

ORDERS FOR JUNE 14 THROUGH
SEPTEMBER 30, 2004

JUNE 14, 2004

Certiorari Granted—Vacated and Remanded

No. 03–284. SOCIETE NATIONALE DES CHEMINS DE FER FRANCAIS *v.* ABRAMS ET AL. C. A. 2d Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Republic of Austria v. Altmann*, 541 U.S. 677 (2004). Reported below: 332 F. 3d 173.

No. 03–500. REPUBLIC OF AUSTRIA ET AL. *v.* WHITEMAN ET AL.; and

No. 03–517. REPUBLIC OF POLAND ET AL. *v.* GARB ET AL. C. A. 2d Cir. Certiorari granted, judgment vacated, and cases remanded for further consideration in light of *Republic of Austria v. Altmann*, 541 U.S. 677 (2004). Reported below: 72 Fed. Appx. 850.

No. 03–741. HWANG GEUM JOO ET AL. *v.* JAPAN. C. A. D. C. Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Republic of Austria v. Altmann*, 541 U.S. 677 (2004). Reported below: 332 F. 3d 679.

No. 03–1348. Ko *v.* NEW YORK. App. Div., Sup. Ct. N. Y., 1st Jud. Dept. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Crawford v. Washington*, 541 U.S. 36 (2004). Reported below: 304 App. Div. 2d 451, 757 N. Y. S. 2d 561.

Certiorari Dismissed

No. 03–9788. MARTIN *v.* NEBRASKA BOARD OF PAROLE. Ct. App. Neb. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court’s Rule 39.8.

No. 03–10241. ORTLOFF *v.* FLEMING, WARDEN. C. A. 5th Cir. Motion of petitioner for leave to proceed *in forma pauperis*

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denied, and certiorari dismissed. See this Court's Rule 39.8. Reported below: 88 Fed. Appx. 715.

Miscellaneous Orders

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 respondent for leave to file supplemental brief after argument granted.

No. 03-409. *KP PERMANENT MAKE-UP, INC. v. LASTING IMPRESSION I, INC., ET AL.* C. A. 9th 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. 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]; and

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 respondent Suarez Martinez and petitioner Benitez for divided argument granted. Request for additional time for oral argument denied.

No. 03-9345. *OWEN v. FLORIDA*. Sup. Ct. Fla. Motion of petitioner to defer consideration of petition for writ of certiorari granted.

No. 03-10442. *IN RE CARROLL*;

No. 03-10508. *IN RE MILLER*; and

No. 03-10510. *IN RE RHETT*. Petitions for writs of habeas corpus denied.

No. 03-10478. *IN RE BAILEY*. Motion of petitioner for leave to proceed *in forma pauperis* denied, and petition for writ of 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

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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. 03-9751. IN RE BELLON. Petition for writ of mandamus and/or prohibition denied.

No. 03-10175. IN RE MORRISON. 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.

Certiorari Granted

No. 02-1672. JACKSON *v.* BIRMINGHAM BOARD OF EDUCATION. C. A. 11th Cir. Certiorari granted. Reported below: 309 F. 3d 1333.

No. 03-1423. MUEHLER ET AL. *v.* MENA. C. A. 9th Cir. Motion of Police Officers Research Association of California Legal Defense Fund for leave to file a brief as *amicus curiae* granted. Certiorari granted. Reported below: 332 F. 3d 1255.

No. 03-8661. SMITH *v.* MASSACHUSETTS. App. Ct. Mass. Motion of petitioner for leave to proceed *in forma pauperis* granted. Certiorari granted. Reported below: 58 Mass. App. 166, 788 N. E. 2d 977.

Certiorari Denied

No. 03-201. CLAYTON HOSPITALITY GROUP, INC. *v.* ORANGE COUNTY, FLORIDA, ET AL. C. A. 11th Cir. Certiorari denied. Reported below: 67 Fed. Appx. 588.

No. 03-1159. SKWIRA, INDIVIDUALLY AND AS ADMINISTRATRIX OF THE ESTATE OF SKWIRA, ET AL. *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. Reported below: 344 F. 3d 64.

No. 03-1281. TOWN OF ISLIP, NEW YORK, ET AL. *v.* NORTON. C. A. 2d Cir. Certiorari denied. Reported below: 77 Fed. Appx. 56.

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No. 03–1288. *HOLMES v. DIRECTOR, OFFICE OF WORKERS’ COMPENSATION PROGRAMS, DEPARTMENT OF LABOR, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 66 Fed. Appx. 491.

No. 03–1298. *WILLIAMS v. DEVELL R. YOUNG, M. D., P. C., ET AL.* Ct. App. Ga. Certiorari denied. Reported below: 258 Ga. App. 821, 575 S. E. 2d 648.

No. 03–1314. *LURIE v. BLACKWELL, LIQUIDATING TRUSTEE OF THE POPKIN & STERN LIQUIDATING TRUST.* C. A. 8th Cir. Certiorari denied. Reported below: 346 F. 3d 804.

No. 03–1343. *JOHNSON v. ORANGE COUNTY, FLORIDA.* Dist. Ct. App. Fla., 5th Dist. Certiorari denied. Reported below: 865 So. 2d 512.

No. 03–1390. *WASTE RECOVERY ENTERPRISES, LLC v. TOWN OF UNADILLA, NEW YORK, ET AL.* App. Div., Sup. Ct. N. Y., 3d Jud. Dept. Certiorari denied. Reported below: 294 App. Div. 2d 766, 742 N. Y. S. 2d 715.

No. 03–1405. *HOTEL & MOTEL ASSOCIATION OF OAKLAND ET AL. v. CITY OF OAKLAND, CALIFORNIA.* C. A. 9th Cir. Certiorari denied. Reported below: 344 F. 3d 959.

No. 03–1411. *DOE, INDIVIDUALLY AND AS GUARDIAN AD LITEM FOR DOE, A MINOR, ET AL. v. LEBBOS ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 348 F. 3d 820.

No. 03–1412. *COASTAL PETROLEUM Co. ET AL. v. FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION ET AL.* Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 864 So. 2d 402.

No. 03–1421. *UNITED STATES EX REL. GOLDSTEIN v. FABRICARE DRAPERIES, INC., ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 84 Fed. Appx. 341.

No. 03–1422. *DEGIDIO v. WEST GROUP CORP. ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 355 F. 3d 506.

No. 03–1468. *LAKIN LAW FIRM, P. C. v. FEDERAL TRADE COMMISSION.* C. A. 7th Cir. Certiorari denied. Reported below: 352 F. 3d 1122.

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No. 03-1476. *McGREGOR v. MINETA, SECRETARY OF TRANSPORTATION*. C. A. 11th Cir. Certiorari denied. Reported below: 91 Fed. Appx. 656.

No. 03-1486. *NORTHERN VOYAGER LIMITED PARTNERSHIP ET AL. v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 350 F. 3d 247.

No. 03-1489. *CARROLL v. POTTER, POSTMASTER GENERAL, ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 75 Fed. Appx. 874.

No. 03-1491. *THAMES SHIPYARD & REPAIR CO. v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 350 F. 3d 247.

No. 03-1493. *DOE v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 03-1494. *JACKSON v. DEPARTMENT OF JUSTICE ET AL.* C. A. D. C. Cir. Certiorari denied.

No. 03-1516. *WYATT ET AL. v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 81 Fed. Appx. 508.

No. 03-1539. *KING v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 351 F. 3d 859.

No. 03-8444. *JENNINGS v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 63 Fed. Appx. 35.

No. 03-8622. *HARRINGTON v. NORTHWEST AIRLINES, INC.* Ct. App. Minn. Certiorari denied.

No. 03-8804. *CONROD v. MOORE ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 83 Fed. Appx. 605.

No. 03-8808. *JONES v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied. Reported below: 119 S. W. 3d 766.

No. 03-9167. *SIMPSON v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied. Reported below: 119 S. W. 3d 262.

No. 03-9274. *RABY v. DRETKE, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied. Reported below: 78 Fed. Appx. 324.

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No. 03–9323. *DUNN v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 345 F. 3d 1285.

No. 03–9333. *OVERBY v. PENNSYLVANIA*. Sup. Ct. Pa. Certiorari denied. Reported below: 575 Pa. 227, 836 A. 2d 20.

No. 03–9351. *AGUILERA-DE FLORES v. UNITED STATES*; and *JALOMO-GALLO v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 82 Fed. Appx. 969 (first judgment); 87 Fed. Appx. 388 (second judgment).

No. 03–9715. *TURNER v. HORN ET AL.* Sup. Ct. Pa. Certiorari denied.

No. 03–9716. *BROWN v. SCOTT ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 86 Fed. Appx. 569.

No. 03–9717. *MACKEY v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 329 Ill. App. 3d 1231, 835 N. E. 2d 196.

No. 03–9735. *DALAL v. OZMINT, DIRECTOR, SOUTH CAROLINA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 71 Fed. Appx. 988.

No. 03–9736. *O’NEAL v. HAMMER ET AL.* Sup. Ct. Haw. Certiorari denied.

No. 03–9745. *LEE v. CALIFORNIA*. Ct. App. Cal., 6th App. Dist. Certiorari denied. Reported below: 111 Cal. App. 4th 1310, 4 Cal. Rptr. 3d 642.

No. 03–9747. *JON v. DRETKE, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 03–9749. *JOHNSON v. MARSHALL ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 84 Fed. Appx. 906.

No. 03–9758. *ROGERS v. ROSE, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 03–9760. *JOHNSON v. ALAMEIDA, DIRECTOR, CALIFORNIA DEPARTMENT OF CORRECTIONS*. C. A. 9th Cir. Certiorari denied. Reported below: 80 Fed. Appx. 557.

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No. 03–9763. *CHAPIN v. FERNALD, WARDEN, ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 78 Fed. Appx. 363.

No. 03–9764. *TRINIDAD v. DRETKE, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION.* C. A. 5th Cir. Certiorari denied.

No. 03–9766. *CATHRON v. JONES, WARDEN.* C. A. 6th Cir. Certiorari denied. Reported below: 77 Fed. Appx. 835.

No. 03–9771. *LOLLAR v. DRETKE, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION.* C. A. 5th Cir. Certiorari denied. Reported below: 77 Fed. Appx. 701.

No. 03–9781. *BROWN v. WILLIAMS, WARDEN.* C. A. 11th Cir. Certiorari denied.

No. 03–9782. *SCOTT v. OHIO.* Sup. Ct. Ohio. Certiorari denied. Reported below: 101 Ohio St. 3d 31, 800 N. E. 2d 1133.

No. 03–9785. *KALINOWSKI v. BOND ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 358 F. 3d 978.

No. 03–9789. *DUENAS v. GALAZA, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 83 Fed. Appx. 180.

No. 03–9795. *JACKSON v. JOHNSON, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS.* C. A. 4th Cir. Certiorari denied. Reported below: 78 Fed. Appx. 310.

No. 03–9797. *SCOTT v. LOUISIANA.* Ct. App. La., 4th Cir. Certiorari denied. Reported below: 846 So. 2d 1002.

No. 03–9798. *SMITH v. BERRY.* Ct. App. Tex., 14th Dist. Certiorari denied.

No. 03–9801. *MCQUEEN v. KEMNA, SUPERINTENDENT, CROSSROADS CORRECTIONAL CENTER.* C. A. 8th Cir. Certiorari denied.

No. 03–9806. *BELTON v. TURNER ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 79 Fed. Appx. 66.

No. 03–9810. *SUDDUTH, AKA MUHAMMAD v. STRASSBURGER ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 85 Fed. Appx. 874.

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No. 03–9813. *MATHIS v. PENNSYLVANIA*. Super. Ct. Pa. Certiorari denied. Reported below: 835 A. 2d 833.

No. 03–9814. *SHOYINKA v. CITY OF LOS ANGELES, CALIFORNIA*. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 03–9818. *McLAURIN v. YARBOROUGH, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 03–9820. *STAMPONE v. KEARFOTT GUIDANCE & NAVIGATION CORP. ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 90 Fed. Appx. 437.

No. 03–9829. *HASSINK v. GANSHEIMER, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 03–9831. *HODGE ET AL. v. GIANT FOOD INC. ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 81 Fed. Appx. 765.

No. 03–9833. *BIROS v. BRADSHAW, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 03–9834. *EVANS v. HAMRICK ET AL.* C. A. 11th Cir. Certiorari denied.

No. 03–9836. *McGEE v. MOTE, WARDEN*. C. A. 7th Cir. Certiorari denied.

No. 03–9841. *PRESIDENT v. STALDER, SECRETARY, LOUISIANA DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS, ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 90 Fed. Appx. 711.

No. 03–9842. *LINDSEY v. COLORADO*. Ct. App. Colo. Certiorari denied.

No. 03–9843. *JUSTICE v. SUPERIOR COURT OF CALIFORNIA, SAN DIEGO COUNTY*. Ct. App. Cal., 4th App. Dist. Certiorari denied.

No. 03–9844. *ANGEL v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied.

No. 03–9848. *GORDON ET AL. v. ALABAMA ET AL.* Sup. Ct. Ala. Certiorari denied. Reported below: 899 So. 2d 314.

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No. 03–9849. *MARTIN v. HERNANDEZ, WARDEN*. C. A. 9th Cir. Certiorari denied. Reported below: 93 Fed. Appx. 170.

No. 03–9850. *KISSANE v. JONES, WARDEN*. C. A. 6th Cir. Certiorari denied. Reported below: 89 Fed. Appx. 577.

No. 03–9864. *HICKS v. HEAD, WARDEN*. C. A. 11th Cir. Certiorari denied. Reported below: 333 F. 3d 1280.

No. 03–9878. *SIGALA v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied.

No. 03–9896. *MAYS v. STRAUB, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 03–9953. *HOWARD v. HILLSBOROUGH COUNTY SHERIFF’S DEPARTMENT*. C. A. 11th Cir. Certiorari denied. Reported below: 88 Fed. Appx. 392.

No. 03–9963. *AUSTIN v. GILLIS, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT COAL TOWNSHIP, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 03–9972. *POSEY v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied. Reported below: 32 Cal. 4th 193, 82 P. 3d 755.

No. 03–10005. *WILLIAMS v. ROWLEY, SUPERINTENDENT, MISSOURI EASTERN CORRECTIONAL CENTER*. C. A. 8th Cir. Certiorari denied.

No. 03–10013. *QUEVADO v. RUMSFELD, SECRETARY OF DEFENSE, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 78 Fed. Appx. 303.

No. 03–10014. *EVERETT v. PENNSYLVANIA ET AL.* C. A. 3d Cir. Certiorari denied.

No. 03–10022. *LEWIS v. JOHNSON, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS*. C. A. 4th Cir. Certiorari denied. Reported below: 86 Fed. Appx. 573.

No. 03–10036. *BUSHARD v. YUKINS, WARDEN*. C. A. 6th Cir. Certiorari denied. Reported below: 87 Fed. Appx. 505.

No. 03–10073. *GALE v. VAUGHN, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT GRATERFORD*. C. A. 3d Cir. Certiorari denied. Reported below: 83 Fed. Appx. 472.

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No. 03–10090. *DAVIS v. WALDRON, CLERK, UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 03–10113. *MOLINEAUX v. WEST VIRGINIA.* Sup. Ct. App. W. Va. Certiorari denied.

No. 03–10133. *TOMLIN v. SCHRIRO, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 83 Fed. Appx. 925.

No. 03–10145. *LOCKLEAR v. NORTH CAROLINA.* Ct. App. N. C. Certiorari denied. Reported below: 160 N. C. App. 596, 587 S. E. 2d 682.

No. 03–10167. *ATTIA v. SOCIAL SECURITY ADMINISTRATION ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 88 Fed. Appx. 142.

No. 03–10194. *GUY v. BARNHART, COMMISSIONER OF SOCIAL SECURITY.* C. A. 10th Cir. Certiorari denied. Reported below: 62 Fed. Appx. 848.

No. 03–10212. *GRANT v. UNITED STATES.* C. A. 11th Cir. Certiorari denied.

No. 03–10219. *WARD v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 89 Fed. Appx. 382.

No. 03–10226. *CASEY v. LAVAN, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT DALLAS, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 03–10231. *AREVALO v. UNITED STATES.* C. A. 11th Cir. Certiorari denied.

No. 03–10236. *WATKINS v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 86 Fed. Appx. 578.

No. 03–10239. *BURR v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 88 Fed. Appx. 631.

No. 03–10244. *CRAYTON, AKA HARRIS, AKA WINTERS v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. Reported below: 357 F. 3d 560.

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No. 03–10247. *CONCEPCION v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

No. 03–10248. *WILLIS v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 89 Fed. Appx. 986.

No. 03–10250. *BONILLA v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 86 Fed. Appx. 545.

No. 03–10251. *SMITH v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 03–10252. *SANDERS v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 87 Fed. Appx. 83.

No. 03–10254. *DECATO v. EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS*. C. A. D. C. Cir. Certiorari denied.

No. 03–10256. *CARTER v. UNITED STATES ET AL.* C. A. D. C. Cir. Certiorari denied.

No. 03–10258. *BURNETT v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 97 Fed. Appx. 906.

No. 03–10262. *JIMENEZ-VELASCO v. UNITED STATES*; *GONZALEZ v. UNITED STATES*; *HINOJOSA-AGUIRRE v. UNITED STATES*; *DEL BOSQUE v. UNITED STATES*; *LOZANO-TAMEZ v. UNITED STATES*; *QUIROZ-ESCOBEDO v. UNITED STATES*; and *CAMPOS MADRIGAL v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.* Reported below: 86 Fed. Appx. 726 (fourth judgment); 87 Fed. Appx. 935 (sixth judgment) and 993 (first judgment); 88 Fed. Appx. 779 (second judgment); 89 Fed. Appx. 479 (seventh judgment); 90 Fed. Appx. 79 (fifth judgment); 95 Fed. Appx. 640 (third judgment).

No. 03–10264. *PEVELER v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 359 F. 3d 369.

No. 03–10265. *MEDINA-ANICACIO v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 325 F. 3d 638.

No. 03–10266. *MONSIBAIS-TOVIAS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 88 Fed. Appx. 47.

*[REPORTER'S NOTE: This order was vacated on January 24, 2005. 543 U.S. 1116.]

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No. 03–10267. *ROJAS AFANADOR v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 03–10269. *WILLIAMS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 87 Fed. Appx. 353.

No. 03–10271. *WELCH v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 82 Fed. Appx. 221.

No. 03–10272. *NEWSOME v. UNITED STATES* (Reported below: 89 Fed. Appx. 466); *MARTIN v. UNITED STATES* (87 Fed. Appx. 392); *CHIMNEY v. UNITED STATES* (88 Fed. Appx. 77); *SONGALIA FLORES v. UNITED STATES*; *VILLARREAL-MEDINA v. UNITED STATES* (87 Fed. Appx. 395); *ABNEY v. UNITED STATES* (87 Fed. Appx. 960); *GUERRERO v. UNITED STATES* (87 Fed. Appx. 990); *AGUILAR-CORTEZ v. UNITED STATES* (87 Fed. Appx. 937); *AVILA-CHAVEZ v. UNITED STATES* (87 Fed. Appx. 433); *HERNANDEZ-HERNANDEZ v. UNITED STATES* (87 Fed. Appx. 425); *DE LOS SANTOS v. UNITED STATES* (87 Fed. Appx. 421); *MEDINA-TENIENTE v. UNITED STATES* (87 Fed. Appx. 978); and *DE LUNA-VIGIL v. UNITED STATES* (87 Fed. Appx. 976). C. A. 5th Cir. Certiorari denied.*

No. 03–10273. *MIRANDA v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 03–10274. *COLEMAN v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 88 Fed. Appx. 776.

No. 03–10275. *EPPS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.* Reported below: 89 Fed. Appx. 627.

No. 03–10276. *CARDENAS-GUTIERREZ v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 87 Fed. Appx. 9.

No. 03–10277. *RUDDOCK v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 82 Fed. Appx. 752.

No. 03–10278. *SALCEDA-GUERRERO v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 88 Fed. Appx. 849.

*[REPORTER'S NOTE: These orders were vacated on January 24, 2005. 543 U. S. 1116.]

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No. 03–10282. *JONES v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 353 F. 3d 816 and 85 Fed. Appx. 569.

No. 03–10287. *STEPHENS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 03–10291. *WRIGHT v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 03–10292. *TERRELL v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 95 Fed. Appx. 746.

No. 03–10293. *BURKE, AKA HAKIMI v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 99 Fed. Appx. 883.

No. 03–10294. *ALEXANDER v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 87 Fed. Appx. 889.

No. 03–10295. *MERICHKO v. BARNHART, COMMISSIONER OF SOCIAL SECURITY*. C. A. 3d Cir. Certiorari denied. Reported below: 85 Fed. Appx. 872.

No. 03–10297. *REID v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 357 F. 3d 574.

No. 03–10299. *LAMPKIN v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 87 Fed. Appx. 14.

No. 03–10303. *RICE v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 88 Fed. Appx. 596.

No. 03–10306. *ELDRIDGE v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 85 Fed. Appx. 942.

No. 03–10312. *NIX v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 84 Fed. Appx. 415.

No. 03–10313. *MONTGOMERY v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 69 Fed. Appx. 132.

No. 03–10314. *LAWRENCE v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 03–10318. *PRICE v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 84 Fed. Appx. 917.

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No. 03–10319. *SMYTHE v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 363 F. 3d 127.

No. 03–10320. *ADAMS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 99 Fed. Appx. 879.

No. 03–10322. *NEAL v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 03–10324. *BERRY v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 03–10326. *AMADO-NUNEZ v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 357 F. 3d 119.

No. 03–10329. *HERNANDEZ v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 75 Fed. Appx. 637.

No. 03–10330. *HERNANDEZ-PUGA v. UNITED STATES*; *CRUZ-DURAN v. UNITED STATES*; and *TERAN-GOMEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 87 Fed. Appx. 404 (third judgment) and 918 (first judgment); 88 Fed. Appx. 50 (second judgment).

No. 03–10338. *CARTER v. UNITED STATES ET AL.* C. A. 11th Cir. Certiorari denied.

No. 03–10344. *McFARLANE v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 97 Fed. Appx. 906.

No. 03–10346. *WALKER, AKA SMITH v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 89 Fed. Appx. 56.

No. 03–10347. *BROWN v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 93 Fed. Appx. 454.

No. 03–10350. *PERSAUD v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 87 Fed. Appx. 869.

No. 03–10362. *SPRINGER ET AL. v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 354 F. 3d 772.

No. 03–10365. *SPYKES v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 86 Fed. Appx. 731.

No. 03–10366. *HAYS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

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No. 03–10367. *GOMEZ-VALDEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 81 Fed. Appx. 836.

No. 03–10368. *GAINES v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 87 Fed. Appx. 145.

No. 03–10370. *BEARD v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 354 F. 3d 691.

No. 03–10374. *DELGADO-ROMERO v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 87 Fed. Appx. 667.

No. 03–10377. *FLORENCE v. GALLEGOS, WARDEN*. C. A. 10th Cir. Certiorari denied.

No. 03–10380. *HUPP v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 03–10386. *GIBSON v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 86 Fed. Appx. 643.

No. 03–10388. *HICKMAN v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 03–10392. *GREEN v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 03–10417. *MCDONNELL v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.* Reported below: 88 Fed. Appx. 701.

No. 03–10421. *LONGORIA-CONTRERAS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 87 Fed. Appx. 367.

No. 03–1147. *ROEDER, INDIVIDUALLY AND ON BEHALF OF ALL OTHERS SIMILARLY SITUATED, ET AL. v. ISLAMIC REPUBLIC OF IRAN ET AL.* C. A. D. C. Cir. Motion of George Allen et al. for leave to file a brief as *amici curiae* granted. Certiorari denied. Reported below: 333 F. 3d 228.

No. 03–1282. *HEALTHPLAN SERVICES, INC., ET AL. v. GUNNELLS ET AL.* C. A. 4th Cir. Motions of National Home Equity Mortgage Association and Chamber of Commerce of the United

*[REPORTER'S NOTE: This order was vacated on January 24, 2005. 543 U.S. 1116.]

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States for leave to file briefs as *amici curiae* granted. Certiorari denied. Reported below: 348 F. 3d 417.

Rehearing Denied

- No. 01–8625. *STROUD v. POLLUNSKY ET AL.*, 535 U. S. 1038;
No. 03–1035. *KELSO v. UNITED STATES DEFENSE INTELLIGENCE AGENCY*, 540 U. S. 1220;
No. 03–1249. *FILOSO v. PRINCE WILLIAM COUNTY SCHOOL BOARD*, 541 U. S. 1030;
No. 03–1278. *PERSIK v. COLORADO STATE UNIVERSITY*, 541 U. S. 990;
No. 03–8446. *MOTT v. SISTRUNK, SUPERINTENDENT, CROSS CITY CORRECTIONAL INSTITUTION, ET AL.*, 541 U. S. 945;
No. 03–8583. *BOWMAN v. UNITED STATES*, 540 U. S. 1226;
No. 03–8691. *HARVEY v. GARCIA, WARDEN*, 541 U. S. 977;
No. 03–8895. *RUSSELL v. VITTANDS*, 541 U. S. 994;
No. 03–8928. *PERRY v. CITY OF BIRMINGHAM, ALABAMA, ET AL.*, 541 U. S. 995;
No. 03–8984. *THOMPSON v. DISTRICT COURT OF APPEAL OF FLORIDA, FOURTH DISTRICT*, 541 U. S. 996;
No. 03–9068. *FLEMING v. BROOKS, WARDEN*, 541 U. S. 966;
No. 03–9113. *WEST v. WORKMAN, WARDEN*, 541 U. S. 1014;
No. 03–9293. *ALDER v. BURT, WARDEN*, 541 U. S. 1016;
No. 03–9302. *MANLEY v. DAVIS, SUPERINTENDENT, INDIANA STATE PRISON*, 541 U. S. 999;
No. 03–9499. *IN RE REYNOLDS*, 541 U. S. 986;
No. 03–9522. *MUNOZ v. UNITED STATES*, 541 U. S. 1017; and
No. 03–9759. *IN RE BELLON*, 541 U. S. 1029. Petitions for rehearing denied.

No. 03–8397. *COOPER v. JOHNSON, REGIONAL DIRECTOR, GEORGIA DEPARTMENT OF CORRECTIONS, ET AL.*, 540 U. S. 1224. Motion for leave to file petition for rehearing denied.

JUNE 16, 2004

Miscellaneous Order

No. 03A1023. *SIZER, COMMISSIONER, MARYLAND DEPARTMENT OF CORRECTIONS, ET AL. v. OKEN*. Application to vacate the stay of execution of sentence of death entered by the United States District Court for the District of Maryland on June 14, 2004, presented to THE CHIEF JUSTICE, and by him referred to the Court, granted. JUSTICE STEVENS, JUSTICE GINSBURG, and

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JUSTICE BREYER would deny the application to vacate the stay of execution.

Certiorari Denied

No. 03–10808 (03A1011). OKEN *v.* MARYLAND. Ct. App. Md. 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: 381 Md. 580, 851 A. 2d 538.

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Certiorari Denied

No. 03–10888 (03A1031). OKEN *v.* MARYLAND. Cir. Ct. Baltimore County, Md. Application for stay of execution of sentence of death, presented to THE CHIEF JUSTICE, and by him referred to the Court, denied. Certiorari denied.

No. 03–10908 (03A1034). OKEN *v.* MARYLAND. 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. Certiorari before judgment denied. JUSTICE SCALIA took no part in the consideration or decision of this application and this petition.

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Certiorari Granted—Vacated and Remanded

No. 03–109. VENEMAN, SECRETARY OF AGRICULTURE, ET AL. *v.* MONTANA WILDERNESS ASSN., INC., ET AL.; and

No. 03–123. BLUE RIBBON COALITION, INC., ET AL. *v.* MONTANA WILDERNESS ASSN., INC., ET AL. C. A. 9th Cir. Certiorari granted, judgment vacated, and cases remanded for further consideration in light of *Norton v. Southern Utah Wilderness Alliance*, ante, p. 55. Reported below: 314 F. 3d 1146.

No. 03–1015. BANK AUSTRIA AG ET AL. *v.* SNIADO ET AL. C. A. 2d Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *F. Hoffmann-La Roche Ltd v. Empagran S. A.*, ante, p. 155. Reported below: 352 F. 3d 73.

Certiorari Granted—Remanded

No. 02–1703. UTAH SHARED ACCESS ALLIANCE ET AL. *v.* SOUTHERN UTAH WILDERNESS ALLIANCE ET AL. C. A. 10th Cir. The Court reversed the judgment below in *Norton v. Southern*

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Utah Wilderness Alliance, ante, p. 55. Therefore, certiorari granted, and case remanded for further proceedings. Reported below: 301 F. 3d 1217.

Certiorari Dismissed

No. 03–10341. *MENDEZ v. UNITED STATES 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: 94 Fed. Appx. 987.

Miscellaneous Orders

No. 03M80. *HERIBERTO C. v. LOS ANGELES COUNTY DEPARTMENT OF CHILDREN AND FAMILY SERVICES.* Motion for leave to proceed *in forma pauperis* without an affidavit of indigency executed by petitioner denied.

No. 03–10035. *NASSRALAH v. ASHCROFT, ATTORNEY GENERAL.* C. A. 3d Cir.; and

No. 03–10211. *REYES v. VERIZON DATA SERVICES, INC.* C. A. 11th Cir. Motions of petitioners for leave to proceed *in forma pauperis* denied. Petitioners are allowed until July 12, 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. 03–10608. *IN RE CRAWFORD.* Petition for writ of habeas corpus denied.

No. 03–10481. *IN RE KIRKSEY*; and

No. 03–10563. *IN RE CHAMBERS.* Petitions for writs of mandamus denied.

Certiorari Granted

No. 03–1293. *WHITFIELD v. UNITED STATES*; and

No. 03–1294. *HALL v. UNITED STATES.* C. A. 11th Cir. Certiorari granted, cases consolidated, and a total of one hour allotted for oral argument. Reported below: 349 F. 3d 1320.

No. 03–9168. *SHEPARD v. UNITED STATES.* C. A. 1st Cir. Motion of petitioner for leave to proceed *in forma pauperis* granted. Certiorari granted. Reported below: 348 F. 3d 308.

Certiorari Denied

No. 03–1268. *CITY OF ANAHEIM, CALIFORNIA, ET AL. v. DRUMMOND, BY AND THROUGH HIS GUARDIAN AD LITEM, DRUMMOND.*

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C. A. 9th Cir. Certiorari denied. Reported below: 343 F. 3d 1052.

No. 03–1302. *CONROY v. TOWNSHIP OF LOWER MERION, PENNSYLVANIA, ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 77 Fed. Appx. 556.

No. 03–1322. *PROVENZA v. FRIEND.* C. A. 5th Cir. Certiorari denied. Reported below: 82 Fed. Appx. 101.

No. 03–1326. *HAWKINS v. UNITED STATES.* C. A. 7th Cir. Certiorari denied.* Reported below: 340 F. 3d 459.

No. 03–1327. *FANNING, INDIVIDUALLY AND ON BEHALF OF ALL OTHERS SIMILARLY SITUATED v. UNITED STATES ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 346 F. 3d 386.

No. 03–1334. *IMPERIAL COUNTY AIR POLLUTION CONTROL DISTRICT v. SIERRA CLUB ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 346 F. 3d 955 and 352 F. 3d 1186.

No. 03–1426. *DEKALB COUNTY, GEORGIA v. PRICKETT ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 349 F. 3d 1294.

No. 03–1429. *4-MALI LLC v. BANKERS INSURANCE CO.* C. A. 5th Cir. Certiorari denied. Reported below: 82 Fed. Appx. 970.

No. 03–1437. *WAITE v. HIPPE ET AL.* Ct. App. Neb. Certiorari denied. Reported below: 11 Neb. App. lxxii.

No. 03–1441. *BISHOP ET AL. v. NEW JERSEY ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 84 Fed. Appx. 220.

No. 03–1442. *EAGLE INSURANCE CO. ET AL. v. BANKVEST CAPITAL CORP.* C. A. 1st Cir. Certiorari denied. Reported below: 360 F. 3d 291.

No. 03–1444. *ARCHDIOCESE OF MILWAUKEE v. SUPERIOR COURT OF CALIFORNIA, ORANGE COUNTY.* Ct. App. Cal., 4th App. Dist. Certiorari denied. Reported below: 112 Cal. App. 4th 423, 5 Cal. Rptr. 3d 154.

*[REPORTER'S NOTE: This order was vacated on January 24, 2005. 543 U. S. 1097.]

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No. 03-1445. REGIER, SECRETARY, FLORIDA DEPARTMENT OF CHILDREN & FAMILIES, ET AL. *v.* DOES 1-13 ET AL. C. A. 11th Cir. Certiorari denied. Reported below: 91 Fed. Appx. 655.

No. 03-1446. ROMO *v.* LOUISIANA. Sup. Ct. La. Certiorari denied. Reported below: 864 So. 2d 625.

No. 03-1447. ROE *v.* AWARE WOMAN CENTER FOR CHOICE, INC., ET AL. C. A. 11th Cir. Certiorari denied. Reported below: 357 F. 3d 1226.

No. 03-1459. OPETUBO *v.* CITIBANK STUDENT LOAN CORP. ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 74 Fed. Appx. 145.

No. 03-1460. SAVAGE *v.* GEORGIA. Ct. App. Ga. Certiorari denied. Reported below: 263 Ga. App. 180, 587 S. E. 2d 294.

No. 03-1461. AVERY DENNISON CORP. *v.* 3M INNOVATIVE PROPERTIES CO. ET AL. C. A. Fed. Cir. Certiorari denied. Reported below: 350 F. 3d 1365.

No. 03-1463. HOOD *v.* STATE FARM FIRE & CASUALTY CO. C. A. 9th Cir. Certiorari denied. Reported below: 82 Fed. Appx. 599.

No. 03-1464. INFUSION RESOURCES, INC., ET AL. *v.* MINIMED, INC. C. A. 5th Cir. Certiorari denied. Reported below: 351 F. 3d 688.

No. 03-1492. CORAGGIOSO *v.* ASHCROFT, ATTORNEY GENERAL. C. A. 3d Cir. Certiorari denied. Reported below: 355 F. 3d 730.

No. 03-1501. SOLEM ET AL. *v.* VIRGINIA. Sup. Ct. Va. Certiorari denied.

No. 03-1508. GRAVES ET AL., AS PERSONAL REPRESENTATIVES OF THE ESTATE OF AMEDURE, DECEASED *v.* WARNER BROTHERS ET AL. Sup. Ct. Mich. Certiorari denied. Reported below: 469 Mich. 853, 666 N. W. 2d 665.

No. 03-1509. GOLDSBERRY *v.* VIRGINIA. Sup. Ct. Va. Certiorari denied.

No. 03-1513. RAY *v.* PENNSYLVANIA. Super. Ct. Pa. Certiorari denied. Reported below: 832 A. 2d 542.

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No. 03–1528. *PHILLIPS v. MEZERA ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 84 Fed. Appx. 641.

No. 03–1530. *QUINTERO v. UNITED STATES.* C. A. 5th Cir. Certiorari denied.

No. 03–1544. *SIBLEY v. LANDO, JUDGE, CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT, MIAMI-DADE COUNTY, FLORIDA.* C. A. 11th Cir. Certiorari denied. Reported below: 97 Fed. Appx. 907.

No. 03–1547. *PASSPORT VIDEO ET AL. v. ELVIS PRESLEY ENTERPRISES, INC., ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 349 F. 3d 622 and 357 F. 3d 896.

No. 03–1553. *TRENKLER v. PUGH, WARDEN.* C. A. 3d Cir. Certiorari denied. Reported below: 83 Fed. Appx. 468.

No. 03–1558. *BURTON v. CONNECTICUT YANKEE ATOMIC POWER CO. ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 93 Fed. Appx. 332.

No. 03–1573. *JONES v. UNITED STATES.* C. A. 9th Cir. Certiorari denied.

No. 03–6324. *INFANTE-CABRERA v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 71 Fed. Appx. 441.

No. 03–8965. *BEASLEY v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 346 F. 3d 930.

No. 03–9072. *ADAMS v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 343 F. 3d 1024.

No. 03–9398. *CHRISTOPHER, AKA YISRAEL v. TOWN OF YEMASSEE, SOUTH CAROLINA.* Ct. App. S. C. Certiorari denied.

No. 03–9839. *MCLEAN v. BOHANNON ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 89 Fed. Appx. 425.

No. 03–9840. *PALMER v. JOHNSON, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS.* C. A. 4th Cir. Certiorari denied. Reported below: 82 Fed. Appx. 854.

No. 03–9854. *MOORE v. CAHILL-MASCHING, WARDEN.* C. A. 7th Cir. Certiorari denied.

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No. 03–9855. *YATES v. HINES, WARDEN*. C. A. 10th Cir. Certiorari denied.

No. 03–9856. *ORTIZ v. NEW YORK*. C. A. 2d Cir. Certiorari denied. Reported below: 75 Fed. Appx. 14.

No. 03–9859. *COOK v. NORRIS, DIRECTOR, ARKANSAS DEPARTMENT OF CORRECTION*. C. A. 8th Cir. Certiorari denied.

No. 03–9860. *SMITH v. SUPERIOR COURT OF CALIFORNIA, LOS ANGELES COUNTY*. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 03–9863. *JOHNSON v. BOARD, ADMINISTRATIVE JUDGE*. Sup. Ct. Tex. Certiorari denied.

No. 03–9868. *TURNER v. SOUTHEAST ATLANTIC BEVERAGE CORP. ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 91 Fed. Appx. 654.

No. 03–9872. *KAVIC v. ALAMEIDA, DIRECTOR, CALIFORNIA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 03–9875. *HEREDIA NARANJO v. YARBOROUGH, WARDEN*. C. A. 9th Cir. Certiorari denied. Reported below: 85 Fed. Appx. 598.

No. 03–9883. *TROOP v. WOLFE, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT ALBION*. C. A. 3d Cir. Certiorari denied.

No. 03–9890. *CAUDILL v. KENTUCKY*; and

No. 03–9926. *GOFORTH v. KENTUCKY*. Sup. Ct. Ky. Certiorari denied. Reported below: 120 S. W. 3d 635.

No. 03–9892. *D'ANGELO v. RATELLE, WARDEN*. C. A. 9th Cir. Certiorari denied. Reported below: 82 Fed. Appx. 193.

No. 03–9893. *EDMONSON v. HANKS, SUPERINTENDENT, WABASH VALLEY CORRECTIONAL FACILITY*. C. A. 7th Cir. Certiorari denied.

No. 03–9894. *BEAUDOIN v. FLORIDA*. Dist. Ct. App. Fla., 3d Dist. Certiorari denied. Reported below: 861 So. 2d 37.

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No. 03-9897. *BOWIE v. JORDAN, WARDEN*. C. A. 10th Cir. Certiorari denied.

No. 03-9898. *ALVE v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied.

No. 03-9901. *MCCALL v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied. Reported below: 32 Cal. 4th 175, 82 P. 3d 351.

No. 03-9903. *MUNN v. CROSBY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS*. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 872 So. 2d 902.

No. 03-9904. *MANNING v. CROSBY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS*. C. A. 11th Cir. Certiorari denied.

No. 03-9905. *LAGARDE v. MILLER, WARDEN*. C. A. 5th Cir. Certiorari denied.

No. 03-9907. *O'HARE v. RUNNELS, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 03-9908. *BUTLER v. CROSBY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS*. C. A. 11th Cir. Certiorari denied.

No. 03-9909. *WILSON v. OZMINT, DIRECTOR, SOUTH CAROLINA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 352 F. 3d 847.

No. 03-9917. *CARTER v. LOWNDES COUNTY, MISSISSIPPI, ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 89 Fed. Appx. 439.

No. 03-9925. *YBARRA VILLAGRANA v. SCRIBNER, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 03-9927. *JOHNSON v. LOUISIANA*. Sup. Ct. La. Certiorari denied. Reported below: 865 So. 2d 718.

No. 03-9928. *BREWER v. SMITH, SUPERINTENDENT, SHAW-ANGUNK CORRECTIONAL FACILITY*. C. A. 2d Cir. Certiorari denied.

No. 03-9932. *KING v. JOHNSON, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS*. C. A. 4th Cir. Certiorari denied. Reported below: 89 Fed. Appx. 428.

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No. 03–9933. *BROWN v. OHIO*. Ct. App. Ohio, Mahoning County. Certiorari denied.

No. 03–9934. *BRUCE v. KENTUCKY*. Sup. Ct. Ky. Certiorari denied.

No. 03–9974. *DORSEY v. YARBOROUGH, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 97 Fed. Appx. 83.

No. 03–9988. *WALLIS v. CROSBY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS*. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 866 So. 2d 1216.

No. 03–10004. *TOMPKINS v. KELLY, SUPERINTENDENT, CENTRAL MISSISSIPPI CORRECTIONAL FACILITY*. C. A. 5th Cir. Certiorari denied.

No. 03–10016. *NASRALLAH v. ASHCROFT, ATTORNEY GENERAL*. C. A. 5th Cir. Certiorari denied. Reported below: 86 Fed. Appx. 23.

No. 03–10024. *KIDD v. HOOKS, WARDEN, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 03–10027. *THORPE v. GRILLO ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 80 Fed. Appx. 215.

No. 03–10039. *BROWN v. ATHENS REGIONAL MEDICAL CENTER*. C. A. 11th Cir. Certiorari denied. Reported below: 90 Fed. Appx. 388.

No. 03–10062. *DUPONT v. MASSACHUSETTS*. App. Ct. Mass. Certiorari denied. Reported below: 59 Mass. App. 1102, 795 N. E. 2d 12.

No. 03–10082. *FRAZIER v. SMALL, WARDEN*. C. A. 9th Cir. Certiorari denied. Reported below: 100 Fed. Appx. 608.

No. 03–10084. *GROHS v. CROSBY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS*. C. A. 11th Cir. Certiorari denied.

No. 03–10101. *FATY v. ASHCROFT, ATTORNEY GENERAL*. C. A. 4th Cir. Certiorari denied. Reported below: 71 Fed. Appx. 260.

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No. 03–10104. *ROBINSON v. EPPS, COMMISSIONER, MISSISSIPPI DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 5th Cir. Certiorari denied.

No. 03–10110. *LIBECKI v. KLAUSER, WARDEN.* C. A. 9th Cir. Certiorari denied.

No. 03–10119. *FEARS v. LUEBBERS, SUPERINTENDENT, FARMINGTON CORRECTIONAL CENTER.* C. A. 8th Cir. Certiorari denied.

No. 03–10120. *GOOLSBY v. FLORIDA.* Dist. Ct. App. Fla., 5th Dist. Certiorari denied. Reported below: 860 So. 2d 991.

No. 03–10124. *GARRISON v. ILLINOIS.* App. Ct. Ill., 3d Dist. Certiorari denied.

No. 03–10130. *HINTON v. ILLINOIS.* App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 333 Ill. App. 3d 1207, 836 N. E. 2d 229.

No. 03–10162. *NORDLUND v. WASHINGTON.* Ct. App. Wash. Certiorari denied. Reported below: 117 Wash. App. 1011.

No. 03–10182. *RICE v. ILLINOIS.* App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 337 Ill. App. 3d 1160, 843 N. E. 2d 513.

No. 03–10199. *CASHION, AS EXECUTRIX OF THE ESTATE OF SMITH v. TORBERT.* Sup. Ct. Ala. Certiorari denied. Reported below: 881 So. 2d 408.

No. 03–10225. *CESARIO v. BERGQUIST.* Sup. Ct. R. I. Certiorari denied. Reported below: 844 A. 2d 100.

No. 03–10232. *BENNETT v. ALABAMA.* Ct. Crim. App. Ala. Certiorari denied. Reported below: 886 So. 2d 186.

No. 03–10300. *JOHNSON v. UNITED STATES.* C. A. 10th Cir. Certiorari denied. Reported below: 76 Fed. Appx. 873.

No. 03–10327. *INGRAM v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. Reported below: 74 Fed. Appx. 96.

No. 03–10331. *BRODIT v. GOUGHNOUR, ACTING WARDEN.* C. A. 9th Cir. Certiorari denied. Reported below: 350 F. 3d 985.

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No. 03–10337. *BAILEY v. NORTH CAROLINA*. Ct. App. N. C. Certiorari denied. Reported below: 162 N. C. App. 181, 590 S. E. 2d 332.

No. 03–10340. *BEAUMONT v. BARNHART, COMMISSIONER OF SOCIAL SECURITY*. C. A. 5th Cir. Certiorari denied. Reported below: 81 Fed. Appx. 839.

No. 03–10359. *AI FA YANG v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 88 Fed. Appx. 389.

No. 03–10361. *MCQUISTION v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 96 Fed. Appx. 211.

No. 03–10369. *HANEY v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 87 Fed. Appx. 151.

No. 03–10372. *MALDONADO-CANALES v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 86 Fed. Appx. 732.

No. 03–10396. *GOIST v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 78 Fed. Appx. 244.

No. 03–10397. *FERREIRA v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 92 Fed. Appx. 782.

No. 03–10399. *GREGG v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied.

No. 03–10400. *HUGH v. CROSBY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 03–10403. *JONES v. TAPIA, WARDEN*. C. A. 5th Cir. Certiorari denied. Reported below: 86 Fed. Appx. 781.

No. 03–10407. *WILLIAMS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 03–10408. *VAN ALSTYNE v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.* Reported below: 87 Fed. Appx. 640.

*[REPORTER'S NOTE: This order was vacated on January 24, 2005. 543 U. S. 1116.]

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No. 03–10413. *CHOATE v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 03–10415. *ESTRADA-AGUIAR v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 88 Fed. Appx. 178.

No. 03–10416. *CARBAJAL-MARTINEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.* Reported below: 87 Fed. Appx. 368.

No. 03–10419. *PHIPPS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 368 F. 3d 505.

No. 03–10420. *JEWELL v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 03–10424. *PEARSON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.* Reported below: 86 Fed. Appx. 749.

No. 03–10425. *ACUNA-NAVARRO v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 90 Fed. Appx. 308.

No. 03–10427. *SALAS v. UNITED STATES*; and *TORRES-VASQUEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.* Reported below: 86 Fed. Appx. 788 (first judgment); 87 Fed. Appx. 417 (second judgment).

No. 03–10428. *SINCLAIR v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 93 Fed. Appx. 885.

No. 03–10429. *ROBINSON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 87 Fed. Appx. 380.

No. 03–10430. *SCHEIDT v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 88 Fed. Appx. 801.

No. 03–10432. *ALEGRIA-MORENO v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 03–10434. *JIMINEZ PEREZ v. ANDREWS, ADMINISTRATOR, TAFT CORRECTIONAL INSTITUTION*. C. A. 9th Cir. Certiorari denied. Reported below: 94 Fed. Appx. 657.

No. 03–10444. *DAY v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 89 Fed. Appx. 986.

*[REPORTER'S NOTE: These orders were vacated on January 24, 2005. 543 U. S. 1116.]

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No. 03–10446. *BANUELOS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 88 Fed. Appx. 188.

No. 03–10449. *MARTINEZ v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 338 F. 3d 809.

No. 03–10451. *LUJANO-PEREZ v. UNITED STATES* (Reported below: 87 Fed. Appx. 398); *REYES-RAMIREZ v. UNITED STATES* (87 Fed. Appx. 973); *CELEDON v. UNITED STATES* (87 Fed. Appx. 966); *FLORES-BENITEZ v. UNITED STATES* (87 Fed. Appx. 395); *CONTRERAS-PEREZ v. UNITED STATES* (87 Fed. Appx. 989); *SALGADO-CASTRO v. UNITED STATES* (87 Fed. Appx. 936); *REYES-AMAYA v. UNITED STATES* (87 Fed. Appx. 957); *VELA-PEREZ v. UNITED STATES* (87 Fed. Appx. 984); *GARCIA-GALIANO v. UNITED STATES* (86 Fed. Appx. 786); *CUELLAR-ARRELLANO v. UNITED STATES* (87 Fed. Appx. 954); *FORTUNA-TURBIARTES v. UNITED STATES* (87 Fed. Appx. 953); *GARCIA-CAMACHO v. UNITED STATES* (87 Fed. Appx. 983); *MARQUEZ-CONDE v. UNITED STATES* (87 Fed. Appx. 951); *BLANCO-MELGAR v. UNITED STATES* (87 Fed. Appx. 434); *CASTILLO-HERNANDEZ v. UNITED STATES* (87 Fed. Appx. 949); *BARRIGAS-VALDOVINOS v. UNITED STATES* (86 Fed. Appx. 770); *DAVILA-JUAREZ v. UNITED STATES* (87 Fed. Appx. 981); *LOPEZ-MARTINEZ v. UNITED STATES* (87 Fed. Appx. 922); *JUAREGUI-DURAN v. UNITED STATES* (87 Fed. Appx. 426); *GONZALEZ-CONTRERAS v. UNITED STATES* (87 Fed. Appx. 424); *PEREZ-SANCHEZ v. UNITED STATES* (87 Fed. Appx. 424); *MATA-ALVAREZ v. UNITED STATES* (87 Fed. Appx. 412); *RODRIGUEZ-TELLEZ v. UNITED STATES* (87 Fed. Appx. 413); and *HERNANDEZ-HERRERA v. UNITED STATES* (87 Fed. Appx. 968). C. A. 5th Cir. Certiorari denied.

No. 03–10455. *VILLANUEVA ET AL. v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 346 F. 3d 55.

No. 03–10460. *GARDEA-VENEGAS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 81 Fed. Appx. 206.

No. 03–10462. *HILL v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 96 Fed. Appx. 306.

No. 03–10463. *HERNANDEZ-CARRASCO v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 88 Fed. Appx. 207.

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No. 03–10467. *GONZALEZ-ALANIS v. UNITED STATES* (Reported below: 88 Fed. Appx. 770); *GARCIA-LUNA v. UNITED STATES* (87 Fed. Appx. 927); *MARTINEZ-VASQUEZ v. UNITED STATES* (87 Fed. Appx. 975); *DELGADO-GENCHIS v. UNITED STATES* (88 Fed. Appx. 747); *LOYOLA-HERNANDEZ v. UNITED STATES* (87 Fed. Appx. 991); *BOCANEGRA-CAMARILLO v. UNITED STATES* (87 Fed. Appx. 959); *TORRES-PEREZ v. UNITED STATES* (87 Fed. Appx. 958); *RANGEL-ORDUNA v. UNITED STATES* (87 Fed. Appx. 937); *RODRIGUEZ-HERNANDEZ v. UNITED STATES* (87 Fed. Appx. 933); *SALAZAR-GONZALEZ v. UNITED STATES* (87 Fed. Appx. 990); *YANEZ-BRILLANO v. UNITED STATES* (88 Fed. Appx. 758); *GONZALEZ-GARCIA v. UNITED STATES* (86 Fed. Appx. 773); *SOTO-FUERTE v. UNITED STATES* (88 Fed. Appx. 752); *CHAVEZ v. UNITED STATES* (87 Fed. Appx. 985); *MERAZ-SANCHEZ v. UNITED STATES* (87 Fed. Appx. 956); *SALDANA-AMANZA v. UNITED STATES* (87 Fed. Appx. 955); *ALCARAZ-RODRIGUEZ v. UNITED STATES* (88 Fed. Appx. 45); *RODRIGUEZ-GARCIA, AKA SUSTAITA-SAENZ v. UNITED STATES* (87 Fed. Appx. 424); *GARZA-FLORES v. UNITED STATES* (87 Fed. Appx. 431); *LEIJA-MARTINEZ v. UNITED STATES* (87 Fed. Appx. 422); and *GONZALEZ-CORA v. UNITED STATES* (87 Fed. Appx. 945). C. A. 5th Cir. Certiorari denied.

No. 03–10469. *CALHOUN v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 65 Fed. Appx. 495.

No. 03–10473. *PETRIE v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 88 Fed. Appx. 386.

No. 03–10475. *ALLEN v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 03–10477. *WILLIAMS v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 03–10482. *HAIRE v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 89 Fed. Appx. 551.

No. 03–10483. *MINOR v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 03–10487. *TERRY v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 03–10489. *ESPINOZA-MADRID v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 88 Fed. Appx. 348.

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No. 03–10490. *CRISTON v. UNITED STATES*; *PERALES v. UNITED STATES*; *GUERRA v. UNITED STATES*; and *SALINAS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.* Reported below: 87 Fed. Appx. 391 (first judgment), 428 (third judgment), and 430 (second judgment); 95 Fed. Appx. 628 (fourth judgment).

No. 03–10491. *ARZOLA-JUAREZ v. UNITED STATES*; and *MAGALLANES-TORRES v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 87 Fed. Appx. 919 (second judgment); 88 Fed. Appx. 762 (first judgment).

No. 03–10492. *TENORIO JUAREZ v. UNITED STATES*; and

No. 03–10495. *JUAREZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 360 F. 3d 491.

No. 03–10494. *AMAYA-TORRES v. UNITED STATES* (Reported below: 87 Fed. Appx. 965); *GIRON-APODACA v. UNITED STATES* (88 Fed. Appx. 735); *OLVERA-BERMUDEZ v. UNITED STATES* (87 Fed. Appx. 942); *TAPIA-CARRENO v. UNITED STATES* (88 Fed. Appx. 760); *GOMEZ-CELIS v. UNITED STATES* (87 Fed. Appx. 415); *CHAVEZ-RAMIREZ v. UNITED STATES* (87 Fed. Appx. 402); *REYES-FLORES v. UNITED STATES* (87 Fed. Appx. 386); *GONZALEZ-CHAVEZ v. UNITED STATES* (87 Fed. Appx. 926); *FRIAS-SALAZAR v. UNITED STATES* (88 Fed. Appx. 49); *LOPEZ-HUERTA v. UNITED STATES* (88 Fed. Appx. 750); *MAZARIEGOS v. UNITED STATES* (87 Fed. Appx. 916); *PONCE-MARTINEZ v. UNITED STATES* (88 Fed. Appx. 781); *PUENTES-ROMERO v. UNITED STATES* (88 Fed. Appx. 749); *BAEZ TOVAR v. UNITED STATES* (88 Fed. Appx. 51); and *ZAPATA-AGUILAR v. UNITED STATES* (88 Fed. Appx. 763). C. A. 5th Cir. Certiorari denied.

No. 03–10499. *AVALOS-LUMBRERAS v. UNITED STATES* (Reported below: 87 Fed. Appx. 917); *DE HOYOS-GARCIA v. UNITED STATES* (88 Fed. Appx. 769); *DUQUE-RESTREPO v. UNITED STATES* (88 Fed. Appx. 743); *FRAYRE-SALAS v. UNITED STATES* (87 Fed. Appx. 436); *GARCIA-CASTRO v. UNITED STATES* (87 Fed. Appx. 943); *GONZALEZ-APODACA v. UNITED STATES* (87 Fed. Appx. 437); *GRAJEDA-ZAMORANO v. UNITED STATES* (88 Fed. Appx. 759); *HERNANDEZ-SOSA v. UNITED STATES* (88 Fed. Appx. 764); *JUAREZ-SANCHEZ v. UNITED STATES* (88 Fed. Appx. 736); *LOPEZ-*

*[REPORTER'S NOTE: This order was vacated in part on January 24, 2005. 543 U. S. 1117.]

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MERCADO *v.* UNITED STATES (88 Fed. Appx. 767); NEGRETE-ALBA *v.* UNITED STATES (88 Fed. Appx. 739); PUNAY-BELTRAN *v.* UNITED STATES (88 Fed. Appx. 741); RIOS-QUINTERO *v.* UNITED STATES (88 Fed. Appx. 748); and RONQUILLO-BARRAZA *v.* UNITED STATES (88 Fed. Appx. 737). C. A. 5th Cir. Certiorari denied.

No. 03–10500. WEATHERSBY *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 89 Fed. Appx. 683.

No. 03–10501. ROTHWELL *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied.

No. 03–10507. TURNER *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 88 Fed. Appx. 390.

No. 03–10514. DANIELS *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 90 Fed. Appx. 384.

No. 03–10516. BEAL *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied.

No. 03–10518. GRIGGS *v.* FLEMING, WARDEN. C. A. 5th Cir. Certiorari denied. Reported below: 88 Fed. Appx. 705.

No. 03–10520. HARRIS *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied.

No. 03–10522. MUNIZ-SOLIS *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 87 Fed. Appx. 929.

No. 03–10524. CORDELL *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 87 Fed. Appx. 475.

No. 03–10525. CAMPBELL *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied.* Reported below: 88 Fed. Appx. 580.

No. 03–10526. DOE *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 351 F. 3d 929.

No. 03–10529. SHEPHERD *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 87 Fed. Appx. 978.

No. 03–10530. VALADEZ SOTO *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.* Reported below: 89 Fed. Appx. 44.

*[REPORTER'S NOTE: These orders were vacated on January 24, 2005. 543 U. S. 1116, 1117.]

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No. 03–10532. *SALINAS-ROMO v. UNITED STATES* (Reported below: 87 Fed. Appx. 399); *RIOS-ELIAS v. UNITED STATES* (95 Fed. Appx. 607); *MENDOZA-BARCENAS v. UNITED STATES* (88 Fed. Appx. 780); *MORIN-DAVILA v. UNITED STATES* (86 Fed. Appx. 785); *SALAZAR-MARTINEZ v. UNITED STATES* (88 Fed. Appx. 756); *QUINTANILLA-RAMIREZ v. UNITED STATES* (87 Fed. Appx. 987); *CASTELLANO v. UNITED STATES* (87 Fed. Appx. 986); *RODRIGUEZ v. UNITED STATES* (87 Fed. Appx. 935); *VENTURA, AKA GARCIA-CASTILLO v. UNITED STATES* (87 Fed. Appx. 982); *TORRES-GONZALEZ v. UNITED STATES* (87 Fed. Appx. 934); *MEDINA-SALDANA v. UNITED STATES* (87 Fed. Appx. 949); *RAMIREZ-GARCIA, AKA HERNANDEZ-GARCIA v. UNITED STATES* (87 Fed. Appx. 947); *CASTILLO-SANTOS v. UNITED STATES* (87 Fed. Appx. 435); *ORTIZ-ARELLANO, AKA RAMOS-OCHOA, AKA AGUILAR-OCHOA v. UNITED STATES* (87 Fed. Appx. 947); *PUENTE-MORENO v. UNITED STATES* (87 Fed. Appx. 921); *RIVAS-SARMIENTO v. UNITED STATES* (87 Fed. Appx. 944); *CORTEZ v. UNITED STATES* (87 Fed. Appx. 419); *MARTINEZ-MARTINEZ v. UNITED STATES* (95 Fed. Appx. 644); *HERRERA-MIJARES, AKA VILLA-DIAZ v. UNITED STATES* (95 Fed. Appx. 685); *HERNANDEZ-NAVARRO v. UNITED STATES* (95 Fed. Appx. 580); *DE LA CERDA-GARCIA, AKA SERNA-GAONA v. UNITED STATES* (94 Fed. Appx. 684); *MENDOZA-LOPEZ v. UNITED STATES* (95 Fed. Appx. 633); *CAMACHO-OROZCO v. UNITED STATES* (95 Fed. Appx. 650); *VILLEGAS-MARIN v. UNITED STATES* (95 Fed. Appx. 652); and *RODRIGUEZ-PENA v. UNITED STATES* (95 Fed. Appx. 586). C. A. 5th Cir. Certiorari denied.

No. 03–10535. *BENDER v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 97 Fed. Appx. 905.

No. 03–10537. *THOMAS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 03–10544. *CORTEZ-CARRASCO v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 81 Fed. Appx. 638.

No. 03–10545. *CALLOWAY, AKA BEASLEY v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 89 Fed. Appx. 982.

No. 03–1451. *KRAMER v. BANC OF AMERICA SECURITIES, LLC*. C. A. 7th Cir. Certiorari denied. JUSTICE BREYER took no part

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in the consideration or decision of this petition. Reported below: 355 F. 3d 961.

No. 03-1456. SPENCER, SUPERINTENDENT, MASSACHUSETTS CORRECTIONAL INSTITUTION AT NORFOLK *v.* NORTON. C. A. 1st Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 351 F. 3d 1.

No. 03-9913. THROUMOULOS *v.* WAL-MART STORES, INC. C. A. 1st Cir. Certiorari denied. JUSTICE BREYER took no part in the consideration or decision of this petition.

Rehearing Denied

No. 03-1242. IN RE HOLBROOK, 541 U. S. 1029;
No. 03-8316. WELDON *v.* CALIFORNIA, 541 U. S. 909;
No. 03-8780. CHANDLER *v.* SMITH, WARDEN, 541 U. S. 991;
No. 03-9054. BALLARD *v.* BRAXTON, WARDEN, 541 U. S. 1013;
No. 03-9200. WOODRUFF *v.* MAINE DEPARTMENT OF HUMAN SERVICES, 541 U. S. 1033; and
No. 03-9217. IN RE MENDEZ, 541 U. S. 986. Petitions for rehearing denied.

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Certiorari Granted—Vacated and Remanded

No. 03-69. VYTRA HEALTHCARE ET AL. *v.* CICIO, INDIVIDUALLY AND AS ADMINISTRATRIX OF THE ESTATE OF CICIO. C. A. 2d Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Aetna Health Inc. v. Davila*, *ante*, p. 200. Reported below: 321 F. 3d 83.

No. 03-357. ADAMS, WARDEN, ET AL. *v.* BRAMBLES. C. A. 9th Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Pliler v. Ford*, *ante*, p. 225. Reported below: 330 F. 3d 1197.

No. 03-520. PLILER, WARDEN *v.* HUNT. C. A. 9th Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Pliler v. Ford*, *ante*, p. 225. Reported below: 336 F. 3d 839.

No. 03-649. CIGNA HEALTHCARE OF FLORIDA *v.* LAND ET UX. C. A. 11th Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Aetna*

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Health Inc. v. Davila, ante, p. 200. Reported below: 339 F. 3d 1286.

No. 03–8659. NELSON *v.* DRETKE, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Tennard v. Dretke*, ante, p. 274. Reported below: 77 Fed. Appx. 209.

No. 03–9412. DILTS *v.* OREGON. Sup. Ct. Ore. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Blakely v. Washington*, ante, p. 296. Reported below: 336 Ore. 158, 82 P. 3d 593.

Certiorari Granted—Reversed and Remanded. (See No. 03–1200, ante, p. 649.)

Certiorari Dismissed

No. 03–9948. SHABAZZ *v.* LAMARQUE, WARDEN. 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.

Miscellaneous Orders

No. 03M81. TAYLOR *v.* PRUDENTIAL INSURANCE COMPANY OF AMERICA. Motion for leave to file petition for writ of certiorari under seal granted.

No. 03M82. HARTSFIELD *v.* DRETKE, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. Motion to direct the Clerk to file petition for writ of certiorari out of time under this Court’s Rule 14.5 denied.

No. 03M83. McCULLUM *v.* DRETKE, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. Motion to direct the Clerk to file petition for writ of certiorari out of time denied.

No. 105, Orig. KANSAS *v.* COLORADO. Motion of Solicitor General for divided argument granted. [For earlier order herein, see, *e. g.*, 541 U. S. 1071.]

No. 02–626. SOUTH FLORIDA WATER MANAGEMENT DISTRICT *v.* MICCOSUKEE TRIBE OF INDIANS ET AL., 541 U. S. 95. Motion of respondents to retax costs denied.

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No. 02–1028. NORFOLK SOUTHERN RAILWAY CO. *v.* JAMES N. KIRBY, PTY LTD., DBA KIRBY ENGINEERING, ET AL. C. A. 11th 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. 03–750. SMALL *v.* UNITED STATES. C. A. 3d Cir. [Certiorari granted, 541 U.S. 958.] Motion of petitioner to dispense with printing the joint appendix granted.

No. 03–1116. GRANHOLM, GOVERNOR OF MICHIGAN, ET AL. *v.* HEALD ET AL. C. A. 6th Cir.;

No. 03–1120. MICHIGAN BEER & WINE WHOLESALE 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, 541 U.S. 1062.] Motion for realignment of the parties and to set a briefing schedule denied.

No. 03–1202. HEWLETT-PACKARD COMPANY EMPLOYEE BENEFITS ORGANIZATION INCOME PROTECTION PLAN *v.* JEBIAN. C. A. 9th Cir.; and

No. 03–1443. HILL *v.* LOCKHEED MARTIN LOGISTICS MANAGEMENT, INC. C. A. 4th Cir. The Solicitor General is invited to file briefs in these cases expressing the views of the United States.

No. 03–10531. IN RE SHEMONSKY. Motion of petitioner for leave to proceed *in forma pauperis* denied. Petitioner is allowed until July 19, 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. 03–10669. IN RE PARKER;

No. 03–10697. IN RE ALMEYDA; and

No. 03–10730. IN RE SAMBRANO VILLARREAL. Petitions for writs of habeas corpus denied.

No. 03–1542. IN RE FLEMING ET AL.; and

No. 03–10233. IN RE McMILLIAN. Petitions for writs of mandamus denied.

No. 03–10007. IN RE MCCORMICK. Petition for writ of prohibition denied.

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Certiorari Granted

No. 03–388. BATES ET AL. *v.* DOW AGROSCIENCES LLC. C. A. 5th Cir. Certiorari granted. Reported below: 332 F. 3d 323.

No. 03–855. CITY OF SHERRILL, NEW YORK *v.* ONEIDA INDIAN NATION OF NEW YORK ET AL. C. A. 2d Cir. Certiorari granted. Reported below: 337 F. 3d 139.

No. 03–1395. TENET, INDIVIDUALLY AND AS DIRECTOR OF CENTRAL INTELLIGENCE AND DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY, ET AL. *v.* DOE ET UX. C. A. 9th Cir. Certiorari granted. Reported below: 329 F. 3d 1135.

No. 03–1454. ASHCROFT, ATTORNEY GENERAL, ET AL. *v.* RAICH ET AL. C. A. 9th Cir. Certiorari granted. Reported below: 352 F. 3d 1222.

No. 03–9046. RHINES *v.* WEBER, WARDEN. C. A. 8th Cir. Motion of petitioner for leave to proceed *in forma pauperis* granted. Certiorari granted. Reported below: 346 F. 3d 799.

No. 03–9560. HOWELL, AKA COX *v.* MISSISSIPPI. Sup. Ct. Miss. Motion of petitioner for leave to proceed *in forma pauperis* granted. Certiorari granted. In addition to the question presented by the petition, the parties are directed to brief and argue the following question: “Was petitioner’s federal constitutional claim properly raised before the Mississippi Supreme Court for purposes of 28 U.S.C. §1257?” Reported below: 860 So. 2d 704.

No. 03–9659. MILLER-EL *v.* DRETKE, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Motion of petitioner for leave to proceed *in forma pauperis* granted. Certiorari granted. Reported below: 361 F. 3d 849.

No. 03–932. DURA PHARMACEUTICALS, INC., ET AL. *v.* BROUDO ET AL. C. A. 9th Cir. Motion of Securities Industry Association for leave to file a brief as *amicus curiae* granted. Certiorari granted. Reported below: 339 F. 3d 933.

Certiorari Denied

No. 02–1864. CONOVER *v.* AETNA US HEALTHCARE, INC., ET AL. C. A. 10th Cir. Certiorari denied. Reported below: 320 F. 3d 1076.

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No. 03-641. *REGAL CINEMAS, INC., ET AL. v. STEWMON ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 339 F. 3d 1126.

No. 03-786. *WILLIAMS v. BENICORP INSURANCE CO.* C. A. 11th Cir. Certiorari denied. Reported below: 82 Fed. Appx. 223.

No. 03-1131. *CINEMARK USA, INC. v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. Reported below: 348 F. 3d 569.

No. 03-1266. *LATON v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. Reported below: 352 F. 3d 286.

No. 03-1313. *DAVIS, AS GUARDIAN AND NEXT FRIEND FOR DAVIS, ET AL. v. UNITED STATES ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 343 F. 3d 1282.

No. 03-1339. *UNIVERSITY OF MEDICINE AND DENTISTRY OF NEW JERSEY ET AL. v. CORRIGAN, ACTING INSPECTOR GENERAL, DEPARTMENT OF HEALTH AND HUMAN SERVICES.* C. A. 3d Cir. Certiorari denied. Reported below: 347 F. 3d 57.

No. 03-1342. *DAIMLERCHRYSLER CORP. v. YSBRAND ET AL., INDIVIDUALLY AND ON BEHALF OF ALL OTHERS SIMILARLY SITUATED.* Sup. Ct. Okla. Certiorari denied. Reported below: 81 P. 3d 618.

No. 03-1347. *ORLOFF v. FEDERAL COMMUNICATIONS COMMISSION ET AL.* C. A. D. C. Cir. Certiorari denied. Reported below: 352 F. 3d 415.

No. 03-1359. *MITCHELL v. CHAPMAN ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 343 F. 3d 811.

No. 03-1369. *BAKER ET AL. v. SUNNY CHEVROLET, INC., DBA WAYLAND CHEVROLET.* C. A. 6th Cir. Certiorari denied. Reported below: 349 F. 3d 862.

No. 03-1430. *SIBLEY v. SIBLEY.* Dist. Ct. App. Fla., 3d Dist. Certiorari denied. Reported below: 866 So. 2d 1223.

No. 03-1455. *SAPPINGTON, JUDGE, CIRCUIT COURT OF MACON COUNTY, ILLINOIS v. ROBINSON.* C. A. 7th Cir. Certiorari denied. Reported below: 351 F. 3d 317.

No. 03-1462. *EGBUNE v. COLORADO.* Sup. Ct. Colo. Certiorari denied.

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No. 03-1466. CHASE MANHATTAN BANK, TRUSTEE *v.* BASCOM CORP. ET AL.; and

No. 03-1467. CHASE MANHATTAN BANK, TRUSTEE *v.* ASKEW. Super. Ct. N. J., App. Div. Certiorari denied. Reported below: 363 N. J. Super. 334, 832 A. 2d 956.

No. 03-1469. JONAS *v.* SOUTH CAROLINA DISCOUNT AUTO CENTER. Sup. Ct. S. C. Certiorari denied.

No. 03-1477. GESIORSKI ET UX. *v.* BRANCH BANKING & TRUST CO., FKA CARROLL COUNTY BANK & TRUST. C. A. 3d Cir. Certiorari denied. Reported below: 94 Fed. Appx. 968.

No. 03-1478. GOUIN *v.* GOULD, ASSOCIATE JUSTICE, MASSACHUSETTS PROBATE AND FAMILY COURT DEPARTMENT, SUFFOLK COUNTY DIVISION, ET AL. C. A. 1st Cir. Certiorari denied.

No. 03-1479. GALLEGOS *v.* JICARILLA APACHE NATION ET AL. C. A. 10th Cir. Certiorari denied. Reported below: 97 Fed. Appx. 806.

No. 03-1483. RAHN *v.* KAPS ET AL. C. A. 6th Cir. Certiorari denied. Reported below: 92 Fed. Appx. 149.

No. 03-1484. YEE *v.* COURT OF APPEALS OF MICHIGAN. Ct. App. Mich. Certiorari denied.

No. 03-1497. SAUDI *v.* MARINE TRANSPORT LINES, INC., ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 81 Fed. Appx. 505.

No. 03-1525. FORD *v.* NEW YORK CITY TRANSIT AUTHORITY ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 81 Fed. Appx. 385.

No. 03-1526. HOCKING VALLEY COMMUNITY HOSPITAL *v.* EDWARDS ET AL. C. A. 6th Cir. Certiorari denied. Reported below: 87 Fed. Appx. 542.

No. 03-1531. ANDERSON *v.* PEARSON ET AL. C. A. 4th Cir. Certiorari denied.

No. 03-1556. MACY *v.* KENTUCKY. Cir. Ct. Hopkins County, Ky. Certiorari denied.

No. 03-1580. MALDONADO *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 88 Fed. Appx. 787.

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No. 03–1589. *SPITZER, ATTORNEY GENERAL OF NEW YORK v. MATEO ET AL.* Ct. App. N. Y. Certiorari denied. Reported below: 2 N. Y. 3d 786, 812 N. E. 2d 1258.

No. 03–1591. *LARSON v. UNITED STATES.* C. A. 8th Cir. Certiorari denied. Reported below: 87 Fed. Appx. 10.

No. 03–1606. *PAUL REVERE LIFE INSURANCE CO. ET AL. v. GREENBERG.* C. A. 9th Cir. Certiorari denied. Reported below: 91 Fed. Appx. 539.

No. 03–7361. *LOTTER v. NEBRASKA.* Sup. Ct. Neb. Certiorari denied. Reported below: 266 Neb. 245, 664 N. W. 2d 892.

No. 03–9006. *KNIGHT v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 86 Fed. Appx. 2.

No. 03–9036. *MARQUEZ-URQUIDI v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 81 Fed. Appx. 516.

No. 03–9118. *CHAMPNEY v. PENNSYLVANIA.* Sup. Ct. Pa. Certiorari denied. Reported below: 574 Pa. 435, 832 A. 2d 403.

No. 03–9215. *WILLS, AKA SHORT v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 346 F. 3d 476.

No. 03–9273. *SANSING v. ARIZONA.* Sup. Ct. Ariz. Certiorari denied. Reported below: 206 Ariz. 232, 77 P. 3d 30.

No. 03–9402. *RIDEOUT v. UNITED STATES.* C. A. 4th Cir. Certiorari denied.* Reported below: 80 Fed. Appx. 836.

No. 03–9519. *STROMAN v. TEXAS.* Ct. Crim. App. Tex. Certiorari denied.

No. 03–9920. *BELL v. CALIFORNIA.* Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 03–9922. *STRINGHAM ET AL. v. TITSWORTH ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 88 Fed. Appx. 7.

No. 03–9941. *MARTINEZ v. DRETKE, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION.* C. A. 5th Cir. Certiorari denied.

*[REPORTER'S NOTE: This order was vacated on January 24, 2005. 543 U. S. 1116.]

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No. 03–9942. *YOUNG v. PHILLIPS*, SUPERINTENDENT, GREEN HAVEN CORRECTIONAL FACILITY. C. A. 2d Cir. Certiorari denied.

No. 03–9943. *ALLEN, AKA ALI v. NEVADA*. Sup. Ct. Nev. Certiorari denied.

No. 03–9944. *ALLISON v. ALAMEIDA*, DIRECTOR, CALIFORNIA DEPARTMENT OF CORRECTIONS. C. A. 9th Cir. Certiorari denied.

No. 03–9949. *SLACK v. JACKSON*, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 03–9950. *STERLING v. TEXAS*. Ct. App. Tex., 7th Dist. Certiorari denied.

No. 03–9955. *HENDERSON v. DRETKE*, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 03–9959. *HENDERSON v. BRILEY*, WARDEN. C. A. 7th Cir. Certiorari denied. Reported below: 354 F. 3d 907.

No. 03–9962. *HARRIS v. WEST VIRGINIA*. Cir. Ct. Kanawha County, W. Va. Certiorari denied.

No. 03–9964. *BRIDGEFORTH v. MULLIN*, WARDEN. C. A. 10th Cir. Certiorari denied. Reported below: 88 Fed. Appx. 291.

No. 03–9979. *RECTOR v. OHIO*. Ct. App. Ohio, Carroll County. Certiorari denied.

No. 03–9984. *JOHNSON v. ILLINOIS*. App. Ct. Ill., 3d Dist. Certiorari denied.

No. 03–9985. *JOHNSON v. LEWIS*, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 03–9987. *BEHARRY v. M. T. A. NEW YORK CITY TRANSIT AUTHORITY ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 75 Fed. Appx. 863.

No. 03–9990. *WILLIAMS v. JAMROG*, WARDEN. C. A. 6th Cir. Certiorari denied.

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No. 03–9992. *ANDERSON v. DEMIS*. Cir. Ct. Ingham County, Mich. Certiorari denied.

No. 03–9993. *EDDY v. SCHRIRO, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS*. C. A. 9th Cir. Certiorari denied.

No. 03–9994. *CORRADINI v. CORRADINI*. C. A. 6th Cir. Certiorari denied. Reported below: 75 Fed. Appx. 444.

No. 03–9997. *GRAY v. EDWARDS ET AL.* Ct. App. D. C. Certiorari denied. Reported below: 834 A. 2d 859.

No. 03–9998. *MILLER v. NORTH CAROLINA*. Sup. Ct. N. C. Certiorari denied. Reported below: 357 N. C. 583, 588 S. E. 2d 857.

No. 03–10003. *LIVINGSTON v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 03–10006. *MCCORMICK v. DEMPSTER ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 82 Fed. Appx. 871.

No. 03–10008. *SMITH v. NORTH CAROLINA*. Sup. Ct. N. C. Certiorari denied. Reported below: 357 N. C. 604, 588 S. E. 2d 453.

No. 03–10017. *REED v. DRETKE, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 03–10019. *WILLIAMS v. LAMARQUE, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 03–10020. *NANTHABOUTHDY v. HUMPHREY, WARDEN*. Super. Ct. Mitchell County, Ga. Certiorari denied.

No. 03–10021. *TAYLOR v. GEORGIA*. Ct. App. Ga. Certiorari denied. Reported below: 263 Ga. App. 420, 587 S. E. 2d 791.

No. 03–10023. *LAVIGNE v. VARNER, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT SMITHFIELD, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 03–10029. *BARBOA, AKA SANDOVAL v. BAIRD ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 81 Fed. Appx. 301.

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No. 03–10032. *BRANCH v. BERGHUIS, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 03–10040. *SANTIAGO v. PENNSYLVANIA*. Super. Ct. Pa. Certiorari denied. Reported below: 822 A. 2d 716.

No. 03–10049. *WILCHER v. MISSISSIPPI* (two judgments). Sup. Ct. Miss. Certiorari denied. Reported below: 863 So. 2d 719 (second judgment) and 776 (first judgment).

No. 03–10065. *FITTS v. BIRKETT, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 03–10093. *FEATHERSTONE v. COLUMBUS CITY SCHOOL DISTRICT BOARD OF EDUCATION*. C. A. 6th Cir. Certiorari denied. Reported below: 92 Fed. Appx. 279.

No. 03–10100. *HENDLEY v. SMITH, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 03–10122. *HAWKINS v. BERTRAND, WARDEN*. C. A. 7th Cir. Certiorari denied.

No. 03–10140. *IHSAN v. VISA ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 89 Fed. Appx. 111.

No. 03–10141. *KURTI ET UX. v. BIEDESS*. Ct. App. Ariz. Certiorari denied. Reported below: 206 Ariz. 311, 78 P. 3d 280.

No. 03–10155. *ALFORD v. BERBARY, SUPERINTENDENT, COLLINS CORRECTIONAL FACILITY*. App. Div., Sup. Ct. N. Y., 4th Jud. Dept. Certiorari denied. Reported below: 2 App. Div. 3d 1337, 768 N. Y. S. 2d 920.

No. 03–10160. *KANDEKORE v. FLORIDA BAR*. Sup. Ct. Fla. Certiorari denied. Reported below: 868 So. 2d 525.

No. 03–10163. *MCLAUGHLIN-COX v. MARYLAND PAROLE COMMISSION*. C. A. 4th Cir. Certiorari denied. Reported below: 85 Fed. Appx. 903.

No. 03–10168. *PHELPS ET UX. v. NATIONWIDE INSURANCE CO.* C. A. 6th Cir. Certiorari denied. Reported below: 84 Fed. Appx. 591.

No. 03–10195. *HENDERSON v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 341 Ill. App. 3d 1108, 853 N. E. 2d 450.

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No. 03–10227. *DUPONT v. MALONEY*, COMMISSIONER, MASSACHUSETTS DEPARTMENT OF CORRECTION. App. Ct. Mass. Certiorari denied. Reported below: 59 Mass. App. 908, 794 N. E. 2d 1254.

No. 03–10230. *WHEATON v. YARBOROUGH*, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 101 Fed. Appx. 648.

No. 03–10253. *SUMPTER v. GEORGIA BOARD OF PARDONS AND PAROLE*, DEPARTMENT OF OFFENDER REHABILITATION, ET AL. C. A. 11th Cir. Certiorari denied.

No. 03–10290. *SCOTT v. GALAZA*, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 03–10309. *DANKS v. DEUTH*, SUPERINTENDENT, CORRECTIONAL INDUSTRIAL FACILITY. C. A. 7th Cir. Certiorari denied. Reported below: 355 F. 3d 1005.

No. 03–10351. *JELKS v. SMALL*, WARDEN, ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 74 Fed. Appx. 737.

No. 03–10352. *JAMESON v. ALAMEIDA*, DIRECTOR, CALIFORNIA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 9th Cir. Certiorari denied.

No. 03–10390. *HARRISON v. CROSBY*, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Certiorari denied. Reported below: 88 Fed. Appx. 386.

No. 03–10395. *HERNANDEZ v. SOUTH CAROLINA ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 91 Fed. Appx. 891.

No. 03–10398. *GOVAN v. SOUTH CAROLINA ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 71 Fed. Appx. 276.

No. 03–10496. *MARTIN v. CAREY*, WARDEN, ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 89 Fed. Appx. 80.

No. 03–10502. *STONE v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 85 Fed. Appx. 925.

No. 03–10576. *GONZALEZ v. UNITED STATES.* C. A. 11th Cir. Certiorari denied. Reported below: 97 Fed. Appx. 905.

No. 03–10577. *FRASER v. ZENK*, WARDEN. C. A. 3d Cir. Certiorari denied. Reported below: 90 Fed. Appx. 428.

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No. 03–10581. *TELLO-DURAN v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 88 Fed. Appx. 240.

No. 03–10586. *ALLEN v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 99 Fed. Appx. 876.

No. 03–10587. *BAINES, AKA BROWN v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 97 Fed. Appx. 907.

No. 03–10589. *LANDEROS-VILLA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 88 Fed. Appx. 227.

No. 03–10591. *JONES v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 73 Fed. Appx. 631.

No. 03–10593. *BERRYHILL v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 352 F. 3d 315.

No. 03–10594. *BAKER v. UNITED STATES*. C. A. 10th Cir. Certiorari denied.

No. 03–10595. *BRELAND ET AL. v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 356 F. 3d 787.

No. 03–10597. *MCGRIFF v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 88 Fed. Appx. 390.

No. 03–10601. *MILLER v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 75 Fed. Appx. 128.

No. 03–10602. *LAWRENCE v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 349 F. 3d 109.

No. 03–10603. *LOPEZ v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 84 Fed. Appx. 889.

No. 03–10605. *DYSON v. UNITED STATES*. Ct. App. D. C. Certiorari denied. Reported below: 845 A. 2d 550.

No. 03–10606. *MARTINEZ-ANDRADE v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 88 Fed. Appx. 168.

No. 03–10609. *AJADI v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 03–10610. *YOCUM v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 82 Fed. Appx. 193.

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No. 03–10613. GARRIDO-SANTANA *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 360 F. 3d 565.

No. 03–10618. EVANS *v.* UNITED STATES. Ct. App. D. C. Certiorari denied. Reported below: 845 A. 2d 550.

No. 03–10619. BURTON *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 362 F. 3d 536.

No. 03–10629. THOMAS *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 79 Fed. Appx. 908.

No. 03–10631. ALEXANDER *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 92 Fed. Appx. 992.

No. 03–10636. ALLEN, AKA BLAKE *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 99 Fed. Appx. 882.

No. 03–10648. MEDINA-MAELLA *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 351 F. 3d 944.

No. 03–10656. MOSS *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 92 Fed. Appx. 780.

No. 03–10657. ADEGBUJI *v.* IMMIGRATION AND NATURALIZATION SERVICE. C. A. 1st Cir. Certiorari denied.

No. 03–10660. MEDINA *v.* WISCONSIN. Ct. App. Wis. Certiorari denied. Reported below: 268 Wis. 2d 845, 673 N. W. 2d 411.

No. 02–1646. HIGBEE CO., DBA DILLARD DEPARTMENT STORES, INC. *v.* CHAPMAN. C. A. 6th Cir. Motion of Ohio Council of Retail Merchants et al. for leave to file a brief as *amici curiae* granted. Certiorari denied. Reported below: 319 F. 3d 825.

No. 03–151. MITCHELL, WARDEN *v.* DAVIS. C. A. 6th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 318 F. 3d 682.

No. 03–699. ALAMEIDA, DIRECTOR, CALIFORNIA DEPARTMENT OF CORRECTIONS *v.* SMITH. C. A. 9th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 323 F. 3d 813.

No. 03–959. VARCO *v.* ADMINISTRATIVE COMMITTEE OF THE WAL-MART STORES, INC. ASSOCIATES' HEALTH AND WELFARE

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PLAN. C. A. 7th Cir. Certiorari denied. JUSTICE BREYER took no part in the consideration or decision of this petition. Reported below: 338 F. 3d 680.

No. 03–1341. BAXTER INTERNATIONAL INC. ET AL. *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. JUSTICE O’CONNOR took no part in the consideration or decision of this petition. Reported below: 345 F. 3d 866.

No. 03–1541. FLEMING *v.* UNITED STATES; and ARNOLD *v.* UNITED STATES. C. A. 11th Cir. Certiorari before judgment denied.

No. 03–1570. NEW YORK *v.* MATEO. Ct. App. N. Y. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 2 N. Y. 3d 383, 811 N. E. 2d 1053.

No. 03–9956. HOLLIS-ARRINGTON *v.* CENDANT MORTGAGE CORP. ET AL. C. A. 9th Cir. Certiorari denied. JUSTICE BREYER took no part in the consideration or decision of this petition.

Rehearing Denied

No. 03–1028. MIDDLETON, WARDEN *v.* MCNEIL, 541 U. S. 433;
No. 03–1210. JOHNSON *v.* BELL, WARDEN, 541 U. S. 1010;
No. 03–1218. ROANE *v.* NATIONAL CHILDREN’S CENTER, INC., ET AL., 541 U. S. 1030;

No. 03–8007. ENGLISH *v.* BENNETT, SUPERINTENDENT, ELMIRA CORRECTIONAL FACILITY, 540 U. S. 1196;

No. 03–8317. AYER *v.* NEW HAMPSHIRE, 541 U. S. 942;

No. 03–8828. HUME *v.* BARTON PROTECTIVE SERVICES, 541 U. S. 992;

No. 03–8839. BARBER *v.* OHIO UNIVERSITY ET AL., 541 U. S. 993;

No. 03–9085. FIELDS *v.* UNITED STATES, 541 U. S. 966;

No. 03–9130. HOLIDAY *v.* DRETKE, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION, 541 U. S. 1014;

No. 03–9173. LEINENBACH, AKA NELSON *v.* UNITED STATES, 541 U. S. 968;

No. 03–9223. HURST *v.* DELAWARE, 541 U. S. 1033;

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No. 03–9340. *BARNES v. UNITED STATES*, 541 U. S. 1000; and
No. 03–9662. *WILLIAMS v. KEMNA*, SUPERINTENDENT, CROSS-
ROADS CORRECTIONAL CENTER, 541 U. S. 1052. Petitions for re-
hearing denied.

JUNE 29, 2004

Miscellaneous Order

No. 03A1058 (03–11049). *BARRAZA v. DRETKE*, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. Ct. Crim. App. Tex. Application for stay of execution of sentence of death, presented to JUSTICE SCALIA, and by him referred to the Court, granted pending the disposition of the petition for writ of certiorari. Should the petition for writ of certiorari be denied, this stay shall terminate automatically. In the event the petition for writ of certiorari is granted, the stay shall terminate upon the issuance of the mandate of this Court.

JUNE 30, 2004

Affirmed on Appeal

No. 03–1413. *COX, GEORGIA SECRETARY OF STATE v. LARIOS ET AL.* Affirmed on appeal from D. C. N. D. Ga. Reported below: 300 F. Supp. 2d 1320.

JUSTICE STEVENS, with whom JUSTICE BREYER joins, concurring.

Today we affirm the District Court’s judgment that Georgia’s legislative reapportionment plans for the State House of Representatives and Senate violate the one-person, one-vote principle of the Equal Protection Clause. The District Court’s findings disclose two reasons for the unconstitutional population deviations in the state legislative reapportionment plans. The first was “a deliberate and systematic policy of favoring rural and inner-city interests at the expense of suburban areas north, east, and west of Atlanta.” 300 F. Supp. 2d 1320, 1327 (ND Ga. 2004). The second was “an intentional effort to allow incumbent Democrats to maintain or increase their delegation, primarily by systematically underpopulating the districts held by incumbent Democrats, by overpopulating those of Republicans, and by deliberately pairing numerous Republican incumbents against one another.” *Id.*, at 1329. The court found that Democratic incumbents “attempted to draw districts that would enhance their own prospects at re-

election and further their other political ends (such as building up a support base for a future run for Congress)” and also “targeted particular Republicans to prevent their re-election.” *Id.*, at 1330. As a result,

“[w]hile Democratic incumbents who supported the plans were generally protected, Republican incumbents were regularly pitted against one another in an obviously purposeful attempt to unseat as many of them as possible. In the House Plan, forty-seven incumbents were paired, including thirty-seven Republicans, which was 50% of the Republican caucus, but only nine Democrats, comprising less than 9% of that caucus (as well as one Independent). Because six of the twenty-one districts involved were multi-member districts, the end result was that a maximum of twenty-eight of the paired incumbents could be re-elected, and the remaining nineteen would be unseated. Similarly, the 2002 Senate Plan included six incumbent pairings: four Republican-Republican pairings and two Republican-Democrat pairings. In the 2002 general election, eighteen Republican incumbents in the House and four Republican incumbents in the Senate lost their seats due to the pairings, while only three Democratic incumbents in the House and no Democratic incumbents in the Senate lost seats this way.” *Id.*, at 1329–1330 (citations and footnote omitted).

Although “[t]he numbers largely speak for themselves,” the District Court found that the shapes of many of the newly created districts supplied further evidence that the plans’ drafters “inten[ded] not only to aid Democratic incumbents in getting re-elected but also to oust many of their Republican incumbent counterparts.” *Id.*, at 1330. The court noted, for example, that a Republican senator had been “drawn into a district with a Democratic incumbent who ultimately won the 2002 general election, while an open district was drawn within two blocks of her residence,” that two of the most senior Republican senators had been drawn into the same district, and that a Republican House member “who was generally disliked by several of the Democratic incumbent[s] was paired with another representative in an attempt to unseat him.” *Ibid.* Moreover, many of the districts that paired Republicans were both oddly shaped and overpopulated, “suggesting that the districts were drawn to force Republi-

can incumbents to run against each other and to draw in as many Republican voters as possible in the process.” *Ibid.*

The drafters’ efforts at selective incumbent protection “led to a significant overall partisan advantage for Democrats in the electoral maps,” with “Republican-leaning districts . . . vastly more overpopulated as a whole than Democratic-leaning districts,” and with many of the large positive population deviations in districts that paired Republican incumbents against each other. *Id.*, at 1331. The District Court found that the population deviations did not result from any attempt to create districts that were compact or contiguous, or to keep counties whole, or to preserve the cores of prior districts. *Id.*, at 1331–1334. Rather, the court concluded, “the population deviations were designed to allow Democrats to maintain or increase their representation in the House and Senate through the underpopulation of districts in Democratic-leaning rural and inner-city areas of the state and through the protection of Democratic incumbents and the impairment of the Republican incumbents’ reelection prospects.” *Id.*, at 1334. The District Court correctly held that the drafters’ desire to give an electoral advantage to certain regions of the State and to certain incumbents (but not incumbents as such) did not justify the conceded deviations from the principle of one person, one vote. See *Reynolds v. Sims*, 377 U.S. 533, 565–566 (1964) (regionalism is an impermissible basis for population deviations); *Gaffney v. Cummings*, 412 U.S. 735, 754 (1973) (“[M]ultimember districts may be vulnerabl[e] if racial or political groups have been fenced out of the political process and their voting strength invidiously minimized”). See also *Reynolds*, 377 U.S., at 579 (explaining that the “overriding objective” of districting “must be substantial equality of population among the various districts” and that deviations from the equal-population principle are permissible only if “incident to the effectuation of a rational state policy”).

In challenging the District Court’s judgment, appellant invites us to weaken the one-person, one-vote standard by creating a safe harbor for population deviations of less than 10 percent, within which districting decisions could be made for any reason whatsoever. The Court properly rejects that invitation. After our recent decision in *Vieth v. Jubelirer*, 541 U.S. 267 (2004), the equal-population principle remains the only clear limitation on improper districting practices, and we must be careful not to dilute its

strength. It bears emphasis, however, that had the Court in *Vieth* adopted a standard for adjudicating partisan gerrymandering claims, the standard likely would have been satisfied in this case. Appellees alleged that the House and Senate plans were the result of an unconstitutional partisan gerrymander. The District Court rejected that claim because it considered itself bound by the plurality opinion in *Davis v. Bandemer*, 478 U.S. 109 (1986), and appellees could not show that they had been “‘essentially shut out of the political process.’” App. to Juris. Statement 86a (quoting *Bandemer*, 478 U.S., at 139). Appellees do not challenge that ruling, and it is not before us. But the District Court’s detailed factual findings regarding appellees’ equal protection claim confirm that an impermissible partisan gerrymander is visible to the judicial eye and subject to judicially manageable standards. Indeed, the District Court’s findings make clear that appellees could satisfy either the standard endorsed by the Court in its racial gerrymandering cases or that advocated in Justice Powell’s dissent in *Bandemer*, 478 U.S., at 173–185.*

Drawing district lines that have no neutral justification in order to place two incumbents of the opposite party in the same district is probative of the same impermissible intent as the “uncouth twenty-eight-sided figure” that defined the boundary of Tuskegee, Alabama, in *Gomillion v. Lightfoot*, 364 U.S. 339, 340 (1960), or the “dragon descending on Philadelphia from the west” that defined Pennsylvania’s District 6 in *Vieth*, 541 U.S., at 340 (STEVENS, J., dissenting) (internal quotation marks omitted). The record in this case, like the allegations in *Gomillion* and in *Vieth*, reinforce my conclusion that “the unavailability of judicially

*A tally of the votes in the State Senate elections shows that, although Republicans won a majority of votes statewide (991,108 Republican votes to 814,641 Democrat votes), Democrats won a majority of the State Senate seats (30 to 26). See 2002 Georgia Election Results, www.sos.state.ga.us/elections/election_results/2002_1105/senate.htm (as visited June 23, 2004, and available in Clerk of Court’s case file). Thus, it appears that appellees also could state a partisan gerrymandering claim under JUSTICE BREYER’s indicia of unjustified entrenchment. See *Vieth v. Jubelirer*, 541 U.S. 267, 366 (2004) (dissenting opinion) (“[a] the boundary-drawing criteria depart radically from previous or traditional criteria; [b] the departure cannot be justified or explained other than by reference to an effort to obtain partisan political advantage; and [c] a majority party [*i.e.*, party receiving majority of total votes in relevant election] has once failed to obtain a majority of the relevant seats in election using the challenged map”).

manageable standards” cannot justify a refusal “to condemn even the most blatant violations of a state legislature’s fundamental duty to govern impartially.” *Vieth*, 541 U.S., at 341. I remain convinced that in time the present “failure of judicial will,” *ibid.*, will be replaced by stern condemnation of partisan gerrymandering that does not even pretend to be justified by neutral principles.

JUSTICE SCALIA, dissenting.

When reviewing States’ redistricting of their own legislative boundaries, we have been appropriately deferential. See *Mahan v. Howell*, 410 U.S. 315, 327 (1973). A series of our cases established the principle that “minor deviations” among districts—deviations of less than 10%—are “insufficient to make out a prima facie case of invidious discrimination under the Fourteenth Amendment so as to require justification by the State.” *Brown v. Thomson*, 462 U.S. 835, 842 (1983) (quoting *Gaffney v. Cummings*, 412 U.S. 735, 745 (1973)); see also *Voinovich v. Quilter*, 507 U.S. 146, 160–162 (1993). This case presents a question that *Brown*, *Gaffney*, and *Voinovich* did not squarely confront—whether a districting plan that *satisfies* this 10% criterion may nevertheless be invalidated on the basis of circumstantial evidence of partisan political motivation.

The state officials who drafted Georgia’s redistricting plan believed the answer to that question was “no,” reading our cases to establish a 10% “safe harbor” with which they meticulously complied. The court below disagreed. No party here contends that, beyond grand generalities in cases such as *Reynolds v. Sims*, 377 U.S. 533, 577 (1964), this Court has addressed the question. The opinion below is consistent with others to have addressed the issue; there is no obvious conflict among the lower courts. This is not a petition for certiorari, however, but an appeal, and we should not summarily affirm unless it is clear that the disposition of this case is correct.

In my view, that is not clear. A substantial case can be made that Georgia’s redistricting plan *did* comply with the Constitution. Appellees do not contend that the population deviations—all less than 5% from the mean—were based on race or some other suspect classification. They claim only impermissible *political* bias—that state legislators tried to improve the electoral chances of Democrats over Republicans by underpopulating inner-city and

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rural districts and by selectively protecting incumbents, while ignoring “traditional” redistricting criteria. The District Court agreed. See App. to Juris. Statement 8a–25a.

The problem with this analysis is that it assumes “politics as usual” is not *itself* a “traditional” redistricting criterion. In the recent decision in *Vieth v. Jubelirer*, 541 U. S. 267 (2004), all but one of the Justices agreed that it *is* a traditional criterion, and a constitutional one, so long as it does not go too far. See *id.*, at 285–286 (plurality opinion); *id.*, at 307 (KENNEDY, J., concurring in judgment); *id.*, at 344 (SOUTER, J., dissenting); *id.*, at 355 (BREYER, J., dissenting). It is not obvious to me that a legislature goes too far when it stays within the 10% disparity in population our cases allow. To say that it does is to invite allegations of political motivation whenever there is population disparity, and thus to destroy the 10% safe harbor our cases provide. Ferreting out political motives in minute population deviations seems to me more likely to encourage politically motivated litigation than to vindicate political rights.

I would set the case for argument.

Certiorari Granted—Vacated and Remanded

No. 03–590. WISCONSIN *v.* KNAPP. Sup. Ct. Wis. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *United States v. Patane*, ante, p. 630. Reported below: 265 Wis. 2d 278, 666 N. W. 2d 881.

No. 03–1245. BUSH, PRESIDENT OF THE UNITED STATES, ET AL. *v.* GHEREBI. C. A. 9th Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Rumsfeld v. Padilla*, ante, p. 426. Reported below: 352 F. 3d 1278.

Miscellaneous Orders

No. 04A5. HARRIS *v.* JOHNSON, EXECUTIVE DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, ET AL. Application to stay or vacate Fifth Circuit order, reinstate District Court order, or for a temporary restraining order, presented to JUSTICE SCALIA, and by him referred to the Court, denied.

No. 02–1433 (03A1056). HARRIS *v.* DRETKE, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION, 540 U. S. 1218. Application for stay of execution

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of sentence of death, presented to JUSTICE SCALIA, and by him referred to the Court, denied. Motion of petitioner for leave to proceed further herein *in forma pauperis* granted. Motion for leave to file petition for rehearing denied.

No. 03–11092 (03A1065). *IN RE HARRIS*. Application for stay of execution of sentence of death, presented to JUSTICE SCALIA, and by him referred to the Court, denied. Petition for writ of habeas corpus denied. JUSTICE BREYER would grant the application for stay of execution.

Certiorari Denied

No. 02–1865. *3M CO., FKA MINNESOTA MINING & MANUFACTURING CO. v. LEPAGE’S INC. ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 324 F. 3d 141.

No. 02–7385. *FAULKINGHAM v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 295 F. 3d 85.

No. 03–1381. *CHAVEZ v. MARTINEZ*. C. A. 9th Cir. Certiorari denied. Reported below: 337 F. 3d 1091.

No. 03–11042 (03A1057). *LENZ v. TRUE, WARDEN*. Sup. Ct. Va. 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: 267 Va. 318, 593 S. E. 2d 292.

No. 04–5010 (04A1). *HARRIS v. DRETKE, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Application for stay of execution of sentence of death, presented to JUSTICE SCALIA, and by him referred to the Court, denied. Certiorari denied.

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No. 04–5049 (04A9). *IN RE HICKS*. Application for stay of execution of sentence of death, presented to JUSTICE KENNEDY, and by him referred to the Court, denied. Petition for writ of habeas corpus denied.

Certiorari Denied

No. 04–5040 (04A8). *HICKS v. SCHOFIELD, WARDEN*. Sup. Ct. Ga. Application for stay of execution of sentence of death, pre-

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sented to JUSTICE KENNEDY, and by him referred to the Court, denied. Certiorari denied. Reported below: 278 Ga. 159, 599 S. E. 2d 156.

JULY 7, 2004

Miscellaneous Order

No. 04A14 (03-10472). KUNKLE *v.* DRETKE, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Application for stay of execution of sentence of death, presented to JUSTICE SCALIA, and by him referred to the Court, granted pending the disposition of the petition for writ of certiorari. Should the petition for writ of certiorari be denied, this stay shall terminate automatically. In the event the petition for writ of certiorari is granted, the stay shall terminate upon the sending down of the judgment of this Court.

JULY 19, 2004

Miscellaneous Order

No. 04A59. CRAWFORD *v.* SCHOFIELD, WARDEN. Sup. Ct. Ga. Application for stay of execution of sentence of death, presented to JUSTICE KENNEDY, and by him referred to the Court, denied. JUSTICE STEVENS, JUSTICE SOUTER, JUSTICE GINSBURG, and JUSTICE BREYER would grant the application for stay of execution. JUSTICE O'CONNOR took no part in the consideration or decision of this application.

Certiorari Denied

No. 04-5222 (04A46). CRAWFORD *v.* SCHOFIELD, WARDEN. Sup. Ct. Ga. Application for stay of execution of sentence of death, presented to JUSTICE KENNEDY, and by him referred to the Court, denied. Certiorari denied. JUSTICE STEVENS, JUSTICE SOUTER, and JUSTICE GINSBURG would grant the application for stay of execution. Reported below: 278 Ga. 95, 597 S. E. 2d 403.

Rehearing Denied

No. 04-5222 (04A58). CRAWFORD *v.* SCHOFIELD, WARDEN, *supra* this page. Application for stay of execution of sentence of death, presented to JUSTICE KENNEDY, and by him referred to the Court, denied. Petition for rehearing denied. JUSTICE STE-

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JUSTICE SOUTER, and JUSTICE GINSBURG would grant the application for stay of execution. JUSTICE O'CONNOR took no part in the consideration or decision of this application and this petition.

JULY 21, 2004

Miscellaneous Orders

No. 04–104. UNITED STATES *v.* BOOKER. C. A. 7th Cir. Respondent is directed to file responses to petition for writ of certiorari and to motion to expedite consideration on or before 3 p.m., Wednesday, July 28, 2004.

No. 04–105. UNITED STATES *v.* FANFAN. C. A. 1st Cir. Respondent is directed to file responses to petition for writ of certiorari before judgment and to motion to expedite consideration on or before 3 p.m., Wednesday, July 28, 2004.

Certiorari Denied

No. 04–5251 (04A54). BAILEY *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. Certiorari denied. JUSTICE STEVENS and JUSTICE GINSBURG would grant the application for stay of execution. Reported below: 100 Fed. Appx. 128.

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Miscellaneous Orders

No. 03A965. KRONCKE *v.* HOOD ET AL. Application for certificate of appealability, addressed to JUSTICE STEVENS and referred to the Court, denied.

No. 03A990. STERN *v.* UNITED STATES. Application for bail, addressed to JUSTICE SCALIA and referred to the Court, denied.

No. D–2373. IN RE DISBARMENT OF WALK. Disbarment entered. [For earlier order herein, see 541 U.S. 933.]

No. D–2374. IN RE DISBARMENT OF AYENI. Disbarment entered. [For earlier order herein, see 541 U.S. 933.]

No. D–2375. IN RE DISBARMENT OF GATES. Disbarment entered. [For earlier order herein, see 541 U.S. 985.]

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No. D-2376. *IN RE DISBARMENT OF GOMEZ*. Disbarment entered. [For earlier order herein, see 541 U. S. 985.]

No. D-2377. *IN RE DISCIPLINE OF VINYARD*. It is ordered that Michael C. Vinyard, of Ottumwa, Iowa, be suspended from the practice of law in this Court and that a rule issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

Certiorari Granted

No. 04-104. *UNITED STATES v. BOOKER*. C. A. 7th Cir.; and
No. 04-105. *UNITED STATES v. FANFAN*. C. A. 1st Cir. Motion of the Acting Solicitor General for leave to file a reply brief in excess of the page limits granted. Certiorari in No. 04-104 granted. Certiorari before judgment in No. 04-105 granted. Cases consolidated, and a total of two hours allotted for oral argument. Brief of petitioner is to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Wednesday, September 1, 2004. Briefs of respondents are to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Tuesday, September 21, 2004. A reply brief, if any, is to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Monday, September 27, 2004. Oral argument set for Monday, October 4, 2004. Reported below: No. 04-104, 375 F. 3d 508.

Rehearing Denied

No. 03-1008. *PASTENE v. PIKKERT*, 541 U. S. 987;
No. 03-1229. *DEMOSS v. TEXAS*, 541 U. S. 1030;
No. 03-1251. *WALKER v. QUADGRAPHICS, INC.*, 541 U. S. 1041;
No. 03-1318. *WHITEHORN v. FEDERAL COMMUNICATIONS COMMISSION*, 541 U. S. 1031;
No. 03-1373. *ST. HILAIRE v. ST. HILAIRE*, 541 U. S. 1044;
No. 03-9052. *BOHM v. BURT, WARDEN*, 541 U. S. 1013;
No. 03-9064. *HALEY v. UNITED STATES*, 541 U. S. 966;
No. 03-9161. *IN RE BELL*, 541 U. S. 1029;
No. 03-9220. *PARNELL v. CROSBY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS*, 541 U. S. 1033;
No. 03-9246. *RUGGIERE v. RUGGIERE*, 541 U. S. 1045;
No. 03-9314. *ROBINSON v. CONWAY, SUPERINTENDENT, ATTICA CORRECTIONAL FACILITY*, 541 U. S. 1016;

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No. 03-9322. *RESTUCCI v. SPENCER*, SUPERINTENDENT, MASSACHUSETTS CORRECTIONAL INSTITUTION AT NORFOLK, 541 U. S. 1047;

No. 03-9331. *BUTLER v. CLOUD ET AL.*, 541 U. S. 1047;

No. 03-9360. *STURGIS v. LAVAN*, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT DALLAS, 541 U. S. 1048;

No. 03-9370. *GREGORY v. SPANNAGEL ET UX.*, 541 U. S. 1048;

No. 03-9385. *DEBEJARE v. BARNHART*, COMMISSIONER OF SOCIAL SECURITY, 541 U. S. 1048;

No. 03-9428. *BRYANT v. FLETCHER*, WARDEN, 541 U. S. 1049;

No. 03-9435. *POPE v. MARSHALL*, 541 U. S. 1065;

No. 03-9442. *WIMBUSH v. GADDIS ET AL.*, 541 U. S. 1065;

No. 03-9444. *LIGON v. BOSWELL*, 541 U. S. 1017;

No. 03-9459. *O'NEAL v. NATIONAL PLASTICS CORP.*, 541 U. S. 1050;

No. 03-9489. *RUSSELL v. GARRARD ET AL.*, 541 U. S. 1066;

No. 03-9501. *MITCHELL v. TENNESSEE ET AL.*, 541 U. S. 1066;

No. 03-9528. *ARANDA v. UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS*, 541 U. S. 1017;

No. 03-9535. *IN RE SETTS*, 541 U. S. 986;

No. 03-9536. *COLON v. CONNOLLY ET AL.*, 541 U. S. 1034;

No. 03-9544. *ADAMS v. NEGRON ET AL.*, 541 U. S. 1035;

No. 03-9578. *LATSON v. DRETKE*, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION, 541 U. S. 1076;

No. 03-9594. *PERRY v. LOCKHEED MISSILES & SPACE CO., INC., ET AL.*, 541 U. S. 1076;

No. 03-9606. *CHAUDRY v. WHISPERING RIDGE HOMEOWNERS ASSN.*, 541 U. S. 1067;

No. 03-9608. *DAVILA v. ARMSTRONG ET AL.*, 541 U. S. 1051;

No. 03-9635. *MOPPINS v. CAREY*, WARDEN, 541 U. S. 1087;

No. 03-9647. *CASON v. MARYLAND DIVISION OF CORRECTION ET AL.*, 541 U. S. 1067;

No. 03-9657. *DULISSE v. CENTRAL PENN PROPERTY SERVICE, INC.*, 541 U. S. 1088;

No. 03-9695. *NOWIK v. NORTH DAKOTA*, 541 U. S. 1077;

No. 03-9710. *BRYANT-BEY v. GEORGIA*, 541 U. S. 1089;

No. 03-9729. *FAGAN v. UNITED STATES*, 541 U. S. 1053;

No. 03-9748. *WEBBER v. UNITED STATES*, 541 U. S. 1054;

No. 03-9772. *GLOVER v. UNITED STATES*, 541 U. S. 1054;

No. 03-9812. *LAWRENCE v. DEROSA*, WARDEN, 541 U. S. 1055;

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No. 03–9848. GORDON ET AL. *v.* ALABAMA ET AL., *ante*, p. 908;
No. 03–9899. MOORE *v.* SCHUETZLE, WARDEN, 541 U. S. 1079;
No. 03–9910. TAYLOR *v.* UNITED STATES, 541 U. S. 1069;
No. 03–9912. MORRIS *v.* UNITED STATES, 541 U. S. 1069;
No. 03–9935. VEGA-COLON ET AL. *v.* UNITED STATES, 541 U. S. 1074;

No. 03–9963. AUSTIN *v.* GILLIS, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT COAL TOWNSHIP, ET AL., *ante*, p. 909;

No. 03–9977. IN RE ELLIS, 541 U. S. 1040;

No. 03–10071. GIBSON ET AL. *v.* UNITED STATES, 541 U. S. 1081;

No. 03–10118. IN RE HESS, 541 U. S. 1071;

No. 03–10137. ARNETT *v.* UNITED STATES, 541 U. S. 1091;

No. 03–10143. MADRIGAL-FERREIRA *v.* UNITED STATES, 541 U. S. 1091;

No. 03–10153. IN RE WEST, 541 U. S. 1071;

No. 03–10188. GRAHAM *v.* ADAMS ET AL., 541 U. S. 1092; and

No. 03–10206. GREEN *v.* UNITED STATES, 541 U. S. 1092. Petitions for rehearing denied.

No. 02–1259. STEVENS *v.* DEPARTMENTAL DISCIPLINARY COMMITTEE FOR THE APPELLATE DIVISION, SUPREME COURT OF NEW YORK, FIRST JUDICIAL DEPARTMENT, 538 U. S. 979;

No. 03–9260. DYE *v.* OZMINT, DIRECTOR, SOUTH CAROLINA DEPARTMENT OF CORRECTIONS, ET AL., 541 U. S. 1016;

No. 03–9886. BEAR CHILD *v.* UNITED STATES, 541 U. S. 1056; and

No. 03–9971. PATTERSON *v.* UNITED STATES, 541 U. S. 1079. Motions for leave to file petitions for rehearing denied.

No. 03–9656. DULISSE *v.* HOMESIDE LENDING, INC., 541 U. S. 1096; and

No. 03–9858. DIXON *v.* EQUICREDIT CORP. ET AL., 541 U. S. 1083. Petitions for rehearing denied. JUSTICE BREYER took no part in the consideration or decision of these petitions.

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Certiorari Denied

No. 04–5646 (04A130). HUBBARD *v.* CAMPBELL, COMMISSIONER, ALABAMA DEPARTMENT OF CORRECTIONS. C. A. 11th Cir. Application for stay of execution of sentence of death, pre-

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sented to JUSTICE KENNEDY, and by him referred to the Court, denied. Certiorari denied. JUSTICE STEVENS, JUSTICE SOUTER, JUSTICE GINSBURG, and JUSTICE BREYER would grant the application for stay of execution. Reported below: 379 F. 3d 1245.

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Miscellaneous Order

No. 04A87. JOHNSON, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS, ET AL. *v.* REID. Application to vacate the stay of execution of sentence of death entered by the United States Court of Appeals for the Fourth Circuit on December 17, 2003, 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 stay of execution.

AUGUST 12, 2004

Certiorari Denied

No. 04–5707 (04A114). DENNIS, BY AND THROUGH BUTKO, AS NEXT FRIEND *v.* BUDGE, WARDEN, ET AL. C. A. 9th Cir. Application for stay of execution of sentence of death, presented to JUSTICE O’CONNOR, and by her referred to the Court, denied. Certiorari denied. Reported below: 378 F. 3d 880.

AUGUST 19, 2004

Dismissals Under Rule 46

No. 03–1538. MAMANDUR ET UX. *v.* POWER ET AL. C. A. 8th Cir. Certiorari dismissed under this Court’s Rule 46. Reported below: 73 Fed. Appx. 902.

No. 03–1694. NEW YORK LIFE INSURANCE CO. *v.* BESS. C. A. 9th Cir. Certiorari dismissed under this Court’s Rule 46. Reported below: 87 Fed. Appx. 661.

AUGUST 23, 2004

Dismissals Under Rule 46

No. 03–1598. RECTOR AND VISITORS OF GEORGE MASON UNIVERSITY *v.* SHEPARD ET AL. C. A. 4th Cir. Certiorari dismissed under this Court’s Rule 46.1. Reported below: 77 Fed. Appx. 615.

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No. 04–92. NEBRASKA ET AL. *v.* CENTRAL INTERSTATE LOW-LEVEL RADIOACTIVE WASTE COMMISSION. C. A. 8th Cir. Certiorari dismissed under this Court’s Rule 46.1. Reported below: 358 F. 3d 528.

Rehearing Denied

No. 03–357. ADAMS, WARDEN, ET AL. *v.* BRAMBLES, *ante*, p. 933;

No. 03–984. BALSER ET UX. *v.* DEPARTMENT OF JUSTICE, OFFICE OF THE UNITED STATES TRUSTEE, 541 U. S. 1041;

No. 03–1357. BUSH *v.* CITY OF ZEELAND, MICHIGAN, ET AL., 541 U. S. 1072;

No. 03–1385. HOLGUIN *v.* FLOOD CONTROL DISTRICT OF GREENLEE COUNTY, ARIZONA, ET AL., 541 U. S. 1086;

No. 03–1387. PHILSON, AKA ALLAH *v.* SHERRER, ADMINISTRATOR, NORTHERN STATE PRISON, ET AL., 541 U. S. 1086;

No. 03–1447. ROE *v.* AWARE WOMAN CENTER FOR CHOICE, INC., ET AL., *ante*, p. 920;

No. 03–1469. JONAS *v.* SOUTH CAROLINA DISCOUNT AUTO CENTER, *ante*, p. 938;

No. 03–1473. PERSIK *v.* MANPOWER INC., 541 U. S. 1086;

No. 03–5554. HIIBEL *v.* SIXTH JUDICIAL DISTRICT COURT OF NEVADA, HUMBOLDT COUNTY, ET AL., *ante*, p. 177;

No. 03–9072. ADAMS *v.* UNITED STATES, *ante*, p. 921;

No. 03–9273. SANSING *v.* ARIZONA, *ante*, p. 939;

No. 03–9613. ALEXANDER *v.* DRETKE, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION, 541 U. S. 1077;

No. 03–9707. IBANEZ *v.* VERIZON VIRGINIA INC., 541 U. S. 1077;

No. 03–9771. LOLLAR *v.* DRETKE, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION, *ante*, p. 907;

No. 03–9815. AUSTIN *v.* UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA, 541 U. S. 1078;

No. 03–9889. MITCHELL *v.* DEPARTMENT OF COMMERCE, 541 U. S. 1079;

No. 03–10006. MCCORMICK *v.* DEMPSTER ET AL., *ante*, p. 941;

No. 03–10007. IN RE MCCORMICK, *ante*, p. 935;

No. 03–10014. EVERETT *v.* PENNSYLVANIA ET AL., *ante*, p. 909;

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No. 03–10049. *WILCHER v. MISSISSIPPI* (two judgments), *ante*, p. 942;

No. 03–10061. *DANIELS v. UNITED STATES*, 541 U. S. 1081;

No. 03–10167. *ATTIA v. SOCIAL SECURITY ADMINISTRATION ET AL.*, *ante*, p. 910;

No. 03–10237. *BLUNT v. HIGHLAND PARK CITY SCHOOL DISTRICT*, 541 U. S. 1093;

No. 03–10252. *SANDERS v. UNITED STATES*, *ante*, p. 911;

No. 03–10291. *WRIGHT v. UNITED STATES*, *ante*, p. 913; and

No. 03–10730. *IN RE SAMBRANO VILLARREAL*, *ante*, p. 935. Petitions for rehearing denied.

No. 02–1624. *ELK GROVE UNIFIED SCHOOL DISTRICT ET AL. v. NEWDOW ET AL.*, *ante*, p. 1. Petition for rehearing denied. JUSTICE SCALIA took no part in the consideration or decision of this petition.

No. 02–1632. *BLAKELY v. WASHINGTON*, *ante*, p. 296. Motion of respondent to expedite consideration of petition for rehearing denied. Petition for rehearing denied.

No. 01–1697. *MENON v. FRINTON*, 537 U. S. 817;

No. 02–1119. *YOUNG v. UNITED STATES*, 537 U. S. 1234; and

No. 03–9009. *J. K. v. DAUPHIN COUNTY CHILDREN AND YOUTH SERVICES*, 541 U. S. 1012. Motions of petitioners for leave to file petitions for rehearing denied.

No. 03–16. *KRILICH v. UNITED STATES*, 540 U. S. 946 and 1086. Motion of petitioner for leave to file second petition for rehearing denied.

AUGUST 25, 2004

Certiorari Denied

No. 04–6001 (04A168). *BUSBY v. TEXAS*. Ct. Crim. App. Tex. Application for stay of execution of sentence of death, presented to JUSTICE SCALIA, and by him referred to the Court, denied. Certiorari denied.

AUGUST 26, 2004

Certiorari Denied

No. 04–262 (04A170). *ALLRIDGE v. TEXAS*. Ct. Crim. App. Tex. Application for stay of execution of sentence of death, presented to JUSTICE SCALIA, and by him referred to the Court,

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denied. Certiorari denied. JUSTICE STEVENS would grant the application for stay of execution.

SEPTEMBER 3, 2004

Miscellaneous Orders

No. 03A1020. SUGDEN *v.* UNITED STATES. Application for certificate of appealability, addressed to JUSTICE SOUTER and referred to the Court, denied.

No. 04A98. GREEN *v.* DRAGOVICH ET AL. Application for bail, addressed to JUSTICE GINSBURG and referred to the Court, denied.

Rehearing Denied

No. 03–9379. HUNDLEY *v.* UNITED STATES, 541 U. S. 1001;

No. 03–9562. GADSON *v.* FLORIDA, 541 U. S. 1075;

No. 03–9563. BALL *v.* CROSBY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL., 541 U. S. 1075;

No. 03–9643. JONES *v.* KOLB ET AL. (five judgments), 541 U. S. 1087;

No. 03–9658. DANIELS *v.* MCLEMORE, WARDEN, 541 U. S. 1088;

No. 03–9964. BRIDGEFORTH *v.* MULLIN, WARDEN, *ante*, p. 940;

No. 03–10119. FEARS *v.* LUEBBERS, SUPERINTENDENT, FARMINGTON CORRECTIONAL CENTER, *ante*, p. 925;

No. 03–10124. GARRISON *v.* ILLINOIS, *ante*, p. 925;

No. 03–10191. FOUNTAIN *v.* UNITED STATES, 541 U. S. 1092;

No. 03–10226. CASEY *v.* LAVAN, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT DALLAS, ET AL., *ante*, p. 910;

No. 03–10256. CARTER *v.* UNITED STATES ET AL., *ante*, p. 911;

No. 03–10338. CARTER *v.* UNITED STATES ET AL., *ante*, p. 914;

No. 03–10390. HARRISON *v.* CROSBY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL., *ante*, p. 943;

No. 03–10483. MINOR *v.* UNITED STATES, *ante*, p. 929; and

No. 03–10510. IN RE RHETT, *ante*, p. 902. Petitions for rehearing denied.

No. 03–9966. TOLIVER *v.* UNITED STATES, 541 U. S. 1079. Motion of petitioner for leave to file petition for rehearing denied.

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SEPTEMBER 9, 2004

Miscellaneous Order

No. 04A197. REID *v.* JOHNSON, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS, ET AL. Application for preliminary injunction, presented to THE CHIEF JUSTICE, and by him referred to the Court, denied. JUSTICE STEVENS would grant the application for preliminary injunction.

SEPTEMBER 24, 2004

Miscellaneous Order

No. 02–1028. NORFOLK SOUTHERN RAILWAY CO. *v.* JAMES N. KIRBY, PTY LTD., DBA KIRBY ENGINEERING, ET AL. C. A. 11th Cir. [Certiorari granted, 540 U.S. 1099.] Parties are directed to file supplemental briefs addressing the following question: “Does federal or state substantive law govern the questions presented?” The Acting Solicitor General is invited to file an *amicus* brief on the same question. Briefs are to be filed with the Clerk and served upon opposing counsel on or before 3 p.m., Monday, October 4, 2004. Twenty copies of the briefs prepared under this Court’s Rule 33.2 may be filed initially in order to meet the October 4 filing date. Forty copies of the briefs prepared under this Court’s Rule 33.1 are to be filed as soon as possible thereafter.

SEPTEMBER 27, 2004

Miscellaneous Order

No. 04–104. UNITED STATES *v.* BOOKER. C. A. 7th Cir.; and
No. 04–105. UNITED STATES *v.* FANFAN. C. A. 1st Cir. [Certiorari granted, *ante*, p. 956.] Motion of the Acting Solicitor General to dispense with printing the joint appendix granted. Motion of respondents for divided argument granted. Each counsel must be prepared to discuss both questions presented. Motion of Ad Hoc Group of Former Judges for leave to participate in oral argument as *amici curiae* and for divided argument denied.

SEPTEMBER 28, 2004

Miscellaneous Orders

No. 04A242. KUCERA ET AL. *v.* BRADBURY, SECRETARY OF STATE OF OREGON, ET AL. Application to stay order of the Ore-

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gon Supreme Court pending the filing and disposition of a petition for writ of certiorari, presented to JUSTICE O'CONNOR, and by her referred to the Court, denied. JUSTICE BREYER would grant the application for stay.

No. 03-636. JOHNSON *v.* CALIFORNIA ET AL. C. A. 9th Cir. [Certiorari granted, 540 U. S. 1217.] Motion of the Acting Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 03-710. DEVENPECK ET AL. *v.* ALFORD. C. A. 9th Cir. [Certiorari granted, 541 U. S. 987.] Motion of the Acting Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 03-923. ILLINOIS *v.* CABALLES. Sup. Ct. Ill. [Certiorari granted, 541 U. S. 972.] Motion of the Acting Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 03-931. FLORIDA *v.* NIXON. Sup. Ct. Fla. [Certiorari granted, 540 U. S. 1217.] Motion of the Acting Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 03-725. PASQUANTINO ET AL. *v.* UNITED STATES. C. A. 4th Cir. [Certiorari granted, 541 U. S. 972.] Motion of petitioners for divided argument denied.

No. 03-814. STEWART *v.* DUTRA CONSTRUCTION CO. C. A. 1st Cir. [Certiorari granted, 540 U. S. 1177.] Motion of the Acting Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted. Motion of respondent for leave to file a surreply brief denied.

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, 541 U. S. 958.] Motion of respondents for divided argument granted. Motion of respondents for additional time for oral argument denied. Motion of respondent Banks to allow James R. Carty to argue *pro hac vice* granted. Motion of the Acting Solicitor General to allow David B. Salmons to argue *pro hac vice* granted.

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No. 03–1039. BROWN, ACTING WARDEN *v.* PAYTON. C. A. 9th Cir. [Certiorari granted, 541 U.S. 1062.] Motion of Criminal Justice Legal Foundation for leave to file a brief as *amicus curiae* granted.

No. 03–1407. ROUSEY ET UX. *v.* JACOWAY. C. A. 8th Cir. [Certiorari granted, 541 U.S. 1085.] Motion of petitioners to dispense with printing the joint appendix granted.

No. 03–1423. MUEHLER ET AL. *v.* MENA. C. A. 9th Cir. [Certiorari granted, *ante*, p. 903.] Motion of Police Officers Research Association of California Legal Defense Fund for leave to file a brief as *amicus curiae* granted.

Certiorari Granted

No. 03–1388. SPECTOR ET AL. *v.* NORWEGIAN CRUISE LINE LTD. C. A. 5th Cir. Certiorari granted. Reported below: 356 F. 3d 641.

No. 03–1488. TORY ET AL. *v.* COCHRAN. Ct. App. Cal., 2d App. Dist. Certiorari granted.

No. 03–1601. CITY OF RANCHO PALOS VERDES, CALIFORNIA, ET AL. *v.* ABRAMS. C. A. 9th Cir. Certiorari granted. Reported below: 354 F. 3d 1094.

No. 03–9627. PACE *v.* DiGUGLIELMO, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT GRATERFORD, ET AL. C. A. 3d Cir. Motion of petitioner for leave to proceed *in forma pauperis* granted. Certiorari granted. Reported below: 71 Fed. Appx. 127.

No. 03–9685. JOHNSON *v.* UNITED STATES. C. A. 11th Cir. Motion of petitioner for leave to proceed *in forma pauperis* granted. Certiorari granted. Reported below: 340 F. 3d 1219.

No. 04–37. CLINGMAN, SECRETARY, OKLAHOMA STATE ELECTION BOARD, ET AL. *v.* BEAVER ET AL. C. A. 10th Cir. Certiorari granted. Reported below: 363 F. 3d 1048.

No. 04–108. KELO ET AL. *v.* CITY OF NEW LONDON, CONNECTICUT, ET AL. Sup. Ct. Conn. Certiorari granted. Reported below: 268 Conn. 1, 843 A. 2d 500.

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No. 04-5462. ROMPILLA *v.* BEARD, SECRETARY, PENNSYLVANIA DEPARTMENT OF CORRECTIONS. C. A. 3d Cir. Motion of petitioner for leave to proceed *in forma pauperis* granted. Certiorari granted. Reported below: 355 F. 3d 233.

SEPTEMBER 30, 2004

Dismissal Under Rule 46

No. 04-5978. McLAUGHLIN *v.* UNITED STATES. C. A. 9th Cir. Certiorari dismissed under this Court's Rule 46. Reported below: 97 Fed. Appx. 769.