

(ORDER LIST: 541 U.S.)

MONDAY, MAY 24, 2004

CERTIORARI -- SUMMARY DISPOSITIONS

03-279 COLUMBIA RIVER CORR. INST. V. PHIFFER, BILLY R.

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 *Tennessee v. Lane*, 541 U. S. ____ (2004).

03-533 PARR, LORI A. V. MIDDLE TN STATE UNIV., ET AL.

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 Sixth Circuit for further consideration in light of *Tennessee v. Lane*, 541 U. S. ____ (2004).

03-534 FEASTER, ELIZABETH V. FL DEPT. OF HEALTH

The petition for a writ of certiorari is granted. The judgment is vacated and the case is remanded to the District Court of Appeal of Florida, First District, for further consideration in light of *Tennessee v. Lane*, 541 U. S. ____ (2004).

03-559 RENDON, SERGIO, ET AL. V. FL DEPT. OF HIGHWAY SAFETY

The petition for a writ of certiorari is granted. The judgment is vacated and the case is remanded to the District Court of Appeal of Florida, Third District, for further consideration in light of *Tennessee v. Lane*, 541 U. S. ____

(2004).

03-6536 SPENCER, MICHEAL L. V. EASTER, BELINDA, ET AL.

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 *Tennessee v. Lane*, 541 U. S. ____ (2004).

03-7364 KIMAN, MATTHEW V. NH DOC, ET AL.

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 First Circuit, for further consideration in light of *Tennessee v. Lane*, 541 U. S. ____ (2004).

ORDERS IN PENDING CASES

03M75 TUNG, DA LU V. REPUBLIC NATIONAL BANK, ET AL.

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

128, ORIG. ALASKA V. UNITED STATES

The motion of Special Master for allowance of fees and reimbursement is granted, and the Special Master is awarded a total of \$74,376.56 for the period October 17, 2003, through April 19, 2004, to be paid equally by the parties.

02-1192 COOPER INDUSTRIES, INC. V. AVIALL SERVICES, INC.

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

02-10038 TENNARD, ROBERT J. V. DRETKE, DIR., TX DCJ

The motion of petitioner for leave to file a supplemental brief after argument is granted.

03-377 KOONS BUICK PONTIAC GMC V. NIGH, BRADLEY

The motion of National Automobile Dealers Association for leave to file a brief as *amicus curiae* is granted.

03-8376 NABELEK, IVO V. TEXAS

03-8381 NABELEK, IVO V. TEXAS

The motions of petitioner for reconsideration of orders denying leave to proceed *in forma pauperis* are denied.

03-9005 CUYLER, MATTHEW D. V. WAL-MART STORES

The motion of petitioner for leave to proceed *in forma pauperis* is denied. Petitioner is allowed until June 14, 2004, 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. Justice Breyer took no part in the consideration or decision of this motion.

CERTIORARI GRANTED

03-1039 GOUGHNOUR, ACTING WARDEN V. PAYTON, WILLIAM C.

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

03-1116) GRANHOLM, GOV. OF MI, ET AL. V. HEALD, ELEANOR, ET AL.

) MI BEER & WINE WHOLESALERS V. HEALD, ELEANOR, ET AL.

) SWEDENBURG, JUANITA, ET AL. V. KELLY, EDWARD D., ET AL.

The petitions for writs of certiorari are granted limited to the following Question: "Does a State's regulatory scheme that

permits in-state wineries directly to ship alcohol to consumers but restricts the ability of out-of-state wineries to do so violate the dormant Commerce Clause in light of Sec. 2 of the 21st Amendment?" These cases are consolidated and a total of one hour is allotted for oral argument.

03-1164) VENEMAN, SEC. OF AGRIC., ET AL. V. LIVESTOCK MARKETING, ET AL.
)
03-1165) NEBRASKA CATTLEMEN, INC., ET AL. V. LIVESTOCK MARKETING, ET AL.

The motion of 48 Cattle and Agricultural Associations for leave to file a brief as *amici curiae* in No. 03-1164 is granted. The petitions for writs of certiorari are granted limited to Question 1 presented by each petition. These cases are consolidated and a total of one hour is allotted for oral argument.

CERTIORARI DENIED

02-1478 SHEEHAN, MARTIN P., ET AL. V. W VA DEPT. OF ENVIRON. PROT.
03-871 McENROE, HAROLD, ET AL. V. RAMIREZ, LUIS
03-879 COMM'R OF REVENUE OF MA V. H.J. WILSON COMPANY, INC.
03-1138 TURN-KEY-TECH, LLC V. NAT. FILM LABORATORY, ET AL.
03-1172 LINSEMEYER, STEPHEN J., ET UX. V. UNITED STATES
03-1187 ALLOC, INC., ET AL. V. INT'L TRADE COMM'N, ET AL.
03-1203 RELIANCE STANDARD LIFE INS. V. LASSER, STEPHEN P.
03-1226 HUNTER, BOBBY G. V. MUELLER, WARDEN, ET AL.
03-1316 NEIL, WILLIAM F. V. USDC ED PA, ET AL.
03-1321 ROTEC INDUSTRIES, INC. V. MITSUBISHI CORP., ET AL.
03-1323 BROOKS-McCOLLUM, CATHY D. V. BERRY, WAYNE, ET AL.
03-1329 SARULLO, PATRICK V. POTTER, POSTMASTER GEN., ET AL.
03-1331 KOERNER, LOUIS R. V. GARDEN DIST. ASSN., ET AL.
03-1333 HERNANDEZ, ISABEL V. EL PASO ENERGY CORP.

03-1336 BLACKSTOCK, GREGORY V. NEW HAMPSHIRE
03-1365 HONZAWA, HIROKUNI, ET AL. V. HONZAWA, MITSUHIRO, ET UX.
03-1367 FRANKSTON, MICHAEL J. V. GLENN, PATRICK K., ET AL.
03-1368 PETER FARRELL SUPERCARS, INC. V. MONSEN, GORDON
03-1401 SD DEPT. OF REVENUE V. POURIER, LOREN, ET AL.
03-6270 CABRERA, ANTONIO R. V. UNITED STATES
03-7223 BYRD, VICTOR V. NC STATE UNIV., ETC.
03-8532 GROHS, CONRAD E. V. UNITED STATES
03-8748 RAAFLAUB, DAVID H. V. GRIEVANCE ADMINISTRATOR
03-8903 REYNA, MIGUEL E. V. UNITED STATES
03-8985 ALBA, JOHN A. V. TEXAS
03-9021 HYLTON, KENZIE V. UNITED STATES
03-9098 LOPEZ-ORTIZ, JOEL V. UNITED STATES
03-9423 SMITH, CHARLES L. V. ELO, WARDEN
03-9435 POPE, JOSEPH V. MARSHALL, JOHN
03-9441 EDGE, MICHAEL V. STALDER, SEC., LA DOC, ET AL.
03-9442 WIMBUSH, ANNETTE L. V. GADDIS, JESSIE P., ET AL.
03-9443 YOUNG, TAWANNA M. V. AMERITECH, INC., ET AL.
03-9446 SYKES, EDDIE V. HENDRICKS, ADM'R, NJ, ET AL.
03-9451 CARTER, LON D. V. CALDERON, WARDEN, ET AL.
03-9454 DUPRE, CHERYL A. V. FREDLUND, CHMN., LA BD., ETC.
03-9457 WHIT, ALONZO V. GIURBINO, WARDEN
03-9460 BATOR, SUSAN A. V. HALLOCK ELEC., ET AL.
03-9462 MILLAN, FRANCISCO V. GIURBINO, WARDEN
03-9463 RAMSEY, CHAD A. V. PALMATEER, SUPT., OR
03-9464 SALAZAR, ERNEST N. V. DRETKE, DIR., TX DCJ
03-9468 PURINTUN, MICHAEL V. ALAMEIDA, DIR., CA DOC
03-9469 MOTE, WILLIE L. V. GEORGIA

03-9473 BYNUM, RICKI V. DUNCAN, SUPT., GREAT MEADOW
03-9475 OLDHAM, DELBERT L. V. OKLAHOMA
03-9480 ATKINSON, DONALD J. V. DRETKE, DIR., TX DCJ
03-9482 WASKO, PETER V. MOORE, RANDALL D.
03-9489 RUSSELL, DAVID P. V. GARRARD, STEPHEN H., ET AL.
03-9491 SPENCER, DANNY JAMES V. ELO, WARDEN
03-9494 MUHAMMAD, ASKARI A. V. FLORIDA
03-9501 MITCHELL, GABBLE L. V. TENNESSEE, ET AL.
03-9507 TRAYLOR, ALONZO V. DRETKE, DIR., TX DCJ
03-9513 CODDINGTON, MITCHELL W. V. LANGLEY, WARDEN
03-9516 DOWN, MYRON F. V. MONTANA
03-9523 ANDERSON, THOMAS V. WALLS, WARDEN
03-9524 WORKMAN, WINDEL R. V. MULLIN, WARDEN
03-9529 AHMED, TAJU M. V. JOHNSON, B., ET AL.
03-9530 KALASHO, TAHRIR S. V. CASON, WARDEN
03-9531 BURGESS, RICHARD O. V. OREGON
03-9532 BELL, ELTON G. V. SMITH, SUPT., EASTERN
03-9565 HARRIS, HENRY D. V. DiCARLO, WARDEN
03-9583 HADLEY, WILLIE B. V. HOLMES, WARDEN
03-9606 CHAUDRY, ABDUL W. V. WHISPERING RIDGE HOMEOWNERS
03-9631 DANIEL, LARRY V. CROSBY, SEC., FL DOC, ET AL.
03-9633 EVANCHYK, MICHAEL J. V. SCHRIRO, DIR., AZ DOC, ET AL.
03-9647 CASON, MARC S. V. MD DOC, ET AL.
03-9650 TRAN, DUY N. V. JOHNSON, DIR., VA DOC
03-9651 PATTERSON, LARRY V. MI DOC
03-9655 DENNIS, ADREMY V. MITCHELL, WARDEN
03-9740 WEBB, FREEMAN V. GOORD, COMM'R, NY DOC
03-9750 WHITE, RAYMOND A. V. KEMNA, SUPT., CROSSROADS

03-9762 GRIFFIN, LARRY K. V. MOORE, SUPT., MONROE
03-9802 SAMPSON, RONALD V. UNITED STATES
03-9805 WILLIAMS, CHARLES R. V. CROSBY, SEC., FL DOC
03-9811 BEARD, LARRY R. V. BUSH, GOV. OF FL, ET AL.
03-9817 POZO, RODOSVALDO C. V. ESSER, DANE, ET AL.
03-9821 SCHLINGHEYDE, SCOTT T. V. NEVADA
03-9838 ANDERSON, JOAN M. V. UNITED STATES
03-9874 MCKENZIE, LEWIS V. UNITED STATES
03-9879 MAXWELL, KEVIN G. V. UNITED STATES
03-9880 JOHNSTON, ROBERT F. V. UNITED STATES
03-9881 VELARDE, MEL L. V. UNITED STATES
03-9882 EMUCHAY, EUNICE E. V. UNITED STATES
03-9884 MOORE, JONATHAN M. V. UNITED STATES
03-9885 MOTON, SAMUEL R. V. UNITED STATES
03-9888 TROFIMOFF, GEORGE V. UNITED STATES
03-9895 LEWIS, EVERETT V. UNITED STATES
03-9900 MYERS, MARTIN C. V. UNITED STATES
03-9910 TAYLOR, ALBERT G. V. UNITED STATES
03-9911 MEDINA, GILBERT V. UNITED STATES
03-9912 MORRIS, EDWARD J. V. UNITED STATES
03-9914 DUNCAN, LORENZO V. UNITED STATES
03-9915 DANSER, DAVID K. V. UNITED STATES
03-9916 WILLIAMSON, ARTHUR E. V. UNITED STATES
03-9918 MCCALL, GREGORY L. V. UNITED STATES
03-9921 SEGUI-RODRIGUEZ, RAFAEL V. UNITED STATES
03-9924 RODRIGUEZ, JUAN A. V. UNITED STATES
03-9929 WILSON, CHARLES E. V. UNITED STATES
03-9930 HINOJOSA, DAVID A. V. UNITED STATES

03-9937 DAWSON, NATHANIEL V. UNITED STATES
03-9945 MCGRAW, PHILLIP K. V. UNITED STATES
03-9946 WILLIAMS, RANDY G. V. UNITED STATES
03-9947 ROHLSSEN, GEORGE V. UNITED STATES
03-9954 GRACIA-GRACIA, ELEUTERIO V. UNITED STATES
03-9961 FOSTER, CHRISTOPHER V. UNITED STATES
03-9968 DORVAL, GAYOT V. UNITED STATES

The petitions for writs of certiorari are denied.

03-860 MUNDY, J., ET AL. V. RHEAD, MORGAN
03-1079 CARUSO, DIR., MI DOC V. ABELA, KEVIN M.

The motions of respondents for leave to proceed *in forma pauperis* are granted. The petitions for writs of certiorari are denied.

03-1353 ORR, STEPHEN C. V. WAL-MART STORES, INC.

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

03-1392 STRIPLING, ALPHONSO V. HEAD, WARDEN

The motion of The ARC 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.

03-9826 FORTE, MICHAEL B. V. REILLY, ATT'Y GEN. OF MA

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

03-10034 IN RE DAVID E. WATTLETON

The petition for a writ of habeas corpus is denied.

MANDAMUS DENIED

03-9492 IN RE FREDDIE BILLS, JR.

The petition for a writ of mandamus is denied.

03-9496 IN RE TROY BRISON

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

REHEARINGS DENIED

03-929 RAPANOS, JOHN A. V. UNITED STATES

03-1084 ROLE, ELOY A. V. ATCO PRODUCTS, INC.

03-1141 GISSLEN, BRENT V. CRYSTAL, MN, ET AL.

03-1219 IN RE EILEEN VEY

03-7607 RUSSELL, DAVID P. V. GARRARD, STEPHEN, ET AL.

03-7864 HENSON, GEORGE V. BARNHART, COMM'R, SOCIAL SEC.

03-7949 HOGAN, BRIAN F. V. EPPS, COMM'R, MS DOC

03-8292 IN RE LEMUEL L. COLE

03-8502 JONES, LARRY D. V. BIRKETT, WARDEN

03-8676 WILLIAMS, JOHN J. V. FLORIDA

03-8833 PALLADINO, MAURO V. PERLMAN, SUPT., MOHAWK

03-8885 WILLIAMS, ARTHUR V. AVIALL SERVICES INC.

03-9030 HAYES, HERBERT V. GEMMA POWER SYSTEM, ET AL.

03-9136 CAMPA-FABELA, EFFRAIN V. UNITED STATES

The petitions for rehearing are denied.

ATTORNEY DISCIPLINE

D-2360 IN THE MATTER OF DISBARMENT OF JOHN D. FAUNTLEROY, JR.

John D. Fautleroy, Jr., of Washington, District of Columbia, having been suspended from the practice of law in this Court by order of March 22, 2004; and a rule having been issued

and served upon him requiring him to show cause why he should not be disbarred; and the time to file a response having expired;

It is ordered that John D. Fauntleroy, Jr. is disbarred from the practice of law in this Court.

D-2361

IN THE MATTER OF DISBARMENT OF ANTHONY JOSEPH CORIZZI

Anthony Joseph Corizzi, of Manassas, Virginia, having been suspended from the practice of law in this Court by order of March 22, 2004; and a rule having been issued and served upon him requiring him to show cause why he should not be disbarred; and the time to file a response having expired;

It is ordered that Anthony Joseph Corizzi is disbarred from the practice of law in this Court.

D-2362

IN THE MATTER OF DISBARMENT OF PAUL R. CACCHIOTTI

Paul R. Cacchiotti, of Manchester, Massachusetts, having been suspended from the practice of law in this Court by order of March 22, 2004; and a rule having been issued and served upon him requiring him to show cause why he should not be disbarred; and the time to file a response having expired;

It is ordered that Paul R. Cacchiotti is disbarred from the practice of law in this Court.

D-2363

IN THE MATTER OF DISBARMENT OF DONALD CHARLES VAILLANCOURT

Donald Charles Vaillancourt, of Fort Lee, New Jersey, having been suspended from the practice of law in this Court by order of March 22, 2004; and a rule having been issued and served upon him requiring him to show cause why he should not be disbarred; and the time to file a response having expired;

It is ordered that Donald Charles Vaillancourt is disbarred

from the practice of law in this Court.

D-2364 IN THE MATTER OF DISBARMENT OF RONALD L. KLINGENBERG

Ronald L. Klingenberg, of Washington, District of Columbia, having been suspended from the practice of law in this Court by order of March 22, 2004; and a rule having been issued and served upon him requiring him to show cause why he should not be disbarred; and the time to file a response having expired;

It is ordered that Ronald L. Klingenberg is disbarred from the practice of law in this Court.

D-2365 IN THE MATTER OF DISBARMENT OF ALBERT CUELLER, III

Albert Cueller, III, of Chicago, Illinois, having been suspended from the practice of law in this Court by order of March 22, 2004; and a rule having been issued and served upon him requiring him to show cause why he should not be disbarred; and the time to file a response having expired;

It is ordered that Albert Cueller, III, is disbarred from the practice of law in this Court.

D-2366 IN THE MATTER OF DISBARMENT OF GARY ALSTON GARSIDE

Gary Alston Garside, of Columbus, North Carolina, having been suspended from the practice of law in this Court by order of March 22, 2004; and a rule having been issued and served upon him requiring him to show cause why he should not be disbarred; and the time to file a response having expired;

It is ordered that Gary Alston Garside is disbarred from the practice of law in this Court.

D-2367 IN THE MATTER OF DISBARMENT OF JOHN JOSEPH CARTELLONE

John Joseph Cartellone, of Cleveland, Ohio, having been suspended from the practice of law in this Court by order of

March 22, 2004; and a rule having been issued and served upon him requiring him to show cause why he should not be disbarred; and the time to file a response having expired;

It is ordered that John Joseph Cartellone is disbarred from the practice of law in this Court.

D-2368

IN THE MATTER OF DISBARMENT OF RANDALL BENJAMIN WARREN

Randall Benjamin Warren, of Beverly, Massachusetts, having been suspended from the practice of law in this Court by order of March 22, 2004; and a rule having been issued and served upon him requiring him to show cause why he should not be disbarred; and the time to file a response having expired;

It is ordered that Randall Benjamin Warren is disbarred from the practice of law in this Court.

D-2369

IN THE MATTER OF DISBARMENT OF MICHAEL ABBELL

Michael Abbell, of Bethesda, Maryland, having been suspended from the practice of law in this Court by order of March 22, 2004; and a rule having been issued and served upon him requiring him to show cause why he should not be disbarred; and the time to file a response having expired;

It is ordered that Michael Abbell is disbarred from the practice of law in this Court.

D-2370

IN THE MATTER OF DISBARMENT OF MARK ANDREW FABER

Mark Andrew Faber, of Las Vegas, Nevada, having been suspended from the practice of law in this Court by order of March 22, 2004; and a rule having been issued and served upon him requiring him to show cause why he should not be disbarred; and the time to file a response having expired;

It is ordered that Mark Andrew Faber is disbarred from the

practice of law in this Court.

D-2371 IN THE MATTER OF DISBARMENT OF EDWARD PATRICK GALLAGHER

Edward Patrick Gallagher, of Frederick, Maryland, having been suspended from the practice of law in this Court by order of March 22, 2004; and a rule having been issued and served upon him requiring him to show cause why he should not be disbarred; and the time to file a response having expired;

It is ordered that Edward Patrick Gallagher is disbarred from the practice of law in this Court.

D-2372 IN THE MATTER OF DISBARMENT OF ROBERT MOORE SPERY

Robert Moore Spery, of Salisbury, Maryland, having been suspended from the practice of law in this Court by order of March 22, 2004; and a rule having been issued and served upon him requiring him to show cause why he should not be disbarred; and the time to file a response having expired;

It is ordered that Robert Moore Spery is disbarred from the practice of law in this Court.

D-2374 IN THE MATTER OF DISBARMENT OF SHOLA RANNIE AYENI

Shola Rannie Ayeni, of Stafford, Virginia, having been suspended from the practice of law in this Court by order of March 22, 2004; and a rule having been issued and served upon him requiring him to show cause why he should not be disbarred; and the time to file a response having expired;

It is ordered that Shola Rannie Ayeni is disbarred from the practice of law in this Court.

RECESS ORDER

The Court will take a recess from Monday, May 24, 2004,
until Tuesday, June 1, 2004.