

ORDER LIST

MONDAY, MAY 24, 1993

CERTIORARI -- SUMMARY DISPOSITION

92-67 UNITED STATES V. ABREU, ORESTES, ET AL.

The motion of respondent James Thornburgh for leave to proceed in forma pauperis is granted. The petition for a writ of certiorari is granted. The judgments are vacated and the case is remanded to the United States Court of Appeals for the Tenth Circuit for further consideration in light of Deal v. United States, 508 U. S. __ (1993).

92-1442 GARCIA, ADALINE, ET VIR V. UNITED STATES

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 Republic National Bank of Miami v. United States, 506 U. S. __ (1992).

92-1452 BOWENS, CHARLIE MAE V. UNITED STATES

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 Eleventh Circuit for further consideration in light of Republic National

Bank of Miami v. United States, 506 U. S. _ (1992).

92-1458 ROSALES, ALBERTO V. UNITED STATES

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 Eleventh Circuit for further consideration in light of Ortega-Rodriguez v. United States, 507 U. S. _ (1993).

ORDERS IN PENDING CASES

No. __. RICHARD J. KRANTZ V. PHILLIP BRIGGS, SUPERINTENDENT, COOK INLET PRETRIAL FACILITY, ALASKA DEPARTMENT OF CORRECTIONS

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

D-1232 IN THE MATTER OF DISBARMENT OF LANCE JOSEPH THIBIDEAU

It having been reported to the Court that Lance Joseph Thibideau, of Fort Lauderdale, Florida, has resigned from the practice of law before the Supreme Court of Florida and this Court by order of February 22, 1993, having suspended the said Lance Joseph Thibideau 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 Lance Joseph Thibideau 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-1233 IN THE MATTER OF DISBARMENT OF KENNETH FRANK IREK

It having been reported to the Court that Kenneth Frank Irek, of Raleigh, North Carolina, has been disbarred from the practice of law by the Supreme Court of North Carolina and this Court by order of February 22, 1993, having suspended the said Kenneth Frank Irek 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;

It is ordered that the said Kenneth Frank Irek 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-1237 IN THE MATTER OF DISBARMENT OF ARTHUR J. MATUSOW

It having been reported to the Court that Arthur J. Matusow, of Philadelphia, Pennsylvania, has resigned from the practice of law before the Supreme Court of Pennsylvania, Eastern District, and this Court by order of February 22, 1993, having suspended the said Arthur J. Matusow 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 Arthur J. Matusow 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-1240 IN THE MATTER OF DISBARMENT OF IRA POSTEL

It having been reported to the Court that Ira Postel, of New York, New York, has been disbarred from the practice of law by the Appellate Division, Supreme Court of New York, First Judicial Department, and this Court by order of March 1, 1993, having suspended the said Ira Postel 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 Ira Postel 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-1241 IN THE MATTER OF DISBARMENT OF MICHAEL P. OSHATZ

It having been reported to the Court that Michael P. Oshatz, of Scarsdale, New York, has been disbarred from the practice of law by the Appellate Division, Supreme Court of New York, First Judicial Department, and this Court by order of March 1, 1993, having suspended the said Michael P. Oshatz 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 Michael P. Oshatz 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-1242 IN THE MATTER OF DISBARMENT OF JERROLD M. FLEISHER

It having been reported to the Court that Jerrold M. Fleisher, of Closter, New Jersey, has been disbarred from the practice of law by the Supreme Court of New Jersey and this Court by order of March 1, 1993, having suspended the said Jerrold M. Fleisher 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 Jerrold M. Fleisher 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-1243 IN THE MATTER OF DISBARMENT OF JOSEPH A. DAMBACH

It having been reported to the Court that Joseph A. Dambach, of Fords, New Jersey, has been disbarred from the practice of law by the Supreme Court of New Jersey

and this Court by order of March 1, 1993, having suspended the said Joseph A. Dambach 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 Joseph A. Dambach 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-1244 IN THE MATTER OF DISBARMENT OF FRANCIS GUTHRIE GORDON,
III

It having been reported to the Court that Francis Guthrie Gordon, III, of Charlottesville, Virginia, has resigned from the practice of law before the Supreme Court of Virginia and this Court by order of March 1, 1993, having suspended the said Francis Guthrie Gordon, III, 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 Francis Guthrie Gordon, III, 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-1252 IN THE MATTER OF DISBARMENT OF MELVIN M. LEBETKIN

It having been reported to the Court that Melvin M. Lebetkin, of Kew Gardens, New York, has been disbarred from the practice of law by the Appellate Division, Supreme Court of New York, Second Judicial Department, and this Court by order of April 5, 1993, having suspended the said Melvin M. Lebetkin 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 Melvin M. Lebetkin 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-1267 IN THE MATTER OF DISBARMENT OF WILLIAM H. MANGER

It is ordered that William H. Manger, of Baltimore, Maryland, 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.

D-1268 IN THE MATTER OF DISBARMENT OF SAM B. DUNFORD

It is ordered that Sam B. Dunford, of Palm Springs, California, 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.

D-1269 IN THE MATTER OF DISBARMENT OF VIRGIL VICTOR BECKER

It is ordered that Virgil Victor Becker, of Atascadero, California, 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.

D-1270 IN THE MATTER OF DISBARMENT OF JOHN LEWE GUBBINS

It is ordered that John Lewe Gubbins, of Montefort, Wisconsin, 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.

D-1271 IN THE MATTER OF DISBARMENT OF MICHAEL TIMOTHY BAILEY

It is ordered that Michael Timothy Bailey, of Portland, Oregon, 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.

65, Orig. TEXAS V. NEW MEXICO

The motion of the River Master for approval of fees and expenses is granted and the River Master is awarded \$370.29 for the period January 1 - March 31, 1993 to be paid equally by the parties.

91-1523 FLORENCE CTY. SCH. DIST. V. CARTER, SHANNON

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

92-519) JOHNSON, BOLLEY, ET AL. V. De GRANDY, MIGUEL, ET AL.
92-593) De GRANDY, MIGUEL, ET AL. V. JOHNSON, BOLLEY, ET AL.
92-767) UNITED STATES V. FLORIDA, ET AL.

The motion of American Jewish Congress, et al. for leave to file a brief as amici curiae in No. 92-519 is

granted.

- 92-757) LANDGRAF, BARBARA V. USI FILM PROD., ET AL.
92-938) RIVERS, MAURICE, ET AL. V. ROADWAY EXPRESS, INC.

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

- 92-989 TENNESSEE V. MIDDLEBROOKS, DONALD

The motion for appointment of counsel is granted and it is ordered that David C. Stebbins, Esquire, Nashville, Tennessee, is appointed to serve as counsel for the respondent Donald Ray Middlebrooks in this case.

- 92-1123 IZUMI SEIMITSU KOGYO, ETC. V. U.S. PHILIPS CORP, ET AL.

The motion of Sears, Roebuck & Co. for leave to file a brief as amicus curiae is granted. The motion of the Acting Solicitor General for leave to participate in oral argument as amicus curiae and for divided argument is granted.

- 92-1168 HARRIS, TERESA V. FORKLIFT SYSTEMS, INC.

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

- 92-1223 DEPT. OF DEFENSE, ET AL. V. FLRA, ET AL.

The motion of the Acting Solicitor General to dispense with printing the joint appendix is granted.

CERTIORARI GRANTED

92-1370 BFP V. RTC, RECEIVER OF IMPERIAL

92-1402 C & A CARBONE, INC., ET AL. V. CLARKSTOWN, NEW YORK

92-1441 STAPLES, HAROLD V. UNITED STATES

92-1482 WEISS, ERIC V. UNITED STATES

The petitions for writs of certiorari are granted.

92-1510 CAVANAUGH, MICHAEL, ET AL. V. ROLLER, GARY LEE

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

92-6921 LITEKY, JOHN PATRICK, ET AL. V. UNITED STATES

The motion of petitioners for leave to proceed in forma pauperis and the petition for a writ of certiorari are granted.

CERTIORARI DENIED

91-8180 GRIMES, TIMOTHY A., ET AL. V. UNITED STATES

92-1097 BARR, HARRY V. UNITED STATES

92-1348 RAPIDES REGIONAL MED. CENTER V. BROWN, SEC. OF VA

92-1368 BRUNEAU, JACQUELINE V. FDIC
92-1408 ROGALA, JOHN V. UNITED STATES
92-1433 WALLACE, EDWARD, ET AL. V. FDIC
92-1437 WALLACH, EUGENE V. UNITED STATES
92-1533 TEXAS V. McPHERSON, LARRY
92-1578 KNEDLIK, WILL V. BLUMBERG, JANET
92-1585 BURCH, ROBERT V. CHATHAM, NEW JERSEY, ET AL.
92-1588 COMMITTE, BRUCE V. UNIVERSITY OF VERMONT
92-1592 IOWA COAL MINING CO., ET AL. V. MONROE CTY. BD., ETC., ET AL
92-1594 NEBRASKA V. CHILDS, STEVEN
92-1597 MEDRANO, GUADALUPE, ET AL. V. LOS ANGELES, ET AL.
92-1598 CURLEY, THOMAS V. CONRAIL, ET AL.
92-1599 BERNDT, MARK V. JACOBI, ERNEST
92-1600 PARSONS CORP., ET AL. V. ALASKA DEPARTMENT OF REVENUE
92-1601 LeBLANC, ROLAND V. RAYTHEON COMPANY, INC.
92-1604 BERGER, SANFORD J., ET AL. V. CUYAHOGA CTY. BAR, ET AL.
92-1605 WOOSLEY, PATRICK V. CALIFORNIA
92-1607 GENERAL MOTORS CORPORATION V. DRENNAN, JoANN, ET AL.
92-1608 BOWMAN, LORETTA, ET AL. V. FRANKLIN, WISCONSIN, ET AL.
92-1654 LEAF, LINDA V. SUPREME CT. OF WI, ET AL.
92-1686 CAMPOS, NIDIA V. UNITED STATES
92-1707 HICKS, JIMMY, ET AL. V. UNITED STATES
92-5025 BERNIER, JEAN V. UNITED STATES

92-5344 FULLER, AARON L. V. TEXAS

92-5690 HAYHOW, MATTHEW V. UNITED STATES

92-5786 ROULETTE, JAMES E. V. UNITED STATES

92-5988 ANDERSON, JOHN A. V. WISCONSIN DEPT. OF REVENUE

92-6276 PIERETTI, DARRYL V. UNITED STATES

92-6832 FRYER, EDDIE V. UNITED STATES

92-7021 ODLE, THOMAS V. V. ILLINOIS

92-7660 KIRKLAND, MACK V. UNITED STATES

92-7770 JACKSON, EARL L. V. CALIFORNIA

92-7793 RAMEY, IRVING V. ILLINOIS

92-7828 BANKS, ANGELO BERNARD V. GREEN, JOHN M., ET AL.

92-7831 SMITH, DERRICK GEORGE V. UNITED STATES

92-7920 STALLINGS, LARRY BAXTER V. UNITED STATES

92-8038 TAVAKOLI-NOURI, KAMRAN V. CIA

92-8188 McNEIL, MICHAEL D. V. SAFFLE, REGIONAL DIR., ET AL

92-8201 JOHNSON, JEROME V. V. GRATERFORD STATE CORR. INST.

92-8202 FLIEGER, ROBERT V. BOSLEY, FREEMAN R.

92-8208 COCHRAN, ROBERT MORRIS V. BERGER, BRUCE, ET AL.

92-8209 COLE, LEO RILEY V. OKLAHOMA, ET AL.

92-8214 SCOTT, WILLIAM, ET UX. V. O'GRADY, JAMES, ET AL.

92-8215 WAKEFIELD, ARTHUR V. SAMUELS, ROBERT, ET AL.

92-8227 VAN WAGNER, GEORGE V. STAMBAUGH, GREGORY, ET AL.

92-8237 LUCIEN, RUDOLPH L. V. PETERS, DIR., IL DOC, ET AL.

92-8239 RYMAN, NORMAN WILSON V. GALLEY, JON, WARDEN, ET AL.
92-8241 MAYBERRY, M.C. V. HANNIGAN, WARDEN, ET AL.
92-8242 MARKHAM, FLOYD D. V. OKLAHOMA
92-8255 MUHAMMAD, ABDULLAH V. UNITED STATES
92-8256 NEWMAN, CLIFFORD T. V. PENNSYLVANIA
92-8259 DEMPSEY, JOHN V. HARSHBARGER, MA AG
92-8260 NOBLITT, HORACE LEE V. UNITED STATES
92-8262 MOREL, KATHRYN E. V. MOREL, RICHARD J.
92-8263 PACCHETTI, CHARLES L. V. GROOSE, SUPT.
92-8266 MARKS, WALLACE V. OK TAX COMMISSION
92-8294 TAYLOR, AARON V. UNITED STATES
92-8303 TODARO, CAMILLO V. UNITED STATES
92-8311 OSHER, FRANCIS V. UNITED STATES
92-8339 SWANN, WILLIAM LEE V. SINGLETON, WARDEN
92-8345 SEATON, PARNELL V. JABE, WARDEN
92-8352 YOUNG, RICHARD V. PENNSYLVANIA
92-8364 BEHNEY, SCOTT L. V. UNITED STATES
92-8367 NEVILLE, TODD DAVID V. UNITED STATES
92-8370 MILLER, KENNETH ALBERT V. McCORMICK, WARDEN
92-8371 WEEKLY, LILLIAN V. UNITED STATES
92-8372 YEPEZ, JOSE V. UNITED STATES
92-8373 POOLE, ROBERT LEE V. UNITED STATES
92-8379 TAYLOR, JEAN V. UNITED STATES

92-8380 DANNA, BARRY V. UNITED STATES
92-8385 GREEN, STEVEN D. V. UNITED STATES
92-8386 HERNANDEZ-MARQUEZ, FRANCISCO V. UNITED STATES
92-8387 KELLEY, DANIEL M. V. UNITED STATES
92-8388 HARDWICK, JESSIE L. V. UNITED STATES
92-8391 JONES, KEITH R. V. UNITED STATES
92-8392 JONES, SYLVESTER V. BIDEN, JOSEPH R., ET AL.
92-8403 CARDENAS, SIXTO V. UNITED STATES
92-8404 VARAS-SANTOS, GUSTAVO V. UNITED STATES
92-8406 STINCHCOMB, STANLEY V. UNITED STATES
92-8407 SCOTT, RUSSELL NEIL V. UNITED STATES
92-8411 MARTINEZ, RAUL V. UNITED STATES
92-8413 TRENT, PHYLLIS V. UNITED STATES
92-8414 BENNETT, RAY AUSTIN V. UNITED STATES
92-8416 CALLANAN, EVAN H. V. UNITED STATES
92-8422 JACKSON, JUAN V. UNITED STATES
92-8423 ELWELL, DAVID V. UNITED STATES
92-8427 SALAS, SAMUEL V. UNITED STATES
92-8437 POSADA, JERMAN DARIO V. UNITED STATES
92-8440 PUNO, DAVID V. UNITED STATES
92-8441 OROZCO, ENRIQUE L. V. UNITED STATES
92-8442 RICKS, EDWARD V. UNITED STATES
92-8443 OLUFIDIPE, SOLOMON V. UNITED STATES

92-8445 McINTOSH, BILLY, ET AL. V. UNITED STATES

92-8447 FOSTER, WALTER R. V. UNITED STATES

92-8454 ZEMAN, ROBERT V. UNITED STATES

92-8467 GRAHAM, GARY V. TEXAS

The petition for a writ of certiorari is denied.

92-1516 MAGNESIUM ELEKTRON, INC. V. PUB. INTEREST RESEARCH GROUP

The motion of Washington Legal Foundation for leave to file a brief as amicus curiae is granted. The motion of Chemical Industry Council of New Jersey, et al. for leave to file a brief as amici curiae is granted. The petition for a writ of certiorari is denied.

92-1587 MICHIGAN V. DAVIS, HARRIET

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

92-1656 FACEMIRE, RALPH V. LIBERTY SAVINGS BANK, ET AL.

The motion of petitioner to strike brief in opposition is denied. The petition for a writ of certiorari is denied.

92-8224 RAMSEUR, THOMAS C. V. BEYER, SUPT., ET AL.

The petition for a writ of certiorari is denied.
Justice Kennedy would grant certiorari.

92-8429 CASTANEDA, JOSE V. UNITED STATES

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

HABEAS CORPUS DENIED

92-8470 IN RE SYLVESTER ZIEBARTH

92-8542 IN RE JOHN LAPINSKI

The petitions for writs of habeas corpus are
denied.

MANDAMUS DENIED

92-1603 IN RE EDWARD RONWIN

92-7983 IN RE PAUL FAZZINI

92-8134 IN RE MICHAEL B. FORTE

The petitions for writs of mandamus are denied.

92-1350 IN RE GEORGE L. PARKER

92-1447 IN RE NORMAN MOSCOWITZ

The motions of respondent John Demjanjuk for leave
to proceed in forma pauperis are granted. The petitions
for writs of mandamus and/or prohibition are denied.

REHEARINGS DENIED

92-1387 McNUTT, NANCY V. GTE FL, INC.

- 92-1409 GACKENBACH, MYRON V. UNIROYAL, INC.
- 92-7385 HARGROVE, STARLIN T. V. MORRIS, WARDEN
- 92-7489 WILLIAMS, PAUL V. WHITLEY, WARDEN, ET AL.
- 92-7563 HEIMBAUGH, ROBERT A. V. SAN FRANCISCO, ET AL.
- 92-7596 HINES, BARBARA A. V. VANDERBILT UNIV., ET AL.
- 92-7619 IN RE ANDREW SEARCY
- 92-7701 HOOPER, MICHAEL V. DISTRICT OF COLUMBIA
- 92-7740 WILLIAMS, WILLIE LEE V. COLLINS, DIR., TX DCJ
- 92-7748 HELZER, RICHARD L. V. MICHIGAN
- 92-7799 NETELKOS, CHRISTOS V. UNITED STATES
- 92-7818 MENDEZ, RAPHAEL V. FCI, BUTNER, NC, ET AL.
- 92-7904 IN RE W. J. GRAY

The petitions for rehearing are denied.

- 92-1083 PHELPS, ZIBA V. SOVRAN BANK

The petition for rehearing is denied. The Chief Justice took no part in the consideration or decision of this petition.

- 92-6878 BURTON, ROBERT A. V. CITY OF YOUNGSTOWN, ET AL.

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

RECESS ORDER

This Court will take a recess from Monday, May 24, 1993

until Tuesday, June 1, 1993.

MOTIONS FOR ADMISSION

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