

(ORDER LIST: 531 U.S.)

MONDAY, JANUARY 22, 2001

**CERTIORARI -- SUMMARY DISPOSITION**

00-5949 SMITH, MIKE 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 Fifth Circuit for further consideration in light of *Apprendi v. New Jersey*, 530 U.S. 466 (2000).

**ORDERS IN PENDING CASES**

00M58 SHIREY, CADY, ET AL. V. ALEXANDRIA SCHOOL BOARD

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

105, ORIG. KANSAS V. COLORADO

The motion of Colorado for leave to file a reply to the brief of the United States is granted, and the parties are allowed to and including February 2, 2001, within which to file replies. The Exceptions to the Report of the Special Master are set for oral argument in due course.

99-1815 NLRB V. KY RIVER COMMUN. CARE, INC.

The motion of Service Employees International Union, et al., for leave to file a brief as *amici curiae* is granted. The motion of American Nurses Association

for leave to file a brief as *amicus curiae* is granted.

99-1848 BUCKHANNON BOARD & CARE HOME V. WV DEPT. HEALTH & HUMAN

99-2047 PALAZZOLO, ANTHONY V. RHODE ISLAND, ET AL.

00-152 LUJAN, CA LABOR COMM'R V. G & G FIRE SPRINKLERS, INC.

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

99-1884 LACKAWANNA CTY. D. A., ET AL V. COSS, EDWARD R.

The motion of Colorado for leave to participate in oral argument as *amicus curiae* and for divided argument is granted.

99-1977 SAUCIER, DONALD V. KATZ, ELLIOT, ET AL.

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

99-7791 ) ZADVYDAS, KESTUTIS V. UNDERDOWN, LYNNE, ET AL.

00-38 ) RENO, ATTY. GEN., ET AL. V. MA, KIM H.

The motion of respondent Ma and petitioner Zadvydass for additional time for oral argument and for divided argument is granted.

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

The motion for appointment of counsel is granted and it is ordered that Jeffrey S. Sutton, Esquire, of Columbus, Ohio, is appointed to serve as counsel for the petitioner in this case.

**CERTIORARI GRANTED**

00-795 RENO, ATTY. GEN., ET AL. V. FREE SPEECH COALITION

The petition for a writ of certiorari is granted.

99-1786 GREAT-WEST LIFE INS., ET AL. V. KNUDSON, JANETTE, ET VIR

The motion of Central States, Southeast and Southwest Areas Health and Welfare Fund for leave to file a brief as *amicus curiae* is granted. The motion of Self-Insurance Institute of America, Inc., for leave to file a brief as *amicus curiae* is granted. The petition for a writ of certiorari is granted limited to Question 1 presented by the petition.

00-507 CHICKASAW NATION V. UNITED STATES

The motion of Shakopee Mdewakanton Sioux (Dakota) Community, et al., for leave to file a brief as *amici curiae* is granted. The petition for a writ of certiorari is granted.

00-511 ) VERIZON COMMUNICATIONS V. FCC, ET AL.

00-555 ) WorldCOM, INC., ET AL. V. VERIZON COMMUNICATIONS

00-587 ) FCC, ET AL. V. IOWA UTILITIES BD., ET AL.

00-590 ) AT&T CORP. V. IOWA UTILITIES BD., ET AL.

00-602 ) GEN. COMMUNICATIONS, INC. V. IOWA UTILITIES BD., ET AL.

The petitions for writs of certiorari are granted limited to the following questions: 1) Whether the court of appeals erred in holding that 47 U.S.C. Sec. 252(d)(1) (Telecommunications Act of 1996) forecloses the cost methodology adopted by the FCC, which is based on the efficient replacement cost of existing

technology, for determining the interconnection rates that new entrants into local telecommunications markets must pay incumbent local telephone companies. 2) Whether the court of appeals erred in holding that neither the Takings Clause nor the Telecommunications Act of 1996 requires incorporation of an incumbent local exchange carrier's "historical" costs into the rates that it may charge new entrants for access to its network elements. 3) Whether 47 U.S.C. Sec. 251(c)(3) prohibits regulators from requiring that incumbent local telephone companies combine certain previously uncombined network elements when a new entrant requests the combination and agrees to compensate the incumbent for performing that task. The cases are consolidated and a total of one hour is allotted for oral argument. Justice O'Connor took no part in the consideration or decision of these petitions.

00-832 ) NATL. CABLE TV ASSN., INC. V. GULF POWER CO., ET AL.  
      )  
00-843 ) FCC, ET AL. V. GULF POWER CO., ET AL.

The motion of AT&T Wireless Services, Inc., et al., for leave to file a brief as *amici curiae* is granted. The petitions for writs of certiorari are granted limited to the following questions: 1) Whether those provisions of the Pole Attachments Act apply to attachments by cable television systems that are simultaneously used to provide high-speed Internet access and conventional cable television programming.

2) Whether those provisions of the Pole Attachments Act apply to attachments by providers of wireless telecommunications services no less than to attachments by providers of wireline telecommunications services. The cases are consolidated and a total of one hour is allotted for oral argument. Justice O'Connor took no part in the consideration or decision of this motion and these petitions.

**CERTIORARI DENIED**

99-1548 TURAY, RICHARD G. V. WASHINGTON  
99-8629 CAMPBELL, ELMER V. WASHINGTON  
99-9855 RILEY, STEVEN L. V. UNITED STATES  
00-375 GREENVILLE COUNTY V. HARKINS, TERESA, ET AL.  
00-619 REGAL CINEMAS, INC. V. MAYFIELD HEIGHTS, OH, ET AL.  
00-674 JONES, LINDA V. BAYER CORP.  
00-689 BOLTON, MICHAEL, ET AL. V. THREE BOYS MUSIC CORP.  
00-705 KANG, MANJIT V. LOUISIANA, ET AL.  
00-735 DEXTER, CYNTHIA D. V. PRUDENTIAL INSURANCE CO.  
00-813 SELF-REALIZATION FELLOWSHIP V. ANANDA CHURCH, ET AL.  
00-816 MONTGOMERY CTY., MD, ET AL. V. WRIGHT, ROBERT E., ET AL.  
00-818 CHESTNUT RIDGE VOL. FIRE CO. V. GOLDSTEIN, SCOTT  
00-824 PALMER, SYLVESTER V. TRANSIT MGMT. SE LA, ET AL.  
00-825 MINDGAMES, INC. V. WESTERN PUBL. CO., INC.  
00-827 PAYNE, B. J. vs. HINDS, CLIFFORD M.  
00-833 LEHTO, KEITH A. V. TEXAS  
00-839 RIVET, MARY A., ET AL. V. REGIONS BANK, ET AL.

00-851 MOORE, BRUCE V. CALIFORNIA  
00-855 ANSELMO, PHILLIP E. V. COLORADO, ET AL.  
00-858 BAREFOOT, LYNDA G. V. THERMO INDUS., INC., ET AL.  
00-864 COMMUNICATIONS WORKERS, ETC. V. AMERITECH BENEFIT PLAN  
00-870 TITTUS, HANS H. V. NationsBANK OF TEXAS, ET AL.  
00-871 CHICAGO HEIGHTS, IL, ET AL. V. HARPER, RON, ET AL.  
00-873 LIPKO, ANDREW V. CHRISTIE, MARGARET  
00-889 SMITH, CLYDE W. V. WILLIAMS, DONNA L.  
00-893 MILTON, QUINTIN L. V. JACKSON PUBLIC SCHOOLS  
00-913 KERSEY, GEORGE E. V. CRANE, DANIEL C., ET AL.  
00-920 SOLOMON, ALPHONSO, ET UX. V. MILBANK, ROBERT  
00-937 DOWNEY, GERALD V. MOORE, SEC., FL DOC  
00-990 GREEN, STEPHEN M. V. UNITED STATES  
00-5934 JONES, WILLIAM T. V. ILLINOIS  
00-6007 STOECKER, WILLIAM J. V. UNITED STATES  
00-6119 ROBERTS, RONALD V. UNITED STATES  
00-6142 GEORGE, ROBERT L. V. UNITED STATES  
00-6303 WRIGHT, GREGORY E. V. TEXAS  
00-6673 DUPUY, BUFORD A. V. CAIN, WARDEN  
00-6699 WILLIAMS, EDWARD E. V. INDIANA  
00-6743 BRADLEY, DANNY J. V. NAGLE, WARDEN, ET AL.  
00-7096 JAMES, TERRANCE A. V. GIBSON, WARDEN, ET AL.  
00-7106 ARMSTRONG, ANDRE L. V. OKLAHOMA  
00-7114 SUBLETT, VERNON V. DORMIRE, SUPT., ET AL.  
00-7134 MARTINEZ, JOE V. WILLIAMS, WARDEN, ET AL.  
00-7135 KENNEDY, KEVIN V. SENKOWSKI, SUPT., CLINTON  
00-7140 KECK, JAMES V. WILLIAMS, WARDEN, ET AL.

00-7141 LUCERO, RAYMOND V. WILLIAMS, WARDEN, ET AL.  
00-7148 MAULDEN, DAVID D. V. TERHUNE, DIR., CA DOC  
00-7149 JONES, JAMES S. V. SMITH, WALTER S., ET AL.  
00-7153 JIMERSON, STEVE G. V. KEMNA, SUPT., CROSSROADS  
00-7154 WELLS, ROBERT R. V. FLORIDA, ET AL.  
00-7157 TWILLIE, THOMAS L. V. BRENNAN, SUPT., ALBION  
00-7158 TORRES, LAYBE V. WILLIAMS, WARDEN, ET AL.  
00-7168 ANDERSON, OTHA B. V. CHRANS, WARDEN  
00-7171 LEWIS, TERRY L. V. MOORE, SEC., FL DOC  
00-7178 BAUMER, WILLIAM J. V. CALIFORNIA  
00-7183 D'AMBROSIO, JOE V. OHIO  
00-7195 RAY, DEXTER J. V. WETHERINGTON, COMM'R, GA DOC  
00-7203 RAZOR, KEVIN A. V. CHANDLER, WARDEN  
00-7211 ALCALA-SANCHEZ, SERGIO V. UNITED STATES  
00-7253 KEEN, GARY V. ENSTAR NATURAL GAS CO.  
00-7285 SILKMAN, ELTON H. V. UNITED STATES  
00-7288 OLIVER, JOSEPH J. V. KYLER, SUPT., HUNTINGDON  
00-7291 LAMBERT, ANTHONY, ET UX. V. WILLIAMS, BRENDA G., ET AL.  
00-7296 LEONARD, DULSEENA J. V. GOBER, ACTING SEC. OF VA  
00-7301 DENNEY, DALE M. L. vs. KANSAS  
00-7305 CANFIELD, RUSSELL B., ET UX. V. AMERICAN EUROCOPTER CORP.  
00-7316 SINGH, RAJIV K. V. COUNCIL/BUREAU FOR PRIVATE  
00-7327 ROMERO, CRAIG P. V. BATTLES, WARDEN  
00-7341 TILLI, DANIEL V. HUD, ET AL.  
00-7359 BRAXTON, MICHAEL J. V. NORTH CAROLINA  
00-7361 PURDLE, DAVID R. V. GROESCH, WARDEN  
00-7377 HAWKS, ANTHONY D. V. UNITED STATES

00-7395 FOSTER, CHRISTOPHER V. UNITED STATES  
00-7400 CARROZZI, ANTHONY V. UNITED STATES  
00-7408 GREEN, TIMOTHY V. GAMMON, SUPT., MOBERLY  
00-7417 GASTON, ALTERICK V. POWELL, WARDEN  
00-7458 JACKSON, TONY V. UNITED STATES  
00-7462 GUERRA, ROLANDO V. UNITED STATES  
00-7468 DE LA CRUZ, DIONEL V. LOWER RIO GRANDE VALLEY  
00-7497 CARTER, JARROT V. UNITED STATES  
00-7499 MITCHELL, WALLACE G. V. UNITED STATES  
00-7500 NYHUIS, DOUGLAS V. UNITED STATES  
00-7501 RODRIGUEZ, JOSE C. V. UNITED STATES  
00-7503 WHITT, JOHN R. V. UNITED STATES  
00-7504 WEBB, JUSTIN V. UNITED STATES  
00-7506 PETERSON, ALVIN V. UNITED STATES  
00-7507 GREEN, THOMAS A. V. UNITED STATES  
00-7510 CRANDON, RICHARD C. V. UNITED STATES  
00-7512 ZUNIGA, ERWIN A. V. UNITED STATES  
00-7515 McCULLOUGH, PERRY A. V. UNITED STATES  
00-7516 CONSOLVO, CARL D. V. UNITED STATES  
00-7527 QUEENSBOROUGH, KEENE C. V. UNITED STATES  
00-7537 SELLERS, PERNELL J. V. UNITED STATES  
00-7544 KINDER, DAVID V. PURDY, WARDEN  
00-7551 McLAUGHLIN, DIANE L. V. UNITED STATES  
00-7557 LORENZO-PEREZ, JORGE V. UNITED STATES  
00-7561 WILSON, TROY V. UNITED STATES  
00-7565 LaVENTURE, CARL G. V. FLORIDA  
00-7571 CARANTO, ARTURO V. UNITED STATES



- 00-7572 ESQUIVEL-MORELOS, JOSE V. UNITED STATES
- 00-7573 ECHEVARRIA, PEDRO V. UNITED STATES
- 00-7575 JOHNSON, RAPHAEL N. V. UNITED STATES
- 00-7576 PIERCE, WILLIAM J. V. UNITED STATES

The petitions for writs of certiorari are denied.

- 00-606 SUMMIT PROPERTIES, ET AL. V. HOECHST-CELANESE, ET AL.
- 00-653 ) PUBL. SVC. COMMN. WI, ET AL. V. WISCONSIN BELL, INC., ET AL.
- )
- 00-744 ) IL COMMERCE COMM'N, ET AL. V. MCI TELECOMMUNICATIONS CORP.
- 00-842 BRADNEY, JACKIE L., ET AL. V. E.I. DUPONT DE NEMOURS

The petitions for writs of certiorari are denied.

Justice O'Connor took no part in the consideration or decision of these petitions.

- 00-819 CORP. COUNSEL OF NYC V. ERIK M.

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

- 00-874 MATTHEWS, MICHAEL S. V. HOWARD CTY., MD, ET AL.

The motion of Center for Equal Opportunity, et al. for leave to file a brief as *amici curiae* is granted. The petition for a writ of certiorari is denied.

- 00-880 BARNES, VERNICESA F. V. McDONALD'S CORP.

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

- 00-7146 LAU, GILBERT V. MEDDAUGH, MARK M., ET AL.

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

00-7160 ATRAQCHI, MICHAEL R., ET UX. V. WILLIAMS, MAYOR OF DC, ET AL

The motion of petitioners 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 petitioners have repeatedly abused this Court's process, the Clerk is directed not to accept any further petitions in noncriminal matters from petitioners 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.

**COMMON LAW CERTIORARI DENIED**

00-7425 IN RE BRUCE KING

The petition for a common law writ of certiorari is denied.

**HABEAS CORPUS DENIED**

00-7629 IN RE JOHN D. WILLIAMS

00-7648 IN RE JOSE ALMONTE-NUNEZ

00-7661 IN RE CRAIG LAWRENCE THOMAS

The petitions for writs of habeas corpus are denied.

**MANDAMUS DENIED**

00-7139 IN RE ROBERT L. PEPPER

00-7150 IN RE JEAN B. JONES

00-7471 IN RE MARGARET E. BRODERICK

The petitions for writs of mandamus are denied.

00-7137 IN RE SAMMY L. PAGE

The petition for writ of mandamus and/or  
prohibition is denied.

#### REHEARINGS DENIED

00-295 SIDDIQUI, SAADAT A. V. NORTHERN TELECOM, INC.

00-297 LIVINGSTON DOWNS RACING ASSN V. LA STATE RACING COMM.

00-510 SMITH, WILLIAM R. V. OREGON STATE DEPT. OF REV.

00-585 THAT, DINH T. vs. 3D SYSTEMS, INC., ET AL.

00-715 ROBERTSON, KEITH V. COMPTROLLER OF TREAS. OF MD

00-762 METCALF, BRADFORD V. UNITED STATES

00-5313 SIMPSON, FAYE W. vs. FL DOC

00-5938 LIU, LUYA V. NAOMI, YOSHIZAKI, ET AL.

00-6175 CORNELIUS, E. FRANK V. MITCHUM, ROBERT W., ET AL.

00-6241 ARCHER, DONNA M. V. VALLEY HEALTHCARE CORP.

00-6315 WENGER, WALTER S. V. CANASTOTA SCHOOL DIST.

00-6442 HOLMAN, MICHAEL V. KEMNA, SUPT., CROSSROADS

00-6698 VALOIS, ROBERT V. UNITED STATES

The petitions for rehearing are denied.

00-5458 CLARKE, KEITHROY N. V. UNITED STATES

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

**ATTORNEY DISCIPLINE**

D-2213 IN THE MATTER OF DISBARMENT OF JAMES R. GAILEY

James R. Gailey, of Miami, Florida, having been suspended from the practice of law in this Court by order of November 27, 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 James R. Gailey is disbarred from the practice of law in this Court.

D-2214 IN THE MATTER OF DISBARMENT OF THOMAS R. HENDERSHOT

Thomas R. Hendershot, of Greenbelt, Maryland, having been suspended from the practice of law in this Court by order of November 27, 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 R. Hendershot is disbarred from the practice of law in this Court.

D-2232 IN THE MATTER OF DISBARMENT OF DAVID MICHAEL ADAMS

David Michael Adams, of Charleston, South Carolina, 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-2233 IN THE MATTER OF DISBARMENT OF STEWART IRWIN MANDEL

Stewart Irwin Mandel, of University Heights, Ohio,

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-2234 IN THE MATTER OF DISBARMENT OF FRANK EDWARD LITTLE

Frank Edward Little, of Mercer, Pennsylvania, 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.