

ORDERS FOR JUNE 8 THROUGH
OCTOBER 2, 2015

JUNE 8, 2015

Certiorari Granted—Vacated and Remanded

No. 13–697. MADRIGAL-BARCENAS *v.* LYNCH, ATTORNEY GENERAL. C. A. 9th Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Mellouli v. Lynch*, 575 U.S. 798 (2015). Reported below: 507 Fed. Appx. 715.

No. 13–8837. MARTINEZ *v.* UNITED STATES. C. A. 11th Cir. Motion of petitioner for leave to proceed *in forma pauperis* granted. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Elonis v. United States*, 575 U.S. 723 (2015). Reported below: 736 F. 3d 981.

No. 14–235. BANK OF AMERICA, N. A. *v.* BELLO. C. A. 11th Cir. Reported below: 563 Fed. Appx. 691;

No. 14–580. BANK OF AMERICA, N. A. *v.* WAITS. C. A. 11th Cir. Reported below: 578 Fed. Appx. 827;

No. 14–581. BANK OF AMERICA, N. A. *v.* LEE ET AL. C. A. 11th Cir. Reported below: 578 Fed. Appx. 835;

No. 14–600. BANK OF AMERICA, N. A. *v.* VANDER IEST. C. A. 11th Cir. Reported below: 578 Fed. Appx. 906;

No. 14–652. BANK OF AMERICA, N. A. *v.* NEMCIK. C. A. 11th Cir. Reported below: 573 Fed. Appx. 917;

No. 14–749. BANK OF AMERICA, N. A. *v.* HALL ET AL. C. A. 11th Cir.;

No. 14–750. BANK OF AMERICA, N. A. *v.* PHILLIPS ET AL. C. A. 11th Cir. Reported below: 575 Fed. Appx. 876;

No. 14–787. BANK OF AMERICA, N. A. *v.* VANDER IEST. C. A. 11th Cir. Reported below: 580 Fed. Appx. 865;

No. 14–828. BANK OF NEW YORK MELLON, FKA BANK OF NEW YORK *v.* LANG. C. A. 11th Cir. Reported below: 580 Fed. Appx. 890; and

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No. 14–829. *BANK OF AMERICA, N. A. v. FARMER*. C. A. 11th Cir. Reported below: 580 Fed. Appx. 893. Certiorari granted, judgments vacated, and cases remanded for further consideration in light of *Bank of America, N. A. v. Caulkett*, 575 U. S. 790 (2015).

No. 14–808. *NOBACH v. WOODLAND VILLAGE NURSING CENTER, INC.* C. A. 5th Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *EEOC v. Abercrombie & Fitch Stores, Inc.*, 575 U. S. 768 (2015). Reported below: 762 F. 3d 442.

No. 14–1052. *BELMONT HOLDINGS CORP. ET AL. v. DEUTSCHE BANK AG ET AL.* C. A. 2d Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Omnicare, Inc. v. Laborers Dist. Council Constr. Industry Pension Fund*, 575 U. S. 175 (2015). Reported below: 572 Fed. Appx. 58.

No. 14–7915. *ABDUL-AZIZ v. RICCI ET AL.* 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 *Holt v. Hobbs*, 574 U. S. 352 (2015). Reported below: 569 Fed. Appx. 62.

Certiorari Dismissed

No. 14–9200. *LAVERGNE v. BAJAT ET AL.* C. A. 5th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8. Reported below: 591 Fed. Appx. 270.

No. 14–9323. *WARE v. SECURITIES AND EXCHANGE COMMISSION.* 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. 14–9530. *SNIPES v. ILLINOIS.* App. Ct. Ill., 3d Dist. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8.

Miscellaneous Orders

No. 14M122. *WILKINS v. JOHNSON, SECRETARY OF HOMELAND SECURITY, ET AL.*; and

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No. 14M123. *SHELTON v. BITER, WARDEN*. Motions to direct the Clerk to file petitions for writs of certiorari out of time denied.

No. 14M124. *JOLLEY v. DEPARTMENT OF JUSTICE*. Motion for leave to proceed as a veteran granted.

No. 14M125. *GARCIA v. UNITED STATES*. Motion for leave to file petition for writ of certiorari under seal with redacted copies for the public record granted.

No. 14–8806. *TEICHMANN v. NEW YORK*. C. A. 2d Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [575 U. S. 982] denied.

No. 14–9160. *SCOTT v. LACKEY ET AL.* C. A. 3d Cir.;

No. 14–9373. *CRUZ MEZA v. CALIFORNIA*. Ct. App. Cal., 5th App. Dist.; and

No. 14–9495. *TADLOCK v. FOXX, SECRETARY OF TRANSPORTATION*. C. A. 10th Cir. Motions of petitioners for leave to proceed *in forma pauperis* denied. Petitioners are allowed until June 29, 2015, 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. 14–9865. *IN RE BUSH*. Petition for writ of habeas corpus denied.

No. 14–9760. *IN RE MILL*. Petition for writ of mandamus denied.

No. 14–9151. *IN RE LAMB*. Motion of petitioner for leave to proceed *in forma pauperis* denied, and petition for writ of mandamus dismissed.

Certiorari Granted

No. 14–419. *LUIS v. UNITED STATES*. C. A. 11th Cir. Certiorari granted. Reported below: 564 Fed. Appx. 493.

No. 14–990. *SHAPIRO ET AL. v. MACK, CHAIRMAN, MARYLAND STATE BOARD OF ELECTIONS, ET AL.* C. A. 4th Cir. Certiorari granted. Reported below: 584 Fed. Appx. 140.

No. 14–1146. *TYSON FOODS, INC. v. BOUAPHAKEO ET AL., INDIVIDUALLY AND ON BEHALF OF ALL OTHERS SIMILARLY SITUATED*.

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C. A. 8th Cir. Certiorari granted. Reported below: 765 F. 3d 791.

Certiorari Denied

No. 14–772. *FIELDS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 761 F. 3d 443.

No. 14–847. *FORT BEND COUNTY, TEXAS v. DAVIS*. C. A. 5th Cir. Certiorari denied. Reported below: 765 F. 3d 480.

No. 14–882. *U. S. LEGAL SERVICES GROUP, L. P. v. ATALESE*. Sup. Ct. N. J. Certiorari denied. Reported below: 219 N. J. 430, 99 A. 3d 306.

No. 14–883. *STATE OF MICHIGAN WORKERS' COMPENSATION INSURANCE AGENCY ET AL. v. ACE AMERICAN INSURANCE CO. ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 580 Fed. Appx. 10.

No. 14–891. *SUPERVALU, INC., ET AL. v. D&G, INC., DBA GARY'S FOODS*. C. A. 8th Cir. Certiorari denied. Reported below: 752 F. 3d 728.

No. 14–992. *MAYHEW, COMMISSIONER, MAINE DEPARTMENT OF HEALTH AND HUMAN SERVICES v. BURWELL, SECRETARY OF HEALTH AND HUMAN SERVICES, ET AL.* C. A. 1st Cir. Certiorari denied. Reported below: 772 F. 3d 80.

No. 14–1060. *AURORA ENERGY SERVICES, LLC, ET AL. v. ALASKA COMMUNITY ACTION ON TOXICS ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 765 F. 3d 1169.

No. 14–1062. *GARCIA-PADILLA, GOVERNOR OF PUERTO RICO v. DIAZ-CARRASQUILLO*. Sup. Ct. P. R. Certiorari denied. Reported below: 191 D. P. R. 97.

No. 14–1070. *G. M., BY AND THROUGH HIS NEXT FRIEND, LOPEZ v. ALEDO INDEPENDENT SCHOOL DISTRICT ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 595 Fed. Appx. 262.

No. 14–1193. *DIAMOND v. LOCAL 807 LABOR-MANAGEMENT PENSION FUND ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 595 Fed. Appx. 22.

No. 14–1197. *WILLIAMS v. NASSAU COUNTY, NEW YORK, ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 581 Fed. Appx. 56.

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No. 14–1211. *ACCORD ET AL. v. PHILIP MORRIS USA INC. ET AL.* Sup. Ct. App. W. Va. Certiorari denied.

No. 14–1221. *STIEGEL v. PETERS TOWNSHIP, PENNSYLVANIA, ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 600 Fed. Appx. 60.

No. 14–1226. *SWEPORTS, LTD. v. MUCH SHELIST, P. C., ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 777 F. 3d 364.

No. 14–1239. *BUDIK v. UNITED STATES.* C. A. D. C. Cir. Certiorari denied.

No. 14–1244. *CHIQUILLO v. CALIFORNIA.* Ct. App. Cal., 1st App. Dist., Div. 1. Certiorari denied.

No. 14–1259. *CALEB ET AL. v. GRIER ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 598 Fed. Appx. 227.

No. 14–1261. *STONE v. LOUISIANA DEPARTMENT OF REVENUE.* C. A. 5th Cir. Certiorari denied. Reported below: 590 Fed. Appx. 332.

No. 14–1271. *MOODY v. VOZEL, DEPUTY DIRECTOR AND CHIEF ENGINEER, ARKANSAS HIGHWAY AND TRANSPORTATION DEPARTMENT, IN HIS OFFICIAL AND INDIVIDUAL CAPACITY, ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 771 F. 3d 1093.

No. 14–1292. *HOLZ v. FOSTER, WARDEN.* C. A. 7th Cir. Certiorari denied.

No. 14–1297. *MOHAMED v. LYNCH, ATTORNEY GENERAL.* C. A. 11th Cir. Certiorari denied. Reported below: 591 Fed. Appx. 804.

No. 14–1298. *CARLSON v. MARIN GENERAL SERVICES AUTHORITY ET AL.* Ct. App. Cal., 1st App. Dist., Div. 5. Certiorari denied.

No. 14–1300. *SEA SHEPHERD CONSERVATION SOCIETY v. INSTITUTE OF CETACEAN RESEARCH ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 774 F. 3d 935 and 588 Fed. Appx. 701.

No. 14–1305. *TROWBRIDGE v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 591 Fed. Appx. 298.

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No. 14–1307. *AL-DABAGH v. CASE WESTERN RESERVE UNIVERSITY*. C. A. 6th Cir. Certiorari denied. Reported below: 777 F. 3d 355.

No. 14–1311. *FISCHER ET AL. v. ALLAMVASUTAK ZRT. ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 777 F. 3d 847.

No. 14–1325. *TROYER v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 577 Fed. Appx. 897.

No. 14–1333. *MILLS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 773 F. 3d 563.

No. 14–1339. *KIVISTO v. SOIFER*. C. A. 11th Cir. Certiorari denied. Reported below: 587 Fed. Appx. 522.

No. 14–8355. *CLEWIS v. MEDCO HEALTH SOLUTIONS, INC., ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 578 Fed. Appx. 469.

No. 14–8665. *ESPARZA v. JENKINS, WARDEN*. C. A. 6th Cir. Certiorari denied. Reported below: 765 F. 3d 615.

No. 14–8976. *GILMORE v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 590 Fed. Appx. 390.

No. 14–9156. *NIXON v. ABBOTT, GOVERNOR OF TEXAS*. C. A. 5th Cir. Certiorari denied. Reported below: 589 Fed. Appx. 279.

No. 14–9159. *NORMAN v. STEPHENS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 14–9163. *STRAHORN v. FLORIDA*. Dist. Ct. App. Fla., 5th Dist. Certiorari denied. Reported below: 152 So. 3d 594.

No. 14–9164. *ELLISON v. EVANS ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 586 Fed. Appx. 825.

No. 14–9166. *CASTILLO v. JOHNSON ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 592 Fed. Appx. 499.

No. 14–9169. *WILSON v. JOYNER, CORRECTIONAL ADMINISTRATOR, HARNETT CORRECTIONAL INSTITUTION*. C. A. 4th Cir. Certiorari denied. Reported below: 588 Fed. Appx. 216.

No. 14–9170. *M. K. v. N. B.* Ct. App. Ind. Certiorari denied.

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No. 14–9172. *DELK v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied.

No. 14–9173. *MOLINE v. CBS NEWS INC.* Ct. App. Cal., 2d App. Dist., Div. 4. Certiorari denied.

No. 14–9174. *REISER v. BEARD, SECRETARY, CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION*. C. A. 9th Cir. Certiorari denied.

No. 14–9176. *KHA THAO PHAM v. MISSISSIPPI*. Sup. Ct. Miss. Certiorari denied.

No. 14–9178. *RICHARDSON v. KNIGHT, WARDEN*. Sup. Ct. Ind. Certiorari denied. Reported below: 22 N. E. 3d 580.

No. 14–9180. *KING v. CALIFORNIA*. Sup. Ct. Cal. Certiorari denied.

No. 14–9187. *YHWHNEWBN v. UNITED STATES ET AL.* C. A. 7th Cir. Certiorari denied.

No. 14–9191. *ROACH v. BOTTOM, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 14–9195. *SANDS-WEDEWARD v. LOCAL 306, NATIONAL POSTAL MAIL HANDLERS UNION*. C. A. 7th Cir. Certiorari denied. Reported below: 587 Fed. Appx. 333.

No. 14–9196. *RAMSEY v. TENNESSEE*. Ct. Crim. App. Tenn. Certiorari denied.

No. 14–9197. *MOATS v. WEST VIRGINIA DEPARTMENT OF TRANSPORTATION, DIVISION OF HIGHWAYS, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 585 Fed. Appx. 208.

No. 14–9205. *WARNER v. LOUISIANA*. Ct. App. La., 4th Cir. Certiorari denied. Reported below: 2013–0168 (La. App. 4 Cir. 3/12/14), 137 So. 3d 715.

No. 14–9207. *BOB v. ALAN M. CASS AND ASSOCIATES ET AL.* C. A. 2d Cir. Certiorari denied.

No. 14–9211. *ADKINS v. UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS*. C. A. 10th Cir. Certiorari denied.

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No. 14–9218. *BRADFORD v. GORDY, WARDEN, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 14–9219. *STEWART v. LEE, SUPERINTENDENT, GREEN HAVEN CORRECTIONAL FACILITY.* C. A. 2d Cir. Certiorari denied.

No. 14–9225. *DUC VAN NGUYEN v. MICHIGAN.* Ct. App. Mich. Certiorari denied.

No. 14–9232. *CRUSE v. TEXAS.* Ct. App. Tex., 1st Dist. Certiorari denied.

No. 14–9260. *MARCEAUX v. UNITED STATES MARINE CORPS.* C. A. 6th Cir. Certiorari denied.

No. 14–9302. *BROZ v. DEUTSCHE BANK NATIONAL TRUST CO.* Sup. Ct. Fla. Certiorari denied. Reported below: 160 So. 3d 893.

No. 14–9306. *PALAFIX v. CALIFORNIA.* Ct. App. Cal., 5th App. Dist. Certiorari denied. Reported below: 231 Cal. App. 4th 68, 179 Cal. Rptr. 3d 789.

No. 14–9312. *TEAGUE v. CALIFORNIA.* Ct. App. Cal., 2d App. Dist., Div. 5. Certiorari denied.

No. 14–9315. *SCOTT v. LOUISIANA.* Ct. App. La., 1st Cir. Certiorari denied. Reported below: 2013–2061 (La. App. 1 Cir. 5/2/14).

No. 14–9330. *FURS-JULIUS v. SOCIAL SECURITY ADMINISTRATION.* C. A. 11th Cir. Certiorari denied. Reported below: 589 Fed. Appx. 510.

No. 14–9339. *EDGARD v. JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 14–9347. *LEONG v. CALIFORNIA.* Ct. App. Cal., 3d App. Dist. Certiorari denied.

No. 14–9370. *HOLMES v. WASHINGTON* (two judgments). Ct. App. Wash. Certiorari denied.

No. 14–9392. *DIAMANTOPOULOS v. RICKETTS, GOVERNOR OF NEBRASKA, ET AL.* C. A. 8th Cir. Certiorari denied.

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No. 14–9410. *BROOKS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 590 Fed. Appx. 435.

No. 14–9441. *MINTO v. MAFNAS, COMMISSIONER, COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS DEPARTMENT OF CORRECTIONS*. C. A. 9th Cir. Certiorari denied. Reported below: 585 Fed. Appx. 712.

No. 14–9446. *TRUJILLO v. COLORADO*. Ct. App. Colo. Certiorari denied.

No. 14–9460. *KENDRICK v. MICHIGAN*. Ct. App. Mich. Certiorari denied.

No. 14–9462. *SMALL v. FLORIDA*. Dist. Ct. App. Fla., 2d Dist. Certiorari denied. Reported below: 155 So. 3d 354.

No. 14–9471. *KARSTEN v. CAMACHO ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 595 Fed. Appx. 835.

No. 14–9472. *KWONG v. CONNECTICUT*. App. Ct. Conn. Certiorari denied. Reported below: 153 Conn. App. 911, 101 A. 3d 404.

No. 14–9477. *JAMES v. CARTLEDGE, WARDEN*. C. A. 4th Cir. Certiorari denied. Reported below: 589 Fed. Appx. 72.

No. 14–9527. *FAIRCHILD-LITTLEFIELD v. CAVAZOS, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 14–9541. *DAHLK v. WOOMER ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 592 Fed. Appx. 523.

No. 14–9542. *ELAM v. NORMAN, WARDEN*. C. A. 8th Cir. Certiorari denied.

No. 14–9555. *BLAKENEY v. PENNSYLVANIA*. Sup. Ct. Pa. Certiorari denied. Reported below: 631 Pa. 1, 108 A. 3d 739.

No. 14–9562. *KING v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 14–9563. *HENRY v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 592 Fed. Appx. 201.

No. 14–9564. *SOLIS-JARAMILLO v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 590 Fed. Appx. 720.

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No. 14–9567. *MORENO-AZUA v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 598 Fed. Appx. 150.

No. 14–9570. *JONES v. PIERCE, WARDEN, ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 599 Fed. Appx. 433.

No. 14–9571. *MARCH v. MCALLISTER, WARDEN*. C. A. 6th Cir. Certiorari denied. Reported below: 573 Fed. Appx. 450.

No. 14–9573. *GATHINGS v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 14–9577. *RIVERS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied.

No. 14–9578. *GRADO-MEZA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 590 Fed. Appx. 717.

No. 14–9579. *HAWTHORNE v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 593 Fed. Appx. 676.

No. 14–9586. *FUTCH v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 14–9587. *GREEN v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 764 F. 3d 1352.

No. 14–9588. *FERRANTI v. ATKINSON, WARDEN*. C. A. 4th Cir. Certiorari denied. Reported below: 585 Fed. Appx. 129.

No. 14–9591. *SIMONS v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 592 Fed. Appx. 717.

No. 14–9592. *MARSHALL v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 14–9595. *DELVAL-ESTRADA, AKA OCHOA OLGUIN v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 585 Fed. Appx. 777.

No. 14–9596. *DEVOS v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 590 Fed. Appx. 649.

No. 14–9597. *SANCHEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 592 Fed. Appx. 317.

No. 14–9599. *BELL, AKA EL-BEY v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 585 Fed. Appx. 72.

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No. 14–9600. *MILLS v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 592 Fed. Appx. 615.

No. 14–9602. *SARVIS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 601 Fed. Appx. 176.

No. 14–9606. *KABIR v. BRENNAN, POSTMASTER GENERAL* (two judgments). C. A. 6th Cir. Certiorari denied.

No. 14–9610. *MCCRACKEN v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 591 Fed. Appx. 530.

No. 14–9612. *SCRIPPS v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 599 Fed. Appx. 443.

No. 14–9621. *JACKSON v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 598 Fed. Appx. 570.

No. 14–9622. *TRALA v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 591 Fed. Appx. 211.

No. 14–9624. *WRIGHT v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 777 F. 3d 769.

No. 14–9626. *LEWIS v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

No. 14–9631. *FULLER v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 589 Fed. Appx. 346.

No. 14–9633. *YOUNG v. NORMAN, WARDEN*. C. A. 8th Cir. Certiorari denied.

No. 14–9637. *BEAN v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 14–9638. *ARBODELA, AKA ORTIZ, AKA RIVERA GARCIA v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 14–9639. *BARTON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 14–9640. *JENKINS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 592 Fed. Appx. 311.

No. 14–9641. *LIMON-JUVERA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 585 Fed. Appx. 601.

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No. 14–9651. *VIOLA v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

No. 14–9652. *DOHOU v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 14–9653. *INGRAM v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 597 Fed. Appx. 151.

No. 14–9654. *MUHAMMAD v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 14–9658. *BARRETO ABILES v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 588 Fed. Appx. 387.

No. 14–9663. *CHAPMAN v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 601 Fed. Appx. 623.

No. 14–9666. *WILKERSON v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 587 Fed. Appx. 703.

No. 14–9668. *VASQUEZ-DIAZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 598 Fed. Appx. 280.

No. 14–9670. *KIEFFER v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 596 Fed. Appx. 653.

No. 14–9675. *REID v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 769 F. 3d 990.

No. 14–9679. *MCCAIN v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 557 Fed. Appx. 220.

No. 14–9681. *MICKENS, AKA DAVIS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 579 Fed. Appx. 746.

No. 14–9688. *MOSES v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 14–9689. *MELLENDEZ v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 775 F. 3d 50.

No. 14–9696. *ESPINOZA v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 780 F. 3d 689.

No. 14–9697. *LYNCH v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 601 Fed. Appx. 191.

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No. 14–9698. *DAWSON v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 588 Fed. Appx. 890.

No. 14–9699. *ROBBINS v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 14–9700. *NDIAGU v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 591 Fed. Appx. 632.

No. 14–9702. *CARDIN v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 577 Fed. Appx. 546.

No. 14–9704. *WATKINS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 589 Fed. Appx. 84.

No. 14–9710. *SEVERINO-BATISTA v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 778 F. 3d 352.

No. 14–9713. *SMITH ET AL. v. UNITED STATES* (Reported below: 775 F. 3d 1262); *MOSS v. UNITED STATES* (592 Fed. Appx. 914); *PEREZ-PRADO v. UNITED STATES* (598 Fed. Appx. 739); *PHILLIPS v. UNITED STATES* (598 Fed. Appx. 742); *LOWRY v. UNITED STATES* (599 Fed. Appx. 358); *WILLIAMS v. UNITED STATES* (605 Fed. Appx. 833); and *HEPBURN v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 14–9721. *MARTIN v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 777 F. 3d 984.

No. 14–9730. *MAXWELL v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 778 F. 3d 719.

No. 14–9748. *LAGONA v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 592 Fed. Appx. 4.

No. 14–704. *JACKSON ET AL. v. CITY AND COUNTY OF SAN FRANCISCO, CALIFORNIA, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 746 F. 3d 953.

JUSTICE THOMAS, with whom JUSTICE SCALIA joins, dissenting.

“Self-defense is a basic right” and “the central component” of the Second Amendment’s guarantee of an individual’s right to keep and bear arms. *McDonald v. Chicago*, 561 U. S. 742, 767 (2010) (emphasis deleted). Less than a decade ago, we explained that an ordinance requiring firearms in the home to be kept inoperable, without an exception for self-defense, conflicted with the

Second Amendment because it “ma[de] it impossible for citizens to use [their firearms] for the core lawful purpose of self-defense.” *District of Columbia v. Heller*, 554 U. S. 570, 630 (2008). Despite the clarity with which we described the Second Amendment’s core protection for the right of self-defense, lower courts, including the ones here, have failed to protect it. Because Second Amendment rights are no less protected by our Constitution than other rights enumerated in that document, I would have granted this petition.

I

Section 4512 of the San Francisco Police Code provides that “[n]o person shall keep a handgun within a residence owned or controlled by that person unless” (1) “the handgun is stored in a locked container or disabled with a trigger lock that has been approved by the California Department of Justice” or (2) “[t]he handgun is carried on the person of an individual over the age of 18” or “under the control of a person who is a peace officer under [California law].” San Francisco Police Code, Art. 45, §§ 4512(a), (c) (2015). The law applies across the board, regardless of whether children are present in the home. A violation of the law is punishable by up to six months of imprisonment and/or a fine of up to \$1,000. § 4512(e).

Petitioners—six San Francisco residents who keep handguns in their homes, as well as two organizations—filed suit to challenge this law under the Second Amendment. According to petitioners, the law impermissibly rendered their handguns “[in]operable for the purpose of immediate self-defense” in the home. *Heller*, *supra*, at 635. Because it is impossible to “carry” a firearm on one’s person while sleeping, for example, petitioners contended that the law effectively denies them their right to self-defense at times when their potential need for that defense is most acute. In support of that point, they cited a Department of Justice, Bureau of Justice Statistics, survey estimating that over 60 percent of all robberies of occupied dwellings between 2003 and 2007 occurred between 6 p.m. and 6 a.m.

The District Court for the Northern District of California denied them a preliminary injunction, and the U. S. Court of Appeals for the Ninth Circuit affirmed. The Court of Appeals readily acknowledged that the law “burdens the core of the Second Amendment right” because “[h]aving to retrieve handguns from locked containers or removing trigger locks makes it more

difficult ‘for citizens to use them for the core lawful purpose of self-defense’ in the home.” 746 F. 3d 953, 964 (2014) (quoting *Heller*, *supra*, at 630). But it reasoned that this was not a “severe burden” justifying the application of strict scrutiny because “a modern gun safe may be opened quickly.” 746 F. 3d, at 964. Applying intermediate scrutiny, the court evaluated San Francisco’s proffered “evidence that ‘guns kept in the home are most often used in suicides and against family and friends rather than in self-defense’ and that children are particularly at risk of injury and death.” *Id.*, at 965. The court concluded that the law served “a significant government interest by reducing the number of gun-related injuries and deaths from having an unlocked handgun in the home” and was “substantially related” to that interest. *Id.*, at 966.

II

The decision of the Court of Appeals is in serious tension with *Heller*. We explained in *Heller* that the Second Amendment codified a right “‘inherited from our English ancestors,’” a key component of which is the right to keep and bear arms for the lawful purpose of self-defense. 554 U. S., at 599. We therefore rejected as inconsistent with the Second Amendment a ban on possession of handguns in the home because “handguns are the most popular weapon chosen by Americans for self-defense in the home” and because a trigger-lock requirement prevented residents from rendering their firearms “operable for the purpose of immediate self-defense.” *Id.*, at 629, 635. San Francisco’s law allows residents to *use* their handguns for the purpose of self-defense, but it prohibits them from *keeping* those handguns “operable for the purpose of *immediate* self-defense” when not carried on their person. The law thus burdens their right to self-defense at the times they are most vulnerable—when they are sleeping, bathing, changing clothes, or otherwise indisposed. There is consequently no question that San Francisco’s law burdens the core of the Second Amendment right.

That burden is significant. One petitioner, an elderly woman who lives alone, explained that she is currently forced to store her handgun in a lockbox and that if an intruder broke into her home at night, she would need to “turn on the light, find [her] glasses, find the key to the lockbox, insert the key in the lock and unlock the box (under the stress of the emergency), and then get [her] gun before being in position to defend [herself].” Decla-

ration of Espanola Jackson in Support of Motion for Preliminary Injunction, Record in Case 3:09-cv-02143 (ND Cal.), Doc. 136-3, p. 2. As she is over 79 years old, that would “not [be] an easy task.” *Ibid.* Another petitioner stated that she is forced to store her gun in a code-operated safe and, in the event of an emergency, would need to get to that safe, remember her code under stress, and correctly enter it before she could retrieve her gun and be in a position to defend herself. If she erroneously entered the number due to stress, the safe would impose a delay before she could try again. A third petitioner explained that he would face the same challenge and, in the event the battery drains on his battery-operated safe, would need to locate a backup key to access his handgun. In an emergency situation, the delay imposed by this law could prevent San Francisco residents from using their handguns for the lawful purpose of self-defense. And that delay could easily be the difference between life and death.

Since our decision in *Heller*, members of the Courts of Appeals have disagreed about whether and to what extent the tiers-of-scrutiny analysis should apply to burdens on Second Amendment rights. Compare *Heller v. District of Columbia*, 670 F. 3d 1244, 1252 (CA DC 2011) (“We ask first whether a particular provision impinges upon a right protected by the Second Amendment; if it does, then we go on to determine whether the provision passes muster under the appropriate level of constitutional scrutiny”), with *id.*, at 1271 (Kavanaugh, J., dissenting) (“In my view, *Heller* and *McDonald* leave little doubt that courts are to assess gun bans and regulations based on text, history, and tradition, not by a balancing test such as strict or intermediate scrutiny”). One need not resolve that dispute to know that something was seriously amiss in the decision below. In that decision, the Court of Appeals recognized that the law “burdens the core of the Second Amendment right,” yet concluded that, because the law’s burden was not as “severe” as the one at issue in *Heller*, it was “not a substantial burden on the Second Amendment right itself.” 746 F. 3d, at 963–965. But nothing in our decision in *Heller* suggested that a law must rise to the level of the absolute prohibition at issue in that case to constitute a “substantial burden” on the core of the Second Amendment right. And when a law burdens a constitutionally protected right, we have generally required a higher showing than the Court of Appeals demanded here. See generally *Heller*, 554 U. S., at 628–635; *Turner Broadcasting Sys-*

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tem, Inc. v. FCC, 512 U.S. 622, 662 (1994) (explaining that even intermediate scrutiny requires that a regulation not “burden substantially more speech than is necessary to further the government’s legitimate interests” (internal quotation marks omitted)).

The Court should have granted a writ of certiorari to review this questionable decision and to reiterate that courts may not engage in this sort of judicial assessment as to the severity of a burden imposed on core Second Amendment rights. See *Heller*, 554 U.S., at 634 (“The very enumeration of the right takes out of the hands of government—even the Third Branch of Government—the power to decide on a case-by-case basis what is *really worth* insisting upon”); *id.*, at 635 (explaining that the Second Amendment “elevates above all other interests the right of law-abiding, responsible citizens to use arms in defense of hearth and home”).

The Court’s refusal to review this decision is difficult to account for in light of its repeated willingness to review splitless decisions involving alleged violations of other constitutional rights. See, e.g., *Glossip v. Gross*, 574 U.S. 1133 (2015) (cert. granted) (Eighth Amendment); *Ontario v. Quon*, 560 U.S. 746 (2010) (Fourth Amendment); *Hill v. Colorado*, 530 U.S. 703 (2000) (First Amendment). Indeed, the Court has been willing to review splitless decisions involving alleged violations of rights it has never previously enforced. See, e.g., *BMW of North America, Inc. v. Gore*, 517 U.S. 559 (1996) (right to limit on punitive damages awards). And it has even gone so far as to review splitless decisions involving alleged violations of rights expressly foreclosed by precedent. See, e.g., *Boumediene v. Bush*, 553 U.S. 723 (2008) (right of aliens held outside U.S. territory to the privilege of habeas corpus); *Lawrence v. Texas*, 539 U.S. 558 (2003) (right to engage in adult, consensual same-sex intimate behavior). I see no reason that challenges based on Second Amendment rights should be treated differently.

* * *

We warned in *Heller* that “[a] constitutional guarantee subject to future judges’ assessments of its usefulness is no constitutional guarantee at all.” 554 U.S., at 634. The Court of Appeals in this case recognized that San Francisco’s law burdened the core component of the Second Amendment guarantee, yet upheld the law. Because of the importance of the constitutional right at

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stake and the questionable nature of the Court of Appeals' judgment, I would have granted a writ of certiorari.

No. 14–9417. *EL-HAGE, AKA SABBUR 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. Reported below: 589 Fed. Appx. 29.

Rehearing Denied

No. 14–806. *TRIPLETT-FAZZONE v. CITY OF COLUMBUS DIVISION OF POLICE ET AL.*, 575 U. S. 913;

No. 14–1034. *SCHMUDE v. TEXAS*, 575 U. S. 963;

No. 14–5180. *BAJO-GONZALEZ v. UNITED STATES*, 574 U. S. 886;

No. 14–7845. *SORO v. SORO*, 575 U. S. 905;

No. 14–7934. *AUGUST v. WARREN, WARDEN*, 575 U. S. 917;

No. 14–7962. *HAMMERSLEY v. COUNTY OF OCONTO, WISCONSIN*, 575 U. S. 918;

No. 14–8242. *PRINCE v. LOMA LINDA UNIVERSITY MEDICAL CENTER*, 575 U. S. 953;

No. 14–8259. *LUCIEN v. HOLDER, ATTORNEY GENERAL*, 575 U. S. 941;

No. 14–8342. *YEGOROV v. MELNICHUK*, 575 U. S. 955;

No. 14–8354. *CURRIE v. MISSOURI*, 575 U. S. 965;

No. 14–8406. *WILLIAMS v. RUSSELL, WARDEN*, 575 U. S. 966;

No. 14–8411. *JAIME REYNA v. STEPHENS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*, 575 U. S. 966;

No. 14–8431. *RICHARDSON v. TEXAS WORKFORCE COMMISSION ET AL.*, 575 U. S. 967;

No. 14–8607. *CASTEEL v. UNITED STATES*, 575 U. S. 944; and

No. 14–8703. *GRIFFITH v. NEW YORK*, 575 U. S. 971. Petitions for rehearing denied.

JUNE 9, 2015

Miscellaneous Order

No. 14A1202 (14–9223). *STRONG v. LOMBARDI, DIRECTOR, MISSOURI DEPARTMENT OF CORRECTIONS, ET AL.* Application for stay of execution of sentence of death, presented to JUSTICE ALITO, and by him referred to the Court, denied. JUSTICE GINSBURG, JUSTICE BREYER, JUSTICE SOTOMAYOR, and JUSTICE KAGAN would grant the application for stay of execution.

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Certiorari Denied

No. 14–10020 (14A1221). *STRONG v. GRIFFITH, WARDEN*. Sup. Ct. Mo. Application for stay of execution of sentence of death, presented to JUSTICE ALITO, and by him referred to the Court, denied. Certiorari denied.

No. 14–10137 (14A1239). *STRONG v. GRIFFITH, WARDEN*. Sup. Ct. Mo. Application for stay of execution of sentence of death, presented to JUSTICE ALITO, and by him referred to the Court, denied. Certiorari denied. Reported below: 462 S. W. 3d 732.

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Certiorari Granted—Vacated and Remanded

No. 14–851. *BANK OF AMERICA, N. A. v. PEELE*. C. A. 11th Cir. Reported below: 581 Fed. Appx. 824;

No. 14–852. *BANK OF AMERICA, N. A. v. JOHNSON*. C. A. 11th Cir. Reported below: 581 Fed. Appx. 824;

No. 14–853. *BANK OF AMERICA, N. A. v. BOYKINS*. C. A. 11th Cir. Reported below: 581 Fed. Appx. 824;

No. 14–854. *BANK OF AMERICA, N. A. v. HAMILTON-PRESHA*. C. A. 11th Cir. Reported below: 581 Fed. Appx. 824;

No. 14–855. *BANK OF AMERICA, N. A. v. GARRO*. C. A. 11th Cir. Reported below: 581 Fed. Appx. 824;

No. 14–856. *BANK OF AMERICA, N. A. v. BELOTSEKOVSKY*. C. A. 11th Cir. Reported below: 581 Fed. Appx. 824;

No. 14–979. *BANK OF AMERICA, N. A. v. LAKHANI*. C. A. 11th Cir. Reported below: 583 Fed. Appx. 896; and

No. 14–980. *BANK OF AMERICA, N. A. v. CORRAD*. C. A. 11th Cir. Reported below: 583 Fed. Appx. 904. Certiorari granted, judgments vacated, and cases remanded for further consideration in light of *Bank of America, N. A. v. Caulkett*, 575 U.S. 790 (2015).

Certiorari Dismissed

No. 14–9253. *ARIEGWE v. KIRKEGARD, WARDEN, ET AL.* C. A. 9th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8. 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

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with Rule 33.1. See *Martin v. District of Columbia Court of Appeals*, 506 U. S. 1 (1992) (*per curiam*).

No. 14–9267. *EVANS v. OHIO*. Ct. App. Ohio, 4th App. Dist., Scioto County. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court’s Rule 39.8. As petitioner has repeatedly abused this Court’s process, the Clerk is directed not to accept any further petitions in noncriminal matters from petitioner unless the docketing fee required by Rule 38(a) is paid and the petition is submitted in compliance with Rule 33.1. See *Martin v. District of Columbia Court of Appeals*, 506 U. S. 1 (1992) (*per curiam*).

No. 14–9284. *SOLOMON v. KESS-LEWIS ET AL.* Ct. App. D. C. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court’s Rule 39.8. Reported below: 107 A. 3d 1118.

No. 14–9291. *MANLEY v. MONROE COUNTY PROSECUTOR*. Ct. App. Ind. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court’s Rule 39.8. Reported below: 16 N. E. 3d 488.

No. 14–9443. *KOON v. CARTLEDGE, WARDEN, 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: 585 Fed. Appx. 32.

No. 14–9801. *GARCON v. CRUZ, WARDEN*. 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: 581 Fed. Appx. 193.

Miscellaneous Orders

No. 14M126. *RUCKER v. MOORE, WARDEN*. Motion to direct the Clerk to file petition for writ of certiorari out of time denied.

No. 14M127. *WHITEHEAD v. WHITE & CASE LLP ET AL.* Motion for leave to proceed as a veteran denied.

No. 14M128. *HOPKINS v. UNITED STATES*. Motion for leave to file petition for writ of certiorari under seal with redacted copies for the public record granted.

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No. 14–8499. *MANKO v. LENOX HILL HOSPITAL*. Ct. App. N. Y. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [575 U. S. 959] denied.

No. 14–8617. *HORSLEY v. UNIVERSITY OF ALABAMA ET AL.* C. A. 11th Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [575 U. S. 961] denied.

No. 14–8931. *SHELTON v. UNITED STATES*. C. A. 9th Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [575 U. S. 960] denied. JUSTICE KAGAN took no part in the consideration or decision of this motion.

No. 14–9320. *MISSUD v. CALIFORNIA ET AL.* C. A. 9th Cir.; and

No. 14–9799. *HARDRICK v. UNITED STATES*. C. A. 9th Cir. Motions of petitioners for leave to proceed *in forma pauperis* denied. Petitioners are allowed until July 6, 2015, 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. 14–9891. *IN RE JOHNSON*. Petition for writ of habeas corpus denied.

No. 14–1238. *IN RE JOLING ET AL.* Petition for writ of mandamus denied.

Certiorari Granted

No. 13–1496. *DOLLAR GENERAL CORP. ET AL. v. MISSISSIPPI BAND OF CHOCTAW INDIANS ET AL.* C. A. 5th Cir. Certiorari granted. Reported below: 746 F. 3d 167.

No. 14–844. *BRUCE v. SAMUELS ET AL.* C. A. D. C. Cir. Certiorari granted. Reported below: 761 F. 3d 1.

Certiorari Denied

No. 14–748. *VOLVO POWERTRAIN CORP. v. UNITED STATES ET AL.* C. A. D. C. Cir. Certiorari denied. Reported below: 758 F. 3d 330.

No. 14–807. *DUNN, COMMISSIONER, ALABAMA DEPARTMENT OF CORRECTIONS v. DEBRUCE*. C. A. 11th Cir. Certiorari denied. Reported below: 758 F. 3d 1263.

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No. 14–1077. *LEAKS v. UNITED STATES*. Ct. App. D. C. Certiorari denied. Reported below: 96 A. 3d 1.

No. 14–1111. *ASSOCIATED BUILDERS & CONTRACTORS INC. v. SHIU ET AL.* C. A. D. C. Cir. Certiorari denied. Reported below: 773 F. 3d 257.

No. 14–1121. *HUI HSIUNG ET AL. v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 778 F. 3d 738.

No. 14–1122. *MOTOROLA MOBILITY LLC v. AU OPTRONICS CORP. ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 775 F. 3d 816.

No. 14–1212. *RAMSAY v. TAPPER*. C. A. 4th Cir. Certiorari denied. Reported below: 593 Fed. Appx. 204.

No. 14–1218. *JOHNSON v. CHICAGO TRIBUNE Co.* App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 2014 IL App (1st) 133087–U.

No. 14–1220. *SAFARI ET AL. v. KAISER FOUNDATION HEALTH PLAN ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 584 Fed. Appx. 849.

No. 14–1227. *KUGLER v. WISCONSIN*. Ct. App. Wis. Certiorari denied. Reported below: 2014 WI App 110, 357 Wis. 2d 722, 855 N. W. 2d 904.

No. 14–1229. *MOTOYAMA v. HAWAII DEPARTMENT OF TRANSPORTATION ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 584 Fed. Appx. 399.

No. 14–1250. *WIEDER v. CITY OF NEW YORK, NEW YORK, ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 569 Fed. Appx. 28.

No. 14–1264. *RICKARD v. SWEDISH MATCH NORTH AMERICA, INC.* C. A. 8th Cir. Certiorari denied. Reported below: 773 F. 3d 181.

No. 14–1279. *WASHINGTON v. WALKER*. Sup. Ct. Wash. Certiorari denied. Reported below: 182 Wash. 2d 463, 341 P. 3d 976.

No. 14–1296. *OHNEMUS v. THOMPSON*. C. A. 6th Cir. Certiorari denied. Reported below: 594 Fed. Appx. 864.

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No. 14–1330. *DORN v. ANNUCCI, ACTING COMMISSIONER, NEW YORK DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION*. C. A. 2d Cir. Certiorari denied.

No. 14–1338. *KUNG DA CHANG v. SHANGHAI COMMERCIAL BANK LTD.* Ct. App. Wash. Certiorari denied. Reported below: 183 Wash. App. 1007.

No. 14–1357. *TIRADO TAMEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 773 F. 3d 654.

No. 14–8115. *CORROTHERS, AKA CARROTHERS, AKA CAROTHER, AKA COROTHERS, AKA CAROTHERS v. MISSISSIPPI*. Sup. Ct. Miss. Certiorari denied. Reported below: 148 So. 3d 278.

No. 14–8449. *SPENCER v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 773 F. 3d 1132.

No. 14–8491. *WHITE v. SOUTHEAST MICHIGAN SURGICAL HOSPITAL ET AL.* Ct. App. Mich. Certiorari denied.

No. 14–8780. *COHEN v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 593 Fed. Appx. 196.

No. 14–8793. *ALLEBBAN v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 578 Fed. Appx. 492.

No. 14–8943. *HAUGABOOK v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 14–9220. *ROBINSON v. TEXAS*. Ct. App. Tex., 8th Dist. Certiorari denied.

No. 14–9240. *HACKNEY v. WOODS, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 14–9247. *SOLORIO v. MONTGOMERY, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 14–9254. *SANCHEZ v. LIZARRAGA, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 14–9264. *CHANCE v. FLORIDA*. Dist. Ct. App. Fla., 1st Dist. Certiorari denied.

No. 14–9269. *SAENZ v. STEPHENS, DIRECTOR TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

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No. 14–9270. *CHANCE v. FLORIDA*. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 150 So. 3d 1136.

No. 14–9283. *BURDA v. KORENMAN, FKA BURDA*. Super. Ct. Pa. Certiorari denied. Reported below: 96 A. 3d 1084.

No. 14–9286. *ROBITSCHK v. ESCOVEDO*. Ct. App. Cal., 5th App. Dist. Certiorari denied.

No. 14–9298. *MASTERTON v. STEPHENS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied. Reported below: 596 Fed. Appx. 282.

No. 14–9300. *AGUIRRE v. MONTGOMERY, WARDEN*. C. A. 9th Cir. Certiorari denied. Reported below: 596 Fed. Appx. 586.

No. 14–9304. *ANGEL MENDEZ v. STEPHENS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied.

No. 14–9309. *YATES v. IOWA*. Ct. App. Iowa. Certiorari denied. Reported below: 859 N. W. 2d 672.

No. 14–9311. *TURNER v. COLEMAN, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 14–9313. *THOMAS v. FLORIDA*. Dist. Ct. App. Fla., 2d Dist. Certiorari denied.

No. 14–9325. *WATSON v. MCCLAIN ET AL.* C. A. 6th Cir. Certiorari denied.

No. 14–9327. *WEBB v. MARYLAND*. Ct. Sp. App. Md. Certiorari denied. Reported below: 216 Md. App. 759.

No. 14–9328. *MARION v. SOTO, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 14–9342. *PETERKA v. FLORIDA*. Sup. Ct. Fla. Certiorari denied. Reported below: 160 So. 3d 897.

No. 14–9343. *CRUZ v. PERRY, SECRETARY, NORTH CAROLINA DEPARTMENT OF PUBLIC SAFETY, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 584 Fed. Appx. 89.

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No. 14–9344. *FORT v. OHIO*. Ct. App. Ohio, 8th App. Dist., Cuyahoga County. Certiorari denied. Reported below: 2014-Ohio-3412, 17 N. E. 3d 1172.

No. 14–9397. *HUTCHINSON v. RAZDAN*. C. A. 11th Cir. Certiorari denied. Reported below: 561 Fed. Appx. 795.

No. 14–9433. *BLACKSHEAR v. FLORIDA*. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 158 So. 3d 564.

No. 14–9501. *YOUNG v. PREMO, SUPERINTENDENT, OREGON STATE PENITENTIARY*. C. A. 9th Cir. Certiorari denied.

No. 14–9513. *BLAINE v. NORMAN, WARDEN, ET AL.* C. A. 8th Cir. Certiorari denied.

No. 14–9516. *PEEPLS v. DEPARTMENT OF JUSTICE ET AL.* C. A. 11th Cir. Certiorari denied.

No. 14–9517. *PHILLIPS v. BARNES, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 14–9518. *FONG SOTO v. RYAN, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 760 F. 3d 947 and 583 Fed. Appx. 782.

No. 14–9519. *HENDERSON v. NEBRASKA*. Sup. Ct. Neb. Certiorari denied. Reported below: 289 Neb. 271, 854 N. W. 2d 616.

No. 14–9545. *POWELL v. COOPER, WARDEN*. C. A. 5th Cir. Certiorari denied. Reported below: 595 Fed. Appx. 392.

No. 14–9556. *BRIDGES v. NEW JERSEY*. Super. Ct. N. J., App. Div. Certiorari denied.

No. 14–9576. *GRICE v. NORTH CAROLINA*. Sup. Ct. N. C. Certiorari denied. Reported below: 367 N. C. 753, 767 S. E. 2d 312.

No. 14–9580. *HAWES v. WYOMING*. Sup. Ct. Wyo. Certiorari denied. Reported below: 2014 WY 127, 335 P. 3d 1073.

No. 14–9616. *M. G. v. CALIFORNIA*. Ct. App. Cal., 1st App. Dist., Div. 1. Certiorari denied. Reported below: 228 Cal. App. 4th 1268, 176 Cal. Rptr. 3d 459.

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No. 14–9619. *CLARK v. TENNESSEE*. Sup. Ct. Tenn. Certiorari denied. Reported below: 452 S. W. 3d 268.

No. 14–9630. *FLOWERS v. MCEWEN, WARDEN*. C. A. 9th Cir. Certiorari denied. Reported below: 584 Fed. Appx. 867.

No. 14–9678. *JEFFERSON v. BURGER KING CORP. ET AL.* Dist. Ct. App. Fla., 4th Dist. Certiorari denied. Reported below: 160 So. 3d 448.

No. 14–9694. *DEMOUCHETTE v. UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF LOUISIANA*. C. A. 5th Cir. Certiorari denied.

No. 14–9711. *TUCKER v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 596 Fed. Appx. 616.

No. 14–9725. *RENE DIAZ v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 14–9728. *GIDDENS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 598 Fed. Appx. 889.

No. 14–9729. *HARRIS v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 600 Fed. Appx. 985.

No. 14–9734. *HODGE v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 14–9737. *BURGOS-ORTEGA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 777 F. 3d 1047.

No. 14–9738. *BEALL v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 14–9739. *GATSON v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 776 F. 3d 405.

No. 14–9745. *DIEHL v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 588 Fed. Appx. 568.

No. 14–9761. *WASHINGTON v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. Reported below: 775 F. 3d 405.

No. 14–9763. *GIBSON v. WILSON, WARDEN*. C. A. 4th Cir. Certiorari denied. Reported below: 585 Fed. Appx. 285.

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No. 14–9769. *HENRY v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 14–9771. *ERNESTO ISRAEL v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 14–9772. *GOINS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 581 Fed. Appx. 284.

No. 14–9774. *BRITTON v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 608 Fed. Appx. 111.

No. 14–9777. *GABE v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 14–9785. *CRENSHAW v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 14–9792. *FOOTE v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 784 F. 3d 931.

No. 14–9795. *HERNANDEZ-MUNOZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 14–9796. *HARRIS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 582 Fed. Appx. 241.

No. 14–9803. *RIVERA v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 14–9805. *DUNN v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 585 Fed. Appx. 101.

No. 14–9809. *GARCIA-MORALES v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 584 Fed. Appx. 262.

No. 14–9812. *ELIZALDE-ORTIZ v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 585 Fed. Appx. 715.

No. 14–9813. *DIAZ-BERMUDEZ v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 778 F. 3d 309.

No. 14–9815. *CARABALLO v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 14–9846. *RODRIGUEZ GIL v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 607 Fed. Appx. 956.

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No. 14–9849. *TORRES-DIAZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 593 Fed. Appx. 398.

No. 14–9851. *AYALA-MEDINA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 584 Fed. Appx. 866.

No. 14–9852. *MCDANIELS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 602 Fed. Appx. 763.

No. 14–910. *ALLSTATE INSURANCE CO. v. JIMENEZ, INDIVIDUALLY AND ON BEHALF OF ALL OTHERS SIMILARLY SITUATED*. C. A. 9th Cir. Motions of Retail Litigation Center, Inc.; Chamber of Commerce of the United States of America et al.; Equal Employment Advisory Council; Product Liability Advisory Council, Inc.; and DRI—The Voice of the Defense Bar for leave to file briefs as *amici curiae* granted. Certiorari denied. Reported below: 765 F. 3d 1161.

No. 14–1074. *REPUBLIC OF IRAQ v. ABB AG ET AL.* C. A. 2d Cir. Certiorari denied. JUSTICE ALITO took no part in the consideration or decision of this petition. Reported below: 768 F. 3d 145.

No. 14–1172. *WALKER-MCGILL, PRESIDENT OF THE NORTH CAROLINA MEDICAL BOARD, ET AL. v. STUART ET AL.* C. A. 4th Cir. Certiorari denied. JUSTICE SCALIA dissents. Reported below: 774 F. 3d 238.

No. 14–8589. *HITTON v. CHATMAN, WARDEN*. C. A. 11th Cir. Certiorari denied. Reported below: 759 F. 3d 1210.

JUSTICE GINSBURG, with whom JUSTICE KAGAN joins, concurring.

The Antiterrorism and Effective Death Penalty Act of 1996 directs a federal habeas court to train its attention on the particular reasons—both legal and factual—why state courts rejected a state prisoner’s federal claims. Only if the state court’s decision “was contrary to, or involved an unreasonable application of, clearly established Federal law” or “was based on an unreasonable determination of the facts in light of the evidence presented” may a federal court grant habeas relief premised on a federal claim previously adjudicated on the merits in state court. 28 U. S. C. § 2254(d).

This task is straightforward when the last state court to decide a claim has issued an opinion explaining its decision. In that

situation, a federal habeas court simply evaluates deferentially the specific reasons set out by the state court. *E. g.*, *Porter v. McCollum*, 558 U. S. 30, 39–44 (2009) (*per curiam*); *Rompilla v. Beard*, 545 U. S. 374, 388–392 (2005); *Wiggins v. Smith*, 539 U. S. 510, 523–538 (2003).

In *Ylst v. Nunnemaker*, 501 U. S. 797 (1991), this Court stated how federal courts should handle a more challenging circumstance: when the last state court to reject a prisoner’s claim issues only an unexplained order. “Where there has been one reasoned state judgment rejecting a federal claim,” the Court held, federal habeas courts should presume that “later unexplained orders upholding that judgment or rejecting the same claim rest upon the same ground.” *Id.*, at 803. “[U]nexplained orders,” the Court recognized, typically reflect “agree[ment] . . . with the reasons given below.” *Id.*, at 804. Accordingly, “a presumption . . . which simply ‘looks through’ [unexplained orders] to the last reasoned decision . . . most nearly reflects the role [such orders] are ordinarily intended to play.” *Ibid.*

In this case, the Eleventh Circuit decided that it would no longer apply the *Ylst* “look through” presumption—at least when assessing the Georgia Supreme Court’s unexplained denial of a certificate of probable cause to appeal. Although it had long “‘look[ed] through’ summary decisions by state appellate courts,” the Eleventh Circuit believed that a recent decision of this Court—*Harrington v. Richter*, 562 U. S. 86 (2011)—had superseded *Ylst*. *Hittson v. GDCP Warden*, 759 F. 3d 1210, 1232, n. 25 (2014). Accordingly, instead of “review[ing] the reasoning given in the [last reasoned state court] decision,” the Eleventh Circuit held it would consider hypothetical theories that could have supported the Georgia Supreme Court’s unexplained order. *Id.*, at 1233, n. 25.

The Eleventh Circuit plainly erred in discarding *Ylst*. In *Richter*, the only state court to reject the prisoner’s federal claim had done so in an unexplained order. See 562 U. S., at 96–97. With no reasoned opinion to look through to, the Court had no occasion to cast doubt on *Ylst*. To the contrary, the Court cited *Ylst* approvingly in *Richter*, 562 U. S., at 99–100, and did so again two years later in *Johnson v. Williams*, 568 U. S. 287, 297, n. 1 (2013).

The Eleventh Circuit believed that the following language from *Richter* superseded *Ylst* and required the appeals court to hypothesize reasons that might have supported the state court’s

unexplained order: “Under § 2254(d), a habeas court must determine what arguments or theories supported or, as here, *could* have supported, the state court’s decision.” 562 U. S., at 102 (emphasis added). See 759 F. 3d, at 1232. *Richter*’s hypothetical inquiry was necessary, however, because *no* state court “opinion explain[ed] the reasons relief ha[d] been denied.” 562 U. S., at 98. In that circumstance, a federal habeas court can assess whether the state court’s decision “*involved* an unreasonable application of . . . clearly established Federal law,” § 2254(d)(1) (emphasis added), only by hypothesizing reasons that might have supported it. But *Richter* makes clear that where the state court’s real reasons can be ascertained, the § 2254(d) analysis can and should be based on the actual “arguments or theories [that] supported . . . the state court’s decision.” *Id.*, at 102.

The Eleventh Circuit also appears to have thought it relevant that the Georgia Supreme Court exercises mandatory, not discretionary, review when deciding whether to grant or deny a certificate of probable cause to appeal. See 759 F. 3d, at 1231–1232. *Ylst* itself, however, looked through a nondiscretionary adjudication. See 501 U. S., at 800–801. And *Richter* confirms that it matters not whether the state court exercised mandatory or discretionary review. Although *Richter* required a federal habeas court to presume that an unexplained summary affirmance adjudicated the merits of any federal claim presented to the state court, *Richter* cited *Ylst* as an example of how this “presumption may be overcome.” 562 U. S., at 99. If looking through the summary affirmance reveals that the last reasoned state-court decision found a claim procedurally defaulted, then it is “more likely,” *id.*, at 100, that the summary affirmance of that claim “rest[ed] upon the same ground,” *Ylst*, 501 U. S., at 803. In short, *Richter* instructs that federal habeas courts should continue to “look through” even nondiscretionary adjudications to determine whether a claim was procedurally defaulted. There is no reason not to “look through” such adjudications, as well, to determine the particular reasons why the state court rejected the claim on the merits.

Although the Eleventh Circuit clearly erred in declining to apply *Ylst*, I concur in the denial of certiorari. The District Court did “look through” to the last reasoned state-court opinion, and for the reasons given by that court, I am convinced that the Eleventh Circuit would have reached the same conclusion had it

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properly applied *Ylst*. See *Hittson v. Humphrey*, 2012 WL 5497808, *17-*25 (MD Ga., Nov. 13, 2012). Moreover, an en banc rehearing petition raising the *Ylst* issue is currently pending before the Eleventh Circuit. See *Wilson v. Warden*, No. 14–10681. That petition affords the Eleventh Circuit an opportunity to correct its error without the need for this Court to intervene.

No. 14–9539. *VIEIRA v. CALIFORNIA*. C. A. D. C. Cir. Certiorari before judgment denied.

No. 14–9755. *WILKERSON v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition.

Rehearing Denied

No. 14–326. *YACUBIAN v. UNITED STATES*, 575 U. S. 983;

No. 14–922. *GOMEZ v. CHASE HOME FINANCE, LLC*, 575 U. S. 936;

No. 14–1012. *ESCAMILLA ET AL. v. M2 TECHNOLOGY, INC.*; and *ESCAMILLA v. M2 TECHNOLOGY, INC., ET AL.*, 575 U. S. 984;

No. 14–7553. *COOPER v. COOPER*, 575 U. S. 965;

No. 14–7641. *GARZA v. UNITED STATES*, 574 U. S. 1171;

No. 14–7795. *FREY v. FOSTER ET AL.*, 574 U. S. 1196;

No. 14–8189. *SCOTT v. ALABAMA*, 575 U. S. 979;

No. 14–8194. *LOCKHART v. ALABAMA*, 575 U. S. 979;

No. 14–8382. *MOSES v. TEXAS WORKFORCE COMMISSION ET AL.*, 575 U. S. 966;

No. 14–8448. *WALTERS v. CALIFORNIA*, 575 U. S. 968;

No. 14–8543. *DONGSHENG HUANG v. ULTIMO SOFTWARE SOLUTIONS, INC.*, 575 U. S. 969;

No. 14–8553. *WALTON v. RYAN, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS, ET AL.*, 575 U. S. 969; and

No. 14–8598. *DAVIS v. KELLEY, DIRECTOR, ARKANSAS DEPARTMENT OF CORRECTION*, 575 U. S. 988. Petitions for rehearing denied.

No. 14–7861. *TWEED v. COBURN ET AL.*, 575 U. S. 905. Motion for leave to file petition for rehearing denied.

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Certiorari Granted—Vacated and Remanded

No. 14–902. *BANK OF AMERICA, N. A. v. GLASPIE*. C. A. 11th Cir. Reported below: 581 Fed. Appx. 830;

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No. 14–903. *BANK OF AMERICA, N. A. v. MADDEN ET AL.* C. A. 11th Cir. Reported below: 581 Fed. Appx. 824; and

No. 14–904. *BANK OF AMERICA, N. A. v. BROWN.* C. A. 11th Cir. Reported below: 581 Fed. Appx. 824. Certiorari granted, judgments vacated, and cases remanded for further consideration in light of *Bank of America, N. A. v. Caulkett*, 575 U. S. 790 (2015).

Certiorari Dismissed

No. 14–9385. *ISRAEL v. BROWN, SUPERINTENDENT, WABASH VALLEY CORRECTIONAL FACILITY, ET AL.* C. A. 7th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court’s Rule 39.8. As petitioner has repeatedly abused this Court’s process, the Clerk is directed not to accept any further petitions in noncriminal matters from petitioner unless the docketing fee required by Rule 38(a) is paid and the petition is submitted in compliance with Rule 33.1. See *Martin v. District of Columbia Court of Appeals*, 506 U. S. 1 (1992) (*per curiam*).

No. 14–9821. *WILLIAMS v. UNITED STATES ET AL.* C. A. 5th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari before judgment dismissed. See this Court’s Rule 39.8.

No. 14–9835. *COX v. O’BRIEN, WARDEN.* 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: 597 Fed. Appx. 189.

No. 14–9838. *CROSBY v. IVES, 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. As petitioner has repeatedly abused this Court’s process, the Clerk is directed not to accept any further petitions in noncriminal matters from petitioner unless the docketing fee required by Rule 38(a) is paid and the petition is submitted in compliance with Rule 33.1. See *Martin v. District of Columbia Court of Appeals*, 506 U. S. 1 (1992) (*per curiam*).

Miscellaneous Orders

No. D–2813. *IN RE DISBARMENT OF MONGELLI.* Disbarment entered. [For earlier order herein, see 574 U. S. 806.]

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No. D-2814. IN RE DISBARMENT OF TARSHIS. Disbarment entered. [For earlier order herein, see 574 U. S. 806.]

No. D-2815. IN RE DISBARMENT OF SPECTOR. Disbarment entered. [For earlier order herein, see 574 U. S. 806.]

No. D-2816. IN RE DISBARMENT OF COUNCIL. Disbarment entered. [For earlier order herein, see 574 U. S. 971.]

No. D-2817. IN RE DISBARMENT OF DAUGERDAS. Disbarment entered. [For earlier order herein, see 574 U. S. 971.]

No. D-2818. IN RE DISBARMENT OF LEWIS. Disbarment entered. [For earlier order herein, see 574 U. S. 971.]

No. D-2819. IN RE DISBARMENT OF COOPER. Disbarment entered. [For earlier order herein, see 574 U. S. 1022.]

No. D-2820. IN RE DISBARMENT OF BERGER. Disbarment entered. [For earlier order herein, see 574 U. S. 1023.]

No. D-2821. IN RE DISBARMENT OF SCHER. Disbarment entered. [For earlier order herein, see 574 U. S. 1023.]

No. D-2822. IN RE DISBARMENT OF JACKSON. Disbarment entered. [For earlier order herein, see 574 U. S. 1023.]

No. D-2823. IN RE DISBARMENT OF HILL. Disbarment entered. [For earlier order herein, see 574 U. S. 1023.]

No. D-2824. IN RE DISBARMENT OF PURCELL. Disbarment entered. [For earlier order herein, see 574 U. S. 1023.]

No. D-2826. IN RE DISBARMENT OF WORSHAM. Disbarment entered. [For earlier order herein, see 574 U. S. 1023.]

No. 14M129. MCDOWELL *v.* COMMISSIONER OF INTERNAL REVENUE. Motion to direct the Clerk to file petition for writ of certiorari out of time under this Court's Rule 14.5 denied.

No. 14-990. SHAPIRO ET AL. *v.* MACK, CHAIRMAN, MARYLAND STATE BOARD OF ELECTIONS, ET AL. C. A. 4th Cir. [Certiorari granted, *ante*, p. 1003.] Motion of petitioners to dispense with printing joint appendix granted.

No. 14-7802. IN RE HOLLOWAY. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [574 U. S. 1190] denied.

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No. 14–7899. *PERRY v. EDD ET AL.* Ct. App. Cal., 2d App. Dist. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [575 U. S. 909] denied.

No. 14–8081. *DAKER v. ROBINSON ET AL.* C. A. 11th Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [575 U. S. 932] denied.

No. 14–8082. *DAKER v. DAWES ET AL.* C. A. 11th Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [575 U. S. 932] denied.

No. 14–9396. *JUDY v. OBAMA, PRESIDENT OF THE UNITED STATES, ET AL.* C. A. 10th Cir.; and

No. 14–9747. *MACAK v. McDONALD, SECRETARY OF VETERANS AFFAIRS.* C. A. Fed. Cir. Motions of petitioners for leave to proceed *in forma pauperis* denied. Petitioners are allowed until July 13, 2015, 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. 14–9972. *IN RE JAVIER BARAJAS*; and

No. 14–9974. *IN RE AYERS.* Petitions for writs of habeas corpus denied.

No. 14–1254. *IN RE POTTS.* Petition for writ of mandamus denied.

No. 14–9840. *IN RE MATTHEWS.* Motion of petitioner for leave to proceed *in forma pauperis* denied, and petition for writ of mandamus dismissed. See this Court’s Rule 39.8. As petitioner has repeatedly abused this Court’s process, the Clerk is directed not to accept any further petitions in noncriminal matters from petitioner unless the docketing fee required by Rule 38(a) is paid and the petition is submitted in compliance with Rule 33.1. See *Martin v. District of Columbia Court of Appeals*, 506 U. S. 1 (1992) (*per curiam*).

Certiorari Granted

No. 14–916. *KINGDOMWARE TECHNOLOGIES, INC. v. UNITED STATES.* C. A. Fed. Cir. Certiorari granted. Reported below: 754 F. 3d 923.

Certiorari Denied

No. 14–448. *GOOGLE, INC. v. VEDERI, LLC.* C. A. Fed. Cir. Certiorari denied. Reported below: 744 F. 3d 1376.

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No. 14–602. *RAMIREZ UMANA v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 750 F. 3d 320.

No. 14–1006. *JOHNSON v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 583 Fed. Appx. 503.

No. 14–1037. *NYAMBAL v. INTERNATIONAL MONETARY FUND*. C. A. D. C. Cir. Certiorari denied. Reported below: 772 F. 3d 277.

No. 14–1069. *ZAYAC v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 765 F. 3d 112.

No. 14–1085. *FORD MOTOR CO. v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 768 F. 3d 580.

No. 14–1103. *BOLDEN ET AL. v. CITY OF EUCLID, OHIO, ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 595 Fed. Appx. 464.

No. 14–1118. *RUGIERO v. NATIONSTAR MORTGAGE, LLC, ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 580 Fed. Appx. 376.

No. 14–1131. *ZHENLI YE GON v. AYLOR, WARDEN, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 774 F. 3d 207.

No. 14–1138. *ARANSAS PROJECT v. SHAW, CHAIRMAN OF THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY, ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 775 F. 3d 641.

No. 14–1189. *SCHWALIER v. CARTER, SECRETARY OF DEFENSE, ET AL.* C. A. Fed. Cir. Certiorari denied. Reported below: 776 F. 3d 832.

No. 14–1190. *FCA US LLC, FKA CHRYSLER GROUP LLC v. FOX HILLS MOTOR SALES, INC., ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 776 F. 3d 411.

No. 14–1204. *SIMPSON v. FEUERSTEIN*. C. A. 3d Cir. Certiorari denied. Reported below: 582 Fed. Appx. 93.

No. 14–1205. *KORO AR, S. A. v. UNIVERSAL LEATHER, LLC*. C. A. 4th Cir. Certiorari denied. Reported below: 773 F. 3d 553.

No. 14–1231. *LAM ET AL. v. CITY AND COUNTY OF SAN FRANCISCO, CALIFORNIA, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 565 Fed. Appx. 641.

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No. 14–1240. *ZURICH AMERICAN INSURANCE CO. ET AL. v. TENNESSEE; NORTHERN INSURANCE COMPANY OF NEW YORK ET AL. v. TENNESSEE; AMERICAN HOME ASSURANCE CO. ET AL. v. TENNESSEE*; and *GREAT AMERICAN INSURANCE COMPANY OF NEW YORK v. TENNESSEE*. Ct. App. Tenn. Certiorari denied.

No. 14–1241. *LAWRENCE v. GWINNETT COUNTY, GEORGIA, ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 557 Fed. Appx. 864.

No. 14–1246. *GORSKI v. UNITED STATES ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 585 Fed. Appx. 929.

No. 14–1247. *HARTIGAN v. UTAH TRANSIT AUTHORITY.* C. A. 10th Cir. Certiorari denied. Reported below: 595 Fed. Appx. 779.

No. 14–1253. *CLADAKIS v. MILLER.* Ct. App. Miss. Certiorari denied. Reported below: 155 So. 3d 181.

No. 14–1257. *MOORHEAD ET AL. v. FIRST TENNESSEE BANK N. A.* Ct. App. Tenn. Certiorari denied.

No. 14–1258. *LEYVA v. WELLS FARGO BANK, N. A.* Dist. Ct. App. Fla., 3d Dist. Certiorari denied. Reported below: 155 So. 3d 359.

No. 14–1263. *CORBETT v. TRANSPORTATION SECURITY ADMINISTRATION.* C. A. 11th Cir. Certiorari denied. Reported below: 767 F. 3d 1171.

No. 14–1267. *POTTS v. AMERICAN BOTTLING CO. ET AL.* C. A. 6th Cir. Certiorari denied. Reported below: 595 Fed. Appx. 540.

No. 14–1274. *TZE WUNG CONSULTANTS, LTD. v. BANK OF BARODA.* C. A. 2d Cir. Certiorari denied. Reported below: 580 Fed. Appx. 33.

No. 14–1289. *WEIDMAN v. EXXON MOBIL CORP. ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 776 F. 3d 214.

No. 14–1293. *HAYASHI v. ILLINOIS DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION.* Sup. Ct. Ill. Certiorari denied. Reported below: 2014 IL 116023, 25 N. E. 3d 570.

No. 14–1304. *APOTEX INC. ET AL. v. UCB, INC., ET AL.* C. A. Fed. Cir. Certiorari denied. Reported below: 763 F. 3d 1354.

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No. 14–1329. *WILSON v. CLEVELAND CLINIC FOUNDATION*. C. A. 6th Cir. Certiorari denied. Reported below: 579 Fed. Appx. 392.

No. 14–1340. *LUCREE v. UNITED STATES*. C. A. Fed. Cir. Certiorari denied. Reported below: 596 Fed. Appx. 922.

No. 14–1345. *ACEVEDO-PEREZ ET AL. v. UNITED STATES ET AL.* C. A. 1st Cir. Certiorari denied. Reported below: 768 F. 3d 51.

No. 14–1347. *GAON v. NEVADA*. Sup. Ct. Nev. Certiorari denied. Reported below: 130 Nev. 1250.

No. 14–1349. *ESPARZA DE RUBIO v. LYNCH, ATTORNEY GENERAL*. C. A. 9th Cir. Certiorari denied.

No. 14–1355. *SALADO-ALVA v. LYNCH, ATTORNEY GENERAL*. C. A. 9th Cir. Certiorari denied. Reported below: 588 Fed. Appx. 700.

No. 14–1369. *RAMON TARANGO, AKA TARANGO v. LYNCH, ATTORNEY GENERAL*. C. A. 5th Cir. Certiorari denied. Reported below: 592 Fed. Appx. 293.

No. 14–1390. *ALLEGHENY FORD TRUCK SALES, INC., ET AL. v. FORD MOTOR CO.* C. A. 3d Cir. Certiorari denied. Reported below: 607 Fed. Appx. 203.

No. 14–8305. *CATHEY v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied. Reported below: 451 S. W. 3d 1.

No. 14–8964. *SELVAN-CUPIL v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 603 Fed. Appx. 242.

No. 14–8969. *FRAZIER v. JENKINS, WARDEN*. C. A. 6th Cir. Certiorari denied. Reported below: 770 F. 3d 485.

No. 14–9349. *SERRANO v. OREGON*. Sup. Ct. Ore. Certiorari denied. Reported below: 355 Ore. 172, 324 P. 3d 1274.

No. 14–9355. *SKLYARSKY v. MEANS-KNAUS PARTNERS, L. P., ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 777 F. 3d 892.

No. 14–9357. *HEFFERNAN v. ARLINGTON COUNTY DEPARTMENT OF HUMAN SERVICES*. Sup. Ct. Va. Certiorari denied.

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No. 14–9358. *SPELLER v. VIRGINIA*. Sup. Ct. Va. Certiorari denied.

No. 14–9362. *PEARSON v. HAAS, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 14–9367. *DUNCAN v. SHELDON, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 14–9369. *GARCIA v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied.

No. 14–9374. *STEEDLEY v. CLARKE, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS*. C. A. 4th Cir. Certiorari denied. Reported below: 585 Fed. Appx. 103.

No. 14–9375. *YUAN v. GREEN CENTURY DEVELOPMENT, LLC, ET AL.* Ct. App. Cal., 2d App. Dist., Div. 5. Certiorari denied.

No. 14–9376. *TOMASELLI ET AL. v. BEAULIEU ET AL.* C. A. 1st Cir. Certiorari denied.

No. 14–9381. *HAMPTON v. TRIBLEY, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 14–9382. *GREENE v. CLARKE, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS*. C. A. 4th Cir. Certiorari denied. Reported below: 583 Fed. Appx. 171.

No. 14–9383. *FREEMAN v. TEXAS*. Ct. Crim. App. Tex. Certiorari denied.

No. 14–9388. *SIMS v. ILLINOIS*. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 2014 IL App (1st) 130840–U.

No. 14–9389. *CHANH MINH DANG v. GIURBINO, WARDEN*. C. A. 9th Cir. Certiorari denied. Reported below: 589 Fed. Appx. 385.

No. 14–9391. *LIMA CASTRO v. TANNER, WARDEN*. C. A. 5th Cir. Certiorari denied.

No. 14–9393. *SMITH v. MURRAY ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 597 Fed. Appx. 807.

No. 14–9394. *CANADA v. ARKANSAS*. Sup. Ct. Ark. Certiorari denied. Reported below: 2015 Ark. 8.

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No. 14–9395. *CRISBASAN v. COLLINS, JUDGE, CIRCUIT COURT OF ILLINOIS, 17TH JUDICIAL CIRCUIT; CRISBASAN v. O’NEAL; CRISBASAN v. PAYNE; and CRISBASAN v. SWEENEY ET AL.* Sup. Ct. Ill. Certiorari denied.

No. 14–9401. *HODGE v. FLORIDA.* Dist. Ct. App. Fla., 2d Dist. Certiorari denied. Reported below: 147 So. 3d 1029.

No. 14–9402. *CABRERA-FLORES v. OATES.* C. A. 4th Cir. Certiorari denied. Reported below: 566 Fed. Appx. 279.

No. 14–9411. *FENNELL v. JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS.* C. A. 11th Cir. Certiorari denied. Reported below: 582 Fed. Appx. 828.

No. 14–9412. *HESSMER v. WILSON COUNTY, TENNESSEE, ET AL.* C. A. 6th Cir. Certiorari denied.

No. 14–9413. *FAYSON v. JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS.* C. A. 11th Cir. Certiorari denied. Reported below: 568 Fed. Appx. 771.

No. 14–9414. *GATEWOOD v. STEPHENS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION.* C. A. 5th Cir. Certiorari denied.

No. 14–9415. *PATTON v. BRYANT ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 584 Fed. Appx. 242.

No. 14–9420. *ROSS v. LOUISIANA.* Ct. App. La., 4th Cir. Certiorari denied. Reported below: 2011–1668 (La. App. 4 Cir. 6/4/14), 144 So. 3d 1118.

No. 14–9421. *MAZIN v. TOWN OF NORWOOD, MASSACHUSETTS, ET AL.* App. Ct. Mass. Certiorari denied. Reported below: 85 Mass. App. 1128, 10 N. E. 3d 672.

No. 14–9422. *KARGBO v. NEW HAMPSHIRE.* Sup. Ct. N. H. Certiorari denied.

No. 14–9427. *TKACHYSHYN v. NEW YORK COMMISSIONER OF LABOR.* App. Div., Sup. Ct. N. Y., 3d Jud. Dept. Certiorari denied. Reported below: 109 App. Div. 3d 1071, 972 N. Y. S. 2d 350.

No. 14–9430. *BABB v. MAINE.* Sup. Jud. Ct. Me. Certiorari denied. Reported below: 2014 ME 129, 104 A. 3d 878.

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No. 14–9435. *SIMMONS v. TEXAS*. Ct. App. Tex., 1st Dist. Certiorari denied.

No. 14–9439. *PATTERSON v. WISCONSIN*. Ct. App. Wis. Certiorari denied. Reported below: 2014 WI App 90, 356 Wis. 2d 326, 855 N. W. 2d 491.

No. 14–9447. *THOMAS v. MCCULLOCH, DIRECTOR, SAND RIDGE SECURE TREATMENT FACILITY*. C. A. 7th Cir. Certiorari denied.

No. 14–9531. *SUTTON v. COLVIN, ACTING COMMISSIONER OF SOCIAL SECURITY*. C. A. 6th Cir. Certiorari denied.

No. 14–9549. *SANTIAGO v. COLLINS ET AL.* C. A. 3d Cir. Certiorari denied.

No. 14–9572. *DOWLING v. PENNSYLVANIA*. Super. Ct. Pa. Certiorari denied. Reported below: 105 A. 3d 787.

No. 14–9581. *HENSON v. CLARKE, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS*. C. A. 4th Cir. Certiorari denied. Reported below: 585 Fed. Appx. 42.

No. 14–9585. *GAMBLE v. BULLARD ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 563 Fed. Appx. 259.

No. 14–9604. *RICHARDSON v. HUNTER, SUPERINTENDENT, PIEDMONT REGIONAL JAIL, ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 584 Fed. Appx. 57.

No. 14–9613. *RANGREJ v. COLVIN, ACTING COMMISSIONER OF SOCIAL SECURITY*. C. A. 9th Cir. Certiorari denied. Reported below: 593 Fed. Appx. 717.

No. 14–9614. *LAVENDER v. CARROLL, SECRETARY, FLORIDA DEPARTMENT OF CHILDREN AND FAMILY SERVICES, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 14–9615. *MABLE v. UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF WASHINGTON ET AL.* C. A. 9th Cir. Certiorari denied.

No. 14–9623. *YUSOV v. LYNCH, ATTORNEY GENERAL, ET AL.* C. A. 2d Cir. Certiorari denied.

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No. 14–9644. *MACHEN v. RACKLEY, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 14–9657. *PATTERSON v. BRODERICK ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 591 Fed. Appx. 622.

No. 14–9664. *COLLINS v. STEELE, WARDEN*. C. A. 8th Cir. Certiorari denied.

No. 14–9677. *JOHNSON v. COLVIN, ACTING COMMISSIONER OF SOCIAL SECURITY*. C. A. 5th Cir. Certiorari denied. Reported below: 595 Fed. Appx. 443.

No. 14–9705. *WHITE v. OBAMA, PRESIDENT OF THE UNITED STATES, ET AL.* C. A. D. C. Cir. Certiorari denied.

No. 14–9709. *SIMPSON v. KELLEY, DIRECTOR, ARKANSAS DEPARTMENT OF CORRECTION*. C. A. 8th Cir. Certiorari denied.

No. 14–9714. *SHOEMAKER v. FREEMAN, WARDEN*. C. A. 6th Cir. Certiorari denied. Reported below: 600 Fed. Appx. 979.

No. 14–9715. *PEREZ v. STEPHENS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied. Reported below: 593 Fed. Appx. 402.

No. 14–9716. *BELLON v. NEVEN, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 14–9722. *MESSERE ET AL. v. WHITE ET AL.* C. A. 1st Cir. Certiorari denied.

No. 14–9735. *THOMAS v. UNITED STATES POSTAL SERVICE*. C. A. Fed. Cir. Certiorari denied. Reported below: 593 Fed. Appx. 988.

No. 14–9775. *DONELSON v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 14–9788. *MATTOX v. PRYOR, WARDEN, ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 588 Fed. Appx. 833.

No. 14–9800. *FLOYD v. DEPARTMENT OF HOMELAND SECURITY ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 585 Fed. Appx. 63.

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No. 14–9808. *BURNS v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 781 F. 3d 688.

No. 14–9818. *RAMIREZ-SALAZAR v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 589 Fed. Appx. 368.

No. 14–9830. *COX v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 575 Fed. Appx. 117.

No. 14–9832. *ELLISON v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 588 Fed. Appx. 266.

No. 14–9839. *JOHNS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 586 Fed. Appx. 163.

No. 14–9842. *JOUBERT v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 778 F. 3d 247.

No. 14–9857. *MERCER v. UNITED STATES*. Ct. App. D. C. Certiorari denied. Reported below: 111 A. 3d 647.

No. 14–9859. *LANDON v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 600 Fed. Appx. 255.

No. 14–9868. *SUSINKA v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 14–9871. *THOMPSON v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 14–9874. *WILLIAMS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 594 Fed. Appx. 251.

No. 14–9890. *KOCH v. THOMAS, WARDEN, ET AL.* C. A. 9th Cir. Certiorari denied.

No. 14–9892. *LARACUENT v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 778 F. 3d 347.

No. 14–9896. *VARNER v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 14–9898. *BAILEY v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 14–9900. *WATFORD v. UNITED STATES*. C. A. 6th Cir. Certiorari denied.

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No. 14–9901. *LUMPKINS v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 14–9912. *KOPP v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 778 F. 3d 986.

No. 14–9913. *MCGEE v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 602 Fed. Appx. 90.

No. 14–9915. *DOE v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 593 Fed. Appx. 247.

No. 14–9917. *BELL v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 601 Fed. Appx. 396.

No. 14–9918. *BURNEY v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 778 F. 3d 536.

No. 14–9935. *ESPINDOLA-PINEDA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 599 Fed. Appx. 161.

No. 14–9940. *THOMPSON v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 616 Fed. Appx. 770.

No. 14–9942. *SANCHEZ-HERNANDEZ v. UNITED STATES*. C. A. 1st Cir. Certiorari denied.

No. 14–9944. *RABANALES-CASIA v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 586 Fed. Appx. 690.

No. 14–9950. *NOLASCO-PERAZA ET AL. v. UNITED STATES* (Reported below: 606 Fed. Appx. 175); *GONZALEZ CAAL, AKA MANUEL GONZALEZ v. UNITED STATES* (605 Fed. Appx. 403); and *QUINTERO-FLORES v. UNITED STATES* (605 Fed. Appx. 389). C. A. 5th Cir. Certiorari denied.

No. 14–9951. *LEDEZMA-RODRIGUEZ ET AL. v. UNITED STATES* (Reported below: 595 Fed. Appx. 435); *GARCIA-ZELAYA, AKA GARCIA, AKA GARCIA ZELAYA v. UNITED STATES* (600 Fed. Appx. 268); *CHICOJ-MEJIA v. UNITED STATES* (605 Fed. Appx. 391); and *FRANCO-ALARCON, AKA ADAN FRANCO, AKA FRANCO ALARCON, AKA FRANCO v. UNITED STATES* (600 Fed. Appx. 266). C. A. 5th Cir. Certiorari denied.

No. 14–9952. *LUNA-SOTO v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 601 Fed. Appx. 323.

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No. 14–1128. SECURITIES INVESTOR PROTECTION CORP. *v.* IDA FISHMAN REVOCABLE TRUST ET AL. C. A. 2d Cir. Motions of Academics; Certain “Net Loser” Customers; and National Association of Bankruptcy Trustees for leave to file briefs as *amici curiae* granted. Certiorari denied. Reported below: 773 F. 3d 411.

No. 14–1129. PICARD, TRUSTEE FOR THE LIQUIDATION OF BERNARD L. MADOFF INVESTMENT SECURITIES LLC *v.* IDA FISHMAN REVOCABLE TRUST ET AL. C. A. 2d Cir. Motions of National Association of Bankruptcy Trustees; Kenneth Krys, as Liquidator and Foreign Representative of Fairfield Sentry Limited; Academics; and Certain “Net Loser” Customers for leave to file briefs as *amici curiae* granted. Certiorari denied. Reported below: 773 F. 3d 411.

No. 14–1371. PENNEY, AKA PENNY *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition.

No. 14–8740. CARLTON *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 593 Fed. Appx. 346.

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

The District Court enhanced petitioner Roy Carlton’s sentence based on a factual inaccuracy introduced into the sentencing record by the Government. The United States Court of Appeals for the Fifth Circuit refused to review Carlton’s appellate challenge to the enhancement, relying on Circuit precedent holding that factual errors are never cognizable on plain-error review. For the reasons that follow, I believe the Fifth Circuit’s precedent is misguided.

Carlton was convicted by a jury of possessing marijuana while incarcerated. The Probation Office prepared a presentence report recommending a two-level enhancement of Carlton’s base offense level because the ultimate aim of his crime was the distribution of a controlled substance in a prison. See United States Sentencing Commission, Guidelines Manual §2D1.1(b)(4) (Nov. 2014). The foundation for this enhancement was the Government’s representation that Carlton’s girlfriend, Whitney Anderson, had testified at trial that Carlton intended to use the marijuana to pay off a debt owed to another inmate. In fact,

Anderson said no such thing. The Government nevertheless repeated its faulty assertion at sentencing, and the District Court, which shared a similar misimpression of Anderson's testimony, imposed the enhancement and sentenced Carlton to 27 months' imprisonment.

Carlton challenged the sentencing enhancement before the Fifth Circuit, citing the inaccuracy regarding Anderson's testimony. The Government conceded its error, but the Fifth Circuit rejected Carlton's claim anyway. 593 Fed. Appx. 346 (2014) (*per curiam*). In light of defense counsel's failure to object at sentencing to the Government's characterization of the record, the court reviewed Carlton's argument under the plain-error standard. *Id.*, at 348. The Fifth Circuit acknowledged that the record "unambiguously" showed "Anderson never testified that Carlton needed the marijuana to repay a prison debt," and that the District Court had therefore erred in supporting the enhancement with her imagined statement. *Ibid.* The court explained, however, that the District Court's mistake was a mistake of fact. And under the Fifth Circuit's decision in *United States v. Lopez*, 923 F.2d 47 (1991) (*per curiam*), such a factual error "can never constitute plain error" because it "could have been cured by bringing it to the district court's attention at sentencing." 593 Fed. Appx., at 349 (quoting *Lopez*, 923 F.2d, at 50).

Judge Prado issued a concurring opinion. Although he agreed that *Lopez* controlled Carlton's case, Judge Prado wrote separately to reiterate his view that *Lopez* was wrongly decided. 593 Fed. Appx., at 349–352 (specially concurring opinion).

I agree with Judge Prado. This Court has long held that "[i]n exceptional circumstances, especially in criminal cases, appellate courts . . . may, of their own motion, notice errors to which no exception has been taken, if the errors are obvious, or if they otherwise seriously affect the fairness, integrity or public reputation of judicial proceedings." *United States v. Atkinson*, 297 U.S. 157, 160 (1936). The doctrine of plain error follows from the recognition that a "rigid and undeviating judicially declared practice under which courts of review would invariably and under all circumstances decline to consider all questions which had not previously been specifically urged would be out of harmony with . . . the rules of fundamental justice." *United States v. Olano*, 507 U.S. 725, 732 (1993) (internal quotation marks omitted). And in all the years since the doctrine arose, we have

never suggested that plain-error review should apply differently depending on whether a mistake is characterized as one of fact or one of law. To the contrary, “[w]e have emphasized that a *per se* approach to plain-error review is flawed.” *Puckett v. United States*, 556 U. S. 129, 142 (2009) (internal quotation marks omitted). The Fifth Circuit’s wooden rule that factual mistakes cannot constitute plain error runs counter to these teachings.

Federal Rule of Criminal Procedure 52(b), which codifies the common-law plain-error rule, similarly draws no distinction between factual errors and legal errors. It states: “A plain error that affects substantial rights may be considered even though it was not brought to the court’s attention.” Not “a plain *legal* error,” or “a plain error *other than a factual error*”; all plain errors fall within the Rule’s ambit. Courts must apply the Federal Rules as they are written, see *Leatherman v. Tarrant County Narcotics Intelligence and Coordination Unit*, 507 U. S. 163, 168 (1993), and no basis is apparent for reading into Rule 52(b) an exception for factual errors.

Given its inconsistency with the governing text and longstanding precedent, it is little wonder that no other court of appeals has adopted the *per se* rule outlined by the Fifth Circuit in *Lopez*.^{*} This lack of uniformity can have important consequences for criminal defendants. Indeed, Carlton’s case illustrates the potential inequity caused by the Fifth Circuit’s outlier

^{*}See, e. g., *United States v. Thomas*, 518 Fed. Appx. 610, 612–613 (CA11 2013) (*per curiam*) (applying plain-error review to asserted factual error); *United States v. Griffiths*, 504 Fed. Appx. 122, 126–127 (CA3 2012) (same); *United States v. Durham*, 645 F. 3d 883, 899–900 (CA7 2011) (same); *United States v. Sahakian*, 446 Fed. Appx. 861, 863 (CA9 2011) (same); *United States v. Romeo*, 385 Fed. Appx. 45, 50 (CA2 2010) (same); *United States v. Gonzalez-Castillo*, 562 F. 3d 80, 83–84 (CA1 2009) (same); *United States v. Sargent*, 19 Fed. Appx. 268 (CA6 2001) (*per curiam*) (same); *United States v. Wells*, 163 F. 3d 889, 900 (CA4 1998) (same); *United States v. Saro*, 24 F. 3d 283, 291 (CAD9 1994) (same). Of the remaining Courts of Appeals, it appears that only the Tenth Circuit has articulated a rule for unraised factual errors anything like the Fifth Circuit’s. See *United States v. Overholt*, 307 F. 3d 1231, 1253 (2002) (where defendant “fail[s] to raise his factual challenge at sentencing,” court will “consider the issue waived and will not find plain error”). But even the Tenth Circuit’s rule is subject to an exception in cases, like this one, where “the appellant can establish the certainty of a favorable finding on remand.” *United States v. Dunbar*, 718 F. 3d 1268, 1280 (2013) (internal quotation marks omitted).

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position on plain error: All agree the District Court improperly relied on testimony Anderson never gave. But in the Fifth Circuit—and only the Fifth Circuit—that mistake cannot be reviewed and possibly corrected. As a result, Carlton may spend several additional months in jail simply because he was sentenced in Alexandria, Louisiana, instead of Alexandria, Virginia.

For all these reasons, I conclude that *Lopez's* categorical rule is unjustified. Nevertheless, I reluctantly agree with the Court's decision to deny certiorari in this case. The Solicitor General informs us that the Fifth Circuit is at times inconsistent in its adherence to *Lopez*. Compare *United States v. Akinosho*, 285 Fed. Appx. 128, 130 (2008) (*per curiam*) (applying *Lopez*), with *United States v. Stevenson*, 97 Fed. Appx. 468, 470 (2004) (*per curiam*) (ignoring *Lopez*); see also *United States v. Rodriguez*, 15 F. 3d 408, 416, n. 10 (1994) (questioning whether *Lopez* survived this Court's decision in *Olano*). When that sort of internal division exists, the ordinary course of action is to allow the court of appeals the first opportunity to resolve the disagreement. I hope the Fifth Circuit will use that opportunity to rethink its approach to plain-error review.

Rehearing Denied

No. 14–950. *SCHAFLER v. HSBC BANK USA ET AL.*, 575 U. S. 951;

No. 14–1046. *FLANDER v. TEXAS DEPARTMENT OF PUBLIC SAFETY ET AL.*, 575 U. S. 985;

No. 14–1105. *DEAN v. SLADE ET AL.*, 575 U. S. 985;

No. 14–7316. *WHEETLEY v. TENNESSEE*, 575 U. S. 916;

No. 14–7688. *OLTEN v. UNITED STATES*, 575 U. S. 986;

No. 14–8338. *WILLIAMS v. CIRCUIT COURT OF WISCONSIN, RACINE COUNTY, ET AL.*, 575 U. S. 965;

No. 14–8367. *PERRY v. ENTERTAINMENT ONE ET AL.*, 575 U. S. 965;

No. 14–8429. *TONY v. HAKALA ET AL.*, 575 U. S. 967;

No. 14–8513. *RAGIN v. CIRCUIT COURT OF VIRGINIA, CITY OF NEWPORT NEWS*, 575 U. S. 986;

No. 14–8722. *BOYKIN v. UNITED STATES*, 575 U. S. 971;

No. 14–8727. *L. B. v. SAN DIEGO COUNTY HEALTH AND HUMAN SERVICES AGENCY*, 575 U. S. 1001;

No. 14–8735. *CUNNINGHAM v. DEPARTMENT OF JUSTICE*, 575 U. S. 1001;

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No. 14–8786. OKEAYAINNEH *v.* UNITED STATES, 575 U. S. 972;
No. 14–8834. SAYERS *v.* VIRGINIA, 575 U. S. 1014;
No. 14–8927. CASCIOLA *v.* JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL., 575 U. S. 1001; and
No. 14–9027. WRIGHT *v.* WILLIAMSBURG AREA MEDICAL ASSISTANCE CORP., AKA OLDE TOWNE MEDICAL CENTER, 575 U. S. 1002. Petitions for rehearing denied.

No. 14–7102. KEARNEY *v.* GRAHAM, SUPERINTENDENT, AUBURN CORRECTIONAL FACILITY, 574 U. S. 1132. Petition for rehearing denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition.

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Certiorari Granted—Vacated and Remanded

No. 13–1305. COVENTRY HEALTH CARE OF MISSOURI, INC., FKA GROUP HEALTH PLAN, INC. *v.* NEVILS. Sup. Ct. Mo. Reported below: 418 S. W. 3d 451; and

No. 13–1467. AETNA LIFE INSURANCE Co. *v.* KOBOLD. Ct. App. Ariz. Reported below: 233 Ariz. 100, 309 P. 3d 924. Certiorari granted, judgments vacated, and cases remanded for further consideration in light of new regulations promulgated by the Office of Personnel Management (OPM). See OPM, Final Rule, Federal Employees Health Benefits Program; Subrogation and Reimbursement Recovery, 80 Fed. Reg. 29203 (May 21, 2015) (5 CFR §890.106).

No. 14–35. BERGER, PRESIDENT PRO TEMPORE OF THE NORTH CAROLINA SENATE, ET AL. *v.* AMERICAN CIVIL LIBERTIES UNION OF NORTH CAROLINA ET AL. C. A. 4th Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Walker v. Texas Div., Sons of Confederate Veterans, Inc.*, ante, p. 200. Reported below: 742 F. 3d 563.

No. 14–428. THAYER ET AL. *v.* CITY OF WORCESTER, MASSACHUSETTS. C. A. 1st Cir. Motion of Homeless Empowerment Project for leave to file brief as *amicus curiae* granted. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Reed v. Town of Gilbert*, ante, p. 155. Reported below: 755 F. 3d 60.

No. 14–430. KELLY, WARDEN *v.* MCCARLEY. C. A. 6th Cir. Certiorari granted, judgment vacated, and case remanded for fur-

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ther consideration in light of *Davis v. Ayala*, ante, p. 257. Reported below: 759 F. 3d 535.

No. 14–783. WAGNER v. CITY OF GARFIELD HEIGHTS, OHIO, ET AL. C. A. 6th Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Reed v. Town of Gilbert*, ante, p. 155. Reported below: 577 Fed. Appx. 488.

No. 14–983. HOOKS, WARDEN v. LANGFORD. 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 *Davis v. Ayala*, ante, p. 257. Reported below: 593 Fed. Appx. 422.

No. 14–1160. CARDSOFT, LLC v. VERIFONE, INC., ET AL. C. A. Fed. Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Teva Pharmaceuticals USA, Inc. v. Sandoz, Inc.*, 574 U.S. 318 (2015). Reported below: 769 F. 3d 1114.

No. 14–1201. CENTRAL RADIO CO. INC. ET AL. v. CITY OF NORFOLK, VIRGINIA. C. A. 4th Cir. Motions of Six Law Professors et al. and Neighborhood Enterprises, Inc., et al. for leave to file briefs as *amici curiae* granted. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Reed v. Town of Gilbert*, ante, p. 155. Reported below: 776 F. 3d 229.

Certiorari Dismissed

No. 14–9807. SINGLETON v. NELSON ET AL. C. A. 4th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8. As petitioner has repeatedly abused this Court's process, the Clerk is directed not to accept any further petitions in noncriminal matters from petitioner unless the docketing fee required by Rule 38(a) is paid and the petition is submitted in compliance with Rule 33.1. See *Martin v. District of Columbia Court of Appeals*, 506 U.S. 1 (1992) (*per curiam*). Reported below: 589 Fed. Appx. 86.

Miscellaneous Orders

No. 14A1065. ZUBIK ET AL. v. BURWELL, SECRETARY OF HEALTH AND HUMAN SERVICES, ET AL. Application for an order

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recalling and staying issuance of the mandate of the Court of Appeals for the Third Circuit pending the filing and disposition of a petition for writ of certiorari, having been submitted to JUSTICE ALITO, and by him referred to the Court, denied. The application as presented is denied. The Court furthermore orders: If applicants ensure that the Secretary of Health and Human Services is in possession of all information necessary to verify applicants' eligibility under 26 CFR § 54.9815-2713A(a) or 29 CFR § 2590.715-2713A(a) or 45 CFR § 147.131(b) (as applicable), respondents are enjoined from enforcing against applicants the challenged provisions of the Patient Protection and Affordable Care Act and related regulations pending final disposition of their petition for writ of certiorari. Nothing in this interim order affects the ability of applicants' or their organizations' employees to obtain, without cost, the full range of Food and Drug Administration approved contraceptives. Nor does this order preclude the Government from relying on the information provided by applicants, to the extent it considers it necessary, to facilitate the provision of full contraceptive coverage under the Act. See *Wheaton College v. Burwell*, 573 U. S. 958 (2014). This order should not be construed as an expression of the Court's views on the merits. *Ibid.* JUSTICE SOTOMAYOR would deny the application.

No. 14A1288. WHOLE WOMAN'S HEALTH ET AL. *v.* COLE, COMMISSIONER, TEXAS DEPARTMENT OF STATE HEALTH SERVICES, ET AL. Application for stay, presented to JUSTICE SCALIA, and by him referred to the Court, granted, and the issuance of the mandate of the United States Court of Appeals for the Fifth Circuit in case No. 14-50928 is stayed pending the timely filing and disposition of a petition for writ of certiorari. Should the petition for writ of certiorari be denied, this stay shall terminate automatically. In the event the petition for writ of certiorari is granted, the stay shall terminate upon the issuance of the judgment of this Court. THE CHIEF JUSTICE, JUSTICE SCALIA, JUSTICE THOMAS, and JUSTICE ALITO would deny the application.

No. D-2828. IN RE DISCIPLINE OF SCHACHTER. Robert A. Schachter, of Valley Cottage, 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.

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No. D-2829. IN RE DISCIPLINE OF EVOLA. Vito Matteo Evola, of Rosemount, 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-2830. IN RE DISCIPLINE OF FLYNN. Michael Lawrence Flynn, of LaGrange Park, 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-2831. IN RE DISCIPLINE OF SEGUIN. Robert S. Seguin, of Milltown, 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-2832. IN RE DISCIPLINE OF FELDMAN. Richard David Feldman, of Whitestone, 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-2833. IN RE DISCIPLINE OF DAMON. Geoffrey Parker Damon, of Independence, Ky., 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-2834. IN RE DISCIPLINE OF LAWTON. Ricky Lawton, of Fernley, Nev., is suspended from the practice of law in this Court, and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. D-2835. IN RE DISCIPLINE OF COOPER. Jon Charles Cooper, of Washington, D. C., is suspended from the practice of law in this Court, and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. D-2836. IN RE DISCIPLINE OF FLEMING. Lawrence J. Fleming, of St. Louis, Mo., 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. 14M30. *BLAND v. MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., ET AL.*;

No. 14M131. *TUBBS v. CAIN, WARDEN*;

No. 14M136. *PAPAS ET AL. v. PEOPLES MORTGAGE CO. ET AL.*; and

No. 14M137. *TOBIAS v. FEDERAL NATIONAL MORTGAGE ASSOCIATION*. Motions to direct the Clerk to file petitions for writs of certiorari out of time denied.

No. 14M132. *DIXON v. 24TH DISTRICT COURT OF LOUISIANA ET AL.*;

No. 14M133. *WHITEHEAD v. WHITE & CASE LLP ET AL.*; and

No. 14M138. *WALKER v. UNITED STATES*. Motions for leave to proceed as veterans denied.

No. 14M134. *IN RE BEN-ARI*. Motion for leave to file petition for writ of mandamus under seal with redacted copies for the public record granted.

No. 14M135. *SUPPRESSED v. SUPPRESSED*. Motion for leave to file petition for writ of certiorari under seal granted.

No. 143, Orig. *MISSISSIPPI v. TENNESSEE ET AL.* Motion for leave to file bill of complaint granted. Defendants are allowed 30 days within which to file an answer. [For earlier order herein, see 574 U. S. 957.]

No. 14–449. *KANSAS v. CARR*; and

No. 14–450. *KANSAS v. CARR*. Sup. Ct. Kan. [Certiorari granted, 575 U. S. 934]; and

No. 14–452. *KANSAS v. GLEASON*. Sup. Ct. Kan. [Certiorari granted, 575 U. S. 934.] Upon consideration of the joint motion of respondents for scheduling of argument and for divided argument, and of the motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument in Nos. 14–449 and 14–450, the following allocation of oral argument time is adopted. A total of one hour is allocated for oral argument in No. 14–452, and on Question 1 in Nos. 14–449 and 14–450, to be divided as follows: 30 minutes for petitioner, 20 minutes for respondents Jonathan D. Carr and Sidney J. Gleason.

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son, and 10 minutes for respondent Reginald D. Carr. A total of one hour is allocated for oral argument on Question 2 in Nos. 14–449 and 14–450, to be divided as follows: 20 minutes for petitioner, 10 minutes for the Solicitor General, 20 minutes for respondent Reginald D. Carr, and 10 minutes for respondent Jonathan D. Carr.

No. 14–8608. *DAKER v. WARREN, SHERIFF, COBB COUNTY, GEORGIA, ET AL.* C. A. 11th Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [575 U. S. 981] denied.

No. 14–8970. *LACROIX v. UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF KENTUCKY ET AL.* C. A. 11th Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [575 U. S. 1006] denied.

No. 14–9019. *LAVERGNE v. DATELINE NBC ET AL.* C. A. 5th Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [575 U. S. 1006] denied.

No. 14–9817. *MENDEZ v. UNITED STATES.* C. A. Fed. Cir.; and

No. 14–9981. *POOLE v. UNITED STATES.* C. A. 6th Cir. Motions of petitioners for leave to proceed *in forma pauperis* denied. Petitioners are allowed until July 20, 2015, 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. 14–10119. *IN RE RIVERA.* Petition for writ of habeas corpus denied.

No. 14–9880. *IN RE COX.* Petition for writ of mandamus denied.

Certiorari Granted

No. 14–181. *GOBEILLE, CHAIR OF THE VERMONT GREEN MOUNTAIN CARE BOARD v. LIBERTY MUTUAL INSURANCE CO.* C. A. 2d Cir. Certiorari granted. Reported below: 746 F. 3d 497.

No. 14–1095. *MUSACCHIO v. UNITED STATES.* C. A. 5th Cir. Certiorari granted. Reported below: 590 Fed. Appx. 359.

No. 14–1096. *LUNA TORRES v. LYNCH, ATTORNEY GENERAL.* C. A. 2d Cir. Certiorari granted. Reported below: 764 F. 3d 152.

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No. 14–981. *FISHER v. UNIVERSITY OF TEXAS AT AUSTIN ET AL.* C. A. 5th Cir. Certiorari granted. JUSTICE KAGAN took no part in the consideration or decision of this petition. Reported below: 758 F. 3d 633.

Certiorari Denied

No. 13–1379. *ATHENA COSMETICS, INC. v. ALLERGAN, INC., ET AL.* C. A. Fed. Cir. Certiorari denied. Reported below: 738 F. 3d 1350.

No. 14–656. *RJR PENSION INVESTMENT COMMITTEE ET AL. v. TATUM, INDIVIDUALLY AND ON BEHALF OF ALL OTHERS SIMILARLY SITUATED.* C. A. 4th Cir. Certiorari denied. Reported below: 761 F. 3d 346.

No. 14–920. *CITY OF LOMITA, CALIFORNIA v. FORTYUNE.* C. A. 9th Cir. Certiorari denied. Reported below: 766 F. 3d 1098.

No. 14–921. *VAUGHN v. INTERNAL REVENUE SERVICE.* C. A. 10th Cir. Certiorari denied. Reported below: 765 F. 3d 1174.

No. 14–973. *NGUYEN v. NORTH DAKOTA.* Sup. Ct. N. D. Certiorari denied. Reported below: 2014 ND 211, 858 N. W. 2d 652.

No. 14–1025. *ERICKSON v. UNITED STATES POSTAL SERVICE.* C. A. Fed. Cir. Certiorari denied. Reported below: 759 F. 3d 1341.

No. 14–1058. *SAMPATHKUMAR v. LYNCH, ATTORNEY GENERAL.* C. A. 2d Cir. Certiorari denied. Reported below: 573 Fed. Appx. 55.

No. 14–1072. *MALLO ET AL. v. INTERNAL REVENUE SERVICE.* C. A. 10th Cir. Certiorari denied. Reported below: 774 F. 3d 1313.

No. 14–1082. *RENZI v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 769 F. 3d 731.

No. 14–1083. *SANDLIN v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 769 F. 3d 731.

No. 14–1142. *BOUDREAUX v. SECURITIES AND EXCHANGE COMMISSION.* C. A. 11th Cir. Certiorari denied. Reported below: 581 Fed. Appx. 757.

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No. 14–1145. *WHITESIDE v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 775 F. 3d 180.

No. 14–1164. *KOBACH, KANSAS SECRETARY OF STATE, ET AL. v. UNITED STATES ELECTION ASSISTANCE COMMISSION ET AL.* C. A. 10th Cir. Certiorari denied. Reported below: 772 F. 3d 1183.

No. 14–1167. *ANADARKO PETROLEUM CORP. v. UNITED STATES*; and

No. 14–1217. *BP EXPLORATION & PRODUCTION INC. v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 753 F. 3d 570 and 772 F. 3d 350.

No. 14–1176. *PINE TOP RECEIVABLES OF ILLINOIS, LLC v. BANCO DE SEGUROS DEL ESTADO*. C. A. 7th Cir. Certiorari denied. Reported below: 771 F. 3d 980.

No. 14–1179. *STANLEY v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 595 Fed. Appx. 314.

No. 14–1198. *WIDMAR v. SUN CHEMICAL CORP.* C. A. 7th Cir. Certiorari denied. Reported below: 772 F. 3d 457.

No. 14–1200. *AMEDISYS, INC., ET AL. v. PUBLIC EMPLOYEES' RETIREMENT SYSTEM OF MISSISSIPPI ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 769 F. 3d 313.

No. 14–1216. *ENOS ET AL. v. LYNCH, ATTORNEY GENERAL, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 585 Fed. Appx. 447.

No. 14–1225. *FALCON EXPRESS INTERNATIONAL, INC. v. DHL EXPRESS (USA), INC.* Ct. App. Tex., 1st Dist. Certiorari denied. Reported below: 408 S. W. 3d 406.

No. 14–1251. *SUN LIFE ASSURANCE COMPANY OF CANADA v. GROUP DISABILITY BENEFITS PLAN FOR GYNECOLOGIC ONCOLOGY ASSOCIATES PARTNERS, LLC*. C. A. 9th Cir. Certiorari denied. Reported below: 597 Fed. Appx. 905.

No. 14–1265. *MINGO v. CITY OF MOBILE, ALABAMA*. C. A. 11th Cir. Certiorari denied. Reported below: 592 Fed. Appx. 793.

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No. 14–1266. *PINILLO v. HSBC BANK USA*. Sup. Ct. Fla. Certiorari denied. Reported below: 157 So. 3d 1047.

No. 14–1270. *WELTON v. ANDERSON ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 770 F. 3d 670.

No. 14–1277. *JOHNSON v. BANK OF AMERICA, N. A., ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 594 Fed. Appx. 953.

No. 14–1281. *GEICO GENERAL INSURANCE CO. v. GOULD ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 595 Fed. Appx. 901.

No. 14–1285. *ANGHEL v. NEW YORK STATE DEPARTMENT OF HEALTH ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 589 Fed. Appx. 28.

No. 14–1290. *CLARK v. CALLAHAN ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 587 Fed. Appx. 1000.

No. 14–1294. *MACKENZIE ET AL. v. AIR LINE PILOTS ASSOCIATION, INTERNATIONAL, ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 598 Fed. Appx. 223.

No. 14–1309. *AJAELO v. LOS ANGELES COUNTY, CALIFORNIA*. Ct. App. Cal., 2d App. Dist., Div. 4. Certiorari denied.

No. 14–1310. *EDWARDS v. LAKE ELSINORE UNIFIED SCHOOL DISTRICT ET AL.* Ct. App. Cal., 4th App. Dist., Div. 2. Certiorari denied. Reported below: 230 Cal. App. 4th 1532, 179 Cal. Rptr. 3d 626.

No. 14–1332. *BROCKETT v. BROWN*. C. A. 4th Cir. Certiorari denied. Reported below: 585 Fed. Appx. 133.

No. 14–1348. *GLASSON v. NEBRASKA*. Ct. App. Neb. Certiorari denied. Reported below: 22 Neb. App. xx.

No. 14–1354. *SACO ET AL. v. DEUTSCHE BANK NATIONAL TRUST Co.* C. A. 6th Cir. Certiorari denied. Reported below: 595 Fed. Appx. 500.

No. 14–1356. *ASSADINIA v. PENNSYLVANIA*. Super. Ct. Pa. Certiorari denied. Reported below: 108 A. 3d 109.

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No. 14–1360. *DIX v. UNKNOWN TRANSPORTATION SECURITY ADMINISTRATION AGENT ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 588 Fed. Appx. 499.

No. 14–1368. *CATAHAMA, LLC v. FIRST COMMONWEALTH BANK.* C. A. 3d Cir. Certiorari denied. Reported below: 601 Fed. Appx. 86.

No. 14–1370. *LAGUETTE v. U. S. BANK, N. A., AS ALLEGED TRUSTEE OF SPECIALTY UNDERWRITING AND RESIDENTIAL FINANCE TRUST, MORTGAGE LOAN ASSET-BACKED CERTIFICATES, SERIES 2006–BC4, ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 602 Fed. Appx. 936.

No. 14–1386. *WILBORN v. JOHNSON, SECRETARY OF HOMELAND SECURITY.* C. A. 9th Cir. Certiorari denied. Reported below: 592 Fed. Appx. 571.

No. 14–1387. *MEYER v. BURWELL, SECRETARY OF HEALTH AND HUMAN SERVICES.* C. A. 11th Cir. Certiorari denied. Reported below: 592 Fed. Appx. 786.

No. 14–1392. *ULTRAMERCIAL, LLC, ET AL. v. WILD TANGENT, INC.* C. A. Fed. Cir. Certiorari denied. Reported below: 772 F. 3d 709.

No. 14–1411. *LORENZO JIMENEZ v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. Reported below: 594 Fed. Appx. 46.

No. 14–1421. *ISAACS v. DARTMOUTH HITCHCOCK MEDICAL CENTER ET AL.* C. A. 1st Cir. Certiorari denied.

No. 14–8293. *MARRON, AKA MU’MIN v. MILLER ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 587 Fed. Appx. 69.

No. 14–8526. *LARA v. UNITED STATES.* C. A. 11th Cir. Certiorari denied. Reported below: 588 Fed. Appx. 935.

No. 14–8781. *DAWSON v. UNITED STATES.* C. A. 5th Cir. Certiorari denied.

No. 14–8916. *ROSELLO v. FLOURNOY, WARDEN.* C. A. 11th Cir. Certiorari denied.

No. 14–8980. *GABE v. TERRIS, WARDEN.* C. A. 6th Cir. Certiorari denied.

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No. 14–9016. *MIKE v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 596 Fed. Appx. 692.

No. 14–9041. *TRINIDAD LOZA v. JENKINS, WARDEN*. C. A. 6th Cir. Certiorari denied. Reported below: 766 F. 3d 466.

No. 14–9056. *MOORE v. SOUTH CAROLINA*. Ct. Common Pleas of Spartanburg County, S. C. Certiorari denied.

No. 14–9064. *HAYNES v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 579 Fed. Appx. 473.

No. 14–9138. *DE LA TORRE-DE LA TORRE v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 603 Fed. Appx. 301.

No. 14–9148. *HOLIDAY v. STEPHENS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*. C. A. 5th Cir. Certiorari denied. Reported below: 587 Fed. Appx. 767.

No. 14–9154. *GARCIA v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 596 Fed. Appx. 270.

No. 14–9419. *DYE v. MICHIGAN*. Sup. Ct. Mich. Certiorari denied. Reported below: 497 Mich. 952, 858 N. W. 2d 49.

No. 14–9432. *BROWN v. ILLINOIS*. App. Ct. Ill., 2d Dist. Certiorari denied. Reported below: 2014 IL App (2d) 121167, 11 N. E. 3d 882.

No. 14–9434. *BAILEY v. FORD, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 14–9436. *BLAND v. ALABAMA*. Ct. Crim. App. Ala. Certiorari denied. Reported below: 190 So. 3d 587.

No. 14–9440. *PRICE v. JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 14–9442. *LOWRY v. WENEROWICZ, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT GRATERFORD, ET AL.* C. A. 3d Cir. Certiorari denied.

No. 14–9450. *BILLARD v. TANNER, WARDEN*. C. A. 5th Cir. Certiorari denied. Reported below: 591 Fed. Appx. 280.

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No. 14–9452. *CONLEY v. MISSISSIPPI*. Sup. Ct. Miss. Certiorari denied.

No. 14–9455. *DESPOUT v. PENNSYLVANIA*. Super. Ct. Pa. Certiorari denied. Reported below: 105 A. 3d 46.

No. 14–9459. *LESTER v. HENTHORNE*. C. A. 4th Cir. Certiorari denied. Reported below: 593 Fed. Appx. 239.

No. 14–9463. *KEARNEY v. NEW YORK STATE DEPARTMENT OF CORRECTIONAL SERVICES ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 581 Fed. Appx. 45.

No. 14–9464. *SALLEY v. DRAGOVICH ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 594 Fed. Appx. 56.

No. 14–9465. *EMERSON v. JAMES F. LINCOLN ARC WELDING FOUNDATION ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 591 Fed. Appx. 522.

No. 14–9467. *MCQUEEN v. AEROTEK ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 573 Fed. Appx. 836.

No. 14–9473. *STEWART v. MCCOMBER, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 14–9483. *SAVINO v. SAVINO*. C. A. 2d Cir. Certiorari denied. Reported below: 590 Fed. Appx. 80.

No. 14–9484. *K. T. v. INDIANA*. Ct. App. Ind. Certiorari denied. Reported below: 20 N. E. 3d 928.

No. 14–9490. *ARCHER v. FLORIDA*. Sup. Ct. Fla. Certiorari denied. Reported below: 151 So. 3d 1223.

No. 14–9491. *ALLAH v. D’ILIO, ADMINISTRATOR, NEW JERSEY STATE PRISON, ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 572 Fed. Appx. 73.

No. 14–9497. *SMOTHERS v. MARYLAND*. Ct. Sp. App. Md. Certiorari denied.

No. 14–9509. *MCCLINTON v. KELLEY, DIRECTOR, ARKANSAS DEPARTMENT OF CORRECTION*. C. A. 8th Cir. Certiorari denied.

No. 14–9523. *CROSS v. FAYRAM, WARDEN*. C. A. 8th Cir. Certiorari denied.

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No. 14–9526. *GRAHAM ET AL. v. HARRINGTON, WARDEN*. C. A. 9th Cir. Certiorari denied. Reported below: 590 Fed. Appx. 714.

No. 14–9566. *HAMILTON v. NEGI ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 595 Fed. Appx. 346.

No. 14–9582. *GONZALEZ-GUZMAN v. WASHINGTON*. Ct. App. Wash. Certiorari denied. Reported below: 178 Wash. App. 1017.

No. 14–9598. *TALLEY v. DEPARTMENT OF JUSTICE ET AL.* C. A. 3d Cir. Certiorari denied.

No. 14–9628. *ULLRICH v. YORDY, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 14–9636. *BELLAMY v. PLUMLEY, WARDEN*. Sup. Ct. App. W. Va. Certiorari denied.

No. 14–9647. *BARRINER v. JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied. Reported below: 604 Fed. Appx. 801.

No. 14–9690. *MIDGYETT v. DENNEY, WARDEN*. C. A. 8th Cir. Certiorari denied.

No. 14–9706. *SALDIVAR v. LEWIS, WARDEN*. C. A. 9th Cir. Certiorari denied. Reported below: 585 Fed. Appx. 693.

No. 14–9733. *KING v. WISCONSIN*. Ct. App. Wis. Certiorari denied. Reported below: 2014 WI App 110, 357 Wis. 2d 721, 855 N. W. 2d 903.

No. 14–9744. *DAWSON v. PREMO, SUPERINTENDENT, OREGON STATE PENITENTIARY*. C. A. 9th Cir. Certiorari denied. Reported below: 588 Fed. Appx. 584.

No. 14–9746. *RICHARDSON v. JANDA, WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 14–9749. *PENDERGRASS v. BARKSDALE, WARDEN*. C. A. 4th Cir. Certiorari denied. Reported below: 595 Fed. Appx. 242.

No. 14–9758. *EHLER v. ARKANSAS*. Sup. Ct. Ark. Certiorari denied. Reported below: 2015 Ark. 107.

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No. 14–9765. *GLENN v. DANFORTH, WARDEN*. C. A. 11th Cir. Certiorari denied.

No. 14–9784. *DISALVO v. NEW YORK*. Ct. App. N. Y. Certiorari denied. Reported below: 24 N. Y. 3d 1138, 27 N. E. 3d 425.

No. 14–9790. *WILSON v. KANSAS*. Ct. App. Kan. Certiorari denied. Reported below: 49 Kan. App. 2d xxxv, 314 P. 3d 900.

No. 14–9802. *RICE v. BLANKENSHIP ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 591 Fed. Appx. 521.

No. 14–9862. *BOSWELL v. LOUISIANA ATTORNEY DISCIPLINARY BOARD*. Sup. Ct. La. Certiorari denied. Reported below: 2015–0548 (La. 4/17/15), 168 So. 3d 391.

No. 14–9876. *WILCOX v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 14–9877. *LOPEZ v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 586 Fed. Appx. 450.

No. 14–9881. *RICE v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 594 Fed. Appx. 481.

No. 14–9882. *COPELAND v. JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 11th Cir. Certiorari denied.

No. 14–9883. *BENSON v. UNITED STATES*. C. A. 8th Cir. Certiorari denied.

No. 14–9884. *IBN AHMAD v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 585 Fed. Appx. 870.

No. 14–9905. *GARGANO v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 14–9906. *HATFIELD v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 14–9907. *HATFIELD v. UNITED STATES*. C. A. 7th Cir. Certiorari denied.

No. 14–9908. *BAKER ET AL. v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 598 Fed. Appx. 165.

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No. 14–9910. *ALEJANDRO-MONTANEZ v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 778 F. 3d 352.

No. 14–9919. *BARBARY v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 777 F. 3d 1234.

No. 14–9921. *THOMPSON v. FLORIDA*. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 162 So. 3d 994.

No. 14–9922. *THEARA YEM v. PEERY, ACTING WARDEN*. C. A. 9th Cir. Certiorari denied.

No. 14–9927. *JOHNSON v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 591 Fed. Appx. 324.

No. 14–9928. *CAIN v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 603 Fed. Appx. 840.

No. 14–9929. *CELESTINE v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 585 Fed. Appx. 271.

No. 14–9932. *CRAWFORD v. PARRIS, WARDEN*. C. A. 6th Cir. Certiorari denied.

No. 14–9947. *COX v. UNITED STATES*. C. A. 2d Cir. Certiorari denied. Reported below: 783 F. 3d 145.

No. 14–9948. *SILVER v. RESCAP BORROWER CLAIMS TRUST*. C. A. 2d Cir. Certiorari denied.

No. 14–9953. *ESCOBAR-TORRES v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 606 Fed. Appx. 173.

No. 14–9955. *BROWN v. UNITED STATES*. C. A. 3d Cir. Certiorari denied.

No. 14–9957. *ESCOBAR-MENDOZA v. UNITED STATES* (Reported below: 606 Fed. Appx. 159); *ESPINOZA-BARRON v. UNITED STATES* (606 Fed. Appx. 160); *APONTE-CARRASCO v. UNITED STATES* (606 Fed. Appx. 181); and *GARCIA-MEJIA, AKA ALBERTO LOPEZ v. UNITED STATES* (605 Fed. Appx. 387). C. A. 5th Cir. Certiorari denied.

No. 14–9958. *RIGGS v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 589 Fed. Appx. 523.

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No. 14–9963. *AGUILERA-ENCHAUTEGUI v. UNITED STATES*. C. A. 1st Cir. Certiorari denied.

No. 14–9966. *OILER v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 598 Fed. Appx. 165.

No. 14–9968. *NICKLESS v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 599 Fed. Appx. 222.

No. 14–9969. *JONES v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 603 Fed. Appx. 781.

No. 14–9970. *BONILLA v. GRIFFIN, SUPERINTENDENT, GREEN HAVEN CORRECTIONAL FACILITY*. C. A. 2d Cir. Certiorari denied.

No. 14–9975. *SHEPARD-FRASER v. UNITED STATES*. C. A. 1st Cir. Certiorari denied. Reported below: 784 F. 3d 11.

No. 14–9976. *WULF v. UNITED STATES*. C. A. 9th Cir. Certiorari denied.

No. 14–9979. *WASHINGTON v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 602 Fed. Appx. 688.

No. 14–9982. *MONTGOMERY v. BRENNAN, POSTMASTER GENERAL*. C. A. 7th Cir. Certiorari denied. Reported below: 602 Fed. Appx. 638.

No. 14–9984. *CASSIUS v. UNITED STATES*. C. A. 10th Cir. Certiorari denied. Reported below: 777 F. 3d 1093.

No. 14–9986. *VIAUD v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 601 Fed. Appx. 833.

No. 14–9987. *TAYLOR v. JAMES, SECRETARY OF THE AIR FORCE, ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 585 Fed. Appx. 381.

No. 14–9990. *PRATER v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 592 Fed. Appx. 210.

No. 14–9991. *MILLINER v. UNITED STATES*. C. A. 8th Cir. Certiorari denied. Reported below: 765 F. 3d 836.

No. 14–9993. *ATWOOD v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

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No. 14–9999. *GARCIA-HERNANDEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 606 Fed. Appx. 182.

No. 14–10000. *PRICE v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 777 F. 3d 700.

No. 14–10002. *SANCHEZ-SANCHEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 779 F. 3d 300.

No. 14–10006. *PHILLIPS v. UNITED STATES*. C. A. 3d Cir. Certiorari denied. Reported below: 589 Fed. Appx. 64.

No. 14–10010. *VERRUSIO v. UNITED STATES*. C. A. D. C. Cir. Certiorari denied. Reported below: 762 F. 3d 1.

No. 14–10015. *LAWSTON v. UNITED STATES*. C. A. 11th Cir. Certiorari denied. Reported below: 605 Fed. Appx. 785.

No. 14–10018. *SANCHEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 594 Fed. Appx. 245.

No. 14–10019. *SANZ DE LA ROSA v. UNITED STATES*. C. A. 11th Cir. Certiorari denied.

No. 14–10022. *PAPPAS v. UNITED STATES*. C. A. 2d Cir. Certiorari denied.

No. 14–10023. *ORTIZ-MARTINEZ v. UNITED STATES*. C. A. 9th Cir. Certiorari denied. Reported below: 593 Fed. Appx. 649.

No. 14–10024. *MORENO v. UNITED STATES*. C. A. 5th Cir. Certiorari denied.

No. 14–10026. *PENA-GARAVITO v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 595 Fed. Appx. 424.

No. 14–10027. *MORTON v. UNITED STATES*. C. A. 4th Cir. Certiorari denied. Reported below: 589 Fed. Appx. 231.

No. 14–10028. *MARTINEZ-JIMENEZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 595 Fed. Appx. 427.

No. 14–10030. *VASQUEZ-DIAZ v. UNITED STATES*. C. A. 5th Cir. Certiorari denied. Reported below: 589 Fed. Appx. 264.

No. 14–10032. *WALTERS v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. Reported below: 775 F. 3d 778.

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No. 14–10034. VALDEZ-NOVOA *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 780 F. 3d 906.

No. 14–10035. TRIPLETT *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 14–10039. BEGLEY *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 602 Fed. Appx. 622.

No. 14–10040. ALLAN *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied.

No. 14–10043. SHAW *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 604 Fed. Appx. 473.

No. 14–10046. LUTCHER *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 14–10052. MORRIS *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 14–10053. O’NEILL-SERRANO *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied.

No. 14–10054. DOMINGUEZ-GODINEZ *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 594 Fed. Appx. 279.

No. 14–395. JOYNER, WARDEN *v.* BARNES (Reported below: 751 F. 3d 229); and JOYNER, WARDEN *v.* HURST (757 F. 3d 389). C. A. 4th Cir. Motions of respondents for leave to proceed *in forma pauperis* granted. Certiorari denied.

JUSTICE THOMAS, with whom JUSTICE ALITO joins, dissenting.

The U. S. Court of Appeals for the Fourth Circuit made the same error in these cases that we have repeatedly summarily reversed this Term. I see no reason why these cases, which involve capital sentences that the State of North Carolina has a strong interest in imposing, should be treated differently. We should be consistent and use our discretionary review authority to correct this error.

I

This petition arises from two cases, which involve two separate defendants and trials. I discuss each in turn.

A

On October 29, 1992, William Leroy Barnes accompanied two other men, Robert Lewis Blakney and Frank Junior Chambers,

to the home of B. P. Tutterow and his wife, Ruby, with the intent to rob them. *State v. Barnes*, 345 N. C. 184, 200, 481 S. E. 2d 44, 51 (1997). The three targeted the Tutterows because Chambers knew that B. P., a deputy sheriff who worked at a jail where he had been held, often carried a significant amount of cash in his wallet. In the course of the robbery, Barnes and Chambers shot and killed the Tutterows. They then went to the apartment of some friends, where Barnes and Chambers showed off the guns they had stolen from the Tutterows.

The three men were tried together on two counts of first-degree murder, two counts of robbery with a dangerous weapon, and one count of first-degree burglary. The jury found them guilty on all counts. During the penalty phase of the trial, Chambers' attorney warned the jurors as follows that they would answer for their vote before God:

“All of us will stand in judgment one day. . . . [D]oes a true believer want to explain to God, yes, I did violate one of your commandments. Yes, I know they are not the ten suggestions. They are the ten commandments. I know it says, Thou shalt not kill, but I did it because the laws of man said I could. You can never justify violating a law of God by saying the laws of man allowed it. If there is a higher God and a higher law, I would say not.” App. to Pet. for Cert. 172a.

The jury recommended that Barnes and Chambers be sentenced to death for each murder and that Blakney be sentenced to two mandatory terms of life imprisonment.

After the jury made these recommendations, defense counsel moved to question the jury based on allegations that a juror had called a minister to seek guidance about capital punishment. Defense counsel acknowledged that there was no evidence that the juror had discussed the facts of the case with the minister. The trial court denied his motion.

On direct appeal, the Supreme Court of North Carolina concluded that the trial court did not abuse its discretion in denying that motion. It explained that “[t]he trial court was faced with the mere unsubstantiated allegation that a juror called a minister to ask a question about the death penalty” and that there was “no evidence that the content of any such possible discussion prejudiced defendants or that the juror gained access to improper or

prejudicial matters and considered them with regard to th[e] case.” *Barnes, supra*, at 228, 481 S. E. 2d, at 68.

After unsuccessfully seeking state collateral review, Barnes pursued federal relief, arguing that the Supreme Court of North Carolina had unreasonably applied clearly established federal law as determined by this Court when it denied relief on his juror misconduct claim, see 28 U. S. C. § 2254(d)(1). The U. S. District Court for the Middle District of North Carolina rejected that argument. The Court of Appeals reversed. 751 F. 3d 229 (CA4 2014). Over a dissent, the Court of Appeals concluded that the North Carolina court had unreasonably applied this Court’s decision in *Remmer v. United States*, 347 U. S. 227 (1954), which held that “‘any private communication, contact, or tampering, directly or indirectly, with a juror during a trial about the matter pending before the jury is . . . presumptively prejudicial.’” 751 F. 3d, at 241 (quoting *Remmer, supra*, at 229; emphasis deleted). Although *Remmer* did not provide further guidance as to what constituted “the matter pending before the jury,” the panel concluded, based on the Court of Appeals’ own precedents, that the death penalty generally was “the matter pending before the jury.” 751 F. 3d, at 248. The court remanded the case for the District Court to consider whether Barnes could show actual prejudice from the error under *Brecht v. Abrahamson*, 507 U. S. 619 (1993).

B

On June 9, 2002, Jason Wayne Hurst—the second defendant involved in this petition—murdered Daniel Lee Branch after arranging to buy a pump-action shotgun from him. *State v. Hurst*, 360 N. C. 181, 184–186, 624 S. E. 2d 309, 314–315 (2006). As Hurst later recounted, “[he] knew [he] was going to kill [Branch]” as soon as they finished scheduling the sale. *Id.*, at 185, 624 S. E. 2d, at 315 (brackets in original). The two men met in a field, where Hurst asked if he could test fire the gun. As Branch walked into the field to set up some cans and bottles for that purpose, Hurst opened fire. Hurst shot Branch three times. His first shot struck Branch in the ribs or stomach, prompting him to yell, “[N]o, no, don’t shoot.” *Ibid.* His second shot struck Branch in the side, causing him to fall. Hurst then walked over to Branch and shot him in the head, before taking his keys and driving off in Branch’s car.

A jury convicted Hurst of first-degree murder and recommended that he be sentenced to death. The trial court adopted the recommendation. In a later petition for state collateral review, Hurst asserted that his constitutional rights were violated when a juror asked her father where she could look in the Bible for passages about the death penalty. He attached an affidavit from juror Christina Foster, in which she stated that she had “often had lunch with [her] father who worked near the courthouse” during the trial and, before deliberations, had asked him “where [she] could look in the Bible for help and guidance in making [her] decision for between life and death.” App. in No. 13–6 (CA4), p. 441. Her father gave her “the section in the Bible where [she] could find ‘an eye for an eye.’” *Ibid.*

The state court rejected Hurst’s argument. It first noted that the U. S. Court of Appeals for the Fourth Circuit had “determined that the Bible does not constitute an improper external influence in a capital case.” *Id.*, at 481–482. It then found that Hurst had “presented no evidence” that Foster’s father either “knew what case juror Foster was sitting on” or “deliberately attempted to influence her vote by directing her to a specific passage in the Bible.” *Id.*, at 482. The court therefore denied Hurst relief, and the Supreme Court of North Carolina summarily denied a petition for review.

Hurst then filed an application for federal relief, arguing, among other things, that the North Carolina court had unreasonably applied clearly established federal law as determined by this Court in rejecting his juror-influence claim. See § 2254(d)(1). As with Barnes’ application, the U. S. District Court for the Middle District of North Carolina denied relief, but the Court of Appeals reversed. 757 F. 3d 389, 400 (CA4 2014). Although two judges on the panel expressed their misgivings in a concurrence, *ibid.* (opinion of Shedd, J., joined by Niemeyer, J.), the panel concluded that the earlier “holding in *Barnes* dictate[d] the same result” in Hurst’s case, *id.*, at 398. The panel remanded for a further hearing on the matter to determine whether the juror’s communication with her father actually prejudiced Hurst under *Brecht*, *supra*, at 637.

II

This Court should have granted a writ of certiorari to review the decisions below. In recognition of the serious disruption to state interests that occurs when a federal court collaterally re-

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views a state-court judgment, the Antiterrorism and Effective Death Penalty Act of 1996 imposes strict limits on that review. Among those limits are the prohibitions found in § 2254(d), which dictates that a federal court may not grant relief “with respect to any claim that was adjudicated on the merits in State court proceedings unless the adjudication of the claim—”

“(1) resulted in a decision that was contrary to, or involved an unreasonable application of, clearly established Federal law, as determined by the Supreme Court of the United States; or

“(2) resulted in a decision that was based on an unreasonable determination of the facts in light of the evidence presented in the State court proceeding.”

We have repeatedly explained that the § 2254(d) “standard is difficult to meet.” *Harrington v. Richter*, 562 U. S. 86, 102 (2011). Yet some courts continue to misapply this “part of the basic structure of federal habeas jurisdiction.” *Id.*, at 103.

One of the all too common errors that some federal courts make in applying § 2254(d) is to look to their own precedents as the source of “clearly established Federal law” for purposes of § 2254(d)(1), even though that provision expressly limits that category to Supreme Court precedents. See, e. g., *Glebe v. Frost*, 574 U. S. 21, 24 (2014) (*per curiam*); *Lopez v. Smith*, 574 U. S. 1, 6 (2014) (*per curiam*); *White v. Woodall*, 572 U. S. 415, 420, n. 2 (2014).

The Fourth Circuit’s decision in *Barnes*—upon which it relied in *Hurst*—committed the same error. That court reasoned that our decision in *Remmer* “created a rebuttable presumption of prejudice applying to communications or contact between a third party and a juror concerning the matter pending before the jury.” 751 F. 3d, at 241. But *Remmer* offered no specific guidance on what constituted “the matter pending before the jury.” 347 U. S., at 229. Nevertheless, the Court of Appeals turned to its *own* precedents to determine whether the moral and spiritual implications of the death penalty as a general matter constituted “the matter pending before the jury.” It cited its earlier decisions in *Stockton v. Virginia*, 852 F. 2d 740 (CA4 1988), and *United States v. Cheek*, 94 F. 3d 136 (CA4 1996), as setting forth a “‘minimal standard’” under which “[a]n unauthorized contact between a third party and a juror concerns the matter pending before the

jury when it is ‘of such a character as to reasonably draw into question the integrity of the verdict.’” 751 F. 3d, at 248. Neither of those decisions is a precedent of this Court.

Remmer was the only proper source of “clearly established Federal law,” and it provided no support for the Court of Appeals’ decision. That case involved a third party who “remarked to [a juror] that he could profit by bringing in a verdict favorable to the [defendant].” 347 U. S., at 228. The third-party communication in *Barnes*’ case involved nothing of the sort. Instead, it concerned a juror who asked her minister a question about the death penalty generally and did not discuss the facts of the case. No precedent of this Court holds that such a communication concerns “the matter pending before the jury.” Accordingly, the state court reasonably concluded that the juror’s question about the death penalty generally—not the case specifically—did not concern the matter pending before the jury. *Barnes*, therefore, was not entitled to relief under § 2254(d)(1).

Despite the obvious error in *Barnes*, that decision has already begun to distort the law of the Fourth Circuit. When presented with Hurst’s claim that the North Carolina court violated clearly established federal law as determined by this Court when it denied his *Remmer* claim, § 2254(d)(1), the panel deemed itself bound by *Barnes*. Even acknowledging that the affidavits submitted to the state court “did not allege that Juror Foster discussed with her father the facts or evidence that had been presented in the trial, or the status of the jury’s deliberations,” and that Hurst presented no “evidence that Juror Foster’s father expressed any opinion about the case or attempted to influence her vote,” the panel concluded that the “holding in *Barnes* dictate[d] the same result in [Hurst’s] case.” 757 F. 3d, at 398. That conclusion was just as erroneous as the one in *Barnes* itself.

* * *

I would have granted the writ of certiorari to review these cases. The Court of Appeals deviated from the requirements of federal law, declared two reasonable decisions of state courts “unreasonable,” and put the State to the burden of two wholly unnecessary *Brecht* hearings. It committed an error that we have repeatedly corrected, including multiple times this Term. See *supra*, at 1069. Because I see no reason why these cases should be treated differently from the many others that we have

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reviewed for the same error, I would have granted the petition for a writ of certiorari.

No. 14–410. *GOOGLE, INC. v. ORACLE AMERICA, INC.* C. A. Fed. Cir. Certiorari denied. JUSTICE ALITO took no part in the consideration or decision of this petition. Reported below: 750 F. 3d 1339.

No. 14–1098. *WOLFF, TRUSTEE v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition. Reported below: 773 F. 3d 583.

No. 14–8035. *JORDAN v. FISHER, COMMISSIONER, MISSISSIPPI DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 5th Cir. Certiorari denied. Reported below: 756 F. 3d 395.

JUSTICE SOTOMAYOR, with whom JUSTICE GINSBURG and JUSTICE KAGAN join, dissenting.

Three times, the same prosecutor sought and obtained a death sentence against petitioner Richard Jordan. And each time, a court vacated that sentence. After Jordan’s third successful appeal, the prosecutor entered into a plea agreement whereby Jordan would receive a sentence of life without the possibility of parole. When the Mississippi Supreme Court later invalidated that agreement, Jordan requested that the prosecutor reinstate the life-without-parole deal through a new plea. The prosecutor refused. Jordan was then retried and again sentenced to death.

Jordan applied for federal habeas corpus relief on the ground that the prosecutor’s decision to seek the death penalty after having agreed to a lesser sentence was unconstitutionally vindictive. The District Court denied Jordan’s petition, and the Court of Appeals for the Fifth Circuit, in a divided decision, denied Jordan’s request for a certificate of appealability (COA). Because the Fifth Circuit clearly misapplied our precedents regarding the issuance of a COA, I would grant Jordan’s petition and summarily reverse the Fifth Circuit’s judgment.

I

A

In 1976, Jordan was arrested for the abduction and murder of Edwina Marter. Jackson County Assistant District Attorney Joe

Sam Owen led the prosecution. The jury convicted Jordan of capital murder, and, under then-applicable Mississippi law, he automatically received a sentence of death. After Jordan's sentence was imposed, however, the Mississippi Supreme Court held that automatic death sentences violated the Eighth Amendment. See *Jackson v. State*, 337 So. 2d 1242, 1251–1253 (1976) (citing *Gregg v. Georgia*, 428 U. S. 153 (1976) (joint opinion of Stewart, Powell, and Stevens, JJ.)). Jordan was accordingly granted a new trial.

Owen continued to serve as the lead prosecutor at Jordan's second trial. Jordan was again convicted of capital murder and sentenced to death. The Fifth Circuit later determined, however, that the jury had been improperly instructed on the imposition of the death penalty. *Jordan v. Watkins*, 681 F. 2d 1067 (1982). The court therefore set aside Jordan's sentence.

Jordan's new sentencing trial was held in 1983. By this point, Owen had left the district attorney's office for private practice. But at the behest of Marter's family, Owen agreed to represent the State as a special prosecutor. A jury once more sentenced Jordan to death, but this Court subsequently vacated the decision upholding that sentence and remanded for reconsideration in light of *Skipper v. South Carolina*, 476 U. S. 1 (1986). See *Jordan v. Mississippi*, 476 U. S. 1101 (1986).

Rather than pursue yet another sentencing trial, Owen entered into a plea agreement with Jordan: Jordan would be sentenced to life without the possibility of parole in exchange for his promise not to challenge that sentence. In support of the agreement, Owen stipulated to several mitigating circumstances, including Jordan's remorse, his record of honorable service and disability incurred in the military during the Vietnam War, his good behavior in prison, and his significant contributions to society while incarcerated. 1 Postconviction Record 20–21. The trial court accepted the plea and, in December 1991, Jordan was sentenced to life without parole.

As it turned out, this sentence, too, was defective. At the time the parties reached their plea agreement, Mississippi's sentencing statutes authorized a term of life without parole only for those defendants who—unlike Jordan—had been found to be habitual offenders. Citing this statutory gap, the Mississippi Supreme Court held in an unrelated case that a plea agreement materially identical to Jordan's violated Mississippi public policy. *Lanier v. State*, 635 So. 2d 813 (1994). Such agreements, the court ex-

plained, were “void *ab initio*,” and thus the parties were “placed back in the positions which they occupied prior to entering into the agreement.” *Id.*, at 816–817.

Following the decision in *Lanier*, Jordan filed a *pro se* motion with the trial court seeking to remedy his unlawful sentence by changing its term from life without parole to life with the possibility of parole. While the motion was pending, the Mississippi Legislature amended the State’s criminal code to permit sentences of life without parole for all capital murder convictions. See 1994 Miss. Laws p. 851 (amending Miss. Code Ann. § 97–3–21). The Mississippi Supreme Court ultimately agreed with Jordan that his sentence was invalid under *Lanier* and remanded the case for resentencing. *Jordan v. State*, 697 So. 2d 1190 (1997) (table).

On remand, Jordan asked Owen (reprising his role as special prosecutor) to reinstate their earlier life-without-parole agreement based on the recent amendment to Mississippi law. Jordan, in return, would agree to waive his right to challenge the retroactive application of that amendment to his case. Jordan had good reason to believe that his request would be granted: Three other Mississippi capital defendants had successfully petitioned to have their plea agreements invalidated under the logic of *Lanier*. Each had committed crimes at least as serious as Jordan’s,¹ and each had received a life sentence after their successful appeals. Yet Owen refused to enter into the same agreement he had previously accepted, instead seeking the death penalty at a new sentencing trial. Owen later explained that he had declined to negotiate because he felt Jordan had violated their original agreement by asking the trial court to modify his sentence. See *Jordan v. State*, 786 So. 2d 987, 1000 (Miss. 2001).

Jordan filed a motion contending that Owen had sought the death penalty as retaliation for Jordan’s exercise of his legal right to seek resentencing under *Lanier*. See *Blackledge v. Perry*, 417 U.S. 21, 28–29 (1974) (recognizing the Due Process Clause’s prohibition of prosecutorial vindictiveness). The trial court denied the motion, and Jordan received a death sentence.

¹See *Lanier v. State*, 635 So. 2d 813, 815 (Miss. 1994) (assaulting, kidnapping, and murdering a police officer); *Stevenson v. State*, 674 So. 2d 501, 502 (Miss. 1996) (stabbing to death a prison deputy); *Patterson v. State*, 660 So. 2d 966, 967 (Miss. 1995) (kidnaping and murder).

Jordan continued to pursue his prosecutorial vindictiveness claim on direct appeal to the Mississippi Supreme Court. That court rejected Jordan's argument, noting, among other things, that its previous decision in Jordan's case had left open the possibility that Owen could seek the death penalty. *Jordan v. State*, 786 So. 2d, at 1001. Justice Banks dissented, contending that Jordan's allegations were sufficiently troubling to merit an evidentiary hearing. *Id.*, at 1031–1032.

B

After exhausting his postconviction remedies in the state courts, Jordan initiated a federal habeas corpus proceeding in the Southern District of Mississippi. The District Court denied relief on each of the claims in Jordan's petition, including his vindictiveness claim. *Jordan v. Epps*, 740 F. Supp. 2d 802, 819 (2010). With respect to that claim, the District Court opined that Owen could not have been vindictive because he "did not substitute a different charge for the charge that was originally imposed, nor did he seek a different penalty than that originally sought." *Ibid.* The District Court also declined to issue a COA. App. to Pet. for Cert. 149a.

Jordan renewed his efforts to obtain a COA on his vindictiveness claim in an application to the Fifth Circuit, but the court denied the request. *Jordan v. Epps*, 756 F. 3d 395 (2014). The Fifth Circuit held that Jordan had "fail[ed] to prove" actual vindictiveness by Owen because "it is not vindictive for a prosecutor to follow through on a threat made during plea negotiations." *Id.*, at 406 (citing *Bordenkircher v. Hayes*, 434 U.S. 357, 363–364 (1978)). The court further held that its decision in *Deloney v. Estelle*, 713 F. 2d 1080 (1983), precluded it from applying a presumption of vindictiveness. *Deloney*, the court reasoned, stood for the proposition that there could be no claim for prosecutorial vindictiveness "absent an increase in charges beyond those raised in the original indictment." 756 F. 3d, at 408.

In rejecting Jordan's legal arguments, the Fifth Circuit acknowledged that the Ninth Circuit, sitting en banc, had granted habeas relief to a capital defendant raising a similar vindictiveness claim. See *id.*, at 411, n. 5 (citing *Adamson v. Ricketts*, 865 F. 2d 1011 (1988)). "While the Ninth Circuit may have taken a different approach to this question," the Fifth Circuit maintained

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that it was bound by its contrary precedent. 756 F. 3d, at 411, n. 5.

Judge Dennis filed an opinion dissenting in relevant part. He began by stressing that the court was “not called upon to make a decision on the ultimate merits of Jordan’s claim of prosecutorial vindictiveness.” *Id.*, at 416 (opinion concurring in part and dissenting in part). Judge Dennis went on to explain why, as he saw it, Jordan had “shown sufficient merit to the prosecutorial vindictiveness claim to warrant his appeal being considered on the full merits.” *Id.*, at 422.

II

A

In contrast to an ordinary civil litigant, a state prisoner who seeks a writ of habeas corpus in federal court holds no automatic right to appeal from an adverse decision by a district court. Under the Antiterrorism and Effective Death Penalty Act of 1996, a would-be habeas appellant must first obtain a COA. 28 U.S.C. § 2253(c)(1).

The COA statute permits the issuance of a COA only where a petitioner has made “a substantial showing of the denial of a constitutional right.” § 2253(c)(2). Our precedents give form to this statutory command, explaining that a petitioner must “sho[w] that reasonable jurists could debate whether (or, for that matter, agree that) the petition should have been resolved in a different manner or that the issues presented were ‘adequate to deserve encouragement to proceed further.’” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000) (quoting *Barefoot v. Estelle*, 463 U.S. 880, 893, n. 4 (1983); some internal quotation marks omitted). Satisfying that standard, this Court has stated, “does not require a showing that the appeal will succeed.” *Miller-El v. Cockrell*, 537 U.S. 322, 337 (2003). Instead, “[a] prisoner seeking a COA must prove something more than the absence of frivolity or the existence of mere good faith on his or her part.” *Id.*, at 338 (internal quotation marks omitted).

We have made equally clear that a COA determination is a “threshold inquiry” that “does not require full consideration of the factual or legal bases adduced in support of the claims.” *Id.*, at 336. This insistence on limited review is more than a formality: The statute mandates that, absent a COA, “an appeal may not be taken to the court of appeals.” § 2253(c)(1). Thus, “until

a COA has been issued federal courts of appeals lack jurisdiction to rule on the merits of appeals from habeas petitioners.” *Id.*, at 336.

B

Although the Fifth Circuit accurately recited the standard for issuing a COA, its application of that standard in this case contravened our precedents in two significant respects.

To start, the Fifth Circuit was too demanding in assessing whether reasonable jurists could debate the District Court’s denial of Jordan’s habeas petition. Two judges—first Justice Banks, and later Judge Dennis—found Jordan’s vindictiveness claim highly debatable. And the en banc Ninth Circuit, presented with a similar claim in a comparable procedural posture, had granted relief. Those facts alone might be thought to indicate that reasonable minds could differ—*had differed*—on the resolution of Jordan’s claim. Cf. Rule 22.3 (CA3 2011) (“[I]f any judge on the panel is of the opinion that the applicant has made the showing required by 28 U. S. C. § 2253, the certificate will issue”); *Jones v. Basinger*, 635 F. 3d 1030, 1040 (CA7 2011) (“When a state appellate court is divided on the merits of the constitutional question, issuance of a certificate of appealability should ordinarily be routine”).

The Fifth Circuit nevertheless rejected Jordan’s vindictiveness argument, finding the claim foreclosed by its prior decision in *Deloney*, 713 F. 2d 1080. As Judge Dennis’ dissent shows, however, *Deloney* (and the restrictive gloss it placed on this Court’s *Blackledge* decision) is susceptible of more than one reasonable interpretation. The defendant there entered into a plea agreement that reduced the charges against him. Later, the defendant not only backed out of his agreement with prosecutors, he insisted on proceeding to trial, undermining the entire purpose of the earlier plea-bargaining process. 713 F. 2d, at 1081. When that trial resulted in a conviction, the defendant alleged that the prosecutor had no right to try him on the original, pre-plea-bargain charges. *Id.*, at 1085. Unsurprisingly, the Fifth Circuit disagreed; it held that the defendant could not “bootstrap” his earlier efforts to obtain a lesser sentence into a vindictiveness claim. *Ibid.*

Jordan’s situation is materially different. No one disputes that Jordan, like *Deloney*, attempted to alter the terms of his plea agreement. But he did so only because the Mississippi Supreme

Court's decision in *Lanier* rendered invalid his life-without-parole sentence. In light of *Lanier*, either Jordan or Owen should have asked to vacate Jordan's invalid sentence; Jordan simply moved first. Moreover, and again in contrast to the defendant in *Deloney*, Jordan never attempted to deprive the State of the benefit of its earlier bargain. Once Mississippi law changed, Jordan was willing to return to the *status quo ante*: He offered to accept the same sentence of life without parole. It was Owen, the prosecutor, who demanded a fourth trial. On these facts, it is far from certain that *Deloney* precludes Jordan from asserting a claim of prosecutorial vindictiveness.

In any event, Jordan's reading of the Fifth Circuit's case law need not be the best one to allow him to obtain further review. "[M]eritorious appeals are a subset of those in which a certificate should issue," *Thomas v. United States*, 328 F. 3d 305, 308 (CA7 2003), not the full universe of such cases. "It is consistent with § 2253 that a COA will issue in some instances where there is no certainty of ultimate relief." *Miller-El*, 537 U. S., at 337. "Indeed, a claim can be debatable even though every jurist of reason might agree, after the COA has been granted and the case received full consideration, that the petitioner will not prevail." *Id.*, at 338. The possibility that Jordan's claim may falter down the stretch should not necessarily bar it from leaving the starting gate.

The Fifth Circuit's second, and more fundamental, mistake was failing to "limit its examination to a threshold inquiry." *Id.*, at 327. "[A] COA ruling is not the occasion for a ruling on the merit of [a] petitioner's claim." *Id.*, at 331. It requires only "an overview of the claims in the habeas petition and a general assessment of their merits." *Id.*, at 336.

Here, the Fifth Circuit engaged in precisely the analysis *Miller-El* and the COA statute forbid: conducting, across more than five full pages of the Federal Reporter, a detailed evaluation of the merits and then concluding that because Jordan had "fail[ed] to prove" his constitutional claim, 756 F. 3d, at 407, a COA was not warranted. But proving his claim was not Jordan's burden. When a court decides whether a COA should issue, "[t]he question is the debatability of the underlying constitutional claim, not the resolution of that debate." *Miller-El*, 537 U. S., at 342. Where, as here, "a court of appeals sidesteps this process by first deciding the merits of an appeal, and then justifying its denial of a COA

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based on its adjudication of the actual merits, it is in essence deciding an appeal without jurisdiction.” *Id.*, at 336–337.²

* * *

The barrier the COA requirement erects is important, but not insurmountable. In cases where a habeas petitioner makes a threshold showing that his constitutional rights were violated, a COA should issue. I believe Jordan has plainly made that showing. For that reason, I would grant Jordan’s petition and summarily reverse the Fifth Circuit’s judgment. I respectfully dissent from the denial of certiorari.

No. 14–9899. *ROBINSON v. UNITED STATES*. C. A. 6th Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition. Reported below: 778 F. 3d 515.

Rehearing Denied

No. 14–1032. *MEGGISON v. BAILEY, INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY AS THE COMMISSIONER OF THE FLORIDA DEPARTMENT OF LAW ENFORCEMENT*, 575 U. S. 951;

No. 14–8316. *MCDONALD v. FOX RUN MEADOWS PUD*, 575 U. S. 954;

No. 14–8365. *LEARY v. STEPHENS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION, ET AL.*, 575 U. S. 965;

No. 14–8480. *BELTRAN v. MCDOWELL, ACTING WARDEN*, 575 U. S. 968;

No. 14–8493. *IN RE SESSON*, 575 U. S. 982;

No. 14–8542. *REED v. JOB COUNCIL OF THE OZARKS ET AL.*, 575 U. S. 987;

No. 14–8723. *BERG v. UNITED STATES*, 575 U. S. 972;

²This is not the first time the Fifth Circuit has denied a COA after engaging in an extensive review of the merits of a habeas petitioner’s claims. See, e. g., *Tabler v. Stephens*, 588 Fed. Appx. 297 (2014); *Reed v. Stephens*, 739 F. 3d 753 (2014); *Foster v. Quarterman*, 466 F. 3d 359 (2006); *Ruiz v. Quarterman*, 460 F. 3d 638 (2006); *Cardenas v. Dretke*, 405 F. 3d 244 (2005). Nor is it the first time the Fifth Circuit has denied a COA over a dissenting opinion. See, e. g., *Tabler*, 588 Fed. Appx. 297; *Jackson v. Dretke*, 450 F. 3d 614 (2006). Although I do not intend to imply that a COA was definitely warranted in each of these cases, the pattern they and others like them form is troubling.

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- No. 14–8844. *MILLER v. WALT DISNEY CO. ET AL.*, 575 U. S. 989;
- No. 14–8846. *MILLER v. ABC HOLDING CO., INC., ET AL.*, 575 U. S. 1014;
- No. 14–8908. *SEWELL v. HOWARD*, 575 U. S. 1028;
- No. 14–9007. *BARBER v. UNITED STATES*, 575 U. S. 1002;
- No. 14–9168. *TOLEN v. NORMAN, WARDEN*, 575 U. S. 1017;
- No. 14–9213. *BURT v. COMMISSIONER OF INTERNAL REVENUE*, 575 U. S. 1004; and
- No. 14–9295. *DE LA CRUZ v. QUINTANA, WARDEN*, 575 U. S. 1020. Petitions for rehearing denied.

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Certiorari Granted—Vacated and Remanded

No. 14–460. *HICKENLOOPER, GOVERNOR OF COLORADO v. KERR ET AL.* C. A. 10th Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Arizona State Legislature v. Arizona Independent Redistricting Comm’n*, *ante*, p. 787. Reported below: 744 F. 3d 1156.

No. 14–8768. *PEOPLES v. UNITED STATES.* C. A. 5th Cir.; and

No. 14–9487. *HORNYAK v. UNITED STATES.* C. A. 5th Cir. Reported below: 588 Fed. Appx. 384. Motions of petitioners for leave to proceed *in forma pauperis* granted. Certiorari granted, judgments vacated, and cases remanded for further consideration in light of *Johnson v. United States*, *ante*, p. 591.

No. 13–8407. *BROWN v. UNITED STATES.* C. A. 8th Cir. Reported below: 734 F. 3d 824;

No. 14–5227. *ARROYO v. UNITED STATES.* C. A. 11th Cir. Reported below: 562 Fed. Appx. 889;

No. 14–5229. *ANDERSON v. UNITED STATES.* C. A. 1st Cir. Reported below: 745 F. 3d 593;

No. 14–6510. *MELVIN v. UNITED STATES.* C. A. 4th Cir. Reported below: 577 Fed. Appx. 179;

No. 14–7280. *HOWARD v. UNITED STATES.* C. A. 8th Cir. Reported below: 754 F. 3d 608;

No. 14–7347. *VINALES v. UNITED STATES.* C. A. 11th Cir. Reported below: 564 Fed. Appx. 518;

No. 14–7445. *MALDONADO v. UNITED STATES.* C. A. 2d Cir. Reported below: 581 Fed. Appx. 19;

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- No. 14–7569. *DE LA CRUZ, AKA DELACRUZ v. UNITED STATES*. C. A. 5th Cir. Reported below: 582 Fed. Appx. 327;
- No. 14–7587. *SMITH v. UNITED STATES*. C. A. 6th Cir. Reported below: 582 Fed. Appx. 590;
- No. 14–7653. *ROLFER v. UNITED STATES*. C. A. 8th Cir.;
- No. 14–7832. *DENSON v. UNITED STATES*. C. A. 11th Cir. Reported below: 569 Fed. Appx. 710;
- No. 14–8151. *BERNARDINI v. UNITED STATES*. C. A. 6th Cir. Reported below: 583 Fed. Appx. 544;
- No. 14–8196. *CISNEROS v. UNITED STATES*. C. A. 9th Cir. Reported below: 763 F. 3d 1236;
- No. 14–8258. *BALL v. UNITED STATES*. C. A. 6th Cir. Reported below: 771 F. 3d 964;
- No. 14–8333. *DAVIS v. UNITED STATES*. C. A. 5th Cir. Reported below: 583 Fed. Appx. 473;
- No. 14–8359. *BELL v. UNITED STATES*. C. A. 6th Cir. Reported below: 575 Fed. Appx. 598;
- No. 14–8427. *WALKER v. UNITED STATES*. C. A. 8th Cir.;
- No. 14–8464. *SMITH v. UNITED STATES*. C. A. 11th Cir. Reported below: 742 F. 3d 949;
- No. 14–8530. *LANGSTON v. UNITED STATES*. C. A. 8th Cir. Reported below: 772 F. 3d 560;
- No. 14–8569. *PRINCE v. UNITED STATES*. C. A. 9th Cir. Reported below: 772 F. 3d 1173;
- No. 14–8680. *TALMORE v. UNITED STATES*. C. A. 9th Cir. Reported below: 585 Fed. Appx. 567;
- No. 14–8848. *TASTE v. UNITED STATES*. C. A. 4th Cir. Reported below: 603 Fed. Appx. 139;
- No. 14–8884. *COOPER v. UNITED STATES*. C. A. 11th Cir. Reported below: 598 Fed. Appx. 682;
- No. 14–8903. *JONES v. UNITED STATES*. C. A. 9th Cir.;
- No. 14–8989. *MARTINEZ v. UNITED STATES*. C. A. 9th Cir. Reported below: 771 F. 3d 672;
- No. 14–9049. *AIKEN v. PASTRANA, WARDEN*. C. A. 11th Cir. Reported below: 595 Fed. Appx. 953;
- No. 14–9062. *HOLDER v. UNITED STATES*. C. A. 6th Cir. Reported below: 603 Fed. Appx. 368;
- No. 14–9108. *CASTLE v. UNITED STATES*. C. A. 6th Cir. Reported below: 596 Fed. Appx. 422;
- No. 14–9227. *KIRK v. UNITED STATES*. C. A. 11th Cir. Reported below: 767 F. 3d 1136;

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No. 14–9229. *LYNCH v. UNITED STATES*. C. A. 11th Cir.;
No. 14–9335. *DRIVER v. UNITED STATES*. C. A. 11th Cir.
Reported below: 581 Fed. Appx. 829;
No. 14–9338. *CONEY v. PASTRANA, WARDEN*. C. A. 11th Cir.
Reported below: 579 Fed. Appx. 848;
No. 14–9574. *JONES v. UNITED STATES*. C. A. 3d Cir.;
No. 14–9659. *FALLINS v. UNITED STATES*. C. A. 6th Cir. Re-
ported below: 777 F. 3d 296; and
No. 14–9750. *NIPPER v. PASTRANA, WARDEN*. C. A. 11th Cir.
Reported below: 597 Fed. Appx. 581. Motions of petitioners for
leave to proceed *in forma pauperis* granted. Certiorari granted,
judgments vacated, and cases remanded for further consideration
in light of *Johnson v. United States, ante*, p. 591.

JUSTICE ALITO, concurring.

Following the recommendation of the Solicitor General, the Court has held these petitions in these and many other cases pending the decision in *Johnson v. United States, ante*, p. 591. In holding these petitions and now in vacating and remanding the decisions below in these cases, the Court has not differentiated between cases in which the petitioners would be entitled to relief if the Court held (as it now has) that the residual clause of the Armed Career Criminal Act, 18 U. S. C. § 924(e)(2)(B)(ii), is void for vagueness and cases in which relief would not be warranted for a procedural reason. On remand, the Courts of Appeals should understand that the Court’s disposition of these petitions does not reflect any view regarding petitioners’ entitlement to relief.

No. 14–282. *CHANDLER v. UNITED STATES*. C. A. 9th Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Johnson v. United States, ante*, p. 591. Reported below: 743 F. 3d 648.

JUSTICE ALITO, concurring.

Following the recommendation of the Solicitor General, the Court has held the petition in this and many other cases pending the decision in *Johnson v. United States, ante*, p. 591. In holding this petition and now in vacating and remanding the decision below in this case, the Court has not differentiated between cases in which the petitioner would be entitled to relief if the Court held (as it now has) that the residual clause of the Armed Career

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Criminal Act, 18 U. S. C. § 924(e)(2)(B)(ii), is void for vagueness and cases in which relief would not be warranted for a procedural reason. On remand, the Court of Appeals should understand that the Court's disposition of this petition does not reflect any view regarding petitioner's entitlement to relief.

No. 14–7390. BECKLES *v.* UNITED STATES. C. A. 11th Cir. Reported below: 579 Fed. Appx. 833;

No. 14–7975. GOODEN *v.* UNITED STATES. C. A. 4th Cir. Reported below: 576 Fed. Appx. 252;

No. 14–9326. MAYER *v.* UNITED STATES. C. A. 9th Cir.; and

No. 14–9634. WYNN *v.* UNITED STATES. C. A. 6th Cir. Motions of petitioners for leave to proceed *in forma pauperis* granted. Certiorari granted, judgments vacated, and cases remanded for further consideration in light of *Johnson v. United States*, *ante*, p. 591. JUSTICE KAGAN took no part in the consideration or decision of these motions and these petitions.

JUSTICE ALITO, concurring.

Following the recommendation of the Solicitor General, the Court has held the petitions in these and many other cases pending the decision in *Johnson v. United States*, *ante*, p. 591. In holding these petitions and now in vacating and remanding the decisions below in these cases, the Court has not differentiated between cases in which the petitioners would be entitled to relief if the Court held (as it now has) that the residual clause of the Armed Career Criminal Act, 18 U. S. C. § 924(e)(2)(B)(ii), is void for vagueness and cases in which relief would not be warranted for a procedural reason. On remand, the Courts of Appeals should understand that the Court's disposition of these petitions does not reflect any view regarding petitioners' entitlement to relief.

Probable Jurisdiction Noted

No. 14–232. HARRIS ET AL. *v.* ARIZONA INDEPENDENT REDISTRICTING COMMISSION ET AL. Appeal from D. C. Ariz. Probable jurisdiction noted. Reported below: 993 F. Supp. 2d 1042.

Certiorari Granted

No. 14–915. FRIEDRICHS ET AL. *v.* CALIFORNIA TEACHERS ASSN. ET AL. C. A. 9th Cir. Certiorari granted.

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No. 14–510. *MENOMINEE INDIAN TRIBE OF WISCONSIN v. UNITED STATES ET AL.* C. A. D. C. Cir. Certiorari granted limited to the following question: “Whether the D. C. Circuit misapplied this Court’s *Holland v. Florida*, 560 U.S. 631 (2010), decision when it ruled that the Tribe was not entitled to equitable tolling of the statute of limitations for filing of Indian Self-Determination Act claims under the Contract Disputes Act?” Reported below: 764 F. 3d 51.

No. 14–1132. *MERRILL LYNCH, PIERCE, FENNER & SMITH INC. ET AL. v. MANNING ET AL.* C. A. 3d Cir. Motion of Securities Industry and Financial Markets Association for leave to file brief as *amicus curiae* granted. Certiorari granted. Reported below: 772 F. 3d 158.

No. 14–1175. *FRANCHISE TAX BOARD OF CALIFORNIA v. HYATT.* Sup. Ct. Nev. Certiorari granted limited to Questions 2 and 3 presented by the petition. Reported below: 130 Nev. 662, 335 P. 3d 125.

Certiorari Denied

No. 14–765. *OTTER, GOVERNOR OF IDAHO, ET AL. v. LATTA ET AL.*; and

No. 14–788. *IDAHO v. LATTA ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 771 F. 3d 456.

No. 14–1073. *NEVADA ET AL. v. SUPERIOR COURT OF CALIFORNIA, SAN FRANCISCO COUNTY, ET AL.* Ct. App. Cal., 1st App. Dist., Div. 3. Certiorari denied.

No. 14–9223. *ZINK ET AL. v. LOMBARDI, DIRECTOR, MISSOURI DEPARTMENT OF CORRECTIONS, ET AL.* C. A. 8th Cir. Certiorari denied. Reported below: 783 F. 3d 1089.

No. 14–823. *BERGER, PRESIDENT PRO TEMPORE OF THE NORTH CAROLINA SENATE, ET AL. v. FISHER-BORNE ET AL.* C. A. 4th Cir. Certiorari before judgment denied.

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Miscellaneous Order

No. 14–232. *HARRIS ET AL. v. ARIZONA INDEPENDENT REDISTRICTING COMMISSION ET AL.* D. C. Ariz. [Probable jurisdiction noted, *ante*, p. 1082.] Order noting probable jurisdiction amended

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as follows: Probable jurisdiction noted limited to Questions 1 and 2 presented by the statement as to jurisdiction.

JULY 14, 2015

Miscellaneous Orders

No. 15A30. *ZINK v. STEELE, WARDEN*. Application for certificate of appealability, presented to JUSTICE ALITO, and by him referred to the Court, denied.

No. 15–5183 (15A60). *IN RE ZINK*. Application for stay of execution of sentence of death, presented to JUSTICE ALITO, and by him referred to the Court, denied. Petition for writ of habeas corpus denied.

Certiorari Denied

No. 15–5057 (15A31). *ZINK v. STEELE, WARDEN*. C. A. 8th Cir. Application for stay of execution of sentence of death, presented to JUSTICE ALITO, and by him referred to the Court, denied. Certiorari denied.

No. 15–5159 (15A55). *ZINK v. GRIFFITH, WARDEN*. Sup. Ct. Mo. Application for stay of execution of sentence of death, presented to JUSTICE ALITO, and by him referred to the Court, denied. Certiorari denied.

No. 15–5160 (15A59). *ZINK v. GRIFFITH, WARDEN, ET AL.* C. A. 8th Cir. Application for stay of execution of sentence of death, presented to JUSTICE ALITO, and by him referred to the Court, denied. Certiorari denied.

No. 15–5176 (15A63). *ZINK v. STEELE, WARDEN*. C. A. 8th Cir. Application for stay of execution of sentence of death, presented to JUSTICE ALITO, and by him referred to the Court, denied. Certiorari denied.

No. 15–5184 (15A62). *ZINK v. STEELE, WARDEN*. Sup. Ct. Mo. Application for stay of execution of sentence of death, presented to JUSTICE ALITO, and by him referred to the Court, denied. Certiorari denied.

JULY 20, 2015

Miscellaneous Orders

No. 14A1194 (14–8628). *WARE v. UNITED STATES*, 575 U. S. 946. Application to file petition for rehearing in excess of page

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limit, addressed to THE CHIEF JUSTICE and referred to the Court, denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this application.

No. 14A1225 (14–8767). ROEDER *v.* KANSAS. Sup. Ct. Kan. Application for stay, addressed to JUSTICE ALITO and referred to the Court, denied.

No. D–2828. IN RE SCHACHTER. Robert A. Schachter, of Valley Cottage, N. Y., 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 June 29, 2015 [*ante*, p. 1050], is discharged.

Rehearing Denied

No. 14–1169. GOLDBLATT *v.* CITY OF KANSAS CITY, MISSOURI, ET AL., 575 U. S. 1026;

No. 14–1173. JOHNSON *v.* ILLINOIS ET AL., 575 U. S. 1026;

No. 14–1269. MOORE *v.* LIGHTSTROM ENTERTAINMENT, INC., ET AL., 575 U. S. 1027;

No. 14–1334. IN RE VADDE, 575 U. S. 1036;

No. 14–6927. MOORE *v.* UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA ET AL., 575 U. S. 985;

No. 14–7120. CARR *v.* STEPHENS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION, ET AL., 574 U. S. 1124;

No. 14–7567. LADEAIROUS *v.* HOLDER, ATTORNEY GENERAL, ET AL., 574 U. S. 1141;

No. 14–7629. HAGAN *v.* KENTUCKY, 574 U. S. 1171;

No. 14–7977. HUNT *v.* DUNN, COMMISSIONER, ALABAMA DEPARTMENT OF CORRECTIONS, 575 U. S. 965;

No. 14–8210. BROWN *v.* JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL., 575 U. S. 953;

No. 14–8435. IN RE SHIELDS BEY, 575 U. S. 961;

No. 14–8503. SPECKMAN *v.* TEXAS, 575 U. S. 969;

No. 14–8588. STEWART *v.* RYAN, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS, ET AL., 575 U. S. 970;

No. 14–8656. MILLSAP *v.* ARKANSAS, 575 U. S. 999;

No. 14–8671. BENTON *v.* CLARK COUNTY JAIL ET AL., 575 U. S. 970;

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No. 14–8720. *BUCKLEY v. STEPHENS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION*, 575 U. S. 1000;

No. 14–8732. *SIMMONS v. TEXAS*, 575 U. S. 1001;

No. 14–8760. *THOMAS v. ROCKBRIDGE REGIONAL JAIL*, 575 U. S. 1012;

No. 14–8767. *ROEDER v. KANSAS*, 575 U. S. 1012;

No. 14–8799. *COLEMAN v. SCHOLLMAYER, SPECIAL JUDGE, CIRCUIT COURT OF MISSOURI, COLE COUNTY, ET AL.*, 575 U. S. 1013;

No. 14–8823. *CASHIOTTA v. DIVISION OF PARKS AND MAINTENANCE, CLEVELAND, OHIO*, 575 U. S. 1013;

No. 14–8847. *IN RE CUNNINGHAM*, 575 U. S. 1008;

No. 14–8860. *HAENDEL v. DIGIANTONIO ET AL.*, 575 U. S. 1015;

No. 14–8957. *ANDRADE CALLES v. SUPERIOR COURT OF CALIFORNIA, RIVERSIDE COUNTY*, 575 U. S. 1029;

No. 14–8988. *CAMPBELL v. MICHIGAN*, 575 U. S. 1030;

No. 14–9031. *BARASHKOFF v. CITY OF SEATTLE, WASHINGTON, ET AL.*, 575 U. S. 1031;

No. 14–9060. *HEATHER S. v. CONNECTICUT COMMISSIONER OF CHILDREN AND FAMILIES*, 575 U. S. 1016;

No. 14–9102. *REY v. UNITED STATES*, 575 U. S. 991;

No. 14–9123. *BRADLEY v. MISSISSIPPI*, 575 U. S. 1017;

No. 14–9211. *ADKINS v. UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS*, *ante*, p. 1007;

No. 14–9215. *BUHL v. BERKEBILE, WARDEN*, 575 U. S. 1017;

No. 14–9216. *ASKEW v. UNITED STATES*, 575 U. S. 1004;

No. 14–9329. *JOHNSON v. UNITED STATES*, 575 U. S. 1020;

No. 14–9365. *GARREY v. MASSACHUSETTS*, 575 U. S. 1032;

No. 14–9445. *TRUFANT v. DEPARTMENT OF THE AIR FORCE*, 575 U. S. 1033;

No. 14–9451. *IN RE GREEN BEY*, 575 U. S. 1008; and

No. 14–9456. *BREWER v. UNITED STATES*, 575 U. S. 1033. Petitions for rehearing denied.

No. 14–7681. *COATES, AKA SIMMONS, AKA THOMAS v. HOLDER, ATTORNEY GENERAL*, 574 U. S. 1173. Motion for leave to file petition for rehearing denied.

No. 14–9324. *WARE v. UNITED STATES*, 575 U. S. 1022. Petition for rehearing denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition.

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JULY 24, 2015

Dismissal Under Rule 46

No. 14–1214. COALITION FOR THE PROTECTION OF MARRIAGE *v.* SEVCIK ET AL. C. A. 9th Cir. Certiorari dismissed under this Court’s Rule 46.1. Reported below: 771 F. 3d 456.

JULY 28, 2015

Dismissal Under Rule 46

No. 14–653. BANK OF AMERICA, N. A. *v.* LOPEZ. C. A. 11th Cir. Certiorari dismissed under this Court’s Rule 46. Reported below: 573 Fed. Appx. 922.

Miscellaneous Order

No. 14–613. GREEN *v.* BRENNAN, POSTMASTER GENERAL. C. A. 10th Cir. [Certiorari granted, 575 U.S. 983.] Catherine M. A. Carroll, Esq., of Washington, D. C., is invited to brief and argue this case as *amicus curiae* in support of the judgment below. Briefs for other *amici curiae* in support of the judgment below are to be filed within seven days of the filing of the brief for Court-appointed *amicus curiae*.

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Miscellaneous Order

No. 15A16. COLLIE *v.* SOUTH CAROLINA COMMISSION ON LAWYER CONDUCT. Sup. Ct. S. C. Application to file petition for writ of certiorari in excess of the page limits, addressed to JUSTICE GINSBURG and referred to the Court, denied.

Rehearing Denied

No. 13–1428. DAVIS, ACTING WARDEN *v.* AYALA, *ante*, p. 257;
No. 14–1165. NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF MULTIJURISDICTION PRACTICE ET AL. *v.* BERCH, CHIEF JUSTICE, SUPREME COURT OF ARIZONA, ET AL., 575 U.S. 1026;
No. 14–1178. KAMPS *v.* BAYLOR UNIVERSITY ET AL., 575 U.S. 1038;
No. 14–1305. TROWBRIDGE *v.* UNITED STATES, *ante*, p. 1005;
No. 14–8491. WHITE *v.* SOUTHEAST MICHIGAN SURGICAL HOSPITAL ET AL., *ante*, p. 1023;
No. 14–8589. HITTSON *v.* CHATMAN, WARDEN, *ante*, p. 1028;

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- No. 14–8645. *DICKERSON v. MURRAY ET AL.*, 575 U. S. 999;
No. 14–8783. *MAY v. BARBER ET AL.*, 575 U. S. 1013;
No. 14–8826. *TAYLOR v. VERIZON COMMUNICATIONS ET AL.*,
575 U. S. 1014;
No. 14–8831. *DAVIS ET AL. v. CITY OF NEW HAVEN, CONNECTICUT, ET AL.*, 575 U. S. 1014;
No. 14–8869. *MCNEILL v. WAYNE COUNTY, MICHIGAN*, 575 U. S. 1015;
No. 14–8899. *BUNCH v. CAIN, WARDEN*, 575 U. S. 1015;
No. 14–9000. *GIBBONS v. UNITED STATES*, 575 U. S. 978;
No. 14–9004. *BROUGHTON v. MERIT SYSTEMS PROTECTION BOARD*, 575 U. S. 990;
No. 14–9156. *NIXON v. ABBOTT, GOVERNOR OF TEXAS*, *ante*, p. 1006;
No. 14–9172. *DELK v. TEXAS*, *ante*, p. 1007;
No. 14–9195. *SANDS-WEDEWARD v. LOCAL 306, NATIONAL POSTAL MAIL HANDLERS UNION*, *ante*, p. 1007;
No. 14–9197. *MOATS v. WEST VIRGINIA DEPARTMENT OF TRANSPORTATION, DIVISION OF HIGHWAYS, ET AL.*, *ante*, p. 1007;
No. 14–9257. *SALARY v. NUSS ET AL.*, 575 U. S. 1041;
No. 14–9302. *BROZ v. DEUTSCHE BANK NATIONAL TRUST CO.*, *ante*, p. 1008;
No. 14–9312. *TEAGUE v. CALIFORNIA*, *ante*, p. 1008;
No. 14–9340. *JACKSON v. DOMZALSKI*, 575 U. S. 1042;
No. 14–9390. *COOPER v. VAROUXIS, EXECUTRIX OF THEODORE VAROUXIS ESTATE AND TRUST*, 575 U. S. 1033;
No. 14–9571. *MARCH v. MCALLISTER, WARDEN*, *ante*, p. 1010;
No. 14–9651. *VIOLA v. UNITED STATES*, *ante*, p. 1012; and
No. 14–9705. *WHITE v. OBAMA, PRESIDENT OF THE UNITED STATES, ET AL.*, *ante*, p. 1041. Petitions for rehearing denied.

AUGUST 12, 2015

Certiorari Denied

No. 15–5141 (15A48). *LOPEZ 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. Motion for leave to proceed *in forma pauperis* denied. Certiorari denied. JUSTICE GINSBURG and JUSTICE SOTOMAYOR would vote to grant the motion

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for leave to proceed *in forma pauperis*. Reported below: 783 F. 3d 524.

AUGUST 13, 2015

Miscellaneous Order

No. 15A111 (14–1516). DUNCAN, WARDEN *v.* OWENS. C. A. 7th Cir. Application to recall and stay the mandate pending disposition of the petition for writ of certiorari, addressed to JUSTICE SCALIA, and by him referred to the Court, denied.

AUGUST 21, 2015

Miscellaneous Order

No. 15A137. MELLOULI *v.* LYNCH, ATTORNEY GENERAL. Application for stay, presented to JUSTICE ALITO, and by him referred to the Court, granted. Further proceedings in the Board of Immigration Appeals are stayed pending the timely filing of a petition for writ of certiorari, or of a petition for writ of mandamus and prohibition, and further order of this Court.

AUGUST 28, 2015

Miscellaneous Orders

No. 14A1154. ECKSTROM *v.* VALENZUELA, WARDEN. Application for certificate of appealability, addressed to THE CHIEF JUSTICE and referred to the Court, denied.

No. 15A96 (15–5289). ARAKJI *v.* HESS ET AL. Application for stay pending disposition of the petition for writ of certiorari, addressed to THE CHIEF JUSTICE and referred to the Court, denied.

No. 13–1067. OBB PERSONENVERKEHR AG *v.* SACHS. C. A. 9th Cir. [Certiorari granted, 574 U. S. 1133.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 14–520. HAWKINS ET AL. *v.* COMMUNITY BANK OF RAYMORE. C. A. 8th Cir. [Certiorari granted, 574 U. S. 1190.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 14–1096. LUNA TORRES *v.* LYNCH, ATTORNEY GENERAL. C. A. 2d Cir. [Certiorari granted, *ante*, p. 1053.] Motion of petitioner to dispense with printing joint appendix granted.

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Rehearing Denied

- No. 14–983. HOOKS, WARDEN *v.* LANGFORD, *ante*, p. 1049;
No. 14–1215. JONES *v.* JONES, 575 U. S. 1038;
No. 14–1246. GORSKI *v.* UNITED STATES ET AL., *ante*, p. 1036;
No. 14–1310. EDWARDS *v.* LAKE ELSINORE UNIFIED SCHOOL DISTRICT ET AL., *ante*, p. 1056;
No. 14–1360. DIX *v.* UNKNOWN TRANSPORTATION SECURITY ADMINISTRATION AGENT ET AL., *ante*, p. 1057;
No. 14–1369. RAMON TARANGO, AKA TARANGO *v.* LYNCH, ATTORNEY GENERAL, *ante*, p. 1037;
No. 14–1386. WILBORN *v.* JOHNSON, SECRETARY OF HOMELAND SECURITY, *ante*, p. 1057;
No. 14–7955. GLOSSIP ET AL. *v.* GROSS ET AL., *ante*, p. 863;
No. 14–8932. IN RE MITCHELL, 575 U. S. 1024;
No. 14–9052. THEMEUS *v.* JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL., 575 U. S. 1039;
No. 14–9098. DINGLE *v.* VIRGINIA, 575 U. S. 1040;
No. 14–9136. VALENZUELA, FKA MENDEZ *v.* CORIZON HEALTH CARE ET AL., 575 U. S. 1041;
No. 14–9163. STRAHORN *v.* FLORIDA, *ante*, p. 1006;
No. 14–9260. MARCEAUX *v.* UNITED STATES MARINE CORPS, *ante*, p. 1008;
No. 14–9309. YATES *v.* IOWA, *ante*, p. 1024;
No. 14–9311. TURNER *v.* COLEMAN, WARDEN, *ante*, p. 1024;
No. 14–9330. FURS-JULIUS *v.* SOCIAL SECURITY ADMINISTRATION, *ante*, p. 1008;
No. 14–9375. YUAN *v.* GREEN CENTURY DEVELOPMENT, LLC, ET AL., *ante*, p. 1038;
No. 14–9376. TOMASELLI ET AL. *v.* BEAULIEU ET AL., *ante*, p. 1038;
No. 14–9415. PATTON *v.* BRYANT ET AL., *ante*, p. 1039;
No. 14–9421. MAZIN *v.* TOWN OF NORWOOD, MASSACHUSETTS, ET AL., *ante*, p. 1039;
No. 14–9463. KEARNEY *v.* NEW YORK STATE DEPARTMENT OF CORRECTIONAL SERVICES ET AL., *ante*, p. 1059;
No. 14–9467. MCQUEEN *v.* AEROTEK ET AL., *ante*, p. 1059;
No. 14–9480. CRADDOCK *v.* UNITED STATES, 575 U. S. 1034;
No. 14–9509. MCCLINTON *v.* KELLEY, DIRECTOR, ARKANSAS DEPARTMENT OF CORRECTION, *ante*, p. 1059;
No. 14–9527. FAIRCHILD-LITTLEFIELD *v.* CAVAZOS, WARDEN, *ante*, p. 1009;

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- No. 14–9581. HENSON *v.* CLARKE, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS, *ante*, p. 1040;
No. 14–9628. ULLRICH *v.* YORDY, WARDEN, *ante*, p. 1060;
No. 14–9881. RICE *v.* UNITED STATES, *ante*, p. 1061;
No. 14–9915. DOE *v.* UNITED STATES, *ante*, p. 1043;
No. 14–9919. BARBARY *v.* UNITED STATES, *ante*, p. 1062;
No. 14–9958. RIGGS *v.* UNITED STATES, *ante*, p. 1062;
No. 14–9982. MONTGOMERY *v.* BRENNAN, POSTMASTER GENERAL, *ante*, p. 1063; and
No. 14–10119. IN RE RIVERA, *ante*, p. 1053. Petitions for rehearing denied.

AUGUST 31, 2015

Miscellaneous Orders

No. 15A218. McDONNELL *v.* UNITED STATES. Application for stay of mandate, presented to THE CHIEF JUSTICE, and by him referred to the Court, granted, and the issuance of the mandate of the United States Court of Appeals for the Fourth Circuit in case No. 15–4019 is stayed pending the timely filing and disposition of a petition for writ of certiorari. Should the petition for writ of certiorari be denied, this stay shall terminate automatically. In the event the petition for writ of certiorari is granted, the stay shall terminate upon the issuance of the judgment of this Court.

No. 15A250. DAVIS, INDIVIDUALLY AND IN HER OFFICIAL CAPACITY AS ROWAN COUNTY CLERK *v.* MILLER ET AL. D. C. E. D. Ky. Application for stay, presented to JUSTICE KAGAN, and by her referred to the Court, denied.

SEPTEMBER 1, 2015

Miscellaneous Order

No. 15–5874 (15A260). IN RE NUNLEY. Application for stay of execution of sentence of death, presented to JUSTICE ALITO, and by him referred to the Court, denied. Petition for writ of habeas corpus denied.

Certiorari Denied

No. 15–5605 (15A163). NUNLEY *v.* BOWERSOX. C. A. 8th Cir. Application for stay of execution of sentence of death, presented

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to JUSTICE ALITO, and by him referred to the Court, denied. Certiorari denied. Reported below: 784 F. 3d 468.

No. 15–5808 (15A247). NUNLEY *v.* GRIFFITH, WARDEN. Sup. Ct. Mo. Application for stay of execution of sentence of death, presented to JUSTICE ALITO, and by him referred to the Court, denied. Certiorari denied.

No. 15–5851 (15A251). NUNLEY *v.* GRIFFITH, WARDEN. Sup. Ct. Mo. Application for stay of execution of sentence of death, presented to JUSTICE ALITO, and by him referred to the Court, denied. Certiorari denied.

SEPTEMBER 2, 2015

Miscellaneous Order

No. 15A252. FIBROGEN, INC. *v.* AKEBIA THERAPEUTICS, INC. D. C. N. D. Cal. Application for stay, presented to JUSTICE KENNEDY, and by him referred to the Court, denied. The order heretofore entered by JUSTICE KENNEDY is vacated.

SEPTEMBER 14, 2015

Miscellaneous Orders

No. 14–280. MONTGOMERY *v.* LOUISIANA. Sup. Ct. La. [Certiorari granted, 575 U.S. 911.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted. Motion of the parties and the Court-appointed *amicus curiae* for enlargement of time for oral argument and for divided argument granted, and the time is divided as follows: 15 minutes for the Court-appointed *amicus curiae*, 15 minutes for petitioner, 15 minutes for the Solicitor General, and 30 minutes for respondent. Court-appointed *amicus curiae* and petitioner will each be permitted to reserve time for rebuttal.

No. 14–940. EVENWEL ET AL. *v.* ABBOTT, GOVERNOR OF TEXAS, ET AL. D. C. W. D. Tex. [Probable jurisdiction noted, 575 U.S. 1024.] Motion of appellants to dispense with printing joint appendix granted.

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Miscellaneous Orders

No. 14–840. FEDERAL ENERGY REGULATORY COMMISSION *v.* ELECTRIC POWER SUPPLY ASSN. ET AL.; and

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No. 14–841. ENERNOC, INC., ET AL. *v.* ELECTRIC POWER SUPPLY ASSN. ET AL. C. A. D. C. Cir. [Certiorari granted, 575 U. S. 995.] Motion of the Solicitor General for divided argument granted. JUSTICE ALITO took no part in the consideration or decision of this motion.

No. 14–857. CAMPBELL-EWALD CO. *v.* GOMEZ. C. A. 9th Cir. [Certiorari granted, 575 U. S. 1008.] Motion of the Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 14–1504. WITTMAN ET AL. *v.* PERSONHUBALLAH ET AL. Appeal from D. C. E. D. Va. The parties are directed to file supplemental briefs addressing the following question: “Whether appellants have standing under Article III of the United States Constitution.” Briefs, not to exceed 15 pages each, are to be filed simultaneously with the Clerk and served upon opposing counsel on or before Tuesday, October 13, 2015. Reply briefs, not to exceed 10 pages each, are to be filed with the Clerk and served upon opposing counsel on or before Tuesday, October 20, 2015.

SEPTEMBER 29, 2015

Certiorari Denied

No. 15–6275 (15A331). GISSENDANER *v.* BRYSON, COMMISSIONER, GEORGIA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Application for stay of execution of sentence of death, presented to JUSTICE THOMAS, and by him referred to the Court, denied. Certiorari denied. JUSTICE SOTOMAYOR would grant the application for stay of execution. Reported below: 794 F. 3d 1327.

No. 15–6327 (15A337). GISSENDANER *v.* CHATMAN, WARDEN. Sup. Ct. Ga. Application for stay of execution of sentence of death, presented to JUSTICE THOMAS, and by him referred to the Court, denied. Certiorari denied.

No. 15–6336 (15A336). GISSENDANER *v.* BRYSON, COMMISSIONER, GEORGIA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Application for stay of execution of sentence of death, presented to JUSTICE THOMAS, and by him referred to the Court, denied. Certiorari denied. Reported below: 803 F. 3d 565.

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Certiorari Denied

No. 15–6340 (15A333). *GLOSSIP v. OKLAHOMA*. Ct. Crim. App. Okla. Application for stay of execution of sentence of death, presented to JUSTICE SOTOMAYOR, and by her referred to the Court, denied. Certiorari denied. JUSTICE BREYER would grant the application for stay of execution.

OCTOBER 1, 2015

Dismissal Under Rule 46

No. 15–5019. *OSBORNE ET AL. v. TULIS, AS CHAPTER 7 TRUSTEE FOR OSBORNE ET AL.* (two judgments). C. A. 2d Cir. Certiorari dismissed under this Court's Rule 46.1. Reported below: 594 Fed. Appx. 34 (second judgment) and 39 (first judgment).

Miscellaneous Order

No. 15–6325 (15A334). *IN RE PRIETO*. Application for stay of execution of sentence of death, presented to THE CHIEF JUSTICE, and by him referred to the Court, denied. Petition for writ of habeas corpus denied.

Certiorari Granted

No. 14–770. *BANK MARKAZI, AKA CENTRAL BANK OF IRAN v. PETERSON ET AL.* C. A. 2d Cir. Certiorari granted. Reported below: 758 F. 3d 185.

No. 14–1209. *STURGEON v. FROST, ALASKA REGIONAL DIRECTOR OF THE NATIONAL PARK SERVICE, ET AL.* C. A. 9th Cir. Certiorari granted. Reported below: 768 F. 3d 1066.

No. 14–1280. *HEFFERNAN v. CITY OF PATERSON, NEW JERSEY, ET AL.* C. A. 3d Cir. Certiorari granted. Reported below: 777 F. 3d 147.

No. 14–1373. *UTAH v. STRIEFF*. Sup. Ct. Utah. Certiorari granted. Reported below: 2015 UT 2, 357 P. 3d 532.

No. 14–1382. *AMERICOLD LOGISTICS, LLC, ET AL. v. CONAGRA FOODS, INC., ET AL.* C. A. 10th Cir. Certiorari granted. Reported below: 776 F. 3d 1175.

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No. 14–1406. NEBRASKA ET AL. *v.* PARKER ET AL. C. A. 8th Cir. Certiorari granted. Reported below: 774 F. 3d 1166.

No. 14–1458. MHN GOVERNMENT SERVICES, INC., ET AL. *v.* ZABOROWSKI ET AL. C. A. 9th Cir. Certiorari granted. Reported below: 601 Fed. Appx. 461.

No. 14–1516. DUNCAN, WARDEN *v.* OWENS. C. A. 7th Cir. Certiorari granted. Reported below: 781 F. 3d 360.

No. 15–108. COMMONWEALTH OF PUERTO RICO *v.* SANCHEZ VALLE ET AL. Sup. Ct. P. R. Certiorari granted.

No. 14–6166. TAYLOR *v.* UNITED STATES. C. A. 4th Cir. Motion of petitioner for leave to proceed *in forma pauperis* granted. Certiorari granted. Reported below: 754 F. 3d 217.

No. 14–8913. MOLINA-MARTINEZ *v.* UNITED STATES. C. A. 5th Cir. Motion of petitioner for leave to proceed *in forma pauperis* granted. Certiorari granted. Reported below: 588 Fed. Appx. 333.

No. 15–138. RJR NABISCO, INC., ET AL. *v.* EUROPEAN COMMUNITY ET AL. C. A. 2d Cir. Motion of Washington Legal Foundation for leave to file brief as *amicus curiae* granted. Certiorari granted. JUSTICE SOTOMAYOR took no part in the consideration or decision of this motion and this petition. Reported below: 764 F. 3d 129.

No. 15–5040. WILLIAMS *v.* PENNSYLVANIA. Sup. Ct. Pa. Motion of petitioner for leave to proceed *in forma pauperis* granted. Certiorari granted. Reported below: 629 Pa. 533, 105 A. 3d 1234.

Certiorari Denied

No. 15–6064 (15A304). PRIETO *v.* ZOOK, WARDEN. C. A. 4th Cir. Application for stay of execution of sentence of death, presented to THE CHIEF JUSTICE, and by him referred to the Court, denied. Certiorari denied. Reported below: 791 F. 3d 465.

OCTOBER 2, 2015

Dismissal Under Rule 46

No. 14–1511. GIRL SCOUTS OF MIDDLE TENNESSEE, INC. *v.* GIRL SCOUTS OF THE U. S. A. C. A. 6th Cir. Certiorari dis-

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missed under this Court's Rule 46.1. Reported below: 770 F. 3d 414.

Miscellaneous Order

No. 15A343. PRIETO *v.* CLARKE, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS, ET AL. Application for stay of execution of sentence of death, presented to THE CHIEF JUSTICE, and by him referred to the Court, dismissed as moot.