ORDERS FOR MARCH 29 THROUGH
JUNE 19, 2017

MARCH 29, 2017

Miscellaneous Order

No. 145, Orig. DELAWARE *v.* PENNSYLVANIA ET AL.; and
No. 146, Orig. ARKANSAS ET AL. *v.* DELAWARE. It is ordered that the Honorable Pierre N. Leval, of New York, N. Y., is appointed Special Master in these cases with authority to fix the time and conditions for the filing of additional pleadings, to direct subsequent proceedings, to summon witnesses, to issue subpoenas, and to take such evidence as may be introduced and such as he may deem it necessary to call for. The Special Master is directed to submit reports as he may deem appropriate. The cost of printing his reports, and all other proper expenses, including travel expenses, shall be submitted to the Court. [For earlier order herein, see, *e. g.*, 580 U. S. 1027.]

MARCH 30, 2017

Dismissal Under Rule 46

No. 15–488. ORTIZ, AS NEXT FRIEND AND PARENT OF I. O., A MINOR *v.* UNITED STATES. C. A. 10th Cir. Certiorari dismissed under this Court's Rule 46.1. Reported below: 786 F. 3d 817.

APRIL 3, 2017

Certiorari Granted—Vacated and Remanded

No. 15–1455. ROWELL, DBA BEAUMONT GREENERY, ET AL. *v.* PETTIJOHN, COMMISSIONER OF THE TEXAS OFFICE OF CONSUMER CREDIT COMMISSIONER. C. A. 5th Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Expressions Hair Design* v. *Schneiderman*, *ante*, p. 37. Reported below: 816 F. 3d 73.

No. 15–7974. HENDERSON *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS

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DIVISION. C. A. 5th Cir. Motion of petitioner for leave to proceed *in forma pauperis* granted. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Moore* v. *Texas*, *ante*, p. 1. Reported below: 791 F. 3d 567.

No. 16–6032. AKEL *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 *Mathis* v. *United States*, 579 U. S. 500 (2016). JUSTICE KAGAN took no part in the consideration or decision of this motion and this petition.

No. 16–6445. MARTINEZ *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Motion of petitioner for leave to proceed *in forma pauperis* granted. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Moore* v. *Texas*, *ante*, p. 1. Reported below: 653 Fed. Appx. 308.

No. 16–6550. ROBINSON *v.* UNITED STATES. C. A. 4th Cir. Motion of petitioner for leave to proceed *in forma pauperis* granted. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Montgomery* v. *Louisiana*, 577 U. S. 190 (2016). Reported below: 653 Fed. Appx. 779.

Certiorari Dismissed

No. 16–7739. CAISON *v.* FLORIDA. Dist. Ct. App. Fla., 3d Dist. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8. Reported below: 203 So. 3d 167.

No. 16–8142. KNOX *v.* SESSIONS, ATTORNEY GENERAL, ET AL. C. A. 10th 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–2944. In re Disbarment of Summers. Disbarment entered. [For earlier order herein, see 580 U. S. 1028.]

No. D–2947. In re Disbarment of Hudgens. Disbarment entered. [For earlier order herein, see 580 U. S. 1110.]

No. 16M105. In re Wright;

No. 16M107. Lewis *v.* Ryan, Director, Arizona Department of Corrections, et al.; and

No. 16M109. Thompson *v.* Speer, Acting Secretary of the Army. Motions for leave to proceed as veterans denied.

No. 16M106. Johnson *v.* Cook et al.; and

No. 16M108. Hamilton *v.* Hawaii. Motions to direct the Clerk to file petitions for writs of certiorari out of time denied.

No. 142, Orig. Florida *v.* Georgia. Motion of the Special Master for allowance of fees and disbursements granted, and the Special Master is awarded a total of $50,933.89, for the period January 1 through February 28, 2017, to be paid equally by the parties. [For earlier order herein, see, *e. g.*, 580 U. S. 1195.]

No. 16–299. National Association of Manufacturers *v.* Department of Defense et al. C. A. 6th Cir. [Certiorari granted, 580 U. S. 1088.] Motion of federal respondents to hold briefing schedule in abeyance denied.

No. 16–405. BNSF Railway Co. *v.* Tyrrell, Special Administrator for the Estate of Tyrrell, Deceased, et al. Sup. Ct. Mont. [Certiorari granted, 580 U. S. 1089.] Motion of the Acting Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 16–466. Bristol-Myers Squibb Co. *v.* Superior Court of California, San Francisco County, et al. Sup. Ct. Cal. [Certiorari granted, 580 U. S. 1097.] Motion of MoneyMutual LLP for leave to file brief as *amicus curiae* out of time granted.

No. 16–658. Hamer *v.* Neighborhood Housing Services of Chicago et al. C. A. 7th Cir. [Certiorari granted, 580 U. S. 1159.] Motion of petitioner to dispense with printing joint appendix granted.

No. 16–8273. In re Bartok. Petition for writ of habeas corpus denied.

No. 16–7703. In re Scheckel. Petition for writ of mandamus denied.

Certiorari Granted

No. 16–499. Jesner et al. *v.* Arab Bank, PLC. C. A. 2d Cir. Certiorari granted. Reported below: 808 F. 3d 144.

No. 16–6795. Ayestas, aka Zelaya Corea *v.* Davis, Director, Texas Department of Criminal Justice, Correctional Institutions Division. C. A. 5th Cir. Motion of petitioner for leave to proceed *in forma pauperis* granted. Certiorari granted limited to Question 2 presented by the petition. Reported below: 817 F. 3d 888.

Certiorari Denied

No. 15–1482. Bondi, Attorney General of Florida *v.* Dana's Railroad Supply et al. C. A. 11th Cir. Certiorari denied. Reported below: 807 F. 3d 1235.

No. 15–7073. Chase *v.* Mississippi. Sup. Ct. Miss. Certiorari denied. Reported below: 171 So. 3d 463.

No. 16–577. Shelton *v.* McQuiggin, Warden. C. A. 6th Cir. Certiorari denied. Reported below: 651 Fed. Appx. 311.

No. 16–643. Estate of Reat et al. *v.* Rodriguez. C. A. 10th Cir. Certiorari denied. Reported below: 824 F. 3d 960.

No. 16–679. McFadden *v.* United States. C. A. 4th Cir. Certiorari denied. Reported below: 823 F. 3d 217.

No. 16–683. Jankovic, aka Zepter *v.* International Crisis Group et al. C. A. D. C. Cir. Certiorari denied. Reported below: 822 F. 3d 576.

No. 16–684. PLIVA, Inc., et al. *v.* Kohles et al. Sup. Ct. N. J. Certiorari denied. Reported below: 226 N. J. 315, 142 A. 3d 725.

No. 16–828. Gardner, New Hampshire Secretary of State *v.* Rideout et al. C. A. 1st Cir. Certiorari denied. Reported below: 838 F. 3d 65.

No. 16–924. Baumgart *v.* Texas. Ct. Crim. App. Tex. Certiorari denied.

No. 16–927. Hess *v.* Board of Trustees of Southern Illinois University et al. C. A. 7th Cir. Certiorari denied. Reported below: 839 F. 3d 668.

No. 16–930. Meitzner *v.* Young et al. C. A. 6th Cir. Certiorari denied.

No. 16–931. Woods, Warden *v.* Holbrook. C. A. 6th Cir. Certiorari denied. Reported below: 833 F. 3d 612.

No. 16–933. Templeton *v.* New Mexico. Ct. App. N. M. Certiorari denied.

No. 16–934. Coulter *v.* Jamsan Hotel Management, Inc., et al. C. A. 1st Cir. Certiorari denied.

No. 16–936. Clyde Armory Inc. *v.* FN Herstal SA. C. A. 11th Cir. Certiorari denied. Reported below: 838 F. 3d 1071.

No. 16–939. Sparks *v.* Countrywide Home Loans, Inc., et al. C. A. 6th Cir. Certiorari denied.

No. 16–944. Mays *v.* Missouri. Ct. App. Mo., Western Dist. Certiorari denied. Reported below: 501 S. W. 3d 484.

No. 16–949. Manning *v.* South Carolina. Sup. Ct. S. C. Certiorari denied. Reported below: 418 S. C. 38, 791 S. E. 2d 148.

No. 16–962. Grooms, Administratrix of the Estate of Grooms, Deceased *v.* Hunter Holmes McGuire Veterans Administration Medical Center et al. C. A. 4th Cir. Certiorari denied. Reported below: 656 Fed. Appx. 27.

No. 16–989. Kashamu *v.* Department of Justice et al. C. A. 7th Cir. Certiorari denied. Reported below: 846 F. 3d 934.

No. 16–997. Carroll *v.* Vinnell Ababia, LLC. C. A. 4th Cir. Certiorari denied. Reported below: 668 Fed. Appx. 483.

No. 16–1002. Parker *v.* Crete Carrier Corp. C. A. 8th Cir. Certiorari denied. Reported below: 839 F. 3d 717.

No. 16–1024. Bout, aka Bulakin, aka Butt, aka Aminov, aka Budd *v.* United States. C. A. 2d Cir. Certiorari denied. Reported below: 666 Fed. Appx. 34.

No. 16–1025. HOLLE *v.* ARIZONA. Sup. Ct. Ariz. Certiorari denied. Reported below: 240 Ariz. 300, 379 P. 3d 197.

No. 16–1026. KOWALSKI *v.* COOK COUNTY SHERIFF'S POLICE DEPARTMENT ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 669 Fed. Appx. 784.

No. 16–1035. KEEFE *v.* ADAMS ET AL. C. A. 8th Cir. Certiorari denied. Reported below: 840 F. 3d 523.

No. 16–1049. TOLLIVER *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 668 Fed. Appx. 854.

No. 16–1059. KOZIARA *v.* BNSF RAILWAY CO. C. A. 7th Cir. Certiorari denied. Reported below: 840 F. 3d 873.

No. 16–6444. LEDFORD *v.* SELLERS, WARDEN. C. A. 11th Cir. Certiorari denied. Reported below: 818 F. 3d 600.

No. 16–6569. LOVETT *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 668 Fed. Appx. 230.

No. 16–7104. GOSYLN *v.* KENTUCKY. Ct. App. Ky. Certiorari denied.

No. 16–7269. BILLER *v.* TRIPLETT ET AL. Sup. Ct. App. W. Va. Certiorari denied.

No. 16–7337. CRUICKSHANK *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 837 F. 3d 1182.

No. 16–7592. WHITE ET UX. *v.* ATTORNEY GRIEVANCE COMMISSION OF MICHIGAN. Sup. Ct. Mich. Certiorari denied. Reported below: 500 Mich. 884, 886 N. W. 2d 429.

No. 16–7676. TRAMMEL *v.* BANKS, WARDEN. C. A. 5th Cir. Certiorari denied.

No. 16–7677. DIXON *v.* NEW YORK. App. Div., Sup. Ct. N. Y., 2d Jud. Dept. Certiorari denied. Reported below: 138 App. Div. 3d 1016, 29 N. Y. S. 3d 554.

No. 16–7679. WILLIAMS *v.* MICHIGAN. Ct. App. Mich. Certiorari denied.

No. 16–7693. FOX *v.* JOHNSON, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 832 F. 3d 978.

No. 16–7698. MADDEN *v.* MADDEN ET AL. C. A. 10th Cir. Certiorari denied.

No. 16–7699. KING *v.* WYOMING ET AL. C. A. 10th Cir. Certiorari denied. Reported below: 656 Fed. Appx. 387.

No. 16–7705. RODRIGUEZ *v.* FILSON, WARDEN, ET AL. C. A. 9th Cir. Certiorari denied.

No. 16–7706. REYNOLDS *v.* MUSIER ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 671 Fed. Appx. 47.

No. 16–7709. DAMJANOVIC *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied.

No. 16–7713. PENDER *v.* MORRIS DUFFY ALONSO & FALEY, LLP. Ct. App. N. Y. Certiorari denied. Reported below: 26 N. Y. 3d 1137, 47 N. E. 3d 780.

No. 16–7719. NAWLS ET AL. *v.* SHAKOPEE MDEWAKANTON SIOUX GAMING ENTERPRISE—MYSTIC LAKE CASINO. C. A. 8th Cir. Certiorari denied. Reported below: 669 Fed. Appx. 331.

No. 16–7722. CAREY *v.* TEXAS. Ct. Crim. App. Tex. Certiorari denied.

No. 16–7727. PABLO VAZQUEZ *v.* CLARK, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT ALBION, ET AL. C. A. 3d Cir. Certiorari denied.

No. 16–7734. RUNNINGEAGLE *v.* RYAN, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS. C. A. 9th Cir. Certiorari denied. Reported below: 825 F. 3d 970.

No. 16–7736. REESE *v.* LARSON, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 16–7740. DOMINQUEZ *v.* SCHNEIDERMAN ET AL. C. A. 2d Cir. Certiorari denied.

No. 16–7741. TAYLOR *v.* PFISTER, WARDEN. C. A. 7th Cir. Certiorari denied.

No. 16–7744. JACKSON *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied. Reported below: 1 Cal. 5th 269, 376 P. 3d 528.

No. 16–7749. WACHT *v.* BRAUN, WARDEN. C. A. 8th Cir. Certiorari denied.

No. 16–7750. WILLIAMS *v.* VANNOY, WARDEN. C. A. 5th Cir. Certiorari denied. Reported below: 669 Fed. Appx. 207.

No. 16–7751. UHLRY *v.* BLADES, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 16–7753. MELOT *v.* ROBERSON ET AL. C. A. 10th Cir. Certiorari denied. Reported below: 653 Fed. Appx. 570.

No. 16–7754. SUEING *v.* MCKEE, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 16–7757. TOLIVER *v.* CITY OF BUFFALO, NEW YORK, ET AL. C. A. 2d Cir. Certiorari denied.

No. 16–7759. CHUNESTUDY *v.* KELLEY, DIRECTOR, ARKANSAS DEPARTMENT OF CORRECTION. C. A. 8th Cir. Certiorari denied.

No. 16–7760. CARAWAY *v.* TEXAS. Ct. Crim. App. Tex. Certiorari denied.

No. 16–7765. SMITH *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 16–7768. WRIGHT *v.* VIRGINIA. Sup. Ct. Va. Certiorari denied. Reported below: 292 Va. 386, 789 S. E. 2d 611.

No. 16–7770. ARACENA *v.* JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Certiorari denied.

No. 16–7783. HILL ET UX. *v.* DITECH FINANCIAL, LLC, ET AL. Ct. App. Mo., Eastern Dist. Certiorari denied.

No. 16–7784. RUSSELL *v.* TURNER, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 16–7785. GREENE *v.* CITY OF LOS ANGELES, CALIFORNIA, ET AL. Ct. App. Cal., 2d App. Dist., Div. 5. Certiorari denied.

No. 16–7786. FEIT *v.* NEW JERSEY. Super. Ct. N. J., App. Div. Certiorari denied.

No. 16–7814. ELLIS *v.* CITY OF PITTSBURGH, PENNSYLVANIA, ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 656 Fed. Appx. 606.

No. 16–7815. MITCHELL *v.* GASTELO, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 16–7820. RAINEY *v.* FLORIDA. Dist. Ct. App. Fla., 4th Dist. Certiorari denied. Reported below: 203 So. 3d 172.

No. 16–7822. SAUSEDA *v.* ILLINOIS. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 2016 IL App (1st) 140134, 50 N. E. 3d 723.

No. 16–7864. FUNES *v.* VANNOY, WARDEN. C. A. 5th Cir. Certiorari denied.

No. 16–7865. GOFORTH *v.* KANE, ACTING DIRECTOR, FEDERAL BUREAU OF PRISONS, ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 643 Fed. Appx. 270.

No. 16–7875. JONES *v.* BROWN ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 670 Fed. Appx. 579.

No. 16–7890. CARDONA *v.* JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Certiorari denied.

No. 16–7909. KELLY *v.* PENNSYLVANIA. Super. Ct. Pa. Certiorari denied. Reported below: 154 A. 3d 852.

No. 16–7940. LOCKE *v.* TICE, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT SMITHFIELD, ET AL. C. A. 3d Cir. Certiorari denied.

No. 16–7952. FRAZIER *v.* ENLOE, WARDEN. C. A. 7th Cir. Certiorari denied. Reported below: 843 F. 3d 258.

No. 16–7956. FLATHERS *v.* NORTHAMPTON HOUSING AUTHORITY. C. A. 1st Cir. Certiorari denied.

No. 16–7976. LOWE *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 664 Fed. Appx. 38.

No. 16–8005. MCKEE *v.* CITY OF GREENSBORO, NORTH CAROLINA. C. A. 4th Cir. Certiorari denied. Reported below: 668 Fed. Appx. 45.

No. 16–8016. DANIEL *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 670 Fed. Appx. 845.

No. 16–8036. ABDULHADI *v.* SMITH, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT HOUTZDALE, ET AL. C. A. 3d Cir. Certiorari denied.

No. 16–8044. SCHMIDT *v.* FLORIDA. Dist. Ct. App. Fla., 5th Dist. Certiorari denied. Reported below: 205 So. 3d 616.

No. 16–8082. JOHNSON *v.* ILLINOIS. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 2016 IL App (1st) 130060–U.

No. 16–8086. DAVENPORT *v.* DELAWARE. Sup. Ct. Del. Certiorari denied. Reported below: 150 A. 3d 274.

No. 16–8109. REIS-CAMPOS *v.* BITER, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 832 F. 3d 968.

No. 16–8114. WHEELER *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 16–8116. JENKINS *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied.

No. 16–8136. REEVES *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 665 Fed. Appx. 833.

No. 16–8147. REED *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 668 Fed. Appx. 70.

No. 16–8151. SHRADER *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 668 Fed. Appx. 494.

No. 16–8156. SANTIAGO-BECERRILL *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied.

No. 16–8159. LYLES *v.* DUNLAP, WARDEN. C. A. 4th Cir. Certiorari denied. Reported below: 656 Fed. Appx. 16.

No. 16–8162. WAINWRIGHT *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 16–8163. WILRIDGE *v.* GONZALEZ, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 671 Fed. Appx. 494.

No. 16–8165. WELLS *v.* UNITED STATES. Ct. App. D. C. Certiorari denied.

No. 16–8168. Olmos Munoz *v.* United States. C. A. 10th Cir. Certiorari denied. Reported below: 664 Fed. Appx. 713.

No. 16–8171. Alcaraz *v.* United States. C. A. 9th Cir. Certiorari denied. Reported below: 670 Fed. Appx. 482.

No. 16–8173. Williams *v.* United States. C. A. 4th Cir. Certiorari denied. Reported below: 668 Fed. Appx. 451.

No. 16–8179. Young *v.* United States et al. C. A. 11th Cir. Certiorari denied.

No. 16–8185. Johnson, aka Hibbert *v.* United States. C. A. 2d Cir. Certiorari denied. Reported below: 659 Fed. Appx. 674.

No. 16–572. Citizens Against Reservation Shopping et al. *v.* Zinke, Secretary of the Interior, et al. C. A. D. C. Cir. Motion of California State Association of Counties et al. for leave to file brief as *amici curiae* granted. Certiorari denied. Reported below: 830 F. 3d 552.

No. 16–6280. Cooper *v.* O'Brien, Warden. C. A. 4th Cir. Certiorari denied. Justice Kagan took no part in the consideration or decision of this petition. Reported below: 639 Fed. Appx. 196.

No. 16–7390. Bahel *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. 16–842. Walsh *v.* Shulkin, Secretary of Veterans Affairs, 580 U. S. 1119;

No. 16–854. McKinney *v.* Kelly, Secretary of Homeland Security, 580 U. S. 1172;

No. 16–6399. Sekendur *v.* United States ex rel. McCandliss, 580 U. S. 1059;

No. 16–6510. Barnett *v.* Florida, 580 U. S. 1061;

No. 16–6890. In re Caldwell et al., 580 U. S. 1098;

No. 16–6915. Johnson *v.* Michigan et al., 580 U. S. 1102;

No. 16–6986. Brennan *v.* United States, 580 U. S. 1079; and

No. 16–7362. Bradley *v.* Sabree et al., 580 U. S. 1134. Petitions for rehearing denied.

April 5, 2017

Dismissal Under Rule 46

No. 16–8167. In re Richardson. Petition for writ of mandamus dismissed under this Court's Rule 46.

April 13, 2017*

Miscellaneous Orders

No. 15–1039. Sandoz Inc. *v.* Amgen Inc. et al.; and
No. 15–1195. Amgen Inc. et al. *v.* Sandoz Inc. C. A. Fed. Cir. [Certiorari granted, 580 U. S. 1089.] Motion of the Acting Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 16–240. Weaver *v.* Massachusetts. Sup. Jud. Ct. Mass. [Certiorari granted, 580 U. S. 1088.] Motion of the Acting Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 16–466. Bristol-Myers Squibb Co. *v.* Superior Court of California, San Francisco County, et al. Sup. Ct. Cal. [Certiorari granted, 580 U. S. 1097.] Motion of the Acting Solicitor General for leave to participate in oral argument as *amicus curiae* and for divided argument granted.

No. 16–6219. Davila *v.* Davis, Director, Texas Department of Criminal Justice, Correctional Institutions Division. C. A. 5th Cir. [Certiorari granted, 580 U. S. 1090.] Motion of Nevada et al. for leave to participate in oral argument as *amici curiae* and for divided argument denied.

April 17, 2017*

Certiorari Granted—Vacated and Remanded

No. 16–5441. Edmond *v.* United States; and
No. 16–5461. Harper *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 *Dean* v. *United States*, *ante*, p. 62. Reported below: 815 F. 3d 1032.

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*Justice Gorsuch took no part in the consideration or decision of the orders announced on this date.

No. 16–7535. LEWIS *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 the position asserted by the Acting Solicitor General in his memorandum for the United States filed March 15, 2017.

Certiorari Dismissed

No. 16–7780. LORDMASTER, FKA GOLDADER *v.* CLARKE, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS, ET AL. Sup. Ct. Va. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8.

No. 16–7905. PARKER *v.* JOHNSON, ADMINISTRATOR, NEW JERSEY STATE PRISON, ET AL. C. A. 3d Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8. 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. 16–7912. KNOX *v.* COURT OF CRIMINAL APPEALS OF OKLAHOMA ET AL. Sup. Ct. Okla. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8.

No. 16–7915. JACKMAN *v.* 5751 UNIT TEAM FORT DIX ET AL. C. A. 3d Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8.

No. 16–8020. ABREU ACEVES *v.* CALIFORNIA. 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*). Reported below: 672 Fed. Appx. 683.

Miscellaneous Orders

No. D–2957. IN RE DISCIPLINE OF MCMULLEN. Sean P. McMullen, of Kensington, Md., is suspended from the practice of law in this Court, and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. D–2958. IN RE DISCIPLINE OF WHITE. Quenton I. White, of Nashville, Tenn., 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–2959. IN RE DISCIPLINE OF SAFAVIAN. David H. Safavian, of Alexandria, Va., is suspended from the practice of law in this Court, and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. D–2960. IN RE DISCIPLINE OF SKELOS. Dean George Skelos, of Rockville Centre, 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–2961. IN RE DISCIPLINE OF CONSTANTOPES. Alex Constantopes, of Jackson Heights, 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–2962. IN RE DISCIPLINE OF WALKER. James Gordon Walker, of Bloomington, 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–2963. IN RE DISCIPLINE OF LOCKLAIR. John Wesley Locklair III, of Myrtle Beach, S. 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–2964. IN RE DISCIPLINE OF SAXON. Sean Gardner Saxon, of Arvada, Colo., 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–2965. IN RE DISCIPLINE OF MEI. Howard Teng-Hao Mei, of Bethesda, Md., is suspended from the practice of law in this Court, and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. D–2966. IN RE DISCIPLINE OF HARTKE. Wayne Richard Hartke, of Reston, Va., is suspended from the practice of law in this Court, and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. D–2967. IN RE SEPTOWSKI. Charles D. Septowski, of St. Louis, Mo., 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–2968. IN RE DISCIPLINE OF VEGA. Jose W. Vega, of Houston, Tex., 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. 16M110. WEICHERT *v.* VILLAGE OF PARISH, NEW YORK, ET AL. Motion for leave to proceed as a veteran denied.

No. 16M111. WILLIAMS *v.* UNITED STATES;

No. 16M112. JOHNSON *v.* LUCENT TECHNOLOGIES INC.;

No. 16M114. COHEN *v.* NEW YORK CITY POLICE DEPARTMENT, HQ COUNTER TERRORISM;

No. 16M115. MALONE *v.* SECURITAS SECURITY SERVICES USA, INC., ET AL.; and

No. 16M117. MILLINGTON *v.* GEICO ET AL. Motions to direct the Clerk to file petitions for writs of certiorari out of time denied.

No. 16M113. WYATT *v.* GILMARTIN ET AL. Motion for leave to file petition for writ of certiorari under seal granted.

No. 16M116. R. M. *v.* COMMITTEE ON CHARACTER AND FITNESS. Motion for leave to file petition for writ of certiorari under seal with redacted copies for the public record granted.

No. 16–6943. VILLA *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [580 U. S. 1108] denied.

No. 16–7022. NOBLE *v.* VAUGHN, WARDEN, ET AL. C. A. 3d Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [580 U. S. 1112] denied.

No. 16–7157. NOBLE *v.* UNITED STATES DISTRICT COURT FOR THE DISTRICT OF DELAWARE. C. A. 3d Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [580 U. S. 1112] denied. JUSTICE ALITO took no part in the consideration or decision of this motion.*

No. 16–7372. IN RE NOBLE. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [580 U. S. 1158] denied. JUSTICE ALITO took no part in the consideration or decision of this motion.*

No. 16–7537. HAMILTON *v.* BIRD ET AL.;
No. 16–7538. HAMILTON *v.* BIRD ET AL.; and
No. 16–7539. HAMILTON *v.* BIRD ET AL. C. A. 10th Cir. Motions of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [580 U. S. 1193] denied.

No. 16–7790. LAN *v.* COMCAST CORP., LLC. Ct. App. Cal., 1st App. Dist., Div. 5;
No. 16–7900. IN RE LAGERSTROM;
No. 16–7950. SANTIAGO *v.* LABOR AND INDUSTRY REVIEW COMMISSION ET AL. Ct. App. Wis.; and
No. 16–8119. DIGIORGIO *v.* SECURITIES AND EXCHANGE COMMISSION. C. A. 11th Cir.† Motions of petitioners for leave to

*See also note, *supra*, p. 912.

†[REPORTER'S NOTE: This order was vacated on June 5, 2017. *Post*, p. 1025.]

proceed *in forma pauperis* denied. Petitioners are allowed until May 8, 2017, 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. 16–8314. In re Clayborne;
No. 16–8376. In re Timmerman; and
No. 16–8474. In re Clay. Petitions for writs of habeas corpus denied.

No. 16–990. In re Lozman; and
No. 16–7929. In re Rogers. Petitions for writs of mandamus denied.

Certiorari Denied

No. 15–8942. Lee *v.* United States. C. A. 8th Cir. Certiorari denied. Reported below: 792 F. 3d 1021.

No. 16–612. Langbord et al. *v.* Department of the Treasury et al. C. A. 3d Cir. Certiorari denied. Reported below: 832 F. 3d 170.

No. 16–672. Paso Robles Unified School District *v.* Timothy O. et al. C. A. 9th Cir. Certiorari denied. Reported below: 822 F. 3d 1105.

No. 16–676. Carter et al. *v.* Petties. C. A. 7th Cir. Certiorari denied. Reported below: 836 F. 3d 722.

No. 16–721. West Virginia ex rel. Morrisey *v.* Department of Health and Human Services. C. A. D. C. Cir. Certiorari denied. Reported below: 827 F. 3d 81.

No. 16–729. Buehler *v.* Austin Police Department et al. C. A. 5th Cir. Certiorari denied. Reported below: 824 F. 3d 548.

No. 16–733. Sanchez de Lozada Sanchez Bustamante et al. *v.* Rojas Mamani et al. C. A. 11th Cir. Certiorari denied. Reported below: 825 F. 3d 1304.

No. 16–780. Schoenefeld *v.* Schneiderman, Attorney General of New York, et al. C. A. 2d Cir. Certiorari denied. Reported below: 821 F. 3d 273.

No. 16–805. Lewis et al. *v.* Vasquez. C. A. 10th Cir. Certiorari denied. Reported below: 834 F. 3d 1132.

No. 16–812. CASTRO ET AL. *v.* DEPARTMENT OF HOMELAND SECURITY ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 835 F. 3d 422.

No. 16–841. INTERNATIONAL PAPER CO. ET AL. *v.* KLEEN PRODUCTS LLC ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 831 F. 3d 919.

No. 16–850. ENERGY CONVERSION DEVICES LIQUIDATION TRUST *v.* TRINA SOLAR LTD. ET AL. C. A. 6th Cir. Certiorari denied. Reported below: 833 F. 3d 680.

No. 16–875. ALLIED INDUSTRIAL DEVELOPMENT CORP. *v.* SURFACE TRANSPORTATION BOARD ET AL. C. A. 6th Cir. Certiorari denied. Reported below: 835 F. 3d 548.

No. 16–957. SILVERTHORNE *v.* YEAMAN ET AL. C. A. 11th Cir. Certiorari denied. Reported below: 668 Fed. Appx. 354.

No. 16–973. CROCHET *v.* LOUISIANA. Sup. Ct. La. Certiorari denied. Reported below: 2016–1123 (La. 9/23/16), 200 So. 3d 370.

No. 16–974. MOTEALLEH *v.* CALIFORNIA DEPARTMENT OF TRANSPORTATION. C. A. 9th Cir. Certiorari denied.

No. 16–979. BENTON *v.* SHELDON. Sup. Ct. Nev. Certiorari denied. Reported below: 132 Nev. 946.

No. 16–981. FLINT *v.* NOBLE ET AL. C. A. 6th Cir. Certiorari denied.

No. 16–985. T. H. MCELVAIN OIL & GAS L. P. ET AL. *v.* GROUP I: BENSON-MONTIN-GREER DRILLING CORP., INC., ET AL. Sup. Ct. N. M. Certiorari denied. Reported below: 2017–NMSC–004, 388 P. 3d 240.

No. 16–986. OCHADLEUS ET AL. *v.* CITY OF DETROIT, MICHIGAN, ET AL. C. A. 6th Cir. Certiorari denied. Reported below: 838 F. 3d 792.

No. 16–993. SANMARTIN PRADO *v.* MARYLAND. Ct. App. Md. Certiorari denied. Reported below: 448 Md. 664, 141 A. 3d 99.

No. 16–1008. CHEUNG YIN SUN ET AL. *v.* MASHANTUCKET PEQUOT GAMING ENTERPRISE, DBA FOXWOODS RESORT CASINO,

ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 663 Fed. Appx. 57.

No. 16–1019. THOMAS *v.* SESSIONS, ATTORNEY GENERAL. C. A. 1st Cir. Certiorari denied. Reported below: 828 F. 3d 11.

No. 16–1031. PPW ROYALTY TRUST DATED SEPTEMBER 27, 1989, BY AND THROUGH PETRIE, ITS TRUSTEE, ET AL. *v.* BARTON ET AL. C. A. 8th Cir. Certiorari denied. Reported below: 841 F. 3d 746.

No. 16–1032. COLE *v.* BOARD OF TRUSTEES OF NORTHERN ILLINOIS UNIVERSITY ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 838 F. 3d 888.

No. 16–1033. CHATMAN *v.* MICHIGAN. Ct. App. Mich. Certiorari denied.

No. 16–1047. AFFINITY LABS OF TEXAS, LLC *v.* AMAZON.COM, INC., ET AL. C. A. Fed. Cir. Certiorari denied. Reported below: 838 F. 3d 1266.

No. 16–1066. MICHEL *v.* MCCONNELL, UNITED STATES SENATOR, ET AL. C. A. D. C. Cir. Certiorari denied. Reported below: 664 Fed. Appx. 10.

No. 16–1079. BORMUTH *v.* GRAND RIVER ENVIRONMENTAL ACTION TEAM ET AL. Ct. App. Mich. Certiorari denied.

No. 16–1086. ZELTSER *v.* LITTLE REST TWELVE, INC. C. A. 11th Cir. Certiorari denied. Reported below: 662 Fed. Appx. 887.

No. 16–1109. CONCATEN, INC. *v.* AMERITRAK FLEET SOLUTIONS, LLC, DBA AMERITRAK. C. A. Fed. Cir. Certiorari denied. Reported below: 669 Fed. Appx. 571.

No. 16–1129. HALAJIAN *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 671 Fed. Appx. 629.

No. 16–6342. JOHNSON *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 639 Fed. Appx. 78.

No. 16–6388. KELLY *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 629 Fed. Appx. 258.

No. 16–6397. HANF *v.* FLORIDA. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 182 So. 3d 704.

No. 16–6513. KNOX *v.* BERRYHILL, ACTING COMMISSIONER OF SOCIAL SECURITY. C. A. 8th Cir. Certiorari denied. Reported below: 637 Fed. Appx. 956.

No. 16–6861. STRONG *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 826 F. 3d 1109.

No. 16–6923. MILLER *v.* ZATECKY, SUPERINTENDENT, PENDLETON CORRECTIONAL FACILITY. C. A. 7th Cir. Certiorari denied. Reported below: 820 F. 3d 275.

No. 16–7008. PEREZ *v.* FURNIA ET AL. C. A. 2d Cir. Certiorari denied.

No. 16–7069. ADKINS *v.* WHOLE FOODS MARKET GROUP, INC. C. A. 4th Cir. Certiorari denied. Reported below: 655 Fed. Appx. 977.

No. 16–7084. BRUCE *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 668 Fed. Appx. 580.

No. 16–7101. RITCHIE *v.* NEAL, SUPERINTENDENT, INDIANA STATE PRISON. C. A. 7th Cir. Certiorari denied.

No. 16–7239. MOORE *v.* TENNESSEE. Ct. Crim. App. Tenn. Certiorari denied.

No. 16–7278. MUA ET AL. *v.* CALIFORNIA CASUALTY INDEMNITY EXCHANGE. Cir. Ct. Montgomery County, Md. Certiorari denied.

No. 16–7281. UPADHYAY *v.* AETNA LIFE INSURANCE CO. C. A. 9th Cir. Certiorari denied. Reported below: 645 Fed. Appx. 569.

No. 16–7325. SOLIZ *v.* TEXAS. Ct. App. Tex., 4th Dist. Certiorari denied.

No. 16–7386. CHANG *v.* DELAWARE. Sup. Ct. Del. Certiorari denied. Reported below: 149 A. 3d 242.

No. 16–7406. REARICK *v.* SOUTH CAROLINA. Sup. Ct. S. C. Certiorari denied. Reported below: 417 S. C. 391, 790 S. E. 2d 192.

No. 16–7488. MORALES *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 672 Fed. Appx. 437.

No. 16–7500. ROSS-VARNER *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied.

No. 16–7737. LANGSTON *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 662 Fed. Appx. 787.

No. 16–7800. MCARDLE *v.* OFFICE OF DISCIPLINARY COUNSEL. Sup. Ct. Pa. Certiorari denied.

No. 16–7801. PETERSON *v.* HVM LLC ET AL. C. A. 3d Cir. Certiorari denied.

No. 16–7804. MAYBERRY *v.* SOMMERS, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT WAYMART, ET AL. C. A. 3d Cir. Certiorari denied.

No. 16–7809. JORDAN *v.* FLORIDA. Dist. Ct. App. Fla., 5th Dist. Certiorari denied. Reported below: 202 So. 3d 429.

No. 16–7811. WADE *v.* BURTON, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 16–7812. CASTANEDA *v.* TEXAS. Ct. App. Tex., 1st Dist. Certiorari denied.

No. 16–7821. SMITH *v.* KELLEY, DIRECTOR, ARKANSAS DEPARTMENT OF CORRECTION. C. A. 8th Cir. Certiorari denied.

No. 16–7830. CHAPMAN *v.* ENTERPRISE RENT-A-CAR CO. ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 668 Fed. Appx. 40.

No. 16–7833. SIMMONS *v.* LOUISIANA DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS. Ct. App. La., 1st Cir. Certiorari denied.

No. 16–7836. KLAUZINSKI *v.* FUKUDA ET AL. C. A. 1st Cir. Certiorari denied.

No. 16–7837. JACKSON *v.* OHIO. Sup. Ct. Ohio. Certiorari denied. Reported below: 149 Ohio St. 3d 55, 2016-Ohio-5488, 73 N. E. 3d 414.

No. 16–7838. DURAN *v.* MURRY ET AL. C. A. 5th Cir. Certiorari denied.

No. 16–7839. POIZNER *v.* FRAUENHEIM, WARDEN, ET AL. C. A. 9th Cir. Certiorari denied.

No. 16–7841. HAWKINS *v.* COUNTY OF LOS ANGELES, CALIFORNIA. C. A. 9th Cir. Certiorari denied.

No. 16–7846. YOKLEY *v.* WOODS, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 16–7849. CELESTINE *v.* NIEVES. C. A. 5th Cir. Certiorari denied.

No. 16–7853. ANDERSON *v.* CAHLANDER ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 668 Fed. Appx. 224.

No. 16–7862. HESTER *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 16–7877. DUNAHUE *v.* KELLEY, DIRECTOR, ARKANSAS DEPARTMENT OF CORRECTION, ET AL. C. A. 8th Cir. Certiorari denied.

No. 16–7879. CARLISLE *v.* ILLINOIS. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 2015 IL App (1st) 131144, 35 N. E. 3d 649.

No. 16–7880. RAMIREZ *v.* BAUSCH & LOMB, INC. C. A. 11th Cir. Certiorari denied.

No. 16–7882. BROWN *v.* MICHIGAN. Ct. App. Mich. Certiorari denied.

No. 16–7884. GOODRICH *v.* GOODRICH ET AL. Sup. Ct. Ga. Certiorari denied. Reported below: 299 Ga. XXI, 792 S. E. 2d 664.

No. 16–7887. SEAGER *v.* WRIGLEY, WARDEN, ET AL. C. A. 10th Cir. Certiorari denied.

No. 16–7888. BOWEN *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 16–7899. DARBY *v.* CHOHAN ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 658 Fed. Appx. 355.

No. 16–7901. BENFORD *v.* CALIFORNIA. Ct. App. Cal., 4th App. Dist., Div. 1. Certiorari denied.

No. 16–7904. OZENNE *v.* CHASE MANHATTAN BANK ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 841 F. 3d 810.

No. 16–7907. JIMMY CHIP E. *v.* BUSCEMI ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 647 Fed. Appx. 219.

No. 16–7908. AYER *v.* ZENK, WARDEN. C. A. 1st Cir. Certiorari denied.

No. 16–7911. DIXSON *v.* KERNAN, SECRETARY, CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION. C. A. 9th Cir. Certiorari denied.

No. 16–7914. JOHNSON *v.* KERNAN, SECRETARY, CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION, ET AL. C. A. 9th Cir. Certiorari denied.

No. 16–7917. COOPER *v.* VAROUXIS, EXECUTRIX AND TRUSTEE OF THE THEODORE VAROUXIS ESTATE AND TRUST, ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 669 Fed. Appx. 188.

No. 16–7926. SIMMONS *v.* PERRY, WARDEN, ET AL. C. A. 11th Cir. Certiorari denied.

No. 16–7927. CLOY *v.* BURT, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 16–7931. STULTZ *v.* CLARK, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT ALBION, ET AL. C. A. 3d Cir. Certiorari denied.

No. 16–7934. SAITTA *v.* TUCSON UNITED SCHOOL DISTRICT. C. A. 9th Cir. Certiorari denied. Reported below: 669 Fed. Appx. 463.

No. 16–7937. MCFARLAND *v.* MACLAREN, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 16–7939. JONES *v.* MICHIGAN. Ct. App. Mich. Certiorari denied.

No. 16–7941. LINDSAY *v.* CASTELLOE. C. A. 4th Cir. Certiorari denied. Reported below: 670 Fed. Appx. 112.

No. 16–7947. BARAHONA *v.* MADDEN, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 16–7966. NELSON *v.* MV TRANSPORTATION, INC., ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 652 Fed. Appx. 47.

No. 16–7979. LEON *v.* SPEARMAN, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 16–7987. LANDIS *v.* BUNCOMBE COUNTY, NORTH CAROLINA, ET AL. C. A. 4th Cir. Certiorari denied.

No. 16–7998. MORGAN *v.* BOARD OF TRUSTEES OF THE UNIVERSITY OF ARKANSAS. C. A. 8th Cir. Certiorari denied.

No. 16–8011. ARTERBERRY *v.* LIZARRAGA, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 16–8015. MARSHALL *v.* FOSTER, WARDEN. C. A. 7th Cir. Certiorari denied.

No. 16–8050. MCKELTON *v.* OHIO. Sup. Ct. Ohio. Certiorari denied. Reported below: 148 Ohio St. 3d 261, 2016-Ohio-5735, 70 N. E. 3d 508.

No. 16–8064. ADOLFO BUSTAMANTE *v.* LIZARRAGA, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 16–8067. ELIZONDO *v.* BAUMAN, WARDEN. C. A. 6th Cir. Certiorari denied. Reported below: 674 Fed. Appx. 561.

No. 16–8069. PICKENS *v.* PERRITT, SUPERINTENDENT, LUMBERTON CORRECTIONAL INSTITUTION. C. A. 4th Cir. Certiorari denied. Reported below: 671 Fed. Appx. 214.

No. 16–8077. MCNAMARA *v.* NEVADA. Sup. Ct. Nev. Certiorari denied. Reported below: 132 Nev. 606, 377 P. 3d 106.

No. 16–8079. ZANDER *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 671 Fed. Appx. 80.

No. 16–8089. WILLIAMS *v.* BOWERSOX, WARDEN. Sup. Ct. Mo. Certiorari denied.

No. 16–8091. WINSTON *v.* AIR FORCE REVIEW BOARDS AGENCY. C. A. 4th Cir. Certiorari denied. Reported below: 671 Fed. Appx. 88.

No. 16–8097. CAMPBELL *v.* NEW YORK CITY TRANSIT AUTHORITY. C. A. 2d Cir. Certiorari denied. Reported below: 662 Fed. Appx. 57.

No. 16–8102. BEATTY *v.* JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Certiorari denied.

No. 16–8105. ERVIN *v.* WEST VIRGINIA. Sup. Ct. App. W. Va. Certiorari denied. Reported below: 238 W. Va. 77, 792 S. E. 2d 309.

No. 16–8107. SHEPPARD *v.* MEDEIROS, SUPERINTENDENT, MASSACHUSETTS CORRECTIONAL INSTITUTION AT NORFOLK. C. A. 1st Cir. Certiorari denied.

No. 16–8144. DUNLAP *v.* HORTON, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 16–8157. DOE *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 842 F. 3d 1117.

No. 16–8175. WILLIAMS *v.* PFISTER, WARDEN. C. A. 7th Cir. Certiorari denied.

No. 16–8183. SANTIAGO-BORRERO *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied.

No. 16–8193. CALVETTI *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 836 F. 3d 654.

No. 16–8195. BARNES *v.* MINNESOTA. Ct. App. Minn. Certiorari denied.

No. 16–8198. STROMAN *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 661 Fed. Appx. 600.

No. 16–8201. FOLSOM *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 661 Fed. Appx. 495.

No. 16–8202. GREEN *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 674 Fed. Appx. 756.

No. 16–8205. PITTS *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 655 Fed. Appx. 78.

No. 16–8211. FRANKLIN *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 664 Fed. Appx. 345.

No. 16–8214. THOMAS *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 662 Fed. Appx. 391.

No. 16–8219. COLBERT *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 828 F. 3d 718.

No. 16–8222. CABALLERO, AKA PENABAEZ *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 672 Fed. Appx. 72.

No. 16–8225. LEE *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 834 F. 145 and 660 Fed. Appx. 8.

No. 16–8227. BOTELLO *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 672 Fed. Appx. 422.

No. 16–8228. BEAN *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 16–8232. HEBERT *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 664 Fed. Appx. 753.

No. 16–8234. NELSON *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 669 Fed. Appx. 665.

No. 16–8242. ROBINSON *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 672 Fed. Appx. 272.

No. 16–8249. VASQUEZ-HERNANDEZ *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 834 F. 3d 852.

No. 16–8252. CONROY *v.* WALTON, WARDEN. C. A. 7th Cir. Certiorari denied.

No. 16–8253. CONRAD *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied.

No. 16–8254. MILLS *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 843 F. 3d 210.

No. 16–8256. MEEKS *v.* MCCLINTOCK, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 16–8258. ABRAR *v.* UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF VIRGINIA. C. A. 4th Cir. Certiorari denied. Reported below: 667 Fed. Appx. 400.

No. 16–8263. GUTIERREZ VELASQUEZ *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 16–8274. JORDAN *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 639 Fed. Appx. 768.

No. 16–8275. MARTINEZ *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied.

No. 16–8276. JACKSON *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 662 Fed. Appx. 310.

No. 16–8278. MCCAW *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 664 Fed. Appx. 578.

No. 16–8280. OWENS *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 667 Fed. Appx. 859.

No. 16–8283. IHEME *v.* MINNESOTA. Ct. App. Minn. Certiorari denied.

No. 16–8286. MAJOR *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 16–8287. GAMBOA *v.* KRUEGER, WARDEN. C. A. 7th Cir. Certiorari denied. Reported below: 668 Fed. Appx. 654.

No. 16–8289. HERMAN *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. Reported below: 848 F. 3d 55.

No. 16–8290. DONGARRA *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied.

No. 16–8293. ASKIA *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied.

No. 16–8299. HICKS *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 671 Fed. Appx. 135.

No. 16–8303. APICELLI *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. Reported below: 839 F. 3d 75.

No. 16–8305. LEE *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 669 Fed. Appx. 308.

No. 16–8307. Novak *v.* United States. C. A. D. C. Cir. Certiorari denied.

No. 16–8309. Bich Quyen Nguyen *v.* United States. C. A. 9th Cir. Certiorari denied. Reported below: 671 Fed. Appx. 537.

No. 16–8312. St. Claire *v.* United States. C. A. 8th Cir. Certiorari denied. Reported below: 831 F. 3d 1039.

No. 16–8313. Afolabi *v.* United States. C. A. 3d Cir. Certiorari denied.

No. 16–8321. Thornton *v.* United States. C. A. 5th Cir. Certiorari denied. Reported below: 671 Fed. Appx. 300.

No. 16–8329. Moreno-Ruiz *v.* United States. C. A. 5th Cir. Certiorari denied. Reported below: 671 Fed. Appx. 250.

No. 16–8331. Bortis *v.* Arnold, Warden. C. A. 9th Cir. Certiorari denied. Reported below: 672 Fed. Appx. 754.

No. 16–8334. Muratella *v.* United States. C. A. 8th Cir. Certiorari denied. Reported below: 843 F. 3d 780.

No. 16–8340. Cheever *v.* United States. C. A. 10th Cir. Certiorari denied. Reported below: 671 Fed. Appx. 718.

No. 16–8343. Stevens *v.* Shartle, Warden. C. A. 9th Cir. Certiorari denied.

No. 16–8344. Hedrick *v.* United States. C. A. 5th Cir. Certiorari denied. Reported below: 648 Fed. Appx. 485.

No. 16–8346. McLean *v.* United States. C. A. 2d Cir. Certiorari denied.

No. 16–8349. Holt *v.* United States. C. A. 11th Cir. Certiorari denied. Reported below: 777 F. 3d 1234.

No. 16–8350. Cruz-Romero *v.* United States. C. A. 5th Cir. Certiorari denied. Reported below: 848 F. 3d 399.

No. 16–8351. Allmon *v.* United States. C. A. 8th Cir. Certiorari denied.

No. 16–8356. Gutierrez-Vilvazo *v.* United States. C. A. 9th Cir. Certiorari denied. Reported below: 666 Fed. Appx. 657.

No. 16–8359. GONZALEZ *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 613 Fed. Appx. 911.

No. 16–8360. GUTIERREZ *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 653 Fed. Appx. 107.

No. 16–8361. FAIL *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 16–8368. ROCHA *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 665 Fed. Appx. 628.

No. 16–8370. RIOS RODRIGUEZ *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied.

No. 16–8377. TAYLOR *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 843 F. 3d 1215.

No. 16–8380. WILSON *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 669 Fed. Appx. 108.

No. 16–8385. REYES-BOSQUE *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 16–8387. DAVIS *v.* UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH CAROLINA. C. A. 4th Cir. Certiorari denied. Reported below: 669 Fed. Appx. 163.

No. 16–8389. MATTHEWS *v.* UNITED STATES. C. A. D. C. Cir. Certiorari denied. Reported below: 672 Fed. Appx. 8.

No. 16–8391. CLARK *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 665 Fed. Appx. 298.

No. 16–8392. ALEXANDER *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 809 F. 3d 1029.

No. 16–8393. AGODIO *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 670 Fed. Appx. 130.

No. 16–8394. LAWRENCE *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 16–8400. MANUEL ESCOBAR *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 677 Fed. Appx. 407.

No. 16–8401. BOLZE *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied.

No. 16–8402. RHODES *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 665 Fed. Appx. 275.

No. 16–8407. FORD *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 671 Fed. Appx. 147.

No. 16–8414. KMET *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 667 Fed. Appx. 357.

No. 16–8417. MEDRANO-CAMARILLO *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 653 Fed. Appx. 239.

No. 16–8424. CHARLTON *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 659 Fed. Appx. 431.

No. 16–8426. JONES *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 671 Fed. Appx. 65.

No. 16–8429. SMITH *v.* ARCHULETA, WARDEN, ET AL. C. A. 10th Cir. Certiorari denied. Reported below: 658 Fed. Appx. 422.

No. 16–543. MICKELSON ET AL. *v.* COUNTY OF RAMSEY, MINNESOTA, ET AL. C. A. 8th Cir. Motion of Professor Alexes Harris for leave to file brief as *amicus curiae* granted. Certiorari denied. Reported below: 823 F. 3d 918.

No. 16–708. ROZUM ET AL. *v.* COLON. C. A. 3d Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 649 Fed. Appx. 259.

No. 16–811. GILMORE, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT GREENE, ET AL. *v.* BROWN, AKA LAMBERT. C. A. 3d Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 834 F. 3d 506.

No. 16–840. RYAN, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS *v.* WASHINGTON. C. A. 9th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 833 F. 3d 1087.

No. 16–1046. AFFINITY LABS OF TEXAS, LLC *v.* DIRECTV, LLC, ET AL. C. A. Fed. Cir. Certiorari denied. THE CHIEF JUSTICE took no part in the consideration or decision of this petition.* Reported below: 838 F. 3d 1253.

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*See also note, *supra*, p. 912.

No. 16–7906. Lewis *v.* Nissan North America, Inc., et al. C. A. 2d Cir. Certiorari denied. Justice Sotomayor took no part in the consideration or decision of this petition.*

No. 16–8047. Sneed *v.* Burriss, Judge, Circuit Court of Kentucky, Bullitt County, et al. Sup. Ct. Ky. Motion of National Association for Public Defense et al. for leave to file brief as *amici curiae* granted. Certiorari denied. Reported below: 500 S. W. 3d 791.

No. 16–8277. Barner *v.* United States. C. A. 3d Cir. Certiorari denied. Justice Kagan took no part in the consideration or decision of this petition.* Reported below: 656 Fed. Appx. 600.

No. 16–8418. Toilolo *v.* United States. C. A. 9th Cir. Motion of petitioner to defer consideration of petition for writ of certiorari denied. Certiorari denied. Reported below: 666 Fed. Appx. 618.

Rehearing Denied

No. 16–656. Reed *v.* Louisiana, 580 U. S. 1166;
No. 16–680. Perkins *v.* Texas, 580 U. S. 1115;
No. 16–735. United States ex rel. Lee et al. *v.* Ernst & Young LLP et al., 580 U. S. 1116;
No. 16–737. Ellis *v.* Texas et al., 580 U. S. 1116;
No. 16–752. Newkirk *v.* CVS Caremark Corp. et al., 580 U. S. 1117;
No. 16–763. Ke Kailani Development LLC et al. *v.* Ke Kailani Partners, LLC, et al., 580 U. S. 1117;
No. 16–769. French *v.* New Hampshire Insurance Co., 580 U. S. 1117;
No. 16–779. Marzett *v.* Texas, 580 U. S. 1118;
No. 16–782. Sangster *v.* Hall et al., 580 U. S. 1118;
No. 16–793. Rouse *v.* II–VI Inc. et al., 580 U. S. 1160;
No. 16–968. Meidinger *v.* Commissioner of Internal Revenue, 580 U. S. 1173;
No. 16–6684. Griffin *v.* Keith, Warden, 580 U. S. 1067;
No. 16–6844. Mack *v.* Huston et al., 580 U. S. 1094;
No. 16–6905. Davis *v.* United States, 580 U. S. 1077;

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*See also note, *supra*, p. 912.

No. 16–6906. Burgess *v.* United States, 580 U. S. 1077;
No. 16–6957. Rodriguez *v.* Texas, 580 U. S. 1122;
No. 16–7000. An Thai Tu *v.* Leith et al., 580 U. S. 1122;
No. 16–7028. Satterfield *v.* Beneficial Financial I Inc. et al., 580 U. S. 1123;
No. 16–7035. Brackett *v.* Idaho, 580 U. S. 1123;
No. 16–7039. Pierre *v.* United States, 580 U. S. 1080;
No. 16–7093. Jimena *v.* Sai Ho Wong et al., 580 U. S. 1125;
No. 16–7121. Rancel *v.* Colvin, Acting Commissioner of Social Security, 580 U. S. 1125;
No. 16–7150. Barati *v.* Florida et al., 580 U. S. 1126;
No. 16–7165. Stephens *v.* Jerejian, Judge, Superior Court of New Jersey, Bergen County, et al., 580 U. S. 1127;
No. 16–7211. Creel *v.* Mississippi, 580 U. S. 1129;
No. 16–7292. Dziedzic *v.* State University of New York at Oswego et al., 580 U. S. 1131;
No. 16–7322. Lintz *v.* Brennan, Postmaster General, et al., 580 U. S. 1133;
No. 16–7400. Taylor *v.* District of Columbia Department of Employment Services et al., 580 U. S. 1174;
No. 16–7466. Hazelquist *v.* Klewin et al., 580 U. S. 1190;
No. 16–7494. Torrence *v.* Comcast Corp., 580 U. S. 1138;
No. 16–7506. Skvarla *v.* United States, 580 U. S. 1138; and
No. 16–7648. Walker *v.* Arkansas Department of Correction et al., 580 U. S. 1141. Petitions for rehearing denied.

April 18, 2017

Miscellaneous Order

No. 16A987. Arkansas *v.* Davis. Application to vacate stay of execution of sentence of death entered by the Arkansas Supreme Court on April 17, 2017, presented to Justice Alito, and by him referred to the Court, denied.

April 19, 2017

Dismissal Under Rule 46

No. 16–956. Pemex-Exploracion y Produccion *v.* Corporacion Mexicana de Mantenimiento Integral, S. de R. L. de C. V. C. A. 2d Cir. Certiorari dismissed under this Court's Rule 46.1. Reported below: 832 F. 3d 92.

April 20, 2017

Miscellaneous Orders

No. 16A986 (16–6496). Johnson et al. *v.* Kelley, Director, Arkansas Department of Correction, et al. Sup. Ct. Ark. Application for stay of execution of sentences of death, presented to Justice Alito, and by him referred to the Court, denied. Justice Breyer, Justice Sotomayor, and Justice Kagan would grant the application for stay of execution.

Justice Breyer, dissenting.

I dissent from the denial of the application for a stay of execution for the reasons set out in *McGehee* v. *Hutchinson*, *infra*, p. 934.

No. 16A1013. Lee *v.* Arkansas. Application for stay of execution of sentence of death, presented to Justice Alito, and by him referred to the Court, denied. The order heretofore entered by Justice Alito is vacated.

No. 16A1016. Lee *v.* Arkansas. Application for stay of execution of sentence of death, presented to Justice Alito, and by him referred to the Court, denied.

No. 16A1017. Lee *v.* Jegley et al. Application for stay of execution of sentence of death, presented to Justice Alito, and by him referred to the Court, denied.

No. 16A1018. Lee *v.* Kelley, Director, Arkansas Department of Correction. Application for stay of execution of sentence of death, presented to Justice Alito, and by him referred to the Court, denied.

Certiorari Denied

No. 16–8770 (16A1003). McGehee et al. *v.* Hutchinson, Governor of Arkansas, et al. C. A. 8th Cir. Application for stay of execution of sentences of death, presented to Justice Alito, and by him referred to the Court, denied. Certiorari denied. Justice Ginsburg and Justice Sotomayor would grant the application for stay of execution and the petition for writ of certiorari. Justice Breyer and Justice Kagan would grant the application for stay of execution. Reported below: 854 F. 3d 488.

JUSTICE BREYER, dissenting from denial of application for stay of execution.

Arkansas set out to execute eight people over the course of 11 days. Why these eight? Why now? The apparent reason has nothing to do with the heinousness of their crimes or with the presence (or absence) of mitigating behavior. It has nothing to do with their mental state. It has nothing to do with the need for speedy punishment. Four have been on death row for over 20 years. All have been housed in solitary confinement for at least 10 years. Apparently the reason the State decided to proceed with these eight executions is that the "use by" date of the State's execution drug is about to expire. See 854 F. 3d 488, 503 (CA8 2017) (Kelly, J., dissenting) (case below); see also Brief in Opposition to Application for Stay of Executions and Certiorari 11 and Exh. 1. In my view, that factor, when considered as a determining factor separating those who live from those who die, is close to random.

I have previously noted the arbitrariness with which executions are carried out in this country. See *Glossip* v. *Gross*, 576 U. S. 863, 908–909 (2015) (BREYER, J., dissenting). And I have pointed out how the arbitrary nature of the death penalty system, as presently administered, runs contrary to the very purpose of a "rule of law." *Id.*, at 915. The cases now before us reinforce that point.

The ever changing state of affairs with respect to these individuals further cautions against a rush to judgment. A Federal District Court preliminarily enjoined the State's execution protocol; the Eighth Circuit vacated the injunction. The Arkansas Supreme Court has stayed the executions of three of these men based on their individual circumstances. A Federal District Court has stayed one more. An Arkansas Circuit Court temporarily enjoined the State from using one of the necessary drugs; the Arkansas Supreme Court stayed that injunction. These individuals have now come before this Court with a variety of claims. One involves a Circuit split concerning when an alternative method of execution qualifies as available. See, *e. g.*, *post* p. 935 (SOTOMAYOR, J., dissenting). Another asks whether the State's compressed execution schedule constitutes cruel and unusual punishment. I would grant a stay so that the Court can sort out these various cases and claims. I would also grant the petition as to the compressed execution schedule. It presents one aspect

of whether the death penalty is consistent with the Constitution. See U. S. Const., Amdt. 8.

JUSTICE SOTOMAYOR, dissenting.

After a 4-day evidentiary hearing at which 17 witnesses testified and volumes of evidence were introduced, the District Court issued an exhaustive 101-page opinion enjoining petitioners' executions. The court found that Arkansas' current lethal-injection protocol posed a substantial risk of severe pain and that petitioners had identified available alternative methods of execution. The Eighth Circuit reversed these findings in a six-page opinion.

As Judge Kelly noted persuasively in dissent, the Eighth Circuit erred at both steps of the analysis required by *Glossip* v. *Gross*, 576 U. S. 863 (2015). First, it failed to defer to the District Court's extensive factual findings and instead substituted its own. See *id.*, at 881 (a district court's findings of fact regarding risk of pain are "review[ed] . . . under the deferential 'clear error' standard"). The Court of Appeals thus erroneously swept aside the District Court's well-supported finding that midazolam creates a substantial risk of severe pain. Second, it imposed a restrictive view of what qualifies as an "available" alternative under *Glossip*.

I continue to harbor significant doubts about the wisdom of imposing the perverse requirement that inmates offer alternative methods for their own executions. *Id.*, at 969–977 (SOTOMAYOR, J., dissenting); see also *Arthur* v. *Dunn*, 580 U. S. 1141 (2017) (SOTOMAYOR, J., dissenting from denial of certiorari). But given the life-or-death consequences, the Court, having imposed this requirement, should provide clarification and guidance when the Circuits are divided as to its meaning. Compare App. to Pet. for Cert. 4a–7a with *Arthur* v. *Commissioner, Ala. Dept. of Corrections*, 840 F. 3d 1268, 1299–1304 (CA11 2016).

I dissent from the Court's refusal to do so.

No. 16–8787 (16A1006). MCGEHEE ET AL. *v.* HUTCHINSON, GOVERNOR OF ARKANSAS, ET AL. C. A. 8th Cir. Application for stay of execution of sentences of death, presented to JUSTICE ALITO, and by him referred to the Court, denied. Certiorari denied.

JUSTICE BREYER, dissenting.

I dissent from the denial of certiorari for the reasons set out in *McGehee* v. *Hutchinson*, *supra*, p. 934.

No. 16–8788 (16A1012). LEE ET AL. *v.* HUTCHINSON, GOVERNOR OF ARKANSAS, ET AL. C. A. 8th Cir. Application for stay of execution of sentences of death, presented to JUSTICE ALITO, and by him referred to the Court, denied. Certiorari denied. Reported below: 854 F. 3d 978.

APRIL 24, 2017*

Certiorari Dismissed

No. 16–8172. CRAIN *v.* NEVADA PAROLE AND PROBATION 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 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. 16–8333. AJAMIAN *v.* DOMINGUEZ ET AL. C. A. 2d Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8.

Miscellaneous Orders

No. 16A611. BURNS *v.* UNITED STATES. Application to file petition for writ of certiorari in excess of the page limitation, addressed to JUSTICE THOMAS and referred to the Court, denied.

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*JUSTICE GORSUCH took no part in the consideration or decision of the orders announced on this date, with the exception of No. 16A1028, *Jones* v. *Kelley, Director, Arkansas Department of Correction, et al.*, *infra*, p. 937; No. 16M120, *Ziober* v. *BLB Resources, Inc.*, *infra*, p. 937; No. 16–504, *Bell* v. *Blue Cross and Blue Shield of Oklahoma et al.*, *infra*, p. 938; No. 16–515, *Salazar-Limon* v. *City of Houston, Texas, et al.*, *infra*, p. 946; No. 16–602, *Arthur* v. *Dunn, Commissioner, Alabama Department of Corrections, et al.*, *infra*, p. 957; No. 16–881, *Needham* v. *Lewis, as Personal Representative of Lewis, Deceased*, *infra*, p. 938; No. 16–912, *Kobold* v. *Aetna Life Insurance Co.*, *infra*, p. 939; No. 16–6496, *Johnson et al.* v. *Kelley, Director, Arkansas Department of Correction, et al.*, *infra*, p. 957; No. 16–8071, *Smith* v. *Ryan, Director, Arizona Department of Corrections, et al.*, *infra*, p. 954; No. 16–8814 (16A1027), *Jones* v. *Arkansas*, *infra*, p. 956; No. 16–8815 (16A1029), *Williams* v. *Kelley, Director, Arkansas Department of Correction, et al.*, *infra*, p. 956; and No. 16–8816 (16A1030), *Williams* v. *Kelley, Director, Arkansas Department of Correction, et al.*, *infra*, p. 956.

No. 16A917. TARTT *v.* MAGNA HEALTH SYSTEMS ET AL. C. A. 7th Cir. Application for stay, addressed to THE CHIEF JUSTICE and referred to the Court, denied.

No. 16A1028. JONES *v.* KELLEY, DIRECTOR, ARKANSAS DEPARTMENT OF CORRECTION, ET AL. Application for stay of execution of sentence of death, presented to JUSTICE ALITO, and by him referred to the Court, denied.

JUSTICE SOTOMAYOR, dissenting.

I dissent for the reasons set out in *McGehee* v. *Hutchinson*, *ante*, p. 935 (SOTOMAYOR, J., dissenting).

No. 16M118. GREEN *v.* DOMESTIC RELATIONS SECTION, COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, MARYLAND; and No. 16M121. CLAYBORNE *v.* EICKHOLT ET AL. Motions to direct the Clerk to file petitions for writs of certiorari out of time denied.

No. 16M119. CASSINELLI *v.* CASSINELLI. Motion for leave to proceed as a veteran denied.

No. 16M120. ZIOBER *v.* BLB RESOURCES, INC. Motion for leave to proceed as a veteran granted.

No. 16–731. CAROLINAS ELECTRICAL WORKERS RETIREMENT PLAN ET AL. *v.* ZENITH AMERICAN SOLUTIONS, INC., 580 U. S. 1116. Motion of respondent for attorney's fees and costs denied.

No. 16–7188. LORDMASTER, FKA GOLDADER *v.* SUSSEX II STATE PRISON ET AL. C. A. 4th Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [580 U. S. 1109] denied.

No. 16–7512. ELLIS *v.* UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF FLORIDA. C. A. 11th Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [580 U. S. 1193] denied.

No. 16–8540. IN RE KORNHARDT;
No. 16–8556. IN RE RAY;
No. 16–8557. IN RE SELDEN;
No. 16–8577. IN RE PEEL; and

No. 16–8587. In re Thomas-Bey. Petitions for writs of habeas corpus denied.

No. 16–1080. In re Barton;
No. 16–7960. In re Marie et ux.;
No. 16–7993. In re Makdessi; and
No. 16–8431. In re Shah. Petitions for writs of mandamus denied.

Certiorari Denied

No. 15–9784. Zong *v.* Merrill Lynch, Pierce, Fenner & Smith Inc. C. A. 3d Cir. Certiorari denied. Reported below: 632 Fed. Appx. 692.

No. 16–504. Bell *v.* Blue Cross and Blue Shield of Oklahoma et al. C. A. 8th Cir. Certiorari denied. Reported below: 823 F. 3d 1198.

No. 16–629. American Civil Liberties Union et al. *v.* Central Intelligence Agency et al. C. A. D. C. Cir. Certiorari denied. Reported below: 823 F. 3d 655.

No. 16–636. Walker *v.* Texas. Ct. App. Tex., 9th Dist. Certiorari denied. Reported below: 489 S. W. 3d 1.

No. 16–764. General Motors LLC *v.* Elliott et al. C. A. 2d Cir. Certiorari denied. Reported below: 829 F. 3d 135.

No. 16–775. Montana *v.* Werlich, Warden. C. A. 7th Cir. Certiorari denied. Reported below: 829 F. 3d 775.

No. 16–832. Alabama Democratic Conference et al. *v.* Marshall, Attorney General of Alabama, et al. C. A. 11th Cir. Certiorari denied. Reported below: 838 F. 3d 1057.

No. 16–857. Garner *v.* Colorado. Ct. App. Colo. Certiorari denied. Reported below: 381 P. 3d 320.

No. 16–881. Needham *v.* Lewis, as Personal Representative of Lewis, Deceased. C. A. 6th Cir. Certiorari denied. Reported below: 660 Fed. Appx. 339.

No. 16–888. Farha *v.* United States. C. A. 11th Cir. Certiorari denied. Reported below: 832 F. 3d 1259.

No. 16–889. SINCLAIR *v.* LAUDERDALE COUNTY, TENNESSEE, ET AL. C. A. 6th Cir. Certiorari denied. Reported below: 652 Fed. Appx. 429.

No. 16–912. KOBOLD *v.* AETNA LIFE INSURANCE CO. Ct. App. Ariz. Certiorari denied. Reported below: 239 Ariz. 259, 370 P. 3d 128.

No. 16–943. ONYX PROPERTIES, LLC, ET AL. *v.* BOARD OF COUNTY COMMISSIONERS OF ELBERT COUNTY. C. A. 10th Cir. Certiorari denied. Reported below: 838 F. 3d 1039.

No. 16–972. CHESAPEAKE ENERGY CORP. *v.* BANK OF NEW YORK MELLON TRUST CO., N. A. C. A. 2d Cir. Certiorari denied. Reported below: 837 F. 3d 146.

No. 16–995. WILLIAMS *v.* HICKS ET AL. Ct. Sp. App. Md. Certiorari denied. Reported below: 224 Md. App. 722 and 735.

No. 16–1004. VEY *v.* TYSKIEWIEZ. Sup. Ct. Pa. Certiorari denied.

No. 16–1020. SHIMEL *v.* WARREN, WARDEN. C. A. 6th Cir. Certiorari denied. Reported below: 838 F. 3d 685.

No. 16–1041. STONE *v.* ILLINOIS ATTORNEY REGISTRATION AND DISCIPLINARY COMMISSION. Sup. Ct. Ill. Certiorari denied.

No. 16–1048. RANKIN *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 664 Fed. Appx. 435.

No. 16–1051. LAUER ET AL. *v.* SECURITIES AND EXCHANGE COMMISSION ET AL. C. A. 11th Cir. Certiorari denied.

No. 16–1078. BACH *v.* WISCONSIN OFFICE OF LAWYER REGULATION. Sup. Ct. Wis. Certiorari denied. Reported below: 2016 WI 95, 372 Wis. 2d 187, 887 N. W. 2d 335.

No. 16–1081. HAAGENSEN, PERSONAL REPRESENTATIVE OF THE ESTATE OF HAAGENSEN *v.* REED ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 666 Fed. Appx. 140.

No. 16–1088. NIGRO *v.* CARRASQUILLO. C. A. 11th Cir. Certiorari denied. Reported below: 663 Fed. Appx. 894.

No. 16–1101. LIBERTY AMMUNITION, INC. *v.* UNITED STATES. C. A. Fed. Cir. Certiorari denied. Reported below: 835 F. 3d 1388.

No. 16–1104. SALVESON ET AL. *v.* JPMORGAN CHASE & CO. ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 663 Fed. Appx. 71.

No. 16–1108. WINGET ET AL. *v.* JPMORGAN CHASE BANK, N. A. C. A. 6th Cir. Certiorari denied. Reported below: 678 Fed. Appx. 355.

No. 16–1111. SOLARIA CORP. ET AL. *v.* UNITED STATES. C. A. Fed. Cir. Certiorari denied. Reported below: 671 Fed. Appx. 797.

No. 16–1117. KENNARD *v.* MEANS INDUSTRIES, INC. C. A. 6th Cir. Certiorari denied. Reported below: 660 Fed. Appx. 333.

No. 16–1124. SCOTTSDALE CAPITAL ADVISORS CORP. ET AL. *v.* FINANCIAL INDUSTRY REGULATORY AUTHORITY, INC. C. A. 4th Cir. Certiorari denied. Reported below: 844 F. 3d 414.

No. 16–1133. CLAIR *v.* DOE ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 670 Fed. Appx. 774.

No. 16–1134. PICHARDO *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 659 Fed. Appx. 603.

No. 16–1143. ILLINOIS TRANSPORTATION TRADE ASSN. ET AL. *v.* CITY OF CHICAGO, ILLINOIS, ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 839 F. 3d 594.

No. 16–1158. NAGLE *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 664 Fed. Appx. 212.

No. 16–5909. WILLIAMS *v.* SOUTH CAROLINA. Ct. Common Pleas of Greenville County, S. C. Certiorari denied.

No. 16–6561. KOSS *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 812 F. 3d 460.

No. 16–6806. WEST *v.* COMMISSIONER OF INTERNAL REVENUE. C. A. 1st Cir. Certiorari denied.

No. 16–7215. RAY *v.* COLORADO. Ct. App. Colo. Certiorari denied. Reported below: 378 P. 3d 772.

No. 16–7237. Hernandez Sandoval *v.* United States. C. A. 9th Cir. Certiorari denied. Reported below: 659 Fed. Appx. 433.

No. 16–7576. Zagorski *v.* Tennessee. Ct. Crim. App. Tenn. Certiorari denied.

No. 16–7580. White *v.* EDS Care Management LLC et al. Ct. App. Mich. Certiorari denied.

No. 16–7593. White et ux. *v.* Attorney Grievance Commission of Michigan. Sup. Ct. Mich. Certiorari denied. Reported below: 500 Mich. 884, 886 N. W. 2d 630.

No. 16–7954. Garvey, Individually and as Fiduciary of the Estate of Garvey *v.* Garvey et al. C. A. 2d Cir. Certiorari denied.

No. 16–7958. Heuston *v.* Oklahoma. Ct. Crim. App. Okla. Certiorari denied.

No. 16–7961. Jackson *v.* South Dakota. Sup. Ct. S. D. Certiorari denied. Reported below: 885 N. W. 2d 590.

No. 16–7963. Mann *v.* Florida. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 203 So. 3d 160.

No. 16–7967. Gough *v.* Calvert County Detention Center et al. C. A. 4th Cir. Certiorari denied. Reported below: 669 Fed. Appx. 670.

No. 16–7968. Fealy *v.* Wells Fargo Bank, N. A. C. A. 9th Cir. Certiorari denied. Reported below: 671 Fed. Appx. 420.

No. 16–7977. Lamar *v.* Hubbard et al. C. A. 8th Cir. Certiorari denied.

No. 16–7978. Cooks *v.* Jones, Secretary, Florida Department of Corrections. Sup. Ct. Fla. Certiorari denied.

No. 16–7981. DeVaughn *v.* Kernan, Secretary, California Department of Corrections and Rehabilitation. C. A. 9th Cir. Certiorari denied.

No. 16–7988. Mansfield *v.* Florida. Sup. Ct. Fla. Certiorari denied. Reported below: 204 So. 3d 14.

No. 16–7989. BROCATTO *v.* FRAUENHEIM, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 16–8002. PORTER *v.* ILLINOIS STATE BOARD OF EDUCATION ET AL. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 2016 IL App (1st) 143613–U.

No. 16–8006. PHILLIPS *v.* DAVEY, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 659 Fed. Appx. 933.

No. 16–8012. LING *v.* JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Certiorari denied.

No. 16–8013. MARTIN *v.* OHIO. Sup. Ct. Ohio. Certiorari denied. Reported below: 149 Ohio St. 3d 292, 2016-Ohio-7196, 75 N. E. 3d 109.

No. 16–8026. CROWELL *v.* WOODS, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 16–8027. BELL *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 16–8029. PHILIPS *v.* NORTH CAROLINA ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 667 Fed. Appx. 419.

No. 16–8032. SORBELLO *v.* HAYWOOD COUNTY, NORTH CAROLINA, ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 671 Fed. Appx. 71.

No. 16–8040. WHITNUM *v.* TOWN OF GREENWICH, CONNECTICUT, ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 649 Fed. Appx. 58.

No. 16–8049. RIDDLE *v.* CITIGROUP ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 640 Fed. Appx. 77.

No. 16–8057. BRIZAN, AKA BRIZEN *v.* CAPRA, SUPERINTENDENT, SING SING CORRECTIONAL FACILITY. C. A. 2d Cir. Certiorari denied.

No. 16–8063. MILLIGAN *v.* INDIANA. Ct. App. Ind. Certiorari denied. Reported below: 64 N. E. 3d 1269.

No. 16–8068. Morrison *v.* Swarthout, Warden. C. A. 9th Cir. Certiorari denied.

No. 16–8076. Johnson *v.* New York. Ct. App. N. Y. Certiorari denied. Reported below: 28 N. Y. 3d 1073, 69 N. E. 3d 1027.

No. 16–8115. Tullis *v.* Barrett, Warden, et al. C. A. 11th Cir. Certiorari denied.

No. 16–8133. Kawczynski *v.* American College of Cardiology et al. C. A. 7th Cir. Certiorari denied. Reported below: 670 Fed. Appx. 398.

No. 16–8143. Evans *v.* Mississippi. Ct. App. Miss. Certiorari denied. Reported below: 188 So. 3d 1256.

No. 16–8152. Woolf *v.* Alabama. Ct. Crim. App. Ala. Certiorari denied.

No. 16–8174. Williams *v.* Baker, Warden, et al. C. A. 9th Cir. Certiorari denied.

No. 16–8177. Tate, aka Abdul-El Ali *v.* Clarke, Director, Virginia Department of Corrections. C. A. 4th Cir. Certiorari denied. Reported below: 669 Fed. Appx. 645.

No. 16–8187. Pennington *v.* Arkansas. Sup. Ct. Ark. Certiorari denied. Reported below: 2016 Ark. 428.

No. 16–8189. Lepeska *v.* Connecticut. App. Ct. Conn. Certiorari denied. Reported below: 169 Conn. App. 135, 149 A. 3d 213.

No. 16–8190. Jones *v.* Jones, Secretary, Florida Department of Corrections, et al. C. A. 11th Cir. Certiorari denied.

No. 16–8191. Lee *v.* Katz, Commissioner, Connecticut Department of Children and Families, et al. C. A. 2d Cir. Certiorari denied. Reported below: 669 Fed. Appx. 57.

No. 16–8194. Caton *v.* Nebraska. C. A. 8th Cir. Certiorari denied.

No. 16–8203. Haizlip *v.* Poole, Superintendent, Scotland Correctional Institution. C. A. 4th Cir. Certiorari denied. Reported below: 669 Fed. Appx. 673.

No. 16–8217. TROTTER *v.* MISSISSIPPI. Sup. Ct. Miss. Certiorari denied.

No. 16–8223. MCKINNEY *v.* TEXAS. Ct. App. Tex., 5th Dist. Certiorari denied.

No. 16–8243. REYES *v.* ARTUS. C. A. 2d Cir. Certiorari denied.

No. 16–8247. WILLIAMS *v.* CAIN, SUPERINTENDENT, SNAKE RIVER CORRECTIONAL INSTITUTION. C. A. 9th Cir. Certiorari denied. Reported below: 671 Fed. Appx. 499.

No. 16–8261. CORLEY *v.* BUSH, WARDEN. C. A. 4th Cir. Certiorari denied. Reported below: 656 Fed. Appx. 14.

No. 16–8271. GASPARD *v.* BAC HOME LOANS SERVICING, L. P. Sup. Ct. Fla. Certiorari denied.

No. 16–8284. FULLER *v.* OKUN, JUDGE, SUPERIOR COURT OF THE DISTRICT OF COLUMBIA, ET AL. C. A. D. C. Cir. Certiorari denied. Reported below: 672 Fed. Appx. 21.

No. 16–8288. FATIR *v.* DELAWARE. Sup. Ct. Del. Certiorari denied. Reported below: 140 A. 3d 1142.

No. 16–8292. HENDERSON *v.* PENNSYLVANIA. Super. Ct. Pa. Certiorari denied. Reported below: 145 A. 3d 786.

No. 16–8294. BOYD *v.* CARTLEDGE, WARDEN. C. A. 4th Cir. Certiorari denied. Reported below: 657 Fed. Appx. 187.

No. 16–8300. HOOVER *v.* NORTH CAROLINA. Gen. Ct. Justice, Super. Ct. Div., Iredell County, N. C. Certiorari denied.

No. 16–8319. TRULL *v.* NORTH CAROLINA. Gen. Ct. Justice, Super. Ct. Div., Cabarrus County, N. C. Certiorari denied.

No. 16–8323. CRAIG *v.* NORTH CAROLINA. Gen. Ct. Justice, Super. Ct. Div., Catawba County, N. C. Certiorari denied.

No. 16–8325. CONRAD *v.* JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS. C. A. 11th Cir. Certiorari denied. Reported below: 663 Fed. Appx. 746.

No. 16–8363. GREEN *v.* STEVENSON, WARDEN. C. A. 4th Cir. Certiorari denied. Reported below: 668 Fed. Appx. 28.

No. 16–8365. Fox *v.* Massachusetts. App. Ct. Mass. Certiorari denied. Reported below: 90 Mass. App. 1108, 60 N. E. 3d 1196.

No. 16–8373. Heater *v.* West Virginia. Sup. Ct. App. W. Va. Certiorari denied. Reported below: 237 W. Va. 638, 790 S. E. 2d 49.

No. 16–8403. Davis *v.* Genovese, Warden. C. A. 6th Cir. Certiorari denied. Reported below: 661 Fed. Appx. 869.

No. 16–8406. Bates *v.* United States. Ct. App. D. C. Certiorari denied. Reported below: 155 A. 3d 414.

No. 16–8420. Ventura-Oliver *v.* United States. C. A. 9th Cir. Certiorari denied. Reported below: 664 Fed. Appx. 647.

No. 16–8421. Toth *v.* United States. C. A. 4th Cir. Certiorari denied. Reported below: 671 Fed. Appx. 151.

No. 16–8422. Tellez-Solorzano *v.* United States. C. A. 5th Cir. Certiorari denied. Reported below: 671 Fed. Appx. 939.

No. 16–8432. Sandoval *v.* United States. C. A. 5th Cir. Certiorari denied. Reported below: 671 Fed. Appx. 898.

No. 16–8434. Dees *v.* United States. C. A. 4th Cir. Certiorari denied.

No. 16–8435. Doctor *v.* United States. C. A. 4th Cir. Certiorari denied. Reported below: 842 F. 3d 306.

No. 16–8436. Pettengill *v.* United States. C. A. 1st Cir. Certiorari denied.

No. 16–8445. Martin *v.* United States. C. A. 9th Cir. Certiorari denied. Reported below: 671 Fed. Appx. 631.

No. 16–8452. Carlos Vasquez *v.* United States. C. A. 9th Cir. Certiorari denied. Reported below: 672 Fed. Appx. 636.

No. 16–8454. Montoya *v.* United States. C. A. 1st Cir. Certiorari denied. Reported below: 844 F. 3d 63.

No. 16–8460. Hedary *v.* United States. C. A. 5th Cir. Certiorari denied. Reported below: 672 Fed. Appx. 434.

No. 16–8463. Reyes *v.* United States. C. A. 2d Cir. Certiorari denied. Reported below: 663 Fed. Appx. 63.

No. 16–8464. MAGEE *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. Reported below: 834 F. 3d 30.

No. 16–8468. JOHNSON *v.* FLORIDA. Dist. Ct. App. Fla., 4th Dist. Certiorari denied. Reported below: 214 So. 3d 675.

No. 16–8471. JOHNSON *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 665 Fed. Appx. 788.

No. 16–8473. RILEY *v.* UNITED STATES. Ct. App. D. C. Certiorari denied.

No. 16–8476. ASKEW *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 666 Fed. Appx. 316.

No. 16–8480. NEWTON *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 16–8483. ANDERSON *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 664 Fed. Appx. 29.

No. 16–8484. FLORES *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 671 Fed. Appx. 649.

No. 16–8486. GONZALEZ *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 666 Fed. Appx. 847.

No. 16–8509. POKE *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied.

No. 16–8524. BURNS *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 669 Fed. Appx. 337.

No. 16–8530. AGUIRRE-RAMIREZ, AKA VALDIVIA *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 670 Fed. Appx. 667.

No. 16–8550. SMITH *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied.

No. 16–515. SALAZAR-LIMON *v.* CITY OF HOUSTON, TEXAS, ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 826 F. 3d 272.

JUSTICE ALITO, with whom JUSTICE THOMAS joins, concurring.

Every year the courts of appeals decide hundreds of cases in which they must determine whether thin evidence provided by a

plaintiff is just enough to survive a motion for summary judgment or not quite enough. This is one such case. Officer Thompson stated in a deposition that he shot Salazar-Limon because he saw him turn toward him and reach for his waist in a movement consistent with reaching for a gun. Record, Doc. 39–2, pp. 29–30, 33. Remarkably, Salazar-Limon did not state in his deposition or in an affidavit that he did not reach for his waist, and on that ground the Court of Appeals held that respondents were entitled to summary judgment. 826 F. 3d 272, 278–279 (CA5 2016).

The dissent disagrees with that judgment. The dissent acknowledges that summary judgment would be proper if the record compelled the conclusion that Salazar-Limon reached for his waist, but the dissent believes that, if the case had gone to trial, a jury could have reasonably inferred that Salazar-Limon did not reach for his waist—even if Salazar-Limon never testified to that fact. The dissent's conclusion is surely debatable. But in any event, this Court does not typically grant a petition for a writ of certiorari to review a factual question of this sort, see this Court's Rule 10, and I therefore concur in the denial of review here.

I write to put our disposition of this petition in perspective. First, whether or not one agrees with the grant of summary judgment in favor of Officer Thompson, it is clear that the lower courts acted responsibly and attempted faithfully to apply the correct legal rule to what is at best a marginal set of facts.

Second, this Court applies uniform standards in determining whether to grant review in cases involving allegations that a law enforcement officer engaged in unconstitutional conduct. We may grant review if the lower court conspicuously failed to apply a governing legal rule. See this Court's Rule 10. The dissent cites five such cases in which we granted relief for law enforcement officers, and in all but one of those cases there was no published dissent. *White* v. *Pauly*, 580 U. S. 73 (2017) (*per curiam*); *Mullenix* v. *Luna*, 577 U. S. 7 (2015) (*per curiam*); *Taylor* v. *Barkes*, 575 U. S. 822 (2015) (*per curiam*); *Carroll* v. *Carman*, 574 U. S. 13 (2014) (*per curiam*); *Stanton* v. *Sims*, 571 U. S. 3 (2013) (*per curiam*). The dissent has not identified a single case in which we failed to grant a similar petition filed by an alleged victim of unconstitutional police conduct.

As noted, regardless of whether the petitioner is an officer or an alleged victim of police misconduct, we rarely grant review where the thrust of the claim is that a lower court simply erred

in applying a settled rule of law to the facts of a particular case. See this Court's Rule 10. The case before us falls squarely in that category.

This is undeniably a tragic case, but as the dissent notes, *post*, at 954 (opinion of SOTOMAYOR, J.), we have no way of determining what actually happened in Houston on the night when Salazar-Limon was shot. All that the lower courts and this Court can do is apply the governing rules in a neutral fashion.

JUSTICE SOTOMAYOR, with whom JUSTICE GINSBURG joins, dissenting.

Just after midnight on October 29, 2010, a Houston police officer shot petitioner Ricardo Salazar-Limon in the back. Salazar-Limon claims the officer shot him as he tried to walk away from a confrontation with the officer on an overpass. The officer, by contrast, claims that Salazar-Limon turned toward him and reached for his waistband—as if for a gun—before the officer fired a shot. The question whether the officer used excessive force in shooting Salazar-Limon thus turns in large part on which man is telling the truth. Our legal system entrusts this decision to a jury sitting as finder of fact, not a judge reviewing a paper record.

The courts below thought otherwise. The District Court credited the officer's version of events and granted summary judgment to respondents—the officer and the city. 97 F. Supp. 3d 898 (SD Tex. 2015). The Fifth Circuit affirmed. 826 F. 3d 272 (2016). But summary judgment is appropriate only where "there is no genuine dispute as to any material fact." Fed. Rule Civ. Proc. 56(a). The courts below failed to heed that mandate. Three Terms ago, we summarily reversed the Fifth Circuit in a case "reflect[ing] a clear misapprehension of summary judgment standards." *Tolan* v. *Cotton*, 572 U. S. 650, 659 (2014) (*per curiam*). This case reflects the same fundamental error. I respectfully dissent from the Court's failure to grant certiorari and reverse.

I

The encounter at issue here occurred around midnight on October 29, 2010, on the outskirts of Houston, Texas. Salazar-Limon, who had been drinking, was driving with three other men down Houston's Southwest Freeway. Houston Police Department Offi-

cer Chris Thompson was manning a speed gun on the freeway that night and spotted Salazar-Limon's truck weaving between lanes. He turned on his lights and sirens, and Salazar-Limon pulled over and stopped on the shoulder of an overpass. Thompson walked over to the window of Salazar-Limon's truck and asked for his driver's license and proof of insurance, which Salazar-Limon provided. Thompson checked Salazar-Limon's license and found no outstanding warrants.

When Thompson returned to the truck, the incident quickly escalated. Thompson asked Salazar-Limon to step out of the truck—apparently intending to conduct a blood alcohol test—and the two men began to walk together toward Thompson's patrol car. Although the men dispute the details of what happened next, they agree that Thompson tried to put Salazar-Limon in handcuffs; that Salazar-Limon resisted; and that a brief struggle ensued. At the end of the struggle, Salazar-Limon turned away and began to walk back to his truck, his back to Thompson. Thompson drew his firearm and told Salazar-Limon to stop walking.

What matters is what happened next, and here the men tell different stories. According to Salazar-Limon, Thompson shot him "immediately"—at most, within "seconds" of the oral command. Record, Doc. 39–1, p. 8. Salazar-Limon testified that when the bullet hit his back, he began to turn toward Thompson and then fell to the ground. *Ibid.* Thompson's version of the story differs. According to Thompson, when he told Salazar-Limon to stop walking, Salazar-Limon raised his hands toward his waistband—as if for a weapon—and turned toward him. *Id.*, Doc. 39–2, at 29. Thompson testified that he shot Salazar-Limon only "[o]nce he made the motion towards his waistband." *Ibid.* Salazar-Limon, in other words, claims that Thompson shot him in the back while he was walking away. Thompson claims that Salazar-Limon provoked the shot by turning toward him and reaching for what he thought was a gun.

Salazar-Limon survived the encounter but sustained crippling injuries. In 2011, he sued Thompson, the city of Houston, and various police officials, alleging violations of his constitutional rights. Respondents removed the case to federal court and moved for summary judgment, arguing that Thompson was pro-

tected by qualified immunity.[1] Respondents emphasized that, in their view, even viewed in the light most favorable to Salazar-Limon, the facts did not support an excessive-force claim:

> "Thompson was dealing with a suspect who physically resisted arres[t] while the two stood on a dimly lit overpass of a busy expressway; he was alone with Salazar-Limon and [three] other suspects, all of whom he had not searched; Salazar-Limon disobeyed Thompson's orders to stop and proceeded to walk in the direction of his truck[,] which had not been searched either." *Id.*, Doc. 31, at 20.

Respondents did not cite Thompson's allegation that Salazar-Limon had turned and reached for his waistband, at least not in any part of their motion that relied only on undisputed facts; rather, they relied on the facts *preceding* the alleged turn and reach to argue that Thompson acted reasonably under the circumstances. See *id.*, at 13–14 (statement of undisputed facts).

The District Court granted summary judgment to respondents, but on a different understanding of the alleged facts. In the District Court's view, "Thompson testified that Salazar[-Limon] stopped walking and start[ed] turning back toward Thompson, reaching toward his waistband," and Salazar-Limon "offered no controverting evidence." 97 F. Supp. 3d, at 906. As a result, the District Court found, "uncontroverted record evidence" showed that Salazar-Limon "disregarded repeated orders, walked away, then turned back toward Thom[p]son and reached for his waistband before Thompson fired." *Ibid.*; see also *ibid.* ("The undisputed summary judgment evidence showe[d] that . . . as [Salazar-Limon] walked away from Officer Thompson toward his own truck, he reached toward his waistband and began to turn back toward the officer"); *id.*, at 907 ("[T]he record shows that when Thompson saw Salazar[-Limon] turn toward him, he was reaching toward his waistband"); *id.*, at 909 ("Salazar[-Limon] has pointed to no summary judgment evidence contradicting Thompson's testimony that he shot because . . . Salazar[-Limon] reached for his waistband and turned toward him"). On this view of the

[1] The city also argued that Salazar-Limon had failed to plead a claim for supervisory liability against it under *Monell* v. *New York City Dept. of Social Servs.*, 436 U. S. 658 (1978). The District Court granted summary judgment to the city, and although Salazar-Limon argued on appeal that it erred in doing so, he does not renew that contention here.

facts, the District Court held, Thompson was entitled to qualified immunity. *Ibid.*

The Fifth Circuit affirmed. 826 F. 3d 272. It acknowledged Salazar-Limon's argument that the District Court erred in relying on disputed facts, including its findings that Salazar-Limon had turned and reached for his waistband before he was shot. *Id.*, at 278. But it explained that "only one [of these findings] need be addressed—whether Salazar[-Limon] reached for his waistband before being shot." *Ibid.* "[R]ecord evidence," the panel stated, "shows that Officer Thompson testified that . . . he saw Salazar[-Limon] reach for his waistband." *Ibid.* By contrast, it explained, Salazar-Limon "did not deny reaching for his waistband; nor has he submitted any other controverting evidence in this regard." *Id.*, at 278–279 (footnote omitted). To support its assertion, the panel cited only the District Court's finding that "'uncontroverted record evidence shows that Salazar[-Limon] . . . reached for his waistband before Thompson fired.'" *Id.*, at 278, n. 5 (quoting 97 F. Supp. 3d, at 906). Thus adopting the same view of the facts as the District Court had, the panel held that Thompson was shielded by qualified immunity.

II

This is not a case that should have been resolved on summary judgment. Summary judgment is appropriate only where "there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law." Fed. Rule Civ. Proc. 56(a). A "judge's function" in evaluating a motion for summary judgment is not "to weigh the evidence and determine the truth of the matter but to determine whether there is a genuine issue for trial." *Anderson* v. *Liberty Lobby, Inc.*, 477 U. S. 242, 249 (1986); see also *First Nat. Bank of Ariz.* v. *Cities Service Co.*, 391 U. S. 253, 289 (1968) (the question at summary judgment is whether a jury should "resolve the parties' differing versions of the truth at trial"). In doing so, the court must "view the facts and draw reasonable inferences 'in the light most favorable to the party opposing the . . . motion.'" *Scott* v. *Harris*, 550 U. S. 372, 378 (2007) (quoting *United States* v. *Diebold, Inc.*, 369 U. S. 654, 655 (1962) (*per curiam*)).

Applying that rule to this case is easy work. The question before the lower courts was whether the facts, taken in the light most favorable to Salazar-Limon, entitled Thompson to judgment

on Salazar-Limon's excessive-force claim. *Saucier* v. *Katz*, 533 U. S. 194, 201 (2001); *Graham* v. *Connor*, 490 U. S. 386, 394 (1989). Although such cases generally require courts to wade through the "factbound morass of 'reasonableness,'" *Scott*, 550 U. S., at 383, here the question whether Thompson's use of force was reasonable turns in large part on exactly what Salazar-Limon did in the moments before Thompson shot him. Indeed, the courts below needed to ask only one question: Did Salazar-Limon turn and reach for his waistband, or not? If he did, Thompson's use of force was reasonable. If he did not, a jury could justifiably decide that the use of force was excessive.

Given that this case turns in large part on what Salazar-Limon did just before he was shot, it should be obvious that the parties' competing accounts of the event preclude the entry of summary judgment for Thompson. Thompson attested in a deposition that he fired his gun only *after* he saw Salazar-Limon turn and "ma[k]e [a] motion towards his waistband area." Record, Doc. 39–2, at 29. Salazar-Limon, by contrast, attested that Thompson fired either "immediately" or "seconds" after telling Salazar-Limon to stop—and in any case *before* Salazar-Limon turned toward him. *Id.*, Doc. 39–1, at 7–8. These accounts flatly contradict each other. On the one, Salazar-Limon provoked the use of force by turning and raising his hands toward his waistband. On the other, Thompson shot without being provoked. It is not for a judge to resolve these "differing versions of the truth" on summary judgment, *First Nat. Bank*, 391 U. S., at 289; that question is for a jury to decide at trial.

The courts below reached the opposite conclusion only by disregarding basic principles of summary judgment. The District Court reasoned that Salazar-Limon "offered no controverting evidence" against Thompson's testimony that he turned and reached for his waistband before he was shot, 97 F. Supp. 3d, at 906, and the Fifth Circuit similarly reasoned that Salazar-Limon had not "submitted any other controverting evidence" regarding that fact, 826 F. 3d, at 279. This is plainly wrong. Salazar-Limon's own testimony "controverted" Thompson's claim that Salazar-Limon had turned and reached for his waistband. The sworn testimony of an eyewitness is competent summary judgment evidence. And Salazar-Limon's testimony "controverted" Thompson's; indeed, the two contradict one another in every material way. Salazar-Limon needed no other evidence to defeat summary judgment.

Respondents defend the judgment below on the ground that Salazar-Limon "had the opportunity to directly contradict Officer Thompson's testimony," but did not do so. Brief in Opposition 16. JUSTICE ALITO advances the same argument. *Ante*, at 947 (concurring opinion). They argue that Salazar-Limon never explicitly stated, "I did not reach for my waistband," and that his failure to do so permitted the courts below to grant summary judgment to Thompson. But this inference is questionable at best: Salazar-Limon had no need to introduce such an explicit statement, given respondents' concession that the events immediately preceding the gunshot (including the alleged waistband reach) were subject to dispute. See Record, Doc. 31, at 13–14. And even if the inference respondents suggest was a reasonable one, it would be improper at the summary judgment stage. At that stage, all "reasonable inferences should be drawn in favor of the nonmoving party"—here, Salazar-Limon. *Tolan*, 572 U. S., at 660. The most natural inference to be drawn from Salazar-Limon's testimony was that he neither turned nor reached for his waistband before he was shot—especially as no gun was ever recovered. See *Cruz* v. *Anaheim*, 765 F. 3d 1076, 1079 (CA9 2014) ("In this case, there's circumstantial evidence that could give a reasonable jury pause. Most obvious is the fact that [the victim] didn't have a gun on him, so why would he have reached for his waistband?").[2] Respondents' argument to the contrary "reflects a clear misapprehension of summary judgment standards." *Tolan*, 572 U. S., at 659.

This is not a difficult case. When a police officer claims that the victim of the use of force took some act that would have justified that force, and the victim claims he did not, summary

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[2] Some commentators have observed the increasing frequency of incidents in which unarmed men allegedly reach for empty waistbands when facing armed officers. See Faturechi, Deputies' Shooting of Unarmed Suspects Rise, L. A. Times, Sept. 23, 2011, pp. AA1, AA7 (reporting that nearly half of the individuals shot by Los Angeles police after allegedly reaching for their waistbands turned out to be unarmed); Balko, When Unarmed Men Reach for Their Waistbands, Washington Post, Aug. 29, 2014, https://www.washingtonpost.com/news/the-watch/wp/2014/08/29/when-unarmed-men-reach-for-their-waistbands/ (as last visited Apr. 11, 2017) (collecting cases). That these cases are increasingly common makes it even more important for lower courts—confronted with such inconsistencies—to let the jury exercise its role as the arbiter of credibility disputes.

judgment is improper. The Fifth Circuit's decision should be reversed.

* * *

Only Thompson and Salazar-Limon know what happened on that overpass on October 29, 2010. It is possible that Salazar-Limon did something that Thompson reasonably found threatening; it is also possible that Thompson shot an unarmed man in the back without justification. What is clear is that our legal system does not entrust the resolution of this dispute to a judge faced with competing affidavits. The evenhanded administration of justice does not permit such a shortcut.

Our failure to correct the error made by the courts below leaves in place a judgment that accepts the word of one party over the word of another. It also continues a disturbing trend regarding the use of this Court's resources. We have not hesitated to summarily reverse courts for wrongly denying officers the protection of qualified immunity in cases involving the use of force. See, *e. g.*, *White* v. *Pauly*, 580 U. S. 73 (2017) (*per curiam*); *Mullenix* v. *Luna*, 577 U. S. 7 (2015) (*per curiam*); *Taylor* v. *Barkes*, 575 U. S. 822 (2015) (*per curiam*); *Carroll* v. *Carman*, 574 U. S. 13 (2014) (*per curiam*); *Stanton* v. *Sims*, 571 U. S. 3 (2013) (*per curiam*). But we rarely intervene where courts wrongly afford officers the benefit of qualified immunity in these same cases. The erroneous grant of summary judgment in qualified-immunity cases imposes no less harm on "'society as a whole,'" *City and County of San Francisco* v. *Sheehan*, 575 U. S. 600, 611, n. 3 (2015) (quoting *Harlow* v. *Fitzgerald*, 457 U. S. 800, 814 (1982)), than does the erroneous denial of summary judgment in such cases. We took one step toward addressing this asymmetry in *Tolan*. 572 U. S., at 660. We take one step back today.

I respectfully dissent.

No. 16–1000. Filson, Warden, et al. *v.* Tarango. C. A. 9th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 837 F. 3d 936.

No. 16–8071. Smith *v.* Ryan, Director, Arizona Department of Corrections, et al. C. A. 9th Cir. Certiorari denied. Reported below: 823 F. 3d 1270.

Statement of JUSTICE BREYER respecting the denial of certiorari.

The petitioner, Joe Clarence Smith, was sentenced to death nearly 40 years ago. Primarily because of constitutional defects in his sentencing, his execution has been long delayed. He has spent the last 40 years in prison under threat of execution. And for most of that time Smith has been held in solitary confinement. Pet. for Cert. 9.

Members of this Court have recognized that "[y]ears on end of near-total isolation exact a terrible price." *Davis* v. *Ayala*, 576 U. S. 257, 289 (2015) (KENNEDY, J., concurring). Long ago we observed that solitary confinement was "considered as an additional punishment of such a severe kind that it is spoken of . . . as 'a further terror and peculiar mark of infamy.'" *In re Medley*, 134 U. S. 160, 170 (1890). And, as I have previously pointed out, we have written that the uncertainty a person experiences during just four weeks of confinement under threat of execution is "one of the most horrible feelings to which [a person] can be subjected." *Id.*, at 172.

What legitimate purpose does it serve to hold any human being in solitary confinement for 40 years awaiting execution? What does this case tell us about a capital punishment system that, in my view, works in random, virtually arbitrary ways? I have previously explored these matters more systematically, coming to the conclusion that this Court should hear argument as to whether capital punishment as currently practiced is consistent with the Constitution's prohibition of "cruel and unusual punishments." Amdt. 8. See *Glossip* v. *Gross*, 576 U. S. 863, 908–909, 946 (2015) (BREYER, J., dissenting). The facts and circumstances of Smith's case reinforce that conclusion.

I recognize the procedural obstacles that make it difficult for this Court now to grant certiorari in this particular case. See 28 U. S. C. § 2254. Those problems would not have prevented the Court from granting certiorari 10 years ago when Smith asked us to do so (after spending 30 years on death row). See *Smith* v. *Arizona*, 552 U. S. 985 (2007) (BREYER, J., dissenting from denial of certiorari). Regardless, Smith's confinement reinforces the need for this Court, or other courts, to consider in an appropriate case the underlying constitutional question.

No. 16–8814 (16A1027). JONES *v.* ARKANSAS. Sup. Ct. Ark. Application for stay of execution of sentence of death, presented to JUSTICE ALITO, and by him referred to the Court, denied. Certiorari denied.

No. 16–8815 (16A1029). WILLIAMS *v.* KELLEY, DIRECTOR, ARKANSAS DEPARTMENT OF CORRECTION, 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. Reported below: 854 F. 3d 998.

JUSTICE SOTOMAYOR, dissenting from denial of application for stay and denial of certiorari.

I dissent for the reasons set out in *McGehee* v. *Hutchinson*, *ante*, p. 935 (SOTOMAYOR, J., dissenting).

No. 16–8816 (16A1030). WILLIAMS *v.* KELLEY, DIRECTOR, ARKANSAS DEPARTMENT OF CORRECTION, 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. Reported below: 854 F. 3d 1002.

Rehearing Denied

No. 16–714. TAVARES *v.* BRICKELL COMMERCE PLAZA, INC., ET AL., 580 U. S. 1116;

No. 16–797. TERRY ET AL. *v.* NEWELL ET AL., 580 U. S. 1160;

No. 16–815. MUHAMMAD *v.* MUHAMMAD ET AL., 580 U. S. 1160;

No. 16–816. HAMILTON *v.* MURRAY ET AL., 580 U. S. 1172;

No. 16–960. WU ET UX. *v.* UNITED STATES, 580 U. S. 1173;

No. 16–6224. VENNES *v.* UNITED STATES, 580 U. S. 1161;

No. 16–7063. JONES *v.* MCFADDEN, WARDEN, 580 U. S. 1124;

No. 16–7122. SMITH *v.* HOWERTON, WARDEN, 580 U. S. 1126;

No. 16–7190. IN RE WIDEMAN, 580 U. S. 1113;

No. 16–7224. RITZ *v.* FLORIDA, 580 U. S. 1129;

No. 16–7245. DUBERRY *v.* BRENNAN, POSTMASTER GENERAL, 580 U. S. 1130;

No. 16–7377. SCHREIBER *v.* LUDWICK, WARDEN, 580 U. S. 1135;

No. 16–7383. WHITE *v.* UNITED STATES, 580 U. S. 1135;

No. 16–7402. SHEPARD *v.* MICHIGAN DEPARTMENT OF HEALTH AND HUMAN SERVICES, 580 U. S. 1174;

No. 16–7463. HEATH *v.* JONES ET AL., 580 U. S. 1164;
No. 16–7595. DEAN *v.* UNITED STATES, 580 U. S. 1140; and
No. 16–7607. MITCHELL *v.* UNITED STATES, 580 U. S. 1164. Petitions for rehearing denied.

No. 16–602. ARTHUR *v.* DUNN, COMMISSIONER, ALABAMA DEPARTMENT OF CORRECTIONS, ET AL., 580 U. S. 1141; and
No. 16–6496. JOHNSON ET AL. *v.* KELLEY, DIRECTOR, ARKANSAS DEPARTMENT OF CORRECTION, ET AL., 580 U. S. 1155. Petitions for rehearing denied. JUSTICE SOTOMAYOR would grant the petitions for rehearing.

No. 16–6961. GORBEY *v.* UNITED STATES, 580 U. S. 1084. Petition for rehearing denied. THE CHIEF JUSTICE and JUSTICE KAGAN took no part in the consideration or decision of this petition.*

APRIL 27, 2017

Miscellaneous Order†

No. 16–8922 (16A1044). IN RE WILLIAMS. 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. 16–8921 (16A1043). WILLIAMS *v.* ARKANSAS. Sup. Ct. Ark. Application for stay of execution of sentence of death, presented to JUSTICE ALITO, and by him referred to the Court, denied. Certiorari denied.

No. 16–8923 (16A1045). WILLIAMS *v.* KELLEY, DIRECTOR, ARKANSAS DEPARTMENT OF CORRECTION. 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. Reported below: 858 F. 3d 464.

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*See also note, *supra*, p. 936.

†For the Court's orders prescribing an amendment to the Federal Rules of Appellate Procedure, see *post*, p. 1031; amendments to the Federal Rules of Bankruptcy Procedure, see *post*, p. 1037; an amendment to the Federal Rules of Civil Procedure, see *post*, p. 1051; and amendments to the Federal Rules of Evidence, see *post*, p. 1057.

MAY 1, 2017

Certiorari Granted—Vacated and Remanded

No. 16–7685. CARROLL *v.* ALABAMA. Ct. Crim. App. Ala. Motion of petitioner for leave to proceed *in forma pauperis* granted. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Moore* v. *Texas*, *ante*, p. 1. Reported below: 215 So. 3d 1135.

Certiorari Dismissed

No. 16–8441. JACKMAN *v.* HOLLINGSWORTH, WARDEN. C. A. 3d Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8. JUSTICE ALITO took no part in the consideration or decision of this motion and this petition.

No. 16–8475. CAPOZZI *v.* UNITED STATES. C. A. 1st Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8.

Miscellaneous Orders

No. 16M122. SAID *v.* COHEN ET AL. Motion to direct the Clerk to file petition for writ of certiorari out of time denied.

No. 16–7564. KASTNER *v.* CARDOZO ET AL. C. A. 2d Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [580 U. S. 1195] denied.

No. 16–8663. IN RE MONTE. Petition for writ of habeas corpus denied.

No. 16–8369. IN RE SANDLAIN. Petition for writ of mandamus denied.

No. 16–8508. IN RE KOH. Motion of petitioner for leave to proceed *in forma pauperis* denied, and petition for writ of mandamus dismissed. See this Court's Rule 39.8.

Certiorari Granted

No. 16–784. MERIT MANAGEMENT GROUP, LP *v.* FTI CONSULTING, INC. C. A. 7th Cir. Certiorari granted. Reported below: 830 F. 3d 690.

No. 16–498. PATCHAK *v.* ZINKE, SECRETARY OF THE INTERIOR, ET AL. C. A. D. C. Cir. Motion of Federal Courts Scholars for leave to file brief as *amici curiae* granted. Certiorari granted limited to Question 1 presented by the petition. Reported below: 828 F. 3d 995.

Certiorari Denied

No. 15–1486. TUNICA-BILOXI GAMING AUTHORITY ET AL. *v.* ZAUNBRECHER ET AL. Ct. App. La., 3d Cir. Certiorari denied. Reported below: 2015–769 (La. App. 3 Cir. 12/9/15), 181 So. 3d 885.

No. 16–596. ALASKA ET AL. *v.* ZINKE, SECRETARY OF THE INTERIOR, ET AL.; and

No. 16–610. ALASKA OIL AND GAS ASSN. ET AL. *v.* ZINKE, SECRETARY OF THE INTERIOR, ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 815 F. 3d 544.

No. 16–703. STUART *v.* WALKER. Ct. App. D. C. Certiorari denied. Reported below: 143 A. 3d 761.

No. 16–813. RESNICK *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 823 F. 3d 888.

No. 16–843. PAOLINO ET UX. *v.* JF REALTY, LLC, ET AL. C. A. 1st Cir. Certiorari denied. Reported below: 830 F. 3d 8.

No. 16–845. WELCH ET AL. *v.* BROWN, GOVERNOR OF CALIFORNIA, ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 834 F. 3d 1041.

No. 16–846. POMPONIO *v.* BLACK ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 835 F. 3d 358.

No. 16–1028. SMITH *v.* LOS ANGELES COUNTY, CALIFORNIA, ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 667 Fed. Appx. 262.

No. 16–1030. BENT *v.* BENT. C. A. 9th Cir. Certiorari denied.

No. 16–1037. MILLER ET AL. *v.* FORD. C. A. 3d Cir. Certiorari denied.

No. 16–1039. STENMAN ET AL. *v.* DETROIT EDISON CO. Ct. App. Mich. Certiorari denied. Reported below: 311 Mich. App. 367, 875 N. W. 2d 767.

No. 16–1040. CITY OF ANAHEIM, CALIFORNIA, ET AL. *v.* ESTATE OF DIAZ ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 840 F. 3d 592.

No. 16–1042. HERNANDEZ *v.* AVERA QUEEN OF PEACE HOSPITAL ET AL. Sup. Ct. S. D. Certiorari denied. Reported below: 2016 S.D. 68, 886 N. W. 2d 338.

No. 16–1064. WESTERN RADIO SERVICES CO., INC. *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 664 Fed. Appx. 677.

No. 16–1076. PHYSICIANS FOR INTEGRITY IN MEDICAL RESEARCH, INC. *v.* HAMBURG, COMMISSIONER, FOOD AND DRUG ADMINISTRATION. C. A. 9th Cir. Certiorari denied. Reported below: 670 Fed. Appx. 450.

No. 16–1091. HILL *v.* SUWANNEE RIVER WATER MANAGEMENT DISTRICT. C. A. 11th Cir. Certiorari denied.

No. 16–1121. RANA *v.* UNITED STATES. C. A. Fed. Cir. Certiorari denied. Reported below: 664 Fed. Appx. 943.

No. 16–1132. ENGLAND ECONOMIC AND INDUSTRIAL DEVELOPMENT DISTRICT *v.* JACKSON. Ct. App. La., 3d Cir. Certiorari denied.

No. 16–1166. BANSAL, INDIVIDUALLY AND AS REPRESENTATIVE OF THE ESTATE OF BANSAL, DECEASED, ET AL. *v.* UNIVERSITY OF TEXAS M. D. ANDERSON CANCER CENTER. Ct. App. Tex., 14th Dist. Certiorari denied. Reported below: 502 S. W. 3d 347.

No. 16–6476. TELUSME *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 655 Fed. Appx. 743.

No. 16–6525. JOHNSON *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 663 Fed. Appx. 738.

No. 16–6780. RUSSELL *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 657 Fed. Appx. 894.

No. 16–6845. ADAMS *v.* MERIT SYSTEMS PROTECTION BOARD ET AL. C. A. Fed. Cir. Certiorari denied. Reported below: 651 Fed. Appx. 993.

No. 16–6931. Faulkner *v.* United States. C. A. 8th Cir. Certiorari denied. Reported below: 826 F. 3d 1139.

No. 16–7145. Cox *v.* Jones, Secretary, Florida Department of Corrections. C. A. 11th Cir. Certiorari denied. Reported below: 837 F. 3d 1114.

No. 16–7425. Greene *v.* Kelley, Director, Arkansas Department of Correction. C. A. 8th Cir. Certiorari denied.

No. 16–7856. Montgomery *v.* Ohio. Sup. Ct. Ohio. Certiorari denied. Reported below: 148 Ohio St. 3d 347, 2016-Ohio-5487, 71 N. E. 3d 180.

No. 16–8045. Austin et al. *v.* PS 157 Lofts, LLC. Ct. App. N. Y. Certiorari denied. Reported below: 27 N. Y. 3d 1054, 53 N. E. 3d 753.

No. 16–8065. Dingle *v.* Stevenson, Warden. C. A. 4th Cir. Certiorari denied. Reported below: 840 F. 3d 171.

No. 16–8073. Rowley *v.* California. Ct. App. Cal., 4th App. Dist., Div. 2. Certiorari denied.

No. 16–8080. Bynum *v.* Florida Gas Transmission Co., LLC. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 202 So. 3d 408.

No. 16–8084. Jones *v.* Filson, Warden, et al. C. A. 9th Cir. Certiorari denied.

No. 16–8085. Johnson *v.* Clarke, Director, Virginia Department of Corrections. Sup. Ct. Va. Certiorari denied.

No. 16–8090. Villaverde *v.* Smith, Warden, et al. C. A. 9th Cir. Certiorari denied.

No. 16–8092. Winston *v.* Maryland Department of Human Resources et al. C. A. 4th Cir. Certiorari denied. Reported below: 671 Fed. Appx. 88.

No. 16–8093. Salgado *v.* Davey, Warden. C. A. 9th Cir. Certiorari denied.

No. 16–8098. Jackson *v.* Rivard, Warden. C. A. 6th Cir. Certiorari denied.

No. 16–8099. Brinson *v.* Dozier, Commissioner, Georgia Department of Corrections, et al. C. A. 11th Cir. Certiorari denied.

No. 16–8100. Anderson *v.* Kimbrell et al. C. A. 9th Cir. Certiorari denied. Reported below: 668 Fed. Appx. 223.

No. 16–8101. Anthony *v.* Borders, Warden. C. A. 9th Cir. Certiorari denied.

No. 16–8103. Damani *v.* Simer SP, Inc., et al. C. A. 7th Cir. Certiorari denied. Reported below: 650 Fed. Appx. 897.

No. 16–8110. Monte *v.* Mingo, Warden, et al. Ct. App. N. Y. Certiorari denied. Reported below: 27 N. Y. 3d 1079, 54 N. E. 3d 1173.

No. 16–8112. Bower *v.* Arkansas Department of Correction. C. A. 8th Cir. Certiorari denied.

No. 16–8113. Ackerman *v.* New York. App. Div., Sup. Ct. N. Y., 4th Jud. Dept. Certiorari denied. Reported below: 133 App. Div. 3d 1196, 20 N. Y. S. 3d 258.

No. 16–8124. Powell *v.* Nevada. Sup. Ct. Nev. Certiorari denied. Reported below: 132 Nev. 1019.

No. 16–8127. Mayes *v.* Addington. Ct. App. Ore. Certiorari denied. Reported below: 278 Ore. App. 625, 379 P. 3d 870.

No. 16–8129. Pearson *v.* United States. C. A. 11th Cir. Certiorari denied. Reported below: 662 Fed. Appx. 896.

No. 16–8130. Hai Kim Nguyen *v.* Hoffman, Attorney General of New Jersey, et al. C. A. 3d Cir. Certiorari denied. Reported below: 832 F. 3d 455.

No. 16–8131. Pentecost *v.* South Dakota. Sup. Ct. S. D. Certiorari denied. Reported below: 2016 S.D. 84, 887 N. W. 2d 877.

No. 16–8134. Moorefield *v.* Pennsylvania et al. C. A. 3d Cir. Certiorari denied.

No. 16–8137. Hess *v.* Florida. Dist. Ct. App. Fla., 2d Dist. Certiorari denied. Reported below: 229 So. 3d 331.

No. 16–8169. COLLIER *v.* GRIFFIN, SUPERINTENDENT, GREEN HAVEN CORRECTIONAL FACILITY. C. A. 2d Cir. Certiorari denied.

No. 16–8208. HERBST *v.* UNITED STATES. C. A. Fed. Cir. Certiorari denied. Reported below: 671 Fed. Appx. 795.

No. 16–8218. VANCE *v.* JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Certiorari denied.

No. 16–8221. ANDREWS *v.* CASSADY, WARDEN. C. A. 8th Cir. Certiorari denied.

No. 16–8233. MERCHANT *v.* WEST VIRGINIA. Sup. Ct. App. W. Va. Certiorari denied.

No. 16–8238. MCCOY *v.* BERRYHILL, ACTING COMMISSIONER OF SOCIAL SECURITY. C. A. 4th Cir. Certiorari denied. Reported below: 668 Fed. Appx. 21.

No. 16–8257. PANOWICZ *v.* HANCOCK ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 670 Fed. Appx. 83.

No. 16–8260. P. P. D. *v.* NEW JERSEY. Super. Ct. N. J., App. Div. Certiorari denied.

No. 16–8282. BELCHER *v.* HATCHER, WARDEN. Sup. Ct. Ga. Certiorari denied.

No. 16–8296. LOMELI *v.* ILLINOIS. App. Ct. Ill., 3d Dist. Certiorari denied. Reported below: 2016 IL App (3d) 130817–U.

No. 16–8298. DAVIS *v.* CORRECTIONS CORPORATION OF AMERICA ET AL. C. A. 11th Cir. Certiorari denied.

No. 16–8308. PETERSEN *v.* FRINK ET AL. C. A. 9th Cir. Certiorari denied.

No. 16–8311. CABEZA *v.* JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Certiorari denied.

No. 16–8324. COOK *v.* NEBRASKA. Sup. Ct. Neb. Certiorari denied. Reported below: 295 Neb. xix.

No. 16–8328. JARNIGAN *v.* GROSS, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 16–8371. HADDIX *v.* MEKO, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 16–8378. THOMAS *v.* CALIFORNIA. Ct. App. Cal., 6th App. Dist. Certiorari denied.

No. 16–8397. MITCHELL *v.* NEW YORK UNIVERSITY ET AL. Ct. App. N. Y. Certiorari denied. Reported below: 28 N. Y. 3d 1046, 65 N. E. 3d 1280.

No. 16–8408. COPPOLA *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 16–8411. DILLINGHAM *v.* JENKINS, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 16–8442. MOORE *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 671 Fed. Appx. 349.

No. 16–8443. MYERS *v.* O'BRIEN, WARDEN. C. A. 4th Cir. Certiorari denied. Reported below: 671 Fed. Appx. 195.

No. 16–8456. VERNON *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 16–8466. CHAVEZ *v.* COLORADO. Ct. App. Colo. Certiorari denied.

No. 16–8478. CASTRO-MOLINA *v.* JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Certiorari denied.

No. 16–8489. GRANT *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 665 Fed. Appx. 304.

No. 16–8490. HOLMES *v.* UNITED STATES. Ct. App. D. C. Certiorari denied. Reported below: 143 A. 3d 60.

No. 16–8493. KEMP, AKA OAKLEY *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 673 Fed. Appx. 336.

No. 16–8498. MCKOY *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 666 Fed. Appx. 224.

No. 16–8500. NELSON *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied.

No. 16–8501. HAMDA *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 647 Fed. Appx. 1004.

No. 16–8502. HOLMES *v.* UNITED STATES. Ct. App. D. C. Certiorari denied. Reported below: 159 A. 3d 1220.

No. 16–8503. ANTOINE *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied.

No. 16–8511. READER *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 16–8514. THOMPSON *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 675 Fed. Appx. 221.

No. 16–8516. THIPPRACHACK *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 672 Fed. Appx. 404.

No. 16–8522. DAVIES *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied.

No. 16–8523. ARNETTE *v.* UNITED STATES. Ct. App. D. C. Certiorari denied. Reported below: 127 A. 3d 400.

No. 16–8527. OGUNBANKE *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied.

No. 16–8532. BROXMEYER *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 661 Fed. Appx. 744.

No. 16–8533. BROOKS *v.* FLORIDA. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 229 So. 2d 322.

No. 16–8541. GORNY *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 655 Fed. Appx. 920.

No. 16–8542. FUEHRER *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 844 F. 3d 767.

No. 16–8543. HELTON *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied.

No. 16–8544. ITURRES-BONILLA *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 803 F. 3d 713.

No. 16–8547. STALLWORTH *v.* FLORIDA. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 206 So. 3d 91.

No. 16–8548. Ross *v.* United States. C. A. 8th Cir. Certiorari denied.

No. 16–8552. Harrison *v.* United States. C. A. 4th Cir. Certiorari denied. Reported below: 651 Fed. Appx. 220.

No. 16–8558. Massey *v.* United States. C. A. 8th Cir. Certiorari denied.

No. 16–8560. Alridge *v.* Rite Aid of Washington, D. C., Inc. C. A. D. C. Cir. Certiorari denied. Reported below: 672 Fed. Appx. 3.

No. 16–8567. Johnson *v.* United States. C. A. 7th Cir. Certiorari denied.

No. 16–8576. Blue *v.* United States. C. A. 4th Cir. Certiorari denied. Reported below: 671 Fed. Appx. 59.

No. 16–8578. Reyes-Lara *v.* United States. C. A. 1st Cir. Certiorari denied. Reported below: 666 Fed. Appx. 6.

No. 16–8582. Kachikan *v.* United States. C. A. 9th Cir. Certiorari denied. Reported below: 828 F. 3d 763.

No. 16–8589. Carmichael *v.* United States. C. A. 6th Cir. Certiorari denied. Reported below: 676 Fed. Appx. 402.

No. 16–8594. Sawyer et vir *v.* United States. C. A. 9th Cir. Certiorari denied.

No. 16–8610. Heard *v.* United States. C. A. 11th Cir. Certiorari denied. Reported below: 677 Fed. Appx. 636.

No. 16–8611. Gilliam *v.* United States. C. A. 2d Cir. Certiorari denied. Reported below: 842 F. 3d 801.

No. 16–8623. Mallish *v.* Raemisch, Executive Director, Colorado Department of Corrections, et al. C. A. 10th Cir. Certiorari denied. Reported below: 662 Fed. Appx. 584.

No. 16–8640. Barber *v.* United States. C. A. 5th Cir. Certiorari denied. Reported below: 674 Fed. Appx. 380.

No. 16–7156. Rose *v.* United States. C. A. 5th Cir. Certiorari denied. Justice Kagan took no part in the consideration or decision of this petition.

No. 16–8083. LANCASTER *v.* SPRINT/UNITED MANAGEMENT CO., AKA SPRINT NEXTEL GROUP. C. A. 10th Cir. Certiorari denied. JUSTICE GORSUCH took no part in the consideration or decision of this petition. Reported below: 670 Fed. Appx. 984.

No. 16–8510. RIVERA *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. JUSTICE GORSUCH took no part in the consideration or decision of this petition. Reported below: 665 Fed. Appx. 713.

Rehearing Denied

No. 16–665. SNYDER *v.* GROUNDS, WARDEN, 580 U. S. 1099;

No. 16–5004. GARRETT *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION, 580 U. S. 875;

No. 16–6210. COLEY *v.* CLARKE, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS, 580 U. S. 991;

No. 16–6250. PEREZ *v.* FLORIDA, 580 U. S. 1187;

No. 16–7099. KISSNER *v.* HARRY, WARDEN, 580 U. S. 1125;

No. 16–7236. RANDALL *v.* ALLBAUGH, DIRECTOR, OKLAHOMA DEPARTMENT OF CORRECTIONS, 580 U. S. 1129;

No. 16–7272. BACCUS *v.* STIRLING ET AL., 580 U. S. 1131;

No. 16–7284. JAIME *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION, 580 U. S. 1131;

No. 16–7295. GRANDBERRY *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION, 580 U. S. 1132;

No. 16–7342. LABLANCHE *v.* IOVATE HEALTH SCIENCES USA, INC., ET AL., 580 U. S. 1162;

No. 16–7398. WARREN *v.* SHARTLE, WARDEN, 580 U. S. 1135;

No. 16–7451. HILL *v.* KELLEY, DIRECTOR, ARKANSAS DEPARTMENT OF CORRECTION, ET AL., 580 U. S. 1175;

No. 16–7680. SIRLEAF *v.* UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF VIRGINIA, 580 U. S. 1220; and

No. 16–7858. SIRLEAF *v.* ROBINSON ET AL., 580 U. S. 1212. Petitions for rehearing denied.

No. 15–9907. CAMPBELL *v.* ILLINOIS, 580 U. S. 1030. Motion for leave to file petition for rehearing denied.

May 4, 2017

Dismissal Under Rule 46

No. 16–8595. In re Roy. Petition for writ of mandamus dismissed under this Court's Rule 46.

May 8, 2017

Dismissals Under Rule 46

No. 16–1138. Medtronic, Inc. *v.* Lee, Director, United States Patent and Trademark Office. C. A. Fed. Cir. Certiorari before judgment dismissed under this Court's Rule 46.

No. 16–1139. Medtronic, Inc. *v.* Robert Bosch Healthcare Systems, Inc. C. A. Fed. Cir. Certiorari dismissed under this Court's Rule 46. Reported below: 839 F. 3d 1382.

May 15, 2017

Certiorari Granted—Vacated and Remanded

No. 16–1054. S. D., a Minor, by His Parents and Natural Guardians, A. D. et al., et al. *v.* Haddon Heights Board of Education. C. A. 3d Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Fry* v. *Napoleon Community Schools*, 580 U. S. 154 (2017). Reported below: 833 F. 3d 389.

Certiorari Dismissed

No. 16–8138. Phillips *v.* City of Dallas, Texas, 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: 644 Fed. Appx. 368.

No. 16–8184. Knox *v.* Oklahoma Pardon and Parole Board et al. C. A. 10th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8. Justice Gorsuch took no part in the consideration or decision of this motion and this petition.

No. 16–8220. Johnson *v.* Rite Aid Corp. C. A. 6th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8.

No. 16–8279. PHILLIPS *v.* DALLAS COUNTY COMMUNITY COLLEGE DISTRICT 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: 669 Fed. Appx. 249.

No. 16–8320. WILSON *v.* ARPAIO, WARDEN. C. A. 9th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8.

No. 16–8337. AJAMIAN *v.* NIMEH ET AL. C. A. 2d Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8.

No. 16–8353. AJAMIAN *v.* ZAKURIAN ET AL. C. A. 2d Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8.

No. 16–8358. AZEEZ *v.* WEST VIRGINIA. 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: 668 Fed. Appx. 492.

No. 16–8630. NIBLOCK *v.* UNITED STATES. C. A. 4th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8. As petitioner has repeatedly abused this Court's process, the Clerk is directed not to accept any further petitions in noncriminal matters from petitioner unless the docketing fee required by Rule 38(a) is paid and the petition is submitted in compliance with Rule 33.1. See *Martin* v. *District of Columbia Court of Appeals*, 506 U. S. 1 (1992) (*per curiam*). JUSTICE KAGAN took no part in the consideration or decision of this motion and this petition. Reported below: 669 Fed. Appx. 659.

No. 16–8636. TELFAIR *v.* SESSIONS, ATTORNEY GENERAL, ET AL. C. A. 3d Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8. JUSTICE KAGAN took no part in the consideration or decision of this motion and this petition.

Miscellaneous Orders

No. 16A888. TRIVEDI *v.* DEPARTMENT OF HOMELAND SECURITY ET AL. Application for injunction, addressed to THE CHIEF JUSTICE and referred to the Court, denied.

No. D–2969. IN RE DISCIPLINE OF CORBETT. William P. Corbett, Jr., of Syracuse, N. Y., is suspended from the practice of law in this Court, and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. D–2970. IN RE DISCIPLINE OF CONWAY. Darrell J. Conway, of Babylon, 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–2971. IN RE DISCIPLINE OF SULLIVAN. Christopher Patrick Sullivan, of Boston, Mass., is suspended from the practice of law in this Court, and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. D–2972. IN RE DISCIPLINE OF STUART. Pamela Bruce Stuart, of Washington, D. C., is suspended from the practice of law in this Court, and a rule will issue, returnable within 40 days, requiring her to show cause why she should not be disbarred from the practice of law in this Court.

No. D–2973. IN RE DISCIPLINE OF ROBBINS. James A. Robbins, of New York, N. Y., is suspended from the practice of law in this Court, and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. D–2974. IN RE DISCIPLINE OF SAMPSON. John L. Sampson, of Brooklyn, N. Y., is suspended from the practice of law in this Court, and a rule will issue, returnable within 40 days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

No. D–2975. IN RE DISCIPLINE OF KLEIN. Eric A. Klein, of Harrington Park, 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–2976. IN RE DISCIPLINE OF REID. Trevor A. Reid, of Bronx, 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. 16M123. BAILEY *v.* LANDEROS ET AL. Motion to direct the Clerk to file petition for writ of certiorari out of time under this Court's Rule 14.5 denied.

No. 16M124. JACKSON *v.* VALENZUELA, WARDEN. Motion to direct the Clerk to file petition for writ of certiorari out of time denied.

No. 16M125. LANGAN *v.* DOWNIE ET AL. Motion for leave to file petition for writ of certiorari under seal denied.

No. 16M126. BUTTS *v.* PRINCE WILLIAM COUNTY SCHOOL BOARD. Motion for leave to proceed as a veteran granted.

No. 16–970. RINEHART *v.* CALIFORNIA. Sup. Ct. Cal.; and

No. 16–1043. CLARK *v.* VIRGINIA DEPARTMENT OF STATE POLICE. Sup. Ct. Va. The Acting Solicitor General is invited to file briefs in these cases expressing the views of the United States.

No. 16–7509. CARUSO *v.* ZUGIBE ET AL. C. A. 2d Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [580 U. S. 1195] denied.

No. 16–7627. SHOVE *v.* DAVIS, WARDEN. C. A. 9th Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [580 U. S. 1214] denied.

No. 16–8291. HEDMAN ET AL. *v.* NATIONSTAR MORTGAGE, LLC, ET AL. Ct. App. Cal., 3d App. Dist. Motion of petitioners for leave to proceed *in forma pauperis* denied. Petitioners are allowed until June 5, 2017, within which to pay the docketing fee required by Rule 38(a) and to submit a petition in compliance with Rule 33.1 of the Rules of this Court.

No. 16–8761. IN RE CULLINS;

No. 16–8772. IN RE WITTINGHAM; and

No. 16–8796. IN RE BOOKER-EL. Petitions for writs of habeas corpus denied.

No. 16–8250. IN RE WELCH. Petition for writ of mandamus denied.

No. 16–8210. In re George. Petition for writ of mandamus and/or prohibition denied.

No. 16–8181. In re Beverly. Motion of petitioner for leave to proceed *in forma pauperis* denied, and petition for writ of mandamus and/or prohibition dismissed. See this Court's Rule 39.8. Justice Kagan took no part in the consideration or decision of this motion and this petition.

Certiorari Denied

No. 15–698. Helmerich & Payne International Drilling Co. et al. *v.* Bolivarian Republic of Venezuela et al. C. A. D. C. Cir. Certiorari denied. Reported below: 784 F. 3d 804.

No. 16–652. Democratic Party of Hawaii *v.* Nago, Chief Election Officer of the State of Hawaii; and

No. 16–806. Ravalli County Republican Central Committee et al. *v.* Stapleton, Montana Secretary of State, et al. C. A. 9th Cir. Certiorari denied. Reported below: No. 16–652 833 F. 3d 1119.

No. 16–678. Tingman *v.* United States. C. A. 2d Cir. Certiorari denied. Reported below: 642 Fed. Appx. 12.

No. 16–903. Hillmann *v.* City of Chicago, Illinois. C. A. 7th Cir. Certiorari denied. Reported below: 834 F. 3d 787.

No. 16–911. City of San Gabriel, California *v.* Flores et al. C. A. 9th Cir. Certiorari denied. Reported below: 824 F. 3d 890.

No. 16–940. C. R. *v.* Eugene School District 4J. C. A. 9th Cir. Certiorari denied. Reported below: 835 F. 3d 1142.

No. 16–947. Kennedy *v.* Equity Transportation Co., Inc. C. A. 2d Cir. Certiorari denied. Reported below: 663 Fed. Appx. 38.

No. 16–976. Nami *v.* Union Pacific Railroad Co. Sup. Ct. Tex. Certiorari denied. Reported below: 498 S. W. 3d 890.

No. 16–1012. Silva *v.* Connecticut. App. Ct. Conn. Certiorari denied. Reported below: 166 Conn. App. 255, 141 A. 3d 916.

No. 16–1034. LIBERTARIAN PARTY OF KENTUCKY ET AL. *v.* GRIMES, KENTUCKY SECRETARY OF STATE, ET AL. C. A. 6th Cir. Certiorari denied. Reported below: 835 F. 3d 570.

No. 16–1038. COBHAM *v.* LECANN ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 669 Fed. Appx. 171.

No. 16–1050. HAMMOCK *v.* NASA HEADQUARTERS ET AL. C. A. 8th Cir. Certiorari denied. Reported below: 669 Fed. Appx. 326.

No. 16–1052. JOHNSON *v.* UMG RECORDINGS, INC., ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 663 Fed. Appx. 478.

No. 16–1053. MULLIGAN *v.* NICHOLS ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 835 F. 3d 983.

No. 16–1057. RHUMA ET AL. *v.* STATE OF LIBYA. C. A. 9th Cir. Certiorari denied. Reported below: 656 Fed. Appx. 287.

No. 16–1058. DUGAN ET AL. *v.* CITY OF COLUMBUS, OHIO. C. A. 6th Cir. Certiorari denied.

No. 16–1061. ASSA'AD-FALTAS *v.* WEISS ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 639 Fed. Appx. 181.

No. 16–1069. SHIPP *v.* ESTATE OF KING ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 669 Fed. Appx. 15.

No. 16–1072. RAJA ET UX. *v.* MERSCORP, INC., ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 672 Fed. Appx. 250.

No. 16–1073. CARRILLO ET AL. *v.* U. S. BANK N. A., AS TRUSTEE. Sup. Ct. Fla. Certiorari denied.

No. 16–1090. HEATH *v.* TEXAS. Ct. App. Tex., 14th Dist. Certiorari denied.

No. 16–1093. ZARATE JUAREZ ET AL. *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 838 F. 3d 662.

No. 16–1096. TOM *v.* CALIFORNIA. App. Div., Super. Ct. Cal., County of Sacramento. Certiorari denied.

No. 16–1097. SHELLER, P. C. *v.* DEPARTMENT OF HEALTH AND HUMAN SERVICES ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 663 Fed. Appx. 150.

No. 16–1099. ESPINA *v.* WELLS FARGO BANK, N. A., ET AL. Dist. Ct. App. Fla., 2d Dist. Certiorari denied. Reported below: 205 So. 3d 598.

No. 16–1100. HARRIS *v.* WARD GREENBERG HELLER AND REIDY LLP ET AL. C. A. 2d Cir. Certiorari denied.

No. 16–1112. RAYMAX MANAGEMENT L. P. *v.* AMERICAN TOWER CORP. ET AL. Ct. App. Tex., 2d Dist. Certiorari denied.

No. 16–1118. KELLY *v.* DUN & BRADSTREET, INC. C. A. 11th Cir. Certiorari denied. Reported below: 641 Fed. Appx. 922.

No. 16–1122. BELL ET UX. *v.* DYCK-O'NEAL, INC. Ct. Sp. App. Md. Certiorari denied. Reported below: 228 Md. App. 730 and 734.

No. 16–1135. CENTRAL NEW YORK FAIR BUSINESS ASSN. ET AL. *v.* ZINKE, SECRETARY OF THE INTERIOR, ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 673 Fed. Appx. 63.

No. 16–1145. LUNDEEN *v.* RHOAD ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 666 Fed. Appx. 539.

No. 16–1152. JONES *v.* BAY SHORE UNION FREE SCHOOL DISTRICT ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 666 Fed. Appx. 92.

No. 16–1160. HARRIS *v.* NEW HAMPSHIRE. Sup. Ct. N. H. Certiorari denied.

No. 16–1165. BARNES ET AL. *v.* GEORGIA. Ct. App. Ga. Certiorari denied. Reported below: 336 Ga. App. XXIII.

No. 16–1183. STURM *v.* KERNAN, SECRETARY, CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION, ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 661 Fed. Appx. 489.

No. 16–1202. SHAYONA INVESTMENT, LLC *v.* CENTURY SURETY CO. C. A. 10th Cir. Certiorari denied. Reported below: 840 F. 3d 1175.

No. 16–1203. GORNEY *v.* ARIZONA BOARD OF REGENTS ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 668 Fed. Appx. 725.

No. 16–1210. Cook *v.* United States. C. A. 2d Cir. Certiorari denied. Reported below: 674 Fed. Appx. 56.

No. 16–1219. Womack *v.* United States. C. A. 5th Cir. Certiorari denied. Reported below: 675 Fed. Appx. 402.

No. 16–1242. Kolbusz *v.* United States. C. A. 7th Cir. Certiorari denied. Reported below: 837 F. 3d 811.

No. 16–1246. White *v.* Crystal Mover Services, Inc. C. A. 11th Cir. Certiorari denied. Reported below: 675 Fed. Appx. 913.

No. 16–6335. Moritz *v.* United States. C. A. 10th Cir. Certiorari denied. Reported below: 651 Fed. Appx. 807.

No. 16–6532. Sanchez *v.* United States. C. A. 11th Cir. Certiorari denied. Reported below: 655 Fed. Appx. 806.

No. 16–6973. Gordon *v.* Perry et al. Sup. Ct. N. C. Certiorari denied. Reported below: 368 N. C. 770, 781 S. E. 2d 801.

No. 16–7115. Joy *v.* United States. C. A. 6th Cir. Certiorari denied. Reported below: 658 Fed. Appx. 233.

No. 16–7146. Freeman *v.* United States. C. A. 3d Cir. Certiorari denied. Reported below: 659 Fed. Appx. 94.

No. 16–7204. Jackson *v.* United States. C. A. 6th Cir. Certiorari denied. Reported below: 655 Fed. Appx. 290.

No. 16–7276. Davila *v.* Marshall, Sheriff, McDuffie County, Georgia, et al. C. A. 11th Cir. Certiorari denied. Reported below: 649 Fed. Appx. 977.

No. 16–7307. Manuelito *v.* United States. C. A. 9th Cir. Certiorari denied. Reported below: 656 Fed. Appx. 872.

No. 16–7454. Moreno Ramos *v.* Davis, Director, Texas Department of Criminal Justice, Correctional Institutions Division. C. A. 5th Cir. Certiorari denied. Reported below: 653 Fed. Appx. 359.

No. 16–7471. Moore *v.* United States. C. A. 9th Cir. Certiorari denied. Reported below: 655 Fed. Appx. 531.

No. 16–7489. Mendez-Maldonado *v.* United States. C. A. 9th Cir. Certiorari denied. Reported below: 654 Fed. Appx. 308.

No. 16–7545. CATHEY *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 663 Fed. Appx. 326.

No. 16–7570. WILLIAMS *v.* SCHAFER ET AL. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 202 So. 3d 414.

No. 16–7767. FOGG *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 836 F. 3d 951.

No. 16–7781. HOLLEY *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 831 F. 3d 322.

No. 16–7798. HERNANDEZ ACOSTA *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 670 Fed. Appx. 276.

No. 16–7920. PATINO-ALMENDARIZ *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 664 Fed. Appx. 399.

No. 16–7984. BRINKLEY *v.* SHELDON, WARDEN. C. A. 6th Cir. Certiorari denied. Reported below: 831 F. 3d 356.

No. 16–8014. JACKSON *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 662 Fed. Appx. 416.

No. 16–8117. JACKSON *v.* JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Certiorari denied.

No. 16–8123. SCHAEFER *v.* TEXAS. Ct. Crim. App. Tex. Certiorari denied.

No. 16–8139. MARKLAND *v.* FLORIDA. Dist. Ct. App. Fla., 3d Dist. Certiorari denied. Reported below: 197 So. 3d 1138.

No. 16–8141. LYTLE *v.* PALMER, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 16–8145. COWAN *v.* OKLAHOMA. Ct. Crim. App. Okla. Certiorari denied.

No. 16–8146. REINWAND *v.* BLACKBURN. C. A. 7th Cir. Certiorari denied. Reported below: 669 Fed. Appx. 304.

No. 16–8149. STULTZ *v.* CLARK, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT ALBION, ET AL. C. A. 3d Cir. Certiorari denied.

No. 16–8150. DUPREE *v.* ILLINOIS. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 2014 IL App (1st) 12–1179–U.

No. 16–8154. ROGERS *v.* SWARTHOUT, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 16–8155. SIRLEAF *v.* ROBINSON ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 676 Fed. Appx. 201.

No. 16–8160. MARSHALL *v.* JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS. C. A. 11th Cir. Certiorari denied. Reported below: 661 Fed. Appx. 971.

No. 16–8161. COOK *v.* MOORE ET AL. C. A. 8th Cir. Certiorari denied. Reported below: 667 Fed. Appx. 891.

No. 16–8164. WILLIAMS *v.* LAZAROFF, WARDEN. C. A. 6th Cir. Certiorari denied. Reported below: 648 Fed. Appx. 548.

No. 16–8166. VERDI *v.* WILKINSON COUNTY, GEORGIA, ET AL. Sup. Ct. Ga. Certiorari denied.

No. 16–8170. YORK *v.* JOHNSON, ADMINISTRATOR, NEW JERSEY STATE PRISON, ET AL. C. A. 3d Cir. Certiorari denied.

No. 16–8176. WEI ZHOU *v.* MARQUETTE UNIVERSITY. C. A. 7th Cir. Certiorari denied.

No. 16–8180. BAUER *v.* ARIZONA. Ct. App. Ariz. Certiorari denied.

No. 16–8182. RODRIGUEZ *v.* MONTANA ET AL. Sup. Ct. Mont. Certiorari denied. Reported below: 385 Mont. 542, 381 P. 3d 548.

No. 16–8188. JOHNSON *v.* PIERCE, DEPUTY SHERIFF, ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 670 Fed. Appx. 132.

No. 16–8196. BROWN *v.* MICHIGAN. Cir. Ct. Oakland County, Mich. Certiorari denied.

No. 16–8199. WILLIAMS *v.* LOUISIANA. Sup. Ct. La. Certiorari denied. Reported below: 2016–1509 (La. 11/15/16), 209 So. 3d 783.

No. 16–8206. FLEMING *v.* VIRGINIA STATE UNIVERSITY ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 671 Fed. Appx. 117.

No. 16–8209. GREEN *v.* DONAT, WARDEN, ET AL. C. A. 9th Cir. Certiorari denied.

No. 16–8213. ADAMS *v.* BREWER, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 16–8215. THOMPSON *v.* RAPELJE, WARDEN. C. A. 6th Cir. Certiorari denied. Reported below: 839 F. 3d 481.

No. 16–8224. MCARTHUR *v.* BOLDEN ET AL. C. A. 8th Cir. Certiorari denied.

No. 16–8226. POHOSKI *v.* BURTON, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 16–8231. GORDON *v.* FLORIDA. Sup. Ct. Fla. Certiorari denied.

No. 16–8235. DEWBERRY *v.* ALLBAUGH, DIRECTOR, OKLAHOMA DEPARTMENT OF CORRECTIONS. C. A. 10th Cir. Certiorari denied. Reported below: 672 Fed. Appx. 821.

No. 16–8236. STANLEY *v.* FLORIDA. Dist. Ct. App. Fla., 5th Dist. Certiorari denied. Reported below: 200 So. 3d 74.

No. 16–8237. CIAVONE *v.* HORTON, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 16–8239. LEAVER *v.* SHORTESS. C. A. 7th Cir. Certiorari denied. Reported below: 844 F. 3d 665.

No. 16–8240. KATZ-CRANK *v.* HASKETT ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 843 F. 3d 641.

No. 16–8241. JOHNSON *v.* CALIFORNIA. Ct. App. Cal., 4th App. Dist., Div. 1. Certiorari denied.

No. 16–8245. ABDULLAH *v.* FINNEY ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 673 Fed. Appx. 344.

No. 16–8246. CARRICO *v.* MONTANA BOARD OF PUBLIC ASSISTANCE. Sup. Ct. Mont. Certiorari denied. Reported below: 385 Mont. 538.

No. 16–8248. ANNABEL *v.* FROST ET AL. C. A. 6th Cir. Certiorari denied.

No. 16–8251. TALL *v.* PARTNERSHIP DEVELOPMENT GROUP INC. ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 669 Fed. Appx. 679.

No. 16–8262. CUNNINGHAM *v.* NAPEL, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 16–8264. VALENTINE *v.* CITY OF AUSTIN, TEXAS, ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 668 Fed. Appx. 128.

No. 16–8265. SMITH *v.* TAYLOR, WARDEN. C. A. 11th Cir. Certiorari denied.

No. 16–8266. LISLE *v.* PIERCE, WARDEN. C. A. 7th Cir. Certiorari denied. Reported below: 832 F. 3d 778.

No. 16–8267. JOHNSTON *v.* MICHIGAN. Ct. App. Mich. Certiorari denied.

No. 16–8268. JARVIS *v.* LEBO, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 16–8270. JING GUAN *v.* COLUMBIA UNIVERSITY ET AL. C. A. 2d Cir. Certiorari denied.

No. 16–8272. GREENE *v.* FLORIDA. C. A. 11th Cir. Certiorari denied.

No. 16–8281. BORDEN *v.* ARNOLD, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 16–8285. LEE *v.* TEXAS. Ct. Crim. App. Tex. Certiorari denied.

No. 16–8295. WARREN *v.* UNITED STATES POSTAL SERVICE ET AL. C. A. 2d Cir. Certiorari denied.

No. 16–8302. BUSSELL *v.* PRINCE GEORGE'S COUNTY PUBLIC SCHOOLS. C. A. 4th Cir. Certiorari denied. Reported below: 641 Fed. Appx. 283.

No. 16–8304. COOK *v.* WOODS, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 16–8306. LATOUCHE *v.* GRAHAM, SUPERINTENDENT, AUBURN CORRECTIONAL FACILITY. C. A. 2d Cir. Certiorari denied.

No. 16–8310. ROBINSON *v.* REGIONAL MEDICAL CENTER AT MEMPHIS ET AL. C. A. 8th Cir. Certiorari denied. Reported below: 670 Fed. Appx. 440.

No. 16–8315. BOONE *v.* GUTIERREZ. C. A. 5th Cir. Certiorari denied.

No. 16–8316. ENGLAND *v.* WINDHAM, WARDEN. C. A. 5th Cir. Certiorari denied.

No. 16–8317. DENHOF *v.* BARRETT, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 16–8326. STEG ET AL. *v.* JOHNSON ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 657 Fed. Appx. 206.

No. 16–8330. BALTIMORE *v.* NELSON ET AL. Sup. Ct. Ala. Certiorari denied. Reported below: 239 So. 3d 1102 and 1103.

No. 16–8332. AVILA *v.* CALIFORNIA. Ct. App. Cal., 2d App. Dist., Div. 5. Certiorari denied.

No. 16–8335. MCCLURE *v.* OREGON BOARD OF PAROLE AND POST-PRISON SUPERVISION. Ct. App. Ore. Certiorari denied. Reported below: 277 Ore. App. 783, 376 P. 3d 307.

No. 16–8338. CARTER *v.* HAAS ET AL. C. A. 6th Cir. Certiorari denied.

No. 16–8339. EATO *v.* FLORIDA DEPARTMENT OF CORRECTIONS ET AL. C. A. 11th Cir. Certiorari denied.

No. 16–8341. R. D. T. *v.* MARSHALL COUNTY DEPARTMENT OF HUMAN RESOURCES. Ct. Civ. App. Ala. Certiorari denied. Reported below: 234 So. 3d 499.

No. 16–8342. SKARITKA *v.* ILLINOIS. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 2016 IL App (1st) 142344–U.

No. 16–8374. HARRIS *v.* ILLINOIS. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 2015 IL App (1st) 141471–U.

No. 16–8396. MOE *v.* PRINGLE, WARDEN. C. A. 8th Cir. Certiorari denied.

No. 16–8404. RODGERS *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied.

No. 16–8405. STALLINGS *v.* BERRYHILL, ACTING COMMISSIONER OF SOCIAL SECURITY. C. A. 2d Cir. Certiorari denied.

No. 16–8425. KINCAID *v.* CORRECT CARE SOLUTIONS, LLC. C. A. 6th Cir. Certiorari denied.

No. 16–8430. REYNOLDS *v.* HODGES, MAGISTRATE JUDGE, UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA, ET AL. C. A. D. C. Cir. Certiorari denied. Reported below: 664 Fed. Appx. 6.

No. 16–8437. OWENS *v.* PRINGLE, WARDEN. C. A. 8th Cir. Certiorari denied.

No. 16–8447. DENNIS *v.* IVEY, SHERIFF, BREVARD COUNTY, FLORIDA, ET AL. Dist. Ct. App. Fla., 5th Dist. Certiorari denied. Reported below: 229 So. 3d 355.

No. 16–8479. MALONE *v.* RYAN, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 9th Cir. Certiorari denied.

No. 16–8491. CORTEZ RAMIREZ *v.* RAWSKI, WARDEN. C. A. 4th Cir. Certiorari denied. Reported below: 671 Fed. Appx. 217.

No. 16–8497. OKEOWO *v.* HARLEQUIN BOOKS S. A. ET AL. C. A. 2d Cir. Certiorari denied.

No. 16–8512. RAWLINGS *v.* FLORIDA. Dist. Ct. App. Fla., 4th Dist. Certiorari denied. Reported below: 203 So. 3d 172.

No. 16–8521. AVILA *v.* RICHARDSON, WARDEN. C. A. 7th Cir. Certiorari denied. Reported below: 670 Fed. Appx. 896.

No. 16–8525. ALLEN *v.* ILLINOIS. App. Ct. Ill., 1st Dist. Certiorari denied.

No. 16–8529. MCMICKLE *v.* MISSISSIPPI. Ct. App. Miss. Certiorari denied.

No. 16–8546. KLEIN *v.* CENTENNIAL RANCH AND ASPEN MOUNTAIN RANCH ASSN. Ct. App. Colo. Certiorari denied.

No. 16–8551. GREEN *v.* FLORIDA. Dist. Ct. App. Fla., 4th Dist. Certiorari denied. Reported below: 190 So. 3d 645.

No. 16–8590. WINSTON *v.* OFFICE OF NAVAL RESEARCH. C. A. 4th Cir. Certiorari denied. Reported below: 677 Fed. Appx. 837.

No. 16–8593. CALDWELL *v.* MINNESOTA. Sup. Ct. Minn. Certiorari denied. Reported below: 886 N. W. 2d 491.

No. 16–8604. THOMPKINS *v.* WINGARD, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT SOMERSET, ET AL. C. A. 3d Cir. Certiorari denied.

No. 16–8605. GUZMAN GONZALES, AKA ROJAS *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 673 Fed. Appx. 460.

No. 16–8606. OLMEDO, AKA OLMEDO-TREVINO *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 16–8607. LONG *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 16–8608. HAMPTON *v.* VANNOY, WARDEN, ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 667 Fed. Appx. 516.

No. 16–8609. ROUNDTREE *v.* KERNAN, SECRETARY, CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION. C. A. 9th Cir. Certiorari denied.

No. 16–8612. HEMNY *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 16–8613. MANUEL GARCIA *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 674 Fed. Appx. 351.

No. 16–8618. SMITH *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 672 Fed. Appx. 461.

No. 16–8619. CARY *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 678 Fed. Appx. 421.

No. 16–8622. LORFILS *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 16–8627. ABDULWAHAB *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 671 Fed. Appx. 206.

No. 16–8628. LOPEZ *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 672 Fed. Appx. 910.

No. 16–8633. ANDERSON *v.* NEW JERSEY. Super. Ct. N. J., App. Div. Certiorari denied.

No. 16–8634. CHARLESTAIN *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 662 Fed. Appx. 691.

No. 16–8635. DEAN *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 666 Fed. Appx. 81.

No. 16–8639. BARNES *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 668 Fed. Appx. 502.

No. 16–8641. WATKINS *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 16–8645. WALKER *v.* WERLICH, WARDEN. C. A. 7th Cir. Certiorari denied.

No. 16–8648. CORDOVA-GONZALEZ *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 669 Fed. Appx. 436.

No. 16–8652. HEARNS *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 845 F. 3d 641.

No. 16–8654. ALBRIGHT *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 672 Fed. Appx. 297.

No. 16–8656. COFFELT *v.* NVIDIA CORP. ET AL. C. A. Fed. Cir. Certiorari denied. Reported below: 680 Fed. Appx. 1010.

No. 16–8657. ROCKEFELLER *v.* CARTER, FORMER PRESIDENT OF THE UNITED STATES, ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 657 Fed. Appx. 209.

No. 16–8671. BRENNAN *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 672 Fed. Appx. 977.

No. 16–8672. YOUNG *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 672 Fed. Appx. 973.

No. 16–8679. SMITH *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 681 Fed. Appx. 483.

No. 16–8680. DULAURENCE *v.* TELEGEN ET AL. C. A. 1st Cir. Certiorari denied.

No. 16–8681. MENERA-ARZATA *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 668 Fed. Appx. 315.

No. 16–8684. BUTLER *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied.

No. 16–8685. HUMPHREY *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. Reported below: 845 F. 3d 1320.

No. 16–8687. HOLLEY *v.* UNITED STATES; and
No. 16–8717. GARNER *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 676 Fed. Appx. 402.

No. 16–8688. GONZALEZ-LOERA *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 680 Fed. Appx. 595.

No. 16–8690. CRUZ-MERCADO *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 675 Fed. Appx. 646.

No. 16–8693. WILLIAMS *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 846 F. 3d 303.

No. 16–8694. VELARDO-BENITEZ *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 672 Fed. Appx. 484.

No. 16–8700. MENDEZ *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 677 Fed. Appx. 306.

No. 16–8703. GARCIA-GARCIA *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 672 Fed. Appx. 491.

No. 16–8705. BUEY *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 675 Fed. Appx. 375.

No. 16–8708. REESE *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 659 Fed. Appx. 741.

No. 16–8712. RITCHIE *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 16–8714. SILLA *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 669 Fed. Appx. 649.

No. 16–8718. VIERA, AKA CARANZA-DERA *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 672 Fed. Appx. 305.

No. 16–8723. SAMPSON *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 684 Fed. Appx. 177.

No. 16–8724. RODRIGUEZ-BAUTISTA *v.* UNITED STATES (Reported below: 677 Fed. Appx. 149); LOPEZ-RODRIGUEZ *v.* UNITED STATES (677 Fed. Appx. 168); SCHILLING *v.* UNITED STATES (677

Fed. Appx. 170); and CURI *v.* UNITED STATES (680 Fed. Appx. 324). C. A. 5th Cir. Certiorari denied.

No. 16–8725. RAFIDI *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 829 F. 3d 437.

No. 16–8737. BEDELL *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 669 Fed. Appx. 620.

No. 16–239. WHYTE, AS TRUSTEE OF THE SEMGROUP LITIGATION TRUST *v.* BARCLAYS BANK PLC ET AL. C. A. 2d Cir. Certiorari denied. JUSTICE ALITO took no part in the consideration or decision of this petition. Reported below: 644 Fed. Appx. 60.

No. 16–661. JAWAD *v.* GATES, FORMER SECRETARY OF DEFENSE, ET AL. C. A. D. C. Cir. Certiorari denied. JUSTICE KAGAN and JUSTICE GORSUCH took no part in the consideration or decision of this petition. Reported below: 832 F. 3d 364.

No. 16–833. NORTH CAROLINA ET AL. *v.* NORTH CAROLINA STATE CONFERENCE OF THE NAACP ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 831 F. 3d 204.

Statement of CHIEF JUSTICE ROBERTS respecting the denial of certiorari.

In 2013, the North Carolina Legislature enacted Session Law 2013–381 (SL 2013–381). This omnibus law contained measures (1) requiring voters to present an approved form of photo identification before casting a valid ballot; (2) reducing the early voting period from 17 to 10 days; (3) eliminating out-of-precinct voting; (4) eliminating same-day registration and voting; and (5) eliminating pre-registration by 16-year-olds. The United States and private plaintiffs (Plaintiffs) sued in the United States District Court for the Middle District of North Carolina, claiming that those measures had a discriminatory effect in violation of § 2 of the Voting Rights Act of 1965, codified at 52 U. S. C. § 10301, and had been motivated by discriminatory intent in violation of § 2, as well as the Fourteenth and Fifteenth Amendments. The District Court dismissed Plaintiffs' claims after trial. In a nearly 500-page opinion, that court determined that Plaintiffs had failed to establish either discriminatory impact or intent. *North Carolina State Conference of NAACP* v. *McCrory*, 182 F. Supp. 3d 320 (2016).

The Court of Appeals for the Fourth Circuit reversed, holding that "the North Carolina General Assembly enacted the challenged provisions of the law with discriminatory intent." 831 F. 3d 204, 215 (2016). As to remedy, the Court of Appeals enjoined all the challenged provisions. Judge Motz wrote for the court, except as to one part of the opinion from which she dissented. The State of North Carolina, its then-Governor, the State Board of Elections, and members of the board in their official capacities petitioned for certiorari, asking this Court to review the Fourth Circuit's conclusion that SL 2013–381 was enacted with discriminatory intent.

In January 2017, a new Governor and state attorney general assumed office. Shortly after, the new attorney general moved to dismiss the petition, initially on behalf of only the Governor and the State. A few days later, however, the attorney general filed a supplemental motion to dismiss on behalf of all named petitioners. The North Carolina General Assembly objected, arguing that North Carolina law does not authorize the state attorney general to dismiss the petition on behalf of the State and instead expressly permits the Assembly to retain private counsel to defend SL 2013–381 on behalf of North Carolina.

The speaker and the president *pro tempore* of the Assembly have also filed a conditional motion to intervene, asking this Court to add the General Assembly as a petitioner in the event the Court finds that the attorney general may withdraw the petition. The private respondents have filed a reply, arguing that the speaker and the president *pro tempore* lack standing to intervene because North Carolina law does not authorize them to represent the State's interests in federal court. According to the private respondents, the speaker and the president *pro tempore* erroneously rely on a state statute that governs intervention in state proceedings.

Given the blizzard of filings over who is and who is not authorized to seek review in this Court under North Carolina law, it is important to recall our frequent admonition that "[t]he denial of a writ of certiorari imports no expression of opinion upon the merits of the case." *United States* v. *Carver*, 260 U. S. 482, 490 (1923).

No. 16–984. A. M., on Behalf of Her Minor Child, F. M. *v.* Acosta. C. A. 10th Cir. Certiorari denied. Justice Gorsuch

took no part in the consideration or decision of this petition. Reported below: 830 F. 3d 1123.

No. 16–1055. Crane-Hogan Structural Systems, Inc. *v.* Amscot Structural Products Corp. Super. Ct. N. J., App. Div. Motion of Builder's Exchange, Inc., for leave to file brief as *amicus curiae* granted. Certiorari denied.

No. 16–1186. Baron *v.* Abbott Laboratories. C. A. 3d Cir. Certiorari denied. Justice Alito took no part in the consideration or decision of this petition. Reported below: 672 Fed. Appx. 158.

No. 16–1205. Home Depot U. S. A., Inc. *v.* Bauer et al. C. A. 7th Cir. Motions of Product Liability Advisory Council, Inc., and Chamber of Commerce of the United States of America for leave to file briefs as *amici curiae* granted. Certiorari denied. Reported below: 845 F. 3d 350.

No. 16–8625. Maehr *v.* Commissioner of Internal Revenue et al. C. A. 10th Cir. Certiorari denied. Justice Gorsuch took no part in the consideration or decision of this petition. Reported below: 664 Fed. Appx. 683.

Rehearing Denied

No. 16–536. Howell *v.* United States, 580 U. S. 1216;

No. 16–831. Woldeselassie *v.* American Eagle Airlines, Inc., et al., 580 U. S. 1172;

No. 16–848. Hernandez *v.* Ducey, Governor of Arizona, et al., 580 U. S. 1198;

No. 16–6444. Ledford *v.* Sellers, Warden, *ante*, p. 906;

No. 16–6456. Nuritdinova *v.* Children's Hospital Medical Center, 580 U. S. 1101;

No. 16–7059. Jackson *v.* Gualtieri, Sheriff, Pinellas County, Florida, 580 U. S. 1124;

No. 16–7152. Cleveland *v.* Duvall et al., 580 U. S. 1126;

No. 16–7191. Williams *v.* Jones, Secretary, Florida Department of Corrections, et al., 580 U. S. 1128;

No. 16–7408. Steele *v.* Harrington, Warden, 580 U. S. 1174;

No. 16–7440. Hill *v.* Tennessee Department of Transportation, 580 U. S. 1136;

No. 16–7442. McClarty *v.* Jones, Secretary, Florida Department of Corrections, et al., 580 U. S. 1136;
No. 16–7496. Wilson *v.* Arkansas, 580 U. S. 1138;
No. 16–7562. Crisp *v.* United States, 580 U. S. 1139;
No. 16–7589. In re Brascom, 580 U. S. 1196;
No. 16–7605. Gueye *v.* Bishop et al., 580 U. S. 1219;
No. 16–7669. Belanus *v.* Montana, 580 U. S. 1219;
No. 16–7910. In re Davis, 580 U. S. 1196;
No. 16–7913. Lane *v.* United States, 580 U. S. 1209;
No. 16–7922. Earls *v.* United States, 580 U. S. 1210; and
No. 16–8070. Mitchell *v.* United States, 580 U. S. 1223. Petitions for rehearing denied.

No. 14–8071. Bernard *v.* United States, 577 U. S. 1101. Motion of petitioner for leave to file petition for rehearing denied.

No. 16–6289. Sing *v.* United States, 580 U. S. 991. Motion of petitioner for leave to file petition for rehearing denied. Justice Gorsuch took no part in the consideration or decision of this motion.

No. 16–7393. Smith *v.* Royal, Warden, 580 U. S. 1202; and
No. 16–7426. Gordon *v.* United States, 580 U. S. 1136. Petitions for rehearing denied. Justice Gorsuch took no part in the consideration or decision of these petitions.

No. 16–7779. Ebanks *v.* Samsung Telecommunication America, LLP, et al., 580 U. S. 1212. Petition for rehearing denied. The Chief Justice took no part in the consideration or decision of this petition.

May 16, 2017

Certiorari Denied

No. 16–9177 (16A1116). Ledford *v.* Sellers, 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. 16–9179 (16A1118). Ledford *v.* Dozier, 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: 856 F. 3d 1312.

MAY 22, 2017

Affirmed on Appeal

No. 16–865. REPUBLICAN PARTY OF LOUISIANA ET AL. *v.* FEDERAL ELECTION COMMISSION. Affirmed on appeal from D. C. D. C. JUSTICE THOMAS and JUSTICE GORSUCH would note probable jurisdiction and set the case for oral argument. Reported below: 219 F. Supp. 3d 86.

Certiorari Granted—Vacated and Remanded

No. 15–1139. MERRILL *v.* MERRILL. Sup. Ct. Ariz. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Howell* v. *Howell*, *ante*, p. 214. Reported below: 238 Ariz. 467, 362 P. 3d 1034.

Certiorari Dismissed

No. 16–8384. PHILLIPS *v.* DALLAS CITY ATTORNEY'S OFFICE 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.

No. 16–8395. MALLOY *v.* ESTES, WARDEN, ET AL. C. A. 11th Cir.; and

No. 16–8495. MALLOY *v.* MONTGOMERY COUNTY, ALABAMA, ET AL. C. A. 11th Cir. Motions of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8. As petitioner has repeatedly abused this Court's process, the Clerk is directed not to accept any further petitions in noncriminal matters from petitioner unless the docketing fee required by Rule 38(a) is paid and the petition is submitted in compliance with Rule 33.1. See *Martin* v. *District of Columbia Court of Appeals*, 506 U. S. 1 (1992) (*per curiam*).

No. 16–8561. MORROW *v.* BRENNAN, POSTMASTER GENERAL; and

No. 16–8562. MORROW *v.* BRENNAN, POSTMASTER GENERAL. C. A. 7th Cir. Motions of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8. Reported below: 676 Fed. Appx. 582.

No. 16–8735. JONASSEN *v.* JOHNSON, WARDEN, ET AL. C. A. 7th Cir. Motion of petitioner for leave to proceed *in forma pau-*

peris denied, and certiorari dismissed. See this Court's Rule 39.8.

Miscellaneous Orders

No. D–2935. IN RE DISBARMENT OF STONE. Disbarment entered. [For earlier order herein, see 580 U. S. 956.]

No. D–2937. IN RE DISBARMENT OF ELSTEAD. Disbarment entered. [For earlier order herein, see 580 U. S. 957.]

No. D–2938. IN RE DISBARMENT OF ACKERMAN. Disbarment entered. [For earlier order herein, see 580 U. S. 957.]

No. D–2939. IN RE DISBARMENT OF HOLSTEIN. Disbarment entered. [For earlier order herein, see 580 U. S. 957.]

No. D–2940. IN RE DISBARMENT OF MCPHERON. Disbarment entered. [For earlier order herein, see 580 U. S. 957.]

No. D–2941. IN RE DISBARMENT OF GREGORY. Disbarment entered. [For earlier order herein, see 580 U. S. 957.]

No. D–2942. IN RE DISBARMENT OF WOODRUFF. Disbarment entered. [For earlier order herein, see 580 U. S. 957.]

No. D–2949. IN RE JOHNSON. Rankin Johnson IV, of Portland, Ore., 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 February 21, 2017, [580 U. S. 1110] is discharged.

No. D–2951. IN RE SCHWARTZ. Jeffrey Scott Schwartz, of San Diego, Cal., 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 February 21, 2017, [580 U. S. 1110] is discharged.

No. D–2952. IN RE DISBARMENT OF MOFFATT. Disbarment entered. [For earlier order herein, see 580 U. S. 1194.]

No. D–2953. IN RE DISBARMENT OF ORLOFF. Disbarment entered. [For earlier order herein, see 580 U. S. 1194.]

No. D–2967. In re Septowski. Charles D. Septowski, of St. Louis, Mo., having requested to resign as a member of the Bar of this Court, it is ordered that his name be stricken from the roll of attorneys admitted to the practice of law before this Court. The rule to show cause, issued on April 17, 2017, [*ante*, p. 915] is discharged.

No. 16M127. Williams *v.* Davis, Director, Texas Department of Criminal Justice, Correctional Institutions Division. Motion for leave to proceed as a veteran denied.

No. 16M128. Fontana *v.* Colorado;

No. 16M129. Jeane *v.* Serhan et al.; and

No. 16M130. Garman *v.* Serhan et al. Motions to direct the Clerk to file petitions for writs of certiorari out of time denied.

No. 16M131. Granados *v.* Crowley County Correctional Facility et al. Motion for leave to proceed as a veteran denied. Justice Gorsuch took no part in the consideration or decision of this motion.

No. 141, Orig. Texas *v.* New Mexico et al. Third Interim Motion of the Special Master for allowance of fees and disbursements, as amended by his letter dated May 17, 2017, granted, and the Special Master is awarded a total of $219,125.57, for the period November 2, 2015, through March 13, 2017, to be paid as follows: 37.5% by Texas, 37.5% by New Mexico, 20% by the United States, and 5% by Colorado. [For earlier order herein, see, *e. g.*, 580 U. S. 1195.]

No. 16–7790. Lan *v.* Comcast Corp., LLC. Ct. App. Cal., 1st App. Dist., Div. 5. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* [*ante*, p. 916] denied.

No. 16–8423. Bonner *v.* Superior Court of California, San Diego County, et al. Ct. App. Cal., 4th App. Dist., Div. 1;

No. 16–8571. Melgar *v.* Deutsche Bank National Trust et al. Ct. App. Cal., 4th App. Dist., Div. 3; and

No. 16–8651. Richardson *v.* Faulk et al. C. A. 4th Cir. Motions of petitioners for leave to proceed *in forma pauperis* denied. Petitioners are allowed until June 12, 2017, 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.

Certiorari Granted

No. 16–969. SAS Institute Inc. *v.* Lee, Director, United States Patent and Trademark Office, et al. C. A. Fed. Cir. Certiorari granted. Reported below: 825 F. 3d 1341.

Certiorari Denied

No. 15–1318. TAMKO Building Products, Inc. *v.* Hobbs et al. Ct. App. Mo., Southern Dist. Certiorari denied. Reported below: 479 S. W. 3d 147.

No. 16–130. United States ex rel. Advocates for Basic Legal Equality, Inc. *v.* U. S. Bank, N. A. C. A. 6th Cir. Certiorari denied. Reported below: 816 F. 3d 428.

No. 16–308. Dot Foods, Inc. *v.* Department of Revenue of the State of Washington. Sup. Ct. Wash. Certiorari denied. Reported below: 185 Wash. 2d 239, 372 P. 3d 747.

No. 16–315. Owens et al. *v.* LVNV Funding, LLC, et al. C. A. 7th Cir. Certiorari denied. Reported below: 832 F. 3d 726.

No. 16–706. Detroit Free Press, Inc. *v.* Department of Justice. C. A. 6th Cir. Certiorari denied. Reported below: 829 F. 3d 478.

No. 16–707. Dubois, fka Gaines, et al. *v.* Atlas Acquisitions, LLC. C. A. 4th Cir. Certiorari denied. Reported below: 834 F. 3d 522.

No. 16–757. Nelson *v.* Midland Credit Management, Inc. C. A. 8th Cir. Certiorari denied. Reported below: 828 F. 3d 749.

No. 16–759. Rutgerson *v.* United States. C. A. 11th Cir. Certiorari denied. Reported below: 822 F. 3d 1223.

No. 16–765. Lopez *v.* Texas. Ct. Crim. App. Tex. Certiorari denied.

No. 16–860. Arellano Hernandez *v.* Sessions, Attorney General. C. A. 9th Cir. Certiorari denied. Reported below: 831 F. 3d 1127.

No. 16–874. Goldman et vir *v.* Citigroup Global Markets Inc. et al. C. A. 3d Cir. Certiorari denied. Reported below: 834 F. 3d 242.

No. 16–876. Doe *v.* United States. C. A. 2d Cir. Certiorari denied. Reported below: 833 F. 3d 192.

No. 16–877. DeCoster et al. *v.* United States. C. A. 8th Cir. Certiorari denied. Reported below: 828 F. 3d 626.

No. 16–1021. Neal, Superintendent, Indiana State Prison *v.* Kubsch. C. A. 7th Cir. Certiorari denied. Reported below: 838 F. 3d 845.

No. 16–1103. Hardin *v.* Kentucky. Sup. Ct. Ky. Certiorari denied.

No. 16–1107. Stephens, Wrongful Death Beneficiary of Beam, et al. *v.* Progressive Gulf Insurance Co. C. A. 5th Cir. Certiorari denied. Reported below: 668 Fed. Appx. 592.

No. 16–1114. Rodgers *v.* Louisiana Board of Nursing. C. A. 5th Cir. Certiorari denied. Reported below: 665 Fed. Appx. 326.

No. 16–1115. Tinsley *v.* Townsend et al. Ct. Sp. App. Md. Certiorari denied. Reported below: 228 Md. App. 749.

No. 16–1119. Pennacchia *v.* Hayes. C. A. 9th Cir. Certiorari denied. Reported below: 666 Fed. Appx. 677.

No. 16–1127. Robinson et al. *v.* Mortgage Electronics Registration Systems, Inc., et al. C. A. 9th Cir. Certiorari denied. Reported below: 671 Fed. Appx. 562.

No. 16–1131. Roth *v.* Plikaytis. C. A. 9th Cir. Certiorari denied. Reported below: 662 Fed. Appx. 540.

No. 16–1154. LD III, LLC *v.* BBRD, LC, et al. Ct. App. Utah. Certiorari denied. Reported below: 2016 UT App 206, 385 P. 3d 689.

No. 16–1162. Epstein *v.* Epstein et al. C. A. 7th Cir. Certiorari denied. Reported below: 843 F. 3d 1147.

No. 16–1185. United States ex rel. Bauchwitz *v.* Holloman et al. C. A. 3d Cir. Certiorari denied. Reported below: 670 Fed. Appx. 762.

No. 16–1188. Tamburrino *v.* Office of the Disciplinary Counsel of the Supreme Court of Ohio. Sup. Ct. Ohio.

Certiorari denied. Reported below: 151 Ohio St. 3d 148, 2016-Ohio-8014, 87 N. E. 3d 158.

No. 16–1193. KERRIGAN *v.* MERIT SYSTEMS PROTECTION BOARD. C. A. Fed. Cir. Certiorari denied. Reported below: 833 F. 3d 1349.

No. 16–1195. NORTH EAST MEDICAL SERVICES, INC. *v.* CALIFORNIA DEPARTMENT OF HEALTH AND HUMAN SERVICES ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 670 Fed. Appx. 615.

No. 16–1211. HASAN *v.* ALVES, WARDEN. C. A. 2d Cir. Certiorari denied.

No. 16–1212. TRICOLI *v.* WATTS ET AL. Ct. App. Ga. Certiorari denied. Reported below: 336 Ga. App. 837, 783 S. E. 2d 475.

No. 16–1238. SUN LIFE & HEALTH INSURANCE CO. ET AL. *v.* SOLNIN. C. A. 2d Cir. Certiorari denied. Reported below: 672 Fed. Appx. 121.

No. 16–1256. MATHIS *v.* MUSE ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 671 Fed. Appx. 156.

No. 16–1258. TCA TELEVISION CORP. ET AL. *v.* MCCOLLUM ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 839 F. 3d 168.

No. 16–1277. MCGARRY & MCGARRY LLC *v.* RABOBANK, N. A. C. A. 7th Cir. Certiorari denied. Reported below: 847 F. 3d 404.

No. 16–7212. TURNER *v.* UPTON, WARDEN, ET AL. C. A. 11th Cir. Certiorari denied. Reported below: 650 Fed. Appx. 695.

No. 16–7327. BANNER *v.* JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS. C. A. 11th Cir. Certiorari denied. Reported below: 659 Fed. Appx. 1005.

No. 16–7352. STRAIN *v.* JONES, SECRETARY FLORIDA DEPARTMENT OF CORRECTIONS. C. A. 11th Cir. Certiorari denied.

No. 16–7472. NURRIDDIN *v.* BOLDEN, ADMINISTRATOR, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION. C. A. D. C. Cir. Certiorari denied. Reported below: 818 F. 3d 751.

No. 16–7652. JONES *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 668 Fed. Appx. 566.

No. 16–7918. CRAWFORD *v.* MISSISSIPPI. Sup. Ct. Miss. Certiorari denied. Reported below: 218 So. 3d 1142.

No. 16–7932. RALEIGH *v.* JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Certiorari denied. Reported below: 827 F. 3d 938.

No. 16–7974. GUILLORY *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 670 Fed. Appx. 360.

No. 16–8158. JORDAN ET AL. *v.* MISSOURI DEPARTMENT OF CORRECTIONS ET AL. C. A. 8th Cir. Certiorari denied. Reported below: 839 F. 3d 732.

No. 16–8318. WARD *v.* NEAL, SUPERINTENDENT, INDIANA STATE PRISON. C. A. 7th Cir. Certiorari denied. Reported below: 835 F. 3d 698.

No. 16–8322. THOMAS *v.* DAVEY, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 16–8345. BAEZ *v.* TEXAS. Ct. App. Tex., 7th Dist. Certiorari denied.

No. 16–8347. MORALES *v.* CUOMO ET AL. C. A. 2d Cir. Certiorari denied.

No. 16–8352. DEROVEN *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 16–8354. COHEN *v.* CAPOZZA, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT PITTSBURGH. Super. Ct. Pa. Certiorari denied. Reported below: 145 A. 3d 795.

No. 16–8362. HOWARD *v.* FLORIDA. Dist. Ct. App. Fla., 4th Dist. Certiorari denied. Reported below: 191 So. 3d 474.

No. 16–8364. FRAZIER *v.* TENNESSEE. Sup. Ct. Tenn. Certiorari denied. Reported below: 495 S. W. 3d 246.

No. 16–8366. HOLLEY *v.* CLARKE, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS. Sup. Ct. Va. Certiorari denied.

No. 16–8367. SMITH *v.* ALFORD. C. A. 6th Cir. Certiorari denied.

No. 16–8372. FERGUSON *v.* CORIZON MEDICAL SERVICES ET AL. C. A. 6th Cir. Certiorari denied.

No. 16–8375. HILTON *v.* HORTON, WARDEN. Sup. Ct. Mich. Certiorari denied. Reported below: 500 Mich. 899, 887 N. W. 2d 626.

No. 16–8381. WINANS *v.* PASH, WARDEN. C. A. 8th Cir. Certiorari denied.

No. 16–8382. MORENO *v.* EIGHTH JUDICIAL DISTRICT COURT OF NEVADA, CLARK COUNTY, ET AL. Sup. Ct. Nev. Certiorari denied. Reported below: 132 Nev. 1009, 386 P. 3d 988.

No. 16–8388. GALAN *v.* GEGENHEIMER ET AL. C. A. 5th Cir. Certiorari denied.

No. 16–8390. COLOMA *v.* FLORIDA. Dist. Ct. App. Fla., 3d Dist. Certiorari denied.

No. 16–8399. COLEN *v.* CITY OF NORCO, CALIFORNIA. Ct. App. Cal., 4th App. Dist., Div. 2. Certiorari denied.

No. 16–8409. CARMOUCHE *v.* LOUISIANA. Ct. App. La., 3d Cir. Certiorari denied. Reported below: 2015–264 (La. App. 3 Cir. 10/7/15), 176 So. 3d 1179.

No. 16–8410. EVANS *v.* FISHER, FORMER COMMISSIONER, MISSISSIPPI DEPARTMENT OF CORRECTIONS, ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 669 Fed. Appx. 259.

No. 16–8412. CHATMAN *v.* MICHIGAN. Sup. Ct. Mich. Certiorari denied. Reported below: 500 Mich. 921, 888 N. W. 2d 67.

No. 16–8413. MAXIE *v.* BRUEMMER ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 671 Fed. Appx. 392.

No. 16–8416. JOHNSON *v.* CALIFORNIA. Ct. App. Cal., 5th App. Dist. Certiorari denied.

No. 16–8419. WRIGHT *v.* BURT, WARDEN. C. A. 6th Cir. Certiorari denied. Reported below: 665 Fed. Appx. 403.

No. 16–8428. SCHMITZ *v.* LIZARRAGA, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 16–8433. RODRIGUEZ *v.* CALIFORNIA. Ct. App. Cal., 2d App. Dist., Div. 8. Certiorari denied.

No. 16–8438. MCDUF *v.* FLORIDA. Dist. Ct. App. Fla., 1st Dist. Certiorari denied.

No. 16–8439. MCQUAY *v.* STATE FARM FIRE & CASUALTY CORP. App. Ct. Ill., 1st Dist. Certiorari denied.

No. 16–8440. MOUNTS *v.* MICHIGAN. Ct. App. Mich. Certiorari denied.

No. 16–8444. RIVENBURGH *v.* NEW YORK. Ct. App. N. Y. Certiorari denied. Reported below: 28 N. Y. 3d 1075, 69 N. E. 3d 1029.

No. 16–8449. TIPTON *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 16–8488. HOLLAND *v.* MACLAREN, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 16–8504. JACOBS *v.* BERRIOS ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 667 Fed. Appx. 39.

No. 16–8507. DIAZ *v.* HOLLAND, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 16–8518. WASYLK *v.* KANSAS. Ct. App. Kan. Certiorari denied. Reported below: 52 Kan. App. 2d xlii, 359 P. 3d 1071.

No. 16–8531. PATE *v.* COOPER. C. A. 4th Cir. Certiorari denied. Reported below: 671 Fed. Appx. 226.

No. 16–8535. SINGO *v.* GENOVESE, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 16–8566. TOWNSEND *v.* VANNOY, WARDEN. C. A. 5th Cir. Certiorari denied.

No. 16–8575. REYNOLDS *v.* SEMPLE, COMMISSIONER, CONNECTICUT DEPARTMENT OF CORRECTION. Sup. Ct. Conn. Certiorari denied. Reported below: 321 Conn. 750, 140 A. 3d 894.

No. 16–8579. ROBERTS *v.* MORGAN ET AL. C. A. 9th Cir. Certiorari denied.

No. 16–8583. ALBERTO MARTINEZ *v.* TEXAS. Ct. App. Tex., 8th Dist. Certiorari denied.

No. 16–8592. DORSEY *v.* MICHIGAN. Sup. Ct. Mich. Certiorari denied. Reported below: 500 Mich. 920, 888 N. W. 2d 61.

No. 16–8597. SANDERS *v.* CALIFORNIA. Ct. App. Cal., 3d App. Dist. Certiorari denied.

No. 16–8662. MCCREA *v.* JOHNS HOPKINS UNIVERSITY ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 671 Fed. Appx. 90.

No. 16–8691. DAVIS *v.* MAIORANA, WARDEN. C. A. 11th Cir. Certiorari denied. Reported below: 661 Fed. Appx. 561.

No. 16–8692. LEGG *v.* NATIONSTAR MORTGAGE LLC. Sup. Ct. Del. Certiorari denied. Reported below: 155 A. 3d 1284.

No. 16–8696. VAUGHN *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 677 Fed. Appx. 666.

No. 16–8698. THOMAS *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied.

No. 16–8721. LARA-RUIZ *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied.

No. 16–8729. NEIL W. *v.* MIRANDY, WARDEN. Sup. Ct. App. W. Va. Certiorari denied.

No. 16–8730. WHITE *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied.

No. 16–8731. MCCULLOUGH *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 851 F. 3d 1194.

No. 16–8732. WILLIS *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 844 F. 3d 155.

No. 16–8736. MATHIS *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 16–8745. REYES-RUIZ *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 672 Fed. Appx. 508.

No. 16–8746. Rivera *v.* United States. C. A. 9th Cir. Certiorari denied. Reported below: 675 Fed. Appx. 753.

No. 16–8747. Spain *v.* United States. C. A. 4th Cir. Certiorari denied. Reported below: 666 Fed. Appx. 313.

No. 16–8749. Rusk *v.* Harstad et al. Ct. App. Utah. Certiorari denied. Reported below: 2017 UT App 27, 393 P. 3d 341.

No. 16–8751. Santana *v.* United States. C. A. 3d Cir. Certiorari denied. Reported below: 677 Fed. Appx. 744.

No. 16–8756. Qin Zhang *v.* State Bar of California. Sup. Ct. Cal. Certiorari denied.

No. 16–8782. Hinton *v.* United States. C. A. 4th Cir. Certiorari denied.

No. 16–8783. Glass *v.* United States. C. A. 5th Cir. Certiorari denied.

No. 16–8784. Fulton *v.* United States. C. A. 5th Cir. Certiorari denied. Reported below: 670 Fed. Appx. 353.

No. 16–8786. Fata *v.* United States. C. A. 6th Cir. Certiorari denied. Reported below: 650 Fed. Appx. 260.

No. 16–8789. Sayasane *v.* United States. C. A. 5th Cir. Certiorari denied.

No. 16–8790. Syms *v.* United States (Reported below: 846 F. 3d 230); and Molina-Trujillo *v.* United States (674 Fed. Appx. 568). C. A. 7th Cir. Certiorari denied.

No. 16–8794. Bays *v.* United States. C. A. 5th Cir. Certiorari denied. Reported below: 680 Fed. Appx. 303.

No. 16–8798. Snell *v.* United States. C. A. 4th Cir. Certiorari denied. Reported below: 676 Fed. Appx. 144.

No. 16–8800. Morgan *v.* United States. C. A. 8th Cir. Certiorari denied. Reported below: 842 F. 3d 1070.

No. 16–8820. Acosta-Guzman *v.* United States. C. A. 5th Cir. Certiorari denied. Reported below: 670 Fed. Appx. 315.

No. 16–8850. Mendez-Henriquez *v.* United States. C. A. 5th Cir. Certiorari denied. Reported below: 847 F. 3d 214.

No. 16–8856. AGYEKUM *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 846 F. 3d 744.

No. 16–8857. BRACKETT *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 846 F. 3d 987.

No. 16–687. SONOCO PRODUCTS CO. ET AL. *v.* MICHIGAN DEPARTMENT OF TREASURY; and INTUITIVE SURGICAL, INC., ET AL. *v.* MICHIGAN DEPARTMENT OF TREASURY;

No. 16–688. SKADDEN, ARPS, SLATE, MEAGHER & FLOM, LLP *v.* MICHIGAN DEPARTMENT OF TREASURY;

No. 16–697. GILLETTE COMMERCIAL OPERATIONS NORTH AMERICA AND SUBSIDIARIES *v.* MICHIGAN DEPARTMENT OF TREASURY;

No. 16–698. INTERNATIONAL BUSINESS MACHINES CORP. *v.* MICHIGAN DEPARTMENT OF TREASURY (two judgments);

No. 16–699. GOODYEAR TIRE & RUBBER CO. ET AL. *v.* MICHIGAN DEPARTMENT OF TREASURY; and

No. 16–736. DIRECTV GROUP HOLDINGS, LLC *v.* MICHIGAN DEPARTMENT OF TREASURY. Ct. App. Mich. Certiorari denied. JUSTICE ALITO took no part in the consideration or decision of these petitions. Reported below: No. 16–687, 312 Mich. App. 394, 878 N. W. 2d 891 (first judgment); No. 16–697, 312 Mich. App. 394, 878 N. W. 2d 891; No. 16–698, 312 Mich. App. 394, 878 N. W. 2d 891 (first judgment).

No. 16–998. FLORIDA *v.* HURST. Sup. Ct. Fla. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari denied. Reported below: 202 So. 3d 40.

No. 16–1241. BROADBAND iTV, INC. *v.* HAWAIIAN TELCOM, INC., ET AL. C. A. Fed. Cir. Motions of US Inventor, Inc., et al. and AliphCom, dba Jawbone, for leave to file briefs as *amici curiae* granted. Certiorari denied. Reported below: 669 Fed. Appx. 555.

No. 16–1271. PARALLEL NETWORKS, LLC *v.* JENNER & BLOCK LLP. Ct. App. Tex., 5th Dist. Motion of Eagle Forum Education & Legal Defense Fund for leave to file brief as *amicus curiae* granted. Certiorari denied.

No. 16–8348. BOONE *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari before judgment denied.

No. 16–8383. Morris *v.* Dowling, Warden. C. A. 10th Cir. Certiorari denied. Justice Gorsuch took no part in the consideration or decision of this petition. Reported below: 670 Fed. Appx. 976.

No. 16–8427. Cleveland *v.* Sharp, Warden. C. A. 10th Cir. Certiorari denied. Justice Gorsuch took no part in the consideration or decision of this petition. Reported below: 672 Fed. Appx. 824.

No. 16–8803. Espinoza, aka Angel Manzo *v.* United States. C. A. 10th Cir. Certiorari denied. Justice Gorsuch took no part in the consideration or decision of this petition. Reported below: 663 Fed. Appx. 678.

Rehearing Denied

No. 16–6405. Comeaux *v.* Davis, Director, Texas Department of Criminal Justice, Correctional Institutions Division, 580 U. S. 1059;

No. 16–6446. Leaschauer *v.* Huerta, Administrator, Federal Aviation Administration, 580 U. S. 1218;

No. 16–6447. Leaschauer *v.* National Transportation Safety Board et al., 580 U. S. 1218;

No. 16–6469. Leaschauer *v.* Federal Aviation Administration et al., 580 U. S. 1218;

No. 16–6793. Santa *v.* Texas, 580 U. S. 1073;

No. 16–6823. Shipe *v.* Ray, Warden, 580 U. S. 1093;

No. 16–7269. Biller *v.* Triplett et al., *ante*, p. 906;

No. 16–7461. Rowe *v.* Villmer, Warden, 580 U. S. 1203;

No. 16–7474. Taubman *v.* Muniz, Warden, 580 U. S. 1203;

No. 16–7513. Chhim *v.* University of Texas at Austin, 580 U. S. 1204;

No. 16–7592. White et ux. *v.* Attorney Grievance Commission of Michigan, *ante*, p. 906;

No. 16–7606. Gueye *v.* Richards et al., 580 U. S. 1219;

No. 16–8081. In re Wells-Ali, 580 U. S. 1196;

No. 16–8114. Wheeler *v.* United States, *ante*, p. 910; and

No. 16–8179. Young *v.* United States et al., *ante*, p. 911. Petitions for rehearing denied.

No. 16–6032. Akel *v.* United States, *ante*, p. 902. Petition for rehearing denied. Justice Kagan took no part in the consideration or decision of this petition.

No. 16–7491. PINKERTON *v.* UNITED STATES, 580 U. S. 1138. Petition for rehearing denied. JUSTICE GORSUCH took no part in the consideration or decision of this petition.

MAY 25, 2017

Dismissal Under Rule 46

No. 16–1257. TELEGUZ *v.* ZOOK, WARDEN. C. A. 4th Cir. Certiorari dismissed under this Court's Rule 46.

Certiorari Denied

No. 16–1407 (16A1160). ARTHUR *v.* DUNN, COMMISSIONER, ALABAMA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Application for stay of execution of sentence of death, presented to JUSTICE THOMAS, and by him referred to the Court, denied. Certiorari denied. The order heretofore entered by JUSTICE THOMAS is vacated. Reported below: 680 Fed. Appx. 894.

JUSTICE SOTOMAYOR, dissenting.

Alabama plans to execute Thomas Arthur tonight using a three-drug lethal-injection protocol that uses midazolam as a sedative. I continue to doubt whether midazolam is capable of rendering prisoners insensate to the excruciating pain of lethal injection and thus whether midazolam may be constitutionally used in lethal-injection protocols. See *Arthur* v. *Dunn*, 580 U. S. 1141, 1153–1154 (2017) (SOTOMAYOR, J., dissenting from denial of certiorari); *Glossip* v. *Gross*, 576 U. S. 863, 958–969 (2015) (SOTOMAYOR, J., dissenting). Here, the State has—with the blessing of the courts below—compounded the risks inherent in the use of midazolam by denying Arthur's counsel access to a phone through which to seek legal relief if the execution fails to proceed as planned.

Prisoners possess a "constitutional right of access to the courts." *Bounds* v. *Smith*, 430 U. S. 817, 821 (1977). When prison officials seek to limit that right, the restriction is permitted only if "it is reasonably related to legitimate penological interests." *Turner* v. *Safley*, 482 U. S. 78, 89 (1987). Here, the State has no legitimate reason—penological or otherwise—to prohibit Arthur's counsel from possessing a phone during the execution, particularly in light of the demonstrated risk that midazolam will fail. See *Arthur*, 580 U. S., at 1153 (detailing "mounting firsthand evidence that midazolam is simply unable to render prisoners

phone would impose no cost or burden on the State; Arthur's attorneys have offered to pay for the phone and provide it for the State's inspection. The State's refusal serves only to frustrate any effort by Arthur's attorneys to petition the courts in the event of yet another botched execution. See, *e. g.*, Berman, Arizona Execution Lasts Nearly Two Hours, Washington Post, July 23, 2014 ("During the execution, Wood's attorneys filed a request to halt the lethal injection because he was still awake more than an hour after the process began"), https: //www.washingtonpost.com/news/post-nation/wp/2014/07/23/arizona-supreme-court-stays-planned-execution/ (as last visited May 25, 2017). Its action means that when Thomas Arthur enters the execution chamber tonight, he will leave his constitutional rights at the door.

I dissent from the Court's refusal to grant the application for a stay and accompanying petition for certiorari.

No. 16–1408 (16A1161). ARTHUR *v.* DUNN, COMMISSIONER, ALABAMA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Application for stay of execution of sentence of death, presented to JUSTICE THOMAS, and by him referred to the Court, denied. Certiorari denied. Reported below: 695 Fed. Appx. 418.

MAY 26, 2017

Miscellaneous Order

No. 16–166. HARRIS ET AL. *v.* COOPER, GOVERNOR OF NORTH CAROLINA, ET AL. Appeal from D. C. M. D. N. C. The parties are directed to file letter briefs addressing the following questions: "(1) Do the appellants have standing to challenge the remedial map as a partisan gerrymander? (2) Is the District Court's order denying the appellants' objections to the remedial map appealable under 28 U. S. C. § 1253?" Letter briefs are to be filed simultaneously with the Clerk and served upon opposing counsel on or before noon, Tuesday, June 6, 2017.

MAY 30, 2017

Affirmed for Absence of Quorum

No. 16–1181. JAFFE *v.* ROBERTS, CHIEF JUSTICE, SUPREME COURT OF THE UNITED STATES, ET AL. C. A. 9th Cir. Because the Court lacks a quorum, 28 U. S. C. § 1, and since the qualified Justice is of the opinion that the case cannot be heard and deter-

mined at the next Term of the Court, the judgment is affirmed under 28 U. S. C. § 2109, which provides that under these circumstances "the court shall enter its order affirming the judgment of the court from which the case was brought for review with the same effect as upon affirmance by an equally divided court." THE CHIEF JUSTICE, JUSTICE KENNEDY, JUSTICE THOMAS, JUSTICE GINSBURG, JUSTICE BREYER, JUSTICE ALITO, JUSTICE SOTOMAYOR, and JUSTICE KAGAN took no part in the consideration or decision of this petition.

No. 16–8629. ARUNGA *v.* OBAMA ET AL. C. A. 5th Cir. Because the Court lacks a quorum, 28 U. S. C. § 1, and since the qualified Justices are of the opinion that the case cannot be heard and determined at the next Term of the Court, the judgment is affirmed under 28 U. S. C. § 2109, which provides that under these circumstances "the court shall enter its order affirming the judgment of the court from which the case was brought for review with the same effect as upon affirmance by an equally divided court." JUSTICE KENNEDY, JUSTICE GINSBURG, JUSTICE BREYER, and JUSTICE KAGAN took no part in the consideration or decision of this petition.

Certiorari Granted—Vacated and Remanded

No. 16–24. DICKSON ET AL. *v.* RUCHO ET AL. Sup. Ct. N. C. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Cooper* v. *Harris*, *ante*, p. 285. Reported below: 368 N. C. 481, 781 S. E. 2d 404.

Certiorari Dismissed

No. 16–8554. HOLMES *v.* SATTERBERG ET AL. C. A. 9th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8.

No. 16–8881. SCHWARTZ *v.* UNITED STATES. C. A. 3d Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8. JUSTICE KAGAN took no part in the consideration or decision of this motion and this petition.

Miscellaneous Orders

No. D–2971. IN RE SULLIVAN. Due to mistaken identity, the order suspending Christopher Patrick Sullivan of Boston, Mass.,

from the practice of law in this Court, dated May 15, 2017, [*ante*, p. 970] is vacated and the rule to show cause issued on that date is discharged.

No. 16M132. RECTOR *v.* UNITED STATES; and

No. 16M134. BRITTON *v.* DRUMMER BOY HOMES ASSN., INC. Motions for leave to proceed as veterans denied.

No. 16M133. EDDY *v.* MEDEIROS, SUPERINTENDENT, MASSACHUSETTS CORRECTIONAL INSTITUTION AT NORFOLK. Motion to direct the Clerk to file petition for writ of certiorari out of time denied.

No. 16–460. ARTIS *v.* DISTRICT OF COLUMBIA. Ct. App. D. C. [Certiorari granted, 580 U. S. 1159.] Motion of petitioner to dispense with printing joint appendix granted.

No. 16–1011. WESTERNGECO LLC *v.* ION GEOPHYSICAL CORP. C. A. Fed. Cir. The Acting Solicitor General is invited to file a brief in this case expressing the views of the United States. JUSTICE ALITO took no part in the consideration or decision of this petition.

No. 16–8470. MAQAGI *v.* HORIZON LAMPS, INC., ET AL. C. A. 3d Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied. Petitioner is allowed until June 20, 2017, within which to pay the docketing fee required by Rule 38(a) and to submit a petition in compliance with Rule 33.1 of the Rules of this Court.

No. 16–8986. IN RE SMITH;

No. 16–9024. IN RE BRICE;

No. 16–9053. IN RE WOODS; and

No. 16–9069. IN RE ROBINSON. Petitions for writs of habeas corpus denied.

No. 16–9048. IN RE VISINTINE. Motion of petitioner for leave to proceed *in forma pauperis* denied, and petition for writ of habeas corpus dismissed. See this Court's Rule 39.8.

No. 16–8450. IN RE WILLIAMSON; and

No. 16–8785. IN RE GADSDEN. Petitions for writs of prohibition denied.

Certiorari Granted

No. 16–980. HUSTED, OHIO SECRETARY OF STATE *v.* A. PHILIP RANDOLPH INSTITUTE ET AL. C. A. 6th Cir. Certiorari granted. Reported below: 838 F. 3d 699.

Certiorari Denied

No. 15–1223. SOUTHWEST SECURITIES, FSB *v.* SEGNER. C. A. 5th Cir. Certiorari denied. Reported below: 811 F. 3d 691.

No. 16–423. CRIPPS *v.* OKLAHOMA. Ct. Crim. App. Okla. Certiorari denied. Reported below: 2016 OK CR 14, 387 P. 3d 906.

No. 16–722. MILIK ET AL. *v.* PRICE, SECRETARY OF HEALTH AND HUMAN SERVICES. C. A. Fed. Cir. Certiorari denied. Reported below: 822 F. 3d 1367.

No. 16–830. EL-NAHAL *v.* YASSKY ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 835 F. 3d 248.

No. 16–834. ROBINSON *v.* CAMPBELL, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 16–886. HOOKS, WARDEN *v.* LANGFORD. C. A. 6th Cir. Certiorari denied. Reported below: 665 Fed. Appx. 388.

No. 16–906. TILTON ET AL. *v.* SECURITIES AND EXCHANGE COMMISSION. C. A. 2d Cir. Certiorari denied. Reported below: 824 F. 3d 276.

No. 16–919. TEXAS *v.* MCGUIRE. Ct. App. Tex., 1st Dist. Certiorari denied. Reported below: 493 S. W. 3d 177.

No. 16–1015. MISSOURI EX REL. HAWLEY, ATTORNEY GENERAL, ET AL. *v.* BECERRA, ATTORNEY GENERAL OF CALIFORNIA, ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 847 F. 3d 646.

No. 16–1156. WADE *v.* STEVENS ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 671 Fed. Appx. 669.

No. 16–1164. BUILDING INDUSTRY ASSOCIATION OF THE BAY AREA *v.* CITY OF SAN RAMON, CALIFORNIA, ET AL. Ct. App. Cal., 1st App. Dist., Div. 2. Certiorari denied. Reported below: 4 Cal. App. 5th 62, 208 Cal. Rptr. 3d 320.

No. 16–1174. THARP *v.* SESSIONS, ATTORNEY GENERAL, ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 657 Fed. Appx. 217.

No. 16–1191. SMITH ET AL. *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 831 F. 3d 1207.

No. 16–1213. ESCAMILLA *v.* M2 TECHNOLOGY, INC. C. A. 5th Cir. Certiorari denied. Reported below: 657 Fed. Appx. 318.

No. 16–1226. HUBBARD *v.* MISSOURI DEPARTMENT OF MENTAL HEALTH ET AL. C. A. 8th Cir. Certiorari denied. Reported below: 669 Fed. Appx. 816.

No. 16–1233. CONWAY, SHERIFF, GWINNETT COUNTY, GEORGIA, ET AL. *v.* SHUFORD ET AL. C. A. 11th Cir. Certiorari denied. Reported below: 666 Fed. Appx. 811.

No. 16–1240. SHORE *v.* LEE, DIRECTOR, UNITED STATES PATENT AND TRADEMARK OFFICE. C. A. Fed. Cir. Certiorari denied. Reported below: 670 Fed. Appx. 716.

No. 16–1250. BARTH *v.* ISLAMIC SOCIETY OF BASKING RIDGE ET AL. C. A. 3d Cir. Certiorari denied. Reported below: 681 Fed. Appx. 110.

No. 16–1263. CAMPBELL *v.* LAMAR INSTITUTE OF TECHNOLOGY ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 842 F. 3d 375.

No. 16–1268. HINES *v.* PAXTON ET AL. C. A. 6th Cir. Certiorari denied. Reported below: 676 Fed. Appx. 546.

No. 16–1279. SOLONICHNYY *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied.

No. 16–1284. BARRO *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 661 Fed. Appx. 741.

No. 16–1294. TRESCOTT *v.* DEPARTMENT OF TRANSPORTATION ET AL. C. A. 5th Cir. Certiorari denied.

No. 16–7092. CUDJO *v.* OKLAHOMA. Ct. Crim. App. Okla. Certiorari denied.

No. 16–7254. SOTO GUERRERO *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 668 Fed. Appx. 618.

No. 16–7257. WRIGHT *v.* OKLAHOMA. Ct. Crim. App. Okla. Certiorari denied.

No. 16–7586. MONTES DE OCA *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 656 Fed. Appx. 831.

No. 16–7876. JONES *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied. Reported below: 673 Fed. Appx. 369.

No. 16–8009. FRANKLIN *v.* JENKINS, WARDEN. C. A. 6th Cir. Certiorari denied. Reported below: 839 F. 3d 465.

No. 16–8446. JOHNSON *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 16–8451. WIMBUSH *v.* GEORGIA ET AL. C. A. 11th Cir. Certiorari denied. Reported below: 673 Fed. Appx. 965.

No. 16–8458. JOHNSON *v.* WOODS, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 16–8462. RUSK *v.* UNIVERSITY OF UTAH HEALTHCARE RISK MANAGEMENT. Ct. App. Utah. Certiorari denied. Reported below: 2016 UT App 243, 391 P. 3d 325.

No. 16–8467. MOUSAW *v.* FLORIDA DEPARTMENT OF CORRECTIONS. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 207 So. 3d 224.

No. 16–8469. SALDANA *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 16–8472. SCOTT *v.* CALIFORNIA. Ct. App. Cal., 3d App. Dist. Certiorari denied.

No. 16–8485. FLANAGAN *v.* NEVADA. Sup. Ct. Nev. Certiorari denied. Reported below: 132 Nev. 968.

No. 16–8492. DOMES *v.* PENNSYLVANIA. Super. Ct. Pa. Certiorari denied. Reported below: 151 A. 3d 1162.

No. 16–8499. PEDEN *v.* DISTRICT COUNCIL 33 LOCAL 696. C. A. 3d Cir. Certiorari denied. Reported below: 662 Fed. Appx. 183.

No. 16–8505. DAVIS *v.* PERRY, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 16–8506. MUA *v.* O'NEAL LAW FIRM, LLP, ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 668 Fed. Appx. 534.

No. 16–8513. SMITH *v.* SHARIAT ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 671 Fed. Appx. 667.

No. 16–8517. WALKER *v.* BONDI, ATTORNEY GENERAL OF FLORIDA, ET AL. C. A. 11th Cir. Certiorari denied.

No. 16–8528. NELSON *v.* FLEMMER, JUDGE, FIFTH JUDICIAL COURT OF ROBERTS COUNTY, SOUTH DAKOTA. Sup. Ct. S. D. Certiorari denied.

No. 16–8534. ROGERS *v.* FLORIDA. Sup. Ct. Fla. Certiorari denied.

No. 16–8537. KRUPCZAK *v.* DLA PIPER LLP (US) ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 671 Fed. Appx. 184.

No. 16–8538. MUA *v.* BOARD OF EDUCATION OF PRINCE GEORGE'S COUNTY ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 668 Fed. Appx. 535.

No. 16–8539. MUA *v.* FROSH, ATTORNEY GENERAL OF MARYLAND, ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 668 Fed. Appx. 533.

No. 16–8549. STURGIS *v.* SUARDINI ET AL. C. A. 6th Cir. Certiorari denied.

No. 16–8553. PAYNE *v.* OHIO. Sup. Ct. Ohio. Certiorari denied. Reported below: 147 Ohio St. 3d 1503, 2017-Ohio-261, 67 N. E. 3d 822.

No. 16–8563. MAYBERRY *v.* CONLEY, WARDEN. C. A. 11th Cir. Certiorari denied.

No. 16–8600. JOHNSON *v.* NORTH CAROLINA. C. A. 4th Cir. Certiorari denied. Reported below: 668 Fed. Appx. 45.

No. 16–8601. VILLALTA *v.* EXECUTIVE OFFICE FOR IMMIGRATION REVIEW ET AL. C. A. 9th Cir. Certiorari denied.

No. 16–8614. HAWRELAK *v.* BERRYHILL, ACTING COMMISSIONER OF SOCIAL SECURITY. C. A. 7th Cir. Certiorari denied. Reported below: 667 Fed. Appx. 161.

No. 16–8620. SMITH *v.* SOCIAL SECURITY ADMINISTRATION. C. A. 4th Cir. Certiorari denied. Reported below: 670 Fed. Appx. 786.

No. 16–8621. RUCKER *v.* MISSISSIPPI. Ct. App. Miss. Certiorari denied. Reported below: 212 So. 3d 884.

No. 16–8649. VAN HOOSE *v.* ILLINOIS. App. Ct. Ill., 1st Dist. Certiorari denied. Reported below: 2016 IL App (1st) 141763–U.

No. 16–8658. HENDERSON *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied.

No. 16–8659. GERBER *v.* PENNSYLVANIA. Super. Ct. Pa. Certiorari denied. Reported below: 141 A. 3d 582.

No. 16–8660. FURNACE *v.* GIURBINO ET AL. C. A. 9th Cir. Certiorari denied. Reported below: 838 F. 3d 1019.

No. 16–8667. MARTINEZ *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 672 Fed. Appx. 475.

No. 16–8676. NASH *v.* BANK OF AMERICA, N. A., ET AL. Dist. Ct. App. Fla., 5th Dist. Certiorari denied. Reported below: 200 So. 3d 131.

No. 16–8678. BANKS *v.* UNITED STATES. Ct. App. D. C. Certiorari denied.

No. 16–8682. PIGRAM *v.* PFISTER, WARDEN. C. A. 7th Cir. Certiorari denied.

No. 16–8683. COLEMAN *v.* STARBUCKS COFFEE CO. C. A. 11th Cir. Certiorari denied.

No. 16–8686. HYMAS *v.* UNITED STATES. C. A. Fed. Cir. Certiorari denied. Reported below: 810 F. 3d 1312.

No. 16–8702. SMITH *v.* CLARKE, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS. C. A. 4th Cir. Certiorari denied. Reported below: 671 Fed. Appx. 44.

No. 16–8709. ZAMORA *v.* TEXAS. Ct. App. Tex., 1st Dist. Certiorari denied.

No. 16–8726. STEWART *v.* PERRY. C. A. 4th Cir. Certiorari denied. Reported below: 676 Fed. Appx. 188.

No. 16–8742. CHI *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied.

No. 16–8744. SMITH *v.* NEBRASKA. Ct. App. Neb. Certiorari denied. Reported below: 24 Neb. App. x.

No. 16–8755. BROADWAY *v.* OFFICE OF DISTRICT ATTORNEY ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 676 Fed. Appx. 346.

No. 16–8758. SMILEY *v.* FERGUSON, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT BENNER TOWNSHIP, ET AL. C. A. 3d Cir. Certiorari denied.

No. 16–8768. EASON *v.* ILLINOIS. App. Ct. Ill., 1st Dist. Certiorari denied.

No. 16–8769. BREWER *v.* MCGINLEY, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT COAL TOWNSHIP, ET AL. C. A. 3d Cir. Certiorari denied.

No. 16–8773. MURRAY *v.* MCEWEN, WARDEN. C. A. 9th Cir. Certiorari denied. Reported below: 673 Fed. Appx. 669.

No. 16–8775. TURNER *v.* BREATHITT COUNTY GERIATRIC CORP. C. A. 6th Cir. Certiorari denied.

No. 16–8809. JONES *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 674 Fed. Appx. 432.

No. 16–8810. LAMONDA *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 16–8826. HARSHMAN *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 668 Fed. Appx. 330.

No. 16–8828. GUZMAN *v.* JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 11th Cir. Certiorari denied.

No. 16–8833. TRAVIS *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 659 Fed. Appx. 368.

No. 16–8838. WARNER *v.* OHIO ET AL. C. A. 6th Cir. Certiorari denied.

No. 16–8839. VANCE *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 847 F. 3d 328.

No. 16–8840. HAYES *v.* PASTRANA, WARDEN. C. A. 11th Cir. Certiorari denied.

No. 16–8846. HARMON *v.* STEVENSON, WARDEN. C. A. 4th Cir. Certiorari denied. Reported below: 671 Fed. Appx. 50.

No. 16–8849. PRICE *v.* COLORADO. Ct. App. Colo. Certiorari denied.

No. 16–8862. WATTS-EL *v.* UNITED STATES. Ct. App. D. C. Certiorari denied.

No. 16–8863. WINSTON *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied. Reported below: 845 F. 3d 876.

No. 16–8867. HILL *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 674 Fed. Appx. 738.

No. 16–8868. GUERRIER *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 659 Fed. Appx. 544.

No. 16–8877. SWIGER *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 675 Fed. Appx. 367.

No. 16–8878. RESTERHOUSE *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 685 Fed. Appx. 436.

No. 16–8880. STEWART *v.* LEE, DIRECTOR, UNITED STATES PATENT AND TRADEMARK OFFICE. C. A. 4th Cir. Certiorari denied. Reported below: 670 Fed. Appx. 782.

No. 16–8885. NIXON *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 673 Fed. Appx. 459.

No. 16–8888. SIMMONS *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied.

No. 16–8889. JEAN-BAPTISTE *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. Reported below: 663 Fed. Appx. 7.

No. 16–8893. Eubanks *v.* United States. C. A. 11th Cir. Certiorari denied.

No. 16–8900. Gaona-Gaona *v.* United States. C. A. 5th Cir. Certiorari denied. Reported below: 599 Fed. Appx. 210.

No. 16–8902. Galarza-Morales *v.* United States. C. A. 5th Cir. Certiorari denied. Reported below: 669 Fed. Appx. 193.

No. 16–8907. White *v.* United States. C. A. 6th Cir. Certiorari denied. Reported below: 846 F. 3d 170.

No. 16–8916. Hester *v.* United States. C. A. 2d Cir. Certiorari denied. Reported below: 674 Fed. Appx. 31.

No. 16–8917. Castelo Armienta *v.* United States. C. A. 10th Cir. Certiorari denied. Reported below: 670 Fed. Appx. 665.

No. 16–8925. Redrick *v.* United States. C. A. D. C. Cir. Certiorari denied. Reported below: 841 F. 3d 478.

No. 16–8927. Rivera-Izquierdo *v.* United States. C. A. 1st Cir. Certiorari denied. Reported below: 850 F. 3d 38.

No. 16–8934. Constant *v.* Martuscello, Superintendent, Coxsackie Correctional Facility. C. A. 2d Cir. Certiorari denied. Reported below: 677 Fed. Appx. 727.

No. 16–8941. Oliver *v.* United States. C. A. 9th Cir. Certiorari denied. Reported below: 675 Fed. Appx. 757.

No. 16–8954. Doxey *v.* United States. C. A. 6th Cir. Certiorari denied. Reported below: 833 F. 3d 692.

No. 16–8960. Whitson *v.* United States. C. A. 6th Cir. Certiorari denied. Reported below: 664 Fed. Appx. 503.

No. 16–8961. Trice *v.* United States. C. A. 8th Cir. Certiorari denied.

No. 16–773. Cortes-Morales *v.* Hastings, Warden. C. A. 11th Cir. Certiorari denied. Justice Kagan took no part in the consideration or decision of this petition. Reported below: 827 F. 3d 1009.

No. 16–8515. WILSON *v.* BRYANT, WARDEN. C. A. 10th Cir. Certiorari denied. JUSTICE GORSUCH took no part in the consideration or decision of this petition. Reported below: 655 Fed. Appx. 636.

No. 16–8795. BARAJAS *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. JUSTICE GORSUCH took no part in the consideration or decision of this petition. Reported below: 670 Fed. Appx. 993.

Rehearing Denied

No. 16–962. GROOMS, ADMINISTRATRIX OF THE ESTATE OF GROOMS, DECEASED *v.* HUNTER HOLMES MCGUIRE VETERANS ADMINISTRATION MEDICAL CENTER ET AL., *ante*, p. 905;

No. 16–6436. ALTHAGE *v.* UNITED STATES, 580 U. S. 1201;

No. 16–6630. FREDERICK *v.* CLARK, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT ALBION, 580 U. S. 1065;

No. 16–6690. GOODSON *v.* CALIFORNIA, 580 U. S. 1068;

No. 16–7181. BARTLETT *v.* ALLEGAN COUNTY COURTS ET AL., 580 U. S. 1127;

No. 16–7462. ROSA *v.* SHARTLE, WARDEN, 580 U. S. 1203;

No. 16–7470. SCHLITTLER *v.* TEXAS, 580 U. S. 1203;

No. 16–7677. DIXON *v.* NEW YORK, *ante*, p. 906;

No. 16–7703. IN RE SCHECKEL, *ante*, p. 904;

No. 16–7719. NAWLS ET AL. *v.* SHAKOPEE MDEWAKANTON SIOUX GAMING ENTERPRISE—MYSTIC LAKE CASINO, *ante*, p. 907;

No. 16–7723. ELANSARI *v.* PENNSYLVANIA, 580 U. S. 1207;

No. 16–7821. SMITH *v.* KELLEY, DIRECTOR, ARKANSAS DEPARTMENT OF CORRECTION, *ante*, p. 921;

No. 16–7849. CELESTINE *v.* NIEVES, *ante*, p. 922;

No. 16–7881. SMITH *v.* CAPOZZA, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT PITTSBURGH, ET AL., 580 U. S. 1221;

No. 16–7911. DIXSON *v.* KERNAN, SECRETARY, CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION, *ante*, p. 923; and

No. 16–8031. PALOM RAMIREZ *v.* UNITED STATES, 580 U. S. 1222. Petitions for rehearing denied.

No. 15–8219. RICHARDSON *v.* INDUSTRIAL COMMISSION OF OHIO ET AL., 578 U. S. 932. Motion for leave to file petition for rehearing denied.

No. 16–6107. FORD *v.* UNITED STATES, 580 U. S. 1224; and
No. 16–7403. MORALES *v.* FLORIDA, 580 U. S. 1190. Petitions for rehearing denied. JUSTICE KAGAN took no part in the consideration or decision of these petitions.

No. 16–7390. BAHEL *v.* UNITED STATES, *ante*, p. 911. Petition for rehearing denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition.

JUNE 2, 2017

Miscellaneous Order

No. 16–1436. TRUMP, PRESIDENT OF THE UNITED STATES, ET AL. *v.* INTERNATIONAL REFUGEE ASSISTANCE PROJECT ET AL. C. A. 4th Cir. Respondents are directed to file a response to the petition for writ of certiorari on or before 3 p.m., Monday, June 12, 2017.

JUNE 5, 2017

Affirmed on Appeal

No. 16–649. NORTH CAROLINA ET AL. *v.* COVINGTON ET AL. Affirmed on appeal from D. C. M. D. N. C.

Certiorari Granted—Vacated and Remanded

No. 16–6059. JUAN FLORES, AKA JUAN-FLORES *v.* UNITED STATES (Reported below: 668 Fed. Appx. 146); RODRIGUEZ-RODRIGUEZ *v.* UNITED STATES (668 Fed. Appx. 148); MATA-ALVAREZ *v.* UNITED STATES (667 Fed. Appx. 109); AGUILAR-HERNANDEZ *v.* UNITED STATES (667 Fed. Appx. 110); RAYON-GONZALEZ *v.* UNITED STATES (668 Fed. Appx. 95). C. A. 5th Cir.;
No. 16–6747. PAZ-CRUZ *v.* UNITED STATES. Reported below: 668 Fed. Appx. 91. C. A. 5th Cir.;
No. 16–8455. OVALLE-GARCIA *v.* UNITED STATES (Reported below: 672 Fed. Appx. 421); and SILVA-DURAN *v.* UNITED STATES (672 Fed. Appx. 412). C. A. 5th 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 *Esquivel-Quintana* v. *Sessions*, *ante*, p. 385.

No. 16–7553. LAURIANO-ESTEBAN *v.* UNITED STATES (Reported below: 669 Fed. Appx. 757); and MORENO-ORNELLAS *v.* UNITED STATES (669 Fed. Appx. 758). C. A. 5th Cir. Motion for

leave to proceed *in forma pauperis* and certiorari as to Juan Lauriano-Esteban granted, judgment vacated, and case remanded for further consideration in light of *Esquivel-Quintana* v. *Sessions*, *ante*, p. 385. Certiorari as to Rafael Moreno-Ornellas denied.

Certiorari Dismissed

No. 16–8848. Fish *v.* Seventh District Court of Appeals of Ohio et al. Sup. Ct. Ohio. Motion of petitioner for leave to proceed *in forma pauperis* denied, and certiorari dismissed. See this Court's Rule 39.8. Reported below: 148 Ohio St. 3d 1423, 2017-Ohio-905, 71 N. E. 3d 295.

No. 16–8930. Garey *v.* Mansukeani, 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. Justice Kagan took no part in the consideration or decision of this motion and this petition. Reported below: 654 Fed. Appx. 638.

Miscellaneous Orders

No. D–2945. In re Disbarment of Legome. Disbarment entered. [For earlier order herein, see 580 U. S. 1028.]

No. 16M135. Pinkney *v.* United States;

No. 16M136. Heath *v.* Massachusetts Department of Children and Families; and

No. 16M137. Garcia *v.* McEwen, Warden. Motions to direct the Clerk to file petitions for writs of certiorari out of time denied.

No. 16M138. Wilburn *v.* Merit Systems Protection Board. Motion for leave to proceed as a veteran granted.

No. 16–6795. Manuel Ayestas, aka Zelaya Corea *v.* Davis, Director, Texas Department of Criminal Justice, Correctional Institutions Division. C. A. 5th Cir. [Certiorari granted, *ante*, p. 904.] Motion of petitioner for appointment of counsel granted, and Lee B. Kovarsky, Esq., of Baltimore, Md., is appointed to serve as counsel for petitioner in this case.

No. 16–7915. Jackman *v.* 5751 Unit Team Fort Dix et al. C. A. 3d Cir. Motion of petitioner for reconsideration of order

denying leave to proceed *in forma pauperis* [*ante*, p. 913] denied.

No. 16–8765. LAMKIN *v.* PHENY ET AL. C. A. 6th Cir. Motion of petitioner for leave to proceed *in forma pauperis* denied. Petitioner is allowed until June 26, 2017, within which to pay the docketing fee required by Rule 38(a) and to submit a petition in compliance with Rule 33.1 of the Rules of this Court.

No. 16–8969. IN RE CABRERA. Petition for writ of mandamus denied.

Certiorari Granted

No. 16–402. CARPENTER *v.* UNITED STATES. C. A. 6th Cir. Certiorari granted. Reported below: 819 F. 3d 880.

Certiorari Denied. (See also No. 16–7553, *supra*.)

No. 16–814. STERLING *v.* UNITED STATES. C. A. Armed Forces. Certiorari denied. Reported below: 75 M. J. 407.

No. 16–898. WERNER *v.* WALL ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 836 F. 3d 751.

No. 16–929. SHAKBAZYAN *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 841 F. 3d 286.

No. 16–932. TEAMSTERS UNION LOCAL NO. 70, INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN & HELPERS OF AMERICA *v.* NATIONAL LABOR RELATIONS BOARD. C. A. 9th Cir. Certiorari denied. Reported below: 668 Fed. Appx. 283.

No. 16–967. BAYOU SHORES SNF, LLC *v.* FLORIDA AGENCY FOR HEALTH CARE ADMINISTRATION ET AL. C. A. 11th Cir. Certiorari denied. Reported below: 828 F. 3d 1297.

No. 16–1065. SAI *v.* TRANSPORTATION SECURITY ADMINISTRATION ET AL. C. A. 1st Cir. Certiorari denied. Reported below: 843 F. 3d 33.

No. 16–1163. STRONG ET AL. *v.* KITTLE-AIKELEY ET AL. C. A. 8th Cir. Certiorari denied. Reported below: 844 F. 3d 727.

No. 16–1173. IKO *v.* IKO. Sup. Ct. Va. Certiorari denied.

No. 16–1176. Soeth *v.* Newmaker et al. C. A. 9th Cir. Certiorari denied. Reported below: 842 F. 3d 1108.

No. 16–1179. Hsu *v.* California Department of Toxic Substances Control et al.; and Hsu *v.* California Department of Toxic Substances Control. Ct. App. Cal., 4th App. Dist., Div. 1. Certiorari denied.

No. 16–1182. Kinney *v.* Clark. Ct. App. Cal., 2d App. Dist., Div. 2. Certiorari denied.

No. 16–1184. Arunachalam *v.* United States District Court for the District of Delaware. C. A. 3d Cir. Certiorari denied. Reported below: 663 Fed. Appx. 237.

No. 16–1187. Truesdale *v.* Jones, Secretary, Florida Department of Corrections, et al. C. A. 11th Cir. Certiorari denied.

No. 16–1192. Allen et al. *v.* Connecticut Commissioner of Revenue Services. Sup. Ct. Conn. Certiorari denied. Reported below: 324 Conn. 292, 152 A. 3d 488.

No. 16–1196. Turner *v.* Brown, Warden. C. A. 7th Cir. Certiorari denied. Reported below: 845 F. 3d 294.

No. 16–1199. Corliss *v.* Lynot et al. C. A. 3d Cir. Certiorari denied. Reported below: 672 Fed. Appx. 184.

No. 16–1204. City of Memphis, Tennessee *v.* Cole et al. C. A. 6th Cir. Certiorari denied. Reported below: 839 F. 3d 530.

No. 16–1222. Canuto et al., Parents of D. A. C., a Minor *v.* Price, Secretary of Health and Human Services. C. A. Fed. Cir. Certiorari denied. Reported below: 660 Fed. Appx. 955.

No. 16–1311. McNeil *v.* Commissioner of Internal Revenue et al. C. A. D. C. Cir. Certiorari denied. Reported below: 689 Fed. Appx. 648.

No. 16–5913. Carcamo *v.* United States. C. A. 5th Cir. Certiorari denied. Reported below: 654 Fed. Appx. 168.

No. 16–6880. Perez-Delgado *v.* United States. C. A. 5th Cir. Certiorari denied. Reported below: 668 Fed. Appx. 149.

No. 16–7124. LUSTIG *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 830 F. 3d 1075.

No. 16–7160. VILLA-LUJAN *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 661 Fed. Appx. 285.

No. 16–7317. LEE *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. Reported below: 833 F. 3d 56.

No. 16–7338. CRUZ DE JESUS *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 663 Fed. Appx. 296.

No. 16–7340. HICKS *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 669 Fed. Appx. 213.

No. 16–7452. RISHOR *v.* FERGUSON, ATTORNEY GENERAL OF WASHINGTON. C. A. 9th Cir. Certiorari denied. Reported below: 822 F. 3d 482.

No. 16–7585. PENALOZA-CARLON *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 842 F. 3d 863.

No. 16–7725. ROBEY *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 831 F. 3d 857.

No. 16–7840. MICKEL *v.* CALIFORNIA. Sup. Ct. Cal. Certiorari denied. Reported below: 2 Cal. 5th 181, 385 P. 3d 796.

No. 16–7885. ROCHA-ALVARADO *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 843 F. 3d 802.

No. 16–7950. SANTIAGO *v.* LABOR AND INDUSTRY REVIEW COMMISSION ET AL. Ct. App. Wis. Certiorari denied. Reported below: 2016 WI App 67, 371 Wis. 2d 564, 884 N. W. 2d 535.

No. 16–7962. JUDKINS *v.* MINNESOTA. Ct. App. Minn. Certiorari denied.

No. 16–8118. CHAVEZ-PEREZ *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 844 F. 3d 540.

No. 16–8125. ELDRIDGE *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied. Reported below: 661 Fed. Appx. 253.

No. 16–8520. CEPEC *v.* OHIO. Sup. Ct. Ohio. Certiorari denied. Reported below: 149 Ohio St. 3d 438, 2016-Ohio-8076, 75 N. E. 3d 1185.

No. 16–8555. STODDART *v.* DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION. C. A. 5th Cir. Certiorari denied.

No. 16–8564. AMENUVOR *v.* TICE, SUPERINTENDENT, STATE CORRECTIONAL INSTITUTION AT SMITHFIELD, ET AL. C. A. 3d Cir. Certiorari denied.

No. 16–8565. COPELAND *v.* FLORIDA. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 229 So. 2d 322.

No. 16–8568. LEWIS *v.* RYAN, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 9th Cir. Certiorari denied.

No. 16–8569. DAVIS *v.* FLORIDA. Sup. Ct. Fla. Certiorari denied. Reported below: 207 So. 3d 142.

No. 16–8570. DAVIS *v.* FLORIDA. Sup. Ct. Fla. Certiorari denied. Reported below: 207 So. 3d 177.

No. 16–8572. OLIVER *v.* DUCART, WARDEN. C. A. 9th Cir. Certiorari denied.

No. 16–8573. SIMMONS *v.* JONES, SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS. C. A. 11th Cir. Certiorari denied.

No. 16–8584. BROWN *v.* TEXAS. Ct. App. Tex., 3d Dist. Certiorari denied.

No. 16–8585. BROOKS *v.* FLORIDA. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 229 So. 3d 322.

No. 16–8586. ALTOUNIAN *v.* CALIFORNIA. Ct. App. Cal., 2d App. Dist., Div. 7. Certiorari denied.

No. 16–8588. BROWN *v.* ALLBAUGH, DIRECTOR, OKLAHOMA DEPARTMENT OF CORRECTIONS. C. A. 10th Cir. Certiorari denied. Reported below: 678 Fed. Appx. 638.

No. 16–8591. EVANS *v.* FISHER ET AL. C. A. 5th Cir. Certiorari denied. Reported below: 676 Fed. Appx. 344.

No. 16–8596. SPAULDING *v.* OHIO. Sup. Ct. Ohio. Certiorari denied. Reported below: 151 Ohio St. 3d 378, 2016-Ohio-8126, 89 N. E. 3d 554.

No. 16–8638. WOODLEY *v.* MACLAREN, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 16–8653. NOWICKI *v.* CUNNINGHAM, SUPERINTENDENT, WOODBOURNE CORRECTIONAL FACILITY. C. A. 2d Cir. Certiorari denied. Reported below: 669 Fed. Appx. 52.

No. 16–8661. BOWMAN *v.* MILLER, SUPERINTENDENT, GREAT MEADOW CORRECTIONAL FACILITY. C. A. 2d Cir. Certiorari denied. Reported below: 661 Fed. Appx. 56.

No. 16–8666. MULLER *v.* GRIFFIN, SUPERINTENDENT, GREEN HAVEN CORRECTIONAL FACILITY. C. A. 2d Cir. Certiorari denied.

No. 16–8669. JOHNSON *v.* OKLAHOMA DEPARTMENT OF TRANSPORTATION ET AL. C. A. 10th Cir. Certiorari denied. Reported below: 673 Fed. Appx. 898.

No. 16–8677. BUTLER *v.* FLORIDA. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 222 So. 3d 1203.

No. 16–8697. TAYLOR *v.* OFFICE OF PERSONNEL MANAGEMENT. C. A. Fed. Cir. Certiorari denied. Reported below: 662 Fed. Appx. 915.

No. 16–8704. BOHANNAN *v.* TEXAS. Ct. App. Tex., 9th Dist. Certiorari denied.

No. 16–8707. SMITH *v.* KLEE, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 16–8715. LANE *v.* ARKANSAS. Sup. Ct. Ark. Certiorari denied. Reported below: 2017 Ark. 34, 513 S. W. 3d 230.

No. 16–8719. COTTRELL *v.* CLARKE, DIRECTOR, VIRGINIA DEPARTMENT OF CORRECTIONS. C. A. 4th Cir. Certiorari denied. Reported below: 677 Fed. Appx. 125.

No. 16–8720. PARKER *v.* BERRYHILL, ACTING COMMISSIONER OF SOCIAL SECURITY. C. A. 10th Cir. Certiorari denied. Reported below: 676 Fed. Appx. 798.

No. 16–8738. Bolivar *v.* Texas. Ct. App. Tex., 13th Dist. Certiorari denied.

No. 16–8762. Wilks *v.* Rymarkiewicz et al. C. A. 7th Cir. Certiorari denied.

No. 16–8776. Lee *v.* United States. C. A. 11th Cir. Certiorari denied.

No. 16–8780. Henry *v.* United States. C. A. 1st Cir. Certiorari denied. Reported below: 848 F. 3d 1.

No. 16–8801. Campbell *v.* Gage, Warden. Ct. App. Neb. Certiorari denied. Reported below: 24 Neb. App. xxi.

No. 16–8808. Kosh *v.* United States. C. A. 8th Cir. Certiorari denied. Reported below: 674 Fed. Appx. 592.

No. 16–8819. Bernardez *v.* Graham, Superintendent, Auburn Correctional Facility. C. A. 2d Cir. Certiorari denied.

No. 16–8847. Harrell *v.* United States. C. A. 11th Cir. Certiorari denied.

No. 16–8854. Self *v.* Tennessee. Ct. Crim. App. Tenn. Certiorari denied.

No. 16–8879. Ruiz *v.* United States. C. A. 9th Cir. Certiorari denied. Reported below: 665 Fed. Appx. 607.

No. 16–8884. Bray *v.* Phillips, Warden. C. A. 6th Cir. Certiorari denied.

No. 16–8887. Reed *v.* Florida. Dist. Ct. App. Fla., 1st Dist. Certiorari denied. Reported below: 206 So. 3d 39.

No. 16–8896. Gabriel Cisneros *v.* United States. C. A. 5th Cir. Certiorari denied.

No. 16–8897. Dutcher *v.* Massachusetts. App. Ct. Mass. Certiorari denied. Reported below: 90 Mass. App. 1115, 63 N. E. 3d 65.

No. 16–8904. Thuener *v.* Smith, Warden. C. A. 6th Cir. Certiorari denied.

No. 16–8914. IVES *v.* MILLION, WARDEN. C. A. 3d Cir. Certiorari denied. Reported below: 669 Fed. Appx. 619.

No. 16–8918. FORD *v.* RYAN, DIRECTOR, ARIZONA DEPARTMENT OF CORRECTIONS, ET AL. C. A. 9th Cir. Certiorari denied.

No. 16–8919. ADEFEYINTI *v.* VARGA, WARDEN. C. A. 7th Cir. Certiorari denied.

No. 16–8924. ANGEL HERRERA *v.* MCFADDEN, WARDEN. C. A. 4th Cir. Certiorari denied. Reported below: 669 Fed. Appx. 689.

No. 16–8933. HAYES *v.* WESTBROOKS, WARDEN. C. A. 6th Cir. Certiorari denied.

No. 16–8937. KRAEMER *v.* ILLINOIS. App. Ct. Ill., 2d Dist. Certiorari denied.

No. 16–8942. MCDOWELL *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied.

No. 16–8945. RIVERA-BUGARIN *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied.

No. 16–8950. HARRINGTON *v.* OBENLAND. C. A. 9th Cir. Certiorari denied.

No. 16–8953. WHITENER *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 671 Fed. Appx. 194.

No. 16–8955. ROBINSON *v.* SEMPLE, COMMISSIONER, CONNECTICUT DEPARTMENT OF CORRECTION. App. Ct. Conn. Certiorari denied. Reported below: 169 Conn. App. 907, 155 A. 3d 329.

No. 16–8957. JOHNSON *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied.

No. 16–8964. THERRIEN *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. Reported below: 847 F. 3d 9.

No. 16–8979. STRICKLAND *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 682 Fed. Appx. 742.

No. 16–8980. RIVERA *v.* UNITED STATES. C. A. 7th Cir. Certiorari denied. Reported below: 847 F. 3d 847.

No. 16–8981. SHEPHERD *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied.

No. 16–8983. ROBERTS *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied.

No. 16–8985. DESAI *v.* SECURITIES AND EXCHANGE COMMISSION. C. A. 3d Cir. Certiorari denied. Reported below: 672 Fed. Appx. 201.

No. 16–8990. LLANOS-FALERO *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied. Reported below: 847 F. 3d 29.

No. 16–8995. THOMAS *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 847 F. 3d 193.

No. 16–8998. MEDINA *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 16–8999. KARLIS *v.* UNITED STATES. C. A. 1st Cir. Certiorari denied.

No. 16–9000. MARIUS *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 678 Fed. Appx. 960.

No. 16–9006. SALINAS *v.* UNITED STATES. C. A. 5th Cir. Certiorari denied. Reported below: 675 Fed. Appx. 474.

No. 16–9008. GOOCH *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 850 F. 3d 285.

No. 16–9009. GASKINS *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied. Reported below: 685 Fed. Appx. 698.

No. 16–9011. EKWEBELEM *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. Reported below: 669 Fed. Appx. 868.

No. 16–9013. KASTNER *v.* UNITED STATES. C. A. 8th Cir. Certiorari denied.

No. 16–9015. LAVICTOR *v.* UNITED STATES. C. A. 6th Cir. Certiorari denied. Reported below: 848 F. 3d 428.

No. 16–9018. SCOTT *v.* UNITED STATES. C. A. 11th Cir. Certiorari denied.

No. 16–9023. BRINKLEY *v.* UNITED STATES. C. A. 4th Cir. Certiorari denied. Reported below: 670 Fed. Appx. 91.

No. 16–9025. Broderick *v.* United States. C. A. 11th Cir. Certiorari denied. Reported below: 645 Fed. Appx. 870.

No. 16–9029. Ford *v.* United States. C. A. 2d Cir. Certiorari denied.

No. 16–9030. Lussier *v.* United States. C. A. 8th Cir. Certiorari denied. Reported below: 844 F. 3d 1019.

No. 16–9034. Allen *v.* United States. C. A. 5th Cir. Certiorari denied. Reported below: 847 F. 3d 267.

No. 16–9039. Edwards *v.* United States. C. A. 4th Cir. Certiorari denied. Reported below: 672 Fed. Appx. 260.

No. 16–9047. Zweigle *v.* United States. C. A. 8th Cir. Certiorari denied.

No. 16–9050. Thompson *v.* United States. C. A. 11th Cir. Certiorari denied. Reported below: 672 Fed. Appx. 986.

No. 16–9055. Perez *v.* United States. C. A. 11th Cir. Certiorari denied.

No. 16–9058. De Nier *v.* United States. C. A. 9th Cir. Certiorari denied. Reported below: 669 Fed. Appx. 841.

No. 16–9061. Patel *v.* United States. C. A. 6th Cir. Certiorari denied.

No. 16–9062. Elder *v.* United States. C. A. 5th Cir. Certiorari denied. Reported below: 675 Fed. Appx. 480.

No. 16–9077. Rene Rivera *v.* United States. C. A. 9th Cir. Certiorari denied. Reported below: 686 Fed. Appx. 470.

No. 16–8119. Digiorgio *v.* Securities and Exchange Commission. C. A. 11th Cir. Motion of petitioner for reconsideration of order denying leave to proceed *in forma pauperis* granted. The order entered April 17, 2017, [*ante*, p. 916] vacated. Certiorari denied. Reported below: 653 Fed. Appx. 744.

No. 16–8713. Rosiere *v.* United States. C. A. 10th Cir. Certiorari denied. Justice Gorsuch took no part in the consideration or decision of this petition. Reported below: 673 Fed. Appx. 834.

No. 16–8967. CONCEPCION *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. JUSTICE ALITO took no part in the consideration or decision of this petition. Reported below: 679 Fed. Appx. 230.

No. 16–8972. FOWLER *v.* ATKINSON, WARDEN. C. A. 4th Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition. Reported below: 656 Fed. Appx. 11.

No. 16–8976. GRIGSBY *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. JUSTICE GORSUCH took no part in the consideration or decision of this petition. Reported below: 665 Fed. Appx. 708.

No. 16–8977. GRIGSBY *v.* UNITED STATES. C. A. 10th Cir. Certiorari denied. JUSTICE GORSUCH took no part in the consideration or decision of this petition. Reported below: 665 Fed. Appx. 701.

No. 16–8982. RICHMOND *v.* UNITED STATES. C. A. 9th Cir. Certiorari denied. JUSTICE KAGAN took no part in the consideration or decision of this petition. Reported below: 677 Fed. Appx. 403.

No. 16–8993. WILSON *v.* JONES, WARDEN, ET AL. C. A. 10th Cir. Certiorari denied. JUSTICE GORSUCH took no part in the consideration or decision of this petition. Reported below: 669 Fed. Appx. 498.

No. 16–9035. BURRELL *v.* UNITED STATES. C. A. 2d Cir. Certiorari denied. JUSTICE SOTOMAYOR took no part in the consideration or decision of this petition. Reported below: 665 Fed. Appx. 91.

Rehearing Denied

No. 15–9441. GARDNER *v.* WOODS, WARDEN, 580 U. S. 840;

No. 16–934. COULTER *v.* JAMSAN HOTEL MANAGEMENT, INC., ET AL., *ante*, p. 905;

No. 16–6309. TIGER *v.* PYNKALA ET AL., 580 U. S. 1218;

No. 16–7069. ADKINS *v.* WHOLE FOODS MARKET GROUP, INC., *ante*, p. 920;

No. 16–7333. JOHNSON *v.* VANNOY, WARDEN, 580 U. S. 1133;

No. 16–7550. OWENS *v.* LEWIS, WARDEN, 580 U. S. 1205;

No. 16–7675. WILLIAMS *v.* JACKSON, 580 U. S. 1220;

No. 16–7934. SAITTA *v.* TUCSON UNITED SCHOOL DISTRICT, *ante*, p. 923;

No. 16–8038. IN RE BROWN, 580 U. S. 1196;

No. 16–8097. CAMPBELL *v.* NEW YORK CITY TRANSIT AUTHORITY, *ante*, p. 925;

No. 16–8111. IN RE LAWSON, 580 U. S. 1196;

No. 16–8275. MARTINEZ *v.* UNITED STATES, *ante*, p. 927; and

No. 16–8557. IN RE SELDEN, *ante*, p. 937. Petitions for rehearing denied.

JUNE 6, 2017

Miscellaneous Order

No. 16A1200. DUNN, COMMISSIONER, ALABAMA DEPARTMENT OF CORRECTIONS, ET AL. *v.* MELSON. Application to vacate stay of execution of sentence of death, entered by the United States Court of Appeals for the Eleventh Circuit on June 2, 2017, presented to JUSTICE THOMAS, and by him referred to the Court, granted. JUSTICE GINSBURG, JUSTICE BREYER, and JUSTICE SOTOMAYOR would deny the application to vacate the stay of execution.

JUNE 8, 2017

Miscellaneous Order

No. 16A1212. MELSON *v.* DUNN, COMMISSIONER, ALABAMA DEPARTMENT OF CORRECTIONS, ET AL. Application for stay of execution of sentence of death, presented to JUSTICE THOMAS, and by him referred to the Court, denied. The order heretofore entered by JUSTICE THOMAS is vacated.