

(ORDER LIST: 535 U.S.)

TUESDAY, MAY 28, 2002

**CERTIORARI -- SUMMARY DISPOSITION**

00-1699 Bellsouth Telecom., Inc. v. NC Utilities Commn., 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 Fourth Circuit for further consideration in light of *Verizon Maryland Inc. v. Public Service Commission of Maryland*, 535 U.S. \_\_\_\_ (2002). Justice O'Connor took no part in the consideration or decision of this case.

**ORDERS IN PENDING CASES**

01A753 TEXAS V. MCCARTHY, KIMBERLY LAGAYLE

The application for stay of mandate addressed to The Chief Justice and referred to the Court is denied.

01M60 BONTON, PATRICIA V. LA DEPT OF LABOR UNEMPLOYMENT

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

01-7929 GYADU, BEN F. V. D'ADDARIO INDUSTRIES, ET AL.

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

01-9265 KUYPERS, PIETER G. V. MD COMPTROLLER OF TREASURY

01-9269 DAUTREMONT, PAUL E. V. PLANNED PARENTHOOD, ETC.

The motions of petitioners for leave to proceed *in forma pauperis* are denied. Petitioners are allowed until June 18, 2002, within which to pay the docketing fees required by Rule 38(a) and to submit petitions in compliance with Rule 33.1 of the Rules of this Court.

#### CERTIORARI GRANTED

01-1420 WA DEPT. OF SOCIAL & HEALTH V. GUARDIANSHIP OF KEFFELER

The petition for a writ of certiorari is granted.

01-1107 VIRGINIA V. BLACK, BARRY E., ET AL.

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

01-1184 UNITED STATES V. RECIO, FRANCISCO J., ET AL.

The motions of respondents for leave to proceed *in forma pauperis* are granted. The petition for a writ of certiorari is granted.

01-1209 ) BOEING CO., ET AL. V. UNITED STATES

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01-1382 ) UNITED STATES V. BOEING SALES CORP., ET AL.

The petitions for writs of certiorari are granted. The cases are consolidated and a total of one hour is allotted for oral argument.

**CERTIORARI DENIED**

01-742 BULGIN, DONNOVAN V. UNITED STATES  
01-752 DANIELS, RANDLE C. V. UNITED STATES  
01-762 GALLEGRO, FELIX, ET AL. V. UNITED STATES  
01-766 BROWNLEE, RICKEY V. UNITED STATES  
01-904 ALANIS, ANTONIO V. UNITED STATES  
01-1020 ) SACRAMENTO MUNICIPAL UTILITY V. UNITED STATES  
    )  
01-1155 ) MAINE YANKEE ATOMIC POWER V. UNITED STATES  
    )  
01-1398 ) OMAHA PUBLIC POWER DISTRICT V. UNITED STATES  
01-1048 AUDAIN, JOEL G. V. UNITED STATES  
01-1113 ) HAGEN, JOEL V. UNITED STATES  
    )  
01-8356 ) BJORKMAN, TREVOR, ET AL. V. UNITED STATES  
01-1165 BEHARRY, ZIMMERN V. UNITED STATES  
01-1208 BRADLEY, J. T., ET AL. vs. UNITED STATES  
01-1212 GRAND TRUNK WEST. RAILWAY V. KAPITAN, TAMERA L.  
01-1220 WALKER, WILLIAM H. V. BAIN, THOMAS, ET AL.  
01-1223 DICO, INC. V. UNITED STATES  
01-1224 ) TRUCKEE-CARSON IRRIGATION V. UNITED STATES, ET AL.  
    )  
01-1226 ) NEVADA, ET AL. V. UNITED STATES, ET AL.  
01-1274 RCJ MEDICAL SERVICES, INC. V. DIR., CA DEPT. OF HEALTH  
01-1280 LIGHTMAN, CHANI V. FLAUM, TZVI, ET AL.  
01-1388 HORIZON WEST, INC., ET AL. vs. U. S., ex re1. FOUNDATION  
01-1395 SPRINKLER FITTERS LOCAL V. MINNESOTA CHAPTER, ET AL.  
01-1399 U. S., ex re1. SWAFFORD V. BORGESS MEDICAL CENTER  
01-1406 TAVOULAREAS, PETER V. BANQUE NATIONALE DE PARIS  
01-1411 COMMONWEALTH EDISON CO. V. UNITED STATES  
01-1423 WADDELL, SPENCER V. VALLEY FORGE DENTAL ASSOC.

01-1424 BAIN, JOHN N., ET AL. V. BUECHEL, FREDERICK F., ET AL  
01-1426 SHANK/BALFOUR BEATTY V. INTL. UNION ENGRS. LOCAL 12  
01-1428 TAYLOR GROUP, ET AL. V. ANR STORAGE CO.  
01-1430 SIENKIEWICZ, RAY V. HART, LARRY, ET AL.  
01-1454 CASTELLO, JOSEPH G. V. DUNCAN, WARDEN  
01-1463 HARRIS, WILFRED L. V. OWENS, GOV. OF CO, ET AL.  
01-1470 PHONOMETRICS, INC. V. CHOICE HOTELS INTL., INC.  
01-1472 FL DEPT. OF INS. V. CHASE BANK OF TX NAT. ASSN.  
01-1483 BOERST, TERRY R. V. GEN. MILLS OPERATIONS  
01-1507 CLAY CTY. SCHOOL BD., ET AL. V. WILSON, DAWN F., ET AL.  
01-1511 GARCIA, ERNESTO T. vs. INS  
01-1525 VEGA, EDWARD V. MILLER, FLOYD H., ET AL.  
01-1542 THOMAS, CLARENCE V. TENNECO PACKAGING, INC.  
01-1557 PAJOOH, MASSOOD D. V. UNITED STATES  
01-1574 BARMES, MARVIN L., ET UX. V. CIR  
01-5701 ANDRES, ANGEL V. UNITED STATES  
01-5861 WIMS, JOHN C. V. UNITED STATES  
01-6398 PROMISE, MARION V. UNITED STATES  
01-6422 JAMES, ELMER V. UNITED STATES  
01-7125 VENTURA, PETER V. FLORIDA  
01-7178 SUMMERHAYES, ROBIN V. UNITED STATES  
01-7197 ANDRES, OSCAR V. UNITED STATES  
01-7272 MOODY, WALTER L. V. PRYOR, ATT'Y GEN. OF AL  
01-7386 HARDY, RONNIE L. V. UNITED STATES  
01-7399 FORD, MARK R. V. UNITED STATES  
01-7420 ASTERS, DOUGLAS A. V. UNITED STATES  
01-7477 POWELL, MELVIN, ET AL. V. UNITED STATES

01-7575 MARTINEZ, GILBERTO V. UNITED STATES  
01-7613 LOPEZ, JUAN V. UNITED STATES  
01-7738 GONZALES-GARCIA, RAUL S. V. UNITED STATES  
01-7836 ) RAILEY, ALBERT V. UNITED STATES  
    )  
01-8012 ) LUNDIN, JEFFREY V. UNITED STATES  
01-7842 WOODALL, ANTHONY M. V. UNITED STATES  
01-7961 MARTINEZ, TOMMY M. V. UNITED STATES  
01-8135 COLLINS, RAY V. UNITED STATES  
01-8210 DeLONG, WARREN E. V. ALAMEIDA, DIR., CA DOC  
01-8242 PRICE, JOSHUA V. UNITED STATES  
01-8300 SNOW, ERIC V. MISSISSIPPI  
01-8305 SUMPTER, GREGORY V. UNITED STATES  
01-8317 PERULENA, JESUS R. V. UNITED STATES  
01-8454 CROMARTIE, DELRINTUS V. UNITED STATES  
01-8462 COOPER, ELWOOD V. UNITED STATES  
01-8508 NATIVIDAD, RICARDO V. PENNSYLVANIA  
01-8596 BARREIRO, JOSE L. V. UNITED STATES  
01-8875 BANKS, GEORGE E. V. HORN, COMM'R, PA DOC, ET AL.  
01-9151 OLSEN, KEITH A. V. CALIFORNIA  
01-9156 POBLAH, MAURICE V. BEATY, BARRY, ET AL.  
01-9157 GOODNOW, PETE V. GARRAGHTY, WARDEN  
01-9158 HUNT, DYARELL D. V. NEVADA  
01-9160 HEGWOOD, BERNELL V. MOORE, SEC., FL DOC  
01-9161 HINKLE, ERIC R. V. PARSONS, JUDGE, ETC.  
01-9165 FIELDING, EDWARD V. REILLY, ATT'Y GEN. OF MA  
01-9166 GARCIA-DOMINGUEZ, GUADALUPE V. MAHAFFEY, WARDEN  
01-9167 POIRIER, ERIC W. V. CASPERSON, STEVEN, ET AL.

01-9168 HILL, TONY L. V. GALAZA, WARDEN  
01-9169 GREENMAN, WENDELL V. REILLY, ATT'Y GEN. OF MA  
01-9170 FALKIEWICZ, SCOTT A. V. MICHIGAN  
01-9171 FIRMINHAM, KATHLEEN M. V. YUKINS, WARDEN  
01-9172 JOYCE, EDWIN W. V. PUGH, BETTY D.  
01-9173 SPROW, DARRYL S. V. MOORE, SEC., FL DOC  
01-9175 WEISS, RONALD L. V. PENNSYLVANIA  
01-9177 TAYLOR, CHRISTOPHER G. V. HIXSON AUTOPLEX, ET AL.  
01-9179 TURNBOE, JOHNNY D. V. GUNDY, WARDEN  
01-9180 NABELEK, IVO V. TEXAS  
01-9183 MEDRENO, DERLIES V. ILLINOIS  
01-9186 EDWARDS, SHERRY R. V. LYONDELL-CITGO REFINING CO.  
01-9188 JUNIOR, EDWARD V. JONES, WARDEN  
01-9196 JOYNER, KEVIN V. SPITZER, ATT'Y GEN. OF NY  
01-9204 VALLIMONT, MARY I. V. EASTMAN KODAK COMPANY  
01-9206 CRUTCHLEY, JOHN B. V. FLORIDA  
01-9207 CARRIO, NORMAN E. V. COCKRELL, DIR., TX DCJ  
01-9208 OBADELE, IMARI A. V. COCKRELL, DIR., TX DCJ  
01-9209 MIMS, JOHN W. V. MOORE, SEC., FL DOC, ET AL.  
01-9213 McCALLUP, VERONICA V. MISSISSIPPI  
01-9218 MICHAU, EMORY A. V. SOUTH CAROLINA  
01-9219 MITCHELL, MARK V. PINCUS, GLENN, ET AL.  
01-9220 SMITH, TYRONE V. GIURBINO, WARDEN  
01-9221 OUTLAW, RICKY V. ANDERSON, SUPT., IN  
01-9222 BROWN, AARON V. NORTH CAROLINA  
01-9225 VAUGHN, CURTIS V. PEARSON, WARDEN  
01-9230 BRIDGES, SHAWNFATEE M. V. PENNSYLVANIA

01-9233 BAILEY, LINDA J. V. HEMPEN, ALICE, ET AL.  
01-9236 HILL, THARON B. V. RATELLE, WARDEN  
01-9239 AHMED, TAREQUE A. V. MAHONEY, WARDEN, ET AL.  
01-9240 JOSEY, WILLIE V. ROE, WARDEN  
01-9242 ANDERSON, T. JAMES V. ENTERPRISE RENTAL, ET AL.  
01-9245 McCONICO, JAMES V. ALABAMA, ET AL.  
01-9249 GRAMS, MARK V. MORGENSTERN, BETH L.  
01-9252 PUJOLS, JUAN V. GREINER, SUPT., GREEN HAVEN  
01-9254 MOSLEY, SHELDON V. COCKRELL, DIR., TX DCJ  
01-9260 LEE, LYNN V. WYOMING  
01-9261 LUECK, RICHARD W. V. COCKRELL, DIR., TX DCJ  
01-9263 PRIETO, RAFAEL A. V. COCKRELL, DIR., TX DCJ  
01-9264 JACKSON, OTIS D. V. FLORIDA  
01-9268 CONNOR, SEBURT N. V. FLORIDA  
01-9272 DODSON, BENJAMIN E. V. ANGELONE, DIR., VA DOC  
01-9283 IN RE IVO NABELEK  
01-9287 URBAN, GREGORY R. V. WISCONSIN, ET AL.  
01-9289 WASHINGTON, EARL V. CALIFORNIA  
01-9294 FRYE, LEONARD D. V. INDIANA  
01-9298 FORD, JAMES D. V. FLORIDA  
01-9301 GREEN, CLIFTON J. V. CAIN, WARDEN  
01-9302 HARPER, CHARLES V. DERRICK, H. C., ET AL.  
01-9306 BARNES, LEVETUS V. DEPT. OF HHS, SACRAMENTO CTY  
01-9317 BORCHARDT, LAWRENCE M. V. MARYLAND  
01-9318 JENKINS, CLEVON J. V. BYRD, WARDEN  
01-9321 CIVIELLO, DOUGLAS A. V. ROSEMEYER, SUPT., LAUREL  
01-9322 TURNBOE, JOHNNY D. V. GUNDY, WARDEN

01-9323 COLE, DEVIN P. V. COCKRELL, DIR., TX DCJ  
01-9338 MILES, RONALD V. ANGELONE, DIR., VA DOC  
01-9343 WASHINGTON, VAUGHN V. COWAN, WARDEN  
01-9344 WILLS, EDWARD F. V. McDANIEL, WARDEN  
01-9346 FUGATE, WALLACE M. V. HEAD, WARDEN  
01-9358 BURCH, HEATH W. V. CORCORAN, WARDEN, ET AL.  
01-9373 JONES, TONY R. V. ANDERSON, SUPT., CRAGGY  
01-9421 DYSE, KWANTEY V. ILLINOIS  
01-9437 BURNETT, MELISSA L. V. TENET HEALTHSYSTEM, INC.  
01-9486 HANSEN, THOR H. V. LAYTNER, RON, ET AL.  
01-9487 HAWKINS, SHERMAN P. V. MAHONEY, WARDEN  
01-9534 ZARYCHTA, JAMES J. V. TEXAS  
01-9617 KESSLER, ALTON L. V. TEXAS  
01-9653 MURPHY, CHARLES M. V. UNITED STATES  
01-9697 LEVENITE, MICHAEL A., ET AL. V. UNITED STATES  
01-9748 LUERSEN, CHRISTOPHER R. V. UNITED STATES  
01-9764 MILES, JOANNE W. V. DEPT. OF VA  
01-9767 BOYD, MARKEITH V. T'KACH, STEPHEN J.  
01-9768 SAVAGE, DION E. V. UNITED STATES  
01-9797 LOVE, OSCAR V. UNITED STATES  
01-9799 LIRIANO, ORLANDO V. UNITED STATES  
01-9808 GUILLEN, TONY V. UNITED STATES  
01-9809 PACHECO-CAMACHO, FRANCISCO V. HOOD, WARDEN  
01-9810 SAYES, PATRICK R. V. UNITED STATES  
01-9813 BUCKLAND, CALVIN W. V. UNITED STATES  
01-9815 JOYNER, SUSAN V. UNITED STATES  
01-9816 PEREZ-SANCHEZ, DONATO V. UNITED STATES



01-9819 WILLIAMS, CHARLES L. V. UNITED STATES  
01-9824 SMITH, FREDDIE L. V. UNITED STATES  
01-9825 ROBERTSON, CURTIS R. V. UNITED STATES  
01-9829 HUMPHRIES, DEBBIE V. UNITED STATES  
01-9834 BLATT, LEON S. V. UNITED STATES  
01-9841 McMILLON, LESTER R. V. UNITED STATES  
01-9842 DICKERSON, CHARLES T. V. UNITED STATES  
01-9843 CARTWRIGHT, W. C. vs. UNITED STATES  
01-9849 TAUALII, FAAMANATU V. ELLIS, WARDEN  
01-9852 COOPER, SAMUEL J. V. UNITED STATES  
01-9865 TORO, BEATRIZ E. V. UNITED STATES  
01-9867 AUSTIN, ERIC V. UNITED STATES  
01-9868 ELLEDGE, DAVID V. UNITED STATES  
01-9870 MORALES, JAVIER V. UNITED STATES  
01-9871 CANTRELL, DONALD A. V. UNITED STATES  
01-9878 GRAY, DAVID F. V. UNITED STATES  
01-9883 CALLAHAN, TIMOTHY J. V. UNITED STATES  
01-9884 NAGY, PAUL V. UNITED STATES  
01-9889 CABA, JIMMY V. UNITED STATES  
01-9890 EDWARDS, SHERON V. UNITED STATES  
01-9891 ROBINSON, JOE V. UNITED STATES  
01-9892 SMITH, WILLIAM W. V. UNITED STATES  
01-9894 WYNNE, GEMALLE L. V. UNITED STATES  
01-9895 WELLINGTON, RUDOLPH V. UNITED STATES

The petitions for writs of certiorari are denied.

00-921 IL BELL TELEPHONE CO. V. WorldCOM TECH., ET AL.

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

01-1363 TERRITO, PETER, ET AL. V. ADAMS, ALFRED, ET AL.

The motion of Cooper/T.Smith Stevedoring Company,  
Inc. for leave to file a brief as *amicus curiae* is  
granted. The petition for a writ of certiorari is  
denied.

01-9300 FORDJOUR, CHARLES V. MOTOROLA, INC., ET AL.

The motion of petitioner for leave to proceed *in*  
*forma pauperis* is denied, and the petition for a writ of  
certiorari is dismissed. See Rule 39.8.

#### **HABEAS CORPUS DENIED**

01-9955 IN RE FREDERICK D. BENNETT, SR.

The petition for a writ of habeas corpus is denied.

#### **MANDAMUS DENIED**

01-9314 IN RE MARZUQ AL-HAKIM

The petition for a writ of mandamus is denied.

#### **REHEARINGS DENIED**

01-1007 GROSS, WILLARD D. V. IRTZ, FRED

01-7528 DUMONT, DANIEL vs. UBC, INC.

01-7709 WRIGHT, LONNIE V. VAUGHN, SUPT., GRATERFORD

01-7790 MORENO, MATTHEW M. V. UNITED STATES

01-7984 JACKSON, WARREN V. VARNER, SUPT., DALLAS

01-8028 EDENS, WILLIAM L. V. TAGUE, LINDA E.

01-8634 MORTIMER, JUDLIN N. V. UNITED STATES

01-8826 BARBER, ANTONIO V. UNITED STATES

The petitions for rehearing are denied.

01-8661 IN RE EDWARD BONTKOWSKI

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

#### **ATTORNEY DISCIPLINE**

D-2247 IN THE MATTER OF DISBARMENT OF DONALD E. EARLS

Donald E. Earls, of Norton, Virginia, having been suspended from the practice of law in this Court by order of February 20, 2001; 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 Donald E. Earls is disbarred from the practice of law in this Court.

D-2282 IN THE MATTER OF DISBARMENT OF GEOFFREY PAUL KELLY

Geoffrey Paul Kelly, of Pittsburgh, Pennsylvania, having been suspended from the practice of law in this Court by order of November 13, 2001; 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 Geoffrey Paul Kelly is disbarred from the practice of law in this Court.

D-2283 IN THE MATTER OF DISBARMENT OF LEVI ENGLAND

Levi England, of Hollywood, Florida, having been suspended from the practice of law in this Court by order of November 13, 2001; 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 Levi England is disbarred from the practice of law in this Court.

D-2285 IN THE MATTER OF DISBARMENT OF CHARLES DAWSON MATTHEWS

Charles Dawson Matthews, of Bella Vista, Arkansas, having been suspended from the practice of law in this Court by order of November 13, 2001; 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 Charles Dawson Matthews is disbarred from the practice of law in this Court.

D-2306 IN THE MATTER OF DISCIPLINE OF JOHN MICHAEL SCHAEFER

John Michael Schaefer, of Las Vegas, Nevada, 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-2307      IN THE MATTER OF DISCIPLINE OF RONDOLYN RAE RAUCH O'BRIEN  
                 Rondolyn Rae Rauch O'Brien, of Albuquerque, New Mexico, is suspended from the practice of law in this Court, and a rule will issue, returnable within 40 days, requiring her to show cause why she should not be disbarred from the practice of law in this Court.
- D-2308      IN THE MATTER OF DISCIPLINE OF CLYDE EMMETT EDMONDS  
                 Clyde Emmett Edmonds, of Plainfield, New Jersey, 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-2309      IN THE MATTER OF DISCIPLINE OF RUSSELL WAYNE GRAYSON  
                 Russell Wayne Grayson, of Ridgewood, New Jersey, 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-2310      IN THE MATTER OF DISCIPLINE OF ALTHEAR A. LESTER  
                 Althea A. Lester, of Newark, New Jersey, 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-2311      IN THE MATTER OF DISCIPLINE OF DEAN EDWARD RICHARDS  
                 Dean Edward Richards, of Indianapolis, Indiana, 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-2312 IN THE MATTER OF DISCIPLINE OF STEVEN J. RIGGS

Steven J. Riggs, of Lafayette, Indiana, 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-2313 IN THE MATTER OF DISCIPLINE OF JOSEPH B. SHANAHAN, JR.

Joseph B. Shanahan, Jr., of Chelmsford, Massachusetts, 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-2314 IN THE MATTER OF DISCIPLINE OF BRIAN WALTER CHANCE

Brian Walter Chance, of Lowell, Massachusetts, 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, June 3, 2002.