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**Baker v. Carr, 369 U.S. 186, 82 S. Ct. 691, 7 L. Ed. 2d 663, 1962 U.S. LEXIS 1567 (1962)**

**SHEPARD'S Signal: Questioned: Validity questioned by citing refs.**

Restrictions: *Unrestricted*

FOCUS(TM) Terms: *No FOCUS terms*

Print Format: *FULL*

Citing Ref. Signal: *Hidden*

## **SHEPARD'S SUMMARY**

### **Unrestricted Shepard's Summary**

Subsequent appellate history contains possible negative analysis.

#### **Citing References:**

Questioned Analyses: **Questioned (1)**  
 Cautionary Analyses: Distinguished (56)  
 Positive Analyses: Followed (277), Concurring Opinion (62)  
 Neutral Analyses: Dissenting Op. (247), Explained (54), Harmonized (1), Quest. Precedent (4)  
 Other Sources: Law Reviews (2737), Restatements (3), Secondary Sources (31), Statutes (23), Treatises (79), American Law Rpts/Lawyers' Edition Annos (15)

**LexisNexis Headnotes:** HN1 (6), HN2 (9), HN3 (8), HN4 (3), HN5 (28), HN6 (88), HN7 (64), HN8 (264), HN9 (18), HN10 (77), HN11 (43), HN12 (38), HN13 (1417), HN14 (70), HN15 (61), HN16 (3), HN17 (18), HN18 (331), HN19 (47), HN20 (53), HN21 (570), HN22 (146), HN23 (43), HN24 (5), HN25 (93), HN26 (64)

#### **PRIOR HISTORY ( 1 citing reference )**

1. *Baker v. Carr*, 179 F. Supp. 824, 1959 U.S. Dist. LEXIS 2450 (D. Tenn. 1959)

**Reversed by (CITATION YOU ENTERED):**

*Baker v. Carr*, 369 U.S. 186, 82 S. Ct. 691, 7 L. Ed. 2d 663, 1962 U.S. LEXIS 1567 (1962)

#### **SUBSEQUENT APPELLATE HISTORY ( 1 citing reference )**

2. **On remand at:**  
*Baker v. Carr*, 206 F. Supp. 341, 1962 U.S. Dist. LEXIS 3751 (M.D. Tenn. 1962)

#### **CITING DECISIONS ( 3517 citing decisions )**

#### **U.S. SUPREME COURT**

3. **Distinguished by, Followed in Concurring Opinion at, Cited in Concurring Opinion at, Cited in Dissenting Opinion at, Distinguished by, Cited in Concurring Opinion at, Cited in Dissenting Opinion at, Cited by:**

*Vieth v. Jubelirer*, 541 U.S. 267, 124 S. Ct. 1769, 158 L. Ed. 2d 546, 2004 U.S. LEXIS 3233, 72 U.S.L.W. 4301, 17 Fla. L. Weekly Fed. S 237 (2004) **LexisNexis Headnotes HN11 , HN15, HN17, HN21, HN25, HN26**

**Distinguished by:**

541 U.S. 267 p.303

158 L. Ed. 2d 546 p.574

**Followed in Concurring Opinion at:**

541 U.S. 267 p.327

124 S. Ct. 1769 p.1795

158 L. Ed. 2d 546 p.578

**Cited in Concurring Opinion at:**

541 U.S. 267 p.327

158 L. Ed. 2d 546 p.578

**Cited in Dissenting Opinion at:**

541 U.S. 267 p.327

158 L. Ed. 2d 546 p.584

**Distinguished by:**

124 S. Ct. 1769 p.1791

**Cited in Concurring Opinion at:**

124 S. Ct. 1769 p.1795

**Cited in Dissenting Opinion at:**

124 S. Ct. 1769 p.1800

**Cited by:**

124 S. Ct. 1769 p.1776

158 L. Ed. 2d 546 p.557

541 U.S. 267 p.277

4. **Followed by, Cited in Dissenting Opinion at, Cited by:**

*Branch v. Smith*, 538 U.S. 254, 123 S. Ct. 1429, 155 L. Ed. 2d 407, 2003 U.S. LEXIS 2709, 71 U.S.L.W. 4232, 16 Fla. L. Weekly Fed. S 183, 2003 Cal. Daily Op. Service 2757 (2003) **LexisNexis Headnotes HN10, HN13**

**Followed by:**

538 U.S. 254 p.281

123 S. Ct. 1429 p.1445

155 L. Ed. 2d 407 p.433

**Cited in Dissenting Opinion at:**

538 U.S. 254 p.307

123 S. Ct. 1429 p.1459

155 L. Ed. 2d 407 p.449

**Cited by:**

538 U.S. 254 p.268

123 S. Ct. 1429 p.1439

155 L. Ed. 2d 407 p.424

5. **Cited by:**

*DOC v. United States House of Representatives*, 525 U.S. 316, 119 S. Ct. 765, 142 L. Ed. 2d 797, 1999 U.S. LEXIS 902, 67 U.S.L.W. 4090, 12 Fla. L. Weekly Fed. S 71, 99 Cal. Daily Op. Service 647, 1999 Colo. J. C.A.R. 511, 99 D.A.R. 799 (1999) **LexisNexis Headnotes HN5**

525 U.S. 316 p.332

119 S. Ct. 765 p.774  
142 L. Ed. 2d 797 p.813

6. **Cited in Dissenting Opinion at:**

*Clinton v. City of New York*, 524 U.S. 417, 118 S. Ct. 2091, 141 L. Ed. 2d 393, 1998 U.S. LEXIS 4215, 66 U.S.L.W. 4543, 11 Fla. L. Weekly Fed. S 735, 98 Cal. Daily Op. Service 4905, 1998 Colo. J. C.A.R. 3191, 98 D.A.R. 6893, 81 A.F.T.R.2d (RIA) 2416, 98-2 U.S. Tax Cas. (CCH) P50504 (1998) **LexisNexis Headnotes HN13**

524 U.S. 417 p.462  
118 S. Ct. 2091 p.2114  
141 L. Ed. 2d 393 p.429

7. **Cited by:**

*Steel Co. v. Citizens for a Better Env't*, 523 U.S. 83, 118 S. Ct. 1003, 140 L. Ed. 2d 210, 1998 U.S. LEXIS 1601, 66 U.S.L.W. 4174, 11 Fla. L. Weekly Fed. S 369, 98 Cal. Daily Op. Service 1512, 1998 Colo. J. C.A.R. 1025, 98 D.A.R. 2102, 46 Env't Rep. Cas. (BNA) 1097, 28 Env'tl. L. Rep. 20434 (1998) **LexisNexis Headnotes HN11 , HN13**

523 U.S. 83 p.119  
118 S. Ct. 1003 p.1026  
140 L. Ed. 2d 210 p.244

8. **Cited in Dissenting Opinion at, Cited by:**

*Spencer v. Kemna*, 523 U.S. 1, 118 S. Ct. 978, 140 L. Ed. 2d 43, 1998 U.S. LEXIS 1597, 66 U.S.L.W. 4152, 11 Fla. L. Weekly Fed. S 351, 98 Cal. Daily Op. Service 1477, 1998 Colo. J. C.A.R. 1001, 98 D.A.R. 2047 (1998) **LexisNexis Headnotes HN13**

**Cited in Dissenting Opinion at:**

523 U.S. 1 p.23  
118 S. Ct. 978 p.991  
140 L. Ed. 2d 43 p.60

**Cited by:**

523 U.S. 1 p.11  
118 S. Ct. 978 p.985  
140 L. Ed. 2d 43 p.52

9. **Cited in Dissenting Opinion at:**

*Raines v. Byrd*, 521 U.S. 811, 117 S. Ct. 2312, 138 L. Ed. 2d 849, 1997 U.S. LEXIS 4040, 65 U.S.L.W. 4705, 11 Fla. L. Weekly Fed. S 182, 97 Cal. Daily Op. Service 4991, 97 D.A.R. 8177, 97-2 U.S. Tax Cas. (CCH) P50500 (1997) **LexisNexis Headnotes HN14**

521 U.S. 811 p.837  
117 S. Ct. 2312 p.2326  
138 L. Ed. 2d 849 p.869

10. **Cited by:**

*Clinton v. Jones*, 520 U.S. 681, 117 S. Ct. 1636, 137 L. Ed. 2d 945, 1997 U.S. LEXIS 3254, 65 U.S.L.W. 4372, 10 Fla. L. Weekly Fed. S 499, 97 Cal. Daily Op. Service 3908, 97 D.A.R. 6493, 97 D.A.R. 6669, 70 Empl. Prac. Dec. (CCH) P44686, 73 Fair Empl. Prac. Cas. (BNA) 1548, 73 Fair Empl. Prac. Cas. (BNA) 1549 (1997) **LexisNexis Headnotes**

**HN21**

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 117 S. Ct. 1636 *p.1647*  
 137 L. Ed. 2d 945 *p.965*

11. **Cited in Dissenting Opinion at:**

*Bush v. Vera*, 517 U.S. 952, 116 S. Ct. 1941, 135 L. Ed. 2d 248, 1996 U.S. LEXIS 3882, 64 U.S.L.W. 4452, 9 Fla. L. Weekly Fed. S 707, 96 Cal. Daily Op. Service 4238, 96 D.A.R. 6810 (1996) **LexisNexis Headnotes HN25**

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 116 S. Ct. 1941 *p.1999*  
 135 L. Ed. 2d 248 *p.317*

12. **Cited in Dissenting Opinion at:**

*Shaw v. Hunt*, 517 U.S. 899, 116 S. Ct. 1894, 135 L. Ed. 2d 207, 1996 U.S. LEXIS 3880, 64 U.S.L.W. 4437, 9 Fla. L. Weekly Fed. S 686, 96 Cal. Daily Op. Service 4215, 96 D.A.R. 6793 (1996) **LexisNexis Headnotes HN13**

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 116 S. Ct. 1894 *p.1909*  
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13. **Cited by:**

*Miller v. Johnson*, 515 U.S. 900, 115 S. Ct. 2475, 132 L. Ed. 2d 762, 1995 U.S. LEXIS 4462, 63 U.S.L.W. 4726, 9 Fla. L. Weekly Fed. S 259, 95 Cal. Daily Op. Service 4979, 95 D.A.R. 8495 (1995) **LexisNexis Headnotes HN18**

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 115 S. Ct. 2475 *p.2491*  
 132 L. Ed. 2d 762 *p.784*

14. **Cited by:**

*Holder v. Hall*, 512 U.S. 874, 114 S. Ct. 2581, 129 L. Ed. 2d 687, 1994 U.S. LEXIS 5083, 62 U.S.L.W. 4728, 8 Fla. L. Weekly Fed. S 442, 94 Cal. Daily Op. Service 5008, 94 D.A.R. 9199 (1994)

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 114 S. Ct. 2581 *p.2593*  
 129 L. Ed. 2d 687 *p.705*

15. **Cited in Concurring Opinion at, Cited by:**

*Nixon v. United States*, 506 U.S. 224, 113 S. Ct. 732, 122 L. Ed. 2d 1, 1993 U.S. LEXIS 834, 61 U.S.L.W. 4069, 6 Fla. L. Weekly Fed. S 821, 93 Cal. Daily Op. Service 279, 93 D.A.R. 574 (1993) **LexisNexis Headnotes HN18, HN21, HN26**

**Cited in Concurring Opinion at:**

506 U.S. 224 p.240  
 506 U.S. 224 p.252  
 113 S. Ct. 732 p.741  
 122 L. Ed. 2d 1 p.16  
 122 L. Ed. 2d 1 p.23

**Cited by:**

506 U.S. 224 p.228  
 113 S. Ct. 732 p.735  
 113 S. Ct. 732 p.747  
 122 L. Ed. 2d 1 p.8

16. **Explained by:**

*New York v. United States*, 505 U.S. 144, 112 S. Ct. 2408, 120 L. Ed. 2d 120, 1992 U.S. LEXIS 3693, 60 U.S.L.W. 4603, 6 Fla. L. Weekly Fed. S 499, 92 Cal. Daily Op. Service 5168, 92 D.A.R. 8784, 34 Env't Rep. Cas. (BNA) 1817, 22 Envtl. L. Rep. 21082 (1992) **LexisNexis Headnotes HN22**

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 112 S. Ct. 2408 p.2432  
 120 L. Ed. 2d 120 p.155

17. **Cited in Concurring Opinion at:**

*Lujan v. Defenders of Wildlife*, 504 U.S. 555, 112 S. Ct. 2130, 119 L. Ed. 2d 351, 1992 U.S. LEXIS 3543, 15 Immigr. Cas. Rep. A1-147, 60 U.S.L.W. 4495, 6 Fla. L. Weekly Fed. S 374, 92 Cal. Daily Op. Service 4985, 92 D.A.R. 7876, 92 D.A.R. 8967, 34 Env't Rep. Cas. (BNA) 1785, 22 Envtl. L. Rep. 20913 (1992) **LexisNexis Headnotes HN13**

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 119 L. Ed. 2d 351 p.379

18. **Cited in Dissenting Opinion at:**

*Burson v. Freeman*, 504 U.S. 191, 112 S. Ct. 1846, 119 L. Ed. 2d 5, 1992 U.S. LEXIS 3125, 60 U.S.L.W. 4393, 6 Fla. L. Weekly Fed. S 279, 92 Cal. Daily Op. Service 4435, 92 D.A.R. 7153, 20 Media L. Rep. (BNA) 1137 (1992)

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19. **Followed by, Cited by:**

*Department of Commerce v. Montana*, 503 U.S. 442, 112 S. Ct. 1415, 118 L. Ed. 2d 87, 1992 U.S. LEXIS 2113, 60 U.S.L.W. 4279, 6 Fla. L. Weekly Fed. S 150, 92 Cal. Daily Op. Service 2692, 92 D.A.R. 4277 (1992) **LexisNexis Headnotes HN18 , HN22**

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20. **Cited in Dissenting Opinion at, Cited by:**

*Wyoming v. Oklahoma*, 502 U.S. 437, 112 S. Ct. 789, 117 L. Ed. 2d 1, 1992 U.S. LEXIS 551, 60 U.S.L.W. 4119, 92 Cal. Daily Op. Service 616, 92 D.A.R. 972, 129 Pub. Util. Rep. 4th (PUR) 446, Util. L. Rep. (CCH) P13815 (1992) **LexisNexis Headnotes HN13**

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117 L. Ed. 2d 1 p.34

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112 S. Ct. 789 p.798  
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21. **Cited by:**

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115 L. Ed. 2d 109 p.121

22. **Followed by:**

*United States v. Munoz-Flores*, 495 U.S. 385, 110 S. Ct. 1964, 109 L. Ed. 2d 384, 1990 U.S. LEXIS 2675, 58 U.S.L.W. 4563 (1990) **LexisNexis Headnotes HN18 , HN21, HN22**

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110 S. Ct. 1964 p.1968  
109 L. Ed. 2d 384 p.393

23. **Cited by:**

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110 S. Ct. 1249 p.1254  
108 L. Ed. 2d 400 p.411

24. **Cited by:**

*Franchise Tax Bd. v. Alcan Aluminium, Ltd.*, 493 U.S. 331, 110 S. Ct. 661, 107 L. Ed. 2d 696, 1990 U.S. LEXIS 337, 58 U.S.L.W. 4121 (1990) **LexisNexis Headnotes HN13**

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110 S. Ct. 661 p.664

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25. **Cited by:**  
*United States v. Sperry Corp.*, 493 U.S. 52, 110 S. Ct. 387, 107 L. Ed. 2d 290, 1989 U.S. LEXIS 5694, 58 U.S.L.W. 4018 (1989) **LexisNexis Headnotes HN13**
- 493 U.S. 52 p.66  
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26. **Cited by:**  
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- 491 U.S. 95 p.102  
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27. **Cited in Dissenting Opinion at:**  
*Morrison v. Olson*, 487 U.S. 654, 108 S. Ct. 2597, 101 L. Ed. 2d 569, 1988 U.S. LEXIS 3034, 56 U.S.L.W. 4835 (1988)
- 487 U.S. 654 p.711  
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- 486 U.S. 592 p.614  
108 S. Ct. 2047 p.2059  
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29. **Cited by:**  
*Gwaltney of Smithfield v. Chesapeake Bay Found.*, 484 U.S. 49, 108 S. Ct. 376, 98 L. Ed. 2d 306, 1987 U.S. LEXIS 5030, 56 U.S.L.W. 4017, 26 Env't Rep. Cas. (BNA) 1857, 18 Env'tl. L. Rep. 20142, 9 Fed. R. Serv. 3d (Callaghan) 1029 (1987) **LexisNexis Headnotes HN13**
- 484 U.S. 49 p.65  
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 92 L. Ed. 2d 85 p.113
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 92 L. Ed. 2d 85 p.96
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36. **Cited in Dissenting Opinion at:**  
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50. **Cited by:**

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63. **Followed by:**

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69. **Cited by:**

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71. **Cited by:**

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72. **Cited by:**

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73. **Cited in Dissenting Opinion at:**

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74. **Cited by:**

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75. **Cited by:**

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79. **Cited in Dissenting Opinion at:**

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89. **Cited by:**

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92 S. Ct. 2718 p.2723  
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258. **Cited by:**  
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264. **Cited by:**

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365. **Cited by:**  
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366. **Distinguished by:**  
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367. **Cited by:**  
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368. **Cited by:**  
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369. **Explained by, Cited by:**

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370. **Followed by:**

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372. **Cited by:**

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374. **Cited by:**

*Virgin Enters. v. American Longevity*, 2001 U.S. Dist. LEXIS 2046 (S.D.N.Y. Feb. 28, 2001) **LexisNexis Headnotes HN13**

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375. **Distinguished by:**

*Romeu v. Cohen*, 121 F. Supp. 2d 264, 2000 U.S. Dist. LEXIS 12842 (S.D.N.Y. 2000) **LexisNexis Headnotes HN21**

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376. **Cited by:**

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379. **Cited by:**

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380. **Cited by:**

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83 F. Supp. 2d 301 p.303

381. **Cited by:**

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382. **Distinguished by:**

*Warden v. Pataki*, 35 F. Supp. 2d 354, 1999 U.S. Dist. LEXIS 1531 (S.D.N.Y. 1999)

35 F. Supp. 2d 354 p.360

383. **Followed by:**

*Seneca Nation of Indians v. New York*, 26 F. Supp. 2d 555, 1998 U.S. Dist. LEXIS 17677 (W.D.N.Y. 1998) **LexisNexis Headnotes HN21**

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384. **Cited by:**

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385. **Cited by:**  
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386. **Cited by:**  
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387. **Cited by:**  
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388. **Cited by:**  
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393. **Cited by:**  
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394. **Cited by:**  
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395. **Cited by:**  
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- 973 F. Supp. 288 p.303
396. **Cited by:**  
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- 971 F. Supp. 789 p.799
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- 964 F. Supp. 817 p.823
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- 960 F. Supp. 568 p.575
399. **Cited by:**  
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- 958 F. Supp. 761 p.778
400. **Cited by:**  
*Miller v. Silbermann*, 951 F. Supp. 485, 1997 U.S. Dist. LEXIS 500 (S.D.N.Y. 1997) **LexisNexis Headnotes HN13**
- 951 F. Supp. 485 p.489
401. **Cited by:**  
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402. **Cited by:**  
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403. **Cited by:**  
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405. **Cited by:**  
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406. **Cited by:**  
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407. **Cited by:**  
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408. **Cited by:**  
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409. **Cited by:**  
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410. **Cited by:**  
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- 834 F. Supp. 93 p.97
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- 839 F. Supp. 130 p.133
414. **Cited by:**  
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- 826 F. Supp. 664 p.669
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418. **Cited by:**  
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419. **Cited by:**  
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434. **Cited by:**  
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436. **Cited by:**  
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446. **Cited by:**  
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448. **Cited by:**  
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453. **Cited by:**  
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455. **Cited by:**  
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456. **Cited by:**  
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457. **Cited by:**  
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459. **Cited by:**  
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464. **Explained by:**

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465. **Cited by:**

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466. **Followed by:**

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467. **Cited by:**

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468. **Cited by:**

*RETAILERS ALLIANCE v. NEW YORK STATE LIQUOR AUTH.*, 1984 U.S. Dist. LEXIS 24430 (S.D.N.Y. Aug. 10, 1984) **LexisNexis Headnotes HN13**

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- Followed by:**  
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470. **Cited by:**  
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- 591 F. Supp. 403 *p.408*
471. **Cited by:**  
*Hudson River Sloop Clearwater v. Conrail*, 591 F. Supp. 345, 1984 U.S. Dist. LEXIS 15301, 21 Env't Rep. Cas. (BNA) 1316, 14 Env'tl. L. Rep. 20627 (N.D.N.Y. 1984) **LexisNexis Headnotes HN13**
- 591 F. Supp. 345 *p.348*
472. **Cited by:**  
*MUNGIN v. COUGHLIN*, 1984 U.S. Dist. LEXIS 18163 (S.D.N.Y. Mar. 28, 1984) **LexisNexis Headnotes HN13**
473. **Followed by:**  
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- 582 F. Supp. 1155 *p.1161*
474. **Cited by:**  
*Katcoff v. Marsh*, 582 F. Supp. 463, 1984 U.S. Dist. LEXIS 19888 (E.D.N.Y. 1984) **LexisNexis Headnotes HN13, HN18**
- 582 F. Supp. 463 *p.468*  
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475. **Cited by:**  
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476. **Cited by:**  
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477. **Cited by:**  
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478. **Cited by:**  
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479. **Cited by:**  
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480. **Cited by:**  
*Libra Bank, Ltd. v. Banco Nacional de Costa Rica, S.A.*, 570 F. Supp. 870, 1983 U.S. Dist. LEXIS 15663 (S.D.N.Y. 1983) **LexisNexis Headnotes HN8**  
  
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481. **Cited by:**  
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482. **Cited by:**  
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483. **Cited by:**  
*Cayuga Indian Nation v. Cuomo*, 565 F. Supp. 1297, 1983 U.S. Dist. LEXIS 16678 (N.D.N.Y. 1983) **LexisNexis Headnotes HN18, HN21**  
  
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484. **Cited by:**  
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485. **Cited by:**  
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486. **Followed by, Cited by:**  
*United States v. Megahey*, 553 F. Supp. 1180, 1982 U.S. Dist. LEXIS 16490 (E.D.N.Y. 1982) **LexisNexis Headnotes HN21**  
  
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487. **Cited by:**  
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488. **Explained by:**  
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489. **Cited by:**  
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490. **Cited by:**  
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491. **Cited by:**  
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492. **Cited by:**  
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493. **Cited by:**



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494. **Cited by:**  
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495. **Cited by:**  
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496. **Followed by, Cited by:**  
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497. **Cited by:**  
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498. **Cited by:**  
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499. **Cited by:**  
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500. **Cited by:**  
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501. **Cited by:**  
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502. **Cited by:**

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503. **Cited by:**

*Katcoff v. Alexander*, 599 F. Supp. 987, 1980 U.S. Dist. LEXIS 9666 (E.D.N.Y. 1980) **LexisNexis Headnotes HN13**

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505. **Cited by:**

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506. **Cited by:**

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508. **Cited by:**

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509. **Cited by:**

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510. **Cited by:**

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511. **Followed by:**

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512. **Cited by:**

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513. **Cited by:**

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514. **Cited by:**

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515. **Cited by:**

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516. **Cited by:**

*NAACP v. CITY SCH. DIST. OF MT. VERNON*, 1979 U.S. Dist. LEXIS 14755 (S.D.N.Y. 1979) **LexisNexis Headnotes HN13**

517. **Cited by:**

*MONTANO v. LEFKOWITZ*, 1978 U.S. Dist. LEXIS 20201 (S.D.N.Y. Dec. 1, 1978) **LexisNexis Headnotes HN8**

518. **Cited by:**  
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519. **Cited by:**  
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520. **Followed by:**  
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521. **Cited by:**  
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522. **Cited by:**  
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523. **Cited by:**  
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524. **Cited by:**  
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525. **Cited by:**  
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526. **Cited by:**  
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527. **Cited by:**  
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528. **Cited by:**  
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529. **Cited by:**  
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530. **Cited by:**  
*Hoffman v. Di Falco*, 424 F. Supp. 902, 1976 U.S. Dist. LEXIS 11621 (S.D.N.Y. 1976) **LexisNexis Headnotes HN13**

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531. **Cited by:**  
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532. **Cited by:**  
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533. **Cited by:**  
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534. **Cited by:**  
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535. **Cited by:**

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536. **Cited by:**

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537. **Cited by:**

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72 F.R.D. 191 p.194

538. **Cited by:**

*Hunt v. Mobil Oil Corp.*, 410 F. Supp. 10, 1975 U.S. Dist. LEXIS 15444, 1976-1 Trade Cas. (CCH) P60793 (S.D.N.Y. 1975) **LexisNexis Headnotes HN11**

539. **Cited by:**

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540. **Cited by:**

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541. **Cited by:**

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542. **Cited by:**

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543. **Cited by:**

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544. **Cited by:**

*Percy v. Brennan*, 384 F. Supp. 800, 1974 U.S. Dist. LEXIS 5879, 8 Empl. Prac. Dec. (CCH) P9799, 8 Fair Empl. Prac. Cas. (BNA) 1213, 19 Fed. R. Serv. 2d (Callaghan) 659 (S.D.N.Y. 1974) **LexisNexis Headnotes HN13**

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545. **Cited by:**

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546. **Cited by:**

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548. **Cited by:**

*Lindsay v. Wyman*, 372 F. Supp. 1360, 1974 U.S. Dist. LEXIS 12060 (S.D.N.Y. 1974) **LexisNexis Headnotes HN8**

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549. **Cited by:**

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550. **Cited by:**

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551. **Cited by:**

*Harlem Valley Transp. Ass'n v. Stafford*, 360 F. Supp. 1057, 1973 U.S. Dist. LEXIS 13073, 5 Env't Rep. Cas. (BNA) 1503, 3 Env'tl. L. Rep. 20639 (S.D.N.Y. 1973) **LexisNexis Headnotes HN13**

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552. **Cited by:**  
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553. **Cited by:**  
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554. **Cited by:**  
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555. **Distinguished by:**  
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556. **Cited by:**  
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557. **Cited by:**  
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630. **Followed by:**

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634. **Cited by:**

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644. **Cited by:**

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804. **Cited by:**  
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817. **Cited by:**  
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### 3RD CIRCUIT - U.S. BANKRUPTCY COURTS

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### 4TH CIRCUIT - COURT OF APPEALS

832. **Cited in Dissenting Opinion at:**  
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835. **Cited by:**  
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836. **Followed by:**  
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838. **Cited by:**  
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842. **Followed by:**  
*Republican Party v. Martin*, 980 F.2d 943, 1992 U.S. App. LEXIS 30968 (4th Cir. N.C. 1992)  
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843. **Cited by:**  
*Smith v. United States*, 1991 U.S. App. LEXIS 15306 (4th Cir. July 17, 1991) **LexisNexis Headnotes HN13**
844. **Followed by:**  
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846. **Cited by:**  
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850. **Cited by:**

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852. **Cited by:**

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963. **Explained by:**  
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965. **Explained by, Cited in Dissenting Opinion at:**  
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967. **Cited by:**

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969. **Followed by:**

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971. **Cited by:**

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18 B.R. 922 p.924

#### 5TH CIRCUIT - COURT OF APPEALS

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973. **Cited by:**

*Bauer v. Texas*, 341 F.3d 352, 2003 U.S. App. LEXIS 15202 (5th Cir. Tex. 2003) **LexisNexis Headnotes HN13**

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*Saldano v. O'Connell*, 322 F.3d 365, 2003 U.S. App. LEXIS 2873 (5th Cir. Tex. 2003) **LexisNexis Headnotes HN18**

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975. **Cited by:**  
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976. **Cited in Dissenting Opinion at:**  
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980. **Followed by, Cited by:**  
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982. **Cited by:**  
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983. **Cited by:**  
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984. **Cited by:**  
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990. **Followed by:**  
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991. **Cited by:**  
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992. **Cited by:**  
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996. **Explained by:**  
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1001 **Cited by:**

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1003 **Cited by:**

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1004 **Followed by, Cited in Dissenting Opinion at, Cited by:**

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1005 **Cited by:**

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- 1008 **Cited by:**  
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1024 **Cited by:**

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1034 **Cited by:**

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- 1166 **Explained by:**  
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- 1183 **Cited by:**  
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- 1184 **Cited by:**  
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- 1207 **Cited by:**  
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- 1208 **Cited by:**  
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1222 **Cited by:**

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- 1229 **Cited by:**  
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- 1237 **Followed by:**  
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- 1293 **Distinguished by, Cited by:**  
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**7TH CIRCUIT - COURT OF APPEALS**

1337 **Cited by:**

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1341 **Cited by:**

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1346 **Cited by:**

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1347 **Cited by:**

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1348 **Cited by:**

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1350 **Cited by:**

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#### 7TH CIRCUIT - U.S. DISTRICT COURTS

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- 1434 **Cited by:**  
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1438 **Cited by:**

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1537 **Cited by:**

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#### 7TH CIRCUIT - U.S. BANKRUPTCY COURTS

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1550 **Cited by:**

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1651 **Cited by:**

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1652 **Cited by:**

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1653 **Cited by:**

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1654 **Cited by:**



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1655 **Cited by:**

*Chapman v. Meier*, 372 F. Supp. 363, 1972 U.S. Dist. LEXIS 12945 (D.N.D. 1972) **LexisNexis Headnotes HN6**

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1656 **Cited by:**

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1657 **Explained by:**

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1658 **Cited by:**

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1659 **Cited by:**

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1660 **Cited by:**

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1661 **Cited by:**

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1662 **Followed by:**

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1663 **Cited by:**

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1664 **Cited by:**

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1665 **Cited by:**

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1666 **Cited by:**

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1667 **Cited by:**

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1669 **Cited in Dissenting Opinion at, Cited by:**

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1670 **Cited by:**

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1672 **Cited by:**

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1674 **Cited by:**

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1675 **Cited by:**

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1677 **Cited by:**

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1678 **Followed by:**

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1680 **Cited by:**

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1682 **Cited in Dissenting Opinion at, Cited by:**

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1684 **Followed by:**

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**9TH CIRCUIT - COURT OF APPEALS**1685 **Cited in Concurring Opinion at:**

*DHX, Inc. v. Allianz AGF MAT, Ltd.*, 425 F.3d 1169, 2005 U.S. App. LEXIS 20061 (9th Cir. Cal. 2005) **LexisNexis Headnotes HN13**

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1686 **Cited by:**

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1687 **Followed by, Cited in Dissenting Opinion at, Cited by:**

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1688 **Followed by, Cited in Dissenting Opinion at, Cited by:**

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1689 **Cited by:***Arviso v. Norton*, 129 Fed. Appx. 391, 2005 U.S. App. LEXIS 7411 (2005)

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1690 **Followed by, Cited in Dissenting Opinion at, Cited by:***Alperin v. Vatican Bank*, 405 F.3d 727, 2005 U.S. App. LEXIS 6522 (9th Cir. Cal. 2005)**Followed by:**

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1691 **Followed by:***EEOC v. Peabody W. Coal Co.*, 400 F.3d 774, 2005 U.S. App. LEXIS 19742, 86 Empl. Prac. Dec. (CCH) P41879, 95 Fair Empl. Prac. Cas. (BNA) 588, 60 Fed. R. Serv. 3d (Callaghan) 1246 (9th Cir. Ariz. 2005) **LexisNexis Headnotes HN21**

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1692 **Cited by:***United States v. Washington*, 394 F.3d 1152, 2005 U.S. App. LEXIS 192, 35 Envtl. L. Rep. 20009, 60 Fed. R. Serv. 3d (Callaghan) 689 (9th Cir. Wash. 2005) **LexisNexis Headnotes HN26**

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1693 **Cited by:***Kahawaiolaa v. Norton*, 386 F.3d 1271, 2004 U.S. App. LEXIS 22329 (9th Cir. Haw. 2004) **LexisNexis Headnotes HN21**

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1694 **Cited by:***Thinket Ink Info. Res., Inc. v. Sun Microsystems, Inc.*, 368 F.3d 1053, 2004 U.S. App. LEXIS 9547 (9th Cir. Cal. 2004) **LexisNexis Headnotes HN13**

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1695 **Cited by:**

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1696 **Cited by:**

*Kyocera Corp. v. Prudential-Bache T Servs.*, 341 F.3d 987, 2003 U.S. App. LEXIS 18024, 2003 Cal. Daily Op. Service 7934, 2003 D.A.R. 10077 (9th Cir. Cal. 2003)

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1697 **Cited in Dissenting Opinion at, Cited by:**

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1698 **Cited by:**

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1699 **Cited by:**

*Deutsch v. Turner Corp.*, 324 F.3d 692, 2003 U.S. App. LEXIS 3937, 192 A.L.R. Fed. 657 (9th Cir. Cal. 2003) **LexisNexis Headnotes HN18**

324 F.3d 692 p.713

1700 **Cited by:**

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1701 **Cited by:**

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1702 **Cited by:**

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1703 **Cited by:**

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1704 **Cited by:**

*Marik v. Powell*, 15 Fed. Appx. 517, 2001 U.S. App. LEXIS 17153 (2001) **LexisNexis Headnotes HN18**

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1705 **Cited by:**

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1706 **Cited by:**

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1707 **Cited by:**

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- 1709     **Cited by:**  
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1715 **Cited by:**

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1716 **Cited by:**

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1717 **Cited by:**

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1718 **Cited by:**

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1719 **Cited by:**

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1720 **Followed by, Cited in Concurring Opinion at, Cited by:**

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1721 **Explained in Concurring Opinion at, Cited by:**

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1722 **Cited by:**

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1724 **Cited by:**

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1725 **Distinguished by:**

*Republican Party of Oregon v. Keisling*, 959 F.2d 144, 1992 U.S. App. LEXIS 4479, 92 Cal. Daily Op. Service 2315, 92 D.A.R. 3641 (9th Cir. Or. 1992) **LexisNexis Headnotes HN15**

959 F.2d 144 p.145

1726 **Cited by:**

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955 F.2d 1296 p.1299

1727 **Distinguished by:**

*United States v. Verdugo-Urquidez*, 939 F.2d 1341, 1991 U.S. App. LEXIS 15568, 91 Cal. Daily Op. Service 5841, 91 D.A.R. 8802 (9th Cir. Cal. 1991) **LexisNexis Headnotes**

**HN21**

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1728 **Cited by:**

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**HN26**

1729 **Cited by:**

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1730 **Cited in Dissenting Opinion at:**

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1731 **Cited by:**

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1732 **Cited by:**

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1733 **Cited by:**

*Nevada v. Watkins*, 914 F.2d 1545, 1990 U.S. App. LEXIS 16425, 31 Env't Rep. Cas. (BNA) 2097, 20 Env'tl. L. Rep. 21360 (9th Cir. 1990) **LexisNexis Headnotes** **HN24**

914 F.2d 1545 p.1559

1734 **Cited by:**

*United States v. Mandel*, 914 F.2d 1215, 1990 U.S. App. LEXIS 16086 (9th Cir. Cal. 1990) **LexisNexis Headnotes** **HN21**

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1735 **Cited by:**

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1736 **Cited by:**

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1737 **Cited by:**

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1738 **Cited by:**

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1739 **Followed by:**

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1740 **Cited by:**

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- 1820 **Followed by:**  
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1825 **Followed by:**

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1828 **Followed by:**

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1830 **Followed by, Cited by:**

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221 F. Supp. 2d 1116 p.1193

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1831 **Cited by:**

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1832 **Cited by:**

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1833 **Cited by:**

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1834 **Followed by:**

*Old Person v. Brown*, 182 F. Supp. 2d 1002, 2002 U.S. Dist. LEXIS 2485 (D. Mont. 2002) **LexisNexis Headnotes HN26**

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1835 **Cited by:**

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1836 **Cited by:**

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1837 **Cited by:**

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1838 **Distinguished by:**

*Arakaki v. Hawaii*, 2000 U.S. Dist. LEXIS 22394 (D. Haw. Sept. 19, 2000) **LexisNexis Headnotes HN21**

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1839 **Followed by:**

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100 F. Supp. 2d 1241 *p.1247*

1840 **Cited by:**

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*Parr v. L & L Drive-Inn Restaurant*, 96 F. Supp. 2d 1065, 2000 U.S. Dist. LEXIS 7370 (D. Haw. 2000) **LexisNexis Headnotes HN13**

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1841 **Cited by:**

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*Emerick v. Kahala L & L, Inc.*, 2000 U.S. Dist. LEXIS 7374 (D. Haw. May 16, 2000) **LexisNexis Headnotes HN13**

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1842 **Cited by:**

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*Parr v. Waianae L & L, Inc.*, 2000 U.S. Dist. LEXIS 7373 (D. Haw. May 16, 2000) **LexisNexis Headnotes HN13**

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1843 **Cited by:**

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1844 **Followed by:**

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*United States ex rel. Trice v. Westinghouse Hanford Co.*, 2000 U.S. Dist. LEXIS 8838 (E.D. Wash. Mar. 1, 2000) **LexisNexis Headnotes HN21**

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1845 **Cited by:**

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1846 **Cited by:**

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82 A.F.T.R.2d (RIA) 6465 p.6468

1847 **Cited by:**

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1848 **Cited by:**

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1849 **Cited by:**

*Dornan v. Sanchez*, 978 F. Supp. 1315, 1997 U.S. Dist. LEXIS 14607, 97 D.A.R. 12868 (C.D. Cal. 1997) **LexisNexis Headnotes HN21**

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1850 **Cited by:**

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1851 **Cited by:**

*Keeter v. United States, IRS*, 957 F. Supp. 1160, 1997 U.S. Dist. LEXIS 3366, 97 D.A.R. 10659, 79 A.F.T.R.2d (RIA) 1740, 97-1 U.S. Tax Cas. (CCH) P50328 (E.D. Cal. 1997) **LexisNexis Headnotes HN8**

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79 A.F.T.R.2d (RIA) 1740 p.1741  
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1852 **Followed by:**

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1853 **Cited by:**

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1854 **Cited by:**

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1855 **Cited by:**

*Craig v. Lowe*, 1996 U.S. Dist. LEXIS 3156, 78 A.F.T.R.2d (RIA) 5488, 96-2 U.S. Tax Cas. (CCH) P50416 (N.D. Cal. 1996) **LexisNexis Headnotes HN8**

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1856 **Cited by:**

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1857 **Cited by:**

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1858 **Cited by:**

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76 A.F.T.R.2d (RIA) 5535 *p.5536*

1859 **Cited by:**

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858 F. Supp. 1007 *p.1014*

1860 **Cited by:**

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*Printz v. United States*, 854 F. Supp. 1503, 1994 U.S. Dist. LEXIS 6671 (D. Mont. 1994) **LexisNexis Headnotes HN6, HN13**

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1861 **Cited by:**

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*Baker v. United States*, 1994 U.S. Dist. LEXIS 2749, 73 A.F.T.R.2d (RIA) 1425, 94 TNT 51-38 (E.D. Cal. 1994) **LexisNexis Headnotes HN8**

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1862 **Cited by:**

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1863 **Cited by:**

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842 F. Supp. 433 *p.439*

1864 **Cited by:**

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*Pinnock v. International House of Pancakes Franchisee*, 844 F. Supp. 574, 1993 U.S. Dist. LEXIS 16399, 94 D.A.R. 1925, 2 Am. Disabilities Cas. (BNA) 1572, 3 Am. Disabilities Dec. 482 (S.D. Cal. 1993)

844 F. Supp. 574 *p.590*

1865 **Cited by:**

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1866 **Cited by:**

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1867 **Cited by:**

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*Wang Zong Xiao v. Reno*, 837 F. Supp. 1506, 1993 U.S. Dist. LEXIS 16165 (N.D. Cal. 1993) **LexisNexis Headnotes HN21**

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1868 **Followed by:**

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1869 **Cited by:**

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1870 **Followed by:**

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1871 **Cited by:**

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1872 **Cited by:**

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1873 **Cited by:**

*Nieves v. Community Housing Developers, Inc.*, 1992 U.S. Dist. LEXIS 11419 (N.D. Cal. May 15, 1992)

1874 **Explained by:**

*Masayesva v. Zah*, 792 F. Supp. 1178, 1992 U.S. Dist. LEXIS 7583 (D. Ariz. 1992) **LexisNexis Headnotes HN18**

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1875 **Followed by:**

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1876 **Cited by:**

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1877 **Cited by:**

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1878 **Cited by:**

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1879 **Cited by:**

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1880 **Cited by:**

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761 F. Supp. 97 p.99

1881 **Followed by:**

*Wauchope v. U.S. Dep't of State*, 756 F. Supp. 1277, 1991 U.S. Dist. LEXIS 1010 (N.D. Cal. 1991) **LexisNexis Headnotes HN13**

756 F. Supp. 1277 p.1280

1882 **Cited by:**

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1883 **Cited by:**

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1884 **Cited by:**

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1885 **Cited by:**

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1886 **Cited by:**

*Yniguez v. Mofford*, 130 F.R.D. 410, 1990 U.S. Dist. LEXIS 4194 (D. Ariz. 1990)

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1887 **Followed by:**

*Sullivan v. Vallejo City Unified School Dist.*, 731 F. Supp. 947, 1990 U.S. Dist. LEXIS 2339 (E.D. Cal. 1990) **LexisNexis Headnotes HN8**

731 F. Supp. 947 p.949

1888 **Cited by:**

*Hyatt v. Northrop Corp.*, 1989 U.S. Dist. LEXIS 18940 (C.D. Cal. Dec. 27, 1989) **LexisNexis Headnotes HN13**

1889 **Cited by:**

*Jones v. McGovern*, 1989 U.S. Dist. LEXIS 16998, 52 Fair Empl. Prac. Cas. (BNA) 1116 (E.D. Cal. Dec. 22, 1989) **LexisNexis Headnotes HN8**

1890 **Followed by:**

*Nejad v. United States*, 724 F. Supp. 753, 1989 U.S. Dist. LEXIS 13627 (C.D. Cal. 1989) **LexisNexis Headnotes HN21**

724 F. Supp. 753 p.755

1891 **Cited by:**

*United States ex rel. Truong v. Northrop Corp.*, 728 F. Supp. 615, 1989 U.S. Dist. LEXIS 18312, 35 Cont. Cas. Fed. (CCH) P75734 (C.D. Cal. 1989) **LexisNexis Headnotes HN13**

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1892 **Cited by:**

*Cervantez v. Sullivan*, 719 F. Supp. 899, 1989 U.S. Dist. LEXIS 9418 (E.D. Cal. 1989) **LexisNexis Headnotes HN8**

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1893 **Cited by:**

*United States ex rel. Newsham v. Lockheed Missiles & Space Co.*, 722 F. Supp. 607, 1989 U.S. Dist. LEXIS 7885, 36 Cont. Cas. Fed. (CCH) P75982 (N.D. Cal. 1989) **LexisNexis Headnotes HN13**

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1894 **Cited by:**

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714 F. Supp. 1084 p.1096

1895 **Followed by:**

*United States v. Helmy*, 712 F. Supp. 1423, 1989 U.S. Dist. LEXIS 6075 (E.D. Cal. 1989) **LexisNexis Headnotes HN21**

712 F. Supp. 1423 p.1428

1896 **Cited by:**

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714 F. Supp. 1060 p.1064

1897 **Followed by:**

*United States v. Mandel*, 696 F. Supp. 505, 1988 U.S. Dist. LEXIS 10781 (E.D. Cal. 1988) **LexisNexis Headnotes HN18, HN21**

696 F. Supp. 505 p.517

1898 **Cited by:**

*Orantes-Hernandez v. Meese*, 685 F. Supp. 1488, 1988 U.S. Dist. LEXIS 5809, 11 Immigr. Cas. Rep. A3-80.8 (C.D. Cal. 1988) **LexisNexis Headnotes HN22**

685 F. Supp. 1488 p.1503

1899 **Followed by, Cited by:**

*Badham v. March Fong Eu*, 694 F. Supp. 664, 1988 U.S. Dist. LEXIS 15604 (N.D. Cal. 1988) **LexisNexis Headnotes HN21, HN23**

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1900 **Cited by:**

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1901 **Cited by:**

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1902 **Cited by:**

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1903 **Explained by:**

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1904 **Cited by:**

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1905 **Cited by:**

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1906 **Cited by:**

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1907 **Cited by:**

*Keene v. Meese*, 619 F. Supp. 1111, 1985 U.S. Dist. LEXIS 14394, 1985 U.S. Dist. LEXIS 16035 (E.D. Cal. 1985)

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1908 **Cited by:**

*Keene v. Meese*, 619 F. Supp. 1111, 1985 U.S. Dist. LEXIS 16035 (E.D. Cal. 1985) **LexisNexis Headnotes HN21**

1909 **Cited by:**

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677 F. Supp. 1445 p.1454

1910 **Cited by:**

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1911 **Cited by:**

*Sierra Club v. Watt*, 608 F. Supp. 305, 1985 U.S. Dist. LEXIS 20590, 22 Env't Rep. Cas. (BNA) 1831, 15 Env'tl. L. Rep. 20716, 1 Fed. R. Serv. 3d (Callaghan) 1443 (E.D. Cal. 1985) **LexisNexis Headnotes HN13**

608 F. Supp. 305 p.314

1912 **Cited by:**

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1913 **Cited by:**

*PUZZ v. UNITED STATES DEPT. OF INTERIOR*, 1984 U.S. Dist. LEXIS 23096 (N.D. Cal. Oct. 2, 1984)

1914 **Cited by:**

*NUCLEAR PAC., INC. v. UNITED STATES DEPT. OF COMMER.*, 1984 U.S. Dist. LEXIS 16060 (W.D. Wash. June 8, 1984) **LexisNexis Headnotes HN21**

1915 **Explained by, Cited by:**

*Dellums v. Smith*, 573 F. Supp. 1489, 1983 U.S. Dist. LEXIS 11995 (N.D. Cal. 1983) **LexisNexis Headnotes HN10, HN18**

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1916 **Cited by:**

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1917 **Cited by:**

*Travis v. King*, 552 F. Supp. 554, 1982 U.S. Dist. LEXIS 15729 (D. Haw. 1982) **LexisNexis Headnotes HN13, HN18**

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1918 **Cited by:**

*Orantes-Hernandez v. Smith*, 541 F. Supp. 351, 1982 U.S. Dist. LEXIS 12976, 11 Fed. R. Evid. Serv. (CBC) 98 (C.D. Cal. 1982) **LexisNexis Headnotes HN18**

541 F. Supp. 351 p.365

1919 **Followed by, Cited by:**

*Idaho v. Freeman*, 529 F. Supp. 1107, 1981 U.S. Dist. LEXIS 16518, 27 Empl. Prac. Dec. (CCH) P32352 (D. Idaho 1981) **LexisNexis Headnotes HN13, HN18, HN19, HN21**

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1921 **Cited by:**

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519 F. Supp. 418 *p.422*

1922 **Cited by:**

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1923 **Followed by:**

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511 F. Supp. 630 *p.633*

1924 **Cited by:**

*Northrop Corp. v. McDonnell Douglas Corp.*, 498 F. Supp. 1112, 1980 U.S. Dist. LEXIS 9458, 28 Cont. Cas. Fed. (CCH) P80874, 31 Fed. R. Serv. 2d (Callaghan) 60 (C.D. Cal. 1980) **LexisNexis Headnotes HN10, HN22**

498 F. Supp. 1112 *p.1120*

1925 **Followed by:**

*Rappenecker v. United States*, 509 F. Supp. 1024, 1980 U.S. Dist. LEXIS 9651 (N.D. Cal. 1980) **LexisNexis Headnotes HN13, HN21, HN22**

509 F. Supp. 1024 p.1028

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1926 **Cited by:**

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2396 **Cited by:**

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2398 **Cited by:**

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2408 **Distinguished by, Cited by:**

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2409 **Cited by:**

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2412 **Cited by:**

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2413 **Cited by:**

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2417 **Cited by:**

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2418 **Cited by:**

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2419 **Cited by:**

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2422 **Followed by:**

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2441 **Cited by:**

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2465 **Cited by:**

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2466 **Followed by, Cited by:**

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2468 **Cited by:**

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2469 **Followed by:**

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2470 **Explained by:**

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2472 **Cited by:**

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2479 **Cited by:**

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2762 **Cited by:**

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2766 **Cited by:**

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2993 **Cited by:**

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3009 **Cited by:**

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3010 **Cited in Dissenting Opinion at:**

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3197 **Cited by:**

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3209 **Cited by:**

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