

(ORDER LIST: 544 U.S.)

MONDAY, MAY 23, 2005

CERTIORARI -- SUMMARY DISPOSITIONS

04-9585 MENDOZA-SALINAS, DAVID V. UNITED STATES

04-9633 RODRIGUEZ-GUTIERREZ, LUIS 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).

04-9648 SERVANCE, TYRONE M. 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).

04-9655 HALE, ELBERT 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 Fifth Circuit for further consideration in light of *United States v. Booker*, 543 U.S. \_\_\_\_ (2005).

04-9666 HARTMAN, CHRISTOPHER 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 Third Circuit for further consideration in light of *United States v. Booker*, 543 U.S. \_\_\_\_ (2005).

04-9675 LIRA-LOPEZ, JOSE S. 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).

04-9698 BAUTISTA, FREDY 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).

04-9781 GARCIA-SAUZA, JOSE 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 Eleventh Circuit for further consideration in light of *United States v. Booker*, 543 U.S. \_\_\_\_ (2005).

**ORDERS IN PENDING CASES**

04M72 ALAI, GHOLAM A. V. ED. MANAGEMENT CORP.

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

04-9561 GATES, STEVE V. DISCOVERY COMMUNICATIONS, ET AL.

The motion of petitioner for leave to proceed *in forma pauperis* is denied. Petitioner is allowed until June 13, 2005, within which to pay the docketing fee required by Rule 38(a) and to submit a petition in compliance with Rule 33.1 of the Rules of this Court.

**CERTIORARI GRANTED**

04-1144 AYOTTE, ATT'Y GEN. OF NH V. PLANNED PARENTHOOD

The petition for a writ of certiorari is granted.

**CERTIORARI DENIED**

04-978 D.A.S. SAND & GRAVEL, INC. V. CHAO, SEC. OF LABOR, ET AL.

04-1057 MCKENZIE, LORRAINE V. BENTON, SHERIFF

04-1114 SEQUIM, WA, ET AL. V. JOHNSON, ANTHONY L.

04-1157 ODOM, STEVEN A., ET AL. V. YANG, PEDRO, ET AL.

04-1162 RICOH ELECTRONICS, INC. V. HALUCK, JAMES, ET AL.

04-1183 OVERSTREET, PHILIP D. V. LEXINGTON-FAYETTE URBAN CTY.

04-1237 SAMS, EUGENIA W. V. HOECHST AKTIENGESELLSCHAFT

04-1250 ST. PAUL ALBANIAN CATHOLIC V. MAIDA, ADAM, ET AL.

04-1253 ACKERMAN, LORENA, ET AL. V. EDWARDS, TRACY, ET AL.

04-1259 METRoNET SERVICES CORP. V. QWEST CORPORATION

04-1260 PORTLAND, OR V. QWEST CORPORATION

04-1268 PARKS, TAMARA J. V. POMEROY, MICHAEL

04-1269 RELFORD, ROBERT V. LEXINGTON-FAYETTE URBAN CTY.

04-1273 YOUNGER, FRANCES V. YOUNGER, COLLIN L.

04-1279 KAPLAN, RACHEL V. KAGAN, SPENCER  
04-1285 FALCONE, CHRISTOPHER L. V. UNIV. OF MINNESOTA  
04-1289 MORRISON, TIMOTHY V. WARREN, RICHARD L., ET AL.  
04-1295 AVENAL, ALBERT J., ET AL. V. LOUISIANA, ET AL.  
04-1301 D. L., ET AL. V. UNIFIED SCHOOL DISTRICT NO. 497  
04-1302 KAHN, ABDUL A., ET AL. V. GONZALES, ATT'Y GEN.  
04-1313 SCOTT, SHELBY J. V. DEPT. OF ARMY  
04-1321 TUCKER, GREGORY V. RICHMOND, KY, ET AL.  
04-1344 PAYNE, ALLEN, ET UX. V. UNITED STATES  
04-1391 AMIRMOKRI, HOMI N. V. BODMAN, SEC. OF ENERGY  
04-1403 MARKARIAN, LEVON, ET UX. V. UNITED STATES  
04-1412 WEINER, MORRIS A., ET AL. V. UNITED STATES  
04-1425 MORGAN, WALTER C. V. USDC CD CA  
04-7583 COLEMAN, CHRISTOPHER V. CONNECTICUT  
04-9136 RAYMOND, KENNETH V. GIURBINO, WARDEN  
04-9188 DeBOSE, ARTHUR V. FLORIDA  
04-9190 WOODS, STEVEN M. V. TEXAS  
04-9193 GARRETT, MICHAEL L. V. DRETKE, DIR., TX DCJ  
04-9194 GARRETT, MICHAEL L. V. DRETKE, DIR., TX DCJ  
04-9198 HUNTER, DANNEZ W. V. LOCKYER, ATT'Y GEN. OF CA  
04-9202 SHEPPARD, RONALD V. BEDINGFIELD, WARDEN  
04-9207 ROWE, CLAUDE V. ROBERT HALF INT'L., ET AL.  
04-9214 OGUN SALU, CORNELIUS V. NAIR, MOHAN S., ET AL.  
04-9219 WEAVER, JEFFREY L. V. FLORIDA  
04-9221 DUNLAP, DANNY R. V. HATHAWAY, JUDGE, ETC.  
04-9222 ESPRITT, BRIAN T. V. SCRIBNER, WARDEN  
04-9223 GLOVER, KENNETH W. V. TX BD. OF PARDONS AND PAROLES  
04-9228 CUMMINGS, FLOYD V. ILLINOIS

04-9229 SAUNDERS, EARNESTINE J. V. CITY OF PETERSBURG POLICE DEPT.  
04-9232 SALINAS, JOSE M. V. DRETKE, DIR., TX DCJ  
04-9235 THOMPSON, FERNANDER V. YATES, WARDEN  
04-9241 JOSEPH, RONALD C. V. AYERS, WARDEN  
04-9242 JONES, JOSEPH J. V. SHERMAN, WARDEN  
04-9243 SMITH, KENNETH C. V. STEGALL, WARDEN  
04-9249 CARMICHAEL, ALBENO S. V. FLORIDA  
04-9253 ZHOU, WENYING V. SUN MICROSYSTEMS, INC.  
04-9255 BELL, BRYAN C. V. NORTH CAROLINA  
04-9256 BARNES, MARSHALL W. V. DRETKE, DIR., TX DCJ  
04-9258 BROTHERS, WILLIAM B. V. DiGUGLIELMO, SUPT., GRATERFORD  
04-9262 ALLEN, TAWANA S. V. FORD CREDIT  
04-9263 ALLEN, TAWANA S. V. IVEYS  
04-9264 MANLEY, LORENZO V. NORTH CAROLINA  
04-9283 STILLEY, RANDY V. GALAZA, WARDEN  
04-9284 SALLAHDIN, SHARIEFF I. V. MULLIN, WARDEN  
04-9290 KING, SAMMY D. V. THOMAS, WARDEN  
04-9322 LEARY, EDWARD V. NEW YORK  
04-9323 JONES, NATHANIEL H. V. SALEEBY, DUDLEY, ET AL.  
04-9326 SCELZI, JOSEPH V. BECKER & POLIAKOFF, ET AL.  
04-9328 LEE, PAUL F. V. VIRGINIA  
04-9332 BINNS, MARVIN V. HOUS. AUTH. OF THE CTY. OF COOK  
04-9333 BAR-JONAH, NATHANIEL V. MONTANA  
04-9335 ADAMS, DAVID V. MISSISSIPPI  
04-9337 STERLING, GARY V. DRETKE, DIR., TX DCJ  
04-9341 ROACH, WILLIAM H. V. MAXEY, ROBERT, ET AL.  
04-9342 SINGLETON, DANIEL V. FISCHER, SUPT., SING SING  
04-9343 STAKEY, JOEY V. PASKETT, WARDEN, ET AL.

04-9344 SHOEMAKER, JEFFERY V. FLORIDA  
04-9346 RANGEL, SEBASTIAN V. DRETKE, DIR., TX DCJ  
04-9347 PLCH, VACLAV V. COPLAN, WARDEN  
04-9359 DENNIS, ROGER A. V. GONZALES, ATT'Y GEN., ET AL.  
04-9422 MORRIS, WILLIAM F. V. NICHOLSON, SEC. OF VA  
04-9431 LICARI, CRAIG R. V. MINNESOTA  
04-9456 AWIIS, BAKRI V. PORTER, SUPT., WA  
04-9458 ARIAS, MARIA L. V. GONZALES, ATT'Y GEN.  
04-9460 SIERRA, DOMINGO V. LAFLER, WARDEN  
04-9468 PHILLIPS, SHIRLEY V. BARNHART, COMM'R, SOCIAL SEC.  
04-9532 WALLAGER, JASON C. V. McKEE, WARDEN  
04-9572 DAVIS, CHARLES V. JOHNSON, SUPT., ORLEANS  
04-9606 PUNGINA, GALINA V. McGREEVEY, FORMER GOV. OF NJ  
04-9609 LASH, DALE W. V. ILLINOIS  
04-9616 KNOWLIN, LEE V. BENIK, WARDEN  
04-9618 TORRES, RUSTTEE A. V. MINNESOTA  
04-9629 DIAZ-CRISPIN, DIANNA Z. V. UNITED STATES  
04-9688 MOORER, DAVID V. MERISTAR FOR MARRIOTT, ET AL.  
04-9689 WILSON, COLLINS S. V. HUBBARD, SUPT., McCAIN  
04-9703 BARKLEY, ERIC V. PENNSYLVANIA  
04-9726 RODRIGUEZ-VILLARREAL, MARTINIANO V. UNITED STATES  
04-9729 ROBINSON, CHARLES V. ARKANSAS  
04-9742 JACKSON, FREDERICK E. V. UNITED STATES  
04-9749 ABIMBOLA-AMOO, KAFAYAT V. UNITED STATES  
04-9750 BRONSHEIN, ANTUAN V. BEARD, SEC., PA DOC  
04-9764 TURPIN, MAGGIE L. V. UNITED STATES  
04-9767 PULLEY, PARIS T. V. UNITED STATES  
04-9769 BOONE, BRYANT P. V. UNITED STATES

04-9771 SHERMAN, CHARLES V. UNITED STATES  
04-9774 ANDERSON, ROBERT V. DiGUGLIELMO, SUPT., GRATERFORD  
04-9777 MOORE, JAMES J. V. UNITED STATES  
04-9780 FINCH, LARRY V. UNITED STATES  
04-9782 FLORES-GUZMAN, JESUS R. V. UNITED STATES  
04-9787 BLOUNT, COREY L. V. UNITED STATES  
04-9797 HOBEREK, STANLEY V. UNITED STATES  
04-9810 MARTIN, KIMBERLY D. V. UNITED STATES  
04-9811 JAMES, CORDELL V. UNITED STATES  
04-9816 SMITH, RICHARD A. V. UNITED STATES  
04-9831 STAPLE, MIASHA V. UNITED STATES  
04-9833 BURTON, SOLOMON T. V. UNITED STATES  
04-9834 ADEMAJ, FREDI V. UNITED STATES  
04-9835 BARBOSA, LUIS H. V. UNITED STATES  
04-9846 WHAB, USAMA S. A. A. V. UNITED STATES  
04-9852 WELLS, TIMOTHY J. V. UNITED STATES

The petitions for writs of certiorari are denied.

04-872 KUCERA, SANDRA, ET AL. V. BRADBURY, OR SEC. OF STATE

The petition for a writ of certiorari is denied. Justice Breyer would grant the petition for a writ of certiorari.

04-1282 HSU, TIEN F., ET AL. V. CLARK COUNTY, NV

The motion of Pacific Legal Foundation for leave to file a brief as *amicus curiae* is granted. The petition for a writ of certiorari is denied.

04-1283 FINCH, KIMBERLYE V. GALAWAY, EDDIE L.

The motion of Guardian Life Insurance Company of America for leave to file a brief as *amicus curiae* out-of-time is denied. The petition for a writ of certiorari is denied.

04-9185 COOMBS, DERRICK R. V. PENNSYLVANIA  
04-9201 REED, KENNETH W. V. YUMA COUNTY, AZ, ET AL.

The motions of petitioners for leave to proceed *in forma pauperis* are denied, and the petitions for writs of certiorari are dismissed. See Rule 39.8.

04-9329 AVERY, TIMOTHY M. V. REED, SUPT., MANNING

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

#### **HABEAS CORPUS DENIED**

04-9775 IN RE ROBERT ANDERSON  
04-9836 IN RE VICTOR J. BRAVO  
04-9845 IN RE MICHAEL A. WOOD  
04-9849 IN RE DENNIS E. WILLIAMS

The petitions for writs of habeas corpus are denied.

#### **REHEARINGS DENIED**

03-855 SHERRILL, NY V. ONEIDA INDIAN NATION OF NY  
03-6270 CABRERA, ANTONIO R. V. UNITED STATES  
03-10261 LEGRAND, MICHAEL D. V. LOUISIANA  
04-1014 IN RE OLEKSIY LEONICHEV AND VIKTORIYA LEONICHEVA  
04-5337 SANTOS, HUMBERTO V. UNITED STATES  
04-7743 HOWZE, JOHNNY L. V. YARBOROUGH, WARDEN, ET AL.  
04-7783 HOLLOWAY, PURVIS V. HAMLET, WARDEN  
04-7861 ALVARADO-RIVERA, LUIS M. V. UNITED STATES  
04-8012 GELMAN, GREGORY V. PHILLIPS, SUPT., GREEN HAVEN  
04-8017 COOK, LARRY V. CABANA, DONALD  
04-8048 EPPERSON, KEVIN S. V. DELAWARE  
04-8137 COLIDA, TONY V. KYOCERA WIRELESS CORP.  
04-8346 TILLMAN, CEDWICK V. SCHOFIELD, WARDEN



04-8408 ROWLAND, THOMAS L. V. CROSBY, SEC., FL DOC, ET AL.  
04-8419 GRIMES, TIMOTHY V. FOWLER, R., ET AL.  
04-8435 DONALDSON, MARK P. V. CENTRAL MICHIGAN UNIV., ET AL.  
04-8486 WALLACE, CORINE D. V. YWCA OF CHEMUNG CTY., ET AL.  
04-8532 BROWN, GEORGE A. V. BUSH, PRESIDENT OF U.S., ET AL.  
04-8607 IACULLO, DINO V. UNITED STATES  
04-8712 CURTO, PATRICIA J. V. CORNELL UNIV. COLLEGE, ET AL.  
04-9015 WINGO, KARL V. UNITED STATES  
04-9147 IN RE LONZIE W. McQUIRTER

The petitions for rehearing are denied.

03-7922 HARRIS, RANDY V. UNITED STATES  
04-6006 DAMES, CARDINAL M. V. UNITED STATES  
04-6014 BURNS, ROBERT C. V. UNITED STATES

The motions for leave to file petitions for rehearing are denied.

#### **RECESS ORDER**

The Court will take a recess from Monday, May 23, 2005, until Tuesday, May 31, 2005.