

ORDERS FOR JUNE 15 THROUGH
OCTOBER 2, 2009

JUNE 15, 2009

Certiorari Dismissed

No. 08–10147. *MICHAELESKO v. EMC MORTGAGE CORP.* Sup. Ct. Conn. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court’s Rule 39.8.

No. 08–10264. *IVEY v. GEITHNER, SECRETARY OF THE TREASURY.* C. A. D. C. Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court’s Rule 39.8. As petitioner has repeatedly abused this Court’s process, the Clerk is directed not to accept any further petitions in noncriminal matters from petitioner unless the docketing fee required by Rule 38(a) is paid and the petition is submitted in compliance with Rule 33.1. See *Martin v. District of Columbia Court of Appeals*, 506 U.S. 1 (1992) (*per curiam*). JUSTICE STEVENS dissents. See *id.*, at 4, and cases cited therein. Reported below: 296 Fed. Appx. 94.

No. 08–10333. *MOORE v. UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF WASHINGTON.* C. A. 9th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court’s Rule 39.8.

Miscellaneous Orders

No. 08M83. *HARRIS v. HARVEY, TREASURER, ASHTABULA COUNTY, OHIO, ET AL.* Motion to direct the Clerk to file petition for writ of certiorari out of time under Rule 14.5 denied.

No. 08M84. *SMALLS v. UNITED STATES.* Motion to direct the Clerk to file petition for writ of certiorari out of time denied.

No. 08–998. *HAMILTON, CHAPTER 13 TRUSTEE v. LANNING.* C. A. 10th Cir. The Solicitor General is invited to file a brief in this case expressing the views of the United States.

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No. 08–8355. *STRUCK v. COOK COUNTY PUBLIC GUARDIAN*. App. Ct. Ill., 1st Dist. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [556 U. S. 1150] denied.

No. 08–8570. *ANGEL v. TEXAS*. Ct. Crim. App. Tex. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [556 U. S. 1163] denied.

No. 08–8689. *DANIEL v. COLEE ET AL.* C. A. 11th Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [556 U. S. 1177] denied.

No. 08–8826. *PARKER v. LOUISIANA*. Sup. Ct. La. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [556 U. S. 1177] denied.

No. 08–8837. *IN RE CARLTON*. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [556 U. S. 1180] denied.

No. 08–8862. *IN RE RATCLIFF*. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [556 U. S. 1207] denied.

No. 08–9035. *PICKERING-GEORGE v. HOLDER, ATTORNEY GENERAL, ET AL.* C. A. D. C. Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [556 U. S. 1206] denied.

No. 08–9045. *HUNDLEY v. ZIEGLER ET AL.* C. A. 3d Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [556 U. S. 1178] denied.

No. 08–9822. *BAGLEY v. SOUTH CAROLINA*. Sup. Ct. S. C. Motion of petitioner for leave to proceed *in forma pauperis* denied. Petitioner is allowed until July 6, 2009, 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. 08–10485. *IN RE TORRES*;

No. 08–10517. *IN RE BECKUM*; and

No. 08–10533. *IN RE PRESTON*. Petitions for writs of habeas corpus denied.

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No. 08–9744. IN RE DE LEON MATA. Petition for writ of mandamus denied.

No. 08–9756. IN RE MCCREARY. Motion of petitioner for leave to proceed *in forma pauperis* denied, and petition for writ of mandamus dismissed. See this Court's Rule 39.8.

Certiorari Granted

No. 08–1134. UNITED STUDENT AID FUNDS, INC. *v.* ESPINOSA. C. A. 9th Cir. Certiorari granted. Reported below: 553 F. 3d 1193.

No. 08–1198. STOLT-NIELSEN S. A. ET AL. *v.* ANIMALFEEDS INTERNATIONAL CORP. C. A. 2d Cir. Certiorari granted. Reported below: 548 F. 3d 85.

No. 08–240. MAC'S SHELL SERVICE, INC., ET AL. *v.* SHELL OIL PRODUCTS CO. LLC ET AL.; and

No. 08–372. SHELL OIL PRODUCTS CO. LLC ET AL. *v.* MAC'S SHELL SERVICE, INC., ET AL. C. A. 1st Cir. Certiorari granted, cases consolidated, and a total of one hour is allotted for oral argument. Reported below: 524 F. 3d 33.

No. 08–1151. STOP THE BEACH RENOURISHMENT, INC. *v.* FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION ET AL. Sup. Ct. Fla. Motion of Pacific Legal Foundation for leave to file a brief as *amicus curiae* granted. Certiorari granted. Reported below: 998 So. 2d 1102.

Certiorari Denied

No. 07–1501. IKON OFFICE SOLUTIONS, INC., ET AL. *v.* NEW-CAL INDUSTRIES, INC., ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 513 F. 3d 1038.

No. 08–763. MABRY *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 536 F. 3d 231.

No. 08–884. BERGER ET AL. *v.* INTERNAL REVENUE SERVICE ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 288 Fed. Appx. 829.

No. 08–890. DIAZ ET AL. *v.* PATERSON, GOVERNOR OF NEW YORK, ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 547 F. 3d 88.

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No. 08–910. *TYRRELL v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 269 Fed. Appx. 922.

No. 08–987. *CAMPA ET AL. v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 529 F. 3d 980.

No. 08–1027. *ALLIANCE FOR COMMUNITY MEDIA ET AL. v. FEDERAL COMMUNICATIONS COMMISSION ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 529 F. 3d 763.

No. 08–1051. *INTERNATIONAL GAME TECHNOLOGY ET AL. v. ARISTOCRAT TECHNOLOGIES AUSTRALIA PTY LTD. ET AL.* C. A. Fed. Cir. Certiorari denied. Reported below: 543 F. 3d 657.

No. 08–1086. *TROUT ET AL. v. MABUS, SECRETARY OF THE NAVY, ET AL.* C. A. D. C. Cir. Certiorari denied. Reported below: 540 F. 3d 442.

No. 08–1137. *ENTEC CORP. ET AL. v. CENTRO DE RECAUDACION DE INGRESOS MUNICIPALES*. Sup. Ct. P. R. Certiorari denied.

No. 08–1146. *BROWN, TRUSTEE, KATELYN ANDREWS SEGREGATED SETTLEMENT ACCOUNT v. NORTH CAROLINA DEPARTMENT OF HEALTH AND HUMAN SERVICES*. Sup. Ct. N. C. Certiorari denied. Reported below: 362 N. C. 599, 669 S. E. 2d 310.

No. 08–1249. *UNITED STATES EX REL. SANDERS v. NORTH AMERICAN BUS INDUSTRIES, INC., ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 546 F. 3d 288.

No. 08–1251. *BURRISS ELECTRICAL, INC. v. OFFICE OF OCCUPATIONAL SAFETY AND HEALTH, SOUTH CAROLINA DEPARTMENT OF LABOR, LICENSING AND REGULATION*. Ct. App. S. C. Certiorari denied.

No. 08–1255. *DURALL v. QUINN, SUPERINTENDENT, MONROE CORRECTIONAL COMPLEX*. C. A. 9th Cir. Certiorari denied. Reported below: 307 Fed. Appx. 114.

No. 08–1258. *AVOCENT HUNTSVILLE CORP. ET AL. v. ATEN INTERNATIONAL Co., LTD.* C. A. Fed. Cir. Certiorari denied. Reported below: 552 F. 3d 1324.

No. 08–1259. *WEISS ET UX. v. EL AL ISRAEL AIRLINES*. C. A. 2d Cir. Certiorari denied. Reported below: 309 Fed. Appx. 483.

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No. 08–1269. *LOUISIANA v. ARMSTARD*. Sup. Ct. La. Certiorari denied. Reported below: 998 So. 2d 89.

No. 08–1275. *YOUNG SUN SHIN v. HOLDER, ATTORNEY GENERAL*. C. A. 9th Cir. Certiorari denied. Reported below: 547 F. 3d 1019.

No. 08–1282. *DUPREE v. BIVONA*. C. A. 2d Cir. Certiorari denied.

No. 08–1292. *ACOSTA v. CITY OF PHOENIX, ARIZONA*. C. A. 9th Cir. Certiorari denied. Reported below: 296 Fed. Appx. 606.

No. 08–1298. *KRUEGER v. MINNESOTA*. Ct. App. Minn. Certiorari denied.

No. 08–1320. *ALLEN v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 386 Ill. App. 3d 30, 898 N. E. 2d 136.

No. 08–1323. *DAIRE v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 08–1344. *CHUTEHALL CONSTRUCTION CO., LTD. v. MASSACHUSETTS ET AL.* App. Ct. Mass. Certiorari denied. Reported below: 73 Mass. App. 1104, 896 N. E. 2d 656.

No. 08–1362. *BADWAL v. BUIE ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 310 Fed. Appx. 570.

No. 08–1386. *MENDIA v. HAWKER BEEHCRAFT CORP.* C. A. 10th Cir. Certiorari denied. Reported below: 303 Fed. Appx. 622.

No. 08–1399. *HENDRICKSON ET UX. v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 08–1400. *RAFFERTY v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 296 Fed. Appx. 788.

No. 08–1405. *COMBS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 553 F. 3d 768.

No. 08–1406. *ELLIOT v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 307 Fed. Appx. 41.

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No. 08–1417. *MORALES v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 560 F. 3d 112 and 316 Fed. Appx. 22.

No. 08–8252. *DAVIS v. TENNESSEE*. Sup. Ct. Tenn. Certiorari denied. Reported below: 266 S. W. 3d 896.

No. 08–8276. *MUNGIA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 297 Fed. Appx. 314.

No. 08–8466. *LEVETO v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 540 F. 3d 200.

No. 08–8597. *ESPADA v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied.

No. 08–8932. *HEBNER v. EVANS, WARDEN*. C. A. 9th Cir. Certiorari denied. Reported below: 543 F. 3d 1133.

No. 08–8980. *BURNS v. TENNESSEE*. Ct. Crim. App. Tenn. Certiorari denied.

No. 08–9120. *BEUKE v. HOUK, WARDEN*. C. A. 6th Cir. Certiorari denied. Reported below: 537 F. 3d 618.

No. 08–9160. *GUEVARA-BARRERA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 302 Fed. Appx. 253.

No. 08–9185. *JOHNSON v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 541 F. 3d 1064.

No. 08–9191. *MCKINNON v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 301 Fed. Appx. 117.

No. 08–9297. *SPOTTS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 295 Fed. Appx. 590.

No. 08–9698. *DORSEY v. BURTT, WARDEN, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 307 Fed. Appx. 745.

No. 08–9699. *WALKER v. ROBINSON*. C. A. 5th Cir. Certiorari denied.

No. 08–9703. *EVANS v. HENSE, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 08–9704. *CURFMAN ET UX. v. PEARSON ET AL.* Ct. App. Cal., 4th App. Dist., Div. 3. Certiorari denied.

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No. 08–9705. *PETERS v. CHANDLER, WARDEN*. C. A. 6th Cir. Certiorari denied. Reported below: 292 Fed. Appx. 453.

No. 08–9718. *VIERRA v. COCHISE COUNTY, ARIZONA, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 301 Fed. Appx. 727.

No. 08–9725. *JACKSON v. CITY OF COLUMBIA, SOUTH CAROLINA*. Ct. App. S. C. Certiorari denied.

No. 08–9726. *MAYER v. WYNDER, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT DALLAS, ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 278 Fed. Appx. 117.

No. 08–9728. *SHECHET v. FAVALI ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 251 Fed. Appx. 17.

No. 08–9729. *JEFFRIES v. PARKER, WARDEN*. Ct. Crim. App. Tenn. Certiorari denied.

No. 08–9731. *BOONE v. TELCO PLUS CREDIT UNION ET AL.* C. A. 5th Cir. Certiorari denied.

No. 08–9735. *RICHARDSON v. RUNNELS, WARDEN*. C. A. 9th Cir. Certiorari denied. Reported below: 318 Fed. Appx. 492.

No. 08–9740. *COLE v. HOLDER, ATTORNEY GENERAL*. C. A. 9th Cir. Certiorari denied.

No. 08–9742. *CHAPMAN v. WASHINGTON*. Ct. App. Wash. Certiorari denied.

No. 08–9749. *PEARSON v. BESTCARE ET AL.* App. Div., Sup. Ct. N. Y., 3d Jud. Dept. Certiorari denied. Reported below: 48 App. Div. 3d 862, 851 N. Y. S. 2d 288.

No. 08–9750. *CORDOVA RUBIO v. QUARTERMAN, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 08–9751. *McMANN v. McQUIGGIN, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 08–9762. *JOHNSON v. LILES ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 310 Fed. Appx. 226.

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No. 08–9766. *SAABIRAH EL v. CITY OF NEW YORK, NEW YORK, ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 300 Fed. Appx. 103.

No. 08–9773. *HAWK v. REDDING ET AL.* (two judgments). C. A. 11th Cir. Certiorari denied.

No. 08–9774. *DUNN v. NOOTH, SUPERINTENDENT, SNAKE RIVER CORRECTIONAL INSTITUTION.* C. A. 9th Cir. Certiorari denied. Reported below: 307 Fed. Appx. 83.

No. 08–9776. *COLE v. CLEO, INC., ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 301 Fed. Appx. 402.

No. 08–9779. *SEELY v. OKLAHOMA.* Ct. Crim. App. Okla. Certiorari denied.

No. 08–9781. *JACOBS v. LANE, WARDEN, ET AL.* C. A. 6th Cir. Certiorari denied.

No. 08–9784. *LANE-EL v. INDIANA DEPARTMENT OF CORRECTIONS ET AL.* C. A. 7th Cir. Certiorari denied.

No. 08–9787. *CONWAY v. LAFLEER, WARDEN.* C. A. 6th Cir. Certiorari denied.

No. 08–9789. *JACKSON v. CALIFORNIA.* Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 08–9790. *CRUCE v. CARUSO, DIRECTOR, MICHIGAN DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 6th Cir. Certiorari denied.

No. 08–9795. *RUSSELL v. CAIN, WARDEN.* C. A. 5th Cir. Certiorari denied.

No. 08–9800. *LINDBERG v. CALIFORNIA.* Sup. Ct. Cal. Certiorari denied. Reported below: 45 Cal. 4th 1, 190 P. 3d 664.

No. 08–9801. *TREVINO v. QUARTERMAN, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION.* C. A. 5th Cir. Certiorari denied.

No. 08–9805. *TYSON v. INDIANA.* Ct. App. Ind. Certiorari denied.

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No. 08–9862. *BAGLEY v. CITY OF TAMPA, FLORIDA*. C. A. 11th Cir. Certiorari denied.

No. 08–9873. *STOKES v. WOODS, SUPERINTENDENT, UPSTATE CORRECTIONAL FACILITY*. C. A. 2d Cir. Certiorari denied.

No. 08–9876. *COLACHIS ET AL. v. GRISWOLD ET AL.* Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 08–9912. *JONES v. DUNCAN, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 08–9960. *TAYLOR v. BRUNSMAN, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 08–9966. *WRIGHT v. PENNSYLVANIA*. Super. Ct. Pa. Certiorari denied. Reported below: 931 A. 2d 55.

No. 08–10016. *KIMBLE v. MISSISSIPPI*. Ct. App. Miss. Certiorari denied. Reported below: 2 So. 3d 688.

No. 08–10025. *DEVEREAUX v. MILLS, WARDEN*. C. A. 6th Cir. Certiorari denied. Reported below: 307 Fed. Appx. 934.

No. 08–10036. *ALTHOFF v. ARIZONA*. Ct. App. Ariz. Certiorari denied.

No. 08–10082. *RUDD, AKA AZIZ v. WERHOLTZ, SECRETARY, KANSAS DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 318 Fed. Appx. 625.

No. 08–10100. *CAMPBELL v. KANSAS*. Sup. Ct. Kan. Certiorari denied.

No. 08–10111. *CAMPBELL v. MCNEIL, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS*. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 1 So. 3d 176.

No. 08–10114. *AUSTIN v. CASKEY, WARDEN*. C. A. 5th Cir. Certiorari denied.

No. 08–10163. *FELDHACKER v. BAKEWELL, WARDEN, ET AL.* C. A. 8th Cir. Certiorari denied.

No. 08–10165. *HALL v. HOUSTON, DIRECTOR, NEBRASKA DEPARTMENT OF CORRECTIONAL SERVICES*. Sup. Ct. Neb. Certiorari denied.

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No. 08–10166. *HALL v. HOUSTON, DIRECTOR, NEBRASKA DEPARTMENT OF CORRECTIONAL SERVICES*. Sup. Ct. Neb. Certiorari denied.

No. 08–10184. *JOSE C. v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied. Reported below: 45 Cal. 4th 534, 198 P. 3d 1087.

No. 08–10256. *GARZA-GALVAN v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 302 Fed. Appx. 252.

No. 08–10263. *HEARN v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 549 F. 3d 680.

No. 08–10271. *CARR v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 296 Fed. Appx. 912.

No. 08–10272. *CORDOVA-SAAVEDRA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 309 Fed. Appx. 895.

No. 08–10279. *VARGO v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 309 Fed. Appx. 485.

No. 08–10280. *WILKINS v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 308 Fed. Appx. 920.

No. 08–10283. *ARMSTRONG v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 554 F. 3d 1159.

No. 08–10284. *MUNOZ-ASTELLO v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 310 Fed. Appx. 631.

No. 08–10285. *MENDOZA-RAMIREZ v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 326 Fed. Appx. 705.

No. 08–10286. *OCHOA-SUAREZ v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 08–10287. *MILLER v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 08–10289. *SWAIN v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 324 Fed. Appx. 219.

No. 08–10290. *REYES-CARRANZA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 08–10292. *CAMPBELL v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 300 Fed. Appx. 221.

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No. 08–10293. *DANGER v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 08–10294. *SMART v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 08–10297. *JOHNSON v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 305 Fed. Appx. 74.

No. 08–10298. *SANTIAGO v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

No. 08–10300. *JOHNSON v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 306 Fed. Appx. 719.

No. 08–10301. *JONES v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 314 Fed. Appx. 261.

No. 08–10303. *MOSLEY v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 314 Fed. Appx. 611.

No. 08–10305. *HERNANDEZ-VALOIS v. UNITED STATES*. C. A. 10th Cir. Certiorari denied.

No. 08–10307. *FROST v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 318 Fed. Appx. 664.

No. 08–10308. *HEAD v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 08–10310. *PAYTON v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 302 Fed. Appx. 225.

No. 08–10311. *SOMERVILLE v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 08–10313. *SOREIDE v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 08–10316. *SMITH v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 08–10320. *ADAMS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 08–10324. *WOODS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 305 Fed. Appx. 964.

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No. 08–10325. *WILSON-GARCIA v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 309 Fed. Appx. 633.

No. 08–10327. *DEGLACE v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 309 Fed. Appx. 288.

No. 08–10329. *CAMPUSANO v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 556 F. 3d 36.

No. 08–10330. *RICHARDSON v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 314 Fed. Appx. 239.

No. 08–10331. *RODRIGUEZ-MARTINEZ v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 316 Fed. Appx. 570.

No. 08–10332. *ORDONEZ v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 305 Fed. Appx. 980.

No. 08–10334. *CLARK v. ROCK, SUPERINTENDENT, GREAT MEADOW CORRECTIONAL FACILITY*. C. A. 2d Cir. Certiorari denied. Reported below: 309 Fed. Appx. 528.

No. 08–10339. *DOWELL v. ANDERSON, WARDEN*. C. A. 7th Cir. Certiorari denied.

No. 08–10340. *COUNCIL v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 301 Fed. Appx. 269.

No. 08–10342. *FONG v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 08–10344. *HERNANDEZ v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 303 Fed. Appx. 323.

No. 08–10345. *GEORGE v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 421 Fed. Appx. 149.

No. 08–10353. *RODRIGUEZ-PENA v. UNITED STATES*. C. A. 1st Cir. Certiorari denied.

No. 08–10354. *BARKER v. STANSBERRY, WARDEN*. C. A. 4th Cir. Certiorari denied. Reported below: 314 Fed. Appx. 609.

No. 08–10359. *BONILLA v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

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No. 08–10360. *McGLOTHEN v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 556 F. 3d 698.

No. 08–10364. *HOWELL ET AL. v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 552 F. 3d 709.

No. 08–10366. *HAUGABOOK v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 08–10367. *IGLESIAS v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 535 F. 3d 150.

No. 08–10368. *GEORGE v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 304 Fed. Appx. 773.

No. 08–10370. *ALVAREZ-GOMEZ, AKA ALVAREZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 08–10377. *FRANKLIN-EL v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 554 F. 3d 903.

No. 08–10380. *VILLALPANDO v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 306 Fed. Appx. 336.

No. 08–10381. *THOMAS v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 322 Fed. Appx. 177.

No. 08–10384. *KELLEY v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 323 Fed. Appx. 766.

No. 08–10385. *RAPLINGER v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 555 F. 3d 687.

No. 08–10388. *CHIN v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 316 Fed. Appx. 290.

No. 08–10389. *COMBS, AKA COMBS-QUARLES v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 555 F. 3d 60.

No. 08–10390. *BROWN v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 08–10391. *ANDERSON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 559 F. 3d 348.

No. 08–10392. *AHRENDT v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 560 F. 3d 69.

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No. 08–10395. *ZANI v. UNITED STATES MARSHALS SERVICE ET AL.* C. A. 7th Cir. Certiorari denied.

No. 08–10406. *HICKS v. UNITED STATES.* C. A. 5th Cir. Certiorari denied.

No. 08–10407. *HENRY v. UNITED STATES.* C. A. 3d Cir. Certiorari denied. Reported below: 310 Fed. Appx. 498.

No. 08–10409. *CLARK v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. Reported below: 319 Fed. Appx. 46.

No. 08–10410. *ESTRADA-MONTALVO v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 306 Fed. Appx. 864.

No. 08–10417. *VENTURA-VERA v. UNITED STATES.* C. A. 8th Cir. Certiorari denied.

No. 08–10418. *TRAVIS v. UNITED STATES.* C. A. 11th Cir. Certiorari denied. Reported below: 311 Fed. Appx. 305.

No. 08–10419. *WILSON v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 306 Fed. Appx. 871.

No. 08–10423. *FRANKLIN v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 320 Fed. Appx. 599.

No. 08–10425. *PHILLIPS v. UNITED STATES.* C. A. 10th Cir. Certiorari denied. Reported below: 305 Fed. Appx. 508.

No. 08–10426. *ALEMAN-MARTINEZ v. UNITED STATES.* C. A. 5th Cir. Certiorari denied.

No. 08–10429. *HAWKINS v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. Reported below: 554 F. 3d 615.

No. 08–10430. *CLEMMONS v. UNITED STATES.* C. A. 6th Cir. Certiorari denied.

No. 08–10433. *DENSON v. UNITED STATES.* C. A. 11th Cir. Certiorari denied.

No. 08–10436. *FORMAN v. UNITED STATES.* C. A. 7th Cir. Certiorari denied. Reported below: 553 F. 3d 585.

No. 08–10437. *GARCIA v. UNITED STATES.* C. A. 2d Cir. Certiorari denied.

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No. 08–10441. JAMES *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 534 F. 3d 868.

No. 08–10446. WHITE *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 311 Fed. Appx. 648.

No. 08–10448. WYATT *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. Reported below: 561 F. 3d 49.

No. 08–10453. LEBEAU *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied.

No. 08–10455. LICHTENBERG *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 309 Fed. Appx. 107.

No. 08–10456. BROOKS *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 310 Fed. Appx. 880.

No. 08–10462. COOK *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 550 F. 3d 1292.

No. 08–10464. CAREY *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 311 Fed. Appx. 647.

No. 08–10465. CORSO *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 549 F. 3d 921.

No. 08–751. COUNTY OF EL PASO, TEXAS, ET AL. *v.* NAPOLITANO, SECRETARY OF HOMELAND SECURITY, ET AL. D. C. W. D. Tex. Motion of William D. Araiza et al. for leave to file a brief as *amici curiae* granted. Certiorari denied.

Rehearing Denied

No. 08–1061. FAUGHT *v.* STEVENS ET AL., 556 U.S. 1208;

No. 08–1108. HAEG *v.* ALASKA, 556 U.S. 1208;

No. 08–8268. VALE *v.* FLORIDA, 556 U.S. 1134;

No. 08–8348. GOODIE *v.* QUARTERMAN, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION, 556 U.S. 1155;

No. 08–8616. CASTRO *v.* TEXAS, 556 U.S. 1187;

No. 08–8698. MARTIN *v.* EVANS, WARDEN, 556 U.S. 1188;

No. 08–8785. MURRELL *v.* NORTH CAROLINA, 556 U.S. 1190;

No. 08–8918. ANTONSSON *v.* KAST, 556 U.S. 1211;

No. 08–8985. CASEY-BEICH *v.* UNITED PARCEL SERVICE, INC., 556 U.S. 1193;

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No. 08–9125. SMITH *v.* MCKUNE, WARDEN, ET AL., 556 U. S. 1212; and

No. 08–9226. QUINTANA-NAVARETTE *v.* UNITED STATES, 556 U. S. 1197. Petitions for rehearing denied.

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Dismissal Under Rule 46

No. 08–10522. NORWOOD *v.* UNITED STATES. C. A. 9th Cir. Certiorari dismissed under this Court's Rule 46.1. Reported below: 555 F. 3d 1061.

Certiorari Granted—Vacated and Remanded

No. 08–9364. JOSEPH *v.* UNITED STATES. C. A. 11th 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 *Flores-Figueroa v. United States*, 556 U. S. 646 (2009). Reported below: 304 Fed. Appx. 792.

Certiorari Dismissed

No. 08–9617. BURKE *v.* CONNECTICUT RENAISSANCE ET AL.;
No. 08–9640. BURKE *v.* KIRK ET AL.;
No. 08–9642. BURKE *v.* BRARON ET AL.; and
No. 08–9669. BURKE *v.* CONNECTICUT RENAISSANCE ET AL.
C. A. 2d Cir. Motions of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8.

No. 08–9730. BURKE *v.* ALSO CORNERSTONE ET AL.; and

No. 08–9872. BURKE *v.* DEPARTMENT OF MENTAL HEALTH AND ADDICTION SERVICES ET AL. C. A. 2d Cir. Motions of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8. As petitioner has repeatedly abused this Court's process, the Clerk is directed not to accept any further petitions in noncriminal matters from petitioner unless the docketing fee required by Rule 38(a) is paid and the petition is submitted in compliance with Rule 33.1. See *Martin v. District of Columbia Court of Appeals*, 506 U. S. 1 (1992) (*per curiam*). JUSTICE STEVENS dissents. See *id.*, at 4, and cases cited therein.

No. 08–9797. SCHNELLER *v.* CORTES, SECRETARY OF COMMONWEALTH OF PENNSYLVANIA, ET AL. Sup. Ct. Pa. Motion of peti-

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tioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8. As petitioner has repeatedly abused this Court's process, the Clerk is directed not to accept any further petitions in noncriminal matters from petitioner unless the docketing fee required by Rule 38(a) is paid and the petition is submitted in compliance with Rule 33.1. See *Martin v. District of Columbia Court of Appeals*, 506 U. S. 1 (1992) (*per curiam*). JUSTICE STEVENS dissents. See *id.*, at 4, and cases cited therein.

No. 08–9922. GUTIERREZ BRUNO *v.* TEXAS. Ct. Crim. App. Tex. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8. As petitioner has repeatedly abused this Court's process, the Clerk is directed not to accept any further petitions in noncriminal matters from petitioner unless the docketing fee required by Rule 38(a) is paid and the petition is submitted in compliance with Rule 33.1. See *Martin v. District of Columbia Court of Appeals*, 506 U. S. 1 (1992) (*per curiam*). JUSTICE STEVENS dissents. See *id.*, at 4, and cases cited therein.

No. 08–10258. HAYES *v.* UNITED STATES. C. A. Fed. Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8.

No. 08–10295. SPURLOCK *v.* DEPARTMENT OF THE ARMY ET AL. C. A. 4th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8. Reported below: 308 Fed. Appx. 666.

Miscellaneous Orders

No. 08M85. JOLLEY *v.* DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT. Motion for leave to proceed as a veteran granted.

No. 08M86. HARLEY ET UX. *v.* SECURITIES AND EXCHANGE COMMISSION. Motion for leave to proceed *in forma pauperis* without an affidavit of indigency executed by petitioner denied.

No. 08M87. MATHEW *v.* HOLDER, ATTORNEY GENERAL. Motion to direct the Clerk to file petition for writ of certiorari out of time denied.

No. 08–9887. SAMPATH *v.* CONCURRENT TECHNOLOGIES. C. A. 3d Cir.;

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No. 08–10149. *FOSTER v. LANSING SCHOOL DISTRICT 158* (two judgments). C. A. 7th Cir.;

No. 08–10276. *JACKSON v. GEREN, SECRETARY OF THE ARMY*. C. A. 5th Cir.; and

No. 08–10382. *LUTZ v. OBAMA, PRESIDENT OF THE UNITED STATES, ET AL.* C. A. 5th Cir. Motions of petitioners for leave to proceed *in forma pauperis* denied. Petitioners are allowed until July 13, 2009, within which to pay the docketing fees required by Rule 38(a) and to submit petitions in compliance with Rule 33.1 of the Rules of this Court.

No. 08–10587. *IN RE EAMES*;

No. 08–10590. *IN RE JEREMIAH*; and

No. 08–10611. *IN RE REVIERE*. Petitions for writs of habeas corpus denied.

No. 08–9910. *IN RE CAMPBELL*. Petition for writ of mandamus denied.

No. 08–9869. *IN RE JENKINS*. Petition for writ of mandamus and/or prohibition denied.

Certiorari Granted

No. 08–304. *GRAHAM COUNTY SOIL AND WATER CONSERVATION DISTRICT ET AL. v. UNITED STATES EX REL. WILSON*. C. A. 4th Cir. Certiorari granted. Reported below: 528 F. 3d 292.

No. 08–1175. *FLORIDA v. POWELL*. Sup. Ct. Fla. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari granted. Reported below: 998 So. 2d 531.

No. 08–1224. *UNITED STATES v. COMSTOCK ET AL.* C. A. 4th Cir. Motion of respondents for leave to proceed *in forma pauperis* granted. Certiorari granted. Reported below: 551 F. 3d 274.

Certiorari Denied

No. 08–327. *ARIZONA ET AL. v. UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 528 F. 3d 652.

No. 08–552. *ALI v. HOLDER, ATTORNEY GENERAL*. C. A. 7th Cir. Certiorari denied. Reported below: 521 F. 3d 737.

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No. 08–643. CANALES-MATAMOROS *v.* FILIP, ACTING ATTORNEY GENERAL. C. A. 11th Cir. Certiorari denied. Reported below: 284 Fed. Appx. 800.

No. 08–792. GRAY *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 521 F. 3d 514.

No. 08–917. MCSWAIN *v.* WARREN, WARDEN. C. A. 6th Cir. Certiorari denied. Reported below: 287 Fed. Appx. 450.

No. 08–1009. WARE *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 292 Fed. Appx. 845.

No. 08–1043. WILSON ET AL. *v.* LIBBY ET AL. C. A. D. C. Cir. Certiorari denied. Reported below: 535 F. 3d 697.

No. 08–1052. FAIRBANKS NORTH STAR BOROUGH *v.* UNITED STATES ARMY CORPS OF ENGINEERS ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 543 F. 3d 586.

No. 08–1053. SUNOCO, INC., ET AL. *v.* MCDONALD ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 548 F. 3d 774.

No. 08–1109. PORTER *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 542 F. 3d 1088.

No. 08–1149. CUNNINGHAM *v.* UNITED STATES; and
No. 08–10158. THOMAS *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 554 F. 3d 703.

No. 08–1152. SRIVASTAVA *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 540 F. 3d 277.

No. 08–1156. AT&T MOBILITY LLC ET AL. *v.* SHORTS ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 552 F. 3d 327.

No. 08–1165. LEVY *v.* STERLING HOLDING CO., LLC, ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 544 F. 3d 493.

No. 08–1167. MULLICA WEST, LTD., ET AL. *v.* UNITED STATES. C. A. Fed. Cir. Certiorari denied. Reported below: 550 F. 3d 1135.

No. 08–1169. CAPITAL ONE BANK (USA), N. A., FKA CAPITAL ONE BANK, ET AL. *v.* COMMISSIONER OF REVENUE OF MASSACHUSETTS. Sup. Jud. Ct. Mass. Certiorari denied. Reported below: 453 Mass. 1, 899 N. E. 2d 76.

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No. 08–1179. *ROGERS ET AL. v. ROYAL CARIBBEAN CRUISE LINES ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 547 F. 3d 1148.

No. 08–1194. *ARKANSAS CARPENTERS HEALTH AND WELFARE FUND ET AL. v. BAYER AG ET AL.* C. A. Fed. Cir. Certiorari denied. Reported below: 544 F. 3d 1323.

No. 08–1207. *GEOFFREY, INC. v. COMMISSIONER OF REVENUE OF MASSACHUSETTS.* Sup. Jud. Ct. Mass. Certiorari denied. Reported below: 453 Mass. 17, 899 N. E. 2d 87.

No. 08–1223. *MAXWELL-JOLLY, DIRECTOR, CALIFORNIA DEPARTMENT OF HEALTH CARE SERVICES v. INDEPENDENT LIVING CENTER OF SOUTHERN CALIFORNIA ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 543 F. 3d 1050.

No. 08–1276. *HENDERSON v. SONY PICTURES ENTERTAINMENT, INC., ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 288 Fed. Appx. 387.

No. 08–1278. *MAGNANDONOVAN v. CITY OF LOS ANGELES, CALIFORNIA.* Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 08–1279. *CIMINI v. CIMINI.* App. Ct. Mass. Certiorari denied. Reported below: 73 Mass. App. 1112, 898 N. E. 2d 13.

No. 08–1286. *HAGY v. FINK-HAGY.* App. Div., Sup. Ct. N. Y., 1st Jud. Dept. Certiorari denied. Reported below: 11 N. Y. 3d 716, 902 N. E. 2d 439.

No. 08–1288. *BERGIN v. MCCALL ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 308 Fed. Appx. 165.

No. 08–1289. *SORO v. CITIGROUP.* C. A. 11th Cir. Certiorari denied. Reported below: 287 Fed. Appx. 57.

No. 08–1296. *ST. GERMAIN ET AL. v. HOWARD ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 556 F. 3d 261.

No. 08–1297. *UNITED STATES EX REL. LOWMAN v. HILTON HEAD HEALTH SYSTEM, L. P., ET AL.* C. A. 4th Cir. Certiorari denied.

No. 08–1299. *UMEUGO v. BARDEN CORP.* C. A. 2d Cir. Certiorari denied. Reported below: 307 Fed. Appx. 514.

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No. 08–1302. OKLAHOMA ONCOLOGY & HEMATOLOGY, P. C., DBA CANCER CARE ASSOCIATES *v.* JPMORGAN CHASE BANK, N. A., ET AL. C. A. 5th Cir. Certiorari denied.

No. 08–1303. HAMWI *v.* MCNEIL, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS. C. A. 11th Cir. Certiorari denied.

No. 08–1313. WATERMAN *v.* NATIONWIDE MUTUAL INSURANCE CO. ET AL. Sup. Ct. Idaho. Certiorari denied. Reported below: 146 Idaho 667, 201 P. 3d 640.

No. 08–1343. T. C. *v.* YOLO COUNTY DEPARTMENT OF EMPLOYMENT AND SOCIAL SERVICES. Ct. App. Cal., 3d App. Dist. Certiorari denied.

No. 08–1365. BREIER *v.* COOPER-STANDARD AUTOMOTIVE FHS, INC., FKA ITT AUTOMOTIVE, INC. C. A. 6th Cir. Certiorari denied.

No. 08–1372. SPIELBAUER *v.* SANTA CLARA COUNTY, CALIFORNIA, ET AL. Sup. Ct. Cal. Certiorari denied. Reported below: 45 Cal. 4th 704, 199 P. 3d 1125.

No. 08–1377. HENDERSON ET AL. *v.* NEBRASKA ET AL. Sup. Ct. Neb. Certiorari denied. Reported below: 277 Neb. 240, 762 N. W. 2d 1.

No. 08–1383. BLITZ HOLDINGS CORP. ET AL. *v.* GRANT THORNTON, LLP, ET AL. Ct. App. Tex., 1st Dist. Certiorari denied.

No. 08–1388. WILLIAMS *v.* DISTRICT OF COLUMBIA. Ct. App. D. C. Certiorari denied.

No. 08–1408. OSTROWSKI *v.* CITY OF NEW YORK, NEW YORK, ET AL. App. Div., Sup. Ct. N. Y., 1st Jud. Dept. Certiorari denied. Reported below: 55 App. Div. 3d 471, 866 N. Y. S. 2d 160.

No. 08–1426. PAPA ET UX. *v.* ARIZONA ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 310 Fed. Appx. 156.

No. 08–1432. SHAUB *v.* PENNSYLVANIA. Super. Ct. Pa. Certiorari denied. Reported below: 959 A. 2d 973.

No. 08–8655. VEGA-CASTILLO *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 540 F. 3d 1235.

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No. 08–8735. *TAFT v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 301 Fed. Appx. 238.

No. 08–8891. *VELA-MARTINEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 300 Fed. Appx. 304.

No. 08–9064. *VALLES-HIDALGO v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 08–9246. *O’NEAL v. KOZLIK ET AL.* C. A. 6th Cir. Certiorari denied.

No. 08–9503. *BUDGE v. E. M. N. EXPRESS MORTGAGE NATIONWIDE, INC., ET AL.* Super. Ct. N. J., App. Div. Certiorari denied.

No. 08–9727. *JACKSON v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied. Reported below: 45 Cal. 4th 662, 199 P. 3d 1098.

No. 08–9808. *LOPEZ v. OKLAHOMA*. Ct. Crim. App. Okla. Certiorari denied.

No. 08–9810. *JORDAN v. MCNEIL, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 08–9815. *STOUDEMIRE v. PADULA, WARDEN*. C. A. 4th Cir. Certiorari denied. Reported below: 305 Fed. Appx. 142.

No. 08–9821. *ASKEW v. BLAIR ET AL.* C. A. 6th Cir. Certiorari denied.

No. 08–9823. *COLON-MONTANEZ v. WILSON*. C. A. 3d Cir. Certiorari denied.

No. 08–9825. *CARMELL v. QUARTERMAN, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied. Reported below: 292 Fed. Appx. 317.

No. 08–9828. *CARREA v. BARNHART ET AL.* C. A. 9th Cir. Certiorari denied.

No. 08–9838. *SALAZAR v. RYAN, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 302 Fed. Appx. 665.

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No. 08–9840. *SMITH v. OREGON DEPARTMENT OF CORRECTIONS*. Ct. App. Ore. Certiorari denied. Reported below: 219 Ore. App. 192, 182 P. 3d 250.

No. 08–9841. *SZANTO v. SUPERIOR COURT OF CALIFORNIA, SAN LUIS OBISPO COUNTY* (two judgments). Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 08–9845. *MOTT v. INDIANA*. Ct. App. Ind. Certiorari denied. Reported below: 896 N. E. 2d 934.

No. 08–9846. *WAIVIO v. ADVOCATE HEALTH CARE NETWORK ET AL.* (three judgments). C. A. 7th Cir. Certiorari denied.

No. 08–9849. *POLK v. SAPP ET AL.* Ct. App. Ky. Certiorari denied.

No. 08–9852. *LOVETTE v. SCHALIT*. Dist. Ct. App. Fla., 5th Dist. Certiorari denied. Reported below: 1 So. 3d 191.

No. 08–9858. *SANCHEZ v. CALIFORNIA*. Ct. App. Cal., 3d App. Dist. Certiorari denied.

No. 08–9859. *ROOKLIDGE v. DRIVER AND MOTOR VEHICLE SERVICES BRANCH OF THE OREGON DEPARTMENT OF TRANSPORTATION ET AL.* Ct. App. Ore. Certiorari denied. Reported below: 217 Ore. App. 172, 174 P. 3d 1120.

No. 08–9863. *ANTHONY v. MCNEIL, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 08–9866. *THOMPKE v. RICHLAND COUNTY, SOUTH CAROLINA, ET AL.* C. A. 4th Cir. Certiorari denied.

No. 08–9867. *TILLERY v. WOODS, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 08–9868. *JONES v. ADAMS, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 08–9875. *CORBIN v. UNITED AIRLINES ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 292 Fed. Appx. 571.

No. 08–9886. *TAYLOR v. CALIFORNIA*. Ct. App. Cal., 6th App. Dist. Certiorari denied.

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No. 08–9892. *ZACKERY v. MESROBIAN*. C. A. 7th Cir. Certiorari denied. Reported below: 299 Fed. Appx. 598.

No. 08–9893. *MARTIN v. WARREN, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 08–9900. *BUSTOS v. SCHWABE, WILLIAMSON & WYATT, P. C.* Ct. App. Tex., 4th Dist. Certiorari denied.

No. 08–9902. *COX v. ILLINOIS*. App. Ct. Ill., 2d Dist. Certiorari denied. Reported below: 382 Ill. App. 3d 1215, 967 N. E. 2d 499.

No. 08–9907. *ROBINSON v. FLORIDA*. Dist. Ct. App. Fla., 4th Dist. Certiorari denied. Reported below: 995 So. 2d 978.

No. 08–9908. *PARKER v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 382 Ill. App. 3d 1207, 967 N. E. 2d 495.

No. 08–9911. *CAMPBELL v. STEIN ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 314 Fed. Appx. 976.

No. 08–9924. *WILLIAMS v. JOHNSON ET AL.* C. A. 8th Cir. Certiorari denied.

No. 08–9926. *WALKER v. CULLIVER, WARDEN, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 08–9927. *SMITH v. KYLER ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 295 Fed. Appx. 479.

No. 08–9928. *DENNIS v. MCKEE, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 08–9929. *COHEN v. PENNSYLVANIA*. Super. Ct. Pa. Certiorari denied. Reported below: 953 A. 2d 825.

No. 08–9942. *SMITH v. WASHINGTON MUTUAL BANK FA ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 308 Fed. Appx. 707.

No. 08–9962. *BAUMGARTEN v. BOARD OF EQUALIZATION OF CALIFORNIA ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 301 Fed. Appx. 711.

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No. 08–9988. *IVANTCHOUK v. HOLDER, ATTORNEY GENERAL*. C. A. 11th Cir. Certiorari denied.

No. 08–10010. *PONSON v. CORRECTIONS CORPORATION OF AMERICA ET AL.* Ct. App. D. C. Certiorari denied. Reported below: 962 A. 2d 942.

No. 08–10057. *MCCARTHY v. WICK*. C. A. 9th Cir. Certiorari denied. Reported below: 310 Fed. Appx. 143.

No. 08–10098. *VENTURA v. FLORIDA*. Sup. Ct. Fla. Certiorari denied. Reported below: 2 So. 3d 194.

No. 08–10101. *CLARK v. NEVADA* (two judgments). Sup. Ct. Nev. Certiorari denied.

No. 08–10105. *MARSHALL v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied.

No. 08–10119. *DAVIS-JACKSON v. FEDERICCI ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 306 Fed. Appx. 334.

No. 08–10122. *JIMENEZ v. FLORIDA*. Sup. Ct. Fla. Certiorari denied. Reported below: 997 So. 2d 1056.

No. 08–10145. *JUSTICE v. ALEXANDER*. Ct. App. N. Y. Certiorari denied. Reported below: 12 N. Y. 3d 776, 906 N. E. 2d 1066.

No. 08–10154. *SEOW v. ERCOLE, SUPERINTENDENT, GREEN HAVEN CORRECTIONAL FACILITY*. C. A. 2d Cir. Certiorari denied. Reported below: 320 Fed. Appx. 46.

No. 08–10167. *ROUNDTREE v. MCNEIL, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 08–10208. *ASHANTI v. HULICK, WARDEN*. C. A. 7th Cir. Certiorari denied.

No. 08–10210. *DIAZ v. MCNEIL, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS*. C. A. 11th Cir. Certiorari denied. Reported below: 313 Fed. Appx. 262.

No. 08–10213. *RODEN v. AMERICAN FEDERATION OF STATE, COUNTY, AND MUNICIPAL EMPLOYEES, COUNCIL 24, ET AL.* C. A. 7th Cir. Certiorari denied.

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No. 08–10217. *WAIVIO v. BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS AT CHICAGO ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 290 Fed. Appx. 935.

No. 08–10245. *HOLLIHAN v. PENNSYLVANIA.* Super. Ct. Pa. Certiorari denied. Reported below: 963 A. 2d 567.

No. 08–10253. *GOSSAGE v. WASHINGTON.* Sup. Ct. Wash. Certiorari denied. Reported below: 165 Wash. 2d 1, 195 P. 3d 525.

No. 08–10275. *MARKS v. MCKENNA, ATTORNEY GENERAL OF WASHINGTON, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 310 Fed. Appx. 997.

No. 08–10281. *TAYLOR v. WEST VIRGINIA.* Cir. Ct. Mercer County, W. Va. Certiorari denied.

No. 08–10299. *SMITH v. NORTH CAROLINA.* C. A. 4th Cir. Certiorari denied. Reported below: 301 Fed. Appx. 217.

No. 08–10302. *BROWDER v. ANDERSON ET AL.* C. A. 6th Cir. Certiorari denied.

No. 08–10349. *HENRY v. ILLINOIS.* App. Ct. Ill., 4th Dist. Certiorari denied. Reported below: 382 Ill. App. 3d 1227, 967 N. E. 2d 504.

No. 08–10369. *GRISSETTI v. VIRGINIA.* Sup. Ct. Va. Certiorari denied.

No. 08–10383. *JONES v. ADAMS, WARDEN.* C. A. 9th Cir. Certiorari denied. Reported below: 320 Fed. Appx. 738.

No. 08–10394. *VIGIL v. JONES, WARDEN, ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 302 Fed. Appx. 801.

No. 08–10400. *HOLZ v. RIOS.* C. A. 6th Cir. Certiorari denied.

No. 08–10412. *KENDRICK v. ATTORNEY GRIEVANCE COMMISSION OF MARYLAND.* C. A. 4th Cir. Certiorari denied.

No. 08–10447. *WASHBURN v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 313 Fed. Appx. 940.

No. 08–10459. *SPATARO v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. Reported below: 293 Fed. Appx. 24.

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No. 08–10460. *MCDANIEL v. POTTER*, POSTMASTER GENERAL. C. A. 6th Cir. Certiorari denied.

No. 08–10467. *RIVERA-CHAVEZ*, AKA *RIVERA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 310 Fed. Appx. 724.

No. 08–10470. *ENNIS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 08–10474. *JONES v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 312 Fed. Appx. 559.

No. 08–10478. *SMITH v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 08–10479. *MEANS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 08–10481. *PHILLIPS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 311 Fed. Appx. 278.

No. 08–10482. *MORRIS v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 310 Fed. Appx. 442.

No. 08–10486. *VERA-DIAZ v. UNITED STATES*. C. A. 1st Cir. Certiorari denied.

No. 08–10491. *SHAW v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 560 F. 3d 1230.

No. 08–10492. *STEVAHN v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 313 Fed. Appx. 138.

No. 08–10499. *CARRINGER v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 303 Fed. Appx. 151.

No. 08–10500. *ESKRIDGE v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 309 Fed. Appx. 282.

No. 08–10501. *CABALLERO v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 08–10502. *GALINDO v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 319 Fed. Appx. 329.

No. 08–10507. *HARDMAN v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

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No. 08–10513. *ALEJANDRO-GONZALEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 561 F. 3d 398.

No. 08–10516. *ASHIQ v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 307 Fed. Appx. 913.

No. 08–10520. *MADEN v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 311 Fed. Appx. 695.

No. 08–10524. *VALENCIANO-ESPINOZA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 311 Fed. Appx. 696.

No. 08–10527. *HALL v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 557 F. 3d 15.

No. 08–10528. *GONZALEZ v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 550 F. 3d 1319.

No. 08–10530. *RAMIREZ-CARCAMO v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 559 F. 3d 384.

No. 08–10531. *SCOTT v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 311 Fed. Appx. 703.

No. 08–10539. *TAFOYA v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 557 F. 3d 1121.

No. 08–10544. *KOMISARUK v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 266 Fed. Appx. 634.

No. 08–10548. *CAMPBELL v. ASTRUE, COMMISSIONER OF SOCIAL SECURITY*. C. A. 6th Cir. Certiorari denied.

No. 08–10549. *MCCALL v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 08–10550. *CAMPOS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 311 Fed. Appx. 952.

No. 08–10551. *ELLIOT v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 327 Fed. Appx. 540.

No. 08–10554. *BARRIOS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 287 Fed. Appx. 618.

No. 08–10555. *DIAZ-TEJADA v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 311 Fed. Appx. 494.

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No. 08–10557. VALENZUELA-MORALES *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 312 Fed. Appx. 697.

No. 08–993. BEST WESTERN ENCINA LODGE & SUITES ET AL. *v.* D’LIL. C. A. 9th Cir. Motion of National Federation of Independent Business Small Business Legal Center for leave to file a brief as *amicus curiae* granted. Certiorari denied. Reported below: 538 F. 3d 1031.

No. 08–1018. OHIO *v.* VENNEY. Sup. Ct. Ohio. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 120 Ohio St. 3d 176, 897 N. E. 2d 621.

No. 08–9861. ARMANT *v.* KENNEDY ET AL. C. A. 5th Cir. Certiorari before judgment denied.

Rehearing Denied

No. 07–1356. KANSAS *v.* VENTRIS, 556 U. S. 586;

No. 08–7399. MILLER *v.* SMITH, WARDEN, 556 U. S. 1223;

No. 08–8338. HILL *v.* NCO PORTFOLIO MANAGEMENT, 556 U. S. 1155;

No. 08–8539. YOUNG *v.* ILLINOIS, 556 U. S. 1170;

No. 08–8880. THOMAS *v.* SHINSEKI, SECRETARY OF VETERANS AFFAIRS, 556 U. S. 1192;

No. 08–8914. MIDDLETON *v.* QUARTERMAN, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION, 556 U. S. 1211;

No. 08–9090. DORSEY *v.* MCKUNE, WARDEN, ET AL., 556 U. S. 1212;

No. 08–9183. SMITH *v.* SUTER, CLERK, SUPREME COURT OF THE UNITED STATES, ET AL., 556 U. S. 1195;

No. 08–9186. JACKSON *v.* MARICOPA COUNTY PUBLIC DEFENDER’S OFFICE, 556 U. S. 1213;

No. 08–9252. BOONE *v.* UNITED STATES, 556 U. S. 1197;

No. 08–9283. ANDERSON *v.* UNITED STATES, 556 U. S. 1198;

No. 08–9337. DANIELS *v.* UNITED STATES, 556 U. S. 1199; and

No. 08–9878. LESANE *v.* UNITED STATES, 556 U. S. 1253. Petitions for rehearing denied.

No. 08–8738. DELPH *v.* ASTRUE, COMMISSIONER OF SOCIAL SECURITY, 556 U. S. 1189. Motion for leave to file petition for rehearing denied.

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Dismissal Under Rule 46

No. 08–1281. THIRD DIMENSION SEMICONDUCTOR, INC. *v.* FAIRCHILD SEMICONDUCTOR CORP. C. A. Fed. Cir. Certiorari dismissed under this Court’s Rule 46.

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Certiorari Granted—Vacated and Remanded

No. 07–10191. CRAGER *v.* OHIO. Sup. Ct. Ohio. Reported below: 116 Ohio St. 3d 369, 879 N. E. 2d 745;

No. 07–10850. PIMENTEL *v.* MASSACHUSETTS. App. Ct. Mass. Reported below: 71 Mass. App. 1103, 879 N. E. 2d 138;

No. 07–11094. BARBA *v.* CALIFORNIA. Ct. App. Cal., 2d App. Dist.;

No. 07–11183. RIVERA *v.* MASSACHUSETTS. App. Ct. Mass. Reported below: 70 Mass. App. 1116, 877 N. E. 2d 1285; and

No. 08–5958. MORALES *v.* MASSACHUSETTS. App. Ct. Mass. Reported below: 71 Mass. App. 587, 884 N. E. 2d 546. Motions of petitioners for leave to proceed *in forma pauperis* granted. Certiorari granted, judgments vacated, and cases remanded for further consideration in light of *Melendez-Diaz v. Massachusetts*, *ante*, p. 305.

No. 08–40. HIRKO *v.* UNITED STATES. C. A. 5th Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Yeager v. United States*, *ante*, p. 110. Reported below: 521 F. 3d 367.

No. 08–744. OAKLEY ET AL. *v.* CITY OF MEMPHIS, TENNESSEE. C. A. 6th Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Ricci v. DeStefano*, *ante*, p. 557. Reported below: 315 Fed. Appx. 500.

No. 08–1125. PIKE COUNTY JOINT VOCATIONAL SCHOOL DISTRICT ET AL. *v.* KNISLEY ET AL. C. A. 6th Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Safford Unified School Dist. #1 v. Redding*, *ante*, p. 364.

No. 08–8082. HOWE, AKA HARRIS *v.* UNITED STATES. C. A. 8th Cir. Motion of petitioner for leave to proceed *in forma pau-*

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peris granted. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Yeager v. United States*, *ante*, p. 110. Reported below: 538 F. 3d 820.

No. 08–9121. *BLOMQUIST v. UNITED STATES*. C. A. 6th 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 *Chambers v. United States*, 555 U. S. 122 (2009).

No. 08–9958. *MARTINEZ v. UNITED STATES*. 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 *Flores-Figueroa v. United States*, 556 U. S. 646 (2009). Reported below: 322 Fed. Appx. 384.

Certiorari Dismissed

No. 08–9933. *BELL-BOSTON v. CAPITOL HILL HYATT REGENCY*. C. A. D. C. Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8. Reported below: 324 Fed. Appx. 5.

No. 08–9950. *BELL-BOSTON v. GEORGE WASHINGTON UNIVERSITY HOSPITAL, QUALITY MANAGEMENT DEPARTMENT*. C. A. D. C. Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8.

No. 08–9999. *BELL-BOSTON v. SUPERIOR COURT OF THE DISTRICT OF COLUMBIA*. C. A. D. C. Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8. Reported below: 321 Fed. Appx. 6.

No. 08–10012. *JAFFE v. ARIZONA*. Ct. App. Ariz. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8.

No. 08–10043. *GLASS v. FORDNEY ET AL.* C. A. 9th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8.

No. 08–10605. *DEWILLIAMS v. UNITED STATES*. C. A. 10th Cir. Motion of petitioner for leave to proceed *in forma pauperis*

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denied, and certiorari dismissed. See this Court's Rule 39.8. Reported below: 315 Fed. Appx. 81.

No. 08–10674. THOMAS *v.* UNITED STATES. C. A. 7th 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. 08M88. SEALED PETITIONER *v.* UNITED STATES. Motion for leave to file petition for writ of certiorari under seal with redacted copies for the public record granted.

No. 08M89. PEEBLES *v.* EVANS, WARDEN; and

No. 08M91. MOE *v.* HOLDER, ATTORNEY GENERAL. Motions to direct the Clerk to file petitions for writs of certiorari out of time denied.

No. 08M90. ABELE *v.* NOAH ET AL. Motion for leave to proceed as a veteran denied.

No. 08–205. CITIZENS UNITED *v.* FEDERAL ELECTION COMMISSION. D. C. D. C. [Probable jurisdiction noted, 555 U. S. 1028.] Case restored to the calendar for reargument. Parties are directed to file supplemental briefs addressing the following question: “For the proper disposition of this case, should the Court overrule either or both *Austin v. Michigan Chamber of Commerce*, 494 U. S. 652 (1990), and the part of *McConnell v. Federal Election Comm’n*, 540 U. S. 93 (2003), which addresses the facial validity of § 203 of the Bipartisan Campaign Reform Act of 2002, 2 U. S. C. § 441b?” Briefs, not to exceed 6,000 words, are to be filed simultaneously with the Clerk and served upon opposing counsel on or before 2 p.m., Friday, July 24, 2009. *Amicus curiae* briefs, not to exceed 4,500 words, may be filed with the Clerk and served upon counsel to the parties by 2 p.m., Friday, July 31, 2009. Reply briefs, not to exceed 3,000 words, may be filed with the Clerk and served upon opposing counsel on or before 2 p.m., Wednesday, August 19, 2009. Case is set for oral argument at 10 a.m., Wednesday, September 9, 2009.

No. 08–9180. SKLAR ET UX. *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 9th Cir.; and

*For the Court's order making allotment of Justices, see *ante*, p. VI.

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No. 08–10110. *DOLAN v. SUNGARD*, DBA SUNGARD SECURITIES FINANCE, LLC. C. A. 1st Cir. Motions of petitioners for leave to proceed *in forma pauperis* denied. Petitioners are allowed until July 20, 2009, within which to pay the docketing fees required by Rule 38(a) and to submit petitions in compliance with Rule 33.1 of the Rules of this Court.

No. 08–9783. *IN RE PORTER*. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [556 U. S. 1220] denied.

No. 08–10735. *IN RE BLACKWELL*; and
No. 08–10766. *IN RE DALTON*. Petitions for writs of habeas corpus denied.

No. 08–10574. *IN RE WALLACE*. Petition for writ of mandamus denied.

No. 08–9972. *IN RE LOPEZ ORTIZ*. Motion of petitioner for leave to proceed *in forma pauperis* denied, and petition for writ of mandamus dismissed. See this Court's Rule 39.8.

Certiorari Granted

No. 07–11191. *BRISCOE ET AL. v. VIRGINIA*. Sup. Ct. Va. Motion of petitioner for leave to proceed *in forma pauperis* granted. Certiorari granted. Reported below: 275 Va. 283, 657 S. E. 2d 113.

No. 08–645. *ABBOTT v. ABBOTT*. C. A. 5th Cir. Certiorari granted. Reported below: 542 F. 3d 1081.

No. 08–661. *AMERICAN NEEDLE, INC. v. NATIONAL FOOTBALL LEAGUE ET AL.* C. A. 7th Cir. Certiorari granted. Reported below: 538 F. 3d 736.

No. 08–1200. *JERMAN v. CARLISLE, MCNELLIE, RINI, KRAMER & ULRICH LPA ET AL.* C. A. 6th Cir. Certiorari granted. Reported below: 538 F. 3d 469.

No. 08–1214. *GRANITE ROCK CO. v. INTERNATIONAL BROTHERHOOD OF TEAMSTERS ET AL.* C. A. 9th Cir. Certiorari granted. Reported below: 546 F. 3d 1169.

No. 08–810. *CONKRIGHT ET AL. v. FROMMERT ET AL.* C. A. 2d Cir. Motion of Business Roundtable for leave to file a brief

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as *amicus curiae* granted. Certiorari granted. Reported below: 535 F. 3d 111.

No. 08–1196. WEYHRAUCH *v.* UNITED STATES. C. A. 9th Cir. Certiorari granted limited to the following question: “Whether, to convict a state official for depriving the public of its right to the defendant’s honest services through the nondisclosure of material information, in violation of the mail-fraud statute (18 U.S.C. §§ 1341 and 1346), the Government must prove that the defendant violated a disclosure duty imposed by state law.” Reported below: 548 F. 3d 1237.

Certiorari Denied

No. 07–1602. DE LA CRUZ *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. Reported below: 514 F. 3d 121.

No. 07–7577. O’MALEY *v.* NEW HAMPSHIRE. Sup. Ct. N. H. Certiorari denied. Reported below: 156 N. H. 125, 932 A. 2d 1.

No. 07–7770. GEIER *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied. Reported below: 41 Cal. 4th 555, 161 P. 3d 104.

No. 07–8291. WASHINGTON *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 498 F. 3d 225.

No. 07–9369. HINOJOS-MENDOZA *v.* COLORADO. Sup. Ct. Colo. Certiorari denied. Reported below: 169 P. 3d 662.

No. 07–10845. MEEKINS *v.* NEW YORK. Ct. App. N. Y. Certiorari denied. Reported below: 10 N. Y. 3d 136, 884 N. E. 2d 1019.

No. 07–10908. COSME *v.* OHIO. Sup. Ct. Ohio. Certiorari denied. Reported below: 117 Ohio St. 3d 74, 881 N. E. 2d 864.

No. 07–11127. RAINES *v.* NORTH CAROLINA. Sup. Ct. N. C. Certiorari denied. Reported below: 362 N. C. 179, 675 S. E. 2d 374.

No. 08–381. SWEET *v.* NEW JERSEY. Sup. Ct. N. J. Certiorari denied. Reported below: 195 N. J. 357, 949 A. 2d 809.

No. 08–576. FIN-AG, INC. *v.* PIPESTONE LIVESTOCK AUCTION MARKET, INC., ET AL. (Reported below: 754 N. W. 2d 29); FIN-AG, INC. *v.* WATERTOWN LIVESTOCK AUCTION, INC., ET AL. (754 N. W.

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2d 23); and *FIN-AG, INC. v. CIMPL'S, INC., ET AL.* (754 N. W. 2d 1). Sup. Ct. S. D. Certiorari denied.

No. 08-603. *VOS, DIRECTOR, MILLE LACS COUNTY, MINNESOTA, FAMILY SERVICES AND WELFARE DEPARTMENT, ET AL. v. BARG.* Sup. Ct. Minn. Certiorari denied. Reported below: 752 N. W. 2d 52.

No. 08-626. *LEVEL 3 COMMUNICATIONS, LLC v. CITY OF ST. LOUIS, MISSOURI.* C. A. 8th Cir. Certiorari denied. Reported below: 540 F. 3d 794.

No. 08-640. *FEDERAL INSURANCE CO. ET AL. v. KINGDOM OF SAUDI ARABIA ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 538 F. 3d 71.

No. 08-730. *AMERICAN BANKERS ASSN. ET AL. v. BROWN, ATTORNEY GENERAL OF CALIFORNIA, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 541 F. 3d 1214.

No. 08-759. *SPRINT TELEPHONY PCS, L. P. v. SAN DIEGO COUNTY, CALIFORNIA, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 543 F. 3d 571.

No. 08-785. *AGASINO v. HOLDER, ATTORNEY GENERAL, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 08-803. *ALFIERI ET AL. v. CONKRIGHT ET AL.*; and
No. 08-826. *PIETROWSKI ET AL. v. CONKRIGHT ET AL.* C. A. 2d Cir. Certiorari denied.

No. 08-852. *ILLIG ET AL., INDIVIDUALLY AND ON BEHALF OF ALL OTHERS SIMILARLY SITUATED v. UNITED STATES.* C. A. Fed. Cir. Certiorari denied. Reported below: 274 Fed. Appx. 883.

No. 08-863. *STRATMAN v. SALAZAR, SECRETARY OF THE INTERIOR, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 545 F. 3d 1161.

No. 08-951. *TAVORY v. NTP, INC.* C. A. Fed. Cir. Certiorari denied. Reported below: 297 Fed. Appx. 986.

No. 08-1113. *McKNIGHT ET AL. v. GENERAL MOTORS CORP.* C. A. 6th Cir. Certiorari denied. Reported below: 550 F. 3d 519.

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No. 08–1123. *CHEVRONTXACO CORP. ET AL. v. REPUBLIC OF ECUADOR ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 296 Fed. Appx. 124.

No. 08–1129. *PINNICK ET AL. v. CORBOY & DEMETRIO, P. C., ET AL.* Sup. Ct. Ill. Certiorari denied.

No. 08–1130. *TRUTH ET AL. v. KENT SCHOOL DISTRICT ET AL.*; and

No. 08–1268. *KENT SCHOOL DISTRICT ET AL. v. TRUTH ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 542 F. 3d 634.

No. 08–1201. *ABLE TIME, INC. v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 545 F. 3d 824.

No. 08–1202. *IMS HEALTH, INC., ET AL. v. AYOTTE, ATTORNEY GENERAL OF NEW HAMPSHIRE.* C. A. 1st Cir. Certiorari denied. Reported below: 550 F. 3d 42.

No. 08–1203. *QUANTA COMPUTER, INC., ET AL. v. RICOH CO., LTD.* C. A. Fed. Cir. Certiorari denied. Reported below: 550 F. 3d 1325.

No. 08–1206. *ANDREWS ET UX. v. CHEVY CHASE BANK.* C. A. 7th Cir. Certiorari denied. Reported below: 545 F. 3d 570.

No. 08–1212. *BOUDREAUX ET AL. v. LOUISIANA DEPARTMENT OF TRANSPORTATION ET AL.* Ct. App. N. Y. Certiorari denied. Reported below: 11 N. Y. 3d 321, 897 N. E. 2d 1056.

No. 08–1233. *BROOKSHIRE BROTHERS HOLDING, INC., ET AL. v. DAYCO PRODUCTIONS, INC., ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 554 F. 3d 595.

No. 08–1244. *NIXON, GOVERNOR OF MISSOURI, ET AL. v. PHELPS-ROPER.* C. A. 8th Cir. Certiorari denied. Reported below: 545 F. 3d 685.

No. 08–1254. *ZURICH AMERICAN INSURANCE Co. v. LEXINGTON COAL Co., LLC.* C. A. 6th Cir. Certiorari denied. Reported below: 536 F. 3d 683.

No. 08–1304. *FRANKLIN COUNTY POWER OF ILLINOIS, LLC, FKA ENVIROPOWER OF ILLINOIS, LLC, ET AL. v. SIERRA CLUB.* C. A. 7th Cir. Certiorari denied. Reported below: 546 F. 3d 918.

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No. 08–1308. *HING v. HING*. C. A. 4th Cir. Certiorari denied. Reported below: 308 Fed. Appx. 708.

No. 08–1311. *PULLIAM ET AL. v. BANK OF AMERICA ET AL.* Ct. App. Ky. Certiorari denied.

No. 08–1312. *FOSTER v. GRANITE BROADCASTING CORP.* C. A. 2d Cir. Certiorari denied.

No. 08–1316. *MAYO v. CITIBANK SOUTH DAKOTA, N. A.* App. Ct. Ill., 4th Dist. Certiorari denied. Reported below: 383 Ill. App. 3d 1157, 968 N. E. 2d 223.

No. 08–1318. *SCHNEIDER v. RYLAND GROUP*. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 381 Ill. App. 3d 1143, 966 N. E. 2d 607.

No. 08–1327. *HARRIS-BRUNSON v. JENKINS*. Super. Ct. Gwinnet County, Ga. Certiorari denied.

No. 08–1329. *FIA CARD SERVICES, N. A., SUCCESSOR IN INTEREST TO MBNA CORP. v. PARKS, TRUSTEE*. C. A. 10th Cir. Certiorari denied. Reported below: 550 F. 3d 1251.

No. 08–1339. *OSTERBUR v. UNITED STATES ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 309 Fed. Appx. 32.

No. 08–1342. *MORRISSEY ET AL. v. LESNIAK ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 295 Fed. Appx. 587.

No. 08–1382. *BUSHATI ET AL. v. HOLDER, ATTORNEY GENERAL*. C. A. 6th Cir. Certiorari denied. Reported below: 310 Fed. Appx. 883.

No. 08–1390. *LANDERS ET AL., EXECUTORS OF THE ESTATE OF LANDERS, ON BEHALF OF THEMSELVES AND ALL OTHERS SIMILARLY SITUATED v. SEBELIUS, SECRETARY OF HEALTH AND HUMAN SERVICES*. C. A. 2d Cir. Certiorari denied. Reported below: 545 F. 3d 98.

No. 08–1398. *CARY ET AL. v. UNITED STATES*. C. A. Fed. Cir. Certiorari denied. Reported below: 552 F. 3d 1373.

No. 08–1411. *ROSE v. ILLINOIS*. App. Ct. Ill., 2d Dist. Certiorari denied. Reported below: 384 Ill. App. 3d 937, 894 N. E. 2d 156.

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No. 08–1416. *MOORMAN v. UNUMPROVIDENT CORP. ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 303 Fed. Appx. 760.

No. 08–1419. *EWING v. DISTRICT COURT OF MAINE ET AL.* Sup. Jud. Ct. Me. Certiorari denied. Reported below: 964 A. 2d 644.

No. 08–1420. *COALITION OF WATERSHED TOWNS ET AL. v. ENVIRONMENTAL PROTECTION AGENCY ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 552 F. 3d 216.

No. 08–1442. *BESTOR v. FEDERAL BUREAU OF INVESTIGATION.* C. A. D. C. Cir. Certiorari denied.

No. 08–1480. *UDDIN v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. Reported below: 551 F. 3d 176.

No. 08–1481. *VALLEE v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. Reported below: 304 Fed. Appx. 916.

No. 08–8242. *CASAREZ v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 304 Fed. Appx. 325.

No. 08–8259. *BLAYLOCK v. TEXAS.* Ct. App. Tex., 10th Dist. Certiorari denied. Reported below: 259 S. W. 3d 202.

No. 08–8440. *BEN-YISRAYL v. LEVENHAGEN, SUPERINTENDENT, INDIANA STATE PRISON.* C. A. 7th Cir. Certiorari denied. Reported below: 540 F. 3d 542.

No. 08–8726. *DEAN v. UNITED STATES.* Ct. App. D. C. Certiorari denied. Reported below: 938 A. 2d 751.

No. 08–8992. *MALOUF v. UNITED STATES.* C. A. 1st Cir. Certiorari denied.

No. 08–9181. *REA-HERRERA, AKA REA, AKA PENA, AKA GARZA v. UNITED STATES.* C. A. 5th Cir. Certiorari denied.

No. 08–9391. *VINCENT v. UNITED STATES.* C. A. 7th Cir. Certiorari denied.

No. 08–9454. *BROWN v. ALABAMA.* Sup. Ct. Ala. Certiorari denied. Reported below: 11 So. 3d 933.

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No. 08–9550. *BELISLE v. ALABAMA*. Sup. Ct. Ala. Certiorari denied. Reported below: 11 So. 3d 323.

No. 08–9580. *IZAGUIRRE-MEZA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 309 Fed. Appx. 842.

No. 08–9678. *WOETKO ET VIR v. WELT ET AL.* Sup. Ct. N. J. Certiorari denied.

No. 08–9931. *STREATER v. TEXAS*. Ct. App. Tex., 4th Dist. Certiorari denied.

No. 08–9936. *K’NAPP v. KNOWLES ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 295 Fed. Appx. 161.

No. 08–9943. *WARD v. ILLINOIS DEPARTMENT OF CORRECTIONS*. Sup. Ct. Ill. Certiorari denied.

No. 08–9946. *JONES v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 08–9947. *OSBORNE v. CAIN, WARDEN*. C. A. 5th Cir. Certiorari denied.

No. 08–9951. *BENGE v. DELOY, WARDEN, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 08–9952. *BURTON v. CALIFORNIA ET AL.* C. A. 9th Cir. Certiorari denied.

No. 08–9953. *BOSTIC v. FLORIDA*. Dist. Ct. App. Fla., 4th Dist. Certiorari denied.

No. 08–9956. *CASELL v. FIRST CENTURY BANK, N. A.* Cir. Ct. Wyoming County, W. Va. Certiorari denied.

No. 08–9957. *LEWIS v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied.

No. 08–9964. *ZIBBELL ET UX. v. MICHIGAN DEPARTMENT OF HUMAN SERVICES ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 313 Fed. Appx. 843.

No. 08–9968. *ARIZMENDI v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied.

No. 08–9969. *ARIZMENDI v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied.

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No. 08–9970. *ARIZMENDI v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied.

No. 08–9974. *GRAHAM v. MCDANIEL, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 08–9980. *SONACHANSINGH v. NEW YORK*. App. Div., Sup. Ct. N. Y., 3d Jud. Dept. Certiorari denied. Reported below: 52 App. Div. 3d 1022, 859 N. Y. S. 2d 782.

No. 08–9982. *SOKOLSKY v. COURT OF APPEAL OF CALIFORNIA, SECOND APPELLATE DISTRICT, ET AL.* Sup. Ct. Cal. Certiorari denied.

No. 08–9987. *PERRY v. PERRY* (two judgments). C. A. 9th Cir. Certiorari denied.

No. 08–10001. *SAUNDERS v. KELLY, SUPERINTENDENT, MISSISSIPPI STATE PENITENTIARY*. C. A. 5th Cir. Certiorari denied.

No. 08–10006. *SLOVINEC v. AMERICAN UNIVERSITY*. C. A. D. C. Cir. Certiorari denied.

No. 08–10009. *OUELLETTE v. FLORIDA*. Dist. Ct. App. Fla., 2d Dist. Certiorari denied. Reported below: 3 So. 3d 1257.

No. 08–10021. *WILLIAMS v. DELAWARE*. Sup. Ct. Del. Certiorari denied. Reported below: 966 A. 2d 349.

No. 08–10023. *JEE HYUN SONG v. CALIFORNIA*. Ct. App. Cal., 4th App. Dist., Div. 3. Certiorari denied.

No. 08–10024. *DAVIS v. FLORIDA*. Sup. Ct. Fla. Certiorari denied. Reported below: 2 So. 3d 952.

No. 08–10034. *BALLARD v. SIMIEN ET AL.* C. A. 5th Cir. Certiorari denied.

No. 08–10035. *BUTLER v. HOWES, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 08–10039. *WILLIFORD v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 386 Ill. App. 3d 1120, 970 N. E. 2d 624.

No. 08–10044. *HENDRICKSON v. WASHINGTON*. Sup. Ct. Wash. Certiorari denied. Reported below: 165 Wash. 2d 474, 198 P. 3d 1029.

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No. 08–10048. *MEADOR v. NORTH DAKOTA*. Sup. Ct. N. D. Certiorari denied.

No. 08–10051. *EDDINS v. MITRISH, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 08–10054. *EVANS v. MCDANIELS, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 08–10058. *MILES v. NORRIS, DIRECTOR, ARKANSAS DEPARTMENT OF CORRECTION*. C. A. 8th Cir. Certiorari denied.

No. 08–10060. *SANDOVAL NAJERA v. MARTEL, ACTING WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 08–10062. *WHEETLEY v. BLOOM ET VIR.* Ct. App. Mich. Certiorari denied.

No. 08–10065. *BROCK v. MICHIGAN*. Ct. App. Mich. Certiorari denied.

No. 08–10066. *BURTON v. BARRETT, DIRECTOR, SAN JACINTO COUNTY COMMUNITY SUPERVISION DEPARTMENT*. C. A. 5th Cir. Certiorari denied.

No. 08–10069. *CLAUSEN v. FLORIDA*. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 999 So. 2d 690.

No. 08–10097. *TRAVIS v. KNIGHT, SUPERINTENDENT, PENDLETON CORRECTIONAL FACILITY*. C. A. 7th Cir. Certiorari denied.

No. 08–10103. *SWEENEY v. YATES, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 08–10121. *RUBIO v. TENNESSEE*. Sup. Ct. Tenn. Certiorari denied.

No. 08–10124. *PANTANELLI v. STATE FARM FIRE & CASUALTY CO.* C. A. 5th Cir. Certiorari denied. Reported below: 304 Fed. Appx. 290.

No. 08–10126. *LAY v. McDONNELL*. C. A. 4th Cir. Certiorari denied.

No. 08–10130. *BYARS v. WASHINGTON MUTUAL BANK ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 303 Fed. Appx. 211.

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No. 08–10159. *ISLAND v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 385 Ill. App. 3d 316, 896 N. E. 2d 802.

No. 08–10173. *VEGTER v. CANADA LIFE ASSURANCE CO.* C. A. 11th Cir. Certiorari denied. Reported below: 311 Fed. Appx. 248.

No. 08–10181. *VALDEZ v. CATE, SECRETARY, CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 308 Fed. Appx. 181.

No. 08–10200. *MARLIN v. PROSPER, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 08–10202. *MORNINGSTAR v. HANEY, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 08–10207. *AKINS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 312 Fed. Appx. 197.

No. 08–10218. *CONNER v. LIONS GATE ENTERTAINMENT CORP. ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 308 Fed. Appx. 669.

No. 08–10224. *DEAN v. NEW HAMPSHIRE DEPARTMENT OF CORRECTIONS*. Super. Ct. N. H., Merrimack County. Certiorari denied.

No. 08–10226. *MOORE v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 383 Ill. App. 3d 1144, 968 N. E. 2d 218.

No. 08–10229. *WEAVER v. FLORIDA*. Dist. Ct. App. Fla., 4th Dist. Certiorari denied. Reported below: 981 So. 2d 508.

No. 08–10231. *ACKERMAN ET VIR v. UNION SECURITY INSURANCE CO., FKA FORTIS BENEFITS INSURANCE CO.* C. A. 6th Cir. Certiorari denied.

No. 08–10233. *SMITH v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 383 Ill. App. 3d 1145, 968 N. E. 2d 218.

No. 08–10239. *COUCH v. FLORIDA*. Dist. Ct. App. Fla., 2d Dist. Certiorari denied. Reported below: 999 So. 2d 649.

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No. 08–10317. *RICHARDSON v. KANSAS DEPARTMENT OF CORRECTIONS ET AL.* C. A. 10th Cir. Certiorari denied.

No. 08–10322. *RAILEY v. WEBB, WARDEN.* C. A. 6th Cir. Certiorari denied. Reported below: 540 F. 3d 393.

No. 08–10452. *MOSELEY v. BRANKER, WARDEN, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 550 F. 3d 312.

No. 08–10463. *EL v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. Reported below: 309 Fed. Appx. 517.

No. 08–10468. *NEWBURY v. MAINE.* C. A. 1st Cir. Certiorari denied.

No. 08–10494. *DIGGS v. PLILER, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 289 Fed. Appx. 152.

No. 08–10536. *DIGIANNI v. BLOOMBERG, MAYOR OF THE CITY OF NEW YORK, ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 311 Fed. Appx. 492.

No. 08–10562. *GREGORY v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. Reported below: 311 Fed. Appx. 848.

No. 08–10566. *BIERI v. UNITED STATES.* C. A. 8th Cir. Certiorari denied. Reported below: 301 Fed. Appx. 575.

No. 08–10568. *ALONZA-MENDOZA v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 314 Fed. Appx. 82.

No. 08–10570. *JONES v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. Reported below: 308 Fed. Appx. 930.

No. 08–10573. *TAYLOR v. UNITED STATES.* C. A. 11th Cir. Certiorari denied. Reported below: 317 Fed. Appx. 944.

No. 08–10579. *WINDER v. UNITED STATES.* C. A. 10th Cir. Certiorari denied. Reported below: 557 F. 3d 1129.

No. 08–10580. *ZGRZEPSKI v. UNITED STATES.* C. A. 3d Cir. Certiorari denied. Reported below: 323 Fed. Appx. 177.

No. 08–10581. *WOLFSON v. UNITED STATES ET AL.* C. A. 1st Cir. Certiorari denied.

No. 08–10589. *GONZALEZ v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 312 Fed. Appx. 606.

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No. 08–10598. *DIAZ-SANTANA v. UNITED STATES*. C. A. 1st Cir. Certiorari denied.

No. 08–10599. *SALAZAR-RAMIREZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 561 F. 3d 398.

No. 08–10601. *VILLEGAS v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 554 F. 3d 894.

No. 08–10602. *WILLIAMS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 312 Fed. Appx. 641.

No. 08–10608. *RAMEY v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 312 Fed. Appx. 647.

No. 08–10609. *SENAT v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 313 Fed. Appx. 250.

No. 08–10610. *RIDEOUT v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 08–10613. *JOHNSON v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 558 F. 3d 193.

No. 08–10615. *BIGGINS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 304 Fed. Appx. 785.

No. 08–10621. *CAZAREZ CASTILLO v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 169 Fed. Appx. 789.

No. 08–10622. *BISHOP v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 308 Fed. Appx. 380.

No. 08–10623. *LEWIS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 313 Fed. Appx. 703.

No. 08–10627. *DAVIS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 313 Fed. Appx. 372.

No. 08–10628. *BROWN v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 557 F. 3d 297.

No. 08–10630. *BEDELL v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 311 Fed. Appx. 461.

No. 08–10633. *MCCONNELL v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 326 Fed. Appx. 218.

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No. 08–10637. *TAYLOR v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 312 Fed. Appx. 691.

No. 08–10638. *JOHNSON, AKA WISE v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 320 Fed. Appx. 552.

No. 08–10642. *JOHNSON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 308 Fed. Appx. 768.

No. 08–10648. *SIFFORD v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 330 Fed. Appx. 46.

No. 08–10649. *RIVERA-MARRERO v. UNITED STATES*. C. A. 1st Cir. Certiorari denied.

No. 08–10651. *CALDWELL v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 08–10653. *WILLIAMS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 08–10654. *WARRANT v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 314 Fed. Appx. 85.

No. 08–10655. *WARD v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 561 F. 3d 414.

No. 08–10656. *TAYLOR v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 301 Fed. Appx. 508.

No. 08–10657. *CARDENAS-LUNA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 312 Fed. Appx. 603.

No. 08–10660. *ANCELMO-SANTOS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 315 Fed. Appx. 621.

No. 08–10663. *WALKER v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. Reported below: 545 F. 3d 1081.

No. 08–10669. *KINGCADE v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 562 F. 3d 794.

No. 08–10677. *LITTLEHEAD v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 314 Fed. Appx. 84.

No. 08–10688. *BELL v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 555 F. 3d 535.

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No. 08–448. CABLE NEWS NETWORK, INC., ET AL. *v.* CSC HOLDINGS, INC., ET AL. C. A. 2d Cir. Certiorari denied. THE CHIEF JUSTICE and JUSTICE ALITO took no part in the consideration or decision of this petition. Reported below: 536 F. 3d 121.

No. 08–1089. WINKELMAN ET AL. *v.* PARMA CITY SCHOOL DISTRICT. C. A. 6th Cir. Motion of American Occupational Therapy Association et al. for leave to file a brief as *amici curiae* granted. Certiorari denied. Reported below: 294 Fed. Appx. 997.

Rehearing Denied

No. 08–1045. TAYLOR *v.* TODD ET AL., 556 U. S. 1183;

No. 08–1118. KONARSKI ET AL. *v.* CITY OF TUCSON, ARIZONA, ET AL., 556 U. S. 1236;

No. 08–7832. SPEED *v.* UNITED STATES, 556 U. S. 1185;

No. 08–8664. MELVIN *v.* UNITED STATES, 556 U. S. 1239;

No. 08–8861. RAIHALA *v.* CASS COUNTY DISTRICT JUDGE, 556 U. S. 1210;

No. 08–8983. SMITH *v.* BERGHUIS, WARDEN, 556 U. S. 1223;

No. 08–9001. SUTTON *v.* NORTH CAROLINA DEPARTMENT OF LABOR, 556 U. S. 1193;

No. 08–9017. CURRY *v.* CITY OF MANSFIELD, OHIO, ET AL., 556 U. S. 1212;

No. 08–9126. STEWART *v.* CHANDLER, WARDEN, 556 U. S. 1212;

No. 08–9175. SPINDLE *v.* EXECUTIVE BRANCH OF THE UNITED STATES ET AL., 556 U. S. 1195;

No. 08–9177. SCIPPIO *v.* UNITED STATES, 556 U. S. 1203;

No. 08–9215. CLANTON *v.* MUIRFIELD HOLDINGS, LTD., ET AL., 556 U. S. 1225;

No. 08–9225. STONE *v.* CHASE, WARDEN, 556 U. S. 1243;

No. 08–9258. JONES *v.* CATE, SECRETARY, CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION, ET AL., 556 U. S. 1244;

No. 08–9294. DONOVAN, AKA DONOVAN *v.* MCNEIL, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, 556 U. S. 1225;

No. 08–9305. STACKHOUSE *v.* PENNSYLVANIA, 556 U. S. 1213;

No. 08–9350. HOLDER *v.* SHINSEKI, SECRETARY OF VETERANS AFFAIRS, ET AL., 556 U. S. 1200;

No. 08–9457. VAN DANIELS *v.* UNITED STATES, 556 U. S. 1214; and

No. 08–9739. CONARD *v.* UNITED STATES, 556 U. S. 1250. Petitions for rehearing denied.

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JULY 8, 2009

Dismissal Under Rule 46

No. 08–1369. HI-SHEAR TECHNOLOGY CORP. *v.* UNITED SPACE ALLIANCE, LLC. Dist. Ct. App. Fla., 5th Dist. Certiorari dismissed under this Court's Rule 46.1. Reported below: 1 So. 3d 195.

JULY 13, 2009

Miscellaneous Order

No. 09–21 (09A19). POWELL *v.* KELLY, 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 certiorari is granted, the stay shall terminate upon the sending down of the judgment of this Court.

JULY 14, 2009

Certiorari Denied

No. 09–5256 (09A54). FAUTENBERRY *v.* MITCHELL, WARDEN. C. A. 6th Cir. Application for stay of execution of sentence of death, presented to JUSTICE STEVENS, and by him referred to the Court, denied. Certiorari denied. Reported below: 571 F. 3d 1341.

JULY 15, 2009

Dismissal Under Rule 46

No. 08–10675. STRICKLAND *v.* UNITED STATES. C. A. 9th Cir. Certiorari dismissed under this Court's Rule 46. Reported below: 556 F. 3d 1069.

JULY 24, 2009

Dismissal Under Rule 46

No. 08–11080. KUEHNE *v.* UNITED STATES. C. A. 6th Cir. Certiorari dismissed under this Court's Rule 46. Reported below: 547 F. 3d 667.

JULY 27, 2009

Miscellaneous Orders

No. 08A1167. *VANMETER v. BURSON ET AL.* Ct. Sp. App. Md. Application for stay, addressed to JUSTICE BREYER and referred to the Court, denied.

No. D-2453. *IN RE DISCIPLINE OF SUTLEY.* Laurence P. Sutley, of Summerdale, Ala., is suspended from the practice of law in this Court, and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. D-2454. *IN RE DISCIPLINE OF COLVIN.* Ira Benjamin Colvin, of Columbus, Ohio, is suspended from the practice of law in this Court, and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. D-2455. *IN RE DISCIPLINE OF THOMPSON.* Stephen W. Thompson, of Camden, N. J., is suspended from the practice of law in this Court, and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. D-2456. *IN RE DISCIPLINE OF FEINMAN.* Jeffrey B. Feinman, of Cherry Hill, N. J., is suspended from the practice of law in this Court, and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. 08-240. *MAC'S SHELL SERVICE, INC., ET AL. v. SHELL OIL PRODUCTS CO. LLC ET AL.*; and

No. 08-372. *SHELL OIL PRODUCTS CO. LLC ET AL. v. MAC'S SHELL SERVICE, INC., ET AL.* C. A. 1st Cir. [Certiorari granted, *ante*, p. 903.] Motion of the parties to amend the briefing schedule granted. Petitioners in No. 08-372 will file an opening brief on or before August 21, 2009. Petitioners in No. 08-240 will file a response brief on or before September 30, 2009. Petitioners in No. 08-372 will file a reply brief on or before October 30, 2009. Petitioners in No. 08-240 will file a supplemental brief on or before November 13, 2009.

No. 08-680. *MARYLAND v. SHATZER.* Ct. App. Md. [Certiorari granted, 555 U. S. 1152.] Motion of the Solicitor General for

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leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 08–1119. MILAVETZ, GALLOP & MILAVETZ, P. A., ET AL. *v.* UNITED STATES; and

No. 08–1225. UNITED STATES *v.* MILAVETZ, GALLOP & MILAVETZ, P. A., ET AL. C. A. 8th Cir. [Certiorari granted, 556 U.S. 1281.] Motion of the parties to amend the briefing schedule and expand the word limits granted. Petitioners in No. 08–1119 will file an opening brief, not to exceed 20,000 words, on or before August 25, 2009. Petitioner in No. 08–1225 will file a response brief, not to exceed 20,000 words, on or before October 21, 2009. Petitioners in No. 08–1119 will file a reply brief, not to exceed 10,000 words, on or before November 20, 2009.

No. 08–1196. WEYHRAUCH *v.* UNITED STATES. C. A. 9th Cir. [Certiorari granted, *ante*, p. 934.] Motion of petitioner to modify the question presented denied.

No. 08–6925. JOHNSON *v.* UNITED STATES. C. A. 11th Cir. [Certiorari granted, 555 U.S. 1169.] Motion of petitioner for leave to file volume II of the joint appendix under seal granted.

Rehearing Denied

No. 07–1529. MONTEJO *v.* LOUISIANA, 556 U.S. 778;

No. 08–961. MCKINNEY ET AL., JOINTLY AND SEVERALLY *v.* PARSONS, 556 U.S. 1257;

No. 08–1105. MCLEOD *v.* MICHIGAN DEPARTMENT OF TREASURY, 556 U.S. 1222;

No. 08–1138. AUREUS HOLDINGS, LTD., ET AL. *v.* CITY OF DETROIT, MICHIGAN, ET AL., 556 U.S. 1236;

No. 08–1195. OTTERSON *v.* PENNSYLVANIA, 556 U.S. 1238;

No. 08–1239. TUCKER *v.* MONTANA EX REL. BULLOCK, ATTORNEY GENERAL OF MONTANA, ET AL., 556 U.S. 1238;

No. 08–1333. MCRAE *v.* EVANS, 556 U.S. 1283;

No. 08–1347. KRAMER ET UX. *v.* KUBICKA ET UX., 556 U.S. 1270;

No. 08–8363. KING *v.* LOUISIANA DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS ET AL., 556 U.S. 1210;

No. 08–8487. GAREY *v.* UNITED STATES, 556 U.S. 1258;

No. 08–8615. CASTRO *v.* TEXAS, 556 U.S. 1187;

No. 08–8647. GLOVER *v.* MCMASTER, ATTORNEY GENERAL OF SOUTH CAROLINA, ET AL., 556 U.S. 1188;

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- No. 08–8704. *SERRANO v. GARCIA ET AL.*, 556 U. S. 1188;
No. 08–8722. *PAIGE v. MCNEIL*, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, 556 U. S. 1189;
No. 08–8912. *SAYERS v. VIRGINIA*, 556 U. S. 1192;
No. 08–8991. *MONACELLI v. FLORIDA*, 556 U. S. 1223;
No. 08–9007. *TRAN v. SAFECO INSURANCE CO. ET AL.*, 556 U. S. 1223;
No. 08–9034. *WILLIAMS v. QUARTERMAN*, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION, 556 U. S. 1224;
No. 08–9053. *HINDMAN v. HEALY ET AL.*, 556 U. S. 1194;
No. 08–9080. *VARGAS v. DILLARD’S DEPARTMENT STORE, INC.*, 556 U. S. 1240;
No. 08–9109. *BUTLER v. QUARTERMAN*, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION, 556 U. S. 1241;
No. 08–9209. *TAYLOR ET UX. v. MARION COUNTY SUPERIOR COURT NUMBER SEVEN ET AL.*, 556 U. S. 1242;
No. 08–9213. *MANLEY-SALAAM v. DIARRA*, 556 U. S. 1196;
No. 08–9247. *OLIVER v. UNITED STATES*, 556 U. S. 1197;
No. 08–9251. *ALLEN-PLOWDEN v. NATIONAL HEALTH CARE OF SUMTER ET AL.*, 556 U. S. 1244;
No. 08–9278. *WALKER v. FELKER*, WARDEN, 556 U. S. 1244;
No. 08–9299. *REID v. MOORE*, WARDEN, 556 U. S. 1245;
No. 08–9308. *EGAN v. JOHNSON*, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS, 556 U. S. 1225;
No. 08–9432. *PARNELL v. HOUSTON*, DIRECTOR, NEBRASKA DEPARTMENT OF CORRECTIONAL SERVICES, ET AL., 556 U. S. 1246;
No. 08–9449. *STALEY v. GEORGIA*, 556 U. S. 1270;
No. 08–9452. *LEE v. A & W PRITCHARD ENTERPRISES, INC., ET AL.*, 556 U. S. 1246;
No. 08–9492. *WILLIS v. OFFICE OF PERSONNEL MANAGEMENT*, 556 U. S. 1226;
No. 08–9501. *SHARPE v. UNITED STATES*, 556 U. S. 1215;
No. 08–9524. *ZACHARIE v. CALIFORNIA*, 556 U. S. 1271;
No. 08–9532. *OPARAJI v. NORTH EAST AUTO-MARINE TERMINAL ET AL.*, 556 U. S. 1247;
No. 08–9563. *MERCER v. CHERVENAK ET AL.*, 556 U. S. 1272;
No. 08–9571. *ELLISON v. BLACK ET AL.*, 556 U. S. 1284;

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No. 08–9595. *MACKENZIE ET AL. v. DEPARTMENT OF JUSTICE ET AL.*, 556 U. S. 1226;
No. 08–9600. *DISTASIO v. OHIO*, 556 U. S. 1248;
No. 08–9629. *FAN v. ROE ET AL.*, 556 U. S. 1248;
No. 08–9631. *OLIN v. UNITED STATES*, 556 U. S. 1248;
No. 08–9718. *VIERRA v. COCHISE COUNTY, ARIZONA, ET AL.*,
ante, p. 907;
No. 08–9745. *BRITTON v. UNITED STATES ET AL.*, 556 U. S.
1250;
No. 08–9760. *KISSI v. UNITED STATES*, 556 U. S. 1250;
No. 08–9778. *COX v. GILSON, WARDEN*, 556 U. S. 1273;
No. 08–9862. *BAGLEY v. CITY OF TAMPA, FLORIDA*, *ante*,
p. 909;
No. 08–9891. *SCHOTZ v. UNITED STATES*, 556 U. S. 1253;
No. 08–9923. *DADE v. UNITED STATES*, 556 U. S. 1264;
No. 08–9961. *DOWNS v. UNITED STATES*, 556 U. S. 1264; and
No. 08–10320. *ADAMS v. UNITED STATES*, *ante*, p. 911. Peti-
tions for rehearing denied.

JULY 29, 2009

Dismissal Under Rule 46

No. 09–82. *SANDOZ PHARMACEUTICALS CORP., NKA NOVARTIS PHARMACEUTICALS CORP. v. GUNDERSON, ADMINISTRATOR OF THE ESTATE OF GUNDERSON, ET AL.* Sup. Ct. Ky. Certiorari dismissed under this Court’s Rule 46.1. Reported below: 279 S. W. 3d 93.

JULY 30, 2009

Miscellaneous Order

No. 08–911. *KUCANA v. HOLDER, ATTORNEY GENERAL.* C. A. 7th Cir. [Certiorari granted, 556 U. S. 1207.] Amanda Cohen Leiter, Esq., of Washington, D. C., is invited to brief and argue this case, as *amicus curiae*, in support of the judgment below.

AUGUST 17, 2009

Dismissal Under Rule 46

No. 09–5301. *WRIGHT v. UNITED STATES.* C. A. 4th Cir. Certiorari dismissed under this Court’s Rule 46. Reported below: 315 Fed. Appx. 497.

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*Miscellaneous Orders**

No. 08A1088. THOMAS *v.* UNITED STATES. Application for bail, addressed to JUSTICE GINSBURG and referred to the Court, denied.

No. 08A1162. MARTINI *v.* HOLDER, ATTORNEY GENERAL. C. A. 9th Cir. Application for stay, addressed to JUSTICE THOMAS and referred to the Court, denied.

No. 09A39. BUDDHI *v.* HOLDER, ATTORNEY GENERAL. C. A. 7th Cir. Application for stay, addressed to THE CHIEF JUSTICE and referred to the Court, denied.

No. 08–205. CITIZENS UNITED *v.* FEDERAL ELECTION COMMISSION. D. C. D. C. [Probable jurisdiction noted, 555 U.S. 1028.] Motion of Senator Mitch McConnell for leave to participate in oral argument as *amicus curiae* and for divided argument granted. Motion of the Solicitor General for divided argument granted. A total of 80 minutes is allotted for oral argument to be divided as follows: 30 minutes to appellant, 10 minutes to Senator Mitch McConnell, 30 minutes to appellee, and 10 minutes to Senator John McCain et al.

No. 08–678. MOHAWK INDUSTRIES, INC. *v.* CARPENTER. C. A. 11th Cir. [Certiorari granted, 555 U.S. 1152.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 08–1443. IN RE DAVIS. Motions of NAACP et al. and Bob Barr et al. for leave to file briefs as *amici curiae* granted. Petition for writ of habeas corpus transferred to the United States District Court for the Southern District of Georgia for hearing and determination. The District Court should receive testimony and make findings of fact as to whether evidence that could not have been obtained at the time of trial clearly establishes petitioner's innocence. JUSTICE SOTOMAYOR took no part in the consideration or decision of these motions and this petition.

JUSTICE STEVENS, with whom JUSTICE GINSBURG and JUSTICE BREYER join, concurring.

JUSTICE SCALIA's dissent is wrong in two respects. First, he assumes as a matter of fact that petitioner Davis is guilty of the

*For the Court's order making allotment of Justices, see *ante*, p. VII.

murder of Officer MacPhail. He does this even though seven of the State's key witnesses have recanted their trial testimony; several individuals have implicated the State's principal witness as the shooter; and "no court," state or federal, "has ever conducted a hearing to assess the reliability of the score of [postconviction] affidavits that, if reliable, would satisfy the threshold showing for a truly persuasive demonstration of actual innocence," 565 F. 3d 810, 827 (CA11 2009) (Barkett, J., dissenting) (internal quotation marks omitted). The substantial risk of putting an innocent man to death clearly provides an adequate justification for holding an evidentiary hearing. Simply put, the case is sufficiently "exceptional" to warrant utilization of this Court's Rule 20.4(a), 28 U.S.C. § 2241(b), and our original habeas jurisdiction. See *Byrnes v. Walker*, 371 U.S. 937 (1962); *Chaapel v. Cochran*, 369 U.S. 869 (1962).

Second, JUSTICE SCALIA assumes as a matter of law that, "[e]ven if the District Court were to be persuaded by Davis's affidavits, it would have no power to grant relief" in light of 28 U.S.C. § 2254(d)(1). *Post*, at 955. For several reasons, however, this transfer is by no means "a fool's errand." *Post*, at 957. The District Court may conclude that § 2254(d)(1) does not apply, or does not apply with the same rigidity, to an original habeas petition such as this. See *Felker v. Turpin*, 518 U.S. 651, 663 (1996) (expressly leaving open the question whether and to what extent the Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA) applies to original petitions). The court may also find it relevant to the AEDPA analysis that Davis is bringing an "actual innocence" claim. See, e.g., *Triestman v. United States*, 124 F. 3d 361, 377–380 (CA2 1997) (discussing "serious" constitutional concerns that would arise if AEDPA were interpreted to bar judicial review of certain actual innocence claims); Pet. for Writ of Habeas Corpus 20–22 (arguing that Congress intended actual innocence claims to have special status under AEDPA). Even if the court finds that § 2254(d)(1) applies in full, it is arguably unconstitutional to the extent it bars relief for a death row inmate who has established his innocence. Alternatively, the court may find in such a case that the statute's text is satisfied, because decisions of this Court clearly support the proposition that it "would be an atrocious violation of our Constitution and the principles upon which it is based" to execute an innocent

person. 565 F. 3d, at 830 (Barkett, J., dissenting); cf. *Teague v. Lane*, 489 U.S. 288, 311–313 (1989) (plurality opinion).

JUSTICE SCALIA would pretermitt all of these unresolved legal questions on the theory that we must treat even the most robust showing of actual innocence identically on habeas review to an accusation of minor procedural error. Without briefing or argument, he concludes that Congress chose to foreclose relief and that the Constitution permits this. But imagine a petitioner in Davis' situation who possesses new evidence conclusively and definitively proving, beyond any scintilla of doubt, that he is an innocent man. The dissent's reasoning would allow such a petitioner to be put to death nonetheless. The Court correctly refuses to endorse such reasoning.

JUSTICE SCALIA, with whom JUSTICE THOMAS joins, dissenting.

Today this Court takes the extraordinary step—one not taken in nearly 50 years—of instructing a district court to adjudicate a state prisoner's petition for an original writ of habeas corpus. The Court proceeds down this path even though every judicial and executive body that has examined petitioner's stale claim of innocence has been unpersuaded, and (to make matters worst) even though it would be impossible for the District Court to grant any relief. Far from demonstrating, as this Court's Rule 20.4(a) requires, "exceptional circumstances" that "warrant the exercise of the Court's discretionary powers," petitioner's claim is a sure loser. Transferring his petition to the District Court is a confusing exercise that can serve no purpose except to delay the State's execution of its lawful criminal judgment. I respectfully dissent.

Eighteen years ago, after a trial untainted by constitutional defect, a unanimous jury found petitioner Troy Anthony Davis guilty of the murder of Mark Allen MacPhail. The evidence showed that MacPhail, an off-duty police officer, was shot multiple times after responding to the beating of a homeless man in a restaurant parking lot. *Davis v. State*, 263 Ga. 5, 5–6, 426 S. E. 2d 844, 845–846, cert. denied, 510 U.S. 950 (1993). Davis admits that he was present during the beating of the homeless man, but he maintains that it was one of his companions who shot Officer MacPhail. It is this claim of "actual innocence"—the same defense Davis raised at trial but now allegedly supported by new corroborating affidavits—that Davis raises as grounds for relief.

And (presumably) it is this claim that the Court wants the District Court to adjudicate once the petition is transferred.

Even if the District Court were to be persuaded by Davis's affidavits, it would have no power to grant relief. Federal courts may order the release of convicted state prisoners only in accordance with the restrictions imposed by the Antiterrorism and Effective Death Penalty Act of 1996. See *Felker v. Turpin*, 518 U.S. 651, 662 (1996). Insofar as it applies to the present case, that statute bars the issuance of a writ of habeas corpus "with respect to any claim that was adjudicated on the merits in State court proceedings unless the adjudication of the claim . . . resulted in a decision that was contrary to, or involved an unreasonable application of, clearly established Federal law, as determined by the Supreme Court of the United States." 28 U.S.C. § 2254(d)(1).

The Georgia Supreme Court rejected petitioner's "actual-innocence" claim on the merits, denying his extraordinary motion for a new trial. Davis can obtain relief only if that determination was contrary to, or an unreasonable application of, "clearly established Federal law, as determined by the Supreme Court of the United States." It most assuredly was not. This Court has *never* held that the Constitution forbids the execution of a convicted defendant who has had a full and fair trial but is later able to convince a habeas court that he is "actually" innocent. Quite to the contrary, we have repeatedly left that question unresolved, while expressing considerable doubt that any claim based on alleged "actual innocence" is constitutionally cognizable. See *Herrera v. Collins*, 506 U.S. 390, 400–401, 416–417 (1993); see also *House v. Bell*, 547 U.S. 518, 555 (2006); *District Attorney's Office for Third Judicial Dist. v. Osborne*, *ante*, at 71–72. A state court cannot possibly have contravened, or even unreasonably applied, "clearly established Federal law, as determined by the Supreme Court of the United States," by rejecting a type of claim that the Supreme Court has not once accepted as valid.

JUSTICE STEVENS says that we need not be deterred by the limitations that Congress has placed on federal courts' authority to issue the writ, because we cannot rule out the possibility that the District Court might find those limitations unconstitutional as applied to actual-innocence claims. *Ante*, at 953 (concurring opinion). (This is not a possibility that Davis has raised, but one that JUSTICE STEVENS has imagined.) But acknowledging that possibility would make a nullity of § 2254(d)(1). There is no sound

basis for distinguishing an actual-innocence claim from any other claim that is alleged to have produced a wrongful conviction. If the District Court here can ignore §2254(d)(1) on the theory that otherwise Davis's actual-innocence claim would (unconstitutionally) go unaddressed, the same possibility would exist for *any* claim going beyond "clearly established Federal law."

The existence of that possibility is incompatible with the many cases in which we have reversed lower courts for their failure to apply §2254(d)(1), with no consideration of constitutional entitlement. See, e. g., *Knowles v. Mirzayance*, 556 U. S. 111, 122 (2009); *Wright v. Van Patten*, 552 U. S. 120, 125–126 (2008) (*per curiam*); *Carey v. Musladin*, 549 U. S. 70, 76–77 (2006). We have done so because the argument that the Constitution requires federal-court screening of all state convictions for constitutional violations is frivolous. For much of our history, federal habeas review was not available even for those state convictions claimed to be in violation of clearly established federal law. See *Stone v. Powell*, 428 U. S. 465, 474–476 (1976); Bator, Finality in Criminal Law and Federal Habeas Corpus for State Prisoners, 76 Harv. L. Rev. 441, 465–466 (1963); L. Yackle, Postconviction Remedies §19 (1981). It seems to me improper to grant the extraordinary relief of habeas corpus on the possibility that we have approved—indeed, directed—the disregard of constitutional imperatives in the past. If we have new-found doubts regarding the constitutionality of §2254(d)(1), we should hear Davis's application and resolve that question (if necessary) ourselves.*

Transferring this case to a court that has no power to grant relief is strange enough. It becomes stranger still when one realizes that the allegedly new evidence we shunt off to be examined by the District Court has already been considered (and rejected) multiple times. Davis's postconviction "actual-innocence" claim is not new. Most of the evidence on which it is based is almost a decade old. A State Supreme Court, a State Board of Pardons and Paroles, and a Federal Court of Appeals have all considered

*JUSTICE STEVENS' other arguments as to why §2254(d)(1) might be inapplicable—that it does not apply to original petitions filed in this Court (even though its text covers all federal habeas petitions), and that it contains an exception (not to be found in its text) for claims of actual innocence—do not warrant response.

the evidence Davis now presents and found it lacking. (I do not rely upon the similar conclusion of the Georgia trial court, since unlike the others that court relied substantially upon Georgia evidentiary rules rather than the unpersuasiveness of the evidence Davis brought forward. See App. to Pet. for Writ of Habeas Corpus 57a–63a.)

The Georgia Supreme Court “look[ed] beyond bare legal principles that might otherwise be controlling to the core question of whether a jury presented with Davis’s allegedly-new testimony would probably find him not guilty or give him a sentence other than death.” *Davis v. State*, 283 Ga. 438, 447, 660 S. E. 2d 354, 362 (2008). After analyzing each of Davis’s proffered affidavits and comparing them with the evidence adduced at trial, it concluded that it was not probable that they would produce a different result. See *id.*, at 440–447, 660 S. E. 2d, at 358–363.

When Davis sought clemency before the Georgia Board of Pardons and Paroles, that tribunal stayed his execution and “spent more than a year studying and considering [his] case.” Brief in Opposition 14–15 (statement of Board of Pardons and Paroles). It “gave Davis’ attorneys an opportunity to present every witness they desired to support their allegation that there is doubt as to Davis’ guilt”; it “heard each of these witnesses and questioned them closely.” *Id.*, at 15. It “studied the voluminous trial transcript, the police investigation report and the initial statements of the witnesses,” and “had certain physical evidence retested and Davis interviewed.” *Ibid.* “After an exhaustive review of all available information regarding the Troy Davis case and after considering all possible reasons for granting clemency, the Board . . . determined that clemency is not warranted.” *Ibid.*

After reviewing the record, the Eleventh Circuit came to a conclusion “wholly consonant with the repeated conclusions of the state courts and the State Board of Pardons and Paroles.” 565 F. 3d 810, 825 (2009). “When we view all of this evidence as a whole, we cannot honestly say that Davis can establish by clear and convincing evidence that a jury would not have found him guilty of Officer MacPhail’s murder.” *Id.*, at 826.

Today, without explanation and without any meaningful guidance, this Court sends the District Court for the Southern District of Georgia on a fool’s errand. That court is directed to consider evidence of actual innocence which has been reviewed and rejected at least three times, and which, even if adequate to

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persuade the District Court, cannot (as far as anyone knows) form the basis for any relief. I truly do not see how the District Court can discern what is expected of it. If this Court thinks it possible that capital convictions obtained in full compliance with law can never be final, but are always subject to being set aside by federal courts for the reason of “actual innocence,” it should set this case on our own docket so that we can (if necessary) resolve that question. Sending it to a district court that “might” be authorized to provide relief, but then again “might” be reversed if it did so, is not a sensible way to proceed.

Certiorari Denied

No. 09–5935 (09A171). *GETSY v. STRICKLAND*, GOVERNOR OF OHIO, ET AL. C. A. 6th Cir. Application for stay of execution of sentence of death, presented to JUSTICE STEVENS, and by him referred to the Court, denied. Certiorari denied. JUSTICE STEVENS, JUSTICE GINSBURG, JUSTICE BREYER, and JUSTICE SOTOMAYOR would grant the application for stay of execution. Reported below: 577 F. 3d 309.

Rehearing Denied

No. 08–310. *POLAR TANKERS, INC. v. CITY OF VALDEZ, ALASKA*, *ante*, p. 1;

No. 08–1098. *MADSEN, INDIVIDUALLY AND ON BEHALF OF ALL OTHERS SIMILARLY SITUATED v. JPMORGAN CHASE BANK, N. A.*, 556 U. S. 1282;

No. 08–1217. *KEATING v. ABBOTT ET AL.*, 556 U. S. 1269;

No. 08–1220. *HENDERSON v. ROBERTSON ET AL.*, 556 U. S. 1282;

No. 08–1259. *WEISS ET UX. v. EL AL ISRAEL AIRLINES*, *ante*, p. 904;

No. 08–1276. *HENDERSON v. SONY PICTURES ENTERTAINMENT, INC., ET AL.*, *ante*, p. 920;

No. 08–1289. *SORO v. CITIGROUP*, *ante*, p. 920;

No. 08–1292. *ACOSTA v. CITY OF PHOENIX, ARIZONA*, *ante*, p. 905;

No. 08–1298. *KRUEGER v. MINNESOTA*, *ante*, p. 905;

No. 08–1308. *HING v. HING*, *ante*, p. 937;

No. 08–1362. *BADWAL v. BUIE ET AL.*, *ante*, p. 905;

No. 08–1399. *HENDRICKSON ET UX. v. UNITED STATES*, *ante*, p. 905;

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- No. 08–1426. PAPA ET UX. *v.* ARIZONA ET AL., *ante*, p. 921;
No. 08–8110. HERNANDEZ DOBLE *v.* PUERTO RICO, 556 U. S. 1209;
No. 08–9159. HOWARD *v.* INOVA HEALTH CARE SERVICES, 556 U. S. 1284;
No. 08–9264. HUNT *v.* WOLFENBARGER, WARDEN, 556 U. S. 1244;
No. 08–9311. LILLARD *v.* SERVICE SOLUTIONS CORP. ET AL., 556 U. S. 1259;
No. 08–9377. DUNKLE *v.* VIRGINIA, 556 U. S. 1260;
No. 08–9423. KELLEY *v.* HUMBLE INDEPENDENT SCHOOL DISTRICT, 556 U. S. 1246;
No. 08–9438. HILLARY *v.* MCNEIL, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL., 556 U. S. 1246;
No. 08–9530. ALLEN *v.* FLORIDA, 556 U. S. 1247;
No. 08–9539. WANG *v.* STATE UNIVERSITY OF NEW YORK HEALTH SCIENCES CENTER AT STONY BROOK, ET AL., 556 U. S. 1272;
No. 08–9658. STEWARD *v.* INTERNATIONAL LONGSHOREMEN’S ASSOCIATION, LOCAL No. 1408, 556 U. S. 1262;
No. 08–9678. WOETKO ET VIR *v.* WELT ET AL., *ante*, p. 939;
No. 08–9699. WALKER *v.* ROBINSON, *ante*, p. 906;
No. 08–9736. SNIPES *v.* MCNEIL, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, 556 U. S. 1273;
No. 08–9804. TIMMON *v.* WOOD ET AL., 556 U. S. 1273;
No. 08–9850. LOONEY ET UX. *v.* CAMPBELL ET AL., 556 U. S. 1263;
No. 08–9875. CORBIN *v.* UNITED AIRLINES ET AL., *ante*, p. 923;
No. 08–9881. SMITH *v.* DUFFEY, WARDEN, 556 U. S. 1287;
No. 08–9910. IN RE CAMPBELL, *ante*, p. 918;
No. 08–9929. COHEN *v.* PENNSYLVANIA, *ante*, p. 924;
No. 08–9952. BURTON *v.* CALIFORNIA ET AL., *ante*, p. 939;
No. 08–9968. ARIZMENDI *v.* TEXAS, *ante*, p. 939;
No. 08–10050. DOYLE *v.* CELLA ET AL., 556 U. S. 1287;
No. 08–10055. KARNOFEL *v.* DWYCO XEROX OFFICE CENTER, 556 U. S. 1287;
No. 08–10082. RUDD, AKA AZIZ *v.* WERHOLTZ, SECRETARY, KANSAS DEPARTMENT OF CORRECTIONS, ET AL., *ante*, p. 909;
No. 08–10163. FELD HACKER *v.* BAKEWELL, WARDEN, ET AL., *ante*, p. 909;
No. 08–10226. MOORE *v.* ILLINOIS, *ante*, p. 942;

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- No. 08–10287. *MILLER v. UNITED STATES*, *ante*, p. 910;
No. 08–10302. *BROWDER v. ANDERSON ET AL.*, *ante*, p. 926;
No. 08–10412. *KENDRICK v. ATTORNEY GRIEVANCE COMMISSION OF MARYLAND*, *ante*, p. 926;
No. 08–10460. *MCDANIEL v. POTTER*, POSTMASTER GENERAL, *ante*, p. 927;
No. 08–10485. *IN RE TORRES*, *ante*, p. 902;
No. 08–10590. *IN RE JEREMIAH*, *ante*, p. 918; and
No. 08–10627. *DAVIS v. UNITED STATES*, *ante*, p. 944. Petitions for rehearing denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of these petitions.
No. 08–1236. *GIMBEL v. CALIFORNIA ET AL.*, 556 U. S. 1289. Petition for rehearing denied. JUSTICE BREYER and JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition.
No. 08–9058. *MARTIN v. OFFICE OF PERSONNEL MANAGEMENT*, 556 U. S. 1173. Motion for leave to file petition for rehearing denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this motion.

AUGUST 19, 2009

Certiorari Denied

- No. 09–5778 (09A141). *MAREK v. FLORIDA*. Sup. Ct. Fla. Application for stay of execution of sentence of death, presented to JUSTICE THOMAS, and by him referred to the Court, denied. Certiorari denied. Reported below: 8 So. 3d 1123.
No. 09–5943 (09A173). *MAREK v. FLORIDA*. Sup. Ct. Fla. Application for stay of execution of sentence of death, presented to JUSTICE THOMAS, and by him referred to the Court, denied. Certiorari denied. Reported below: 14 So. 3d 985.
No. 09–5998 (09A190). *MAREK v. MCNEIL*, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Application for stay of execution of sentence of death, presented to JUSTICE THOMAS, and by him referred to the Court, denied. Certiorari denied.

AUGUST 24, 2009

Dismissal Under Rule 46

- No. 08–1513. *CENTER FOR AUTO SAFETY ET AL. v. CHRYSLER LLC ET AL.* C. A. 2d Cir. Certiorari dismissed as to Center for

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Auto Safety, Consumer Action, Consumers for Auto Reliability and Safety, National Association of Consumer Advocates, and Public Citizen under this Court's Rule 46. Reported below: 576 F. 3d 108.

AUGUST 27, 2009

Dismissal Under Rule 46

No. 08–1513. LOVITZ ET AL. *v.* CHRYSLER LLC ET AL. C. A. 2d Cir. Certiorari dismissed as to Ad Hoc Committee of Consumer-Victims of Chrysler LLC under this Court's Rule 46. Reported below: 576 F. 3d 108.

AUGUST 28, 2009

Dismissal Under Rule 46

No. 08–1513. LOVITZ ET AL. *v.* CHRYSLER LLC ET AL. C. A. 2d Cir. Certiorari dismissed under this Court's Rule 46. Reported below: 576 F. 3d 108.

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Miscellaneous Orders

No. 09A130. CHUMPIA *v.* WELLS FARGO HOME MORTGAGE. Chancery Ct. Tenn., 30th Jud. Dist. Application for stay, addressed to JUSTICE SOTOMAYOR and referred to the Court, denied.

No. 09A137. REHBERGER *v.* HENRY COUNTY, GEORGIA, ET AL. C. A. 11th Cir. Application for stay, addressed to JUSTICE SOTOMAYOR and referred to the Court, denied.

No. 08–103. REED ELSEVIER, INC., ET AL. *v.* MUCHNICK ET AL. C. A. 2d Cir. [Certiorari granted, 555 U. S. 1211.] Motion of the Solicitor General for leave to participate in oral argument as *amici curiae* and for divided argument granted. JUSTICE SOTOMAYOR took no part in the consideration or decision of this motion.

No. 08–205. CITIZENS UNITED *v.* FEDERAL ELECTION COMMISSION. D. C. D. C. [Probable jurisdiction noted, 555 U. S. 1028.] Motion of Wyoming Liberty Group et al. for leave to participate in oral argument as *amici curiae* and for divided argument denied.

No. 08–351. ALVAREZ, COOK COUNTY STATE'S ATTORNEY *v.* SMITH ET AL. C. A. 7th Cir. [Certiorari granted, 555 U. S.

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1169.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 08–472. SALAZAR, SECRETARY OF THE INTERIOR, ET AL. *v.* BUONO. C. A. 9th Cir. [Certiorari granted, 555 U.S. 1169.] Motion of Veterans of Foreign Wars of the United States et al. for leave to participate in oral argument as *amici curiae* and for divided argument denied.

No. 08–559. MCDANIEL, WARDEN, ET AL. *v.* BROWN. C. A. 9th Cir. [Certiorari granted, 555 U.S. 1152.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 08–651. PADILLA *v.* KENTUCKY. Sup. Ct. Ky. [Certiorari granted, 555 U.S. 1169.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 08–1065. POTTAWATTAMIE COUNTY, IOWA, ET AL. *v.* MCGHEE ET AL. C. A. 8th Cir. [Certiorari granted, 556 U.S. 1181.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 08–1107. HERTZ CORP. *v.* FRIEND ET AL. C. A. 9th Cir. [Certiorari granted, 556 U.S. 1281.] Motion of petitioner to dispense with printing the joint appendix granted.

No. 08–7412. GRAHAM *v.* FLORIDA. Dist. Ct. App. Fla., 1st Dist. [Certiorari granted, 556 U.S. 1220.] Motion of petitioner for leave to file volume III of the joint appendix under seal granted.

Rehearing Denied

No. 08–1250. QUIROZ ARRATIA *v.* HOLDER, ATTORNEY GENERAL, 556 U.S. 1269;

No. 08–9267. HARRIS *v.* QUARTERMAN, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION, 556 U.S. 1244;

No. 08–9373. RICHARDSON *v.* QUARTERMAN, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION, 556 U.S. 1260;

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- No. 08–9584. *LEE v. NEW YORK*, 556 U. S. 1284;
No. 08–9622. *HIEBER v. STEARNS*, 556 U. S. 1285;
No. 08–9733. *BROWN v. BAGLEY, WARDEN, ET AL.*, 556 U. S. 1249;
No. 08–9924. *WILLIAMS v. JOHNSON ET AL.*, *ante*, p. 924;
No. 08–10006. *SLOVINEC v. AMERICAN UNIVERSITY*, *ante*, p. 940;
No. 08–10035. *BUTLER v. HOWES, WARDEN*, *ante*, p. 940;
No. 08–10114. *AUSTIN v. CASKEY, WARDEN*, *ante*, p. 909;
No. 08–10119. *DAVIS-JACKSON v. FEDERICCI ET AL.*, *ante*, p. 925;
No. 08–10124. *PANTANELLI v. STATE FARM FIRE & CASUALTY CO.*, *ante*, p. 941;
No. 08–10126. *LAY v. McDONNELL*, *ante*, p. 941;
No. 08–10181. *VALDEZ v. CATE, SECRETARY, CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION, ET AL.*, *ante*, p. 942;
No. 08–10204. *JAMES v. UNITED STATES*, 556 U. S. 1288; and
No. 08–10231. *ACKERMAN ET VIR v. UNION SECURITY INSURANCE CO., FKA FORTIS BENEFITS INSURANCE CO.*, *ante*, p. 942. Petitions for rehearing denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of these petitions.

SEPTEMBER 9, 2009

Dismissal Under Rule 46

No. 09–5502. *JAMES v. UNITED STATES*. C. A. 9th Cir. Certiorari dismissed under this Court's Rule 46. Reported below: 556 F. 3d 1062.

SEPTEMBER 11, 2009

Miscellaneous Order

No. 09A234. *SCHWARZENEGGER, GOVERNOR OF CALIFORNIA, ET AL. v. COLEMAN ET AL.* D. C. E. D. Cal. Application for stay, presented to JUSTICE KENNEDY, and by him referred to the Court, denied. In denying the stay, the Court takes note of the fact that the three-judge District Court has indicated that its final order will not be implemented until this Court has had the opportunity to review the District Court's decree.

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SEPTEMBER 14, 2009

Certiorari Denied

No. 09–6401 (09A253). *BROOM v. OHIO*. Sup. Ct. Ohio. Application for stay of execution of sentence of death, presented to JUSTICE STEVENS, and by him referred to the Court, denied. Certiorari denied. Reported below: 123 Ohio St. 3d 114, 914 N. E. 2d 392.

SEPTEMBER 15, 2009

Rehearing Denied

No. 09–6401. *BROOM v. OHIO*, *ante* this page. Petition for rehearing denied.

SEPTEMBER 22, 2009

Miscellaneous Orders

No. 09A275. *COLEMAN v. TEXAS*. Application for stay of execution of sentence of death, presented to JUSTICE SCALIA, and by him referred to the Court, denied.

No. 09A276. *COLEMAN v. TEXAS*. Application for stay of execution of sentence of death, presented to JUSTICE SCALIA, and by him referred to the Court, denied.

SEPTEMBER 23, 2009

Miscellaneous Order

No. 08–9991 (09A9). *MOSLEY v. THALER, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Application for stay of execution of sentence of death, presented to JUSTICE SCALIA, and by him referred to the Court, granted pending the disposition of the petition for writ of certiorari. Should the petition for writ of certiorari be denied, this stay shall terminate automatically. In the event the petition for writ of certiorari is granted, the stay shall terminate upon the sending down of the judgment of this Court.

SEPTEMBER 24, 2009

Dismissal Under Rule 46

No. 09–221. *IN RE ANNEX BOOKS, INC., ET AL.* Petition for writ of mandamus dismissed under this Court's Rule 46.

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SEPTEMBER 30, 2009

Miscellaneous Orders

No. 08–724. SMITH, WARDEN *v.* SPISAK. C. A. 6th Cir. [Certiorari granted, 555 U.S. 1169.] Motion of respondent for appointment of counsel granted. Michael J. Benza, Esq., of Chagrin Falls, Ohio, is appointed to serve as counsel for respondent in this case.

No. 08–970. PERDUE, GOVERNOR OF GEORGIA, ET AL. *v.* KENNY A., BY HIS NEXT FRIEND WINN, ET AL. C. A. 11th Cir. [Certiorari granted, 556 U.S. 1165.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 08–1065. POTTAWATTAMIE COUNTY, IOWA, ET AL. *v.* MCGHEE ET AL. C. A. 8th Cir. [Certiorari granted, 556 U.S. 1181.] Motion of petitioners to allow Stephen S. Sanders to argue *pro hac vice* granted.

Certiorari Granted

No. 08–974. LEWIS ET AL. *v.* CITY OF CHICAGO, ILLINOIS. C. A. 7th Cir. Certiorari granted. Reported below: 528 F. 3d 488.

No. 08–1301. CARR *v.* UNITED STATES. C. A. 7th Cir. Certiorari granted. Reported below: 551 F. 3d 578.

No. 08–1322. ASTRUE, COMMISSIONER OF SOCIAL SECURITY *v.* RATLIFF. C. A. 8th Cir. Certiorari granted. Reported below: 540 F. 3d 800.

No. 08–1402. BERGHUIS, WARDEN *v.* SMITH. C. A. 6th Cir. Certiorari granted. Reported below: 543 F. 3d 326.

No. 08–1521. McDONALD ET AL. *v.* CITY OF CHICAGO, ILLINOIS, ET AL. C. A. 7th Cir. Certiorari granted. Reported below: 567 F. 3d 856.

No. 08–1555. SAMANTAR *v.* YOUSUF ET AL. C. A. 4th Cir. Certiorari granted. Reported below: 552 F. 3d 371.

No. 08–1470. BERGHUIS, WARDEN *v.* THOMPkins. C. A. 6th Cir. Motion of respondent for leave to proceed *in forma pau-*

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peris granted. Certiorari granted. Reported below: 547 F. 3d 572.

No. 08–1498. HOLDER, ATTORNEY GENERAL, ET AL. *v.* HUMANITARIAN LAW PROJECT ET AL.; and

No. 09–89. HUMANITARIAN LAW PROJECT ET AL. *v.* HOLDER, ATTORNEY GENERAL, ET AL. C. A. 9th Cir. Certiorari granted, cases consolidated, and a total of one hour is allotted for oral argument. Reported below: 552 F. 3d 916.

No. 08–1529. MIGLIACCIO ET AL. *v.* CASTANEDA, AS PERSONAL REPRESENTATIVE OF THE ESTATE OF CASTANEDA, ET AL.; and

No. 08–1547. HENNEFORD *v.* CASTANEDA, AS PERSONAL REPRESENTATIVE OF THE ESTATE OF CASTANEDA, ET AL. C. A. 9th Cir. Certiorari granted, cases consolidated, and a total of one hour is allotted for oral argument. Reported below: 546 F. 3d 682.

No. 08–1569. UNITED STATES *v.* O'BRIEN ET AL. C. A. 1st Cir. Motions of respondents for leave to proceed *in forma pauperis* granted. Certiorari granted. Reported below: 542 F. 3d 921.

OCTOBER 2, 2009

Dismissal Under Rule 46

No. 09–103. BOSTON SCIENTIFIC SCIMED, INC., ET AL. *v.* CORDIS CORP. ET AL. C. A. Fed. Cir. Certiorari dismissed under this Court's Rule 46.1. Reported below: 554 F. 3d 982.