

ORDERS FOR JUNE 11 THROUGH
SEPTEMBER 25, 2012

JUNE 11, 2012

Certiorari Granted—Vacated and Remanded

No. 11–836. HARTMAN ET AL. *v.* MOORE. C. A. D. C. Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Reichle v. Howards*, 566 U.S. 658 (2012). JUSTICE KAGAN took no part in the consideration or decision of this petition. Reported below: 644 F. 3d 415.

No. 11–1011. HOWES, WARDEN *v.* WALKER. C. A. 6th 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 *Parker v. Matthews*, *ante*, p. 37 (*per curiam*). Reported below: 656 F. 3d 311.

Certiorari Granted—Reversed and Remanded. (See No. 11–845, *ante*, p. 37.)

Certiorari Dismissed

No. 11–9684. WOOLRIDGE *v.* FAKHOURY, WARDEN. C. A. 9th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court’s Rule 39.8.

No. 11–9766. BURNLEY *v.* NORWOOD ET AL. C. A. 4th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court’s Rule 39.8. Reported below: 455 Fed. Appx. 358.

No. 11–9939. LABOY *v.* ILLINOIS. App. Ct. Ill., 1st Dist. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court’s Rule 39.8. Reported below: 2011 IL App (1st) 093096–U.

Miscellaneous Orders

No. D–2614. IN RE DISBARMENT OF CREEL. Disbarment entered. [For earlier order herein, see 565 U.S. 1053.]

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No. D-2625. IN RE DISBARMENT OF KLINE. Disbarment entered. [For earlier order herein, see 566 U. S. 917.]

No. D-2626. IN RE DISBARMENT OF FULLER. Disbarment entered. [For earlier order herein, see 566 U. S. 918.]

No. D-2627. IN RE DISBARMENT OF BURKENROAD. Disbarment entered. [For earlier order herein, see 566 U. S. 918.]

No. D-2628. IN RE DISBARMENT OF WELLS. Disbarment entered. [For earlier order herein, see 566 U. S. 918.]

No. D-2629. IN RE DISBARMENT OF DAY. Disbarment entered. [For earlier order herein, see 566 U. S. 918.]

No. D-2630. IN RE DISBARMENT OF MEADE. Disbarment entered. [For earlier order herein, see 566 U. S. 918.]

No. D-2631. IN RE DISBARMENT OF MINOR. Disbarment entered. [For earlier order herein, see 566 U. S. 918.]

No. D-2633. IN RE DISBARMENT OF BAGNELL. Disbarment entered. [For earlier order herein, see 566 U. S. 919.]

No. D-2634. IN RE DISBARMENT OF KLINGSMITH. Disbarment entered. [For earlier order herein, see 566 U. S. 919.]

No. D-2639. IN RE DISBARMENT OF PEEL. Disbarment entered. [For earlier order herein, see 566 U. S. 932.]

No. D-2640. IN RE DISBARMENT OF MARDIROSIAN. Disbarment entered. [For earlier order herein, see 566 U. S. 932.]

No. D-2641. IN RE DISBARMENT OF FROHLING. Disbarment entered. [For earlier order herein, see 566 U. S. 932.]

No. D-2642. IN RE DISBARMENT OF NEEDLE. Disbarment entered. [For earlier order herein, see 566 U. S. 932.]

No. D-2643. IN RE DISBARMENT OF DORNY. Disbarment entered. [For earlier order herein, see 566 U. S. 932.]

No. D-2645. IN RE DISBARMENT OF KATZ. Disbarment entered. [For earlier order herein, see 566 U. S. 933.]

No. D-2646. IN RE DISBARMENT OF GOLD. Disbarment entered. [For earlier order herein, see 566 U. S. 933.]

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No. D-2647. IN RE DISBARMENT OF WHITE. Disbarment entered. [For earlier order herein, see 566 U. S. 933.]

No. D-2649. IN RE DISBARMENT OF NUNNERY. Disbarment entered. [For earlier order herein, see 566 U. S. 933.]

No. D-2650. IN RE DISBARMENT OF HOWELL. Disbarment entered. [For earlier order herein, see 566 U. S. 933.]

No. D-2651. IN RE DISBARMENT OF CLIFFORD. Disbarment entered. [For earlier order herein, see 566 U. S. 933.]

No. D-2652. IN RE DISBARMENT OF HOLMES. Disbarment entered. [For earlier order herein, see 566 U. S. 934.]

No. D-2654. IN RE DISBARMENT OF WILSON. Disbarment entered. [For earlier order herein, see 566 U. S. 934.]

No. D-2655. IN RE DISBARMENT OF NWADIKE. Disbarment entered. [For earlier order herein, see 566 U. S. 934.]

No. D-2656. IN RE DISBARMENT OF NEEDLEMAN. Disbarment entered. [For earlier order herein, see 566 U. S. 934.]

No. D-2659. IN RE DISBARMENT OF DOUGLAS. Disbarment entered. [For earlier order herein, see 566 U. S. 934.]

No. D-2722. IN RE DISCIPLINE OF DEJONG. Pieter J. DeJong, of Long Valley, 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-2723. IN RE DISCIPLINE OF BENNETT. Jeffrey Alan Bennett, of Doylestown, Pa., 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-2724. IN RE DISCIPLINE OF MAHONEY. Anthony M. Mahoney, of Woodbridge, 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-2725. IN RE DISCIPLINE OF JEAN-BAPTISTE. Constant Jean-Baptiste, Jr., of Brooklyn, N. Y., is suspended from the prac-

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tice 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. 11M114. *CREWS v. UNITED STATES COURT OF FEDERAL CLAIMS*. Motion for leave to proceed as a veteran denied.

No. 11M115. *GALVEZ v. INTERNAL REVENUE SERVICE*. Motion to direct the Clerk to file petition for writ of certiorari out of time denied.

No. 10–930. *RYAN, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS v. VALENCIA GONZALES*. C. A. 9th Cir. [Certiorari granted, 565 U. S. 1259.] Motion of petitioner to dispense with printing the joint appendix granted.

No. 11–393. *NATIONAL FEDERATION OF INDEPENDENT BUSINESS ET AL. v. SEBELIUS, SECRETARY OF HEALTH AND HUMAN SERVICES, ET AL.*;

No. 11–398. *DEPARTMENT OF HEALTH AND HUMAN SERVICES ET AL. v. FLORIDA ET AL.*; and

No. 11–400. *FLORIDA ET AL. v. DEPARTMENT OF HEALTH AND HUMAN SERVICES ET AL.* C. A. 11th Cir. [Certiorari granted, 565 U. S. 1033 and 1034.] Motions of David Boyle for reconsideration of motions for leave to intervene denied.

No. 11–1025. *CLAPPER, DIRECTOR OF NATIONAL INTELLIGENCE, ET AL. v. AMNESTY INTERNATIONAL USA ET AL.* C. A. 2d Cir. [Certiorari granted, 566 U. S. 1009.] Motion of the Solicitor General to dispense with printing the joint appendix granted.

No. 11–9696. *LEWELLYN ET VIR, ON BEHALF OF J. L. ET AL. v. SARASOTA COUNTY SCHOOL BOARD*. C. A. 11th Cir. Motion of petitioners for leave to proceed *in forma pauperis* denied. Petitioners are allowed until July 2, 2012, 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. 11–10296. *IN RE ANDERSON*. Petition for writ of habeas corpus denied.

No. 11–10417. *IN RE HELTON*. Motion of petitioner for leave to proceed *in forma pauperis* denied, and petition for writ of habeas corpus dismissed. See this Court's Rule 39.8.

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No. 11–1246. *IN RE PANGHAT*. Petition for writ of mandamus denied.

Certiorari Granted

No. 11–1327. *EVANS v. MICHIGAN*. Sup. Ct. Mich. Certiorari granted. Reported below: 491 Mich. 1, 810 N. W. 2d 535.

No. 11–1085. *AMGEN INC. ET AL. v. CONNECTICUT RETIREMENT PLANS AND TRUST FUNDS*. C. A. 9th Cir. Certiorari granted. JUSTICE BREYER took no part in the consideration or decision of this petition. Reported below: 660 F. 3d 1170.

Certiorari Denied

No. 10–1383. *AL-BIHANI v. OBAMA, PRESIDENT OF THE UNITED STATES, ET AL.* C. A. D. C. Cir. Certiorari denied.

No. 11–413. *UTHMAN v. OBAMA, PRESIDENT OF THE UNITED STATES, ET AL.* C. A. D. C. Cir. Certiorari denied. Reported below: 637 F. 3d 400.

No. 11–683. *ALMERFEDI v. OBAMA, PRESIDENT OF THE UNITED STATES, ET AL.* C. A. D. C. Cir. Certiorari denied. Reported below: 654 F. 3d 1.

No. 11–804. *MORGAN ET AL. v. SWANSON ET AL.*; and
No. 11–941. *SWANSON ET AL. v. MORGAN ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 659 F. 3d 359.

No. 11–959. *KING v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 660 F. 3d 1071.

No. 11–963. *BLAIR v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 661 F. 3d 755.

No. 11–1039. *TAPPEN v. FLORIDA*. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 75 So. 3d 274.

No. 11–1054. *AL KANDARI ET AL. v. UNITED STATES ET AL.* C. A. D. C. Cir. Certiorari denied. Reported below: 462 Fed. Appx. 1.

No. 11–1097. *ESTATE OF HENSON, DECEASED, ET AL. v. KRAJCA*. C. A. 5th Cir. Certiorari denied. Reported below: 440 Fed. Appx. 341.

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No. 11–1110. *FELICIANO-HERNANDEZ v. PEREIRA-CASTILLO ET AL.* C. A. 1st Cir. Certiorari denied. Reported below: 663 F. 3d 527.

No. 11–1207. *SIMMS-PARRIS v. SUPREME COURT OF NEW JERSEY.* Sup. Ct. N. J. Certiorari denied. Reported below: 208 N. J. 349, 28 A. 3d 1240.

No. 11–1211. *PUESCHEL v. NATIONAL AIR TRAFFIC CONTROLLERS ASSN.* C. A. D. C. Cir. Certiorari denied.

No. 11–1214. *ST. ANGELO v. INDIANA.* Ct. App. Ind. Certiorari denied. Reported below: 952 N. E. 2d 885.

No. 11–1225. *KEYES ET AL. v. OBAMA, PRESIDENT OF THE UNITED STATES, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 664 F. 3d 774.

No. 11–1241. *BOURNE v. CURTIN, WARDEN.* C. A. 6th Cir. Certiorari denied. Reported below: 666 F. 3d 411.

No. 11–1247. *NORTH HUDSON REGIONAL FIRE & RESCUE ET AL. v. NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 665 F. 3d 464.

No. 11–1248. *PANGHAT v. NEW YORK DOWNTOWN HOSPITAL.* App. Div., Sup. Ct. N. Y., 1st Jud. Dept. Certiorari denied. Reported below: 85 App. Div. 3d 473, 925 N. Y. S. 2d 445.

No. 11–1277. *LEBRON ET AL. v. RUMSFELD ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 670 F. 3d 540.

No. 11–1295. *TATAR v. UNITED STATES;*
No. 11–1308. *DUKA v. UNITED STATES;*
No. 11–10192. *DUKA v. UNITED STATES;*
No. 11–10205. *DUKA v. UNITED STATES;* and
No. 11–10235. *SHNEWER v. UNITED STATES.* C. A. 3d Cir. Certiorari denied. Reported below: 671 F. 3d 329.

No. 11–1316. *FLORIDA EX REL. GRUPP ET AL. v. DHL EXPRESS (USA), INC., ET AL.* Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 60 So. 3d 426.

No. 11–1345. *HENDRICKSON v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. Reported below: 460 Fed. Appx. 516.

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No. 11-1364. *GEISE v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 11-7020. *AL-MADHWANI v. OBAMA, PRESIDENT OF THE UNITED STATES, ET AL.* C. A. D. C. Cir. Certiorari denied. Reported below: 642 F. 3d 1071.

No. 11-7700. *AL ALWI v. OBAMA, PRESIDENT OF THE UNITED STATES, ET AL.* C. A. D. C. Cir. Certiorari denied. Reported below: 653 F. 3d 11.

No. 11-7854. *AKAPO v. HOLDER, ATTORNEY GENERAL*. C. A. 11th Cir. Certiorari denied. Reported below: 377 Fed. Appx. 901.

No. 11-8885. *ARMSTRONG v. FLORIDA*. Sup. Ct. Fla. Certiorari denied. Reported below: 73 So. 3d 155.

No. 11-9101. *LEWIS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 443 Fed. Appx. 493.

No. 11-9153. *MORGAN v. COLUMBIA COUNTY DEPARTMENT OF SOCIAL SERVICES*. C. A. 2d Cir. Certiorari denied.

No. 11-9513. *LEZDEY ET UX. v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 448 Fed. Appx. 893.

No. 11-9680. *KEARNS v. HOKE, WARDEN*. C. A. 4th Cir. Certiorari denied. Reported below: 464 Fed. Appx. 110.

No. 11-9681. *LAPORTE v. NEW YORK*. App. Div., Sup. Ct. N. Y., 1st Jud. Dept. Certiorari denied.

No. 11-9683. *TIMM v. ILLINOIS*. App. Ct. Ill., 4th Dist. Certiorari denied. Reported below: 2011 IL App (4th) 100255-U.

No. 11-9693. *COLLICK v. WASHINGTON*. Ct. App. Wash. Certiorari denied. Reported below: 160 Wash. App. 1048.

No. 11-9697. *KING v. HUMPHREY, WARDEN*. Super. Ct. Butts County, Ga. Certiorari denied.

No. 11-9698. *WHITLEY v. HAAS, ACTING WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 11-9700. *WAKELAND v. NEW MEXICO DEPARTMENT OF WORKFORCE SOLUTIONS ET AL.* Ct. App. N. M. Certiorari denied. Reported below: 2012-NMCA-021, 274 P. 3d 766.

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No. 11–9707. *CARR v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 11–9710. *BARRETO v. LATTIMORE, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 11–9720. *WILLIAMS v. WETZEL, SECRETARY, PENNSYLVANIA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 459 Fed. Appx. 87.

No. 11–9725. *BUTLER v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 409 Ill. App. 3d 1152, 2 N. E. 3d 663.

No. 11–9728. *TAYLOR v. WOLFENBARGER, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 11–9729. *VAUGHN v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 2011 IL App (1st) 092263–U.

No. 11–9734. *STARR v. THALER, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 11–9735. *RICHARDS v. NASSAU COUNTY, NEW YORK*. C. A. 2d Cir. Certiorari denied.

No. 11–9737. *MEDLEY v. PRIMEFORECLOSURES.COM ET AL.* Ct. App. Ariz. Certiorari denied.

No. 11–9741. *MCCLURE v. THALER, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 11–9746. *MICHAEL v. WETZEL, SECRETARY, PENNSYLVANIA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 476 Fed. Appx. 277.

No. 11–9748. *JONES v. IGBINOSA ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 467 Fed. Appx. 604.

No. 11–9750. *KERN v. WOODS ET AL.* C. A. 6th Cir. Certiorari denied.

No. 11–9759. *VARNER v. SISTO, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied.

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No. 11–9760. *DWORNICZAK v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 11–9763. *DOSS v. TEXAS*. Ct. App. Tex., 12th Dist. Certiorari denied.

No. 11–9769. *BOONE v. MACLAREN, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 11–9773. *WHITLEY v. SCISM, WARDEN*. C. A. 4th Cir. Certiorari denied. Reported below: 453 Fed. Appx. 355.

No. 11–9778. *BROWN v. MICHIGAN DEPARTMENT OF CORRECTIONS ET AL.* C. A. 6th Cir. Certiorari denied.

No. 11–9807. *BUTLER v. MITCHELL, SUPERINTENDENT, OLD COLONY CORRECTIONAL CENTER*. C. A. 1st Cir. Certiorari denied. Reported below: 663 F. 3d 514.

No. 11–9815. *COOKE v. CLARKE, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS*. C. A. 4th Cir. Certiorari denied. Reported below: 455 Fed. Appx. 355.

No. 11–9816. *TIPPENS v. VIRGINIA*. Sup. Ct. Va. Certiorari denied.

No. 11–9821. *MARTIN v. HARTLEY, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 11–9827. *EBEH v. MEADOW BURKE PRODUCTS ET AL.* Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 80 So. 3d 1024.

No. 11–9851. *KING v. FLORIDA PAROLE COMMISSION ET AL.* C. A. 11th Cir. Certiorari denied.

No. 11–9852. *JAMIL v. MCQUIGGIN, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 11–9855. *NOBLE v. SCRIBNER, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 11–9858. *MCCUNE v. LUDWICK, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 11–9864. *HUYNH v. EXECUTIVE COMMITTEE OF THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS*. C. A. 7th Cir. Certiorari denied.

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No. 11–9866. *ALSTON v. WASHINGTON*. Ct. App. Wash. Certiorari denied.

No. 11–9872. *ALLEN v. CAIN, WARDEN*. C. A. 5th Cir. Certiorari denied.

No. 11–9887. *SHEPPARD v. ROBINSON, WARDEN*. C. A. 6th Cir. Certiorari denied. Reported below: 657 F. 3d 338.

No. 11–9899. *DAVIS v. AKIN’S ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 463 Fed. Appx. 739.

No. 11–9923. *WOODS v. BOOKER, WARDEN*. C. A. 6th Cir. Certiorari denied. Reported below: 450 Fed. Appx. 480.

No. 11–9931. *CHANDLER v. RONCOLI*. C. A. 5th Cir. Certiorari denied. Reported below: 449 Fed. Appx. 379.

No. 11–9943. *SPANO v. SCHULSON ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 448 Fed. Appx. 950.

No. 11–9966. *THOMAS v. MCCOY ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 467 Fed. Appx. 94.

No. 11–9969. *COULTER v. RODDY*. C. A. 9th Cir. Certiorari denied. Reported below: 463 Fed. Appx. 610.

No. 11–9971. *CALDWELL v. WARREN, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 11–9980. *BETSKOFF v. MARTIN GROFF CONSTRUCTION Co., INC.* Ct. Sp. App. Md. Certiorari denied. Reported below: 199 Md. App. 704 and 708.

No. 11–10011. *HICKMAN v. RYAN, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 11–10031. *ANDERSON v. CORTEZ MASTO, ATTORNEY GENERAL OF NEVADA, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 11–10036. *HAMM v. SOUTH CAROLINA*. Ct. Common Pleas of Berkeley County, S. C. Certiorari denied.

No. 11–10042. *EVERETT v. BERGH, WARDEN*. C. A. 6th Cir. Certiorari denied. Reported below: 477 Fed. Appx. 325.

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No. 11–10126. *EVANS v. PHELPS, WARDEN, ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 468 Fed. Appx. 112.

No. 11–10154. *READ v. UNITED STATES.* C. A. 11th Cir. Certiorari denied. Reported below: 455 Fed. Appx. 926.

No. 11–10206. *CHAVEZ-TREVINO v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 459 Fed. Appx. 461.

No. 11–10207. *CAPAROTTA v. UNITED STATES.* C. A. 1st Cir. Certiorari denied. Reported below: 676 F. 3d 213.

No. 11–10208. *CLARK v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. Reported below: 458 Fed. Appx. 512.

No. 11–10209. *ZAKRZEWSKI v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 462 Fed. Appx. 421.

No. 11–10210. *WHITLEY v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 459 Fed. Appx. 472.

No. 11–10217. *MYERS v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. Reported below: 666 F. 3d 402.

No. 11–10218. *MERCER v. UNITED STATES.* C. A. 6th Cir. Certiorari denied.

No. 11–10219. *JIMENEZ-SANCHEZ v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 469 Fed. Appx. 581.

No. 11–10225. *MOTT v. UNITED STATES.* Ct. App. D. C. Certiorari denied. Reported below: 30 A. 3d 809.

No. 11–10226. *MCKNIGHT v. UNITED STATES.* C. A. 7th Cir. Certiorari denied. Reported below: 665 F. 3d 786.

No. 11–10229. *WILLIAMS v. UNITED STATES.* C. A. 8th Cir. Certiorari denied.

No. 11–10233. *SUSCAL-RAMON v. UNITED STATES.* C. A. 3d Cir. Certiorari denied.

No. 11–10234. *SAUCEDO-MUNOZ, AKA SAUCEDO, AKA SAUCEDA-MUNOZ, AKA MIRANDA v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 459 Fed. Appx. 461.

No. 11–10237. *SCOTT v. INTERNAL REVENUE SERVICE.* C. A. 8th Cir. Certiorari denied.

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No. 11–10241. *LOPEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 11–10246. *MCREYNOLDS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 467 Fed. Appx. 749.

No. 11–10248. *ANDUJAR v. PFISTER*. C. A. 7th Cir. Certiorari denied.

No. 11–10258. *ARRIOLA-PEREZ v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 449 Fed. Appx. 762.

No. 11–10260. *OLMOS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 454 Fed. Appx. 316.

No. 11–10265. *JONES v. UNITED STATES*. Ct. App. D. C. Certiorari denied. Reported below: 33 A. 3d 924.

No. 11–10272. *MARE v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 668 F. 3d 35.

No. 11–10279. *SELDON ET UX. v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 462 Fed. Appx. 735.

No. 11–10280. *RODRIGUEZ v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 462 Fed. Appx. 58.

No. 11–10284. *DEERING v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 11–10286. *THOMPSON v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 436 Fed. Appx. 669.

No. 11–10288. *WILSON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 460 Fed. Appx. 351.

No. 11–10289. *MARIONI-MELENDZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 460 Fed. Appx. 336.

No. 11–10291. *PRITCHARD v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 458 Fed. Appx. 846.

No. 11–10292. *GRIMALDO v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 669 F. 3d 619.

No. 11–10294. *ANAYA v. UNITED STATES*. C. A. 1st Cir. Certiorari denied.

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No. 11–10298. *ONEAL v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 468 Fed. Appx. 729.

No. 11–10299. *BRAVO-PEREZ v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 468 Fed. Appx. 679.

No. 11–10303. *JONES v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 408 Fed. Appx. 258.

No. 11–10306. *LALOUDAKIS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 466 Fed. Appx. 254.

No. 11–10315. *FAUNCHER v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 464 Fed. Appx. 674.

No. 11–10322. *MASSEY v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 663 F. 3d 852.

No. 11–10328. *CARRUTHERS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 458 Fed. Appx. 811.

No. 11–10330. *HERNANDEZ-SERVERA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 458 Fed. Appx. 674.

No. 11–10335. *TURNER v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 472 Fed. Appx. 232.

No. 11–10340. *TAYLOR v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 11–10349. *XUYEN BAO VO v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

No. 11–1024. *CITY OF NEW HAVEN, CONNECTICUT v. BRISCOE*. C. A. 2d Cir. Certiorari denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition. Reported below: 654 F. 3d 200.

No. 11–1027. *LATIF v. OBAMA, PRESIDENT OF THE UNITED STATES, ET AL.* C. A. D. C. Cir. Motion of respondents for leave to file a brief in opposition under seal granted. Motion of petitioner for leave to file a reply brief under seal granted. Certiorari denied. Reported below: 666 F. 3d 746.

No. 11–1255. *SUFFOLK COUNTY, NEW YORK, ET AL. v. FIELD DAY, LLC, FKA NEW YORK MUSIC FESTIVAL, LLC, ET AL.* C. A.

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2d Cir. Certiorari denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition.

No. 11–1262. WHITE, WARDEN *v.* RICE. C. A. 6th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 660 F. 3d 242.

No. 11–10263. BAXTER *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition. Reported below: 469 Fed. Appx. 803.

No. 11–10304. JONES *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition.

No. 11–10309. CORBETT *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition.

No. 11–10772 (11A1167). LEAVITT *v.* ARAVE, WARDEN. 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: 682 F. 3d 1138.

Rehearing Denied

No. 10–1018. FILARSKY *v.* DELIA, 566 U. S. 377;

No. 11–1002. WEBER, FKA SALL *v.* SALL, 566 U. S. 938;

No. 11–1076. CLENDENIN *v.* ILLINOIS, 566 U. S. 963;

No. 11–1098. LOMAX *v.* UNITED STATES SENATE ARMED SERVICES COMMITTEE ET AL., 566 U. S. 963;

No. 11–8477. BILAL *v.* WILKINS, SECRETARY, FLORIDA DEPARTMENT OF CHILDREN AND FAMILIES, ET AL., 566 U. S. 910;

No. 11–8516. FEIGER *v.* HICKMAN ET AL., 566 U. S. 911;

No. 11–8586. LOGAN *v.* SOCIAL SECURITY ADMINISTRATION, 566 U. S. 912;

No. 11–8680. WATSON *v.* LEWIS ET AL., 565 U. S. 1270;

No. 11–8772. GREENE *v.* DEPARTMENT OF LABOR, 566 U. S. 944;

No. 11–8872. JONES *v.* BOWERSOX, SUPERINTENDENT, SOUTH CENTRAL CORRECTIONAL FACILITY, 566 U. S. 947;

No. 11–8886. THOMAS *v.* CALIFORNIA (two judgments), 566 U. S. 947;

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No. 11–8889. *CLARK v. THALER*, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION, 566 U. S. 964;

No. 11–8912. *ABASCAL v. BELLAMY ET AL.*, 566 U. S. 947; and

No. 11–9130. *DRAGANOV v. WASHINGTON*, 566 U. S. 950. Petitions for rehearing denied.

No. 09–10382. *WILLIAMS v. HOBBS*, DIRECTOR, ARKANSAS DEPARTMENT OF CORRECTION, 562 U. S. 1097. Motion for leave to file petition for rehearing denied.

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Certiorari Denied

No. 11–10781 (11A1175). *BRAWNER v. MISSISSIPPI*. Sup. Ct. Miss. Application for stay of execution of sentence of death, presented to JUSTICE SCALIA, and by him referred to the Court, denied. Certiorari denied. Reported below: 166 So. 3d 22.

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Miscellaneous Orders

No. D–2658. *IN RE DISBARMENT OF JOSEPH*. Disbarment entered. [For earlier order herein, see 566 U. S. 934.]

No. D–2674. *IN RE DISCIPLINE OF SETO*. Robert M. M. Seto, of Virginia Beach, Va., having requested to resign as a member of the Bar of this Court, it is ordered that his name be stricken from the roll of attorneys admitted to the practice of law before this Court. The rule to show cause, issued on April 30, 2012 [566 U. S. 973], is discharged.

No. 11–702. *MONCRIEFFE v. HOLDER*, ATTORNEY GENERAL. C. A. 5th Cir. [Certiorari granted, 566 U. S. 920.] Motion of petitioner to dispense with printing the joint appendix granted.

No. 11–1155. *BLUE CROSS & BLUE SHIELD OF MONTANA, INC. v. FOSSEN ET AL.* C. A. 9th Cir.; and

No. 11–1221. *HILLMAN v. MARETTA*. Sup. Ct. Va. The Solicitor General is invited to file briefs in these cases expressing the views of the United States.

No. 11–9810. *SIMMONS v. BRAVERMAN*. Ct. App. Mich. Motion of petitioner for leave to proceed *in forma pauperis* de-

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nied. Petitioner is allowed until July 9, 2012, 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. 11–10489. *IN RE HILL*. Petition for writ of habeas corpus denied.

No. 11–9785. *IN RE PARKHURST*; and

No. 11–10236. *IN RE SHIELDS*. Petitions for writs of mandamus denied.

Certiorari Granted

No. 11–8976. *SMITH ET AL. v. UNITED STATES*. C. A. D. C. Cir. Motion of petitioners for leave to proceed *in forma pauperis* granted. Certiorari granted limited to Question II presented by the petition. Reported below: 651 F. 3d 30.

Certiorari Denied

No. 11–882. *MCCALL v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 441 Fed. Appx. 515.

No. 11–1101. *TIMBERRIDGE PRESBYTERIAN CHURCH, INC., ET AL. v. PRESBYTERY OF GREATER ATLANTA, INC.* Sup. Ct. Ga. Certiorari denied. Reported below: 290 Ga. 272, 719 S. E. 2d 446.

No. 11–1119. *RUI YANG v. HOLDER, ATTORNEY GENERAL*. C. A. 5th Cir. Certiorari denied. Reported below: 664 F. 3d 580.

No. 11–1135. *DOE, BY AND THROUGH HIS PARENTS DOE ET AL., ET AL. v. LOWER MERION SCHOOL DISTRICT*. C. A. 3d Cir. Certiorari denied. Reported below: 665 F. 3d 524.

No. 11–1173. *BROWN v. CALAMOS, TRUSTEE OF CALAMOS CONVERTIBLE OPPORTUNITIES AND INCOME FUND, ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 664 F. 3d 123.

No. 11–1219. *GJERDE v. STATE BAR OF CALIFORNIA*. Sup. Ct. Cal. Certiorari denied.

No. 11–1227. *SNELLING v. HAYNES ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 452 Fed. Appx. 695.

No. 11–1228. *BURNETT v. CAMPBELL* (two judgments). Ct. App. Kan. Certiorari denied. Reported below: 44 Kan. App. 2d

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xiii, 240 P. 3d 986 (first judgment); 45 Kan. App. 2d xxx, 253 P. 3d 385 (second judgment).

No. 11–1230. *DELANDER v. HUBBARD, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 11–1233. *TORAIN v. DEUTSCHE BANK NATIONAL TRUST CO.* App. Ct. Ill., 2d Dist. Certiorari denied. Reported below: 405 Ill. App. 3d 1208, 997 N. E. 2d 1013.

No. 11–1239. *TELASCO v. 7320 BISCAYNE, LLC*. Dist. Ct. App. Fla., 3d Dist. Certiorari denied. Reported below: 90 So. 3d 296.

No. 11–1242. *ZORN ET UX. v. DEMETRI ET AL.* Sup. Ct. N. H. Certiorari denied.

No. 11–1264. *HEARTS BLUFF GAME RANCH, INC. v. UNITED STATES*. C. A. Fed. Cir. Certiorari denied. Reported below: 669 F. 3d 1326.

No. 11–1267. *LAHRICHI v. LUMERA CORP. ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 433 Fed. Appx. 519.

No. 11–1280. *FOSSEN ET AL. v. BLUE CROSS & BLUE SHIELD OF MONTANA, INC.* C. A. 9th Cir. Certiorari denied. Reported below: 660 F. 3d 1102.

No. 11–1299. *CALABRESE v. SEBELIUS, SECRETARY OF HEALTH AND HUMAN SERVICES* (Reported below: 446 Fed. Appx. 38); *CALABRESE v. SEBELIUS, SECRETARY OF HEALTH AND HUMAN SERVICES* (446 Fed. Appx. 1); *CALABRESE v. DEPARTMENT OF HEALTH AND HUMAN SERVICES ET AL.* (446 Fed. Appx. 50); *CALABRESE v. SEBELIUS, SECRETARY OF HEALTH AND HUMAN SERVICES* (446 Fed. Appx. 33); *CALABRESE v. SEBELIUS, SECRETARY OF HEALTH AND HUMAN SERVICES* (446 Fed. Appx. 34); and *CALABRESE v. DEPARTMENT OF HEALTH AND HUMAN SERVICES* (446 Fed. Appx. 47). C. A. 9th Cir. Certiorari denied.

No. 11–1303. *GROVES ET AL. v. CITY OF DARLINGTON, SOUTH CAROLINA*. C. A. 4th Cir. Certiorari denied. Reported below: 457 Fed. Appx. 230.

No. 11–1330. *IRVIN v. RAY*. Ct. App. Ariz. Certiorari denied.

No. 11–1349. *WEITZ CO., LLC v. MACKENZIE HOUSE, LLC, ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 665 F. 3d 970.

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No. 11–1353. *GOLDINGS v. UNITED STATES*. C. A. Fed. Cir. Certiorari denied. Reported below: 451 Fed. Appx. 953.

No. 11–1354. *DEE v. MAINE*. Sup. Jud. Ct. Me. Certiorari denied. Reported below: 2012 ME 26, 39 A. 3d 42.

No. 11–1360. *CLARK v. UTAH*. Ct. App. Utah. Certiorari denied. Reported below: 2011 UT App 344, 263 P. 3d 1222.

No. 11–1372. *HOOK v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 10th Cir. Certiorari denied. Reported below: 458 Fed. Appx. 714.

No. 11–7711. *PENDLETON v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 658 F. 3d 299.

No. 11–8334. *MYERS v. THOMAS, COMMISSIONER, ALABAMA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 420 Fed. Appx. 924.

No. 11–8335. *PIERRE ET AL. v. HOLDER, ATTORNEY GENERAL*. C. A. 11th Cir. Certiorari denied. Reported below: 432 Fed. Appx. 845.

No. 11–8474. *BOYD v. JACKSON, WARDEN*. C. A. 7th Cir. Certiorari denied.

No. 11–8648. *FERGUSON v. AVELO MORTGAGE, LLC*. App. Div., Super. Ct. Cal., County of Los Angeles. Certiorari denied.

No. 11–8978. *MOORE ET AL. v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. Reported below: 651 F. 3d 30.

No. 11–9056. *FERGUSON v. AVELO MORTGAGE, LLC*. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 11–9259. *ROSE v. MICHIGAN*. Ct. App. Mich. Certiorari denied. Reported below: 289 Mich. App. 499, 808 N. W. 2d 301.

No. 11–9263. *SWEET v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 454 Fed. Appx. 711.

No. 11–9330. *MILLER v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 665 F. 3d 114.

No. 11–9357. *SMITH v. MISSOURI*. Ct. App. Mo., Eastern Dist. Certiorari denied. Reported below: 353 S. W. 3d 1.

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No. 11–9433. *NUNNERY v. NEVADA*. Sup. Ct. Nev. Certiorari denied. Reported below: 127 Nev. 749, 263 P. 3d 235.

No. 11–9761. *STRONG v. MERRILL LYNCH*. C. A. 9th Cir. Certiorari denied. Reported below: 470 Fed. Appx. 672.

No. 11–9776. *AZIZ v. BENNETT ET AL.* C. A. 8th Cir. Certiorari denied.

No. 11–9780. *STOUT v. BASKERVILLE, WARDEN*. C. A. 4th Cir. Certiorari denied. Reported below: 467 Fed. Appx. 200.

No. 11–9783. *SMITH v. FLORIDA*. Dist. Ct. App. Fla., 2d Dist. Certiorari denied.

No. 11–9787. *BANKS v. MISSISSIPPI*. Sup. Ct. Miss. Certiorari denied.

No. 11–9796. *MUHAMMAD v. MARIN COUNTY, CALIFORNIA*. Ct. App. Cal., 1st App. Dist. Certiorari denied.

No. 11–9798. *PROPE v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied.

No. 11–9801. *DOWDY v. VIRGINIA*. Sup. Ct. Va. Certiorari denied.

No. 11–9802. *CHAPMAN v. MCEWEN, ACTING WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 11–9803. *MOORE v. MARICOPA COUNTY SHERIFF'S OFFICE*. C. A. 9th Cir. Certiorari denied. Reported below: 657 F. 3d 890.

No. 11–9806. *ROBERTS v. FLORIDA ET AL.* C. A. 11th Cir. Certiorari denied.

No. 11–9814. *POLEDORE v. THALER, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 11–9823. *WILEY v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 2011 IL App (1st) 101047–U.

No. 11–9829. *FONNER v. INDIANA*. Ct. App. Ind. Certiorari denied. Reported below: 955 N. E. 2d 241.

No. 11–9838. *ANDERSON v. PRUITT ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 454 Fed. Appx. 229.

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No. 11–9844. *JACKSON v. LOS ANGELES UNIFIED SCHOOL DISTRICT ET AL.*; and

No. 11–9845. *JOHNSON v. LOS ANGELES UNIFIED SCHOOL DISTRICT ET AL.* Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 11–9847. *LIRA v. FLORIDA.* Dist. Ct. App. Fla., 5th Dist. Certiorari denied. Reported below: 78 So. 3d 552.

No. 11–9856. *POOLE v. CARTERET COUNTY SHERIFF'S DEPARTMENT ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 458 Fed. Appx. 232.

No. 11–9868. *ANDREW D., A MINOR v. ARIZONA.* Ct. App. Ariz. Certiorari denied.

No. 11–9870. *BLACKMAN v. INDIANA.* Sup. Ct. Ind. Certiorari denied. Reported below: 962 N. E. 2d 649.

No. 11–9879. *BROOKS v. WHIRLPOOL CORP. ET AL.* C. A. 6th Cir. Certiorari denied.

No. 11–9932. *COLEMAN v. ASTRUE, COMMISSIONER OF SOCIAL SECURITY.* C. A. 4th Cir. Certiorari denied. Reported below: 466 Fed. Appx. 291.

No. 11–9989. *PETWAY v. NATIONAL LABOR RELATIONS BOARD.* C. A. 4th Cir. Certiorari denied. Reported below: 444 Fed. Appx. 685.

No. 11–9991. *BRAXTON v. TUCKER, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 11–10015. *RUELAS v. RYAN, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 11–10029. *QUINTON v. CLAY, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 11–10054. *BUCKMAN v. MASSACHUSETTS.* Sup. Jud. Ct. Mass. Certiorari denied. Reported below: 461 Mass. 24, 957 N. E. 2d 1089.

No. 11–10085. *MARQUEZ v. MASSACHUSETTS.* App. Ct. Mass. Certiorari denied. Reported below: 80 Mass. App. 1115, 956 N. E. 2d 1265.

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No. 11–10103. *BAKER v. FLORIDA*. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 86 So. 3d 1208.

No. 11–10108. *LOPEZ v. PHELPS, WARDEN, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 11–10122. *MUNOZ v. CATE, SECRETARY, CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION*. C. A. 9th Cir. Certiorari denied.

No. 11–10155. *SANCHEZ v. CALIFORNIA*. Ct. App. Cal., 4th App. Dist., Div. 2. Certiorari denied. Reported below: 200 Cal. App. 4th 70, 132 Cal. Rptr. 3d 537.

No. 11–10197. *HERNANDEZ v. CALIFORNIA* (two judgments). Ct. App. Cal., 1st App. Dist. Certiorari denied.

No. 11–10212. *ZEYON v. BURNS, ACTING SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT LAUREL HIGHLANDS*. C. A. 3d Cir. Certiorari denied.

No. 11–10224. *BUSH v. CITY OF PHILADELPHIA, PENNSYLVANIA, ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 447 Fed. Appx. 395.

No. 11–10232. *BARBARIN v. SCRIBNER, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 11–10274. *ALEXANDER v. FOLINO, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT GREENE*. C. A. 3d Cir. Certiorari denied.

No. 11–10313. *SMITH v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 11–10317. *SEARCY v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 448 Fed. Appx. 984.

No. 11–10319. *SOTO v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 11–10323. *BUTTS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 464 Fed. Appx. 105.

No. 11–10331. *SMITH v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

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No. 11–10351. *PIPKIN v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 464 Fed. Appx. 168.

No. 11–10353. *AMARO v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 11–10357. *CHAVEZ-CUEVAS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 445 Fed. Appx. 978.

No. 11–10361. *MYERS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 465 Fed. Appx. 290.

No. 11–10364. *TORRES-LARANEGA v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 473 Fed. Appx. 839.

No. 11–10365. *JOHNSON v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 452 Fed. Appx. 219.

No. 11–10374. *LACSON v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 11–10375. *MALDONADO-TORRES v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 463 Fed. Appx. 310.

No. 11–10378. *BRYANT v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 462 Fed. Appx. 589.

No. 11–10380. *CANADA v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 462 Fed. Appx. 512.

No. 11–10381. *CARMICHAEL v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 11–10382. *COULTER v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 461 Fed. Appx. 763.

No. 11–10383. *DEVO v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 457 Fed. Appx. 908.

No. 11–10385. *SOUTHERLAND v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 468 Fed. Appx. 371.

No. 11–10387. *KOUFOS v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 666 F. 3d 1243.

No. 11–10388. *OLIVO v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 462 Fed. Appx. 457.

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No. 11–10390. *ANDERSON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 458 Fed. Appx. 407.

No. 11–10392. *HERBST v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 460 Fed. Appx. 387.

No. 11–10393. *FREERKSEN v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 457 Fed. Appx. 769.

No. 11–10394. *GILLESPIE v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 463 Fed. Appx. 692.

No. 11–10396. *FORDE v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 664 F. 3d 1219.

No. 11–10397. *HAYMOND v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 672 F. 3d 948.

No. 11–10398. *GERMAN v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 11–10399. *GREEN v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 453 Fed. Appx. 96.

No. 11–10402. *HERNANDEZ-GONZALEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 459 Fed. Appx. 410.

No. 11–10414. *GARZA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 11–10422. *FORD v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 445 Fed. Appx. 652.

No. 11–10426. *UNDER SEAL v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 468 Fed. Appx. 280.

No. 11–10428. *MOORE v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 462 Fed. Appx. 451.

No. 11–10430. *GERHOLDT v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 460 Fed. Appx. 430.

No. 11–10435. *WARREN v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 461 Fed. Appx. 384.

No. 11–10438. *ROUNDSTONE v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 468 Fed. Appx. 707.

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No. 11–10441. ALVERA-RAMIREZ *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 463 Fed. Appx. 245.

No. 11–10443. PORCELLI, AKA JAMES *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 440 Fed. Appx. 870.

No. 11–10444. WILLIAMS *v.* TAMEZ, WARDEN. C. A. 5th Cir. Certiorari denied. Reported below: 476 Fed. Appx. 6.

No. 11–10456. DHALIWAL *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 468 Fed. Appx. 666.

No. 11–1066. LUTZER *v.* DUNCAN. App. Ct. Ill., 2d Dist. Motion of Alliance Defense Fund for leave to file a brief as *amicus curiae* granted. Certiorari denied. Reported below: 408 Ill. App. 3d 911, 947 N. E. 2d 305.

No. 11–1139. GAUSS ET AL. *v.* EPISCOPAL CHURCH IN THE DIOCESE OF CONNECTICUT ET AL. Sup. Ct. Conn. Motion of St. James Anglican Church et al. for leave to file a brief as *amici curiae* granted. Certiorari denied. Reported below: 302 Conn. 408, 28 A. 3d 302.

No. 11–1234. REDEVELOPMENT AUTHORITY OF MONTGOMERY COUNTY, PENNSYLVANIA, ET AL. *v.* R&J HOLDING CO. ET AL. C. A. 3d Cir. Motion of National League of Cities et al. for leave to file a brief as *amici curiae* granted. Certiorari denied. Reported below: 670 F. 3d 420.

No. 11–1236. NELSON, CHAIRMAN, PUBLIC UTILITY COMMISSION OF TEXAS, ET AL. *v.* TIME WARNER CABLE INC. ET AL. C. A. 5th Cir. Certiorari denied. THE CHIEF JUSTICE took no part in the consideration or decision of this petition. Reported below: 667 F. 3d 630.

No. 11–7185. FAIREY *v.* TUCKER, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 441 Fed. Appx. 160.

JUSTICE SOTOMAYOR, dissenting.

Petitioner William Fairey was tried *in absentia* and without counsel on state felony charges. Although Fairey had not received actual notice of his trial date, the state court concluded that he had waived his right to be present when he failed to

appear in court on the scheduled trial date. The State tried Fairey in his absence and, without having heard any defense, the jury found Fairey guilty. The court sentenced him to eight years' imprisonment and \$25,000 in restitution. Fairey sought relief on the ground that his trial *in absentia* violated the Sixth and Fourteenth Amendments. After exhausting state remedies, he filed a federal petition for writ of habeas corpus. The District Court denied relief. Both the District Court and the United States Court of Appeals for the Fourth Circuit denied a certificate of appealability (COA).

I believe a COA should have issued; at the very least, "the issues presented are adequate to deserve encouragement to proceed further." *Miller-El v. Cockrell*, 537 U.S. 322, 327 (2003). An accused's right to be present at his own trial is among the most fundamental rights our Constitution secures. In view of the importance of the right involved and the obvious error here, I would grant the petition for a writ of certiorari and summarily reverse the judgment below.

I

In early 1998, South Carolina served Fairey with an arrest warrant for obtaining goods and moneys under false pretenses, a state felony. Fairey was released on his personal recognizance, and the State dismissed the warrant. Some time later, Fairey moved from South Carolina to Sarasota, Florida. In 2001, South Carolina indicted Fairey for the charge underlying the warrant. Fairey proceeded *pro se* and defended himself actively. He filed motions, sought the discovery of documents, and corresponded with the court. Twice he traveled from Florida to South Carolina for proceedings.

In the fall of 2002, Fairey informed the state solicitor (hereinafter Solicitor) and the trial court of his new address in Castiac, California. Several months later, Fairey moved to quash his indictment. In that submission, he listed both the California and Florida addresses, the latter now denoted as a "temporary address." Record in No. 4:09-cv-01610-RMG (D SC), Doc. 19, p. 160 (Exh. 10). Fairey explained: "Beginning February 23, I have been living temporarily in Sarasota, Florida, awaiting my next [work] assignment and my return to California." *Id.*, at 171. He attended the hearing on his motion in March, and there submitted a motion to dismiss and an accompanying affidavit. Both listed only his Florida address. The trial court denied

Fairey's motion to quash and sent notice of its ruling to the Florida address alone. The Solicitor subsequently sent at least one letter to that address. Some 15 months later, the trial court denied Fairey's motion to dismiss. Notice again was sent only to Florida.

In June 2004, the Solicitor subpoenaed Fairey to appear for trial in South Carolina the following month. Although Fairey's most recent filing had listed only his Florida address, and both the trial court and Solicitor most recently had sent correspondence to that address alone, the Solicitor mailed the subpoena to two different addresses: the California address, and a South Carolina address listed on Fairey's 1998 personal recognizance bond form. It is undisputed that Fairey did not receive the subpoena. Unaware of his trial date, he did not appear at trial. The State tried him in his absence, and the jury found him guilty after less than 30 minutes of deliberation.

When it came time to arrest Fairey, the State had no trouble locating him in Florida. After he was incarcerated, Fairey moved for a new trial. The trial court denied the motion, and the South Carolina Court of Appeals affirmed. The court acknowledged that the Sixth Amendment guarantees the right of an accused to be present at every stage of his trial. 374 S. C. 92, 98–99, 646 S. E. 2d 445, 448 (2007). But the court concluded that Fairey had waived this right because (1) notice of his trial date was sent to his California address, which was the “permanent address for service of notice” in the record; and (2) Fairey had been warned on his 1998 personal recognizance bond form that trial would proceed in his absence if he did not attend. *Id.*, at 99–103, 646 S. E. 2d, at 448–450. After exhausting his state remedies, Fairey petitioned the United States District Court for the District of South Carolina for a writ of habeas corpus. The District Court denied relief, largely adopting the reasoning of the State Court of Appeals. The District Court and United States Court of Appeals for the Fourth Circuit denied a COA. See 441 Fed. Appx. 160 (2011). Fairey, proceeding *pro se*, petitioned for a writ of certiorari.

II

It is a basic premise of our justice system that “in a prosecution for a felony the defendant has the privilege under the Fourteenth Amendment to be present in his own person whenever his presence has a relation, reasonably substantial, to the fulness of his

opportunity to defend against the charge.” *Snyder v. Massachusetts*, 291 U. S. 97, 105–106 (1934). This longstanding right reflects the “notion that a fair trial [can] take place only if the jurors me[e]t the defendant face-to-face and only if those testifying against the defendant [do] so in his presence.” *Crosby v. United States*, 506 U. S. 255, 259 (1993); see also *ibid.* (“It is well settled that . . . at common law the personal presence of the defendant is essential to a valid trial and conviction on a charge of felony” (quoting W. Mikell, *Clark’s Criminal Procedure* 492 (2d ed. 1918) (hereinafter Mikell))); *Diaz v. United States*, 223 U. S. 442, 455 (1912) (right to be present is “scarcely less important to the accused than the right of trial itself”). Thus in general, “if [the defendant] is absent [from trial], . . . a conviction will be set aside.” *Crosby*, 506 U. S., at 259 (quoting Mikell 492).

The Court has acknowledged only two exceptions to this general rule. First, at least in noncapital trials, a defendant may waive his right to be present “if, after the trial has begun in his presence, he voluntarily absents himself.” *Crosby*, 506 U. S., at 260 (quoting *Diaz*, 223 U. S., at 455). Second, “a defendant can lose his right to be present at trial if, after being warned by the judge that he will be removed if he continues his disruptive behavior, he nevertheless insists on conducting himself in a manner so disorderly, disruptive, and disrespectful of the court that his trial cannot be carried on with him in the courtroom.” *Illinois v. Allen*, 397 U. S. 337, 343 (1970). This case, of course, does not fall within either exception. Rather, the state court conceived an additional exception, one never recognized by this Court: waiver on the basis of a defendant’s actions *prior* to the start of trial. And the state court went on to conclude that Fairey’s actions established such waiver on the basis of two facts: The Solicitor mailed a subpoena to Fairey’s California address and Fairey acknowledged in his 1998 personal recognizance bond form that trial could proceed in his absence if he failed to attend.

Whether the Constitution permits the trial *in absentia* of a defendant who is not present at the start of trial is a serious question. It is one we expressly left open in *Crosby*, though not without noting that there are good reasons for distinguishing in this context between a defendant who was present at the start of trial and one who was not present at all. We observed that “the defendant’s initial presence serves to assure that any waiver [of the right to be present] is indeed knowing.” 506 U. S., at 261–

262. And we noted that “the costs of suspending a proceeding already under way will be greater than the cost of postponing a trial not yet begun,” and so “[i]f a clear line is to be drawn marking the point at which the costs of delay are likely to outweigh the interests of the defendant and society in having the defendant present, the commencement of trial is at least a plausible place at which to draw that line.” *Id.*, at 261.

Even assuming that a waiver of the right to be present at trial could ever be found when the defendant was not initially present, the facts here do not remotely demonstrate such a waiver. Our cases clearly establish that “waiver is the intentional relinquishment or abandonment of a known right.” *United States v. Olano*, 507 U. S. 725, 733 (1993) (internal quotation marks omitted). A defendant’s waiver of a fundamental constitutional right is not to be lightly presumed; rather, a court must “indulge every reasonable presumption against waiver of fundamental constitutional rights.” *Carnley v. Cochran*, 369 U. S. 506, 514 (1962) (internal quotation marks omitted). It was not reasonable for the state court to conclude that Fairey intentionally abandoned his right to be present.

As a *pro se* litigant, Fairey represented himself actively in pretrial proceedings; he made two interstate trips to do so and demonstrated every intention of mounting a vigorous defense at trial. To be sure, he did not appear in court on his scheduled trial date. And he was informed on his bail recognizance form that trial could proceed in his absence if he was not present. But the form did not specify his trial date, and Fairey had no knowledge of that date as he did not receive the Solicitor’s notice, which was sent to California and not to Fairey’s most recent address in Florida. There is no suggestion, moreover, that Fairey was derelict in his duty to monitor the docket or to keep the State informed of his whereabouts. His most recent motion to the court provided only his Florida address. An affidavit submitted two weeks earlier stated that he was presently living in Florida. And Fairey had been contacted at his Florida address by both the Solicitor and court after that date. Until he informed the court that he had returned to California or moved elsewhere, he was justified in believing the State would continue to contact him at his Florida address. In short, while Fairey failed to appear in court on the date of his scheduled trial, his failure to do so was wholly inadvertent. Consequently, his absence does not demon-

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strate the intent necessary to establish waiver under our established case law.

I believe a COA should have issued and that our intervention is warranted. A trial conducted without actual notice to a defendant and in his absence makes a mockery of fair process and the constitutional right to be present at trial. That is particularly true where, as here, the defendant participated actively in his defense and kept the State informed of his whereabouts. I would grant the petition and summarily reverse the judgment below.

No. 11-9344. *EL FALESTENY v. OBAMA, PRESIDENT OF THE UNITED STATES, ET AL.* C. A. D. C. Cir. Motion of respondents for leave to file a brief in opposition under seal granted. Motion of petitioner for leave to file a reply brief under seal granted. Certiorari denied.

No. 11-9768. *BLACKMON v. DOUGLAS, WARDEN.* C. A. 11th Cir. Motion of petitioner to defer consideration of petition for writ of certiorari denied. Certiorari denied.

No. 11-9797. *MILLER v. MARSHALL.* C. A. 7th Cir. Certiorari before judgment denied.

No. 11-9865. *HOUSTON v. QUALITY HOME LOANS ET AL.* C. A. 9th Cir. Certiorari before judgment denied.

No. 11-10389. *BASCIANO v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition. Reported below: 465 Fed. Appx. 9.

Rehearing Denied

No. 11-1072. *COHEN v. ALFRED & ADELE DAVIS ACADEMY, INC.,* 566 U. S. 974;

No. 11-1095. *GRAVES v. INTERNATIONAL BROTHERHOOD OF TEAMSTERS LOCAL 572 ET AL.,* 566 U. S. 987;

No. 11-8257. *WINSTON v. TEGELS, WARDEN,* 566 U. S. 976;

No. 11-8485. *PANDEY v. RUSSELL ET AL.,* 565 U. S. 1269;

No. 11-8900. *WILKINSON v. CALIFORNIA,* 566 U. S. 964;

No. 11-8953. *VINSON v. UNITED STATES MARSHALS SERVICE ET AL.,* 566 U. S. 948;

No. 11-8986. *ROBINSON v. COLEMAN, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT FAYETTE, ET AL.,* 566 U. S. 948;

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No. 11–8995. *WALKER v. CLARKE, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS*, 566 U. S. 977;

No. 11–9040. *IN RE BALZAROTTI*, 566 U. S. 973;

No. 11–9084. *MARQUARDT v. VAN RYBROEK*, 566 U. S. 949;

No. 11–9214. *MCCARTHY v. SOSNICK ET AL.*, 566 U. S. 966; and

No. 11–9839. *BUSH v. UNITED STATES*, 566 U. S. 1004. Petitions for rehearing denied.

No. 11–1063. *BLYE ET AL. v. KOZINSKI, CHIEF JUDGE, UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT, ET AL.*, 566 U. S. 970. Petition for rehearing denied. JUSTICE BREYER took no part in the consideration or decision of this petition.

No. 11–7106. *CURTIS-JOSEPH v. RICHARDSON ET AL.*, 565 U. S. 1123. Motion for leave to file petition for rehearing denied.

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Miscellaneous Order

No. 11A1224. *SIMMONS v. MISSISSIPPI*. Application for stay of execution of sentence of death, presented to JUSTICE SCALIA, and by him referred to the Court, denied.

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Affirmed on Appeal

No. 11–1178. *FLETCHER ET AL. v. LAMONE ET AL.* Affirmed on appeal from D. C. Md. Reported below: 831 F. Supp. 2d 887.

Certiorari Granted—Vacated and Remanded

No. 11–83. *ARCTIC SLOPE NATIVE ASSN., LTD. v. SEBELIUS, SECRETARY OF HEALTH AND HUMAN SERVICES*. C. A. Fed. Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Salazar v. Ramah Navajo Chapter*, *ante*, p. 182. Reported below: 629 F. 3d 1296.

Certiorari Granted—Reversed. (See No. 11–1179, *ante*, p. 516.)

Certiorari Dismissed

No. 11–9896. *JONES v. LIBERTY BANK & TRUST CO. ET AL.* C. A. 5th Cir. Motion of petitioner for leave to proceed *in forma*

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pauperis denied, and certiorari dismissed. See this Court's Rule 39.8. Reported below: 461 Fed. Appx. 407.

No. 11-9936. JONES *v.* COMMONWEALTH LAND TITLE INSURANCE CO. ET AL. C. A. 11th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8. Reported below: 459 Fed. Appx. 808.

Miscellaneous Orders

No. D-2662. IN RE DISBARMENT OF BARLEY. Disbarment entered. [For earlier order herein, see 566 U. S. 959.]

No. D-2664. IN RE DISBARMENT OF RICHARDSON. Disbarment entered. [For earlier order herein, see 566 U. S. 959.]

No. D-2666. IN RE DISBARMENT OF SNYDER. Disbarment entered. [For earlier order herein, see 566 U. S. 960.]

No. D-2667. IN RE DISBARMENT OF SHIMER. Disbarment entered. [For earlier order herein, see 566 U. S. 960.]

No. D-2668. IN RE DISBARMENT OF SINDACO. Disbarment entered. [For earlier order herein, see 566 U. S. 960.]

No. D-2669. IN RE DISBARMENT OF SINKO. Disbarment entered. [For earlier order herein, see 566 U. S. 960.]

No. D-2670. IN RE DISBARMENT OF WEXLER. Disbarment entered. [For earlier order herein, see 566 U. S. 960.]

No. D-2671. IN RE DISBARMENT OF LEONARD. Disbarment entered. [For earlier order herein, see 566 U. S. 960.]

No. D-2672. IN RE DISBARMENT OF HACKETT. Disbarment entered. [For earlier order herein, see 566 U. S. 961.]

No. D-2679. IN RE DISCIPLINE OF WEBER. Erin Marie Weber, of Falls Church, Va., 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. 11M116. GIUNTA *v.* ASTRUE, COMMISSIONER OF SOCIAL SECURITY;

No. 11M118. DAVIS *v.* CAIN, WARDEN;

No. 11M119. BLACKARD *v.* TEXAS; and

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No. 11M120. LOMAX *v.* NUNEZ ET AL. Motions to direct the Clerk to file petitions for writs of certiorari out of time denied.

No. 11M117. EMMETT *v.* THALER, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. Motion to direct the Clerk to file petition for writ of certiorari out of time under this Court's Rule 14.5 denied.

No. 11M121. UNDER SEAL *v.* UNDER SEAL ET AL. Motion for leave to file petition for writ of certiorari under seal with redacted copies for the public record granted.

No. 11M122. ROE ET AL. *v.* UNITED STATES ET AL. Motion for leave to file petition for writ of certiorari under seal with redacted copies for the public record granted on condition that petitioners provide a redacted motion and petition that remove any appended item containing a party's true name and any reference to such item within 30 days.

No. 11-1078. GLAXOSMITHKLINE *v.* CLASSEN IMMUNOTHERAPIES, INC. C. A. Fed. Cir. The Solicitor General is invited to file a brief in this case expressing the views of the United States.

No. 11-9281. IN RE DOYLE. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [566 U. S. 986] denied.

No. 11-9925. THOMAS *v.* CALIFORNIA. Ct. App. Cal., 2d App. Dist.;

No. 11-10026. POSTOLACHE *v.* POSTOLACHE. Sup. Jud. Ct. Me.; and

No. 11-10480. TRIVEDI *v.* INTERNAL REVENUE SERVICE. C. A. 9th Cir. Motions of petitioners for leave to proceed *in forma pauperis* denied. Petitioners are allowed until July 16, 2012, 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. 11-9882. IN RE ALSTON; and

No. 11-10487. IN RE HIGDON. Petitions for writs of mandamus denied.

No. 11-1261. IN RE VEY; and

No. 11-9885. IN RE MODELIST. Petitions for writs of mandamus and/or prohibition denied.

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Certiorari Granted

No. 11–556. VANCE *v.* BALL STATE UNIVERSITY ET AL. C. A. 7th Cir. Certiorari granted. Reported below: 646 F. 3d 461.

No. 11–982. ALREADY, LLC, DBA YUMS *v.* NIKE, INC. C. A. 2d Cir. Certiorari granted. Reported below: 663 F. 3d 89.

No. 11–1160. FEDERAL TRADE COMMISSION *v.* PHOEBE PUTNEY HEALTH SYSTEM, INC., ET AL. C. A. 11th Cir. Certiorari granted. Reported below: 663 F. 3d 1369.

No. 11–1231. SEBELIUS, SECRETARY OF HEALTH AND HUMAN SERVICES *v.* AUBURN REGIONAL MEDICAL CENTER ET AL. C. A. D. C. Cir. Certiorari granted. Reported below: 642 F. 3d 1145.

No. 11–1285. US AIRWAYS, INC., FIDUCIARY AND PLAN ADMINISTRATOR OF THE US AIRWAYS, INC. EMPLOYEE BENEFITS PLAN *v.* MCCUTCHEN ET AL. C. A. 3d Cir. Certiorari granted. Reported below: 663 F. 3d 671.

No. 11–338. DECKER, OREGON STATE FORESTER, ET AL. *v.* NORTHWEST ENVIRONMENTAL DEFENSE CENTER; and

No. 11–347. GEORGIA-PACIFIC WEST, INC., ET AL. *v.* NORTHWEST ENVIRONMENTAL DEFENSE CENTER. C. A. 9th Cir. Certiorari granted, cases consolidated, and a total of one hour is allotted for oral argument. JUSTICE BREYER took no part in the consideration or decision of these petitions. Reported below: 640 F. 3d 1063.

No. 11–460. LOS ANGELES COUNTY FLOOD CONTROL DISTRICT *v.* NATURAL RESOURCES DEFENSE COUNCIL, INC., ET AL. C. A. 9th Cir. Certiorari granted limited to Question 2 presented by the petition. Reported below: 673 F. 3d 880.

No. 11–864. COMCAST CORP. ET AL. *v.* BEHREND ET AL. C. A. 3d Cir. Certiorari granted limited to the following question: “Whether a district court may certify a class action without resolving whether the plaintiff class has introduced admissible evidence, including expert testimony, to show that the case is susceptible to awarding damages on a class-wide basis.” Reported below: 655 F. 3d 182.

No. 11–1059. GENESIS HEALTHCARE CORP. ET AL. *v.* SYMCZYK. C. A. 3d Cir. Motions of Chamber of Commerce of the United

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States of America et al. and DRI—The Voice of the Defense Bar for leave to file briefs as *amici curiae* granted. Certiorari granted. Reported below: 656 F. 3d 189.

No. 11–9307. HENDERSON *v.* UNITED STATES. C. A. 5th Cir. Motion of petitioner for leave to proceed *in forma pauperis* granted. Certiorari granted. Reported below: 646 F. 3d 223.

Certiorari Denied

No. 10–947. BANK MELLI IRAN NEW YORK REPRESENTATIVE OFFICE *v.* WEINSTEIN ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 609 F. 3d 43.

No. 10–1139. FACULTY SENATE OF FLORIDA INTERNATIONAL UNIVERSITY ET AL. *v.* FLORIDA. C. A. 11th Cir. Certiorari denied. Reported below: 616 F. 3d 1206.

No. 10–1322. DIRECTV, INC., ET AL. *v.* TESTA, TAX COMMISSIONER OF OHIO. Sup. Ct. Ohio. Certiorari denied. Reported below: 128 Ohio St. 3d 68, 2010-Ohio-6279, 941 N. E. 2d 1187.

No. 10–1377. COOK ET AL. *v.* ROCKWELL INTERNATIONAL CORP. ET AL. C. A. 10th Cir. Certiorari denied. Reported below: 618 F. 3d 1127.

No. 10–1555. PACIFIC MERCHANT SHIPPING ASSN. *v.* GOLDSTONE, EXECUTIVE OFFICER, CALIFORNIA AIR RESOURCES BOARD, ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 639 F. 3d 1154.

No. 11–71. COTRONEO ET AL. *v.* SHAW ENVIRONMENTAL & INFRASTRUCTURE, INC., ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 639 F. 3d 186.

No. 11–969. RYAN ET AL. *v.* PICARD ET AL.; and
No. 11–986. VELVEL *v.* PICARD ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 654 F. 3d 229.

No. 11–1009. PUBLIC CITIZEN, INC., ET AL. *v.* FEDERAL ENERGY REGULATORY COMMISSION ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 659 F. 3d 910.

No. 11–1026. M. H. *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 648 F. 3d 1067.

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No. 11–1056. *TORRES-RENDON v. HOLDER, ATTORNEY GENERAL*. C. A. 7th Cir. Certiorari denied. Reported below: 656 F. 3d 456.

No. 11–1062. *MICCI v. ALEMAN*. C. A. 7th Cir. Certiorari denied. Reported below: 662 F. 3d 897.

No. 11–1089. *DEFEO v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 11–1153. *OGNIBENE ET AL. v. PARKES ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 671 F. 3d 174.

No. 11–1158. *HERRING v. FLORIDA*. Sup. Ct. Fla. Certiorari denied. Reported below: 76 So. 3d 891.

No. 11–1161. *CAHILL v. SECURITIES AND EXCHANGE COMMISSION*. C. A. D. C. Cir. Certiorari denied. Reported below: 659 F. 3d 1.

No. 11–1177. *RHODES v. JUDISCAK*. C. A. 10th Cir. Certiorari denied. Reported below: 676 F. 3d 931.

No. 11–1215. *ABDUR'RAHMAN v. COLSON, WARDEN*. C. A. 6th Cir. Certiorari denied. Reported below: 649 F. 3d 468.

No. 11–1229. *MICHIGAN WORKERS' COMPENSATION INSURANCE AGENCY ET AL. v. ACE AMERICAN INSURANCE CO. ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 448 Fed. Appx. 134.

No. 11–1243. *DEEP v. CLINTON CENTRAL SCHOOL DISTRICT ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 453 Fed. Appx. 49.

No. 11–1252. *LOUISIANA CITIZENS PROPERTY INSURANCE CORP., DBA LOUISIANA CITIZENS FAIR PLAN v. OUBRE ET AL., INDIVIDUALLY AND ON BEHALF OF ALL OTHERS SIMILARLY SITUATED*. Sup. Ct. La. Certiorari denied. Reported below: 2011–0097 (La. 12/16/11), 79 So. 3d 987.

No. 11–1257. *KIA MOTORS AMERICA, INC. v. SAMUEL-BASSETT ET AL.* Sup. Ct. Pa. Certiorari denied. Reported below: 613 Pa. 371, 34 A. 3d 1.

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No. 11–1258. *KIVISTO v. SOIFER ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 448 Fed. Appx. 923.

No. 11–1260. *WILSON v. BIRNBERG ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 667 F. 3d 591.

No. 11–1270. *AABDOLLAH v. AABDOLLAH.* Super. Ct. N. J., App. Div. Certiorari denied.

No. 11–1271. *TRUSTEE OF NORTEL NETWORKS UK PENSION PLAN ET AL. v. NORTEL NETWORKS, INC., ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 669 F. 3d 128.

No. 11–1272. *JACKSON v. MECOSTA COUNTY MEDICAL CENTER ET AL.* Ct. App. Mich. Certiorari denied.

No. 11–1273. *WIECKIEWICZ v. EDUCATIONAL CREDIT MANAGEMENT CORP.* C. A. 11th Cir. Certiorari denied. Reported below: 443 Fed. Appx. 449.

No. 11–1276. *MIKEL, INDIVIDUALLY AND AS FATHER AND NEXT FRIEND OF MIKEL v. SCHOOL BOARD OF SPOTSYLVANIA COUNTY.* Sup. Ct. Va. Certiorari denied.

No. 11–1279. *JOHNSON v. BARTOS, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 11–1283. *RODRIGUEZ v. SEA SEARCH ARMADA ET AL.* C. A. D. C. Cir. Certiorari denied.

No. 11–1294. *REPUBLIC OF IRAQ v. WYE OAK TECHNOLOGY, INC.* C. A. 4th Cir. Certiorari denied. Reported below: 666 F. 3d 205.

No. 11–1296. *KATZ-PUESCHEL v. DEPARTMENT OF TRANSPORTATION.* C. A. Fed. Cir. Certiorari denied. Reported below: 441 Fed. Appx. 771.

No. 11–1297. *M. H. R., A CHILD v. FLORIDA.* Dist. Ct. App. Fla., 5th Dist. Certiorari denied. Reported below: 61 So. 3d 483.

No. 11–1311. *DUNG PHAN v. HOLDER, ATTORNEY GENERAL.* C. A. 4th Cir. Certiorari denied. Reported below: 667 F. 3d 448.

No. 11–1315. *FRANKLIN v. ESTATE OF OVERBEY, DECEASED, ET AL.* Sup. Ct. Mo. Certiorari denied. Reported below: 361 S. W. 3d 364.

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No. 11–1339. *LOVAAS v. MONTANA ET AL.* Sup. Ct. Mont. Certiorari denied. Reported below: 363 Mont. 413.

No. 11–1340. *BEY ET AL. v. CITY OF NEW YORK, NEW YORK, ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 454 Fed. Appx. 1.

No. 11–1341. *BOSCH v. CERTAIN UNDERWRITERS AT LLOYD’S LONDON.* C. A. 5th Cir. Certiorari denied.

No. 11–1357. *SHARP v. JOHNSON ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 669 F. 3d 144.

No. 11–1380. *WILLIAMS ET UX. v. JP MORGAN MORTGAGE ACQUISITION CORP. ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 447 Fed. Appx. 705.

No. 11–1387. *MR. S. v. UNITED STATES.* C. A. 1st Cir. Certiorari denied. Reported below: 662 F. 3d 65.

No. 11–1394. *BALLAN v. UNITED STATES.* C. A. Armed Forces. Certiorari denied. Reported below: 71 M. J. 28.

No. 11–7501. *SMITH v. PENNSYLVANIA.* Sup. Ct. Pa. Certiorari denied. Reported below: 609 Pa. 605, 17 A. 3d 873.

No. 11–8101. *CARTER v. UNITED STATES.* C. A. 8th Cir. Certiorari denied. Reported below: 652 F. 3d 894.

No. 11–8733. *TRUJILLO v. TALLY ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 461 Fed. Appx. 561.

No. 11–8966. *REBOLLO-ANDINO v. UNITED STATES.* C. A. 1st Cir. Certiorari denied.

No. 11–9013. *BROWN v. ILLINOIS.* App. Ct. Ill., 1st Dist. Certiorari denied.

No. 11–9023. *SAGHIR v. GRIEVANCE COMMITTEE FOR THE 2D, 11TH, AND 13TH JUDICIAL DISTRICTS.* App. Div., Sup. Ct. N. Y., 2d Jud. Dept. Certiorari denied. Reported below: 86 App. Div. 3d 121, 925 N. Y. S. 2d 99.

No. 11–9125. *HUTCHISON v. COLSON, WARDEN.* C. A. 6th Cir. Certiorari denied.

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No. 11–9452. *BRAVO FLORES v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 663 F. 3d 1022.

No. 11–9453. *GIANNINI v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 441 Fed. Appx. 500.

No. 11–9492. *SANDOVAL v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 668 F. 3d 865.

No. 11–9672. *PADILLA v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 657 F. 3d 1085.

No. 11–9830. *DOZIER v. NEVADA*. Sup. Ct. Nev. Certiorari denied. Reported below: 128 Nev. 893.

No. 11–9861. *SAMPSON v. FLORIDA*. Dist. Ct. App. Fla., 3d Dist. Certiorari denied. Reported below: 88 So. 3d 209.

No. 11–9862. *RIVERA v. HORNE, ATTORNEY GENERAL OF ARIZONA, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 468 Fed. Appx. 807.

No. 11–9863. *SMITH v. THALER, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 11–9874. *BAILEY v. TUCKER, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 11–9876. *LOMAX v. REGALADO, MAYOR, CITY OF MIAMI, FLORIDA, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 11–9877. *SMITH v. SANDOR, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 11–9889. *McMORRIS v. SHERFIELD ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 465 Fed. Appx. 257.

No. 11–9892. *NUNN v. COOPER, ATTORNEY GENERAL OF NORTH CAROLINA*. C. A. 4th Cir. Certiorari denied. Reported below: 461 Fed. Appx. 324.

No. 11–9895. *BROWN v. MITCHELL, SUPERINTENDENT, OLD COLONY CORRECTIONAL CENTER*. C. A. 1st Cir. Certiorari denied. Reported below: 666 F. 3d 818.

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No. 11–9902. *ROJAS v. ADAMS, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 11–9906. *CARAVEO v. TEXAS*. Ct. App. Tex., 11th Dist. Certiorari denied.

No. 11–9914. *PENA v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 2011 IL App (1st) 092610–U.

No. 11–9921. *MAYES v. ROWLEY, WARDEN, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 453 Fed. Appx. 358.

No. 11–9924. *WALKER v. SMITH, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 11–9928. *BRUCE v. RYAN, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 11–9933. *COLEMAN v. COX, DIRECTOR, NEVADA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 11–9934. *LAVENDER v. THALER, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 11–9935. *NOWILL v. FRAZIER, WARDEN*. Super. Ct. Washington County, Ga. Certiorari denied.

No. 11–9940. *KIDD v. LIVINGSTON, EXECUTIVE DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 463 Fed. Appx. 311.

No. 11–9949. *MOXLEY v. NEVEN, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 11–9952. *BRIST v. MINNESOTA*. Sup. Ct. Minn. Certiorari denied. Reported below: 812 N. W. 2d 51.

No. 11–9957. *AMAKER v. NEW YORK ET AL.* C. A. 2d Cir. Certiorari denied.

No. 11–9959. *MAYES v. GRAPHIC PACKAGING INTERNATIONAL*. C. A. 4th Cir. Certiorari denied. Reported below: 468 Fed. Appx. 316.

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No. 11–9963. *MENDIOLA v. THALER, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 11–9964. *MORRIS v. MALFI, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 449 Fed. Appx. 686.

No. 11–9965. *TURNER v. HERRICK ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 465 Fed. Appx. 250.

No. 11–9968. *CABA v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 11–9973. *LAZAROV v. KIMMEL ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 447 Fed. Appx. 873.

No. 11–9976. *MCCARTHY v. SOSNICK ET AL. (two judgments)*. Sup. Ct. Mich. Certiorari denied.

No. 11–9978. *APPLEWHITE v. OUTLAW, SUPERINTENDENT, EASTERN CORRECTIONAL INSTITUTION, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 454 Fed. Appx. 219.

No. 11–9979. *BRANCO v. ESPINDA, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 11–9995. *STURDIVANT v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 408 Ill. App. 3d 1126.

No. 11–10032. *BAILEY v. EMS VENTURES, INC., DBA RURAL/METRO AMBULANCE*. Ct. App. Ga. Certiorari denied. Reported below: 308 Ga. App. XXII.

No. 11–10055. *KULA v. WEST VIRGINIA DEPARTMENT OF TRANSPORTATION MOTOR VEHICLE ADMINISTRATION*. C. A. 4th Cir. Certiorari denied. Reported below: 455 Fed. Appx. 302.

No. 11–10127. *MALAM ET UX. v. HOLDER, ATTORNEY GENERAL*. C. A. 4th Cir. Certiorari denied. Reported below: 464 Fed. Appx. 141.

No. 11–10132. *LIZOTTE v. LEBLANC ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 456 Fed. Appx. 511.

No. 11–10164. *DILWORTH v. MISSISSIPPI*. Sup. Ct. Miss. Certiorari denied.

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No. 11–10183. *LEONARD v. NEVADA*. Sup. Ct. Nev. Certiorari denied. Reported below: 127 Nev. 1154, 373 P. 3d 935.

No. 11–10187. *SMITH v. MCDANIEL, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 467 Fed. Appx. 703.

No. 11–10230. *THOMAS v. CATE, SECRETARY, CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION*. C. A. 9th Cir. Certiorari denied.

No. 11–10239. *LYONS v. COLEMAN, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT FAYETTE, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 11–10254. *HALBERT v. CALIFORNIA*. Ct. App. Cal., 1st App. Dist. Certiorari denied.

No. 11–10256. *ESPINOZA v. VIRGA, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 11–10269. *RODRIGUEZ v. CATE, SECRETARY, CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION*. C. A. 9th Cir. Certiorari denied.

No. 11–10302. *LOGGINS v. HANNIGAN ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 461 Fed. Appx. 712.

No. 11–10336. *FRAZIER v. NOOTH, SUPERINTENDENT, SNAKE RIVER CORRECTIONAL INSTITUTION*. C. A. 9th Cir. Certiorari denied.

No. 11–10339. *WEBSTER v. FLORIDA*. Dist. Ct. App. Fla., 5th Dist. Certiorari denied. Reported below: 80 So. 3d 1041.

No. 11–10341. *NEVAREZ IBARRA v. HOBBS, DIRECTOR, ARKANSAS DEPARTMENT OF CORRECTION*. C. A. 8th Cir. Certiorari denied.

No. 11–10342. *PRATER v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 462 Fed. Appx. 859.

No. 11–10345. *LARSEN v. UNITED STATES*; and

No. 11–10346. *STONE v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 461 Fed. Appx. 461.

No. 11–10395. *HODGE v. TENNESSEE*. Ct. Crim. App. Tenn. Certiorari denied.

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No. 11–10445. *WOODSON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 463 Fed. Appx. 266.

No. 11–10447. *VOGEL v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 459 Fed. Appx. 439.

No. 11–10449. *THOMPSON v. WILLIAMS, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 11–10452. *LOPEZ v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 445 Fed. Appx. 190.

No. 11–10457. *COLEMAN v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 464 Fed. Appx. 832.

No. 11–10458. *MOORE v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied.

No. 11–10459. *ARELLANO MENDOZA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 463 Fed. Appx. 251.

No. 11–10469. *RIVERA-PINON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 442 Fed. Appx. 157.

No. 11–10474. *HARPER v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 662 F. 3d 958.

No. 11–10475. *GARCIA v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 11–10478. *STANLEY v. UNITED STATES*. Ct. App. D. C. Certiorari denied.

No. 11–10482. *FALLIN v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 463 Fed. Appx. 273.

No. 11–10484. *FRAZIER v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 462 Fed. Appx. 195.

No. 11–10485. *GONZALEZ-LOPEZ v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 472 Fed. Appx. 434.

No. 11–10493. *CORBAY v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 470 Fed. Appx. 679.

No. 11–10496. *AGUILAR-PEREZ v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 470 Fed. Appx. 551.

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No. 11–10498. *BURGEST v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 11–10500. *CAMPOS-CABRERA, AKA CAMPOS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 463 Fed. Appx. 240.

No. 11–10501. *CAZAREZ v. UNITED STATES PAROLE COMMISSION*. C. A. 5th Cir. Certiorari denied. Reported below: 463 Fed. Appx. 287.

No. 11–10508. *ROBERTS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 467 Fed. Appx. 187.

No. 11–10513. *POWELL v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 466 Fed. Appx. 387.

No. 11–10524. *LOPEZ v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 472 Fed. Appx. 820.

No. 11–10525. *JOHNSON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 11–10528. *TORRES-VALENZUELA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 468 Fed. Appx. 780.

No. 11–10529. *WHITE v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 455 Fed. Appx. 647.

No. 11–10530. *MOORE v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 670 F. 3d 222.

No. 11–10531. *PHOUMMANY v. SANDERS, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 11–10532. *HUDGINS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 120 F. 3d 483.

No. 11–10533. *COUSINS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 472 Fed. Appx. 591.

No. 11–10534. *COLVIN v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 467 Fed. Appx. 181.

No. 11–10537. *BERGTHOLD v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

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No. 11–431. RUBIN ET AL. *v.* ISLAMIC REPUBLIC OF IRAN ET AL. C. A. 7th Cir. Certiorari denied. JUSTICE SCALIA and JUSTICE KAGAN took no part in the consideration or decision of this petition. Reported below: 637 F. 3d 783.

No. 11–604. EM LTD. ET AL. *v.* REPUBLIC OF ARGENTINA ET AL. C. A. 2d Cir. Certiorari denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition. Reported below: 652 F. 3d 172.

No. 11–762. SEBELIUS, SECRETARY OF HEALTH AND HUMAN SERVICES *v.* SOUTHERN UTE INDIAN TRIBE. C. A. 10th Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition. Reported below: 657 F. 3d 1071.

No. 11–998. MOUNT SOLEDAD MEMORIAL ASSN. *v.* TRUNK ET AL.; and

No. 11–1115. UNITED STATES ET AL. *v.* TRUNK ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 629 F. 3d 1099.

Statement of JUSTICE ALITO respecting the denial of the petitions for writs of certiorari.

A large white cross has stood atop Mount Soledad in San Diego, California, since 1954 as a memorial to our Nation’s war veterans. The city of San Diego was previously enjoined under the California Constitution from displaying the cross or transferring, for the purpose of protecting the cross, the property on which the Mount Soledad Veterans Memorial stands. See *Trunk v. San Diego*, 629 F. 3d 1099, 1103–1104 (CA9 2011) (describing prior litigation); see also *San Diegans for Mt. Soledad Nat. War Memorial v. Paulson*, 548 U. S. 1301, 1302 (2006) (KENNEDY, J., in chambers) (same). In 2006, Congress exercised its power of eminent domain and took title to the property in order to “preserve a historically significant war memorial.” Act of Aug. 14, §2(a), 120 Stat. 770. After the Federal Government took possession, the Ninth Circuit held in the decision below that “the Memorial, presently configured and as a whole, primarily conveys a message of government endorsement of religion that violates the Establishment Clause.” 629 F. 3d, at 1125.

This Court’s Establishment Clause jurisprudence is undoubtedly in need of clarity, see *Utah Highway Patrol Assn. v. American Atheists, Inc.*, 565 U. S. 994 (2011) (THOMAS, J., dissenting from denial of certiorari), and the constitutionality of the Mount

Soledad Veterans Memorial is a question of substantial importance. We considered a related question two Terms ago in *Salazar v. Buono*, 559 U.S. 700 (2010), which concerned a large white cross that was originally erected on public land. Although “[t]he cross is of course the preeminent symbol of Christianity,” *id.*, at 725 (ALITO, J., concurring in part and concurring in judgment), we noted that “[t]he goal of avoiding governmental endorsement [of religion] does not require eradication of all religious symbols in the public realm. . . . The Constitution does not oblige government to avoid any public acknowledgment of religion’s role in society,” *id.*, at 718–719 (plurality opinion of KENNEDY, J., joined in full by ROBERTS, C. J., and in part by ALITO, J.). The demolition of the cross at issue in that case would have been “interpreted by some as an arresting symbol of a Government that is not neutral but hostile on matters of religion and is bent on eliminating from all public places and symbols any trace of our country’s religious heritage.” *Id.*, at 726 (opinion of ALITO, J.).

In that case, we were not required to decide whether the Establishment Clause would have required the demolition of the cross if the land on which it was built had remained in government hands. Instead, Congress was ultimately able to devise a solution that was “true to the spirit of practical accommodation that has made the United States a Nation of unparalleled pluralism and religious tolerance.” *Id.*, at 723.

The current petitions come to us in an interlocutory posture. The Court of Appeals remanded the case to the District Court to fashion an appropriate remedy, and, in doing so, the Court of Appeals emphasized that its decision “d[id] not mean that the Memorial could not be modified to pass constitutional muster [or] that no cross can be part of [the Memorial].” 629 F.3d, at 1125. Because no final judgment has been rendered and it remains unclear precisely what action the Federal Government will be required to take, I agree with the Court’s decision to deny the petitions for certiorari. See, e.g., *Locomotive Firemen v. Bangor & Aroostook R. Co.*, 389 U.S. 327, 328 (1967) (*per curiam*) (denying petition for certiorari because “the Court of Appeals [had] remanded the case” and thus it was “not yet ripe for review by this Court”); see also E. Gressman, K. Geller, S. Shapiro, T. Bishop, & E. Hartnett, *Supreme Court Practice* 280 (9th ed. 2007) (hereinafter Stern & Gressman). Our denial, of course, does not amount to a ruling on the merits, and the Federal Government is

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free to raise the same issue in a later petition following entry of a final judgment. See, *e. g.*, *Hughes Tool Co. v. Trans World Airlines, Inc.*, 409 U. S. 363, 365–366, n. 1 (1973); see also Stern & Gressman 283.

No. 11–999. FLORIDA ET AL. *v.* GEORGIA ET AL.;

No. 11–1006. ALABAMA ET AL. *v.* GEORGIA ET AL.; and

No. 11–1007. SOUTHEASTERN FEDERAL POWER CUSTOMERS, INC. *v.* GEORGIA ET AL. C. A. 11th Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of these petitions. Reported below: 644 F. 3d 1160.

No. 11–1034. GABAYZADEH *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition. Reported below: 428 Fed. Appx. 43.

No. 11–1194. JAYYOUSI *v.* UNITED STATES; and

No. 11–1198. HASSOUN *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of these petitions. Reported below: 657 F. 3d 1085.

No. 11–1259. HARTSEL ET AL., INDIVIDUALLY, DERIVATIVELY, AND ON BEHALF OF ALL OTHERS SIMILARLY SITUATED *v.* VANGUARD GROUP, INC., ET AL. Sup. Ct. Del. Certiorari denied. JUSTICE ALITO took no part in the consideration or decision of this petition. Reported below: 38 A. 3d 1254.

No. 11–9960. PINDER *v.* ARKANSAS. Sup. Ct. Ark. Motion of petitioner to defer consideration of petition for writ of certiorari denied. Certiorari denied. Reported below: 2011 Ark. 401.

No. 11–10476. MOJICA *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition.

No. 11–10477. SETTLE *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition.

Rehearing Denied

No. 11–1013. SALESSI *v.* WACHOVIA MORTGAGE, FSB, ET AL., 566 U. S. 962;

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No. 11–1014. HARMAN ET VIR *v.* DATTE ET AL., 566 U. S. 962;
No. 11–1064. JACKSON *v.* FUJI PHOTO FILM, INC., ET AL., 566
U. S. 974;
No. 11–5843. WRIGHT *v.* OLD CASTLE GLASS INC. ET AL., 565
U. S. 965;
No. 11–8899. VIRAY *v.* SMITH, WARDEN, ET AL., 566 U. S. 947;
No. 11–8916. WINGO *v.* CITY OF SOUTH BEND, INDIANA, 566
U. S. 965;
No. 11–8983. ARAFAT *v.* IBRAHIM, 566 U. S. 976;
No. 11–9014. BOLGAR *v.* GLEN DONALD APARTMENTS, INC.,
566 U. S. 977;
No. 11–9091. IN RE HIEN ANH DAO, 566 U. S. 985;
No. 11–9233. BEASLEY *v.* UNITED STATES, 566 U. S. 952;
No. 11–9276. BEST *v.* UNITED STATES, 566 U. S. 953; and
No. 11–9592. JONES *v.* UNITED STATES, 566 U. S. 980. Peti-
tions for rehearing denied.

No. 11–7468. DAVIS *v.* CAIN, WARDEN, 565 U. S. 1167. Motion
for leave to file petition for rehearing denied.

JUNE 26, 2012

Certiorari Denied

No. 11–10820 (11A1193). VILLEGAS LOPEZ *v.* RYAN, DIRECTOR,
ARIZONA DEPARTMENT OF CORRECTIONS, 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: 678 F. 3d 1131.

JUNE 28, 2012

Miscellaneous Order

No. 11A1189. ARIZONA ET AL. *v.* ABEYTIA ET AL. C. A. 9th
Cir. Application for stay, presented to JUSTICE KENNEDY, and
by him referred to the Court, denied. Order heretofore entered
by JUSTICE KENNEDY is vacated. JUSTICE ALITO would grant
the application for stay.

JUNE 29, 2012

Certiorari Granted—Vacated and Remanded

No. 09–10231. TURNER *v.* UNITED STATES. C. A. 7th Cir.
Reported below: 591 F. 3d 928;

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No. 10–8835. GREINER *v.* MASSACHUSETTS. Sup. Jud. Ct. Mass. Reported below: 458 Mass. 207, 936 N. E. 2d 372;

No. 10–9303. WILLIS *v.* ILLINOIS. App. Ct. Ill., 1st Dist.;

No. 10–9789. PABLO *v.* UNITED STATES. C. A. 10th Cir. Reported below: 625 F. 3d 1285;

No. 10–10923. JOHNSON *v.* CALIFORNIA. Ct. App. Cal., 3d App. Dist.;

No. 10–10936. SUEN *v.* CALIFORNIA. Ct. App. Cal., 2d App. Dist.;

No. 11–5832. KWON *v.* CALIFORNIA. Ct. App. Cal., 2d App. Dist.; and

No. 11–7972. MERCADO *v.* CALIFORNIA. Ct. App. Cal., 2d App. Dist. Motions of petitioners for leave to proceed *in forma pauperis* granted. Certiorari granted, judgments vacated, and cases remanded for further consideration in light of *Williams v. Illinois, ante*, p. 50.

No. 11–694. MARYLAND *v.* DERR. Ct. App. Md. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Williams v. Illinois, ante*, p. 50. Reported below: 422 Md. 211, 29 A. 3d 533.

No. 11–799. BLAKE *v.* UNITED STATES. C. A. 7th Cir.; and

No. 11–883. JAIMES *v.* UNITED STATES. C. A. 5th Cir. Reported below: 446 Fed. Appx. 713. Certiorari granted, judgments vacated, and cases remanded for further consideration in light of *Dorsey v. United States, ante*, p. 260.

No. 11–5323. DAVIS *v.* UNITED STATES. C. A. 7th Cir. Reported below: 422 Fed. Appx. 544;

No. 11–5842. ROBINSON *v.* UNITED STATES. C. A. 8th Cir.;

No. 11–5950. BRAZELL *v.* UNITED STATES. C. A. 7th Cir. Reported below: 415 Fed. Appx. 727;

No. 11–6364. HYDE *v.* UNITED STATES. C. A. 7th Cir.;

No. 11–6464. LEWIS *v.* UNITED STATES. C. A. 7th Cir.;

No. 11–6602. HERNANDEZ *v.* UNITED STATES. C. A. 7th Cir. Reported below: 426 Fed. Appx. 458;

No. 11–6716. COX *v.* UNITED STATES. C. A. 7th Cir.;

No. 11–6847. MERRIMAN *v.* UNITED STATES; and WRIGHT *v.* UNITED STATES. C. A. 7th Cir.;

No. 11–6876. GRIFFIN *v.* UNITED STATES. C. A. 7th Cir.;

No. 11–7029. KING *v.* UNITED STATES. C. A. 7th Cir. Reported below: 426 Fed. Appx. 467;

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- No. 11-7043. *CAIN v. UNITED STATES*. C. A. 7th Cir. Reported below: 422 Fed. Appx. 544;
- No. 11-7328. *NEWCOMB v. UNITED STATES*. C. A. 7th Cir. Reported below: 423 Fed. Appx. 647;
- No. 11-7500. *PARKER v. UNITED STATES*. C. A. 7th Cir. Reported below: 437 Fed. Appx. 500;
- No. 11-7505. *HOLCOMB ET AL. v. UNITED STATES*. C. A. 7th Cir.;
- No. 11-7558. *MOORE v. UNITED STATES*. C. A. 8th Cir. Reported below: 461 Fed. Appx. 517;
- No. 11-7650. *RICKMON v. UNITED STATES*. C. A. 7th Cir. Reported below: 436 Fed. Appx. 708;
- No. 11-7689. *BAGU v. UNITED STATES*. C. A. 3d Cir.;
- No. 11-7728. *MOSES v. UNITED STATES*. C. A. 7th Cir. Reported below: 434 Fed. Appx. 563;
- No. 11-7879. *VANCE v. UNITED STATES* (Reported below: 659 F. 3d 613); *BROWN v. UNITED STATES* (662 F. 3d 457); *SMITH v. UNITED STATES*; and *TOWNSEND v. UNITED STATES*. C. A. 7th Cir.;
- No. 11-8023. *TICKLES, AKA TICKLESS v. UNITED STATES*. C. A. 5th Cir. Reported below: 661 F. 3d 212;
- No. 11-8026. *WALKER v. UNITED STATES*. C. A. 3d Cir. Reported below: 471 Fed. Appx. 92;
- No. 11-8063. *WILKS v. UNITED STATES*. C. A. 7th Cir.;
- No. 11-8134. *SIDNEY v. UNITED STATES*. C. A. 8th Cir. Reported below: 648 F. 3d 904;
- No. 11-8146. *LEWIS v. UNITED STATES*. C. A. 7th Cir.;
- No. 11-8244. *JONES v. UNITED STATES*. C. A. 7th Cir. Reported below: 444 Fed. Appx. 908;
- No. 11-8268. *GIBSON v. UNITED STATES*. C. A. 5th Cir. Reported below: 661 F. 3d 212;
- No. 11-8355. *WATSON v. UNITED STATES*. C. A. 8th Cir. Reported below: 434 Fed. Appx. 569;
- No. 11-8413. *STROWDER v. UNITED STATES*. C. A. 7th Cir. Reported below: 449 Fed. Appx. 506;
- No. 11-8476. *BRITO v. UNITED STATES*. C. A. 7th Cir.;
- No. 11-8551. *DOUGLAS v. UNITED STATES*. C. A. 8th Cir.;
- No. 11-8737. *BOOMER v. UNITED STATES*. C. A. 4th Cir. Reported below: 453 Fed. Appx. 334;
- No. 11-8778. *GIBBS v. UNITED STATES*. C. A. 4th Cir.;

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No. 11–8894. *RAYSOR v. UNITED STATES*. C. A. 8th Cir. Reported below: 661 F. 3d 987;

No. 11–9016. *JORDAN v. UNITED STATES*. C. A. 7th Cir.;

No. 11–9028. *AKIWOWO v. UNITED STATES*. C. A. 7th Cir.;

No. 11–9029. *BAXTER ET AL. v. UNITED STATES*. C. A. 7th Cir. Reported below: 440 Fed. Appx. 508;

No. 11–9142. *BENITEZ v. UNITED STATES*. C. A. 5th Cir. Reported below: 456 Fed. Appx. 446;

No. 11–9604. *COLEMAN v. UNITED STATES*. C. A. 4th Cir. Reported below: 445 Fed. Appx. 642;

No. 11–9711. *BENNETT v. UNITED STATES*. C. A. 5th Cir. Reported below: 664 F. 3d 997;

No. 11–9938. *JACKSON v. UNITED STATES*. C. A. 5th Cir. Reported below: 466 Fed. Appx. 383; and

No. 11–9961. *OWENS v. UNITED STATES*. C. A. 5th Cir. Reported below: 466 Fed. Appx. 388. Motions of petitioners for leave to proceed *in forma pauperis* granted. Certiorari granted, judgments vacated, and cases remanded for further consideration in light of *Dorsey v. United States, ante*, p. 260.

No. 11–7979. *WHITESIDE v. ARKANSAS*. Sup. Ct. Ark. Reported below: 2011 Ark. 371, 383 S. W. 3d 859; and

No. 11–8655. *VARGAS GUILLEN v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist. Motions of petitioners for leave to proceed *in forma pauperis* granted. Certiorari granted, judgments vacated, and cases remanded for further consideration in light of *Miller v. Alabama, ante*, p. 460.

Miscellaneous Orders

No. 11A1238. *PRELESNIK v. BALLINGER*. C. A. 6th Cir. Application for stay, presented to JUSTICE KAGAN, and by her referred to the Court, denied. THE CHIEF JUSTICE, JUSTICE KENNEDY, JUSTICE THOMAS, and JUSTICE ALITO would grant the application for stay.

No. 11–681. *HARRIS ET AL. v. QUINN, GOVERNOR OF ILLINOIS, ET AL.* C. A. 7th Cir.; and

No. 11–1154. *RETRACTABLE TECHNOLOGIES, INC., ET AL. v. BECTON, DICKINSON & Co.* C. A. Fed. Cir. The Solicitor General is invited to file briefs in these cases expressing the views of the United States.

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No. 11–1327. *EVANS v. MICHIGAN*. Sup. Ct. Mich. [Certiorari granted, *ante*, p. 905.] Motion of petitioner to dispense with printing the joint appendix granted.

Certiorari Denied

No. 10–7405. *MITCHELL v. MAINE*. Sup. Jud. Ct. Me. Certiorari denied. Reported below: 2010 ME 73, 4 A. 3d 478.

No. 10–10180. *MILLS v. ALABAMA*. Sup. Ct. Ala. Certiorari denied. Reported below: 62 So. 3d 574.

No. 10–10642. *JOHNSON v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 406 Ill. App. 3d 805, 941 N. E. 2d 242.

No. 11–117. *THOMAS MORE LAW CENTER ET AL. v. OBAMA, PRESIDENT OF THE UNITED STATES, ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 651 F. 3d 529.

No. 11–420. *VIRGINIA EX REL. CUCCINELLI, ATTORNEY GENERAL OF VIRGINIA v. SEBELIUS, SECRETARY OF HEALTH AND HUMAN SERVICES*. C. A. 4th Cir. Certiorari denied. Reported below: 656 F. 3d 253.

No. 11–438. *LIBERTY UNIVERSITY ET AL. v. GEITHNER, SECRETARY OF THE TREASURY, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 671 F. 3d 391.

No. 11–535. *ARNESON, COUNTY ATTORNEY, BLUE EARTH COUNTY, MINNESOTA, ET AL. v. 281 CARE COMMITTEE ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 638 F. 3d 621.

No. 11–679. *SEVEN-SKY, AKA SEVENSKY, ET AL. v. HOLDER, ATTORNEY GENERAL*. C. A. D. C. Cir. Certiorari denied. Reported below: 661 F. 3d 1.

No. 11–691. *MEDIA GENERAL, INC. v. FEDERAL COMMUNICATIONS COMMISSION ET AL.*;

No. 11–696. *TRIBUNE CO. ET AL. v. FEDERAL COMMUNICATIONS COMMISSION ET AL.*; and

No. 11–698. *NATIONAL ASSOCIATION OF BROADCASTERS v. FEDERAL COMMUNICATIONS COMMISSION ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 652 F. 3d 431.

No. 11–5759. *MOSCOE v. CALIFORNIA*; and

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No. 11–5796. *ESPINOZA v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 11–6217. *SISOLAK v. CALIFORNIA*. Ct. App. Cal., 4th App. Dist., Div. 3. Certiorari denied.

No. 11–6494. *NINHAM v. WISCONSIN*. Sup. Ct. Wis. Certiorari denied. Reported below: 2011 WI 33, 333 Wis. 2d 335, 797 N. W. 2d 451.

No. 11–6870. *HALEY v. GEORGIA*. Sup. Ct. Ga. Certiorari denied. Reported below: 289 Ga. 515, 712 S. E. 2d 838.

No. 11–7424. *RIGO RAMIREZ v. CALIFORNIA*. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 11–7756. *CASTILLO v. SMITH, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 11–7882. *WILLIAMS v. WETZEL, SECRETARY, PENNSYLVANIA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 637 F. 3d 195.

No. 11–8675. *FOSTER v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 452 Fed. Appx. 274.

No. 11–9072. *FOUST v. PENNSYLVANIA*. Super. Ct. Pa. Certiorari denied. Reported below: 34 A. 3d 217.

No. 11–10190. *COX v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 458 Fed. Appx. 79.

No. 11–336. *CORBOY ET AL. v. LOUIE, ATTORNEY GENERAL OF HAWAII, ET AL.* Sup. Ct. Haw. Motion of Center for Equal Opportunity for leave to file a brief as *amicus curiae* granted. Certiorari denied. Reported below: 128 Haw. 89, 283 P. 3d 695.

No. 11–614. *WARNER, SECRETARY, WASHINGTON DEPARTMENT OF CORRECTIONS v. OCAMPO*. C. A. 9th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 649 F. 3d 1098.

No. 11–975. *HENRY FORD HEALTH SYSTEM, DBA HENRY FORD HOSPITAL v. DEPARTMENT OF HEALTH AND HUMAN SERV-*

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ICES. C. A. 6th Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition. Reported below: 654 F. 3d 660.

No. 11–1240. FEDERAL COMMUNICATIONS COMMISSION ET AL. v. CBS CORP. ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 663 F. 3d 122.

CHIEF JUSTICE ROBERTS, concurring.

During the finale of the Super Bowl XXXVIII halftime show, entertainers Justin Timberlake and Janet Jackson performed a song and dance routine to Timberlake’s song “Rock Your Body.” As Timberlake ended the duet by singing “gonna have you naked by the end of this song,” he tore away a portion of Jackson’s bustier, momentarily revealing her breast. The performers subsequently strained the credulity of the public by terming the episode a “wardrobe malfunction.”

The Federal Communications Commission issued an order fining CBS \$550,000 for broadcasting the nudity. The agency explained that the incident violated the FCC policy against broadcasting indecent material, such as nudity and expletives, during the hours when children are most likely to watch television. The Third Circuit vacated the order, finding that it violated the Administrative Procedure Act as “arbitrary and capricious” agency action. The court held that the FCC’s order represented an unexplained departure from the agency’s longstanding policy of excusing the broadcast of fleeting moments of indecency. 663 F. 3d 122 (2011).

I am not so sure. As we recently explained in *FCC v. Fox Television Stations, Inc.*, 556 U. S. 502 (2009), the FCC’s general policy is to conduct a context-specific examination of each allegedly indecent broadcast in order to determine whether it should be censured. *Id.*, at 508. Until 2004, the FCC made a limited exception to this general policy for fleeting *expletives*. *Ibid.* But the agency never stated that the exception applied to fleeting *images* as well, and there was good reason to believe that it did not. As every schoolchild knows, a picture is worth a thousand words, and CBS broadcast this particular picture to millions of impressionable children.

I nonetheless concur in the Court’s denial of certiorari. Even if the Third Circuit is wrong that sanctioning the Super Bowl

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broadcast constituted an unexplained departure from the FCC's prior indecency policy, that error has been rendered moot going forward. The FCC has made clear that it has abandoned its exception for fleeting expletives. *Id.*, at 509–510. Looking ahead, it makes no difference as a matter of administrative law whether the FCC's fleeting expletive policy applies to allegedly fleeting images, because the FCC no longer adheres to the fleeting expletive policy. It is now clear that the brevity of an indecent broadcast—be it word or image—cannot immunize it from FCC censure. See, e. g., *In re Young Broadcasting of San Francisco, Inc.*, 19 FCC Rcd. 1751 (2004) (censuring a broadcast despite the “fleeting” nature of the nudity involved). Any future “wardrobe malfunctions” will not be protected on the ground relied on by the court below.

JUSTICE GINSBURG, concurring.

The Court's remand in *FCC v. Fox Television Stations, Inc.*, *ante*, p. 239, affords the Federal Communications Commission an opportunity to reconsider its indecency policy in light of technological advances and the Commission's uncertain course since this Court's ruling in *FCC v. Pacifica Foundation*, 438 U. S. 726 (1978).

Rehearing Denied

No. 09–10755. *SMITH v. FLORIDA*, 564 U. S. 1052. Petition for rehearing denied.

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Certiorari Denied

No. 11–10944 (11A1225). *HEARN 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. Reported below: 669 F. 3d 265.

No. 12–5260 (12A55). *HEARN 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.

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Miscellaneous Orders

No. D-2680. IN RE DISCIPLINE OF HALL. Michael Anthony Hall, of Peoria, Ill., 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-2681. IN RE DISCIPLINE OF HENNESSEY. James J. Hennessey, Jr., of Albany, 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-2682. IN RE DISCIPLINE OF QUINN. Brian S. Quinn, of Havertown, Pa., 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-2683. IN RE DISCIPLINE OF SMALLENBERG. Robert H. Smalленberg, of Ashland, Va., is suspended from the practice of law in this Court, and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. D-2684. IN RE DISCIPLINE OF GARGANO. Paul A. Gargano, of Cambridge, Mass., 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. 11-564. FLORIDA *v.* JARDINES. Sup. Ct. Fla. [Certiorari granted, 565 U. S. 1104.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 11-820. CHAIDEZ *v.* UNITED STATES. C. A. 7th Cir. [Certiorari granted, 566 U. S. 974.] Motion of petitioner to dispense with printing the joint appendix granted.

No. 11-1231. SEBELIUS, SECRETARY OF HEALTH AND HUMAN SERVICES *v.* AUBURN REGIONAL MEDICAL CENTER ET AL. C. A.

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D. C. Cir. [Certiorari granted, *ante*, p. 933.] John F. Manning, Esq., of Cambridge, Mass., is invited to brief and argue this case as *amicus curiae* in support of the position that the 180-day statutory time limit for filing an appeal with the Provider Reimbursement Review Board from a final Medicare payment determination made by a fiscal intermediary, 42 U. S. C. § 1395oo(a)(3), may not be extended for any period.

Rehearing Denied

No. 11–915. LARA ET AL. *v.* OFFICE OF PERSONNEL MANAGEMENT, 566 U. S. 974;

No. 11–1053. COLEMAN, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT FAYETTE, ET AL. *v.* JOHNSON, 566 U. S. 650;

No. 11–1091. MACKINNON *v.* CITY OF NEW YORK HUMAN RESOURCES ADMINISTRATION, 566 U. S. 987;

No. 11–1104. DOAL *v.* DEPARTMENT OF DEFENSE ET AL., 566 U. S. 988;

No. 11–7928. BRIDGES *v.* UNITED STATES, 566 U. S. 1011;

No. 11–8273. GREER *v.* OKLAHOMA, 565 U. S. 1266;

No. 11–8361. SIMS *v.* UNITED STATES ET AL., 565 U. S. 1268;

No. 11–8708. SOLIS *v.* HARRISON, WARDEN, 566 U. S. 942;

No. 11–8798. LEPRE *v.* UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA, 566 U. S. 945;

No. 11–8857. PYATT *v.* SOUTH CAROLINA, 566 U. S. 946;

No. 11–8952. STONE *v.* MISSOURI DEPARTMENT OF CORRECTIONS ET AL., 566 U. S. 976;

No. 11–8959. BOBO *v.* FRESNO COUNTY DEPENDENCY COURT, 566 U. S. 976;

No. 11–8963. PROPES *v.* DISTRICT ATTORNEY OFFICE ET AL., 566 U. S. 976;

No. 11–9017. MASSEY *v.* TUCKER, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL., 566 U. S. 977;

No. 11–9042. OWENS *v.* BUSH ET AL., 566 U. S. 966;

No. 11–9054. ADAMS *v.* TYSON FOODS, INC., 566 U. S. 991;

No. 11–9077. PONCE *v.* TEXAS, 566 U. S. 991;

No. 11–9102. MACON *v.* DAVIS, WARDEN, 566 U. S. 992;

No. 11–9107. McDONALD *v.* LIPOV ET AL., 566 U. S. 992;

No. 11–9121. HUNTER *v.* BOWDEN ET AL., 566 U. S. 993;

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- No. 11–9177. *GERMAN v. BROWARD COUNTY SHERIFF’S OFFICE ET AL.*, 566 U. S. 994;
- No. 11–9216. *CARICO v. WOODS, WARDEN*, 566 U. S. 995;
- No. 11–9220. *ELLISON v. ILLINOIS*, 566 U. S. 995;
- No. 11–9256. *BLAKELY v. UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA*, 566 U. S. 996;
- No. 11–9257. *KEMPPAINEN v. ARANSAS COUNTY DETENTION CENTER*, 566 U. S. 996;
- No. 11–9338. *WHITMORE v. LOUISIANA*, 566 U. S. 1012;
- No. 11–9378. *DUMA v. FANNIE MAE ET AL.*, 566 U. S. 967;
- No. 11–9397. *BETANCOURT v. FLORIDA DEPARTMENT OF CORRECTIONS*, 566 U. S. 1013;
- No. 11–9403. *WRIGHT v. TUCKER, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.*, 566 U. S. 979;
- No. 11–9408. *PHERNETTON v. ASTRUE, COMMISSIONER OF SOCIAL SECURITY*, 566 U. S. 998;
- No. 11–9418. *WILSON v. FLORIDA*, 566 U. S. 998;
- No. 11–9442. *GORBATOVA v. SOCIAL SECURITY ADMINISTRATION*, 566 U. S. 998;
- No. 11–9443. *GORBATOVA v. SOCIAL SECURITY ADMINISTRATION*, 566 U. S. 998;
- No. 11–9469. *RAI v. BARCLAYS CAPITAL, INC.*, 566 U. S. 979;
- No. 11–9479. *STRICKLAND v. SMALL, WARDEN*, 566 U. S. 1024;
- No. 11–9605. *COX v. MADIGAN, ATTORNEY GENERAL OF ILLINOIS, ET AL.*, 566 U. S. 1000;
- No. 11–9614. *LAND v. FLORIDA*, 566 U. S. 1015;
- No. 11–9659. *HELLER v. OFFICE OF PERSONNEL MANAGEMENT*, 566 U. S. 1026;
- No. 11–9709. *BLACKWELL v. UNITED STATES*, 566 U. S. 1001;
- No. 11–9762. *DEERE v. PALMER, WARDEN, ET AL.*, 566 U. S. 1027;
- No. 11–9817. *WILLIAMS v. UNITED STATES*, 566 U. S. 1004; and
- No. 11–9828. *DESCAMPS v. BUSH ET AL.*, 566 U. S. 1015. Petitions for rehearing denied.
- No. 11–10188. *WYATT v. UNITED STATES*, 566 U. S. 1043. Petition for rehearing denied. JUSTICE KAGAN took no part in the consideration or decision of this petition.

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AUGUST 1, 2012

Dismissal Under Rule 46

No. 11–11114. DUPREE *v.* UNITED STATES. C. A. 3d Cir. Certiorari dismissed under this Court’s Rule 46. Reported below: 472 Fed. Appx. 108.

AUGUST 7, 2012

Certiorari Denied

No. 12–5349 (12A128). WILSON *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. Reported below: 450 Fed. Appx. 369.

AUGUST 8, 2012

Certiorari Denied

No. 12–5585 (12A123). COOK *v.* RYAN, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS. 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: 688 F. 3d 598.

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Miscellaneous Orders

No. 11A857. REWANWAR *v.* WISCONSIN SUPREME COURT ET AL. C. A. 7th Cir. Application for stay, addressed to THE CHIEF JUSTICE and referred to the Court, denied.

No. 11A900. JOHNSON *v.* MISSISSIPPI. Application for certificate of appealability, addressed to JUSTICE SOTOMAYOR and referred to the Court, denied.

No. 11A952 (11–10740). HOLSTON *v.* TUCKER, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS. C. A. 11th Cir. Application for bail, addressed to JUSTICE KAGAN and referred to the Court, denied.

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No. 11A1155. *COX v. GILSON, WARDEN*. Application for certificate of appealability, addressed to JUSTICE SOTOMAYOR and referred to the Court, denied.

No. 12A15 (12–20). *COULTER v. KELLY, ATTORNEY GENERAL OF PENNSYLVANIA, ET AL.* C. A. 3d Cir. Application for bail, addressed to JUSTICE GINSBURG and referred to the Court, denied.

No. D–2635. *IN RE DISBARMENT OF MCALLISTER*. Disbarment entered. [For earlier order herein, see 566 U. S. 931.]

No. D–2636. *IN RE DISBARMENT OF GUFFEY*. Disbarment entered. [For earlier order herein, see 566 U. S. 931.]

No. D–2644. *IN RE DISBARMENT OF ABRAMOWITZ*. Disbarment entered. [For earlier order herein, see 566 U. S. 932.]

No. D–2660. *IN RE DISBARMENT OF BURKE*. Disbarment entered. [For earlier order herein, see 566 U. S. 959.]

No. D–2661. *IN RE DISBARMENT OF NEWMAN*. Disbarment entered. [For earlier order herein, see 566 U. S. 959.]

No. D–2665. *IN RE DISCIPLINE OF HOUSE*. Juliette Alane House, of Crestwood, Ky., 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–2675. *IN RE DISBARMENT OF MATTHEWS*. Disbarment entered. [For earlier order herein, see 566 U. S. 973.]

No. D–2685. *IN RE DISCIPLINE OF CONOUR*. William F. Conour, of Indianapolis, Ind., 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–2686. *IN RE DISCIPLINE OF MAHLER*. Trent William Mahler, of Milnor, N. D., 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-2687. *IN RE DISCIPLINE OF SIEGELMAN*. Don Eugene Siegelman, of Birmingham, Ala., is suspended from the practice of law in this Court, and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. D-2688. *IN RE DISCIPLINE OF LAWRENCE*. Gary S. Lawrence, of Southport, N. 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-2689. *IN RE DISCIPLINE OF INGRAM*. Jesse H. Ingram, of Columbia, Md., 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. 10-930. *RYAN, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS v. VALENCIA GONZALES*. C. A. 9th Cir. [Certiorari granted, 565 U. S. 1259.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 11-218. *TIBBALS, WARDEN v. CARTER*. C. A. 6th Cir. [Certiorari granted, 565 U. S. 1259.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 11-626. *LOZMAN v. CITY OF RIVIERA BEACH, FLORIDA*. C. A. 11th Cir. [Certiorari granted, 565 U. S. 1195.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 11-1085. *AMGEN INC. ET AL. v. CONNECTICUT RETIREMENT PLANS AND TRUST FUNDS*. C. A. 9th Cir. [Certiorari granted, *ante*, p. 905.] Motion of petitioners to dispense with printing the joint appendix granted. JUSTICE BREYER took no part in the consideration or decision of this motion.

Certiorari Granted

No. 11-1347. *CHAFIN v. CHAFIN*. C. A. 11th Cir. Certiorari granted.

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Rehearing Denied

- No. 11–1205. BUSH ET UX. *v.* SLAGH ET AL., 566 U. S. 1022;
No. 11–1238. PETERS *v.* UNITED STATES, 566 U. S. 990;
No. 11–1299. CALABRESE *v.* SEBELIUS, SECRETARY OF HEALTH AND HUMAN SERVICES; CALABRESE *v.* SEBELIUS, SECRETARY OF HEALTH AND HUMAN SERVICES; CALABRESE *v.* DEPARTMENT OF HEALTH AND HUMAN SERVICES ET AL.; CALABRESE *v.* SEBELIUS, SECRETARY OF HEALTH AND HUMAN SERVICES; CALABRESE *v.* SEBELIUS, SECRETARY OF HEALTH AND HUMAN SERVICES; and CALABRESE *v.* DEPARTMENT OF HEALTH AND HUMAN SERVICES, *ante*, p. 917;
No. 11–1345. HENDRICKSON *v.* UNITED STATES, *ante*, p. 906;
No. 11–1354. DEE *v.* MAINE, *ante*, p. 918;
No. 11–1356. MEMORYLINK CORP. *v.* MOTOROLA, INC., ET AL., 566 U. S. 1035;
No. 11–8335. PIERRE ET AL. *v.* HOLDER, ATTORNEY GENERAL, *ante*, p. 918;
No. 11–8630. MIRANDA *v.* HOREL, WARDEN, 566 U. S. 926;
No. 11–8780. FRANCIS *v.* STANDIFIRD, WARDEN, 566 U. S. 944;
No. 11–9085. QAZZA *v.* CITY OF ORANGE, CALIFORNIA, ET AL., 566 U. S. 992;
No. 11–9150. POINTER *v.* DORMIRE, SUPERINTENDENT, JEFFERSON CITY CORRECTIONAL CENTER, 566 U. S. 993;
No. 11–9156. WALTERS *v.* KIDS ARE US LEARNING CENTERS, INC., 566 U. S. 994;
No. 11–9208. GARCIA *v.* SMALL, WARDEN, 566 U. S. 995;
No. 11–9269. HONESTO *v.* BROWN, GOVERNOR OF CALIFORNIA, ET AL., 566 U. S. 997;
No. 11–9274. BYRD *v.* FLORIDA DEPARTMENT OF CORRECTIONS ET AL., 566 U. S. 997;
No. 11–9327. IN RE DURSCHMIDT, 566 U. S. 985;
No. 11–9365. LAROCHE *v.* MARYLAND DEPARTMENT OF LABOR, LICENSING AND REGULATION, ET AL., 566 U. S. 1013;
No. 11–9379. FENNELL *v.* CALIFORNIA REPUBLICAN PARTY ET AL., 566 U. S. 1013;
No. 11–9451. HILL *v.* MUWWAKKIL, 566 U. S. 1023;
No. 11–9477. SATTERFIELD *v.* JOHNSON ET AL., 566 U. S. 1024;
No. 11–9508. KENDRICK *v.* UNION BAPTIST CHURCH ET AL., 566 U. S. 1024;

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No. 11–9556. *AGIM v. THALER, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*, 566 U. S. 1036;

No. 11–9655. *DENNIS v. ILLINOIS DEPARTMENT OF EMPLOYMENT SECURITY ET AL.*, 566 U. S. 1038;

No. 11–9676. *IN RE JONES*, 566 U. S. 973;

No. 11–9721. *TRZECIAK v. STATE FARM FIRE & CASUALTY CO.*, 566 U. S. 1039;

No. 11–9746. *MICHAEL v. WETZEL, SECRETARY, PENNSYLVANIA DEPARTMENT OF CORRECTIONS, ET AL.*, *ante*, p. 908;

No. 11–9778. *BROWN v. MICHIGAN DEPARTMENT OF CORRECTIONS ET AL.*, *ante*, p. 909;

No. 11–9851. *KING v. FLORIDA PAROLE COMMISSION ET AL.*, *ante*, p. 909;

No. 11–9871. *BALLARD v. UNITED STATES*, 566 U. S. 1015;

No. 11–10035. *GORBATOVA v. GAETA ET AL.*, 566 U. S. 1029;

No. 11–10075. *THUAN HUY HA v. UNITED STATES*, 566 U. S. 1030; and

No. 11–10226. *McKNIGHT v. UNITED STATES*, *ante*, p. 911. Petitions for rehearing denied.

AUGUST 14, 2012

Miscellaneous Order

No. 11–626. *LOZMAN v. CITY OF RIVIERA BEACH, FLORIDA*. C. A. 11th Cir. [Certiorari granted, 565 U. S. 1195.] Parties are directed, and the Solicitor General is invited, to file letter briefs addressing the following question: “The res in this putative *in rem* admiralty proceeding was sold at a judicial auction in execution of the District Court’s judgment on a maritime lien and a maritime trespass claim, App. to Brief for Petitioner 9a–10a, and subsequently destroyed, Brief for Petitioner 10–11. Does either the judicial auction or the subsequent destruction of the res render this case moot?” Briefs, limited to 10 pages, are to be filed simultaneously with the Clerk and served upon opposing counsel on or before 2 p.m., Tuesday, August 28, 2012.

Certiorari Denied

No. 12–5710 (12A148). *HOOPER v. JONES, DIRECTOR, OKLAHOMA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 10th Cir.

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August 14, 22, 31, 2012

Application for stay of execution of sentence of death, presented to JUSTICE SOTOMAYOR, and by her referred to the Court, denied. Certiorari denied. Reported below: 491 Fed. Appx. 928.

AUGUST 22, 2012

Dismissal Under Rule 46

No. 11–10563. HIX *v.* UNITED STATES. C. A. 10th Cir. Certiorari dismissed under this Court’s Rule 46. Reported below: 458 Fed. Appx. 775.

Miscellaneous Order

No. 12–5906 (12A173). BALENTINE *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, this stay shall terminate upon the sending down of the judgment of this Court.

AUGUST 31, 2012

Miscellaneous Orders

No. 11A1029. LAWRENCE *v.* UNITED STATES. Application for certificate of appealability, addressed to JUSTICE KENNEDY and referred to the Court, denied.

No. 12A141 (12–5375). CORNICK *v.* BYONG YU. C. A. 9th Cir. Application for stay, addressed to THE CHIEF JUSTICE and referred to the Court, denied.

No. 12A145. KWASNIK *v.* MAINE. Sup. Jud. Ct. Me. Application for stay, addressed to THE CHIEF JUSTICE and referred to the Court, denied.

No. D–2682. IN RE QUINN. Brian S. Quinn, of Havertown, Pa., having requested to resign as a member of the Bar of this Court, it is ordered that his name be stricken from the roll of attorneys admitted to the practice of law before this Court. The

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rule to show cause, issued on July 23, 2012 [*ante*, p. 955], is discharged.

No. D-2690. IN RE DISCIPLINE OF MITCHELL. Robert Vincent Mitchell, of Pittsburgh, Pa., 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-2691. IN RE DISCIPLINE OF GITOMER. Mark Lawrence Gitomer, of Reisterstown, Md., 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.

Certiorari Granted

No. 11-1450. STANDARD FIRE INSURANCE CO. *v.* KNOWLES. C. A. 8th Cir. Certiorari granted.

No. 11-9540. DESCAMPS *v.* UNITED STATES. C. A. 9th Cir. Motion of petitioner for leave to proceed *in forma pauperis* granted. Certiorari granted limited to Question 1 presented by the petition. Reported below: 466 Fed. Appx. 563.

Rehearing Denied

- No. 10-10180. MILLS *v.* ALABAMA, *ante*, p. 951;
- No. 11-1156. BERNAL *v.* CHERRY ET AL., 566 U. S. 989;
- No. 11-1215. ABDUR'RAHMAN *v.* COLSON, WARDEN, *ante*, p. 935;
- No. 11-1233. TORAIN *v.* DEUTSCHE BANK NATIONAL TRUST Co., *ante*, p. 917;
- No. 11-1270. AABDOLLAH *v.* AABDOLLAH, *ante*, p. 936;
- No. 11-1297. M. H. R., A CHILD *v.* FLORIDA, *ante*, p. 936;
- No. 11-7424. RIGO RAMIREZ *v.* CALIFORNIA, *ante*, p. 952;
- No. 11-7857. JOHNSON *v.* UNITED STATES, 566 U. S. 940;
- No. 11-7979. WHITESIDE *v.* ARKANSAS, *ante*, p. 950;
- No. 11-9104. PELLETIER *v.* UNITED STATES, 566 U. S. 1023;
- No. 11-9318. ROSS *v.* CHAPMAN, WARDEN, 566 U. S. 1012;
- No. 11-9337. SURABIAN ET AL. *v.* RESIDENTIAL FUNDING Co., LLC, FKA RESIDENTIAL FUNDING CORP., 566 U. S. 1012;
- No. 11-9430. SIMPSON *v.* INTERSCOPE GEFFEN A&M RECORDS, 566 U. S. 1014;

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- No. 11–9472. *GEMAS v. HENEKS ET AL.*, 566 U. S. 1023;
No. 11–9507. *IN RE SEKENDUR*, 566 U. S. 1021;
No. 11–9664. *GRAVES v. WETZEL*, SECRETARY, PENNSYLVANIA DEPARTMENT OF CORRECTIONS, ET AL., 566 U. S. 1038;
No. 11–9671. *BABIKER v. CITY OF NEW ORLEANS, LOUISIANA, ET AL.*, 566 U. S. 1039;
No. 11–9750. *KERN v. WOODS ET AL.*, *ante*, p. 908;
No. 11–9773. *WHITLEY v. SCISM*, WARDEN, *ante*, p. 909;
No. 11–9801. *DOWDY v. VIRGINIA*, *ante*, p. 919;
No. 11–9863. *SMITH v. THALER*, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION, *ante*, p. 938;
No. 11–9864. *HUYNH v. EXECUTIVE COMMITTEE OF THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS*, *ante*, p. 909;
No. 11–9882. *IN RE ALSTON*, *ante*, p. 932;
No. 11–9973. *LAZAROV v. KIMMEL ET AL.*, *ante*, p. 940;
No. 11–10002. *RABB v. MCBRIDE*, WARDEN, 566 U. S. 1040;
No. 11–10028. *SCANLAN v. UNITED STATES*, 566 U. S. 1029;
No. 11–10109. *HILL v. HUMPHREY*, WARDEN, 566 U. S. 1041;
No. 11–10135. *ACEVEDO SANCHEZ v. UNITED STATES*, 566 U. S. 1041;
No. 11–10239. *LYONS v. COLEMAN*, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT FAYETTE, ET AL., *ante*, p. 941;
No. 11–10303. *JONES v. UNITED STATES*, *ante*, p. 913;
No. 11–10444. *WILLIAMS v. TAMEZ*, WARDEN, *ante*, p. 924;
No. 11–10447. *VOGEL v. UNITED STATES*, *ante*, p. 942; and
No. 11–10487. *IN RE HIGDON*, *ante*, p. 932. Petitions for rehearing denied.
No. 11–10263. *BAXTER v. UNITED STATES*, *ante*, p. 914. Petition for rehearing denied. JUSTICE KAGAN took no part in the consideration or decision of this petition.
No. 09–594. *DE LA ROSA v. HOLDER*, ATTORNEY GENERAL, 560 U. S. 903. Motion for leave to file petition for rehearing denied.

SEPTEMBER 10, 2012

Dismissal Under Rule 46

- No. 11–1538. *ECKSTEIN MARINE SERVICE, L. L. C., NKA MARQUETTE TRANSPORTATION COMPANY GULF-INLAND, L. L. C. v.*

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JACKSON. C. A. 5th Cir. Certiorari dismissed under this Court's Rule 46.1. Reported below: 672 F. 3d 310.

SEPTEMBER 13, 2012

Dismissal Under Rule 46

No. 12–55. FISHER, INDIVIDUALLY AND AS SUCCESSOR IN INTEREST TO DECEDENT FISHER, ET AL. *v.* HALLIBURTON ET AL. C. A. 5th Cir. Certiorari dismissed as to petitioners James Blackwood and Joann Blackwood under this Court's Rule 46.2. Reported below: 667 F. 3d 602.

SEPTEMBER 19, 2012

Miscellaneous Orders

No. 12A234. LEAGUE OF UNITED LATIN AMERICAN CITIZENS *v.* PERRY, GOVERNOR OF TEXAS, ET AL. D. C. W. D. Tex. Application for stay, presented to JUSTICE SCALIA, and by him referred to the Court, denied.

No. 12A260. LIBERTARIAN PARTY OF MICHIGAN ET AL. *v.* JOHNSON, SECRETARY OF STATE OF MICHIGAN, ET AL. C. A. 6th Cir. Application for stay and injunction, presented to JUSTICE KAGAN, and by her referred to the Court, denied.

SEPTEMBER 20, 2012

Dismissal Under Rule 46

No. 11–10337. WILLIAMS ET AL. *v.* HOBBS, DIRECTOR, ARKANSAS DEPARTMENT OF CORRECTION. C. A. 8th Cir. Certiorari dismissed under this Court's Rule 46. Reported below: 658 F. 3d 842.

Certiorari Denied

No. 12–5009 (12A5). HARRIS *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. Reported below: 464 Fed. Appx. 301.

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No. 12–6197 (12A247). *HARRIS 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 21, 2012

Dismissal Under Rule 46

No. 11–1182. *R. J. REYNOLDS TOBACCO CO. ET AL. v. STAR SCIENTIFIC, INC.* C. A. Fed. Cir. Certiorari dismissed under this Court's Rule 46.1. Reported below: 655 F. 3d 1364.

SEPTEMBER 25, 2012

Certiorari Granted—Reversed and Remanded. (See No. 11–1184, *ante*, p. 758.)

Miscellaneous Orders

No. 12A266. *VOTING FOR AMERICA, INC., ET AL. v. ANDRADE, SECRETARY OF STATE OF TEXAS*. Application to vacate the stay entered by the United States Court of Appeals for the Fifth Circuit on September 6, 2012, presented to JUSTICE SCALIA, and by him referred to the Court, denied. JUSTICE SOTOMAYOR would grant the application in part.

No. 10–1491. *KIOBEL, INDIVIDUALLY AND ON BEHALF OF HER LATE HUSBAND KIOBEL, ET AL. v. ROYAL DUTCH PETROLEUM CO. ET AL.* C. A. 2d Cir. [Certiorari granted, 565 U. S. 961.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 11–345. *FISHER v. UNIVERSITY OF TEXAS AT AUSTIN ET AL.* C. A. 5th Cir. [Certiorari granted, 565 U. S. 1195.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted. JUSTICE KAGAN took no part in the consideration or decision of this motion.

No. 11–597. *ARKANSAS GAME AND FISH COMMISSION v. UNITED STATES.* C. A. Fed. Cir. [Certiorari granted, 566 U. S. 920.] Motion of professors of law teaching in the property law and water rights fields for leave to file a brief as *amici curiae*

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granted. JUSTICE KAGAN took no part in the consideration or decision of this motion.

No. 11–817. FLORIDA *v.* HARRIS. Sup. Ct. Fla. [Certiorari granted, 566 U. S. 904.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

Certiorari Granted

No. 11–1274. GABELLI ET AL. *v.* SECURITIES AND EXCHANGE COMMISSION. C. A. 2d Cir. Certiorari granted. Reported below: 653 F. 3d 49.

No. 11–1351. LEVIN *v.* UNITED STATES ET AL. C. A. 9th Cir. Certiorari granted. Reported below: 663 F. 3d 1059.

No. 11–1425. MISSOURI *v.* MCNEELY. Sup. Ct. Mo. Certiorari granted. Reported below: 358 S. W. 3d 65.

No. 11–10362. MILLBROOK *v.* UNITED STATES. C. A. 3d Cir. Motion of petitioner for leave to proceed *in forma pauperis* granted. Certiorari granted limited to the following question: “Whether 28 U. S. C. §§ 1346(b) and 2680(h) waive the sovereign immunity of the United States for the intentional torts of prison guards when they are acting within the scope of their employment but are not exercising authority to ‘execute searches, to seize evidence, or to make arrests for violations of Federal law.’” Reported below: 477 Fed. Appx. 4.

No. 12–25. MARACICH ET AL. *v.* SPEARS ET AL. C. A. 4th Cir. Certiorari granted. Reported below: 675 F. 3d 281.

No. 12–98. DELIA, SECRETARY, NORTH CAROLINA DEPARTMENT OF HEALTH AND HUMAN SERVICES *v.* E. M. A., A MINOR, BY AND THROUGH HER GUARDIAN AD LITEM JOHNSON, ET AL. C. A. 4th Cir. Certiorari granted. Reported below: 674 F. 3d 290.

Certiorari Denied

No. 12–6373 (12A283). FOSTER *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. JUSTICE GINS-

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BURG, JUSTICE SOTOMAYOR, and JUSTICE KAGAN would grant the application for stay of execution. Reported below: 481 Fed. Appx. 229.