAYDEN, JAMES V. CONRAIL
- 98- 1653 TOUGH TRAVELER, LTD. V. OUTBOUND PRODUCTS, ET AL.
- 98- 1675 PANAYOTIDES, MICHAEL V. PANAYOTIDES, JULIE
- 98- 1680 SKURNICK, SAM V. RAAKE, MARTIN
- 98- 1703 BRAZELL, JOHN C. V. SAVANNAH ELEC. & POWER CO.
- 98- 1704 AMERICAN AIRLINES, INC. V. TICE, ROBERT, ET AL.
- 98- 1708 GASTINEAU, DONALD V. CALIFORNIA
- 98- 1709 HEYWARD, MAY L. V. MONROE, MICHAEL C. , ET AL.

98-1714 FULL GOSPEL TABERNACLE vs. COM SCH. DIST. 27, ET AL.
 98-1719 THOMSON S. A. vs. QUIXOTE CORP., ET AL.
 98-1721 COURTWAY, DAVID B., ET AL. V. CARNAHAN, GOV. OF MD, ET AL.
 98-1724 ZOSKI, PAUL V. KEGLER, ROBERT
 98-1728) WHEELING COLLEGE, ET AL. V. WHEELING, W
)
 98-1730) SCHMITT, BERNARD W., ETC. V. HUNTINGDON, W
 98-1732 R. F. vs. A. C., ET AL.
 98-1734 BYLINSKI, GLORIA, ET AL. V. ALLEN PARK, MI, ET AL.
 98-1736 ROWE, DONALD M V. MARIETTA CORP., ET AL.
 98-1737 IN RE JOHN J. PAPPAS
 98-1741 DOUGLASS, KIM F. vs. GMC
 98-1750 KALEY, SHERIFF, PORTAGE CTY V. GALLO, PATTI L., ET AL.
 98-1752 GRANDEOTTO, INC., ET AL. V. CLARKSBURG, W
 98-1753) FT. SMITH, AR V. KRANTZ, ALBERT, ET AL.
)
 98-1754) ALMA, DYER & VAN BUREN, AR V. KRANTZ, ALBERT, ET AL.
 98-1758 PARKWOOD DEV. CTR., ET AL. vs. NLRB, ET AL.
 98-1762 STEICHEN, ROBERT V. SOUTH DAKOTA
 98-1767 WEST, ROLAND V. WEST, STACEY
 98-1773 GRIFFIN, CLAUDE, ET AL. V. GRIFFIN, LOTTIE C.
 98-1775 SONIREGUN, BABATUNDE V. INS
 98-1781 ALLIANZ LIFE INS. CO. V. BARTGIS, DEBRA
 98-1787 ESTATE OF OLIVER V. FLORIDA, ET AL.
 98-1788 CONCORDE-NEW HORIZONS, CORP. V. SHOPTALK, LTD., ET AL.
 98-1792 WASHINGTON, DONALD V. WMATA
 98-1812 KASI, MIR A. V. VIRGINIA
 98-1814 CANNINGS, JAMES V. LIBRARIAN OF CONG., ET AL.
 98-1815 DACHMAN, S. REBECCA V. UNITED STATES

98-1819 ROBBINS, NANCY, ET VIR V. UNITED STATES
98-1824 CHRYSLER, ROBERT PHILLIP V. WEST COVINA, CA, ET AL.
98-1830 RICHARDSON, ROBERT V. ALBERTSON' S INC. , ET AL.
98-1835 FULK, JESSE, ET AL. vs. UN. TRANSP. UNION
98-1847 WILLS, MICHAEL, ET AL. V. WALT DISNEY PICTURES & TV
98-1848 COEUR D' ALENE TRIBE V. MISSOURI, EX REL. NIXON
98-1873 IN RE JOSE M FONT
98-1893 LIVINGSTON, AL BAKER V. UNITED STATES
98-1900 AZAMBER, EUGENE C. V. FRANCHISE TAX BD. OF CA
98-1901 FUSCO, RICHARD V. UNITED STATES
98-1907 WILLIAMS, RONALD, ET AL. V. MARSCH, NICOLAS
98-1921 GEN. TRUCK DRIVERS LOCAL 92 V. WILSON, JAMES
98-6220 METZ, GLENN V. UNITED STATES
98-6601 GOFF, JAMES R. V. OHIO
98-7732 JENKINS, ALLISON V. NELSON, WARDEN
98-8089 BURNS, KEVIN V. TENNESSEE
98-8120 SPEARMAN, EDWARD O. V. UNITED STATES
98-8316 ANTONE, PHILBERT J. V. UNITED STATES
98-8419 ROLE, ELOY A. V. TEAMSTERS UNION LOCAL 11
98-8689 VIEFHAUS, JAMES D. V. UNITED STATES
98-8699 PELLEGRINO, MARIE V. FANTER, STEPHEN A.
98-9016 JENSEN, JAMES L. vs. IRS
98-9069 SAFOUANE, AZIZ, ET UX. V. WA DEPT. OF SOCIAL & HEALTH
98-9076 BEATTY, JOHN J. V. SINGLETARY, SEC. , FL DOC
98-9077 CARTER, FREDDIE V. FREESTONE CTY. JAIL, ET AL.
98-9080 BOWMAN, TERRENCE D. V. NORTH CAROLINA
98-9083 WARREN, GERALD V. SMITH, WARDEN

98-9097 OLICK, THOMAS W. V. JOHN HANCOCK MUTUAL
98-9098 SALAS, JUAN L. V. GARCIA, WARDEN, ET AL.
98-9099 FISHER, MICHAEL S. , ET UX. V. SUNKIST GROWERS
98-9103 HUDD, PETER V. SHIFFMAN, STUART H. , ET AL.
98-9108 HERNANDEZ, ISAURO V. JOHNSON, DIR. , TX DCJ
98-9111 RODRIGUEZ, JOSE V. VIGLIOTTI, JAMES, ET AL.
98-9113 MARTIN, TIMOTHY P. V. SCOTT, EXEC. DIR. , TX DCJ
98-9114 METCALF, TOMMY H. V. WASHINGTON
98-9116 LAMPKIN, KELVIN L. V. BEELER, ART, ET AL.
98-9118 LUDWIG, RONALD D. V. JOHNSON, DIR. , TX DCJ
98-9120 KIMBERLIN, BRETT C. V. BIDWELL, WARDEN
98-9125 BROWN, ANTHONY V. ILLINOIS
98-9126 HENDRICKSON, PAUL A. V. MCGINNIS, DIR. , MI DOC
98-9127 HARRIS, WILLIAM A. V. BALLARD, HALYCON, ET AL.
98-9132 MACRI, JULIA S. V. SWEEK, GORDON, ET AL.
98-9136 RANKIN, JAMES R. V. CALIFORNIA
98-9140 TRAVIS, BERNARD W. V. OHIO
98-9141 BERTONIERE, GLEN R. V. KAYLO, WARDEN, ET AL.
98-9142 BURNS, JOSEPH D. V. MISSISSIPPI
98-9145 WALKER, TERRANCE V. FITZGERALD, SHERIFF, ET AL.
98-9152 JENNINGS, BRANDY B. V. FLORIDA
98-9185 TUCKER, JAMES N. V. SOUTH CAROLINA
98-9188 THOMPSON, MATTHEW D. V. OREGON
98-9194 VILLALOBOS, ERVIN R. V. SINGLETARY, SEC. , FL DOC
98-9246 LOSS, HOWARD V. MI ATTY. GRIEVANCE COMMN.
98-9262 CROOM, BERNARD V. MITCHELL, WARDEN
98-9279 GETSY, JASON V. OHIO

98-9280 NEWLIN, GORDON C. V. EDWARDS, WARDEN
98-9321 WRIGHT, PAUL A. V. DuCHARME, SUPT., WA
98-9322 WALTERS, TRAVIS V. CALIFORNIA
98-9353 BROWN, LEVI V. SOUTH CAROLINA, ET AL.
98-9360 TRAYLOR, LEE V. CYPERT, DIANE, ET AL.
98-9391 CHAVIS, MICHAEL V. ARKANSAS
98-9393 BARCLAY, O' NEIL V. FLANDER, JEFF, ETC.
98-9404 DENMARK, JOHN D. V. FLORIDA
98-9406 GUERRA, GLORIA V. ALAMEDA COUNTY, CA, ET AL.
98-9409 POWERS, JAMES L. V. ROBINSON, WARDEN
98-9442 RHODES, CONSTANCE E. V. AURORA, CO
98-9478 EVERETT, GARY L. V. JOHNSON, DIR., TX DCJ
98-9480 NORRIS, JAMES E. V. SLATER, SEC. OF TRANSP.
98-9491 THOMPSON, MICHAEL L. V. MOORE, SEC., FL DOC
98-9521 TRICE, CHARLES V. FLORIDA
98-9538 PARKUS, STEVEN W. V. BOWERSOX, SUPT., POTOSI
98-9567 SMITH, CLYDE W. V. MISSISSIPPI
98-9580 KRONE, RAY M V. ARIZONA
98-9589 WILLIAMS, SHAE G. V. SMITH, WARDEN, ET AL.

The petitions for writs of certiorari are denied.

98-916 DEAS, ALLISON V. RIVER WEST, ET AL.

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

98-1739 WOODFORD, JEANNE, WARDEN V. CARO, FERNANDO EROS

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

certiorari is denied. Justice Breyer took no part in the consideration or decision of this motion and this petition.

98-1742 EDWARDS, WARDEN V. HERRINGTON, MICHAEL

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

98-1783 FREEMAN, SANDRA, ET VIR V. SIMON, LENARD, ET AL.

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

HABEAS CORPUS DENIED

98-9617 IN RE RANDOLPH A. ZUBIATE

The petition for a writ of habeas corpus is denied.

MANDAMUS DENIED

98-8563 IN RE JIMMY JAKE HOLT

The petition for a writ of mandamus is denied.

REHEARINGS DENIED

97-9078 DOE, MARILYN W. vs. A. M. E. ZION CHURCH, ET AL.

98-1054 MALLADI, VISALAKSHI V. WEST, SEC. OF VA

98-1431 RUPERT, WILLIAM V. FDIC, ETC.

98-1587 HAYNES, HENDRICK W. V. UNITED STATES

98-7729 RICCO, WENDELL E. V. UNITED STATES

98-7751 HENDERSON, LARRY V. HENNEBERRY, DIR., PATUXENT

98-7938 DAVIS, LIONELL J. V. LENSING, WARDEN, ET AL.
 98-8103 DUNLAP, WILLIE H. V. PECO ENERGY CO., ET AL.
 98-8185 PRICE, JOSEPH W. V. RYDER SYSTEM, INC., ET AL.
 98-8294 SUMTER, ROSETTA V. NEW JERSEY
 98-8402 UNDERWOOD, CHARLES V. MERIWETHER COUNTY, GA
 98-8438 ABIDEKUN, OLU S. V. MARY IMOGENE BASSETT HOSP.
 98-8469 SMITH, DONALD E. V. MISSISSIPPI
 98-8606 CLOUD, JOHN H. V. WEBB, JIMMY S.
 98-8607 COTNER, ROBERT E. V. HARGETT, WARDEN, ET AL.
 98-8651 HAUPT, JOHN H. vs. DEPT. OF VA, ET AL.
 98-8741 IN RE MICHAEL ANTHONY NOBLE
 98-8749 GONZALES, MARGARITO V. ARIZONA
 98-8766 CARROLL, GERALD L. V. UNITED STATES
 98-8925 IN RE GERALD L. ROGERS

The petitions for rehearing are denied.

ATTORNEY DISCIPLINE

D-2061 IN THE MATTER OF DISBARMENT OF MICHAEL P. MAGUIRE

Michael P. Maguire, of Alexandria, Virginia, having been suspended from the practice of law in this Court by order of April 26, 1999; and a rule having been issued and served upon him requiring him to show cause why he should not be disbarred; and the time to file a response having expired;

It is ordered that Michael P. Maguire is disbarred from the practice of law in this Court.

D-2062 IN THE MATTER OF DISBARMENT OF STANLEY ALAN LANGFUS

Stanley Alan Langfus, of Hollywood, California, having been suspended from the practice of law in this Court by order of April 26, 1999; and a rule having been issued and served upon him requiring him to show cause why he should not be disbarred; and the time to file a response having expired;

It is ordered that Stanley Alan Langfus is disbarred from the practice of law in this Court.

D-2063 IN THE MATTER OF DISBARMENT OF THOMAS ALLEN MASSEY

Thomas Allen Massey, of Oklahoma City, Oklahoma, having been suspended from the practice of law in this Court by order of April 26, 1999; and a rule having been issued and served upon him requiring him to show cause why he should not be disbarred; and the time to file a response having expired;

It is ordered that Thomas Allen Massey is disbarred from the practice of law in this Court.

D-2066 IN THE MATTER OF DISBARMENT OF JAMES DAVID NORVELL

James David Norvell, of Abilene, Texas, having been suspended from the practice of law in this Court by order of April 26, 1999; and a rule having been issued and served upon him requiring him to show cause why he should not be disbarred; and the time to file a response having expired;

It is ordered that James David Norvell is disbarred from the practice of law in this Court.

D-2068 IN THE MATTER OF DISBARMENT OF ANTONIO REYES-VIDAL

Antonio Reyes-Vidal, of San Antonio, Texas, having been suspended from the practice of law in this Court by order of April 26, 1999; 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 Antonio Reyes-Vidal is disbarred from the practice of law in this Court.

D-2089 IN THE MATTER OF DISBARMENT OF SCOTT DOUGLAS RAPHAEL

Scott Douglas Raphael, of Newport Beach, California, 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-2090 IN THE MATTER OF DISBARMENT OF EDWARD BONCEK

Edward Boncek, of Port St. Lucie, 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.

RECESS ORDER

The Court will take a recess from today until Monday, October 4, 1999.