

ORDERS FOR MARCH 8 THROUGH
JUNE 8, 2004

MARCH 8, 2004

Miscellaneous Orders

No. 03M49. UNDER SEAL *v.* UNITED STATES. Motion for leave to file petition for writ of certiorari under seal with redacted copies for the public record granted.

No. 8, Orig. ARIZONA *v.* CALIFORNIA ET AL. Motion of Billy Wayne Andrews, Jr., for leave to intervene denied. [For earlier order herein, see, *e. g.*, 540 U.S. 1216.]

No. 02-572. INTEL CORP. *v.* ADVANCED MICRO DEVICES, INC. C. A. 9th Cir. [Certiorari granted, 540 U.S. 1003.] Motion of the Commission of the European Communities for leave to participate in oral argument as *amicus curiae* and for divided argument granted. Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted. JUSTICE O'CONNOR took no part in the consideration or decision of this petition.

No. 02-1609. CITY OF LITTLETON, COLORADO *v.* Z. J. GIFTS D-4, L. L. C., DBA CHRISTAL'S. C. A. 10th Cir. [Certiorari granted, 540 U.S. 944.] Motion of petitioner for divided argument denied. Motion of Ohio et al. for leave to participate in oral argument as *amici curiae* and for divided argument granted.

No. 03-932. DURA PHARMACEUTICALS, INC. *v.* BROUDO ET AL. C. A. 9th Cir. The Solicitor General is invited to file a brief in this case expressing the views of the United States.

No. 03-8150. BIELENBERG ET UX. *v.* GRIFFITHS ET AL. C. A. 7th Cir.; and

No. 03-8253. BITTERMAN *v.* HOFFMAN ET AL. Sup. Ct. Fla. Motions of petitioners for leave to proceed *in forma pauperis* denied. Petitioners are allowed until March 29, 2004, 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.

March 8, 2004

541 U. S.

No. 03–8903. REYNA *v.* UNITED STATES. C. A. 5th Cir. Motion of petitioner to expedite consideration of petition for writ of certiorari denied.

No. 03–974. IN RE KEMP;

No. 03–977. IN RE BROWN;

No. 03–1062. IN RE NORMAN; and

No. 03–8200. IN RE LONE WOLF, AKA HORTON. Petitions for writs of mandamus denied.

Certiorari Denied

No. 02–11099. ALSTON *v.* SENKOWSKI, SUPERINTENDENT, CLINTON CORRECTIONAL FACILITY. C. A. 2d Cir. Certiorari denied.

No. 03–596. GOODINE *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. Reported below: 326 F. 3d 26.

No. 03–816. SUWANNEE SWIFTY STORES, INC. *v.* GEORGIA LOTTERY CORP. C. A. 11th Cir. Certiorari denied. Reported below: 67 Fed. Appx. 583.

No. 03–824. NAETHING *v.* COVINGTON, DIRECTOR, AMERICAN GENERAL LIFE & ACCIDENT INSURANCE Co., ET AL. C. A. 6th Cir. Certiorari denied. Reported below: 73 Fed. Appx. 825.

No. 03–933. CALDERON, GOVERNOR OF PUERTO RICO, ET AL. *v.* NAVARRO-AYALA ET AL. C. A. 1st Cir. Certiorari denied.

No. 03–939. DIAZ ET AL. *v.* J. RAY McDERMOTT, S. A., ET AL. Ct. App. La., 4th Cir. Certiorari denied.

No. 03–941. DAVIS, FKA BEVERIDGE *v.* JONES ET UX. Ct. App. Mich. Certiorari denied.

No. 03–943. SECURED ENVIRONMENTAL MANAGEMENT, INC. *v.* TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ET AL. Ct. App. Tex., 3d Dist. Certiorari denied. Reported below: 97 S. W. 3d 246.

No. 03–944. AMERICAN GEM SEAFOODS, INC., ET AL. *v.* WEI ZHANG. C. A. 9th Cir. Certiorari denied. Reported below: 339 F. 3d 1020.

No. 03–952. BRAZAUSKAS *v.* FORT WAYNE-SOUTH BEND DIOCESE, INC., ET AL. Sup. Ct. Ind. Certiorari denied. Reported below: 796 N. E. 2d 286.

541 U.S.

March 8, 2004

No. 03-953. *USX CORP. ET AL. v. ADRIATIC INSURANCE CO. ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 345 F. 3d 190.

No. 03-954. *TIERNEY ET AL. v. JOHN HANCOCK FINANCIAL SERVICES, INC., ET AL.* App. Ct. Mass. Certiorari denied. Reported below: 58 Mass. App. 571, 791 N. E. 2d 925.

No. 03-956. *BOY SCOUTS OF AMERICA ET AL. v. WYMAN, IN HER CAPACITY AS COMPTROLLER OF THE STATE OF CONNECTICUT AND AS A MEMBER OF THE CONNECTICUT STATE EMPLOYEE CAMPAIGN COMMITTEE, ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 335 F. 3d 80.

No. 03-957. *WILLIAMS v. WARNER, GOVERNOR OF VIRGINIA, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 63 Fed. Appx. 168.

No. 03-964. *OAKLEY v. WEBSTER BANK ET AL.* Sup. Ct. Conn. Certiorari denied. Reported below: 265 Conn. 539, 830 A. 2d 139.

No. 03-967. *KANG v. BOARD OF SUPERVISORS OF LOUISIANA STATE UNIVERSITY ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 75 Fed. Appx. 974.

No. 03-970. *SCHMITZ v. M&M/MARS, A DIVISION OF MARS, INC.* C. A. 9th Cir. Certiorari denied. Reported below: 73 Fed. Appx. 238.

No. 03-971. *RODRIGUEZ v. HFP, INC., ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 77 Fed. Appx. 663.

No. 03-983. *JONES v. NORFOLK SOUTHERN RAILWAY CO.* Ct. App. Ohio, Lucas County. Certiorari denied.

No. 03-991. *GUILBEAUX v. GRASSO PRODUCTION MANAGEMENT, INC., ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 73 Fed. Appx. 17.

No. 03-994. *BROWN, IN HER CAPACITY AS SPECIAL REPRESENTATIVE FOR REEVES, DECEASED, ET AL. v. STUMPF ET AL., COTRUSTEES OF S & S LAND TRUST, ET AL.* App. Ct. Ill., 5th Dist. Certiorari denied. Reported below: 337 Ill. App. 3d 1193, 843 N. E. 2d 527.

March 8, 2004

541 U. S.

No. 03–1006. *GALLAGHER v. MICHIGAN*. Cir. Ct. Macomb County, Mich. Certiorari denied.

No. 03–1013. *EXXON MOBIL CORP. ET AL. v. NORTON, SECRETARY OF THE INTERIOR, ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 346 F. 3d 1244.

No. 03–1019. *TERRY v. PRINCIPI, SECRETARY OF VETERANS AFFAIRS*. C. A. Fed. Cir. Certiorari denied. Reported below: 340 F. 3d 1378.

No. 03–1026. *RAMIREZ ET AL. v. TEXAS ET AL.* Ct. App. Tex., 3d Dist. Certiorari denied.

No. 03–1103. *PARKER v. DEPARTMENT OF DEFENSE*. C. A. Fed. Cir. Certiorari denied. Reported below: 71 Fed. Appx. 54.

No. 03–1110. *JOHNSON v. MCCUSKEY, JUDGE, UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF ILLINOIS, ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 72 Fed. Appx. 475.

No. 03–1117. *GUPTA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 77 Fed. Appx. 256.

No. 03–1126. *CHASE v. DEPARTMENT OF HEALTH AND HUMAN SERVICES*. C. A. Fed. Cir. Certiorari denied. Reported below: 73 Fed. Appx. 445.

No. 03–1128. *PORRO ET VIR v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

No. 03–1130. *COLLADO v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 348 F. 3d 323.

No. 03–6462. *BENITEZ-TORRES v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 73 Fed. Appx. 78.

No. 03–6724. *SANTANA v. UNITED STATES*;
No. 03–6798. *STEVENSON v. UNITED STATES*;
No. 03–6831. *GARVIN v. UNITED STATES*;
No. 03–6958. *HERNANDEZ ET AL. v. UNITED STATES*; and
No. 03–7305. *DIAZ v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 330 F. 3d 964.

No. 03–7044. *GUNN v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 69 Fed. Appx. 657.

541 U.S.

March 8, 2004

No. 03-7399. *KAMAE v. HAWAII*. Sup. Ct. Haw. Certiorari denied.

No. 03-7506. *ROCKWELL v. YUKINS, WARDEN*. C. A. 6th Cir. Certiorari denied. Reported below: 341 F. 3d 507.

No. 03-7604. *CLIFFORD v. CHANDLER, WARDEN*. C. A. 6th Cir. Certiorari denied. Reported below: 333 F. 3d 724.

No. 03-7695. *NASIRUN v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 76 Fed. Appx. 282.

No. 03-7782. *BLACKWELL v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 75 Fed. Appx. 294.

No. 03-7793. *KELLEY v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 03-7797. *TATE v. LOUISIANA*. Sup. Ct. La. Certiorari denied. Reported below: 851 So. 2d 921.

No. 03-7883. *TAYLOR v. FLORIDA*. Sup. Ct. Fla. Certiorari denied. Reported below: 855 So. 2d 1.

No. 03-7892. *ROUSE v. LEE, WARDEN*. C. A. 4th Cir. Certiorari denied. Reported below: 339 F. 3d 238.

No. 03-8111. *RICHMAN v. FABIANI*. C. A. 3d Cir. Certiorari denied. Reported below: 80 Fed. Appx. 285.

No. 03-8124. *ROBERTSON v. CASUAL CORNER GROUP, INC.* C. A. 3d Cir. Certiorari denied. Reported below: 85 Fed. Appx. 873.

No. 03-8131. *DI NARDO ET AL. v. CIRCUIT COURT OF FLORIDA, PALM BEACH COUNTY, ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 85 Fed. Appx. 727.

No. 03-8138. *COAR v. MACFARLAND, ADMINISTRATOR, SOUTH WOODS STATE PRISON, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 03-8139. *PELLEGRINO v. UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH DAKOTA*. C. A. 8th Cir. Certiorari denied.

No. 03-8140. *McGOWAN v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 333 Ill. App. 3d 1210, 836 N. E. 2d 230.

March 8, 2004

541 U. S.

No. 03–8141. *BARTON v. BREWER ET AL.* C. A. 9th Cir. Certiorari denied.

No. 03–8145. *SIMMONS v. CASPARI, ASSISTANT DIRECTOR, MISSOURI BOARD OF PROBATION AND PAROLE.* C. A. 8th Cir. Certiorari denied. Reported below: 73 Fed. Appx. 901.

No. 03–8147. *SEALEY v. PLILER, WARDEN.* C. A. 9th Cir. Certiorari denied.

No. 03–8152. *ROSS v. CIRCUIT COURT OF WEST VIRGINIA, KANAWAH COUNTY.* Sup. Ct. App. W. Va. Certiorari denied.

No. 03–8153. *RUDDOCK v. MOTE, WARDEN.* C. A. 7th Cir. Certiorari denied.

No. 03–8154. *STRAUSS v. FLORIDA.* Dist. Ct. App. Fla., 5th Dist. Certiorari denied. Reported below: 836 So. 2d 1096.

No. 03–8155. *REID v. OKLAHOMA PARDON AND PAROLE BOARD ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 67 Fed. Appx. 515.

No. 03–8156. *SPUCK v. MEYERS, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT ROCKVIEW, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 03–8165. *FARRELL v. FLANAGAN, WARDEN.* C. A. 9th Cir. Certiorari denied.

No. 03–8168. *DELVAL v. GIURBINO, WARDEN.* C. A. 9th Cir. Certiorari denied.

No. 03–8176. *MCMAHAN v. BRAVO, WARDEN.* C. A. 10th Cir. Certiorari denied.

No. 03–8180. *BROCK v. ILLINOIS.* App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 328 Ill. App. 3d 1085, 817 N. E. 2d 218.

No. 03–8187. *MCGRAW v. CAIN, WARDEN.* C. A. 5th Cir. Certiorari denied.

No. 03–8189. *SELLS v. WOLFE, WARDEN.* C. A. 6th Cir. Certiorari denied. Reported below: 77 Fed. Appx. 299.

541 U.S.

March 8, 2004

No. 03–8191. *REED v. YARBOROUGH, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 79 Fed. Appx. 991.

No. 03–8194. *WALLACE v. PENNSYLVANIA.* Super. Ct. Pa. Certiorari denied. Reported below: 817 A. 2d 485.

No. 03–8195. *MUSGROVE v. DETELLA, WARDEN, ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 74 Fed. Appx. 641.

No. 03–8196. *COOLEY v. LAMARQUE, WARDEN.* C. A. 9th Cir. Certiorari denied.

No. 03–8198. *COOMBS v. KELCHNER, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT CAMP HILL, ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 80 Fed. Appx. 285.

No. 03–8199. *METOYER v. ADDISON, WARDEN.* C. A. 10th Cir. Certiorari denied. Reported below: 70 Fed. Appx. 524.

No. 03–8205. *WILLIAMS v. NEW JERSEY.* Super. Ct. N. J., App. Div. Certiorari denied.

No. 03–8207. *JOHNSON v. MCCONDICHIE, SUPERINTENDENT, SOUTHEAST CORRECTIONAL CENTER.* C. A. 8th Cir. Certiorari denied.

No. 03–8208. *LANN v. UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS.* C. A. 5th Cir. Certiorari denied.

No. 03–8209. *FLORES ARGUMANIZ v. DRETKE, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION.* C. A. 5th Cir. Certiorari denied.

No. 03–8211. *BELL v. HALL, WARDEN.* C. A. 9th Cir. Certiorari denied.

No. 03–8212. *A. L. v. A. J.* Super. Ct. N. J., App. Div. Certiorari denied.

No. 03–8214. *MARTIN v. BOBBY, WARDEN.* C. A. 6th Cir. Certiorari denied.

No. 03–8215. *ASMUSSEN v. SOUTH DAKOTA.* Sup. Ct. S. D. Certiorari denied. Reported below: 668 N. W. 2d 725.

March 8, 2004

541 U.S.

No. 03–8221. *EALOMS v. DRETKE*, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 03–8227. *YOUNG v. GARCIA*, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 03–8231. *VOITS v. OREGON*. Ct. App. Ore. Certiorari denied. Reported below: 186 Ore. App. 643, 64 P. 3d 1156.

No. 03–8232. *BARTON v. AIRGOOD*. C. A. 9th Cir. Certiorari denied.

No. 03–8238. *CALHOUN v. HARGROVE ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 71 Fed. Appx. 371.

No. 03–8240. *DONER v. CITY OF ROCKFORD, ILLINOIS*. C. A. 7th Cir. Certiorari denied. Reported below: 77 Fed. Appx. 898.

No. 03–8242. *CAMPBELL v. GARCIA*, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 03–8243. *COBBS v. DUNCAN*, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 58 Fed. Appx. 353.

No. 03–8244. *CROMPTON v. FLORIDA*. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 855 So. 2d 59.

No. 03–8245. *CAMPFIELD v. STICKMAN*, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT GREENE, ET AL. C. A. 3d Cir. Certiorari denied.

No. 03–8251. *WILSON v. MOTE*, WARDEN. C. A. 7th Cir. Certiorari denied.

No. 03–8256. *REYNOLDS v. CONNECTICUT*. Sup. Ct. Conn. Certiorari denied. Reported below: 264 Conn. 1, 836 A. 2d 224.

No. 03–8259. *BALDASARO v. CALIFORNIA*; and

No. 03–8262. *BAUGH v. CALIFORNIA*. Ct. App. Cal., 4th App. Dist. Certiorari denied.

No. 03–8273. *CRUZ v. HENDRICKS*, ADMINISTRATOR, NEW JERSEY STATE PRISON, ET AL. C. A. 3d Cir. Certiorari denied.

No. 03–8290. *DUNYAN v. COLLERAN*, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT WAYMART, ET AL. C. A. 3d Cir. Certiorari denied.

541 U.S.

March 8, 2004

No. 03–8295. *CHATMAN v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 326 Ill. App. 3d 1149, 811 N. E. 2d 785.

No. 03–8300. *STEVENS v. MICHIGAN*. Ct. App. Mich. Certiorari denied.

No. 03–8303. *HARRIS v. HAMLET, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 79 Fed. Appx. 252.

No. 03–8316. *WELDON v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 03–8329. *SANDERS v. KYLER, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT HUNTINGDON, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 03–8332. *ROBERSON v. LOPEZ, SHERIFF, BEXAR COUNTY, TEXAS*. C. A. 5th Cir. Certiorari denied.

No. 03–8351. *POWELL v. MULLIN, WARDEN*. C. A. 10th Cir. Certiorari denied. Reported below: 343 F. 3d 1215.

No. 03–8355. *BURNETT v. GIURBINO, WARDEN*. C. A. 9th Cir. Certiorari denied. Reported below: 67 Fed. Appx. 485.

No. 03–8396. *SHEGOG v. NEW YORK*. App. Div., Sup. Ct. N. Y., 4th Jud. Dept. Certiorari denied. Reported below: 302 App. Div. 2d 1020, 753 N. Y. S. 2d 417.

No. 03–8406. *SULLIVAN v. ENVIRONMENTAL PROTECTION AGENCY*. C. A. 4th Cir. Certiorari denied. Reported below: 77 Fed. Appx. 677.

No. 03–8408. *WOLFE v. NORFOLK SOUTHERN RAILWAY Co.* C. A. 6th Cir. Certiorari denied. Reported below: 66 Fed. Appx. 532.

No. 03–8423. *SMITH v. WASHINGTON*. Sup. Ct. Wash. Certiorari denied. Reported below: 150 Wash. 2d 135, 75 P. 3d 934.

No. 03–8431. *TAYLOR v. MORGAN, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 03–8448. *VON BROCK v. WILSON, SUPERINTENDENT, MISSISSIPPI STATE PENITENTIARY*. C. A. 5th Cir. Certiorari denied.

March 8, 2004

541 U. S.

No. 03–8473. *SHIPPS v. MASSACHUSETTS*. Sup. Jud. Ct. Mass. Certiorari denied. Reported below: 440 Mass. 1018, 797 N. E. 2d 1202.

No. 03–8475. *ROBERTS v. GIURBINO, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 03–8498. *LORD v. STERNES, WARDEN*. C. A. 7th Cir. Certiorari denied.

No. 03–8509. *WIGGINS, AKA CARRUTH v. NORTH CAROLINA*. Ct. App. N. C. Certiorari denied. Reported below: 159 N. C. App. 252, 584 S. E. 2d 303.

No. 03–8519. *SMITH v. OZMINT, DIRECTOR, SOUTH CAROLINA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 78 Fed. Appx. 307.

No. 03–8520. *ROZENBLAT v. SANDIA CORP. ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 79 Fed. Appx. 904.

No. 03–8521. *BRYANT v. ILLINOIS*. App. Ct. Ill., 5th Dist. Certiorari denied.

No. 03–8528. *SANTIAGO v. MCADORY, WARDEN*. C. A. 7th Cir. Certiorari denied.

No. 03–8533. *HEARD v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied. Reported below: 31 Cal. 4th 946, 75 P. 3d 53.

No. 03–8543. *HURBENCA v. NEBRASKA*. Sup. Ct. Neb. Certiorari denied. Reported below: 266 Neb. 853, 669 N. W. 2d 668.

No. 03–8568. *KIMBROUGH v. TEXAS*. Ct. App. Tex., 2d Dist. Certiorari denied.

No. 03–8571. *PORTER v. KANSAS*. Sup. Ct. Kan. Certiorari denied. Reported below: 276 Kan. ix, 78 P. 3d 473.

No. 03–8618. *BIAS v. WEST VIRGINIA*. Cir. Ct. Cabell County, W. Va. Certiorari denied.

No. 03–8619. *BRIGHTWELL v. HUTCHINSON, WARDEN, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 70 Fed. Appx. 699.

541 U.S.

March 8, 2004

No. 03–8628. *HODGE v. KENTUCKY*. Sup. Ct. Ky. Certiorari denied. Reported below: 116 S. W. 3d 463.

No. 03–8631. *HICKMAN v. DELAWARE DIVISION OF FAMILY SERVICES*. Sup. Ct. Del. Certiorari denied. Reported below: 836 A. 2d 498.

No. 03–8692. *HATTON v. RANEY, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 03–8731. *WARD v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 75 Fed. Appx. 945.

No. 03–8734. *NEAL v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 83 Fed. Appx. 405.

No. 03–8742. *BROWN v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 68 Fed. Appx. 480.

No. 03–8743. *SEALED PETITIONER v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied.

No. 03–8750. *RAMOS-SANTIAGO v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 76 Fed. Appx. 284.

No. 03–8758. *PONCE CASTELLON, AKA CASTELLON PONCE v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 80 Fed. Appx. 562.

No. 03–8760. *LEE v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 79 Fed. Appx. 722.

No. 03–8761. *MANJARREZ v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 348 F. 3d 881.

No. 03–8762. *MENDOZA-LOPEZ v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 83 Fed. Appx. 883.

No. 03–8765. *MCDADE v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied.

No. 03–8766. *ALLEN v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 69 Fed. Appx. 156.

No. 03–8767. *McKENZIE v. CASTERLINE, WARDEN*. C. A. 5th Cir. Certiorari denied. Reported below: 74 Fed. Appx. 361.

March 8, 2004

541 U. S.

No. 03–8768. *LEVINE v. ELLIS, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 03–8769. *ANDERSON v. MCCAUGHTRY, WARDEN*. C. A. 7th Cir. Certiorari denied.

No. 03–8777. *BROWN v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 79 Fed. Appx. 675.

No. 03–972. *PAPPAS ET AL. v. CITY OF LAS VEGAS DOWNTOWN REDEVELOPMENT AGENCY ET AL.* Sup. Ct. Nev. Motions of Paul and Laurel A. Molden, Arizona Property Owners Saied Afkary et al., and Pacific Legal Foundation et al. for leave to file briefs as *amici curiae* granted. Certiorari denied. Reported below: 119 Nev. 429, 76 P. 3d 1.

No. 03–7751. *VELTE v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. JUSTICE BREYER took no part in the consideration or decision of this petition. Reported below: 331 F. 3d 673.

No. 03–8629. *HAYES v. RUNNELS, WARDEN*. C. A. 9th Cir. Certiorari denied. JUSTICE BREYER took no part in the consideration or decision of this petition. Reported below: 80 Fed. Appx. 561.

Rehearing Denied

No. 03–6850. *METZENBAUM v. NUGENT, JUDGE, UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OHIO*, 540 U. S. 1060;

No. 03–6960. *HAMBRICK v. HOFFMAN*, 540 U. S. 1114;

No. 03–7088. *WILLIAMS v. MARYLAND STATE BOARD OF EDUCATION*, 540 U. S. 1118;

No. 03–7128. *RICHARDSON v. FIRST AMERICAN TITLE INSURANCE CO. ET AL.*, 540 U. S. 1118;

No. 03–7283. *JOHNSON v. PEP BOYS-MANNY, MOE & JACK, ET AL.*, 540 U. S. 1123;

No. 03–7407. *PARKER v. MICHIGAN DEPARTMENT OF CORRECTIONS ET AL.*, 540 U. S. 1151;

No. 03–7527. *KELCH v. STARKS ET UX.*, 540 U. S. 1127;

No. 03–7660. *MELTON v. FLORIDA DEPARTMENT OF CORRECTIONS ET AL.*, 540 U. S. 1135;

No. 03–7689. *THOMAS v. BARNHART, COMMISSIONER OF SOCIAL SECURITY*, 540 U. S. 1136; and

541 U.S. March 8, 9, 17, 18, 2004

No. 03–7779. PATTERSON *v.* UNITED STATES, 540 U.S. 1139. Petitions for rehearing denied.

MARCH 9, 2004

Certiorari Denied

No. 03–9271 (03A773). BROWN *v.* OKLAHOMA. Ct. Crim. App. Okla. Application for stay of execution of sentence of death, presented to JUSTICE BREYER, and by him referred to the Court, denied. Certiorari denied. JUSTICE SCALIA took no part in the consideration or decision of this application and this petition.

MARCH 17, 2004

Dismissals Under Rule 46

No. 03–1166. NATWEST BANK NATIONAL ASSN. *v.* AFFILIATED FM INSURANCE Co. C. A. 2d Cir. Certiorari dismissed under this Court’s Rule 46.1. Reported below: 343 F. 3d 120.

No. 03–1244. CHASE MANHATTAN BANK *v.* AFFILIATED FM INSURANCE Co. C. A. 2d Cir. Certiorari dismissed under this Court’s Rule 46.1. Reported below: 343 F. 3d 120.

MARCH 18, 2004

Dismissal Under Rule 46

No. 02–11309. SMITH *v.* DRETKE, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. [Certiorari granted, 539 U.S. 986.] Writ of certiorari dismissed under this Court’s Rule 46.1. Reported below: 311 F. 3d 661.

Miscellaneous Order

No. 03–475. CHENEY, VICE PRESIDENT OF THE UNITED STATES, ET AL. *v.* UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA. C. A. D. C. Cir. [Certiorari granted, 540 U.S. 1088.] Motion to recuse, referred to JUSTICE SCALIA [540 U.S. 1217], and by him denied.

Memorandum of JUSTICE SCALIA.

I have before me a motion to recuse in these cases consolidated below. The motion is filed on behalf of respondent Sierra Club.

The other private respondent, Judicial Watch, Inc., does not join the motion and has publicly stated that it “does not believe the presently-known facts about the hunting trip satisfy the legal standards requiring recusal.” Judicial Watch Statement 2 (Feb. 13, 2004) (available in Clerk of Court’s case file). (The District Court, a nominal party in this mandamus action, has of course made no appearance.) Since the cases have been consolidated, however, recusal in the one would entail recusal in the other.

I

The decision whether a judge’s impartiality can “‘reasonably be questioned’” is to be made in light of the facts as they existed, and not as they were surmised or reported. See *Microsoft Corp. v. United States*, 530 U. S. 1301, 1302 (2000) (REHNQUIST, C. J., respecting recusal). The facts here were as follows:

For five years or so, I have been going to Louisiana during the Court’s long December-January recess, to the duck-hunting camp of a friend whom I met through two hunting companions from Baton Rouge, one a dentist and the other a worker in the field of handicapped rehabilitation. The last three years, I have been accompanied on this trip by a son-in-law who lives near me. Our friend and host, Wallace Carline, has never, as far as I know, had business before this Court. He is not, as some reports have described him, an “energy industry executive” in the sense that summons up boardrooms of ExxonMobil or Con Edison. He runs his own company that provides services and equipment rental to oil rigs in the Gulf of Mexico.

During my December 2002 visit, I learned that Mr. Carline was an admirer of Vice President Cheney. Knowing that the Vice President, with whom I am well acquainted (from our years serving together in the Ford administration), is an enthusiastic duck hunter, I asked whether Mr. Carline would like to invite him to our next year’s hunt. The answer was yes; I conveyed the invitation (with my own warm recommendation) in the spring of 2003 and received an acceptance (subject, of course, to any superseding demands on the Vice President’s time) in the summer. The Vice President said that if he did go, I would be welcome to fly down to Louisiana with him. (Because of national security requirements, of course, he must fly in a Government plane.) That invitation was later extended—if space was available—to my son-in-law and to a son who was joining the hunt for the first time;

they accepted. The trip was set long before the Court granted certiorari in the present case, and indeed before the petition for certiorari had even been filed.

We departed from Andrews Air Force Base at about 10 a.m. on Monday, January 5, flying in a Gulfstream jet owned by the Government. We landed in Patterson, Louisiana, and went by car to a dock where Mr. Carline met us, to take us on the 20-minute boat trip to his hunting camp. We arrived at about 2 p.m., the 5 of us joining about 8 other hunters, making about 13 hunters in all; also present during our time there were about 3 members of Mr. Carline's staff, and, of course, the Vice President's staff and security detail. It was not an intimate setting. The group hunted that afternoon and Tuesday and Wednesday mornings; it fished (in two boats) Tuesday afternoon. All meals were in common. Sleeping was in rooms of two or three, except for the Vice President, who had his own quarters. Hunting was in two- or three-man blinds. As it turned out, I never hunted in the same blind with the Vice President. Nor was I alone with him at any time during the trip, except, perhaps, for instances so brief and unintentional that I would not recall them—walking to or from a boat, perhaps, or going to or from dinner. Of course we said not a word about the present case. The Vice President left the camp Wednesday afternoon, about two days after our arrival. I stayed on to hunt (with my son and son-in-law) until late Friday morning, when the three of us returned to Washington on a commercial flight from New Orleans.

II

Let me respond, at the outset, to Sierra Club's suggestion that I should "resolve any doubts in favor of recusal." Motion to Recuse 8. That might be sound advice if I were sitting on a Court of Appeals. But see *In re Aguinda*, 241 F. 3d 194, 201 (CA2 2001). There, my place would be taken by another judge, and the case would proceed normally. On the Supreme Court, however, the consequence is different: The Court proceeds with eight Justices, raising the possibility that, by reason of a tie vote, it will find itself unable to resolve the significant legal issue presented by the case. Thus, as Justices stated in their 1993 Statement of Recusal Policy: "We do not think it would serve the public interest to go beyond the requirements of the statute, and to recuse ourselves, out of an excess of caution, whenever a rela-

tive is a partner in the firm before us or acted as a lawyer at an earlier stage. Even one unnecessary recusal impairs the functioning of the Court.” (Available in Clerk of Court’s case file.) Moreover, granting the motion is (insofar as the outcome of the particular case is concerned) effectively the same as casting a vote against the petitioner. The petitioner needs five votes to overturn the judgment below, and it makes no difference whether the needed fifth vote is missing because it has been cast for the other side, or because it has not been cast at all.

Even so, recusal is the course I must take—and will take—when, on the basis of established principles and practices, I have said or done something which requires that course. I have recused for such a reason this very Term. See *Elk Grove Unified School Dist. v. Newdow*, 540 U.S. 945 (cert. granted, Oct. 14, 2003). I believe, however, that established principles and practices do not require (and thus do not permit) recusal in the present case.

A

My recusal is required if, by reason of the actions described above, my “impartiality might reasonably be questioned.” 28 U.S.C. § 455(a). Why would that result follow from my being in a sizable group of persons, in a hunting camp with the Vice President, where I never hunted with him in the same blind or had other opportunity for private conversation? The only possibility is that it would suggest I am a friend of his. But while friendship is a ground for recusal of a Justice where the personal fortune or the personal freedom of the friend is at issue, it has traditionally *not* been a ground for recusal where *official action* is at issue, no matter how important the official action was to the ambitions or the reputation of the Government officer.

A rule that required Members of this Court to remove themselves from cases in which the official actions of friends were at issue would be utterly disabling. Many Justices have reached this Court precisely because they were friends of the incumbent President or other senior officials—and from the earliest days down to modern times Justices have had close personal relationships with the President and other officers of the Executive. John Quincy Adams hosted dinner parties featuring such luminaries as Chief Justice Marshall, Justices Johnson, Story, and Todd, Attorney General Wirt, and Daniel Webster. 5 *Memoirs of John*

Quincy Adams 322–323 (C. Adams ed. 1875, reprint 1969) (Diary Entry of Mar. 8, 1821). Justice Harlan and his wife often “‘stopped in’” at the White House to see the Hayes family and pass a Sunday evening in a small group, visiting and singing hymns. M. Harlan, *Some Memories of a Long Life, 1854–1911*, p. 99 (2001). Justice Stone tossed around a medicine ball with members of the Hoover administration mornings outside the White House. 2 *Memoirs of Herbert Hoover* 327 (1952). Justice Douglas was a regular at President Franklin Roosevelt’s poker parties; Chief Justice Vinson played poker with President Truman. J. Simon, *Independent Journey: The Life of William O. Douglas* 220–221 (1980); D. McCullough, *Truman* 511 (1992). A no-friends rule would have disqualified much of the Court in *Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 579 (1952), the case that challenged President Truman’s seizure of the steel mills. Most of the Justices knew Truman well, and four had been appointed by him. A no-friends rule would surely have required Justice Holmes’s recusal in *Northern Securities Co. v. United States*, 193 U.S. 197 (1904), the case that challenged President Theodore Roosevelt’s trust-busting initiative. See S. Novick, *Honorable Justice: The Life of Oliver Wendell Holmes* 264 (1989) (“Holmes and Fanny dined at the White House every week or two . . .”).

It is said, however, that this case is different because the federal officer (Vice President Cheney) is actually a *named party*. That is by no means a rarity. At the beginning of the current Term, there were before the Court (excluding habeas actions) no fewer than 83 cases in which high-level federal Executive officers were named in their official capacity—more than 1 in every 10 federal civil cases then pending. That an officer is named has traditionally made no difference to the proposition that friendship is not considered to affect impartiality in official-action suits. Regardless of whom they name, such suits, when the officer is the plaintiff, seek relief not for him personally but for the Government; and, when the officer is the defendant, seek relief not against him personally, but against the Government. That is why federal law provides for *automatic substitution* of the new officer when the originally named officer has been replaced. See Fed. Rule Civ. Proc. 25(d)(1); Fed. Rule App. Proc. 43(c)(2); this Court’s Rule 35.3. The caption of Sierra Club’s complaint in this action designates as a defendant “Vice President Richard Cheney, *in his*

official capacity as Vice President of the United States and Chairman of the National Energy Policy Development Group.” App. 139 (emphasis added). The body of the complaint repeats (in paragraph 6) that “Defendant Richard Cheney is sued *in his official capacity* as the Vice President of the United States and Chairman of the Cheney Energy Task Force.” *Id.*, at 143 (emphasis added). Sierra Club has *relied* upon the fact that this is an official-action rather than a personal suit as a basis for denying the petition. It asserted in its brief in opposition that if there was no Presidential immunity from discovery in *Clinton v. Jones*, 520 U. S. 681 (1997), which was a private suit, “[s]urely . . . the Vice President and subordinate White House officials have no greater immunity claim here, especially when the lawsuit relates to their official actions while in office and the primary relief sought is a declaratory judgment.” Brief in Opposition 13.

Richard Cheney’s name appears in this suit only because he was the head of a Government committee that allegedly did not comply with the Federal Advisory Committee Act (FACA), 5 U. S. C. App. §2, p. 1, and because he may, by reason of his office, have custody of some or all of the Government documents that the plaintiffs seek. If some other person were to become head of that committee or to obtain custody of those documents, the plaintiffs would name that person and Cheney would be dismissed. Unlike the defendant in *United States v. Nixon*, 418 U. S. 683 (1974), or *Clinton v. Jones*, *supra*, Cheney is represented here, not by his personal attorney, but by the United States Department of Justice in the person of the Solicitor General. And the courts at all levels have referred to his arguments as (what they are) the arguments of “the government.” See *In re Cheney*, 334 F. 3d 1096, 1100 (CA DC 2003); *Judicial Watch, Inc. v. National Energy Policy Development Group*, 219 F. Supp. 2d 20, 25 (DC 2002).

The recusal motion, however, asserts the following:

“Critical to the issue of Justice Scalia’s recusal is understanding that this is not a run-of-the-mill legal dispute about an administrative decision. . . . Because his own conduct is central to this case, the Vice President’s ‘reputation and his integrity are on the line.’ (Chicago Tribune.)” Motion to Recuse 9.

I think not. Certainly as far as the legal issues immediately presented to me are concerned, this *is* “a run-of-the-mill legal

dispute about an administrative decision.” I am asked to determine what powers the District Court possessed under FACA, and whether the Court of Appeals should have asserted mandamus or appellate jurisdiction over the District Court.¹ Nothing this Court says on those subjects will have any bearing upon the reputation and integrity of Richard Cheney. Moreover, even if this Court affirms the decision below and allows discovery to proceed in the District Court, the issue that would ultimately present itself *still* would have no bearing upon the reputation and integrity of Richard Cheney. That issue would be, quite simply, whether some private individuals were *de facto* members of the National Energy Policy Development Group (NEPDG). It matters not whether they were caused to be so by Cheney or someone else, or whether Cheney was even aware of their *de facto* status; if they *were de facto* members, then (according to D. C. Circuit law) the records and minutes of NEPDG must be made public.

The recusal motion asserts, however, that Richard Cheney’s “reputation and his integrity are on the line” because

“respondents have alleged, *inter alia*, that the Vice President, as the head of the Task Force and its sub-groups, was responsible for the involvement of energy industry executives in the operations of the Task Force, as a result of which the Task Force and its sub-groups became subject to FACA.”
Ibid.

As far as Sierra Club’s *complaint* is concerned, it simply is not true that Vice President Cheney is singled out as having caused the involvement of energy executives. But even if the allegation had been made, it would be irrelevant to the case. FACA assertedly requires disclosure if there were private members of the task

¹The questions presented in the petition, and accepted for review, are as follows:

“1. Whether the Federal Advisory Committee Act (FACA), 5 U.S.C. App. 1, §1 *et seq.*, can be construed . . . to authorize broad discovery of the process by which the Vice President and other senior advisors gathered information to advise the President on important national policy matters, based solely on an unsupported allegation in a complaint that the advisory group was not constituted as the President expressly directed and the advisory group itself reported.

“2. Whether the court of appeals had mandamus or appellate jurisdiction to review the district court’s unprecedented discovery orders in this litigation.” Pet. for Cert. (I).

force, *no matter who* they were—“energy industry executives” or Ralph Nader; and *no matter who* was responsible for their membership—the Vice President or no one in particular. I do not see how the Vice President’s “‘reputation and . . . integrity are on the line’” any more than the agency head’s reputation and integrity are on the line in virtually all official-action suits, which accuse his agency of acting (to quote the Administrative Procedure Act) “arbitrar[ily], capricious[ly], [with] an abuse of discretion, or otherwise not in accordance with law.” 5 U.S.C. § 706(2)(A). Beyond that always-present accusation, there is nothing illegal or immoral about making “energy industry executives” members of a task force on energy; some people probably think it would be a good idea. If, in doing so, or in allowing it to happen, the Vice President went beyond his assigned powers, that is no worse than what every agency head has done when his action is judicially set aside.

To be sure, there could be political consequences from disclosure of the fact (if it be so) that the Vice President favored business interests, and especially a sector of business with which he was formerly connected. But political consequences are not my concern, and the possibility of them does not convert an official suit into a private one. That possibility exists to a greater or lesser degree in virtually all suits involving agency action. To expect judges to take account of political consequences—and to assess the high or low degree of them—is to ask judges to do precisely what they should not do. It seems to me quite wrong (and quite impossible) to make recusal depend upon what degree of political damage a particular case can be expected to inflict.

In sum, I see nothing about this case which takes it out of the category of normal official-action litigation, where my friendship, or the appearance of my friendship, with one of the named officers does not require recusal.

B

The recusal motion claims that “the fact that Justice Scalia and his daughter [*sic*] were the Vice President’s guest on Air Force Two on the flight down to Louisiana” means that I “accepted a sizable gift from a party in a pending case,” a gift “measured in the thousands of dollars.” Motion to Recuse 6 (footnote omitted).

Let me speak first to the value, though that is not the principal point. Our flight down cost the Government nothing, since

space-available was the condition of our invitation. And, though our flight down on the Vice President's plane was indeed free, since we were not returning with him we purchased (because they were least expensive) round-trip tickets that cost precisely what we would have paid if we had gone both down and back on commercial flights. In other words, none of us saved a cent by flying on the Vice President's plane. The purpose of going with him was not saving money, but avoiding some inconvenience to ourselves (being taken by car from New Orleans to Morgan City) and considerable inconvenience to our friends, who would have had to meet our plane in New Orleans, and schedule separate boat trips to the hunting camp, for us and for the Vice President's party. (To be sure, flying on the Vice President's jet was more comfortable and more convenient than flying commercially; that accommodation is a matter I address in the next paragraph.)²

The principal point, however, is that social courtesies, provided at Government expense by officials whose only business before the Court is business in their official capacity, have not hitherto been thought prohibited. Members of Congress and others are frequently invited to accompany Executive Branch officials on Government planes, where space is available. That this is not the sort of gift thought likely to affect a judge's impartiality is suggested by the fact that the Ethics in Government Act of 1978, 5 U. S. C. App. § 101 *et seq.*, p. 38, which requires annual reporting of transportation provided or reimbursed, excludes from this requirement transportation provided by the United States. See § 109(5)(C); Committee on Financial Disclosure, Administrative Office of the U. S. Courts, Financial Disclosure Report: Filing Instructions for Judicial Officers and Employees 25 (Jan. 2003). I daresay that, at a hypothetical charity auction, much more would be bid for dinner for two at the White House than for a one-way flight to Louisiana on the Vice President's jet. Justices accept the former with regularity. While this matter was pending, Justices and their spouses were invited (*all* of them, I believe)

² As my statement of the facts indicated, by the way, my daughter did not accompany me. My married son and son-in-law were given a ride—not because they were relatives and as a favor to me; but because they were other hunters leaving from Washington, and as a favor to them (and to those who would have had to go to New Orleans to meet them). Had they been unrelated invitees to the hunt, the same would undoubtedly have occurred. Financially, the flight was worth as little to them as it was to me.

Memorandum of SCALIA, J.

541 U. S.

to a December 11, 2003, Christmas reception at the residence of the Vice President—which included an opportunity for a photograph with the Vice President and Mrs. Cheney. Several of the Justices attended, and in doing so they were fully in accord with the proprieties.

III

When I learned that Sierra Club had filed a recusal motion in this case, I assumed that the motion would be replete with citations of legal authority, and would provide some instances of cases in which, because of activity similar to what occurred here, Justices have recused themselves or at least have been asked to do so. In fact, however, the motion cites only two Supreme Court cases assertedly relevant to the issue here discussed,³ and nine Court of Appeals cases. Not a single one of these even involves an official-action suit.⁴ And the motion gives not a single instance in which, under even remotely similar circumstances, a Justice has recused or been asked to recuse. Instead, the argument section of the motion consists almost entirely of references to, and quotations from, newspaper editorials.

The core of Sierra Club's argument is as follows:

³The motion cites a third Supreme Court case, *Public Citizen v. Department of Justice*, 491 U.S. 440 (1989), as a case involving FACA in which I recused myself. It speculates (1) that the reason for recusal was that as Assistant Attorney General for the Office of Legal Counsel I had provided an opinion which concluded that applying FACA to presidential advisory committees was unconstitutional; and asserts (2) that this would also be grounds for my recusal here. My opinion as Assistant Attorney General addressed the precise question presented in *Public Citizen*: whether the American Bar Association's Standing Committee on Federal Judiciary, which provided advice to the President concerning judicial nominees, could be regulated as an "advisory committee" under FACA. I concluded that my withdrawal from the case was required by 28 U.S.C. § 455(b)(3), which mandates recusal where the judge "has served in governmental employment and in such capacity . . . expressed an opinion concerning the merits of the particular case in controversy." I have never expressed an opinion concerning the merits of the present case.

⁴*United States v. Murphy*, 768 F.2d 1518 (CA7 1985), at least involved a judge's going on vacation—but not with the named defendant in an official-action suit. The judge had departed for a vacation with the prosecutor of Murphy's case, immediately after sentencing Murphy. Obviously, the prosecutor is personally involved in the outcome of the case in a way that the nominal defendant in an official-action suit is not.

“Sierra Club makes this motion because . . . damage [to the integrity of the system] is being done right now. As of today, 8 of the 10 newspapers with the largest circulation in the United States, 14 of the largest 20, and 20 of the 30 largest have called on Justice Scalia to step aside Of equal import, there is no counterbalance or controversy: not a single newspaper has argued against recusal. Because the American public, as reflected in the nation’s newspaper editorials, has unanimously concluded that there is an appearance of favoritism, any objective observer would be compelled to conclude that Justice Scalia’s impartiality has been questioned. These facts more than satisfy Section 455(a), which mandates recusal merely when a Justice’s impartiality ‘might reasonably be questioned.’” Motion to Recuse 3–4.

The implications of this argument are staggering. I must recuse because a significant portion of the press, which is deemed to be the American public, demands it.

The motion attaches as exhibits the press editorials on which it relies. Many of them do not even have the facts right. The length of our hunting trip together was said to be several days (San Francisco Chronicle), four days (Boston Globe), or nine days (San Antonio Express-News). We spent about 48 hours together at the hunting camp. It was asserted that the Vice President and I “spent time alone in the rushes,” “huddled together in a Louisiana marsh,” where we had “plenty of time . . . to talk privately” (Los Angeles Times); that we “spent . . . quality time bonding [together] in a duck blind” (Atlanta Journal-Constitution); and that “[t]here is simply no reason to think these two did not discuss the pending case” (Buffalo News). As I have described, the Vice President and I were never in the same blind, and never discussed the case. (Washington officials know the rules, and know that discussing with judges pending cases—their own or anyone else’s—is forbidden.) The Palm Beach Post stated that our “transportation [was] provided, appropriately, by an oil services company,” and Newsday that a “private jet . . . whisked Scalia to Louisiana.” The Vice President and I flew in a Government plane. The Cincinnati Enquirer said that “Scalia was Cheney’s guest at a private duck-hunting camp in Louisiana.” Cheney and I were Wallace Carline’s guests. Various newspapers described Mr. Carline as “an energy company official” (Atlanta

Journal-Constitution), an “oil industrialist” (Cincinnati Enquirer), an “oil company executive” (Contra Costa Times), an “oilman” (Minneapolis Star Tribune), and an “energy industry executive” (Washington Post). All of these descriptions are misleading.

And these are just the inaccuracies pertaining to the *facts*. With regard to the *law*, the vast majority of the editorials display no recognition of the central proposition that a federal officer is not ordinarily regarded to be a personal party in interest in an official-action suit. And those that do display such recognition facilely assume, contrary to all precedent, that in such suits mere political damage (which they characterize as a destruction of Cheney’s reputation and integrity) is ground for recusal. Such a blast of largely inaccurate and uninformed opinion cannot determine the recusal question. It is well established that the recusal inquiry must be “made from the perspective of a *reasonable* observer who is *informed of all the surrounding facts and circumstances*.” *Microsoft Corp. v. United States*, 530 U. S., at 1302 (REHNQUIST, C. J., respecting recusal) (emphases added) (citing *Liteky v. United States*, 510 U. S. 540, 548 (1994)).

IV

While Sierra Club was apparently unable to summon forth a single example of a Justice’s recusal (or even motion for a Justice’s recusal) under circumstances similar to those here, I have been able to accomplish the seemingly more difficult task of finding a couple of examples establishing the negative: that recusal or motion for recusal did *not* occur under circumstances similar to those here.

Justice White and Robert Kennedy

The first example pertains to a Justice with whom I have sat, and who retired from the Court only 11 years ago, Byron R. White. Justice White was close friends with Attorney General Robert Kennedy from the days when White had served as Kennedy’s Deputy Attorney General. In January 1963, the Justice went on a skiing vacation in Colorado with Robert Kennedy and his family, Secretary of Defense Robert McNamara and his family, and other members of the Kennedy family. Skiing Not The Best; McNamara Leaves Colorado, Terms Vacation “Marvelous,” Denver Post, Jan. 2, 1963, p. 22; D. Hutchinson, The Man Who Once Was Whizzer White 342 (1998). (The skiing in Colorado, like my

hunting in Louisiana, was not particularly successful.) At the time of this skiing vacation there were pending before the Court at least two cases in which Robert Kennedy, in his official capacity as Attorney General, was a party. See *Gastelum-Quinones v. Kennedy*, 374 U. S. 469 (1963); *Kennedy v. Mendoza-Martinez*, 372 U. S. 144 (1963). In the first of these, moreover, the press might have said, as plausibly as it has said here, that the reputation and integrity of the Attorney General were at issue. There the Department of Justice had decreed deportation of a resident alien on grounds that he had been a member of the Communist Party. (The Court found that the evidence adduced by the Department was inadequate.)

Besides these cases naming Kennedy, another case pending at the time of the skiing vacation was argued to the Court *by Kennedy* about two weeks later. See *Gray v. Sanders*, 372 U. S. 368 (1963). That case was important to the Kennedy administration, because by the time of its argument everybody knew that the apportionment cases were not far behind, and *Gray* was a significant step in the march toward *Reynolds v. Sims*, 377 U. S. 533 (1964). When the decision was announced, it was front-page news. See High Court Voids County Unit Vote, N. Y. Times, Mar. 19, 1963, p. 1, col. 2; Georgia's Unit Voting Voided, Washington Post, Mar. 19, 1963, p. A1, col. 5. Attorney General Kennedy argued for affirmance of a three-judge District Court's ruling that the Georgia Democratic Party's county-unit voting system violated the one-person, one-vote principle. This was Kennedy's only argument before the Court, and it certainly put "on the line" his reputation as a lawyer, as well as an important policy of his brother's administration.

Justice Jackson and Franklin Roosevelt

The second example pertains to a Justice who was one of the most distinguished occupants of the seat to which I was appointed, Robert Jackson. Justice Jackson took the recusal obligation particularly seriously. See, e. g., *Jewell Ridge Coal Corp. v. United Mine Workers*, 325 U. S. 897 (1945) (Jackson, J., concurring in denial of rehearing) (oblique criticism of Justice Black's decision not to recuse himself from a case argued by his former law partner). Nonetheless, he saw nothing wrong with maintaining a close personal relationship, and engaging in "quite frequen[t]" socializing with the President whose administration's acts came

before him regularly. R. Jackson, *That Man: An Insider's Portrait of Franklin D. Roosevelt* 74 (J. Barrett ed. 2003) (footnote omitted).

In April 1942, the two “spent a weekend on a very delightful house party down at General Watson’s in Charlottesville, Virginia. I had been invited to ride down with the President and to ride back with him.” *Id.*, at 106 (footnote omitted). Pending at the time, and argued the next month, was one of the most important cases concerning the scope of permissible federal action under the Commerce Clause, *Wickard v. Filburn*, 317 U.S. 111 (1942). Justice Jackson wrote the opinion for the Court. Roosevelt’s Secretary of Agriculture, rather than Roosevelt himself, was the named federal officer in the case, but there is no doubt that it was important to the President.

I see nothing wrong about Justice White’s and Justice Jackson’s socializing—including vacationing and accepting rides—with their friends. Nor, seemingly, did anyone else at the time. (The *Denver Post*, which has been critical of me, reported the White-Kennedy-McNamara skiing vacation with nothing but enthusiasm.) If friendship is basis for recusal (as it assuredly is when friends are sued personally) then activity which suggests close friendship must be avoided. But if friendship is *no* basis for recusal (as it is not in official-capacity suits) social contacts that do no more than evidence that friendship suggest no impropriety whatever.

Of course it can be claimed (as some editorials have claimed) that “times have changed,” and what was once considered proper—even as recently as Byron White’s day—is no longer so. That may be true with regard to the earlier rare phenomenon of a Supreme Court Justice’s serving as advisor and confidant to the President—though that activity, so incompatible with the separation of powers, was not widely known when it was occurring, and can hardly be said to have been generally approved before it was properly abandoned. But the well-known and constant practice of Justices’ enjoying friendship and social intercourse with Members of Congress and officers of the Executive Branch has *not* been abandoned, and ought not to be.

V

Since I do not believe my impartiality can reasonably be questioned, I do not think it would be proper for me to recuse. See

Microsoft, 530 U.S., at 1302. That alone is conclusive; but another consideration moves me in the same direction: Recusal would in my judgment harm the Court. If I were to withdraw from this case, it would be because some of the press has argued that the Vice President would suffer political damage *if* he should lose this appeal, and *if*, on remand, discovery should establish that energy industry representatives were *de facto* members of NEPDG—and because some of the press has elevated that possible political damage to the status of an impending stain on the reputation and integrity of the Vice President. But since political damage often comes from the Government's losing official-action suits; and since political damage can readily be characterized as a stain on reputation and integrity; recusing in the face of such charges would give elements of the press a veto over participation of any Justices who had social contacts with, or were even known to be friends of, a named official. That is intolerable.

My recusal would also encourage so-called investigative journalists to suggest improprieties, and demand recusals, for other inappropriate (and increasingly silly) reasons. The Los Angeles Times has already suggested that it was improper for me to sit on a case argued by a law school dean whose school I had visited several weeks before—visited not at his invitation, but at his predecessor's. See *New Trip Trouble for Scalia*, Feb. 28, 2004, p. B22. The same paper has asserted that it was improper for me to speak at a dinner honoring Cardinal Bevilacqua given by the Urban Family Council of Philadelphia because (according to the Times's false report)⁵ that organization was engaged in litiga-

⁵The Times's reporter had interviewed the former president of the Urban Family Council, who told him categorically that the council was neither a party to, nor had provided financial support for, the civil-union litigation. The filed papers in the case, publicly available, *showed* that the council was not a party. The Los Angeles Times nonetheless devoted a lengthy front-page article to the point that (in the words of the lead sentence) "Justice Antonin Scalia gave a keynote dinner speech in Philadelphia for an advocacy group waging a legal battle against gay rights." Serrano & Savage, *Scalia Addressed Advocacy Group Before Key Decision*, Mar. 8, 2004, at A1. Five days later, in a weekend edition, the paper printed (at the insistence of the council) a few-line retraction acknowledging that this asserted fact was wrong—as though it was merely one incidental fact in a long piece, rather than the central fact upon which the long piece was based, and without which *there was no story*. See *For the Record*, Mar. 13, 2004, at A2. Other inaccurate facts and insinuations in the article, brought to the paper's atten-

tion seeking to prevent same-sex civil unions, and I had before me a case presenting the question (whether same-sex civil unions were lawful?—no) whether homosexual sodomy could constitutionally be *criminalized*. See *Lawrence v. Texas*, 539 U.S. 558 (2003). While the political branches can perhaps survive the constant baseless allegations of impropriety that have become the staple of Washington reportage, this Court cannot. The people must have confidence in the integrity of the Justices, and that cannot exist in a system that assumes them to be corruptible by the slightest friendship or favor, and in an atmosphere where the press will be eager to find foot-faults.

* * *

As I noted at the outset, one of the private respondents in this case has not called for my recusal, and has expressed confidence that I will rule impartially, as indeed I will. Counsel for the other private respondent seek to impose, it seems to me, a standard regarding friendship, the appearance of friendship, and the acceptance of social favors, that is more stringent than what they themselves observe. Two days before the brief in opposition to the petition in this case was filed, lead counsel for Sierra Club, a friend, wrote me a warm note inviting me to come to Stanford Law School to speak to one of his classes. (Available in Clerk of Court's case file.) (Judges teaching classes at law schools normally have their transportation and expenses paid.) I saw nothing amiss in that friendly letter and invitation. I surely would have thought otherwise if I had applied the standards urged in the present motion.

There are, I am sure, those who believe that my friendship with persons in the current administration might cause me to favor the Government in cases brought against it. That is not the issue here. Nor is the issue whether personal friendship with the Vice President might cause me to favor the Government in cases in which *he* is named. None of those suspicions regarding my impartiality (erroneous suspicions, I hasten to protest) bears upon recusal here. The question, simply put, is whether someone who thought I could decide this case impartially despite my

tion by the council, were not corrected. See e-mail from Betty Jean Wolfe, President, Urban Family Council, to Richard Serrano, Los Angeles Times (Mar. 8, 2004) (available in Clerk of Court's case file).

541 U.S.

March 18, 19, 2004

friendship with the Vice President would reasonably believe that I *cannot* decide it impartially because I went hunting with that friend and accepted an invitation to fly there with him on a Government plane. If it is reasonable to think that a Supreme Court Justice can be bought so cheap, the Nation is in deeper trouble than I had imagined.

As the newspaper editorials appended to the motion make clear, I have received a good deal of embarrassing criticism and adverse publicity in connection with the matters at issue here—even to the point of becoming (as the motion cruelly but accurately states) “fodder for late-night comedians.” Motion to Recuse 6. If I could have done so in good conscience, I would have been pleased to demonstrate my integrity, and immediately silence the criticism, by getting off the case. Since I believe there is no basis for recusal, I cannot. The motion is

Denied.

MARCH 19, 2004

Miscellaneous Orders

No. 03A797. OZMINT, DIRECTOR, SOUTH CAROLINA DEPARTMENT OF CORRECTIONS, ET AL. *v.* HILL. Application to vacate the preliminary injunction of execution of sentence of death entered by the United States District Court for the District of South Carolina on March 4, 2004, presented to THE CHIEF JUSTICE, and by him referred to the Court, granted. JUSTICE STEVENS, JUSTICE SOUTER, JUSTICE GINSBURG, and JUSTICE BREYER would deny the application to vacate the preliminary injunction of execution.

No. 02–1624. ELK GROVE UNIFIED SCHOOL DISTRICT ET AL. *v.* NEWDOW ET AL. C. A. 9th Cir. [Certiorari granted, 540 U. S. 945.] Motion of Institute in Basic Life Principles, Faith and Action, et al. for reconsideration of order denying motion for leave to participate in oral argument as *amici curiae* and for divided argument [540 U. S. 1174] denied. JUSTICE SCALIA took no part in the consideration or decision of this motion.

No. 03–95. PENNSYLVANIA STATE POLICE *v.* SUDERS. C. A. 3d Cir. [Certiorari granted, 540 U. S. 1046.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted. Motion of respondent and *amicus curiae* Lawyers’ Committee for Civil Rights Under

March 19, 22, 2004

541 U. S.

Law for leave to allow Lawyers' Committee for Civil Rights Under Law to participate in oral argument as *amicus curiae* and for divided argument denied.

No. 03-339. *SOSA v. ALVAREZ-MACHAIN ET AL.*; and

No. 03-485. *UNITED STATES v. ALVAREZ-MACHAIN ET AL.* C. A. 9th Cir. [Certiorari granted, 540 U.S. 1045.] Motion of the Solicitor General for enlargement of time for oral argument and for divided argument granted.

MARCH 22, 2004

Certiorari Granted—Vacated and Remanded

No. 03-7276. *SHIELDS v. CALIFORNIA*. Ct. App. Cal., 1st App. Dist. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Crawford v. Washington*, ante, p. 36. Reported below: 108 Cal. App. 4th 469, 133 Cal. Rptr. 2d 489.

No. 03-7626. *CORONA v. FLORIDA*. Dist. Ct. App. Fla., 5th Dist. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Crawford v. Washington*, ante, p. 36. Reported below: 853 So. 2d 430.

Certiorari Dismissed

No. 03-8376. *NABELEK v. TEXAS*. Ct. Crim. App. Tex. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8. As 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*). JUSTICE STEVENS dissents. See *id.*, at 4, and cases cited therein.

No. 03-8381. *NABELEK v. TEXAS*. Ct. Crim. App. Tex. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8. As 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

541 U.S.

March 22, 2004

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*). JUSTICE STEVENS dissents. See *id.*, at 4, and cases cited therein.

Miscellaneous Orders

No. 03A616. *MOSS v. HOFBAUER, WARDEN*. Application for certificate of appealability, addressed to JUSTICE GINSBURG and referred to the Court, denied.

No. D-2358. *IN RE DISBARMENT OF BLACKWELL*. Disbarment entered. [For earlier order herein, see 540 U.S. 1101.]

No. D-2359. *IN RE DISCIPLINE OF HACKMAN*. Gordon Hackman, of Boutte, La., is suspended from the practice of law in this Court, and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. D-2360. *IN RE DISCIPLINE OF FAUNTLEROY*. John D. Fauntleroy, Jr., of Washington, D. C., is suspended from the practice of law in this Court, and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. D-2361. *IN RE DISCIPLINE OF CORIZZI*. Anthony Joseph Corizzi, of Manassas, Va., is suspended from the practice of law in this Court, and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. D-2362. *IN RE DISCIPLINE OF CACCHIOTTI*. Paul R. Cacchiotti, of Manchester, Mass., is suspended from the practice of law in this Court, and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. D-2363. *IN RE DISCIPLINE OF VAILLANCOURT*. Donald Charles Vaillancourt, of Fort Lee, N. J., is suspended from the practice of law in this Court, and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. D-2364. *IN RE DISCIPLINE OF KLINGENBERG*. Ronald L. Klingenberg, of Washington, D. C., is suspended from the practice

March 22, 2004

541 U. S.

of law in this Court, and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. D-2365. *IN RE DISCIPLINE OF CUELLER*. Albert Cueller III, of Chicago, Ill., is suspended from the practice of law in this Court, and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. D-2366. *IN RE DISCIPLINE OF GARSIDE*. Gary Alston Garside, of Columbus, N. C., is suspended from the practice of law in this Court, and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. D-2367. *IN RE DISCIPLINE OF CARTELLONE*. John Joseph Cartellone, of Cleveland, Ohio, is suspended from the practice of law in this Court, and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. D-2368. *IN RE DISCIPLINE OF WARREN*. Randall Benjamin Warren, of Beverly, Mass., is suspended from the practice of law in this Court, and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. D-2369. *IN RE DISCIPLINE OF ABBELL*. Michael Abbell, of Bethesda, Md., is suspended from the practice of law in this Court, and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. D-2370. *IN RE DISCIPLINE OF FABER*. Mark Andrew Faber, of Baltimore, Md., is suspended from the practice of law in this Court, and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. D-2371. *IN RE DISCIPLINE OF GALLAGHER*. Edward Patrick Gallagher, of Frederick, Md., is suspended from the practice of law in this Court, and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

541 U.S.

March 22, 2004

No. D-2372. IN RE DISCIPLINE OF SPERY. Robert Moore Spery, of Salisbury, Md., is suspended from the practice of law in this Court, and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. D-2373. IN RE DISCIPLINE OF WALK. Timothy James Mathew Walk, of Melbourne, Fla., is suspended from the practice of law in this Court, and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. D-2374. IN RE DISCIPLINE OF AYENI. Shola Rannie Ayeni, of Stafford, Va., is suspended from the practice of law in this Court, and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. 03M51. CALHOUN *v.* FRISCO RAILROAD ET AL.; and

No. 03M52. HOWARD *v.* SEAWAY FOOD TOWN, INC., ET AL. Motions to direct the Clerk to file petitions for writs of certiorari out of time denied.

No. 02-891. CENTRAL LABORERS' PENSION FUND *v.* HEINZ ET AL. C. A. 7th Cir. [Certiorari granted, 540 U.S. 1045.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 02-1684. YARBOROUGH, WARDEN *v.* ALVARADO. C. A. 9th Cir. [Certiorari granted, 539 U.S. 986.] Motion of respondent for leave to file a supplemental brief after argument granted.

No. 03-343. AL ODAH ET AL. *v.* UNITED STATES ET AL. C. A. D. C. Cir. [Certiorari granted, 540 U.S. 1003.] Motion of Military Attorneys Assigned to Defense in Office of Military Commissions for leave to participate in oral argument as *amicus curiae* and for divided argument denied.

No. 03-7117. NABELEK *v.* COURT OF CRIMINAL APPEALS OF TEXAS. Ct. Crim. App. Tex. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [540 U.S. 1100] denied.

No. 03-526. SCHRIRO, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS *v.* SUMMERLIN. [Certiorari granted, 540 U.S.

March 22, 2004

541 U. S.

1045.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 03–8622. HARRINGTON *v.* NORTHWEST AIRLINES, INC. Ct. App. Minn. Motion of petitioner for leave to proceed *in forma pauperis* denied. Petitioner is allowed until April 12, 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.

No. 03–8963. IN RE MEADOR; and

No. 03–9073. IN RE RODRIGUEZ. Petitions for writs of habeas corpus denied.

No. 03–1021. IN RE KAIMOWITZ;

No. 03–8292. IN RE COLE;

No. 03–8298. IN RE SISSON;

No. 03–8514. IN RE PRICE; and

No. 03–8979. IN RE WALLACE. Petitions for writs of mandamus denied.

No. 03–8476. IN RE SHERRILLS. Motion of petitioner for leave to proceed *in forma pauperis* denied, and petition for writ of mandamus dismissed. See this Court’s Rule 39.8. As 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*). JUSTICE STEVENS dissents. See *id.*, at 4, and cases cited therein.

No. 03–8492. IN RE SIMMONS. Petition for writ of prohibition denied.

Certiorari Granted

No. 02–1472. CHEROKEE NATION OF OKLAHOMA ET AL. *v.* THOMPSON, SECRETARY OF HEALTH AND HUMAN SERVICES, ET AL. C. A. 10th Cir.; and

No. 03–853. THOMPSON, SECRETARY OF HEALTH AND HUMAN SERVICES *v.* CHEROKEE NATION OF OKLAHOMA. C. A. Fed. Cir. Certiorari granted, cases consolidated, and a total of one hour

541 U.S.

March 22, 2004

allotted for oral argument. Reported below: No. 02-1472, 311 F. 3d 1054; No. 03-853, 334 F. 3d 1075.

No. 03-287. WILKINSON, DIRECTOR, OHIO DEPARTMENT OF REHABILITATION AND CORRECTION, ET AL. *v.* DOTSON ET AL. C. A. 6th Cir. Certiorari granted. Reported below: 329 F. 3d 463.

Certiorari Denied

No. 02-11311. REID *v.* CROSBY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS. C. A. 11th Cir. Certiorari denied.

No. 03-732. JOHNSON *v.* DALEY ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 339 F. 3d 582.

No. 03-737. CROSS ET AL. *v.* FEDERAL LABOR RELATIONS AUTHORITY ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 333 F. 3d 611.

No. 03-738. BIVINGS *v.* DEPARTMENT OF THE ARMY. C. A. Fed. Cir. Certiorari denied. Reported below: 65 Fed. Appx. 731.

No. 03-739. LABERGE *v.* DEPARTMENT OF THE NAVY. C. A. Fed. Cir. Certiorari denied. Reported below: 66 Fed. Appx. 204.

No. 03-838. THOMPSON, ADMINISTRATOR OF THE ESTATE OF ANDRADE, ET AL. *v.* CHOJNACKI ET AL.; and

No. 03-849. BROWN ET AL. *v.* UNITED STATES ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 338 F. 3d 448.

No. 03-841. DALRYMPLE ET AL. *v.* RENO ET AL. C. A. 11th Cir. Certiorari denied. Reported below: 334 F. 3d 991.

No. 03-847. AIR LINE PILOTS ASSN., INTERNATIONAL *v.* AMERICAN EAGLE AIRLINES, INC. C. A. 5th Cir. Certiorari denied. Reported below: 343 F. 3d 401.

No. 03-850. AVILA *v.* TEXAS. Ct. Crim. App. Tex. Certiorari denied.

No. 03-870. VICORY ET AL. *v.* VERMILLION COUNTY, INDIANA, ET AL. Ct. App. Ind. Certiorari denied. Reported below: 790 N. E. 2d 180.

March 22, 2004

541 U. S.

No. 03–883. *WOLGAST CORP. v. NATIONAL LABOR RELATIONS BOARD*. C. A. 6th Cir. Certiorari denied. Reported below: 349 F. 3d 250.

No. 03–887. *VASQUEZ v. SNOW, SECRETARY OF THE TREASURY*. C. A. 5th Cir. Certiorari denied. Reported below: 75 Fed. Appx. 275.

No. 03–888. *MACKBY v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 339 F. 3d 1013.

No. 03–891. *GILL, CHAPTER 7 TRUSTEE v. STERN*; and

No. 03–1055. *STERN v. GILL, CHAPTER 7 TRUSTEE*. C. A. 9th Cir. Certiorari denied. Reported below: 345 F. 3d 1036.

No. 03–895. *ROSALES ET AL. v. UNITED STATES ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 73 Fed. Appx. 913.

No. 03–903. *WELCH ET AL. v. DAVIS ET AL.* Ct. App. Mo., Western Dist. Certiorari denied. Reported below: 114 S. W. 3d 285.

No. 03–911. *S. D. MYERS, INC. v. CITY AND COUNTY OF SAN FRANCISCO, CALIFORNIA, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 336 F. 3d 1174.

No. 03–982. *WALZ, GUARDIAN AD LITEM, ON BEHALF OF WALZ v. EGG HARBOR TOWNSHIP BOARD OF EDUCATION ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 342 F. 3d 271.

No. 03–986. *BLOOMBERG, MAYOR OF THE CITY OF NEW YORK, ET AL. v. HENRIETTA D. ET AL., ON BEHALF OF THEMSELVES AND ALL OTHERS SIMILARLY SITUATED*. C. A. 2d Cir. Certiorari denied. Reported below: 331 F. 3d 261.

No. 03–995. *WORDS, INC. v. SINGER ET AL.* Ct. App. D. C. Certiorari denied. Reported below: 810 A. 2d 910.

No. 03–997. *GORDON v. MEANS ET AL.* Sup. Ct. Va. Certiorari denied.

No. 03–1001. *SCOTT v. PRISON HEALTH SERVICES, INC.* C. A. 8th Cir. Certiorari denied.

No. 03–1002. *DESOUZA v. UNIVERSITY OF CALIFORNIA, DAVIS MEDICAL CENTER, ET AL.* Ct. App. Cal., 3d App. Dist. Certiorari denied.

541 U.S.

March 22, 2004

No. 03–1003. *CIGNA PROPERTY AND CASUALTY v. VILLAR RUIZ ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 85 Fed. Appx. 726.

No. 03–1009. *ESTATE OF HOGARTH ET AL. v. EDGAR RICE BURROUGHS, INC.* C. A. 2d Cir. Certiorari denied. Reported below: 342 F. 3d 149.

No. 03–1018. *STATE CONCERN TURKMENNEFT v. BRIDAS S. A. P. I. C. ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 345 F. 3d 347.

No. 03–1020. *MARKS v. UNION COUNTY DEMOCRATIC COMMITTEE ET AL.* Super. Ct. N. J., App. Div. Certiorari denied.

No. 03–1022. *QUANG DIHN NGUYEN v. ASHCROFT, ATTORNEY GENERAL.* C. A. 9th Cir. Certiorari denied. Reported below: 74 Fed. Appx. 803.

No. 03–1023. *HOWARD ET AL. v. FAIR POLITICAL PRACTICES COMMISSION.* Ct. App. Cal., 3d App. Dist. Certiorari denied. Reported below: 109 Cal. App. 4th 269, 134 Cal. Rptr. 2d 659.

No. 03–1029. *McFADDEN ET AL. v. GILBERT, COMMISSIONER, TEXAS HEALTH AND HUMAN SERVICES COMMISSION, ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 73 Fed. Appx. 756.

No. 03–1032. *HUMBOLDT COUNTY, CALIFORNIA, ET AL. v. HEADWATERS FOREST DEFENSE ET AL.* C. A. 9th Cir. Certiorari denied.

No. 03–1033. *TIDWELL v. BELLSouth TELECOMMUNICATIONS, INC.* Ct. Civ. App. Ala. Certiorari denied. Reported below: 876 So. 2d 533.

No. 03–1036. *LAKE v. STEWART, SUPERINTENDENT, WASHINGTON CORRECTIONS CENTER FOR WOMEN.* C. A. 9th Cir. Certiorari denied.

No. 03–1038. *FERMIN v. DIRECT MERCHANTS CREDIT CARD BANK, N. A.* C. A. 5th Cir. Certiorari denied. Reported below: 78 Fed. Appx. 932.

No. 03–1041. *UNITED STATES BANCORP ET AL. v. FRASER.* C. A. 9th Cir. Certiorari denied. Reported below: 342 F. 3d 1032.

March 22, 2004

541 U. S.

No. 03–1047. *ADAIR ET AL. v. ALABAMA DEPARTMENT OF ECONOMIC AND COMMUNITY AFFAIRS ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 82 Fed. Appx. 214.

No. 03–1048. *IGARTUA DE LA ROSA v. OFFICE OF GOVERNMENTAL ETHICS OF PUERTO RICO.* Sup. Ct. P. R. Certiorari denied.

No. 03–1054. *PRYOR ET AL. v. CITY OF LANSING, MICHIGAN.* C. A. 6th Cir. Certiorari denied. Reported below: 70 Fed. Appx. 810.

No. 03–1078. *BROWN v. TEXAS.* Ct. Crim. App. Tex. Certiorari denied. Reported below: 122 S. W. 3d 794.

No. 03–1087. *SABATER v. BIAS.* C. A. 5th Cir. Certiorari denied. Reported below: 78 Fed. Appx. 951.

No. 03–1090. *PORTER ET UX. v. BANKNORTH, N. A., ET AL.* App. Ct. Mass. Certiorari denied. Reported below: 59 Mass. App. 1102, 795 N. E. 2d 614.

No. 03–1091. *NAPOLI v. FIRST UNUM LIFE INSURANCE CO.* C. A. 2d Cir. Certiorari denied. Reported below: 78 Fed. Appx. 787.

No. 03–1099. *KINDER v. LOSHONKOHL.* Ct. App. Cal., 4th App. Dist. Certiorari denied. Reported below: 109 Cal. App. 4th 510, 135 Cal. Rptr. 2d 114.

No. 03–1102. *ON THE HOUSE SYNDICATION, INC., ET AL. v. FEDERAL EXPRESS CORP.* C. A. 9th Cir. Certiorari denied. Reported below: 79 Fed. Appx. 247.

No. 03–1104. *FINANDER v. BURRELLE’S INFORMATION SERVICES ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 79 Fed. Appx. 953.

No. 03–1119. *MORRIS v. RUMSFELD, SECRETARY OF DEFENSE.* C. A. 11th Cir. Certiorari denied. Reported below: 82 Fed. Appx. 215.

No. 03–1139. *VAN VOORHIS, JUDGE, SUPERIOR COURT OF CALIFORNIA, CONTRA COSTA COUNTY v. CALIFORNIA COMMISSION ON JUDICIAL PERFORMANCE.* Sup. Ct. Cal. Certiorari denied.

No. 03–1145. *McMULLEN v. UNITED STATES.* C. A. Fed. Cir. Certiorari denied. Reported below: 71 Fed. Appx. 848.

541 U.S.

March 22, 2004

No. 03–1150. *MISEK-FALKOFF ET VIR v. AMERICAN LAWYER MEDIA, INC., ET AL.* App. Div., Sup. Ct. N. Y., 1st Jud. Dept. Certiorari denied. Reported below: 300 App. Div. 2d 215, 752 N. Y. S. 2d 647.

No. 03–1151. *MONTEFUSCO v. DEPARTMENT OF THE ARMY ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 71 Fed. Appx. 907.

No. 03–1157. *NATIONAL UNION FIRE INSURANCE CO. OF PITTSBURGH v. TERRA INDUSTRIES, INC., ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 346 F. 3d 1160.

No. 03–1167. *RAMOS CALUYA v. IMMIGRATION AND NATURALIZATION SERVICE.* C. A. 9th Cir. Certiorari denied. Reported below: 74 Fed. Appx. 688.

No. 03–1176. *ROBINSON v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. Reported below: 78 Fed. Appx. 501.

No. 03–1179. *SHOBANDE v. UNITED STATES.* C. A. 7th Cir. Certiorari denied. Reported below: 349 F. 3d 964.

No. 03–1190. *MCCLURE v. WILSON, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT CRESSON, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 03–1191. *STRUBE v. UNITED STATES.* C. A. 3d Cir. Certiorari denied. Reported below: 65 Fed. Appx. 865.

No. 03–1201. *GALLUZZI v. UNITED STATES.* C. A. 3d Cir. Certiorari denied.

No. 03–6028. *CARPENTER v. JOHNSON, SUPERINTENDENT, SNAKE RIVER CORRECTIONAL INSTITUTION.* C. A. 9th Cir. Certiorari denied. Reported below: 68 Fed. Appx. 2.

No. 03–6030. *SHERER v. WASHINGTON.* Ct. App. Wash. Certiorari denied. Reported below: 113 Wash. App. 1014.

No. 03–6480. *QUINONES-MONDRAGON v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 67 Fed. Appx. 253.

No. 03–7132. *TAYLOR v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 322 F. 3d 1209 and 59 Fed. Appx. 960.

March 22, 2004

541 U. S.

No. 03–7380. *KEITH v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 73 Fed. Appx. 35.

No. 03–7502. *LAMAR v. ARIZONA*. Sup. Ct. Ariz. Certiorari denied. Reported below: 205 Ariz. 431, 72 P. 3d 831.

No. 03–7510. *SANCHEZ-MEDINA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 71 Fed. Appx. 395.

No. 03–7586. *GREEN v. UNITED STATES*. Ct. App. D. C. Certiorari denied. Reported below: 832 A. 2d 754.

No. 03–7591. *ALLRIDGE v. DRETKE, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied. Reported below: 92 Fed. Appx. 60.

No. 03–7682. *CORTEZ-CRUZ, AKA CORTEZ v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 330 F. 3d 1288.

No. 03–7894. *JENNINGS v. CROSBY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS*. Sup. Ct. Fla. Certiorari denied. Reported below: 857 So. 2d 196.

No. 03–7997. *MURPHY v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied. Reported below: 112 S. W. 3d 592.

No. 03–8023. *MORAN v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 69 Fed. Appx. 398.

No. 03–8049. *PERKINS v. LEE, WARDEN*. C. A. 4th Cir. Certiorari denied. Reported below: 72 Fed. Appx. 4.

No. 03–8051. *MENDEZ-CARISOSA v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 85 Fed. Appx. 193.

No. 03–8065. *ANDERSON v. FLORIDA*. Sup. Ct. Fla. Certiorari denied. Reported below: 863 So. 2d 169.

No. 03–8096. *MORRISON v. GEORGIA*. Sup. Ct. Ga. Certiorari denied. Reported below: 276 Ga. 829, 583 S. E. 2d 873.

No. 03–8188. *RAMOS v. PENNSYLVANIA*. Sup. Ct. Pa. Certiorari denied. Reported below: 573 Pa. 605, 827 A. 2d 1195.

541 U.S.

March 22, 2004

No. 03–8246. *EVANS v. DRETKE, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 03–8266. *CHAVEZ v. MCGRATH, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 03–8267. *CRAWLEY v. BRAXTON, WARDEN, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 63 Fed. Appx. 725.

No. 03–8268. *ELLIOT, AKA MUHAMMAD v. JOHNSON, EXECUTIVE DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, ET AL.* C. A. 5th Cir. Certiorari denied.

No. 03–8269. *DELAPAZ v. ALAMEIDA, DIRECTOR, CALIFORNIA DEPARTMENT OF CORRECTIONS*. C. A. 9th Cir. Certiorari denied.

No. 03–8270. *CASDIA v. PENNSYLVANIA*. Super. Ct. Pa. Certiorari denied. Reported below: 830 A. 2d 1043.

No. 03–8274. *CHANDLER v. TEXAS*. Ct. App. Tex., 5th Dist. Certiorari denied.

No. 03–8275. *DODDS v. CALBONE, WARDEN*. C. A. 10th Cir. Certiorari denied.

No. 03–8280. *COTTON v. ALABAMA*. Ct. Crim. App. Ala. Certiorari denied. Reported below: 880 So. 2d 507.

No. 03–8282. *DILWORTH v. DRETKE, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 03–8285. *CRIOLO v. WILSON ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 76 Fed. Appx. 576.

No. 03–8288. *DAWSON v. ORTIZ, EXECUTIVE DIRECTOR, COLORADO DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 75 Fed. Appx. 735.

No. 03–8289. *COUTURIER v. NEW HAMPSHIRE ET AL.* C. A. 1st Cir. Certiorari denied.

No. 03–8291. *CARTER v. VANDERCOOK, SHERIFF, SUMNER COUNTY, TENNESSEE, ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 59 Fed. Appx. 52.

March 22, 2004

541 U.S.

No. 03–8293. *CLAYTON v. MECHLING*, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT FAYETTE, ET AL. C. A. 3d Cir. Certiorari denied.

No. 03–8296. *RODLAND v. COURT OF COMMON PLEAS OF PENNSYLVANIA, BLAIR COUNTY, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 03–8299. *SARAH v. DESHAMBO ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 67 Fed. Appx. 346.

No. 03–8301. *SPENCER v. CROSBY*, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS. C. A. 11th Cir. Certiorari denied.

No. 03–8302. *HETTLER v. KAHN*. C. A. 8th Cir. Certiorari denied.

No. 03–8304. *HALE v. OREGON*. Sup. Ct. Ore. Certiorari denied. Reported below: 335 Ore. 612, 75 P. 3d 448.

No. 03–8309. *HARVELL v. NORTH CAROLINA*. Gen. Ct. Justice, Super. Ct. Div., Stanly County, N. C. Certiorari denied.

No. 03–8313. *BUMPHUS v. HAZELTREE APARTMENTS, AKA PHOENIX HAZELTREE LLC, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 63 Fed. Appx. 382.

No. 03–8314. *WATKINS v. PENNSYLVANIA*. C. A. 3d Cir. Certiorari denied. Reported below: 85 Fed. Appx. 876.

No. 03–8317. *AYER v. NEW HAMPSHIRE*. Sup. Ct. N. H. Certiorari denied. Reported below: 150 N. H. 14, 834 A. 2d 277.

No. 03–8318. *GREEN v. KNOWLES, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 03–8323. *WHITE v. MICHIGAN CENTER FOR FORENSIC PSYCHIATRY*. C. A. 6th Cir. Certiorari denied. Reported below: 66 Fed. Appx. 626.

No. 03–8331. *STULL v. ROLLINS, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 03–8335. *PORTERFIELD v. TENNESSEE*. Ct. Crim. App. Tenn. Certiorari denied.

541 U.S.

March 22, 2004

No. 03–8337. *SMITH v. HENDRICKSON, WARDEN, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 03–8338. *SACCO v. NEW YORK.* County Ct., Orange County, N. Y. Certiorari denied.

No. 03–8339. *RINALDO v. BROWARD COUNTY JAIL.* C. A. 11th Cir. Certiorari denied. Reported below: 52 Fed. Appx. 491.

No. 03–8348. *WILLIAMS v. KINGSTON ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 65 Fed. Appx. 875.

No. 03–8350. *WEBB v. YLST.* C. A. 9th Cir. Certiorari denied. Reported below: 72 Fed. Appx. 716.

No. 03–8357. *POTTS v. ROSE, WARDEN.* Sup. Ct. Ohio. Certiorari denied. Reported below: 100 Ohio St. 3d 119, 769 N. E. 2d 935.

No. 03–8363. *MCPEAK v. MAYLE, WARDEN.* C. A. 9th Cir. Certiorari denied. Reported below: 78 Fed. Appx. 599.

No. 03–8364. *O’QUINN v. ILLINOIS.* App. Ct. Ill., 5th Dist. Certiorari denied. Reported below: 339 Ill. App. 3d 347, 791 N. E. 2d 1066.

No. 03–8366. *NEWMAN v. JOHNSON, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS.* C. A. 4th Cir. Certiorari denied. Reported below: 67 Fed. Appx. 835.

No. 03–8367. *CARTER v. NORTH CAROLINA.* Sup. Ct. N. C. Certiorari denied. Reported below: 357 N. C. 345, 584 S. E. 2d 792.

No. 03–8368. *MING LI v. FISCHER, SUPERINTENDENT, SING SING CORRECTIONAL FACILITY.* C. A. 2d Cir. Certiorari denied.

No. 03–8371. *KAILEY v. COLORADO.* Ct. App. Colo. Certiorari denied.

No. 03–8372. *MACHADO v. YARBOROUGH, WARDEN.* C. A. 9th Cir. Certiorari denied.

No. 03–8377. *DI NARDO ET AL. v. FLORIDA ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 85 Fed. Appx. 727.

March 22, 2004

541 U. S.

No. 03–8379. *WYLEY v. OHIO*. Ct. App. Ohio, Cuyahoga County. Certiorari denied.

No. 03–8380. *WIGGINS v. MOORE, ADMINISTRATOR, NEW JERSEY STATE PRISON, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 03–8382. *SMITH v. CALIFORNIA*. Ct. App. Cal., 5th App. Dist. Certiorari denied. Reported below: 110 Cal. App. 4th 492, 1 Cal Rptr. 3d 779.

No. 03–8383. *BROADES v. MULLIN, WARDEN*. C. A. 10th Cir. Certiorari denied.

No. 03–8384. *HOWARD v. ZEMMELMAN, JUDGE, COURT OF COMMON PLEAS OF OHIO, LUCAS COUNTY, ET AL.* Sup. Ct. Ohio. Certiorari denied. Reported below: 99 Ohio St. 3d 1535, 795 N. E. 2d 676.

No. 03–8386. *WATERS v. WESTBROOKS, WARDEN*. Ct. Crim. App. Tenn. Certiorari denied.

No. 03–8390. *BAKER v. MARYLAND*. Ct. App. Md. Certiorari denied. Reported below: 377 Md. 567, 833 A. 2d 1070.

No. 03–8391. *JACKSON v. ANDREASEN ET AL.* C. A. 9th Cir. Certiorari denied.

No. 03–8393. *WATTS v. NORTH CAROLINA*. Sup. Ct. N. C. Certiorari denied. Reported below: 357 N. C. 366, 584 S. E. 2d 740.

No. 03–8398. *CANADA v. KNIGHT, SUPERINTENDENT, CORRECTIONAL INDUSTRIAL FACILITY*. C. A. 7th Cir. Certiorari denied.

No. 03–8402. *RIDDLESPRIGER v. DRETKE, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 03–8412. *PLATER v. DEMASS ET AL.* C. A. 2d Cir. Certiorari denied.

No. 03–8415. *WEST v. MILLEN ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 79 Fed. Appx. 190.

No. 03–8417. *TIBBS v. TEXAS ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 77 Fed. Appx. 459.

541 U.S.

March 22, 2004

No. 03–8418. *McMAHON v. DRETKE*, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 03–8421. *BELL v. SMITH*, SHERIFF, LEVY COUNTY, FLORIDA, ET AL. C. A. 11th Cir. Certiorari denied. Reported below: 82 Fed. Appx. 217.

No. 03–8428. *RASON v. ELGGREN*, CHAPTER 7 TRUSTEE, ET AL. C. A. 9th Cir. Certiorari denied.

No. 03–8432. *DOSSEY ET UX. v. TEXAS DEPARTMENT OF PROTECTIVE AND REGULATORY SERVICES*. Sup. Ct. Tex. Certiorari denied. Reported below: 113 S. W. 3d 340.

No. 03–8433. *MISKO v. ALAMEIDA*, DIRECTOR, CALIFORNIA DEPARTMENT OF CORRECTIONS. C. A. 9th Cir. Certiorari denied.

No. 03–8436. *BARNES v. WEST VIRGINIA ET AL.* Cir. Ct. Fayette County, W. Va. Certiorari denied.

No. 03–8443. *McKNIGHT v. COURT OF COMMON PLEAS OF PENNSYLVANIA, PHILADELPHIA COUNTY, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 03–8446. *MOTT v. SISTRUNK*, SUPERINTENDENT, CROSS CITY CORRECTIONAL INSTITUTION, ET AL. C. A. 11th Cir. Certiorari denied. Reported below: 82 Fed. Appx. 213.

No. 03–8449. *DUNG VAN MAI v. PRUNTY*, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 75 Fed. Appx. 586.

No. 03–8452. *SOTO v. PHILLIPS*, SUPERINTENDENT, GREEN HAVEN CORRECTIONAL FACILITY. C. A. 2d Cir. Certiorari denied. Reported below: 78 Fed. Appx. 760.

No. 03–8458. *BANDA v. MORGAN ET AL.* C. A. 3d Cir. Certiorari denied.

No. 03–8459. *MUNOZ v. DRETKE*, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 03–8460. *EDDINGTON v. HILL*, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 82 Fed. Appx. 512.

March 22, 2004

541 U.S.

No. 03–8461. *BROOKS v. EARLY, WARDEN*. C. A. 9th Cir. Certiorari denied. Reported below: 77 Fed. Appx. 931.

No. 03–8462. *CONNER v. HILL, SUPERINTENDENT, SNAKE RIVER CORRECTIONAL INSTITUTION*. C. A. 9th Cir. Certiorari denied.

No. 03–8467. *JOHNSTON v. FLORIDA*. Sup. Ct. Fla. Certiorari denied. Reported below: 863 So. 2d 271.

No. 03–8470. *MCMILLAN v. YELLOW CAB ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 75 Fed. Appx. 315.

No. 03–8471. *OSTRANDER v. LUEBBERS, SUPERINTENDENT, FARMINGTON CORRECTIONAL CENTER*. C. A. 8th Cir. Certiorari denied.

No. 03–8477. *BARKCLAY v. MARICOPA COUNTY, ARIZONA, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 72 Fed. Appx. 701.

No. 03–8485. *NASH v. MORGAN, SUPERINTENDENT, WASHINGTON STATE PENITENTIARY*. C. A. 9th Cir. Certiorari denied. Reported below: 82 Fed. Appx. 509.

No. 03–8486. *PENA v. DRETKE, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 03–8489. *BROWN v. LEWIS, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 03–8496. *OBADELE v. DRETKE, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 03–8499. *JEMMERISON v. DRETKE, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 03–8500. *JOHNSON v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied.

No. 03–8502. *JONES v. BIRKETT, WARDEN*. C. A. 6th Cir. Certiorari denied.

541 U.S.

March 22, 2004

No. 03–8505. *LY v. ALAMEIDA*, DIRECTOR, CALIFORNIA DEPARTMENT OF CORRECTIONS. C. A. 9th Cir. Certiorari denied.

No. 03–8508. *BLACK v. PACIFIC MARITIME ASSN. ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 68 Fed. Appx. 122.

No. 03–8510. *BYRAM v. OZMINT*, DIRECTOR, SOUTH CAROLINA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 339 F. 3d 203.

No. 03–8511. *XIONG v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied. Reported below: 31 Cal. 4th 613, 74 P. 3d 176.

No. 03–8517. *SIMPSON v. COLORADO*. Ct. App. Colo. Certiorari denied.

No. 03–8522. *SLAUGHTER v. MULLIN*, WARDEN. C. A. 10th Cir. Certiorari denied. Reported below: 68 Fed. Appx. 141.

No. 03–8525. *TAYLOR v. BOWERSOX*, SUPERINTENDENT, SOUTH CENTRAL CORRECTIONAL CENTER. C. A. 8th Cir. Certiorari denied. Reported below: 329 F. 3d 963.

No. 03–8534. *GOODIN v. MISSISSIPPI*. Sup. Ct. Miss. Certiorari denied. Reported below: 856 So. 2d 267.

No. 03–8540. *MATHIS v. KYLER*, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT HUNTINGDON, ET AL. C. A. 3d Cir. Certiorari denied.

No. 03–8542. *PHILLIPS v. TEXAS*. Ct. App. Tex., 6th Dist. Certiorari denied.

No. 03–8545. *VERSER v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied.

No. 03–8552. *RUSSELBURG v. HANKS*, SUPERINTENDENT, WABASH VALLEY CORRECTIONAL FACILITY. C. A. 7th Cir. Certiorari denied.

No. 03–8566. *NGONGO v. ASHCROFT*, ATTORNEY GENERAL. C. A. 4th Cir. Certiorari denied. Reported below: 73 Fed. Appx. 604.

No. 03–8569. *MARSHALL v. GIURBINO*, WARDEN. C. A. 9th Cir. Certiorari denied.

March 22, 2004

541 U. S.

No. 03–8581. *VARELA v. SCHRIRO, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS*. C. A. 9th Cir. Certiorari denied.

No. 03–8588. *McKNIGHT v. MANN, INDIVIDUALLY AND IN HER OFFICIAL CAPACITY AS SENIOR ATTORNEY GENERAL OF PENNSYLVANIA, ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 65 Fed. Appx. 874.

No. 03–8591. *JOHNSON v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 337 Ill. App. 3d 1157, 843 N. E. 2d 512.

No. 03–8602. *STOKES v. BOWLEN, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 03–8613. *CORREA v. STERNES, WARDEN*. Sup. Ct. Ill. Certiorari denied.

No. 03–8615. *CLEMONS v. BARNHART, COMMISSIONER OF SOCIAL SECURITY*. C. A. 4th Cir. Certiorari denied. Reported below: 68 Fed. Appx. 526.

No. 03–8635. *HALL v. MISSOURI*. Sup. Ct. Mo. Certiorari denied.

No. 03–8636. *RILEY-JAMES v. SMITH, SUPERINTENDENT, SHAWANGUNK CORRECTIONAL FACILITY*. C. A. 2d Cir. Certiorari denied. Reported below: 70 Fed. Appx. 36.

No. 03–8639. *FRANK v. ILLINOIS*. App. Ct. Ill., 2d Dist. Certiorari denied. Reported below: 334 Ill. App. 3d 1122, 836 N. E. 2d 402.

No. 03–8642. *ELMORE v. ALAMEIDA, DIRECTOR, CALIFORNIA DEPARTMENT OF CORRECTIONS*. C. A. 9th Cir. Certiorari denied.

No. 03–8644. *WILLIAMS v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 334 Ill. App. 3d 1120, 836 N. E. 2d 401.

No. 03–8650. *TERRY v. HICKS*. C. A. 11th Cir. Certiorari denied.

No. 03–8653. *BROWN ET AL. v. CALIFORNIA*. Ct. App. Cal., 5th App. Dist. Certiorari denied.

541 U.S.

March 22, 2004

No. 03–8670. *BERGER v. ARKANSAS*. Sup. Ct. Ark. Certiorari denied.

No. 03–8675. *BEAVER v. FLORIDA*. Dist. Ct. App. Fla., 5th Dist. Certiorari denied.

No. 03–8676. *WILLIAMS v. FLORIDA*. Sup. Ct. Fla. Certiorari denied. Reported below: 857 So. 2d 198.

No. 03–8682. *BURNS v. OZMINT, DIRECTOR, SOUTH CAROLINA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 71 Fed. Appx. 256.

No. 03–8700. *SMITH v. FRANK, SECRETARY, WISCONSIN DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 81 Fed. Appx. 867.

No. 03–8701. *MARTINEZ v. SOARES, WARDEN, ET AL.* C. A. 10th Cir. Certiorari denied.

No. 03–8703. *MILNES v. PRINCIPI, SECRETARY OF VETERANS AFFAIRS.* C. A. Fed. Cir. Certiorari denied. Reported below: 80 Fed. Appx. 660.

No. 03–8708. *CLOUGH v. ILLINOIS*. App. Ct. Ill., 3d Dist. Certiorari denied.

No. 03–8711. *WARE v. CROSBY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 03–8712. *THACHER v. FLORIDA*. Dist. Ct. App. Fla., 5th Dist. Certiorari denied. Reported below: 861 So. 2d 51.

No. 03–8719. *DE FORD v. THE KIVA ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 76 Fed. Appx. 779.

No. 03–8720. *DONEVAN v. NORTH CAROLINA*. Ct. App. N. C. Certiorari denied. Reported below: 160 N. C. App. 252, 584 S. E. 2d 892.

No. 03–8722. *DAUGHERTY v. MISSOURI*. Ct. App. Mo., Eastern Dist. Certiorari denied. Reported below: 116 S. W. 3d 616.

March 22, 2004

541 U. S.

No. 03–8723. *SUTTER v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 348 F. 3d 789.

No. 03–8724. *REYNA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 79 Fed. Appx. 665.

No. 03–8725. *RICO-GONZALEZ v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 79 Fed. Appx. 988.

No. 03–8726. *SANTILLANA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 82 Fed. Appx. 402.

No. 03–8729. *FERNANDEZ v. PHILLIPS, SUPERINTENDENT, GREEN HAVEN CORRECTIONAL FACILITY*. C. A. 2d Cir. Certiorari denied. Reported below: 82 Fed. Appx. 48.

No. 03–8733. *ESPINOZA v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 338 F. 3d 1140.

No. 03–8738. *RUIZ-AHUMADA v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 76 Fed. Appx. 751.

No. 03–8739. *LEKAS v. BATTLES, WARDEN*. Sup. Ct. Ill. Certiorari denied.

No. 03–8746. *ROUNTREE v. OHIO*. Ct. App. Ohio, Summit County. Certiorari denied.

No. 03–8747. *BEAVER v. FLORIDA*. Dist. Ct. App. Fla., 5th Dist. Certiorari denied.

No. 03–8749. *ESTEPP v. WEST VIRGINIA*. Cir. Ct. Cabell County, W. Va. Certiorari denied.

No. 03–8753. *McFARLAND v. UNITED STATES*; and

No. 03–8989. *WILSON, AKA BLACK v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 86 Fed. Appx. 232.

No. 03–8754. *ABDELSAMED v. UNITED STATES ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 80 Fed. Appx. 90.

No. 03–8755. *WINDHAM v. RUNNELS, WARDEN*. C. A. 9th Cir. Certiorari denied. Reported below: 82 Fed. Appx. 519.

No. 03–8776. *LA FRANK v. ROWLEY, SUPERINTENDENT, NORTHEAST CORRECTIONAL CENTER*. C. A. 8th Cir. Certiorari denied. Reported below: 340 F. 3d 685.

541 U.S.

March 22, 2004

No. 03-8781. *CREAMER v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 70 Fed. Appx. 48.

No. 03-8783. *DOYLE v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 03-8786. *STRINGER v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

No. 03-8789. *BACKUS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 349 F. 3d 1298.

No. 03-8791. *BRYSON ET AL. v. JOHNSTON, JUDGE, SUPERIOR COURT OF NORTH CAROLINA, MECKLENBURG COUNTY, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 71 Fed. Appx. 223.

No. 03-8792. *ROMAN v. CALIFORNIA*. Ct. App. Cal., 4th App. Dist. Certiorari denied.

No. 03-8793. *SEGUI v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 03-8794. *SIMMS v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

No. 03-8797. *SATIA v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 68 Fed. Appx. 428.

No. 03-8801. *DADI v. DAVIS ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 71 Fed. Appx. 388.

No. 03-8802. *DUSENBERY v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 78 Fed. Appx. 443.

No. 03-8806. *DAMMONS v. NORTH CAROLINA*. Ct. App. N. C. Certiorari denied. Reported below: 159 N. C. App. 284, 583 S. E. 2d 606.

No. 03-8810. *LENTON v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 88 Fed. Appx. 381.

No. 03-8814. *POLK v. MARYLAND*. Ct. App. Md. Certiorari denied. Reported below: 378 Md. 1, 835 A. 2d 575.

No. 03-8815. *PUGH v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 90 Fed. Appx. 386.

March 22, 2004

541 U.S.

No. 03–8817. *SOLORIO-ACOSTA v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 85 Fed. Appx. 331.

No. 03–8819. *PITTS v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 85 Fed. Appx. 875.

No. 03–8822. *VASQUEZ-HERNANDEZ v. OREGON*. Sup. Ct. Ore. Certiorari denied. Reported below: 335 Ore. 506, 73 P. 3d 291.

No. 03–8823. *HORTMAN v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 82 Fed. Appx. 476.

No. 03–8826. *HERZOG v. BELLEQUE, SUPERINTENDENT, OREGON STATE PENITENTIARY*. C. A. 9th Cir. Certiorari denied. Reported below: 80 Fed. Appx. 606.

No. 03–8827. *HILL v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 79 Fed. Appx. 869.

No. 03–8829. *FLORES, AKA FLORES-MELGAR v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 79 Fed. Appx. 723.

No. 03–8830. *FARESE v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 71 Fed. Appx. 821.

No. 03–8832. *MATEO v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 85 Fed. Appx. 355.

No. 03–8835. *PALUCH v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 84 Fed. Appx. 740.

No. 03–8843. *KOU YANG v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 345 F. 3d 650.

No. 03–8844. *VILLALOBOS, AKA FALICIANO GARCIAS, AKA DIAZ MORENO v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 86 Fed. Appx. 230.

No. 03–8846. *JENKINS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 66 Fed. Appx. 515.

No. 03–8850. *JONES v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 356 F. 3d 529.

541 U.S.

March 22, 2004

No. 03–8852. *BARRETT v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 80 Fed. Appx. 486.

No. 03–8855. *OROZCO-RODRIGUEZ v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 81 Fed. Appx. 132.

No. 03–8856. *NEWMAYER v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 84 Fed. Appx. 907.

No. 03–8857. *PEREZ v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 87 Fed. Appx. 714.

No. 03–8858. *STOCKTON v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 349 F. 3d 755.

No. 03–8859. *MCDONALD v. HARO, WARDEN*. C. A. 5th Cir. Certiorari denied. Reported below: 73 Fed. Appx. 83.

No. 03–8860. *BOONE v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 71 Fed. Appx. 227.

No. 03–8863. *ANDREWS, AKA KAMANGENI v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 353 F. 3d 1154.

No. 03–8864. *ADENODI v. UNITED STATES*; and

No. 03–8876. *ADEOSHUN v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 80 Fed. Appx. 343.

No. 03–8869. *MARKS v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 03–8870. *MORRIS v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

No. 03–8871. *MELTON v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 344 F. 3d 1021.

No. 03–8882. *SANTA v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 03–8890. *MEUSE v. UNITED STATES*. C. A. 1st Cir. Certiorari denied.

No. 03–8894. *SMITH v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 354 F. 3d 390.

March 22, 2004

541 U. S.

No. 03–8896. *PERSINGER v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 83 Fed. Appx. 55.

No. 03–8899. *JANES v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 03–8900. *VINES v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. Reported below: 80 Fed. Appx. 113.

No. 03–8904. *PANNELL v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 77 Fed. Appx. 188.

No. 03–8912. *ERVIN v. BARNHART, COMMISSIONER OF SOCIAL SECURITY*. C. A. 6th Cir. Certiorari denied. Reported below: 75 Fed. Appx. 401.

No. 03–8913. *DANTZLER v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 03–8915. *RODRIGUEZ-CASTILLO v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 350 F. 3d 1.

No. 03–8917. *SMITH v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 81 Fed. Appx. 182.

No. 03–8919. *WILLIAMS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 85 Fed. Appx. 341.

No. 03–8920. *ZACARIA-BARAJAS v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 80 Fed. Appx. 990.

No. 03–8922. *BROWN v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. Reported below: 334 F. 3d 1161.

No. 03–8924. *MARCHESE v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 87 Fed. Appx. 276.

No. 03–8925. *JONES v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 81 Fed. Appx. 45.

No. 03–8929. *POINDEXTER v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 75 Fed. Appx. 188.

No. 03–8931. *WINGO v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 76 Fed. Appx. 30.

No. 03–8932. *VANHORN v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 344 F. 3d 729.

541 U.S.

March 22, 2004

No. 03–8933. *VILLA-BOJORQUEZ v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 74 Fed. Appx. 807.

No. 03–8935. *KUHNKE v. BERTRAND, WARDEN*. C. A. 7th Cir. Certiorari denied.

No. 03–8936. *KING v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 03–8938. *PINELLA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 68 Fed. Appx. 28.

No. 03–8939. *PLUMLEE ET AL. v. DODRILL, WARDEN*. C. A. 3d Cir. Certiorari denied. Reported below: 85 Fed. Appx. 873.

No. 03–8940. *MENDOZA-GUTIERREZ v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 81 Fed. Appx. 210.

No. 03–8941. *MINER v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 345 F. 3d 1004.

No. 03–8947. *WHITE v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 341 F. 3d 673.

No. 03–8948. *CHAPMAN v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 345 F. 3d 630.

No. 03–8950. *DOWDY v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 37 Fed. Appx. 941.

No. 03–8952. *DODSON v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 77 Fed. Appx. 196.

No. 03–8956. *BROWN v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 50 Fed. Appx. 970.

No. 03–8958. *SCOTT v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 73 Fed. Appx. 629.

No. 03–8964. *ARCEDIANO v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 81 Fed. Appx. 235.

No. 03–8967. *TURINCIO v. UNITED STATES*; and *GOMEZ-GALICIA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 78 Fed. Appx. 344 (first judgment); 82 Fed. Appx. 868 (second judgment).

March 22, 2004

541 U.S.

No. 03–8969. *WILLIAMS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 03–8972. *BLANKS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 90 Fed. Appx. 388.

No. 03–8977. *ALTMAN v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 03–8978. *PLEASANT, AKA PLEASANTS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 73 Fed. Appx. 653.

No. 03–8982. *SCOTT v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 03–8993. *COUNCIL v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 90 Fed. Appx. 387.

No. 03–8995. *BOLLING v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 81 Fed. Appx. 373.

No. 03–8996. *MACK v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 78 Fed. Appx. 171.

No. 03–8997. *JACKSON v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 345 F. 3d 59.

No. 03–9003. *BRYE v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 84 Fed. Appx. 718.

No. 03–9004. *WILLIAMS v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 82 Fed. Appx. 248.

No. 03–821. *HOLLAND, WARDEN v. ADAMS*. C. A. 6th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 330 F. 3d 398.

No. 03–862. *EXCEL CORP. v. ESTATE OF KRIEFALL ET AL.* Ct. App. Wis. Motions of American Meat Institute et al. and Product Liability Advisory Council, Inc., for leave to file briefs as *amici curiae* granted. Certiorari denied. Reported below: 265 Wis. 2d 476, 665 N. W. 2d 417.

No. 03–1031. *MOORE, SUPERINTENDENT, MONROE CORRECTIONAL COMPLEX v. SANDERS*. C. A. 9th Cir. Motion of re-

541 U. S.

March 22, 29, 2004

spondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 342 F. 3d 991.

No. 03–1037. ANGLE, NEVADA STATE ASSEMBLY MEMBER, ET AL. *v.* GUINN, GOVERNOR OF NEVADA, ET AL. Sup. Ct. Nev. Motions of Initiative and Referendum Institute, Pacific Legal Foundation et al., and National Taxpayers Union et al. for leave to file briefs as *amici curiae* granted. Certiorari denied. Reported below: 119 Nev. 277, 71 P. 3d 1269, and 119 Nev. 460, 76 P. 3d 22.

No. 03–1040. WASHINGTON STATE GRANGE ET AL. *v.* WASHINGTON STATE DEMOCRATIC PARTY ET AL. C. A. 9th Cir. Certiorari denied. JUSTICE BREYER took no part in the consideration or decision of this petition. Reported below: 343 F. 3d 1198.

Rehearing Denied

No. 02–1841. ZIDELL *v.* UNITED STATES, 540 U. S. 824;

No. 03–177. ELLISON *v.* SANDIA NATIONAL LABORATORIES ET AL., 540 U. S. 880;

No. 03–344. ULLMAN *v.* UNITED STATES, 540 U. S. 950;

No. 03–715. GAIN ET AL. *v.* WASHINGTON ET AL. (two judgments), 540 U. S. 1149;

No. 03–728. DIVILLY *v.* PORT AUTHORITY OF ALLEGHENY COUNTY, PENNSYLVANIA, 540 U. S. 1111;

No. 03–6479. KENNEY *v.* MENDEZ, WARDEN, ET AL., 540 U. S. 1163;

No. 03–7087. YOUNG *v.* GARCIA, WARDEN, 540 U. S. 1118;

No. 03–7665. NEVITT *v.* FITCH, JUDGE, DISTRICT COURT OF NEW MEXICO, CATRON COUNTY, 540 U. S. 1135; and

No. 03–7808. JOSHUA *v.* JOHNSON, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS, 540 U. S. 1165. Petitions for rehearing denied.

No. 03–7531. IN RE BONTKOWSKI, 540 U. S. 1103. Petition for rehearing denied. JUSTICE STEVENS took no part in the consideration or decision of this petition.

MARCH 29, 2004

Certiorari Dismissed

No. 03–9110. RASHID *v.* UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA. C. A. 3d Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied,

March 29, 2004

541 U. S.

and certiorari dismissed. See this Court's Rule 39.8. Reported below: 85 Fed. Appx. 873.

Miscellaneous Orders

No. 03M53. MURRELL *v.* STATE FARM INSURANCE ET AL.;

No. 03M54. HOFMANN *v.* ILLINOIS HUMAN RIGHTS COMMISSION ET AL.;

No. 03M55. HOFMANN *v.* FERMILAB NAL/URA ET AL.; and

No. 03M57. K. E. *v.* FLORIDA BOARD OF BAR EXAMINERS. Motions to direct the Clerk to file petitions for writs of certiorari out of time denied.

No. 03M56. CLINTON *v.* CITY OF ATLANTA, GEORGIA. Motion to direct the Clerk to file petition for writ of certiorari out of time under this Court's Rule 14.5 denied.

No. D-2357. IN RE DISBARMENT OF WIGHTMAN-CERVANTES. Disbarment entered. [For earlier order herein, see 540 U. S. 1100.]

No. 03-9197. IN RE BURKS. Petition for writ of habeas corpus denied.

No. 03-1219. IN RE VEY. Petition for writ of mandamus denied.

Certiorari Granted

No. 03-750. SMALL *v.* UNITED STATES. C. A. 3d Cir. Certiorari granted. Reported below: 333 F. 3d 425.

No. 03-892. COMMISSIONER OF INTERNAL REVENUE *v.* BANKS. C. A. 6th Cir.; and

No. 03-907. COMMISSIONER OF INTERNAL REVENUE *v.* BANAITIS. C. A. 9th Cir. Certiorari granted, cases consolidated, and a total of one hour allotted for oral argument. Reported below: No. 03-892, 345 F. 3d 373; No. 03-907, 340 F. 3d 1074.

No. 03-1160. SMITH ET AL. *v.* CITY OF JACKSON, MISSISSIPPI, ET AL. C. A. 5th Cir. Certiorari granted. Reported below: 351 F. 3d 183.

Certiorari Denied

No. 03-691. EGWAOJE *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 335 F. 3d 579.

541 U.S.

March 29, 2004

No. 03-774. *ILLINOIS v. BUNCH*. Sup. Ct. Ill. Certiorari denied. Reported below: 207 Ill. 2d 7, 796 N. E. 2d 1024.

No. 03-1051. *HEFFINGTON ET UX. v. BOB COOK HOMES, L. L. C., ET AL.* Ct. App. Kan. Certiorari denied. Reported below: 31 Kan. App. 2d xix, 72 P. 3d 582.

No. 03-1056. *WALTON v. JOHNSON & JOHNSON SERVICES, INC., ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 347 F. 3d 1272.

No. 03-1057. *DENGEL v. BOLEN, UNITED STATES TRUSTEE, REGION 5, ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 340 F. 3d 300.

No. 03-1058. *CARTER, INDIVIDUALLY AND ON BEHALF OF THE WRONGFUL DEATH HEIRS AND BENEFICIARIES, ET AL. v. MISSISSIPPI DEPARTMENT OF CORRECTIONS ET AL.* Sup. Ct. Miss. Certiorari denied. Reported below: 860 So. 2d 1187.

No. 03-1059. *CASS v. NEW YORK*. App. Div., Sup. Ct. N. Y., 2d Jud. Dept. Certiorari denied. Reported below: 307 App. Div. 2d 932, 762 N. Y. S. 2d 892.

No. 03-1060. *WILLIAMS ET AL. v. GALVESTON INDEPENDENT SCHOOL DISTRICT*. C. A. 5th Cir. Certiorari denied. Reported below: 78 Fed. Appx. 946.

No. 03-1064. *NESBIT v. GEARS UNLIMITED, INC.* C. A. 3d Cir. Certiorari denied. Reported below: 347 F. 3d 72.

No. 03-1065. *STEINBRECHER v. STEINBRECHER*. Ct. App. Tex., 3d Dist. Certiorari denied.

No. 03-1067. *MEDICAL INSTRUMENTATION & DIAGNOSTICS CORP. v. ELEKTA AB ET AL.* C. A. Fed. Cir. Certiorari denied. Reported below: 344 F. 3d 1205.

No. 03-1069. *PEIRCE ET AL. v. MELLON BANK CORP. ET AL.* C. A. 3d Cir. Certiorari denied.

No. 03-1072. *BANK ONE, NA v. WISCONSIN DEPARTMENT OF WORKFORCE DEVELOPMENT*. C. A. 7th Cir. Certiorari denied. Reported below: 345 F. 3d 454.

No. 03-1075. *PIECZENIK v. DYAX CORP.* C. A. Fed. Cir. Certiorari denied. Reported below: 76 Fed. Appx. 293.

March 29, 2004

541 U. S.

No. 03–1076. *WILLIAMS v. MADDI ET AL.* App. Div., Sup. Ct. N. Y., 4th Jud. Dept. Certiorari denied. Reported below: 306 App. Div. 2d 852, 761 N. Y. S. 2d 890.

No. 03–1093. *SHELTON v. SHELTON.* Sup. Ct. Nev. Certiorari denied. Reported below: 119 Nev. 492, 78 P. 3d 507.

No. 03–1105. *BROWN ET UX. v. TURNER ET UX.* C. A. 3d Cir. Certiorari denied. Reported below: 76 Fed. Appx. 471.

No. 03–1106. *FAIRFAX REALTY, INC., ET AL. v. SMITH ET AL.* Sup. Ct. Utah. Certiorari denied. Reported below: 82 P. 3d 1064.

No. 03–1132. *DUNLEAVY v. MAINE COMMITTEE ON JUDICIAL RESPONSIBILITY AND DISABILITY.* Sup. Jud. Ct. Me. Certiorari denied. Reported below: 838 A. 2d 338.

No. 03–1141. *GISSLEN v. CITY OF CRYSTAL, MINNESOTA, ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 345 F. 3d 624.

No. 03–1149. *MISEK-FALKOFF ET VIR v. McDONALD ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 63 Fed. Appx. 551.

No. 03–1154. *SEARS v. PRINCIPI, SECRETARY OF VETERANS AFFAIRS.* C. A. Fed. Cir. Certiorari denied. Reported below: 349 F. 3d 1326.

No. 03–1155. *GRACIA ET AL. v. PEREZ-GUZMAN ET AL.* C. A. 1st Cir. Certiorari denied. Reported below: 346 F. 3d 229.

No. 03–1232. *VALLADARES-HELGUERA v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 78 Fed. Appx. 232.

No. 03–1233. *WHEELER ET AL. v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 79 Fed. Appx. 656.

No. 03–1241. *HARRELSON v. UNITED STATES.* C. A. 5th Cir. Certiorari denied.

No. 03–7686. *O’NEAL v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 55 Fed. Appx. 461.

541 U.S.

March 29, 2004

No. 03-7760. *DALLIO v. SPITZER, ATTORNEY GENERAL OF NEW YORK, ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 343 F. 3d 553.

No. 03-8046. *BURGESS v. WISCONSIN.* Sup. Ct. Wis. Certiorari denied. Reported below: 262 Wis. 2d 354, 665 N.W. 2d 124.

No. 03-8419. *WRIGHT v. CROSBY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* Sup. Ct. Fla. Certiorari denied. Reported below: 857 So. 2d 861.

No. 03-8518. *RIVERS v. PENNSYLVANIA.* C. A. 3d Cir. Certiorari denied.

No. 03-8527. *REESE v. BUTLER, WARDEN.* C. A. 9th Cir. Certiorari denied.

No. 03-8544. *TERRY v. LAFLER, WARDEN.* C. A. 6th Cir. Certiorari denied. Reported below: 79 Fed. Appx. 128.

No. 03-8547. *ESTRADA v. DRETKE, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION.* C. A. 5th Cir. Certiorari denied. Reported below: 77 Fed. Appx. 705.

No. 03-8558. *CHAUDHARY v. CLARKE, WARDEN.* C. A. 9th Cir. Certiorari denied. Reported below: 79 Fed. Appx. 952.

No. 03-8567. *OFFORD v. CAIN, WARDEN.* C. A. 5th Cir. Certiorari denied.

No. 03-8570. *REDDING v. WORKMAN, WARDEN.* C. A. 10th Cir. Certiorari denied.

No. 03-8574. *PFINGSTEN v. KEMNA, SUPERINTENDENT, CROSSROADS CORRECTIONAL CENTER.* C. A. 8th Cir. Certiorari denied.

No. 03-8577. *AMICK v. DORMIRE, SUPERINTENDENT, MISSOURI STATE PENITENTIARY, ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 78 Fed. Appx. 554.

No. 03-8579. *BURR v. STATE OF TEXAS COURT ET AL.* C. A. 5th Cir. Certiorari denied.

No. 03-8585. *ALDER v. CORRECTIONAL MEDICAL SERVICES ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 73 Fed. Appx. 839.

March 29, 2004

541 U. S.

No. 03–8587. *OGUNJOBI-YOBO v. DEKALB COUNTY, GEORGIA*. C. A. 11th Cir. Certiorari denied. Reported below: 82 Fed. Appx. 223.

No. 03–8589. *PREYER v. HALL, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 03–8595. *CALTABIANO v. TOWNSHIP OF GLOUCESTER, NEW JERSEY*. Super. Ct. N. J., App. Div. Certiorari denied.

No. 03–8596. *ERBY v. CARUSO, DIRECTOR, MICHIGAN DEPARTMENT OF CORRECTIONS*. C. A. 6th Cir. Certiorari denied.

No. 03–8597. *PARKER v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 331 Ill. App. 3d 1132, 835 N. E. 2d 467.

No. 03–8599. *BENNETT v. LOUISIANA*. Ct. App. La., 1st Cir. Certiorari denied. Reported below: 837 So. 2d 765.

No. 03–8607. *OCHOA v. JAMROG, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 03–8608. *WELDY v. INDIANA*. Ct. App. Ind. Certiorari denied. Reported below: 794 N. E. 2d 1167.

No. 03–8609. *VALLE v. CROSBY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS*. Sup. Ct. Fla. Certiorari denied. Reported below: 859 So. 2d 516.

No. 03–8612. *KATTICK v. CROSBY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS*. C. A. 11th Cir. Certiorari denied.

No. 03–8617. *DAVIS v. ATKINSON, SHERIFF, SEBASTIAN COUNTY, ARKANSAS, ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 73 Fed. Appx. 903.

No. 03–8623. *LENNON v. STONE*. Ct. App. Cal., 4th App. Dist. Certiorari denied.

No. 03–8625. *MCCOY v. YARBOROUGH, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 03–8627. *GRAHAM v. GALAZA, WARDEN*. C. A. 9th Cir. Certiorari denied. Reported below: 78 Fed. Appx. 17.

541 U.S.

March 29, 2004

No. 03-8640. *THANH PHUONG NGUYEN v. PHILLIPS ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 69 Fed. Appx. 358.

No. 03-8641. *ALLEY v. BELL, WARDEN.* C. A. 6th Cir. Certiorari denied. Reported below: 307 F. 3d 380.

No. 03-8643. *WEAVER v. JOHNSON, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS.* C. A. 4th Cir. Certiorari denied. Reported below: 61 Fed. Appx. 885.

No. 03-8646. *PARKS v. CITY OF CHATTANOOGA, TENNESSEE, ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 74 Fed. Appx. 432.

No. 03-8651. *WILSON v. DRETKE, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION.* C. A. 5th Cir. Certiorari denied.

No. 03-8652. *TAYLOR v. JONES, WARDEN.* C. A. 6th Cir. Certiorari denied.

No. 03-8665. *WILLIAMS v. OHIO.* Ct. App. Ohio, Lucas County. Certiorari denied. Reported below: 149 Ohio App. 3d 434, 777 N. E. 2d 892.

No. 03-8687. *TILLER v. GEORGIA.* C. A. 11th Cir. Certiorari denied.

No. 03-8694. *FITTEN v. CHATTANOOGA-HAMILTON COUNTY HOSPITAL AUTHORITY.* C. A. 6th Cir. Certiorari denied. Reported below: 75 Fed. Appx. 384.

No. 03-8756. *JONES v. UNIVERSITY OF CENTRAL FLORIDA.* C. A. 11th Cir. Certiorari denied. Reported below: 85 Fed. Appx. 727.

No. 03-8795. *JACKSON v. FRANK, SECRETARY, WISCONSIN DEPARTMENT OF CORRECTIONS.* C. A. 7th Cir. Certiorari denied. Reported below: 348 F. 3d 658.

No. 03-8800. *KRAY v. WASHINGTON.* Ct. App. Wash. Certiorari denied. Reported below: 114 Wash. App. 1052.

No. 03-8825. *VORAVONGSA v. WALL, DIRECTOR, RHODE ISLAND DEPARTMENT OF CORRECTIONS.* C. A. 1st Cir. Certiorari denied. Reported below: 349 F. 3d 1.

March 29, 2004

541 U. S.

No. 03–8833. *PALLADINO v. PERLMAN*, SUPERINTENDENT, MOHAWK CORRECTIONAL FACILITY. C. A. 2d Cir. Certiorari denied.

No. 03–8879. *SCOTT v. LINDSEY*, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 03–8885. *WILLIAMS v. AVIALL SERVICES INC.* C. A. 5th Cir. Certiorari denied. Reported below: 76 Fed. Appx. 534.

No. 03–8916. *RHODES v. ILLINOIS*. App. Ct. Ill., 5th Dist. Certiorari denied.

No. 03–8937. *HORNE v. POTTER*, POSTMASTER GENERAL. C. A. 11th Cir. Certiorari denied. Reported below: 76 Fed. Appx. 282.

No. 03–8954. *PHILLIPS v. MISSOURI*. Ct. App. Mo., Southern Dist. Certiorari denied.

No. 03–8973. *MURILLO-CONTRERAS*, AKA MARTINEZ-BRAVO, AKA CONTRERAS MURILLO *v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 81 Fed. Appx. 690.

No. 03–8986. *BOYER v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 77 Fed. Appx. 508.

No. 03–8990. *WILSON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 03–8994. *CUEVAS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 82 Fed. Appx. 546.

No. 03–8999. *BENNETT v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 70 Fed. Appx. 314.

No. 03–9001. *STERLING v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 03–9008. *MAXWELL v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 65 Fed. Appx. 911.

No. 03–9014. *CHARLES v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 88 Fed. Appx. 386.

541 U.S.

March 29, 2004

No. 03–9015. *CIANCAGLINI v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 349 F. 3d 144.

No. 03–9019. *GATES v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 85 Fed. Appx. 875.

No. 03–9022. *HOLT v. FLEMING, WARDEN*. C. A. 5th Cir. Certiorari denied. Reported below: 72 Fed. Appx. 966.

No. 03–9024. *FLOWERS v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 81 Fed. Appx. 877.

No. 03–9025. *HOFFMAN v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 81 Fed. Appx. 202.

No. 03–9027. *WALL v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 349 F. 3d 18.

No. 03–9028. *WILLIAMS v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 81 Fed. Appx. 890.

No. 03–9035. *GIL v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 03–9040. *OUTLEY v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 348 F. 3d 476.

No. 03–9041. *MCARTHUR v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 88 Fed. Appx. 391.

No. 03–9042. *MORALES-MADERA v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 352 F. 3d 1.

No. 03–9044. *VARGAS-DURAN v. UNITED STATES*; *MORALES-VEGA v. UNITED STATES*; and *LOZANO-SALAZAR v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 356 F. 3d 598 (first judgment); 81 Fed. Appx. 485 (second judgment); 82 Fed. Appx. 924 (third judgment).

No. 03–9047. *STOKES v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 91 Fed. Appx. 655.

No. 03–9048. *SHRYOCK ET AL. v. UNITED STATES*; and
No. 03–9159. *THERRIEN ET AL. v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 342 F. 3d 948.

March 29, 2004

541 U.S.

No. 03–9055. *BECERRA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 84 Fed. Appx. 902.

No. 03–9056. *GRANDISON v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 85 Fed. Appx. 878.

No. 03–9058. *GRESHAM v. MILES, WARDEN*. C. A. 5th Cir. Certiorari denied. Reported below: 82 Fed. Appx. 396.

No. 03–9060. *HUPP v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 79 Fed. Appx. 142.

No. 03–9064. *HALEY v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 74 Fed. Appx. 271.

No. 03–9065. *GADSON v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 80 Fed. Appx. 292.

No. 03–9066. *GAINES v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 87 Fed. Appx. 712.

No. 03–9068. *FLEMING v. BROOKS, WARDEN*. C. A. 4th Cir. Certiorari denied. Reported below: 57 Fed. Appx. 177.

No. 03–9074. *STOSSEL v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 348 F. 3d 1320.

No. 03–9079. *WARDRICK v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 350 F. 3d 446.

No. 03–9080. *ZEPEDA-OROZCO v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 82 Fed. Appx. 189.

No. 03–9085. *FIELDS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 03–9088. *GIBSON v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 03–9089. *GRAHAM v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 82 Fed. Appx. 214.

No. 03–9091. *BURKE v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 345 F. 3d 416.

No. 03–9094. *GRAHAM v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

541 U.S.

March 29, 2004

No. 03–9099. *LANG v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 76 Fed. Appx. 30.

No. 03–9101. *ORRIS v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 86 Fed. Appx. 82.

No. 03–9102. *MORA v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 88 Fed. Appx. 385.

No. 03–9107. *BONSU v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 336 F. 3d 582.

No. 03–9108. *RIVERA v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

No. 03–9109. *ATKINSON v. DEWALT, WARDEN*. C. A. 4th Cir. Certiorari denied. Reported below: 77 Fed. Appx. 647.

No. 03–9112. *BROWN v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 80 Fed. Appx. 895.

No. 03–9115. *MASSEY v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 79 Fed. Appx. 832.

No. 03–9119. *CURTIS v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 9th Cir. Certiorari denied. Reported below: 73 Fed. Appx. 200.

No. 03–9125. *WASHINGTON v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 78 Fed. Appx. 226.

No. 03–9129. *ISAACS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 75 Fed. Appx. 917.

No. 03–9132. *GIDA v. UNITED STATES*. Ct. App. D. C. Certiorari denied. Reported below: 823 A. 2d 538.

No. 03–9136. *CAMPA-FABELA v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 339 F. 3d 993.

No. 03–9138. *CAVE v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 03–9144. *GIBSON v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 03–9146. *GORMLEY v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 65 Fed. Appx. 502.

March 29, 2004

541 U. S.

No. 03–9148. *BERRY v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 73 Fed. Appx. 268.

No. 03–9153. *GUEREC A v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 71 Fed. Appx. 681.

No. 03–9155. *GILLETTE v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 83 Fed. Appx. 864.

No. 03–9156. *GILLON v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 348 F. 3d 755.

No. 03–9157. *FULLER v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 77 Fed. Appx. 371.

No. 03–9164. *ZAUCEDA-LOPEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 83 Fed. Appx. 613.

No. 03–9173. *LEINENBACH, AKA NELSON v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

No. 03–9179. *MIRANDA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 81 Fed. Appx. 499.

No. 03–9182. *MANGAL v. UNITED STATES*. Ct. App. D. C. Certiorari denied. Reported below: 841 A. 2d 8.

No. 03–9184. *PEREZ v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 92 Fed. Appx. 780.

No. 03–9185. *ORTUNO v. GERLINSKI, WARDEN, ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 65 Fed. Appx. 874.

No. 03–9196. *ABRAHAM v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 03–1014. *ELI LILLY & Co. v. BOARD OF REGENTS OF THE UNIVERSITY OF WASHINGTON*. C. A. Fed. Cir. Certiorari denied. JUSTICE O’CONNOR took no part in the consideration or decision of this petition. Reported below: 334 F. 3d 1264.

No. 03–1077. *THOMAS v. WAL-MART STORES, INC.; and MONTAGUE v. ASPLUNDH TREE EXPERT Co.* C. A. 11th Cir. Certiorari denied. JUSTICE BREYER took no part in the consideration or decision of this petition. Reported below: 85 Fed. Appx. 193 (second judgment); 87 Fed. Appx. 714 (first judgment).

541 U.S.

March 29, 31, 2004

No. 03–1173. *MASON v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. JUSTICE BREYER took no part in the consideration or decision of this petition. Reported below: 73 Fed. Appx. 967.

No. 03–9577 (03A812). *WICKLINE v. MITCHELL, WARDEN*. C. A. 6th Cir. Application for stay of execution of sentence of death, presented to JUSTICE STEVENS, and by him referred to the Court, denied. Certiorari denied.

Rehearing Denied

No. 03–7024. *HARRIS v. UNITED STATES*, 540 U.S. 1062;

No. 03–7055. *CLAIBORNE v. HENDERSON ET AL.*, 540 U.S. 1116;

No. 03–7075. *GARNETT v. PAYNE ET AL.*, 540 U.S. 1117;

No. 03–7094. *BROOKS v. NIX, CHAIRMAN, GEORGIA BOARD OF PARDONS AND PAROLES, ET AL.*, 540 U.S. 1118;

No. 03–7211. *SMITH v. DRETKE, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*, 540 U.S. 1120;

No. 03–7352. *CHUA-ZULUETA v. ASHCROFT, ATTORNEY GENERAL*, 540 U.S. 1124;

No. 03–7426. *HENDROCK v. GILBERT*, 540 U.S. 1152;

No. 03–7532. *ATKINSON v. UNITED STATES*, 540 U.S. 1127;

No. 03–7533. *LUCZAK v. MOTE, WARDEN*, 540 U.S. 1154;

No. 03–7847. *WATSON v. OHIO*, 540 U.S. 1165; and

No. 03–7898. *SLATER v. UNITED STATES*, 540 U.S. 1140. Petitions for rehearing denied.

MARCH 31, 2004

Miscellaneous Orders

No. 03A826. *ORBE v. JOHNSON, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS, ET AL.* Application for stay of execution of sentence of death, presented to THE CHIEF JUSTICE, and by him referred to the Court, denied.

No. 03A827. *ORBE v. JOHNSON, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS, ET AL.* Application for stay of execution of sentence of death, presented to THE CHIEF JUSTICE, and by him referred to the Court, denied.

March 31, April 5, 2004

541 U. S.

Certiorari Denied

No. 03–9579 (03A815). *ORBE v. TRUE, WARDEN*. C. A. 4th Cir. Application for stay of execution of sentence of death, presented to THE CHIEF JUSTICE, and by him referred to the Court, denied. JUSTICE STEVENS and JUSTICE GINSBURG would grant the application for stay of execution. Reported below: 82 Fed. Appx. 802.

APRIL 5, 2004

Certiorari Granted—Vacated and Remanded

No. 02–1270. *PERLMAN v. DEPARTMENT OF JUSTICE*. C. A. 2d Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *National Archives and Records Admin. v. Favish*, ante, p. 157. Reported below: 312 F. 3d 100.

No. 02–5651. *OGUAJU v. UNITED STATES MARSHALS SERVICE*. C. A. D. C. Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *National Archives and Records Admin. v. Favish*, ante, p. 157. Reported below: 288 F. 3d 448.

Certiorari Granted—Remanded

No. 02–599. *ANTHONY ET AL. v. FAVISH ET AL.* C. A. 9th Cir. The Court reversed the judgment below in *National Archives and Records Admin. v. Favish*, ante, p. 157. Therefore, certiorari granted, and case remanded to the Court of Appeals to enter appropriate orders as may be necessary. Reported below: 37 Fed. Appx. 863.

Certiorari Dismissed

No. 03–8716. *SIEGEL v. ARLINGTON COUNTY DEPARTMENT OF COMMUNITY PLANNING HOUSING AND DEVELOPMENT ET AL.* C. A. 4th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8. Reported below: 79 Fed. Appx. 571.

No. 03–8771. *COHEA v. CALIFORNIA*. Sup. Ct. Cal. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8. As petitioner has repeatedly abused this Court's process, the Clerk is directed

541 U.S.

April 5, 2004

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*). JUSTICE STEVENS dissents. See *id.*, at 4, and cases cited therein.

No. 03–9057. *HOOD v. DOTSON, WARDEN*. C. A. 4th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court’s Rule 39.8. Reported below: 69 Fed. Appx. 648.

Miscellaneous Orders

No. 03M58. *BAUTISTA v. LOCKYER, ATTORNEY GENERAL OF CALIFORNIA, ET AL.*;

No. 03M59. *SULLIVAN v. UNITED STATES*; and

No. 03M61. *JAMES v. ALLEN, SUPERINTENDENT, MASSACHUSETTS CORRECTIONAL INSTITUTION AT CEDAR JUNCTION*. Motions to direct the Clerk to file petitions for writs of certiorari out of time denied.

No. 03M60. *CREVELING v. MOHAVE COUNTY, ARIZONA, ET AL.* Motion for leave to proceed *in forma pauperis* with the declaration of indigency under seal denied.

No. 03–475. *CHENEY, VICE PRESIDENT OF THE UNITED STATES, ET AL. v. UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA ET AL.* C. A. D. C. Cir. [Certiorari granted, 540 U.S. 1088.] Motion of respondent Judicial Watch, Inc., for divided argument granted.

No. 03–724. *F. HOFFMANN-LA ROCHE LTD ET AL. v. EMPAGRAN S. A. ET AL.* C. A. D. C. Cir. [Certiorari granted, 540 U.S. 1088.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted. JUSTICE O’CONNOR took no part in the consideration or decision of this motion.

No. 03–8748. *RAAFLAUB v. GRIEVANCE ADMINISTRATOR, ATTORNEY GRIEVANCE COMMISSION OF MICHIGAN*. Sup. Ct. Mich. Motion of petitioner for leave to proceed *in forma pauperis* denied. Petitioner is allowed until April 26, 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.

April 5, 2004

541 U. S.

No. 03-9332. IN RE KASHOGGI, FKA STERLING, ET AL.;
No. 03-9383. IN RE SMITH; and
No. 03-9415. IN RE BELSER. Petitions for writs of habeas corpus denied.

No. 03-8959. IN RE ROBERSON. Petition for writ of mandamus and/or prohibition denied.

Certiorari Granted

No. 03-725. PASQUANTINO ET AL. *v.* UNITED STATES. C. A. 4th Cir. Certiorari granted. Reported below: 336 F. 3d 321.

No. 03-923. ILLINOIS *v.* CABALLES. Sup. Ct. Ill. Certiorari granted. Reported below: 207 Ill. 2d 504, 802 N. E. 2d 202.

Certiorari Denied

No. 02-409. FAVISH *v.* NATIONAL ARCHIVES AND RECORDS ADMINISTRATION ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 37 Fed. Appx. 863.

No. 03-637. NEWDUNN ASSOCIATES, LLP, ET AL. *v.* UNITED STATES ARMY CORPS OF ENGINEERS. C. A. 4th Cir. Certiorari denied. Reported below: 344 F. 3d 407.

No. 03-701. DEATON ET UX. *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 332 F. 3d 698.

No. 03-784. HOOTS ET AL. *v.* K. B. ET AL. Sup. Ct. N. D. Certiorari denied. Reported below: 663 N. W. 2d 625.

No. 03-898. ORTIZ VELEZ, MAYOR OF SABANA GRANDE, PUERTO RICO, ET AL. *v.* RIVERA-TORRES ET AL. C. A. 1st Cir. Certiorari denied. Reported below: 341 F. 3d 86.

No. 03-929. RAPANOS *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 339 F. 3d 447.

No. 03-934. MERLE ET AL. *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 351 F. 3d 92.

No. 03-938. CHRISTIAN, INDIVIDUALLY AND ON BEHALF OF ALL OTHERS SIMILARLY SITUATED *v.* UNITED STATES. C. A. Fed. Cir. Certiorari denied. Reported below: 337 F. 3d 1338.

541 U.S.

April 5, 2004

No. 03-948. *SMITH v. JONES ET AL.* C. A. 11th Cir. Certiorari denied.

No. 03-949. *ANHEUSER-BUSCH, INC. v. NATIONAL LABOR RELATIONS BOARD.* C. A. 4th Cir. Certiorari denied. Reported below: 338 F. 3d 267.

No. 03-1025. *HALLIBURTON ENERGY SERVICES, INC. v. BJ SERVICES Co.* C. A. Fed. Cir. Certiorari denied. Reported below: 338 F. 3d 1368.

No. 03-1044. *OWNER-OPERATOR INDEPENDENT DRIVERS ASSN., INC., ET AL. v. NEW PRIME, INC., DBA PRIME, INC., ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 339 F. 3d 1001.

No. 03-1083. *ST. VINCENT MEDICAL CENTER ET AL. v. SERVICE EMPLOYEES INTERNATIONAL UNION ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 344 F. 3d 977.

No. 03-1084. *ROLE v. ATCO PRODUCTS, INC.* C. A. 3d Cir. Certiorari denied. Reported below: 85 Fed. Appx. 873.

No. 03-1086. *SHR LTD. PARTNERSHIP v. MERCURY EXPLORATION Co. ET AL.* Ct. App. Mich. Certiorari denied.

No. 03-1094. *GENERAL MILLS, INC., ET AL. v. COMMISSIONER OF REVENUE OF MASSACHUSETTS.* Sup. Jud. Ct. Mass. Certiorari denied. Reported below: 440 Mass. 154, 795 N. E. 2d 552.

No. 03-1095. *ANDREWS v. ANDREWS.* Super. Ct. Ariz., County of Maricopa. Certiorari denied.

No. 03-1100. *JONES, DBA MELDER PUBLISHING Co. v. HAWKINS ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 74 Fed. Appx. 391.

No. 03-1101. *CORY v. FAHLSTROM ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 80 Fed. Appx. 656.

No. 03-1107. *CENTER FOR FAIR PUBLIC POLICY ET AL. v. MARICOPA COUNTY, ARIZONA, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 336 F. 3d 1153.

No. 03-1112. *EDLUND v. UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MINNESOTA.* C. A. 8th Cir. Certiorari denied.

April 5, 2004

541 U. S.

No. 03–1113. *COLWELL v. COLLINS, WARDEN*. C. A. 6th Cir. Certiorari denied. Reported below: 79 Fed. Appx. 89.

No. 03–1115. *MALLOY v. TELEPHONICS CORP.* C. A. 3d Cir. Certiorari denied. Reported below: 68 Fed. Appx. 270.

No. 03–1121. *TWIN LAKES DEVELOPMENT CORP. v. TOWN OF MONROE, NEW YORK*. Ct. App. N. Y. Certiorari denied. Reported below: 1 N. Y. 3d 98, 801 N. E. 2d 821.

No. 03–1122. *MERCER v. TEXAS*. Ct. App. Tex., 5th Dist. Certiorari denied.

No. 03–1123. *ARMENDARIZ v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied. Reported below: 123 S. W. 3d 401.

No. 03–1124. *TENNESSEE v. MORAN GARCIA*. Sup. Ct. Tenn. Certiorari denied. Reported below: 123 S. W. 3d 335.

No. 03–1127. *VAN POYCK v. CROSBY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS*. Sup. Ct. Fla. Certiorari denied. Reported below: 860 So. 2d 980.

No. 03–1134. *HIGHWAY J CITIZENS GROUP, U. A. v. MINETA, SECRETARY OF TRANSPORTATION, ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 349 F. 3d 938.

No. 03–1142. *GONZALEZ ET VIR v. METROPOLITAN TRANSPORTATION AUTHORITY ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 73 Fed. Appx. 986.

No. 03–1146. *SKIPPY INC. v. LIPTON INVESTMENTS, INC., ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 74 Fed. Appx. 291.

No. 03–1148. *MCCOWN v. ST. JOHN'S HEALTH SYSTEM, INC., ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 349 F. 3d 540.

No. 03–1156. *CITIZENS FOR SAFER COMMUNITIES v. NORTON, SECRETARY OF THE INTERIOR, ET AL.* C. A. D. C. Cir. Certiorari denied. Reported below: 348 F. 3d 1020.

No. 03–1168. *BATTLE v. POSTON, JUDGE, CIRCUIT COURT OF VIRGINIA, CITY OF NORFOLK, ET AL.* Sup. Ct. Va. Certiorari denied.

541 U.S.

April 5, 2004

No. 03-1169. *KENNEDY ET AL. v. VENROCK ASSOCIATES ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 348 F. 3d 584.

No. 03-1225. *J. H. ET AL., BY AND THROUGH THEIR FATHER, HIGGIN v. JOHNSON ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 346 F. 3d 788.

No. 03-1227. *PO KEE WONG v. PATENT AND TRADEMARK OFFICE, BOARD OF PATENT APPEALS AND INTERFERENCES.* C. A. Fed. Cir. Certiorari denied. Reported below: 80 Fed. Appx. 107.

No. 03-1236. *DILLARD v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. Reported below: 78 Fed. Appx. 505.

No. 03-1239. *FACONTI v. POTTER, POSTMASTER GENERAL.* C. A. 2d Cir. Certiorari denied. Reported below: 77 Fed. Appx. 68.

No. 03-7719. *FLOM v. UNITED STATES;* and

No. 03-7748. *ALLEN ET AL. v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 341 F. 3d 870.

No. 03-7726. *BOOTHE v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. Reported below: 335 F. 3d 522.

No. 03-7884. *YOUNG v. UNITED STATES.* Ct. App. D. C. Certiorari denied. Reported below: 822 A. 2d 1113.

No. 03-7895. *MORGAN v. JONES, WARDEN.* C. A. 6th Cir. Certiorari denied.

No. 03-7949. *HOGAN v. EPPS, COMMISSIONER, MISSISSIPPI DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 70 Fed. Appx. 209.

No. 03-7975. *FENNIE v. FLORIDA ET AL.* Sup. Ct. Fla. Certiorari denied. Reported below: 855 So. 2d 597.

No. 03-7995. *JONES v. CALIFORNIA.* Sup. Ct. Cal. Certiorari denied. Reported below: 30 Cal. 4th 1084, 70 P. 3d 359.

No. 03-8055. *BRYAN v. MULLIN, WARDEN.* C. A. 10th Cir. Certiorari denied. Reported below: 335 F. 3d 1207.

No. 03-8601. *SANFORD v. ILLINOIS.* App. Ct. Ill., 5th Dist. Certiorari denied.

April 5, 2004

541 U. S.

No. 03–8633. *HARLOW v. BLAINE ET AL.* C. A. 1st Cir. Certiorari denied.

No. 03–8645. *HILL v. MICHIGAN ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 62 Fed. Appx. 114.

No. 03–8655. *FLORES v. DRETKE, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION.* C. A. 5th Cir. Certiorari denied. Reported below: 82 Fed. Appx. 92.

No. 03–8657. *HAMILTON v. CALIFORNIA.* Sup. Ct. Cal. Certiorari denied.

No. 03–8658. *HEUSS v. CROSBY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS.* C. A. 11th Cir. Certiorari denied. Reported below: 87 Fed. Appx. 712.

No. 03–8669. *COLBERT v. ALAMEIDA, DIRECTOR, CALIFORNIA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 71 Fed. Appx. 674.

No. 03–8677. *WALKER v. CASTRO, WARDEN.* C. A. 9th Cir. Certiorari denied.

No. 03–8681. *NEALY v. DRETKE, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION.* C. A. 5th Cir. Certiorari denied.

No. 03–8683. *CERNIGLIA v. DEMORALES, EXECUTIVE DIRECTOR, ATASCADERO STATE HOSPITAL, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 03–8685. *HISTON v. CALIFORNIA.* Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 03–8686. *HOBLEY v. BODDIE-NOELL ENTERPRISES, INC.* C. A. 4th Cir. Certiorari denied. Reported below: 68 Fed. Appx. 482.

No. 03–8688. *WILLIAMS v. ROWLEY, SUPERINTENDENT, NORTHEAST CORRECTIONAL CENTER.* C. A. 8th Cir. Certiorari denied.

No. 03–8689. *WALKER v. DRETKE, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION.* C. A. 5th Cir. Certiorari denied.

541 U.S.

April 5, 2004

No. 03–8690. *LUCZAK v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied.

No. 03–8691. *HARVEY v. GARCIA, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 03–8697. *REMOI v. NEW JERSEY ET AL.* C. A. 3d Cir. Certiorari denied.

No. 03–8698. *RILEY v. PAPPERT, ATTORNEY GENERAL OF PENNSYLVANIA, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 03–8704. *KALSKI v. CALIFORNIA ASSOCIATION OF PROFESSIONAL EMPLOYEES ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 81 Fed. Appx. 663.

No. 03–8706. *BAHODA v. MICHIGAN*. Cir. Ct. Oakland County, Mich. Certiorari denied.

No. 03–8714. *MOSS v. MCKUNE, WARDEN, ET AL.* C. A. 10th Cir. Certiorari denied.

No. 03–8718. *CURRY v. ADAM’S MARK HOTEL*. C. A. 10th Cir. Certiorari denied. Reported below: 79 Fed. Appx. 399.

No. 03–8737. *SANITATE v. GILHOOLEY ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 85 Fed. Appx. 874.

No. 03–8740. *LLOYD ET UX. v. BAKER ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 75 Fed. Appx. 983.

No. 03–8741. *BAPTISTE v. HICKS, WARDEN*. C. A. 11th Cir. Certiorari denied.

No. 03–8744. *BEY v. TRABOSH, JUDGE, MUNICIPAL COURT, GLOUCESTER TOWNSHIP, NEW JERSEY, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 03–8752. *BLANDON v. RUNNELS, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 03–8757. *SIMON v. MISSISSIPPI*. Sup. Ct. Miss. Certiorari denied. Reported below: 857 So. 2d 668.

No. 03–8759. *CONDE v. FLORIDA*. Sup. Ct. Fla. Certiorari denied. Reported below: 860 So. 2d 930.

April 5, 2004

541 U. S.

No. 03–8763. *MOORE v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied.

No. 03–8764. *ARVISO v. ARIZONA*. Super. Ct. Ariz., County of Maricopa. Certiorari denied.

No. 03–8770. *DORSEY v. NEVADA*. C. A. 9th Cir. Certiorari denied.

No. 03–8772. *DOVE v. DONNELLY, SUPERINTENDENT, WENDE CORRECTIONAL FACILITY*. C. A. 2d Cir. Certiorari denied.

No. 03–8812. *JACKSON v. NEW JERSEY DEPARTMENT OF HUMAN SERVICES, DIVISION OF DEVELOPMENTAL DISABILITIES*. Super. Ct. N. J., App. Div. Certiorari denied.

No. 03–8813. *WOODS v. ROMANOWSKI, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 03–8816. *HARBISON v. BELL, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 03–8840. *CROWLEY v. ILLINOIS*. App. Ct. Ill., 2d Dist. Certiorari denied.

No. 03–8862. *JONES v. LOWE ET AL.* C. A. 4th Cir. Certiorari denied.

No. 03–8866. *THOMAS v. HOLMES, DISTRICT DIRECTOR, IMMIGRATION AND NATURALIZATION SERVICE, ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 77 Fed. Appx. 538.

No. 03–8868. *BOGGS v. WEST VIRGINIA*. Cir. Ct. Wood County, W. Va. Certiorari denied.

No. 03–8881. *ALVES RODRIGUES v. ASHCROFT, ATTORNEY GENERAL*. C. A. 5th Cir. Certiorari denied.

No. 03–8905. *RONDEAU v. RONDEAU*. Sup. Ct. N. H. Certiorari denied.

No. 03–8921. *WRIGHT v. SACCHET, WARDEN, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 73 Fed. Appx. 659.

No. 03–8930. *BANCROFT v. MAINE*. Sup. Jud. Ct. Me. Certiorari denied.

541 U.S.

April 5, 2004

No. 03–8944. *ROYSTER v. HARKLEROAD*, SUPERINTENDENT, MARION CORRECTIONAL INSTITUTION. C. A. 4th Cir. Certiorari denied. Reported below: 80 Fed. Appx. 822.

No. 03–8949. *CYR v. CROSBY*, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Certiorari denied.

No. 03–8951. *CALDERON v. CASTRO*, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 78 Fed. Appx. 621.

No. 03–8971. *BRADFORD v. RUNNELS*, WARDEN, ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 73 Fed. Appx. 929.

No. 03–9000. *KUNCO v. PAPPERT*, ATTORNEY GENERAL OF PENNSYLVANIA, ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 85 Fed. Appx. 819.

No. 03–9020. *HAMILTON v. KENTUCKY*. Ct. App. Ky. Certiorari denied.

No. 03–9030. *HAYES v. GEMMA POWER SYSTEM, LLC*, ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 78 Fed. Appx. 302.

No. 03–9031. *HOLMES v. OZMINT*, DIRECTOR, SOUTH CAROLINA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 82 Fed. Appx. 80.

No. 03–9032. *HOLMES v. CRAWFORD*, DIRECTOR, NEVADA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 73 Fed. Appx. 297.

No. 03–9051. *SZWEDO v. UNITED STATES ET AL.* C. A. 8th Cir. Certiorari denied.

No. 03–9053. *MINCER v. WHITMORE*, ACTING ADMINISTRATOR, SMALL BUSINESS ADMINISTRATION. C. A. D. C. Cir. Certiorari denied.

No. 03–9078. *THIEFAULT v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 88 Fed. Appx. 389.

No. 03–9149. *REDMOND v. CLARKE*, DIRECTOR, NEBRASKA DEPARTMENT OF CORRECTIONAL SERVICES, ET AL. C. A. 8th Cir. Certiorari denied.

April 5, 2004

541 U. S.

No. 03–9150. FRANCISCO GRANADOS, AKA GRANADOS *v.* NEVADA. Sup. Ct. Nev. Certiorari denied.

No. 03–9166. MILLER *v.* MCBRIDE, WARDEN. Cir. Ct. Raleigh County, W. Va. Certiorari denied.

No. 03–9175. PINET *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied.

No. 03–9186. SOLANO *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 82 Fed. Appx. 563.

No. 03–9188. RODRIGUEZ *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 03–9194. LENDMAN *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied.

No. 03–9195. COLEMAN *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 81 Fed. Appx. 486.

No. 03–9199. SANDS *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied.

No. 03–9201. PERKINS *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 352 F. 3d 198.

No. 03–9209. SANCHEZ *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied.

No. 03–9210. SIMPSON *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 82 Fed. Appx. 218.

No. 03–9212. PRINCE *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 03–9213. BOLIVAR *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 90 Fed. Appx. 153.

No. 03–9214. BAUCUM *v.* UNITED STATES. Ct. App. D. C. Certiorari denied. Reported below: 820 A. 2d 551.

No. 03–9216. VENTURA *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. Reported below: 353 F. 3d 84.

No. 03–9219. MCBARRON *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 80 Fed. Appx. 341.

541 U.S.

April 5, 2004

No. 03–9224. *AGUILAR v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 83 Fed. Appx. 610.

No. 03–9226. *TORRES v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 03–9231. *ANDERSON v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 03–9232. *SERNA-VILLARREAL v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 352 F. 3d 225.

No. 03–9237. *LOPEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 81 Fed. Appx. 510.

No. 03–9238. *KLECKER v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 348 F. 3d 69.

No. 03–9241. *ADKINS v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 83 Fed. Appx. 701.

No. 03–9242. *DELOSANTOS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 85 Fed. Appx. 398.

No. 03–9250. *STANFIEL v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 82 Fed. Appx. 27.

No. 03–9252. *TUCKER v. UNITED STATES*. C. A. 1st Cir. Certiorari denied.

No. 03–9253. *MAGLALANG v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 85 Fed. Appx. 395.

No. 03–9263. *MASSEY v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 77 Fed. Appx. 596.

No. 03–9264. *LEWIS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 78 Fed. Appx. 622.

No. 03–9266. *KNIGHT v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

No. 03–9269. *WHITFIELD v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 87 Fed. Appx. 713.

No. 03–9272. *RODRIGUEZ v. UNITED STATES*; *GARCIA-GONZALEZ v. UNITED STATES*; *MADRID v. UNITED STATES*; *CARILLO-GALVAN v. UNITED STATES*; *VILLA-NEGRETE v. UNITED*

April 5, 2004

541 U. S.

STATES; and *ACOSTA-ORELLANO v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 82 Fed. Appx. 891 (first judgment) and 961 (sixth judgment); 86 Fed. Appx. 785 (third judgment); 87 Fed. Appx. 396 (fourth judgment), 418 (second judgment), and 951 (fifth judgment).

No. 03–9275. *UNDER SEAL v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 341 F. 3d 331.

No. 03–9277. *NELSON v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 80 Fed. Appx. 636.

No. 03–9281. *WEST v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 03–9288. *CONTRERAS OJEDA v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 88 Fed. Appx. 390.

No. 03–9289. *MEZA-URTADO v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 351 F. 3d 301.

No. 03–9290. *PENA-REYES v. UNITED STATES* (Reported below: 87 Fed. Appx. 930); *SANCHEZ-LOPEZ v. UNITED STATES* (85 Fed. Appx. 363); *TREJO-SEGURA v. UNITED STATES* (83 Fed. Appx. 620); *MARTINEZ-CARRISALES v. UNITED STATES* (85 Fed. Appx. 367); *BELMARES-DELGADO v. UNITED STATES* (82 Fed. Appx. 901); *ANGULO v. UNITED STATES* (83 Fed. Appx. 622); *CORNEJO-ALCAREZ v. UNITED STATES* (82 Fed. Appx. 902); *DE LA GARZA-RODRIGUEZ v. UNITED STATES* (83 Fed. Appx. 623); *QUINTERO-GUEVARA, AKA ACOLTZI-GUEVARA v. UNITED STATES* (82 Fed. Appx. 908); *MALDONADO-GALLEGOS v. UNITED STATES* (82 Fed. Appx. 904); *MALDONADO-GALLEGOS v. UNITED STATES* (83 Fed. Appx. 625); *PEDROZA-SALINAS v. UNITED STATES* (82 Fed. Appx. 923); *MEJIA-CUELLAR v. UNITED STATES* (82 Fed. Appx. 909); *MARTINEZ-ESTRADA v. UNITED STATES* (82 Fed. Appx. 925); *ESPINOSA-HERNANDEZ, AKA ESPINOSA v. UNITED STATES* (82 Fed. Appx. 953); *RESENDEZ-HERNANDEZ, AKA FLORES v. UNITED STATES* (83 Fed. Appx. 626); *ROMERO-MARTINEZ v. UNITED STATES* (82 Fed. Appx. 927); *HERNANDEZ-VELASQUEZ v. UNITED STATES* (82 Fed. Appx. 926); *FRANCISCO-GOMEZ v. UNITED STATES* (84 Fed. Appx. 383); *DELGADO-HERNANDEZ v. UNITED STATES* (87 Fed. Appx. 923); *ARDON, AKA ORTIZ-GONZALEZ v. UNITED STATES* (84 Fed. Appx. 384); *JIMINEZ-MARTINEZ v. UNITED STATES* (82 Fed. Appx. 913); *VELA-*

541 U.S.

April 5, 2004

BECERRA, AKA GARAY, AKA GARAY-RAMIREZ *v.* UNITED STATES (87 Fed. Appx. 423); BARRAZA-PEREZ *v.* UNITED STATES (87 Fed. Appx. 967); and LOEZA-CASTANEDA *v.* UNITED STATES (82 Fed. Appx. 929). C. A. 5th Cir. Certiorari denied.

No. 03–9297. ERVIN *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 88 Fed. Appx. 390.

No. 03–9298. EDMONDSON, AKA MOORER *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 88 Fed. Appx. 390.

No. 03–9299. KIRBY *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 88 Fed. Appx. 380.

No. 03–9300. MARTINEZ-HERNANDEZ, AKA CAMPOS-HERNANDEZ *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 82 Fed. Appx. 889.

No. 03–9319. ALTAMIRANO-VARGAS *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 83 Fed. Appx. 936.

No. 03–918. CHEVY CHASE BANK, F. S. B., ET AL. *v.* WELLS ET AL. Ct. App. Md. Certiorari denied. JUSTICE O'CONNOR took no part in the consideration or decision of this petition. Reported below: 377 Md. 197, 832 A. 2d 812.

No. 03–8848. AVILES *v.* COLORADO. Ct. App. Colo. Motion of petitioner to consolidate case with No. 03–407, *Kowalski, Judge, 26th Judicial Circuit Court of Michigan, et al. v. Tesmer et al.* [certiorari granted, 540 U.S. 1148], denied. Certiorari denied.

Rehearing Denied

No. 03–839. IN RE GENTILUOMO, 540 U.S. 1176;

No. 03–6458. MODENA *v.* UNITED STATES, 540 U.S. 1185;

No. 03–7130. BUTLER *v.* MADISON COUNTY JAIL ET AL., 540 U.S. 1119;

No. 03–7375. ARDOIN *v.* DRETKE, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION, 540 U.S. 1151;

No. 03–7627. KENDRICK *v.* UNITED STATES, 540 U.S. 1133;

No. 03–7693. NEVITT *v.* CHAPEL ET UX. (two judgments), 540 U.S. 1187;

April 5, 14, 16, 19, 2004

541 U. S.

No. 03-7702. *RIVAS v. UNITED STATES*, 540 U. S. 1137;
No. 03-7890. *RIDDICK v. JOHNSON, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS*, 540 U. S. 1192;
No. 03-8052. *PUCKETT v. IDAHO*, 540 U. S. 1198;
No. 03-8283. *DUNLAP v. MICHIGAN*, 540 U. S. 1204; and
No. 03-8409. *IN RE KORNAFEL*, 540 U. S. 1176. Petitions for rehearing denied.

APRIL 14, 2004

Dismissal Under Rule 46

No. 03-9541. *CARDENAS ASPRILLA v. DAVIS, WARDEN*. C. A. 6th Cir. Certiorari dismissed under this Court's Rule 46. Reported below: 83 Fed. Appx. 86.

Certiorari Denied

No. 03-9686 (03A838). *MCWEE v. SOUTH CAROLINA*. Sup. Ct. S. C. Application for stay of execution of sentence of death, presented to THE CHIEF JUSTICE, and by him referred to the Court, denied. Certiorari denied. Reported below: 357 S. C. 403, 593 S. E. 2d 456.

APRIL 16, 2004

Miscellaneous Orders

No. 03-221. *PLILER, WARDEN v. FORD*. C. A. 9th Cir. [Certiorari granted, 540 U. S. 1099.] Motion of Federal Defenders in the Ninth Circuit for leave to file a brief as *amicus curiae* granted. Motion of National Association of Criminal Defense Lawyers for leave to participate in oral argument as *amicus curiae* and for divided argument denied.

No. 03-1027. *RUMSFELD, SECRETARY OF DEFENSE v. PADILLA ET AL.* C. A. 2d Cir. [Certiorari granted, 540 U. S. 1173.] Motion of respondents for divided argument denied.

APRIL 19, 2004

Affirmed on Appeal

No. 03-756. *BARRIENTOS ET AL. v. TEXAS ET AL.* Affirmed on appeal from D. C. S. D. Tex. Reported below: 290 F. Supp. 2d 740.

Certiorari Dismissed

No. 03-9225. *PHELPS v. ASHCROFT, ATTORNEY GENERAL, ET AL.* C. A. 4th Cir. Motion of petitioner for leave to proceed

541 U.S.

April 19, 2004

in forma pauperis denied, and certiorari dismissed. See this Court's Rule 39.8. As 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*). JUSTICE STEVENS dissents. See *id.*, at 4, and cases cited therein. Reported below: 79 Fed. Appx. 606.

Miscellaneous Orders

No. 03A706. *RUSS v. UNITED STATES*. Application for certificate of appealability, addressed to JUSTICE SCALIA and referred to the Court, denied.

No. 03A742. *HICKS v. SMITH, WARDEN*. Application for certificate of appealability, addressed to JUSTICE KENNEDY and referred to the Court, denied.

No. 03A799 (03-1324). *HINKSON v. UNITED STATES*. Application for release, addressed to JUSTICE STEVENS and referred to the Court, denied.

No. D-2375. *IN RE DISCIPLINE OF GATES*. Daniel J. Gates, of Zelienople, Pa., is suspended from the practice of law in this Court, and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. D-2376. *IN RE DISCIPLINE OF GOMEZ*. Mark Andrew Gomez, of Newnan, Ga., is suspended from the practice of law in this Court, and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. 03M62. *ENRIQUEZ v. CASTRO, WARDEN*;

No. 03M63. *DECORSO v. WATCHTOWER BIBLE & TRACT SOCIETY OF NEW YORK, INC., ET AL.*; and

No. 03M64. *TALIANO v. MITCHELL, WARDEN*. Motions to direct the Clerk to file petitions for writs of certiorari out of time denied.

No. 02-10038. *TENNARD v. DRETKE, DIRECTOR, DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*.

April 19, 2004

541 U.S.

C. A. 5th Cir. [Certiorari granted, 540 U.S. 945.] Motion of petitioner for appointment of counsel granted. Richard Burr, Esq., of Houston, Tex., is appointed to serve as counsel for petitioner in this case.

No. 03–878. CRAWFORD, INTERIM FIELD OFFICE DIRECTOR, PORTLAND, IMMIGRATION AND CUSTOMS ENFORCEMENT, ET AL. *v.* SUAREZ MARTINEZ. C. A. 9th Cir. [Certiorari granted, 540 U.S. 1217.] Motion of respondent for appointment of counsel granted. Christine S. Dahl, Esq., of Portland, Ore., is appointed to serve as counsel for respondent in this case.

No. 03–6539. JOHNSON *v.* CALIFORNIA. Sup. Ct. Cal. [Certiorari granted, 540 U.S. 1045.] Motion of petitioner to file supplemental brief after argument granted.

No. 03–8018. SIEGEL *v.* CRESCENT POTOMAC PROPERTIES, LLC, ET AL. Sup. Ct. Va. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [540 U.S. 1174] denied.

No. 03–8342. DARBY *v.* DEPARTMENT OF DEFENSE ET AL. C. A. 9th Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [540 U.S. 1217] denied.

No. 03–8788. MURPHY *v.* WASHINGTON. Ct. App. Wash.; and

No. 03–9011. CORBIN *v.* FLORIDA BAR. Sup. Ct. Fla. Motions of petitioners for leave to proceed *in forma pauperis* denied. Petitioners are allowed until May 10, 2004, 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.

No. 03–9472. IN RE MCQUIDDY;

No. 03–9474. IN RE SANDOVAL;

No. 03–9499. IN RE REYNOLDS; and

No. 03–9535. IN RE SETTS. Petitions for writs of habeas corpus denied.

No. 03–8346. IN RE COOPER;

No. 03–8796. IN RE TORRES;

No. 03–8962. IN RE BRADLEY;

No. 03–9180. IN RE BUTLER;

No. 03–9217. IN RE MENDEZ;

541 U.S.

April 19, 2004

No. 03-9361. IN RE RILEY; and

No. 03-9438. IN RE SIMMONDS. Petitions for writs of mandamus denied.

Certiorari Granted

No. 03-710. DEVENPECK ET AL. *v.* ALFORD. C. A. 9th Cir. Certiorari granted. Reported below: 333 F. 3d 972.

Certiorari Denied

No. 03-829. PENN *v.* BODIN ET AL. C. A. 8th Cir. Certiorari denied. Reported below: 335 F. 3d 786.

No. 03-831. RANGER CELLULAR ET AL. *v.* FEDERAL COMMUNICATIONS COMMISSION ET AL. C. A. D. C. Cir. Certiorari denied. Reported below: 333 F. 3d 255.

No. 03-858. UAW-LABOR EMPLOYMENT & TRAINING CORP. ET AL. *v.* CHAO, SECRETARY OF LABOR, ET AL. C. A. D. C. Cir. Certiorari denied. Reported below: 325 F. 3d 360.

No. 03-872. VAUGHN ET AL. *v.* PRINCIPI, SECRETARY OF VETERANS AFFAIRS. C. A. Fed. Cir. Certiorari denied. Reported below: 336 F. 3d 1351.

No. 03-935. NORTH DAKOTA ET AL. *v.* UBBELOHDE ET AL. C. A. 8th Cir. Certiorari denied. Reported below: 330 F. 3d 1014.

No. 03-950. BANKRUPTCY RECEIVABLES MANAGEMENT *v.* LOPEZ ET UX. C. A. 9th Cir. Certiorari denied. Reported below: 345 F. 3d 701.

No. 03-955. CARMICHAEL ET UX. *v.* PAYMENT CENTER, INC. C. A. 7th Cir. Certiorari denied. Reported below: 336 F. 3d 636.

No. 03-985. BREWER *v.* BOARD OF TRUSTEES OF UNIVERSITY OF ILLINOIS ET AL. App. Ct. Ill., 4th Dist. Certiorari denied. Reported below: 339 Ill. App. 3d 1074, 791 N. E. 2d 657.

No. 03-1007. FREEDOM NY, INC. *v.* RUMSFELD, SECRETARY OF DEFENSE. C. A. Fed. Cir. Certiorari denied. Reported below: 329 F. 3d 1320.

No. 03-1008. PASTENE *v.* PIKKERT. C. A. 4th Cir. Certiorari denied. Reported below: 63 Fed. Appx. 166.

April 19, 2004

541 U. S.

No. 03–1011. *MANATEE COUNTY, FLORIDA v. PEEK-A-BOO LOUNGE OF BRADENTON, INC., ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 337 F. 3d 1251.

No. 03–1066. *COLOSIMO v. MINNESOTA.* Sup. Ct. Minn. Certiorari denied. Reported below: 669 N. W. 2d 1.

No. 03–1089. *ARTISTIC ENTERTAINMENT, INC., DBA TEASERS, ET AL. v. CITY OF WARNER ROBINS, GEORGIA, ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 331 F. 3d 1196.

No. 03–1129. *SHOKETSU KINZOKU KOGYO KABUSHIKI CO., LTD., AKA SMC CORP., ET AL. v. FESTO CORP.; and*

No. 03–1133. *FESTO CORP. v. SHOKETSU KINZOKU KOGYO KABUSHIKI, Co., LTD., AKA SMC CORP., ET AL.* C. A. Fed. Cir. Certiorari denied. Reported below: 344 F. 3d 1359.

No. 03–1136. *SLUSARCHUK ET AL. v. HOFF ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 346 F. 3d 1178.

No. 03–1137. *NOVELLO, IN HER INDIVIDUAL AND OFFICIAL CAPACITY v. DiBLASIO ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 344 F. 3d 292.

No. 03–1143. *JEAN DEVELOPMENT CO., DBA GOLD STRIKE HOTEL AND GAMBLING HALL v. SUPERIOR COURT OF CALIFORNIA, LOS ANGELES COUNTY.* Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 03–1152. *JAMES v. RICE UNIVERSITY ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 80 Fed. Appx. 907.

No. 03–1158. *GREEN ET AL. v. SPRINT COMMUNICATIONS CO. ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 340 F. 3d 1047.

No. 03–1161. *NEWMAN v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. Reported below: 74 Fed. Appx. 126.

No. 03–1163. *WYETH HOLDINGS CORP. v. UNIVERSITY OF COLORADO FOUNDATION, INC., ET AL.* C. A. Fed. Cir. Certiorari denied. Reported below: 342 F. 3d 1298.

No. 03–1171. *OBER v. EVANKO ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 80 Fed. Appx. 196.

541 U.S.

April 19, 2004

No. 03–1181. *SELF COMMUNICATIONS, INC. v. FEDERAL COMMUNICATIONS COMMISSION ET AL.* C. A. D. C. Cir. Certiorari denied. Reported below: 349 F. 3d 667.

No. 03–1183. *ENDRES v. INDIANA STATE POLICE.* C. A. 7th Cir. Certiorari denied. Reported below: 349 F. 3d 922.

No. 03–1185. *CASILLAS v. RAWERS, WARDEN.* C. A. 9th Cir. Certiorari denied. Reported below: 80 Fed. Appx. 551.

No. 03–1186. *CARMONA, AKA KESTER v. CARMONA, AS SUCCESSOR REPRESENTATIVE OF CARMONA, DECEASED.* Sup. Ct. Nev. Certiorari denied.

No. 03–1195. *GILL v. BARNHART, COMMISSIONER OF SOCIAL SECURITY.* C. A. 9th Cir. Certiorari denied. Reported below: 73 Fed. Appx. 973.

No. 03–1209. *PHELAN v. CITY OF CHICAGO, ILLINOIS.* C. A. 7th Cir. Certiorari denied. Reported below: 347 F. 3d 679.

No. 03–1216. *WITTNER v. BARNHART, COMMISSIONER OF SOCIAL SECURITY.* C. A. 5th Cir. Certiorari denied. Reported below: 71 Fed. Appx. 442.

No. 03–1217. *CONSOLE v. COMMISSIONER OF INTERNAL REVENUE.* C. A. 3d Cir. Certiorari denied. Reported below: 85 Fed. Appx. 869.

No. 03–1221. *SAFETY NATIONAL CASUALTY CORP. v. SHOOK & FLETCHER ASBESTOS SETTLEMENT TRUST.* C. A. 8th Cir. Certiorari denied. Reported below: 79 Fed. Appx. 238.

No. 03–1222. *MOUNTAIN ENTERPRISES, INC. v. FITCH ET AL.* Cir. Ct. Lincoln County, W. Va. Certiorari denied.

No. 03–1223. *MOUNTAIN ENTERPRISES, INC. v. FITCH ET AL.* Sup. Ct. App. W. Va. Certiorari denied.

No. 03–1228. *BHUTANI v. UNITED STATES.* C. A. 7th Cir. Certiorari denied.

No. 03–1246. *GUANG CHYI LIU ET AL. v. DUNKIN' DONUTS INC. ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 79 Fed. Appx. 543.

April 19, 2004

541 U. S.

No. 03–1256. *DAYTON NEWSPAPERS, INC. v. GENERAL TRUCK DRIVERS, CHAUFFEURS, WAREHOUSEMEN AND HELPERS, LOCAL No. 957*. C. A. 6th Cir. Certiorari denied. Reported below: 83 Fed. Appx. 712.

No. 03–1258. *LUNDY ET AL. v. AMERICAN CYANAMID CO.* C. A. 6th Cir. Certiorari denied. Reported below: 350 F. 3d 496.

No. 03–1263. *NEINAST v. BOARD OF TRUSTEES OF THE COLUMBUS METROPOLITAN LIBRARY ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 346 F. 3d 585.

No. 03–1271. *LARA v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 67 Fed. Appx. 72.

No. 03–1277. *OPARA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 66 Fed. Appx. 139.

No. 03–1278. *PERSIK v. COLORADO STATE UNIVERSITY*. C. A. 10th Cir. Certiorari denied. Reported below: 60 Fed. Appx. 209.

No. 03–1295. *STEINER v. POTTER, POSTMASTER GENERAL*. C. A. 6th Cir. Certiorari denied. Reported below: 354 F. 3d 432.

No. 03–1296. *BUCKLEY v. MEIS, REGIONAL CHIEF COUNSEL, OFFICE OF GENERAL COUNSEL, SEATTLE REGION X, SOCIAL SECURITY ADMINISTRATION, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 76 Fed. Appx. 192.

No. 03–1312. *PAYMAN v. ABDRAHBO ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 82 Fed. Appx. 826.

No. 03–1324. *HINKSON v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 03–1337. *KRAMER v. OLSON, WARDEN*. C. A. 7th Cir. Certiorari denied. Reported below: 347 F. 3d 214.

No. 03–7694. *PACHECO-MEDINA v. OREGON*. C. A. 9th Cir. Certiorari denied. Reported below: 66 Fed. Appx. 104.

No. 03–7728. *THORELL ET AL. v. WASHINGTON*. Sup. Ct. Wash. Certiorari denied. Reported below: 149 Wash. 2d 724, 72 P. 3d 708.

No. 03–7945. *WRIGHT v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 343 F. 3d 849.

541 U.S.

April 19, 2004

No. 03-7992. *COX v. HEMAR INSURANCE CORPORATION OF AMERICA ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 338 F. 3d 1238.

No. 03-8029. *ADAMS v. UNITED STATES.* Ct. App. D. C. Certiorari denied. Reported below: 834 A. 2d 129.

No. 03-8098. *WHITE v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 71 Fed. Appx. 226.

No. 03-8434. *SULLIVAN v. PITCHER, WARDEN.* C. A. 6th Cir. Certiorari denied. Reported below: 82 Fed. Appx. 162.

No. 03-8447. *AVALOS ALBA v. TEXAS.* Ct. Crim. App. Tex. Certiorari denied.

No. 03-8468. *MEZA-GONZALEZ v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 78 Fed. Appx. 432.

No. 03-8616. *CREW v. CALIFORNIA.* Sup. Ct. Cal. Certiorari denied. Reported below: 31 Cal. 4th 822, 74 P. 3d 820.

No. 03-8667. *YEOMAN v. CALIFORNIA.* Sup. Ct. Cal. Certiorari denied. Reported below: 31 Cal. 4th 93, 72 P. 3d 1166.

No. 03-8774. *COWAN v. MOORE, ADMINISTRATOR, EAST JERSEY STATE PRISON, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 03-8775. *DUKES v. E. R. MANAGEMENT, INC., ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 82 Fed. Appx. 223.

No. 03-8779. *CRISWELL v. DRETKE, DIRECTOR, DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION.* C. A. 5th Cir. Certiorari denied.

No. 03-8780. *CHANDLER v. SMITH, WARDEN.* C. A. 6th Cir. Certiorari denied.

No. 03-8782. *COOPER v. JOHNSON, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT PITTSBURGH, ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 82 Fed. Appx. 258.

No. 03-8784. *PERRY v. BYRD ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 85 Fed. Appx. 873.

April 19, 2004

541 U. S.

No. 03–8785. *ORTEZ v. DRETKE*, DIRECTOR, DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 03–8787. *AINSWORTH v. AINSWORTH ET AL.* Ct. App. La., 4th Cir. Certiorari denied. Reported below: 860 So. 2d 104.

No. 03–8798. *SARAH v. BRADLEY ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 66 Fed. Appx. 562.

No. 03–8799. *MARTIN v. VERMONT.* Sup. Ct. Vt. Certiorari denied. Reported below: 176 Vt. 653, 845 A. 2d 1027.

No. 03–8803. *COMI v. ILLINOIS.* App. Ct. Ill., 1st Dist. Certiorari denied.

No. 03–8811. *JOHNSON v. VIRGINIA.* Sup. Ct. Va. Certiorari denied.

No. 03–8818. *ROBERTSSON v. SCHRIRO*, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS. C. A. 9th Cir. Certiorari denied. Reported below: 74 Fed. Appx. 742.

No. 03–8820. *PICKETT v. DUNCAN*, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 80 Fed. Appx. 548.

No. 03–8821. *HARRIS v. MCADORY*, WARDEN. C. A. 7th Cir. Certiorari denied. Reported below: 334 F. 3d 665.

No. 03–8824. *HOLLEN v. TEXAS.* Ct. App. Tex., 2d Dist. Certiorari denied. Reported below: 87 S. W. 3d 151.

No. 03–8828. *HUME v. BARTON PROTECTIVE SERVICES.* C. A. 11th Cir. Certiorari denied. Reported below: 85 Fed. Appx. 726.

No. 03–8831. *MARKS v. ADAMS*, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 03–8834. *MORROW v. LINDSEY*, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 03–8836. *BROWN-BEY v. EARLY*, DISTRICT ATTORNEY, SECOND JUDICIAL DISTRICT, COLORADO, ET AL. C. A. 10th Cir. Certiorari denied.

541 U.S.

April 19, 2004

No. 03–8837. *PUGH v. WALKER*, CLERK, SUPERIOR COURT OF GEORGIA, DODGE COUNTY. C. A. 11th Cir. Certiorari denied.

No. 03–8838. *MILNER v. DRETKE*, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 03–8839. *BARBER v. OHIO UNIVERSITY ET AL.* C. A. 6th Cir. Certiorari denied.

No. 03–8841. *DUEST v. FLORIDA*. Sup. Ct. Fla. Certiorari denied. Reported below: 855 So. 2d 33.

No. 03–8842. *CHAVIS v. HEWLETT PACKARD CO.* C. A. 3d Cir. Certiorari denied. Reported below: 80 Fed. Appx. 284.

No. 03–8845. *LOSS v. LERLERC*. C. A. 6th Cir. Certiorari denied.

No. 03–8847. *KOCH v. ILLINOIS*. App. Ct. Ill., 3d Dist. Certiorari denied. Reported below: 337 Ill. App. 3d 1178, 843 N. E. 2d 521.

No. 03–8849. *BARA v. BUTLER*, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 03–8851. *BROWN v. DRETKE*, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 03–8853. *MARIAN v. SUPERIOR COURT OF CALIFORNIA, VENTURA COUNTY*. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 03–8854. *LOVETT v. GUNDY*, WARDEN, ET AL. C. A. 6th Cir. Certiorari denied.

No. 03–8861. *BURNETT v. THOMPSON*, WARDEN. C. A. 11th Cir. Certiorari denied. Reported below: 92 Fed. Appx. 781.

No. 03–8865. *BUCKNER v. DORMIRE*, SUPERINTENDENT, MISSOURI STATE PENITENTIARY. C. A. 8th Cir. Certiorari denied.

No. 03–8872. *PINSON v. DRETKE*, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

April 19, 2004

541 U. S.

No. 03–8873. *MCPHERSON v. GOORD*, COMMISSIONER, NEW YORK DEPARTMENT OF CORRECTIONAL SERVICES, ET AL. C. A. 2d Cir. Certiorari denied.

No. 03–8875. *ALTAMIRANO v. WASHINGTON*. Sup. Ct. Wash. Certiorari denied.

No. 03–8877. *BEESON v. ADA COUNTY CLERK ET AL.* C. A. 9th Cir. Certiorari denied.

No. 03–8880. *RATZKE v. ILLINOIS*. App. Ct. Ill., 2d Dist. Certiorari denied.

No. 03–8883. *SMITH v. WILSON*, SUPERINTENDENT, MISSISSIPPI STATE PENITENTIARY. C. A. 5th Cir. Certiorari denied.

No. 03–8884. *BELLAH v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied.

No. 03–8886. *TORRES v. CONWAY*, SUPERINTENDENT, ATTICA CORRECTIONAL FACILITY. C. A. 2d Cir. Certiorari denied.

No. 03–8887. *YOUNG v. FLIPPO ET AL.* C. A. 5th Cir. Certiorari denied.

No. 03–8888. *DAIS v. CONWAY*, SUPERINTENDENT, ATTICA CORRECTIONAL FACILITY. C. A. 2d Cir. Certiorari denied.

No. 03–8889. *D’ANTUONO v. NEW YORK*. App. Div., Sup. Ct. N. Y., 4th Jud. Dept. Certiorari denied. Reported below: 306 App. Div. 2d 890, 762 N. Y. S. 2d 198.

No. 03–8891. *NORVILLE v. ILLINOIS DEPARTMENT OF HUMAN RIGHTS ET AL.* App. Ct. Ill., 2d Dist. Certiorari denied. Reported below: 341 Ill. App. 3d 260, 792 N. E. 2d 825.

No. 03–8893. *ALMONTE v. GOORD*, COMMISSIONER, NEW YORK DEPARTMENT OF CORRECTIONAL SERVICES. C. A. 2d Cir. Certiorari denied. Reported below: 56 Fed. Appx. 4.

No. 03–8895. *RUSSELL v. VITTANDS*. C. A. 6th Cir. Certiorari denied. Reported below: 79 Fed. Appx. 859.

No. 03–8897. *PEPPER v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied.

541 U.S.

April 19, 2004

No. 03–8898. *BURRELL v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied.

No. 03–8901. *TAYLOR v. LEE COUNTY, ALABAMA, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 03–8902. *TAYLOR v. SPENCER ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 69 Fed. Appx. 991.

No. 03–8906. *VON BROCK v. MISSISSIPPI*. Sup. Ct. Miss. Certiorari denied.

No. 03–8907. *ROSA v. BURGE, SUPERINTENDENT, AUBURN CORRECTIONAL FACILITY*. C. A. 2d Cir. Certiorari denied.

No. 03–8908. *SOUSER v. JOHNSON, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS*. C. A. 4th Cir. Certiorari denied. Reported below: 77 Fed. Appx. 659.

No. 03–8909. *ROBISON v. YARBOROUGH, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 03–8911. *SMITH v. RUNNELS, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 03–8918. *SMITH v. GRANT ET AL.* C. A. 3d Cir. Certiorari denied.

No. 03–8926. *LANE v. CASON, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 03–8927. *PEREZ v. LAVAN, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT DALLAS, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 03–8928. *PERRY v. CITY OF BIRMINGHAM, ALABAMA, ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 82 Fed. Appx. 221.

No. 03–8934. *MARTINEZ v. CROSBY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS*. C. A. 11th Cir. Certiorari denied.

No. 03–8942. *MARSH v. RICKS*. C. A. 2d Cir. Certiorari denied.

April 19, 2004

541 U. S.

No. 03–8943. *KNOX v. CASON, WARDEN, ET AL.* C. A. 6th Cir. Certiorari denied.

No. 03–8945. *THOMPSON v. HENRY, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 81 Fed. Appx. 213.

No. 03–8953. *SHIELDS v. WHITE, COMMISSIONER, TENNESSEE DEPARTMENT OF CORRECTION, ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 83 Fed. Appx. 72.

No. 03–8955. *REVELS v. UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT.* C. A. 5th Cir. Certiorari denied.

No. 03–8957. *HALL v. ROPER, SUPERINTENDENT, POTOSI CORRECTIONAL CENTER, ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 341 F. 3d 706.

No. 03–8960. *SMITH v. AMERICAN HOME PRODUCTS CORP. ET AL.* C. A. 9th Cir. Certiorari denied.

No. 03–8961. *ABRON v. RAWERS, WARDEN.* C. A. 9th Cir. Certiorari denied.

No. 03–8966. *BISHOP v. BISHOP.* App. Ct. Ill., 1st Dist. Certiorari denied.

No. 03–8970. *SIMMONS v. TEXAS.* Ct. App. Tex., 6th Dist. Certiorari denied. Reported below: 100 S. W. 3d 484.

No. 03–8974. *ABDUL-KHABIR, AKA DAVIS v. CHERRY, SUPERINTENDENT, HAMPTON ROADS REGIONAL JAIL, ET AL.* C. A. 4th Cir. Certiorari denied.

No. 03–8975. *KELLER v. BAGLEY, WARDEN.* C. A. 6th Cir. Certiorari denied. Reported below: 81 Fed. Appx. 527.

No. 03–8976. *ADAMSON v. MAZZUCA, SUPERINTENDENT, FISH-KILL CORRECTIONAL FACILITY.* C. A. 2d Cir. Certiorari denied.

No. 03–8983. *ANDERSON v. CALIFORNIA.* Ct. App. Cal., 4th App. Dist. Certiorari denied.

No. 03–8984. *THOMPSON v. DISTRICT COURT OF APPEAL OF FLORIDA, FOURTH DISTRICT.* C. A. 11th Cir. Certiorari denied.

541 U.S.

April 19, 2004

No. 03–9007. *JETER v. BARNHART*, COMMISSIONER OF SOCIAL SECURITY. C. A. 9th Cir. Certiorari denied. Reported below: 76 Fed. Appx. 809.

No. 03–9016. *EVANS v. MCDANIEL*, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 74 Fed. Appx. 775.

No. 03–9018. *HELMS v. MARYLAND*. Cir. Ct. Allegany County, Md. Certiorari denied.

No. 03–9037. *LAUSHAW v. KELLY*, SUPERINTENDENT, CENTRAL MISSISSIPPI CORRECTIONAL FACILITY. C. A. 5th Cir. Certiorari denied.

No. 03–9045. *GALLOWAY v. HOWES*, WARDEN. C. A. 6th Cir. Certiorari denied. Reported below: 77 Fed. Appx. 304.

No. 03–9050. *LAYTON v. PAINTER*, WARDEN. C. A. 4th Cir. Certiorari denied. Reported below: 81 Fed. Appx. 771.

No. 03–9062. *GRAHAM v. JOHNSON*, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS. C. A. 4th Cir. Certiorari denied. Reported below: 74 Fed. Appx. 260.

No. 03–9067. *GARCIA v. TAYLOR*, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 03–9069. *HEMINGWAY v. VAUGHN*, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT GRATERFORD, ET AL. C. A. 3d Cir. Certiorari denied.

No. 03–9075. *SAMPLE v. CHESNEY*, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT RETREAT, ET AL. C. A. 3d Cir. Certiorari denied.

No. 03–9081. *MILES v. JOHNSON*, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS. Sup. Ct. Va. Certiorari denied.

No. 03–9090. *HARTEY v. PENNSYLVANIA*. Super. Ct. Pa. Certiorari denied. Reported below: 816 A. 2d 329.

No. 03–9092. *TOLENTINO v. VAUGHN*, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT GRATERFORD, ET AL. C. A. 3d Cir. Certiorari denied.

No. 03–9096. *HOWARD v. ILLINOIS*. App. Ct. Ill., 2d Dist. Certiorari denied. Reported below: 328 Ill. App. 3d 1100, 817 N. E. 2d 225.

April 19, 2004

541 U. S.

No. 03–9097. *HEARNS v. ALAMEIDA*, DIRECTOR, CALIFORNIA DEPARTMENT OF CORRECTIONS. C. A. 9th Cir. Certiorari denied.

No. 03–9100. *YOUNG v. IOWA*. Ct. App. Iowa. Certiorari denied. Reported below: 670 N. W. 2d 430.

No. 03–9105. *GARRETT v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 331 Ill. App. 3d 1129, 835 N. E. 2d 466.

No. 03–9111. *WATKINS v. CURTIS*, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 03–9114. *TRIGUEROZ-GONZALEZ v. ASHCROFT*, ATTORNEY GENERAL. C. A. 9th Cir. Certiorari denied.

No. 03–9122. *HYNES v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied.

No. 03–9127. *MITCHELL v. ILLINOIS*. App. Ct. Ill., 2d Dist. Certiorari denied.

No. 03–9135. *DORENBOS v. GALVIN*. C. A. 9th Cir. Certiorari denied.

No. 03–9137. *CALDWELL v. CROSBY*, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 864 So. 2d 402.

No. 03–9139. *CARTER v. LAMARQUE*, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 82 Fed. Appx. 511.

No. 03–9147. *HOLLAND v. FRANK ET AL.* C. A. 6th Cir. Certiorari denied.

No. 03–9154. *GRIFFIN v. JOHNSON*, SUPERINTENDENT, SNAKE RIVER CORRECTIONAL INSTITUTION. C. A. 9th Cir. Certiorari denied. Reported below: 350 F. 3d 956.

No. 03–9193. *TOODLE v. BUSH*, PRESIDENT OF THE UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 03–9233. *SALYER v. COLORADO*. Ct. App. Colo. Certiorari denied. Reported below: 80 P. 3d 831.

541 U.S.

April 19, 2004

No. 03-9235. *SHIELDS v. POTTER, POSTMASTER GENERAL*. C. A. 8th Cir. Certiorari denied. Reported below: 80 Fed. Appx. 541.

No. 03-9248. *SHAVER v. LEWIS, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 03-9265. *JOHNSON v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied.

No. 03-9276. *MORANT v. JOHNSON, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS*. C. A. 4th Cir. Certiorari denied. Reported below: 79 Fed. Appx. 600.

No. 03-9283. *TUCKER v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

No. 03-9285. *RIOS-MARADIAGA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 88 Fed. Appx. 755.

No. 03-9291. *MORELLI v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 03-9292. *SMITH v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 83 Fed. Appx. 913.

No. 03-9301. *MATHISON ET UX. v. CORRECTIONS CORPORATION OF AMERICA ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 84 Fed. Appx. 720.

No. 03-9302. *MANLEY v. DAVIS, SUPERINTENDENT, INDIANA STATE PRISON*. C. A. 7th Cir. Certiorari denied.

No. 03-9303. *BACHMANN v. FLORIDA*. Dist. Ct. App. Fla., 2d Dist. Certiorari denied. Reported below: 865 So. 2d 489.

No. 03-9304. *BROWN v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 03-9309. *BREEN v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 03-9310. *SOSA v. CROSBY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 85 Fed. Appx. 191.

April 19, 2004

541 U. S.

No. 03–9312. *WOODS v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 88 Fed. Appx. 827.

No. 03–9313. *REED v. OHIO*. Ct. App. Ohio, Clark County. Certiorari denied.

No. 03–9315. *AINSWORTH v. UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA*. C. A. 9th Cir. Certiorari denied. Reported below: 81 Fed. Appx. 924.

No. 03–9316. *JACKSON v. BROOKS, WARDEN*. C. A. 4th Cir. Certiorari denied. Reported below: 61 Fed. Appx. 898.

No. 03–9320. *BERNARD v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 351 F. 3d 360.

No. 03–9321. *SANCHEZ-GARZA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 82 Fed. Appx. 934.

No. 03–9327. *WILLIAMS v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 343 F. 3d 927.

No. 03–9328. *VAN POYCK v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 03–9329. *SARFF v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 03–9330. *JOHNSON v. UNITED STATES*; and

No. 03–9470. *PHILLIPS v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 349 F. 3d 138.

No. 03–9335. *SOMSAMOUTH v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 352 F. 3d 1271.

No. 03–9336. *MEADOWS v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 77 Fed. Appx. 575.

No. 03–9340. *BARNES v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 03–9342. *MARSHALL v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 338 F. 3d 990.

No. 03–9346. *MILTON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

541 U.S.

April 19, 2004

No. 03–9347. *HERRERA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 82 Fed. Appx. 872.

No. 03–9354. *FLEMING v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 82 Fed. Appx. 916.

No. 03–9355. *GRAYDON v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 87 Fed. Appx. 711.

No. 03–9356. *HESS, AKA HEB v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 88 Fed. Appx. 389.

No. 03–9364. *BOWENS, AKA MCCURDY, AKA JOHNSON v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 70 Fed. Appx. 726.

No. 03–9365. *BEMIS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 88 Fed. Appx. 1.

No. 03–9366. *MONDRAGON-SOTO v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 82 Fed. Appx. 894.

No. 03–9367. *LOPEZ-CASTANEDA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 82 Fed. Appx. 961.

No. 03–9369. *TOPETE-PLASCENCIA v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 351 F. 3d 454.

No. 03–9371. *HOPKINS ET AL. v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 77 Fed. Appx. 688.

No. 03–9374. *HERNANDEZ v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 81 Fed. Appx. 171.

No. 03–9377. *GREY, AKA GRAY v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 87 Fed. Appx. 254.

No. 03–9379. *HUNDLEY v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 85 Fed. Appx. 875.

No. 03–9381. *MOLINA-RODRIGUEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 83 Fed. Appx. 18.

No. 03–9382. *MEDINA-SALINAS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 82 Fed. Appx. 968.

No. 03–9384. *CERA-GONZALEZ v. UNITED STATES* (Reported below: 82 Fed. Appx. 914); *FEGURACION-MARTINEZ v. UNITED*

April 19, 2004

541 U. S.

STATES (82 Fed. Appx. 920); *HERNANDEZ-REYES v. UNITED STATES* (82 Fed. Appx. 881); *LAVARIEGA-LAVARIEGA v. UNITED STATES* (84 Fed. Appx. 388); *MORALES-ESCALERA v. UNITED STATES* (82 Fed. Appx. 955); *MORALES-MARTINEZ, AKA SANCHEZ FLORES, AKA SANCHEZ, AKA SILVA, AKA LANDEROS, AKA FLORES SANCHEZ v. UNITED STATES* (82 Fed. Appx. 903); *OSORTO-LAGOS v. UNITED STATES* (82 Fed. Appx. 954); *QUINTERO-CRUZ v. UNITED STATES* (82 Fed. Appx. 930); *SAUCEDO-FLORES, AKA VALDEZ, AKA NAVA v. UNITED STATES* (83 Fed. Appx. 606); *URIAS-MELENDEZ v. UNITED STATES* (82 Fed. Appx. 883); *ELIAS VERA v. UNITED STATES* (82 Fed. Appx. 931); *YANEZ-GONZALEZ, AKA GONZALEZ-YANEZ v. UNITED STATES* (82 Fed. Appx. 884); and *SANDRES-MEDINA v. UNITED STATES* (82 Fed. Appx. 917). C. A. 5th Cir. Certiorari denied.

No. 03–9386. *ESQUIVEL-ROMAN v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 83 Fed. Appx. 597.

No. 03–9387. *CRUZ-BOLANOS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 82 Fed. Appx. 895.

No. 03–9388. *CURTIS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 03–9389. *ESQUIVAL-SALAZAR v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 83 Fed. Appx. 604.

No. 03–9392. *HOWARD v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 81 Fed. Appx. 511.

No. 03–9394. *MORGAN v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 81 Fed. Appx. 786.

No. 03–9395. *WILLIAMS v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 03–9396. *ZAMORA-QUINTANILLA v. UNITED STATES*; *TINAJERO-REYES, AKA TINAJERO REYES v. UNITED STATES*; *GARCIA-REYES v. UNITED STATES*; *GARCIA-CAMACHO v. UNITED STATES*; *WILLIAMS v. UNITED STATES*; *VILLARREAL v. UNITED STATES*; and *DE LA CRUZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 82 Fed. Appx. 397 (fourth judgment), 912 (sixth judgment), and 927 (fifth judgment); 83 Fed. Appx. 610 (second judgment); 87 Fed. Appx. 387 (first judgment), 427 (seventh judgment), and 988 (third judgment).

541 U.S.

April 19, 2004

No. 03–9397. *LASTRAPES v. UNITED STATES*; *UNDERWOOD v. UNITED STATES*; *SANDERS v. UNITED STATES*; *JACKSON v. UNITED STATES*; and *CANTU v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 82 Fed. Appx. 897 (third judgment); 87 Fed. Appx. 411 (second judgment), 938 (fifth judgment), and 972 (fourth judgment); 88 Fed. Appx. 753 (first judgment).

No. 03–9399. *TAPIA-TORRES v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 82 Fed. Appx. 893.

No. 03–9401. *SCHOFIELD v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 80 Fed. Appx. 798.

No. 03–9409. *CHAO KANG LIN, AKA KANT CHAO LIN v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 84 Fed. Appx. 806.

No. 03–9411. *LERMA-LERMA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 03–9414. *EULLOQUI v. PLILER, WARDEN*. C. A. 9th Cir. Certiorari denied. Reported below: 84 Fed. Appx. 807.

No. 03–9421. *MEDLEY v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 85 Fed. Appx. 410.

No. 03–9426. *BROWN v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 85 Fed. Appx. 875.

No. 03–9429. *PELTIER v. BOOKER, WARDEN*. C. A. 10th Cir. Certiorari denied. Reported below: 348 F. 3d 888.

No. 03–9430. *BRUMMETT v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 355 F. 3d 343.

No. 03–9431. *SMOOTE v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 82 Fed. Appx. 995.

No. 03–9433. *COLEMAN v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 83 Fed. Appx. 881.

No. 03–9448. *WELLINGTON v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 82 Fed. Appx. 828.

No. 03–9449. *LEWIS v. ROMINE, WARDEN*. C. A. 3d Cir. Certiorari denied. Reported below: 85 Fed. Appx. 871.

April 19, 2004

541 U. S.

No. 03–9452. *CARRILLO-NARAJO, AKA CARRILLO-NARANJO v. UNITED STATES; GOMEZ-LOPEZ v. UNITED STATES; VALENCIA-GOMEZ v. UNITED STATES; VIRRUETA-TORRES v. UNITED STATES; and ZARAGOZA-ESPINOZA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 03–9453. *DICKENS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 82 Fed. Appx. 830.

No. 03–9455. *WHAB v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 355 F. 3d 155.

No. 03–9456. *VASQUEZ v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 352 F. 3d 1067.

No. 03–9458. *MAYWEATHERS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 03–9461. *PEVARNIK v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 85 Fed. Appx. 816.

No. 03–9466. *SANTIAGO v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 76 Fed. Appx. 397.

No. 03–9467. *MEMBRANO-ACOSTA v. UNITED STATES* (Reported below: 82 Fed. Appx. 887); *VASQUEZ-FLORES, AKA VASQUEZ, AKA FLORES, AKA HERNANDEZ, AKA CARREON v. UNITED STATES* (82 Fed. Appx. 942); *GARZA-RODRIGUEZ v. UNITED STATES* (82 Fed. Appx. 888); *MEJIA-SANCHEZ, AKA GARCIA-ARMENTA v. UNITED STATES* (82 Fed. Appx. 963); *ARAIZA-MORALES v. UNITED STATES* (82 Fed. Appx. 915); *MORALES-RAMIREZ v. UNITED STATES* (84 Fed. Appx. 387); *MUNOZ-MENDEZ v. UNITED STATES* (82 Fed. Appx. 939); *GONZALEZ-RODRIGUES v. UNITED STATES* (82 Fed. Appx. 959); *RAMIREZ-ROMERO, AKA RAMIREZ v. UNITED STATES* (82 Fed. Appx. 944); *SANCHEZ-VENEGAS v. UNITED STATES* (82 Fed. Appx. 886); and *TORRES-MARQUEZ v. UNITED STATES* (82 Fed. Appx. 941). C. A. 5th Cir. Certiorari denied.

No. 03–9471. *MCCOY v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 03–9478. *AUGARTEN v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 84 Fed. Appx. 564.

541 U.S.

April 19, 2004

No. 03–9479. *SHORTER v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 03–9481. *BROWN, AKA BRYANT v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 54 Fed. Appx. 342.

No. 03–9486. *CRUZ v. UNITED STATES*. C. A. 1st Cir. Certiorari denied.

No. 03–9487. *RAMIREZ v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 83 Fed. Appx. 384.

No. 03–9493. *PERDOMO ESPANA, AKA DOE, AKA PERDOMO-ESPANA, AKA PERDOMO v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 68 Fed. Appx. 868.

No. 03–9497. *HELM v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 85 Fed. Appx. 475.

No. 03–9500. *JOYNER v. UNITED STATES*. Ct. App. D. C. Certiorari denied. Reported below: 818 A. 2d 166 and 819 A. 2d 320.

No. 03–9502. *JUNIOR v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 85 Fed. Appx. 357.

No. 03–9505. *TAYLOR v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 03–9509. *PEREZ RUIZ v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 353 F. 3d 1.

No. 03–9511. *CASTLE v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 83 Fed. Appx. 977.

No. 03–9515. *BANKS v. UNITED STATES*. Ct. App. D. C. Certiorari denied. Reported below: 830 A. 2d 897.

No. 03–1153. *LOUISIANA v. CISCO*. Sup. Ct. La. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 861 So. 2d 118.

No. 03–1170. *SHAFFER v. AMADA AMERICA, INC.* C. A. 8th Cir. Motion of petitioner for sanctions and for leave to supplement the record denied. Certiorari denied.

April 19, 2004

541 U. S.

No. 03–1213. *MOORE v. INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, LOCAL 6, ET AL.* C. A. 9th Cir. Certiorari denied. JUSTICE BREYER took no part in the consideration or decision of this petition. Reported below: 78 Fed. Appx. 8.

No. 03–8751. *LOVITT v. TRUE, WARDEN.* Sup. Ct. Va. Motion of National Association of Criminal Defense Lawyers et al. for leave to file a brief as *amici curiae* granted. Certiorari denied. Reported below: 266 Va. 216, 585 S. E. 2d 801.

No. 03–8923. *RUCKER v. SANTA CLARA COUNTY, CALIFORNIA, ET AL.* C. A. 9th Cir. Certiorari before judgment denied.

Rehearing Denied

No. 03–761. *RANCHO VIEJO, LLC v. NORTON, SECRETARY OF THE INTERIOR, ET AL.*, 540 U. S. 1218;

No. 03–771. *CAGNA, INDIVIDUALLY AND AS EXECUTRIX OF THE ESTATE OF CAGNA v. WEIRTON STEEL CORPORATION RETIREMENT PLAN–PLAN 001 ET AL.*, 540 U. S. 1158;

No. 03–790. *SAFETY NATIONAL CASUALTY CORP. v. DOW CORNING CORP.*, 540 U. S. 1219;

No. 03–818. *GALLAGHER, AKA FREEMAN v. MASSAD*, 540 U. S. 1180;

No. 03–837. *DERRINGER v. CHAPEL ET UX.* (two judgments), 540 U. S. 1180;

No. 03–906. *O'BRIEN v. CITY OF HACKENSACK, NEW JERSEY*, 540 U. S. 1182;

No. 03–908. *JOOS v. JOOS (MONTE)*, 540 U. S. 1183;

No. 03–947. *MOTLEY v. VIRGINIA STATE BAR*, 540 U. S. 1183;

No. 03–976. *SULLIVAN ET AL. v. UNITED STATES ET AL.*, 540 U. S. 1184;

No. 03–7059. *HOLLEY v. JOHNSON, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS*, 540 U. S. 1116;

No. 03–7070. *BRADHAM v. MICHAEL, WARDEN*, 540 U. S. 1117;

No. 03–7470. *GAINES v. TEXAS*, 540 U. S. 1153;

No. 03–7676. *NEWMAN v. CALIFORNIA*, 540 U. S. 1186;

No. 03–7684. *LEWIS v. ROBINSON, WARDEN*, 540 U. S. 1187;

No. 03–7762. *COOPER v. PEGUESS, WARDEN, ET AL.*, 540 U. S. 1189;

No. 03–7781. *BURGE v. GOURLEY, DIRECTOR, CALIFORNIA DEPARTMENT OF MOTOR VEHICLES*, 540 U. S. 1189;

541 U. S.

April 19, 23, 26, 2004

- No. 03–7834. *GODINES v. UNITED STATES*, 540 U. S. 1140;
No. 03–7852. *EVANS v. UNITED STATES*, 540 U. S. 1155;
No. 03–8001. *BROOKS v. LUOMA, WARDEN*, 540 U. S. 1196;
No. 03–8011. *OLDS v. MISSOURI*, 540 U. S. 1196;
No. 03–8126. *MILNER v. WOLFE, SUPERINTENDENT, STATE
CORRECTIONAL INSTITUTION AT ALBION, ET AL.*, 540 U. S. 1200;
No. 03–8134. *JONES v. UNITED STATES*, 540 U. S. 1200;
No. 03–8201. *MCDAVIS v. VAUGHN, SUPERINTENDENT, STATE
CORRECTIONAL INSTITUTION AT GRATERFORD, ET AL.*, 540 U. S.
1202;
No. 03–8272. *EDMONSON v. UNITED STATES*, 540 U. S. 1204;
and
No. 03–8286. *DAVIS v. JOHNSON, DIRECTOR, VIRGINIA DEPART-
MENT OF CORRECTIONS*, 540 U. S. 1224. Petitions for rehearing
denied.

No. 02–1348. *OLYMPIC AIRWAYS v. HUSAIN, INDIVIDUALLY,
AND AS PERSONAL REPRESENTATIVE OF THE ESTATE OF HANSON,
DECEASED, ET AL.*, 540 U. S. 644. Petition for rehearing denied.
JUSTICE BREYER took no part in the consideration or decision of
this petition.

APRIL 23, 2004

Miscellaneous Order

No. 03A879. *BAGLEY, WARDEN v. LOTT*. Application to vacate
the stay of execution of sentence of death entered by the United
States Court of Appeals for the Sixth Circuit on April 22, 2004,
presented to JUSTICE STEVENS, and by him referred to the
Court, denied.

APRIL 26, 2004

Certiorari Granted—Vacated and Remanded

No. 03–910. *LEAKE, IN HIS OFFICIAL CAPACITY AS CHAIRMAN
OF THE NORTH CAROLINA STATE BOARD OF ELECTIONS, ET AL.
v. NORTH CAROLINA RIGHT TO LIFE, INC., ET AL.* C. A. 4th Cir.
Certiorari granted, judgment vacated, and case remanded for fur-
ther consideration in light of *McConnell v. Federal Election
Comm’n*, 540 U. S. 93 (2003). Reported below: 344 F. 3d 418.

April 26, 2004

541 U. S.

*Miscellaneous Orders**

No. 03M65. LOGAN *v.* BRIDGEMAN ET AL. Motion to direct the Clerk to file petition for writ of certiorari out of time denied.

No. 03M66. IN RE KHALID; and

No. 03M67. IN RE EL-BANNA ET AL. Motions for leave to proceed *in forma pauperis* without affidavits of indigency executed by petitioners granted.

No. 128, Orig. ALASKA *v.* UNITED STATES. Report of the Special Master received and ordered filed. Exceptions to the Report, with supporting briefs, may be filed within 45 days. Replies, if any, with supporting briefs, may be filed within 30 days. [For earlier order herein, see, *e. g.*, 540 U. S. 1043.]

No. 03–377. KOONS BUICK PONTIAC GMC, INC. *v.* NIGH. [Certiorari granted, 540 U. S. 1148.] Motion of petitioner to dispense with printing the joint appendix granted.

No. 03–878. CRAWFORD, INTERIM FIELD OFFICE DIRECTOR, PORTLAND, IMMIGRATION AND CUSTOMS ENFORCEMENT, ET AL. *v.* SUAREZ MARTINEZ. [Certiorari granted, 540 U. S. 1217.] Motion of petitioner Crawford to dispense with printing the joint appendix granted.

No. 03–1424. AL-MARRI *v.* RUMSFELD, SECRETARY OF DEFENSE, ET AL. C. A. 7th Cir. Motion of petitioner to expedite consideration of petition for writ of certiorari denied.

No. 03–8253. BITTERMAN *v.* HOFFMAN ET AL. Sup. Ct. Fla. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [*ante*, p. 901] denied.

No. 03–9116. BASKER *v.* BOYCE ET AL. Sup. Ct. Fla. Motion of petitioner for leave to proceed *in forma pauperis* denied. Petitioner is allowed until May 17, 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.

No. 03–9699. IN RE HARRIS ET AL. Petition for writ of habeas corpus denied.

*For the Court's orders prescribing amendments to the Federal Rules of Bankruptcy Procedure, see *post*, p. 1099; and amendments to the Federal Rules of Criminal Procedure, see *post*, p. 1105.

541 U.S.

April 26, 2004

No. 03-9498. IN RE RIGSBY. Petition for writ of mandamus denied.

Certiorari Granted

No. 03-184. BALLARD ET UX. *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 11th Cir.; and

No. 03-1034. ESTATE OF KANTER, DECEASED, ET AL. *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 7th Cir. Certiorari granted, cases consolidated, and a total of one hour allotted for oral argument. Reported below: No. 03-184, 321 F. 3d 1037; No. 03-1034, 337 F. 3d 833.

Certiorari Denied

No. 03-897. NORTH CAROLINA PAYPHONE ASSN. *v.* FEDERAL COMMUNICATIONS COMMISSION ET AL. C. A. D. C. Cir. Certiorari denied. Reported below: 334 F. 3d 69.

No. 03-909. LOUIS *v.* ASHCROFT, ATTORNEY GENERAL. C. A. 3d Cir. Certiorari denied.

No. 03-1042. SENIOR TECHNOLOGIES, INC. *v.* R. F. TECHNOLOGIES, INC. C. A. Fed. Cir. Certiorari denied. Reported below: 76 Fed. Appx. 318.

No. 03-1052. GLENDALE UNIFIED HIGH SCHOOL DISTRICT NO. 205 OF MARICOPA COUNTY *v.* SAVAGE. C. A. 9th Cir. Certiorari denied. Reported below: 343 F. 3d 1036.

No. 03-1063. JONES *v.* FLOWSERVE FCD CORP. ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 73 Fed. Appx. 706.

No. 03-1068. NIPPON KAIJI KYOKAI CORP. *v.* OTTO CANDIES, L. L. C. C. A. 5th Cir. Certiorari denied. Reported below: 346 F. 3d 530.

No. 03-1174. NORTON ET VIR *v.* HALL ET AL. Sup. Jud. Ct. Me. Certiorari denied. Reported below: 834 A. 2d 928.

No. 03-1177. ZELINSKY ET UX. *v.* TAX APPEALS TRIBUNAL OF NEW YORK ET AL. Ct. App. N. Y. Certiorari denied. Reported below: 1 N. Y. 3d 85, 801 N. E. 2d 840.

No. 03-1182. RILEY ET AL. *v.* ECKARD BRANDES, INC. C. A. 9th Cir. Certiorari denied. Reported below: 338 F. 3d 1082.

April 26, 2004

541 U. S.

No. 03–1184. *DIBBLE v. FENIMORE*. C. A. 2d Cir. Certiorari denied. Reported below: 339 F. 3d 120.

No. 03–1188. *OLIVA ET AL. v. MARYLAND*. C. A. 4th Cir. Certiorari denied. Reported below: 81 Fed. Appx. 762.

No. 03–1189. *LEVY v. P&R DENTAL STRATEGIES, INC., ET AL.* App. Div., Sup. Ct. N. Y., 1st Jud. Dept. Certiorari denied. Reported below: 302 App. Div. 2d 255, 756 N. Y. S. 2d 3.

No. 03–1192. *STAWSKI DISTRIBUTING Co., INC. v. BROWARY ZYWIEC S. A., DBA ZYWIEC BREWERIES, LLC*. C. A. 7th Cir. Certiorari denied. Reported below: 349 F. 3d 1023.

No. 03–1193. *GUESON ET AL. v. SHEPPARD, JUDGE, COURT OF COMMON PLEAS, FIRST JUDICIAL DISTRICT OF PENNSYLVANIA, ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 85 Fed. Appx. 870.

No. 03–1194. *GRAY v. FOXWORTHY, INC., ET AL.* Sup. Ct. Ga. Certiorari denied.

No. 03–1196. *FREEMAN v. FLORIDA*. Sup. Ct. Fla. Certiorari denied. Reported below: 858 So. 2d 319.

No. 03–1197. *GROSJEAN v. FIRST ENERGY CORP. ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 349 F. 3d 332.

No. 03–1204. *SUTTON v. INTERSTATE HOTELS, LLC, ET AL.* C. A. Fed. Cir. Certiorari denied. Reported below: 349 F. 3d 1356.

No. 03–1205. *SIBLEY v. ANSTEAD, CHIEF JUSTICE, SUPREME COURT OF FLORIDA, ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 87 Fed. Appx. 715.

No. 03–1206. *CUNNINGHAM v. PEREZ*. C. A. 9th Cir. Certiorari denied. Reported below: 345 F. 3d 802.

No. 03–1207. *TEKSE v. MITCHELL ET AL.* Ct. App. Minn. Certiorari denied.

No. 03–1210. *JOHNSON v. BELL, WARDEN*. C. A. 6th Cir. Certiorari denied. Reported below: 344 F. 3d 567.

No. 03–1214. *ALLSTATE CORP. ET AL. v. DEHOYOS ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 345 F. 3d 290.

541 U.S.

April 26, 2004

No. 03-1215. *CHRIST'S HOUSEHOLD OF FAITH v. ROONEY ET AL.* Ct. App. Minn. Certiorari denied. Reported below: 669 N. W. 2d 362.

No. 03-1286. *GODWIN, INDIVIDUALLY AND AS ADMINISTRATOR OF THE ESTATES OF GODWIN, ET AL. v. HILL ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 85 Fed. Appx. 193.

No. 03-1351. *BARANSKI v. UNITED STATES.* C. A. 8th Cir. Certiorari denied. Reported below: 75 Fed. Appx. 566.

No. 03-1356. *ZVI v. UNITED STATES.* C. A. 2d Cir. Certiorari denied.

No. 03-7692. *DE MEDEIROS v. LEWIS, WARDEN.* C. A. 9th Cir. Certiorari denied.

No. 03-8257. *ABDUR'RAHMAN v. TENNESSEE.* Ct. Crim. App. Tenn. Certiorari denied.

No. 03-8427. *SAPP v. CALIFORNIA.* Sup. Ct. Cal. Certiorari denied. Reported below: 31 Cal. 4th 240, 73 P. 3d 433.

No. 03-8507. *MONTALVO v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 331 F. 3d 1052.

No. 03-8536. *GARCIA-SALDIVAR v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 78 Fed. Appx. 927.

No. 03-8914. *DIAZ v. FLORIDA.* Sup. Ct. Fla. Certiorari denied. Reported below: 860 So. 2d 960.

No. 03-8980. *YOUNG v. THOMAS, SHERIFF, HARRIS COUNTY, TEXAS, ET AL.* C. A. 5th Cir. Certiorari denied.

No. 03-8981. *YOUNG v. MILLER ET AL.* C. A. 5th Cir. Certiorari denied.

No. 03-8988. *KOSTE v. DORMIRE, SUPERINTENDENT, MISSOURI STATE PENITENTIARY.* C. A. 8th Cir. Certiorari denied. Reported below: 345 F. 3d 974.

No. 03-8991. *THOMPSON v. WHITE, COMMISSIONER, TENNESSEE DEPARTMENT OF CORRECTION, ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 81 Fed. Appx. 563.

April 26, 2004

541 U. S.

No. 03–8992. *ALEXANDER v. TIPPAAH COUNTY, MISSISSIPPI, ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 351 F. 3d 626.

No. 03–8998. *RODRIGUEZ v. DISTRICT COURT OF NEVADA, CLARK COUNTY, ET AL.* Sup. Ct. Nev. Certiorari denied.

No. 03–9009. *J. K. v. DAUPHIN COUNTY CHILDREN AND YOUTH SERVICES.* Super. Ct. Pa. Certiorari denied.

No. 03–9010. *CROOM v. CORRECTIONS CORPORATION OF AMERICA ET AL.* C. A. 9th Cir. Certiorari denied.

No. 03–9012. *CLARK v. YUBA COUNTY DISTRICT ATTORNEY’S OFFICE ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 72 Fed. Appx. 704.

No. 03–9013. *COATES v. YARBOROUGH, WARDEN.* C. A. 9th Cir. Certiorari denied.

No. 03–9017. *HUNTER v. LEE.* C. A. 4th Cir. Certiorari denied. Reported below: 77 Fed. Appx. 650.

No. 03–9023. *HAWK v. CASTRO, WARDEN.* C. A. 9th Cir. Certiorari denied. Reported below: 63 Fed. Appx. 325.

No. 03–9026. *HUGGINS v. PENNSYLVANIA.* Sup. Ct. Pa. Certiorari denied. Reported below: 575 Pa. 395, 836 A. 2d 862.

No. 03–9029. *WALKER v. TEXAS.* Ct. App. Tex., 5th Dist. Certiorari denied.

No. 03–9033. *GROSS v. DRETKE, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION.* C. A. 5th Cir. Certiorari denied.

No. 03–9034. *FREEMAN v. THOMAS, WARDEN, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 03–9038. *JOHNSON v. MUELLER, WARDEN.* C. A. 9th Cir. Certiorari denied. Reported below: 73 Fed. Appx. 304.

No. 03–9039. *BEAVER v. DRETKE, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION.* C. A. 5th Cir. Certiorari denied.

541 U.S.

April 26, 2004

No. 03–9043. *PARMELEE v. MAYES ET AL.* C. A. 9th Cir. Certiorari denied.

No. 03–9052. *BOHM v. BURT, WARDEN.* C. A. 6th Cir. Certiorari denied.

No. 03–9054. *BALLARD v. BRAXTON, WARDEN.* C. A. 4th Cir. Certiorari denied. Reported below: 82 Fed. Appx. 318.

No. 03–9059. *FOGGY v. EMPLOYERS INSURANCE COMPANY OF NEVADA.* Sup. Ct. Nev. Certiorari denied.

No. 03–9061. *HOLLOWAY v. YARBOROUGH, WARDEN.* C. A. 9th Cir. Certiorari denied.

No. 03–9063. *HENDERSON v. UNIVERSITY OF TEXAS MEDICAL BRANCH ET AL.* Ct. App. Tex., 12th Dist. Certiorari denied.

No. 03–9070. *HOUSER v. PARKER, WARDEN, ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 79 Fed. Appx. 655.

No. 03–9071. *HUNG TIEN NGUYEN v. LARSON, WARDEN.* C. A. 9th Cir. Certiorari denied.

No. 03–9076. *RAHEMAN v. RAHEMAN.* App. Ct. Mass. Certiorari denied. Reported below: 59 Mass. App. 915, 795 N. E. 2d 1239.

No. 03–9077. *MEEKS v. BELL, WARDEN.* C. A. 6th Cir. Certiorari denied.

No. 03–9082. *MEDIACEJA v. HORNER ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 82 Fed. Appx. 488.

No. 03–9083. *GARCIA v. TEXAS.* Ct. App. Tex., 1st Dist. Certiorari denied. Reported below: 106 S. W. 3d 854.

No. 03–9084. *ISSAC v. CROSBY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 82 Fed. Appx. 222.

No. 03–9086. *GILBERT v. RENICO, WARDEN.* C. A. 6th Cir. Certiorari denied.

No. 03–9087. *HUTCH v. ESPINDA, WARDEN.* C. A. 9th Cir. Certiorari denied.

April 26, 2004

541 U.S.

No. 03–9093. *MILLER v. MILLER*. Ct. App. S. C. Certiorari denied.

No. 03–9095. *HUTTON v. OHIO*. Ct. App. Ohio, Cuyahoga County. Certiorari denied.

No. 03–9103. *MONTEROS v. YARBOROUGH, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 03–9104. *WOODS v. MCGRATH, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 03–9106. *GRAHAM v. BATTLE, WARDEN*. C. A. 11th Cir. Certiorari denied.

No. 03–9113. *WEST v. WORKMAN, WARDEN*. C. A. 10th Cir. Certiorari denied.

No. 03–9117. *DENNIS v. LOUISIANA*. C. A. 5th Cir. Certiorari denied. Reported below: 71 Fed. Appx. 388.

No. 03–9120. *CHALOR v. IONICS, INCORPORATED OF MASSACHUSETTS*. C. A. 11th Cir. Certiorari denied. Reported below: 88 Fed. Appx. 387.

No. 03–9121. *HAWKINS v. OKLAHOMA*. Ct. Crim. App. Okla. Certiorari denied.

No. 03–9123. *HUNT v. ORTIZ, EXECUTIVE DIRECTOR, COLORADO DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 84 Fed. Appx. 34.

No. 03–9124. *MCTAGGART v. ROE V. WADE ET AL.* Sup. Ct. Iowa. Certiorari denied.

No. 03–9126. *WERBER v. BARTOS, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 72 Fed. Appx. 694.

No. 03–9128. *FIELDS v. GEORGIA*. Ct. App. Ga. Certiorari denied.

No. 03–9130. *HOLIDAY v. DRETKE, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 03–9131. *GRIFFIN v. PHILLIPS, SUPERINTENDENT, GREEN HAVEN CORRECTIONAL FACILITY*. C. A. 2d Cir. Certiorari denied.

541 U.S.

April 26, 2004

No. 03–9133. *FORBES v. MISSISSIPPI*. Sup. Ct. Miss. Certiorari denied.

No. 03–9134. *GONZALEZ v. YARBOROUGH, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 03–9142. *HOLIDAY v. CITY OF KALAMAZOO, MICHIGAN*. C. A. 6th Cir. Certiorari denied.

No. 03–9143. *HENDRICKS v. YOUNG*. C. A. 4th Cir. Certiorari denied. Reported below: 55 Fed. Appx. 700.

No. 03–9145. *GUIDROZ v. DRETKE, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 03–9151. *HUSS v. KING CO., INC., ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 338 F. 3d 647.

No. 03–9158. *PRICE v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 03–9169. *KEENAN v. BRIGANO, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 03–9171. *JACK-BEY v. STEGALL, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 03–9176. *MOORE v. JONES, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 03–9178. *SMITH v. ALAMEIDA, DIRECTOR, CALIFORNIA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 82 Fed. Appx. 185.

No. 03–9229. *BUSSIERE v. SCRIBNER, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 82 Fed. Appx. 561.

No. 03–9245. *CLAUS v. YARBOROUGH, WARDEN*. C. A. 9th Cir. Certiorari denied. Reported below: 74 Fed. Appx. 694.

No. 03–9247. *SCHUELLER v. MINNEY ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 76 Fed. Appx. 132.

No. 03–9255. *DANFORTH v. MCLEMORE, WARDEN*. C. A. 6th Cir. Certiorari denied.

April 26, 2004

541 U. S.

No. 03–9260. *DYE v. OZMINT, DIRECTOR, SOUTH CAROLINA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 81 Fed. Appx. 779.

No. 03–9279. *WILLIAMS v. NORTH CAROLINA.* Ct. App. N. C. Certiorari denied. Reported below: 159 N. C. App. 468, 583 S. E. 2d 428.

No. 03–9280. *WALKER v. ILLINOIS.* App. Ct. Ill., 4th Dist. Certiorari denied. Reported below: 329 Ill. App. 3d 1252, 835 N. E. 2d 205.

No. 03–9282. *THOMAS v. SCHWARZENEGGER, GOVERNOR OF CALIFORNIA.* C. A. 9th Cir. Certiorari denied.

No. 03–9293. *ALDER v. BURT, WARDEN.* C. A. 6th Cir. Certiorari denied.

No. 03–9314. *ROBINSON v. CONWAY, SUPERINTENDENT, ATTICA CORRECTIONAL FACILITY.* App. Div., Sup. Ct. N. Y., 4th Jud. Dept. Certiorari denied.

No. 03–9324. *MOORE v. GRANT ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 79 Fed. Appx. 676.

No. 03–9341. *BRANCH v. BUTLER, WARDEN.* C. A. 9th Cir. Certiorari denied.

No. 03–9358. *GLASS v. BROADWAY ELECTRIC SERVICE, INC.* C. A. 6th Cir. Certiorari denied. Reported below: 84 Fed. Appx. 599.

No. 03–9373. *FIELDS v. BOARD OF MANAGERS OF THE HIDDEN GLEN CONDOMINIUM ASSN. ET AL.* App. Ct. Ill., 2d Dist. Certiorari denied.

No. 03–9375. *GAMIERE v. KAYKO ET AL.* Ct. App. Ohio, Trumbull County. Certiorari denied.

No. 03–9376. *HOLTERMAN v. MORROW, SUPERINTENDENT, OREGON STATE CORRECTIONAL INSTITUTION.* C. A. 9th Cir. Certiorari denied. Reported below: 81 Fed. Appx. 136.

No. 03–9410. *MARLER v. HALL, WARDEN.* C. A. 9th Cir. Certiorari denied.

541 U.S.

April 26, 2004

No. 03–9417. *SMITH v. MOORE*, SUPERINTENDENT, WESTERN MISSOURI CORRECTIONAL CENTER, ET AL. C. A. 8th Cir. Certiorari denied.

No. 03–9419. *WHALEY v. BERTRAND*, WARDEN. C. A. 7th Cir. Certiorari denied.

No. 03–9436. *BRYANT v. ADAMS*, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 83 Fed. Appx. 260.

No. 03–9444. *LIGON v. BOSWELL*. C. A. 11th Cir. Certiorari denied.

No. 03–9447. *OKEN v. MARYLAND*. Ct. App. Md. Certiorari denied. Reported below: 378 Md. 179, 835 A. 2d 1105.

No. 03–9450. *TORRES v. JAIMET*, WARDEN. C. A. 7th Cir. Certiorari denied.

No. 03–9476. *SPEARS v. ILLINOIS*. Sup. Ct. Ill. Certiorari denied.

No. 03–9485. *MCCOLLOUGH v. SNOW*, SECRETARY OF THE TREASURY. C. A. 7th Cir. Certiorari denied. Reported below: 84 Fed. Appx. 667.

No. 03–9488. *ORTEGA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 82 Fed. Appx. 997.

No. 03–9518. *RODRIGUEZ-MARTINEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 86 Fed. Appx. 12.

No. 03–9522. *MUNOZ v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

No. 03–9528. *ARANDA v. UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS*. C. A. 5th Cir. Certiorari denied.

No. 03–9533. *ALVAREZ-GUTIERREZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 85 Fed. Appx. 356.

No. 03–9534. *ROBERTS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 84 Fed. Appx. 440.

April 26, 2004

541 U. S.

No. 03–9548. *SIEPKER v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 79 Fed. Appx. 939.

No. 03–9550. *GRIFFIN v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 90 Fed. Appx. 388.

No. 03–9551. *TAYLOR v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 353 F. 3d 868.

No. 03–9552. *HEAD v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 86 Fed. Appx. 286.

No. 03–9555. *HAMILTON v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

No. 03–9557. *HARRIS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 82 Fed. Appx. 964.

No. 03–9558. *GWYNN v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 82 Fed. Appx. 787.

No. 03–9559. *HAWKINS v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 78 Fed. Appx. 193.

No. 03–9561. *STOVER v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. Reported below: 329 F. 3d 859.

No. 03–9567. *FLEMING v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 84 Fed. Appx. 396.

No. 03–9568. *HYATT v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 84 Fed. Appx. 278.

No. 03–9571. *CARON v. UNITED STATES*. C. A. 1st Cir. Certiorari denied.

No. 03–9572. *DEATON v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 85 Fed. Appx. 956.

No. 03–9573. *CADAVID, AKA CAVADID v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 03–9582. *HINOJOSA v. MORRISON, WARDEN*. C. A. 5th Cir. Certiorari denied. Reported below: 82 Fed. Appx. 952.

No. 03–9586. *HARPINE v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 72 Fed. Appx. 627.

541 U.S.

April 26, 2004

No. 03–9591. THOMAS *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 74 Fed. Appx. 113.

No. 03–9592. LOPEZ-LERMA *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 86 Fed. Appx. 235.

No. 03–9596. CARRILLO-ANDRADE *v.* UNITED STATES; and DIAZ-MIRANDA *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 82 Fed. Appx. 880 (second judgment) and 945 (first judgment).

No. 03–9598. DUGGINS *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied.

No. 03–9599. CLAYBORN *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 339 F. 3d 700.

No. 03–863. BUNTING ET AL. *v.* MELLEN ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 327 F. 3d 355.

Opinion of JUSTICE STEVENS, with whom JUSTICE GINSBURG and JUSTICE BREYER join, respecting the denial of certiorari.

The “perceived procedural tangle” described by JUSTICE SCALIA’s dissent, *post*, at 1022, is a byproduct of an unwise judge-made rule under which courts must decide whether the plaintiff has alleged a constitutional violation before addressing the question whether the defendant state actor is entitled to qualified immunity. JUSTICE BREYER and I both questioned the wisdom of an inflexible rule requiring the premature adjudication of constitutional issues when the Court adopted it. See *County of Sacramento v. Lewis*, 523 U.S. 833, 858, 859 (1998). Relaxing that rule could solve the problem that JUSTICE SCALIA addresses in his dissent. JUSTICE SCALIA is quite wrong, however, when he states that the “procedural tangle” created by our constitutional-question-first procedure explains our denial of certiorari in this case. *Post*, at 1022. Indeed, it is only one of three reasons for not granting review. The other two are, first, that we have no jurisdiction, and second, that the alleged conflict of authority is more apparent than real.

Respondents have graduated from the Virginia Military Institute (VMI). The Court of Appeals accordingly held that respondents’ “claims for declaratory and injunctive relief are moot” and vacated the District Court’s judgment insofar as it awarded such relief. 327 F. 3d 355, 360 (CA4 2003). That leaves respondents’

claim for damages against Bunting in his individual capacity. The Court of Appeals concluded that Bunting is entitled to qualified immunity, *id.*, at 376, and respondents have not challenged that ruling. All that remains, therefore, is the parties' dispute over the constitutionality of VMI's supper prayer.

Whether or not such a dispute would be sufficient to support jurisdiction in different circumstances, it plainly falls short in this case. Bunting has retired from his position as Superintendent of VMI, see *id.*, at 360, and will suffer no direct injury if VMI is unable to continue the prayer. Thus, there no longer is a live controversy between Bunting and respondents regarding the constitutionality of the prayer. As for the other named petitioner, new Superintendent Peay, there *never* was a live controversy. Peay was added to the case (apparently in error) after the Court of Appeals issued its decision vacating the District Court's award of injunctive and declaratory relief. At that point, the only issue was Bunting's individual-capacity liability—an issue in which Peay obviously has no interest. VMI itself is not a party.

The jurisdictional issue in this case differs from that presented in *Erie v. Pap's A. M.*, 529 U.S. 277 (2000). The respondent in *Erie*, which operated a nude dancing establishment, obtained an injunction barring the city from enforcing an ordinance banning public nudity. After we granted the city's petition for certiorari to review the state court's decision, respondent submitted an affidavit stating that it had "ceased to operate a nude dancing establishment in Erie." *Id.*, at 287 (internal quotation marks omitted). We concluded, nevertheless, that the case was not moot. We observed that respondent had "an interest in preserving the judgment" of the state court," *id.*, at 288, because it was "still incorporated under Pennsylvania law, and it could again decide to operate a nude dancing establishment in Erie," *id.*, at 287, notwithstanding the owner's "'advanced age'" of 72, *id.*, at 288. Meanwhile, the city had "an ongoing injury because it [was] barred from enforcing the public nudity provisions of its ordinance." *Ibid.* "If the challenged ordinance is found constitutional," we explained, "then Erie can enforce it, and the availability of such relief is sufficient to prevent the case from being moot." *Ibid.* Finally, we emphasized that the case did not involve "run of the mill voluntary cessation" because respondent was seeking to have the case declared moot after *prevailing* in state court. *Ibid.* Respondent's argument, if successful, would have resulted in dis-

missal of the petition, leaving intact the state court's ruling. We noted that "[o]ur interest in preventing litigants from attempting to manipulate the Court's jurisdiction to insulate a favorable decision from review further counsel[ed] against a finding of mootness." *Ibid.*

In this case, by contrast, none of the parties has a present stake in the outcome. There is no reason to believe that Bunting ever will return to VMI in an official capacity, and even if there were, we have made clear that such speculation cannot "shield [a] case from a mootness determination." *City News & Novelty, Inc. v. Waukesha*, 531 U.S. 278, 283 (2001) (explaining that the possibility that the respondent in *Erie* would reopen or reinvest in the business was not sufficient to explain our rejection of mootness in that case). Unlike the situation in *Erie*, moreover, there is no injunction presently barring VMI from reinstituting the supper prayer. This case also lacks the potential for gamesmanship that concerned us in *Erie*. Respondents are not seeking to have the case declared moot after prevailing below (respondents lost on the issue of damages), and their graduation from VMI obviously is distinguishable from the voluntary cessation of a business enterprise.

The second reason justifying a denial of certiorari is the absence of a direct conflict among the Circuits. The Courts of Appeals for the Sixth and Seventh Circuits have rejected constitutional challenges to state universities' inclusion of a nondenominational prayer or religious invocation in their graduation ceremonies, reasoning that college-age students are not particularly "susceptible to pressure from their peers towards conformity," *Lee v. Weisman*, 505 U.S. 577, 593 (1992). See *Chaudhuri v. Tennessee*, 130 F. 3d 232 (CA6 1997); *Tanford v. Brand*, 104 F. 3d 982 (CA7 1997). The Fourth Circuit endorsed that principle in theory, but found it unhelpful in this case because of the features of VMI that distinguish it from more traditional institutions of higher education—for example, its use of the "adversative" method and its emphasis on submission and conformity. 327 F. 3d, at 371–372. Given the unique features of VMI, we do not know how the Fourth Circuit would resolve a case involving prayer at a state university, or, indeed, how the Sixth or Seventh Circuits would analyze the supper prayer at issue in this case. Thus, while the importance of this case might have

justified a decision to grant, it is not accurate to suggest that a conflict of authority would have mandated such a decision.

JUSTICE SCALIA, with whom THE CHIEF JUSTICE joins, dissenting.

In this case, the current and former Superintendents of the Virginia Military Institute have asked this Court to review the conclusion, reached by a panel of the Fourth Circuit, that an invocation of God during VMI's Supper Roll Call ceremony is unconstitutional. See 327 F. 3d 355 (2003). The prayer was voluntary, but nonparticipating cadets were required to remain respectfully "at rest" for its duration. *Id.*, at 362. This, the panel concluded, amounted to unconstitutional religious coercion of the sort prohibited by our precedent—principally *Lee v. Weisman*, 505 U. S. 577 (1992), a case that involved public high school prayer. The weighty questions raised by petitioners—about the proper application of *Lee* where adults rather than children are the subjects, and about the constitutionality of traditional religious observance in military institutions—deserve this Court's attention, particularly since the decisions of two other Circuits are in apparent contradiction as to whether *Lee* can extend so far. The only explanation for the Court's refusal to resolve a Circuit conflict of such consequence is a perceived procedural tangle of the Court's own making. Far from finding that tangle a justification for rejecting the petition, I find it an additional reason for granting.

This Court has established a mandatory order of priority for resolution of the two standard issues that arise in damages suits brought against government officers under Rev. Stat. § 1979, 42 U. S. C. § 1983, or *Bivens v. Six Unknown Fed. Narcotics Agents*, 403 U. S. 388 (1971). A court must ask, first, whether "the facts alleged show the officer's conduct violated a constitutional right"; if so, "the next, sequential step" is to resolve the qualified-immunity claim by asking "whether the right was clearly established." *Saucier v. Katz*, 533 U. S. 194, 201 (2001). See *Wilson v. Layne*, 526 U. S. 603, 609 (1999); *Conn v. Gabbert*, 526 U. S. 286, 290 (1999). "[T]he requisites of a qualified immunity defense *must* be considered in proper sequence." *Saucier, supra*, at 200 (emphasis added).

The *Saucier* constitutional-question-first procedure played a central role in the proceedings below. Two cadets filed suit against Josiah Bunting, then-Superintendent of VMI, challenging

the constitutionality of the prayer, and seeking declaratory and injunctive relief, nominal damages, costs, and attorney's fees. The District Court entered summary judgment for the cadets. That judgment was appealed, and by the time the Fourth Circuit panel ruled, the cadets had graduated. This mooted the declaratory and injunctive relief claims (the only claims the current Superintendent might have inherited when he succeeded Bunting), but the money damages claim against Bunting in his personal capacity remained, and raised the same constitutional question. In accordance with its obligation under *Saucier*, the panel first considered whether the Establishment Clause forbade the prayer, concluding after lengthy analysis that it did. 327 F. 3d, at 365–376. Turning to the second step, the panel quickly determined that the relevant constitutional right was not clearly established because, among other things, several Circuits had previously approved prayer at university functions. See *id.*, at 376 (citing earlier discussion of *Tanford v. Brand*, 104 F. 3d 982 (CA7 1997), and *Chaudhuri v. Tennessee*, 130 F. 3d 232 (CA6 1997)). The court therefore granted qualified immunity, and judgment, to Bunting.

The Fourth Circuit's determination that a state military college's grace before meals violates the Establishment Clause, creating a conflict with Circuits upholding state-university prayers, would normally make this case a strong candidate for certiorari. But it is questionable whether Bunting's request for review can be entertained, since he *won judgment* in the court below. For although the statute governing our certiorari jurisdiction permits application by "any party" to a case in a federal court of appeals, 28 U. S. C. § 1254(1), our practice reflects a "settled refusal" to entertain an appeal by a party on an issue as to which he prevailed. R. Stern, E. Gressman, S. Shapiro, & K. Geller, *Supreme Court Practice* 79 (8th ed. 2002). We sit, after all, not to correct errors in dicta; "[t]his Court reviews judgments, not statements in opinions." *California v. Rooney*, 483 U. S. 307, 311 (1987) (*per curiam*) (internal quotation marks omitted).

I think it plain that this general rule should not apply where a favorable judgment on qualified-immunity grounds would deprive a party of an opportunity to appeal the unfavorable (and often more significant) constitutional determination. That constitutional determination is *not* mere dictum in the ordinary sense, since the whole reason we require it to be set forth (despite the

availability of qualified immunity) is to clarify the law and thus make unavailable repeated claims of qualified immunity in future cases.

In areas other than this, we have in the past entertained two appeals on collateral issues by parties who won below. See *Deposit Guaranty Nat. Bank v. Roper*, 445 U. S. 326, 333–336 (1980); *Electrical Fittings Corp. v. Thomas & Betts Co.*, 307 U. S. 241 (1939). That these exceptions have been few is simply a consequence of the fact that suitable candidates seldom present themselves. Cf. *Partmar Corp. v. Paramount Pictures Theatres Corp.*, 347 U. S. 89, 99, n. 6 (1954). But the *Saucier* procedure gives rise to—and is designed to give rise to—constitutional rulings (such as this one) with precedential effect. It seems to me this sort of situation is exactly what we had in mind when we said, in *Deposit Guaranty Nat. Bank*, that “[i]n an appropriate case” a petitioner may appeal an adverse collateral ruling despite having secured a favorable judgment, 445 U. S., at 334. Not only is the denial of review unfair to the litigant (and to the institution that the litigant represents) but it undermines the purpose served by initial consideration of the constitutional question, which is to clarify constitutional rights without undue delay. See, e. g., *Wilson*, *supra*, at 609; *County of Sacramento v. Lewis*, 523 U. S. 833, 841–842, n. 5 (1998).

This problem has attracted the attention of lower courts. Two Circuits have noticed that if the constitutional determination remains locked inside a §1983 suit in which the defendant received a favorable judgment on qualified immunity grounds, then “government defendants, as the prevailing parties, will have no opportunity to appeal for review of the newly declared constitutional right in the higher courts.” *Horne v. Coughlin*, 191 F. 3d 244, 247 (CA2 1999) (quoted in *Kalka v. Hawk*, 215 F. 3d 90, 96 (CA10 2000)); see *Horne*, *supra*, at 247, n. 1 (concluding that this Court could not have reviewed the judgment in *County of Sacramento v. Lewis*, *supra*, if the Ninth Circuit had not believed the right clearly established). As both Circuits recognized, the mess up here is replicated below. See *Horne*, *supra*, at 247 (noting the parallel between unreviewability of district court and court of appeals decisions); *Kalka*, 215 F. 3d, at 96, and n. 9 (similar). This understandable concern has led some courts to conclude (mistakenly) that the constitutional-question-first rule is customary, not mandatory. See *id.*, at 96, 98; *Horne*, *supra*, at 247, 250; see

also *Pearson v. Ramos*, 237 F. 3d 881, 884 (CA7 2001) (doubting that the *Saucier* rule is “absolute,” for the reasons given in *Kalka* and *Horne*). The perception of unreviewability undermines adherence to the sequencing rule we have created. Cf. *Koch v. Brattleboro*, 287 F. 3d 162, 166 (CA2 2002) (citing *Horne* for the proposition that “[a]lthough we normally apply this two-step test, where we are convinced that the purported constitutional right violated is not ‘clearly established,’ we retain the discretion to refrain from determining whether, under the first step of the test, a constitutional right was violated at all”).

This situation should not be prolonged. We should either make clear that constitutional determinations are *not* insulated from our review (for which purpose this case would be an appropriate vehicle), or else drop any pretense at requiring the ordering in every case.

* * *

In sum, we have before us in this petition a constitutional issue of considerable consequence on which the Courts of Appeals are in disagreement. The only apparent obstacle to our review* is in fact an additional incentive to our review, so that we might eliminate the confusion spawned by our civil-rights constitutional-issue-first jurisprudence. VMI has previously seen another of its traditions abolished by this Court. See *United States v. Vir-*

*There is another concern for me, though it is not one that should affect the majority of the Court: Bunting is now retired from VMI. Whether he retains the requisite Article III stake in resolution of the constitutional question after his retirement seems dubious to me, but not to the Court majority, which has upheld standing in a case where the party who had challenged regulation of a nude dancing establishment had retired from that business but could (barely conceivably) return. See *Erie v. Pap's A. M.*, 529 U.S. 277, 287–289 (2000). Even if the majority has had a change of heart about this standing point, the case should *still* be taken, to clarify the ordinary availability of appeal, as discussed above, and to specify that, in the unusual situation such as this where lack of standing precludes appeal, resolution of the constitutional question does not have *stare decisis* effect. Cf. 18 C. Wright, A. Miller, & E. Cooper, *Federal Practice and Procedure* §4421, p. 559 (2d ed. 2002) (issue preclusive effect denied to nonappealable findings; “[s]ince appellate review is an integral part of the system, there is strong reason to insist that preclusion should be denied to findings that could not be tested by the appellate procedure ordinarily available”); 18A *id.*, §4433, at 98 (“If ordinary opportunities to appeal are thwarted by the circumstances of a particular case . . . preclusion may prove unwise”).

ginia, 518 U.S. 515 (1996). This time, however, its cause has been ignored rather than rejected—though the consequence will be just the same.

JUSTICE STEVENS disagrees that certiorari should be granted for three reasons. *Ante*, p. 1019 (opinion respecting denial of certiorari). The first is that he would prefer to take the course we have repeatedly rejected, viz., to repudiate the *Saucier* procedure. Apart from the unlikelihood that that preference will ever be satisfied, it speaks neither to the feasibility of my proposal nor to the desirability of giving it a thorough airing by this Court. The second reason, that “we have no jurisdiction,” *ante*, at 1019, because this case is different from *Erie v. Pap’s A. M.*, 529 U.S. 277 (2000), seems to me both erroneous and beside the point. A court always has jurisdiction to determine jurisdiction, which is the precise issue I would consider on certiorari. See *United States v. Mine Workers*, 330 U.S. 258, 291 (1947). If the Court ultimately concluded that the case is moot (presumably because the prospect that Bunting will return to VMI is significantly more remote than was the prospect that the 72-year-old, retired former owner of Pap’s, who swore in an affidavit that he had no plans to reenter the nude dancing business, would nonetheless do so), it would still have established that an appeal is ordinarily available.

The final reason pertains to the merits. *Ante*, at 1021–1022. Although JUSTICE STEVENS concedes the importance of this case, he relies upon the fact that there is no “*direct* conflict among the Circuits,” *ante*, at 1021 (emphasis added). That conclusion rests upon factual differences of the sort that ordinarily exist between judgments that evaluate specific practices at specific institutions. It is no surprise that, as JUSTICE STEVENS notes, the Fourth Circuit distinguished cases from other Circuits; that is what courts ordinarily do. But the basis for the distinguishing—that this was a supper prayer at a state military college, whereas the other cases involved graduation prayers at state nonmilitary colleges—is, to put it mildly, a frail one. (In fact, it might be said that the former is *more*, rather than *less*, likely to be constitutional, since group prayer before military mess is more traditional than group prayer at ordinary state colleges.) In any event, the absence of a direct conflict is perhaps a reason why certiorari *need* not be granted, but hardly a reason why it *should* not be. It is surely ironic to invoke, as the basis for denying review of the judgment unfavorable to VMI in this case, the fact

541 U.S.

April 26, 2004

that VMI is in some sense, as we said in *United States v. Virginia, supra*, at 519, “an incomparable military college”—inasmuch as that incomparability did not insulate its favorable judgment from our review and reversal in *United States v. Virginia* itself. JUSTICE STEVENS’s comforting observation that “there is no injunction presently barring VMI from reinstituting the supper prayer,” *ante*, at 1021, simply ignores the reality that, if it should choose that course, the present judgment of the Court of Appeals with jurisdiction over the Commonwealth would deny VMI officials a good-faith, qualified-immunity defense against suits for damages.

No. 03–1046. *AT&T CORP. v. ALLEN ET UX., ON BEHALF OF THEMSELVES AND ALL OTHERS SIMILARLY SITUATED*. Ct. Civ. App. Okla. Motion of Council on State Taxation for leave to file a brief as *amicus curiae* granted. Certiorari denied.

No. 03–1049. *IDAHO POTATO COMMISSION v. M & M PRODUCE FARM & SALES, DBA M & M PRODUCE, ET AL.* C. A. 2d Cir. Motions of Underwriters Laboratories Inc. et al. and Florida Department of Citrus/Florida Citrus Commission for leave to file briefs as *amici curiae* granted. Certiorari denied. Reported below: 335 F. 3d 130.

No. 03–1199. *EMPLOYERS INSURANCE COMPANY OF WAUSAU v. JOHNSON CONTROLS, INC., ET AL.* Sup. Ct. Wis. Motion of Complex Insurance Claims Litigation Association for leave to file a brief as *amicus curiae* granted. Certiorari denied. Reported below: 264 Wis. 2d 60, 665 N. W. 2d 257.

No. 03–1208. *OKULEY v. E. I. DU PONT DE NEMOURS & CO.* C. A. 6th Cir. Certiorari denied. JUSTICE O’CONNOR took no part in the consideration or decision of this petition. Reported below: 344 F. 3d 578.

Rehearing Denied

No. 03–769. *ELJACK v. ALABAMA DEPARTMENT OF INDUSTRIAL RELATIONS ET AL.*, 540 U. S. 1178;

No. 03–824. *NAETHING v. COVINGTON, DIRECTOR, AMERICAN GENERAL LIFE & ACCIDENT INSURANCE CO., ET AL.*, *ante*, p. 902;

No. 03–875. *ELJACK v. SECURITY ENGINEERS, INC., ET AL.*, 540 U. S. 1181;

No. 03–942. *DAHLQUIST v. VUKICH*, 540 U. S. 1219;

April 26, May 3, 2004

541 U. S.

- No. 03–7042. *FEGAN v. YARBOROUGH, WARDEN*, 540 U. S. 1116;
No. 03–7215. *DONATO v. MCCARTHY*, 540 U. S. 1121;
No. 03–7872. *HOFF v. NATIONAL LABOR RELATIONS BOARD ET AL.*, 540 U. S. 1155;
No. 03–7914. *HOFFMAN v. JONES, WARDEN, ET AL.*, 540 U. S. 1193;
No. 03–7936. *JURICH v. MCLEMORE, WARDEN*, 540 U. S. 1194;
No. 03–7950. *HOLLAND v. JONES, WARDEN*, 540 U. S. 1194;
No. 03–8092. *JEFFERSON v. ROCKETT ET AL.*, 540 U. S. 1222;
No. 03–8425. *MILLER v. ST. LOUIS COUNTY, MISSOURI*, 540 U. S. 1225;
No. 03–8488. *LUNA v. ROCHE, SECRETARY OF THE AIR FORCE*, 540 U. S. 1225; and
No. 03–8605. *OWENS v. UNITED STATES*, 540 U. S. 1227. Petitions for rehearing denied.

MAY 3, 2004

Certiorari Granted—Reversed and remanded. (See No. 03–1028, *ante*, p. 433.)

Certiorari Dismissed

No. 03–9228. *KEELEN v. CAIN, WARDEN*. C. A. 5th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court’s Rule 39.8.

Miscellaneous Orders

No. 03M68. *RODMAN v. FLORIDA*; and

No. 03M70. *GARCIA v. CITY OF CLAYTON, NEW MEXICO*. Motions to direct the Clerk to file petitions for writs of certiorari out of time denied.

No. 03M69. *DOE v. UNITED STATES*. Motion for leave to file petition for writ of certiorari under seal with redacted copies for the public record granted.

No. 03–1238. *IBP, INC. v. ALVAREZ, INDIVIDUALLY AND ON BEHALF OF ALL OTHERS SIMILARLY SITUATED, ET AL.* C. A. 9th Cir. The Solicitor General is invited to file a brief in this case expressing the views of the United States.

541 U. S.

May 3, 2004

No. 03–8476. IN RE SHERRILLS. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [*ante*, p. 934] denied.

No. 03–9730. IN RE BRADLEY;

No. 03–9734. IN RE CLAY; and

No. 03–9759. IN RE BELLON. Petitions for writs of habeas corpus denied.

No. 03–1243. IN RE GREEN TREE FINANCIAL CORP., AKA GREEN TREE ACCEPTANCE CORP., AKA GREEN TREE FINANCIAL SERVICES CORP., NKA CONSECO FINANCE CORP.;

No. 03–9141. IN RE METCALF;

No. 03–9162. IN RE WHITE; and

No. 03–9682. IN RE WILLIAMS. Petitions for writs of mandamus denied.

No. 03–1242. IN RE HOLBROOK; and

No. 03–9161. IN RE BELL. Petitions for writs of mandamus and/or prohibition denied.

Certiorari Denied

No. 03–915. DEFENDERS OF WILDLIFE ET AL. *v.* HOGARTH, ASSISTANT ADMINISTRATOR FOR FISHERIES, NATIONAL MARINE FISHERIES SERVICE, ET AL. C. A. Fed. Cir. Certiorari denied. Reported below: 330 F. 3d 1358.

No. 03–992. HATCHETT ET UX. *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 330 F. 3d 875.

No. 03–1071. COUNTY OF OKANOGAN, WASHINGTON, ET AL. *v.* NATIONAL MARINE FISHERIES SERVICE ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 347 F. 3d 1081.

No. 03–1074. BRONX LEGAL SERVICES *v.* LEGAL SERVICES FOR NEW YORK CITY ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 78 Fed. Appx. 781.

No. 03–1080. CONNECTICUT *v.* PEELER. Sup. Ct. Conn. Certiorari denied. Reported below: 265 Conn. 460, 828 A. 2d 1216.

No. 03–1081. DOMTAR MAINE CORP., INC. *v.* FEDERAL ENERGY REGULATORY COMMISSION. C. A. D. C. Cir. Certiorari denied. Reported below: 347 F. 3d 304.

May 3, 2004

541 U. S.

No. 03–1109. *FRANDSEN ET AL. v. BREVARD COUNTY, FLORIDA, ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 69 Fed. Appx. 989.

No. 03–1114. *A-ONE MEDICAL SERVICES, INC., ET AL. v. CHAO, SECRETARY OF LABOR.* C. A. 9th Cir. Certiorari denied. Reported below: 346 F. 3d 908.

No. 03–1144. *BASIL v. MAXIM HEALTHCARE SERVICES, INC.* C. A. 11th Cir. Certiorari denied. Reported below: 347 F. 3d 1240.

No. 03–1162. *LEAVITT, ADMINISTRATOR, ENVIRONMENTAL PROTECTION AGENCY, ET AL. v. TENNESSEE VALLEY AUTHORITY ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 336 F. 3d 1236.

No. 03–1218. *ROANE v. NATIONAL CHILDREN’S CENTER, INC., ET AL.* C. A. D. C. Cir. Certiorari denied.

No. 03–1220. *CHAPMAN ET AL. v. KING RANCH, INC., ET AL.* Sup. Ct. Tex. Certiorari denied. Reported below: 118 S. W. 3d 742.

No. 03–1229. *DEMOSS v. TEXAS.* C. A. 5th Cir. Certiorari denied.

No. 03–1231. *VENTURELLI v. ARC COMMUNITY SERVICES, INC.* C. A. 7th Cir. Certiorari denied. Reported below: 350 F. 3d 592.

No. 03–1249. *FILOSO v. PRINCE WILLIAM COUNTY SCHOOL BOARD.* C. A. 4th Cir. Certiorari denied. Reported below: 81 Fed. Appx. 791.

No. 03–1257. *BOIVIN v. TOWN OF ADDISON, VERMONT.* Sup. Ct. Vt. Certiorari denied. Reported below: 176 Vt. 653, 845 A. 2d 1027.

No. 03–1289. *DAISLEY ET AL. v. OSBOURNE ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 78 Fed. Appx. 594.

No. 03–1309. *PINKSTON v. CALIFORNIA.* Ct. App. Cal., 2d App. Dist. Certiorari denied. Reported below: 112 Cal. App. 4th 387, 5 Cal. Rptr. 3d 274.

No. 03–1315. *BUDDHU v. CONNECTICUT.* Sup. Ct. Conn. Certiorari denied. Reported below: 264 Conn. 449, 825 A. 2d 48.

541 U. S.

May 3, 2004

No. 03–1318. *WHITEHORN v. FEDERAL COMMUNICATIONS COMMISSION*. C. A. 9th Cir. Certiorari denied. Reported below: 63 Fed. Appx. 346.

No. 03–1332. *KANT ET UX. v. BREGMAN, BERBERT & SCHWARTZ, LLC, ET AL.* Cir. Ct. Montgomery County, Md. Certiorari denied.

No. 03–1344. *NICKLIN v. POTTER, POSTMASTER GENERAL*. C. A. 6th Cir. Certiorari denied. Reported below: 352 F. 3d 1077.

No. 03–1346. *DORAN ET AL. v. MASSACHUSETTS TURNPIKE AUTHORITY ET AL.* C. A. 1st Cir. Certiorari denied. Reported below: 348 F. 3d 315.

No. 03–1358. *ROCKEFELLER v. TACHA, CHIEF JUDGE, UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT, ET AL.* C. A. D. C. Cir. Certiorari denied.

No. 03–1362. *MOODY v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 82 Fed. Appx. 219.

No. 03–1378. *MARCH ET UX. v. INTERNAL REVENUE SERVICE*. C. A. 10th Cir. Certiorari denied. Reported below: 335 F. 3d 1186.

No. 03–8634. *HENDERSON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 83 Fed. Appx. 677.

No. 03–8709. *CAMPOS-BELASQUEZ v. UNITED STATES; CARAPIA-HERNANDEZ v. UNITED STATES; and NOLASCO v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 79 Fed. Appx. 666 (first judgment); 81 Fed. Appx. 506 (second and third judgments).

No. 03–8727. *FOSTER v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 344 F. 3d 799.

No. 03–8730. *GARZA-GARZA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 79 Fed. Appx. 635.

No. 03–8735. *MULLINS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 315 F. 3d 449.

No. 03–9140. *CRYNS v. ILLINOIS*. App. Ct. Ill., 2d Dist. Certiorari denied.

May 3, 2004

541 U. S.

No. 03–9160. *RESENDIZ v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied. Reported below: 112 S. W. 3d 541.

No. 03–9163. *TEJEDA v. CALIFORNIA*. Ct. App. Cal., 4th App. Dist. Certiorari denied.

No. 03–9165. *MEDBERRY v. CROSBY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 351 F. 3d 1049.

No. 03–9172. *MATHIS v. KNOWLES, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 81 Fed. Appx. 906.

No. 03–9174. *ALLMAN ET UX. v. IRVIN HOME EQUITY CORP.* C. A. 6th Cir. Certiorari denied. Reported below: 77 Fed. Appx. 816.

No. 03–9177. *SALINAS v. DRETKE, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION.* C. A. 5th Cir. Certiorari denied. Reported below: 354 F. 3d 425.

No. 03–9181. *KHODANIAN v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 03–9183. *KELLY v. HOWES, WARDEN.* C. A. 6th Cir. Certiorari denied.

No. 03–9187. *RILEY v. MINNESOTA.* C. A. 8th Cir. Certiorari denied.

No. 03–9189. *BELIVEAU v. HOFBAUER, WARDEN.* C. A. 6th Cir. Certiorari denied.

No. 03–9190. *CONNOR v. ESPINDA, WARDEN.* C. A. 9th Cir. Certiorari denied. Reported below: 82 Fed. Appx. 525.

No. 03–9191. *CLARK v. LAMARQUE, WARDEN.* C. A. 9th Cir. Certiorari denied. Reported below: 82 Fed. Appx. 522.

No. 03–9192. *TUCKER v. OZMINT, DIRECTOR, SOUTH CAROLINA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 350 F. 3d 433.

No. 03–9198. *SMITH v. GEORGIA.* Sup. Ct. Ga. Certiorari denied. Reported below: 277 Ga. 213, 586 S. E. 2d 639.

541 U. S.

May 3, 2004

No. 03–9200. *WOODRUFF v. MAINE DEPARTMENT OF HUMAN SERVICES*. Sup. Jud. Ct. Me. Certiorari denied.

No. 03–9202. *SANG VAN PHAM v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied.

No. 03–9203. *O'BRYANT v. PORTER ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 92 Fed. Appx. 780.

No. 03–9204. *BUCHANAN v. CITY OF FOREST PARK, GEORGIA, POLICE DEPARTMENT, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 03–9205. *MARKS v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied. Reported below: 31 Cal. 4th 197, 72 P. 3d 1222.

No. 03–9206. *TOODLE v. CITY OF LOS ANGELES, CALIFORNIA, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 03–9207. *BIFFEL v. TEXAS*. Ct. App. Tex., 2d Dist. Certiorari denied.

No. 03–9211. *ROBINSON v. WALLS, WARDEN*. C. A. 7th Cir. Certiorari denied.

No. 03–9220. *PARNELL v. CROSBY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS*. C. A. 11th Cir. Certiorari denied. Reported below: 85 Fed. Appx. 725.

No. 03–9221. *MOORE v. MOSLEY, WARDEN*. C. A. 11th Cir. Certiorari denied.

No. 03–9222. *JOHNS v. DRETKE, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 03–9223. *HURST v. DELAWARE*. Sup. Ct. Del. Certiorari denied. Reported below: 832 A. 2d 1251.

No. 03–9227. *PHELPS v. ALAMEDA COUNTY, CALIFORNIA, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 03–9230. *TODDY v. NORRIS, DIRECTOR, ARKANSAS DEPARTMENT OF CORRECTION*. C. A. 8th Cir. Certiorari denied.

No. 03–9234. *SHIELDS v. YMCA OF GREATER ST. LOUIS*. C. A. 8th Cir. Certiorari denied.

May 3, 2004

541 U. S.

No. 03–9236. *MANGAN v. MANGAN*. Sup. Jud. Ct. Me. Certiorari denied.

No. 03–9239. *JONES v. DRETKE, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 03–9240. *PALAFIX v. ILLINOIS*. App. Ct. Ill., 4th Dist. Certiorari denied.

No. 03–9244. *CORDER v. ILLINOIS*. App. Ct. Ill., 5th Dist. Certiorari denied.

No. 03–9251. *TURNER v. CROSBY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS*. C. A. 11th Cir. Certiorari denied. Reported below: 339 F. 3d 1247.

No. 03–9339. *LAW v. GIURBINO, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 03–9344. *CRAFT v. LEWIS, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 03–9357. *GARDNER v. MONTANA*. Sup. Ct. Mont. Certiorari denied. Reported below: 318 Mont. 436, 80 P. 3d 1262.

No. 03–9391. *RYKSCHROEFF v. YATES, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 03–9403. *SAVIER v. MCGUIRE ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 61 Fed. Appx. 318.

No. 03–9434. *THAMES v. MISSISSIPPI*. Sup. Ct. Miss. Certiorari denied.

No. 03–9477. *SPERRY v. KANSAS*. Ct. App. Kan. Certiorari denied. Reported below: 31 Kan. App. 2d xxviii, 77 P. 3d 1008.

No. 03–9484. *MORRIS v. MCCAUGHTRY, WARDEN*. C. A. 7th Cir. Certiorari denied.

No. 03–9536. *COLON v. CONNOLLY ET AL.* C. A. 1st Cir. Certiorari denied. Reported below: 78 Fed. Appx. 732.

541 U. S.

May 3, 2004

No. 03-9539. *SAMPLE v. FEDERAL BUREAU OF PRISONS*. C. A. 5th Cir. Certiorari denied. Reported below: 88 Fed. Appx. 704.

No. 03-9544. *ADAMS v. NEGRON ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 94 Fed. Appx. 676.

No. 03-9569. *FOURSTAR v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 75 Fed. Appx. 603.

No. 03-9570. *GONZALEZ-GARCIA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 83 Fed. Appx. 915.

No. 03-9600. *SCOTT v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

No. 03-9601. *CURRY v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 75 Fed. Appx. 377.

No. 03-9603. *NAVA-SOTELA, AKA MONTOYA v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 354 F. 3d 1202.

No. 03-9604. *MALTA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 81 Fed. Appx. 246.

No. 03-9605. *NESTOR v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 90 Fed. Appx. 386.

No. 03-9614. *LOVELL v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 83 Fed. Appx. 754.

No. 03-9618. *QUEZADA-CRUZ v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 86 Fed. Appx. 318.

No. 03-9628. *QUINTERO-RENDON v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 354 F. 3d 1320.

No. 03-9630. *BATES v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 03-9632. *COSBY v. MEADORS, ASSOCIATE WARDEN, ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 351 F. 3d 1324.

No. 03-9637. *BRENNAN v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 85 Fed. Appx. 885.

May 3, 2004

541 U. S.

No. 03-9638. *ALEQUIN v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 03-9648. *WILLIAMS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 83 Fed. Appx. 547.

No. 03-9649. *WILLIAMS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 85 Fed. Appx. 365.

No. 03-9652. *STEWART v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 88 Fed. Appx. 606.

No. 03-9653. *CARMONA v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 76 Fed. Appx. 285.

No. 03-9673. *BROOKS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 84 Fed. Appx. 345.

No. 03-9676. *CHAVEZ-GUERRERO v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 81 Fed. Appx. 825.

No. 03-9677. *COLEMAN v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 84 Fed. Appx. 428.

No. 03-9678. *EMMANUEL v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 57 Fed. Appx. 170.

No. 03-9680. *DIAZ v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 03-9681. *VILLEGAS-MIRANDA v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 90 Fed. Appx. 387.

No. 03-9684. *WHEELER v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 84 Fed. Appx. 304.

No. 03-9691. *SKINNER v. WILEY, WARDEN*. C. A. 11th Cir. Certiorari denied. Reported below: 355 F. 3d 1293.

No. 03-9700. *LONDONO-MEJIA v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 86 Fed. Appx. 825.

No. 03-9703. *SAUNDERS v. CONNECTICUT*. Sup. Ct. Conn. Certiorari denied. Reported below: 267 Conn. 363, 838 A. 2d 186.

No. 03-9704. *REED v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 84 Fed. Appx. 983.

541 U. S.

May 3, 2004

No. 03-9709. BRAGGS *v.* PEREZ, WARDEN. C. A. 6th Cir. Certiorari denied. Reported below: 73 Fed. Appx. 147.

No. 03-9727. WITCHER *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 90 Fed. Appx. 386.

No. 03-1050. GREEN LEAF NURSERY, INC., ET AL. *v.* E. I. DU PONT DE NEMOURS & CO. C. A. 11th Cir. Certiorari denied. JUSTICE O'CONNOR took no part in the consideration or decision of this petition. Reported below: 341 F. 3d 1292.

No. 03-1108. DAKOTA RURAL ACTION ET AL. *v.* SOUTH DAKOTA FARM BUREAU, INC., ET AL.; and

No. 03-1111. NELSON, SECRETARY OF STATE OF SOUTH DAKOTA, ET AL. *v.* SOUTH DAKOTA FARM BUREAU, INC., ET AL. C. A. 8th Cir. Motion of National Farmers Union et al. for leave to file a brief as *amici curiae* granted. Certiorari denied. Reported below: 340 F. 3d 583.

No. 03-1235. ARIZONA *v.* DAVIS. Sup. Ct. Ariz. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 206 Ariz. 377, 79 P. 3d 64.

No. 03-1252. DICK CORP. ET AL. *v.* MELLON BANK, N. A. C. A. 7th Cir. Certiorari denied. JUSTICE BREYER took no part in the consideration or decision of this petition. Reported below: 351 F. 3d 290.

No. 03-1307. MITCHELL, WARDEN *v.* VAN LYNN. C. A. 9th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 347 F. 3d 735.

No. 03-9432. ROBINSON *v.* MONTANA. Sup. Ct. Mont. Motion of National Association of Criminal Defense Lawyers for leave to file a brief as *amicus curiae* granted. Certiorari denied. Reported below: 319 Mont. 82, 82 P. 3d 27.

Rehearing Denied

No. 03-830. BUSH *v.* ZEELAND BOARD OF EDUCATION ET AL., 540 U. S. 1150;

No. 03-921. KOUKIOS *v.* MICHAEL GANSON, L. P. A., ET AL., 540 U. S. 1219;

May 3, 7, 13, 14, 2004

541 U. S.

No. 03–7453. *SOTO v. BURGE*, SUPERINTENDENT, AUBURN CORRECTIONAL FACILITY, 540 U. S. 1126;

No. 03–7778. *HILL v. GWINNETT COUNTY TRAFFIC COURT*, 540 U. S. 1189;

No. 03–8145. *SIMMONS v. CASPARI*, ASSISTANT DIRECTOR, MISSOURI BOARD OF PROBATION AND PAROLE, *ante*, p. 906;

No. 03–8186. *MCCARRON v. BRITISH TELECOM, DBA YELLOW BOOK USA, ET AL.*, 540 U. S. 1202;

No. 03–8198. *COOMBS v. KELCHNER*, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT CAMP HILL, ET AL., *ante*, p. 907;

No. 03–8211. *BELL v. HALL*, WARDEN, *ante*, p. 907;

No. 03–8406. *SULLIVAN v. ENVIRONMENTAL PROTECTION AGENCY*, *ante*, p. 909;

No. 03–8439. *LAWSON v. CROSBY*, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL., 540 U. S. 1208; and

No. 03–8509. *WIGGINS, AKA CARRUTH v. NORTH CAROLINA*, *ante*, p. 910. Petitions for rehearing denied.

No. 03–886. *SMITH v. BANK OF AMERICA MORTGAGE, FSB*, 540 U. S. 1213. Petition for rehearing denied. JUSTICE BREYER took no part in the consideration or decision of this petition.

MAY 7, 2004

Dismissal Under Rule 46

No. 03–9610. *STIGLITZ v. WISCONSIN*. Ct. App. Wis. Certiorari dismissed under this Court's Rule 46.

MAY 13, 2004

Certiorari Denied

No. 03–10348 (03A873). *PATTERSON v. TEXAS*. 3d Jud. Dist. Ct. Tex., Anderson County. Motion for leave to proceed *in forma pauperis* without an affidavit of indigency executed by petitioner granted. Application for stay of execution of sentence of death, presented to JUSTICE SCALIA, and by him referred to the Court, denied. Certiorari denied.

MAY 14, 2004

Miscellaneous Order

No. 03A936. *LARGESS ET AL. v. SUPREME JUDICIAL COURT FOR THE STATE OF MASSACHUSETTS ET AL.* Application for in-

541 U. S.

May 14, 17, 2004

junction pending appeal, presented to JUSTICE SOUTER, and by him referred to the Court, denied.

MAY 17, 2004

Certiorari Granted—Vacated and Remanded

No. 02–10386. *DONOGHUE v. DOHERTY ET AL.* C. A. 7th Cir. Motion of petitioner for leave to proceed *in forma pauperis* granted. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Jones v. R. R. Donnelley & Sons Co.*, *ante*, p. 369.

No. 03–9286. *PRASERTPHONG v. ARIZONA*. Sup. Ct. Ariz. Motion of petitioner for leave to proceed *in forma pauperis* granted. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Crawford v. Washington*, *ante*, p. 36. Reported below: 206 Ariz. 70, 75 P. 3d 675.

Certiorari Dismissed

No. 03–9617. *TRIPATI v. SCHRIRO, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 9th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court’s Rule 39.8. As 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*). JUSTICE STEVENS dissents. See *id.*, at 4, and cases cited therein.

No. 03–9728. *PERRY v. UNITED STATES*. C. A. 6th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court’s Rule 39.8. As 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*). JUSTICE STEVENS dissents. See *id.*, at 4, and cases cited therein. Reported below: 202 F. 3d 270.

Miscellaneous Orders

No. 03M72. *BRADLEY v. MILLER ET AL.*;

May 17, 2004

541 U. S.

No. 03M73. *DIXIE v. YARBOROUGH, WARDEN*; and
No. 03M74. *WILLIAMS v. UNITED STATES*. Motions to direct the Clerk to file petitions for writs of certiorari out of time denied.

No. D-2359. *IN RE DISBARMENT OF HACKMAN*. Disbarment entered. [For earlier order herein, see *ante*, p. 931.]

No. 03-633. *ROPER, SUPERINTENDENT, POTOSI CORRECTIONAL CENTER v. SIMMONS*. Sup. Ct. Mo. [Certiorari granted, 540 U. S. 1160.] Motion of respondent for appointment of counsel granted. Jennifer Herndon, Esq., of St. Louis, Mo., is appointed to serve as counsel for respondent in this case.

No. 03-1304. *WARD v. SOUTH CAROLINA*. Sup. Ct. S. C. The Solicitor General is invited to file a brief in this case expressing the views of the United States.

No. 03-9861. *IN RE SANCHEZ*;
No. 03-9969. *IN RE KHALID ET AL.*;
No. 03-9970. *IN RE EL-BANNA ET AL.*; and
No. 03-9977. *IN RE ELLIS*. Petitions for writs of habeas corpus denied.

No. 03-1379. *IN RE ALLUSTIARTE ET UX.*;
No. 03-9667. *IN RE MCGUIRE*; and
No. 03-9696. *IN RE LEE*. Petitions for writs of mandamus denied.

No. 03-1285. *IN RE HUFF ET UX*. Motion of petitioners for sanctions denied. Petition for writ of mandamus denied.

No. 03-9743. *IN RE TINNER*. Petition for writ of mandamus and/or prohibition denied.

Certiorari Denied

No. 03-525. *ROSARIO v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 330 F. 3d 964.

No. 03-866. *ROUTIER v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied. Reported below: 112 S. W. 3d 554.

No. 03-867. *CF INDUSTRIES, INC. v. UNITED STATES*; and
No. 03-882. *THOMSON, INC., FKA THOMSON MULTIMEDIA INC. v. UNITED STATES*. C. A. Fed. Cir. Certiorari denied. Reported below: 340 F. 3d 1355.

541 U. S.

May 17, 2004

No. 03-960. *GROSS SEED CO. v. DEPARTMENT OF TRANSPORTATION ET AL.*; and

No. 03-968. *SHERBROOKE TURF, INC. v. MINNESOTA DEPARTMENT OF TRANSPORTATION ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 345 F. 3d 964.

No. 03-965. *LOS ANGELES NEWS SERVICE v. REUTERS TELEVISION INTERNATIONAL, LTD., ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 340 F. 3d 926.

No. 03-984. *BALSER ET UX. v. DEPARTMENT OF JUSTICE, OFFICE OF THE UNITED STATES TRUSTEE.* C. A. 9th Cir. Certiorari denied. Reported below: 327 F. 3d 903.

No. 03-999. *MURPHY v. UNIVERSITY OF CINCINNATI ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 72 Fed. Appx. 288.

No. 03-1004. *AMMEX, INC. v. UNITED STATES.* C. A. Fed. Cir. Certiorari denied. Reported below: 334 F. 3d 1052.

No. 03-1030. *CUNIGAN ET AL. v. SHAMAEIZADEH.* C. A. 6th Cir. Certiorari denied. Reported below: 338 F. 3d 535.

No. 03-1140. *CALOR v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. Reported below: 340 F. 3d 428.

No. 03-1248. *HEFFELBOWER ET VIR v. CITY OF LINCOLN, NEBRASKA.* Ct. App. Neb. Certiorari denied.

No. 03-1251. *WALKER v. QUADGRAPHICS, INC.* C. A. 11th Cir. Certiorari denied. Reported below: 77 Fed. Appx. 505.

No. 03-1253. *MACKEY ET AL. v. MONTANA BOARD OF REGENTS ET AL.* Sup. Ct. Mont. Certiorari denied. Reported below: 317 Mont. 467, 79 P. 3d 236.

No. 03-1254. *NONMACHER v. RITTER ET AL.* Ct. App. Tex., 14th Dist. Certiorari denied.

No. 03-1255. *PHONOMETRICS, INC., ET AL. v. HOSPITALITY FRANCHISE SYSTEMS, INC., ET AL.* C. A. Fed. Cir. Certiorari denied.

No. 03-1260. *ALBINGIA VERSICHERUNGS A. G. ET AL. v. SCHENKER INTERNATIONAL INC.* C. A. 9th Cir. Certiorari denied. Reported below: 344 F. 3d 931 and 350 F. 3d 916.

May 17, 2004

541 U. S.

No. 03–1262. *ALDRICH v. NELSON ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 82 Fed. Appx. 505.

No. 03–1264. *MOORE v. INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, LOCAL 8, ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 76 Fed. Appx. 82.

No. 03–1267. *KAIMOWITZ v. CITY OF ORLANDO, FLORIDA, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 03–1272. *LOHRENTZ v. DONNELLY ET AL.* C. A. D. C. Cir. Certiorari denied. Reported below: 350 F. 3d 1272.

No. 03–1275. *MUNOZ v. KNOWLES, WARDEN.* C. A. 9th Cir. Certiorari denied.

No. 03–1276. *NICHOLS v. CHICAGO TRANSIT AUTHORITY HARDSHIP COMMITTEE.* App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 338 Ill. App. 3d 829, 790 N. E. 2d 1.

No. 03–1279. *FOREMAN v. GRIFFITH ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 81 Fed. Appx. 432.

No. 03–1283. *HACKER v. WEST VIRGINIA.* Cir. Ct. Kanawha County, W. Va. Certiorari denied.

No. 03–1284. *HERRING v. CROSBY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* Sup. Ct. Fla. Certiorari denied. Reported below: 862 So. 2d 727.

No. 03–1287. *MORETON ROLLESTON, JR. LIVING TRUST v. KENNEDY ET AL.* Sup. Ct. Ga. Certiorari denied. Reported below: 277 Ga. 541, 591 S. E. 2d 834.

No. 03–1291. *BOUCHAT v. BALTIMORE RAVENS FOOTBALL CLUB, INC., AKA BALTIMORE RAVENS, INC., ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 346 F. 3d 514.

No. 03–1292. *VIRIYAPANTHU v. REGENTS OF THE UNIVERSITY OF CALIFORNIA.* Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 03–1297. *LI YU v. PERRY, GOVERNOR OF TEXAS, ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 82 Fed. Appx. 993.

No. 03–1299. *UNUM LIFE INSURANCE COMPANY OF AMERICA ET AL. v. TIERNEY.* Ct. App. Tex., 8th Dist. Certiorari denied. Reported below: 97 S. W. 3d 842.

541 U. S.

May 17, 2004

No. 03-1301. BURRIS, DBA VIDEO PLUS *v.* HILL, STATE ATTORNEY FOR THE TENTH JUDICIAL CIRCUIT OF FLORIDA. C. A. 11th Cir. Certiorari denied. Reported below: 90 Fed. Appx. 382.

No. 03-1303. COGSWELL *v.* CITY OF SEATTLE, WASHINGTON, ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 347 F. 3d 809.

No. 03-1305. KRYSTAL CADILLAC-OLDSMOBILE-GMC TRUCK, INC. *v.* GENERAL MOTORS CORP. ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 337 F. 3d 314.

No. 03-1306. ROBINETT *v.* STATE FARM MUTUAL AUTOMOBILE INSURANCE Co. ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 83 Fed. Appx. 638.

No. 03-1308. ROSENQUIST *v.* OTTAWAY NEWSPAPERS, INC., DBA PLATTSBURGH PRESS-REPUBLICAN. C. A. 2d Cir. Certiorari denied. Reported below: 90 Fed. Appx. 564.

No. 03-1310. ALDANA *v.* DRETKE, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 03-1311. DUENAS ET UX. *v.* MONTEGUT ET UX. Sup. Ct. Tex. Certiorari denied. Reported below: 119 S. W. 3d 707.

No. 03-1317. WAGH *v.* METRIS DIRECT, INC., ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 363 F. 3d 821.

No. 03-1319. ROBERT J. ADAMS & ASSOCIATES ET AL. *v.* BETHEA ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 352 F. 3d 1125.

No. 03-1320. SILVA *v.* WISCONSIN. Ct. App. Wis. Certiorari denied. Reported below: 266 Wis. 2d 906, 670 N. W. 2d 385.

No. 03-1325. GREY *v.* NEW JERSEY ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 91 Fed. Appx. 747.

No. 03-1330. "K" LINE AMERICA, INC. *v.* ST. PAUL FIRE & MARINE INSURANCE Co. C. A. 9th Cir. Certiorari denied. Reported below: 80 Fed. Appx. 565.

No. 03-1340. WHEELER *v.* MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION, AKA MISSOURI DEPARTMENT OF TRANS-

May 17, 2004

541 U. S.

PORTATION. C. A. 8th Cir. Certiorari denied. Reported below: 348 F. 3d 744.

No. 03-1345. *BUCKLEY v. MEIS*, REGIONAL CHIEF COUNSEL, OFFICE OF GENERAL COUNSEL, SEATTLE REGION X, SOCIAL SECURITY ADMINISTRATION, ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 84 Fed. Appx. 852.

No. 03-1349. *MADIC v. ASHCROFT*, ATTORNEY GENERAL. C. A. 11th Cir. Certiorari denied. Reported below: 90 Fed. Appx. 382.

No. 03-1371. *U. S. RESTAURANT PROPERTIES, INC., ET AL. v. CONVENIENCE USA, INC., ET AL.* C. A. 4th Cir. Certiorari denied.

No. 03-1373. *ST. HILAIRE v. ST. HILAIRE*. Sup. Jud. Ct. Me. Certiorari denied. Reported below: 841 A. 2d 783.

No. 03-1377. *SUAREZ v. UNITED STATES POSTAL SERVICE ET AL.* C. A. 1st Cir. Certiorari denied. Reported below: 75 Fed. Appx. 790.

No. 03-1380. *BREWER v. MISSISSIPPI*. C. A. 5th Cir. Certiorari denied. Reported below: 78 Fed. Appx. 392.

No. 03-1393. *BREDIMUS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 352 F. 3d 200.

No. 03-1403. *MIKELL ET AL. v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 84 Fed. Appx. 485.

No. 03-1406. *GRANT v. PRINCIPI*, SECRETARY OF VETERANS AFFAIRS. C. A. D. C. Cir. Certiorari denied.

No. 03-1434. *LAUERSEN v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 362 F. 3d 160.

No. 03-1438. *ROBLES v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 347 F. 3d 471.

No. 03-7732. *RODRIGUEZ v. TEXAS*. Ct. App. Tex., 4th Dist. Certiorari denied. Reported below: 103 S. W. 3d 460.

No. 03-8235. *ARTERBERRY v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 75 Fed. Appx. 858.

541 U. S.

May 17, 2004

No. 03–8361. *SANTIAGO v. IMMIGRATION AND NATURALIZATION SERVICE ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 88 Fed. Appx. 387.

No. 03–8365. *PONDEXTER v. DRETKE, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION.* C. A. 5th Cir. Certiorari denied. Reported below: 346 F. 3d 142.

No. 03–8557. *BROWN v. CALIFORNIA.* Sup. Ct. Cal. Certiorari denied. Reported below: 31 Cal. 4th 518, 73 P. 3d 1137.

No. 03–8584. *DURHAM, AKA DEZARN, AKA PETTRY, AKA CARNEY, AKA MULLINS v. UNITED STATES.* C. A. 11th Cir. Certiorari denied. Reported below: 82 Fed. Appx. 214.

No. 03–8807. *DANIEL v. NEVADA.* Sup. Ct. Nev. Certiorari denied. Reported below: 119 Nev. 498, 78 P. 3d 890.

No. 03–8809. *FUENTES MARTINEZ v. CALIFORNIA.* Sup. Ct. Cal. Certiorari denied. Reported below: 31 Cal. 4th 673, 74 P. 3d 748.

No. 03–8867. *THARP v. PENNSYLVANIA.* Sup. Ct. Pa. Certiorari denied. Reported below: 574 Pa. 202, 830 A. 2d 519.

No. 03–8892. *JENNINGS v. TEXAS.* Ct. Crim. App. Tex. Certiorari denied.

No. 03–9246. *RUGGIERE v. RUGGIERE.* App. Div., Sup. Ct. N. Y., 2d Jud. Dept. Certiorari denied. Reported below: 305 App. Div. 2d 485, 759 N. Y. S. 2d 342.

No. 03–9249. *PHOUNG HO TRAN v. LEWIS, WARDEN.* C. A. 9th Cir. Certiorari denied.

No. 03–9254. *DAVIS v. BOCK, WARDEN.* C. A. 6th Cir. Certiorari denied.

No. 03–9256. *CLEVELAND v. CROSBY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 03–9257. *DODD v. CALIFORNIA.* Ct. App. Cal., 4th App. Dist. Certiorari denied.

May 17, 2004

541 U. S.

No. 03–9258. *DIXON v. CAIN, WARDEN*. C. A. 5th Cir. Certiorari denied.

No. 03–9259. *CAUDLE v. YARBOROUGH, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 03–9261. *PAYNE v. CROSBY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS*. C. A. 11th Cir. Certiorari denied. Reported below: 88 Fed. Appx. 389.

No. 03–9267. *WILLIAMS v. HUMPHREY, WARDEN*. C. A. 11th Cir. Certiorari denied.

No. 03–9268. *TAGGART v. OKLAHOMA ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 74 Fed. Appx. 880.

No. 03–9270. *COLEMAN v. VIRGINIA*. Sup. Ct. Va. Certiorari denied.

No. 03–9278. *ALLEN v. HOFBAUER, WARDEN*. C. A. 6th Cir. Certiorari denied. Reported below: 74 Fed. Appx. 457.

No. 03–9294. *BROOKS v. CALIFORNIA* (two judgments). Sup. Ct. Cal. Certiorari denied.

No. 03–9295. *PARISI v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied.

No. 03–9296. *MONNAR v. HINES, WARDEN, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 03–9305. *CRUTCHFIELD v. MARYLAND*. Ct. Sp. App. Md. Certiorari denied. Reported below: 141 Md. App. 735.

No. 03–9306. *CUTTS ET UX. v. LINCOLN FINANCE CO. ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 76 Fed. Appx. 752.

No. 03–9307. *DIXON, AKA MOHHOMMED v. OISTEN ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 62 Fed. Appx. 105.

No. 03–9308. *SNOW v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 337 Ill. App. 3d 1161, 843 N. E. 2d 514.

541 U. S.

May 17, 2004

No. 03–9311. *STEWART v. ILLINOIS*. App. Ct. Ill., 5th Dist. Certiorari denied. Reported below: 342 Ill. App. 3d 350, 795 N. E. 2d 335.

No. 03–9317. *GUTIERREZ ARCE v. DRETKE, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION, ET AL.* C. A. 5th Cir. Certiorari denied.

No. 03–9318. *BAXTER v. HENDRICKS, ADMINISTRATOR, NEW JERSEY STATE PRISON, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 03–9322. *RESTUCCI v. SPENCER, SUPERINTENDENT, MASSACHUSETTS CORRECTIONAL INSTITUTION AT NORFOLK*. C. A. 1st Cir. Certiorari denied.

No. 03–9325. *McKoy v. LAMARQUE, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 03–9326. *TUROS v. PHILLIPS, SUPERINTENDENT, GREEN HAVEN CORRECTIONAL FACILITY*. C. A. 2d Cir. Certiorari denied. Reported below: 343 F. 3d 587.

No. 03–9331. *BUTLER v. CLOUD ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 78 Fed. Appx. 374.

No. 03–9337. *SOIL v. TAYLOR, WARDEN*. C. A. 9th Cir. Certiorari denied. Reported below: 82 Fed. Appx. 180.

No. 03–9338. *ANDREWS v. CAREY, WARDEN*. C. A. 9th Cir. Certiorari denied. Reported below: 78 Fed. Appx. 608.

No. 03–9348. *LYNN v. DRETKE, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied. Reported below: 86 Fed. Appx. 700.

No. 03–9349. *HAYNES v. ARKANSAS*. Sup. Ct. Ark. Certiorari denied. Reported below: 354 Ark. 514, 127 S. W. 3d 456.

No. 03–9350. *GREENO v. OHIO*. Ct. App. Ohio, Seneca County. Certiorari denied.

No. 03–9352. *FLORES-GODOY v. ASHCROFT, ATTORNEY GENERAL*. C. A. 8th Cir. Certiorari denied.

No. 03–9353. *GRIGGS v. HUBBARD, WARDEN*. C. A. 9th Cir. Certiorari denied. Reported below: 73 Fed. Appx. 309.

May 17, 2004

541 U. S.

No. 03–9359. *HALL v. CALIFORNIA*. Ct. App. Cal., 1st App. Dist. Certiorari denied.

No. 03–9360. *STURGIS v. LAVAN*, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT DALLAS. C. A. 3d Cir. Certiorari denied.

No. 03–9362. *ABUIISO v. PENNSYLVANIA*. Super. Ct. Pa. Certiorari denied. Reported below: 813 A. 2d 898.

No. 03–9363. *STRINGER v. OKLAHOMA*. Ct. Crim. App. Okla. Certiorari denied.

No. 03–9368. *LLOYD v. ATLANTIC RICHFIELD CO. ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 78 Fed. Appx. 428.

No. 03–9370. *GREGORY v. SPANNAGEL ET UX.* Sup. Ct. Mont. Certiorari denied. Reported below: 319 Mont. 423, 82 P. 3d 36.

No. 03–9372. *HOLDEN v. INDIANA*. Sup. Ct. Ind. Certiorari denied. Reported below: 788 N. E. 2d 1253.

No. 03–9378. *HERNANDEZ-HERNANDEZ v. HILL*, SUPERINTENDENT, EASTERN OREGON CORRECTIONAL INSTITUTION. C. A. 9th Cir. Certiorari denied. Reported below: 81 Fed. Appx. 950.

No. 03–9380. *ADAMS v. MISSISSIPPI*. C. A. 5th Cir. Certiorari denied.

No. 03–9385. *DEBEJARE v. BARNHART*, COMMISSIONER OF SOCIAL SECURITY. C. A. 9th Cir. Certiorari denied. Reported below: 72 Fed. Appx. 559.

No. 03–9390. *ABU-JAMAL, AKA COOK v. PENNSYLVANIA*. Sup. Ct. Pa. Certiorari denied.

No. 03–9393. *REED v. CAIN, WARDEN, ET AL.* C. A. 5th Cir. Certiorari denied.

No. 03–9400. *WHITFIELD v. NORRIS*, DIRECTOR, ARKANSAS DEPARTMENT OF CORRECTION. C. A. 8th Cir. Certiorari denied.

No. 03–9404. *LILES v. PORTUONDO*, SUPERINTENDENT, SHAWANGUNK CORRECTIONAL FACILITY. C. A. 2d Cir. Certiorari denied. Reported below: 84 Fed. Appx. 162.

541 U. S.

May 17, 2004

No. 03-9405. *MEI LING v. CALIFORNIA BREEZE HOMEOWNERS' ASSN.* Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 03-9406. *KEARLEY v. PARRISH ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 84 Fed. Appx. 445.

No. 03-9407. *LOGAN v. COTTON, SUPERINTENDENT, PENDLETON CORRECTIONAL FACILITY.* C. A. 7th Cir. Certiorari denied.

No. 03-9408. *BELSER v. MOSLEY, WARDEN, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 03-9413. *DAVIDSON v. TENNESSEE.* Sup. Ct. Tenn. Certiorari denied. Reported below: 121 S. W. 3d 600.

No. 03-9416. *NANKIVIL v. LOCKHEED MARTIN CORP. ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 87 Fed. Appx. 713.

No. 03-9418. *MILLER v. CROSBY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 03-9420. *WILLIAMS v. CROSBY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS.* C. A. 11th Cir. Certiorari denied.

No. 03-9422. *SANCHEZ v. VIRGINIA.* Sup. Ct. Va. Certiorari denied.

No. 03-9424. *BROWN, AKA COLE v. DONNELLY, SUPERINTENDENT, WENDE CORRECTIONAL FACILITY.* C. A. 2d Cir. Certiorari denied.

No. 03-9425. *BLACKWELL v. MATHES, WARDEN.* C. A. 8th Cir. Certiorari denied. Reported below: 349 F. 3d 529.

No. 03-9427. *KRAUSE v. HIROSHIGE, JUDGE, SUPERIOR COURT OF CALIFORNIA, LOS ANGELES COUNTY.* C. A. 9th Cir. Certiorari denied. Reported below: 78 Fed. Appx. 602.

No. 03-9428. *BRYANT v. FLETCHER, WARDEN.* C. A. 6th Cir. Certiorari denied.

No. 03-9437. *SARR v. KAPTURE, WARDEN.* C. A. 6th Cir. Certiorari denied.

May 17, 2004

541 U. S.

No. 03–9439. *PARRISH v. LAMARQUE, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 03–9440. *DEPIETRO v. NEW JERSEY RACING COMMISSION*. Super. Ct. N. J., App. Div. Certiorari denied.

No. 03–9445. *SANCHEZ v. VIRGINIA*. Sup. Ct. Va. Certiorari denied.

No. 03–9459. *O’NEAL v. NATIONAL PLASTICS CORP.* C. A. 7th Cir. Certiorari denied. Reported below: 70 Fed. Appx. 896.

No. 03–9483. *BRATTON v. HAMLET, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 03–9490. *SMITH v. SOUTH CAROLINA*. Ct. App. S. C. Certiorari denied.

No. 03–9495. *McKINNEY v. ILLINOIS*. Sup. Ct. Ill. Certiorari denied.

No. 03–9503. *PARR v. BERGHUIS, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 03–9504. *LADO v. NEW JERSEY*. Super. Ct. N. J., App. Div. Certiorari denied.

No. 03–9506. *WATTLETON v. LAPPIN, DIRECTOR, FEDERAL BUREAU OF PRISONS, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 82 Fed. Appx. 304.

No. 03–9508. *ALLAH v. SOUTH CAROLINA DEPARTMENT OF CORRECTIONS ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 78 Fed. Appx. 256.

No. 03–9510. *MROZEK v. SOBINA, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT SOMERSET*. C. A. 3d Cir. Certiorari denied.

No. 03–9512. *CHASE v. EPPS, COMMISSIONER, MISSISSIPPI DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 74 Fed. Appx. 339.

No. 03–9517. *PARRISH v. KENTUCKY*. Sup. Ct. Ky. Certiorari denied. Reported below: 121 S. W. 3d 198.

541 U. S.

May 17, 2004

No. 03-9525. *WHEELER v. KENTUCKY*. Sup. Ct. Ky. Certiorari denied. Reported below: 121 S. W. 3d 173.

No. 03-9526. *RICKMAN v. BELLEQUE, SUPERINTENDENT, OREGON STATE PENITENTIARY*. C. A. 9th Cir. Certiorari denied.

No. 03-9527. *ANDERSON v. STICKMAN, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT GREENE, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 03-9538. *RASHAD v. FLORIDA*. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 865 So. 2d 486.

No. 03-9542. *BAZLEY v. KNOWLES, WARDEN*. C. A. 9th Cir. Certiorari denied. Reported below: 72 Fed. Appx. 702.

No. 03-9543. *AUSTIN v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied.

No. 03-9556. *GARCIA-GONZALEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 82 Fed. Appx. 910.

No. 03-9574. *HARRIS v. BRILEY, WARDEN*. C. A. 7th Cir. Certiorari denied.

No. 03-9581. *WALKER v. HALL, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 03-9593. *WILLIAM V. v. CALIFORNIA*. Ct. App. Cal., 1st App. Dist. Certiorari denied. Reported below: 111 Cal. App. 4th 1464, 4 Cal. Rptr. 3d 695.

No. 03-9597. *DEMOPULOS v. BATON ROUGE CITY POLICE DEPARTMENT ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 79 Fed. Appx. 55.

No. 03-9608. *DAVILA v. ARMSTRONG ET AL.* C. A. 2d Cir. Certiorari denied.

No. 03-9615. *JOHNSON v. UNKNOWN FEMALE FOOD SERVICE SUPERVISOR AT JOHN LILLEY CORRECTIONAL CENTER ET AL.* Ct. Civ. App. Okla. Certiorari denied.

No. 03-9626. *BRYAN v. KLINE, ATTORNEY GENERAL OF KANSAS, ET AL.* C. A. 10th Cir. Certiorari denied.

May 17, 2004

541 U. S.

No. 03–9634. *WALKER v. MISSISSIPPI*. Sup. Ct. Miss. Certiorari denied.

No. 03–9640. *STARR v. CATTELL, WARDEN*. Super. Ct. N. H., Coos County. Certiorari denied.

No. 03–9641. *EADES v. VARNER, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT SMITHFIELD, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 03–9662. *WILLIAMS v. KEMNA, SUPERINTENDENT, CROSSROADS CORRECTIONAL CENTER*. C. A. 8th Cir. Certiorari denied.

No. 03–9665. *ANDERSON v. VIRGINIA*. Sup. Ct. Va. Certiorari denied.

No. 03–9666. *COLEMAN v. KEMNA, SUPERINTENDENT, CROSSROADS CORRECTIONAL CENTER*. C. A. 8th Cir. Certiorari denied.

No. 03–9679. *COLLIER v. BARNHART, COMMISSIONER OF SOCIAL SECURITY*. C. A. 9th Cir. Certiorari denied. Reported below: 77 Fed. Appx. 991.

No. 03–9688. *COMBS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 84 Fed. Appx. 432.

No. 03–9689. *ELDER v. DODRILL, WARDEN*. C. A. 3d Cir. Certiorari denied. Reported below: 85 Fed. Appx. 870.

No. 03–9693. *ROBERTSON v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 350 F. 3d 1109.

No. 03–9694. *LEE v. UNITED STATES*. Ct. App. D. C. Certiorari denied. Reported below: 842 A. 2d 715.

No. 03–9697. *LOUVIERE v. CAIN, WARDEN*. C. A. 5th Cir. Certiorari denied.

No. 03–9701. *M McNAIR v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 85 Fed. Appx. 532.

No. 03–9706. *PIGGOT v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

541 U. S.

May 17, 2004

No. 03–9711. *BONDI v. ILLINOIS*. App. Ct. Ill., 5th Dist. Certiorari denied.

No. 03–9713. *EPPS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 03–9714. *WEATHERFORD v. ARKANSAS*. Ct. App. Ark. Certiorari denied.

No. 03–9718. *ANDERSON v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 354 F. 3d 70.

No. 03–9720. *MORENO v. BROWNLEE, ACTING SECRETARY OF THE ARMY*. C. A. 5th Cir. Certiorari denied. Reported below: 85 Fed. Appx. 23.

No. 03–9724. *ANTONELLI v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 85 Fed. Appx. 523.

No. 03–9729. *FAGAN v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 82 Fed. Appx. 219.

No. 03–9731. *SAYRE v. MCBRIDE, WARDEN*. C. A. 4th Cir. Certiorari denied. Reported below: 81 Fed. Appx. 796.

No. 03–9737. *PAJOOH v. HARMON, JUDGE, UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS, ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 82 Fed. Appx. 898.

No. 03–9738. *JOHNSON v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 87 Fed. Appx. 195.

No. 03–9739. *PRATT v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 351 F. 3d 131.

No. 03–9741. *TREVINO v. SLADE, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 03–9742. *ZEPEDA-MEDRANO v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 84 Fed. Appx. 913.

No. 03–9744. *JOHNSON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 84 Fed. Appx. 439.

May 17, 2004

541 U. S.

No. 03–9748. *WEBBER v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 03–9752. *WYATT v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 84 Fed. Appx. 318.

No. 03–9753. *TORRES v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 03–9754. *SANCHEZ v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 354 F. 3d 70.

No. 03–9756. *FLOYD v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 343 F. 3d 363.

No. 03–9761. *GONZALEZ-GARCIA v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 85 Fed. Appx. 160.

No. 03–9765. *CHAMBERS v. UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF MICHIGAN*. C. A. 6th Cir. Certiorari denied.

No. 03–9767. *DONALD v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 86 Fed. Appx. 939.

No. 03–9768. *CONCEPCION-LIRIANO, AKA GONZALEZ, AKA CONCEPCION v. UNITED STATES*. C. A. 1st Cir. Certiorari denied.

No. 03–9770. *ROSALES v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied.

No. 03–9772. *GLOVER v. UNITED STATES*. C. A. Armed Forces. Certiorari denied. Reported below: 59 M. J. 225.

No. 03–9773. *GRAHAM v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 90 Fed. Appx. 387.

No. 03–9775. *TALLEY v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 91 Fed. Appx. 656.

No. 03–9776. *ZARATE-RAMIREZ, AKA ZARATE v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 88 Fed. Appx. 784.

No. 03–9778. *BAKER v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 88 Fed. Appx. 96.

541 U. S.

May 17, 2004

No. 03–9779. *JACKSON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 84 Fed. Appx. 436.

No. 03–9783. *RODGERS v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 85 Fed. Appx. 483.

No. 03–9784. *LOPEZ-POCAZO v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 84 Fed. Appx. 366.

No. 03–9786. *BARRON-IRACHETA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 84 Fed. Appx. 450.

No. 03–9787. *BAKER v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 81 Fed. Appx. 968.

No. 03–9791. *DAVALOS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 80 Fed. Appx. 9.

No. 03–9792. *DEWILLIAMS v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 85 Fed. Appx. 154.

No. 03–9793. *DAVIS v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 87 Fed. Appx. 94.

No. 03–9794. *HILL v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 03–9796. *JONES v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 03–9799. *PINTO-SANTELLANO, AKA PINTO, AKA SANTANA-PINTO v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 86 Fed. Appx. 301.

No. 03–9800. *MCELHINEY v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 85 Fed. Appx. 112.

No. 03–9804. *WORTHY v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 349 F. 3d 1077.

No. 03–9807. *BERKEY v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 318 F. 3d 768.

No. 03–9812. *LAWRENCE v. DEROSA, WARDEN*. C. A. 3d Cir. Certiorari denied.

No. 03–9819. *SIFFORD v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 71 Fed. Appx. 973.

May 17, 2004

541 U. S.

No. 03–9824. *HERNANDEZ v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 03–9825. *HARRIS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 84 Fed. Appx. 467.

No. 03–9828. *HASSON, AKA GALERA v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 333 F. 3d 1264.

No. 03–9830. *GOODWIN v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 03–9832. *GREENE v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 86 Fed. Appx. 286.

No. 03–9847. *HIRSCH v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 79 Fed. Appx. 329.

No. 03–9852. *TINDLE v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 03–9853. *YOUNG v. UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS ET AL.* C. A. 5th Cir. Certiorari denied.

No. 03–9857. *COOPER v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 87 Fed. Appx. 912.

No. 03–9867. *VARGAS-CORTEZ v. UNITED STATES*; *HERRERA-SUSTAITA v. UNITED STATES*; and *ESCAMILLA-TORRES, AKA ESCAMILLA, AKA GARZA, AKA GZRZA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 03–9869. *BROWN v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 73 Fed. Appx. 875.

No. 03–9873. *BARLOW v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 85 Fed. Appx. 387.

No. 03–9886. *BEAR CHILD v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 85 Fed. Appx. 629.

No. 03–1198. *FLORIDA v. ARMSTRONG*. Sup. Ct. Fla. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 862 So. 2d 705.

541 U. S.

May 17, 2004

No. 03–1270. MASON ET AL. *v.* AMERICAN TOBACCO CO. ET AL. C. A. 2d Cir. Motion of Charles E. Grassley for leave to file a brief as *amicus curiae* granted. Certiorari denied. Reported below: 346 F. 3d 36.

No. 03–1290. EASTON *v.* FALLMAN ET AL. C. A. 9th Cir. Certiorari denied. JUSTICE BREYER took no part in the consideration or decision of this petition. Reported below: 81 Fed. Appx. 942.

No. 03–1328. GOUGHNOUR, ACTING WARDEN *v.* COOPER. C. A. 9th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Motion of Criminal Justice Legal Foundation for leave to file a brief as *amicus curiae* granted. Certiorari denied. Reported below: 358 F. 3d 1117.

No. 03–8778. GRAVES *v.* DRETKE, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Motion of petitioner to defer consideration of petition for writ of certiorari denied. Certiorari denied. Reported below: 351 F. 3d 143.

Rehearing Denied

No. 02–409. FAVISH *v.* NATIONAL ARCHIVES AND RECORDS ADMINISTRATION ET AL., *ante*, p. 972;

No. 02–626. SOUTH FLORIDA WATER MANAGEMENT DISTRICT *v.* MICCOSUKEE TRIBE OF INDIANS ET AL., *ante*, p. 95;

No. 02–954. NATIONAL ARCHIVES AND RECORDS ADMINISTRATION *v.* FAVISH ET AL., *ante*, p. 157;

No. 03–975. IN RE LYONS, 540 U. S. 1217;

No. 03–1000. BERAS, AKA SILVESTRE *v.* UNITED STATES, 540 U. S. 1184;

No. 03–1047. ADAIR ET AL. *v.* ALABAMA DEPARTMENT OF ECONOMIC AND COMMUNITY AFFAIRS ET AL., *ante*, p. 938;

No. 03–1062. IN RE NORMAN, *ante*, p. 902;

No. 03–1227. PO KEE WONG *v.* PATENT AND TRADEMARK OFFICE, BOARD OF PATENT APPEALS AND INTERFERENCES, *ante*, p. 975;

No. 03–7353. DAVIS *v.* UNITED STATES, 540 U. S. 1084;

No. 03–7669. PAGEL *v.* UTAH STATE PRISON ET AL., 540 U. S. 1186;

No. 03–7672. WALLACE *v.* WALLER, WARDEN, 540 U. S. 1186;

May 17, 18, 2004

541 U. S.

- No. 03-7747. *BONDURANT v. UNITED STATES*, 540 U. S. 1138;
No. 03-7913. *GLASS v. UNITED STATES*, 540 U. S. 1166;
No. 03-7978. *LOUIE v. POPPELL, WARDEN*, 540 U. S. 1195;
No. 03-7981. *LAMAR v. PERDUE ET AL.*, 540 U. S. 1195;
No. 03-8181. *ARLEDGE v. GLENN ET AL.*, 540 U. S. 1223;
No. 03-8231. *VOITS v. OREGON*, *ante*, p. 908;
No. 03-8243. *COBBS v. DUNCAN, WARDEN*, *ante*, p. 908;
No. 03-8300. *STEVENS v. MICHIGAN*, *ante*, p. 909;
No. 03-8323. *WHITE v. MICHIGAN CENTER FOR FORENSIC PSYCHIATRY*, *ante*, p. 942;
No. 03-8384. *HOWARD v. ZEMMELMAN, JUDGE, COURT OF COMMON PLEAS OF OHIO, LUCAS COUNTY, ET AL.*, *ante*, p. 944;
No. 03-8458. *BANDA v. MORGAN ET AL.*, *ante*, p. 945;
No. 03-8477. *BARKCLAY v. MARICOPA COUNTY, ARIZONA, ET AL.*, *ante*, p. 946;
No. 03-8492. *IN RE SIMMONS*, *ante*, p. 934;
No. 03-8518. *RIVERS v. PENNSYLVANIA*, *ante*, p. 961;
No. 03-8688. *WILLIAMS v. ROWLEY, SUPERINTENDENT, NORTHEAST CORRECTIONAL CENTER*, *ante*, p. 976;
No. 03-8700. *SMITH v. FRANK, SECRETARY, WISCONSIN DEPARTMENT OF CORRECTIONS, ET AL.*, *ante*, p. 949;
No. 03-8703. *MILNES v. PRINCIPI, SECRETARY OF VETERANS AFFAIRS*, *ante*, p. 949;
No. 03-8746. *ROUNTREE v. OHIO*, *ante*, p. 950;
No. 03-8747. *BEAVER v. FLORIDA*, *ante*, p. 950;
No. 03-8768. *LEVINE v. ELLIS, WARDEN*, *ante*, p. 912;
No. 03-8794. *SIMMS v. UNITED STATES*, *ante*, p. 951;
No. 03-8859. *MCDONALD v. HARO, WARDEN*, *ante*, p. 953; and
No. 03-9099. *LANG v. UNITED STATES*, *ante*, p. 967. Petitions for rehearing denied.

No. 02-11299. *DUBOIS v. NEW JERSEY ET AL.*, 540 U. S. 866; and
No. 03-7986. *IN RE GREEN*, 540 U. S. 1103. Motions for leave to file petitions for rehearing denied.

MAY 18, 2004

Certiorari Denied

No. 03-10401 (03A939). *PATTERSON v. DRETKE, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Application for stay of ex-

541 U. S.

May 18, 19, 24, 2004

ecution of sentence of death, presented to JUSTICE SCALIA, and by him referred to the Court, denied. Certiorari denied. Reported below: 370 F. 3d 480.

MAY 19, 2004

Dismissal Under Rule 46

No. 03-1335. PARKINSON *v.* ANNE ARUNDEL MEDICAL CENTER ET AL. C. A. 4th Cir. Certiorari dismissed under this Court's Rule 46. Reported below: 79 Fed. Appx. 602.

MAY 24, 2004

Certiorari Granted—Vacated and Remanded

No. 03-279. COLUMBIA RIVER CORRECTIONAL INSTITUTE ET AL. *v.* PHIFFER. C. A. 9th Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Tennessee v. Lane*, *ante*, p. 509. Reported below: 63 Fed. Appx. 335.

No. 03-533. PARR *v.* MIDDLE TENNESSEE STATE UNIVERSITY ET AL. C. A. 6th Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Tennessee v. Lane*, *ante*, p. 509. Reported below: 63 Fed. Appx. 874.

No. 03-534. FEASTER *v.* FLORIDA DEPARTMENT OF HEALTH, BOARD OF NURSING. Dist. Ct. App. Fla., 1st Dist. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Tennessee v. Lane*, *ante*, p. 509. Reported below: 846 So. 2d 1238.

No. 03-559. RENDON ET AL. *v.* FLORIDA DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES ET AL. Dist. Ct. App. Fla., 3d Dist. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Tennessee v. Lane*, *ante*, p. 509. Reported below: 832 So. 2d 141.

No. 03-6536. SPENCER *v.* EASTER ET AL. C. A. 4th Cir. Motion of petitioner for leave to proceed *in forma pauperis* granted. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Tennessee v. Lane*, *ante*, p. 509. Reported below: 63 Fed. Appx. 160.

No. 03-7364. KIMAN *v.* NEW HAMPSHIRE DEPARTMENT OF CORRECTIONS ET AL. C. A. 1st Cir. Motion of petitioner for

May 24, 2004

541 U. S.

leave to proceed *in forma pauperis* granted. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Tennessee v. Lane*, *ante*, p. 509. Reported below: 332 F. 3d 29.

Certiorari Dismissed

No. 03–9826. *FORTE v. REILLY*, ATTORNEY GENERAL OF MASSACHUSETTS. App. Ct. Mass. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court’s Rule 39.8. Reported below: 60 Mass. App. 1111, 801 N. E. 2d 324.

Miscellaneous Orders

No. 03M75. *DA LU TUNG v. REPUBLIC NATIONAL BANK ET AL.* Motion to direct the Clerk to file petition for writ of certiorari out of time denied.

No. D–2360. *IN RE DISBARMENT OF FAUNTLEROY*. Disbarment entered. [For earlier order herein, see *ante*, p. 931.]

No. D–2361. *IN RE DISBARMENT OF CORIZZI*. Disbarment entered. [For earlier order herein, see *ante*, p. 931.]

No. D–2362. *IN RE DISBARMENT OF CACCHIOTTI*. Disbarment entered. [For earlier order herein, see *ante*, p. 931.]

No. D–2363. *IN RE DISBARMENT OF VAILLANCOURT*. Disbarment entered. [For earlier order herein, see *ante*, p. 931.]

No. D–2364. *IN RE DISBARMENT OF KLINGENBERG*. Disbarment entered. [For earlier order herein, see *ante*, p. 931.]

No. D–2365. *IN RE DISBARMENT OF CUELLER*. Disbarment entered. [For earlier order herein, see *ante*, p. 932.]

No. D–2366. *IN RE DISBARMENT OF GARSIDE*. Disbarment entered. [For earlier order herein, see *ante*, p. 932.]

No. D–2367. *IN RE DISBARMENT OF CARTELLONE*. Disbarment entered. [For earlier order herein, see *ante*, p. 932.]

No. D–2368. *IN RE DISBARMENT OF WARREN*. Disbarment entered. [For earlier order herein, see *ante*, p. 932.]

541 U. S.

May 24, 2004

No. D-2369. IN RE DISBARMENT OF ABBELL. Disbarment entered. [For earlier order herein, see *ante*, p. 932.]

No. D-2370. IN RE DISBARMENT OF FABER. Disbarment entered. [For earlier order herein, see *ante*, p. 932.]

No. D-2371. IN RE DISBARMENT OF GALLAGHER. Disbarment entered. [For earlier order herein, see *ante*, p. 932.]

No. D-2372. IN RE DISBARMENT OF SPERY. Disbarment entered. [For earlier order herein, see *ante*, p. 933.]

No. D-2374. IN RE DISBARMENT OF AYENI. Disbarment entered. [For earlier order herein, see *ante*, p. 933.]

No. 128, Orig. ALASKA *v.* UNITED STATES. Motion of the Special Master for allowance of fees and reimbursement 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. [For earlier order herein, see, *e.g.*, *ante*, p. 1008.]

No. 02-1192. COOPER INDUSTRIES, INC. *v.* AVIALL SERVICES, INC. C. A. 5th Cir. [Certiorari granted, 540 U.S. 1099.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 02-10038. TENNARD *v.* DRETKE, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. [Certiorari granted, 540 U.S. 945.] Motion of petitioner for leave to file a supplemental brief after argument granted.

No. 03-377. KOONS BUICK PONTIAC GMC, INC. *v.* NIGH. C. A. 4th Cir. [Certiorari granted, 540 U.S. 1148.] Motion of National Automobile Dealers Association for leave to file a brief as *amicus curiae* granted.

No. 03-8376. NABELEK *v.* TEXAS. Ct. Crim. App. Tex. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [*ante*, p. 930] denied.

No. 03-8381. NABELEK *v.* TEXAS. Ct. Crim. App. Tex. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [*ante*, p. 930] denied.

No. 03-9005. CUYLER *v.* WAL-MART STORES, INC. C. A. 11th Cir. Motion of petitioner for leave to proceed *in forma pauperis*

May 24, 2004

541 U. S.

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.

No. 03–10034. IN RE WATTLETON. Petition for writ of habeas corpus denied.

No. 03–9492. IN RE BILLS. Petition for writ of mandamus denied.

No. 03–9496. IN RE BRISON. Petition for writ of mandamus and/or prohibition denied.

Certiorari Granted

No. 03–1039. GOUGHNOUR, ACTING WARDEN *v.* PAYTON. C. A. 9th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari granted. Reported below: 346 F. 3d 1204.

No. 03–1116. GRANHOLM, GOVERNOR OF MICHIGAN, ET AL. *v.* HEALD ET AL. C. A. 6th Cir.;

No. 03–1120. MICHIGAN BEER & WINE WHOLESALERS ASSN. *v.* HEALD ET AL. C. A. 6th Cir.; and

No. 03–1274. SWEDENBURG ET AL. *v.* KELLY, CHAIRMAN, NEW YORK DIVISION OF ALCOHOLIC BEVERAGE CONTROL, STATE LIQUOR AUTHORITY, ET AL. C. A. 2d Cir. Certiorari 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 §2 of the Twenty-first Amendment?” Cases consolidated, and a total of one hour allotted for oral argument. Reported below: Nos. 03–1116 and 03–1120, 342 F. 3d 517; No. 03–1274, 358 F. 3d 223.

No. 03–1164. VENEMAN, SECRETARY OF AGRICULTURE, ET AL. *v.* LIVESTOCK MARKETING ASSN. ET AL.; and

No. 03–1165. NEBRASKA CATTLEMEN, INC., ET AL. *v.* LIVESTOCK MARKETING ASSN. ET AL. C. A. 8th Cir. Motion of 48 Cattle and Agricultural Associations for leave to file a brief as *amicus curiae* in No. 03–1164 granted. Certiorari granted limited to Question 1 presented by each petition. Cases consoli-

541 U. S.

May 24, 2004

dated, and a total of one hour allotted for oral argument. Reported below: 335 F. 3d 711.

Certiorari Denied

No. 02-1478. SHEEHAN, TRUSTEE, ET AL. *v.* WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTECTION. C. A. 4th Cir. Certiorari denied. Reported below: 55 Fed. Appx. 121.

No. 03-871. MCENROE ET AL. *v.* RAMIREZ. C. A. 9th Cir. Certiorari denied. Reported below: 334 F. 3d 850.

No. 03-879. COMMISSIONER OF REVENUE OF MASSACHUSETTS *v.* H. J. WILSON CO., INC. C. A. 6th Cir. Certiorari denied. Reported below: 333 F. 3d 666.

No. 03-1138. TURN-KEY-TECH, LLC *v.* NATIONAL FILM LABORATORY, INC., DBA CREST NATIONAL OPTICAL MEDIA, ET AL. C. A. Fed. Cir. Certiorari denied. Reported below: 74 Fed. Appx. 58.

No. 03-1172. LINSSENMEYER ET UX. *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 92 Fed. Appx. 101.

No. 03-1187. ALLOC, INC., ET AL. *v.* INTERNATIONAL TRADE COMMISSION ET AL. C. A. Fed. Cir. Certiorari denied. Reported below: 342 F. 3d 1361.

No. 03-1203. RELIANCE STANDARD LIFE INSURANCE CO. *v.* LASSER. C. A. 3d Cir. Certiorari denied. Reported below: 344 F. 3d 381.

No. 03-1226. HUNTER *v.* MUELLER, WARDEN, ET AL. C. A. 9th Cir. Certiorari denied.

No. 03-1316. NEIL *v.* UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA ET AL. C. A. 3d Cir. Certiorari denied.

No. 03-1321. ROTEC INDUSTRIES, INC. *v.* MITSUBISHI CORP. ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 348 F. 3d 1116.

No. 03-1323. BROOKS-MCCOLLUM *v.* BERRY ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 85 Fed. Appx. 869.

May 24, 2004

541 U. S.

No. 03–1329. *SARULLO v. POTTER, POSTMASTER GENERAL, ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 352 F. 3d 789.

No. 03–1331. *KOERNER v. GARDEN DISTRICT ASSN. ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 78 Fed. Appx. 960.

No. 03–1333. *HERNANDEZ, INDIVIDUALLY AND ON BEHALF OF THE ESTATE OF HERNANDEZ v. EL PASO ENERGY CORP., NKA EL PASO CORP., ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 77 Fed. Appx. 719.

No. 03–1336. *BLACKSTOCK v. NEW HAMPSHIRE.* Sup. Ct. N. H. Certiorari denied.

No. 03–1365. *HONZAWA ET AL. v. HONZAWA ET UX.* Ct. App. N. Y. Certiorari denied. Reported below: 1 N. Y. 3d 564, 807 N. E. 2d 890.

No. 03–1367. *FRANKSTON v. GLENN ET AL.* Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 03–1368. *PETER FARRELL SUPERCARS, INC., ET AL. v. MONSEN.* C. A. 4th Cir. Certiorari denied. Reported below: 82 Fed. Appx. 293.

No. 03–1401. *SOUTH DAKOTA DEPARTMENT OF REVENUE v. POURIER, DBA MUDDY CREEK OIL & GAS, INC., ET AL.* Sup. Ct. S. D. Certiorari denied. Reported below: 674 N. W. 2d 314.

No. 03–6270. *CABRERA v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 328 F. 3d 506.

No. 03–7223. *BYRD v. NORTH CAROLINA STATE UNIVERSITY, UNIVERSITY TEMPORARY SERVICES.* C. A. 4th Cir. Certiorari denied. Reported below: 60 Fed. Appx. 954.

No. 03–8532. *GROHS v. UNITED STATES.* C. A. 11th Cir. Certiorari denied. Reported below: 87 Fed. Appx. 713.

No. 03–8748. *RAAFLAUB v. GRIEVANCE ADMINISTRATOR, ATTORNEY GRIEVANCE COMMISSION OF MICHIGAN.* Sup. Ct. Mich. Certiorari denied. Reported below: 469 Mich. 1241, 670 N. W. 2d 670.

541 U. S.

May 24, 2004

No. 03–8903. *REYNA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 358 F. 3d 344.

No. 03–8985. *AVALOS ALBA v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied.

No. 03–9021. *HYLTON v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 349 F. 3d 781.

No. 03–9098. *LOPEZ-ORTIZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 88 Fed. Appx. 773.

No. 03–9423. *SMITH v. ELO, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 03–9435. *POPE v. MARSHALL*. C. A. 1st Cir. Certiorari denied. Reported below: 77 Fed. Appx. 534.

No. 03–9441. *EDGE v. STALDER, SECRETARY, LOUISIANA DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS, ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 83 Fed. Appx. 678.

No. 03–9442. *WIMBUSH v. GADDIS ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 88 Fed. Appx. 382.

No. 03–9443. *YOUNG v. AMERITECH/SBC, INC., ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 83 Fed. Appx. 801.

No. 03–9446. *SYKES v. HENDRICKS, ADMINISTRATOR, NEW JERSEY STATE PRISON, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 03–9451. *CARTER v. CALDERON, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 03–9454. *DUPRE v. FREDLUND, CHAIRMAN, LOUISIANA BOARD OF REVIEW*. Ct. App. La., 4th Cir. Certiorari denied. Reported below: 857 So. 2d 1135.

No. 03–9457. *WHIT v. GIURBINO, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 03–9460. *BATOR v. HALLOCK ELECTRIC ET AL.* Ct. App. Minn. Certiorari denied.

No. 03–9462. *MILLAN v. GIURBINO, WARDEN*. C. A. 9th Cir. Certiorari denied.

May 24, 2004

541 U. S.

No. 03–9463. *RAMSEY v. PALMATEER*, SUPERINTENDENT, OREGON STATE PENITENTIARY. C. A. 9th Cir. Certiorari denied. Reported below: 83 Fed. Appx. 253.

No. 03–9464. *SALAZAR v. DRETKE*, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 03–9468. *PURINTUN v. ALAMEIDA*, DIRECTOR, CALIFORNIA DEPARTMENT OF CORRECTIONS. C. A. 9th Cir. Certiorari denied.

No. 03–9469. *MOTE v. GEORGIA*. Sup. Ct. Ga. Certiorari denied. Reported below: 277 Ga. 429, 588 S. E. 2d 748.

No. 03–9473. *BYNUM v. DUNCAN*, SUPERINTENDENT, GREAT MEADOW CORRECTIONAL FACILITY. C. A. 2d Cir. Certiorari denied.

No. 03–9475. *OLDHAM v. OKLAHOMA*. Ct. Crim. App. Okla. Certiorari denied.

No. 03–9480. *ATKINSON v. DRETKE*, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 03–9482. *WASKO v. MOORE*. Ct. App. N. M. Certiorari denied.

No. 03–9489. *RUSSELL v. GARRARD ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 83 Fed. Appx. 781.

No. 03–9491. *SPENCER v. ELO*, WARDEN. C. A. 6th Cir. Certiorari denied. Reported below: 80 Fed. Appx. 389.

No. 03–9494. *MUHAMMAD, FKA KNIGHT v. FLORIDA*. Sup. Ct. Fla. Certiorari denied. Reported below: 866 So. 2d 1195.

No. 03–9501. *MITCHELL v. TENNESSEE ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 86 Fed. Appx. 898.

No. 03–9507. *TRAYLOR v. DRETKE*, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 03–9513. *CODDINGTON v. LANGLEY*, WARDEN. C. A. 6th Cir. Certiorari denied. Reported below: 77 Fed. Appx. 869.

541 U. S.

May 24, 2004

No. 03–9516. *FALLS DOWN v. MONTANA*. Sup. Ct. Mont. Certiorari denied. Reported below: 318 Mont. 219, 79 P. 3d 797.

No. 03–9523. *ANDERSON v. WALLS, WARDEN*. C. A. 7th Cir. Certiorari denied.

No. 03–9524. *WORKMAN v. MULLIN, WARDEN*. C. A. 10th Cir. Certiorari denied. Reported below: 342 F. 3d 1100.

No. 03–9529. *AHMED v. JOHNSON ET AL.* C. A. 9th Cir. Certiorari denied.

No. 03–9530. *KALASHO v. CASON, WARDEN*. C. A. 6th Cir. Certiorari denied. Reported below: 77 Fed. Appx. 774.

No. 03–9531. *BURGESS v. OREGON*. Ct. App. Ore. Certiorari denied.

No. 03–9532. *BELL v. SMITH, SUPERINTENDENT, EASTERN CORRECTIONAL INSTITUTION*. C. A. 4th Cir. Certiorari denied.

No. 03–9565. *HARRIS v. DiCARLO, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 03–9583. *HADLEY v. HOLMES, WARDEN*. C. A. 7th Cir. Certiorari denied. Reported below: 341 F. 3d 661.

No. 03–9606. *CHAUDRY v. WHISPERING RIDGE HOMEOWNERS ASSN.* Ct. App. Cal., 4th App. Dist. Certiorari denied.

No. 03–9631. *DANIEL v. CROSBY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 90 Fed. Appx. 387.

No. 03–9633. *EVANCHYK v. SCHRIRO, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 340 F. 3d 933.

No. 03–9647. *CASON v. MARYLAND DIVISION OF CORRECTION ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 63 Fed. Appx. 741.

No. 03–9650. *DUY NGOC TRAN v. JOHNSON, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS*. C. A. 4th Cir. Certiorari denied. Reported below: 83 Fed. Appx. 558.

May 24, 2004

541 U. S.

No. 03–9651. *PATTERSON v. MICHIGAN DEPARTMENT OF CORRECTIONS*. Ct. App. Mich. Certiorari denied.

No. 03–9655. *DENNIS v. MITCHELL, WARDEN*. C. A. 6th Cir. Certiorari denied. Reported below: 354 F. 3d 511.

No. 03–9740. *WEBB v. GOORD, COMMISSIONER, NEW YORK DEPARTMENT OF CORRECTIONAL SERVICES, ET AL.* App. Div., Sup. Ct. N. Y., 4th Jud. Dept. Certiorari denied. Reported below: 307 App. Div. 2d 782, 762 N. Y. S. 2d 866.

No. 03–9750. *WHITE v. KEMNA, SUPERINTENDENT, CROSSROADS CORRECTIONAL CENTER*. C. A. 8th Cir. Certiorari denied.

No. 03–9762. *GRIFFIN v. MOORE, SUPERINTENDENT, MONROE CORRECTIONAL COMPLEX*. C. A. 9th Cir. Certiorari denied.

No. 03–9802. *SAMPSON v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 85 Fed. Appx. 592.

No. 03–9805. *WILLIAMS v. CROSBY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS*. C. A. 11th Cir. Certiorari denied.

No. 03–9811. *BEARD v. BUSH, GOVERNOR OF FLORIDA, ET AL.* Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 861 So. 2d 1153.

No. 03–9817. *POZO v. ESSER ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 90 Fed. Appx. 968.

No. 03–9821. *SCHLINGHEYDE v. NEVADA*. Sup. Ct. Nev. Certiorari denied.

No. 03–9838. *ANDERSON v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 353 F. 3d 490.

No. 03–9874. *MCKENZIE v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 91 Fed. Appx. 656.

No. 03–9879. *MAXWELL v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 90 Fed. Appx. 305.

No. 03–9880. *JOHNSTON v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 353 F. 3d 617.

541 U. S.

May 24, 2004

No. 03–9881. *VELARDE v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 88 Fed. Appx. 339.

No. 03–9882. *EMUCHAY v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 03–9884. *MOORE v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 79 Fed. Appx. 788.

No. 03–9885. *MOTON v. UNITED STATES*. Ct. App. D. C. Certiorari denied.

No. 03–9888. *TROFIMOFF v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 03–9895. *LEWIS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 85 Fed. Appx. 980.

No. 03–9900. *MYERS v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 355 F. 3d 1040.

No. 03–9910. *TAYLOR v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 77 Fed. Appx. 686.

No. 03–9911. *MEDINA v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 03–9912. *MORRIS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 03–9914. *DUNCAN v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

No. 03–9915. *DANSER v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 03–9916. *WILLIAMSON v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 85 Fed. Appx. 943.

No. 03–9918. *MCCALL v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 94 Fed. Appx. 417.

No. 03–9921. *SEGUI-RODRIGUEZ v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 356 F. 3d 104.

No. 03–9924. *RODRIGUEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

May 24, 2004

541 U. S.

No. 03–9929. *WILSON v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 84 Fed. Appx. 152.

No. 03–9930. *HINOJOSA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 349 F. 3d 200.

No. 03–9937. *DAWSON v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 141 F. 3d 1160.

No. 03–9945. *McGRAW v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 351 F. 3d 443.

No. 03–9946. *WILLIAMS, AKA STRONG v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 82 Fed. Appx. 307.

No. 03–9947. *ROHLSSEN v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 85 Fed. Appx. 307.

No. 03–9954. *GRACIA-GRACIA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 86 Fed. Appx. 709.

No. 03–9961. *FOSTER v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 03–9968. *DORVAL v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 03–860. *MUNDY ET AL. v. RHEAD*. C. A. 9th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 71 Fed. Appx. 729.

No. 03–1079. *CARUSO, DIRECTOR, MICHIGAN DEPARTMENT OF CORRECTIONS v. ABELA*. C. A. 6th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 348 F. 3d 164.

No. 03–1353. *ORR v. WAL-MART STORES, INC.* C. A. 8th Cir. Certiorari denied. JUSTICE BREYER took no part in the consideration or decision of this petition. Reported below: 297 F. 3d 720.

No. 03–1392. *STRIPLING v. HEAD, WARDEN*. Sup. Ct. Ga. Motion of The ARC of the United States et al. for leave to file a brief as *amici curiae* granted. Certiorari denied. Reported below: 277 Ga. 403, 590 S. E. 2d 122.

Rehearing Denied

No. 03–929. *RAPANOS v. UNITED STATES*, *ante*, p. 972;

541 U. S.

May 24, June 1, 2004

No. 03-1084. *ROLE v. ATCO PRODUCTS, INC.*, *ante*, p. 973;
No. 03-1141. *GISSLEN v. CITY OF CRYSTAL, MINNESOTA, ET AL.*, *ante*, p. 960;
No. 03-1219. *IN RE VEY*, *ante*, p. 958;
No. 03-7607. *RUSSELL v. GARRARD ET AL.*, 540 U. S. 1164;
No. 03-7864. *HENSON v. BARNHART, COMMISSIONER OF SOCIAL SECURITY*, 540 U. S. 1155;
No. 03-7949. *HOGAN v. EPPS, COMMISSIONER, MISSISSIPPI DEPARTMENT OF CORRECTIONS, ET AL.*, *ante*, p. 975;
No. 03-8292. *IN RE COLE*, *ante*, p. 934;
No. 03-8502. *JONES v. BIRKETT, WARDEN*, *ante*, p. 946;
No. 03-8676. *WILLIAMS v. FLORIDA*, *ante*, p. 949;
No. 03-8833. *PALLADINO v. PERLMAN, SUPERINTENDENT, MOHAWK CORRECTIONAL FACILITY*, *ante*, p. 964;
No. 03-8885. *WILLIAMS v. AVIALL SERVICES, INC.*, *ante*, p. 964;
No. 03-9030. *HAYES v. GEMMA POWER SYSTEM, LLC, ET AL.*, *ante*, p. 979; and
No. 03-9136. *CAMPA-FABELA v. UNITED STATES*, *ante*, p. 967.
Petitions for rehearing denied.

JUNE 1, 2004

Certiorari Dismissed

No. 03-9564. *FLYNN v. MURPHY*. App. Ct. Ill., 1st Dist. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8.

Miscellaneous Orders

No. 03M76. *HUGHES ET VIR v. PRICE CO. ET AL.* Motion to direct the Clerk to file petition for writ of certiorari out of time denied.

No. 105, Orig. *KANSAS v. COLORADO*. Motion of Kansas for leave to file a surreply granted. Exceptions to the Report of the Special Master are set for oral argument in due course. [For earlier order herein, see, *e. g.*, *ante*, p. 1101.]

No. 03-10116. *IN RE HOOKER*;
No. 03-10118. *IN RE HESS*;
No. 03-10142. *IN RE LYON*;
No. 03-10153. *IN RE WEST*;
No. 03-10196. *IN RE HOLLOWAY*; and

June 1, 2004

541 U. S.

No. 03–10229. *IN RE CAYTON*. Petitions for writs of habeas corpus denied.

Certiorari Denied

No. 03–1073. *BAILEY ET AL. v. UNITED STATES ET AL.* C. A. Fed. Cir. Certiorari denied. Reported below: 341 F. 3d 1342.

No. 03–1088. *RISE v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 345 F. 3d 952.

No. 03–1135. *FERRER, POIROT & WANSBROUGH ET AL. v. BOMBARDIER AEROSPACE EMPLOYEE WELFARE BENEFITS PLAN*. C. A. 5th Cir. Certiorari denied. Reported below: 354 F. 3d 348.

No. 03–1211. *MACLACHLAN ET AL. v. EXXONMOBIL CORP. ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 350 F. 3d 472.

No. 03–1212. *CLAMPITT v. STARVING STUDENTS, INC.* Ct. App. Ark. Certiorari denied.

No. 03–1350. *ELLIS v. METZ*. C. A. 9th Cir. Certiorari denied.

No. 03–1352. *BELCASTRO v. MONEY, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 03–1354. *SMITH v. BIRDSALL, CHIEF JUDGE, 11TH JUDICIAL DISTRICT COURT OF NEW MEXICO, ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 68 Fed. Appx. 176.

No. 03–1355. *CONTRACT MANAGEMENT SERVICES, INC., ET AL. v. TRAVEL NURSES INTERNATIONAL, INC.* C. A. 9th Cir. Certiorari denied. Reported below: 83 Fed. Appx. 978.

No. 03–1357. *BUSH v. CITY OF ZEELAND, MICHIGAN, ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 74 Fed. Appx. 581.

No. 03–1360. *ADMIRAL INSURANCE Co. v. CAST STEEL PRODUCTS, INC.* C. A. 11th Cir. Certiorari denied. Reported below: 348 F. 3d 1298.

No. 03–1361. *CONELY v. TOWNSHIP OF YORK, MICHIGAN, ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 76 Fed. Appx. 49.

541 U. S.

June 1, 2004

No. 03-1363. *KATZ v. MAX MANAGEMENT CORP.* App. Div., Sup. Ct. N. Y., 2d Jud. Dept. Certiorari denied. Reported below: 302 App. Div. 2d 496, 755 N. Y. S. 2d 282.

No. 03-1364. *GERMAN v. THERM-O-DISC, INC., ET AL.* Sup. Ct. Ohio. Certiorari denied. Reported below: 100 Ohio St. 3d 305, 798 N. E. 2d 1078.

No. 03-1366. *GALLO v. UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA.* C. A. 9th Cir. Certiorari denied. Reported below: 349 F. 3d 1169.

No. 03-1370. *TOWN OF NORWOOD, MASSACHUSETTS, ET AL. v. NEW ENGLAND POWER CO.* App. Ct. Mass. Certiorari denied. Reported below: 59 Mass. App. 1106, 797 N. E. 2d 26.

No. 03-1372. *DALLAS GLEN HILLS, LP v. CORFIELD ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 355 F. 3d 853.

No. 03-1374. *PONCA TRIBE OF NEBRASKA ET AL. v. SUPERIOR COURT OF CALIFORNIA, RIVERSIDE COUNTY.* Ct. App. Cal., 4th App. Dist. Certiorari denied.

No. 03-1376. *SANYO NORTH AMERICA CORP. ET AL. v. HARRIS CORP.* C. A. Fed. Cir. Certiorari denied. Reported below: 79 Fed. Appx. 438.

No. 03-1383. *GANESAN v. VALLABHANENI ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 78 Fed. Appx. 421.

No. 03-1394. *EGBUNE v. COLORADO.* Dist. Ct. Colo., Arapahoe County. Certiorari denied.

No. 03-1408. *BURTON v. MOTTOLESE, FORMER JUDGE OF THE SUPERIOR COURT OF CONNECTICUT, FAIRFIELD JUDICIAL DISTRICT.* Sup. Ct. Conn. Certiorari denied. Reported below: 267 Conn. 1, 835 A. 2d 998.

No. 03-1409. *BURKHARDT v. OKLAHOMA EX REL. DEPARTMENT OF REHABILITATION SERVICES ET AL.* Ct. Civ. App. Okla. Certiorari denied.

No. 03-1416. *RUNNINGEN v. KENTUCKY.* Ct. App. Ky. Certiorari denied.

No. 03-1432. *ROSS v. SANTA BARBARA NEWS-PRESS ET AL.* Ct. App. Cal., 2d App. Dist. Certiorari denied.

June 1, 2004

541 U. S.

No. 03–1435. *LAS VEGAS SANDS, INC. v. CULINARY WORKERS UNION, LOCAL 226*. C. A. 9th Cir. Certiorari denied. Reported below: 82 Fed. Appx. 580.

No. 03–1458. *PETIT ET AL. v. CITY OF CHICAGO, ILLINOIS, ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 352 F. 3d 1111.

No. 03–1465. *HUNT v. PERRY*. Sup. Ct. Ark. Certiorari denied. Reported below: 355 Ark. 303, 138 S. W. 3d 656.

No. 03–1470. *LILEIKIS v. SBC AMERITECH*. C. A. 7th Cir. Certiorari denied. Reported below: 84 Fed. Appx. 645.

No. 03–1471. *YATES v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 85 Fed. Appx. 925.

No. 03–1474. *SIMON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 87 Fed. Appx. 355.

No. 03–1481. *GUTIERREZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 343 F. 3d 415.

No. 03–8334. *McLUCKIE v. ABBOTT, WARDEN, ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 337 F. 3d 1193.

No. 03–8575. *McFADDEN v. UNITED STATES*. C. A. 1st Cir. Certiorari denied.

No. 03–8946. *VEGA-PACHECO v. UNITED STATES*;

No. 03–9935. *VEGA-COLON ET AL. v. UNITED STATES*;

No. 03–9938. *ALICEA-TORRES v. UNITED STATES*;

No. 03–9940. *GARCIA-GARCIA ET AL. v. UNITED STATES*;

No. 03–10001. *FERNANDEZ-MALAVE v. UNITED STATES*; and

No. 03–10033. *SOTO-BENIQUEZ ET AL. v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 356 F. 3d 1.

No. 03–9152. *HAKIM, AKA LOWERY v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 344 F. 3d 324.

No. 03–9170. *KING v. TENNESSEE*. Ct. Crim. App. Tenn. Certiorari denied.

No. 03–9514. *CREUSERE v. BOARD OF EDUCATION OF THE CITY SCHOOL DISTRICT OF THE CITY OF CINCINNATI ET AL.*

541 U. S.

June 1, 2004

C. A. 6th Cir. Certiorari denied. Reported below: 88 Fed. Appx. 813.

No. 03–9520. *PANNELL v. HANKS*, SUPERINTENDENT, WABASH VALLEY CORRECTIONAL FACILITY, ET AL. C. A. 7th Cir. Certiorari denied.

No. 03–9521. *PENNIX v. SCHRIRO*, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS. C. A. 9th Cir. Certiorari denied. Reported below: 84 Fed. Appx. 927.

No. 03–9537. *CODY v. JOHNSON*, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS. Sup. Ct. Va. Certiorari denied.

No. 03–9540. *ROMAN v. MCGRATH*, WARDEN, ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 82 Fed. Appx. 191.

No. 03–9545. *ROBERTSON v. DRETKE*, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 03–9546. *SLOAN v. EARLY*, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 03–9547. *SMOOT v. PEGUESE*, WARDEN, ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 71 Fed. Appx. 236.

No. 03–9554. *HOWARD v. CALIFORNIA*. Ct. App. Cal., 4th App. Dist. Certiorari denied.

No. 03–9562. *GADSON v. FLORIDA*. C. A. 11th Cir. Certiorari denied.

No. 03–9563. *BALL v. CROSBY*, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Certiorari denied.

No. 03–9566. *FANUS v. OREGON*. Sup. Ct. Ore. Certiorari denied. Reported below: 336 Ore. 63, 79 P. 3d 847.

No. 03–9575. *GOMEZ v. DRETKE*, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 03–9576. *HOUSER v. WATHEN*, ASSISTANT WARDEN, ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 80 Fed. Appx. 363.

June 1, 2004

541 U. S.

No. 03–9578. *LATSON v. DRETKE*, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 03–9580. *BARTHMAIER v. FLORIDA*. Dist. Ct. App. Fla., 2d Dist. Certiorari denied. Reported below: 869 So. 2d 549.

No. 03–9584. *HALL v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied.

No. 03–9585. *GALES v. KANSAS*. Ct. App. Kan. Certiorari denied. Reported below: 31 Kan. App. 2d xxxii, 74 P. 3d 594.

No. 03–9587. *HOLMES v. ILLINOIS*. App. Ct. Ill., 4th Dist. Certiorari denied.

No. 03–9588. *GUTIERREZ v. DRETKE*, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 03–9589. *TAYLOR v. CASTRO*, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 86 Fed. Appx. 294.

No. 03–9590. *TORRES ET AL. v. RUNYON*. C. A. 9th Cir. Certiorari denied. Reported below: 80 Fed. Appx. 594.

No. 03–9594. *PERRY v. LOCKHEED MISSILES & SPACE CO., INC., ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 76 Fed. Appx. 821.

No. 03–9595. *ROBB v. O'KEEFE*, COMMISSIONER, MINNESOTA DEPARTMENT OF HEALTH AND HUMAN SERVICES. C. A. 8th Cir. Certiorari denied. Reported below: 84 Fed. Appx. 725.

No. 03–9602. *SUTHERLIN v. DRETKE*, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 03–9607. *DI NARDO ET AL. v. CIRCUIT COURT OF FLORIDA, PALM BEACH COUNTY, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 03–9609. *REECE v. DRETKE*, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

541 U. S.

June 1, 2004

No. 03–9612. *MANGAN v. DAVIS ET AL.* C. A. 1st Cir. Certiorari denied. Reported below: 84 Fed. Appx. 104.

No. 03–9613. *ALEXANDER v. DRETKE, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION.* C. A. 5th Cir. Certiorari denied.

No. 03–9616. *MILES v. MICHIGAN.* Cir. Ct. Wayne County, Mich. Certiorari denied.

No. 03–9620. *MITCHELL ET AL. v. CONNOR, TEXAS SECRETARY OF STATE, ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 80 Fed. Appx. 899.

No. 03–9621. *ANDERSON v. TEXAS.* Ct. App. Tex., 10th Dist. Certiorari denied.

No. 03–9622. *BURGESS v. OREGON.* Ct. App. Ore. Certiorari denied.

No. 03–9624. *BURNETTE v. LOUISIANA.* Sup. Ct. La. Certiorari denied. Reported below: 867 So. 2d 684.

No. 03–9625. *BENSON v. YARBOROUGH, WARDEN.* C. A. 9th Cir. Certiorari denied.

No. 03–9668. *STEWART v. ASHCROFT, ATTORNEY GENERAL, ET AL.* C. A. 5th Cir. Certiorari denied.

No. 03–9671. *RISDAL v. HALFORD ET AL.* C. A. 8th Cir. Certiorari denied.

No. 03–9690. *BURNES v. BUSH, PRESIDENT OF THE UNITED STATES; BURNES v. AMERICAN ELECTRIC POWER ET AL.; BURNES v. AMERICAN BAR ASSN. ET AL.; BURNES v. AMERICAN BROADCASTING CO. ET AL.; BURNES v. NATIONAL BROADCASTING CO. ET AL.; and BURNES v. COLUMBIA BROADCAST ET AL.* C. A. 6th Cir. Certiorari denied.

No. 03–9695. *NOWIK v. NORTH DAKOTA.* C. A. 8th Cir. Certiorari denied. Reported below: 81 Fed. Appx. 899.

No. 03–9707. *IBANEZ v. VERIZON VIRGINIA INC.* C. A. 4th Cir. Certiorari denied. Reported below: 81 Fed. Appx. 797.

No. 03–9712. *BRANHAM v. BUDGE, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 83 Fed. Appx. 208.

June 1, 2004

541 U. S.

No. 03–9721. *NGANG v. ASHCROFT, ATTORNEY GENERAL, ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 88 Fed. Appx. 380.

No. 03–9726. *WELCH v. CAREY, WARDEN.* C. A. 9th Cir. Certiorari denied. Reported below: 350 F. 3d 1079.

No. 03–9757. *SENECA v. SCHRIRO, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 79 Fed. Appx. 978.

No. 03–9774. *WILLIAMS v. FARWELL, WARDEN.* C. A. 9th Cir. Certiorari denied.

No. 03–9815. *AUSTIN v. UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA.* C. A. 9th Cir. Certiorari denied.

No. 03–9816. *MCINTOSH v. ILLINOIS.* App. Ct. Ill., 5th Dist. Certiorari denied.

No. 03–9822. *JUSTICE v. CALIFORNIA.* Sup. Ct. Cal. Certiorari denied.

No. 03–9827. *GARCIA-LOPEZ v. NEW YORK.* App. Div., Sup. Ct. N. Y., 1st Jud. Dept. Certiorari denied. Reported below: 308 App. Div. 2d 366, 764 N. Y. S. 2d 264.

No. 03–9835. *HERNANDEZ v. SMITH.* C. A. 9th Cir. Certiorari denied. Reported below: 100 Fed. Appx. 615.

No. 03–9837. *ALLEY v. MAINE.* Sup. Jud. Ct. Me. Certiorari denied. Reported below: 841 A. 2d 803.

No. 03–9846. *FORCUM v. ILLINOIS.* App. Ct. Ill., 5th Dist. Certiorari denied. Reported below: 344 Ill. App. 3d 427, 800 N. E. 2d 499.

No. 03–9865. *MUNDAY v. OFFICE OF PERSONNEL MANAGEMENT.* C. A. Fed. Cir. Certiorari denied. Reported below: 81 Fed. Appx. 310.

No. 03–9870. *JENNINGS v. CALIFORNIA.* Ct. App. Cal., 4th App. Dist. Certiorari denied. Reported below: 112 Cal. App. 4th 459, 5 Cal. Rptr. 3d 243.

541 U. S.

June 1, 2004

No. 03–9871. *CUONG LE v. GIURBINO, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 03–9887. *PEREA v. UNITED STATES ET AL.* C. A. 11th Cir. Certiorari denied.

No. 03–9889. *MITCHELL v. DEPARTMENT OF COMMERCE*. C. A. 6th Cir. Certiorari denied. Reported below: 68 Fed. Appx. 701.

No. 03–9899. *MOORE v. SCHUETZLE, WARDEN*. Sup. Ct. N. D. Certiorari denied.

No. 03–9906. *JONES v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied.

No. 03–9923. *SINISTERRA v. UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA*. C. A. 4th Cir. Certiorari denied. Reported below: 83 Fed. Appx. 543.

No. 03–9936. *WARREN v. UNITED STATES*. Ct. App. D. C. Certiorari denied. Reported below: 842 A. 2d 714.

No. 03–9951. *SCALES v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 03–9952. *HIGHTOWER v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 94 Fed. Appx. 750.

No. 03–9957. *MINES v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 70 Fed. Appx. 703.

No. 03–9958. *SCRUGGS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 356 F. 3d 539.

No. 03–9965. *TUCKER v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 03–9966. *TOLIVER v. UNITED STATES*; and

No. 03–9971. *PATTERSON v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 351 F. 3d 423.

No. 03–9973. *TAYLOR ET AL. v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 90 Fed. Appx. 381.

June 1, 2004

541 U. S.

No. 03–9975. *DARRINGTON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 351 F. 3d 632.

No. 03–9978. *SAUNDERS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 88 Fed. Appx. 200.

No. 03–9982. *RIVERA-GALVAN v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 80 Fed. Appx. 579.

No. 03–9983. *LEARY v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 86 Fed. Appx. 559.

No. 03–9986. *SANDOVAL-VENEGAS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 81 Fed. Appx. 921.

No. 03–9989. *BURGESS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 89 Fed. Appx. 865.

No. 03–9991. *WHITE v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 85 Fed. Appx. 902.

No. 03–9996. *WATTS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 94 Fed. Appx. 633.

No. 03–10000. *VELOZ v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 87 Fed. Appx. 47.

No. 03–10002. *LUPERCIO-OLIVARES v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 83 Fed. Appx. 226.

No. 03–10011. *MELLENDEZ v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 88 Fed. Appx. 529.

No. 03–10012. *DAVIS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 86 Fed. Appx. 556.

No. 03–10015. *WILLIAMS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 75 Fed. Appx. 194.

No. 03–10026. *MCQUIDDY v. DAVIS, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 03–10028. *BURNETT v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 83 Fed. Appx. 137.

No. 03–10030. *COLEMAN v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 349 F. 3d 1077.

541 U. S.

June 1, 2004

No. 03–10037. *RAINEY v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 362 F. 3d 733.

No. 03–10042. *EMERSON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 86 Fed. Appx. 696.

No. 03–10043. *WELLS v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 347 F. 3d 280.

No. 03–10047. *EVANS v. UNITED STATES*. Ct. App. D. C. Certiorari denied. Reported below: 837 A. 2d 87.

No. 03–10048. *COVER v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 88 Fed. Appx. 392.

No. 03–10050. *CANNON v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 77 Fed. Appx. 508.

No. 03–10053. *DUGAR v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 03–10054. *BALLARD v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 86 Fed. Appx. 886.

No. 03–10056. *THOMSON, AKA THOMPSON, AKA THOMSOM v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 354 F. 3d 1197.

No. 03–10057. *COTTON v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 85 Fed. Appx. 192.

No. 03–10059. *COLEMAN v. UNITED STATES*. Ct. App. D. C. Certiorari denied.

No. 03–10061. *DANIELS v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 03–10064. *TILLITZ v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 03–10068. *FULTON v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 03–10069. *GAUCIN FLORES v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 95 Fed. Appx. 528.

No. 03–10071. *GIBSON ET AL. v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 85 Fed. Appx. 905.

June 1, 2004

541 U. S.

No. 03–10072. *FROELICH v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 86 Fed. Appx. 333.

No. 03–10074. *HORN v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 355 F. 3d 610.

No. 03–10075. *GONZALEZ-EDEZA, AKA PELAEZ-MORGAN v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 359 F. 3d 1246.

No. 03–10076. *GARCIA-LOPEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 88 Fed. Appx. 774.

No. 03–10077. *FAULKNER ET AL. v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 88 Fed. Appx. 577.

No. 03–10078. *HELTON v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 86 Fed. Appx. 889.

No. 03–10081. *GREEN v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 82 Fed. Appx. 842.

No. 03–10083. *GRAHAM v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 03–10087. *SMITH v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 88 Fed. Appx. 71.

No. 03–10092. *YOUNG v. DODRILL, WARDEN, ET AL.* C. A. D. C. Cir. Certiorari denied.

No. 03–10094. *FREEMAN v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 80 Fed. Appx. 768.

No. 03–10105. *VILLEGAS-ZAPATA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 86 Fed. Appx. 693.

No. 03–10125. *OKEH v. UNITED STATES*. C. A. 1st Cir. Certiorari denied.

No. 03–10126. *MORALES-MERCED v. UNITED STATES*. C. A. 1st Cir. Certiorari denied.

No. 03–836. *COLORADO v. MILLER*. Sup. Ct. Colo. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 75 P. 3d 1108.

541 U. S.

June 1, 7, 2004

No. 03–1338. SANTA BARBARA NEWS-PRESS ET AL. *v.* ROSS. Ct. App. Cal., 2d App. Dist. Motion of Media Entities for leave to file a brief as *amicus curiae* granted. Certiorari denied.

No. 03–9858. DIXON *v.* EQUICREDIT CORP. ET AL. C. A. 8th Cir. Certiorari denied. JUSTICE BREYER took no part in the consideration or decision of this petition. Reported below: 82 Fed. Appx. 501.

Rehearing Denied

No. 02–1270. PERLMAN *v.* DEPARTMENT OF JUSTICE, *ante*, p. 970;

No. 03–898. ORTIZ VELEZ, MAYOR OF SABANA GRANDE, PUERTO RICO, ET AL. *v.* RIVERA-TORRES ET AL., *ante*, p. 972;

No. 03–1100. JONES, DBA MELDER PUBLISHING CO. *v.* HAWKINS ET AL., *ante*, p. 973;

No. 03–1239. FACONTI *v.* POTTER, POSTMASTER GENERAL, *ante*, p. 975;

No. 03–8208. LANN *v.* UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS, *ante*, p. 907;

No. 03–8338. SACCO *v.* NEW YORK, *ante*, p. 943;

No. 03–8587. OGUNJOBI-YOBO *v.* DEKALB COUNTY, GEORGIA, *ante*, p. 962;

No. 03–8646. PARKS *v.* CITY OF CHATTANOOGA, TENNESSEE, ET AL., *ante*, p. 963;

No. 03–8706. BAHODA *v.* MICHIGAN, *ante*, p. 977;

No. 03–8889. D'ANTUONO *v.* NEW YORK, *ante*, p. 994;

No. 03–8978. PLEASANT, AKA PLEASANTS *v.* UNITED STATES, *ante*, p. 956; and

No. 03–9301. MATHISON ET UX. *v.* CORRECTIONS CORPORATION OF AMERICA ET AL., *ante*, p. 999. Petitions for rehearing denied.

No. 02–10418. SHELTON *v.* MAKEL, WARDEN, 539 U. S. 963. Motion for leave to file petition for rehearing denied.

JUNE 7, 2004

Certiorari Granted—Vacated and Remanded

No. 03–9708. GOFF *v.* OHIO. Ct. App. Ohio, Summit County. Motion of petitioner for leave to proceed *in forma pauperis* granted. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Crawford v. Washing-*

June 7, 2004

541 U. S.

ton, ante, p. 36. Reported below: 154 Ohio App. 3d 59, 796 N. E. 2d 50.

Miscellaneous Orders

No. 03M77. PALUMBO v. BROWN, WARDEN; and

No. 03M78. KNIGHT v. STEPHENS, DIRECTOR, WASHINGTON STATE DEPARTMENT OF LICENSING, ET AL. Motions to direct the Clerk to file petitions for writs of certiorari out of time denied.

No. 03–1230. AMERICAN TRUCKING ASSNS., INC., ET AL. v. MICHIGAN PUBLIC SERVICE COMMISSION ET AL.;

No. 03–1234. MID-CON FREIGHT SYSTEMS, INC., ET AL. v. MICHIGAN PUBLIC SERVICE COMMISSION ET AL.; and

No. 03–1250. TROY CAB, INC., ET AL. v. MICHIGAN PUBLIC SERVICE COMMISSION ET AL. Ct. App. Mich. The Solicitor General is invited to file a brief in these cases expressing the views of the United States.

No. 03–7434. BENITEZ v. MATA, INTERIM FIELD OFFICE DIRECTOR, MIAMI, IMMIGRATION AND CUSTOMS ENFORCEMENT. C. A. 11th Cir. [Certiorari granted, 540 U.S. 1147.] Motion of petitioner for appointment of counsel granted. John S. Mills, Esq., of Jacksonville, Fla., is appointed to serve as counsel for petitioner in this case.

No. 03–9011. CORBIN v. FLORIDA BAR. Sup. Ct. Fla. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [ante, p. 986] denied.

No. 03–9675. STRANGE v. NORFOLK SOUTHERN CORP. C. A. 11th Cir.; and

No. 03–10067. HOLLAND v. BARNHART, COMMISSIONER OF SOCIAL SECURITY. C. A. 3d Cir. Motions of petitioners for leave to proceed *in forma pauperis* denied. Petitioners are allowed until June 28, 2004, 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.

No. 03–10311. IN RE WILSON;

No. 03–10315. IN RE KELLEY; and

No. 03–10358. IN RE PARMAR. Petitions for writs of habeas corpus denied.

No. 03–10284. IN RE BROOKS. Motion of petitioner for leave to proceed *in forma pauperis* denied, and petition for writ of

541 U. S.

June 7, 2004

habeas corpus dismissed. See this Court's Rule 39.8. As 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*). JUSTICE STEVENS dissents. See *id.*, at 4, and cases cited therein.

No. 03–9623. IN RE SHEEHAN; and

No. 03–9654. IN RE CRUZ. Petitions for writs of mandamus denied.

No. 03–9619. IN RE BRONSON. Motion of petitioner for leave to proceed *in forma pauperis* denied, and petition for writ of mandamus and/or prohibition dismissed. See this Court's Rule 39.8.

Certiorari Granted

No. 03–1407. ROUSEY ET UX. *v.* JACOWAY. C. A. 8th Cir. Certiorari granted. Reported below: 347 F. 3d 689.

Certiorari Denied

No. 03–1085. SAMIRAH *v.* ASHCROFT, ATTORNEY GENERAL, ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 335 F. 3d 545.

No. 03–1097. RITCHESON *v.* C. C. SERVICES, INC. C. A. 7th Cir. Certiorari denied. Reported below: 79 Fed. Appx. 927.

No. 03–1125. TEXAS CITIES COALITION ON STORMWATER *v.* ENVIRONMENTAL PROTECTION AGENCY ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 344 F. 3d 832.

No. 03–1247. BATZEL *v.* SMITH ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 333 F. 3d 1018.

No. 03–1259. ROGERS *v.* NORFOLK SOUTHERN CORP. ET AL. Sup. Ct. S. C. Certiorari denied. Reported below: 356 S. C. 85, 588 S. E. 2d 87.

No. 03–1273. SPARGO ET AL. *v.* NEW YORK COMMISSION ON JUDICIAL CONDUCT ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 351 F. 3d 65.

June 7, 2004

541 U. S.

No. 03–1384. FOLLOWELL, AS PERSONAL REPRESENTATIVE OF THE ESTATE OF GURLEY *v.* MILLS. C. A. 11th Cir. Certiorari denied. Reported below: 90 Fed. Appx. 387.

No. 03–1385. HOLGUIN *v.* FLOOD CONTROL DISTRICT OF GREENLEE COUNTY, ARIZONA, ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 70 Fed. Appx. 958.

No. 03–1386. GRANITE STATE OUTDOOR ADVERTISING, INC. *v.* CITY OF ST. PETERSBURG, FLORIDA. C. A. 11th Cir. Certiorari denied. Reported below: 348 F. 3d 1278.

No. 03–1387. PHILSON, AKA ALLAH *v.* SHERRER, ADMINISTRATOR, NORTHERN STATE PRISON, ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 77 Fed. Appx. 123.

No. 03–1398. CRUM ET AL. *v.* FLOWERS ET AL. C. A. 11th Cir. Certiorari denied.

No. 03–1402. SATRE-BUISSON *v.* ASHCROFT, ATTORNEY GENERAL. C. A. 9th Cir. Certiorari denied.

No. 03–1419. FITZGERALD, TREASURER OF IOWA *v.* RACING ASSOCIATION OF CENTRAL IOWA ET AL. Sup. Ct. Iowa. Certiorari denied. Reported below: 675 N. W. 2d 1.

No. 03–1453. CENDEJAS *v.* ENGLAND, SECRETARY OF THE NAVY. C. A. 9th Cir. Certiorari denied. Reported below: 71 Fed. Appx. 639.

No. 03–1472. LOCAL UNION No. 38, SHEET METAL WORKERS' INTERNATIONAL ASSOCIATION, AFL-CIO *v.* PELELLA. C. A. 2d Cir. Certiorari denied. Reported below: 350 F. 3d 73.

No. 03–1473. PERSIK *v.* MANPOWER INC. C. A. 10th Cir. Certiorari denied. Reported below: 85 Fed. Appx. 127.

No. 03–1490. CLAIM OF KAWCZYNSKI ET AL. *v.* ESTATE OF CUMMINGS, DECEASED. App. Ct. Ill., 1st Dist. Certiorari denied.

No. 03–8172. DEJESUS *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 347 F. 3d 500.

No. 03–8225. CHEVALIER *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

541 U. S.

June 7, 2004

No. 03–8728. *GUTIERREZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 79 Fed. Appx. 639.

No. 03–8788. *MURPHY v. WASHINGTON*. Ct. App. Wash. Certiorari denied. Reported below: 115 Wash. App. 297, 62 P. 3d 533.

No. 03–9002. *GREER v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 72 Fed. Appx. 793.

No. 03–9218. *BUSBY v. DRETKE, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied. Reported below: 359 F. 3d 708.

No. 03–9287. *PINEDA-CORTES v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 82 Fed. Appx. 387.

No. 03–9553. *HALIBURTON v. CROSBY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS*. C. A. 11th Cir. Certiorari denied. Reported below: 342 F. 3d 1233.

No. 03–9611. *SORIANO v. HAMLET, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 03–9635. *MOPPINS v. CAREY, WARDEN*. C. A. 9th Cir. Certiorari denied. Reported below: 75 Fed. Appx. 661.

No. 03–9636. *THOMAS v. BLUMENTHAL*. C. A. 2d Cir. Certiorari denied.

No. 03–9639. *SMITH v. MOHAMED*. C. A. 9th Cir. Certiorari denied.

No. 03–9642. *CHILDERS v. SCOTT, WARDEN*. C. A. 10th Cir. Certiorari denied.

No. 03–9643. *JONES v. KOLB ET AL.* (five judgments). C. A. 6th Cir. Certiorari denied. Reported below: 83 Fed. Appx. 779 (fifth judgment) and 789 (third judgment); 84 Fed. Appx. 560 (first judgment); 91 Fed. Appx. 367 (fourth judgment).

No. 03–9645. *DARDEN v. BASKERVILLE, WARDEN*. C. A. 4th Cir. Certiorari denied. Reported below: 79 Fed. Appx. 597.

No. 03–9646. *CHARLES v. SMITH, WARDEN*. C. A. 7th Cir. Certiorari denied.

June 7, 2004

541 U. S.

No. 03–9657. *DULISSE v. CENTRAL PENN PROPERTY SERVICE, INC.* Sup. Ct. Pa. Certiorari denied.

No. 03–9658. *DANIELS v. MCLEMORE, WARDEN.* C. A. 6th Cir. Certiorari denied.

No. 03–9660. *TATUM v. KNOWLES, WARDEN.* C. A. 9th Cir. Certiorari denied. Reported below: 79 Fed. Appx. 267.

No. 03–9661. *WALKER v. DRETKE, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION.* C. A. 5th Cir. Certiorari denied.

No. 03–9663. *BRAGGS v. CROSBY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS.* Dist. Ct. App. Fla., 3d Dist. Certiorari denied. Reported below: 869 So. 2d 558.

No. 03–9669. *BOOKER v. ANDERSON, WARDEN.* Sup. Ct. Ohio. Certiorari denied. Reported below: 100 Ohio St. 3d 355, 800 N. E. 2d 28.

No. 03–9670. *ALDRICH v. DRETKE, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION.* C. A. 5th Cir. Certiorari denied. Reported below: 83 Fed. Appx. 11.

No. 03–9674. *POWELL v. HALL, WARDEN.* C. A. 9th Cir. Certiorari denied.

No. 03–9683. *TAYLOR v. RUSHTON, WARDEN, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 82 Fed. Appx. 303.

No. 03–9687. *CUESTA v. BERTRAND, WARDEN.* C. A. 7th Cir. Certiorari denied.

No. 03–9692. *SIMS v. KEMP, WARDEN, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 03–9698. *LLOYD v. DRETKE, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION.* C. A. 5th Cir. Certiorari denied.

No. 03–9702. *SQUIRES v. NORTH CAROLINA.* Sup. Ct. N. C. Certiorari denied. Reported below: 357 N. C. 529, 591 S. E. 2d 837.

541 U. S.

June 7, 2004

No. 03–9705. *RODRIGUEZ v. EDDOWES*. Sup. Ct. Nev. Certiorari denied.

No. 03–9710. *BRYANT-BEY v. GEORGIA*. C. A. 11th Cir. Certiorari denied. Reported below: 88 Fed. Appx. 391.

No. 03–9722. *OWENS v. KEMNA, SUPERINTENDENT, CROSS-ROADS CORRECTIONAL CENTER*. C. A. 8th Cir. Certiorari denied.

No. 03–9723. *HONG BAO LI v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 03–9725. *WILLIAMS v. CALIFORNIA*. Ct. App. Cal., 4th App. Dist. Certiorari denied.

No. 03–9732. *BYRD v. RALEIGH HOUSING AUTHORITY*. C. A. 4th Cir. Certiorari denied. Reported below: 81 Fed. Appx. 798.

No. 03–9733. *BAKER v. TURNER, WARDEN*. C. A. 6th Cir. Certiorari denied. Reported below: 82 Fed. Appx. 423.

No. 03–9769. *DONNELLY v. BARNHART, COMMISSIONER OF SOCIAL SECURITY*. C. A. 2d Cir. Certiorari denied. Reported below: 80 Fed. Appx. 701.

No. 03–9780. *SPIES v. IOWA*. Sup. Ct. Iowa. Certiorari denied. Reported below: 672 N. W. 2d 792.

No. 03–9862. *VALDEZ v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied.

No. 03–9902. *MENDEZ, AKA BENITEZ v. YARBOROUGH, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 88 Fed. Appx. 165.

No. 03–9919. *ETOKIE v. DISABILITY ACTION CENTER, INC.* C. A. 4th Cir. Certiorari denied.

No. 03–9960. *FAULKNER v. ILLINOIS*. App. Ct. Ill., 5th Dist. Certiorari denied.

No. 03–9967. *LYNCH v. STERNES, WARDEN*. C. A. 7th Cir. Certiorari denied.

June 7, 2004

541 U. S.

No. 03–9976. *CARTER v. ILLINOIS*. Sup. Ct. Ill. Certiorari denied. Reported below: 208 Ill. 2d 309, 802 N. E. 2d 1185.

No. 03–9981. *RIGGS v. WILLIAMS, WARDEN*. C. A. 10th Cir. Certiorari denied. Reported below: 87 Fed. Appx. 103.

No. 03–9995. *DEVINE v. ILLINOIS*. App. Ct. Ill., 3d Dist. Certiorari denied.

No. 03–9999. *NOBLES v. ILLINOIS*. App. Ct. Ill., 3d Dist. Certiorari denied.

No. 03–10009. *BINH LY v. KANSAS*. Sup. Ct. Kan. Certiorari denied. Reported below: 277 Kan. 386, 85 P. 3d 1200.

No. 03–10025. *BROWN v. NEW YORK*. C. A. 2d Cir. Certiorari denied.

No. 03–10046. *CARTER v. LAPPIN, DIRECTOR, FEDERAL BUREAU OF PRISONS*. C. A. 4th Cir. Certiorari denied. Reported below: 78 Fed. Appx. 254.

No. 03–10063. *TOWNSEND v. DAVIS, WARDEN*. C. A. 6th Cir. Certiorari denied. Reported below: 83 Fed. Appx. 728.

No. 03–10070. *GARCIA, AKA GARCIA-OLVERA v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 87 Fed. Appx. 323.

No. 03–10085. *RUSSELL v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 97 Fed. Appx. 906.

No. 03–10086. *SHAW v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 88 Fed. Appx. 102.

No. 03–10107. *KASTNEROVA v. UNITED STATES ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 365 F. 3d 980.

No. 03–10109. *JOHNSON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 03–10111. *MILAN-GARDUNO v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 85 Fed. Appx. 1000.

No. 03–10117. *HINTON v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 82 Fed. Appx. 794.

541 U. S.

June 7, 2004

No. 03–10121. *GAY v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 03–10123. *HERRICK v. CROSBY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 03–10136. *GASTON v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. Reported below: 357 F. 3d 77.

No. 03–10137. *ARNETT v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 353 F. 3d 765 and 84 Fed. Appx. 939.

No. 03–10143. *MADRIGAL-FERREIRA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 86 Fed. Appx. 713.

No. 03–10144. *JACKSON v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 84 Fed. Appx. 159.

No. 03–10149. *BOBBITT v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 84 Fed. Appx. 301.

No. 03–10154. *MISSOURI v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 84 Fed. Appx. 307.

No. 03–10157. *JONES v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 88 Fed. Appx. 621.

No. 03–10158. *MAXWELL v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 03–10159. *MADERA-SANCHEZ v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 91 Fed. Appx. 654.

No. 03–10166. *BREITWEISER v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 357 F. 3d 1249.

No. 03–10170. *LUGONES v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 92 Fed. Appx. 780.

No. 03–10171. *BUTLER v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 85 Fed. Appx. 953.

No. 03–10173. *CARDENAS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 65 Fed. Appx. 651.

June 7, 2004

541 U. S.

No. 03–10176. *WHITE v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 350 F. 3d 231.

No. 03–10181. *SANDMEYER v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 356 F. 3d 831.

No. 03–10185. *SALES v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 83 Fed. Appx. 512.

No. 03–10186. *LIGHTNER v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 90 Fed. Appx. 678.

No. 03–10187. *WATERS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 83 Fed. Appx. 196.

No. 03–10188. *GRAHAM v. ADAMS ET AL.* C. A. 8th Cir. Certiorari denied.

No. 03–10190. *HEWITT v. UNITED STATES*. Ct. App. D. C. Certiorari denied. Reported below: 830 A. 2d 416.

No. 03–10191. *FOUNTAIN v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 90 Fed. Appx. 389.

No. 03–10193. *FLEMING v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 84 Fed. Appx. 314.

No. 03–10203. *HERRIN v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 349 F. 3d 544.

No. 03–10205. *GRUBBS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 03–10206. *GREEN v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 87 Fed. Appx. 712.

No. 03–10210. *GRIFFIN v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 326 F. 3d 45.

No. 03–10216. *HARVEY v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 90 Fed. Appx. 437.

No. 03–10218. *FOURSTAR v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 87 Fed. Appx. 62.

No. 03–10220. *ZAKHARY v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 357 F. 3d 186.

541 U. S.

June 7, 2004

No. 03–10221. *WALLACE v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 88 Fed. Appx. 380.

No. 03–10223. *HARRIS, AKA SULUKI v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 03–10237. *BLUNT v. HIGHLAND PARK CITY SCHOOL DISTRICT*. Ct. App. Mich. Certiorari denied.

No. 03–1082. *COLORADO GENERAL ASSEMBLY v. SALAZAR, ATTORNEY GENERAL OF COLORADO, ET AL.* Sup. Ct. Colo. Certiorari denied. Reported below: 79 P. 3d 1221.

CHIEF JUSTICE REHNQUIST, with whom JUSTICE SCALIA and JUSTICE THOMAS join, dissenting.

As a result of the 2000 census, Congress allotted an additional seat in the House of Representatives to Colorado. The Colorado General Assembly failed to pass a congressional redistricting plan in time for the 2002 elections. In response to a suit brought by Colorado voters, a Colorado State District Court drew a congressional district map for the 2002 elections that took account of the new census figures and conformed to federal voting rights requirements. *Avalos v. Davidson*, No. 01–CV–2897, 2002 WL 1895406 (Jan. 25, 2002), *aff’d sub nom. Beauprez v. Avalos*, 42 P. 3d 642 (Colo. 2002) (en banc).

At the end of the 2003 regular session, the newly elected General Assembly enacted a redistricting plan, which was signed into law on May 9, 2003. Shortly thereafter, the Colorado Attorney General, Ken Salazar, filed an original action in the Supreme Court of Colorado, seeking an injunction to prevent the Colorado Secretary of State, Donetta Davidson, from implementing the General Assembly’s redistricting plan and requesting a writ of mandamus requiring Davidson to return to the 2002 redistricting plan. The General Assembly intervened on the respondents’ side to join Davidson.

The Supreme Court of Colorado held, *inter alia*, that Article V, § 44, of the Colorado Constitution limits redistricting to once per decade, to be completed in the time between the decennial census and the first election of the decade. *People ex rel. Salazar v. Davidson*, 79 P. 3d 1221, 1231 (2003) (en banc). The court stated:

“We recognize and emphasize that the General Assembly has primary responsibility for drawing congressional districts.

But we also hold that when the General Assembly fails to provide a constitutional redistricting plan in the face of an upcoming election and courts are forced to step in, these judicially-created districts are just as binding and permanent as districts created by the General Assembly. We further hold that regardless of the method by which the districts are created, the state constitution prohibits redrawing the districts until after the next decennial census.” *Ibid.*

The court ordered Davidson to employ the judicially created plan through the 2010 elections. While purporting to decide the issues presented exclusively on state-law grounds, the court made an express and necessary interpretation of the term “Legislature” in the Federal Elections Clause in concluding that “[n]othing in state or federal law contradicts this limitation.” *Id.*, at 1232. The General Assembly and Davidson have asked this Court to review the Colorado Supreme Court’s conclusion that Article V, §44, of the Colorado Constitution (as construed by the Supreme Court of Colorado) does not violate Article I, §4, cl. 1, of the Federal Constitution. While not disputing state courts’ remedial authority to impose temporary redistricting plans “so long as the legislature does not fulfill its duty to redistrict,” Pet. for Cert. 22, they argue that the *permanent* use of a court-ordered plan, despite the legislature’s proposal of a valid alternative, violates the Federal Constitution.

Article I, §4, cl. 1, of the United States Constitution provides:

“The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators.”

By interpreting “general assembly” in Article V, §44, of the Colorado Constitution to include the state courts, the Supreme Court of Colorado held that the Colorado Constitution makes the state courts part of the legislative process. The court relies on *Smiley v. Holm*, 285 U. S. 355 (1932), for the proposition that the States have the right to define “Legislature” under Article I, §4.

In *Smiley*, the Supreme Court of Minnesota had interpreted Article I, §4, as vesting the power to redistrict solely in the legislative body of Minnesota, without the need for gubernatorial

541 U. S.

June 7, 2004

approval. We first noted that there was no question as to what “body” the term “legislature” describes:

“As this Court said in *Hawke v. Smith*, No. 1, 253 U. S. 221, 227 [(1920)], the term was not one ‘of uncertain meaning when incorporated into the Constitution. What it meant when adopted it still means for the purpose of interpretation. A Legislature was then the representative body which made the laws of the people.’” 285 U. S., at 365.

We next explained that the focus of our inquiry was not the “body” but the function to be performed. We concluded that the function referred to by Article I, § 4, was the lawmaking process, which is defined by state law. 285 U. S., at 372. In Minnesota, the lawmaking process, as defined by the State, included the participation of the Governor. *Id.*, at 372–373.

And in *Ohio ex rel. Davis v. Hildebrant*, 241 U. S. 565 (1916), we examined referenda to approve or disapprove by popular vote any law enacted by the Ohio General Assembly. In each of these decisions, we concluded that the lawmaking mechanisms were consistent with Article I, § 4. Conspicuously absent from the Colorado lawmaking regime, under the Supreme Court of Colorado’s construction of the Colorado Constitution to include state-court orders as part of the lawmaking, is participation in the process by a body representing the people, or the people themselves in a referendum.

Generally the separation of powers among branches of a State’s government raises no federal constitutional questions, subject to the requirement that the government be republican in character. But the words “shall be prescribed in each State by the *Legislature* thereof” operate as a limitation on the State. Cf. *McPherson v. Blacker*, 146 U. S. 1, 26 (1892) (discussing Article II, § 1, cl. 2, of the U. S. Constitution). And to be consistent with Article I, § 4, there must be some limit on the State’s ability to define lawmaking by excluding the legislature itself in favor of the courts.

We should grant certiorari to review the Colorado state court’s debatable interpretation of this provision of federal law. I dissent from the denial of the petition for writ of certiorari.

No. 03–1382. HUFFMAN, WARDEN *v.* FRAZIER. C. A. 6th Cir. Motion of respondent for leave to proceed *in forma pauperis*

June 7, 8, 2004

541 U. S.

granted. Certiorari denied. Reported below: 343 F. 3d 780 and 348 F. 3d 174.

No. 03–1397. CIVIL LIBERTIES FOR URBAN BELIEVERS ET AL. *v.* CITY OF CHICAGO, ILLINOIS, ET AL. C. A. 7th Cir. Motions of Becket Fund for Religious Liberty et al. and American Jewish Congress et al. for leave to file briefs as *amici curiae* granted. Certiorari denied. Reported below: 342 F. 3d 752.

No. 03–1502. RANGER CELLULAR ET AL. *v.* FEDERAL COMMUNICATIONS COMMISSION. C. A. D. C. Cir. Motion of petitioners for partial remand for consideration of settlement agreement denied. Certiorari denied. Reported below: 348 F. 3d 1044.

No. 03–9656. DULISSE *v.* HOMESIDE LENDING, INC. Sup. Ct. Pa. Certiorari denied. JUSTICE BREYER took no part in the consideration or decision of this petition.

Rehearing Denied

No. 03–8096. MORRISON *v.* GEORGIA, *ante*, p. 940;

No. 03–8517. SIMPSON *v.* COLORADO, *ante*, p. 947;

No. 03–8625. MCCOY *v.* YARBOROUGH, WARDEN, ET AL., *ante*, p. 962;

No. 03–8779. CRISWELL *v.* DRETKE, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION, *ante*, p. 991;

No. 03–8899. JANES *v.* UNITED STATES, *ante*, p. 954;

No. 03–8905. RONDEAU *v.* RONDEAU, *ante*, p. 978;

No. 03–8912. ERVIN *v.* BARNHART, COMMISSIONER OF SOCIAL SECURITY, *ante*, p. 954;

No. 03–9086. GILBERT *v.* RENICO, WARDEN, *ante*, p. 1013;

No. 03–9309. BREEN *v.* UNITED STATES, *ante*, p. 999;

No. 03–9358. GLASS *v.* BROADWAY ELECTRIC SERVICE, INC., *ante*, p. 1016; and

No. 03–9472. IN RE MCQUIDDY, *ante*, p. 986. Petitions for rehearing denied.

JUNE 8, 2004

Certiorari Denied

No. 03–10767 (03A1002). BRYAN *v.* MULLIN, WARDEN, ET AL. C. A. 10th Cir. Application for stay of execution of sentence of death, presented to JUSTICE BREYER, and by him referred to the Court, denied. Certiorari denied. Reported below: 100 Fed. Appx. 801.