

ORDERS FOR JUNE 17 THROUGH
OCTOBER 1, 2013

JUNE 17, 2013

Certiorari Granted—Vacated and Remanded

No. 12–1056. DUNN ET AL. *v.* UNITED STATES. C. A. 7th Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Peugh v. United States*, 569 U. S. 530 (2013). Reported below: 698 F. 3d 416.

No. 12–9747. GONZALEZ-ZAVALA *v.* UNITED STATES. C. A. 7th Cir. Motion of petitioner for leave to proceed *in forma pauperis* granted. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Peugh v. United States*, 569 U. S. 530 (2013). Reported below: 703 F. 3d 1053.

Vacated and Remanded After Certiorari Granted

No. 12–623. UNITED STATES FOREST SERVICE ET AL. *v.* PACIFIC RIVERS COUNCIL ET AL. C. A. 9th Cir. [Certiorari granted, 568 U. S. 1228.] Motion of respondent Pacific Rivers Council to vacate judgment below and dismiss as moot granted. Judgment vacated, and case remanded to the Court of Appeals with directions that it instruct the United States District Court for the Eastern District of California to dismiss case as moot in its entirety.

Certiorari Dismissed

No. 12–10109. RENNEKE *v.* FLORENCE COUNTY, WISCONSIN. Ct. App. Wis. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court’s Rule 39.8.

Miscellaneous Orders

No. D–2713. IN RE DISCIPLINE OF FIELD. Charles W. Field, of Lawrenceville, Ga., 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-2714. *IN RE DISCIPLINE OF OHL*. Wayne Iven Ohl, of Honeoye, 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-2715. *IN RE DISCIPLINE OF CASALE*. Michael A. Casale, of Fairfield, 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-2716. *IN RE DISCIPLINE OF LIBERACE*. Gerald Carl Liberace, of Upper Darby, 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-2726. *IN RE DISCIPLINE OF PARAGANO*. Vincent D. Paragano, of Jersey City, N. J., is suspended from the practice of law in this Court, and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. D-2727. *IN RE DISCIPLINE OF DICKSON*. Mark F. Dickson, of Pembroke Pine, Fla., 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-2728. *IN RE DISCIPLINE OF CLAFFEY*. Kevin P. Claffey, of Brooklyn, 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-2729. *IN RE DISCIPLINE OF SIGMAN*. Scott Philip Sigman, of Philadelphia, 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-2730. *IN RE DISCIPLINE OF ALESSANDRO*. Joseph S. Alessandro, of Bronx, N. Y., is suspended from the practice of law

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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-2731. IN RE DISCIPLINE OF CHESLEY. Stanley M. Chesley, of Cincinnati, Ohio, is suspended from the practice of law in this Court, and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. D-2732. IN RE DISCIPLINE OF GOLD. Allen S. Gold, of Copiague, 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. 12M134. SAID ET UX. *v.* COMMISSIONER OF INTERNAL REVENUE. Motion to direct the Clerk to file petition for writ of certiorari out of time denied.

No. 12-7515. BURRAGE *v.* UNITED STATES. C. A. 8th Cir. [Certiorari granted, 569 U.S. 957.] Motion of petitioner for appointment of counsel granted. Angela L. Campbell, Esq., of Des Moines, Iowa, is appointed to serve as counsel for petitioner in this case.

No. 12-8619. BROWN *v.* MCKEE, WARDEN. C. A. 6th Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [569 U.S. 915] denied.

No. 12-9964. SANDERS *v.* DEPARTMENT OF HEALTH AND HUMAN SERVICES ET AL. Motion of petitioner for leave to proceed *in forma pauperis* denied. Petitioner is allowed until July 8, 2013, 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. 12-10408. IN RE BARLEY; and
No. 12-10425. IN RE ISLEY. Petitions for writs of habeas corpus denied.

No. 12-9734. IN RE SPAULDING; and
No. 12-9749. IN RE HIEN ANH DAO. Petitions for writs of mandamus denied.

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No. 12–9829. *IN RE BARKSDALE*. Petition for writ of mandamus and/or prohibition denied.

Certiorari Granted

No. 12–992. *RAY HALUCH GRAVEL CO. ET AL. v. CENTRAL PENSION FUND OF THE INTERNATIONAL UNION OF OPERATING ENGINEERS AND PARTICIPATING EMPLOYERS ET AL.* C. A. 1st Cir. Certiorari granted. Reported below: 695 F. 3d 1.

No. 11–1507. *TOWNSHIP OF MOUNT HOLLY, NEW JERSEY, ET AL. v. MT. HOLLY GARDENS CITIZENS IN ACTION, INC., ET AL.* C. A. 3d Cir. Certiorari granted limited to Question 1 presented by the petition. Reported below: 658 F. 3d 375.

No. 12–315. *AIR WISCONSIN AIRLINES CORP. v. HOEPER*. Sup. Ct. Colo. Certiorari granted limited to the following question: “Whether ATSA immunity may be denied without a determination that the air carrier’s disclosure was materially false.” Reported below: 320 P. 3d 830.

No. 12–5196. *LAW v. SIEGEL, CHAPTER 7 TRUSTEE*. C. A. 9th Cir. Motion of petitioner for leave to proceed *in forma pauperis* granted. Certiorari granted. Reported below: 435 Fed. Appx. 697.

Certiorari Denied

No. 12–846. *JIMENEZ-GALICIA v. HOLDER, ATTORNEY GENERAL*. C. A. 11th Cir. Certiorari denied. Reported below: 690 F. 3d 1207.

No. 12–918. *ESTATE OF HAGE ET AL. v. UNITED STATES*. C. A. Fed. Cir. Certiorari denied. Reported below: 687 F. 3d 1281.

No. 12–987. *BOLAND v. DOE ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 698 F. 3d 877.

No. 12–998. *ECHÉ ET AL. v. HOLDER, ATTORNEY GENERAL, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 694 F. 3d 1026.

No. 12–1053. *KELLER FOUNDATION/CASE FOUNDATION ET AL. v. TRACY ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 696 F. 3d 835.

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No. 12–1085. *CURCIO ET AL. v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 2d Cir. Certiorari denied. Reported below: 689 F. 3d 217.

No. 12–1114. *SWEARINGEN v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied.

No. 12–1129. *ORTIZ v. CAIN, WARDEN*. Sup. Ct. La. Certiorari denied. Reported below: 2002–0601 (La. 9/12/12), 98 So. 3d 808.

No. 12–1201. *CHIN ET AL. v. RUTHERFORD*. C. A. 9th Cir. Certiorari denied. Reported below: 505 Fed. Appx. 677.

No. 12–1232. *CARWIE, CONSERVATOR ON BEHALF OF HARRIS v. PETER KNUDSEN, A/S*. Sup. Ct. Ala. Certiorari denied. Reported below: 116 So. 3d 206.

No. 12–1234. *LEIGH ET AL. v. KEMP ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 486 Fed. Appx. 610.

No. 12–1237. *MILLER ET AL. v. WRIGHT ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 705 F. 3d 919.

No. 12–1244. *BARTH v. BARTH ET AL.* Ct. App. Cal., 4th App. Dist., Div. 3. Certiorari denied. Reported below: 210 Cal. App. 4th 363, 147 Cal. Rptr. 3d 910.

No. 12–1246. *ROBINSON ET AL. v. COOK ET AL.* C. A. 1st Cir. Certiorari denied. Reported below: 706 F. 3d 25.

No. 12–1247. *D. A. OSGUTHORPE FAMILY PARTNERSHIP v. ASC UTAH, INC., ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 705 F. 3d 1223.

No. 12–1249. *DENISON ET AL. v. MARINA MILE SHIPYARD, INC.* C. A. 11th Cir. Certiorari denied. Reported below: 497 Fed. Appx. 882.

No. 12–1257. *BROWN, INDIVIDUALLY AND AS PERSONAL REPRESENTATIVE OF THE ESTATE OF BROWN, DECEASED, ET AL. v. BOLIN*. C. A. 5th Cir. Certiorari denied. Reported below: 500 Fed. Appx. 309.

No. 12–1259. *POWE v. FLORIDA*. Dist. Ct. App. Fla., 2d Dist. Certiorari denied. Reported below: 106 So. 3d 940.

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No. 12–1260. *PILLA v. HOLDER, ATTORNEY GENERAL*. C. A. 11th Cir. Certiorari denied. Reported below: 479 Fed. Appx. 275.

No. 12–1267. *CAMPOS-MERINO v. HOLDER, ATTORNEY GENERAL*. C. A. 4th Cir. Certiorari denied. Reported below: 496 Fed. Appx. 266.

No. 12–1273. *LOREN DATA CORP. v. GXS, INC.* C. A. 4th Cir. Certiorari denied. Reported below: 501 Fed. Appx. 275.

No. 12–1275. *SMAKAJ ET AL. v. HOLDER, ATTORNEY GENERAL*. C. A. 6th Cir. Certiorari denied. Reported below: 507 Fed. Appx. 478.

No. 12–1293. *TOKPAN v. HOLDER, ATTORNEY GENERAL*. C. A. 9th Cir. Certiorari denied. Reported below: 491 Fed. Appx. 846.

No. 12–1336. *KONOWALOFF v. METROPOLITAN MUSEUM OF ART*. C. A. 2d Cir. Certiorari denied. Reported below: 702 F. 3d 140.

No. 12–1337. *BRADISON v. MINNESOTA COMMISSIONER OF REVENUE*. Sup. Ct. Minn. Certiorari denied. Reported below: 825 N. W. 2d 747.

No. 12–1358. *SPRINT SPECTRUM, L. P. v. AYYAD ET AL.* Ct. App. Cal., 1st App. Dist. Certiorari denied. Reported below: 210 Cal. App. 4th 851, 148 Cal. Rptr. 3d 709.

No. 12–7438. *JOHNS v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 2012 IL App (1st) 093398–U.

No. 12–8819. *THOMAS v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 504 Fed. Appx. 213.

No. 12–8945. *CASEY v. CASEY*. Sup. Ct. N. H. Certiorari denied.

No. 12–9223. *THOMPSON v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 702 F. 3d 604.

No. 12–9298. *SIDIAKINA v. NAVID*. Ct. App. Cal., 1st App. Dist. Certiorari denied.

No. 12–9500. *MCCONNELL v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 488 Fed. Appx. 291.

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No. 12–9703. *LAWRENCE v. MELLOS ET AL.* C. A. 6th Cir. Certiorari denied.

No. 12–9711. *TRZECIAK v. FLORIDA.* Dist. Ct. App. Fla., 2d Dist. Certiorari denied. Reported below: 130 So. 3d 1284.

No. 12–9713. *RIVERA v. MASSACHUSETTS.* Sup. Jud. Ct. Mass. Certiorari denied. Reported below: 464 Mass. 56, 981 N. E. 2d 171.

No. 12–9717. *MENDIOLA v. HEDGPETH, WARDEN.* C. A. 9th Cir. Certiorari denied. Reported below: 511 Fed. Appx. 630.

No. 12–9720. *BRYANT v. DONALD ET AL.* C. A. 11th Cir. Certiorari denied.

No. 12–9722. *THON v. HEATH, SUPERINTENDENT, SING SING CORRECTIONAL FACILITY.* C. A. 2d Cir. Certiorari denied.

No. 12–9723. *WILLIS v. ILLINOIS.* App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 2012 IL App (1st) 071333–U.

No. 12–9724. *WALKER v. FLORIDA.* Dist. Ct. App. Fla., 3d Dist. Certiorari denied. Reported below: 103 So. 3d 169.

No. 12–9731. *McKINNON v. ST. JOHNS COUNTY, FLORIDA, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 12–9733. *KESSLER v. OREGON.* Ct. App. Ore. Certiorari denied.

No. 12–9735. *CASEY v. FLORIDA.* Dist. Ct. App. Fla., 2d Dist. Certiorari denied. Reported below: 100 So. 3d 687.

No. 12–9736. *CASTERLINE v. STEPHENS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION.* C. A. 5th Cir. Certiorari denied. Reported below: 494 Fed. Appx. 500.

No. 12–9739. *NOGUEZ v. CREWS, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS.* C. A. 11th Cir. Certiorari denied.

No. 12–9740. *MITCHELL v. KJMC 89.3 FM ET AL.* C. A. 8th Cir. Certiorari denied.

No. 12–9741. *POPAL v. NEW YORK.* App. Div., Sup. Ct. N. Y., 2d Jud. Dept. Certiorari denied.

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No. 12–9742. *CONGER v. BROWN, SUPERINTENDENT, WABASH VALLEY CORRECTIONAL FACILITY*. C. A. 7th Cir. Certiorari denied.

No. 12–9745. *BOATENG v. FAIRFAX COUNTY POLICE DEPARTMENT*. C. A. 4th Cir. Certiorari denied. Reported below: 486 Fed. Appx. 376.

No. 12–9751. *MAXWELL v. GOLDEN ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 490 Fed. Appx. 845.

No. 12–9753. *JONES v. RYAN, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS*. C. A. 9th Cir. Certiorari denied. Reported below: 691 F. 3d 1093.

No. 12–9759. *MOORE v. CAIN, WARDEN*. C. A. 5th Cir. Certiorari denied.

No. 12–9763. *PUGH v. MISSISSIPPI*. Ct. App. Miss. Certiorari denied. Reported below: 101 So. 3d 682.

No. 12–9765. *MONIZ v. MCKEE, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 12–9769. *MARTINEZ v. CREWS, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS*. C. A. 11th Cir. Certiorari denied.

No. 12–9773. *FENDER v. FLORIDA*. Sup. Ct. Fla. Certiorari denied. Reported below: 105 So. 3d 519.

No. 12–9775. *MARTIN v. FLORIDA*. Sup. Ct. Fla. Certiorari denied. Reported below: 107 So. 3d 281.

No. 12–9778. *PACHECO v. RODEN, SUPERINTENDENT, MASSACHUSETTS CORRECTIONAL INSTITUTION AT NORFOLK*. C. A. 1st Cir. Certiorari denied.

No. 12–9780. *RICHARDS v. COBB COUNTY, GEORGIA*. C. A. 11th Cir. Certiorari denied. Reported below: 487 Fed. Appx. 556.

No. 12–9784. *ROSADO v. UNGER, SUPERINTENDENT, WYOMING CORRECTIONAL FACILITY*. C. A. 2d Cir. Certiorari denied.

No. 12–9785. *SHAW v. STEPHENS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

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No. 12-9786. *VALENCIA v. FLORIDA DEPARTMENT OF CORRECTIONS*. C. A. 11th Cir. Certiorari denied.

No. 12-9800. *WIGGINS v. RYAN, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 12-9804. *BRYAN v. WASHINGTON*. Ct. App. Wash. Certiorari denied.

No. 12-9816. *CASEY v. FLORIDA*. Dist. Ct. App. Fla., 2d Dist. Certiorari denied. Reported below: 100 So. 3d 687.

No. 12-9822. *SAMUELSON v. MINNESOTA*. Ct. App. Minn. Certiorari denied.

No. 12-9837. *MCGEE v. KIRKLAND, WARDEN*. C. A. 9th Cir. Certiorari denied. Reported below: 506 Fed. Appx. 588.

No. 12-9843. *BENNER v. STEPHENS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 12-9853. *JONES v. FLORIDA*. Dist. Ct. App. Fla., 2d Dist. Certiorari denied. Reported below: 99 So. 3d 953.

No. 12-9860. *SANTANA v. NEVEN, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 505 Fed. Appx. 675.

No. 12-9949. *GARNER v. SMALL, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 12-9979. *BIGGS v. FLORIDA*. Dist. Ct. App. Fla., 4th Dist. Certiorari denied. Reported below: 101 So. 3d 850.

No. 12-9984. *HALL v. COLVIN, ACTING COMMISSIONER OF SOCIAL SECURITY*. C. A. 10th Cir. Certiorari denied. Reported below: 486 Fed. Appx. 753.

No. 12-9987. *GOODWINE v. LEE, SUPERINTENDENT, GREEN HAVEN CORRECTIONAL FACILITY*. Ct. App. N. Y. Certiorari denied. Reported below: 20 N. Y. 3d 949, 982 N. E. 2d 82.

No. 12-10001. *NEWSOME v. DZURENDA, INTERIM COMMISSIONER, CONNECTICUT DEPARTMENT OF CORRECTION*. C. A. 2d Cir. Certiorari denied.

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No. 12–10032. *BOURNE v. SCHOOL BOARD OF BROWARD COUNTY*. C. A. 11th Cir. Certiorari denied. Reported below: 508 Fed. Appx. 907.

No. 12–10045. *LEON v. ARIZONA ET AL.* C. A. 9th Cir. Certiorari denied.

No. 12–10097. *ARDIS v. PENSACOLA STATE COLLEGE*. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 109 So. 3d 782.

No. 12–10099. *RAIHALA v. MICHIGAN*. Ct. App. Mich. Certiorari denied.

No. 12–10101. *JORDAN v. MISSOURI*. Ct. App. Mo., Eastern Dist. Certiorari denied. Reported below: 404 S. W. 3d 292.

No. 12–10106. *MURDOCK v. COLSON, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 12–10112. *LOBLEY v. BAENEN, WARDEN*. C. A. 7th Cir. Certiorari denied.

No. 12–10133. *BIR v. FLORIDA*. Sup. Ct. Fla. Certiorari denied. Reported below: 104 So. 3d 1082.

No. 12–10144. *ZAVALIDROGA v. CUOMO ET AL.* C. A. 2d Cir. Certiorari denied.

No. 12–10208. *JONES v. SEXTON, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 12–10216. *SMITH v. WEISER SECURITY SYSTEMS, INC.* C. A. 11th Cir. Certiorari denied. Reported below: 516 Fed. Appx. 775.

No. 12–10263. *SMITH v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 491 Fed. Appx. 410.

No. 12–10273. *GARCIA MEDRANO v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 546 Fed. Appx. 377.

No. 12–10277. *SANCHEZ LOPEZ v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 508 Fed. Appx. 610.

No. 12–10280. *SANTILLANA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

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No. 12–10284. CRUZ-RASCON, AKA CRUZ-RAZON *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 511 Fed. Appx. 356.

No. 12–10286. LINEBERRY *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 702 F. 3d 210.

No. 12–10289. MORENO-CARRASCO *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 12–10290. GAMBOA MOSQUERA *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 512 Fed. Appx. 429.

No. 12–10293. STAMPER *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 507 Fed. Appx. 723.

No. 12–10301. GRIMES *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 702 F. 3d 460.

No. 12–10304. VANCE *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied.

No. 12–10305. GOFF *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 517 Fed. Appx. 120.

No. 12–10309. FETTERS *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 698 F. 3d 653.

No. 12–10310. HALL *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 508 Fed. Appx. 776.

No. 12–10311. INFANTE *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. Reported below: 701 F. 3d 386.

No. 12–10313. ANTONIO BENITEZ *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 12–10315. WHERRY *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 518 Fed. Appx. 434.

No. 12–10346. THOMAS *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied.

No. 12–10348. TATUM *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 512 Fed. Appx. 402.

No. 12–10369. FLORES MIRANDA *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 509 Fed. Appx. 671.

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No. 12–10375. *STEPHENS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 509 Fed. Appx. 932.

No. 12–10376. *SMITH v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 497 Fed. Appx. 269.

No. 12–10377. *LINDSEY v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 702 F. 3d 1092.

No. 12–10380. *MCWHORTER v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 515 Fed. Appx. 511.

No. 12–10382. *MURILLO v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 526 Fed. Appx. 192.

No. 12–10386. *GEE v. UNITED STATES*. Ct. App. D. C. Certiorari denied. Reported below: 54 A. 3d 1249.

No. 12–10292. *KOPP v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. JUSTICE SOTOMAYOR and JUSTICE KAGAN took no part in the consideration or decision of this petition.

Rehearing Denied

No. 12–8086. *WILSON v. ARKANSAS*, 568 U. S. 1200;

No. 12–8753. *RALSTON v. THALER, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*, 569 U. S. 949;

No. 12–8758. *HUNT v. MICHIGAN ET AL.*, 569 U. S. 949;

No. 12–8766. *WOODS v. PUBLIC EMPLOYMENT RELATIONS BOARD*, 569 U. S. 949;

No. 12–8950. *NIEMIEC v. MICHIGAN ET AL.*, 569 U. S. 934;

No. 12–9067. *JENNINGS v. HAGEL, SECRETARY OF DEFENSE*, 569 U. S. 964;

No. 12–9074. *DANIELS v. WRIGHT, WARDEN*, 569 U. S. 964; and

No. 12–9512. *CAMPOS v. UNITED STATES*, 569 U. S. 968. Petitions for rehearing denied.

No. 12–8852. *SABER ET AL. v. SABER ET AL.* (two judgments), 569 U. S. 954. Petition for rehearing denied. JUSTICE ALITO took no part in the consideration or decision of this petition.

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Certiorari Granted—Reversed and Remanded. (See No. 12–1084, *ante*, p. 521.)

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Certiorari Granted—Vacated and Remanded

- No. 11–9873. DOTSON *v.* UNITED STATES. C. A. 6th Cir.;
- No. 12–6558. DELEON *v.* UNITED STATES. C. A. 4th Cir. Reported below: 678 F. 3d 317;
- No. 12–7274. GRAHAM *v.* UNITED STATES. C. A. 2d Cir. Reported below: 691 F. 3d 153 and 493 Fed. Appx. 162;
- No. 12–7398. MUBDI *v.* UNITED STATES. C. A. 4th Cir. Reported below: 691 F. 3d 334;
- No. 12–7525. SHAVERS, AKA COLZIE, AKA LEWIS, ET AL. *v.* UNITED STATES. C. A. 3d Cir. Reported below: 693 F. 3d 363;
- No. 12–7568. ASTORGA *v.* KANSAS. Sup. Ct. Kan. Reported below: 295 Kan. 339, 284 P. 3d 279;
- No. 12–7769. BARNES *v.* UNITED STATES. C. A. 1st Cir.;
- No. 12–8236. BARTON *v.* UNITED STATES. C. A. 1st Cir.;
- No. 12–8298. JORDAN *v.* UNITED STATES. C. A. 11th Cir. Reported below: 488 Fed. Appx. 358;
- No. 12–8317. DAVIS *v.* UNITED STATES. C. A. 8th Cir. Reported below: 690 F. 3d 912;
- No. 12–8411. SMARR *v.* UNITED STATES. C. A. 11th Cir. Reported below: 488 Fed. Appx. 358; and
- No. 12–8683. ABRAHAMSON *v.* UNITED STATES. C. A. 8th Cir. Reported below: 685 F. 3d 777. Motions of petitioners for leave to proceed *in forma pauperis* granted. Certiorari granted, judgments vacated, and cases remanded for further consideration in light of *Alleyne v. United States*, *ante*, p. 99.
- No. 12–245. MERCK & CO., INC. *v.* LOUISIANA WHOLESALE DRUG CO., INC., ET AL.; and
- No. 12–265. UPSHER-SMITH LABORATORIES, INC. *v.* LOUISIANA WHOLESALE DRUG CO., INC., ET AL. C. A. 3d Cir. Certiorari granted, judgment vacated, and cases remanded for further consideration in light of *FTC v. Actavis, Inc.*, *ante*, p. 136. JUSTICE ALITO took no part in the consideration or decision of these petitions. Reported below: 686 F. 3d 197.

Certiorari Dismissed

- No. 12–9940. GRANDISON *v.* SAAR, FORMER SECRETARY, MARYLAND DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES, ET AL. Ct. App. Md. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court’s Rule 39.8. Reported below: 429 Md. 83, 54 A. 3d 760.

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No. 12–9975. FRANZA *v.* SHEAHAN. Ct. App. N. Y. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court’s Rule 39.8. Reported below: 20 N. Y. 3d 1032, 984 N. E. 2d 320.

No. 12–10110. STAFFNEY *v.* MACLAREN, WARDEN. Ct. App. Mich. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court’s Rule 39.8. As petitioner has repeatedly abused this Court’s process, the Clerk is directed not to accept any further petitions in non-criminal matters from petitioner unless the docketing fee required by Rule 38(a) is paid and the petition is submitted in compliance with Rule 33.1. See *Martin v. District of Columbia Court of Appeals*, 506 U. S. 1 (1992) (*per curiam*).

No. 12–10400. JONES *v.* UNITED STATES. C. A. 8th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court’s Rule 39.8. JUSTICE KAGAN took no part in the consideration or decision of this motion and this petition.

Miscellaneous Orders

No. 12M135. LOYAL *v.* UNITED STATES. Motion for leave to file petition for writ of certiorari with supplemental appendix under seal granted.

No. 12M136. THOMAS *v.* OLSON;

No. 12M137. MORALES *v.* DISTRICT ATTORNEY OF LEHIGH COUNTY, PENNSYLVANIA, ET AL.; and

No. 12M139. MITCHELL *v.* FLANNERY. Motions to direct the Clerk to file petitions for writs of certiorari out of time denied.

No. 12M138. DRUAN *v.* NEW HAMPSHIRE DEPARTMENT OF ENVIRONMENTAL SERVICES. Motion to direct the Clerk to file petition for writ of certiorari out of time under this Court’s Rule 14.5 denied.

No. 12M140. IN RE GRAND JURY PROCEEDINGS. Motion for leave to file petition for writ of certiorari under seal with redacted copies for the public record granted.

No. 12–786. LIMELIGHT NETWORKS, INC. *v.* AKAMAI TECHNOLOGIES, INC., ET AL.; and

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No. 12–960. *AKAMAI TECHNOLOGIES, INC., ET AL. v. LIME-LIGHT NETWORKS, INC.* C. A. Fed. Cir. The Solicitor General is invited to file a brief in these cases expressing the views of the United States. JUSTICE ALITO took no part in the consideration or decision of these petitions.

No. 12–872. *MADIGAN ET AL. v. LEVIN.* C. A. 7th Cir. [Certiorari granted, 568 U. S. 1228.] Motion of petitioners to dispense with printing joint appendix granted.

No. 12–1078. *SAMANTAR v. YOUSUF ET AL.* C. A. 4th Cir. The Solicitor General is invited to file a brief in this case expressing the views of the United States. JUSTICE KAGAN took no part in the consideration or decision of this petition.

No. 12–8561. *PAROLINE v. UNITED STATES ET AL.* C. A. 5th Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* granted, and the order entered June 10, 2013, [569 U. S. 1028,] is vacated.

No. 12–9771. *FENTON v. UNITED STATES.* C. A. 4th Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [569 U. S. 993] denied.

No. 12–9994. *ETTLIN v. UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA.* C. A. 9th Cir.; and

No. 12–10107. *SARRESHTEDARI v. CALIFORNIA.* Ct. App. Cal., 4th App. Dist., Div. 3. Motions of petitioners for leave to proceed *in forma pauperis* denied. Petitioners are allowed until July 15, 2013, 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. 12–10479. *IN RE DAVIDSON;* and

No. 12–10533. *IN RE CONCEPCION.* Motions of petitioners for leave to proceed *in forma pauperis* denied, and petitions for writs of habeas corpus dismissed. See this Court’s Rule 39.8.

No. 12–9811. *IN RE BLACK.* Petition for writ of mandamus and/or prohibition denied.

Certiorari Granted

No. 12–99. *UNITE HERE LOCAL 355 v. MULHALL ET AL.* C. A. 11th Cir. Certiorari granted. Reported below: 667 F. 3d 1211.

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No. 12–515. MICHIGAN *v.* BAY MILLS INDIAN COMMUNITY ET AL. C. A. 6th Cir. Certiorari granted. Reported below: 695 F. 3d 406.

No. 12–930. MAYORKAS, DIRECTOR, UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES, ET AL. *v.* CUELLAR DE OSORIO ET AL. C. A. 9th Cir. Certiorari granted. Reported below: 695 F. 3d 1003.

No. 12–1168. MCCULLEN ET AL. *v.* COAKLEY, ATTORNEY GENERAL OF MASSACHUSETTS, ET AL. C. A. 1st Cir. Certiorari granted. Reported below: 708 F. 3d 1.

No. 12–1200. EXECUTIVE BENEFITS INSURANCE AGENCY *v.* ARKISON, CHAPTER 7 TRUSTEE OF THE ESTATE OF BELLINGHAM INSURANCE AGENCY, INC. C. A. 9th Cir. Certiorari granted. Reported below: 702 F. 3d 553.

No. 12–1208. UBS FINANCIAL SERVICES INCORPORATED OF PUERTO RICO ET AL. *v.* UNION DE EMPLEADOS DE MUELLES DE PUERTO RICO PRSSA WELFARE PLAN ET AL. C. A. 1st Cir. Certiorari granted. Reported below: 704 F. 3d 155.

No. 12–820. LOZANO *v.* MONTOYA ALVAREZ. C. A. 2d Cir. Certiorari granted limited to Question 1 presented by the petition. Reported below: 697 F. 3d 41.

No. 12–1182. ENVIRONMENTAL PROTECTION AGENCY ET AL. *v.* EME HOMER CITY GENERATION, L. P., ET AL.; and

No. 12–1183. AMERICAN LUNG ASSN. ET AL. *v.* EME HOMER CITY GENERATION, L. P., ET AL. C. A. D. C. Cir. Certiorari granted limited to the questions presented by the petition in No. 12–1182, cases consolidated, and a total of one hour is allotted for oral argument. Reported below: 696 F. 3d 7.

No. 12–1281. NATIONAL LABOR RELATIONS BOARD *v.* NOEL CANNING ET AL. C. A. D. C. Cir. Certiorari granted. In addition to the questions presented by the petition, the parties are directed to brief and argue the following question: “Whether the President’s recess-appointment power may be exercised when the Senate is convening every three days in *pro forma* sessions.” Reported below: 705 F. 3d 490.

Certiorari Denied

No. 11–1485. YOUNG, AS PERSONAL REPRESENTATIVE OF THE ESTATE OF YOUNG *v.* FITZPATRICK ET AL. Ct. App. Wash. Cer-

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tiorari denied. Reported below: 164 Wash. App. 343, 262 P. 3d 527.

No. 11–1536. *LUCAS v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 670 F. 3d 784.

No. 12–300. *PFIZER, INC. v. LAW OFFICES OF PETER G. ANGELOS*. C. A. 2d Cir. Certiorari denied. Reported below: 676 F. 3d 45.

No. 12–573. *VILLAGE OF PALATINE, ILLINOIS v. SENNE*. C. A. 7th Cir. Certiorari denied. Reported below: 695 F. 3d 597.

No. 12–865. *WESTMORELAND COAL CO. v. SHARPE, ON BEHALF OF AND AS WIDOW OF SHARPE, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 692 F. 3d 317.

No. 12–980. *NEVADA ET AL. v. RELIANT ENERGY, INC., ET AL.* Sup. Ct. Nev. Certiorari denied. Reported below: 128 Nev. 483, 289 P. 3d 1186.

No. 12–986. *WILSON v. FLAHERTY, SUPERINTENDENT, VIRGINIA DEPARTMENT OF STATE POLICE*. C. A. 4th Cir. Certiorari denied. Reported below: 689 F. 3d 332.

No. 12–1016. *POLYPORE INTERNATIONAL, INC. v. FEDERAL TRADE COMMISSION*. C. A. 11th Cir. Certiorari denied. Reported below: 686 F. 3d 1208.

No. 12–1025. *PLAINSCAPITAL CORP. ET AL. v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 692 F. 3d 378.

No. 12–1033. *MOMENTA PHARMACEUTICALS, INC., ET AL. v. AMPHASTAR PHARMACEUTICALS, INC., ET AL.* C. A. Fed. Cir. Certiorari denied. Reported below: 686 F. 3d 1348.

No. 12–1044. *DONALDSON v. DEPARTMENT OF HOMELAND SECURITY*. C. A. Fed. Cir. Certiorari denied. Reported below: 495 Fed. Appx. 53.

No. 12–1055. *GROCERY MANUFACTURERS ASSN. ET AL. v. ENVIRONMENTAL PROTECTION AGENCY ET AL.*;

No. 12–1167. *ALLIANCE OF AUTOMOBILE MANUFACTURERS ET AL. v. ENVIRONMENTAL PROTECTION AGENCY ET AL.*; and

No. 12–1229. *AMERICAN FUEL & PETROCHEMICAL MANUFACTURERS ET AL. v. ENVIRONMENTAL PROTECTION AGENCY ET AL.*

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C. A. D. C. Cir. Certiorari denied. Reported below: 693 F. 3d 169.

No. 12–1073. *CITY OF LOS ANGELES, CALIFORNIA v. LAVAN ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 693 F. 3d 1022.

No. 12–1118. *APUZZO v. SECURITIES AND EXCHANGE COMMISSION.* C. A. 2d Cir. Certiorari denied. Reported below: 689 F. 3d 204.

No. 12–1151. *PITTS v. SHINSEKI, SECRETARY OF VETERANS AFFAIRS.* C. A. Fed. Cir. Certiorari denied. Reported below: 700 F. 3d 1279.

No. 12–1158. *MIRROR WORLDS, LLC v. APPLE INC.* C. A. Fed. Cir. Certiorari denied. Reported below: 692 F. 3d 1351.

No. 12–1175. *JEFFERSON COUNTY SCHOOL DISTRICT R–1 v. ELIZABETH E., BY AND THROUGH HER PARENTS, ROXANNE B. ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 702 F. 3d 1227.

No. 12–1250. *BOOK v. PARKS ET AL.* C. A. 2d Cir. Certiorari denied.

No. 12–1258. *HILL v. SCHILLING ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 495 Fed. Appx. 480.

No. 12–1262. *CAMPBELL ET AL. v. COMMERCIAL SERVICE OF PERRY, INC.* Dist. Ct. App. Fla., 4th Dist. Certiorari denied. Reported below: 103 So. 3d 173.

No. 12–1263. *HALL v. SEABOLT, WARDEN.* Sup. Ct. Ga. Certiorari denied. Reported below: 292 Ga. 311, 737 S. E. 2d 314.

No. 12–1264. *GARCIA v. CITY OF LAREDO, TEXAS, ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 702 F. 3d 788.

No. 12–1266. *HOLKESVIG v. MOORE.* Sup. Ct. N. D. Certiorari denied. Reported below: 2013 ND 2, 828 N. W. 2d 546.

No. 12–1277. *VUYYURU ET AL. v. JADHAV ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 501 Fed. Appx. 294.

No. 12–1288. *ADAMS ET AL. v. RAINTREE VACATION EXCHANGE, LLC, ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 702 F. 3d 436.

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No. 12–1289. *INSTANT REPLAY SPORTS, INC., ET AL. v. ALL-STATE INSURANCE CO.* Sup. Ct. La. Certiorari denied. Reported below: 2012–2181 (La. 12/14/12), 104 So. 3d 419.

No. 12–1304. *ROSELLINI ET AL. v. JACK SILVERMAN REALTY & MORTGAGE CO., LLC, ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 508 Fed. Appx. 131.

No. 12–1333. *MCDONALD v. COOPER.* C. A. 6th Cir. Certiorari denied. Reported below: 471 Fed. Appx. 494.

No. 12–1340. *AUSTAL USA, LLC v. ADAMS ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 503 Fed. Appx. 699.

No. 12–1357. *MARTINEZ ET AL. v. MAVERICK COUNTY, TEXAS, ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 507 Fed. Appx. 446.

No. 12–1360. *BOWERS v. BOARD OF REGENTS OF THE UNIVERSITY SYSTEM OF GEORGIA ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 509 Fed. Appx. 906.

No. 12–1365. *CLEARPLAY, INC. v. NISSIM CORP. ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 496 Fed. Appx. 963.

No. 12–1373. *MITAN v. UNITED STATES.* C. A. 3d Cir. Certiorari denied. Reported below: 499 Fed. Appx. 187.

No. 12–1379. *HUNTER v. VIRGINIA STATE BAR.* Sup. Ct. Va. Certiorari denied. Reported below: 285 Va. 485, 744 S. E. 2d 611.

No. 12–6571. *DORSEY v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 677 F. 3d 944.

No. 12–6807. *LARIOS SANTACRUZ v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 480 Fed. Appx. 441.

No. 12–7971. *SKINNER v. UNITED STATES.* C. A. 6th Cir. Certiorari denied. Reported below: 690 F. 3d 772.

No. 12–8414. *RIZK v. PRELESNIK, WARDEN.* C. A. 6th Cir. Certiorari denied. Reported below: 487 Fed. Appx. 285.

No. 12–8731. *CAGE v. COLVIN, ACTING COMMISSIONER OF SOCIAL SECURITY.* C. A. 2d Cir. Certiorari denied. Reported below: 692 F. 3d 118.

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No. 12–8807. *MITCHELL v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 498 Fed. Appx. 258.

No. 12–8823. *CAMPBELL v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 482 Fed. Appx. 997.

No. 12–8866. *TAYLOR v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 686 F. 3d 182.

No. 12–9340. *MARTINEZ v. DISTRICT ATTORNEY OF SAN JOAQUIN COUNTY ET AL.* C. A. 9th Cir. Certiorari denied.

No. 12–9341. *JENKINS v. MISSISSIPPI*. Sup. Ct. Miss. Certiorari denied. Reported below: 102 So. 3d 1063.

No. 12–9354. *GRIM v. MISSISSIPPI*. Sup. Ct. Miss. Certiorari denied. Reported below: 102 So. 3d 1073.

No. 12–9386. *PONTICELLI v. CREWS, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 690 F. 3d 1271.

No. 12–9391. *BOYD v. THOMAS, COMMISSIONER, ALABAMA DEPARTMENT OF CORRECTIONS*. C. A. 11th Cir. Certiorari denied. Reported below: 697 F. 3d 1320.

No. 12–9524. *SINGLETERY v. NORTH CAROLINA DEPARTMENT OF HEALTH AND HUMAN SERVICES/INFANT TODDLER PROGRAM*. C. A. 4th Cir. Certiorari denied. Reported below: 502 Fed. Appx. 340.

No. 12–9790. *DILBERT v. DAVIS, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 12–9793. *TREVINO v. BEARD, SECRETARY, CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 12–9799. *SARTORI v. NORTH CAROLINA*. Gen. Ct. Justice, Super. Ct. Div., Buncombe County, N. C. Certiorari denied.

No. 12–9809. *RUSHING v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied. Reported below: 353 S. W. 3d 863.

No. 12–9810. *BRATTON v. PEREZ ET AL.* C. A. 9th Cir. Certiorari denied.

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No. 12–9814. *DESUE v. FLORIDA DEPARTMENT OF CORRECTIONS*. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 108 So. 3d 1081.

No. 12–9817. *TORRES v. HARTLEY, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 12–9821. *SANTOS v. NEW JERSEY*. Super. Ct. N. J., App. Div. Certiorari denied.

No. 12–9830. *BROWN v. FLORIDA*. Dist. Ct. App. Fla., 2d Dist. Certiorari denied. Reported below: 109 So. 3d 791.

No. 12–9839. *LESURE v. ATCHISON, WARDEN*. C. A. 7th Cir. Certiorari denied.

No. 12–9840. *JONES v. TOLL BROTHERS*. C. A. 5th Cir. Certiorari denied.

No. 12–9845. *CARTER v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 2012 IL App (1st) 101378–UB.

No. 12–9851. *JEMISON v. CULLIVER ET AL.* C. A. 11th Cir. Certiorari denied.

No. 12–9852. *LOVATO LUCERO v. NEW MEXICO DEPARTMENT OF WORKFORCE SOLUTIONS ET AL.* Ct. App. N. M. Certiorari denied.

No. 12–9868. *ESTRIN v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied.

No. 12–9869. *MACK v. BITER, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 12–9870. *LEWIS v. CITY OF WAXAHACHIE, TEXAS, ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 503 Fed. Appx. 249.

No. 12–9872. *ROBINSON v. NEW JERSEY*. Super. Ct. N. J., App. Div. Certiorari denied.

No. 12–9878. *KANODE v. SWOPE, JUDGE, CIRCUIT COURT OF WEST VIRGINIA, MERCER COUNTY, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 506 Fed. Appx. 217.

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No. 12–9883. *ROBLES v. STATE FARM INSURANCE ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 509 Fed. Appx. 748.

No. 12–9884. *SCOTT v. MULE CREEK STATE PRISON ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 504 Fed. Appx. 658.

No. 12–9889. *MOORE v. ZAPPA ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 497 Fed. Appx. 702.

No. 12–9893. *BUSH v. STEVENSON COMMONS ASSOCIATES, LLP, ET AL.* C. A. 2d Cir. Certiorari denied.

No. 12–9926. *PHILLIPS v. HOBBS, DIRECTOR, ARKANSAS DEPARTMENT OF CORRECTION.* C. A. 8th Cir. Certiorari denied.

No. 12–9973. *HOARD v. KLEE.* C. A. 6th Cir. Certiorari denied.

No. 12–10000. *JOHNSON v. CHAPPIUS, SUPERINTENDENT, ELMIRA CORRECTIONAL FACILITY.* C. A. 2d Cir. Certiorari denied. Reported below: 508 Fed. Appx. 23.

No. 12–10009. *ODOM v. DOAR ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 497 Fed. Appx. 88.

No. 12–10059. *JENNINGS v. HAGEL, SECRETARY OF DEFENSE.* C. A. 7th Cir. Certiorari denied. Reported below: 492 Fed. Appx. 698.

No. 12–10117. *EDWARDS v. SCUTT, WARDEN, ET AL.* C. A. 6th Cir. Certiorari denied.

No. 12–10127. *WASHINGTON v. EAST BATON ROUGE PARISH SCHOOL SYSTEM ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 504 Fed. Appx. 350.

No. 12–10131. *WADDELL-EL v. YOUNG, WARDEN.* C. A. 4th Cir. Certiorari denied. Reported below: 486 Fed. Appx. 368.

No. 12–10137. *MOFFAT v. SMITH, WARDEN.* C. A. 6th Cir. Certiorari denied.

No. 12–10174. *THOMAS v. MISSISSIPPI.* Ct. App. Miss. Certiorari denied. Reported below: 107 So. 3d 1046.

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No. 12–10177. *ADAMS v. SMITH, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 12–10200. *WILLIAMS v. WOLFENBARGER, WARDEN*. C. A. 6th Cir. Certiorari denied. Reported below: 513 Fed. Appx. 466.

No. 12–10210. *BALLINGER v. PRELESNIK, WARDEN*. C. A. 6th Cir. Certiorari denied. Reported below: 709 F. 3d 558.

No. 12–10256. *JOHNSON v. NEW JERSEY*. Super. Ct. N. J., App. Div. Certiorari denied.

No. 12–10259. *BAKER v. RYAN, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 497 Fed. Appx. 771.

No. 12–10269. *BHAMBRA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 505 Fed. Appx. 670.

No. 12–10302. *GARCIA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 502 Fed. Appx. 663.

No. 12–10312. *SHELTON v. ROHRS ET AL.* C. A. 11th Cir. Certiorari denied.

No. 12–10318. *COOPER v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 507 Fed. Appx. 735.

No. 12–10320. *CRUZ v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 12–10323. *SCHNEIDER ET UX. v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 704 F. 3d 1287.

No. 12–10324. *SLAUGHTER v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 708 F. 3d 1208.

No. 12–10335. *ARRIAGA-MORALES v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 513 Fed. Appx. 380.

No. 12–10337. *CARRERA-DIAZ v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 510 Fed. Appx. 768.

No. 12–10341. *RODRIGUEZ v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 508 Fed. Appx. 611.

No. 12–10342. *SNEAD v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 502 Fed. Appx. 231.

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No. 12–10343. *THREATT v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 12–10345. *WADE v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 512 Fed. Appx. 11.

No. 12–10360. *CONNER v. COMMISSIONER OF INTERNAL REVENUE*. C. A. 11th Cir. Certiorari denied. Reported below: 512 Fed. Appx. 984.

No. 12–10363. *KENNEDY v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 12–10373. *ASAR, AKA GIST v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 516 Fed. Appx. 256.

No. 12–10374. *JOHNSON v. UNITED STATES*. C. A. 7th Cir. Certiorari denied. Reported below: 496 Fed. Appx. 668.

No. 12–10383. *LLOYD v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 498 Fed. Appx. 330.

No. 12–10385. *LONDONO v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 12–10387. *LOWERY v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 12–10389. *AKITI v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 701 F. 3d 883.

No. 12–10391. *CAUDILL v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 709 F. 3d 444.

No. 12–10392. *DARDEN v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 708 F. 3d 1225.

No. 12–10393. *CORDOVA v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 510 Fed. Appx. 741.

No. 12–10394. *CARTER v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 12–10401. *ALBERTO RAMIREZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 12–10404. *REID v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 506 Fed. Appx. 209.

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No. 12–10406. *ARMENDARIS-RAMOS, AKA LARA-RODRIGUEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 513 Fed. Appx. 380.

No. 12–10407. *DOWD v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 500 Fed. Appx. 652.

No. 12–10409. *VAUGHAN v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 512 Fed. Appx. 459.

No. 12–10410. *WITHERSPOON v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 481 Fed. Appx. 70.

No. 12–10415. *SPRAGLING v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 12–10419. *EVANS v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 12–10422. *TURNER v. PASTRANA, WARDEN*. C. A. 11th Cir. Certiorari denied. Reported below: 709 F. 3d 1328.

No. 12–10431. *MIGUEL MARTE v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 12–10432. *TANH HUU LAM v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 12–10438. *LEGRANO v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 513 Fed. Appx. 6.

No. 12–10439. *RAMIREZ-PEREZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 513 Fed. Appx. 376.

No. 12–10450. *ERHABOR v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 507 Fed. Appx. 664.

No. 12–10452. *CONZELMANN v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 514 Fed. Appx. 598.

No. 12–10453. *MELLENDEZ v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 505 Fed. Appx. 233.

No. 12–10455. *GARCIA-ROQUE v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 514 Fed. Appx. 501.

No. 12–10456. *GARCIA v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 707 F. 3d 1190.

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No. 12–10460. *DAVIS v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 515 Fed. Appx. 486.

No. 12–10461. *CARAWAY v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 12–10462. *CAVOUNIS v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 12–10467. *BLOUNT v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 514 Fed. Appx. 469.

No. 12–10471. *WILLIAMS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 12–10472. *WILSON v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 512 Fed. Appx. 75.

No. 12–10473. *ROWAN v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 510 Fed. Appx. 870.

No. 12–10480. *JOHNSON v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 12–1057. *ALLISON ENGINE CO., INC., ET AL. v. UNITED STATES EX REL. SANDERS ET AL.* C. A. 6th Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition. Reported below: 703 F. 3d 930.

No. 12–1092. *LATTIMORE ET AL. v. UNITED STATES ET AL.* C. A. 5th Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition. Reported below: 696 F. 3d 436.

No. 12–1294. *NADER v. SERODY ET AL.* Ct. App. D. C. Certiorari denied. JUSTICE ALITO took no part in the consideration or decision of this petition. Reported below: 43 A. 3d 327.

No. 12–1302. *GARCIA v. LOUISIANA*. Sup. Ct. La. Motion of Ethics Bureau at Yale for leave to file brief as *amicus curiae* granted. Certiorari denied. Reported below: 2009–1578 (La. 11/16/12), 108 So. 3d 1.

No. 12–8932. *OBAYDULLAH v. OBAMA, PRESIDENT OF THE UNITED STATES, ET AL.* C. A. D. C. Cir. Motion of respondents for leave to file brief in opposition under seal granted. Motion

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of petitioner for leave to file reply brief under seal granted. Certiorari denied. Reported below: 688 F. 3d 784.

No. 12–10222. *HEREDIA SANTA CRUZ v. CALIFORNIA*. C. A. 9th Cir. Certiorari denied. JUSTICE BREYER took no part in the consideration or decision of this petition.

No. 12–10319. *DOWNES v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition.

No. 12–10421. *THOMAS v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition. Reported below: 713 F. 3d 165.

No. 12–10448. *SCHOTZ v. APKER, WARDEN*. C. A. 9th Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition. Reported below: 503 Fed. Appx. 512.

No. 12–10457. *BILLUPS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition. Reported below: 511 Fed. Appx. 237.

Rehearing Denied

- No. 12–1021. *PIERCE v. WOLDENBERG*, 569 U. S. 958;
No. 12–8707. *BLANTON v. CARUSO ET AL.*, 569 U. S. 931;
No. 12–8792. *HOTCHKISS v. CLAY TOWNSHIP BOARD ET AL.*,
569 U. S. 932;
No. 12–8856. *EDWARDS v. FLORIDA*, 569 U. S. 951;
No. 12–8933. *MCKENZIE v. RAINES ET AL.*, 569 U. S. 934;
No. 12–9009. *FRANCIS v. KENTUCKY RIVER COAL CORP.*, 569
U. S. 963;
No. 12–9069. *JENNINGS v. CITY OF INDIANAPOLIS, INDIANA,
ET AL.*, 569 U. S. 977;
No. 12–9103. *MCILVOY v. NORMAN, SUPERINTENDENT, JEF-
FERSON CITY CORRECTIONAL CENTER*, 569 U. S. 952;
No. 12–9165. *STENSON v. HEATH, SUPERINTENDENT, SING
SING CORRECTIONAL FACILITY*, 569 U. S. 979;
No. 12–9263. *DITTO v. PATENT AND TRADEMARK OFFICE,
BOARD OF PATENT APPEALS AND INTERFERENCES*, 569 U. S. 965;
No. 12–9481. *MOHAMMED v. UNITED STATES*, 569 U. S. 967;

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No. 12–9623. *TILLERY v. UNITED STATES*, 569 U. S. 985; and No. 12–9707. *CONDREY v. UNITED STATES*, 569 U. S. 988. Petitions for rehearing denied.

No. 12–112. *ROE ET AL. v. UNITED STATES ET AL.*, 568 U. S. 1258. Motion of petitioners for leave to file petition for rehearing under seal with redacted copies for the public record granted. Petition for rehearing denied.

No. 12–8352. *ERCOLE v. LAHOOD, SECRETARY OF TRANSPORTATION*, 568 U. S. 1203. Motion for leave to file petition for rehearing denied.

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Dismissal Under Rule 46

No. 12–1381. *BARDOS v. TWENTY-NINE PALMS ENTERPRISES CORP.* Ct. App. Cal., 4th App. Dist., Div. 2. Certiorari dismissed under this Court’s Rule 46.1. Reported below: 210 Cal. App. 4th 1435, 149 Cal. Rptr. 3d 52.

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Vacated and Remanded on Appeal

No. 12–496. *TEXAS v. UNITED STATES ET AL.* Appeal from D. C. D. C. Judgment vacated, and case remanded for further consideration in light of *Shelby County v. Holder*, ante, p. 529, and the suggestion of mootness of appellee Wendy Davis et al. Reported below: 887 F. Supp. 2d 133.

No. 12–1028. *TEXAS v. HOLDER, ATTORNEY GENERAL.* Appeal from D. C. D. C. Judgment vacated, and case remanded for further consideration in light of *Shelby County v. Holder*, ante, p. 529. Reported below: 888 F. Supp. 2d 113.

Certiorari Granted—Vacated and Remanded

No. 12–804. *GROUNDS, ACTING WARDEN v. SESSOMS.* C. A. 9th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Salinas v. Texas*, ante, p. 178. Reported below: 691 F. 3d 1054.

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No. 12–6355. MARRERO *v.* UNITED STATES. C. A. 3d Cir. Motion of petitioner for leave to proceed *in forma pauperis* granted. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Descamps v. United States*, *ante*, p. 254. Reported below: 677 F. 3d 155.

JUSTICE ALITO, with whom JUSTICE KENNEDY joins, dissenting.

The Court’s decision to grant, vacate, and remand shows that the Court’s elaboration of its “modified categorical” approach has completely lost touch with reality.

In this case, the Court of Appeals for the Third Circuit held that petitioner qualifies as a career offender for purposes of the United States Sentencing Commission, Guidelines Manual §4B1.1 (Nov. 2012), based in part on a prior conviction under Pennsylvania law for simple assault, Pa. Stat. Ann., Tit. 18, §2701(a) (Purdon 2000), which applies to a defendant who “attempts to cause or intentionally, knowingly or recklessly causes bodily injury to another.” Based on what petitioner said when he pleaded guilty to this offense, the Court of Appeals concluded that petitioner had admitted—and had thus been convicted of—intentional or at least knowing conduct and not simply reckless conduct. See 677 F. 3d 155, 160–162 (2012). I see nothing lacking in the Court of Appeals’ analysis.

The Pennsylvania statute is “divisible” because it contains alternative elements. See *Descamps v. United States*, *ante*, at 257, 262. Under this Court’s precedents, the modified categorical approach applies to divisible statutes, see *Descamps*, *ante*, at 262, 278, and courts applying that approach may consult the plea colloquy to “determin[e] which statutory phrase . . . covered a prior conviction,” *Nijhawan v. Holder*, 557 U. S. 29, 41 (2009); see *Shepard v. United States*, 544 U. S. 13, 20 (2005).

When petitioner pleaded guilty, this is what was said:

“[Assistant District Attorney]: On . . . April 27, 2004, . . . [petitioner] grabbed Mrs. Marrero by the neck, attempting to drag her upstairs to the second floor. When she tried to make a phone call, he ripped the phone cord out of the wall as she was attempting to call 911.

“The Court: Do you admit those facts?

“The Defendant: Yes, Sir.” 677 F. 3d, at 158 (quoting plea colloquy).

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In sending this case back to the Third Circuit for a second look, this Court is apparently troubled by the possibility that petitioner was convicted merely for reckless conduct, and it is of course true that he did not say expressly that he intentionally or knowingly grabbed Mrs. Marrero by the neck or that he intentionally or knowingly attempted to drag her up a flight of stairs. The Court may be entertaining the possibility that what petitioner meant was that he grabbed what he believed to be some inanimate object with a neck—perhaps a mannequin named Mrs. Marrero—and attempted to drag that object up the steps. In that event, his conduct might have been merely reckless and not intentional or knowing.

The remand in this case is pointless. I would deny the petition and therefore dissent.

Certiorari Granted—Question Certified

No. 12–1094. CLINE ET AL. *v.* OKLAHOMA COALITION FOR REPRODUCTIVE JUSTICE ET AL. Sup. Ct. Okla. Certiorari granted. This Court, pursuant to the Revised Uniform Certification of Questions of Law Act, Okla. Stat., Tit. 20, §1601 *et seq.* (West 2002), respectfully certifies to the Supreme Court of Oklahoma the following question: “Whether H. B. No. 1970, ch. 216, § 1, Okla. Sess. Laws 2011 prohibits: (1) the use of misoprostol to induce abortions, including the use of misoprostol in conjunction with mifepristone according to a protocol approved by the Food and Drug Administration; and (2) the use of methotrexate to treat ectopic pregnancies.” Further proceedings in this case are reserved pending receipt of a response from the Supreme Court of Oklahoma. Reported below: 2012 OK 102, 292 P. 3d 27.

Miscellaneous Order

No. 12–7822. FERNANDEZ *v.* CALIFORNIA. Ct. App. Cal., 2d App. Dist. [Certiorari granted, 569 U.S. 993.] Motion of petitioner for appointment of counsel granted. Gerald P. Peters, Esq., of Thousand Oaks, Cal., is appointed to serve as counsel for petitioner in this case.

Certiorari Granted. (See also No. 12–1094, *supra.*)

No. 12–794. WHITE, WARDEN *v.* WOODALL. C. A. 6th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari granted. Reported below: 685 F. 3d 574.

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No. 12–8561. *PAROLINE v. UNITED STATES ET AL.* C. A. 5th Cir. Motion of petitioner for leave to proceed *in forma pauperis* granted. Certiorari granted limited to the following question: “What, if any, causal relationship or nexus between the defendant’s conduct and the victim’s harm or damages must the government or the victim establish in order to recover restitution under 18 U. S. C. §2259.” Reported below: 701 F. 3d 749.

Certiorari Denied

No. 12–23. *BREWER, GOVERNOR OF ARIZONA, ET AL. v. DIAZ ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 656 F. 3d 1008.

No. 12–63. *WINDSOR, AS EXECUTOR OF THE ESTATE OF SPYER v. UNITED STATES ET AL.*; and

No. 12–785. *BIPARTISAN LEGAL ADVISORY GROUP OF THE UNITED STATES HOUSE OF REPRESENTATIVES v. WINDSOR, AS EXECUTOR OF THE ESTATE OF SPYER, ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 699 F. 3d 169.

No. 12–150. *CHUEN PIU KWONG v. HOLDER, ATTORNEY GENERAL.* C. A. 9th Cir. Certiorari denied. Reported below: 671 F. 3d 872.

No. 12–765. *HOMA v. AMERICAN EXPRESS Co. ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 494 Fed. Appx. 191.

No. 12–6314. *BORG v. MINNESOTA.* Sup. Ct. Minn. Certiorari denied.

No. 12–8664. *REEDER v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 491 Fed. Appx. 487.

No. 12–13. *BIPARTISAN LEGAL ADVISORY GROUP OF THE UNITED STATES HOUSE OF REPRESENTATIVES v. GILL ET AL.*;

No. 12–15. *DEPARTMENT OF HEALTH AND HUMAN SERVICES ET AL. v. MASSACHUSETTS ET AL.*; and

No. 12–97. *MASSACHUSETTS v. DEPARTMENT OF HEALTH AND HUMAN SERVICES ET AL.* C. A. 1st Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of these petitions. Reported below: 682 F. 3d 1.

No. 12–16. *OFFICE OF PERSONNEL MANAGEMENT ET AL. v. GOLINSKI.* C. A. 9th Cir. Certiorari before judgment de-

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nied. JUSTICE KAGAN took no part in the consideration or decision of this petition.

No. 12–231. PEDERSEN ET AL. *v.* OFFICE OF PERSONNEL MANAGEMENT ET AL.; and

No. 12–302. OFFICE OF PERSONNEL MANAGEMENT ET AL. *v.* PEDERSEN ET AL. C. A. 2d Cir. Certiorari before judgment denied.

No. 12–689. COALITION FOR THE PROTECTION OF MARRIAGE *v.* SEVCIK ET AL. C. A. 9th Cir. Certiorari before judgment denied.

No. 12–862. LANUS, AS PERSONAL REPRESENTATIVE OF THE ESTATE OF LANUS *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 492 Fed. Appx. 66.

JUSTICE THOMAS, dissenting.

Petitioner Linda Lanus asks the Court to revisit our decision in *Feres v. United States*, 340 U. S. 135 (1950), which interpreted the Federal Tort Claims Act (FTCA) to deny military personnel the ability to recover for injuries resulting from the negligence of federal employees. I would grant the petition to reconsider *Feres*' exclusion of claims by military personnel from the scope of the FTCA.

The FTCA is a sweeping waiver of sovereign immunity that, under specified circumstances, renders the Government liable for money damages for a variety of injuries caused by the negligence of Government employees. 28 U. S. C. § 1346(b)(1). As written, the FTCA “renders the United States liable to *all* persons, including servicemen, injured by the negligence of Government employees.” *United States v. Johnson*, 481 U. S. 681, 693 (1987) (SCALIA, J., dissenting). While the FTCA contains a number of exceptions to this broad waiver of immunity, “none generally precludes FTCA suits brought by servicemen.” *Ibid.* Congress contemplated such an exception, *Feres, supra*, at 139, but codified language that is far more limited. See § 2680(j) (excluding from waiver “[a]ny claim arising out of the *combatant activities* of the military or naval forces, or the Coast Guard, *during time of war*” (emphasis added)).

Nevertheless, in *Feres*, the Court held that “the Government is not liable under the [FTCA] for injuries to servicemen where the injuries arise out of or are in the course of activity incident to

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service.” 340 U. S., at 146. There is no support for this conclusion in the text of the statute, and it has the unfortunate consequence of depriving servicemen of any remedy when they are injured by the negligence of the Government or its employees. I tend to agree with JUSTICE SCALIA that “*Feres* was wrongly decided and heartily deserves the widespread, almost universal criticism it has received.” *Johnson, supra*, at 700 (internal quotation marks omitted). At a bare minimum, it should be reconsidered.

The instant petition asks the Court to do just that. I would grant this request. Private reliance interests on a decision that *precludes* tort recoveries by military personnel are nonexistent, and I see no other reason why the Court should hesitate to bring its interpretation of the FTCA in line with the plain meaning of the statute. I, therefore, respectfully dissent from the Court’s decision to deny this petition.

No. 12–7516. GALLOW *v.* COOPER, WARDEN. C. A. 5th Cir. Certiorari denied. Reported below: 505 Fed. Appx. 285.

Statement of JUSTICE BREYER, with whom JUSTICE SOTOMAYOR joins, respecting the denial of the petition for writ of certiorari.

Petitioner Elrick Gallow, like the petitioner in the recently decided case of *Trevino v. Thaler*, 569 U. S. 413 (2013), alleges that he received ineffective assistance of counsel both at his criminal trial and during his first state postconviction proceeding. Specifically, petitioner’s trial counsel has admitted in an affidavit and testimony before the State’s disciplinary board that “he was unable to effectively cross-examine the victim because he was suffering from panic attacks and, more importantly, is related to the victim. Because of this, [he] advised Gallow to plead guilty despite Gallow’s reluctance to do so, and failed to inform both Gallow and the State that he had evidence to impeach the victim’s testimony.” 1 App. to Pet. for Cert. 3. In reliance on this conflicted advice, Gallow pleaded guilty midway through trial. His trial counsel was subsequently disbarred. When Gallow, represented by a different attorney, filed for state postconviction relief, his new attorney failed to bring forward “any admissible evidence” to support his claim of ineffective assistance of trial counsel. *Id.*, at 15. Namely, in state court Gallow’s habeas counsel repeatedly neglected to subpoena the trial counsel, which led the state court to reject the counsel’s affidavit on state evidentiary

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grounds. This meant that Gallow was left with a claim that had virtually no evidentiary support.

In my view, a petitioner like Gallow is in a situation indistinguishable from that of a petitioner like Trevino: Each of these two petitioners failed to obtain a hearing on the merits of his ineffective-assistance-of-trial-counsel claim because state habeas counsel neglected to “properly present[]” the petitioner’s ineffective-assistance claim in state court. *Martinez v. Ryan*, 566 U. S. 1, 5 (2012). A claim without any evidence to support it might as well be no claim at all. In such circumstances, where state habeas counsel deficiently neglects to bring forward “any admissible evidence” to support a substantial claim of ineffective assistance of trial counsel, there seems to me to be a strong argument that the state habeas counsel’s ineffective assistance results in a procedural default of that claim. The ineffective assistance of state habeas counsel might provide cause to excuse the default of the claim, thereby allowing the federal habeas court to consider the full contours of Gallow’s ineffective-assistance claim. For that reason, the Fifth Circuit should not necessarily have found that it could not consider the affidavit and testimony supporting Gallow’s claim because of *Cullen v. Pinholster*, 563 U. S. 170 (2011).

Nonetheless, I recognize that no United States Court of Appeals has clearly adopted a position that might give Gallow relief. But I stress that the denial of certiorari here is not a reflection of the merits of Gallow’s claims.

JULY 1, 2013

Miscellaneous Order. (For revisions to the Rules of this Court effective this date, see 569 U. S. 1041.)

JULY 16, 2013

Certiorari Denied

No. 13–5316 (13A66). *QUINTANILLA v. STEPHENS, 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.

No. 13–5338 (13A75). *QUINTANILLA v. STEPHENS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL IN-*

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STITUTIONS 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.

JULY 18, 2013

Certiorari Denied

No. 12–10154 (12A1086). ROSS *v.* STEPHENS, 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: 511 Fed. Appx. 293.

JULY 22, 2013

Appointment Order

It is ordered that Scott S. Harris be appointed Clerk of this Court to succeed William K. Suter, effective at the commencement of business September 1, 2013, and that he take the oath of office as required by statute.

Dismissal Under Rule 46

No. 12–650. AGRIMUM INC. ET AL. *v.* MINN-CHEM, INC., ET AL. C. A. 7th Cir. Certiorari dismissed under this Court's Rule 46.1. Reported below: 683 F. 3d 845.

Miscellaneous Orders

No. 12A1045. GRIFFIN ET AL. *v.* ABN AMRO MORTGAGE GROUP, INC., ET AL. C. A. 5th Cir. Application for stay, addressed to JUSTICE BREYER and referred to the Court, denied.

No. 12A1141. SPRINT COMMUNICATIONS Co., L. P. *v.* IOWA UTILITIES BOARD ET AL. Dist. Ct. Polk County, Iowa. Application for stay, addressed to JUSTICE BREYER and referred to the Court, denied.

No. 12A1164 (12–10575). SMITH ET UX. *v.* REGIONS BANK ET AL. C. A. 11th Cir. Application for stay, addressed to JUSTICE SOTOMAYOR and referred to the Court, denied.

No. 13A13. MANAGED PHARMACY CARE ET AL. *v.* SEBELIUS, SECRETARY OF HEALTH AND HUMAN SERVICES. C. A. 9th Cir.

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Application for stay, addressed to JUSTICE ALITO and referred to the Court, denied.

No. D-2711. *IN RE DISBARMENT OF DONOFRIO*. Disbarment entered. [For earlier order herein, see 568 U. S. 1226.]

Rehearing Denied

- No. 11-796. *BOWMAN v. MONSANTO CO. ET AL.*, 569 U. S. 278;
No. 12-1066. *SMITH v. WRIGHT ET VIR*, 569 U. S. 973;
No. 12-1105. *FOURNIER ET AL. v. UNITED STATES; DAHLBERG ET AL. v. UNITED STATES; KETTLE ET AL. v. UNITED STATES; GLASS ET AL. v. UNITED STATES; and MCCANN ET AL. v. UNITED STATES*, 569 U. S. 958;
No. 12-1124. *HOLKESVIG v. WELTE ET AL.*, 569 U. S. 974;
No. 12-1130. *WALKER v. SELDMAN ET AL.*, 569 U. S. 994;
No. 12-1155. *DAY v. UNITED STATES*, 569 U. S. 959;
No. 12-1213. *JAIYEOLA v. FEDERAL-MOGUL CORP.*, 569 U. S. 1005;
No. 12-7388. *MOHAMADI v. UNITED STATES*, 569 U. S. 959;
No. 12-7894. *BLANCHARD v. STEPHENS, WARDEN*, 569 U. S. 960;
No. 12-8253. *DAUGHERTY v. THE HEIGHTS ET AL.*, 569 U. S. 976;
No. 12-8459. *HARRIMAN v. THALER, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*, 569 U. S. 907;
No. 12-8715. *MULLINS v. ASTRUE, COMMISSIONER OF SOCIAL SECURITY*, 569 U. S. 931;
No. 12-8784. *SWIFT v. EAST BATON ROUGE JUVENILE COURT ET AL.*, 569 U. S. 932;
No. 12-8801. *LIU v. SPENCER*, 569 U. S. 950;
No. 12-8806. *COOPER v. BEARD, SECRETARY, CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION*, 569 U. S. 933;
No. 12-8831. *JACKSON v. THALER, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*, 569 U. S. 950;
No. 12-8884. *JACQUES v. PUGH, WARDEN*, 569 U. S. 960;
No. 12-8893. *FLOWERS v. RICH ET AL.*, 569 U. S. 961;
No. 12-8958. *BEHIS v. TEXAS* (two judgments), 569 U. S. 962;
No. 12-9002. *GANT v. NORTH CAROLINA*, 569 U. S. 963;
No. 12-9005. *MOSLEY v. ANDERSON, SHERIFF, TARRANT COUNTY, TEXAS, ET AL.*, 569 U. S. 963;
No. 12-9019. *JOHNSON v. MICHIGAN*, 569 U. S. 963;
No. 12-9066. *KWONG v. CONNECTICUT*, 569 U. S. 952;

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- No. 12–9108. *OBERWISE v. CREWS, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.*, 569 U. S. 978;
- No. 12–9119. *BARTLETT v. ROBESON ET AL.*, 569 U. S. 978;
- No. 12–9120. *BERRY v. ILLINOIS*, 569 U. S. 964;
- No. 12–9139. *ANDERSON ET AL. v. THALER, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*, 569 U. S. 978;
- No. 12–9182. *JACKMAN v. LAPPIN ET AL.*, 569 U. S. 979;
- No. 12–9205. *WILLIAMS v. PEEL ET AL.*, 569 U. S. 980;
- No. 12–9206. *VAZQUEZ v. THALER, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*, 569 U. S. 980;
- No. 12–9216. *DAVIS v. THALER, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*, 569 U. S. 980;
- No. 12–9296. *KWONG v. CONNECTICUT COMMISSIONER OF MOTOR VEHICLES*, 569 U. S. 997;
- No. 12–9321. *CELESTINE v. SOCIAL SECURITY ADMINISTRATION*, 569 U. S. 981;
- No. 12–9328. *TAYLOR v. OBAMA, PRESIDENT OF THE UNITED STATES, ET AL.*, 569 U. S. 981;
- No. 12–9365. *SALAZAR v. SEARS, ROEBUCK & Co.*, 569 U. S. 982;
- No. 12–9426. *CLEVELAND v. CREDIT BASED ASSET SERVICING ET AL.*, 569 U. S. 1007;
- No. 12–9439. *ALI v. UNITED STATES*, 569 U. S. 965;
- No. 12–9451. *KEMACHE-WEBSTER v. UNITED STATES*, 569 U. S. 966;
- No. 12–9474. *KUMVACHIRAPITAG v. GATES ET AL.*, 569 U. S. 1019;
- No. 12–9495. *EDMOND v. ALLEN, WARDEN*, 569 U. S. 1008;
- No. 12–9526. *PAVULAK v. UNITED STATES*, 569 U. S. 968;
- No. 12–9558. *HARPER v. UNITED STATES*, 569 U. S. 983;
- No. 12–9587. *ROBINSON v. UNITED STATES*, 569 U. S. 984;
- No. 12–9592. *GSSIME v. PIZZOTTO ET AL.*, 569 U. S. 984;
- No. 12–9689. *MARQUEZ v. UNITED STATES*, 569 U. S. 988;
- No. 12–9709. *RUSSELL v. UNITED STATES*, 569 U. S. 988;
- No. 12–9712. *WILSON v. HINES, SUPERINTENDENT, WAYNE CORRECTIONAL CENTER, ET AL.*, 569 U. S. 1009;
- No. 12–9728. *IN RE WELLS*, 569 U. S. 971;
- No. 12–9777. *MCBRIDE v. UNITED STATES*, 569 U. S. 989;

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- No. 12–9818. *WILSON v. UNITED STATES*, 569 U. S. 999;
No. 12–10026. *HEWLETT v. UNITED STATES*, 569 U. S. 1012;
and
No. 12–10033. *IN RE BOYD*, 569 U. S. 1003. Petitions for re-
hearing denied.
- No. 12–9525. *PELULLO v. UNITED STATES*, 569 U. S. 989;
No. 12–9806. *DANIELS v. SEPANAK, WARDEN*, 569 U. S. 1001;
and
No. 12–9937. *HINES v. UNITED STATES*, 569 U. S. 1013. Peti-
tions for rehearing denied. JUSTICE KAGAN took no part in the
consideration or decision of these petitions.
- No. 12–5362. *SABER ET AL. v. BANK OF AMERICA ET AL.*, 568
U. S. 908; and
No. 12–8634. *DOE v. CITY OF NEW YORK, NEW YORK, ET AL.*,
569 U. S. 929. Motions for leave to file petitions for rehearing
denied.

JULY 31, 2013

Miscellaneous Order

No. 13A133. *FELDMAN v. STEPHENS, DIRECTOR, TEXAS DE-
PARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS
DIVISION*. Application for stay of execution of sentence of death,
presented to JUSTICE SCALIA, and by him referred to the Court,
denied.

AUGUST 2, 2013

Miscellaneous Order

No. 13A57. *BROWN, GOVERNOR OF CALIFORNIA, ET AL. v.
PLATA ET AL.* D. C. E. D. & D. C. N. D. Cal. Application for
stay, presented to JUSTICE KENNEDY and by him referred to the
Court, denied. JUSTICE ALITO would grant the application for stay.

JUSTICE SCALIA, with whom JUSTICE THOMAS joins, dissenting.

When this case was here two Terms ago, I dissented from the
Court’s affirmance of the injunction, because the District Court’s
order that California release 46,000 prisoners violated the clear
limitations of the Prison Litigation Reform Act, 18 U. S. C.
§ 3626(a)(1)(A)—“besides defying all sound conception of the
proper role of judges.” *Brown v. Plata*, 563 U. S. 493, 564 (2011).

The Court's opinion approving the order concluded with what I described as a "bizarre coda," *id.*, at 560, which said that "[t]he State may wish to move for modification" of the injunction, and that the District Court "may grant such a request provided that the State satisfies necessary and appropriate preconditions," *ibid.* (internal quotation marks omitted). More specifically, the opinion suggested that modification might be in order if the State makes "significant progress . . . toward remedying the underlying constitutional violations" and "demonstrate[s] that further population reductions are not necessary." *Id.*, at 544. These "deliberately ambiguous . . . suggestions on how to modify the injunction," were, I observed, "just deferential enough so that [the Court] can say with a straight face that it is 'affirming,' just stern enough to put the District Court on notice that it will likely get reversed if it does not follow them." *Id.*, at 562 (dissenting opinion). That was in my view "a compromise solution" that is "unknown in our legal system," which does not permit appellate courts to prescribe in advance the exercise of district-court discretion. *Ibid.* I warned, moreover, that "the judges of the District Court are likely to call [the Court's] bluff, since they know full well it cannot possibly be an abuse of discretion to refuse to accept the State's proposed modifications in an injunction that has just been approved (*affirmed*) in its present form." *Ibid.*

The bluff has been called, and the Court has nary a pair to lay on the table. The State, seeking to invoke the *ex ante* appellate control of district-court discretion, and to compel the modification decreed by the Court's raised eyebrow, provided evidence that it has made meaningful progress and that population reductions to the level required by the injunction are unnecessary. But the latter argument was made and rejected in the last round, and the former hardly requires (*demands*) modification of the injunction. It was predictable two Terms ago that the State *would* make progress—indeed, it promised to do so. If the reality of incremental progress makes the injunction now invalid, the probability (indeed, one might say the certainty) of incremental progress made the injunction an overreach two Terms ago. Surely it is not the case that when a party subject to an injunction makes substantial progress toward compliance it is an abuse of discretion not to revise the injunction.

But as I suggested in my dissent, perhaps the Court never meant to follow through on its revision suggestions. Perhaps

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they were nothing more than “a ceremonial washing of the hands—making it clear for all to see, that if the terrible things sure to happen as a consequence of this outrageous order do happen, they will be none of this Court’s responsibility. After all, did we not want, and indeed even suggest, something better?” *Ibid.* So also today, it is not our fault that California must now release upon the public nearly 10,000 inmates convicted of serious crimes—about 1,000 for every city larger than Santa Ana—three-quarters of whom are moderate (57%) or high (74%) recidivism risks. Reply in Support of Application 34.

It appears to have become a standard ploy, when this Court vastly expands the Power of the Black Robe, to hint at limitations that make it seem not so bad. See, *e. g.*, *Lawrence v. Texas*, 539 U. S. 558, 604 (2003) (SCALIA, J., dissenting); *United States v. Windsor*, *ante*, at 802 (SCALIA, J., dissenting). Comes the moment of truth, the hinted-at limitation proves a sham. As for me, I adhere to my original view of this terrible injunction. It goes beyond what the Prison Litigation Reform Act allows, and beyond the power of the courts. I would grant the stay and dissolve the injunction.

No. 13A115. BIRTH FATHER ET AL. *v.* ADOPTIVE COUPLE ET AL. Sup. Ct. N. C. Application for stay of judgment, presented to THE CHIEF JUSTICE, and by him referred to the Court, denied. Motion of guardian ad litem for leave to file a response with exhibits under seal with redacted copies for the public record granted. JUSTICE GINSBURG and JUSTICE SOTOMAYOR would grant the application for stay.

AUGUST 5, 2013

Certiorari Denied

No. 13–5507 (13A116). FERGUSON *v.* CREWS, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS. C. A. 11th Cir. Application for stay of execution of sentence of death, presented to JUSTICE THOMAS, and by him referred to the Court, denied. Motions of American Bar Association and National Alliance on Mental Illness et al. for leave to file briefs as *amici curiae* granted. Certiorari denied. THE CHIEF JUSTICE took no part in the consideration or decision of these motions, this application, and this petition. Reported below: 716 F. 3d 1315.

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AUGUST 12, 2013

Rehearing Denied

No. 11–10325. ACASIO *v.* GUITTARD CHOCOLATE CO. ET AL., 568 U. S. 840;

No. 12–1047. YEAGER ET AL. *v.* BOWLIN ET AL., 569 U. S. 958;

No. 12–1077. SCOTT ET AL. *v.* SAINT JOHN’S CHURCH IN THE WILDERNESS ET AL., 569 U. S. 1029;

No. 12–1097. MOORE *v.* WILLIAMSBURG COUNTY SCHOOL DISTRICT ET AL., 569 U. S. 974;

No. 12–1227. VOTER VERIFIED, INC. *v.* PREMIER ELECTION SOLUTIONS, INC., ET AL., 569 U. S. 1030;

No. 12–1228. VOTER VERIFIED, INC. *v.* ELECTION SYSTEMS & SOFTWARE, INC., 569 U. S. 1030;

No. 12–1260. PILLA *v.* HOLDER, ATTORNEY GENERAL, *ante*, p. 906;

No. 12–1273. LOREN DATA CORP. *v.* GXS, INC., *ante*, p. 906;

No. 12–1337. BRADISON *v.* MINNESOTA COMMISSIONER OF REVENUE, *ante*, p. 906;

No. 12–7682. BRADLEY *v.* MISSISSIPPI, 568 U. S. 1170;

No. 12–8872. BRZOWSKI *v.* ILLINOIS DEPARTMENT OF CORRECTIONS ET AL., 569 U. S. 960;

No. 12–8876. HARVEY *v.* COLORADO, 569 U. S. 960;

No. 12–8885. JACKSON *v.* FLORIDA DEPARTMENT OF CORRECTIONS ET AL., 569 U. S. 960;

No. 12–9095. MAY *v.* CULLIVER, 569 U. S. 977;

No. 12–9151. BETETA *v.* DIAZ, WARDEN, 569 U. S. 979;

No. 12–9171. WEST *v.* TEXAS, 569 U. S. 979;

No. 12–9222. MANUEL VILLARRUEL *v.* HOLLAND, ACTING WARDEN, 569 U. S. 980;

No. 12–9373. SOUTHERN *v.* ATLANTIC INDUSTRIAL SERVICES, INC., 569 U. S. 997;

No. 12–9392. AGUIRRE *v.* BEARD, SECRETARY, CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION, ET AL., 569 U. S. 1006;

No. 12–9398. BOYD *v.* KLLM TRANSPORT SERVICES, INC., ET AL., 569 U. S. 1007;

No. 12–9419. TAJIDDIN *v.* NEW YORK CITY DEPARTMENT OF HEALTH AND MENTAL HYGIENE ET AL., 569 U. S. 1007;

No. 12–9480. MARKOGLU *v.* FEDERATED FINANCIAL CORPORATION OF AMERICA, 569 U. S. 1020;

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- No. 12–9534. *GSSIME v. MARTUSCELLO*, SUPERINTENDENT, COXSACKIE CORRECTIONAL FACILITY, 569 U. S. 1020;
- No. 12–9543. *PEREZ GONI v. FLORIDA*, 569 U. S. 1021;
- No. 12–9617. *PAGE v. KING*, 569 U. S. 1033;
- No. 12–9624. *WAVER v. TIBBALS*, WARDEN, 569 U. S. 985;
- No. 12–9644. *ROBINSON-REEDER v. KEARNS ET AL.*, 569 U. S. 1033;
- No. 12–9665. *IN RE STERLING*, 569 U. S. 1029;
- No. 12–9690. *KOCH v. ESTRELLA ET AL.*, 569 U. S. 1009;
- No. 12–9700. *CRADDOCK ET AL. v. BEAUFORT COUNTY SHERIFF’S DEPARTMENT ET AL.*, 569 U. S. 1034;
- No. 12–9720. *BRYANT v. DONALD ET AL.*, *ante*, p. 907;
- No. 12–9749. *IN RE HIEN ANH DAO*, *ante*, p. 903;
- No. 12–9796. *EDWARDS v. UNITED STATES*, 569 U. S. 998;
- No. 12–9798. *NIE v. CLARKE*, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS, 569 U. S. 1009;
- No. 12–9805. *RYAHIM v. HOBBS*, DIRECTOR, ARKANSAS DEPARTMENT OF CORRECTION, ET AL., 569 U. S. 1022;
- No. 12–9814. *DESUE v. FLORIDA DEPARTMENT OF CORRECTIONS*, *ante*, p. 921;
- No. 12–9829. *IN RE BARKSDALE*, *ante*, p. 904;
- No. 12–9959. *BATES v. UNITED STATES*, 569 U. S. 1012;
- No. 12–9997. *MCALLISTER v. CROSS*, WARDEN, 569 U. S. 1012;
- No. 12–10048. *MARTORANO v. UNITED STATES*, 569 U. S. 1024;
- No. 12–10067. *EVANS v. BIRKETT*, WARDEN, 569 U. S. 1036;
- No. 12–10124. *ALEXANDER v. MURDOCH ET AL.*, 569 U. S. 1036;
- No. 12–10170. *THORNBERG v. UNITED STATES*, 569 U. S. 1036;
- No. 12–10216. *SMITH v. WEISER SECURITY SYSTEMS, INC.*, *ante*, p. 910;
- No. 12–10315. *WHERRY v. UNITED STATES*, *ante*, p. 911; and
- No. 12–10408. *IN RE BARLEY*, *ante*, p. 903. Petitions for rehearing denied.
- No. 12–9441. *CLARK v. CHEESEBORO ET AL.*, 569 U. S. 997. Motion for leave to file petition for rehearing denied.
- No. 12–9729. *KERNS v. UNITED STATES*, 569 U. S. 990; and
- No. 12–9890. *PHILLIPS v. UNITED STATES*, 569 U. S. 1013. Petitions for rehearing denied. JUSTICE KAGAN took no part in the consideration or decision of these petitions.

570 U. S. August 15, 21, 26, 30, 2013

AUGUST 15, 2013

Dismissal Under Rule 46

No. 13–5302. CAPALUCCI *v.* MASSACHUSETTS. App. Ct. Mass. Certiorari dismissed under this Court’s Rule 46. Reported below: 83 Mass. App. 1115, 982 N. E. 2d 1225.

AUGUST 21, 2013

Dismissal Under Rule 46

No. 12–1428. WANKEN *v.* WANKEN ET AL. C. A. 5th Cir. Certiorari dismissed under this Court’s Rule 46. Reported below: 511 Fed. Appx. 363.

AUGUST 26, 2013

Dismissal Under Rule 46

No. 12–1208. UBS FINANCIAL SERVICES INCORPORATED OF PUERTO RICO ET AL. *v.* UNION DE EMPLEADOS DE MUELLES DE PUERTO RICO PRSSA WELFARE PLAN ET AL. C. A. 1st Cir. [Certiorari granted, *ante*, p. 916.] Writ of certiorari dismissed under this Court’s Rule 46.1. Reported below: 704 F. 3d 155.

AUGUST 30, 2013

Miscellaneous Orders

No. 12A1078 (12–8616). KOUMJIAN *v.* STEPHENS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Application for stay, addressed to JUSTICE GINSBURG and referred to the Court, denied.

No. 13A34. TORRES-CORONADO *v.* HOLDER, ATTORNEY GENERAL. C. A. 5th Cir. Application for stay, addressed to JUSTICE GINSBURG and referred to the Court, denied.

No. 12–79. CHADBOURNE & PARKE LLP *v.* TROICE ET AL.;

No. 12–86. WILLIS OF COLORADO INC. ET AL. *v.* TROICE ET AL.; and

No. 12–88. PROSKAUER ROSE LLP *v.* TROICE ET AL. C. A. 5th Cir. [Certiorari granted, 568 U. S. 1140.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

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No. 12–414. BURT, WARDEN *v.* TITLOW. C. A. 6th Cir. [Certiorari granted, 568 U. S. 1191.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 12–536. MCCUTCHEON ET AL. *v.* FEDERAL ELECTION COMMISSION. D. C. D. C. [Probable jurisdiction noted, 568 U. S. 1156.] Motion of Senator Mitch McConnell for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 12–609. KANSAS *v.* CHEEVER. Sup. Ct. Kan. [Certiorari granted, 568 U. S. 1192.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

Rehearing Denied

No. 11–9540. DESCAMPS *v.* UNITED STATES, 567 U. S. 964;

No. 12–150. CHUEN PIU KWONG *v.* HOLDER, ATTORNEY GENERAL, *ante*, p. 931;

No. 12–1056. DUNN ET AL. *v.* UNITED STATES, *ante*, p. 901;

No. 12–1084. RYAN, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS *v.* SCHAD, *ante*, p. 521;

No. 12–1304. ROSELLINI ET AL. *v.* JACK SILVERMAN REALTY & MORTGAGE Co., LLC, ET AL., *ante*, p. 919;

No. 12–1360. BOWERS *v.* BOARD OF REGENTS OF THE UNIVERSITY SYSTEM OF GEORGIA ET AL., *ante*, p. 919;

No. 12–1373. MITAN *v.* UNITED STATES, *ante*, p. 919;

No. 12–8270. McDONALD *v.* UNITED STATES, 569 U. S. 1031;

No. 12–8436. LAMPON *v.* LAVALLEY, SUPERINTENDENT, CLINTON CORRECTIONAL FACILITY, 569 U. S. 1019;

No. 12–8683. ABRAHAMSON *v.* UNITED STATES, *ante*, p. 913;

No. 12–8850. GABBARD *v.* TENNESSEE ELECTIONS COMMISSION ET AL., 569 U. S. 951;

No. 12–9338. LITTLE *v.* WORKERS' COMPENSATION APPEALS BOARD ET AL., 569 U. S. 1006;

No. 12–9434. HOUCK *v.* BALL ET AL., 569 U. S. 1007;

No. 12–9488. LUH *v.* MISSOURI, 569 U. S. 1020;

No. 12–9506. HUGHES *v.* OKLAHOMA DEPARTMENT OF TRANSPORTATION ET AL., 569 U. S. 1020;

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- No. 12–9539. *PITTER v. UNITED STATES*, 569 U. S. 983;
No. 12–9696. *PANNELL v. CLARKE, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS*, 569 U. S. 1034;
No. 12–9699. *SHOWERS v. KERESTES, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT MAHANNOY, ET AL.*, 569 U. S. 1034;
No. 12–9722. *THON v. HEATH, SUPERINTENDENT, SING SING CORRECTIONAL FACILITY*, *ante*, p. 907;
No. 12–9765. *MONIZ v. MCKEE, WARDEN*, *ante*, p. 908;
No. 12–9787. *WILLS v. FLORIDA*, 569 U. S. 1009;
No. 12–9852. *LOVATO LUCERO v. NEW MEXICO DEPARTMENT OF WORKFORCE SOLUTIONS ET AL.*, *ante*, p. 921;
No. 12–9870. *LEWIS v. CITY OF WAXAHACHIE, TEXAS, ET AL.*, *ante*, p. 921;
No. 12–9889. *MOORE v. ZAPPA ET AL.*, *ante*, p. 922;
No. 12–9893. *BUSH v. STEVENSON COMMONS ASSOCIATES, LLP, ET AL.*, *ante*, p. 922;
No. 12–9927. *IN RE MCCLOUD*, 569 U. S. 1003;
No. 12–9950. *GANDY v. REID, SHERIFF, HAMILTON COUNTY, FLORIDA*, 569 U. S. 1035;
No. 12–10131. *WADDELL-EL v. YOUNG, WARDEN*, *ante*, p. 922;
No. 12–10157. *DOBY v. UNITED STATES*, 569 U. S. 1026;
No. 12–10174. *THOMAS v. MISSISSIPPI*, *ante*, p. 922;
No. 12–10182. *MCCAULEY v. GEORGIA ET AL.*, 569 U. S. 1037;
No. 12–10208. *JONES v. SEXTON, WARDEN*, *ante*, p. 910;
No. 12–10267. *MADRID v. UNITED STATES*, 569 U. S. 1038;
No. 12–10320. *CRUZ v. UNITED STATES*, *ante*, p. 923;
No. 12–10389. *AKITI v. UNITED STATES*, *ante*, p. 924; and
No. 12–10410. *WITHERSPOON v. UNITED STATES*, *ante*, p. 925.
Petitions for rehearing denied.
- No. 12–8338. *SCHMITT v. MORGAN, WARDEN*, 568 U. S. 1253;
No. 12–9567. *CARR v. UNITED STATES*, 569 U. S. 1021; and
No. 12–9595. *IN RE HEXIMER*, 569 U. S. 957. Motions for leave to file petitions for rehearing denied.

SEPTEMBER 13, 2013

Dismissal Under Rule 46

- No. 13–5927. *LETZGUS v. MICHIGAN STATE TREASURER*. Sup. Ct. Mich. Certiorari dismissed under this Court’s Rule 46.1.

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SEPTEMBER 19, 2013

Certiorari Denied

No. 13–6444 (13A282). LEOS GARZA *v.* TEXAS. Ct. Crim. App. Tex. Application for stay of execution of sentence of death, presented to JUSTICE SCALIA, and by him referred to the Court, denied. Certiorari denied.

No. 13–6445 (13A283). LEOS GARZA *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 20, 2013

Miscellaneous Order

No. 13A243. STEPHENS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION *v.* GONGORA. C. A. 5th Cir. Application to recall and stay the mandate, presented to JUSTICE SCALIA, and by him referred to the Court, denied.

SEPTEMBER 26, 2013

Dismissal Under Rule 46

No. 13–55. TOLL BROTHERS, INC., ET AL. *v.* NOOHI ET AL. C. A. 4th Cir. Certiorari dismissed under this Court's Rule 46.1. Reported below: 708 F. 3d 599.

Certiorari Denied

No. 13–6541 (13A307). DIAZ *v.* STEPHENS, 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: 731 F. 3d 370.

OCTOBER 1, 2013

Miscellaneous Order

No. 12A1235. GORE *v.* CREWS, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. Application for stay of execution of sentence of death, presented to JUSTICE THOMAS, and by him referred to the Court, denied.

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No. 13A322. *GORE v. CREWS, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS*. Application for stay of execution of sentence of death, presented to JUSTICE THOMAS, and by him referred to the Court, denied.

No. 11–965. *DAIMLER AG v. BAUMAN ET AL.* C. A. 9th Cir. [Certiorari granted, 569 U.S. 946.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 12–682. *SCHUETTE, ATTORNEY GENERAL OF MICHIGAN v. COALITION TO DEFEND AFFIRMATIVE ACTION, INTEGRATION AND IMMIGRANT RIGHTS AND FIGHT FOR EQUALITY BY ANY MEANS NECESSARY (BAMN) ET AL.* C. A. 6th Cir. [Certiorari granted, 568 U.S. 1249.] Motions of respondents for divided argument granted, and the time is to be divided as follows: 15 minutes for respondents Chase Cantrell et al. and 15 minutes for respondent Coalition to Defend Affirmative Action, Integration and Immigrant Rights and Fight for Equality By Any Means Necessary (BAMN) et al. JUSTICE KAGAN took no part in the consideration or decision of these motions.

No. 12–729. *HEIMESHOFF v. HARTFORD LIFE & ACCIDENT INSURANCE CO. ET AL.* C. A. 2d Cir. [Certiorari granted, 569 U.S. 917.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 12–929. *ATLANTIC MARINE CONSTRUCTION Co., INC. v. UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS ET AL.* C. A. 5th Cir. [Certiorari granted, 569 U.S. 903.] Motion of Professor Stephen E. Sachs for leave to participate in oral argument as *amicus curiae* and for divided argument denied. The parties, however, should be prepared to address at oral argument the arguments raised in the brief for Professor Stephen E. Sachs as *amicus curiae* in support of neither party.

Certiorari Granted

No. 12–1163. *HIGHMARK INC. v. ALLCARE HEALTH MANAGEMENT SYSTEM, INC.* C. A. Fed. Cir. Certiorari granted. Reported below: 687 F. 3d 1300.

No. 12–1173. *MARVIN M. BRANDT REVOCABLE TRUST ET AL. v. UNITED STATES.* C. A. 10th Cir. Certiorari granted. Reported below: 496 Fed. Appx. 822.

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No. 12–1184. OCTANE FITNESS, LLC *v.* ICON HEALTH & FITNESS, INC. C. A. Fed. Cir. Certiorari granted. Reported below: 496 Fed. Appx. 57.

No. 12–1315. PETRELLA *v.* METRO-GOLDWYN-MAYER, INC., ET AL. C. A. 9th Cir. Certiorari granted. Reported below: 695 F. 3d 946.

No. 12–1371. UNITED STATES *v.* CASTLEMAN. C. A. 6th Cir. Certiorari granted. Reported below: 695 F. 3d 582.

No. 11–681. HARRIS ET AL. *v.* QUINN, GOVERNOR OF ILLINOIS, ET AL. C. A. 7th Cir. Motion of Center for Constitutional Jurisprudence et al. for leave to file brief as *amici curiae* granted. Certiorari granted. Reported below: 656 F. 3d 692.

No. 12–1408. UNITED STATES *v.* QUALITY STORES, INC., ET AL. C. A. 6th Cir. Certiorari granted. JUSTICE KAGAN took no part in the consideration or decision of this petition. Reported below: 693 F. 3d 605.

No. 12–9490. PRADO NAVARETTE ET AL. *v.* CALIFORNIA. Ct. App. Cal., 1st App. Dist. Certiorari granted limited to Question 1 presented by the petition.

Certiorari Denied

No. 12–10915. GORE *v.* CREWS, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS. C. A. 11th Cir. Certiorari denied.

No. 13–6619 (13A315). GORE *v.* FLORIDA. Sup. Ct. Fla. Application for stay of execution of sentence of death, presented to JUSTICE THOMAS, and by him referred to the Court, denied. Certiorari denied. Reported below: 120 So. 3d 554.

No. 13–6634 (13A318). GORE *v.* CREWS, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS. C. A. 11th Cir. Application for stay of execution of sentence of death, presented to JUSTICE THOMAS, and by him referred to the Court, denied. Certiorari denied.