(ORDER LIST: 562 U.S.)

MONDAY, JANUARY 10, 2011

CERTIORARI -- SUMMARY DISPOSITIONS

09-9487 JACKSON, ANTHONY G. 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 *Johnson* v. *United States*, 559 U.S. ___ (2010).

10-5394 PAYNE, DONALD S. V. UNITED STATES

10-5648 MANNING, BUDDY E. 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 Eighth Circuit for further consideration in light of *Carr* v. *United States*, 560 U.S. ___ (2010).

10-5852 BELTRAN, GURMERCINDO 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 *Johnson* v. *United States*, 559 U.S. ___ (2010).

10-5961 BENNETT, DARRELL J. 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 Eighth Circuit for further consideration in light of *Carr* v. *United States*, 560 U.S. ___ (2010).

ORDERS IN PENDING CASES

10A243 GREEN, MARK V. UNITED STATES

The application for bail addressed to Justice Breyer and referred to the Court is denied.

10M55 IDEA NUOVA, INC. V. GM LICENSING GROUP, INC.

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

10M56 KOLEV, NICK A. V. DAVIDI, NISSIM, ET AL.

The motion to direct the Clerk to file a petition for a writ of certiorari out of time under Rule 14.5 is denied.

10M57 WILLIAMS, HENRY A. V. UNITED STATES

10M58 COLLINS, BRENDA V. TIAA-CREF, ET AL.

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

10M59 MALLO, CAROLYN V. WV DEPT. OF HEALTH, ET AL.

The motion for leave to file a petition for a writ of certiorari under seal is denied without prejudice to filing a renewed motion together with either a redacted petition for a writ of certiorari, or an explanation as to why the petition may not be redacted, within 30 days.

138, ORIG. SOUTH CAROLINA V. NORTH CAROLINA

Kristin Linsley Myles, Esq., of San Francisco, California, the Special Master in this case, is hereby discharged with the thanks of the Court.

09-10245 FREEMAN, WILLIAM V. UNITED STATES

The motion of petitioner for leave to file a volume of the joint appendix under seal is granted.

10-5400 TAPIA, ALEJANDRA V. UNITED STATES

Stephanos Bibas, Esquire, of Philadelphia, Pennsylvania, is invited to brief and argue this case, as *amicus curiae*, in support of the position that 18 U.S.C. §3582(a) allows district courts to consider rehabilitative need in setting the length and term of imprisonment.

10-6315 BERRYHILL, LaVERN V. HENRY, GOV. OF OK, ET AL.

10-6403 WILLIAMS, THELMA V. HARDIN, OFFICER, ET AL.

10-6471 MILLER, EUGENE V. MARKS, JUDGE, ETC., ET AL.

10-6481 GRANDOIT, GERARD D. V. PHYSICIAN NETWORK, INC., ET AL.

10-6548 BERRYHILL, LaVERN V. EVANS, EDWARD, ET AL.

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

10-6987 HOLMES, CYNTHIA V. EAST COOPER HOSPITAL, ET AL.

10-7258 BOLOMET, PASCAL, ET UX. V. RLI INSURANCE CO., ET AL.

10-7274 WIDEMAN, EUGENE V. COLORADO, ET AL.

10-7326 MURRAY, BRENDAN E. V. SEC

The motions of petitioners for leave to proceed *in forma pauperis* are denied. Petitioners are allowed until January 31, 2011, 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.

10-7331 GUIRLANDO, THERESE V. T. C. ZIRAAT BANKASI, A.S.

The motion of petitioner for leave to proceed *in forma pauperis* is denied. Petitioner is allowed until January 31, 2011, 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 Sotomayor took no part in the consideration or decision of this motion.

10-7359 HANDLEY, PATRICIA A. V. CHASE BANK, ET AL.

10-7384 FRANCIS, KAYTRENA J. V. UNITED STATES, ET AL.

10-7721 McCONNEL, JOSEPH E. V. UNITED STATES

The motions of petitioners for leave to proceed *in forma pauperis* are denied. Petitioners are allowed until January 31, 2011, 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

09-1138 TAM TRAVEL, INC., ET AL. V. AMERICAN AIRLINES, INC., ET AL.

09-1353 THUNDERHORSE, IRON V. PIERCE, BILL, ET AL.

09-11099 SIMMS, DARRYL V. ACEVEDO, WARDEN

09-11126 DOE, J. V. DUNCAN, RICHARD L., ET AL.

09-11208 CORBER, TERRY L. V. UNITED STATES

10-116 GRANT COUNTY IRRIGATION, ET AL. V. BUREAU OF RECLAMATION, ET AL.

10-130 GAO, ZHAN V. HOLDER, ATT'Y GEN.

10-151 DEPEE, LARRY, ET AL. V. MAHACH-WATKINS, SYLVIA

10-241 CHAPMAN, NATHAN A. V. UNITED STATES

10-251 EXPERIAN INFORMATION SOLUTIONS V. PINTOS, MARIA E.

10-262 WILCOX, WILLIAM, ET UX. V. FENN, JEREMIAH, ET AL.

10-264 MISSOURI V. KRUSE, CONRAD

10-308 DODSON, PATRICIA V. UNIV. OF AR FOR MEDICAL SCIENCES

10-320 HAQUE, ANWAR V. NEW YORK

10-326 BROWN, FRANKLIN C. V. UNITED STATES

10-344 HERRERA, ALONSO A. V. OREGON

10-357 MAHARAM, PATSY V. PATTERSON, JAMES, ET AL.

10-363 ESTATE OF TIMKEN, ET AL. V. UNITED STATES

10-371 LAWNWOOD MEDICAL CENTER, INC. V. SADOW, SAMUEL H.

10-372 FORRESTER, GREGORY V. ARKANSAS

10-376) WRISLEY, MARK, ET AL. V. CROWE, MICHAEL, ET AL.
)
10-377) McDONOUGH, CHRISTOPHER V. CROWE, MICHAEL, ET AL.
)
10-420) BLUM, LAWRENCE N. V. CROWE, MICHAEL, ET AL.

10-383 NIBCO, INC. V. RIVERA, MARTHA, ET AL.

10-397 BRADLEY, HEATHCLIFFE J. V. HOLDER, ATT'Y GEN.

10-401 WEINMAN, JEFFREY A. V. GRAVES, JAMES W., ET UX.

10-404 SCHAEFER, MALCOLM G. V. McHUGH, SEC. OF ARMY

10-441 JANICE R. V. DEBRA H.

10-457 CHESNEY, KEVIN G., ET UX. V. VALLEY STREAM UNION FREE, ET AL.

10-463 ADDINGTON, DON, ET AL. V. US AIRLINE PILOTS ASSOCIATION

10-471 MILLER-GOODWIN, TONYA C. V. PANAMA CITY BEACH, FL

10-502 DIXON, JOSEPH V. DEUTSCH BANK NATIONAL TRUST CO.

10-503 ERICKSON, JOHN E., ET UX. V. AUBURN, WA

10-505 STEVENS, MARY J. V. ANDREW MYERS ESTATE

10-510 TABOR, ODIS L. V. FREIGHTLINER OF CLEVELAND, LLC

10-518 HOLMAN, ANDREA L. V. RASAK, MARK

10-521 BD. OF CTY. COMM'RS V. RMCC, ET AL.

10-526 HOLLANDER, ROY D. V. COPACABANA NIGHTCLUB, ET AL.

10-527 MORALES, HAROLD V. CAMPBELL, WARDEN, ET AL.

10-529 PARRA, ARTHUR, ET AL. V. NEAL, LANGDON D., ET AL.

10-539 MODZELEWSKI, JOHN A. V. PROCH, THOMAS V.

10-541 TAITZ, ORLY V. MACDONALD, THOMAS D., ET AL.

10-549 HOLIBAUGH, JEFFREY V. ROBB EVANS & ASSOCIATES

10-552 KRANTZ, ALBERT, ET UX. V. ARIZONA DEPT. OF HUMAN SERVICES

10-561 SUNG, SAMUEL Y., ET AL. V. CHOI, TAE T., ET AL.

10-562 KIRLEIS, ALYSON J. V. DICKIE, McCAMEY & CHILCOTE

10-567 KING, MICHAEL B. V. FARRIS, ERIC, ET AL.

10-569 CONWAY, ATT'Y GEN. OF KY V. McQUEARY, BART

10-573 SHEPHERD MONTESSORI CENTER V. ANN ARBOR CHARTER TOWNSHIP

10-574 BARNWELL, ROBERT V. DOUGLAS COUNTY, GA, ET AL.

10-575 VENESEVICH, DEBORAH K. V. LEONARD, MICHAEL J., ET AL.

10-580 KRAFT FOODS GLOBAL, INC. V. SPOERLE, JEFF, ET AL.

10-581 CE DESIGN, LIMITED V. PRISM BUSINESS MEDIA, INC.

10-582 TIFFEE, GILBERT, ET AL. V. CITIZENS TELECOM. CO., ET AL.

10-583 AYANBADEJO, JOHN, ET UX. V. NAPOLITANO, SEC. OF HOMELAND

10-584 JASSO, MARY V. CA DEPT. OF FORESTRY, ET AL.

10-586 JOHNSON, ROLAND V. POTTER, POSTMASTER GEN.

10-587 PATEL, HINAL A. V. HOLDER, ATT'Y GEN.

10-599 ONYEABOR, MYRIAM V. CENTENNIAL POINTE, ET AL.

10-600 PIPER, PAUL A. V. UNITED STATES

10-601 MEE INDUSTRIES INC. V. DOW CHEMICAL CORPORATION

10-602 DEEGAN, EDWARD J., ET UX. V. UNITED STATES

10-607 SULLIVAN, DONALD V. NORTH CAROLINA

10-608 GREEN, MICHAEL T. V. RHEE, MICHELLE

10-609 NJ PEACE ACTION, ET AL. V. OBAMA, PRESIDENT OF U.S.

10-610 PRATI, RONALD, ET UX. V. UNITED STATES

10-612 ANDERSON, DANIEL G., ET AL. V. OBAMA, PRESIDENT OF U.S.

10-614 CAI, ZHUANG L. V. UDDIN, JAIML

10-619 TALMAGE, RONALD B., ET UX. V. CIR

10-625 O'HARA, KEITH, ET AL. V. ZURICH AMERICAN INS. CO., ET AL.

10-626 BARROS, CESAR X. V. SMEAL, ACTING SEC., PA DOC

10-628 O'CONNOR, KEVIN J. V. COLORADO COLLEGE, ET AL.

10-634 TRATREE, BILLY R. V. BP NORTH AMERICA PIPELINES, INC.

10-641 POWERS, KRISTINA V. FREIHAMMER, JAMES, ET UX.

10-642 KONE, PHANENDHARNADH L. V. VA DEPT. OF STATE POLICE

10-643 INT'L ASSOC. OF MACHINISTS V. AK STEEL CORP.

10-645 RAYNOR, MAUREEN K., ET VIR V. MYERS, RICHARD D.

10-650 MAYERCHECK, JOSEPH A. V. JUDGES OF THE SUPREME CT. OF PA

10-654 MORALES-VALLELLANES, ANGEL D. V. POTTER, POSTMASTER GEN.

10-663 MALYUTIN, ALEKSANDR V. RICE, FORMER SEC. OF STATE

10-673 DUKES, CURTIS A. V. LANCER INSURANCE COMPANY, ET AL.

10-675 GUILBOT, MIGUEL A., ET AL. V. DE GONZALEZ, MARIA, ET AL.

10-697 PABON-MANDRELL, EDUARDO V. UNITED STATES

10-700 CREATIVE COMPOUNDS, LLC V. SABINSA CORPORATION

10-706 DESENBERG, ROGER M. V. GOOGLE, INC.

10-710 MULLINS, RUSSELL B. V. UNITED STATES

10-716 MALDONADO, AMY V. LOGLOGIC, INC.

10-726 GANIM, JOSEPH P. V. UNITED STATES

10-737 LAZER, RANDE H. V. UNITED STATES

10-5128 MORENO-PADILLA, JUAN A. V. UNITED STATES

10-5175 NGUYEN, DAVID V. UNITED STATES

10-5403 NORIEGA, DANIEL L. V. CALIFORNIA

10-5651 N-A-M V. HOLDER, ATT'Y GEN.

10-5718 REYES-BOSQUE, EMILIO V. UNITED STATES

10-5836 SIEGEL, NANCY J. V. UNITED STATES

10-5898 PARKER, YOLANDA V. POTTER, NANCY

10-5909) DAVIS, ERIC D. V. UNITED STATES
)
10-5940) FENNER, KEVIN J. V. UNITED STATES

10-5922 BANKS, DION V. ILLINOIS

10-5988 WILLIAMS, MELVIN V. ILLINOIS

10-5998 FAZIO, SALVATORE V. V. UNITED STATES

10-6039 VILLALOBOS, JOSHUA I. V. ARIZONA

10-6115 EDENS, EDWARD L. V. UNITED STATES

10-6180 BELL, MARLON V. JACKSON, WARDEN

10-6242 BURKS, GREGORY J. V. UNITED STATES

10-6259 CEBALLOS-ZUNIGA, OSVALDO V. UNITED STATES

10-6272 TINSLEY, THEODORE V. UNITED STATES

10-6297 BRYAN, RODNEY C. V. SOUTH CAROLINA

10-6323 IRBY, CHRISTOPHER V. TEXAS

10-6337 COVARRUBIAS, JAVIOR M. V. UNITED STATES

10-6339 DEL VALLE-CISNEROS, MARTIN V. UNITED STATES

10-6446 ESTRADA, ADRIAN V. TEXAS

10-6532 SHAW, SHERRY V. V. POTTER, POSTMASTER GEN.

10-6634 WILLIAMS, JASON O. V. ALLEN, COMM'R, AL DOC

10-6650 HINES, TIMOTHY V. UNITED STATES

10-6668 KERR, CARY V. THALER, DIR., TX DCJ

10-6689 DARTEZ, SAMUEL V. KANSAS

10-6701 WIDEMAN, EUGENE V. COLORADO

10-6928 LUCKEY, MONTEY A. V. TEXAS

10-6948 FRANCIS, LOUIS V. LOS ANGELES, CA, ET AL.

10-6952 FENNER, WALDO V. BELL, BILL, ET AL.

10-6953 HACKNEY, ROBERT E. V. LAFLER, WARDEN

10-6958 HOLLINS, KHARI L. V. GEORGIA

10-6959 HILL, CLINTON V. JOHNSON, DIR., VA DOC

10-6960 NEYENS, ROSS A. V. IOWA

10-6963 MADDOX, HARRY V. McPHETRES, MARY, ET AL.

10-6966 WILLIAMS, ROBERT H. V. USCA 8, ET AL.

10-6969 WILLIAMS, BILLY V. JOHNSON, DIR., VA DOC

10-6980 FIELDS, KENNETH V. TEXAS

10-6985 FRAZIER, KEITH E. V. HEARING OFFICER JACKSON, ET AL.

10-6988 MOORE, MITCHELL V. OHIO

10-6994 BIAS, JERRY J. V. ALABAMA

10-6997 NELSON, PAULA V. SKEHAN, JEFFREY, ET AL.

10-6998 ADAMS, RONALD V. SHORT, J., ET AL.

10-7000 ADAMS, LOANITA V. FEDERAL WAY, WA, ET AL.

10-7004 EDWARDS, MERVIN V. THALER, DIR., TX DCJ

10-7007 EVANS, AUGUSTUS H. V. LEE, THOMAS

10-7009 DAVIS, CHAD V. TEXAS

10-7011 DAVIS, RICKY G. V. VIRGINIA

10-7016 SCOTT, BYRON L. V. USDC CD CA, ET AL.

10-7017 RAMOS, ALFREDO V. ILLINOIS

10-7020 DODSON, MELVIN C. V. VIRGINIA

10-7027 McCRACKEN, TED A. V. BROOKHAVEN SCIENCE, ET AL.

10-7030 TORREFRANCA, DELMO F. V. RYAN, DIR., AZ DOC, ET AL.

10-7037 ODOM, CHRISTOPHER A. V. RYAN, STEPHEN, ET AL.

10-7041 TREVINO, JAIME V. THALER, DIR., TX DCJ

10-7042 TAURO, JOHN J. V. BAER, MAX, ET AL.

10-7048 MOORE, TERELL V. JOHNSON, DIR., VA DOC

10-7077 EDWARDS, PATRICIA A. V. SOUTH DAKOTA

10-7078 CASE, ROBERT V. V. UNITED STATES, ET AL.

10-7079 MILLER, JEFFREY L. V. WENEROWICZ, SUPT., FRACKVILLE

10-7091 VINES, CALVIN J. V. JOHNSON, DIR., VA DOC

10-7092 IRICK, BILLY R. V. TENNESSEE

10-7093 PARKER, DUANE V. LOUISIANA

10-7094 PETE, MICHAEL V. WHITE, WARDEN

10-7095 BATISTE, WHITNEY V. CAIN, WARDEN

10-7103 LAMBRIX, CARY M. V. FLORIDA

10-7104 HAMMOND, EMMANUEL F. V. UPTON, WARDEN

10-7105 STOEVER, RUTH E. V. TECH USA, ET AL.

10-7107 BURE, MOISES E. V. McCOLLUM, ATT'Y GEN. OF FL

10-7111 SONNTAG, JASON V. CLIFTON, RHONDA, ET AL.

10-7113 RIVERA, FRANK V. PA DOC, ET AL.

10-7117 EVANS, SAM V. FLORIDA

10-7121 DIAZ, CARLOS I. V. UNITED STATES, ET AL.

10-7122 FORE, TONY V. LAKESIDE BUSES OF WI, INC.

10-7128 BELL, REGINALD V. WA DEPT. OF SOCIAL & HEALTH

10-7131 THOMPSON, JAMES A. V. CALIFORNIA

10-7132 ALEGRIA SANCHEZ, MANOLO V. HAYNES, SUPT., WARREN

10-7133 CALLAHAN, ANTWAN V. DIGGS, WARDEN

10-7135 SIKANDER, SHAMSUDDIN V. HOLDER, ATT'Y GEN.

10-7140 EDWARDS, WARREN L. V. McNEIL, SEC., FL DOC, ET AL.

10-7142 DELK, ANTONIO M. V. MINNESOTA

10-7146 GARCIA, ROBERTO G. V. THALER, DIR., TX DCJ

10-7147 GRAY, JOHN V. MARYLAND

10-7148 GOLD, JASON V. SCHUETTE, LINDA

10-7151 GIBSON, DONTAY V. McNEIL, SEC., FL DOC

10-7154 GONZALES, ERNESTO V. TEXAS

10-7155 HOPKINS, ELWOOD P. V. DiGUGLIELMO, SUPT., GRATERFORD

10-7158 STONE, ALFRED L. V. STENZ, ELIZABETH, ET AL.

10-7161 WASHINGTON, JWAN V. PROVINCE, WARDEN

10-7162 DAVIS, RICHARD L. V. LOUISIANA

10-7166 JOHNSON, KENNETH V. MORRELL, ARTHUR A., ET AL.

10-7169 CARTER, KEVEN L. V. VASQUEZ, RACHEL, ET AL.

10-7173 DEERE, LLOYD R. V. NEVADA

10-7174 BOURGEOIS, EDWARD J. V. BERGERON, WARDEN

10-7176 DAVIS, NOLAN C. V. GUSMAN, SHERIFF, ET AL.

10-7177 MILTON, JESSIE V. McNEIL, SEC., FL DOC

10-7178 SEPULVEDA, JOSE E. V. BURNSIDE, RALPH, ET AL.

10-7179 RINES, FREDDIE J. V. THALER, DIR., TX DCJ

10-7180 SAINT, WILLIAM B. V. MASSACHUSETTS REHAB.

10-7181 QUINONEZ, LEONARDO M. V. THALER, DIR. TX DCJ

10-7184 RICHARDSON, MELVIN K. V. VARANO, SUPT., COAL TOWNSHIP

10-7188 MALLETT, GREGORY C. V. LABOR & INDUSTRY REVIEW, ET AL.

10-7190 JEFFERSON, WILLIE L. V. SMITH, WARDEN, ET AL.

10-7191 JONES, LARRY D. V. NORTH CAROLINA

10-7197 WILSON, CLIVE F. V. HOLDER, ATT'Y GEN.

10-7200 PIPES, JAMES F. V. CORRECTIONAL MED. SVCS., ET AL.

10-7201 WAGSTAFF, AUDREY S. V. DOE

10-7217 DAWSON, DONALD E. V. MARSHALL, WARDEN

10-7218 ELLIS, HOWARD V. BENEDETTI, JAMES, ET AL.

10-7220 ALLEN, DERRICK V. McNEIL, SEC., FL DOC

10-7221 BURGOS-SANTOS, LUIS V. LaVALLEY, SUPT., GREAT MEADOW

10-7224 ABEBE, UNULA B. V. PERRY, MATTHEW J.

10-7225 BATEMAN, TYRONE V. MISSOURI

10-7232 THOMPSON, TRAVIS R. V. CATE, SEC., CA DOC

10-7237 BARBEE, SYLVESTER V. CORRECTIONAL MED. SVCS., ET AL.

10-7239 RODRIGUEZ, JOSE V. WOODS, WARDEN

10-7242 BROWN, RONALD L. V. JOHNSON, DIR., VA DOC

10-7252 BAKER, ASTON V. SIMPSON, CHARLES, ET AL.

10-7253 DAVIS, ANTONIO V. MICHIGAN

10-7254 CALDERON, JAVIER L. V. SWARTHOUT, WARDEN

10-7257 CHANG, TOUA H. V. MINNESOTA

10-7259 ROGERS, GLEN E. V. McNEIL, SEC., FL DOC, ET AL.

10-7261 WILLIAMS, KEVIN A. V. HAVILAND, WARDEN

10-7262 ROSE, DEBBY V. COX HEALTH SYSTEMS, ET AL.

10-7264 ROBERTS, KENNETH R. V. SINGER, WARDEN

10-7266 ROSA, ALEXIS S. V. THALER, DIR., TX DCJ

10-7267 RUSSELL, JOSEPH V. LaVALLEY, SUPT., GREAT MEADOW

10-7271 PATTERSON, BRYAN D. V. SUPERIOR COURT OF CA

10-7272 MEAD, SYLVESTER V. CAIN, WARDEN, ET AL.

10-7279 ARMSTRONG, JERRY W. V. REDDING PAROLE DEPT., ET AL.

10-7280 STALEY, EDWARD V. OWENS, COMM'R, GA DOC, ET AL.

10-7282 BAILEY, ANTHONY G. V. CAIN, WARDEN

10-7283 BONIFACE, LEWIS L. V. DEPT. OF HOMELAND SEC., ET AL.

10-7284 ELLIS, HOWARD V. USDC NV

10-7285 EVANS, THOMAS E. V. CATE, SEC., CA DOC

10-7286 SNEED, ANTHONY V. MISSISSIPPI

10-7288 IGLESIAS, LOURDES V. WAL-MART STORES EAST, L.P.

10-7291 JOHNLOUIS, ALFONZO J. V. LOUISIANA

10-7292 JONES, ANDRE J. V. MISSISSIPPI

10-7293 JOHNSON, DAVID L. V. ALABAMA, ET AL.

10-7295 MASSINGA, PETER V. ARIZONA

10-7300 TOLBERT, COREY V. WISE, WARDEN, ET AL.

10-7301 SINGLETON, MICHAEL V. FLORIDA

10-7306 SCHLECHTY, ALLAN M. V. INDIANA

10-7307 ARVIE, HUBERT V. TANNER, WARDEN

10-7308 CUEN, ULLYSSES P. V. HEDGPETH, WARDEN

10-7316 JOHNSON, THOMAS J. V. SISTO, WARDEN, ET AL.

10-7319 MILLER, LIONEL M. V. FLORIDA

10-7321 WILSON, CHARLES V. GOLDSTEIN, BERNARD

10-7322 WILLIAMS, KENNETH J. V. GROUNDS, ACTING WARDEN

10-7325 HIRATA, STEVEN L. V. LEWIS, WARDEN

10-7327 McCRACKEN, TED A. V. FORD MOTOR COMPANY, ET AL.

10-7328 MANN, JOHN W. V. McNEIL, SEC., FL DOC

10-7329 PROTOPAPPAS, TONY V. KNOWLES, WARDEN, ET AL.

10-7334 WHITE, BERNARD A. V. ADAMS, WARDEN, ET AL.

10-7336 CHOINSKI, JOHNNY V. YATES, WARDEN, ET AL.

10-7338 CARSON, PATRICK V. McNEIL, SEC., FL DOC

10-7340 BOOKER-EL, SAMMIE L. V. WILSON, SUPT., IN

10-7342 GEIER, MICHAEL L. V. NOOTH, SUPT., SNAKE RIVER

10-7347 ALLEN, RANDALL V. RELIANCE INS. CO.

10-7355 ASHBAUGH, MARTIN A. V. YATES, WARDEN, ET AL.

10-7356 WINDHAM, SAMUEL V. CA DOC, ET AL.

10-7366 RODRIGUEZ, ANDY D. V. YATES, WARDEN

10-7367 SABREE, G. SAIF V. WALSH, MAUREEN E., ET AL.

10-7368 SEYMORE, TOMMIE L. V. WARREN, WARDEN

10-7370 SATTERFIELD, PAUL V. JOHNSON, PHILIP, ET AL.

10-7371 PERRY, LESTER J. V. THALER, DIR., TX DCJ

10-7373 BIVINGS, TERRANCE V. LAWLER, SUPT., HUNTINGDON

10-7374 BROWN, TYRELL T. V. CLARK, WARDEN

10-7375 SCOTT, ROBERT L. V. INDIANA

10-7378 JAMES, JOHNNY A. V. McNEIL, SEC., FL DOC, ET AL.

10-7381 BURTON, JOHN V. WASHINGTON

10-7386 ASTROP, HENRY L. V. ECKERD CORP., ET AL.

10-7390 CHERRY, BERNARD V. NEW YORK, NY, ET AL.

10-7393 WEST, STEPHEN M. V. RAY, COMM'R, TN DOC, ET AL.

10-7395 ALLEN, MICHAEL V. McCOLLUM, ATT'Y GEN. OF FL

10-7400 RHODES, JENNIE D. V. ASTRUE, COMM'R, SOCIAL SEC.

10-7407 CASTILLA, JULIO V. UTTECHT, SUPT., COYOTE RIDGE

10-7409 ROWE, CHERYL L. V. ASTRUE, COMM'R, SOCIAL SEC.

10-7418 BARNO, RODNEY B. V. RYAN, WARDEN, ET AL.

10-7446 UPTON, DAVID V. HARRINGTON, ACTING WARDEN

10-7448 THUILLARD, MARY S. V. UNITED STATES

10-7453 SZYMANSKI, DAVID J. V. ARIZONA

10-7454 SHOAGA, RAMI V. MAERSK, INC., ET AL.

10-7462 ARROYO-MUNOZ, GERARDO V. McNEIL, SEC., FL DOC, ET AL.

10-7466 UPSHAW, TIMOTHY L. V. McNEIL, SEC., FL DOC, ET AL.

10-7470 JAMESON, BARRY S. V. YATES, WARDEN

10-7471 LAZARO, DAVID J. V. HOLDER, ATT'Y GEN.

10-7479 MANESS, BRET F. V. ALASKA

10-7483 STEIN, JACK K. V. FRAKES, SUPT., MONROE

10-7493 JOHNSON, ZACHARY V. MISSISSIPPI

10-7494 CARTER, JOHNNY C. V. CALIFORNIA

10-7510 O'MEARA, TIMOTHY J. V. FENEIS, WARDEN

10-7511 MONDAY, HENRY L. V. UNITED STATES

10-7512 OROZCO-ACOSTA, SAMUEL V. UNITED STATES

10-7514 BAXTER, RONALD L. V. McNEIL, SEC., FL DOC, ET AL.

10-7516 ANDERSON, DARRELL K. V. TENNESSEE

10-7517 ELLIOTT, JEREMY V. FLORIDA

10-7534 RICHARDSON, COBY L. V. UNITED STATES

10-7535 GONZALEZ-RODRIGUEZ, FILIBERTO V. UNITED STATES

10-7536 FOREHAND, SEAN V. UNITED STATES

10-7540 GRANT, DAVID N. V. BARNHART, WARDEN

10-7545 ANDERSON, MICHAEL V. COLEMAN, SUPT., FAYETTE, ET AL.

10-7546 HILL, JUAN A. V. CARLTON, WARDEN

10-7549 SILLS, JAMES L. V. UNITED STATES

10-7555 ARIAS-JAVIER, RUBEN A. V. UNITED STATES

10-7556 FAULDS, JAMES V. UNITED STATES

10-7557 SWAIN, MICHAEL L. V. MISSOURI

10-7563 ROMERO, JEFFREY A. V. CALIFORNIA

10-7567 GRIFFIN, P. B. V. UNITED STATES

10-7572 HATCHER, VINCENT V. DiGUGLIELMO, SUPT., GRATERFORD

10-7577 MORALES-VEGA, ALMA V. UNITED STATES

10-7578 GRANT, NORMAN O. V. UNITED STATES

10-7579 HENDERSON, TERRELL V. HOUSTON, DIR., NE DOC

10-7581 IZEGWIRE, IMOUDU V. UNITED STATES

10-7582 HENDERSON, SAMUEL L. V. UNITED STATES

10-7583 HERRON, JAMES L. V. UNITED STATES

10-7586 BLAKEY, JACKIE D. V. MISSOURI, ET AL.

10-7587 OLMEDO, EDUARDO V. UNITED STATES

10-7590 KONSAVICH, MARK J. V. UNITED STATES

10-7595 RODRIGUEZ-TURCIOS, NELSON O. V. UNITED STATES

10-7598 ARREDONDO-DUENAS, LORENZO V. UNITED STATES

10-7601 HAMMOND, MAURICE V. UNITED STATES

10-7602 HERNANDEZ, FIDEL S. V. UNITED STATES

10-7604 FLOYD, DENNIS L. V. McNEIL, SEC., FL DOC, ET AL.

10-7607 HARDY, LESTER V. BRANKER, WARDEN

10-7609 CONTRERAS-AGUINAGA, ERASMO V. UNITED STATES

10-7610 COLE, ALBERT M. V. UNITED STATES

10-7614 BROWN, CLARA V. SPARKMAN, SUPT., MS

10-7618 MORAN, RODGER L. V. UNITED STATES

10-7621 WISE, DONTAVIUS V. UNITED STATES

10-7623 WHITNEY, COREY J. V. UNITED STATES

10-7624 VERDUGO, ADOLFO V. UNITED STATES

10-7625 ALEXANDER, ROBERT B. V. UNITED STATES

10-7626 BOWIE, MARQUISE L. V. UNITED STATES

10-7630 GIANNINI, DANIEL V. UNITED STATES

10-7636 SANCHEZ-GUZMAN, RUBEN V. UNITED STATES

10-7638 McGEE, CHARLES W. V. UNITED STATES

10-7640 ANGULO-LOPEZ, JUAN C. V. UNITED STATES

10-7642 MARTINEZ-PEREZ, DANILO V. UNITED STATES

10-7643 ANGULO-LOPEZ, RICORTE V. UNITED STATES

10-7644 ESPARZA-CRUZ, MARIO V. UNITED STATES

10-7645 EVANS-MARTINEZ, JESUS N. V. UNITED STATES

10-7649 NEWTON, GARRICK D. V. UNITED STATES

10-7651 RODRIGUEZ, JOSE L. V. UNITED STATES

10-7655 JOHNSON, CHARLES E. V. UNITED STATES

10-7657 JACKSON, JEFFREY J. V. MISSISSIPPI

10-7659 PAYTON, MARSHA L. V. DEPT. OF HOMELAND SECURITY

10-7660 PEREZ, MIKE V. UNITED STATES

10-7661 MALCOLM, ANDREW J. V. UNITED STATES

10-7665 GRIFFIN, TERESA M. V. UNITED STATES

10-7668 FELDHACKER, WILLIAM J. V. BAKEWELL, WARDEN, ET AL.

10-7669 FLACK, GREGORY W. V. UNITED STATES

10-7670 GRAY, CLYDE A. V. UNITED STATES

10-7672 DAVIS, MICHAEL V. LOUISIANA

10-7677 SALEH, MOHAMMED V. DAVIS, WARDEN

10-7679 BENNETT, ELLOWOOD E. V. HICKEY, WARDEN

10-7680 LLOYD, ROBERT V. UNITED STATES

10-7682 MARZZARELLA, MICHAEL V. UNITED STATES

10-7685 BAUTISTA, JUAN S. V. UNITED STATES

10-7686 MALLOY, TERRANCE V. UNITED STATES

10-7687 MATOS, ANTHONY V. UNITED STATES

10-7689 SHELBY, ARMONDO V. QUINN, WARDEN

10-7691 ZALDIVAR, ELIETEN M. V. UNITED STATES

10-7694 VASQUEZ-MARTINEZ, EDUARDO V. UNITED STATES

10-7697 VAZQUEZ-HERNANDEZ, JAVIER V. UNITED STATES

10-7701 CRAFTON, SHEDRICK V. UNITED STATES

10-7702 MOTTOLA, DARREN V. UNITED STATES

10-7703 NAVARRO, FRANCISCO V. UNITED STATES

10-7704 WILLIAMS, SHELDON V. UNITED STATES

10-7705 WEST, STEPHEN M. V. BELL, WARDEN

10-7707 KING, DAVID S. V. UNITED STATES

10-7709) CARRAZANA, HUMBERTO V. UNITED STATES
)
10-7783) GOMEZ-CRUZ, BRAINER V. UNITED STATES

10-7713 LUCAS, ROY K. V. UNITED STATES

10-7714 SCHULTZ, ROD V. UNITED STATES

10-7716 DEAN, GLENN R. V. UNITED STATES

10-7720 PADILLA, FELIPE V. UNITED STATES

10-7723 PETERS, SEAN V. UNITED STATES

10-7725 WILLIAMS, TIMOTHY V. UNITED STATES

10-7727 YOUNG, JAMES W. V. UNITED STATES

10-7733 BRADFIELD, ARCHIE V. UNITED STATES

10-7734 COLLINS, RAYMOND A. V. UNITED STATES

10-7735 MARTINEZ-SEGURA, JAIME V. UNITED STATES

10-7736 LITTLE, TERRENCE V. UNITED STATES

10-7738 MARTINEZ-BRAMBILA, DANIEL V. UNITED STATES

10-7739 MUNGO, JEREMIAH, ET AL. V. UNITED STATES

10-7741 McMAHAN, JEFF V. UNITED STATES

10-7744 ROMAN, GEORGE L. V. UNITED STATES

10-7745 SCOTT, ANGELO L. V. UNITED STATES

10-7747 BUTCHER, STEVEN E. V. UNITED STATES

10-7748 ALI, MIR V. UNITED STATES

10-7749 BUSH, EARL G. V. FLORIDA

10-7750 ELMER, CANDACE J. V. UNITED STATES

10-7753 JONES, NATHAN L. V. UNITED STATES

10-7756 LAKE, RICHARD M. V. UNITED STATES

10-7758 JACKSON, ARNOLD L. V. UNITED STATES

10-7759 OMOTOSHO, JAMES O. V. UNITED STATES

10-7760 POTTS, RICHARD V. UNITED STATES

10-7766 BLANCA, LUIS F. V. UNITED STATES

10-7769 ELLISON, GARLAND V. UNITED STATES

10-7774 DMYTRYSZYN, ADAM V. COLORADO

10-7778 BUCCI, ANTHONY V. UNITED STATES

10-7779 GOMEZ-MURILLO, CARLOS R. V. UNITED STATES

10-7780 HARDIN, TOMMY O. V. ILLINOIS

10-7782 FERGUSON, IRVIN J. V. UNITED STATES

10-7784 HERNANDEZ-PEREZ, ASCENCION V. UNITED STATES

10-7787 RAINER, LORENZO V. UNITED STATES

10-7789 RIVERA-RODRIGUEZ, GABRIEL V. UNITED STATES

10-7790 FEASTER, HAYWARD V. UNITED STATES

10-7794 FORD, JIMMIE L. V. UNITED STATES

10-7796 HARVEY, DANNY M. V. UNITED STATES

10-7798 MIRANDA, ARMANDO V. UNITED STATES

10-7801 LEE, MICHAEL A. V. UNITED STATES

10-7806 LAURIENTI, BRYAN V. UNITED STATES

10-7810 MEMIJE-SANTOS, FELICIANO V. UNITED STATES

10-7818 CASTRO-DAVIS, FELIX G. V. UNITED STATES

10-7819 DIAZ, MICHAEL A. V. UNITED STATES

10-7823 CRUMPLER, WILLIE D. V. UNITED STATES

10-7825) DELGADO, LUIS A. V. UNITED STATES
)
10-7837) JOHNSON, CLIFFORD E. V. UNITED STATES
)
10-7840) McINTYRE, CHARLES E. V. UNITED STATES
)
10-7843) WALKER, SHANNON L. V. UNITED STATES
)
10-7849) HISHAW, ANTHONY D. V. UNITED STATES

10-7828 BOONE, DANIEL J. V. UNITED STATES

10-7836 JABER, HAYEL A. V. UNITED STATES

10-7838 LOCKARD, LANCE V. UNITED STATES

10-7841 OCHOA-RAMIREZ, BENJAMIN V. UNITED STATES

10-7846 SIMS, EDWARD V. UNITED STATES

10-7848 MOSLEY, ROY V. UNITED STATES

10-7855 MURPHY, JAMES F. V. UNITED STATES

10-7858 KAUTZ, DENNIS C. V. KILMER, GARY

10-7859 LII, FRANCIS K. V. UNITED STATES

10-7860 MALDONADO-DELGADO, VICTOR V. UNITED STATES

10-7862 CARROLL, STEVEN M. V. UNITED STATES

The petitions for writs of certiorari are denied.

10-263 SONY MUSIC ENTERTAINMENT, ET AL. V. STARR, KEVIN, ET AL.

The petition for a writ of certiorari is denied. The Chief Justice and Justice Sotomayor took no part in the consideration

or decision of this petition.

10-309 CASTRO, MONICA V. UNITED STATES

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

10-360 KENTUCKY V. BROWN, PHILLIP L.

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

10-433 ROTHE DEVELOPMENT CORP. V. DEPT. OF DEFENSE, ET AL.

10-501 TAYLOR, SHARON, ET AL. V. ACXIOM CORPORATION, ET AL.

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

10-509 AVID IDENTIFICATION SYSTEMS V. CRYSTAL IMPORT CORP., ET AL.

The motion of Allflex U.S.A., Inc. for leave to file a brief as *amicus curiae* under seal with redacted copies for the public record is granted. The petition for a writ of certiorari is denied.

10-546 ATLANTIC RICHFIELD CO., ET AL. V. SANTA CLARA COUNTY, CA, ET AL.

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

10-550 FLORIDA V. ROSS, BLAINE

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

10-647 WYSOCKI, GEORGE V. IBM

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

10-679 BURDEN, KELVIN V. UNITED STATES

10-5850 SAUNDERS, NATHAN V. ARTUS, SUPT., CLINTON

10-5955 SESSION, DARYL V. UNITED STATES

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

10-6133 SCHERY, WILFREDO V. UNITED STATES

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

10-6945 MILLER, ERNEST V. CALIFORNIA

10-6947 HARVEY, DONNY J. V. THALER, DIR., TX DCJ

10-6955 HOLT, JOE D. V. HETZELL, WARDEN, 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.

10-6956 HARRIS, MARVIN V. BROOKS, G., 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. As the petitioner has repeatedly abused this Court's process, the Clerk is directed not to accept any further petitions in noncriminal matters from petitioner unless the docketing fee required by Rule 38(a) is paid and the petition is submitted in compliance with Rule 33.1. See *Martin*

v. *District of Columbia Court of Appeals*, 506 U.S. 1 (1992) (*per curiam*).

10-6961 MILLER, ERNEST V. CALIFORNIA

10-7029 WILLIAMS, THELMA V. SMALLWOOD, BARBARA, ET AL.

10-7082 JOHNSON, LOUIS D. V. VELMER, DEAN, 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.

10-7106 ZIED-CAMPBELL, MINDY V. RICHMAN, ESTELLE, ET AL.

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

10-7114 REDZIC, MUSTAFA V. UNITED STATES

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

10-7137 DUNLAP, DANNY R. V. MICHIGAN

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. As the petitioner has repeatedly abused this Court's process, the Clerk is directed not to accept any further petitions in noncriminal matters from petitioner unless the docketing fee required by Rule 38(a) is paid and the petition is submitted in compliance with Rule 33.1. See *Martin* v. *District of Columbia Court of Appeals*, 506 U.S. 1 (1992) (*per curiam*).

10-7195 MILLER, ERNEST V. CALIFORNIA

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.

10-7233 TRUONG, MAC V. CHARLES SCHWAB & CO., INC.

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

10-7273 BLOOM, STEVEN K. V. McKUNE, WARDEN, 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. As the petitioner has repeatedly abused this Court's process, the Clerk is directed not to accept any further petitions in noncriminal matters from petitioner unless the docketing fee required by Rule 38(a) is paid and the petition is submitted in compliance with Rule 33.1. See *Martin* v. *District of Columbia Court of Appeals*, 506 U.S. 1 (1992) (*per curiam*).

10-7320 YSAIS, CHRISTOPHER V. YSAIS, CONSUELO A.

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.

10-7398 RIVAS, RUDI V. SUFFOLK COUNTY, NY, ET AL.

10-7438 SANDERS, LAUNEIL V. JACKSON, ADM'R, EPA, 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. As the petitioners have repeatedly abused this Court's process, the Clerk is directed not to accept any further petitions in noncriminal matters from petitioners unless the docketing fees required by Rule 38(a) are paid and the petitions are submitted in compliance with Rule

33.1. See *Martin* v. *District of Columbia Court of Appeals*, 506 U.S. 1 (1992) (*per curiam*).

10-7441 SOLIS, ARTURO V. TX DCJ

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.

10-7452 BROWN, DERRICK V. BLEDSOE, WARDEN, ET AL.

10-7548 STANKO, RUDY V. OBAMA, PRESIDENT OF U.S., 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. As the petitioners have repeatedly abused this Court's process, the Clerk is directed not to accept any further petitions in noncriminal matters from petitioners unless the docketing fees required by Rule 38(a) are paid and the petitions are submitted in compliance with Rule 33.1. See *Martin* v. *District of Columbia Court of Appeals*, 506 U.S. 1 (1992) (*per curiam*).

10-7613 BHATIA, LAL V. UNITED STATES

10-7678 BROWN, GERALD A. V. UNITED STATES

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

10-7754 MARTINEZ, MELVIN V. UNITED STATES

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

10-7772 McCULLOUGH, DENNIS S. V. UNITED STATES

10-7777 CUSANO, FRANK V. UNITED STATES

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

10-7804 STANKO, RUDY V. DAVIS, WARDEN

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. As the petitioner has repeatedly abused this Court's process, the Clerk is directed not to accept any further petitions in noncriminal matters from petitioner unless the docketing fee required by Rule 38(a) is paid and the petition is submitted in compliance with Rule 33.1. See Martin v. District of Columbia Court of Appeals, 506 U.S. 1 (1992) (per curiam).

10-7807 AWAN, KHALID V. UNITED STATES

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

10-7845 VASQUEZ, ERIC V. UNITED STATES

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

10-7857 LIAN, SONG L. V. UNITED STATES

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

HABEAS CORPUS DENIED

10-7732 IN RE ALLEN VAUGHN, JR.

The petition for a writ of habeas corpus is denied.

10-7916 IN RE RICHARD F. MILLS

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

10-294 IN RE NED COMER, ET AL.

10-655 IN RE RICHARD L. MELLOR

10-7054 IN RE PATRICK McPHERRON

10-7362 IN RE ERNEST WILCOCK

10-7566 IN RE LAWRENCE KENEMORE

10-7635 IN RE RODNEY SKURDAL

The petitions for writs of mandamus are denied.

10-547 IN RE MARTIN BETTWIESER

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

REHEARINGS DENIED

09-1463 MESSINA, DEBORAH A. V. CIR

09-10496 MENG, YUECAI V. MECKLENBURG CTY. SOCIAL SERVICES

09-10655 DECKER, KURBY V. DUNBAR, CHEQUITA, ET AL.

09-10690 BOOKER, DILLARD J. V. JOHNSON, DIR., VA DOC

09-10705 SHAARBAY, CARLOS V. FLORIDA

09-10709 MASON, MELVIN V. CASSADY, WILLIAM E., ET AL.

09-10763 EVANS, MICHAEL A. V. ELDRIDGE, ANDREA E., ET AL.

09-10764 DAVIS, ELLIS C. V. THALER, DIR., TX DCJ

09-10784 GROVER, BRYANT A. V. THALER, DIR., TX DCJ

09-10818 FOX, JUAN M. V. UPTON, WARDEN

09-10946 SILVERMAN, PERRY R. V. HUDSON, WARDEN

09-11037 BROTHERS, WILLIAM L. V. THALER, DIR., TX DCJ

09-11044 LIU, XIAO Q. V. RICHLINE GROUP, ET AL.

09-11070 GILLARD, LISA J. V. MICHALAKOS, ALEXANDER S., ET AL.

09-11081 BLAKENEY, JOHN C. V. MISSISSIPPI

09-11108 WILLIAMS, ANDRE V. THALER, DIR., TX DCJ

09-11248 BENJAMIN, ANTHONY V. SHEDPHERD, SERGEANT, ET AL.

09-11545 POSTELL, CRANDALL V. BANK OF CENTRAL FLORIDA, ET AL.

09-11559 POSTELL, CRANDALL V. BANK OF CENTRAL FLORIDA, ET AL.

10-280 GHAZIBAYAT, NIKROUZ V. SBC ADVANCED SOLUTIONS, INC.

10-299 ZHAO, YUMIN V. LONE STAR ENGINE INSTALLATION

10-338 TRICOME, DOMENIC V. EBAY, INC.

10-381 VANCE, CLARENCE L. V. ILLINOIS

10-393 BAIRD, DANIEL R. V. BURLINGTON NO. & SANTE FE R. CO.

10-5028 WALSH, CATHERINE V. QUINN, JOHN M., ET AL.

10-5161 MERRITT, PAUL W. V. McNEIL, SEC., FL DOC, ET AL.

10-5184 ROBERTS, KENNETH A. V. McCULLOCH, DEB

10-5275 JOHN R. G. V. CATHOLIC CHARITIES

10-5304 COX, EDD V. FLORIDA

10-5380 BLOOD, GEORGE W. V. UNITED STATES

10-5474 CORBIN, BARBARA L. V. WHEELER, WARDEN

10-5485 MEREDITH, EDWARD V. FLORIDA

10-5501 McNEIL, KERRY V. DiGUGLIELMO, SUPT., GRATERFORD

10-5514 DILLEHAY, NICIE V. ASTRUE, COMM'R, SOCIAL SEC.

10-5518 KANGERE, SAMUEL J. V. DAVENPORT, SHEILAH

10-5519 KRIZ, MICHAEL J. V. 12TH JUDICIAL DISTRICT, ET AL.

10-5568 SALTER, ROBERT L. V. UNITED STATES

10-5589 OWENS, TERRY V. MARSHALL, WARDEN

10-5597 BENJAMIN, ANTHONY V. REID, CORPORAL, ET AL.

10-5630 ROGERS, WESLEY R. V. THALER, DIR., TX DCJ

10-5668 STAFFORD, TYRON V. AMMONS, THOMAS, ET AL.

10-5681 REID, W. BRETT V. SWIFT TRANSPORTATION CO., INC.

10-5701 KARAWI, SAMER V. UNITED STATES

10-5729 NAKAGAWA, CARL A. V. COLORADO

10-5814 HA, HUNG V. RICHMAN, JAMES A., ET AL.

10-5823 HUBBARD, ALBERTA V. DETROIT PUBLIC SCHOOLS

10-5824 TAYLOR, JERRY L. V. YATES, WARDEN

10-5890 MOORE, THOMAS V. TENNIS, SUPT., ROCKVIEW, ET AL.

10-5899 McCRAY, NAOMI V. WAL-MART STORES, INC., ET AL.

10-5949 SPISAK, JOHN S. V. NEVADA

10-5960 CAMPANILE, THOMAS F. V. NICOLELLA, PHYLLIS C.

10-5963 ANAYA, DOMINGO B. V. SISTO, WARDEN

10-5972 BLACKMER, PAUL V. SWEAT, DWAYNE, ET AL.

10-5977 STAPLEY, GEORGE I. V. MISSISSIPPI BAR, ET AL.

10-6012 HARRIS, TANGER A. V. PROGRESSIVE INSURANCE, ET AL.

10-6019 MARTIN, CLAYTON C. V. JOHNSON, DIR., VA DOC

10-6055 ARNAIZ, ISMAEL F. V. UNITED STATES

10-6057 MILLER, CHARLES L. V. KOLENDER, FORMER SHERIFF, ET AL.

10-6101 IN RE ALFREDO SANCHO

10-6120 WINNETT, DONALD V. SALINE COUNTY JAIL, ET AL.

10-6122 STOUT, DEBORAH K. V. HOBBS, WARDEN

10-6168 STINSKI, DARRYL S. V. GEORGIA

10-6198 LEISER, JEFFREY D. V. THURMER, WARDEN

10-6276 McCLELLAN, JAMES S. V. HOBBS, DIR., AR DOC

10-6293 McCASLIN, LATANYA V. BIRMINGHAM MUSEUM OF ART, ET AL.

10-6310 WEBB, DAVID V. KERN, JUDGE, ETC., ET AL.

10-6359 WYNTER, ORVILLE V. NEW YORK

10-6369 IN RE JEFFREY SANDERS

10-6393 JONES, MARLIN E. V. NORTH PLATTE, NE, ET AL.

10-6419 BLADE, RONNIE V. UNITED STATES

10-6452 METCALF, BRADFORD V. UNITED STATES

10-6461 RAINEY, JOSEPH L. V. UNITED STATES

10-6466 HOLMES, HAROLD J. V. UNITED STATES

10-6478 TAYLOR, RAHEEM V. NEW JERSEY, ET AL.

10-6483 GARVINS, ANTHONY V. BURNETT, DAVE, ET AL.

10-6501 IN RE RAMON DOMINGUEZ

10-6516 KENDRICKS, JAMES H. V. BARROW, WARDEN

10-6520 BRIM, ERNEST V. ZAVARES, EXEC. DIR., CO DOC

10-6641 MARTINEZ, JORGE A. V. UNITED STATES

10-6711 TORRES, IGNACIO V. UNITED STATES

10-6860 BIRTHA, ANTHONY A. V. UNITED STATES

The petitions for rehearing are denied.

10-6449 WARE, ULYSSES T. V. UNITED STATES

10-6936 LI, XIANG V. UNITED STATES

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

10-6950 IN RE MICHAEL S. GORBEY

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

09-9905 MATTHEWS, GARY A. V. UNITED STATES

The motion for leave to file a petition for rehearing is denied. Justice Kagan took no part in the consideration or decision of this motion.

10-5330 GARRAWAY, MARK V. LEE, SUPT., GREEN HAVEN

The motion for leave to file a petition for rehearing is denied. Justice Sotomayor took no part in the consideration or decision of this motion.

SUPREME COURT OF THE UNITED STATES

MADISON COUNTY, NEW YORK ET AL. *v.* ONEIDA INDIAN NATION OF NEW YORK

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

No. 10–72. Decided January 10, 2011

PER CURIAM.

We granted certiorari, 562 U. S.___(2010), on the questions "whether tribal sovereign immunity from suit, to the extent it should continue to be recognized, bars taxing authorities from foreclosing to collect lawfully imposed property taxes" and "whether the ancient Oneida reservation in New York was disestablished or diminished." Pet. for Cert. *i*. Counsel for respondent Oneida Indian Nation advised the Court through a letter on November 30, 2010, that the Nation had, on November 29, 2010, passed a tribal declaration and ordinance waiving "its sovereign immunity to enforcement of real property taxation through foreclosure by state, county and local governments within and throughout the United States." Oneida Indian Nation, Ordinance No. O-10–1 (2010). Petitioners Madison and Oneida Counties responded in a December 1, 2010 letter, questioning the validity, scope, and permanence of that waiver; the Nation addressed those concerns in a December 2, 2010 letter.

We vacate the judgment and remand the case to the United States Court of Appeals for the Second Circuit. That court should address, in the first instance, whether to revisit its ruling on sovereign immunity in light of this new factual development, and—if necessary—proceed to address other questions in the case consistent with its sovereign immunity ruling. See *Kiyemba* v. *Obama*, 559 U. S. ___ (2010) *(per curiam)*.

Petitioners are awarded costs in this Court pursuant to

this Court's Rule 43.2.

It is so ordered.

JUSTICE SOTOMAYOR took no part in the consideration or decision of this case.

SUPREME COURT OF THE UNITED STATES

CEDRICK B. ALDERMAN *v.* UNITED STATES

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

No. 09–1555. Decided January 10, 2011

The petition for a writ of certiorari is denied.

JUSTICE THOMAS, with whom JUSTICE SCALIA joins except for footnote 2, dissenting from the denial of certiorari.

Today the Court tacitly accepts the nullification of our recent Commerce Clause jurisprudence. Joining other Circuits, the Court of Appeals for the Ninth Circuit has decided that an "implic[it] assum[ption]" of constitutionality in a 33-year old statutory interpretation opinion "carve[s] out" a separate constitutional place for statutes like the one in this case and pre-empts a "careful parsing of post-*Lopez* case law." 565 F. 3d 641, 645, 647, 648 (2009) (citing *Scarborough* v. *United States*, 431 U. S. 563 (1977)). That logic threatens the proper limits on Congress' commerce power and may allow Congress to exercise police powers that our Constitution reserves to the States. I would grant certiorari.

I

Title 18 U. S. C. §931(a) makes it "unlawful for a person to purchase, own, or possess body armor, if that person has been convicted of a felony that is . . . a crime of violence." James Guelff and Chris McCurley Body Armor Act of 2002, §11009(e)(2)(A), 116 Stat. 1821. The statute defines "body armor" as "any product sold or offered for sale, in interstate or foreign commerce, as personal protective body covering intended to protect against gunfire." 18 U. S. C. §921(a)(35).

In October 2005, federal prosecutors indicted Cedrick

Alderman under §931. Seattle police had stopped Alderman on suspicion of selling cocaine. The officers found no cocaine but discovered that Alderman was wearing a bulletproof vest. Although possession of the vest was legal under Washington state law, the elements of §931 were satisfied. Alderman had been convicted of robbery in 1999, and the vest had been sold in interstate commerce three years earlier when the California manufacturer sold it to a distributor in Washington State. 565 F. 3d, at 644. There were no allegations that Alderman had purchased the body armor from another State or ever carried it across state lines.

Alderman entered a conditional guilty plea and was sentenced to 18 months in prison. He then appealed, arguing that §931 exceeded Congress' power under the Commerce Clause. U. S. Const., Art. I, §8, cl. 3. Over a dissent, a panel of the Ninth Circuit found §931 constitutional. 565 F. 3d, at 648; *ibid.* (Paez, J., dissenting). The Ninth Circuit denied rehearing en banc, with four judges dissenting. 593 F. 3d 1141 (2010) (O'Scannlain, J., dissenting from denial of rehearing en banc).

II

This Court has consistently recognized that the Constitution imposes real limits on federal power. See *Gregory* v. *Ashcroft*, 501 U. S. 452, 457 (1991); *Marbury* v. *Madison*, 1 Cranch 137, 176 (1803) (opinion for the Court by Marshall, C. J.) ("The powers of the legislature are defined, and limited; and that those limits may not be mistaken, or forgotten, the constitution is written"). It follows from the enumeration of specific powers that there are boundaries to what the Federal Government may do. See, *e.g.*, *Gibbons* v. *Ogden*, 9 Wheat. 1, 195 (1824) ("The enumeration presupposes something not enumerated . . ."). The Constitution "withhold[s] from Congress a plenary police power that would authorize enactment of every type

of legislation." *United States* v. *Lopez,* 514 U. S. 549, 566 (1995).

Recently we have endeavored to more sharply define and enforce limits on Congress' enumerated "[p]ower . . . [t]o regulate Commerce . . . among the several States." U. S. Const., Art. I, §8, cl. 3. *Lopez* marked the first time in half a century that this Court held that an Act of Congress exceeded its commerce power. We identified three categories of activity that Congress' commerce power authorizes it to regulate: (1) the use of the channels of interstate commerce; (2) the instrumentalities of interstate commerce; and (3) "activities having a substantial relation to interstate commerce . . . *i.e.*, those activities that substantially affect interstate commerce." 514 U. S., at 558–559. Emphasizing that we were unwilling to "convert congressional authority under the Commerce Clause to a general police power," *id.,* at 567, we struck down a ban on the possession of firearms within a 1,000-foot radius of schools because the statute did not regulate an activity that "substantially affect[ed]" interstate commerce, *id.,* at 561.

Five years after *Lopez*, we reaffirmed the "substantial effects" test in *United States* v. *Morrison*, 529 U. S. 598 (2000). We rejected Congress' attempt to "regulate noneconomic, violent criminal conduct based solely on that conduct's aggregate effect on interstate commerce," and held unconstitutional the civil remedy portion of the Violence Against Women Act of 1994. *Id.,* at 617, 619. We could think of "no better example of the police power, which the Founders denied the National Government and reposed in the States." *Id.,* at 618.

III

In upholding §931(a), the Ninth Circuit recognized that *Lopez* and *Morrison* had "significantly altered the landscape of congressional power under the Commerce Clause"

but held that it was guided "first and foremost" by *Scarborough*, *supra.* 565 F. 3d, at 643, 645. In *Scarborough*, this Court construed 18 U. S. C. App. §1202(a) (1970 ed.), which made it a crime for a felon to "receiv[e], posses[s], or transpor[t] in commerce or affecting commerce" any firearm. 431 U. S., at 564. The question in that case was whether the "statutorily required nexus between the possession of a firearm by a convicted felon and commerce" could be satisfied by evidence that the gun had once traveled in interstate commerce. *Ibid.* The Court held that such evidence was sufficient, noting that the legislative history suggested that Congress wished to assert "'its full Commerce Clause power.'" *Id.,* at 571. No party alleged that the statute exceeded Congress' authority, and the Court did not hold that the statute was constitutional. The Ninth Circuit concluded that *Scarborough* had "implicitly assumed the constitutionality of" §1202(a). 565 F. 3d, at 645.

The Ninth Circuit discussed how it might apply *Lopez* and *Morrison* "when traveling in uncharted waters" but ultimately concluded that it was "bound by *Scarborough*," in which this Court had "blessed" a "nearly identical jurisdictional hook." 565 F. 3d, at 648. Although it would "generally analyze cases in the framework of th[e] three *[Lopez]* categories," the Ninth Circuit determined that *Scarborough* had "carved out" a separate constitutional niche for statutes like §931(a) and §1202(a). 565 F. 3d, at 646–647. The Ninth Circuit thus upheld the statute without "engag[ing] in the careful parsing of post-*Lopez* case law that would otherwise be required." *Id.,* at 648. The court recognized a tension between *Scarborough* and *Lopez* but declined to "deviate from binding precedent." 565 F. 3d, at 646.

The dissent argued that the court had "effectively render[ed] the Supreme Court's three-part Commerce Clause analysis superfluous." *Id.,* at 648 (opinion of Paez, J.).

Scarborough, the dissent explained, "decided only a question of statutory interpretation." 565 F. 3d, at 656. Section 931 was, in the dissent's view, unconstitutional because applying *Lopez,* "felon-possession of body armor does not have a substantial effect on interstate commerce." 565 F. 3d, at 648.

The Ninth Circuit is not alone in its confusion about *Scarborough* and *Lopez*. The Tenth Circuit, also upholding §931 under *Scarborough*, has observed that "[l]ike our sister circuits, we see considerable tension between *Scarborough* and the three-category approach adopted by the Supreme Court in its recent Commerce Clause cases." *United States* v. *Patton*, 451 F. 3d 615, 636 (2006).[1] These Circuits have determined that "[a]ny doctrinal inconsistency between *Scarborough* and the Supreme Court's more recent decisions is not for [us] to remedy," *ibid.,* and have stated their intent to follow *Scarborough* "until the Supreme Court tells us otherwise." 565 F. 3d, at 648 (internal quotation marks and brackets omitted).

IV

It is difficult to imagine a better case for certiorari. *Scarborough*, as the lower courts have read it, cannot be reconciled with *Lopez* because it reduces the constitutional analysis to the mere identification of a jurisdictional hook like the one in §1202(a). See 593 F. 3d, at 1142 (O'Scannlain, J., dissenting from denial of rehearing en banc) ("The majority's opinion makes *Lopez* superfluous"). In fact, the Tenth Circuit has concluded that "[a]lthough the body armor statute does not fit within any of the *Lopez*

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[1] Other Courts of Appeals, considering the constitutionality of different possession statutes, have applied *Scarborough* similarly, although the issue has divided some panels. See, *e.g., United States* v. *Bishop*, 66 F. 3d 569 (CA3 1995); *id.,* at 595–596 (Becker, J., concurring in part and dissenting in part); *United States* v. *Vasquez*, 611 F. 3d 325 (CA7 2010); *id.,* at 337 (Manion, J., dissenting).

categories, it is supported by the pre-*Lopez* precedent of *Scarborough*." *Patton*, *supra,* at 634.

Recognizing the conflict between *Lopez* and their interpretation of *Scarborough*, the lower courts have cried out for guidance from this Court. See 565 F. 3d, at 643 ("[A]bsent the Supreme Court or our en banc court telling us otherwise . . . the felon-in-possession of body armor statute passes muster"); *Patton*, *supra,* at 636 ("We suspect the Supreme Court will revisit this issue in an appropriate case—maybe even this one"). This Court has a duty to defend the integrity of its precedents, and we should grant certiorari to affirm that *Lopez* provides the proper framework for a Commerce Clause analysis of this type.[2]

Further, the lower courts' reading of *Scarborough*, by trumping the *Lopez* framework, could very well remove any limit on the commerce power. The Ninth Circuit's interpretation of *Scarborough* seems to permit Congress to regulate or ban possession of any item that has ever been offered for sale or crossed state lines. Congress arguably could outlaw "the theft of a Hershey kiss from a corner store in Youngstown, Ohio, by a neighborhood juvenile on the basis that the candy once traveled . . . to the store from Hershey, Pennsylvania." *United States* v. *Bishop*, 66 F. 3d 569, 596 (CA3 1995) (Becker, J., concurring in part and dissenting in part). The Government actually conceded at oral argument in the Ninth Circuit that Congress could ban possession of french fries that have been offered for sale in interstate commerce.

Such an expansion of federal authority would trespass on traditional state police powers. See *Morrison*, 529 U. S., at 618; *Lopez*, 514 U. S., at 566; *id.,* at 584 (THOMAS,

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[2] I adhere to my previously stated views on the proper scope of the Commerce Clause. See *United States* v. *Lopez*, 514 U. S. 549, 585 (1995) (concurring opinion); *United States* v. *Morrison*, 529 U. S. 598, 627 (2000) (same); *Gonzales* v. *Raich*, 545 U. S. 1, 57 (2005) (dissenting opinion).

J., concurring) ("[W]e *always* have rejected readings of the Commerce Clause and the scope of federal power that would permit Congress to exercise a police power . . ." (emphasis in original)). Before Congress enacted §931, the majority of States already had employed their police powers to address body armor and its use or possession by criminals. The States' different regimes range from laws requiring sales of body armor to be face-to-face, to laws increasing sentences for criminals who commit certain crimes with weapons and body armor, to no regulation at all.[3] Cf. *Lopez, supra,* at 581 (KENNEDY, J., concurring) (noting that more than 40 States had already outlawed gun possession at or near schools, and observing that "the reserved powers of the States are sufficient to enact those measures").

* * *

Fifteen years ago in *Lopez*, we took a significant step toward reaffirming this Court's commitment to proper constitutional limits on Congress' commerce power. If the

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[3]At least 31 States have some form of body armor regulation. For instance, Maryland makes it a crime to wear body armor while committing certain crimes, Md. Crim. Law Code Ann. §4–106 (Lexis Supp. 2010), and also prohibits individuals who have been convicted of crimes of violence or drug crimes from possessing, owning, or using body armor, although individuals may be exempted through a permit system. §4–107 (Lexis 2002). Virginia makes it a Class 4 felony to wear body armor while possessing a knife or firearm and committing a drug or violence offense. Va. Code Ann. §18.2–287.2 (Lexis 2009). North Carolina, by comparison, enhances all felony offenses by one class level if the offender wears or possesses body armor during the commission of the felony. N. C. Gen. Stat. Ann. §15A–1340.16C (Lexis 2009). The States also define "body armor" in many different ways. See M. Puckett, Body Armor: A Survey of State & Federal Law (2d ed. 2004). Montana, Hawaii, Alaska, Maine, Nebraska, and Rhode Island, among others, have elected not to regulate body armor at all. See *United States* v. *Patton*, 451 F. 3d 615, 631, n. 7 (CA10 2006) (categorizing the various state schemes).

Lopez framework is to have any ongoing vitality, it is up to this Court to prevent it from being undermined by a 1977 precedent that does not squarely address the constitutional issue. Lower courts have recognized this problem and asked us to grant certiorari. I would do so.