

ORDERS FOR JANUARY 25 THROUGH
MAY 12, 2010

JANUARY 25, 2010

Certiorari Granted—Vacated and Remanded

No. 08–1484. ANAYA-AGUILAR *v.* HOLDER, ATTORNEY GENERAL. C. A. 7th Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Kucana v. Holder*, 558 U.S. 233 (2010). Reported below: 302 Fed. Appx. 481.

No. 09–6785. AGUILAR *v.* VIRGINIA. Sup. Ct. Va. Motion of petitioner for leave to proceed *in forma pauperis* granted. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Melendez-Diaz v. Massachusetts*, 557 U.S. 305 (2009).

Vacated and Remanded After Certiorari Granted. (See No. 07–11191, *ante*, p. 32.)

Certiorari Dismissed

No. 09–8094. VIEUX *v.* UNITED STATES. C. A. 11th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court’s Rule 39.8.

Miscellaneous Orders

No. 09M65. NORIEGA-QUIJANO *v.* POTTER, POSTMASTER GENERAL. Motion to direct the Clerk to file petition for writ of certiorari out of time denied.

No. 09M66. MORRIS *v.* SUPREME COURT OF THE UNITED STATES ET AL. Motion to direct the Clerk to file petition for writ of certiorari out of time under this Court’s Rule 14.5 denied.

No. 139, Orig. MISSISSIPPI *v.* CITY OF MEMPHIS, TENNESSEE, ET AL. Motion for leave to file bill of complaint denied without

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prejudice. See *Virginia v. Maryland*, 540 U. S. 56, 74, n. 9 (2003); *Colorado v. New Mexico*, 459 U. S. 176, 187, n. 13 (1982).

No. 08–1521. *MCDONALD ET AL. v. CITY OF CHICAGO, ILLINOIS, ET AL.* C. A. 7th Cir. [Certiorari granted, 557 U. S. 965.] Motion of Texas et al. for leave to participate in oral argument as *amici curiae* and for divided argument denied. Motion of respondents National Rifle Association, Inc., et al. for divided argument granted. Motion of Law Professor and Students for leave to file a brief as *amici curiae* granted.

No. 08–1569. *UNITED STATES v. O'BRIEN ET AL.* C. A. 1st Cir. [Certiorari granted, 557 U. S. 966.] Motion of respondents for divided argument denied.

No. 08–9972. *IN RE LOPEZ ORTIZ.* Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [557 U. S. 933] denied.

No. 08–10169. *ORTIZ, AKA LOPEZ ORTIZ v. THALER, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION, ET AL.* C. A. 5th Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [558 U. S. 983] denied.

No. 09–329. *CHASE BANK USA, N. A. v. MCCOY, INDIVIDUALLY AND ON BEHALF OF ALL OTHERS SIMILARLY SITUATED.* C. A. 9th Cir.; and

No. 09–438. *PROVIDENCE HOSPITAL ET AL. v. MOSES, PERSONAL REPRESENTATIVE OF THE ESTATE OF MOSES-IRONS, DECEASED.* C. A. 6th Cir. The Solicitor General is invited to file briefs in these cases expressing the views of the United States.

No. 09–5630. *ODUOK v. FERRO ET AL.* C. A. 11th Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [558 U. S. 807] denied.

No. 09–6750. *DAVIS v. BAY AREA RAPID TRANSIT DISTRICT.* Ct. App. Cal., 1st App. Dist. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [558 U. S. 1043] denied.

No. 09–6768. *STALEY v. HALL, WARDEN.* C. A. 11th Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [558 U. S. 1073] denied.

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No. 09–6938. *MICHALSKI v. LEMPKE*, SUPERINTENDENT, FIVE POINTS CORRECTIONAL FACILITY. C. A. 2d Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [558 U.S. 1087] denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this motion.

No. 09–6969. *GOSSETT v. ADMINISTRATION OF GEORGE W. BUSH ET AL.* C. A. 10th Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [558 U.S. 1074] denied.

No. 09–7699. *HOFFMAN v. HOFFMAN*. Super. Ct. N. J., App. Div.; and

No. 09–7741. *PIK v. INSTITUTE OF INTERNATIONAL EDUCATION, INC., ET AL.* C. A. 2d Cir. Motions of petitioners for leave to proceed *in forma pauperis* denied. Petitioners are allowed until February 16, 2010, 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. 09–8352. *IN RE JACKSON*; and

No. 09–8361. *IN RE TUBBS*. Petitions for writs of habeas corpus denied.

No. 09–8031. *IN RE NORTON*; and

No. 09–8188. *IN RE NORTON*. Motions of petitioner for leave to proceed *in forma pauperis* denied, and petitions for writs of mandamus dismissed. See this Court's Rule 39.8

Certiorari Granted

No. 09–479. *ABBOTT v. UNITED STATES*. C. A. 3d Cir.; and

No. 09–7073. *GOULD v. UNITED STATES*. C. A. 5th Cir. Motion of petitioner in No. 09–7073 for leave to proceed *in forma pauperis* granted. Certiorari granted, cases consolidated, and a total of one hour is allotted for oral argument. Reported below: No. 09–479, 574 F. 3d 203; No. 09–7073, 329 Fed. Appx. 569.

Certiorari Denied

No. 08–1596. *RHINE v. DEATON ET UX.* Ct. App. Tex., 2d Dist. Certiorari denied. Reported below: 250 S. W. 3d 486.

No. 08–10584. *McKAY v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 553 F. 3d 519.

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No. 09–21. *POWELL v. KELLY, WARDEN*. C. A. 4th Cir. Certiorari denied. Reported below: 562 F. 3d 656.

No. 09–271. *EM v. CALIFORNIA*. Ct. App. Cal., 4th App. Dist., Div. 3. Certiorari denied. Reported below: 171 Cal. App. 4th 964, 90 Cal. Rptr. 3d 264.

No. 09–289. *MISSISSIPPI v. CITY OF MEMPHIS, TENNESSEE, ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 570 F. 3d 625.

No. 09–418. *WIECHMANN v. UNITED STATES*. C. A. Armed Forces. Certiorari denied. Reported below: 67 M. J. 456.

No. 09–476. *PATENT ENFORCEMENT TEAM, L. L. C. v. DICKSON INDUSTRIES, INC.* C. A. Fed. Cir. Certiorari denied. Reported below: 333 Fed. Appx. 514.

No. 09–480. *HENSLEY v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 574 F. 3d 384.

No. 09–493. *FRANK C. MINVIELLE, LLC v. ATLANTIC REFINING Co., FKA ATLANTIC RICHFIELD Co., ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 337 Fed. Appx. 429.

No. 09–510. *DILLON v. MOUNTAIN COAL Co., L. L. C., ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 569 F. 3d 1215.

No. 09–610. *HENRI-DUVAL WINERY, L. L. C. v. ALABAMA ALCOHOLIC BEVERAGE CONTROL BOARD ET AL.* Sup. Ct. Ala. Certiorari denied. Reported below: 26 So. 3d 1149.

No. 09–611. *IKOSI-ANASTASIOU v. BOARD OF SUPERVISORS OF THE LOUISIANA STATE UNIVERSITY*. C. A. 5th Cir. Certiorari denied. Reported below: 579 F. 3d 546.

No. 09–613. *McGEE v. SUPERIOR COURT OF CALIFORNIA, SACRAMENTO COUNTY, ET AL.* Ct. App. Cal., 3d App. Dist. Certiorari denied.

No. 09–615. *PEREZ-ESPINOSA ET AL. v. HOLDER, ATTORNEY GENERAL*. C. A. 9th Cir. Certiorari denied.

No. 09–620. *ROSE, INDIVIDUALLY AND AS PERSONAL REPRESENTATIVE OF THE ESTATE OF ROSE v. MOUNT SINAI MEDICAL*

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CENTER ET AL. Sup. Ct. Fla. Certiorari denied. Reported below: 17 So. 3d 292.

No. 09-629. *THREET v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied.

No. 09-656. *ZADRIMA v. HOLDER, ATTORNEY GENERAL*. C. A. 2d Cir. Certiorari denied. Reported below: 337 Fed. Appx. 42.

No. 09-667. *YIQING FENG v. SABIC AMERICAS, INC.* Ct. App. Tex., 14th Dist. Certiorari denied.

No. 09-668. *GREEN v. SERVICE CORPORATION INTERNATIONAL*. C. A. 5th Cir. Certiorari denied. Reported below: 333 Fed. Appx. 9.

No. 09-672. *RODRIGUEZ v. McCAULEY, WARDEN*. C. A. 1st Cir. Certiorari denied.

No. 09-684. *SHELTON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 09-694. *RODRIGUEZ-BERRIOS v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 573 F. 3d 55.

No. 09-699. *ARTS4ALL, LTD. v. HANCOCK*. Ct. App. N. Y. Certiorari denied. Reported below: 12 N. Y. 3d 846, 909 N. E. 2d 83.

No. 09-703. *EDWARDS v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 581 F. 3d 604.

No. 09-704. *CORNWELL ET AL. v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 9th Cir. Certiorari denied. Reported below: 330 Fed. Appx. 679.

No. 09-711. *GUPTA v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 572 F. 3d 878.

No. 09-714. *DU BOIS, INDIVIDUALLY AND ON BEHALF OF HER MINOR SON, A. E. W. v. WARNE, INDIVIDUALLY AND IN HER OFFICIAL CAPACITY AS JUDGE, DISTRICT COURT OF TEXAS, 257TH DISTRICT, ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 336 Fed. Appx. 407.

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No. 09–721. *ROGERSON v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 09–741. *SALAZAR-ESPINOSA v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 346 Fed. Appx. 686.

No. 09–744. *METTKE v. KAPPOS, DIRECTOR, PATENT AND TRADEMARK OFFICE*. C. A. Fed. Cir. Certiorari denied. Reported below: 570 F. 3d 1356.

No. 09–5120. *RIVERA v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 562 F. 3d 1.

No. 09–5401. *MUHAMMAD, FKA KNIGHT v. MCNEIL, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 554 F. 3d 949.

No. 09–5407. *FORD v. HALL, WARDEN*. C. A. 11th Cir. Certiorari denied. Reported below: 546 F. 3d 1326.

No. 09–6034. *MESSER v. RUNNELS, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 329 Fed. Appx. 102.

No. 09–6125. *HARRELL v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 324 Fed. Appx. 668.

No. 09–6429. *PALMER v. VALDEZ ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 560 F. 3d 965.

No. 09–6795. *N. L. W. v. COLORADO*. Ct. App. Colo. Certiorari denied.

No. 09–6907. *GIBSON v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 328 Fed. Appx. 860.

No. 09–7012. *HATTEN v. THALER, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied. Reported below: 570 F. 3d 595.

No. 09–7158. *PATTERSON v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 576 F. 3d 431.

No. 09–7172. *MONACELLI v. FIFTH THIRD BANK ET AL.* C. A. 11th Cir. Certiorari denied.

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No. 09–7276. *SNEED v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 329 Fed. Appx. 563.

No. 09–7428. *FARLEY v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied. Reported below: 46 Cal. 4th 1053, 210 P. 3d 361.

No. 09–7624. *SMITH v. TENNESSEE*. Ct. Crim. App. Tenn. Certiorari denied.

No. 09–7628. *SONNTAG v. UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA ET AL.* C. A. 9th Cir. Certiorari denied.

No. 09–7629. *RIVA v. FICCO*. C. A. 1st Cir. Certiorari denied.

No. 09–7633. *CURTIS v. CAIN, WARDEN*. C. A. 5th Cir. Certiorari denied.

No. 09–7637. *MCCARTHY v. GOLDMAN ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 320 Fed. Appx. 518.

No. 09–7638. *MILLS v. WILSON ET AL.* C. A. 11th Cir. Certiorari denied.

No. 09–7640. *WHITE v. FRANCIS, WARDEN, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 325 Fed. Appx. 214.

No. 09–7646. *KINCADE v. WOLFENBARGER, WARDEN*. C. A. 6th Cir. Certiorari denied. Reported below: 324 Fed. Appx. 482.

No. 09–7647. *JOHNSON v. ZAVALA ET AL.* C. A. 9th Cir. Certiorari denied.

No. 09–7649. *JONES v. FELKER, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 09–7653. *SIMMONS v. MCNEIL, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* Dist. Ct. App. Fla., 3d Dist. Certiorari denied. Reported below: 19 So. 3d 323.

No. 09–7654. *CONLIN v. THALER, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 09–7657. *CASTLEBERRY v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied.

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No. 09–7658. *CALDERON-LOPEZ v. PINTO-LUGO ET AL.* C. A. 1st Cir. Certiorari denied.

No. 09–7660. *ULRICH v. BUTLER, INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY AS ASSOCIATE CIRCUIT JUDGE OF THE 11TH CIRCUIT OF ILLINOIS, WOODFORD COUNTY.* C. A. 7th Cir. Certiorari denied.

No. 09–7661. *WRIGHT v. DECKER, WARDEN, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 09–7665. *JOHNSON v. CSX TRANSPORTATION, INC., ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 343 Fed. Appx. 138.

No. 09–7666. *LEWIS v. RIO GRANDE SUN.* C. A. 10th Cir. Certiorari denied. Reported below: 345 Fed. Appx. 357.

No. 09–7670. *MORTLAND v. TEXAS.* Ct. App. Tex., 3d Dist. Certiorari denied.

No. 09–7672. *MONROE v. FLORIDA DEPARTMENT OF CORRECTIONS.* C. A. 11th Cir. Certiorari denied.

No. 09–7677. *ROE v. YATES, WARDEN.* C. A. 9th Cir. Certiorari denied.

No. 09–7678. *CASTILLO OLGUIN v. THALER, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION.* C. A. 5th Cir. Certiorari denied.

No. 09–7683. *TREAT v. UNITED STATES.* C. A. 8th Cir. Certiorari denied. Reported below: 332 Fed. Appx. 357.

No. 09–7685. *CANNON v. JUDICIAL COUNCIL OF CALIFORNIA ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 331 Fed. Appx. 525.

No. 09–7686. *CUMMINGS v. CALIFORNIA.* Ct. App. Cal., 4th App. Dist., Div. 3. Certiorari denied.

No. 09–7692. *MAY v. AARSAND MANAGEMENT.* C. A. 4th Cir. Certiorari denied. Reported below: 328 Fed. Appx. 877.

No. 09–7693. *LENNON v. SHEPHERD, WARDEN.* C. A. 9th Cir. Certiorari denied.

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No. 09-7706. *FULTON v. LAPE*, SUPERINTENDENT, COXSACKIE CORRECTIONAL FACILITY. App. Div., Sup. Ct. N. Y., 3d Jud. Dept. Certiorari denied. Reported below: 61 App. Div. 3d 1227, 876 N. Y. S. 2d 665.

No. 09-7707. *HASTINGS v. SUPERIOR COURT OF CALIFORNIA, LOS ANGELES COUNTY, ET AL.* Sup. Ct. Cal. Certiorari denied.

No. 09-7711. *LINGEFELT v. WILKINSON*, WARDEN. C. A. 5th Cir. Certiorari denied.

No. 09-7714. *MURRAY v. WALKER-MURRAY*. Ct. App. Ga. Certiorari denied.

No. 09-7722. *PRICE v. KLOPOTOSKI*, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT DALLAS, ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 350 Fed. Appx. 692.

No. 09-7724. *POPAL v. NEW YORK*. App. Div., Sup. Ct. N. Y., 2d Jud. Dept. Certiorari denied. Reported below: 62 App. Div. 3d 912, 879 N. Y. S. 2d 185.

No. 09-7725. *WRIGHT v. STEELE*, WARDEN. C. A. 8th Cir. Certiorari denied.

No. 09-7728. *WARD v. WOLFENBARGER*, WARDEN. C. A. 6th Cir. Certiorari denied. Reported below: 342 Fed. Appx. 134.

No. 09-7729. *LASKEY v. AT&T*. Ct. App. Cal., 1st App. Dist. Certiorari denied.

No. 09-7730. *LASKEY v. FIDELITY INVESTMENTS*. Ct. App. Cal., 1st App. Dist. Certiorari denied.

No. 09-7731. *LASKEY v. AT&T*. Ct. App. Cal., 1st App. Dist. Certiorari denied.

No. 09-7733. *JACKSON v. SHINSEKI*, SECRETARY OF VETERANS AFFAIRS. C. A. Fed. Cir. Certiorari denied. Reported below: 338 Fed. Appx. 898.

No. 09-7734. *OATES v. HENSE*, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 09-7735. *MURPHY v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied.

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No. 09–7736. *BANKES v. PERRY COUNTY CHILDREN AND YOUTH SERVICES*. C. A. 3d Cir. Certiorari denied.

No. 09–7737. *PASLEY v. DOE ET AL.* C. A. 6th Cir. Certiorari denied.

No. 09–7740. *ROOKS v. CALIFORNIA*. Ct. App. Cal., 4th App. Dist., Div. 2. Certiorari denied.

No. 09–7742. *WATERLOO v. EVANS, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 09–7749. *PARKER v. KENTUCKY*. Sup. Ct. Ky. Certiorari denied. Reported below: 291 S. W. 3d 647.

No. 09–7753. *LASKEY v. CORNING CABLE SYSTEMS*. Ct. App. Cal., 1st App. Dist. Certiorari denied.

No. 09–7759. *LASKEY v. SHILOH GROUP, LLC*. Ct. App. Cal., 1st App. Dist. Certiorari denied.

No. 09–7760. *LASKEY v. SUN MICROSYSTEMS, INC.* Ct. App. Cal., 1st App. Dist. Certiorari denied.

No. 09–7763. *MAJOR-DAVIS v. THALER, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 09–7764. *JONES v. ALABAMA*. Sup. Ct. Ala. Certiorari denied.

No. 09–7769. *BARKER v. SWEETEN ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 331 Fed. Appx. 346.

No. 09–7770. *BOGER v. SOLORIA*. Sup. Ct. Va. Certiorari denied.

No. 09–7773. *DUNKLE v. OHIO*. Ct. App. Ohio, Franklin County. Certiorari denied.

No. 09–7774. *MELLENDEZ ESTRADA v. RYAN, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 344 Fed. Appx. 436.

No. 09–7786. *BELL v. NORRIS, DIRECTOR, ARKANSAS DEPARTMENT OF CORRECTION*. C. A. 8th Cir. Certiorari denied. Reported below: 586 F. 3d 624.

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No. 09–7797. *SHERIDAN v. CONWAY, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 09–7808. *MENEFIELD v. CATE, SECRETARY, CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION*. C. A. 9th Cir. Certiorari denied.

No. 09–7811. *WILLIAMS v. BARROW, WARDEN*. C. A. 11th Cir. Certiorari denied.

No. 09–7818. *JENKINS v. LAMARQUE, WARDEN*. C. A. 9th Cir. Certiorari denied. Reported below: 322 Fed. Appx. 531.

No. 09–7838. *ARROYO v. CONNECTICUT*. Sup. Ct. Conn. Certiorari denied. Reported below: 292 Conn. 558, 973 A. 2d 1254.

No. 09–7846. *RANKINS v. ADAMS, WARDEN*. C. A. 9th Cir. Certiorari denied. Reported below: 349 Fed. Appx. 127.

No. 09–7865. *BLACKMER v. NEW HAMPSHIRE*. Sup. Ct. N. H. Certiorari denied.

No. 09–7868. *ISHOLA v. HOLDER, ATTORNEY GENERAL, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 326 Fed. Appx. 254.

No. 09–7877. *FRANCIS v. JOINT FORCE HEADQUARTERS NATIONAL GUARD ET AL.* C. A. 3d Cir. Certiorari denied.

No. 09–7891. *SCOTT, AKA THOMAS v. SOUTH CAROLINA*. C. A. 4th Cir. Certiorari denied. Reported below: 341 Fed. Appx. 896.

No. 09–7903. *DANIEL v. LONG ISLAND HOUSING PARTNERSHIP, INC., OF HAUPPAUGE ET AL.* C. A. 2d Cir. Certiorari denied.

No. 09–7910. *CRAINSHAW v. CALIFORNIA*. Ct. App. Cal., 6th App. Dist. Certiorari denied.

No. 09–7914. *O’NEAL v. KENNY, WARDEN*. C. A. 8th Cir. Certiorari denied. Reported below: 579 F. 3d 915.

No. 09–7929. *PAGE v. BRADT, SUPERINTENDENT, ELMIRA CORRECTIONAL FACILITY*. C. A. 2d Cir. Certiorari denied. Reported below: 331 Fed. Appx. 883.

No. 09–7932. *UYKHENG NGY v. YOU SONG SECK*. Super. Ct. Pa. Certiorari denied. Reported below: 972 A. 2d 570.

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No. 09–7939. *ALBRIGHT-LAZZARI ET VIR v. CONNECTICUT*. App. Ct. Conn. Certiorari denied. Reported below: 116 Conn. App. 83, 976 A. 2d 707.

No. 09–7940. *ALBRIGHT-LAZZARI ET VIR v. CONNECTICUT*. App. Ct. Conn. Certiorari denied.

No. 09–7941. *ALBRIGHT-LAZZARI ET VIR v. CONNECTICUT*. App. Ct. Conn. Certiorari denied.

No. 09–7946. *BRINSON v. DIGUGLIELMO, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT GRATERFORD, ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 339 Fed. Appx. 171.

No. 09–7948. *BURGETT v. GEITHNER, SECRETARY OF THE TREASURY, ET AL.* C. A. 7th Cir. Certiorari denied.

No. 09–7949. *PERRYMAN v. MISSISSIPPI*. Ct. App. Miss. Certiorari denied.

No. 09–7959. *HERRON v. CALIFORNIA*. Ct. App. Cal., 1st App. Dist. Certiorari denied.

No. 09–7976. *HILDEBRAND v. STECK MANUFACTURING CO., INC., ET AL.* C. A. Fed. Cir. Certiorari denied. Reported below: 333 Fed. Appx. 507.

No. 09–7981. *WRIGHT v. KANSAS*. Ct. App. Kan. Certiorari denied. Reported below: 40 Kan. App. 2d xxviii, 199 P. 3d 188.

No. 09–7992. *ROZENBLAT v. KAPPOS, DIRECTOR, PATENT AND TRADEMARK OFFICE*. C. A. Fed. Cir. Certiorari denied. Reported below: 345 Fed. Appx. 601.

No. 09–8002. *TORRES v. MCNEIL, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS*. C. A. 11th Cir. Certiorari denied. Reported below: 336 Fed. Appx. 924.

No. 09–8007. *WADLEY v. GAETZ, WARDEN*. C. A. 7th Cir. Certiorari denied. Reported below: 348 Fed. Appx. 148.

No. 09–8011. *BEDFORD v. WALL, DIRECTOR, RHODE ISLAND DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 1st Cir. Certiorari denied.

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No. 09–8018. *SCOTT v. HERMAN ET AL.* C. A. 11th Cir. Certiorari denied.

No. 09–8020. *DELOGE v. ABBOTT, WARDEN, ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 340 Fed. Appx. 521.

No. 09–8026. *BRUNSON v. UNITED STATES.* C. A. 10th Cir. Certiorari denied. Reported below: 345 Fed. Appx. 363.

No. 09–8029. *BINDUS v. HUDSON, WARDEN.* C. A. 6th Cir. Certiorari denied.

No. 09–8055. *PEREZ v. PENNSYLVANIA.* Super. Ct. Pa. Certiorari denied. Reported below: 965 A. 2d 300.

No. 09–8057. *BILBREY v. UNITED STATES.* C. A. 11th Cir. Certiorari denied.

No. 09–8067. *MCCULLOUGH v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 332 Fed. Appx. 29.

No. 09–8070. *HANSEN v. UNITED STATES.* C. A. 11th Cir. Certiorari denied.

No. 09–8076. *HERNANDEZ v. UNITED STATES.* C. A. 11th Cir. Certiorari denied.

No. 09–8077. *HOGG’S v. NEW JERSEY.* C. A. 3d Cir. Certiorari denied. Reported below: 352 Fed. Appx. 625.

No. 09–8082. *MOSLEY v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. Reported below: 339 Fed. Appx. 368.

No. 09–8083. *STRONG v. UNITED STATES.* C. A. 11th Cir. Certiorari denied.

No. 09–8084. *RHETT v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 346 Fed. Appx. 158.

No. 09–8086. *RIGGINS v. UNITED STATES.* C. A. 11th Cir. Certiorari denied. Reported below: 345 Fed. Appx. 436.

No. 09–8092. *MATSON v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 345 Fed. Appx. 303.

No. 09–8097. *WALKER v. UNITED STATES.* C. A. 6th Cir. Certiorari denied.

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No. 09–8098. *THOMAS v. OFFICE OF PERSONNEL MANAGEMENT*. C. A. Fed. Cir. Certiorari denied. Reported below: 350 Fed. Appx. 448.

No. 09–8101. *VIRAMONTES-GALAVIS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 343 Fed. Appx. 981.

No. 09–8102. *KALILIKANE v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 340 Fed. Appx. 404.

No. 09–8105. *RANGEL v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 344 Fed. Appx. 931.

No. 09–8106. *RIASCOS-RIASCOS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 329 Fed. Appx. 153.

No. 09–8109. *CLARK v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 582 F. 3d 607.

No. 09–8111. *ARROYO-ROSARIO v. UNITED STATES*. C. A. 1st Cir. Certiorari denied.

No. 09–8112. *BROWN v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 344 Fed. Appx. 555.

No. 09–8113. *THOMPSON v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 355 Fed. Appx. 769.

No. 09–8115. *WILLIAMS v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 576 F. 3d 1149.

No. 09–8116. *BATTISTE v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 343 Fed. Appx. 962.

No. 09–8117. *ANTHONY v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 345 Fed. Appx. 459.

No. 09–8118. *BROWN v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 09–8120. *ANDERSON v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 340 Fed. Appx. 869.

No. 09–8121. *RODRIGUEZ-BANUELOS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 348 Fed. Appx. 31.

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No. 09–8127. RUBIO-MARCHAN *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 343 Fed. Appx. 997.

No. 09–8130. FRANKLIN *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 337 Fed. Appx. 559.

No. 09–8131. HERNANDEZ *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 569 F. 3d 893.

No. 09–8141. GORDON *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 341 Fed. Appx. 588.

No. 09–8142. HUFF *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 09–8148. CHADHA *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 346 Fed. Appx. 191.

No. 09–8153. STULTS *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 575 F. 3d 834.

No. 09–8160. GARCIA *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 343 Fed. Appx. 991.

No. 09–8161. HARDNETT *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 343 Fed. Appx. 977.

No. 09–8163. ASKEW *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied.

No. 09–8167. HERNANDEZ *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 331 Fed. Appx. 714.

No. 09–8171. GREGORY *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 325 Fed. Appx. 238.

No. 09–8183. HUDSON *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 577 F. 3d 883.

No. 09–8196. BENNETT *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 346 Fed. Appx. 535.

No. 09–8201. HAIRSTON *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 343 Fed. Appx. 865.

No. 09–8204. LACASSE *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 567 F. 3d 763.

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No. 09–8205. *SMITH v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 344 Fed. Appx. 948.

No. 09–8209. *REES v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 09–8211. *WENCES-ADAME v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 343 Fed. Appx. 952.

No. 09–8215. *ALVIAR ET AL. v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 573 F. 3d 526.

No. 09–8216. *BACH v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 4th Cir. Certiorari denied. Reported below: 318 Fed. Appx. 220.

No. 09–8217. *ARMAS-CALVILLO v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 346 Fed. Appx. 95.

No. 09–8219. *MCNEALY v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 348 Fed. Appx. 440.

No. 09–8220. *ORDONEZ-MENDOZA v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 347 Fed. Appx. 367.

No. 09–8223. *LOPEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 344 Fed. Appx. 959.

No. 09–8224. *OROZCO v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 576 F. 3d 745.

No. 09–8226. *OCAMPO-GARCIA v. UNITED STATES*. C. A. 1st Cir. Certiorari denied.

No. 09–8227. *PHILLIPS v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 345 Fed. Appx. 772.

No. 09–8231. *SYLVESTER v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 583 F. 3d 285.

No. 09–8233. *FALLS v. FONDREN, WARDEN*. C. A. 8th Cir. Certiorari denied.

No. 09–8236. *MORRIS v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 576 F. 3d 661.

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No. 09–8243. *MITCHELL v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 568 F. 3d 1147.

No. 09–8246. *DAVIS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 261 Fed. Appx. 620.

No. 09–8247. *POTOCKI v. UNITED STATES*. C. A. 1st Cir. Certiorari denied.

No. 09–8252. *VILLA v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 346 Fed. Appx. 100.

No. 09–8254. *WILLIAMS v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 343 Fed. Appx. 830.

No. 09–8256. *ENAMORADO-LOPEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 332 Fed. Appx. 979.

No. 09–8257. *EZELL v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 337 Fed. Appx. 623.

No. 09–8261. *WICKERSHAM v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 344 Fed. Appx. 155.

No. 09–8264. *KAPORDELIS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 569 F. 3d 1291.

No. 09–8281. *BOREN v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 328 Fed. Appx. 485.

No. 09–8321. *THOMPSON v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 346 Fed. Appx. 896.

No. 09–8324. *ALSTON v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 346 Fed. Appx. 907.

No. 09–8326. *CARVER v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 349 Fed. Appx. 290.

No. 09–35. *NORIEGA v. PASTRANA, WARDEN*. C. A. 11th Cir. Certiorari denied. Reported below: 564 F. 3d 1290.

JUSTICE THOMAS, with whom JUSTICE SCALIA joins, dissenting.

“[I]n our tripartite system of government,” it is the duty of this Court to “say ‘what the law is.’” *Boumediene v. Bush*, 553 U.S. 723, 765 (2008) (quoting *Marbury v. Madison*, 1 Cranch 137, 177 (1803)). This duty is particularly compelling in cases that

present an opportunity to decide the constitutionality or enforceability of federal statutes in a manner “insulated from the pressures of the moment,” and in time to guide courts and the political branches in resolving difficult questions concerning the proper “exercise of governmental power.” *Hamdan v. Rumsfeld*, 548 U. S. 557, 637 (2006) (KENNEDY, J., concurring in part); see generally *Sanchez-Llamas v. Oregon*, 548 U. S. 331, 353–354 (2006); *Hamdan*, *supra*, at 588 (quoting *Ex parte Quirin*, 317 U. S. 1, 19 (1942)). This is such a case.

The questions presented are, in the Solicitor General’s words: “1. Whether Section 5 of the Military Commissions Act of 2006, Pub. L. No. 109–366, 120 Stat. 2631, precludes petitioner from invoking the Geneva Convention Relative to the Treatment of Prisoners of War, Aug. 12, 1949, as a source of rights in a habeas corpus proceeding”; and “2. Whether, assuming petitioner can assert a claim based on the Geneva Convention, his extradition to France would violate the Convention.” Brief in Opposition (I) (some citations omitted).¹ Answering just the first of these questions would provide much-needed guidance on two important issues with which the political branches and federal courts have struggled since we decided *Boumediene*. The first is the extent, if any, to which provisions like § 5 affect 28 U. S. C. § 2241 in a manner that implicates the constitutional guarantee of habeas corpus. The second is whether the Geneva Conventions are self-executing and judicially enforceable.

It is incumbent upon us to provide what guidance we can on these issues now. Whatever conclusion we reach, our opinion will help the political branches and the courts discharge their responsibilities over detainee cases, and will spare detainees and the Government years of unnecessary litigation. These considerations alone justify review. That petitioner was convicted in federal court (rather than in a military commission) in criminal proceedings uncomplicated by classified information or issues relating to extraterritorial detention is an additional reason to grant certiorari. It is our duty to say what the law is on important matters within our jurisdiction. That is what we should do.

¹ We routinely grant certiorari on questions the Solicitor General presents in a brief in opposition, see, e. g., *Weyhrauch v. United States*, 557 U. S. 934 (2009), or in an *amicus* brief, see, e. g., *Hamilton v. Lanning*, 558 U. S. 989 (2009); *Republic of Philippines v. Pimental*, 552 U. S. 1061 (2007).

I

Petitioner General Manuel Noriega is the former head of the Panamanian Defense Forces. In 1988, a federal grand jury indicted Noriega, and the U. S. military thereafter brought him to Florida. A federal jury convicted him of various federal narcotics-related offenses, and the District Court sentenced him to a 30-year prison term. In response to Noriega's concerns about the type of care he would receive in the custody of the Bureau of Prisons, the District Court designated Noriega a prisoner of war (POW) entitled to the protections of the Geneva Conventions. See *United States v. Noriega*, 808 F. Supp. 791 (SD Fla. 1992).² Noriega's conviction and sentence were affirmed in proceedings not relevant here. See *United States v. Noriega*, 117 F. 3d 1206 (CA11 1997), cert. denied, 523 U.S. 1060 (1998).

In July 2007, two months before Noriega was scheduled to be released on parole, he filed a habeas corpus petition under 28 U.S.C. § 2255. Relying on the District Court's POW designation, Noriega alleged that the United States violated the Geneva Conventions when it acquiesced in the French Government's request to extradite him to France so he could face criminal charges there upon his release from U. S. custody. See *United States v. Noriega*, No. 88-0079-CR, 2007 WL 2947572 (SD Fla., Aug. 24, 2007). The District Court agreed with Noriega that his POW status entitled him to the conventions' protection until his "final

²Citing International Red Cross and academic commentary in support of its "belief [that the Third] Geneva [Convention] is self-executing and provides General Noriega with a right of action in a U. S. court for violation of its provisions," the District Court addressed Noriega's status under the treaty. 808 F. Supp., at 794. The District Judge found that the hostilities in Panama constituted an "armed conflict" within the meaning of Article 2 of the Third Geneva Convention, that Noriega was a member of the armed forces of a party to the conflict under Article 4 of the Third Convention, and that the District Court was a "competent tribunal" to determine Noriega's POW status under Article 5 of the Third Convention. See *id.*, at 793-796. Accordingly, the court concluded that, notwithstanding various separation-of-powers and justiciability concerns, "Noriega is in fact a prisoner of war as defined by Geneva III, and as such must be afforded the protections established by the treaty" while in federal custody. *Id.*, at 796. The court then identified convention rights that it believed would govern Noriega's confinement, see *id.*, at 799-803, and observed that "[w]hether or not those rights can be fully provided in a maximum security penitentiary setting is open to serious question," *id.*, at 803.

release and repatriation,” but dismissed his § 2255 petition on the ground that his extradition challenge was not directed to “any defect in [his] sentence,” and thus was not cognizable under § 2255. *Id.*, at *1 (internal quotation marks omitted). Noriega then filed the same claims under 28 U.S.C. § 2241, and the District Court ultimately³ stayed his extradition pending appeal on the ground that his challenge rested on “credible arguments . . . , particularly with regard to the interpretation of certain provisions of the Geneva Convention[s],” on which “no other federal court has ruled.” No. 07–CV–22816–PCH, 2008 WL 331394, *3 (SD Fla., Jan. 31, 2008).

On appeal, Noriega argued that his extradition to France would violate several provisions of the Third Convention and that the District Court erred in concluding otherwise. In response, the Government asserted that the court lacked jurisdiction over Noriega’s claims because § 5(a) of the Military Commissions Act of 2006 (MCA) establishes that “[t]he Geneva Conventions are not self-executing” or judicially enforceable in habeas corpus actions. Brief for United States in No. 08–11021–FF (CA11), p. 13 (hereinafter Brief for United States).⁴ MCA § 5(a) provides:

“No person may invoke the Geneva Conventions or any protocols thereto in any habeas corpus or other civil action or proceeding to which the United States, or a current or former officer, employee, member of the Armed Forces, or other agent of the United States is a party as a source of rights in any court of the United States or its States or territories.” 120 Stat. 2631, note following 28 U.S.C. § 2241.⁵

³The District Court dismissed Noriega’s initial § 2241 petition because the court concluded that it lacked jurisdiction to consider the petition’s extradition challenge in Noriega’s criminal case as opposed to a separate action challenging his certificate of extraditability. See *United States v. Noriega*, No. 88–0079–CR, 2007 WL 2947981, *1 (SD Fla., Sept. 7, 2007) (dismissing the petition without prejudice but reiterating the merits concerns with Noriega’s Geneva Convention claims that the court articulated in dicta in dismissing his § 2255 petition).

⁴The Government also challenged Noriega’s claims as meritless and outside the scope of habeas review under Circuit precedent.

⁵Recent amendments to the Military Commissions Act of 2006, collectively titled the Military Commissions Act of 2009, see National Defense Authorization Act for Fiscal Year 2010, see §§ 1801–1807, 123 Stat. 2574–2614, do not affect MCA § 5(a). The 2009 amendments principally update provisions relevant to the Guantanamo habeas corpus cases pending in the U. S. District

Emphasizing that a non-self-executing treaty “‘addresses itself to the political, not the judicial department,’” the Government observed that “[n]o court of appeals has held that the provisions of the Geneva Conventions are judicially enforceable in any context.” Brief for United States 13, 14 (quoting *Medellín v. Texas*, 552 U.S. 491, 516 (2008)). The Government then argued that “confirmation of this [view] can be found in the enactment of [MCA § 5(a)], which “codifie[d] the principle that the Geneva Conventions [a]re not judicially enforceable by private parties,” but did so in a narrow way that does not purport to strip courts of habeas jurisdiction, and thus does “not implicate” the Suspension Clause analysis in *Boumediene*. Brief for United States 14, n. 6.⁶

The Eleventh Circuit accepted the District Court’s designation of Noriega as a POW, but agreed with the Government’s interpretation of MCA § 5(a):

“We affirm and hold that § 5 of the [MCA] precludes Noriega from invoking the Geneva Convention as a source of rights in a habeas proceeding and therefore deny Noriega’s habeas petition.

“The issues present in *Boumediene v. Bush* concerning the constitutionality of § 7 of the MCA, are not presented by § 5 In *Boumediene*, the Supreme Court found § 7 of the MCA, which explicitly removed the jurisdiction of courts to consider habeas actions by enemy combatants, to be unconstitutional. . . . Section 5, in contrast, as discussed more fully, *infra*, at most changes one substantive provision of law upon which a party might rely in seeking habeas relief. We are [thus] not presented with a situation in which potential petitioners are effectively banned from seeking habeas relief because any constitutional rights or claims are made

Court for the District of Columbia and clarify the due process protections available in those and other noncitizen detainee cases to which the constitutional and treaty issues in this case relate. See *ibid.*; see also J. Elsea, CRS Report for Congress, Comparison of Rights in Military Commission Trials and Trials in Federal Criminal Court, pp. 2–4 (Nov. 19, 2009).

⁶ Although the Government distinguishes MCA § 5(a) from the jurisdiction-stripping provision the Court invalidated in *Boumediene v. Bush*, 553 U.S. 723 (2008), it stops short of asserting that § 5(a) is constitutional. See Brief in Opposition 8, n.

unavailable.” 564 F. 3d 1290, 1292, 1294 (CA11 2009) (citations and parenthetical omitted).⁷

Noriega’s petition challenges both the Eleventh Circuit’s interpretation of MCA §5(a) and the provision’s constitutionality. Noriega begins by asserting that the Court of Appeals erred in holding “that [MCA §5(a)] absolutely and unambiguously prohibits persons from raising any claim based upon the four Geneva Conventions” in a habeas corpus action. Pet. for Cert. 10; see also *id.*, at 12 (“At best, the statutory scheme is ambiguous”). Noriega next asserts that, if the Eleventh Circuit’s interpretation of §5(a) is correct, the provision violates the Supremacy Clause, see *id.*, at 11–12, and the Suspension Clause, see Reply to Brief in Opposition 2. Noriega’s Supremacy Clause argument is that, to the extent MCA §5(a) governs his Geneva Convention claims, the provision impermissibly effects a “complete repudiation” of the treaty. Pet. for Cert. 11. The Government responds that this argument suffers from two fatal flaws. First, this Court has held that a treaty, which is “‘primarily a compact between independent nations,’” remains in force as the supreme law of the land even where its enforcement is left to “international negotiations” rather than “domestic courts.” Brief in Opposition 7 (quoting *Head Money Cases*, 112 U.S. 580, 598 (1884)); see *Medellín*, *supra*, at 505, and n. 3. Second, “[w]hatever the domestic effect of the Third Geneva Convention before the enactment of the MCA,” this Court has held that “‘it is within Congress’ power to change domestic law, even if the law originally arose from a self-executing treaty.’” Brief in Opposition 7 (quoting 564 F. 3d, at 1295–1296); see also *Medellín*, *supra*, at 509, n. 5. Accordingly, the Government agrees with the Eleventh Circuit that MCA §5(a) “does not change the international obligations of the United States under the Geneva Conventions,” but does “supersede[d] whatever domestic effect the Geneva Conventions may have had in actions such as this.” Brief in Opposition 7–8 (internal quotation marks omitted). That brings Noriega to his Suspension Clause argument. He replies that, if MCA §5(a) operates in the manner the Government describes and the Eleventh Circuit held,

⁷The Court of Appeals also concluded that, “assuming arguendo” Noriega is correct that “§5 of the MCA does not preclude [his] claim,” 564 F. 3d, at 1297, the Third Geneva Convention does not bar his extradition to France and the “United States has fully complied with” the treaty, *id.*, at 1298.

the provision is unconstitutional under *Boumediene* because it “effectively works a suspension of the writ.” Reply to Brief in Opposition 2 (asserting that “to divorce the writ from the law is to destroy the writ”).

II

As the Eleventh Circuit’s opinion makes clear, the threshold question in this case is whether MCA §5(a) is valid. Answering that question this Term would provide courts and the political branches with much needed guidance on issues we left open in *Boumediene*. See 553 U.S., at 793–795, 796–798. Providing that guidance in this case would allow us to say what the law is without the unnecessary delay and other complications that could burden a decision on these questions in Guantanamo or other detainee litigation arising out of the conflict with Al Qaeda.

Boumediene invalidated MCA §7’s attempt to strip federal courts of habeas jurisdiction over claims by a specified class of noncitizen detainees (“unlawful enemy combatants”), but did not determine the “content of the law that governs petitioners’ detention,” *id.*, at 798, or the extent to which §2241’s substantive provisions affect the constitutional “procedural protections of habeas corpus,” *ibid.* Section 2241 broadly confers jurisdiction over a habeas corpus action by any person who claims to be held “in custody in violation of the Constitution or laws or treaties of the United States.” See *Rasul v. Bush*, 542 U.S. 466, 473 (2004). MCA §5(a) eliminates the Geneva Conventions as a source of rights upon which §2241 petitioners may rely in challenging their detentions. Statutory amendments to an existing law ordinarily involve nothing more than a valid exercise of Congress’ Article I authority. See, e.g., *Chew Heong v. United States*, 112 U.S. 536, 562–563 (1884). Noriega asserts that the difference in this case is that the statutory amendment narrows the scope of §2241. Assuming that is correct, the indeterminate interplay between the constitutional and statutory guarantees of habeas corpus under our precedents permits Noriega to argue that the manner in which MCA §5(a) affects §2241 proceedings implicates the Suspension Clause. Only we can determine whether the Eleventh Circuit correctly rejected that argument.

The Suspension Clause provides that “[t]he Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.” U.S. Const., Art. I, §9, cl. 2. Because the Clause addresses only

the suspension—not the content or existence—of the “Privilege of the Writ,” *ibid.*, we have long recognized the “obligation” the first Congress “must have felt” to “provid[e] efficient means by which this great constitutional privilege should receive life and activity,” *Ex parte Bollman*, 4 Cranch 75, 95 (1807). But we have also steadfastly declined to adopt a date of reference by which the writ’s constitutional content, if any, is to be judged, see *Boumediene*, *supra*, at 746–747, and thus have left open the question whether statutory efforts to limit §2241 implicate the Suspension Clause, see, *e.g.*, *INS v. St. Cyr*, 533 U.S. 289, 300–301 (2001). This question, which has already divided the Court in other contexts, see *ibid.*,⁸ is clearly presented here. Noriega asserts that MCA §5(a) is unconstitutional because it “effectively works a suspension of the writ” by imposing the same type of statutory limitation the Court addressed in *St. Cyr*. Reply to Brief in Opposition 2 (implicitly equating the constitutional scope of the writ with §2241’s grant of habeas corpus jurisdiction over individuals allegedly held “in violation of the Constitution or laws or treaties of the United States”). The Eleventh Circuit, however, saw no constitutional problem with the statute and upheld it as valid and distinguishable from the provision deemed unconstitutional in *Boumediene*. See 564 F.3d, at 1294.

Addressing Noriega’s challenge to the Eleventh Circuit’s decision would resolve the important statutory and constitutional

⁸ Compare *St. Cyr*, 533 U.S., at 300–301 (declining to identify a specific date of reference for judging the constitutional scope of the writ, but concluding that the Court nonetheless should construe the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) to allow §2241 jurisdiction over certain habeas petitions because doing so would avoid the Suspension Clause question that otherwise would arise), with *id.*, at 335–341 (SCALIA, J., dissenting) (emphasizing that, although IIRIRA displaces §2241 jurisdiction unambiguously and thus renders the canon of constitutional avoidance inapplicable, there is no constitutional question to avoid, because the Suspension Clause is addressed only to suspension (*i.e.*, temporary withholding of the operation) of the writ on the terms authorized by the habeas corpus statute, not to Congress’ power to alter the substance of the habeas rights the statute confers), and *id.*, at 340–341, n. 5 (“If, as the Court concedes, the writ could not be suspended within the meaning of the Suspension Clause until Congress affirmatively provided for habeas by statute, then surely Congress may subsequently alter what it had initially provided for, lest the Clause become a one-way ratchet” (internal quotation marks and citations omitted)).

questions here and would guide courts and the political branches in addressing the same and similar issues in other detainee cases. See, e.g., *Al-Bihani v. Obama*, 590 F. 3d 866, 870 (CA DC 2010) (“The Supreme Court has provided scant guidance on these questions, consciously leaving the contours of the substantive and procedural law of detention open for lower courts to shape in a common law fashion”). Recent court decisions, as well as recent Executive Branch court filings and policy determinations, specifically invoke the Geneva Conventions as part of the law that governs detainee treatment in the United States and abroad. For example, in September 2009, the U. S. District Court for the District of Columbia issued a redacted version of a classified memorandum opinion in which it granted habeas corpus relief in the oldest of the pending Guantanamo cases because the petitioner’s indefinite detention was based “almost exclusively” on unreliable “‘confessions’” obtained “using abusive techniques that violated the Army Field Manual and the 1949 Geneva Convention Relative to the Treatment of Prisoners of War.” Classified Memorandum Opinion in *Al Rabiah v. United States*, No. 02–828 (CKK) (Sept. 17, 2009), pp. 1–2, 43.

Several recent D. C. Circuit decisions, one of which is now pending before us, similarly implicate the importance of the Geneva Convention and MCA §5(a) questions in this case. In *Kiyemba v. Obama*, 555 F. 3d 1022 (*Kiyemba I*), cert. granted, 558 U. S. 969 (2009), the petitioners, Guantanamo detainees who prevailed on their habeas corpus claims in federal court but cannot return to their home country, rely on the Geneva Conventions in claiming a right to be released in the territorial United States, see Pet. for Cert. in No. 08–1234, pp. i, 34. Although the D. C. Circuit did not address MCA §5(a) in rejecting this claim, the Government contends before this Court that MCA §5(a) bars the petitioners’ reliance on the conventions, see Brief in Opposition in No. 08–1234, pp. 23–24, and Judge Rogers’ opinion concurring in the D. C. Circuit’s judgment relies upon the same repatriation language in Article 118 of the Third Convention that Noriega raises here, see 555 F. 3d, at 1033, n. 2. In *Al-Bihani*, the D. C. Circuit directly invokes MCA §5(a) in rejecting a Guantanamo detainee’s claim that he was entitled to habeas corpus relief because his detention violated, *inter alia*, the Third Geneva Convention, see 590 F. 3d, at 875 (stating that MCA §5(a), “a provision not altered by the MCA of 2009, explicitly precludes detainees

from claiming the Geneva Conventions—which include criteria to determine who is entitled to P. O. W. status—as a source of rights”). Finally, the D. C. Circuit’s decision in *Kiyemba v. Obama*, 561 F. 3d 509 (2009) (*Kiyemba II*), implicates the issues here in holding, contrary to several recent District Court decisions,⁹ that another MCA provision (MCA § 7(a)(2), codified at 28 U. S. C. § 2241(e)(2)), does not deprive federal habeas corpus courts of jurisdiction to consider claims in which certain classes of detainees challenge their conditions of confinement under the Geneva Conventions. See 561 F. 3d, at 512–513.

The extent to which noncitizen detainees may rely on the Geneva Conventions as a source of rights against the United States has also been the subject of increasing debate in the political branches. Recent Executive Branch Orders and court filings cite the conventions in articulating the legal standards that govern detainee treatment. See, *e. g.*, Exec. Order No. 13491, § 3, 74 Fed. Reg. 4894 (2009) (making “Common Article 3 Standards” the “[m]inimum [b]aseline” for the treatment of any individual who, in the course of “any armed conflict,” comes into the “custody or under the effective control of an officer, employee, or other agent of the United States” or is “detained within a facility owned, operated, or controlled by a department or agency of the United States”); Respondents’ Memorandum Regarding the Government’s Detention Authority Relative to Detainees Held at Guantanamo Bay in Misc. No. 08–442 (TFH) (CADC), p. 1 (apprising the court of the Government’s decision to treat detainees formerly designated as “unlawful enemy combatants” under new standards that draw on the “laws of war,” as those laws have “developed over time and have periodically been codified in treaties such as the Geneva Conventions”).¹⁰ Congress, in turn, is considering new

⁹ See *Khadr v. Bush*, 587 F. Supp. 2d 225, 235 (DC 2008) (Bates, J.); *In re Guantanamo Bay Detainee Litigation*, 577 F. Supp. 2d 312, 314 (DC 2008) (Hogan, J.); *In re Guantanamo Bay Detainee Litigation*, 570 F. Supp. 2d 13, 18 (DC 2008) (Urbina, J.).

¹⁰ This standard presumably will control the Government’s position in habeas corpus actions that arise in other circuits pursuant to the President’s recent decision to prosecute or imprison (or both) certain Guantanamo detainees in New York and Illinois. See Oversight of the U. S. Dept. of Justice, Hearing before the Senate Committee on the Judiciary, 111th Cong., 1st Sess., Testimony of Attorney General Eric Holder (Nov. 18, 2009), available at LEXIS, CQ Transcriptions, pp. 8–9; Remarks by Former Attorney General Michael Mukasey (Nov. 13, 2009), available at LEXIS, Federal News Service; Presidential Memorandum of Dec. 15, 2009, Closure of Detention

legislation that would further clarify the extent to which detainees can enforce Geneva Convention obligations against the United States in federal courts, but progress on these proposals has been complicated by uncertainty over the statutory and constitutional questions in this case.¹¹

As noted, addressing these questions now,¹² if only the statutory issues, would avoid years of litigation and uncertainty no matter what we conclude on the merits. A decision upholding MCA § 5(a) would obviate the need for detainees, the Government, and federal courts to struggle (as they did here) with Geneva Convention claims in habeas corpus proceedings.¹³ And, it would give the political branches a clearer sense of the constitutional limits

Facilities at the Guantanamo Bay Naval Base, 75 Fed. Reg. 1015 (2010); Dept. of Defense, Am. Forces Press Serv., Some Guantanamo Detainees to Move to Illinois Prison (Dec. 15, 2009); Letter from the Attorney General, the Secretaries of State, Defense, and Homeland Security, and the Director of National Intelligence to Pat Quinn, Governor of Illinois, p. 2 (Dec. 15, 2009).

¹¹ See, e.g., J. Elsea, K. Thomas, & M. Garcia, CRS Report for Congress, Enemy Combatant Detainees: *Habeas Corpus* Challenges in Federal Court 36, 41–43 (Sept. 15, 2009).

¹² Because the D. C. Circuit's majority opinion in *Kiyemba I* does not address MCA § 5(a), the provision's validity is not squarely presented in that case. See *Kiyemba I*, 555 F. 3d 1022, cert. granted, 558 U.S. 969 (2009). And granting review of the D. C. Circuit's decision in *Al-Bihani v. Obama*, 590 F. 3d 866 (CA DC 2010), which does address MCA § 5(a), would not guarantee a decision on the statute's validity. See *ibid.* *Al-Bihani* addresses MCA § 5(a) in rejecting only one of many claims for habeas corpus relief, so it is not clear that the Court would need to address the statute's validity in deciding the case. And even if the Court were to address § 5(a), the decision would come next Term, thus providing no guidance to courts that must adjudicate pending habeas corpus actions this spring and summer. In contrast, addressing MCA § 5(a)'s validity in this case would timely provide such guidance. Doing so could also aid our disposition of *Kiyemba I* because answering the questions presented here could clarify the constitutional scope of the writ of habeas corpus in a manner that could affect the *Kiyemba I* petitioners' argument about the inherent remedial power of habeas corpus courts. See Pet. for Cert. in No. 08–1234, pp. 14–16, 22–23; see generally *Kiyemba I*, *supra*, at 1026–1027; *INS v. St. Cyr*, 533 U.S. 289, 335–340 (2001) (SCALIA, J., dissenting).

¹³ MCA § 5(a) applies not only to individuals who, like Noriega, have (rightly or not) been designated POWs, but also to “any person” who invokes the conventions as a source of rights in any “habeas or other civil action” to which the United States is a party, see 120 Stat. 2631, note following 28 U.S.C. § 2241.

to which new legislative or policy initiatives must adhere. The latter benefit would also follow if we were to invalidate MCA § 5(a). In addition, such a ruling could well allow us to reach the question we left open in *Hamdan*—whether the Geneva Conventions are self-executing and judicially enforceable—because this case is not governed by the Uniform Code of Military Justice provisions on which the *Hamdan* majority relied in holding Common Article III applicable to the proceedings in that case. See *Hamdan*, 548 U.S., at 627–628; see also *id.*, at 637, 642–643 (KENNEDY, J., concurring in part). Finally, if the Court were to conclude that the conventions are self-executing and judicially enforceable in habeas corpus proceedings, this case would present two additional questions relevant to noncitizen detainee litigation: whether federal courts may classify such detainees as POWs under the Third Convention, and whether any of the conventions requires the United States immediately to repatriate detainees entitled to release from U. S. custody.¹⁴

Against these considerations, the Government provides no compelling reason to decline review.¹⁵ Accordingly, I would take the

¹⁴ Both questions are subsumed in the second question in the Solicitor General's brief: "[w]hether, assuming petitioner can assert a claim based on the Geneva Convention, his extradition to France would violate the Convention." Brief in Opposition (I).

¹⁵ The Solicitor General's principal ground for opposing certiorari is that the Eleventh Circuit's decision does not conflict with the decision of any other circuit. See *id.*, at 6. That is true but not surprising. The original version of the MCA is only three years old and, as the Solicitor General is careful to note, Noriega is "the only person *currently* detained by the United States as a prisoner of war." *Ibid.* (emphasis added). Accordingly, the lack of a circuit split on the question whether MCA § 5(a) bars POWs in federal custody in the United States from invoking the Geneva Conventions in habeas proceedings does not negate the compelling reasons to grant review. Indeed, the Court has taken cases in this area without the benefit of any opinion from a court of appeals, see *Ex parte Quirin*, 317 U.S. 1 (1942), and in splitless cases involving rare facts and ongoing diplomatic negotiations, see *Kiyemba I*, 558 U.S. 969. The Court has also granted review of separation-of-powers and other important legal questions on records far less developed than that here, see, e.g., *Robertson v. United States ex rel. Watson*, 558 U.S. 1090 (2009); *Christian Legal Soc. Chapter of Univ. of Cal. Hastings College of Law v. Martinez*, 558 U.S. 1076 (2009); on petitions that have required us to reformulate the questions presented, see, e.g., *Robertson, supra*; *Reed Elsevier, Inc. v. Muchnick*, 555 U.S. 1211 (2009); and even on petitions we initially denied, see *Boumediene v. Bush*, 551 U.S. 1160

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case and decide the questions presented in the Solicitor General's brief.¹⁶

No. 09–548. *WOOD v. APPLIED RESEARCH ASSOCIATES, INC., ET AL.* C. A. 2d Cir. Certiorari denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition. Reported below: 328 Fed. Appx. 744.

No. 09–612. *KING v. PFEIFFER.* Sup. Ct. Va. Motion of Stop Family Violence et al. for leave to file a brief as *amici curiae* granted. Certiorari denied.

No. 09–619. *ARISTA RECORDS, LLC, ET AL. v. LAUNCH MEDIA, INC.* C. A. 2d Cir. Certiorari denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition. Reported below: 578 F. 3d 148.

No. 09–663. *BEST PAYPHONES, INC. v. VERIZON NEW YORK INC.* C. A. 2d Cir. Certiorari denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition. Reported below: 331 Fed. Appx. 25.

No. 09–7754. *LASKEY v. INTEL CORP.* Ct. App. Cal., 1st App. Dist. Certiorari denied. THE CHIEF JUSTICE took no part in the consideration or decision of this petition.

No. 09–7767. *BARCLAY v. NEW YORK ET AL.* C. A. 2d Cir. Certiorari denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition.

(2007). The Solicitor General also claims (again based on the fact that Noriega is “currently” the only POW in U. S. custody) that review is not warranted because the Eleventh Circuit’s decision is of “limited ongoing significance.” Brief in Opposition 6. This assertion is not persuasive for the reasons set forth above.

¹⁶As noted, the Solicitor General’s first question presented is whether MCA §5(a) “precludes petitioner from invoking” the Third Geneva Convention “as a source of rights in a habeas corpus proceeding.” *Id.*, at (I). Such statutory questions do not automatically, or even typically, require a court to consider the statute’s constitutionality. Here, however, Noriega has consistently argued that, if the statute precludes him from invoking the Geneva Conventions in the manner the Solicitor General’s question describes and the Eleventh Circuit held, the statute would violate the Suspension Clause. See *supra*, at 922–923. Thus, the Suspension Clause issue may in this case fairly be viewed as implicit in the statutory question presented.

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No. 09–8021. *WHITE v. MCGRADY*, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT RETREAT, ET AL. C. A. 3d Cir. Motion of petitioner to defer consideration of petition for writ of certiorari denied. Certiorari denied.

No. 09–8085. *ROMERO-PADILLA v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition. Reported below: 583 F. 3d 126.

No. 09–8125. *RUSSELL v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition. Reported below: 354 Fed. Appx. 547.

No. 09–8186. *SMITH v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition. Reported below: 348 Fed. Appx. 636.

Rehearing Denied

No. 09–331. *HARPER, INDIVIDUALLY AND AS PERSONAL REPRESENTATIVE OF THE ESTATE OF HARPER, DECEASED, ET AL. v. UNITED SERVICES AUTOMOBILE ASSN. ET AL.*, 558 U. S. 1049;

No. 09–496. *BROWN v. UNITED STATES*, 558 U. S. 1051;

No. 09–5144. *RISLEY v. THALER, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*, 558 U. S. 993;

No. 09–5515. *QUINN v. UNITED STATES*, 558 U. S. 1077;

No. 09–6397. *CHRISTIAN v. CALIFORNIA ET AL.*, 558 U. S. 1027;

No. 09–6488. *JUDD v. NEW MEXICO*, 558 U. S. 1029;

No. 09–6593. *SMITH v. UNITED STATES*, 558 U. S. 977;

No. 09–6594. *SKINNER v. OKLAHOMA*, 558 U. S. 1053;

No. 09–6617. *NITSCHKE v. COASTAL TANK CLEANING ET AL.*, 558 U. S. 1053;

No. 09–6674. *MILLEN v. FLORIDA*, 558 U. S. 1054;

No. 09–6694. *ROSS v. VIRGINIA*, 558 U. S. 1015;

No. 09–6772. *FOBBS v. POTTER, POSTMASTER GENERAL*, 558 U. S. 1032;

No. 09–6806. *MCCALL v. CROSTHWAIT ET AL.*, 558 U. S. 1056;

No. 09–6862. *KUPERMAN v. GERRY, WARDEN*, 558 U. S. 1079;

No. 09–6893. *BARKER v. TEXAS*, 558 U. S. 1080;

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No. 09–7050. IN RE DANTZLER, 558 U.S. 1047;
No. 09–7229. IN RE WALSH, 558 U.S. 1047;
No. 09–7337. JOHNSON *v.* UNITED STATES, 558 U.S. 1062; and
No. 09–7346. BRYANT *v.* UNITED STATES, 558 U.S. 1063. Petitions for rehearing denied.

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Certiorari Denied

No. 09–8937 (09A728). BROWN *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. Reported below: 363 Fed. Appx. 394.

No. 09–8938 (09A729). BROWN *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: 124 Ohio St. 3d 1467, 920 N. E. 2d 993.

FEBRUARY 12, 2010

Miscellaneous Order

No. 08–1234. KIYEMBA ET AL. *v.* OBAMA, PRESIDENT OF THE UNITED STATES, ET AL. C. A. D. C. Cir. [Certiorari granted, 558 U.S. 969.] The parties are directed to file letter briefs addressing the following question: “What should be the effect, if any, of the developments discussed in the letters submitted by the parties on February 3 and 5 on the Court’s grant of certiorari in this case?” Briefs, limited to eight pages, are to be filed simultaneously with the Clerk and served upon opposing counsel on or before 2 p.m., Friday, February 19, 2010.

FEBRUARY 16, 2010

*Miscellaneous Order**

No. 09A736. MCCOMISH ET AL. *v.* BENNETT, SECRETARY OF STATE OF ARIZONA, ET AL. C. A. 9th Cir. Application to vacate the stay, presented to JUSTICE KENNEDY, and by him referred to

*For revisions to the Rules of this Court effective this date, see 558 U.S. 1161.

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the Court, denied without prejudice to a renewed application on June 1, 2010, or when the Court of Appeals has issued its decision on the merits of the case, whichever date is earlier.

Certiorari Denied

No. 09–8975 (09A739). *GROSSMAN 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: 29 So. 3d 1034.

FEBRUARY 19, 2010

Miscellaneous Orders

No. 08–974. *LEWIS ET AL. v. CITY OF CHICAGO, ILLINOIS*. C. A. 7th Cir. [Certiorari granted, 557 U.S. 965.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 08–1470. *BERGHUIS, WARDEN v. THOMPkins*. C. A. 6th Cir. [Certiorari granted, 557 U.S. 965.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 08–1529. *HUI ET AL. v. CASTANEDA, AS PERSONAL REPRESENTATIVE OF THE ESTATE OF CASTANEDA, ET AL.* C. A. 9th Cir. [Certiorari granted *sub nom. Migliaccio v. Castaneda*, 557 U.S. 966.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 08–1555. *SAMANTAR v. YOUSUF ET AL.* C. A. 4th Cir. [Certiorari granted, 557 U.S. 965.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 09–38. *HEALTH CARE SERVICE CORP. v. POLLITT ET AL.* C. A. 7th Cir. [Certiorari granted, 558 U.S. 945.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

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Certiorari Granted—Reversed and Remanded. (See No. 08–10914, *ante*, p. 34; and No. 09–273, *ante*, p. 43.)

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Certiorari Dismissed

No. 09–7785. ALBERT *v.* DAKOTA COMMUNITIES, INC., ET AL. C. A. 8th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court’s Rule 39.8. Reported below: 331 Fed. Appx. 431.

No. 09–7925. HILL *v.* HILLIER. 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. 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: 331 Fed. Appx. 250.

No. 09–8048. ELINE *v.* HAWAII DEPARTMENT OF PUBLIC SAFETY. 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. 09–8453. MCCARTHY *v.* UNITED STATES. C. A. 2d Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court’s Rule 39.8.

No. 09–8646. JEFFUS *v.* DREW, WARDEN. C. A. 11th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court’s Rule 39.8.

Miscellaneous Orders

No. 09M67. NEELY *v.* MARSHALL, SUPERINTENDENT, SING SING CORRECTIONAL FACILITY. Motion to direct the Clerk to file petition for writ of certiorari out of time denied.

No. 09M68. MURRELL *v.* SHINSEKI, SECRETARY OF VETERANS AFFAIRS; and

No. 09M69. THOMPSON *v.* SHINSEKI, SECRETARY OF VETERANS AFFAIRS. Motions for leave to proceed as veterans denied.

No. 09M70. WILLIAMS *v.* UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA ET AL. Motion for

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leave to proceed *in forma pauperis* with declaration of indigency under seal denied.

No. 08–998. HAMILTON, CHAPTER 13 TRUSTEE *v.* LANNING. C. A. 10th Cir. [Certiorari granted, 558 U.S. 989.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 08–1394. SKILLING *v.* UNITED STATES. C. A. 5th Cir. [Certiorari granted, 558 U.S. 945.] Motion of petitioner for leave to file a supplemental volume of the joint appendix under seal granted.

No. 09–338. RENICO, WARDEN *v.* LETT. C. A. 6th Cir. [Certiorari granted, 558 U.S. 1047.] Motion of petitioner to dispense with printing the joint appendix granted.

No. 09–520. CSX TRANSPORTATION, INC. *v.* ALABAMA DEPARTMENT OF REVENUE ET AL. C. A. 11th Cir.; and

No. 09–654. ORTHO BIOTECH PRODUCTS, L. P. *v.* UNITED STATES EX REL. DUXBURY. C. A. 11th Cir. The Solicitor General is invited to file briefs in these cases expressing the views of the United States.

No. 09–7260. REYNOSO *v.* ROCK, SUPERINTENDENT, GREAT MEADOW CORRECTIONAL FACILITY. C. A. 2d Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [558 U.S. 1088] denied.

No. 09–8074. PARKER *v.* ASRC OMEGA NATCHIQ. C. A. 5th Cir.;

No. 09–8472. STEPHENS *v.* FOURTH JUDICIAL DISTRICT COURT ET AL. C. A. 5th Cir.; and

No. 09–8583. WALKER *v.* POTTER, POSTMASTER GENERAL. C. A. 5th Cir. Motions of petitioners for leave to proceed *in forma pauperis* denied. Petitioners are allowed until March 15, 2010, 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. 09–8455. IN RE BUSH;

No. 09–8464. IN RE WALCK; and

No. 09–8632. IN RE CASEY. Petitions for writs of habeas corpus denied.

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No. 09–7885. IN RE WADDELL;
No. 09–7982. IN RE TOWNSEND; and
No. 09–8198. IN RE SANCHO. Petitions for writs of mandamus denied.

No. 09–8014. IN RE ALPINE. Motion of petitioner for leave to proceed *in forma pauperis* denied, and petition for writ of mandamus and/or prohibition dismissed. See this Court’s Rule 39.8. As petitioner has repeatedly abused this Court’s process, the Clerk is directed not to accept any further petitions in non-criminal matters from petitioner unless the docketing fee required by Rule 38(a) is paid and the petition is submitted in compliance with Rule 33.1. See *Martin v. District of Columbia Court of Appeals*, 506 U.S. 1 (1992) (*per curiam*). JUSTICE STEVENS dissents. See *id.*, at 4, and cases cited therein.

Certiorari Granted

No. 09–350. LOS ANGELES COUNTY, CALIFORNIA *v.* HUMPHRIES ET AL. C. A. 9th Cir. Certiorari granted limited to Question 1 presented by the petition.

No. 09–587. HARRINGTON, WARDEN *v.* RICHTER. C. A. 9th Cir. Certiorari granted. In addition to the question presented, the parties are directed to brief and argue the following question: “Does Antiterrorism and Effective Death Penalty Act of 1996 deference apply to a state court’s summary disposition of a claim, including a claim under *Strickland v. Washington*, 466 U.S. 668 (1984)?” Reported below: 578 F. 3d 944.

Certiorari Denied

No. 08–1520. CITY OF DALLAS, TEXAS *v.* GOULD, DIRECTOR, UNITED STATES FISH AND WILDLIFE SERVICE, ET AL.; and

No. 08–1524. TEXAS WATER DEVELOPMENT BOARD *v.* DEPARTMENT OF THE INTERIOR ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 562 F. 3d 712.

No. 08–10932. BATEKREZE *v.* ARIZONA. Ct. App. Ariz. Certiorari denied.

No. 09–287. WESTON *v.* UNITED STATES. C. A. Armed Forces. Certiorari denied. Reported below: 67 M. J. 390.

No. 09–342. ROSE ACRE FARMS, INC. *v.* UNITED STATES. C. A. Fed. Cir. Certiorari denied. Reported below: 559 F. 3d 1260.

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No. 09–357. *SMITH v. JONES, WARDEN*. C. A. 6th Cir. Certiorari denied. Reported below: 326 Fed. Appx. 324.

No. 09–394. *SAUDI AMERICAN BANK v. SWE&C LIQUIDATING TRUST, SUCCESSOR IN INTEREST TO STONE & WEBSTER ENGINEERING CORP.* C. A. 3d Cir. Certiorari denied. Reported below: 335 Fed. Appx. 202.

No. 09–420. *LEWIS, PERSONAL REPRESENTATIVE OF THE ESTATE OF LEWIS, DECEASED v. CITY OF WEST PALM BEACH, FLORIDA, ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 561 F. 3d 1288.

No. 09–426. *EKLUND v. WHEATLAND COUNTY, MONTANA, ET AL.* Sup. Ct. Mont. Certiorari denied. Reported below: 351 Mont. 370, 212 P. 3d 297.

No. 09–435. *NEW WEST, L. P., ET AL. v. CITY OF JOLIET, ILLINOIS, ET AL.*; and

No. 09–445. *DAVIS ET AL. v. CITY OF JOLIET, ILLINOIS, ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 562 F. 3d 830.

No. 09–491. *CITY OF LONG BEACH, CALIFORNIA v. LONG BEACH AREA PEACE NETWORK ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 574 F. 3d 1011.

No. 09–532. *FRY v. EXELON CORPORATION CASH BALANCE PENSION PLAN*. C. A. 7th Cir. Certiorari denied. Reported below: 571 F. 3d 644.

No. 09–533. *CROPLIFE AMERICA ET AL. v. BAYKEEPER ET AL.*; and

No. 09–547. *AMERICAN FARM BUREAU FEDERATION ET AL. v. BAYKEEPER ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 553 F. 3d 927.

No. 09–542. *KAY ET AL. v. GONZALEZ*. C. A. 5th Cir. Certiorari denied. Reported below: 577 F. 3d 600.

No. 09–564. *CITY COUNCIL OF THE CITY OF ALBUQUERQUE v. ALBUQUERQUE COMMONS PARTNERSHIP*. Ct. App. N. M. Certiorari denied. Reported below: 146 N. M. 568, 212 P. 3d 1122.

No. 09–569. *BYLIN ET UX. v. BILLINGS ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 568 F. 3d 1224.

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No. 09–621. *MINNEAPOLIS TAXI OWNERS COALITION, INC. v. CITY OF MINNEAPOLIS, MINNESOTA, ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 572 F. 3d 502.

No. 09–623. *MOODY ET AL. v. ALLEGHENY VALLEY LAND TRUST ET AL.* Sup. Ct. Pa. Certiorari denied. Reported below: 601 Pa. 655, 976 A. 2d 484.

No. 09–630. *BENSON ET AL. v. ST. JOSEPH REGIONAL HEALTH CENTER ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 575 F. 3d 542.

No. 09–632. *DOMINGUEZ v. PRICE OKAMOTO HIMENO & LUM.* Int. Ct. App. Haw. Certiorari denied. Reported below: 120 Haw. App. 384, 205 P. 3d 649.

No. 09–637. *SCHOOL BOARD OF BEAUREGARD PARISH v. HONEYWELL INTERNATIONAL, INC., ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 328 Fed. Appx. 973.

No. 09–639. *EILENDER v. MICHIGAN DEPARTMENT OF HUMAN SERVICES.* Ct. App. Mich. Certiorari denied.

No. 09–641. *VINING v. APPLIED POWER TECHNOLOGY ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 317 Fed. Appx. 196.

No. 09–642. *YOUNG ET UX., INDIVIDUALLY AND AS NEXT FRIENDS OF YOUNG v. MEMORIAL HERMANN HOSPITAL SYSTEM, DBA MEMORIAL HERMANN HOSPITAL, ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 573 F. 3d 233.

No. 09–643. *BROWN v. MARRIOTT INTERNATIONAL, INC.* C. A. 4th Cir. Certiorari denied. Reported below: 330 Fed. Appx. 27.

No. 09–657. *BIRMINGHAM BOARD OF EDUCATION v. MCCORD-BAUGH.* Sup. Ct. Ala. Certiorari denied. Reported below: 65 So. 3d 493.

No. 09–659. *SPEIGHTS v. CITY OF OCEANSIDE, CALIFORNIA, ET AL.* Ct. App. Cal., 4th App. Dist., Div. 1. Certiorari denied.

No. 09–660. *NAIR v. SUPERIOR COURT OF CALIFORNIA, PLACER COUNTY, ET AL.* Ct. App. Cal., 3d App. Dist. Certiorari denied.

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No. 09-661. *KASHARIAN v. NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION*. Super. Ct. N. J., App. Div. Certiorari denied.

No. 09-662. *CHHUN ENG v. HOLDER, ATTORNEY GENERAL*. C. A. 9th Cir. Certiorari denied. Reported below: 345 Fed. Appx. 297.

No. 09-670. *LOCAL #46 METALLIC LATHERS UNION AND REINFORCING IRON WORKERS ET AL. v. UNITED STATES ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 568 F. 3d 81.

No. 09-673. *SEA HAWK SEAFOODS, INC., ET AL. v. LOCKE, SECRETARY OF COMMERCE, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 568 F. 3d 757.

No. 09-675. *BUTTE COUNTY, CALIFORNIA, ET AL. v. SUPERIOR COURT OF CALIFORNIA, BUTTE COUNTY, ET AL.* Ct. App. Cal., 3d App. Dist. Certiorari denied. Reported below: 175 Cal. App. 4th 729, 96 Cal. Rptr. 3d 421.

No. 09-677. *KRISTINA S. v. CHARISMA R.* Ct. App. Cal., 1st App. Dist. Certiorari denied. Reported below: 175 Cal. App. 4th 361, 96 Cal. Rptr. 3d 26.

No. 09-679. *PARKERSON v. McMURTREY ET AL.* Ct. App. Ark. Certiorari denied.

No. 09-680. *ARKANSAS v. OSBURN*. Sup. Ct. Ark. Certiorari denied. Reported below: 2009 Ark. 390, 326 S. W. 3d 771.

No. 09-682. *BOSACK ET AL. v. SOWARD ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 586 F. 3d 1096.

No. 09-688. *POPE v. ALABAMA ET AL.* C. A. 11th Cir. Certiorari denied.

No. 09-689. *HUNSBERGER ET UX. v. WOOD, DEPUTY SHERIFF, BOTETOURT COUNTY, VIRGINIA*. C. A. 4th Cir. Certiorari denied. Reported below: 570 F. 3d 546.

No. 09-690. *CHAUDHARY v. HOLDER, ATTORNEY GENERAL*. C. A. 2d Cir. Certiorari denied. Reported below: 340 Fed. Appx. 736.

No. 09-693. *KYLE ET AL. v. LEOVITS ET AL.* App. Div., Sup. Ct. N. Y., 1st Jud. Dept. Certiorari denied. Reported below: 58 App. Div. 3d 521, 870 N. Y. S. 2d 360.

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No. 09-695. *U. S. MOTORS ET AL. v. GENERAL MOTORS EUROPE*. C. A. 6th Cir. Certiorari denied. Reported below: 551 F. 3d 420.

No. 09-696. *JOHN J. KANE REGIONAL CENTERS-GLEN HAZEL v. GRAMMER, ADMINISTRATRIX OF THE ESTATE OF DANIELS, DECEASED*. C. A. 3d Cir. Certiorari denied. Reported below: 570 F. 3d 520.

No. 09-698. *McKINNEY v. BOARD OF MEDICAL EXAMINERS OF COLORADO*. Ct. App. Colo. Certiorari denied.

No. 09-701. *ALLRITE SHEETMETAL, INC. v. BANK OF COMMERCE ET AL.* App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 388 Ill. App. 3d 1130, 982 N. E. 2d 283.

No. 09-702. *ACUSHNET Co. v. CALLAWAY GOLF Co.* C. A. Fed. Cir. Certiorari denied. Reported below: 576 F. 3d 1331.

No. 09-706. *TUSINI v. POTTER, POSTMASTER GENERAL, ET AL.* C. A. 1st Cir. Certiorari denied.

No. 09-710. *HALL v. TENNISON*. Super. Ct. Cobb County, Ga. Certiorari denied.

No. 09-716. *TERUYA BROTHERS, LTD. & SUBSIDIARIES v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 9th Cir. Certiorari denied. Reported below: 580 F. 3d 1038.

No. 09-718. *MATTISON v. VIRGINIA*. Sup. Ct. Va. Certiorari denied.

No. 09-719. *KONAR v. ILLINOIS*. C. A. 7th Cir. Certiorari denied. Reported below: 327 Fed. Appx. 638.

No. 09-730. *HOLTZER v. DAVIS, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 09-731. *MOUNT v. UNITED STATES ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 328 Fed. Appx. 569.

No. 09-732. *PELKEY v. SUPREME COURT OF ARIZONA*. Sup. Ct. Ariz. Certiorari denied.

No. 09-734. *AMES v. WASHINGTON STATE HEALTH DEPARTMENT MEDICAL QUALITY HEALTH ASSURANCE COMMISSION*.

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Sup. Ct. Wash. Certiorari denied. Reported below: 166 Wash. 2d 255, 208 P. 3d 549.

No. 09-743. *JONES ET AL. v. BRYANT ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 575 F. 3d 1281.

No. 09-748. *RADMORE v. AEGIS COMMUNICATIONS GROUP, INC.* C. A. 3d Cir. Certiorari denied. Reported below: 346 Fed. Appx. 835.

No. 09-752. *PENNEY v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. Reported below: 576 F. 3d 297.

No. 09-757. *ASHBY v. UNITED STATES.* C. A. Armed Forces. Certiorari denied. Reported below: 68 M. J. 108.

No. 09-762. *CLAVILLE v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 348 Fed. Appx. 910.

No. 09-764. *MOWER v. UNITED STATES.* C. A. 10th Cir. Certiorari denied. Reported below: 340 Fed. Appx. 515.

No. 09-773. *LERMAN ET AL. v. CITY OF FORT LAUDERDALE, FLORIDA.* C. A. 11th Cir. Certiorari denied. Reported below: 346 Fed. Appx. 500.

No. 09-780. *PEDELEOSE v. DEPARTMENT OF DEFENSE.* C. A. Fed. Cir. Certiorari denied. Reported below: 343 Fed. Appx. 605.

No. 09-789. *UNISYS CORP. v. ADAIR ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 579 F. 3d 220.

No. 09-801. *WESCOTT v. UNITED STATES.* C. A. 7th Cir. Certiorari denied. Reported below: 576 F. 3d 347.

No. 09-802. *NITSCHKE v. COMMISSIONER OF INTERNAL REVENUE.* C. A. 5th Cir. Certiorari denied. Reported below: 332 Fed. Appx. 173.

No. 09-811. *HYATT v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 332 Fed. Appx. 823.

No. 09-832. *THOMAS v. SHINSEKI, SECRETARY OF VETERANS AFFAIRS, ET AL.* C. A. D. C. Cir. Certiorari denied.

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No. 09–844. *WOOD v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 340 Fed. Appx. 910.

No. 09–5887. *SCOTT v. MISSISSIPPI*. Sup. Ct. Miss. Certiorari denied. Reported below: 8 So. 3d 855.

No. 09–6097. *ROLLINS v. BEARD, SECRETARY, PENNSYLVANIA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 09–6103. *AUGUSTIN v. CHASE HOME FINANCE LLC*. C. A. 1st Cir. Certiorari denied.

No. 09–6255. *TIEWLOH v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 319 Fed. Appx. 178.

No. 09–6384. *MARTE v. NEW YORK*. Ct. App. N. Y. Certiorari denied. Reported below: 12 N. Y. 3d 583, 912 N. E. 2d 37.

No. 09–6492. *JACKSON v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 334 Fed. Appx. 162.

No. 09–6598. *HERNANDEZ v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 568 F. 3d 827.

No. 09–6627. *CONROY v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 567 F. 3d 174.

No. 09–6664. *RESTREPO-MEJIA v. HOLDER, ATTORNEY GENERAL*. C. A. 5th Cir. Certiorari denied. Reported below: 323 Fed. Appx. 338.

No. 09–6732. *ROGERS v. KBR TECHNICAL SERVICES, INC.* C. A. 5th Cir. Certiorari denied. Reported below: 328 Fed. Appx. 967.

No. 09–6832. *JONGEWAARD v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 567 F. 3d 336.

No. 09–6915. *FALLS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 323 Fed. Appx. 836.

No. 09–6928. *ANDERSON v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied. Reported below: 47 Cal. 4th 92, 211 P. 3d 584.

No. 09–7019. *GRANT v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 563 F. 3d 385.

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No. 09–7066. *GONZALES v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied.

No. 09–7257. *IRICK v. BELL, WARDEN*. C. A. 6th Cir. Certiorari denied. Reported below: 565 F. 3d 315.

No. 09–7370. *AGUIRE-JARQUIN v. FLORIDA*. Sup. Ct. Fla. Certiorari denied. Reported below: 9 So. 3d 593.

No. 09–7446. *WOODS v. ALABAMA*. Sup. Ct. Ala. Certiorari denied.

No. 09–7450. *STEWART v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 330 Fed. Appx. 30.

No. 09–7486. *SIGALA v. THALER, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied. Reported below: 338 Fed. Appx. 388.

No. 09–7547. *AHMED v. GATES, SECRETARY OF DEFENSE*. C. A. D. C. Cir. Certiorari denied.

No. 09–7564. *EGGLESTON v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 09–7780. *KENNEDY v. LOCKETT ET AL.* C. A. 11th Cir. Certiorari denied.

No. 09–7789. *YARBOROUGH v. THALER, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 09–7791. *TANI v. CEDAR ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 344 Fed. Appx. 846.

No. 09–7794. *RAMEY v. FLORIDA*. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 21 So. 3d 80.

No. 09–7795. *SELF v. DEVON ENERGY PRODUCTION Co., LP*. Ct. App. Tex., 2d Dist. Certiorari denied.

No. 09–7796. *SMITH v. DELAWARE ET AL.* Sup. Ct. Del. Certiorari denied. Reported below: 981 A. 2d 1173.

No. 09–7798. *RUSSELL v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied.

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No. 09–7801. *RATTIS v. JACKSON, SUPERINTENDENT, BROWN CREEK CORRECTIONAL INSTITUTION*. C. A. 4th Cir. Certiorari denied. Reported below: 332 Fed. Appx. 872.

No. 09–7802. *HANSEN v. INDUSTRIAL CLAIM APPEALS OFFICE OF COLORADO ET AL.* Ct. App. Colo. Certiorari denied.

No. 09–7809. *MOORE v. CURRIE MOTORS OF FOREST PARK ET AL.* App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 387 Ill. App. 3d 1175, 981 N. E. 2d 535.

No. 09–7813. *PHILLIPS v. MIKE MURDOCK EVANGELISTIC ASSN. ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 329 Fed. Appx. 775.

No. 09–7815. *PALMER v. CITY OF TALLAHASSEE, FLORIDA, ET AL.* Sup. Ct. Fla. Certiorari denied. Reported below: 18 So. 3d 528.

No. 09–7817. *LEWIS v. LEWIS, WARDEN*. C. A. 9th Cir. Certiorari denied. Reported below: 326 Fed. Appx. 420.

No. 09–7820. *JONES v. MILLIGAN ET AL.* C. A. 8th Cir. Certiorari denied.

No. 09–7821. *LEAKE v. MINNESOTA*. Sup. Ct. Minn. Certiorari denied. Reported below: 767 N. W. 2d 5.

No. 09–7822. *JORDAN v. FLORIDA*. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 13 So. 3d 1059.

No. 09–7823. *TARSHIK v. KANSAS ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 327 Fed. Appx. 56.

No. 09–7824. *OZENNE v. CHASE MANHATTAN BANK ET AL.* C. A. 9th Cir. Certiorari denied.

No. 09–7835. *JAMES v. WARREN, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 09–7837. *BECK v. WALKER, WARDEN*. C. A. 11th Cir. Certiorari denied.

No. 09–7840. *WASHINGTON v. BOWERSOX, SUPERINTENDENT, SOUTH CENTRAL CORRECTIONAL FACILITY, ET AL.* C. A. 8th Cir. Certiorari denied.

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No. 09–7842. *WILLIAMS v. MCQUIGGIN, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 09–7844. *LEE v. WUGHTER, SUPERINTENDENT, MOHAWK CORRECTIONAL FACILITY, ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 327 Fed. Appx. 253.

No. 09–7856. *ANDERSON ET UX. v. INDIAN SPRINGS LAND INVESTMENT, LLC, ET AL.* Sup. Ct. Idaho. Certiorari denied. Reported below: 147 Idaho 737, 215 P. 3d 457.

No. 09–7858. *POWERS v. MESABA AVIATION, INC., DBA MESABA AIRLINES, ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 328 Fed. Appx. 344.

No. 09–7860. *ANDRUS v. THALER, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 09–7862. *SORLIEN v. MICHIGAN*. Ct. App. Mich. Certiorari denied.

No. 09–7863. *WARREN v. THALER, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 09–7867. *GARRAWAY v. FISCHER, COMMISSIONER, NEW YORK DEPARTMENT OF CORRECTIONAL SERVICES, ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 324 Fed. Appx. 98.

No. 09–7874. *GOFF v. MISSISSIPPI*. Sup. Ct. Miss. Certiorari denied. Reported below: 14 So. 3d 625.

No. 09–7878. *DENNIS v. KELLER MEYER BUILDING SERVICES*. C. A. 11th Cir. Certiorari denied.

No. 09–7883. *BLACKSHEAR v. MCNEIL, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 09–7887. *MCDUFFIE v. FLORIDA*. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 15 So. 3d 583.

No. 09–7890. *ROCHA v. FLORIDA*. Dist. Ct. App. Fla., 5th Dist. Certiorari denied.

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No. 09-7892. *KINNARD v. METROPOLITAN POLICE DEPARTMENT ET AL.* C. A. 6th Cir. Certiorari denied.

No. 09-7894. *LIGGON-REDDING v. WILLINGBORO TOWNSHIP, NEW JERSEY, ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 351 Fed. Appx. 674.

No. 09-7896. *WEATHERSPOON v. FAYRAM, WARDEN.* C. A. 8th Cir. Certiorari denied.

No. 09-7897. *SCHOOR v. TEXAS.* Ct. App. Tex., 7th Dist. Certiorari denied. Reported below: 279 S. W. 3d 844.

No. 09-7900. *MCNEELY v. COUNTY OF SACRAMENTO, CALIFORNIA, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 344 Fed. Appx. 317.

No. 09-7902. *D'ARY v. UNITED STATES.* C. A. 8th Cir. Certiorari denied.

No. 09-7905. *COOPER v. THALER, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION.* C. A. 5th Cir. Certiorari denied.

No. 09-7915. *MORALES v. BOATWRIGHT, WARDEN.* C. A. 7th Cir. Certiorari denied. Reported below: 580 F. 3d 653.

No. 09-7916. *A. H. v. PENNSYLVANIA.* Super. Ct. Pa. Certiorari denied. Reported below: 974 A. 2d 1182.

No. 09-7917. *C. G. v. PENNSYLVANIA.* Super. Ct. Pa. Certiorari denied. Reported below: 974 A. 2d 1180.

No. 09-7918. *LEWIS v. CALIFORNIA.* Sup. Ct. Cal. Certiorari denied. Reported below: 46 Cal. 4th 1255, 210 P. 3d 1119.

No. 09-7920. *BOWMAN v. CATE, SECRETARY, CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION.* C. A. 9th Cir. Certiorari denied. Reported below: 339 Fed. Appx. 707.

No. 09-7922. *PALMER v. SMITH, WARDEN.* C. A. 11th Cir. Certiorari denied.

No. 09-7924. *K. E. H. v. PENNSYLVANIA.* Super. Ct. Pa. Certiorari denied. Reported below: 974 A. 2d 1182.

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No. 09–7928. *HENSLEY v. COLVILLE SCHOOL DISTRICT*. Ct. App. Wash. Certiorari denied. Reported below: 148 Wash. App. 1032.

No. 09–7931. *PYE v. TEXAS*. Ct. App. Tex., 10th Dist. Certiorari denied.

No. 09–7933. *JAMES v. CALIFORNIA*. Ct. App. Cal., 3d App. Dist. Certiorari denied. Reported below: 174 Cal. App. 4th 662, 94 Cal. Rptr. 3d 576.

No. 09–7934. *RODRIGUEZ LINAREZ v. CALIFORNIA*. Ct. App. Cal., 3d App. Dist. Certiorari denied. Reported below: 155 Cal. App. 4th 1393, 66 Cal. Rptr. 3d 762.

No. 09–7935. *JENNINGS v. ROZUM, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT SOMERSET, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 09–7937. *MAYER v. SOCIAL SECURITY ADMINISTRATION*. C. A. 4th Cir. Certiorari denied. Reported below: 334 Fed. Appx. 562.

No. 09–7938. *MANNING v. PALMER, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 09–7945. *WIMBERLY v. ROYAL ET AL.* C. A. 11th Cir. Certiorari denied.

No. 09–7947. *BAKARICH v. NEW JERSEY*. Super. Ct. N. J., App. Div. Certiorari denied.

No. 09–7951. *HENRY v. OHIO*. Ct. App. Ohio, Lake County. Certiorari denied. Reported below: 122 Ohio St. 3d 1481, 910 N. E. 2d 479.

No. 09–7953. *CASTILLO VILLASANA v. HOLDER, ATTORNEY GENERAL*. C. A. 2d Cir. Certiorari denied.

No. 09–7955. *MUHAMMAD v. SUPERIOR COURT OF CALIFORNIA, LOS ANGELES COUNTY, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 09–7956. *BRADFORD v. SUBIA, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 09–7966. *JAMES v. RICHARDSON ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 344 Fed. Appx. 982.

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No. 09–7967. *JONES v. LOUISIANA*. Ct. App. La., 5th Cir. Certiorari denied. Reported below: 998 So. 2d 173.

No. 09–7968. *KING v. MAYBERG ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 334 Fed. Appx. 802.

No. 09–7969. *McFARLAND v. CHANDLER, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 09–7970. *MURPHY v. HAGAN, WARDEN*. C. A. 4th Cir. Certiorari denied. Reported below: 332 Fed. Appx. 854.

No. 09–7977. *SPEER v. ARIZONA*. Sup. Ct. Ariz. Certiorari denied. Reported below: 221 Ariz. 449, 212 P. 3d 787.

No. 09–7978. *BLAXTON v. McNEIL, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 09–7979. *BRANTLEY v. SIRMONS, WARDEN*. C. A. 10th Cir. Certiorari denied. Reported below: 342 Fed. Appx. 384.

No. 09–7986. *GRIFFIN v. TOWN OF WHITEFIELD, NEW HAMPSHIRE, ET AL.* C. A. 1st Cir. Certiorari denied. Reported below: 341 Fed. Appx. 655.

No. 09–7991. *HY THI NGUYEN v. CHRISTIANSON*. Sup. Ct. Va. Certiorari denied.

No. 09–7993. *LANCE v. MORROW, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 09–7995. *JACKSON v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 387 Ill. App. 3d 1178, 981 N. E. 2d 537.

No. 09–7998. *GARZA TAMEZ v. THALER, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied. Reported below: 344 Fed. Appx. 897.

No. 09–8000. *THOMPSON v. GONZALEZ, ACTING WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 09–8001. *TAYLOR ET UX. v. JACOBS ET AL.* Ct. App. Ind. Certiorari denied.

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No. 09–8005. *RIDENER v. WISCONSIN*. Ct. App. Wis. Certiorari denied. Reported below: 320 Wis. 2d 484, 769 N. W. 2d 878.

No. 09–8006. *SANTOS v. MASSACHUSETTS*. Sup. Jud. Ct. Mass. Certiorari denied. Reported below: 454 Mass. 245, 909 N. E. 2d 1.

No. 09–8012. *BATES v. DAVIS ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 332 Fed. Appx. 983.

No. 09–8015. *AGUADO-GUEL v. LARKIN ET AL.* C. A. 8th Cir. Certiorari denied.

No. 09–8023. *BAEZ v. JAMES, JUDGE, SUPERIOR COURT OF GEORGIA, DOUGLAS COUNTY*. Sup. Ct. Ga. Certiorari denied.

No. 09–8024. *CAILLOT v. MASSACHUSETTS*. Sup. Jud. Ct. Mass. Certiorari denied. Reported below: 454 Mass. 245, 909 N. E. 2d 1.

No. 09–8034. *GRIGGS v. CULLIVER, WARDEN*. C. A. 11th Cir. Certiorari denied.

No. 09–8037. *FENTON v. MCNEIL, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS*. C. A. 11th Cir. Certiorari denied.

No. 09–8039. *GALVAN v. CALIFORNIA*. Ct. App. Cal., 6th App. Dist. Certiorari denied.

No. 09–8041. *GONZALES v. RYAN, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 09–8042. *HOELSCHER v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 09–8043. *SMITH, AKA WESLEY-SMITH v. LAFLEW, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 09–8044. *SORROW v. THALER, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 09–8046. *HETT v. WADE ET AL.* C. A. 11th Cir. Certiorari denied.

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No. 09–8049. *DAVIS v. FLORIDA*. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 993 So. 2d 1119.

No. 09–8050. *DEDRICK v. TEXAS*. Ct. App. Tex., 11th Dist. Certiorari denied.

No. 09–8053. *BOWERSOCK v. SUPERIOR COURT OF CALIFORNIA, LOS ANGELES COUNTY, ET AL.* Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 09–8061. *SODERSTROM v. NICHOLAS ET AL.* C. A. 9th Cir. Certiorari denied.

No. 09–8065. *DAVIS v. MCNEIL, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS*. C. A. 11th Cir. Certiorari denied.

No. 09–8068. *GARY v. FLORIDA*. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 5 So. 3d 713.

No. 09–8069. *GREEN v. SULLIVAN, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 09–8072. *DUNG NGOC HUYNH v. BAZE ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 317 Fed. Appx. 397.

No. 09–8078. *FELGAR v. BURKETT ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 328 Fed. Appx. 107.

No. 09–8079. *GRANT v. WHEELER, WARDEN*. Sup. Ct. Va. Certiorari denied.

No. 09–8080. *MCDOWELL v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

No. 09–8089. *KLAT v. MITCHELL REPAIR INFORMATION CO., LLC, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 09–8091. *KOCH v. BROWN, ATTORNEY GENERAL OF CALIFORNIA, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 340 Fed. Appx. 372.

No. 09–8093. *LEE v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 09–8095. *VENTRY v. ARKANSAS*. Sup. Ct. Ark. Certiorari denied. Reported below: 2009 Ark. 300, 318 S. W. 3d 576.

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No. 09–8099. *WOOLRIDGE v. ANWAR*. C. A. 9th Cir. Certiorari denied.

No. 09–8100. *UKAWABUTU v. RICCI, ASSOCIATE ADMINISTRATOR, NEW JERSEY STATE PRISON, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 09–8103. *LEE v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied.

No. 09–8104. *LASKEY v. PLATT ELECTRIC SUPPLY, INC.* Ct. App. Cal., 1st App. Dist. Certiorari denied.

No. 09–8107. *PATTERSON v. CALIFORNIA*. Ct. App. Cal., 3d App. Dist. Certiorari denied.

No. 09–8108. *PARMER v. IDAHO CORRECTIONAL CORPORATION ET AL.* C. A. 9th Cir. Certiorari denied.

No. 09–8110. *SHAW v. MCNEIL, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 09–8114. *WILLIAMS v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 388 Ill. App. 3d 1140, 982 N. E. 2d 288.

No. 09–8119. *BROWN v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 331 Fed. Appx. 624.

No. 09–8122. *PARMELEE v. MCCOLLUM, ATTORNEY GENERAL OF FLORIDA, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 09–8123. *PHILLIPS v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

No. 09–8133. *HANNAH v. FLORIDA*. Dist. Ct. App. Fla., 5th Dist. Certiorari denied. Reported below: 23 So. 3d 125.

No. 09–8134. *GRAY v. WEST VIRGINIA*. Sup. Ct. App. W. Va. Certiorari denied.

No. 09–8137. *LEGGETT v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 09–8144. *FIGUEROA v. DIGUGLIELMO, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT GRATERFORD, ET AL.* C. A. 3d Cir. Certiorari denied.

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No. 09–8157. *COLEMAN v. BAZZLE, WARDEN*. C. A. 4th Cir. Certiorari denied. Reported below: 333 Fed. Appx. 794.

No. 09–8165. *HALL v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 09–8166. *GRAY v. LEE, SUPERINTENDENT, GREEN HAVEN CORRECTIONAL FACILITY*. C. A. 2d Cir. Certiorari denied.

No. 09–8175. *SMITH v. NORRIS, DIRECTOR, ARKANSAS DEPARTMENT OF CORRECTION*. C. A. 8th Cir. Certiorari denied.

No. 09–8187. *RHETT v. POWER*. C. A. 3d Cir. Certiorari denied.

No. 09–8191. *HESTER v. WEST VIRGINIA*. Sup. Ct. App. W. Va. Certiorari denied.

No. 09–8197. *TILLIS v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 387 Ill. App. 3d 1182, 981 N. E. 2d 538.

No. 09–8199. *BOLLS v. STREET, SECRETARY, VIRGINIA BOARD OF BAR EXAMINERS*. Sup. Ct. Va. Certiorari denied.

No. 09–8208. *PADGETT v. BRAMBLETT, PROTHONOTARY, SUPERIOR COURT OF PENNSYLVANIA*. Sup. Ct. Pa. Certiorari denied.

No. 09–8212. *REESE v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 329 Fed. Appx. 324.

No. 09–8218. *PERDUE v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 572 F. 3d 288.

No. 09–8222. *GENEVIER v. DEMORE*. C. A. 9th Cir. Certiorari denied. Reported below: 329 Fed. Appx. 152.

No. 09–8228. *MONTAGUE v. VIRGINIA*. Sup. Ct. Va. Certiorari denied. Reported below: 278 Va. 532, 684 S. E. 2d 583.

No. 09–8248. *NESTOR v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 574 F. 3d 159.

No. 09–8251. *GILLESPIE v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 345 Fed. Appx. 757.

No. 09–8255. *DRUMMOND v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

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No. 09–8258. *RICHARDSON v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 581 F. 3d 824.

No. 09–8260. *SOTOLONGO v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 343 Fed. Appx. 482.

No. 09–8265. *COOK v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 344 Fed. Appx. 433.

No. 09–8269. *SHMELEV v. MINNESOTA*. Ct. App. Minn. Certiorari denied.

No. 09–8272. *RIVERA v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 348 Fed. Appx. 461.

No. 09–8273. *ROBINSON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 344 Fed. Appx. 936.

No. 09–8274. *SELLERS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 332 Fed. Appx. 814.

No. 09–8279. *BELTRAN v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 09–8280. *BROWN v. PHELPS, WARDEN, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 09–8282. *ACKER v. MCNEIL, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS*. C. A. 11th Cir. Certiorari denied.

No. 09–8286. *BLIGE v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 09–8287. *ARGUETA-FERNANDEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 09–8288. *DALE v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 09–8289. *DE LEON-MARTINEZ v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 582 F. 3d 124.

No. 09–8290. *ELLIS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 340 Fed. Appx. 891.

No. 09–8292. *CREDELL v. SOUTH CAROLINA*. Ct. Common Pleas of Orangeburg County, S. C. Certiorari denied.

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No. 09–8295. *BRYANT v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 329 Fed. Appx. 435.

No. 09–8298. *POPE v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

No. 09–8299. *KRETZER v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 343 Fed. Appx. 987.

No. 09–8300. *MCCRAY v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 345 Fed. Appx. 498.

No. 09–8302. *WEST v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 333 Fed. Appx. 494.

No. 09–8309. *VEGA-FIGUEROA v. UNITED STATES*. C. A. 1st Cir. Certiorari denied.

No. 09–8310. *WREN v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 09–8313. *SANDERS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 349 Fed. Appx. 465.

No. 09–8314. *RUFFIN v. DIGUGLIELMO, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT GRATERFORD, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 09–8315. *SHAFFER v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 573 F. 3d 267.

No. 09–8319. *WHITE v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 582 F. 3d 787.

No. 09–8322. *WILLIAMS v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

No. 09–8323. *GAINES v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 345 Fed. Appx. 369.

No. 09–8325. *BELL v. SAMUELS ET AL.* C. A. 10th Cir. Certiorari denied.

No. 09–8328. *DAVIS v. PENNSYLVANIA*. Super. Ct. Pa. Certiorari denied. Reported below: 974 A. 2d 1179.

No. 09–8332. *TERRY v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 334 Fed. Appx. 576.

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No. 09–8336. *RODRIGUEZ-PARRA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 581 F. 3d 227.

No. 09–8337. *SALAZAR-BASALDUA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 342 Fed. Appx. 985.

No. 09–8339. *MANN v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 341 Fed. Appx. 877.

No. 09–8340. *LADOUCER v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 573 F. 3d 628.

No. 09–8341. *MACK v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 344 Fed. Appx. 623.

No. 09–8343. *JARAMILLO-AVELINO v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 344 Fed. Appx. 978.

No. 09–8344. *OPARAJI v. NEW YORK MORTGAGE CO., LLC*. App. Div., Sup. Ct. N. Y., 1st Jud. Dept. Certiorari denied. Reported below: 55 App. Div. 3d 429, 866 N. Y. S. 2d 69.

No. 09–8346. *ORLANDO-MENA, AKA MENA v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 347 Fed. Appx. 690.

No. 09–8347. *MEDINA-VILLA, AKA MEDINA-MAELLA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 567 F. 3d 507.

No. 09–8348. *MILLER v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 333 Fed. Appx. 287.

No. 09–8359. *JOHNSON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 345 Fed. Appx. 938.

No. 09–8365. *VERDUGO-MUNOZ v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 343 Fed. Appx. 287.

No. 09–8369. *JUDD v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 09–8370. *LEONARD v. ILLINOIS*. App. Ct. Ill., 3d Dist. Certiorari denied. Reported below: 391 Ill. App. 3d 926, 911 N. E. 2d 403.

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No. 09–8371. *LEDEZMA v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 09–8372. *VENTRUELLA ET AL. v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 585 F. 3d 1013.

No. 09–8374. *SAAVEDRA-VELAZQUEZ v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 578 F. 3d 1103.

No. 09–8376. *PERRY v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 345 Fed. Appx. 494.

No. 09–8380. *BAKER v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 340 Fed. Appx. 145.

No. 09–8382. *CABRERA-ALEJANDRE v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 334 Fed. Appx. 816.

No. 09–8383. *MOHSEN v. UNITED STATES TRUSTEE*. C. A. 9th Cir. Certiorari denied. Reported below: 321 Fed. Appx. 607.

No. 09–8384. *PINSON v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 584 F. 3d 972.

No. 09–8386. *PENNANT v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

No. 09–8387. *MILLER v. HOLDER, ATTORNEY GENERAL, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 325 Fed. Appx. 252.

No. 09–8392. *SMITH v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 337 Fed. Appx. 377.

No. 09–8395. *JAMES v. STANSBERRY, WARDEN*. C. A. 4th Cir. Certiorari denied. Reported below: 342 Fed. Appx. 865.

No. 09–8397. *LATHAM v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 09–8398. *RIVERO LAZO v. ARIZONA*. Ct. App. Ariz. Certiorari denied.

No. 09–8399. *EDWARDS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 346 Fed. Appx. 555.

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No. 09–8401. *ATCHISON v. UNITED STATES*. Ct. App. D. C. Certiorari denied.

No. 09–8405. *PUCHALSKI v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 378 Ill. App. 3d 1123, 955 N. E. 2d 185.

No. 09–8406. *PATTON v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 346 Fed. Appx. 532.

No. 09–8407. *MILLER v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 348 Fed. Appx. 384.

No. 09–8408. *PRICE v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 346 Fed. Appx. 796.

No. 09–8409. *JENKINS v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 578 F. 3d 745.

No. 09–8411. *BANKS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 351 Fed. Appx. 900.

No. 09–8413. *ROGEL-TORRES v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 333 Fed. Appx. 892.

No. 09–8425. *MOORE v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 569 F. 3d 341.

No. 09–8431. *PASSARO v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 577 F. 3d 207.

No. 09–8433. *BANKS v. OUTLAW, WARDEN, ET AL.* C. A. 8th Cir. Certiorari denied.

No. 09–8435. *VENEGAS-ZAMORA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 332 Fed. Appx. 395.

No. 09–8436. *WALKER v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 348 Fed. Appx. 910.

No. 09–8438. *VASQUEZ-ROSALES v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 573 F. 3d 865.

No. 09–8439. *PROCTOR v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 329 Fed. Appx. 502.

No. 09–8440. *JONES v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 347 Fed. Appx. 895.

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No. 09–8446. *DAWKINS v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 347 Fed. Appx. 182.

No. 09–8447. *CARVER v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 348 Fed. Appx. 449.

No. 09–8449. *MCCOY v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 333 Fed. Appx. 582.

No. 09–8450. *MILLS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 09–8452. *POWELL v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 09–8456. *BEIRUTI v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 09–8457. *DELVILLAR v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 09–8458. *ELIAS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 09–8459. *DECKER v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 580 F.3d 528.

No. 09–8460. *COOPER v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 343 Fed. Appx. 830.

No. 09–8467. *YOUNG v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 347 Fed. Appx. 182.

No. 09–8468. *ORDUNO v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 343 Fed. Appx. 144.

No. 09–8469. *STOTTS v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 346 Fed. Appx. 356.

No. 09–8471. *SLADE v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 346 Fed. Appx. 948.

No. 09–8477. *QIAN CHEN v. MARTINEZ, JUDGE, UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF WASHINGTON*. C. A. 9th Cir. Certiorari denied. Reported below: 328 Fed. Appx. 564.

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No. 09–8480. *DAVIS v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 583 F. 3d 1081.

No. 09–8483. *BYERS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 349 Fed. Appx. 840.

No. 09–8484. *CLEAVER v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 319 Fed. Appx. 728.

No. 09–8485. *DERROW v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 349 Fed. Appx. 962.

No. 09–8490. *HARRISON v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 585 F. 3d 1155.

No. 09–8491. *FLORES-MERAZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 345 Fed. Appx. 961.

No. 09–8492. *FAGAN v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 577 F. 3d 10.

No. 09–8494. *FULBRIGHT v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 348 Fed. Appx. 949.

No. 09–8495. *HERNANDEZ-ORTIZ v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 348 Fed. Appx. 277.

No. 09–8498. *REYES v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 09–8499. *FIGUEROA-TREJO v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 349 Fed. Appx. 221.

No. 09–8500. *GARCIA-ALCANTAR v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 333 Fed. Appx. 277.

No. 09–8501. *GARCIA-APARICIO v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 333 Fed. Appx. 282.

No. 09–8503. *TODD v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 09–8505. *ADAMS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 352 Fed. Appx. 825.

No. 09–8508. *CHANEY v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 584 F. 3d 20.

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No. 09–8509. *GARCIA-GARCIA v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 354 Fed. Appx. 434.

No. 09–8516. *LONDONO-CARDONA v. UNITED STATES*. C. A. 1st Cir. Certiorari denied.

No. 09–8518. *JACKSON v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 333 Fed. Appx. 739.

No. 09–8519. *MARTINEZ-BLANCO v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 351 Fed. Appx. 339.

No. 09–8520. *AUSTON v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 355 Fed. Appx. 919.

No. 09–8523. *VILLA v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 348 Fed. Appx. 376.

No. 09–8524. *MYERS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 584 F. 3d 1349.

No. 09–8531. *TINDAL v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 357 Fed. Appx. 436.

No. 09–8532. *STOVALL v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 579 F. 3d 919.

No. 09–8534. *JACKSON v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 09–8535. *WINTERS v. UNITED STATES PAROLE COMMISSIONER ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 320 Fed. Appx. 697.

No. 09–8537. *RAMIREZ v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 357 Fed. Appx. 873.

No. 09–8538. *RODRIGUEZ v. UNITED STATES*; and

No. 09–8612. *GARI v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 572 F. 3d 1352.

No. 09–8539. *PERTIL v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 344 Fed. Appx. 569.

No. 09–8540. *DIAZ-GUTIERREZ v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 354 Fed. Appx. 774.

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No. 09–8542. *ARCHULETA v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 348 Fed. Appx. 380.

No. 09–8544. *BERGARA v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 332 Fed. Appx. 150.

No. 09–8545. *ALEXANDER v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 573 F. 3d 465.

No. 09–8547. *BOCHICCHIO v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 09–8549. *MILLER v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 340 Fed. Appx. 335.

No. 09–8553. *PALADINO v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

No. 09–8554. *YODER v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 352 Fed. Appx. 123.

No. 09–8556. *KIM v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 343 Fed. Appx. 586.

No. 09–8559. *DALLUM v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 09–8562. *ADAMS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 333 Fed. Appx. 276.

No. 09–8565. *DRAKE v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 09–8611. *GARCIA-BERCOVICH v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 582 F. 3d 1234.

No. 09–8614. *HAMPTON v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 351 Fed. Appx. 723.

No. 09–8615. *HAMMOND v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 347 Fed. Appx. 888.

No. 09–8617. *GITARTS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 341 Fed. Appx. 935.

No. 09–8618. *FRESHOUR v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 349 Fed. Appx. 849.

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No. 09–8620. *GOODWIN-BEY v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 584 F. 3d 1117.

No. 09–8621. *GIESWEIN v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 346 Fed. Appx. 293.

No. 09–8627. *ZAMORA-LAINES v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 349 Fed. Appx. 249.

No. 09–8629. *HUI CHEN v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 350 Fed. Appx. 520.

No. 09–8631. *ALLEN v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 587 F. 3d 246.

No. 09–8633. *EVANS v. RIVERA, WARDEN*. C. A. 4th Cir. Certiorari denied. Reported below: 356 Fed. Appx. 635.

No. 09–8635. *PHILLIPS, AKA AARON v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 588 F. 3d 218.

No. 09–8636. *MEDINA-MARTINEZ v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 333 Fed. Appx. 271.

No. 09–8639. *JONES v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 334 Fed. Appx. 551.

No. 09–8647. *WASHINGTON v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 340 Fed. Appx. 306.

No. 09–8649. *WIMBLEY v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 349 Fed. Appx. 54.

No. 09–8652. *RICHARDSON v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 349 Fed. Appx. 38.

No. 09–8654. *RICKS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 333 Fed. Appx. 797.

No. 09–8655. *SMITH v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 340 Fed. Appx. 587.

No. 09–8658. *SALEAN v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 583 F. 3d 1059.

No. 09–8661. *ALEXANDER v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 339 Fed. Appx. 941.

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No. 09–8666. *HUNN v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 344 Fed. Appx. 920.

No. 09–8668. *HARRIS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 331 Fed. Appx. 242.

No. 09–8670. *GOPIE v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 347 Fed. Appx. 495.

No. 09–8672. *ACIERNO v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 579 F. 3d 694.

No. 09–8684. *TORRES-MENCHACA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 333 Fed. Appx. 880.

No. 09–8688. *GARCIA HOLGUIN, AKA GARCIA OLGUIN v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 339 Fed. Appx. 288.

No. 09–375. *AMATO v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition. Reported below: 306 Fed. Appx. 630.

No. 09–517. *PACIFIC INVESTMENT MANAGEMENT CO. LLC ET AL. v. HERSHEY ET AL.* C. A. 7th Cir. Motion of DRI-The Voice of the Defense Bar for leave to file a brief as *amicus curiae* granted. Certiorari denied. Reported below: 571 F. 3d 672.

No. 09–570. *DELAWARE v. COOKE*. Sup. Ct. Del. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 977 A. 2d 803.

No. 09–652. *FRIERSON-HARRIS, AKA HARRIS v. HOUGH ET AL.* C. A. 2d Cir. Certiorari denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition. Reported below: 328 Fed. Appx. 753.

No. 09–726. *AMES DEPARTMENT STORES, INC., ET AL. v. ASM CAPITAL, L. P.* C. A. 2d Cir. Certiorari denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition. Reported below: 582 F. 3d 422.

No. 09–6937. *LAMAY v. ASTRUE, COMMISSIONER OF SOCIAL SECURITY*. C. A. 2d Cir. Certiorari denied. JUSTICE SOTO-

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MAYOR took no part in the consideration or decision of this petition. Reported below: 562 F. 3d 503.

No. 09–7800. *RIZZO v. ROCK, SUPERINTENDENT, GREAT MEADOW CORRECTIONAL FACILITY*. C. A. 2d Cir. Motion of petitioner to defer consideration of petition for writ of certiorari denied. Certiorari denied.

No. 09–7853. *WENDELL v. UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF NEW YORK*. C. A. 2d Cir. Certiorari denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition.

No. 09–7990. *FORTE v. ROCK, SUPERINTENDENT, GREAT MEADOW CORRECTIONAL FACILITY*. C. A. 2d Cir. Certiorari denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition. Reported below: 354 Fed. Appx. 567.

No. 09–8124. *PEEK v. CUMMINGS, ADMINISTRATIVE LAW JUDGE, NEW YORK STATE DEPARTMENT OF PAROLE, ET AL.* C. A. 2d Cir. Certiorari denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition.

No. 09–8294. *AGOSTINI v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition.

No. 09–8335. *JACKSON v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition.

No. 09–8476. *KARRON v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition. Reported below: 348 Fed. Appx. 632.

No. 09–8482. *PEREZ ALONSO v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition. Reported below: 583 F. 3d 152.

Rehearing Denied

No. 08–1472. *USA MOBILITY WIRELESS, INC. v. QUON ET AL.*, 558 U.S. 1091;

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No. 08–10404. *FULTZ v. STATE FARM MUTUAL AUTOMOBILE INSURANCE Co.*, 558 U. S. 838;

No. 08–10506. *GARRETT v. MISSISSIPPI*, 558 U. S. 842;

No. 09–325. *ARONOV v. NAPOLITANO, SECRETARY OF HOMELAND SECURITY, ET AL.*, 558 U. S. 1147;

No. 09–405. *UNITED STATES EX REL. DARIAN v. ACCENT BUILDERS, INC., ET AL.*, 558 U. S. 1076;

No. 09–406. *UNITED STATES EX REL. DARIAN v. PASTERNAK ET AL.*, 558 U. S. 1077;

No. 09–5027. *MCNEILL v. STAMPER ET AL.*, 558 U. S. 1051;

No. 09–5694. *BOLDEN v. UNITED STATES*, 558 U. S. 1077;

No. 09–5728. *HOLLIS v. UNITED STATES*, 558 U. S. 1051;

No. 09–5973. *TORAIN v. AMERITECH ADVANCED DATA SERVICES*, 558 U. S. 1093;

No. 09–6078. *GWANJUN KIM v. PROGRESSIVE EXPRESS INSURANCE Co. ET AL.*, 558 U. S. 1078;

No. 09–6127. *HAWTHORNE v. CARUSO, DIRECTOR, MICHIGAN DEPARTMENT OF CORRECTIONS, ET AL.*, 558 U. S. 995;

No. 09–6136. *NESBITT v. CIRCUIT COURT OF ILLINOIS, COOK COUNTY*, 558 U. S. 974;

No. 09–6203. *MEREDITH v. ERATH ET AL.*, 558 U. S. 997;

No. 09–6382. *ODOM v. OZMINT, DIRECTOR, SOUTH CAROLINA DEPARTMENT OF CORRECTIONS, ET AL.*, 558 U. S. 1027;

No. 09–6453. *ROACH v. ROCKINGHAM COUNTY BOARD OF EDUCATION ET AL.*, 558 U. S. 1078;

No. 09–6570. *ADAMS v. HONDA ENGINEERING NORTH AMERICA, INC.*, 558 U. S. 1031;

No. 09–6864. *LEWIS v. BURTT, WARDEN*, 558 U. S. 1079;

No. 09–6946. *HANSLEY, AKA HANSELY v. UNITED STATES*, 558 U. S. 1018;

No. 09–6998. *MACHADO v. MCNEIL, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS*, 558 U. S. 1096;

No. 09–7173. *MONACELLI v. TARGET STORES ET AL.*, 558 U. S. 1120;

No. 09–7174. *MONACELLI v. ENTERPRISE LEASING Co. ET AL.*, 558 U. S. 1120;

No. 09–7175. *MONACELLI v. EDISON STATE COLLEGE ET AL.*, 558 U. S. 1120;

No. 09–7176. *KING v. UNITED STATES*, 558 U. S. 1058;

No. 09–7372. *WELCH v. UNITED STATES*, 558 U. S. 1082;

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No. 09–7425. *McGRIGGS v. MISSISSIPPI*, 558 U.S. 1097; and
No. 09–7688. *IN RE TRUAX*, 558 U.S. 1090. Petitions for re-hearing denied.

FEBRUARY 23, 2010

Dismissal Under Rule 46

No. 09–685. *BEARD, SECRETARY, PENNSYLVANIA DEPARTMENT OF CORRECTIONS, ET AL. v. SIMMONS*. C. A. 3d Cir. Certiorari dismissed under this Court’s Rule 46.1. Reported below: 590 F. 3d 223.

FEBRUARY 24, 2010

Dismissal Under Rule 46

No. 09–38. *HEALTH CARE SERVICE CORP. v. POLLITT ET AL.* C. A. 7th Cir. [Certiorari granted, 558 U.S. 945.] Writ of certiorari dismissed under this Court’s Rule 46.1.

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Affirmed on Appeal

No. 09–906. *SIBLEY v. ALITO, ASSOCIATE JUSTICE, SUPREME COURT OF THE UNITED STATES, ET AL.* C. A. D. C. Cir. Because of this absence of a quorum, 28 U.S.C. § 1, and since the only qualified Justice is of the opinion that the case cannot be heard and determined at the next Term of the Court, the judgment is affirmed under 28 U.S.C. § 2109, which provides that under these circumstances “the court shall enter its order affirming the judgment of the court from which the case was brought for review with the same effect as upon affirmance by an equally divided court.” THE CHIEF JUSTICE, JUSTICE STEVENS, JUSTICE SCALIA, JUSTICE KENNEDY, JUSTICE THOMAS, JUSTICE GINSBURG, JUSTICE BREYER, and JUSTICE ALITO took no part in the consideration or decision of this petition.

Certiorari Granted—Vacated and Remanded

No. 08–1229. *FLORIDA v. RIGTERINK*. Sup. Ct. Fla. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Florida v. Powell*, ante, p. 50. Reported below: 2 So. 3d 221.

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JUSTICE STEVENS, dissenting.

In my view, the judgment below rested upon an adequate and independent state ground, and the Court therefore lacks jurisdiction over this case. See *Florida v. Powell*, *ante*, at 65–71 (STEVENS, J., dissenting). Indeed, the independence of the state-law ground in this case is even clearer than in *Powell* because the Florida Supreme Court expressly acknowledged its obligation “to give independent legal import to every phrase and clause contained” in the State Constitution, 2 So. 3d 221, 241 (2009) (quoting *Traylor v. State*, 596 So. 2d 957, 962 (Fla. 1992)), and stated that “the federal Constitution sets the floor, not the ceiling, and this Court retains the ability to interpret the right against self-incrimination afforded by the Florida Constitution more broadly than that afforded by its federal counterpart,” 2 So. 3d, at 241. Because the independence of the state-law ground is “clear from the face of the opinion,” *Michigan v. Long*, 463 U. S. 1032, 1041 (1983), we do not have power to vacate the judgment of the Florida Supreme Court.

I therefore respectfully dissent.

No. 08–7721. MACHADO ET AL. *v.* HOLDER, ATTORNEY GENERAL. C. A. 4th Cir. Motion of petitioners for leave to proceed *in forma pauperis* granted. Certiorari granted, judgment vacated, and case remanded for further consideration in light of the position asserted by the Solicitor General in her brief for respondent filed August 26, 2009. Reported below: 293 Fed. Appx. 217.

CHIEF JUSTICE ROBERTS, with whom JUSTICE SCALIA, JUSTICE THOMAS, and JUSTICE ALITO join, dissenting.

I dissent from the Court’s decision to grant the petition, vacate the judgment, and remand the case. The Court does this in deference to the Government’s suggestion that the Court of Appeals ignored petitioners’ nonconstitutional claim of ineffective assistance of counsel. The Government does not, however, take the position that the judgment reached by the Court of Appeals was incorrect, and this Court has not independently examined the merits of that judgment. In such circumstances, there are insufficient grounds for vacating the judgment below. See *Nunez v. United States*, 554 U. S. 911, 912 (2008) (SCALIA, J., dissenting).

This disposition is especially inappropriate in this case, as petitioners do not appear to have raised—in the Court of Appeals or in their petition for certiorari—the claim that the Government

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asserts was ignored by the Court of Appeals. Petitioners argued below that their counsel's poor performance deprived them of their *constitutional* right to the effective assistance of counsel. But they did not explicitly assert a right to effective assistance based on any source of law other than the Constitution. In their petition for certiorari, moreover, petitioners disclaimed any non-constitutional basis for relief when they argued that, by denying the existence of a constitutional right to the effective assistance of counsel, the Fourth Circuit's decision "allow[s] *no recourse* for a particular alien against dishonest or corrupt immigration practitioners." Pet. for Cert. 11 (emphasis added). This sentence would make no sense if petitioners were advancing both constitutional and nonconstitutional grounds for relief on their claim.

Instead of granting, vacating, and remanding, I would deny the petition for certiorari.

No. 08–9723. *MOORE v. OHIO*. Ct. App. Ohio, Cuyahoga County. Motion of petitioner for leave to proceed *in forma pauperis* granted. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Melendez-Diaz v. Massachusetts*, 557 U.S. 305 (2009).

No. 09–6208. *D. G. v. LOUISIANA*. Ct. App. La., 4th Cir. Motion of petitioner for leave to proceed *in forma pauperis* granted. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Melendez-Diaz v. Massachusetts*, 557 U.S. 305 (2009). Reported below: 11 So. 3d 548.

Vacated and Remanded After Certiorari Granted. (See No. 08–1234, *ante*, p. 131.)

Certiorari Dismissed

No. 09–8128. *HAFED v. STATE OF ISRAEL ET AL.* 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: 352 Fed. Appx. 448.

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No. 09–8158. *DANDAR v. KRYSEVIG ET AL.* C. A. 3d Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court’s Rule 39.8.

No. 09–8242. *VIVONE v. SIMON, CLERK, SUPREME COURT OF MISSOURI.* Sup. Ct. Mo. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court’s Rule 39.8.

No. 09–8259. *REDFORD v. GWINNETT COUNTY JUDICIAL CIRCUIT ET AL.* C. A. 11th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court’s Rule 39.8. 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: 350 Fed. Appx. 341.

No. 09–8604. *DOERR v. WALKER ET AL.* Ct. App. Cal., 4th App. Dist., Div. 2. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court’s Rule 39.8.

Miscellaneous Orders

No. 09A389 (09–8568). *COOLEY v. KELLY ET UX.* Sup. Ct. R. I. Application for stay, addressed to JUSTICE THOMAS and referred to the Court, denied.

No. 09M71. *CRUZATA v. ALMAGER, WARDEN.* Motion to direct the Clerk to file petition for writ of certiorari out of time denied.

No. D–2464. *IN RE DISCIPLINE OF ARAGON.* Manny M. Aragon, of Albuquerque, N. M., 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–2465. *IN RE DISCIPLINE OF POPE.* Eddie Michael Pope, of Austin, Tex., is suspended from the practice of law in this Court, and a rule will issue, returnable within 40 days, requiring

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him to show cause why he should not be disbarred from the practice of law in this Court.

No. 09-6338. DILLON *v.* UNITED STATES. C. A. 3d Cir. [Certiorari granted, 558 U.S. 1076.] Motion of petitioner for leave to file volume II of the joint appendix under seal granted.

No. 09-7060. ELINE *v.* LARA ET AL. C. A. 9th Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [558 U.S. 1105] denied.

No. 09-7275. JONES *v.* SHAW GROUP ET AL. C. A. 11th Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [558 U.S. 1109] denied.

No. 09-7307. ZANI *v.* SOCIAL SECURITY ADMINISTRATION. C. A. 4th Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [558 U.S. 1106] denied.

No. 09-7384. CLARK *v.* CALIFORNIA. Sup. Ct. Cal. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [558 U.S. 1106] denied.

No. 09-7550. JONES *v.* LIBERTY BANK & TRUST CO. ET AL. C. A. 5th Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [558 U.S. 1146] denied.

No. 09-7961. IN RE WAGNER. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [558 U.S. 1109] denied.

No. 09-8206. MERCER *v.* VIRGINIA. Sup. Ct. Va.;

No. 09-8342. KELLY *v.* DAY ET AL. C. A. 1st. Cir.; and

No. 09-8512. INGALLS *v.* AES CORP. C. A. 7th Cir. Motions of petitioners for leave to proceed *in forma pauperis* denied. Petitioners are allowed until March 22, 2010, 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. 09-8824. IN RE SWEENEY. Petition for writ of habeas corpus denied.

No. 09-8154. IN RE TAYLOR; and

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No. 09–8793. *IN RE BELTON*. Petitions for writs of mandamus denied.

Certiorari Granted

No. 09–150. *MICHIGAN v. BRYANT*. Sup. Ct. Mich. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari granted. Reported below: 483 Mich. 132, 768 N. W. 2d 65.

Certiorari Denied

No. 08–1458. *MISSOURI GAS ENERGY v. SCHMIDT, WOODS COUNTY, OKLAHOMA, ASSESSOR*. Sup. Ct. Okla. Certiorari denied. Reported below: 234 P. 3d 938.

No. 09–293. *OZUNA v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 561 F. 3d 728.

No. 09–305. *KERNS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 09–347. *DUTKA, GUARDIAN OF THE ESTATE OF T. M., A MINOR, ET AL. v. AIG LIFE INSURANCE CO.* C. A. 5th Cir. Certiorari denied. Reported below: 573 F. 3d 210.

No. 09–389. *FUSHENG LIU v. KONINKLIJKE PHILIPS ELECTRONICS, N. V.* C. A. 9th Cir. Certiorari denied. Reported below: 328 Fed. Appx. 458.

No. 09–402. *MCCANE v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 573 F. 3d 1037.

No. 09–461. *WEST v. BELL, WARDEN*. C. A. 6th Cir. Certiorari denied. Reported below: 550 F. 3d 542.

No. 09–531. *HASKELL COUNTY BOARD OF COMMISSIONERS ET AL. v. GREEN ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 568 F. 3d 784.

No. 09–601. *VOLVO CONSTRUCTION EQUIPMENT NORTH AMERICA, INC. v. ROSE ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 331 Fed. Appx. 388.

No. 09–602. *BOYD v. GUIDANT SALES CORP.* C. A. 5th Cir. Certiorari denied. Reported below: 341 Fed. Appx. 972.

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No. 09-606. JAVITCH, BLOCK & RATHBONE, LLP, ET AL. *v.* HARTMAN ET AL. C. A. 6th Cir. Certiorari denied. Reported below: 569 F. 3d 606.

No. 09-608. SINCERELY YOURS, INC., ET AL. *v.* COOPER ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 577 F. 3d 479.

No. 09-687. UNC LEAR SERVICES, INC., ET AL. *v.* KINGDOM OF SAUDI ARABIA ET AL.; and

No. 09-845. KINGDOM OF SAUDI ARABIA ET AL. *v.* UNC LEAR SERVICES, INC., ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 581 F. 3d 210.

No. 09-705. MOLINA *v.* SUPERIOR COURT OF CALIFORNIA, CONTRA COSTA COUNTY, ET AL. Ct. App. Cal., 1st App. Dist. Certiorari denied.

No. 09-707. JOHNSON *v.* KMART CORP. ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 322 Fed. Appx. 851.

No. 09-708. ST. LUKE'S OF THE MOUNTAINS ANGLICAN CHURCH IN LA CRESCENTA ET AL. *v.* EPISCOPAL CHURCH ET AL. Ct. App. Cal., 4th App. Dist., Div. 1. Certiorari denied. Reported below: 175 Cal. App. 4th 663, 96 Cal. Rptr. 3d 346.

No. 09-712. FELDERHOF *v.* JENKINS & GILCHRIST, P. C., ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 331 Fed. Appx. 293.

No. 09-713. WOODRING *v.* MICHIGAN. Cir. Ct. Muskegon County, Mich. Certiorari denied.

No. 09-715. SMITH *v.* FRIEDMAN ET AL. Ct. Sp. App. Md. Certiorari denied. Reported below: 168 Md. App. 767, 777.

No. 09-720. RANSFORD ET AL. *v.* GRIFFIN WHEEL Co., INC. Ct. App. Cal., 1st App. Dist. Certiorari denied.

No. 09-722. GREEN *v.* CLEARY WATER, SEWER AND FIRE DISTRICT. Sup. Ct. Miss. Certiorari denied. Reported below: 17 So. 3d 559.

No. 09-735. ALEXANDER *v.* SMITH ET AL. Sup. Ct. Va. Certiorari denied.

No. 09-738. PHILIPPS *v.* CITY OF OAKLAND, CALIFORNIA, ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 311 Fed. Appx. 14.

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No. 09-739. *PENNMONT SECURITIES v. FRUCHER ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 586 F. 3d 242.

No. 09-746. *BEVERLY ENTERPRISES-ILLINOIS, INC., DBA VIP MANOR v. MITCHELL, EXECUTOR OF THE ESTATE OF MITCHELL, DECEASED.* App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 385 Ill. App. 3d 1151, 970 N. E. 2d 138.

No. 09-747. *BEVERLY ENTERPRISES-ILLINOIS, INC., DBA VIP MANOR v. BLAZIER, SPECIAL ADMINISTRATOR OF THE ESTATE OF REEDY, DECEASED.* App. Ct. Ill., 5th Dist. Certiorari denied. Reported below: 385 Ill. App. 3d 1151, 970 N. E. 2d 138.

No. 09-749. *RATCLIFF v. LHR, INC.* Ct. App. Tex., 9th Dist. Certiorari denied.

No. 09-754. *MIDWEST PIPE INSULATION, INC. v. MINNEAPOLIS PIPEFITTERS UNION, LOCAL 539.* Sup. Ct. Minn. Certiorari denied. Reported below: 771 N. W. 2d 28.

No. 09-756. *BOURGEOIS, INDIVIDUALLY AND ON BEHALF OF BOURGEOIS, ET AL. v. BOOMTOWN, L. L. C. OF DELAWARE, ET AL.* Ct. App. La., 5th Cir. Certiorari denied.

No. 09-759. *EXELON CORP. v. ILLINOIS DEPARTMENT OF REVENUE ET AL.* Sup. Ct. Ill. Certiorari denied. Reported below: 234 Ill. 2d 266, 917 N. E. 2d 899.

No. 09-760. *ALSOBROOK ET AL. v. UPS GROUND FREIGHT, INC.* C. A. 6th Cir. Certiorari denied. Reported below: 352 Fed. Appx. 1.

No. 09-761. *HOFFART v. HERMAN ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 328 Fed. Appx. 972.

No. 09-765. *POLAR EQUIPMENT, INC., DBA COOK INLET PROCESSING, INC., ET AL. v. BAKER ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 338 Fed. Appx. 708.

No. 09-769. *DIAMOND OFFSHORE DRILLING, INC. v. LEWIS.* Ct. App. La., 4th Cir. Certiorari denied. Reported below: 12 So. 3d 363.

No. 09-777. *CITY OF SAN CLEMENTE, CALIFORNIA v. KLEIN ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 584 F. 3d 1196.

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No. 09-782. *MAGEE v. UNITED STATES, ACTING THROUGH THE FARM SERVICE AGENCY*. C. A. 5th Cir. Certiorari denied. Reported below: 342 Fed. Appx. 19.

No. 09-791. *LEWIS v. BELL ATLANTIC/VERIZON ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 321 Fed. Appx. 217.

No. 09-792. *REMPFER v. HAMBURG, COMMISSIONER, FOOD AND DRUG ADMINISTRATION, ET AL.* C. A. D. C. Cir. Certiorari denied. Reported below: 583 F. 3d 860.

No. 09-794. *BEVERLY v. FEDERAL ELECTION COMMISSION*. C. A. 9th Cir. Certiorari denied.

No. 09-796. *NEUMAN v. CALIFORNIA*. Ct. App. Cal., 4th App. Dist., Div. 2. Certiorari denied. Reported below: 176 Cal. App. 4th 571, 97 Cal. Rptr. 3d 715.

No. 09-829. *DAVID v. MONSANTO CO. ET AL.* C. A. Fed. Cir. Certiorari denied. Reported below: 334 Fed. Appx. 326.

No. 09-831. *MIHELICH v. ACTIVE PLUMBING SUPPLY CO.* Ct. App. Ohio, Cuyahoga County. Certiorari denied.

No. 09-833. *LEWIS v. UNITED STATES ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 336 Fed. Appx. 535.

No. 09-853. *FRIEDLANDER v. PORT JEWISH CENTER*. C. A. 2d Cir. Certiorari denied. Reported below: 347 Fed. Appx. 654.

No. 09-855. *FULSON v. MCCLATCHEY, TRUSTEE*. C. A. 6th Cir. Certiorari denied.

No. 09-860. *PRADIER v. UNITED STATES POSTAL SERVICE*. C. A. Fed. Cir. Certiorari denied. Reported below: 334 Fed. Appx. 327.

No. 09-867. *MORRISON v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 333 Fed. Appx. 741.

No. 09-869. *ANDERSON v. FEDERAL BUREAU OF INVESTIGATION*. C. A. 9th Cir. Certiorari denied.

No. 09-874. *WOODWORTH v. MABUS, SECRETARY OF THE NAVY*. C. A. Fed. Cir. Certiorari denied. Reported below: 329 Fed. Appx. 281.

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No. 09–878. *UCCIFERRI v. CHANDLER, WARDEN*. C. A. 5th Cir. Certiorari denied. Reported below: 333 Fed. Appx. 885.

No. 09–881. *RTM MEDIA, L. L. C. v. CITY OF HOUSTON, TEXAS*. C. A. 5th Cir. Certiorari denied. Reported below: 584 F. 3d 220.

No. 09–883. *CEASAR v. NORD, COMMISSIONER, CONSUMER PRODUCT SAFETY COMMISSION, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 332 Fed. Appx. 98.

No. 09–891. *NUCOR CORP. ET AL. v. BROWN ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 576 F. 3d 149.

No. 09–896. *MILLS v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 09–898. *WADHWA ET AL. v. SHINSEKI, SECRETARY OF VETERANS AFFAIRS, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 09–899. *ASHQAR v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 582 F. 3d 819.

No. 09–902. *GRIMM v. GRIMM, NKA LAMPP*. Ct. App. Ohio, Cuyahoga County. Certiorari denied.

No. 09–905. *SQUILLACOTE v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 328 Fed. Appx. 174.

No. 09–5220. *WHITNEY v. CALIFORNIA ET AL.* C. A. 9th Cir. Certiorari denied.

No. 09–6742. *GOULD v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 568 F. 3d 459.

No. 09–6839. *SMITH v. THALER, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 09–7132. *DOE, A JUVENILE v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 572 F. 3d 1162.

No. 09–7294. *SOLOMON v. PIONEER ADULT REHABILITATION CENTER*. C. A. 10th Cir. Certiorari denied.

No. 09–7306. *ASBURY v. CITY OF ROANOKE, VIRGINIA*. C. A. 4th Cir. Certiorari denied. Reported below: 330 Fed. Appx. 39.

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No. 09-7385. *HARRIS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 566 F. 3d 422.

No. 09-7414. *KING v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

No. 09-7568. *GOODEN v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 340 Fed. Appx. 895.

No. 09-7577. *PUGA-OCHOA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 323 Fed. Appx. 595.

No. 09-7674. *SMITH v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied. Reported below: 297 S. W. 3d 260.

No. 09-7777. *HARBISON v. LITTLE, COMMISSIONER, TENNESSEE DEPARTMENT OF CORRECTION, ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 571 F. 3d 531.

No. 09-7784. *SKINNER v. THALER, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied. Reported below: 576 F. 3d 214.

No. 09-8052. *HOWARD v. FLORES, WARDEN*. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 14 So. 3d 1007.

No. 09-8129. *GARCIA v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied.

No. 09-8132. *GRAVES v. TEXAS*. Ct. App. Tex., 1st Dist. Certiorari denied.

No. 09-8135. *FULLER v. BURNETT ET AL.* C. A. 6th Cir. Certiorari denied.

No. 09-8136. *HENDERSON v. THALER, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 09-8138. *JOHNSON v. PENNSYLVANIA*. Sup. Ct. Pa. Certiorari denied.

No. 09-8139. *GREER v. NELSON, WARDEN*. C. A. 11th Cir. Certiorari denied.

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No. 09–8140. *FLORES v. THALER*, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 09–8143. *HERNANDEZ v. THALER*, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 09–8145. *MALPASS v. POWELSON*. Ct. App. Colo. Certiorari denied.

No. 09–8146. *MINTER v. INDIANA*. Ct. App. Ind. Certiorari denied.

No. 09–8149. *COLE v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 388 Ill. App. 3d 1136, 982 N. E. 2d 286.

No. 09–8150. *DAVIS v. THALER*, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 09–8152. *CALTON v. THALER*, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 09–8155. *WHITE v. STATE FARM INSURANCE CO.* C. A. 7th Cir. Certiorari denied.

No. 09–8156. *WEINBERG v. FLORIDA*. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 18 So. 3d 1042.

No. 09–8164. *BREWSTER v. MILLS*, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 09–8168. *HALE v. THALER*, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 09–8169. *GLASS v. WILLIAMS*, WARDEN. C. A. 11th Cir. Certiorari denied. Reported below: 325 Fed. Appx. 752.

No. 09–8170. *HORTON v. VIRGINIA*. Sup. Ct. Va. Certiorari denied.

No. 09–8172. *SCOTT v. MARYLAND*. Ct. Sp. App. Md. Certiorari denied. Reported below: 186 Md. App. 739.

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No. 09–8173. *SMITH v. NEW JERSEY*. Super. Ct. N. J., App. Div. Certiorari denied.

No. 09–8174. *SMITH v. WORTHY ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 349 Fed. Appx. 12.

No. 09–8176. *EZIKE v. MITTAL ET AL.* C. A. 9th Cir. Certiorari denied.

No. 09–8177. *CRAIN v. TUTOR ET AL.* C. A. 9th Cir. Certiorari denied.

No. 09–8178. *FRYBURGER v. CURRY, WARDEN*. C. A. 9th Cir. Certiorari denied. Reported below: 348 Fed. Appx. 273.

No. 09–8179. *HARRIS v. VIRGINIA EMPLOYMENT COMMISSION*. Sup. Ct. Va. Certiorari denied.

No. 09–8180. *GRINER, AKA HOWARD v. MCNEIL, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 09–8181. *ROOT v. CHUA*. Ct. App. Wash. Certiorari denied. Reported below: 149 Wash. App. 147, 202 P. 3d 367.

No. 09–8182. *NUNEZ v. MCNEIL, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 09–8184. *YOUNKER v. OHIO*. Ct. App. Ohio, Highland County. Certiorari denied.

No. 09–8189. *ROLLEN v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied.

No. 09–8192. *HINTON v. MCQUILLAN ET AL.* C. A. 6th Cir. Certiorari denied.

No. 09–8193. *GRAYSON v. THALER, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 09–8194. *HAYNES v. OREGON ET AL.* Ct. App. Ore. Certiorari denied. Reported below: 225 Ore. App. 219, 200 P. 3d 641.

No. 09–8200. *BLACKMER v. BLAISDELL, WARDEN*. C. A. 1st Cir. Certiorari denied.

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No. 09–8203. *MAXWELL v. THALER, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied. Reported below: 350 Fed. Appx. 854.

No. 09–8210. *SIMPSON v. CORRECTIONAL MEDICAL SERVICES ET AL.* C. A. 6th Cir. Certiorari denied.

No. 09–8213. *THIBEAU v. MASSACHUSETTS*. C. A. 1st Cir. Certiorari denied.

No. 09–8221. *SEMPLE v. MASSACHUSETTS*. App. Ct. Mass. Certiorari denied. Reported below: 74 Mass. App. 1124, 909 N. E. 2d 557.

No. 09–8229. *WILSON v. JACOBS*. C. A. 3d Cir. Certiorari denied. Reported below: 350 Fed. Appx. 614.

No. 09–8230. *WATSON v. NEIGHBORS CREDIT UNION ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 351 Fed. Appx. 150.

No. 09–8232. *SKIPPER v. WORTHINGTON, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 09–8234. *HARRIS v. WHINNEY ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 332 Fed. Appx. 100.

No. 09–8238. *PRICE v. OHIO*. Sup. Ct. Ohio. Certiorari denied. Reported below: 122 Ohio St. 3d 1506, 912 N. E. 2d 109.

No. 09–8239. *MCCRAY v. HARRIS COUNTY, TEXAS, ET AL.* Ct. App. Tex., 3d Dist. Certiorari denied.

No. 09–8240. *UPCHURCH v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied.

No. 09–8241. *WEBER v. CAIN, WARDEN*. C. A. 5th Cir. Certiorari denied.

No. 09–8244. *BURNEY v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied. Reported below: 47 Cal. 4th 203, 212 P. 3d 639.

No. 09–8250. *REYES v. OLIVER*. C. A. 10th Cir. Certiorari denied. Reported below: 345 Fed. Appx. 329.

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No. 09–8263. *WALTERS v. FLORIDA*. Dist. Ct. App. Fla., 3d Dist. Certiorari denied. Reported below: 20 So. 3d 859.

No. 09–8267. *RAGAN v. MCNEIL, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS*. C. A. 11th Cir. Certiorari denied.

No. 09–8268. *SHELLING v. THALER, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 09–8270. *SMITH v. JOHNSON, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS*. C. A. 4th Cir. Certiorari denied. Reported below: 343 Fed. Appx. 949.

No. 09–8271. *SALERNO v. MICHIGAN*. C. A. 6th Cir. Certiorari denied.

No. 09–8275. *LUCAS v. UPTON, WARDEN*. Sup. Ct. Ga. Certiorari denied.

No. 09–8276. *ALFRED v. FORCHT-WADE CORRECTIONAL CENTER ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 354 Fed. Appx. 58.

No. 09–8277. *BROWN v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 391 Ill. App. 3d 1115, 982 N. E. 2d 986.

No. 09–8278. *LOPEZ ALBADA v. TEXAS*. Ct. App. Tex., 14th Dist. Certiorari denied.

No. 09–8283. *BAUM v. RUSHTON, WARDEN*. C. A. 4th Cir. Certiorari denied. Reported below: 572 F. 3d 198.

No. 09–8284. *ALEJO v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 09–8291. *CHRISTIAN v. DINGLE, WARDEN*. C. A. 8th Cir. Certiorari denied. Reported below: 577 F. 3d 907.

No. 09–8293. *ROGERS v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied. Reported below: 46 Cal. 4th 1136, 209 P. 3d 977.

No. 09–8296. *BINGHAM v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied.

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No. 09–8301. *TATE v. NEW JERSEY*. Super. Ct. N. J., App. Div. Certiorari denied.

No. 09–8303. *WOODSON v. RUNDLE-FERNANDEZ, STATE ATTORNEY*. Sup. Ct. Fla. Certiorari denied. Reported below: 19 So. 3d 987.

No. 09–8304. *TOMPSON v. TOWN OF SALEM, NEW HAMPSHIRE*. Sup. Ct. N. H. Certiorari denied.

No. 09–8305. *WOOTEN v. MICHIGAN*. Ct. App. Mich. Certiorari denied.

No. 09–8306. *THRASHER v. UNKNOWN PRISON OFFICIAL*. C. A. 8th Cir. Certiorari denied. Reported below: 327 Fed. Appx. 681.

No. 09–8307. *TRUSS v. THOMAS, WARDEN, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 09–8308. *MORRIS v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 388 Ill. App. 3d 1139, 982 N. E. 2d 287.

No. 09–8311. *TINKHAM v. KNIGHT, SUPERINTENDENT, PLAINFIELD CORRECTIONAL FACILITY*. C. A. 7th Cir. Certiorari denied.

No. 09–8312. *WILLIAMS v. ARKANSAS*. Sup. Ct. Ark. Certiorari denied. Reported below: 2009 Ark. 433, 373 S. W. 3d 237.

No. 09–8316. *STAFFORD v. FLORIDA*. Dist. Ct. App. Fla., 4th Dist. Certiorari denied. Reported below: 13 So. 3d 1067.

No. 09–8317. *TUCKER v. GEORGIA*. Sup. Ct. Ga. Certiorari denied.

No. 09–8338. *JALOWIEC v. BRADSHAW, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 09–8354. *DAVIS v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 388 Ill. App. 3d 869, 904 N. E. 2d 149.

No. 09–8357. *LEATH v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

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No. 09–8362. *PAYAN v. NEBRASKA*. Sup. Ct. Neb. Certiorari denied. Reported below: 277 Neb. 663, 765 N. W. 2d 192.

No. 09–8373. *SMITH v. NAPOLI, SUPERINTENDENT, SOUTHPORT CORRECTIONAL FACILITY*. C. A. 2d Cir. Certiorari denied. Reported below: 347 Fed. Appx. 695.

No. 09–8417. *BECKFORD v. HOLDER, ATTORNEY GENERAL*. C. A. 5th Cir. Certiorari denied.

No. 09–8418. *WATSON v. MISSISSIPPI*. Ct. App. Miss. Certiorari denied. Reported below: 19 So. 3d 747.

No. 09–8421. *PARNIANI v. CARDINAL HEALTH, INC., ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 305 Fed. Appx. 301.

No. 09–8426. *JUDD v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 09–8428. *ORANGE v. ELLIS ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 348 Fed. Appx. 69.

No. 09–8432. *NIKIFORAKIS v. STANEK*. Ct. App. Minn. Certiorari denied.

No. 09–8437. *WILLIAMS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 09–8442. *KNOWLES v. MCNEIL, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 09–8443. *LEMON v. SOUTH CAROLINA ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 339 Fed. Appx. 298.

No. 09–8444. *CLAYTON v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 348 Fed. Appx. 459.

No. 09–8451. *WILSON v. FLORIDA*. Sup. Ct. Fla. Certiorari denied. Reported below: 18 So. 3d 530.

No. 09–8462. *YOUNG v. CORBETT, ATTORNEY GENERAL OF PENNSYLVANIA, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 09–8466. *JAFFE v. BALTIMORE COUNTY LIBRARY BOARD*. C. A. 4th Cir. Certiorari denied. Reported below: 332 Fed. Appx. 6.

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No. 09–8478. *PITCHFORD v. SOUTHLAND GAMING AND RACING ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 333 Fed. Appx. 138.

No. 09–8486. *FOXWORTH v. ST. AMAND, SUPERINTENDENT, MASSACHUSETTS CORRECTIONAL INSTITUTION AT CEDAR JUNCTION.* C. A. 1st Cir. Certiorari denied. Reported below: 570 F. 3d 414.

No. 09–8487. *HOLLAND v. HOLLAND.* Ct. App. S. C. Certiorari denied.

No. 09–8488. *SCROGGINS v. DAVIS ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 346 Fed. Appx. 504.

No. 09–8493. *GOLDSTON v. NORTH CAROLINA.* Ct. App. N. C. Certiorari denied. Reported below: 194 N. C. App. 373, 671 S. E. 2d 595.

No. 09–8496. *HOPKINS v. UNITED STATES.* C. A. 11th Cir. Certiorari denied.

No. 09–8504. *WILLIAMS v. UNIVERSITY OF ALABAMA HOSPITAL AT BURLINGTON.* C. A. 11th Cir. Certiorari denied. Reported below: 353 Fed. Appx. 397.

No. 09–8510. *FRANKLIN v. ILLINOIS.* App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 391 Ill. App. 3d 1117, 982 N. E. 2d 987.

No. 09–8514. *LEE v. GANSLER, ATTORNEY GENERAL OF MARYLAND, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 328 Fed. Appx. 849.

No. 09–8522. *TATUM v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 348 Fed. Appx. 963.

No. 09–8541. *CHAVIS-TUCKER v. HUDSON, WARDEN.* C. A. 6th Cir. Certiorari denied. Reported below: 348 Fed. Appx. 125.

No. 09–8543. *BLAKELY v. QUINN, SUPERINTENDENT, MONROE CORRECTIONAL COMPLEX.* C. A. 9th Cir. Certiorari denied.

No. 09–8552. *PETE v. UNITED STATES.* C. A. 11th Cir. Certiorari denied.

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No. 09–8557. *KIRK v. PHELPS, WARDEN*. C. A. 3d Cir. Certiorari denied.

No. 09–8596. *WEBB v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 09–8602. *GLASPER v. ILLINOIS*. Sup. Ct. Ill. Certiorari denied. Reported below: 234 Ill. 2d 173, 917 N. E. 2d 401.

No. 09–8609. *DOROSAN v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 350 Fed. Appx. 874.

No. 09–8619. *GRANT v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 09–8622. *PEACOCK v. COMMITTEE OF BAR EXAMINERS OF THE STATE BAR OF CALIFORNIA ET AL.* Sup. Ct. Cal. Certiorari denied.

No. 09–8624. *JENNINGS v. SALLIE MAE, INC.* C. A. 7th Cir. Certiorari denied. Reported below: 358 Fed. Appx. 719.

No. 09–8641. *MAYFIELD v. WEST VIRGINIA*. Cir. Ct. Ohio County, W. Va. Certiorari denied.

No. 09–8645. *JOHNSON v. SMITH, SUPERINTENDENT, SHAWAN-GUNK CORRECTIONAL FACILITY*. C. A. 2d Cir. Certiorari denied. Reported below: 354 Fed. Appx. 516.

No. 09–8651. *UNDERWOOD v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

No. 09–8656. *MANESS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 566 F. 3d 894 and 325 Fed. Appx. 595.

No. 09–8659. *YORK v. CHAPMAN, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 09–8660. *WHEELER v. LAPPIN, DIRECTOR, FEDERAL BUREAU OF PRISONS, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 333 Fed. Appx. 746.

No. 09–8675. *BAKER v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 333 Fed. Appx. 894.

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No. 09–8683. *BROWN v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 09–8687. *SANDOVAL-ROJAS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 349 Fed. Appx. 937.

No. 09–8689. *SOLIS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 333 Fed. Appx. 865.

No. 09–8692. *HANKERSON v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 09–8693. *HERNANDEZ v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 09–8694. *FINLEY v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 328 Fed. Appx. 480.

No. 09–8696. *ENGLISH v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 589 F. 3d 1373.

No. 09–8702. *LANDERS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 346 Fed. Appx. 184.

No. 09–8703. *LOPEZ v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 577 F. 3d 1053.

No. 09–8704. *KAPLAN v. MULLIGAN ET AL.* App. Ct. Mass. Certiorari denied. Reported below: 74 Mass. App. 1104, 903 N. E. 2d 1144.

No. 09–8705. *RUDZAVICE v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 586 F. 3d 310.

No. 09–8707. *McKINNEY v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 350 Fed. Appx. 885.

No. 09–8710. *PYNE v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 354 Fed. Appx. 765.

No. 09–8716. *BARFIELD v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 348 Fed. Appx. 743.

No. 09–8724. *CAIN v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 09–8727. *DEITZ v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 577 F. 3d 672.

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No. 09–8728. *OROSCO-IBARRA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 328 Fed. Appx. 533.

No. 09–8731. *SANCHEZ-LUGO v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 349 Fed. Appx. 911.

No. 09–8732. *SERRANO-MEZA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 334 Fed. Appx. 717.

No. 09–8738. *PREWETT v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 340 Fed. Appx. 639.

No. 09–8740. *BUSH v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 301 Fed. Appx. 317.

No. 09–8743. *VEGA-COSME v. UNITED STATES*. C. A. 1st Cir. Certiorari denied.

No. 09–8748. *MOSCA v. ARTUS, SUPERINTENDENT, CLINTON CORRECTIONAL FACILITY*. C. A. 2d Cir. Certiorari denied.

No. 09–8749. *WHITE v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 584 F. 3d 935.

No. 09–8750. *MEDINA CASTANEDA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 337 Fed. Appx. 678.

No. 09–8753. *JACKSON v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 356 Fed. Appx. 4.

No. 09–8761. *HAQUE v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 09–8763. *FUENTES-VALDIVA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 333 Fed. Appx. 889.

No. 09–8764. *HAYFORD v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 354 Fed. Appx. 720.

No. 09–8767. *YOUNG v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 580 F. 3d 373.

No. 09–8768. *ROBINSON v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 234 Fed. Appx. 77.

No. 09–8774. *PERIBIAN-GONZALEZ v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 353 Fed. Appx. 853.

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No. 09–8778. *MCDANIELS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 340 Fed. Appx. 886.

No. 09–8780. *CASTILLO-RAMIREZ v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 334 Fed. Appx. 855.

No. 09–8783. *JOOST v. UNITED STATES*. C. A. 1st Cir. Certiorari denied.

No. 09–8785. *JACKSON v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 333 Fed. Appx. 154.

No. 09–8789. *URBINA-ACEVEDO ET AL. v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 584 F. 3d 351.

No. 09–8790. *AM v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 564 F. 3d 25.

No. 09–8795. *BROWN v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 333 Fed. Appx. 754.

No. 09–8797. *SORRELL v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 354 Fed. Appx. 44.

No. 09–8801. *QUIROZ-MENDEZ, AKA GARCIA-MORENO v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 334 Fed. Appx. 853.

No. 09–8803. *FLETCHER v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 350 Fed. Appx. 145.

No. 09–8804. *FREDRICK v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 334 Fed. Appx. 727.

No. 09–8805. *HOWARD v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 09–8806. *THOMAS v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. Reported below: 572 F. 3d 945.

No. 09–8807. *WAITHE v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 09–8808. *WELCH v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 333 Fed. Appx. 155.

No. 09–8809. *WARREN v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 340 Fed. Appx. 948.

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No. 09–8811. *MARTINEZ v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 349 Fed. Appx. 199.

No. 09–8813. *KING v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 350 Fed. Appx. 74.

No. 09–8814. *MONGHAN v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 356 Fed. Appx. 831.

No. 09–8816. *JIMENEZ v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 329 Fed. Appx. 503.

No. 09–8818. *VALENCIA-TRUJILLO v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 573 F. 3d 1171.

No. 09–8819. *PETERS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 339 Fed. Appx. 278.

No. 09–8820. *PUOK v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 337 Fed. Appx. 604.

No. 09–8821. *ISHKHANIAN v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 351 Fed. Appx. 741.

No. 09–8828. *CUPP v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 328 Fed. Appx. 252.

No. 09–8836. *BERNARD v. CHAPMAN, WARDEN, ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 351 Fed. Appx. 929.

No. 09–8839. *VICKERS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 333 Fed. Appx. 458.

No. 09–8840. *REYES v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 09–8843. *REED v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 575 F. 3d 900.

No. 09–8846. *CRAWFORD v. FRIMEL ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 337 Fed. Appx. 211.

No. 09–8849. *REVELS v. REYNOLDS ET AL.* C. A. 8th Cir. Certiorari denied.

No. 09–8851. *WHITE v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 332 Fed. Appx. 601.

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No. 09–8853. *JOHNSON v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 575 F. 3d 900.

No. 09–625. *LFP PUBLISHING GROUP, LLC, DBA HUSTLER MAGAZINE v. TOFFOLONI, ADMINISTRATOR AND PERSONAL REPRESENTATIVE OF THE ESTATE OF BENOIT*. C. A. 11th Cir. Motions of The Reporters Committee for Freedom of the Press et al. and First Amendment Lawyers Association for leave to file briefs as *amici curiae* granted. Certiorari denied. Reported below: 625 F. 3d 1201.

No. 09–723. *AURELIUS CAPITAL PARTNERS, LP, ET AL. v. REPUBLIC OF ARGENTINA ET AL.* C. A. 2d Cir. Certiorari denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition. Reported below: 584 F. 3d 120.

No. 09–8430. *PAYNE v. SCARNATI, LIEUTENANT GOVERNOR AND CHAIRPERSON, PENNSYLVANIA BOARD OF PARDONS, ET AL.* Sup. Ct. Pa. Certiorari denied. JUSTICE ALITO took no part in the consideration or decision of this petition. Reported below: 603 Pa. 74, 981 A. 2d 1287.

No. 09–8517. *LASKEY v. CISCO TECHNOLOGY, INC.* Ct. App. Cal., 1st App. Dist. Certiorari denied. JUSTICE BREYER took no part in the consideration or decision of this petition.

Rehearing Denied

No. 09–472. *SPANN ET VIR v. COBB COUNTY SUPERIOR COURT JUDGES ET AL.*, 558 U. S. 1112;

No. 09–6043. *SMITH v. UNITED STATES*, 558 U. S. 1116;

No. 09–6811. *DUMAS v. WONG, WARDEN*, 558 U. S. 1079;

No. 09–6995. *RIGGINS v. TEXAS*, 558 U. S. 1095;

No. 09–7170. *CARMONA v. ASTRUE, COMMISSIONER OF SOCIAL SECURITY*, 558 U. S. 1096;

No. 09–7258. *IN RE NEWMAN*, 558 U. S. 1047;

No. 09–7357. *SCHRADER v. TURNER ET AL.*, 558 U. S. 1124;

No. 09–7426. *DAVIS v. CALIFORNIA WESTERN SCHOOL OF LAW ET AL.*, 558 U. S. 1125; and

No. 09–7523. *WATSON v. UNITED STATES*, 558 U. S. 1126. Petitions for rehearing denied.

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Certiorari Granted—Vacated and Remanded

No. 08–9538. HARRIS *v.* UNITED STATES. C. A. 11th Cir. Reported below: 305 Fed. Appx. 552; and

No. 09–5135. WILLIAMS *v.* UNITED STATES. C. A. 11th Cir. Reported below: 563 F. 3d 1239. Motions of petitioners for leave to proceed *in forma pauperis* granted. Certiorari granted, judgments vacated, and cases remanded for further consideration in light of *Johnson v. United States*, *ante*, p. 133.

Certiorari Dismissed

No. 09–8353. JOHNSON *v.* MONACO ET AL. C. A. 11th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court’s Rule 39.8.

No. 09–8358. LASKEY *v.* ADOBE SYSTEMS INC. Ct. App. Cal., 1st App. Dist. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court’s Rule 39.8.

No. 09–8917. BATES *v.* UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS. 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. 09M72. PATTERSON *v.* TRAVIS ET AL. Motion to direct the Clerk to file petition for writ of certiorari out of time denied.

No. 09M73. JONES *v.* UNITED STATES. Motion for leave to file petition for writ of certiorari under seal with redacted copies for the public record granted.

No. 137, Orig. MONTANA *v.* WYOMING ET AL. Report of the Special Master received and ordered filed. Exceptions to the Report, with supporting briefs, may be filed within 45 days. Replies, if any, with supporting briefs, may be filed within 30 days. Surreplies, if any, with supporting briefs, may be filed within 30 days. [For earlier order herein, see, *e. g.*, 558 U.S. 809.]

No. 08–1553. KAWASAKI KISEN KAISHA LTD. ET AL. *v.* REGAL-BELOIT CORP. ET AL.; and

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No. 08–1554. UNION PACIFIC RAILROAD CO. *v.* REGAL-BELOIT CORP. ET AL. C. A. 9th Cir. [Certiorari granted, 558 U. S. 969.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 09–683. CARMICHAEL, INDIVIDUALLY AND AS GUARDIAN FOR CARMICHAEL *v.* KELLOGG, BROWN & ROOT SERVICE, INC., ET AL. C. A. 11th Cir. The Solicitor General is invited to file a brief in this case expressing the views of the United States.

No. 09–784. AMARA ET AL., INDIVIDUALLY AND ON BEHALF OF ALL OTHERS SIMILARLY SITUATED *v.* CIGNA CORP. ET AL.; and

No. 09–804. CIGNA CORP. ET AL. *v.* AMARA ET AL., INDIVIDUALLY AND ON BEHALF OF ALL OTHERS SIMILARLY SITUATED. C. A. 2d Cir. The Solicitor General is invited to file a brief in these cases expressing the views of the United States. JUSTICE SOTOMAYOR took no part in the consideration or decision of these petitions.

No. 09–8355. IN RE MIERZWA;

No. 09–8375. SCHULTZ *v.* HALPIN ET AL. Sup. Ct. Ill.;

No. 09–8701. IN RE SPRINGER; and

No. 09–8909. TEMPLE *v.* WARMER, WARDEN. C. A. 8th Cir. Motions of petitioners for leave to proceed *in forma pauperis* denied. Petitioners are allowed until March 29, 2010, 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. 09–8479. IN RE WARREN. Petition for writ of mandamus denied.

No. 09–8402. IN RE ALPINE. Motion of petitioner for leave to proceed *in forma pauperis* denied, and petition for writ of mandamus and/or prohibition dismissed. See this Court's Rule 39.8.

Certiorari Granted

No. 09–530. NATIONAL AERONAUTICS AND SPACE ADMINISTRATION ET AL. *v.* NELSON ET AL. C. A. 9th Cir. Certiorari granted. Reported below: 530 F. 3d 865.

No. 09–751. SNYDER *v.* PHELPS ET AL. C. A. 4th Cir. Certiorari granted. Reported below: 580 F. 3d 206.

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No. 09–152. BRUESEWITZ ET AL. *v.* WYETH LLC, FKA WYETH, INC., ET AL. C. A. 3d Cir. Certiorari granted. THE CHIEF JUSTICE took no part in the consideration or decision of this petition. Reported below: 561 F. 3d 233.

Certiorari Denied

No. 09–263. FERGUSON *v.* HOLDER, ATTORNEY GENERAL. C. A. 11th Cir. Certiorari denied. Reported below: 563 F. 3d 1254.

No. 09–451. SAULSBERRY ET AL. *v.* MYERS. C. A. 10th Cir. Certiorari denied. Reported below: 344 Fed. Appx. 457.

No. 09–495. AMERICAN CHEMISTRY COUNCIL ET AL. *v.* SIERRA CLUB ET AL. C. A. D. C. Cir. Certiorari denied. Reported below: 551 F. 3d 1019.

No. 09–504. HAMMER *v.* ASHCROFT ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 570 F. 3d 798.

No. 09–513. PERKINS ET AL. *v.* DEPARTMENT OF VETERANS AFFAIRS ET AL. C. A. 11th Cir. Certiorari denied. Reported below: 572 F. 3d 868.

No. 09–523. MALLOY *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 568 F. 3d 166.

No. 09–543. LISANTI *v.* OFFICE OF PERSONNEL MANAGEMENT. C. A. Fed. Cir. Certiorari denied. Reported below: 573 F. 3d 1334.

No. 09–626. LOCH ET AL. *v.* EDWARDSVILLE COMMUNITY SCHOOLS DISTRICT No. 7. C. A. 7th Cir. Certiorari denied. Reported below: 327 Fed. Appx. 647.

No. 09–638. HILL *v.* EMORY UNIVERSITY ET AL. C. A. 11th Cir. Certiorari denied. Reported below: 346 Fed. Appx. 390.

No. 09–647. SHIMER ET AL. *v.* COMMODITY FUTURES TRADING COMMISSION. C. A. 3d Cir. Certiorari denied. Reported below: 572 F. 3d 150.

No. 09–768. STRALEY *v.* UTAH BOARD OF PARDONS ET AL. C. A. 10th Cir. Certiorari denied. Reported below: 582 F. 3d 1208.

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No. 09–770. *BOSTON TEACHERS UNION, LOCAL 66, ET AL. v. COMMONWEALTH EMPLOYMENT RELATIONS BOARD ET AL.* App. Ct. Mass. Certiorari denied. Reported below: 74 Mass. App. 500, 908 N. E. 2d 772.

No. 09–775. *KENTUCKY v. BAKER.* Sup. Ct. Ky. Certiorari denied. Reported below: 295 S. W. 3d 437.

No. 09–776. *JIM O’NEAL DISTRIBUTING, INC. v. ONE INDUSTRIES, LLC.* C. A. 9th Cir. Certiorari denied. Reported below: 578 F. 3d 1154.

No. 09–778. *SAINT-GOBAIN CORP. v. GEMTRON CORP.* C. A. Fed. Cir. Certiorari denied. Reported below: 572 F. 3d 1371.

No. 09–783. *BRINKLEY v. OZMINT, DIRECTOR, SOUTH CAROLINA DEPARTMENT OF CORRECTIONS.* C. A. 4th Cir. Certiorari denied. Reported below: 328 Fed. Appx. 256.

No. 09–785. *COREY v. MELNOR, INC.* C. A. 10th Cir. Certiorari denied. Reported below: 583 F. 3d 1249.

No. 09–786. *NAYTHONS v. STRADLEY, RONON, STEVENS & YOUNG, LLP, ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 339 Fed. Appx. 165.

No. 09–793. *JANKY v. LAKE COUNTY CONVENTION AND VISITORS BUREAU.* C. A. 7th Cir. Certiorari denied. Reported below: 576 F. 3d 356.

No. 09–795. *MONROE v. CITY OF CHARLOTTESVILLE, VIRGINIA, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 579 F. 3d 380.

No. 09–798. *LAL v. UNITED STATES LIFE INSURANCE CO.* C. A. 6th Cir. Certiorari denied. Reported below: 345 Fed. Appx. 144.

No. 09–824. *SMALLWOOD v. HASEKO (EWA) INC. ET AL.* Int. Ct. App. Haw. Certiorari denied.

No. 09–890. *HAVENS v. UNITED STATES.* C. A. Fed. Cir. Certiorari denied. Reported below: 330 Fed. Appx. 920.

No. 09–5661. *LEHAN v. UNITED STATES.* C. A. 11th Cir. Certiorari denied.

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No. 09–7007. *BARNETT v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 332 Fed. Appx. 324.

No. 09–7246. *TUCKER v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 332 Fed. Appx. 563.

No. 09–7368. *LETOURNEAU v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 342 Fed. Appx. 24.

No. 09–7870. *GARDNER v. GALETKA, WARDEN*. C. A. 10th Cir. Certiorari denied. Reported below: 568 F. 3d 862.

No. 09–8207. *PALMER v. BAGLEY, WARDEN*. C. A. 6th Cir. Certiorari denied. Reported below: 330 Fed. Appx. 92.

No. 09–8329. *SHAPIRO v. AGNER*. Sup. Ct. Va. Certiorari denied.

No. 09–8330. *STONE v. THALER, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 09–8331. *RITTER v. RITTER*. Ct. Sp. App. Md. Certiorari denied. Reported below: 165 Md. App. 747, 905 A. 2d 843.

No. 09–8333. *BOWMAN-GOONE v. GORDON, JUSTICE, APPELLATE COURT OF ILLINOIS, FIRST DISTRICT, ET AL.* Sup. Ct. Ill. Certiorari denied.

No. 09–8334. *MARTINEZ v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied. Reported below: 47 Cal. 4th 399, 213 P. 3d 77.

No. 09–8345. *NOBLES v. MILLER-STOUT, SUPERINTENDENT, AIRWAY HEIGHTS CORRECTIONAL CENTER*. C. A. 9th Cir. Certiorari denied. Reported below: 328 Fed. Appx. 439.

No. 09–8349. *KELLEY v. TEXAS WORKFORCE COMMISSION ET AL.* C. A. 5th Cir. Certiorari denied.

No. 09–8350. *MARTINEZ v. UNKNOWN BUS DRIVER ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 344 Fed. Appx. 46.

No. 09–8351. *JIRON v. SWIFT, JUDGE, DISTRICT COURT OF COLORADO, ALAMOSA COUNTY, ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 330 Fed. Appx. 768.

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No. 09–8356. *LITTLE v. McDONALD ET AL.* C. A. 6th Cir. Certiorari denied.

No. 09–8360. *JONES v. POLLARD ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 328 Fed. Appx. 896.

No. 09–8363. *MEREDITH v. CALIFORNIA.* Ct. App. Cal., 3d App. Dist. Certiorari denied. Reported below: 174 Cal. App. 4th 1257, 95 Cal. Rptr. 3d 297.

No. 09–8364. *PRYOR v. SHEETS, WARDEN.* C. A. 6th Cir. Certiorari denied.

No. 09–8366. *WAGENER v. KENAN, WARDEN.* C. A. 9th Cir. Certiorari denied.

No. 09–8368. *MARTIN v. JENKINS, WARDEN.* C. A. 5th Cir. Certiorari denied.

No. 09–8377. *PATEL v. OWENS, COMMISSIONER, GEORGIA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 09–8378. *SHORTZ v. CITY OF TUSKEGEE, ALABAMA, ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 352 Fed. Appx. 355.

No. 09–8379. *ALDRIDGE v. NOHE, WARDEN.* C. A. 4th Cir. Certiorari denied. Reported below: 347 Fed. Appx. 969.

No. 09–8381. *BRADDEN v. THALER, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION.* C. A. 5th Cir. Certiorari denied.

No. 09–8385. *MIJAREZ v. FLORIDA.* Sup. Ct. Fla. Certiorari denied. Reported below: 22 So. 3d 538.

No. 09–8389. *SABEDRA v. THALER, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION.* C. A. 5th Cir. Certiorari denied.

No. 09–8390. *REED v. FLORIDA.* Dist. Ct. App. Fla., 4th Dist. Certiorari denied. Reported below: 23 So. 3d 729.

No. 09–8391. *SAMPSON v. FRANCE ET AL.* App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 384 Ill. App. 3d 1092, 973 N. E. 2d 1090.

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No. 09–8393. *RANDLE v. CALIFORNIA*. Ct. App. Cal., 3d App. Dist. Certiorari denied.

No. 09–8396. *MAY v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied.

No. 09–8400. *BREED v. THALER, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 09–8403. *OWEN v. THALER, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 09–8404. *ROSS v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 388 Ill. App. 3d 1139, 982 N. E. 2d 287.

No. 09–8410. *JOHNSON v. CAIN, WARDEN*. C. A. 5th Cir. Certiorari denied. Reported below: 347 Fed. Appx. 89.

No. 09–8412. *BAILEY v. THALER, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 09–8414. *BIBLE v. RYAN, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS*. C. A. 9th Cir. Certiorari denied. Reported below: 571 F. 3d 860.

No. 09–8415. *BALDIZAN v. ALAMEIDA*. C. A. 9th Cir. Certiorari denied. Reported below: 347 Fed. Appx. 334.

No. 09–8419. *TINSLEY v. FLORIDA ET AL.* C. A. 11th Cir. Certiorari denied.

No. 09–8420. *YOUNG v. JOHNSON, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS*. C. A. 4th Cir. Certiorari denied. Reported below: 332 Fed. Appx. 35.

No. 09–8423. *PRENTISS v. AULT, WARDEN, ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 352 Fed. Appx. 141.

No. 09–8424. *MCCARTNEY ET AL. v. MCCORMICK ET AL.* Ct. App. La., 3d Cir. Certiorari denied. Reported below: 7 So. 3d 891.

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No. 09–8573. *MARTINEZ-ARELLANO v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 345 Fed. Appx. 379.

No. 09–8577. *LOPEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 348 Fed. Appx. 995.

No. 09–8581. *TYLER v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 349 Fed. Appx. 200.

No. 09–8587. *WIMBLEY v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 349 Fed. Appx. 54.

No. 09–8592. *ALVAREZ PUENTE v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 348 Fed. Appx. 76.

No. 09–8594. *WILLIAMS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 333 Fed. Appx. 887.

No. 09–8595. *CU-YANES v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 349 Fed. Appx. 940.

No. 09–8598. *CASS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 331 Fed. Appx. 684.

No. 09–8601. *HALL v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 334 Fed. Appx. 540.

No. 09–8606. *BURNETT v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 09–8608. *CASTILLO v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 333 Fed. Appx. 874.

No. 09–8630. *BROWN v. CALIFORNIA*. Ct. App. Cal., 1st App. Dist. Certiorari denied.

No. 09–8662. *BRACAMONTE v. SULLIVAN, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 09–8679. *DEMPSEY v. CARTLEDGE, WARDEN*. C. A. 4th Cir. Certiorari denied. Reported below: 329 Fed. Appx. 495.

No. 09–8726. *CORBIN v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 349 Fed. Appx. 935.

No. 09–8735. *REYNOLDS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 349 Fed. Appx. 915.

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No. 09–8757. *GILES v. VAN BOENING, SUPERINTENDENT, MC-NEIL ISLAND CORRECTIONS CENTER*. C. A. 9th Cir. Certiorari denied.

No. 09–8856. *GONZALEZ v. UNITED STATES*. C. A. 1st Cir. Certiorari denied.

No. 09–8866. *HARRIS, AKA EL BEY v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 582 F. 3d 512.

No. 09–8867. *KENERSON v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 585 F. 3d 389.

No. 09–8872. *GROVES v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 559 F. 3d 637.

No. 09–8875. *HAYES v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 348 Fed. Appx. 528.

No. 09–8876. *HILL v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 332 Fed. Appx. 832.

No. 09–8878. *PAKAS-CARDENAS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 350 Fed. Appx. 144.

No. 09–8880. *CORSON v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 579 F. 3d 804.

No. 09–8881. *CASTILLEJA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 350 Fed. Appx. 148.

No. 09–8889. *VILLCANA-IBARRA v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 350 Fed. Appx. 658.

No. 09–8890. *BAREFOOT v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 326 Fed. Appx. 199.

No. 09–8897. *PEREZ CARDENAS v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 569 F. 3d 1263.

No. 09–8899. *COLEMAN v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 584 F. 3d 1121.

No. 09–8912. *TIBBS v. UNITED STATES*. C. A. 1st Cir. Certiorari denied.

No. 09–8916. *AGUILERA-SOTO v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 346 Fed. Appx. 899.

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No. 09–8921. *FRANKLIN v. UNITED STATES*. Ct. App. D. C. Certiorari denied.

No. 09–627. *THALER, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION v. MOORE*. C. A. 5th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 342 Fed. Appx. 65.

No. 09–916. *IVEZAJ v. UNITED STATES*;

No. 09–917. *COLOTTI v. UNITED STATES*;

No. 09–918. *RUDAJ v. UNITED STATES*;

No. 09–919. *DEDAJ v. UNITED STATES*; and

No. 09–8885. *NUCULOVIC v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of these petitions. Reported below: 568 F. 3d 88 and 336 Fed. Appx. 6.

No. 09–8873. *IBIAM v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition. Reported below: 330 Fed. Appx. 295.

No. 09–8877. *GERONIMO v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition.

Rehearing Denied

No. 09–509. *JONES v. BURDETTE*, 558 U. S. 1113;

No. 09–550. *FESSLER ET UX. v. KIRK SAUER COMMUNITY DEVELOPMENT OF WILKES-BARRE ET AL.*, 558 U. S. 1148;

No. 09–667. *YIQING FENG v. SABIC AMERICAS, INC.*, *ante*, p. 905;

No. 09–6241. *VADDE v. GEORGIA*, 558 U. S. 1117; and

No. 09–7761. *LASKEY v. VISION INFOSOFT*, 558 U. S. 1155. Petitions for rehearing denied.

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Dismissal Under Rule 46

No. 09–864. *KBR TECHNICAL SERVICES, INC., ET AL. v. JONES*. C. A. 5th Cir. Certiorari dismissed under this Court's Rule 46.1. Reported below: 583 F. 3d 228.

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Dismissal Under Rule 46

No. 09–686. RYAN, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS *v.* NASH. C. A. 9th Cir. Certiorari dismissed under this Court’s Rule 46. Reported below: 581 F. 3d 1048.

Certiorari Denied

No. 09–9456 (09A821). REYNOLDS *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. Reported below: 598 F. 3d 300.

MARCH 19, 2010

Miscellaneous Orders

No. 08–1191. MORRISON ET AL. *v.* NATIONAL AUSTRALIA BANK LTD. ET AL. C. A. 2d Cir. [Certiorari granted, 558 U.S. 1047.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted. JUSTICE SOTOMAYOR took no part in the consideration or decision of this motion.

No. 08–6261. ROBERTSON *v.* UNITED STATES EX REL. WATSON. Ct. App. D. C. [Certiorari granted, 558 U.S. 1090.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted, and the time is to be divided as follows: 30 minutes for petitioner, 10 minutes for the Solicitor General, and 30 minutes for respondent.

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Certiorari Granted—Vacated and Remanded

No. 08–1264. OBEROI *v.* UNITED STATES. C. A. 2d Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Bloate v. United States*, ante, p. 196. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition. Reported below: 547 F. 3d 436.

Certiorari Dismissed

No. 09–8429. MILLER *v.* GEORGIA. Ct. App. Ga. Motion of petitioner for leave to proceed *in forma pauperis* denied, and

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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. 09–8475. ODOM *v.* SMALLS 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: 348 Fed. Appx. 879.

No. 09–8563. BUNDRANT *v.* THALER, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8.

No. 09–8590. PENK *v.* NICHOLS, PRESIDENT, COLORADO HISTORICAL SOCIETY. Sup. Ct. Colo. 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. 09–8634. COGGINS *v.* TALLAPOOSA COUNTY DEPARTMENT OF REVENUE. C. A. 11th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8. 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. 09–8638. PENK *v.* TAUER, MAYOR, AURORA, COLORADO, ET AL. Sup. Ct. Colo. Motion of petitioner for leave to proceed

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in forma pauperis denied, and certiorari dismissed. See this Court's Rule 39.8.

No. 09–8690. MILES *v.* JOHNSON, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS. 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. 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. 09–8713. CUESTA *v.* FENTON. Sup. Ct. Wis. 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: 321 Wis. 2d 50, 775 N.W. 2d 256.

No. 09–8714. CUESTA *v.* WISCONSIN. Ct. App. Wis. 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: 322 Wis. 2d 123, 779 N.W. 2d 177.

No. 09–8815. MOORE *v.* THALER, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION, ET AL. C. A. 5th Cir. Motion of petitioner for leave to

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proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8. Reported below: 351 Fed. Appx. 975.

No. 09–9067. SANTIAGO-LUGO *v.* UNITED STATES. C. A. 1st Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8. As petitioner has repeatedly abused this Court's process, the Clerk is directed not to accept any further petitions in noncriminal matters from petitioner unless the docketing fee required by Rule 38(a) is paid and the petition is submitted in compliance with Rule 33.1. See *Martin v. District of Columbia Court of Appeals*, 506 U.S. 1 (1992) (*per curiam*). JUSTICE STEVENS dissents. See *id.*, at 4, and cases cited therein.

Miscellaneous Orders

No. D–2466. IN RE DISCIPLINE OF RODRIGUEZ. Isidoro Rodriguez, of Annandale, Va., is suspended from the practice of law in this Court, and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. D–2467. IN RE DISCIPLINE OF SIBLEY. Montgomery Blair Sibley, of Washington, D. C., is suspended from the practice of law in this Court, and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. D–2468. IN RE DISCIPLINE OF MITRANO. Peter Paul Mitrano, of Merrifield, Va., is suspended from the practice of law in this Court, and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. 09M74. YARCHESKI ET UX. *v.* TOWN OF NAPLES, MAINE. Motion to direct the Clerk to file petition for writ of certiorari out of time under this Court's Rule 14.5 denied.

No. 09M75. MILLER *v.* CALIFORNIA;

No. 09M76. MILLER *v.* CALIFORNIA;

No. 09M77. MILLER *v.* CALIFORNIA;

No. 09M79. RODABAUGH *v.* VAZQUEZ, WARDEN; and

No. 09M80. KALMAN *v.* FOX ROTHSCHILD, L. L. P., ET AL. Motions to direct the Clerk to file petitions for writs of certiorari out of time denied.

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No. 09M78. BISHOP *v.* DEPARTMENTAL DISCIPLINARY COMMITTEE FOR THE FIRST JUDICIAL DEPARTMENT. Motion for leave to proceed *in forma pauperis* with the declaration of indigency under seal denied.

No. 1, Orig. WISCONSIN ET AL. *v.* ILLINOIS ET AL.;

No. 2, Orig. MICHIGAN *v.* ILLINOIS ET AL.; and

No. 3, Orig. NEW YORK *v.* ILLINOIS ET AL. Renewed motion of Michigan for preliminary injunction denied. [For earlier order herein, see, *e. g.*, 558 U.S. 1145.]

No. 09–350. LOS ANGELES COUNTY, CALIFORNIA *v.* HUMPHRIES ET AL. C. A. 9th Cir. [Certiorari granted, *ante*, p. 935.] Motion of petitioner to dispense with printing the joint appendix granted.

No. 09–367. DOLAN *v.* UNITED STATES. C. A. 10th Cir. [Certiorari granted, 558 U.S. 1104.] Motion of petitioner for leave to proceed *in forma pauperis* and for appointment of counsel granted. Pamela S. Karlan, Esq., of Stanford, Cal., is appointed to serve as counsel for petitioner in this case.

No. 09–7147. MUNIZ *v.* MARSHALL, WARDEN. Sup. Ct. N. M. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [558 U.S. 1105] denied.

No. 09–7266. PARKER *v.* LOUISIANA. Sup. Ct. La. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [558 U.S. 1105] denied.

No. 09–7282. KARNOFEL *v.* BECK ET AL. Ct. App. Ohio, Trumbull County. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [558 U.S. 1106] denied.

No. 09–7461. GHEE *v.* TARGET NATIONAL BANK. Ct. App. Ga. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [558 U.S. 1144] denied.

No. 09–7560. REDZIC *v.* UNITED STATES. C. A. 8th Cir.;

No. 09–8579. JAUREGUI *v.* KUTINA. Ct. App. Cal., 4th App. Dist., Div. 1;

No. 09–8745. THOMAS *v.* HARMON FAMILY TRUST. C. A. 10th Cir.;

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No. 09–8972. DALLAL *v.* NEW YORK TIMES CO. ET AL. C. A. 2d Cir.; and

No. 09–9137. CALDWELL *v.* UNITED STATES TAX COURT ET AL. C. A. D. C. Cir. Motions of petitioners for leave to proceed *in forma pauperis* denied. Petitioners are allowed until April 12, 2010, 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. 09–8925. ZUCKERMAN *v.* UNITED STATES. C. A. 3d Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied. Petitioner is allowed until April 12, 2010, within which to pay the docketing fee required by Rule 38(a) and to submit a petition in compliance with Rule 33.1 of the Rules of this Court. JUSTICE ALITO took no part in the consideration or decision of this motion.

No. 09–9056. IN RE PRUDHOMME;

No. 09–9096. IN RE WATKINS;

No. 09–9164. IN RE SCOTT;

No. 09–9240. IN RE MAYNARD; and

No. 09–9273. IN RE ALEXANDER. Petitions for writs of habeas corpus denied.

No. 09–8892. IN RE BOMBARDIERE; and

No. 09–9161. IN RE RAINEY. Petitions for writs of mandamus denied.

No. 09–8626. IN RE WOODS; and

No. 09–8715. IN RE DORSEY. Petitions for writs of mandamus and/or prohibition denied.

Certiorari Granted

No. 09–834. KASTEN *v.* SAINT-GOBAIN PERFORMANCE PLASTICS CORP. C. A. 7th Cir. Certiorari granted. Reported below: 570 F. 3d 834.

No. 09–571. CONNICK, DISTRICT ATTORNEY, ET AL. *v.* THOMPSON. C. A. 5th Cir. Certiorari granted limited to Question 1 presented by the petition. Reported below: 578 F. 3d 293.

No. 09–658. BELLEQUE, SUPERINTENDENT, OREGON STATE PENITENTIARY *v.* MOORE. C. A. 9th Cir. Motion of respondent

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for leave to proceed *in forma pauperis* granted. Certiorari granted. Reported below: 574 F. 3d 1092.

No. 09–5801. FLORES-VILLAR *v.* UNITED STATES. C. A. 9th Cir. Motion of petitioner for leave to proceed *in forma pauperis* granted. Certiorari granted. Reported below: 536 F. 3d 990.

Certiorari Denied

No. 08–1174. HERSH *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 553 F. 3d 743.

No. 09–392. MORAN *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 573 F. 3d 1132.

No. 09–446. CALABRESE *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 572 F. 3d 362.

No. 09–581. KIYEMBA ET AL. *v.* OBAMA, PRESIDENT OF THE UNITED STATES, ET AL. C. A. D. C. Cir. Certiorari denied. Reported below: 561 F. 3d 509.

No. 09–592. McCULLEN ET AL. *v.* COAKLEY, ATTORNEY GENERAL OF MASSACHUSETTS. C. A. 1st Cir. Certiorari denied. Reported below: 571 F. 3d 167.

No. 09–640. MOLINA-DE LA VILLA *v.* HOLDER, ATTORNEY GENERAL. C. A. 9th Cir. Certiorari denied. Reported below: 306 Fed. Appx. 389.

No. 09–665. MARTINEZ *v.* HOLDER, ATTORNEY GENERAL. C. A. 9th Cir. Certiorari denied. Reported below: 557 F. 3d 1059.

No. 09–674. ALLIANCE SHIPPERS, INC. *v.* PENOBSCOT FROZEN FOODS, INC., ET AL. Super. Ct. N. J., App. Div. Certiorari denied.

No. 09–729. TOWNES *v.* JARVIS, WARDEN, ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 577 F. 3d 543.

No. 09–736. HUDSON ET AL. *v.* UNITED STATES. C. A. Fed. Cir. Certiorari denied. Reported below: 575 F. 3d 1332.

No. 09–807. DENEAL *v.* SHAVER. Ct. App. Cal., 4th App. Dist., Div. 3. Certiorari denied.

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No. 09–808. *BECK ET AL. v. KOPPERS INC., FKA KOPPERS INDUSTRIES INC., ET AL.* C. A. 5th Cir. Certiorari denied.

No. 09–809. *EAMES ET AL. v. NATIONWIDE MUTUAL INSURANCE Co.* C. A. 3d Cir. Certiorari denied. Reported below: 346 Fed. Appx. 859.

No. 09–814. *GORTHO, LTD. v. AUTO-OWNERS INSURANCE Co.* C. A. 7th Cir. Certiorari denied. Reported below: 580 F. 3d 543.

No. 09–816. *DOE v. DUNCAN ET AL.* Ct. App. Tenn. Certiorari denied.

No. 09–818. *ROMANIUK v. ILLINOIS.* App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 388 Ill. App. 3d 1139, 982 N. E. 2d 287.

No. 09–822. *CENTRA, INC., ET AL. v. CENTRAL STATES, SOUTHEAST AND SOUTHWEST AREAS PENSION FUND.* C. A. 7th Cir. Certiorari denied. Reported below: 578 F. 3d 592.

No. 09–823. *STINGLEY v. DEN-MAR INC. ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 347 Fed. Appx. 14.

No. 09–825. *BURDICK v. PRITCHETT & BIRCH, PLLC, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 326 Fed. Appx. 169.

No. 09–827. *DAVEY ET UX. v. PRATT ET UX.* Ct. App. Wash. Certiorari denied.

No. 09–828. *KUHAR v. MARC GLASSMAN, INC.* Ct. App. Ohio, Cuyahoga County. Certiorari denied.

No. 09–835. *WILSON v. SAN LUIS OBISPO COUNTY DEMOCRATIC CENTRAL COMMITTEE ET AL.* Ct. App. Cal., 2d App. Dist. Certiorari denied. Reported below: 175 Cal. App. 4th 489, 96 Cal. Rptr. 3d 332.

No. 09–836. *POLLACK ET AL. v. DEPARTMENT OF JUSTICE ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 577 F. 3d 736.

No. 09–838. *FOTHERGILL ET AL. v. UNITED STATES.* C. A. 1st Cir. Certiorari denied. Reported below: 566 F. 3d 248.

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No. 09–839. *HOOD ET AL. v. EDWARD D. JONES & Co., L. P., ET AL.* (Reported below: 277 S. W. 3d 498); and *HOOD v. JONES* (277 S. W. 3d 505). Ct. App. Tex., 8th Dist. Certiorari denied.

No. 09–841. *HOUSTON INDEPENDENT SCHOOL DISTRICT v. V. P., BY NEXT FRIENDS JUAN P. ET UX.* C. A. 5th Cir. Certiorari denied. Reported below: 582 F. 3d 576.

No. 09–842. *HUSS ET VIR v. GAYDEN ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 571 F. 3d 442.

No. 09–843. *THANH VONG HOAI ET AL. v. SUPERIOR COURT OF THE DISTRICT OF COLUMBIA ET AL.* C. A. D. C. Cir. Certiorari denied. Reported below: 344 Fed. Appx. 620.

No. 09–847. *LOOSE, TRUSTEE OF THE WILLIAM LOOSE FAMILY TRUST v. CADKIN ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 569 F. 3d 1142.

No. 09–848. *WILLIAMS v. THORSEN.* App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 388 Ill. App. 3d 1142, 982 N. E. 2d 288.

No. 09–850. *WRENCH TRANSPORTATION SYSTEMS, INC., ET AL. v. KENNEDY ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 340 Fed. Appx. 812.

No. 09–851. *BEXAR COUNTY, TEXAS, ET AL. v. LYTLE, INDIVIDUALLY AND AS REPRESENTATIVE OF THE ESTATE OF LYTLE, DECEASED.* C. A. 5th Cir. Certiorari denied. Reported below: 560 F. 3d 404.

No. 09–854. *FORTIS INSURANCE Co. v. MITCHELL.* Sup. Ct. S. C. Certiorari denied. Reported below: 385 S. C. 570, 686 S. E. 2d 176.

No. 09–858. *WOODWARD v. MINNESOTA.* Ct. App. Minn. Certiorari denied.

No. 09–863. *RUSSO ET AL. v. O’NEAL ET AL.* Sup. Ct. Nev. Certiorari denied. Reported below: 125 Nev. —, 281 P. 3d 1215.

No. 09–886. *STEIN ET UX. v. PARADIGM MIRASOL, LLC.* C. A. 11th Cir. Certiorari denied. Reported below: 586 F. 3d 849.

No. 09–895. *DEANGELIS ET AL. v. COMMISSIONER OF INTERNAL REVENUE.* C. A. 2d Cir. Certiorari denied. Reported below: 574 F. 3d 789.

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No. 09–897. *NARCISO-CABRERA v. HOLDER, ATTORNEY GENERAL*. C. A. 9th Cir. Certiorari denied.

No. 09–903. *SHREFFLER v. LEWIS*. C. A. 7th Cir. Certiorari denied. Reported below: 581 F. 3d 467.

No. 09–904. *SOUTH WEST SAND & GRAVEL, INC. v. CENTRAL ARIZONA WATER CONSERVATION DISTRICT*. Ct. App. Ariz. Certiorari denied. Reported below: 221 Ariz. 309, 212 P. 3d 1.

No. 09–909. *DAVIS ET AL. v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 597 F. 3d 646.

No. 09–921. *ELMO GREER & SONS CONSTRUCTION CO., INC. v. GOFF ET AL.* Sup. Ct. Tenn. Certiorari denied. Reported below: 297 S. W. 3d 175.

No. 09–926. *HARPER v. DART, SHERIFF, COOK COUNTY, ILLINOIS, ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 581 F. 3d 511.

No. 09–927. *HINSON v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 585 F. 3d 1328.

No. 09–932. *BETZ v. NAPOLITANO, SECRETARY OF HOMELAND SECURITY*. C. A. 8th Cir. Certiorari denied. Reported below: 578 F. 3d 929.

No. 09–933. *MILLER ET AL. v. NICHOLS ET AL.* C. A. 1st Cir. Certiorari denied. Reported below: 586 F. 3d 53.

No. 09–934. *PROCTOR, INDIVIDUALLY AND ON BEHALF OF ALL OTHERS SIMILARLY SITUATED v. LOCAL GOVERNMENT EMPLOYEES' RETIREMENT SYSTEM ET AL.* Sup. Ct. N. C. Certiorari denied. Reported below: 363 N. C. 656, 686 S. E. 2d 675.

No. 09–936. *COUNCIL v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 333 Fed. Appx. 726.

No. 09–941. *DISRAELI v. SECURITIES AND EXCHANGE COMMISSION*. C. A. D. C. Cir. Certiorari denied. Reported below: 334 Fed. Appx. 334.

No. 09–954. *RODRIGUEZ v. VIRGINIA EMPLOYMENT COMMISSION*. Sup. Ct. Va. Certiorari denied.

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No. 09–967. *US INFRASTRUCTURE, INC., ET AL. v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 576 F. 3d 1195.

No. 09–6682. *HILL v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 317 Fed. Appx. 910.

No. 09–6823. *THOMAS v. BEARD, SECRETARY, PENNSYLVANIA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 570 F. 3d 105.

No. 09–6977. *LAWRENCE v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 555 F. 3d 254.

No. 09–7018. *GODINEZ-ORTIZ v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 763 F. 3d 1022.

No. 09–7250. *TUCKER v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 339 Fed. Appx. 150.

No. 09–7252. *MAY v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 339 Fed. Appx. 149.

No. 09–7322. *GRUBERT v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 339 Fed. Appx. 406.

No. 09–7519. *ACOSTA-LARIOS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 09–7553. *CURL v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied. Reported below: 46 Cal. 4th 339, 207 P. 3d 2.

No. 09–7576. *SVETE v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 565 F. 3d 1363.

No. 09–7631. *COLLIER v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 331 Fed. Appx. 309.

No. 09–7699. *HOFFMAN v. HOFFMAN*. Super. Ct. N. J., App. Div. Certiorari denied.

No. 09–7741. *PIK v. INSTITUTE OF INTERNATIONAL EDUCATION, INC., ET AL.* C. A. 2d Cir. Certiorari denied.

No. 09–7757. *BARTEE v. THALER, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVI-*

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SION. C. A. 5th Cir. Certiorari denied. Reported below: 339 Fed. Appx. 429.

No. 09-7964. *WRIGHT v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 09-8066. *PHILMORE v. MCNEIL, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS*. C. A. 11th Cir. Certiorari denied. Reported below: 575 F. 3d 1251.

No. 09-8422. *MEINHARD v. TURLEY, WARDEN*. Ct. App. Utah. Certiorari denied.

No. 09-8427. *JUDD v. NEW MEXICO*. Ct. App. N. M. Certiorari denied.

No. 09-8434. *ALEXANDER v. TEXAS*. Ct. App. Tex., 6th Dist. Certiorari denied. Reported below: 282 S. W. 3d 143.

No. 09-8441. *JACKSON v. FLORIDA*. Sup. Ct. Fla. Certiorari denied. Reported below: 22 So. 3d 68.

No. 09-8448. *MILLEN v. UPTON, WARDEN*. Sup. Ct. Ga. Certiorari denied.

No. 09-8454. *BELCHER v. FLORIDA*. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 9 So. 3d 665.

No. 09-8463. *WHITE ET UX. v. MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.* C. A. 6th Cir. Certiorari denied.

No. 09-8465. *KING v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied.

No. 09-8470. *SANCHEZ v. PENNSYLVANIA*. Super. Ct. Pa. Certiorari denied. Reported below: 972 A. 2d 561.

No. 09-8473. *SHAVERS v. BERGH, WARDEN, ET AL.* C. A. 6th Cir. Certiorari denied.

No. 09-8481. *BLAND v. ALABAMA*. Ct. Crim. App. Ala. Certiorari denied. Reported below: 57 So. 3d 212.

No. 09-8489. *SMITH v. VIRGINIA*. Sup. Ct. Va. Certiorari denied.

No. 09-8497. *GALINDO v. NEBRASKA*. Sup. Ct. Neb. Certiorari denied. Reported below: 278 Neb. 599, 774 N. W. 2d 190.

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No. 09–8502. *P. S. ET AL. v. FRANKLIN COUNTY CHILDREN SERVICES*. Ct. App. Ohio, Franklin County. Certiorari denied.

No. 09–8507. *FLOYD v. FLORIDA*. C. A. 11th Cir. Certiorari denied.

No. 09–8513. *HUNTER v. OHIO*. Sup. Ct. Ohio. Certiorari denied. Reported below: 123 Ohio St. 3d 164, 915 N. E. 2d 292.

No. 09–8525. *PRITCHARD v. FAYETTE COUNTY ELECTION BUREAU ET AL.* Commw. Ct. Pa. Certiorari denied.

No. 09–8526. *YOUNG v. DiGUGLIELMO, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT GRATERFORD*. C. A. 3d Cir. Certiorari denied.

No. 09–8527. *MILLER v. FLORIDA*. Dist. Ct. App. Fla., 5th Dist. Certiorari denied. Reported below: 19 So. 3d 328.

No. 09–8528. *WESBROOK v. THALER, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied. Reported below: 585 F. 3d 245.

No. 09–8529. *WALLS v. PHILIPS*. C. A. 7th Cir. Certiorari denied.

No. 09–8530. *WINSTON v. ADAMS, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 09–8533. *LAFAVORS v. FLORIDA DEPARTMENT OF CORRECTIONS*. C. A. 11th Cir. Certiorari denied.

No. 09–8546. *BOOTHE v. FLORIDA*. Dist. Ct. App. Fla., 5th Dist. Certiorari denied.

No. 09–8550. *WALKER v. MICHIGAN*. Ct. App. Mich. Certiorari denied.

No. 09–8551. *PARKER v. RANDLE, DIRECTOR, ILLINOIS DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 7th Cir. Certiorari denied.

No. 09–8555. *THOMAS v. McNEIL, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied.

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No. 09–8558. *MILLER v. McDONOUGH*, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS. C. A. 11th Cir. Certiorari denied.

No. 09–8560. *McKINNEY v. PALAKOVICH*, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT CAMP HILL, ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 348 Fed. Appx. 711.

No. 09–8564. *BEEDE v. THALER*, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied. Reported below: 336 Fed. Appx. 461.

No. 09–8568. *COOLEY v. KELLY ET UX*. Sup. Ct. R. I. Certiorari denied.

No. 09–8570. *DUNSON v. MINNESOTA*. Ct. App. Minn. Certiorari denied. Reported below: 770 N. W. 2d 546.

No. 09–8571. *BEVERLEY v. JOHNSON*, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS. C. A. 4th Cir. Certiorari denied. Reported below: 333 Fed. Appx. 732.

No. 09–8572. *ANAYA v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied.

No. 09–8574. *SAHU v. ASTRUE*, COMMISSIONER OF SOCIAL SECURITY. C. A. 8th Cir. Certiorari denied. Reported below: 321 Fed. Appx. 529.

No. 09–8575. *SCOTT v. ALABAMA*. Ct. Crim. App. Ala. Certiorari denied. Reported below: 57 So. 3d 206.

No. 09–8576. *ROWELL v. NEVADA*. Sup. Ct. Nev. Certiorari denied. Reported below: 125 Nev. —, 281 P. 3d 1215.

No. 09–8578. *JOHNSON v. HOREL*, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 357 Fed. Appx. 851.

No. 09–8580. *KINCAID v. TEXAS* (three judgments). Ct. Crim. App. Tex. Certiorari denied.

No. 09–8582. *TEAGUE v. NORTH CAROLINA DEPARTMENT OF TRANSPORTATION*. C. A. 4th Cir. Certiorari denied. Reported below: 342 Fed. Appx. 868.

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No. 09–8584. *MOLINA v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 09–8586. *ANAYA v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied.

No. 09–8588. *WALLACE v. MCNEIL, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 09–8593. *PARKER v. ALBEMARLE COUNTY PUBLIC SCHOOLS ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 332 Fed. Appx. 111.

No. 09–8597. *CARLILE v. KANSAS*. Sup. Ct. Kan. Certiorari denied. Reported below: 289 Kan. viii, 217 P. 3d 985.

No. 09–8599. *NATION v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 09–8600. *SUTTON v. WARDEN, WEST CARROL DETENTION CENTER*. C. A. 11th Cir. Certiorari denied.

No. 09–8605. *BATAVITCHENE v. HOLDER, ATTORNEY GENERAL*. C. A. 1st Cir. Certiorari denied.

No. 09–8607. *BROWN v. FLORIDA*. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 10 So. 3d 1197.

No. 09–8623. *LOPEZ v. THALER, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 09–8625. *PIERCE v. ILLINOIS DEPARTMENT OF HUMAN SERVICES*. C. A. 7th Cir. Certiorari denied. Reported below: 355 Fed. Appx. 28.

No. 09–8628. *REYNOSO v. SCRIBNER, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 09–8637. *O'DANIEL v. OHIO*. Ct. App. Ohio, Highland County. Certiorari denied.

No. 09–8648. *WORLEY v. KENTUCKY*. Ct. App. Ky. Certiorari denied.

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No. 09–8650. *YOUNG v. RENICO, WARDEN*. C. A. 6th Cir. Certiorari denied. Reported below: 346 Fed. Appx. 53.

No. 09–8657. *WASHINGTON v. LOUISIANA*. Ct. App. La., 2d Cir. Certiorari denied.

No. 09–8663. *OQUBAEGZI v. HOLDER, ATTORNEY GENERAL*. C. A. 4th Cir. Certiorari denied. Reported below: 352 Fed. Appx. 766.

No. 09–8664. *PRINCE v. LEE, SUPERINTENDENT, GREEN HAVEN CORRECTIONAL FACILITY*. C. A. 2d Cir. Certiorari denied.

No. 09–8665. *NGHIEM v. KERESTES, DISTRICT ATTORNEY, COUNTY OF DELAWARE, PENNSYLVANIA, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 09–8667. *GODOWN v. MARSHALL, WARDEN*. C. A. 9th Cir. Certiorari denied. Reported below: 329 Fed. Appx. 140.

No. 09–8669. *HILL v. MICHIGAN*. Sup. Ct. Mich. Certiorari denied. Reported below: 485 Mich. 911, 773 N. W. 2d 257.

No. 09–8676. *CAMPBELL v. NEW YORK*. App. Div., Sup. Ct. N. Y., 2d Jud. Dept. Certiorari denied. Reported below: 63 App. Div. 3d 754, 879 N. Y. S. 2d 729.

No. 09–8677. *ERVIN v. OHIO*. Ct. App. Ohio, Cuyahoga County. Certiorari denied.

No. 09–8678. *CANIDA v. THALER, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 09–8680. *FOSTER v. MCNEIL, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 09–8681. *MATTHEWS v. WORKMAN, WARDEN*. C. A. 10th Cir. Certiorari denied. Reported below: 577 F. 3d 1175.

No. 09–8682. *LOTTER v. NEBRASKA*. Sup. Ct. Neb. Certiorari denied. Reported below: 278 Neb. 466, 771 N. W. 2d 551.

No. 09–8685. *BARNES v. UNITED STATES*. C. A. 1st Cir. Certiorari denied.

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No. 09–8686. *RANKER v. CORRECTIONS CORPORATION OF AMERICA ET AL.* C. A. 5th Cir. Certiorari denied.

No. 09–8695. *CORYELL v. CALIFORNIA DEPARTMENT OF CORRECTIONS ET AL.* C. A. 9th Cir. Certiorari denied.

No. 09–8698. *CALDERON-LOPEZ v. BUDET-RODRIGUEZ ET AL.* C. A. 1st Cir. Certiorari denied.

No. 09–8699. *DOANE v. MCNEIL, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 09–8711. *DAMIANO v. CALIFORNIA.* Ct. App. Cal., 4th App. Dist., Div. 2. Certiorari denied.

No. 09–8712. *CROCKETT v. WUGHTER, SUPERINTENDENT, MOHAWK CORRECTIONAL FACILITY.* C. A. 2d Cir. Certiorari denied.

No. 09–8720. *SMITH v. SIMPSON, WARDEN.* C. A. 6th Cir. Certiorari denied.

No. 09–8736. *SCOTT v. UNITED STATES.* C. A. 5th Cir. Certiorari denied.

No. 09–8737. *MEHTA v. FEDERAL HOME LOAN MORTGAGE CORPORATION ET AL.* C. A. 3d Cir. Certiorari denied.

No. 09–8756. *HERNANDEZ v. SCHUETZLE, WARDEN.* C. A. 8th Cir. Certiorari denied.

No. 09–8759. *HALLMON v. FLORIDA.* Dist. Ct. App. Fla., 4th Dist. Certiorari denied. Reported below: 19 So. 3d 413.

No. 09–8765. *MARSDEN v. MCGRADY, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT RETREAT, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 09–8769. *TARKOWSKI v. SHINSEKI, SECRETARY OF VETERANS AFFAIRS.* C. A. Fed. Cir. Certiorari denied. Reported below: 352 Fed. Appx. 418.

No. 09–8770. *DIXON v. UNITED STATES.* C. A. 11th Cir. Certiorari denied. Reported below: 353 Fed. Appx. 359.

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No. 09–8775. *WESTERN v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 09–8782. *KNIGHTEN v. ILLINOIS*. App. Ct. Ill., 3d Dist. Certiorari denied. Reported below: 391 Ill. App. 3d 1132, 982 N. E. 2d 994.

No. 09–8784. *LEFEVRE v. CAIN, WARDEN*. C. A. 5th Cir. Certiorari denied. Reported below: 586 F. 3d 349.

No. 09–8792. *WARRINGTON v. PHELPS, WARDEN, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 09–8794. *BOSS v. TEXAS*. Ct. App. Tex., 2d Dist. Certiorari denied.

No. 09–8796. *RATHBUN v. JOHNSON ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 339 Fed. Appx. 704.

No. 09–8800. *SAPUTRA v. HOLDER, ATTORNEY GENERAL*. C. A. 5th Cir. Certiorari denied.

No. 09–8810. *WHITE v. FLORIDA*. Dist. Ct. App. Fla., 2d Dist. Certiorari denied. Reported below: 17 So. 3d 1234.

No. 09–8817. *JAMES v. NORTH CAROLINA*. Sup. Ct. N. C. Certiorari denied.

No. 09–8831. *PRESTON v. CALIFORNIA*. Ct. App. Cal., 1st App. Dist. Certiorari denied. Reported below: 176 Cal. App. 4th 1109, 98 Cal. Rptr. 3d 340.

No. 09–8832. *MOREHEAD v. ARIZONA*. Super. Ct. Ariz., County of Maricopa. Certiorari denied.

No. 09–8834. *BEACH v. MOORE, WARDEN*. C. A. 6th Cir. Certiorari denied. Reported below: 343 Fed. Appx. 7.

No. 09–8835. *ALEJO v. MALFI, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 09–8838. *MCNEILL v. RUFFIN*. C. A. 4th Cir. Certiorari denied. Reported below: 353 Fed. Appx. 828.

No. 09–8841. *O'NEAL v. HOBBS, INTERIM DIRECTOR, ARKANSAS DEPARTMENT OF CORRECTION*. C. A. 8th Cir. Certiorari denied.

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No. 09–8842. *LINDSEY v. MCNEIL*, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS. Sup. Ct. Fla. Certiorari denied. Reported below: 19 So. 3d 311.

No. 09–8844. *DEVANE v. BROWN*, WARDEN. C. A. 11th Cir. Certiorari denied.

No. 09–8850. *ROSADO v. NEW YORK*. App. Div., Sup. Ct. N. Y., 2d Jud. Dept. Certiorari denied. Reported below: 54 App. Div. 3d 351, 863 N. Y. S. 2d 386.

No. 09–8858. *SPRINGER v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 10th Cir. Certiorari denied. Reported below: 580 F. 3d 1142.

No. 09–8863. *COLEMAN v. LATTIMORE*, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 338 Fed. Appx. 672.

No. 09–8891. *BRYANT v. COLORADO*. Ct. App. Colo. Certiorari denied.

No. 09–8896. *CONTRERAS v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 09–8903. *MACKENZIE v. NEW YORK*. App. Div., Sup. Ct. N. Y., 2d Jud. Dept. Certiorari denied.

No. 09–8905. *SMITH v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 350 Fed. Appx. 54.

No. 09–8906. *MILLAN v. SOUTHERN CALIFORNIA EDISON CO.* Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 09–8907. *ALEXANDER v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 353 Fed. Appx. 885.

No. 09–8910. *VARNADO v. MCNEIL*, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS. C. A. 11th Cir. Certiorari denied.

No. 09–8913. *THOL v. PACHOLKE*, SUPERINTENDENT, STAFFORD CREEK CORRECTIONS CENTER. C. A. 9th Cir. Certiorari denied. Reported below: 344 Fed. Appx. 452.

No. 09–8923. *BICKETT v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

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No. 09–8924. *CORREA-ALICEA v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 585 F. 3d 484.

No. 09–8927. *TERRY v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 09–8929. *WHEELER v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 349 Fed. Appx. 92.

No. 09–8931. *KING v. UNITED STATES*. Ct. App. D. C. Certiorari denied. Reported below: 983 A. 2d 1064.

No. 09–8933. *SOLORIO-MUNIZ v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 298 Fed. Appx. 627.

No. 09–8934. *ROUSSOS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 349 Fed. Appx. 864.

No. 09–8936. *BASSIL v. UNITED STATES*. Ct. App. D. C. Certiorari denied. Reported below: 980 A. 2d 433.

No. 09–8940. *NOBLE v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 325 Fed. Appx. 249.

No. 09–8941. *NIEMI v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 579 F. 3d 123.

No. 09–8944. *HOPKINS v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 577 F. 3d 507.

No. 09–8945. *GARCIA-MUNOZ v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 333 Fed. Appx. 288.

No. 09–8946. *HOOPER v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 389 Ill. App. 3d 1145, 976 N. E. 2d 1209.

No. 09–8950. *LIVINGSTON v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

No. 09–8959. *CRUMP v. EVANS, WARDEN*. C. A. 7th Cir. Certiorari denied.

No. 09–8962. *SMITH v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 351 Fed. Appx. 635.

No. 09–8963. *WINTERS v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

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No. 09–8964. *SCHMIDT v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 353 Fed. Appx. 132.

No. 09–8966. *GIVENS v. WASHINGTON*. Ct. App. Wash. Certiorari denied. Reported below: 149 Wash. App. 1041.

No. 09–8969. *PISKANIN v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

No. 09–8970. *CERVANTEZ v. PLILER, WARDEN*. C. A. 9th Cir. Certiorari denied. Reported below: 360 Fed. Appx. 737.

No. 09–8973. *LEFTWICH v. GEORGIA*. Ct. App. Ga. Certiorari denied. Reported below: 299 Ga. App. 392, 682 S. E. 2d 614.

No. 09–8976. *MCCRAY v. FRANCIS HOWELL SCHOOL DISTRICT ET AL.* C. A. 8th Cir. Certiorari denied.

No. 09–8978. *MENDOZA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 351 Fed. Appx. 921.

No. 09–8979. *JAMERSON v. MCNEIL, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 09–8982. *CAMPOS-LAGUNAS, AKA CAMPOS-LAGUNA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 332 Fed. Appx. 982.

No. 09–8984. *SEBRO v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

No. 09–8985. *ROSE v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 587 F. 3d 695.

No. 09–8989. *MCCOY v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 09–8991. *JENKINS-WATTS v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 574 F. 3d 950.

No. 09–8993. *RAMIREZ v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 361 Fed. Appx. 807.

No. 09–8994. *REBOLLA-SANCHEZ v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 367 Fed. Appx. 738.

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No. 09–8995. *SOLIS-GARCIA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 351 Fed. Appx. 919.

No. 09–8999. *BRUNSON v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 351 Fed. Appx. 402.

No. 09–9003. *OWENS v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 09–9004. *JONES v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 332 Fed. Appx. 801.

No. 09–9008. *THOMPSON v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 588 F. 3d 197.

No. 09–9010. *VALLE v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 359 Fed. Appx. 77.

No. 09–9012. *MIRANDA-RUIZ, AKA PERALTA-MORALES, AKA TORRES-GUTIERREZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 352 Fed. Appx. 953.

No. 09–9013. *OLIVAS-PORRAS v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 363 Fed. Appx. 637.

No. 09–9015. *BROWN v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 592 F. 3d 1088.

No. 09–9017. *TORRES-OLIVERAS v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 583 F. 3d 37.

No. 09–9018. *VELAZQUEZ v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 349 Fed. Appx. 339.

No. 09–9019. *BRYANT v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 332 Fed. Appx. 14.

No. 09–9024. *LONGORIA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 352 Fed. Appx. 968.

No. 09–9025. *NEWMAN v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 09–9027. *MUHAMMAD v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 336 Fed. Appx. 188.

No. 09–9030. *ESPINOSA v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

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No. 09–9034. *MCCARTNEY v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 357 Fed. Appx. 73.

No. 09–9037. *WRIGHT v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 582 F. 3d 199.

No. 09–9038. *SMITH v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 352 Fed. Appx. 709.

No. 09–9039. *SHANK v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 591 F. 3d 491.

No. 09–9043. *PENA v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 586 F. 3d 105.

No. 09–9044. *PONCE-PONCE, AKA DOMINGUEZ-AGUILAR v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 352 Fed. Appx. 939.

No. 09–9048. *MEDRANO BETANCOURT v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 586 F. 3d 303.

No. 09–9052. *ALLEN ET UX. v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 343 Fed. Appx. 983.

No. 09–9057. *MC ELROY v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 353 Fed. Appx. 191.

No. 09–9059. *ROBINSON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 357 Fed. Appx. 612.

No. 09–9060. *SPARKS v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 353 Fed. Appx. 121.

No. 09–9061. *LOPEZ-PENA v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 352 Fed. Appx. 482.

No. 09–9065. *SCHAFER v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 586 F. 3d 414.

No. 09–9070. *DAVIS v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 333 Fed. Appx. 137.

No. 09–9072. *DILLARD v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 354 Fed. Appx. 852.

No. 09–9076. *ADAMS v. ARKANSAS*. Sup. Ct. Ark. Certiorari denied. Reported below: 2009 Ark. 375, 326 S. W. 3d 764.

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No. 09–9091. *JAMES v. UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OHIO*. C. A. 6th Cir. Certiorari denied.

No. 09–9094. *MELTON v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 360 Fed. Appx. 479.

No. 09–9097. *WORTHY v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 342 Fed. Appx. 877.

No. 09–9098. *TORRES v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 346 Fed. Appx. 983.

No. 09–9099. *TULL v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 352 Fed. Appx. 127.

No. 09–9103. *HARRISON v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. Reported below: 356 Fed. Appx. 423.

No. 09–9104. *GRUBBS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 585 F. 3d 793.

No. 09–9105. *IBARRA-RAYA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 356 Fed. Appx. 35.

No. 09–9107. *HURT v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 574 F. 3d 439.

No. 09–9111. *FRIAS-CISNEROS v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 352 Fed. Appx. 718.

No. 09–9113. *HAYES v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 351 Fed. Appx. 811.

No. 09–9116. *HULL v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 359 Fed. Appx. 287.

No. 09–9120. *CARVER v. CHAPMAN, WARDEN, ET AL.* C. A. 5th Cir. Certiorari denied.

No. 09–9121. *CELEDON v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 353 Fed. Appx. 278.

No. 09–9123. *CALLOWAY v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 09–9130. *TORRES-OJEDA v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

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No. 09–9131. *WYATT v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 574 F. 3d 455.

No. 09–9133. *LEONARD v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 356 Fed. Appx. 231.

No. 09–9142. *BERRIOS v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 354 Fed. Appx. 629.

No. 09–9153. *ROBERTS v. UNITED STATES*. Ct. App. D. C. Certiorari denied. Reported below: 983 A. 2d 1064.

No. 09–9156. *SALLEY v. UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT*. C. A. 7th Cir. Certiorari denied.

No. 09–9158. *ROBINSON v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 350 Fed. Appx. 837.

No. 09–9159. *SCHULZE v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 346 Fed. Appx. 268.

No. 09–9160. *SANCHEZ v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 586 F. 3d 918.

No. 09–9162. *ROSBOROUGH v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 352 Fed. Appx. 238.

No. 09–9168. *REDMOND v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 09–9171. *JOHNSON v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 584 F. 3d 731.

No. 09–9172. *JONES v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 586 F. 3d 573.

No. 09–9177. *THELISMA v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 356 Fed. Appx. 217.

No. 09–9178. *WILLIAMS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 09–9180. *SAVAGE v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 09–9182. *SANDERS v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

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No. 09–9183. *JOHNSON v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 330 Fed. Appx. 901.

No. 09–9185. *ALISIC v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 357 Fed. Appx. 778.

No. 09–9188. *FLENORY v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 09–9189. *TURNER v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 583 F. 3d 1062.

No. 09–9190. *ROBINSON v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 337 Fed. Appx. 368.

No. 09–9198. *NAHA v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 09–9199. *O’NEIL v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 352 Fed. Appx. 859.

No. 09–9200. *PEREZ-LOPEZ v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 358 Fed. Appx. 796.

No. 09–9201. *JORDAN v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 335 Fed. Appx. 690.

No. 09–9203. *LOYA-ROMERO v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 354 Fed. Appx. 134.

No. 09–9204. *MAKOS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 355 Fed. Appx. 256.

No. 09–9205. *LOPEZ-TOVAR v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 353 Fed. Appx. 906.

No. 09–9212. *POWELL v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 359 Fed. Appx. 942.

No. 09–9214. *CAREY v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 589 F. 3d 187.

No. 09–9216. *COOKS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 589 F. 3d 173.

No. 09–9249. *SCHLOTZHAUER v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 356 Fed. Appx. 56.

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No. 09–9250. ALVARADO-GARCIA *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 354 Fed. Appx. 212.

No. 09–9251. BRAN *v.* UNITED STATES. C. A. D. C. Cir. Certiorari denied. Reported below: 353 Fed. Appx. 446.

No. 09–9252. HOLGUIN DE LA CRUZ *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 353 Fed. Appx. 780.

No. 09–9256. HERNANDEZ-MORALES *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 354 Fed. Appx. 123.

No. 09–9257. HICKS *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied.

No. 09–9259. GARCIA-VELAZCO *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 356 Fed. Appx. 571.

No. 09–9261. GRISEL *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 344 Fed. Appx. 218.

No. 09–9262. FRENCH *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 357 Fed. Appx. 177.

No. 09–9269. MOSLEY *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 353 Fed. Appx. 49.

No. 09–9276. BRETON-RODRIGUEZ *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 357 Fed. Appx. 810.

No. 09–419. KENTUCKY *v.* CARDINE ET AL. Sup. Ct. Ky. Motions of respondents for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 283 S. W. 3d 641.

No. 09–527. BEARD, SECRETARY, PENNSYLVANIA DEPARTMENT OF CORRECTIONS, ET AL. *v.* THOMAS. C. A. 3d Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 570 F. 3d 105.

No. 09–669. DIPLACIDO *v.* COMMODITY FUTURES TRADING COMMISSION. C. A. 2d Cir. Certiorari denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition. Reported below: 364 Fed. Appx. 657.

No. 09–671. NURRE *v.* WHITEHEAD, INDIVIDUALLY AND IN HER OFFICIAL CAPACITY AS THE SUPERINTENDENT OF EVERETT

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SCHOOL DISTRICT NO. 2. C. A. 9th Cir. Certiorari denied. Reported below: 580 F. 3d 1087.

JUSTICE ALITO, dissenting.

The Ninth Circuit's decision in this case is not easy to square with our free speech jurisprudence. For this reason and because of the decision's important practical implications, I would grant the petition for a writ of certiorari.

I

At the time of the events at issue, petitioner, Kathryn Nurre, was a high school senior and a member of her school's wind ensemble. In keeping with a school tradition, the school's band director told the seniors in the ensemble that they could select a piece from their musical repertoire to be performed during their graduation ceremony. The 2006 graduates, including petitioner, chose Franz Biebl's "Ave Maria,"¹ a piece that they had previously performed and that "they believed showcased their talent and the culmination of their instrumental work." 580 F. 3d 1087, 1091 (CA9 2009). At the prior year's graduation ceremony, the student choir had performed "'Up Above My Head,' a vocal piece which included express references to 'God,' 'heaven,' and 'angels,'" and the school district claimed that this had resulted in "complaints from graduation attendees" and at least one angry letter to the editor of a local newspaper. *Ibid.*; *id.*, at 1101 (M. Smith, J., dissenting in part and concurring in judgment) (quoting lyrics); see also Brief in Opposition 7, and n. 28. Fearful that the performance of Biebl's "Ave Maria" would cause a similar reaction, even though the performance would not include the lyrics of the

¹Many composers, including Schubert, Gounod, Verdi, Mozart, Elgar, Saint-Saëns, Rossini, Brahms, Stravinsky, Bruckner, and Rachmaninoff, composed music for the Ave Maria. See 22 *The New Grove Dictionary of Music and Musicians* 670, 718 (2d ed. 2001) (Schubert); 10 *id.*, at 215, 233 (Gounod); 26 *id.*, at 462 (Verdi); 17 *id.*, at 319 (Mozart); 8 *id.*, at 131 (Elgar); 22 *id.*, at 130 (Saint-Saëns); 21 *id.*, at 763 (Rossini); 4 *id.*, at 208 (Brahms); 24 *id.*, at 560 (Stravinsky); 4 *id.*, at 480 (Bruckner). See also R. Threlfall & G. Norris, *A Catalogue of the Compositions of S. Rachmaninoff* 119 (1982). Some of these compositions are well known, but Biebl's, which was brought to the United States in 1970 by the Cornell University Glee Club, see M. Slon, *Songs from the Hill: A History of the Cornell University Glee Club* 174 (1998), is relatively obscure.

piece, school district officials vetoed the ensemble members' choice "because the title and meaning of the piece had religious connotations—and would be easily identified as such by attendees merely by the title alone." 580 F. 3d, at 1091. The associate superintendent sent an e-mail to all the principals in the district instructing them that "musical selections for all graduations within the District should be purely secular in nature."² *Ibid.* As a result of the district's decision, the members of the wind ensemble "reluctantly elected to perform the fourth movement of Gustav Holst's 'Second Suite in F for Military Band.'" *Ibid.*

Petitioner then brought this action against the school superintendent in her official and individual capacities, claiming, among other things, that the district's decision had violated her right to freedom of speech. The District Court granted summary judgment for the superintendent, and a divided panel of the Ninth Circuit affirmed. 580 F. 3d 1087. The majority acknowledged that the performance of "an entirely instrumental" musical piece "is speech as contemplated by the First Amendment," and assumed, as the school district had conceded, that the school had created a "'limited public forum'" when it allowed the members of the wind ensemble to choose the piece that they wished to play. *Id.*, at 1093–1094. Nevertheless, the majority held that the

² It is not clear that this e-mail accurately reflected either the district's past or then-current practice. According to the brief in opposition, the district approved the piece that the wind ensemble played at graduation prior to 2006, "On a Hymnsong of Philip Bliss." See Brief in Opposition 8; see also 580 F. 3d, at 1091. This song, which not only includes the term "hymn" in its title, is an arrangement of Philip Bliss' hymn "It is Well with My Soul" that has fervently religious lyrics, including the following:

"Though Satan should buffet, though trials should come,
Let this blest assurance control,
That Christ hath regarded my helpless estate,
And hath shed His own blood for my soul."

Spafford and Bliss, It is Well with My Soul, in Gospel Hymns No. 2, p. 78 (P. Bliss & I. Sankey 1876); D. Holsinger, On a Hymnsong of Philip Bliss (1989), <http://trnmusic.com/pdfs/scorepdfs/onahymnsongofphilipbliss.pdf> (as visited Mar. 19, 2010, and available in Clerk of Court's case file); see also R. Garofalo, On a Hymnsong of Philip Bliss: A Teaching/Learning Unit 9 (2000). Whatever distinction the district perceived between this piece and Biebl's "Ave Maria" is not revealed by the record.

vetoing of the ensemble members' selection had not violated their free speech rights because "it is reasonable for a school official to prohibit the performance of an obviously religious piece" "when there is a captive audience at a graduation ceremony, which spans a finite amount of time, and during which the demand for equal time is so great that comparable non-religious musical works might not be presented." *Id.*, at 1095. Dissenting on the free speech issue, Judge Smith expressed concern that the panel's decision would encourage public school administrators to ban "musical and artistic presentations by their students in school-sponsored limited public fora where those presentations contain any trace of religious inspiration, for fear of criticism by a member of the public, however extreme that person's views may be." *Id.*, at 1099.

II

When a public school administration speaks for itself and takes public responsibility for its speech, it may say what it wishes without violating the First Amendment's guarantee of freedom of speech. *Pleasant Grove City v. Summum*, 555 U. S. 460, 467–468 (2009). But when a public school purports to allow students to express themselves, it must respect the students' free speech rights. School administrators may not behave like puppeteers who create the illusion that students are engaging in personal expression when in fact the school administration is pulling the strings.

Our cases use the term "limited public forum" to describe a situation in which a public school purports to allow students to express their own views or sentiments. See *Rosenberger v. Rector and Visitors of Univ. of Va.*, 515 U. S. 819, 829–830 (1995); *Widmar v. Vincent*, 454 U. S. 263, 272–273 (1981); see also *Perry Ed. Assn. v. Perry Local Educators' Assn.*, 460 U. S. 37, 45–48 (1983). In such a forum, we have held, the State "must not discriminate against speech on the basis of viewpoint." *Good News Club v. Milford Central School*, 533 U. S. 98, 106 (2001); see also *Rosenberger*, *supra*, at 829. Our cases also make it perfectly clear that discrimination against religious, as opposed to secular, expression is viewpoint discrimination. *Good News Club*, *supra*, at 107; *Rosenberger*, *supra*, at 830, 831; *Lamb's Chapel v. Center Moriches Union Free School Dist.*, 508 U. S. 384, 393–394 (1993). And our cases categorically reject the proposition that speech may be censored simply because some in the audience may find

that speech distasteful. See *United States v. Playboy Entertainment Group, Inc.*, 529 U.S. 803, 814–816 (2000); *R. A. V. v. St. Paul*, 505 U.S. 377, 382 (1992); *Board of Ed., Island Trees Union Free School Dist. No. 26 v. Pico*, 457 U.S. 853, 871–872 (1982) (plurality opinion); *Tinker v. Des Moines Independent Community School Dist.*, 393 U.S. 503, 508–509 (1969).

In this case, however, the Court of Appeals held that a public school did not violate the free speech rights of a student when the school, after creating a limited public forum, banned the performance of “an obviously religious piece” because the piece might offend some members of the “captive audience at a graduation ceremony.” 580 F.3d, at 1095. The tension between this reasoning and the fundamental free speech principles noted above is unmistakable.

The Court of Appeals, in a footnote, acknowledged that the district’s decision would have been impermissible if it had constituted viewpoint discrimination, but the court concluded that “this is not a case involving viewpoint discrimination” because petitioner “concede[d] that she was not attempting to express any specific religious viewpoint” but instead “sought only to ‘play a pretty piece.’” *Id.*, at 1095, n. 6. This reasoning is questionable at best.

First, the Court of Appeals’ holding, as set out in the body of its opinion, does not appear to depend in any way on petitioner’s motivation in helping to select the Biebl piece. The court phrased its holding as follows: “[T]he District’s action in keeping all musical performances at graduation ‘entirely secular’ in nature was reasonable in light of the circumstances surrounding a high school graduation.” *Id.*, at 1095. Nothing in the body of the court’s opinion suggests that its decision would have come out the other way if petitioner had favored the Biebl piece for religious rather than artistic reasons. Second, the school district did not veto the Biebl piece on viewpoint-neutral grounds. On the contrary, the district banned that piece precisely because of its perceived religious message—that is, because the district feared that members of the audience would view the performance of the piece as the district’s sponsorship of a religious message. See Pet. for Cert. 7 (quoting letter to the editor criticizing 2005 graduation program). Banning speech because of the view that the speech is likely to be perceived as expressing seems to me to constitute viewpoint discrimination.

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The decision below will have important implications for the nearly 10 million public school students in the Ninth Circuit. Even if the decision is read narrowly, it will restrict what is purportedly personal student expression at public school graduation ceremonies. And as Judge Smith noted, the Ninth Circuit's reasoning may be applied to almost all public school artistic performances. 580 F. 3d, at 1099 (opinion dissenting in part and concurring in judgment). The audience at such events, which generally consists overwhelmingly of relatives and friends of the performers, may be regarded as no less "captive" than graduation attendees. If the decision is applied to such performances, school administrators in some communities may choose to avoid "controversy" by banishing all musical pieces with "religious connotations." *Id.*, at 1095, 1091 (majority opinion).

The logic of the Ninth Circuit's decision has even broader implications. Why, for example, should the Ninth Circuit's reasoning apply only to musical performances and not to other forms of student expression, including student speeches at graduation ceremonies and other comparable school events? Moreover, unless discrimination against speech expressing a religious viewpoint is less objectionable than other forms of viewpoint discrimination, the Ninth Circuit's decision may provide the basis for wide-ranging censorship of student speech that expresses controversial ideas. A reasonable reading of the Ninth Circuit's decision is that it authorizes school administrators to ban any controversial student expression at any school event attended by parents and others who feel obligated to be present because of the importance of the event for the participating students. A decision with such potentially broad and troubling implications merits our review.

No. 09–806. *WRIGHT ET AL. v. EASTMAN KODAK CO.* C. A. 2d Cir. Certiorari denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition. Reported below: 328 Fed. Appx. 738.

No. 09–849. *SHIPPING CORPORATION OF INDIA, LTD. v. JALDHI OVERSEAS PTE LTD.* C. A. 2d Cir. Motion of Maritime Law Association for leave to file a brief as *amicus curiae* granted. Certiorari denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition. Reported below: 585 F. 3d 58.

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No. 09–856. *MONTGOMERY v. WYETH, FKA AMERICAN HOME PRODUCTS CORP., ET AL.* C. A. 6th Cir. Certiorari denied. THE CHIEF JUSTICE took no part in the consideration or decision of this petition. Reported below: 580 F. 3d 455.

No. 09–937. *DROZ v. MCCADDEN.* C. A. 2d Cir. Certiorari denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition. Reported below: 580 F. 3d 106.

No. 09–972. *SALAZAR ET UX. v. COMMISSIONER OF INTERNAL REVENUE.* C. A. 2d Cir. Certiorari denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition. Reported below: 338 Fed. Appx. 75.

No. 09–6531. *LUCKY v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition. Reported below: 569 F. 3d 101.

No. 09–7319. *FELL v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition. Reported below: 531 F. 3d 197.

No. 09–7554. *BROWN v. ROCK, SUPERINTENDENT, GREAT MEADOW CORRECTIONAL FACILITY, ET AL.* C. A. 2d Cir. Certiorari denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition. Reported below: 577 F. 3d 107.

No. 09–7565. *CORINES v. KILLIAN, WARDEN.* C. A. 2d Cir. Certiorari denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition.

No. 09–8548. *BROWN v. UNITED STATES.* C. A. 3d Cir. Motion of petitioner to seal petition for writ of certiorari denied. Certiorari denied.

No. 09–8697. *CHITOIU v. UNUM PROVIDENT CORP. ET AL.* C. A. 2d Cir. Certiorari denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition. Reported below: 345 Fed. Appx. 625.

No. 09–9033. *PRESCOTT v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition. Reported below: 360 Fed. Appx. 209.

No. 09–9125. *SATTAR v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition. Reported below: 590 F. 3d 93.

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No. 09–9135. *MERCEDE v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition. Reported below: 354 Fed. Appx. 477.

No. 09–9267. *SHARPLEY v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition. Reported below: 355 Fed. Appx. 488.

Rehearing Denied

No. 08–9156. *WOOD v. ALLEN, COMMISSIONER, ALABAMA DEPARTMENT OF CORRECTIONS, ET AL.*, 558 U. S. 290;

No. 09–35. *NORIEGA v. PASTRANA, WARDEN, ante*, p. 917;

No. 09–506. *CHILDREN’S FUND ET AL. v. SPRINGFIELD HOLDING CO. LTD. LLC ET AL.*, 558 U. S. 1113;

No. 09–585. *HARVEST INSTITUTE FREEDMAN FEDERATION ET AL. v. UNITED STATES*, 558 U. S. 1149;

No. 09–655. *WADE v. UNITED STATES*, 558 U. S. 1150;

No. 09–6577. *MITCHELL v. O’BRIEN*, 558 U. S. 1150;

No. 09–6673. *BOWLING v. KENTUCKY*, 558 U. S. 1117;

No. 09–6701. *RUNGE v. MINNESOTA*, 558 U. S. 1054;

No. 09–6755. *SKRZYPEK ET UX. v. UNITED STATES*, 558 U. S. 1117;

No. 09–6986. *ALSTON v. COURT OF APPEALS OF WISCONSIN, DISTRICT I*, 558 U. S. 1056;

No. 09–7033. *SMITH v. THALER, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*, 558 U. S. 1118;

No. 09–7134. *MILLER v. RYAN, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS, ET AL.*, 558 U. S. 1119;

No. 09–7172. *MONACELLI v. FIFTH THIRD BANK ET AL., ante*, p. 906;

No. 09–7218. *AUSTIN v. MCCANN, WARDEN*, 558 U. S. 1121;

No. 09–7302. *BRZOWSKI v. TRISTANO ET AL.*, 558 U. S. 1123;

No. 09–7347. *ABBOTT v. DEKALB ET AL.*, 558 U. S. 1123;

No. 09–7490. *WARFIELD v. GRAMS, WARDEN*, 558 U. S. 1126;

No. 09–7557. *PERRY v. VIRGINIA*, 558 U. S. 1153;

No. 09–7566. *ERICKSON v. MASSACHUSETTS*, 558 U. S. 1153;

No. 09–7571. *CLEVELAND v. ABERNATHY, MAYOR, CLEMSON, SOUTH CAROLINA, ET AL.*, 558 U. S. 1154;

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No. 09–7610. *DILLEHAY v. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT ET AL.*, 558 U.S. 1154;

No. 09–7684. *DAVIS v. UNITED STATES ET AL.*, 558 U.S. 1129;

No. 09–7729. *LASKEY v. AT&T*, *ante*, p. 909;

No. 09–7730. *LASKEY v. FIDELITY INVESTMENTS*, *ante*, p. 909;

No. 09–7731. *LASKEY v. AT&T*, *ante*, p. 909;

No. 09–7753. *LASKEY v. CORNING CABLE SYSTEMS*, *ante*, p. 910;

No. 09–7759. *LASKEY v. SHILOH GROUP, LLC*, *ante*, p. 910;

No. 09–7760. *LASKEY v. SUN MICROSYSTEMS, INC.*, *ante*, p. 910;

No. 09–7876. *HOLMAN v. SHINSEKI, SECRETARY OF VETERANS AFFAIRS*, 558 U.S. 1134;

No. 09–7886. *WILSON v. UNITED STATES*, 558 U.S. 1134;

No. 09–7932. *UYKHENG NGY v. YOU SONG SECK*, *ante*, p. 911;

No. 09–8002. *TORRES v. MCNEIL, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS*, *ante*, p. 912;

No. 09–8019. *IN RE SINGLETON*, 558 U.S. 1109;

No. 09–8163. *ASKEW v. UNITED STATES*, *ante*, p. 915; and

No. 09–8264. *KAPORDELIS v. UNITED STATES*, *ante*, p. 917. Petitions for rehearing denied.

No. 09–5490. *MIDDLETON v. SCHULT, WARDEN*, 558 U.S. 1100; and

No. 09–7188. *AGRON v. COLUMBIA UNIVERSITY*, 558 U.S. 1138. Petitions for rehearing denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of these petitions.

No. 09–7754. *LASKEY v. INTEL CORP.*, *ante*, p. 929. Petition for rehearing denied. THE CHIEF JUSTICE took no part in the consideration or decision of this petition.

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Miscellaneous Order

No. 09–9000 (09A743). *SKINNER v. SWITZER*, DISTRICT ATTORNEY. 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 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.

MARCH 29, 2010

Certiorari Granted—Vacated and Remanded

No. 09–8367. *WELTON v. UNITED STATES*. C. A. 7th Cir. Motion of petitioner for leave to proceed *in forma pauperis* granted. Certiorari granted, judgment vacated, and case remanded to the Court of Appeals for the Seventh Circuit for further consideration in light of that court’s en banc opinion in *United States v. Corner*, 598 F. 3d 411 (2010). Reported below: 583 F. 3d 494.

Certiorari Dismissed

No. 09–8742. *ALBRIGHT-LAZZARI ET VIR v. CONNECTICUT* (two judgments). App. Ct. Conn. Motion of petitioners for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court’s Rule 39.8.

No. 09–8776. *TAYLOR v. BRASHEARS ET AL.* C. A. 11th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court’s Rule 39.8.

No. 09–8781. *KALSKI v. ANTONOVICH ET AL.* Ct. App. Cal., 2d App. Dist. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court’s Rule 39.8.

No. 09–8799. *SABEDRA v. THALER, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court’s Rule 39.8.

No. 09–8802. *SPUCK v. McVEY, CHAIRWOMAN, PENNSYLVANIA BOARD OF PROBATION AND PAROLE, ET AL.* C. A. 3d Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court’s Rule 39.8.

No. 09–8871. *HAFED v. SUPREME COURT OF THE UNITED STATES ET AL.* 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. THE CHIEF JUSTICE took no part in the consideration or decision of this motion and this petition. Reported below: 352 Fed. Appx. 447.

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No. 09–9064. JACKSON *v.* MINNESOTA. Ct. App. Minn. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court’s Rule 39.8. As petitioner has repeatedly abused this Court’s process, the Clerk is directed not to accept any further petitions in noncriminal matters from petitioner unless the docketing fee required by Rule 38(a) is paid and the petition is submitted in compliance with Rule 33.1. See *Martin v. District of Columbia Court of Appeals*, 506 U.S. 1 (1992) (*per curiam*). JUSTICE STEVENS dissents. See *id.*, at 4, and cases cited therein.

Miscellaneous Orders

No. D–2457. IN RE DISBARMENT OF SICILIANO. Disbarment entered. [For earlier order herein, see 558 U.S. 1043.]

No. D–2459. IN RE DISBARMENT OF PASSMORE. Disbarment entered. [For earlier order herein, see 558 U.S. 1043.]

No. D–2460. IN RE DISBARMENT OF BERMAN. Disbarment entered. [For earlier order herein, see 558 U.S. 1044.]

No. D–2461. IN RE DISBARMENT OF FINNERTY. Disbarment entered. [For earlier order herein, see 558 U.S. 1044.]

No. D–2462. IN RE DISBARMENT OF SHEEHAN. Disbarment entered. [For earlier order herein, see 558 U.S. 1044.]

No. D–2463. IN RE DISBARMENT OF SACHAR. Disbarment entered. [For earlier order herein, see 558 U.S. 1044.]

No. 09M81. DOE *v.* DUNCAN ET AL. Motion for leave to proceed *in forma pauperis* with the declaration of indigency under seal denied.

No. 09M82. GRANDOIT *v.* MURRAY ET AL. Motion to direct the Clerk to file petition for writ of certiorari out of time denied.

No. 09–8048. ELINE *v.* HAWAII DEPARTMENT OF PUBLIC SAFETY. C. A. 9th Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [*ante*, p. 933] denied.

No. 09–8700. WHITE *v.* FAIRFAX COUNTY, VIRGINIA, ET AL. C. A. 4th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied. Petitioner is allowed until April 19, 2010, within which to pay the docketing fee required by Rule 38(a) and

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to submit a petition in compliance with Rule 33.1 of the Rules of this Court.

No. 09–9394. IN RE GASTON;
No. 09–9460. IN RE YORK; and
No. 09–9523. IN RE PARKER. Petitions for writs of habeas corpus denied.

No. 09–9534. IN RE MILLER. Motion of petitioner for leave to proceed *in forma pauperis* denied, and petition for writ of habeas corpus dismissed. See this Court's Rule 39.8. As petitioner has repeatedly abused this Court's process, the Clerk is directed not to accept any further petitions in noncriminal matters from petitioner unless the docketing fee required by Rule 38(a) is paid and the petition is submitted in compliance with Rule 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. 09–9021. IN RE TANGIRALA. Petition for writ of mandamus denied.

No. 09–9300. IN RE TAYLOR. 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.

No. 09–8744. IN RE THOMAS. Petition for writ of mandamus and/or prohibition denied.

No. 09–8862. IN RE CUTAIA. Petition for writ of prohibition denied.

Certiorari Denied

No. 09–742. ROSENBERG *v.* HUALAPAI INDIAN NATION. Ct. App. Ariz. Certiorari denied.

No. 09–815. FREQUENT FLYER DEPOT, INC., ET AL. *v.* AMERICAN AIRLINES, INC. Ct. App. Tex., 2d Dist. Certiorari denied. Reported below: 281 S. W. 3d 215.

No. 09–857. DOYLE *v.* GRASKE;
No. 09–888. GRASKE *v.* DOYLE ET UX.; and
No. 09–990. GRASKE *v.* DOYLE. C. A. 8th Cir. Certiorari denied. Reported below: 579 F. 3d 898.

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No. 09–859. *WINDSOR v. MAID OF THE MIST CORP. ET AL.* C. A. 11th Cir. Certiorari denied.

No. 09–865. *MONUMENTAL LIFE INSURANCE CO., SUCCESSOR IN INTEREST TO COMMONWEALTH LIFE INSURANCE CO. v. KENTUCKY DEPARTMENT OF REVENUE, FKA REVENUE CABINET, FINANCE AND ADMINISTRATION CABINET, COMMONWEALTH OF KENTUCKY, ET AL.* Ct. App. Ky. Certiorari denied. Reported below: 294 S. W. 3d 10.

No. 09–872. *CASEY ET AL. v. NORTH AMERICAN SAVINGS, F. S. B., ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 583 F. 3d 586.

No. 09–879. *WAESCHLE v. DRAGOVIC, INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY AS MEDICAL EXAMINER OF OAKLAND COUNTY, MICHIGAN, ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 576 F. 3d 539.

No. 09–880. *BIRKS v. PARK ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 350 Fed. Appx. 848.

No. 09–884. *J. B. L. v. TEXAS.* Ct. App. Tex., 11th Dist. Certiorari denied.

No. 09–887. *E. H. ET AL., ON THEIR OWN BEHALF AND AS PARENTS AND NEXT FRIENDS OF C. H., A MINOR v. BOARD OF EDUCATION OF THE SHENENDEHOWA CENTRAL SCHOOL DISTRICT ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 361 Fed. Appx. 156.

No. 09–892. *SOUTHWICK v. CROWNOVER ET AL.* Ct. App. Cal., 1st App. Dist. Certiorari denied.

No. 09–924. *YUN KYU YOOK ET AL. v. HOLDER, ATTORNEY GENERAL.* C. A. 9th Cir. Certiorari denied. Reported below: 339 Fed. Appx. 795.

No. 09–928. *SANG KYU HAN ET UX. v. HOLDER, ATTORNEY GENERAL.* C. A. 9th Cir. Certiorari denied. Reported below: 339 Fed. Appx. 802.

No. 09–966. *WADHWA v. DEPARTMENT OF VETERANS AFFAIRS* (two judgments). C. A. Fed. Cir. Certiorari denied. Reported below: 353 Fed. Appx. 434 (second judgment) and 435 (first judgment).

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No. 09–969. *BROWN v. INDIANA BOARD OF LAW EXAMINERS*. Sup. Ct. Ind. Certiorari denied.

No. 09–973. *SNIDER v. LEE ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 584 F. 3d 193.

No. 09–1019. *MIKELL v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 344 Fed. Appx. 218.

No. 09–1026. *MONCIER v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 571 F. 3d 593.

No. 09–1040. *SANDLIN v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 589 F. 3d 749.

No. 09–1044. *BRIONES ET AL. v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 09–7351. *DEBERRY v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 576 F. 3d 708.

No. 09–7358. *VAN DIVNER v. PENNSYLVANIA*. Sup. Ct. Pa. Certiorari denied. Reported below: 599 Pa. 617, 962 A. 2d 1170.

No. 09–7485. *WATERS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 340 Fed. Appx. 554.

No. 09–7793. *WARD v. INDIANA*. Sup. Ct. Ind. Certiorari denied. Reported below: 903 N. E. 2d 946.

No. 09–7882. *BRIGGS v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 347 Fed. Appx. 750.

No. 09–8262. *WILLIAMS v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 584 F. 3d 714.

No. 09–8717. *SHERIFF v. ACCELERATED RECEIVABLES SOLUTIONS ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 349 Fed. Appx. 351.

No. 09–8718. *SWAIN v. CAIN, WARDEN*. C. A. 5th Cir. Certiorari denied.

No. 09–8719. *ROSS v. YOUNG ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 332 Fed. Appx. 822.

No. 09–8721. *ROCKETT v. MINNESOTA*. Ct. App. Minn. Certiorari denied.

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No. 09–8723. *DRIESSEN v. FLORIDA DEPARTMENT OF CHILDREN AND FAMILIES ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 351 Fed. Appx. 355.

No. 09–8725. *COTTON v. WOODS, WARDEN.* C. A. 6th Cir. Certiorari denied.

No. 09–8739. *ATHERTON v. DISTRICT OF COLUMBIA OFFICE OF THE MAYOR ET AL.* C. A. D. C. Cir. Certiorari denied. Reported below: 567 F. 3d 672.

No. 09–8746. *TANI v. WASHINGTON POST ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 352 Fed. Appx. 792.

No. 09–8747. *O'BRIEN v. TEXAS.* Ct. App. Tex., 11th Dist. Certiorari denied.

No. 09–8760. *HOGG v. THALER, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION.* C. A. 5th Cir. Certiorari denied.

No. 09–8771. *COLLAZO v. TEXAS.* Ct. App. Tex., 14th Dist. Certiorari denied.

No. 09–8772. *RINGGOLD ET AL. v. SANKARY ET AL.* Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 09–8773. *OWENS v. JONES, SUPERINTENDENT, HYDE CORRECTIONAL INSTITUTION.* C. A. 4th Cir. Certiorari denied. Reported below: 347 Fed. Appx. 948.

No. 09–8777. *NELSON v. CORTEZ MASTO, ATTORNEY GENERAL OF NEVADA.* C. A. 9th Cir. Certiorari denied. Reported below: 350 Fed. Appx. 134.

No. 09–8779. *COLLIER v. UNITED STATES.* C. A. 8th Cir. Certiorari denied. Reported below: 581 F. 3d 755.

No. 09–8786. *ASHFORD v. ARIZONA.* Ct. App. Ariz. Certiorari denied.

No. 09–8787. *BUYCKS v. CALIFORNIA UNEMPLOYMENT INSURANCE APPEALS BOARD ET AL.* Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 09–8788. *BLACK v. UNITED STATES.* C. A. 11th Cir. Certiorari denied.

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No. 09–8798. *SLACK v. JONES ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 348 Fed. Appx. 361.

No. 09–8812. *LINARES v. ALBRITH ET AL.* C. A. 2d Cir. Certiorari denied.

No. 09–8823. *MCNEILL v. GERMANY ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 334 Fed. Appx. 549.

No. 09–8825. *DANIELS v. UNITED STATES.* C. A. 11th Cir. Certiorari denied. Reported below: 345 Fed. Appx. 527.

No. 09–8826. *COPELAND v. MCNEIL, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 09–8827. *MINH PHOUC CHUNG v. THALER, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION.* C. A. 5th Cir. Certiorari denied.

No. 09–8829. *DONALD v. SCHULTZ ET AL.* C. A. 8th Cir. Certiorari denied.

No. 09–8830. *STERHAN v. MICHIGAN.* Ct. App. Mich. Certiorari denied.

No. 09–8837. *ANDERSON v. MCCLEMORE, WARDEN.* C. A. 6th Cir. Certiorari denied.

No. 09–8845. *CRINER v. BOUTON ET AL.* C. A. 5th Cir. Certiorari denied.

No. 09–8847. *ROBINSON v. HINKLE, WARDEN.* C. A. 4th Cir. Certiorari denied. Reported below: 357 Fed. Appx. 517.

No. 09–8848. *SCROGGINS v. MCNEIL, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 09–8857. *BROWN v. OBAMA, PRESIDENT OF THE UNITED STATES, ET AL.* C. A. D. C. Cir. Certiorari denied. Reported below: 352 Fed. Appx. 446.

No. 09–8860. *RUTLEDGE v. MCNEIL, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied.

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No. 09–8865. *HORTON v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 348 Fed. Appx. 889.

No. 09–8874. *GROVES v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 332 Fed. Appx. 840.

No. 09–8908. *BARBOUR v. WESTERN REGIONAL DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 4th Cir. Certiorari denied.

No. 09–8926. *WESSON v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 583 F. 3d 728.

No. 09–8932. *JEFFERSON v. CARLTON, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 09–8943. *FAJARDO-JIMENEZ v. HOLDER, ATTORNEY GENERAL*. C. A. 5th Cir. Certiorari denied. Reported below: 348 Fed. Appx. 16.

No. 09–8951. *KABUI v. HOLDER, ATTORNEY GENERAL*. C. A. 4th Cir. Certiorari denied. Reported below: 349 Fed. Appx. 835.

No. 09–8967. *HAMILTON, AKA DOZIER v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 09–8977. *OWENS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 09–8987. *ARMSTRONG v. SCRIBNER, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 09–9016. *THOMAS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 09–9053. *DENEUI v. SOUTH DAKOTA*. Sup. Ct. S. D. Certiorari denied. Reported below: 775 N. W. 2d 221.

No. 09–9078. *MARQUARDT v. WISCONSIN*. Ct. App. Wis. Certiorari denied. Reported below: 322 Wis. 2d 574, 776 N. W. 2d 288.

No. 09–9101. *FORD v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 352 Fed. Appx. 916.

No. 09–9102. *FRANETICH v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 344 Fed. Appx. 416.

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No. 09–9108. *HOLT v. MINNESOTA*. Sup. Ct. Minn. Certiorari denied. Reported below: 772 N.W. 2d 470.

No. 09–9114. *WILLIAMS v. MARTINEZ, WARDEN, ET AL.* C. A. D. C. Cir. Certiorari denied. Reported below: 586 F. 3d 995.

No. 09–9122. *DENNISON v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 352 Fed. Appx. 658.

No. 09–9126. *SHELTON v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 09–9141. *BOGUES v. MACEachern, SUPERINTENDENT, MASSACHUSETTS CORRECTIONAL INSTITUTION AT SHIRLEY*. C. A. 1st Cir. Certiorari denied.

No. 09–9154. *SMITH v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 343 Fed. Appx. 441.

No. 09–9191. *STIDHAM v. VARANO ET AL.* C. A. 3d Cir. Certiorari denied.

No. 09–9209. *WHITEFIELD v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 09–9210. *WRIGHT v. POTTER, POSTMASTER GENERAL*. C. A. 5th Cir. Certiorari denied. Reported below: 350 Fed. Appx. 898.

No. 09–9211. *VINSON v. OHIO*. Ct. App. Ohio, Franklin County. Certiorari denied.

No. 09–9213. *ELSO v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 571 F. 3d 1163.

No. 09–9217. *BRANCH v. TENNIS, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT ROCKVIEW, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 09–9218. *BURRIS v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 354 Fed. Appx. 308.

No. 09–9219. *BRANCH v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 352 Fed. Appx. 970.

No. 09–9223. *BREEDING v. DONAHUE, WARDEN*. Ct. App. Ky. Certiorari denied.

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No. 09–9228. *PHILLIPS v. DiGUGLIELMO*, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT GRATERFORD, ET AL. C. A. 3d Cir. Certiorari denied.

No. 09–9232. *GHELICHKHANI v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 09–9234. *WILLIAMS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 343 Fed. Appx. 912.

No. 09–9236. *JONES v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 09–9238. *LANE v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 591 F. 3d 921.

No. 09–9241. *MITCHELL v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 346 Fed. Appx. 281.

No. 09–9242. *PARMER v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 352 Fed. Appx. 854.

No. 09–9244. *WEBBER v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 09–9253. *DOWTHARD v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 09–9254. *HYATT v. BRANKER*, WARDEN. C. A. 4th Cir. Certiorari denied. Reported below: 569 F. 3d 162.

No. 09–9258. *HAMMOND v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 353 Fed. Appx. 877.

No. 09–9260. *HODGE v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 354 Fed. Appx. 306.

No. 09–9263. *GONZALEZ-AMBRIZ v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 353 Fed. Appx. 155.

No. 09–9270. *KIMOTO v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 588 F. 3d 464.

No. 09–9272. *PAUYO v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 341 Fed. Appx. 955.

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No. 09–9282. *ROSELLE v. UNITED STATES ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 334 Fed. Appx. 98.

No. 09–9284. *CABELL v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 351 Fed. Appx. 799.

No. 09–9291. *NORDYKE v. UNITED STATES.* C. A. 8th Cir. Certiorari denied.

No. 09–9292. *KING v. UNITED STATES.* C. A. 11th Cir. Certiorari denied. Reported below: 353 Fed. Appx. 410.

No. 09–9295. *McCOY v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 348 Fed. Appx. 900.

No. 09–9304. *CARMENATE v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 344 Fed. Appx. 941.

No. 09–9305. *CAMPBELL v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 347 Fed. Appx. 923.

No. 09–9306. *MORRIS v. UNITED STATES.* C. A. 5th Cir. Certiorari denied.

No. 09–9308. *BASU v. UNITED STATES.* C. A. D. C. Cir. Certiorari denied. Reported below: 358 Fed. Appx. 187.

No. 09–9314. *RODRIGUEZ v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 353 Fed. Appx. 890.

No. 09–9322. *MILLS v. UNITED STATES.* C. A. 4th Cir. Certiorari denied.

No. 09–9328. *JONES v. UNITED STATES.* C. A. D. C. Cir. Certiorari denied. Reported below: 584 F. 3d 1083.

No. 09–9330. *EDISON v. WASHINGTON-ADDUCI, WARDEN.* C. A. 5th Cir. Certiorari denied. Reported below: 349 Fed. Appx. 953.

No. 09–9334. *PLACENCIA-MEDINA v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 346 Fed. Appx. 161.

No. 09–9335. *POLK v. MENIFEE, WARDEN.* C. A. 6th Cir. Certiorari denied.

No. 09–9338. *MASON v. UNITED STATES.* C. A. 3d Cir. Certiorari denied. Reported below: 345 Fed. Appx. 781.

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No. 09–9352. VASQUEZ-HERNANDEZ *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 09–9355. BROWN *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 346 Fed. Appx. 481.

No. 09–9356. BRONNENBERG *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 353 Fed. Appx. 939.

No. 09–725. BEAVER ET AL. *v.* DANNEMANN. Dist. Ct. App. Fla., 1st Dist. Motion of Florida Defense Lawyers Association for leave to file a brief as *amicus curiae* granted. Certiorari denied. Reported below: 14 So. 3d 246.

No. 09–876. RODRIGUEZ *v.* UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT. C. A. 2d Cir. Certiorari denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition.

No. 09–894. CATE, SECRETARY, CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION *v.* ALI. C. A. 9th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 584 F. 3d 1174.

No. 09–915. LEMUS-LEMUS *v.* HOLDER, ATTORNEY GENERAL. C. A. 2d Cir. Certiorari denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition. Reported below: 343 Fed. Appx. 643.

No. 09–9275. KRUG *v.* STEVENS, ASSOCIATE JUSTICE, SUPREME COURT OF THE UNITED STATES, ET AL. C. A. D. C. Cir. Certiorari denied. JUSTICE STEVENS took no part in the consideration or decision of this petition. Reported below: 309 Fed. Appx. 423.

No. 09–9297. TISDOL *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition.

Rehearing Denied

No. 09–7140. ROBENSON *v.* MCNEIL, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, 558 U.S. 1119;

No. 09–7199. BEAL *v.* LEVINE ET AL., 558 U.S. 1120;

No. 09–7233. PAYNE *v.* TINSLEY ET AL., 558 U.S. 1121;

No. 09–7435. HAYWOOD *v.* BEDATSKY ET AL., 558 U.S. 1151;

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No. 09–7479. *KETCHUM v. THALER*, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION, 558 U. S. 1152;

No. 09–7570. *MAJOR-DAVIS v. THALER*, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION, 558 U. S. 1153;

No. 09–7606. *TRAVALINE v. TRAVALINE*, 558 U. S. 1154;

No. 09–7611. *DIAZ v. TEXAS*, 558 U. S. 1154;

No. 09–7682. *ALDRIDGE ET UX. v. UNITED STATES*, 558 U. S. 1129;

No. 09–7692. *MAY v. AARSAND MANAGEMENT*, *ante*, p. 908;

No. 09–7724. *POPAL v. NEW YORK*, *ante*, p. 909;

No. 09–7893. *JOHNSON v. COOK INC.*, 558 U. S. 1155;

No. 09–7947. *BAKARICH v. NEW JERSEY*, *ante*, p. 946;

No. 09–8098. *THOMAS v. OFFICE OF PERSONNEL MANAGEMENT*, *ante*, p. 914; and

No. 09–8176. *EZIKE v. MITTAL ET AL.*, *ante*, p. 977. Petitions for rehearing denied.

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Dismissal Under Rule 46

No. 09–873. *DONALDSON CO., INC. v. BURROUGHS DIESEL, INC.* C. A. 8th Cir. Certiorari dismissed under this Court’s Rule 46. Reported below: 581 F. 3d 726.

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Certiorari Granted—Vacated and Remanded

No. 08–9888. *SANTOS-SANCHEZ 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 *Padilla v. Kentucky*, *ante*, p. 356. Reported below: 548 F. 3d 327.

No. 09–163. *AMERIPRISE FINANCIAL, INC., FKA AMERICAN EXPRESS FINANCIAL CORP., ET AL. v. GALLUS ET AL.* C. A. 8th Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Jones v. Harris Associates L. P.*, *ante*, p. 335. Reported below: 561 F. 3d 816.

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Certiorari Dismissed

No. 09–8902. JAMES *v.* JACKSON 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. 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: 350 Fed. Appx. 790.

No. 09–9165. REDFORD *v.* COLLIER HEIGHTS APARTMENTS ET AL. Ct. App. Ga. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court’s Rule 39.8. Reported below: 298 Ga. App. 116, 679 S. E. 2d 120.

No. 09–9225. BRANHAM *v.* BERGH ET AL.; and BRANHAM *v.* MALLOY ET AL. C. A. 6th Cir. Motions of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court’s Rule 39.8.

No. 09–9459. O’CONNOR *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.

Miscellaneous Orders

No. 09M83. WIGGINS *v.* LOGAN ET AL. Motion to direct the Clerk to file petition for writ of certiorari out of time denied.

No. 09M84. CALVERT *v.* UNITED STATES. Motion for leave to proceed as a veteran denied.

No. 08–1332. CITY OF ONTARIO, CALIFORNIA, ET AL. *v.* QUON ET AL. C. A. 9th Cir. [Certiorari granted, 558 U.S. 1090.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted. Motion of The Rutherford Institute for leave to file a brief as *amicus curiae* granted.

No. 09–8259. REDFORD *v.* GWINNETT COUNTY JUDICIAL CIRCUIT ET AL. C. A. 11th Cir. Motion of petitioner for reconsider-

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ation of order denying leave to proceed *in forma pauperis* [ante, p. 968] denied.

No. 09–8954. *IN RE MORTON*. Petition for writ of mandamus denied.

Certiorari Denied

No. 09–489. *D’JAMOOS, EXECUTRIX OF THE ESTATE OF WEINGEROFF, ET AL. v. PILATUS AIRCRAFT LTD. ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 566 F. 3d 94.

No. 09–498. *JOHN ET AL. v. UNITED STATES*; and

No. 09–499. *PEOPLE OF BIKINI v. UNITED STATES*. C. A. Fed. Cir. Certiorari denied. Reported below: 554 F. 3d 996.

No. 09–681. *BONVICINO ET AL. v. HOPKINS*. C. A. 9th Cir. Certiorari denied. Reported below: 573 F. 3d 752.

No. 09–709. *REED v. INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE AND AGRICULTURAL IMPLEMENT WORKERS OF AMERICA*. C. A. 6th Cir. Certiorari denied. Reported below: 569 F. 3d 576.

No. 09–755. *MARCANTEL, INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY AS CHIEF OF POLICE OF THE VILLAGE OF TURKEY CREEK, LOUISIANA v. DEVILLE ET VIR*; and

No. 09–817. *TARVER v. DEVILLE ET VIR*. C. A. 5th Cir. Certiorari denied. Reported below: 567 F. 3d 156.

No. 09–779. *WALTERS ET AL. v. AMERICAN COACH LINES OF MIAMI, INC.* C. A. 11th Cir. Certiorari denied. Reported below: 575 F. 3d 1221.

No. 09–819. *SAP AG ET AL. v. SKY TECHNOLOGIES LLC*. C. A. Fed. Cir. Certiorari denied. Reported below: 576 F. 3d 1374.

No. 09–922. *JORDAN v. APACHE CORP. ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 332 Fed. Appx. 992.

No. 09–952. *BRADBURY v. IDAHO JUDICIAL COUNCIL*. Sup. Ct. Idaho. Certiorari denied. Reported below: 149 Idaho 107, 233 P. 3d 38.

No. 09–957. *PATTON v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 391 Ill. App. 3d 1121, 982 N. E. 2d 989.

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No. 09–959. *HEATH v. SECURITIES AND EXCHANGE COMMISSION*. C. A. 2d Cir. Certiorari denied. Reported below: 586 F. 3d 122.

No. 09–1000. *KRUTSINGER v. COLORADO*. Sup. Ct. Colo. Certiorari denied. Reported below: 219 P. 3d 1054.

No. 09–1001. *AUSTIN v. DOUGLAS G. PETERSON & ASSOCIATES ET AL.* C. A. 1st Cir. Certiorari denied.

No. 09–1004. *ILLINOIS DUNESLAND PRESERVATION SOCIETY v. ILLINOIS DEPARTMENT OF NATURAL RESOURCES ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 584 F. 3d 719.

No. 09–1015. *STOYANOV v. DEPARTMENT OF THE NAVY*. C. A. Fed. Cir. Certiorari denied. Reported below: 348 Fed. Appx. 558.

No. 09–1017. *SUPERIOR HIGHWALL MINERS, INC., ET AL. v. FRYE*. Cir. Ct. Boone County, W. Va. Certiorari denied.

No. 09–1018. *SUPERIOR HIGHWALL MINERS, INC., ET AL. v. FRYE*. Sup. Ct. App. W. Va. Certiorari denied.

No. 09–1024. *WILLIAM DAWSON NURSING CENTER, INC. v. GLAVINSKAS*. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 392 Ill. App. 3d 347, 912 N. E. 2d 675.

No. 09–1034. *FRYE v. EXCELSIOR COLLEGE*. C. A. 9th Cir. Certiorari denied. Reported below: 345 Fed. Appx. 241.

No. 09–1055. *RIVERA-NEWTON v. UNITED STATES*. C. A. 1st Cir. Certiorari denied.

No. 09–1058. *VIERA v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 09–1072. *BUENO v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 585 F. 3d 847.

No. 09–7361. *ZELAYA ET AL. v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 336 Fed. Appx. 355.

No. 09–7373. *PEREZ v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 575 F. 3d 164.

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No. 09–7558. *ROBINSON v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 341 Fed. Appx. 546.

No. 09–7592. *ABDUL-AZIZ v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 337 Fed. Appx. 375.

No. 09–7819. *LUGO v. UNITED STATES*. C. A. 1st Cir. Certiorari denied.

No. 09–7826. *BALBUENA v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 343 Fed. Appx. 510.

No. 09–7833. *DOCAMPO v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 573 F. 3d 1091.

No. 09–7952. *GALLOWAY v. THALER, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied. Reported below: 344 Fed. Appx. 64.

No. 09–8472. *STEPHENS v. FOURTH JUDICIAL DISTRICT COURT ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 351 Fed. Appx. 861.

No. 09–8583. *WALKER v. POTTER, POSTMASTER GENERAL*. C. A. 5th Cir. Certiorari denied. Reported below: 348 Fed. Appx. 77.

No. 09–8864. *HENRY v. FLORIDA DEPARTMENT OF CORRECTIONS ET AL.* C. A. 11th Cir. Certiorari denied.

No. 09–8868. *MANNIX v. PRATHER ET AL.* Sup. Ct. Ill. Certiorari denied.

No. 09–8870. *JENKINS v. HORNBEAK, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 09–8882. *DALTON v. JOHNSON, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS*. C. A. 4th Cir. Certiorari denied. Reported below: 353 Fed. Appx. 860.

No. 09–8883. *CHAUDRY v. WHISPERING RIDGE HOMEOWNERS ASSN.* Ct. App. Cal., 4th App. Dist., Div. 1. Certiorari denied.

No. 09–8884. *FORKNER v. KAHO, WARDEN*. C. A. 5th Cir. Certiorari denied.

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No. 09–8886. *VAN PELZ v. MARSHALL, WARDEN*. C. A. 9th Cir. Certiorari denied. Reported below: 355 Fed. Appx. 104.

No. 09–8893. *GALVIN v. PENNSYLVANIA*. Sup. Ct. Pa. Certiorari denied. Reported below: 603 Pa. 625, 985 A. 2d 783.

No. 09–8895. *CRUMB v. KMART CORP. ET AL.* Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 09–8898. *CAUDILL v. KENTUCKY*. Sup. Ct. Ky. Certiorari denied.

No. 09–8904. *MOORE v. THALER, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 09–8911. *WILKE v. MEYER ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 345 Fed. Appx. 944.

No. 09–8914. *WARD v. HOBBS, INTERIM DIRECTOR, ARKANSAS DEPARTMENT OF CORRECTION*. C. A. 8th Cir. Certiorari denied. Reported below: 577 F. 3d 925.

No. 09–8918. *BENJAMIN v. WALLACE ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 352 Fed. Appx. 829.

No. 09–8920. *BONDS v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 391 Ill. App. 3d 182, 908 N. E. 2d 102.

No. 09–8922. *BROWN v. HATHAWAY, WARDEN*. C. A. 7th Cir. Certiorari denied.

No. 09–8928. *WOODS v. SOUTH CAROLINA JUDICIAL BRANCH*. C. A. 4th Cir. Certiorari denied. Reported below: 332 Fed. Appx. 868.

No. 09–8930. *WINDOM v. MCNEIL, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 578 F. 3d 1227.

No. 09–8942. *POMPEY v. NEW YORK*. App. Div., Sup. Ct. N. Y., 1st Jud. Dept. Certiorari denied. Reported below: 63 App. Div. 3d 612, 882 N. Y. S. 2d 66.

No. 09–8947. *RICHARDS-JOHNSON v. AMERICAN EXPRESS CO.* C. A. 7th Cir. Certiorari denied.

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No. 09–8952. *NUNEZ v. MCNEIL, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 338 Fed. Appx. 793.

No. 09–8953. *PARADA v. CALIFORNIA.* Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 09–8955. *CRAWLEY v. OHIO.* Ct. App. Ohio, Hamilton County. Certiorari denied.

No. 09–8956. *BARRAGAN CAMPA v. TEXAS.* Ct. App. Tex., 5th Dist. Certiorari denied.

No. 09–8960. *BASCOMB v. SMALL, WARDEN.* C. A. 9th Cir. Certiorari denied.

No. 09–8961. *ROBERTS v. MITCHEM, WARDEN, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 09–8965. *THORNBLAD v. VUE-BENSON ET AL.* C. A. 8th Cir. Certiorari denied.

No. 09–8968. *HARDING v. OHIO.* Ct. App. Ohio, Montgomery County. Certiorari denied. Reported below: 180 Ohio App. 3d 497, 905 N. E. 2d 1289.

No. 09–8971. *PETERKA v. MCNEIL, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS.* C. A. 11th Cir. Certiorari denied.

No. 09–8974. *MANESS v. NORTH CAROLINA.* Sup. Ct. N. C. Certiorari denied. Reported below: 363 N. C. 261, 677 S. E. 2d 796.

No. 09–8990. *PRATCHER v. CALIFORNIA.* Ct. App. Cal., 1st App. Dist. Certiorari denied.

No. 09–8996. *WARE v. FLORIDA.* Dist. Ct. App. Fla., 2d Dist. Certiorari denied. Reported below: 23 So. 3d 724.

No. 09–9006. *LEFEY-RIVERA v. UNITED STATES.* C. A. 7th Cir. Certiorari denied. Reported below: 586 F. 3d 532.

No. 09–9014. *MUHAMMAD v. MCNEIL, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS.* C. A. 11th Cir. Certiorari denied. Reported below: 352 Fed. Appx. 371.

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No. 09–9066. *SIMONE v. FOLINO*, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT GREENE, ET AL. C. A. 3d Cir. Certiorari denied.

No. 09–9082. *KWASNIK v. MAINE*. Sup. Jud. Ct. Me. Certiorari denied.

No. 09–9089. *ADAMS v. MICHIGAN*. Ct. App. Mich. Certiorari denied.

No. 09–9092. *MANZUR v. MONTROYA ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 337 Fed. Appx. 692.

No. 09–9110. *TAYLOR v. VASQUEZ*, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 09–9112. *MEIKLE v. DZURENDA*, WARDEN. C. A. 2d Cir. Certiorari denied.

No. 09–9127. *PRESCOD v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 353 Fed. Appx. 801.

No. 09–9148. *CAL v. BELL*, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 09–9155. *SEMLER v. LUDEMAN ET AL.* Ct. App. Minn. Certiorari denied.

No. 09–9157. *SUTHERLAND v. GAETZ*, WARDEN. C. A. 7th Cir. Certiorari denied. Reported below: 581 F. 3d 614.

No. 09–9166. *SLACK v. JONES*, WARDEN, ET AL. C. A. 10th Cir. Certiorari denied.

No. 09–9175. *THOMAS v. MAROLA ET AL.* C. A. 7th Cir. Certiorari denied.

No. 09–9202. *LIPSCOMB v. UNITED STATES*. C. A. 1st Cir. Certiorari denied.

No. 09–9246. *KASTNER v. MARTIN*, DROUGHT & TORRES, ET AL. Ct. App. Tex., 4th Dist. Certiorari denied.

No. 09–9268. *REAL v. PENNSYLVANIA*. Super. Ct. Pa. Certiorari denied. Reported below: 972 A. 2d 560.

No. 09–9271. *MARTINEZ v. CALIFORNIA*. Ct. App. Cal., 3d App. Dist. Certiorari denied.

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No. 09–9288. *VAN NORMAN v. RYAN, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 362 Fed. Appx. 597.

No. 09–9301. *CARGILE v. MCNEIL, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 349 Fed. Appx. 505.

No. 09–9333. *CISNEROS-MORA v. UNITED STATES.* C. A. 7th Cir. Certiorari denied.

No. 09–9337. *MARTIN v. UNITED STATES.* C. A. 8th Cir. Certiorari denied. Reported below: 583 F. 3d 1068.

No. 09–9348. *STEWART v. UNITED STATES.* C. A. 11th Cir. Certiorari denied. Reported below: 339 Fed. Appx. 979.

No. 09–9349. *WATKINS v. UNITED STATES.* C. A. 7th Cir. Certiorari denied.

No. 09–9354. *BANEY v. DEPARTMENT OF JUSTICE.* C. A. Fed. Cir. Certiorari denied.

No. 09–9358. *BROWN v. UNITED STATES.* C. A. 8th Cir. Certiorari denied. Reported below: 560 F. 3d 754.

No. 09–9360. *CAIN v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 349 Fed. Appx. 169.

No. 09–9364. *WILLIAMS v. UNITED STATES.* C. A. 3d Cir. Certiorari denied.

No. 09–9368. *ULLOA v. UNITED STATES.* C. A. 11th Cir. Certiorari denied. Reported below: 355 Fed. Appx. 286.

No. 09–9372. *LINDSEY v. DAIMLERCHRYSLER CORP.* Ct. App. Mich. Certiorari denied.

No. 09–9374. *JACKSON v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 332 Fed. Appx. 973.

No. 09–9385. *DIAS, AKA GUTHRIE v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 332 Fed. Appx. 859.

No. 09–9388. *MCCALL v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 352 Fed. Appx. 811.

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No. 09–9389. *GARDNER v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 09–9393. *FLOOD v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 339 Fed. Appx. 210.

No. 09–9395. *GONZALEZ v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 09–9401. *MESSICK v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 353 Fed. Appx. 831.

No. 09–9402. *NEIDLINGER v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 354 Fed. Appx. 357.

No. 09–9406. *JACKSON v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 09–9409. *ROBLES-RODRIGUEZ v. UNITED STATES*. C. A. 1st Cir. Certiorari denied.

No. 09–9410. *TALIB v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 347 Fed. Appx. 934.

No. 09–9413. *WELLONS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 09–9417. *DELOATCH v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 09–9419. *STANLEY v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 351 Fed. Appx. 69.

No. 09–9420. *STYMIEST v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 581 F. 3d 759.

No. 09–9421. *SMITH v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 339 Fed. Appx. 299.

No. 09–9428. *RUVALCABA v. UNITED STATES*. C. A. 1st Cir. Certiorari denied.

No. 09–9430. *SANTOS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 589 F. 3d 759.

No. 09–9431. *BOOTH v. WEST VIRGINIA*. Sup. Ct. App. W. Va. Certiorari denied. Reported below: 224 W. Va. 307, 685 S. E. 2d 701.

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No. 09–9433. *BROWN v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 359 Fed. Appx. 513.

No. 09–9436. *RINGER v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 350 Fed. Appx. 210.

No. 09–9438. *MORRISON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 354 Fed. Appx. 884.

No. 09–9440. *MOUZON, AKA GREEN v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 354 Fed. Appx. 739.

No. 09–9443. *CRUZ TORO v. UNITED STATES*. C. A. 1st Cir. Certiorari denied.

No. 09–9448. *GLINTON v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 347 Fed. Appx. 453.

No. 09–9449. *GAMBRELL v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 348 Fed. Appx. 896.

No. 09–9450. *GRAGG v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 334 Fed. Appx. 543.

No. 09–9451. *FORD v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 351 Fed. Appx. 342.

No. 09–9452. *GAITHER v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 09–9454. *GONZALES v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 342 Fed. Appx. 446.

No. 09–9455. *GREEN v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 347 Fed. Appx. 483.

No. 09–9457. *JONES v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

No. 09–9461. *SCOTT v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 09–9462. *DE LEON-QUINONES v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 588 F. 3d 748.

No. 09–9463. *PAYTON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

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No. 09–9477. *WESTON v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 09–9479. *DAVIS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 351 Fed. Appx. 248.

No. 09–9486. *BONILLA v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 579 F. 3d 1233.

No. 09–9489. *LOPEZ-REYES v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 589 F. 3d 667.

No. 09–9492. *MARTINEZ-VELEZ v. UNITED STATES*. C. A. 1st Cir. Certiorari denied.

No. 09–9496. *NOSTER v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 590 F. 3d 624.

No. 09–9497. *PARRISH v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 360 Fed. Appx. 448.

No. 09–9510. *BARNWELL v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 364 Fed. Appx. 240.

No. 09–9511. *SANDERS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 09–9519. *WATTS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 352 Fed. Appx. 784.

No. 09–9521. *VARGAS-VICTORIA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 345 Fed. Appx. 307.

No. 09–631. *ENCARNACION, ON BEHALF OF GEORGE, ET AL. v. ASTRUE, COMMISSIONER OF SOCIAL SECURITY*. C. A. 2d Cir. Certiorari denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition. Reported below: 568 F. 3d 72.

No. 09–700. *AL-TURKI v. COLORADO*. Ct. App. Colo. Motions of National Association of Criminal Defense Lawyers et al. and Kingdom of Saudi Arabia for leave to file briefs as *amici curiae* granted. Certiorari denied.

No. 09–728. *JENSEN ET UX. v. STOOT ET AL.* C. A. 9th Cir. Motions of National Association of Police Organizations, Inc., and

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City of Escondido for leave to file briefs as *amici curiae* granted. Certiorari denied. Reported below: 582 F. 3d 910.

No. 09–925. DEAN *v.* BLUMENTHAL, ATTORNEY GENERAL OF CONNECTICUT. C. A. 2d Cir. Certiorari denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition. Reported below: 577 F. 3d 60.

No. 09–8671. BEDFORD *v.* COLLINS, WARDEN. C. A. 6th Cir. Motion of petitioner for remand denied. Certiorari denied. Reported below: 567 F. 3d 225.

No. 09–8957. WEI CHEN *v.* LAPE, SUPERINTENDENT, COXSACKIE CORRECTIONAL FACILITY. C. A. 2d Cir. Certiorari denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition.

No. 09–8958. CRUMP *v.* SUPERIOR COURT OF CALIFORNIA, ALAMEDA COUNTY. C. A. 9th Cir. Certiorari denied. JUSTICE BREYER took no part in the consideration or decision of this petition.

No. 09–9347. ROBINSON *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition. Reported below: 354 Fed. Appx. 518.

No. 09–9375. MADUKA *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition. Reported below: 330 Fed. Appx. 295.

No. 09–9432. FARMER *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition. Reported below: 583 F. 3d 131.

No. 09–9447. FELICIANO *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition.

No. 09–9495. OWAD *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition. Reported below: 363 Fed. Appx. 789.

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Rehearing Denied

- No. 09–7280. *FARNSWORTH v. MCNEIL ET AL.*, 558 U. S. 1122;
No. 09–7367. *RICHARDSON v. MICHIGAN STATE TREASURER*,
558 U. S. 1124;
No. 09–7439. *GRIGGS v. UNITED STATES*, 558 U. S. 1084;
No. 09–7457. *FULLER v. BERGH, WARDEN*, 558 U. S. 1151;
No. 09–7587. *VINNIE v. MASSACHUSETTS*, 558 U. S. 1154;
No. 09–7676. *STERNBERG v. MICHIGAN STATE UNIVERSITY
ET AL.*, 558 U. S. 1128;
No. 09–7714. *MURRAY v. WALKER-MURRAY*, *ante*, p. 909;
No. 09–7877. *FRANCIS v. JOINT FORCE HEADQUARTERS NA-
TIONAL GUARD ET AL.*, *ante*, p. 911;
No. 09–7878. *DENNIS v. KELLER MEYER BUILDING SERVICES*,
ante, p. 944;
No. 09–8096. *IN RE WALLS*, 558 U. S. 1146;
No. 09–8100. *UKAWABUTU v. RICCI, ASSOCIATE ADMINISTRA-
TOR, NEW JERSEY STATE PRISON, ET AL.*, *ante*, p. 950;
No. 09–8104. *LASKEY v. PLATT ELECTRIC SUPPLY, INC.*,
ante, p. 950;
No. 09–8155. *WHITE v. STATE FARM INSURANCE CO.*, *ante*,
p. 976;
No. 09–8177. *CRAIN v. TUTOR ET AL.*, *ante*, p. 977;
No. 09–8352. *IN RE JACKSON*, *ante*, p. 903;
No. 09–8458. *ELIAS v. UNITED STATES*, *ante*, p. 957; and
No. 09–8535. *WINTERS v. UNITED STATES PAROLE COMMIS-
SIONER ET AL.*, *ante*, p. 959. Petitions for rehearing denied.

APRIL 12, 2010

Dismissal Under Rule 46

- No. 09–986. *GREEN ET AL. v. CAMPBELL ET AL.* Sup. Ct. S. C.
Certiorari dismissed under this Court’s Rule 46. Reported
below: 385 S. C. 428, 685 S. E. 2d 163.

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Miscellaneous Orders

- No. 08–1457. *NEW PROCESS STEEL, L. P. v. NATIONAL LABOR
RELATIONS BOARD*. C. A. 7th Cir. [Certiorari granted, 558 U. S.
989.] Parties are directed to file supplemental briefs addressing
the following question: “What should be the effect, if any, of the

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developments discussed in the letter submitted by the Solicitor General on March 29, 2010, on the proper disposition of this case?" Briefs, in letter format, limited to eight pages, are to be filed simultaneously with the Clerk and served upon opposing counsel on or before 2 p.m., Monday, April 26, 2010.

No. 09–448. *HARDT v. RELIANCE STANDARD LIFE INSURANCE CO.* C. A. 4th Cir. [Certiorari granted, 558 U. S. 1142.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 09–475. *MONSANTO CO. ET AL. v. GEERTSON SEED FARMS ET AL.* C. A. 9th Cir. [Certiorari granted, 558 U. S. 1142.] Motion of the Solicitor General for divided argument granted. JUSTICE BREYER took no part in the consideration or decision of this motion.

No. 09–559. *DOE ET AL. v. REED, SECRETARY OF STATE OF WASHINGTON, ET AL.* C. A. 9th Cir. [Certiorari granted, 558 U. S. 1142.] Motions of respondents Washington Coalition for Open Government and Washington Families Standing Together for divided argument denied.

APRIL 19, 2010

Certiorari Granted—Vacated and Remanded

No. 08–1307. *HOLSTER v. GATCO, INC., DBA FOLIO ASSOCIATES.* C. A. 2d Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Shady Grove Orthopedic Associates, P. A. v. Allstate Ins. Co.*, ante, p. 393. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition.

JUSTICE SCALIA, concurring.

Petitioner Charles Holster filed this suit in federal court seeking actual and statutory damages—on behalf of himself and a class of others similarly situated—for alleged violations of the Telephone Consumer Protection Act of 1991, 47 U.S.C. §227. The District Court dismissed the suit, holding that the rule of *Erie R. Co. v. Tompkins*, 304 U.S. 64 (1938), applies to federal suits under the Act, and that N. Y. Civ. Prac. Law Ann. §901(b) (West 2006)—which bars class actions in suits seeking statutory

damages—is “substantive” under *Erie*. 485 F. Supp. 2d 179, 184–186 (EDNY 2007). Federal Rule of Civil Procedure 23 had no bearing, it added, because “§901(b) is a matter not covered by [Rule] 23.” *Id.*, at 185, n. 3.

The Second Circuit summarily affirmed on the basis of its decision (issued the same day by the same panel) in *Bonime v. Avaya, Inc.*, 547 F. 3d 497 (2008). *Bonime* held that §901(b) applies to suits brought under the Act in federal court for two reasons. First, it read the Act to require that federal courts treat claims under the Act as though they arise under state law and therefore are subject to *Erie*. 547 F. 3d, at 501. Second, *Bonime* held that §227(b)(3)’s text—which provides that “[a] person or entity may, if otherwise permitted by the laws or rules of court of a State, bring in an appropriate court of that State” a suit for actual and statutory damages—prohibits federal courts from hearing suits under the Act that would be barred in state court. *Id.*, at 502.

Shady Grove Orthopedic Associates, P. A. v. Allstate Ins. Co., *ante*, p. 393, held that, irrespective of *Erie*, §901(b) does not apply to state-law claims in federal court because it is validly preempted by Rule 23. *Ante*, at 398–406; *ante*, at 406–410 (plurality opinion); *ante*, at 429–436 (STEVENS, J., concurring in part and concurring in judgment). That holding assuredly affects—and in all likelihood eliminates—*Bonime*’s primary basis for applying §901(b) in federal court. The dissent insists, however, that *Bonime*’s second ground remains unaffected. *Post*, at 1064 (opinion of GINSBURG, J.).

On one reading of *Bonime*’s opaque second ground, that is true: If the Second Circuit meant that §227(b)(3) requires federal courts hearing claims under the Act to apply *all* state procedural rules that would effectively bar a suit, then *Shady Grove* has no bearing. That is, however, a highly implausible reading of the Act. Besides effecting an implied partial repeal of the Rules Enabling Act, 28 U. S. C. §2072, it would require federal courts to enforce any prerequisite to suit state law makes mandatory—a state rule limiting the length of the complaint, for example, or specifying the color and size of the paper.

A more probable meaning of *Bonime*’s second ground is that when a State closes its doors to claims under the Act, §227(b)(3) requires federal courts in the State to do so as well; but when such claims are allowed, the federal forum may apply its own

procedures in processing them. See 547 F. 3d, at 502 (“This statutory language is unambiguous—a claim under the [Act] cannot be brought if not permitted by state law”). Nothing in *Bonime* suggests, for example, that a federal court could not consolidate two suits under the Act for its own convenience, see Fed. Rule Civ. Proc. 42(a), even if the State’s courts did not allow consolidation. Although that logic applies equally to Rule 23’s method of combining claims, *Bonime* may simply have assumed—as the appellee urged it to conclude,¹ as a number of District Courts had held,² and as the Second Circuit itself held three weeks later³—that Rule 23 does not address whether class actions are available for specific claims. If that is what *Bonime* had in mind, *Shady Grove* will likely affect the Second Circuit’s analysis.

Shady Grove would also affect the outcome if the *Bonime* court believed that even if Rule 23 would otherwise allow a federal court to entertain a class action, § 227(b)(3) supersedes Rule 23 by precluding suits that cannot be brought in state courts, including class actions barred by § 901(b). *Shady Grove* reveals the error in this analysis: Section 901(b) does not prevent a plaintiff from *bringing* “an action to recover a penalty, or minimum measure of recovery created or imposed by statute”—as would be necessary to implicate § 227(b)(3)—but only from “maintain[ing]” such a suit “*as a class action*.” (Emphasis added.) *Ante*, at 408 (plurality opinion); see also *ante*, at 398–402.

For these reasons, I concur in the Court’s order.

JUSTICE GINSBURG, with whom JUSTICE BREYER joins, dissenting.

Petitioner Charles Holster filed this putative class action against Gatco, Inc., in federal court, invoking the court’s jurisdiction under the Class Action Fairness Act of 2005, 28 U.S.C. § 1332(d). Holster sought statutory damages for Gatco’s alleged violation of the Telephone Consumer Protection Act of 1991 (TCPA), 47 U.S.C. § 227, which authorizes a “[p]rivate right of

¹ Brief for Defendant-Appellee in No. 07–1136 (CA2), pp. 35–36.

² See, e.g., *Leider v. Ralfe*, 387 F. Supp. 2d 283, 290 (SDNY 2005); *In re Relafen Antitrust Litigation*, 221 F. R. D. 260, 284–285 (Mass. 2004); *Dornberger v. Metropolitan Life Ins. Co.*, 182 F. R. D. 72, 84 (SDNY 1999).

³ See *Shady Grove Orthopedic Assocs., P. A. v. Allstate Ins. Co.*, 549 F. 3d 137, 143–145 (2008).

action” when a person is “otherwise permitted by the laws or rules of court of a State” to bring the action. § 227(b)(3).

The District Court dismissed Holster’s suit based on N. Y. Civ. Prac. Law Ann. (CPLR) § 901(b) (West 2006), the provision at issue in *Shady Grove Orthopedic Associates, P. A. v. Allstate Ins. Co.*, ante, p. 393. That statute prescribes that, unless specifically permitted, “an action to recover a penalty, or minimum measure of recovery created or imposed by statute may not be maintained as a class action.” § 901(b). The District Court noted that, pursuant to § 901(b), New York courts had closed their doors to class actions seeking statutory damages under the TCPA. 485 F. Supp. 2d 179, 185 (EDNY 2007).

Adopting its prior decision in *Bonime v. Avaya, Inc.*, 547 F. 3d 497 (2008), the Second Circuit summarily affirmed. *Bonime* held that § 901(b) barred TCPA claims brought as class actions for two independent reasons. First, the Court of Appeals determined that § 901(b) governed because it qualified as “substantive” under the doctrine of *Erie R. Co. v. Tompkins*, 304 U. S. 64 (1938). 547 F. 3d, at 501–502.

As a “second, independent” ground for its holding, the *Bonime* panel stated:

“The private right of action created by the TCPA allows a person or entity to, ‘if *otherwise permitted by the laws or rules of court of a State*, bring . . . ’ an action for a violation of the TCPA. See 47 U. S. C. § 227(b)(3) (emphasis added). This statutory language is unambiguous—a claim under the TCPA cannot be brought if not permitted by state law. ‘In determining the proper interpretation of a statute, this court will look first to the plain language of a statute and interpret it by its ordinary, common meaning. If the statutory terms are unambiguous, our review generally ends and the statute is construed according to the plain meaning of its words.’ *Tyler v. Douglas*, 280 F. 3d 116, 122 (2d Cir. 2001) (internal citations, quotation marks, and alteration omitted). This provision constitutes an express limitation on the TCPA which federal courts are required to respect.” *Id.*, at 502.

Judge Calabresi concurred, joining only the second ground “identified by the majority for its conclusion.” *Ibid.* As Judge Calabresi explained:

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“A state law that bars suit in state court, like [CPLR] 901(b), . . . effectively eliminates the cause of action created under the TCPA because it eliminates the ‘may’ and the rest of the phrase that follows (‘bring . . . an action’). Federal law (the TCPA’s cause of action) directs courts to look to ‘the laws’ and ‘rules of court’ of a state. Thus, when a state refuses to recognize a cause of action, there remains no cause of action to which any grant of federal court jurisdiction could attach.” *Id.*, at 503.

Although *Shady Grove* may bear on the Second Circuit’s *Erie* analysis,* nothing in *Shady Grove* calls for a reading of § 227(b)(3) that fails fully to honor “the laws [and] rules of court of [New York] State.” The Second Circuit’s interpretation of the TCPA’s private-right-of-action authorization stands on its own footing as an adequate and independent ground for dismissing Holster’s suit. I would spare the Court of Appeals the necessity of revisiting—and, presumably, reinstating—its TCPA-grounded ruling.

Certiorari Dismissed

No. 09–9042. *LASKEY v. RCN CORP.* 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. Reported below: 357 Fed. Appx. 139.

No. 09–9074. *BLOOM v. RICE ET AL.* Ct. App. Kan. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court’s Rule 39.8. Reported below: 41 Kan. App. 2d xi, 203 P. 2d 1282.

No. 09–9093. *MOORE v. OWENS ET AL.* C. A. 5th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court’s Rule 39.8. Reported below: 361 Fed. Appx. 587.

No. 09–9638. *THOMAS v. UNITED STATES.* C. A. 7th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied,

*Holster, however, arguably forfeited the argument, accepted in *Shady Grove*, that Federal Rule of Civil Procedure 23 preempts § 901(b); the District Court concluded that Rule 23 and § 901(b) did not conflict and noted that Holster “[d]id not dispute” that point. 485 F. Supp. 2d 179, 185, n. 3 (EDNY 2007).

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

Miscellaneous Orders

No. 09A839. *NEW YORK v. WILLIAMS ET AL.* Application for stay, addressed to JUSTICE ALITO and referred to the Court, denied.

No. 09M85. *THOMPSON v. FLORIDA* (two judgments). Motion to direct the Clerk to file petition for writ of certiorari out of time denied.

No. 09–150. *MICHIGAN v. BRYANT*. Sup. Ct. Mich. [Certiorari granted, *ante*, p. 970.] Motion of respondent for appointment of counsel granted. Peter Jon Van Hoek, Esq., of Detroit, Mich., is appointed to serve as counsel for respondent in this case.

No. 09–559. *DOE ET AL. v. REED, SECRETARY OF STATE OF WASHINGTON, ET AL.* C. A. 9th Cir. [Certiorari granted, 558 U. S. 1142.] Motion of American Business Media et al. for leave to file a brief as *amici curiae* out of time granted.

No. 09–944. *PLACER DOME, INC., ET AL. v. PROVINCIAL GOVERNMENT OF MARINDUQUE, REPUBLIC OF THE PHILIPPINES*. C. A. 9th Cir. The Solicitor General is invited to file a brief in this case expressing the views of the United States.

No. 09–7073. *GOULD v. UNITED STATES*. C. A. 5th Cir. [Certiorari granted, *ante*, p. 903.] Motion of petitioner for appointment of counsel granted. David L. Horan, Esq., of Dallas, Tex., is appointed to serve as counsel for petitioner in this case.

No. 09–8014. *IN RE ALPINE*. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [*ante*, p. 935] denied.

No. 09–8375. *SCHULTZ v. HALPIN ET AL.* Sup. Ct. Ill. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [*ante*, p. 990] denied.

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No. 09–8604. *DOERR v. WALKER ET AL.* Ct. App. Cal., 4th App. Dist., Div. 2. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [*ante*, p. 968] denied.

No. 09–8917. *BATES v. UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS.* C. A. 7th Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [*ante*, p. 989] denied.

No. 09–9536. *MIERZWA v. HACKENSACK UNIVERSITY MEDICAL CENTER.* Super. Ct. N. J., App. Div.; and

No. 09–9686. *ROBLES v. UNITED STATES.* C. A. 8th Cir. Motions of petitioners for leave to proceed *in forma pauperis* denied. Petitioners are allowed until May 10, 2010, 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. 09–9664. *IN RE HERRING;*

No. 09–9750. *IN RE MCCLAIN;* and

No. 09–9867. *IN RE CHRONISTER.* Petitions for writs of habeas corpus denied.

No. 09–985. *IN RE PATTERSON.* Petition for writ of mandamus denied.

No. 09–8998. *IN RE BIRS.* Petition for writ of mandamus and/or prohibition denied.

Certiorari Granted

No. 08–1423. *COSTCO WHOLESALE CORP. v. OMEGA, S. A.* C. A. 9th Cir. Certiorari granted. Reported below: 541 F. 3d 982.

No. 09–400. *STAUB v. PROCTOR HOSPITAL.* C. A. 7th Cir. Certiorari granted. Reported below: 560 F. 3d 647.

No. 09–846. *UNITED STATES v. TOHONO O’ODHAM NATION.* C. A. Fed. Cir. Certiorari granted. Reported below: 559 F. 3d 1284.

No. 09–907. *RANSOM v. FIA CARD SERVICES, N. A., FKA MBNA AMERICA BANK, N. A.* C. A. 9th Cir. Certiorari granted. Reported below: 577 F. 3d 1026.

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Certiorari Denied

No. 08–11105. *BARRITEAU ET AL. v. HOLDER, ATTORNEY GENERAL*. C. A. 11th Cir. Certiorari denied.

No. 09–79. *BELLEVUE v. HOLDER, ATTORNEY GENERAL*. C. A. 4th Cir. Certiorari denied. Reported below: 309 Fed. Appx. 755.

No. 09–176. *LAKESIDE-SCOTT v. MULTNOMAH COUNTY, OREGON, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 556 F. 3d 797.

No. 09–440. *SCHRAMM v. LAHOOD, SECRETARY OF TRANSPORTATION*. C. A. 6th Cir. Certiorari denied. Reported below: 318 Fed. Appx. 337.

No. 09–538. *CONSUMERS’ CHECKBOOK, CENTER FOR THE STUDY OF SERVICES v. DEPARTMENT OF HEALTH AND HUMAN SERVICES ET AL.* C. A. D. C. Cir. Certiorari denied. Reported below: 554 F. 3d 1046.

No. 09–580. *ZEPHIER ET AL. v. UNITED STATES ET AL.* C. A. Fed. Cir. Certiorari denied. Reported below: 559 F. 3d 1228.

No. 09–583. *BROWNING v. UNITED STATES ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 567 F. 3d 1038 and 340 Fed. Appx. 353.

No. 09–590. *PROGRAMMERS GUILD ET AL. v. NAPOLITANO, SECRETARY OF HOMELAND SECURITY, ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 338 Fed. Appx. 239.

No. 09–604. *NGUYEN v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied. Reported below: 46 Cal. 4th 1007, 209 P. 3d 946.

No. 09–628. *VEZINA v. FLORIDA*. Sup. Ct. Fla. Certiorari denied. Reported below: 17 So. 3d 1226.

No. 09–664. *ARAMBULA-MEDINA v. HOLDER, ATTORNEY GENERAL*. C. A. 10th Cir. Certiorari denied. Reported below: 572 F. 3d 824.

No. 09–666. *LITHIUM POWER TECHNOLOGIES, INC., ET AL. v. UNITED STATES EX REL. LONGHI ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 575 F. 3d 458.

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No. 09–678. *SIMON ET AL. v. UNITED STATES*. C. A. 1st Cir. Certiorari denied.

No. 09–717. *BANKS v. THALER, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied. Reported below: 583 F. 3d 295.

No. 09–727. *BRADLEY v. LOUISIANA*. Ct. App. La., 2d Cir. Certiorari denied. Reported below: 997 So. 2d 694.

No. 09–763. *TURNIPSEED ET AL. v. BROWN, CLERK, CIRCUIT COURT OF ILLINOIS, COOK COUNTY, ET AL.* App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 391 Ill. App. 3d 88, 908 N. E. 2d 546.

No. 09–788. *NORFOLK SOUTHERN RAILWAY CO. v. JORDAN ET AL.* Ct. App. Tenn. Certiorari denied.

No. 09–790. *ZAGORSKI v. BELL, WARDEN*. C. A. 6th Cir. Certiorari denied. Reported below: 326 Fed. Appx. 336.

No. 09–799. *DAVIES ET UX. v. MOYSA ET UX*. (Reported below: 121 Haw. 461, 220 P. 3d 1042); and *DAVIES ET UX. v. DOI, JUDGE, DISTRICT COURT OF HAWAII, FIRST CIRCUIT, ET AL.* Sup. Ct. Haw. Certiorari denied.

No. 09–800. *NORTH COUNTY COMMUNITY ALLIANCE, INC. v. SALAZAR, SECRETARY OF THE INTERIOR, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 573 F. 3d 738.

No. 09–810. *GRAND RIVER ENTERPRISES SIX NATIONS, LTD. v. MCDANIEL, ATTORNEY GENERAL OF ARKANSAS*. C. A. 8th Cir. Certiorari denied. Reported below: 574 F. 3d 929.

No. 09–826. *STONE ET AL. v. DEVON ENERGY PRODUCTION CO., L. P., ET AL.* Sup. Ct. Wyo. Certiorari denied. Reported below: 216 P. 3d 489.

No. 09–946. *JASKOLSKI ET AL. v. DANIELS ET AL.* Ct. App. Ind. Certiorari denied. Reported below: 905 N. E. 2d 1.

No. 09–947. *KIM v. TARGA REAL ESTATE SERVICE, INC., ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 332 Fed. Appx. 426.

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No. 09–950. *BITTNER v. SNYDER COUNTY, PENNSYLVANIA, ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 345 Fed. Appx. 790.

No. 09–961. *HOLLANDER ET AL. v. UNITED STATES ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 354 Fed. Appx. 592.

No. 09–964. *McGOWAN v. DEERE & Co.* C. A. 7th Cir. Certiorari denied. Reported below: 581 F. 3d 575.

No. 09–970. *BOYLE v. ASTRUE, COMMISSIONER OF SOCIAL SECURITY.* C. A. 9th Cir. Certiorari denied.

No. 09–971. *MARSHALL v. FLORIDA.* Dist. Ct. App. Fla., 3d Dist. Certiorari denied. Reported below: 15 So. 3d 811.

No. 09–974. *RIOS v. CALIFORNIA.* Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 09–975. *PETERSON v. PDQ FOOD STORES INC. ET AL.* C. A. 7th Cir. Certiorari denied.

No. 09–984. *OWEN v. SANDS.* Ct. App. Cal., 1st App. Dist. Certiorari denied. Reported below: 176 Cal. App. 4th 985, 98 Cal. Rptr. 3d 167.

No. 09–995. *TOLLE v. KENTUCKY.* Sup. Ct. Ky. Certiorari denied.

No. 09–1002. *DAVIS v. MINNESOTA.* Sup. Ct. Minn. Certiorari denied. Reported below: 773 N. W. 2d 66.

No. 09–1003. *FISENKO v. HOLDER, ATTORNEY GENERAL.* C. A. 6th Cir. Certiorari denied. Reported below: 336 Fed. Appx. 504.

No. 09–1013. *SORIANO-ARELLANO v. HOLDER, ATTORNEY GENERAL.* C. A. 9th Cir. Certiorari denied.

No. 09–1020. *NEWTON v. HOBBS, INTERIM DIRECTOR, ARKANSAS DEPARTMENT OF CORRECTION.* C. A. 8th Cir. Certiorari denied.

No. 09–1043. *ANGHEL v. SAINT FRANCIS HOSPITAL AND MEDICAL CENTER.* App. Ct. Conn. Certiorari denied. Reported below: 118 Conn. App. 139, 982 A. 2d 649.

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No. 09–1045. *PALAND v. BROOKTRAILS TOWNSHIP COMMUNITY SERVICES DISTRICT BOARD OF DIRECTORS*. Ct. App. Cal., 1st App. Dist. Certiorari denied. Reported below: 179 Cal. App. 4th 1358, 102 Cal. Rptr. 3d 270.

No. 09–1049. *RAYMOND v. SUPREME COURT OF OHIO*. Sup. Ct. Ohio. Certiorari denied.

No. 09–1068. *COGSWELL v. UNITED STATES SENATE*. C. A. 10th Cir. Certiorari denied. Reported below: 353 Fed. Appx. 175.

No. 09–1084. *KRATT v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 579 F. 3d 558.

No. 09–1093. *HICKEY v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 580 F. 3d 922.

No. 09–1094. *CAMPBELL v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 09–1096. *FRESENIUS USA, INC., ET AL. v. BAXTER INTERNATIONAL, INC., ET AL.* C. A. Fed. Cir. Certiorari denied. Reported below: 582 F. 3d 1288.

No. 09–1099. *RUBASHKIN v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 09–1102. *ROWLEY v. CITY OF NORTH MYRTLE BEACH, SOUTH CAROLINA, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 356 Fed. Appx. 657.

No. 09–1107. *TURNER v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 09–1120. *BILOTTO v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 09–1129. *REHAK ET AL. v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 589 F. 3d 965.

No. 09–1133. *DAVIS v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 589 F. 3d 861.

No. 09–1139. *THOMPSON v. UNITED STATES*; and
No. 09–1141. *BOLGER v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 357 Fed. Appx. 406.

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No. 09–1153. *CARSWELL ET AL. v. HAWAII DEPARTMENT OF LAND AND NATURAL RESOURCES ET AL.* Int. Ct. App. Haw. Certiorari denied. Reported below: 120 Haw. 417, 209 P. 3d 194.

No. 09–6845. *KAMARA v. HOLDER, ATTORNEY GENERAL.* C. A. 4th Cir. Certiorari denied. Reported below: 308 Fed. Appx. 701.

No. 09–7382. *RANDOLPH v. UNITED STATES.* C. A. 8th Cir. Certiorari denied. Reported below: 326 Fed. Appx. 974.

No. 09–7579. *MEZA v. CALIFORNIA.* Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 09–7697. *FOOTS v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 340 Fed. Appx. 969.

No. 09–7845. *ADAMS v. CALIFORNIA.* Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 09–7927. *GRAYSON v. CALIFORNIA.* Ct. App. Cal., 1st App. Dist. Certiorari denied. Reported below: 155 Cal. App. 4th 1059, 66 Cal. Rptr. 3d 603.

No. 09–7950. *CHRISTIAN v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 344 Fed. Appx. 53.

No. 09–8022. *TU v. CALIFORNIA.* Ct. App. Cal., 1st App. Dist. Certiorari denied.

No. 09–8087. *QUEZADA v. CALIFORNIA.* Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 09–8126. *COLEY v. UNITED STATES.* C. A. 11th Cir. Certiorari denied. Reported below: 336 Fed. Appx. 933.

No. 09–8147. *NUREK v. UNITED STATES.* C. A. 7th Cir. Certiorari denied. Reported below: 578 F. 3d 618.

No. 09–8185. *BROWN v. UNITED STATES.* C. A. 11th Cir. Certiorari denied. Reported below: 329 Fed. Appx. 253.

No. 09–8195. *WOODWARD v. EPPS, COMMISSIONER, MISSISSIPPI DEPARTMENT OF CORRECTIONS.* C. A. 5th Cir. Certiorari denied. Reported below: 580 F. 3d 318.

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No. 09–8206. *MERCER v. VIRGINIA*. Sup. Ct. Va. Certiorari denied.

No. 09–8266. *CARDENAS v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied.

No. 09–8416. *BALTAZAR v. CALIFORNIA*. Ct. App. Cal., 4th App. Dist., Div. 1. Certiorari denied.

No. 09–8511. *GUTIERREZ v. CALIFORNIA*. Ct. App. Cal., 6th App. Dist. Certiorari denied.

No. 09–8512. *INGALLS v. AES CORP.* C. A. 7th Cir. Certiorari denied. Reported below: 347 Fed. Appx. 246.

No. 09–8589. *BUCK v. THALER, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied. Reported below: 345 Fed. Appx. 923.

No. 09–8591. *YALDA v. CALIFORNIA*. Ct. App. Cal., 4th App. Dist., Div. 1. Certiorari denied.

No. 09–8610. *HOOD v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied.

No. 09–8613. *HERON-SALINAS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 566 F. 3d 898.

No. 09–8766. *LAND v. ALLEN, COMMISSIONER, ALABAMA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 573 F. 3d 1211.

No. 09–8980. *JOHNSON v. GODDARD, ATTORNEY GENERAL OF ARIZONA, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 347 Fed. Appx. 346.

No. 09–8981. *DICK v. PENNSYLVANIA*. Sup. Ct. Pa. Certiorari denied. Reported below: 602 Pa. 180, 978 A. 2d 956.

No. 09–8983. *LEWIS v. ADAMS, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 09–8986. *OCHEI v. ALL CARE/ONWARD HEALTHCARE ET AL.* C. A. 2d Cir. Certiorari denied.

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No. 09–8992. *BARBER v. FEDERAL BUREAU OF INVESTIGATION ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 334 Fed. Appx. 564.

No. 09–8997. *THOMAS v. ADAMS, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 09–9001. *VEGA NORIEGA v. THALER, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION.* C. A. 5th Cir. Certiorari denied.

No. 09–9002. *HOLLAND v. ANDERSON, SUPERINTENDENT, MISSISSIPPI STATE PENITENTIARY.* C. A. 5th Cir. Certiorari denied. Reported below: 583 F. 3d 267.

No. 09–9005. *LAVALLEY v. CALIFORNIA.* Ct. App. Cal., 4th App. Dist., Div. 1. Certiorari denied.

No. 09–9009. *WINFIELD v. ROPER, SUPERINTENDENT, POTOSI CORRECTIONAL CENTER.* Sup. Ct. Mo. Certiorari denied. Reported below: 292 S. W. 3d 909.

No. 09–9020. *VEGA v. MCVEY ET AL.* C. A. 3d Cir. Certiorari denied.

No. 09–9022. *JOHNSTON v. THALER, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION.* C. A. 5th Cir. Certiorari denied.

No. 09–9023. *LLOYD v. PENNSYLVANIA.* Super. Ct. Pa. Certiorari denied. Reported below: 929 A. 2d 242.

No. 09–9026. *MILLER v. THALER, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION.* C. A. 5th Cir. Certiorari denied.

No. 09–9028. *CRUMMEL v. CATE, SECRETARY, CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 348 Fed. Appx. 219.

No. 09–9031. *CANTU v. THALER, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION.* C. A. 5th Cir. Certiorari denied. Reported below: 341 Fed. Appx. 55.

No. 09–9040. *LYONS v. UNITED STATES.* C. A. 6th Cir. Certiorari denied.

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No. 09–9045. *NIEVES v. WORLD SAVINGS BANK, FSB, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 09–9046. *BALLARD v. PENNSYLVANIA.* Super. Ct. Pa. Certiorari denied. Reported below: 976 A. 2d 1198.

No. 09–9047. *ARMANT v. STALDER.* C. A. 5th Cir. Certiorari denied. Reported below: 351 Fed. Appx. 958.

No. 09–9050. *BYRD v. LEWIS, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 566 F. 3d 855.

No. 09–9051. *BOYER v. BOYER.* Ct. App. Mo., Eastern Dist. Certiorari denied. Reported below: 295 S. W. 3d 556.

No. 09–9055. *MUHAMMAD v. ILLINOIS.* App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 381 Ill. App. 3d 1138, 966 N. E. 2d 605.

No. 09–9058. *GREEN v. MAROULES ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 328 Fed. Appx. 868.

No. 09–9062. *JENNINGS v. NEW JERSEY.* Super. Ct. N. J., App. Div. Certiorari denied.

No. 09–9063. *LANG v. MCNEIL, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS.* Sup. Ct. Fla. Certiorari denied. Reported below: 23 So. 3d 712.

No. 09–9068. *ZABRISKIE v. ORLANDO POLICE ET AL.* Dist. Ct. App. Fla., 5th Dist. Certiorari denied. Reported below: 23 So. 3d 126.

No. 09–9069. *WILKERSON v. NORTH CAROLINA.* Sup. Ct. N. C. Certiorari denied. Reported below: 363 N. C. 382, 683 S. E. 2d 174.

No. 09–9073. *MOHAMMED v. WISCONSIN INSURANCE SECURITY FUND ET AL.* Ct. App. Wis. Certiorari denied. Reported below: 321 Wis. 2d 477, 774 N. W. 2d 476.

No. 09–9075. *BALL v. BALL ET AL.*; and *BALL v. BLUNT ET AL.* C. A. 7th Cir. Certiorari denied.

No. 09–9077. *BELL v. MYERS ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 332 Fed. Appx. 837.

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No. 09–9080. *JUDD v. NEW MEXICO*. Ct. App. N. M. Certiorari denied.

No. 09–9081. *MCNEIL v. HOWARD, WARDEN, ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 348 Fed. Appx. 409.

No. 09–9083. *KING v. RYAN, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS*. C. A. 9th Cir. Certiorari denied.

No. 09–9084. *JONES v. FISCHER, COMMISSIONER, NEW YORK DEPARTMENT OF CORRECTIONAL SERVICES*. C. A. 2d Cir. Certiorari denied.

No. 09–9086. *WILKENS v. OKLAHOMA*. Ct. Crim. App. Okla. Certiorari denied.

No. 09–9087. *BENEDICT v. TEXAS*. Ct. App. Tex., 5th Dist. Certiorari denied.

No. 09–9088. *BLAXTON v. FLORIDA*. Dist. Ct. App. Fla., 2d Dist. Certiorari denied. Reported below: 27 So. 3d 31.

No. 09–9090. *LISTON v. BOWERSOX, SUPERINTENDENT, SOUTH CENTRAL CORRECTIONAL CENTER*. C. A. 8th Cir. Certiorari denied.

No. 09–9100. *TREVINO v. MCNEIL, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 09–9109. *HODGE v. PARKER, WARDEN*. C. A. 6th Cir. Certiorari denied. Reported below: 579 F. 3d 627.

No. 09–9117. *WILLIAMS v. CAIN, WARDEN*. C. A. 5th Cir. Certiorari denied. Reported below: 359 Fed. Appx. 462.

No. 09–9119. *WITHEROW v. CRAWFORD ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 339 Fed. Appx. 785.

No. 09–9124. *COMBS v. VOIGT ET AL.* Ct. App. Wis. Certiorari denied.

No. 09–9128. *PARKER v. JOHNSON, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS*. Sup. Ct. Va. Certiorari denied.

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No. 09–9129. *COLLIER v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 387 Ill. App. 3d 630, 900 N. E. 2d 396.

No. 09–9132. *JOHNSON v. SOUTH CAROLINA ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 332 Fed. Appx. 842.

No. 09–9134. *MARDESICH v. WASHINGTON*. Ct. App. Wash. Certiorari denied.

No. 09–9138. *COMBS v. PEDERSEN, SHERIFF, MONROE COUNTY, WISCONSIN*. C. A. 7th Cir. Certiorari denied. Reported below: 351 Fed. Appx. 130.

No. 09–9139. *DIXON v. PALM BEACH COUNTY PARKS AND RECREATION DEPARTMENT*. C. A. 11th Cir. Certiorari denied. Reported below: 343 Fed. Appx. 500.

No. 09–9140. *CRAIN v. CLARK COUNTY PUBLIC DEFENDER ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 357 Fed. Appx. 953.

No. 09–9147. *CASEY v. HARVEY*. Sup. Ct. N. J. Certiorari denied.

No. 09–9150. *SMITH v. ESTES EXPRESS*. C. A. 4th Cir. Certiorari denied. Reported below: 330 Fed. Appx. 52.

No. 09–9151. *SMITH v. MISSOURI*. Ct. App. Mo., Southern Dist. Certiorari denied.

No. 09–9167. *SEMLER v. FINCH*. C. A. 8th Cir. Certiorari denied. Reported below: 333 Fed. Appx. 156.

No. 09–9169. *JOHNSTON v. OLLISON, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 09–9170. *LINDSEY v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 353 Fed. Appx. 849.

No. 09–9207. *WEBB v. BOBBY, WARDEN*. C. A. 6th Cir. Certiorari denied. Reported below: 586 F. 3d 383.

No. 09–9221. *BARBOUR v. VIRGINIA DEPARTMENT OF CORRECTIONS ET AL.*; *BARBOUR v. LEGISLATION UPON VIRGINIA DEPARTMENT OF CORRECTIONS*; *BARBOUR v. KEEFFEE COMMISSARIES AT VIRGINIA DEPARTMENT OF CORRECTIONS*; *BARBOUR v. VIRGINIA*

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DEPARTMENT OF CORRECTIONS; BARBOUR *v.* VIRGINIA DEPARTMENT OF CORRECTIONS; BARBOUR *v.* VIRGINIA DEPARTMENT OF CORRECTIONS ET AL.; BARBOUR *v.* VIRGINIA DEPARTMENT OF CORRECTIONS ET AL.; BARBOUR *v.* VIRGINIA DEPARTMENT OF CORRECTIONS; and BARBOUR *v.* REPRESENTATIVE OF THE PERSONS ASSISTANT WARDEN HARVEY. C. A. 4th Cir. Certiorari denied.

No. 09-9224. ARANA *v.* CALIFORNIA. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 09-9231. GRANDOIT *v.* COOPERATIVE FOR HUMAN SERVICES, INC. C. A. 1st Cir. Certiorari denied.

No. 09-9237. KEESH ET AL. *v.* SMITH, SUPERINTENDENT, SHAWANGUNK CORRECTIONAL FACILITY, ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 582 F. 3d 410 and 346 Fed. Appx. 741.

No. 09-9278. RHODES *v.* LEE, SUPERINTENDENT, GREEN HAVEN CORRECTIONAL FACILITY. C. A. 2d Cir. Certiorari denied.

No. 09-9279. RAY *v.* MISSOURI. C. A. 8th Cir. Certiorari denied.

No. 09-9286. RICHARD *v.* PENNSYLVANIA. Super. Ct. Pa. Certiorari denied. Reported below: 981 A. 2d 931.

No. 09-9289. AKINMULERO *v.* HOLDER, ATTORNEY GENERAL, ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 347 Fed. Appx. 58.

No. 09-9303. DELEON *v.* THALER, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 09-9310. AL'SHAHID *v.* HUDSON, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 09-9312. MILES *v.* MAKISHIMA ET AL. Ct. App. Cal., 1st App. Dist. Certiorari denied.

No. 09-9315. CRENSHAW *v.* KLOPOTOSKI, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT DALLAS, ET AL. C. A. 3d Cir. Certiorari denied.

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No. 09–9327. *PARHAM v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 350 Fed. Appx. 821.

No. 09–9339. *MARTINEZ v. CALIFORNIA*. Ct. App. Cal., 6th App. Dist. Certiorari denied.

No. 09–9340. *LEWIS v. DAVIS, WARDEN*. C. A. 4th Cir. Certiorari denied. Reported below: 352 Fed. Appx. 839.

No. 09–9343. *THURMOND v. MCKEE, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 09–9382. *ALLEN v. BALLARD, WARDEN, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 354 Fed. Appx. 827.

No. 09–9386. *CROSS v. DES MOINES POLICE DEPARTMENT ET AL.* C. A. 8th Cir. Certiorari denied.

No. 09–9390. *HALL v. MERIT SYSTEMS PROTECTION BOARD*. C. A. Fed. Cir. Certiorari denied. Reported below: 342 Fed. Appx. 603.

No. 09–9391. *HALL v. VIRGINIA*. Sup. Ct. Va. Certiorari denied.

No. 09–9424. *DULAURENCE v. LIBERTY MUTUAL INSURANCE CO. ET AL.* App. Ct. Mass. Certiorari denied. Reported below: 74 Mass. App. 1125, 909 N. E. 2d 558.

No. 09–9444. *WEST VIRGINIA EX REL. FARMER v. MCBRIDE, WARDEN*. Sup. Ct. App. W. Va. Certiorari denied. Reported below: 224 W. Va. 469, 686 S. E. 2d 609.

No. 09–9467. *HOWARD v. WEBSTER ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 339 Fed. Appx. 616.

No. 09–9473. *GADDY v. MISSISSIPPI*. Ct. App. Miss. Certiorari denied. Reported below: 21 So. 3d 677.

No. 09–9475. *GORBATY v. PORTFOLIO RECOVERY ASSOCIATES, LLC*. C. A. 3d Cir. Certiorari denied. Reported below: 355 Fed. Appx. 580.

No. 09–9478. *CARL v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 593 F. 3d 115.

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No. 09–9481. *SIMMONS v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 587 F. 3d 348.

No. 09–9482. *JORDAN v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 594 F. 3d 1265.

No. 09–9503. *BOBB v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

No. 09–9504. *WILLIAMS v. COOPER, ATTORNEY GENERAL OF TENNESSEE*. C. A. 6th Cir. Certiorari denied.

No. 09–9512. *SPYKES v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 355 Fed. Appx. 864.

No. 09–9516. *HUDSON v. KAPTURE, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 09–9518. *MILLER v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 09–9525. *NESBIT v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 350 Fed. Appx. 984.

No. 09–9526. *MORTON v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 09–9527. *ROUM v. UNITED STATES*. Ct. App. D. C. Certiorari denied. Reported below: 985 A. 2d 463.

No. 09–9537. *BINOYA v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 359 Fed. Appx. 383.

No. 09–9540. *WARRINGTON v. PHELPS, WARDEN, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 09–9543. *SAUNDERS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 355 Fed. Appx. 714.

No. 09–9544. *MCCORVEY v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 09–9546. *MORELAND v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 355 Fed. Appx. 376.

No. 09–9549. *CORTES-MORALES v. UNITED STATES*. C. A. 1st Cir. Certiorari denied.

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No. 09–9550. *DORSEY, AKA REED v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 361 Fed. Appx. 518.

No. 09–9552. *MONSALVE v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 342 Fed. Appx. 451.

No. 09–9554. *WINSTON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 355 Fed. Appx. 822.

No. 09–9556. *BIAS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 352 Fed. Appx. 162.

No. 09–9558. *BELVADO v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 359 Fed. Appx. 854.

No. 09–9560. *DAVIS v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 590 F. 3d 847.

No. 09–9561. *SCOGGINS v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 09–9562. *SUKUP v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 09–9566. *GALEOTE v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 357 Fed. Appx. 110.

No. 09–9567. *FOSTER v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 358 Fed. Appx. 523.

No. 09–9568. *HICKMAN v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 09–9569. *FERGUSON v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 350 Fed. Appx. 826.

No. 09–9570. *CERVANTES-GUZMAN v. UNITED STATES*; and

No. 09–9590. *BERNAL-BENITEZ v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 594 F. 3d 1303.

No. 09–9571. *COLLINS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 356 Fed. Appx. 943.

No. 09–9576. *SANDERS v. O'BRIEN, WARDEN, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 333 Fed. Appx. 791.

No. 09–9577. *SIMMONS v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 581 F. 3d 582.

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No. 09–9578. *SMITH v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 354 Fed. Appx. 910.

No. 09–9581. *MONTGOMERY v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 358 Fed. Appx. 622.

No. 09–9582. *MIMS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 360 Fed. Appx. 88.

No. 09–9583. *ALLEN v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 09–9586. *JEBURK v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 09–9588. *LATHAM v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 358 Fed. Appx. 661.

No. 09–9589. *BUTTS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 357 Fed. Appx. 850.

No. 09–9591. *RAMOS-LOPEZ v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 349 Fed. Appx. 166.

No. 09–9592. *RUMLEY v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 588 F. 3d 202.

No. 09–9593. *DORVAL v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 09–9595. *CARROLL v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 328 Fed. Appx. 172.

No. 09–9596. *DIEHL v. MORGAN, WARDEN*. C. A. 7th Cir. Certiorari denied. Reported below: 352 Fed. Appx. 99.

No. 09–9597. *CENICEROS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 329 Fed. Appx. 498.

No. 09–9598. *AGUILAR DISCUA v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 332 Fed. Appx. 78.

No. 09–9601. *SCHLIEFSTEINER v. O'BRIEN*. Ct. App. D. C. Certiorari denied. Reported below: 982 A. 2d 1149.

No. 09–9608. *CEBALLOS v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 355 Fed. Appx. 226.

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No. 09–9610. *ROANE v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 356 Fed. Appx. 564.

No. 09–9613. *MURILLO-RODRIGUEZ v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 358 Fed. Appx. 948.

No. 09–9615. *BREON v. UNITED STATES*; and
No. 09–9679. *ROBINSON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 357 Fed. Appx. 615.

No. 09–9621. *PACE v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 356 Fed. Appx. 656.

No. 09–9623. *MIDKIFF v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 596 F. 3d 236.

No. 09–9624. *ADAMS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 357 Fed. Appx. 928.

No. 09–9627. *BOYD v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 333 Fed. Appx. 711.

No. 09–9628. *MARTINEZ-MARTINEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 357 Fed. Appx. 584.

No. 09–9633. *JENS v. JENKINS, WARDEN*. C. A. 7th Cir. Certiorari denied.

No. 09–9641. *JACKSON v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 09–9644. *PEIRCE v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 357 Fed. Appx. 319.

No. 09–9645. *OSUAGWU, AKA OKEREKE, AKA STANLEY v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 354 Fed. Appx. 158.

No. 09–9646. *SILVA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 09–9648. *MARTIN v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 587 F. 3d 625.

No. 09–9650. *WILLIS v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

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No. 09–9656. *LOVE v. UNITED STATES*. Ct. App. D. C. Certiorari denied. Reported below: 982 A. 2d 1149.

No. 09–9657. *LAWTHER v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 355 Fed. Appx. 357.

No. 09–9663. *VEGA-COLON v. UNITED STATES*. C. A. 1st Cir. Certiorari denied.

No. 09–9666. *DAVIS, AKA CALVIN, AKA ROBINSON v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 587 F. 3d 1300.

No. 09–9670. *ACUNA GOMEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 357 Fed. Appx. 583.

No. 09–9671. *NUNNALLY v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 09–9672. *HARRIS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 358 Fed. Appx. 493.

No. 09–9674. *FELICIANO v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 358 Fed. Appx. 949.

No. 09–9681. *SMITH v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 352 Fed. Appx. 84.

No. 09–9682. *SALOM, AKA FALCON v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 349 Fed. Appx. 409.

No. 09–9684. *REED v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 357 Fed. Appx. 523.

No. 09–9692. *BRADBERRY v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 360 Fed. Appx. 508.

No. 09–9693. *KETCHUP v. DRIVER, WARDEN*. C. A. 4th Cir. Certiorari denied. Reported below: 341 Fed. Appx. 869.

No. 09–9694. *REYES-ECHEVARRIA v. UNITED STATES*. C. A. 1st Cir. Certiorari denied.

No. 09–9696. *BASS v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 350 Fed. Appx. 664.

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No. 09–9698. *BERTRAM v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 359 Fed. Appx. 934.

No. 09–9700. *LOPEZ-LOPEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 357 Fed. Appx. 587.

No. 09–9710. *RUCKES v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 586 F. 3d 713.

No. 09–9713. *DORVILUS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 357 Fed. Appx. 239.

No. 09–9716. *LUBO v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 09–9717. *LAHERA v. WALT DISNEY CO. ET AL.* C. A. 6th Cir. Certiorari denied.

No. 09–9718. *AYALA-RAMOS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 357 Fed. Appx. 585.

No. 09–9719. *ORTIZ-ARRIAGA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 355 Fed. Appx. 849.

No. 09–9722. *ROJAS-RODRIGUEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 09–9727. *COVARRUBIAS-GARCIA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 358 Fed. Appx. 507.

No. 09–9728. *CALDERON-GARCIA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 356 Fed. Appx. 754.

No. 09–9732. *VALVERDE-GARCIA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 358 Fed. Appx. 946.

No. 09–9733. *WILLIAMS v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 599 F. 3d 831.

No. 09–9734. *ZUNIGA-MENDEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 09–9737. *OWDEN v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 345 Fed. Appx. 448.

No. 09–9739. *JAQUEZ-DIAZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 356 Fed. Appx. 725.

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No. 09–9742. *HERNANDEZ-HERNANDEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 356 Fed. Appx. 717.

No. 09–9748. *MURPHY v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 09–9753. *EDWARDS, AKA WILSON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 356 Fed. Appx. 773.

No. 09–9755. *DESHOTELS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 356 Fed. Appx. 960.

No. 09–9759. *LAWSON v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 357 Fed. Appx. 450.

No. 09–9760. *LOEW v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 593 F. 3d 1136 and 364 Fed. Appx. 333.

No. 09–9763. *JACKSON v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 09–9765. *SWAIN v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 367 Fed. Appx. 417.

No. 09–9766. *RICHMOND v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 369 Fed. Appx. 841.

No. 09–9777. *GUERRA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 355 Fed. Appx. 869.

No. 09–9781. *GUERRERO-FLORES v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 363 Fed. Appx. 525.

No. 09–9783. *GILLIAM v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 09–9785. *GONZALEZ-GUTIERREZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 09–9788. *QUINTERO-CALLE v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 09–9791. *MENA-HIDALGO v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

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No. 09–9792. *PHILLIPS v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 361 Fed. Appx. 679.

No. 09–579. *WOLFCHILD ET AL. v. UNITED STATES ET AL.* C. A. Fed. Cir. Motion of Historic Shingle Springs Miwok for leave to file a brief as *amicus curiae* granted. Certiorari denied. Reported below: 559 F. 3d 1228.

No. 09–781. *MINNESOTA v. RUSSELL*. Ct. App. Minn. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied.

No. 09–805. *D. D. v. NEW JERSEY DIVISION OF YOUTH AND FAMILY SERVICES EX REL. M. D. ET AL., MINORS*. Super. Ct. N. J., App. Div. Motion of respondents M. D. and K. D. for leave to proceed *in forma pauperis* granted. Certiorari denied.

No. 09–813. *GENNIMI v. TOWN OF LEWISBORO, NEW YORK, ET AL.* C. A. 2d Cir. Certiorari denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition. Reported below: 333 Fed. Appx. 599.

No. 09–861. *CITIZENS FOR POLICE ACCOUNTABILITY POLITICAL COMMITTEE ET AL. v. BROWNING, SECRETARY OF STATE OF FLORIDA, ET AL.* C. A. 11th Cir. Motion of Marion B. Brechner First Amendment Project et al. for leave to file a brief as *amici curiae* granted. Certiorari denied. Reported below: 572 F. 3d 1213.

No. 09–931. *SMITH v. BENDER, ASSOCIATE JUSTICE, SUPREME COURT OF COLORADO, ET AL.* C. A. 10th Cir. Motion of petitioner to defer consideration of petition for writ of certiorari denied. Certiorari denied. Reported below: 350 Fed. Appx. 190.

No. 09–939. *PILLAY v. CISCO SYSTEMS, INC., ET AL.* C. A. 9th Cir. Certiorari denied. JUSTICE BREYER took no part in the consideration or decision of this petition.

No. 09–943. *SALSBERG ET AL. v. TRICO MARINE SERVICES, INC., ET AL.* C. A. 2d Cir. Certiorari denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition. Reported below: 340 Fed. Appx. 55.

No. 09–956. *DOYLE v. AMERICAN HOME PRODUCTS CORP. ET AL.* C. A. 2d Cir. Certiorari denied. JUSTICE SOTOMAYOR

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took no part in the consideration or decision of this petition. Reported below: 583 F. 3d 167.

No. 09–1080. *PORRAS v. HOLDER, ATTORNEY GENERAL*. C. A. 2d Cir. Certiorari denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition. Reported below: 343 Fed. Appx. 710.

No. 09–9655. *JASS v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition. Reported below: 569 F. 3d 47 and 331 Fed. Appx. 850.

No. 09–9715. *DARBY v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition.

No. 09–9745. *TUCKER v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition. Reported below: 350 Fed. Appx. 512.

No. 09–9784. *HESTER v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition. Reported below: 589 F. 3d 86.

No. 09–10250 (09A972). *DURR 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. Reported below: 602 F. 3d 789.

No. 09–10280 (09A979). *DURR 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. Reported below: 602 F. 3d 788.

No. 09–10281 (09A980). *DURR v. CORDRAY, ATTORNEY GENERAL 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. Reported below: 602 F. 3d 731.

Rehearing Denied

No. 08–1458. *MISSOURI GAS ENERGY v. SCHMIDT, WOODS COUNTY, OKLAHOMA, ASSESSOR, ante*, p. 970;

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No. 09–273. THALER, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION *v.* HAYNES, *ante*, p. 43;

No. 09–347. DUTKA, GUARDIAN OF THE ESTATE OF T. M., A MINOR, ET AL. *v.* AIG LIFE INSURANCE CO., *ante*, p. 970;

No. 09–402. MCCANE *v.* UNITED STATES, *ante*, p. 970;

No. 09–461. WEST *v.* BELL, WARDEN, *ante*, p. 970;

No. 09–661. KASHARIAN *v.* NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION, *ante*, p. 938;

No. 09–689. HUNSBERGER ET UX. *v.* WOOD, DEPUTY SHERIFF, BOTETOURT COUNTY, VIRGINIA, *ante*, p. 938;

No. 09–715. SMITH *v.* FRIEDMAN ET AL., *ante*, p. 971;

No. 09–735. ALEXANDER *v.* SMITH ET AL., *ante*, p. 971;

No. 09–7257. IRICK *v.* BELL, WARDEN, *ante*, p. 942;

No. 09–7259. REDMAN *v.* POTOMAC PLACE ASSOCIATES, LLC, 558 U. S. 1121;

No. 09–7278. CAMILLO *v.* SHINSEKI, SECRETARY OF VETERANS AFFAIRS, 558 U. S. 1122;

No. 09–7365. SMITH *v.* BRIDGESTONE FIRESTONE TIRE CO. ET AL., 558 U. S. 1124;

No. 09–7453. SAIRRAS *v.* SCHLEFFER ET AL., 558 U. S. 1151;

No. 09–7506. BROWN *v.* KELLEY ET AL., 558 U. S. 1152;

No. 09–7542. GRUBER *v.* BUESCHER, SECRETARY OF STATE OF COLORADO, ET AL., 558 U. S. 1153;

No. 09–7628. SONNTAG *v.* UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA ET AL., *ante*, p. 907;

No. 09–7670. MORTLAND *v.* TEXAS, *ante*, p. 908;

No. 09–7733. JACKSON *v.* SHINSEKI, SECRETARY OF VETERANS AFFAIRS, *ante*, p. 909;

No. 09–7777. HARBISON *v.* LITTLE, COMMISSIONER, TENNESSEE DEPARTMENT OF CORRECTION, ET AL., *ante*, p. 975;

No. 09–7795. SELF *v.* DEVON ENERGY PRODUCTION CO., LP, *ante*, p. 942;

No. 09–7802. HANSEN *v.* INDUSTRIAL CLAIM APPEALS OFFICE OF COLORADO ET AL., *ante*, p. 943;

No. 09–7858. POWERS *v.* MESABA AVIATION, INC., DBA MESABA AIRLINES, ET AL., *ante*, p. 944;

No. 09–7922. PALMER *v.* SMITH, WARDEN, *ante*, p. 945;

No. 09–7945. WIMBERLY *v.* ROYAL ET AL., *ante*, p. 946;

No. 09–8089. KLAT *v.* MITCHELL REPAIR INFORMATION CO., LLC, ET AL., *ante*, p. 949;

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- No. 09–8119. *BROWN v. UNITED STATES*, *ante*, p. 950;
No. 09–8135. *FULLER v. BURNETT ET AL.*, *ante*, p. 975;
No. 09–8198. *IN RE SANCHO*, *ante*, p. 935;
No. 09–8200. *BLACKMER v. BLAISDELL, WARDEN*, *ante*, p. 977;
No. 09–8222. *GENEVIER v. DEMORE*, *ante*, p. 951;
No. 09–8263. *WALTERS v. FLORIDA*, *ante*, p. 979;
No. 09–8309. *VEGA-FIGUEROA v. UNITED STATES*, *ante*, p. 953;
No. 09–8322. *WILLIAMS v. UNITED STATES*, *ante*, p. 953;
No. 09–8369. *JUDD v. UNITED STATES*, *ante*, p. 954;
No. 09–8393. *RANDLE v. CALIFORNIA*, *ante*, p. 995;
No. 09–8417. *BECKFORD v. HOLDER, ATTORNEY GENERAL*,
ante, p. 981;
No. 09–8426. *JUDD v. UNITED STATES*, *ante*, p. 981;
No. 09–8432. *NIKIFORAKIS v. STANEK*, *ante*, p. 981;
No. 09–8451. *WILSON v. FLORIDA*, *ante*, p. 981;
No. 09–8477. *QIAN CHEN v. MARTINEZ, JUDGE, UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF WASHINGTON*, *ante*, p. 957; and
No. 09–8849. *REVELS v. REYNOLDS ET AL.*, *ante*, p. 987. Petitions for rehearing denied.

No. 09–8517. *LASKEY v. CISCO TECHNOLOGY, INC.*, *ante*, p. 988. Petition for rehearing denied. JUSTICE BREYER took no part in the consideration or decision of this petition.

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Miscellaneous Order

No. 09A995. *BERKLEY v. TEXAS*. Application for stay of execution of sentence of death, presented to JUSTICE SCALIA, and by him referred to the Court, denied.

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Certiorari Granted—Vacated and Remanded

No. 09–724. *REAL TRUTH ABOUT OBAMA, INC. v. FEDERAL ELECTION COMMISSION ET AL.* C. A. 4th Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Citizens United v. Federal Election Comm’n*, 558 U.S. 310 (2010), and the Solicitor General’s suggestion of mootness. Reported below: 575 F.3d 342.

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Certiorari Dismissed

No. 09–9196. *SABEDRA v. UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT*. C. A. 5th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court’s Rule 39.8.

No. 09–9266. *ODOM v. MT. PLEASANT MUNICIPAL COURT, SOUTH CAROLINA*. 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: 358 Fed. Appx. 486.

No. 09–9280. *SABEDRA v. THALER, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court’s Rule 39.8.

No. 09–9342. *CALDWELL v. FLORIDA PAROLE COMMISSION*. Dist. Ct. App. Fla., 1st Dist. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court’s Rule 39.8. Reported below: 25 So. 3d 1225.

No. 09–9780. *GENEVIER v. SUPERIOR COURT OF CALIFORNIA, LOS ANGELES COUNTY, ET AL.* Ct. App. Cal., 2d App. Dist. 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. 09–9873. *FRAZIER v. UNITED STATES*. C. A. 8th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court’s Rule 39.8.

Miscellaneous Orders

No. 09A827 (09–1250). *FINE v. BACA, SHERIFF, LOS ANGELES COUNTY, CALIFORNIA*. C. A. 9th Cir. Application for stay, addressed to JUSTICE GINSBURG and referred to the Court, denied.

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No. 09M86. *DOSTER v. TEXAS*. Motion for leave to proceed *in forma pauperis* without an affidavit of indigency executed by petitioner granted.

No. 09M87. *TULL v. NEW YORK, NEW YORK, ET AL.*; and

No. 09M88. *DOBY v. BURTT, WARDEN*. Motions to direct the Clerk to file petitions for writs of certiorari out of time denied.

No. 1, Orig. *WISCONSIN ET AL. v. ILLINOIS ET AL.*;

No. 2, Orig. *MICHIGAN v. ILLINOIS ET AL.*; and

No. 3, Orig. *NEW YORK v. ILLINOIS ET AL.* Motion of Michigan to reopen and for a supplemental decree denied. Alternative motion for leave to file a bill of complaint denied. [For earlier order herein, see, *e. g.*, *ante*, p. 1003.]

No. 09–960. *HOGAN, COMMISSIONER, ALASKA DEPARTMENT OF HEALTH AND HUMAN SERVICES, ET AL. v. KALTAG TRIBAL COUNCIL ET AL.* C. A. 9th Cir. The Solicitor General is invited to file a brief in this case expressing the views of the United States.

No. 09–9137. *CALDWELL v. UNITED STATES TAX COURT ET AL.* C. A. D. C. Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [*ante*, p. 1004] denied.

No. 09–9281. *SHAHIN v. DELAWARE ET AL.* C. A. 3d Cir.; and

No. 09–9283. *RUBINSTEIN ET UX. v. HAGENS BERMAN SOBOL SHAPIRO LLP*. C. A. 9th Cir. Motions of petitioners for leave to proceed *in forma pauperis* denied. Petitioners are allowed until May 17, 2010, 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. 09–1078. *IN RE ROSE*;

No. 09–9255. *IN RE HENDERSON*;

No. 09–10019. *IN RE MCMULLEN*; and

No. 09–10039. *IN RE BRUNER*. Petitions for writs of habeas corpus denied.

No. 09–10031. *IN RE BURNES*. Motion of petitioner for leave to proceed *in forma pauperis* denied, and petition for writ of habeas corpus dismissed. See this Court's Rule 39.8.

No. 09–8701. *IN RE SPRINGER*; and

No. 09–9277. *IN RE SANDERS*. Petitions for writs of mandamus denied.

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No. 09–9174. *IN RE WARREN*. 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. 08–1448. *SCHWARZENEGGER, GOVERNOR OF CALIFORNIA, ET AL. v. ENTERTAINMENT MERCHANTS ASSN. ET AL.* C. A. 9th Cir. Motion of California State Senator Leland Y. Yee et al. for leave to file a brief as *amici curiae* out of time denied. Certiorari granted. Reported below: 556 F. 3d 950.

No. 09–737. *ORTIZ v. JORDAN ET AL.* C. A. 6th Cir. Certiorari granted. Reported below: 316 Fed. Appx. 449.

Certiorari Denied

No. 08–10994. *JEFFERS v. WEST VIRGINIA*. Cir. Ct. Kanawha County, W. Va. Certiorari denied.

No. 09–753. *MCGOWAN v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 338 Fed. Appx. 662.

No. 09–938. *OGLE, LIQUIDATING TRUSTEE OF THE AGWAY LIQUIDATING TRUST v. FIDELITY & DEPOSIT COMPANY OF MARYLAND*. C. A. 2d Cir. Certiorari denied. Reported below: 586 F. 3d 143.

No. 09–968. *CAFFEY v. ALABAMA STATE BAR*. Sup. Ct. Ala. Certiorari denied.

No. 09–997. *DICKSON ET AL. v. SAN JUAN COUNTY, UTAH, ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 355 Fed. Appx. 243.

No. 09–1005. *PUGLISI ET AL. v. PAVONE ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 353 Fed. Appx. 622.

No. 09–1010. *COLLARD v. TEXAS*. Ct. App. Tex., 5th Dist. Certiorari denied.

No. 09–1032. *TELECHECK SERVICES, INC., ET AL. v. BEAUDRY*. C. A. 6th Cir. Certiorari denied. Reported below: 579 F. 3d 702.

No. 09–1037. *WILSON v. ROBERT J. ADAMS & ASSOCIATES*. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 389 Ill. App. 3d 1149, 976 N. E. 2d 1210.

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No. 09–1041. *SKENDAJ v. HOLDER, ATTORNEY GENERAL*. C. A. 3d Cir. Certiorari denied. Reported below: 343 Fed. Appx. 750.

No. 09–1046. *HOOVER v. OHIO*. Sup. Ct. Ohio. Certiorari denied. Reported below: 123 Ohio St. 3d 418, 916 N. E. 2d 1056.

No. 09–1060. *THANEDAR v. TIME WARNER, INC., ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 352 Fed. Appx. 891.

No. 09–1083. *HAWKINS v. SHINSEKI, SECRETARY OF VETERANS AFFAIRS*. C. A. Fed. Cir. Certiorari denied. Reported below: 357 Fed. Appx. 295.

No. 09–1087. *DAVID v. DAVID*. Sup. Ct. Mont. Certiorari denied. Reported below: 354 Mont. 44, 221 P. 3d 1209.

No. 09–1089. *ALLIED HOME MORTGAGE CAPITAL CORP. ET AL. v. CORRALES*. Sup. Ct. Tex. Certiorari denied.

No. 09–1135. *KRIEG v. DAWSON, JUDGE, UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 09–1136. *MAGDALIN v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 1st Cir. Certiorari denied.

No. 09–1152. *BRANDT, CHAPTER 7 TRUSTEE OF THE ESTATES OF PLASSEIN INTERNATIONAL CORP., ET AL. v. B. A. CAPITAL CO. LP ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 590 F. 3d 252.

No. 09–5901. *HARRISON v. LINDSAY, WARDEN*. C. A. 3d Cir. Certiorari denied.

No. 09–7636. *ORTIZ-COCA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 333 Fed. Appx. 863.

No. 09–7639. *AGUILAR-MENDEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 333 Fed. Appx. 865.

No. 09–7643. *GARCIA-QUIROZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 339 Fed. Appx. 501.

No. 09–7644. *MANCILLA-LOPEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 333 Fed. Appx. 864.

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No. 09–7698. *FOWLER v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 342 Fed. Appx. 520.

No. 09–7829. *BRADSHAW v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 580 F. 3d 1129.

No. 09–7923. *SCHWARTZ v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 315 Fed. Appx. 412.

No. 09–8090. *KINCANNON v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 567 F. 3d 893.

No. 09–8653. *SYLVIA v. MADDOX ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 333 Fed. Appx. 756.

No. 09–8673. *BEARUP v. ARIZONA*. Sup. Ct. Ariz. Certiorari denied. Reported below: 221 Ariz. 163, 211 P. 3d 684.

No. 09–8754. *KATES v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 350 Fed. Appx. 902.

No. 09–8887. *WILL v. CAIN, WARDEN*. C. A. 5th Cir. Certiorari denied. Reported below: 348 Fed. Appx. 35.

No. 09–8900. *CARRINGTON v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied. Reported below: 47 Cal. 4th 145, 211 P. 3d 617.

No. 09–8909. *TEMPLE v. WARMER, WARDEN*. C. A. 8th Cir. Certiorari denied.

No. 09–9136. *SHIRLEY v. INDIANA*. Ct. App. Ind. Certiorari denied. Reported below: 917 N. E. 2d 188.

No. 09–9145. *SHOVE v. WONG, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 09–9149. *REID v. FLINT CIVIL SERVICE COMMISSION*. Ct. App. Mich. Certiorari denied.

No. 09–9152. *YOUNG BOK SONG v. DOZIER*. C. A. 6th Cir. Certiorari denied.

No. 09–9163. *SHIELD v. THALER, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 09–9173. *LANDEROS v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied.

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No. 09–9176. *USHER v. GEORGIA*. Sup. Ct. Ga. Certiorari denied.

No. 09–9179. *SPUCK v. RIDGE ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 347 Fed. Appx. 727.

No. 09–9184. *STANKOWSKI v. ABRAMSON ET AL.* C. A. 6th Cir. Certiorari denied.

No. 09–9192. *SMITH v. YATES, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 09–9193. *SWAIN v. WELCH, WARDEN*. Sup. Ct. Ohio. Certiorari denied. Reported below: 123 Ohio St. 3d 1521, 918 N. E. 2d 524.

No. 09–9194. *ROWELL v. NEVADA*. Sup. Ct. Nev. Certiorari denied.

No. 09–9195. *RODRIGUEZ v. WALKER, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 09–9206. *BROWN v. JOHNSON, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS*. C. A. 4th Cir. Certiorari denied. Reported below: 363 Fed. Appx. 246.

No. 09–9215. *COLLADO v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 09–9220. *BARBOUR v. SCHLOBOHM ET AL.* C. A. 4th Cir. Certiorari denied.

No. 09–9222. *BROWDER v. VINGLEMAN ET AL.* C. A. 6th Cir. Certiorari denied.

No. 09–9226. *POWERS v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 392 Ill. App. 3d 1131, 984 N. E. 2d 209.

No. 09–9227. *OSTOPOSIDES v. SUPERIOR COURT OF CALIFORNIA, LOS ANGELES COUNTY, ET AL.* Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 09–9229. *WOOD v. TEXAS*. Ct. App. Tex., 11th Dist. Certiorari denied.

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No. 09–9230. *GRANDOIT v. LIBERTY MUTUAL INSURANCE CO.* C. A. 1st Cir. Certiorari denied.

No. 09–9233. *GONZALEZ ET UX. v. RIDDLE ET AL.* C. A. 9th Cir. Certiorari denied.

No. 09–9235. *WOODSON v. THALER, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION.* C. A. 5th Cir. Certiorari denied.

No. 09–9239. *MAYS v. PHELPS, WARDEN, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 09–9245. *MCGORE v. LUTZ ET AL.* C. A. 6th Cir. Certiorari denied.

No. 09–9265. *KASTNER v. TEXAS ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 332 Fed. Appx. 980.

No. 09–9274. *BARGHOUT v. ILLINOIS.* App. Ct. Ill., 1st Dist. Certiorari denied.

No. 09–9285. *SLAMA v. CALIFORNIA.* Ct. App. Cal., 5th App. Dist. Certiorari denied.

No. 09–9287. *ROBINSON v. COHEN, WARDEN, ET AL.* Sup. Ct. S. C. Certiorari denied.

No. 09–9290. *WEBBER v. FLORIDA.* Sup. Ct. Fla. Certiorari denied. Reported below: 29 So. 3d 292.

No. 09–9293. *MANNIX v. MADIGAN ET AL.* C. A. 7th Cir. Certiorari denied.

No. 09–9294. *KRUEGER v. THALER, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION.* C. A. 5th Cir. Certiorari denied.

No. 09–9296. *TURNER v. ILLINOIS.* App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 384 Ill. App. 3d 1091, 973 N. E. 2d 1089.

No. 09–9298. *WADDELL-EL v. VIRGINIA.* Sup. Ct. Va. Certiorari denied.

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No. 09–9299. *WILLINGHAM v. DISTRICT OF COLUMBIA BOARD ON PROFESSIONAL RESPONSIBILITY*. Ct. App. D. C. Certiorari denied.

No. 09–9307. *BEVINS v. OHIO*. Ct. App. Ohio, Hamilton County. Certiorari denied.

No. 09–9309. *BROWN v. STATE CAPITOL OFFICE OF THE GOVERNOR ET AL.* C. A. D. C. Cir. Certiorari denied. Reported below: 358 Fed. Appx. 186.

No. 09–9313. *RUSSELL v. KENNEDY ET AL.* C. A. 8th Cir. Certiorari denied.

No. 09–9316. *DiMARIA v. ARTUS, SUPERINTENDENT, CLINTON CORRECTIONAL FACILITY*. C. A. 2d Cir. Certiorari denied.

No. 09–9326. *NORTHON v. RULE ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 357 Fed. Appx. 905.

No. 09–9331. *SMITH v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 391 Ill. App. 3d 1122, 982 N. E. 2d 989.

No. 09–9353. *THREATT v. BIRKETT, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 09–9383. *BRANT v. VARANO ET AL.* C. A. 3d Cir. Certiorari denied.

No. 09–9397. *FLEWELLEN v. WALLER, WARDEN, ET AL.* C. A. 5th Cir. Certiorari denied.

No. 09–9404. *MANGUM v. CATO CORP.* C. A. 5th Cir. Certiorari denied. Reported below: 353 Fed. Appx. 947.

No. 09–9412. *WESCOTT v. DELAWARE*. Sup. Ct. Del. Certiorari denied. Reported below: 981 A. 2d 1173.

No. 09–9416. *HAYWARD v. FLORIDA*. Sup. Ct. Fla. Certiorari denied. Reported below: 24 So. 3d 17.

No. 09–9437. *QUINN v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 392 Ill. App. 3d 1131, 984 N. E. 2d 209.

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No. 09–9445. *COOPER v. MICHIGAN DEPARTMENT OF CORRECTIONS ET AL.* C. A. 6th Cir. Certiorari denied.

No. 09–9471. *FOSTER v. OHIO.* Ct. App. Ohio, Hamilton County. Certiorari denied.

No. 09–9484. *BROWN v. MCCARTHY.* C. A. D. C. Cir. Certiorari denied. Reported below: 368 Fed. Appx. 145.

No. 09–9517. *PAYNE v. LEMASTER, WARDEN, ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 351 Fed. Appx. 302.

No. 09–9530. *CHAMBERS v. OHIO.* Ct. App. Ohio, Hamilton County. Certiorari denied.

No. 09–9535. *PATTERSON v. MCQUIGGIN, WARDEN.* C. A. 6th Cir. Certiorari denied.

No. 09–9542. *KING v. COLMERS ET AL.* Ct. Sp. App. Md. Certiorari denied.

No. 09–9555. *MENTOR v. NEW YORK STATE DIVISION OF PAROLE ET AL.* App. Div., Sup. Ct. N. Y., 3d Jud. Dept. Certiorari denied. Reported below: 67 App. Div. 3d 1108, 886 N. Y. S. 2d 920.

No. 09–9575. *SIMMONS v. THURMER, WARDEN.* C. A. 7th Cir. Certiorari denied.

No. 09–9587. *JOHNSON v. FLORIDA.* Dist. Ct. App. Fla., 2d Dist. Certiorari denied. Reported below: 18 So. 3d 1046.

No. 09–9594. *CASTRO v. MCNEIL, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 09–9600. *DAVIS v. MICHIGAN.* Cir. Ct. Berrien County, Mich. Certiorari denied.

No. 09–9616. *AGUILAR v. SELMAN BREITZMAN, LLP, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 09–9620. *AMR v. VIRGINIA STATE UNIVERSITY ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 331 Fed. Appx. 194.

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No. 09–9622. *MILLER v. ANHEUSER BUSCH, INC.* C. A. 11th Cir. Certiorari denied. Reported below: 348 Fed. Appx. 547.

No. 09–9636. *WALLER v. HAUCK, WARDEN, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 09–9639. *YOUNG v. RHODE ISLAND ET AL.* C. A. 1st Cir. Certiorari denied.

No. 09–9653. *WARDLOW v. UNITED STATES.* C. A. 11th Cir. Certiorari denied. Reported below: 355 Fed. Appx. 354.

No. 09–9660. *SMILEY v. UNITED STATES.* C. A. 11th Cir. Certiorari denied. Reported below: 356 Fed. Appx. 302.

No. 09–9691. *BAUER v. MICHIGAN.* Cir. Ct. Kent County, Mich. Certiorari denied.

No. 09–9723. *RODRIGUEZ-MENA v. UNITED STATES.* C. A. 5th Cir. Certiorari denied.

No. 09–9726. *SMALL v. BODISON, WARDEN.* C. A. 4th Cir. Certiorari denied. Reported below: 357 Fed. Appx. 516.

No. 09–9741. *LEE v. WISCONSIN.* Ct. App. Wis. Certiorari denied. Reported below: 320 Wis. 2d 536, 771 N. W. 2d 373.

No. 09–9771. *DAVIS v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 369 Fed. Appx. 456.

No. 09–9789. *SMITH v. DEPARTMENT OF JUSTICE ET AL.* C. A. 3d Cir. Certiorari denied.

No. 09–9796. *CONNOLLY v. UNITED STATES.* C. A. 3d Cir. Certiorari denied. Reported below: 349 Fed. Appx. 754.

No. 09–9799. *IRONS v. UNITED STATES.* C. A. 7th Cir. Certiorari denied.

No. 09–9801. *GARCIA v. UNITED STATES.* C. A. 2d Cir. Certiorari denied.

No. 09–9805. *HARDEMAN v. UNITED STATES.* C. A. Armed Forces. Certiorari denied. Reported below: 67 M. J. 372.

No. 09–9806. *GUZMAN v. UNITED STATES.* C. A. 3d Cir. Certiorari denied.

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No. 09–9807. *HARRIS v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 585 F. 3d 394.

No. 09–9809. *GONZALES v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 343 Fed. Appx. 597.

No. 09–9810. *HUBER, AKA HUBERT v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 322 Fed. Appx. 608.

No. 09–9811. *HORDGE v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 350 Fed. Appx. 970.

No. 09–9812. *GRIFFIN v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 09–9814. *CARLTON v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 356 Fed. Appx. 864.

No. 09–9815. *SUTTON v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 350 Fed. Appx. 780.

No. 09–9816. *SEGURA-LOPEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 358 Fed. Appx. 557.

No. 09–9817. *JIMENEZ-PEREZ v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 368 Fed. Appx. 356.

No. 09–9818. *HENAO-MELO v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 591 F. 3d 798.

No. 09–9823. *THOMAS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 349 Fed. Appx. 829.

No. 09–9824. *TORRES v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 09–9825. *HERNANDEZ LOPEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 358 Fed. Appx. 511.

No. 09–9826. *LEE v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 586 F. 3d 859.

No. 09–9833. *AVILA-RIVERA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 359 Fed. Appx. 841.

No. 09–9836. *ORTIZ-ALVEAR v. UNITED STATES ATTORNEY'S OFFICE ET AL.* C. A. 11th Cir. Certiorari denied.

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No. 09–9840. *DUMONT v. UNITED STATES*. C. A. Fed. Cir. Certiorari denied. Reported below: 345 Fed. Appx. 586.

No. 09–9843. *TSOSIE v. ARIZONA ET AL.* Ct. App. Ariz. Certiorari denied.

No. 09–9844. *UPSHAW, AKA EPPS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 362 Fed. Appx. 118.

No. 09–9847. *WATSON v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 09–9848. *NYAMAHARO v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 364 Fed. Appx. 899.

No. 09–9851. *JENNINGS v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 355 Fed. Appx. 440.

No. 09–9857. *MOJICA, AKA SALAZAR v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 357 Fed. Appx. 273.

No. 09–9858. *RIVERA v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 357 Fed. Appx. 404.

No. 09–9866. *CABRERA v. UNITED STATES*. C. A. 1st Cir. Certiorari denied.

No. 09–9872. *KING v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

No. 09–9879. *TRUONG v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 587 F. 3d 1049.

No. 09–9886. *SOTO-MUNOZ v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 343 Fed. Appx. 303.

No. 09–9895. *RIVERS v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 09–999. *MALLERY ET AL. v. NBC UNIVERSAL, INC., ET AL.* C. A. 2d Cir. Certiorari denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition. Reported below: 331 Fed. Appx. 821.

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No. 09–1007. *MOUNTAIN AMERICA, LLC, ET AL. v. HUFFMAN, ASSESSOR OF MONROE COUNTY, WEST VIRGINIA, ET AL.* Sup. Ct. App. W. Va. Motion of West Virginia Manufacturers Association for leave to file a brief as *amicus curiae* granted. Certiorari denied. Reported below: 224 W. Va. 669, 687 S. E. 2d 768.

No. 09–1016. *SIMONELLI v. UNIVERSITY OF CALIFORNIA AT BERKELEY ET AL.* C. A. 9th Cir. Certiorari denied. JUSTICE BREYER took no part in the consideration or decision of this petition. Reported below: 338 Fed. Appx. 673.

No. 09–1054. *BERGER v. SECURITIES AND EXCHANGE COMMISSION.* C. A. 2d Cir. Certiorari denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition. Reported below: 347 Fed. Appx. 692.

No. 09–9429. *MCNAMARA v. KAYE, CHIEF JUDGE, COURT OF APPEALS OF NEW YORK, ET AL.* C. A. 2d Cir. Certiorari denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition. Reported below: 360 Fed. Appx. 177.

No. 09–9712. *COOPER v. UNITED STATES*; and

No. 09–9880. *THOMAS v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of these petitions. Reported below: 354 Fed. Appx. 439.

No. 09–9856. *DEANDRADE v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition. Reported below: 600 F. 3d 115.

Rehearing Denied

No. 09–722. *GREEN v. CLEARY WATER, SEWER AND FIRE DISTRICT,* *ante*, p. 971;

No. 09–768. *STRALEY v. UTAH BOARD OF PARDONS ET AL.,* *ante*, p. 991;

No. 09–7887. *MCDUFFIE v. FLORIDA,* *ante*, p. 944;

No. 09–7891. *SCOTT, AKA THOMAS v. SOUTH CAROLINA,* *ante*, p. 911;

No. 09–8139. *GREER v. NELSON, WARDEN,* *ante*, p. 975;

No. 09–8303. *WOODSON v. RUNDLE-FERNANDEZ, STATE ATTORNEY,* *ante*, p. 980;

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No. 09–8304. *TOMPSON v. TOWN OF SALEM, NEW HAMPSHIRE*, *ante*, p. 980;

No. 09–8391. *SAMPSON v. FRANCE ET AL.*, *ante*, p. 994;

No. 09–8463. *WHITE ET UX. v. MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.*, *ante*, p. 1010;

No. 09–8464. *IN RE WALCK*, *ante*, p. 934;

No. 09–8487. *HOLLAND v. HOLLAND*, *ante*, p. 982; and

No. 09–8969. *PISKANIN v. UNITED STATES*, *ante*, p. 1019. Petitions for rehearing denied.

APRIL 27, 2010

Certiorari Denied

No. 09–10396 (09A1009). *BUSTAMANTE v. TEXAS*. Ct. Crim. App. Tex. Application for stay of execution of sentence of death, presented to JUSTICE SCALIA, and by him referred to the Court, denied. Certiorari denied.

APRIL 28, 2010

Miscellaneous Orders. (For the Court’s orders prescribing amendments to the Federal Rules of Appellate Procedure, see *post*, p. 1121; amendments to the Federal Rules of Bankruptcy Procedure, see *post*, p. 1129; amendments to the Federal Rules of Civil Procedure, see *post*, p. 1141; amendments to the Federal Rules of Criminal Procedure, see *post*, p. 1153; and an amendment to the Federal Rules of Evidence, see *post*, p. 1159.)

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Certiorari Granted—Vacated and Remanded

No. 07–1489. *TRAINER WORTHAM & CO., INC., ET AL. v. BETZ*. C. A. 9th Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Merck & Co. v. Reynolds*, *ante*, p. 633. Reported below: 519 F. 3d 863.

No. 08–1473. *AMERICAN EXPRESS CO. ET AL. v. ITALIAN COLORS RESTAURANT ET AL.* C. A. 2d Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Stolt-Nielsen S. A. v. AnimalFeeds Int’l Corp.*, *ante*, p. 662. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition. Reported below: 554 F. 3d 300.

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Certiorari Dismissed

No. 09–9332. *ROBENSON v. HASZINGER*. Sup. Ct. Fla. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court’s Rule 39.8. Reported below: 26 So. 3d 1290.

No. 09–9362. *ROBENSON v. MCNEIL, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS*. Sup. Ct. Fla. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court’s Rule 39.8. Reported below: 28 So. 3d 45.

No. 09–9400. *MATTHEWS v. ENDEL 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. 09–9531. *ERICKSON v. LAU, TRUSTEE OF THE LAU FAMILY TRUST*. App. Ct. Mass. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court’s Rule 39.8. As petitioner has repeatedly abused this Court’s process, the Clerk is directed not to accept any further petitions in noncriminal matters from petitioner unless the docketing fee required by Rule 38(a) is paid and the petition is submitted in compliance with Rule 33.1. See *Martin v. District of Columbia Court of Appeals*, 506 U. S. 1 (1992) (*per curiam*). JUSTICE STEVENS dissents. See *id.*, at 4, and cases cited therein.

Miscellaneous Orders

No. 09A886. *DOE v. DUNCAN ET AL.* Application for stay, addressed to JUSTICE STEVENS and referred to the Court, denied.

No. D–2465. *IN RE DISBARMENT OF POPE*. Disbarment entered. [For earlier order herein, see *ante*, p. 968.]

No. 09M89. *JONES v. VIRGINIA DEPARTMENT OF SOCIAL SERVICES*; and

No. 09M92. *GRANDOIT v. BANE ET AL.* Motions to direct the Clerk to file petitions for writs of certiorari out of time denied.

No. 09M90. *BROWN v. BANK OF AMERICA ET AL.* Motion to direct the Clerk to file petition for writ of certiorari out of time under this Court’s Rule 14.5 denied.

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No. 09M91. IN RE DOE. Motion for leave to file petition for writ of habeas corpus under seal with redacted copies for the public record denied.

No. 08–1457. NEW PROCESS STEEL, L. P. *v.* NATIONAL LABOR RELATIONS BOARD. C. A. 7th Cir. [Certiorari granted, 558 U. S. 989.] Motion of Michigan Regional Council of Carpenters for leave to file a supplemental brief after argument denied.

No. 09–920. SIMMONS ET AL. *v.* GALVIN, SECRETARY OF COMMONWEALTH OF MASSACHUSETTS. C. A. 1st Cir. The Solicitor General is invited to file a brief in this case expressing the views of the United States.

No. 09–5801. FLORES-VILLAR *v.* UNITED STATES. C. A. 9th Cir. [Certiorari granted, *ante*, p. 1005.] Motion of petitioner for appointment of counsel granted. Steven F. Hubacheck, Esq., of San Diego, Cal., is appointed to serve as counsel for petitioner in this case.

No. 09–9464. MUSALL *v.* OWENS ET AL. Sup. Ct. Nev. Motion of petitioner for leave to proceed *in forma pauperis* denied. Petitioner is allowed until May 24, 2010, 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. 09–9669. GAINES *v.* NEW YORK CITY TRANSIT AUTHORITY ET AL. C. A. 2d Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied. Petitioner is allowed until May 24, 2010, within which to pay the docketing fee required by Rule 38(a) and to submit a petition in compliance with Rule 33.1 of the Rules of this Court. JUSTICE SOTOMAYOR took no part in the consideration or decision of this motion.

No. 09–10090. IN RE FRAZIER; and

No. 09–10165. IN RE YOUNG. Petitions for writs of habeas corpus denied.

No. 09–9366. IN RE WARREN; and

No. 09–9369. IN RE WARREN. Motions of petitioner for leave to proceed *in forma pauperis* denied, and petitions for writs of mandamus dismissed. See this Court's Rule 39.8.

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Certiorari Denied

No. 08-1222. *BOY SCOUTS OF AMERICA ET AL. v. BARNES-WALLACE ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 530 F. 3d 776.

No. 09-740. *HILL v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 340 Fed. Appx. 950.

No. 09-766. *PALMYRA PACIFIC SEAFOODS, L. L. C., ET AL. v. UNITED STATES.* C. A. Fed. Cir. Certiorari denied. Reported below: 561 F. 3d 1361.

No. 09-771. *ACCEPTANCE INSURANCE COS., INC. v. UNITED STATES.* C. A. Fed. Cir. Certiorari denied. Reported below: 583 F. 3d 849.

No. 09-772. *WESTERN RADIO SERVICES CO. ET AL. v. UNITED STATES FOREST SERVICE ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 578 F. 3d 1116.

No. 09-900. *CARTY v. THALER, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION.* C. A. 5th Cir. Certiorari denied. Reported below: 583 F. 3d 244.

No. 09-910. *ATTEA v. DEPARTMENT OF TAXATION AND FINANCE OF NEW YORK ET AL.* App. Div., Sup. Ct. N. Y., 3d Jud. Dept. Certiorari denied. Reported below: 64 App. Div. 3d 909, 883 N. Y. S. 2d 610.

No. 09-912. *GHAZALI v. HOLDER, ATTORNEY GENERAL.* C. A. 6th Cir. Certiorari denied. Reported below: 585 F. 3d 289.

No. 09-914. *MARKELL, GOVERNOR OF DELAWARE, ET AL. v. OFFICE OF THE COMMISSIONER OF BASEBALL ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 579 F. 3d 293.

No. 09-1008. *SCOTT ET UX. v. SAMUEL I. WHITE, P. C., ET AL.* Sup. Ct. Va. Certiorari denied.

No. 09-1022. *BAYER SCHERING PHARMA AG ET AL. v. BARR LABORATORIES, INC.* C. A. Fed. Cir. Certiorari denied. Reported below: 575 F. 3d 1341.

No. 09-1025. *MONCIER v. UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TENNESSEE.* C. A. 6th Cir. Certiorari denied. Reported below: 329 Fed. Appx. 636.

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No. 09–1029. *MASSI v. FLYNN ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 353 Fed. Appx. 658.

No. 09–1030. *KOEHNKE v. CITY OF MCKEESPORT, PENNSYLVANIA, ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 350 Fed. Appx. 720.

No. 09–1033. *HUJAZI v. CALIFORNIA.* App. Div., Super. Ct. Cal., County of Los Angeles. Certiorari denied.

No. 09–1038. *WAGNER ET AL. v. LIVE NATION MOTOR SPORTS, INC., FKA SFX MOTOR SPORTS, INC., DBA CLEAR CHANNEL ENTERTAINMENT-MOTOR SPORTS, ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 586 F. 3d 1237.

No. 09–1047. *TEKILA FILMS, INC., ET AL. v. NEW FORM INC., DBA LAGUNA FILMS.* C. A. 9th Cir. Certiorari denied. Reported below: 357 Fed. Appx. 10.

No. 09–1048. *LIGGINS v. WILLIAM A. HAZEL, INC., ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 348 Fed. Appx. 854.

No. 09–1050. *MARINE EXPRESS, INC. v. KARMIN.* Ct. App. Cal., 1st App. Dist. Certiorari denied.

No. 09–1053. *WALKER ET AL. v. CITY OF WATERBURY, CONNECTICUT.* C. A. 2d Cir. Certiorari denied. Reported below: 361 Fed. Appx. 163.

No. 09–1070. *VAN HARDY ET UX. v. MICHIGAN DEPARTMENT OF TREASURY.* C. A. 6th Cir. Certiorari denied.

No. 09–1075. *MARYANYAN ET AL. v. HOLDER, ATTORNEY GENERAL.* C. A. 9th Cir. Certiorari denied. Reported below: 347 Fed. Appx. 306.

No. 09–1160. *JP MORGAN CHASE BANK, N. A. v. WHALEN.* C. A. 2d Cir. Certiorari denied. Reported below: 587 F. 3d 529.

No. 09–7778. *RAY v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. Reported below: 578 F. 3d 184.

No. 09–8059. *ROSENCRANTZ v. LAFLEER, WARDEN.* C. A. 6th Cir. Certiorari denied. Reported below: 568 F. 3d 577.

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No. 09–8327. *RUNGE v. ILLINOIS*. Sup. Ct. Ill. Certiorari denied. Reported below: 234 Ill. 2d 68, 917 N. E. 2d 940.

No. 09–8833. *BROWN v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 586 F. 3d 1342.

No. 09–8855. *MILLER v. GLANZ*. C. A. 10th Cir. Certiorari denied. Reported below: 331 Fed. Appx. 608.

No. 09–8972. *DALLAL v. NEW YORK TIMES CO. ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 352 Fed. Appx. 508.

No. 09–9137. *CALDWELL v. UNITED STATES TAX COURT ET AL.* C. A. D. C. Cir. Certiorari denied. Reported below: 360 Fed. Appx. 161.

No. 09–9317. *DOBBINS v. CARLSON, WARDEN*. C. A. 8th Cir. Certiorari denied.

No. 09–9318. *DREW v. MULLINS ET AL.* Sup. Ct. Va. Certiorari denied.

No. 09–9319. *DREW v. JABE ET AL.* Sup. Ct. Va. Certiorari denied.

No. 09–9320. *COX v. ILLINOIS*. App. Ct. Ill., 2d Dist. Certiorari denied. Reported below: 391 Ill. App. 3d 1129, 982 N. E. 2d 992.

No. 09–9321. *DENNIE v. NEVADA*. Sup. Ct. Nev. Certiorari denied.

No. 09–9323. *BROWN v. HOWARD COUNTY POLICE DEPARTMENT ET AL.* C. A. D. C. Cir. Certiorari denied. Reported below: 358 Fed. Appx. 186.

No. 09–9324. *BROWN v. COUNCIL, BARADEL, KOSMERL & NOLAN ET AL.* C. A. D. C. Cir. Certiorari denied. Reported below: 360 Fed. Appx. 162.

No. 09–9325. *BROWN v. UPPER MARLBORO TOWN POLICE ET AL.* C. A. D. C. Cir. Certiorari denied. Reported below: 360 Fed. Appx. 163.

No. 09–9329. *CURRY v. GABLES RESIDENTIAL SERVICES, INC.* Ct. App. Ga. Certiorari denied.

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No. 09–9341. *DAVILA v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 09–9344. *WENTZ v. SEVIER, SUPERINTENDENT, MIAMI CORRECTIONAL FACILITY*. C. A. 7th Cir. Certiorari denied.

No. 09–9346. *TAFARI v. STEIN ET AL.* C. A. 2d Cir. Certiorari denied.

No. 09–9359. *EATO v. FLORIDA*. Dist. Ct. App. Fla., 3d Dist. Certiorari denied. Reported below: 21 So. 3d 823.

No. 09–9361. *EDMOND v. THALER, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 09–9363. *WEAVER v. MISSISSIPPI*. Sup. Ct. Miss. Certiorari denied.

No. 09–9367. *LOPEZ DE LA CRUZ v. LARSON, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 09–9370. *WILLIAMS v. OKLAHOMA*. Ct. Crim. App. Okla. Certiorari denied.

No. 09–9373. *LANKSTER v. CITY OF LINDEN, ALABAMA*. C. A. 11th Cir. Certiorari denied.

No. 09–9377. *BANKS v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 393 Ill. App. 3d 1099, 985 N. E. 2d 722.

No. 09–9378. *ALFORD v. POWER, ADMINISTRATOR, EAST JERSEY STATE PRISON, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 09–9379. *BRUNER v. OKLAHOMA*. Ct. Crim. App. Okla. Certiorari denied.

No. 09–9380. *ARBUCKLE v. KNIGHT, SUPERINTENDENT, PLAINFIELD CORRECTIONAL FACILITY*. C. A. 7th Cir. Certiorari denied.

No. 09–9381. *BARBOUR v. STANFORD ET AL.* C. A. 4th Cir. Certiorari denied.

No. 09–9384. *MENDEZ v. NEVEN, WARDEN*. C. A. 9th Cir. Certiorari denied.

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No. 09–9387. *DURSCHMIDT v. CITY OF CHANDLER, ARIZONA*. Ct. App. Ariz. Certiorari denied.

No. 09–9392. *HERNANDEZ v. RUNNELS, WARDEN*. C. A. 9th Cir. Certiorari denied. Reported below: 357 Fed. Appx. 745.

No. 09–9398. *GURNSEY v. CALIFORNIA ET AL.* C. A. 9th Cir. Certiorari denied.

No. 09–9399. *FRASER v. HIGH LINER FOODS (USA), INC., ET AL.* C. A. Fed. Cir. Certiorari denied. Reported below: 337 Fed. Appx. 883.

No. 09–9403. *NICHOLS v. GEORGIA*. Sup. Ct. Ga. Certiorari denied. Reported below: 285 Ga. 784, 683 S. E. 2d 610.

No. 09–9407. *MANTZKE v. PROVINCE, WARDEN, ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 351 Fed. Appx. 293.

No. 09–9408. *RENDER v. HALL ET AL.* Ct. App. Ohio, Hamilton County. Certiorari denied.

No. 09–9414. *THORNTON v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 393 Ill. App. 3d 1104, 985 N. E. 2d 725.

No. 09–9418. *CHAPPELL v. NEVADA*. Sup. Ct. Nev. Certiorari denied. Reported below: 125 Nev. —, 281 P. 3d 1160.

No. 09–9422. *McKINLEY v. THALER, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 09–9423. *PORTLEY-EL v. STEINBECK ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 357 Fed. Appx. 204.

No. 09–9425. *ORMOND v. NEVADA*. Sup. Ct. Nev. Certiorari denied.

No. 09–9426. *McGORE v. LUDWICK, WARDEN, ET AL.* C. A. 6th Cir. Certiorari denied.

No. 09–9427. *MAYES v. PROVINCE, WARDEN*. C. A. 10th Cir. Certiorari denied. Reported below: 353 Fed. Appx. 100.

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No. 09–9435. *RUFFIN v. NORTH CAROLINA DEPARTMENT OF CORRECTIONS*. C. A. 4th Cir. Certiorari denied. Reported below: 351 Fed. Appx. 841.

No. 09–9439. *CALLENDER v. ROSS STORES, INC.* Ct. App. Cal., 4th App. Dist., Div. 2. Certiorari denied.

No. 09–9442. *YSAIS v. REYNOLDS ET AL.* Sup. Ct. N. M. Certiorari denied.

No. 09–9465. *CANN v. HAYMAN, COMMISSIONER, NEW JERSEY DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 346 Fed. Appx. 882.

No. 09–9520. *THOMPSON v. SOBINA, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT ALBION*. C. A. 3d Cir. Certiorari denied.

No. 09–9529. *DE LA GARZA v. FABIAN, COMMISSIONER, MINNESOTA DEPARTMENT OF CORRECTIONS*. C. A. 8th Cir. Certiorari denied. Reported below: 574 F. 3d 998.

No. 09–9532. *ERBY v. BENNETT ET AL.* C. A. 8th Cir. Certiorari denied.

No. 09–9533. *SOW v. HOLDER, ATTORNEY GENERAL*. C. A. 4th Cir. Certiorari denied.

No. 09–9538. *MENDOZA-MENDOZA v. HOLDER, ATTORNEY GENERAL*. C. A. 9th Cir. Certiorari denied. Reported below: 351 Fed. Appx. 220.

No. 09–9557. *BOWIE v. NORTH CAROLINA*. Gen. Ct. Justice, Super. Ct. Div., Catawba County, N. C. Certiorari denied.

No. 09–9563. *ROSARIO v. CHAMBERLAIN, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT MUNCY, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 09–9604. *WALDRIP v. HALL, WARDEN*. C. A. 9th Cir. Certiorari denied. Reported below: 548 F. 3d 729.

No. 09–9612. *SHERWOOD v. PENNSYLVANIA*. Sup. Ct. Pa. Certiorari denied. Reported below: 603 Pa. 92, 982 A. 2d 483.

No. 09–9632. *JACKSON v. HOBBS, INTERIM DIRECTOR, ARKANSAS DEPARTMENT OF CORRECTION*. C. A. 8th Cir. Certiorari denied. Reported below: 573 F. 3d 856.

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No. 09–9659. *MURRELL v. SHINSEKI, SECRETARY OF VETERANS AFFAIRS*. C. A. Fed. Cir. Certiorari denied. Reported below: 344 Fed. Appx. 616.

No. 09–9662. *OLMEDO v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 357 Fed. Appx. 959.

No. 09–9689. *BERRY v. SOUTH CAROLINA ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 356 Fed. Appx. 666.

No. 09–9782. *GALLO-MORENO, AKA CARRION v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 584 F. 3d 751.

No. 09–9802. *HYMAN v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 342 Fed. Appx. 730.

No. 09–9803. *FLYNN v. VIRGINIA*. Sup. Ct. Va. Certiorari denied.

No. 09–9822. *WILKERSON v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 341 Fed. Appx. 909.

No. 09–9850. *PARMALEE v. UTTECHT, SUPERINTENDENT, WASHINGTON STATE PENITENTIARY*. C. A. 9th Cir. Certiorari denied. Reported below: 344 Fed. Appx. 395.

No. 09–9862. *AKERS v. UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLORADO*. C. A. 10th Cir. Certiorari denied.

No. 09–9878. *SCINTO v. FEDERAL BUREAU OF PRISONS ET AL.* C. A. D. C. Cir. Certiorari denied. Reported below: 352 Fed. Appx. 448.

No. 09–9882. *SYNDAB, AKA NELSON v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 348 Fed. Appx. 852.

No. 09–9883. *SMITH v. MARBERRY, WARDEN*. C. A. 7th Cir. Certiorari denied.

No. 09–9892. *COOPER v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 369 Fed. Appx. 93.

No. 09–9893. *DENMARK v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

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No. 09–9894. *DISLA v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 358 Fed. Appx. 121.

No. 09–9899. *MILLER v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 09–9902. *JOHNSON ET AL. v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 360 Fed. Appx. 840.

No. 09–9904. *LOCKETT v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 359 Fed. Appx. 598.

No. 09–9905. *MATTHEWS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 09–9909. *NELSON v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 589 F. 3d 924.

No. 09–9912. *MERTENS v. UNITED STATES POSTAL SERVICE*. C. A. Fed. Cir. Certiorari denied. Reported below: 347 Fed. Appx. 565.

No. 09–9914. *GARCIA-SANDOVAL v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 360 Fed. Appx. 790.

No. 09–9915. *JORDAN v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 09–9916. *GARCIA-LIMONES v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 09–9922. *AJIJOLA v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 584 F. 3d 763.

No. 09–9924. *COLEMAN v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 09–9926. *WALLACE v. BLEDSOE, WARDEN, ET AL.* C. A. 7th Cir. Certiorari denied.

No. 09–9927. *PARKER v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 365 Fed. Appx. 562.

No. 09–9928. *CRAIG v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 358 Fed. Appx. 446.

No. 09–9929. *CHARLES v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

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No. 09–9932. *DOVE v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 360 Fed. Appx. 877.

No. 09–9933. *DYER v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 589 F. 3d 520.

No. 09–9934. *GOVAN v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 369 Fed. Appx. 71.

No. 09–9935. *THOMPSON v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 354 Fed. Appx. 801.

No. 09–9936. *GREEN v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 368 Fed. Appx. 40.

No. 09–9937. *HILTON v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 09–9946. *CHARLES v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 360 Fed. Appx. 1.

No. 09–9948. *HENRY v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. Reported below: 356 Fed. Appx. 423.

No. 09–9949. *BELL v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 359 Fed. Appx. 442.

No. 09–9951. *AITCH v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 352 Fed. Appx. 788.

No. 09–9960. *ESCOBAR DE JESUS v. UNITED STATES*. C. A. 1st Cir. Certiorari denied.

No. 09–9961. *CHAPMAN v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 359 Fed. Appx. 487.

No. 09–9963. *DYCHES v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 333 Fed. Appx. 707.

No. 09–9964. *DANIELS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 588 F. 3d 835.

No. 09–9971. *TREJO MIRELES, AKA TREJO v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 368 Fed. Appx. 599.

No. 09–9975. *BRACKEN v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 358 Fed. Appx. 457.

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No. 09–9976. *BRANCH v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 591 F. 3d 602.

No. 09–9977. *PARKER v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 09–9978. *VILLASENOR v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 09–9981. *DAVIS v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 09–9984. *ELLIOTT v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 348 Fed. Appx. 885.

No. 09–9985. *RYAN v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

No. 09–9987. *JONES v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 09–9989. *MEDINA-CASTELLANOS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 359 Fed. Appx. 404.

No. 09–9990. *HAMBLEN v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 591 F. 3d 471.

No. 09–9992. *MASSEY v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 581 F. 3d 172.

No. 09–9997. *MARSHALL v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 360 Fed. Appx. 24.

No. 09–9998. *JUVENILE MALE v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 359 Fed. Appx. 417.

No. 09–10001. *BLACKMON v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 584 F. 3d 1115.

No. 09–10002. *BOYD v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

No. 09–10005. *SMITH v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 344 Fed. Appx. 856.

No. 09–10006. *EVANS v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 582 F. 3d 787.

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No. 09–10007. *NICHOLS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 358 Fed. Appx. 410.

No. 09–10011. *HALL v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 360 Fed. Appx. 898.

No. 09–10014. *PINKNEY v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. Reported below: 351 Fed. Appx. 448.

No. 09–10022. *MCKNIGHT v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 369 Fed. Appx. 860.

No. 08–1315. *PHARMACIA CORP. ET AL. v. ALASKA ELECTRICAL PENSION FUND ET AL.* C. A. 3d Cir. Certiorari denied. THE CHIEF JUSTICE took no part in the consideration or decision of this petition. Reported below: 554 F. 3d 342.

No. 09–1042. *SHAH v. NEW YORK STATE DEPARTMENT OF CIVIL SERVICE ET AL.* C. A. 2d Cir. Certiorari denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition. Reported below: 341 Fed. Appx. 670.

No. 09–9336. *BONILLA v. JARONCZYK ET AL.* C. A. 2d Cir. Certiorari denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition. Reported below: 354 Fed. Appx. 579.

No. 09–9376. *KEARNEY v. GRAHAM, SUPERINTENDENT, AUBURN CORRECTIONAL FACILITY*. C. A. 2d Cir. Certiorari denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition.

No. 09–9626. *ABASCAL v. JARKOS ET AL.* C. A. 2d Cir. Certiorari denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition. Reported below: 357 Fed. Appx. 388.

No. 09–9954. *RODRIGUEZ v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition. Reported below: 370 Fed. Appx. 135.

No. 09–9968. *LIGGINS v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. JUSTICE SOTOMAYOR took no part in the consid-

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eration or decision of this petition. Reported below: 359 Fed. Appx. 266.

Rehearing Denied

- No. 08–10932. BATEKREZE *v.* ARIZONA, *ante*, p. 935;
No. 09–807. DENEAL *v.* SHAVER, *ante*, p. 1005;
No. 09–7699. HOFFMAN *v.* HOFFMAN, *ante*, p. 1009;
No. 09–7780. KENNEDY *v.* LOCKETT ET AL., *ante*, p. 942;
No. 09–7892. KINNARD *v.* METROPOLITAN POLICE DEPARTMENT ET AL., *ante*, p. 945;
No. 09–7894. LIGGON-REDDING *v.* WILLINGBORO TOWNSHIP, NEW JERSEY, ET AL., *ante*, p. 945;
No. 09–8023. BAEZ *v.* JAMES, JUDGE, SUPERIOR COURT OF GEORGIA, DOUGLAS COUNTY, *ante*, p. 948;
No. 09–8230. WATSON *v.* NEIGHBORS CREDIT UNION ET AL., *ante*, p. 978;
No. 09–8305. WOOTEN *v.* MICHIGAN, *ante*, p. 980;
No. 09–8307. TRUSS *v.* THOMAS, WARDEN, ET AL., *ante*, p. 980;
No. 09–8333. BOWMAN-GOONE *v.* GORDON, JUSTICE, APPELLATE COURT OF ILLINOIS, FIRST DISTRICT, ET AL., *ante*, p. 993;
No. 09–8368. MARTIN *v.* JENKINS, WARDEN, *ante*, p. 994;
No. 09–8381. BRADDEN *v.* THALER, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION, *ante*, p. 994;
No. 09–8683. BROWN *v.* UNITED STATES, *ante*, p. 984;
No. 09–8838. MCNEILL *v.* RUFFIN, *ante*, p. 1016;
No. 09–8906. MILLAN *v.* SOUTHERN CALIFORNIA EDISON CO., *ante*, p. 1017;
No. 09–8976. MCCRAY *v.* FRANCIS HOWELL SCHOOL DISTRICT ET AL., *ante*, p. 1019; and
No. 09–9131. WYATT *v.* UNITED STATES, *ante*, p. 1023. Petitions for rehearing denied.

No. 09–7853. WENDELL *v.* UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF NEW YORK, *ante*, p. 963. Petition for rehearing denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition.

No. 09–8331. RITTER *v.* RITTER, *ante*, p. 993. Motion of petitioner to defer consideration of petition for rehearing denied. Petition for rehearing denied.

May 6, 10, 12, 2010

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MAY 6, 2010

Dismissals Under Rule 46

No. 09A953. DAVIS *v.* HOBBS, INTERIM DIRECTOR, ARKANSAS DEPARTMENT OF CORRECTION, ET AL. C. A. 8th Cir. Application for stay of execution of sentence of death dismissed under this Court's Rule 46.

No. 09–10120. DAVIS *v.* HOBBS, INTERIM DIRECTOR, ARKANSAS DEPARTMENT OF CORRECTION, ET AL. C. A. 8th Cir. Certiorari dismissed under this Court's Rule 46. Reported below: 594 F. 3d 592.

MAY 10, 2010

Dismissal Under Rule 46

No. 09–1210. HOLLINGSWORTH ET AL. *v.* PERRY ET AL. C. A. 9th Cir. Certiorari dismissed under this Court's Rule 46.1. Reported below: 591 F. 3d 1147.

MAY 12, 2010

Miscellaneous Orders

No. 09A1088. BEUKE *v.* STRICKLAND, GOVERNOR OF OHIO, ET AL. C. A. 6th Cir. Application for injunction, presented to JUSTICE STEVENS, and by him referred to the Court, denied.

No. 09–10701 (09A1087). IN RE BEUKE. Application for stay of execution of sentence of death, presented to JUSTICE STEVENS, and by him referred to the Court, denied. Petition for writ of habeas corpus denied. JUSTICE STEVENS and JUSTICE BREYER would grant the application for stay of execution.

Certiorari Denied

No. 09–10719 (09A1089). BEUKE *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. Reported below: 604 F. 3d 939.

AMENDMENTS TO FEDERAL RULES OF APPELLATE PROCEDURE

The following amendments to the Federal Rules of Appellate Procedure were prescribed by the Supreme Court of the United States on April 28, 2010, pursuant to 28 U. S. C. §2072, and were reported to Congress by THE CHIEF JUSTICE on the same date. For the letter of transmittal, see *post*, p. 1120. The Judicial Conference report referred to in that letter is not reproduced herein.

Note that under 28 U. S. C. §2074, such amendments shall take effect no earlier than December 1 of the year in which they are transmitted to Congress unless otherwise provided by law.

For earlier publication of the Federal Rules of Appellate Procedure and amendments thereto, see 389 U. S. 1063, 398 U. S. 971, 401 U. S. 1029, 406 U. S. 1005, 441 U. S. 973, 475 U. S. 1153, 490 U. S. 1125, 500 U. S. 1007, 507 U. S. 1059, 511 U. S. 1155, 514 U. S. 1137, 517 U. S. 1255, 523 U. S. 1147, 535 U. S. 1123, 538 U. S. 1071, 544 U. S. 1151, 547 U. S. 1221, 550 U. S. 983, and 556 U. S. 1291.

LETTER OF TRANSMITTAL

SUPREME COURT OF THE UNITED STATES
WASHINGTON, D. C.

APRIL 28, 2010

*To the Senate and House of Representatives of the United
States of America in Congress Assembled:*

I have the honor to submit to the Congress the amendments to the Federal Rules of Appellate Procedure that have been adopted by the Supreme Court of the United States pursuant to Section 2072 of Title 28, United States Code.

Accompanying these rules are excerpts from the report of the Judicial Conference of the United States containing the Committee Notes submitted to the Court for its consideration pursuant to Section 331 of Title 28, United States Code.

Sincerely,

(Signed) JOHN G. ROBERTS, JR.
Chief Justice of the United States

SUPREME COURT OF THE UNITED STATES

APRIL 28, 2010

ORDERED:

1. That the Federal Rules of Appellate Procedure be, and they hereby are, amended by including therein amendments to Appellate Rules 1, 4, and 29, and Form 4.

[See *infra*, pp. 1123–1125.]

2. That the foregoing amendments to the Federal Rules of Appellate Procedure shall take effect on December 1, 2010, and shall govern in all proceedings in appellate cases thereafter commenced and, insofar as just and practicable, all proceedings then pending.

3. That THE CHIEF JUSTICE be, and hereby is, authorized to transmit to the Congress the foregoing amendments to the Federal Rules of Appellate Procedure in accordance with the provisions of Section 2072 of Title 28, United States Code.

AMENDMENTS TO THE FEDERAL RULES
OF APPELLATE PROCEDURE

Rule 1. Scope of rules; definition; title.

(a) *Scope of rules.*

(1) These rules govern procedure in the United States courts of appeals.

(2) When these rules provide for filing a motion or other document in the district court, the procedure must comply with the practice of the district court.

(b) *Definition.*—In these rules, “state” includes the District of Columbia and any United States commonwealth or territory.

(c) *Title.*—These rules are to be known as the Federal Rules of Appellate Procedure.

Rule 4. Appeal as of right—when taken.

(a) *Appeal in a civil case.*

(7) *Entry defined.*

(A) A judgment or order is entered for purposes of this Rule 4(a):

(i) if Federal Rule of Civil Procedure 58(a) does not require a separate document, when the judgment or order is entered in the civil docket under Federal Rule of Civil Procedure 79(a); or

(ii) if Federal Rule of Civil Procedure 58(a) requires a separate document, when the judgment or order is entered in the civil docket under Federal Rule of Civil Procedure 79(a) and when the earlier of these events occurs:

- the judgment or order is set forth on a separate document, or

- 150 days have run from entry of the judgment or order in the civil docket under Federal Rule of Civil Procedure 79(a).

(B) A failure to set forth a judgment or order on a separate document when required by Federal Rule of Civil Procedure 58(a) does not affect the validity of an appeal from that judgment or order.

Rule 29. Brief of an amicus curiae.

(a) *When permitted.*—The United States or its officer or agency or a state may file an amicus-curiae brief without the consent of the parties or leave of court. Any other amicus curiae may file a brief only by leave of court or if the brief states that all parties have consented to its filing.

(c) *Contents and form.*—An amicus brief must comply with Rule 32. In addition to the requirements of Rule 32, the cover must identify the party or parties supported and indicate whether the brief supports affirmance or reversal. An amicus brief need not comply with Rule 28, but must include the following:

(1) if the amicus curiae is a corporation, a disclosure statement like that required of parties by Rule 26.1;

(2) a table of contents, with page references;

(3) a table of authorities—cases (alphabetically arranged), statutes, and other authorities—with references to the pages of the brief where they are cited;

(4) a concise statement of the identity of the amicus curiae, its interest in the case, and the source of its authority to file;

(5) unless the amicus curiae is one listed in the first sentence of Rule 29(a), a statement that indicates whether:

(A) a party's counsel authored the brief in whole or in part;

(B) a party or a party's counsel contributed money that was intended to fund preparing or submitting the brief; and

(C) a person—other than the amicus curiae, its members, or its counsel—contributed money that was intended to fund preparing or submitting the brief and, if so, identifies each such person;

(6) an argument, which may be preceded by a summary and which need not include a statement of the applicable standard of review; and

(7) a certificate of compliance, if required by Rule 32(a)(7).

• • • • •

FORM 4. AFFIDAVIT ACCOMPANYING MOTION FOR PERMISSION TO APPEAL
IN FORMA PAUPERIS

• • • • •

7. *State the persons who rely on you or your spouse for support.*

Name [or, if under 18, initials only]	Relationship	Age
---------------------------------------	--------------	-----

_____	_____	_____
•	•	•

13. *State the city and state of your legal residence.*

Your daytime phone number: (____) _____

Your age: _____ Your years of schooling: _____

Last four digits of your social-security number: _____

AMENDMENTS TO FEDERAL RULES OF BANKRUPTCY PROCEDURE

The following amendments to the Federal Rules of Bankruptcy Procedure were prescribed by the Supreme Court of the United States on April 28, 2010, pursuant to 28 U. S. C. § 2075, and were reported to Congress by THE CHIEF JUSTICE on the same date. For the letter of transmittal, see *post*, p. 1128. The Judicial Conference report referred to in that letter is not reproduced herein.

Note that under 28 U. S. C. § 2075, such amendments shall take effect no earlier than December 1 of the year in which they are transmitted to Congress unless otherwise provided by law.

For earlier publication of the Federal Rules of Bankruptcy Procedure and amendments thereto, see, *e. g.*, 461 U. S. 973, 471 U. S. 1147, 480 U. S. 1077, 490 U. S. 1119, 500 U. S. 1017, 507 U. S. 1075, 511 U. S. 1169, 514 U. S. 1145, 517 U. S. 1263, 520 U. S. 1285, 526 U. S. 1169, 529 U. S. 1147, 532 U. S. 1077, 535 U. S. 1139, 538 U. S. 1075, 541 U. S. 1097, 544 U. S. 1163, 547 U. S. 1227, 550 U. S. 989, 553 U. S. 1105, and 556 U. S. 1307.

LETTER OF TRANSMITTAL

SUPREME COURT OF THE UNITED STATES
WASHINGTON, D. C.

APRIL 28, 2010

*To the Senate and House of Representatives of the United
States of America in Congress Assembled:*

I have the honor to submit to the Congress the amendments to the Federal Rules of Bankruptcy Procedure that have been adopted by the Supreme Court of the United States pursuant to Section 2075 of Title 28, United States Code.

Accompanying these rules are excerpts from the report of the Judicial Conference of the United States containing the Committee Notes submitted to the Court for its consideration pursuant to Section 331 of Title 28, United States Code.

Sincerely,

(Signed) JOHN G. ROBERTS, JR.
Chief Justice of the United States

SUPREME COURT OF THE UNITED STATES

APRIL 28, 2010

ORDERED:

1. That the Federal Rules of Bankruptcy Procedure be, and they hereby are, amended by including therein amendments to Bankruptcy Rules 1007, 1014, 1015, 1018, 1019, 4001, 4004, 5009, 7001, and 9001, and new Rule 5012.

[See *infra*, pp. 1131–1138.]

2. That the foregoing amendments to the Federal Rules of Bankruptcy Procedure shall take effect on December 1, 2010, and shall govern in all proceedings in bankruptcy cases thereafter commenced and, insofar as just and practicable, all proceedings then pending.

3. That THE CHIEF JUSTICE be, and hereby is, authorized to transmit to the Congress the foregoing amendments to the Federal Rules of Bankruptcy Procedure in accordance with the provisions of Section 2075 of Title 28, United States Code.

AMENDMENTS TO THE FEDERAL RULES
OF BANKRUPTCY PROCEDURE

Rule 1007. Lists, schedules, statements, and other documents; time limits.

(a) *Corporate ownership statement, list of creditors and equity security holders, and other lists.*

(2) *Involuntary case.*—In an involuntary case, the debtor shall file, within seven days after entry of the order for relief, a list containing the name and address of each entity included or to be included on Schedules D, E, F, G, and H as prescribed by the Official Forms.

(c) *Time limits.*—In a voluntary case, the schedules, statements, and other documents required by subdivision (b)(1), (4), (5), and (6) shall be filed with the petition or within 14 days thereafter, except as otherwise provided in subdivisions (d), (e), (f), and (h) of this rule. In an involuntary case, the list in subdivision (a)(2), and the schedules, statements, and other documents required by subdivision (b)(1) shall be filed by the debtor within 14 days of the entry of the order for relief. In a voluntary case, the documents required by paragraphs (A), (C), and (D) of subdivision (b)(3) shall be filed with the petition. Unless the court orders otherwise, a debtor who has filed a statement under subdivision (b)(3)(B), shall file the documents required by subdivision (b)(3)(A) within 14 days of the order for relief. In a chapter 7 case, the debtor shall file the statement required by subdivision (b)(7) within 60 days after the first date set for the meeting of creditors under § 341 of the Code, and in a chapter 11 or 13 case no later than the date when the last payment was made by the debtor as required by the plan or the filing of a

motion for a discharge under § 1141(d)(5)(B) or § 1328(b) of the Code. The court may, at any time and in its discretion, enlarge the time to file the statement required by subdivision (b)(7). The debtor shall file the statement required by subdivision (b)(8) no earlier than the date of the last payment made under the plan or the date of the filing of a motion for a discharge under §§ 1141(d)(5)(B), 1228(b), or 1328(b) of the Code. Lists, schedules, statements, and other documents filed prior to the conversion of a case to another chapter shall be deemed filed in the converted case unless the court directs otherwise. Except as provided in § 1116(3), any extension of time to file schedules, statements, and other documents required under this rule may be granted only on motion for cause shown and on notice to the United States trustee, any committee elected under § 705 or appointed under § 1102 of the Code, trustee, examiner, or other party as the court may direct. Notice of an extension shall be given to the United States trustee and to any committee, trustee, or other party as the court may direct.

Rule 1014. Dismissal and change of venue.

(b) *Procedure when petitions involving the same debtor or related debtors are filed in different courts.*—If petitions commencing cases under the Code or seeking recognition under chapter 15 are filed in different districts by, regarding, or against (1) the same debtor, (2) a partnership and one or more of its general partners, (3) two or more general partners, or (4) a debtor and an affiliate, on motion filed in the district in which the petition filed first is pending and after hearing on notice to the petitioners, the United States trustee, and other entities as directed by the court, the court may determine, in the interest of justice or for the convenience of the parties, the district or districts in which the case or cases should proceed. Except as otherwise ordered by the court in the district in which the petition filed first is pending, the proceedings on the other petitions shall be

stayed by the courts in which they have been led until the determination is made.

Rule 1015. Consolidation or joint administration of cases pending in same court.

(a) *Cases involving same debtor.*—If two or more petitions by, regarding, or against the same debtor are pending in the same court, the court may order consolidation of the cases.

Rule 1018. Contested involuntary petitions; contested petitions commencing Chapter 15 cases; proceedings to vacate order for relief; applicability of rules in Part VII governing adversary proceedings.

Unless the court otherwise directs and except as otherwise prescribed in Part I of these rules, the following rules in Part VII apply to all proceedings contesting an involuntary petition or a chapter 15 petition for recognition, and to all proceedings to vacate an order for relief: Rules 7005, 7008–7010, 7015, 7016, 7024–7026, 7028–7037, 7052, 7054, 7056, and 7062. The court may direct that other rules in Part VII shall also apply. For the purposes of this rule a reference in the Part VII rules to adversary proceedings shall be read as a reference to proceedings contesting an involuntary petition or a chapter 15 petition for recognition, or proceedings to vacate an order for relief. Reference in the Federal Rules of Civil Procedure to the complaint shall be read as a reference to the petition.

Rule 1019. Conversion of a Chapter 11 reorganization case, Chapter 12 family farmer's debt adjustment case, or Chapter 13 individual's debt adjustment case to a Chapter 7 liquidation case.

When a chapter 11, chapter 12, or chapter 13 case has been converted or reconverted to a chapter 7 case:

(2) *New filing periods.*

(A) A new time period for filing a motion under § 707(b) or (c), a claim, a complaint objecting to discharge, or a complaint to obtain a determination of dischargeability of any debt shall commence under Rules 1017, 3002, 4004, or 4007, but a new time period shall not commence if a chapter 7 case had been converted to a chapter 11, 12, or 13 case and thereafter reconverted to a chapter 7 case and the time for filing a motion under § 707(b) or (c), a claim, a complaint objecting to discharge, or a complaint to obtain a determination of the dischargeability of any debt, or any extension thereof, expired in the original chapter 7 case.

(B) A new time period for filing an objection to a claim of exemptions shall commence under Rule 4003(b) after conversion of a case to chapter 7 unless:

- (i) the case was converted to chapter 7 more than one year after the entry of the first order confirming a plan under chapter 11, 12, or 13; or
- (ii) the case was previously pending in chapter 7 and the time to object to a claimed exemption had expired in the original chapter 7 case.

Rule 4001. Relief from automatic stay; prohibiting or conditioning the use, sale, or lease of property; use of cash collateral; obtaining credit; agreements.

(d) *Agreement relating to relief from the automatic stay, prohibiting or conditioning the use, sale, or lease of property, providing adequate protection, use of cash collateral, and obtaining credit.*

(2) *Objection.*—Notice of the motion and the time within which objections may be filed and served on the debtor in possession or trustee shall be mailed to the parties on whom service is required by paragraph (1) of this subdivision and to such other entities as the court may direct.

Unless the court fixes a different time, objections may be filed within 14 days of the mailing of the notice.

(3) *Disposition; hearing.*—If no objection is filed, the court may enter an order approving or disapproving the agreement without conducting a hearing. If an objection is filed or if the court determines a hearing is appropriate, the court shall hold a hearing on no less than seven days' notice to the objector, the movant, the parties on whom service is required by paragraph (1) of this subdivision and such other entities as the court may direct.

Rule 4004. Grant or denial of discharge.

(a) *Time for objecting to discharge; notice of time fixed.*—In a chapter 7 case, a complaint, or a motion under § 727(a)(8) or (a)(9) of the Code, objecting to the debtor's discharge shall be filed no later than 60 days after the first date set for the meeting of creditors under § 341(a). In a chapter 11 case, the complaint shall be filed no later than the first date set for the hearing on confirmation. In a chapter 13 case, a motion objecting to the debtor's discharge under § 1328(f) shall be filed no later than 60 days after the first date set for the meeting of creditors under § 341(a). At least 28 days' notice of the time so fixed shall be given to the United States trustee and all creditors as provided in Rule 2002(f) and (k) and to the trustee and the trustee's attorney.

(c) *Grant of discharge.*

(1) In a chapter 7 case, on expiration of the times fixed for objecting to discharge and for filing a motion to dismiss the case under Rule 1017(e), the court shall forthwith grant the discharge unless:

- (A) the debtor is not an individual;
- (B) a complaint, or a motion under § 727(a)(8) or (a)(9), objecting to the discharge has been filed and not decided in the debtor's favor;

(4) In a chapter 11 case in which the debtor is an individual, or a chapter 13 case, the court shall not grant a discharge if the debtor has not filed any statement required by Rule 1007(b)(7).

(d) *Applicability of rules in Part VII and Rule 9014.*—An objection to discharge is governed by Part VII of these rules, except that an objection to discharge under §§ 727(a)(8), (a)(9), or 1328(f) is commenced by motion and governed by Rule 9014.

Rule 5009. Closing Chapter 7 liquidation, Chapter 12 family farmer's debt adjustment, Chapter 13 individual's debt adjustment, and Chapter 15 ancillary and cross-border cases.

(a) *Cases under Chapters 7, 12, and 13.*—If in a chapter 7, chapter 12, or chapter 13 case the trustee has filed a final report and final account and has certified that the estate has been fully administered, and if within 30 days no objection has been filed by the United States trustee or a party in interest, there shall be a presumption that the estate has been fully administered.

(b) *Notice of failure to file Rule 1007(b)(7) statement.*—If an individual debtor in a chapter 7 or 13 case has not filed the statement required by Rule 1007(b)(7) within 45 days after the first date set for the meeting of creditors under § 341(a) of the Code, the clerk shall promptly notify the debtor that the case will be closed without entry of a discharge unless the statement is filed within the applicable time limit under Rule 1007(c).

(c) *Cases under Chapter 15.*—A foreign representative in a proceeding recognized under § 1517 of the Code shall file a final report when the purpose of the representative's appearance in the court is completed. The report shall describe the nature and results of the representative's activities in the court. The foreign representative shall transmit the report to the United States trustee, and give notice of its filing to the debtor, all persons or bodies authorized to administer

foreign proceedings of the debtor, all parties to litigation pending in the United States in which the debtor was a party at the time of the filing of the petition, and such other entities as the court may direct. The foreign representative shall file a certificate with the court that notice has been given. If no objection has been filed by the United States trustee or a party in interest within 30 days after the certificate is filed, there shall be a presumption that the case has been fully administered.

Rule 5012. Agreements concerning coordination of proceedings in Chapter 15 cases.

Approval of an agreement under § 1527(4) of the Code shall be sought by motion. The movant shall attach to the motion a copy of the proposed agreement or protocol and, unless the court directs otherwise, give at least 30 days' notice of any hearing on the motion by transmitting the motion to the United States trustee, and serving it on the debtor, all persons or bodies authorized to administer foreign proceedings of the debtor, all entities against whom provisional relief is being sought under § 1519, all parties to litigation pending in the United States in which the debtor was a party at the time of the filing of the petition, and such other entities as the court may direct.

Rule 7001. Scope of rules of Part VII.

An adversary proceeding is governed by the rules of this Part VII. The following are adversary proceedings:

- (4) a proceeding to object to or revoke a discharge, other than an objection to discharge under §§ 727(a)(8), (a)(9), or 1328(f);

Rule 9001. General definitions.

The definitions of words and phrases in §§ 101, 902, 1101, and 1502 of the Code, and the rules of construction in § 102, govern their use in these rules. In addition, the following

words and phrases used in these rules have the meanings indicated:

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AMENDMENTS TO FEDERAL RULES OF CIVIL PROCEDURE

The following amendments to the Federal Rules of Civil Procedure were prescribed by the Supreme Court of the United States on April 28, 2010, pursuant to 28 U.S.C. §2072, and were reported to Congress by THE CHIEF JUSTICE on the same date. For the letter of transmittal, see *post*, p. 1140. The Judicial Conference report referred to in that letter is not reproduced herein.

Note that under 28 U.S.C. §2074, such amendments shall take effect no earlier than December 1 of the year in which they are transmitted to Congress unless otherwise provided by law.

For earlier publication of the Federal Rules of Civil Procedure and amendments thereto, see 308 U.S. 645, 308 U.S. 642, 329 U.S. 839, 335 U.S. 919, 341 U.S. 959, 368 U.S. 1009, 374 U.S. 861, 383 U.S. 1029, 389 U.S. 1121, 398 U.S. 977, 401 U.S. 1017, 419 U.S. 1133, 446 U.S. 995, 456 U.S. 1013, 461 U.S. 1095, 471 U.S. 1153, 480 U.S. 953, 485 U.S. 1043, 500 U.S. 963, 507 U.S. 1089, 514 U.S. 1151, 517 U.S. 1279, 520 U.S. 1305, 523 U.S. 1221, 526 U.S. 1183, 529 U.S. 1155, 532 U.S. 1085, 535 U.S. 1147, 538 U.S. 1083, 544 U.S. 1173, 547 U.S. 1233, 550 U.S. 1003, 553 U.S. 1149, and 556 U.S. 1341.

LETTER OF TRANSMITTAL

SUPREME COURT OF THE UNITED STATES
WASHINGTON, D. C.

APRIL 28, 2010

*To the Senate and House of Representatives of the United
States of America in Congress Assembled:*

I have the honor to submit to the Congress the amendments to the Federal Rules of Civil Procedure that have been adopted by the Supreme Court of the United States pursuant to Section 2072 of Title 28, United States Code.

Accompanying these rules are excerpts from the report of the Judicial Conference of the United States containing the Committee Notes submitted to the Court for its consideration pursuant to Section 331 of Title 28, United States Code.

Sincerely,

(Signed) JOHN G. ROBERTS, JR.
Chief Justice of the United States

SUPREME COURT OF THE UNITED STATES

APRIL 28, 2010

ORDERED:

1. That the Federal Rules of Civil Procedure be, and they hereby are, amended by including therein amendments to Civil Rules 8, 26, and 56, and Illustrative Civil Form 52.

[See *infra*, pp. 1143–1150.]

2. That the foregoing amendments to the Federal Rules of Civil Procedure shall take effect on December 1, 2010, and shall govern in all proceedings thereafter commenced and, insofar as just and practicable, all proceedings then pending.

3. That THE CHIEF JUSTICE be, and hereby is, authorized to transmit to the Congress the foregoing amendments to the Federal Rules of Civil Procedure in accordance with the provisions of Section 2072 of Title 28, United States Code.

AMENDMENTS TO THE FEDERAL RULES
OF CIVIL PROCEDURE

Rule 8. General rules of pleading.

(c) Affirmative defenses.

(1) In general.—In responding to a pleading, a party must affirmatively state any avoidance or affirmative defense, including:

- accord and satisfaction;
- arbitration and award;
- assumption of risk;
- contributory negligence;
- duress;
- estoppel;
- failure of consideration;
- fraud;
- illegality;
- injury by fellow servant;
- laches;
- license;
- payment;
- release;
- res judicata;
- statute of frauds;
- statute of limitations; and
- waiver.

Rule 26. Duty to disclose; general provisions governing discovery.

(a) Required disclosures.

(2) *Disclosure of expert testimony.*

(A) *In general.*—In addition to the disclosures required by Rule 26(a)(1), a party must disclose to the other parties the identity of any witness it may use at trial to present evidence under Federal Rule of Evidence 702, 703, or 705.

(B) *Witnesses who must provide a written report.*—Unless otherwise stipulated or ordered by the court, this disclosure must be accompanied by a written report—prepared and signed by the witness—if the witness is one retained or specially employed to provide expert testimony in the case or one whose duties as the party’s employee regularly involve giving expert testimony. The report must contain:

- (i) a complete statement of all opinions the witness will express and the basis and reasons for them;
- (ii) the facts or data considered by the witness in forming them;
- (iii) any exhibits that will be used to summarize or support them;
- (iv) the witness’s qualifications, including a list of all publications authored in the previous 10 years;
- (v) a list of all other cases in which, during the previous 4 years, the witness testified as an expert at trial or by deposition; and
- (vi) a statement of the compensation to be paid for the study and testimony in the case.

(C) *Witnesses who do not provide a written report.*—Unless otherwise stipulated or ordered by the court, if the witness is not required to provide a written report, this disclosure must state:

- (i) the subject matter on which the witness is expected to present evidence under Federal Rule of Evidence 702, 703, or 705; and
- (ii) a summary of the facts and opinions to which the witness is expected to testify.

(D) *Time to disclose expert testimony.*—A party must make these disclosures at the times and in the sequence that the court orders. Absent a stipulation or a court order, the disclosures must be made:

- (i) at least 90 days before the date set for trial or for the case to be ready for trial; or
- (ii) if the evidence is intended solely to contradict or rebut evidence on the same subject matter identified by another party under Rule 26(a)(2)(B) or (C), within 30 days after the other party's disclosure.

(E) *Supplementing the disclosure.*—The parties must supplement these disclosures when required under Rule 26(e).

(b) *Discovery scope and limits.*

(3) *Trial preparation: materials.*

(A) *Documents and tangible things.*—Ordinarily, a party may not discover documents and tangible things that are prepared in anticipation of litigation or for trial by or for another party or its representative (including the other party's attorney, consultant, surety, indemnitor, insurer, or agent). But, subject to Rule 26(b)(4), those materials may be discovered if:

- (i) they are otherwise discoverable under Rule 26(b)(1); and
- (ii) the party shows that it has substantial need for the materials to prepare its case and cannot, without undue hardship, obtain their substantial equivalent by other means.

(B) *Protection against disclosure.*—If the court orders discovery of those materials, it must protect against disclosure of the mental impressions, conclusions, opinions, or legal theories of a party's attorney or other representative concerning the litigation.

(C) *Previous statement.*—Any party or other person may, on request and without the required showing, ob

tain the person's own previous statement about the action or its subject matter. If the request is refused, the person may move for a court order, and Rule 37(a)(5) applies to the award of expenses. A previous statement is either:

- (i) a written statement that the person has signed or otherwise adopted or approved; or
- (ii) a contemporaneous stenographic, mechanical, electrical, or other recording—or a transcription of it—that recites substantially verbatim the person's oral statement.

(4) *Trial preparation: experts.*

(A) *Deposition of an expert who may testify.*—A party may depose any person who has been identified as an expert whose opinions may be presented at trial. If Rule 26(a)(2)(B) requires a report from the expert, the deposition may be conducted only after the report is provided.

(B) *Trial-preparation protection for draft reports or disclosures.*—Rules 26(b)(3)(A) and (B) protect drafts of any report or disclosure required under Rule 26(a)(2), regardless of the form in which the draft is recorded.

(C) *Trial-preparation protection for communications between a party's attorney and expert witnesses.*—Rules 26(b)(3)(A) and (B) protect communications between the party's attorney and any witness required to provide a report under Rule 26(a)(2)(B), regardless of the form of the communications, except to the extent that the communications:

- (i) relate to compensation for the expert's study or testimony;
- (ii) identify facts or data that the party's attorney provided and that the expert considered in forming the opinions to be expressed; or
- (iii) identify assumptions that the party's attorney provided and that the expert relied on in forming the opinions to be expressed.

(D) *Expert employed only for trial preparation.*—Ordinarily, a party may not, by interrogatories or deposition, discover facts known or opinions held by an expert who has been retained or specially employed by another party in anticipation of litigation or to prepare for trial and who is not expected to be called as a witness at trial. But a party may do so only:

- (i) as provided in Rule 35(b); or
- (ii) on showing exceptional circumstances under which it is impracticable for the party to obtain facts or opinions on the same subject by other means.

(E) *Payment.*—Unless manifest injustice would result, the court must require that the party seeking discovery:

- (i) pay the expert a reasonable fee for time spent in responding to discovery under Rule 26(b)(4)(A) or (D); and
- (ii) for discovery under (D), also pay the other party a fair portion of the fees and expenses it reasonably incurred in obtaining the expert's facts and opinions.

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Rule 56. Summary judgment.

(a) *Motion for summary judgment or partial summary judgment.*—A party may move for summary judgment, identifying each claim or defense—or the part of each claim or defense—on which summary judgment is sought. The court shall grant summary judgment if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law. The court should state on the record the reasons for granting or denying the motion.

(b) *Time to file a motion.*—Unless a different time is set by local rule or the court orders otherwise, a party may file a motion for summary judgment at any time until 30 days after the close of all discovery.

(c) *Procedures.*

(1) *Supporting factual positions.*—A party asserting that a fact cannot be or is genuinely disputed must support the assertion by:

(A) citing to particular parts of materials in the record, including depositions, documents, electronically stored information, affidavits or declarations, stipulations (including those made for purposes of the motion only), admissions, interrogatory answers, or other materials; or

(B) showing that the materials cited do not establish the absence or presence of a genuine dispute, or that an adverse party cannot produce admissible evidence to support the fact.

(2) *Objection that a fact is not supported by admissible evidence.*—A party may object that the material cited to support or dispute a fact cannot be presented in a form that would be admissible in evidence.

(3) *Materials not cited.*—The court need consider only the cited materials, but it may consider other materials in the record.

(4) *Affidavits or declarations.*—An affidavit or declaration used to support or oppose a motion must be made on personal knowledge, set out facts that would be admissible in evidence, and show that the affiant or declarant is competent to testify on the matters stated.

(d) *When facts are unavailable to the nonmovant.*—If a nonmovant shows by affidavit or declaration that, for specified reasons, it cannot present facts essential to justify its opposition, the court may:

(1) defer considering the motion or deny it;

(2) allow time to obtain affidavits or declarations or to take discovery; or

(3) issue any other appropriate order.

(e) *Failing to properly support or address a fact.*—If a party fails to properly support an assertion of fact or fails to

properly address another party's assertion of fact as required by Rule 56(c), the court may:

- (1) give an opportunity to properly support or address the fact;
- (2) consider the fact undisputed for purposes of the motion;
- (3) grant summary judgment if the motion and supporting materials—including the facts considered undisputed—show that the movant is entitled to it; or
- (4) issue any other appropriate order.

(f) *Judgment independent of the motion.*—After giving notice and a reasonable time to respond, the court may:

- (1) grant summary judgment for a nonmovant;
 - (2) grant the motion on grounds not raised by a party;
- or
- (3) consider summary judgment on its own after identifying for the parties material facts that may not be genuinely in dispute.

(g) *Failing to grant all the requested relief.*—If the court does not grant all the relief requested by the motion, it may enter an order stating any material fact—including an item of damages or other relief—that is not genuinely in dispute and treating the fact as established in the case.

(h) *Affidavit or declaration submitted in bad faith.*—If satisfied that an affidavit or declaration under this rule is submitted in bad faith or solely for delay, the court—after notice and a reasonable time to respond—may order the submitting party to pay the other party the reasonable expenses, including attorney's fees, it incurred as a result. An offending party or attorney may also be held in contempt or subjected to other appropriate sanctions.

FORM 52. REPORT OF THE PARTIES' PLANNING MEETING

(Caption—See Form 1.)

1. The following persons participated in a Rule 26(f) conference on date by state the method of conferring:
2. Initial Disclosures. The parties [have completed] [will complete by date] the initial disclosures required by Rule 26(a)(1).

3. Discovery Plan. The parties propose this discovery plan:

(Use separate paragraphs or subparagraphs if the parties disagree.)

(a) Discovery will be needed on these subjects: *(describe)*.

(b) Disclosure or discovery of electronically stored information should be handled as follows: *(briefly describe the parties' proposals, including the form or forms for production)*.

(c) The parties have agreed to an order regarding claims of privilege or of protection as trial-preparation material asserted after production, as follows: *(briefly describe the provisions of the proposed order)*.

(d) (Dates for commencing and completing discovery, including discovery to be commenced or completed before other discovery.)

(e) (Maximum number of interrogatories by each party to another party, along with dates the answers are due.)

(f) (Maximum number of requests for admission, along with the dates responses are due.)

(g) (Maximum number of depositions for each party.)

(h) (Limits on the length of depositions, in hours.)

(i) (Dates for exchanging reports of expert witnesses.)

(j) (Dates for supplementations under Rule 26(e).)

4. Other Items:

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AMENDMENTS TO FEDERAL RULES OF CRIMINAL PROCEDURE

The following amendments to the Federal Rules of Criminal Procedure were prescribed by the Supreme Court of the United States on April 28, 2010, pursuant to 28 U.S.C. §2072, and were reported to Congress by THE CHIEF JUSTICE on the same date. For the letter of transmittal, see *post*, p. 1152. The Judicial Conference report referred to in that letter is not reproduced herein.

Note that under 28 U.S.C. §2074, such amendments shall take effect no earlier than December 1 of the year in which they are transmitted to Congress unless otherwise provided by law.

For earlier publication of the Federal Rules of Criminal Procedure and amendments thereto, see 327 U.S. 821, 335 U.S. 917, 949, 346 U.S. 941, 350 U.S. 1017, 383 U.S. 1087, 389 U.S. 1125, 401 U.S. 1025, 406 U.S. 979, 415 U.S. 1056, 416 U.S. 1001, 419 U.S. 1136, 425 U.S. 1157, 441 U.S. 985, 456 U.S. 1021, 461 U.S. 1117, 471 U.S. 1167, 480 U.S. 1041, 485 U.S. 1057, 490 U.S. 1135, 495 U.S. 967, 500 U.S. 991, 507 U.S. 1161, 511 U.S. 1175, 514 U.S. 1159, 517 U.S. 1285, 520 U.S. 1313, 523 U.S. 1227, 526 U.S. 1189, 529 U.S. 1179, 535 U.S. 1157, 541 U.S. 1103, 544 U.S. 1181, 547 U.S. 1269, 550 U.S. 1165, 553 U.S. 1155, and 556 U.S. 1363.

LETTER OF TRANSMITTAL

SUPREME COURT OF THE UNITED STATES
WASHINGTON, D. C.

APRIL 28, 2010

*To the Senate and House of Representatives of the United
States of America in Congress Assembled:*

I have the honor to submit to the Congress the amendments to the Federal Rules of Criminal Procedure that have been adopted by the Supreme Court of the United States pursuant to Section 2072 of Title 28, United States Code.

Accompanying these rules are excerpts from the report of the Judicial Conference of the United States containing the Committee Notes submitted to the Court for its consideration pursuant to Section 331 of Title 28, United States Code. The Supreme Court recommitted proposed amendment to Rule 15 of the Federal Rules of Criminal Procedure to the Advisory Committee for further consideration.

Sincerely,

(Signed) JOHN G. ROBERTS, JR.
Chief Justice of the United States

SUPREME COURT OF THE UNITED STATES

APRIL 28, 2010

ORDERED:

1. That the Federal Rules of Criminal Procedure be, and they hereby are, amended by including therein amendments to Criminal Rules 12.3, 21, and 32.1.

[See *infra*, pp. 1155–1156.]

2. That the foregoing amendments to the Federal Rules of Criminal Procedure shall take effect on December 1, 2010, and shall govern in all proceedings thereafter commenced and, insofar as just and practicable, all proceedings then pending.

3. That THE CHIEF JUSTICE be, and hereby is, authorized to transmit to the Congress the foregoing amendments to the Federal Rules of Criminal Procedure in accordance with the provisions of Section 2072 of Title 28, United States Code.

AMENDMENTS TO THE FEDERAL RULES
OF CRIMINAL PROCEDURE

Rule 12.3. Notice of a public-authority defense.

(a) *Notice of the defense and disclosure of witnesses.*

(4) *Disclosing witnesses.*

(C) *Government's reply.*—Within 14 days after receiving the defendant's statement, an attorney for the government must serve on the defendant or the defendant's attorney a written statement of the name of each witness—and the address and telephone number of each witness other than a victim—that the government intends to rely on to oppose the defendant's public-authority defense.

(D) *Victim's address and telephone number.*—If the government intends to rely on a victim's testimony to oppose the defendant's public-authority defense and the defendant establishes a need for the victim's address and telephone number, the court may:

(i) order the government to provide the information in writing to the defendant or the defendant's attorney; or

(ii) fashion a reasonable procedure that allows for preparing the defense and also protects the victim's interests.

(b) *Continuing duty to disclose.*

(1) *In general.*—Both an attorney for the government and the defendant must promptly disclose in writing to the other party the name of any additional witness—and the

address, and telephone number of any additional witness other than a victim—if:

(A) the disclosing party learns of the witness before or during trial; and

(B) the witness should have been disclosed under Rule 12.3(a)(4) if the disclosing party had known of the witness earlier.

(2) *Address and telephone number of an additional victim-witness.*—The address and telephone number of an additional victim-witness must not be disclosed except as provided in Rule 12.3(a)(4)(D).

Rule 21. Transfer for trial.

(b) *For convenience.*—Upon the defendant's motion, the court may transfer the proceeding, or one or more counts, against that defendant to another district for the convenience of the parties, any victim, and the witnesses, and in the interest of justice.

Rule 32.1. Revoking or modifying probation or supervised release.

(a) *Initial appearance.*

(6) *Release or detention.*—The magistrate judge may release or detain the person under 18 U. S. C. § 3143(a)(1) pending further proceedings. The burden of establishing by clear and convincing evidence that the person will not flee or pose a danger to any other person or to the community rests with the person.

AMENDMENT TO FEDERAL RULES OF EVIDENCE

The following amendment to the Federal Rules of Evidence was prescribed by the Supreme Court of the United States on April 28, 2010, pursuant to 28 U.S.C. §2072, and was reported to Congress by THE CHIEF JUSTICE on the same date. For the letter of transmittal, see *post*, p. 1158. The Judicial Conference report referred to in that letter is not reproduced herein.

Note that under 28 U.S.C. §2074, such amendments shall take effect no earlier than December 1 of the year in which they are transmitted to Congress unless otherwise provided by law.

For earlier reference to the Federal Rules of Evidence, see 409 U.S. 1132. For earlier publication of the Federal Rules of Evidence and amendments thereto, see 441 U.S. 1005, 480 U.S. 1023, 485 U.S. 1049, 493 U.S. 1173, 500 U.S. 1001, 507 U.S. 1187, 511 U.S. 1187, 520 U.S. 1323, 523 U.S. 1235, 529 U.S. 1189, 538 U.S. 1097, and 547 U.S. 1281.

LETTER OF TRANSMITTAL

SUPREME COURT OF THE UNITED STATES
WASHINGTON, D. C.

APRIL 28, 2010

*To the Senate and House of Representatives of the United
States of America in Congress Assembled:*

I have the honor to submit to the Congress the amendment to the Federal Rules of Evidence that has been adopted by the Supreme Court of the United States pursuant to Section 2072 of Title 28, United States Code.

Accompanying this rule are excerpts from the report of the Judicial Conference of the United States containing the Committee Notes submitted to the Court for its consideration pursuant to Section 331 of Title 28, United States Code.
Sincerely,

(Signed) JOHN G. ROBERTS, JR.
Chief Justice of the United States

SUPREME COURT OF THE UNITED STATES

APRIL 28, 2010

ORDERED:

1. That the Federal Rules of Evidence be, and they hereby are, amended by including therein an amendment to Evidence Rule 804.

[See *infra*, p. 1161.]

2. That the foregoing amendment to the Federal Rules of Evidence shall take effect on December 1, 2010, and shall govern in all proceedings thereafter commenced and, insofar as just and practicable, all proceedings then pending.

3. That THE CHIEF JUSTICE be, and hereby is, authorized to transmit to the Congress the foregoing amendment to the Federal Rules of Evidence in accordance with the provisions of Section 2072 of Title 28, United States Code.

AMENDMENT TO THE FEDERAL RULES
OF EVIDENCE

Rule 804. Hearsay exceptions; declarant unavailable.

(b) *Hearsay exceptions.*—The following are not excluded by the hearsay rule if the declarant is unavailable as a witness:

(3) *Statement against interest.*—A statement that:

(A) a reasonable person in the declarant's position would have made only if the person believed it to be true because, when made, it was so contrary to the declarant's proprietary or pecuniary interest or had so great a tendency to invalidate the declarant's claim against someone else or to expose the declarant to civil or criminal liability; and

(B) is supported by corroborating circumstances that clearly indicate its trustworthiness, if it is offered in a criminal case as one that tends to expose the declarant to criminal liability.