

(ORDER LIST: 532 U.S.)

MONDAY, MARCH 5, 2001

CERTIORARI -- SUMMARY DISPOSITION

99-1263) MASSACHUSETTS & NEW JERSEY V. AM. TRUCKING ASSNS., ET AL.
)
99-1265) AM. LUNG ASSN. V. AM. TRUCKING ASSNS., ET AL.

The Court affirmed in part and reversed in part the judgment below in *Whitman v. American Trucking Assns., Inc.*, 531 U.S. ____ (2001). Therefore, the petitions for writs of certiorari are granted and the cases are remanded to the United States Court of Appeals for the District of Columbia Circuit for further proceedings.

00-6808 VALENSIA, ELIODORO 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 Ninth Circuit for further consideration in light of *Apprendi v. New Jersey*, 530 U.S. 466 (2000).

ORDERS IN PENDING CASES

00M70 COOK, PADRAIC A. V. DORMIRE, SUPT., JEFFERSON CCC

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

00M71 MELKA MARINE, INC. V. UNITED STATES

The motion to direct the Clerk to file a petition

for a writ of certiorari is denied.

105, ORIG. KANSAS V. COLORADO

The motion of the Acting Solicitor General for divided argument is granted.

128, ORIG. ALASKA V. UNITED STATES

The amended complaint and answer are referred to the Special Master.

00-454 ATKINSON TRADING CO. V. SHIRLEY, JOE, ET AL.

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

00-720 CHUBB & SON, INC. V. ASIANA AIRLINES

00-1073 OWASSO INDEP. SCH. DIST. V. FALVO, KRISTJA, ETC., ET AL.

The Solicitor General is invited to file briefs in these cases expressing the views of the United States.

CERTIORARI GRANTED

00-799 LOS ANGELES, CA V. ALAMEDA BOOKS, INC., ET AL.

00-1045 TRW INC. V. ANDREWS, ADELAIDE

The petitions for writs of certiorari are granted.

00-860 CORRECTIONAL SERVICES CORP. V. MALESKO, JOHN E.

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

00-878 MATHIAS, RICHARD L., ET AL. V. WorldCOM TECH., INC., ET AL.

The petition for a writ of certiorari is granted limited to the following questions:

1. Whether a state commission's action relating to the enforcement of a previously approved section 252 interconnection agreement is a "determination under [section 252]" and thus is reviewable in federal court under 47 U.S.C. §252(e)(6).
 2. Whether a state commission's acceptance of Congress' invitation to participate in implementing a federal regulatory scheme that provides that state commission determinations are reviewable in federal court constitutes a waiver of Eleventh Amendment immunity.
 3. Whether an official capacity action seeking prospective relief against state public utility commissioners for alleged ongoing violations of federal law in performing federal regulatory functions under the federal Telecommunications Act of 1996 can be maintained under the *Ex parte Young* doctrine.
- Justice O'Connor took no part in the consideration or decision of this petition.

CERTIORARI DENIED

- 99-604 VELAZQUEZ, CARMEN, ET AL. V. LEGAL SERVICES CORP., ET AL.
- 99-1431) APPALACHIAN POWER CO. V. WHITMAN, EPA ADMINR., ET AL.
)
- 99-1442) CITIZENS FOR BALANCED TRANSP V. WHITMAN, EPA ADMINR., ET AL.
- 00-289 YARNELL, J. T., ETC., ET AL. V. CUFFLEY, MICHAEL, ET AL.
- 00-445) APPALACHIAN POWER CO., ET AL. vs. EPA, ET AL.
)
- 00-632) MICHIGAN, ET AL. vs. EPA, ET AL.
)
- 00-633) OHIO AND INDIANA V. EPA, ET AL.

00-504 LA ACORN FAIR HOUSING, INC. V. LEBLANC, DANNY
 00-675 JONES, SEC. OF STATE OF CA V. SCHAEFER, MIKE
 00-704 CRIS REALMS, INC., ET AL. V. UNITED STATES
 00-854 ADV. DISPLAY SYSTEMS, ET AL. V. KENT DISPLAY SYSTEMS, ET AL.
 00-895 WEDDERBURN, KEVIN V. INS
 00-907 FOSTER, RONALD L. V. UNITED STATES
 00-910) HUMANITARIAN LAW PROJECT V. ASHCROFT, ATTY. GEN., ET AL.
)
 00-1077) ASHCROFT, ATTY. GEN., ET AL. vs. HUMANITARIAN LAW PROJECT
 00-929 TRANS. SCHIFFAHRTSKONTOR V. SHANGHAI FOREIGN TRADE CORP.
 00-946 S.S., ETC. vs. McMULLEN, MICHELLE, ET AL.
 00-1003 BELHUMEUR, JAMES J., ET AL. vs. MA LABOR REL. COMMN., ET AL.
 00-1049 CASS, DOUG, ET AL. V. SUFFOLK CO., NY, ET AL.
 00-1052 UTIL. COMM'N, NEW SMYRNA V. TAMPA ELECTRIC CO., ET AL.
 00-1059 RODRIGUE, GEORGE G., ET AL. V. RODRIGUE, VERONICA H.
 00-1062 TONG, YEI-HWEI V. GUTIERREZ, DAVID R., ET AL.
 00-1068 BAYOU FLEET, INC. V. HOME PL. BATTURE LEASING
 00-1069 EFRON, DAVID V. EMBASSY SUITES, INC., ET AL.
 00-1074 NIEMEYER, CHRIS, ET AL. V. OROVILLE HIGH SCHOOL, ET AL.
 00-1078 SPRINGER, LINDSEY V. SEC, ET AL.
 00-1081 SUDDUTH, GARY V. STEGALL, WARDEN
 00-1082 BRADT, L. T. vs. LILLY, EARLE, ET AL.
 00-1091 ILLINOIS V. CARLSON, EDWARD
 00-1092 BARTLETT, GARY O., ET AL. V. PERRY, WILLIAM B., ET AL.
 00-1099 LEXINGTON 76 AUTO TRUCK STOP V. McALPIN, DOTTIE, ET AL.
 00-1100 MILLER, ELIEZER V. GENERAL BANK NEDERLAND
 00-1106 MURPHY, SANDRA V. BINION, JACK, ET AL.
 00-1111 McKAY, MARTIN S. V. UNITED STATES, ET AL.

00-1117 LIVINGSTONE, FRANCES E. V. NORTH BELLE VERNON BOROUGH
00-1124 BOYKIN, WILLIAM C. V. ENTERGY OPERATIONS, INC.
00-1132 MORICE, PEARL V. EG&G FLORIDA, INC., ET AL.
00-1148 SOUTH CAROLINA V. HOLMES, DARRYL L.
00-1152 GARNER, ROBERT T. V. DEPT. OF LABOR
00-1156 LEVI STRAUSS & CO. V. UNITED STATES
00-1161 MCKINNEY, HERBERT, ET AL. V. CHAO, SEC. OF LABOR
00-1162 BESTER, ALFREDA T. V. LA COMMN. ON BAR ADM.
00-1171 HAGGAR APPAREL CO. V. UNITED STATES
00-1175 REESE, DAVID J. V. MICHIGAN, ET AL.
00-1209 SOLOMON, DAVID L. V. GRIEVANCE COMMITTEE
00-1247 LEJEUNE, JOSEPH K. V. TEXAS
00-1267 ROGERS, SHELLEY S. V. UNITED STATES
00-1269 ALLEN, JAMES M. V. UNITED STATES
00-6368 DILLARD, JUMO V. UNITED STATES
00-6561 DAVENPORT, JOSEPH F. V. UNITED STATES
00-6732 MARTIN, SCOTTIE R. V. TAYLOR, WARDEN, ET AL.
00-6980 LEE, ALFRED W. V. UNITED STATES
00-7133 MELSON, ROBERT V. ALABAMA
00-7167 BAKER, ALBERT V. JONES, WARDEN, ET AL.
00-7255 WHITEHEAD, LARRY W. V. ALABAMA
00-7270 MANNING, WILLIE J. V. MISSISSIPPI
00-7297 KEEN, DAVID M. V. TENNESSEE
00-7311 HYDE, JAMES M. V. ALABAMA
00-7312 HAMMONDS, ARTEZ V. ALABAMA
00-7391 DAMPER, HAROLD V. UNITED STATES
00-7423 KRAFT, RANDY S. V. CALIFORNIA

00-7476 MOORE, CHRISTOPHER M. V. OHIO
00-7522 MINES, CHARLES E. V. TEXAS
00-7688 GUIDRY, TIMOTHY V. CAIN, WARDEN
00-7706 NELOMS, PRESTON V. McLEMORE, WARDEN
00-7710 BEASLEY, CHARLES L. V. JOHNSON, DIR., TX DCJ
00-7711 POTEETE, JAMES V. CAPITAL ENGINEERING INC.
00-7714 AYALA, RONALDO M. V. CALIFORNIA
00-7718 JONES, NICHOLAS W. V. CONROY, PATRICK, ET AL.
00-7729 BEAUBRUM, JUNIOR V. MOORE, SEC., FL DOC
00-7733 JACKSON, FERNANDO V. MOORE, SEC., FL DOC
00-7734 JOHNSON, STEVEN V. LARKINS, DAVID, ET AL.
00-7739 LEWIS, IDA M. WILLIAMS V. ENTERGY ELECTRIC CO.
00-7743 NEWGENT, MICHAEL A. V. FLORIDA
00-7745 ARBOLEDA, OSCAR T. V. NEWLAND, WARDEN, ET AL.
00-7752 WESLEY, TERRY C. V. MOORE, SEC., FL DOC, ET AL.
00-7753 WICKS, IVORY L. V. JOHNSON, DIR., TX DCJ
00-7759 McCLURE, BARRY R. V. HARGETT, WARDEN
00-7761 ROBERTS, ROB W. V. SABINE STATE BANK & TRUST
00-7763 FRANK, CURTIS V. LOUISIANA
00-7768 HANSEN, JENS P. V. CROSBY, JAMES V., ET AL.
00-7769 HIGH, JOSE M. V. HEAD, WARDEN
00-7777 GREEN, TOMMY V. CAIN, WARDEN
00-7779 SWENDRA, ALAN D. V. SOARES, WARDEN, ET AL.
00-7782 RAIOLO, TERRANCE J. V. CALIFORNIA
00-7783 REYNOLDS, RONALD V. CAIN, WARDEN
00-7785 SANABRIA, ENRIQUE V. VARNER, SUPT., ET AL.
00-7787 WILLIAMS, KERRY V. WILLIAMS, WARDEN, ET AL.

00-7789 SHOUGH, LYNDA V. COLORADO
00-7794 TOM, LINDA C. V. NORTHWEST AIRLINES, INC.
00-7801 ORTIZ, JORGIE L. V. RODRIGUEZ, BENJAMIN, ET AL.
00-7802 MORGAN, JONATHAN V. MURO, ROBERT, ET AL.
00-7820 COOPER, AARON L. V. CALIFORNIA
00-7826 UTLEY, DEXTER D. V. JOHNSON, DIR., TX DCJ
00-7844 REESE, JOHN L. V. FLORIDA
00-7850 COLEMAN, HENRY E. V. CHILDS, SUPT., CENTRAL MS
00-7852 DORSEY, PAUL E. V. JOHNSON, DIR., TX DCJ
00-7901 BUTLER, TONY P. V. DAHLBERG, SEC. OF THE ARMY
00-7956 ALLISON, JAMES R. V. CORDOVA, IRS DISTRICT DIR.
00-7958 BROWN, KENNETH R. V. JOHNSON, DIR., TX DOC
00-8002 STANGEL, FRANK J. V. UNITED STATES, ET AL.
00-8009 JACKSON, FRANK S. V. UNITED STATES
00-8014 BAILEY, DAVID V. CARTER, WARDEN
00-8070 DRAIN, JAMEEL V. SNYDER, DIR., IL DOC
00-8087 THOMPSON, ABRAHAM V. USPS, ET AL.
00-8209 DUNMON, LARRY N. V. JOHNSON, DIR., TX DCJ
00-8226 GASTON, JOHN F. V. ANGELONE, DIR., VA DOC
00-8227 HUNNELL, HARRY D. V. LEE, WARDEN
00-8233 GRAY, CHARLES W. V. NEBRASKA
00-8235 GLASS, JAMES P. V. BATTLES, WARDEN
00-8236 FORD, JOHN W. V. JOHNSON, DIR., TX DCJ
00-8249 ASHWAY, PATRICK J. V. HATCHER, WARDEN, ET AL.
00-8258 GREENE, TRAVERS A. V. NEVADA
00-8262 MELENDEZ, MICHAEL V. GREINER, SUPT., SING SING
00-8266 FAIN, MORRIS V. MOORE, SEC., FL DOC

00-8275 PINNAVAIA, MATTHEW D. V. UNITED STATES
00-8284 HOLLINGSWORTH, DANNY R. V. FREEH, DIR., FBI, ET AL.
00-8304 HANNAFORD, SCOTT M. V. UNITED STATES
00-8333 CERVANTES, HECTOR M. V. UNITED STATES
00-8343 DAVIS, TERRY V. UNITED STATES
00-8352 GARRETT, RANDALL L. V. UNITED STATES
00-8355 RINALDI, MICHAEL V. UNITED STATES
00-8356 SALCEDO-VILLANUEVA, JOSE V. UNITED STATES
00-8362 ROJAS-MENDOZA, VICTOR V. UNITED STATES
00-8364 BROWN, JEROME P. V. UNITED STATES
00-8365 THOMPSON, JERRY W. V. UNITED STATES
00-8366 WILSON, JAMES W. V. UNITED STATES
00-8370 FULTON, DARRELL V. UNITED STATES
00-8372 HALL, DAVID T. V. UNITED STATES
00-8376 NICHOLSON, DEBRA V. UNITED STATES
00-8380 ARECHIGA-GIL, JOSE M. V. UNITED STATES
00-8384 MILLER, MICHAEL A. V. UNITED STATES
00-8386 WILLIAMS, RAYMOND V. UNITED STATES
00-8387 ANDREWS, LARRY D. V. UNITED STATES
00-8394 CARD, DANIEL L. V. UNITED STATES
00-8395 QUINN, COLEY V. UNITED STATES
00-8403 RICHARDSON, PHYLLIS V. UNITED STATES
00-8405 BOGGS, ROGER V. COLLINS, WARDEN
00-8406 BROWN, GEORGE V. UNITED STATES
00-8433 NARVAEZ, PEDRO V. UNITED STATES
00-8437 MENDOZA-DE LA PARRA, ARTURO V. UNITED STATES
00-8438 JOSEPH, RICHARD V. UNITED STATES

00-8441 DUNBAR, DARRYL V. UNITED STATES
00-8445 RICKS, WENDELL T. V. UNITED STATES
00-8453 DICKS, ERIC V. UNITED STATES
00-8458 TAYLOR, JOHN A. V. UNITED STATES
00-8467 SIMMONS, BRUCE V. UNITED STATES
00-8478 FERNANDEZ, RAFAEL V. CONNECTICUT

The petitions for writs of certiorari are denied.

00-906 ERIE COUNTY, PA V. ERIE CO. RETIREES ASSOC.

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 American Association of Health Plans, Inc., et al., for leave to file a brief as *amici curiae* is granted. The motion of ERISA Industry Committee for leave to file a brief as *amicus curiae* is granted. The petition for a writ of certiorari is denied.

00-948 UNITED AIRLINES, INC. V. FRANK, LESLIE, ET AL.

The motion of Council for Employment Law Equity for leave to file a brief as *amicus curiae* is granted. The motion of Equal Employment Advisory Council for leave to file a brief as *amicus curiae* is granted. The petition for a writ of certiorari is denied.

00-1102 BAWAZIR, TAHIR M. V. MAHFOUZ, SHEIKH K.

The motion of petitioner for leave to lodge documents under seal is granted. The petition for a writ of certiorari is denied.

00-7796 ATRAQCHI, MICHAEL R., ET UX. V. DARUI, FAZIL

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.

00-7963 STONE, ALFRED L. V. TEXAS

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

00-7728 IN RE THOMAS NEVIUS

00-8475 IN RE GARRISON JOHNSON

The petitions for writs of habeas corpus is denied.

REHEARINGS DENIED

00-900 FULTZ, JOHN F. vs. ABB POWER T & D INC., ET AL.

00-913 KERSEY, GEORGE E. V. CRANE, DANIEL C., ET AL.

00-6411 DAWLEY, JACQUELINE V. MANGEL, WARREN

00-6716 MILLER, WINFRED V. GOBER, ACTING SEC. OF VA

00-6754 IN RE NORMAN GREGORY
00-6809 TRAINER, STEVEN B. V. STILLS, TERRY K.
00-6810 VAUGHN, MICHAEL E. V. JACKSON, WARDEN
00-6881 JONES, RONALD B. V. POWELL, ANTHONY J., ET AL.
00-6942 SHIVAEE, CHEVY R. V. CUBE, E. M.
00-6984 IN RE RICHARD LEE COTHRUM
00-7118 WATLEY, DONALD R. V. JOHNSON, DIR., TX DCJ
00-7361 PURDLE, DAVID R. V. GROESCH, WARDEN

The petitions for rehearing are denied.

99-2041 VALLONE, ANTHONY V. UNITED STATES

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