

ORDERS FROM JUNE 26 THROUGH
JULY 3, 1978

JUNE 26, 1978

Vacated and Remanded on Appeal

No. 76-1606. CONSUMERS UNION OF UNITED STATES, INC., ET AL. v. HEIMANN, SUPERINTENDENT OF BANKS OF NEW YORK. Appeal from D. C. S. D. N. Y. Judgment vacated and case remanded for further consideration in light of *Hicklin v. Orbeck*, 437 U. S. 518 (1978). Reported below: 427 F. Supp. 840.

Certiorari Granted—Vacated and Remanded

No. 75-1723. MUZQUIZ ET AL. v. CITY OF SAN ANTONIO ET AL. C. A. 5th Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Monell v. Department of Social Services of City of New York*, 436 U. S. 658 (1978). Reported below: 528 F. 2d 499.

No. 76-1543. UNITED STATES v. GRASSO. C. A. 2d Cir. Motion of respondent for leave to proceed *in forma pauperis* and certiorari granted. Judgment vacated and case remanded for further consideration in light of *United States v. Scott*, 437 U. S. 82 (1978), and *Arizona v. Washington*, 434 U. S. 497 (1978). Reported below: 552 F. 2d 46.

No. 76-5224. THURSTON v. DEKLE, CHAIRMAN, CIVIL SERVICE BOARD, JACKSONVILLE, FLORIDA, ET AL. C. A. 5th Cir. Motion of petitioner for leave to proceed *in forma pauperis* and certiorari granted. Judgment vacated and case remanded for further consideration in light of *Monell v. Department of Social Services of City of New York*, 436 U. S. 658 (1978). Reported below: 531 F. 2d 1264.

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No. 77-532. *KORNIT v. BOARD OF EDUCATION OF PLAINVIEW-OLD BETHPAGE SCHOOL DISTRICT, PLAINVIEW, NEW YORK*. C. A. 2d Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Monell v. Department of Social Services of City of New York*, 436 U. S. 658 (1978). Reported below: 542 F. 2d 593.

No. 77-914. *CITY OF INDEPENDENCE, MISSOURI, ET AL. v. OWEN*. C. A. 8th Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Monell v. Department of Social Services of City of New York*, 436 U. S. 658 (1978). Reported below: 560 F. 2d 925.

No. 77-1289. *LUTHERAN HOSPITAL OF MILWAUKEE, INC. v. NATIONAL LABOR RELATIONS BOARD*. C. A. 7th Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Beth Israel Hospital v. National Labor Relations Board*, 437 U. S. 483 (1978). Reported below: 564 F. 2d 208.

No. 77-1473. *MCARTHUR v. NOURSE, JUDGE*. Sup. Ct. Fla. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Greene v. Massey*, 437 U. S. 19 (1978), and *Burks v. United States*, 437 U. S. 1 (1978). Reported below: 358 So. 2d 132.

No. 77-1503. *PARKER, ACTING COMMISSIONER OF PATENTS AND TRADEMARKS v. BERGY ET AL.* C. C. P. A. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Parker v. Flook*, 437 U. S. 584 (1978). Reported below: 563 F. 2d 1031.

No. 77-5996. *WILLIAMS v. RICKETTS, WARDEN*. Sup. Ct. Ga. Motion of petitioner for leave to proceed *in forma pauperis* and certiorari granted. Judgment vacated and case remanded for further consideration in light of *Greene v. Massey*, 437 U. S. 19 (1978), and *Burks v. United States*, 437 U. S. 1 (1978). Reported below: 240 Ga. 148, 240 S. E. 2d 41.

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No. 77-6355. VINSON *v.* RICHMOND POLICE DEPARTMENT ET AL. C. A. 4th Cir. Motion of petitioner for leave to proceed *in forma pauperis* and certiorari granted. Judgment vacated and case remanded for further consideration in light of *Monell v. Department of Social Services of City of New York*, 436 U. S. 658 (1978). Reported below: 567 F. 2d 263.

Miscellaneous Orders

No. A-1066. BOARD OF EDUCATION, BRATENAHIL LOCAL SCHOOL DISTRICT *v.* STATE BOARD OF EDUCATION OF OHIO ET AL. Application for stay of judgment of the Supreme Court of Ohio, presented to MR. JUSTICE STEVENS, and by him referred to the Court, denied.

No. 77-388. WASHINGTON ET AL. *v.* CONFEDERATED BANDS AND TRIBES OF THE YAKIMA INDIAN NATION. C. A. 9th Cir. [Probable jurisdiction noted, 435 U. S. 903.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* granted and 15 additional minutes allotted for that purpose. Appellants also allotted an additional 15 minutes for oral argument.

No. 77-533. HISQUIERDO *v.* HISQUIERDO. Sup. Ct. Cal. [Certiorari granted, 435 U. S. 994.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* granted and 15 additional minutes allotted for that purpose. Respondent also allotted 15 additional minutes for oral argument.

No. 77-891. BEAL, SECRETARY OF WELFARE OF PENNSYLVANIA, ET AL. *v.* FRANKLIN ET AL. D. C. E. D. Pa. [Probable jurisdiction noted, 435 U. S. 913.] Motion of Americans United for Life, Inc., for leave to file a brief as *amicus curiae* granted.

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No. 77-961. *NEW YORK TELEPHONE CO. ET AL. v. NEW YORK STATE DEPARTMENT OF LABOR ET AL.* C. A. 2d Cir. [Certiorari granted, 435 U. S. 941.] Motions of Center on National Labor Policy and Stephen R. Havas et al. for leave to file briefs as *amici curiae* granted.

No. 77-1305. *PARKLANE HOSIERY CO., INC., ET AL. v. SHORE.* C. A. 2d Cir. [Certiorari granted, 435 U. S. 1006.] Motion of Washington Legal Foundation for leave to file a brief as *amicus curiae* granted.

Certiorari Granted

No. 77-1427. *NEW YORK CITY TRANSIT AUTHORITY ET AL. v. BEAZER ET AL.* C. A. 2d Cir. Certiorari granted limited to Questions 3 and 4 presented by the petition. Reported below: 558 F. 2d 97.

Certiorari Denied

No. 75-1710. *RANKIN COUNTY BOARD OF EDUCATION ET AL. v. ADAMS ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 524 F. 2d 928.

No. 75-1797. *COMMISSIONERS OF ELECTION OF UNION COUNTY ET AL. v. LYTLE.* C. A. 4th Cir. Certiorari denied. Reported below: 541 F. 2d 421.

No. 77-555. *BUCK v. BOARD OF EDUCATION OF THE CITY OF NEW YORK ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 553 F. 2d 315.

No. 77-657. *FLINT ET AL. v. GAGLIARDI.* C. A. 3d Cir. Certiorari denied. Reported below: 564 F. 2d 112.

No. 77-688. *LOWELL SCHOOL DISTRICT No. 71 v. KERR.* C. A. 9th Cir. Certiorari denied. Reported below: 558 F. 2d 1037.

No. 77-731. *CITY OF PITTSBURGH v. MAHONE ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 564 F. 2d 1018.

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No. 77-919. BRITISH AMERICAN COMMODITY OPTIONS CORP. *v.* COMMODITY FUTURES TRADING COMMISSION. C. A. 2d Cir. Certiorari denied. Reported below: 560 F. 2d 135.

No. 77-1261. MYSLAJEK ET AL. *v.* UNITED STATES ET AL. C. A. 8th Cir. Certiorari denied. Reported below: 568 F. 2d 55.

No. 77-1312. DONOHUE CONSTRUCTION Co., INC. *v.* MONTGOMERY COUNTY COUNCIL ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 567 F. 2d 603.

No. 77-5061. THOMAS *v.* CALIFORNIA. App. Dept., Super. Ct. Cal., County of Orange. Certiorari denied.

No. 77-5935. SHAW *v.* GEORGIA. Sup. Ct. Ga. Certiorari denied. Reported below: 239 Ga. 690, 238 S. E. 2d 434.

No. 77-6571. BARTOLI *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 572 F. 2d 188.

No. 77-890. NEW YORK *v.* GARLAND. App. Div., Sup. Ct. N. Y., 2d Jud. Dept. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 59 App. Div. 2d 538, 396 N. Y. S. 2d 1015.

No. 77-1146. CARVER *v.* FLORIDA. Dist. Ct. App. Fla., 2d Dist. Certiorari denied. Reported below: 344 So. 2d 332.

MR. JUSTICE BRENNAN, with whom MR. JUSTICE STEWART and MR. JUSTICE MARSHALL join, dissenting.

On February 12, 1976, members of the Pinellas County, Fla., Sheriff's office seized from petitioner, an employee of a movie theater, a copy of an allegedly obscene movie. Subsequently, petitioner, after reserving his right to appeal from the denial of various pretrial motions, pleaded *nolo contendere* to the felony of possessing obscene material with the intent to exhibit, defined in Fla. Stat. § 847.011 (1)(a) (1977).

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Section 847.011 (1)(a), which is set out in the margin,* has been authoritatively construed by the Florida Supreme Court to contain the standards enunciated by this Court in *Miller v. California*, 413 U. S. 15 (1973), and *Paris Adult Theatre I v. Slaton*, 413 U. S. 49 (1973). See *Rhodes v. State*, 283 So. 2d 351, 354-355, 359 (1973). Because I continue to adhere to my view that "at least in the absence of distribution to juveniles or obtrusive exposure to unconsenting adults, the First and Fourteenth Amendments prohibit the State and Federal Governments from attempting wholly to suppress sexually oriented materials on the basis of their allegedly 'obscene' contents," *Paris Adult Theatre I v. Slaton*, *supra*, at 113 (dissenting opinion), I would grant certiorari and summarily reverse petitioner's conviction. See *Miller v. California*, *supra*, at 47 (BRENNAN, J., dissenting).

No. 77-1426. CARGAL v. GEORGIA. Ct. App. Ga. Certiorari denied. Reported below: 144 Ga. App. 238, 241 S. E. 2d 8.

MR. JUSTICE BRENNAN, with whom MR. JUSTICE STEWART and MR. JUSTICE MARSHALL join, dissenting.

Petitioner, convicted of distributing obscene materials under Ga. Code § 26-2101 (1975), asks this Court to decide the question:

"Whether jury instructions on *scienter* allowing a finding of 'constructive knowledge' in an obscenity case are sufficient to meet . . . constitutional minimum standards. . . ?" Pet. for Cert. 2.

In *Ballew v. Georgia*, 435 U. S. 223 (1978), we granted certio-

*"A person who knowingly . . . has in his possession, custody, or control with intent to sell, lend, give away, distribute, transmit, show, transmute, or advertise in any manner, any obscene, lewd, lascivious, filthy, indecent, sadistic, or masochistic . . . motion-picture film . . . is guilty of a misdemeanor of the first degree A person who, after having been convicted of a violation of this subsection, thereafter violates any of its provisions, is guilty of a felony of the third degree"

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rari to consider, but did not reach, precisely this issue. See Pet. for Cert. in *Ballew v. Georgia*, O. T. 1977, No. 76-761, p. 2. I see no reason to suppose that this issue is any less worthy of consideration on certiorari now than it was when we accepted it in *Ballew*. For this reason, I would grant certiorari. See also *Sewell v. Georgia*, 435 U. S. 982 (1978) (BRENNAN, J., dissenting from dismissal of appeal); *Teal v. Georgia*, 435 U. S. 989 (1978) (same); *Robinson v. Georgia*, 435 U. S. 991 (1978) (BRENNAN, J., dissenting from vacation of judgment and remand). Barring this, I would grant this petition and summarily reverse. See *Ballew, supra*, at 246 (opinion of BRENNAN, J.); *Sanders v. Georgia*, 424 U. S. 931 (1976) (dissent from denial of certiorari).

No. 77-1203. MITCHELL *v.* BEARD, ADMINISTRATRIX. C. A. 7th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. MR. JUSTICE POWELL would grant certiorari. Reported below: 563 F. 2d 331.

No. 77-1221. FLYNN ET AL. *v.* BAUMAN. C. A. 7th Cir. Certiorari denied. MR. JUSTICE POWELL would grant certiorari. Reported below: 570 F. 2d 347.

No. 77-1294. REEVES *v.* WAND. C. A. 7th Cir. Certiorari denied. MR. JUSTICE POWELL would grant certiorari. Reported below: 567 F. 2d 392.

No. 77-1519. LANSING BOARD OF EDUCATION ET AL. *v.* N. A. A. C. P. ET AL. C. A. 6th Cir. Certiorari denied. MR. JUSTICE MARSHALL took no part in the consideration or decision of this petition. Reported below: 571 F. 2d 582.

Rehearing Denied

No. 76-1172. FIRST NATIONAL BANK OF BOSTON ET AL. *v.* BELLOTTI, ATTORNEY GENERAL OF MASSACHUSETTS, 435 U. S. 765; and

No. 76-1800. UNITED STATES *v.* SOTELO ET UX., 436 U. S. 268. Petitions for rehearing denied.

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No. 76-6767. *SCOTT ET AL. v. UNITED STATES*, 436 U. S. 128;

No. 77-293. *KULKO v. SUPERIOR COURT OF CALIFORNIA IN AND FOR THE CITY AND COUNTY OF SAN FRANCISCO (HORN, REAL PARTY IN INTEREST)*, 436 U. S. 84;

No. 77-950. *COLLECTION CONSULTANTS, INC., ET AL. v. TEXAS*, 436 U. S. 901;

No. 77-1161. *DREBIN ET AL. v. UNITED STATES*, 436 U. S. 904;

No. 77-1228. *NICKELL v. UNITED STATES*, 436 U. S. 904;

No. 77-1275. *MARTIN B. GLAUSER DODGE Co. v. CHRYSLER CORP. ET AL.*, 436 U. S. 913;

No. 77-1287. *FISHER v. OHIO*, 435 U. S. 1005;

No. 77-1297. *LAX v. UNITED STATES*, 436 U. S. 917;

No. 77-5291. *LEE v. UNITED STATES*, 436 U. S. 931;

No. 77-6293. *HARRIS v. UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS*, 436 U. S. 928;

No. 77-6378. *THOMAS v. GEORGIA*, 436 U. S. 914;

No. 77-6399. *BATTEN v. VIRGINIA*, 436 U. S. 909;

No. 77-6408. *CLAYTON v. LOGGINS, CORRECTIONAL SUPERINTENDENT, ET AL.*, 436 U. S. 909;

No. 77-6412. *JUSTICE v. HESSELDEN PLUMBING Co.*, 436 U. S. 909;

No. 77-6420. *WION v. UNITED STATES*, 436 U. S. 910;

No. 77-6421. *SEK v. BETHLEHEM STEEL CORP.*, 436 U. S. 920;

No. 77-6424. *CORN v. GEORGIA*, 436 U. S. 914;

No. 77-6426. *DOWNING v. FRAGGASSI ET AL.*, 436 U. S. 910;

No. 77-6445. *O'NEAL v. GRIFFIN ET AL.*, 436 U. S. 920;

No. 77-6497. *SELLARS v. BUSCH ET AL.*, 436 U. S. 928;

No. 77-6503. *DESANTIS v. UNITED STATES*, 436 U. S. 911;

No. 77-6633. *PIERCE v. INDIANA ET AL.*, 436 U. S. 922;

No. 77-6647. *DAVIS v. UNITED STATES*, 436 U. S. 929; and

No. 77-6659. *SUPPLEE v. UNITED STATES*, 436 U. S. 930.

Petitions for rehearing denied.

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No. 77-1286. CITY OF EAST DETROIT *v.* LLEWELLYN ET AL., 435 U. S. 1008; and

No. 77-6130. LITTLE *v.* UNITED STATES, 435 U. S. 969. Motions for leave to file petitions for rehearing denied.

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Dismissal Under Rule 60

No. 77-6680. FRAZIER *v.* UNITED STATES. C. A. 4th Cir. Certiorari dismissed under this Court's Rule 60. Reported below: 573 F. 2d 1307.

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Appeal Dismissed

No. 77-929. BLACK *v.* PAYNE, EXECUTIVE OFFICER, PUBLIC EMPLOYEES' RETIREMENT SYSTEM, ET AL. Appeal from Ct. App. Cal., 3d App. Dist., dismissed for want of substantial federal question.

Vacated and Remanded on Appeal

No. 77-1067. LOS ANGELES COUNTY ET AL. *v.* ASSOCIATED GENERAL CONTRACTORS OF CALIFORNIA ET AL.;

No. 77-1078. ASSOCIATED GENERAL CONTRACTORS OF CALIFORNIA ET AL. *v.* KREPS, SECRETARY OF COMMERCE, ET AL.; and

No. 77-1271. KREPS, SECRETARY OF COMMERCE *v.* ASSOCIATED GENERAL CONTRACTORS OF CALIFORNIA ET AL. Appeals from D. C. C. D. Cal. Judgment vacated and cases remanded to consider question of mootness. Reported below: 441 F. Supp. 955.

No. 77-5541. DOWNS *v.* OHIO; and

No. 77-5708. SHELTON *v.* OHIO. Appeals from Sup. Ct. Ohio. Motions for leave to proceed *in forma pauperis* granted. Judgments vacated insofar as they leave undisturbed the death penalties imposed, and cases remanded for further proceedings. See *Lockett v. Ohio*, ante, p. 586. Reported below: No. 77-5541, 51 Ohio St. 2d 47, 364 N. E. 2d 1140; No. 77-5708, 51 Ohio St. 2d 68, 364 N. E. 2d 1152.

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Certiorari Granted—Reversed and Remanded. (See No. 77-1107, *ante*, p. 781.)

Certiorari Granted—Vacated and Remanded

No. 76-1308. *WOODS ET AL. v. OHIO*. Sup. Ct. Ohio. Motion of American Civil Liberties Union of Ohio Foundation, Inc., for leave to file a brief as *amicus curiae* and certiorari granted. Judgment vacated insofar as it leaves undisturbed the death penalty imposed, and case remanded for further proceedings. See *Lockett v. Ohio*, *ante*, p. 586. Reported below: 48 Ohio St. 2d 127, 357 N. E. 2d 1059.

No. 76-1871. *UNITED STATES v. MORIANI*. C. A. 3d Cir. Motion of respondent for leave to proceed *in forma pauperis* and certiorari granted. Judgment vacated and case remanded for further consideration in light of *United States v. Grayson*, *ante*, p. 41. Reported below: 555 F. 2d 353.

In the following cases (No. 76-6523 through No. 77-6645) motions for leave to proceed *in forma pauperis* and petitions for writs of certiorari are granted, judgments are vacated insofar as they leave undisturbed the death penalties imposed, and the cases are remanded for further proceedings. See *Lockett v. Ohio*, *ante*, p. 586.

No. 76-6523. *ROBERTS v. OHIO*. Sup. Ct. Ohio. Reported below: 48 Ohio St. 2d 221, 358 N. E. 2d 530;

No. 76-6525. *HALL v. OHIO*. Sup. Ct. Ohio. Reported below: 48 Ohio St. 2d 325, 358 N. E. 2d 590;

No. 76-6547. *BLACK v. OHIO*. Sup. Ct. Ohio. Reported below: 48 Ohio St. 2d 262, 358 N. E. 2d 551;

No. 76-6575. *LYTLE v. OHIO*. Sup. Ct. Ohio. Reported below: 48 Ohio St. 2d 391, 358 N. E. 2d 623;

No. 76-6769. *BATES v. OHIO*. Sup. Ct. Ohio. Reported below: 48 Ohio St. 2d 315, 358 N. E. 2d 584;

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No. 76-6783. STRODES *v.* OHIO. Sup. Ct. Ohio. Reported below: 48 Ohio St. 2d 113, 357 N. E. 2d 375;

No. 76-6784. BAYLESS *v.* OHIO. Sup. Ct. Ohio. Reported below: 48 Ohio St. 2d 73, 357 N. E. 2d 1035;

No. 76-6786. OSBORNE *v.* OHIO. Sup. Ct. Ohio. Reported below: 49 Ohio St. 2d 135, 359 N. E. 2d 78;

No. 76-6829. HANCOCK *v.* OHIO. Sup. Ct. Ohio. Reported below: 48 Ohio St. 2d 147, 358 N. E. 2d 273;

No. 76-6837. EDWARDS *v.* OHIO. Sup. Ct. Ohio. Reported below: 49 Ohio St. 2d 31, 358 N. E. 2d 1051;

No. 76-6838. LANE *v.* OHIO. Sup. Ct. Ohio. Reported below: 49 Ohio St. 2d 77, 358 N. E. 2d 1081;

No. 76-6951. HARRIS *v.* OHIO. Sup. Ct. Ohio. Reported below: 48 Ohio St. 2d 351, 359 N. E. 2d 67;

No. 76-6952. ROYSTER *v.* OHIO. Sup. Ct. Ohio. Reported below: 48 Ohio St. 2d 381, 358 N. E. 2d 616;

No. 76-6985. PERRYMAN *v.* OHIO. Sup. Ct. Ohio. Reported below: 49 Ohio St. 2d 14, 358 N. E. 2d 1040;

No. 77-5221. MILLER *v.* OHIO. Sup. Ct. Ohio. Reported below: 49 Ohio St. 2d 198, 361 N. E. 2d 419;

No. 77-5547. JACKSON *v.* OHIO. Sup. Ct. Ohio. Reported below: 50 Ohio St. 2d 253, 364 N. E. 2d 236;

No. 77-5604. WILLIAMS *v.* OHIO. Sup. Ct. Ohio. Reported below: 51 Ohio St. 2d 112, 364 N. E. 2d 1364;

No. 77-5787. WEIND *v.* OHIO. Sup. Ct. Ohio. Reported below: 50 Ohio St. 2d 224, 364 N. E. 2d 224;

No. 77-5826. OSBORNE *v.* OHIO. Sup. Ct. Ohio. Reported below: 50 Ohio St. 2d 211, 364 N. E. 2d 216;

No. 77-6333. COOPER *v.* OHIO. Sup. Ct. Ohio. Reported below: 52 Ohio St. 2d 163, 370 N. E. 2d 725; and

No. 77-6645. WADE *v.* OHIO. Sup. Ct. Ohio. Reported below: 53 Ohio St. 2d 182, 373 N. E. 2d 1244.

No. 76-6965. JORDAN *v.* ARIZONA. Sup. Ct. Ariz. Motion for leave to proceed *in forma pauperis* and certiorari granted. Judgment vacated insofar as it leaves undisturbed the death

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penalty imposed, and case remanded for further proceedings. See *Lockett v. Ohio*, *ante*, p. 586. Reported below: 114 Ariz. 452, 561 P. 2d 1224.

No. 77-306. *HALL v. ILLINOIS*. App. Ct. Ill., 4th Dist. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Franks v. Delaware*, *ante*, p. 154. MR. JUSTICE STEWART and MR. JUSTICE WHITE would grant certiorari and set case for oral argument. Reported below: 45 Ill. App. 3d 469, 359 N. E. 2d 1191.

No. 77-635. *FRIDAY, PRESIDENT OF THE UNIVERSITY OF NORTH CAROLINA, ET AL. v. UZZELL ET AL.* C. A. 4th Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Regents of the University of California v. Bakke*, *ante*, p. 265. MR. JUSTICE WHITE dissents. Reported below: 547 F. 2d 801 and 558 F. 2d 727.

Miscellaneous Orders

No. A-815. *JIMENEZ ET AL. v. SIMS ET AL.* D. C. S. D. Tex. Application for stay, presented to MR. JUSTICE REHNQUIST, and by him referred to the Court, denied without prejudice to appellants' filing with the court below a motion for clarification of the opinion and amended judgment of that court.

No. 8, Orig. *ARIZONA v. CALIFORNIA ET AL.* Joint motion of the States and the United States for entry of a supplemental decree; motion of Fort Mojave Indian Tribe et al. for leave to intervene as indispensable parties; and motion of Colorado River Indian Tribes et al. for leave to intervene are set for oral argument on Monday, October 2, 1978. A total of one and one-half hours allotted for oral argument. [For earlier order herein, see, *e. g.*, 383 U. S. 268.]

No. 76-811. *REGENTS OF THE UNIVERSITY OF CALIFORNIA v. BAKKE*, *ante*, p. 265. Order heretofore entered on November 15, 1976 [429 U. S. 953], granting stay pending final disposition of the case in this Court is hereby vacated.

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No. 73, Orig. CALIFORNIA *v.* NEVADA. Preliminary Report of Special Master received, ordered filed, and adopted by the Court. Accordingly, motion of California State Assemblyman Mike Cullen for leave to file a brief as *amicus curiae*, motion of the State of Nevada for leave to file an amended answer setting forth a counterclaim, and motion of the State of California for leave to file an amended complaint granted. [For earlier order herein, see 433 U. S. 918.]

No. 77-533. HISQUIERDO *v.* HISQUIERDO. Sup. Ct. Cal. [Certiorari granted, 435 U. S. 994.] Motion of Ray C. Bennett, Esquire, to permit Howard M. Fields, Esquire, to present oral argument *pro hac vice* on behalf of respondent granted.

No. 77-753. INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN & HELPERS OF AMERICA *v.* DANIEL; and

No. 77-754. LOCAL 705, INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN & HELPERS OF AMERICA ET AL. *v.* DANIEL. C. A. 7th Cir. [Certiorari granted, 434 U. S. 1061.] Motion of American Bar Assn. for leave to file a brief as *amicus curiae* denied.

No. 77-891. BEAL, SECRETARY OF WELFARE OF PENNSYLVANIA, ET AL. *v.* FRANKLIN ET AL. D. C. E. D. Pa. [Probable jurisdiction noted, 435 U. S. 913.] Motion of United States Catholic Conference for leave to participate in oral argument as *amicus curiae* denied. Motion of Legal Defense Fund for Unborn Children to present oral argument as *amicus curiae* denied.

No. 77-1163. FRIEDMAN ET AL. *v.* ROGERS ET AL.;

No. 77-1164. ROGERS ET AL. *v.* FRIEDMAN ET AL.; and

No. 77-1186. TEXAS OPTOMETRIC ASSN., INC. *v.* ROGERS ET AL. D. C. E. D. Tex. [Probable jurisdiction noted, 435 U. S. 967.] Motion of American Optometric Assn. for leave to file a brief as *amicus curiae* granted.

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No. 77-803. BARRY, CHAIRMAN, RACING AND WAGERING BOARD OF NEW YORK, ET AL. *v.* BARCHI. D. C. S. D. N. Y. [Probable jurisdiction noted, 435 U. S. 921.] Motion of Jockeys' Guild, Inc., for leave to file a brief as *amicus curiae* granted.

Certiorari Granted

No. 77-926. CANNON *v.* UNIVERSITY OF CHICAGO ET AL. C. A. 7th Cir. Certiorari granted. Reported below: 559 F. 2d 1063.

Certiorari Denied

No. 76-688. CHICAGO TYPOGRAPHICAL UNION No. 16 *v.* NATIONAL LABOR RELATIONS BOARD ET AL. C. A. D. C. Cir. Certiorari denied. Reported below: 176 U. S. App. D. C. 240, 539 F. 2d 242.

No. 77-174. MACHEN *v.* PATTERSON. C. A. 4th Cir. Certiorari denied. Reported below: 556 F. 2d 573.

No. 77-884. GARRETT *v.* ESTELLE, CORRECTIONS DIRECTOR, ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 556 F. 2d 1274.

No. 77-972. MORGAN *v.* TEXAS. Ct. Crim. App. Tex. Certiorari denied. Reported below: 557 S. W. 2d 124.

No. 77-1154. NEW YORK *v.* JAMES. Ct. App. N. Y. Certiorari denied. Reported below: 43 N. Y. 2d 17, 371 N. E. 2d 456.

No. 77-1173. TRINITY TRUCKING & MATERIALS CORP. *v.* NATIONAL LABOR RELATIONS BOARD. C. A. 7th Cir. Certiorari denied. Reported below: 567 F. 2d 391.

No. 77-1205. PENNSYLVANIA *v.* MOODY. Sup. Ct. Pa. Certiorari denied. Reported below: 476 Pa. 223, 382 A. 2d 442.

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No. 77-1264. *READING HOSPITAL & MEDICAL CENTER v. NATIONAL LABOR RELATIONS BOARD*. C. A. 3d Cir. Certiorari denied. Reported below: 562 F. 2d 42.

No. 77-1298. *KRAIN v. REGENTS OF THE UNIVERSITY OF CALIFORNIA ET AL.* C. A. 9th Cir. Certiorari denied.

No. 77-1396. *IDAHO EX REL. MOON, TREASURER OF IDAHO v. STATE BOARD OF EXAMINERS ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 567 F. 2d 858.

No. 77-1422. *NEWMAN ET AL. v. ALABAMA ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 559 F. 2d 283.

No. 77-1492. *RAPIDES PARISH POLICE JURY ET AL. v. PARNELL ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 568 F. 2d 1367.

No. 76-418. *EXPEDITIONS UNLIMITED AQUATIC ENTERPRISES, INC., ET AL. v. SMITHSONIAN INSTITUTION ET AL.* C. A. D. C. Cir. Certiorari denied. THE CHIEF JUSTICE took no part in the consideration or decision of this petition. Reported below: 184 U. S. App. D. C. 397, 566 F. 2d 289.

No. 76-1556. *BROWN ET AL. v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. MR. JUSTICE BLACKMUN took no part in the consideration or decision of this petition. Reported below: 550 F. 2d 115.

No. 77-241. *COMMUNICATIONS WORKERS OF AMERICA v. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION ET AL.*;

No. 77-242. *TELEPHONE COORDINATING COUNCIL TCC-1, INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS v. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION ET AL.*; and

No. 77-243. *ALLIANCE OF INDEPENDENT TELEPHONE UNIONS v. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION ET AL.* C. A. 3d Cir. Certiorari denied. MR. JUSTICE POWELL took no part in the consideration or decision of these petitions. Reported below: 556 F. 2d 167.

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No. 77-270. STANTON, ADMINISTRATOR, DEPARTMENT OF PUBLIC WELFARE OF INDIANA, ET AL. *v.* BOND ET AL. C. A. 7th Cir. Motion of respondents for leave to proceed *in forma pauperis* granted. Certiorari denied. MR. JUSTICE STEVENS took no part in the consideration or decision of this motion and petition. Reported below: 555 F. 2d 172.

No. 77-684. GREENBLATT, COMMISSIONER, DEPARTMENT OF MENTAL HEALTH OF MASSACHUSETTS, ET AL. *v.* KING. C. A. 1st Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 560 F. 2d 1024.

No. 77-881. FASI, MAYOR OF HONOLULU, ET AL. *v.* POKINI, AKA AKINA. C. A. 9th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 562 F. 2d 56.

No. 77-1219. PENNSYLVANIA *v.* WHITE. Sup. Ct. Pa. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 475 Pa. 343, 380 A. 2d 753.

No. 77-955. POWELL, CHIEF, U. S. CAPITOL POLICE *v.* DELLUMS ET AL.; and

No. 77-1129. WILSON, FORMER CHIEF, METROPOLITAN POLICE DEPARTMENT, ET AL. *v.* DELLUMS ET AL. C. A. D. C. Cir. Motion of International Association of Chiefs of Police for leave to file a brief as *amicus curiae* granted. Motions of respondents to recuse MR. JUSTICE BLACKMUN and MR. JUSTICE REHNQUIST denied. Certiorari denied. MR. JUSTICE REHNQUIST took no part in the consideration or decision of these motions and petitions. Reported below: No. 77-955, 184 U. S. App. D. C. 275, 566 F. 2d 167; No. 77-1129, 184 U. S. App. D. C. 324, 566 F. 2d 216.