

(ORDER LIST: 543 U.S.)

MONDAY, NOVEMBER 15, 2004

**CERTIORARI -- SUMMARY DISPOSITIONS**

02-813 GREEN FIRE INS. CO. V. M/V HYUNDAI LIBERTY

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 Ninth Circuit for further consideration in light of *Norfolk Southern R. Co. v. James N. Kirby, Pty Ltd.*, 543 U.S. \_\_\_\_ (2004).

04-5876 ABDUL-KABIR, JALIL V. DRETKE, DIR., TX DCJ

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 *Tennard v. Dretke*, 542 U.S. \_\_\_\_ (2004).

**ORDERS IN PENDING CASES**

04A259 GRAVES, MICHAEL B. V. ASHCROFT, ATTY. GEN., ET AL.

The application for stay addressed to The Chief Justice and referred to the Court is denied.

04M17 JACKSON, LILLIE M. V. AMETEK, INC./HAVEG DIVISION

04M18 CROSBY, SEC., FL DOC V. DAVIS, JOSEPH H.

04M19 STANKEWITZ, DOUGLAS R. V. BROWN, ACTING WARDEN

04M20 HENDERSON, QUINCY V. TENNESSEE

04M21 ERICKSON, HEIDI K. V. WATERTOWN HEALTH DEPT., ET AL.

The motions to direct the Clerk to file petitions for writs

of certiorari out-of-time are denied.

03-1294 HALL, HAYWOOD E. V. UNITED STATES

The motion of petitioner for appointment of counsel is granted. Sharon Samek, Esq., of Tampa, Florida, is appointed to serve as counsel for the petitioner in this case.

03-8661 SMITH, MELVIN T. V. MASSACHUSETTS

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

04-5154 ORTLOFF, ROBERT S. V. UNITED STATES

The motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* is denied.

04-6297 JEVTIC, DUSAN M. V. LIBERTY MUTUAL INSURANCE CO.

04-6314 IN RE MUKHTAR TAHA

The motions of petitioners for leave to proceed *in forma pauperis* are denied. Petitioners are allowed until December 6, 2004, within which to pay the docketing fees required by Rule 38(a) and to submit petitions in compliance with Rule 33.1 of the Rules of this Court.

**CERTIORARI DENIED**

03-1581 ) KNIGHT-RIDDER, INC. V. CAPITAL FACTORS, INC., ET AL.

03-1583 ) HANDLEMAN CO. V. CAPITAL FACTORS, INC., ET AL.

03-8968 VENEGAS-ORNELAS, ADALBERTO V. UNITED STATES

03-9345 OWEN, DUANE V. FLORIDA

04-107 CIBAO MEAT PRODUCTS V. NLRB

04-113 LOULOU, TEYENT V. ASHCROFT, ATT'Y GEN.

04-184 C. M. C. V. G. A. L., ET UX.

04-323 GIDDINGS, LINDA V. NORTHERN TELECOM, INC., ET AL.  
04-327 SSA GULF, INC. V. USDC ED LA  
04-328 TURNER, STEPHEN, ET AL. V. COOK, DAVID J., ET AL.  
04-329 TALLY, JAMES, ET AL. V. EDMONDSON, ATT'Y GEN. OF OK  
04-345 DONAHUE, BRADLEY J. V. BOSTON, MA, ET AL.  
04-347 HERERO PEOPLE'S REPARATION CORP. V. DEUTSCHE BANK, A. G., ET AL.  
04-349 GASS, HERBERT S., ET AL. V. ALLEGHENY COUNTY, PA, ET AL.  
04-351 LACY, TANYA L., ET AL. V. CSX TRANSPORTATION, INC.  
04-355 JOU, EMERSON M. F. V. FIRST INSURANCE CO. OF HI  
04-361 CLISSURAS, ALICE, ET AL. V. CITY UNIV. OF NEW YORK, ET AL.  
04-382 SHAIEB, EDWARD M. V. MICHIGAN  
04-388 WASHBURN, PHILIP V. DEPT. OF JUSTICE, ET AL.  
04-395 CHIPPEWA TRADING COMPANY V. COX, ATT'Y GEN. OF MI, ET AL.  
04-399 ITTELLA FOODS, INC. V. ZURICH INSURANCE CO., ET AL.  
04-404 HERMAN, DANFINA, ET AL. V. ASHCROFT, ATT'Y GEN.  
04-412 CUYLER, GRETCHEN D. V. UNITED STATES  
04-418 GARY S., ET UX. V. MANCHESTER SCHOOL DISTRICT  
04-419 SOUTHERN, JOSEPH W. V. POWELL, SEC. OF STATE  
04-443 DRAPER, STACY A. V. REYNOLDS, CLINTON D.  
04-458 MARSHALL, CONNIE V. BOWLES, JUDGE  
04-497 DeJOHN, ANTHONY V. UNITED STATES  
04-512 KROUSE, CONRAD A. V. UNITED STATES  
04-513 NG, KEITH WAI K. V. UNITED STATES  
04-533 KOLOSKY, JOEFFRE V. FAIRVIEW UNIV. MEDICAL CENTER  
04-5593 SMITH, DEBRA V. NEW YORK  
04-5689 RIOS-CRUZ, EMILIO V. UNITED STATES  
04-6195 BAGWELL, DENNIS W. V. DRETKE, DIR., TX DCJ  
04-6197 CHI, HELIBERTO V. TEXAS

04-6203 BRENNAN, MICHAEL A. V. WALL, DIR., RI DOC, ET AL.

04-6204 MCKENZIE, TEDDY E. V. JONES, WARDEN

04-6207 MILLER, GERALD H. V. TRAWICK, HARRY, ET AL.

04-6208 SPOTTSVILLE, DANIEL A. V. TERRY, WARDEN

04-6210 SANDERS, HENRY L. V. DRETKE, DIR., TX DCJ

04-6213 ROYSTER, JERMAINE V. SENKOWSKI, SUPT., CLINTON

04-6214 SHAW, HOMER O. V. WORKMAN, WARDEN

04-6215 REID, BARRINGTON V. EARLY, WARDEN

04-6222 BONILLA, EDUARDO V. HURLEY, WARDEN

04-6227 WASHINGTON, DARNELL V. BROWN, WARDEN, ET AL.

04-6231 BARRON, BRET M. V. SHEEDY, WARDEN, ET AL.

04-6232 CREVELING, RICHARD V. MOHAVE COUNTY, AZ, ET AL.

04-6233 NEWBURY, DONALD K. V. TEXAS

04-6241 MURRAY, VINCENT P. V. PERLOW, JEFFRY S.

04-6244 MORRILL, ANN C. V. JOHNS HOPKINS UNIVERSITY

04-6250 MARTIN, NYGEL I. V. WORKMAN, WARDEN, ET AL.

04-6251 LARRIMORE, TONY G. V. OZMINT, DIR., SC DOC, ET AL.

04-6253 PHILLIPS, WENDELL W. V. LANSING SCHOOL DISTRICT, ET AL.

04-6254 ELROD, DOUGLAS V. SUPREME COURT OF MI, ET AL.

04-6255 DAVIS, STEPHEN V. JACKSON, WARDEN

04-6262 HALEY, SAMUEL E. V. GALLOWAY, WILLIAM, ET AL.

04-6267 GUZMAN, JOSE EMILIO P. V. GONZALEZ, PEDRO R., ET AL.

04-6268 LACKING, ARMSTER V. USDC SD MS

04-6269 LONGWORTH, RAYMOND A. V. LANE, WARDEN

04-6270 WILLIAMS, JUSTEEN V. DAHM, WARDEN

04-6271 WARD, MARCUS D. V. CALIFORNIA

04-6275 WALKER, MONIQUE L. V. FAMILY INDEPENDENCE AGENCY

04-6283 MISSOURI, ex rel. TOMPRAS V. BD. OF ELECTION COMM'R ST. LOUIS

04-6291 R. M. V. RIVERSIDE CTY. DEPT. OF PUBLIC SOCIAL SERVICES  
04-6293 MURPHY, MICHAEL D. V. MO DOC, ET AL.  
04-6294 POWELL, RICHARD W. V. SCOTT, ADM'R, SOUTHWESTERN  
04-6296 LEWIS, JAMES E. V. DRETKE, DIR., TX DCJ  
04-6303 SVANHOLM, JOHAN K. V. V. MONTGOMERY COUNTY, MD, ET AL.  
04-6304 DeBLASE, JEFFREY T. V. KLEM, SUPT., MAHANAY, ET AL.  
04-6308 SCALES, NOLAN W. V. DRETKE, DIR., TX DCJ  
04-6311 DOMINGUEZ, MARVIN J. V. GIURBINO, WARDEN  
04-6325 WHITE, JOEL V. MORGAN, SUPT., WA  
04-6332 KOEHL, EDWARD V. SENKOWSKI, SUPT., CLINTON  
04-6333 MARTIN, ANDREW W. V. CAREY, WARDEN  
04-6431 BROWN, GEORGE V. MO BD. OF PROBATION AND PAROLE  
04-6450 JOY, TERRANCE D. V. HALL, WARDEN  
04-6498 SMITH, APRYL D. V. NORTH CAROLINA  
04-6502 JOHNSON, STEPHEN R. V. CALIFORNIA  
04-6520 JACKSON, AARON V. McDANIEL, WARDEN  
04-6527 RUSSELL, LANFORD R. V. ASHCROFT, ATT'Y GEN.  
04-6558 BRYSON, LESTER D., ET AL. V. JOHNSTON, JUDGE, ET AL.  
04-6595 HULLUM, LANCE V. DENNEHY, COMM'R, MA DOC  
04-6601 MAUWEE, EUGENE A. V. HELLING, WARDEN  
04-6606 AL-AMIN, JAMIL A. V. GEORGIA  
04-6611 VERDUZCO, JORGE A. V. UNITED STATES  
04-6720 HARGROVE, LINTON M. V. UNITED STATES  
04-6737 MITCHELL, TRISTIN V. UNITED STATES  
04-6741 SCHNUPP, ANDREA V. UNITED STATES  
04-6744 SERRANO-LUVIANO, GUADALUPE V. UNITED STATES  
04-6748 WOOTEN, CHARLES V. UNITED STATES  
04-6751 BURBAGE, KNOWLINGTON O. V. UNITED STATES

04-6753 DILLER, MARK A. V. UNITED STATES  
04-6759 STUBBS, CHARLES V. UNITED STATES  
04-6769 BURRELL, ANDREW V. UNITED STATES  
04-6770 PETRUCELLI, JOHN V. UNITED STATES  
04-6772 WYNN, STACEY V. UNITED STATES  
04-6773 WADE, ALLEN E. V. UNITED STATES  
04-6776 MATHIS, WAYNE V. UNITED STATES  
04-6783 MEDINA-ROMAN, KEILA V. UNITED STATES  
04-6800 JOHNSON, ALLEN R. V. UNITED STATES  
04-6801 HALL, ALOYSIUS W. S. V. UNITED STATES  
04-6812 PAYNE, ROBERT L. V. UNITED STATES  
04-6815 SPENCER, KEVIN D. V. UNITED STATES  
04-6816 CHEN, STEVEN V. UNITED STATES  
04-6818 RICHBURG, JESSE E. V. UNITED STATES  
04-6833 MINUTOLI, LISA A. V. UNITED STATES  
04-6835 MARTINEZ-MENDEZ, SAUL V. UNITED STATES  
04-6839 APODACA, ALFRED L. V. UNITED STATES  
04-6843 DE JESUS-MATEO, PEDRO V. UNITED STATES  
04-6846 FLORES-BARAJAS, ALFREDO V. UNITED STATES  
04-6847 GADSDEN, KENYON R. V. UNITED STATES  
04-6850 JANGULA, RANDY J. V. UNITED STATES  
04-6852 MADRID-CORTEZ, HERNAN V. UNITED STATES  
04-6859 POUX, ERNESTO V. UNITED STATES  
04-6860 POWELL, MELVIN V. UNITED STATES  
04-6863 LESLIE, RICHARD V. HOLDER, WARDEN  
04-6872 CALDWELL, DARRELL B. V. UNITED STATES  
04-6877 LeBLANC, MICHAEL A. V. UNITED STATES  
04-6893 WOLFE, MICHAEL D. V. UNITED STATES

04-6898 VASQUEZ-FONSECA, ISMAEL V. UNITED STATES

04-6899 JOELSON, MAXWELL R. V. UNITED STATES

The petitions for writs of certiorari are denied.

03-1514 UNITED STATES V. VARGAS-DURAN, ENRIQUE

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

04-181 IRVING PULP & PAPER, LTD. V. CAPITAL FACTORS, INC.

The motion of Travelers Casualty and Surety Company of America, et al. for leave to file a brief as *amici curiae* is granted. The petition for a writ of certiorari is denied.

04-333 LOWE, JAMES C. V. WAL-MART STORES, INC., ET AL.

04-354 KENNEDY, RICHARD D., ET UX. V. CHASE MANHATTAN BANK, ET AL.

The petitions for writs of certiorari are denied. Justice Breyer took no part in the consideration or decision of these petitions.

04-6242 KLAT, SUSAN V. V. CA BOARD OF REG. NURSING

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

04-6290 LEVY, CHARLES W. V. FAIRFAX COUNTY, VA, 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.

04-6609 ROBINSON, GREGORY C. V. GIURBINO, WARDEN

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

**HABEAS CORPUS DENIED**

04-6869 IN RE JAMES SMITH

The petition for a writ of habeas corpus is denied.

**MANDAMUS DENIED**

03-10574 IN RE MICHAEL R. SHEMONSKY

03-10857 IN RE MICHAEL R. SHEMONSKY

04-346 IN RE LORRAINE GRACE, ET AL.

04-6318 IN RE BERNARD ANDERSON

The petitions for writs of mandamus are denied.

**REHEARINGS DENIED**

03-10245 ERICKSON, HEIDI K. V. WATERTOWN HEALTH DEPT., ET AL.

03-10873 GARCIA, GUSTAVO J. V. TEXAS

04-297 IN RE EURICA CALIFORRNIAA

04-5455 MOORE, WILLIAM G. V. USDC WD WA, ET AL.

04-5491 BLOOME, MARGIE V. DEPT. OF TREASURY, ET AL.

The petitions for rehearing are denied.

03-10527 KLAT, SUSAN V. V. CA BOARD OF REG. NURSING

03-10721 KLAT, SUSAN V. V. REGENTS OF UNIV. OF CA

The petitions for rehearing are denied. The Chief Justice took no part in the consideration or decision of these petitions.

03-6389 WILEY, CHRISTOPHER V. McKEE, WARDEN

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