

(ORDER LIST: 531 U.S.)

TUESDAY, JANUARY 16, 2001

CERTIORARI -- SUMMARY DISPOSITION

99-1688 KLEVE, THOMAS C. V. HILL, WARDEN, 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 Ninth Circuit for further consideration in light of *Fiore v. White*, 531 U.S. \_\_\_\_ (2001).

99-1693 WITZEL, WILLIAM C., ET AL. V. CIR

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 Seventh Circuit for further consideration in light of *Gitlitz v. Commissioner of Internal Revenue*, 531 U.S. \_\_\_\_ (2001).

99-2008 HOUSTON, WARDEN V. KILPATRICK, JERRY 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 Eleventh Circuit for further consideration in light of *Lopez v. Davis*, 531 U.S. \_\_\_\_ (2001).

99-8840 ROBINSON, ERVIN J. V. UNITED STATES

The motion of petitioner for leave to proceed *in forma pauperis* and the petition for a writ of certiorari are granted. The judgment is vacated and the case is

remanded to the United States Court of Appeals for the Seventh Circuit for further consideration in light of *Glover v. United States*, 531 U.S. \_\_\_\_ (2001).

00-18 BOOKER, WARDEN V. WARD, JAMES, ET AL.

The motion of respondents 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 Tenth Circuit for further consideration in light of *Lopez v. Davis*, 531 U.S. \_\_\_\_ (2000).

00-459 GAUDIANO, SALVADOR, ET AL. V. CIR

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 *Gitlitz v. Commissioner of Internal Revenue*, 531 U.S. \_\_\_\_ (2001).

00-550 STEYSKAL, DANIEL 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 Eighth Circuit for further consideration in light of *Apprendi v. New Jersey*, 530 U.S. \_\_\_\_ (2000).

00-5296 DORE, PASCAL V. UNITED STATES

The motion of petitioner for leave to proceed *in forma pauperis* and the petition for a writ of certiorari are 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 *Apprendi v. New Jersey*, 530 U.S. \_\_\_\_ (2000).

00-6515 GRIFFITHS, WINSTON V. UNITED STATES

The motion of petitioner for leave to proceed *in forma pauperis* and the petition for a writ of certiorari are 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 *Apprendi v. New Jersey*, 530 U.S. \_\_\_\_ (2000).

00-6520 COLE, RAWLE A., ET AL. V. UNITED STATES

The motion of petitioners for leave to proceed *in forma pauperis* is granted. The petition for a writ of certiorari as to Rawle Anthony Cole 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 *Apprendi v. New Jersey*, 530 U.S. \_\_\_\_ (2000). The petition for a writ of certiorari as to Stacy Lature Hayden and Shanreca Lashon Crawford is denied.

00-6571 PHILLIPS, WARREN V. UNITED STATES

The motion of petitioner for leave to proceed *in forma pauperis* and the petition for a writ of certiorari are 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 *Apprendi v. New Jersey*, 530 U.S. \_\_\_\_ (2000).

**ORDERS IN PENDING CASES**

00-6374 BECKER, DALE G. MONTGOMERY, ATTY. GEN. OF OHIO

The order granting the petition for a writ of certiorari is amended to read as follows: The motion of petitioner for leave to proceed *in forma pauperis* is granted. The petition for a writ of certiorari is granted limited to the following question: When a party files a timely notice of appeal in district court, does the failure to sign the notice of appeal require the court of appeals to dismiss the appeal? Stewart A. Baker, Esquire, of Washington, D.C., is invited to brief and argue this case, as *amicus curiae*, in support of the judgment below.

00-6419 WHITEHEAD, DAVID L. V. PARAMOUNT PICTURES, ET AL.

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

00-6507 LECHE, EMMA JEAN G. V. TANOU, CHRMN, FDIC

The motion of petitioner for leave to proceed *in forma pauperis* is denied. Petitioner is allowed until February 6, 2001, 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 DENIED**

99-1675 UNITED STATES V. FARLEY, HAROLD D., ET UX.

99-7558 WALKER, TIM V. DAVIS, WARDEN, ET AL.  
 99-10159) GAVIS, JOHN, ET AL. V. HOOD, WARDEN  
 )  
 99-10221) GRIER, KARLOS L., ET AL. V. HOOD, WARDEN  
 00-242 CIR V. PUGH, JAMES H., ET UX.  
 00-277 BROWN, JAMES H. V. UNITED STATES  
 00-381 BRIDGETON, MO vs. FAA, ET AL.  
 00-551 RUSSELL, OSWALD S. V. AMERICAN AIRLINES, ET AL.  
 00-571 HUCKABY, RICK, ET AL. V. PA GENERAL INSURANCE COMPANY  
 00-576 NORFOLK SHIPBUILDING, ETC. V. FAULK, THEODORE, ET AL.  
 00-586 WARE, RANDALL, ET AL. vs. HOUS. AUTH. OF KIOWA TRIBE  
 00-592 BENCI-WOODWARD, IVOR, ET AL. vs. CIR  
 00-594 WAYMIRE, JOSEPH J. V. NORFOLK AND WESTERN R. CO.  
 00-595 MAIER McILNAY & KERKMAN, LTD V. BODENSTEIN, IRA, ET AL.  
 00-643 GREEN, BRUCE W. ET AL. vs. PLANO, TX, ET AL.  
 00-742 D'ELEGANCE MANAGEMENT LTD. vs. S & D LAND CLEARING, ET AL.  
 00-747 ALSAEED, IBRAHIM V. THORPE, MICHELLE  
 00-749 ALFAIR DEVELOPMENT, ET AL. V. JACKSONVILLE, FL, ET AL.  
 00-755 SAN FRANCISCO BASEBALL V. MONEGRO, YAN C., ET AL.  
 00-761 INDIANAPOLIS BAPTIST TEMPLE V. UNITED STATES  
 00-765 VINSON, HARRY W., ET AL. V. COLOM, DOROTHY, ET AL.  
 00-779 STEWART, TERRY, ET AL. V. POLSTON, KEVIN D.  
 00-780 BOERSIG, RANDALL V. UNION ELEC. CO., ET AL.  
 00-783 PITT NEWS V. FISHER, D. MICHAEL, ET AL.  
 00-785 HABR, STAN V. WORLD SAVINGS & LOAN ASSOC.  
 00-786 GATENA, KIM V. CTY. OF ORANGE  
 00-791 BASTROP CTY., TX V. JANES, BOBBY J.  
 00-796 BOON INSURANCE AGENCY V. AMERICAN AIRLINES, ET AL.

00-803 MEDLOCK, JOHN W. V. WOOD, TANA  
00-804 OSBORNE, JEANETTE, ETC. V. CAMBRIDGE TOWNSHIP, PA  
00-806 VADIE, AHMAD A. V. MISSISSIPPI STATE UNIVERSITY  
00-823 OGATA, AIKO, ET VIR V. J. G. CONSTRUCTION CO., INC.  
00-867 CLARK, CLARA V. SLATER, SEC. OF TRANSP.  
00-898 HASKINS, ROBERT L. V. PRUDENTIAL INSURANCE  
00-905 ALBERS, MARK C., ET AL. V. UNITED STATES  
00-922 BARROW, TOMMY J. V. UNITED STATES  
00-926 GARDNER, BRUCE E. V. UNITED STATES  
00-935 CONTE, MICHAEL A. V. UNITED STATES  
00-954 JOHNSON, HARRY D. V. TENNESSEE  
00-956 GEALER, GARY V. UNITED STATES, ET AL.  
00-970 LORENZO-PEREZ, TOMAS V. UNITED STATES  
00-6137 HART, J. FRED V. UNITED STATES  
00-6264 MALDONADO-RAMIREZ, OSCAR V. UNITED STATES  
00-6400 LEAR, TUHRAN A. V. COWAN, WARDEN  
00-6486 MYNARCIK, BEVERLY J. V. UNITED STATES  
00-6522 BYRNE, CHARLES F. V. UNITED STATES  
00-6544 CEPERO, ANGEL V. UNITED STATES  
00-6639 KUENZEL, WILLIAM E. V. ALABAMA  
00-6800 CHANDLER, ELAINE V. RAYTHEON EMPLOYEES  
00-6911 HYDE, JOHNNY W. V. NORTH CAROLINA  
00-6983 TRICE, GEORGE W. V. MOORE, SEC., FL DOC, ET AL.  
00-6987 ALI, KASIM E. V. MOORE, SEC., FL DOC  
00-6993 LAZARD, KIP V. EAST LA STATE HOSPITAL  
00-7003 PICO, ROBERT D. V. CALIFORNIA  
00-7008 O'NEAL, FRED V. JOHNSON, DIR., TX DCJ

00-7009 NORELLI, RENNIE A. V. CLARKE, WARDEN  
00-7019 SMITH, KENNY V. CALIFORNIA  
00-7026 KIRKNER, THOMAS M. V. WILSON, HARRY E., ET AL.  
00-7029 BAILEY, KEVIN V. ARTUZ, SUPT., GREEN HAVEN  
00-7034 ZAWAADI, RASHIDA V. YUKINS, WARDEN  
00-7042 HAYES, JERRY V. MOUNTAIN COMPREHENSIVE CARE  
00-7052 LOHEAC, HELEN V. POOLE, WARDEN  
00-7055 WARE, DARRIS A. V. MARYLAND  
00-7056 PARROTT, RUDOLPH V. CALIFORNIA  
00-7057 YOUNG, MICHAEL V. SAGER, ROBERT, ET AL.  
00-7065 JEFFRIES, JAMES V. GEORGIA  
00-7074 RUFFIN, LADJI A. V. CHAPMAN, WARDEN  
00-7079 SPENCER, HERMAN V. SENKOWSKI, SUPT., CLINTON  
00-7081 PRIDE, EARL D. V. WARD, SUPT., AVON PARK  
00-7083 LaBOY, PLACIDO V. SNYDER, DIR., IL DOC, ET AL.  
00-7086 VICTORY, MICHAEL A. V. CALIFORNIA  
00-7087 WALKER, JOHN E. V. TERHUNE, DIR., CA DOC  
00-7088 WRIGHT, CHALMUS V. DEES, WARDEN, ET AL.  
00-7091 CLARK, PAUL V. STINSON, SUPT., GREAT MEADOW  
00-7094 PAREDES, EFREN V. JOHNSON, WARDEN, ET AL.  
00-7099 MILLER, DONNA L. V. LoJAC ENTERPRISES, INC.  
00-7104 ROMINE, STEVEN C. V. NEVADA  
00-7107 BARAHL, KARRIE K. V. YUKINS, WARDEN  
00-7112 PADILLA, DAVID V. DORSEY, WARDEN, ET AL.  
00-7118 WATLEY, DONALD R. V. JOHNSON, DIR., TX DCJ  
00-7120 WILKINS, CHARLES D. V. FRIES, DENNIS, ET AL.  
00-7122 POWELL, TYRONE V. CAREY, WARDEN

00-7130 VASQUEZ, JUAN M. V. WILLIAMS, WARDEN, ET AL.

00-7232 GEORGE, NOLAN B. V. HAWAII, ET AL.

00-7261 ZAMARRIPA, ANTONIO V. BUSALAKI, MICHAEL, ET AL.

00-7283 CHILDS, WAYNE L. V. DANZIG, SEC. OF THE NAVY

00-7314 GANGALE, ANTONIO C. V. UNITED STATES

00-7358 HARRIS, KEITH V. NEW MEXICO

00-7369 EDGAR, JAMES T. V. LUEBBERS, SUPT., ET AL.

00-7380 ENGLISH, DERRICK V. OHIO

00-7386 TRAN, QUANG L. V. KONTEH, WARDEN

00-7414 HENSON, GEORGE V. BROMFIELD, BARBARA, ET AL.

00-7421 HARVEY, STEVE V. ROTH, THOMAS

00-7432 REYES-PLATERO, JOSE A. V. UNITED STATES

00-7488 BLAKENEY, ROGER M. V. NORTH CAROLINA

The petitions for writs of certiorari are denied.

00-776 MORGAN STANLEY DEAN WITTER V. ROSKIND, JAMES

The petition for a writ of certiorari is denied.

Justice O'Connor took no part in the consideration or decision of this petition.

00-831 MAY, JON V. HARRIS, SEC. OF STATE OF FL

The petition for a writ of certiorari before judgment is denied.

00-7022 ALFORD, RICKEY L. vs. USDC CD CA

The petition for a writ of certiorari is denied.

The Chief Justice took no part in the consideration or decision of this petition.

00-7126 AMIRI, ABDUL W. V. SAFEWAY, INC.

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. As the petitioner has repeatedly abused this Court's process, the Clerk is directed not to accept any further petitions in noncriminal matters from petitioner unless the docketing fee required by Rule 38(a) is paid and the petition is submitted in compliance with Rule 33.1. See *Martin v. District of Columbia Court of Appeals*, 506 U.S. 1 (1992) (*per curiam*). Justice Stevens dissents. See *id.*, at 4, and cases cited therein.

#### HABEAS CORPUS DENIED

00-7568 IN RE PHILLIP WIMBISH  
00-7585 IN RE CHESTER SCHIMBERG  
00-7595 IN RE JACK DEMPSEY PHILLIPS

The petitions for writs of habeas corpus are denied.

#### MANDAMUS DENIED

00-6984 IN RE RICHARD LEE COTHRUM  
00-6999 IN RE DALTON LOYD WILLIAMS  
00-7041 IN RE E. FRANK CORNELIUS  
00-7078 IN RE JEAN ALLEN ROUX

The petitions for writs of mandamus are denied.

00-6974 IN RE JAMES D. MACIEL

The motion of petitioner for leave to proceed *in forma pauperis* is denied, and the petition for a writ of

mandamus and/or prohibition is dismissed. See Rule 39.8. As the petitioner has repeatedly abused this Court's process, the Clerk is directed not to accept any further petitions in noncriminal matters from petitioner unless the docketing fee required by Rule 38(a) is paid and the petition is submitted in compliance with Rule 33.1. See *Martin v. District of Columbia Court of Appeals*, 506 U.S. 1 (1992) (*per curiam*). Justice Stevens dissents. See *id.*, at 4, and cases cited therein.

#### REHEARINGS DENIED

99-9995 RIVERA, JUAN B. V. GREENE, JUSTIN L.  
99-10273 ANDERSON, ROLAND C. vs. GMC  
00-244 RUSSO, IRENE, ETC. V. DEPARTMENT OF AGRICULTURE  
00-313 ADKINS, MICHAEL, ET UX. V. UNCLE BART'S INC., ET AL.  
00-368 KISSI, DAVID A. V. SMALL BUSINESS ADMIN., ET AL.  
00-5468 IN RE ANDREW STEPHENS  
00-6031 BURNS-BEY, MICHAEL D. V. COMMR., MN DEPT. OF CORR.  
00-6094 RICHARDS, MARK E. V. ANGELONE, DIR., VA DOC  
00-6146 SAMPSON, CARLOTTA J. V. CITIBANK F.S.B., ET AL.  
00-6183 WHITE, HERMAN V. PORTER, JANICE  
00-6281 WALLACE, HENRY L. V. NORTH CAROLINA  
00-6323 MALEKZADEH, DARREN V. TEXAS TECH UNIV., ET AL.  
00-6423 JONES, FORREST L. V. HUBBARD, WARDEN  
00-6618 JOHNSON, DONALD R. V. KEMNA, SUPT., CROSSROADS  
00-6825 LANGWORTHY, JOHN A. V. MARYLAND

The petitions for rehearing are denied.

**ATTORNEY DISCIPLINE**

D-2205 IN THE MATTER OF WILLIAM ERWIN FREDENBERGER, JR.

William Erwin Fredenberger, Jr., of Stafford, Virginia, having requested to resign as a member of the Bar of this Court, it is ordered that his name be stricken from the roll of attorneys admitted to the practice of law before this Court. The Rule to Show Cause, issued on October 30, 2000, is discharged.

D-2210 IN THE MATTER OF DISBARMENT OF THOMAS M. SIMMONS

Thomas M. Simmons, of Boston, Massachusetts, having been suspended from the practice of law in this Court by order of November 6, 2000; 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 M. Simmons is disbarred from the practice of law in this Court.

D-2231 IN THE MATTER OF DISBARMENT OF TIMOTHY B. McFLYNN

Timothy B. McFlynn, of Aspen, Colorado, 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 Monday, January 22, 2001, until Tuesday, February 20, 2001.

