

(ORDER LIST: 540 U.S.)

MONDAY, JANUARY 26, 2004

ORDERS IN PENDING CASES

03M42 McCORD, LORRAINE V. UNITED STATES

03M43 PRINCE, DERRICK L. V. HICKMAN, WARDEN

03M44 FORNEY, SHIRLEY V. FORNEY, CALVIN E., ET AL.

The motions to direct the Clerk to file petitions for writs of certiorari out-of-time are denied.

02-1603 BEARD, SEC., PA DOC, ET AL. V. BANKS, GEORGE E.

The motion of petitioners for divided argument is denied.

02-1624 ELK GROVE UNIFIED SCH. DIST. V. NEWDOW, MICHAEL A., ET AL.

The motion of respondent Michael A. Newdow to add parties is denied. Justice Scalia took no part in the consideration or decision of this motion.

02-1684 YARBOROUGH, WARDEN V. ALVARADO, MICHAEL

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

03-107 UNITED STATES V. LARA, BILLY JO

The motion of respondent to strike portions of the *amici curiae* brief on behalf of Eighteen American Indian Tribes, Lac Courte Oreilles Tribe, et al. is denied.

03-339 ) SOSA, JOSE F. V. ALVAREZ-MACHAIN, HUMBERTO, ET AL.

)  
03-485 ) UNITED STATES V. ALVAREZ-MACHAIN, HUMBERTO, ET AL.

The motion of petitioners to dispense with printing the joint appendix is granted.

03-779           ANDRX PHARMACEUTICALS, INC. V. KROGER CO., ET AL.

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

**CERTIORARI GRANTED**

03-633           ROPER, SUPT., POTOSI V. SIMMONS, CHRISTOPHER

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

**CERTIORARI DENIED**

03-585           CROWN EQUIPMENT CORPORATION V. McEUIN, WILLIAM

03-598           NEW JERSEY V. GARRON, ANDERSON

03-604           CIRCUIT CITY STORES, INC. V. INGLE, CATHERINE

03-605           CIRCUIT CITY STORES, INC. V. MANTOR, PAUL

03-632           DuBOIS, JOSEPH W., ET UX. V. WEST GATE VILLAGE ASSOC.

03-651           GRAVANO, SALVATORE V. ARIZONA

03-687           R. J. REYNOLDS TOBACCO CO. V. KENYON, FLORENCE

03-730           SHARPE, FRANCIS V. ROMAN CATHOLIC DIOCESE OF DALLAS

03-736           VIRGIN ISLANDS V. RIVERA, JAMEL

03-742           FRUGE, CARL, ET AL. V. ANADARKO PETROLEUM CORP., ET AL.

03-743           FINKELSTEIN, EDWIN S. V. TUCSON, AZ, ET AL.

03-745           HOLCOMB, KAREN KAE K. V. FORD, JOHN

03-749           SIEMON-NETTO, GILLIAN M., ET AL. V. ROSE, MARK, ET AL.

03-754           MAJORS, NED B. V. HARDWICK, CLIFFORD H., ET AL.

03-757           McKEEL, JOLENE, ET AL. V. COLORADO

03-760           JOHNSON, CLIFFORD V. COURT OF APPEAL OF CA, ET AL.

03-780           JONES, ISAIAH R., ET AL. V. ALCOA INC.

03-789           PEPPERS, BETTIE J. V. DEPT. OF ARMY, ET AL.

03-793 CARR, PHILLIP A. V. ASHCROFT, ATT'Y GEN., ET AL.  
03-794 MITCHELL, NANCY V. SHAIN, GREGORY  
03-796 EISEN, ARNOLD V. BUSH, PRESIDENT OF U. S., ET AL.  
03-798 KAUFMAN, MELVYN V. FASS, ANNE, ET AL.  
03-809 HECHT, DANIEL, ETC. V. BARNHART, COMM'R, SOCIAL SEC.  
03-825 DELGADO, RODRIGO V. GARCIA, WARDEN  
03-833 KAISER, GERALD V. ARIZONA  
03-854 LUSTER, ANDREW S. V. CALIFORNIA  
03-864 PROFESSIONAL MANAGEMENT ASSOC. V. KPMG, LLP  
03-873 HOSKINS, HARRY D., ET AL. V. UNITED STATES  
03-884 M.Y.J.P. V. NJ DIV. OF YOUTH & FAMILY SERV.  
03-890 BROWNING, ELRADER V. UNITED STATES  
03-899 BETHURUM, BRETT A. V. UNITED STATES  
03-924 HUBBARD, WILLIE R. V. UNITED STATES  
03-6479 KENNEY, JOHN C. V. MENDEZ, WARDEN, ET AL.  
03-6862 SMITH, GREGORY C. V. CALIFORNIA  
03-6979 HENDERSON, JAMES L. V. DRETKE, DIR., TX DCJ  
03-6982 CLARK, GARRY M. V. DRETKE, DIR., TX DCJ  
03-7010 HOOD, GEORGE O. V. UNITED STATES  
03-7065 PENNEY, HANNIBAL V. UNITED STATES  
03-7134 BROWN, FRANK L. V. UNITED STATES  
03-7542 LONG, JUSTIN R. V. OKLAHOMA  
03-7546 BELTON, JOHN E. V. MOORE, SUPT., W. MO  
03-7551 BLANDINO, KIM V. LONG, WARDEN  
03-7557 EARTHMAN, HOMER G. V. OKLAHOMA  
03-7566 ROCHESTER, JULIAN E. V. SC DOC, ET AL.  
03-7570 JOHNSON, ANDRE A. V. LOUISIANA  
03-7573 DUGAS, LAURA B. V. JONES, WARDEN

03-7575 SCOTT, CHARLES E. V. PRYOR, ATT'Y GEN. OF AL, ET AL.  
03-7577 SIMPSON, MARCUS V. OHIO  
03-7580 THOMAS, DIRK J. V. HAMLET, WARDEN  
03-7582 TAYLOR, ERIC B. V. STICKMAN, SUPT., GREENE, ET AL.  
03-7584 HENNIS, ALEX V. CAIN, WARDEN  
03-7590 McCORMICK, MARY V. BRAVERMAN, ERIC A.  
03-7607 RUSSELL, DAVID P. V. GARRARD, STEPHEN, ET AL.  
03-7608 WHITESIDE, NORMAN V. V. BEIGHTLER, WARDEN  
03-7609 WILSON, ROY C. V. HOWES, WARDEN  
03-7632 LAWENCE, LARRY W. V. MISSISSIPPI  
03-7633 SANFORD, DAVID M. V. CROSBY, SEC., FL DOC  
03-7638 LOERA, BALDO H. V. ROCHA, TERESA  
03-7644 TERRY, NATHANIEL E. V. PALMATEER, SUPT., COFFEE CREEK  
03-7646 BARNES, STEWART V. ELO, WARDEN  
03-7648 BENIGNO, EDWARD V. SMS FINANCIAL IV, L.L.C.  
03-7704 BELDEN, GARY L. V. WYOMING  
03-7753 ZIMMER, ALVIN F. V. SCHRIRO, DIR., AZ DOC  
03-7768 YOUNG, LARRY V. VALLEY HONEY CO., LLC  
03-7774 RUIZ, MANUEL V. GARCIA, WARDEN  
03-7794 SMITH, TYRONE V. LUCERO, WARDEN  
03-7808 JOSHUA, SIDNEY T. V. JOHNSON, DIR., VA DOC  
03-7809 SANCHEZ, MANRIQUE V. GARCIA, WARDEN  
03-7810 HALE, MARCIA R. V. BURNS INT'L SECURITY SERVICES  
03-7821 SETZLER, DAVID V. CROSBY, SEC., FL DOC, ET AL.  
03-7831 FLEMING, MICHAEL V. ILLINOIS  
03-7842 LAZOR, P. F. V. YARBOROUGH, WARDEN, ET AL.  
03-7847 WATSON, EVERETT V. OHIO  
03-7853 DuBOSE, JAMES V. MYERS, WARDEN

03-7866 FREEMAN, DANNY V. NEW YORK  
03-7868 GREEN, SHAWN V. GIRDICH, SUPT., UPSTATE  
03-7880 BECK, MICHAEL O. V. HALL, GAIRY, ET AL.  
03-7913 GLASS, VANESSA G. V. UNITED STATES  
03-7941 JONES, STACY N. V. UNITED STATES  
03-7957 BIRCH, JOHN L. V. ILLINOIS  
03-7958 SAECHAO, CHENG K. V. UNITED STATES  
03-7959 REAUME, SCOTT A. V. UNITED STATES  
03-7971 SHEVI, WAYNE D. V. UNITED STATES  
03-7972 JUAREZ, JUAN M. V. CALIFORNIA  
03-7974 DAVIS, DERRICK W. V. MCKUNE, WARDEN, ET AL.  
03-7982 LANGSTON, THOMAS E. V. BRAXTON, WARDEN  
03-7984 RUSSELL, FREDERICK H. V. BOWLEN, WARDEN  
03-7987 LEFTENANT, ASHON V. UNITED STATES  
03-7994 BAILEY, GEORGE L. V. UNITED STATES  
03-7996 MUHAMMAD, ABDUL-AZIZ R. V. UNITED STATES  
03-7998 NICHOLS, GREGORY R. V. UNITED STATES  
03-8000 KING, KENNETH V. UNITED STATES  
03-8002 HARDIN, ISHON D. V. UNITED STATES  
03-8005 WILLIAMS, GEORGE K. V. UNITED STATES  
03-8009 CRAWFORD, CURTIS E. V. PEARSON, WARDEN, ET AL.  
03-8010 ORTIZ-MIRANDA, RAUL V. UNITED STATES  
03-8012 ABDI, ABDILLAH S. V. UNITED STATES  
03-8017 RAMIREZ, OSCAR V. V. UNITED STATES  
03-8020 JONES, MICHELLE D. V. UNITED STATES  
03-8021 LOUIS, DARNELL V. UNITED STATES  
03-8022 PARISE, FRANK M. V. UNITED STATES  
03-8024 PARRIS, BOB O. V. USDC WD OK

03-8025 MINTZ, WALTER S. V. UNITED STATES  
03-8037 MARTINEZ-GONZALEZ, FERNANDO V. UNITED STATES  
03-8040 MOLINA, JUAN D. V. UNITED STATES  
03-8044 VAZQUEZ-GARCIA, ELOY V. UNITED STATES  
03-8050 MENDEZ-VILLA, JOSE M. V. UNITED STATES  
03-8053 MANN, JOSEPH A. V. UNITED STATES  
03-8057 RODRIGUEZ-VARGAS, SAMUEL V. UNITED STATES  
03-8058 ROSS, THOMAS R. V. UNITED STATES  
03-8059 RODRIGUEZ, PATRICIA V. UNITED STATES  
03-8062 JOSEPH, ALTON E. V. UNITED STATES  
03-8069 CAPOZZI, DEREK V. UNITED STATES  
03-8070 CARDENAS, ROBERTO I. V. UNITED STATES  
03-8071 CARTER, JESSE J. V. UNITED STATES  
03-8072 VEGA, BENITO V. UNITED STATES  
03-8073 VALENTINE, KENNETH J. V. UNITED STATES  
03-8074 THOMAS, RELLEN V. UNITED STATES  
03-8083 SCHAFFNER, TERRY E. V. UNITED STATES  
03-8088 WILLIAMS, WESLEY B. V. UNITED STATES  
03-8089 TIMMONS, CLIFFORD V. UNITED STATES  
03-8099 VEGA-REY, ROBERTO V. UNITED STATES  
03-8103 OCEGUERRA-AGUIRRE, ANTONIO V. UNITED STATES  
03-8105 PENA-ORDONEZ, CONRADO V. UNITED STATES  
03-8106 MAIBEN, OLIVER V. UNITED STATES  
03-8109 MOHAMMAD, JAMIL V. UNITED STATES  
03-8110 MERCADO, FRANK V. UNITED STATES  
03-8112 CORTEZ, ISRAEL V. UNITED STATES

The petitions for writs of certiorari are denied.

**HABEAS CORPUS DENIED**

03-8158 IN RE LENARD BERRIAN

The petition for a writ of habeas corpus is denied.

**MANDAMUS DENIED**

03-7655 IN RE ILENE SALTMAN

The petition for a writ of mandamus and/or prohibition is denied.

**REHEARINGS DENIED**

02-11004 BROWN, EARL V. SEARS AUTOMOTIVE CENTER, ET AL.

03-349 THWEATT, JACK V. ELECTRONIC DATA SYSTEMS CORP.

03-421 SUDARSKY, PETER V. NEW YORK, NY, ET AL.

03-506 SPIERER, CHRISTOPHER, ET UX. V. FEDERATED DEPARTMENT STORES

03-570 SANGHVI, SMITA, ET AL. V. CLAREMONT, CA

03-578 GAINES, LOUIS F. V. WHITE RIVER ENVTL. PARTNERSHIP

03-5619 RICHARDSON, SAMMYE A. V. FIRST AMERICAN TITLE INSURANCE

03-6314 HAMBRICK, FRANCES V. STATE FARM INSURANCE

03-6356 HADDAD, RONALD V. HIGGINS, BRUCE, ET AL.

03-6491 THORN, DARREL V. FOYTIK, JOHN, ET AL.

03-6557 IN RE DANIEL W. DUMONT

03-6568 WANG, E. BLOSSOM V. HI MEDICAL SERV. ASSN.

03-6611 REED, GREGORY C. V. REID, WARDEN, ET AL.

03-6629 WARD, JAMES R. V. HEAD, WARDEN

03-6684 CARINES, MARIO V. JAMROG, WARDEN

03-6698 PAUL, MADHABENDRA P. V. DEPT. OF NAVY

03-6709 ROBLES, VALENTINO V. DRETKE, DIR., TX DCJ

03-6719 RIGSBY, JACK V. UNITED STATES

03-6726 SHAW, DOUGLAS V. UNITED STATES

03-6774 MORRISETTE, WILLIAM W. V. VIRGINIA  
03-6848 TUPPER, GARY A. V. TUPPER, LAURI A.  
03-6855 WANSING, ROMAN P. V. HINES, WARDEN  
03-6873 DAVIS, MORGAN D. V. HOLT, WARDEN, ET AL.  
03-6903 CHALMERS, LARRY D. V. UNITED STATES  
03-7203 CABE, JOHNNY W. V. UNITED STATES  
03-7342 HORNE, ANTONIO L. V. UNITED STATES

The petitions for rehearing are denied.

#### **ATTORNEY DISCIPLINE**

D-2355 IN THE MATTER OF DISBARMENT OF ALBERT J. PIRRO, JR.

Albert J. Pirro, Jr., of White Plains, New York, having been suspended from the practice of law in this Court by order of November 3, 2003; and a rule having been issued and served upon him requiring him to show cause why he should not be disbarred; and a response having been filed;

It is ordered that Albert J. Pirro, Jr. is disbarred from the practice of law in this Court.