

ORDERS FOR JUNE 6 THROUGH
SEPTEMBER 29, 2005

JUNE 6, 2005

Certiorari Granted—Vacated and Remanded

No. 04–534. HOEVENAAR *v.* LAZAROFF, WARDEN. C. A. 6th Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Cutter v. Wilkinson*, 544 U. S. 709 (2005). Reported below: 108 Fed. Appx. 250.

No. 04–1227. BRADLEY ET AL. *v.* UNITED STATES. C. A. 1st 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: 390 F. 3d 145.

No. 04–8465. ROSALES *v.* BUREAU OF IMMIGRATION AND CUSTOMS ENFORCEMENT. 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 the confession of error by the Acting Solicitor General in his brief filed for the respondent on May 4, 2005. Reported below: 115 Fed. Appx. 306.

No. 04–8478. BERGER *v.* UNITED STATES. C. A. 11th Cir. Reported below: 125 Fed. Appx. 980;

No. 04–8932. DIXON *v.* UNITED STATES. C. A. 11th Cir. Reported below: 125 Fed. Appx. 981;

No. 04–8942. LEVY *v.* UNITED STATES. C. A. 11th Cir. Reported below: 374 F. 3d 1023;

No. 04–9084. HOLLAND *v.* UNITED STATES. C. A. 11th Cir. Reported below: 125 Fed. Appx. 982;

No. 04–9828. MILLER *v.* UNITED STATES. C. A. D. C. Cir. Reported below: 395 F. 3d 452;

No. 04–9864. CLARK *v.* UNITED STATES. C. A. 6th Cir. Reported below: 112 Fed. Appx. 481;

No. 04–9865. CESAL *v.* UNITED STATES. C. A. 11th Cir. Reported below: 391 F. 3d 1172;

No. 04–9867. SANCHEZ *v.* UNITED STATES. C. A. 10th Cir. Reported below: 118 Fed. Appx. 480;

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No. 04–9916. *GARCIA-MEJIA v. UNITED STATES*. C. A. 5th Cir. Reported below: 394 F. 3d 396;

No. 04–9917. *SAVAGE v. UNITED STATES*. C. A. 4th Cir. Reported below: 390 F. 3d 823; and

No. 04–10020. *SETTLE v. UNITED STATES*. C. A. 6th Cir. Reported below: 394 F. 3d 422. 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. 04–9760. *WOODBERRY v. BRUCE, WARDEN, ET AL.*; and

No. 04–9761. *WOODBERRY v. BRUCE, WARDEN, ET AL.* C. A. 10th Cir. Motions of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court’s Rule 39.8. Reported below: 124 Fed. Appx. 623.

Miscellaneous Orders

No. D–2389. *IN RE DISBARMENT OF FITZGERALD*. Disbarment entered. [For earlier order herein, see 543 U. S. 1045.]

No. D–2390. *IN RE DISBARMENT OF WOOD*. Disbarment entered. [For earlier order herein, see 543 U. S. 1045.]

No. D–2395. *IN RE DISBARMENT OF HALL*. Disbarment entered. [For earlier order herein, see 543 U. S. 1139.]

No. D–2396. *IN RE DISBARMENT OF RUSSO*. Disbarment entered. [For earlier order herein, see 543 U. S. 1139.]

No. D–2397. *IN RE DISBARMENT OF MCCOLLOUGH*. Disbarment entered. [For earlier order herein, see 543 U. S. 1139.]

No. D–2398. *IN RE DISBARMENT OF OLDS*. Disbarment entered. [For earlier order herein, see 543 U. S. 1139.]

No. D–2399. *IN RE DISBARMENT OF NEUMAN*. Disbarment entered. [For earlier order herein, see 543 U. S. 1139.]

No. D–2400. *IN RE DISBARMENT OF KARTEN*. Disbarment entered. [For earlier order herein, see 543 U. S. 1139.]

No. D–2401. *IN RE DISBARMENT OF LAUDUMIEY*. Disbarment entered. [For earlier order herein, see 543 U. S. 1139.]

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No. D-2402. IN RE DISBARMENT OF SCHEURICH. Disbarment entered. [For earlier order herein, see 543 U.S. 1140.]

No. D-2403. IN RE DISBARMENT OF NORTON. Disbarment entered. [For earlier order herein, see 543 U.S. 1140.]

No. D-2404. IN RE DISBARMENT OF ETHEREDGE. Disbarment entered. [For earlier order herein, see 543 U.S. 1140.]

No. D-2405. IN RE DISBARMENT OF SENTON. Disbarment entered. [For earlier order herein, see 543 U.S. 1140.]

No. 04-1315. LONG ISLAND CARE AT HOME, LTD., ET AL. *v.* COKE. C. A. 2d Cir. The Acting Solicitor General is invited to file a brief in this case expressing the views of the United States.

No. 04-9544. IN RE SIBLEY; and

No. 04-10089. IN RE PRICE. Petitions for writs of habeas corpus denied.

No. 04-10104. IN RE JACKSON. Motion of petitioner for leave to proceed *in forma pauperis* denied, and petition for writ of habeas corpus dismissed. See this Court's Rule 39.8.

No. 04-9545. IN RE ADAMS; and

No. 04-9977. IN RE ARMSTRONG ET AL. Petitions for writs of mandamus denied.

Certiorari Granted

No. 04-1332. WILL ET AL. *v.* HALLOCK ET AL. C. A. 2d Cir. Certiorari granted. In addition to the question presented by the petition, the parties are directed to brief and argue the following question: "Did the Court of Appeals have jurisdiction over the interlocutory appeal of the District Court's order denying a motion to dismiss under the Federal Tort Claims Act's judgment bar, 28 U.S.C. §2676?" Reported below: 387 F.3d 147.

Certiorari Denied

No. 03-1404. BASS, CHIEF OF OPERATIONS OF OFFENDER MANAGEMENT SERVICES, VIRGINIA DEPARTMENT OF CORRECTIONS, ET AL. *v.* MADISON ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 355 F.3d 310.

No. 04-682. PATEL *v.* GONZALES, ATTORNEY GENERAL. C. A. 5th Cir. Certiorari denied. Reported below: 104 Fed. Appx. 966.

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No. 04–922. *NATIONAL WRESTLING COACHES ASSN. ET AL. v. DEPARTMENT OF EDUCATION*. C. A. D. C. Cir. Certiorari denied. Reported below: 366 F. 3d 930 and 383 F. 3d 1047.

No. 04–1149. *ROSE ACRE FARMS, INC. v. UNITED STATES*; and No. 04–1311. *UNITED STATES v. ROSE ACRE FARMS, INC.* C. A. Fed. Cir. Certiorari denied. Reported below: 373 F. 3d 1177.

No. 04–1238. *GIVENS v. ALABAMA DEPARTMENT OF CORRECTIONS ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 381 F. 3d 1064.

No. 04–1312. *SATTERLEE v. WASHINGTON ET AL.*; *RYAN v. MCCRAVEY, A MINOR, BY AND THROUGH HIS MOTHER, CANADA*; and *GRAY v. CHIKALLA ET UX.* Sup. Ct. Wash. Certiorari denied.

No. 04–1317. *BOHAC v. WALSH ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 386 F. 3d 859.

No. 04–1330. *FULLER v. INSTINET, INC.* C. A. 2d Cir. Certiorari denied. Reported below: 120 Fed. Appx. 845.

No. 04–1336. *SAFIE, INDIVIDUALLY AND AS PERSONAL REPRESENTATIVE OF THE ESTATE OF SAFIE v. SAFIE ET AL.* Sup. Ct. Fla. Certiorari denied. Reported below: 894 So. 2d 971.

No. 04–1338. *ALL DIRECT TRAVEL SERVICES, INC., ET AL. v. DELTA AIR LINES, INC.* C. A. 9th Cir. Certiorari denied. Reported below: 120 Fed. Appx. 673.

No. 04–1341. *MITRANO v. HOUSER ET AL.* Sup. Ct. N. H. Certiorari denied.

No. 04–1343. *McLAURIN, INDIVIDUALLY AND ON BEHALF OF THE HEIRS OF STUBBS, DECEASED v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 392 F. 3d 774.

No. 04–1347. *ADKINS v. KASPER ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 393 F. 3d 559.

No. 04–1349. *ESQUIBES v. GONZALES, ATTORNEY GENERAL*. C. A. 9th Cir. Certiorari denied.

No. 04–1351. *BERNAT ET AL. v. ALLPHIN, JUDGE, DISTRICT COURT OF UTAH, SECOND DISTRICT, ET AL.* Sup. Ct. Utah. Certiorari denied. Reported below: 106 P. 3d 707.

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No. 04-1357. *GIBLER v. BARNHART, COMMISSIONER OF SOCIAL SECURITY* (two judgments). C. A. 9th Cir. Certiorari denied. Reported below: 110 Fed. Appx. 829 (first judgment); 111 Fed. Appx. 504 (second judgment).

No. 04-1370. *PAYNE v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 107 Fed. Appx. 445.

No. 04-1405. *BECKETT v. TEXAS*. Ct. App. Tex., 2d Dist. Certiorari denied.

No. 04-1424. *ALCAN ALUMINUM CORP. v. BULLARD*. C. A. 6th Cir. Certiorari denied. Reported below: 113 Fed. Appx. 684.

No. 04-1457. *BOWEN v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 121 Fed. Appx. 569.

No. 04-1464. *ISAACKS ET AL. v. NEW TIMES, INC., DBA DALLAS OBSERVER, ET AL.* Sup. Ct. Tex. Certiorari denied. Reported below: 146 S. W. 3d 144.

No. 04-1471. *JACKSON v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 124 Fed. Appx. 642.

No. 04-1476. *STABILE v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 122 Fed. Appx. 856.

No. 04-7922. *LIVELY v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 102 Fed. Appx. 431.

No. 04-8212. *LEAVITT v. ARAVE, WARDEN*. C. A. 9th Cir. Certiorari denied. Reported below: 383 F. 3d 809 and 371 F. 3d 663.

No. 04-8414. *FRATTA v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied.

No. 04-8425. *JEFFERSON v. FOUNTAIN, WARDEN*. C. A. 11th Cir. Certiorari denied. Reported below: 382 F. 3d 1286.

No. 04-8611. *FIGEL v. RILEY ET AL.* C. A. 6th Cir. Certiorari denied.

No. 04-8869. *WARD v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 112 Fed. Appx. 969.

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No. 04–8872. *FRANKLIN, AKA BROOKS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 112 Fed. Appx. 997.

No. 04–9446. *TURRENTINE v. MULLIN, WARDEN*. C. A. 10th Cir. Certiorari denied. Reported below: 390 F. 3d 1181.

No. 04–9473. *HOLT v. OFFICE OF THE STATE ATTORNEY FOR THE ELEVENTH JUDICIAL CIRCUIT OF FLORIDA*. C. A. 11th Cir. Certiorari denied. Reported below: 124 Fed. Appx. 640.

No. 04–9475. *CRITTEN v. HANCOCK ET AL.* C. A. 11th Cir. Certiorari denied.

No. 04–9477. *DAVIS v. CITY OF CINCINNATI, OHIO, ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 113 Fed. Appx. 662.

No. 04–9479. *YON v. TRANSPORT WORKERS’ UNION LOCAL NO. 234 ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 112 Fed. Appx. 869.

No. 04–9481. *ANDERSON v. NUTTER ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 122 Fed. Appx. 56.

No. 04–9482. *PATRICK v. DRETKE, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 04–9487. *BARTEL v. DRETKE, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 04–9489. *MARKS v. UNKNOWN ET AL.* C. A. 9th Cir. Certiorari denied.

No. 04–9490. *LUCAS v. LEWIS, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 04–9491. *YOUNG v. OHIO*. Ct. App. Ohio, Montgomery County. Certiorari denied.

No. 04–9493. *EARTHMAN v. HINES, WARDEN*. C. A. 10th Cir. Certiorari denied. Reported below: 119 Fed. Appx. 206.

No. 04–9494. *CAMPBELL v. CITY OF DETROIT, MICHIGAN, ET AL.* C. A. 6th Cir. Certiorari denied.

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No. 04-9503. *DUNLAP v. WALKER, DEPUTY WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 04-9507. *MARSHALL v. MISSISSIPPI.* Sup. Ct. Miss. Certiorari denied.

No. 04-9511. *HOHMANN v. WOOD, DBA WOOD OBERHOLTZER.* Ct. App. Ariz. Certiorari denied.

No. 04-9512. *HUGGINS v. FLORIDA.* Sup. Ct. Fla. Certiorari denied. Reported below: 889 So. 2d 743.

No. 04-9513. *SEGURA v. ALEXANDER, WARDEN.* C. A. 9th Cir. Certiorari denied.

No. 04-9518. *JIMENEZ v. HALL, WARDEN.* C. A. 9th Cir. Certiorari denied.

No. 04-9523. *PORTER v. MICHIGAN PAROLE BOARD ET AL.* C. A. 6th Cir. Certiorari denied.

No. 04-9539. *BECKLEY v. OHIO.* Ct. App. Ohio, Cuyahoga County. Certiorari denied.

No. 04-9546. *TALLEY v. OHIO.* Ct. App. Ohio, Cuyahoga County. Certiorari denied.

No. 04-9581. *KESELICA v. STOUFFER, WARDEN, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 100 Fed. Appx. 142.

No. 04-9582. *PALMER v. LAMARQUE, WARDEN.* C. A. 9th Cir. Certiorari denied.

No. 04-9588. *COMBS v. CALIFORNIA.* Sup. Ct. Cal. Certiorari denied. Reported below: 34 Cal. 4th 821, 101 P. 3d 1007.

No. 04-9607. *PETWAY v. VIRGINIA ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 118 Fed. Appx. 773.

No. 04-9622. *BAHRS v. MCCANN, WARDEN.* C. A. 7th Cir. Certiorari denied.

No. 04-9677. *ROSE v. LOOS ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 130 Fed. Appx. 78.

No. 04-9678. *RICHARDSON v. CONNECTICUT.* App. Ct. Conn. Certiorari denied. Reported below: 86 Conn. App. 32, 860 A. 2d 272.

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No. 04–9712. *SMITH v. COLORADO*. Ct. App. Colo. Certiorari denied.

No. 04–9713. *PACE v. ALABAMA*. Ct. Crim. App. Ala. Certiorari denied. Reported below: 904 So. 2d 331.

No. 04–9724. *JOHNSON v. MARYLAND DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES*. C. A. 4th Cir. Certiorari denied. Reported below: 120 Fed. Appx. 500.

No. 04–9727. *RUTH v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 120 Fed. Appx. 143.

No. 04–9747. *SMITH v. PENNSYLVANIA*. Super. Ct. Pa. Certiorari denied. Reported below: 863 A. 2d 1231.

No. 04–9757. *WELLS v. CROSBY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 04–9789. *GONZALEZ v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied. Reported below: 34 Cal. 4th 1111, 104 P. 3d 98.

No. 04–9803. *HERBIN v. JOHNSON, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS*. C. A. 4th Cir. Certiorari denied. Reported below: 111 Fed. Appx. 685.

No. 04–9815. *BENFORD v. WILLIAMS, WARDEN*. C. A. 7th Cir. Certiorari denied.

No. 04–9827. *MCCAIN v. TENNIS, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT ROCKVIEW, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 04–9839. *ORTIZ v. ORTIZ, ADMINISTRATOR, EAST JERSEY STATE PRISON, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 04–9872. *CRISWELL v. WATKINS, WARDEN, ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 111 Fed. Appx. 576.

No. 04–9873. *AGUILAR v. PATEL ET AL.* C. A. 9th Cir. Certiorari denied.

No. 04–9897. *ALLAH v. AL-HAFEEZ ET AL.* C. A. 3d Cir. Certiorari denied.

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No. 04-9925. *LUCERO v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 123 Fed. Appx. 918.

No. 04-9929. *PAIGE v. SHANNON, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT FRACKVILLE, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 04-9951. *SHOUMAN v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 04-9953. *RICHARDSON v. KYLER, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT HUNTINGDON, ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 125 Fed. Appx. 395.

No. 04-9957. *LIGHTFOOT v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 04-9958. *WRIGHT v. GEORGIA PACIFIC CORP.* C. A. 8th Cir. Certiorari denied.

No. 04-9960. *MOSLEY v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 124 Fed. Appx. 642.

No. 04-9964. *LYONS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 04-9967. *DOBSON v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 117 Fed. Appx. 509.

No. 04-9968. *BUSTOS-TORRES v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 396 F. 3d 935.

No. 04-9975. *THOMAS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 121 Fed. Appx. 512.

No. 04-9982. *STEINMETZ v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 04-9985. *MOORE v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 122 Fed. Appx. 169.

No. 04-9987. *WASHINGTON v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 398 F. 3d 306.

No. 04-9989. *PACHECO-ESPINOSA v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 121 Fed. Appx. 352.

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No. 04–9990. LLOYD *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 396 F. 3d 948.

No. 04–9991. LIANGSIRIPRASERT *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 04–9992. CRAWFORD *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 129 Fed. Appx. 602.

No. 04–9994. McREYNOLDS *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 397 F. 3d 479.

No. 04–9996. HARRIS *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 112 Fed. Appx. 302.

No. 04–10006. GUERRERO-MORENO *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 125 Fed. Appx. 599.

No. 04–10010. HERNANDEZ *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 99 Fed. Appx. 882.

No. 04–10011. FONSECA *v.* LAMANNA, WARDEN. C. A. 3d Cir. Certiorari denied. Reported below: 112 Fed. Appx. 865.

No. 04–10016. PROCTOR *v.* UNITED STATES. Ct. App. D. C. Certiorari denied. Reported below: 862 A. 2d 940.

No. 04–10019. SHEPARD *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 396 F. 3d 1116.

No. 04–10033. LOVE *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied.

No. 04–10050. VIETH *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 397 F. 3d 615.

No. 04–1179. INTEGRATED TELECOM EXPRESS, INC., ET AL. *v.* NMSBPCSLDHB, L. P. C. A. 3d Cir. Motion of National Venture Capital Association for leave to file a brief as *amicus curiae* out of time denied. Certiorari denied. Reported below: 384 F. 3d 108.

No. 04–1318. MONTANA *v.* ANYAN ET AL. Sup. Ct. Mont. Motion of respondent Troy Klein for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 325 Mont. 245, 104 P. 3d 511.

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No. 04-1392. CLARK *v.* MCLEOD. Ct. App. Colo. Motion of Pacific Justice Institute for leave to file a brief as *amicus curiae* granted. Certiorari denied. Reported below: 100 P. 3d 546.

Rehearing Denied

No. 04-491. DICKERSON *v.* BATES ET AL., 544 U. S. 960;
No. 04-1085. DRINKWATER *v.* PARKER, McCAY & CRISCUOLO, 544 U. S. 976;
No. 04-8290. BOSCH *v.* KANSAS, 544 U. S. 930;
No. 04-8317. CONKLIN *v.* SCHOFIELD, WARDEN, 544 U. S. 952;
No. 04-8397. VORA *v.* CROWDER, 544 U. S. 953;
No. 04-8443. POTTS *v.* OREGON, 544 U. S. 932;
No. 04-8549. ROLLINS *v.* SMITH ET AL., 544 U. S. 954;
No. 04-8655. JAFFER *v.* NATIONAL CAUCUS & CENTER ON BLACK AGED, INC., ET AL., 544 U. S. 983;
No. 04-8790. O'NEILL *v.* RICHLAND COUNTY BOARD ET AL., 544 U. S. 966;
No. 04-8917. OUTLER *v.* ANDERSON, WARDEN, 544 U. S. 956;
No. 04-9033. ULLMAN *v.* UNITED STATES, 544 U. S. 988;
No. 04-9044. WYNTER *v.* NEW YORK, 544 U. S. 988; and
No. 04-9146. PITTMAN *v.* UNITED STATES, 544 U. S. 995. Petitions for rehearing denied.

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Miscellaneous Order

No. 04A1024. WISCONSIN *v.* MOECK. Application to stay the mandate of the Supreme Court of Wisconsin, case No. 2003AP2-CR, presented to JUSTICE STEVENS, and by him referred to the Court, granted pending the timely filing and disposition of a petition for writ of certiorari. Should the petition for writ of certiorari be denied, this stay shall terminate automatically. In the event the petition for writ of certiorari is granted, the stay shall terminate upon the issuance of the mandate of this Court.

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Certiorari Granted—Vacated and Remanded

No. 04-585. KLINGLER ET AL., ON BEHALF OF THEMSELVES AND ALL OTHERS SIMILARLY SITUATED *v.* DIRECTOR, DEPARTMENT OF REVENUE, STATE OF MISSOURI, ET AL. C. A. 8th Cir. Certiorari granted, judgment vacated, and case remanded for fur-

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ther consideration in light of *Tennessee v. Lane*, 541 U. S. 509 (2004), and *Gonzales v. Raich*, *ante*, p. 1. Reported below: 366 F. 3d 614.

No. 04–617. *UNITED STATES v. STEWART*. 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 *Gonzales v. Raich*, *ante*, p. 1. Reported below: 348 F. 3d 1132.

No. 04–1210. *HEMBREE v. UNITED STATES*. C. A. 11th Cir. Reported below: 125 Fed. Appx. 981; and

No. 04–1362. *HALE ET UX. v. UNITED STATES*. C. A. 6th Cir. Reported below: 113 Fed. Appx. 108. Certiorari granted, judgments vacated, and cases remanded for further consideration in light of *United States v. Booker*, 543 U. S. 220 (2005).

No. 04–10018. *DOCK v. UNITED STATES*. C. A. 5th Cir. Reported below: 118 Fed. Appx. 879;

No. 04–10036. *LUBOWA v. UNITED STATES*. C. A. 6th Cir. Reported below: 118 Fed. Appx. 888;

No. 04–10141. *TORRES v. UNITED STATES*. C. A. 8th Cir. Reported below: 114 Fed. Appx. 270; and

No. 04–10173. *ALEXIS v. UNITED STATES*. C. A. 11th Cir. Reported below: 125 Fed. Appx. 980. 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. 04–9559. *BROWN v. O’KEFFE ET AL.* C. A. 8th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court’s Rule 39.8.

No. 04–9612. *JONES v. BIRKETT, WARDEN* (two judgments). C. A. 6th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court’s Rule 39.8. As petitioner has repeatedly abused this Court’s process, the Clerk is directed not to accept any further petitions in non-criminal 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*

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Appeals, 506 U. S. 1 (1992) (*per curiam*). JUSTICE STEVENS dissents. See *id.*, at 4, and cases cited therein.

Miscellaneous Orders

No. 04A930. NIZNIK *v.* STORE-TO-DOOR, CORP., ET AL. C. A. 2d Cir. Application for temporary restraining order, addressed to JUSTICE BREYER and referred to the Court, 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 denied.

No. 04–848. DOLAN *v.* UNITED STATES POSTAL SERVICE ET AL. C. A. 3d Cir. [Certiorari granted, 544 U. S. 998.] Motion of petitioner to dispense with printing the joint appendix granted.

No. 04–9020. YOWEL, AKA ROBINSON *v.* JOHNSON, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 4th Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [544 U. S. 1016] denied.

No. 04–9737. ROGERS *v.* HUNTLEY PROJECT SCHOOL DISTRICT #24. Sup. Ct. Mont. Motion of petitioner for leave to proceed *in forma pauperis* denied. Petitioner is allowed until July 5, 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. 04–10181. IN RE SERAFIN;

No. 04–10182. IN RE SLOAN; and

No. 04–10251. IN RE GREENHILL. Petitions for writs of habeas corpus denied.

No. 04–9119. IN RE CANNON;

No. 04–9621. IN RE AL-HAKIM; and

No. 04–9652. IN RE BELL. Petitions for writs of mandamus denied.

Certiorari Granted

No. 04–1186. WACHOVIA BANK, NATIONAL ASSN. *v.* SCHMIDT ET AL. C. A. 4th Cir. Certiorari granted. JUSTICE THOMAS took no part in the consideration or decision of this petition. Reported below: 388 F. 3d 414.

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Certiorari Denied

No. 03–1619. GDF REALTY INVESTMENTS, LTD., ET AL. *v.* NORTON, SECRETARY OF THE INTERIOR, ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 326 F. 3d 622.

No. 04–969. SAUNDERS, INDIVIDUALLY AND AS PERSONAL REPRESENTATIVE OF THE ESTATE OF SAUNDERS, DECEASED, ET AL. *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 99 Fed. Appx. 814.

No. 04–1041. KAHAWAIOLAA ET AL. *v.* NORTON, SECRETARY OF THE INTERIOR. C. A. 9th Cir. Certiorari denied. Reported below: 386 F. 3d 1271.

No. 04–1138. TARIQ-SHUAIB *v.* NEW YORK CITY HOUSING AUTHORITY, CONSTRUCTION DEPARTMENT. C. A. 2d Cir. Certiorari denied. Reported below: 94 Fed. Appx. 11.

No. 04–1191. MORGAN ET AL. *v.* SKF USA, INC. C. A. 6th Cir. Certiorari denied. Reported below: 385 F. 3d 989.

No. 04–1208. MOSTOLLER, TRUSTEE *v.* CW CAPITAL, LLC. C. A. 6th Cir. Certiorari denied. Reported below: 117 Fed. Appx. 425.

No. 04–1218. NATIONAL HERITAGE INSURANCE CO. *v.* UNITED STATES EX REL. BARRON ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 381 F. 3d 438 and 106 Fed. Appx. 284.

No. 04–1219. NEWTON, DBA JANEW MUSIC *v.* DIAMOND ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 388 F. 3d 1189.

No. 04–1240. ROYAL CARIBBEAN CRUISES LTD. *v.* HALL. Dist. Ct. App. Fla., 3d Dist. Certiorari denied. Reported below: 888 So. 2d 654.

No. 04–1334. CROSBY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. *v.* NIX. C. A. 11th Cir. Certiorari denied. Reported below: 393 F. 3d 1235.

No. 04–1340. CATERPILLAR INC. *v.* STURMAN INDUSTRIES, INC., ET AL. C. A. Fed. Cir. Certiorari denied. Reported below: 387 F. 3d 1358.

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No. 04-1353. *MOORE v. INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, LOCAL 8, ET AL.* C. A. 6th Cir. Certiorari denied.

No. 04-1354. *KINNEY v. HAMILTON PARTNERS.* C. A. 7th Cir. Certiorari denied. Reported below: 112 Fed. Appx. 508.

No. 04-1358. *WHITE ET VIR v. TSCHERTER ET AL.* C. A. 8th Cir. Certiorari denied.

No. 04-1359. *MARTINGALE, LLC v. CITY OF LOUISVILLE, KENTUCKY, ET AL.* Ct. App. Ky. Certiorari denied. Reported below: 151 S. W. 3d 829.

No. 04-1377. *BERKE v. KENTUCKY.* Ct. App. Ky. Certiorari denied.

No. 04-1379. *MORENO IVANOVA, INDIVIDUALLY AND AS EXECUTOR OF THE ESTATE OF MORENO REYES v. COLUMBIA PICTURES INDUSTRIES, INC.* C. A. 9th Cir. Certiorari denied. Reported below: 116 Fed. Appx. 100.

No. 04-1401. *VANGUILDER v. UNITED STATES.* C. A. D. C. Cir. Certiorari denied.

No. 04-1402. *ESTATE OF MORELAND, DECEASED, BY MORELAND ET AL., CO-PERSONAL REPRESENTATIVES, ET AL. v. SPEYBROECK, INDIVIDUALLY AND AS SHERIFF OF ST. JOSEPH COUNTY, INDIANA.* C. A. 7th Cir. Certiorari denied. Reported below: 395 F. 3d 747.

No. 04-1420. *SATALICH v. CITY OF LOS ANGELES, CALIFORNIA.* C. A. 9th Cir. Certiorari denied.

No. 04-1428. *CREDEUR ET UX. v. M J OIL, INC., DBA TRANS-TEXAS GAS CORP., ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 123 Fed. Appx. 585.

No. 04-1431. *BENETIC ET UX., AS TRUSTEES OF THE BENETIC FAMILY TRUST DATED SEPTEMBER 22, 1993 v. M/Y ATHENA ALEXANDER ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 113 Fed. Appx. 757.

No. 04-1433. *BAJBOR v. OFFICE OF COMPLIANCE ET AL.* C. A. Fed. Cir. Certiorari denied. Reported below: 111 Fed. Appx. 612.

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No. 04-1435. *ROBERTI v. FLORIDA*. Dist. Ct. App. Fla., 2d Dist. Certiorari denied. Reported below: 895 So. 2d 421.

No. 04-1439. *KEPPLE v. NEW HAMPSHIRE*. Sup. Ct. N. H. Certiorari denied. Reported below: 151 N. H. 661, 866 A. 2d 959.

No. 04-1449. *LIZZI v. WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY ET AL.* Ct. App. Md. Certiorari denied. Reported below: 384 Md. 199, 862 A. 2d 1017.

No. 04-1453. *SLIP TRACK SYSTEMS, INC. v. METAL-LITE, INC.* C. A. Fed. Cir. Certiorari denied. Reported below: 113 Fed. Appx. 930.

No. 04-1456. *BOND v. COMMISSIONER OF REVENUE OF MINNESOTA*. Sup. Ct. Minn. Certiorari denied. Reported below: 691 N. W. 2d 831.

No. 04-1484. *NANCE v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 04-1494. *WHITE v. HOBART, WARDEN*. C. A. 7th Cir. Certiorari denied. Reported below: 390 F. 3d 997.

No. 04-1503. *CRANK v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 04-1515. *EMR NETWORK v. FEDERAL COMMUNICATIONS COMMISSION ET AL.* C. A. D. C. Cir. Certiorari denied. Reported below: 391 F. 3d 269.

No. 04-8743. *THORNBLAD v. ANDERSON ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 104 Fed. Appx. 610.

No. 04-9012. *VALENTINE v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 401 F. 3d 609.

No. 04-9085. *HORNER v. TEXAS*. Ct. App. Tex., 13th Dist. Certiorari denied. Reported below: 129 S. W. 3d 210.

No. 04-9094. *ABU LAILA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 118 Fed. Appx. 183.

No. 04-9097. *RODRIGUEZ v. DISTRICT COURT OF NEVADA, CLARK COUNTY, ET AL.* Sup. Ct. Nev. Certiorari denied. Reported below: 120 Nev. 87, 102 P. 3d 41.

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No. 04-9102. *NEWMAN v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 112 Fed. Appx. 281.

No. 04-9318. *MCCARTHY v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied.

No. 04-9533. *WICKEM v. CAIN, WARDEN*. C. A. 5th Cir. Certiorari denied.

No. 04-9541. *STRADER v. CROSBY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 04-9542. *THOMAS v. VIRGINIA*. Sup. Ct. Va. Certiorari denied.

No. 04-9543. *SCOTT v. CROSBY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS*. C. A. 11th Cir. Certiorari denied.

No. 04-9553. *STEPHENS v. CRIST, ATTORNEY GENERAL OF FLORIDA, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 04-9557. *ASHWORTH v. OKLAHOMA*. Ct. Crim. App. Okla. Certiorari denied.

No. 04-9560. *ARKOW v. CROSBY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS*. C. A. 11th Cir. Certiorari denied.

No. 04-9567. *FASSLER v. PENDLETON, WARDEN*. C. A. 9th Cir. Certiorari denied. Reported below: 110 Fed. Appx. 749.

No. 04-9570. *HARRIS v. MISSISSIPPI ET AL.* C. A. 5th Cir. Certiorari denied.

No. 04-9573. *CARTER v. MITCHELL, SHERIFF, YORK COUNTY, SOUTH CAROLINA, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 107 Fed. Appx. 373.

No. 04-9574. *CRAYTON v. CONWAY, SUPERINTENDENT, ATTICA CORRECTIONAL FACILITY*. C. A. 2d Cir. Certiorari denied.

No. 04-9575. *CHILDS v. ANDERSON, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 04-9578. *McLITTLE v. THOMPSON ET AL.* C. A. 6th Cir. Certiorari denied.

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No. 04–9583. *OWENS v. FRANK, SECRETARY, WISCONSIN DEPARTMENT OF CORRECTIONS*. C. A. 7th Cir. Certiorari denied. Reported below: 394 F. 3d 490.

No. 04–9584. *RICHARDSON v. BOCK, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 04–9589. *DISCH v. O'DONNELL, WARDEN, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 04–9590. *DAVENPORT v. WOODFORD, DIRECTOR, CALIFORNIA DEPARTMENT OF CORRECTIONS*. C. A. 9th Cir. Certiorari denied. Reported below: 115 Fed. Appx. 350.

No. 04–9591. *RIVERS v. WILSON, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 04–9593. *DOLENZ v. VAIL*. Ct. App. Tex., 5th Dist. Certiorari denied. Reported below: 143 S. W. 3d 515.

No. 04–9594. *BAILEY v. YUKINS, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 04–9598. *MIMS v. MICHIGAN*. Ct. App. Mich. Certiorari denied.

No. 04–9599. *DEAN v. TEXAS*. Ct. App. Tex., 12th Dist. Certiorari denied.

No. 04–9602. *TODD v. TODD*. Dist. Ct. App. Fla., 4th Dist. Certiorari denied. Reported below: 894 So. 2d 258.

No. 04–9605. *PETERKA v. CROSBY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS*. Sup. Ct. Fla. Certiorari denied. Reported below: 890 So. 2d 219.

No. 04–9613. *DI NARDO ET AL. v. BIELUCH, SHERIFF, PALM BEACH COUNTY, FLORIDA*. Sup. Ct. Fla. Certiorari denied.

No. 04–9614. *CRITTENDEN v. CALDERON, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 04–9615. *DIXON v. CACIOPPO ET AL.* Ct. App. Cal., 1st App. Dist. Certiorari denied.

No. 04–9625. *BENIGNI v. SMITH ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 121 Fed. Appx. 164.

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No. 04-9630. CALDWELL *v.* UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH. C. A. 10th Cir. Certiorari denied.

No. 04-9634. REYES SANTANA *v.* ARIZONA. Ct. App. Ariz. Certiorari denied.

No. 04-9637. MILLER *v.* GEORGIA. Sup. Ct. Ga. Certiorari denied.

No. 04-9638. PETSCHL *v.* MINNESOTA. Ct. App. Minn. Certiorari denied. Reported below: 692 N. W. 2d 463.

No. 04-9639. STROUT *v.* CERTAIN REAL PROPERTY LOCATED AT 105 MAKI LANE ET AL. C. A. 1st Cir. Certiorari denied.

No. 04-9643. TAYLOR *v.* RYAN, ACTING WARDEN. C. A. 9th Cir. Certiorari denied.

No. 04-9645. MARINO *v.* TEXAS. Ct. App. Tex., 3d Dist. Certiorari denied.

No. 04-9647. NASH *v.* NEW YORK. App. Div., Sup. Ct. N. Y., 3d Jud. Dept. Certiorari denied.

No. 04-9651. WAULS *v.* YARBOROUGH, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 121 Fed. Appx. 179.

No. 04-9653. SORIA *v.* GIURBINO, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 04-9691. PETERSEN *v.* BERGHUIS, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 04-9708. CUMBERBATCH *v.* FLORIDA. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 894 So. 2d 246.

No. 04-9714. MENDOZA-GAUNA *v.* FEDERAL BUREAU OF PRISONS ET AL. C. A. 9th Cir. Certiorari denied.

No. 04-9721. LESLIE *v.* SUPERIOR COURT OF CALIFORNIA, SAN FRANCISCO COUNTY. Ct. App. Cal., 1st App. Dist. Certiorari denied.

No. 04-9722. JONES *v.* CROSBY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Certiorari denied.

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No. 04-9736. *LAKE v. WASHINGTON*. Ct. App. Wash. Certiorari denied.

No. 04-9743. *DiBARTOLO v. LEHMAN, SECRETARY, WASHINGTON DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 04-9759. *STROPE v. MCKUNE, WARDEN, ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 131 Fed. Appx. 123.

No. 04-9779. *JOHNSON v. PONDER ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 117 Fed. Appx. 901.

No. 04-9784. *RODRIGUEZ v. CUNNINGHAM, SUPERINTENDENT, WOODBOURNE CORRECTIONAL FACILITY.* C. A. 2d Cir. Certiorari denied.

No. 04-9804. *GIBSON v. MOTE, WARDEN.* C. A. 7th Cir. Certiorari denied.

No. 04-9809. *LIGHTBOURNE v. CROSBY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS.* Sup. Ct. Fla. Certiorari denied. Reported below: 889 So. 2d 71.

No. 04-9843. *JOHNSON v. CRAWFORD, DIRECTOR, NEVADA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 04-9853. *WILLIAMS v. RYAN, ACTING WARDEN.* C. A. 9th Cir. Certiorari denied. Reported below: 122 Fed. Appx. 325.

No. 04-9874. *MOODY v. DELRAY BEACH POLICE DEPARTMENT ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 127 Fed. Appx. 473.

No. 04-9875. *SPOONER v. JACKSON, WARDEN.* C. A. 6th Cir. Certiorari denied.

No. 04-9887. *STEPHENS v. FLORIDA.* Sup. Ct. Fla. Certiorari denied. Reported below: 894 So. 2d 972.

No. 04-9901. *McDUFFIE v. NEELY ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 123 Fed. Appx. 385.

No. 04-9902. *WEBB v. CASON, WARDEN.* C. A. 6th Cir. Certiorari denied. Reported below: 115 Fed. Appx. 313.

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No. 04–9950. *PAYNE v. DiGUGLIELMO*, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT GRATERFORD, ET AL. C. A. 3d Cir. Certiorari denied.

No. 04–10013. *HILDERBRAND v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 115 Fed. Appx. 266.

No. 04–10034. *ROCHA v. HOLDER*, WARDEN. C. A. 11th Cir. Certiorari denied. Reported below: 127 Fed. Appx. 472.

No. 04–10038. *SMART v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 393 F. 3d 767.

No. 04–10039. *DIXON v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 131 Fed. Appx. 270.

No. 04–10044. *QUINN v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 130 Fed. Appx. 832.

No. 04–10048. *FLEISCHER v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 120 Fed. Appx. 865.

No. 04–10049. *FOSTER v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 04–10051. *THOMAS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 122 Fed. Appx. 352.

No. 04–10059. *STOKES v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 04–10060. *SMALLS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 120 Fed. Appx. 516.

No. 04–10061. *SAVAGE v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 04–10062. *BELL v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 127 Fed. Appx. 470.

No. 04–10067. *JONES v. PENNSYLVANIA*. Super. Ct. Pa. Certiorari denied. Reported below: 863 A. 2d 1225.

No. 04–10071. *SUKUP v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 114 Fed. Appx. 842.

No. 04–10073. *BRADLEY v. UNITED STATES*. Ct. App. D. C. Certiorari denied. Reported below: 856 A. 2d 1157.

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No. 04–10076. *TRUESDALE v. SMITH, WARDEN, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 119 Fed. Appx. 573.

No. 04–10078. *WILLIAMS v. UNITED STATES.* Ct. App. D. C. Certiorari denied. Reported below: 858 A. 2d 984.

No. 04–10079. *TOOLASPRASHAD v. DEROSA, WARDEN, ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 122 Fed. Appx. 598.

No. 04–10086. *MARMOL v. UNITED STATES.* C. A. 11th Cir. Certiorari denied.

No. 04–10090. *BRIONES v. UNITED STATES.* C. A. 8th Cir. Certiorari denied. Reported below: 390 F. 3d 610.

No. 04–10092. *OUNOUSIAN v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 112 Fed. Appx. 886.

No. 04–10102. *LEDFORD v. UNITED STATES.* C. A. 11th Cir. Certiorari denied. Reported below: 123 Fed. Appx. 386.

No. 04–10106. *ROMAIN v. UNITED STATES.* C. A. 1st Cir. Certiorari denied. Reported below: 393 F. 3d 63.

No. 04–10133. *SMITH v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 396 F. 3d 579.

No. 04–10135. *DANCY v. UNITED STATES.* C. A. 3d Cir. Certiorari denied.

No. 04–10137. *BASS v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 80 Fed. Appx. 918.

No. 04–10143. *GOMEZ v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 102 Fed. Appx. 832.

No. 04–10145. *HOWARD, AKA MILES v. UNITED STATES.* C. A. 11th Cir. Certiorari denied.

No. 04–10152. *TORRES v. UNITED STATES.* C. A. 11th Cir. Certiorari denied.

No. 04–10159. *WILSON v. UNITED STATES.* C. A. 7th Cir. Certiorari denied. Reported below: 118 Fed. Appx. 974.

No. 04–10161. *GOIST v. UNITED STATES.* C. A. 6th Cir. Certiorari denied.

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No. 04–10171. *JONES v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 04–10174. *BELL v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 133 Fed. Appx. 739.

No. 04–10175. *ASHE v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 101 Fed. Appx. 641.

No. 04–10179. *PALACIOS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 04–10180. *BROWN v. CRAWFORD, DIRECTOR, MISSOURI DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 408 F. 3d 1027.

No. 04–1020. *MEDIA GENERAL, INC. v. FEDERAL COMMUNICATIONS COMMISSION ET AL.*;

No. 04–1033. *NATIONAL ASSOCIATION OF BROADCASTERS v. FEDERAL COMMUNICATIONS COMMISSION ET AL.*;

No. 04–1036. *TRIBUNE CO. ET AL. v. FEDERAL COMMUNICATIONS COMMISSION ET AL.*;

No. 04–1045. *NEWSPAPER ASSOCIATION OF AMERICA ET AL. v. FEDERAL COMMUNICATIONS COMMISSION ET AL.*;

No. 04–1168. *FEDERAL COMMUNICATIONS COMMISSION ET AL. v. PROMETHEUS RADIO PROJECT ET AL.*; and

No. 04–1177. *SINCLAIR BROADCAST GROUP, INC. v. FEDERAL COMMUNICATIONS COMMISSION ET AL.* C. A. 3d Cir. Certiorari denied. JUSTICE BREYER took no part in the consideration or decision of these petitions. Reported below: 373 F. 3d 372.

No. 04–1342. *PADILLA v. HANFT, UNITED STATES NAVY COMMANDER, CONSOLIDATED NAVAL BRIG.* C. A. 4th Cir. Certiorari before judgment denied.

No. 04–1367. *CINTRON PARRILLA ET VIR v. ELI LILLY INDUSTRIES, INC., ET AL.* C. A. 1st Cir. Certiorari denied. JUSTICE O'CONNOR took no part in the consideration or decision of this petition.

No. 04–1469. *CHIECO v. WILLIS & GEIGER ET AL.* C. A. 9th Cir. Certiorari denied. JUSTICE BREYER took no part in the consideration or decision of this petition. Reported below: 116 Fed. Appx. 860.

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No. 04–9906. *KOGER v. KAPLAN, INC., ET AL.* C. A. 3d Cir. Certiorari before judgment denied.

Rehearing Denied

No. 04–1079. *IN RE WALL*, 544 U. S. 973;

No. 04–1091. *AMAECHI v. UNIVERSITY OF KENTUCKY, COLLEGE OF EDUCATION, ET AL.*, 544 U. S. 976;

No. 04–1101. *ZURLA v. CITY OF DAYTONA BEACH, FLORIDA, ET AL.*, 544 U. S. 976;

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.*, 544 U. S. 978;

No. 04–7698. *GUZEK v. OREGON*, 544 U. S. 979;

No. 04–8302. *AHMED v. OHIO*, 544 U. S. 952;

No. 04–8417. *FARR v. TENNESSEE*, 544 U. S. 931;

No. 04–8475. *KELLEY v. WILKINSON, DIRECTOR, OHIO DEPARTMENT OF REHABILITATION AND CORRECTION, ET AL.*, 544 U. S. 965;

No. 04–8511. *TREECE v. ORLEANS PARISH CITY GOVERNMENT JUDICIAL BRANCH ET AL.*, 544 U. S. 966;

No. 04–8778. *ELLIS v. EMERY, TRUSTEE, ET AL.*, 544 U. S. 1002;

No. 04–8832. *SCOTT v. UNITED STATES*, 544 U. S. 955;

No. 04–8864. *WIDNER v. CROSBY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS*, 544 U. S. 987;

No. 04–8940. *IN RE NZONGOLA*, 544 U. S. 998; and

No. 04–9257. *BOWERS v. UNITED STATES*, 544 U. S. 995. Petitions for rehearing denied.

JUNE 16, 2005

Dismissals Under Rule 46

No. 04–10109. *DAVIS v. UNITED STATES*. C. A. 11th Cir. Certiorari dismissed under this Court’s Rule 46. Reported below: 129 Fed. Appx. 601.

No. 04–10190. *IN RE DEEB*. Petition for writ of mandamus dismissed under this Court’s Rule 46.

JUNE 20, 2005

Certiorari Granted—Vacated and Remanded

No. 04–609. *HIGHTOWER v. SCHOFIELD, WARDEN*. C. A. 11th Cir. Certiorari granted, judgment vacated, and case remanded

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for further consideration in light of *Miller-El v. Dretke*, ante, p. 231. Reported below: 365 F. 3d 1008.

No. 04–1390. UNITED STATES v. SMITH. C. A. 11th 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 *Gonzales v. Raich*, ante, p. 1. Reported below: 402 F. 3d 1303.

No. 04–6176. ALLEN v. CALIFORNIA. Ct. App. Cal., 1st App. Dist. Motion of petitioner for leave to proceed *in forma pauperis* granted. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Johnson v. California*, ante, p. 162.

No. 04–8323. HOLBROOK v. UNITED STATES. C. A. 4th Cir. Reported below: 368 F. 3d 415;

No. 04–10091. TEEPLES v. UNITED STATES. C. A. 9th Cir. Reported below: 111 Fed. Appx. 900;

No. 04–10103. JONES v. UNITED STATES. C. A. 7th Cir. Reported below: 389 F. 3d 753;

No. 04–10127. FOX v. UNITED STATES. C. A. 1st Cir. Reported below: 393 F. 3d 52; and

No. 04–10253. THOMAS v. UNITED STATES. C. A. 3d Cir. Reported below: 389 F. 3d 424. 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. D–2334. IN RE DISBARMENT OF LOCKENVITZ. Disbarment entered. [For earlier order herein, see 536 U. S. 975.]

No. D–2406. IN RE DISBARMENT OF POOLE. Disbarment entered. [For earlier order herein, see 543 U. S. 1140.]

No. D–2407. IN RE DISBARMENT OF SILVIA. Disbarment entered. [For earlier order herein, see 543 U. S. 1140.]

No. D–2408. IN RE DISBARMENT OF PIPPEN. Disbarment entered. [For earlier order herein, see 543 U. S. 1140.]

No. D–2409. IN RE DISBARMENT OF RICKARD. Disbarment entered. [For earlier order herein, see 543 U. S. 1141.]

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No. D-2410. IN RE DISBARMENT OF ASHIRU. Disbarment entered. [For earlier order herein, see 543 U. S. 1141.]

No. D-2411. IN RE DISBARMENT OF BOYD. Disbarment entered. [For earlier order herein, see 543 U. S. 1141.]

No. D-2412. IN RE DISBARMENT OF MOORMAN. Disbarment entered. [For earlier order herein, see 543 U. S. 1141.]

No. D-2413. IN RE DISBARMENT OF EPSTEIN. Disbarment entered. [For earlier order herein, see 543 U. S. 1141.]

No. D-2414. IN RE DISBARMENT OF TANNER. Disbarment entered. [For earlier order herein, see 543 U. S. 1141.]

No. D-2415. IN RE DISBARMENT OF GROSS. Disbarment entered. [For earlier order herein, see 543 U. S. 1141.]

No. D-2416. IN RE DISBARMENT OF BUDA. Disbarment entered. [For earlier order herein, see 543 U. S. 1141.]

No. D-2417. IN RE DISBARMENT OF SPENCER. Disbarment entered. [For earlier order herein, see 543 U. S. 1142.]

No. D-2419. IN RE DISBARMENT OF WHITAKER. Disbarment entered. [For earlier order herein, see 543 U. S. 1142.]

No. 04M74. AMADASUN *v.* COLUMBIA PICTURES INDUSTRIES, INC., ET AL. Motion to direct the Clerk to file petition for writ of certiorari out of time under this Court's Rule 14.5 denied.

No. 04-721. LAMARQUE, WARDEN *v.* CHAVIS. C. A. 9th Cir. [Certiorari granted, 544 U. S. 1017.] Motion of respondent for appointment of counsel granted. Peter K. Stris, Esq., of Los Angeles, Cal., is appointed to serve as counsel for respondent in this case.

No. 04-10294. IN RE BILDERBACK; and

No. 04-10374. IN RE FONSECA. Petitions for writs of habeas corpus denied.

No. 04-9730. IN RE SIMMONS-GOFF; and

No. 04-9744. IN RE CLAY. Petitions for writs of mandamus denied.

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Certiorari Granted

No. 04-1264. BUCKEYE CHECK CASHING, INC. *v.* CARDEGNA ET AL. Sup. Ct. Fla. Certiorari granted. Reported below: 894 So. 2d 860.

No. 04-1329. ILLINOIS TOOL WORKS INC. ET AL. *v.* INDEPENDENT INK, INC. C. A. Fed. Cir. Motions of American Bar Association, American Intellectual Property Law Association, Pfizer Inc., and Intellectual Property Owners Association for leave to file briefs as *amici curiae* granted. Certiorari granted. Reported below: 396 F. 3d 1342.

Certiorari Denied

No. 03-10031. ENGLISH *v.* ALABAMA. Ct. Crim. App. Ala. Certiorari denied. Reported below: 886 So. 2d 181.

No. 03-10045. COULTER *v.* ILLINOIS. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 345 Ill. App. 3d 81, 799 N. E. 2d 708.

No. 03-10700. REYNOSO *v.* CALIFORNIA. Ct. App. Cal., 5th App. Dist. Certiorari denied.

No. 04-293. HONEYWELL INTERNATIONAL INC. ET AL. *v.* HAMILTON SUNDSTRAND CORP. C. A. Fed. Cir. Certiorari denied. Reported below: 370 F. 3d 1131.

No. 04-992. D. T. B., A MINOR CHILD, BY HIS NEXT FRIEND, O'CALLAGHAN, ET AL. *v.* FARMER, FORMER ATTORNEY GENERAL OF NEW JERSEY, ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 114 Fed. Appx. 446.

No. 04-1106. FOLDEN ET AL. *v.* UNITED STATES. C. A. Fed. Cir. Certiorari denied. Reported below: 379 F. 3d 1344.

No. 04-1115. SEATTLE HOUSING AND RESOURCE EFFORT *v.* POTTER, POSTMASTER GENERAL, ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 379 F. 3d 716.

No. 04-1148. RODRIGUEZ *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 398 F. 3d 1291.

No. 04-1213. CONSTRUCTION LABORERS PENSION TRUST FOR SOUTHERN CALIFORNIA *v.* BANUELOS. C. A. 9th Cir. Certiorari denied. Reported below: 382 F. 3d 897.

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No. 04–1230. *WRIGHT ELECTRIC, INC. v. OUELLETTE ET AL.* Ct. App. Minn. Certiorari denied. Reported below: 686 N. W. 2d 313.

No. 04–1257. *KETTENBACH v. DEMOULAS, ADMINISTRATRIX OF THE ESTATE OF DEMOULAS AND NEXT FRIEND OF DEMOULAS, ET AL.* App. Ct. Mass. Certiorari denied. Reported below: 62 Mass. App. 1107, 816 N. E. 2d 559.

No. 04–1369. *EDDINGS ET AL. v. JUNKER.* C. A. Fed. Cir. Certiorari denied. Reported below: 396 F. 3d 1359.

No. 04–1374. *CITY OF HEMET, CALIFORNIA, ET AL. v. SMITH.* C. A. 9th Cir. Certiorari denied. Reported below: 394 F. 3d 689.

No. 04–1385. *MANION v. NAGIN ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 394 F. 3d 1062.

No. 04–1389. *OXLEY v. LOUISIANA.* Ct. App. La., 1st Cir. Certiorari denied. Reported below: 844 So. 2d 420.

No. 04–1394. *BUREAU v. SYNTEGRA (USA), INC., ET AL.* Ct. App. Minn. Certiorari denied.

No. 04–1395. *ELLIS v. LIBERTY LIFE ASSURANCE COMPANY OF BOSTON.* C. A. 5th Cir. Certiorari denied. Reported below: 394 F. 3d 262.

No. 04–1397. *GERBER ET AL. v. AGYEMAN.* C. A. 9th Cir. Certiorari denied. Reported below: 390 F. 3d 1101.

No. 04–1398. *GOODMAN v. TEXAS.* Ct. Crim. App. Tex. Certiorari denied. Reported below: 152 S. W. 3d 67.

No. 04–1400. *FEDERAL WAY SCHOOL DISTRICT v. M. L., A MINOR, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 394 F. 3d 634.

No. 04–1416. *CITY OF CLEVELAND, OHIO v. BECK ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 390 F. 3d 912.

No. 04–1422. *JIMENEZ SANCHEZ v. GONZALES, ATTORNEY GENERAL.* C. A. 9th Cir. Certiorari denied.

No. 04–1443. *MADRID v. GONZALES, ATTORNEY GENERAL.* C. A. 9th Cir. Certiorari denied. Reported below: 120 Fed. Appx. 151.

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No. 04-1444. *BREWER v. SCHALANSKY, SECRETARY, KANSAS DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES*. Sup. Ct. Kan. Certiorari denied. Reported below: 278 Kan. 734, 102 P. 3d 1145.

No. 04-1446. *CARUSO ET VIR v. MORRIS*. Ct. App. La., 4th Cir. Certiorari denied.

No. 04-1448. *ROGERS ET AL. v. CITY OF SAN ANTONIO, TEXAS*. C. A. 5th Cir. Certiorari denied. Reported below: 392 F. 3d 758.

No. 04-1454. *BASSIOUNI v. CENTRAL INTELLIGENCE AGENCY*. C. A. 7th Cir. Certiorari denied. Reported below: 392 F. 3d 244.

No. 04-1458. *CHICAGO BRAND INDUSTRIAL, INC. v. MITUTOYO CORP. ET AL.* C. A. Fed. Cir. Certiorari denied. Reported below: 122 Fed. Appx. 470.

No. 04-1460. *HAYES v. GENESIS HEALTH VENTURES, INC., ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 119 Fed. Appx. 427.

No. 04-1463. *HOWARD v. DEPARTMENT OF THE ARMY ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 114 Fed. Appx. 568.

No. 04-1472. *STANTON v. DISTRICT OF COLUMBIA COURT OF APPEALS*. C. A. D. C. Cir. Certiorari denied.

No. 04-1483. *MALIS v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 9th Cir. Certiorari denied. Reported below: 122 Fed. Appx. 339.

No. 04-1500. *HOFF v. OFFICE OF PERSONNEL MANAGEMENT*. C. A. Fed. Cir. Certiorari denied. Reported below: 122 Fed. Appx. 512.

No. 04-1533. *TRENKLER v. UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS*. C. A. 1st Cir. Certiorari denied.

No. 04-1560. *HONEYWELL INTERNATIONAL INC. v. INTER-FAITH COMMUNITY ORGANIZATION ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 399 F. 3d 248.

No. 04-6903. *FIELDS v. TEXAS*. Ct. App. Tex., 5th Dist. Certiorari denied.

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No. 04-6974. *MORALES-DE JESUS v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 372 F. 3d 6.

No. 04-7537. *FITZPATRICK v. OHIO*. Sup. Ct. Ohio. Certiorari denied. Reported below: 102 Ohio St. 3d 321, 810 N. E. 2d 927.

No. 04-7843. *CLARK v. ALABAMA*. Ct. Crim. App. Ala. Certiorari denied. Reported below: 896 So. 2d 584.

No. 04-7939. *RODRIGUEZ-HERRERA v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 116 Fed. Appx. 972.

No. 04-8117. *FORDE v. CLARK, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 97 Fed. Appx. 93.

No. 04-8606. *TYSON v. COOPER, WARDEN, ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 115 Fed. Appx. 34.

No. 04-8664. *COLBURN v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 115 Fed. Appx. 297.

No. 04-8823. *JONES v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 377 F. 3d 1313.

No. 04-8969. *GRAY v. MISSISSIPPI*. Sup. Ct. Miss. Certiorari denied. Reported below: 887 So. 2d 158.

No. 04-8991. *HUGHES v. MISSISSIPPI*. Sup. Ct. Miss. Certiorari denied. Reported below: 892 So. 2d 203.

No. 04-9167. *KIRCHOFF v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 387 F. 3d 748.

No. 04-9172. *BRANDON P., A JUVENILE v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 387 F. 3d 969.

No. 04-9248. *CERNA-SALGUERO, AKA REYES v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 399 F. 3d 887.

No. 04-9654. *QUINTANA v. ADAMS, WARDEN*. C. A. 9th Cir. Certiorari denied. Reported below: 120 Fed. Appx. 73.

No. 04-9658. *HAMILTON v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied.

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No. 04-9664. *FIELDS v. CRAWFORD, DIRECTOR, NEVADA DEPARTMENT OF CORRECTIONS*. C. A. 9th Cir. Certiorari denied. Reported below: 116 Fed. Appx. 67.

No. 04-9679. *KRASSNER v. WHITING*. C. A. 3d Cir. Certiorari denied. Reported below: 391 F. 3d 540.

No. 04-9680. *WIEBELHAUS v. TEXAS*. Ct. App. Tex., 3d Dist. Certiorari denied.

No. 04-9682. *WALKER v. COVINGTON*. Ct. App. N. Y. Certiorari denied. Reported below: 3 N. Y. 3d 287, 819 N. E. 2d 1025.

No. 04-9684. *WARREN v. BRUCE, WARDEN, ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 119 Fed. Appx. 204.

No. 04-9686. *WILLIAMS v. CROSBY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 04-9693. *SZABO v. SEABOLD, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 04-9696. *ALI v. HOUSING AUTHORITY OF THE CITY OF PATERSON*. C. A. 3d Cir. Certiorari denied. Reported below: 112 Fed. Appx. 864.

No. 04-9706. *SMITH v. AKERLIND*. Ct. App. Mich. Certiorari denied.

No. 04-9709. *COLE v. MISSOURI*. Sup. Ct. Mo. Certiorari denied. Reported below: 152 S. W. 3d 267.

No. 04-9711. *MATHIS v. DRETKE, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied. Reported below: 124 Fed. Appx. 865.

No. 04-9716. *CLOUTIER v. COSTCO WHOLESALE CORP.* C. A. 1st Cir. Certiorari denied. Reported below: 390 F. 3d 126.

No. 04-9718. *CARLESS v. BERGHUIS, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 04-9720. *SHELBY v. DRETKE, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

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No. 04–9723. *JOHNSON v. BERKELEY COUNTY SHERIFF’S DEPARTMENT AND DETENTION CENTER*. C. A. 4th Cir. Certiorari denied. Reported below: 115 Fed. Appx. 647.

No. 04–9725. *MOORE v. CAREY, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 04–9732. *BATTY v. TENNIS, WARDEN, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 04–9733. *WOOD v. SOUTH CAROLINA*. Sup. Ct. S. C. Certiorari denied. Reported below: 362 S. C. 135, 607 S. E. 2d 57.

No. 04–9734. *ROSE v. McMURRAY ET AL.* C. A. 9th Cir. Certiorari denied.

No. 04–9735. *WELLS v. 19TH JUDICIAL DISTRICT COURT OF LOUISIANA ET AL.* C. A. 5th Cir. Certiorari denied.

No. 04–9739. *ROSE v. ASPER ET AL.* C. A. 9th Cir. Certiorari denied.

No. 04–9751. *BROWN v. DRETKE, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 04–9755. *KING v. DRETKE, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 04–9756. *JACKSON v. WILSON, SUPERINTENDENT, MISSISSIPPI STATE PENITENTIARY*. C. A. 5th Cir. Certiorari denied.

No. 04–9758. *JONES v. BITNER ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 112 Fed. Appx. 866.

No. 04–9766. *PAGE v. NEW YORK*. App. Div., Sup. Ct. N. Y., 2d Jud. Dept. Certiorari denied. Reported below: 12 App. Div. 3d 622, 785 N. Y. S. 2d 113.

No. 04–9793. *GARRAWAY v. FEDERAL BUREAU OF PRISONS*. C. A. 10th Cir. Certiorari denied. Reported below: 68 Fed. Appx. 962.

No. 04–9819. *WANGUNHARDJO v. GONZALES, ATTORNEY GENERAL*. C. A. 4th Cir. Certiorari denied. Reported below: 109 Fed. Appx. 610.

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No. 04-9829. *DAY v. FARWELL, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 04-9858. *CURTO v. EDMONDSON ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 392 F. 3d 502.

No. 04-9862. *ANDERSON v. PARKER, WARDEN.* Ct. Crim. App. Tenn. Certiorari denied.

No. 04-9905. *WEST v. ILLINOIS.* App. Ct. Ill., 5th Dist. Certiorari denied. Reported below: 348 Ill. App. 3d 1112, 868 N. E. 2d 1110.

No. 04-9908. *MENDOZA MALDONADO v. GONZALES, ATTORNEY GENERAL.* C. A. 5th Cir. Certiorari denied. Reported below: 108 Fed. Appx. 221.

No. 04-9920. *MEAD v. OREGON; MEAD v. MURGO, JUDGE, CIRCUIT COURT OF WASHINGTON COUNTY, ET AL.; and MEAD v. KOHL, JUDGE, CIRCUIT COURT OF WASHINGTON COUNTY, ET AL.* Sup. Ct. Ore. Certiorari denied.

No. 04-9930. *WILLIAMS v. ILLINOIS.* App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 349 Ill. App. 3d 1038, — N. E. 2d —.

No. 04-9945. *JAMERSON v. FLORIDA.* Dist. Ct. App. Fla., 5th Dist. Certiorari denied. Reported below: 888 So. 2d 49.

No. 04-9970. *HICKS v. OHIO.* Ct. App. Ohio, Cuyahoga County. Certiorari denied.

No. 04-10022. *MIRANDA v. LEIBACH, WARDEN.* C. A. 7th Cir. Certiorari denied. Reported below: 394 F. 3d 984.

No. 04-10055. *BROWN v. PENNSYLVANIA.* Super. Ct. Pa. Certiorari denied. Reported below: 860 A. 2d 1125.

No. 04-10112. *VESEY v. UNITED STATES.* C. A. 8th Cir. Certiorari denied. Reported below: 395 F. 3d 861.

No. 04-10113. *BERRY v. PAINTER, WARDEN, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 122 Fed. Appx. 660.

No. 04-10185. *BETTS v. CALIFORNIA.* Sup. Ct. Cal. Certiorari denied. Reported below: 34 Cal. 4th 1039, 103 P. 3d 883.

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No. 04–10193. *ST. JOHN-THOMPSON v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 04–10201. *WATSON v. UNITED STATES*. Ct. App. D. C. Certiorari denied. Reported below: 869 A. 2d 369.

No. 04–10204. *WILSON v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 04–10205. *VANCE v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 119 Fed. Appx. 544.

No. 04–10208. *PRI-HAR v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 04–10211. *MATHIESON v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 129 Fed. Appx. 599.

No. 04–10212. *TURNER v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 117 Fed. Appx. 236.

No. 04–10213. *SANCHEZ-LUNA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 122 Fed. Appx. 338.

No. 04–10218. *HORNADAY v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 392 F. 3d 1306.

No. 04–10219. *GARCIA-CASTILLO v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 127 Fed. Appx. 385.

No. 04–10220. *OCHOA GUZMAN v. ARIZONA*. Ct. App. Ariz. Certiorari denied.

No. 04–10222. *GIBSON v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 04–10228. *CUREAUX v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 124 Fed. Appx. 826.

No. 04–10229. *DEEB v. SANDERS, WARDEN*. C. A. 8th Cir. Certiorari denied.

No. 04–10230. *EDWARDS v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 398 F. 3d 713.

No. 04–10233. *MCDONALD v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 124 Fed. Appx. 481.

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No. 04–10235. DOMINGUEZ LIZANO *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 04–10237. GOMEZ-MARTINEZ *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied.

No. 04–10242. HUGGINS *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 04–10243. TYREE *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 123 Fed. Appx. 508.

No. 04–10252. BLUE *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 122 Fed. Appx. 427.

No. 04–10257. GIBSON *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied.

No. 04–10270. LAMBROS *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 404 F. 3d 1034.

No. 04–10296. BROWN ET AL. *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied.

No. 04–1381. SPRINT COMMUNICATIONS CO., L. P., ET AL. *v.* SMITH ET AL. C. A. 7th Cir. Motion of Association of American Railroads for leave to file a brief as *amicus curiae* granted. Certiorari denied. Reported below: 387 F. 3d 612.

No. 04–1461. HANAS *v.* MICHIGAN. Cir. Ct. Genesee County, Mich. Motion of American Jewish Congress for leave to file a brief as *amicus curiae* granted. Certiorari denied.

Rehearing Denied

No. 03–725. PASQUANTINO ET AL. *v.* UNITED STATES, 544 U. S. 349;

No. 03–9627. PACE *v.* DiGUGLIELMO, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT GRATERFORD, ET AL., 544 U. S. 408;

No. 04–902. MURPHY *v.* METROPOLITAN TRANSIT AUTHORITY, 544 U. S. 905;

No. 04–1008. CHEATHAM *v.* UNITED STATES, 544 U. S. 906;

No. 04–1163. STEPHENS *v.* UNION CARBIDE CORP. ET AL., 544 U. S. 1018;

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No. 04–8578. *CORBIN v. BLADEN COUNTY CHILD SUPPORT AGENCY ET AL.*, 544 U. S. 981;

No. 04–8787. *BLANEY v. JOHNSON, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS*, 544 U. S. 1002;

No. 04–8795. *RILEY v. GEORGIA*, 544 U. S. 1002;

No. 04–9186. *EAK v. MECHLING, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT FAYETTE*, 544 U. S. 1006; and

No. 04–9212. *COTNEY v. UNITED STATES*, 544 U. S. 1013. Petitions for rehearing denied.

JUNE 21, 2005

Miscellaneous Order

No. 04A1060. *DAVIS, SUPERINTENDENT, INDIANA STATE PRISON v. LAMBERT*. Application to vacate the stay of execution of sentence of death entered by the United States Court of Appeals for the Seventh Circuit on June 17, 2005, presented to JUSTICE STEVENS, and by him referred to the Court, denied.

JUNE 23, 2005

Dismissal Under Rule 46

No. 04–10150. *HEARN v. ILLINOIS*. App. Ct. Ill., 5th Dist. Certiorari dismissed under this Court's Rule 46. Reported below: 349 Ill. App. 3d 1050, — N. E. 2d —.

JUNE 24, 2005

Dismissal Under Rule 46

No. 04–1406. *BAUTISTA, INDIVIDUALLY AND AS PERSONAL REPRESENTATIVE OF THE ESTATE OF BAUTISTA, ET AL. v. STAR CRUISES ET AL.* C. A. 11th Cir. Certiorari dismissed under this Court's Rule 46. Reported below: 396 F. 3d 1289.

JUNE 27, 2005

Certiorari Granted—Vacated and Remanded

No. 04–1532. *RICE v. UNITED STATES*. C. A. 6th 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: 114 Fed. Appx. 692.

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No. 04–6530. SNYDER *v.* LOUISIANA. Sup. Ct. La. Reported below: 874 So. 2d 739; and

No. 04–9879. KANDIES *v.* POLK, WARDEN. C. A. 4th Cir. Reported below: 385 F. 3d 457. Motions of petitioners for leave to proceed *in forma pauperis* granted. Certiorari granted, judgments vacated, and cases remanded for further consideration in light of *Miller-El v. Dretke*, ante, p. 231.

No. 04–10245. TORRES-AMADOR *v.* UNITED STATES. C. A. 5th Cir. Reported below: 111 Fed. Appx. 321;

No. 04–10259. HARRISON, AKA GREEN *v.* UNITED STATES. C. A. 5th Cir. Reported below: 108 Fed. Appx. 987; and

No. 04–10274. BAUSSAN *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. 04–9807. GARRETT *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. 04–10387. OKPALA *v.* UNITED STATES. C. A. 11th 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. 04M75. TURNS *v.* MISSISSIPPI ET AL.;

No. 04M76. MCMORRIS *v.* WERNER ET AL.; and

No. 04M77. SMITH ET UX. *v.* TOWN OF MENDON, NEW YORK, ET AL. Motions to direct the Clerk to file petitions for writs of certiorari out of time denied.

No. 04–373. MARYLAND *v.* BLAKE. Ct. App. Md. [Certiorari granted, 544 U. S. 973.] Motion of Criminal Justice Legal Foundation for leave to file a brief as *amicus curiae* out of time granted.

No. 04–944. ARBAUGH *v.* Y & H CORP., DBA THE MOONLIGHT CAFE. C. A. 5th Cir. [Certiorari granted, 544 U. S. 1031.] Mo-

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tion of petitioner to dispense with printing the joint appendix granted.

No. 04–10351. *SPIELVOGEL v. UNITED STATES*. C. A. 11th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied. Petitioner is allowed until July 18, 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. 04–1410. *IN RE JONES*; and

No. 04–1413. *IN RE REYAD*. Petitions for writs of mandamus denied.

Certiorari Granted

No. 03–1559. *BANK OF CHINA, NEW YORK BRANCH v. NBM L. L. C. ET AL.* C. A. 2d Cir. Certiorari granted limited to the following question: “Did the Court of Appeals for the Second Circuit err when it held that civil Racketeer Influenced and Corrupt Organizations Act plaintiffs alleging mail and wire fraud as predicate acts must establish ‘reasonable reliance’ under 18 U. S. C. §1964(c)?” Reported below: 359 F. 3d 171 and 89 Fed. Appx. 751.

No. 04–805. *TEXACO INC. v. DAGHER ET AL.*; and

No. 04–814. *SHELL OIL CO. v. DAGHER ET AL.* C. A. 9th Cir. Motions of Washington Legal Foundation, Visa U. S. A. Inc. et al., Chamber of Commerce of the United States of America et al., and Antitrust Scholars for leave to file briefs as *amici curiae* granted. Certiorari granted, cases consolidated, and a total of one hour allotted for oral argument. Reported below: 369 F. 3d 1108.

No. 04–1131. *WHITMAN v. DEPARTMENT OF TRANSPORTATION ET AL.* C. A. 9th Cir. Certiorari granted. Reported below: 382 F. 3d 938.

No. 04–1360. *HUDSON v. MICHIGAN*. Ct. App. Mich. Certiorari granted.

No. 04–1495. *HARTMAN ET AL. v. MOORE*. C. A. D. C. Cir. Certiorari granted limited to Question 1 presented by the petition. Reported below: 388 F. 3d 871.

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Certiorari Denied

No. 03–1202. HEWLETT-PACKARD COMPANY EMPLOYEE BENEFITS ORGANIZATION INCOME PROTECTION PLAN *v.* JEBIAN. C. A. 9th Cir. Certiorari denied. Reported below: 349 F. 3d 1098.

No. 04–31. MCFARLING *v.* MONSANTO Co. C. A. Fed. Cir. Certiorari denied. Reported below: 363 F. 3d 1336.

No. 04–165. COMSTOCK RESOURCES, INC., ET AL. *v.* KENNARD ET AL. C. A. 10th Cir. Certiorari denied. Reported below: 363 F. 3d 1039.

No. 04–983. ARPAIO, SHERIFF, MARICOPA COUNTY, ARIZONA *v.* DEMERY ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 378 F. 3d 1020.

No. 04–1252. AMERICAN PELAGIC FISHING Co., L. P. *v.* UNITED STATES. C. A. Fed. Cir. Certiorari denied. Reported below: 379 F. 3d 1363.

No. 04–1291. EL-SHIFA PHARMACEUTICAL INDUSTRIES Co. ET AL. *v.* UNITED STATES. C. A. Fed. Cir. Certiorari denied. Reported below: 378 F. 3d 1346.

No. 04–1297. VERANDA BEACH, LLC *v.* RLI INSURANCE Co. C. A. 5th Cir. Certiorari denied. Reported below: 114 Fed. Appx. 638.

No. 04–1314. OLSON *v.* TEAMSTERS LOCAL No. 70, BROTHERHOOD OF TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN AND HELPERS OF AMERICA, ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 113 Fed. Appx. 275.

No. 04–1363. UNITED STATES EX REL. GRYNBERG *v.* PRAXAIR, INC., ET AL. C. A. 10th Cir. Certiorari denied. Reported below: 389 F. 3d 1038.

No. 04–1372. SICROFF *v.* JETT. C. A. 9th Cir. Certiorari denied. Reported below: 401 F. 3d 1101.

No. 04–1419. COGGER ET UX. *v.* BECKER COUNTY, MINNESOTA. Sup. Ct. Minn. Certiorari denied. Reported below: 690 N. W. 2d 739.

No. 04–1426. BAUR *v.* PENNSYLVANIA STATE CIVIL SERVICE COMMISSION (DEPARTMENT OF LABOR AND INDUSTRY). Commw. Ct. Pa. Certiorari denied.

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No. 04-1429. *WEIR v. KELLY, COMMISSIONER, NEW YORK CITY POLICE DEPARTMENT*. App. Div., Sup. Ct. N. Y., 1st Jud. Dept. Certiorari denied. Reported below: 4 App. Div. 3d 160, 772 N. Y. S. 2d 38.

No. 04-1432. *BROWN, JOINT TENANT TRUSTEE v. MONTGOMERY COUNTY, PENNSYLVANIA, ET AL.* Commw. Ct. Pa. Certiorari denied. Reported below: 845 A. 2d 268.

No. 04-1442. *PIPPINS v. TANGIPAHOA PARISH COUNCIL ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 121 Fed. Appx. 48.

No. 04-1447. *SIMMONS v. NEVADA LANDING PARTNERSHIP ET AL.* C. A. 7th Cir. Certiorari denied.

No. 04-1451. *KINNARD v. RUTHERFORD COUNTY BOARD OF EDUCATION*. C. A. 6th Cir. Certiorari denied. Reported below: 109 Fed. Appx. 85.

No. 04-1479. *FORNARO v. GANNON ET AL.* C. A. 1st Cir. Certiorari denied. Reported below: 124 Fed. Appx. 8.

No. 04-1489. *STROBEL v. NORTH CAROLINA*. Ct. App. N. C. Certiorari denied. Reported below: 164 N. C. App. 310, 596 S. E. 2d 249.

No. 04-1504. *CARPENTER v. CALIFORNIA*. Ct. App. Cal., 4th App. Dist., Div. 3. Certiorari denied.

No. 04-1505. *DAVIS v. WEST VIRGINIA*. Sup. Ct. App. W. Va. Certiorari denied. Reported below: 217 W. Va. 93, 616 S. E. 2d 89.

No. 04-1514. *WH-T. V. BROADCASTING CORP. v. ZENITH ELECTRONICS CORP. ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 395 F. 3d 416.

No. 04-1516. *CROTTS v. OHIO*. Sup. Ct. Ohio. Certiorari denied. Reported below: 104 Ohio St. 3d 432, 820 N. E. 2d 302.

No. 04-1531. *STEINER v. POTTER, POSTMASTER GENERAL*. C. A. 6th Cir. Certiorari denied. Reported below: 121 Fed. Appx. 622.

No. 04-1537. *JERNIGAN v. CITY OF TULSA, OKLAHOMA, EX REL. PALMER, CHIEF OF POLICE, CITY OF TULSA, OKLAHOMA*. Ct. Civ. App. Okla. Certiorari denied.

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No. 04-1545. *JOHNSON v. FOLINO*, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT GREENE, ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 114 Fed. Appx. 521.

No. 04-1546. *BOSCH v. CITY OF BISMARCK*, NORTH DAKOTA. Sup. Ct. N. D. Certiorari denied. Reported below: 691 N. W. 2d 260.

No. 04-1559. *RATES TECHNOLOGY INC. v. NORTEL NETWORKS CORP.* C. A. Fed. Cir. Certiorari denied. Reported below: 399 F. 3d 1302.

No. 04-1562. *MANGO v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 04-1567. *MOSKOWITZ v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 04-1570. *SUBRAMANIAN v. QAD INC. ET AL.* C. A. 9th Cir. Certiorari denied.

No. 04-1584. *FRYE v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 402 F. 3d 1123.

No. 04-5659. *FEARS v. PENNSYLVANIA*. Sup. Ct. Pa. Certiorari denied. Reported below: 575 Pa. 281, 836 A. 2d 52.

No. 04-5960. *ASH v. ASH ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 71 Fed. Appx. 684.

No. 04-8306. *ROOT v. PAYNE*, SUPERINTENDENT, MCNEIL ISLAND CORRECTIONS CENTER. C. A. 9th Cir. Certiorari denied. Reported below: 110 Fed. Appx. 845.

No. 04-8459. *CURRIE v. CORSINI*, SUPERINTENDENT, BAY STATE CORRECTIONAL CENTER, ET AL. C. A. 1st Cir. Certiorari denied.

No. 04-8762. *HALL v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied. Reported below: 160 S. W. 3d 24.

No. 04-8773. *LEE v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 374 F. 3d 637.

No. 04-8982. *DYSON v. UNITED STATES*. Ct. App. D. C. Certiorari denied. Reported below: 848 A. 2d 603.

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No. 04–9098. *GOMES LAGES v. CROSBY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 04–9274. *HARRIS v. WALSH, SUPERINTENDENT, SULLIVAN CORRECTIONAL FACILITY.* C. A. 2d Cir. Certiorari denied.

No. 04–9282. *RIVERA-MARTINEZ v. GONZALES, ATTORNEY GENERAL, ET AL.* C. A. 1st Cir. Certiorari denied. Reported below: 389 F. 3d 207.

No. 04–9286. *LACKEY v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 115 Fed. Appx. 260.

No. 04–9413. *PEOPLES v. CAMPBELL, COMMISSIONER, ALABAMA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 377 F. 3d 1208.

No. 04–9745. *NERO v. HURLEY, WARDEN.* C. A. 6th Cir. Certiorari denied.

No. 04–9746. *MARIAN v. SUPERIOR COURT OF CALIFORNIA, VENTURA COUNTY.* Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 04–9762. *CRUZ v. HERNANDEZ, WARDEN.* C. A. 9th Cir. Certiorari denied.

No. 04–9768. *MARCICKY v. RENICO, WARDEN.* C. A. 6th Cir. Certiorari denied.

No. 04–9770. *BECK v. MINNESOTA.* Ct. App. Minn. Certiorari denied.

No. 04–9772. *THOMPSON v. KENTUCKY.* Sup. Ct. Ky. Certiorari denied. Reported below: 147 S. W. 3d 22.

No. 04–9773. *ENGRAM v. ARKANSAS.* Sup. Ct. Ark. Certiorari denied. Reported below: 360 Ark. 140.

No. 04–9778. *MCKAY v. FLORIDA.* Dist. Ct. App. Fla., 3d Dist. Certiorari denied. Reported below: 892 So. 2d 1039.

No. 04–9785. *SOSA v. DRETKE, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION.* C. A. 5th Cir. Certiorari denied.

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No. 04-9788. *BARKER v. CASTRO, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 04-9790. *HILL v. DRETKE, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 04-9791. *FIELDS v. SOUTHWEST AIRLINES Co.* C. A. 5th Cir. Certiorari denied. Reported below: 117 Fed. Appx. 378.

No. 04-9792. *GRAY v. LOUISIANA*. Sup. Ct. La. Certiorari denied. Reported below: 888 So. 2d 213.

No. 04-9794. *GESFORD v. JOHNSON, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS*. C. A. 4th Cir. Certiorari denied. Reported below: 109 Fed. Appx. 534.

No. 04-9796. *HARDISTY v. YMCA OF GREATER SEATTLE ET AL.* Sup. Ct. Wash. Certiorari denied.

No. 04-9798. *HERNANDEZ v. DRETKE, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied. Reported below: 125 Fed. Appx. 528.

No. 04-9801. *PORTER v. IDAHO*. Sup. Ct. Idaho. Certiorari denied. Reported below: 140 Idaho 780, 102 P. 3d 1099.

No. 04-9802. *GARRETT v. DRETKE, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 04-9805. *FIGEL v. MONROE ET AL.* C. A. 6th Cir. Certiorari denied.

No. 04-9806. *GARRETT v. DRETKE, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 04-9808. *MITLEIDER v. HALL, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 391 F. 3d 1039.

No. 04-9812. *LOVE v. RYAN, ACTING WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 04-9813. *CARRANZA v. SMITH, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 121 Fed. Appx. 199.

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No. 04–9820. *TURNER v. MCGRATH, WARDEN*. C. A. 9th Cir. Certiorari denied. Reported below: 121 Fed. Appx. 209.

No. 04–9821. *WRIGHT v. MISSOURI*. Ct. App. Mo., Eastern Dist. Certiorari denied. Reported below: 151 S. W. 3d 836.

No. 04–9822. *WILSON v. CROSBY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 129 Fed. Appx. 598.

No. 04–9823. *McMILLEN v. DORMIRE, SUPERINTENDENT, MISSOURI STATE PENITENTIARY*. C. A. 8th Cir. Certiorari denied.

No. 04–9824. *LOCKHART v. SOUTH CAROLINA ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 110 Fed. Appx. 325.

No. 04–9825. *ZORUMSKI v. BRAXTON, WARDEN*. C. A. 4th Cir. Certiorari denied. Reported below: 112 Fed. Appx. 941.

No. 04–9826. *DRAUGHN v. JOHNSON, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS*. C. A. 4th Cir. Certiorari denied. Reported below: 120 Fed. Appx. 940.

No. 04–9830. *STARCHER v. DRETKE, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 04–9832. *ROSE v. BELLEQUE, SUPERINTENDENT, OREGON STATE PENITENTIARY*. C. A. 9th Cir. Certiorari denied. Reported below: 395 F. 3d 1108.

No. 04–9837. *STERLING v. WEST, SUPERINTENDENT, ELMIRA CORRECTIONAL FACILITY*. C. A. 2d Cir. Certiorari denied.

No. 04–9838. *JOHNSON v. FLORIDA*. Dist. Ct. App. Fla., 4th Dist. Certiorari denied. Reported below: 892 So. 2d 1047.

No. 04–9840. *ORTEGA v. CALIFORNIA ET AL.* Ct. App. Cal., 3d App. Dist. Certiorari denied.

No. 04–9841. *SKINNER v. PETTUS ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 114 Fed. Appx. 41.

No. 04–9847. *DENBOW v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied.

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No. 04-9851. *MULDROW v. CONWAY, SUPERINTENDENT, ATTICA CORRECTIONAL FACILITY*. C. A. 2d Cir. Certiorari denied.

No. 04-9854. *LEONARD v. FLORIDA*. Dist. Ct. App. Fla., 3d Dist. Certiorari denied.

No. 04-9857. *LAUER v. TEXAS*. Ct. App. Tex., 3d Dist. Certiorari denied.

No. 04-9859. *MCCRAY v. MCKEE, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 04-9860. *MORRIS v. MCKEE, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 04-9863. *RUDDICK v. UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF FLORIDA*. C. A. 11th Cir. Certiorari denied.

No. 04-9869. *ROBINSON v. MICHIGAN*. Ct. App. Mich. Certiorari denied.

No. 04-9870. *HARRIS v. NEW JERSEY*. Sup. Ct. N. J. Certiorari denied. Reported below: 181 N. J. 391, 859 A. 2d 364.

No. 04-9871. *DANIEL v. MILLS, WARDEN*. Ct. Crim. App. Tenn. Certiorari denied.

No. 04-9876. *CONRAD v. DRETKE, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 04-9883. *COLIDA v. SHARP ELECTRONICS CORP. ET AL.* C. A. Fed. Cir. Certiorari denied. Reported below: 125 Fed. Appx. 993.

No. 04-9894. *BUCHANAN v. YARBOROUGH, WARDEN*. C. A. 9th Cir. Certiorari denied. Reported below: 125 Fed. Appx. 777.

No. 04-9914. *STALEY v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied. Reported below: 160 S. W. 3d 56.

No. 04-9940. *KHOTESOUVAN ET AL. v. CLARK, FIELD OFFICE DIRECTOR, SEATTLE, IMMIGRATION AND CUSTOMS ENFORCEMENT, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 386 F. 3d 1298.

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No. 04–9948. *PURKERSON v. SCHRIRO*, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 9th Cir. Certiorari denied.

No. 04–9978. *BLACKERT v. FLORIDA*. Dist. Ct. App. Fla., 2d Dist. Certiorari denied. Reported below: 892 So. 2d 482.

No. 04–9979. *CASEY v. MOORE*. C. A. 9th Cir. Certiorari denied. Reported below: 386 F. 3d 896.

No. 04–9984. *SAIZ v. ORTIZ*, EXECUTIVE DIRECTOR, COLORADO DEPARTMENT OF CORRECTIONS, ET AL. C. A. 10th Cir. Certiorari denied. Reported below: 392 F. 3d 1166.

No. 04–10003. *HOOD v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied. Reported below: 158 S. W. 3d 480.

No. 04–10007. *QIANG HUANG v. GIURBINO*, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 04–10037. *KIRBY v. INDIANA*. Ct. App. Ind. Certiorari denied. Reported below: 819 N. E. 2d 909.

No. 04–10065. *CARTER v. TEXAS DEPARTMENT OF HEALTH ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 119 Fed. Appx. 577.

No. 04–10097. *PORTER v. PORTER*. Ct. App. N. Y. Certiorari denied. Reported below: 4 N. Y. 3d 776, 825 N. E. 2d 1090.

No. 04–10105. *MADDEN v. HIRSCH ET AL.* C. A. 2d Cir. Certiorari denied.

No. 04–10108. *DUMAS v. DUMOLT ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 115 Fed. Appx. 323.

No. 04–10123. *FARMER v. POWERS*, WARDEN, ET AL. C. A. 9th Cir. Certiorari denied.

No. 04–10130. *HOWARD v. WEST VIRGINIA*. Cir. Ct. Pocahontas County, W. Va. Certiorari denied.

No. 04–10176. *AYINGONO*, AKA *HERNANDEZ MORETA v. BEARD*, SECRETARY, PENNSYLVANIA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 3d Cir. Certiorari denied.

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No. 04–10178. *PINEDA SALGADO v. FEDERAL CORRECTIONAL INSTITUTION AT MCKEAN ET AL.* C. A. 3d Cir. Certiorari denied.

No. 04–10188. *MILLER v. HEDRICK, WARDEN.* C. A. 8th Cir. Certiorari denied.

No. 04–10200. *STAFFORD v. BROWN ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 114 Fed. Appx. 769.

No. 04–10227. *FLUELLEN v. UNITED STATES.* C. A. 11th Cir. Certiorari denied.

No. 04–10238. *RAMIREZ-GONZALEZ v. UNITED STATES.* C. A. 5th Cir. Certiorari denied.

No. 04–10262. *CRISTOBAL v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 117 Fed. Appx. 874.

No. 04–10276. *TULLOCH v. UNITED STATES.* C. A. 11th Cir. Certiorari denied. Reported below: 120 Fed. Appx. 785.

No. 04–10277. *SHIMEK v. UNITED STATES.* C. A. 1st Cir. Certiorari denied.

No. 04–10287. *MAJID v. UNITED STATES.* C. A. 10th Cir. Certiorari denied.

No. 04–10292. *PODLOG v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. Reported below: 117 Fed. Appx. 805.

No. 04–10293. *BARNETT v. BLEDSOE, WARDEN.* C. A. 7th Cir. Certiorari denied.

No. 04–10314. *LARRY v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. Reported below: 129 Fed. Appx. 127.

No. 04–10322. *ABDULLAH v. HEDRICK, WARDEN.* C. A. 8th Cir. Certiorari denied. Reported below: 392 F. 3d 957.

No. 04–10324. *CHAVARRY v. UNITED STATES.* C. A. 11th Cir. Certiorari denied. Reported below: 129 Fed. Appx. 599.

No. 04–10327. *FALLEN v. UNITED STATES.* Ct. App. D. C. Certiorari denied. Reported below: 869 A. 2d 368.

No. 04–10328. *FOY v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 100 Fed. Appx. 320.

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No. 04–10330. *GRIFFIN v. PENNSYLVANIA*. Super. Ct. Pa. Certiorari denied. Reported below: 804 A. 2d 1.

No. 04–10332. *HUTMAN v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 04–10333. *ISMEL v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 111 Fed. Appx. 694.

No. 04–10334. *WARE v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 04–10335. *WOODRUFF v. GONZALES, ATTORNEY GENERAL, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 04–10338. *MASON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 131 Fed. Appx. 440.

No. 04–10343. *ADKINS v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 04–10350. *INTROCASO v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

No. 04–10352. *HAMILTON v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 04–10365. *AGUAYO v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 04–10368. *WARFIELD v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 04–10371. *BURGOS v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

No. 04–10373. *GUSTAVE v. STANSBERRY, WARDEN*. C. A. 4th Cir. Certiorari denied. Reported below: 121 Fed. Appx. 513.

No. 04–10375. *GRIMES, AKA GREENWOOD v. WETZEL, WARDEN, ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 122 Fed. Appx. 986.

No. 04–10377. *HOLTON v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 109 Fed. Appx. 598.

No. 04–10382. *SIMMONS v. GRAYER, WARDEN*. C. A. 11th Cir. Certiorari denied. Reported below: 129 Fed. Appx. 599.

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No. 04–10385. TYLER *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied.

No. 04–10388. ORTEGA-RAMIREZ *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 04–10393. DE LOS SANTOS-MORA *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 120 Fed. Appx. 979.

No. 04–10398. KUCERA *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 125 Fed. Appx. 269.

No. 04–10399. JIMENEZ-MUCHACA *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 03–10777. KEUP *v.* WISCONSIN DEPARTMENT OF HEALTH AND FAMILY SERVICES ET AL. Sup. Ct. Wis. Motion of Heidi Singer, Personal Representative of the Estate of Althea Keup, for substitution as petitioner in place of Althea Keup, deceased, granted. Certiorari denied. Reported below: 269 Wis. 2d 59, 675 N. W. 2d 755.

No. 04–621. PUBLIC UTILITY DISTRICT No. 1 OF SNOHOMISH COUNTY *v.* DYNEGY POWER MARKETING, INC., ET AL. C. A. 9th Cir. Certiorari denied. JUSTICE BREYER took no part in the consideration or decision of this petition. Reported below: 384 F. 3d 756.

No. 04–994. LUCENT TECHNOLOGIES, INC. *v.* FELIX ET AL. C. A. 10th Cir. Certiorari denied. JUSTICE O’CONNOR took no part in the consideration or decision of this petition. Reported below: 387 F. 3d 1146.

No. 04–1196. KELLEY *v.* CROSBY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS. C. A. 11th Cir. Motion of Honorable J. Gibbons et al. for leave to file a brief as *amici curiae* granted. Certiorari denied. Reported below: 377 F. 3d 1317.

No. 04–1430. JACKSON *v.* DELAWARE RIVER AND BAY AUTHORITY. C. A. 3d Cir. Motion of petitioner for leave to proceed as a seaman granted. Certiorari denied. Reported below: 114 Fed. Appx. 511.

No. 04–1441. PATRICK, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT HOUTZDALE, ET AL. *v.* DEFLOY. C. A. 3d

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Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 393 F. 3d 439.

No. 04-1499. FLORIDA *v.* BUSBY. Sup. Ct. Fla. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 894 So. 2d 88.

No. 04-1507. MILLER *v.* UNITED STATES; and

No. 04-1508. COOPER ET AL. *v.* UNITED STATES. C. A. D. C. Cir. Certiorari denied. JUSTICE BREYER took no part in the consideration or decision of these petitions. Reported below: 397 F. 3d 964.

No. 04-9498. BLANKENSHIP *v.* HEAD, WARDEN. Sup. Ct. Ga. Certiorari denied. JUSTICE BREYER would grant the petition for writ of certiorari.

No. 04-10255. WALLACE *v.* UNITED STATES. C. A. 3d Cir. Certiorari before judgment denied.

Rehearing Denied

No. 04-294. FOUNTAIN *v.* UNITED STATES, 544 U. S. 1017;

No. 04-8034. OSTER *v.* SUTTON ET AL., 544 U. S. 979;

No. 04-8477. MORALES *v.* CROSBY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, 544 U. S. 965;

No. 04-8651. PRICE *v.* REID, SUPERINTENDENT, CENTENNIAL CORRECTIONAL FACILITY, ET AL., 544 U. S. 983;

No. 04-8784. MORRIS *v.* COURT OF APPEALS OF NORTH CAROLINA ET AL., 544 U. S. 1002;

No. 04-8802. JUSTICE *v.* JOHNSON, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS, 544 U. S. 1003;

No. 04-8858. YOUNG *v.* SULLIVAN, WARDEN, 544 U. S. 1020;

No. 04-8910. APPLEBY *v.* BUTLER, WARDEN, 544 U. S. 1021;

No. 04-8999. PEREA *v.* BUSH, PRESIDENT OF THE UNITED STATES, ET AL. (two judgments), 544 U. S. 1005;

No. 04-9041. CHRISTAKIS *v.* MCMAHON, 544 U. S. 1023;

No. 04-9144. PARKS *v.* UNITED STATES, 544 U. S. 1023; and

No. 04-9443. SAID ET UX. *v.* COMMISSIONER OF INTERNAL REVENUE, 544 U. S. 1025. Petitions for rehearing denied.

No. 04-8498. CARY *v.* SUPREME COURT OF VIRGINIA, 544 U. S. 965. Motion for leave to file petition for rehearing denied.

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Dismissal Under Rule 46

No. 04-1525. ELECTRICAL & ELECTRONICS LTD. *v.* PHILIPS DOMESTIC APPLIANCES AND PERSONAL CARE B. V. ET AL. C. A. 7th Cir. Certiorari dismissed under this Court's Rule 46. Reported below: 391 F. 3d 871.

Certiorari Granted—Vacated and Remanded

No. 04-986. HOWTON, SUPERINTENDENT, OREGON STATE CORRECTIONAL INSTITUTION *v.* EARL X. 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 *Mayle v. Felix*, ante, p. 644. Reported below: 109 Fed. Appx. 162.

No. 04-1247. BELL, WARDEN *v.* ABDUR'RAHMAN. C. A. 6th Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Gonzalez v. Crosby*, ante, p. 524. Reported below: 392 F. 3d 174.

No. 04-6572. HARRIS *v.* MICHIGAN. Sup. Ct. Mich. Reported below: 470 Mich. 882, 681 N. W. 2d 653; and

No. 04-7125. SIMMONS *v.* METRISH, WARDEN. C. A. 6th 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 *Halbert v. Michigan*, ante, p. 605.

Certiorari Granted

No. 04-52. RICE, WARDEN, ET AL. *v.* COLLINS. C. A. 9th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari granted. Reported below: 365 F. 3d 667.

No. 04-1244. SCHEIDLER ET AL. *v.* NATIONAL ORGANIZATION FOR WOMEN, INC.; and

No. 04-1352. OPERATION RESCUE *v.* NATIONAL ORGANIZATION FOR WOMEN, INC., ET AL. C. A. 7th Cir. Certiorari granted, cases consolidated, and a total of one hour allotted for oral argument. Reported below: 91 Fed. Appx. 510.

No. 04-8990. HOUSE *v.* BELL, WARDEN. C. A. 6th Cir. Motion of petitioner for leave to proceed *in forma pauperis* granted. Certiorari granted. Reported below: 386 F. 3d 668.

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Certiorari Denied

No. 03–1629. *KIM’S AUTO & TRUCK SERVICE, INC. v. CITY OF TOLEDO, OHIO, ET AL.* Ct. App. Ohio, Lucas County. Certiorari denied.

No. 03–1661. *JOHNSON ET AL. v. BAKER ET AL.*; and

No. 04–65. *ADAMS COUNTY/OHIO VALLEY SCHOOL BOARD v. BAKER ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 86 Fed. Appx. 104.

No. 03–1698. *HARLAN COUNTY, KENTUCKY, ET AL. v. AMERICAN CIVIL LIBERTIES UNION OF KENTUCKY ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 354 F. 3d 438.

No. 04–841. *DEWEESE, JUDGE, COURT OF COMMON PLEAS, RICHLAND COUNTY, OHIO v. AMERICAN CIVIL LIBERTIES UNION OF OHIO FOUNDATION, INC.* C. A. 6th Cir. Certiorari denied. Reported below: 375 F. 3d 484.

No. 04–924. *LA FARGE CORP. v. OLDEN ET AL., INDIVIDUALLY AND ON BEHALF OF ALL OTHERS SIMILARLY SITUATED.* C. A. 6th Cir. Certiorari denied. Reported below: 383 F. 3d 495.

No. 04–1052. *TOWN OF GREAT FALLS, SOUTH CAROLINA, ET AL. v. WYNNE.* C. A. 4th Cir. Certiorari denied. Reported below: 376 F. 3d 292.

No. 04–7365. *BELARDO v. UNITED STATES.* C. A. 6th Cir. Certiorari denied.

No. 04–8861. *WRIGHT v. MITCHEM, WARDEN, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 04–9204. *RIVERA v. UNITED STATES.* C. A. 11th Cir. Certiorari denied. Reported below: 116 Fed. Appx. 250.

JULY 11, 2005

Miscellaneous Order

No. 05A7 (05–5044). *LOVITT v. TRUE, WARDEN.* C. A. 4th Cir. Application for stay of execution of sentence of death, presented to THE CHIEF JUSTICE, and by him referred to the Court, granted pending the disposition of the petition for writ of certiorari. Should the petition for writ of certiorari be denied, this stay shall terminate automatically. In the event the petition for writ of

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certiorari is granted, the stay shall terminate upon the sending down of the judgment of this Court.

JULY 12, 2005

Certiorari Denied

No. 05–5242 (05A46). CONKLIN *v.* TERRY, WARDEN. Sup. Ct. Ga. Application for stay of execution of sentence of death, presented to JUSTICE KENNEDY, and by him referred to the Court, denied. Certiorari denied. JUSTICE SCALIA took no part in the consideration or decision of this application and this petition. Reported below: 279 Ga. 557, 616 S. E. 2d 453.

JULY 19, 2005

Miscellaneous Order

No. 05A60. SALLAHDIN, AKA PENNINGTON *v.* OKLAHOMA. Application for stay of execution of sentence of death, presented to JUSTICE BREYER, and by him referred to the Court, denied.

JULY 22, 2005

Certiorari Denied

No. 05–5197 (05A38). WOLFE *v.* TRUE, WARDEN. Sup. Ct. Va. Application for stay of execution of sentence of death, presented to THE CHIEF JUSTICE, and by him referred to the Court, denied. Certiorari denied.

JULY 28, 2005

Miscellaneous Order

No. 05–5527 (05A102). IN RE MARTINEZ. Application for stay of execution of sentence of death, presented to JUSTICE SCALIA, and by him referred to the Court, denied. Petition for writ of habeas corpus denied. JUSTICE O’CONNOR took no part in the consideration or decision of this application and this petition.

Certiorari Denied

No. 05–5522 (05A101). MARTINEZ *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. JUSTICE O’CONNOR took no part in the consideration or decision of this application and this petition.

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Rehearing Denied

No. 04-922. NATIONAL WRESTLING COACHES ASSN. ET AL. *v.* DEPARTMENT OF EDUCATION, *ante*, p. 1104;

No. 04-1038. SINGH *v.* GONZALES, ATTORNEY GENERAL, 544 U. S. 1031;

No. 04-1076. DEYERBERG *v.* WOODWARD ET AL., 544 U. S. 949;

No. 04-1151. PITTS *v.* CROSBY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL., 544 U. S. 1018;

No. 04-1180. DUGAS *v.* CLARON CORP., 544 U. S. 1032;

No. 04-1194. HARLEY *v.* ADLER ET AL., 544 U. S. 1018;

No. 04-1202. UNITED STATES EX REL. GAY ET AL. *v.* LINCOLN TECHNICAL INSTITUTE INC., 544 U. S. 1032;

No. 04-1205. CLANCY *v.* AT&T CORP.; and CLANCY *v.* COMCAST CORP. ET AL., 544 U. S. 1032;

No. 04-1210. HEMBREE *v.* UNITED STATES, *ante*, p. 1112;

No. 04-1211. FLOYD *v.* MARYLAND, 544 U. S. 1033;

No. 04-1306. MOLLINGER-WILSON ET VIR *v.* QUIZNO'S FRANCHISE Co., 544 U. S. 1034;

No. 04-1337. PEARSON *v.* UNITED STATES, 544 U. S. 1034;

No. 04-1357. GIBLER *v.* BARNHART, COMMISSIONER OF SOCIAL SECURITY (two judgments), *ante*, p. 1105;

No. 04-6120. PEARL *v.* CASON, WARDEN, 544 U. S. 1062;

No. 04-7058. PAUL *v.* FOX ET AL., 543 U. S. 1065;

No. 04-7514. DAVIS ET AL. *v.* UNITED STATES CONGRESS, 544 U. S. 1034;

No. 04-7694. CARUSO *v.* TRUSTEE OF ST. JUDE CHILDREN'S RESEARCH HOSPITAL ET AL., 543 U. S. 1163;

No. 04-8018. CLAY *v.* ROPER, SUPERINTENDENT, POTOSI CORRECTIONAL CENTER, 544 U. S. 1035;

No. 04-8230. OBI *v.* TEXAS (two judgments), 544 U. S. 951;

No. 04-8310. RAMIREZ-ROBLES *v.* UNITED STATES, 544 U. S. 1035;

No. 04-8415. FREMONDE *v.* CITY OF NEW YORK, NEW YORK, ET AL., 544 U. S. 963;

No. 04-8608. GENTRY *v.* BUTLER, WARDEN, 544 U. S. 982;

No. 04-8734. HENDRICKS *v.* RUSHTON, WARDEN, ET AL., 544 U. S. 1001;

No. 04-8801. JACKSON *v.* CITY OF SIKESTON POLICE DEPARTMENT, 544 U. S. 1003;

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- No. 04-8804. *KWIATKOWSKI v. J. P. MORGAN CHASE & Co.*, 544 U. S. 1003;
- No. 04-8843. *SANCHO v. RAMIREZ ET AL.*, 544 U. S. 1019;
- No. 04-8848. *DUARTE v. SNEDEKER, WARDEN*, 544 U. S. 1019;
- No. 04-8859. *WANSING v. SMELSER, WARDEN, ET AL.*, 544 U. S. 1020;
- No. 04-8886. *WASHINGTON v. AMERICAN DRUG STORES, INC.*, 544 U. S. 1020;
- No. 04-8897. *LAMAR-HOGAN v. GEORGIA DEPARTMENT OF LABOR*, 544 U. S. 1021;
- No. 04-8936. *WALLS v. SECURITY ENFORCEMENT BUREAU OF NEW YORK, INC., ET AL.*, 544 U. S. 1021;
- No. 04-8948. *EYAJAN v. SMITH ET AL.*, 544 U. S. 1022;
- No. 04-8951. *SMITH v. VIRGINIA*, 544 U. S. 1004;
- No. 04-8953. *RAY v. NEW JERSEY*, 544 U. S. 1022;
- No. 04-8977. *WATERS v. SCHWARTZ, WARDEN*, 544 U. S. 1022;
- No. 04-8989. *VORA v. STRASSBURGER, MCKENNA, MESSER, SHILOBOD & GUTNICK*, 544 U. S. 1035;
- No. 04-9017. *THOMAS v. DRETKE, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*, 544 U. S. 1036;
- No. 04-9023. *BASCOM v. FRIED ET AL.*, 544 U. S. 1036;
- No. 04-9030. *MENDOZA v. LANE ET AL.*, 544 U. S. 1036;
- No. 04-9053. *HICKS v. COLLINS, WARDEN*, 544 U. S. 1037;
- No. 04-9180. *WOODS v. RENICO, WARDEN*, 544 U. S. 1039;
- No. 04-9207. *ROWE v. ROBERT HALF INTERNATIONAL, INC., ET AL.*, 544 U. S. 1051;
- No. 04-9221. *DUNLAP v. HATHAWAY, JUDGE, CIRCUIT COURT OF MICHIGAN, THIRD CIRCUIT*, 544 U. S. 1051;
- No. 04-9289. *MASKO v. UNITED STATES*, 544 U. S. 1006;
- No. 04-9290. *KING v. THOMAS, WARDEN*, 544 U. S. 1052;
- No. 04-9323. *JONES v. SALEEBY ET AL.*, 544 U. S. 1053;
- No. 04-9337. *STERLING v. DRETKE, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*, 544 U. S. 1053;
- No. 04-9347. *PLCH v. COPLAN, WARDEN*, 544 U. S. 1053;
- No. 04-9360. *ALLEN v. CROSBY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.*, 544 U. S. 1040;
- No. 04-9376. *WINGATE v. UNITED STATES*, 544 U. S. 1008;
- No. 04-9378. *WARFIELD v. SOUTH DAKOTA*, 544 U. S. 1040;

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No. 04–9400. *JALOMO LOPEZ v. DRETKE*, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION, 544 U. S. 1064;

No. 04–9452. *BALLENTINE v. ILLINOIS STATE POLICE*, 544 U. S. 1040;

No. 04–9457. *ALLEN v. MAXWELL-HODGES ET AL.*, 544 U. S. 1065;

No. 04–9471. *BUNCH v. STALDER*, SECRETARY, LOUISIANA DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS, 544 U. S. 1065;

No. 04–9499. *ATHANASIADIS v. EDELMAN*, 544 U. S. 1025;

No. 04–9511. *HOHMANN v. WOOD*, DBA WOOD OBERHOLTZER, *ante*, p. 1107;

No. 04–9523. *PORTER v. MICHIGAN PAROLE BOARD ET AL.*, *ante*, p. 1107;

No. 04–9565. *HUMMINGWAY*, AKA GOLDENSTEIN *v. UNITED STATES*, 544 U. S. 1041;

No. 04–9636. *STRATTON v. UNITED STATES*, 544 U. S. 1042;

No. 04–9662. *EVANS ET AL. v. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT ET AL.*, 544 U. S. 1066;

No. 04–9670. *BLOM v. UNITED STATES*, 544 U. S. 1043;

No. 04–9715. *IN RE PEDRAZA*, 544 U. S. 1031;

No. 04–9849. *IN RE WILLIAMS*, 544 U. S. 1048;

No. 04–9861. *BUCULEI v. UNITED STATES*, 544 U. S. 1067; and

No. 04–9874. *MOODY v. DELRAY BEACH POLICE DEPARTMENT ET AL.*, *ante*, p. 1120. Petitions for rehearing denied.

No. 03–10812. *WILLIAMS v. UNITED STATES*, 543 U. S. 852;

No. 04–8544. *WALKER v. BARNHART*, COMMISSIONER OF SOCIAL SECURITY, ET AL., 544 U. S. 933; and

No. 04–9497. *VOLIS v. UNITED STATES*, 544 U. S. 1025. Motions for leave to file petitions for rehearing denied.

AUGUST 4, 2005

Certiorari Denied

No. 05–5619 (05A129). *SIBLEY v. ALABAMA*. Sup. Ct. Ala. Application for stay of execution of sentence of death, presented to JUSTICE KENNEDY, and by him referred to the Court, denied. *Certiorari denied*.

Rehearing Denied

No. 04–9544 (05A125). *IN RE SIBLEY*, *ante*, p. 1103. Application for stay of execution of sentence of death, presented to JUS-

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TICE KENNEDY, and by him referred to the Court, denied. Petition for rehearing denied.

AUGUST 8, 2005

Dismissal Under Rule 46

No. 05–68. CITY OF WARREN, MICHIGAN *v.* UNITED STATES FIRE INSURANCE CO. C. A. 6th Cir. Certiorari dismissed under this Court's Rule 46.1. Reported below: 87 Fed. Appx. 485.

AUGUST 10, 2005

Dismissal Under Rule 46

No. 04–10369. IN RE DAIGNEAULT. Petition for writ of mandamus dismissed under this Court's Rule 46.

Certiorari Denied

No. 05–5684 (05A142). STERLING *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. JUSTICE STEVENS, JUSTICE GINSBURG, and JUSTICE BREYER would grant the application for stay of execution.

AUGUST 11, 2005

Miscellaneous Order

No. 05–5722 (05A145). IN RE TURRENTINE. 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.

AUGUST 22, 2005

Miscellaneous Orders

No. 04A989. SAVAGE *v.* UNITED STATES. Application for certificate of appealability, addressed to JUSTICE SCALIA and referred to the Court, denied.

No. 04A990. CLAYTON *v.* RUNNELS, WARDEN. Application for certificate of appealability, addressed to JUSTICE SOUTER and referred to the Court, denied.

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No. 04–698. SCHAFFER, A MINOR, BY HIS PARENTS AND NEXT FRIENDS, SCHAFFER ET VIR, ET AL. *v.* WEAST, SUPERINTENDENT, MONTGOMERY COUNTY PUBLIC SCHOOLS, ET AL. C. A. 4th Cir. [Certiorari granted, 543 U. S. 1145.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 04–1084. GONZALES, ATTORNEY GENERAL, ET AL. *v.* O CENTRO ESPIRITA BENEFICENTE UNIAO DO VEGETAL ET AL. C. A. 10th Cir. [Certiorari granted, 544 U. S. 973.] Motion of respondents to strike portions of petitioners' brief on the merits denied.

No. 04–1144. AYOTTE, ATTORNEY GENERAL OF NEW HAMPSHIRE *v.* PLANNED PARENTHOOD OF NORTHERN NEW ENGLAND ET AL. C. A. 1st Cir. [Certiorari granted, 544 U. S. 1048.] Motion of Alan Ernest to represent children unborn and born alive denied.

No. 04–1186. WACHOVIA BANK, NATIONAL ASSN. *v.* SCHMIDT ET AL. C. A. 4th Cir. [Certiorari granted, *ante*, p. 1113.] Motion of the parties to dispense with printing the joint appendix granted. JUSTICE THOMAS took no part in the consideration or decision of this motion.

No. 04–1244. SCHEIDLER ET AL. *v.* NATIONAL ORGANIZATION FOR WOMEN, INC.; and

No. 04–1352. OPERATION RESCUE *v.* NATIONAL ORGANIZATION FOR WOMEN, INC., ET AL. C. A. 7th Cir. [Certiorari granted, *ante*, p. 1151.] Motion of petitioners to dispense with printing the joint appendix granted.

Rehearing Denied

No. 03–10045. COULTER *v.* ILLINOIS, *ante*, p. 1127;

No. 04–108. KELO ET AL. *v.* CITY OF NEW LONDON, CONNECTICUT, ET AL., *ante*, p. 469;

No. 04–169. GRAHAM COUNTY SOIL & WATER CONSERVATION DISTRICT ET AL. *v.* UNITED STATES EX REL. WILSON, *ante*, p. 409;

No. 04–514. BELL, WARDEN *v.* THOMPSON, *ante*, p. 794;

No. 04–563. MAYLE, WARDEN *v.* FELIX, *ante*, p. 644;

No. 04–603. GRABLE & SONS METAL PRODUCTS, INC. *v.* DARUE ENGINEERING & MANUFACTURING, *ante*, p. 308;

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No. 04-1379. MORENO IVANOVA, INDIVIDUALLY AND AS EXECUTOR OF THE ESTATE OF MORENO REYES *v.* COLUMBIA PICTURES INDUSTRIES, INC., *ante*, p. 1115;

No. 04-6506. REYNOLDS *v.* WHITE, WARDEN, 543 U. S. 1008;

No. 04-6626. ROBREDO *v.* PALISADES MEDICAL CENTER, NEW YORK PRESBYTERIAN HEALTHCARE SYSTEM, 543 U. S. 982;

No. 04-8414. FRATTA *v.* TEXAS, *ante*, p. 1105;

No. 04-8861. WRIGHT *v.* MITCHEM, WARDEN, ET AL., *ante*, p. 1152;

No. 04-8869. WARD *v.* UNITED STATES, *ante*, p. 1105;

No. 04-9018. WITHERSPOON *v.* DRETKE, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION, 544 U. S. 1036;

No. 04-9091. HORNE *v.* SMITH, WARDEN, 544 U. S. 1038;

No. 04-9145. MUNAWWAR *v.* WOODWEST REALTY, 544 U. S. 1039;

No. 04-9413. PEOPLES *v.* CAMPBELL, COMMISSIONER, ALABAMA DEPARTMENT OF CORRECTIONS, ET AL., *ante*, p. 1142;

No. 04-9500. BRAMWELL *v.* COMPTON, WARDEN, 544 U. S. 1025;

No. 04-9553. STEPHENS *v.* CRIST, ATTORNEY GENERAL OF FLORIDA, ET AL., *ante*, p. 1117;

No. 04-9581. KESELICA *v.* STOUFFER, WARDEN, ET AL., *ante*, p. 1107;

No. 04-9602. TODD *v.* TODD, *ante*, p. 1118;

No. 04-9607. PETWAY *v.* VIRGINIA ET AL., *ante*, p. 1107;

No. 04-9630. CALDWELL *v.* UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH, *ante*, p. 1119;

No. 04-9643. TAYLOR *v.* RYAN, ACTING WARDEN, *ante*, p. 1119;

No. 04-9645. MARINO *v.* TEXAS, *ante*, p. 1119;

No. 04-9706. SMITH *v.* AKERLIND, *ante*, p. 1131;

No. 04-9718. CARLESS *v.* BERGHUIS, WARDEN, *ante*, p. 1131;

No. 04-9730. IN RE SIMMONS-GOFF, *ante*, p. 1126;

No. 04-9735. WELLS *v.* 19TH JUDICIAL DISTRICT COURT OF LOUISIANA ET AL., *ante*, p. 1132;

No. 04-9773. ENGRAM *v.* ARKANSAS, *ante*, p. 1142;

No. 04-9840. ORTEGA *v.* CALIFORNIA ET AL., *ante*, p. 1144;

No. 04-9863. RUDDICK *v.* UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF FLORIDA, *ante*, p. 1145;

No. 04-9925. LUCERO *v.* UNITED STATES, *ante*, p. 1109;

No. 04-9961. IN RE PRICE, 544 U. S. 1059;

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No. 04–9978. BLACKERT *v.* FLORIDA, *ante*, p. 1146;
No. 04–9982. STEINMETZ *v.* UNITED STATES, *ante*, p. 1109;
No. 04–10065. CARTER *v.* TEXAS DEPARTMENT OF HEALTH
ET AL., *ante*, p. 1146;
No. 04–10113. BERRY *v.* PAINTER, WARDEN, ET AL., *ante*,
p. 1133;
No. 04–10123. FARMER *v.* POWERS, WARDEN, ET AL., *ante*,
p. 1146;
No. 04–10130. HOWARD *v.* WEST VIRGINIA, *ante*, p. 1146;
No. 04–10179. PALACIOS *v.* UNITED STATES, *ante*, p. 1123;
No. 04–10259. HARRISON, AKA GREEN *v.* UNITED STATES, *ante*,
p. 1137;
No. 04–10350. INTROCASO *v.* UNITED STATES, *ante*, p. 1148; and
No. 04–10352. HAMILTON *v.* UNITED STATES, *ante*, p. 1148.
Petitions for rehearing denied.

No. 04–1367. CINTRON PARRILLA ET VIR *v.* ELI LILLY INDUSTRIES, INC., ET AL., *ante*, p. 1123. Petition for rehearing denied. JUSTICE O’CONNOR took no part in the consideration or decision of this petition.

AUGUST 23, 2005

Certiorari Denied

No. 04–10166 (05A170). SHIELDS *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. Reported below: 122 Fed. Appx. 133.

AUGUST 26, 2005

Certiorari Denied

No. 05–5572 (05A169). JACKSON *v.* TRUE, WARDEN. Sup. Ct. Va. Application for stay of execution of sentence of death, presented to THE CHIEF JUSTICE, and by him referred to the Court, denied. Certiorari denied.

AUGUST 30, 2005

Miscellaneous Order

No. 05A206. JOHNSTON *v.* ROPER, SUPERINTENDENT, POTOSI CORRECTIONAL CENTER, ET AL. C. A. 8th Cir. Application for

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stay of execution of sentence of death, presented to JUSTICE THOMAS, and by him referred to the Court, denied.

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Miscellaneous Orders

No. 03–1238. IBP, INC. *v.* ALVAREZ, INDIVIDUALLY AND ON BEHALF OF ALL OTHERS SIMILARLY SITUATED, ET AL. C. A. 9th Cir.; and

No. 04–66. TUM ET AL. *v.* BARBER FOODS, INC., DBA BARBER FOODS. C. A. 1st Cir. [Certiorari granted, 543 U. S. 1144.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted. Motion of IBP, Inc., and Barber Foods, Inc., for divided argument denied. Motion of respondents Alvarez et al. for divided argument denied.

No. 04–473. GARCETTI ET AL. *v.* CEBALLOS. C. A. 9th Cir. [Certiorari granted, 543 U. S. 1186.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 04–597. UNITHERM FOOD SYSTEMS, INC. *v.* SWIFT-ECKRICH, INC., DBA CONAGRA REFRIGERATED FOODS. C. A. Fed. Cir. [Certiorari granted, 543 U. S. 1186.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 04–623. GONZALES, ATTORNEY GENERAL, ET AL. *v.* OREGON ET AL. C. A. 9th Cir. [Certiorari granted, 543 U. S. 1145.] Motion of respondents John Doe and Don W. James for additional time for argument and for divided argument denied.

No. 04–631. WAGNON, SECRETARY, KANSAS DEPARTMENT OF REVENUE *v.* PRAIRIE BAND POTAWATOMI NATION. C. A. 10th Cir. [Certiorari granted, 543 U. S. 1186.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 04–905. VOLVO TRUCKS NORTH AMERICA, INC. *v.* REEDER-SIMCO GMC, INC. C. A. 8th Cir. [Certiorari granted, 544 U. S. 903.] Motion of the Solicitor General for leave to partic-

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ipate in oral argument as *amicus curiae* and for divided argument granted.

No. 04–1140. MARTIN ET UX. *v.* FRANKLIN CAPITAL CORP. ET AL. C. A. 10th Cir. [Certiorari granted, 544 U. S. 998.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument denied.

No. 04–1329. ILLINOIS TOOL WORKS INC. ET AL. *v.* INDEPENDENT INK, INC. C. A. Fed. Cir. [Certiorari granted, *ante*, p. 1127.] Motion of Motion Picture Association of America, Inc., et al. for leave to file a brief as *amici curiae* granted.

Rehearing Denied

No. 04–5960. ASH *v.* ASH ET AL., *ante*, p. 1141;
No. 04–8323. HOLBROOK *v.* UNITED STATES, *ante*, p. 1125;
No. 04–9126. HAIRSTON *v.* UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT, 544 U. S. 989;
No. 04–9622. BAHRIS *v.* MCCANN, WARDEN, *ante*, p. 1107;
No. 04–9743. DiBARTOLO *v.* LEHMAN, SECRETARY, WASHINGTON DEPARTMENT OF CORRECTIONS, ET AL., *ante*, p. 1120;
No. 04–9794. GESFORD *v.* JOHNSON, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS, *ante*, p. 1143;
No. 04–9823. McMILLEN *v.* DORMIRE, SUPERINTENDENT, MISSOURI STATE PENITENTIARY, *ante*, p. 1144;
No. 04–9847. DENBOW *v.* TEXAS, *ante*, p. 1144;
No. 04–9873. AGUILAR *v.* PATEL ET AL., *ante*, p. 1108;
No. 04–9948. PURKERSON *v.* SCHRIRO, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS, ET AL., *ante*, p. 1146;
No. 04–10324. CHAVARRY *v.* UNITED STATES, *ante*, p. 1147; and
No. 04–10365. AGUAYO *v.* UNITED STATES, *ante*, p. 1148. Petitions for rehearing denied.

No. 04–8531. IN RE ABSALON, 544 U. S. 973. Motion for leave to file petition for rehearing denied.

SEPTEMBER 7, 2005

Miscellaneous Order. (For Court’s order making allotment of Justices, see *ante*, p. vi.)

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SEPTEMBER 8, 2005

Miscellaneous Orders

No. 05A229. CORZINE, UNITED STATES SENATOR, ET AL. *v.* 2005 DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION ET AL. C. A. 3d Cir. Application for stay and/or preliminary injunction, presented to JUSTICE SOUTER, and by him referred to the Court, denied.

No. 05A230. NIXON, ATTORNEY GENERAL OF MISSOURI, ET AL. *v.* RUMSFELD, SECRETARY OF DEFENSE, ET AL. C. A. 8th Cir. Application for injunction, presented to JUSTICE THOMAS, and by him referred to the Court, denied.

SEPTEMBER 12, 2005

Miscellaneous Order

No. 04A1010. BECKLEY *v.* UNITED STATES. Application for bail, addressed to JUSTICE SOUTER and referred to the Court, denied.

SEPTEMBER 14, 2005

Miscellaneous Order

No. 05–6301 (05A247). IN RE NEWTON. Application for stay of execution of sentence of death, presented to JUSTICE SCALIA, and by him referred to the Court, denied. Petition for writ of habeas corpus denied.

Certiorari Denied

No. 05–6302 (05A248). NEWTON *v.* TEXAS (two judgments). 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.

SEPTEMBER 20, 2005

Dismissal Under Rule 46

No. 04–1690. UNITED STATES *v.* BARNETT. C. A. 6th Cir. Certiorari dismissed under this Court's Rule 46.1. Reported below: 398 F. 3d 516.

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Certiorari Denied

No. 05–6517 (05A271). *PEOPLES v. ALABAMA*. Sup. Ct. Ala. Application for stay of execution of sentence of death, presented to JUSTICE KENNEDY, and by him referred to the Court, denied. Certiorari denied.

SEPTEMBER 26, 2005

Miscellaneous Order

No. 05A273. *HICKEY v. UNITED STATES*. C. A. 9th Cir. Application for stay, presented to JUSTICE SCALIA, and by him referred to the Court, denied.

SEPTEMBER 27, 2005

Probable Jurisdiction Noted

No. 04–1581. *WISCONSIN RIGHT TO LIFE, INC. v. FEDERAL ELECTION COMMISSION*. Appeal from D. C. D. C. Probable jurisdiction noted.

Certiorari Granted

No. 04–1324. *DAY v. CROSBY, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS*. C. A. 11th Cir. Motions of Professor John H. Blume et al. and National Association of Criminal Defense Lawyers for leave to file briefs as *amici curiae* granted. Certiorari granted. Reported below: 391 F. 3d 1192.

No. 04–1327. *HOLMES v. SOUTH CAROLINA*. Sup. Ct. S. C. Certiorari granted limited to Question 1 presented by the petition. Reported below: 361 S. C. 333, 605 S. E. 2d 19.

No. 04–1371. *MERRILL LYNCH, PIERCE, FENNER & SMITH INC. v. DABIT*. C. A. 2d Cir. Motion of Securities Industry Association et al. for leave to file a brief as *amici curiae* granted. Certiorari granted. Reported below: 395 F. 3d 25.

No. 04–1414. *UNITED STATES v. GRUBBS*. C. A. 9th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari granted. Reported below: 377 F. 3d 1072 and 389 F. 3d 1306.

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No. 04-1477. JONES *v.* FLOWERS ET AL. Sup. Ct. Ark. Certiorari granted. Reported below: 359 Ark. 443.

No. 04-1506. ARKANSAS DEPARTMENT OF HEALTH AND HUMAN SERVICES ET AL. *v.* AHLBORN. C. A. 8th Cir. Certiorari granted. Reported below: 397 F. 3d 620.

No. 04-1528. RANDALL ET AL. *v.* SORRELL ET AL.;

No. 04-1530. VERMONT REPUBLICAN STATE COMMITTEE ET AL. *v.* SORRELL ET AL.; and

No. 04-1697. SORRELL ET AL. *v.* RANDALL ET AL. C. A. 2d Cir. Certiorari granted, cases consolidated, and a total of one hour allotted for oral argument. Reported below: 382 F. 3d 91.

No. 04-1544. MARSHALL *v.* MARSHALL. C. A. 9th Cir. Certiorari granted. Reported below: 392 F. 3d 1118.

No. 04-1704. DAIMLERCHRYSLER CORP. ET AL. *v.* CUNO ET AL.; and

No. 04-1724. WILKINS, TAX COMMISSIONER FOR THE STATE OF OHIO, ET AL. *v.* CUNO ET AL. C. A. 6th Cir. Certiorari granted, cases consolidated, and a total of one hour allotted for oral argument. In addition to the questions presented by the petitions, the parties are directed to brief and argue the following question: "Whether respondents have standing to challenge Ohio's investment tax credit, Ohio Rev. Code Ann. §5733.33?" Reported below: 386 F. 3d 738.

No. 04-9728. SAMSON *v.* CALIFORNIA. Ct. App. Cal., 1st App. Dist. Motion of petitioner for leave to proceed *in forma pauperis* granted. Certiorari granted.

SEPTEMBER 29, 2005

Dismissal Under Rule 46

No. 05-5565. DAVIS *v.* BROWN, WARDEN. C. A. 9th Cir. Certiorari dismissed under this Court's Rule 46. Reported below: 384 F. 3d 628.