

ORDERS FOR JUNE 13 THROUGH
SEPTEMBER 28, 2011

JUNE 13, 2011

Certiorari Granted—Vacated and Remanded

No. 10–868. CATE, SECRETARY, CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION *v.* PIRTLE (Reported below: 611 F. 3d 1015); CATE, SECRETARY, CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION *v.* JOHNSON (394 Fed. Appx. 419); HARTLEY *v.* SNEED (390 Fed. Appx. 682); CATE, SECRETARY, CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION *v.* MOSLEY; and CATE, SECRETARY, CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION *v.* SLATER (400 Fed. Appx. 224). C. A. 9th Cir. Motions of respondents John H. Pirtle, Robert Everett Johnson, Anthony Sneed, and Michael Craig Slater for leave to proceed *in forma pauperis* granted. Certiorari as to John H. Pirtle, Robert Everett Johnson, Anthony Sneed, and Michael Craig Slater granted, judgments vacated, and cases remanded for further consideration in light of *Swarthout v. Cooke*, 562 U. S. 216 (2011) (*per curiam*). Certiorari as to Ron Mosley denied.

No. 10–987. AFFILIATED COMPUTER SERVICES, INC. *v.* FENSTERSTOCK. C. A. 2d Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *AT&T Mobility LLC v. Concepcion*, 563 U.S. 333 (2011). Reported below: 611 F. 3d 124.

No. 10–1070. EISAI Co., LTD., ET AL. *v.* TEVA PHARMACEUTICALS USA, INC., THROUGH ITS GATE PHARMACEUTICALS DIVISION. C. A. Fed. Cir. Certiorari granted, judgment vacated, and case remanded with instructions to dismiss the case as moot. See *United States v. Munsingwear, Inc.*, 340 U.S. 36 (1950). Reported below: 620 F. 3d 1341.

Certiorari Dismissed

No. 10–9970. LAFOUNTAIN *v.* BALCARCEL. C. A. 6th Cir. Motion of petitioner for leave to proceed *in forma pauperis* de-

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nied, 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*).

No. 10–10027. *WHEELER v. FLORIDA*. Dist. Ct. App. Fla., 5th 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*). Reported below: 53 So. 3d 238.

No. 10–10207. *WILLIAMS v. PIERCE, WARDEN*. 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. D–2570. *IN RE DISBARMENT OF HELM*. Disbarment entered. [For earlier order herein, see 562 U. S. 818.]

No. D–2581. *IN RE DISBARMENT OF LERACH*. Disbarment entered. [For earlier order herein, see 562 U. S. 1040.]

No. D–2582. *IN RE DISBARMENT OF CERVIZZI*. Disbarment entered. [For earlier order herein, see 562 U. S. 1040.]

No. D–2583. *IN RE DISBARMENT OF REICH*. Disbarment entered. [For earlier order herein, see 562 U. S. 1040.]

No. D–2584. *IN RE DISBARMENT OF RYAN*. Disbarment entered. [For earlier order herein, see 562 U. S. 1040.]

No. D–2585. *IN RE DISBARMENT OF FORD*. Disbarment entered. [For earlier order herein, see 562 U. S. 1040.]

No. D–2586. *IN RE DISBARMENT OF MITCHELL*. Disbarment entered. [For earlier order herein, see 562 U. S. 1041.]

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No. D-2587. IN RE DISBARMENT OF TRUM. Disbarment entered. [For earlier order herein, see 562 U.S. 1041.]

No. 10M113. SALT RIVER PROJECT AGRICULTURAL IMPROVEMENT AND POWER DISTRICT ET AL. *v.* ARIZONA ET AL. Motion to direct the Clerk to file petition for writ of certiorari out of time denied.

No. 10-947. BANK MELLI IRAN NEW YORK REPRESENTATIVE OFFICE *v.* WEINSTEIN ET AL. C. A. 2d Cir. The Solicitor General is invited to file a brief in this case expressing the views of the United States.

No. 10-8820. GONZALEZ LORA *v.* UNITED STATES. C. A. 4th Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [562 U.S. 1268] denied. JUSTICE KAGAN took no part in the consideration or decision of this motion.

No. 10-9938. ADAMS *v.* MERCK & CO., INC. C. A. 5th Cir.;

No. 10-10051. ALBAHRI *v.* FLORIDA. Dist. Ct. App. Fla., 1st Dist.; and

No. 10-10150. MBAKPOU *v.* COMMITTEE ON ADMISSIONS, DISTRICT OF COLUMBIA COURT OF APPEALS. Ct. App. D. C. Motions of petitioners for leave to proceed *in forma pauperis* denied. Petitioners are allowed until July 5, 2011, 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. 10-10637. IN RE ECKSTROM. Petition for writ of habeas corpus denied.

No. 10-10568. IN RE SCHOTZ. Petition for writ of habeas corpus denied. JUSTICE KAGAN took no part in the consideration or decision of this petition.

No. 10-9904. IN RE DEL RIO. Petition for writ of mandamus denied.

Certiorari Granted

No. 10-875. HALL ET UX. *v.* UNITED STATES. C. A. 9th Cir. Certiorari granted. Reported below: 617 F. 3d 1161.

No. 10-895. GONZALEZ *v.* THALER, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVI-

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SION. C. A. 5th Cir. Certiorari granted limited to the following questions: (1) Was there jurisdiction to issue a certificate of appealability under 28 U. S. C. § 2253(c) and to adjudicate petitioner's appeal? (2) Was the application for a writ of habeas corpus out of time under 28 U. S. C. § 2244(d)(1) due to "the date on which the judgment became final by the conclusion of direct review or the expiration of the time for seeking such review"? Reported below: 623 F. 3d 222.

No. 10-7387. SETSER *v.* UNITED STATES. C. A. 5th Cir. Motion of petitioner for leave to proceed *in forma pauperis* granted. Certiorari granted. Reported below: 607 F. 3d 128.

No. 10-8145. SMITH *v.* CAIN, WARDEN. Crim. Dist. Ct. La., Orleans Parish. Motion of petitioner for leave to proceed *in forma pauperis* granted. Certiorari granted.

Certiorari Denied. (See also No. 10-868, *supra*.)

No. 10-1020. CONSOLIDATION COAL CO. ET AL. *v.* UNITED STATES. C. A. Fed. Cir. Certiorari denied. Reported below: 615 F. 3d 1378.

No. 10-1117. NAGLICH ET AL. *v.* CAMP ET AL. C. A. 11th Cir. Certiorari denied. Reported below: 400 Fed. Appx. 519.

No. 10-1214. FREEDOM FROM RELIGION FOUNDATION *v.* UNITED STATES ET AL. C. A. 1st Cir. Certiorari denied. Reported below: 626 F. 3d 1.

No. 10-1225. BOMBARDIER INC. ET AL. *v.* DOW CHEMICAL CANADA ULC ET AL. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 10-1227. JOHNSON *v.* ROBERTS ET AL. C. A. 10th Cir. Certiorari denied. Reported below: 410 Fed. Appx. 104.

No. 10-1235. KOVACIC ET AL. *v.* VILLARREAL ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 628 F. 3d 209.

No. 10-1255. COWITT ET UX., INDIVIDUALLY AND AS TRUSTEES FOR THE COWITT FAMILY TRUST *v.* REILLY ET UX. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 10-1258. LEDBETTER ET AL. *v.* FEDERAL AVIATION ADMINISTRATION. C. A. 11th Cir. Certiorari denied. Reported below: 392 Fed. Appx. 779.

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No. 10–1260. *GARD ET UX. v. CITY OF OMAHA, NEBRASKA*. Ct. App. Neb. Certiorari denied. Reported below: 18 Neb. App. 504, 786 N.W. 2d 688.

No. 10–1296. *COATES v. OFFICE OF ATTORNEY REGULATION OF COLORADO ET AL.* Sup. Ct. Colo. Certiorari denied.

No. 10–1324. *HANNAN v. CITY OF PHILADELPHIA, PENNSYLVANIA, ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 408 Fed. Appx. 581.

No. 10–1347. *FREEMAN v. MILLER-STOUT, SUPERINTENDENT, AIRWAY HEIGHTS CORRECTIONS CENTER.* C. A. 9th Cir. Certiorari denied.

No. 10–1372. *FULL VALUE ADVISORS, LLC v. SECURITIES AND EXCHANGE COMMISSION.* C. A. D. C. Cir. Certiorari denied. Reported below: 633 F. 3d 1101.

No. 10–1376. *LEBLANC ET AL. v. UNITED STATES.* C. A. Fed. Cir. Certiorari denied. Reported below: 410 Fed. Appx. 323.

No. 10–1379. *DAVIS v. UNITED STATES.* C. A. 5th Cir. Certiorari denied.

No. 10–1386. *HOFFMAN, AKA ALAMO v. UNITED STATES.* C. A. 8th Cir. Certiorari denied. Reported below: 626 F. 3d 993.

No. 10–7592. *DOE v. UNITED STATES.* C. A. 3d Cir. Certiorari denied. Reported below: 617 F. 3d 766.

No. 10–8832. *HERNANDEZ v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 399 Fed. Appx. 26.

No. 10–8907. *GALLAHER v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 624 F. 3d 934.

No. 10–8908. *GARCIA v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 401 Fed. Appx. 860.

No. 10–9076. *LAWRENCE v. COOPER, ATTORNEY GENERAL OF NORTH CAROLINA, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 398 Fed. Appx. 884.

No. 10–9176. *BURDETT v. REYNOSO ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 399 Fed. Appx. 276.

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No. 10–9209. *PURVIS v. OEST ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 614 F. 3d 713.

No. 10–9334. *ROSS v. FEDERAL DEPOSIT INSURANCE CORPORATION, AS RECEIVER OF WASHINGTON MUTUAL BANK.* C. A. 4th Cir. Certiorari denied. Reported below: 625 F. 3d 808.

No. 10–9555. *ERVIN v. TEXAS.* Ct. App. Tex., 1st Dist. Certiorari denied. Reported below: 333 S. W. 3d 187.

No. 10–9758. *BALENTINE v. THALER, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION.* C. A. 5th Cir. Certiorari denied. Reported below: 626 F. 3d 842.

No. 10–9886. *FLEMING v. CHICAGO TRANSIT AUTHORITY.* C. A. 7th Cir. Certiorari denied. Reported below: 397 Fed. Appx. 249.

No. 10–9887. *GLENN v. FLORIDA.* Dist. Ct. App. Fla., 3d Dist. Certiorari denied. Reported below: 43 So. 3d 58.

No. 10–9888. *HENDERSON v. THALER, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION.* C. A. 5th Cir. Certiorari denied.

No. 10–9895. *BRIDGES v. DORMIRE, SUPERINTENDENT, JEFFERSON CITY CORRECTIONAL CENTER.* C. A. 8th Cir. Certiorari denied.

No. 10–9898. *GUO v. WAGSTAFF ET AL.* C. A. 5th Cir. Certiorari denied.

No. 10–9900. *B. J. G. v. ST. CHARLES COUNTY SHERIFF ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 400 Fed. Appx. 127.

No. 10–9908. *DINGLE v. KOPPEL, WARDEN, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 380 Fed. Appx. 347.

No. 10–9920. *CLARK v. NEVADA.* Sup. Ct. Nev. Certiorari denied. Reported below: 127 Nev. 1126.

No. 10–9924. *STOKES v. MOORMAN.* C. A. 4th Cir. Certiorari denied. Reported below: 406 Fed. Appx. 823.

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No. 10–9926. *MACIAS v. DONAT, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 408 Fed. Appx. 44.

No. 10–9928. *KING v. TENNESSEE.* Sup. Ct. Tenn. Certiorari denied.

No. 10–9929. *JOHNSON v. NORTH CAROLINA.* Sup. Ct. N. C. Certiorari denied. Reported below: 365 N. C. 70, 705 S. E. 2d 736.

No. 10–9933. *YOUNG v. LARKINS, WARDEN.* C. A. 8th Cir. Certiorari denied.

No. 10–9940. *GRAGG v. PROSPER, WARDEN.* C. A. 9th Cir. Certiorari denied. Reported below: 411 Fed. Appx. 43.

No. 10–9943. *WAHL v. PREMO, SUPERINTENDENT, OREGON STATE PENITENTIARY.* C. A. 9th Cir. Certiorari denied. Reported below: 407 Fed. Appx. 236.

No. 10–9945. *NORWOOD v. SULLIVAN, WARDEN.* C. A. 9th Cir. Certiorari denied. Reported below: 390 Fed. Appx. 762.

No. 10–9953. *BROWN v. THALER, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION.* C. A. 5th Cir. Certiorari denied.

No. 10–9954. *SAVAGE v. BONAVIDACOLA ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 404 Fed. Appx. 568.

No. 10–9958. *MEDINA, AKA ALVERIO v. RAEMISCH ET AL.* Ct. App. Wis. Certiorari denied.

No. 10–9962. *MCGRUDER v. CALIFORNIA.* Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 10–9963. *MCMILLIAN v. BERGHUIS, WARDEN.* C. A. 6th Cir. Certiorari denied.

No. 10–9966. *PRICE v. SOUTH CAROLINA.* Ct. Common Pleas of Richland County, S. C. Certiorari denied.

No. 10–9967. *JACKSON v. CHAIRMAN AND MEMBERS OF THE MISSOURI BOARD OF PROBATION AND PAROLE ET AL.* C. A. 8th Cir. Certiorari denied.

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No. 10–9969. *JONES v. MARYLAND*. Ct. Sp. App. Md. Certiorari denied. Reported below: 196 Md. App. 740.

No. 10–9978. *TATRO v. THALER, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 10–9981. *ANDREWS v. VIRGINIA*. Sup. Ct. Va. Certiorari denied. Reported below: 280 Va. 231, 699 S. E. 2d 237.

No. 10–9985. *MARTIN v. OKLAHOMA*. Ct. Crim. App. Okla. Certiorari denied.

No. 10–9986. *MARTIN v. PROVINCE, WARDEN*. Ct. Crim. App. Okla. Certiorari denied.

No. 10–9988. *S. G. v. J. H.* Ct. App. Tex., 9th Dist. Certiorari denied.

No. 10–9992. *NORTHUP v. THALER, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 10–10001. *REIS v. FANNIE MAE ET AL.* C. A. D. C. Cir. Certiorari denied.

No. 10–10006. *ESTRADA v. BUSS, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS*. C. A. 11th Cir. Certiorari denied.

No. 10–10016. *HERCULES-LOPEZ v. MICHIGAN*. Ct. App. Mich. Certiorari denied.

No. 10–10041. *FURROW v. LAPPIN, DIRECTOR, FEDERAL BUREAU OF PRISONS, ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 393 Fed. Appx. 398.

No. 10–10043. *GRAVES v. PADULA, WARDEN*. C. A. 4th Cir. Certiorari denied. Reported below: 394 Fed. Appx. 978.

No. 10–10053. *SCARLETT v. BUSS, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 404 Fed. Appx. 394.

No. 10–10059. *ELSTER v. CALIFORNIA BOARD OF PAROLE HEARINGS ET AL.* C. A. 9th Cir. Certiorari denied.

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No. 10–10079. *KAFATIA v. UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA ET AL.* C. A. 9th Cir. Certiorari denied.

No. 10–10105. *BERMUDEZ v. NEW JERSEY*. Super. Ct. N. J., App. Div. Certiorari denied.

No. 10–10127. *PARTOVI v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. Reported below: 409 Fed. Appx. 355.

No. 10–10135. *STEWART v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 407 Fed. Appx. 770.

No. 10–10139. *PARTOVI v. UNKNOWN OFFICER ET AL.* C. A. 9th Cir. Certiorari denied.

No. 10–10152. *GILLOTT v. RYAN, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 10–10166. *AKBAR v. PADULA, WARDEN*. C. A. 4th Cir. Certiorari denied. Reported below: 404 Fed. Appx. 733.

No. 10–10189. *WELLMAN v. COLORADO*. Ct. App. Colo. Certiorari denied.

No. 10–10192. *JASON K. v. CALIFORNIA*. Ct. App. Cal., 4th App. Dist., Div. 1. Certiorari denied. Reported below: 188 Cal. App. 4th 1545, 116 Cal. Rptr. 3d 443.

No. 10–10234. *JOHNSON v. SWARTHOUT, WARDEN*. C. A. 9th Cir. Certiorari denied. Reported below: 405 Fed. Appx. 161.

No. 10–10237. *M McNAIR v. COLEMAN, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT FAYETTE, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 10–10277. *CUEVAS-HERNANDEZ v. WASDEN, ATTORNEY GENERAL OF IDAHO*. C. A. 9th Cir. Certiorari denied.

No. 10–10302. *ORAL H. v. CONNECTICUT*. App. Ct. Conn. Certiorari denied. Reported below: 125 Conn. App. 276, 7 A. 3d 444.

No. 10–10314. *SMITH v. STEVENSON, WARDEN*. C. A. 4th Cir. Certiorari denied. Reported below: 410 Fed. Appx. 728.

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No. 10–10388. *BUCKLON v. FLORIDA*. Dist. Ct. App. Fla., 2d Dist. Certiorari denied. Reported below: 53 So. 3d 1033.

No. 10–10408. *CAMERON v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 410 Fed. Appx. 626.

No. 10–10411. *SALINAS v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 405 Fed. Appx. 78.

No. 10–10413. *REYES-REZENDES v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 10–10415. *SMITH v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 633 F. 3d 889.

No. 10–10418. *PERRY v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 415 Fed. Appx. 471.

No. 10–10425. *WOLFE v. WISCONSIN*. Ct. App. Wis. Certiorari denied. Reported below: 325 Wis. 2d 401, 786 N. W. 2d 489.

No. 10–10429. *ROSS v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 413 Fed. Appx. 457.

No. 10–10434. *WOODBURY v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 403 Fed. Appx. 813.

No. 10–10435. *SMITH v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 417 Fed. Appx. 911.

No. 10–10439. *SALAZAR v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 396 Fed. Appx. 44.

No. 10–10440. *HERNANDEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 633 F. 3d 370.

No. 10–10441. *HERNANDEZ ROJAS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 415 Fed. Appx. 781.

No. 10–10442. *AMAYA-RAMOS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 415 Fed. Appx. 788.

No. 10–10445. *WEATHERS v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. Reported below: 631 F. 3d 560.

No. 10–10446. *LINK v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 407 Fed. Appx. 991.

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No. 10–10447. *JORDAN v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 409 Fed. Appx. 471.

No. 10–10449. *JACKSON v. MARBERRY, WARDEN*. C. A. 7th Cir. Certiorari denied. Reported below: 407 Fed. Appx. 62.

No. 10–10454. *DELAZARO v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 415 Fed. Appx. 739.

No. 10–10459. *ANDUJAR-BASCO v. UNITED STATES*. C. A. 1st Cir. Certiorari denied.

No. 10–10462. *DANFORTH v. THIELEN, WARDEN, ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 624 F. 3d 915.

No. 10–10466. *DUNBAR v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 385 Fed. Appx. 132.

No. 10–10477. *PREPETIT v. UNITED STATES*. Ct. App. D. C. Certiorari denied.

No. 10–10479. *PUPOLS v. PATENT AND TRADEMARK OFFICE*. C. A. Fed. Cir. Certiorari denied. Reported below: 413 Fed. Appx. 232.

No. 10–10484. *CARRINGTON v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 411 Fed. Appx. 644.

No. 10–10490. *MATEO v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 413 Fed. Appx. 197.

No. 10–10496. *STACKS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 408 Fed. Appx. 666.

No. 10–10497. *ZEMBA v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 403 Fed. Appx. 649.

No. 10–10498. *YOUNG v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 414 Fed. Appx. 541.

No. 10–10499. *BEGAY v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 631 F. 3d 1168.

No. 10–10500. *BRIDGEWATER v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 407 Fed. Appx. 398.

No. 10–10502. *LASLEY v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 412 Fed. Appx. 177.

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No. 10–10503. JACKSON *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 401 Fed. Appx. 712.

No. 10–10505. DAVIS *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied.

No. 10–10512. PORTORREAL, AKA PORTORREAL-PENA *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. Reported below: 413 Fed. Appx. 314.

No. 10–10513. MEDINA-ESQUEDA, AKA DE LA CRUZ-ESQUEDA *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 411 Fed. Appx. 710.

No. 10–10514. OLIVAS *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 405 Fed. Appx. 255.

No. 10–10520. TORREZ-CHAVEZ *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 412 Fed. Appx. 124.

No. 10–10522. HUNT *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 419 Fed. Appx. 949.

No. 10–10523. HALL *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 411 Fed. Appx. 662.

No. 10–10524. N-JIE *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 403 Fed. Appx. 839.

No. 10–10526. WARREN *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 642 F. 3d 182.

No. 10–10527. ULIMWENGU *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 406 Fed. Appx. 918.

No. 10–738. RITCHIE SPECIAL CREDIT INVESTMENTS, LTD., ET AL. *v.* UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MINNESOTA ET AL.; and RITCHIE SPECIAL CREDIT INVESTMENTS, LTD., ET AL. *v.* PETTERS ET AL. C. A. 8th Cir. Motion of National Crime Victim Law Institute for leave to file a brief as *amicus curiae* granted. Certiorari denied.

No. 10–1119. STEINBECK ET AL. *v.* MCINTOSH & OTIS, INC., ET AL. C. A. 2d Cir. Certiorari denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition. Reported below: 400 Fed. Appx. 572.

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No. 10–1124. *TURLOCK IRRIGATION DISTRICT v. FEDERAL ENERGY REGULATORY COMMISSION ET AL.* C. A. D. C. Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition. Reported below: 628 F. 3d 538.

No. 10–1357. *AMOROSA ET AL. v. ERNST & YOUNG, LLP.* C. A. 2d Cir. Certiorari denied. THE CHIEF JUSTICE took no part in the consideration or decision of this petition. Reported below: 409 Fed. Appx. 412.

No. 10–10401. *JASSO v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition. Reported below: 634 F. 3d 305.

No. 10–10438. *REYES-HERNANDEZ v. UNITED STATES.* C. A. 1st Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition.

No. 10–10443. *BERRY v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition.

No. 10–10444. *ACOFF v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition. Reported below: 634 F. 3d 200.

No. 10–10450. *JACKSON v. UNITED STATES.* C. A. 8th Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition.

No. 10–10468. *COOPER v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition. Reported below: 397 Fed. Appx. 404.

Rehearing Denied

No. 10–880. *TAYLOR v. CITY OF COLUMBIA, SOUTH CAROLINA, ET AL.*, 562 U.S. 1287;

No. 10–8789. *BLAIR v. ALASKAN COPPER & BRASS Co.*, 563 U.S. 921;

No. 10–9040. *RAMEY v. UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA ET AL.*, 563 U.S. 923;

No. 10–9044. *RAMIREZ v. AULT, WARDEN*, 563 U.S. 944;

No. 10–9049. *IN RE ROCHE*, 562 U.S. 1285;

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No. 10–9067. *ADAMS v. MICHIGAN*, 563 U. S. 945;
No. 10–9094. *WOODBURY v. CITY OF TAMPA, FLORIDA, POLICE DEPARTMENT, ET AL.*, 563 U. S. 962;
No. 10–9289. *RITTER v. RITTER ET AL.*, 563 U. S. 978;
No. 10–9426. *BRAMLETT v. UNITED STATES*, 563 U. S. 949;
No. 10–9534. *IN RE ANDREWS*, 563 U. S. 934;
No. 10–9535. *IN RE ANDREWS*, 563 U. S. 934;
No. 10–9661. *GRAY v. UNITED STATES*, 563 U. S. 954; and
No. 10–9663. *IN RE SUDBERRY*, 563 U. S. 934. Petitions for rehearing denied.

No. 10–9482. *JENNINGS v. UNITED STATES*, 563 U. S. 956. Petition for rehearing denied. JUSTICE KAGAN took no part in the consideration or decision of this petition.

JUNE 15, 2011

Miscellaneous Orders

No. 10–7387. *SETSER v. UNITED STATES*. C. A. 5th Cir. [Certiorari granted, *ante*, p. 1004.] Evan A. Young, Esq., of Austin, Tex., is invited to brief and argue this case as *amicus curiae* in support of the judgment below.

No. 10A1226 (10–11036). *BALENTINE 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, 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 issuance of the mandate of this Court.

Rehearing Denied

No. 09–5128 (10A1212). *BALENTINE v. THALER, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*, 558 U. S. 971. Application for stay of execution of sentence of death, presented to JUSTICE SCALIA, and by him referred to the Court, denied. Motion for leave to file petition for rehearing denied.

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Miscellaneous Order

No. 10A1236 (10–11056). *TAYLOR v. TEXAS*. Ct. Crim. App. Tex. Application for stay of execution of sentence of death, pre-

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sented to JUSTICE SCALIA, and by him referred to the Court, denied. JUSTICE GINSBURG, JUSTICE BREYER, JUSTICE SOTOMAYOR, and JUSTICE KAGAN would grant the application for stay of execution.

Certiorari Denied

No. 10–10994 (10A1219). *POWELL v. ALABAMA*. Sup. Ct. Ala. Application for stay of execution of sentence of death, presented to JUSTICE THOMAS, and by him referred to the Court, denied. Certiorari denied.

No. 10–11055 (10A1235). *POWELL v. THOMAS, INTERIM COMMISSIONER, ALABAMA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Application for stay of execution of sentence of death, presented to JUSTICE THOMAS, and by him referred to the Court, denied. Certiorari denied. Reported below: 643 F. 3d 1300.

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Certiorari Granted—Vacated and Remanded

No. 09–10276. *ROGERS v. UNITED STATES*. C. A. 6th Cir. Motion of petitioner for leave to proceed *in forma pauperis* granted. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Sykes v. United States*, ante, p. 1. Reported below: 594 F. 3d 517.

Certiorari Dismissed

No. 10–9984. *AYSISAYH v. FLORIDA*. Dist. Ct. App. Fla., 2d Dist. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court’s Rule 39.8. Reported below: 56 So. 3d 2.

No. 10–10596. *FUTCH 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.

No. 10–10608. *BEATY v. ARIZONA*. Super. Ct. Ariz., County of Maricopa. Certiorari dismissed as moot.

Miscellaneous Orders

No. D–2588. *IN RE DISCIPLINE OF OSBORNE*. David Robert Osborne, of Christiansted, St. Croix, V. I., is suspended from the

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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-2589. IN RE DISCIPLINE OF ALDERMAN. Steven Boyd Alderman, of Syracuse, N. Y., 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-2590. IN RE DISCIPLINE OF POLLACK. Ruth Marie Pollack, of Riverhead, N. Y., is suspended from the practice of law in this Court, and a rule will issue, returnable within 40 days, requiring her to show cause why she should not be disbarred from the practice of law in this Court.

No. D-2591. IN RE DISCIPLINE OF JONES. Stephen J. Jones, of Wichita, Kan., 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-2592. IN RE DISCIPLINE OF KORDELL. James Michael Kordell, of Woodlake, Cal., 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-2593. IN RE DISCIPLINE OF LOSEY. F. Richard Losey, of San Rafael, Cal., 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-2594. IN RE DISCIPLINE OF TABACHNICK. Barry Stephen Tabachnick, of Folsom, Cal., 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-2595. IN RE DISCIPLINE OF WHITEBOOK. Merl Alan Whitebook, of Tulsa, Okla., 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.

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No. D-2596. IN RE DISCIPLINE OF PLESHAW. Robert J. Pleshaw, 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-2597. IN RE DISCIPLINE OF SILVA. Zoila I. Silva, of New York, N. Y., 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. 10M84. SHIPLET *v.* VILSACK, SECRETARY OF AGRICULTURE. Motion for leave to file petition for writ of certiorari with supplemental appendix under seal granted, except that the order of May 15, 2009, shall be placed in the public record.

No. 10M114. FERNANDEZ *v.* MARTEL, WARDEN. Motion to direct the Clerk to file petition for writ of certiorari out of time denied.

No. 10-1285. COUNTRYWIDE HOME LOANS, INC. *v.* RODRIGUEZ ET UX. C. A. 3d Cir. The Solicitor General is invited to file a brief in this case expressing the views of the United States.

No. 10-10008. FIORANI *v.* UNITED STATES. C. A. 4th Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [563 U.S. 985] denied.

No. 10-10528. DAY *v.* MINNESOTA ET AL. Ct. App. Minn. Motion of petitioner for leave to proceed *in forma pauperis* denied. Petitioner is allowed until July 11, 2011, 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. 10-10747. IN RE CARY. Petition for writ of habeas corpus denied.

No. 10-10271. IN RE KEYES. Petition for writ of mandamus denied.

No. 10-9998. IN RE REMMERT. 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.

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No. 10–10576. *IN RE WHERRY*. Petition for writ of mandamus and/or prohibition denied.

Certiorari Granted

No. 10–218. *PPL MONTANA, LLC v. MONTANA*. Sup. Ct. Mont. Motion of David Emmons et al. for leave to file a brief as *amici curiae* granted. Certiorari granted limited to Question 1 presented by the petition. Reported below: 355 Mont. 402, 229 P. 3d 421.

No. 10–708. *FIRST AMERICAN FINANCIAL CORP., SUCCESSOR IN INTEREST TO FIRST AMERICAN CORP., ET AL. v. EDWARDS*. C. A. 9th Cir. Certiorari granted limited to Question 2 presented by the petition. Reported below: 610 F. 3d 514.

No. 10–1024. *FEDERAL AVIATION ADMINISTRATION ET AL. v. COOPER*. C. A. 9th Cir. Certiorari granted. JUSTICE KAGAN took no part in the consideration or decision of this petition. Reported below: 622 F. 3d 1016.

No. 10–1150. *MAYO COLLABORATIVE SERVICES, DBA MAYO MEDICAL LABORATORIES, ET AL. v. PROMETHEUS LABORATORIES, INC.* C. A. Fed. Cir. Certiorari granted. Reported below: 628 F. 3d 1347.

Certiorari Denied

No. 09–10868. *HARRIS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 586 F. 3d 1283.

No. 10–109. *DISMUKE v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 593 F. 3d 582.

No. 10–314. *WELCH v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 604 F. 3d 408.

No. 10–426. *APPLERA CORP. ET AL. v. ENZO BIOCHEM, INC., ET AL.* C. A. Fed. Cir. Certiorari denied. Reported below: 599 F. 3d 1325.

No. 10–535. *RH CAPITAL ASSOCIATES LLC ET AL. v. MAYER BROWN LLP ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 603 F. 3d 144.

No. 10–717. *MICCOSUKEE TRIBE OF INDIANS OF FLORIDA v. KRAUS-ANDERSON CONSTRUCTION Co.* C. A. 11th Cir. Certiorari denied. Reported below: 607 F. 3d 1268.

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No. 10–803. *BANJO v. CULLEN, ACTING WARDEN*. C. A. 9th Cir. Certiorari denied. Reported below: 614 F. 3d 964.

No. 10–838. *PACIFIC BELL TELEPHONE CO., DBA AT&T CALIFORNIA v. CALIFORNIA PUBLIC UTILITIES COMMISSION ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 621 F. 3d 836.

No. 10–929. *DAUGAARD, GOVERNOR OF SOUTH DAKOTA, ET AL. v. YANKTON SIOUX TRIBE ET AL.*;

No. 10–931. *SOUTHERN MISSOURI RECYCLING AND WASTE MANAGEMENT DISTRICT v. YANKTON SIOUX TRIBE ET AL.*;

No. 10–932. *HEIN, STATE’S ATTORNEY, CHARLES MIX COUNTY, SOUTH DAKOTA, ET AL. v. YANKTON SIOUX TRIBE ET AL.*; and

No. 10–1058. *YANKTON SIOUX TRIBE ET AL. v. DAUGAARD, GOVERNOR OF SOUTH DAKOTA, ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 606 F. 3d 994.

No. 10–1044. *STRICKLAND ET AL. v. CITY OF SEATTLE, WASHINGTON*. C. A. 9th Cir. Certiorari denied. Reported below: 394 Fed. Appx. 407.

No. 10–1156. *BURDINE v. WEISS, DIRECTOR, ARKANSAS DEPARTMENT OF FINANCE AND ADMINISTRATION*. Sup. Ct. Ark. Certiorari denied. Reported below: 2010 Ark. 455, 379 S. W. 3d 476.

No. 10–1177. *WYETH LLC ET AL. v. SCOFIELD ET AL.* Sup. Ct. Nev. Certiorari denied. Reported below: 126 Nev. 446, 244 P. 3d 765.

No. 10–1226. *ANTONIO RODRIGUEZ v. FEDEX FREIGHT EAST, INC.* C. A. 6th Cir. Certiorari denied. Reported below: 403 Fed. Appx. 55.

No. 10–1254. *PARKER v. RICHMOND COUNTY BOARD OF EDUCATION*. C. A. 11th Cir. Certiorari denied. Reported below: 403 Fed. Appx. 477.

No. 10–1256. *CHAN v. LUND ET AL.* Ct. App. Cal., 6th App. Dist. Certiorari denied. Reported below: 188 Cal. App. 4th 1159, 116 Cal. Rptr. 3d 122.

No. 10–1263. *BRYSON v. OKLAHOMA CITY, OKLAHOMA, ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 627 F. 3d 784.

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No. 10–1270. *DOTCH v. ALABAMA*. Ct. Crim. App. Ala. Certiorari denied. Reported below: 67 So. 3d 936.

No. 10–1271. *COBLE v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied. Reported below: 330 S. W. 3d 253.

No. 10–1272. *TALLEY v. HOUSING AUTHORITY OF COLUMBUS, GEORGIA, ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 402 Fed. Appx. 463.

No. 10–1275. *CONSTANT v. CALIFORNIA EX REL. DEPARTMENT OF TRANSPORTATION*. Ct. App. Cal., 4th App. Dist., Div. 2. Certiorari denied.

No. 10–1277. *CAMPBELL v. KELLERMYER BUILDING SERVICES, LLC*. Super. Ct. Pa. Certiorari denied.

No. 10–1279. *FLINT v. KING, JUDGE, DISTRICT COURT OF KENTUCKY, JEFFERSON COUNTY*. C. A. 6th Cir. Certiorari denied.

No. 10–1280. *WIDTFELDT v. NEBRASKA EQUAL OPPORTUNITY COMMISSION ET AL.* Ct. App. Neb. Certiorari denied.

No. 10–1281. *LINDGREN v. GLACIAL PLAINS COOPERATIVE*. Ct. App. Minn. Certiorari denied.

No. 10–1288. *YILING ZHANG v. INLAND COUNTIES REGIONAL CENTER, INC.* Ct. App. Cal., 4th App. Dist., Div. 2. Certiorari denied.

No. 10–1355. *RACZ v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 10–1387. *DOUGLAS v. UNITED STATES*; and

No. 10–10483. *CAMPBELL v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 634 F. 3d 852.

No. 10–1392. *HAAGENSEN v. SUPREME COURT OF PENNSYLVANIA ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 390 Fed. Appx. 94.

No. 10–1398. *BUSSON-SOKOLIK ET AL. v. MILWAUKEE SCHOOL OF ENGINEERING*. C. A. 7th Cir. Certiorari denied. Reported below: 635 F. 3d 261.

No. 10–1400. *QANTAS AIRWAYS LIMITED v. UPS SUPPLY CHAIN SOLUTIONS, INC., FKA MENLO WORLDWIDE FORWARDING*,

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INC. C. A. 9th Cir. Certiorari denied. Reported below: 634 F. 3d 1023.

No. 10-1407. *MATTHIS v. CAIN, WARDEN*. C. A. 5th Cir. Certiorari denied. Reported below: 627 F. 3d 1001.

No. 10-1429. *WAMPLER ET AL. v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 624 F. 3d 1330.

No. 10-5289. *HUGHES v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 602 F. 3d 669.

No. 10-6048. *PARTEE ET AL. v. UNITED STATES*; and
No. 10-6076. *BUFFORD v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 373 Fed. Appx. 602.

No. 10-6106. *MEMBERS v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 376 Fed. Appx. 633.

No. 10-6217. *RAMOS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 376 Fed. Appx. 457.

No. 10-6440. *WARREN v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 383 Fed. Appx. 360.

No. 10-6654. *WOMACK v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 610 F. 3d 427.

No. 10-6658. *WISE v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 597 F. 3d 1141.

No. 10-6664. *DUNSON v. UNITED STATES* (Reported below: 603 F. 3d 1023); and *RICE v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 10-6667. *PETERSEN v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 383 Fed. Appx. 458.

No. 10-6832. *RUDD v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 10-6864. *WEEKES v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 611 F. 3d 68.

No. 10-6991. *MCCONNELL v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 605 F. 3d 822.

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No. 10–7164. *ETHINGOR v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 388 Fed. Appx. 858.

No. 10–7205. *GOOCH v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 10–7305. *ATKINS v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 379 Fed. Appx. 762.

No. 10–7332. *ASKEW v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 384 Fed. Appx. 504.

No. 10–7811. *PULLUM v. McDONALD, WARDEN*. C. A. 9th Cir. Certiorari denied. Reported below: 380 Fed. Appx. 663.

No. 10–7934. *STEPHENS v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 393 Fed. Appx. 340.

No. 10–7942. *KLUGE v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 614 F. 3d 852.

No. 10–8286. *DORITY v. ROY, WARDEN*. C. A. 5th Cir. Certiorari denied. Reported below: 402 Fed. Appx. 2.

No. 10–8354. *CLAY v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 622 F. 3d 892.

No. 10–8671. *SALGADO v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 398 Fed. Appx. 972.

No. 10–8734. *SANCHEZ-LEDEZMA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 630 F. 3d 447.

No. 10–8792. *SANCHEZ ARAGON v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 10–8846. *NOAH v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 401 Fed. Appx. 54.

No. 10–8926. *DUNSON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 10–9053. *SERRATO MANCERA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 401 Fed. Appx. 977.

No. 10–9085. *SPENCER v. ALABAMA*. Ct. Crim. App. Ala. Certiorari denied. Reported below: 58 So. 3d 215.

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No. 10–9399. *BEGAY v. UNITED STATES*; and
No. 10–9420. *WATCHMAN v. UNITED STATES*. C. A. 9th Cir.
Certiorari denied. Reported below: 622 F. 3d 1187.

No. 10–9514. *PANETTI v. TEXAS*. Ct. Crim. App. Tex. Cer-
tiorari denied. Reported below: 326 S. W. 3d 615.

No. 10–9516. *PETTUS v. UNITED STATES ET AL.* C. A. 10th
Cir. Certiorari denied.

No. 10–9617. *LUKASIEWICZ-KRUK v. GREENPOINT YMCA
ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 404
Fed. Appx. 519.

No. 10–10012. *SMITH v. CITY OF AIKEN, SOUTH CAROLINA,
PUBLIC WORKS ET AL.* C. A. 4th Cir. Certiorari denied. Re-
ported below: 409 Fed. Appx. 665.

No. 10–10013. *PARKS v. LOWE ET AL.* C. A. 4th Cir. Certiorari
denied. Reported below: 407 Fed. Appx. 643.

No. 10–10015. *MARCOS v. THALER, DIRECTOR, TEXAS DEPART-
MENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVI-
SION.* C. A. 5th Cir. Certiorari denied.

No. 10–10017. *ROUNDS v. CALIFORNIA DEPARTMENT OF COR-
RECTIONS.* C. A. 9th Cir. Certiorari denied.

No. 10–10018. *ISOM v. ARKANSAS* (two judgments). Sup. Ct.
Ark. Certiorari denied. Reported below: 2010 Ark. 496, 372
S. W. 3d 809 (first judgment); 2010 Ark. 495, 370 S. W. 3d 491
(second judgment).

No. 10–10020. *GARNETT v. NEVEN, WARDEN, ET AL.* C. A.
9th Cir. Certiorari denied. Reported below: 408 Fed. Appx. 47.

No. 10–10025. *SUTHERLIN v. OLIVER ET AL.* C. A. 6th Cir.
Certiorari denied.

No. 10–10026. *JONES v. TEXAS.* C. A. 5th Cir. Certiorari
denied.

No. 10–10028. *MONKRES v. CAMPBELL, WARDEN, ET AL.*
C. A. 9th Cir. Certiorari denied. Reported below: 408 Fed.
Appx. 101.

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No. 10–10031. *RANSTROM v. ELDRIDGE CONSTRUCTION, INC., ET AL.* Ct. App. Cal., 3d App. Dist. Certiorari denied.

No. 10–10032. *MOSBY v. FLORIDA.* Dist. Ct. App. Fla., 5th Dist. Certiorari denied. Reported below: 44 So. 3d 1187.

No. 10–10034. *CHRISTIAN v. FRANK BOMMARITO OLDSMOBILE, INC., DBA BOMMARITO INFINITY.* C. A. 8th Cir. Certiorari denied. Reported below: 403 Fed. Appx. 133.

No. 10–10035. *CARRODINE v. MCKEE, WARDEN.* C. A. 6th Cir. Certiorari denied.

No. 10–10036. *GEVARA, AKA GALEAS v. BENNETT ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 406 Fed. Appx. 704.

No. 10–10037. *GEVARA v. HUBBARD ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 408 Fed. Appx. 772.

No. 10–10038. *GEVARA, AKA GALEAS v. KELLER, SECRETARY, NORTH CAROLINA DEPARTMENT OF CORRECTION, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 408 Fed. Appx. 761.

No. 10–10040. *GONZALES v. ROMANOWSKI, WARDEN.* C. A. 6th Cir. Certiorari denied.

No. 10–10044. *HENDRICKS v. COHEN, WARDEN.* C. A. 4th Cir. Certiorari denied. Reported below: 378 Fed. Appx. 356.

No. 10–10045. *HENDRICKS v. WILSON, ATTORNEY GENERAL OF SOUTH CAROLINA, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 390 Fed. Appx. 282.

No. 10–10052. *SHELTON v. BANKS, WARDEN.* C. A. 5th Cir. Certiorari denied.

No. 10–10069. *JONES v. HARMON.* Ct. App. Mo., Eastern Dist. Certiorari denied. Reported below: 329 S. W. 3d 396.

No. 10–10070. *SCHMIDT v. WARWICK PUBLIC SCHOOL DISTRICT #29 ET AL.* Sup. Ct. N. D. Certiorari denied. Reported below: 795 N. W. 2d 37.

No. 10–10071. *ALLEN v. MASSACHUSETTS.* Super. Ct. Mass., Essex County. Certiorari denied.

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No. 10–10072. *ARFLACK v. HENDERSON COUNTY, KENTUCKY, ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 412 Fed. Appx. 829.

No. 10–10074. *MENCY v. SUPERIOR COURT OF CALIFORNIA, LOS ANGELES COUNTY, ET AL.* Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 10–10076. *LYNCH v. CALIFORNIA.* Sup. Ct. Cal. Certiorari denied.

No. 10–10077. *LAVERGNE v. CALIFORNIA.* Ct. App. Cal., 4th App. Dist., Div. 2. Certiorari denied.

No. 10–10085. *WILKERSON v. TENNESSEE.* Ct. Crim. App. Tenn. Certiorari denied.

No. 10–10087. *WILLIAMS v. SUMMIT COUNTY AUDITOR ET AL.* C. A. 6th Cir. Certiorari denied.

No. 10–10088. *WHITLEY v. TEXAS.* Ct. App. Tex., 13th Dist. Certiorari denied.

No. 10–10094. *BELL v. LOUISIANA.* Sup. Ct. La. Certiorari denied. Reported below: 53 So. 3d 437.

No. 10–10095. *FIGURA TORREFRANCA v. HORNE, ATTORNEY GENERAL OF ARIZONA, ET AL.; and FIGURA TORREFRANCA v. RYAN, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 10–10097. *YARBROUGH v. THALER, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION.* C. A. 5th Cir. Certiorari denied.

No. 10–10117. *SIMS v. DAVIS, WARDEN.* C. A. 6th Cir. Certiorari denied.

No. 10–10119. *ROEUTH v. FAYRAM, WARDEN.* C. A. 8th Cir. Certiorari denied.

No. 10–10151. *MCCARTNEY v. RYLAND ET AL.* Sup. Ct. La. Certiorari denied. Reported below: 60 So. 3d 1256.

No. 10–10208. *TENG VANG v. POLLARD, WARDEN.* C. A. 7th Cir. Certiorari denied.

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No. 10–10222. *ROBINSON v. UNITED STATES MARSHALS SERVICE ET AL.* C. A. D. C. Cir. Certiorari denied.

No. 10–10238. *ABRAMCZYK v. BERGHUIS, WARDEN.* C. A. 6th Cir. Certiorari denied.

No. 10–10248. *BURGIE v. HANNAH, CHIEF JUSTICE, SUPREME COURT OF ARKANSAS, ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 407 Fed. Appx. 84.

No. 10–10253. *SPENCER v. HARRY, WARDEN.* C. A. 6th Cir. Certiorari denied.

No. 10–10263. *SCHAROSCH v. PALMER, WARDEN.* C. A. 9th Cir. Certiorari denied.

No. 10–10268. *LAMB v. PALMER, WARDEN.* C. A. 6th Cir. Certiorari denied.

No. 10–10275. *PERRIDON v. ROE, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 408 Fed. Appx. 115.

No. 10–10298. *STEWART v. UTAH.* Ct. App. Utah. Certiorari denied.

No. 10–10335. *HITTSON v. HUMPHREY, WARDEN.* Super. Ct. Butts County, Ga. Certiorari denied.

No. 10–10361. *FRANZA v. WALSH, SUPERINTENDENT, SULLIVAN CORRECTIONAL FACILITY.* App. Div., Sup. Ct. N. Y., 3d Jud. Dept. Certiorari denied. Reported below: 76 App. Div. 3d 1160, 907 N. Y. S. 2d 725.

No. 10–10373. *BRATHWAITE v. PHELPS, WARDEN, ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 418 Fed. Appx. 142.

No. 10–10378. *LAKEY v. CATE, SECRETARY, CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION.* C. A. 9th Cir. Certiorari denied. Reported below: 633 F. 3d 782.

No. 10–10389. *AUSSICKER v. CURTIN, WARDEN.* C. A. 6th Cir. Certiorari denied.

No. 10–10420. *BENN v. UNITED STATES;* and

No. 10–10556. *GAINES v. UNITED STATES.* C. A. 11th Cir. Certiorari denied. Reported below: 414 Fed. Appx. 206.

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No. 10–10489. *KING v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 410 Fed. Appx. 757.

No. 10–10530. *MARTINEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 10–10538. *WHYTE v. WISCONSIN*. Ct. App. Wis. Certiorari denied. Reported below: 330 Wis. 2d 496, 792 N. W. 2d 239.

No. 10–10542. *JOHNSON v. UPTON, WARDEN*. C. A. 11th Cir. Certiorari denied. Reported below: 615 F. 3d 1318.

No. 10–10547. *DONOVAN v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 410 Fed. Appx. 979.

No. 10–10550. *VINCENT v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 10–10551. *CUMMINGS, AKA DAVILA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 10–10552. *ZHI YONG GUO v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 634 F. 3d 1119 and 422 Fed. Appx. 596.

No. 10–10554. *HAMPTON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 633 F. 3d 334.

No. 10–10555. *GARCIA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 412 Fed. Appx. 693.

No. 10–10557. *GONZALES v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 411 Fed. Appx. 751.

No. 10–10559. *HAWKINS v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 409 Fed. Appx. 507.

No. 10–10560. *GOINGS v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 407 Fed. Appx. 967.

No. 10–10561. *HATCHER v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 414 Fed. Appx. 944.

No. 10–10564. *HALSTEAD v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 634 F. 3d 270.

No. 10–10570. *PINEDA v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 411 Fed. Appx. 612.

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No. 10–10571. *DAVIS v. HOUSE OF REPRESENTATIVES, ELEANOR HOLMES NORTON’S OFFICE*. C. A. D. C. Cir. Certiorari denied. Reported below: 409 Fed. Appx. 355.

No. 10–10572. *CORONADO v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 429 Fed. Appx. 208.

No. 10–10574. *CHOWDHURY v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 639 F. 3d 583.

No. 10–10577. *PLACENCIA-MARQUEZ, AKA MORENO-MARQUEZ, AKA LOPES v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 412 Fed. Appx. 675.

No. 10–10578. *NUNEZ-LUNA, AKA NUNEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 417 Fed. Appx. 392.

No. 10–10579. *GOMEZ v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 10–10582. *TOCHOLKE v. WISCONSIN*. C. A. 7th Cir. Certiorari denied. Reported below: 413 Fed. Appx. 889.

No. 10–10584. *TURNER v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 10–10585. *BAUGUS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 10–10587. *ALBERTSON v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 645 F. 3d 191.

No. 10–10588. *FLORES-PRIETO v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 417 Fed. Appx. 393.

No. 10–10590. *RAMOS v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 629 F. 3d 60.

No. 10–10593. *GWATHNEY v. ZIEGLER, WARDEN*. C. A. 4th Cir. Certiorari denied. Reported below: 404 Fed. Appx. 733.

No. 10–10594. *HERNANDEZ v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 10–10595. *GELIN v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 419 Fed. Appx. 313.

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No. 10–10597. RAMOS GUIZAR *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 405 Fed. Appx. 98.

No. 10–10598. GRAZIANO *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 391 Fed. Appx. 965.

No. 10–10600. HARRIS *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 391 Fed. Appx. 740.

No. 10–10601. HINES *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 381 Fed. Appx. 306.

No. 10–10602. GAMBRELL *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied.

No. 10–10603. HARRIS *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 10–10609. WALKER *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 417 Fed. Appx. 384.

No. 10–10610. TAYLOR *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied.

No. 10–10613. LLAMAS-GONZALES *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 414 Fed. Appx. 936.

No. 10–10615. REYES-BUENO, AKA REYES *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 417 Fed. Appx. 391.

No. 10–10617. RANDOLPH *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 628 F. 3d 1022.

No. 10–10621. SANTANA MORRIS *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 406 Fed. Appx. 758.

No. 10–10628. COOPER *v.* UNITED STATES. Ct. App. D. C. Certiorari denied. Reported below: 12 A. 3d 1172.

No. 10–10635. CARTER *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 411 Fed. Appx. 375.

No. 10–10639. MAXWELL *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 415 Fed. Appx. 692.

No. 10–491. L–3 COMMUNICATIONS CORP. ET AL. *v.* HONEYWELL INTERNATIONAL INC. ET AL. C. A. Fed. Cir. Certiorari

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denied. JUSTICE KAGAN took no part in the consideration or decision of this petition. Reported below: 609 F. 3d 1292.

No. 10–1030. *DA SILVA NEVES v. HOLDER*, ATTORNEY GENERAL. C. A. 1st Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition. Reported below: 613 F. 3d 30.

No. 10–1059. *YANKTON SIOUX TRIBE ET AL. v. UNITED STATES ARMY CORPS OF ENGINEERS ET AL.* C. A. 8th Cir. Motion of Southern Missouri Recycling and Waste Management District for leave to file a brief as *amicus curiae* granted. Certiorari denied. Reported below: 606 F. 3d 895.

No. 10–1068. *ACORN ET AL. v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition. Reported below: 618 F. 3d 125.

No. 10–7085. *STROTHER v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition. Reported below: 384 Fed. Appx. 539.

No. 10–9360. *COMSTOCK ET AL. v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition. Reported below: 627 F. 3d 513.

No. 10–10068. *MCPHERRON v. DAILING ET AL.* C. A. 7th Cir. Certiorari before judgment denied.

No. 10–10133. *LEE v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition. Reported below: 631 F. 3d 1343.

No. 10–10481. *CHIN v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition. Reported below: 412 Fed. Appx. 628.

No. 10–10515. *REAP v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition. Reported below: 391 Fed. Appx. 99.

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No. 10–10643. *MCCALL v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition. Reported below: 419 Fed. Appx. 454.

Rehearing Denied

No. 10–941. *MASON v. THOMAS, INTERIM COMMISSIONER, ALABAMA DEPARTMENT OF CORRECTIONS*, 563 U.S. 960;

No. 10–1082. *HILL v. MUWWAKKIL*, 563 U.S. 937;

No. 10–8284. *EPPS v. UNITED STATES*, 562 U.S. 1241;

No. 10–8691. *DRIVER v. VIRGA, ACTING WARDEN, ET AL.*, 563 U.S. 909;

No. 10–8950. *HINCHLIFFE v. OPTION ONE MORTGAGE CORP.*, 562 U.S. 1299;

No. 10–9055. *COSCO v. LAMPERT, DIRECTOR, WYOMING DEPARTMENT OF CORRECTIONS, ET AL.*, 563 U.S. 910;

No. 10–9088. *BAKER v. HARDY, WARDEN*, 563 U.S. 923;

No. 10–9113. *ANTONUCCI v. UNITED STATES*, 563 U.S. 911;

No. 10–9117. *HUNT v. SMITH ET AL.*, 563 U.S. 963;

No. 10–9150. *MARTIN v. THALER, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*, 563 U.S. 964;

No. 10–9384. *SHABAZZ v. BUSS, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS*, 563 U.S. 948;

No. 10–9569. *HILL v. OHIO*, 563 U.S. 966; and

No. 10–9581. *FLUTE v. UNITED STATES*, 563 U.S. 953. Petitions for rehearing denied.

JUNE 21, 2011

Miscellaneous Orders

No. 10A1246. *MATHIS v. THALER, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. Application for stay of execution of sentence of death, presented to JUSTICE SCALIA, and by him referred to the Court, denied. Application for certificate of appealability, presented to JUSTICE SCALIA, and by him referred to the Court, denied.

No. 10–11102 (10A1247). *IN RE MATHIS*. Application for stay of execution of sentence of death, presented to JUSTICE SCALIA, and by him referred to the Court, denied. Petition for writ of habeas corpus denied.

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Certiorari Denied

No. 10–11101 (10A1245). *MATHIS v. THALER*, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Application for stay of execution of sentence of death, presented to JUSTICE SCALIA, and by him referred to the Court, denied. Certiorari denied.

JUNE 23, 2011

Certiorari Denied

No. 10–11194 (10A1268). *BLANKENSHIP v. OWENS*, COMMISSIONER, GEORGIA DEPARTMENT OF CORRECTIONS, ET AL. Super. Ct. Fulton County, Ga. Application for stay of execution of sentence of death, presented to JUSTICE THOMAS, and by him referred to the Court, denied. Certiorari denied.

No. 10–11195 (10A1269). *BLANKENSHIP v. HUMPHREY*, WARDEN. Super. Ct. Butts County, Ga. Application for stay of execution of sentence of death, presented to JUSTICE THOMAS, and by him referred to the Court, denied. Certiorari denied.

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Certiorari Granted—Vacated and Remanded. (See also No. 09–940, *ante*, p. 932.)

No. 10–82. *UNITED STATES v. GONZALEZ*. C. A. 9th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Davis v. United States*, *ante*, p. 229. JUSTICE KAGAN took no part in the consideration or decision of this motion and this petition. Reported below: 578 F. 3d 1130.

No. 10–1007. *KENTUCKY v. VELASQUEZ*. Ct. App. Ky. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Davis v. United States*, *ante*, p. 229.

No. 10–1087. *THOROGOOD ET AL. v. SEARS, ROEBUCK & CO.* C. A. 7th Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Smith v. Bayer Corp.*, *ante*, p. 299. Reported below: 624 F. 3d 842.

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No. 10–1091. COLORADO *v.* KEY. Ct. App. Colo. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Davis v. United States*, ante, p. 229.

Certiorari Dismissed

No. 10–10108. BURNETT *v.* SPERRY ET AL. C. A. 6th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court’s Rule 39.8.

No. 10–10158. WILLIAMS *v.* WRIGHT, JUDGE, UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF ARKANSAS, ET AL. C. A. 8th Cir.;

No. 10–10159. WILLIAMS *v.* JOHNSON ET AL. C. A. 8th Cir.; and

No. 10–10160. WILLIAMS *v.* CROUCH ET AL. C. A. 8th Cir. Motions of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court’s Rule 39.8. As petitioner has repeatedly abused this Court’s process, the Clerk is directed not to accept any further petitions in noncriminal matters from petitioner unless the docketing fee required by Rule 38(a) is paid and the petition is submitted in compliance with Rule 33.1. See *Martin v. District of Columbia Court of Appeals*, 506 U.S. 1 (1992) (*per curiam*).

No. 10–10181. MCCREARY *v.* WERTANEN ET AL. C. A. 6th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court’s Rule 39.8. As petitioner has repeatedly abused this Court’s process, the Clerk is directed not to accept any further petitions in 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*).

No. 10–10699. RAY *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. D–2598. IN RE DISCIPLINE OF BRYANT. Wayne R. Bryant, of Cherry Hill, N. J., is suspended from the practice of law in this Court, and a rule will issue, returnable within 40 days,

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

No. D-2599. *IN RE DISCIPLINE OF KING*. Paul H. King, of La Union, Philippines, 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-2600. *IN RE DISCIPLINE OF KING*. Philip M. King, of Mercer Island, Wash., 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-2601. *IN RE DISCIPLINE OF CRAMER*. Stephen D. Cramer, of Federal Way, Wash., 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-2602. *IN RE DISCIPLINE OF DROZ*. Paul C. Droz, of Mesquite, Nev., 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-2603. *IN RE DISCIPLINE OF LUONGO*. Michael R. Luongo, of Margale City, N. J., is suspended from the practice of law in this Court, and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. D-2604. *IN RE DISCIPLINE OF CHAMBERS*. William R. Chambers, of Scottsdale, Ariz., 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. 10M115. *CORSON v. MATTOX ET AL.* Motion for leave to proceed as a seaman denied.

No. 10M116. *VERDUGO v. UNITED STATES*. Motion for leave to file petition for writ of certiorari under seal granted.

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No. 10M117. SAVICH *v.* DOMRES; and

No. 10M118. PAYNE *v.* FISCHER, COMMISSIONER, NEW YORK DEPARTMENT OF CORRECTIONS, ET AL. Motions to direct the Clerk to file petitions for writs of certiorari out of time denied.

No. 10–768. AFTERMATH RECORDS, DBA AFTERMATH ENTERTAINMENT, ET AL. *v.* F. B. T. PRODUCTIONS, LLC, ET AL., 562 U.S. 1286. Motion of respondents for attorneys’ fees and expenses denied.

No. 10–10177. JONES *v.* MERCK & CO., INC. C. A. 5th Cir.; and

No. 10–10485. MATTHEWS *v.* SHINSEKI, SECRETARY OF VETERANS AFFAIRS. C. A. D. C. Cir. Motions of petitioners for leave to proceed *in forma pauperis* denied. Petitioners are allowed until July 18, 2011, 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. 10–10822. IN RE ISMAIL; and

No. 10–10843. IN RE HARMON. Petitions for writs of habeas corpus denied.

No. 10–10173. IN RE PARNELL. Petition for writ of mandamus denied.

No. 10–10138. IN RE ROSE. Petition for writ of mandamus and/or prohibition denied.

Certiorari Granted

No. 10–704. MESSERSCHMIDT ET AL. *v.* MILLENDER ET AL. C. A. 9th Cir. Certiorari granted. Reported below: 620 F. 3d 1016.

No. 10–844. CARACO PHARMACEUTICAL LABORATORIES, LTD., ET AL. *v.* NOVO NORDISK A/S ET AL. C. A. Fed. Cir. Certiorari granted. Reported below: 601 F. 3d 1359.

No. 10–1016. COLEMAN *v.* COURT OF APPEALS OF MARYLAND ET AL. C. A. 4th Cir. Certiorari granted. Reported below: 626 F. 3d 187.

No. 10–1121. KNOX ET AL. *v.* SERVICE EMPLOYEES INTERNATIONAL UNION, LOCAL 1000. C. A. 9th Cir. Certiorari granted. Reported below: 628 F. 3d 1115.

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No. 10–1195. *MIMS v. ARROW FINANCIAL SERVICES, LLC*. C. A. 11th Cir. Certiorari granted. Reported below: 421 Fed. Appx. 920.

No. 10–1219. *KAPPOS, UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND DIRECTOR, PATENT AND TRADE-MARK OFFICE v. HYATT*. C. A. Fed. Cir. Certiorari granted. Reported below: 625 F. 3d 1320.

No. 10–224. *NATIONAL MEAT ASSN. v. HARRIS, ATTORNEY GENERAL OF CALIFORNIA, ET AL.* C. A. 9th Cir. Motion of American Association of Swine Veterinarians et al. for leave to file a brief as *amici curiae* granted. Certiorari granted. Reported below: 599 F. 3d 1093.

No. 10–1259. *UNITED STATES v. JONES*. C. A. D. C. Cir. Certiorari granted. In addition to the question presented by the petition, the parties are directed to brief and argue the following question: “Whether the government violated respondent’s Fourth Amendment rights by installing the GPS tracking device on his vehicle without a valid warrant and without his consent.” Reported below: 615 F. 3d 544.

No. 10–1261. *CREDIT SUISSE SECURITIES (USA) LLC ET AL. v. SIMMONDS*. C. A. 9th Cir. Certiorari granted. THE CHIEF JUSTICE took no part in the consideration or decision of this petition. Reported below: 638 F. 3d 1072.

No. 10–1265. *MARTEL, WARDEN v. CLAIR*. C. A. 9th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari granted. Reported below: 403 Fed. Appx. 276.

No. 10–1293. *FEDERAL COMMUNICATIONS COMMISSION ET AL. v. FOX TELEVISION STATIONS, INC., ET AL.* (Reported below: 613 F. 3d 317); and *FEDERAL COMMUNICATIONS COMMISSION ET AL. v. ABC, INC., ET AL.* (404 Fed. Appx. 530). C. A. 2d Cir. Certiorari granted limited to the following question: “Whether the Federal Communications Commission’s current indecency-enforcement regime violates the First or Fifth Amendment to the United States Constitution.” JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition.

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Certiorari Denied

No. 09–1254. VON SAHER *v.* NORTON SIMON MUSEUM OF ART AT PASADENA ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 592 F. 3d 954.

No. 09–1313. SALEH ET AL. *v.* TITAN CORP. ET AL. C. A. D. C. Cir. Certiorari denied. Reported below: 580 F. 3d 1.

No. 10–330. BROWN, GOVERNOR OF CALIFORNIA, ET AL. *v.* RINCON BAND OF LUISENO MISSION INDIANS OF THE RINCON RESERVATION, AKA RINCON SAN LUISENO BAND OF MISSION INDIANS, AKA RINCON BAND OF LUISENO INDIANS. C. A. 9th Cir. Certiorari denied. Reported below: 602 F. 3d 1019.

No. 10–374. ZURESS *v.* DONLEY, SECRETARY OF THE AIR FORCE. C. A. 9th Cir. Certiorari denied. Reported below: 606 F. 3d 1249.

No. 10–638. WETHERILL *v.* MCHUGH, SECRETARY OF THE ARMY, ET AL. C. A. 8th Cir. Certiorari denied. Reported below: 616 F. 3d 789.

No. 10–735. PHILIP MORRIS USA INC. ET AL. *v.* JACKSON, INDIVIDUALLY AND ON BEHALF OF ALL OTHERS SIMILARLY SITUATED. Ct. App. La., 4th Cir. Certiorari denied. Reported below: 36 So. 3d 1046.

No. 10–786. KINGDOM OF SPAIN ET AL. *v.* ESTATE OF CASSIRER. C. A. 9th Cir. Certiorari denied. Reported below: 616 F. 3d 1019.

No. 10–827. UNITED STATES EX REL. SUMMERS *v.* LHC GROUP, INC. C. A. 6th Cir. Certiorari denied. Reported below: 623 F. 3d 287.

No. 10–885. WITT, ON BEHALF OF THE ESTATE OF WITT, DECEASED *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 379 Fed. Appx. 559.

No. 10–920. OCHOA *v.* HOLDER, ATTORNEY GENERAL. C. A. 8th Cir. Certiorari denied. Reported below: 604 F. 3d 546.

No. 10–940. GOR *v.* HOLDER, ATTORNEY GENERAL. C. A. 6th Cir. Certiorari denied. Reported below: 607 F. 3d 180.

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No. 10–1036. ZARNOW, INDEPENDENT ADMINISTRATRIX FOR THE ESTATE OF ZARNOW, DECEASED *v.* CITY OF WICHITA FALLS, TEXAS, ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 614 F. 3d 161.

No. 10–1084. FERGUSON *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 385 Fed. Appx. 518.

No. 10–1093. SMITH ET UX. *v.* GEORGIA. Sup. Ct. Ga. Certiorari denied. Reported below: 288 Ga. 348, 703 S. E. 2d 629.

No. 10–1102. ROSARIO *v.* HOLDER, ATTORNEY GENERAL. C. A. 2d Cir. Certiorari denied. Reported below: 627 F. 3d 58.

No. 10–1158. NETTLES *v.* CITY OF LEESBURG, FLORIDA, ET AL. C. A. 11th Cir. Certiorari denied. Reported below: 415 Fed. Appx. 116.

No. 10–1166. GROSE, FKA HARRINGTON *v.* CORRECTIONAL MEDICAL SERVICES, INC., ET AL. C. A. 6th Cir. Certiorari denied. Reported below: 400 Fed. Appx. 986.

No. 10–1171. THOMAS *v.* LOUISIANA DEPARTMENT OF SOCIAL SERVICES. C. A. 5th Cir. Certiorari denied. Reported below: 406 Fed. Appx. 890.

No. 10–1185. LIGON *v.* LAHOOD, SECRETARY OF TRANSPORTATION. C. A. 5th Cir. Certiorari denied. Reported below: 614 F. 3d 150.

No. 10–1299. MILLER *v.* PRAXAIR, INC., ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 408 Fed. Appx. 408.

No. 10–1301. BASS *v.* NEVADA. Sup. Ct. Nev. Certiorari denied. Reported below: 126 Nev. 693.

No. 10–1305. EVANS-MARSHALL *v.* BOARD OF EDUCATION OF THE TIPP CITY EXEMPTED VILLAGE SCHOOL DISTRICT ET AL. C. A. 6th Cir. Certiorari denied. Reported below: 624 F. 3d 332.

No. 10–1306. COX *v.* MISSOURI. Ct. App. Mo., Western Dist. Certiorari denied. Reported below: 328 S. W. 3d 358.

No. 10–1308. JAEGER *v.* CELLCO PARTNERSHIP, DBA VERIZON WIRELESS, ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 402 Fed. Appx. 645.

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No. 10–1311. *BLUE BELL CREAMERIES, LP v. ROBERTS, COMMISSIONER, TENNESSEE DEPARTMENT OF REVENUE*. Sup. Ct. Tenn. Certiorari denied. Reported below: 333 S. W. 3d 59.

No. 10–1313. *CLELLAN v. OHIO*. Ct. App. Ohio, Franklin County. Certiorari denied. Reported below: 2010-Ohio-3841.

No. 10–1317. *MILES CHRISTI RELIGIOUS ORDER ET AL. v. TOWNSHIP OF NORTHVILLE, MICHIGAN, ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 629 F. 3d 533.

No. 10–1319. *JAKUBOWSKI v. CHRIST HOSPITAL, INC., ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 627 F. 3d 195.

No. 10–1321. *REYNOLDS v. HOLDER, ATTORNEY GENERAL*. C. A. 2d Cir. Certiorari denied. Reported below: 391 Fed. Appx. 45.

No. 10–1330. *JONES v. UNITED STATES ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 625 F. 3d 827.

No. 10–1381. *SACKS v. SACKS ET AL.* Dist. Ct. App. Fla., 5th Dist. Certiorari denied. Reported below: 56 So. 3d 23.

No. 10–1397. *COX v. DESOTO COUNTY, MISSISSIPPI*. C. A. 5th Cir. Certiorari denied. Reported below: 407 Fed. Appx. 848.

No. 10–1406. *LEITCH v. MERKLEY*. Ct. App. Ore. Certiorari denied. Reported below: 238 Ore. App. 580, 245 P. 3d 183.

No. 10–1419. *PULLINS v. DISCIPLINARY COUNSEL*. Sup. Ct. Ohio. Certiorari denied. Reported below: 127 Ohio St. 3d 436, 940 N. E. 2d 952.

No. 10–7013. *LITTLEJOHN v. WISCONSIN*. Sup. Ct. Wis. Certiorari denied. Reported below: 327 Wis. 2d 107, 786 N. W. 2d 123.

No. 10–7057. *DEARBORN v. WISCONSIN*. Sup. Ct. Wis. Certiorari denied. Reported below: 327 Wis. 2d 252, 786 N. W. 2d 97.

No. 10–8321. *MELTON v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 391 Fed. Appx. 799.

No. 10–8434. *DAVIS v. HOBBS, DIRECTOR, ARKANSAS DEPARTMENT OF CORRECTION, ET AL.* C. A. 8th Cir. Certiorari denied.

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No. 10–8448. *BOWES v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

No. 10–8800. *VOGT v. NORTH CAROLINA*. Sup. Ct. N. C. Certiorari denied. Reported below: 364 N. C. 425, 700 S. E. 2d 224.

No. 10–8876. *JAUHARI v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 394 Fed. Appx. 986.

No. 10–8969. *WILSON v. UNITED STATES*; and
No. 10–9194. *HEINRICH v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 408 Fed. Appx. 798.

No. 10–9090. *PAYNE v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 403 Fed. Appx. 823.

No. 10–9299. *ARZOLA v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 361 Fed. Appx. 309.

No. 10–9620. *FARMER v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 627 F. 3d 416.

No. 10–9651. *ABU-JIHAAD, AKA HALL v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 630 F. 3d 102.

No. 10–9727. *HODGE v. OHIO*. Sup. Ct. Ohio. Certiorari denied. Reported below: 128 Ohio St. 3d 1, 941 N. E. 2d 768.

No. 10–9873. *STROMAN v. THALER, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied. Reported below: 405 Fed. Appx. 933.

No. 10–10055. *LAWLER ET AL. v. UNITED STATES*. Ct. App. D. C. Certiorari denied. Reported below: 10 A. 3d 122.

No. 10–10080. *RIOS v. UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA*. C. A. 4th Cir. Certiorari denied. Reported below: 389 Fed. Appx. 216.

No. 10–10091. *HERNANDEZ v. NEOTTI, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 407 Fed. Appx. 256.

No. 10–10100. *MCCALLEY v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied.

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No. 10–10101. *McKAUGHAN v. TENNESSEE*. Ct. Crim. App. Tenn. Certiorari denied.

No. 10–10102. *PERKINS v. ILLINOIS*. App. Ct. Ill., 2d Dist. Certiorari denied. Reported below: 398 Ill. App. 3d 1103, 988 N. E. 2d 1124.

No. 10–10109. *MCNEAL v. ADAMS, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 623 F. 3d 1283.

No. 10–10110. *MCCUNE v. MCCUNE*. Ct. App. Ariz. Certiorari denied.

No. 10–10111. *TUCKER v. LACLAIRE, WARDEN*. C. A. 2d Cir. Certiorari denied.

No. 10–10112. *WADE v. GEORGIA*. Ct. App. Ga. Certiorari denied. Reported below: 305 Ga. App. 382, 700 S. E. 2d 827.

No. 10–10121. *SALINAS v. THALER, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 10–10122. *RAMIREZ v. TEXAS*. Ct. App. Tex., 1st Dist. Certiorari denied.

No. 10–10124. *ROCHA v. COFFEE CREEK CORRECTIONAL FACILITY ADMINISTRATION ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 408 Fed. Appx. 141.

No. 10–10125. *ROBINSON v. HOUSTON ET AL.* C. A. 1st Cir. Certiorari denied.

No. 10–10137. *REID v. OHIO*. Ct. App. Ohio, Montgomery County. Certiorari denied. Reported below: 2010-Ohio-1686.

No. 10–10142. *ROSE v. UTAH ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 399 Fed. Appx. 430.

No. 10–10143. *RHODES v. KNOWLES, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 10–10147. *CROCK v. PENNSYLVANIA*. Super. Ct. Pa. Certiorari denied. Reported below: 996 A. 2d 539.

No. 10–10153. *WILLIAMS v. MARTEL, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 399 Fed. Appx. 285.

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No. 10–10155. *BOOK v. MENDOZA ET AL.* C. A. 2d Cir. Certiorari denied.

No. 10–10162. *ANDREWS v. MISSOURI.* Sup. Ct. Mo. Certiorari denied. Reported below: 329 S. W. 3d 369.

No. 10–10164. *BROWN, INDIVIDUALLY AND AS STATUTORY HEIR AND WRONGFUL DEATH BENEFICIARY OF BROWN ET AL., DECEASED v. ILLINOIS CENTRAL RAILROAD CO., INC., AKA CANADIAN NATIONAL RAILROAD, ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 480 Fed. Appx. 753.

No. 10–10167. *WHITLOW ET UX. v. PORRAS CUBILLO.* Sup. Ct. Va. Certiorari denied.

No. 10–10170. *CHEESEMAN v. GARRISON ET AL.* C. A. 9th Cir. Certiorari denied.

No. 10–10175. *OLIVO v. TEXAS.* Ct. Crim. App. Tex. Certiorari denied.

No. 10–10178. *JOHNSON v. TEXAS.* Ct. App. Tex., 3d Dist. Certiorari denied.

No. 10–10182. *MCCREARY v. GRANHOLM ET AL.* C. A. 6th Cir. Certiorari denied.

No. 10–10186. *JAMES v. REDNOUR.* Sup. Ct. Ill. Certiorari denied.

No. 10–10187. *WILLIAMS v. HOOKS, WARDEN.* C. A. 11th Cir. Certiorari denied. Reported below: 408 Fed. Appx. 307.

No. 10–10191. *OYENIK v. SCHAFF ET AL.* C. A. 9th Cir. Certiorari denied.

No. 10–10193. *MARTINEZ v. TEXAS.* Ct. Crim. App. Tex. Certiorari denied. Reported below: 330 S. W. 3d 891.

No. 10–10199. *DUELL v. CONWAY, SUPERINTENDENT, ATTICA CORRECTIONAL FACILITY.* C. A. 2d Cir. Certiorari denied.

No. 10–10201. *RUSSELL v. CALIFORNIA.* Sup. Ct. Cal. Certiorari denied. Reported below: 50 Cal. 4th 1228, 242 P. 3d 68.

No. 10–10204. *ST. JOHN v. HOLDER, ATTORNEY GENERAL, ET AL.* C. A. 2d Cir. Certiorari denied.

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No. 10–10205. *DENNIS v. CITY OF NORTH MIAMI, FLORIDA, ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 405 Fed. Appx. 397.

No. 10–10209. *WILLIAMS v. PRUDDEN, WARDEN.* C. A. 8th Cir. Certiorari denied.

No. 10–10211. *MCCARTHY v. SCOFIELD ET AL.* Ct. App. Mich. Certiorari denied.

No. 10–10228. *BRESTLE v. UNITED STATES.* C. A. 11th Cir. Certiorari denied. Reported below: 414 Fed. Appx. 260.

No. 10–10245. *BRADLEY v. TERRELL, WARDEN.* C. A. 5th Cir. Certiorari denied.

No. 10–10291. *HATTON v. VIRGINIA EMPLOYMENT COMMISSION ET AL.* Sup. Ct. Va. Certiorari denied.

No. 10–10306. *KING v. SHERRY, WARDEN.* C. A. 6th Cir. Certiorari denied.

No. 10–10328. *POWELL v. CALIFORNIA ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 408 Fed. Appx. 96.

No. 10–10365. *GRAY v. COX ET AL.* C. A. 9th Cir. Certiorari denied.

No. 10–10385. *BEAN v. ILLINOIS.* App. Ct. Ill., 5th Dist. Certiorari denied. Reported below: 402 Ill. App. 3d 1211, 1 N. E. 3d 130.

No. 10–10424. *WILLARD v. HICKSON, WARDEN, ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 407 Fed. Appx. 288.

No. 10–10461. *JARVIS v. ENTERPRISE FLEET SERVICES & LEASING Co.* C. A. 4th Cir. Certiorari denied. Reported below: 408 Fed. Appx. 668.

No. 10–10535. *BAHENA v. CALIFORNIA.* Ct. App. Cal., 4th App. Dist., Div. 3. Certiorari denied.

No. 10–10540. *WATSON v. CLARKE, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS.* C. A. 4th Cir. Certiorari denied. Reported below: 411 Fed. Appx. 629.

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No. 10–10567. *SAWYER v. STEWARD, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 10–10614. *SUMPTER v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 422 Fed. Appx. 235.

No. 10–10618. *SMEAD v. OHIO*. Ct. App. Ohio, Summit County. Certiorari denied. Reported below: 2010-Ohio-4462.

No. 10–10622. *DADI ET VIR v. DANZIG, TRUSTEE*. App. Ct. Conn. Certiorari denied. Reported below: 125 Conn. App. 254, 11 A. 3d 153.

No. 10–10634. *CANNON v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 10–10645. *BROOKS v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 628 F. 3d 791.

No. 10–10653. *JOHNSON v. UNITED STATES PAROLE COMMISSION*. C. A. 8th Cir. Certiorari denied. Reported below: 411 Fed. Appx. 936.

No. 10–10654. *KELLER v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 395 Fed. Appx. 912.

No. 10–10657. *DANIELS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 413 Fed. Appx. 676.

No. 10–10658. *CHANDLER v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 395 Fed. Appx. 908.

No. 10–10660. *COCKERHAM v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 397 Fed. Appx. 944.

No. 10–10661. *DELGADO v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 10–10663. *MENDOZA-MENDOZA v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 413 Fed. Appx. 600.

No. 10–10664. *BAHENA-BAHENA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 412 Fed. Appx. 727.

No. 10–10665. *BRISENO-MARIN, AKA LOPEZ-LOPEZ, AKA MARIN-HERNANDEZ v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 414 Fed. Appx. 947.

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No. 10–10667. *BETEMIT v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 403 Fed. Appx. 787.

No. 10–10669. *SCHUETT v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 415 Fed. Appx. 792.

No. 10–10671. *MCDONALD v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 10–10680. *PIERCE v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 403 Fed. Appx. 988.

No. 10–10685. *ARNOLD v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 10–10687. *VAUGHT v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 405 Fed. Appx. 832.

No. 10–10708. *WADDELL v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 412 Fed. Appx. 577.

No. 10–10739. *POLLARD v. YOST, WARDEN*. C. A. 3d Cir. Certiorari denied. Reported below: 406 Fed. Appx. 635.

No. 10–10746. *ACREY v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 413 Fed. Appx. 722.

No. 10–10759. *GLADNEY v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 573 F. 3d 1011.

No. 10–10764. *SMITH v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 415 Fed. Appx. 826.

No. 10–10766. *DUCKETT v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 406 Fed. Appx. 185.

No. 10–10769. *MCCUTCHEN v. UNITED STATES*. Ct. App. D. C. Certiorari denied. Reported below: 10 A. 3d 1158.

No. 10–10771. *AGUIRRE v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 420 Fed. Appx. 678.

No. 10–10772. *BLOOD v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 10–10773. *AGUILAR-ARRAIZA v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 415 Fed. Appx. 182.

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No. 10–537. *OSAGE NATION v. IRBY, SECRETARY-MEMBER, OKLAHOMA TAX COMMISSION, ET AL.* C. A. 10th Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition. Reported below: 597 F. 3d 1117.

No. 10–627. *CITY OF NEW YORK, NEW YORK v. PERMANENT MISSION OF INDIA TO THE UNITED NATIONS ET AL.* C. A. 2d Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition. Reported below: 618 F. 3d 172.

No. 10–1049. *LARSON ET AL. v. UNITED STATES*; and

No. 10–1061. *RUBLE v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of these petitions. Reported below: 407 Fed. Appx. 506.

No. 10–1147. *WHITE & CASE LLP v. UNITED STATES*; and

No. 10–1176. *NOSSAMAN LLP ET AL. v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. JUSTICE ALITO and JUSTICE KAGAN took no part in the consideration or decision of these petitions. Reported below: 627 F. 3d 1143.

No. 10–1173. *SERGEANTS BENEVOLENT ASSOCIATION HEALTH AND WELFARE FUND, ON BEHALF OF THEMSELVES AND ALL OTHERS SIMILARLY SITUATED, ET AL. v. ELI LILLY & CO.* C. A. 2d Cir. Certiorari denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition. Reported below: 620 F. 3d 121.

No. 10–1218. *SIMMONDS v. CREDIT SUISSE SECURITIES (USA) LLC ET AL.* C. A. 9th Cir. Certiorari denied. THE CHIEF JUSTICE took no part in the consideration or decision of this petition. Reported below: 638 F. 3d 1072.

No. 10–1249. *TROPP v. CORPORATION OF LLOYD’S.* C. A. 2d Cir. Certiorari denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition. Reported below: 385 Fed. Appx. 36.

No. 10–1302. *PUIATTI v. BUSS, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS.* C. A. 11th Cir. Motions of Center for Constitutional Rights et al. and Florida Capital Resource Center for leave to file briefs as *amici curiae* granted. Certiorari denied. Reported below: 626 F. 3d 1283.

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No. 10–1303. HEYDT-BENJAMIN *v.* HEYDT-BENJAMIN. C. A. 2d Cir. Motion of Professor Linda D. Elrod et al. for leave to file a brief as *amici curiae* granted. Certiorari denied. Reported below: 404 Fed. Appx. 527.

No. 10–8373. DERBY *v.* UNITED STATES. C. A. 9th Cir.;
No. 10–8607. JOHNSON *v.* UNITED STATES. C. A. 2d Cir.;
No. 10–8768. SCHMIDT *v.* UNITED STATES. C. A. 5th Cir.; and
No. 10–8885. TURNER *v.* UNITED STATES. C. A. 4th Cir.
Certiorari denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of No. 10–8607. Reported below: No. 10–8373, 400 Fed. Appx. 162; No. 10–8607, 616 F. 3d 85; No. 10–8768, 623 F. 3d 257; and No. 10–8885, 402 Fed. Appx. 747.

JUSTICE SCALIA, dissenting.

Before us are petitions for certiorari by criminal defendants asking us to decide whether four more of the “vast variety of . . . criminal offenses” that we have not yet addressed, see *Sykes v. United States*, ante, at 29–31, 33 (SCALIA, J., dissenting), are crimes of violence under the residual provision of the Armed Career Criminal Act (ACCA). See 18 U.S.C. § 924(e)(2)(B)(ii). They are:

- *Derby v. United States*, No. 10–8373. Relying on its decision in *United States v. Mayer*, 560 F. 3d 948 (2009), the Ninth Circuit held that Oregon’s first-degree burglary statute, Ore. Rev. Stat. § 164.225 (2009), falls within ACCA’s residual provision. In *Mayer*, the Ninth Circuit conceded that Oregon’s statute does not qualify as the enumerated offense of generic “burglary” under ACCA because it applies to unlawful entries into “booths, vehicles, boats, and aircraft,” 560 F. 3d, at 959, and not just buildings and structures. See *Taylor v. United States*, 495 U.S. 575, 598 (1990). Nevertheless, it held that Oregon’s statute falls within the residual provision, because burglaries under that statute lead to a “risk of a physical confrontation.” 560 F. 3d, at 962; but see *id.*, at 952 (Kozinski, C. J., dissenting from denial of rehearing en banc) (noting that “Oregon prosecutes as burglars people who pose *no* risk of injury to anyone,” such as an individual who “enter[ed] public telephone booths to steal change from coin boxes”).
- *Johnson v. United States*, No. 10–8607. The Second Circuit, over a dissent, held that the Connecticut offense of “rioting

at a correctional institution,” Conn. Gen. Stat. §53a-179b(a) (2011), which punishes a defendant who “incites, instigates, organizes, connives at, causes, aids, abets, assists or takes part in any disorder, disturbance, strike, riot or other organized disobedience to the rules and regulations of [a correctional] institution,” falls within ACCA’s residual provision. In response to the defendant’s argument that the statute punishes activities such as “‘inciting or participating in a hunger strike’” or “‘refusal to work at a prison job,’” the court reasoned that even “hypothetical acts of ‘passive disobedience’ . . . involve deliberate and purposeful conduct.” 616 F. 3d 85, 90 (2010). It also held that such activities were risky because “prisons are like powder kegs, where even the slightest disturbance can have explosive consequences.” *Id.*, at 94.

- *Schmidt v. United States*, No. 10–8768. The Fifth Circuit held that the federal offense of theft of a firearm from a licensed dealer, 18 U.S.C. §922(u), falls within ACCA’s residual provision. It held that this offense is “inherently dangerous” because it involves “stealing from a person who probably either possesses or has easy access to firearms,” and because “stolen firearms are more likely to be used in connection with illegal and inherently harmful activities than are lawfully possessed guns.” 623 F. 3d 257, 264 (2010).
- *Turner v. United States*, No. 10–8885. Relying on its decision in *United States v. Jarmon*, 596 F. 3d 228 (2010), the Fourth Circuit held that ACCA’s residual provision covers the Virginia offense of larceny from the person, Va. Code Ann. §18.2-95(i) (Lexis 2009), defined as theft of over \$5 in money or goods from another person—in other words, pickpocketing. In *Jarmon*, the court justified its apparent view that Oliver Twist was a violent felon by noting that larceny “requires the offender to make purposeful, aggressive moves to part the victim from his or her property, creating a . . . risk of violent confrontation” similar to the risk of violent confrontation during burglaries. 596 F. 3d, at 232.

How we would resolve these cases if we granted certiorari would be a fine subject for a law-office betting pool. No one knows for sure. Certainly our most recent decision interpreting

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ACCA's residual clause, *Sykes v. United States*, *ante*, p. 1, would be of no help. The "rule" we announced there, as far as I can tell, is as follows: A court must compare the degree of risk of the crime in question with the degree of risk of ACCA's enumerated offenses (burglary, extortion, arson, and crimes involving the use of explosives) as a "beginning point," *ante*, at 9; look at the statistical record, which is not "dispositive" but sometimes confirms "commonsense conclusion[s]," *ante*, at 10; and check whether the crime is "purposeful, violent, and aggressive," unless of course the crime is among the unspecified "many cases" in which that test is "redundant with the inquiry into risk," *ante*, at 13. And of course given our track record of adding a new animal to our bestiary of ACCA residual-clause standards in each of the four successive cases we have thus far decided, see *ante*, at 29–31 (SCALIA, J., dissenting), who knows what new beasties our fifth, sixth, seventh, and eighth tries would produce? Surely a perfectly fair wager.

If it is uncertain how this Court will apply *Sykes* and the rest of our ACCA cases going forward, it is even more uncertain how our lower-court colleagues will deal with them. Conceivably, they will simply throw the opinions into the air in frustration, and give free rein to their own feelings as to what offenses should be considered crimes of violence—which, to tell the truth, seems to be what we have done. (Before throwing the opinions into the air, however, they should check whether littering—or littering in a purposeful, violent, and aggressive fashion—is a felony in their jurisdiction. If so, it may be a violent felony under ACCA; or perhaps not.)

Since our ACCA cases are incomprehensible to judges, the statute obviously does not give "person[s] of ordinary intelligence fair notice" of its reach. *United States v. Batchelder*, 442 U.S. 114, 123 (1979) (internal quotation marks omitted). I would grant certiorari, declare ACCA's residual provision to be unconstitutionally vague, and ring down the curtain on the ACCA farce playing in federal courts throughout the Nation.

Rehearing Denied

No. 09–10053. MITCHELL *v.* UNITED STATES, 561 U.S. 1028;
No. 10–1098. THREATT *v.* DONOVAN, SECRETARY OF HOUSING
AND URBAN DEVELOPMENT, 563 U.S. 938;

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No. 10–9000. *LEWIS v. RICCI*, ADMINISTRATOR, NEW JERSEY STATE PRISON, ET AL., 563 U. S. 943;

No. 10–9032. *GUYTON v. HUNT*, 563 U. S. 944;

No. 10–9061. *LEE v. FEDERAL EMERGENCY MANAGEMENT AGENCY ET AL.*, 563 U. S. 923;

No. 10–9252. *TAFARI v. WEINSTOCK ET AL.*, 563 U. S. 977;

No. 10–9277. *HAMMER v. FOREST HIGHLANDS COMMUNITY ASSN.*, 563 U. S. 978;

No. 10–9486. *PONTON v. AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, AFL–CIO, ET AL.*, 563 U. S. 995; and

No. 10–9896. *NORWOOD v. BOARD OF TRUSTEES OF UNIVERSITY OF ARKANSAS AT LITTLE ROCK*, 563 U. S. 1012. Petitions for rehearing denied.

No. 10–9732. *HAQUE v. IMMIGRATION AND CUSTOMS ENFORCEMENT ET AL.*, 563 U. S. 1017; and

No. 10–9737. *HAQUE v. DEPARTMENT OF HOMELAND SECURITY ET AL.*, 563 U. S. 1017. Petitions for rehearing denied. JUSTICE KAGAN took no part in the consideration or decision of these petitions.

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Certiorari Granted—Vacated and Remanded

No. 09–1395. *BEER ET AL. v. UNITED STATES*. C. A. Fed. Cir. Certiorari granted, judgment vacated, and case remanded for consideration of the question of preclusion raised by the Acting Solicitor General in his brief for the United States filed July 26, 2010. The Court considers it important that there be a decision on the question, rather than that an answer be deemed unnecessary in light of prior precedent on the merits. Further proceedings after decision of the preclusion question are for the Court of Appeals to determine in the first instance. JUSTICE BREYER would grant the petition for writ of certiorari and set the case for argument. Reported below: 361 Fed. Appx. 150.

JUSTICE SCALIA, dissenting.

It has been my consistent view, not always shared by the Court, that “we have no power to set aside the duly recorded judgments of lower courts unless we find them to be in error, or unless they are cast in doubt by a factor arising after they were rendered.”

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Webster v. Cooper, 558 U.S. 1039, 1041–1042 (2009) (dissenting opinion). Today’s vacatur resembles that in *Youngblood v. West Virginia*, 547 U.S. 867 (2006) (*per curiam*), from which I dissented, *id.*, at 870. I would grant the petition and set the case for argument.

No. 10–113. *RIVERA-MARTINEZ v. UNITED STATES*. C. A. 1st Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Freeman v. United States*, *ante*, p. 522. Reported below: 607 F. 3d 283.

No. 10–250. *DOW CHEMICAL CANADA ULC v. FANDINO ET AL.* Ct. App. Cal., 2d App. Dist. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *J. McIntyre Machinery, Ltd. v. Nicastro*, *ante*, p. 873.

No. 10–984. *IMS HEALTH INC. ET AL. v. SCHNEIDER, ATTORNEY GENERAL OF MAINE*. C. A. 1st Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Sorrell v. IMS Health Inc.*, *ante*, p. 552. Reported below: 616 F. 3d 7.

No. 10–5479. *BARBA v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist.; and

No. 10–6278. *DILBOY v. NEW HAMPSHIRE*. Sup. Ct. N. H. Reported below: 160 N. H. 135, 999 A. 2d 1092. Motions of petitioners for leave to proceed *in forma pauperis* granted. Certiorari granted, judgments vacated, and cases remanded for further consideration in light of *Bullcoming v. New Mexico*, *ante*, p. 647.

No. 10–6258. *CARRIGAN v. UNITED STATES*. C. A. 3d Cir.;

No. 10–7139. *CEPEDA v. UNITED STATES*. C. A. 1st Cir.; and

No. 10–7565. *SYLVESTER v. UNITED STATES*. C. A. 3d Cir. Reported below: 391 Fed. Appx. 205. Motions of petitioners for leave to proceed *in forma pauperis* granted. Certiorari granted, judgments vacated, and cases remanded for further consideration in light of *Freeman v. United States*, *ante*, p. 522.

Certiorari Granted—Remanded

No. 09–10246. *GOINS v. UNITED STATES*. C. A. 6th Cir. Motion of petitioner for leave to proceed *in forma pauperis* granted. The Court reversed the judgment below in *Freeman v. United States*, *ante*, p. 522. Therefore, certiorari granted, and case re-

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manded for further proceedings. Reported below: 355 Fed. Appx. 1.

Certiorari Granted

No. 10–1062. *SACKETT ET VIR v. ENVIRONMENTAL PROTECTION AGENCY ET AL.* C. A. 9th Cir. Certiorari granted limited to the following questions: (1) May petitioners seek pre-enforcement judicial review of the administrative compliance order pursuant to the Administrative Procedure Act, 5 U. S. § 704? (2) If not, does petitioners' inability to seek pre-enforcement judicial review of the administrative compliance order violate their rights under the Due Process Clause? Reported below: 622 F. 3d 1139.

No. 10–8505. *WILLIAMS v. ILLINOIS.* Sup. Ct. Ill. Motion of petitioner for leave to proceed *in forma pauperis* granted. Certiorari granted. Reported below: 238 Ill. 2d 125, 939 N. E. 2d 268.

Certiorari Denied

No. 09–10755. *SMITH v. FLORIDA.* Sup. Ct. Fla. Certiorari denied. Reported below: 28 So. 3d 838.

No. 10–56. *REINAUER TRANSPORTATION COS., LLC, ET AL. v. BROWN.* App. Div., Sup. Ct. N. Y., 3d Jud. Dept. Certiorari denied. Reported below: 67 App. Div. 3d 106, 886 N. Y. S. 2d 769.

No. 10–75. *CONSOLIDATED RAIL CORPORATION v. BATTAGLIA.* Ct. App. Ohio, Lucas County. Certiorari denied. Reported below: 2009-Ohio-5505.

No. 10–795. *GREEN PARTY OF CONNECTICUT ET AL. v. LENGE ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 616 F. 3d 213.

No. 10–966. *CLEMENS v. MCNAMEE.* C. A. 5th Cir. Certiorari denied. Reported below: 615 F. 3d 374.

No. 10–1004. *PIRELLI PNEUS LTDA v. GUNN, INDIVIDUALLY AND AS GUARDIAN OF GUNN, AN INCAPACITATED PERSON.* Dist. Ct. App. Fla., 2d Dist. Certiorari denied. Reported below: 64 So. 3d 1272.

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No. 10–1012. *DUCASSE v. MAINE*. Sup. Jud. Ct. Me. Certiorari denied. Reported below: 8 A. 3d 1252.

No. 10–1019. *ABBY PRODUCTION, LLC v. NUANCE COMMUNICATIONS, INC.* C. A. Fed. Cir. Certiorari denied. Reported below: 626 F. 3d 1222.

No. 10–6865. *AGUILAR v. VIRGINIA*. Sup. Ct. Va. Certiorari denied. Reported below: 280 Va. 322, 699 S. E. 2d 215.

No. 10–8337. *WILLIAMS v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 397 Fed. Appx. 779.

No. 10–617. *ROBERTS v. KAUFFMAN RACING EQUIPMENT, L. L. C.* Sup. Ct. Ohio. Motion of Center for Democracy & Technology for leave to file a brief as *amicus curiae* granted. Certiorari denied. Reported below: 126 Ohio St. 3d 81, 930 N. E. 2d 784.

No. 10–925. *GRAND TRUNK WESTERN RAILROAD, INC. v. SHEPARD*. Ct. App. Ohio, Cuyahoga County. Motion of Association of American Railroads for leave to file a brief as *amicus curiae* granted. Certiorari denied. Reported below: 2010-Ohio-1853.

JUNE 29, 2011

Dismissal Under Rule 46

No. 10–1310. *NOREX PETROLEUM LTD. v. ACCESS INDUSTRIES, INC., ET AL.* C. A. 2d Cir. Certiorari dismissed under this Court's Rule 46.1. Reported below: 631 F. 3d 29.

Certiorari Denied

No. 10–11153 (10A1253). *BIBLE v. ARIZONA*. Sup. Ct. Ariz. Application for stay of execution of sentence of death, presented to JUSTICE KENNEDY, and by him referred to the Court, denied. Certiorari denied.

JULY 7, 2011

Miscellaneous Order. (See Nos. 11–5001, 11–5002, and 11–5081, *ante*, p. 940.)

JULY 19, 2011

Certiorari Denied

No. 11–5311 (11A72). *WEST v. ARIZONA*. Super. Ct. Ariz., County of Pima. Application for stay of execution of sentence of

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death, presented to JUSTICE KENNEDY, and by him referred to the Court, denied. Certiorari denied.

No. 11–5339 (11A79). *WEST v. BREWER*, GOVERNOR OF ARIZONA, ET AL. C. A. 9th Cir. Application for stay of execution of sentence of death, presented to JUSTICE KENNEDY, and by him referred to the Court, denied. Certiorari denied. Reported below: 652 F. 3d 1060.

JULY 20, 2011

Miscellaneous Order

No. 11–5350 (11A81). *IN RE STROMAN*. Application for stay of execution of sentence of death, presented to JUSTICE SCALIA, and by him referred to the Court, denied. Petition for writ of habeas corpus denied.

Certiorari Denied

No. 11–5320 (11A73). *STROMAN 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.

No. 11–5361 (11A97). *DEYOUNG v. OWENS*, COMMISSIONER, GEORGIA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Application for stay of execution of sentence of death, presented to JUSTICE THOMAS, and by him referred to the Court, denied. Certiorari denied. Reported below: 646 F. 3d 1319.

Rehearing Denied

No. 10–9873 (11A74). *STROMAN v. THALER*, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION, *ante*, p. 1040. Application for stay of execution of sentence of death, presented to JUSTICE SCALIA, and by him referred to the Court, denied. Petition for rehearing denied.

JULY 22, 2011

Dismissal Under Rule 46

No. 10–997. *NORTH CAROLINA EX REL. COOPER*, ATTORNEY GENERAL OF NORTH CAROLINA *v. TENNESSEE VALLEY AUTHORITY ET AL.* C. A. 4th Cir. Certiorari dismissed under this Court's Rule 46.1. Reported below: 615 F. 3d 291.

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JULY 25, 2011

Rehearing Denied

No. 10–765. YOUNG, INDIVIDUALLY AND ON BEHALF OF ALL OTHERS SIMILARLY SITUATED *v.* VERIZON’S BELL ATLANTIC CASH BALANCE PLAN ET AL., 563 U.S. 1007;

No. 10–809. MURDOCH *v.* CASTRO, WARDEN, ET AL., 563 U.S. 987;

No. 10–1126. SPRINGER *v.* PERRYMAN, JUDGE, CIRCUIT COURT OF ALABAMA, RANDOLPH COUNTY, ET AL., 563 U.S. 988;

No. 10–1142. SELIG *v.* ROESHMAN, 563 U.S. 975;

No. 10–1206. DOE ET AL. *v.* OBAMA, PRESIDENT OF THE UNITED STATES, ET AL., 563 U.S. 1022;

No. 10–1284. IN RE FORD, 563 U.S. 986;

No. 10–7867. WINN *v.* BUSS, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL., 563 U.S. 990;

No. 10–8349. TIMMONS *v.* ARTUS, SUPERINTENDENT, CLINTON CORRECTIONAL FACILITY, 562 U.S. 1291;

No. 10–8784. FAYIGA *v.* CASSAGNOL ET AL., 563 U.S. 992;

No. 10–8897. GRAY *v.* LARKINS, WARDEN, 563 U.S. 910;

No. 10–8991. FITZGERALD *v.* KELLY, WARDEN, 563 U.S. 922;

No. 10–9015. LLOYD *v.* NEW HANOVER REGIONAL MEDICAL CENTER, 563 U.S. 944;

No. 10–9043. STUDY *v.* UNITED STATES, 563 U.S. 944;

No. 10–9058. ELLISON *v.* DART, SHERIFF, COOK COUNTY, ILLINOIS, ET AL., 563 U.S. 962;

No. 10–9083. THORNTON *v.* VIRGINIA, 563 U.S. 962;

No. 10–9089. ARMSTRONG *v.* CALIFORNIA, 563 U.S. 962;

No. 10–9159. STRATTON *v.* TEXAS (four judgments), 563 U.S. 964;

No. 10–9232. EICHER *v.* DIODATI, 563 U.S. 977;

No. 10–9319. BARNES *v.* IMS MANAGEMENT, LLC, AS AGENT FOR METROPOLITAN GARDENS DEVELOPERS, LLP, 563 U.S. 992;

No. 10–9337. WATSON *v.* FLORIDA, 563 U.S. 992;

No. 10–9351. MANSEAU ET UX. *v.* CITY OF MIRAMAR, FLORIDA, ET AL., 563 U.S. 993;

No. 10–9365. PAGE *v.* FLORIDA, 563 U.S. 993;

No. 10–9373. MARTIN *v.* VOLUNTEER AUTOMOTIVE, 563 U.S. 993;

No. 10–9378. TIDWELL *v.* FLORIDA, 563 U.S. 979;

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No. 10–9430. *COOPER v. CITY OF DALLAS, TEXAS*, 563 U. S. 949;

No. 10–9439. *TEAGUE v. NORTH CAROLINA DEPARTMENT OF TRANSPORTATION*, 563 U. S. 1002;

No. 10–9444. *PFEIFERLING v. UNITED STATES*, 563 U. S. 949;

No. 10–9462. *JACKSON v. HERNDON, WARDEN*, 563 U. S. 994;

No. 10–9493. *JACKSON v. THALER, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*, 563 U. S. 995;

No. 10–9542. *DANIELS v. BALLY’S ATLANTIC CITY ET AL.*, 563 U. S. 1010;

No. 10–9602. *MONACELLI v. FORD MOTOR Co.*, 563 U. S. 1011;

No. 10–9612. *NELSON v. LEWIS ET AL.*, 563 U. S. 1011;

No. 10–9623. *BLANKENSHIP v. SIMON, JUDGE, COUNTY COURT OF FLORIDA, ESCAMBIA COUNTY, ET AL.*, 563 U. S. 1011;

No. 10–9645. *McGOWAN v. MERRILL, WARDEN*, 563 U. S. 980;

No. 10–9660. *ZABRISKIE v. FLORIDA*, 563 U. S. 996;

No. 10–9736. *GLENN v. UNITED STATES*, 563 U. S. 967;

No. 10–9798. *COCKERHAM v. UNITED STATES*, 563 U. S. 981;

No. 10–9818. *GUZMAN v. UNITED STATES*, 563 U. S. 981;

No. 10–9819. *HAYWOOD v. HILLMAN, CHIEF MAGISTRATE JUDGE, UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA, ET AL.*, 563 U. S. 1012;

No. 10–9890. *HEARNS v. ARTUS, SUPERINTENDENT, CLINTON CORRECTIONAL FACILITY*, 563 U. S. 1012;

No. 10–9925. *RUIZ MONTES v. UNITED STATES*, 563 U. S. 999;

No. 10–9930. *T. G. v. NEW JERSEY DIVISION OF YOUTH AND FAMILY SERVICES*, 563 U. S. 1013;

No. 10–9952. *BROWN v. UNITED STATES*, 563 U. S. 999;

No. 10–10047. *IN RE MILES*, 563 U. S. 986;

No. 10–10084. *ARMWOOD v. NEW JERSEY*, 563 U. S. 1026;

No. 10–10206. *IN RE WARD*, 563 U. S. 1007;

No. 10–10324. *CAWTHON v. UNITED STATES*, 563 U. S. 1039;
and

No. 10–10571. *DAVIS v. HOUSE OF REPRESENTATIVES, ELEANOR HOLMES NORTON’S OFFICE*, *ante*, p. 1028. Petitions for rehearing denied.

No. 10–8731. *LYLES v. LEMMON ET AL.*, 563 U. S. 929. Petition for rehearing denied. JUSTICE KAGAN took no part in the consideration or decision of this petition.

564 U.S. July 25, 28, 29, August 9, 2011

No. 10–9320. *BISSON v. MARTIN LUTHER KING, JR. HEALTH CLINIC ET AL.*, 563 U.S. 1002. Petition for rehearing denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition.

No. 10–8740. *LIGON v. ILLINOIS*, 562 U.S. 1296;

No. 10–8848. *KOCH v. CATE, SECRETARY, CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION, ET AL.*, 562 U.S. 1297; and

No. 10–9214. *KING v. UT MEDICAL GROUP, INC., ET AL.*, 563 U.S. 965. Motions for leave to file petitions for rehearing denied.

JULY 28, 2011

Miscellaneous Order

No. 11–5529 (11A129). *IN RE JACKSON*. Application for stay of execution of sentence of death, presented to JUSTICE ALITO, and by him referred to the Court, denied. Petition for writ of habeas corpus denied.

Certiorari Denied

No. 11–5506 (11A123). *JACKSON v. DELAWARE*. Sup. Ct. Del. Application for stay of execution of sentence of death, presented to JUSTICE ALITO, and by him referred to the Court, denied. Certiorari denied. Reported below: 21 A. 3d 27.

JULY 29, 2011

Miscellaneous Order

No. 11A117. *FLORIDA v. VALLE*. Application to vacate the stay of execution of sentence of death entered by the Florida Supreme Court on July 25, 2011, presented to JUSTICE THOMAS, and by him referred to the Court, denied.

AUGUST 9, 2011

Dismissal Under Rule 46

No. 10–1384. *MAX RACK, INC. v. HOIST FITNESS SYSTEMS, INC.* C. A. Fed. Cir. Certiorari dismissed under this Court's Rule 46.1. Reported below: 408 Fed. Appx. 364.

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Miscellaneous Orders

No. 10A917. GRAYSON *v.* THOMAS, COMMISSIONER, ALABAMA DEPARTMENT OF CORRECTIONS. Application for certificate of appealability, addressed to JUSTICE SOTOMAYOR and referred to the Court, denied.

No. 10A1185. IN RE DUBIN. Application for stay, addressed to JUSTICE THOMAS and referred to the Court, denied.

No. 10–209. LAFLEER *v.* COOPER. C. A. 6th Cir. [Certiorari granted, 562 U. S. 1127.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 10–444. MISSOURI *v.* FRYE. Ct. App. Mo., Western Dist. [Certiorari granted, 562 U. S. 1128.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 10–577. KAWASHIMA ET UX. *v.* HOLDER, ATTORNEY GENERAL. C. A. 9th Cir. [Certiorari granted, 563 U. S. 1007.] Motion of petitioners to dispense with printing the joint appendix granted.

No. 10–680. HOWES, WARDEN *v.* FIELDS. C. A. 6th Cir. [Certiorari granted, 562 U. S. 1199.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 10–1001. MARTINEZ *v.* RYAN, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS. C. A. 9th Cir. [Certiorari granted, 563 U. S. 1032.] Motion of petitioner to dispense with printing the joint appendix granted.

Rehearing Denied

No. 09–993. PLIVA, INC., ET AL. *v.* MENSING, *ante*, p. 604;
No. 09–1039. ACTAVIS ELIZABETH, LLC *v.* MENSING, *ante*, p. 604;

No. 09–1501. ACTAVIS, INC. *v.* DEMAHY, *ante*, p. 604;

No. 10–179. STERN, EXECUTOR OF THE ESTATE OF MARSHALL *v.* MARSHALL, EXECUTRIX OF THE ESTATE OF MARSHALL, *ante*, p. 462;

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- No. 10–1254. *PARKER v. RICHMOND COUNTY BOARD OF EDUCATION*, *ante*, p. 1019;
- No. 10–1260. *GARD ET UX. v. CITY OF OMAHA, NEBRASKA*, *ante*, p. 1005;
- No. 10–1272. *TALLEY v. HOUSING AUTHORITY OF COLUMBUS, GEORGIA, ET AL.*, *ante*, p. 1020;
- No. 10–1274. *AGNEW v. SUSSEX CONDOMINIUM UNIT OWNERS ASSN.*, 563 U.S. 1022;
- No. 10–1275. *CONSTANT v. CALIFORNIA EX REL. DEPARTMENT OF TRANSPORTATION*, *ante*, p. 1020;
- No. 10–1277. *CAMPBELL v. KELLERMYER BUILDING SERVICES, LLC*, *ante*, p. 1020;
- No. 10–1313. *CLELLAN v. OHIO*, *ante*, p. 1039;
- No. 10–1315. *EDWARDS v. DISTRICT OF COLUMBIA BOARD ON PROFESSIONAL RESPONSIBILITY*, 563 U.S. 1022;
- No. 10–1352. *WADSWORTH ET UX. v. COMMISSIONER OF INTERNAL REVENUE*, 563 U.S. 1034;
- No. 10–7592. *DOE v. UNITED STATES*, *ante*, p. 1005;
- No. 10–8294. *CATO v. SWARTHOUT, WARDEN*, 563 U.S. 1035;
- No. 10–8988. *FULLER v. SMITH*, 563 U.S. 943;
- No. 10–9069. *MONROE v. KRIPPEL ET AL.*, 563 U.S. 1009;
- No. 10–9085. *SPENCER v. ALABAMA*, *ante*, p. 1022;
- No. 10–9153. *SIMON v. CITY OF ATLANTA, GEORGIA, ET AL.*, 563 U.S. 964;
- No. 10–9215. *MATSUDA v. HAWAII ET AL.*, 563 U.S. 977;
- No. 10–9235. *SMITH v. BUSS, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS*, 563 U.S. 977;
- No. 10–9314. *HENRY v. ALABAMA ET AL.*, 563 U.S. 992;
- No. 10–9334. *ROSS v. FEDERAL DEPOSIT INSURANCE CORPORATION, AS RECEIVER OF WASHINGTON MUTUAL BANK*, *ante*, p. 1006;
- No. 10–9341. *QUATTROCCHI v. FLORIDA*, 563 U.S. 992;
- No. 10–9389. *VAN ZANT v. FLORIDA PAROLE COMMISSION ET AL.*, 563 U.S. 993;
- No. 10–9407. *BOCZKOWSKI v. JACKSON ET AL.*, 563 U.S. 994;
- No. 10–9428. *CRISDON v. NEW JERSEY DEPARTMENT OF EDUCATION*, 563 U.S. 994;
- No. 10–9481. *LYTLE v. NORTH CAROLINA*, 563 U.S. 995;
- No. 10–9490. *WEINRICH v. ROPER, SUPERINTENDENT, POTOSI CORRECTIONAL CENTER*, 563 U.S. 995;
- No. 10–9516. *PETTUS v. UNITED STATES ET AL.*, *ante*, p. 1023;

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- No. 10–9572. HEINONEN *v.* SCOTT, 563 U. S. 1010;
No. 10–9578. SIMON *v.* GEORGIA ET AL., 563 U. S. 1010;
No. 10–9625. HALL *v.* BERGHUIS, WARDEN, 563 U. S. 996;
No. 10–9706. HARRIS *v.* BOARD OF SUPERVISORS OF LOUISIANA STATE UNIVERSITY & AGRICULTURAL & MECHANICAL COLLEGE, 563 U. S. 1024;
No. 10–9710. GOODMAN *v.* MERIT SYSTEMS PROTECTION BOARD, 563 U. S. 1012;
No. 10–9720. DIGSBY *v.* BUSS, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, 563 U. S. 1024;
No. 10–9787. KARUPAIYAN ET AL. *v.* BROWN ET AL., 563 U. S. 1036;
No. 10–9813. CRIM *v.* BAYSHORE OF NAPLES, INC., 563 U. S. 1036;
No. 10–9816. HAMILTON *v.* UNITED STATES, 563 U. S. 981;
No. 10–9829. HEADE *v.* WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY, 563 U. S. 1037;
No. 10–9884. TALLEY *v.* CITY OF ATLANTIC CITY, NEW JERSEY, ET AL., 563 U. S. 1037;
No. 10–9893. BOZIC *v.* PENNSYLVANIA, 563 U. S. 1025;
No. 10–10005. DAVIS *v.* SHINSEKI, SECRETARY OF VETERANS AFFAIRS, 563 U. S. 1038;
No. 10–10068. MCPHERRON *v.* DAILING ET AL., *ante*, p. 1030;
No. 10–10095. FIGURA TORREFRANCA *v.* HORNE, ATTORNEY GENERAL OF ARIZONA, ET AL.; and FIGURA TORREFRANCA *v.* RYAN, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS, ET AL., *ante*, p. 1025;
No. 10–10096. WOODWARD *v.* KANSAS, 563 U. S. 1038;
No. 10–10103. BLANCHARD *v.* BENNETT ET AL., 563 U. S. 1014;
No. 10–10104. BOTANY *v.* HUIBREGTSE, WARDEN, 563 U. S. 1038;
No. 10–10155. BOOK *v.* MENDOZA ET AL., *ante*, p. 1042;
No. 10–10163. BURGIN *v.* LAHAYE ET AL., 563 U. S. 1038;
No. 10–10166. AKBAR *v.* PADULA, WARDEN, *ante*, p. 1009;
No. 10–10228. BRESTLE *v.* UNITED STATES, *ante*, p. 1043;
No. 10–10243. BREWINGTON *v.* WALSH, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT DALLAS, ET AL., 563 U. S. 1039;
No. 10–10327. IN RE POIRIER, 563 U. S. 1020;
No. 10–10461. JARVIS *v.* ENTERPRISE FLEET SERVICES & LEASING Co., *ante*, p. 1043; and

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No. 10–10601. *HINES v. UNITED STATES*, *ante*, p. 1029. Petitions for rehearing denied.

No. 10–82. *UNITED STATES v. GONZALEZ*, *ante*, p. 1032;

No. 10–9976. *KNIGHT v. UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA*, 563 U.S. 1002; and

No. 10–10568. *IN RE SCHOTZ*, *ante*, p. 1003. Petitions for rehearing denied. JUSTICE KAGAN took no part in the consideration or decision of these petitions.

No. 10–10305. *VONDETTE v. UNITED STATES* (two judgments), 563 U.S. 1041. Petition for rehearing denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition.

AUGUST 18, 2011

Certiorari Denied

No. 11–5705 (11A165). *JACKSON v. KELLY, WARDEN*. C. A. 4th Cir. Application for stay of execution of sentence of death, presented to THE CHIEF JUSTICE, and by him referred to the Court, denied. Certiorari denied. JUSTICE GINSBURG and JUSTICE SOTOMAYOR would grant the application for stay of execution. Reported below: 650 F. 3d 477.

AUGUST 23, 2011

Dismissal Under Rule 46

No. 10–1389. *BREAKTHROUGH MANAGEMENT GROUP, INC. v. CHUKCHANSI GOLD CASINO AND RESORT ET AL.* C. A. 10th Cir. Certiorari dismissed under this Court's Rule 46.1. Reported below: 629 F. 3d 1173.

SEPTEMBER 2, 2011

Miscellaneous Orders

No. 10A995 (11–5520). *RAMIREZ v. PEOPLE OF THE UNITED STATES ET AL.* C. A. 9th Cir. Application for stay, addressed to JUSTICE GINSBURG and referred to the Court, denied.

No. 11A7 (11–146). *MOSS v. FAIRBORN CITY SCHOOLS*. C. A. 6th Cir. Application for stay, addressed to JUSTICE SOTOMAYOR and referred to the Court, denied.

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No. 11A85. ZANGARA *v.* SOMERSET MEDICAL CENTER. Application for stay, addressed to THE CHIEF JUSTICE and referred to the Court, denied.

No. 11A160 (11–198). NIETO *v.* HOLDER, ATTORNEY GENERAL. C. A. 5th Cir. Application for stay, addressed to JUSTICE SOTOMAYOR and referred to the Court, denied.

Rehearing Denied

- No. 10–1084. FERGUSON *v.* UNITED STATES, *ante*, p. 1038;
No. 10–1280. WIDTFELDT *v.* NEBRASKA EQUAL OPPORTUNITY COMMISSION ET AL., *ante*, p. 1020;
No. 10–1301. BASS *v.* NEVADA, *ante*, p. 1038;
No. 10–6370. IN RE STARLING, 562 U. S. 1177;
No. 10–9793. QUIRE *v.* FLORIDA, 563 U. S. 1036;
No. 10–9843. CENTENO *v.* HARDY, WARDEN, 563 U. S. 1012;
No. 10–9900. B. J. G. *v.* ST. CHARLES COUNTY SHERIFF ET AL., *ante*, p. 1006;
No. 10–9988. S. G. *v.* J. H., *ante*, p. 1008;
No. 10–10013. PARKS *v.* LOWE ET AL., *ante*, p. 1023;
No. 10–10015. MARCOS *v.* THALER, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION, *ante*, p. 1023;
No. 10–10101. MCKAUGHAN *v.* TENNESSEE, *ante*, p. 1041;
No. 10–10121. SALINAS *v.* THALER, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION, *ante*, p. 1041;
No. 10–10127. PARTOVI *v.* UNITED STATES, *ante*, p. 1009;
No. 10–10139. PARTOVI *v.* UNKNOWN OFFICER ET AL., *ante*, p. 1009;
No. 10–10164. BROWN, INDIVIDUALLY AND AS STATUTORY HEIR AND WRONGFUL DEATH BENEFICIARY OF BROWN ET AL., DECEASED *v.* ILLINOIS CENTRAL RAILROAD Co., INC., AKA CANADIAN NATIONAL RAILROAD, ET AL., *ante*, p. 1042;
No. 10–10205. DENNIS *v.* CITY OF NORTH MIAMI, FLORIDA, ET AL., *ante*, p. 1043;
No. 10–10211. MCCARTHY *v.* SCOFIELD ET AL., *ante*, p. 1043;
No. 10–10226. WILLIAMS *v.* ILLINOIS, 563 U. S. 1039;
No. 10–10268. LAMB *v.* PALMER, WARDEN, *ante*, p. 1026;
No. 10–10389. AUSSICKER *v.* CURTIN, WARDEN, *ante*, p. 1026;
No. 10–10439. SALAZAR *v.* UNITED STATES, *ante*, p. 1010; and

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No. 10–10551. CUMMINGS, AKA DAVILA *v.* UNITED STATES, *ante*, p. 1027. Petitions for rehearing denied.

No. 10–10336. MINCEY *v.* UNITED STATES, 563 U.S. 1042. Petition for rehearing denied. JUSTICE KAGAN took no part in the consideration or decision of this petition.

No. 10–9361. CUNNINGHAM *v.* PALMER, WARDEN, 563 U.S. 993. Motion for leave to file petition for rehearing denied.

SEPTEMBER 9, 2011

Dismissal Under Rule 46

No. 11–22. JENKINS, WARDEN *v.* SUSSMAN. C. A. 7th Cir. Certiorari dismissed under this Court’s Rule 46.1. Reported below: 636 F. 3d 329.

SEPTEMBER 13, 2011

Certiorari Denied

No. 11–6194 (11A258). WOODS *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.

SEPTEMBER 15, 2011

Miscellaneous Orders

No. 11–6372 (11A295). IN RE BUCK. Application for stay of execution of sentence of death, presented to JUSTICE SCALIA, and by him referred to the Court, denied. Petition for writ of habeas corpus denied.

No. 11–6391 (11A297). BUCK *v.* THALER, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Application for stay of execution of sentence of death, presented to JUSTICE SCALIA, and by him referred to the Court, granted pending 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.

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SEPTEMBER 20, 2011

Dismissal Under Rule 46

No. 11–5794. *IN RE PEARSON*. Petition for writ of mandamus dismissed under this Court’s Rule 46.

Miscellaneous Order

No. 11A302 (11–6427). *FOSTER 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, 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 issuance of the mandate of this Court.

SEPTEMBER 21, 2011

Miscellaneous Order

No. 11A317. *DAVIS v. HUMPHREY, WARDEN*. Application for stay of execution of sentence of death, presented to JUSTICE THOMAS, and by him referred to the Court, denied.

SEPTEMBER 22, 2011

Certiorari Denied

No. 11–6529 (11A321). *MASON v. ALABAMA*. Sup. Ct. Ala. Application for stay of execution of sentence of death, presented to JUSTICE THOMAS, and by him referred to the Court, denied. Certiorari denied.

SEPTEMBER 26, 2011

Dismissal Under Rule 46

No. 10–1558. *IN RE RICCI ET AL.* Petition for writ of mandamus dismissed under this Court’s Rule 46.

SEPTEMBER 27, 2011

Miscellaneous Orders

No. 09–958. *DOUGLAS, DIRECTOR, CALIFORNIA DEPARTMENT OF HEALTH CARE SERVICES v. INDEPENDENT LIVING CENTER OF SOUTHERN CALIFORNIA, INC., ET AL.* (two judgments);

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No. 09–1158. DOUGLAS, DIRECTOR, CALIFORNIA DEPARTMENT OF HEALTH CARE SERVICES *v.* CALIFORNIA PHARMACISTS ASSN. ET AL.; DOUGLAS, DIRECTOR, CALIFORNIA DEPARTMENT OF HEALTH CARE SERVICES *v.* CALIFORNIA HOSPITAL ASSN. ET AL.; DOUGLAS, DIRECTOR, CALIFORNIA DEPARTMENT OF HEALTH CARE SERVICES *v.* INDEPENDENT LIVING CENTER OF SOUTHERN CALIFORNIA, INC., ET AL.; DOUGLAS, DIRECTOR, CALIFORNIA DEPARTMENT OF HEALTH CARE SERVICES *v.* DOMINGUEZ, BY AND THROUGH HER MOTHER AND NEXT FRIEND BROWN, ET AL.; and

No. 10–283. DOUGLAS, DIRECTOR, CALIFORNIA DEPARTMENT OF HEALTH CARE SERVICES *v.* SANTA ROSA MEMORIAL HOSPITAL ET AL. C. A. 9th Cir. [Certiorari granted *sub nom.* in No. 09–958, *Maxwell-Jolly v. Independent Living Center of Southern Cal., Inc.*; in No. 09–1158, *Maxwell-Jolly v. California Pharmacists Assn.*; *Maxwell-Jolly v. California Hospital Assn.*; *Maxwell-Jolly v. Independent Living Center of Southern Cal., Inc.*; *Maxwell-Jolly v. Dominguez*; in No. 10–283, *Maxwell-Jolly v. Santa Rosa Memorial Hospital*, 562 U.S. 1177.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 10–507. PACIFIC OPERATORS OFFSHORE, LLP, ET AL. *v.* VALLADOLID ET AL. C. A. 9th Cir. [Certiorari granted, 562 U.S. 1215.] Motion of the Solicitor General for divided argument granted.

No. 10–553. HOSANNA-TABOR EVANGELICAL LUTHERAN CHURCH AND SCHOOL *v.* EQUAL EMPLOYMENT OPPORTUNITY COMMISSION ET AL. C. A. 6th Cir. [Certiorari granted, 563 U.S. 903.] Motion of the Solicitor General for divided argument granted.

No. 10–945. FLORENCE *v.* BOARD OF CHOSEN FREEHOLDERS OF THE COUNTY OF BURLINGTON ET AL. C. A. 3d Cir. [Certiorari granted, 563 U.S. 917.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted. Motion of respondents for divided argument denied.

No. 10–1001. MARTINEZ *v.* RYAN, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS. C. A. 9th Cir. [Certiorari granted, 563 U.S. 1032.] Motion of the Solicitor General for leave

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

No. 10–1024. FEDERAL AVIATION ADMINISTRATION ET AL. *v.* COOPER. C. A. 9th Cir. [Certiorari granted, *ante*, p. 1018.] Motion of the Solicitor General to dispense with printing the joint appendix granted. JUSTICE KAGAN took no part in the consideration or decision of this motion.

Certiorari Granted

No. 10–1018. FILARSKY *v.* DELIA. C. A. 9th Cir. Certiorari granted. Reported below: 621 F. 3d 1069.

No. 10–1211. VARTELAS *v.* HOLDER, ATTORNEY GENERAL. C. A. 2d Cir. Certiorari granted. Reported below: 620 F. 3d 108.

No. 10–1472. TANIGUCHI *v.* KAN PACIFIC SAIPAN, LTD., DBA MARIANAS RESORT AND SPA. C. A. 9th Cir. Certiorari granted. Reported below: 633 F. 3d 1218.

No. 10–1399. ROBERTS *v.* SEA-LAND SERVICES, INC., ET AL. C. A. 9th Cir. Certiorari granted limited to Question 1 presented by the petition. Reported below: 625 F. 3d 1204.

No. 10–1542. HOLDER, ATTORNEY GENERAL *v.* MARTINEZ GUTIERREZ; and

No. 10–1543. HOLDER, ATTORNEY GENERAL *v.* SAWYERS. C. A. 9th Cir. Certiorari granted, cases consolidated, and a total of one hour is allotted for oral argument. Reported below: No. 10–1542, 411 Fed. Appx. 121; No. 10–1543, 399 Fed. Appx. 313.

No. 10–9995. WOOD *v.* MILYARD, WARDEN, ET AL. C. A. 10th Cir. Motion of petitioner for leave to proceed *in forma pauperis* granted. Certiorari granted limited to the following questions: (1) Does an appellate court have the authority to raise *sua sponte* a 28 U. S. C. § 2244(d) statute of limitations defense? (2) Does the State's declaration before the District Court that it "will not challenge, but [is] not conceding, the timeliness of Wood's habeas petition," amount to a deliberate waiver of any statute of limitations defense the State may have had? Reported below: 403 Fed. Appx. 335.

No. 11–139. UNITED STATES *v.* HOME CONCRETE & SUPPLY, LLC, ET AL. C. A. 4th Cir. Certiorari granted. Reported below: 634 F. 3d 249.

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Dismissal Under Rule 46

No. 11–226. REYNOLDS *v.* TENNESSEE. Ct. Crim. App. Tenn. Certiorari dismissed under this Court’s Rule 46.1.

Certiorari Denied

No. 11–6029 (11A229). VALLE *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. Motion of Bar Human Rights Committee of England and Wales et al. for leave to file a brief as *amici curiae* granted. Certiorari denied. Reported below: 70 So. 3d 530.

JUSTICE BREYER, dissenting from denial of stay.

The State of Florida seeks to execute Manuel Valle for a crime for which he was initially sentenced to death more than 33 years ago. Valle asks us to consider whether that execution following decades of incarceration on death row violates the Constitution’s prohibition of “cruel and unusual punishments.” U. S. Const., Amdt. 8. I would consider the claim. See *Lackey v. Texas*, 514 U.S. 1045 (1995) (Stevens, J., respecting denial of certiorari); *Knight v. Florida*, 528 U.S. 990, 993 (1999) (BREYER, J., dissenting from denial of certiorari).

I have little doubt about the cruelty of so long a period of incarceration under sentence of death. In *Lackey* and in *Knight* Justice Stevens and I referred to the legal sources, in addition to studies of attempted suicides, that buttress the commonsense conclusion that 33 years in prison under threat of execution is cruel. See *In re Medley*, 134 U.S. 160, 172 (1890) (describing as “horrible” the “feelings” that accompany uncertainty about whether, or when, the execution will take place); *Solesbee v. Balkcom*, 339 U.S. 9, 14 (1950) (Frankfurter, J., dissenting) (“In the history of murder, the onset of insanity while awaiting execution of a death sentence is not a rare phenomenon”); Strafer, Volunteering for Execution, 74 J. Crim. L. & C. 860, 872, n. 44 (1983) (a study of Florida inmates showed that 35% of those confined on death row attempted suicide; 42% seriously considered suicide); *id.*, at 869–871 (“Recent studies and law suits document both the barbaric conditions pervading death rows and the debilitating and life-negating effects of these conditions”).

So long a confinement followed by execution would also seem unusual. The average period of time that an individual sentenced to death spends on death row is almost 15 years. Thirty-three years is more than twice as long. And, such delays are uncommon. See Dept. of Justice, Bureau of Justice Statistics, T. Snell, Statistical Tables, Capital Punishment, 2009, p. 19 (Dec. 2010) (Table 18) (approximately 113 prisoners have been under a sentence of death for more than 29 years out of 3,173 death row prisoners in total; 33 of those 113 are in Florida). Cf. *Knight*, 528 U. S., at 993–994 (BREYER, J., dissenting from denial of certiorari) (noting that 24 prisoners had been on death row for more than 20 years). See also *id.*, at 995 (“A growing number of courts outside the United States—*courts that accept or assume the lawfulness of the death penalty*—have held that lengthy delay in administering a *lawful* death penalty renders the ultimate execution inhuman, degrading, or unusually cruel”).

The commonly accepted justifications for the death penalty are close to nonexistent in a case such as this one. It is difficult to imagine how an execution following so long a period of incarceration could add significantly to that punishment’s deterrent value. It seems yet more unlikely that the execution, coming after what is close to a lifetime of imprisonment, matters in respect to incapacitation. Thus, I would focus upon the “moral sensibility” of a community that finds in the death sentence an appropriate public reaction to a terrible crime. See *Spaziano v. Florida*, 468 U. S. 447, 481 (1984) (Stevens, J., concurring in part and dissenting in part). And, I would ask how often that community’s sense of retribution would forcefully insist upon a death that comes only several decades after the crime was committed.

It might be argued that Valle, not the State, is responsible for the long delay. But Valle replies that more than two decades of delay reflect the State’s failure to provide the kind of trial and penalty procedures that the law requires. Regardless, one cannot realistically expect a defendant condemned to death to refrain from fighting for his life by seeking to use whatever procedures the law allows.

It might also be argued that it is not so much the State as it is the numerous procedures that the law demands that produce decades of delay. But this kind of an argument does not automatically justify execution in this case. Rather, the argument may point instead to a more basic difficulty, namely, the difficulty

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of reconciling the imposition of the death penalty as currently administered with procedures necessary to ensure that the wrong person is not executed.

Because this case may well raise these questions and because I believe the Court should consider them, I vote to grant the application for stay.

No. 11-6239 (11A289). *VALLE v. SINGER, WARDEN, ET AL.* C. A. 11th Cir. Application for stay of execution of sentence of death, presented to JUSTICE THOMAS, and by him referred to the Court, denied. Certiorari denied. Reported below: 655 F. 3d 1223.

No. 11-6341 (11A290). *VALLE v. TUCKER, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Application for stay of execution of sentence of death, presented to JUSTICE THOMAS, and by him referred to the Court, denied. Certiorari denied. Reported below: 654 F. 3d 1266.

No. 11-6528 (11A320). *VALLE 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: 72 So. 3d 748.

No. 11-6628 (11A333). *VALLE v. SCOTT, GOVERNOR OF FLORIDA, ET AL.* C. A. 11th Cir. Application for stay of execution of sentence of death, presented to JUSTICE THOMAS, and by him referred to the Court, denied. Certiorari denied. Reported below: 441 Fed. Appx. 688.