

44 S.Ct. 13

Supreme Court of the United States.

DAVIS, Director General of Railroads,

v.

WECHSLER.

No. 70.

Argued Oct. 12, 1923.

Decided Oct. 22, 1923.

Synopsis

On Writ of Certiorari to the Kansas City Court of Appeals, State of Missouri.

Action by George Wechsler against Walker D. Hines, Director General of Railroads, etc., in which defendant's successors in office were substituted as parties defendant. A judgment for plaintiff was affirmed by the Kansas City Court of Appeals (209 Mo. App. 570, 239 S. W. 554), and the substituted defendant, James C. Davis, brings certiorari. Reversed.

West Headnotes (6)

[1] Appearance

 [Venue or change of venue](#)

31 Appearance

31k21 Waiver of Objections

31k23 Venue or change of venue

As under the Missouri Practice a defendant could unite a plea to the jurisdiction and a defense on the merits, where defendant filed an answer containing a general denial and a plea that the court was without jurisdiction under General Order 18—A, relative to place of bringing suits against carriers under federal control, and his successors in office adopted such answer filed, the plea to the venue was not waived by the appearances of the substituted defendants.

[7 Cases that cite this headnote](#)

[2] Federal Courts

 [Review of state courts](#)

170B Federal Courts

170BXVI Supreme Court

170BXVI(C) Finality of Determination

Below

170Bk3176 Review of state courts

(Formerly 170Bk503, 106k394(1))

State tribunal's decision as to certain facts *held* not accepted as final by federal Supreme Court.

[5 Cases that cite this headnote](#)

[3] Federal Courts

 [Federal constitution, treaties, and statutes](#)

170B Federal Courts

170BXV State or Federal Laws as Rules of Decision; Erie Doctrine

170BXV(A) In General

170Bk3011 Federal Rules of Decision

170Bk3013 Federal constitution, treaties, and statutes

(Formerly 170Bk387, 106k394(24))

The United States Supreme Court cannot accept as final the decision of a state tribunal as to what are the facts alleged to give rise to a federal right, or to bar the assertion of it, even on local grounds.

[33 Cases that cite this headnote](#)

[4] Railroads

 [Jurisdiction and venue](#)

320 Railroads

320I Control and Regulation in General

320k5.5 Federal Control

320k5.5(7) Rights of Action Accruing During Federal Control, and Remedies

320k5.5(22) Jurisdiction and venue

(Formerly 320k51/2(22))

General Order 18-A of the Director General, that all suits against carriers under federal control must be brought in the county or district where the plaintiff resided at the time of the accrual of the cause of action or in the county or district where the cause of action arose, was valid.

[2 Cases that cite this headnote](#)**[5] Railroads** [Jurisdiction and venue](#)

320 Railroads

320I Control and Regulation in General

320k5.5 Federal Control

320k5.5(36) Termination of Federal
Control and Redelivery of Railroads to
Owners320k5.5(43) Jurisdiction and venue
(Formerly 320k51/2(43))

Transportation Act 1920, § 206(a) and (d), 49 U.S.C.A. § 74(a, d), in no way invalidates the defense that suit was not brought in county designated in Director General's order.

[3 Cases that cite this headnote](#)**[6] States** [Federal Supremacy; Preemption](#)

360 States

360I Political Status and Relations

360I(B) Federal Supremacy; Preemption

360k18.1 In general

(Formerly 360k4.8)

Local practice will not be allowed to defeat or to put unreasonable obstacles in the way of a plain and reasonable assertion of federal rights.

[63 Cases that cite this headnote](#)**Attorneys and Law Firms**

****13** Messrs. Roy B. Thomson, H. M. Langworthy, and O. H. Dean, all of Kansas City, Mo., for petitioner.

Messrs. W. S. Hogsett and Mont T. Prewitt, both of Kansas City, Mo., for respondent.

Opinion

Mr. Justice HOLMES delivered the opinion of the Court.

[1] [2] This is a suit for personal injuries suffered by the plaintiff (the respondent here) upon the Chicago Great Western Railroad on January 3, 1920, while that road was under Federal control. The suit was brought against Walker D. Hines, the Director General, on January 29, 1920, in the Circuit Court of Jackson County, Missouri. The cause of action arose in another county and the plaintiff then and when the suit was brought resided in Illinois. By General Order 18–A it was ordered that——

‘all suits against carriers while under Federal control must be brought in the county or district where the plaintiff resided at the time of the accrual of the cause of action or in the county or district where the cause of action arose.’

****14** The defendant pleaded a general denial and also that the Court was without jurisdiction because of the foregoing facts. The plaintiff by replication relied upon the invalidity of the order, a point now decided against him. *Alabama & Vicksburg Ry. Co. v. Journey*, 257 U. S. 111, 42 Sup. Ct. 6, 66 L. Ed. 154. On February 25, 1921, the plaintiff amended and John Barton Payne, Director General of Railroads and agent designated by the President under Transportation Act, 1920 (41 Stat. 456), was substituted by agreement as successor of Hines and according to the record the ‘substituted defendant entered his appearance in said cause and adopted the answer theretofore filed by said Walker D. Hines, defendant.’ It was not disputed and was stated ***24** by the Court below that by Missouri practice the defendant had a right to unite a plea to the jurisdiction and a defence on the merits, but it was held by the Court of Appeals affirming a judgment for the plaintiff that the provision in General Order 18–A went only to the venue of the action and was waived by the appearance of Payne. A similar effect was attributed to the appearance of the present petitioner Davis in the place of Payne. A writ of certiorari was denied by the Supreme Court of the State.

[3] [4] We are of opinion that the judgment must be reversed. Whatever springes the State may set for those who are endeavoring to assert rights that the State

confers, the assertion of Federal rights, when plainly and reasonably made, is not to be defeated under the name of local practice. Even if the order went only to the venue and not to the jurisdiction of the Court, each Director General in turn plainly indicated that he meant to adopt the position of his predecessor, and to insist that the suit was brought in the wrong county. His lawful insistence cannot be evaded by attempting a distinction between his appearance and his substantially contemporaneous adoption of the plea. Indeed when the law requires him to unite his defence on the merits, which imports an appearance pro hac vice, with his preliminary plea, it is hard to understand how any effect could be attributed to the statement that he appeared. The state courts may deal with that as they think proper in local matters but they cannot treat it as defeating a plain assertion of Federal right. The principle is general and necessary. [Ward v. Love County](#), 253 U. S. 17, 22, 40 Sup. Ct. 419, 64 L. Ed. 751. If the Constitution and laws of the United States are to be enforced, this Court cannot accept as final the decision of the state tribunal as to what are

the facts alleged to give rise to the right or to bar the assertion of it even upon local grounds. *25 [Creswill v. Grand Lodge Knights of Pythias](#), 225 U. S. 246, 32 Sup. Ct. 822, 56 L. Ed. 1074. This is familiar as to the substantive law and for the same reasons it is necessary to see that local practice shall not be allowed to put unreasonable obstacles in the way. See [American Ry. Express Co. v. Levee](#), 263 U. S. 19, 44 Sup. Ct. 11, 68 L. Ed. 140, decided this day.

[5] The Transportation Act of 1920 (Act Feb. 28, 1920, c. 91, § 206, [a] and [d], 41 Stat. 456, 461, 462) in no way invalidates a defence good when it was passed.

Judgment reversed.



All Citations

263 U.S. 22, 44 S.Ct. 13, 68 L.Ed. 143, 21 Ohio Law Rep. 322

Negative Treatment

Negative Citing References (1)

The KeyCited document has been negatively referenced by the following events or decisions in other litigation or proceedings:



Treatment	Title	Date	Type	Depth	Headnote(s)
Distinguished by	<p>1. Dickson v. Township of Novesta  MOST NEGATIVE</p> <p>2006 WL 3240695 , E.D.Mich. The plaintiffs filed this action pro se challenging the Novesta Township Junk and Dismantled Car Ordinance, which they were convicted of violating on October 23, 2001. This case...</p>	Nov. 06, 2006	Case		—

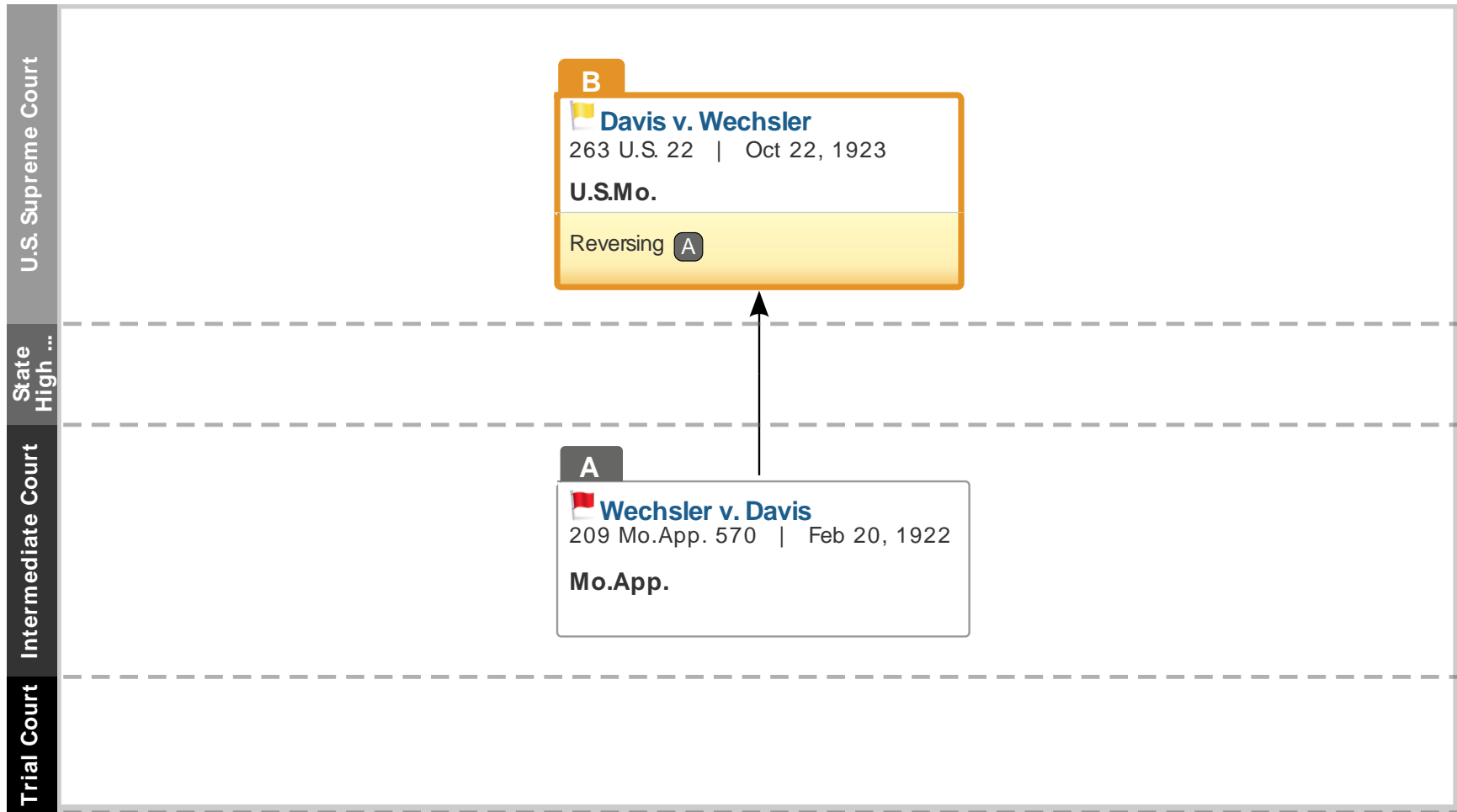
History (2)

Direct History (2)










 1. [Wechsler v. Davis](#)
209 Mo.App. 570 , Mo.App. , Feb. 20, 1922

Reversed by

 2. [Davis v. Wechsler](#) 
263 U.S. 22 , U.S.Mo. , Oct. 22, 1923



Citing References (247)














Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	 1. Lee v. Kemna ¶ 122 S.Ct. 877, 878+ , U.S. CRIMINAL JUSTICE - Habeas Corpus. State rules did not provide adequate state ground for procedural default.	Jan. 22, 2002	Case		—
Discussed by	 2. Fay v. Noia ¶ 83 S.Ct. 822, 843+ , U.S.N.Y. Proceeding upon application by state prisoner for writ of habeas corpus on ground that he had been deprived of his constitutional rights because he had been convicted on basis of a...	Mar. 18, 1963	Case		—
Discussed by	3. U. S. ex rel. Noia v. Fay ¶ 300 F.2d 345, 359+ , 2nd Cir.(N.Y.) Habeas corpus proceeding by state prisoner. The United States District Court for the Southern District of New York, Cashin, J., 183 F.Supp. 222, dismissed the application, and...	Feb. 07, 1962	Case		—
Discussed by	4. Carpenter v. Davis 2018 WL 1993375, *9+ , N.D.Cal. The instant case arises from petitioner's conviction and death sentence for the first degree murder and attempted rape of Ellen Hansen ("Hansen"), the attempted murder of Steven...	Apr. 27, 2018	Case		—
Discussed by	5. Davis v. Parks ¶ 270 S.W. 444, 447+ , Tenn. Certiorari to Court of Civil Appeals. Suit by Georgia Taylor Parks against James C. Davis, Agent, etc. Judgment of dismissal was reversed, and the case was remanded by the Court of...	Nov. 29, 1924	Case		—
Distinguished by NEGATIVE	6. Dickson v. Township of Novesta ¶ 2006 WL 3240695, *8+ , E.D.Mich. The plaintiffs filed this action pro se challenging the Novesta Township Junk and Dismantled Car Ordinance, which they were convicted of violating on October 23, 2001. This case...	Nov. 06, 2006	Case		—
Cited by	 7. Osborne v. Ohio ¶ 110 S.Ct. 1691, 1704 , U.S.Ohio Defendant was convicted in the Court of Common Pleas, Franklin County, of possession of child pornography. Defendant appealed. The Court of Appeals, Franklin County, affirmed. ...	Apr. 18, 1990	Case		—
Cited by	 8. Volt Information Sciences, Inc. v. Board of Trustees of Leland Stanford Junior University 109 S.Ct. 1248, 1258+ , U.S.Cal. University brought action against contractor for fraud and breach of contract, and sought indemnity from two companies involved in design and management of project. Contractor...	Mar. 06, 1989	Case		—

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	<p> 9. James v. Kentucky 104 S.Ct. 1830, 1835 , U.S.Ky.</p> <p>See 467 U.S. 1268, 104 S.Ct. 3565. Defendant was convicted before the Circuit Court, Franklin County, Henry Meigs, J., of second-degree burglary, first-degree rape, and receiving...</p>	Apr. 18, 1984	Case		—
Cited by	<p>10. Huffman v. Florida </p> <p>98 S.Ct. 1888, 1890 , U.S.Fla.</p> <p>Former decision, 350 So.2d 5.</p>	May 01, 1978	Case		—
Cited by	<p>11. Monger v. Florida </p> <p>92 S.Ct. 1163, 1164 , U.S.Fla.</p> <p>Facts and opinion, Fla., 249 So.2d 433.</p>	Feb. 28, 1972	Case		—
Cited by	<p> 12. Douglas v. State of Ala. 85 S.Ct. 1074, 1078 , U.S.Ala.</p> <p>Prosecution for assault with intent to commit murder. The Circuit Court, Dallas County, Alabama, entered a judgment of conviction and the defendant appealed. The Court of...</p>	Apr. 05, 1965	Case		—
Cited by	<p> 13. Henry v. State of Miss. 85 S.Ct. 564, 567 , U.S.Miss.</p> <p>Defendant was convicted of disturbing the peace. The Supreme Court of Mississippi, 154 So.2d 289, affirmed. Certiorari was granted. The Supreme Court, Mr. Justice Brennan, held...</p>	Jan. 18, 1965	Case		—
Cited by	<p> 14. National Ass'n for Advancement of Colored People v. Alabama ex rel. Flowers 84 S.Ct. 1302, 1308 , U.S.Ala.</p> <p>Suit by state of Alabama to restrain N.A.A.C.P. from carrying on business within Alabama. The Supreme Court of Alabama, 274 Ala. 544, 150 So.2d 677, affirmed the decree of the...</p>	June 01, 1964	Case		—
Cited by	<p> 15. Liner v. Jafco, Inc. 84 S.Ct. 391, 394 , U.S.Tenn.</p> <p>Building contractor and general contractor brought suit against unions and others to enjoin picketing at site of construction of shopping center. The Tennessee Chancery Court...</p>	Jan. 06, 1964	Case		—
Cited by	<p> 16. Wright v. State of Ga. </p> <p>83 S.Ct. 1240, 1244 , U.S.Ga.</p> <p>Prosecution for breach of the peace. The City Court of Savannah entered judgments of conviction and the defendants brought error. The Supreme Court of Georgia, 217 Ga. 453, 122...</p>	May 20, 1963	Case		—
Cited by	<p>17. Wolfe v. State of N. C. </p> <p>80 S.Ct. 1482, 1494 , U.S.N.C.</p> <p>Prosecution for trespass after being ordered off property. The North Carolina Supreme Court, 248 N.C. 485, 103 S.E.2d 846, affirmed judgment of conviction, and the defendant...</p>	June 27, 1960	Case		—

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	<p> 18. Napue v. People of State of Ill. ¶¶ 79 S.Ct. 1173, 1179 , U.S.Ill.</p> <p>Petitioner, who had been convicted of murder, filed a petition for a post-conviction hearing. The Criminal Court, Cook County, entered an order denying relief, and the petitioner...</p>	June 15, 1959	Case		—
Cited by	<p> 19. Staub v. City of Baxley ¶¶ 78 S.Ct. 277, 280+ , U.S.Ga.</p> <p>Prosecution on charge of violating ordinance of the City of Baxley, Georgia. The Court of Appeals of the State of Georgia, 94 Ga.App. 18, 93 S.E.2d 375, affirmed conviction, and...</p>	Jan. 13, 1958	Case		—
Cited by	<p>20. Arnold v. Panhandle & Santa Fe Railway Co. ¶¶ 77 S.Ct. 840, 841 , U.S.Tex.</p> <p>Action by railroad car inspector against railroad for injuries sustained when he was struck by a truck backing into a ten-foot passageway in which he was inspecting railroad cars. ...</p>	May 13, 1957	Case		—
Cited by	<p> 21. Williams v. State of Georgia 75 S.Ct. 814, 828 , U.S.Ga.</p> <p>Proceeding on an extraordinary motion for new trial made by a defendant whose murder conviction had previously been affirmed. The Superior Court, Fulton County, Georgia, dismissed...</p>	June 06, 1955	Case		—
Cited by	<p> 22. Dice v. Akron, C. & Y. R. Co. 72 S.Ct. 312, 318 , U.S.Ohio</p> <p>Action by John F. Dice against the Akron, Canton and Youngstown Railroad Company, under Federal Employers' Liability Act, 45 U.S.C.A. s 51 et seq., for injuries sustained when...</p>	Feb. 04, 1952	Case		—
Cited by	<p> 23. Brown v. Western Ry. of Ala. ¶¶ 70 S.Ct. 105, 107+ , U.S.Ga.</p> <p>Richard J. Brown brought an action against the Western Railway of Alabama to recover damages for personal injuries under the Federal Employers' Liability Act. The Georgia Court of...</p>	Nov. 21, 1949	Case		—
Cited by	<p> 24. Estin v. Estin 68 S.Ct. 1213, 1219 , U.S.N.Y.</p> <p>Action originating in the Supreme Court, Special Term, Queens County, Part 1, New York, by Gertrude Estin against Joseph Estin for separation, wherein plaintiff obtained a judgment...</p>	June 07, 1948	Case		—
Cited by	<p> 25. Angel v. Bullington ¶¶ 67 S.Ct. 657, 660 , U.S.N.C.</p> <p>Action by W. H. Bullington against Dr. Furman Angel for deficiency arising from sale of realty under deed of trust securing notes given for balance of purchase price of realty. A...</p>	Feb. 17, 1947	Case		—

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	 26. Miles v. Illinois Cent. R. Co. 62 S.Ct. 827, 838 , U.S.Tenn. Mr. Justice FRANKFURTER, Mr. Chief Justice STONE, Mr. Justice ROBERTS, and Mr. Justice BYRNES, dissenting. On Writ of Certiorari to the Court of Appeals of the State of Tennessee....	Mar. 30, 1942	Case		—
Cited by	27. Lyon v. Mutual Benefit Health & Acc. Ass'n 59 S.Ct. 297, 301 , U.S.Ark. On Writ of Certiorari to the United States Circuit Court of Appeals for the Eighth Circuit. Suit by Mrs. Zillah Lyon against the Mutual Benefit Health & Accident Association on a...	Jan. 03, 1939	Case		—
Cited by	 28. Herndon v. State of Ga. 55 S.Ct. 794, 800 , U.S.Ga. Appeal from the Supreme Court of the State of Georgia. Angelo Herndon was convicted in a Georgia court of first instance of an attempt to incite insurrection, and the judgment...	May 20, 1935	Case		—
Cited by	29. First Nat. Bank of Guthrie Center v. Anderson 46 S.Ct. 135, 137 , U.S.Iowa In Error to the Supreme Court of the State of Iowa. Suit by the First National Bank of Guthrie Center against L. B. Anderson, County Auditor, and others. To review a judgment of...	Jan. 04, 1926	Case		—
Cited by	30. Davis v. O'Hara 45 S.Ct. 104, 106 , U.S.Neb. Certiorari to the Supreme Court of Nebraska. Action by John O'Hara against James C. Davis, Agent, etc. Judgment for plaintiff was affirmed on condition by the Supreme Court of...	Nov. 24, 1924	Case		—
Cited by	31. Love v. Griffith 45 S.Ct. 12, 12 , U.S.Tex. In Error to the Court of Civil Appeals, First Supreme Judicial District of the State of Texas. Suit by C. N. Love and others against James S. Griffith and others. An appeal from a...	Oct. 20, 1924	Case		—
Cited by	 32. Railroad Commission of Texas v. Eastern Texas R. Co. ” 44 S.Ct. 247, 249 , U.S.Tex. Appeals from the District Court of the United States for the Western District of Texas. Two suits in equity, one by the State of Texas against the Eastern Texas Railroad Company...	Feb. 18, 1924	Case		—
Cited by	 33. Coors Brewing Co. v. Mendez-Torres 678 F.3d 15, 30 , 1st Cir.(Puerto Rico) TAXATION - Jurisdiction. It was appropriate to dismiss brewer's action challenging excise taxes on grounds of comity.	Apr. 27, 2012	Case		—




Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	34. Johnson v. Moore ¶¶ 164 F.3d 624, 624 , 4th Cir.(S.C.) Richard Charles Johnson filed these petitions for habeas corpus relief from his South Carolina murder convictions and sentences. See 28 U.S.C.A. § 2254 (West 1994 & Supp.1998). ...	Sep. 24, 1998	Case		—
Cited by	35. Manbar Coal Co. v. Davis ¶¶ 297 F. 24, 27 , C.C.A.4 (W.Va.) In Error to the District Court of the United States for the Southern District of West Virginia, at Huntington; George W. McClintic, Judge. Action at law by the Manbar Coal...	Mar. 10, 1924	Case		—
Cited by	36. O'Berry v. Wainwright 546 F.2d 1204, 1217 , 5th Cir.(Fla.) A petition was filed by a state prisoner for a writ of habeas corpus on ground that his conviction for rape was constitutionally defective. The United States District Court for the...	Feb. 11, 1977	Case		—
Cited by	37. Labat v. Bennett ¶¶ 365 F.2d 698, 707+ , 5th Cir.(La.) Negroes, who had been convicted of aggravated rape in state court, brought habeas corpus proceeding. United States District Court for the Eastern District of Louisiana, E. Gordon...	Aug. 15, 1966	Case		—
Cited by	38. Board of Sup'rs of Louisiana State University and Agr. and Mechanical College v. Ludley ¶¶ 252 F.2d 372, 376 , 5th Cir.(La.) Action for declaratory and injunctive relief. The United States District Court for the Eastern District of Louisiana, Herbert W. Christenberry, J., 150 F.Supp. 900, granted a...	Feb. 13, 1958	Case		—
Cited by	39. Hill v. Curtin ¶¶ 792 F.3d 670, 698+ , 6th Cir.(Mich.) CRIMINAL JUSTICE - Habeas Corpus. Denial of Faretta-compliant hearing regarding untimely request for self-representation did not warrant habeas relief.	July 09, 2015	Case		—
Cited by	40. Lee v. Kemna ¶¶ 213 F.3d 1037, 1041 , 8th Cir.(Mo.) CRIMINAL JUSTICE - Habeas Corpus. Petitioner's claim that denial of continuance violated due process was procedurally defaulted.	May 25, 2000	Case		—
Cited by	41. White v. Bowersox ¶¶ 206 F.3d 776, 780 , 8th Cir.(Mo.) CRIMINAL JUSTICE - Habeas Corpus. New state rules limiting remedies available to abandoned defendants did not bar federal habeas review.	Mar. 14, 2000	Case		—


Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	 42. Hoffman v. Arave ¶¶ 236 F.3d 523, 531 , 9th Cir.(Idaho) CRIMINAL JUSTICE - Habeas Corpus. Idaho statute requiring filing of postconviction and direct appeal claims within 42 days could not preclude federal habeas review.	Jan. 03, 2001	Case		—
Cited by	43. Borden v. Allen ¶¶ 646 F.3d 785, 829 , 11th Cir.(Ala.) CRIMINAL JUSTICE - Habeas Corpus. State court's rejection of claims was not based on adequate and independent state procedural rule.	July 12, 2011	Case		—
Cited by	 44. Hitchcock v. Secretary Dept. of Corrections 360 Fed.Appx. 82, 85 , 11th Cir.(Fla.) CRIMINAL JUSTICE - Habeas Corpus. Refusal to allow pro se filing of petitioner's federal claims was not based on adequate state ground of decision.	Jan. 07, 2010	Case		—
Cited by	45. Gaines v. Price 2017 WL 2296962, *17+ , N.D.Ala. This is an action by an Alabama state prisoner filed pursuant to 28 U.S.C. § 2254, challenging a conviction of robbery in the first degree that he received in the Jefferson County...	May 02, 2017	Case		—
Cited by	46. Jenkins v. Allen 2016 WL 4540920, *33+ , N.D.Ala. The petitioner, Mark Allen Jenkins ("Jenkins"), seeks habeas corpus relief from his state court capital murder conviction and death sentence. See 28 U.S.C. § 2254. I. PROCEDURAL...	Aug. 31, 2016	Case		—
Cited by	47. Stewart v. Jones 2014 WL 6455525, *5 , N.D.Ala. On October 17, 2014, the magistrate judge filed his Report and Recommendation, recommending that this petition for habeas corpus relief filed pursuant to 28 U.S.C. § 2254 be denied...	Nov. 13, 2014	Case		—
Cited by	 48. Dennis v. Brown ¶¶ 361 F.Supp.2d 1124, 1126 , N.D.Cal. CRIMINAL JUSTICE - Habeas Corpus. State procedural bars were inadequate, such that habeas petitioner's federal claims were not procedurally defaulted.	Mar. 10, 2005	Case		—
Cited by	49. Adams v. Ault ¶¶ 2001 WL 34008477, *14 , N.D.Iowa Despite the tremendous interest federal courts have in ensuring that constitutional rights have been respected throughout the criminal justice process, petitioners seeking habeas...	Oct. 03, 2001	Case		—
Cited by	 50. Brown v. Heyd ¶¶ 277 F.Supp. 899, 903 , E.D.La. Proceeding on prisoner's petition for writ of habeas corpus. The District Court, Rubin, J., held that admission of statement of defendant to police that he had injected narcotics...	Dec. 07, 1967	Case		—

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	51. Croxson v. Seneca One Finance, Inc. 2016 WL 6462039, *3 , D.Md. Following his termination as President of Seneca One Finance, Inc. ("Seneca"), Michael Croxson filed suit in the Circuit Court for Montgomery County, alleging that the termination...	Nov. 01, 2016	Case		—
Cited by	52. Toliver v. Wyrick 469 F.Supp. 583, 598+ , W.D.Mo. State prisoner brought federal habeas corpus proceedings after state trial court decided Sixth Amendment assistance of counsel question and Miranda question adversely to...	Apr. 17, 1979	Case		—
Cited by	53. Holloway v. Woodard ¶ 655 F.Supp. 1245, 1250 , W.D.N.C. After denial of suppression motion, defendant was convicted of trafficking in methaqualone and marijuana in the Superior Court, Wilkes County, North Carolina. Subsequently, North...	Mar. 16, 1987	Case		—
Cited by	54. U. S. ex rel. Diblin v. Follette ¶ 294 F.Supp. 841, 849 , E.D.N.Y. Habeas corpus proceeding. The United States District Court, Eastern District of New York, Weinstein, J., held that merits of petitioner's coerced confession claim would be...	Dec. 16, 1968	Case		—
Cited by	55. Fletcher v. Rozum 2011 WL 2433683, *5 , M.D.Pa. Timothy W. Fletcher, an inmate presently confined at the State Correctional Institution, Somerset, Pennsylvania, initially filed this pro se habeas corpus petition pursuant to 28...	June 14, 2011	Case		—
Cited by	56. Felix v. Johnson ¶ 1992 WL 184314, *2 , E.D.Pa. Presently before the court is a petition for a writ of habeas corpus filed by a state prisoner pursuant to 28 U.S.C. § 2254. Charles Felix, the petitioner, was convicted of...	July 23, 1992	Case		—
Cited by	57. Davis v. Rockton & R.R.R. 65 F.Supp. 67, 71+ , W.D.S.C. Action under the Fair Labor Standards Act to recover unpaid minimum wages, overtime compensation, liquidated damages and attorneys' fees by Cortez Davis and others against Rockton...	Mar. 29, 1946	Case		—
Cited by	58. Graham v. Weber ¶ 2014 WL 878098, *2 , D.S.D. Respondent Doug Weber has moved to dismiss John Graham's (Graham) petition for writ of habeas corpus which was filed under 28 U.S.C. § 2254. Graham opposes the motion. For the...	Mar. 05, 2014	Case		—

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	59. Tully v. Johnson 2011 WL 744644, *6 , E.D.Va. Thomas M. Tully ("Tully"), a Virginia prisoner, brings this petition for a writ of habeas corpus challenging his convictions in the Circuit Court for the County of Frederick...	Feb. 23, 2011	Case		—
Cited by	60. Samuel v. Stevedoring Services 29 Cal.Rptr.2d 420, 425+ , Cal.App. 2 Dist. Appeal. Court of Appeal was not required to consider denial of motion to dismiss prior to trial.	Apr. 25, 1994	Case		—
Cited by	61. Morse v. Southern Pac. Transportation Co. 133 Cal.Rptr. 577, 581 , Cal.App. 2 Dist. A railroad appealed from an order of the Superior Court, Los Angeles County, Edward J. O'Connor, J., granting plaintiff a new trial in an action for damages for personal injury...	Oct. 26, 1976	Case		—
Cited by	62. Okeechobee County v. Florida Nat. Bank of Jacksonville 150 So. 124, 127+ , Fla. En Banc. Suit by the County of Okeechobee and others against the Florida National Bank of Jacksonville and another. Defendant named filed a motion to dismiss based on a plea of...	May 09, 1933	Case		—
Cited by	63. Bowe v. State 410 S.E.2d 765, 768 , Ga.App. Defendants were tried jointly and convicted of trafficking in cocaine by jury in the Superior Court, Clayton County, Crumbley, J. Defendants appealed. The Court of Appeals,...	Sep. 06, 1991	Case		—
Cited by	64. Stobie v. Potlatch Forests, Inc. 518 P.2d 1, 4 , Idaho Action by widow and children of decedent against owner and operator of motorboat and owner of log boom for death of decedent in accident in which motorboat struck log boom. The...	Dec. 21, 1973	Case		—
Cited by	65. CSX Transp., Inc. v. Begley 313 S.W.3d 52, 60 , Ky. LABOR AND EMPLOYMENT - Damages. Trial court's improper failure to give tax instruction was not reversible error in Federal Employers Liability Act (FELA) case.	May 20, 2010	Case		—
Cited by	66. Winkler v. State 69 A.2d 674, 683 , Md. Irvin Winkler and others were convicted of conspiracy to disturb the peace in the Criminal Court of Baltimore City, Herman M. Moser, J., and they appealed. The Court of Appeals,...	Nov. 17, 1949	Case		—











Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	 67. Borkus v. Michigan Nat. Bank 324 N.W.2d 123, 126 , Mich.App. Mortgagee bank appealed from judgment of the Circuit Court, Oakland County, James S. Thorburn, J., in favor of mortgagor in amount of \$13,706.17 plus interest of \$3,028.49, cost of...	July 12, 1982	Case		—
Cited by	68. Solum v. Farmers and Merchants Nat. Bank in Benton Harbor, Mich. 131 N.W.2d 231, 233 , Minn. Bank petitioned for writ of prohibition enjoining District Court from proceeding further in action and sought dismissal. The Supreme Court, Otis, J., held that national bank...	Nov. 06, 1964	Case		—
Cited by	69. Ellsworth Freight Lines, Inc. v. Missouri Highway Reciprocity Commission ” 568 S.W.2d 521, 525 , Mo. Trucking companies brought action against State Highway Reciprocity Commission, its individual members, State Treasurer, and Director of Division of Budget and Comptroller, seeking...	July 24, 1978	Case		—
Cited by	70. State ex rel. Nashville, C. & St. L. Ry. v. Hall 88 S.W.2d 342, 343 , Mo. En Banc. Prohibition proceeding by the State, at the relation of the Nashville, Chattanooga & St. Louis Railway, a corporation, against Hon. Robert W. Hall and another, judges of...	Nov. 25, 1935	Case		—
Cited by	71. Mertens v. McMahon 66 S.W.2d 127, 136 , Mo. Appeal from Circuit Court, Gasconade County; R. A. Breuer, Judge. Action by Henry J. Mertens against Joseph F. McMahon. From a judgment for plaintiff, the defendant appealed to...	Dec. 06, 1933	Case		—
Cited by	 72. Smith v. Burlington Northern and Santa Fe Ry. Co. 187 P.3d 639, 648 , Mont. TRANSPORTATION - Railroads. Railroad's summary judgment affidavits were insufficient to show that state claims alleging negligent crossing maintenance were preempted.	June 20, 2008	Case		—
Cited by	 73. Huntley v. Huntley 297 A.2d 13, 14 , N.J.Super.Ch. Husband charged wife with adultery in divorce case filed after enactment of amendatory legislation abolishing recrimination and doctrine of unclean hands as defenses to divorce...	Nov. 21, 1972	Case		—
Cited by	 74. Andrews v. State ” 79 N.Y.S.2d 479, 484 , N.Y.Ct.Cl. Proceeding by Fleeta J. Andrews, claimant, against the State of New York, for a judgment because the state purchased communal lands which had been abridged of the Onondaga Nation,...	May 19, 1948	Case		—

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	<p> 75. Norfolk S. Ry. Co. v. Bogle 875 N.E.2d 919, 924 , Ohio</p> <p>LABOR AND EMPLOYMENT - Transportation Workers. Requirement of prima facie showing of physical impairment for certain asbestos claimants was not preempted by FELA and LBIA.</p>	Oct. 10, 2007	Case		—
Cited by	<p>76. State ex rel. Juvenile Dept., Multnomah County v. England </p> <p>640 P.2d 608, 616 , Or.</p> <p>Maternal aunt of Indian child appealed from decision of the Circuit Court, Multnomah County, Kathleen B. Nachtigal, J., refusing to invalidate order terminating child's foster care...</p>	Feb. 10, 1982	Case		—
Cited by	<p> 77. Fullerton v. Lamm </p> <p>163 P.2d 941, 945 , Or.</p> <p>See 165 P.2d 63. Appeal from Circuit Court, Lane County; G. F. Skipworth, Judge. Action by J. P. Fullerton against W. E. Lamm and others, copartners doing business as Deschutes...</p>	Nov. 20, 1945	Case		—
Cited by	<p>78. Bishop v. Montour R. Co. 109 A.2d 549, 550 , Pa.</p> <p>Action under Federal Employers' Liability Act, by freight train conductor for injuries sustained when he stepped on a piece of coal when alighting from moving train. The court of...</p>	Nov. 23, 1954	Case		—
Cited by	<p>79. Buffo v. Baltimore & O. R. Co. 72 A.2d 593, 593 , Pa.</p> <p>Personal injury action under the Federal Employers' Liability Act by Joseph Buffo against the Baltimore & Ohio Railroad Company. The Court of Common Pleas of Allegheny County at...</p>	Apr. 10, 1950	Case		—
Cited by	<p>80. State v. Standard Oil Co. 107 S.W.2d 550, 562 , Tex.</p> <p>Error to Court of Civil Appeals of Third Supreme Judicial District. Suit by the State against the Standard Oil Company and others. Judgment sustaining a demurrer to plaintiff's...</p>	June 16, 1937	Case		—
Cited by	<p>81. Texas & N. O. R. Co. v. Arnold 381 S.W.2d 388, 390 , Tex.Civ.App.-Beaumont</p> <p>Railroad employee brought action against railroad under the Federal Employers' Liability Act for injuries. The District Court, Montgomery County, Ernest Coker, J., entered a...</p>	June 25, 1964	Case		—
Cited by	<p>82. Missouri-Kansas-Texas R. Co. v. Shelton 383 S.W.2d 842, 853 , Tex.Civ.App.-Dallas</p> <p>Railroad employee's action under Federal Employers' Liability Act. From a judgment of the District Court, Grayson County, R. C. Vaughan, J., in favor of the employee, the employer...</p>	May 15, 1964	Case		—

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	83. Missouri-Pacific R. Co. v. Prejean  307 S.W.2d 284, 288 , Tex.Civ.App.-Houston Action under Federal Employers' Liability Act by car helper who was rebrassing journals of wheels of car, the weight of which had been raised off the axle by jack beneath journal...	Nov. 07, 1957	Case		—
Cited by	84. Texas & P. Ry. Co. v. Younger 262 S.W.2d 557, 560 , Tex.Civ.App.-Fort Worth Action by railroad employee against railroad under Federal Employers' Liability Act to recover for injuries received when boxcar door fell on employee while he and another employee...	Nov. 06, 1953	Case		—
Mentioned by	 85. Walker v. Martin 131 S.Ct. 1120, 1130 , U.S. CRIMINAL JUSTICE - Habeas Corpus. California's time limitation on applications for habeas corpus relief was independent and adequate state law ground.	Feb. 23, 2011	Case		—
Mentioned by	86. Spencer v. Georgia 111 S.Ct. 2276, 2277 , U.S.Ga. Case below, 260 Ga. 640, 398 S.E.2d 179; Mitchell v. Hopper, 538 F.Supp. 77; Spencer v. Zant, 11 Cir., 715 F.2d 1562; Spencer v. Kemp, 781 F.2d 1458.	June 03, 1991	Case		—
Mentioned by	 87. Felder v. Casey 108 S.Ct. 2302, 2314 , U.S.Wis. Wisconsin arrestee brought action against police officers, police chief, and city for violations of federal civil rights arising out of his arrest. The trial court denied motion...	June 22, 1988	Case		—
Mentioned by	 88. Davis v. U.S. 93 S.Ct. 1577, 1590 , U.S.Miss. Federal prisoner brought collateral attack on conviction alleging unconstitutional discrimination in composition of grand jury that indicted him. The United States District Court...	Apr. 17, 1973	Case		—
Mentioned by	 89. Michel v. State of La. 76 S.Ct. 158, 160 , U.S.La. Defendants were convicted of rape. The Criminal District Court, Parish of Orleans, Louisiana, rendered judgments, and defendants appealed. The Louisiana Supreme Court, 225 La....	Dec. 05, 1955	Case		—
Mentioned by	90. Ellis v. Dixon 75 S.Ct. 850, 854 , U.S.N.Y. Proceeding by president of unincorporated committee to compel local board of education to permit committee to hold forum in local school house, out of school hours. The Supreme...	June 06, 1955	Case		—
Mentioned by	 91. Pope v. Atlantic Coast Line R. Co. 73 S.Ct. 749, 757 , U.S.Ga. Suit by railroad to enjoin its employee, a resident of Georgia, from prosecuting action under Federal Employers' Liability Act in Alabama courts for injuries received in course of...	Apr. 27, 1953	Case		—


Treatment	Title	Date	Type	Depth	Headnote(s)
Mentioned by	<p> 92. South Buffalo Ry. Co. v. Ahern 73 S.Ct. 340, 343 , U.S.N.Y.</p> <p>proceeding under New York Workmen's Compensation Law by employer to review decision and award allowing widow of deceased employee the disability compensation determined to be due...</p>	Jan. 19, 1953	Case		—
Mentioned by	<p> 93. Grand River Dam Authority v. Grand-Hydro 69 S.Ct. 114, 119 , U.S.Okla.</p> <p>On Writ of Certiorari to the Supreme Court of the State of Oklahoma. Action by the Grand River Dam Authority against Grand-Hydro to condemn and to award damages for the taking of...</p>	Nov. 22, 1948	Case		—
Mentioned by	<p> 94. Pennekamp v. State of Fla. 66 S.Ct. 1029, 1048 , U.S.Fla.</p> <p>John D. Pennekamp and the Miami Herald Publishing Company were adjudged to be in contempt of court, and to review a judgment of the Supreme Court of Florida, 22 So.2d 875, which...</p>	June 03, 1946	Case		—
Mentioned by	<p> 95. Guaranty Trust Co. of N.Y. v. York 65 S.Ct. 1464, 1469 , U.S.N.Y.</p> <p>Action by Grace W. York, for herself and other note holders similarly situated, against Guaranty Trust Company of New York for breach of duties as trustee and for an accounting. A...</p>	June 18, 1945	Case		—
Mentioned by	<p> 96. U.S. v. Pink 62 S.Ct. 552, 569 , U.S.N.Y.</p> <p>Mr. Chief Justice STONE and Mr. Justice ROBERTS dissenting. On Writ of Certiorari to the Supreme Court of the State of New York. Action by the United States of America against...</p>	Feb. 02, 1942	Case		—
Mentioned by	<p> 97. Baltimore & O. R. Co. v. Kepner 62 S.Ct. 6, 14 , U.S.Ohio</p> <p>Mr. Justice FRANKFURTER, Mr. Chief Justice STONE and Mr. Justice ROBERTS, dissenting. On Writ of Certiorari to the Supreme Court of the State of Ohio. Action by the Baltimore &...</p>	Nov. 10, 1941	Case		—
Mentioned by	<p> 98. Kalb v. Feuerstein 60 S.Ct. 343, 346 , U.S.Wis.</p> <p>Appeals from the Supreme Court of the State of Wisconsin. Action by Ernest Newton Kalb and Margaret Kalb, his wife, against Henry Feuerstein and Helen Feuerstein, his wife, for...</p>	Jan. 02, 1940	Case		—
Mentioned by	<p> 99. Adam v. Saenger 58 S.Ct. 454, 457 , U.S.Tex.</p> <p>On Writ of Certiorari to the Court of Civil Appeals for the Ninth Supreme Judicial District of the State of Texas. Action by Estaban Adam against William Saenger and others founded...</p>	Jan. 31, 1938	Case		—

Treatment	Title	Date	Type	Depth	Headnote(s)
Mentioned by	 100. Patterson v. State of Alabama 55 S.Ct. 575, 576 , U.S.Ala. On Writ of Certiorari to the Supreme Court of the State of Alabama. Haywood Patterson was convicted of rape, and the judgment having been affirmed by the Supreme Court of Alabama...	Apr. 01, 1935	Case		—
Mentioned by	 101. Norris v. State of Alabama 55 S.Ct. 579, 580 , U.S.Ala. On Writ of Certiorari to the Supreme Court of the State of Alabama. Clarence Norris was convicted of rape, and the judgment having been affirmed by the Supreme Court of Alabama...	Apr. 01, 1935	Case		—
Mentioned by	 102. Beidler v. South Carolina Tax Commission 51 S.Ct. 54, 55 , U.S.S.C. In Error to the Supreme Court of the State of South Carolina. Proceeding between Francis Beidler, II, and another, as executors of the last will and testament of Francis Beidler,...	Nov. 24, 1930	Case		—
Mentioned by	103. Ancient Egyptian Arabic Order of Nobles of the Mystic Shrine v. Michaux 49 S.Ct. 485, 488 , U.S.Tex. Certiorari to the Supreme Court of the State of Texas. Suit by D. W. Michaux and others against the Ancient Egyptian Arabic Order of Nobles of the Mystic Shrine, and others. A...	June 03, 1929	Case		—
Mentioned by	 104. Michigan Cent. R. Co. v. Mix 49 S.Ct. 207, 209 , U.S.Mo. On Certiorari to the Supreme Court of Missouri. Application by the Michigan Central Railroad Company for writ of prohibition to be directed to George E. Mix and others, Judges of...	Feb. 18, 1929	Case		—
Mentioned by	105. New York Cent. R. Co. v. New York & Pennsylvania Co. 46 S.Ct. 447, 448 , U.S.Pa. In Error to the Supreme Court of the State of Pennsylvania. Suit by the New York & Pennsylvania Company against the New York Central Railroad Company and another. Judgment for...	Apr. 26, 1926	Case		—
Mentioned by	106. Central Union Telephone Co. v. City of Edwardsville 46 S.Ct. 90, 91 , U.S.Ill. In Error to the Supreme Court of the State of Illinois. Action by the City of Edwardsville against the Central Union Telephone Company. Judgment for plaintiff was affirmed by the...	Nov. 23, 1925	Case		—
Mentioned by	 107. Swan v. Board of Higher Ed. of City of New York by Rosenberg 319 F.2d 56, 60 , 2nd Cir.(N.Y.) Action against New York school officials for relief, under Civil Rights Act, against allegedly improper expulsion. The United States District Court for the Southern District of...	June 04, 1963	Case		—

Treatment	Title	Date	Type	Depth	Headnote(s)
Mentioned by	<p> 108. Jurek v. Estelle 593 F.2d 672, 683 , 5th Cir.(Tex.)</p> <p>Petitioner, who was convicted of capital murder and sentenced to death in state court, petitioned for writ of habeas corpus. The United States District Court for the Southern...</p>	Apr. 23, 1979	Case		—
Mentioned by	<p> 109. O'Boyle v. Bevil 259 F.2d 506, 516 , 5th Cir.(Tex.)</p> <p>Proceeding in equity (1) to remove, as an alleged cloud upon plaintiffs' title, two Texas state court judgments, and (2) to enjoin enforcement of those judgments by defendants. ...</p>	Sep. 26, 1958	Case		—
Mentioned by	<p>110. Hudson v. Lewis 188 F.2d 679, 685 , 5th Cir.(Miss.)</p> <p>N. L. Hudson and others, brought suit against T. D. Lewis, and others, to establish ownership of and quiet title to oil bearing lands. The United States District Court for the...</p>	Apr. 19, 1951	Case		—
Mentioned by	<p>111. Bester v. Patterson 2013 WL 6191520, *8 , N.D.Ala.</p> <p>The magistrate judge filed his report and recommendation on November 5, 2013, recommending dismissal of petitioner's 28 U.S.C. § 2254 petition for habeas corpus relief. Petitioner...</p>	Nov. 26, 2013	Case		—
Mentioned by	<p>112. Jackson v. Hetzel 2011 WL 13136258, *7 , N.D.Ala.</p> <p>Christopher Jackson is an inmate in the Custody of the Alabama Department of Corrections serving a sentence of life without the possibility of parole following his conviction for...</p>	Aug. 04, 2011	Case		—
Mentioned by	<p>113. Parker v. Moore 2002 WL 34382747, *1 , S.D.Fla.</p> <p>THIS CAUSE is before the Court on Petitioner Norman Parker's Motion to Alter or Amend Judgment (D.E.66), filed February 6, 2002. On May 10, 2002, Respondent Michael W. Moore filed...</p>	May 15, 2002	Case		—
Mentioned by	<p>114. Lamb v. U.S. 526 F.Supp. 1117, 1120 , M.D.Ga.</p> <p>Husband and wife sued the United States, as post office lessee, and building owner to recover for personal injuries which wife sustained as she was going into front door of the...</p>	Nov. 24, 1981	Case		—
Mentioned by	<p>115. U.S. ex rel. Caffey v. Atchison 2012 WL 5230298, *8 , N.D.Ill.</p> <p>Feddell Caffey was charged in DuPage County with murder and aggravated kidnapping in connection with the deaths of Debra Evans and her children Samantha and Joshua. He was tried...</p>	Feb. 03, 2012	Case		—
Mentioned by	<p>116. Roe v. Woods 2013 WL 868868, *5 , W.D.Mich.</p> <p>Mark Robert Roe, a Michigan state prisoner in the custody of the Michigan Department of Corrections, brings a pro se petition for writ of habeas corpus under 28 U.S.C. § 2254....</p>	Mar. 07, 2013	Case		—

Treatment	Title	Date	Type	Depth	Headnote(s)
Mentioned by	117. Green v. Lafler 2009 WL 902091, *8+ , E.D.Mich. 1. Petitioner Brent Lamar Green is a state prisoner, currently confined at the Boyer Road Correctional Facility in Carson City, Michigan. 2. On February 1, 1999, petitioner was...	Mar. 31, 2009	Case		—
Mentioned by	118. Jones v. Lee 2013 WL 3514436, *6+ , S.D.N.Y. Petitioner Larry Jones, a New York state prisoner, appearing pro se, petitions this Court for a writ of habeas corpus, stating two grounds for the writ. First, Jones argues that...	July 12, 2013	Case		—
Mentioned by	119. Banco Nacional de Cuba v. Farr 243 F.Supp. 957, 967 , S.D.N.Y. Action by Cuban bank, an instrumentality of Cuban government, against commodities broker for conversion of bills of lading and against receiver for injunctive relief. Receiver...	July 30, 1965	Case		—
Mentioned by	 120. McNeill v. Bagley 2019 WL 4017047, *33 , N.D.Ohio Petitioner Freddie McNeill, Jr., was convicted and sentenced to death in an Ohio state court for the aggravated murder of Blake Fulton. McNeill has now filed a petition and amended...	Aug. 26, 2019	Case		—
Mentioned by	121. Hughbanks v. Hudson 2018 WL 9597457, *27 , S.D.Ohio This capital habeas corpus case is before the Court for decision on the merits on the Petitioner's Motion for Leave to File an Amended Petition (ECF No. 203). The parties...	Sep. 07, 2018	Case		—
Mentioned by	 122. D'Ambrosio v. Bagley 2006 WL 1169926, *14 , N.D.Ohio Joe D'Ambrosio petitions this Court for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. D'Ambrosio challenges the constitutional sufficiency of his conviction by a...	Mar. 24, 2006	Case		—
Mentioned by	 123. Taylor v. Mitchell 296 F.Supp.2d 784, 802 , N.D.Ohio CRIMINAL JUSTICE - Habeas Corpus. Evidence was insufficient to convict petitioner for aggravated murder under Ohio law.	Mar. 03, 2003	Case		—
Mentioned by	124. Richardson v. Warden, S.C.I. Huntingdon 2003 WL 22845407, *3 , E.D.Pa. Presently before the court is a counseled petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254. On May 14, 1997, following a jury trial in the Court of Common...	Nov. 16, 2003	Case		—
Mentioned by	125. Adams v. Kyler  2002 WL 1896385, *3 , E.D.Pa. CRIMINAL JUSTICE - Habeas Corpus. State rule was not an adequate procedural bar as to ineffective assistance claims.	Aug. 15, 2002	Case		—

Treatment	Title	Date	Type	Depth	Headnote(s)
Mentioned by	126. Ferrell v. Wall 862 F.Supp.2d 88, 112 , D.R.I. CRIMINAL JUSTICE - Habeas Corpus. Petitioner was not entitled to federal habeas relief as to his Confrontation Clause claim.	May 25, 2012	Case		—
Mentioned by	127. Smith v. Johnson 2011 WL 838893, *5 , E.D.Va. Johnathan Lee X Smith ("Smith"), a Virginia prisoner proceeding pro se, brings this petition for a writ of habeas corpus under 28 U.S.C. § 2254. Smith challenges his conviction...	Mar. 03, 2011	Case		—
Mentioned by	128. Rorick v. Chancey 195 So. 418, 420 , Fla. On rehearing. Former opinion vacated, and order appealed from reversed. For former opinion, see 130 Fla. 442, 178 So. 112. WHITFIELD, J., dissenting; CHAPMAN, J., dissenting in...	Oct. 26, 1938	Case		—
Mentioned by	129. Weiss v. Davis 144 N.E. 765, 766 , Mass. Appeal from Municipal Court of Boston, Appellate Division. Action of contract or tort by Abraham Weiss, administrator, against the New York, New Haven & Hartford Railroad Company,...	Sep. 20, 1924	Case		—
Mentioned by	130. In re Turner 174 N.W.2d 895, 898 , Mich.App. Summary proceeding was instituted in which publisher of oral and written statements critical of judiciary was found guilty of contempt of court by the Circuit Court, Livingston...	Dec. 10, 1969	Case		—
Mentioned by	131. Willits v. Peabody Coal Co., LLC 400 S.W.3d 442, 453 , Mo.App. E.D. CIVIL RIGHTS - Constitutional Torts. Alleged royalty interest owners waived any judicial taking or due process constitutional claims against the state.	Apr. 09, 2013	Case		—
Mentioned by	132. Art Masters Associates, Ltd. v. United Parcel Service 566 N.Y.S.2d 184, 191 , N.Y. Consignees brought action against common carrier for negligence and conversion. On motions for summary judgment, the Supreme Court, Kings County, 139 Misc.2d 888, 528 N.Y.S.2d...	Dec. 20, 1990	Case		—
Mentioned by	133. East Meadow Community Concerts Ass'n v. Board of Ed. of Union Free School Dist. No. 3, Nassau County 272 N.Y.S.2d 341, 346 , N.Y. Action by an unincorporated cultural association against board of education of school district alleging violation of constitutional rights in cancelling use of school building for...	July 07, 1966	Case		—

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Mentioned by	 134. Araje v. Pennsylvania R. Co. 223 N.Y.S. 542, 546, N.Y.Sup. Action by James J. Araje against the Pennsylvania Railroad Company. On defendant's motion to set aside the verdict directed for plaintiff. Motion granted, dismissing the...	July 14, 1927	Case		—
Mentioned by	 135. Gregory v. Flowers 290 N.E.2d 181, 187, Ohio Workmen's compensation proceeding. The Court of Common Pleas denied application for modification of original claim to include additional benefits and claimant appealed. The Court...	Nov. 29, 1972	Case		—
Mentioned by	 136. Norfolk S. Ry. Co. v. Bogle 850 N.E.2d 1281, 1289, Ohio App. 8 Dist. LABOR AND EMPLOYMENT - Transportation Workers. State law governing asbestos claims was preempted as applied to railroad employees' claims under FELA and LBIA.	Mar. 30, 2006	Case		—
Mentioned by	137. Batton v. Green 801 S.W.2d 923, 931, Tex.App.-Dallas Action was brought to resolve dispute arising out of computer software license agreement. The defendants filed plea in abatement and motion to stay action pending arbitration. ...	Dec. 14, 1990	Case		—
Mentioned by	138. Wyoming Guardianship Corporation v. Wyoming State Hospital 428 P.3d 424, 432, Wyo. CIVIL RIGHTS — Duty to Protect. Involuntary committed patient alleged sufficient facts to state a claim for relief under § 1983 against hospital administrator in his individual...	Oct. 11, 2018	Case		—
—	139. Federal control of public utilities 52 A.L.R. 296 The reported case for this annotation is Vanderbilt v. Atlantic Coast Line R. Co., 188 N.C. 568, 125 S.E. 387, 52 A.L.R. 287 (1924).	1928	ALR	—	—
—	140. PRONOUNCEMENTS OF THE UNITED STATES SUPREME COURT RELATING TO THE CRIMINAL LAW FIELD: 1983-1984 103 F.R.D. 187, 247 C1-5Table of Contents Page L1-4INTRODUCTION 191 L1-4I. FIRST AMENDMENT L2-4A. Establishment Clause L3-41. Municipal Nativity Scene: Lynch v. Donnelly 195 L2-4B. Free Expression and...	1985	Law Review	—	—
—	141. California Affirmative Defenses 2d s 5:1, § 5:1. Venue in general Venue means the place of trial. California law prescribes the county or counties in which trial of an action is to occur in the normal course. "The proper place for trial for all...	2019	Other Secondary Source	—	—

Treatment	Title	Date	Type	Depth	Headnote(s)
—	<p>142. Civil Rights and Civil Liberties Litigation: The Law of Section 1983 s 1:59, § 1:59. Section 1983 claims in state courts: jurisdiction and the supremacy of federal law—Applicability of federal law to state court §1983 actions: The Supremacy Clause, converse-Erie, and preemption</p> <p>The application of the substantive law of § 1983 to state court § 1983 actions poses no difficulties where, for example, the argument is made that a state law rule requiring malice...</p>	2019	Other Secondary Source	—	—
—	<p>143. Federal Banking Law Reporter 1825709, VOLT INFORMATION SCIENCES, INC. V. BOARD OF TRUSTEES OF LELAND STANFORD JUNIOR UNIVERSITY</p> <p>Federal Banking Law Reporter</p> <p>VOLT INFORMATION SCIENCES, INC. v. BOARD OF TRUSTEES OF LELAND STANFORD JUNIOR UNIVERSITY VOLT INFO. SCIENCES v. LELAND STANFORD JR. U., 489 U.S. 468 (1989) APPEAL FROM THE COURT...</p>	1989	Other Secondary Source	—	—
—	<p>144. Federal Criminal Appeals s 8:29, § 8:29. Jurisdiction—Appeals from state courts—No independent and adequate state grounds—Procedural grounds</p> <p>The question of adequacy most frequently arises when a state court refuses to decide a federal issue because of a state procedural rule. While state substantive grounds generally...</p>	2019	Other Secondary Source	—	—
—	<p>145. Federal Procedure, Lawyers Edition s 3:99, § 3:99. Procedural and substantive grounds</p> <p>Although the principle that the Supreme Court will not review state court judgments resting on adequate and independent state grounds, even where those judgments also decide...</p>	2020	Other Secondary Source	—	—
—	<p>146. Federal Procedure, Lawyers Edition s 3:102, § 3:102. Waiver of or failure to timely raise federal issue</p> <p>Although federal law does not prescribe a specific time for raising a federal issue in state court proceedings, a failure to timely raise a federal issue in accordance with state...</p>	2020	Other Secondary Source	—	—
—	<p>147. 15 MO Practice Series s 55.08:1, § 55.08:1. Affirmative defenses and avoidances</p> <p>MO Practice Series</p> <p>Sup. Ct. R. 55.08 requires a party to plead "all applicable affirmative defenses and avoidances." Black's defines an affirmative defense as: A defendant's assertion of facts and...</p>	2019	Other Secondary Source	—	—
—	<p>148. § 10:6. The adequate state ground doctrine and burdens on §1983 litigation</p> <p>State court judgments that rely on state procedural doctrines to avoid reaching the merits of federal claims are insulated from Supreme Court review under the adequate state ground...</p>	2018	Other Secondary Source	—	—

Treatment	Title	Date	Type	Depth	Headnote(s)
—	<p>149. § 13:4. State court refusals to hear cases that meet federal justiciability requirements—State justiciability standards—An adequate state ground?</p> <p>In some cases, state courts rely on independent state justiciability doctrines to refuse to reach the merits of federal claims. Nonetheless, the Court still treats such judgments...</p>	2018	Other Secondary Source	—	—
—	<p>150. Treatise on Constitutional Law s 2.14(b)(vi)(2), § 2.14(b)(vi)(2). Novel Rules</p> <p>A novel procedural requirement that appears to be newly created by the state court in the very decision barring the litigant, is not an adequate and independent state ground...</p>	2019	Other Secondary Source	—	—
—	<p>151. Wright & Miller: Federal Prac. & Proc. s 4023, § 4023. Independent and Adequate State Ground—Procedural Grounds—The Independence of State Procedure</p> <p>Wright & Miller: Federal Prac. & Proc.</p> <p>It has just been seen that federal matters ordinarily must be presented to state courts in accordance with the requirements of general state procedure. State law and practice "are...</p>	2019	Other Secondary Source	—	—
—	<p>152. Wright & Miller: Federal Prac. & Proc. s 4026, § 4026. Independent and Adequate State Ground—Procedural Grounds—Evasion and Discretion Tests of Adequacy</p> <p>Wright & Miller: Federal Prac. & Proc.</p> <p>Three broad groups of tests can be identified for measuring the adequacy of state procedural grounds for decision, once it is established that state courts are independent to apply...</p>	2019	Other Secondary Source	—	—
—	<p>153. Wright & Miller: Federal Prac. & Proc. s 4027, § 4027. Independent and Adequate State Ground—Procedural Grounds—Functional Tests of Adequacy</p> <p>Wright & Miller: Federal Prac. & Proc.</p> <p>The adequacy of state procedural grounds must be measured in the tension that exists between the interest in protecting federal rights and the potentially conflicting interests of...</p>	2019	Other Secondary Source	—	—
—	<p>154. Wright and Miller, Federal Practice and Procedure Deskbook s 114, § 114. Review of State—Court Decisions</p> <p>Wright and Miller, Federal Practice and Procedure Deskbook</p> <p>The Constitution does not, in terms, authorize the Supreme Court to review decisions of state courts. It does, however, extend the judicial power of the United States to defined...</p>	2019	Other Secondary Source	—	—
—	<p>155. CJS Appearances s 52, § 52. Venue</p> <p>CJS Appearances</p> <p>Unless there is a stipulation reserving to defendant the right to object to venue, or the circumstances are such that no objection can properly be made to the venue at the time of...</p>	2020	Other Secondary Source	—	—

Treatment	Title	Date	Type	Depth	Headnote(s)
—	<p>156. SEVERAL STATES, ONE UNITY, ONE LAW? 24 Akron L. Rev. 141 , 160</p> <p>The European Economic Community (EEC) was created by the Treaty of Rome in 1957. Since then many more states have joined the EEC, including the United Kingdom. One of the...</p>	1990	Law Review	—	—
—	<p>157. A BETTER MOUSETRAP: PROCEDURAL DEFAULT AS A RETROACTIVITY ALTERNATIVE TO TEAGUE V. LANE AND THE ANTITERRORISM AND EFFECTIVE DEATH PENALTY ACT OF 1996 25 Am. J. Crim. L. 203 , 307+</p> <p>C1-6Table of Contents L1-6 I. L2-5,T5Introduction 205 L1-6 II. L2-5,T5Relevant Existing Doctrine 210 A. L3-5,T5Retroactivity of Supreme Court Decisions 210 1. L4-5,T5Is Law Made or...</p>	1998	Law Review	—	—
—	<p>158. BEYOND PARITY: SECTION 1983 AND THE STATE COURTS 54 Brook. L. Rev. 1057 , 1135</p> <p>State court is the new frontier of civil rights litigation. As the Supreme Court has been cutting back on the substance of federal constitutional rights and the availability of...</p>	1989	Law Review	—	—
—	<p>159. HOW FAR IS TOO FAR: ANALYZING THE COLLATERAL LAW APPLICABLE IN STATE COURT SECTION 1983 LITIGATION 72 Chi.-Kent L. Rev. 875 , 921</p> <p>The recent influx of cases brought in state courts under 42 U.S.C. § 1983 is certainly ironic considering that Congressional distrust in the ability or willingness of state courts...</p>	1997	Law Review	—	—
—	<p>160. SECTION 1983 LITIGATION IN THE OHIO COURTS: AN INTRODUCTION FOR OHIO LAWYERS AND JUDGES 41 Clev. St. L. Rev. 407 , 408</p> <p>I. Introduction II. Reconstruction Background III. The § 1983 Remedy A. Nature of the § 1983 Remedy B. Color of Law Requirement C. Deprivations of Federal Rights 1. Constitutional...</p>	1993	Law Review	—	—
—	<p>161. SUPREME COURT REVIEW OF STATE-COURT DETERMINATIONS OF STATE LAW IN CONSTITUTIONAL CASES 103 Colum. L. Rev. 1919 , 1991+</p> <p>The decision in Bush v. Gore and particularly Chief Justice Rehnquist's concurring opinion were widely criticized for their unwarranted intrusion upon the "authoritative" status...</p>	2003	Law Review	—	—
—	<p>162. LIGHT FROM DEAD STARS: THE PROCEDURAL ADEQUATE AND INDEPENDENT STATE GROUND RECONSIDERED 103 Colum. L. Rev. 1888 , 1918+</p> <p>The adequate and independent state ground doctrine shields from federal review state court judgments that rest on a foundation of state law. The product of canonical cases from...</p>	2003	Law Review	—	—

Treatment	Title	Date	Type	Depth	Headnote(s)
—	<p>163. DIRECT AND COLLATERAL FEDERAL COURT REVIEW OF THE ADEQUACY OF STATE PROCEDURAL RULES 103 Colum. L. Rev. 243 , 315+</p> <p>If a state's highest court refuses to consider a litigant's federal-law contention because the litigant failed to comply with a state procedural rule, the litigant's default will...</p>	2003	Law Review	—	—
—	<p>164. VERLINDEN B. V. v. CENTRAL BANK OF NIGERIA: FEDERAL JURISDICTION OVER CASES BETWEEN ALIENS AND FOREIGN STATES 82 Colum. L. Rev. 1057 , 1086+</p> <p>As part of the Foreign Sovereign Immunities Act of 1976 ("the Act"), Congress conferred upon the federal district courts original jurisdiction over actions against foreign states...</p>	1982	Law Review	—	—
—	<p>165. THE FORFEITURE OF CONSTITUTIONAL RIGHTS IN CRIMINAL CASES 78 Colum. L. Rev. 1050 , 1097+</p> <p>The forfeitures with which this Article is concerned are those that arise from procedural defaults in the assertion of constitutional rights in criminal cases. The traditional mode...</p>	1978	Law Review	—	—
—	<p>166. THE INADEQUATE STATE GROUND 65 Colum. L. Rev. 943 , 943+</p> <p>The Supreme Court has traditionally been thought to be without jurisdiction to review a state judgment, or at least without authority to reverse it, if the judgment rests on a...</p>	1965	Law Review	—	—
—	<p>167. FEDERAL JURISDICTION: ADEQUATE STATE GROUNDS AND SUPREME COURT REVIEW 65 Colum. L. Rev. 710 , 715</p> <p>The United States Supreme Court has long refused to review state court decisions based on nonfederal procedural grounds that provide adequate and independent support for the...</p>	1965	Law Review	—	—
—	<p>168. THE DISCRETIONARY POWER OF THE SUPREME COURT TO DISMISS APPEALS FROM STATE COURTS 63 Colum. L. Rev. 688 , 707+</p> <p>Two recent decisions of the Supreme Court of the United States, Poe v. Ullman and Baker v. Carr, discussed extensively the elements of a justiciable controversy. Additionally, the...</p>	1963	Law Review	—	—
—	<p>169. CHALLENGES TO CONGRESSIONAL DISTRICTING: AFTER BAKER V. CARR DOES COLEGROVE V. GREEN ENDURE? 63 Colum. L. Rev. 98 , 116</p> <p>Considerable effort has been expended in attempts to explain the Supreme Court's refusal to hear certain cases on the ground that they present "political questions." In...</p>	1963	Law Review	—	—

Treatment	Title	Date	Type	Depth	Headnote(s)
—	<p>170. FEDERAL WRIT OF HABEAS CORPUS TO STATE PRISONER NOT PRECLUDED BY STATE COURT DENIAL OF RELIEF FOR FAILURE TO PROSECUTE A TIMELY APPEAL 62 Colum. L. Rev. 1077 , 1084</p> <p>Relator and two codefendants were convicted of felony murder in a New York court and, on recommendation of clemency by the jury, sentenced to life imprisonment. Codefendants...</p>	1962	Law Review	—	—
—	<p>171. SUPREME COURT TREATMENT OF STATE COURT CASES EXHIBITING AMBIGUOUS GROUNDS OF DECISION 62 Colum. L. Rev. 822 , 850</p> <p>The Supreme Court's appellate jurisdiction over state court judgments is limited to review of federal questions necessary to the decision of the highest state court in which a...</p>	1962	Law Review	—	—
—	<p>172. SUPREME COURT TREATMENT OF STATE PROCEDURAL GROUNDS RELIED ON IN STATE COURTS TO PRECLUDE DECISION OF FEDERAL QUESTIONS 61 Colum. L. Rev. 255 , 277+</p> <p>A serious obstacle to review of a federal question by the United States Supreme Court is presented when a state court refuses to decide such a question and affirms a lower court...</p>	1961	Law Review	—	—
—	<p>173. SOME PROBLEMS RELATING TO JUDICIAL PROTECTION OF THE RIGHT TO HAVE ARBITRATION AGREEMENTS ENFORCED UNDER SUBSECTION 301(A) OF THE TAFT-HARTLEY ACT 59 Colum. L. Rev. 153 , 176</p> <p>In Textile Workers v. Lincoln Mills, the Supreme Court declared that in suits brought under subsection 301(a) of the Labor Management Relations Act for violation of contracts...</p>	1959	Law Review	—	—
—	<p>174. FEDERAL AND STATE ANTI-INJUNCTION ACTS DO NOT PREVENT STATE COURT FROM ENFORCING ARBITRATOR'S AWARD ENJOINING SLOWDOWN IN BREACH OF CONTRACT 58 Colum. L. Rev. 908 , 913</p> <p>Plaintiff employer, engaged in interstate commerce, alleging that slowdowns had been organized by defendant unions in violation of a broad no-strike clause in the collective...</p>	1958	Law Review	—	—
—	<p>175. THE RELATIONS BETWEEN STATE AND FEDERAL LAW 54 Colum. L. Rev. 489 , 542</p> <p>The law which governs daily living in the United States is a single system of law: it speaks in relation to any particular question with only one ultimately-authoritative voice,...</p>	1954	Law Review	—	—

Treatment	Title	Date	Type	Depth	Headnote(s)
—	<p>176. STATE COURTS AND THE TELEPHONE CONSUMER PROTECTION ACT OF 1991: MUST STATES OPT-IN? CAN STATES OPT-OUT? 33 Conn. L. Rev. 407 , 447</p> <p>[W]e deem it well to observe that there is not here involved any attempt by Congress to enlarge or regulate the jurisdiction of state courts or to control or affect their modes of...</p>	2001	Law Review	—	—
—	<p>177. INTERJURISDICTIONAL PRECLUSION, FULL FAITH AND CREDIT AND FEDERAL COMMON LAW: A GENERAL APPROACH 71 Cornell L. Rev. 733 , 832+</p> <p>C1-3TABLE OF CONTENTS L1-2Introduction 734. I. Credit to Judicial Proceedings; Sources of Legal Obligation. 739 A. The Constitution. 739 B. Federal Statutes. 740 C. The Special...</p>	1986	Law Review	—	—
—	<p>178. FEDERALISM IN THE TAFT COURT ERA: CAN IT BE "REVIVED"? 51 Duke L.J. 1513 , 1639+</p> <p>This Article analyzes the Supreme Court's view of federalism during the decade of the 1920s. It offers a detailed discussion of four jurisprudential areas: congressional power,...</p>	2002	Law Review	—	—
—	<p>179. APPLYING WAINWRIGHT v. SYKES TO STATE ALTERNATIVE HOLDINGS AND SUMMARY AFFIRMANCES 53 Fordham L. Rev. 1357 , 1382+</p> <p>In 1963, the Supreme Court in Fay v. Noia rejected the proposition that the doctrine of adequate and independent state procedural grounds constituted a jurisdictional bar to...</p>	1985	Law Review	—	—
—	<p>180. CONVERSE-ERIE: THE KEY TO FEDERALISM IN AN INCREASINGLY ADMINISTRATIVE STATE 76 Geo. Wash. L. Rev. 1372 , 1391</p> <p>The case of Erie Railroad Co. v. Tompkins and the doctrine that it spawned are ubiquitous in civil procedure and federal courts courses and critical to almost any choice-of-law...</p>	2008	Law Review	—	—
—	<p>181. THE AMBIGUOUS INDEPENDENT AND ADEQUATE STATE GROUND IN CRIMINAL CASES: FEDERALISM ALONG A MOBIUS STRIP 19 Ga. L. Rev. 799 , 859+</p> <p>In topology a Möbius strip is a one-sided surface formed by holding one end of a rectangle fixed, rotating the opposite end 180 degrees, and joining the two ends. In Supreme Court...</p>	1985	Law Review	—	—

Treatment	Title	Date	Type	Depth	Headnote(s)
—	<p>182. FEDERAL COURTS - HABEAS CORPUS - FOURTH CIRCUIT FAILS TO REACH A JUDGMENT ON THE MERITS OF A CONSTITUTIONAL CLAIM BASED ON THE STATE PROCEDURAL DEFAULT DOCTRINE. - MCNEILL V. POLK, 476 F.3D 206 (4TH CIR. 2007).</p> <p>120 Harv. L. Rev. 2246 , 2253</p> <p>Recent years have seen a tremendous cutback in the availability of federal habeas review for state prisoners. This trend is the product of Supreme Court jurisprudence and...</p>	2007	Law Review	—	—
—	<p>183. STATE COURT FORFEITURES OF FEDERAL RIGHTS</p> <p>99 Harv. L. Rev. 1128 , 1142+</p> <p>PAGE I. THE FEDERAL DOCTRINES RELATING TO STATE COURT FORFEITURES OF FEDERAL RIGHTS. 1133 A. The Basic Tension. 1133 B. The Inadequate State Ground Doctrine. 1137 1....</p>	1986	Law Review	—	—
—	<p>184. SOURCES OF LAW: THE SCOPE OF FEDERAL COMMON LAW</p> <p>99 Harv. L. Rev. 881 , 984</p> <p>PAGE I. INTRODUCTION. 883 A. The Accepted Academic Tradition. 885 B. Rethinking Accepted Positions. 887 C. What Federal Common Law Is and How It Works. 890 1....</p>	1986	Law Review	—	—
—	<p>185. FEDERAL HABEAS CORPUS: IMPACT OF AN ABORTIVE STATE PROCEEDING</p> <p>74 Harv. L. Rev. 1315 , 1373</p> <p>A state prisoner alleging that his conviction was obtained as a result of violations of his federal rights may, because of a failure to comply with state procedural requirements,...</p>	1961	Law Review	—	—
—	<p>186. THE UNTENABLE NONFEDERAL GROUND IN THE SUPREME COURT</p> <p>74 Harv. L. Rev. 1375 , 1395</p> <p>Section 25 of the Judiciary Act of 1789 conferred jurisdiction on the Supreme Court to review decisions of state courts involving questions of federal law which were decided...</p>	1961	Law Review	—	—
—	<p>187. STATE ENFORCEMENT OF FEDERALLY CREATED RIGHTS</p> <p>73 Harv. L. Rev. 1551 , 1564</p> <p>State and federal courts have exercised concurrent jurisdiction since 1789. Originally, one purpose in granting concurrent jurisdiction was to eliminate the necessity for...</p>	1960	Law Review	—	—
—	<p>188. FOREWORD: THE TIME CHART OF THE JUSTICES</p> <p>73 Harv. L. Rev. 84 , 125</p> <p>This Foreword departs from the pattern of most of its predecessors by addressing itself not to any especially noteworthy decisions or events of the past term but rather to problems...</p>	1959	Law Review	—	—

Treatment	Title	Date	Type	Depth	Headnote(s)
—	189. THE GAS-STOKERS' STRIKE 44 Harv. L. Rev. 795 , 825 THOSE who are interested in the immediate social aspects of this case, and who wish to hear the other side of this resort to the courts, as a move in the game between masters and...	1931	Law Review	—	—
—	190. MR. JUSTICE HOLMES AND THE CONSTITUTION A Review of his Twenty-five Years on the Supreme Court 41 Harv. L. Rev. 121 , 172 WHEN the present Chief Justice was appointed, a leading New York newspaper gave utterance to a wide-spread public appreciation of his "tact and good humor" by remarking that...	1927	Law Review	—	—
—	191. SOVEREIGN - WAIVER OF IMMUNITY FROM SUIT 38 Harv. L. Rev. 530 , 530 The Director-General of Railroads by order provided that all suits against him under § 10 of the Federal Control Act (40 Stat. at L. 456, 1919 U. S. Comp. Stat. Supp., § 3115 3/4...	1925	Law Review	—	—
—	192. FEDERAL INTERPRETATION OF STATE LEGISLATION 37 Harv. L. Rev. 1129 , 1131 The clause extending the jurisdiction of the federal judicial system to cases involving diversity of citizenship and analogous situations doubtless had a sound raison d'etre in the...	1924	Law Review	—	—
—	193. DON'T FORGET DUE PROCESS: THE PATH NOT (YET) TAKEN IN S 2254 HABEAS CORPUS ADJUDICATIONS 62 Hastings L.J. 1 , 65 Countless articles and judicial opinions have been devoted to the task of deciphering the scope and application of the limitations on habeas corpus relief announced in the...	2010	Law Review	—	—
—	194. TREATY OBLIGATIONS AND NATIONAL LAW: EMERGING CONFLICTS IN INTERNATIONAL ARBITRATION 58 Hastings L.J. 251 , 298 In determining the effect of treaties, the adage pacta sunt servanda ("agreements are to be kept") remains a foundation of international law. By contrast, when American courts...	2006	Law Review	—	—
—	195. FEDERAL HABEAS CORPUS, CONSTITUTIONAL RIGHTS, AND PROCEDURAL FORFEITURES: THE DELICATE BALANCE 12 Hofstra L. Rev. 617 , 722+ INTRODUCTION I. THE DOWNFALL OF DELIBERATE BYPASS AND THE EMERGENCE OF CAUSE AND ACTUAL PREJUDICE A. Davis v. United States—The Beginning of the End B. Francis v. Henderson—Davis...	1984	Law Review	—	—

Treatment	Title	Date	Type	Depth	Headnote(s)
—	196. FEDERAL POWER TO COMMANDEER STATE COURTS: IMPLICATIONS FOR THE THEORY OF JUDICIAL FEDERALISM 32 Ind. L. Rev. 71 , 110 Whatever one's views are of the proposed global tobacco settlement on the merits, at least from the perspective of a federal jurisdiction scholar it is truly disappointing that the...	1998	Law Review	—	—
—	197. NCAA AS STATE ACTOR CONTROVERSY: MUCH ADO ABOUT NOTHING 23 Marq. Sports L. Rev. 1 , 44 The Fourteenth Amendment to the Constitution of the United States affords procedural due process, equal protection, and substantive bill of rights protections. It applies to state...	2012	Law Review	—	—
—	198. WANTED: A FEDERAL STANDARD FOR EVALUATING THE ADEQUATE STATE FORUM 50 Md. L. Rev. 131 , 212+ C1-3Table of Contents Introduction. 132 I. The Heightened Scrutiny Model: Adequate State Grounds. 135 II. Negligible Scrutiny: A Pending State Proceeding as an Adequate Forum....	1991	Law Review	—	—
—	199. FEDERAL REVIEW OF STATE CRIMINAL CONVICTIONS: A STRUCTURAL APPROACH TO ADEQUACY DOCTRINE 116 Mich. L. Rev. 75 , 98+ Modern state postconviction review systems feature procedural labyrinths so complicated and confusing that indigent defendants have no realistic prospect of complying with the...	2017	Law Review	—	—
—	200. SUSPECTING THE STATES: SUPREME COURT REVIEW OF STATE-COURT STATE-LAW JUDGMENTS 101 Mich. L. Rev. 80 , 122+ At the Supreme Court these days, it is unfashionable to second-guess states' fealty to federal law without real proof that they are ignoring it. As the Court declared in Alden v....	2002	Law Review	—	—
—	201. STATE CONSTITUTIONAL LAW: FEDERALISM IN THE COMMON LAW TRADITION 84 Mich. L. Rev. 583 , 593 In State v. Jewett, decided last summer by the Supreme Court of Vermont, that court confronted a problem that has become all too familiar to state courts in recent years: '[A]...	1986	Law Review	—	—
—	202. WHAT IS THE ERIE DOCTRINE? (AND WHAT DOES IT MEAN FOR THE CONTEMPORARY POLITICS OF JUDICIAL FEDERALISM?) 84 Notre Dame L. Rev. 245 , 330 As when Erie Railroad Co. v. Tompkins was decided seventy years ago, federal courts today are seen as more favorable to corporate and business interests than many of their...	2008	Law Review	—	—

Treatment	Title	Date	Type	Depth	Headnote(s)
—	203. REVERSE-ERIE 82 Notre Dame L. Rev. 1 , 58+ Introduction. 2 I. Doctrine. 5 A. Law Applicable in Federal Court. 9 1. First, Mostly Considering Separation of Powers. 10 2. Next, Mostly Considering Federalism. 11 ...	2006	Law Review	—	—
—	204. OF RULES AND DISCRETION: THE SUPREME COURT, FEDERAL RULES AND COMMON LAW 63 Notre Dame L. Rev. 693 , 719 To the average lawyer it is Sanskrit; to the experienced federal practitioner it is monopoly; to the author of text books on federal practice it is a golden harvest. This...	1988	Law Review	—	—
—	205. QUALIFIED IMMUNITY AND STATE COURTS 8 Rev. Litig. 53 , 71+ C1-3Table of Contents I. Introduction. 53 II. Qualified Immunity Defined. 54 III. The Appealability of Qualified Immunity in State Courts. 57 A. Mitchell Adopted by Three...	1988	Law Review	—	—
—	206. CONSTITUTIONAL LAW - FIRST AMENDMENT - STATES MAY PROSCRIBE THE PRIVATE POSSESSION OF NON-OBSCENE CHILD PORNOGRAPHY - OSBORNE v. OHIO, 110 S.C.T. 1691 (1990) 21 Seton Hall L. Rev. 410 , 444+ The first amendment to the United States Constitution provides that Congress shall enact no law that abridges the freedom of speech. This protection has never been interpreted,...	1991	Law Review	—	—
—	207. DEATH BY DEFAULT: STATE PROCEDURAL DEFAULT DOCTRINE IN CAPITAL CASES 50 S.C. L. Rev. 1 , 52 I. Introduction. 2 II. South Carolina Rules for Error Preservation: A Basic Outline. 4 A. The Contemporaneous Objection Requirement. 4 B. Specificity of the Objection. 5 C....	1998	Law Review	—	—
—	208. CREATING JUDICIAL REMEDIES FOR VIOLATIONS OF THE VIENNA CONVENTION ON CONSULAR RELATIONS: A PROPOSED RESOLUTION TO MEDELLÍN V. DRETKE 2 Stan. J. Civ. Rts. & Civ. Liberties 333 , 364 Introduction. 334 I. The Vienna Convention on Consular Relations and Its Role in Habeas Corpus Review. 336 A. Formation and Provisions. 336 B. International and American...	2006	Law Review	—	—
—	209. STATE JUDGMENT VACATED FOR FAILURE TO CERTIFY GROUNDS 5 Stan. L. Rev. 521 , 529 Courts—Supreme Court—Certification by State Courts—State Judgment Vacated and Remanded for Failure of State Court to Certify Grounds for Decision to the Supreme Court.—Dixon, the...	1953	Law Review	—	—

Treatment	Title	Date	Type	Depth	Headnote(s)
—	<p>210. A CONSTITUTION WITHOUT A REMEDY: FORFEITURES AND ALTERNATIVE HOLDINGS UNDER AEDPA 89 Temp. L. Rev. 401 , 450+</p> <p>[T]he error from which these petitioners suffered was a denial of rights guaranteed against invasion by the Fifth and Fourteenth Amendments, rights rooted in the Bill of Rights,...</p>	2017	Law Review	—	—
—	<p>211. NO MERE ERROR OF STATE LAW: WHEN STATE APPELLATE COURTS DENY CRIMINAL DEFENDANTS DUE PROCESS 63 Tenn. L. Rev. 281 , 327</p> <p>It is well established that federal courts lack jurisdiction to review alleged errors of state law made by state courts. There are, however, other countervailing propositions of...</p>	1996	Law Review	—	—
—	<p>212. THE JURISDICTIONAL LEGACY OF THE CIVIL RIGHTS MOVEMENT 61 Tenn. L. Rev. 869 , 932</p> <p>C1-3Table of Contents I. Introduction. 870 II. Federal Courts Theories and the Reality of the American South. 872 A. The Collapse of Republicanism in the American South. 872 B. ...</p>	1994	Law Review	—	—
—	<p>213. INCOMPLETE DESIGNS 94 Tex. L. Rev. 807 , 857</p> <p>Many legal rules are designed to address the imperfections of real-world institutions. Rules of justiciability and deference, statutes setting administrative deadlines,...</p>	2016	Law Review	—	—
—	<p>214. FEDERAL JUDGMENTS LAW: SOURCES OF AUTHORITY AND SOURCES OF RULES 70 Tex. L. Rev. 1551 , 1587</p> <p>Articles I. Introduction II. Federal Judgments Law in Domestic State Litigation III. Federal Judgments Law in Interjurisdictional Cases A. Federal Common-Law Analysis and Repeal...</p>	1992	Law Review	—	—
—	<p>215. FEDERAL COURT PROCEDURE Case on Direct Review Remanded to State Court for Evidentiary Hearing to make Initial Determination of Waiver of Federal Claim. Henry v. Mississippi, 379 U.S. 443 (1965) 43 Tex. L. Rev. 987 , 991</p> <p>In petitioner's trial for an alleged misdemeanor, the State's evidence was corroborated solely by the testimony of a police officer whose evidence was gained by an illegal search. ...</p>	1965	Law Review	—	—
—	<p>216. JURIES-PRACTICE AND PROCEDURE-VALIDITY OF RELEASE IN AN ACTION UNDER FELA BROUGHT IN STATE COURT A QUESTION TO BE DECIDED BY THE JURY.-DICE V. AKRON, C. & Y.R.R., 342 U.S. 359 (1952) 31 Tex. L. Rev. 218 , 219</p> <p>In a suit for damages resulting from personal injury, brought in an Ohio court under the Federal Employers' Liability Act, the defendant denied liability on the basis of a release...</p>	1952	Law Review	—	—

Treatment	Title	Date	Type	Depth	Headnote(s)
—	217. FEDERAL COURTS-STATE PROCEDURE STRICKEN IN FELA CASE-BROWN V. WESTERN RY., 70 S.C.T. 105 (1949) 28 Tex. L. Rev. 972 , 972 An FELA action for personal injuries was brought in a Georgia court. The complaint charged the defendant railway with negligence "(a) In failing to furnish plaintiff with a...	1950	Law Review	—	—
—	218. JUDICIAL REVIEW OF ARBITRATION AWARDS AFTER CABLE CONNECTION: TOWARDS A DUE PROCESS MODEL 17 UCLA Ent. L. Rev. 1 , 38 Both federal law and California law authorize the courts to refuse to enforce an arbitration award by vacatur, or vacating the award. Vacatur is, in effect, judicial review of an...	2010	Law Review	—	—
—	219. RECONSIDERING MURDOCK: STATE-LAW REVERSALS AS CONSTITUTIONAL AVOIDANCE 77 U. Chi. L. Rev. 1335 , 1400 In 1874, the Supreme Court held in <i>Murdock v City of Memphis</i> that it lacked "jurisdiction" to review a state supreme court's interpretation of state law, even in cases that...	2010	Law Review	—	—
—	220. STATE FORFEITURE RULES AND FEDERAL REVIEW OF STATE CRIMINAL CONVICTIONS 49 U. Chi. L. Rev. 741 , 775 The doctrines regulating federal scrutiny of state criminal convictions have undergone substantial revision in the last few years. Nonetheless, some principles seem to have...	1982	Law Review	—	—
—	221. STANDING TO CHALLENGE SPECIAL ADMISSION PROGRAMS DiLeo v. Board of Regents of the University of Colorado 50 U. Colo. L. Rev. 361 , 374+ Attacks on the constitutionality of affirmative action programs in such fields as education and employment recently have been at the forefront of constitutional litigation. In...	1979	Law Review	—	—
—	222. THE EMERGING STATE COURT s 1983 ACTION: A PROCEDURAL REVIEW 38 U. Miami L. Rev. 381 , 558+ Although actions under § 1983 have traditionally been a federal court remedy, an increasing number of litigants have turned to the state courts to pursue claims under § 1983. In...	1984	Law Review	—	—
—	223. TWO (FEDERAL) WRONGS MAKE A (STATE) RIGHT: STATE CLASS-ACTION PROCEDURES AS AN ALTERNATIVE TO THE OPT-IN CLASS-ACTION PROVISION OF THE ADEA 25 U. Mich. J.L. Reform 7 , 51 Agnes was discharged from her sales position shortly before her forty-ninth birthday and was replaced by a twenty-six year-old. Convinced that her discharge was because of her...	1991	Law Review	—	—

Treatment	Title	Date	Type	Depth	Headnote(s)
—	<p>224. EX PARTE YOUNG AND THE TRANSFORMATION OF THE FEDERAL COURTS, 1890-1917 40 U. Tol. L. Rev. 931 , 970</p> <p>MORE than a century after the Supreme Court's decision in Ex parte Young, judges and commentators still debate its meaning and significance. Writing for the Young majority,...</p>	2009	Law Review	—	—
—	<p>225. DO WE REALLY NEED A JUDICIAL TAKINGS DOCTRINE? 35 Vt. L. Rev. 451 , 458</p> <p>Stop the Beach Renourishment, Inc. (STBR) sought a hearing in the Supreme Court because, in its view, "[t]he Florida Supreme Court invoked 'nonexistent rules of state substantive...</p>	2010	Law Review	—	—
—	<p>226. THE STATES AND IMMIGRATION IN AN ERA OF DEMI-SOVEREIGNTIES 35 Va. J. Int'l L. 121 , 178</p> <p>As politics become increasingly divorced from place, views on immigration and the problem of undocumented aliens still largely depend on where one stands. The level of political...</p>	1994	Law Review	—	—
—	<p>227. YOUR MONEY OR YOUR LIFE: INTERPRETING THE FEDERAL ACT AGAINST PATIENT DUMPING 24 Wake Forest L. Rev. 173 , 233</p> <p>I. INTRODUCTION A. The Scope of Patient Dumping B. The Reasons for Patient Dumping II. REMEDIES UNDER STATE LAW A. Common Law Remedies 1. A duty to act non-negligently arises when...</p>	1989	Law Review	—	—
—	<p>228. HABEAS CORPUS: ENDING ENDLESS APPEALS AND THE PARADOX OF THE INDEPENDENT AND ADEQUATE STATE GROUND DOCTRINE 11 Whittier L. Rev. 783 , 810+</p> <p>After reaching a high point of expansiveness in the early 1960's, the Supreme Court has since attempted to restrict the availability of federal habeas corpus review for state...</p>	1990	Law Review	—	—
—	<p>229. FEDERAL LAW IN STATE COURT: JUDICIAL FEDERALISM THROUGH A RELATIONAL LENS 19 Wm. & Mary Bill Rts. J. 511 , 590</p> <p>Enforcing federalism is most commonly thought to involve the search for a constitutional delegation of substantive power. Although in modern times the substantive power might be...</p>	2011	Law Review	—	—
—	<p>230. ARTICLE III CASES, STATE COURT DUTIES, AND THE MADISONIAN COMPROMISE 1995 Wis. L. Rev. 39 , 197</p> <p>Traditional federal courts scholarship holds that state courts are empowered to hear, and that they have certain duties to hear, Article III cases and controversies. Support for...</p>	1995	Law Review	—	—

Treatment	Title	Date	Type	Depth	Headnote(s)
—	<p>231. HOW TO REVIEW STATE COURT DETERMINATIONS OF STATE LAW ANTECEDENT TO FEDERAL RIGHTS 120 Yale L.J. 1192 , 1213+</p> <p>In <i>Stop the Beach Renourishment, Inc. v. Florida Department of Environmental Protection</i>, 130 S. Ct. 2592 (2010), a plurality of the Supreme Court endorsed a judicial takings...</p>	2011	Law Review	—	—
—	<p>232. STATE COURT DEFIANCE AND THE LIMITS OF SUPREME COURT AUTHORITY: WILLIAMS v. GEORGIA REVISITED 103 Yale L.J. 1423 , 1481+</p> <p>C1-2Contents I. Introduction. 1424 II. The Case of <i>Aubry Williams</i>. 1426 A. White Cards and Yellow Cards. 1426 B. The Certiorari Petition: From Two-and-a-Half to Four...</p>	1994	Law Review	—	—
—	<p>233. SECTION 1983 IN STATE COURT: A REMEDY FOR UNCONSTITUTIONAL STATE TAXATION 95 Yale L.J. 414 , 435</p> <p>Victims of federally unconstitutional state taxation are currently without adequate means to vindicate their federal rights. State-provided remedies do not furnish these victims...</p>	1985	Law Review	—	—
—	<p>234. THE SECURITIES EXCHANGE ACT AND THE RULE OF EXCLUSIVE FEDERAL JURISDICTION 89 Yale L.J. 95 , 117</p> <p>Rules establishing exclusive jurisdiction of specific legal claims are designed to provide judges and litigants clear guidance in determining the forum in which a suit should be...</p>	1979	Law Review	—	—
—	<p>235. THE NEW FEDERAL LAW OF LABOR INJUNCTIONS 79 Yale L.J. 1593 , 1617</p> <p>Since <i>Textile Workers' Union v. Lincoln Mills</i>, the Supreme Court has sought to elaborate on the proposition that federal courts must apply federal labor law in suits brought under...</p>	1970	Law Review	—	—
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Filings

There are no Filings for this citation.