

(ORDER LIST: 545 U.S.)

MONDAY, JUNE 6, 2005

CERTIORARI -- SUMMARY DISPOSITIONS

04-534 HOEVENAAR, CORNELIUS W. V. LAZAROFF, WARDEN

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 *Cutter v. Wilkinson*, 544 U.S. ____ (2005).

04-1227 BRADLEY, TIMOTHY H., ET AL. 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 First Circuit for further consideration in light of *United States v. Booker*, 543 U.S. ____ (2005).

04-8465 ROSALES, ADRIAN V. BUREAU OF IMMIGRATION

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 the confession of error by the Acting Solicitor General in his brief filed for the respondent on May 4, 2005.

04-8478 BERGER, THOMAS V. UNITED STATES

04-8932 DIXON, CLYDE J. V. UNITED STATES

04-8942 LEVY, RAPHAEL R. V. UNITED STATES

04-9084 HOLLAND, JASPER L. 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).

04-9828 MILLER, ANTOINE 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 District of Columbia Circuit for further consideration in light of *United States v. Booker*, 543 U.S. ____ (2005).

04-9864 CLARK, WILLIAM E. 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).

04-9865 CESAL, CRAIG 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).

04-9867 SANCHEZ, TRACY ANN 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).

04-9916 GARCIA-MEJIA, OSCAR H. 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).

04-9917 SAVAGE, JAMES 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 Fourth Circuit for further consideration in light of *United States v. Booker*, 543 U.S. ____ (2005).

04-10020 SETTLE, JASON 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).

ORDERS IN PENDING CASES

04-1315 LONG ISLAND CARE AT HOME, ET AL. V. COKE, EVELYN

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

CERTIORARI GRANTED

04-1332 WILL, RICHARD, ET AL. V. HALLOCK, SUSAN, ET AL.

The petition for a writ of certiorari is granted. In addition to the Question presented by the petition, the parties are directed to brief and argue the following Question: "Did the Court of Appeals have jurisdiction over the interlocutory appeal of the District Court's order denying a motion to dismiss under the FTCA's judgment bar, 28 U.S.C. §2676?"

CERTIORARI DENIED

03-1404 BASS, CHIEF OF OPERATIONS, ETC. V. MADISON, IRA W., ET AL.

04-682 PATEL, JIGNESHKUMAR N. V. GONZALES, ATT'Y GEN.

04-922 NAT'L WRESTLING COACHES, ET AL. V. DEPT. OF EDUCATION

04-1149) ROSE ACRE FARMS, INC. V. UNITED STATES

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04-1311) UNITED STATES V. ROSE ACRE FARMS, INC.

04-1238 GIVENS, JOSEPH G. V. AL DOC, ET AL.

04-1312 SATTERLEE, THOM E. V. WASHINGTON, ET AL.

04-1317 BOHAC, YVONNE M. V. WALSH, THOMAS M., ET AL.

04-1330 FULLER, BERNADETTE V. INSTINET, INC.

04-1336 SAFIE, DELMY V. SAFIE, CARLOS, ET AL.

04-1338 ALL DIRECT TRAVEL SERV., INC. V. DELTA AIR LINES, INC.

04-1341 MITRANO, PETER P. V. HOUSER, MATTHAN, ET AL.

04-1343 McLaurin, Shirley V. UNITED STATES

04-1347 ADKINS, DONALD M. V. KASPER, DON, ET AL.
04-1349 ESQUIBES, MARTIN V. GONZALES, ATT'Y GEN.
04-1351 BERNAT, SEAN, ET AL. V. ALLPHIN, JUDGE, ETC., ET AL.
04-1357 GIBLER, TIMOTHY V. BARNHART, COMM'R, SOCIAL SEC.
04-1370 PAYNE, JERRY S. V. UNITED STATES
04-1405 BECKETT, GARRY L. V. TEXAS
04-1424 ALCAN ALUMINUM CORP. V. BULLARD, GREGORY N.
04-1457 BOWEN, BRYAN A. V. UNITED STATES
04-1464 ISAACKS, BRUCE, ET AL. V. NEW TIMES, INC., ET AL.
04-1471 JACKSON, MICHAEL R. V. UNITED STATES
04-1476 STABILE, JOSEPH M. V. UNITED STATES
04-7922 LIVELY, WILLARD B. V. UNITED STATES
04-8212 LEAVITT, RICHARD A. V. ARAVE, WARDEN
04-8414 FRATTA, ROBERT A. V. TEXAS
04-8425 JEFFERSON, EDDIE L. V. FOUNTAIN, WARDEN
04-8611 FIGEL, GREGORY A. V. RILEY, GERALD, ET AL.
04-8869 WARD, DONNY R. V. UNITED STATES
04-8872 FRANKLIN, BRANDON V. UNITED STATES
04-9446 TURRENTINE, KENNETH E. V. MULLIN, WARDEN
04-9473 HOLT, ALFRED B. V. OFFICE OF THE STATE ATT'Y OF FL
04-9475 CRITTEN, LORENZO T. V. HANCOCK, MICHAEL, ET AL.
04-9477 DAVIS, KELVIN R. V. CINCINNATI, OH, ET AL.
04-9479 YON, YVONNE J. V. TRANSP. WKRS.' UNION LOCAL 234
04-9481 ANDERSON, TYRELL D. V. NUTTER, SHARON, ET AL.
04-9482 PATRICK, BRYAN K. V. DRETKE, TX DCJ
04-9487 BARTEL, DAVID W. V. DRETKE, DIR., TX DCJ
04-9489 MARKS, MELINDA S. V. FRANK UNKNOWN, ET AL.
04-9490 LUCAS, ISIAH V. LEWIS, WARDEN

04-9491 YOUNG, MATTHEW W. V. OHIO
04-9493 EARTHMAN, HOMER G. V. HINES, WARDEN
04-9494 CAMPBELL, ARTHUR V. DETROIT, MI, ET AL.
04-9503 DUNLAP, LARRY D. V. WALKER, DEPUTY WARDEN, ET AL.
04-9507 MARSHALL, WILLIE V. MISSISSIPPI
04-9511 HOHMANN, MIROSLAVA V. WOOD, RICHARD
04-9512 HUGGINS, JOHN S. V. FLORIDA
04-9513 SEGURA, JIMMY D. V. ALEXANDER, WARDEN
04-9518 JIMENEZ, JOSUE V. HALL, WARDEN
04-9523 PORTER, ARTHUR V. MI PAROLE BOARD, ET AL.
04-9539 BECKLEY, DOUGLAS V. OHIO
04-9546 TALLEY, JAMEEL V. OHIO
04-9581 KESELICA, MICHAEL V. STOUFFER, WARDEN, ET AL.
04-9582 PALMER, WILL M. V. LAMARQUE, WARDEN
04-9588 COMBS, MICHAEL S. V. CALIFORNIA
04-9607 PETWAY, TRUMAN V. VIRGINIA, ET AL.
04-9622 BAHRS, SHAWN V. McCANN, WARDEN
04-9677 ROSE, DANA L. V. LOOS, MARK J., ET AL.
04-9678 RICHARDSON, LUCIS V. CONNECTICUT
04-9712 SMITH, RONALD L. V. COLORADO
04-9713 PACE, LEVI V. ALABAMA
04-9724 JOHNSON, GEORGE V. MD DOC
04-9727 RUTH, GALE V. UNITED STATES
04-9747 SMITH, RAHEEM V. PENNSYLVANIA
04-9757 WELLS, ROBERT C. V. CROSBY, SEC., FL DOC, ET AL.
04-9789 GONZALEZ, CATARINO V. CALIFORNIA
04-9803 HERBIN, JERVON L. V. JOHNSON, DIR., VA DOC
04-9815 BENFORD, WILLETTE V. WILLIAMS, WARDEN

04-9827 McCAIN, AMIR H. V. TENNIS, SUPT., ROCKVIEW, ET AL.
04-9839 ORTIZ, EDWIN V. ORTIZ, ADM'R, EAST JERSEY
04-9872 CRISWELL, ROBERT V. WATKINS, WARDEN, ET AL.
04-9873 AGUILAR, TERESA V. PATEL, GUNVANT, ET AL.
04-9897 ALLAH, MICHAEL M. V. AL-HAFEEZ, HUMZA, ET AL.
04-9925 LUCERO, JOE A. V. UNITED STATES
04-9929 PAIGE, GRANT V. SHANNON, SUPT., FRACKVILLE
04-9951 SHOUMAN, MOHAMMED V. UNITED STATES
04-9953 RICHARDSON, ROBERT V. KYLER, SUPT., HUNTINGDON, ET AL.
04-9957 LIGHTFOOT, GARLAND V. UNITED STATES
04-9958 WRIGHT, RAYFORD V. GEORGIA PACIFIC CORPORATION
04-9960 MOSLEY, ALLEN JUNIOR V. UNITED STATES
04-9964 LYONS, FRED D. V. UNITED STATES
04-9967 DOBSON, STEVE C. V. UNITED STATES
04-9968 BUSTOS-TORRES, JAIME E. V. UNITED STATES
04-9975 THOMAS, ALVON A. V. UNITED STATES
04-9982 STEINMETZ, FREDRICK V. UNITED STATES
04-9985 MOORE, LIONEL V. UNITED STATES
04-9987 WASHINGTON, ROBERT V. UNITED STATES
04-9989 PACHECO-ESPINOSA, ISIDRO V. UNITED STATES
04-9990 LLOYD, CHAD A. V. UNITED STATES
04-9991 LIANGSIRIPRASERT, SOMCHAI V. UNITED STATES
04-9992 CRAWFORD, DAVID J. V. UNITED STATES
04-9994 McREYNOLDS, MARLON V. UNITED STATES
04-9996 HARRIS, BELTON V. UNITED STATES
04-10006 GUERRERO-MORENO, PEDRO V. UNITED STATES
04-10010 HERNANDEZ, MARIA V. UNITED STATES
04-10011 FONSECA, BERALDO V. LAMANNA, WARDEN

04-10016 PROCTOR, MAURICE P. V. UNITED STATES

04-10019 SHEPARD, GEORGE V. UNITED STATES

04-10033 LOVE, RODNEY L. V. UNITED STATES

04-10050 VIETH, MICHAEL D. V. UNITED STATES

The petitions for writs of certiorari are denied.

04-1179 INTEGRATED TELECOM EXPRESS, INC. V. NMSBPCSLDHB, L.P.

The motion of National Venture Capital Association for leave to file a brief as *amicus curiae* out-of-time is denied. The petition for a writ of certiorari is denied.

04-1318 MONTANA V. ANYAN, TANYA M., ET AL.

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

04-1392 CLARK, CHERYL A. V. McLEOD, ELSEY M.

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

04-9760) WOODBERRY, THOMAS V. BRUCE, WARDEN, ET AL.

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04-9761) WOODBERRY, THOMAS V. BRUCE, WARDEN, ET AL.

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

HABEAS CORPUS DENIED

04-9544 IN RE GEORGE E. SIBLEY, JR.

04-10089 IN RE TERRENCE PRICE

The petitions for writs of habeas corpus are denied.

04-10104 IN RE DARRYL E. JACKSON

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

MANDAMUS DENIED

04-9545 IN RE LAWRENCE L. ADAMS

04-9977 IN RE JAMES ARMSTRONG, ET AL.

The petitions for writs of mandamus are denied.

REHEARINGS DENIED

04-491 DICKERSON, DURAND V. BATES, G. RONALD, ET AL.

04-1085 DRINKWATER, STANLEY N. V. PARKER, McCAY & CRISCUOLO

04-8290 BOSCH, ALBERT L. V. KANSAS

04-8317 CONKLIN, ROGER D. V. SCHOFIELD, WARDEN

04-8397 VORA, CHANDAN S. V. CROWDER, JEFF

04-8443 POTTS, JAMES H. V. OREGON

04-8549 ROLLINS, MARY V. SMITH, GREG, ET AL.

04-8655 JAFFER, SHAHSULTAN V. NATIONAL BLACK CAUCUS, ETC.

04-8790 O'NEILL, BRIAN J. V. RICHLAND COUNTY BOARD, ET AL.

04-8917 OUTLER, RAYMOND V. ANDERSON, WARDEN

04-9033 ULLMANN, GERHARD F. J. V. UNITED STATES

04-9044 WYNTER, ORVILLE V. NEW YORK

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

The petitions for rehearing are denied.

ATTORNEY DISCIPLINE

D-2389 IN THE MATTER OF DISBARMENT OF JUDITH LENORE FITZGERALD

Judith Lenore Fitzgerald, of Baltimore, Maryland, having been suspended from the practice of law in this Court by order of January 10, 2005; and a rule having been issued and served upon her requiring her to show cause why she should not be disbarred; and the time to file a response having expired;

It is ordered that Judith Lenore Fitzgerald is disbarred from the practice of law in this Court.

D-2390 IN THE MATTER OF DISBARMENT OF BENJAMIN CHURCHILL WOOD

Benjamin Churchill Wood, of New York, New York, having been suspended from the practice of law in this Court by order of January 10, 2005; 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 Benjamin Churchill Wood is disbarred from the practice of law in this Court.

D-2395 IN THE MATTER OF DISBARMENT OF RUPERT ARVEL HALL, JR.

Rupert Arvel Hall, Jr., of Moorestown, New Jersey, having been suspended from the practice of law in this Court by order of February 22, 2005; 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 Rupert Arvel Hall, Jr. is disbarred from the practice of law in this Court.

D-2396 IN THE MATTER OF DISBARMENT OF MATTHEW M. RUSSO

Matthew M. Russo, of Long Beach, New York, having been suspended from the practice of law in this Court by order of

February 22, 2005; 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 Matthew M. Russo is disbarred from the practice of law in this Court.

D-2397

IN THE MATTER OF DISBARMENT OF TERRY LEN MCCOLLOUGH

Terry Len McCollough, of Orlando, Florida, having been suspended from the practice of law in this Court by order of February 22, 2005; 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 Terry Len McCollough is disbarred from the practice of law in this Court.

D-2398

IN THE MATTER OF DISBARMENT OF WARNER SMITH OLDS

Warner Smith Olds, of Fort Lauderdale, Florida, having been suspended from the practice of law in this Court by order of February 22, 2005; 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 Warner Smith Olds is disbarred from the practice of law in this Court.

D-2399

IN THE MATTER OF DISBARMENT OF REID SCOTT NEUMAN

Reid Scott Neuman, of Northbrook, Illinois, having been suspended from the practice of law in this Court by order of February 22, 2005; 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 Reid Scott Neuman is disbarred from the

practice of law in this Court.

D-2400 IN THE MATTER OF DISBARMENT OF ALAN I. KARTEN

Alan I. Karten, of Miami, Florida, having been suspended from the practice of law in this Court by order of February 22, 2005; 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 Alan I. Karten is disbarred from the practice of law in this Court.

D-2401 IN THE MATTER OF DISBARMENT OF FERNAND LOUIS LAUDUMIEY, III.

Fernand Louis Laudumiey, III, of New Orleans, Louisiana, having been suspended from the practice of law in this Court by order of February 22, 2005; 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 Fernand Louis Laudumiey, III, is disbarred from the practice of law in this Court.

D-2402 IN THE MATTER OF DISBARMENT OF VAL K. SCHEURICH, III.

Val K. Scheurich, III, of New Orleans, Louisiana, having been suspended from the practice of law in this Court by order of February 22, 2005; 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 Val K. Scheurich, III, is disbarred from the practice of law in this Court.

D-2403 IN THE MATTER OF DISBARMENT OF JOHN V. NORTON

John V. Norton, of Minneapolis, Minnesota, having been suspended from the practice of law in this Court by order of

February 22, 2005; 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 V. Norton is disbarred from the practice of law in this Court.

D-2404

IN THE MATTER OF DISBARMENT OF JAMES GAULTNEY ETHEREDGE

James Gaultney Etheredge, of Fort Walton Beach, Florida, having been suspended from the practice of law in this Court by order of February 22, 2005; 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 James Gaultney Etheredge is disbarred from the practice of law in this Court.

D-2405

IN THE MATTER OF DISBARMENT OF ROBERT EDMOND SENTON

Robert Edmond Senton, of Melbourne, Florida, having been suspended from the practice of law in this Court by order of February 22, 2005; 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 Edmond Senton is disbarred from the practice of law in this Court.

RECESS ORDER

The Court will take a recess from Monday, June 6, 2005, until Monday, June 13, 2005.