

ORDERS FOR MARCH 7 THROUGH
MAY 31, 2005

MARCH 7, 2005

Certiorari Granted—Vacated and Remanded

No. 03-7999. JONES *v.* DRETKE, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Reported below: 74 Fed. Appx. 317;

No. 03-8067. CAPETILLO *v.* DRETKE, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Reported below: 71 Fed. Appx. 348;

No. 03-10877. JOHNSON *v.* VIRGINIA. Sup. Ct. Va. Reported below: 267 Va. 53, 591 S. E. 2d 47;

No. 03-11049. BARRAZA *v.* DRETKE, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. Ct. Crim. App. Tex.;

No. 04-6155. DUKE *v.* ALABAMA. Ct. Crim. App. Ala. Reported below: 889 So. 2d 1; and

No. 04-6643. DYCUS *v.* MISSISSIPPI. Sup. Ct. Miss. Reported below: 875 So. 2d 140. Motions of petitioners for leave to proceed *in forma pauperis* granted. Certiorari granted, judgments vacated, and cases remanded for further consideration in light of *Roper v. Simmons*, 543 U.S. 551 (2005).

No. 04-975. LEWIS *v.* UNITED STATES. C. A. 5th Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *United States v. Booker*, 543 U.S. 220 (2005). Reported below: 108 Fed. Appx. 983.

No. 04-7074. BAEZ *v.* BUREAU OF IMMIGRATION AND CUSTOMS ENFORCEMENT ET AL. C. A. 5th Cir. Motion of petitioner for leave to proceed *in forma pauperis* granted. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Clark v. Martinez*, 543 U.S. 371 (2005). Reported below: 100 Fed. Appx. 268.

No. 04-7533. GORDON, AKA JONES *v.* UNITED STATES. C. A. 3d Cir. Reported below: 104 Fed. Appx. 275;

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No. 04–7589. *MORTIER v. UNITED STATES*. C. A. 7th Cir. Reported below: 110 Fed. Appx. 687;

No. 04–8009. *GREENE v. UNITED STATES*. C. A. 4th Cir. Reported below: 108 Fed. Appx. 814;

No. 04–8240. *PIDCOKE v. UNITED STATES*. C. A. 5th Cir. Reported below: 111 Fed. Appx. 278;

No. 04–8251. *POWELL v. UNITED STATES*. C. A. 5th Cir. Reported below: 111 Fed. Appx. 299;

No. 04–8307. *SANCHEZ-FLORES v. UNITED STATES*. C. A. 5th Cir. Reported below: 110 Fed. Appx. 463;

No. 04–8309. *SMITH v. UNITED STATES*. C. A. 11th Cir. Reported below: 124 Fed. Appx. 642;

No. 04–8322. *GAONA-TOVAR v. UNITED STATES*; and *DUARTE-JUAREZ v. UNITED STATES*. C. A. 5th Cir. Reported below: 110 Fed. Appx. 438 (first judgment) and 461 (second judgment);

No. 04–8326. *GOODEN v. UNITED STATES*. C. A. 5th Cir. Reported below: 111 Fed. Appx. 297;

No. 04–8357. *FULKS, AKA WELLINGTON v. UNITED STATES*. C. A. 4th Cir. Reported below: 113 Fed. Appx. 507;

No. 04–8360. *CRUZ-PEREZ v. UNITED STATES*. C. A. 5th Cir. Reported below: 110 Fed. Appx. 457;

No. 04–8369. *LOPEZ v. UNITED STATES*. C. A. 2d Cir. Reported below: 372 F. 3d 86;

No. 04–8374. *MENG TUAN WANG v. UNITED STATES*. C. A. 5th Cir.;

No. 04–8396. *TELLEZ-BOIZO v. UNITED STATES*. C. A. 7th Cir. Reported below: 114 Fed. Appx. 754;

No. 04–8402. *BOWDEN v. UNITED STATES*. C. A. 6th Cir. Reported below: 380 F. 3d 266;

No. 04–8422. *GREEN v. UNITED STATES*. C. A. 6th Cir. Reported below: 101 Fed. Appx. 578;

No. 04–8429. *CHICAS-SANCHEZ v. UNITED STATES*. C. A. 9th Cir. Reported below: 114 Fed. Appx. 884;

No. 04–8433. *BROOKS v. UNITED STATES*. C. A. 4th Cir. Reported below: 111 Fed. Appx. 701;

No. 04–8441. *MITCHELL v. UNITED STATES*. C. A. 11th Cir. Reported below: 116 Fed. Appx. 245;

No. 04–8455. *PIPKINS ET AL. v. UNITED STATES*. C. A. 11th Cir. Reported below: 378 F. 3d 1281; and

No. 04–8505. *LEVY v. UNITED STATES*. C. A. 11th Cir. Reported below: 125 Fed. Appx. 269. Motions of petitioners for

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leave to proceed *in forma pauperis* granted. Certiorari granted, judgments vacated, and cases remanded for further consideration in light of *United States v. Booker*, 543 U.S. 220 (2005).

Miscellaneous Orders

No. 04M57. SHECHET *v.* SHECHET. Motion to direct the Clerk to file petition for writ of certiorari out of time denied.

No. 04-480. METRO-GOLDWYN-MAYER STUDIOS INC. ET AL. *v.* GROKSTER, LTD., ET AL. C. A. 9th Cir. [Certiorari granted, 543 U.S. 1032.] Motion of the Acting Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 04-495. WILKINSON, DIRECTOR, OHIO DEPARTMENT OF REHABILITATION AND CORRECTION, ET AL. *v.* AUSTIN ET AL. C. A. 6th Cir. [Certiorari granted, 543 U.S. 1032.] Motion of the Acting Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 04-603. GRABLE & SONS METAL PRODUCTS, INC. *v.* DARUE ENGINEERING & MANUFACTURING. C. A. 6th Cir. [Certiorari granted, 543 U.S. 1042.] Motion of respondent to dispense with printing the joint appendix granted. Motion of Jerome Milulski et ux. for leave to file a brief as *amici curiae* granted.

No. 04-8639. IN RE TWITTY. Petition for writ of habeas corpus denied.

No. 04-8023. IN RE NIMMONS. Petition for writ of mandamus denied.

Certiorari Granted

No. 04-759. UNITED STATES *v.* OLSON ET AL. C. A. 9th Cir. Certiorari granted. Reported below: 362 F. 3d 1236.

No. 04-905. VOLVO TRUCKS NORTH AMERICA, INC. *v.* REEDER-SIMCO GMC, INC. C. A. 8th Cir. Motions of National Association of State Directors of Pupil Transportation, Truck Manufacturers Association et al., and Washington Legal Foundation for leave to file briefs as *amici curiae* granted. Certiorari granted. Reported below: 374 F. 3d 701.

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Certiorari Denied

No. 04-510. *RICCARDO v. RAUSCH*. C. A. 7th Cir. Certiorari denied. Reported below: 375 F. 3d 521.

No. 04-589. *BRINK'S Co., FKA PITTSTON Co., ET AL. v. UNITED STATES ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 368 F. 3d 385.

No. 04-602. *NAMER ET AL. v. FEDERAL TRADE COMMISSION*. C. A. 5th Cir. Certiorari denied. Reported below: 376 F. 3d 317.

No. 04-626. *GLENDAL FEDERAL BANK, FSB v. UNITED STATES*; and

No. 04-786. *UNITED STATES v. GLENDAL FEDERAL BANK, FSB*. C. A. Fed. Cir. Certiorari denied. Reported below: 378 F. 3d 1308.

No. 04-722. *MARTIN BROS. CONTAINER & TIMBER PRODUCTS CORP. ET AL. v. MARTIN ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 112 Fed. Appx. 395.

No. 04-727. *COVAD COMMUNICATIONS Co. ET AL. v. BELL-SOUTH CORP. ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 374 F. 3d 1044.

No. 04-736. *DAIMLERCHRYSLER CANADA, INC., ET AL. v. JAYNES ET AL.* C. A. 1st Cir. Certiorari denied.

No. 04-740. *SSA GULF, INC. v. MAGEE*. C. A. 5th Cir. Certiorari denied.

No. 04-742. *DOE, INDIVIDUALLY AND ON BEHALF OF ALL OTHERS SIMILARLY SITUATED v. UNITED STATES*. C. A. Fed. Cir. Certiorari denied. Reported below: 372 F. 3d 1347.

No. 04-748. *WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY v. BARBOUR ET AL.* C. A. D. C. Cir. Certiorari denied. Reported below: 374 F. 3d 1161.

No. 04-766. *LAMERS DAIRY, INC. v. DEPARTMENT OF AGRICULTURE*. C. A. 7th Cir. Certiorari denied. Reported below: 379 F. 3d 466.

No. 04-768. *CERVINI v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 379 F. 3d 987.

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No. 04–888. *BURTON ET AL. v. RICHMOND ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 370 F. 3d 723.

No. 04–892. *RHOADS v. BOARD OF TRUSTEES OF THE CITY OF CALUMET CITY POLICEMEN’S PENSION FUND.* App. Ct. Ill., 4th Dist. Certiorari denied. Reported below: 348 Ill. App. 3d 835, 810 N. E. 2d 573.

No. 04–897. *UNITED STEELWORKERS OF AMERICA, AFL–CIO, CLC v. PENSION BENEFIT GUARANTY CORPORATION.* C. A. 6th Cir. Certiorari denied. Reported below: 386 F. 3d 659.

No. 04–898. *BARCLAY ET AL. v. BANK OF NEW YORK.* Ct. App. Ohio, Franklin County. Certiorari denied.

No. 04–902. *MURPHY v. METROPOLITAN TRANSIT AUTHORITY.* C. A. 5th Cir. Certiorari denied. Reported below: 109 Fed. Appx. 662.

No. 04–906. *ZIMMER v. SOUTHWESTERN BELL TELEPHONE CO.* C. A. 5th Cir. Certiorari denied. Reported below: 108 Fed. Appx. 172.

No. 04–911. *KEYSTONE LAND & DEVELOPMENT CO. v. XEROX CORP.* C. A. 9th Cir. Certiorari denied. Reported below: 378 F. 3d 949.

No. 04–921. *BICYCLE COMPONENTS EXPRESS, INC., DBA SOLEUS v. BRUNSWICK CORP. ET AL.* App. Ct. Ill., 2d Dist. Certiorari denied. Reported below: 347 Ill. App. 3d 1114, 867 N. E. 2d 121.

No. 04–927. *BROUSSARD v. CITGO PETROLEUM CORP.* C. A. 5th Cir. Certiorari denied. Reported below: 111 Fed. Appx. 272.

No. 04–931. *SAMODUMOVA v. GONZALES, ATTORNEY GENERAL; and SAMODUMOV ET AL. v. GONZALES, ATTORNEY GENERAL.* C. A. 5th Cir. Certiorari denied. Reported below: 110 Fed. Appx. 388 (first judgment) and 406 (second judgment).

No. 04–936. *NIBCO, INC. v. RIVERA ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 364 F. 3d 1057.

No. 04–940. *ILLINOIS v. TORRES.* App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 347 Ill. App. 3d 252, 807 N. E. 2d 654.

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No. 04-943. *KITTERY RETAIL VENTURES, LLC, ET AL. v. TOWN OF KITTERY, MAINE*. Sup. Jud. Ct. Me. Certiorari denied. Reported below: 856 A. 2d 1183.

No. 04-946. *KELLER v. TEXAS*. Ct. App. Tex., 1st Dist. Certiorari denied. Reported below: 125 S. W. 3d 600.

No. 04-964. *MILLS v. RHODE ISLAND DEPARTMENT OF HEALTH, BOARD OF MEDICAL LICENSURE AND DISCIPLINE, ET AL.* Sup. Ct. R. I. Certiorari denied. Reported below: 863 A. 2d 202.

No. 04-998. *COVUCCI v. SERVICE MERCHANDISE Co., INC.* C. A. 6th Cir. Certiorari denied. Reported below: 115 Fed. Appx. 797.

No. 04-1008. *CHEATHAM v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 116 Fed. Appx. 244.

No. 04-1010. *HILGERS v. NORTH DAKOTA*. Sup. Ct. N. D. Certiorari denied. Reported below: 685 N. W. 2d 109.

No. 04-1015. *JOHNSON v. INDIANA*. Ct. App. Ind. Certiorari denied. Reported below: 803 N. E. 2d 1255.

No. 04-7174. *HOLLAND v. MISSISSIPPI*. Sup. Ct. Miss. Certiorari denied. Reported below: 878 So. 2d 1.

No. 04-7458. *NEWTON v. DRETKE, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 04-7497. *NEWTON v. DRETKE, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. Ct. Crim. App. Tex. Certiorari denied.

No. 04-7697. *GILMORE v. UNITED STATES POSTAL SERVICE*. C. A. Fed. Cir. Certiorari denied. Reported below: 104 Fed. Appx. 734.

No. 04-7880. *RUDOLPH v. GALETKA, WARDEN*. C. A. 10th Cir. Certiorari denied. Reported below: 111 Fed. Appx. 565.

No. 04-7887. *MCDANIEL v. CRIST, ATTORNEY GENERAL OF FLORIDA, ET AL.* C. A. 11th Cir. Certiorari denied.

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No. 04-7896. *RICHARDSON v. SISK ET AL.* C. A. 4th Cir. Certiorari denied.

No. 04-7899. *WINROW v. OKLAHOMA.* Ct. Crim. App. Okla. Certiorari denied.

No. 04-7912. *PHIFER v. WABASH VALLEY CORRECTIONAL FACILITY ET AL.* C. A. 7th Cir. Certiorari denied.

No. 04-7914. *MOORE v. TEXAS.* Ct. App. Tex., 14th Dist. Certiorari denied.

No. 04-7916. *WEBB v. ROPER, SUPERINTENDENT, POTOSI CORRECTIONAL CENTER.* C. A. 8th Cir. Certiorari denied.

No. 04-7924. *PHIFER v. WABASH VALLEY CORRECTIONAL FACILITY ET AL.* C. A. 7th Cir. Certiorari denied.

No. 04-7932. *POMPE v. FARWELL, WARDEN.* C. A. 9th Cir. Certiorari denied.

No. 04-7941. *BISHOP v. NORFOLK SOUTHERN RAILWAY CO. ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 112 Fed. Appx. 2.

No. 04-7943. *ANAYA v. KERNAN, ACTING WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 111 Fed. Appx. 491.

No. 04-7945. *BEARDEN v. DRETKE, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION.* C. A. 5th Cir. Certiorari denied.

No. 04-7946. *BRANCH v. MISSISSIPPI.* Sup. Ct. Miss. Certiorari denied. Reported below: 882 So. 2d 36.

No. 04-7948. *JAMISON v. CALIFORNIA.* Ct. App. Cal., 6th App. Dist. Certiorari denied.

No. 04-7951. *MUNOZ v. COOPER, WARDEN.* C. A. 5th Cir. Certiorari denied.

No. 04-7954. *JENKINS v. TEXAS.* Ct. Crim. App. Tex. Certiorari denied.

No. 04-7955. *LOPEZ v. CALIFORNIA.* Ct. App. Cal., 2d App. Dist. Certiorari denied.

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No. 04-7956. DIAZ MALDONADO *v.* OLANDER, WARDEN, ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 108 Fed. Appx. 708.

No. 04-7960. WARREN *v.* CRAWFORD, DIRECTOR, NEVADA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 9th Cir. Certiorari denied.

No. 04-7961. WOOTEN *v.* CALIFORNIA. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 04-7962. WILHELM *v.* YARBOROUGH, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 04-7963. TORRES *v.* TEXAS. Ct. App. Tex., 8th Dist. Certiorari denied.

No. 04-7965. ROMER *v.* TRAVIS, CHAIRPERSON, NEW YORK BOARD OF PAROLE, ET AL. C. A. 2d Cir. Certiorari denied.

No. 04-7967. STEWARD *v.* LAMARQUE, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 04-7968. SAMPLE *v.* VIRGINIA. Sup. Ct. Va. Certiorari denied.

No. 04-7972. BASEY *v.* WATHEN ET AL. C. A. 5th Cir. Certiorari denied.

No. 04-7976. PETERSON *v.* WHOLE FOODS MARKET CALIFORNIA, INC. Ct. App. Cal., 1st App. Dist. Certiorari denied.

No. 04-7977. MURILLO *v.* CAREY, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 04-7982. MOSLEY *v.* SOBINA, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT SOMERSET. C. A. 3d Cir. Certiorari denied.

No. 04-7987. GRAY *v.* MASSACHUSETTS. App. Ct. Mass. Certiorari denied. Reported below: 61 Mass. App. 1115, 810 N. E. 2d 1290.

No. 04-7992. HAMILTON *v.* NEWLAND, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 374 F. 3d 822.

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No. 04-7993. *WOODBERRY v. WERHOLTZ, SECRETARY, KANSAS DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 118 Fed. Appx. 362.

No. 04-7997. *BROWN, AKA WILLIAMS v. CARROLL, WARDEN.* C. A. 3d Cir. Certiorari denied.

No. 04-8003. *HURST v. TRW, INC.* C. A. 4th Cir. Certiorari denied. Reported below: 100 Fed. Appx. 914.

No. 04-8005. *COTA RAMIREZ v. BLACKETTER, SUPERINTENDENT, EASTERN OREGON CORRECTIONAL INSTITUTION.* C. A. 9th Cir. Certiorari denied. Reported below: 110 Fed. Appx. 40.

No. 04-8006. *QUEEN v. NORTH CAROLINA.* Sup. Ct. N. C. Certiorari denied. Reported below: 358 N. C. 551, 599 S. E. 2d 515.

No. 04-8014. *HAMMOND v. ADMINISTRATIVE OFFICE OF THE ILLINOIS COURTS ET AL.* Sup. Ct. Ill. Certiorari denied.

No. 04-8015. *HULL v. STATE FARM MUTUAL AUTOMOBILE INSURANCE CO.* C. A. 10th Cir. Certiorari denied. Reported below: 107 Fed. Appx. 177.

No. 04-8016. *DYSON v. IOWA.* C. A. 8th Cir. Certiorari denied.

No. 04-8017. *COOK v. CABANA.* C. A. 5th Cir. Certiorari denied.

No. 04-8020. *CHAPEL v. SMITH, WARDEN.* C. A. 11th Cir. Certiorari denied.

No. 04-8021. *SHANK v. VIRGINIA.* Sup. Ct. Va. Certiorari denied.

No. 04-8022. *SCOTT v. UPTON, WARDEN.* C. A. 11th Cir. Certiorari denied.

No. 04-8024. *OWEN v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 104 Fed. Appx. 1001.

No. 04-8026. *JACKSON v. RENICO, WARDEN.* C. A. 6th Cir. Certiorari denied.

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No. 04–8032. *THURMOND v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 343 Ill. App. 3d 1295, 856 N. E. 2d 693.

No. 04–8035. *ALLEN v. NEVADA*. Sup. Ct. Nev. Certiorari denied. Reported below: 120 Nev. 1217, 131 P. 3d 580.

No. 04–8051. *CASTEEL v. ILLINOIS*. App. Ct. Ill., 2d Dist. Certiorari denied. Reported below: 348 Ill. App. 3d 1098, 868 N. E. 2d 1104.

No. 04–8052. *JAMES v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 348 Ill. App. 3d 498, 810 N. E. 2d 96.

No. 04–8067. *ROBERTS v. COHEN, WARDEN*. C. A. 9th Cir. Certiorari denied. Reported below: 117 Fed. Appx. 504.

No. 04–8086. *MARBOU v. GONZALES, ATTORNEY GENERAL*. C. A. 9th Cir. Certiorari denied.

No. 04–8089. *CASAS-CASTRILLON v. GONZALES, ATTORNEY GENERAL*. C. A. 9th Cir. Certiorari denied.

No. 04–8094. *CHAPMAN v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 347 Ill. App. 3d 1105, 867 N. E. 2d 117.

No. 04–8109. *MYRON v. LAMARQUE, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 04–8156. *ODOM v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 111 Fed. Appx. 682.

No. 04–8160. *ROMERO v. HAMLET, WARDEN*. C. A. 9th Cir. Certiorari denied. Reported below: 114 Fed. Appx. 797.

No. 04–8165. *LETOURNEAU v. HICKMAN, WARDEN*. C. A. 9th Cir. Certiorari denied. Reported below: 116 Fed. Appx. 70.

No. 04–8201. *DEVORE v. HILL, SUPERINTENDENT, SNAKE RIVER CORRECTIONAL INSTITUTION* (two judgments). Sup. Ct. Ore. Certiorari denied.

No. 04–8232. *WALTON v. CROSBY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS*. C. A. 11th Cir. Certiorari denied. Reported below: 123 Fed. Appx. 387.

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No. 04–8243. *DANIELS ET UX. v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 387 F. 3d 636.

No. 04–8248. *SAVARESE v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 385 F. 3d 15.

No. 04–8278. *THACKER v. OKLAHOMA*. Ct. Crim. App. Okla. Certiorari denied. Reported below: 100 P. 3d 1052.

No. 04–8279. *WILLIAMS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 397 F. 3d 274.

No. 04–8293. *SPENCER v. EASTER ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 109 Fed. Appx. 571.

No. 04–8339. *WOOTEN v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 110 Fed. Appx. 672.

No. 04–8350. *VIGIL v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 385 F. 3d 546.

No. 04–8377. *POGGEMILLER v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 375 F. 3d 686.

No. 04–8381. *STEARNS v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 387 F. 3d 104.

No. 04–8382. *SCOTT v. HAINES, WARDEN*. Sup. Ct. App. W. Va. Certiorari denied.

No. 04–8404. *BAKER v. SCHRIRO, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 386 F. 3d 1258.

No. 04–8406. *ROMERO-GALLARDO v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 113 Fed. Appx. 351.

No. 04–8409. *HRONEK v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 04–8445. *LANGFORD v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 04–8451. *SMITH v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

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No. 04–8452. *BLACKSHEAR v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 04–8457. *JIMENEZ v. MENDEZ, WARDEN*. C. A. 3d Cir. Certiorari denied.

No. 04–8460. *DUSENBERRY v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 04–8472. *BROWN v. INTERNAL REVENUE SERVICE ET AL.* C. A. 5th Cir. Certiorari denied.

No. 04–8474. *ALVAREZ v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 94 Fed. Appx. 412.

No. 04–8476. *POLLARD v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 389 F. 3d 101.

No. 04–8482. *BIBB v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 122 Fed. Appx. 985.

No. 04–8488. *YOUNG v. MCKELVY, WARDEN*. C. A. 11th Cir. Certiorari denied. Reported below: 122 Fed. Appx. 986.

No. 04–8489. *CAMACHO ET AL. v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 370 F. 3d 303.

No. 04–8502. *JOHNSON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 04–8509. *BARREIRO v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 04–8510. *ALFORD v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 116 Fed. Appx. 706.

No. 04–8522. *MASON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 116 Fed. Appx. 469.

No. 04–8523. *RODRIGUEZ-MARRERO v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 390 F. 3d 1.

No. 04–8539. *SANCHES MONTES, AKA MONTES v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 116 Fed. Appx. 105.

No. 04–8543. *SAWYERS v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

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No. 04–8546. *WELLONS, AKA THOMAS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 116 Fed. Appx. 252.

No. 04–8555. *ADAMSON v. UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF FLORIDA*. C. A. 11th Cir. Certiorari denied.

No. 04–8562. *SAMUEL v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 103 Fed. Appx. 708.

No. 04–8563. *SIGALA-LOMELI v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 04–8571. *WOOD v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 386 F. 3d 961.

No. 04–8574. *AJAJ v. SMITH, WARDEN*. C. A. 4th Cir. Certiorari denied. Reported below: 108 Fed. Appx. 743.

No. 04–889. *MILWAUKEE METROPOLITAN SEWERAGE DISTRICT v. FRIENDS OF MILWAUKEE’S RIVERS ET AL.* C. A. 7th Cir. Motion of Association of Metropolitan Sewerage Agencies et al. for leave to file a brief as *amici curiae* granted. Certiorari denied. Reported below: 382 F. 3d 743.

No. 04–8992 (04A761). *SMITH v. ANDERSON, WARDEN*. C. A. 6th Cir. Application for stay of execution of sentence of death, presented to JUSTICE STEVENS, and by him referred to the Court, denied. Certiorari denied. Reported below: 402 F. 3d 718.

Rehearing Denied

No. 03–1293. *WHITFIELD v. UNITED STATES*, 543 U.S. 209;

No. 03–1294. *HALL v. UNITED STATES*, 543 U.S. 209;

No. 03–9505. *TAYLOR v. UNITED STATES*, 541 U.S. 1005;

No. 04–384. *SAWYER v. WORCESTER ET AL.*, 543 U.S. 1001;

No. 04–614. *KELLY v. ORANGE COUNTY, CALIFORNIA*, 543 U.S. 1053;

No. 04–767. *MOORE v. TENNESSEE DEPARTMENT OF CHILDREN’S SERVICES*, 543 U.S. 1056;

No. 04–5911. *AREVALO v. UNITED STATES*, 543 U.S. 913;

No. 04–5990. *WAYNE v. SANTA CLARA VALLEY TRANSPORTATION AUTHORITY*, 543 U.S. 1057;

No. 04–6228. *VONDETTE v. UNITED STATES*, 543 U.S. 1108;

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- No. 04-6688. FRANKS *v.* GEORGIA, 543 U. S. 1058;
No. 04-6703. HOWARD *v.* PERDUE, GOVERNOR OF GEORGIA, ET AL., 543 U. S. 1027;
No. 04-6841. BUGGAGE *v.* SHEEHAN PIPELINE CONSTRUCTION Co., 543 U. S. 1060;
No. 04-6854. SPIDLE *v.* MISSOURI, 543 U. S. 1060;
No. 04-6909. BRADLEY *v.* DRETKE, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION, 543 U. S. 1062;
No. 04-6950. ORTIZ-ROSAS *v.* UNITED STATES, 543 U. S. 1124;
No. 04-7018. TURNER *v.* VIRGINIA, 543 U. S. 1064;
No. 04-7044. EVERETT *v.* PENNSYLVANIA ET AL., 543 U. S. 1065;
No. 04-7320. SANTANA-MARTINEZ *v.* UNITED STATES, 543 U. S. 1073;
No. 04-7327. ZHANG *v.* CHARLES TOWN RACES & SLOTS ET AL., 543 U. S. 1074;
No. 04-7414. IN RE WASHINGTON, 543 U. S. 1119;
No. 04-7432. IN RE DOOSE, 543 U. S. 1048;
No. 04-7578. ALLEN *v.* UNITED STATES, 543 U. S. 1079;
No. 04-7651. ROYAL *v.* UNITED STATES, 543 U. S. 1094;
No. 04-7692. DORE *v.* UNITED STATES, 543 U. S. 1095;
No. 04-7721. DAWSON *v.* UNITED STATES, 543 U. S. 1128; and
No. 04-7800. JONES *v.* UNITED STATES, 543 U. S. 1130. Petitions for rehearing denied.

No. 04-5300. MCGEE *v.* McDONALD'S RESTAURANTS OF CALIFORNIA, INC., ET AL., 543 U. S. 892. Motion for leave to file petition for rehearing denied.

MARCH 8, 2005

Certiorari Denied

No. 04-7613 (04A606). HOPPER *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. JUSTICE STEVENS and JUSTICE GINSBURG would grant the application for stay of execution. Reported below: 106 Fed. Appx. 221.

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MARCH 10, 2005

Certiorari Denied

No. 04–8994 (04A769). *POWELL v. NORTH CAROLINA*. Sup. Ct. N. C. Application for stay of execution of sentence of death, presented to THE CHIEF JUSTICE, and by him referred to the Court, denied. Certiorari denied. Reported below: 359 N. C. 413, 612 S. E. 2d 130.

MARCH 14, 2005

Miscellaneous Order. (For the Court’s order approving revisions to the Rules of this Court, see *post*, p. 1072.)

MARCH 15, 2005

Miscellaneous Order

No. 04–9131 (04A790). *IN RE HALL*. Application for stay of execution of sentence of death, presented to JUSTICE THOMAS, and by him referred to the Court, denied. Petition for writ of habeas corpus denied.

Certiorari Denied

No. 04–9106 (04A787). *SLAUGHTER v. OKLAHOMA*. Ct. Crim. App. Okla. Application for stay of execution of sentence of death, presented to JUSTICE BREYER, and by him referred to the Court, denied. Certiorari denied. Reported below: 108 P. 3d 1052.

MARCH 17, 2005

Miscellaneous Order

No. 04A801. *SCHINDLER ET UX., INDIVIDUALLY AND AS NEXT FRIENDS OF SCHIAVO v. SCHIAVO, AS GUARDIAN OF SCHIAVO*. Dist. Ct. App. Fla., 2d Dist. Application for stay of enforcement of judgment pending the filing and disposition of petition for writ of certiorari, presented to JUSTICE KENNEDY, and by him referred to the Court, denied.

MARCH 18, 2005

Dismissal Under Rule 46

No. 04–1032. *BLACKWELL v. BEACON JOURNAL PUBLISHING CO., INC., ET AL.* C. A. 6th Cir. Certiorari dismissed under this Court’s Rule 46. Reported below: 389 F. 3d 683.

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Miscellaneous Orders

No. 04A811. COMMITTEE ON GOVERNMENT REFORM OF THE HOUSE OF REPRESENTATIVES *v.* SCHIAVO ET AL. Sup. Ct. Fla. Application for injunctive relief, presented to JUSTICE KENNEDY, and by him referred to the Court, denied.

No. 04–5928. MEDELLIN *v.* DRETKE, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. [Certiorari granted, 543 U. S. 1032.] Motion of the Acting Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted to be divided as follows: 30 minutes for petitioner; 20 minutes for respondent; and 10 minutes for the United States.

MARCH 21, 2005

Certiorari Granted—Vacated and Remanded

No. 03–8987. MENTEER *v.* UNITED STATES. C. A. 8th Cir. Motion of petitioner for leave to proceed *in forma pauperis* granted. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Shepard v. United States*, *ante*, p. 13. Reported below: 350 F. 3d 767.

No. 04–1064. FISH *v.* UNITED STATES. C. A. 7th Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *United States v. Booker*, 543 U. S. 220 (2005). Reported below: 388 F. 3d 284.

No. 04–6848. FARIS *v.* UNITED STATES. C. A. 4th Cir. Reported below: 107 Fed. Appx. 308;

No. 04–8295. PRUITT *v.* UNITED STATES. C. A. 5th Cir. Reported below: 119 Fed. Appx. 629;

No. 04–8479. BUFFINGTON *v.* UNITED STATES. C. A. 6th Cir.;

No. 04–8490. COATES *v.* UNITED STATES. C. A. 4th Cir. Reported below: 113 Fed. Appx. 520;

No. 04–8492. PEREZ *v.* UNITED STATES. C. A. 3d Cir. Reported below: 115 Fed. Appx. 586;

No. 04–8495. BRETON-PICHARDO *v.* UNITED STATES. C. A. 4th Cir. Reported below: 114 Fed. Appx. 577;

No. 04–8507. MARANA *v.* UNITED STATES. C. A. 5th Cir. Reported below: 111 Fed. Appx. 761;

No. 04–8526. WILLIAMS *v.* UNITED STATES. C. A. 5th Cir. Reported below: 113 Fed. Appx. 620;

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No. 04–8529. *BERWICK v. UNITED STATES*. C. A. 2d Cir. Reported below: 107 Fed. Appx. 253;

No. 04–8537. *MACIAS-LUNA v. UNITED STATES*. C. A. 5th Cir. Reported below: 115 Fed. Appx. 233;

No. 04–8538. *LIZARRAGA-ORDUNO v. UNITED STATES*. C. A. 10th Cir. Reported below: 118 Fed. Appx. 439;

No. 04–8541. *STOKES v. UNITED STATES*. C. A. 1st Cir. Reported below: 388 F. 3d 21;

No. 04–8542. *SATTERFIELD v. UNITED STATES*. C. A. 4th Cir. Reported below: 114 Fed. Appx. 545;

No. 04–8550. *CIFUENTES-CAYCEDO v. UNITED STATES*. C. A. 5th Cir. Reported below: 111 Fed. Appx. 772;

No. 04–8585. *HANNA v. UNITED STATES*. C. A. 11th Cir. Reported below: 125 Fed. Appx. 270;

No. 04–8589. *GUTIERREZ-AGUINIGA v. UNITED STATES*. C. A. 10th Cir. Reported below: 101 Fed. Appx. 328;

No. 04–8591. *WEAKS v. UNITED STATES*. C. A. D. C. Cir. Reported below: 388 F. 3d 913;

No. 04–8599. *RICE v. UNITED STATES*. C. A. 4th Cir. Reported below: 85 Fed. Appx. 336;

No. 04–8601. *McTIZIC, AKA METIZIC v. UNITED STATES*. C. A. 5th Cir. Reported below: 111 Fed. Appx. 255;

No. 04–8604. *JACKSON v. UNITED STATES*. C. A. 5th Cir. Reported below: 390 F. 3d 393;

No. 04–8605. *MONTALVO-NUNEZ v. UNITED STATES*. C. A. 5th Cir. Reported below: 111 Fed. Appx. 779;

No. 04–8619. *GARCIA RAMIREZ v. UNITED STATES*. C. A. 5th Cir. Reported below: 116 Fed. Appx. 480;

No. 04–8629. *AUSTIN v. UNITED STATES*. C. A. 5th Cir. Reported below: 111 Fed. Appx. 783;

No. 04–8631. *PADILLA, AKA PADDILLA v. UNITED STATES*. C. A. 11th Cir. Reported below: 127 Fed. Appx. 471;

No. 04–8650. *McCRIMON v. UNITED STATES*. C. A. 11th Cir. Reported below: 125 Fed. Appx. 977;

No. 04–8652. *CARRILLO-BANUELOS v. UNITED STATES*. C. A. 5th Cir. Reported below: 112 Fed. Appx. 989; and

No. 04–8705. *GIGLIO v. UNITED STATES*. C. A. 11th Cir. Reported below: 112 Fed. Appx. 1. Motions of petitioners for leave to proceed *in forma pauperis* granted. Certiorari granted, judgments vacated, and cases remanded for further consideration in light of *United States v. Booker*, 543 U. S. 220 (2005).

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No. 04–6889. *KENNEDY v. TEXAS BOARD OF PARDONS AND PAROLES ET AL.* C. A. 5th Cir. Motion of petitioner for leave to proceed *in forma pauperis* granted. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Wilkinson v. Dotson*, *ante*, p. 74. Reported below: 111 Fed. Appx. 219.

No. 04–7702. *GONZALEZ v. JUSTICES OF THE MUNICIPAL COURT OF BOSTON ET AL.* C. A. 1st Cir. Motion of petitioner for leave to proceed *in forma pauperis* granted. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Smith v. Massachusetts*, 543 U. S. 462 (2005). Reported below: 382 F. 3d 1.

Certiorari Dismissed

No. 04–8218. *REED v. ARIZONA ET AL.* C. A. 9th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court’s Rule 39.8.

Miscellaneous Orders

No. D–2387. *IN RE DISBARMENT OF IFILL.* Disbarment entered. [For earlier order herein, see 543 U. S. 1045.]

No. D–2388. *IN RE DISBARMENT OF CULVER.* Disbarment entered. [For earlier order herein, see 543 U. S. 1045.]

No. D–2391. *IN RE DISBARMENT OF YOUNG.* Disbarment entered. [For earlier order herein, see 543 U. S. 1045.]

No. D–2392. *IN RE DISBARMENT OF WEBBER.* Disbarment entered. [For earlier order herein, see 543 U. S. 1045.]

No. D–2393. *IN RE DISBARMENT OF FRANKEL.* Disbarment entered. [For earlier order herein, see 543 U. S. 1045.]

No. D–2394. *IN RE DISBARMENT OF GOODMAN.* Disbarment entered. [For earlier order herein, see 543 U. S. 1046.]

No. D–2418. *IN RE GEORGE.* Donald Elias George, of Akron, Ohio, having requested to resign as a member of the Bar of this Court, it is ordered that his name be stricken from the roll of attorneys permitted to the practice of law before this Court. The rule to show cause, issued on February 22, 2005 [543 U. S. 1142], is discharged.

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No. 04M58. CURTO *v.* ROTH ET AL.; and

No. 04M59. BRENDA S. *v.* ST. VINCENT'S SERVICES. Motions to direct the Clerk to file petitions for writs of certiorari out of time denied.

No. 04-7160. IN RE BLEDSOE. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [543 U.S. 1048] denied.

No. 04-7296. RUIZ RIVERA *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 1st Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [543 U.S. 1048] denied.

No. 04-7297. RUIZ RIVERA *v.* KPMG PEAT MARWICK ET AL. C. A. 1st Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [543 U.S. 1118] denied.

No. 04-7317. CARNOHAN *v.* NEWCOMB. Sup. Ct. Cal. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [543 U.S. 1118] denied.

No. 04-8116. S. C. ET VIR *v.* R. Y. ET UX. Sup. Ct. Miss. Motion of petitioners for leave to proceed *in forma pauperis* denied. Petitioners are allowed until April 11, 2005, 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. 04-1119. IN RE BORELLI; and

No. 04-8807. IN RE WHEELER. Petitions for writs of habeas corpus denied.

Certiorari Denied

No. 04-38. MILLER *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 104 Fed. Appx. 150.

No. 04-544. LEWIS, WARDEN, ET AL. *v.* CHIA. C. A. 9th Cir. Certiorari denied. Reported below: 360 F. 3d 997.

No. 04-559. BAYER AG ET AL. *v.* PAUL. C. A. 11th Cir. Certiorari denied.

No. 04-670. ALERU *v.* GONZALES, ATTORNEY GENERAL. C. A. 8th Cir. Certiorari denied. Reported below: 103 Fed. Appx. 62.

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No. 04-692. *CHANEY v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 101 Fed. Appx. 160.

No. 04-716. *POWERS ET AL. v. HARRIS ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 379 F. 3d 1208.

No. 04-763. *BAXTER INTERNATIONAL INC. ET AL. v. ASHER ET AL.*; and

No. 04-926. *BROWN ET AL. v. BAXTER INTERNATIONAL INC. ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 377 F. 3d 727.

No. 04-784. *ALLEN ET AL. v. CORRECTIONS CORPORATION OF AMERICA ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 380 F. 3d 989.

No. 04-788. *FRYE ET AL. v. TARWATER ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 375 F. 3d 785.

No. 04-793. *CAUGHT-ON-BLEU, INC. v. ANHEUSER-BUSCH, INC.* C. A. 1st Cir. Certiorari denied. Reported below: 105 Fed. Appx. 285.

No. 04-807. *SEILS ET AL. v. ROCHESTER CITY SCHOOL DISTRICT ET AL.*; *BLISS v. ROCHESTER CITY SCHOOL DISTRICT*; *MURPHY v. ROCHESTER CITY SCHOOL DISTRICT*; and *COONS v. ROCHESTER CITY SCHOOL DISTRICT*. C. A. 2d Cir. Certiorari denied. Reported below: 99 Fed. Appx. 350 (first judgment); 100 Fed. Appx. 854 (fourth judgment); 103 Fed. Appx. 421 (second judgment); 106 Fed. Appx. 746 (third judgment).

No. 04-816. *PHILIP MORRIS INC. v. HENLEY*. Ct. App. Cal., 1st App. Dist. Certiorari denied. Reported below: 114 Cal. App. 4th 1429, 9 Cal. Rptr. 3d 29.

No. 04-830. *FEDERAL KEMPER LIFE ASSURANCE CO. v. BERRY, INDIVIDUALLY AND ON BEHALF OF ALL OTHERS SIMILARLY SITUATED*. Ct. App. N. M. Certiorari denied. Reported below: 136 N. M. 454, 99 P. 3d 1166.

No. 04-833. *OLD LINE LIFE INSURANCE COMPANY OF AMERICA v. ENFIELD, INDIVIDUALLY AND ON BEHALF OF ALL OTHERS SIMILARLY SITUATED*. Ct. App. N. M. Certiorari denied. Reported below: 136 N. M. 398, 98 P. 3d 1048.

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No. 04-855. *DONOHUE ET AL. v. HOEY ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 109 Fed. Appx. 340.

No. 04-896. *DESMYTHER v. BOUCHARD, WARDEN.* C. A. 6th Cir. Certiorari denied. Reported below: 108 Fed. Appx. 364.

No. 04-912. *LAUCK v. ILLINOIS.* App. Ct. Ill., 5th Dist. Certiorari denied. Reported below: 346 Ill. App. 3d 1196, 866 N. E. 2d 720.

No. 04-917. *CARR v. CITY OF CISCO, TEXAS, ET AL.* Ct. App. Tex., 11th Dist. Certiorari denied. Reported below: 161 S.W. 3d 522.

No. 04-918. *NADER ET AL. v. CONNOR, SECRETARY OF STATE OF TEXAS.* C. A. 5th Cir. Certiorari denied. Reported below: 388 F. 3d 137.

No. 04-919. *PEACH v. ULTRAMAR DIAMOND SHAMROCK ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 109 Fed. Appx. 711.

No. 04-920. *SILVAS v. REMINGTON OIL & GAS CORP.* C. A. 5th Cir. Certiorari denied. Reported below: 109 Fed. Appx. 676.

No. 04-930. *NWOKE v. JONES.* App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 348 Ill. App. 3d 1084, 868 N. E. 2d 1098.

No. 04-932. *MENDONCA v. SUPREME JUDICIAL COURT OF MASSACHUSETTS ET AL.* C. A. 1st Cir. Certiorari denied.

No. 04-933. *TINGLEY ET AL. v. CITY OF GRAND RAPIDS, MICHIGAN, ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 107 Fed. Appx. 510.

No. 04-934. *ADAMS v. CONTINENTAL AIRLINES, INC., ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 94 Fed. Appx. 968.

No. 04-938. *MILLENDER v. ADAMS.* C. A. 6th Cir. Certiorari denied. Reported below: 376 F. 3d 520.

No. 04-941. *HURDLE v. BOARD OF EDUCATION OF THE CITY OF NEW YORK ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 113 Fed. Appx. 423.

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No. 04-942. *JOSHI v. ST. LUKE'S PRESBYTERIAN-EPISCOPALIAN HOSPITAL, INC., ET AL.* Ct. App. Mo. Certiorari denied. Reported below: 142 S. W. 3d 862.

No. 04-945. *BRONCO WINE CO. ET AL. v. JOLLY, DIRECTOR, CALIFORNIA DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL, ET AL.* Sup. Ct. Cal. Certiorari denied. Reported below: 33 Cal. 4th 943, 95 P. 3d 422.

No. 04-950. *CITY OF MOBILE, ALABAMA v. HORNE ET AL.* Sup. Ct. Miss. Certiorari denied. Reported below: 897 So. 2d 972.

No. 04-953. *WABEKE v. MULDER ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 103 Fed. Appx. 566.

No. 04-957. *BOULANGER v. DUNKIN' DONUTS INC.* Sup. Jud. Ct. Mass. Certiorari denied. Reported below: 442 Mass. 635, 815 N. E. 2d 572.

No. 04-962. *MORRIS v. TEXAS.* Ct. App. Tex., 8th Dist. Certiorari denied.

No. 04-963. *MOBILE AREA WATER AND SEWER SYSTEM, BOARD OF WATER AND SEWER COMMISSIONERS OF THE CITY OF MOBILE, ALABAMA v. HORNE ET AL.* Sup. Ct. Miss. Certiorari denied. Reported below: 897 So. 2d 972.

No. 04-965. *GRINE ET AL. v. COOMBS, EXECUTOR OF THE ESTATE OF COOMBS, DECEASED, ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 98 Fed. Appx. 178.

No. 04-966. *BRADSHAW ET AL. v. WASHINGTON.* Sup. Ct. Wash. Certiorari denied. Reported below: 152 Wash. 2d 528, 98 P. 3d 1190.

No. 04-968. *CHARLOTTE COUNTY, FLORIDA v. ARMSTRONG.* C. A. 11th Cir. Certiorari denied. Reported below: 116 Fed. Appx. 244.

No. 04-970. *RODRIGUEZ v. ANSETT AUSTRALIA, LTD., ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 383 F. 3d 914.

No. 04-974. *SPRINGER v. SUPREME COURT OF THE UNITED STATES.* C. A. D. C. Cir. Certiorari denied.

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No. 04-988. *GRIFFIN ET AL. v. ROUPAS ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 385 F. 3d 1128.

No. 04-997. *CHAMBERLAIN GROUP, INC. v. SKYLINK TECHNOLOGIES, INC.* C. A. Fed. Cir. Certiorari denied. Reported below: 381 F. 3d 1178.

No. 04-1006. *BAKOWSKI v. KURIMAI ET AL.* C. A. 2d Cir. Certiorari denied.

No. 04-1022. *COBURN ET AL. v. CIRCUIT COURT OF MISSISSIPPI, WINSTON COUNTY.* Sup. Ct. Miss. Certiorari denied.

No. 04-1026. *CRISP ET UX. v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 100 Fed. Appx. 638.

No. 04-1027. *DEARMOND, INDIVIDUALLY AND AS ADMINISTRATOR OF THE ESTATE OF DEARMOND, ET AL. v. SOUTHWIRE CO.* C. A. 6th Cir. Certiorari denied. Reported below: 109 Fed. Appx. 722.

No. 04-1030. *KONAN v. VIRGINIA STATE BAR.* Sup. Ct. Va. Certiorari denied.

No. 04-1035. *RUBIN v. PRINGLE, CHAPTER 7 TRUSTEE.* C. A. 9th Cir. Certiorari denied. Reported below: 387 F. 3d 1077.

No. 04-1083. *STIREWALT v. UNITED STATES.* C. A. Armed Forces. Certiorari denied. Reported below: 60 M. J. 297.

No. 04-1093. *O'HARA v. UNITED STATES.* C. A. 7th Cir. Certiorari denied.

No. 04-1111. *GABALDON v. UNITED STATES.* C. A. 10th Cir. Certiorari denied. Reported below: 389 F. 3d 1090.

No. 04-5077. *SANTOS v. UNITED STATES.* C. A. 1st Cir. Certiorari denied. Reported below: 363 F. 3d 19.

No. 04-5453. *SALGADO-RODRIGUEZ v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 95 Fed. Appx. 603.

No. 04-5858. *FRANKLIN v. UNITED STATES.* C. A. 11th Cir. Certiorari denied. Reported below: 104 Fed. Appx. 150.

No. 04-6831. *MEYER v. DRETKE, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVI-*

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SION. C. A. 5th Cir. Certiorari denied. Reported below: 104 Fed. Appx. 956.

No. 04-7253. *KINCADE v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 379 F. 3d 813.

No. 04-7293. *PUCKETT v. MISSISSIPPI*. Sup. Ct. Miss. Certiorari denied. Reported below: 879 So. 2d 920.

No. 04-7553. *JOHNSON v. CARROLL, WARDEN, ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 369 F. 3d 253.

No. 04-8004. *SAMPSON v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 385 F. 3d 183.

No. 04-8013. *HERNANDEZ v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied.

No. 04-8036. *CHESTER v. LAMARQUE, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 04-8038. *COREY v. REICH ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 103 Fed. Appx. 753.

No. 04-8040. *DORROUGH v. SULLIVAN, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 04-8043. *DECKER v. DRETKE, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied. Reported below: 100 Fed. Appx. 266.

No. 04-8046. *CADMAN v. JOHANSEN, JUDGE, SEVENTH DISTRICT JUVENILE COURT OF UTAH, ET AL.* C. A. 10th Cir. Certiorari denied.

No. 04-8047. *DOCKERAY v. PRICE ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 109 Fed. Appx. 693.

No. 04-8048. *EPPERSON v. DELAWARE*. Sup. Ct. Del. Certiorari denied. Reported below: 858 A. 2d 960.

No. 04-8050. *LEVINE v. NEW JERSEY DEPARTMENT OF LAW & PUBLIC SAFETY ET AL.* C. A. 3d Cir. Certiorari denied.

No. 04-8053. *SIDES v. CITY OF CHAMPAIGN, ILLINOIS*. App. Ct. Ill., 4th Dist. Certiorari denied. Reported below: 349 Ill. App. 3d 293, 810 N. E. 2d 287.

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No. 04–8055. *WALKER v. ALABAMA*. Ct. Crim. App. Ala. Certiorari denied. Reported below: 919 So. 2d 1235.

No. 04–8063. *ELDER v. TEXAS*. Ct. App. Tex., 2d Dist. Certiorari denied. Reported below: 132 S. W. 3d 20.

No. 04–8066. *SOWELL v. BRADSHAW, WARDEN*. C. A. 6th Cir. Certiorari denied. Reported below: 372 F. 3d 821.

No. 04–8068. *NEGRON v. HENDRICKS, ADMINISTRATOR, NEW JERSEY STATE PRISON, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 04–8072. *JOHNSON v. CAIN, WARDEN*. C. A. 5th Cir. Certiorari denied.

No. 04–8076. *MOXLEY v. BENNETT, SUPERINTENDENT, ELMIRA CORRECTIONAL FACILITY*. C. A. 2d Cir. Certiorari denied.

No. 04–8079. *ALEXANDER v. GEIER ET AL.* C. A. 7th Cir. Certiorari denied.

No. 04–8080. *BELL v. MISSISSIPPI*. Ct. App. Miss. Certiorari denied. Reported below: 886 So. 2d 739.

No. 04–8081. *BRYANT v. FLORIDA*. Dist. Ct. App. Fla., 3d Dist. Certiorari denied. Reported below: 886 So. 2d 251.

No. 04–8087. *MULE' v. LOUISIANA*. Sup. Ct. La. Certiorari denied. Reported below: 888 So. 2d 222.

No. 04–8088. *MOORE v. MORRIS, HEAD OF OPERATIONS, ATOKA HIGHWAY & MAINTENANCE, ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 116 Fed. Appx. 203.

No. 04–8091. *CROSS v. DRETKE, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 04–8093. *CASSIDY v. TEXAS*. Ct. App. Tex., 3d Dist. Certiorari denied. Reported below: 149 S. W. 3d 712.

No. 04–8095. *DUDLEY v. MISSISSIPPI*. Sup. Ct. Miss. Certiorari denied.

No. 04–8096. *ERWIN v. SMITH, SHERIFF, SMITH COUNTY, TEXAS, ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 103 Fed. Appx. 854.

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No. 04–8098. *SMITH v. YARBOROUGH, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 04–8100. *MCDERMOTT v. MISSOURI DEPARTMENT OF CORRECTIONS.* Ct. App. Mo. Certiorari denied. Reported below: 147 S. W. 3d 766.

No. 04–8102. *WOLVERTON v. OREGON.* Ct. App. Ore. Certiorari denied.

No. 04–8103. *WILLIAMS v. HELLING, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 116 Fed. Appx. 68.

No. 04–8108. *JOHNSON v. MCBRIDE, SUPERINTENDENT, MAXIMUM CONTROL FACILITY.* C. A. 7th Cir. Certiorari denied. Reported below: 381 F. 3d 587.

No. 04–8112. *JOSEY v. TEXAS DEPARTMENT OF PUBLIC SAFETY ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 101 Fed. Appx. 9.

No. 04–8121. *HOFFER v. DAIMLERCHRYSLER CORP.* Ct. App. Mich. Certiorari denied.

No. 04–8125. *FRANKLIN v. CITY OF TAMPA, FLORIDA, ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 116 Fed. Appx. 252.

No. 04–8126. *GADDIS v. LOUISIANA.* Ct. App. La., 2d Cir. Certiorari denied. Reported below: 839 So. 2d 1258.

No. 04–8127. *LEWIS v. SMITH, SHERIFF, BELL COUNTY, TEXAS, ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 107 Fed. Appx. 429.

No. 04–8129. *BERTSCH v. SCHRIRO, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 04–8131. *BUGGS v. FLORIDA.* Dist. Ct. App. Fla., 5th Dist. Certiorari denied. Reported below: 884 So. 2d 42.

No. 04–8133. *MARTEL v. RATELLE, WARDEN.* C. A. 9th Cir. Certiorari denied.

No. 04–8134. *KING v. KENTUCKY.* Sup. Ct. Ky. Certiorari denied. Reported below: 142 S. W. 3d 645.

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No. 04-8135. *CASTRO CHAVEZ v. GIURBINO, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 04-8136. *CRANE v. SAMPLES ET AL.* Ct. App. Ga. Certiorari denied. Reported below: 267 Ga. App. 895, 600 S. E. 2d 624.

No. 04-8137. *COLIDA v. KYOCERA WIRELESS CORP.* C. A. Fed. Cir. Certiorari denied. Reported below: 116 Fed. Appx. 282.

No. 04-8138. *DUNN v. BOYETTE*. C. A. 4th Cir. Certiorari denied. Reported below: 112 Fed. Appx. 295.

No. 04-8140. *KAMSAN SUON v. CAREY, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 04-8142. *HARDY v. VASBINDER, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 04-8143. *HENDERSON v. REDDISH, WARDEN*. Super. Ct. Wayne County, Ga. Certiorari denied.

No. 04-8145. *HUGHES v. HURLEY, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 04-8152. *WILLIAMS v. TEXAS*. Ct. App. Tex., 3d Dist. Certiorari denied.

No. 04-8153. *WATERS v. TENNESSEE*. Ct. Crim. App. Tenn. Certiorari denied.

No. 04-8154. *WILLIAMS v. SHERRY, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 04-8158. *CRANE v. DARNELL ET AL.* Ct. App. Ga. Certiorari denied. Reported below: 268 Ga. App. 311, 601 S. E. 2d 726.

No. 04-8161. *STRONG v. PENNSYLVANIA*. Super. Ct. Pa. Certiorari denied. Reported below: 825 A. 2d 658.

No. 04-8163. *RIVERA v. CROSBY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied.

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No. 04–8164. *LETIZIA v. BURGE*, SUPERINTENDENT, AUBURN CORRECTIONAL FACILITY. C. A. 2d Cir. Certiorari denied.

No. 04–8168. *MYERS v. MILLER-STOUT*, SUPERINTENDENT, AIRWAY HEIGHTS CORRECTIONS CENTER. C. A. 9th Cir. Certiorari denied. Reported below: 117 Fed. Appx. 542.

No. 04–8172. *HICKS v. STRAUB*, WARDEN. C. A. 6th Cir. Certiorari denied. Reported below: 377 F. 3d 538.

No. 04–8175. *DANIELS v. DELAWARE*. Sup. Ct. Del. Certiorari denied. Reported below: 859 A. 2d 1008.

No. 04–8176. *MS. S. v. VASHON ISLAND SCHOOL DISTRICT ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 337 F. 3d 1115.

No. 04–8182. *KELLY ET AL. v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 64 Fed. Appx. 361.

No. 04–8183. *GORMAN v. MAINE*. Sup. Jud. Ct. Me. Certiorari denied. Reported below: 854 A. 2d 1164.

No. 04–8186. *SHAFFER v. OHIO*. Ct. App. Ohio, Cuyahoga County. Certiorari denied.

No. 04–8188. *SEDGWICK v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. Reported below: 109 Fed. Appx. 436.

No. 04–8190. *CARTY v. PHILLIPS*, SUPERINTENDENT, GREEN HAVEN CORRECTIONAL FACILITY. C. A. 2d Cir. Certiorari denied.

No. 04–8191. *ARRIOLA v. PLILER*, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 114 Fed. Appx. 879.

No. 04–8192. *CANNON v. MULLIN*, WARDEN. C. A. 10th Cir. Certiorari denied. Reported below: 383 F. 3d 1152.

No. 04–8193. *ANAGAW v. GONZALES*, ATTORNEY GENERAL. C. A. 9th Cir. Certiorari denied. Reported below: 114 Fed. Appx. 926.

No. 04–8194. *BROOKS v. DRETKE*, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

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No. 04-8195. *BRYANT v. WOODFORD, DIRECTOR, CALIFORNIA DEPARTMENT OF CORRECTIONS*. C. A. 9th Cir. Certiorari denied.

No. 04-8196. *BELTON v. KEMPKER ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 107 Fed. Appx. 17.

No. 04-8199. *WILDIN v. THOMPSON*. C. A. 9th Cir. Certiorari denied. Reported below: 110 Fed. Appx. 845.

No. 04-8200. *THINH TRAN v. LOUISIANA*. Sup. Ct. La. Certiorari denied. Reported below: 888 So. 2d 226.

No. 04-8213. *LLOYD v. HICKMAN, WARDEN*. C. A. 9th Cir. Certiorari denied. Reported below: 111 Fed. Appx. 514.

No. 04-8220. *SMITH v. CROSBY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS*. C. A. 11th Cir. Certiorari denied.

No. 04-8222. *NORTON v. TENNESSEE*. Ct. Crim. App. Tenn. Certiorari denied.

No. 04-8242. *OLDHAM v. DELAWARE*. Sup. Ct. Del. Certiorari denied.

No. 04-8254. *J. D. v. VIRGINIA*. Sup. Ct. Va. Certiorari denied.

No. 04-8258. *PULFORD v. CALIFORNIA*. Ct. App. Cal., 3d App. Dist. Certiorari denied.

No. 04-8265. *BARBER v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 348 Ill. App. 3d 1085, 868 N. E. 2d 1098.

No. 04-8267. *AMES v. FLORIDA*. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 886 So. 2d 228.

No. 04-8268. *ABBOTT v. BLADES, WARDEN*. Sup. Ct. Idaho. Certiorari denied.

No. 04-8269. *BOLDT v. BOLDT*. Sup. Ct. Ore. Certiorari denied.

No. 04-8270. *ALBERT v. MINNEAPOLIS PUBLIC HOUSING AUTHORITY*. Sup. Ct. Minn. Certiorari denied.

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No. 04-8276. *DOMINGUE v. BARNHART, COMMISSIONER OF SOCIAL SECURITY*. C. A. 5th Cir. Certiorari denied. Reported below: 388 F. 3d 462.

No. 04-8280. *MCCORD v. FLORIDA*. Dist. Ct. App. Fla., 5th Dist. Certiorari denied. Reported below: 892 So. 2d 1055.

No. 04-8284. *LEACH v. OHIO*. Ct. App. Ohio, Cuyahoga County. Certiorari denied.

No. 04-8286. *WOOTEN v. PARKER, WARDEN*. C. A. 6th Cir. Certiorari denied. Reported below: 112 Fed. Appx. 492.

No. 04-8290. *BOSCH v. KANSAS*. Ct. App. Kan. Certiorari denied. Reported below: 32 Kan. App. 2d xix, 91 P. 3d 1254.

No. 04-8314. *DAGLEY v. MASSACHUSETTS*. Sup. Jud. Ct. Mass. Certiorari denied. Reported below: 442 Mass. 713, 816 N. E. 2d 527.

No. 04-8329. *HULL v. CITY OF SANTA FE, NEW MEXICO*. C. A. 10th Cir. Certiorari denied. Reported below: 113 Fed. Appx. 301.

No. 04-8335. *UNCAPHER v. MICHIGAN*. Ct. App. Mich. Certiorari denied.

No. 04-8338. *GILCREAST v. OHIO*. Ct. App. Ohio, Summit County. Certiorari denied.

No. 04-8352. *RUCKER v. KYLER, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT HUNTINGDON, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 04-8361. *CHAMBERLAIN v. FLORIDA*. Sup. Ct. Fla. Certiorari denied. Reported below: 881 So. 2d 1087.

No. 04-8363. *MASSEY v. GAMMON, SUPERINTENDENT, MOBERLY CORRECTIONAL CENTER*. C. A. 8th Cir. Certiorari denied.

No. 04-8367. *MORALES v. CROSBY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 04-8370. *JONES v. CITY OF LOS ANGELES DEPARTMENT OF HOUSING*. C. A. 9th Cir. Certiorari denied.

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No. 04-8372. *JONES v. BURGE*, SUPERINTENDENT, AUBURN CORRECTIONAL FACILITY. C. A. 2d Cir. Certiorari denied.

No. 04-8376. *BAZE v. PARKER*, WARDEN. C. A. 6th Cir. Certiorari denied. Reported below: 371 F. 3d 310.

No. 04-8378. *CUNNINGHAM v. OREGON*. Sup. Ct. Ore. Certiorari denied. Reported below: 337 Ore. 528, 99 P. 3d 271.

No. 04-8379. *SOTO v. KENTUCKY*. Sup. Ct. Ky. Certiorari denied. Reported below: 139 S. W. 3d 827.

No. 04-8385. *MOUSSAOUI v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 382 F. 3d 453.

No. 04-8390. *SALGADO v. GARCIA*, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 384 F. 3d 769.

No. 04-8391. *YOUNG v. FLORIDA*. Sup. Ct. Fla. Certiorari denied. Reported below: 888 So. 2d 625.

No. 04-8408. *ROWLAND v. CROSBY*, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Certiorari denied.

No. 04-8410. *JEEN YOUNG HAN v. CALIFORNIA*. Ct. App. Cal., 4th App. Dist., Div. 3. Certiorari denied.

No. 04-8416. *FISHER v. GAMMON*, SUPERINTENDENT, MOBERLY CORRECTIONAL CENTER. C. A. 8th Cir. Certiorari denied.

No. 04-8417. *FARR v. TENNESSEE*. Ct. Crim. App. Tenn. Certiorari denied.

No. 04-8418. *HENRY v. GONZALES*, ATTORNEY GENERAL, ET AL. C. A. 7th Cir. Certiorari denied.

No. 04-8419. *GRIMES v. FOWLER ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 102 Fed. Appx. 807.

No. 04-8426. *MATTIS v. DEPARTMENT OF JUSTICE ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 114 Fed. Appx. 567.

No. 04-8430. *NUNEZ SANCHEZ v. GARCIA*, WARDEN. C. A. 9th Cir. Certiorari denied.

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No. 04-8432. *MONIRUZZAMAN v. GONZALES*, ATTORNEY GENERAL. C. A. 2d Cir. Certiorari denied.

No. 04-8435. *DONALDSON v. CENTRAL MICHIGAN UNIVERSITY ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 109 Fed. Appx. 15.

No. 04-8436. *DONALDSON v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. Reported below: 109 Fed. Appx. 37.

No. 04-8443. *POTTS v. OREGON.* C. A. 9th Cir. Certiorari denied.

No. 04-8444. *MCGLEACHIE v. MISSISSIPPI.* Sup. Ct. Miss. Certiorari denied.

No. 04-8450. *STEVENSON v. LEWIS, WARDEN.* C. A. 9th Cir. Certiorari denied. Reported below: 116 Fed. Appx. 814.

No. 04-8466. *ROGERS v. HELLENBRAND ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 118 Fed. Appx. 80.

No. 04-8467. *ROWELL v. NEVADA.* Sup. Ct. Nev. Certiorari denied. Reported below: 120 Nev. 1280, 131 P. 3d 636.

No. 04-8481. *BRYANT v. FLORIDA.* Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 883 So. 2d 280.

No. 04-8483. *BROWN v. DIGUGLIELMO*, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT GRATERFORD, ET AL. C. A. 3d Cir. Certiorari denied.

No. 04-8500. *DURHAM v. BRUCE, WARDEN.* C. A. 10th Cir. Certiorari denied. Reported below: 117 Fed. Appx. 37.

No. 04-8512. *TOMEI v. DEPARTMENT OF EDUCATION.* C. A. Fed. Cir. Certiorari denied. Reported below: 113 Fed. Appx. 920.

No. 04-8524. *SANTANA v. NEVADA.* Sup. Ct. Nev. Certiorari denied. Reported below: 120 Nev. 1281, 131 P. 3d 637.

No. 04-8532. *BROWN v. BUSH*, PRESIDENT OF THE UNITED STATES, ET AL. C. A. D. C. Cir. Certiorari denied. Reported below: 111 Fed. Appx. 614.

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No. 04-8533. *BERGER v. NORRIS*, DIRECTOR, ARKANSAS DEPARTMENT OF CORRECTION. C. A. 8th Cir. Certiorari denied.

No. 04-8544. *WALKER v. BARNHART*, COMMISSIONER OF SOCIAL SECURITY, ET AL. C. A. 9th Cir. Certiorari denied.

No. 04-8560. *ROGERS v. SUTTON*, SUPERINTENDENT, PASQUOTANK CORRECTIONAL INSTITUTION. C. A. 4th Cir. Certiorari denied. Reported below: 113 Fed. Appx. 569.

No. 04-8564. *MANLEY v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 04-8567. *ADAMS v. NORTH CAROLINA*. Gen. Ct. Justice, Super. Ct. Div., Forsyth County, N. C. Certiorari denied.

No. 04-8575. *BRADLEY v. SHANNON*, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT FRACKVILLE, ET AL. C. A. 3d Cir. Certiorari denied.

No. 04-8582. *GRAY v. POTTER*, POSTMASTER GENERAL. C. A. 7th Cir. Certiorari denied. Reported below: 115 Fed. Appx. 891.

No. 04-8583. *HUYNH v. BOWEN*, WARDEN. C. A. 7th Cir. Certiorari denied. Reported below: 374 F. 3d 546.

No. 04-8584. *HUGS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 384 F. 3d 762.

No. 04-8586. *HAMMER v. TRENDL*. C. A. 2d Cir. Certiorari denied.

No. 04-8592. *PARCHMENT v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 04-8593. *NULL v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 04-8594. *NEAL v. LAPPIN*, DIRECTOR, FEDERAL BUREAU OF PRISONS, ET AL. C. A. 5th Cir. Certiorari denied.

No. 04-8595. *SANCHES MONTES v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 116 Fed. Appx. 105.

No. 04-8597. *SAITTA v. MARYLAND DEPARTMENT OF HEALTH AND MENTAL HYGIENE*. Ct. Sp. App. Md. Certiorari denied. Reported below: 158 Md. App. 721, 728.

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No. 04–8600. *SANTIAGO v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 110 Fed. Appx. 161.

No. 04–8602. *MORGAN v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

No. 04–8603. *JEFFRIES v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 102 Fed. Appx. 490.

No. 04–8607. *IACULLO v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 04–8609. *IVEY v. DEPARTMENT OF THE TREASURY*. C. A. Fed. Cir. Certiorari denied. Reported below: 107 Fed. Appx. 918.

No. 04–8616. *MCDUGLE v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 82 Fed. Appx. 153.

No. 04–8622. *WOODARD v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 105 Fed. Appx. 533.

No. 04–8625. *REED v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 04–8627. *SEDGWICK v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 04–8634. *MARTINEZ-PARAMO v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 380 F. 3d 799.

No. 04–8636. *CHUNG v. JUDICIAL COUNCIL OF CALIFORNIA*. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 04–8645. *DEUTSCH v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 04–8647. *PRIDGEN v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 102 Fed. Appx. 292.

No. 04–8653. *COLEMAN v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 108 Fed. Appx. 821.

No. 04–8658. *JACKSON v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 104 Fed. Appx. 341.

No. 04–8663. *MULLANE v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 123 Fed. Appx. 877.

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No. 04–8665. *ALLEN v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 04–8668. *BOTELLO v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 118 Fed. Appx. 783.

No. 04–8672. *BLACK v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 125 Fed. Appx. 976.

No. 04–8683. *TALLEY v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 113 Fed. Appx. 543.

No. 04–8691. *CARTER v. GONZALES, ATTORNEY GENERAL, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 114 Fed. Appx. 566.

No. 04–8693. *CORTEZ MARTIN v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 103 Fed. Appx. 582.

No. 04–8699. *ARNOLD v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 103 Fed. Appx. 763.

No. 04–8700. *ALTSCHUL v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 116 Fed. Appx. 482.

No. 04–8706. *TURNER v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 389 F. 3d 111.

No. 04–8712. *CURTO v. CORNELL UNIVERSITY COLLEGE OF VETERINARY MEDICINE ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 87 Fed. Appx. 788.

No. 04–8718. *ORTIZ-GONZALEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 115 Fed. Appx. 696.

No. 04–8723. *MADDOX v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 388 F. 3d 1356.

No. 04–8727. *DAVIS v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

No. 04–8731. *HARDY v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 04–8733. *HAZEL v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 102 Fed. Appx. 357.

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No. 04–8741. SCHOMAKER *v.* NALLEY, WARDEN. C. A. 2d Cir. Certiorari denied. Reported below: 104 Fed. Appx. 763.

No. 04–8752. CAMPBELL *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. Reported below: 108 Fed. Appx. 1.

No. 04–8753. SHERRILL *v.* COMMANDANT, UNITED STATES DISCIPLINARY BARRACKS, ET AL. C. A. 10th Cir. Certiorari denied. Reported below: 118 Fed. Appx. 384.

No. 04–8756. SMITH *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 04–8767. VELA-SALINAS *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 115 Fed. Appx. 238.

No. 04–8772. LANE *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 114 Fed. Appx. 543.

No. 04–8774. MILLNER *v.* UNITED STATES. Ct. App. D. C. Certiorari denied. Reported below: 868 A. 2d 886.

No. 04–8777. EARNEST *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 116 Fed. Appx. 538.

No. 04–8779. LEVY *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 103 Fed. Appx. 828.

No. 04–8785. BURGIN *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 388 F. 3d 177.

No. 04–8786. BROWN *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 104 Fed. Appx. 334.

No. 04–8828. ANDREWS *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 113 Fed. Appx. 524.

No. 04–8829. ANTRIM *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. Reported below: 389 F. 3d 276.

No. 04–386. BELL, WARDEN *v.* QUINTERO. C. A. 6th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 368 F. 3d 892.

JUSTICE THOMAS, with whom THE CHIEF JUSTICE joins, dissenting.

In this case, the Court of Appeals for the Sixth Circuit held that respondent Derrick Quintero was entitled to federal habeas

relief from his state-court conviction for escaping from prison. Because the Court of Appeals failed to follow this Court's decision in *Bell v. Cone*, 535 U.S. 685 (2002), I would grant the warden's petition for certiorari and reverse.

Respondent was convicted in Kentucky state court of escaping from prison with two other inmates. The jury to which the Commonwealth tried him included seven members who had served on a jury that had convicted one of the other escapees, Billy Hall. Respondent's trial counsel represented Hall at Hall's trial, which was held on October 16, 1989. Final Brief for Petitioner/Appellee in No. 99-6724 (CA6), p. 7.

Respondent was tried almost two months later, on December 11, together with the other escapee, James Blanton. Respondent and Blanton both admitted their factual guilt; their only defense was that the escape was a necessary "choice of evils," because they were in imminent danger of physical harm while in prison. Pet. for Cert. 5. The trial judge rejected that defense as a matter of law and declined to submit it to the jury. Respondent did not object to the composition of the jury on the ground that it contained jurors who had participated in Hall's trial and therefore, as a matter of state law, forfeited any claim of error based on that ground.

Respondent sought federal habeas relief, claiming that the trial had infringed his constitutional right to an impartial jury. Respondent argued that his counsel's failure to object to the composition of the jury was ineffective assistance of counsel, thereby excusing his forfeiture of the jury-bias claim. The Court of Appeals agreed and excused the procedural default, holding that counsel's failure to object constituted *per se* ineffective assistance of counsel under *United States v. Cronic*, 466 U.S. 648 (1984). *Quintero v. Bell*, 256 F.3d 409, 413-415 (CA6 2001). *Cronic* established that certain failings of counsel justify a *per se* presumption of ineffectiveness, see 466 U.S., at 658-659, notwithstanding the general rule that to demonstrate ineffectiveness, a defendant must show that his counsel's performance was both deficient and prejudicial, see *Strickland v. Washington*, 466 U.S. 668, 687 (1984).

The Court of Appeals did not claim that counsel's failure to object to the composition of the jury fell into one of the three categories of error that *Cronic* recognized. See *Cone*, *supra*, at 695-696 (discussing *Cronic*'s three categories). Instead, it rea-

sioned that *Cronic* applied because the biased jury was a “structural error” exempt from harmless-error analysis, depriving the trial of “its character as a confrontation between adversaries.” *Quintero, supra*, at 415 (quoting *Cronic, supra*, at 657). Reaching the merits, the Court of Appeals held that the state-court trial had violated respondent’s constitutional right to an impartial jury, and affirmed the District Court’s decision to grant respondent a conditional writ of habeas corpus. *Quintero, supra*, at 412–413, 416.

We granted the warden’s petition for certiorari, vacated the Court of Appeals’ judgment, and remanded the case in light of *Bell v. Cone, supra*. *Bell v. Quintero*, 535 U. S. 1109 (2002). In *Cone*, we reversed a Sixth Circuit decision that had misapplied *Cronic*. *Cone* involved a habeas petitioner who had been convicted of capital murder and sentenced to death. At the penalty phase of petitioner’s trial, petitioner’s lawyer called the jury’s attention to mitigating evidence that had been presented to it during the guilt phase of the trial, showing petitioner’s disturbed mental state and drug addiction. 535 U. S., at 691. Nevertheless, the Court of Appeals concluded that counsel had failed to subject the case to “‘meaningful adversarial testing’” at the penalty phase—one of the three recognized examples of *Cronic* error, see 535 U. S., at 695–696—because counsel had failed to present additional mitigating evidence, and because counsel had waived final argument. *Cone v. Bell*, 243 F. 3d 961, 979 (2001) (quoting *Cronic, supra*, at 656). We reversed, reasoning:

“When we spoke in *Cronic* of the possibility of presuming prejudice based on an attorney’s failure to test the prosecutor’s case, we indicated that the attorney’s failure must be complete. We said ‘if counsel *entirely* fails to subject the prosecution’s case to meaningful adversarial testing.’ *Cronic, supra*, at 659 (emphasis added). Here, respondent’s argument is not that his counsel failed to oppose the prosecution throughout the sentencing proceeding as a whole, but that his counsel failed to do so at specific points. For purposes of distinguishing between the rule of *Strickland* and that of *Cronic*, this difference is not of degree but of kind.” 535 U. S., at 696–697.

After we vacated and remanded its judgment in light of *Cone*, the Court of Appeals in the decision below again held that re-

spondent's attorney had committed *Cronic* error. It reasoned that "counsel's acquiescence in allowing seven jurors who had convicted [respondent's] co-conspirators to sit in judgment of his case surely amounted to an abandonment of 'meaningful adversarial testing' *throughout* the proceeding," and therefore was *per se* ineffective assistance of counsel under *Cronic*. 368 F. 3d 892, 893 (CA6 2004) (quoting *Cronic*, *supra*, at 659; emphasis in original). For this reason, the Court of Appeals found the present case distinguishable from *Cone*, once again excused respondent's procedural default, and reinstated its previous opinion and judgment. 368 F. 3d, at 893.

The Court of Appeals committed the same error we corrected in *Cone*. It held that respondent's counsel failed to subject his case to meaningful adversarial testing. Yet our decision in *Cone* makes clear that for a court to "presum[e] prejudice based on an attorney's failure to test the prosecutor's case, . . . the attorney's failure must be complete." 535 U.S., at 697; accord, *Florida v. Nixon*, 543 U.S. 175, 190 (2004); *French v. Jones*, 332 F. 3d 430, 439 (CA6 2003). Here, counsel's failure was far from complete. Respondent's attorney extensively questioned the veniremen for prior knowledge and bias, put on a necessity defense, cross-examined the Commonwealth's witnesses, made numerous motions and objections, and delivered a closing statement.* As in

*See *Quintero v. Bell*, 256 F. 3d 409, 411 (CA6 2001); State Tr. of Evidence 8 (objecting to respondent's shackling); *id.*, at 11–12 (objecting to respondent's prison clothing); *id.*, at 15–16 (moving for recusal of the prosecutor); *id.*, at 18–20 (moving for individual *voir dire* of the veniremen to avoid taint from pretrial publicity); *id.*, at 29–31, 40 (asking veniremen whether they could be impartial, notwithstanding pretrial publicity surrounding the case); *id.*, at 30 (asking that venireman be excused because she expressed bias); *id.*, at 33 (asking if any of the veniremen had seen respondent before); *id.*, at 34–35 (requesting that venireman be excused because she was related to a prosecutor); *id.*, at 36 (moving for a mistrial because many of the veniremen had heard about the escape incident); *id.*, at 37–38 (asking that veniremen be excused because they had prior knowledge of the escape); *id.*, at 39 (asking veniremen if they were related to the prosecutors); *id.*, at 41–42 (moving to dismiss venireman affected by the escape); *id.*, at 43 (asking veniremen if they were related to law enforcement personnel); *id.*, at 51–54, 69–73, 76–78 (cross-examining witnesses); *id.*, at 79, 83–84 (calling respondent to the stand and examining him); *id.*, at 96, 99–100 (calling respondent's codefendant to the stand and examining him); *id.*, at 110–111 (conducting redirect examination of respondent's codefendant); *id.*, at 112–114 (calling a prison medical technician to the stand and examining her); *id.*, at 116 (re-

Cone, “respondent’s argument is not that his counsel failed to oppose the prosecution throughout the [case] as a whole, but that his counsel failed to do so at specific points”—namely, at the specific point of jury selection. 535 U. S., at 697. The notion that this discrete error amounts to a complete failure of meaningful adversarial testing is flatly inconsistent with *Cone*’s analysis, though it does resemble the reasoning of the lone *Cone* dissenter. See *id.*, at 716–717 (opinion of STEVENS, J.) (concluding that when an error “concern[s] ‘points’ that encompass all of counsel’s fundamental duties at a capital sentencing proceeding . . . counsel *has* failed ‘entirely’” (emphasis in original)).

The Court of Appeals’ holding also rests on a confusion—the idea that the presence of a structural error, by itself, is necessarily related to counsel’s deficient performance and warrants a presumption of prejudice. The *Cronic* presumption is based on the notion that certain “circumstances . . . are so likely to prejudice the accused that the cost of litigating their effect in a particular case is unjustified.” 466 U. S., at 658. Those exceptional circumstances encompass instances in which counsel’s poor performance caused the defendant prejudice, not any prejudicial circumstance whatsoever. See *Cone, supra*, at 695–696 (enumerating examples of *Cronic* error, all involving circumstances related to whether counsel’s assistance was ineffective). Yet there is no close correlation between counsel’s performance and whether a trial was infected with structural error, much less one so close as to justify a presumption that counsel was ineffective. For example, even competent counsel may fail to object to a biased trial judge or to the exclusion of grand jurors on the basis of the defendant’s race. The structural nature of these defects, see *Tumey v. Ohio*, 273 U. S. 510, 535 (1927); *Vasquez v. Hillery*, 474 U. S. 254, 262 (1986), says only that a serious error infected the trial, not that the error resulted from counsel’s ineffective assistance.

The Court of Appeals’ reasoning equally would apply even if counsel’s failure to object to the biased jurors were blameless and the quality of his assistance high. See *Quintero*, 256 F. 3d, at 415. Even a competent defense lawyer may not have known that the jurors had served previously, for example, if the veniremen

questing jury instruction on necessity defense); *id.*, at 118–125 (closing statement); *id.*, at 131 (moving for partial dismissal of the indictment); *id.*, at 146–147 (closing statement at penalty phase).

were not forthcoming at *voir dire*. It is no answer to say that it is obvious that counsel in this case *should* have objected to the composition of the jury; the whole point of the *Cronic* presumption is to presume ineffectiveness *without* inquiring on a case-by-case, error-by-error basis into the wisdom of counsel's actual performance (and any resulting prejudice) under *Strickland*. The fact that respondent had a potentially biased jury may well be a serious trial error. But it is not an error that warrants the *per se* conclusion that his counsel was constitutionally ineffective.

It is also far from clear on the present record that counsel's failure to object to the biased nature of the jury was blameworthy. The Court of Appeals based its holding that counsel was ineffective on the implicit supposition that he knew that the seven jurors had previously served, yet failed to object to their presence. *Quintero*, *supra*, at 415. That assumption is not clearly correct. Almost two months elapsed between the trial of respondent's coescapee, Billy Hall, and respondent's trial. Respondent's counsel was a public defender, and in the shuffle of a heavy caseload may well have forgotten the names and faces of the seven jurors who had served previously. Moreover, counsel extensively questioned the veniremen about possible bias, asked that veniremen be disqualified because they had prior knowledge of the case, and moved for a mistrial on the ground that the entire jury was tainted by pretrial publicity. See *supra*, at 939–940, n. Counsel's concern with these sources of jury bias is hard to square with the hypothesis that he knew that seven members of respondent's jury had served on Hall's jury, yet ignored such an obvious source of jury bias. In any event, counsel's performance may well have been deficient, but this lingering factual uncertainty illustrates the danger of presuming—over a decade after the fact and based on nothing more than a federal appellate court's reading of the cold record—that counsel's failure to object was *per se* constitutionally ineffective.

* * *

The Court of Appeals' decision is one of three Sixth Circuit judgments that we vacated and remanded in light of *Cone*. See *Quintero*, 535 U. S. 1109; *Mason v. Mitchell*, 536 U. S. 901 (2002); *Jones v. French*, 535 U. S. 1109 (2002). In all three, the Sixth Circuit reinstated its previous opinion and again ordered the writs granted. See 368 F. 3d, at 893 (case below); *Mitchell v. Mason*,

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325 F. 3d 732, 742–744 (2003) (again finding *Cronic* error); *French v. Jones*, 332 F. 3d, at 436–439 (same). In *Cone* itself, the Sixth Circuit reinstated its order affirming the grant of the writ, albeit on grounds independent of *Cronic*. See *Cone v. Bell*, 359 F. 3d 785, 799 (2004). These decisions were all dubious applications of this Court’s precedents. See *Bell v. Cone*, 543 U. S. 447, 459–460 (2005) (*per curiam*) (summarily reversing); *Mitchell*, 325 F. 3d, at 748–749 (Carr, J., dissenting); Pet. for Cert. in *Jones v. French*, O. T. 2003, No. 03–522. The Court’s decision to deny the warden’s petition in the present case, of course, says nothing about whether the Court of Appeals’ reasoning was correct. See, e. g., *Foster v. Florida*, 537 U. S. 990 (2002) (opinion of STEVENS, J., respecting denial of certiorari). But in view of this series of questionable applications of our precedent, especially of our first *Cone* opinion, I would correct the Court of Appeals’ latest error. I therefore respectfully dissent.

No. 04–787. *QUALCHOICE, INC. v. ROWLAND*. C. A. 6th Cir. Motion of Trover Solutions for leave to file a brief as *amicus curiae* granted. Certiorari denied. Reported below: 367 F. 3d 638.

No. 04–828. *EVANS ET AL. v. STEPHENS ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 387 F. 3d 1220.

JUSTICE STEVENS, respecting the denial of certiorari.

On several occasions in the past, I have found it appropriate to emphasize the fact that a denial of certiorari is not a ruling on the merits of any issue raised by the petition.¹ This is a case that raises significant constitutional questions regarding the President’s intrasession appointment of Judge William H. Pryor, Jr., to the Court of Appeals for the Eleventh Circuit, which occurred

¹See, e. g., *Equality Foundation of Greater Cincinnati, Inc. v. Cincinnati*, 525 U. S. 943 (1998) (opinion of STEVENS, J., respecting denial of certiorari); *Brown v. Texas*, 522 U. S. 940, 942 (1997) (same); *Barber v. Tennessee*, 513 U. S. 1184 (1995) (same); cf. *Darr v. Burford*, 339 U. S. 200, 227 (1950) (Frankfurter, J., dissenting) (“Nothing is more basic to the functioning of this Court than an understanding that denial of certiorari is occasioned by a variety of reasons which precludes the implication that were the case here the merits would go against the petitioner”); *Maryland v. Baltimore Radio Show*, 338 U. S. 912, 917–918 (1950) (opinion of Frankfurter, J., respecting denial of certiorari).

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during the 11-day President's Day break between February 12 and 23, 2004.² However, this is also a case in which, as the Government has urged in its response, there are valid prudential concerns supporting the decision to deny certiorari. Those considerations include the fact that the particular type of appointment in question is "the first such appointment of an Article III judge" in nearly a half century,³ that petitioners seek review of an interlocutory order,⁴ and the fact that the Court of Appeals did "not view the question of the constitutionality of Judge Pryor's appointment as affecting jurisdiction."⁵ Moreover, the court's citation to our decision in *Freytag v. Commissioner*, 501 U. S. 868 (1991), suggests that it viewed Judge Pryor's participation in the decision of otherwise properly constituted three-judge panels as irrelevant to those panels' power to enter a valid judgment. See 387 F. 3d 1220, 1222, n. 1 (CA11 2004) (en banc).

I agree that there are legitimate prudential reasons for denying certiorari in this somewhat unusual case. That being said, it would be a mistake to assume that our disposition of this petition constitutes a decision on the merits of whether the President has the constitutional authority to fill future Article III vacancies, such as vacancies on this Court, with appointments made absent consent of the Senate during short intrasession "recesses."

No. 04-935. *SOUTH CAROLINA v. MICHAEL H.* Sup. Ct. S. C. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 360 S. C. 540, 602 S. E. 2d 729.

No. 04-937. *SOUTH CAROLINA v. VON DOHLEN.* Sup. Ct. S. C. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 360 S. C. 598, 602 S. E. 2d 738.

No. 04-8638. *IN SOO CHUN v. BUSH, FORMER PRESIDENT OF THE UNITED STATES, ET AL.* C. A. 9th Cir. Certiorari before judgment denied.

²The Court of Appeals, sitting en banc, held that Judge Pryor's appointment was consistent with the Recess Appointments Clause of Article II of the Constitution. See 387 F. 3d 1220 (CA11 2004).

³Brief in Opposition 10.

⁴*Id.*, at 6.

⁵387 F. 3d, at 1222, n. 1 (noting that our decision in *Nguyen v. United States*, 539 U. S. 69 (2003), was not a jurisdictional holding).

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Rehearing Denied

- No. 03-9560. HOWELL, AKA COX *v.* MISSISSIPPI, 542 U. S. 936;
No. 04-394. BELL, WARDEN *v.* CONE, 543 U. S. 447;
No. 04-619. WEIL *v.* UNITED STATES, 543 U. S. 1022;
No. 04-655. URBAN *v.* HURLEY, 543 U. S. 1089;
No. 04-671. VANGUILDER *v.* UNITED STATES, 543 U. S. 1055;
No. 04-733. GRAVES *v.* SCHROEDER, CHIEF JUDGE, UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT, ET AL.; and GRAVES *v.* FEES ET AL., 543 U. S. 1056;
No. 04-5616. IN RE TWILLEY, 543 U. S. 923;
No. 04-6158. CHAVEZ *v.* UNITED STATES, 543 U. S. 1123;
No. 04-6325. WHITE *v.* MORGAN, SUPERINTENDENT, WASHINGTON STATE PENITENTIARY, 543 U. S. 991;
No. 04-6366. DOUGLAS *v.* UNITED STATES, 543 U. S. 1109;
No. 04-6837. SOLESBEE *v.* UNITED STATES, 543 U. S. 1111;
No. 04-6856. IN RE BARKCLAY, 543 U. S. 1048;
No. 04-6876. SANWICK *v.* UTAH, 543 U. S. 1061;
No. 04-6897. WALLACE *v.* PLILER, WARDEN, 543 U. S. 1062;
No. 04-6902. HILL *v.* MIAMI-DADE COUNTY MAYOR ET AL., 543 U. S. 1062;
No. 04-6917. IN RE MEASE, 543 U. S. 1048;
No. 04-6918. IN RE BARKCLAY, 543 U. S. 1048;
No. 04-6926. TOWNSEND *v.* LAFLE, WARDEN, 543 U. S. 1062;
No. 04-6954. IN RE BARKCLAY, 543 U. S. 1048;
No. 04-7023. IN RE BARKCLAY, 543 U. S. 1048;
No. 04-7024. IN RE BARKCLAY, 543 U. S. 1048;
No. 04-7085. SCHRADER *v.* BARNHART, COMMISSIONER OF SOCIAL SECURITY, 543 U. S. 1066;
No. 04-7152. VALENTINE *v.* CARRIER CORP., 543 U. S. 1069;
No. 04-7163. IN RE BARKCLAY, 543 U. S. 1048;
No. 04-7200. IN RE BARKCLAY, 543 U. S. 1048;
No. 04-7214. IN RE BARKCLAY, 543 U. S. 1088;
No. 04-7215. IN RE BARKCLAY, 543 U. S. 1088;
No. 04-7216. IN RE BARKCLAY, 543 U. S. 1088;
No. 04-7218. IN RE BARKCLAY, 543 U. S. 1088;
No. 04-7275. IN RE FISH, 543 U. S. 1088;
No. 04-7406. BEGORDIS *v.* MINNESOTA, 543 U. S. 1126;
No. 04-7412. WILLIAMS *v.* WYNDER, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT DALLAS, ET AL., 543 U. S. 1127;
No. 04-7505. WILLIAMS *v.* UNITED STATES, 543 U. S. 1078;

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No. 04–7526. *BANSAL v. IMMIGRATION AND NATURALIZATION SERVICE ET AL.*, 543 U. S. 1127;

No. 04–7529. *DIAZ v. UNITED STATES*, 543 U. S. 1079;

No. 04–7559. *CASSANO v. UNGER, SUPERINTENDENT, LIVINGSTON CORRECTIONAL FACILITY*, 543 U. S. 1094;

No. 04–7581. *IN RE FIGUEROA*, 543 U. S. 1048;

No. 04–7696. *HADDAD v. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION*, 543 U. S. 1128;

No. 04–7776. *AJAN v. UNITED STATES*, 543 U. S. 1129;

No. 04–7777. *STAFFORD v. UNITED STATES*, 543 U. S. 1129;

No. 04–7811. *ESCOVAR-MADRID, AKA VALAZGUEZ v. UNITED STATES*, 543 U. S. 1130;

No. 04–7819. *MARTINEZ-CARRILLO v. UNITED STATES*, 543 U. S. 1130; and

No. 04–7838. *DAVIS v. UNITED STATES*, 543 U. S. 1131. Petitions for rehearing denied.

No. 03–10346. *WALKER, AKA SMITH v. UNITED STATES*, 542 U. S. 914. Motion for leave to file petition for rehearing denied.

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Miscellaneous Order

No. 04A825. *SCHIAVO EX REL. SCHINDLER ET UX. v. SCHIAVO ET AL.* C. A. 11th Cir. Application for stay of enforcement of judgment pending the filing and disposition of a petition for writ of certiorari, presented to JUSTICE KENNEDY, and by him referred to the Court, denied.

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Certiorari Granted—Vacated and Remanded

No. 03–1503. *BROWN, WARDEN v. BELMONTES.* C. A. 9th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Brown v. Payton*, *ante*, p. 133. Reported below: 350 F. 3d 861.

No. 04–711. *KOONIN v. UNITED STATES.* C. A. 9th Cir. Reported below: 361 F. 3d 1250;

No. 04–858. *GRASSO v. UNITED STATES.* C. A. 3d Cir. Reported below: 381 F. 3d 160; and

No. 04–1086. *ROBINSON v. UNITED STATES.* C. A. 6th Cir. Reported below: 116 Fed. Appx. 646. Certiorari granted, judg-

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ments vacated, and cases remanded for further consideration in light of *United States v. Booker*, 543 U. S. 220 (2005).

No. 04-7231. *BILLINGSLEA v. UNITED STATES*. C. A. 11th Cir.;

No. 04-8657. *JOYNER v. UNITED STATES*. C. A. 6th Cir. Reported below: 105 Fed. Appx. 811;

No. 04-8659. *SCOTT v. UNITED STATES*. C. A. 5th Cir. Reported below: 112 Fed. Appx. 965;

No. 04-8667. *ALCORN v. UNITED STATES*. C. A. 9th Cir. Reported below: 116 Fed. Appx. 119;

No. 04-8670. *ALVARADO v. UNITED STATES*. C. A. 5th Cir. Reported below: 111 Fed. Appx. 311;

No. 04-8678. *NAVA RIVAS v. UNITED STATES*. C. A. 9th Cir. Reported below: 111 Fed. Appx. 505;

No. 04-8686. *VAZQUEZ-MOLINA v. UNITED STATES*. C. A. 1st Cir. Reported below: 389 F. 3d 54;

No. 04-8709. *MCGUIRE v. UNITED STATES*. C. A. 1st Cir. Reported below: 389 F. 3d 225;

No. 04-8713. *GARCIA v. UNITED STATES*. C. A. 5th Cir. Reported below: 112 Fed. Appx. 991;

No. 04-8714. *HELTON v. UNITED STATES*. C. A. 5th Cir. Reported below: 115 Fed. Appx. 687;

No. 04-8715. *GOMEZ-MORALES v. UNITED STATES*. C. A. 5th Cir. Reported below: 117 Fed. Appx. 334;

No. 04-8722. *LOWRY v. UNITED STATES*. C. A. 4th Cir. Reported below: 116 Fed. Appx. 446;

No. 04-8724. *MADRAZO-CONSTANTE v. UNITED STATES*. C. A. 5th Cir. Reported below: 111 Fed. Appx. 283;

No. 04-8726. *BAUTISTA-SANCHEZ v. UNITED STATES*. C. A. 5th Cir. Reported below: 116 Fed. Appx. 512;

No. 04-8728. *CHAPPELL v. UNITED STATES*. C. A. 5th Cir. Reported below: 113 Fed. Appx. 643;

No. 04-8732. *HOLLYWOOD v. UNITED STATES*. C. A. 5th Cir. Reported below: 117 Fed. Appx. 905;

No. 04-8744. *VITELA v. UNITED STATES*. C. A. 5th Cir. Reported below: 112 Fed. Appx. 991;

No. 04-8751. *LARSON v. UNITED STATES*. C. A. 9th Cir. Reported below: 122 Fed. Appx. 301;

No. 04-8761. *BROWN v. UNITED STATES*. C. A. 5th Cir. Reported below: 101 Fed. Appx. 522;

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No. 04–8768. TRASVINA ALVAREZ *v.* UNITED STATES. C. A. 11th Cir. Reported below: 116 Fed. Appx. 863;

No. 04–8775. ELVE *v.* UNITED STATES. C. A. 6th Cir. Reported below: 115 Fed. Appx. 310; and

No. 04–8881. HICKS *v.* UNITED STATES. C. A. 6th Cir. Reported below: 110 Fed. Appx. 600. Motions of petitioners for leave to proceed *in forma pauperis* granted. Certiorari granted, judgments vacated, and cases remanded for further consideration in light of *United States v. Booker*, 543 U. S. 220 (2005).

Miscellaneous Orders

No. 04M60. D’AGOSTINO *v.* VER-A-FAST. Motion to direct the Clerk to file petition for writ of certiorari out of time denied.

No. 04–8205. HARVEY *v.* UNITED STATES. C. A. 9th Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [543 U. S. 1138] denied.

No. 04–1173. IN RE CAUSEY; and

No. 04–9003. IN RE JONES. Petitions for writs of habeas corpus denied.

No. 04–8260. IN RE BELL-OUTLAW. Petition for writ of mandamus and/or prohibition denied.

Certiorari Granted

No. 04–980. BROWN, WARDEN *v.* SANDERS. C. A. 9th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari granted limited to Questions 1 and 3 presented by the petition. Reported below: 373 F. 3d 1054.

Certiorari Denied

No. 03–10261. LEGRAND *v.* LOUISIANA. Sup. Ct. La. Certiorari denied. Reported below: 864 So. 2d 89.

No. 04–280. KEBEDE *v.* GONZALES, ATTORNEY GENERAL. C. A. 4th Cir. Certiorari denied. Reported below: 97 Fed. Appx. 454.

No. 04–693. FRANKLIN SAVINGS CORP. ET AL. *v.* UNITED STATES. C. A. Fed. Cir. Certiorari denied. Reported below: 97 Fed. Appx. 331.

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No. 04-694. *CHOMIC, PERSONAL REPRESENTATIVE OF THE ESTATE OF GORJUP, DECEASED v. UNITED STATES ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 377 F. 3d 607.

No. 04-703. *WASDEN, ATTORNEY GENERAL OF IDAHO, ET AL. v. PLANNED PARENTHOOD OF IDAHO, INC., ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 376 F. 3d 908.

No. 04-714. *TRIPLE A FIRE PROTECTION, INC. v. NATIONAL LABOR RELATIONS BOARD.* C. A. 11th Cir. Certiorari denied.

No. 04-806. *ARKANSAS v. JOLLY.* Sup. Ct. Ark. Certiorari denied. Reported below: 358 Ark. 180, 189 S. W. 3d 40.

No. 04-822. *AMMEX, INC. v. UNITED STATES ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 367 F. 3d 530.

No. 04-835. *AG ROUTE SEVEN PARTNERSHIP ET AL. v. UNITED STATES.* C. A. Fed. Cir. Certiorari denied. Reported below: 104 Fed. Appx. 184.

No. 04-837. *TARVER v. BO-MAC CONTRACTORS, INC., ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 384 F. 3d 180.

No. 04-859. *SPEKEN ET UX. v. MOORE.* App. Div., Sup. Ct. N. Y., 1st Jud. Dept. Certiorari denied. Reported below: 6 App. Div. 3d 198, 773 N. Y. S. 2d 880.

No. 04-860. *AMMEX, INC. v. UNITED STATES.* C. A. Fed. Cir. Certiorari denied. Reported below: 384 F. 3d 1368.

No. 04-972. *SPIRKO v. BRADSHAW, WARDEN.* C. A. 6th Cir. Certiorari denied. Reported below: 368 F. 3d 603.

No. 04-976. *PPG INDUSTRIES, INC. v. NELSON, DBA JAMESTOWN GLASS SERVICE, ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 385 F. 3d 350.

No. 04-977. *PAM CAPITAL FUNDING, L. P., ET AL. v. NATIONAL GYPSUM Co. ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 113 Fed. Appx. 29.

No. 04-981. *TORO Co. v. WHITE CONSOLIDATED INDUSTRIES, INC., ET AL.* C. A. Fed. Cir. Certiorari denied. Reported below: 383 F. 3d 1326.

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No. 04-982. SELLENS ET UX. *v.* GROTH ET AL. Ct. App. Kan. Certiorari denied. Reported below: 32 Kan. App. 2d xxx, 94 P. 3d 737.

No. 04-984. BRIARPATCH LTD., L. P., ET AL. *v.* PHOENIX PICTURES, INC., ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 373 F. 3d 296.

No. 04-990. GENTHE *v.* QUEBECOR WORLD LINCOLN, INC. C. A. 8th Cir. Certiorari denied. Reported below: 383 F. 3d 713.

No. 04-993. HUNTINGTON RESTAURANTS GROUP, INC., ET AL. *v.* FRANCHISE HOLDING II, LLC. C. A. 9th Cir. Certiorari denied. Reported below: 375 F. 3d 922.

No. 04-999. VIRGINIA DEPARTMENT OF STATE POLICE *v.* WASHINGTON POST ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 386 F. 3d 567.

No. 04-1002. WILDER *v.* VILLAGE OF AMITYVILLE, NEW YORK, ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 111 Fed. Appx. 635.

No. 04-1017. UNITED STATES EX REL. DINGLE ET AL. *v.* BIO-PORT CORP. ET AL. C. A. 6th Cir. Certiorari denied. Reported below: 388 F. 3d 209.

No. 04-1051. POWERS *v.* LEIS, SHERIFF, HAMILTON COUNTY, OHIO, ET AL. C. A. 6th Cir. Certiorari denied. Reported below: 382 F. 3d 642.

No. 04-1076. DEYERBERG *v.* WOODWARD ET AL. Ct. Sp. App. Md. Certiorari denied.

No. 04-1078. ROBINSON ET AL. *v.* TEXAS AUTOMOBILE DEALERS ASSN. ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 387 F. 3d 416.

No. 04-1082. MANN *v.* CONNECTICUT. Sup. Ct. Conn. Certiorari denied. Reported below: 271 Conn. 300, 857 A. 2d 329.

No. 04-1090. PRATT *v.* WASHINGTON DEPARTMENT OF LABOR AND INDUSTRIES. Ct. App. Wash. Certiorari denied.

No. 04-1097. BRAVEHEART *v.* UNITED STATES. C. A. Fed. Cir. Certiorari denied. Reported below: 85 Fed. Appx. 771.

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No. 04-1109. *HOOK v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 10th Cir. Certiorari denied. Reported below: 103 Fed. Appx. 661.

No. 04-1122. *CYRUS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 103 Fed. Appx. 714.

No. 04-1125. *KLINE v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 112 Fed. Appx. 562.

No. 04-7326. *BILLIOT v. EPPS, COMMISSIONER, MISSISSIPPI DEPARTMENT OF CORRECTIONS*. C. A. 5th Cir. Certiorari denied. Reported below: 107 Fed. Appx. 385.

No. 04-7361. *ANDREWS v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 383 F. 3d 374.

No. 04-7452. *YORK v. TENNESSEE BOARD OF PROBATION AND PAROLE*. Ct. App. Tenn. Certiorari denied.

No. 04-7459. *BERRY v. MISSISSIPPI*. Sup. Ct. Miss. Certiorari denied. Reported below: 882 So. 2d 157.

No. 04-7521. *SANCHEZ-PARRA ET AL. v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 108 Fed. Appx. 895.

No. 04-7609. *WYATT v. OREGON*. Sup. Ct. Ore. Certiorari denied.

No. 04-7718. *ALLEY v. TENNESSEE*. Ct. Crim. App. Tenn. Certiorari denied.

No. 04-7775. *DELGADO-GARCIA ET AL. v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. Reported below: 374 F. 3d 1337.

No. 04-7807. *ESCAMILLA v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied. Reported below: 143 S. W. 3d 814.

No. 04-8181. *LOTT v. OKLAHOMA*. Ct. Crim. App. Okla. Certiorari denied. Reported below: 98 P. 3d 318.

No. 04-8219. *SCALES v. DRETKE, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied. Reported below: 112 Fed. Appx. 964.

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No. 04–8221. *SCHERRER v. UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA*. C. A. 9th Cir. Certiorari denied.

No. 04–8225. *MESA v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 04–8230. *OBI v. TEXAS* (two judgments). Ct. Crim. App. Tex. Certiorari denied.

No. 04–8234. *WILLIAMS v. THOMSON CORP. ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 383 F. 3d 789.

No. 04–8235. *O’NEAL v. KRAMER, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 04–8236. *MITCHAM v. SCHRIRO, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS*. C. A. 9th Cir. Certiorari denied. Reported below: 103 Fed. Appx. 643.

No. 04–8239. *MONEY v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 04–8261. *AMKHANITSKY v. CTC REAL ESTATE SERVICES*. Ct. App. Cal., 4th App. Dist., Div. 1. Certiorari denied.

No. 04–8264. *ADAMS v. MOORE, SUPERINTENDENT, NORTHEAST CORRECTIONAL CENTER*. C. A. 8th Cir. Certiorari denied.

No. 04–8266. *BARRON-BACA v. SHOEMAKER, WARDEN, ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 118 Fed. Appx. 374.

No. 04–8281. *MALAN v. MALAN*. Ct. App. Ind. Certiorari denied. Reported below: 804 N. E. 2d 1283.

No. 04–8282. *SHELTON v. WILSON ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 103 Fed. Appx. 794.

No. 04–8283. *SOUTH v. DRETKE, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 04–8287. *WOLFE v. MAHLE; WOLFE v. SACRAMENTO COUNTY, CALIFORNIA, ET AL.*; and *WOLFE v. SACRAMENTO COUNTY BAR ASSN. ET AL.* Ct. App. Cal., 3d App. Dist. Certiorari denied.

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No. 04–8297. *OLIVEIRA v. FLORIDA*. Sup. Ct. Fla. Certiorari denied. Reported below: 890 So. 2d 1115.

No. 04–8302. *AHMED v. OHIO*. Sup. Ct. Ohio. Certiorari denied. Reported below: 103 Ohio St. 3d 27, 813 N. E. 2d 637.

No. 04–8317. *CONKLIN v. SCHOFIELD, WARDEN*. C. A. 11th Cir. Certiorari denied. Reported below: 366 F. 3d 1191.

No. 04–8330. *HIRACHETA v. LOCKYER, ATTORNEY GENERAL OF CALIFORNIA, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 105 Fed. Appx. 937.

No. 04–8331. *FLEMING v. CITY OF DETROIT, MICHIGAN, ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 107 Fed. Appx. 492.

No. 04–8340. *TURAY v. WASHINGTON*. Sup. Ct. Wash. Certiorari denied. Reported below: 153 Wash. 2d 44, 101 P. 3d 854.

No. 04–8341. *VERA v. UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA*. C. A. 9th Cir. Certiorari denied.

No. 04–8342. *THOMAS v. TEXAS*. Ct. App. Tex., 12th Dist. Certiorari denied.

No. 04–8343. *VALDIVIA v. OROSCO ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 105 Fed. Appx. 251.

No. 04–8344. *TURNER v. RUNNELS, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 04–8345. *WILKIN v. KEMNA, SUPERINTENDENT, CROSS-ROADS CORRECTIONAL FACILITY, ET AL.* C. A. 8th Cir. Certiorari denied.

No. 04–8346. *TILLMAN v. SCHOFIELD, WARDEN*. C. A. 11th Cir. Certiorari denied.

No. 04–8349. *WILSON v. SUPERIOR COURT OF CALIFORNIA, PIMA COUNTY, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 103 Fed. Appx. 285.

No. 04–8353. *PARKER v. DRETKE, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

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No. 04-8358. *BERRY v. KLEM*, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT MAHANAY. C. A. 3d Cir. Certiorari denied.

No. 04-8364. *MURRAY v. THOMPSON*, WARDEN. C. A. D. C. Cir. Certiorari denied.

No. 04-8368. *MARLOW v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied. Reported below: 34 Cal. 4th 131, 96 P. 3d 126.

No. 04-8371. *CORDERO v. GORDON*, TRUSTEE, ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 85 Fed. Appx. 271.

No. 04-8373. *FOSTER v. CAIN*, WARDEN. C. A. 5th Cir. Certiorari denied.

No. 04-8392. *MURPHY v. CAREY*, WARDEN, ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 104 Fed. Appx. 648.

No. 04-8394. *PITTMAN v. KYLER*, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT HUNTINGDON, ET AL. C. A. 3d Cir. Certiorari denied.

No. 04-8395. *JACKSON v. ILLINOIS*. App. Ct. Ill., 3d Dist. Certiorari denied. Reported below: 349 Ill. App. 3d 1044, — N. E. 2d —.

No. 04-8397. *VORA v. CROWDER*. C. A. 3d Cir. Certiorari denied. Reported below: 95 Fed. Appx. 463.

No. 04-8399. *WILLIAMS v. BRADSHAW*, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 04-8405. *BURDSAL v. FARWELL*, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 04-8407. *CLARK v. CORRECTIONS CORPORATION OF AMERICA ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 113 Fed. Appx. 65.

No. 04-8411. *FOTI v. OHIO*. Ct. App. Ohio, Lake County. Certiorari denied.

No. 04-8438. *COUCH v. HERNANDEZ*, WARDEN. C. A. 9th Cir. Certiorari denied.

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No. 04–8453. *CYARS v. HOFBAUER, WARDEN*. C. A. 6th Cir. Certiorari denied. Reported below: 383 F. 3d 485.

No. 04–8487. *WILLOUGHBY v. CASON, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 04–8491. *CARROLL v. GIURBINO, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 04–8515. *CHRISTOPHER v. ESTEP, WARDEN, ET AL.* C. A. 10th Cir. Certiorari denied.

No. 04–8549. *ROLLINS v. SMITH ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 106 Fed. Appx. 513.

No. 04–8556. *ARTIGLIO v. MARSHALL, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 04–8590. *HELM v. ORTIZ, EXECUTIVE DIRECTOR, COLORADO DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 10th Cir. Certiorari denied.

No. 04–8598. *RAY v. LEWIS, WARDEN*. C. A. 9th Cir. Certiorari denied. Reported below: 116 Fed. Appx. 858.

No. 04–8617. *WALKER v. UNITED STATES DISTRICT COURT FOR THE DISTRICT OF DELAWARE ET AL.* C. A. 3d Cir. Certiorari denied.

No. 04–8654. *MATTHEWS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 112 Fed. Appx. 339.

No. 04–8704. *JIMENEZ v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 04–8735. *FARRAR v. BELLEQUE, SUPERINTENDENT, OREGON STATE PENITENTIARY*. C. A. 9th Cir. Certiorari denied. Reported below: 116 Fed. Appx. 811.

No. 04–8770. *WILLIAMS v. VIRGINIA*. Sup. Ct. Va. Certiorari denied.

No. 04–8792. *NYHUIS v. DEWALT, WARDEN*. C. A. 3d Cir. Certiorari denied. Reported below: 112 Fed. Appx. 866.

No. 04–8793. *SMITH v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

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No. 04–8796. *RAPP v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 04–8811. *TORRES v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 113 Fed. Appx. 844.

No. 04–8813. *PONDER v. FLORIDA*. Dist. Ct. App. Fla., 2d Dist. Certiorari denied. Reported below: 892 So. 2d 486.

No. 04–8819. *CLARK v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

No. 04–8826. *AHMED v. UNITED STATES*. Ct. App. D. C. Certiorari denied. Reported below: 848 A. 2d 616.

No. 04–8832. *SCOTT v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 04–8833. *MARTIN v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 333 F. 3d 819.

No. 04–8835. *MAYNIE v. OLSON, WARDEN*. C. A. 7th Cir. Certiorari denied.

No. 04–8852. *POLLENDER v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 389 F. 3d 869.

No. 04–8855. *SOBERANIS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 113 Fed. Appx. 778.

No. 04–8862. *COUCH v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 107 Fed. Appx. 348.

No. 04–8863. *YOUNG v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 125 Fed. Appx. 981.

No. 04–8868. *HENLEY v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 112 Fed. Appx. 726.

No. 04–8879. *GONZALEZ-QUINTANA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 114 Fed. Appx. 806.

No. 04–8891. *CARRASCO-MATEO v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 389 F. 3d 239.

No. 04–8894. *MACKIE v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 117 Fed. Appx. 860.

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No. 04–8902. SMITH *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 389 F. 3d 944.

No. 04–8905. RUPLEY ET AL. *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 106 Fed. Appx. 590.

No. 04–8908. ALEXANDER *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 04–8911. ARMOUR *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 112 Fed. Appx. 678.

No. 04–8917. OUTLER *v.* ANDERSON, WARDEN. C. A. 4th Cir. Certiorari denied. Reported below: 112 Fed. Appx. 284.

No. 04–8939. MOES *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied.

No. 04–686. GOMEZ *v.* AMOCO OIL Co. C. A. 11th Cir. Certiorari denied. JUSTICE BREYER took no part in the consideration or decision of this petition. Reported below: 379 F. 3d 1266.

No. 04–856. CITY OF EVANSTON, ILLINOIS *v.* FRANKLIN. C. A. 7th Cir. Motion of International Municipal Lawyers Association et al. for leave to file a brief as *amici curiae* granted. Certiorari denied. Reported below: 384 F. 3d 838.

No. 04–979. TROY PUBLISHING Co., INC., ET AL. *v.* NORTON ET AL. Sup. Ct. Pa. Motion of Associated Press et al. for leave to file a brief as *amici curiae* granted. Certiorari denied. Reported below: 580 Pa. 212, 860 A. 2d 48.

Rehearing Denied

No. 04–640. 1690 COBB L. L. C., DBA WATERPIPE WORLD, ET AL. *v.* CITY OF MARIETTA, GEORGIA, ET AL., 543 U. S. 1054;

No. 04–691. THOMPSON *v.* NATIONAL RAILROAD PASSENGER CORPORATION, 543 U. S. 1121;

No. 04–5943. HUBBARD *v.* UNITED STATES, 543 U. S. 1122;

No. 04–5976. MILLER *v.* UNITED STATES, 543 U. S. 1122;

No. 04–7139. CEASAR *v.* UNITED SERVICES AUTOMOBILE ASSN. ET AL., 543 U. S. 1068;

No. 04–7255. NIMMONS *v.* CROSBY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, 543 U. S. 1092;

No. 04–7336. GREEN *v.* JOHNSON, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS, 543 U. S. 1124;

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- No. 04-7339. *IVES v. OKLAHOMA*, 543 U. S. 1125;
No. 04-7372. *LEWIS v. UNITED STATES*, 543 U. S. 1075;
No. 04-7623. *BERT v. SNOW, SECRETARY OF THE TREASURY, ET AL.*, 543 U. S. 1094; and
No. 04-7649. *SPRINGMEIER v. UNITED STATES*, 543 U. S. 1094. Petitions for rehearing denied.
No. 03-6841. *ENIGWE v. UNITED STATES*, 540 U. S. 1024. Motion for leave to file petition for rehearing denied.

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Miscellaneous Order

No. 04A844. *SCHIAVO EX REL. SCHINDLER ET UX. v. SCHIAVO ET AL.* C. A. 11th Cir. Application for stay of enforcement of judgment pending the filing and disposition of a petition for writ of certiorari, presented to JUSTICE KENNEDY, and by him referred to the Court, denied.

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Certiorari Granted—Vacated and Remanded

No. 03-6245. *THOMPSON v. CROSBY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS.* C. A. 11th Cir. Reported below: 320 F. 3d 1228; and

No. 03-7339. *AKINS v. KENNEY, WARDEN.* C. A. 8th Cir. Reported below: 341 F. 3d 681. Motions of petitioners for leave to proceed *in forma pauperis* granted. Certiorari granted, judgments vacated, and cases remanded for further consideration in light of *Rhines v. Weber*, *ante*, p. 269.

No. 04-1. *BLAISDELL v. CITY OF ROCHESTER, NEW HAMPSHIRE.* C. A. 1st Cir.; and

No. 04-745. *HOLLOWAY v. ARKANSAS STATE BOARD OF ARCHITECTS ET AL.* C. A. 8th Cir. Reported below: 103 Fed. Appx. 76. Certiorari granted, judgments vacated, and cases remanded for further consideration in light of *Exxon Mobil Corp. v. Saudi Basic Industries Corp.*, *ante*, p. 280.

No. 04-955. *KAPL, INC., ET AL. v. MEACHAM ET AL.* C. A. 2d Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Smith v. City of Jackson*, *ante*, p. 228. Reported below: 381 F. 3d 56.

No. 04-1073. *BASHIR v. UNITED STATES.* C. A. 11th Cir. Reported below: 116 Fed. Appx. 241;

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No. 04–1116. *WAGNER v. UNITED STATES*. C. A. 2d Cir. Reported below: 103 Fed. Appx. 422; and

No. 04–1154. *GORE v. UNITED STATES*. C. A. 4th Cir. Reported below: 102 Fed. Appx. 292. Certiorari granted, judgments vacated, and cases remanded for further consideration in light of *United States v. Booker*, 543 U. S. 220 (2005).

No. 04–7913. *MITCHELL v. UNITED STATES*. C. A. 6th Cir. Reported below: 96 Fed. Appx. 994;

No. 04–8632. *PINARGOTE-RAMIREZ v. UNITED STATES*. C. A. 11th Cir. Reported below: 116 Fed. Appx. 246;

No. 04–8794. *SERRANO-PINERO v. UNITED STATES*. C. A. 11th Cir. Reported below: 125 Fed. Appx. 978;

No. 04–8812. *MILLER v. UNITED STATES*. C. A. 3d Cir. Reported below: 374 F. 3d 206;

No. 04–8814. *ALCANTARA v. UNITED STATES*. C. A. 11th Cir. Reported below: 125 Fed. Appx. 976;

No. 04–8817. *BEASLEY v. UNITED STATES*. C. A. 11th Cir. Reported below: 125 Fed. Appx. 976;

No. 04–8834. *KAETHER v. UNITED STATES*. C. A. 5th Cir. Reported below: 117 Fed. Appx. 914;

No. 04–8836. *MAZYCK v. UNITED STATES*. C. A. 4th Cir. Reported below: 111 Fed. Appx. 683;

No. 04–8839. *JACKSON v. UNITED STATES*. C. A. 5th Cir. Reported below: 114 Fed. Appx. 627;

No. 04–8870. *HIGGINBOTHAM v. UNITED STATES*. C. A. 5th Cir. Reported below: 113 Fed. Appx. 641;

No. 04–8871. *HORNE v. UNITED STATES*. C. A. 5th Cir. Reported below: 117 Fed. Appx. 327;

No. 04–8887. *MOORE v. UNITED STATES*. C. A. 5th Cir. Reported below: 114 Fed. Appx. 153;

No. 04–8893. *LOZANO-MORALES v. UNITED STATES*. C. A. 10th Cir. Reported below: 116 Fed. Appx. 236; and

No. 04–9021. *MALIK, AKA KHARA v. UNITED STATES*. C. A. 4th Cir. Reported below: 112 Fed. Appx. 894. Motions of petitioners for leave to proceed *in forma pauperis* granted. Certiorari granted, judgments vacated, and cases remanded for further consideration in light of *United States v. Booker*, 543 U. S. 220 (2005).

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Miscellaneous Orders

No. 04M61. *WEAVER v. UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS*. Motion to direct the Clerk to file petition for writ of certiorari out of time denied.

No. 03–1230. *AMERICAN TRUCKING ASSNS., INC., ET AL. v. MICHIGAN PUBLIC SERVICE COMMISSION ET AL.*; and

No. 03–1234. *MID-CON FREIGHT SYSTEMS, INC., ET AL. v. MICHIGAN PUBLIC SERVICE COMMISSION ET AL.* Ct. App. Mich. [Certiorari granted, 543 U.S. 1086 and 1096.] Motion of the Acting Solicitor General for leave to participate in oral argument as *amicus curiae* granted. Motion of petitioners to deconsolidate the cases or, in the alternative, for an enlargement of time for oral argument denied. Motions for divided argument granted to be divided as follows: 15 minutes for petitioners in No. 03–1230; 10 minutes for petitioners in No. 03–1234; 25 minutes for respondents; and 10 minutes for United States.

No. 03–1237. *MERCK KGAA v. INTEGRA LIFESCIENCES I, LTD., ET AL.* C. A. Fed. Cir. [Certiorari granted, 543 U.S. 1041.] Motion of the Acting Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 03–1693. *MCCREARY COUNTY, KENTUCKY, ET AL. v. AMERICAN CIVIL LIBERTIES UNION OF KENTUCKY ET AL.* C. A. 6th Cir. [Certiorari granted, 543 U.S. 924.] Motion of petitioners for leave to file a supplemental brief after argument granted.

No. 04–169. *GRAHAM COUNTY SOIL & WATER CONSERVATION DISTRICT ET AL. v. UNITED STATES EX REL. WILSON.* C. A. 4th Cir. [Certiorari granted, 543 U.S. 1042.] Motion of the Acting Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 04–514. *BELL, WARDEN v. THOMPSON.* C. A. 6th Cir. [Certiorari granted, 543 U.S. 1042.] Motion of respondent to allow Matthew M. Shors to argue *pro hac vice* granted.

No. 04–563. *MAYLE, WARDEN v. FELIX.* C. A. 9th Cir. [Certiorari granted, 543 U.S. 1042.] Motion of the Acting Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

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No. 04-603. GRABLE & SONS METAL PRODUCTS, INC. *v.* DARUE ENGINEERING & MANUFACTURING. C. A. 6th Cir. [Certiorari granted, 543 U.S. 1042.] Motion of the Acting Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted. Motion of Jerome Milulski et ux. for leave to participate in oral argument as *amici curiae* and for divided argument denied.

No. 04-9147. IN RE MCQUIRTER. Petition for writ of habeas corpus denied.

No. 04-1014. IN RE LEONICHEV ET AL.;

No. 04-1016. IN RE SCHLAGEL; and

No. 04-8449. IN RE CARY. Petitions for writs of mandamus denied.

No. 04-8633. IN RE NIMMONS. Petition for writ of prohibition denied.

Certiorari Granted

No. 04-885. CENTRAL VIRGINIA COMMUNITY COLLEGE ET AL. *v.* KATZ, LIQUIDATING SUPERVISOR FOR WALLACE'S BOOKSTORES, INC. C. A. 6th Cir. Certiorari granted. Reported below: 106 Fed. Appx. 341.

Certiorari Denied

No. 03-1628. GEORGE MASON UNIVERSITY *v.* LITMAN. C. A. 4th Cir. Certiorari denied. Reported below: 92 Fed. Appx. 41.

No. 04-451. DEARING ET AL. *v.* TEXAS PARKS AND WILDLIFE DEPARTMENT ET AL. Ct. App. Tex., 10th Dist. Certiorari denied. Reported below: 150 S. W. 3d 452.

No. 04-491. DICKERSON *v.* BATES ET AL. C. A. 10th Cir. Certiorari denied. Reported below: 104 Fed. Appx. 699.

No. 04-571. GORECKI *v.* CARLSON ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 374 F. 3d 461.

No. 04-723. STEVEDORING SERVICES OF AMERICA ET AL. *v.* PRICE ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 382 F. 3d 878.

No. 04-741. CULBERTSON *v.* BARNHART, COMMISSIONER OF SOCIAL SECURITY. C. A. 11th Cir. Certiorari denied. Reported below: 116 Fed. Appx. 251.

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No. 04–870. *HALL ET AL. v. VIRGINIA ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 385 F. 3d 421.

No. 04–873. *PHILADELPHIA HOUSING AUTHORITY v. WILLIAMS ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 380 F. 3d 751.

No. 04–874. *SMITH v. TEXAS.* Ct. App. Tex., 1st Dist. Certiorari denied.

No. 04–875. *PINCAY ET AL. v. ANDREWS ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 389 F. 3d 853.

No. 04–883. *MCDOWELL ET UX. v. PROVIDENCE HEALTH PLAN*; and

No. 04–1044. *PROVIDENCE HEALTH PLAN v. MCDOWELL ET UX.* C. A. 9th Cir. Certiorari denied. Reported below: 385 F. 3d 1168.

No. 04–910. *CLARETT v. NATIONAL FOOTBALL LEAGUE.* C. A. 2d Cir. Certiorari denied. Reported below: 369 F. 3d 124.

No. 04–991. *ROSSER v. DICKENSON, CONSERVATOR FOR ROBINSON*; and

No. 04–1005. *DICKENSON, CONSERVATOR FOR ROBINSON v. CARDIAC AND THORACIC SURGERY OF EASTERN TENNESSEE, P. C.* C. A. 6th Cir. Certiorari denied. Reported below: 388 F. 3d 976.

No. 04–996. *CLARK v. REDLAND INSURANCE Co.* C. A. 11th Cir. Certiorari denied. Reported below: 116 Fed. Appx. 249.

No. 04–1001. *TURCHYN ET UX. v. NAKONACHNY ET AL.* Ct. App. Ohio, Cuyahoga County. Certiorari denied. Reported below: 157 Ohio App. 3d 284, 811 N. E. 2d 119.

No. 04–1018. *DLX, INC. v. KENTUCKY ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 381 F. 3d 511.

No. 04–1029. *CHAMBERLAIN v. COURT OF APPEALS OF TEXAS, NINTH DISTRICT, JEFFERSON COUNTY, ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 102 Fed. Appx. 386.

No. 04–1031. *AUSTIN v. DOWNS, RACHLIN & MARTIN ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 114 Fed. Appx. 21.

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No. 04–1037. *WILSON v. COLORADO*. Ct. App. Colo. Certiorari denied.

No. 04–1039. *RANDALL INDUSTRIES, INC., ET AL. v. PEASE ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 386 F. 3d 819.

No. 04–1040. *JONES v. ROCKDALE COUNTY, GEORGIA*. C. A. 11th Cir. Certiorari denied. Reported below: 120 Fed. Appx. 786.

No. 04–1043. *REPUBLIC OF CONGO ET AL. v. AF-CAP, INC.* C. A. 5th Cir. Certiorari denied. Reported below: 383 F. 3d 361 and 389 F. 3d 503.

No. 04–1046. *TOWNSHIP OF UPPER MORELAND, PENNSYLVANIA v. NORTHWOOD CONSTRUCTION Co.* Sup. Ct. Pa. Certiorari denied. Reported below: 579 Pa. 463, 856 A. 2d 789.

No. 04–1063. *FERGUSON v. TOWNSHIP OF HAMBURG, MICHIGAN*. Ct. App. Mich. Certiorari denied.

No. 04–1069. *SINNOTT ET UX. v. NORTH CAROLINA*. Ct. App. N. C. Certiorari denied. Reported below: 163 N. C. App. 268, 593 S. E. 2d 439.

No. 04–1075. *ESENWAH v. GONZALES, ATTORNEY GENERAL*. C. A. 8th Cir. Certiorari denied. Reported below: 378 F. 3d 763.

No. 04–1087. *SANDERS v. VINE, EXECUTRIX OF THE ESTATE OF SANDERS*. Ct. App. Tenn. Certiorari denied.

No. 04–1105. *ERGONOME INC. ET AL. v. COMPAQ COMPUTER CORP.* C. A. 5th Cir. Certiorari denied. Reported below: 387 F. 3d 403.

No. 04–1117. *COHN v. BOARD OF PROFESSIONAL RESPONSIBILITY OF THE SUPREME COURT OF TENNESSEE*. Sup. Ct. Tenn. Certiorari denied. Reported below: 151 S. W. 3d 473.

No. 04–1142. *BLEDSON ET AL. v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 384 F. 3d 1232.

No. 04–1158. *MORELLI v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

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No. 04-1176. *WASHBURN v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 383 F. 3d 638.

No. 04-7073. *BROCK v. WILSON, SUPERINTENDENT, MISSISSIPPI STATE PENITENTIARY*. C. A. 5th Cir. Certiorari denied.

No. 04-7286. *SACK v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 379 F. 3d 1177.

No. 04-7357. *JACKSON v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 381 F. 3d 984.

No. 04-7421. *LOUNSBURY v. BELLEQUE, SUPERINTENDENT, OREGON STATE PENITENTIARY*. C. A. 9th Cir. Certiorari denied. Reported below: 374 F. 3d 785.

No. 04-7820. *KLAHN v. WYOMING*. Sup. Ct. Wyo. Certiorari denied. Reported below: 96 P. 3d 472.

No. 04-7824. *ROBERTS v. DRETKE, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied. Reported below: 381 F. 3d 491.

No. 04-7860. *BARNES v. WOODFORD, DIRECTOR, CALIFORNIA DEPARTMENT OF CORRECTIONS*. C. A. 9th Cir. Certiorari denied. Reported below: 112 Fed. Appx. 561.

No. 04-7901. *CASH v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 378 F. 3d 745.

No. 04-7928. *CARTER v. MEADOWGREEN ASSOCIATES*. Sup. Ct. Va. Certiorari denied. Reported below: 268 Va. 215, 597 S. E. 2d 82.

No. 04-8412. *HARRIS v. UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT*. C. A. 6th Cir. Certiorari denied.

No. 04-8415. *FREMONDE v. CITY OF NEW YORK, NEW YORK, ET AL.* Ct. App. N. Y. Certiorari denied.

No. 04-8420. *FELDER v. FISCHER, SUPERINTENDENT, SING SING CORRECTIONAL FACILITY*. C. A. 2d Cir. Certiorari denied.

No. 04-8423. *HEADRICK v. LEHMAN, DIRECTOR, WASHINGTON DEPARTMENT OF CORRECTIONS*. C. A. 9th Cir. Certiorari denied.

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No. 04–8424. *GREER v. HAMLET, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 04–8437. *COLEMAN v. GIULIANI ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 109 Fed. Appx. 478.

No. 04–8439. *CHRISTMAS v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 349 Ill. App. 3d 1035, — N. E. 2d —.

No. 04–8440. *TRUJILLO v. FARWELL, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 04–8446. *KRZYKOWSKI v. WORKERS’ COMPENSATION APPEALS BOARD ET AL.* Ct. App. Cal., 4th App. Dist., Div. 1. Certiorari denied.

No. 04–8447. *MAKIDON v. MICHIGAN*. Ct. App. Mich. Certiorari denied.

No. 04–8448. *CRENSHAW v. MICHIGAN*. Ct. App. Mich. Certiorari denied.

No. 04–8454. *COOPER v. OKLAHOMA*. Ct. Crim. App. Okla. Certiorari denied.

No. 04–8456. *JENNINGS v. JACKSON, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 04–8458. *MACKINTRUSH v. NORRIS, DIRECTOR, ARKANSAS DEPARTMENT OF CORRECTION*. C. A. 8th Cir. Certiorari denied.

No. 04–8461. *DAVIS v. FLORIDA*. C. A. 11th Cir. Certiorari denied.

No. 04–8462. *MONTOYA v. FINN, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 04–8463. *PEREZ v. WYNDER, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT DALLAS, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 04–8464. *WILSON v. HINSLEY, WARDEN*. C. A. 7th Cir. Certiorari denied.

No. 04–8468. *REED v. MISSISSIPPI*. Sup. Ct. Miss. Certiorari denied.

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No. 04-8469. *BISHOP v. PORTER ET AL.* C. A. 2d Cir. Certiorari denied.

No. 04-8470. *BUTLER v. MBNA TECHNOLOGY, INC.* C. A. 5th Cir. Certiorari denied. Reported below: 111 Fed. Appx. 230.

No. 04-8471. *APPLEWHITE v. MICHIGAN.* Ct. App. Mich. Certiorari denied.

No. 04-8473. *BARNES v. ZON, SUPERINTENDENT, WENDE CORRECTIONAL FACILITY.* C. A. 2d Cir. Certiorari denied.

No. 04-8475. *KELLEY v. WILKINSON, DIRECTOR, OHIO DEPARTMENT OF REHABILITATION AND CORRECTION, ET AL.* C. A. 6th Cir. Certiorari denied.

No. 04-8477. *MORALES v. CROSBY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS.* C. A. 11th Cir. Certiorari denied.

No. 04-8480. *ALLEN v. VIRGINIA.* Sup. Ct. Va. Certiorari denied.

No. 04-8484. *BROWN v. GIURBINO, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 04-8485. *WILLIAMS v. JONES, WARDEN.* C. A. 6th Cir. Certiorari denied. Reported below: 117 Fed. Appx. 406.

No. 04-8486. *WALLACE v. YWCA OF CHEMUNG COUNTY ET AL.* App. Div., Sup. Ct. N. Y., 3d Jud. Dept. Certiorari denied. Reported below: 8 App. Div. 3d 912, 778 N. Y. S. 2d 728.

No. 04-8493. *WILLIAMS v. FINN, WARDEN.* C. A. 9th Cir. Certiorari denied. Reported below: 116 Fed. Appx. 828.

No. 04-8494. *PAGNOTTI v. FLORIDA.* Dist. Ct. App. Fla., 4th Dist. Certiorari denied. Reported below: 821 So. 2d 466.

No. 04-8497. *DELEON v. DRETKE, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION.* C. A. 5th Cir. Certiorari denied.

No. 04-8498. *CARY v. SUPREME COURT OF VIRGINIA.* Sup. Ct. Va. Certiorari denied.

No. 04-8499. *DANIEL v. STABLER ET AL.* C. A. 6th Cir. Certiorari denied.

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No. 04-8501. *ROBERSON v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied.

No. 04-8504. *LEACH v. TENNESSEE*. Sup. Ct. Tenn. Certiorari denied. Reported below: 148 S. W. 3d 42.

No. 04-8508. *BELTRAN v. YARBOROUGH, WARDEN*. C. A. 9th Cir. Certiorari denied. Reported below: 111 Fed. Appx. 970.

No. 04-8511. *TREECE v. ORLEANS PARISH CITY GOVERNMENT JUDICIAL BRANCH ET AL.* C. A. 5th Cir. Certiorari denied.

No. 04-8513. *MIDDLEBROOKS v. NEW YORK*. App. Div., Sup. Ct. N. Y., 4th Jud. Dept. Certiorari denied. Reported below: 8 App. Div. 3d 1133, 778 N. Y. S. 2d 737.

No. 04-8514. *CARDWELL v. CALIFORNIA*. Ct. App. Cal., 4th App. Dist., Div. 3. Certiorari denied.

No. 04-8534. *MUONG v. RUNNELS, WARDEN*. C. A. 9th Cir. Certiorari denied. Reported below: 114 Fed. Appx. 304.

No. 04-8559. *TOLE v. FLORIDA*. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 883 So. 2d 805.

No. 04-8641. *BECKER v. FLORIDA*. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 887 So. 2d 355.

No. 04-8644. *COLIDA v. SANYO NORTH AMERICA CORP.* C. A. Fed. Cir. Certiorari denied. Reported below: 118 Fed. Appx. 501.

No. 04-8676. *BABINEAUX v. CAIN, WARDEN*. C. A. 5th Cir. Certiorari denied.

No. 04-8698. *BURTCHETT v. IDAHO*. C. A. 9th Cir. Certiorari denied. Reported below: 116 Fed. Appx. 835.

No. 04-8749. *LESLIE v. ABBOTT, WARDEN, ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 117 Fed. Appx. 72.

No. 04-8760. *BROWN v. WYOMING*. Sup. Ct. Wyo. Certiorari denied. Reported below: 99 P. 3d 489.

No. 04-8790. *O'NEILL v. RICHLAND COUNTY BOARD ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 114 Fed. Appx. 745.

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No. 04–8851. *MANNING v. LOUISIANA*. Sup. Ct. La. Certiorari denied. Reported below: 885 So. 2d 1044.

No. 04–8873. *GARCIA-PLANCARTE v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 110 Fed. Appx. 846.

No. 04–8877. *GALEANA-FLORES v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 114 Fed. Appx. 795.

No. 04–8909. *YOUNG v. UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF ALABAMA*. C. A. 11th Cir. Certiorari denied.

No. 04–8947. *WALLEN v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 388 F. 3d 161.

No. 04–8954. *RIVERA v. FEDERAL BUREAU OF PRISONS ET AL.* C. A. 3d Cir. Certiorari denied.

No. 04–8957. *DAVIS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 108 Fed. Appx. 131.

No. 04–8958. *CANPAZ v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 116 Fed. Appx. 247.

No. 04–8961. *ELSESSER v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 91 Fed. Appx. 860.

No. 04–8963. *AYALA-MERCADO v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 121 Fed. Appx. 176.

No. 04–8966. *BRUZON v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 04–8971. *GARCIA ET AL. v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 118 Fed. Appx. 690.

No. 04–8983. *MAYO v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 394 F. 3d 1271.

No. 04–8993. *ESPARZA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 117 Fed. Appx. 352.

No. 04–9002. *JOHNSON v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 119 Fed. Appx. 319.

No. 04–9004. *MOREJON v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 125 Fed. Appx. 975.

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No. 04–9005. *MONTGOMERY v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 390 F. 3d 1013.

No. 04–9007. *MAIREL v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 115 Fed. Appx. 340.

No. 04–9014. *WILLIAMS v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 04–9015. *WINGO v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 76 Fed. Appx. 30.

No. 04–9024. *BYRD ET AL. v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 110 Fed. Appx. 360.

No. 04–9027. *ADAMS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 04–9032. *BELTZ v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 385 F. 3d 1158.

No. 04–9034. *WRIGHT v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 392 F. 3d 1269.

No. 04–576. *BELLEQUE, SUPERINTENDENT, OREGON STATE PENITENTIARY v. LOUNSBURY*. C. A. 9th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 374 F. 3d 785.

No. 04–746. *KEMPTON, DIRECTOR, CALIFORNIA DEPARTMENT OF TRANSPORTATION v. MALDONADO*. C. A. 9th Cir. Certiorari denied. JUSTICE BREYER took no part in the consideration or decision of this petition. Reported below: 370 F. 3d 945.

No. 04–899. *ATTICA CENTRAL SCHOOLS v. J. S., BY HIS PARENT AND NATURAL GUARDIAN, N. S., ET AL.* C. A. 2d Cir. Motion of National School Boards Association et al. for leave to file a brief as *amici curiae* granted. Certiorari denied. Reported below: 386 F. 3d 107.

No. 04–1011. *FREEMAN v. DUKE POWER CO. ET AL.* C. A. 4th Cir. Certiorari denied. JUSTICE BREYER took no part in the consideration or decision of this petition. Reported below: 114 Fed. Appx. 526.

No. 04–1107. *FOCUS MEDIA, INC. v. NATIONAL BROADCASTING CO., INC., ET AL.* C. A. 9th Cir. Motion of Latino Coalition for

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leave to file a brief as *amicus curiae* granted. Certiorari denied. Reported below: 378 F. 3d 916.

No. 04–1150. HAMRICK *v.* BUSH, PRESIDENT OF THE UNITED STATES, ET AL. C. A. D. C. Cir. Certiorari before judgment denied.

Rehearing Denied

No. 04–672. SANK *v.* CITY UNIVERSITY OF NEW YORK ET AL., 543 U. S. 1120;

No. 04–738. CALLAN *v.* BUSH, PRESIDENT OF THE UNITED STATES, 543 U. S. 1056;

No. 04–7229. PARSONS *v.* PRICE, WARDEN, 543 U. S. 1071;

No. 04–7309. FULLER *v.* UNITED STATES, 543 U. S. 1073;

No. 04–7378. IN RE NIMMONS, 543 U. S. 1119;

No. 04–7403. ROBLYER *v.* PENNSYLVANIA DEPARTMENT OF CORRECTIONS, 543 U. S. 1126;

No. 04–7666. SMITH *v.* UNITED STATES, 543 U. S. 1094; and

No. 04–8008. CONYERS *v.* MERIT SYSTEMS PROTECTION BOARD, 543 U. S. 1171. Petitions for rehearing denied.

No. 03–7700. STUMPF *v.* ALASKA ET AL., 540 U. S. 1187. Motion for leave to file petition for rehearing denied.

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Miscellaneous Orders

No. 04A891. LONGWORTH *v.* OZMINT, DIRECTOR, SOUTH CAROLINA DEPARTMENT OF CORRECTIONS, ET AL. Application for stay of execution of sentence of death, presented to THE CHIEF JUSTICE, and by him referred to the Court, denied. JUSTICE STEVENS would grant the application for stay of execution.

No. 03–10198. HALBERT *v.* MICHIGAN. Ct. App. Mich. [Certiorari granted, 543 U. S. 1042.] Motion of Louisiana et al. for leave to participate in oral argument as *amici curiae* and for divided argument granted.

No. 04–6432. GONZALEZ *v.* CROSBY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS. C. A. 11th Cir. [Certiorari granted, 543 U. S. 1086.] Motion of the Acting Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

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Certiorari Granted—Vacated and Remanded

No. 03–9629. *RIVERS v. UNITED STATES*. C. A. 11th Cir. Reported below: 91 Fed. Appx. 655;

No. 03–10354. *RODRIGUEZ v. UNITED STATES*. C. A. 11th Cir.; and

No. 04–7335. *GRIFFIN v. UNITED STATES*. C. A. 11th Cir. Reported below: 99 Fed. Appx. 878. Motions of petitioners for leave to proceed *in forma pauperis* granted. Certiorari granted, judgments vacated, and cases remanded for further consideration in light of *Johnson v. United States*, ante, p. 295.

No. 04–1164. *SALADINO v. UNITED STATES*. C. A. 7th Cir. Reported below: 119 Fed. Appx. 10; and

No. 04–1188. *WREN v. UNITED STATES*. C. A. 11th Cir. Reported below: 126 Fed. Appx. 462. Certiorari granted, judgments vacated, and cases remanded for further consideration in light of *United States v. Booker*, 543 U. S. 220 (2005).

No. 04–8692. *PRITCHETT v. UNITED STATES*. C. A. 11th Cir. Reported below: 125 Fed. Appx. 976;

No. 04–8720. *BANKS v. UNITED STATES*. C. A. 11th Cir. Reported below: 125 Fed. Appx. 977;

No. 04–8898. *ALCANTARA v. UNITED STATES*. C. A. 6th Cir. Reported below: 116 Fed. Appx. 693;

No. 04–8903. *RICHARDSON v. UNITED STATES*. C. A. 5th Cir. Reported below: 117 Fed. Appx. 931;

No. 04–8916. *STEVENS v. UNITED STATES*. C. A. 11th Cir. Reported below: 127 Fed. Appx. 472;

No. 04–8923. *RAMOS-RUIZ v. UNITED STATES*. C. A. 9th Cir. Reported below: 114 Fed. Appx. 351;

No. 04–8927. *GOMEZ-TRUJILLO v. UNITED STATES*. C. A. 5th Cir. Reported below: 107 Fed. Appx. 406;

No. 04–8937. *PACHECO v. UNITED STATES*. C. A. 1st Cir. Reported below: 388 F. 3d 1;

No. 04–8945. *SANCHEZ-CRUZ v. UNITED STATES*. C. A. 10th Cir. Reported below: 392 F. 3d 1196;

No. 04–8960. *CAULK v. UNITED STATES*. C. A. 9th Cir. Reported below: 116 Fed. Appx. 143;

No. 04–8967. *SAMORA-SANCHEZ v. UNITED STATES*. C. A. 10th Cir. Reported below: 122 Fed. Appx. 909;

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No. 04-8972. GAUDELLI *v.* UNITED STATES. C. A. 3d Cir. Reported below: 116 Fed. Appx. 363;

No. 04-8976. WEST *v.* UNITED STATES. C. A. 5th Cir. Reported below: 114 Fed. Appx. 159;

No. 04-8979. DECKARD *v.* UNITED STATES. C. A. 5th Cir. Reported below: 117 Fed. Appx. 350;

No. 04-8986. BYRD *v.* UNITED STATES. C. A. 4th Cir. Reported below: 117 Fed. Appx. 859;

No. 04-8998. MORALES *v.* UNITED STATES. C. A. 1st Cir.;

No. 04-9011. WATSON *v.* UNITED STATES. C. A. 8th Cir. Reported below: 390 F. 3d 577;

No. 04-9013. VARELA-MEDINA *v.* UNITED STATES. C. A. 5th Cir. Reported below: 117 Fed. Appx. 960;

No. 04-9029. PATTERSON *v.* UNITED STATES. C. A. 6th Cir.;

No. 04-9035. NIEVES-BOGADO *v.* UNITED STATES. C. A. 11th Cir. Reported below: 126 Fed. Appx. 463;

No. 04-9037. CLARK *v.* UNITED STATES. C. A. 6th Cir. Reported below: 117 Fed. Appx. 430;

No. 04-9060. RISBY *v.* UNITED STATES. C. A. 5th Cir. Reported below: 115 Fed. Appx. 694;

No. 04-9063. HUERTA-VARGAS *v.* UNITED STATES. C. A. 9th Cir. Reported below: 117 Fed. Appx. 578;

No. 04-9082. CONSTANT *v.* UNITED STATES. C. A. 3d Cir. Reported below: 117 Fed. Appx. 225;

No. 04-9095. ROBINSON ET AL. *v.* UNITED STATES. C. A. 4th Cir. Reported below: 390 F. 3d 833;

No. 04-9113. PORTES HERRERA *v.* UNITED STATES. C. A. 5th Cir. Reported below: 117 Fed. Appx. 335;

No. 04-9114. FIELDS *v.* UNITED STATES. C. A. 4th Cir. Reported below: 111 Fed. Appx. 148;

No. 04-9117. WEST *v.* UNITED STATES. C. A. 5th Cir. Reported below: 117 Fed. Appx. 340;

No. 04-9122. CLOUTIER *v.* UNITED STATES. C. A. 1st Cir.;

No. 04-9132. CRAIG *v.* UNITED STATES. C. A. 5th Cir. Reported below: 118 Fed. Appx. 786;

No. 04-9133. CRUZ-AYON, AKA AGUINAGA-CEJA *v.* UNITED STATES. C. A. 9th Cir. Reported below: 117 Fed. Appx. 577; and

No. 04-9142. JONES *v.* UNITED STATES. C. A. 10th Cir. Reported below: 390 F. 3d 1291. Motions of petitioners for leave to proceed *in forma pauperis* granted. Certiorari granted, judg-

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ments vacated, and cases remanded for further consideration in light of *United States v. Booker*, 543 U. S. 220 (2005).

Certiorari Dismissed

No. 04–8525. *REED v. ARIZONA*. C. A. 9th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court’s Rule 39.8. As petitioner has repeatedly abused this Court’s process, the Clerk is directed not to accept any further petitions in noncriminal matters from petitioner unless the docketing fee required by Rule 38(a) is paid and the petition is submitted in compliance with Rule 33.1. See *Martin v. District of Columbia Court of Appeals*, 506 U. S. 1 (1992) (*per curiam*). JUSTICE STEVENS dissents. See *id.*, at 4, and cases cited therein.

Miscellaneous Orders

No. 04A695 (04–8680). *TORRES v. MOON ET AL.* C. A. 9th Cir. Application for stay, addressed to JUSTICE BREYER and referred to the Court, denied.

No. 04M48. *CLARK v. MCLEOD*. Renewed motion for leave to file petition for writ of certiorari under seal with redacted copies for the public record granted.

No. 04M62. *DOWNS v. SOUTH CAROLINA*. Motion for leave to proceed *in forma pauperis* without affidavit of indigency executed by petitioner denied.

No. 04M63. *JANNEH v. MANPOWER INCORPORATED OF NEW YORK ET AL.*;

No. 04M64. *WATTS v. FLORIDA DEPARTMENT OF STATE*;

No. 04M65. *WANSLEY v. WILSON, SUPERINTENDENT, MISSISSIPPI STATE PENITENTIARY, ET AL.*; and

No. 04M66. *CALDERON v. FISCHER, SUPERINTENDENT, SING SING CORRECTIONAL FACILITY*. Motions to direct the Clerk to file petitions for writs of certiorari out of time denied.

No. 04–1049. *CARPENTERS HEALTH AND WELFARE TRUST FOR SOUTHERN CALIFORNIA v. VONDERHARR ET AL.* C. A. 9th Cir. The Acting Solicitor General is invited to file a brief in this case expressing the views of the United States.

No. 04–8614. *STEPHANATOS v. NEW JERSEY ET AL.* C. A. 3d Cir. Motion of petitioner for leave to proceed *in forma pauperis*

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denied. Petitioner is allowed until May 9, 2005, 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. 04-9394. IN RE DAVENPORT. Petition for writ of habeas corpus denied.

No. 04-1079. IN RE WALL;
No. 04-8531. IN RE ABSALON;
No. 04-8640. IN RE VELEZ;
No. 04-8736. IN RE GRANT;
No. 04-8950. IN RE SPARKMAN;
No. 04-9046. IN RE MORRIS;
No. 04-9079. IN RE GRIMSLEY;
No. 04-9174. IN RE BURMAN; and
No. 04-9230. IN RE RILEY. Petitions for writs of mandamus denied.

No. 04-8623. IN RE DARDEN. Petition for writ of mandamus and/or prohibition denied.

Certiorari Granted

No. 04-373. MARYLAND *v.* BLAKE. Ct. App. Md. Certiorari granted. Reported below: 381 Md. 218, 849 A. 2d 410.

No. 04-1067. GEORGIA *v.* RANDOLPH. Sup. Ct. Ga. Certiorari granted. Reported below: 278 Ga. 614, 604 S. E. 2d 835.

No. 04-1084. GONZALES, ATTORNEY GENERAL, ET AL. *v.* O CENTRO ESPIRITA BENEFICENTE UNIAO DO VEGETAL ET AL. C. A. 10th Cir. Certiorari granted. Reported below: 389 F. 3d 973.

Certiorari Denied

No. 04-530. NAGY *v.* FMC BUTNER. C. A. 4th Cir. Certiorari denied. Reported below: 376 F. 3d 252.

No. 04-731. EASTERN SHOSHONE TRIBE OF THE WIND RIVER RESERVATION ET AL. *v.* UNITED STATES; and

No. 04-929. UNITED STATES *v.* EASTERN SHOSHONE TRIBE OF THE WIND RIVER RESERVATION ET AL. C. A. Fed. Cir. Certiorari denied. Reported below: 364 F. 3d 1339.

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No. 04–803. *SHENANDOAH ET AL. v. HALBRITTER ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 366 F. 3d 89.

No. 04–809. *NORFOLK DREDGING Co., INC. v. UNITED STATES ET AL.* C. A. Fed. Cir. Certiorari denied. Reported below: 375 F. 3d 1106.

No. 04–869. *NISSAN MOTOR Co., LTD., ET AL. v. NISSAN COMPUTER CORP. ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 378 F. 3d 1002.

No. 04–901. *BENTON v. CAMECO CORP.* C. A. 10th Cir. Certiorari denied. Reported below: 375 F. 3d 1070.

No. 04–916. *HARTFORD STEAM BOILER INSPECTION & INSURANCE Co. v. UNDERWRITERS AT LLOYD’S & COMPANIES COLLECTIVE ET AL.* Sup. Ct. Conn. Certiorari denied. Reported below: 271 Conn. 474, 857 A. 2d 893.

No. 04–939. *MCGUIRE ET AL. v. REILLY, ATTORNEY GENERAL OF MASSACHUSETTS, ET AL.* C. A. 1st Cir. Certiorari denied. Reported below: 386 F. 3d 45.

No. 04–948. *PATEL v. GONZALES, ATTORNEY GENERAL.* C. A. 7th Cir. Certiorari denied. Reported below: 378 F. 3d 610.

No. 04–949. *MCMELLON ET AL. v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 387 F. 3d 329.

No. 04–952. *CHOLLA READY MIX, INC. v. MENDEZ, SECRETARY, ARIZONA DEPARTMENT OF TRANSPORTATION, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 382 F. 3d 969.

No. 04–985. *BURNETT ET AL. v. POTTS ET AL.* Ct. App. Tenn. Certiorari denied. Reported below: 154 S. W. 3d 582.

No. 04–1028. *CALIFORNIA EX REL. LOCKYER, ATTORNEY GENERAL OF CALIFORNIA v. DYNEGY, INC., ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 375 F. 3d 831 and 387 F. 3d 966.

No. 04–1042. *KOLEV v. PRESCOTT ET AL.* Ct. App. Cal., 4th App. Dist., Div. 3. Certiorari denied.

No. 04–1048. *ENLOW v. SALEM-KEIZER YELLOW CAB Co., INC.* C. A. 9th Cir. Certiorari denied. Reported below: 389 F. 3d 802.

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No. 04–1050. *DICKHAUS ET AL. v. CHAMPION*. C. A. 6th Cir. Certiorari denied. Reported below: 380 F. 3d 893.

No. 04–1053. *GOLDBLATT v. A&W INDUSTRIES, INC.* C. A. 5th Cir. Certiorari denied. Reported below: 111 Fed. Appx. 765.

No. 04–1059. *MONROE v. BOOKER, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 04–1060. *MULTNOMAH COUNTY, OREGON, ET AL. v. ALPHA ENERGY SAVERS, INC., ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 381 F. 3d 917.

No. 04–1061. *PHILLIPS ET AL. v. BOWLES ET AL.* Ct. App. Cal., 1st App. Dist. Certiorari denied.

No. 04–1062. *RUSHING v. BOARD OF SUPERVISORS OF THE UNIVERSITY OF LOUISIANA SYSTEM (SOUTHEASTERN LOUISIANA UNIVERSITY)*. Ct. App. La., 1st Cir. Certiorari denied. Reported below: 874 So. 2d 432.

No. 04–1065. *INTERCONTINENTAL ELECTRONICS, S. P. A. v. AMERICAN KEYBOARD PRODUCTS, INC., ET AL.* Ct. App. Mich. Certiorari denied.

No. 04–1068. *BARTH v. TOWN OF SANFORD, MAINE, ET AL.* C. A. 1st Cir. Certiorari denied.

No. 04–1070. *WEI YE ET AL. v. JIANG ZEMIN ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 383 F. 3d 620.

No. 04–1071. *WALKER INTERNATIONAL HOLDINGS LTD. v. REPUBLIC OF CONGO ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 395 F. 3d 229.

No. 04–1072. *ABRAMS ET AL. v. SOCIETE NATIONALE DES CHEMINS DE FER FRANCAIS*. C. A. 2d Cir. Certiorari denied. Reported below: 389 F. 3d 61.

No. 04–1074. *TERRITORY OF GUAM ET AL. v. PACIFICARE HEALTH INSURANCE COMPANY OF MICRONESIA, INC., DBA PACIFICARE ASIA PACIFIC*. Sup. Ct. Guam. Certiorari denied.

No. 04–1077. *RAVEN ET VIR v. COUNTRYWIDE HOME LOANS, INC., ET AL.* Ct. App. Cal., 2d App. Dist. Certiorari denied.

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No. 04–1080. *NWOKE v. PALMER*. C. A. 7th Cir. Certiorari denied. Reported below: 116 Fed. Appx. 761.

No. 04–1081. *CROSBY, INDIVIDUALLY AND ON BEHALF OF ALL OTHERS SIMILARLY SITUATED v. BOWATER INCORPORATED RETIREMENT PLAN FOR SALARIED EMPLOYEES OF GREAT NORTHERN PAPER INC. ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 382 F. 3d 587.

No. 04–1085. *DRINKWATER v. PARKER, McCAY & CRISCUOLO*. Super. Ct. N. J., App. Div. Certiorari denied.

No. 04–1088. *SILVA ET UX. v. GONZALES, ATTORNEY GENERAL*. C. A. 9th Cir. Certiorari denied.

No. 04–1089. *ROSE v. LEBOVIDGE, MASSACHUSETTS COMMISSIONER OF REVENUE*. C. A. 1st Cir. Certiorari denied. Reported below: 110 Fed. Appx. 136.

No. 04–1091. *AMAECHI v. UNIVERSITY OF KENTUCKY, COLLEGE OF EDUCATION, ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 118 Fed. Appx. 32.

No. 04–1092. *S. E. W. FRIEL ET AL. v. MARYLAND STATE ROADS COMMISSION ET AL.* Ct. Sp. App. Md. Certiorari denied. Reported below: 158 Md. App. 722, 729.

No. 04–1096. *SAUDI v. ACOMARIT MARITIMES SERVICES, S. A.* C. A. 3d Cir. Certiorari denied. Reported below: 114 Fed. Appx. 449.

No. 04–1098. *JOU v. FIRST INSURANCE COMPANY OF HAWAII, LTD.* Sup. Ct. Haw. Certiorari denied. Reported below: 106 Haw. 38, 100 P. 3d 969.

No. 04–1099. *STAVROPOULOS v. FIRESTONE ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 361 F. 3d 610.

No. 04–1100. *CUVILLIER v. ROCKDALE COUNTY, GEORGIA, ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 390 F. 3d 1336.

No. 04–1101. *ZURLA v. CITY OF DAYTONA BEACH, FLORIDA, ET AL.* Dist. Ct. App. Fla., 5th Dist. Certiorari denied. Reported below: 876 So. 2d 34.

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No. 04-1102. *BERRIOCHOA LOPEZ ET AL. v. CLINTON, FORMER PRESIDENT OF THE UNITED STATES, ET AL.* C. A. D. C. Cir. Certiorari denied.

No. 04-1104. *DEMUS v. SAN DIEGO COUNTY, CALIFORNIA.* C. A. 9th Cir. Certiorari denied. Reported below: 115 Fed. Appx. 327.

No. 04-1118. *KANZ v. FRANK, SECRETARY, WISCONSIN DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 7th Cir. Certiorari denied.

No. 04-1129. *ROMANIUK v. ILLINOIS.* App. Ct. Ill., 5th Dist. Certiorari denied.

No. 04-1132. *LIMAGRAIN GENETICS CORP. v. MIDWEST OILSEEDS, INC.* C. A. 8th Cir. Certiorari denied. Reported below: 387 F. 3d 705.

No. 04-1133. *LONG v. LOUISIANA.* Sup. Ct. La. Certiorari denied. Reported below: 884 So. 2d 1176.

No. 04-1159. *CAMARA ET AL. v. GONZALES, ATTORNEY GENERAL.* C. A. 3d Cir. Certiorari denied. Reported below: 110 Fed. Appx. 262.

No. 04-1160. *CHAPMAN CHILDREN'S TRUST II v. POTTER, POSTMASTER GENERAL.* C. A. Fed. Cir. Certiorari denied. Reported below: 110 Fed. Appx. 122.

No. 04-1165. *BEVAN v. FLORIDA BAR.* Sup. Ct. Fla. Certiorari denied. Reported below: 891 So. 2d 553.

No. 04-1172. *BOLIVARIAN REPUBLIC OF VENEZUELA v. ELDER OFFSHORE LEASING, INC.* C. A. 5th Cir. Certiorari denied. Reported below: 116 Fed. Appx. 541.

No. 04-1174. *MALBRAIN ET AL. v. WASHINGTON STATE DEPARTMENT OF AGRICULTURE.* Ct. App. Wash. Certiorari denied. Reported below: 120 Wash. App. 737, 86 P. 3d 222.

No. 04-1187. *VIDEO MANAGEMENT, INC., DBA C&C VIDEO v. CITY OF CHARLESTON BOARD OF ZONING APPEALS ET AL.* Sup. Ct. S. C. Certiorari denied.

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No. 04–1190. *KOBOLD v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 118 Fed. Appx. 638.

No. 04–1195. *GAHR v. SECURITIES AND EXCHANGE COMMISSION*. C. A. 9th Cir. Certiorari denied. Reported below: 111 Fed. Appx. 890.

No. 04–1200. *BOARD OF COUNTY COMMISSIONERS OF EL PASO COUNTY, COLORADO, ET AL. v. SHOOK ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 386 F. 3d 963.

No. 04–1201. *CALDWELL v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 114 Fed. Appx. 178.

No. 04–1204. *UNITED STATES EX REL. GRAVES ET AL. v. ITT EDUCATIONAL SERVICES, INC., ET AL.; and UNITED STATES EX REL. BOWMAN v. EDUCATION AMERICA, INC., ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 111 Fed. Appx. 296 (first judgment); 116 Fed. Appx. 531 (second judgment).

No. 04–1217. *LEE v. TOLSON, SECRETARY, NORTH CAROLINA DEPARTMENT OF REVENUE*. Ct. App. N. C. Certiorari denied. Reported below: 166 N. C. App. 256, 601 S. E. 2d 316.

No. 04–1228. *WALL v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 389 F. 3d 457.

No. 04–1254. *MOSES v. UNITED STATES*. C. A. Armed Forces. Certiorari denied. Reported below: 60 M. J. 429.

No. 04–1261. *RONALD MORAN CADILLAC, INC. v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 385 F. 3d 1230 and 392 F. 3d 1006.

No. 04–1262. *SHALASH v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 108 Fed. Appx. 269.

No. 04–1265. *HEDAITHY ET AL. v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 392 F. 3d 580.

No. 04–1272. *PIONEER COMMERCIAL FUNDING CORP. v. CORESTATES BANK, N. A.* Sup. Ct. Pa. Certiorari denied. Reported below: 579 Pa. 275, 855 A. 2d 818.

No. 04–7415. *WILLIAMS v. COTTON, SUPERINTENDENT, PENDLETON CORRECTIONAL FACILITY*. C. A. 7th Cir. Certiorari denied.

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No. 04-7489. *QUEEN v. PURSER*. C. A. 5th Cir. Certiorari denied. Reported below: 109 Fed. Appx. 659.

No. 04-7698. *GUZEK v. OREGON*. Sup. Ct. Ore. Certiorari denied. Reported below: 336 Ore. 424, 86 P. 3d 1106.

No. 04-7802. *MACK v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 346 Ill. App. 3d 1176, 866 N. E. 2d 712.

No. 04-7854. *TSABBAR v. 17 EAST 89TH STREET TENANTS, INC.* App. Div., Sup. Ct. N. Y., 1st Jud. Dept. Certiorari denied. Reported below: 6 App. Div. 3d 309, 775 N. Y. S. 2d 142.

No. 04-7988. *HERNANDEZ v. KANSAS*. Sup. Ct. Kan. Certiorari denied. Reported below: 278 Kan. ix, 99 P. 3d 132.

No. 04-8028. *HARGRAVE-THOMAS v. YUKINS, WARDEN*. C. A. 6th Cir. Certiorari denied. Reported below: 374 F. 3d 383.

No. 04-8034. *OSTER v. SUTTON ET AL.* Sup. Ct. N. H. Certiorari denied.

No. 04-8064. *CONNER v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 369 F. 3d 682.

No. 04-8078. *BABINEAUX v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 108 Fed. Appx. 202.

No. 04-8084. *ALRUBIAY v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 347 Ill. App. 3d 1104, 867 N. E. 2d 117.

No. 04-8105. *ZAVREL v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 384 F. 3d 130.

No. 04-8107. *LENTZ v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 383 F. 3d 191.

No. 04-8159. *SALLEY v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 04-8197. *ANDREW v. LINCOLN PARK HOUSING COMMISSION*. Ct. App. Mich. Certiorari denied.

No. 04-8503. *HALL v. OZMINT, DIRECTOR, SOUTH CAROLINA DEPARTMENT OF CORRECTIONS*. Sup. Ct. S. C. Certiorari denied. Reported below: 360 S. C. 353, 601 S. E. 2d 335.

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No. 04–8506. *CAPERTON v. WITHROW*, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 04–8516. *DAVIS v. WALKER*, WARDEN. C. A. 11th Cir. Certiorari denied.

No. 04–8517. *COX v. BASA, BATES ET AL.* C. A. 9th Cir. Certiorari denied.

No. 04–8518. *CONTRERAS v. CALDERON*, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 04–8519. *MCCOY, AKA MASON v. CHRONES*, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 04–8520. *CARRILLO v. CHRONES*, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 04–8521. *LONG v. EARLY*, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 04–8527. *WALKER v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied.

No. 04–8528. *JORDAN v. ILLINOIS*. App. Ct. Ill., 2d Dist. Certiorari denied. Reported below: 349 Ill. App. 3d 1041, — N. E. 2d —.

No. 04–8535. *PARNELL v. BROWN*, WARDEN, ET AL. C. A. 9th Cir. Certiorari denied.

No. 04–8540. *MUTHANA v. HOFBAUER*, WARDEN, ET AL. C. A. 6th Cir. Certiorari denied.

No. 04–8545. *WATFORD v. KANKAKEE POLICE DEPARTMENT ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 118 Fed. Appx. 77.

No. 04–8547. *PAYTON v. FISCHER*, SUPERINTENDENT, SING SING CORRECTIONAL FACILITY. C. A. 2d Cir. Certiorari denied.

No. 04–8548. *SANAI v. SANAI*. Ct. App. Wash. Certiorari denied. Reported below: 119 Wash. App. 1053.

No. 04–8551. *DEPACE v. MASSACHUSETTS*. Sup. Jud. Ct. Mass. Certiorari denied. Reported below: 442 Mass. 739, 816 N. E. 2d 1215.

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No. 04–8552. *WALLS v. DELAWARE*. Sup. Ct. Del. Certiorari denied. Reported below: 860 A. 2d 812.

No. 04–8553. *BROWN v. MISSISSIPPI*. Sup. Ct. Miss. Certiorari denied. Reported below: 890 So. 2d 901.

No. 04–8554. *ALLEN v. TENNESSEE*. Ct. Crim. App. Tenn. Certiorari denied.

No. 04–8558. *TRUJILLO v. ARCE ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 109 Fed. Appx. 668.

No. 04–8561. *SIRACUSA v. POLK, WARDEN*. C. A. 4th Cir. Certiorari denied. Reported below: 104 Fed. Appx. 339.

No. 04–8565. *MARSH v. FLORIDA*. Dist. Ct. App. Fla., 3d Dist. Certiorari denied. Reported below: 849 So. 2d 1178.

No. 04–8568. *BLACKMAN v. LEWIS ET AL.* C. A. 7th Cir. Certiorari denied.

No. 04–8570. *BRYANT v. MICHIGAN*. Ct. App. Mich. Certiorari denied.

No. 04–8572. *THORNTON v. JOHNSON, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS*. C. A. 4th Cir. Certiorari denied. Reported below: 103 Fed. Appx. 783.

No. 04–8573. *WATT v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied.

No. 04–8577. *ELMAN v. FLORIDA*. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 877 So. 2d 782.

No. 04–8578. *CORBIN v. BLADEN COUNTY CHILD SUPPORT AGENCY ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 103 Fed. Appx. 758.

No. 04–8579. *MORGAN v. LAMARQUE, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 04–8580. *MILLER v. BULLARD, WARDEN, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 04–8581. *FITZGERALD v. MCCORMICK RANCH PROPERTY OWNERS' ASSN. INC. ET AL.* Ct. App. Ariz. Certiorari denied.

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No. 04–8587. *HOWELL v. BROWN*. C. A. 9th Cir. Certiorari denied.

No. 04–8588. *HUNT v. PAUL ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 127 Fed. Appx. 473.

No. 04–8596. *SHAW v. HARRIS, WARDEN, ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 116 Fed. Appx. 499.

No. 04–8608. *GENTRY v. BUTLER, WARDEN*. C. A. 9th Cir. Certiorari denied. Reported below: 105 Fed. Appx. 939.

No. 04–8610. *FAME v. CALIFORNIA*. Ct. App. Cal., 4th App. Dist., Div. 1. Certiorari denied.

No. 04–8612. *HINNANT v. NORTH CAROLINA*. Sup. Ct. N. C. Certiorari denied.

No. 04–8613. *SLAGLE v. BAGLEY, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 04–8615. *RATCLIFF v. POLK COUNTY TITLE, INC., ET AL.* Ct. App. Tex., 9th Dist. Certiorari denied.

No. 04–8618. *RUTHERFORD v. CROSBY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS*. C. A. 11th Cir. Certiorari denied. Reported below: 385 F. 3d 1300.

No. 04–8620. *WILLIAMS v. FLORIDA*. Sup. Ct. Fla. Certiorari denied. Reported below: 892 So. 2d 1015.

No. 04–8621. *WILCOX v. KENTUCKY*. Sup. Ct. Ky. Certiorari denied.

No. 04–8626. *ROSE v. THOMAS ET AL.* C. A. 9th Cir. Certiorari denied.

No. 04–8628. *BROWN v. FINZEL ET AL.* Ct. App. D. C. Certiorari denied. Reported below: 861 A. 2d 38.

No. 04–8630. *ALDRIDGE v. KENTUCKY*. Ct. App. Ky. Certiorari denied.

No. 04–8635. *MARTIN v. JACKSON, WARDEN*. C. A. 6th Cir. Certiorari denied.

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No. 04–8637. *ELLIOTT v. MORGAN, WARDEN, ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 111 Fed. Appx. 345.

No. 04–8642. *BAIRD v. DAVIS, SUPERINTENDENT, INDIANA STATE PRISON.* C. A. 7th Cir. Certiorari denied. Reported below: 388 F. 3d 1110.

No. 04–8643. *COLIDA v. QUALCOMM INC.* C. A. Fed. Cir. Certiorari denied.

No. 04–8646. *CHARLES v. TEXAS.* Ct. Crim. App. Tex. Certiorari denied.

No. 04–8648. *OGUAJU v. UNITED STATES.* C. A. D. C. Cir. Certiorari denied. Reported below: 378 F. 3d 1115 and 386 F. 3d 273.

No. 04–8649. *POWELL v. MICHIGAN.* Ct. App. Mich. Certiorari denied.

No. 04–8651. *PRICE v. REID, SUPERINTENDENT, CENTENNIAL CORRECTIONAL FACILITY, ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 118 Fed. Appx. 376.

No. 04–8655. *JAFFER v. NATIONAL CAUCUS & CENTER ON BLACK AGED, INC., ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 108 Fed. Appx. 107.

No. 04–8656. *LODGE v. CANDELARIA, WARDEN.* C. A. 9th Cir. Certiorari denied. Reported below: 107 Fed. Appx. 110.

No. 04–8661. *MITCHELL v. LAFLER, WARDEN.* C. A. 6th Cir. Certiorari denied. Reported below: 118 Fed. Appx. 24.

No. 04–8662. *NASH v. WILKINSON, WARDEN.* C. A. 5th Cir. Certiorari denied.

No. 04–8666. *ALVARADO v. SMALL, WARDEN.* C. A. 9th Cir. Certiorari denied. Reported below: 109 Fed. Appx. 997.

No. 04–8669. *BURSON v. GREER, WARDEN.* C. A. 5th Cir. Certiorari denied.

No. 04–8671. *BARTON v. HATCHER, WARDEN.* C. A. 9th Cir. Certiorari denied.

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No. 04–8673. *BURRELL v. ANDERSON COUNTY CRIMINAL COURT ET AL.* C. A. 6th Cir. Certiorari denied.

No. 04–8674. *BILLUPS v. BENNETT ET AL.* C. A. 4th Cir. Certiorari denied.

No. 04–8675. *BROWN v. TRINITY INDUSTRIAL.* C. A. 5th Cir. Certiorari denied. Reported below: 108 Fed. Appx. 898.

No. 04–8677. *SMITH v. FISCHER, SUPERINTENDENT, SING SING CORRECTIONAL FACILITY.* C. A. 2d Cir. Certiorari denied. Reported below: 117 Fed. Appx. 779.

No. 04–8679. *WRIGHT v. MISSISSIPPI.* Sup. Ct. Miss. Certiorari denied.

No. 04–8680. *TORRES v. MOON ET AL.* C. A. 9th Cir. Certiorari denied.

No. 04–8681. *VALDIVIA v. SCRIBNER, WARDEN.* C. A. 9th Cir. Certiorari denied.

No. 04–8682. *TAPIA-ORTIZ v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. Reported below: 79 Fed. Appx. 465.

No. 04–8684. *YEATS v. SANDOVAL, ATTORNEY GENERAL OF NEVADA.* C. A. 9th Cir. Certiorari denied.

No. 04–8685. *WADE v. TEXAS.* Ct. App. Tex., 2d Dist. Certiorari denied.

No. 04–8687. *COOPER v. JOHNSON, WARDEN, ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 112 Fed. Appx. 864.

No. 04–8688. *CADOGAN v. RENICO, WARDEN.* C. A. 6th Cir. Certiorari denied.

No. 04–8689. *CARTER v. CAIN, WARDEN.* C. A. 5th Cir. Certiorari denied.

No. 04–8690. *EBERHART v. MITCHELL, WARDEN.* C. A. 9th Cir. Certiorari denied.

No. 04–8694. *RODRIGUEZ v. CASTRO, WARDEN.* C. A. 9th Cir. Certiorari denied. Reported below: 116 Fed. Appx. 865.

No. 04–8695. *WILLIAMS v. BRANCH BANKING & TRUST CO. ET AL.* Sup. Ct. Va. Certiorari denied.

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No. 04-8696. *ZHANG v. APEX HOME & BUSINESS RENTALS, INC.* Cir. Ct. Jefferson County, W. Va. Certiorari denied.

No. 04-8697. *SHORTER v. OHIO.* Ct. App. Ohio, Montgomery County. Certiorari denied.

No. 04-8701. *HOWELL v. TENNESSEE.* Sup. Ct. Tenn. Certiorari denied. Reported below: 151 S. W. 3d 450.

No. 04-8703. *CORNELIUS v. CORNELIUS.* Ct. App. Ga. Certiorari denied.

No. 04-8707. *BELL v. TRUE, WARDEN.* Sup. Ct. Va. Certiorari denied.

No. 04-8708. *MURPHY v. VALADEZ, ACTING WARDEN.* C. A. 9th Cir. Certiorari denied. Reported below: 113 Fed. Appx. 825.

No. 04-8710. *BALAJ ET UX. v. GONZALES, ATTORNEY GENERAL.* C. A. 6th Cir. Certiorari denied. Reported below: 110 Fed. Appx. 629.

No. 04-8711. *NALLS v. OHIO.* Ct. App. Ohio, Montgomery County. Certiorari denied.

No. 04-8716. *HENDERSON v. CASTRO, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 04-8717. *HOLMES v. ILLINOIS.* App. Ct. Ill., 4th Dist. Certiorari denied. Reported below: 346 Ill. App. 3d 1193, 866 N. E. 2d 719.

No. 04-8721. *CHRISTENSEN v. STAMMEN.* C. A. 7th Cir. Certiorari denied.

No. 04-8725. *ACOSTA v. CROSBY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS.* C. A. 11th Cir. Certiorari denied.

No. 04-8729. *HARTWELL v. BAZZLE, WARDEN, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 102 Fed. Appx. 810.

No. 04-8737. *HALL v. TENNESSEE.* Ct. Crim. App. Tenn. Certiorari denied.

No. 04-8739. *GARY v. HINKLE, WARDEN.* C. A. 4th Cir. Certiorari denied. Reported below: 102 Fed. Appx. 356.

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No. 04–8740. *GLASS v. KENNEY, WARDEN*. Sup. Ct. Neb. Certiorari denied. Reported below: 268 Neb. 704, 687 N. W. 2d 907.

No. 04–8750. *MACK v. SHANNON, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT FRACKVILLE, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 04–8758. *BRINK v. MISSISSIPPI*. Ct. App. Miss. Certiorari denied. Reported below: 888 So. 2d 437.

No. 04–8759. *BLACKWELL v. SOUTH CAROLINA ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 107 Fed. Appx. 377.

No. 04–8763. *OLDEN v. CROSBY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS*. C. A. 11th Cir. Certiorari denied.

No. 04–8769. *WILLIAMS v. KENTUCKY*. Sup. Ct. Ky. Certiorari denied. Reported below: 147 S. W. 3d 1.

No. 04–8781. *PURSLEY v. DRETKE, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied. Reported below: 114 Fed. Appx. 630.

No. 04–8791. *McNORIELL v. MICHIGAN*. Ct. App. Mich. Certiorari denied.

No. 04–8800. *JOSEY v. BELL COUNTY, TEXAS, ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 108 Fed. Appx. 844.

No. 04–8805. *CURRY v. MORGAN, SUPERINTENDENT, WASHINGTON STATE PENITENTIARY*. C. A. 9th Cir. Certiorari denied.

No. 04–8808. *WALTON v. STICKMAN, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT PITTSBURGH, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 04–8818. *DIXON v. PHILLIPS, SUPERINTENDENT, GREEN HAVEN CORRECTIONAL FACILITY*. C. A. 2d Cir. Certiorari denied.

No. 04–8820. *COVINGTON v. RENICO, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 04–8840. *MILLER v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 348 Ill. App. 3d 1089, 868 N. E. 2d 1100.

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No. 04-8842. *RATCLIFF v. STATE BAR OF TEXAS ET AL.* Ct. App. Tex., 7th Dist. Certiorari denied.

No. 04-8845. *SCOTT v. CONNECTICUT.* Sup. Ct. Conn. Certiorari denied. Reported below: 270 Conn. 92, 851 A. 2d 291.

No. 04-8864. *WIDNER v. CROSBY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS.* C. A. 11th Cir. Certiorari denied. Reported below: 123 Fed. Appx. 385.

No. 04-8865. *TURNER v. MECHLING, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT FAYETTE, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 04-8876. *HICKS v. ILLINOIS.* App. Ct. Ill., 5th Dist. Certiorari denied. Reported below: 349 Ill. App. 3d 1051, — N. E. 2d —.

No. 04-8896. *CHEARS v. ILLINOIS.* App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 349 Ill. App. 3d 1035, — N. E. 2d —.

No. 04-8899. *MLASKA v. ILLINOIS.* App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 347 Ill. App. 3d 1109, 867 N. E. 2d 119.

No. 04-8904. *RAMIREZ v. PENNSYLVANIA.* Super. Ct. Pa. Certiorari denied. Reported below: 852 A. 2d 1252.

No. 04-8906. *MAZON v. UNITED STATES.* C. A. Fed. Cir. Certiorari denied. Reported below: 112 Fed. Appx. 741.

No. 04-8915. *MONK v. NORRIS, DIRECTOR, ARKANSAS DEPARTMENT OF CORRECTION, ET AL.* C. A. 8th Cir. Certiorari denied.

No. 04-8920. *PAYTON v. MISSISSIPPI.* Sup. Ct. Miss. Certiorari denied.

No. 04-8924. *WINSLOW v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. Reported below: 116 Fed. Appx. 703.

No. 04-8925. *EVERETT v. FLORIDA.* Sup. Ct. Fla. Certiorari denied. Reported below: 893 So. 2d 1278.

No. 04-8930. *DAVIS v. MCMAHON ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 112 Fed. Appx. 865.

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No. 04–8933. *CLARK v. WOLFE*, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT ALBION, ET AL. C. A. 3d Cir. Certiorari denied.

No. 04–8946. *EARL X v. HOWTON*, SUPERINTENDENT, OREGON STATE CORRECTIONAL INSTITUTION. C. A. 9th Cir. Certiorari denied. Reported below: 109 Fed. Appx. 162.

No. 04–8965. *MCDONALD v. NORTH CAROLINA*. Ct. App. N. C. Certiorari denied. Reported below: 165 N. C. App. 237, 599 S. E. 2d 50.

No. 04–9001. *MARTIN v. WADDINGTON*, SUPERINTENDENT, STAFFORD CREEK CORRECTIONS CENTER. C. A. 9th Cir. Certiorari denied. Reported below: 118 Fed. Appx. 225.

No. 04–9033. *ULLMAN v. UNITED STATES*. C. A. Fed. Cir. Certiorari denied. Reported below: 123 Fed. Appx. 970.

No. 04–9039. *CEBALLOS v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 385 F. 3d 1120.

No. 04–9042. *MASON v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 118 Fed. Appx. 544.

No. 04–9044. *WYNTER v. NEW YORK*. App. Div., Sup. Ct. N. Y., 2d Jud. Dept. Certiorari denied. Reported below: 11 App. Div. 3d 493, 782 N. Y. S. 2d 364.

No. 04–9051. *HORN v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 112 Fed. Appx. 545.

No. 04–9059. *SIMMS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 385 F. 3d 1347.

No. 04–9061. *COLLINS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 125 Fed. Appx. 977.

No. 04–9064. *GIBSON v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 85 Fed. Appx. 905.

No. 04–9066. *BAILEY v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 111 Fed. Appx. 894.

No. 04–9069. *YAMI OLU v. UNITED STATES*. Ct. App. D. C. Certiorari denied. Reported below: 866 A. 2d 828.

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No. 04-9073. *GAMEZ-REYES v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 04-9074. *FISHER v. UNITED STATES*. Ct. App. D. C. Certiorari denied. Reported below: 868 A. 2d 886.

No. 04-9076. *HERNANDEZ v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 04-9083. *CALLOWAY v. UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TENNESSEE*. C. A. 6th Cir. Certiorari denied.

No. 04-9088. *HOFF v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 04-9099. *OLIVER v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 110 Fed. Appx. 330.

No. 04-9108. *HARRIS v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 118 Fed. Appx. 592.

No. 04-9109. *FLINT v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 04-9111. *GRIGGS v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 04-9115. *GONZALEZ v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 112 Fed. Appx. 868.

No. 04-9126. *HAIRSTON v. UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT*. C. A. 4th Cir. Certiorari denied. Reported below: 103 Fed. Appx. 511.

No. 04-9127. *GADSEN v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 100 Fed. Appx. 887.

No. 04-9137. *RAMSBURG v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 114 Fed. Appx. 78.

No. 04-9140. *MARTINEZ-MATA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 393 F. 3d 625.

No. 04-9150. *FOXX v. MENDEZ, WARDEN, ET AL.* C. A. 3d Cir. Certiorari denied.

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No. 04-9152. *GOMEZ v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 102 Fed. Appx. 353.

No. 04-9154. *FORD v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 04-9156. *GASKIN v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 364 F. 3d 438.

No. 04-9157. *DAVIS v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

No. 04-9165. *JONES v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 125 Fed. Appx. 270.

No. 04-9166. *FUSE v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 391 F. 3d 924.

No. 04-9171. *BERNAY v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 114 Fed. Appx. 297.

No. 04-9173. *ALLEN v. BROOKS, WARDEN*. C. A. 4th Cir. Certiorari denied. Reported below: 111 Fed. Appx. 186.

No. 04-9179. *MORRIS v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 118 Fed. Appx. 72.

No. 04-9196. *INDUSTRIOUS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 108 Fed. Appx. 108.

No. 04-9199. *IRORERE v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 04-9205. *SLUSHER v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 341 Ill. App. 3d 1111, 853 N. E. 2d 451.

No. 04-9211. *CARTER v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 117 Fed. Appx. 688.

No. 04-9217. *STANFORD v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

No. 04-9225. *HAYDEN v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 115 Fed. Appx. 837.

No. 04-9233. *TREJO-PASARAN v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 385 F. 3d 1120.

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No. 04-9234. *TOLBERT v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 112 Fed. Appx. 440.

No. 04-9240. *LENIAR v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 111 Fed. Appx. 891.

No. 04-9244. *ROMERO v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 118 Fed. Appx. 528.

No. 04-9245. *AGUILAR-DELGADO v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 120 Fed. Appx. 522.

No. 04-9247. *BERNITT v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 392 F. 3d 873.

No. 04-9260. *BROWN v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 04-9265. *CASTILLO REYES v. UNITED STATES*. Ct. App. D. C. Certiorari denied. Reported below: 866 A. 2d 827.

No. 04-9267. *PUNGITORE v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

No. 04-9275. *CATHEY v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 115 Fed. Appx. 264.

No. 04-9279. *DANDRIDGE v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 122 Fed. Appx. 668.

No. 04-9297. *ORTIZ-HERNANDEZ, AKA ORTIZ-VACA, AKA COLUNGA, AKA CARREON ORTIZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 115 Fed. Appx. 267.

No. 04-9298. *O'DELL v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 118 Fed. Appx. 256.

No. 04-9300. *NAVARRO-MORALES v. UNITED STATES*. C. A. 1st Cir. Certiorari denied.

No. 04-674. *AMERICAN HOME PRODUCTS CORP. ET AL. v. COLLINS ET AL.* C. A. 5th Cir. Motion of Washington Legal Foundation for leave to file a brief as *amicus curiae* granted. Certiorari denied. JUSTICE BREYER took no part in the consideration or decision of this motion and this petition. Reported below: 343 F. 3d 765.

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No. 04-679. LOCKYER, ATTORNEY GENERAL OF CALIFORNIA *v.* KENNEDY. C. A. 9th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 379 F. 3d 1041.

No. 04-775. BLAINE COUNTY, MONTANA, ET AL. *v.* UNITED STATES. C. A. 9th Cir. Motion of petitioners to strike brief of private respondents Joseph F. McConnell et al. granted. Certiorari denied. Reported below: 363 F. 3d 897.

No. 04-808. OZMINT, DIRECTOR, SOUTH CAROLINA DEPARTMENT OF CORRECTIONS *v.* HALL. Sup. Ct. S. C. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 360 S. C. 353, 601 S. E. 2d 335.

No. 04-831. ILLINOIS CENTRAL RAILROAD CO. ET AL. *v.* SMALLWOOD. C. A. 5th Cir. Motions of Chamber of Commerce of the United States of America et al., Association of American Railroads, American Security Insurance Company, and Bryan D. Collins et al. for leave to file briefs as *amici curiae* granted. Certiorari denied. Reported below: 385 F. 3d 568.

No. 04-847. CALIFORNIA *v.* HANKS. Ct. App. Cal., 5th App. Dist. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied.

No. 04-913. ILLINOIS *v.* GILBERT. App. Ct. Ill., 4th Dist. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 347 Ill. App. 3d 1034, 808 N. E. 2d 1173.

No. 04-1058. MIKULSKI ET AL. *v.* CENTERIOR ENERGY CORP. ET AL. C. A. 6th Cir. Certiorari before judgment denied.

No. 04-8719. CHUNG *v.* BANK OF AMERICA. Ct. App. Cal., 2d App. Dist. Certiorari denied. JUSTICE BREYER took no part in the consideration or decision of this petition.

Rehearing Denied

No. 04-517. CHRISTOPHER VILLAGE, L. P., ET AL. *v.* UNITED STATES, 543 U. S. 1146;

No. 04-570. MARTIN *v.* BOYD GAMING CORP., DBA M/V TREASURE CHEST CASINO, ET AL., 543 U. S. 1187;

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No. 04-697. HUDSON *v.* AMERICAN ARBITRATION ASSN., INC., ET AL., 543 U. S. 1147;

No. 04-796. MORALES *v.* KEYSTONE DEVELOPMENT CO., LLC, ET AL., 543 U. S. 1149;

No. 04-824. SOUTHEASTERN RUBBER RECYCLING, A DIVISION OF SUNRISE GARDEN MART, INC., ET AL. *v.* ALABAMA DEPARTMENT OF PUBLIC HEALTH ET AL., 543 U. S. 1150;

No. 04-826. NSEK *v.* CIRCLE K STORES ET AL., 543 U. S. 1151;

No. 04-862. BROWN ET VIR *v.* PREMIERE DESIGNS, INC., 543 U. S. 1152;

No. 04-959. HARBUCK *v.* UNITED STATES, 543 U. S. 1153;

No. 04-1023. IN RE ADAM, 543 U. S. 1144;

No. 04-5378. WELLS *v.* JOHNSON, JUDGE, JUVENILE COURT OF LOUISIANA, EAST BATON ROUGE PARISH, 543 U. S. 896;

No. 04-6550. RICHARDSON *v.* EAGLETON, WARDEN, ET AL., 543 U. S. 1008;

No. 04-6936. HUMPHREY *v.* NEW YORK, 543 U. S. 1063;

No. 04-7050. HART *v.* MULTNOMAH COUNTY, OREGON, ET AL., 543 U. S. 1065;

No. 04-7051. HART *v.* UNITED STATES ET AL., 543 U. S. 1065;

No. 04-7056. MURESAN *v.* WASHINGTON DEPARTMENT OF SOCIAL AND HEALTH SERVICES, 543 U. S. 1155;

No. 04-7194. RICHARDSON *v.* SAFEWAY, INC., 543 U. S. 1070;

No. 04-7239. WILMS *v.* HANKS, SUPERINTENDENT, WABASH VALLEY CORRECTIONAL FACILITY, 543 U. S. 1092;

No. 04-7377. MILLER *v.* VANNATTA, SUPERINTENDENT, MIAMI CORRECTIONAL FACILITY, 543 U. S. 1126;

No. 04-7480. POTTS *v.* BAGLEY, WARDEN, 543 U. S. 1157;

No. 04-7503. YOUNG *v.* VASBINDER, WARDEN, 543 U. S. 1157;

No. 04-7516. DE MELO *v.* DEPARTMENT OF VETERANS AFFAIRS, 543 U. S. 1127;

No. 04-7531. MURDOCK *v.* AMERICAN AXLE & MANUFACTURING, INC., 543 U. S. 1158;

No. 04-7563. MILLER *v.* GEORGIA, 543 U. S. 1159;

No. 04-7605. VON BRESSENSDORF ET VIR *v.* UNITED STATES, 543 U. S. 1080;

No. 04-7657. BAYOUD *v.* BAYOUD ET AL., 543 U. S. 1162;

No. 04-7665. RAMOS *v.* UNITED STATES, 543 U. S. 1094;

No. 04-7690. ESQUIVEL-CABRERA *v.* UNITED STATES, 543 U. S. 1095;

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No. 04-7695. OWEN *v.* MITCHEM, WARDEN, ET AL., 543 U. S. 1163;

No. 04-7711. REEVES *v.* MORTON, WARDEN, 543 U. S. 1164;

No. 04-7726. PIZIO *v.* NEW JERSEY, 543 U. S. 1164;

No. 04-7727. FADEAL *v.* S & S STRAND, 543 U. S. 1164;

No. 04-7748. ROBERSON *v.* DRETKE, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION, 543 U. S. 1165;

No. 04-7752. RATCLIFF *v.* INDYMAC BANK, F. S. B., 543 U. S. 1165;

No. 04-7986. GORE *v.* UNITED STATES, 543 U. S. 1181;

No. 04-8044. CRUZ *v.* UNITED STATES, 543 U. S. 1172;

No. 04-8061. COLEMAN-BEY *v.* UNITED STATES, 543 U. S. 1172;

No. 04-8070. MOORE *v.* EXXON MOBIL CORP., FKA MOBIL OIL CORP., 543 U. S. 1172;

No. 04-8077. BROWN *v.* ILLINOIS LABOR RELATIONS BOARD PANEL ET AL., 543 U. S. 1172;

No. 04-8110. HASSON, AKA GALERA *v.* UNITED STATES, 543 U. S. 1173;

No. 04-8350. VIGIL *v.* UNITED STATES, *ante*, p. 911;

No. 04-8375. VENTRICE *v.* UNITED STATES, 543 U. S. 1192; and

No. 04-8387. CLAY *v.* UNITED STATES, 543 U. S. 1192. Petitions for rehearing denied.

No. 96-6839. ALMENDAREZ-TORRES *v.* UNITED STATES, 523 U. S. 224 and 530 U. S. 1299. Motion for leave to file second petition for rehearing denied.

No. 04-6911. BURNS *v.* UNITED STATES, 543 U. S. 1011. Motion for leave to file petition for rehearing denied.

APRIL 20, 2005

Certiorari Denied

No. 04-9632 (04A876). BENEFIEL *v.* DAVIS, WARDEN. C. A. 7th Cir. Application for stay of execution of sentence of death, presented to JUSTICE STEVENS, and by him referred to the Court, denied. Certiorari denied. Reported below: 403 F. 3d 825.

APRIL 25, 2005

Certiorari Granted—Vacated and Remanded

No. 04-1263. BOYD *v.* UNITED STATES. C. A. 5th Cir. Certiorari granted, judgment vacated, and case remanded for further

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consideration in light of *United States v. Booker*, 543 U.S. 220 (2005). Reported below: 115 Fed. Appx. 753.

No. 04-8789. *BISHOP v. UNITED STATES*. C. A. 5th Cir. Reported below: 115 Fed. Appx. 217;

No. 04-9028. *KOCH v. UNITED STATES*. C. A. 6th Cir. Reported below: 383 F. 3d 436;

No. 04-9040. *GIORDANO v. UNITED STATES*. C. A. 11th Cir. Reported below: 125 Fed. Appx. 981;

No. 04-9107. *HIGASSI, AKA AGASSI, AKA HEGGASSI v. UNITED STATES*. C. A. 11th Cir. Reported below: 126 Fed. Appx. 462;

No. 04-9138. *ROBINSON v. UNITED STATES*. C. A. 5th Cir. Reported below: 115 Fed. Appx. 246;

No. 04-9146. *PITTMAN v. UNITED STATES*. C. A. 7th Cir. Reported below: 388 F. 3d 1104;

No. 04-9169. *BLOCHER v. UNITED STATES*. C. A. 6th Cir. Reported below: 116 Fed. Appx. 690;

No. 04-9189. *MONTGOMERY v. UNITED STATES*. C. A. 5th Cir. Reported below: 115 Fed. Appx. 211;

No. 04-9191. *NASH v. UNITED STATES*. C. A. 6th Cir. Reported below: 117 Fed. Appx. 992;

No. 04-9208. *COUPAR v. UNITED STATES*. C. A. 9th Cir. Reported below: 116 Fed. Appx. 837;

No. 04-9209. *DELGADO-GAMA v. UNITED STATES*. C. A. 5th Cir. Reported below: 115 Fed. Appx. 304;

No. 04-9215. *ROBINSON v. UNITED STATES*. C. A. 5th Cir. Reported below: 115 Fed. Appx. 259;

No. 04-9216. *SLOAN v. UNITED STATES*. C. A. 4th Cir. Reported below: 117 Fed. Appx. 869;

No. 04-9236. *THIBODAUX v. UNITED STATES*. C. A. 5th Cir. Reported below: 115 Fed. Appx. 297;

No. 04-9246. *BERRYMAN v. UNITED STATES*. C. A. 5th Cir. Reported below: 115 Fed. Appx. 240;

No. 04-9251. *OLIVER v. UNITED STATES*. C. A. 6th Cir. Reported below: 390 F. 3d 482;

No. 04-9257. *BOWERS v. UNITED STATES*. C. A. 6th Cir. Reported below: 116 Fed. Appx. 736;

No. 04-9271. *HERNANDEZ-NORIEGA v. UNITED STATES*. C. A. 10th Cir. Reported below: 118 Fed. Appx. 458;

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No. 04-9272. *HALL v. UNITED STATES*. C. A. 5th Cir. Reported below: 115 Fed. Appx. 219;

No. 04-9273. *FERNANDEZ-RODRIGUEZ v. UNITED STATES*. C. A. 5th Cir.;

No. 04-9276. *CHACON-AVITIA v. UNITED STATES* (Reported below: 115 Fed. Appx. 749); *CONEJO-CANO v. UNITED STATES* (115 Fed. Appx. 725); *GALLEGOS-LUERA, AKA TORRES-MONSISVAIS v. UNITED STATES* (115 Fed. Appx. 280); *GONZALEZ-BARRAZA v. UNITED STATES* (115 Fed. Appx. 749); *GONZALEZ-CALDERON v. UNITED STATES* (115 Fed. Appx. 276); *GRANADOS-VASQUEZ v. UNITED STATES* (115 Fed. Appx. 729); *MARTINEZ-MORALES, AKA MALDONADO, AKA MARTINEZ v. UNITED STATES* (115 Fed. Appx. 285); *MUNOZ-MARQUEZ v. UNITED STATES* (115 Fed. Appx. 286); *ONTIVEROS, AKA SAUCEDO-ONTIVEROS v. UNITED STATES* (115 Fed. Appx. 242); *ORNELAS-ESTRADA v. UNITED STATES* (115 Fed. Appx. 283); *PAXTOR v. UNITED STATES* (115 Fed. Appx. 276); *POMPA-ESTRADA v. UNITED STATES* (115 Fed. Appx. 284); *PONCE-SANCHEZ v. UNITED STATES* (115 Fed. Appx. 741); *REYES-GURROLA v. UNITED STATES* (115 Fed. Appx. 272); *RIVAS-GARCIA v. UNITED STATES* (115 Fed. Appx. 250); *RUIZ-LEVARIO, AKA RUIZ v. UNITED STATES* (115 Fed. Appx. 269); *RUIZ-LOERA, AKA RUIZ LOERA, AKA RIVERA-HERNANDEZ v. UNITED STATES* (115 Fed. Appx. 232); *ROLDAN-GIL v. UNITED STATES* (115 Fed. Appx. 249); *SALAZAR-MONTES, AKA NOE SALAZAR, AKA SALAZAR v. UNITED STATES* (115 Fed. Appx. 270); *VALENZUELA-LUNA v. UNITED STATES* (115 Fed. Appx. 241); *VASQUEZ-SORIA v. UNITED STATES* (115 Fed. Appx. 282); and *ARANDA-CRUZ, AKA ARNADA-CRUZ v. UNITED STATES* (115 Fed. Appx. 270). C. A. 5th Cir.;

No. 04-9278. *CARRASCO-AVITIA v. UNITED STATES*. C. A. 5th Cir. Reported below: 115 Fed. Appx. 750;

No. 04-9280. *SANCHEZ-PENA v. UNITED STATES*. C. A. 5th Cir. Reported below: 115 Fed. Appx. 710;

No. 04-9288. *MARTINEZ-ESPARZA v. UNITED STATES*. C. A. 5th Cir. Reported below: 117 Fed. Appx. 984;

No. 04-9292. *ORTIZ JACOBO, AKA ORTIZ-JACOBO v. UNITED STATES*. C. A. 5th Cir. Reported below: 115 Fed. Appx. 265;

No. 04-9296. *MOYE v. UNITED STATES*. C. A. 5th Cir. Reported below: 115 Fed. Appx. 273;

No. 04-9299. *MORRIS v. UNITED STATES*. C. A. 3d Cir.;

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No. 04–9301. *BRISEDÁ PEREZ, AKA ARRELLANO-GOMEZ v. UNITED STATES*. C. A. 5th Cir. Reported below: 115 Fed. Appx. 220;

No. 04–9302. *TAIWO v. UNITED STATES*. C. A. 5th Cir. Reported below: 114 Fed. Appx. 644;

No. 04–9310. *ALTSCHUL v. UNITED STATES*. C. A. 5th Cir. Reported below: 115 Fed. Appx. 712;

No. 04–9312. *BEN v. UNITED STATES*. C. A. 5th Cir. Reported below: 115 Fed. Appx. 275;

No. 04–9313. *BERNAL-ISLER v. UNITED STATES*. C. A. 5th Cir. Reported below: 115 Fed. Appx. 736;

No. 04–9317. *MUNIZ-TAPIA v. UNITED STATES*; *DE LA CRUZ v. UNITED STATES*; and *TAPIA v. UNITED STATES*. C. A. 5th Cir. Reported below: 115 Fed. Appx. 719 (first judgment), 733 (second judgment), and 755 (third judgment);

No. 04–9390. *SULEIMAN v. UNITED STATES*. C. A. 11th Cir. Reported below: 126 Fed. Appx. 463; and

No. 04–9391. *STANDRIDGE v. UNITED STATES*. C. A. 10th Cir. Reported below: 119 Fed. Appx. 243. Motions of petitioners for leave to proceed *in forma pauperis* granted. Certiorari granted, judgments vacated, and cases remanded for further consideration in light of *United States v. Booker*, 543 U. S. 220 (2005).

Certiorari Dismissed

No. 04–8838. *LUNDAHL v. ELI LILLY & CO. ET AL.* C. A. 10th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8. As petitioner has repeatedly abused this Court's process, the Clerk is directed not to accept any further petitions in noncriminal matters from petitioner unless the docketing fee required by Rule 38(a) is paid and the petition is submitted in compliance with Rule 33.1. See *Martin v. District of Columbia Court of Appeals*, 506 U. S. 1 (1992) (*per curiam*). JUSTICE STEVENS dissents. See *id.*, at 4, and cases cited therein. JUSTICE O'CONNOR took no part in the consideration or decision of this motion and this petition.

No. 04–9364. *GALLARDO v. UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT*. C. A. 5th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8.

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*Miscellaneous Orders**

No. 03A511. MAXWELL *v.* SMITH. Application for certificate of appealability, addressed to JUSTICE O'CONNOR and referred to the Court, denied.

No. 03-7434. BENITEZ *v.* ROZOS, FIELD OFFICE DIRECTOR, MIAMI, IMMIGRATION AND CUSTOMS ENFORCEMENT, 543 U. S. 371. Motion of petitioner for attorney's fees under Equal Access to Justice Act denied without prejudice to filing in the United States Court of Appeals for the Eleventh Circuit.

No. 04-1095. MINISTRY OF DEFENSE AND SUPPORT FOR THE ARMED FORCES OF THE ISLAMIC REPUBLIC OF IRAN *v.* ELAHI. C. A. 9th Cir. The Acting Solicitor General is invited to file a brief in this case expressing the views of the United States.

No. 04-9519. IN RE AL-HAKIM. Petition for writ of habeas corpus denied.

No. 04-8940. IN RE NZONGOLA. Petition for writ of mandamus denied.

Certiorari Granted

No. 04-593. DOMINO'S PIZZA, INC., ET AL. *v.* McDONALD. C. A. 9th Cir. Certiorari granted. Reported below: 107 Fed. Appx. 18.

No. 04-848. DOLAN *v.* UNITED STATES POSTAL SERVICE ET AL. C. A. 3d Cir. Certiorari granted. Reported below: 377 F. 3d 285.

No. 04-881. LOCKHART *v.* UNITED STATES ET AL. C. A. 9th Cir. Certiorari granted. Reported below: 376 F. 3d 1027.

No. 04-928. OREGON *v.* GUZEK. Sup. Ct. Ore. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari granted. Reported below: 336 Ore. 424, 86 P. 3d 1106.

No. 04-1140. MARTIN ET UX. *v.* FRANKLIN CAPITAL CORP. ET AL. C. A. 10th Cir. Certiorari granted. Reported below: 393 F. 3d 1143.

*For the Court's orders prescribing amendments to the Federal Rules of Appellate Procedure, see *post*, p. 1153; amendments to the Federal Rules of Bankruptcy Procedure, see *post*, p. 1165; amendments to the Federal Rules of Civil Procedure, see *post*, p. 1175; and amendments to the Federal Rules of Criminal Procedure, see *post*, p. 1183.

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Certiorari Denied

No. 04-973. RODRIGUEZ-FREYTA *v.* NEW YORK CITY TRANSIT AUTHORITY; and

No. 04-1137. NEW YORK CITY TRANSIT AUTHORITY *v.* RODRIGUEZ-FREYTA. C. A. 2d Cir. Certiorari denied. Reported below: 95 Fed. Appx. 392.

No. 04-1103. SCARBOROUGH, INDIVIDUALLY AND ON BEHALF OF DECEDENT SCARBOROUGH, ET AL. *v.* CLEMCO INDUSTRIES, INC., AKA CLEMCO-CLEMINTINA LTD., ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 391 F. 3d 660.

No. 04-1108. FRAZIER *v.* FRAZIER ET AL. Ct. App. Cal., 6th App. Dist. Certiorari denied.

No. 04-1110. GREGORY *v.* SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 114 Fed. Appx. 87.

No. 04-1112. AIR CONDITIONING TRADES ASSOCIATION UNILATERAL APPRENTICESHIP COMMITTEE ET AL. *v.* CALIFORNIA APPRENTICESHIP COUNCIL ET AL. Ct. App. Cal., 3d App. Dist. Certiorari denied.

No. 04-1120. DAVIS ET UX. *v.* BRAZOS COUNTY, TEXAS, ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 98 Fed. Appx. 976.

No. 04-1121. THORNBURY NOBLE, LTD. *v.* THORNBURY TOWNSHIP, PENNSYLVANIA, ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 112 Fed. Appx. 185.

No. 04-1123. MORGAN ET AL. *v.* UNITED PARCEL SERVICE OF AMERICA, INC., ET AL. C. A. 8th Cir. Certiorari denied. Reported below: 380 F. 3d 459.

No. 04-1124. O'BANER *v.* TENNESSEE. Ct. Crim. App. Tenn. Certiorari denied. Reported below: 159 S. W. 3d 605.

No. 04-1126. McDougall ET AL. *v.* C. C. MID WEST, INC. Sup. Ct. Mich. Certiorari denied. Reported below: 470 Mich. 878, 683 N. W. 2d 142.

No. 04-1143. BANNER RESTORATIONS, INC. *v.* BRICKLAYERS LOCAL 21 OF ILLINOIS APPRENTICESHIP AND TRAINING PROGRAM

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ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 385 F. 3d 761.

No. 04-1147. *BUDDE v. HARLEY-DAVIDSON, INC., ET AL.* C. A. Fed. Cir. Certiorari denied. Reported below: 116 Fed. Appx. 270.

No. 04-1167. *SALEH v. GONZALES, ATTORNEY GENERAL.* C. A. 1st Cir. Certiorari denied.

No. 04-1184. *STARK ET UX. v. EMC MORTGAGE CORP.* C. A. 8th Cir. Certiorari denied. Reported below: 381 F. 3d 793.

No. 04-1185. *BREITINGER ET AL. v. NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION.* Super. Ct. N. J., App. Div. Certiorari denied.

No. 04-1215. *LEWIS v. CROSBY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 107 Fed. Appx. 892.

No. 04-1234. *THURLOW, PERSONAL REPRESENTATIVE OF THE ESTATE OF HAASE, DECEASED v. UNITED STATES ET AL.* C. A. 6th Cir. Certiorari denied.

No. 04-1235. *TOLBERT, INDIVIDUALLY AND AS PERSONAL REPRESENTATIVE OF THE ESTATE OF TOLBERT, A DECEASED MINOR v. TOLBERT, AS ADMINISTRATOR OF THE ESTATE OF KEY, DECEASED.* Sup. Ct. Ala. Certiorari denied. Reported below: 903 So. 2d 103.

No. 04-1266. *SKELDON v. GONZALES, ATTORNEY GENERAL.* C. A. 5th Cir. Certiorari denied. Reported below: 110 Fed. Appx. 415.

No. 04-1278. *KLIMAS v. DEPARTMENT OF THE TREASURY ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 122 Fed. Appx. 355.

No. 04-1287. *TEXAS v. VALDEZ.* Ct. Crim. App. Tex. Certiorari denied. Reported below: 158 S. W. 3d 438.

No. 04-7596. *MANESSIS v. NEW YORK CITY DEPARTMENT OF TRANSPORTATION ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 86 Fed. Appx. 464.

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No. 04-7810. *CONTEH v. GONZALES, ATTORNEY GENERAL*. C. A. 4th Cir. Certiorari denied. Reported below: 101 Fed. Appx. 942.

No. 04-8386. *COLE v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied. Reported below: 33 Cal. 4th 1158, 95 P. 3d 811.

No. 04-8530. *BAKER v. MARYLAND*. Ct. App. Md. Certiorari denied. Reported below: 383 Md. 550, 861 A. 2d 48.

No. 04-8557. *WHITNEY v. WYOMING*. Sup. Ct. Wyo. Certiorari denied. Reported below: 99 P. 3d 457.

No. 04-8730. *HAMILTON v. MARYLAND*. Ct. App. Md. Certiorari denied. Reported below: 383 Md. 570, 861 A. 2d 60.

No. 04-8734. *HENDRICKS v. RUSHTON, WARDEN, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 108 Fed. Appx. 796.

No. 04-8738. *FELDER v. MCKINNEY ET AL.* C. A. 7th Cir. Certiorari denied.

No. 04-8742. *SMITH v. TEXAS*. Ct. App. Tex., 11th Dist. Certiorari denied.

No. 04-8745. *COLEMAN v. DRETKE, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 04-8746. *WALDON v. NORRIS, DIRECTOR, ARKANSAS DEPARTMENT OF CORRECTION*. C. A. 8th Cir. Certiorari denied.

No. 04-8747. *MOSELEY v. SCRIBNER, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 04-8748. *OWEN v. MASSACHUSETTS*. App. Ct. Mass. Certiorari denied. Reported below: 61 Mass. App. 711, 813 N. E. 2d 1284.

No. 04-8754. *JACKSON v. SOUTH CAROLINA ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 108 Fed. Appx. 744.

No. 04-8755. *RODRIGUEZ v. GOORD, COMMISSIONER, NEW YORK DEPARTMENT OF CORRECTIONAL SERVICES*. C. A. 2d Cir. Certiorari denied.

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No. 04–8757. *SMITH v. GAMBRELL ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 108 Fed. Appx. 218.

No. 04–8766. *VIGNOLO v. BUDGE, WARDEN.* C. A. 9th Cir. Certiorari denied. Reported below: 116 Fed. Appx. 863.

No. 04–8771. *TATE v. VIRGINIA.* Sup. Ct. Va. Certiorari denied.

No. 04–8776. *PARKS v. BOYETTE, SUPERINTENDENT, NASH CORRECTIONAL INSTITUTION.* C. A. 4th Cir. Certiorari denied. Reported below: 114 Fed. Appx. 573.

No. 04–8778. *ELLIS v. EMERY, TRUSTEE, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 109 Fed. Appx. 153.

No. 04–8780. *CLARK v. MISSOURI BOARD OF PROBATION AND PAROLE.* C. A. 8th Cir. Certiorari denied.

No. 04–8782. *MUNGO v. GREENE, SUPERINTENDENT, GREAT MEADOW CORRECTIONAL FACILITY.* C. A. 2d Cir. Certiorari denied. Reported below: 393 F. 3d 327.

No. 04–8783. *MANSON v. HOFBAUER, WARDEN, ET AL.* C. A. 6th Cir. Certiorari denied.

No. 04–8784. *MORRIS v. COURT OF APPEALS OF NORTH CAROLINA ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 103 Fed. Appx. 765.

No. 04–8787. *BLANEY v. JOHNSON, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS.* C. A. 4th Cir. Certiorari denied. Reported below: 102 Fed. Appx. 335.

No. 04–8788. *BRADLEY v. MICHIGAN.* Ct. App. Mich. Certiorari denied.

No. 04–8795. *RILEY v. GEORGIA.* Sup. Ct. Ga. Certiorari denied. Reported below: 278 Ga. 677, 604 S. E. 2d 488.

No. 04–8797. *SOSA v. DRETKE, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION.* C. A. 5th Cir. Certiorari denied.

No. 04–8798. *MUNSON v. METRISH, WARDEN.* C. A. 6th Cir. Certiorari denied. Reported below: 384 F. 3d 310.

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No. 04-8799. *LOFTON v. ILLINOIS*. App. Ct. Ill., 4th Dist. Certiorari denied. Reported below: 349 Ill. App. 3d 1048, — N. E. 2d —.

No. 04-8801. *JACKSON v. CITY OF SIKESTON POLICE DEPARTMENT*. C. A. 8th Cir. Certiorari denied. Reported below: 114 Fed. Appx. 766.

No. 04-8802. *JUSTICE v. JOHNSON, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS*. C. A. 4th Cir. Certiorari denied. Reported below: 108 Fed. Appx. 104.

No. 04-8803. *JOHNSON v. BOBBY, WARDEN*. Sup. Ct. Ohio. Certiorari denied. Reported below: 103 Ohio St. 3d 96, 814 N. E. 2d 61.

No. 04-8804. *KWIATKOWSKI v. J. P. MORGAN CHASE & CO.* C. A. 2d Cir. Certiorari denied. Reported below: 112 Fed. Appx. 797.

No. 04-8806. *TURNER v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 348 Ill. App. 3d 1091, 868 N. E. 2d 1101.

No. 04-8809. *THOMAS v. FLORIDA*. Sup. Ct. Fla. Certiorari denied. Reported below: 894 So. 2d 126.

No. 04-8810. *WILLIAMS v. BRADSHAW, WARDEN*. C. A. 6th Cir. Certiorari denied. Reported below: 380 F. 3d 932.

No. 04-8815. *BOVELL v. GONZALES, ATTORNEY GENERAL*. C. A. 9th Cir. Certiorari denied.

No. 04-8816. *BURGESS v. MISSOURI*. Ct. App. Mo. Certiorari denied. Reported below: 147 S. W. 3d 822.

No. 04-8821. *PORTER v. GREER, WARDEN*. C. A. 5th Cir. Certiorari denied.

No. 04-8822. *OPONG-MENSAH v. STRACENER ET AL.* Ct. App. Cal., 3d App. Dist. Certiorari denied.

No. 04-8824. *SOSA v. DRETKE, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

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No. 04–8825. *PETRALIA v. OHIO*. Ct. App. Ohio, Lake County. Certiorari denied.

No. 04–8827. *BARRY v. OKLAHOMA*. Ct. Crim. App. Okla. Certiorari denied.

No. 04–8830. *BURNS v. MINNESOTA*. Sup. Ct. Minn. Certiorari denied.

No. 04–8837. *SCHMIDT v. UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF FLORIDA*. C. A. 11th Cir. Certiorari denied.

No. 04–8867. *HURLEY v. QWEST COMMUNICATIONS INC. EMPLOYEES ET AL.* C. A. 9th Cir. Certiorari denied.

No. 04–8878. *GUTIERREZ v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied.

No. 04–8892. *DEOLEO v. MILLER, SUPERINTENDENT, EASTERN NEW YORK CORRECTIONAL FACILITY*. C. A. 2d Cir. Certiorari denied.

No. 04–8912. *BROWN v. CHESNEY, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT RETREAT, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 04–8919. *MILES v. JOHNSON, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS*. C. A. 4th Cir. Certiorari denied. Reported below: 115 Fed. Appx. 166.

No. 04–8935. *JOHNSON v. WILBUR ET AL.* Sup. Ct. Fla. Certiorari denied. Reported below: 895 So. 2d 405.

No. 04–8951. *SMITH v. VIRGINIA*. C. A. 4th Cir. Certiorari denied. Reported below: 103 Fed. Appx. 729.

No. 04–8956. *STALLINGS v. LOUISIANA*. Sup. Ct. La. Certiorari denied. Reported below: 888 So. 2d 220.

No. 04–8962. *BURR v. HUFF ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 112 Fed. Appx. 537.

No. 04–8970. *SANDERS v. ROZNER*. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 346 Ill. App. 3d 1181, 866 N. E. 2d 714.

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No. 04-8987. *BENGE v. DELAWARE*. Sup. Ct. Del. Certiorari denied. Reported below: 862 A. 2d 385.

No. 04-8999. *PEREA v. BUSH, PRESIDENT OF THE UNITED STATES, ET AL.* (two judgments). C. A. 5th Cir. Certiorari denied.

No. 04-9047. *ROSE v. SONNEN, ADMINISTRATOR, IDAHO DEPARTMENT OF CORRECTION, OPERATIONS DIVISION*. C. A. 9th Cir. Certiorari denied.

No. 04-9052. *FALKIEWICZ v. WHITE, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 04-9070. *JAMES v. HARRISON, WARDEN, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 389 F. 3d 450.

No. 04-9075. *GAINES v. CROSBY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS*. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 894 A. 2d 246.

No. 04-9087. *FERNANDEZ v. MARYLAND*. Ct. Sp. App. Md. Certiorari denied.

No. 04-9105. *BRYAN v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 125 Fed. Appx. 982.

No. 04-9112. *GOMEZ v. JOHNSON, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS*. Sup. Ct. Va. Certiorari denied.

No. 04-9128. *FULLER v. CONWAY, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 04-9151. *GRANDISON v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 109 Fed. Appx. 541.

No. 04-9161. *EVICCI v. DENNEHY, COMMISSIONER, MASSACHUSETTS DEPARTMENT OF CORRECTION*. C. A. 1st Cir. Certiorari denied. Reported below: 387 F. 3d 37.

No. 04-9163. *JOHNSON v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied.

No. 04-9178. *PETERSON v. KING, SUPERINTENDENT, SOUTH MISSISSIPPI CORRECTIONAL FACILITY*. C. A. 5th Cir. Certiorari denied.

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No. 04-9186. *EAK v. MECHLING*, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT FAYETTE. C. A. 3d Cir. Certiorari denied.

No. 04-9187. *CRUTHIRD v. DISTRICT ATTORNEY, SUFFOLK COUNTY, MASSACHUSETTS*. App. Ct. Mass. Certiorari denied. Reported below: 62 Mass. App. 1113, 818 N. E. 2d 1098.

No. 04-9206. *RITCHIE v. CLUFF*, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 04-9224. *FULLER v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 115 Fed. Appx. 212.

No. 04-9226. *MILLS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 124 Fed. Appx. 640.

No. 04-9254. *BLUBAUGH v. AMERICAN CONTRACT BRIDGE LEAGUE ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 117 Fed. Appx. 475.

No. 04-9266. *MUNSON v. MCADORY*, WARDEN. C. A. 7th Cir. Certiorari denied.

No. 04-9268. *SMITH v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 117 Fed. Appx. 256.

No. 04-9277. *CASTRO, AKA SANCHEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 115 Fed. Appx. 202.

No. 04-9281. *SHAMBRY v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 392 F. 3d 631.

No. 04-9285. *LUONG, AKA AH SING v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 393 F. 3d 913.

No. 04-9287. *LOPEZ-MUNOZ v. UNITED STATES*; and *ORDUNA-CARRILLO v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 115 Fed. Appx. 271 (first judgment) and 730 (second judgment).

No. 04-9289. *MASKO v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 04-9293. *CAMERON v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 116 Fed. Appx. 162.

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No. 04-9294. CONTRERAS-VELASQUEZ, AKA CONTRERAS, AKA RAMIREZ, AKA RAMIREZ CONTRERAS, AKA LEON CONTRERAS *v.* UNITED STATES; RAMIREZ-TORRES, AKA ZAVALSA-RIVERA *v.* UNITED STATES; and REGIL-RODRIGUEZ, AKA FIGUEROA-RIOS *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 115 Fed. Appx. 244 (first judgment), 245 (third judgment), and 268 (second judgment).

No. 04-9303. WOOD *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 119 Fed. Appx. 593.

No. 04-9304. WALL *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 117 Fed. Appx. 252.

No. 04-9319. MEDINA-MARTINEZ *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. Reported below: 396 F. 3d 1.

No. 04-9321. LEWIS *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied.

No. 04-9325. NINO *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 126 Fed. Appx. 463.

No. 04-9327. JIMENEZ *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 04-9330. ANTUNA *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied.

No. 04-9339. SOUTHARD *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied.

No. 04-9340. RUSS *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 129 Fed. Appx. 598.

No. 04-9345. RENEAU *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 117 Fed. Appx. 135.

No. 04-9350. MASON *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 04-9352. ORDAZ *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 119 Fed. Appx. 407.

No. 04-9355. SHARP *v.* HENNEPIN COUNTY MEDICAL CENTER. Ct. App. Minn. Certiorari denied.

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No. 04–9358. *DANIELS v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

No. 04–9361. *ABDULLAH-MALIK v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 122 Fed. Appx. 36.

No. 04–9367. *ISLAM v. BRAXTON, WARDEN*. C. A. 4th Cir. Certiorari denied. Reported below: 104 Fed. Appx. 357.

No. 04–9372. *CAIN v. UNITED STATES*. C. A. 1st Cir. Certiorari denied.

No. 04–9374. *CUEVAS v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 04–9376. *WINGATE v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 113 Fed. Appx. 522.

No. 04–9377. *WADDELL, AKA SALAAM v. UNITED STATES*. Ct. App. D. C. Certiorari denied.

No. 04–9387. *HUTCHERSON v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 04–9389. *WONGUS v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

No. 04–9393. *DIAZ-REYES v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 115 Fed. Appx. 739.

No. 04–9395. *LONDONO-TABAREZ v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 121 Fed. Appx. 882.

No. 04–9397. *BIDWELL v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 393 F. 3d 1206.

No. 04–9398. *BROOKS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 04–9402. *GOMEZ-BALLESTEROS, AKA CHAVEZ v. UNITED STATES*; *VICTORIANO GONZALEZ v. UNITED STATES*; *ROANO-BUSTIAN, AKA ROANO-BASTIAN v. UNITED STATES*; and *SALAZAR-MONTES v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 115 Fed. Appx. 246 (third judgment), 277 (second judgment), 282 (first judgment), and 286 (fourth judgment).

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No. 04-9404. *KIRKSEY v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 04-9408. *CRUZ-CANSECO v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 119 Fed. Appx. 109.

No. 04-9411. *SPENCER v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 119 Fed. Appx. 21.

No. 04-9416. *JOHNSON v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 114 Fed. Appx. 791.

No. 04-9418. *HOANG AI LE v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 393 F. 3d 913.

No. 04-9419. *WASHINGTON v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 112 Fed. Appx. 501.

No. 04-9421. *MUZA v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 04-9423. *MUNRO v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 394 F. 3d 865.

No. 04-9433. *SANCHEZ v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 388 F. 3d 1199.

No. 04-9439. *MEANS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 04-9445. *TEEMER v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 394 F. 3d 59.

No. 04-9447. *TREVINO-ZARAGOZA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 119 Fed. Appx. 632.

No. 04-9449. *OSBORNE v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 04-9450. *NEPTUNE v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 04-9451. *PONTILLO v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 04-9459. *RICHARDSON v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 100 Fed. Appx. 909.

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No. 04–9461. *SANDERSON v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 117 Fed. Appx. 299.

No. 04–9463. *HERNANDEZ CARDENAS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 121 Fed. Appx. 21.

No. 04–9470. *WALSH v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 04–9472. *BROWN v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 04–9474. *COLE v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 04–9483. *JEFFERS v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 388 F. 3d 289.

No. 04–9484. *CARPA v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 129 Fed. Appx. 601.

No. 04–820. *ACREE ET AL. v. REPUBLIC OF IRAQ ET AL.* C. A. D. C. Cir. Motions of Washington Legal Foundation et al., St. Mary's University School of Law et al., and Center for Justice & Accountability and International Law Scholars for leave to file briefs as *amici curiae* granted. Certiorari denied. Reported below: 370 F. 3d 41.

No. 04–1216. *SAGE HOSPITALITY RESOURCES, LLC v. HOTEL EMPLOYEES AND RESTAURANT EMPLOYEES UNION, LOCAL 57*. C. A. 3d Cir. Motions of National Right to Work Legal Defense Foundation et al. and Chamber of Commerce of the United States of America et al. for leave to file briefs as *amici curiae* granted. Certiorari denied. Reported below: 390 F. 3d 206.

No. 04–8764. *MULLIN v. UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA*. C. A. 9th Cir. Certiorari denied. JUSTICE BREYER took no part in the consideration or decision of this petition.

Rehearing Denied

No. 04–750. *GOULD v. UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MINNESOTA*, 543 U. S. 1148;

No. 04–5054. *ISRAEL v. UNITED STATES*, 543 U. S. 1122;

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No. 04-6390. MARTINEZ-JARAMILLO *v.* GONZALES, ATTORNEY GENERAL, 543 U. S. 1154;

No. 04-6713. NUNES *v.* GONZALES, ATTORNEY GENERAL, 543 U. S. 1188;

No. 04-7430. CONNER *v.* MCBRIDE, SUPERINTENDENT, MAXIMUM CONTROL FACILITY, 543 U. S. 1189;

No. 04-7580. GERBER *v.* CAMP HOPE CHILDREN'S BIBLE FELLOWSHIP OF NEW YORK, INC., 543 U. S. 1159;

No. 04-7591. BEY *v.* YOUNG, WARDEN, 543 U. S. 1160;

No. 04-7952. LUCZAK *v.* MOTE, WARDEN, 543 U. S. 1191;

No. 04-8139. COPLIN *v.* UNITED STATES, 543 U. S. 1174;

No. 04-8166. GONZALEZ LORA *v.* UNITED STATES, 543 U. S. 1174;

No. 04-8237. PASTER *v.* UNITED STATES, 543 U. S. 1176; and

No. 04-8586. HAMMER *v.* TRENDL, *ante*, p. 933. Petitions for rehearing denied.

APRIL 26, 2005

Certiorari Denied

No. 04-9765 (04A903). JONES *v.* MISSOURI. Sup. Ct. Mo. Application for stay of execution of sentence of death, presented to JUSTICE THOMAS, and by him referred to the Court, denied. Certiorari denied.

No. 04-9817 (04A912). JONES *v.* PURKETT, SUPERINTENDENT, EASTERN RECEPTION, DIAGNOSTIC AND CORRECTIONAL CENTER. Sup. Ct. Mo. Application for stay of execution of sentence of death, presented to JUSTICE THOMAS, and by him referred to the Court, denied. Certiorari denied.

No. 04-9848 (04A917). JONES *v.* CRAWFORD, DIRECTOR, MISSOURI DEPARTMENT OF CORRECTIONS, ET AL. C. A. 8th Cir. Application for stay of execution of sentence of death, presented to JUSTICE THOMAS, and by him referred to the Court, denied. Certiorari denied.

APRIL 28, 2005

Miscellaneous Order

No. 04M73 (04A923). CENTOBIE *v.* CAMPBELL, COMMISSIONER, ALABAMA DEPARTMENT OF CORRECTIONS. Application for stay of execution of sentence of death, presented to JUSTICE KENNEDY, and by him referred to the Court, denied. Motion for leave to

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proceed *in forma pauperis* without an affidavit of indigency executed by petitioner denied.

APRIL 29, 2005

Dismissal Under Rule 46

No. 04-1214. KFC U. S. PROPERTIES, INC., FKA KFC NATIONAL MANAGEMENT CO. *v.* WILLIAMS. C. A. 2d Cir. Certiorari dismissed under this Court's Rule 46. Reported below: 391 F. 3d 411.

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Certiorari Granted—Vacated and Remanded

No. 03-1427. EUROPEAN COMMUNITY ET AL. *v.* RJR NABISCO, INC., ET AL. C. A. 2d Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Pasquantino v. United States*, ante, p. 349. Reported below: 355 F. 3d 123.

No. 04-81. BASF CORP. *v.* PETERSON ET AL. Sup. Ct. Minn. Motions of CropLife America, Chamber of Commerce of the United States of America, and Product Liability Advisory Council, Inc., for leave to file briefs as *amici curiae* granted. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Bates v. Dow Agrosciences LLC*, ante, p. 431. Reported below: 675 N. W. 2d 57.

No. 04-579. OKEN *v.* MONSANTO CO. ET AL. C. A. 11th Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Bates v. Dow Agrosciences LLC*, ante, p. 431. Reported below: 371 F. 3d 1312.

No. 04-1021. MICHIGAN HIGH SCHOOL ATHLETIC ASSN., INC., ON BEHALF OF ITSELF AND ITS MEMBERS *v.* COMMUNITIES FOR EQUITY, ON BEHALF OF ITSELF, ITS MEMBERS, AND ALL OTHERS SIMILARLY SITUATED, ET AL. C. A. 6th Cir. Motions of Michigan Interscholastic Athletic Administrators Association, Michigan Association of School Boards, Basketball Coaches Association of Michigan, and National Federation of State High School Associations for leave to file briefs as *amici curiae* granted. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Rancho Palos Verdes v. Abrams*, ante, p. 113. Reported below: 377 F. 3d 504.

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No. 04-7904. *CRUZ v. UNITED STATES*. C. A. 5th Cir. Reported below: 388 F. 3d 150;

No. 04-8921. *QUINONES v. UNITED STATES*. C. A. 9th Cir. Reported below: 106 Fed. Appx. 618;

No. 04-9121. *CASTRO v. UNITED STATES*. C. A. 11th Cir. Reported below: 125 Fed. Appx. 981;

No. 04-9170. *BIFFLE v. UNITED STATES*. C. A. 11th Cir. Reported below: 126 Fed. Appx. 463;

No. 04-9210. *CLEDANOR v. UNITED STATES*. C. A. 11th Cir. Reported below: 127 Fed. Appx. 473;

No. 04-9212. *COTNEY v. UNITED STATES*. C. A. 11th Cir. Reported below: 120 Fed. Appx. 785;

No. 04-9261. *BAXTER v. UNITED STATES*. C. A. 11th Cir. Reported below: 127 Fed. Appx. 471;

No. 04-9295. *CAMPOS-AIZPURO v. UNITED STATES*; *CAMPOS-CRUZ v. UNITED STATES*; *CHAVEZ-DELGADO v. UNITED STATES*; *HERNANDEZ-ESCAJEDA v. UNITED STATES*; *MAGALLANES-RODRIGUEZ v. UNITED STATES*; *MOYA v. UNITED STATES*; *VALENZUELA-RIVERA, AKA RIVERA-CALDERA v. UNITED STATES*; and *VIZCAINO-AMARO, AKA VIZCAINO v. UNITED STATES*. C. A. 5th Cir. Reported below: 115 Fed. Appx. 271 (third judgment), 279 (fifth judgment), 280 (fourth judgment), 718 (sixth judgment), 727 (first judgment), 742 (eighth judgment), 752 (second judgment), and 758 (seventh judgment);

No. 04-9306. *VENCES v. UNITED STATES*; *GUARDADO-ORTEGA v. UNITED STATES*; *LOPEZ-TOVAR v. UNITED STATES*; *TREJO-HERNANDEZ v. UNITED STATES*; *SAUZO-IZAGUIRRE v. UNITED STATES*; and *LOREDO-PECINA v. UNITED STATES*. C. A. 5th Cir. Reported below: 115 Fed. Appx. 223 (first judgment), 236 (third judgment), 237 (sixth judgment), 253 (fifth judgment), 254 (fourth judgment), and 288 (second judgment);

No. 04-9308. *THIBODEAUX v. UNITED STATES*. C. A. 5th Cir. Reported below: 115 Fed. Appx. 708;

No. 04-9309. *VELOZ v. UNITED STATES*. C. A. 5th Cir. Reported below: 115 Fed. Appx. 278;

No. 04-9314. *BARRON-TORRES v. UNITED STATES* (Reported below: 115 Fed. Appx. 247); *CAMACHO-MUNOZ v. UNITED STATES* (115 Fed. Appx. 240); *CAPELLAN-FIGUEROO v. UNITED STATES* (115 Fed. Appx. 283); *JIMENEZ-CORDOVA v. UNITED STATES* (115 Fed. Appx. 268); *MACIAS-ORTIZ v. UNITED STATES* (115 Fed. Appx. 750); *MENDEZ-CHAVEZ v. UNITED STATES* (115 Fed. Appx.

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267); *RODRIGUEZ-VERA v. UNITED STATES* (115 Fed. Appx. 727); *TREJO-LOPEZ v. UNITED STATES* (115 Fed. Appx. 241); and *VENEGAS-QUEZADA v. UNITED STATES* (115 Fed. Appx. 243). C. A. 5th Cir.;

No. 04-9315. *BAEZ v. UNITED STATES*; *CASTORENA-RAMIREZ v. UNITED STATES* (Reported below: 115 Fed. Appx. 281); *GONZALEZ-LABORICO v. UNITED STATES* (115 Fed. Appx. 248); *GUTIERREZ-GUEVARA v. UNITED STATES* (115 Fed. Appx. 260); *HERNANDEZ-GARCIA v. UNITED STATES* (115 Fed. Appx. 747); *HERRERA-FLORES v. UNITED STATES* (115 Fed. Appx. 261); *IBARRA-ARELLANO v. UNITED STATES* (115 Fed. Appx. 748); *RAMIREZ-GARCIA v. UNITED STATES* (115 Fed. Appx. 263); *RAMOS-ZUNIGA v. UNITED STATES* (115 Fed. Appx. 263); *RODRIGUEZ-GASPAR v. UNITED STATES* (115 Fed. Appx. 715); *ROJAS-DE-LA ROSA v. UNITED STATES* (115 Fed. Appx. 247); *SANCHEZ-MENDEZ v. UNITED STATES* (115 Fed. Appx. 265); and *VASQUEZ-RAMOS v. UNITED STATES*. C. A. 5th Cir.;

No. 04-9316. *DE LA CRUZ-GONZALEZ v. UNITED STATES* (Reported below: 115 Fed. Appx. 224); *LOPEZ-CRUZ v. UNITED STATES* (115 Fed. Appx. 732); *ARAGUZ-RAMIREZ v. UNITED STATES* (115 Fed. Appx. 291); *CANTU-RIOS v. UNITED STATES* (115 Fed. Appx. 744); *CASTILLO-BUSTAMANTE, AKA GARCIA v. UNITED STATES* (115 Fed. Appx. 734); *MENDOZA-SIFUENTES v. UNITED STATES* (115 Fed. Appx. 251); *TORRES-AVILA v. UNITED STATES* (115 Fed. Appx. 289); *HERNANDEZ-GONZALEZ v. UNITED STATES* (115 Fed. Appx. 256); *VELA-SALINAS v. UNITED STATES* (115 Fed. Appx. 238); *NIEVES-ALVAREZ v. UNITED STATES* (115 Fed. Appx. 746); *RAMIREZ-SANTANA v. UNITED STATES* (115 Fed. Appx. 235); *VASQUEZ-ALEJOS, AKA MAYA-GALVAN v. UNITED STATES* (115 Fed. Appx. 252); *PEREZ-TOSTADO v. UNITED STATES* (115 Fed. Appx. 257); *SAYAS-MONTOYA v. UNITED STATES* (115 Fed. Appx. 298); *ROSALES v. UNITED STATES* (115 Fed. Appx. 709); *CRUZ v. UNITED STATES* (115 Fed. Appx. 721); *ARVIZU-GARCIA v. UNITED STATES* (115 Fed. Appx. 723); *VACA-HERNANDEZ v. UNITED STATES* (115 Fed. Appx. 706); *ESPINOZA-CORTEZ v. UNITED STATES* (115 Fed. Appx. 722); *LOPEZ-CRUZ v. UNITED STATES* (115 Fed. Appx. 742); *SAN MARTIN, AKA HERNANDEZ-LOZANO v. UNITED STATES* (117 Fed. Appx. 985); *GARCIA v. UNITED STATES* (115 Fed. Appx. 735); *GONZALEZ-MATA, AKA GONZALEZ v. UNITED STATES* (115 Fed. Appx. 258); *GUTIERREZ-SUAREZ v. UNITED STATES* (115 Fed. Appx. 256); *ALANIS-GONZALES, AKA ROBLEDO-*

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PESINA *v.* UNITED STATES (115 Fed. Appx. 255); ROMERO RODRIGUEZ *v.* UNITED STATES (115 Fed. Appx. 745); CISNEROS-CAVAZOS *v.* UNITED STATES (115 Fed. Appx. 740); ARELLANO-RIOS *v.* UNITED STATES (115 Fed. Appx. 720); RAMOS-LUCAS *v.* UNITED STATES (115 Fed. Appx. 733); and ALBARENGA-VILLALOBO *v.* UNITED STATES (115 Fed. Appx. 712). C. A. 5th Cir.;

No. 04-9348. CALTON *v.* UNITED STATES. C. A. 5th Cir. Reported below: 117 Fed. Appx. 982;

No. 04-9349. LONGBINE *v.* UNITED STATES. C. A. 5th Cir. Reported below: 115 Fed. Appx. 221;

No. 04-9365. GOMEZ *v.* UNITED STATES. C. A. 8th Cir. Reported below: 111 Fed. Appx. 855;

No. 04-9381. GARCIA-VARGAS *v.* UNITED STATES. C. A. 5th Cir. Reported below: 115 Fed. Appx. 288;

No. 04-9382. FLORES *v.* UNITED STATES. C. A. 5th Cir. Reported below: 122 Fed. Appx. 720;

No. 04-9384. GARCIA *v.* UNITED STATES. C. A. 5th Cir. Reported below: 115 Fed. Appx. 230;

No. 04-9385. HERNANDEZ-BAIDE *v.* UNITED STATES. C. A. 10th Cir. Reported below: 392 F. 3d 1153;

No. 04-9401. GONZALEZ-ANTUNA *v.* UNITED STATES; MENCHACA-MORENO, AKA AMUNDO MENCHACA *v.* UNITED STATES; NAVARETTE-CASTILLO, AKA CASTILLO-NAVARETTE *v.* UNITED STATES; and VARELA-MARQUEZ *v.* UNITED STATES. C. A. 5th Cir. Reported below: 115 Fed. Appx. 274 (second judgment), 277 (third judgment), 718 (first judgment), and 728 (fourth judgment);

No. 04-9407. DELEON-GARCIA *v.* UNITED STATES. C. A. 5th Cir. Reported below: 119 Fed. Appx. 605;

No. 04-9412. WELCH *v.* UNITED STATES. C. A. 11th Cir. Reported below: 127 Fed. Appx. 473;

No. 04-9414. NAJERA-MORALES *v.* UNITED STATES. C. A. 10th Cir. Reported below: 113 Fed. Appx. 366;

No. 04-9424. JACOBS *v.* UNITED STATES. C. A. 11th Cir. Reported below: 127 Fed. Appx. 471;

No. 04-9425. JONES *v.* UNITED STATES. C. A. 5th Cir. Reported below: 120 Fed. Appx. 524;

No. 04-9429. SZABO *v.* UNITED STATES. C. A. 11th Cir. Reported below: 127 Fed. Appx. 473;

No. 04-9436. NAVARRO-GONZALEZ *v.* UNITED STATES. C. A. 9th Cir. Reported below: 116 Fed. Appx. 123;

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No. 04–9453. BARRERA-GONZALEZ *v.* UNITED STATES. C. A. 9th Cir. Reported below: 116 Fed. Appx. 886;

No. 04–9465. COUNTERMAN *v.* UNITED STATES. C. A. 6th Cir. Reported below: 121 Fed. Appx. 581;

No. 04–9480. BECK *v.* UNITED STATES. C. A. 9th Cir. Reported below: 393 F. 3d 1088;

No. 04–9516. QUEJADA-POMARE *v.* UNITED STATES. C. A. 11th Cir.;

No. 04–9524. JOHNSON, AKA POWELL *v.* UNITED STATES. C. A. 11th Cir.;

No. 04–9528. RESTREPO *v.* UNITED STATES. C. A. 11th Cir. Reported below: 125 Fed. Appx. 976; and

No. 04–9577. MERAZ-AMADO *v.* UNITED STATES. C. A. 5th Cir. Reported below: 117 Fed. Appx. 370. Motions of petitioners for leave to proceed *in forma pauperis* granted. Certiorari granted, judgments vacated, and cases remanded for further consideration in light of *United States v. Booker*, 543 U. S. 220 (2005).

Certiorari Dismissed

No. 04–9020. YOWEL, AKA ROBINSON *v.* JOHNSON, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS, 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: 112 Fed. Appx. 276.

No. 04–9203. REED *v.* ARIZONA ET AL. Ct. App. Ariz. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court’s Rule 39.8.

*Miscellaneous Orders **

No. 04M67. GARCIA-MEJIA *v.* UNITED STATES. Motion for leave to file petition for writ of certiorari under seal with redacted copies for the public record granted.

No. 04M68. SLAUGHTER *v.* METRISH, WARDEN. Motion to direct the Clerk to file petition for writ of certiorari out of time denied.

No. 04M69. TURNER *v.* CALIFORNIA. Motion for leave to proceed *in forma pauperis* without an affidavit of indigency executed

*For revisions to the Rules of this Court effective this date, see *post*, p. 1071.

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by petitioner denied. JUSTICE STEVENS and JUSTICE BREYER would grant the motion.

No. 04-980. BROWN, WARDEN *v.* SANDERS. C. A. 9th Cir. [Certiorari granted, *ante*, p. 947.] Motion of respondent for appointment of counsel granted. Nina Rivkind, Esq., of San Francisco, Cal., is appointed to serve as counsel for respondent in this case.

No. 04-8116. S. C. ET VIR *v.* R. Y. ET UX. Sup. Ct. Miss. Motion of petitioners for reconsideration of order denying leave to proceed *in forma pauperis* [*ante*, p. 919] denied.

No. 04-9534. IN RE YOUNG-COOPER;

No. 04-9595. IN RE BURRELL; and

No. 04-9619. IN RE ALI. Petitions for writs of habeas corpus denied.

No. 04-8934. IN RE CARDWELL. Petition for writ of mandamus denied.

Certiorari Granted

No. 04-721. LAMARQUE, WARDEN *v.* CHAVIS. C. A. 9th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari granted. Reported below: 382 F. 3d 921.

No. 04-1152. RUMSFELD, SECRETARY OF DEFENSE, ET AL. *v.* FORUM FOR ACADEMIC & INSTITUTIONAL RIGHTS, INC., ET AL. C. A. 3d Cir. Certiorari granted. Reported below: 390 F. 3d 219.

Certiorari Denied

No. 04-294. FOUNTAIN *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 357 F. 3d 250.

No. 04-1009. INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE AND AGRICULTURAL IMPLEMENT WORKERS OF AMERICA, ET AL. *v.* FINK, DIRECTOR, MICHIGAN OFFICE OF THE STATE EMPLOYER, ET AL. C. A. 6th Cir. Certiorari denied. Reported below: 385 F. 3d 1003.

No. 04-1012. HAIRE *v.* MESHULAM. C. A. D. C. Cir. Certiorari denied. Reported below: 378 F. 3d 1100.

No. 04-1024. O'CONNOR *v.* CHURCH OF ST. IGNATIUS LOYOLA ET AL. App. Div., Sup. Ct. N. Y., 1st Jud. Dept. Certiorari denied. Reported below: 8 App. Div. 3d 125, 779 N. Y. S. 2d 31.

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No. 04–1055. *SAFE AIR FOR EVERYONE v. MEYER ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 373 F. 3d 1035.

No. 04–1141. *KYLES v. ILLINOIS.* App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 349 Ill. App. 3d 1036, — N. E. 2d —.

No. 04–1145. *BENSEL ET AL. v. ALLIED PILOTS ASSN. ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 387 F. 3d 298.

No. 04–1151. *PITTS v. CROSBY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 125 Fed. Appx. 978.

No. 04–1155. *GRAHAM v. E–J ELECTRIC INSTALLATION CO. ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 110 Fed. Appx. 192.

No. 04–1156. *CITIZENS FINANCIAL GROUP, INC. v. CITIZENS NATIONAL BANK OF EVANS CITY ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 383 F. 3d 110.

No. 04–1161. *VANGUILDER v. NEW YORK.* Sup. Ct. N. Y., Washington County. Certiorari denied.

No. 04–1163. *STEPHENS v. UNION CARBIDE CORP. ET AL.* C. A. 6th Cir. Certiorari denied.

No. 04–1166. *ROSSI, DBA INTERNETMOVIES.COM v. MOTION PICTURE ASSOCIATION OF AMERICA, INC., ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 391 F. 3d 1000.

No. 04–1192. *HEIDE ET AL. v. FEDERAL AVIATION ADMINISTRATION.* C. A. 8th Cir. Certiorari denied. Reported below: 110 Fed. Appx. 724.

No. 04–1194. *HARLEY v. ADLER ET AL.* App. Div., Sup. Ct. N. Y., 2d Jud. Dept. Certiorari denied. Reported below: 7 App. Div. 3d 570, 775 N. Y. S. 2d 892.

No. 04–1212. *DODAJ ET AL. v. GONZALES, ATTORNEY GENERAL.* C. A. 6th Cir. Certiorari denied. Reported below: 109 Fed. Appx. 763.

No. 04–1222. *DAVIS ET AL. v. UNITED AUTOMOBILE WORKERS OF AMERICA.* C. A. 6th Cir. Certiorari denied. Reported below: 390 F. 3d 908.

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No. 04-1223. *GRAJALES v. GONZALES, ATTORNEY GENERAL*. C. A. 11th Cir. Certiorari denied. Reported below: 125 Fed. Appx. 981.

No. 04-1231. *TOLLIVER v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 347 Ill. App. 3d 203, 807 N. E. 2d 524.

No. 04-1245. *ROACH v. ROACH*. Ct. App. Ariz. Certiorari denied.

No. 04-1251. *MEDPOINTE HEALTHCARE, INC. v. HI-TECH PHARMACAL CO., INC.* C. A. Fed. Cir. Certiorari denied. Reported below: 115 Fed. Appx. 76.

No. 04-1256. *WHITE v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 04-1267. *ORD v. SECURITIES AND EXCHANGE COMMISSION ET AL.* C. A. D. C. Cir. Certiorari denied.

No. 04-1271. *RUTTI v. WYOMING*. Sup. Ct. Wyo. Certiorari denied. Reported below: 100 P. 3d 394.

No. 04-1308. *FLEISCHLI v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 376 F. 3d 709.

No. 04-8841. *O'GARA v. NEW YORK*. App. Div., Sup. Ct. N. Y., 1st Jud. Dept. Certiorari denied. Reported below: 239 App. Div. 2d 215, 657 N. Y. S. 2d 661.

No. 04-8843. *SANCHO v. RAMIREZ ET AL.* Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 04-8844. *SMITH v. LAMARQUE, WARDEN*. C. A. 9th Cir. Certiorari denied. Reported below: 111 Fed. Appx. 509.

No. 04-8846. *REDDEN v. RAFFERTY, WARDEN*. C. A. 3d Cir. Certiorari denied.

No. 04-8847. *MOONEY v. GEORGIA*. Ct. App. Ga. Certiorari denied. Reported below: 266 Ga. App. 587, 597 S. E. 2d 589.

No. 04-8848. *DUARTE v. SNEDEKER, WARDEN*. C. A. 10th Cir. Certiorari denied.

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No. 04–8853. *CURTIS v. TURPIN, WARDEN*. Sup. Ct. Ga. Certiorari denied. Reported below: 278 Ga. 698, 606 S. E. 2d 244.

No. 04–8857. *TOWNE v. FARWELL, WARDEN*. C. A. 9th Cir. Certiorari denied. Reported below: 116 Fed. Appx. 873.

No. 04–8858. *YOUNG v. SULLIVAN, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 04–8859. *WANSING v. SMELSER, WARDEN, ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 115 Fed. Appx. 27.

No. 04–8860. *CASTILLO v. SPAIN ET AL.* C. A. 5th Cir. Certiorari denied.

No. 04–8866. *BEENE v. TERHUNE ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 380 F. 3d 1149.

No. 04–8874. *KWANG-WEI HAN v. RYAN ET AL.* C. A. 9th Cir. Certiorari denied.

No. 04–8875. *HILL v. SOUTH CAROLINA*. Sup. Ct. S. C. Certiorari denied. Reported below: 361 S. C. 297, 604 S. E. 2d 696.

No. 04–8880. *GATES v. WYNDER, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT DALLAS, ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 116 Fed. Appx. 340.

No. 04–8882. *GROOMS v. JOHNSON, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS*. C. A. 4th Cir. Certiorari denied. Reported below: 114 Fed. Appx. 96.

No. 04–8883. *HUNSINGER v. NEW JERSEY*. Super. Ct. N. J., App. Div. Certiorari denied.

No. 04–8884. *GARDNER v. WYNDER, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT DALLAS, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 04–8885. *TAYLOR v. TEXAS*. Ct. App. Tex., 8th Dist. Certiorari denied.

No. 04–8886. *WASHINGTON v. AMERICAN DRUG STORES, INC.* C. A. 7th Cir. Certiorari denied. Reported below: 119 Fed. Appx. 3.

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No. 04–8890. *JOHNSON v. DRETKE*, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 04–8895. *ESHAN v. CALIFORNIA*. Ct. App. Cal., 4th App. Dist., Div. 2. Certiorari denied.

No. 04–8897. *LAMAR-HOGAN v. GEORGIA DEPARTMENT OF LABOR*. Super. Ct. Hancock County, Ga. Certiorari denied.

No. 04–8907. *BINGHAM v. DRETKE*, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 04–8910. *APPLEBY v. BUTLER*, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 04–8913. *DULANEY v. TONEY*, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 114 Fed. Appx. 343.

No. 04–8914. *KING v. OHIO*. C. A. 6th Cir. Certiorari denied.

No. 04–8918. *MILLS v. ILLINOIS*. App. Ct. Ill., 2d Dist. Certiorari denied. Reported below: 348 Ill. App. 3d 1099, 868 N. E. 2d 1104.

No. 04–8922. *DANIEL v. FISCHER*, SUPERINTENDENT, SING SING CORRECTIONAL FACILITY. C. A. 2d Cir. Certiorari denied.

No. 04–8926. *TYRELL v. NEW YORK*. App. Div., Sup. Ct. N. Y., 2d Jud. Dept. Certiorari denied. Reported below: 8 App. Div. 3d 685, 778 N. Y. S. 2d 887.

No. 04–8928. *WOLFGANG v. CHESNEY*, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT RETREAT, ET AL. C. A. 3d Cir. Certiorari denied.

No. 04–8929. *WALKER v. BEARD*, SECRETARY, PENNSYLVANIA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 385 F. 3d 321.

No. 04–8931. *CERVANTE v. PITCHER*, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 04–8936. *WALLS v. SECURITY ENFORCEMENT BUREAU OF NEW YORK, INC., ET AL.* C. A. 4th Cir. Certiorari denied.

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No. 04–8941. *JOHNSON v. FATKIN, WARDEN*. C. A. 10th Cir. Certiorari denied. Reported below: 111 Fed. Appx. 999.

No. 04–8943. *JONES v. TEXAS*. Ct. App. Tex., 5th Dist. Certiorari denied.

No. 04–8944. *SLOANE v. PORTUONDO, SUPERINTENDENT, SHAWANGUNK CORRECTIONAL FACILITY*. C. A. 2d Cir. Certiorari denied.

No. 04–8948. *EYAJAN v. SMITH ET AL.* Ct. App. Ohio, Ashtabula County. Certiorari denied.

No. 04–8952. *SUMBRY v. SHARP ET AL.* C. A. D. C. Cir. Certiorari denied.

No. 04–8953. *RAY v. NEW JERSEY*. Super. Ct. N. J., App. Div. Certiorari denied. Reported below: 372 N. J. Super. 496, 859 A. 2d 738.

No. 04–8955. *REDDEN v. RAFFERTY, WARDEN, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 04–8964. *MITCHELL v. MISSISSIPPI*. Sup. Ct. Miss. Certiorari denied. Reported below: 886 So. 2d 704.

No. 04–8968. *KEELING v. SHANNON, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT FRACKVILLE, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 04–8977. *WATERS v. SCHWARTZ, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 04–8978. *DJAP v. GONZALES, ATTORNEY GENERAL*. C. A. 10th Cir. Certiorari denied. Reported below: 113 Fed. Appx. 376.

No. 04–8981. *COOK v. SCRIBNER, WARDEN*. C. A. 9th Cir. Certiorari denied. Reported below: 116 Fed. Appx. 789.

No. 04–8988. *WILLIAMS v. ALABAMA*. Ct. Crim. App. Ala. Certiorari denied. Reported below: 897 So. 2d 1246.

No. 04–8997. *MCBANE v. REILLY, NASSAU COUNTY CORRECTIONAL FACILITY*. C. A. 2d Cir. Certiorari denied. Reported below: 114 Fed. Appx. 42.

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No. 04-9016. *VAN HOEF v. BUREAU OF IMMIGRATION AND CUSTOMS ENFORCEMENT*. C. A. 4th Cir. Certiorari denied. Reported below: 109 Fed. Appx. 624.

No. 04-9026. *ADAMS v. TREON, WARDEN, ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 115 Fed. Appx. 243.

No. 04-9031. *MARCUS v. NICHOLSON, SECRETARY OF VETERANS AFFAIRS*. C. A. 7th Cir. Certiorari denied.

No. 04-9041. *CHRISTAKIS v. McMAHON*. C. A. 1st Cir. Certiorari denied.

No. 04-9045. *BRITO-DE FIGUEROA ET AL. v. GONZALES, ATTORNEY GENERAL*. C. A. 1st Cir. Certiorari denied. Reported below: 113 Fed. Appx. 413.

No. 04-9078. *GAYNOR v. KYLER, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT HUNTINGDON*. C. A. 3d Cir. Certiorari denied.

No. 04-9096. *STEFFEN v. CAREY, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 04-9120. *COLEMAN v. LOUISIANA*. Ct. App. La., 4th Cir. Certiorari denied. Reported below: 871 So. 2d 1280.

No. 04-9134. *JOHNSON v. EMERSON ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 110 Fed. Appx. 740.

No. 04-9144. *PARKS v. UNITED STATES*; and
No. 04-9508. *JOHNSON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 119 Fed. Appx. 593.

No. 04-9160. *CAMP v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied.

No. 04-9164. *JACKSON v. KANSAS*. Ct. App. Kan. Certiorari denied. Reported below: 32 Kan. App. 2d xxvi, 88 P. 3d 260.

No. 04-9175. *BURDETTE v. McBRIDE, WARDEN*. C. A. 4th Cir. Certiorari denied. Reported below: 112 Fed. Appx. 926.

No. 04-9177. *P. S. v. MONTANA*. Sup. Ct. Mont. Certiorari denied. Reported below: 324 Mont. 327, 102 P. 3d 1225.

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No. 04–9181. *WHITE v. SHANNON*, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT FRACKVILLE, ET AL. C. A. 3d Cir. Certiorari denied.

No. 04–9182. *WESTLEY v. COLORADO*. Ct. App. Colo. Certiorari denied.

No. 04–9192. *LOPEZ v. LAMARQUE*, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 04–9227. *MCCLELLAN v. PENNSYLVANIA ET AL.* C. A. 3d Cir. Certiorari denied.

No. 04–9231. *REID v. FISCHER*, SUPERINTENDENT, SING SING CORRECTIONAL FACILITY. C. A. 2d Cir. Certiorari denied.

No. 04–9237. *WOMACK v. LOUISIANA*. Sup. Ct. La. Certiorari denied. Reported below: 888 So. 2d 220.

No. 04–9238. *JOHNSON v. CROSBY*, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS. C. A. 11th Cir. Certiorari denied. Reported below: 124 Fed. Appx. 640.

No. 04–9250. *PETERSEN v. HILL*, SUPERINTENDENT, SNAKE RIVER CORRECTIONAL INSTITUTION. C. A. 9th Cir. Certiorari denied.

No. 04–9252. *TRIGONES v. MASSACHUSETTS*. Sup. Jud. Ct. Mass. Certiorari denied.

No. 04–9269. *HOLLIHAN v. SOBINA*, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT SOMERSET, ET AL. C. A. 3d Cir. Certiorari denied.

No. 04–9291. *MORGAN v. LENSING*, WARDEN. C. A. 5th Cir. Certiorari denied.

No. 04–9311. *BUSH v. SOBINA*, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT SOMERSET, ET AL. C. A. 3d Cir. Certiorari denied.

No. 04–9320. *PERSON v. DOTSON*, WARDEN. C. A. 4th Cir. Certiorari denied. Reported below: 112 Fed. Appx. 927.

No. 04–9324. *MOORER v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 383 F. 3d 164.

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No. 04-9336. *BOWEN v. CITY OF LOS ANGELES, CALIFORNIA*. C. A. 9th Cir. Certiorari denied.

No. 04-9366. *GALDAMEZ v. FISCHER, SUPERINTENDENT, SING SING CORRECTIONAL FACILITY*. C. A. 2d Cir. Certiorari denied. Reported below: 394 F. 3d 68.

No. 04-9380. *WHIGHAM v. CITY OF SAN FRANCISCO, CALIFORNIA*. C. A. 9th Cir. Certiorari denied.

No. 04-9403. *HUBANKS v. FRANK, SECRETARY, WISCONSIN DEPARTMENT OF CORRECTIONS*. C. A. 7th Cir. Certiorari denied. Reported below: 392 F. 3d 926.

No. 04-9428. *CLARK v. MISSISSIPPI*. Sup. Ct. Miss. Certiorari denied. Reported below: 891 So. 2d 136.

No. 04-9434. *RICE v. WYOMING*. Sup. Ct. Wyo. Certiorari denied. Reported below: 100 P. 3d 371.

No. 04-9443. *SAID ET UX. v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 9th Cir. Certiorari denied. Reported below: 122 Fed. Appx. 608.

No. 04-9476. *CUTBIRTH v. WYOMING DEPARTMENT OF CORRECTIONS ET AL.* Sup. Ct. Wyo. Certiorari denied.

No. 04-9486. *BROWN v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 04-9492. *TAYLOR v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 108 Fed. Appx. 493.

No. 04-9495. *CARBAJAL-DEPAZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 04-9497. *VOLIS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 112 Fed. Appx. 4.

No. 04-9499. *ATHANASIADES v. EDELMAN*. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 347 Ill. App. 3d 1098, 867 N. E. 2d 114.

No. 04-9500. *BRAMWELL v. COMPTON, WARDEN*. C. A. 4th Cir. Certiorari denied. Reported below: 112 Fed. Appx. 299.

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No. 04–9501. *BENETIZ v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 04–9504. *PICKENS v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 04–9514. *RIVAS-MARTINEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 120 Fed. Appx. 533.

No. 04–9520. *LASSITER v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 102 Fed. Appx. 831.

No. 04–9521. *MILLIGAN v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 127 Fed. Appx. 471.

No. 04–9522. *PINKSTON v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 126 Fed. Appx. 537.

No. 04–9525. *JACKSON-BEY v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 103 Fed. Appx. 762.

No. 04–9526. *BALLARD v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 119 Fed. Appx. 447.

No. 04–9527. *SANDERS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 110 Fed. Appx. 362.

No. 04–9529. *McKENITH v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 04–9536. *ROBINSON v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 389 F. 3d 582.

No. 04–9551. *SANCHEZ, AKA ALBINO, AKA RODRIGUEZ v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 389 F. 3d 271.

No. 04–9558. *BECERRA v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 03–1510. *UNITED STATES v. INGRAM*. C. A. 2d Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 342 F. 3d 89.

No. 04–1000. *UNUM LIFE INSURANCE COMPANY OF AMERICA v. FOUGHT*. C. A. 10th Cir. Motion of America's Health Insur-

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ance Plans et al. for leave to file a brief as *amici curiae* granted. Certiorari denied. Reported below: 379 F. 3d 997.

No. 04-1056. EMC MORTGAGE CORP. *v.* STARK ET UX. C. A. 8th Cir. Motion of Chamber of Commerce of the United States of America et al. for leave to file a brief as *amici curiae* granted. Certiorari denied. Reported below: 381 F. 3d 793.

No. 04-1233. BUTLER ET AL. *v.* FEDERAL AVIATION ADMINISTRATION. C. A. D. C. Cir. Motion of AGE60Tule.com (Samuel D. Woolsey) for leave to file a brief as *amicus curiae* denied. Certiorari denied. Reported below: 109 Fed. Appx. 438.

No. 04-8854. BUTTS *v.* CHERRY, SUPERINTENDENT, HAMPTON ROADS REGIONAL JAIL, ET AL. C. A. 4th Cir. Certiorari before judgment denied.

Rehearing Denied

No. 04-766. LAMERS DAIRY, INC. *v.* DEPARTMENT OF AGRICULTURE, *ante*, p. 904;

No. 04-7400. STEVENSON *v.* BOYETTE, SUPERINTENDENT, NASH CORRECTIONAL INSTITUTION, 543 U. S. 1126;

No. 04-7555. COVEY *v.* NATURAL FOODS, INC., 543 U. S. 1158;

No. 04-7640. WOOTEN *v.* ST. FRANCIS MEDICAL CENTER, 543 U. S. 1161;

No. 04-7687. TOMOSON *v.* MORGAN, SUPERINTENDENT, WASHINGTON STATE PENITENTIARY, 543 U. S. 1163;

No. 04-7714. MCGRAW *v.* CAIN, WARDEN, 543 U. S. 1164;

No. 04-7733. JABAAY *v.* JABAAY ET AL., 543 U. S. 1164;

No. 04-7753. SIMMONS *v.* MALONE ET AL., 543 U. S. 1165;

No. 04-7887. MCDANIEL *v.* CRIST, ATTORNEY GENERAL OF FLORIDA, ET AL., *ante*, p. 906;

No. 04-8002. VALLE *v.* GEORGIA DEPARTMENT OF CORRECTIONS, 543 U. S. 1191;

No. 04-8003. HURST *v.* TRW, INC., *ante*, p. 909;

No. 04-8123. HASTINGS *v.* UNITED STATES, 543 U. S. 1174;

No. 04-8202. GRICCO *v.* UNITED STATES, 543 U. S. 1175;

No. 04-8284. LEACH *v.* OHIO, *ante*, p. 930;

No. 04-8377. POGGEMILLER *v.* UNITED STATES, *ante*, p. 911; and

No. 04-8555. ADAMSON *v.* UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF FLORIDA, *ante*, p. 913. Petitions for rehearing denied.

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MAY 3, 2005

Certiorari Denied

No. 04–9938 (04A927). PURSLEY *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.

MAY 5, 2005

Certiorari Denied

No. 04–9966 (04A940). RICHMOND *v.* NORTH CAROLINA. Sup. Ct. N. C. Application for stay of execution of sentence of death, presented to THE CHIEF JUSTICE, and by him referred to the Court, denied. Certiorari denied.

MAY 12, 2005

Miscellaneous Orders

No. 04A964. ZIEMBA *v.* RELL ET AL. Application for stay of execution of sentence of death, presented to JUSTICE GINSBURG, and by her referred to the Court, denied.

No. 04–10068 (04A961). IN RE MILLER. Application for stay of execution of sentence of death, presented to JUSTICE BREYER, and by him referred to the Court, denied. Petition for writ of habeas corpus denied.

Certiorari Denied

No. 04–1518 (04A965). ROSS, BY HIS NEXT FRIEND, DUNHAM *v.* LANTZ, COMMISSIONER, CONNECTICUT DEPARTMENT OF CORRECTION, ET AL. C. A. 2d Cir. Application for stay of execution of sentence of death, presented to JUSTICE GINSBURG, and by her referred to the Court, denied. Motion for leave to proceed on 8½- by 11-inch paper granted. Certiorari denied. Reported below: 408 F. 3d 121.

MAY 16, 2005

Certiorari Granted—Vacated and Remanded

No. 04–914. FLORIDA *v.* RABB. Dist. Ct. App. Fla., 4th Dist. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Illinois v. Caballes*, 543 U.S. 405 (2005). Reported below: 881 So. 2d 587.

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No. 04-1094. NUNEZ *v.* UNITED STATES. C. A. 11th Cir. Reported below: 116 Fed. Appx. 252;

No. 04-1316. MONCRIEF *v.* UNITED STATES. C. A. 5th Cir. Reported below: 133 Fed. Appx. 924;

No. 04-1325. MCELWEE *v.* UNITED STATES. C. A. 9th Cir. Reported below: 115 Fed. Appx. 412;

No. 04-1331. FLETCHER *v.* UNITED STATES. C. A. 4th Cir. Reported below: 113 Fed. Appx. 545; and

No. 04-1364. BROOKS *v.* UNITED STATES. C. A. 5th Cir. Reported below: 115 Fed. Appx. 738. Certiorari granted, judgments vacated, and cases remanded for further consideration in light of *United States v. Booker*, 543 U. S. 220 (2005).

No. 04-7979. QUINTANA-PEREZ *v.* UNITED STATES. C. A. 1st Cir. Reported below: 117 Fed. Appx. 773;

No. 04-8308. SANDOVAL-QUINONES *v.* UNITED STATES. C. A. 5th Cir. Reported below: 111 Fed. Appx. 325;

No. 04-8576. CARDONA *v.* UNITED STATES. C. A. 11th Cir. Reported below: 125 Fed. Appx. 269;

No. 04-9496. WASHINGTON *v.* UNITED STATES. C. A. 6th Cir. Reported below: 134 Fed. Appx. 797;

No. 04-9502. CUNNINGHAM *v.* UNITED STATES. C. A. 5th Cir. Reported below: 117 Fed. Appx. 373;

No. 04-9509. GRAVENHORST *v.* UNITED STATES. C. A. 1st Cir. Reported below: 377 F. 3d 49;

No. 04-9515. ROGERS *v.* UNITED STATES. C. A. 4th Cir. Reported below: 118 Fed. Appx. 669;

No. 04-9540. JACKSON *v.* UNITED STATES. C. A. 4th Cir. Reported below: 118 Fed. Appx. 772;

No. 04-9547. WASHINGTON *v.* UNITED STATES. C. A. 5th Cir. Reported below: 115 Fed. Appx. 205;

No. 04-9549. SANCHEZ-VILLAR *v.* UNITED STATES. C. A. 2d Cir. Reported below: 99 Fed. Appx. 256;

No. 04-9550. LACHNEY *v.* UNITED STATES. C. A. 5th Cir. Reported below: 119 Fed. Appx. 640;

No. 04-9552. WATKINS *v.* UNITED STATES. C. A. 8th Cir. Reported below: 113 Fed. Appx. 720;

No. 04-9555. COGGINS *v.* UNITED STATES. C. A. 1st Cir.;

No. 04-9563. HERNDON *v.* UNITED STATES. C. A. 6th Cir. Reported below: 393 F. 3d 665;

No. 04-9568. HANSEN *v.* UNITED STATES. C. A. 11th Cir.;

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No. 04–9569. *HOOF v. UNITED STATES*. C. A. 5th Cir. Reported below: 119 Fed. Appx. 603;

No. 04–9576. *PENNYWELL v. UNITED STATES*. C. A. 5th Cir. Reported below: 119 Fed. Appx. 653;

No. 04–9601. *MYERS v. UNITED STATES*. C. A. 5th Cir. Reported below: 108 Fed. Appx. 937;

No. 04–9603. *MESSANO v. UNITED STATES*. C. A. 9th Cir. Reported below: 114 Fed. Appx. 785;

No. 04–9620. *BRANCH v. UNITED STATES*. C. A. 3d Cir. Reported below: 120 Fed. Appx. 920;

No. 04–9665. *NAZARIO v. UNITED STATES*. C. A. 11th Cir.;

No. 04–9701. *McGHEE v. UNITED STATES*. C. A. 11th Cir. Reported below: 125 Fed. Appx. 975; and

No. 04–9754. *McLERAN v. UNITED STATES*. C. A. 11th Cir. Motions of petitioners for leave to proceed *in forma pauperis* granted. Certiorari granted, judgments vacated, and cases remanded for further consideration in light of *United States v. Booker*, 543 U. S. 220 (2005).

Certiorari Dismissed

No. 04–9055. *SOSA 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* denied, and certiorari dismissed. See this Court's Rule 39.8.

No. 04–9056. *SOSA 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* denied, and certiorari dismissed. See this Court's Rule 39.8.

Miscellaneous Orders

No. 04M70. *EVANS v. SCOTT*; and

No. 04M71. *JOINTER v. POTTER, POSTMASTER GENERAL, ET AL.* Motions to direct the Clerk to file petitions for writs of certiorari out of time denied.

No. 03–1693. *MCCREARY COUNTY, KENTUCKY, ET AL. v. AMERICAN CIVIL LIBERTIES UNION OF KENTUCKY ET AL.* C. A. 6th Cir. [Certiorari granted, 543 U. S. 924.] Motion of petitioners for leave to file supplemental brief after argument granted.

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No. 04-623. GONZALES, ATTORNEY GENERAL, ET AL. *v.* OREGON ET AL. C. A. 9th Cir. [Certiorari granted, 543 U. S. 1145.] Motion of the Acting Solicitor General to dispense with printing the joint appendix granted.

No. 04-881. LOCKHART *v.* UNITED STATES ET AL. C. A. 9th Cir. [Certiorari granted, *ante*, p. 998.] Motion of petitioner to dispense with printing the joint appendix granted.

No. 04-9646. IN RE MILES;
No. 04-9685. IN RE TAYLOR;
No. 04-9704. IN RE BENNETT;
No. 04-9715. IN RE PEDRAZA;
No. 04-9763. IN RE UNDERWOOD; and
No. 04-9786. IN RE BELLAVIA. Petitions for writs of habeas corpus denied.

No. 04-1182. IN RE COOPER INDUSTRIES, INC.;
No. 04-1320. IN RE PELTIER ET AL.;
No. 04-9162. IN RE LUCZAK;
No. 04-9681. IN RE WOODRUFF; and
No. 04-9719. IN RE DEUTSCH. Petitions for writs of mandamus denied.

Certiorari Granted

No. 04-944. ARBAUGH *v.* Y & H CORP., DBA THE MOONLIGHT CAFE. C. A. 5th Cir. Certiorari granted. Reported below: 380 F. 3d 219.

No. 04-1203. UNITED STATES *v.* GEORGIA ET AL.; and
No. 04-1236. GOODMAN *v.* GEORGIA ET AL. C. A. 11th Cir. Certiorari granted, cases consolidated, and a total of one hour allotted for oral argument. Reported below: 120 Fed. Appx. 785.

Certiorari Denied

No. 04-923. MOBIL OIL EXPLORATION & PRODUCING SOUTHEAST, INC. *v.* UNITED STATES. C. A. Fed. Cir. Certiorari denied. Reported below: 374 F. 3d 1123.

No. 04-951. ENGLISH *v.* BURT, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 04-1038. SINGH *v.* GONZALES, ATTORNEY GENERAL. C. A. 3d Cir. Certiorari denied. Reported below: 112 Fed. Appx. 868.

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No. 04–1127. *PREMIERE GLOBAL SERVICES, INC., FKA PREMIERE TECHNOLOGIES, INC., ET AL. v. APA EXCELSIOR III L. P. ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 122 Fed. Appx. 985.

No. 04–1134. *METRISH, WARDEN v. HATCHETT.* C. A. 6th Cir. Certiorari denied. Reported below: 109 Fed. Appx. 34.

No. 04–1169. *WHEATLEY ET AL. v. WICOMICO COUNTY, MARYLAND.* C. A. 4th Cir. Certiorari denied. Reported below: 390 F. 3d 328.

No. 04–1171. *ST. JUDE MEDICAL, INC., ET AL. v. CARDIAC PACEMAKERS, INC., ET AL.* C. A. Fed. Cir. Certiorari denied. Reported below: 381 F. 3d 1371.

No. 04–1178. *HOUSTON v. ARAMARK CORP. ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 112 Fed. Appx. 132.

No. 04–1180. *DUGAS v. CLARON CORP.* C. A. 5th Cir. Certiorari denied. Reported below: 115 Fed. Appx. 674.

No. 04–1181. *COASTAL SALVADORAN POWER LTD. ET AL. v. CRYSTAL POWER Co.* C. A. 5th Cir. Certiorari denied.

No. 04–1189. *WOOD v. APPELLATE DIVISION, SUPERIOR COURT OF CALIFORNIA, ALAMEDA COUNTY.* Ct. App. Cal., 1st App. Dist. Certiorari denied.

No. 04–1193. *GOLDS v. GOLDS.* Ct. App. N. C. Certiorari denied. Reported below: 164 N. C. App. 227, 595 S. E. 2d 455.

No. 04–1197. *PRESCOTT ET AL. v. LITTLE SIX, INC., ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 387 F. 3d 753.

No. 04–1199. *UNITED STATES EX REL. TOTTEN v. BOMBARDIER CORP. ET AL.* C. A. D. C. Cir. Certiorari denied. Reported below: 380 F. 3d 488.

No. 04–1202. *UNITED STATES EX REL. GAY ET AL. v. LINCOLN TECHNICAL INSTITUTE INC.* C. A. 5th Cir. Certiorari denied. Reported below: 111 Fed. Appx. 286.

No. 04–1205. *CLANCY v. AT&T CORP.; and CLANCY v. COMCAST CORP. ET AL.* Ct. App. Cal., 2d App. Dist. Certiorari denied.

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No. 04-1206. *CAROLAN v. CARDIFF UNIVERSITY ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 113 Fed. Appx. 193.

No. 04-1209. *POLITZER v. SALOMON SMITH BARNEY, INC.* C. A. 9th Cir. Certiorari denied. Reported below: 113 Fed. Appx. 845.

No. 04-1211. *FLOYD v. MARYLAND.* C. A. 4th Cir. Certiorari denied. Reported below: 103 Fed. Appx. 793.

No. 04-1220. *OSBURN v. ATLANTA CENTER FOR DERMATOLOGIC DISEASES ET AL.* Ct. App. Ga. Certiorari denied. Reported below: 269 Ga. App. 303, 603 S. E. 2d 695.

No. 04-1229. *SVERDLIN, INDIVIDUALLY AND DERIVATIVELY ON BEHALF OF AUTOMATED MARINE PROPULSION SYSTEMS, INC. v. SWANK ET AL.* Ct. App. Tex., 1st Dist. Certiorari denied. Reported below: 121 S. W. 3d 785.

No. 04-1232. *QUINN v. PHILIPS MEDICAL SYSTEMS, INC., ET AL.* C. A. 1st Cir. Certiorari denied.

No. 04-1241. *SILVER SPUR RESERVE, A CALIFORNIA GENERAL PARTNERSHIP, DBA SILVER SPUR MOBILE MANOR v. CITY OF PALM DESERT, CALIFORNIA, ET AL.* Ct. App. Cal., 4th App. Dist., Div. 2. Certiorari denied.

No. 04-1242. *SOUTH CAROLINA DEPARTMENT OF CORRECTIONS v. SLEZAK.* Sup. Ct. S. C. Certiorari denied. Reported below: 361 S. C. 327, 605 S. E. 2d 506.

No. 04-1243. *SMITH ET AL. v. UNITED STATES ET AL.* C. A. Fed. Cir. Certiorari denied. Reported below: 110 Fed. Appx. 898.

No. 04-1248. *BELLE COURT ET AL. v. CITY OF CLEVELAND, OHIO, ET AL.* Sup. Ct. Ohio. Certiorari denied. Reported below: 104 Ohio St. 3d 439, 820 N. E. 2d 309.

No. 04-1258. *CONNOR, EXECUTOR OF THE ESTATE OF HANLON v. LEAVITT, SECRETARY OF HEALTH AND HUMAN SERVICES.* C. A. 3d Cir. Certiorari denied. Reported below: 112 Fed. Appx. 864.

No. 04-1274. *DIAZ FLORES v. GONZALES, ATTORNEY GENERAL.* C. A. 5th Cir. Certiorari denied. Reported below: 104 Fed. Appx. 418.

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No. 04–1290. *EDWARDS v. DEPARTMENT OF EDUCATION*. C. A. 10th Cir. Certiorari denied.

No. 04–1294. *KERN ET AL. v. SIEMENS CORP. ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 393 F. 3d 120.

No. 04–1296. *CORRIGAN v. WASHINGTON*. Super. Ct. Wash., Adams County. Certiorari denied.

No. 04–1306. *MOLLINGER-WILSON ET VIR v. QUIZNO'S FRANCHISE Co.* C. A. 10th Cir. Certiorari denied. Reported below: 122 Fed. Appx. 917.

No. 04–1307. *MANOKEY v. WATERS, WARDEN, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 390 F. 3d 767.

No. 04–1319. *MELTON, INDIVIDUALLY AND AS NEXT FRIEND OF HIS SON, MELTON, ET AL. v. DALLAS AREA RAPID TRANSIT*. C. A. 5th Cir. Certiorari denied. Reported below: 391 F. 3d 669.

No. 04–1323. *CONNERS v. NEW YORK COMMISSIONER OF LABOR*. App. Div., Sup. Ct. N. Y., 3d Jud. Dept. Certiorari denied. Reported below: 9 App. Div. 3d 703, 779 N. Y. S. 2d 827.

No. 04–1337. *PEARSON v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 04–1373. *COUTO v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 119 Fed. Appx. 345.

No. 04–1378. *O'KEEFE ET AL. v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 119 Fed. Appx. 589.

No. 04–1388. *VALENCIA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 394 F. 3d 352.

No. 04–6794. *GUTIERREZ v. TEXAS*. Ct. App. Tex., 3d Dist. Certiorari denied. Reported below: 85 S. W. 3d 446.

No. 04–7514. *DAVIS ET AL. v. UNITED STATES CONGRESS*. C. A. D. C. Cir. Certiorari denied. Reported below: 101 Fed. Appx. 838.

No. 04–7808. *DAVIS v. UNITED STATES*; and

No. 04–8171. *HARDY v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 380 F. 3d 821.

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No. 04-7944. *ADEFEMI v. GONZALES, ATTORNEY GENERAL, ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 386 F. 3d 1022.

No. 04-8018. *CLAY v. ROPER, SUPERINTENDENT, POTOSI CORRECTIONAL CENTER.* C. A. 8th Cir. Certiorari denied. Reported below: 367 F. 3d 993.

No. 04-8198. *ALLEMAN v. CAIN, WARDEN.* C. A. 5th Cir. Certiorari denied.

No. 04-8292. *BAUM v. SOUTH CAROLINA.* Ct. App. S. C. Certiorari denied. Reported below: 355 S. C. 209, 584 S. E. 2d 419.

No. 04-8310. *RAMIREZ-ROBLES v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 386 F. 3d 1234.

No. 04-8569. *MATHENEY v. DAVIS, SUPERINTENDENT, INDIANA STATE PRISON.* C. A. 7th Cir. Certiorari denied. Reported below: 377 F. 3d 740.

No. 04-8973. *VAUGHN v. TEXAS; and VAUGHN v. COURT OF APPEALS OF TEXAS, SEVENTH DISTRICT.* Ct. Crim. App. Tex. Certiorari denied.

No. 04-8974. *TOINES v. DRETKE, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION.* C. A. 5th Cir. Certiorari denied.

No. 04-8975. *VINNING-EL v. WALLS, WARDEN, ET AL.* C. A. 7th Cir. Certiorari denied.

No. 04-8984. *LENOIR v. TIMMERMAN-COOPER, WARDEN.* C. A. 6th Cir. Certiorari denied.

No. 04-8985. *MILLER v. MCDANIEL, WARDEN.* C. A. 9th Cir. Certiorari denied. Reported below: 116 Fed. Appx. 787.

No. 04-8989. *VORA v. STRASSBURGER, MCKENNA, MESSER, SHILOBOD & GUTNICK.* C. A. 3d Cir. Certiorari denied. Reported below: 95 Fed. Appx. 463.

No. 04-8995. *RIVERA v. DRETKE, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION.* C. A. 5th Cir. Certiorari denied.

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No. 04–9000. *LUCAS v. ARIZONA*. Ct. App. Ariz. Certiorari denied.

No. 04–9006. *MAPP v. TEXAS*. Ct. App. Tex., 1st Dist. Certiorari denied.

No. 04–9008. *MISIAK v. KIMBERLY*. Ct. App. Wash. Certiorari denied.

No. 04–9009. *PEASE v. COLORADO*. Ct. App. Colo. Certiorari denied.

No. 04–9010. *TARVER v. VALADEZ, ACTING WARDEN*. C. A. 9th Cir. Certiorari denied. Reported below: 115 Fed. Appx. 339.

No. 04–9017. *THOMAS v. DRETKE, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 04–9018. *WITHERSPOON v. DRETKE, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 04–9019. *WILLIAMS v. UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF WASHINGTON*. C. A. 9th Cir. Certiorari denied.

No. 04–9023. *BASCOM v. FRIED ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 116 Fed. Appx. 300.

No. 04–9025. *ALLEN v. DRETKE, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 04–9030. *MENDOZA v. LANE ET AL.* Ct. App. Cal., 4th App. Dist., Div. 1. Certiorari denied.

No. 04–9036. *SMITH v. HURLEY, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 04–9038. *DOYLE v. WOODFORD, DIRECTOR, CALIFORNIA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 125 Fed. Appx. 762.

No. 04–9043. *BELL v. UNKNOWN OFFICER ET AL.* C. A. 6th Cir. Certiorari denied.

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No. 04-9048. *RAYMER v. OHIO*. Ct. App. Ohio, Hamilton County. Certiorari denied.

No. 04-9049. *ROSE v. BERNAD ET AL.* C. A. 9th Cir. Certiorari denied.

No. 04-9050. *SOSA v. DRETKE, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 04-9053. *HICKS v. COLLINS, WARDEN*. C. A. 6th Cir. Certiorari denied. Reported below: 384 F. 3d 204.

No. 04-9057. *CRITTENDEN v. GARZA ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 111 Fed. Appx. 906.

No. 04-9058. *SCHLUETER v. WYNDER, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT DALLAS, ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 384 F. 3d 69.

No. 04-9062. *CASTILLO v. HUBERT ET AL.* C. A. 5th Cir. Certiorari denied.

No. 04-9065. *MACARTHUR v. CROSBY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 04-9067. *WOLFE v. DRETKE, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied. Reported below: 116 Fed. Appx. 487.

No. 04-9071. *PELLETIER v. COLEMAN ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 119 Fed. Appx. 545.

No. 04-9077. *COVINGTON v. ARTUS, SUPERINTENDENT, CLINTON CORRECTIONAL FACILITY*. C. A. 2d Cir. Certiorari denied.

No. 04-9080. *DONAHOU v. DONAHOU*. Ct. Civ. App. Okla. Certiorari denied.

No. 04-9081. *CRAWFORD ET UX. v. LUSTIG ET AL.* App. Ct. Ill., 3d Dist. Certiorari denied. Reported below: 346 Ill. App. 3d 1189, 866 N. E. 2d 717.

No. 04-9086. *HOLLIS v. ROBINSON, WARDEN*. C. A. 6th Cir. Certiorari denied.

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No. 04–9089. *HEBERT v. CAIN, WARDEN*. C. A. 5th Cir. Certiorari denied.

No. 04–9090. *GEORGESON v. CALIFORNIA*. Ct. App. Cal., 5th App. Dist. Certiorari denied.

No. 04–9091. *HORNE v. SMITH, WARDEN*. C. A. 11th Cir. Certiorari denied.

No. 04–9092. *FALKIEWICZ v. GRAYSON, WARDEN*. C. A. 6th Cir. Certiorari denied. Reported below: 110 Fed. Appx. 491.

No. 04–9093. *RICHARDSON v. RICHARDSON ET AL.* C. A. 4th Cir. Certiorari denied.

No. 04–9101. *OCEAN v. CUNNINGHAM, SUPERINTENDENT, WOODBOURNE CORRECTIONAL FACILITY*. C. A. 2d Cir. Certiorari denied. Reported below: 120 Fed. Appx. 392.

No. 04–9103. *NATURALITE v. PEPPLER ET AL.* C. A. 6th Cir. Certiorari denied.

No. 04–9104. *P. G. B. v. FLORIDA DEPARTMENT OF CHILDREN AND FAMILIES ET AL.* Sup. Ct. Fla. Certiorari denied. Reported below: 910 So. 2d 262.

No. 04–9110. *HICKS v. HINSLEY, WARDEN*. C. A. 7th Cir. Certiorari denied.

No. 04–9118. *DAVIS v. TEXAS*. Ct. App. Tex., 2d Dist. Certiorari denied.

No. 04–9123. *FALU v. CROSBY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 04–9124. *SAAVEDRA HERNANDEZ v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied.

No. 04–9125. *GREEN v. NEW YORK ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 114 Fed. Appx. 47.

No. 04–9129. *TEMPLE v. OCONEE COUNTY MEMORIAL HOSPITAL ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 106 Fed. Appx. 864.

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No. 04-9130. *SANDERS v. CHICAGO & NORTHWESTERN RAILROAD CO. ET AL.* App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 343 Ill. App. 3d 1298, 856 N. E. 2d 694.

No. 04-9141. *JACKSON v. ARKANSAS.* Sup. Ct. Ark. Certiorari denied. Reported below: 359 Ark. 297, 197 S. W. 3d 468.

No. 04-9143. *LANIOHAN v. KNOWLES, WARDEN.* C. A. 9th Cir. Certiorari denied. Reported below: 114 Fed. Appx. 888.

No. 04-9145. *MUNAWWAR v. WOODWEST REALTY.* Super. Ct. N. J., App. Div. Certiorari denied.

No. 04-9148. *FREDRICK v. UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA.* C. A. 4th Cir. Certiorari denied. Reported below: 114 Fed. Appx. 583.

No. 04-9149. *GARNETT v. GOLDER, WARDEN.* Sup. Ct. Colo. Certiorari denied.

No. 04-9153. *ACOSTA GALLEGOS v. DRETKE, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION.* C. A. 5th Cir. Certiorari denied.

No. 04-9155. *GONZALES v. LIEBERMAN, JUDGE, COURT OF COMMON PLEAS OF PENNSYLVANIA, BERKS COUNTY.* Sup. Ct. Pa. Certiorari denied.

No. 04-9158. *COX v. BENEDETTI ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 114 Fed. Appx. 939.

No. 04-9159. *CEARC v. FLORIDA.* Dist. Ct. App. Fla., 3d Dist. Certiorari denied. Reported below: 884 So. 2d 942.

No. 04-9168. *BEASLEY v. CLARKE, WARDEN.* C. A. 9th Cir. Certiorari denied. Reported below: 115 Fed. Appx. 333.

No. 04-9176. *ALLISON v. FICCO, SUPERINTENDENT, SOUZA-BARANOWSKI CORRECTIONAL CENTER, ET AL.* C. A. 1st Cir. Certiorari denied. Reported below: 388 F. 3d 367.

No. 04-9180. *WOODS v. RENICO, WARDEN.* C. A. 6th Cir. Certiorari denied.

No. 04-9183. *WILSON v. CAREY, WARDEN.* C. A. 9th Cir. Certiorari denied.

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No. 04-9184. *DARDEN v. PERALTA COMMUNITY COLLEGE DISTRICT ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 114 Fed. Appx. 938.

No. 04-9195. *FRIGO v. STEINER.* Ct. App. Ohio, Richland County. Certiorari denied.

No. 04-9197. *HOWARD v. NORRIS, DIRECTOR, ARKANSAS DEPARTMENT OF CORRECTION.* C. A. 8th Cir. Certiorari denied.

No. 04-9200. *HOLDEN ET VIR v. SOUTH CAROLINA DEPARTMENT OF SOCIAL SERVICES.* Ct. App. S. C. Certiorari denied.

No. 04-9213. *MC SWAIN v. OHIO.* Ct. App. Ohio, Cuyahoga County. Certiorari denied.

No. 04-9220. *WOODARD v. TEXAS.* Ct. Crim. App. Tex. Certiorari denied.

No. 04-9305. *VARGAS v. HALL, WARDEN.* Sup. Ct. Ga. Certiorari denied. Reported below: 278 Ga. 868, 608 S. E. 2d 200.

No. 04-9360. *ALLEN v. CROSBY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 04-9378. *WARFIELD v. SOUTH DAKOTA.* Sup. Ct. S. D. Certiorari denied. Reported below: 694 N. W. 2d 721.

No. 04-9396. *ADAMS v. OHIO.* Sup. Ct. Ohio. Certiorari denied. Reported below: 103 Ohio St. 3d 508, 817 N. E. 2d 29.

No. 04-9420. *JACKSON v. MARYLAND.* C. A. 4th Cir. Certiorari denied. Reported below: 112 Fed. Appx. 279.

No. 04-9430. *JONES v. HASKE.* C. A. 6th Cir. Certiorari denied.

No. 04-9438. *McKINNEY v. KING ET AL.* C. A. 9th Cir. Certiorari denied.

No. 04-9452. *BALLENTINE v. ILLINOIS STATE POLICE.* C. A. 7th Cir. Certiorari denied. Reported below: 126 Fed. Appx. 307.

No. 04-9462. *ELLIBEE v. HAZLETT ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 122 Fed. Appx. 932.

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No. 04-9467. *PARLE v. RUNNELS, WARDEN*. C. A. 9th Cir. Certiorari denied. Reported below: 387 F. 3d 1030.

No. 04-9505. *MORGAN v. WALSH, SUPERINTENDENT, SULLIVAN CORRECTIONAL FACILITY*. C. A. 2d Cir. Certiorari denied. Reported below: 120 Fed. Appx. 389.

No. 04-9548. *WALL v. NORTH CAROLINA*. Gen. Ct. Justice, Super. Ct. Div., Craven County, N. C. Certiorari denied.

No. 04-9562. *SHEWMAKER GONZALES, AKA GONZALES v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 388 F. 3d 1199.

No. 04-9564. *FERRO v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 127 Fed. Appx. 472.

No. 04-9565. *HUMMINGWAY, AKA GOLDENSTEIN v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 111 Fed. Appx. 879.

No. 04-9566. *GRINARD-HENRY v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 399 F. 3d 1294.

No. 04-9579. *KEMPER v. BARNHART, COMMISSIONER OF SOCIAL SECURITY*. C. A. 10th Cir. Certiorari denied. Reported below: 118 Fed. Appx. 360.

No. 04-9580. *KNICKMEIER v. OFFICE OF LAWYER REGULATION*. Sup. Ct. Wis. Certiorari denied. Reported below: 275 Wis. 2d 69, 683 N. W. 2d 445.

No. 04-9586. *PATRICK v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 119 Fed. Appx. 385.

No. 04-9587. *RODRIGUEZ-RODRIGUEZ v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 393 F. 3d 849.

No. 04-9592. *LEUSCHEN v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 395 F. 3d 155.

No. 04-9597. *ZAMORA v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 04-9600. *MCCOULLUM v. UNITED STATES*. C. A. 1st Cir. Certiorari denied.

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No. 04–9604. *MCCRAY v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 113 Fed. Appx. 770.

No. 04–9610. *JOINER v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 123 Fed. Appx. 681.

No. 04–9611. *JOHNSON v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 04–9617. *THROPAY v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 394 F. 3d 1004.

No. 04–9624. *BROWN v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 04–9626. *BERRY v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 118 Fed. Appx. 744.

No. 04–9628. *EMERY v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 04–9635. *STEVENSON v. PETTIFORD, WARDEN*. C. A. 5th Cir. Certiorari denied. Reported below: 104 Fed. Appx. 441.

No. 04–9636. *STRATTON v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

No. 04–9644. *THOMPSON v. CHOINSKI, WARDEN, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 04–9650. *DALEY v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 04–9656. *MARTINEZ v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 120 Fed. Appx. 386.

No. 04–9659. *HAWKINS v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 04–9660. *CARPENTER v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 403 F. 3d 9.

No. 04–9663. *HUGGINS v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 116 Fed. Appx. 979.

No. 04–9667. *HARGROVE v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

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No. 04-9669. *FOX v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 119 Fed. Appx. 142.

No. 04-9670. *BLOM v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 04-9672. *HOWARD v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 394 F. 3d 582.

No. 04-9673. *GOFORTH v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 04-9674. *FERNANDEZ ET AL. v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 388 F. 3d 1199.

No. 04-9676. *SINGLETARY v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 123 Fed. Appx. 387.

No. 04-9683. *VOELKER v. UNITED STATES*. C. A. 1st Cir. Certiorari denied.

No. 04-9687. *CHASE v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 120 Fed. Appx. 676.

No. 04-9694. *BERGER v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 119 Fed. Appx. 658.

No. 04-9697. *BERRIOS v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 120 Fed. Appx. 218.

No. 04-9700. *PARKER v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 142 Fed. Appx. 19.

No. 04-9717. *CROSS v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 04-9738. *RIVERA v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 04-9752. *FRANK v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 126 Fed. Appx. 462.

No. 04-9753. *HERRICK v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 118 Fed. Appx. 339.

No. 04-900. *BP WEST COAST PRODUCTS LLC ET AL. v. FEDERAL ENERGY REGULATORY COMMISSION ET AL.*; and

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No. 04–903. *SFPP, L. P. v. FEDERAL ENERGY REGULATORY COMMISSION ET AL.* C. A. D. C. Cir. Certiorari denied. JUSTICE BREYER took no part in the consideration or decision of these petitions. Reported below: 374 F. 3d 1263.

No. 04–971. *SERRA CANYON CO., LTD. v. CALIFORNIA COASTAL COMMISSION ET AL.* Ct. App. Cal., 2d App. Dist. Motion of California Association of Realtors for leave to file a brief as *amicus curiae* out of time denied. Certiorari denied. Reported below: 120 Cal. App. 4th 663, 16 Cal. Rptr. 3d 110.

No. 04–995. *MERCK & CO., INC., ET AL. v. EPPS-MALLOY.* C. A. 3d Cir. Certiorari denied. JUSTICE O’CONNOR and JUSTICE BREYER took no part in the consideration or decision of this petition. Reported below: 384 F. 3d 58.

No. 04–1047. *WARNER-LAMBERT CO. ET AL. v. WAKEFIELD, INDIVIDUALLY AND AS PERSONAL REPRESENTATIVE, TRUSTEE, AND EXECUTOR OF THE ESTATE OF WAKEFIELD ET AL.* Ct. Civ. App. Okla. Motions of Chamber of Commerce of the United States of America et al. and Pharmaceutical Research and Manufacturers for leave to file briefs as *amici curiae* granted. Certiorari denied.

No. 04–1054. *BALTIMORE CITY DEPARTMENT OF SOCIAL SERVICES v. TERESA B.* Ct. App. Md. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 383 Md. 240, 858 A. 2d 1007.

No. 04–1198. *ALEXANDER ET AL. v. OKLAHOMA ET AL.* C. A. 10th Cir. Motion of Professional Historians for leave to file a brief as *amici curiae* granted. Certiorari denied. Reported below: 382 F. 3d 1206.

No. 04–1246. *BESSINGER ET AL. v. FOOD LION, LLC, ET AL.* C. A. 4th Cir. Certiorari denied. JUSTICE BREYER took no part in the consideration or decision of this petition. Reported below: 115 Fed. Appx. 636.

No. 04–1255. *UZAN ET AL. v. MOTOROLA CREDIT CORP. ET AL.* C. A. 2d Cir. Certiorari denied. JUSTICE BREYER took no part in the consideration or decision of this petition. Reported below: 388 F. 3d 39 and 115 Fed. Appx. 473.

No. 04–1339. *LEONARDO’S PIZZA BY THE SLICE, INC., ET AL. v. WAL-MART STORES, INC., ET AL.* C. A. 2d Cir. Certiorari

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denied. JUSTICE BREYER took no part in the consideration or decision of this petition. Reported below: 396 F. 3d 96.

No. 04-9068. *WOODARD v. SUNDSTRAND CORP.* C. A. 7th Cir. Certiorari denied. JUSTICE BREYER took no part in the consideration or decision of this petition. Reported below: 110 Fed. Appx. 706.

No. 04-9623. *BAILEY v. O'BRIEN, WARDEN.* C. A. 6th Cir. Certiorari before judgment denied.

Rehearing Denied

No. 03-1039. *BROWN, WARDEN v. PAYTON*, *ante*, p. 133;

No. 04-932. *MENDONCA v. SUPREME JUDICIAL COURT OF MASSACHUSETTS ET AL.*, *ante*, p. 921;

No. 04-953. *WABEKE v. MULDER ET AL.*, *ante*, p. 922;

No. 04-1111. *GABALDON v. UNITED STATES*, *ante*, p. 923;

No. 04-7523. *RICHARDSON v. FEDERAL BUREAU OF INVESTIGATION*, 543 U. S. 1158;

No. 04-7764. *FEIST v. BERG ET AL.*, 543 U. S. 1166;

No. 04-7891. *ADI v. PRUDENTIAL PROPERTY & CASUALTY INSURANCE Co. ET AL.*, 543 U. S. 1190;

No. 04-7961. *WOOTEN v. CALIFORNIA*, *ante*, p. 908;

No. 04-8111. *KEYS v. UNITED STATES*, 543 U. S. 1173;

No. 04-8120. *GRIFFIN v. UNITED STATES ET AL.*, 543 U. S. 1174;

No. 04-8132. *WATTS v. FLORIDA COMMISSION ON HUMAN RELATIONS*, 543 U. S. 1191;

No. 04-8144. *FISHER v. COPELAND, JUDGE, CIRCUIT COURT OF MISSOURI, 34TH CIRCUIT*, 543 U. S. 1174;

No. 04-8186. *SHAFFER v. OHIO*, *ante*, p. 928;

No. 04-8188. *SEDGWICK v. UNITED STATES*, *ante*, p. 928;

No. 04-8219. *SCALES v. DRETKE, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*, *ante*, p. 950;

No. 04-8260. *IN RE BELL-OUTLAW*, *ante*, p. 947;

No. 04-8287. *WOLFE v. MAHLE*; *WOLFE v. SACRAMENTO COUNTY, CALIFORNIA, ET AL.*; and *WOLFE v. SACRAMENTO COUNTY BAR ASSN. ET AL.*, *ante*, p. 951;

No. 04-8351. *RUTHERFORD v. UNITED STATES*, 543 U. S. 1192;

No. 04-8400. *WILLIAMS v. UNITED STATES*, 543 U. S. 1193;

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No. 04–8416. *FISHER v. GAMMON*, SUPERINTENDENT, MOBERLY CORRECTIONAL CENTER, *ante*, p. 931;

No. 04–8450. *STEVENSON v. LEWIS*, WARDEN, *ante*, p. 932;

No. 04–8638. *IN SOO CHUN v. BUSH*, FORMER PRESIDENT OF THE UNITED STATES, ET AL., *ante*, p. 943; and

No. 04–8786. *BROWN v. UNITED STATES*, *ante*, p. 936. Petitions for rehearing denied.

MAY 18, 2005

Dismissal Under Rule 46

No. 04–8831. *MCNEILL v. CURRIE ET AL.* C. A. 4th Cir. Certiorari dismissed under this Court’s Rule 46.1. Reported below: 112 Fed. Appx. 924.

Miscellaneous Order

No. 04A977 (04–10180). *BROWN v. CRAWFORD*, DIRECTOR, MISSOURI DEPARTMENT OF CORRECTIONS, ET AL. C. A. 8th Cir. Application for stay of execution of sentence of death, presented to JUSTICE THOMAS, and by him referred to the Court, denied. Temporary stay heretofore entered is vacated. JUSTICE SOUTER would grant the application for stay of execution.

JUSTICE STEVENS, with whom JUSTICE GINSBURG and JUSTICE BREYER join, dissenting.

Because the State has not disputed the merits of petitioner’s challenge to the chemical protocol used by Missouri to carry out lethal injections, I would grant the stay for the reasons stated in Judge Bye’s dissenting opinion. 408 F. 3d 1027 (CA8 2005). Assuming the Prison Litigation Reform Act of 1995 applies, see 94 Stat. 352, as amended, 42 U. S. C. § 1997e(a), the State conceded at oral argument before the District Court that there is no available remedy that the petitioner has failed to invoke.

Certiorari Denied

No. 04–9596 (04A935). *BROWN v. MISSOURI*. Sup. Ct. Mo. Application for stay of execution of sentence of death, presented to JUSTICE THOMAS, and by him referred to the Court, denied. Certiorari denied.

No. 04–10165 (04A972). *BROWN v. CRAWFORD*, DIRECTOR, MISSOURI DEPARTMENT OF CORRECTIONS, ET AL. Sup. Ct. Mo. Ap-

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plication for stay of execution of sentence of death, presented to JUSTICE THOMAS, and by him referred to the Court, denied. Certiorari denied.

MAY 19, 2005

Certiorari Denied

No. 04–10199 (04A982). CARTWRIGHT *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.

MAY 23, 2005

Certiorari Granted—Vacated and Remanded

No. 04–9585. MENDOZA-SALINAS *v.* UNITED STATES. C. A. 5th Cir. Reported below: 119 Fed. Appx. 637;

No. 04–9633. RODRIGUEZ-GUTIERREZ *v.* UNITED STATES. C. A. 5th Cir. Reported below: 119 Fed. Appx. 681;

No. 04–9648. SERVANCE *v.* UNITED STATES. C. A. 4th Cir. Reported below: 394 F. 3d 222;

No. 04–9655. HALE *v.* UNITED STATES. C. A. 5th Cir. Reported below: 119 Fed. Appx. 656;

No. 04–9666. HARTMAN *v.* UNITED STATES. C. A. 3d Cir. Reported below: 117 Fed. Appx. 829;

No. 04–9675. LIRA-LOPEZ *v.* UNITED STATES. C. A. 5th Cir. Reported below: 114 Fed. Appx. 643;

No. 04–9698. BAUTISTA *v.* UNITED STATES. C. A. 3d Cir. Reported below: 101 Fed. Appx. 888; and

No. 04–9781. GARCIA-SAUZA *v.* UNITED STATES. C. A. 11th Cir. Motions of petitioners for leave to proceed *in forma pauperis* granted. Certiorari granted, judgments vacated, and cases remanded for further consideration in light of *United States v. Booker*, 543 U. S. 220 (2005).

Certiorari Dismissed

No. 04–9185. COOMBS *v.* PENNSYLVANIA. Super. Ct. Pa. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court’s Rule 39.8. Reported below: 833 A. 2d 1143.

No. 04–9201. REED *v.* YUMA COUNTY, ARIZONA, ET AL. C. A. 9th Cir. Motion of petitioner for leave to proceed *in forma pau-*

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peris denied, and certiorari dismissed. See this Court's Rule 39.8.

Miscellaneous Orders

No. 04M72. *ALAI v. EDUCATIONAL MANAGEMENT CORP.* Motion to direct the Clerk to file petition for writ of certiorari out of time denied.

No. 04-9561. *GATES v. DISCOVERY COMMUNICATIONS INC. ET AL.* Sup. Ct. Cal. Motion of petitioner for leave to proceed *in forma pauperis* denied. Petitioner is allowed until June 13, 2005, 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. 04-9775. *IN RE ANDERSON*;

No. 04-9836. *IN RE BRAVO*;

No. 04-9845. *IN RE WOOD*; and

No. 04-9849. *IN RE WILLIAMS.* Petitions for writs of habeas corpus denied.

Certiorari Granted

No. 04-1144. *AYOTTE, ATTORNEY GENERAL OF NEW HAMPSHIRE v. PLANNED PARENTHOOD OF NORTHERN NEW ENGLAND ET AL.* C. A. 1st Cir. Certiorari granted. Reported below: 390 F. 3d 53.

Certiorari Denied

No. 04-978. *D. A. S. SAND & GRAVEL, INC. v. CHAO, SECRETARY OF LABOR, ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 386 F. 3d 460.

No. 04-1057. *McKENZIE v. BENTON, SHERIFF, NATRONA COUNTY, WYOMING.* C. A. 10th Cir. Certiorari denied. Reported below: 388 F. 3d 1342.

No. 04-1114. *CITY OF SEQUIM, WASHINGTON, ET AL. v. JOHNSON.* C. A. 9th Cir. Certiorari denied. Reported below: 388 F. 3d 676.

No. 04-1157. *ODOM ET AL. v. YANG ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 392 F. 3d 97.

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No. 04-1162. *RICOH ELECTRONICS, INC. v. HALUCK ET AL.* Ct. App. Cal., 4th App. Dist., Div. 3. Certiorari denied.

No. 04-1183. *OVERSTREET v. LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT CIVIL SERVICE COMMISSION.* C. A. 6th Cir. Certiorari denied. Reported below: 115 Fed. Appx. 813.

No. 04-1237. *SAMS v. HOECHST AKTIENGESELLSCHAFT ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 391 F. 3d 812.

No. 04-1250. *ST. PAUL ALBANIAN CATHOLIC COMMUNITY v. MAIDA ET AL.* Ct. App. Mich. Certiorari denied.

No. 04-1253. *ACKERMAN ET AL. v. EDWARDS ET AL.* Ct. App. Cal., 3d App. Dist. Certiorari denied. Reported below: 121 Cal. App. 4th 946, 17 Cal. Rptr. 3d 517.

No. 04-1259. *METRONET SERVICES CORP. v. QWEST CORP.* C. A. 9th Cir. Certiorari denied. Reported below: 383 F. 3d 1124.

No. 04-1260. *CITY OF PORTLAND, OREGON v. QWEST CORP.* C. A. 9th Cir. Certiorari denied. Reported below: 385 F. 3d 1236.

No. 04-1268. *PARKS, INDIVIDUALLY AND AS TRUSTEE FOR THE HEIRS AND NEXT OF KIN OF PARKS v. POMEROY.* C. A. 8th Cir. Certiorari denied. Reported below: 387 F. 3d 949.

No. 04-1269. *RELFORD v. LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT.* C. A. 6th Cir. Certiorari denied. Reported below: 390 F. 3d 452.

No. 04-1273. *YOUNGER v. YOUNGER.* Ct. Sp. App. Md. Certiorari denied. Reported below: 158 Md. App. 730.

No. 04-1279. *KAPLAN v. KAGAN.* App. Ct. Mass. Certiorari denied. Reported below: 61 Mass. App. 1103, 807 N. E. 2d 862.

No. 04-1285. *FALCONE v. UNIVERSITY OF MINNESOTA.* C. A. 8th Cir. Certiorari denied. Reported below: 388 F. 3d 656.

No. 04-1289. *MORRISON v. WARREN ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 375 F. 3d 468.

No. 04-1295. *AVENAL ET AL. v. LOUISIANA ET AL.* Sup. Ct. La. Certiorari denied. Reported below: 886 So. 2d 1085.

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No. 04–1301. D. L., INDIVIDUALLY, AS NEXT FRIEND OF J. L., AND AS ADMINISTRATRIX OF ESTATE OF R. L., ET AL. *v.* UNIFIED SCHOOL DISTRICT NO. 497, DOUGLAS COUNTY, KANSAS, ET AL. C. A. 10th Cir. Certiorari denied. Reported below: 392 F. 3d 1223.

No. 04–1302. KAHN ET AL. *v.* GONZALES, ATTORNEY GENERAL. C. A. 4th Cir. Certiorari denied. Reported below: 117 Fed. Appx. 302.

No. 04–1313. SCOTT *v.* DEPARTMENT OF THE ARMY. C. A. Fed. Cir. Certiorari denied. Reported below: 115 Fed. Appx. 440.

No. 04–1321. TUCKER *v.* CITY OF RICHMOND, KENTUCKY, ET AL. C. A. 6th Cir. Certiorari denied. Reported below: 388 F. 3d 216.

No. 04–1344. PAYNE ET UX. *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 111 Fed. Appx. 847.

No. 04–1391. AMIRMOKRI *v.* BODMAN, SECRETARY OF ENERGY. C. A. 4th Cir. Certiorari denied. Reported below: 119 Fed. Appx. 520.

No. 04–1403. MARKARIAN ET UX. *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 385 F. 3d 1187.

No. 04–1412. WEINER ET AL. *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 389 F. 3d 152.

No. 04–1425. MORGAN *v.* UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA. C. A. 9th Cir. Certiorari denied.

No. 04–7583. COLEMAN *v.* CONNECTICUT. App. Ct. Conn. Certiorari denied. Reported below: 83 Conn. App. 672, 851 A. 2d 329.

No. 04–9136. RAYMOND *v.* GIURBINO, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 114 Fed. Appx. 907.

No. 04–9188. DEBOSE *v.* FLORIDA. Dist. Ct. App. Fla., 5th Dist. Certiorari denied. Reported below: 884 So. 2d 42.

No. 04–9190. WOODS *v.* TEXAS. Ct. Crim. App. Tex. Certiorari denied. Reported below: 152 S. W. 3d 105.

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No. 04-9193. *GARRETT v. DRETKE*, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 04-9194. *GARRETT v. DRETKE*, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 04-9198. *HUNTER v. LOCKYER*, ATTORNEY GENERAL OF CALIFORNIA, ET AL. C. A. 9th Cir. Certiorari denied.

No. 04-9202. *SHEPPARD v. BEDINGFIELD*, WARDEN. C. A. 11th Cir. Certiorari denied.

No. 04-9207. *ROWE v. ROBERT HALF INTERNATIONAL, INC., ET AL.* C. A. 11th Cir. Certiorari denied.

No. 04-9214. *OGUNSALU v. NAIR ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 117 Fed. Appx. 522.

No. 04-9219. *WEAVER v. FLORIDA*. Sup. Ct. Fla. Certiorari denied. Reported below: 894 So. 2d 178.

No. 04-9221. *DUNLAP v. HATHAWAY*, JUDGE, CIRCUIT COURT OF MICHIGAN, THIRD CIRCUIT. Ct. App. Mich. Certiorari denied.

No. 04-9222. *ESPRITT v. SCRIBNER*, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 04-9223. *GLOVER v. TEXAS BOARD OF PARDONS AND PAROLES*. C. A. 5th Cir. Certiorari denied.

No. 04-9228. *CUMMINGS v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 351 Ill. App. 3d 343, 813 N. E. 2d 1004.

No. 04-9229. *SAUNDERS v. CITY OF PETERSBURG POLICE DEPARTMENT ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 108 Fed. Appx. 102.

No. 04-9232. *SALINAS v. DRETKE*, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 04-9235. *THOMPSON v. YATES*, WARDEN. C. A. 9th Cir. Certiorari denied.

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No. 04–9241. *JOSEPH v. AYERS, WARDEN*. C. A. 9th Cir. Certiorari denied. Reported below: 116 Fed. Appx. 166.

No. 04–9242. *JONES v. SHERMAN, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 04–9243. *SMITH v. STEGALL, WARDEN*. C. A. 6th Cir. Certiorari denied. Reported below: 385 F. 3d 993.

No. 04–9249. *CARMICHAEL v. FLORIDA*. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 888 So. 2d 626.

No. 04–9253. *WENYING ZHOU v. SUN MICROSYSTEMS, INC.* C. A. 9th Cir. Certiorari denied.

No. 04–9255. *BELL v. NORTH CAROLINA*. Sup. Ct. N. C. Certiorari denied. Reported below: 359 N. C. 1, 603 S. E. 2d 93.

No. 04–9256. *BARNES v. DRETKE, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 04–9258. *BROTHERS v. DIGUGLIELMO, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT GRATERFORD, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 04–9262. *ALLEN v. FORD CREDIT*. C. A. 4th Cir. Certiorari denied. Reported below: 117 Fed. Appx. 261.

No. 04–9263. *ALLEN v. IVEYS*. C. A. 4th Cir. Certiorari denied. Reported below: 117 Fed. Appx. 260.

No. 04–9264. *MANLEY v. NORTH CAROLINA*. Ct. App. N. C. Certiorari denied.

No. 04–9283. *STILLEY v. GALAZA, WARDEN*. C. A. 9th Cir. Certiorari denied. Reported below: 120 Fed. Appx. 683.

No. 04–9284. *SALLAHDIN, AKA PENNINGTON v. MULLIN, WARDEN*. C. A. 10th Cir. Certiorari denied. Reported below: 380 F. 3d 1242.

No. 04–9290. *KING v. THOMAS, WARDEN*. C. A. 11th Cir. Certiorari denied.

No. 04–9322. *LEARY v. NEW YORK*. App. Div., Sup. Ct. N. Y., 1st Jud. Dept. Certiorari denied. Reported below: 303 App. Div. 2d 256, 756 N. Y. S. 2d 205.

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No. 04-9323. *JONES v. SALEEBY ET AL.* C. A. 4th Cir. Certiorari denied.

No. 04-9326. *SCELZI v. BECKER & POLIAKOFF ET AL.* Dist. Ct. App. Fla., 4th Dist. Certiorari denied. Reported below: 888 So. 2d 649.

No. 04-9328. *LEE v. VIRGINIA.* Sup. Ct. Va. Certiorari denied.

No. 04-9332. *BINNS v. HOUSING AUTHORITY OF THE COUNTY OF COOK.* App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 346 Ill. App. 3d 1168, 866 N. E. 2d 708.

No. 04-9333. *BAR-JONAH v. MONTANA.* Sup. Ct. Mont. Certiorari denied. Reported below: 324 Mont. 278, 102 P. 3d 1229.

No. 04-9335. *ADAMS v. MISSISSIPPI.* Sup. Ct. Miss. Certiorari denied.

No. 04-9337. *STERLING v. DRETKE, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION.* C. A. 5th Cir. Certiorari denied. Reported below: 117 Fed. Appx. 328.

No. 04-9341. *ROACH v. MAXEY ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 113 Fed. Appx. 558.

No. 04-9342. *SINGLETON v. FISCHER, SUPERINTENDENT, SING SING CORRECTIONAL FACILITY.* C. A. 2d Cir. Certiorari denied.

No. 04-9343. *STAKEY v. PASKETT, WARDEN, ET AL.* Ct. App. Idaho. Certiorari denied. Reported below: 142 Idaho 96, 123 P. 3d 729.

No. 04-9344. *SHOEMAKER v. FLORIDA.* Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 894 So. 2d 250.

No. 04-9346. *RANGEL v. DRETKE, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION.* C. A. 5th Cir. Certiorari denied.

No. 04-9347. *PLCH v. COPLAN, WARDEN.* C. A. 1st Cir. Certiorari denied.

No. 04-9359. *DENNIS v. GONZALES, ATTORNEY GENERAL, ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 115 Fed. Appx. 600.

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No. 04-9422. *MORRIS v. NICHOLSON*, SECRETARY OF VETERANS AFFAIRS. C. A. Fed. Cir. Certiorari denied. Reported below: 122 Fed. Appx. 473.

No. 04-9431. *LICARI v. MINNESOTA*. Ct. App. Minn. Certiorari denied.

No. 04-9456. *AWIIS v. PORTER*, SUPERINTENDENT, WASHINGTON CORRECTIONS CENTER. C. A. 9th Cir. Certiorari denied. Reported below: 112 Fed. Appx. 596.

No. 04-9458. *ARIAS v. GONZALES*, ATTORNEY GENERAL. C. A. 9th Cir. Certiorari denied.

No. 04-9460. *SIERRA v. LAFLER*, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 04-9468. *PHILLIPS v. BARNHART*, COMMISSIONER OF SOCIAL SECURITY. C. A. 5th Cir. Certiorari denied. Reported below: 113 Fed. Appx. 644.

No. 04-9532. *WALLAGER v. MCKEE*, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 04-9572. *DAVIS v. JOHNSON*, SUPERINTENDENT, ORLEANS CORRECTIONAL FACILITY. C. A. 2d Cir. Certiorari denied. Reported below: 125 Fed. Appx. 353.

No. 04-9606. *PUNGINA v. MCGREEVEY*, FORMER GOVERNOR OF NEW JERSEY. Super. Ct. N. J., App. Div. Certiorari denied.

No. 04-9609. *LASH v. ILLINOIS*. App. Ct. Ill., 4th Dist. Certiorari denied.

No. 04-9616. *KNOWLIN v. BENIK*, WARDEN. C. A. 7th Cir. Certiorari denied.

No. 04-9618. *TORRES v. MINNESOTA*. Sup. Ct. Minn. Certiorari denied.

No. 04-9629. *DIAZ-CRISPIN v. UNITED STATES*. C. A. 1st Cir. Certiorari denied.

No. 04-9688. *MOORER v. MERISTAR FOR MARRIOTT ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 119 Fed. Appx. 180.

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No. 04-9689. *WILSON v. HUBBARD*, SUPERINTENDENT, MCCAIN CORRECTIONAL HOSPITAL. C. A. 4th Cir. Certiorari denied. Reported below: 119 Fed. Appx. 547.

No. 04-9703. *BARKLEY v. PENNSYLVANIA*. Super. Ct. Pa. Certiorari denied. Reported below: 849 A. 2d 601.

No. 04-9726. *RODRIGUEZ-VILLARREAL v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 04-9729. *ROBINSON v. ARKANSAS*. Ct. App. Ark. Certiorari denied.

No. 04-9742. *JACKSON v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 125 Fed. Appx. 975.

No. 04-9749. *ABIMBOLA-AMOO v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 390 F. 3d 937.

No. 04-9750. *BRONSHTEIN v. BEARD*, SECRETARY, PENNSYLVANIA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 3d Cir. Certiorari denied.

No. 04-9764. *TURPIN v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 04-9767. *PULLEY v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 119 Fed. Appx. 504.

No. 04-9769. *BOONE v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 120 Fed. Appx. 491.

No. 04-9771. *SHERMAN v. UNITED STATES*. Ct. App. D. C. Certiorari denied. Reported below: 870 A. 2d 1207.

No. 04-9774. *ANDERSON v. DiGUGLIELMO*, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT GRATERFORD, ET AL. C. A. 3d Cir. Certiorari denied.

No. 04-9777. *MOORE v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 04-9780. *FINCH v. UNITED STATES*. Ct. App. D. C. Certiorari denied. Reported below: 867 A. 2d 222.

No. 04-9782. *FLORES-GUZMAN v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 121 Fed. Appx. 557.

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No. 04-9787. *BLOUNT v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 04-9797. *HOBEREK v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 04-9810. *MARTIN v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 04-9811. *JAMES v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 04-9816. *SMITH v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 04-9831. *STAPLE v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 04-9833. *BURTON v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 121 Fed. Appx. 318.

No. 04-9834. *ADEMAJ v. UNITED STATES*. C. A. 1st Cir. Certiorari denied.

No. 04-9835. *BARBOSA v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 112 Fed. Appx. 868.

No. 04-9846. *WHAB v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 04-9852. *WELLS v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 111 Fed. Appx. 832.

No. 04-872. *KUCERA ET AL. v. BRADBURY, SECRETARY OF STATE OF OREGON, ET AL.* Sup. Ct. Ore. Certiorari denied. JUSTICE BREYER would grant the petition for writ of certiorari. Reported below: 337 Ore. 384, 97 P. 3d 1191.

No. 04-1282. *TIEN FU HSU ET AL. v. COUNTY OF CLARK, NEVADA*. Sup. Ct. Nev. Motion of Pacific Legal Foundation for leave to file a brief as *amicus curiae* granted. Certiorari denied. Reported below: 120 Nev. 1228, 131 P. 3d 591.

No. 04-1283. *FINCH v. GALAWAY, ADMINISTRATOR, ON BEHALF OF ESTATE OF GALAWAY*. C. A. 5th Cir. Motion of Guardian Life Insurance Company of America for leave to file a brief as *amicus curiae* out of time denied. Certiorari denied. Reported below: 395 F. 3d 238.

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No. 04-9329. *AVERY v. REED*, SUPERINTENDENT, MANNING CORRECTIONAL INSTITUTION. C. A. 4th Cir. Certiorari before judgment denied.

Rehearing Denied

No. 03-855. *CITY OF SHERRILL, NEW YORK v. ONEIDA INDIAN NATION OF NEW YORK ET AL.*, *ante*, p. 197;

No. 03-6270. *CABRERA v. UNITED STATES*, 541 U. S. 1064;

No. 03-10261. *LEGRAND v. LOUISIANA*, *ante*, p. 947;

No. 04-1014. *IN RE LEONICHEV ET AL.*, *ante*, p. 960;

No. 04-5337. *SANTOS v. UNITED STATES*, 543 U. S. 1122;

No. 04-7743. *HOWZE v. YARBOROUGH, WARDEN, ET AL.*, 543 U. S. 1165;

No. 04-7783. *HOLLOWAY v. HAMLET, WARDEN*, 543 U. S. 1166;

No. 04-7861. *ALVARADO-RIVERA v. UNITED STATES*, 543 U. S. 1167;

No. 04-8012. *GELMAN v. PHILLIPS*, SUPERINTENDENT, GREEN HAVEN CORRECTIONAL FACILITY, ET AL., 543 U. S. 1171;

No. 04-8017. *COOK v. CABANA*, *ante*, p. 909;

No. 04-8048. *EPPERSON v. DELAWARE*, *ante*, p. 924;

No. 04-8137. *COLIDA v. KYOCERA WIRELESS CORP.*, *ante*, p. 927;

No. 04-8346. *TILLMAN v. SCHOFIELD, WARDEN*, *ante*, p. 952;

No. 04-8408. *ROWLAND v. CROSBY*, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL., *ante*, p. 931;

No. 04-8419. *GRIMES v. FOWLER ET AL.*, *ante*, p. 931;

No. 04-8435. *DONALDSON v. CENTRAL MICHIGAN UNIVERSITY ET AL.*, *ante*, p. 932;

No. 04-8486. *WALLACE v. YWCA OF CHEMUNG COUNTY ET AL.*, *ante*, p. 965;

No. 04-8532. *BROWN v. BUSH*, PRESIDENT OF THE UNITED STATES, ET AL., *ante*, p. 932;

No. 04-8607. *IACULLO v. UNITED STATES*, *ante*, p. 934;

No. 04-8712. *CURTO v. CORNELL UNIVERSITY COLLEGE OF VETERINARY MEDICINE ET AL.*, *ante*, p. 935;

No. 04-9015. *WINGO v. UNITED STATES*, *ante*, p. 968; and

No. 04-9147. *IN RE MCQUIRTER*, *ante*, p. 960. Petitions for rehearing denied.

No. 03-7922. *HARRIS v. UNITED STATES*, 540 U. S. 1156;

No. 04-6006. *DAMES v. UNITED STATES*, 543 U. S. 1057; and

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No. 04–6014. *BURNS v. UNITED STATES*, 543 U. S. 1123. Motions for leave to file petitions for rehearing denied.

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Miscellaneous Order

No. 04–10284 (04A992). *IN RE JOHNSON*. Application for stay of execution of sentence of death, presented to JUSTICE STEVENS, and by him referred to the Court, denied. Petition for writ of habeas corpus denied.

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Certiorari Granted—Vacated and Remanded

No. 03–1043. *MICHIGAN PORK PRODUCERS ASSN., INC., ET AL. v. CAMPAIGN FOR FAMILY FARMS ET AL.* C. A. 6th Cir. Reported below: 348 F. 3d 157;

No. 03–1180. *JOHANNIS, SECRETARY OF AGRICULTURE, ET AL. v. CAMPAIGN FOR FAMILY FARMS ET AL.* C. A. 6th Cir. Reported below: 348 F. 3d 157;

No. 04–23. *LANDRENEAU, SECRETARY FOR THE LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES v. PELTS & SKINS, LLC.* C. A. 5th Cir. Reported below: 365 F. 3d 423;

No. 04–166. *LOVELL ET AL. v. COCHRAN ET UX.* C. A. 3d Cir. Reported below: 359 F. 3d 263; and

No. 04–446. *JOHANNIS, SECRETARY OF AGRICULTURE, ET AL. v. COCHRAN ET UX.* C. A. 3d Cir. Reported below: 359 F. 3d 263. Certiorari granted, judgments vacated, and cases remanded for further consideration in light of *Johannis v. Livestock Marketing Assn.*, *ante*, p. 550.

No. 04–1345. *ARNOLD v. UNITED STATES.* C. A. 11th Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *United States v. Booker*, 543 U. S. 220 (2005). Reported below: 125 Fed. Appx. 269.

No. 04–9776. *SPRINGS v. UNITED STATES.* C. A. 6th Cir. Reported below: 105 Fed. Appx. 811;

No. 04–9799. *FLORENTINO v. UNITED STATES.* C. A. 1st Cir. Reported below: 385 F. 3d 60;

No. 04–9800. *HARRIS v. UNITED STATES.* C. A. 4th Cir. Reported below: 109 Fed. Appx. 583;

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No. 04–9844. VELASCO-ORTEGA *v.* UNITED STATES; MARTINEZ-GONZALEZ *v.* UNITED STATES; LUA-GUTIERREZ *v.* UNITED STATES; MADRIGAL-REFUGIO *v.* UNITED STATES; and GUERRERO-HERNANDEZ *v.* UNITED STATES. C. A. 9th Cir.;

No. 04–9850. MILES *v.* UNITED STATES. C. A. 6th Cir. Reported below: 116 Fed. Appx. 646; and

No. 04–9932. BYRD *v.* UNITED STATES. C. A. 11th Cir. Reported below: 126 Fed. Appx. 462. Motions of petitioners for leave to proceed *in forma pauperis* granted. Certiorari granted, judgments vacated, and cases remanded for further consideration in light of *United States v. Booker*, 543 U. S. 220 (2005).

Certiorari Dismissed

No. 04–9351. MCBROOM *v.* TECHNEGLAS, INC., ET AL. Ct. App. Ohio, Franklin County. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court’s Rule 39.8.

Miscellaneous Orders

No. 65, Orig. TEXAS *v.* NEW MEXICO. Motion of the River Master for fees and expenses granted, and the River Master is awarded a total of \$2,712 for the period January 1 through March 31, 2005, to be paid equally by the parties. [For earlier order herein, see, *e. g.*, 543 U. S. 805.]

No. 03–9168. SHEPARD *v.* UNITED STATES, *ante*, p. 13. Motion of counsel for petitioner for excess compensation denied.

No. 03–10198. HALBERT *v.* MICHIGAN. Ct. App. Mich. [Certiorari granted, 543 U. S. 1042.] Motion of petitioner for leave to file supplemental brief after argument granted.

No. 04–9939. IN RE LASEUR;

No. 04–9961. IN RE PRICE;

No. 04–9981. IN RE SCHEPIS; and

No. 04–10000. IN RE ADAMS. Petitions for writs of habeas corpus denied.

No. 04–9441. IN RE SHEA. Petition for writ of mandamus denied.

No. 04–9379. IN RE WRIGHT. Petition for writ of mandamus and/or prohibition denied.

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Certiorari Granted

No. 04–1170. *KANSAS v. MARSH*. Sup. Ct. Kan. Motion of respondent 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 questions: “Does this Court have jurisdiction to review the judgment of the Kansas Supreme Court under 28 U.S.C. § 1257, as construed by *Cox Broadcasting Corp. v. Cohn*, 420 U.S. 469 (1975)?”; “Was the Kansas Supreme Court’s judgment adequately supported by a ground independent of federal law?” Reported below: 278 Kan. 520, 102 P. 3d 445.

Certiorari Denied

No. 04–279. *MESSINA ET AL. v. PARISH OF ST. CHARLES, LOUISIANA, ET AL.* Ct. App. La., 5th Cir. Certiorari denied. Reported below: 865 So. 2d 158.

No. 04–854. *HILL v. TEXAS*. Ct. App. Tex., 3d Dist. Certiorari denied.

No. 04–894. *CZICHRAY v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 378 F. 3d 822.

No. 04–1130. *SHARPE v. CONOLE ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 386 F. 3d 482.

No. 04–1135. *KOTTARAM v. BANK LEUMI, USA, ET AL.* C. A. 2d Cir. Certiorari denied.

No. 04–1146. *BUBNA v. ANCHORAGE EQUAL RIGHTS COMMISSION ET AL.* Sup. Ct. Alaska. Certiorari denied. Reported below: 102 P. 3d 937.

No. 04–1275. *DUNAGAN v. DRETKE, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 04–1277. *MARTHA GRAHAM SCHOOL & DANCE FOUNDATION, INC., ET AL. v. SPITZER, ATTORNEY GENERAL OF NEW YORK*. C. A. 2d Cir. Certiorari denied. Reported below: 380 F. 3d 624.

No. 04–1280. *LAKESIDE EQUIPMENT CORP. v. TOWN OF CHESTER, VERMONT*. Sup. Ct. Vt. Certiorari denied. Reported below: 177 Vt. 619, 865 A. 2d 422.

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No. 04–1281. *GRABACH ET UX. v. LARSSON FAMILY TRUST ET AL.* Ct. App. Cal., 5th App. Dist. Certiorari denied. Reported below: 121 Cal. App. 4th 1147, 18 Cal. Rptr. 3d 136.

No. 04–1284. *GLOBAL NAPS, INC. v. VERIZON NEW ENGLAND, INC., ET AL.* C. A. 1st Cir. Certiorari denied. Reported below: 396 F. 3d 16.

No. 04–1288. *NGOC NU TRINH v. MEDTRONIC, INC., ET AL.* C. A. 11th Cir. Certiorari denied.

No. 04–1293. *LUALLEN v. GUILFORD HEALTH CARE CENTER ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 115 Fed. Appx. 167.

No. 04–1298. *UNITEDHEALTH GROUP, INC., FKA UNITED HEALTHCARE CORP., ET AL. v. KLAY ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 389 F. 3d 1191.

No. 04–1305. *BALDADO v. HAWAII MANAGEMENT ALLIANCE ASSN.* Sup. Ct. Haw. Certiorari denied. Reported below: 106 Haw. 21, 100 P. 3d 952.

No. 04–1309. *SIBLEY v. RAMIREZ ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 129 Fed. Appx. 599.

No. 04–1310. *CONWAY v. NUSBAUM, TRUSTEE FOR NUSBAUM.* C. A. 6th Cir. Certiorari denied. Reported below: 109 Fed. Appx. 44.

No. 04–1326. *JAFFE v. LANDESS.* Sup. Ct. Va. Certiorari denied.

No. 04–1348. *ROYAL v. REID.* C. A. 8th Cir. Certiorari denied. Reported below: 375 F. 3d 720.

No. 04–1355. *STANTON v. DISTRICT OF COLUMBIA COURT OF APPEALS.* Ct. App. D. C. Certiorari denied. Reported below: 860 A. 2d 369.

No. 04–1356. *CYRUS v. DEPARTMENT OF THE AIR FORCE.* C. A. Fed. Cir. Certiorari denied. Reported below: 118 Fed. Appx. 513.

No. 04–1386. *WOOLF v. MARY KAY INC.* Ct. App. Tex., 5th Dist. Certiorari denied. Reported below: 146 S. W. 3d 813.

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No. 04-1393. *PORTER v. ASCENSION PARISH SCHOOL BOARD ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 393 F. 3d 608.

No. 04-1399. *FRANK v. HARRIS COUNTY, TEXAS.* C. A. 5th Cir. Certiorari denied. Reported below: 118 Fed. Appx. 799.

No. 04-1417. *BIRT v. UNITED STATES.* C. A. 3d Cir. Certiorari denied. Reported below: 120 Fed. Appx. 424.

No. 04-1418. *WHITT v. UNITED STATES.* C. A. 7th Cir. Certiorari denied.

No. 04-1436. *SHANK v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 395 F. 3d 466.

No. 04-1437. *SCHNEIDER v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. Reported below: 395 F. 3d 78.

No. 04-1450. *ANDERSON v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 118 Fed. Appx. 805.

No. 04-6120. *PEARL v. CASON, WARDEN.* C. A. 6th Cir. Certiorari denied. Reported below: 86 Fed. Appx. 858.

No. 04-7033. *SNYDER v. ALABAMA.* Ct. Crim. App. Ala. Certiorari denied. Reported below: 893 So. 2d 488.

No. 04-7520. *JAYNE v. TEXAS.* Ct. Crim. App. Tex. Certiorari denied.

No. 04-7875. *DUKE v. WYOMING.* Sup. Ct. Wyo. Certiorari denied. Reported below: 99 P. 3d 928.

No. 04-7893. *SOLACHE v. ILLINOIS.* App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 341 Ill. App. 3d 1112, 853 N. E. 2d 451.

No. 04-7910. *DOSS v. MISSISSIPPI.* Sup. Ct. Miss. Certiorari denied. Reported below: 882 So. 2d 176.

No. 04-7940. *SAMS v. ILLINOIS.* App. Ct. Ill., 4th Dist. Certiorari denied. Reported below: 346 Ill. App. 3d 1194, 866 N. E. 2d 719.

No. 04-7990. *HACKETT v. FOLINO, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT GREENE, ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 381 F. 3d 281.

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No. 04-8288. *VALENCIA v. KIRKLAND, WARDEN*. C. A. 9th Cir. Certiorari denied. Reported below: 107 Fed. Appx. 781.

No. 04-8324. *FRAZIER v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 387 F. 3d 1244.

No. 04-8536. *LAMBERT v. BLACKWELL, ADMINISTRATOR, EDNA MAHAN CORRECTIONAL FACILITY FOR WOMEN, ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 387 F. 3d 210.

No. 04-8614. *STEPHANATOS v. NEW JERSEY ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 119 Fed. Appx. 428.

No. 04-8849. *COFFMAN v. CALIFORNIA*; and

No. 04-8889. *MARLOW v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied. Reported below: 34 Cal. 4th 1, 96 P. 3d 30.

No. 04-9259. *HASKELL v. VIRGINIA*. Sup. Ct. Va. Certiorari denied.

No. 04-9338. *SANDOVAL v. BENTLEY ET AL.* C. A. 11th Cir. Certiorari denied.

No. 04-9353. *METZLER v. LOUISIANA*. Sup. Ct. La. Certiorari denied. Reported below: 883 So. 2d 1004.

No. 04-9354. *MEREDITH v. FLORIDA*. Dist. Ct. App. Fla., 5th Dist. Certiorari denied. Reported below: 888 So. 2d 652.

No. 04-9357. *CRAFT v. WALLER, WARDEN*. C. A. 5th Cir. Certiorari denied.

No. 04-9362. *SMITH v. FRANK, SECRETARY, WISCONSIN DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 7th Cir. Certiorari denied.

No. 04-9363. *AVERY v. MICHIGAN*. Cir. Ct. Antrim County, Mich. Certiorari denied.

No. 04-9368. *GALANDREO v. PERLMAN, SUPERINTENDENT, MOHAWK CORRECTIONAL FACILITY*. C. A. 2d Cir. Certiorari denied. Reported below: 115 Fed. Appx. 514.

No. 04-9370. *ELLIS v. UDOVIC*. C. A. 9th Cir. Certiorari denied.

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No. 04–9371. *CROSSLEY v. LOCKYER*, ATTORNEY GENERAL OF CALIFORNIA, ET AL. C. A. 9th Cir. Certiorari denied.

No. 04–9373. *ENGLISH v. ILLINOIS*. App. Ct. Ill., 3d Dist. Certiorari denied. Reported below: 353 Ill. App. 3d 337, 818 N. E. 2d 857.

No. 04–9375. *THOMAS v. NEUMAN ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 125 Fed. Appx. 975.

No. 04–9383. *GEORGE v. SANDOVAL*, ATTORNEY GENERAL OF NEVADA, ET AL. C. A. 9th Cir. Certiorari denied.

No. 04–9386. *FIGETAKIS v. CITY OF CUYAHOGA FALLS, OHIO, ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 112 Fed. Appx. 393.

No. 04–9388. *YANCEY v. JOHNSON ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 114 Fed. Appx. 96.

No. 04–9392. *NEWBERRY v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied.

No. 04–9399. *BAILEY v. MICHIGAN*. Ct. App. Mich. Certiorari denied.

No. 04–9400. *JALOMO LOPEZ v. DRETKE*, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 04–9405. *KARLS v. CIRCUIT COURT OF WISCONSIN, DANE COUNTY, ET AL.* Sup. Ct. Wis. Certiorari denied.

No. 04–9406. *DAVIS v. PLILER*, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 04–9410. *RAE v. DRETKE*, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 04–9415. *MCNAIR v. FLORIDA*. Sup. Ct. Fla. Certiorari denied. Reported below: 892 So. 2d 1013.

No. 04–9426. *MATTHEWS v. VIRGINIA*. Sup. Ct. Va. Certiorari denied.

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No. 04-9427. *LOPEZ v. POOLE*, SUPERINTENDENT, FIVE POINTS CORRECTIONAL FACILITY, ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 114 Fed. Appx. 43.

No. 04-9432. *SANDERS v. WAYNE COUNTY, MICHIGAN*, ET AL. C. A. 6th Cir. Certiorari denied.

No. 04-9435. *STANDBERRY v. FLORIDA*. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 906 So. 2d 1065.

No. 04-9440. *SOSA v. DRETKE*, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 04-9442. *CAGLEY v. DUNCAN*, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 122 Fed. Appx. 353.

No. 04-9448. *COHEN v. BAKER*, MAYOR OF THE CITY OF SAVANNAH, GEORGIA, ET AL. C. A. 11th Cir. Certiorari denied.

No. 04-9455. *ARMSTRONG v. GRIGAS*, WARDEN, ET AL. C. A. 9th Cir. Certiorari denied.

No. 04-9457. *ALLEN v. MAXWELL-HODGES ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 127 Fed. Appx. 471.

No. 04-9464. *COX v. PAPEZ ET AL.* C. A. 9th Cir. Certiorari denied.

No. 04-9466. *EZZARD v. REWIS*, WARDEN. C. A. 11th Cir. Certiorari denied.

No. 04-9469. *COOKISH v. ROULEAU ET AL.* C. A. 1st Cir. Certiorari denied.

No. 04-9471. *BUNCH v. STALDER*, SECRETARY, LOUISIANA DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS. C. A. 5th Cir. Certiorari denied.

No. 04-9478. *ESTRADA v. HAMLET*, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 04-9485. *RYAN v. CLARKE*, DIRECTOR, NEBRASKA DEPARTMENT OF CORRECTIONAL SERVICES. C. A. 8th Cir. Certiorari denied. Reported below: 387 F. 3d 785.

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No. 04–9506. *MILLER v. BUSH*, PRESIDENT OF THE UNITED STATES, ET AL. C. A. D. C. Cir. Certiorari denied.

No. 04–9530. *RIDDLEY v. EPPS*, COMMISSIONER, MISSISSIPPI DEPARTMENT OF CORRECTIONS, ET AL. C. A. 5th Cir. Certiorari denied.

No. 04–9531. *TOR v. GREENE*, SUPERINTENDENT, GREAT MEADOW CORRECTIONAL FACILITY. C. A. 2d Cir. Certiorari denied.

No. 04–9537. *OSIRIS v. BELLEQUE*, SUPERINTENDENT, OREGON STATE PENITENTIARY. C. A. 9th Cir. Certiorari denied. Reported below: 121 Fed. Appx. 192.

No. 04–9554. *COSSETTE v. DEPARTMENT OF AGRICULTURE*. C. A. Fed. Cir. Certiorari denied. Reported below: 113 Fed. Appx. 398.

No. 04–9571. *COLEMAN v. KORMAN*, CHIEF JUDGE, UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NEW YORK. C. A. 2d Cir. Certiorari denied.

No. 04–9608. *BRACKETT v. KIRSHBAUM ET AL.* Ct. App. Colo. Certiorari denied.

No. 04–9640. *OKPOJU v. CHERTOFF*, SECRETARY OF HOMELAND SECURITY, ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 115 Fed. Appx. 302.

No. 04–9641. *TAPIA v. WOODFORD*, DIRECTOR, CALIFORNIA DEPARTMENT OF CORRECTIONS. C. A. 9th Cir. Certiorari denied. Reported below: 118 Fed. Appx. 189.

No. 04–9649. *RANKIN v. LOUISIANA*. Sup. Ct. La. Certiorari denied. Reported below: 896 So. 2d 21.

No. 04–9661. *CARTER v. CONNECTICUT*. App. Ct. Conn. Certiorari denied. Reported below: 84 Conn. App. 263, 853 A. 2d 565.

No. 04–9662. *EVANS ET AL. v. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 118 Fed. Appx. 883.

No. 04–9668. *FOSTER v. NORTH CAROLINA*. Ct. App. N. C. Certiorari denied.

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No. 04-9695. ALLEN *v.* SOLOMON, SUPERINTENDENT, ODOM CORRECTIONAL INSTITUTION. C. A. 4th Cir. Certiorari denied. Reported below: 119 Fed. Appx. 548.

No. 04-9699. BAYLIFF *v.* NORTH CAROLINA ET AL. Ct. App. N. C. Certiorari denied.

No. 04-9705. RILEY *v.* SUPREME COURT OF LOUISIANA. Sup. Ct. La. Certiorari denied. Reported below: 887 So. 2d 459.

No. 04-9741. LUEBBE *v.* BOOTH ET UX. Ct. App. Tex., 12th Dist. Certiorari denied.

No. 04-9818. TERRY *v.* JOHNSON, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS. C. A. 4th Cir. Certiorari denied. Reported below: 119 Fed. Appx. 542.

No. 04-9855. MOSES *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 119 Fed. Appx. 357.

No. 04-9856. GUERRERO LOPEZ *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 115 Fed. Appx. 147.

No. 04-9861. BUCULEI *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 117 Fed. Appx. 273.

No. 04-9866. CURRY *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 404 F. 3d 316.

No. 04-9868. REYES-HERNANDEZ *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied.

No. 04-9877. KLIMAWICZE *v.* ILLINOIS. App. Ct. Ill., 2d Dist. Certiorari denied. Reported below: 352 Ill. App. 3d 13, 815 N. E. 2d 760.

No. 04-9882. CATER *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 123 Fed. Appx. 385.

No. 04-9884. CALLENDER *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied.

No. 04-9886. STEVENSON *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 396 F. 3d 538.

No. 04-9888. RAMOS-CARTAGENA *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied.

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No. 04–9904. *WARREN v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 04–9911. *CALDERON-BELTRAN v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 124 Fed. Appx. 223.

No. 04–9923. *MANDEFRO v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 122 Fed. Appx. 322.

No. 04–9934. *MCNAIR, AKA SMITH v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 85 Fed. Appx. 532.

No. 04–9936. *PAZ-AGUIRRE v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 125 Fed. Appx. 597.

No. 04–9937. *MIJARES-ANDRADE v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 121 Fed. Appx. 570.

No. 04–9956. *JACKSON v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 04–908. *YARBOROUGH, WARDEN v. MAXWELL*. C. A. 9th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 113 Fed. Appx. 213.

No. 04–1299. *STAJANO ET AL. v. UNITED TECHNOLOGIES CORP. ET AL.* App. Div., Sup. Ct. N. Y., 1st Jud. Dept. Certiorari denied. JUSTICE BREYER took no part in the consideration or decision of this petition. Reported below: 5 App. Div. 3d 260, 774 N. Y. S. 2d 490.

No. 04–7212. *PLATA v. DRETKE, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Motion of petitioner to stay further proceedings denied. Certiorari denied. Reported below: 111 Fed. Appx. 213.

Rehearing Denied

No. 04–1037. *WILSON v. COLORADO*, *ante*, p. 962;

No. 04–1087. *SANDERS v. VINE, EXECUTRIX OF THE ESTATE OF SANDERS*, *ante*, p. 962;

No. 04–1107. *FOCUS MEDIA, INC. v. NATIONAL BROADCASTING CO., INC., ET AL.*, *ante*, p. 968;

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No. 04-7997. BROWN, AKA WILLIAMS *v.* CARROLL, WARDEN, *ante*, p. 909;

No. 04-8222. NORTON *v.* TENNESSEE, *ante*, p. 929;

No. 04-8349. WILSON *v.* SUPERIOR COURT OF CALIFORNIA, PIMA COUNTY, ET AL., *ante*, p. 952;

No. 04-8462. MONTOYA *v.* FINN, WARDEN, *ante*, p. 964;

No. 04-8643. COLIDA *v.* QUALCOMM INC., *ante*, p. 983;

No. 04-8644. COLIDA *v.* SANYO NORTH AMERICA CORP., *ante*, p. 966;

No. 04-8646. CHARLES *v.* TEXAS, *ante*, p. 983; and

No. 04-8696. ZHANG *v.* APEX HOME & BUSINESS RENTALS, INC., *ante*, p. 985. Petitions for rehearing denied.