

(ORDER LIST: 562 U.S.)

MONDAY, MARCH 7, 2011

CERTIORARI -- SUMMARY DISPOSITIONS

09-1396 ALLSHOUSE, RICKY L. V. PENNSYLVANIA

The petition for a writ of certiorari is granted. The judgment is vacated, and the case is remanded to the Supreme Court of Pennsylvania, Western District, for further consideration in light of *Michigan v. Bryant*, 562 U.S. ____ (2011).

09-10146 KANE, RUTH 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 *Pepper v. United States*, 562 U.S. ____ (2011). Justice Kagan took no part in the consideration or decision of this motion and this petition.

10-935 SMITH, KENNETH L. V. THOMAS, JUSTICE, USSC, ET AL.

Because the Court lacks a quorum, 28 U.S.C. §1, and since the only qualified Justice is of the opinion that the case cannot be heard and determined at the next Term of Court, the judgment is affirmed under 28 U.S.C. §2109, which provides that under these circumstances “the court shall enter its order affirming the judgment of the court from which the case was brought for review with the same effect as upon affirmance by an equally divided court.” The Chief Justice, Justice Scalia,

Justice Kennedy, Justice Thomas, Justice Ginsburg, Justice Breyer, Justice Alito, and Justice Sotomayor took no part in the consideration or decision of this petition.

10-5829 HARKNESS, TROY N. V. UNITED STATES

10-5839 SMITH, LUTHER W. 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 *Pepper v. United States*, 562 U.S. ____ (2011).

10-5860 MANN, ROBERT 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 *Henderson v. Shinseki*, 562 U.S. ____ (2011).

ORDERS IN PENDING CASES

09-11556 TOLENTINO, JOSE V. NEW YORK

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

10-10 TURNER, MICHAEL D. V. ROGERS, REBECCA L., ET AL.

The motion of the Acting Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument is granted, and the time is divided as follows: 30 minutes for the petitioner, 10 minutes for the Acting Solicitor

General, and 30 minutes for the respondents.

10-5400 TAPIA, ALEJANDRA V. UNITED STATES

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

10-7441 SOLIS, ARTURO V. TX DCJ

10-7550 RUTHERFORD, STEVEN V. EMPLOYMENT STANDARD ADMIN.

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

10-7875 JONES, MARLIN E. V. MIDSTATES DEVELOPMENT, INC.

10-7900 BREEST, ROBERT V. NEW HAMPSHIRE

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

10-8196 TOMEY, MARK S., ET UX. V. LAMBDIN, JERRY

10-8228 TUCKER, LINDA, ET AL. V. LOS ANGELES, CA

10-8516 SEISMAN, JOHN V. CONSUMER PROTECTION DIVISION

The motions of petitioners for leave to proceed *in forma pauperis* are denied. Petitioners are allowed until March 28, 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 GRANTED

10-545 GOLAN, LAWRENCE, ET AL. V. HOLDER, ATT'Y GEN., ET AL.

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

CERTIORARI DENIED

10-516) RAST, BOBBY J., ET AL. V. UNITED STATES

)

10-528) PUGH, GRADY R., ET AL. V. UNITED STATES

)

10-533) McNAIR, JEWELL C. V. UNITED STATES

10-576 FIDEICOMISO DE LA TIERRA V. FORTUNO, GOV. OF PR, ET AL.
10-622 S&M BRANDS, ET AL. V. CALDWELL, ATT'Y GEN. OF LA
10-649 APOLLO GROUP, INC., ET AL. V. POLICEMEN'S ANNUITY & BENEFIT
10-671 WINE COUNTRY GIFT BASKETS.COM V. STEEN, JOHN T., ET AL.
10-715 LESLIE, THOMAS, ET AL. V. CARVINAL CORPORATION
10-721 SENSIENT TECHNOLOGIES, ET AL. V. SENSORYEFFECTS FLAVOR, ET AL.
10-722 DEAN, SYLVIA V. COMPUTER SCIENCES CORPORATION
10-724 HATMAKER, JANET V. MEMORIAL MEDICAL CENTER
10-725 HARDY, WILLIAM L. V. TN DEPT. OF HEALTH
10-749 HONGSERMEIER, RICHARD, ET UX. V. CIR
10-752 DRESSNER, DUSTIN V. LOUISIANA
10-848 BROWN, GOV. OF CA, ET AL. V. VALDIVIA, JERRY, ET AL.
10-861 ASTER, HERMAN V. ASTER, ZDENKA
10-862 BARAN, GREGORY W. V. MEDICAL DEVICE TECH., ET AL.
10-867 MAYER, CARL J. V. BELICHICK, BILL, ET AL.
10-870 HARLAN, MARVINELL, ET VIR V. H&HS, ET AL.
10-876 CARLSON, JUNE O. V. BUKOVIC, SCOTT, ET AL.
10-882 VAUGHN, JASON, ET UX. V. WYREMBEK, BENJAMIN J.
10-893 NEWDOW, MICHAEL A. V. LEFEVRE, PETER, ET AL.
10-901 SEGER-THOMSCHITZ, CLAUDIA V. MUSEUM OF FINE ARTS, BOSTON
10-907 OWNER-OPERATOR INDEP. DRIVERS V. MAYFLOWER TRANSIT, LLC
10-927 CHONG, SWEE F. V. HOLDER, ATT'Y GEN.
10-936 BETTS, ERIC M., ET AL. V. NEW CASTLE YOUTH DEV., ET AL.
10-943 FOREST, ROBERT J. V. CALIFORNIA
10-951 REEL HOOKER SPORTFISHING, INC. V. HI DEPT. OF TAXATION
10-952 BLUE MOVIES, INC., ET AL. V. LOUISVILLE COUNTY, KY
10-957 DOE, JOHN V. SHURTLEFF, ATT'Y GEN. OF UT
10-968 BRAQUET, LOUTO J. V. USCA 5, ET AL.

10-978 SALVADOR, JOHN, ET UX. V. LAKE GEORGE PARK COMM'N, ET AL.
10-993 SHARP, JOHN C. V. UNITED STATES
10-1003 MONEA FAMILY TRUST I, ET AL. V. UNITED STATES
10-5746 FRANKLIN, DARRELL V. TENNESSEE
10-5967 HAMMANN, JERALD A. V. FALLS/PINNACLE, LLC, ET AL.
10-6218 SHACKELFORD, DALE C. V. IDAHO
10-6356 PEMBROOK, DARYL M. V. UNITED STATES
10-6372 GRIFFIN, ANTONIO B. V. UNITED STATES
10-6824 DONOFRIO, TODD V. UNITED STATES
10-6964 WILSON, EARNEST V. USCA 7
10-7060 ARANGO, JHON J. V. UNITED STATES
10-7187 KJONAAS, KEVIN, ET AL. V. UNITED STATES
10-7385 FONTENOT, WILTON J. V. UNITED STATES
10-7397 SCURLOCK-FERGUSON, VESTER K. V. DURHAM, NC
10-7414 NOBLE, JOSEPH V. UNITED STATES
10-7443 BETHEA, VENLONTE V. UNITED STATES
10-7543 WALDON, ERNESTINE V. WILKINS, DONNA, ET AL.
10-7622 WILLIAMS, DAVID E. V. CALIFORNIA
10-7781 MARTINEZ GARCIA, FRANK V. THALER, DIR., TX DCJ
10-7813 ALFARO-MONCADA, HILARIO V. UNITED STATES
10-7816 DAVIS, RICHARD V. MISSOURI
10-7821 SALDANA-MARTINEZ, JOSE F. V. UNITED STATES
10-7833 TATE, GREGORY O. V. CALIFORNIA
10-7834 MASHEK, VINCENT L. V. UNITED STATES
10-7852 PHILLIPS, RONALD V. BRADSHAW, WARDEN
10-7892 THOMAS, SYLVESTER V. BARTOW, WARDEN
10-8172 MAYS, RANDALL W. V. TEXAS
10-8174 KLEIN, PAUL S. V. NEVADA

10-8182 McGLONE, ADRIENNE F. V. AUSTIN, JOE L.
10-8183 PRESLEY, ROCHESTER E. V. KING, SUPT., SOUTH MS
10-8185 PUCKETT, DURRELL A. V. CALIFORNIA
10-8186 NELSON, STEPHEN L. V. VIRGINIA
10-8195 JOHNSON, ANTHONY W. V. GUERRERO, ENRIQUE
10-8203 BROWN, WALTER V. McNEIL, SEC., FL DOC
10-8207 CRUZ, EDWIN V. CALIFORNIA
10-8208 BANKS, TOMMY E. V. MISSISSIPPI, ET AL.
10-8209 PALMER, GARY L. V. TRENT, GEORGE, ET AL.
10-8213 DENBOW, PHILLIP D. V. TEXAS
10-8219 ORTEGON, BALDOMERO G. V. TEXAS
10-8224 WHITE, ELIZABETH C. V. BOYD, RAYMOND, ET AL.
10-8230 LAFFITEAU, JOHN J. V. MGMT. AND LEGAL AGENTS
10-8236 MUSUNGAYI, KAZADI B. V. WHIRLPOOL CORP.
10-8242 MARTINEZ, ALFREDO V. TEXAS
10-8257 WRIGHT, PETE V. WOOD, ARTHUR, ET AL.
10-8259 GOMES, MICHAEL V. BERGERON, SUPT., OLD COLONY
10-8260 HOOKS, RAY D. V. THALER, DIR., TX DCJ
10-8264 CODE, NATHANIEL R. V. CAIN, WARDEN
10-8267 DAVIS, STEVIE L. V. THALER, DIR., TX DCJ
10-8268 DAVIS, CHAD V. TEXAS
10-8274 BERRY, JEFFREY R. V. CITIBANK F.S.B.
10-8281 ALLEN, ANTHONY V. ILLINOIS
10-8282 ANDERS, BRUCE V. THALER, DIR., TX DCJ
10-8283 BROWN, AKIRA T. V. ROBERTS, WARDEN, ET AL.
10-8342 MARQUEZ, KEVIN J. V. McNEIL, SEC., FL DOC
10-8348 RAHMAN, NUZAIRA V. NAPOLITANO, SEC. OF HOMELAND
10-8362 NNURO, MAXWELL V. HOLDER, ATT'Y GEN.

10-8378 BONIELLA, DAVID A. V. ASTRUE, COMM'R, SOCIAL SEC.
10-8381 BIGGS, BRUCE V. SMITH, SUPT., SHAWANGUNK
10-8392 ROBISON, GLEN W. V. EVANS, WARDEN
10-8423 McMILLIAN, DANIEL V. NORTON, WARDEN, ET AL.
10-8460 FLANAGAN, JUDY A. V. HOBBS, DIR., AR DOC
10-8469 WARD, LEAH J. V. TENNESSEE
10-8477 GILLILLAND, JAY B. V. ARIZONA
10-8494 WOODS, N'YUTU K. V. NEVEN, WARDEN, ET AL.
10-8500 REYNOLDS, MICHAEL C. V. WHITEHEAD, LARRY, ET AL.
10-8512 ALLEN, AARON A. V. WISCONSIN
10-8515 REA, PAUL J. V. CALIFORNIA
10-8519 BROWN, KAREEM V. PENNSYLVANIA
10-8545 GRAHAM, KEITH B. V. WILSON, ATT'Y GEN. OF SC, ET AL.
10-8567 HERNANDEZ, ALBERTO V. FLORIDA
10-8568 HENDRIX, ALFONZO V. HOBBS, DIR., AR DOC
10-8598 PIPES, JAMES F. V. BALLARD, WARDEN, ET AL.
10-8639 CELEBISOY, MERT V. BRUNSON, WARDEN
10-8683 RUE, CEDRIC J. V. RYAN, DIR., AZ DOC, ET AL.
10-8720 BRADLEY, JUAN V. URBOM, WARREN K., ET AL.
10-8764 SMART, ROBERT V. REYNOLDS, WARDEN
10-8797 BOYD, ANTHONY V. UNITED STATES
10-8798 ACOSTA, SAMUEL V. UNITED STATES
10-8801 WASHINGTON, GEORGE V. UNITED STATES
10-8805 CHEATHAM, ARTRONE V. UNITED STATES
10-8812 CANNION, JARRETT V. UNITED STATES
10-8814 PERRY, OCEANUS V. UNITED STATES
10-8815 JACKSON, ANDREW C. V. UNITED STATES
10-8818 ELLIS, ANDRE V. UNITED STATES

10-8823 HERNANDEZ, MANUEL V. UNITED STATES
10-8824 FINLEY, HENRY W. V. UNITED STATES
10-8827 FLAKES, TIMOTHY V. UNITED STATES
10-8828 HOWARD, WILLARD V. UNITED STATES
10-8830 GLASPY, LEON V. UNITED STATES
10-8831 HARRIS, WILLIAM V. UNITED STATES
10-8839 TORRES-ROSARIO, JOHAN V. UNITED STATES
10-8842 ABUHOURLAN, HITHAM V. GRONDOLSKY, WARDEN
10-8847 JONES, ALTON V. UNITED STATES
10-8849 JOHNSON, RODNEY B. V. UNITED STATES
10-8850 JACKSON, RAYMOND E. V. UNITED STATES
10-8851 JAIMES, RICARDO V. UNITED STATES
10-8856 DANIEL, IVANISE V. UNITED STATES
10-8858 MCKOY, STERLING V. UNITED STATES
10-8861 SEVILLA, GERMAN A. V. UNITED STATES
10-8865 DUMAS, DONNIE R. V. UNITED STATES PAROLE COMMISSION
10-8871 LATOUR, DAVID J. V. UNITED STATES
10-8872 ROWLS, ERIC R. V. UNITED STATES
10-8873 SOLOMON, JELANI V. UNITED STATES
10-8878 MARTIN, ELIGIA J. V. UNITED STATES
10-8882 DURRETT, DOUGLAS V. UNITED STATES

The petitions for writs of certiorari are denied.

10-589 IDAHO V. SHACKELFORD, DALE C.

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

10-669 WYETH PHARMACEUTICALS, INC. V. HENRY, HOWARD

The petition for a writ of certiorari is denied. Justice

Sotomayor took no part in the consideration or decision of this petition.

10-711 NAT'L UNION FIRE INS. CO. V. VP BUILDINGS, INC.

The motion of Zurich American Insurance Company for leave to file a brief as *amicus curiae* is granted. The petition for a writ of certiorari is denied.

10-718 MISSOURI V. GARCIA, DAVID T.

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

10-731 WALSH, DAVID G., ET AL. V. BADGER CATHOLIC, INC., ET AL.

The motion of American Council on Education, et al. for leave to file a brief as *amici curiae* out of time is granted. The petition for a writ of certiorari is denied.

10-732 EDWARDS, SHIRLEY V. A.H. CORNELL AND SON, INC.

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

10-762 LA WHOLESALE DRUG CO., ET AL. V. BAYER AG, ET AL.

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

10-856 MORRIS, DEANNA V. ALES GROUP USA, ET AL.

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

10-8262 HARVEY, ALVIN V. LOUISIANA

10-8486 MCKINNEY, WILLIAM C. V. REYNOLDS, 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.

10-8820 GONZALEZ LORA, WILFREDO V. UNITED STATES

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. Justice Kagan took no part in the consideration or decision of this motion and this petition.

10-8884 PARIS, DENNIS 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

10-8888 IN RE KEITH TOBEY

10-8912 IN RE ANSELMO SOTO, JR.

10-8947 IN RE THOMAS E. NESBITT

The petitions for writs of habeas corpus are denied.

MANDAMUS DENIED

10-8524 IN RE LANAS E. TROXLER

The petition for a writ of mandamus is denied.

10-8200 IN RE KEITH THOMAS

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

REHEARINGS DENIED

09-10951 HARRIS, GREGORY V. McNEIL, SEC., FL DOC

10-604 MOSELEY, VICTOR D., ET UX. V. V. SECRET CATALOGUE, ET AL.

10-632 IN RE WILLIAM WINDSOR
10-633 IN RE WILLIAM WINDSOR
10-678 HOLLISTER, GREGORY S. V. SOETORO, BARRY, ET AL.
10-690 IN RE WILLIAM M. WINDSOR
10-6712 TAYLOR, CURTIS L. V. HINKLE, WARDEN
10-7086 BLADE, RONNIE V. UNITED STATES
10-7201 WAGSTAFF, AUDREY S. V. DOE
10-7235 ERBO, JOSE V. UNITED STATES
10-7288 IGLESIAS, LOURDES V. WAL-MART STORES EAST, L.P.
10-7307 ARVIE, HUBERT V. TANNER, WARDEN
10-7371 PERRY, LESTER J. V. THALER, DIR., TX DCJ
10-7390 CHERRY, BERNARD V. NEW YORK, NY, ET AL.
10-7409 ROWE, CHERYL L. V. ASTRUE, COMM'R, SOCIAL SEC.
10-7455 SWOPES, RANDY H. V. ILLINOIS
10-7483 STEIN, JACK K. V. FRAKES, SUPT., MONROE
10-7668 FELDHACKER, WILLIAM J. V. BAKEWELL, WARDEN, ET AL.
10-7695 WILLIAMS, PERCY A. V. JONES, SUPT., HYDE
10-7739 MUNGO, JEREMIAH, ET AL. V. UNITED STATES

The petitions for rehearing are denied.

10-6618 BANEY, JOHN-PIERRE V. MERIT SYSTEMS PROTECTION BOARD

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

10-7231 NOWELL, FREDERICK B. 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.

10-7315

COOPER, AUSTIN V. HOBBS, DIR., AR DOC

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

ORDER

It is ordered that Christine Luchok Fallon be appointed Reporter of Decisions of this Court to succeed Frank D. Wagner, effective March 3, 2011, and she is charged with the duty of reporting the decisions of the present Term which have not been reported prior to March 3, 2011.