

(ORDER LIST: 544 U.S.)

MONDAY, APRIL 25, 2005

CERTIORARI -- SUMMARY DISPOSITIONS

04-1263 BOYD, JACK K. V. UNITED STATES

The petition for a writ of certiorari is granted. The judgment is vacated and the case is remanded to the United States Court of Appeals for the Fifth Circuit for further consideration in light of *United States v. Booker*, 543 U.S. ____ (2005).

04-8789 BISHOP, DANNY R. V. UNITED STATES

The motion of petitioner for leave to proceed *in forma pauperis* and the petition for a writ of certiorari are granted. The judgment is vacated and the case is remanded to the United States Court of Appeals for the Fifth Circuit for further consideration in light of *United States v. Booker*, 543 U.S. ____ (2005).

04-9028 KOCH, ROBERT V. UNITED STATES

The motion of petitioner for leave to proceed *in forma pauperis* and the petition for a writ of certiorari are granted. The judgment is vacated and the case is remanded to the United States Court of Appeals for the Sixth Circuit for further consideration in light of *United States v. Booker*, 543 U.S. ____ (2005).

04-9040 GIORDANO, ANGELO J. V. UNITED STATES

04-9107 HIGASSI, ABED E. V. UNITED STATES

The motions of petitioners for leave to proceed *in forma*

pauperis and the petitions for writs of certiorari are granted. The judgments are vacated and the cases are remanded to the United States Court of Appeals for the Eleventh Circuit for further consideration in light of *United States v. Booker*, 543 U.S. ____ (2005).

04-9138 ROBINSON, KEVIN D. V. UNITED STATES

The motion of petitioner for leave to proceed *in forma pauperis* and the petition for a writ of certiorari are granted. The judgment is vacated and the case is remanded to the United States Court of Appeals for the Fifth Circuit for further consideration in light of *United States v. Booker*, 543 U.S. ____ (2005).

04-9146 PITTMAN, MAURICE C. V. UNITED STATES

The motion of petitioner for leave to proceed *in forma pauperis* and the petition for a writ of certiorari are granted. The judgment is vacated and the case is remanded to the United States Court of Appeals for the Seventh Circuit for further consideration in light of *United States v. Booker*, 543 U.S. ____ (2005).

04-9169 BLOCHER, DOUGLAS V. UNITED STATES

The motion of petitioner for leave to proceed *in forma pauperis* and the petition for a writ of certiorari are granted. The judgment is vacated and the case is remanded to the United States Court of Appeals for the Sixth Circuit for further consideration in light of *United States v. Booker*, 543 U.S. ____ (2005).

04-9189 MONTGOMERY, ROBERT W. V. UNITED STATES

The motion of petitioner for leave to proceed *in forma*

pauperis and the petition for a writ of certiorari are granted. The judgment is vacated and the case is remanded to the United States Court of Appeals for the Fifth Circuit for further consideration in light of *United States v. Booker*, 543 U.S. ____ (2005).

04-9191 NASH, MICHAEL A. V. UNITED STATES

The motion of petitioner for leave to proceed *in forma pauperis* and the petition for a writ of certiorari are granted. The judgment is vacated and the case is remanded to the United States Court of Appeals for the Sixth Circuit for further consideration in light of *United States v. Booker*, 543 U.S. ____ (2005).

04-9208 COUPAR, DOUGLAS A. V. UNITED STATES

The motion of petitioner for leave to proceed *in forma pauperis* and the petition for a writ of certiorari are granted. The judgment is vacated and the case is remanded to the United States Court of Appeals for the Ninth Circuit for further consideration in light of *United States v. Booker*, 543 U.S. ____ (2005).

04-9209 DELGADO-GAMA, JUAN V. UNITED STATES

04-9215 ROBINSON, PRESTON J. V. UNITED STATES

The motions of petitioners for leave to proceed *in forma pauperis* and the petitions for writs of certiorari are granted. The judgments are vacated and the cases are remanded to the United States Court of Appeals for the Fifth Circuit for further consideration in light of *United States v. Booker*, 543 U.S. ____ (2005).

04-9216 SLOAN, ALAN T. V. UNITED STATES

The motion of petitioner for leave to proceed *in forma pauperis* and the petition for a writ of certiorari are granted. The judgment is vacated and the case is remanded to the United States Court of Appeals for the Fourth Circuit for further consideration in light of *United States v. Booker*, 543 U.S. ____ (2005).

04-9236 THIBODAUX, JAMES W. V. UNITED STATES

04-9246 BERRYMAN, BRYAN G. V. UNITED STATES

The motions of petitioners for leave to proceed *in forma pauperis* and the petitions for writs of certiorari are granted. The judgments are vacated and the cases are remanded to the United States Court of Appeals for the Fifth Circuit for further consideration in light of *United States v. Booker*, 543 U.S. ____ (2005).

04-9251 OLIVER, JAMES S. V. UNITED STATES

04-9257 BOWERS, VANCE V. UNITED STATES

The motions of petitioners for leave to proceed *in forma pauperis* and the petitions for writs of certiorari are granted. The judgments are vacated and the cases are remanded to the United States Court of Appeals for the Sixth Circuit for further consideration in light of *United States v. Booker*, 543 U.S. ____ (2005).

04-9271 HERNANDEZ-NORIEGA, JORGE V. UNITED STATES

The motion of petitioner for leave to proceed *in forma pauperis* and the petition for a writ of certiorari are granted. The judgment is vacated and the case is remanded to the United States Court of Appeals for the Tenth Circuit for further

consideration in light of *United States v. Booker*, 543 U.S.
_____ (2005).

04-9272 HALL, KEVIN R. V. UNITED STATES
04-9273 FERNANDEZ-RODRIGUEZ, ROBERTO V. UNITED STATES
04-9276 CHACON-AVITIA, RAMON G. V. UNITED STATES
04-9278 CARRASCO-AVITIA, CONSTANTINO V. UNITED STATES
04-9280 SANCHEZ-PENA, CRISTOBAL V. UNITED STATES
04-9288 MARTINEZ-ESPARZA, GABRIEL V. UNITED STATES
04-9292 JACOBO, LEONCIO O. V. UNITED STATES
04-9296 MOYE, PATRICK V. UNITED STATES

The motions of petitioners for leave to proceed *in forma pauperis* and the petitions for writs of certiorari are granted. The judgments are vacated and the cases are remanded to the United States Court of Appeals for the Fifth Circuit for further consideration in light of *United States v. Booker*, 543 U.S. _____ (2005).

04-9299 MORRIS, CLEVELAND V. UNITED STATES

The motion of petitioner for leave to proceed *in forma pauperis* and the petition for a writ of certiorari are granted. The judgment is vacated and the case is remanded to the United States Court of Appeals for the Third Circuit for further consideration in light of *United States v. Booker*, 543 U.S. _____ (2005).

04-9301 PEREZ, ALEJANDRA B. V. UNITED STATES
04-9302 TAIWO, BUICHECU T. V. UNITED STATES
04-9310 ALTSCHUL, TODD W. V. UNITED STATES
04-9312 BEN, GREGORY V. UNITED STATES
04-9313 BERNAL-ISLER, MARTIN ENRIQUE V. UNITED STATES

04-9317 MUNIZ-TAPIA, MARIO A. V. UNITED STATES

The motions of petitioners for leave to proceed *in forma pauperis* and the petitions for writs of certiorari are granted. The judgments are vacated and the cases are remanded to the United States Court of Appeals for the Fifth Circuit for further consideration in light of *United States v. Booker*, 543 U.S. ____ (2005).

04-9390 SULEIMAN, SHAWKAT V. UNITED STATES

The motion of petitioner for leave to proceed *in forma pauperis* and the petition for a writ of certiorari are granted. The judgment is vacated and the case is remanded to the United States Court of Appeals for the Eleventh Circuit for further consideration in light of *United States v. Booker*, 543 U.S. ____ (2005).

04-9391 STANDRIDGE, WESLEY D. V. UNITED STATES

The motion of petitioner for leave to proceed *in forma pauperis* and the petition for a writ of certiorari are granted. The judgment is vacated and the case is remanded to the United States Court of Appeals for the Tenth Circuit for further consideration in light of *United States v. Booker*, 543 U.S. ____ (2005).

ORDERS IN PENDING CASES

03A511 MAXWELL, EDWARD V. SMITH, DAVID

The application for a certificate of appealability addressed to Justice O'Connor and referred to the Court is denied.

03-7434 BENITEZ, DANIEL V. ROZOS, FIELD OFFICE DIR.

The motion of petitioner for attorney's fees under Equal Access to Justice Act is denied without prejudice to filing in

the United States Court of Appeals for the Eleventh Circuit.

04-1095 MINISTRY OF DEFENSE, ETC. V. ELAHI, DARIUSH

The Acting Solicitor General is invited to file a brief in this case expressing the views of the United States.

CERTIORARI GRANTED

04-593 DOMINO'S PIZZA, INC., ET AL. V. McDONALD, JOHN

04-848 DOLAN, BARBARA V. USPS, ET AL.

04-881 LOCKHART, JAMES V. UNITED STATES, ET AL.

04-1140 MARTIN, GERALD T., ET UX. V. FRANKLIN CAPITAL CORP., ET AL.

The petitions for writs of certiorari are granted.

04-928 OREGON V. GUZEK, RANDY L.

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

CERTIORARI DENIED

04-973) RODRIGUEZ-FREYTAG, JESSICA V. NY CITY TRANSIT AUTH.

04-1137) NY CITY TRANSIT AUTH. V. RODRIGUEZ-FREYTAG, JESSICA

04-1103 SCARBOROUGH, BARBARA, ET AL. V. CLEMCO INDUSTRIES, INC., ET AL.

04-1108 FRAZIER, PHILLIP H. V. FRAZIER, CARL E., ET AL.

04-1110 GREGORY, LEONARD V. SC DEPT. OF TRANSP., ET AL.

04-1112 AIR CONDITIONING TRADES ASSN. V. CA APPRENTICESHIP COUNSEL

04-1120 DAVIS, DON R., ET UX. V. BRAZOS COUNTY, TEXAS, ET AL.

04-1121 THORNBURY NOBLE, LTD. V. THORNBURY TOWNSHIP, PA, ET AL.

04-1123 MORGAN, LESLIE, ET AL. V. UPS OF AMERICA, INC., ET AL.

04-1124 O'BANER, MACK A. V. TENNESSEE

04-1126 McDougall, Howard, ET AL. V. C.C. MID WEST, INC.

04-1143 BANNER RESTORATIONS, INC. V. BRICKLAYERS LOCAL 21, ET AL.

04-1147 BUDE, WILLIAM A. V. HARLEY DAVIDSON, INC., ET AL.
04-1167 SALEH, GEORGE J. V. GONZALES, ATT'Y GEN.
04-1184 STARK, STANLEY W., ET UX. V. EMC MORTGAGE CORP.
04-1185 BREITINGER, ELEANOR, ET AL. V. NJ DEPT. OF ENVTL. PROTECTION
04-1215 LEWIS, GEORGE A. V. CROSBY, SEC., FL DOC, ET AL.
04-1234 THURLOW, RENEE S. V. UNITED STATES, ET AL.
04-1235 TOLBERT, DARRYL V. TOLBERT, CANDIS
04-1266 SKELDON, SABRINA A. V. GONZALES, ATT'Y GEN.
04-1278 KLIMAS, ELIZABETH V. DEPT. OF TREASURY, ET AL.
04-1287 TEXAS V. VALDEZ, ALBERTO
04-7596 MANESSIS, THEODORE G. V. NEW YORK CITY DEPT. OF TRANSP.
04-7810 CONTEH, ISATAH M. V. GONZALES, ATT'Y GEN.
04-8386 COLE, STEPHEN V. CALIFORNIA
04-8530 BAKER, WESLEY E. V. MARYLAND
04-8557 WHITNEY, HAROLD R. V. WYOMING
04-8730 HAMILTON, HENRY E. V. MARYLAND
04-8734 HENDRICKS, LARRY E. V. RUSHTON, WARDEN, ET AL.
04-8738 FELDER, JOHN B. V. MCKINNEY, BRIAN, ET AL.
04-8742 SMITH, ZACHARY T. V. TEXAS
04-8745 COLEMAN, CEDRIC D. V. DRETKE, DIR., TX DCJ
04-8746 WALDON, GILBERT R. V. NORRIS, DIR., AR DOC
04-8747 MOSELEY, ERICK L. V. SCRIBNER, WARDEN
04-8748 OWEN, MICHAEL S. V. MASSACHUSETTS
04-8754 JACKSON, CRAIG W. V. SOUTH CAROLINA, ET AL.
04-8755 RODRIGUEZ, JOSE V. GOORD, COMM'R, NY DOC
04-8757 SMITH, DONALD E. V. GAMBRELL, ANDREW, ET AL.
04-8766 VIGNOLO, LEONARD D. V. BUDGE, WARDEN
04-8771 TATE, CHRISTINE A. V. VIRGINIA

04-8776 PARKS, DARIAN W. V. BOYETTE, SUPT., NASH
04-8778 ELLIS, WILLIAM S. V. EMERY, RICHARD, ET AL.
04-8780 CLARK, ERIC P. V. MO BD. OF PROBATION & PAROLE
04-8782 MUNGO, MARCUS V. GREENE, SUPT., GREAT MEADOW
04-8783 MANSON, DE'ANDRE X. V. HOFBAUER, WARDEN
04-8784 MORRIS, JOHN L. V. COURT OF APPEALS OF NC, ET AL.
04-8787 BLANEY, JEFFREY S. V. JOHNSON, DIR., VA DOC
04-8788 BRADLEY, ANTHONY V. MICHIGAN
04-8795 RILEY, WILLIAM V. GEORGIA
04-8797 SOSA, THOMAS C. V. DRETKE, DIR., TX DCJ
04-8798 MUNSON, MAURICE V. METRISH, WARDEN
04-8799 LOFTON, DONTE A. V. ILLINOIS
04-8801 JACKSON, MICHAEL F. V. SIKESTON POLICE DEPT.
04-8802 JUSTICE, JOHNNIE L. V. JOHNSON, DIR., VA DOC
04-8803 JOHNSON, LEROY V. BOBBY, WARDEN
04-8804 KWIATKOWSKI, ZDZISLAW B. V. J.P. MORGAN CHASE & CO.
04-8806 TURNER, PATRICK V. ILLINOIS
04-8809 THOMAS, DEMETRIS O. V. FLORIDA
04-8810 WILLIAMS, WILLIE V. BRADSHAW, WARDEN
04-8815 BOVELL, TEDROY A. V. GONZALES, ATT'Y GEN.
04-8816 BURGESS, KENNETH K. V. MISSOURI
04-8821 PORTER, CARL V. GREER, WARDEN
04-8822 OPONG-MENSAH, KOFI V. STRACENER, WARREN C., ET AL.
04-8824 SOSA, THOMAS C. V. DRETKE, DIR., TX DCJ
04-8825 PETRALIA, JOHN J. V. OHIO
04-8827 BARRY, ANTONIO V. OKLAHOMA
04-8830 BURNS, BARBARA V. MINNESOTA
04-8837 SCHMIDT, DANIEL K. V. USDC ND FL

04-8867 HURLEY, PATRICK J. V. QWEST COMMUNICATIONS INC.
04-8878 GUTIERREZ, ALFREDO G. V. TEXAS
04-8892 DEOLEO, VINICIO V. MILLER, SUPT., EASTERN
04-8912 BROWN, DWAYNE V. CHESNEY, SUPT., RETREAT, ET AL.
04-8919 MILES, RONALD V. JOHNSON, DIR., VA DOC
04-8935 JOHNSON, FRANK C. V. WILBUR, JOHN H., ET AL.
04-8951 SMITH, DEREK D. V. VIRGINIA
04-8956 STALLINGS, MARTIN J. V. LOUISIANA
04-8962 BURR, KERI A. V. HUFF, RICHARD L., ET AL.
04-8970 SANDERS, MAMIE V. ROZNER, IRWIN D.
04-8987 BENGE, JOHN H. V. DELAWARE
04-8999 PEREA, GUY R. V. BUSH, PRESIDENT OF U.S., ET AL.
04-9047 ROSE, DANA L. V. SONNEN, ADM'R, ID DOC
04-9052 FALKIEWICZ, SCOTT A. V. WHITE, WARDEN
04-9070 JAMES, ELWALDO R. V. HARRISON, WARDEN, ET AL.
04-9075 GAINES, TOMMY L. V. CROSBY, SEC., FL DOC
04-9087 FERNANDEZ, EMILIO R. V. MARYLAND
04-9105 BRYAN, LENNOX W. V. UNITED STATES
04-9112 GOMEZ, ANTHONY V. JOHNSON, DIR., VA DOC
04-9128 FULLER, KENNETH A. V. CONWAY, WARDEN
04-9151 GRANDISON, ANTHONY V. UNITED STATES
04-9161 EVICCI, WILFRED H. V. DENNEHY, COMM'R, MA DOC
04-9163 JOHNSON, KATHREAN V. ILLINOIS
04-9178 PETERSON, JON K. V. KING, SUPT., SO. MS
04-9186 EAK, ROBERT V. MECHLING, SUPT., FAYETTE
04-9187 CRUTHIRD, DWAYNE M. V. DISTRICT ATT'Y, SUFFOLK DIST.
04-9206 RITCHIE, ROBERT V. CLUFF, WARDEN
04-9224 FULLER, CYNTHIA V. UNITED STATES

04-9226 MILLS, ROBERT V. UNITED STATES
04-9254 BLUBAUGH, JOHN E. V. AM. CONTRACT BRIDGE LEAGUE
04-9266 MUNSON, JAMES V. McADORY, WARDEN
04-9268 SMITH, GREG V. UNITED STATES
04-9277 CASTRO, JUAN J. V. UNITED STATES
04-9281 SHAMBRY, CLARENCE V. UNITED STATES
04-9285 LUONG, JOHN T. V. UNITED STATES
04-9287 LOPEZ-MUNOZ, JORGE V. UNITED STATES
04-9289 MASKO, RONALD T. V. UNITED STATES
04-9293 CAMERON, MICHAEL C. V. UNITED STATES
04-9294 CONTRERAS-VELASQUEZ, RAYMONDO V. UNITED STATES
04-9303 WOOD, STEVEN H. V. UNITED STATES
04-9304 WALL, JAMES A. V. UNITED STATES
04-9319 MEDINA-MARTINEZ, JULIO A. V. UNITED STATES
04-9321 LEWIS, ANDRE V. UNITED STATES
04-9325 NINO, FERNANDO V. UNITED STATES
04-9327 JIMENEZ, PEDRO P. V. UNITED STATES
04-9330 ANTUNA, ALEXIS V. UNITED STATES
04-9339 SOUTHARD, ANTHONY V. UNITED STATES
04-9340 RUSS, McARTHUR V. UNITED STATES
04-9345 RENEAU, MARK V. UNITED STATES
04-9350 MASON, JAMES A. V. UNITED STATES
04-9352 ORDAZ, BERTO V. UNITED STATES
04-9355 SHARP, RENEE P. V. HENNEPIN COUNTY MED. CENTER
04-9358 DANIELS, THOMAS V. UNITED STATES
04-9361 ABDULLAH-MALIK, AKEEM A. V. UNITED STATES
04-9367 ISLAM, DAWUD Y. V. BRAXTON, WARDEN
04-9372 CAIN, EARL V. UNITED STATES

04-9374 CUEVAS, MIGUEL A. V. UNITED STATES
04-9376 WINGATE, KENNETH M. V. UNITED STATES
04-9377 WADDELL, JAMES E. V. UNITED STATES
04-9387 HUTCHERSON, NAVARRO V. UNITED STATES
04-9389 WONGUS, KEVIN V. UNITED STATES
04-9393 DIAZ-REYES, ISAIAS V. UNITED STATES
04-9395 LONDONO-TABAREZ, MARIO V. UNITED STATES
04-9397 BIDWELL, JAMES F. V. UNITED STATES
04-9398 BROOKS, CHARLES R. V. UNITED STATES
04-9402 GOMEZ-BALLESTEROS, BENIGNO V. UNITED STATES
04-9404 KIRKSEY, ANTHONY E. V. UNITED STATES
04-9408 CRUZ-CANSECO, RAMIRO V. UNITED STATES
04-9411 SPENCER, ROBERT L. V. UNITED STATES
04-9416 JOHNSON, DONALD W. V. UNITED STATES
04-9418 LE, HOANG AI V. UNITED STATES
04-9419 WASHINGTON, RAY V. UNITED STATES
04-9421 MUZA, JUAN V. UNITED STATES
04-9423 MUNRO, JONATHAN J. V. UNITED STATES
04-9433 SANCHEZ, JIMMY V. UNITED STATES
04-9439 MEANS, CLAY V. UNITED STATES
04-9445 TEEMER, KENYA V. UNITED STATES
04-9447 TREVINO-ZARAGOZA, JOSE M. V. UNITED STATES
04-9449 OSBORNE, MITCHELL D. V. UNITED STATES
04-9450 NEPTUNE, PETER B. V. UNITED STATES
04-9451 PONTILLO, JOSEPH S. V. UNITED STATES
04-9459 RICHARDSON, NATHANIEL A. V. UNITED STATES
04-9461 SANDERSON, DESHAWN V. UNITED STATES
04-9463 CARDENAS, ARNULFO H. V. UNITED STATES

04-9470 WALSH, JAMES D. V. UNITED STATES
04-9472 BROWN, EMANUEL V. UNITED STATES
04-9474 COLE, ODIES V. UNITED STATES
04-9483 JEFFERS, GARLAND V. UNITED STATES
04-9484 CARPA, DOUGLAS J. V. UNITED STATES

The petitions for writs of certiorari are denied.

04-820 ACREE, CLIFFORD, ET AL. V. IRAQ, ET AL.

The motion of Washington Legal Foundation, et al. for leave to file a brief as *amici curiae* is granted. The motion of St. Mary's University School of Law, et al. for leave to file a brief as *amici curiae* is granted. The motion of Center for Justice & Accountability and International Law Scholars for leave to file a brief as *amici curiae* is granted. The petition for a writ of certiorari is denied.

04-1216 SAGE HOSPITALITY RESOURCES V. HOTEL EMPLOYEES AND REST.

The motion of National Right to Work Legal Defense Foundation, et al. for leave to file a brief as *amici curiae* is granted. The motion of Chamber of Commerce of the United States, et al. for leave to file a brief as *amici curiae* is granted. The petition for a writ of certiorari is denied.

04-8764 MULLIN, HERBERT W. V. USDC ND CA

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

04-8838 LUNDAHL, HOLLI V. ELI LILLY & CO., ET AL.

The motion of petitioner for leave to proceed *in forma pauperis* is denied, and the petition for a writ of certiorari is dismissed. See Rule 39.8. As the petitioner has repeatedly

abused this Court's process, the Clerk is directed not to accept any further petitions in noncriminal matters from petitioner unless the docketing fee required by Rule 38(a) is paid and the petition is submitted in compliance with Rule 33.1. See *Martin v. District of Columbia Court of Appeals*, 506 U.S. 1 (1992) (*per curiam*). Justice Stevens dissents. See *id.*, at 4, and cases cited therein. Justice O'Connor took no part in the consideration or decision of this motion and this petition.

04-9364 GALLARDO, GARRY D. V. USCA 5

The motion of petitioner for leave to proceed *in forma pauperis* is denied, and the petition for a writ of certiorari is dismissed. See Rule 39.8.

HABEAS CORPUS DENIED

04-9519 IN RE MARZUQ A. AL-HAKIM

The petition for a writ of habeas corpus is denied.

MANDAMUS DENIED

04-8940 IN RE FLORENCE W. NZONGOLA

The petition for a writ of mandamus is denied.

REHEARINGS DENIED

04-750 GOULD, ENOCH E. V. USDC MN

04-5054 ISRAEL, RAUL E. V. UNITED STATES

04-6390 MARTINEZ-JARAMILLO, VICTOR H. V. GONZALES, ATT'Y GEN.

04-6713 NUNES, JOSE F. V. GONZALES, ATT'Y GEN.

04-7430 CONNER, KEVIN A. V. McBRIDE, SUPT., MAXIMUM CONTROL

04-7580 GERBER, ROBERT V. CAMP HOPE, INC.

04-7591 BEY, HENRY PERRY V. YOUNG, WARDEN
04-7952 LUCZAK, THEODORE V. MOTE, WARDEN
04-8139 COPLIN, JEFFREY V. UNITED STATES
04-8166 LORA, WILFREDO G. V. UNITED STATES
04-8237 PASTER, MITCHELL F. V. UNITED STATES
04-8586 HAMMER, JEFFREY V. TRENDL, ANTHONY L.

The petitions for rehearing are denied.